

**City of Gladwin**  
**2010**  
**ZONING ORDINANCE**



**CITY OF GLADWIN PLANNING COMMISSION**  
**AND**  
**CITY OF GLADWIN CITY COUNCIL**

**In Consultation with**

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2010 ZONING ORDINANCE  
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March 2010

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**ZONING ORDINANCE**

**ARTICLE ONE**

**SHORT TITLE, PREAMBLE  
AND ENACTING CLAUSE**

**SHORT TITLE AND PREAMBLE**

**SECTION 101. SHORT TITLE**

This Ordinance shall be known and cited as the “City of Gladwin Zoning Ordinance” pursuant to the “Michigan Zoning Enabling Act 110 of 2006, as amended.” It may be referred to as simply “the Ordinance” herein.

**SECTION 102. PREAMBLE**

This Zoning Ordinance regulates the land development in the City of Gladwin to regulate the use of land and structures to meet the needs of citizens for producing or distributing food, fiber, energy, and other natural resources, places of residence, recreation, industry, trade, service, and other uses of land, to ensure that use of the land is situated in appropriate locations and relationships, to limit the inappropriate overcrowding of land and congestion of population, to provide adequate light and air, to lessen congestion on transportation systems and other public facilities, to reduce hazards to life and property, to facilitate adequate and efficient provision for transportation systems, sewage disposal, safe and adequate water supply, energy, education, recreation, and other public service and facility requirements, and to promote public health, safety, and welfare.

This Zoning Ordinance is based upon a plan to meet those needs and to conserve the expenditure of funds for public improvements and services to conform to the most advantageous uses of land, resources, and properties.

**SECTION 103. PRIMACY OF ZONING ORDINANCE**

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

**SECTION 104. ENACTING CLAUSE**

Now, therefore, the City of Gladwin Ordains:



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**ZONING ORDINANCE**

**ARTICLE TWO-A**

**LANGUAGE AND DEFINITIONS**

**ARTICLE TWO-B**

**NOTIFICATIONS AND PUBLICATIONS**

**ARTICLE II**  
**LANGUAGE AND DEFINITIONS**

**SECTION 201. LANGUAGE.**

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

1. The particular shall control the general.
2. In 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 tense; and words used in the singular shall include both the plural and the singular, unless the context clearly indicates the contrary.
5. A "building" or "structure" includes all or any part thereof.
6. The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for," or "occupied for."
7. The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
8. Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions, or events connected by the conjunction "and," "or," "either...or," the conjunction shall be interpreted as follows:
  - a. "And" indicates that all the connected items, conditions, provisions, or events shall apply. The ampersand (&) may be used instead if the word "and."
  - 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. "Development Rights" as required by the State of Michigan Zoning Enabling law are not included because they are intended for large tracts of land in active farming. Such land is not currently and not likely to be available in the City of Gladwin.

**SECTION 202. DEFINITIONS.**

**A**

**Abutting:** Having a common border with or being separated from such a common border by a right-of-way, alley, or easement.

**Accessory Building:** A building or portion of a building subordinate to a main building on the same lot occupied by, or denoted exclusively to, an accessory use.

**Accessory Use, or Accessory:** A structure or use that: a) is clearly incidental to and customarily found in connection with a principal building or use; b) is subordinate to and serves a principal building or a principal use; c) is subordinate in area, extent or purpose to the principal building or principal use served; d) contributes to the comfort, convenience, or necessity of occupants, business or industry in the principal building or principal use served; and, e) is located on the same lot as the principal building or use served.

**Addition:** An extension or increase in floor area or height of a building or structure.

**Adult Entertainment Uses (Also Known as Sexually-oriented Businesses):** Any use of land, whether vacant or combined with structures or vehicles thereon by which said property is devoted to displaying or exhibiting material for entertainment, a significant portion of which includes matter or actions depicting, describing or presenting Specified Sexual Activities or Specified Anatomical Areas.

1. Adult entertainment use shall include, but not be limited to the following:
  - a. **An adult motion picture theater** is an enclosed building with a capacity of fifty (50) or more persons used for presenting material which has a significant portion of any motion picture or other display depicting or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" for observation by patrons therein.
  - b. **An adult mini-motion picture theater** is an enclosed building with a capacity for less than fifty (50) persons used for presenting material which has as a significant portion of any motion picture or other display depicting, describing or presenting "Specified Sexual Activities" or "Specified Anatomical Areas."
  - c. **An adult motion picture arcade** is any place to which the public is permitted or invited wherein coin or slug operated or electronically or mechanically controlled still or motion picture machines, projectors, or other image producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where a significant portion of images so displayed depict, describe or relate to "Specified Sexual Activities" or "Specified Anatomical Areas."
  - d. **An adult book store** is a use which has a display containing books, magazines, periodicals, slides, pictures, cassettes, or other printed or recorded material which has as a significant portion of its content or exhibit matter or actions depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" or an establishment with a (substantial) segment or section devoted to the sale or display of such material.
  - e. **An adult cabaret** is a nightclub, theater or other establishment which features live performances by topless and/or bottomless dancers, "go-go" dancers, exotic dancers, strippers, or similar entertainers, where a significant portion of such

performances show, depict or describe "Specified Sexual Activities" or "Specified Anatomical Areas."

- f. **An adult motel** is a motel wherein matter, actions or other displays are presented which contains a significant portion depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas."
  - g. **An adult massage parlor** is any place where for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations, electric or magnetic treatment or any other treatment or manipulation of the human body occurs as part of or in connection with "Specified Sexual Activities" or where any person providing such treatment, manipulation or service related thereto exposes "Specified Anatomical Areas."
  - h. **An adult model studio** is any place where, for any form of consideration or gratuity, figure models who display "Specified Anatomical Areas" are provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons paying such considerations or gratuities, except that this provision shall not apply to any bona fide art school or similar education institution.
  - i. **An adult sexual encounter center** is any business, agency, or person who, for any form of consideration or gratuity, provides a place where three or more persons, not all members of the same family may congregate, assemble or associate for the purpose of engaging in "Specified Sexual Activities" or exposing "Specified Anatomical Areas."
2. **Significant Portion** - As used in the above definitions, the phrase "significant portion" shall mean and include:
    - a. Any one or more portions of the display having continuous duration in excess of five (5) minutes; and/or,
    - b. The aggregate of portions of the display having duration equal to ten (10) percent or more of the display.
    - c. The aggregate of portions of the collection of any materials or exhibits composing the display equal to ten (10) percent or more of the display.
  3. **Display** - As used in the above definitions, the word display shall mean any single motion or still picture, presentation, dance or exhibition, live act, or collection of visual materials such as books, films, slides, periodicals, pictures, video cassettes or any other printed or recorded matter which is open to view or available to the general population whether for free or otherwise.
  4. **Specified Sexual Activities**
    - a. Human genitals in a state of sexual stimulation or arousal;
    - b. Acts of human masturbation, sexual intercourse or sodomy;
    - c. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.
  5. **"Specified Anatomical Areas"**

- a. Less than completely and opaquely covered: 1) human genitals, pubic region; 2) buttock; and, 3) female breast below a point immediately above the top of the areola; and,
- b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

**Adult Foster Care Facility:** A governmental or nongovernmental establishment subject to state licensing procedures as may be required having as its principal function the receiving of adults for foster care. It includes facilities and foster care family homes for adults who are aged, emotionally disturbed, developmentally disabled, or physically handicapped who require supervision on an ongoing basis but who do not require continuous nursing care. Adult foster care facility does not include a nursing home, a home for the aged, an alcohol or a substance abuse rehabilitation center, a hospital for the mentally ill, or similar facilities.

**Adult Foster Care Family Home:** A private residence with the approved capacity to receive not more than six (6) adults who shall be provided foster care for five (5) or more days per week, and for two (2) or more consecutive weeks. The adult foster care family home licensee shall be a member of the household and an occupant of the residence.

**Adult Foster Care Large Group Home:** An adult foster care facility with the approved capacity to receive at least thirteen (13), but not more than twenty (20) adults who shall be provided foster care.

**Adult Foster Care Small Group Home:** An adult foster care facility with the approved capacity of not more than twelve (12) adults who shall be provided foster care.

**Aged:** An adult whose chronological age is sixty (60) years of age or older, or whose biological age, as determined by a physician, is sixty (60) years of age or older.

**Agricultural Land:** Substantially undeveloped land devoted to the production of plants and animals useful to humans, including, but not limited to, forage and sod crops, grains, feed crops, field crops, dairy products, poultry and poultry products, livestock, herbs, flowers, seeds, grasses, nursery stock, fruits, vegetables, Christmas trees, and other similar uses and activities

**Airport:** An airport licensed by the Michigan Department of Transportation, Bureau of Aeronautics under Section 86 of the Aeronautics Code of the State of Michigan 1945 PA 327, MCL 259.86.

**Airport Approach Plan and Airport Layout Plan:** A plan, or an amendment to a plan, filed with the Zoning Commission under Section 151 of the Aeronautics Code of the State of Michigan, 1945 PA 327, MCL 259.151.

**Airport Manager:** A term defined in Section 10 of the Aeronautics Code of the State of Michigan, 1945 PA 327, MCL 259.10,

**Airport Zoning Regulations:** Airport zoning regulations under the Airport Zoning Act, 1950 (Excess) PA 23, MCL 259.465, for an airport hazard area that lies in whole or part of the area affected by this Zoning Ordinance.

**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."

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

**Aquifer:** A glacial formation, group of glacial formations or part of a glacial formation that contains enough saturated permeable material to yield significant quantities of water.

**Arcade:** Arcade shall mean any place of business or establishment whose principal use shall be the housing of mechanical amusement devices. Mechanical amusement devices include any machine, which, upon the insertion of any coin, slug, token, plate or disc, or which, for a fee paid to the operator or owner, may be operated by the public generally for use as a game, entertainment or amusement, whether or not registering a score. It shall include such devices as marble machines, skill ball, mechanical grab machines, television display devices or machines and all games, operations or transactions similar thereto whether operated principally by mechanical means or electrical means or a combination thereof, under whatever name they may be indicated or called.

**Architectural Features:** Architectural features of a building or a structure shall include cornices, eaves, gutters, belt courses, sills, lintels, bay windows, chimneys, and decorative ornaments.

**Automobile Repair:** The general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service, such as body, frame, or fender straightening and repair; overall painting and undercoating of automobiles.

## **B**

**Basement:** That portion of a building which is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story.

**Bed and Breakfast Inn:** A use which is subordinate to the principal use of a dwelling unit as a single-family dwelling unit and a use in which transient guests are provided a sleeping room and board in return for payment.

**Block:** The property abutting one (1) side of a street and lying between the two (2) nearest intersecting streets, (crossing or terminating) or between the nearest such street and railroad right-of-way, un-subdivided 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 municipality.

**Boarding House:** A dwelling where meals, or lodging and meals, are provided for compensation and where one (1) or more rooms are occupied by persons by prearrangement for definite periods of not less than one (1) month. A boarding house is to

be distinguished from a hotel, motel, bed and breakfast establishment, or a convalescent, nursing, or group home.

**Buffer Area:** An area, usually landscaped, intended to separate and partially obstruct the view of two adjacent land uses or properties from one another.

**Building:** A structure erected on site, a mobile home or mobile structure, a manufactured or precut structure, above or below ground, having a roof or walls and built for, or capable of, the shelter or enclosure of persons, animals, chattels, or property of any kind.

**Building Height:** The vertical distance from grade to the top of parapet wall in the case of a flat roof, to the deck line for mansard roofs, to the mean height level between eaves and ridge for gable, hip, and gambrel roofs. The height of detached accessory structures shall be the distance from grade to the top of a parapet wall in the case of a flat roof, and to the peak of the roof for mansard, gable, hip, and gambrel roofs.

**Building Line:** A line formed by the face of the building, and for the purposes of this Ordinance, a minimum building line is the same as a front setback line. (See Diagram.)

**Building Official (Administrator):** The administrative official designated to issue construction permits for the City of Gladwin.

## C

**Car Wash:** An area of land and/or structure with machine or hand-operated facilities used principally for the cleaning, washing, polishing, or waxing of motor vehicles.

**Clinic:** An establishment where human or animal patients who are not lodged overnight are admitted for examinations and treatment by a group of physicians, dentists, veterinarians, or similar professionals.

**Club, Private Facilities:** Any nonprofit facility established to provide recreational or social activities for the sale and exclusive use of its members, their families, and guests.

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

**Conservation Easement:** The term defined in Section 2140 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.2140.

**Convalescent or Nursing Home:** A structure with sleeping rooms, where persons are housed or lodged and are furnished with meals, nursing, and medical care.

## D

**Day Care Center:** A school, kindergarten, or adult care facility wherein day care, or day care and education is provided.

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

**Direct Recharge Area:** That portion of a drainage basin in which water infiltrating vertically from the surface will intercept the water table.

**District:** A portion of the incorporated area of the municipality within which certain regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

**Dwelling Unit:** A building or portion thereof, designed for occupancy by one (1) family for residential purposes and having cooking and sanitary facilities.

**Dwelling Unit, Manufactured:** Is a dwelling unit which is substantially built, constructed, assembled, or finished off the premises upon which it is intended to be located.

**Dwelling Unit, Mobile Home (i. e. manufactured home):** A structure, transportable in 1 or more sections, which is built on a chassis and designed to be used as a dwelling unit with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure.

**Dwelling, Multiple-Family:** A building containing three (3) or more dwelling units designed for residential use and conforming in all other respects to the standards set forth for one-family dwellings.

**Dwelling, One-Family:** A building designed exclusively for one (1) family for residential use.

**Dwelling Unit, Site Built:** A dwelling unit which is substantially built, constructed, assembled, and finished on the premises which are intended to serve as its final location. Site built dwelling units shall include dwelling units constructed of precut materials and panelized wall, roof and floor sections when such sections require substantial assembly and finishing on the premises which are intended to serve as its final location.

**Dwelling, Two-Family:** A building containing two (2) separate dwelling units designed for residential use and conforming in all other respects to the standards set forth for one-family dwellings.

## E

**Easement:** A grant of one or more property rights by the property owner to and/or for the use by the public, a corporation, or another person or entity.

**Earth Berm:** A mound of earth planted with ground cover, grass, trees, or other landscaping material intended to minimize the view of parking areas and reduce noise and dust from adjacent uses and passersby.

**Elderly Housing:** A building or group of buildings containing dwellings where the occupancy of the dwellings is generally restricted to persons sixty (60) years of age or older, or couples where either spouse is sixty (60) years of age or older. Under rules promulgated by a governmental agency this does not include a foster care, home for the aged, or nursing home.

**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 erection.

**Essential Services:** A public utility or municipal department utilizing underground, surface, or overhead gas, electrical, steam, fuel, or water transmission or distribution systems, collection, communication, supply or disposal system, but not including buildings.

**Excavation:** Any breaking of ground, except common household gardening and ground care.

## F

**Family:** A single individual doing his own cooking, and living upon the premises as a separate housekeeping unit, or a collective body of persons doing their own cooking, and living together upon the premises or a separate housekeeping unit in a domestic relationship based upon birth, marriage, or other domestic bonds distinguished from a group occupying a boarding house, lodging house, club, fraternity, or hotel.

**Family Day-Care Home and Group Day-Care Home:** Those terms defined in Section 1 of 1973 PA 116, MCL 722.111, and only apply to the bona fide private residence of the operator of the family or group day-care home.

**Fence:** Any permanent partition, structure, or gate erected upon or near, but not limited to, the dividing line between adjoining property owners, for the purpose of separating, screening, enclosing or protecting property. Hedges, ornamental shrubs, trees and bushes shall be considered fences when placed in a manner or position to serve as such.

**Floodplain (Flood Prone Area):** Any land area susceptible to being inundated by water from any source.

**Floor Area, Gross:** The sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) buildings. The "floor area" of a building shall not include the basement floor area except when more than one-half (1/2) of the basement height is above grade. "Floor-area" shall include elevator shafts and stairwells at each floor, floor space used for mechanical equipment (except equipment, open or enclosed, located on the roof), attic space having headroom of seven feet, ten inches or more, interior balconies, and mezzanines. Any space devoted to off-street parking or loading shall not be included in "floor area."

**Floor Area, Residential:** For the purpose of computing the minimum allowable floor area in a residential dwelling unit, the sum of the horizontal areas of each story of the building shall be measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) dwellings. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways, and enclosed and unenclosed porches.

**Floor Space, Usable:** That area used for or intended to be used for the sale of merchandise or services, or for the use to serve patrons, clients, or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, hallways, or for utilities or sanitary facilities, shall be excluded from this computation. Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls.

**Foster Care:** The provision of supervision, personal care, and protection in addition to room and board, for twenty-four (24) hours per day, five (5) or more days per week, and for two (2) or more consecutive weeks of compensation.

**Frontage:** The minimum width required in a use district which abuts a public right-of-way or private road.

## G

**Garage, Private:** 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.

**Garage, Service:** Any premises used for the storage or maintenance of motor-driven vehicles, or where any such vehicles are equipped for operation, repaired, or kept for remuneration, hire, or sale.

**Gasoline Service Station:** A place for the dispensing, sale, or offering for sale of motor fuels directly to users of motor vehicles, together with the sale of minor accessories and services for motor vehicles, but not including major automobile repair.

**Governmental Agency:** Any department, commission, independent agency, or instrumentality of the United States, of a state, county, incorporated or unincorporated municipality, authority, district, or governmental unit.

**Grade:** The ground elevation established for the purpose of regulating the number of stories and the height of buildings. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building, measured at a distance four (4) feet out from the edge of the building.

**Greenbelt:** A strip of land of definite width and location reserved for the planting of shrubs and/or trees to serve as an obscuring screen or buffer strip in carrying out the requirements of this Ordinance.

**Greenway:** A contiguous or linear open space, including habitats, wildlife corridors, and trails, that links parks nature reserves, cultural features, or historic sites with each other, for recreation and conservation purposes.

**Groundwater Gradient:** The slope (gradient) of the groundwater surface thereby defining the direction of groundwater movement.

## H

**Health Care Facility (Hospital):** A facility or institution, whether public or private, principally engaged in providing services for health maintenance, diagnosis and treatment of human disease, pain, injury, deformity or physical condition allowing overnight stay, including, but not limited to, a general hospital, special hospital, mental hospital, public health center, diagnostic center, treatment center, rehabilitation center, extended care facility, tuberculosis hospital, chronic disease hospital, maternity hospital.

**Historic District:** An area containing buildings or places in which historic events occurred or having special public value because of notable architectural or other features relating to the cultural or artistic heritage of the community of such significance to warrant

conservation and preservation. A historic District officially exists when a local Historic District is organized and then researches and determines the historic value of a specific area and makes it a local Historic District, when it is placed the Michigan Register of historic Places after research and evaluation, or when it is nominated or placed on the National Register of Historic Places.

**Home for the Aged:** A supervised personal care facility, other than a hotel, adult foster care facility, hospital, nursing home, or county medical care facility, that provides room, board, and supervised personal care to twenty-one (21) or more unrelated, non-transient, individuals sixty (60) years of age or older. Home for the aged includes a supervised personal care facility for twenty (20) or fewer individuals sixty (60) years of age or older when the facility is operated in conjunction with and as a distinct part of a licensed nursing home.

**Home Occupations:** An accessory use of a dwelling that constitutes either entirely or partly, the livelihood of a person living in the dwelling, said use shall be conducted entirely within the dwelling and carried on by the inhabitants therein and having no external effects. The accessory use of a dwelling by a patient or a caregiver under the Medical Marihuana Act, whether for remuneration or not, shall be considered as a home occupation. No business or commercial operation that sells or includes marijuana as a portion of its inventory shall be considered as a home occupation.

**Hotel:** See Overnight Lodging Facility.

**I**

**Improvements:** Those features and actions associated with a project that are considered necessary by the body or official granting zoning approval to protect natural resources or the health, safety, or welfare of the residents of the City of Gladwin and future users or inhabitants of the proposed project or project area, including roadways, lighting, utilities, sidewalks, screening, and drainage. Improvements do not include the entire project that is subject to zoning approval.

**Intensity of Development:** This means the height, bulk, area, density, setback, use, and other similar characteristics of development.

**J**

**Junk Yard:** An area where waste, used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled including but not limited to: scrap iron and other metals, paper, rags, rubber tires, and bottles. A "Junk Yard" includes automobile wrecking yards and includes any open area of more than 200 square feet for storage, keeping, or abandonment of junk.

**K**

**Kennel:** Any lot or premises on which three (3) or more dogs, cats, or other household pets are either permanently or temporarily boarded for remuneration.

**L**

**Legislative Body:** The County Board of Commissioners of a County, the Board of Trustees of a Township, the Council of a City or Village, or other similar duly elected representative of a County, Township, City or Village.

**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.

**Local Unit of Government:** A County, Township, City, or Village.

**Lot:** A measured portion of a parcel or tract of land, which is legally described and fixed in a recorded plat, or site condominium master deed.

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

**Lot, Corner:** A lot abutting on and at the intersection of two or more streets.

**Lot Coverage:** The part or percent of the lot occupied by buildings including accessory buildings.

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

**Lot, Interior:** Any lot other than a corner lot.

**Lot Lines:** The lines bounding a lot as defined herein:

1. **Front Lot Line:** In the case of an interior lot, is that line separating said lot from the streets.
2. **Rear Lot Line:** That lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten feet long lying farthest from the front lot line and wholly within the lot.
3. **Side Lot Line:** Any lot line other than the front or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

**Lot of Record:** A lot which exists in a subdivision plat as shown on the records of the County Register of Deeds, or a lot or parcel described by metes and bounds, the description of which has been so recorded. Whenever an owner has combined two (2) or more lots as contained on any recorded plat into a single building site, whereby more than one lot is necessary to satisfy the requirements of this ordinance, said combination of lots shall be deemed to be a single lot of record for the purposes of this Ordinance.

**Lot, Through:** Any interior lot having frontage on two (2) more or less parallel streets as distinguished from a corner lot.

**Lot, Width:** The horizontal straight line distance between the side lot lines, measured between the two (2) points where the front setback line intersects the side lot lines or in the case of a corner lot, the side lot line and opposite lot line.

**Lot, Zoning:** A single tract of land, which may include one or more lots of record, which conform to this Ordinance for area, size, and frontage dimensions in the district.

**M**

**Marijuana:** also known as Marihuana or Cannabis: This term shall have the meaning given to it in Section 7601 of the Michigan Public Health Code PA 368 of 1978, MCL 333.7106, as referred to in Section 3(d) of the Michigan Medical Marihuana Act MCL 333.26423(d). Any other term pertaining to marijuana in the Ordinance and not otherwise defined shall have the meaning given to it in the Michigan Medical Marihuana Act or in the rules and regulations of the Michigan Department of Community Health issued with respect to said Act.

**Master Plan:** The Comprehensive Community Plan including graphic and written proposals indicating the general location for streets, parks, schools, public buildings, and all physical development of the municipality, and includes any unit or part of such plan, and any amendment to such plan or parts thereof.

**Medical Marijuana Club:** A place at which more than two (2) patients grow or make available medical marijuana for their individual use.

**Medical Marijuana Distribution Facility:** A place where medical marijuana caregivers store and / or distribute medical marijuana to medical marijuana patients, with no growing or cultivation of marijuana allowed.

**Medical Marijuana Growing Facility:** A place where more than a total of two (2) medical marijuana patients or caregivers grow, possess, or store medical marijuana.

**Medical Use of Marijuana:** The acquisition, possession, cultivation, manufacture, use, internal possession, delivery, transfer or transportation or paraphernalia relating to the administration of marijuana to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with the debilitating medical condition, as defined under the Michigan Medical Marihuana Act, P.A. 2008, Initiated law, MCL 333.26423(d).

**Mezzanine:** An intermediate floor in any story occupying not to exceed one-third (1/3) of the floor area of such story.

**Mini-Warehouse (Self-Storage Facility):** A facility consisting of a building or a group of buildings in a controlled-access compound, where individual stalls or lockers are rented out to different tenants for the dead storage of customers' goods and wares.

**Mobile Home Park (i.e. Manufactured Housing Development):** A parcel of land which has been planned and improved for the placement of mobile homes for residential use, as licensed by the Michigan Manufactured Housing Commission.

**Motel:** See Overnight Lodging Facility.

**Motorized Home:** A self-propelled motor vehicle which provides the amenities of day-to-day living while used as a means of transportation for recreational or travel purposes.

**Municipality:** The City of Gladwin, Michigan.

**N**

**Non-conforming Building:** A building or portion thereof lawfully existing at the effective date of this Ordinance, or amendments thereto and that do not conform to the provisions of the Ordinance in the district in which it is located.

**Nonconforming Lot:** Any lot, out lot, or other parcel of land which does not meet the land area or dimension requirements of this Ordinance.

**Nonconforming Use:** A use which lawfully occupied a building or 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.

**Nuisance Factors:** 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: 1) sound, 2) dust, 3) smoke, 4) odor, 5) glare, 6) fumes, 7) light, 8) vibration, 9) shock waves, 10) heat, 11) electronic or atomic radiation, 12) effluent.

**Nursery, Plant Materials:** A space, building or structure, or combination thereof, for the storage of live trees, shrubs or plants offered for retail sale on the premises including products used for gardening or landscaping.

**Nursing Home:** A nursing care facility, including a county medical care facility, but excluding a hospital or a facility created by Act No. 152 of the Public Acts of 1985, as amended, being Sections 36.1 to 36.12 of the Michigan Compiled Laws, which provides organized nursing care and medical treatment to seven (7) or more unrelated individuals suffering or recovering from illness, injury, or infirmity.

**O**

**Occupied:** The word occupied includes arranged, designed, built, altered, converted to, rented or leased, or intended to be occupied.

**Off-Street Parking Facility:** A facility providing vehicular parking spaces along with adequate drives and aisles, for maneuvering, so as to provide access for entrance and exit for the parking of more than three (3) vehicles.

**Open Air Business Use:** An open air business use, as used herein, shall be deemed to include any business when said business is not conducted from a wholly enclosed building.

**Open Front Store:** A business establishment so developed that service to the patron may be extended beyond the walls of the structure, not requiring the patron to enter the structure. The term "Open Front Store" shall not include automobile repair or gasoline service stations.

**Overnight Lodging Facility:** An establishment or building(s) providing bedrooms, baths, etc., and which offers one or more of the following services; maid service, furnishing of linen, telephone, secretarial, or desk service, bellboy service, and usually food, for the accommodation of travelers or other transient guests.

**P**

**Parking Space:** An area of definite length and width, said area shall be exclusive of drives, aisles or entrances giving access thereto, and shall be fully accessible for the parking of permitted vehicles.

**Planned Commercial or Shopping Center:** A group of commercial establishments planned, constructed, and managed as a total entity with customer and employee parking provided on-site, provision for goods delivery separated from customer access, aesthetic considerations and oftentimes protection from the elements.

**Porch or Deck:** A projection on a building or structure containing a floor, which may be either totally enclosed or open.

**Principal Use or Structure:** The main use to which the premises are devoted and the principal purpose for which the premises exist.

**Population:** The population according to the most recent federal decennial census or according to a special census conducted under Section 7 of the Glenn Steil state revenue sharing act of 1971, 1971 PA 140, MCL 141.907, whichever is more recent.

**Public Building:** Buildings devoted to the use of a governmental agency, as distinguished from buildings that are government financed, but are intended for private use; e.g., public housing.

**Public Utility:** A person, firm, or corporation, municipal department, board or commission duly authorized to furnish and furnishing under federal, state, or municipal regulations to the public: gas, steam, electricity, sewage disposal, communication, transportation or water.

**Q**

Reserved, Currently no definition pertaining to this ordinance.

**R**

**Recharge Pond/Lagoon:** A natural or manmade recharge area or pond designed and maintained to recharge storm water, cooling water and/or treated water to the groundwater at a rate greater than that occurring naturally. (Please note that for certain discharges a DNR discharge permit is required.)

**Recreational Vehicle:** A vehicle which moves one (1) or more persons over the ground, air, water, ice, or snow, and which is either self-propelled or connects to a vehicle which is self-propelled.

**Regulated Substances:** Substances to be regulated hereinafter referred to as Regulated Substances, as chemicals and mixtures of chemicals which are health hazards. Regulated Substances are:

1. Those list of substances as defined and listed by the Michigan Occupation Safety and Health Administration, as regulated under Title III of the Superfund Amendments and Reauthorization Act (SARA) and as currently reported on MIOSHA safety data sheets.

- 2. Petroleum and non-solid petroleum derivatives (except non-PCB dielectric fluids).

**Restaurant:**

- 1. **Standard Restaurant:** A standard restaurant is any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state, and whose design or principal method of operation includes the consumption of food on the premises.
- 2. **Carry-Out Restaurant:** A carry-out restaurant is any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state, and whose design or method of operation encourages the consumption of food off-site or it may permit incidental consumption on the premises.
- 3. **Drive-In/Drive-Through Restaurant:** Any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state, and whose design, method of operation, includes one (1) or both of the following characteristics:
  - a. Foods, frozen desserts, or beverages are served directly to the customer in a motor vehicle, either by a carhop, or by other means which eliminate the need for the customer to exit the motor vehicle.
  - b. The consumption of foods, frozen desserts, or beverages within a motor vehicle parked upon the premises, within the restaurant building, or at other facilities on the premises outside the restaurant building, is permitted.

**Right-of-Way:** A strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied or occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, waterline, sanitary storm sewer and other similar uses.

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

**S**

**Setback:** The distance required to obtain minimum front, side, or rear yard open space provisions of this Ordinance, except for roofs, which may project not more than twelve (12) inches into the setbacks.

**Sign:** Is a name, identification, description, display or illustration which is affixed to, painted or represented, directly or indirectly, upon a building, structure, parcel or lot and which directs attention to an object, product, place, activity, person, institution, organization, or business. Signs include, but are not limited to, figures, devices, pennants, emblems and pictures. Any of the above which is not placed out of doors, when placed near inside the surface of a window in such a way as to be in view of the general public and used or intended to be used to attract attention or convey information to motorists and pedestrians, shall also be considered as a sign.

**Site Plan:** The documents and drawings required by the Zoning Ordinance to insure that proposed land use or activity is in compliance with the City of Gladwin Zoning and other Ordinances and state and federal statutes.

**Special Use:** Any use of land listed as a Principal Use Permitted Subject to Special Conditions which, due to its potential effect on adjacent lands, in particular, and the overall City in general, requires approval by the Zoning Board of Appeals according to the standards as provided in this Ordinance.

**State Licensed Residential Facility:** A structure constructed for residential purposes that is licensed by the State of Michigan under the Adult Foster Care Facility Licensing Act, 1979 PA 218, MCL 4000.701 to 4000.737, or 1973 PA 116, MCL 722 to 722.128 and provides residential services for six (6) or fewer persons under 24-hour supervision or care.

**Story:** That part of a building, except a mezzanine as defined herein, included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the ceiling next above. A basement shall not be counted as a story.

**Story, Half:** An uppermost story lying under a sloping roof having an area of at least 200 square feet with a clear height of seven feet. For the purposes of this Ordinance, the usable floor area is only that area having at least five feet clear height between floor and ceiling.

**Street:** A public dedicated right-of-way, other than an alley, which affords the principal means of vehicular access to abutting property including emergency response vehicles.

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

**Swimming Pool:** Any constructed or portable pool, used for swimming or bathing over 24 inches in depth, a diameter exceeding 12 feet or with a surface area exceeding 160 square feet.

## T

**Temporary Use or Temporary Building:** A use or building permitted by the Planning Commission, or this ordinance, to exist during a specified period of time.

**Tent:** A moveable shelter made of canvas, skins, or other flexible materials supported by pole(s) or other framework. A tent is used exclusively for temporary purposes approved by the City of Gladwin Planning Commission or Zoning Administrator as allowed by the ordinance for certain functions.

## U

**Underground Storage Tank:** Any one or combination of tanks (including underground pipes connected thereto) which is used to contain an accumulation of Regulated Substances and the volume of which (including the volume of underground pipes connected thereto) is ten (10) percent or more beneath the surface of the ground. Flow-through process tanks are excluded from the definition of underground storage tanks.

**Underlying Zone:** The zoning as it exists under the overlay zone.

**Undeveloped State:** A natural state preserving natural resources, natural features scenic or wooded conditions, agricultural use, open space, or a similar use or condition. Land in an undeveloped state does not include a golf course, but may include a recreational trail, picnic area, children’s play area, greenway, or linear park. Land in an undeveloped state may be, but is not required to be, dedicated to the use of the public.

**Use:** The purposes, for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied.

**V**

**Variance:** Permission to depart from the literal requirements of the Zoning Ordinance.

**Variance, Nonuse:** A departure from the provisions of the Zoning Ordinance relating to setbacks, side yards, frontage requirements, lot size, parking, signage, and other requirements of the applicable zoning district.

**W**

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

**Y**

**Yards:** The open spaces on the same lot with a main building that is unoccupied and unobstructed from the ground upward except as otherwise provided in this Ordinance, and as defined herein:

1. **Front Yard:** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building. In the case of corner lots, front yard shall be deemed to exist along each street frontage.
2. **Rear Yard:** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building. In the case of a corner lot, the rear yard may be opposite either street frontage.
3. **Side Yard:** An open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point on the side lot line to the nearest point of the main building.

**Z**

**Zoning Jurisdiction:** The area encompassed by the legal boundaries of the City of Gladwin.

**Zoning District:** A zoning district is a portion of the City within which, on a uniform basis, certain uses of land and buildings are permitted and within which contain yard, open spaces, lot area, and other requirements are established by this Ordinance.

**Zoning Official (Administrator):** The administrative official designated by the City Administrator with the responsibilities of administering and enforcing this Ordinance.

**ARTICLE IIB**

**NOTICE, PUBLICATION; MAIL OR PERSONAL DELIVERY**

**SECTION 203. NOTICE, PUBLICATION; MAIL OR PERSONAL DELIVERY.**

Unless otherwise noted, whenever the City of Gladwin is required to provide notice and hearing under this zoning ordinance, the City of Gladwin shall publish notice of the request in a newspaper of general circulation in Gladwin.

1. Notice shall also be sent by mail or personal delivery to the owners of property for which approval is being considered. Notice shall also be sent to all persons to whom real property is assessed within three hundred (300) feet of the property being considered and to the occupants of all structures within three hundred (300) feet of the property regardless of whether the property or occupant is in the zoning jurisdiction.
2. The notice shall be given not less than fifteen (15) days before the date the application will be considered for approval. If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection. The notice shall do the following:
  - a. Describe the nature of the request.
  - b. Indicate the property that is the subject of the request. The notice shall include all street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist. If there are no street addresses, other means of identification may be used.
  - c. State when and where the request will be considered.
  - d. Indicate when and where written comments will be received concerning the request.

The above procedures are to be used for all notifications and publications required under this Zoning Ordinance. No differing notifications or publications are appropriate since the adoption of the Michigan Zoning Enabling Act 110 of 2006, as amended.

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**ZONING ORDINANCE**

**ARTICLE THREE  
GENERAL PROVISIONS**

**ARTICLE III  
GENERAL PROVISIONS**

**SECTION 301. INTENT.**

This Article provides site regulations that apply to multiple zoning districts and thus are detailed in this separate Article. These regulations may apply to only two or three districts or may apply to all of them.

**SECTION 302. BUILDING REGULATIONS.**

1. Scope

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

2. Unlawful Building

If any building, or part thereof, is used, erected, occupied or altered contrary to law or the provisions of this Ordinance, such building shall be deemed an unlawful structure and 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 made to conform to the provisions of this Ordinance. Public expenditures toward abating such nuisance shall become a lien upon the land.

3. Temporary Building

No temporary building shall be erected unless a valid building permit exists for a permanent building or a new use of land on the same site. Any temporary building shall be removed from the site within thirty (30) days of issuance of a certificate of occupancy, whether the certificate is provided by the City of Gladwin or the County of Gladwin. The approval of a temporary building may not exceed one (1) year; however, the Planning Commission may grant multiple extensions up to three (3) months each for good cause shown when the approval is due to expire.

4. Building Occupancy

No dwelling shall be erected in a nonresidential district, except for the living quarters on a second floor, which is incidental to principle use. In addition not more 10% of the existing ground floor may have a residence.

5. Frontage on a Public Street

No building shall be erected on a lot unless said lot fronts no less than fifty (50) percent its full width, upon a street or road that has been dedicated to the public, except where a site plan that provides for adequate vehicular access and circulation, and future traffic needs of the city has been approved by the Planning Commission. Multi-family developments, or commercial, office, or industrial centers need not front each such structure within the development upon publicly dedicated streets or roads, provided that adequate interior vehicular circulation and access can be assured in a site plan submitted for approval to the Planning Commission.

**6. One Lot, One Building**

In all districts, only one (1) principal building shall be placed on a single lot of record, except as provided by Section 302.5 above.

**7. Foundation required**

All dwellings, not located in a licensed manufactured housing park/facility licensed by the State of Michigan shall be firmly attached to a permanent perimeter foundation constructed on the site in accord with the building codes.

**SECTION 303. BUILDING APPEARANCE, STRUCTURE COMPLETION, AND PERSONAL CONSTRUCTION AUTHORITY****1. Residential Character Zones**

The City may designate residential zones, in which at least seventy-five (75) percent of the lots and frontage have been improved by the erection of the residences thereon, and if one-half or more of the residences built in any such zone are of a certain type and style, whereby the remainder of the residences built in any such zone and to be constructed, altered, relocated, or repaired in such zone shall be of a substantially similar type and style so that new or altered buildings will be in harmony with the character of the neighborhood. Nothing herein shall prevent the upgrading of any residential dwelling by installing an exterior finish having fire or weather resistance, which is greater than the minimum herein required, or by constructing in such zone a residence having floor area greater than the average area of residences in such zone provided, however, such type and style shall be such as not to impair or destroy property values in the zone.

**2. Nonresidential Zones**

In any case where a building or accessory building in a nonresidential district is erected or placed within two hundred (200) feet of the front lot line of any parcel of land fronting upon any public street, the front walls of said building or accessory building within said distance of two hundred (200) feet shall be constructed of stone, face brick or other ornamental materials approved by the Planning Commission consistent with neighboring property, and no building so situated shall be constructed of tarred paper, tin, corrugated iron, or any form of pressed board or felt or similar material within the limits herein specified, nor shall any occupant of such premises be permitted to place open stock, scrap, or junk piles within said two hundred (200) feet unless the same shall be obscured from view from the street by the existence of a building, solid wall, earth berm, or evergreen screen sufficient to properly obscure the same from view from the street.

**3. Building Completion Period**

All structures shall be completed within one (1) year of the issue date of the building permit for such structure, unless two (2) extensions for not more than six (6) additional months is granted for good cause by the Planning Commission. When a part of the building is ready for occupancy, a temporary occupancy permit may be issued, provided that the premises complies with health and fire standards required under this Ordinance, or any other ordinance, regulation, or statute.

**4. Personal Construction Authority**

Nothing in this Ordinance shall be construed as prohibiting an owner, tenant, occupant, or land contract vendee from doing his or her own building, altering, plumbing, electrical installations, etc., provided it includes compliance with the minimum requirements and inspection per the Electrical and Plumbing Codes of the State of Michigan, and the applicable County Health Department regulations.

**SECTION 304. HUMAN SAFETY AND ENVIRONMENTAL PROTECTION****1. Intent**

It is the intent of this ordinance to protect the health, safety, and welfare of individual residents, the overall community and the natural and built environment. Accordingly all uses of land, buildings, and structures in the zoning districts in this Ordinance shall conform to the following performance standards.

**a. Smoke**

A person or industry shall not discharge into the atmosphere from any single source of emission whatsoever any air contaminant smoke for a period or periods aggregating more than three (3) minutes in any hour which is:

- (1) As dark or darker in shade as that designated as No. ½ on the Ringelmann chart as published by the United States Bureau of Mines, or
- (2) Of such density as to obscure and observer's view to a degree equal or greater than the level of smoke described in subsection (1) of this standard.
- (3) At no time shall smoke emissions be darker than Ringelmann No. 1

**b. Noxious Gases**

No noxious or malodorous gases shall be allowed to escape into the atmosphere in concentrations which are offensive, which produces a public nuisance or hazard on any adjoining lot or property, or which could be detrimental to human, plant, or animal life.

**c. Air Contaminants**

A person or industry shall not discharge from any source whatsoever such quantities of air contaminants or other material such as fly-ash, dust, vapor, or other air pollutants, which would cause injury or harm to health, animals, or vegetation, or other property, or which can cause excessive soiling. Dust, dirt, smoke, or fly-ash shall not be in excess of 0.3 grams per cubic foot of flue gas at stack temperature of five hundred (500) degrees Fahrenheit and not exceed fifty (50) percent excess air.

**d. Glare and Heat**

Any operation or activity producing glare shall be so positioned that direct and indirect illumination from the source of light shall not cause illumination in excess of one-half (1/2) of one (1) foot candle when measured at any property line. Flickering or intense source of light shall be controlled so as to not cause a nuisance across any property lines.

If heat results from any industrial operation or other source, it shall be so insulated as to not raise the temperature at any property line at any time.

**e. Noise**

No activity shall emit noise in excess of the standards specified in the City of Gladwin Code of Ordinances.

f. Vibration

Vibrations from industrial operations or other sources shall be controlled to the extent that they cannot be felt beyond any property line.

g. Radio Transmission

Radio equipment required in industrial or other operation shall be so shielded that its operation will not interfere with radio, television, or other electronic equipment.

h. Storage of Flammable Materials

Any activity involving the use of or storage of flammable or explosive devices or materials shall be protected by adequate fire-fighting and fire suppression equipment and such safety devices as are normally used in 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. The City of Gladwin Fire Department may review the status Flammable Material at any time.

i. Radioactive Materials

No activity shall emit dangerous radioactivity at any point, or unreasonable electrical disturbance adversely affecting the operation at any point of any equipment other than that of the creator of such disturbance.

j. Water Pollution

Pollution of water shall be subject to the requirements and regulations as are established by the Michigan Department of Community Health, the Michigan Department of Natural Resources, the Michigan Department of Environmental Quality, the Gladwin County Health Department, and/or the City of Gladwin.

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No premises in the City of Gladwin, Michigan shall be used or occupied for the purpose of a medical marijuana club, distribution facility or growing facility. Any use, cultivation or distribution of medical marijuana shall be allowed only to the extent such is lawful under State or federal law and in conformity with this Ordinance.

**SECTION 305. NONCONFORMING LOTS, USES OF LAND, STRUCTURES, AND USES OF STRUCTURES OR PREMISES.**

**1. Intent**

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

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

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

A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land shall not be extended or enlarged after passage of this Ordinance by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be prohibited generally in the district involved. To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in a permanent position and fastened in a permanent manner; except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building involved.

## **2. Nonconforming Lots**

In any single-family district, subject to 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 even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district; provided that yard dimensions and other requirements not involving area or width or both, of the lot shall conform to the regulations for the district in which such lot is located. Yard requirement variances may be obtained through approval of the Board of Appeals.

## **3. Nonconforming Uses of Land**

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

- a. No nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance, subject to paragraph 4 below.
- b. No nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance.
- c. If a nonconforming use of land ceases for any reason for a period of more than six (6) months, any subsequent use of such land shall conform to the regulations specified by this Ordinance for this district in which such land is located.

## **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:

- a. No such structure may be enlarged or altered in a way which increases its nonconformity. For example, existing residences on lots of a width less than

required herein may add a rear porch provided that other requirements relative to yard space and land coverage are met.

- b. Should a nonconforming structure be destroyed by any means to an extent of more than fifty percent (50%) of its replacement cost, exclusive of the foundation at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance.
- c. Should a 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.

#### **5. Nonconforming Uses of Structures and Land**

Any lawful nonconforming use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- a. No existing structure having a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
- b. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.
- c. If no structural alterations are made, any nonconforming use of a structure, or structure and land in combination, may be changed to another nonconforming use of the same or more restricted classification provided that the Planning Commission, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Planning Commission may require conditions and safeguards in accord with the purpose and intent of this Ordinance. Where a nonconforming use of a structure, land, or structure and land in combination is hereafter changed to a more conforming use, it shall not thereafter be changed to a less conforming use.
- d. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed.
- e. When a nonconforming use of structure, or structure and premises in combination, is discontinued or ceases to exist for six (6) consecutive months or 18 months during any three (3) year period, the structure, or structure and premises in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located. Structures occupied by seasonal uses (one season out of each year) shall be excepted from this provision.
- f. Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

#### **6. Repairs and Maintenance of Nonconforming Structures**

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

Further, notwithstanding Subsections 4 and 5 of this Article, residential dwellings which are non-conforming due to their location in a non-residential district may be remodeled or rehabilitated for the purpose of maintaining a safe, habitable dwelling place, including additions of dwelling space, provided that the cumulative first floor area of any such additions of dwelling spaces shall not exceed 15% of the first floor of the heated living area of the residential dwelling as of March 22, 2004. Further, accessory buildings for storage space may be allowed, provided that such accessory spaces shall not exceed seven hundred fifty (750) square feet. Any addition or storage space which is proposed to be constructed pursuant to this subsection shall be subject to site plan review by the Planning Commission.

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

#### **7. Change of Tenancy or Ownership**

There may be a change of tenancy, ownership, or management of any existing nonconforming uses of land, structures and premises provided there is no change in the nature or character of such nonconforming uses.

#### **8. Acquisition**

The City Council may acquire, by purchase, condemnation, or otherwise, private property or an interest in private property for the removal of nonconforming uses. The cost and expense, or a portion thereof, of acquiring the private property may be paid from general funds or assessed to a special district in accordance with the applicable statutory provisions relating to the creation and operation of special assessment districts for public improvements in cities. The elimination of the nonconforming uses and structures in a zoning district is declared to be for a public purpose and for a public use. The City Council may institute and prosecute proceedings for condemnation of nonconforming uses and structures under the power of eminent domain in accordance with Act 149 of the Public Acts of 1911, as amended, being Sections 213.21 to 213.41 of the Michigan Compiled Laws or other applicable statute.

### **SECTION 306. ACCESSORY BUILDINGS AND STRUCTURES.**

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

1. Where the accessory building is structurally attached to a main building it shall be subject to, and must conform to, all regulations of this Ordinance applicable to the main building.
2. Accessory buildings and structures shall not be erected in any front yard.
3. An accessory building shall not occupy more than twenty-five (25) percent of a required rear yard.

4. No detached accessory building shall be located closer than ten (10) feet to any main building nor shall any accessory building or structure be located closer than five (5) feet to any side or rear lot line.
5. Height of Accessory Buildings.
  - a. Detached accessory buildings and structures in residential districts.
    - (1) A detached accessory building or structure shall not exceed the height of the principal structure.
    - (2) The vertical exterior surface of a building, not forming part of the roof, shall not exceed a height of ten (10) feet, measured from grade to the top plate of the wall.
6. When an accessory building is located on a corner lot, the lot line of which is substantially a continuation of the front lot line of the lot to its rear, said building shall not project beyond the front yard setback required on the lot to the rear of such corner lot.
7. One accessory building of not more than one hundred fifty (150) square feet in any parcel in the Industrial, Business, or Office District, the accessory use shall be subject to the approval of the Zoning Administrator, subject to guidelines provided by the Planning Commission.
8. Household animal enclosures, dog runs, central air conditioning units, heat pumps, and other mechanical system components that could or are likely to produce noise, odors, and other nuisances, shall not be located adjacent to an adjoining property owner's sleeping area where windows and/or doors on the adjacent property would be exposed to the nuisance.

### **SECTION 307. HOME OCCUPATIONS**

1. No article or service shall be sold or offered for sale on the premises, except as such is produced on the premises by such occupation or those articles incidental to such home occupation.
2. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five (25) percent of the dwelling unit, (not counting areas of unfinished attics, attached garages, breezeways, and enclosed and unenclosed porches) shall be used for purposes of the home occupation. No person living outside the dwelling unit will be employed at the home occupation.
3. There shall be no change in the outside appearance of the structure or premises, or other visible evidence of the conduct of such home occupation, other than in the provision of day care services.
4. The outdoor storage of goods and materials shall be prohibited. No interior display shall be visible from the exterior of a dwelling unit used for purposes of a home occupation.

- 5. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be provided by an off-street area, located other than in a required front yard. No commercially licensed vehicles will be parked at the premises in conjunction with the home occupation for greater than one (1) hour.
  
- 6. Medical Marijuana.
  - K. A medical marijuana home occupation shall also comply with the following conditions:
    - L. No more than twelve (12) plants may be grown by a caregiver or patient as a home occupation.
    - M. No more than a combination of two (2) patients or caregivers, in total, may use the premises as a medical marijuana home occupation.
    - N. No marijuana may be cultivated outdoors and all medical marijuana must be contained in an enclosed, locked facility or accessory building.
    - O. All building, electrical, plumbing, and mechanical codes shall be satisfied where electrical wiring, lighting or watering devices support the growing of medical marijuana.
    - P. Any portion of a building where energy usage and heat exceeds typical residential use and the storage of chemicals such as herbicides, pesticides, and fertilizers shall be subject to inspections and approval of the fire and environmental officials having jurisdiction and shall comply with the relevant regulations.
    - Q. Medical marijuana home occupations shall be allowed only in one (1) family dwellings.

**SECTION 308 . BED AND BREAKFAST OPERATIONS.**

Any dwelling unit used for bed and breakfast operation shall comply with the following requirements:

- 1. Not more than seventy (70%) percent of the total floor area shall be used for bed and breakfast sleeping rooms.
- 2. There shall be no separate cooking facilities provided to the bed and breakfast customers.
- 3. Occupancy by a guest shall be no more than seven (7) consecutive days.
- 4. One (1) additional on-site parking space shall be provided for each guest room, further, said parking shall not be permitted within a required front yard.

**SECTION 309 . ACCESS TO A MAJOR THOROUGHFARE OR COLLECTOR STREET.**

For uses making reference to this Section 311, vehicular access shall be provided only to an existing or planned major thoroughfare, or collector street. Provided, however, that access driveways may be permitted to other than a major thoroughfare, or collector street where such access is provided to a street where the property directly across the street between the driveway and the major thoroughfare, or collector street is zoned for multiple-family use or any nonresidential uses, is developed with permanent uses other than single-family residences or is an area which, in the opinion of the Planning Commission, will be used for other than single-family purposes in the future, or if the Planning Commission finds that there are special circumstances which indicate that there will be a substantial improvement in traffic safety by reducing the number of driveways to a thoroughfare.

**SECTION 310. RESIDENTIAL ENTRANCEWAY.**

In all Residential Districts, so called entranceway structures including but not limited to walls, columns, and gates marking entrances to single-family subdivisions or multiple housing projects may be permitted and may be located in a required yard provided they shall comply to all codes of the Municipality, and shall be approved by the Zoning Administrator and a permit issued.

**SECTION 311. CORNER CLEARANCE.**

Except as may otherwise be provided in the Ordinance, no fence, wall, shrubbery, sign, or other obstruction to vision above a height of three (3) feet from the established street grades shall be permitted within the triangular area formed at the intersection of any street right-of-way lines by a straight line drawn between said right-of-way lines at a distance along each line of twenty-five (25) feet from their point of intersection.

**SECTION 312. SCREENING WALLS.**

1. For the Use Districts and uses listed below, there shall be provided and maintained on those sides abutting or adjacent to an R-1A or R-1B district, an obscuring wall. The height of the wall shall be measured from the surface of the parking area or land on the nonresidential side of the wall:

<u>USE</u>	<u>MINIMUM HEIGHT REQUIREMENTS</u>
a. Off-street Parking Area	4'-6" high wall (see also Section 605)
b. RM (with 17 or more units), C-1, C-2, and R-O Districts	4'-6" high wall
c. MT - Districts	6' high wall
d. Open Storage Areas and Loading and Unloading Zones	4'-6" to 8'-0" high wall or fence (See also Section 607)
e. Trash Receptacles	6'-0" high wall (see also Section 314)
f. Utility Buildings, Stations, and Substations	6'-0" high wall or fence

2. In the case of the variable wall height requirement in (d) above, the extent of obscuring wall shall be determined by the Planning Commission on the basis of land usage, provided further that no wall or fence shall be less than the above required minimum, nor greater than the above required maximum height.
3. Required walls shall be located on the lot line except where underground utilities interfere and except in instances where this Ordinance requires conformance with yard setback lines. Upon review of the site plan, the Planning Commission may approve an alternate location for the wall, or may modify the wall requirement by approving either an earth berm or evergreen screen in its place. The Planning Commission may also waive the wall requirement if in specific cases where cause can be shown that no good purpose would be served by the screening requirement.
4. Required walls shall have no openings for vehicular traffic or other purposes, except as otherwise provided in this Ordinance and except such openings as may be approved by the Planning Commission. All walls herein required shall be constructed of materials approved by the Zoning Administrator to be durable, weather resistant, and easily maintained.
5. The requirement for an obscuring wall between off-street parking areas, outdoor storage areas, and any abutting residential district shall not be required when such areas are located more than two hundred (200) feet distant from abutting residential district(s).

**SECTION 313. FENCES.****1. Scope**

The installation, erection, and/or maintenance of a fence are hereby prohibited except in strict compliance with this Ordinance. A permit to be issued by the Zoning Administrator shall be obtained prior to installation or erection of any fence within the corporate limits of the City of Gladwin. Application shall be made upon a form provided and shall require such information as may be required by the Zoning Administrator. All applications for a fence permit shall be accompanied by a filing fee as may be established by City Council resolution.

**2. Calculation of Fence Height**

The height of the fence shall be computed as the distance from the base of the fence at normal grade to the top of the highest component of the fence.

**3. Design Requirements****a. Residential Fences**

All fences in areas zoned or used for residential purposes shall be of an ornamental type, and shall not be more than six (6) feet in height, above the grade level. Any metal, including chain link or masonry fence further shall not be more than six (6) feet in height above grade level. Such fences shall not extend beyond the front building line of the principal structure, except that decorative fences no higher than 36 inches may be permitted within the front yard.

**b. Business, Office, or Commercial Fences**

All fences in areas zoned or used for business, office, or commercial purposes shall be of an ornamental type, and shall not be more than six (6) feet, in height above grade level.

c. Industrial Fences

All fences in areas zoned or used for industrial purposes shall not be less than six (6) feet in height nor exceed eight (8) feet in height above surrounding grade level.

d. Fences Separating Single or Two-Family Residential Property from Multiple-Family Residential Property

Areas zoned or used for multiple family residential purposes, with five (5) to sixteen (16) total number of units, which abut single or two-family property, shall have erected upon said adjoining property line, a fence or an ornamental type, to be six (6) feet in height above grade level.

4. Material Specifications

Fences shall be constructed of wood, metal or masonry, and other acceptable materials, excluding plastic weave designs. Only new material shall be used, which has been manufactured and/or treated in a manner to prevent rust and corrosion, and/or rot and decay.

a. All fences shall be constructed of a minimum of:

- (1) Two (2) inch iron pipe; or
- (2) Two (2) inch angle iron; or
- (3) Four (4) inch wooden posts; or
- (4) Four (4) inch reinforced concrete posts; or any other member having equal stability. All posts shall be sunk in the soil to a depth of at least three (3) feet.
- (5) Fences which are deemed necessary for noise suppression shall be concrete, decorative concrete blocks, or masonry.

b. No person shall erect or cause to be erected a fence which is:

- (1) Made with or upon which is fixed barbed wire; or
- (2) Has any protective spike, nail, or sharp pointed object; or
- (3) Charged with electric current;

Provided, however, that a fence in an industrial area may be erected with barbed wire on arms or brackets extending inward over such property.

5. Location

a. All fences must be located entirely on the private property of the person constructing the fence, provided that if the adjoining property owner(s) consent in writing to the construction of a fence on this property line, it may be so constructed. Such written consent shall be filed with the application for a permit.

b. No fence shall be erected between the front building line and the front property of the premises.

c. Decorative side facing outward.

6. Maintenance of Nuisance

Fences must be maintained in a neat and safe condition, so as not to endanger life or property. Any fence which, through lack of repair, type of construction or otherwise, endangers life or property is hereby deemed a nuisance. The Zoning Administrator shall notify the owner, agent, or person in control of the property on which such fence is located of the existence of such nuisance and specify the required repairs or modifications to be made to render the fence safe or require that the unsafe fence or any portion thereof to be removed within sixty (60) days.

7. Existing Fences
  - a. Fences presently in existence shall not be enlarged, rebuilt, or reconstructed without first having obtained a permit therefore from the Zoning Administration. Such fences, when repaired or replaced, shall conform to all provisions of this Ordinance.
  - b. Any newly rezoned property shall comply with all fence requirements for the newly zoned district.

#### **SECTION 314. SCREENING OF TRASH STORAGE AREAS.**

1. In all C-1, C-2, and MT Districts, there shall be provided an outdoor trash storage area. Any such area shall be limited to normal refuse which is collected on a regular basis and shall be maintained in a neat, orderly and sanitary condition. The requirement for such a trash storage area may be waived by the Planning Commission upon a finding that it is unnecessary due to the nature of the use, or owing to provisions for indoor trash storage.
2. In no instance shall any such refuse be visible above the required screening.
3. A screen wall of six (6) feet in height in accordance with Section 1220 shall enclose three (3) sides of the storage area. Bollards and/or other protective devices shall be installed at the opening and to the rear of any storage area to prevent damage to the screening walls. The surface under any such storage area shall be constructed of concrete which complies with local building requirements.
4. Any such storage area shall be located in a rear yard and/or be so located and arranged as to minimize its visibility from adjacent streets and uses. The Planning Commission may require an obscuring gate when the visibility of such a storage area, from a public street or adjacent use, is deemed to render an adverse influence. In no instance shall any such area be located in a front yard.
5. All trash storage areas and/or enclosures shall be located a minimum of ten (10) feet from any building or structure, and a minimum of three (3) feet from any property line.

#### **SECTION 315. EXTERIOR LIGHTING.**

1. All outdoor lighting in all use districts other than residential shall be shielded so the surface of the source of the light shall not be visible from all adjacent residential districts, adjacent residences, and public rights-of-way.
2. Illumination guidelines shall be in accordance with the following standards:

a. Street Illumination

<u>STREET HIERARCHY</u>	<u>NONRESIDENTIAL</u>		<u>RESIDENTIAL</u>	
	<u>LUX</u>	<u>FOOT CANDLES</u>	<u>LUX</u>	<u>FOOT CANDLES</u>
"Major"	12	1.2	6	0.6
"Collector"	8	0.8	4	0.4
"Local"	6	0.6	3	0.3

Major. The part of the roadway system that serves as the principal network for through traffic flow. These routes connect areas of principal traffic generation and important rural highways entering the City.

Collector. The distributor and collector roadways serving traffic between major and local roadways. These are roadways used mainly for traffic movements within residential, commercial, and industrial areas.

Local. Roadways used primarily for direct access to residential, commercial, industrial, or other abutting property. They do not include roadways carrying through traffic. Long local roadways will generally be divided into short sections by collector roadway systems.

b. Parking Illumination. The following table describes the required lighting to be used in developed parking area for several levels of activity and as measured in foot candles.

LEVEL OF ACTIVITY	VEHICULAR USE AREA ONLY		GENERAL PARKING AND PEDESTRIAN SAFETY	
	LUX	FOOT CANDLES	LUX	FOOT CANDLES
Low activity	5	0.5	2	0.2
Medium activity	11	1.0	6	0.6
High activity	22	2.0	10	0.9

High activity. Examples include major-league athletic events, major cultural or civic events, regional shopping centers, and fast food facilities.

Medium activity. Examples include community shopping centers, office parks, hospital parking areas, transportation parking (airports, etc.), cultural, civic or recreational events, and residential complex parking.

Low activity. Examples include neighborhood shopping, industrial employee parking, educational facility parking, and church parking.

3. All illumination shall not be of a flashing, moving, or intermittent type other than used in connection with a sign for the conveyance of noncommercial information which requires periodic change, such as time, temperature, or stock average.

4. All illumination shall be constant in intensity and color at all times when in use.

**SECTION 316. NOISE.**

1. No operation or activity exceeding the maximum decibels in excess of the standards as specified in Gladwin City Code of Ordinances.

**SECTION 317. PRIVATE SWIMMING POOLS.**

1. A building permit must be obtained for the alteration, erection, and construction of permanent above or below ground swimming pools, and for portable pools with a diameter exceeding twelve (12) feet, a depth greater than 24 inches or an area exceeding one hundred sixty (160) square feet. Swimming pools as defined in this zoning ordinance are subject to and governed by the Michigan Residential Code. The Zoning Administrator shall review and approve all setbacks as required in 2. below.
2. Rear and side lot line setbacks shall not be less than ten (10) feet between the pool outside wall and the side or rear property line, and not less than ten (10) feet between pool wall and any building on the lot.
3. A private swimming pool shall be located only in the rear yard.

**SECTION 318. VOTING PLACE**

The provisions of this Ordinance shall not be so construed as to interfere with the temporary use of any property as a voting place in connection with a Municipal, State, Federal, or other public election.

**SECTION 319. HEIGHT LIMIT**

The height limitations of this Ordinance shall not apply to farm buildings, chimneys, church spires, flag poles, public monuments or communication antennae for personal use; provided, however, that the Planning Commission may specify a height limit for any such structure when such structure requires authorization as a special use. The Gladwin Airport Height Zoning, including any narrative and map, shall be consulted for height limitations required by its layout.

**SECTION 320. LOT AREA**

Any lot legally existing and of record on the effective date of this Ordinance may be used for any principal use permitted in the district which such lot is located, other than special uses for which special lot area requirements are specified in this Ordinance, whether or not such lot complies with the lot area and width requirements of this Ordinance. Such use may be made provided that all requirements other than lot area and width prescribed in this Ordinance are complied with and provided that not more than one (1) dwelling unit shall occupy any lot except in conformance with the provisions of this Ordinance for required lot area for each dwelling unit. (See also Section 305. Nonconforming Lots.)

**SECTION 321. PORCHES OR DECKS**

**Porches or Decks.** An open, unenclosed porch, deck, covered porch or paved terrace of a height no greater than thirty six (36) inches may project into a front yard for a distance not exceeding ten (10) feet.

### **SECTION 322. PROJECTIONS INTO YARDS**

**Projections into Yards.** Architectural features, not including vertical projections, may extend or project into a required side yard not more than three (3) inches for each one (1) foot of width of such side yard; and may extend or project into a required front yard or rear yard not more than ten (10) feet.

### **SECTION 323. ACCESS THROUGH YARDS**

For the purpose of this Ordinance, access drives may be placed in the required front or side yards so as to provide access to rear yards or accessory or attached structures. These drives shall not be considered as structural violations in front and side yards. However, in single family residential districts access drives shall be limited to one (1) curb cut and may occupy no more than thirty percent (30%) of the front yard, unless otherwise approved by Planning Commission. Further, any walk, terrace or other pavement integral to an access drive, and not in excess of nine (9) inches above the grade upon which placed, shall for the purpose of this Ordinance not be considered to be a structure.

### **SECTION 324. CANOPIES AND AWNING**

Canopies and awnings offering partial protection from the weather, but not fully enclosed, and which extend into a public right-of-way or required yard, may be considered for approval subject to the following conditions:

1. Canopies and awnings extending into a public right-of-way are subject to the following requirements:
  - a. Such approval shall only be granted by the Zoning Administrator.
  - b. Any such structure shall not extend closer than twenty-four (24) inches to any vehicular parking space or moving vehicle lane.
  - c. Any such structure shall not conflict with necessary sight distances for proper vehicular and pedestrian movements.
  - d. Any such structure shall not conflict with any existing or proposed: landscape features, traffic control device, adjacent properties and signs and pedestrian movements.
  - e. The height, location, materials, construction and signage involved in any such structure shall specifically be subject to review and approval by the City Council, further, any such structure shall provide no less than seven feet six inches (7'-6") of clearance between the sidewalk and the structures.
  - f. The structure shall be maintained in such a manner as to continue its original appearance and provide proper safety to the persons and property it may affect.

- 2. Canopies and awnings extending into a required yard are subject to the following requirements:
  - a. Such approval shall only be granted by the Zoning Administrator.
  - b. Any such structure shall not extend closer than the height of the structure to any property line adjacent to a residential district.
  - c. Any such structure shall not conflict with necessary sight distances for proper vehicular and pedestrian movements.
  - d. Any such structure shall not conflict with any existing or potential development on adjacent property.
  - e. The height, location, materials, construction and signage involved in any such structure shall specifically be subject to review and approval.
  - f. The structure shall be maintained in such a manner as to continue its original appearance and provide proper safety to the persons and property it may affect.

**SECTION 325. DECKS IN REAR YARDS**

A deck or porch associated with a residential structure in the rear yard shall maintain a distance of at least fifteen (15) feet from the rear lot line and shall not occupy any side yard subject to the following restrictions:

- a. The portion of a deck which occupies the required rear yard shall not be above the elevation of the first floor of the residence;
- b. No more than fifty percent (50%) of any deck shall be covered with structures such as a gazebo or a screened porch and such structures shall not be habitable; provided, that the portion of a deck which occupies the required rear yard shall not contain any such covered structures.
- c. The portion of a deck which occupies the required rear yard shall not be converted into any enclosed habitable space.
- d. A deck shall be subject to lot coverage limitations.



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**ZONING ORDINANCE**

**ARTICLE FOUR**

**ZONING DISTRICTS AND LAYOUT**

**ARTICLE IV**

**ZONING DISTRICTS AND LAYOUT**

**SECTION 401: DISTRICTS ESTABLISHED**

For the purposes of this Ordinance, the City of Gladwin is hereby divided into the following eight Zoning Districts:

R-1A	One-Family Residential District (larger lots)
R-1B	One-Family Residential District (smaller lots)
RO	Residential Office District
R-M	Multiple Family Residential District
C-1	Central Business District
C-2	Service Commercial District
MT	Manufacturing Technology District

**SECTION 402: DISTRICT BOUNDARIES**

The boundaries of these districts are hereby established as shown on the Zoning Districts Map, City of Gladwin Zoning Ordinance, which accompanies this Zoning Ordinance, and which map with all notations, references and other information shown thereon shall be as much a part of this Zoning Ordinance as fully described herein.

**SECTION 403: DISTRICT BOUNDARIES REQUIRING INTERPRETATION**

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

1. Boundaries indicated as approximately following the centerlines of streets, highways or alleys, shall be construed to follow such centerlines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following corporate limits shall be construed as following such corporate limits.
4. Boundaries indicated as following railroad lines or other transportation centerlines shall be construed to be midway between any tracks or corridor.
5. Boundaries indicated as following shorelines on lakes or rivers shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the centerline of streams, rivers, canals or other bodies of water shall be construed to follow such centerlines.
6. Boundaries indicated as parallel to or extensions of features indicated in Subsections 1 through 5 - 5 above shall be determined by the scale of the official Zoning Map.

7. Where physical or natural features existing on the ground are at variance with those shown on the official Zoning Map, or in other circumstances not covered by Subsections 1-6 above, the Zoning Board of Appeals shall interpret the district boundaries.
8. Insofar as some or all of the various districts may be indicated in the Zoning Map by patterns which, for the sake of map clarity, do not cover public rights-of-way it is intended that such district boundaries do extend to the center of any public right-of-way.

**SECTION 404: ZONING OF VACATED AREAS**

Whenever any street, alley or other public way, within the City of Gladwin shall be vacated, such street, alley or other public way or portion thereof, shall automatically be classified in the same zoning district as the property to which it attaches with the centerline of such public way the split for a change in zoning on the two sides.

**SECTION 405: ZONING OF ANNEXED AREAS**

Wherever any area is annexed to the City of Gladwin it shall be automatically zoned R-1A until the Planning Commission may officially change it, except if adjacent property is in a Commercial or Manufacturing Technology Zoning District, in which case such zoning may apply if approved by the City Planning Commission.

**SECTION 406: ZONING MAPS**

Zoning Districts are based on three maps required by the Michigan Zoning Enabling Act 110 of 2006, as amended and the Michigan Planning Enabling Act 33 of 2008, as may be amended and the Future Land Use Map and Zoning Plan Map attached as an appendix of this document. Those two maps are the result of and also part of the two separate documents. The maps are:

**Future Land Use Plan Map.** This map portrays the official Master Plan for the City of Gladwin. It shows intended future land uses anticipated in the city about twenty years in the future. It is not technically part of the Zoning Ordinance but it sets the basis for all zoning.

**Zoning Plan Map.** This map shows what Zoning Districts are required to support the land uses of the Master Land Use Plan Map. These include permitted uses, special land uses, planned unit developments and other zoning mechanisms. It does not show existing zoning but rather the long-range zoning required to meet the Master Plan objectives. The City of Gladwin includes the Zoning Plan Map as an Appendix in both the Master Plan and the Zoning Ordinance. The Zoning Plan shows (1) the purposes and main uses allowed in each district, (2) the recommended standards for the regulations concerning height, bulk, setbacks, yards, lot size, related features and (3) the relationships of associated categories of future land uses on the map.

**Zoning District Map.** This is the classic map for Zoning Ordinances. It shows the existing zoning districts on a single map as of the time of adoption and as amended to the current date. It portrays the zoning district as they exist at this time with a possible short-term projection. It also shows the dimensional requirements on an adjacent page. All three of the maps should be consistent with the Master Plan, required zoning for realizing the Master Plan and the existing zoning.

**SECTION 407: SPECIFIC ZONING REGULATIONS**

The following tables are the two pages for each zoning district. On the first page are the Permitted Land uses and Special Land Uses allowed in each district. The second page contains the Dimensional Requirements for those land uses and also contains foot notes to further describe set back restrictions/allowances.

# REGULATIONS FOR R-1A ONE-FAMILY RESIDENTIAL ZONING DISTRICT CITY OF GLADWIN ZONING ORDINANCE

## Section 408: R-1A ONE-FAMILY RESIDENTIAL ZONING DISTRICT

### District Uses and Conditions

**INTENT:** The intent of R-1A One-Family Residential Zoning Districts is to provide the principal land use for one-family dwellings. The R-1A district promotes this purpose with these intentions: (1) encourage construction of, and continued use of land for one-family dwellings; (2) prohibit business, commercials, or manufacturing technology and other uses interfering with development of such residential districts; (3) encourage removal of existing, legal, non-conforming uses from the R-1A zoning district; (4) maintain typical residential levels of traffic; and (5) discourage uses whose character and size would create substantially increase public improvements and/or services beyond residential demand.

PRINCIPAL LAND USES BY RIGHT	SPECIAL LAND USES REQUIRING PERMIT	OTHER REQUIRED CONDITIONS
<ol style="list-style-type: none"> <li>1. One-family detached dwellings.</li> <li>2. Publicly owned and operated parks, parkways &amp; recreational facilities.</li> <li>3. Public, parochial &amp; private schools offering general education.</li> <li>4. Accessory building &amp; uses, customarily incident as to any of the above permitted uses.</li> <li>5. Home occupations when harmonious with the area's overall residential character and meeting the standard as outlined in Section 307.</li> </ol>	<p>The following uses are permitted only with a Permit as required by Articles VII and VIII meeting specific additional requirements identified in Section 803:</p> <ol style="list-style-type: none"> <li>1. Agricultural uses.</li> <li>2. Churches &amp; other religious facilities subject to court determination including other non-religious public assembly facilities.</li> <li>3. Public utility buildings without outdoor storage.</li> <li>4. Two-family dwellings.</li> <li>5. Municipal uses such as water treatment plants, reservoirs, sewage treatment plants, &amp; water pumping stations without outside storage.</li> <li>6. Hospital, medical centers, nursing homes, assisted living &amp; similar uses.</li> <li>7. Accessory buildings and uses customarily incidental to the above uses.</li> <li>8. Bed &amp; breakfast operations in accordance with Section 308.</li> </ol>	<p>These conditions apply to only applicable principal uses by right:</p> <ol style="list-style-type: none"> <li>1. For all residential uses allowed in residential districts, the setbacks required shall be the same as the most restrictive district for which the use is a permitted use by right.</li> <li>2. Other required conditions as required in Article III General Provisions.</li> </ol>

**Section 408 (continued): R-1A ONE-FAMILY RESIDENTIAL ZONING DISTRICT**

**Dimensional Requirements**

Zoning District	Minimum Size Per Each Lot		Minimum Yard Setbacks from Lot or ROW lines			Maximum Building Height		Maximum Lot Coverage	Minimum Gross Floor Area	Minimum Bldg Width
	Area	Width	Front	Each Side	Rear	Stories	Feet	Percent		
<b>R-1A One-Family Residential Zoning District</b>	12,000 Sq. ft. (Twelve Thousand) Square Feet	100' (One Hundred) Lineal feet	35' (Thirty Five) Lineal Feet  (b,n)	20' (Twenty) Lineal Feet each  (b,c)	30' (Thirty) Lineal Feet  (b)	2.5 (Two & One-half) Stories	35' (Thirty Five) Feet	25% (Twenty-five) Percent	1,200 Sq. ft. (One thousand Two hundred) Square feet	24' (Twenty-four) Lineal feet

**Footnotes::**

- ( b ) For all uses permitted other than single-family residential, the setback shall equal the height of the main building or the above schedule, whichever is greater.
- ( c ) In the case of a rear yard abutting a side yard, the side yard abutting a street shall not be less than the minimum front yard for the district in which it is located.
- ( n ) In residential areas with streets platted greater than sixty-six (66) feet, the front yard set back shall be a minimum of fifteen (15) feet.

**Open Space Preservation Agreements do not apply to R-1A because of Section 506 of MI PA 110 or 2006.**

**REGULATIONS FOR R-1B ONE-FAMILY RESIDENTIAL ZONING DISTRICTS  
CITY OF GLADWIN ZONING ORDINANCE**

**Section 409: R-1B ONE-FAMILY RESIDENTIAL ZONING DISTRICT**

**District Uses and Conditions**

**INTENT:** The intent of R-1B One-Family Residential Zoning Districts is to provide the principal land use for one-family dwellings. The R-1B district promotes this purpose with these intentions: (1) encourage construction of, and continued use of land for one-family dwellings; (2) prohibit business, commercials, or manufacturing technology and other use interfering with development of such residential districts; (3) encourage removal of existing, legal, non-conforming uses from the R-1B zoning district; (4) maintain typical residential levels of traffic; and (5) discourage uses whose character and size would create substantially increased public improvements and/or services beyond residential demand.

<b>PRINCIPAL LAND USES BY RIGHT</b>	<b>SPECIAL LAND USES REQUIRING PERMIT</b>	<b>OTHER REQUIRED CONDITIONS</b>
<ol style="list-style-type: none"> <li>1. One-family detached dwellings.</li> <li>2. Publicly owned and operated parks, parkways &amp; recreational facilities.</li> <li>3. Public, parochial &amp; private schools offering general education.</li> <li>4. Home occupations when harmonious with the area's overall residential character and meets the standards of Section 307.</li> <li>5. Accessory buildings &amp; uses, customarily incidental to any of the above permitted uses.</li> </ol>	<p>The following uses are permitted only with a Permit as required by Article VII and meeting specific additional requirements identified in Section 803:</p> <ol style="list-style-type: none"> <li>1. Agricultural uses</li> <li>2. Religious buildings &amp; other public assembly facilities.</li> <li>3. Public utility buildings without outdoor storage.</li> <li>4. Day care centers including adult &amp; child day care under state requirements.</li> <li>5. Homes for the aged, congregate care facilities, or Adult Foster Care Facilities for more than six (6) adults.</li> <li>6. Two-family dwellings</li> <li>7. Municipal uses such as water treatment plants, reservoirs, sewage treatment plants, &amp; water pumping stations without outside storage.</li> <li>8. Bed &amp; breakfast operations in accordance with Section 308.</li> </ol> <p align="center">1006      Accessory buildings and uses customarily incidental to above uses.</p>	<p>These conditions apply to only applicable principal uses by right:</p> <ol style="list-style-type: none"> <li>1. For all residential uses allowed in residential districts, the setbacks required shall be the same as the most restrictive district for which the use is a permitted use by right.</li> <li>2. Other required conditions as required in Article III General Provisions.</li> </ol>

**REGULATIONS FOR R-1B ONE-FAMILY RESIDENTIAL ZONING DISTRICTS  
CITY OF GLADWIN ZONING ORDINANCE**

**Section 409 (continued): R-1B ONE-FAMILY RESIDENTIAL ZONING DISTRICT**

**Dimensional Requirements**

Zoning District	Minimum Size Per Each Lot		Minimum Yard Setbacks from Lot or ROW lines			Maximum Building Height		Maximum Lot Coverage	Minimum Gross Floor Area	Minimum Bldg Width
	Area	Width	Front	Each Side	Rear	Stories	Feet	Percent		
<b>R-1B One-Family Residential Zoning District</b>	7,500 Sq. ft. (Seven Thousand Five Hundred) Square Feet	75' (Seventy Five) Lineal feet	25' (Twenty-Five) Lineal Feet  (b,n,f)	10' (Ten) Lineal Feet each  (b,f)	30' (Thirty) Lineal Feet  (b)	2.5 (Two & One-half) Stories	35' (Thirty Five) Feet	25% (Twenty-five) Percent	864 Sq. ft. (Eight hundred sixty four) Square feet	24' (Twenty-four) Lineal feet

**Footnotes::**

- ( b ) For all uses permitted other than single-family residential, the setback shall equal the height of the main building or the above schedule, whichever is greater.
- ( n ) In residential areas with streets platted greater than sixty-six (66) feet, the front yard set back shall be a minimum of fifteen (15) feet.
- ( f ) The side street setbacks on a corner lot may be ten (10) feet.

**REGULATIONS FOR RESIDENTIAL OFFICE ZONING DISTRICT  
CITY OF GLADWIN ZONING ORDINANCE**

**Section 410: R-O RESIDENTIAL/OFFICE ZONING DISTRICT PERMITTED LAND USES**

The R-O, Residential/Office District is designed to accommodate two-family residential & office buildings & related activities and allow transition of uses in existing housing areas by permitting new construction or conversion to office or limited retail when the proposed uses meet specific special land use requirements. Areas of existing single family residences may be appropriate rezoning for R-O if they have sufficient room for parking and conversion to two-family dwellings.

<b>PRINCIPAL LAND USES BY RIGHT</b>	<b>SPECIAL LAND USES REQUIRING PERMIT</b>	<b>OTHER REQUIRED CONDITIONS</b>
<ol style="list-style-type: none"> <li>1. All uses in the One-Family Residential Districts (R-1A AND R-1B) permitted and as regulated. One-family dwelling shall meet all of the dimensional requirements for the R-1B District.</li> <li>2. Two-Family Residential dwellings.</li> <li>3. Home occupations when harmonious with the area's overall residential character and meets the standards of Section 307.</li> <li>4. Accessory building &amp; uses, customarily incidental to any of the above permitted uses.</li> <li>5. Parking lots or parking areas meeting the requirements for parking in Article 6.</li> <li>6. Bed and breakfast operations in accordance with Section 308.</li> </ol>	<p>The following uses are permitted only with a Permit as required by Articles VII and meeting specific additional requirements identified in Article VIII:</p> <ol style="list-style-type: none"> <li>1. Office business for executive, administrative, or professional services including, but not limited to offices of a lawyer, accountant, insurance/real estate agent, architect, engineer &amp; similar uses.</li> <li>2. Small clinics, except veterinary clinics with outdoor runs.</li> <li>3. Medical, dental &amp; optical laboratories providing testing services or providing such devices as artificial limbs, teeth, eyeglasses, etc.</li> <li>4. Religious and other similar assembly buildings.</li> <li>5. Public utility buildings without outdoor storage yards.</li> <li>6. Municipal uses such as water treatment plants, reservoirs, sewage treatment plants, &amp; water storage facilities without outside storage.</li> <li>7. Accessory buildings and uses customarily incidental to the above uses.</li> </ol>	<p>These conditions apply to only applicable principal uses by right:</p> <ol style="list-style-type: none"> <li>1. For all residential uses allowed in residential districts, the setbacks required shall be the same as the most restrictive district for which the use is a permitted use by right.</li> <li>2. Other required conditions as required in Article III General Provisions.</li> </ol>

**REGULATIONS FOR RESIDENTIAL OFFICE ZONING DISTRICT  
CITY OF GLADWIN ZONING ORDINANCE**

**Section 410 (continued): R-O RESIDENTIAL/OFFICE ZONING DISTRICT**

**Dimensional Requirements**

Zoning District	Minimum Size Per Each Lot		Minimum Yard Setbacks From Lot or ROW lines			Maximum Building Height		Maximum Lot Coverage	Minimum Gross Floor Area	Minimum Bldg Width	Maximum Density of Dwelling Units
	Area	Width	Front	Each Side	Rear	Stories	Feet	Percent			Percent
<b>R-O Residential/Office Zoning District</b>	7,500 sq. ft.  (Seven thousand five hundred) Square feet	75'  (Seventy-five) lineal feet	25'  (Twenty five) lineal feet  (b, n)	10'  (Ten) lineal feet each  (b, f)	30'  (Thirty) lineal feet  (b)	2.5  (Two & one-half) stories	35'  (Thirty five) feet	25%  (Twenty five) percent	864 Sq. ft.  (Eight hundred sixty four) square feet	24'  (Twenty four) lineal feet	Applies only to multi-family projects

**Footnotes::**

- ( b ) For all uses permitted other than single-family residential, the setback shall equal the height of the main building or the above schedule, whichever is greater.
- ( n ) In residential areas with streets platted greater than sixty-six (66) feet, the front yard set back shall be a minimum of fifteen (15) feet.
- ( f ) Side street setbacks on a corner lot may be ten (10) feet.

**REGULATIONS FOR R-M, MULTI-FAMILY ZONING DISTRICT  
CITY OF GLADWIN ZONING ORDINANCE**

**Section 411: R-M MULTI-FAMILY RESIDENTIAL ZONING DISTRICT**

**Permitted Land Uses**

**INTENT:** The R-M, Multiple-Family Residential Districts is designed to accommodate multiple-family residential buildings and related uses, which will generally serve as transition land use between non-residential districts and lower density one- and two- family residential districts and along major roads. It is also intended to serve the limited need for apartment units in an otherwise medium density, one family units, including senior citizen and elderly residential units.

<b>PRINCIPAL LAND USES BY RIGHT</b>	<b>SPECIAL LAND USES REQUIRING PERMIT</b>	<b>OTHER REQUIRED CONDITIONS</b>
<ol style="list-style-type: none"> <li>1. One- and two-family dwelling units.</li> <li>2. Multiple Family Dwelling Units</li> <li>3. Boarding Houses and Tourist Homes.</li> <li>4. Bed and Breakfast operations in accordance with Section 308.</li> <li>5. Manufactured Housing Developments complying with applicable requirements of the Michigan Mobile Home Commission Public Act 96 of 1978, as amended, MCL 125.2301; MSA 19.8555 (10), as amended, and the rules of the Mobile Home Commission set forth and provided there-under and as amended.</li> <li>6. Accessory buildings and uses customarily incidental to any of the above permitted uses.</li> </ol>	<p>The following uses are permitted only with a Permit as required by Articles VII and VIII meeting specific additional requirements identified in Section 803:</p> <ol style="list-style-type: none"> <li>1. All Special Land Uses permitted in Residential Districts, Sections 408 and 409.</li> <li>2. Hospital and medical centers.</li> <li>3. Convalescent, Nursing &amp; Assisted Living Housing.</li> <li>4. Churches, other religious and public assembly buildings such as theaters, concert halls, halls and similar buildings.</li> <li>5. Public utility buildings without outdoor storage.</li> <li>6. Municipal uses such as water treatment plants, reservoirs, sewage treatment plants, &amp; water pumping stations without outside storage.</li> <li>7. Accessory buildings and uses customarily incidental to the above uses.</li> </ol>	<p>These conditions apply to only applicable principal uses by right:</p> <ol style="list-style-type: none"> <li>1. For all residential uses allowed in residential districts, the setbacks required shall be the same as the most restrictive district for which the use is a permitted use by right.</li> <li>2. On sites four (4) acres or larger in size, the open land area shall include a landscaped greenbelt of no less than ten (10) feet in width and is located and continually maintained along any property line adjoining residential district or fronting on a public road right-of-way.</li> <li>3. Other required conditions as required in Article III General Provisions.</li> </ol>

**REGULATIONS FOR R-M, MULTI-FAMILY ZONING DISTRICT  
CITY OF GLADWIN ZONING ORDINANCE**

**Section 411 (continued): R-M MULTI-FAMILY RESIDENTIAL ZONING DISTRICT**

**Dimensional Requirements**

**SCOPE:** No building shall be erected, nor shall an existing building be altered, enlarged or rebuilt, nor shall any required open spaces surrounding the building be encroached upon or reduced in any manner, except in conformity with the regulations hereby established for the district in which the building is located. No portion of a lot used in complying with the provisions of this ordinance for yards, courts, lot area occupancy, in connection with an existing or projected building or structure, shall again be used to qualify or justify any other building or structure existing or intended to exist at the same time.

Zoning District	Minimum Size Per Each Lot		Minimum Yard Setbacks from Lot or ROW lines			Maximum Building Height		Maximum Lot Coverage	Minimum Gross Floor Area	Minimum Bldg Width
	Area	Width	Front	Each Side	Rear	Stories	Feet	Percent	Square Feet	
<b>R-M Multi-Family Residential Zoning District</b>	20,000 Sq. ft. (Twenty Thousand) Square Feet  3,000 (Three thousand) per unit	200'  (Two Hundred) Lineal feet	50'  (Fifty) Lineal Feet  (e)	30'  (Thirty) Lineal Feet each  (e, j, c)	30'  (Thirty) Lineal Feet  (c, e)	6  (Six) Stories	70'  (Seventy) Feet	25%  (Twenty-five) Percent	350 – Efficiency 550 – 1 Br. 750 – 2 Br. 950 – 3 Br. 350 - Elderly	Not specified.

**Footnotes::**

- ( c ) In the case of a rear yard abutting a side yard, the side yard abutting a street shall not be less than the minimum front yard required of the district in which it is located.
- ( e ) In an R-M, Multiple-Family Zoning District, the minimum distance between any two (2) buildings shall in no instance be less than thirty (30) feet. Parking may be permitted within a required side or rear yard, but shall not cover more than thirty (30) percent of the area of any required yard.
- ( j ) Off-street parking shall be permitted in a side yard setback.

**Section 412: MHD MANUFACTURED HOUSING DEVELOPMENT ZONING DISTRICT**

**Permitted Land Uses**

**INTENT:** The MHD zoning district is designed to have mobile homes and/or manufactured homes located as a planned development on a single parcel of land complying with the Michigan Mobile Home Commission requirements that generally supersede Gladwin Site Plan Review. The project includes a project off/community center building, a maintenance building to service the area. The project may also include a neighborhood park. Because of State of Michigan project design, the City of Gladwin is limited principally to the setbacks and some border landscaping. Because of winter snow, the City shall include garages in the project

PRINCIPAL LAND USES BY RIGHT	SPECIAL LAND USES REQUIRING PERMIT	OTHER REQUIRED CONDITIONS
<ol style="list-style-type: none"> <li>1. Manufactured Housing Developments complying with applicable requirements of the Michigan Mobile Home Commission Act PS 96 of 1978, MCL 125,2301; MSA 19.555 (10), as amended, and the rules of Mobile Home Commission set forth and provided hereunder, as amended.</li> <li>2. Multiple family dwelling projects consistent with Section 41, Multiple Family Dwellings.</li> <li>3. Accessory structures, buildings and uses customarily incidental to any of the above primary land uses.</li> </ol>	<p>The following uses are permitted only with a Special Land Use Permit as required by Article VII and meeting specific additional requirements provided in Section 803.</p> <ol style="list-style-type: none"> <li>1. All Special Land Uses permitted and regulated in Article IV, Section 411 Multi-Family Residential Zoning District except for #5, Public Utility Buildings and #6, Municipal Uses.</li> </ol>	<ol style="list-style-type: none"> <li>1. Parcels of five (5) acres or larger and therefore all sites in this district shall have a landscaped green belt of no less than ten (10) feet in width located at the property line on the perimeter of the site and any adjoining property line or zoning district or fronting on a public right-of-way. This shall not affect the requirements of landscaping for any setbacks.</li> <li>2. Other required conditions as defined in Article III (3) General Provisions.</li> </ol>

**REGULATIONS FOR C-1, CENTRAL BUSINESS ZONING DISTRICT  
CITY OF GLADWIN ZONING ORDINANCE**

**Section 413: C-1 CENTRAL BUSINESS DISTRICT ZONING DISTRICT**

**Permitted Land Uses**

**INTENT:** The C-1, Central Business District is designed to meet the needs of the local and regional consumer population. It is generally characterized by an integrated cluster of establishments serviced by common parking areas, and generating large volumes of pedestrian traffic and ancillary vehicular trips.

<b>PRINCIPAL LAND USES BY RIGHT</b>	<b>SPECIAL LAND USES REQUIRING PERMIT</b>	<b>OTHER REQUIRED CONDITIONS</b>
<ol style="list-style-type: none"> <li>1. Office business related to executive, administrative, professional or other occupations including, but not limited to, law, accounting, insurance, real estate, architecture, engineering, physicians, and similar occupations.</li> <li>2. Health care clinics, except no veterinary clinics with any outdoor or unenclosed facilities.</li> <li>3. Medical, dental &amp; optical laboratories providing testing services for medical or dental devices such as artificial limbs, teeth, eye glasses and similar uses.</li> <li>4. Banks, credit unions, savings &amp; loans, financial advisers and similar uses.</li> <li>5. Business services such as computer operations, photocopying, faxes, printing, office supplies, and similar establishments.</li> <li>6. Bed and Breakfast operations in accordance with Section 308.</li> <li>7. Any retail business whose principal activity is the sale of merchandise in an enclosed building such as, but not limited to, groceries, meats, dairy products, baked goods, other foods, drugs, dry goods, clothing, notions and/or hardware.</li> <li>8. Personal service establishments which perform on-premise services such as, but not limited to, repair shops for appliances, tailors, beauty/barber shops, photographic studios, self-service laundry and dry cleaners. Central dry cleaning plant serving multiple outlets shall be prohibited.</li> <li>9. Sit down or carry-out restaurants without drive-thru's.</li> <li>10. Post office &amp; governmental agencies without repair, garage, or outdoor storage.</li> <li>11. Health &amp; athletic clubs &amp; rehabilitation sites.</li> <li>12. Department or variety stores.</li> <li>13. Accessories incidental to the above uses.</li> <li>14. Hotel located on an established front line on Cedar Street and having fifty (50) percent of ground floor facing Cedar St. being a permitted use by right.</li> <li>15. A service establishment that requires retail adjunct such as decorator, painter &amp; repair shop.</li> <li>16. Dwelling units located on any second floor or higher &amp; meeting all building requirements and units on the first floor not exceeding 25% of first floor land area in that side of the block and meets all Special Land Use requirements in Article VIII.</li> <li>17. Daycare centers including adult and child care.</li> </ol>	<p>The following uses are permitted only with a Permit as required by Article VII and meeting the specific additional requirements identified in Article VIII:</p> <ol style="list-style-type: none"> <li>1. Hospital and medical centers.</li> <li>2. Theaters, assembly halls, concert halls, private clubs, fraternal organizations, lodge halls, churches and similar places of assembly when conducted completely within enclosed buildings.</li> <li>3. Mixed-Use Planned Unit Developments including residential and commercial uses.</li> </ol>	<ol style="list-style-type: none"> <li>1. Outdoor storage of commodities or products shall be expressly prohibited.</li> <li>2. Other required conditions as defined in Article III, General Provisions.</li> </ol>

**REGULATIONS FOR C-1, CENTRAL BUSINESS ZONING DISTRICT  
CITY OF GLADWIN ZONING ORDINANCE**

**Section 413 (continued): C-1 CENTRAL BUSINESS DISTRICT ZONING DISTRICT**

**Dimensional Requirements**

Zoning District	Minimum Size Per Each Lot		Minimum Yard Setbacks From Lot or ROW lines			Maximum Building Height		Maximum Lot Coverage	Minimum Gross Floor Area	Minimum Bldg Width	Maximum Density of Dwelling Units
	Area	Width	Front	Each Side	Rear	Stories	Feet	Percent			Percent
<b>C-1 Central Business Zoning District</b>	Not Required	Not Required	Not Req'd	Not Req'd (g,h,j)	Not Req'd (h)	3  (Three) stories	40'  (Forty) feet	Not Required  (f)	Not Required	Not Required	Not Required

**Footnotes:**

- ( f ) Off-street parking shall be permitted to occupy a portion of the required front yard in the C-1, C-2 and MT districts provided there shall be a minimum unobstructed and landscaped setback of ten (10) feet between the nearest point of off-street parking, exclusive of access driveways, and the nearest right-of-way line on the major thoroughfare plan.
- ( g ) No side yards are required along interior lot lines of the C-1 District, except as otherwise specified in the Building Code, provided walls of structures facing such interior lot lines containing windows, or other openings shall have side yards of not less than ten (10) feet provided.
- ( h ) Loading space shall be provided in the rear yard in the ratio of at least ten (10) square feet per front foot of the building and shall be computed separately from the off-street parking requirements. Where an alley exists at the rear of buildings, the rear building setback and loading requirements may be computed from the center of said alley.
- ( j ) Off-street parking shall be permitted in a side yard setback.

**REGULATIONS FOR C-2, SERVICE COMMERCIAL ZONING DISTRICT  
CITY OF GLADWIN ZONING ORDINANCE**

**Section 414: C-2 SERVICE COMMERCIAL ZONING DISTRICT**

**Permitted Land Uses**

**INTENT:** The C-2, Service Commercial District is designed to provide sites for diversified businesses incompatible with pedestrian movement in the Central Business District and which are oriented to serving needs of “passer-by” traffic and locations for planned shopping centers. It is also intended for highway-oriented uses. Many permitted uses also generate greater volumes of traffic and activities which must be specifically considered to minimize adverse effects on adjacent properties.

<b>PRINCIPAL LAND USES BY RIGHT</b>	<b>SPECIAL LAND USES REQUIRING PERMIT</b>	<b>OTHER REQUIRED CONDITIONS</b>
<ol style="list-style-type: none"> <li>1. All uses in the C-1 Central Business District, as permitted and regulated in Section 412.</li> <li>2. Private clubs, fraternal organizations &amp; lodge halls.</li> <li>3. Motels with 250 sq. ft. per unit for long-term residency of 30 days or less, and no conflict with adjacent uses or adverse impact on traffic flow.</li> <li>4. Bowling alley, billiard hall, indoor archery range, arcades, indoor skating rink, or similar indoor recreation when buildings are at least 100' from any Residential Zoning District.</li> <li>5. Plant sales and other open air businesses.</li> <li>6. Automotive service facilities meeting requirements specified in Article III, General Provisions.</li> <li>7. Vehicle dealers with outdoor sales space and repair facilities for sale of new or used autos, trucks, house trailers, recreational vehicles, rental trucks trailers &amp; autos.</li> <li>8. General &amp; specialty discount retail stores..</li> <li>9. Accessory structures and uses customarily incident to the uses permitted by right.</li> <li>10. Neighborhood centers such as convenience stores, pharmacies and other neighborhood-oriented stores.</li> <li>11. Dwelling units located on any second floor or higher or on the first floor but not to exceed 25% of the floor area on that side of the block &amp; meets all requirements of Article VII.</li> </ol>	<p>The following uses are permitted only with a Permit as required by Article VII and meeting the specific additional requirements identified in Article VIII:</p> <ol style="list-style-type: none"> <li>1. Gasoline, diesel or other fuel service stations without repair services, selling minor accessories, and having a fast food restaurant &amp; convenience store operation.</li> <li>2. Drive through, drive up store or a drive in restaurant.</li> <li>3. Veterinary hospitals and clinic having boarding facilities when not abutting residential districts.</li> <li>4. Recycling operations.</li> </ol>	<ol style="list-style-type: none"> <li>1. Outdoor storage of commodities or products shall be expressly prohibited.</li> <li>2. Other required conditions as defined in Article III, General Provisions.</li> </ol>

**REGULATIONS FOR C-2, SERVICE COMMERCIAL ZONING DISTRICT  
CITY OF GLADWIN ZONING ORDINANCE**

**Section 414 (continued): C-2 CENTRAL BUSINESS DISTRICT ZONING DISTRICT**

**Dimensional Requirements**

Zoning District	Minimum Size Per Each Lot		Minimum Yard Setbacks From Lot or ROW lines			Maximum Building Height		Maximum Lot Coverage	Minimum Gross Floor Area	Minimum Bldg Width	Maximum Density of Dwelling Units
	Area	Width	Front	Each Side	Rear	Stories	Feet	Percent			Percent
<b>C-2 Service Commercial Zoning District</b>	Not Required	Not Required	25' (Twenty five) feet  (f)	25' (Twenty five) feet  (b,h,j,m)	25' (Twenty five) feet  (b, h, i)	3  (Three) stories	60'  (Sixty) feet	Not Required	Not Required	Not Required	Not Required

**Footnotes:**

- ( b ) For other than permitted on-family residential uses, the setback shall equal the height of the main building or the setback required in this Section, whichever is greater.
- ( f ) Off-street parking shall be permitted to occupy a portion of the required front yard in the C-1, C-2 and MT districts provided there shall be a minimum unobstructed and landscaped setback of ten (10) feet between the nearest point of off-street parking, exclusive of access driveways, and the nearest right-of-way line on the major thoroughfare plan.
- ( h ) Loading space shall be provided in the rear yard in the ratio of at least ten (10) square feet per front foot of the building and shall be computed separately from the off-street parking requirements. Where an alley exists at the rear of buildings, the rear building setback and loading requirements may be computed from the center of said alley.
- ( i ) On a lot of three (3) acres or more in area, side and rear yard setbacks shall be sixty (60) feet or more in depth when abutting a residential district.
- ( j ) Off-street parking shall be permitted in a side yard setback.
- ( m ) In C-2 Districts, as part of an overall plan, the Planning Commission may approve the need for side yards between buildings subject to the overall plan.  
The Planning Commission may approve side yards which are less than the minimum in C-2 Districts if subject to an overall site plan and further:
  - (i) The fronts of buildings are generally along the same vertical plane, and
  - (ii) Adequate provision is made within the site plan for utilities, drainage, and emergency services and
  - (iii) The applicant provides written assurances regarding parking and future adherence to the overall site plan as are reasonably required by the Planning Commission; the Planning Commission may approve development of the site plan in phases.

**REGULATIONS FOR MT, MANUFACTURING TECHNOLOGY ZONING DISTRICT  
CITY OF GLADWIN ZONING ORDINANCE**

**Section 415: MT MANUFACTURING TECHNOLOGY ZONING DISTRICT**

**Permitted Land Uses**

**INTENT:** The MT Manufacturing Technology District is designed to primarily accommodate wholesale facilities, warehouses, industrial operations, and technological activities whose external, physical effects are restricted to the area of that zoning district that will not be detrimental to any of the surrounding zoning districts. The general goals of this district are: (1) to provide sufficient space, in appropriate locations, to meet the needs for Gladwin’s future economic growth in industry and related areas; (2) to protect residential areas and prevent residential development in manufacturing/technology areas; (3) to keep manufacturing/technology free from dangers of fire, explosions, toxic & noxious by-products, radiation, noise, vibration, smoke, odor, gases, other adverse environmental activities; and (4) to ensure the most desirable use of land as part of a comprehensive plan that conserves the value of land, buildings, and structures of adjacent and/or established developments.

<b>PRINCIPAL LAND USES BY RIGHT</b>	<b>SPECIAL LAND USES REQUIRING PERMIT</b>	<b>OTHER REQUIRED CONDITIONS</b>
<ol style="list-style-type: none"> <li>1. Uses whose principal function shall be basic research, design and pilot testing, or experimental product development in fully enclosed building.</li> <li>2. Warehousing, wholesale establishments and trucking terminals.</li> <li>3. Manufacture, processing, packaging or treatment of durable goods, foodstuffs, cosmetics, over the counter and prescription pharmaceuticals and other parts assembly or consumer products.</li> <li>4. Laboratories for experimental purposes, film, chemical testing or similar activities.</li> <li>5. Central dry cleaning plants or laundries.</li> <li>6. All public and private utility buildings, structures and storage.</li> <li>7. Lumber yards, sand, gravel, stone and other construction equipment and supplies..</li> <li>8. Greenhouses, trade schools or industrial schools.</li> <li>9. Public or private transportation operations such as bus terminals or automotive support activities.</li> <li>10. Auto engine, body repair, and undercoating shops located in a completely enclosed building</li> <li>11. Mini-warehouses</li> <li>12. Recycling centers and landfill transfer stations.</li> <li>13. Accessory buildings and uses customarily incidental to any of the above permitted uses.</li> </ol>	<p>The following uses are permitted only with a Permit as required by Article VII and meeting the specific additional requirements identified in Article VIII:</p> <ol style="list-style-type: none"> <li>1. Sexually-oriented business (also known as) adult entertainment.</li> <li>2. Airports and landing fields.</li> <li>3. Commercial or public television, radio towers, and public utility microwaves.</li> <li>4. Kennels with outdoor facilities such as runs or other activities.</li> </ol>	<ol style="list-style-type: none"> <li>1. The Planning Commission may or may not allow outside storage as part of Site Plan Review.</li> <li>2. Other required conditions as defined in Article III, General Provisions including Human Safety &amp; Health Environmental Protection in Section 304.</li> </ol>

**REGULATIONS FOR MT, MANUFACTURING TECHNOLOGY ZONING DISTRICT  
CITY OF GLADWIN ZONING ORDINANCE**

**Section 415 (continued): MT MANUFACTURING TECHNOLOGY ZONING DISTRICT**

**Dimensional Requirements**

Zoning District	Minimum Size Per Each Lot		Minimum Yard Setbacks From Lot or ROW lines			Maximum Building Height		Maximum Lot Coverage Percent	Minimum Gross Floor Area	Minimum Bldg Width	Maximum Density of Dwelling Units Percent
	Area	Width	Front	Each Side	Rear	Stories	Feet				
<b>MT Manufacturing &amp; Technology Zoning District</b>	Not Req'd	Not Required	50' (Fifty feet)  (k)	25' (Twenty five) feet  (l, j)	25'  (i, j)		45' (Forty Five) feet	Not Required	Not Required	Not Required	Not Required

**Footnotes:**

- ( i ) On a lot of three (3) acres or more in area, side and rear yard setbacks shall be sixty (60) feet or more in depth when abutting a residential district.
- ( j ) Off-street parking shall be permitted in a side yard setback.
- ( k ) Off-street parking for visitors, over and above the number of spaces required in Article VI, may be permitted within the required front yard provided that such off-street parking is not located within twenty-five (25) feet of the front yard line.

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**ZONING ORDINANCE**

**ARTICLE FIVE  
SITE PLAN REVIEW AND APPROVAL**

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## **ARTICLE V**

### **SITE PLAN REVIEW AND APPROVAL PROCEDURES**

#### **SECTION 501: REVIEW AND APPROVAL OF SITE PLANS**

##### **1. Land Uses or Changes Requiring a Site Plan**

Prior to the establishment of a new use, change of use, addition to an existing use or erection of any building or structure in a zoning district, subject to the conditions listed below, a site plan shall be submitted for review and approved, approved with conditions or disapproved by the City of Gladwin Planning Commission in accordance with the Ordinance requirements of this Article.

- a. Site Plan reviews are required for all permitted uses and structures in all zoning districts except for the single family detached and two-family dwellings and their accessory uses, and any agricultural uses. The site plan shall be part of the record of approval and shall be so filed.
- b. When the proposed new construction or remodeling constitutes an addition to an existing building or use, site plan review procedures may be modified, at the discretion of the Planning Commission, to provide for an administrative review by the Zoning Administrator in lieu of a more formal review by the City Planning Commission. The Zoning Administrator may be authorized to conduct an administrative review provided both of the following conditions are satisfied:
  - (1) No variances to the Zoning Ordinance are required and the approval shall be consistent with the intent and purpose of the zoning ordinance and master plan.
  - (2) The proposed new construction would not increase the total square feet of the building more than twenty-five (25) percent or one thousand (1,000) square feet, whichever is less.
- c. For those cases requiring site plan review solely as a result of building re-occupancy, site plan review procedures may be modified at the discretion of the Planning Commission, to provide for an administrative review by the Zoning Administrator in lieu of a formal review by the City Planning Commission. The Zoning Administrator may be authorized to conduct an administrative review provided the following conditions are met:
  - (1) Such use is conducted within a completely enclosed building.
  - (2) Re-occupancy does not create additional parking demands beyond twenty-five (25) percent of that which exists.
  - (3) Re-occupancy does not substantially alter the character of the site.
- d. Every site plan submitted for review shall be in accordance with the requirements of this Zoning Ordinance. Administrative review procedures are not intended to modify any ordinance, regulation or development

standard. The facility shall not adversely affect the health, safety and welfare of the City of Gladwin.

**2. Copies Required for a Proposed Site Plan:**

Every site plan submitted to the Planning Commission shall be in accordance with the requirements of this Zoning Ordinance, four (4) completed copies of all site plans and supporting information shall be filed with the Zoning Administrator, who shall place the request on the next Planning Commission agenda.

**3. Information Required:**

The following information shall be included on the site plan.

- a. A scale of not less than one (1) inch equals 50 (fifty) feet.
- b. Date, north arrow and scale.
- c. The dimensions of all property lines showing the relationship of the property to abutting properties & buildings within one hundred (100) feet.
- d. Legal description of the parcel.
- e. Existing and proposed topography with contours at two (2) foot intervals based on United States Geological datum and extending a minimum of one hundred (200) feet beyond site boundaries.
- f. An inventory of existing vegetation on the site and portrayal of any significant alterations.
- g. The location and nature of streams, drains, swamps, marshes and/or unstable soils.
- h. An indication of basic drainage patterns, existing and proposed, and including any structures, retention basins and fencing which are proposed. The applicant shall contact the City and municipal engineer to determine the adequacy of utility and storm water activities, slope and sod erosion requirements to determine if any such requirements will adversely affect the site plan.
- i. A schedule of parking needs, which may include separate drawings to indicate usable floor areas and other factors for computation of parking needs.
- j. A landscaping plan with a schedule of plant materials and sizes.
- k. Cross-section drawings of any walls, berms, fences or similar structures.
- l. The location & width of existing and proposed sidewalks on or bordering the subject site. Where that site borders a public right-of-way, a concrete sidewalk five (5) feet in width shall be provided within the public right-of-way one (1) foot from the subject property line. If a sidewalk in good conditions exists within the public right-of-way, the above requirement may be waived by the Zoning Administrator. Any pedestrian project that is intended and constructed as a "trail" for bicycles and small, electric vehicles shall meet the state requirements for a width of eight (8) feet.

- m. The location of all existing and proposed structures on the subject property and all existing structures within one (100) feet of the subject property and all existing structures within one hundred (100) feet of the subject property. The setbacks to all existing structures to be retained or constructed on the site shall be portrayed. This will include buildings, signs, trash and storage areas, walls, fences, berms, parking areas, etc. The height of all proposed structures shall also be indicated.
- n. The location and size of containment and storage areas if the use of hazardous substances is involved.
- o. The location of all existing and proposed drives and parking areas.
- p. The location and right-of-way widths of all abutting streets and alleys.
- q. The location of all public and private utilities.
- r. The names, addresses and telephone numbers of the developers and owners of the property.
- s. A signed statement that the applicant is the owner of the subject parcel, or is acting as the owner's legal representative.
- t. In addition to the above information, the applicant shall submit a supplementary explanation as to the specific type(s) of activities proposed. Such information shall include, but not be limited to:
  - (1) Estimated number of employees, resident shoppers and visitors.
  - (2) Hours of operation.
  - (3) Any changes expected in dust, odor, smoke, fumes, noise, lights or similar potentially adverse conditions.
  - (4) Modifications to land changing vegetative cover, drainage patterns, earth work, or other potential problem areas.
  - (5) Any ancillary improvements that the applicant proposes to remedy or prevent problems caused by development.
  - (6) For all commercial or industrial uses proposed or expanded within the wellhead protection overlay as shown in this Article. In addition, the applicant shall comply with all provisions of Article III and any of its subparts.
- u. Site plan requirement may be waived at the discretion of the Zoning Administrator and Planning Commission providing such requirement would not be material to the proposed project and is included in the project file.

#### **4. Content of Site Plan File**

The site plan(s), all supplementary data, together with the minutes of any meeting and/or hearings related to the site plan shall become part of the official site plan file.

#### **5. Standards for Approval of a Site Plan**

Site plan submission shall be required for Special Land Uses and Planned Unit Developments. Decisions rejecting, approving or conditionally approving a site plan shall be based on the requirements and standards herein, complying with County or other local units of government, other applicable ordinances and state and federal statutes.

In the process of reviewing the site plan, the Planning Commission shall consider:

- a. Specific development requirements of set forth in this zoning ordinance.
- b. The location and design of driveways for vehicular access and egress from the site and their relation to the street and pedestrian traffic.
- c. The traffic circulation features in the site including parking areas and assurance that it meets the following requirements:
  - (1) Safety and convenience of both vehicular and pedestrian traffic.
  - (2) Satisfactory and harmonious relationship between the proposed development and existing and prospective development of contiguous land and adjacent neighborhoods.
  - (3) Accessibility provided to emergency vehicles and routine maintenance of utilities.
- d. The arrangement of land uses to functional, efficient and compatible arrangements on the site and to adjacent land uses.
- e. The City of Gladwin Planning Commission may require landscaping, fences and walls as provided in this Zoning Ordinance and maintained as a condition of construction or placement and continued operation as appurtenant.
- f. The Planning Commission may require turn lanes, marginal access roads And specific location of ingress and egress, and reduce the need for left turns. A marginal access road shall be required for joint use with adjacent parcels but undeveloped parcels are not required to comply until development of the parcel.
 

The cost estimates and proper placement and design shall be reviewed by the appropriate municipal officials such as department heads, consulting engineers and planners for compliance with this ordinances as well as cost and function. Their recommendations shall be forwarded to the Planning Commission for consideration of inclusion in any approved site plan.
- g. The Planning Commission may waive site information for topography, vegetation, problem soils, landscaping employment data, environmental considerations such as site contamination and other activities that are not pertinent to the site or proposed development.
- h. The Planning Commission and Zoning Administrator may seek in put from City Public Safety officials as part of site plan review prior to approving, disapproving or approving with conditions.

**6. Planning Commission Actions**

The planning commission shall take one of the following actions for the recommended site plan:

- a. **Approval** - If the proposed site plan meets all of the zoning ordinance requirements and standards approve the site plan shall be approved and

the Chairman shall sign three (3) copies of the site plan to file one in the official site plan file, forwarding one to the Zoning Administrator and one to the applicant.

- b. **Disapproval** - If the site plan does not meet all zoning ordinance Requirements and standards, the Planning Commission shall record disapproval and site the reasons for denial. The applicant may then file a corrected site plan under the same procedures as followed for the initial submission.
- c. **Conditional Approval** - If the corrections to the site plan can be clearly changed, then the Planning Commission shall note such changes as are necessary and the Chairman of the Planning Commission shall sign three copies for distribution as above in sub paragraph a.
- d. **Table** - If the site plan is found to be in violation of the zoning ordinance requirement or incomplete, the Planning Commission may table action on the site plan until ordinance compliance is shown or required additional information is provided.

Any proposed site plan meeting all of the required data, layout and activity in this Article shall get site plan approval for the proposed project. If it lacks some data or layout, it can only be given Approval under the condition that the site plan is revised to meet those changes. Disapproval is appropriate when the data or layout has too many deficiencies to warrant any approval.

#### **7. Performance Guarantees**

Performance Guarantees can apply to an improvement done under this Zoning Ordinance. The requirements and nature of available Performance Guarantees is detailed in Article IX, Section 908 and accordingly can apply to any site plan review required.

#### **8. Period for Completion**

An approved site plan shall remain valid for a period of one (1) year from the date of approval. In the event all improvements are not installed, the remaining improvements shall be completed no later than July 1 of the following construction season except that the Planning Commission may, at its discretion and upon application of the owner and/or developer, provide for up to two (2) successive six (6) month extensions.

#### **Section 502. Site Plan Design Requirements for Signs, Parking and Landscaping**

The site plan requirements for signs; vehicular parking and landscaping are detailed in the following Article VI – Site Design Requirements. These requirements shall be required for site plan review of signs, parking and landscaping.

Some of these requirements appropriately apply to identify residential zoning districts such as R-1A, R-1B and RO, R-M even if these improvements do not otherwise require site plan review.

#### **Section 503. Site Plan Application and Information Form**

The chart a Site Plan Application is called “Requirements for Site Plan Review” and is starting on the following page is for developing any project requiring site plan review and most specifically R-O, R-M, all C and the MT Zoning Districts as well as any project requiring a Special Land Use Permit or is a Planned Unit Development. The Zoning

Administrator or Planning Commission may identify some land uses as not requiring some of the standards and thus such data or mapping is not required and the data need not be furnished.

The form does not supersede providing any of the data required in any other part of Article V or elsewhere in this zoning ordinance.

**REQUIREMENTS FOR SITE PLAN REVIEW**

**TO BE USED IN R-O, R-M (MULTI-FAMILY RESIDENTIAL), ALL COMMERCIAL AND MANUFACTURING/ TECHNOLOGY ZONING DISTRICTS**

This form is used to provide guidelines to assure that the City of Gladwin Planning Commission, the Zoning Administrator or other City staff members or consultants have sufficient information to review the proposed site plan for approval, disapproval or approval with conditions. This does not exempt the applicant from meeting all conditions of Article V, this Zoning Ordinance and other ordinances or state and federal statutes.

**CURRENT ZONING OF THE PARCEL PROPOSED FOR THIS PROJECT:** \_\_\_\_\_

**PROPOSED COMPATIBLE ZONING INCLUDING SPECIAL LAND USE PERMIT** \_\_\_\_\_

**Check each requirement as available.**

1. Legal Description of the property This may be by numbered lot or lots by the developed block or a metes and bound description.) The description may be attached hereto.

2. A fully dimensioned Site Plan of the development including the following:

\_\_\_\_\_ A. Property Lines as Follows:

- i \_\_\_\_\_ Setbacks of all buildings from front, rear and side lot lines.
- ii \_\_\_\_\_ Setbacks of all buildings from the road right-of-way.
- iii \_\_\_\_\_ Zoning designations of all adjacent parcels.

\_\_\_\_\_ B. Existing and proposed buildings and uses including heights, sidewalls and roof peak heights for any new or reconstructed structures.

\_\_\_\_\_ C. Parking Areas. Parking areas shall be hard surfaced with concrete or asphalt.

- i Number of parking spaces required \_\_\_\_\_
- ii Number of parking spaces provided \_\_\_\_\_
- iii Number of handicap spaces required \_\_\_\_\_
- iv Number of handicap spaces provided \_\_\_\_\_

D. Drives, curb cuts and walkways/sidewalks. Residential drives must be paved as well as parking lots; if sidewalks are not existing during pre-development, they must be installed by the developer of a new subdivision, commercial property or manufacturing/ technology property. The site plan shall portray the following characteristics:

- i Location of the above features.
- ii Materials to be used to construct those features.

E. Fences and/or Walls and Landscaping shall include the following:

- i Fences/Walls: Describe the height, locations & materials.
- ii Materials used to construct those features.
- iii Berms/Plantings: Describe all vegetation, trees and other plantings by type and size, locate on all plans.

- F. Describe method of trash disposal, if dumpster utilized, locate and describe screening (required), concrete pad is also required.
- G. Identify location and size of any open space required on the map.
- H. Identify the location and describe the recreation facilities if required or planned.
- I. Data for exterior lighting:
  - i. Location on building(s) or pole(s).
  - ii. Type, lumens, direction of light. Insofar as possible, eliminate locating and shining lighting from the design of proposed building(s) and structure(s) in the development and the neighboring properties.
- J. Signs
  - i. Location
  - ii. Size, including area and height
  - iii. Copy / Materials
- K. Show location and size of existing and proposed public and private utilities, including fire hydrants.
- L. Show surface water drainage.
- 3. When required, provide a statement of the areas set aside for different elements of the development not indicated elsewhere; include any square footages.
- 4. Any modifications required to the ordinance which are being requested and the reason for the request.
- 5. Downtown Development Authority Façade Review when applicable.
- 6. All streets shall be built in accordance with the requirements of the City of Gladwin or the Gladwin County Road Commission as directed.
- 7. Site plans shall conform all applicable requirements of City or County Ordinances and State and Federal Statutes. Approval may be conditioned on the applicant receiving approval with State and Federal Permits before final site plan approval is granted.
- 8. Standards for groundwater/wellhead protection, as approved by the Michigan Departments of Community Health and Natural Resources on October 7, 2004 and in accordance with the Wellhead Protection Program as follows:
  - The project and related improvements shall be designed to protect the natural environment including lakes, ponds, streams, wetlands, floodplains, groundwater and steep slopes.
  - General purpose floor drains shall be allowed only if they are connected to a public sewer system, an on-site holding tank or a system authorized by a State of Michigan groundwater discharge permit.
  - Sites at which hazardous materials and polluting materials are stored, used or generated shall be designed to prevent spills and discharges to the air, to the surface of the ground, and to groundwater lakes, streams, rivers or wetlands.

- State and Federal agency requirements for storage, spill prevention, record keeping, emergency response. Transport and disposal of hazardous substances and polluting materials shall be met. No discharges to the groundwater, including direct and indirect discharges, shall be allowed without required permit and approvals.
  - Secondary containment for above ground areas where hazardous substances and polluting materials are stored or used shall be provided. Secondary containment shall be sufficient to move the substance for maximum, anticipated period of time necessary for recovery of any released substance.
  - 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.
  - Secondary containment structures such as out-buildings, storage rooms, sheds and pole barns shall not have floor drains which outlet to soils, groundwater or nearby drains or rivers.
  - Areas and facilities for loading or 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 to floor drains, rivers, lakes, wetlands, groundwater or soils.
  - Existing and new underground storage tanks shall be registered with the authorized state agency in accordance with the requirements of the U.S. Environmental Protection Agency and the Michigan State Police Fire Marshall Division.
  - Installation, operation, maintenance, closure and removal of underground storage tanks shall be in accordance with requirements of the State Police Fire Marshall Division. Leak detection, corrosion protection. Spill prevention and overfill protection requirements shall be met. Records of monthly monitoring or inventory control must be retained and available for review by appropriate governmental officials.
  - Out-of-service abandoned underground tanks shall be emptied and removed from the ground in accordance with the requirements of the Michigan State Police Fire Marshall Division and the Michigan Department of Natural Resources.
  - Site plans shall consider the location and extent of any contaminated soils and/or groundwater on site and the need to protect public health, and the environment.
  - Development shall not be allowed on or near contaminated areas of a site unless information from the Michigan Department of Environmental Quality is available indicating that clean-up will proceed in a timely fashion prior to the development.
  - No above-ground storage of hazardous substances and related secondary containment facilities shall be located within fifty (50) feet of any property line or one-hundred (100) feet of any residentially zoned property.
  - No underground storage tank shall be within thirty (30) feet of any property line or fifty (50) feet of any residentially zoned property.
9. The City of Gladwin Planning Commission shall notify the Zoning Administrator and the

applicant of its decision within thirty (30) days of the Planning Commission meeting at which the plan was reviewed. Failure to do so will cause the project to be approved unless the failure is beyond the ability of the Planning Commission to control. This requirement may be waived by the applicant.

10. In compliance with the Michigan Zoning Enabling Act 110 of 2,006, as amended (M.C.L.A. 012.345e, as amended), the Planning Commission may require, upon staff recommendation, a performance bond, letter of credit, certified check or cash bond, in an amount equal to the estimated cost of the project (as defined by the Michigan Zoning Enabling Legislation). Such performance guarantee shall be deposited with the Finance Director/Treasurer at the time of the issuance of the permit authorizing the activity or project to ensure faithful completion of the improvements indicated with the approved site plan. If not completed, said performance bond shall be forfeited. The City shall rebate a proportional share of the cash deposit only when requested by the depositor and verified by the Zoning Administrator.
11. A site plan approved under this Article shall be valid for one (1) year. If construction has not commenced within this time period, the site plan shall become null and void. Upon a written request from the applicant, the Planning Commission may grant an extension of the site plan for up to two (3) successive six (6) month extensions.
12. The site plan shall be approved, disapproved or approved subject to conditions that the Planning Commission may deem essential for the protection of the public health, safety and welfare of the City of Gladwin community.

**Section 504. Amendments to Approved Site Plans**

Amendments to an approved site plan shall be made in accordance with the provisions of this Article V.

**Section 505. Issuance of Zoning Permits for Approved or Conditionally Approved Site Plans**

The Zoning Administrator shall, upon approval of the final site plan and upon application by the applicant, issue a zoning permit provided that all other applicable ordinances and codes have been complied with.

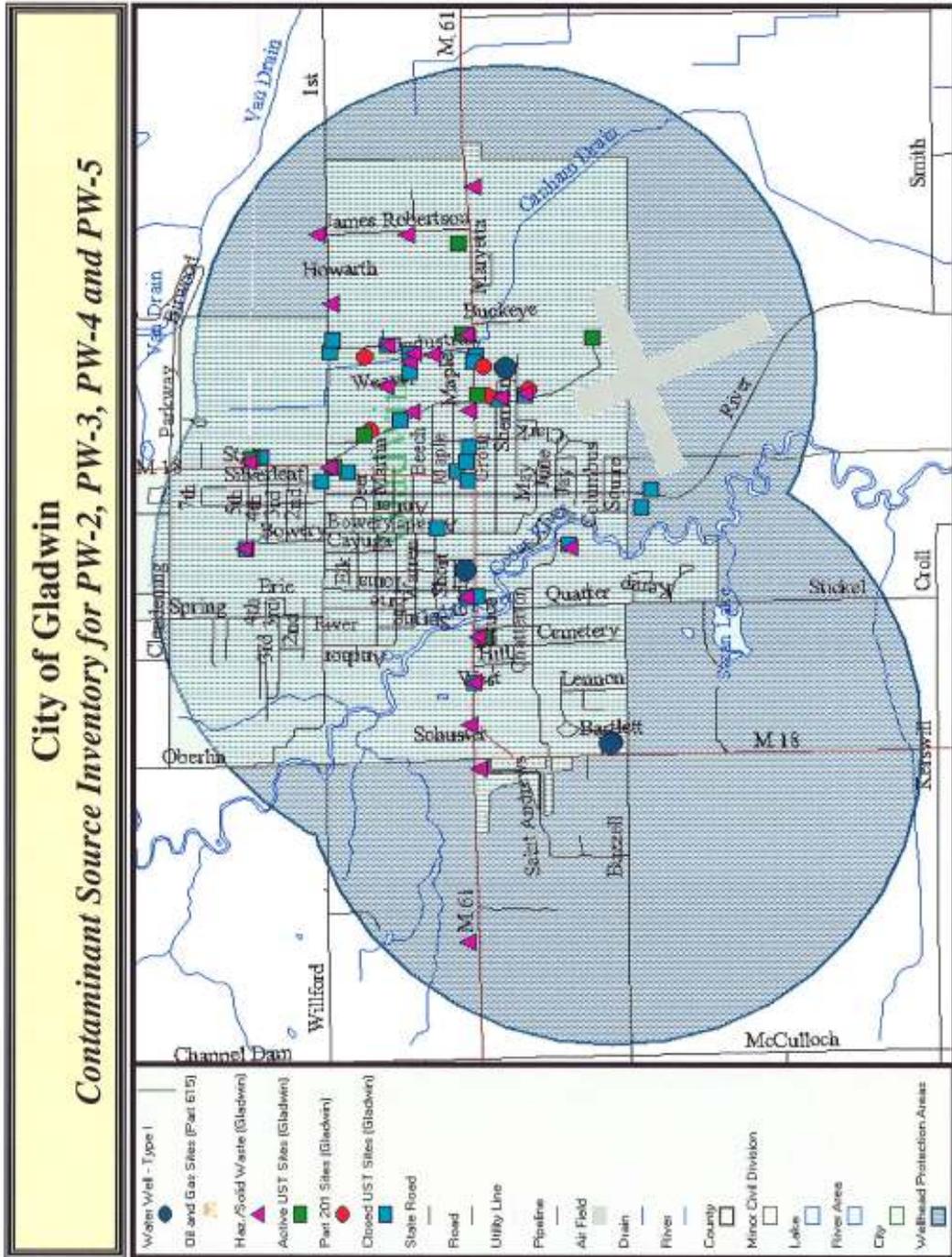
**Section 506. Master Plan Statement regarding Wellhead Protection**

The proposed City of Gladwin Master Plan will contain a statement concerning the impact and value of Wellhead Protection. Since an adopted ordinance under the Michigan Zoning Enabling Act of 110 of 2006, as amended the full ordinance is not contained herein. The statement, however, is included in the Appendix o this document to assure the close relationship and cooperation of the Planning Commission between its role in creating and maintaining a Master Plan and preparing and administering the Zoning Ordinance.

**Section 507. Wellhead Protection Area Map**

The Wellhead Protection Area Map for the City of Gladwin is on the following page of this document. This is the area referred to and regulated in Article V, Section 503 of this Zoning Ordinance.

CITY OF GLADWIN  
WELLHEAD PROTECTION AREA  
FOR  
PW-2, PW-3, PW-4 AND PW-T



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**ZONING ORDINANCE**

**ARTICLE SIX  
SIGNS, PARKING & LANDSCAPING**

**ARTICLE VI**  
**SITE DESIGN CRITERIA**

**Section 601. Intent**

It is the intent of this district to provide specialized criteria for certain development in zoning districts as part of Residential Requirements and especially as part of Site Plan Review in Article V. The areas for specialized attention are (1) Signs, (2) Off-Street Parking and (3) Landscaping. They include some references for R-1A/B and R-O and RM (Two Family Zoning Districts) but are predominantly requirements for Site Plan Reviews in C-1 and C-2 (Commercial) and MT (Manufacturing and Technology) Districts. It is the intent of these provisions to protect the health, safety and welfare of individuals and the quality of the environment and interrelationships of built land uses.

**SECTION 602. Signs**

**1. Intent**

The City finds that signs and other visual outdoor advertising tend to promote commerce and are related to the health, safety, and/or general welfare of the residents of the community. Because of the impact of signs the preservation of the existing character of the community requires regulation of signs and of other visual outdoor advertising. The City finds that failure to regulate the size, location, and construction of signs and other outdoor advertising may

- have an adverse effect upon the promotion of business and commerce in the City.
  - may lead to poor identification of businesses, and
  - may have an adverse effect upon the existing aesthetic character of the City and
  - may cause deterioration of business and residential areas of the community.
- Therefore, the purpose of this section and subsections hereunder is to permit signs and visual outdoor advertising that will not endanger public health and safety due to size, location, or manner of display, or
- endanger public health and/or safety;
  - confuse or mislead traffic;
  - obstruct vision necessary for traffic and pedestrian safety.
  - regulate signs and other visual outdoor advertising in such a way as to prevent the placement of signs, and such other visual outdoor advertising in a manner that will conceal or obscure other signs and other visual outdoor advertising on adjacent businesses,
    1. to keep the number of signs and sign messages at a minimum level reasonably necessary to identify a business and its products;
    2. to keep signs within a reasonable scale with respect to the buildings to which they relate; and further, to prevent off-premise signs from conflicting with business, residential, and public
    3. land uses, and to prohibit signs and other visual outdoor advertising which will have an adverse effect on the existing aesthetic character of not only the zoning district in which they are located, but also on the overall existing aesthetic character of the City.

## 2. Definitions of Signs

The following definitions shall apply to proposed signs in a site plan review including Special Land Uses, Planned unit developments and condominiums.:

- a. **Accessory:** A sign which is accessory to the principal use of the premises.
- b. **Non-accessory:** Any sign which contains a message unrelated to or not advertising a business transacted or goods sold or produced on the premises on which the sign is located; also called a remote sign.
- c. **Canopy (Awning) Sign:** A sign that is mounted or painted on, or attached to, an awning or canopy projecting from and supported by the building and extending beyond the building wall, that is otherwise permitted by Ordinance.
- d. **Decorative Display:** A temporary display designated for the entertainment or cultural enrichment of the public and having no direct or indirect sales or advertising.
- e. **Freestanding Sign (Pole or Pylon):** A sign attached to a permanent foundation supported from the ground by one or more poles, posts, or similar uprights, with or without braces, upon which announcements, declarations, displays, etc., may be placed.
- f. **Inflatable Sign:** A sign consisting of a balloon or other gas or air filled figure that is not combustible
- g. **Monument Sign:** A sign attached to a permanent foundation and not attached or dependent for support from any building, pole, posts, or similar uprights.
- h. **Marquee Sign:** A sign attached to or hung from a marquee, canopy, or other structure projecting from and supported by the building and extending beyond the building wall. Marquee or canopy signs are interchangeable.
- i. **Portable Sign:** Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; sign converted to a- or t-frames; menus and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.
- j. **Projecting Sign:** A sign which is affixed to any building or structure other than a marquee, and any part of which extends beyond the building wall and the horizontal sign surface is not parallel to the building wall.
  - a) **Roof Sign:** A sign which is erected, constructed, and maintained above any portion of the roof or exterior wall of a building or structure, and for purposes of this chapter, roof signs shall be prohibited.
- l. **Sign:** A sign shall mean any object, device, logo, display, or structure, or part

thereof, which is intended to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, message, business, product, service, event, or location by any means. A sign shall include any banner, bulbs, or other lighting devices, streamer, pennant, balloon, propeller, flag (other than the official flag of any nation, state, or nonprofit organization) and any similar device of any type or kind whether bearing lettering or not.

- m. **Temporary Sign:** A 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.
- n. **Wall Sign:** A sign which is attached directly to a building wall with the horizontal sign surface parallel to the building wall, including signs painted on any building wall.
- o. **Window Sign:** A sign, either permanent or temporary and/or illuminated or non-illuminated, placed in the window area of any use located in a nonresidential district.

### 3. General Conditions

Except as otherwise provided, the following conditions shall apply in all districts:

- a. Prior to the erection or structural alteration of a sign, a zoning permit shall be secured from the Zoning Administrator by the owner and the person or firm responsible for erection of the sign. A scale drawing of the outside dimensions of the sign or the total area encompassed by a line around all lettering or symbols shall be presented to the Zoning Administrator so that he may ensure that the provisions of this Ordinance are met. Evidence shall also be presented to the effect that the sign will be securely attached to the building or supporting structure and will not present a hazard. For freestanding or monument signs, a site development plan of the intended location of the sign and a scale drawing of the total sign structure shall also be presented to the Zoning Administrator. Prior to the construction, erection, or structural alteration of a sign, a building permit shall be obtained from the Building Official, where required by state or local law.
- b. *Illumination of signs shall be in accordance with Section 315. Any sign that has screens capable of displaying images that flash at regular or irregular intervals shall be turned off no later than 10pm. in the C-1 or Residential Zoning districts.*
- c. No sign, except those maintained by the City, County, State, or Federal governments, shall be located in, project into, or overhang a public right-of-way or dedicated public easement, except as otherwise provided by this Ordinance.
- d. All site plans submitted in accordance with Article V shall identify the location(s), height, type, and size of all existing and proposed signs.
- e. Signs shall contain no depictions of specified sexual activities or specified anatomical areas as described in the definitions.

### 4. Measurement of Sign Area and Sign Height

- a. Sign Area

The area of sign shall be computed as including the entire area within a regular geometric

form or combination of such forms comprising all the display area of the sign and including all of the elements of the matter displayed. An area so created shall include all solid surfaces, as well as all openings. Structural members not bearing copy of display material shall not be included in computation of sign area. Where a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign, except that where two (2) such faces are placed back-to-back, parallel to one another, and less than twenty-four (24) inches apart, the area of the sign shall be the area of one (1) face. Where a sign has two (2) or more faces, that portion of the sign structure connecting the sign faces shall not be used for display purposes. Signs painted on a wall are also regulated by the provisions of this Ordinance. (Refer also to Section 602, #11, Prohibited Signs.)

b. Sign Height

The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of: 1) existing grade prior to construction; or, 2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the zoning lot, whichever is lower. The sign shall be non-moving.

**5. Permitted Signs in Residential Districts.**

Permitted Signs in Residential Districts are:

- a. One (1) sign advertising the sale or lease of the lot or building not exceeding six (6) square feet in area on any one (1) lot. Such sign not to be placed in the public right-of-way, and shall be removed within twenty-four (24) hours of closing.
- b. Residential development signs indicating only the name of the development and the management/developer thereof, subject to the following:
  - (1) The residential development signs shall be monument signs.
  - (2) There shall not be more than two (2) residential development signs for each major point of vehicular access to a development.
  - (3) Residential development signs shall not exceed fifty (50) square feet in gross surface area for each exposed face nor exceed an aggregate gross area of one hundred (100) square feet.
  - (4) Residential development signs may be located in any required yard but shall not extend over any lot line or within fifteen (15) feet of any point of vehicular access from a zoning lot to a public roadway. The location and arrangement of all residential development signs shall be subject to the review and approval of the Zoning Administrator.
  - (5) Residential development signs shall not project higher than eight (8) feet.

- c. Two (2) signs consisting of a combination of wall, freestanding, and/or monument signs identifying a park, school, commercial farms, church, public building, and any other authorized use subject to the following:
  - (1) Each sign shall not exceed twenty-four (24) square feet in area, except that on sites of forty (40) acres or more, signs up to fifty (50) square feet shall be allowed.
  - (2) Freestanding or monument signs shall not exceed four (4) feet in height, and placed no closer to the street right-of-way line than one-third (1/3) the minimum authorized front yard depth.
  - (3) Wall signs shall not project above the roof or parapet line and may not project more than one (1) foot beyond the face of the building wall. Wall signs shall be attached to, and be parallel to, the wall of the building.
- d. One (1) unlighted sign announcing a bed and breakfast establishment or similar use not-to-exceed two (2) square feet in area. The sign shall be attached flat against the front wall of the building.
- e. One (1) nameplate, identifying the name of the occupant, not-to-exceed two (2) square feet in area. The nameplate shall be attached flat against the front wall of the building.

## **6. Permitted Signs in the Nonresidential Districts**

Signs shall be limited to one (1) flat wall sign, one (1) canopy sign, and one (1) freestanding sign on the premises of a business establishment or composite of businesses under single ownership by an individual, firm, or corporation, subject to the following conditions and/or exceptions.

### **a. Wall Signs**

- (1) Flat wall signs may not project above the roof or parapet line and may not project beyond the face of the wall of the building subject to the provisions of Section 6.f. Permanent wall signs shall be attached to, and be parallel to, the wall of the building. Storefronts or walls with structural components that may prohibit the installation of one contiguous sign for one or more businesses, the Planning Commission may allow a sign to be erected in a segmented fashion.
- (2) Wall signs shall be limited in number to one (1) wall sign per business on each wall having an individual means of customer access.
  - (i) The basic maximum area of any wall sign shall not exceed fifty (50) square feet for all wall lengths fifty (50) feet or less. The maximum allowable sign area may be increased by one square foot for each additional foot of wall length, up to a maximum sign area of one hundred fifty (150) square feet.
  - (ii) The maximum allowable sign area for buildings facing but set back less than seven hundred fifty (750) feet from any street or interior property line may be increased in accordance to the following:
    - (a) A building with a setback of greater than two hundred (200) feet, two (2) times that allowed per Section 6a.(2)(i).

- (b) A building with a setback of greater than three hundred (300) feet, three (3) times that allowed per Section 6a.(2)(i).
- (3) The length of a wall of a building shall be determined by enclosing the building in the smallest possible rectangle, with the permitted sign area for each wall then being based on the length of the side of the enclosing rectangle parallel to the wall.
- (4) Buildings with multiple occupants.
  - (i) In case of multiple occupants of a building, the sign area for each business establishment shall be based upon the exterior wall width of that portion of the building said use occupies. For exterior wall widths of less than fifty (50) feet, the maximum sign area permitted shall be fifty (50) square feet. The maximum allowable sign area may be increased by one (1) square foot for each additional foot of length of wall, up to a maximum sign area of one hundred fifty (150) square feet.
  - (ii) Occupants of a building which take their access from an interior hall or corridor are allowed one (1) sign for each occupant, not exceeding sixteen (16) square feet, which may be placed on the exterior wall near the entrance into the access hall or corridor.
  - (iii) For building occupants above the first floor, one (1) sign not larger than sixteen (16) square feet may be located near the occupant's street entrance to the building.
  - (iv) Occupants of a building, when not occupying interior space adjacent to an end wall facing a street, may place one (1) sign no larger than sixteen (16) square feet on that wall.
  - (v) The maximum allowable sign area for buildings set back from any street or interior property line may be increased according to the following: Set back greater than two hundred (200): two (2) times that allowed per this section.; Set back greater than three hundred (300) feet: three (3) times that allowed per this section.
  - (vi) One (1) additional wall sign may be allowed per business, per exposed wall, the combined total not to exceed more than one-third of the area, and with the provision that such additional signs in multi-tenant buildings be contiguous when at all possible. Any signs installed pursuant to this section and any exceptions made for area and / or contiguity shall be reviewed and approved by the Planning Commission.
- (5) For any sign so arranged to provide exposure to more than one street, the area shall be computed upon the shortest wall length and shall be considered as part of the maximum sign area permitted on the wall.
- (6) Location.
  - (i) Wall signs may be located anywhere on the building.
  - (ii) A sign shall not project over any public right-of-way, except where the building abuts the right-of-way, subject to the provisions of 6.f. (Projecting signs in the C-1 Business District)
  - (iii) Wall and projecting sign shall not project above the roof line.

**b. Canopy Signs**

- (1) A canopy sign structure shall not extend into a public right-of-way or encroach over abutting property lines, except in the C-1 business district where a canopy sign structure may extend over a public sidewalk.
- (2) Canopy signs may be installed in combination with a wall sign provided. The combined sign area may not exceed the maximum sign area as provided in Section 6(a).
- (3) The maximum size of any canopy sign shall not exceed ten (10) percent of the building façade where so provided, however, that no such sign shall exceed one hundred (100) square feet.
- (4) Any such canopy structure shall not be less than two (2) feet from any vehicular parking space or maneuvering lane.
- (5) A minimum clearance of eight (8) feet shall be maintained above the sidewalk by all canopy structures.
- (6) Canopies hereafter created shall, whenever practicable, match the established clearance height and projection of canopies which exist on abutting parcels and/or businesses.
- (7) Where a building has a marquee constructed as an integral part of such building, one (1) additional sign may be permitted per customer access under the canopy/marquee and perpendicular to the building provided it is not more than two (2) square feet in area and further provided that a minimum clearance of eight (8) feet shall be maintained above the sidewalk.
- (8) Only the copy area of the canopy should be identified as sign area used for calculation purposes.

**c. On Premises Free Standing Signs**

- (1) Sign area. Except as provided herein, only one (1) ground pole sign is permitted for an individual parcel, the maximum area of the pole sign being determined as follows:
  - (i) For parcels with a street frontage of fifty (50) feet or less, a pole sign up to fifty (50) square feet in area is permitted. For parcels with a street frontage greater than fifty (50) feet, the maximum allowable sign area may be increased by one (1) foot for each additional foot of length of street frontage, up to a maximum of one hundred fifty (150) square feet.
- (a) EXCEPTIONS:
  - (i) For double-fronting parcels, the criteria shall apply to each street.
  - (ii) Corner parcels with a frontage of three hundred (300) feet or more on each street shall be permitted a free standing sign for each street frontage. Said signs shall be a minimum of one hundred fifty (150) feet apart.

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- (iii) A parcel with a street frontage in excess of six hundred sixty (660) feet may have an additional free standing sign. Said signs shall be a minimum of five hundred (500) feet apart.
- (iv) With approval of the Planning Commission, an additional wall sign may be allowed if the applicant waives the right to erect an on-premises freestanding sign, subject to size restrictions applicable to wall signs.
- (2) Location. Free standing signs may be located anywhere on the property, but shall not project over any public right-of-way.
- (3) Sign content. A sign may indicate the name, address, and telephone number of an occupant of the premises on which the sign is located, and may contain information only about the goods and services sold, produced, or transacted on the premises.
- (4) Off-premises directional signs. A parcel of property zoned C-2 or MT, and where located along a State highway route, a directional sign with information limited to the name and logo for food, fuel, and lodging establishments not located on that property may be displayed. Said signs are limited to four (4) square feet and eight (8) feet in maximum height. Any pre-existing directional signs in existence prior to adoption of this ordinance may only be altered and / or replaced upon review and with approval of the Planning Commission.
- (5) Sign Height. The allowable height for on-premise freestanding signs shall not be over twenty (20) feet.
- (6) In a C-2 or MT Zoning District, businesses in abutting buildings, though parcels may be under separate ownership or control may, upon proof of properly recorded agreements, combine sign allowances into a single "joint free standing sign". The location of such "joint free standing sign" may be off-premises to the individual businesses or parcels under separate ownership or control, however, the parcel upon which the "joint free standing sign" is located shall not be greater than six hundred sixty (660) feet from any business being represented on the "joint sign". The allowable sign area of a "joint free standing sign" shall be fifty (50) square feet plus one (1) square foot for each lineal foot of abutting building front of businesses being represented on the "joint free standing sign". As an incentive to encourage the combining of sign allotments, the allowable combined sign area will be increased by twenty five (25) percent to a maximum of six hundred twenty five (625) square feet. "Off-premise signs, in addition to directional signs, shall be considered on a case-by-case basis when involving multiple tenants pursuant to the above criteria and subject to review and approval by the Planning Commission."
- (7) Off-premise directional signs. Any pre-existing directional signs in existence prior to the adoption of this ordinance may only be altered and/or replaced upon review and with approval of the Planning Commission.
- d. Window signs.** Window signs shall not exceed twenty (20) percent of the total window area in square feet. In addition to this window area, one-half of any wall sign area may be used for window signs not to exceed 50% coverage.

e. **L.E.D. Signs.** In the C-1 district, the following provisions will apply:

- (3) No graphics or copy will be allowed to flash.
- (4) L.E.D. signs facing a residential district shall be turned off at 10:00 p.m.
- (5) There will be a minimum of six (6) seconds between changes in messages, text, graphics, etc.
- (6) No off-premise advertising is allowed.

In the C-2 district, the following provisions will apply:

- a) No graphics or copy will be allowed to flash.
- b) There will be a minimum of three (3) seconds between changes in messages, text, graphics, etc.
- c) No off-premise advertising is allowed.

f. **Projecting Signs in the C-1 Business District.** Projecting signs already existing in the C-1 District may continue until they need to be replaced. New projecting signs shall not be larger than six (6) feet by three (3) feet (18 sq.ft.) and have letters naming and / or describing the nature of the business. One address may have only one projecting sign. Projecting signs shall have a minimum clearance of eight (8) feet above a public right-of-way.

**8. Sign Area Bonus in Nonresidential Districts**

Monument signs may be substituted for an equal number of freestanding signs and may be increased in size by twenty (20) percent subject to the following:

- (1) Monument signs shall not exceed four (4) feet in height and placed no closer to the street right-of-way line than one-third (1/3) the minimum authorized front yard depth.

**9. Other Permitted Signs**

- a. Highway signs erected by the U.S. Government, State of Michigan, Gladwin County, or the City of Gladwin.
- b. Governmental use signs erected by governmental agencies to designate hours of activity or conditions of use for parks, parking lots, recreational areas, other public space, or for governmental buildings.
- c. Directional signs in conjunction with drives or off-street parking areas, provided any such sign does not exceed four (4) square feet in area, is limited to traffic control functions, and does not obstruct traffic vision with a maximum height of five (5) feet. Advertising copy or logos may be permitted, provided they are subordinate to the directional characteristics of the sign.
- d. Historic signs designating sites recognized by the State Historical Commission as Centennial Farms or Historical Landmarks.
- e. Placards posted to control or prohibit hunting and/or trespassing within the City.
- f. Essential service signs denoting utility lines, railroad lines, hazards, precautions and medical facilities with emergency care.
- g. Memorial signs or tablets which are either: (1) cut into the face of masonry surface;

or (2) constructed of bronze or other incombustible material when located flat on the face of a building.

- h. Menu boards and drive-through signs used in connection with fast-food restaurants.

#### **10. Temporary Signs**

- a. Non-illuminated temporary signs promoting political parties, candidates, or proposals so long as such signs are removed within three (3) days after the completion of such activities. Such signs in all zoning districts shall not exceed thirty-two (32) square feet.

- b. Special decorative displays or signs used for holidays, public demonstrations or promotion of civic welfare or charitable purposes when authorized by the Zoning Administrator. In considering such authorization, the City shall consider the following standards:

- (1) The size, character, and nature of the display or sign shall consider the proposed site of display for proper scale and relationship with the site and adjoining properties.

- (2) The duration of the time period during which the display or sign will be utilized shall coincide with the purposes for which it was approved.

- (3) The arrangements made for the removal of the sign or display after the termination of the event.

- (4) The effect of the proposed sign or display on light and air circulation for lots which are both adjoining and in the surrounding neighborhood of the proposed sign or display.

- (5) Whether or not the sign or display will constitute a traffic hazard.

- c. Temporary signs for up to four (4) special events per year such as grand openings, fairs and festivals, and announcements of new products, service, or management, subject to the following:

- (1) Portable signs shall be permitted subject to the following:

- (i) They do not exceed forty (40) square feet in area on any side.

- (ii) They are not located closer than ten (10) feet to a public right-of-way.

- (iii) No portable sign shall exceed ten (10) feet in height.

- (iv) No portable sign shall be located in such a manner as to interfere with vehicular or pedestrian traffic flow or visibility.

- (v) No portable sign shall contain flashing or moving lights.

- (vi) No portable sign shall be displayed for a period exceeding twenty (20) days and shall be authorized by the Zoning Administrator upon the issuance of a temporary zoning permit.

- (2) Search lights, twirling signs, sandwich board signs, sidewalk or curb signs, or inflatable signs are permitted, provided they are located only in an office, business

or industrial district, or residential areas containing more than twenty (20) acres.

- (3) Banners, pennants, spinners, or streamers are permitted provided they are located only in an office, business, or industrial district.
- d. Temporary construction signs identifying the parties involved in the construction to occur or occurring on the premises on which the sign is placed, subject to the following:
  - (1) There shall not be more than one (1) temporary construction sign for each project or development, except that where a project or development abuts two (2) or more streets, additional such signs, one (1) oriented to each abutting street, shall be permitted.
  - (2) Temporary construction signs shall not exceed sixty-four (64) square feet.
  - (3) Temporary construction signs shall be located only upon the premises upon which construction either is about to occur or is occurring. Such signs may be located in any required yard but shall not extend over any lot line or within fifteen (15) feet of any point of vehicular access or public roadway.
  - (4) Temporary construction signs shall not project higher than fifteen (15) feet.
  - (5) Temporary construction signs shall be permitted only as accessory to an approved project or development. Temporary construction signs may be erected and maintained for not more than a six (6) month period and shall be removed within fourteen (14) days of the termination of construction of the project or development.
- e. Portable signs of an a- or t- frame or a menu or sandwich board variety may be placed upon the public right of way in the C-1 District, under conditions as follows:
  - (i) The sign may not exceed fifteen (15) square feet on any side, nor five (5) feet in height.
  - (ii) The sign may not be located closer than two (2) feet from any front curb line, and may not be located closer than twenty (20) feet from any side street curb.
  - (iii) The sign shall not be any product which is usually offered for sale.
  - (iv) No more than one sign may be located upon any single business establishment.
  - (v) The City Council may make any additional regulations as it deems proper, which may include limitation upon the period during which a sign is permitted, the cost or procedures by which a permit shall be issued, and any other matters regarding the governance of the public rights of way.
  - (vi) No person shall have any vested right to maintain a sign on a public right of way and all such signs shall be removed from the public right of way between the hours of midnight to 6 a.m.

## **11. Prohibited Signs**

- a. Roof signs
- b. Exterior banners, pennants, spinners, streamers or similar device which shall be in place for more than twenty (20) days in any eighty (80) day period shall be considered permanent and shall not be allowed.

- c. Exterior string lights used in the connection with commercial premise, other than holiday decorations.
- d. Any sign which is structurally or electrically unsafe.
- e. Signs painted directly on structures, or signs painted on, attached, or affixed to any tree, rock, or similar organic or inorganic natural matter.

**12. Nonconforming Signs**

Nonconforming signs shall not:

- a. Be re-established after the activity, business, or use to which it relates has been discontinued for ninety (90) days or longer.
- b. Be structurally altered so as to prolong the life of the sign or so as to change the shape, size, type, or design of the sign. This shall not preclude the general maintenance and repair of nonconforming signs to keep them in a safe condition and in good repair.
- c. Be re-established after damage or destruction, if the estimated expense of reconstruction exceeds fifty (50) percent of the replacement cost as determined by the Zoning Administrator.

If a non-conforming sign advertises a business, service, commodity, accommodation, attraction, or other enterprise or activity that is no longer operating or being offered or conducted at that site for a period of fourteen (14) days, that sign shall be considered abandoned and shall be removed within thirty (30) days after such abandonment by the sign owner, owner of the property where the sign is located, or other party having control over such sign. In case of a violation of this section, the sign owner, owner of the property where the sign is located or other party having control over such sign. In case of a violation of this section, the sign owner, owner of the property, or other party having control over such sign may be prosecuted. The Planning Commission may consider reasonable requests that extraordinary circumstances exist such that application of this provision would be inequitable.

**13. Special Alteration Permit.**

The Planning Commission, following a specific sign plan review, may grant a special alteration permit for a sign which shall not comply with the provisions of this Section under the following conditions:

- (8) The Planning Commission determines that the creation or continuation shall materially cause the signage situated on the premises to be in greater conformity with the intent of this Section as set forth in this Article than existed prior to the special permit;
- b. This subsection shall not apply to the new construction of signs, but only to the alteration of existing signs.

**14. Non-accessory Signs**

- a. Non-accessory signs are permitted in the Industrial Districts.
- b. Non-accessory signs shall be regulated as follows:

- (1) They shall be located a minimum of one thousand (1,000) feet from adjacent residentially zoned property;
- (2) They shall be located a minimum of one thousand (1,000) feet from other freestanding signs or billboards on the same side of the right-of-way;
- (3) They shall have the same setbacks as other principal structures in the zone in which they are situated, except that they shall be located no closer than two hundred (200) feet from any abutting public right-of-way.
- (4) They shall not exceed two hundred (200) square feet in area;
- (5) They shall not exceed twenty (20) feet in height; and
- (6) They shall be freestanding ground signs. No sign shall project over the roof of any building, nor have any (1) sign above another.

**15. Sign Permits**

- a. Prior to the erection or structural alteration of a sign, a zoning permit shall be secured from the Zoning Administrator and a building permit shall be obtained from the Building Official.
- b. Application for initial sign permits shall be made upon forms provided by the Zoning Administrator and shall contain or have attached thereto the following information:
  - (1) Name, address, and telephone number of the applicant.
  - (2) Location of building, structure, or lot to which or upon which the sign or other advertising structure is to be attached or erected.
  - (3) Position of the sign or other advertising structure in relation to nearby buildings or structures.
  - (4) Blueprints or ink drawings, in a number specified by the Zoning Administrator, of the plans and specifications and method of construction and attachment to the building or in the ground.
  - (5) Name of person, firm, corporation or association erecting the structure.
  - (6) Written consent of the owner of the building, structure, or land to which or on which the structure is to be erected.
  - (7) Any building permit and electrical permit required and issued for said sign. Applications requesting that such permits for the proposed sign must accompany the sign application.
  - (8) Such information as the Zoning Administrator shall require to show full compliance with the City's Ordinance.
- c. Every applicant, before being granted a permit hereunder, shall pay to the Zoning Administrator a permit fee for each sign or other advertising structure regulated by this chapter as may be established, by resolution, by the City Council.
- d. It shall be the duty of the Zoning Administrator, upon the filing of an application for a zoning permit, to examine such plans and specifications and other data and the premises upon which it is proposed to erect the sign or other advertising structure,

and if it shall appear that the proposed structure is in compliance with all the requirements of this chapter and all other laws and ordinances of the City, it shall then issue the zoning permit. If the construction authorized under a zoning permit has not been initiated within ninety (90) days after date of issuance, the permit shall become null and void.

### **Section 603. OFF-STREET PARKING REQUIREMENTS.**

There shall be provided in all districts, except C-1, at the time of erection or enlargement of any main building or structure, automobile off-street parking space with adequate access to all spaces. The number of off-street parking spaces, in conjunction with all land or building uses shall be provided, prior to the issuance of a certificate of occupancy, as hereinafter prescribed.

1. Off-street parking spaces may be located within a rear yard or within a non-required side yard unless otherwise provided in this Ordinance. Off-street parking shall not be permitted within a front yard nor with a required side yard setback unless otherwise provided in this Ordinance. C-1 parking shall be in conformance with Section 606 (2).
2. Off-street parking shall be on the same zoning lot of the building it is intended to serve, except as may be otherwise provided for by this Ordinance.
3. Required residential off-street parking spaces shall consist of a parking strip, parking bay, driveways, garage, or combination thereof and shall be located on the premises they are intended to serve, and also subject to the provisions of Section 306, Accessory Buildings and Structures for garages.
4. All residential driveways and parking strips shall be paved (asphalt or concrete) when constructed or, in the case of existing facilities, when the garage, driveway or parking strip is added, changed or modified.
5. Minimum required off-street parking spaces shall not be replaced by any other use unless and until equal parking facilities are provided elsewhere.
6. Off-street parking existing at the effective date of this Ordinance, in connection with the operation of an existing building or use, shall not be reduced to an amount less than hereinafter required for a similar new building or new use.
7. Two or more buildings or uses may collectively provide the required off-street parking in which case the required number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately, or in instances where operating hours do not overlap, the Planning Commission determines that adequate parking is available for each intended use.
8. In the instance of dual function of off-street parking spaces where operating hours of buildings do not overlap, the Board of Zoning Appeals may grant an exception.
9. The storage of merchandise, motor vehicles for sale, trucks, or the repair of vehicles is prohibited in areas designed to accommodate required on-site parking.
10. For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accordance with a use which the Planning Commission considers is similar in type.

11. When units or measurements determining the number of required parking spaces result in the requirement of a fractional space, any fraction up to and including one-half (1/2) shall be disregarded and fractions over one-half (1/2) shall require one (1) parking space.
  
12. For the purpose of computing the number of parking spaces required, the definition of Usable Floor Area shall govern, and be defined as that area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, hallways, or for utilities or sanitary facilities, shall be excluded from this computation. Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls.
  
13. The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following schedule:

<u>USE</u>	<u>NUMBER OF MINIMUM PARKING SPACES PER UNIT OF MEASURE</u>
<b>a. Residential</b>	
(1) Single or Two Family Unit	Two (2) per dwelling unit
(2) Multiple-Family Dwelling	Two (2) per dwelling unit.
(3) Housing for the Elderly	One (1) space per efficiency dwelling unit (no separate bedroom), 1.25 spaces per each one (1) bedroom unit, and 1.5 spaces per two (2) or more bedroom units.
(4) Mobile Home Park	Two (2) for each mobile home site and one (1) for each employee of the mobile home park.
<b>b. Institutional</b>	
(1) Churches or Temples	One (1) for each three (3) seats or six (6) feet of pews in the main unit of worship.
(2) Hospitals	One (1) for each one (1) bed.
(3) Convalescent or Nursing Homes	One (1) for each four (4) beds.
(4) Elementary and Junior	One (1) for each teacher, employee, or High School administrator, in addition to the requirements of auditorium.
(5) Senior High Schools	Five (5) per classroom, in addition to the requirements of the auditorium.
(6) Private Clubs or Lodge Halls	One (1) for each three (3) persons allowed within the maximum occupancy load as established by local, county, or state fire, building, or health codes.
(7) Private golf clubs, Swimming Pool Clubs, Tennis Clubs or Other Similar Uses.	One (1) for each two (2) member family individuals and one (1) for each employee in addition to the requirements for each accessory use such as a restaurant or bar.
(8) Golf Courses Open to General Public, Except Miniature or "Par 3" Courses	Six (6) for each one (1) golf hole and one (1) for each employee, in addition to the requirements for each accessory use, such as a restaurant or bar.
(9) Fraternity or Sorority	One (1) for each five (5) permitted active

	members or one (1) for each two (2) beds, whichever is greater.
(10) Stadium, Sports Arena, or Similar Place of Outdoor Assembly	One (1) for each three (3) seats or six (6) feet of benches.
(11) Theaters and Auditoriums	One (1) for each four (4) seats.
(12) Nursery School, Day Nurseries or Child Care Centers	One (1) for each employee and one (1) for each six (6) students in attendance at any particular time.
(13) Library	One (1) for every three hundred fifty (350) square feet of floor space
<b>c. Business and Commercial</b>	
(1) Planned Commercial or Shopping Center	One (1) per two thousand (2,000) square of gross floor area for planned commercial or shopping centers having between ten thousand (10,000) and fifty thousand (50,000) square feet of gross floor area. When a restaurant, lounge, or other establishment whose primary business offers prepared food for sale or consumption on the premises, or carryout and is part of a planned commercial or shopping center, the parking for such use shall be computed separately, based on the need for a free standing use of this nature, and the resulting increase shall be added to the other uses in the center.
(2) Auto Wash (Automatic)	One (1) for each one (1) employee. In addition, reservoir parking spaces equal in number to five (5) times the maximum capacity of the auto wash. Maximum capacity of the auto wash shall mean the greatest number of automobiles possible undergoing some phase of washing at the same time, which shall be determined by dividing the length in feet of each wash line by twenty (20).
(3) Auto Wash (Self-Service or Coin Operated)	Two (2) staging spaces for every washing stall plus one (1) per employee.
(4) Beauty Parlor or Barbershop	Three (3) spaces for each of the first (2) beauty or barber chairs, and one and one half (1 1/2) spaces for each additional chair.
(5) Bowling Alleys	Five (5) for each one (1) bowling lane in addition to the requirements for each accessory use, such as a restaurant or bar.
(6) Dance Halls, Roller Skating Rinks, Exhibition Halls, and Assembly Halls without Fixed Seats	One (1) for each two (2) persons allowed within the maximum occupancy load as established by local, county, or state fire, building, or health codes.
(7) Standard Restaurant	One (1) for each three (3) persons allowed within the maximum occupancy load as established by local, county, or state fire, building or health codes, plus one (1) for each two (2) employees.
(8) Furniture and Appliance, Household Equipment, Repair Shops, Showroom of a Plumber, Decorator, Electrician, or Similar Trade, Shoe Repair, and Other Similar Uses	One (1) for each eight hundred (800) square feet of usable floor area. (Fore that floor area used in processing, one (1) additional space shall be provided for each two (2) persons employed therein.)
(9) Gasoline Service Stations	One (1) for each three hundred (300) square

	feet of retail floor space.
(10) Laundromats and Coin Operated Dry Cleaners	One (1) for each two (2) washing and dry-cleaning machines.
(11) Miniature or "Par 3" Golf Courses	Three (3) for each one (1) hole plus one (1) for each one (1) employee.
(12) Mortuary Establishments	One (1) for each fifty (50) square feet of usable floor space.
(13) Motel, Hotel, or Other Commercial Lodging Establishments	One (1) for each one (1) occupancy unit plus one (1) for each employee.
(14) Motor Vehicle Sales and Service Establishments	One (1) for each two hundred (200) square feet of usable floor space of sales room and one (1) for each one (1) auto service stall in the service room.
(15) Retail Stores Except as Otherwise Specified Herein	One (1) for each two hundred fifty (250) square feet of usable floor space.
(16) Establishments, Offering Carryout Service, Being Establishments Primarily Serving Customers over a Counter or Through a Window, i.e., Food Carryout, Dry Cleaner, Pick-up, Meat Markets, Bakeries, Shoe Repair, Etc.	One (1) parking space for each employee in the largest working shift and one (1) parking space for each thirty (30) square feet of usable floor area devoted to customer assembly and/or waiting area. Parking needs for areas devoted to the consumption of food on the premises shall be computed separately for such seating areas.
(17) Pool or Billiard Parlors, Card Rooms, Arcades or Other Similar Establishments	One (1) for each three (3) persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes.
(18) Drive-in/Through Restaurant	One (1) parking space for each employee in the largest working shift; one (1) for each two (2) seats provided; and one (1) for each thirty (30) square feet of usable floor area devoted to customer waiting area.
(19) Mini-Warehouse Facility	One (1) parking space for each three thousand (3,000) square feet of gross building area.
<b>d. Offices</b>	
(1) Banks	One (1) for each two hundred fifty (250) square feet of usable floor space.
(2) Business Offices or Professional Offices Except as Indicated in the Following Item (3)	One (1) for each two hundred fifty (250) square feet of usable floor space.
(3) Professional Offices of Doctors, Dentists, and Similar Professionals	One (1) for each fifty (50) square feet of usable floor area in waiting rooms and one (1) for each examining room, dental chair.
<b>e. Industrial</b>	
(1) Industrial or Research Establishments, and Related Accessory Offices	Three (3) plus one (1) for every one (1) employee in the largest working shift or three (3) plus one (1) for every five hundred fifty (550) square feet of usable floor area whichever is greater.
(2) Warehouses and Wholesale in the Establishments and Related Accessory Offices	One (1) for every one (1) employee in the largest working shift or three (3) plus one for every fifteen hundred (1,500) square feet of usable floor space, whichever is greater. Space on site shall also be provided for all construction workers during periods of plant construction.

14. Each parking lot that services a building entrance, except single or two-family residential or temporary structures, shall have a number of level parking spaces for the physically handicapped as set forth in the following table, (or as set forth in the Building Code Barrier Free Design Standards in effect) and identified by above grade signs as reserved for physically handicapped persons.

TOTAL SPACES IN PARKING LOT	REQUIRED NUMBER OF ACCESSIBLE SPACES
Up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	8
301 to 400	12
over 400	12 + 2 for every 250 or fraction thereof over 400

Parking spaces for the physically handicapped shall be a minimum of twelve (12) feet wide and must meet all other applicable requirements as to size as set forth in the Building Code.

**SECTION 604. OFF-STREET PARKING SPACE LAYOUT, STANDARDS CONSTRUCTION, AND MAINTENANCE.**

Whenever the off-street parking requirements in Section 603 above require the building of an off-street parking facility, such off-street parking lots shall be laid out, constructed and maintained in accordance with the following standards and regulations.

1. No parking lot shall be constructed unless and until a permit therefore is issued by the Zoning Administrator. Applications for a permit shall be submitted in such form as may be determined by the Zoning Administrator and shall be accompanied with two (2) sets of site plans for the development and construction of the parking lot showing that the provisions of this section will be fully complied with.

The entire parking area, including parking spaces and maneuvering lanes, required under this section shall be provided with asphaltic or concrete surfacing in accordance with specifications approved by the Municipal Engineer. Off-street parking areas shall be drained so as to dispose of all surface water accumulated in the parking area in such a way as to preclude drainage of water onto adjacent property or toward buildings.

2. Plans for the layout of off-street parking facilities shall be in accordance with the following minimum requirements:

OFF-STREET PARKING LAYOUT REQUIREMENTS

PARKING PATTERN	MANEUVERING LANE WIDTH		PARKING STALL WIDTH	PARKING STALL DEPTH (90° MEASURE)	TOTAL DEPTH OF ONE TIER OF SPACES PLUS MANEUVERING LANE	TOTAL DEPTH OF TWO TIERS OF SPACES PLUS MANEUVERING LANE
	(2-WAY MOVEMENT)	(1-WAY MOVEMENT)				
0° (parallel) parking	24'	12'	8.0'	22'	20'	40'
45°	23'	12'	9.5'	13'	25'	49'
60°	24'	16'	9.5'	16'	32'	56'
90°	25'	N/A	9.5'	18'	43'	61'

3. All maneuvering lane widths shall permit one-way traffic movement, except that which permits the 90 degree parking pattern.
4. All spaces shall be provided adequate access by means of maneuvering lanes. Backing directly onto a street shall be prohibited.
5. Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for all vehicles. Ingress and egress to a parking lot lying in an area zoned for other than single-family residential use shall not be across land zoned for single family residential use.
6. A wall shall be provided on those sides of the off-street parking area abutting or adjacent to a residential district or use. The obscuring wall shall not be less than four feet six inches (4'-6") in height measured from the surface of the parking area.

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

The Planning Commission, upon application by the property owner of the off-street parking area, may waive or modify the wall requirement by approving either an earth berm or evergreen screen in its place. The Planning Commission may also waive the wall requirement in specific cases where cause can be shown that no good purpose would be served by compliance with the requirements of this Section.

7. All lighting used to illuminate any off-street parking area shall be so installed as to be confined within and directed onto the parking area only.

8. In all cases where a wall extends to an alley which is a means of ingress and egress to an off-street parking area, it shall be permissible to end the wall not more than ten (10) feet from such alley line in order to permit a wider means of access to the parking area.
9. Parking aisles shall not exceed three hundred (300) feet without a break in circulation.
10. Except for those serving single and two-family dwellings, all parking lots shall be provided with wheel stops or bumper guards so located that no part of parked vehicles will extend beyond the property line or into required landscaped areas or pedestrian ways.
11. No parking lot shall have more than one (1) attendant shelter building. All shelter buildings shall conform to setback requirements for structures in the district in which it is located.

**SECTION 605. PARKING LOT LANDSCAPING.**

Off-street parking areas which contain more than twenty (20) parking spaces shall be landscaped as follows:

1. An area equal to at least five (5) percent of the total parking area shall be used for interior landscaping. Whenever possible, parking lot landscaping shall be arranged to improve the safety of pedestrian and vehicular traffic, guide traffic movement, and improve the appearance of the parking area, through the even distribution of the landscape effort across the total off-street parking area, rather than to concentrate all effort in one location.
2. Parking lot landscaping shall be not less than five (5) feet in any single dimension and not less than one hundred fifty (150) square feet in any single island area. Not more than two (2) landscaped units of one hundred fifty (150) square feet may be combined in plans designed to meet the minimum requirements.
3. The landscape plan shall designate the sizes, quantities, and types of plant material to be used in parking lot landscaping.
4. Required landscaping elsewhere on the parcel shall not be counted in meeting the parking lot landscaping requirements.
5. A minimum of one (1) deciduous tree shall be planted in each landscaped area.

**SECTION 606. OFF-SITE PARKING FACILITIES.**

Required parking for a development may be located off-site under certain circumstances. Requests for off-site parking must meet the following requirements:

1. Residential Uses

Parking facilities accessory to dwelling units shall be located on the same zoning lot as the use served. Spaces accessory to uses other than dwellings (such as churches) may be located on a lot adjacent to or directly across a street or alley from the lot occupied by the use served; but in no case at a distance in excess of three hundred (300) feet from such

zoning lot.

2. Nonresidential Uses

Parking facilities accessory to nonresidential uses may be located on other than the same zoning lot as the use served (off-site). All required parking spaces shall be within five hundred (500) feet of such zoning lot. No parking spaces accessory to a use in a business or industrial district shall be located in a residential district, unless authorized by the Planning Commission.

3. Agreement Required

A written agreement shall be drawn to the satisfaction of the City Attorney and executed by all parties concerned assuring the continued availability of the off-site parking facilities for the use they are intended to serve.

**SECTION 607 OFF-STREET LOADING AND UNLOADING.**

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

<u>TOTAL FLOOR AREA OF THE BUILDING</u>	<u>OFF-STREET LOADING SPACE REQUIREMENTS</u>
1,401 - 20,000 square feet	One (1) usable loading space 10' x 50'
20,001 - 50,000 square feet	Two (2) usable loading spaces, each 10' x 50'
Over 50,000 square feet	Three (3) usable loading spaces plus one (1) space for each 50,000 square feet in excess of 50,000 square feet each 10' x 50'

1. All loading spaces shall be in addition to the off-street parking area access drive, and maneuvering lane requirements.
2. Off-street loading space shall have a clearance of fourteen (14) feet in height.
3. Off-street loading space may be completely enclosed within a building, or may occupy a portion of the site outside of the building, provided that where any portion of a loading space is open to public view, said space shall be screened in accordance with Section 1220, Screening Walls.
4. All loading and unloading in the Industrial District shall be provided off-street in the rear yard or interior side yard, and shall in no instance be permitted in a front yard. In those instances where exterior side yards have a common relationship with an industrial district across a public thoroughfare, loading and unloading may take place in said exterior side yard when the setback is equal to at least fifty (50) feet.

**SECTION 608. RECREATIONAL VEHICLE STORAGE.**

1. Residents of the City may keep not more than one (1) of their own trailer, boats, camper, motor home, and similar vehicles on their own property for an indefinite period of time, provided such vehicles are in operable condition and are not kept within twenty (20) feet of the closest edge of any neighboring road surface area. Such vehicles shall be subject to all other applicable provisions concerning accessory buildings set forth in Section 1206.
2. A travel trailer, motor home, or camper parked or stored on a residential lot shall not be connected to sanitary facilities and shall not be occupied.

**SECTION 609. LANDSCAPING.****1. Intent**

Landscaping, greenbelts, and screening are necessary for the protection and enhancement of the environment and for the continued vitality of all land uses in the City. Landscaping and greenbelts are capable of enhancing the visual environment, preserving natural features, improving property values, and alleviating the impact of noise, traffic, and visual disruption related to intensive uses. The purpose of this section is to set minimum standards for the protection and enhancement of the environment through requirements for the design and use of landscaping, greenbelts, and screening.

**2. Scope of Application**

The requirements set forth in this section shall apply where landscaping is required under this Ordinance, and no site plan shall be approved unless said site plan shows landscaping consistent with the provisions of this section. Furthermore, where landscaping is required, a zoning permit shall not be issued until the required landscape plan is submitted and approved, and a certificate of zoning occupancy shall not be issued unless provisions set forth in this section have been met or a performance bond has been posted.

Changes in the use of an existing building changes which require additional landscaping, or an existing building is changed or otherwise altered or reoccupied, all of the standards set forth herein shall be met.

The requirements of this section are minimum requirements, and nothing herein shall preclude a developer and the City from agreeing to more extensive landscaping.

**3. Landscaping Design Standards**

Required landscaping shall conform to the following standards:

**a. General Landscaping**

All portions of the lot or parcel area not covered by buildings, paving, or other impervious surfaces, shall be landscaped with vegetative ground cover and other ornamental materials as required below, except where specific landscape elements, such as a greenbelt, berm, or screening are required:

- (1) All portions of the landscaped area shall be planted with grass, ground cover, shrubbery, or other suitable plant material, except that paved patios, terraces, sidewalks and similar site features may be incorporated with Planning Commission

approval.

- (2) A mixture of evergreen and deciduous trees shall be planted at the rate of one (1) tree for each 1,000 square feet or portion thereof of landscaped open-space area.
- (3) Required trees and shrubs may be planted at uniform intervals, at random, or in groupings.
- (4) On sites which are two (2) acres or larger in size, the landscaped area shall include a greenbelt of a minimum ten (10) foot width, located and continually maintained along a public right-of-way.
- (5) In consideration of the overall design and impact of the landscape plan, the Planning Commission may reduce or waive the requirements outlined herein for General Landscaping, or for landscaping in greenbelt areas, on berms, or as part of a screen, provided that any such adjustment is in keeping with the intent of the Ordinance, and more specifically, with the intent of Section 1218.1.
- (6) The total landscaped area shall be the basis for determining the required number of trees or shrubs, irrespective of the portion which is devoted to patios, terraces, sidewalks, or other site features.

**b. Greenbelt Buffer**

Where required, greenbelts and greenbelt buffers shall conform to the following standards:

- (1) A required greenbelt or greenbelt buffer may be interrupted only to provide for roads or driveways for vehicular access.
- (2) Grass, ground cover, or other suitable live plant material shall be planted over the entire greenbelt area, except that paving may be used in areas of intensive pedestrian circulation.
- (3) A minimum of one (1) deciduous tree or evergreen tree shall be planted for each thirty (30) lineal feet or portion thereof of required greenbelt length. Required trees shall be at least five (5) feet tall and may be planted at uniform intervals, at random, or in groupings.
  - a. For each fifty (50) linear feet or portion thereof of required greenbelt length, at least one (1) ornamental spring flowering tree which grows to at least five (5) feet in height within five (5) years of planting, shall be installed and maintained.
- (5) Two (2) eighteen (18) inch high or wide shrub shall be required for each fifteen (15) linear feet of greenbelt area. Required shrubs may be planted at uniform intervals, at random, or in groupings.
- (6) For the purpose of determining required plant material, required greenbelt area length shall be measured along the exterior periphery of the greenbelt area inclusive of all driveways.

**c. Berms**

Where required, earth berms or landscaped berms shall conform to the following standards:

- (1) The berm shall be at least three (3) feet above the grade elevation, and shall be

constructed with slopes no steeper than one (1) foot vertical for each three (3) feet horizontal. For the purposes of this provision, grade elevation shall be the ground elevation at the property line adjacent to the proposed berm.

- (2) The berm area shall be planted with grass or other suitable ground cover to ensure that it withstands wind and weather and retains its height and shape.
- (3) A minimum of one (1) deciduous or evergreen tree shall be planted for each thirty (30) linear feet or portion of required berm.
- (4) Eight (8) shrubs per tree may be planted as substitute for each tree (see item "3" above). They may be required to be planted at thirty (30) foot intervals.
- (5) Required trees and shrubs may be planted at uniform intervals, at random, or in groupings.
- (6) For the purpose of determining required plant material, required berm length shall be measured along the exterior periphery of the berm.

**d. Evergreen Screening**

Where required, evergreen screening shall consist of closely-spaced plantings which form a visual barrier that grows to at least five (5) feet above ground level within five (5) years of planting.

**e. Landscaping Rights-of-Way & Other Adjacent Public Open-Space Areas**

Public rights-of-way and other public open-space areas adjacent to required landscaped areas and greenbelts shall be planted with grass or other suitable ground cover and maintained by the owner of the adjacent property as if they were part of required landscaped areas and greenbelts.

**f. Regulations Pertaining to Landscaping Areas Used for Sight Distance**

When a driveway intersects a public right-of-way or when the subject property abuts the intersection of public rights-of-way, all landscaping within the corner triangular areas described below shall permit unobstructed cross-visibility. Shrubs located in the triangular area shall not be permitted to grow to a height of more than three (3) feet above the pavement grade at the edge of the pavement. Portions of required berms located within sight distance triangular areas shall also not exceed a height of three (3) feet above the pavement grade at the edge of the pavement. Trees may be maintained in this area provided that all branches are trimmed to maintain a clear vision for a vertical height of eight (8) feet above the roadway surface. Landscaping, except grass or ground cover, shall not be located closer than three (3) feet from the edge of a driveway.

The triangular areas referred to above are:

- (1) The area formed at the corner intersection of a public right-of-way and a driveway, two (2) sides of the triangle area being ten (10) feet in length measured along the right-of-way line and driveway line and the third side being a line connecting these two sides.
- (2) The area formed at a corner intersection of two (2) public rights-of-way lines, the two (2) sides of the triangular area being twenty-five (25) feet in length measured along the abutting public rights-of-way lines and the third side being a line connecting these two (2) sides.

**g. Maintenance of Landscaping**

All required landscape areas shall be planted and maintained with living plant materials. Failure to maintain required landscaped areas, including the removal and replacement of dead or diseased plant materials, shall constitute a violation of this Ordinance.

**SECTION 610. PLANT MATERIALS.**

Whenever in this Ordinance planting is required, it shall be planted within six (6) months from the date of completion of the building or improvement, and shall thereafter be reasonably maintained with permanent plant materials. Plastic and other nonorganic, nonliving plant materials shall be prohibited from use and shall not be in compliance with the spirit and intent of this Ordinance.

1. Plant Material Spacing
  - a. Plant materials shall not be placed closer than four (4) feet from the fence line or property line except that shrubs may be planted no closer than two (2) feet from the fence or property line.
  - b. Where plant materials are planted in two (2) or more rows, plantings shall be staggered in rows.
  - c. Evergreen trees shall be planted not more than thirty (30) feet on centers, except as provided in Section 1218, 3a (2).
  - d. Narrow evergreens shall be planted not more than three (3) feet on centers.
  - e. Deciduous trees shall be planted not more than thirty (30) feet on centers.
  - f. Tree-like shrubs shall be planted not more than ten (10) feet on centers.
  - g. Large deciduous shrubs shall be planted not more than four (4) feet on centers.

- |    |   |                         |
|----|---|-------------------------|
| 2. | Suggested Plant Materials   | Minimum Suggested Size  |
| a. | Evergreen Trees   | Six (6) feet in height  |
|    | (1) Hemlock<br>(2) Fir<br>(3) Pine<br>(4) Spruce<br>(5) Douglas-Fir   |                         |
| b. | Narrow Evergreens   | Four (4) feet in height |
|    | (1) Column Honoki Cypress<br>(2) Blue Columnar Chinese Juniper<br>(3) Pyramidal Red-Cedar<br>(4) Irish Yew<br>(5) Douglas Arborvitae<br>(6) Columnar Giant Arborvitae |                         |
| c. | Tree-like Shrubs  | Six (6) feet in height  |
|    | (1) Flowering Crab  |                         |

- (2) Mountain Ash
- (3) Dogwood
- (4) Redbud
- (5) Rose of Sharon
- (6) Hornbeam
- (7) Hawthorn
- (8) Magnolia

d. Large Deciduous Shrubs Four (4) feet in height

- (1) Honeysuckle
- (2) Viburnum
- (3) Mock-Orange
- (4) Forsythia
- (5) Lilac
- (6) Cotoneaster
- (7) Hazelnut
- (8) Euonymus
- (9) Privet
- (10) Buckthorn
- (11) Sumac

e. Deciduous Trees Two (2) to Three (3) inch Caliper

- (1) Oaks
- (2) Hard Maple
- (3) Hackberry
- (4) Birch
- (5) Planetree (Sycamore)
- (6) Ginkgo (male)
- (7) Beech
- (8) Sweet-Gum
- (9) Honeylocust
- (10) Hop Hornbeam
- (11) Linden

3. Trees Not Permitted

- a. Box Elder
- b. Soft Maples (Silver)
- c. Slippery Elms
- d. Poplars
- e. Willows
- f. Horse Chestnut (nut bearing)
- g. Tree of Heaven
- h. Catalpa
- i. Ginkgo (female)
- j. Autumn or Russian Olive

4. Existing Plant Materials

In instances where healthy plant material exists on a site prior to its development, the Zoning Administrator may adjust the application of the above standards to allow credit for such plant material if such an adjustment is in keeping with, and will preserve the intent of this section.

All existing plant materials must first be inspected by the Zoning Administrator to determine the health and desirability of such materials. In the event plant materials are to be saved, prior approval must be obtained from the Zoning Administrator before any delimiting, root pruning, or other work is done.

If such existing plant material is labeled "To Be Saved" on site plans, protective techniques, such as (but not limited to) fencing placed at the drip-line around the perimeter of the plant material, shall be installed. No vehicle or other construction equipment shall be parked or stored within the drip-line of any plant material intended to be saved.

In the event that healthy trees labeled "To Be Saved" on the approved site plan are destroyed or damaged, as determined by the Zoning Administrator, the owner, developer or contractor shall replace said trees with trees of comparable type.

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**ZONING ORDINANCE**

**ARTICLE SEVEN  
SPECIAL LAND USE PERMIT**

**ARTICLE VII**  
**SPECIAL LAND USE PERMIT**

**SECTION 701: REVIEW AND APPROVAL OF SPECIAL USES**

k. Application

- a. The uses identified as special uses are recognized as possessing characteristics of such unique and special nature relative to location, design, size, public utility needs, and other similar characteristics as necessitating individual standards and conditions in order to safeguard the general health, safety and welfare of the community,
- b. The Planning Commission as provided herein shall have the authority to approve special use permits subject to such conditions of design, operation, and appropriate and reasonable safeguards as the City may require for any special use included in the various provisions of this Zoning Ordinance.

l. Data Required

- a. Application for any special use permit as provided under the provisions of this Ordinance shall be made to the Zoning Administrator by filing an official special land use permit application form; submitting required data, exhibits and information; and depositing the required fee as established by resolution of the City Council, and as may be amended from time-to-time.
- b. An application for a special use permit shall contain the following:

- 1. Applicant's name, address and telephone number.
- 2. Address and tax description number of the subject parcel(s).
- 3. A signed statement that the applicant is the owner of the subject parcel, operator of the use, or is acting as the representative of the owner or operators detailed in Article V.
- 4. A complete site plan containing all of the applicable data outlined in Section 501, Review and Approval of Site Plans.
- 5. Supporting statements, evidence, data, information and exhibits which address those standards and requirements for assessing special condition use permit applications outlined in Section 501.

m. Public Hearing Requirements

Upon receipt of an application for a use requiring special approval, the Planning Commission shall hold a public, notice of which shall be published as required not less than fifteen (15) days prior to the public hearing date in a newspaper of general circulation in the City and sent by first class mail to the

owners of the property for which the special approval is being considered to the owners of record of all the real property and to the occupants of the property of all structures located within three hundred (300) feet of the boundaries of the property in question. The notice shall:

1. Describe the nature of the special use request.
  2. Adequately describe the property in question.
  3. State the date, time, and place of the public hearing.
  4. Indicate when and where written comments concerning the request will be received.
- e. A detail regarding public hearing requirements are found in Article IIB on page 20 of this ordinance. The other requirements for an application are defined in Article VII.
4. Standards for approval
- a. The Planning Commission shall review the particular circumstances and facts applicable to each proposed special use in terms of the following standards and requirements and shall make a presentation as to whether the use proposed to be developed on the subject parcel meets the following standards and requirements.
    1. Will be harmonious with and in accordance with the general objective of the Future Land Use Plan.
    2. Will be designed, constructed, operated, maintained, in harmony with existing and intended character of the general vicinity and so that such will not change the essential character of that area.
    3. Will not cause a material detriment to property in the immediate vicinity nor to the general benefit to the community as a whole.
    4. Will be served adequately by essential public services and facilities such as highways, streets, drainage structures, police and fire protection and refuse disposal; or persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately for such services.
    5. Will not create excessive additional requirements at public cost for public facilities and services, and will not be detrimental to the economic welfare of the community.
    6. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive smoke, fumes, glare, noise, vibration or odors.
    7. Will meet all specific criteria established for the proposed use as identified in this Ordinance Article.
    8. Will be consistent with the purposes of this Ordinance.
  - b. If the facts regarding this special use being reviewed do not establish, by a preponderance of the evidence that the standards and requirements set forth in this Zoning Ordinance will be met by the proposed use, the Planning Commission shall not approve the special use.

In recommending approval of a Special Land Use Permit the Planning Commission shall recommend imposition of such reasonable conditions of use as it deems necessary to protect the best interests of the City and the general vicinity, to achieve the objectives of this Ordinance and the Master Plan, to assure that the general public health, safety and welfare will not be

infringed upon.

The Planning Commission may recommend denial, approval, or approval with conditions, on a request for Special use approval. The recommendation on a special use shall be incorporated in a statement containing the conclusions relative to the Special Land Use Permit under consideration which specifies the basis for the decision and any of the conditions recommended.

- c. Upon holding a public hearing and review of the special use request, the Planning Commission shall within thirty (30) days make its finding and decision. The finding shall include a record of those conditions which are recommended to be imposed. The special land use may be denied, approved or approved with conditions, any request for a special land approval. Any decision on such a request shall state the findings of fact and specify the conclusions drawn there and any conditions imposed thereon. Any conditions imposed shall remain unchanged except upon mutual consent of a majority of the Planning Commission and the landowner. The City shall maintain a record of all conditions that are changed. All records of proceedings hereunder shall be kept and made available to the public.
- d. The special use review and the site plan may occur concurrently at the discretion of the Planning Commission.

#### 5. Approval of Temporary Uses

The Planning Commission shall have the power to grant permits for, or direct the Zoning Administrator to authorize temporary land uses for:

- a. Seasonal sales of produce, firewood or Christmas trees, and similar uses subject to the following conditions.
  - (1) Zoning districts where permitted.
  - (2) Temporary uses shall be restricted to nonresidential zoning districts.
  - (3) Application and submittal requirement.
  - (4) The application for a temporary use permit shall be accompanied by plans and specifications including a plot plan, in triplicate. Drawn to scale, showing the following.
    - 1. The shape, location, and dimensions of the lot, including the shape, location and dimensions of the lot, including the shape, size, and location of all buildings or other structures already on the lot, off-street parking layout, and the location of any designated fire lanes.
    - 2. The materials to be utilized and the shape, size, and location of all buildings and structures to be erected or moved onto the lot, including all tents, tables, stands, or display racks.
    - 3. The anticipated automobile traffic flow to and from the lot and any adjacent thoroughfares, loss of off-street parking spaces, if any, as well as the anticipated flow of pedestrian traffic upon lot sidewalks.

(5) Time Limitations

1. A temporary use permit for sale of Christmas trees or similar seasonal items shall by its terms be effective for no longer than thirty (30) days. No more than one (1) temporary use permit for the sale of Christmas trees, or similar seasonal items, shall be issued for any given location within a single calendar year.

(ii) A temporary use permit for a vegetable, fruit or produce stand or for the sale of firewood or similar use shall, by its terms, be effective for no longer than one hundred eighty (180) days. No more than one (1) temporary use permit for such uses shall be issued for any given location within a single calendar year.

b. Permit uses which do not require the erection of any capital improvement of a structural nature, not otherwise permitted in any district (such as art fairs, carnivals, and civic festival events), not to exceed fourteen (14) days.

In classifying uses as not requiring capital improvement, the Planning Commission or Zoning Administrator shall determine that they are either demountable structures related to the permitted use of the land; recreation developments such as, but not limited to: golf driving ranges and outdoor archery courts, or structures which do not require foundations, heating systems, or sanitary connections.

c. The granting of the temporary use shall be in writing, stipulating all conditions as to time, nature of development permitted and arrangements for removing the use at the termination of said temporary permit.

6. Standards for Approval for Temporary Uses and Essential Services

A temporary use permit will be granted if the proposed use, including the erection of any temporary building or structure will:

- a. Assure adequate light and ventilation between the buildings and structures.
- b. Facilitate adequate automobile and pedestrian traffic flow and provide adequate off-street parking.
- c. Provide adequate lot access for fire protection purposes.
- d. Not adversely affect the stability and integrity of the zoning plan prescribed by this Ordinance or otherwise interfere with the protection of the public health, safety, and general welfare.
- e. Not be incompatible with or otherwise adversely affect the physical character of the community and, in particular, the surrounding area within a distance of two hundred (200) feet from the parcel in question.
- f. When the proposed temporary use is to be conducted on an otherwise vacant or unused lot, the use shall comply with all applicable zoning regulations for the district in which the temporary special use is to be located, including all requirements pertaining to lot size, height, setbacks, open space ratio, maximum percentage of lot coverage, and off-street parking.

**SECTION 702. DESIGN CRITERIA FOR SPECIAL USES**

All Special Land Uses identified in Article VIII, Section 802 shall meet the requirements for additional specific land use requirements as part of the findings of fact for the special uses being reviewed pursuant to the provisions of this Article. Only after the special land use has been reviewed and found to meet these requirements can the City of Gladwin Planning Commission approve the special land use.

The uses requiring additional criteria for Special Land Use approval as authorized in Article IV are for the Special Land Uses in Article VIII.

**SECTION 703. ADDITIONAL SPECIAL LAND USES**

All special land uses identified in article VIII, Section 802. The Planning Commission shall not create a Special Land Use that they find desirable. A new Special Land use can only be created by an amendment to this zoning ordinance and must state the qualifications for permitting approval of the Special Land Use Permit. The discretionary conditions are limited to compatibility with adjacent lands, the natural environment and the capacities of public services and facilities affected by the land use or by the public health, safety and welfare.

Reasonable conditions that can be attached to the approval with conditions are those outlined in the above paragraph and specifically the following:

- a. Designed to protect natural resources,, health safety and welfare as well as the social and economic well being of those who will use the land or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity and the community as a whole.
- b. Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.
- c. Is necessary to meet the conditions and purpose of the zoning requirements, be related to the standards established in the zoning ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.

The conditions imposed with respect to the approval of a land use or activity shall be recorded in the record of approval action and remain unchanged except on the mutual consent of the Planning Commission and the land owner. The Planning Commission shall maintain a record of conditions which are changed.



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**ZONING ORDINANCE**

**ARTICLE EIGHT**

**SPECIAL LAND USE PERMIT  
DESIGN REQUIREMENTS**

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## DESIGN REQUIREMENTS FOR SPECIAL LAND USES

### SECTION 801: INTENT

This Article is intended to define the design requirements for allowing each special land use to be constructed as a special feature otherwise not allowed in that zoning district of the City of Gladwin. These requirements must be met during an analysis to approve, disapprove, or table the Special Use Permit to the satisfaction of the Planning Commission of the City of Gladwin. The Special Land Use Permit shall be subject to review and approval of the Planning Commission. This ordinance requires the following:

1. The Special Land Uses and activities eligible for an approved Special Land Use Permit.
2. The standards for reviewing and granting standards for each type of Special Land Use.
3. The requirements and supporting materials as required in Articles V and VII.

### SECTION 802: SPECIAL LAND USES IN THE CITY OF GLADWIN

The City of Gladwin may allow the following Special Land Uses to be permitted in various Zoning Districts of the City if they are specifically noted in Section 802 and meet the unique conditions and suitability required herein:

- a. Agricultural Uses.
- b. Religious buildings and Other Assembly Facilities.
- c. Public Utility Buildings without outdoor storage.
- d. Two-family dwellings.
- e. Larger Municipal Uses.
- f. Hospitals, Medical Centers, Nursing Homes, Assisted Living & Outpatient Facilities.
- g. Convalescent or Nursing Homes, Assisted Living, Outpatient Facilities, and Large Physician Offices.
- h. Day Care Center for Adults and Children.
- i. Homes for the Aged, Congregate Care Facilities, and/or Adult Foster Care Facilities.
- j. Housing for the Elderly.
- k. Office business for executive, administrative and professional services, including but not limited to the offices of a lawyer, accountant, insurance/real estate, architect, engineer, and similar uses.
- l. Small clinics, except veterinary clinics without outdoor runs.
- m. Medical, dental and optical laboratories providing testing services and/or provide artificial limbs, teeth, eyeglasses and similar uses.
- n. Dwelling units located on the second floor or higher, providing they meet all building requirements.
- o. Theaters, assembly halls, concert halls, private clubs, fraternal organizations, lodge halls, churches and similar places of assembly.
- p. Recycle Centers in Service Commercial Zoning Districts.
- q. Bed and breakfast facilities.
- r. Vehicle dealers with outdoor and indoor space for sales and repair facilities for new or secondhand automobiles, trucks, house trailers, recreational vehicles, rental trucks or trailers, and rental automobiles.

- 19. Drive through, drive up, or drive in store or restaurant.
- 20. Gasoline, diesel, bio-fuel, electrical, or other fuel service stations without repair services, selling minor accessories, and operating a small convenience store operations.
- 21. Sexually-oriented (adult entertainment) businesses
- 22. Airports and landing fields.
- 23. Commercial or public television, radio towers, and any utility microwaves.
  - a. Mini-warehouses (self storage facilities)

**SECTION 803: REQUIREMENTS FOR EACH SPECIAL LAND USE**

This section outlines the additional requirements that the Planning Commission may consider in evaluating an authorized Special Land Use in an appropriate Zoning District. The Planning Commission can consider only the issue in Article V, Site Plan Review and as listed herein. If the application for a Special Land Use Permit addresses all of these issues accurately, the Planning Commission must approve the proposed Special Land Use Permit.

**1. Agricultural Uses.**

Agricultural uses generally are not desirable or appropriate within the City of Gladwin. However, some operations may exist on property reserved for a larger development or may apply to newly annexed property. The use can be allowed if limited to certain practices. The regulations for agricultural uses are:

- (b) Agricultural uses shall be at least forty (40) acres in size, and
- (c) the use shall be for cash crops only and no animal raising is allowed for food or animal parts, and
- (d) any fertilizer or herbicide shall be nearly odor free and chemically-based rather than odorous manure.

The site is considered transitional to eventual development for urban uses.

**2. Religious Buildings and Other Assembly Facilities.** Since these facilities are permitted in the most restrictive residential areas they require carefully established standards for development as follows:]

- a. The building shall be used for a non profit assembly organization.
- b. The building site shall be at least one (1) acre in size, and
  - 4. The principal buildings on the site shall be set back from abutting properties zoned for residential use not less than fifteen (15) feet, and
  - 5. buildings of greater the maximum height allowed in dimensional
  - 6. Regulations in each Zoning District shall be allowed provided front, side and rear yards are increased beyond the required minimum required
  - 7. yards by one (1) foot for each one (1) that the building height exceeds the maximum height allowed.
- g. All access to the site shall have access to a major thoroughfare.

**3. Public Utility Buildings without outdoor storage.** Public utility building and uses without storage yards and having operating requirements that necessitate locating the building within the district in order to serve the immediate vicinity. Further no building and/or structure shall be located in any required yard. Specific additional requirements are:

- (b) The building or structure may be fenced for the safety and protection of nearby residents and/or the public utility of a material specified by the Planning Commission.

- (c) The height of the building or structure shall not exceed the height permitted in the Zoning District.
- 4. Two-family dwellings.** Two family dwellings are allowed in specified residential district if the meet the following requirements:
- (b) The two family dwelling shall meet the requirements Section 503 of Article VI for off-street parking and loading, and
  - (c) each unit shall have proper food preparation and restroom facilities per the building code.
- 5. Larger Municipal Uses.** Large municipal uses such as sewage treatment plants and water wells without outside storage require highly screened borders and access by large vehicles per the following requirements:
- (b) Other than open storage of water in a reservoir, there shall be no outside storage permitted.
  - (c) There shall be sufficient area of land to allow minimum setbacks of at least forty (40) feet for all front, side, and rear yards.
  - (d) All access to the site shall be in accordance have access to a major thoroughfare.
  - (e) All access to the site shall have direct access to a major thoroughfare.
- 6. General Hospitals and/or Medical Centers.** The following requirements shall be part of any site plan:
- (b) There shall be no height restrictions providing all other conditions are met.
  - (c) All access to the site shall be in accordance with Section 310.
  - (d) The minimum distance of any principal or accessory building from bounding property lines or street right-of-ways shall be at a least fifty (50) foot setback from all yards.
  - (e) Ambulance and delivery areas shall be obscured from all residential views with an obscuring wall or fence six (6) feet in height.
  - (f) The facility shall be developed on a site of at least three (3) acres.
- 7. Convalescent or Nursing homes, Assisted Living, Outpatient Facilities, and Large Physician Offices.** The proposed site plan for the project shall meet the following requirements:
- (b) The building shall not exceed a height of two (2) stories.
  - (c) The minimum lot size shall be three (3) acres.
  - (d) No building shall be closer than forty (40) feet to any property or right-of-way line.
  - (e) All access to the site shall be in accordance with Section 310.
  - (f) The site shall have not less than fifteen hundred (1,500) square feet of open space for each bed in the home, This land area shall provide for landscaping, off-street parking and loading, service drives, yard requirements, and accessory uses, but shall not include the area covered by the principal building and any accessory uses.
- 8. Day Care Center for Adults and Children.** Such facilities are required to meet State of Michigan standards for use of property for such purposes.
- (b) House in a residential area and shall not have additions that do not blend with the residential character of the existing home and neighborhood.
  - (c) Not more than six treated adults or children may be in the facility if located in a residentially zoned district.

**9. Homes for the Aged, Congregate Care Facilities, and/or Adult Foster Care Facilities.**

- (b) These facilities have to accommodate the scale, access and parking, signs and landscaping required in Article VI.
- (c) State controlled facilities for more than six persons shall additionally meet all development and operational requirements.

**10. Housing for the Elderly.**

- (b) All elderly housing shall be constructed on appropriate parcels and may provide for the following:
  - Cottage type one-story dwelling and/or apartment type dwelling units.
  - Common service containing, but not limited to, central dining
- (c) Minimum dwelling unit shall be three hundred fifty (350) square feet per unit, but excluding kitchen and sanitary facilities.
- (d) Buildings of greater height than allowed in the Zoning District may be allowed provided front, rear, and side yards are increased above the required yards by one (1) foot

**11. Office business for executive, administrative and professional services, including but not limited to the offices of a lawyer, accountant, insurance/real estate, architect, engineer, and similar uses.** This is a Special Use in the R-O (Residential Office) District. Because it may include conversions of existing dwelling units it may be difficult or impossible to meet all of the requirements, especially for a single parcel of property. The following requirements for a Special Land Use Permit shall be met:

- (b) It shall conform to all of the requirements in Article VI regarding Signs, Off-street parking and Loading and Landscaping.
- (c) A six (6) foot opaque border fence to the City's satisfaction shall be required along any residential property at the rear lot line and side lot lines except in the front yard.
- (d) The property must be adjacent to and an extension of an existing C-1 or C-2 business area and located on a major thoroughfare.

**12. Small clinics for people and veterinary clinics without outdoor runs.** This is a Special Use in the RO (Residential Office) District. Because it may include conversions of existing dwelling units it may be difficult or impossible to meet all of the requirements, especially for a single parcel of property. The following requirements for a Special Land Use Permit shall be met:

- (b) It shall conform to all of the requirements in Article VI regarding Signs, Off-street parking and Loading and Landscaping.
- (c) A six (6) foot opaque border fence to the City's satisfaction shall be required along any residential property at the rear lot line and side lot lines except in the front yard.
- (d) The property must be adjacent to and an extension of an existing C-1 or C-2 business area and located on a major thoroughfare.

**13. Medical, dental and optical laboratories providing testing services and/or provide artificial limbs, teeth, eyeglasses and similar uses.** This is a Special Use in the RO (Residential Office) District because it may include conversions of existing dwelling units it may be difficult or impossible to meet all of the requirements, especially for a single parcel of property. The following requirements for a Special Land Use Permit shall be met:

- (b) It shall conform to all of the requirements in Article VI regarding Signs, Off-street parking and Loading and Landscaping
- (c) The property must be adjacent to and an extension of an existing C-1 or C-2 business area and located on a major thoroughfare.
- (d) A six (6) foot opaque border fence to the City's satisfaction shall be required along any residential property at the rear lot line and side lot lines except in the front yard.

**14. Dwelling units located on the second floor or higher** in commercial areas in the C-2 Service Commercial District, **providing they meet all Building Code requirements.** This Special Use is intended to permit possible residential uses on second or higher floors to allow their use as commercial and office uses may relocate in first floor locations elsewhere in the community.

- (b) The dwelling unit(s) shall be provided on any floor other than the floor where grade level access is provided.
- (c) The dwelling unit is on the floor when grade level access is provided and the unit is solely used by the building owner or manager of the business establishment, or is otherwise specifically permitted by the Planning Commission.
- (d) The structure, access, and appurtenances shall all meet the requirements of the Building Code.
- (e) The requirements for parking must conform to Article VI, Section 303, Off-Street Parking Requirements and it shall have a minimum of one (1) parking space for each unit and one (1) additional space for each additional adult bed

**15. Theaters, assembly halls, concert halls, private clubs, fraternal organizations, lodge halls, churches and similar places of assembly.**

The following requirements shall be required for these Special Uses of property:

- a. These uses shall be conducted completely within enclosed buildings.
- b. If the proposed project is proposed on vacant or redevelopable land the site shall be at least three acres and have setbacks of thirty-five feet with no parking on all yards.

**21. If it is a new site, it shall be located on a major thoroughfare.**

- d. If parking in a City lot is convenient and if the use is predominantly after peak commercial hours, then convenient City parking spaces in lots or on the street can be counted as necessary parking per Section 303.
- e. If the facility is being used predominantly during peak commercial times or if the facility is located outside of the C-1 Central Business District, then the Special Use must provide all of its own parking.

**16. Recycle Centers in C-2 (Service Commercial Districts.)**

- a. All such operations shall consist of the collection of clean, dry materials only and exclude processing of said materials.
- b. No outside storage of recyclable materials shall be allowed.
- c. Any equipment; e.g. pallets utilized to collect or store materials be obscured by a screening wall abutting any residential use or any district other than Industrial, if deemed necessary by the Planning Commission.
- d. No noxious or malodorous gases or noise produced by such activity be allowed to escape into the atmosphere in concentrations which are

offensive, which produces a public nuisance or hazard on any adjoining lots or property, or which could be detrimental to human, plant or animal life.

- e. The hours of operation shall be established to avoid interference with common sleep periods; i.e. nighttime hours.

17. **Bed and breakfast facilities**

- a. Not more than seventy (70) percent of the total floor area shall be used for bed and breakfast rooms for rent.
22. There shall be no separate cooking facilities provided to bed and breakfast customers.
23. Occupancy by a guest shall be no more than seven (7) consecutive days.
24. One (1) additional on-site (off-street) parking space shall be provided for each guest room, further, said parking shall not be permitted within a required front yard.

18. **Vehicle dealers with outdoor sales space and/or repair facilities for new or used automobiles, trucks, house trailers, recreational vehicles, rental trucks or trailers, and rental automobiles.** Vehicle dealers with outdoor space and/or facilities for the sale of new or used automobiles, house trailers, recreational vehicles, or rental trailers and/or automobiles subject to the following requirements.

- a. The lot area shall be provided with a permanent, durable, and dustless surface, and shall be graded and drained as to dispose if all surface water accumulated within the area.
- b. Driveway access to the outdoor sales area shall be at least sixty (60) feet from the intersection of any two (2) streets.
- c. Any servicing of vehicles including major motor repair and refinishing shall be subject to the following requirements:
  - i. Any such activities shall be clearly incidental to the sale of ~~said~~ new and used vehicles and shall occur within a completely enclosed building.
  - ii. Partially dismantled and/or damaged vehicles shall be stored within an enclosed building or screened area, but not in the front yard.
  - iii. New, used, and/or discarded parts and supplies shall be stored within a completely enclosed building.
  - iv. Any such activity shall be located not less than fifty (50) feet from any property line.
  - v. There shall be no external evidence, beyond the building, by way of dust, odor, or noise of such activities per Section 305 of this ordinance.
  - vi. In operations such as vehicle reconditioning, but not necessarily limited to, such activities there shall be no releasing of gases, liquids, or materials in any form into the atmosphere, the water or sewer systems of the City of Gladwin or on, or into the earth and further, no adverse affects shall be created by any activity on adjacent property or development.
- b. All exterior lighting shall be shielded from adjacent residential districts.

19. **An open front or drive-through store, fast food and/or drive-in restaurant subject to the following conditions:**

- a. Maintenance of a front building setback of at least sixty (60) feet from an existing or proposed street.
- b. Driveway access points shall be located at least sixty (60) feet from the intersection of any two streets.
- c. All outdoor lighting shall be shielded from adjacent residential districts,

- d. A six (6) foot high completely obscuring wall shall be provided when abutting or adjacent districts are zoned for R1-A, R-1B, R-0, or R-M zoning districts. The height of the wall shall be measured from the surface of the ground. Said wall shall further meet the requirements of Article III General Provisions, Section 312.

20. **Gasoline, diesel, biofuel, electrical, or other fuel service stations with repair services, selling minor accessories, and operating a small convenience store operation.** Fuel service stations are intended for sale of fuel, oil, and minor accessories only, and where no repair work is done, other than incidental services as provided for elsewhere in this Article, but not including major vehicle repair, painting tire recapping, painting, engine rebuilding, auto dismantling, and such other activities whose external effects could adversely extend beyond the property line, subject to the following conditions:

- d. The curb cuts for access to a service station shall not be permitted at such location that will create traffic hazards in the adjacent streets immediately. Entrances shall be no less than twenty-five (25) feet from an intersection or the road right-of-way) or from adjacent-property lines.
  - a. The minimum lot area shall be fifteen thousand (15,000) square feet and so arranged that ample space is available for motor vehicles that are waiting. Fuel service stations which are solely intended for the sale of gasoline, fuel, oil, and minor accessories and have no facilities for repair or servicing of automobiles and personal trucks (including lubricating facilities) may be permitted on lots of ten thousand (10,000) square feet, subject to all other provisions herein required.
  - b. Tow trucks (wreckers) and vehicles under repair shall not be permitted in the front yard and shall have an eight (8) foot wall adjacent to any residential districts along the side or rear yards.
  - c. The parking of vehicles on site shall be limited to those which may be serviced within a twenty-four (24) hour period.
  - d. A ten (10) foot landscaped greenbelt shall be provided along all street frontages.

21. **Sexually-oriented (adult entertainment) businesses.**

Adult entertainment use subject to the following conditions:

- a. No adult entertainment use shall be located within one thousand (1,000) feet of any other adult entertainment use nor within five hundred (500) feet of any of the following uses:
  - (1) All establishments shall be licensed by the Michigan Liquor Control Commission.
  - (2) Pool or billiard halls.
  - (3) Coin-operated amusement centers.
  - (4) Teenage discos or dance halls.
  - (5) Ice or roller skating rinks.
  - (6) Pawn shops.
  - (7) Indoor or drive-in movie theaters.
  - (8) Any public park.
  - (9) Any church.
  - (10) Any public or private school having a curriculum including

kindergarten or any one or more of the grades, one (1) through twelve (12).

- b. Such distance shall be measure along the centerline of the street or streets or address between two fixed points on the centerlines determined by projecting straight lines at right angles from the part of the above listed uses nearest to the planned location of the structure containing the adult entertainment use, and from the contemplated location of the structure containing the adult entertainment use nearest to a use listed above.
  - c. No adult entertainment use shall be located within five hundred (500) feet of any area zoned residential. Such required distances shall be measured by a straight line between a point on the boundary line of a zoned residential area nearest to the contemplated structure or contemplated location of the structure containing the adult entertainment use to a point on the contemplates structure or contemplated location of the structure containing the adult entertainment use nearest to the boundary lines of a zoned residential area.
  - d. All adult entertainment uses shall be contained in a freestanding building. Enclosed malls, commercial strip stores, common wall structures, and multi-uses within the same structure do not constitute a freestanding
  - e. No adult use shall be conducted in any manner that permits the observation of any material depicting, describing or relating to Specified Sexual Activities or Specified Anatomical Areas from any public way or from any property not regulated as an adult entertainment use. This provision shall apply to any display, decoration, sign, show window or other opening.
22. **Airports and landing fields for General Aviation, Cargo or Air Carrier Service meeting the following criteria:**
- (a) The airport shall be licensed by the Michigan Department of Transportation Bureau of Aeronautics under Section 86 of the Aeronautics code of the State of Michigan 1945, PA 327/ MCL 259.86.
    - a. The City of Gladwin shall have an Airport Approach Plan or Airport Layout Plan under Section 151 of the Aeronautics Code of the State of Michigan, PA 327, MCL 259.151 and such plan shall be required as part of the criteria for the Special Land Use Permit.
    - e. Airport Special Use Permit regulations shall meet the requirements of the Airport Zoning Act, 1959 PA 23, MCL 259.465.
    - f. Commercial or public television, radio towers, and any utility microwaves.
  - a. They shall be located centrally on a continuous parcel of not less than 1.0 times the height of the tower measure from the base of said tower to all points on each property line.

- b. A barrier at least eight (8) feet in height or anti-climb panels shall be installed along the perimeter of the tower, and any accessory structures if deemed appropriate. Said barrier shall consist of either ornamental masonry or materials which are determined to be durable and weather resistant and designed to hinder entrance by non-authorized personnel. The minimum height of said anti-climb panels shall be twelve (12) feet above the finished grade and is to extend five (5) feet above the highest point of the closet structure within ten (10) feet of the tower.
    - c. A ten (10) foot wide landscaped greenbelt shall be provided between the property line and required barrier along all street frontages. A five (5) foot wide landscaped greenbelt shall be provided between the property line and barrier where the site abuts any residential district. All materials shall be planted in conformance with Section building.
  - 4. Accessory buildings and uses customarily incident to any of the above permitted uses.
- 23. **Any use charged with the principal function of basic research and design and pilot or experimental product development when conducted within a completely enclosed building providing the following:**
  - (a) The manufacture of such products designed or developed shall not be permitted. "Manufactured" shall be defined as "twelve (12) months following the first sale of any product designed or developed regardless of further experimentation or development of any such product." Sales records pertaining to products designed or developed shall be made available to the Zoning Administrator for the purpose of enforcement of this action.1219, 3, b.
  - d. A minimum of two (2) parking spaces must be provided on site and interior to the perimeter barrier. The parking area shall be provided with a permanent durable and dustless surface and shall be so graded and drained so as to dispose of all surface water accumulated within said parking area.
- 24. **Mini-warehouses (self-storage facilities) subject to the following conditions:**
  - a. Building separation between self-storage buildings on the same site shall be fifteen (15) feet, as measured from side-to-side or front to rear, or equal to the building height, whichever is greater.
  - b. The total lot coverage of all structures shall be limited to fifty (50) percent of the total lot area.
  - c. A ten (10) feet landscaped greenbelt shall be provided between the property line and required barrier along all street frontages. A five (5) foot landscaped greenbelt shall be provided between the property line and barrier where the site abuts any residential district. All materials shall be planted in conformance with Section 1218.

- d. Parking shall be provided in the ratio of one (1) space for each three thousand (3,000) square feet of gross building area.
  - e. Internal driveway aisles shall be a minimum of twenty-four (24) feet in width.
  - f. All off-street parking areas and driveways shall be of a durable and dustless surface and graded and drained so as to dispose of all surface water accumulated within the area.
  - g. All ingress and egress from this site shall be directly onto a major thoroughfare.
  - h. Building height shall not exceed one (1) story fifteen (15) feet.
  - i. No single storage building shall exceed five thousand (5,000) square feet.
  - j. All storage on the property shall be kept within an enclosed building.
  - k. The use of the premises shall be limited to storage only, and shall not be used for any auction, or sales, or storage and transfer business; for the servicing, repair, or fabrication of any vehicle, boat, trailer, appliance, or similar item; or for the operation of power tools, compressors, kilns, or similar equipment; except, that limited sales to tenants of products and supplies incidental to the principal use, such as packing materials, identification labels, rope, locks, tape, etc., shall be permitted on the site devoted to this use. The storage of combustible or flammable liquids, combustible fibers or explosive materials, as defined in the fire protection code, or toxic materials is expressly prohibited.
- 1) Accessory buildings and uses customarily incident to any of the above permitted uses shall be permitted.



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**ZONING ORDINANCE**

**ARTICLE NINE**

**PLANNED & MIXED USES AND  
CONDOMINIUMS**

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## PLANNED UNIT DEVELOPMENT AND CONDOMINIUMS

### SECTION 901. INTENT:

The intent of this Article is to provide an optional development for land development, which allows for flexibility in the application of standards governing the type of residential and directly supporting land uses to be permitted and their replacement on the property. A planned unit development may also be a mixed use development integrating residences, non-profits and neighborhood commercial activities in a single development. It provides for development of land as an integral part unit which incorporates a single plan which locates and arranges land uses, buildings, drives, parking areas utilities, landscaping and other improvements within a defined site. Using a Planned Unit Development for a larger piece of land allows for legal deviation from the specific site standards of this zoning ordinance as long as the general purposes for the standards are achieved and the general provisions of the zoning regulations are observed.

A Planned Unit Development shall be designed to achieve compatibility with the surrounding area and shall also be designed to encourage innovation and variety in design, layout, and type of residential development and its supporting land uses; to achieve economy and efficiency in the use of land, natural resources and energy; to provide for efficiencies and economy in providing public services and utilities; and to encourage development of more useful open space and recreation. The process for a Planned Unit Development or Condominium complex is similar to that of a Special Land Use Permit and sometimes is part of one.

The City of Gladwin Planning Commission shall be responsible review and approval of Planned Unit Development, Mixed Use Development Projects, Condominium or similar projects to determine the required eligibility, dimensional requirements, land use strategy and impact on public facilities and activities.

### SECTION 902. DEFINITIONS:

- 24. Planned Unit Development:** A residential development planned and developed as a unit under unified control, developed according to comprehensive and detailed plans, including a program providing for continual maintenance and operation of such improvements, facilities and service which will be for common use of the occupants of the Planned Unit Development (PUD). Provisions for a PUD will be the same for Mixed Use Developments according to the district of use.
- 25. Mixed Use Development:** An integrated pattern of development including dwellings, schools, churches and neighborhood commercial developed as a unit, under unified control, and developed according to comprehensive and detailed plans. This includes a program for continued maintenance, operation of the improvements. The Mixed Use Development will focus on utilizing unique land development and providing a strong pattern of vehicular, mass transportation, pedestrian and non-motorized traffic.
- 26. Common Open Space:** Land within the PUD shall be under common ownership of all residents in the PUD and are to be used for park, recreation or environmental amenity. These lands shall not include public or private streets, driveways or parking areas. Within these lands only facilities and structures for recreational purposes may be constructed, with the total impervious area of roofs and paving in this area shall be not more than ten (10) percent of the total open space.

**27. Attached Single-Family Dwelling:** A single family dwelling unit attached to one or more other single-family units with a common wall, a connecting structure or wall such as a garage or carport and with such dwelling having its own doors that open to the outdoors.

**28. Home Owners Association:** An association of all owners of a project organized for the purpose of administering, managing and maintaining the common properties and facilities. This association shall be described in all covenants, deeds or other recorded legal documents which affect the title to any land within the development.

**SECTION 903. DEVELOPMENT STANDARDS AND MODIFICATIONS**

A Planned Unit Development will be created in accord with the following standards.

**1. Minimum Size Requirement:** (A three (3) acre master parcel is excepted) The City of Gladwin Planning Commission may approve a (residential development only) for a site of no less than three (3) acres in area when, because of location, parcel size and/or shape, and the type of development proposed, it is determined to be in the general interests of the city to allow such development. A Mixed Unit Development shall be no less than six (6) acres.

**2. Permitted Principal Uses:**

- a. - R-1A Single-family residences
- R-1B Single-family residences
- Attached single family dwellings limited to a cluster of units not more than one hundred and fifty (150) feet in length.

**1. - R-M Zoning Districts**

- Single-family dwellings
- Two-family dwellings
- Attached single-family dwellings limited to a cluster of units not more than one hundred fifty
- Multiple-family dwellings
- Mixed Use Developments are not to exceed two (2) stories or twenty-five (25) feet.

**3. Allowable Densities** - the maximum density permitted in a Planned Unit Development shall be:

- R-1A, R1-B     5,5 dwelling units per acre.
- R-M             15 dwelling units per acre

Where a Planned Unit Development includes lands in more than one zoning district, the dwelling units must be distributed throughout the project in accord with the allowable density of the zoning district in which they are located.

**4. Permitted Accessory Uses:**

- a. Common open space for passive or active recreation, and golf course area specifically for the residents of the PUD.
- b. Streams or ponds.
- c. Parking lots.

- d. Other uses which, as the result of the plan review process, are determined to be designed to serve the residents of the PUD.
5. **Common Open Space:** At least forty (40) percent of the total land area within a PUD shall be in open space, and it shall be distributed more or less uniformly throughout the total site area.
6. **Unified Control:** All lands within a proposed Planned Unit Development or Mixed Unit Development shall be under control of a single applicant, with that applicant being an individual, partnership, corporation or group thereof. All buildings, structures, landscaping and other improvements in a PUD shall be under the unified control of the same applicant until conveyed in accordance with the PUD plan.
7. **Access and Circulation:**
  - a. Roadway access for planned and mixed unit developments will be reviewed in accord with standards set forth in the subdivision regulations of the City of Gladwin.
  - b. Private roadway width shall be a minimum of twenty-two (22) feet.  
Public roadways will be in accord with specifications for city streets.
  - c. Improved walkways of at least five (5) feet in width will be provided within the PUD as dictated by internal circulation requirements, and walkways shall connect to external walks providing access to schools, parks and other pedestrian generators.
8. **Parking Standards:**
  - a. Parking spaces required:  
  
1 bedroom units one and one-half spaces  
  
2+ bedroom units two spaces  
  
Guest parking shall be dictated by project design as approved but not less than two (2) spaces per dwelling unit.
  - b. Parking space design and layout.
    1. Parking shall be arranged to be compatible with surrounding development in the residential district. Parking for residents and guests shall be considered in overall design, Private drives and garages are allowed.
    2. Parking lot size:
      - (a) Parking space dimensions shall be in accord with Section 603.
  - b. A single parking area shall contain no more than twenty (20) parking spaces.
  - c. Within a parking area, no more than ten (10) spaces shall be permitted in a continuous row  
  
Without being interrupted by landscaping.

3. Parking storage areas: Separate parking or storage may be provided to accommodate motor homes, campers, boats and similar vehicles and equipment. Such areas shall be screened from both within and without the planned unit development.
  - c. Parking lot screening: Parking areas shall be screened from adjacent roads and buildings with hedges, fences, walls, dense plantings or Berms.
  - d. Lighting: All areas shall be adequately lighted with lighting so arranged as to direct light away from any residential buildings.

**9. Yard Requirements, Site Perimeter:**

- a. Where a planned unit development abuts an R-1A, R-1B, or RM zoning district, all structures shall be at least thirty (30) feet from any perimeter boundary line, except that such structures in excess of forty (40) feet in length shall be set back an additional foot for every five (5) feet of building length parallel to said building length parallel to said boundary line.
- b. Where a planned unit development abuts a zoning district other than an R1-A, R1-B or R-M zoning district, all structures shall be set back at least twenty-five (25) feet from any perimeter line.
2. Where a planned unit development abuts an R1-A, R1-B or R-M zoning district, no intensive recreational building or facility shall be located within fifty (50) feet of any perimeter boundary line.
3. Except for single-family detached dwelling units where a planned unit development abuts an R1-A, R1-B or R-M zoning district, no parking area shall be within fifty (50) feet of any perimeter boundary line.

**10. Yard Requirements, Interior:**

Yards in the interior of a planned unit development may be less than those required in the zoning district within which located. Development may occur without any provision for interior yards, but in no case shall buildings be closer than ten (10) feet from each other (zero lot line development).

**11. Underground Utilities:** All utilities within a planned unit development shall be constructed underground.

**12. Lot Sizes:** Lot sizes may be reduced from the regulations of the specific zoning district. Provisions may be made for developments without lot area.

**13. Dwelling Unit Access:** Dwelling units may front on and take access from private roadways which are part of the commonly held lands within the development.

**SECTION 904. APPLICATION PROCEDURES.**

Applications are to be filed with the City of Gladwin Planning Commission.

1. **Applicant:** An application for approval of a planned unit development shall be submitted by or on behalf of an applicant who has a demonstrable legal interest in all of the lands within the proposed development.
  
2. **Pre-Application Conference.** An applicant shall meet with the Zoning Administrator prior to the submission of a formal application. The purpose of the conference is to review procedures necessary for the submission of a complete application. Special problems concerning utilities, street access. Site design and zoning will be identified to enable the developer to prepare a better plan for the project. Time requirements for plan approval shall also be reviewed.
  
3. **Preliminary Plan Application.** Before submitting a final plan, an applicant shall submit a preliminary plan of the planned unit development.  
 This plan should show the name, location and principal design elements to enable the City of Gladwin to make a determination of whether the planned unit development conforms with the requirements of the zoning ordinance. The approval of a preliminary plan shall confer on the applicant right and general terms and conditions under which the preliminary plan approval was granted and will not be changed.
  
4. **Submission Requirements – Preliminary Plan Application:**
  - a. Applicant’s name, address, phone number, proof of property interest and/or other responsible official preparing the application in two (2) copies.
  
  - b. A written legal description of the site area proposed for development (two [2] copies).
  
  - c. A site plan and supporting maps and drawings at a scale of not more than one (1) inch = one hundred (100) feet and dimensioned to identify the size and location of plan elements.
    - (1) Location Map
    - (2) Site topography, existing & proposed at interval no greater than two (2) feet.
    - (3) Location of all existing & proposed buildings & structures.
    - (4) Public & private roadways within and adjacent to site.
    - (5) Walkways & non-motorized trails within & adjacent to the site.
    - (6) Park areas, driveways and loading and service areas.
    - (7) Open areas with a description as to use.
    - (8) A written tabulation of data concerning the site, including the number of dwelling units by type, the area of all parcels created, the area of common open space and the number of parking spaces provided.
    - (9) A general landscape plan within the site. Specific details of plant size shall be shown for any landscaping provided to comply with any required screening in the project.
    - (10) The location and size of any outside trash containers.
    - (11) The location and size of all existing utilities and drainage facilities.
    - (12) The general location and size of all proposed utilities and drainage facilities.
    - (13) The dimensions of all parcels created as a part of the development.
  
  - d. Building elevation drawings showing the architectural style to be used in the development. (Two [2] copies)

e. A submittal fee to be determined by the City Council.

5. **Final Plan Application:** Upon approval of the preliminary plan application, a developer shall prepare and submit a final plan application. The final plan shall be in accordance with the approved preliminary plan and shall be subject to approval by the City Planning Commission. Upon approval of the final plan, the developer may obtain necessary building permits for construction of the planned unit development.

6. **Submission Requirements – Final Plan Application**

- a. Applicant’s name, address, phone number, proof of property interest and/or other responsible official preparing the application in two (2) copies.
- b. A written legal description of the site area proposed for development (two [2] copies).
- c. A letter of transmittal setting forth the proposed development schedule, including the sequence of any phases of the development, (two [2] copies).
- d. A site plan and supporting maps and drawings containing the following information at a scale of not more than one (1) inch = one hundred (100) feet and dimensioned so as to identify the size and location of various elements of the plan. (five [5] copies).

- (1) Location Map
- (2) Site topography, existing & proposed at interval no greater than two (2) feet.
- (3) Location of all existing & proposed buildings & structures.
- (4) Public & private roadways within and adjacent to site.
- (5) Walkways & non-motorized trails within & adjacent to the site.
- (6) Park areas, driveways and loading and service areas.
- (7) Open areas with a description as to use.
- (8) A written tabulation of data concerning the site, including the number of dwelling units by type, the area of all parcels created, the area of common open space and the number of parking spaces provided.
- (9) A general landscape plan within the site. Specific details of plant size shall be shown for any landscaping provided to comply with any required screening in the project.
- (10) The location and screening of any outside trash containers.
- (11) The dimensions of all parcels to be created as a part of the development.

4. The organizational structure of any Homeowners Association to be formed for the operation and maintenance of all common open space, common property and facilities within the development. (two [2] copies)

5. A copy of covenants pertaining to the development. (two [2] copies)

6. Plans and specifications for all sanitary sewer, storm drainage, water and roadways within the project. Those plans and specifications shall be prepared by a professional engineer in accord with the standards of the Michigan Department of Community Health, as they pertain to public utilities.

**SECTION 905. PRELIMINARY PLAN – PLANNING COMMISSION REVIEW AND APPROVAL**

**Public Hearing and Notice.** The City of Gladwin Planning Commission shall conduct a public hearing on the proposed planned unit development, condominium or similar project. Notice of public hearing shall be consistent with Section 203 of this Zoning Ordinance.

**Planning Commission Action:** After reviewing the application for a planned unit development, and within sixty (60) days of receipt of the application, the planning commission shall approve, approve with conditions or disapprove the project. The Planning Commission shall prepare a report explaining its actions and a modifications and conditions of approval or denial. The decisions of the Planning Commission shall be based on: (1) The standards incorporated in this Article and any other applicable standards of the City of Gladwin; (2) a determination of that the development is not detrimental to the health, safety and welfare of the community; and (3) Determination that the development shall not be injurious to the character of the neighborhood in which it is located but rather is compatible with it. The review period may be extended upon written request of the applicant.

**Developer Action:** After receiving approval of the preliminary plan, the developer may proceed with the installation of public works improvements pursuant to City of Gladwin codes. The improvements shall be in accord with the approved preliminary plan and specifications shall be approved by the city engineer. The developer shall have paid the City the required fee for engineering inspection prior to performance of inspection services. In no event will the developer be permitted to proceed with any further or additional construction or development until receiving final plan approval.

**SECTION 906. FINAL PLAN – REVIEW AND APPROVAL**

A developer may submit to the Planning Commission for final approval of all or part of the plan for which preliminary approval has been received. Any final plan of all or part of the larger development shall ensure it proportional share of the open or common space shall be included in and contiguous to the area to be developed, and said partial development shall be capable of standing on its own with respect to necessary improvements, circulation, facilities and open space.

**Planning Commission Action:** After review of the proposed plan for a planned unit development or part thereof, the Planning Commission shall, within thirty (30) days of receipt of the plan, approve, approve with conditions, or disapprove the project. The Planning Commission shall approve the final plan unless it is determined that said final plan is not in accordance with the approved preliminary plan or unless part of said final plan does not represent a proportion of all material elements of said plan. The commission shall set forth in writing the basis for its decision and any conditions relating to affirmative action.

**Agreement Required:** Prior to approval by the City Planning Commission, the developer shall have executed, and submitted in duplicate to the City, an agreement with the City setting forth: (1) the specific location and use of all common or open lands and common facilities within the development; (2) The organizational structure of any Homeowner's Association and provisions for implementation of transferring control to said association from the developer; (3) the methods of levying assessments on the common lands and facilities, both with respect to taxes and operation and maintenance fee; (4) Provisions

enabling the City to enter upon and maintain such common lands or facilities whenever the developer or Homeowners Association has failed to do so, along with procedures for assessing such costs back to the development; (5) Provisions whereby the Zoning Administrator shall not issue a certificate of zoning compliance until all the required improvements as set forth in the site plan have been completed, or a financial guarantee sufficient to cover the cost of any improvements not completed, as been provided to the City as prescribed in accordance with the provisions of this Article, and provisions to allow the City to enter and complete such improvements if the developer has failed to do so within the stated period of time. The agreement shall be approved as to form and content by the City Attorney.

**SECTION 907. APPROVAL PERIOD**

**Preliminary Plan:** The length of approval of a preliminary plan for a planned unit development shall be eighteen (18) months from the date of approval. An extension may be applied for in writing by the applicant prior to the expiration date, and extensions may be granted by the City of Gladwin Planning Commission twice, each for a period of one year.

**Final Plan:** The length of approval of a final plan for a planned unit development shall be two (2) years from the date of approval. An extension may be applied for in writing by the applicant prior to the expiration date, and extensions may be granted by the City Planning Commission twice, each for a period of one (1) year, or such time as is compatible with due progress. Where a planned unit development is being developed in phases, the initiation of each new development phase shall automatically extend the approval for two (2) years from the date of issuance of a building permit.

**SECTION 908. PERFORMANCE GUARANTEE**

**Condition for Issuance of Temporary Certificate of Zoning Compliance:** If, when a certificate of occupancy is requested, all required site improvements have not been completed, the Zoning Administrator may issue a temporary certificate of zoning compliance upon receipt from the developer by the City Clerk responsible for financial guarantee in the form of a cash deposit, certified check, irrevocable bank letter of credit or surety bond in the amount sufficient to cover the cost of outstanding improvements.

**Covered Improvements:** The amount of the performance guarantee shall be limited to cover the estimated cost of improvements necessary to comply with provisions of this zoning ordinance and any conditions attached to the planned unit development approval. Said improvements shall include but not be limited to roadways, lighting, utilities, sidewalks, screening and drainage.

**Exemptions:** This section shall not be applicable to improvements for which a cash deposit, certified check, irrevocable bank letter of credit or surety bond has been deposited pursuant to Act 288 of the Public Acts of 1967, as amended, being Sections 560.101 to 560.293 of M.C.L.

**Completion Time:** All required improvements covered by the performance guarantee shall be completed within two hundred forty (240) days of the issuance of the temporary certificate of occupancy.

In the event all required improvements are not completed within the time period provided, the City of Gladwin, by resolution of the City Council, may proceed to have such work

completed and reimburse itself for the cost thereof from the security furnished by the developer. If the performance guarantee is insufficient to pay for the rest of the work, the developer is responsible for the balance owed to complete the work.

**Release of Performance Guarantee:** Upon the written request of the developer for a release of all or a portion of the financial security provided for the completion of the improvements and upon certification by the Zoning Administrator that the portion of the financial security requested to be released is equal to or less than the proportion of the improvements installed at the date of such request, the City Administrator may authorize the release of such financial security to the developer or to such other source as shall be directed by the developer. Any written request from the developer seeking a release of a portion of the financial security shall be accompanied by a written certification from a responsible engineer or architect certifying what part of the improvements have, in fact, been completed and the cost of improvements which remain to be completed.

#### **SECTION 909. AMENDMENTS TO PLANS**

Minor changes in the location, sitting, or character of buildings and structures may be authorized by the Zoning Administrator, if required by engineering or other circumstances not foreseen at the time the final development program was approved. No change authorized under this section may increase by more than ten (10) percent, or decrease by more than twenty (20) percent, the size of any building or structure by more than ten (10) feet in any directional provided, notwithstanding anything in the foregoing, the zoning Administrator may not permit changes beyond the minimum or maximum requirements set forth in this zoning ordinance.

All other change in the planned unit development, including changes in the site plan and in the development schedule, must be made under the procedures that are applicable to the initial approval of a planned unit development.

#### **SECTION 910. SUBDIVISION REQUIREMENTS**

Any planned unit development which will result in the creation of parcels of land under separate ownership, as defined by the Subdivision Control Act 59 Of 1978, as amended, will comply with all provisions of that act in addition to requirements set forth in this zoning ordinance. The Condominium Act shall comply with the provisions of those acts.

#### **SECTION 911. CONDOMINIUMS**

##### **INTENT**

The intent of this Article is to regulate the division and development of land under the Condominium Act (PA 59 of 1978,as amended) so that the development is comparable in quality of design to property divided and developed by other methods. All condominiums must conform to the State of Michigan Act 59 of 1978, as amended.

##### **REVIEW REQUIREMENTS**

In order to ensure compliance with this ordinance, all condominium developments shall go through the site plan review process, including developments consisting solely of single family, duplex residences, condominium apartments, residential commercial mixed uses that may otherwise not be required to prepare a site plan. The requirements of Section 500 Review and Approval of Site Plans and the subsequent Review and Approval of Conditional Uses. All applicants for a condominium site plan shall submit the following information:

1. A draft of the proposed condominium master deed.
2. A copy of the proposed condominium subdivision plan (this may replace the site plan normally required for site plan review)
3. A draft of the proposed condominium by laws.

#### ZONING ORDINANCE STANDARDS

1. **Lot Size:** In conventional condominium development, the condominium unit is enclosed air space, such a condominium apartments. In conventional condominium development the entire site must meet the minimum lot size requirements for the zoning district in which the parcel is located. For site condominium developments, the condominium unit is a piece of land that is sold as a building site just as lots in a subdivision are sold. Each condominium unit in a site condominium and its associated limited common area are considered equivalent to a "lot" and must meet the minimum lot size requirements for the zoning district in which it is located.
2. **Setbacks:** In conventional condominium developments the buildings must be setback from the site boundaries as required in the zoning district in which it the parcel is located. For site condominium developments the setbacks shall be from the outer edge of the "lot" consisting of condominium units and their associated limited common area, and shall be consistent with the setbacks for principal structures in the zoning district in which it is located.

#### CONDOMINIUM DESIGN STANDARDS

1. Conventional and site condominium developments shall comply with the site plan review design requirements of Article V. In addition, the site condominiums shall comply with the design standards contained in other Gladwin City Ordinances, and by the Gladwin County Drain Commissioner, the Gladwin County Health Department and the appropriate departments of the State of Michigan. The Planning Commission may apply the procedures and standards set forth in Article IX in the review and approval of condominium projects.

#### SURVEY REQUIREMENTS

Conventional condominiums shall comply with all monument requirements contained in the Condominium Public Act 59 of 1978. Site condominiums shall comply with the following requirements unless otherwise approved by the Planning Commission.

1. Monuments shall be located in the ground and made accordingly to the following requirements, but it is not intended or required that monuments be placed within their traveled portion of a street to mark angles in the boundary of the subdivision if the angle points can be readily reestablished by reference to monuments along the sidelines of the streets.
2. All monuments used shall be made of solid iron or steel at least one half (1/2) inch in diameter and thirty-six (36) inches long and completely encased in concrete at least four (4) inches in diameter.
3. Monuments shall be located in the ground and made at all angles in the boundaries of the site condominium; at the intersection lines of streets and at the intersection of alleys with the boundaries of the site condominiums; at the points

of curvature, points of reverse curvature and angle points in the side lines of streets and alleys; and at all angles of an intermediate traverse line.

4. If the required location of a monument is in an inaccessible place, or where locating of a monument would be clearly impractical, it is sufficient to place a reference monument nearby and the precise location thereof is clearly indicated on the plat and referenced to the true point.
5. If a point required to have a monument is on a bedrock outcropping, a steel rod, at least one-half (1/2) inch in diameter shall be drilled and grouted into solid rock to a depth of at least eight (8) inches.
6. All required monuments shall be placed flush with the ground where practical.
7. The corner of each area consisting of a unit and the associated limited common area reserved for that unit, and treated as a "lot" under this ordinance shall have a monument in the field by iron or steel bars or iron pipes at least eighteen inches long and one-half (1/2) inch in diameter or other approved markers.
8. The City Council may waive the placing of the required monuments and markers for a reasonable time, not to exceed one (1) year, on condition that the proprietor deposits with the City a certified check, or irrevocable bank letter of credit running to the City, whichever the proprietor selects, in an amount not less than one hundred (1,00) dollars per monument and not less than four hundred (400) dollars in total, except that lot corner markers shall be at a rate of not less than twenty-five (25) dollars per marker. Such cash, certified check or irrevocable bank letter of credit shall be returned to the proprietor upon receipt of a certification by a surveyor that the monuments and markers have been placed as required within the time specified. If the proprietor defaults, the City shall promptly require a surveyor to locate the monuments and markers in the ground as certified by the plat, at a cost not to exceed the amount of the security deposited and shall pay the surveyor.

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**ZONING ORDINANCE**

**ARTICLE TEN  
PLANNING COMMISSION ROLE**

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## ARTICLE X PLANNING COMMISSION

### SECTION 1001. INTENT

The City Council of the City of Gladwin created the City of Gladwin Planning Commission. In so doing they transferred the responsibilities of the Zoning Commission to the Planning Commission and thus the Planning Commission now exercises the authority of the Zoning Commission. The Planning Commission has the authority to recommend a new Zoning Ordinance, examine and recommend requested amendments in the text and create/or amend the zoning districts for the Official Map of Zoning Districts. Their recommendations for changes go to the City Council which has ultimate responsibility for making those recommendations an ordinance of the City of Gladwin.

### SECTION 1002. MEMBERSHIP

The following requirements for membership of the City of Gladwin Planning Commission have been established by the Michigan Zoning Enabling Act 110 of 2006, as amended:

- (b) The City Council has determined that there will be nine (9) members of the Planning Commission.
- (c) The members of the Planning Commission shall be appointed by the City Council based on the member's qualifications. This shall include reasonable geographic dispersion of the City, representation of community employment categories and representation of the sexes, social groups and housing types.
- (d) The Planning Commission is divided into groups of three, each of which is subject to three year terms prior to reappointment or replacement. Subsequent members serve the same three year appointments as the Planning Commissioner they replace. Planning Commissioners shall serve until they are replaced.
- (e) Vacancies on the Planning Commission shall be filled in the same manner as provided for the remaining duration of the unexpired term.
- (f) An elected officer or employee of the City of Gladwin shall not serve simultaneously as a member or employee of the Planning Commission, except that one member of the Planning Commission may be a member of the City Council.
- (g) The City Council provides for the removal of a member of the Planning Commission for misfeasance, malfeasance or nonfeasance in office upon written charges and after a public hearing.
- (h) The Planning Commission shall elect from its members a Chairperson, a Secretary and such other officers or establish such committees it consider necessary and may engage any employees, including for technical assistance it may require. The election of officers shall be held not less than every two (2) years.

### SECTION 1003. EXPENSES AND COMPENSATION

Members of the Planning Commission may be reimbursed for reasonable expenses actually incurred in discharge of their duties and may receive compensation as fixed by the City Council.

### SECTION 1004. PLANNING EXPERT AND COMPENSATION

1. With approval of the City Council, the Planning Commission may engage the services of a planning expert. Compensation for the planning expert shall be paid by the appropriate City official.

2. The Planning Commission shall furnish information and also consider any information and recommendations furnished by public officials, departments, agencies or city consultants.

**SECTION 1005. REGULAR MEETINGS, NOTICE & ACTIVITY SUBJECT TO THE OPEN MEETINGS ACT**

The Planning Commission shall hold a minimum of four (4) meetings per year and give notice of the time and place by publication in a newspaper of general circulation in the City of Gladwin. Notice shall not be not less than fifteen (15) days before the meeting. The city is subject to the Open Meetings Act 267 of 1976, as amended.

**SECTION 1006. RECOMMENDATIONS OF THE PLANNING COMMISSION REGARDING ADOPTION AND FILING**

The Planning Commission shall adopt and file with the City Council the following recommendations:

1. A Zoning Plan for the areas subject to Zoning of the City of Gladwin.
2. The establishment of zoning districts, including the boundaries of those districts.
3. The text of the Zoning Ordinance with the necessary maps and zoning regulations to be adopted for a zoning district or the City of Gladwin as a whole.
4. The manner of administering and enforcing the ordinance.

**SECTION 1007. RECOMMENDATIONS OF THE PLANNING COMMISSION; SUBMISSION TO THE CITY COUNCIL, EXAMINATION OF PROPOSED TEXT AND MAPS**

The following requirements shall apply to the Planning Commission and submitted to the City Council:

1. Before submitting its recommendations for a proposed zoning ordinance to the City Council, the Planning Commission shall hold at least one (1) public hearing. Notice and time and place of the public hearing shall be given in the same manner as required by Section 203 of this ordinance.
2. Notice of time and place of the public hearing shall be given by mail to each gas, electric and pipeline utility company, each telecommunications service provider, each railroad operating in the City of Gladwin and the Airport Manager of the Airport, that registers its name and mailing address with the clerk of the City of Gladwin for the purpose of receiving such notice.
3. The notices required under this section shall include the places and times proposed text and any map changes of the Zoning Ordinance may be examined. The City Offices and the Library shall be minimal locations.

**SECTION 1008. SUMMARY OF PUBLIC HEARING COMMENTS; TRANSMISSION TO THE CITY COUNCIL BY THE PLANNING COMMISSION AND A REPORT**

1. Following the required public hearing, the Planning Commission shall transmit a summary of the comments received at the hearing and its proposed ordinance, including any zoning maps and recommendations to the City Council of the City of Gladwin.
2. Following the enactment of the Zoning Ordinance, the Planning Commission shall, at least once per year, prepare for the City Council a report on the administration and enforcement of the Zoning Ordinance and recommendations for amendments or supplements to the ordinance.

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**ZONING ORDINANCE**

**ARTICLE ELEVEN  
ZONING BOARD OF APPEALS**

**ARTICLE XI  
ZONING BOARD OF APPEALS****SECTION 1101. INTENT.**

An appeals procedure is herein established in order that the objectives of this Ordinance may be fully and equitably achieved, that a means shall be provided for competent interpretation of this Ordinance, that adequate but controlled flexibility be provided in the application of this Ordinance, that the health, safety, and welfare of the public is secured, and that justice be done. The appeal is an appeal from a decision by the Zoning Administrator regarding the requirements of the Zoning Ordinance. Thus it is referred to the Board of Appeals for them to make a non-compliant decision as authorized by the Zoning Ordinance. The appeal is not based on any decision by the City of Gladwin Planning Commission or the City of Gladwin City Council. The appeal is also limited solely to the size, dimensions of the lot or on the character of the specific property. There is no appeal permitted on economic conditions, personal preferences, health or any non-property related issue. Similarly nothing related to individual people such as owner, developer or occupant. Zoning is only about the use of property and its qualities.

**SECTION 1102. MEMBERSHIP**

There is hereby established a Board of Zoning Appeals, which shall perform its duties and exercise its powers as provided in the Michigan Zoning Enabling Act 110 of 2006, as amended. The City of Gladwin ordains a Board of Appeals although the City Council may act as a Zoning Board of Appeals and may establish its rules to govern its procedures in that capacity. Gladwin has chosen a separate Board of Appeals to The state enabling legislation requires that the Board of Appeals shall not consist of less than three (3) members and the City of Gladwin requires five (5) members (together with two alternates as are allowed by statute) appointed by the Mayor, as approved by the City Council insofar as all are residents of the City of Gladwin. Appointments shall be as follows: 1) one (1) member printed for a period of one (1) year; two (2) members appointed for a period of two (2) years; and two (2) members appointed for a period of three (3) years, respectively; thereafter each member to hold office for the full three (3) year term. Any vacancies in the Board shall be filled by appointment by the Council for the remainder of the un-expired term. The Zoning Board of Appeals shall annually elect its own Chairman, Vice Chairman, and Secretary. One trustee may be a member of the City Council but not chairman. And one member must be a member of the Planning Commission. The members of the board should represent the population distribution and interests as near as possible. The compensation of the appointed members of the Board of Zoning Appeals may be fixed by the City Council.

**SECTION 1103 MEETINGS.**

All meetings of the Board of Appeals shall be held at the call of the Chairman and at such times as the Zoning Board of Appeals in its rule of procedure may specify. All hearings conducted shall be open to the public, and operated in accordance with Act 267 of 1976, the Open Meetings Act. The Board of Zoning Appeals shall keep minutes of its proceedings showing the vote of each member in question, or if absent, or failing to vote, indicating such fact; and shall also keep records of its hearings and other official actions in the office of the City Clerk, and shall be a public record. The Board of Zoning Appeals shall not conduct business unless at least three (3) of the members (or alternates) are present. The concurring vote of at least three (3) of said Board (or alternates) shall be necessary to reverse an order, requirement, decision, or determination of an administrative official or body, or to decide in favor of the applicant a matter upon which they are required to pass under an ordinance, but, if to effect a variation in an ordinance, at least a 2/3 majority, (i.e. four members) is necessary in order to approve the same.

**SECTION 1104. APPEAL AND NOTICE REQUIREMENTS.**

An **appeal** may be taken to the Zoning Board of Appeals by any person, firm or corporation, or by any officer, department, board, or bureau affected by a decision of the Zoning Administrator. Such appeal shall be taken within such time as shall be prescribed by the Zoning Board of Appeals by general rule, by filing with the Zoning Administrator a Notice of Appeal, specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Zoning Board of Appeals, all of the papers constituting the record upon which the action appealed from was taken. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Zoning Board of Appeals, after notice of appeal has been filed with him, that, by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case, the proceedings shall not be stayed, otherwise than by a restraining order which may be granted by a court of record.

**Notification.** The Zoning Board of Appeals shall select a reasonable time and place for the hearing of the appeal and give due notice of the appeal to the parties invoking the appeal. The notification by publication, mail or personal delivery in Article IIB, Section 103, Notice; Publication; Mail or Personal Delivery. as required by Act 110 of the Public Acts of 2006, and by publication in a newspaper of general circulation in the City of Gladwin fifteen (15) days prior to said hearing date. Such notice shall contain the address, if available, and the location of the property for which the ruling of the Zoning Board of Appeals is sought, as well as a brief description of the nature of the appeal. Any person may appear and testify at the hearing, either in person or by duly authorized agent or attorney, or by certified letter addressed to and received by the Zoning Administrator no later than noon the day of the public hearing. The Zoning Board of Appeals shall decide the appeal within a reasonable time, which time shall be prescribed by the Zoning Board of Appeals within the Rules of Procedure under which it conducts the business brought before it. No appeal shall be taken to the Zoning Board of Appeals in connection with an approved site plan, The Chairperson in his or her absence, the acting Chairperson, may administer oaths and compel the attendance of witnesses. The Zoning Board of Appeals shall maintain a record of its proceedings which shall be filed in the office of the clerk of the City Council. Application for special uses, and all other special use provisions of this Zoning Ordinance shall be reviewed and decided upon under conditions established by the Planning Commission. However, the Board of Appeals, upon application by the Owner, may grant a variance as provided by other sections of this Article.

## **SECTION 1105. JURISDICTION.**

The Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision of determination as in its opinion ought to be made in the premises, and to that end shall have all the powers of the officer from whom the appeal was taken and may issue or direct the issuance of a permit. Where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of this Ordinance, the Zoning Board of Appeals shall have the power in passing upon appeals to vary or modify any of its rules, regulations or provisions so that the spirit of this Ordinance shall be observed, public safety secured, and substantial justice done. Nothing herein contained shall be construed to give or grant to the Zoning Board of Appeals the authority to make changes in the Zoning Ordinance or the Zoning Map, other than is necessary for to fulfill its duties under this article. The power and authority to rezone is reserved to the City Council in the manner provided by Section 603 of P.A. 110 of 2006.207 of 1921, as amended. The Zoning Board of Appeals shall have the following specified powers:

4. The Board of Zoning Appeals shall have the power, administer oaths, compel testimony, and the production of books, papers, files, and other evidence pertinent to the matters before it.
  1. Subpoena and require the attendance of witnesses.
  2. Interpretation of the Zoning Map.

3. Adopt rules to govern its procedures. Hear and decide matters referred to the Zoning Board of Appeals or upon which the Zoning Board of Appeals is required to pass under a Zoning Ordinance adopted under this act.
4. Hear and decide on appeals from and review any administrative order, requirement or Determination made by an administrative official or body charged with enforcement of this zoning Ordinance.
5. The concurring vote of a majority of the members of the Zoning Board of Appeals is required to pass on an issue, or grant a variance in the Zoning Ordinance.
6. An appeal to the Zoning Board of Appeals stays all proceedings of the action appealed unless it is found that a stay would, in the opinion of Zoning Administrator or Planning Commission, would cause imminent peril to life or property, in which case proceeding may be stayed by a restraining order issued by The Zoning Board of Appeals or a Circuit Court.

1. Administrative Review

To hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision, or refusal made by the Zoning Administrator or any other administrative official in carrying out, or enforcing, any provisions of this Ordinance.

- a. Requests to determine the precise location of the boundary lines between the zoning districts as they are displayed on the Zoning Map, when there is dissatisfaction with the administrative decision on such subject.

2. Variances

The Zoning Board of Appeals shall have the power to authorize, upon appeal, specific variances from such dimensional requirements as lot area and width regulations, building height and square foot regulations, yard width and depth regulations, such requirements as off-street parking and loading space, and sign regulations, and other similar requirements as specified in the Ordinance. To obtain a variance, the applicant must show "practical difficulty," by demonstrating:

- a. That strict compliance with area, setbacks, frontage, height, bulk, or density would unreasonably prevent the owner from using the property for a permitted purpose, or would render the conformity unnecessarily burdensome; or,
- b. That a variance would do substantial justice to the applicant, as well as to other property owners in the district; and,
- c. That the plight of the owner is due to the unique circumstances of the property; and,
- d. That the problem is in no way self-created.

## **SECTION 1106. ATTACHMENT OF CONDITIONS.**

The Zoning Board of Appeals may impose conditions upon an affirmative decision. The conditions may include those conditions reasonably necessary: 1) to ensure 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; 2) to protect the natural environment and conserve natural resources and energy; 3) to ensure compatibility with adjacent uses of land; 4) and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall do all the following:

1. Be designed to protect natural resources, the health, safety, and welfare, as well as the social and economic well being of those who will use the land use or activity under consideration, including 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 regulations; be related to the standards established in the Ordinance for the land use or activity under consideration and be necessary to ensure compliance with those standards.
4. The conditions imposed shall be recorded in the record of the approval action and shall remain unchanged except upon the mutual consent of the approving authority and the landowner. The approving authority shall maintain a record of changes granted in conditions. The Zoning Administrator shall be empowered to enforce such conditions imposed.

**SECTION 1107. FEE FOR ZONING BOARD OF APPEALS**

The City Council may from time-to-time prescribe and amend by resolution a reasonable schedule of fees to be charged to applicants for appeal proceedings. At the time an application is filed, said fee shall be paid to the City Clerk.

**SECTION 1108. REHEARING.**

The decision of the Zoning Board of Appeals shall be final. However, a person having an interest affected by the Zoning Ordinance may appeal to circuit court, having first exhausted all available local administrative remedies, including an appeal to the Board of Zoning Appeals.

The Zoning Board of Appeals is without general authority to reconsider a matter it has decided and from reversing its previous decision unless the facts and circumstances upon which the decision was predicated have changed so as to invalidate or materially affect the reasons which produced and supported it, and no vested rights have intervened.

**SECTION 1109. USE PERMITS**

The City of Gladwin has not made it a practice of permitting use permits, Use permits authorize the Zoning of Board of Appeals to authorize variances in uses or uses not defined as proposed by an applicant. They are generally regarded as counter to defined zoning practices. Gladwin does not have a record of approving use permits nor has it a desire to authorize such a practice because of its questionable validity of supporting proper zoning.

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**ZONING ORDINANCE**

**ARTICLE TWELVE  
CITY COUNCIL RESPONSIBILITIES**

## **ARTICLE XII CITY COUNCIL RESPONSIBILITIES**

### **SECTION 1201. INITIAL REVIEW OF THE ORDINANCE**

The City Council of the City of Gladwin, Michigan is a partner with the City of Gladwin Planning Commission in the land use and zoning process. In terms of this zoning ordinance the City council has the sole responsibility for approving ordinances for Gladwin, including the zoning ordinances, amendments to the ordinance and related material for which they are responsible. Their initial review of a revised ordinance as submitted by the Planning Commission includes the following responsibilities of the City of Gladwin City Council as part of the process of land use zoning:

1. After receiving a complete new Zoning Ordinance or any amendment to an existing zoning ordinance with any relevant maps with a recommendation for approval and adoption as an ordinance of the City of Gladwin, the City Council may choose to hold a public hearing if the Council determines it is desirable.
2. If an additional public hearing is deemed necessary a notice of the public hearing shall be given in the same manner as required under Section 203 of this Zoning Ordinance for reviewing or amending the text or maps.
3. The City Council may also refer any proposed new ordinance or amendments to the Planning Commission for additional consideration and comments within a time frame specified by the City Council.
4. The City Council shall also grant a hearing on a proposed ordinance or provision to a property owner who requests a hearing by certified mail addressed to the City Clerk.
5. After the public hearing is held as allowed under this section, the City Council shall consider and vote upon the adoption of the Zoning Ordinance or amendment with or without further amendments.
6. Except as otherwise provided by Section 1302, a Zoning Ordinance shall take effect upon expiration of seven (7) days after publication as required by this section or at such later date after publication as may be specified by the City Council.
7. Following adoption of the Zoning Ordinance and any subsequent amendments by the City Council, the Zoning Ordinance or subsequent amendments shall be filed with the City Clerk, and a notice of ordinance adoption shall be published in a newspaper of general circulation in the City of Gladwin within fifteen (15) days after adoption.
8. A copy of the notice under subsection seven (7) shall be mailed to the airport manager.
9. The action under this Section shall include all of the following information:
  1. In the case of a newly adopted Zoning Ordinance, the following statement should be included, "A Zoning Ordinance regulating the development of and use of land has been adopted by the City Council of the City of Gladwin.
  2. In the case of an amendment to an existing Zoning Ordinance, either a summary of the regulatory effect of the amendment, or the text of the amendment shall be included.
  3. The effective date of the ordinance or amendment.

4. The place where and the time when a copy of the Zoning Ordinance or amendment may be purchased or inspected.
  
10. The filing and publication requirements under this section supersede any other statutory requirements relating to the filing and publication of the city Zoning Ordinance.

**SECTION 1202. NOTICE OF INTENT TO FILE PETITION**

1. Within seven (7) days after publication of a Zoning Ordinance under Section 1201, a registered voter residing in the City of Gladwin may file with the City Clerk a notice of intent to file a petition under this section.
  
2. If a notice of intent is filed under subsection 1 (above), the petitioner shall have thirty (30) days following the publication of the Zoning Ordinance to file a petition signed by a number of registered voters in the City of Gladwin not less than fifteen (15) percent of the total cast for all candidates for the Governor of Michigan at the last general election at which a governor was elected, with the City Clerk requesting the submission of a Zoning Ordinance or part of a Zoning Ordinance to the electors residing in the City of Gladwin for their approval.
  
3. Upon filing of a notice of intent under Subsection one (1), the Zoning Ordinance or part of a Zoning Ordinance adopted by the City Council shall not take effect until one (1) of the following occur.
  1. The expiration of thirty (30) days after the publication of the ordinance, if a petition is not filed within that time.
  2. If a petition is filed within thirty (30) days after publication of the ordinance, the City Clerk determines that the petition is inadequate.
  3. If a petition is filed within thirty (30) days after publication of the Zoning Ordinance the City Clerk determines the petition is adequate and the ordinance or part of the ordinance is approved by a majority of the registered electors residing in the City of Gladwin voting on petition at the next regular election or any special election called for that purpose. The City Council shall provide the manner of submitting the Zoning Ordinance or part of the Zoning Ordinance to the electors for their approval or rejection and determining the result of the election.
  
4. A petition and an election under this section are subject to the Michigan election law, Public Act 116 of 1954, as amended.

**SECTION 1203. AMENDMENT TO THE ZONING ORDINANCE; FILING PROTEST PETITION AND VOTE**

1. An amendment to a Zoning Ordinance by the City of Gladwin is subject to a protest petition by this subsection. If a protest petition is filed, approval of the amendment to the zoning ordinance shall require a two thirds (2/3) vote of the City Council, unless a larger vote not to exceed three fourths (3/4) vote, is required by the City Charter. The protest petition shall be presented to the City Council before final action on the amendment and shall be signed by one (1) or more of the following:
  - The owners of at least twenty (20) percent of the area of the land included in the proposed change.
  - The owners of at least twenty (20) percent of the area of the land extending outward one hundred (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 subsection one (1).

**SECTION 1204. USE AND REDEVELOPMENT OF LAND AS CONDITION TO REZONING**

1. An owner of land may voluntarily offer in writing, and the City of Gladwin, may approve, certain use and development of the land as a condition to rezoning of the land or an amendment to the zoning map.
2. In approving the conditions under subsection one (1), the City of Gladwin may establish a time period during which the conditions apply to the land. Except for an extension under subsection four (4), if the conditions are not satisfied within the time specified under this subsection, the land shall revert to its former zoning classification.
3. The City of Gladwin shall not add to or alter the conditions approved under subsection one (1) during the time period specified under subsection two (2) of this section.
4. The time period specified under subsection two (2) may be extended upon application of the land owner and approval by the City of Gladwin.
5. The City of Gladwin shall not require a land owner to offer conditions as a requirement for rezoning. The lack of an offer under subsection one (1) shall not otherwise affect a landowner's rights under this act, the ordinances of the City of Gladwin, or any other laws of the State of Michigan.

**SECTION 1205. ZONING PERMITS AND FEES**

The City Council may require payment of reasonable fees for zoning permits as a condition to granting authority to use, erect, alter, or locate dwellings, buildings and structures including tents and recreational vehicles, within a zoning district established under this act.

**SECTION 1206. VIOLATIONS**

Any person, firm or corporation violating any of the provisions of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine of not more than five hundred (\$500.00) dollars and the costs of prosecution or, in default of the payment thereof, shall be punished by imprisonment in the County Jail for a period not-to-exceed ninety (90) days for each offense, or by both such fine and imprisonment in the discretion of the court, together with the cost of such prosecution.

**SECTION 1207. FINES; IMPRISONMENT**

The owner of any building, structure or premises or part thereof, where any condition in violation of this Ordinance shall exist or shall be created, and who has assisted knowingly in the commission of such violation shall be guilty of a separate offense and upon conviction thereof shall be liable to the fines and imprisonment herein provided.

**SECTION 1208. EACH DAY A SEPARATE OFFENSE.**

A separate offense shall be deemed committed upon each day during or when a violation occurs or continues.

**SECTION 1209. NUISANCE PER SE.**

Buildings erected, altered, razed or converted, or uses carried on in violation of the ordinance or regulations made pursuant thereto are declared to be a nuisance per se. A court shall order the nuisance abated, and the owner or agent in charge of the building or land, or both the owner and

the agent, shall be adjudged guilty or maintaining a nuisance per se. The court may further order that in default of abatement by the owner or agent, that the City of Gladwin may enter upon the premises for such purposes, and that the costs of abatement incurred by the City of Gladwin shall be a personal charge against the owner(s) or occupant(s) and shall also be a lien as against the premises which charge may further be assessed as a special assessment as against the premises, to be collected as provided in chapter 12 of the Charter of the City of Gladwin (1959).

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**ZONING ORDINANCE**

**ARTICLE THIRTEEN  
ADMINISTRATION & ENFORCEMENT**

**ARTICLE XIII**

**ADMINISTRATION AND ENFORCEMENT**

**SECTION 1301. ENFORCEMENT**

The provisions of this Ordinance shall be administered and enforced by the Zoning Administrator or by such deputies of that department as the Zoning Administrator may delegate to enforce the provisions of this Ordinance,

**SECTION 1302. DUTIES OF THE ZONING ADMINISTRATOR**

The Zoning Administrator shall have the power to grant zoning compliance and zoning occupancy permits, to make inspections of buildings or premises necessary to carry out the duties of enforcement of this ordinance. The Zoning Administrator shall inspect the plans or construction as is necessary prior to its determination that provisions of this ordinance are satisfied and the permit or certificate may be properly issued.

The Zoning Administrator shall record all nonconforming uses existing at the effective date of this Ordinance for the purpose of carrying out the provisions of Section 305.

Under no circumstance is the Zoning Administrator permitted to either make changes to this Ordinance or to vary the terms of this Ordinance, except as may otherwise be provided therein, in carrying out prescribed duties as Zoning Administrator.

The Zoning Administrator shall not refuse to issue a permit when the conditions imposed by this Ordinance are accepted by the applicant despite violations of contracts, such as private covenants or other private agreements which may occur upon the granting of said permit.

**SECTION 1303. PLOT AREA**

The Zoning Administrator shall require that all applications for residential zoning permits shall be accompanied by plans and specifications including a plot plan, drawn to scale and showing the following:

1. The actual shape, location and dimensions of the lot.
2. The shape, size and location of all buildings or other structures to be erected, altered, or moved and of any building or other structures already on the lot.
3. The existing and intended use of the lot and of all structures on it, including, the number of dwelling units in the building(s).
4. The location of existing and proposed public and private utilities and access drives.
5. Such other information concerning the lot or adjoining lots as may be reasonably necessary for determining whether the provisions of this Ordinance are being observed.

**SECTION 1304. PERMITS**

The following shall apply in consideration of the issuance of any permit:

1. Permits not to be issued  
No Zoning Permit shall be issued for the erection, alteration or use of any building or structure or part thereof, or for the use of any land, which is not in accordance with all the provisions of this Zoning Ordinance.
2. Permits for New Use of Land  
No vacant land shall be used for an existing use, or land be changed to a use of a different class or type unless a certificate of zoning compliance is first obtained for the new or different use.
3. Permits for New Use of Buildings  
No building or structure, or part thereof, shall be changed to or occupied by a use of a different class or type unless a certificate of zoning compliance is first obtained for the new or different use.
4. Permits Required  
No building or structure, or part thereof, shall hereafter be erected, altered, moved or repaired unless a Zoning Permit shall have been first issued for such work. The terms "altered" and "repaired" shall include any changes in structural parts, stairways, types of construction, type, class or kind of occupancy, light or ventilation, means of egress and ingress, or other changes affecting or regulated by the County of Gladwin Building Code,, Housing Law, or this Ordinance, except for minor repairs or changes not involving any of the aforesaid features.

#### **SECTION 1305. CERTIFICATES**

No land, building, or part thereof, shall be occupied by or for any use unless and until a zoning compliance permit has been issued for such use. The following shall apply in the issuance of any certificate:

1. Certificate not to be issued  
No certificates of zoning compliance shall be issued for any buildings, structure or part thereof, or for the use of any land, which is not in accordance with all the provisions of this Ordinance.
2. Certificates Required  
No building or structure, or parts thereof, which is hereafter erected, or altered, shall be occupied or used or caused to be done, unless and until a zoning compliance certificate ha been issue for such building or structure.
3. Certificates Including Zoning  
Certificates of occupancy as required by the City Building Code for new buildings or structures, or parts, thereof, or for alterations to or changes of use of existing buildings or structures, shall also constitute certificates of occupancy as required by this ordinance. This subsection shall apply if the County of Gladwin has undertaken the enforcing of construction codes and the issuance of construction building permits.
4. Certificates for Existing Buildings  
Zoning compliance certificates shall be issued for existing buildings, structures, or parts thereof, or existing uses of land if, after inspection, are found that such buildings, structures or parts thereof, or such use of land, are in conformity with

the provisions of this Ordinance. If the certificate is conditioned upon such factors as a permitted nonconforming use, such shall be noted.

5. Record of Certificates

A record of all certificates issue shall be kept on file by the Zoning Administrator, and copies shall be furnished when requested.

6. Certificates for Dwelling Accessory Buildings

Buildings or structures accessory to dwellings shall not require separate zoning compliance permits but may be included when shown on the plot plan and when completed at the same time as the dwelling.

7. Application for Certificates

An application for zoning compliance shall be made in writing to the Zoning Administrator on forms furnished by that department, and such certificates shall be issued within ten (10) days after receipt of such application if it is found that the building or structure, or part thereof, or the use of land is in accordance with the provisions of this Ordinance. If such certificate is refused for cause, the applicant shall be notified of such refusal and cause thereof, within the aforesaid ten (10) day period.

**SECTION 1306. REVOCATION OF CERTIFICATES OR PERMITS**

1. The Zoning Administrator may revoke a zoning permit or zoning compliance certificate in the following instances:

1. A mutual mistake of fact, including but not limited to the zoning classification of premises or a use.
2. Misrepresentation, whether innocent or intentional, of information provided to the Zoning Administrator during the application (including any site or plot plan), which information is reasonably necessary for a determination o issue a zoning permit or certificate of a zoning compliance. Misrepresentation shall also include the failure of information to be provided to the Zoning Administrator. Illustrative of such information may be boundaries, setbacks, grades, or the like.

2. If the Zoning Administrator shall revoke a zoning permit or zoning certificate of compliance, then all work on or about the premises shall immediately cease, or in the alternative, the Zoning Administrator may require that only a portion of the work cease. The Zoning Administrator shall promptly offer an informal conference with the applicant, usually within forty-eight (48) hours, to discuss the steps necessary for the revocation to be reversed, and if the steps are complied with, the Zoning Administrator may re-instate the zoning permit or zoning certificate of compliance. The revocation and needed changes may be prepared in writing.

Determinations of the Zoning Administrator to revoke a zoning permit or a zoning certificate of compliance shall be reviewable by appeal to the Zoning Board of Appeals, which may consider in its decision whether it would be inequitable for the revocation to continue due to substantial delay in discovery of the zoning violation, unless the violation was due to active and intentional misrepresentation by the applicant or landowner.

**SECTION 1307. PERFORMANCE GUARANTEES**

To ensure compliance with this zoning ordinance and any condition imposed there under, the Planning Commission may require that cash, a certified check, irrevocable bank letter of credit or surety bond acceptable to the City of Gladwin covering the estimated cost of improvements associated with a project for which site plan approval is sought, be deposited with the City Clerk of the City Council to ensure faithful completion of the improvements and also be subject to the following:

1. The performance guarantee shall be deposited prior to the issuance of a temporary certificate of occupancy. The City of Gladwin shall establish procedures whereby a rebate of any cash deposits in reasonable proportion to the ratio of work completed on the required improvements will be made as work progresses. A minimum of ten (10) percent of the performance guarantee shall be retained by the City until all work has been completed and subsequently inspected and approved by the Zoning Administrator. This does not relieve the applicant from satisfying all applicable maintenance warranties and/or guarantees necessary to ensure the proper functioning said public improvements.
2. This section shall not be applicable to the improvements for which a cash deposit, certified check, irrevocable bank letter of credit or a surety bond has been deposited pursuant to Michigan Zoning Enabling Act 110 of 2006, as amended.
3. As used in this section, "improvements" mean those features and actions (including roadways, lighting, utilities, sidewalks, screening, landscaping, surface drainage and other improvements that are part of the project and are necessary by the Planning Commission or Zoning Administrator 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.

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**ZONING ORDINANCE**

**APPENDIX**

**2009-10 OFFICIALS  
CITY OF GLADWIN, MICHIGAN**

**CITY OF GLADWIN CITY COUNCIL**

Tom Winarski, Mayor  
Thomas Mienk, Mayor Pro-Tem  
Polly Alward  
John Caffrey  
Dave Crawford  
Tom Hindman  
Darlene Jungman  
Vee Novak  
Michael Smith

**CITY OF GLADWIN PLANNING COMMISSION**

George Alward, Chair 2008-2009  
Joan David, Chair 2009-2010  
Jill Witowski, Secretary  
John Clayton  
Carol Darlington  
John Foor  
Tom Hindman  
Dave Beyer  
Lori Stout

**CITY ADMINISTRATOR**

Robert Moffit

**ZONING ADMINISTRATOR**

Bernadette L. Weaver

**PLANNING CONSULTANT**

Alan Howard Kunding, PCP, AICP

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