

Rogers City ZONING ORDINANCE

Rogers City
Presque Isle County
Michigan

This revised zoning ordinance is the product of a sub-committee of the Planning Commission composed of Del Conley, Chair, the late Milt Very, and Ray Zielinski. The sub-committee was assisted by Engineering Assistant Toby Kuznicki and Consultant Denise Cline from NEMCOG.

February 2011

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ARTICLE 1: AUTHORITY & PURPOSE

32-1 Enactment and Authority

The administration of this Ordinance, amendments to this Ordinance, and all other matters concerning operation of this Ordinance shall be done pursuant to P.A. 110 of 2006, as amended (the Michigan Zoning Enabling Act, M.C.L. 125.3101 through 125.3702).

32-2 Short Title

This Ordinance shall be commonly known as the "City of Rogers City Zoning Ordinance."

32-3 Purpose in View

The City of Rogers City Zoning Ordinance is hereby established in accordance with the needs of the City. The text, map and schedules contained herein shall constitute this Ordinance. Said Ordinance is expressly adopted for the following purposes:

- A. To protect and promote the public health, safety, and general welfare of the City.
- B. To regulate the use of land to meet the needs of the citizens of Rogers City for food, fiber, energy, natural resources, places of residence, recreation, industry, trade, service, and other uses of land.
- C. To ensure that land uses are situated in appropriate locations and relationships to prevent conflicts among the use of land and buildings.
- D. To limit the overcrowding of land and congestion of population, transportation systems, and other public facilities.
- E. To facilitate adequate and efficient provision of transportation systems, sewage disposal, water, energy, education, recreation, and other public service and facility requirements.
- F. To control and guide the orderly growth and development of the City in accordance with its Comprehensive Planning Program, and to implement the growth and development goals and policies contained therein, some of which are enumerated as follows:
 - 1. To encourage a wide range of housing opportunities in an orderly manner in the City from single family to multiple family and congregate housing for the elderly;
 - 2. To ensure that the residential housing environment of the City is safe, healthful and free of visual blight;
 - 3. To preserve the character and value of certain historic areas and structures.
 - 4. To preserve and enhance the appearance and viability of the Central Business District; and

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- 5. To encourage neighborhood business which is compatible with residential development.
- 6. To ensure the orderly development and operation of industrial uses.
- G. To guard against community impacts which can adversely affect those positive qualities that make up the distinctive character of the City, and which can adversely affect its social and economic climate.
- H. To promote and protect the value of land and buildings which are appropriate to the various districts established by this Ordinance.

32-4 to 32-10 Reserved

ARTICLE 2: DEFINITIONS**32-11 Usage**

The administration of this Ordinance, amendments to this Ordinance, and all other matters concerning operation of this Ordinance shall be done pursuant to P.A. 110 of 2006, as amended (the Michigan Zoning Enabling Act, M.C.L. 125.3101 through 125.3702).

- A. For the purpose of this Ordinance, certain numbers, abbreviations, terms, and words used herein shall be used, interpreted and defined as set forth in this section.
- B. Unless the context clearly indicated to the contrary, words used in the present tense include the future tense; words used in the singular number include the plural; and words used in the plural number include the singular; the word "herein" means this Ordinance; and the word "this Ordinance" shall mean "the Ordinance text, tables and maps included herein, as enacted or subsequently amended".
- C. The word "person" includes an individual, a firm, a corporation, a partnership, an association, an incorporated association, a limited liability company, or any other similar entity, or their agents.
- D. The word "shall/must" is always mandatory and is not discretionary. The word "may" is a permissive action;
- E. A "building site" includes a plot, lot or parcel, a "building" includes a structure; a "building" or "structure" includes any part thereof;
- F. "Can" means capable of physical action.
- G. "Used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged or designed to be used for occupancy".
- H. The "City" is the City of Rogers City in the County of Presque Isle, State of Michigan; and "City Council", "Board of Appeals", and "Planning Commission" are respectively the City Council, Board of Appeals, and Planning Commission of the City of Rogers City.
- I. The particular shall control the general.
- J. In the case of any difference of meaning of implication between the text of this Ordinance and any caption or illustration, the text shall control.
- K. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and," "or," "either . . . or," the conjunction shall be interpreted as follows:
 - 1. "And" indicates that all the connected items, conditions, provisions or events shall apply.

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2. "Or" indicates that the connected items, conditions, provisions or events may apply singly or in any combination.
3. "Either . . . or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.

L. The terms not herein defined shall have the meaning customarily assigned to them.

32-12 Definitions

A

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

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

ACCESSORY STRUCTURE: A detached subordinate structure on the same premises with a principal structure, occupied or devoted to an accessory use which is appropriate, supplemental and customarily related to that use at the principal structure or premises. Where an accessory structure is attached to a principal structure in a substantial manner by a wall or roof, such accessory structure shall be considered part of the principal structure, including a carport, covered porch or other roofed structure.

ACCESSORY USE, OR ACCESSORY: A use which is clearly incidental to, customarily found in connection with, and (except in the case of accessory off-street parking spaces or loading) located on the same zoning lot as, the principal use to which it is related. When "accessory" is used in this text, it shall have the same meaning as accessory use.

An accessory use to a residential principal use includes, but is not limited to the following:

- A. Residential accommodations for guests, servants and/or caretakers.
- B. Swimming pools for the use of the occupants of a residence, or their guests.
- C. Domestic or agricultural storage in a barn, shed, tool room, or similar accessory building or other structure.
- D. Home occupations as defined herein.

An accessory use to a nonresidential principal use includes, but is not limited to the following:

- A. Storage of merchandise normally carried in stock in connection with a business or industrial use, unless such storage is excluded in the applicable district regulations.

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- B. Storage of goods used in or produced by industrial uses or related activities, unless such storage is excluded in the applicable district regulations.
- C. Accessory off-street parking spaces, open or enclosed, subject to the accessory off-street parking regulations for the district in which the zoning lot is located.
- D. Uses clearly incidental to a main use such as, but not limited to: offices of an industrial or commercial complex located on the site of the commercial or industrial complex.
- E. Accessory off-street loading, subject to the off-street loading regulations for the district in which the zoning lot is located.

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

ADULT FOSTER CARE FACILITY: See State-Licensed Residential Facility.

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

ALLEY: A strip of land over which there is a right-of-way, public or private, on which generally no dwelling or land uses front, serving as a rear entrance to one or more properties.

ALTERATIONS: Any change, addition, or modification in construction or type of occupancy; and any change in the roof or supporting members of the building or structure, such as bearing walls, partitions, columns, beams, girders, or any change which may be referred to herein as "altered" or "reconstructed".

ALTERNATIVE TOWER STRUCTURE: Man-made trees, clock towers, bell steeples, light poles and other similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

AMUSEMENT ARCADE: Any place, premises, room or establishment in which a substantial and significant portion of the business is devoted to the operation of amusement devices, or in which more than five mechanical amusement devices are located and available for operation. For purposes of this Zoning Ordinance, a mechanical amusement arcade shall not include the following:

- A. Mechanical amusement devices located in bars, taverns and cocktail lounges which are properly licensed by the State when the devices are located so as to be an integral part of the licensed operation and are available only to tavern patrons; and
- B. Mechanical amusement devices located in motels or hotels when the devices are generally available only to registered guests.

AMUSEMENT DEVICE: Any machine or device which, upon the insertion of a coin, slug, token, plate,

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disc, or card, operates or may be operated as a game of contest of skill or amusement when the element of skill in such operation predominates over chance or luck. It shall include mechanical, electrical, or electronic video games, mechanical grabbing devices, pinball games, mechanical, electrical, or electronic baseball, football, basketball, hockey and similar sports-type games, mechanical, electrical, or electronic card games, shooting games, target games, or any other machine, device or apparatus which may be used as a game of skill and wherein the player initiates, employs or directs any force generated by such machine.

ANEMOMETER: A device used to measure wind speed.

APARTMENT: The term "Apartment" shall mean the dwelling unit in a multiple dwelling as defined herein:

- A. **EFFICIENCY UNIT:** A dwelling unit consisting of not more than one (1) room, in addition to kitchen, dining and necessary sanitary facilities, and for the purpose of computing density shall be considered as a one (1) room unit.
- B. **ONE BEDROOM UNIT:** A dwelling unit consisting of not more than two (2) rooms, in addition to kitchen, dining and necessary sanitary facilities, and for the purpose of computing density, shall be considered as a two (2) room unit.
- C. **TWO BEDROOM UNIT:** A dwelling unit consisting of not more than three (3) rooms, in addition to kitchen, dining and necessary sanitary facilities, and for the purpose of computing density, shall be considered as a three (3) room unit.
- D. **THREE OR MORE BEDROOM UNIT:** A dwelling unit wherein for each room in addition to the three (3) rooms permitted in a two (2) bedroom unit, and for the purpose of computing density, said three (3) bedroom unit shall be considered a four (4) room unit, and each increase in a bedroom over three (3) shall be an increase in the room count by one (1) over the four (4).

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

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

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

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

ATTACHED: Any structure or part of a structure physically connected to another structure or part of a structure and fastened securely to same.

AUTOMOBILE OR TRAILER SALES AREA: An area used for the display, sale or rental of new and

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used motor vehicles, boats or trailers, recreation vehicles (including mobile homes) in operable condition and where no repair work is done.

AUTOMOBILE REPAIR GARAGE: A structure housing any activity involving the general repair, rebuilding or reconditioning of motor vehicles, engines, or trailers; collision services, such as body, frame, or fender straightening and repair, overall painting and rustproofing.

AUTOMOBILE SERVICE STATION: A place where gasoline or any other automobile engine fuel, kerosene or motor oil and lubricants or grease (for operation of motor vehicles) are retailed directly to the public on premises; including sale and service of minor accessories and service for automobiles.

AUTOMOBILE WASH ESTABLISHMENT: A building, or portion thereof, the primary purpose of which is that of washing motor vehicles.

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

B

BASEMENT OR CELLAR: A portion of a building having more than one-half (1/2) of its height below grade. A basement shall not be counted as a story nor counted as floor area, unless the room has emergency egress.

BEDROOM: For the purpose of determining density in the Planned Residential District, the term bedroom means a room or area within a dwelling unit designed and intended to provide sleeping accommodations for one or more human beings.

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

BED AND BREAKFAST FACILITY: A bed and breakfast facility is a building, other than a hotel, where lodgings and light breakfasts for persons, other than family, are regularly served for compensation on a short-term basis.

BOARDING HOUSE: A building or part thereof, other than a hotel, including so-called tourist homes, where lodgings are provided for rent, more or less transiently, and with or without provision for meals.

BOAT LAUNCH RAMP: Facility to launch and retrieve recreational watercraft from a trailer.

BOAT LIVERY AND/OR CANOE LIVERY AND BOAT YARD: Any premise on which boats or floats of any kind are kept for the purpose of renting, leasing, repairing, servicing, storing or providing use thereof to persons other than the owners for a charge or fee.

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BOAT SLIP: A space used for the mooring/docking of a one (1) or more watercraft.

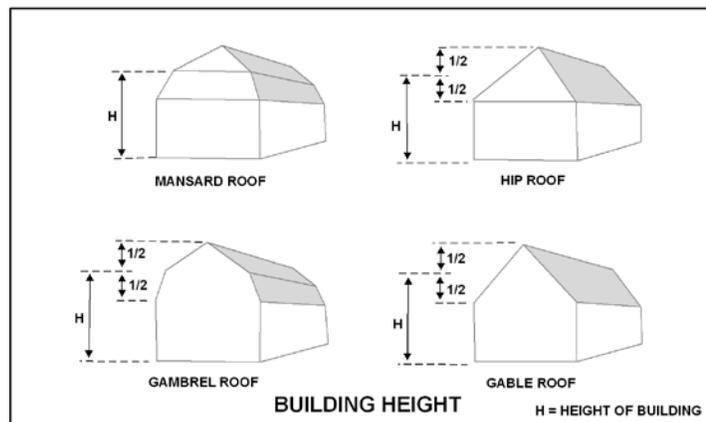
BREEZEWAY: Any covered passageway with open sides between two buildings.

BUILDING: A building is an edifice, framed or constructed and designed to stand more or less permanently and covering a space of land, for use as a dwelling, store, storehouse, factory, sign, shelter or for some other useful purpose. Building in this sense includes a board fence or similar structure, trailer, tent, or vehicle used as a dwelling.

BUILDING, EXISTING: An "existing" building is any building actually constructed or the construction of which is started previous to the effective date of this Ordinance provided that the construction of any such building continues uninterruptedly and is completed within six (6) months from such date. Any building damaged by fire, collapse, or decay to the extent of its full assessed value as of record at the time of damage shall not be considered an existing building.

BUILDING, HEIGHT: The vertical distance from the average elevation of the adjoining grade paralleling the front, or if on a street corner, the front and side, of the building:

- to the highest point of the roof surface if the roof is flat; or
- to the deck line, if the roof is the mansard type; or
- the average height between the eaves and the ridge if the roof is gable, hip or gambrel type.



BUILDING LINE: A line parallel to the front lot line, and which marks the location of the building. For the purposes of this Ordinance, a minimum building line is the same as the front setback line.

BUILDING INSPECTOR: The officer employed by Presque Isle County charged with the administration and enforcement of the building code, or his/her duly authorized representative.

BUILDING PERMIT: A permit signifying compliance with the provisions of this Ordinance as to use, activity, bulk and density, and with the requirements of all other development codes and ordinances currently in effect in the Presque Isle County.

BUILDING, PRINCIPAL: See Structure, Principal

BUILDING SITE: A lot or a two-dimensional condominium unit of land (i.e. envelope, footprint) with or without limited common element designed for construction of a principal structure or a series of principal structures plus accessory building. All building sites shall have access to public or private roads.

C

CABIN: Any building or similar structure which is maintained, offered or used for dwelling or sleeping quarters for transients, or for temporary residence, but shall not include what are commonly designated as hotels, lodges, houses or tourist homes.

CAMPGROUND: Any parcel or tract of land, under the control of any person wherein sites are offered for the use of the public or members of an organization, either free of charge or for a fee for the establishment of temporary living quarters for recreational units.

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

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

CHILD CARE FACILITY: A facility for the care of children (persons under 18 years of age), as licensed and regulated by the state under Act 116 of the Public Acts of 1973, being M.C.L.A. §§ 722.111 through 722.128 as amended, and the associated rules promulgated by the State Department of Human Services. Such organizations shall be further defined as follows:

- A. **FAMILY CHILD CARE HOME**: A private home operated by a Michigan licensed day care operator in which at least one (1) but less than (7) seven children are received for care and supervision for periods of less than twenty-four (24) hours a day, unattended by a parent and/or legal guardian, not including children related to an adult member of the resident family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks during a calendar year.
- B. **GROUP DAY CHILD CARE HOME**: A private home operated by a Michigan licensed day care operator in which more than six (6) but not more than twelve (12) children are given care and supervision for periods less than twenty-four (24) hours a day, unattended by a parent and/or legal guardian, not including children related to an adult member of the resident family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks during a calendar year.
- C. **CHILD CARE CENTER**: A facility, other than a private residence, receiving one (1) or more preschool or school-age children for care for periods of less than twenty-four (24) hours a day, and where the parents or guardians are not immediately available to the child. Child care center or day care center includes a facility that provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center.
- D. **PRIVATE HOME**: A private residence in which the registered facility operator permanently resides as a member of the household.

DEFINITIONS

CHURCH: A building wherein persons assemble regularly for religious worship, maintained and operated by an organized religious body. Accessory uses, buildings and structures customarily associated with the religious institution are classified as part of the principal use as a church. The word "church" shall not include or mean an undertaker's chapel or funeral building. "Church" is also known as temple, synagogue, or mosque.

CLINIC: A building or group of buildings where human patients are admitted, but not lodged overnight for examination and treatment by a professional, such as a physician, dentist or the like.

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

COLUMBARIUM: A structure or building substantially exposed above ground intended to be used for the interment of the cremated remains of a deceased person or animal.

COMMERCIAL USE: A commercial use relates to the use of property in connection with the purchase, sale, barter, display, or exchange of goods, wares, merchandise or personal services or the maintenance of offices or recreational or amusement enterprises. Garage, rummage, basement, porch, lawn sales and similar sales conducted on residential premises are hereby deemed a commercial use, if such sales are conducted on more than two (2) occasions during any consecutive twelve (12) month period or if either of said two sales lasts for more than six (6) days.

COMMISSION: City of Rogers City Planning Commission.

COMMON AREAS, USES AND SERVICES: Land areas, facilities and utilities which are intended to be shared by the owners and occupants of individual building units in a subdivision or a planned development.

COMMUNITY/EMERGENCY & OTHER RELIEF SERVICES: Establishments engaged in providing food, clothing, medical relief, resettlement, and counseling services.

CONDOMINIUM: A development containing individually-owned dwelling units and jointly-owned and shared areas and facilities. The development may contain either detached or attached units.

CONDOMINIUM UNIT: That portion of the condominium project designed and intended for separate ownership and use, as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational, or any other type of use. Any "condominium unit" consisting of vacant land shall be equivalent to the term "lot" for the purposes of determining compliance of a condominium subdivision project with the provisions of this ordinance pertaining to minimum lot size, minimum lot width, and maximum lot coverage.

CONSTRUCTION: The building, erection, alteration, repair, renovation (or demolition or removal) of any building, structure or structural foundation; or the physical excavation, filling and grading of any lot other than normal maintenance shall constitute construction.

CONVALESCENT OR NURSING HOME: A home for the care of the aged or infirm, or a place of rest for those suffering bodily disorders, wherein seven (7) or more persons are cared for. Said home shall conform and qualify for license under State Law.

DEFINITIONS

CONVENIENCE STORE: A retail store with a floor area of less than twenty-five hundred (2,500) square feet that sells groceries and may also sell gasoline; does not include automotive service stations or automotive repair shops.

COTTAGE INDUSTRY: A home occupation of which the sale of goods or products on the premises is a significant portion.

CURB LEVEL (GRADE): Curb level or grade is the mean level of the established curb in front of the building. Where no curb has been established the City Engineer shall establish such curb level for the purpose of these regulations.

D

DECK: A structure used for outdoor living purposes that may or may not be attached to a building and which protrudes more than eight (8) inches above finished grade.

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

DEVELOPMENT: Means any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

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

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

DWELLING: A house or building, or portion thereof, either site-built or pre-manufactured, which has sleeping, living, cooking and sanitary facilities and is occupied wholly as the home, residence, or sleeping place by one (1) or more human beings, either permanently or transiently, but in no case shall a trailer coach, automobile chassis, tent, or portable building be considered as a dwelling. In the case of buildings which are occupied in part, the portion occupied shall be considered a dwelling unit, provided it is in conformance with the criteria for dwellings.

- A. **DWELLING UNIT, MANUFACTURED:** A factory-built, single-family structure that is transportable in one (1) or more sections, is built on a permanent chassis, is designed to be used as a dwelling with or without a permanent foundation, is designed to be used as a dwelling when connected to the required utilities, and includes the plumbing, heating, and electrical systems in the structure, but which is not constructed with a permanent hitch or other device allowing transport of the unit other than for the purpose of delivery to a permanent site and which does not have wheels or axles permanently attached to its body or frame. A manufactured home is constructed according to the National Mobile Home Construction and Safety Standards Act of 1974, as amended. The manufactured home shall

DEFINITIONS

- meet the minimum floor area requirements of this Zoning Ordinance and installed in accordance with all of the other requirements of this Ordinance specified for dwellings when located outside of a licensed Manufactured Housing Development.
- B. **DWELLING, MULTIPLE-FAMILY:** A multiple dwelling is a building used for and as a residence for three (3) or more families living independently of each other and each having their own cooking facilities therein, including apartment houses, townhouses, and apartment hotels, but not including single-family homes.
- C. **DWELLING, ONE-FAMILY:** A detached building occupied by one (1) family and so designed and arranged as to provide living, cooking, and kitchen accommodations for one (1) family only. Also known as a single-family dwelling.
- D. **DWELLING, TWO-FAMILY:** A detached two-family dwelling is that occupied by two (2) families, each provided with separate facilities for each family for living accommodations. Also known as a duplex dwelling.
- E. **DWELLING UNIT:** A dwelling unit is any building or portion thereof having cooking facilities, which is occupied wholly as the home, residence, or sleeping place of one (1) family, either permanently or transiently, but in no case shall a travel trailer, motor home, automobile chassis, tent, or other portable building be considered a dwelling in single-family, two-family, or multiple-family residential areas. In cases of mixed occupancy where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit for the purpose of this Ordinance and shall comply with the provisions thereof relative to dwelling/units.
- F. **EFFICIENCY UNIT:** An efficiency unit is a dwelling unit consisting of one (1) room, exclusive of bathroom, kitchen, hallway, closets, or dining alcove directly off the principal room providing not less than three hundred and thirty (330) square feet of floor area.

E

ERECTED: Built, constructed, reconstructed, or moved upon; includes any physical operations required for the building on the premises where the building is being constructed, reconstructed, or moved. Excavating, filling, draining, and the like, shall be considered a part of erecting.

ESSENTIAL SERVICES: Includes all publicly or privately owned utilities, such as electrical, gas, water, sewer, and communication generation, storage, distribution, collection, supply and disposal systems; municipal police, fire, and road maintenance services; the erection, maintenance, alteration and removal of the foregoing; and all personal property and fixtures including poles, wires, pipes and other accessories reasonably necessary for the furnishing of adequate service by such utility or municipal department. Telecommunication towers or facilities, alternative tower structures, wireless communication antenna, and wind turbine generators are not included within this definition.

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

DEFINITIONS

F

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

FAMILY:

- A. **DOMESTIC FAMILY:** One or more persons living together and related by the bonds of consanguinity, marriage, or adoption together with servants of the principal occupants and not more than one additional unrelated person, with all of such individuals being domiciled together as a single, domestic housekeeping unit in the dwelling.

- B. **FUNCTIONAL FAMILY:** Persons living together in a dwelling unit whose relationship is of a permanent and distinct character and is the functional equivalent of a domestic family with a demonstrable and recognizable bond which constitutes the functional equivalent of the bonds which render the domestic family a cohesive unit. All persons of the functional equivalent of the domestic family must be cooking and otherwise housekeeping as a single nonprofit unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization, or group where the common living arrangements and/or the basis for the establishment of the functional equivalency of the domestic family is likely or contemplated to exist for a limited or temporary duration. There shall be a presumption enforced by the building inspector in the first instance that the number of persons who may reside as a functional equivalent family shall be limited to six (6).

FARM: The carrying on of any agricultural activity or the raising of livestock or small animals as a source of income.

FARM ANIMALS: Poultry and livestock including but not limited to cattle, sheep, goats, swine, alpacas and horses.⁸

FENCE: A man-made structure constructed for the purpose of or to have the effect of enclosing the area it is constructed upon.

FIRST STORY: A first story is the lowest story of a building the ceiling of which is more than six (6) feet above the average surface elevation of the ground, or sidewalk adjacent to its exterior walls.

FLOOD OR FLOODING: Means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- A. The overflow of inland or tidal waters.

- B. The unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD PLAIN: The relatively flat area or lowlands contiguous to the channel of watercourse or a body of standing water, which has been or may be covered by flood water. The one-hundred (100) year flood plain consists of contiguous areas paralleling a river, stream or other body of water that constitute at their maximum edge the highest flood levels experienced in a period of 100 years. The one-hundred (100) year flood plains are identified on Floodway Maps produced by FEMA (Federal Emergency Management Agency).

FLOOR AREA:

- A. **ONE-FAMILY 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 dwellings. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways, and enclosed and unenclosed porches.
- B. **MULTIPLE-FAMILY RESIDENTIAL:** For the purpose of computing the minimum allowable floor area in a multiple-family residential dwelling unit, the floor area shall be the net floor area exclusive of hallways. Net floor area is the sum of the horizontal areas of the several rooms measured from the interior faces of the walls of each room. The floor area measurement shall be exclusive of any common hallways, utility and storage areas, basements, garages, patios, porches, and balconies.
- C. **FLOOR AREA, USABLE:** That area used for or intended to be used for the sale of merchandise or services, or used 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 of "Usable Floor Area". For mortuaries, usable floor area shall include the area of the rooms used in the business less areas used for storage, hallways, embalming rooms, utilities or sanitary facilities
- D. **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 center line of walls separating two (2) buildings. The "floor area" of a building which is what this normally is referred to, shall include the basement floor area when more than one-half (1/2) of the basement height is above the established curb level or finished lot grade, whichever is higher (see Basement definition). Any space devoted to off-street parking or loading shall not be included in "floor area". Areas of basements, utility rooms, breezeways, unfinished attics, porches (enclosed or unenclosed) or attached garages are not included.

FOOT-CANDLE: A measure of light falling on a surface. One (1) foot-candle is equal to the amount of light generated by one (1) candle shining on one (1) square foot surface located one (1) foot away.

FRONTAGE: The total length along which a parcel of land fronts on a street, measured along the line where the property abuts the street right-of-way.

G

GARAGE, YARD OR PORCH SALE: Any sale of personal effects, jewelry, or household items, furnishings and equipment belonging to the owner or occupant of the property held in any district by the owner, occupant or his personal representative.

DEFINITIONS

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

GLARE: The sensation produced by a bright source within the visual field that is sufficiently brighter than the level to which the eyes are adapted to cause annoyance, discomfort, or loss in visual performance and visibility.

GREENBELT: A planting of trees and shrubs to serve as a screening device between abutting land uses or along water bodies to screen and control erosion.

H

HAZARDOUS MATERIALS: Any materials that have been declared to be hazardous by any agency of the State of Michigan or of the United States, including but not limited to toxic materials and metal hydroxides. Any substances or materials that, by reason of their toxic, caustic, corrosive, abrasive or otherwise injurious properties, may be detrimental to the health of any person handling or otherwise coming into contact with such materials or substances.

HOME OCCUPATION: A home occupation is any occupation or profession carried on by one or more members of a family, residing on the premises which is conducted within the dwelling or accessory building and which is clearly incidental and secondary to the use of the lot and dwelling for residential purposes;

HOTEL: A building or part of a building with a common entrance in which the dwelling units or rooming units are accessed from the interior of the building and are used primarily for transient occupancy, and in which one or more of the following services are offered: maid service, furnishing of linen, telephone, secretarial, or desk service, and bellboy service. A hotel may include a restaurant or cocktail lounge, public banquet halls, ballrooms or meeting rooms.

I

INDIVIDUAL AND FAMILY SERVICES: Establishments engaged in providing nonresidential individual and family social assistance services.

IMPERVIOUS SURFACE: Any material which prevents, impedes or slows infiltration or absorption of storm water directly into the ground at the rate of absorption of vegetation bearing soils, including building, asphalt, concrete, gravel and other surfaces.

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

J

DEFINITIONS

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

JUNK YARD: Any land area where junk, used or secondhand materials are bought and sold, collected, stored, 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, salvaging of machinery or vehicles not in running condition.

K

KENNEL: Any lot or premises on which four (4) or more common adult household pets of the same species are kept permanently or temporarily boarded. Kennel shall also include any lot or premise where household pets are bred or sold for remuneration.

L

LABORATORY: A place devoted to experimental, routine study or basic study such as testing and analytical operations, and which manufacturing of product or products, except prototypes for testing market, is not performed.

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

LAND USE PLAN, OFFICIAL: Rogers City Comprehensive Plan.

LANDSCAPING: Some combination of planted trees, vines, ground cover, flowers or turf. In addition, the combination or design may include rock ground cover, earth mounds, and such structural features as fountains, ponds, art works, screens, walls, fences, benches, walks, paths, steps, terraces, garden structures, etc.

LIMITED COMMON ELEMENTS: A portion of the common elements reserved in the master deed for the exclusive use of less than all of the co-owners.

LOADING BERTH: An off-street space on the same lot with a building or group of buildings for temporary parking for a commercial vehicle while loading or unloading merchandise or materials. Off-street loading space is not to be included as off-street parking space in computation of required off-street parking.

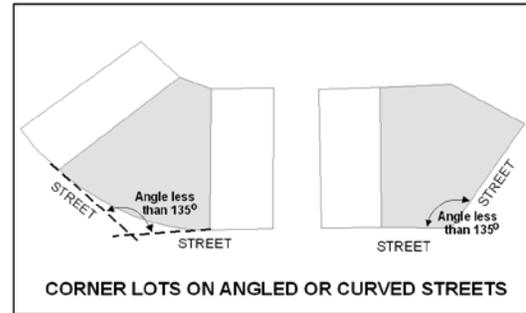
LOCAL STREET: A street of limited continuity used primarily for access to abutting residential properties.

LOT: A measured portion of a parcel or tract of land which is described and fixed in a recorded plat and having frontage on a public street or road either dedicated to the public or designated on a recorded subdivision.

LOT AREA: Area of a lot bounded by lot lines.

DEFINITIONS

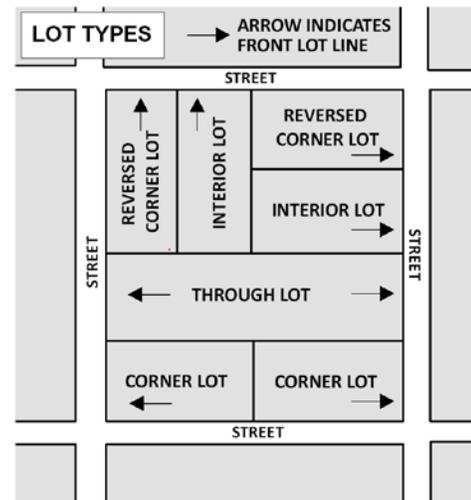
LOT, CORNER: A lot whose lot lines form an interior angle of less than one hundred thirty-five (135) degrees at the intersection of two (2) street lines. A lot abutting on a curved street or streets shall be deemed a corner lot if the tangents to the curve at the points of intersection of the side lot lines with the street lines intersect at an interior angle of less than one hundred thirty-five (135) degrees.



LOT COVERAGE: The amount of a lot, stated in terms of percentage, that is covered by all roofed buildings and/or structures located thereon. This shall be deemed to include all buildings, porches, arbors, breezeways, patio roofs, and the like, whether open box-type and/or lathe roofs, or fully roofed but shall not be deemed to include fences, walls, hedges used as fences, or swimming pools.

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

LOT, THROUGH: Any interior lot having frontage on two more or less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, all yards of said lots adjacent to streets shall be considered frontage, and front yard setbacks shall be provided as required.



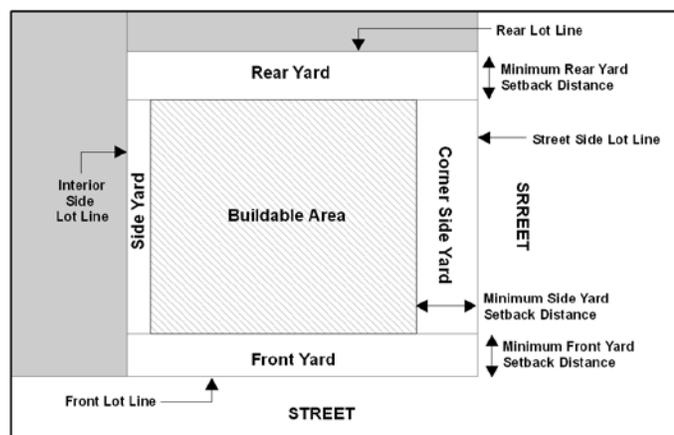
LOT, ZONING: A single tract of land which at the time of filing for a zoning permit, is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control. A zoning lot shall satisfy this Ordinance with respect to area, size, dimensions, and frontage as required in the district in which the zoning lot is located. A zoning lot therefore, may not coincide with a lot of record as filed with the County Register of Deeds, but may include one or more lots of record.

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

LOT LINE: A boundary line of a lot.

LOT LINE, FRONT: The exterior line or right-of-way of a road on which a lot fronts or abuts.

LOT LINE, REAR: Any lot line, other than a front lot line, which is parallel or nearly parallel to the front lot line.



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LOT LINE, SIDE: Any lot line not a front or rear lot line. A side lot line separating a lot from a street is a street side lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

LOT OF RECORD: A lot that is part of a recorded subdivision or a parcel of land that has been recorded at the Presque Isle County Register of Deeds

LOT WIDTH: The average distance between side lot lines measured at the building line, on a line parallel to the street, and measured at right angles to the side lot lines.

M

MANUFACTURED HOME: see Dwelling, Manufactured.

MANUFACTURED HOUSING COMMUNITY: A parcel or tract of land under the control of a person upon which three (3) or more manufactured homes are located on a continual, non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a manufactured home.

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

MANUFACTURING: The production of articles for use from raw or prepared materials by giving these materials new forms, qualities, properties or combinations, whether by hand labor or machine.

MARINA: A commercial or public mooring, berthing or docking facility for watercraft with or without provisions for launching, retrieving, servicing, boat storage, fueling, sales of accessory supplies, or boater services such as restrooms, showers, self-service laundry and fish cleaning station.

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

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

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

MINI-WAREHOUSES: Mini-warehouse buildings are groups of buildings in a controlled access and

DEFINITIONS

fenced compound that contain varying sizes of individual compartmentalized and controlled access stalls or lockers for a dead storage of customer's goods or wares.

MORTUARY OR FUNERAL HOME WITH CREMATORIUM: A building or part thereof used for human funeral services. Such building may contain space and facilities for (a) embalming and the performance of other services used in the preparation of the dead for burials; (b) the performance of autopsies and other surgical procedures; (c) the storage of caskets, funeral urns, and other related funeral supplies; (d) the storage of funeral vehicles; and (e) facilities for cremation. Where a funeral home is permitted, a funeral chapel shall also be permitted. This definition shall exclude cemeteries.

MORTUARY OR FUNERAL HOME WITHOUT CREMATORIUM: A building or part thereof used for human funeral services. Such building may contain space and facilities for (a) embalming and the performance of other services used in the preparation of the dead for burials; (b) the performance of autopsies and other surgical procedures; (c) the storage of caskets, funeral urns, and other related funeral supplies; and (d) the storage of funeral vehicles. Where a funeral home is permitted, a funeral chapel shall also be permitted. This definition shall exclude cemeteries and crematoriums.

MOTEL: A building(s) or part of a building or series of semi-attached or detached rental units in which the dwelling units or rooming units are accessed from the exterior of the building and are used primarily for transient occupancy, and in which one or more of the following services are offered: maid service, furnishing of linen, telephone, secretarial, or desk service, and bellboy service. A motel may include a restaurant or cocktail lounge and public banquet halls or meeting rooms. Motor vehicle parking is located in an area contiguous to the building. No kitchen or cooking facilities are to be provided without the approval by the City Council with the exception of units for use of the Manger and/or Caretaker.

N

NEW CONSTRUCTION: Structures for which the "start of construction" commenced on or after the effective date of this Ordinance.

NON-CONFORMING LOT OF RECORD (SUBSTANDARD LOT): A lot which is lawfully existing at the effective date of this Ordinance, or affecting amendment, and which fails to meet the minimum area requirements of the zoning district in which it is located.

NON-CONFORMING STRUCTURE: A structure, or portion thereof, which is lawfully existing at the effective date of this Ordinance, or affecting amendment, and which fails to meet the minimum yard setback or other requirements of the zoning district in which it is located.

NON-CONFORMING USE: A use which is lawfully existing in a building or on land at the effective date of this Ordinance, or affecting amendment, and which fails to conform to the use regulations of the zoning district in which it is located.

NUISANCE: An offensive, annoying, unpleasant or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of

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an excessive or concentrated movement of people or things, such as, but not limited to: (a) noise, (b) dust, (c) smoke, (d) odor, (e) glare, (f) fumes, (g) flashes, (h) vibration, (i) shock waves, (j) heat, (k) electronic or atomic radiation, (l) objectionable effluent, (m) noise of congregation of people, particularly at night, (n) passenger traffic, (o) invasion of non-abutting street frontage by traffic, (p) a burned out structure, (q) a condemned structure.

NURSING HOME: See "Convalescent or Nursing Home"

O

OFF-STREET PARKING LOT: 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. This definition excludes parking structures.

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

ORDINARY HIGH WATER MARK: The line between upland and lake or stream bottom land which persists through successive changes in water levels, and below which the presence and action of the water is so common or recurrent as to mark upon the soil a character, distinct from that which occurs on the upland. The elevation of the ordinary high water mark shall be determined by the Army Corp or Engineers.

P

PARCEL: A tract or continuous area or acreage of land which is occupied or intended to be occupied by a building, series of buildings, accessory building(s), condominium units, or by any other use or activity permitted thereon and including open spaces and setbacks required under this ordinance, and having its frontage on or access to a public or private street.

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.

PARKING STRUCTURE: A multi-level facility the primary purpose of which is to provide parking spaces for motor vehicles along with adequate drives and aisles for maneuvering. A parking structure may or may not house business or commercial uses which are subordinate to the primary use of parking.

PATIO: A paved open space, used for outdoor living purposes and constructed of any materials providing a hard, durable surface, which does not protrude more than eight (8) inches above the finished grade of the property.

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

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PET, DOMESTIC: Only such animals as may commonly be housed within domestic living quarters.

PET, EXOTIC: Any species of animal, reptile, or bird which is not, in the judgment of the Zoning Administrator, normally considered a pet and which may potentially be dangerous to humans, domestic animals or property if not properly managed.

PLANNED UNIT DEVELOPMENT (PUD): A use which allows a development to be designed and built as a unit and which is designed to encourage quality land development and site design outside the typical zoning standards through flexible design and use standards and a greater latitude in the mix of uses resulting in more efficient and effective use of the land and infrastructure.

PLANNING COMMISSION: The "Planning Commission" shall mean the City of Rogers City Planning Commission and shall have all powers granted under authority of Public Act 33 of 2008, M.C.L. 125.8101 *et seq.*, as amended, and as provided in this Ordinance.

PLOT PLAN: The drawings and documents depicting and explaining all salient features of a proposed development which requires a zoning permit but is not required to prepare a site plan, in order to evaluate compliance with Zoning Ordinance standards and requirements.

PRACTICAL DIFFICULTY: A situation in which a property owner cannot establish a "minimum practical" legal use of a legal lot or parcel, meeting all of the dimensional standards of the zoning district in which the lot is located. Situations occurring due to the owner's desire to establish a use greater than the "minimum practical" standard to enhance economic gain greater than associated with the "minimum practical" standard or created by an owner subsequent to the amendment of this Ordinance is not a Practical Difficulty. The Zoning Board of Appeals is responsible for determining Practical Difficulty.

PUBLIC UTILITY: A public utility is any person, firm, corporation, municipal department or board duly authorized to furnish or furnishing under regulation, to the public, electricity, gas, steam, communication, transportation, drainage or water.

R

RECREATIONAL VEHICLE: A vehicle that is built on a single chassis. The vehicle must be designed to be self propelled or towable by an automobile or light-duty truck. Furthermore, the vehicle must be designed solely for recreation, camping, travel, or seasonal use rather than as a permanent dwelling. Travel trailer, motor home, camping trailer and pick-up coach are deemed synonymous with recreational vehicles..

RECREATION VEHICLE PARK (RV PARK): A parcel on which sites are established for occupancy by recreational vehicles of the general public as temporary living quarters for purposes of recreation or vacation.

RECYCLING CENTER: See Resource Recovery Facility.

REPAIRS: Repairs are the rebuilding or renewal of a part of an existing building for the purpose of

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maintaining its original type and classification.

RESEARCH AND DEVELOPMENT FACILITY: A research and development facility is any facility that is involved in the inquiry, examination, investigation or experimentation aimed at the discovery and/or interpretation of facts, revision of accepted theories or laws in the light of new facts, or practical application of such new or revised theories of laws and the development thereof. Development may include a limited number of test units of a given product resulting from such research and shall include limited production while a product is being test-marketed which is the interim step between full research and development and ultimate full scale production.

RESIDENTIAL HUMAN CARE AND TREATMENT FACILITY: A facility providing:

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

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

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

RESTAURANT: A building in which food or beverages are cooked or prepared and offered for sale, and where consumption is permitted on the premises whether or not entertainment is offered, having suitable kitchen facilities connected therewith, containing conveniences for cooking and assortment of foods which may be required for ordinary meals, and deriving the major portion of its receipts from the sale of food.

- A. **DRIVE-IN RESTAURANT:** A drive-in 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, method of operation, or any portion of whose business includes serving directly to the customer in motor vehicles for consumption in the motor vehicle.
- B. **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 provides a driveway approach and staging area specifically designed for motor vehicles so as to serve patrons while in their motor vehicles for carry out and consumption or use after the vehicle is removed from the premises

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- C. **BAR/LOUNGE/TAVERN:** A structure or part of a structure designed, maintained, and operated primarily for the dispensing of alcoholic beverages. The selling of food and snacks may also be permitted. If the bar/lounge/tavern is part of a larger dining facility, it shall be defined as that part of the structure so designated and/or operated.

RIGHT-OF-WAY: A street, alley or other thoroughfare or easement permanently established for passage of persons or vehicles.

ROADSIDE STAND: An accessory and temporary structure operated for the purpose of temporarily selling goods or products.

ROAD OR STREET, PRIVATE: A private right-of-way reserved for the use of the occupants of the abutting structures. Said private street shall not be accepted by the City of Rogers City for maintenance in any form.

ROAD OR STREET, PUBLIC: A public right-of-way which has been dedicated for the purposes of providing access to abutting private lots of land including the space for pavement and sidewalks.

S

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

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

SEASONAL USE: Any use or activity that can not be conducted or should not be conducted during each month of the year.

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

SETBACK: The minimum horizontal distance a foundation or wall of a building or structure or any portion thereof is required to be located from the boundaries of a lot, parcel, or building site of land upon which the same is situated.

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

- A. **ADULT ARCADE:** Any place to which the public is permitted or invited wherein coin-operated or slug-operated electronically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time and where the images so displayed are distinguished or characterized by depicting or describing of Specified Sexual Activities or Specified Anatomical Areas.

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B. **ADULT BOOKSTORE OR ADULT VIDEO STORE**: A commercial establishment that, as one of its principal business purposes, offers for sale or rental for any form of consideration one or more of the following:

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

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

C. **ADULT CABARET**: A nightclub, bar, restaurant, or similar commercial establishment that features any of the following:

1. Persons who appear in a state of nudity;
2. Live performances that are characterized by the exposure of Specified Anatomical Areas or by Specified Sexual Activities;
3. Films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas; or
4. Persons who engage in lewd, lascivious, or erotic dancing or performances that are intended for the sexual interests or titillation of an audience or customers.

D. **ADULT MOTEL**: A hotel, motel or similar commercial establishment that:

1. Offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas and has a sign visible from the public right of way that advertises the availability of any of the above;
2. Offers a sleeping room for rent for a period of time that is less than twelve (12) hours; or
3. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than twelve (12) hours.

- E. **ADULT MOTION PICTURE THEATER:** A commercial establishment which for any form of consideration, regularly and primarily shows films, motion pictures, video cassettes, slides, or other photographic reproductions or visual media that are characterized by depiction or description of Specified Sexual Activities or Specified Anatomical Areas.
- F. **ADULT THEATER:** A theater, concert hall, auditorium, or similar commercial establishment that regularly features a person or persons who appear in a state of nudity or live performances that are characterized by exposure of Specified Anatomical Areas or by Specified Sexual Activities.
- G. **NUDE MODEL STUDIO:** Any place where a person who displays Specified Anatomical Areas is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration, but does not include an educational institution funded, chartered, or recognized by the State of Michigan.
- H. **NUDITY OR A STATE OF NUDITY:** Knowingly or intentionally displaying in a public place, or for payment or promise of payment by any person including, but not limited to payment of an admission fee, any individual's genitals or anus with less than a fully opaque covering, or a female individual's breast with less than a fully opaque covering of the nipple and areola. Public nudity does not include any of the following:
1. A woman's breastfeeding of a baby whether or not the nipple or areola is exposed during or incidental to the feeding.
 2. Material as defined in section 2 of Act No. 343 of the Public Acts of 1984, being section 752.362 of the Michigan Compiled Laws.
 3. Sexually explicit visual material as defined in section 3 of Act No. 33 of Public Acts of 1978, being section 722.673 of the Michigan Compiled Laws.
- I. **SPECIFIED ANATOMICAL AREAS:** Means and includes any of the following:
1. Less than completely and opaquely covered:
 - a. Human genitals;
 - b. Pubic region;
 - c. Buttocks
 - d. Female breast below a point immediately above the top of the areola.
 2. Human male genitals in a discernible turgid state even if completely or opaquely covered.
- J. **SPECIFIED SEXUAL ACTIVITIES:** Means and includes any of the following:
1. Human genitals in a state of sexual arousal;

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2. Acts of or simulated acts of human masturbation, sexual intercourse, sodomy, bestiality, fellatio or cunnilingus; or
3. Fondling or other erotic touching of human genitals, pubic region, buttocks or female breast.
4. Excretory functions as part of or in connection with any of the activities set forth in 1 – 3 above.

SHADOW FLICKER: Alternating changes in light intensity caused by the moving blade of a wind powered generator casting shadows on the ground and stationary objects such as the window of a dwelling.

SHED: A shed is a lightly constructed one (1) or two (2) story building for temporary use during the erection of a permanent building; or a light one (1) story structure attached to, or auxiliary to another building and intended for storage only.

SHOPPING CENTER: A retail commercial establishment or a group of retail establishments which is planned, developed, owned and managed as a unit, with off-street parking provided on the property and related in its location, size and type of shops to the trade area.

SIGN: For the purpose of this ordinance, the term "sign" shall mean and include any announcement, declaration, display, illustration or insignia used to advertise or promote the interests of any person or product when the same is placed out-of-doors in view of the general public.

SIGN AREA: The entire area which encloses the extreme limits of writing, representation, emblem, logo, or any other figure or similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed, excluding only the structure necessary to support the sign.

Where a sign consists solely of writing, representation, emblems, logos, or any other figure of similar character which is painted or mounted on a wall or fence, without a distinguishing border the area of such sign shall be computed as if it were framed by a border consisting of horizontal and vertical lines extending not more than six (6) inches from such sign elements.

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

SIGN TYPES: The following definitions are related to signs:

- A. **ABANDONED SIGN:** A sign, which no longer advertises or identifies a business, lessor, owner, or activity conducted upon or product available on the premises where such sign is displayed.
- B. **A-FRAME SIGN:** Self-supporting temporary sign consisting of two panels hinged at the top providing advertising on each panel and can be readily moved within a property or to another property.

- C. **ANIMATED OR MOVING SIGN**: A sign that uses movement, lighting, or special materials to depict action or create a special effect to imitate movement.
- D. **AWNING SIGN**: A sign painted on, printed on, or attached flat against the surface of an awning.
- E. **BANNER**: A sign made of natural or synthetic material used to call attention to a land use or product, service, or activity; however, not including pennants or flags.
- F. **BUSINESS CENTER SIGN**: An on-premises sign which identifies a business complex or group of contiguous stores which may contain the names of the individual stores, businesses, institutions, or other organizations located within the complex or group.
- G. **CANOPY SIGN**: A sign affixed or applied to the exterior facing surface or surfaces of a building or freestanding canopy.
- H. **CONSTRUCTION SIGN**: A sign listing the names of the project developers, contractors, engineers, and architects on the site being developed.
- I. **ELECTRONIC MESSAGE BOARD**: A sign with a fixed or changing display/message composed of a series of lights that may be changed through electronic means.
- J. **FREESTANDING SIGN**: A pylon sign or monument sign.
- K. **INFORMATIONAL SIGN**: A non-advertising sign used to identify architectural features of a land use such as building entrances, drop boxes, restrooms, handicapped ramps, fuel pump information and similar features.
- L. **INGRESS-EGRESS SIGN**: A directional sign located adjacent to the entrance or exit drives of a development to identify the points of vehicular ingress and egress.
- M. **MARQUEE SIGN**: Any sign attached to or supported by a marquee structure.
- N. **MESSAGE BOARD, STATIC**: A sign with a changeable display/message consisting of alphabetic, pictographic, or symbolic informational content that must be changed manually by non-electronic means.
- O. **MESSAGE BOARD, ELECTRONIC**: A sign with a changeable display/message consisting of alphabetic, pictographic, or symbolic informational content that is composed of a series of lights that may be changed through electronic means.
- P. **MONUMENT SIGN**: Any sign attached directly to the ground by a solid base and foundation constructed of masonry, brick, stone, decorative metal, wood or other durable material.
- Q. **OFF-PREMISE DIRECTIONAL SIGN**: A sign which provides directions to a commercial or industrial establishment which is not located on a primary street within the city.

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- R. **OFF-PREMISE SIGN (BILLBOARD)**: An outdoor sign advertising services or products, activities, persons, or events which are not made, produced, assembled, stored, distributed, leased, sold, or conducted upon the premises upon which the billboard is located.
- S. **OFF-PREMISE SIGN, DIGITAL (DIGITAL BILLBOARD)**: A billboard displaying static images controlled by electronic communications.
- T. **POLITICAL SIGN**: A sign relating to the election of a person to public office or relating to a political party or to a matter to be voted at a general election called by a public body.
- U. **PORTABLE SIGN**: Any sign not permanently attached to the ground or a building and is designed to be transported by trailer or wheels including such signs with wheels removed or with chassis or support constructed without wheels.
- V. **PROJECTING SIGN**: A sign which is affixed to any building or structure, other than a marquee, where the face of the sign is generally perpendicular to the face of the building or structure.
- W. **PYLON SIGN**: A sign which is an elevated sign supported by one (1) or more bearing columns, the sign portion of which is not less than ten (10) feet from the surface of the ground.
- X. **ROOF SIGN**: A display sign which is erected, constructed, and maintained above the roof of the building.
- Y. **TEMPORARY SIGN**: A display sign, banner, or other advertising device constructed of cloth, canvas, fabric, plastic, or other light temporary material, with or without a structural frame, or any other sign intended for a limited period of display, but not including decorative displays for holidays or public demonstration. A temporary sign shall not be used as a substitute for a permanent on-premise advertising sign, except as permitted within this ordinance.
- Z. **WALL SIGN**: A display sign which is painted on or attached directly to the building wall.

SITE CONDOMINIUM PROJECT: A plan or project consisting of not less than two (2) single family units established in conformance with the Michigan Condominium Act P.A. 59 of 1978, as amended.

SITE CONDOMINIUM UNIT: That portion of a condominium development designed and intended for occupancy and use by the unit owner regardless of whether it is intended for residential, office, industrial, business, or recreational use. A condominium unit may or may not contain a structure.

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

SMALL SCALE CRAFT MAKING: The production and sale of hand-made items including furniture, clothing, art, jewelry, toys, candles, collectibles and similar items on a scale that does not require a manufacturing plant and a large amount of specialized equipment and chemicals. No more than 50%

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of the structure is devoted to making crafts.

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

SPECIAL APPROVAL USE: A use permitted only where specified facts and conditions, detailed in this Ordinance, are found to exist. The facts and conditions set forth in this Ordinance for the Special Approval Use must be met without modification or alteration, unless a Variance, as hereinafter defined, is obtained pursuant to the provisions of **Article 20**. No Special Approval Use shall be permitted except upon application and decision by the Planning Commission as provided in **Article 20**.

STATE LICENSED RESIDENTIAL FACILITY: A structure constructed for residential purposes that is licensed by the State pursuant to Act No. 218 of the Public Acts of 1979 (Adult Foster Care Licensing Act), as amended, being Sections 400.701 to 400.737 of the Michigan Compiled Laws, or Act No. 116 of the Public Acts of 1973 (Child Care Organizations), as amended, being Sections 722.111 to 722.128 of the Michigan Compiled Laws, which provides resident services or care for six (6) or fewer individuals under twenty-four (24) hour supervision for persons in need of that supervision or care. Also known as “adult foster care facility”.

STORMWATER DEFINITIONS

- A. **APPLICANT:** property owner or other responsible party involved in earth change activities.
- B. **BEST MANAGEMENT PRACTICE (BMP):** Structural device, measure, facility, or activity which helps to achieve soil erosion, sedimentation and stormwater management control objectives at designated site as defined by the MDEQ’s Guidebook of BMP’s for Michigan’s Watersheds.
- C. **COMMERCIAL USE:** An occupation, employment, or enterprise that is carried on for profit by the owner, lessee, or licensee.
- D. **COUNTY DRAIN:** Drains established and/or constructed pursuant to the Michigan Drain Code (public Act 40 of 1956, as amended).
- E. **DESIGN STANDARD:** A specification that prescribes the type of design, location, mode of construction, mode of operation, or other engineering detail for stormwater control, which has been accepted as minimum requirements for the construction/installation by a council of governmental agencies with authority, or a professional organization/standards institution.
- F. **DESIGN STORM:** A rainfall event that has a specific statistical probability occurring in any given year. For example, a 2-year design storm is a storm with a 50 percent chance of occurring during the year. Design storm figures are used to calculate the runoff volume and peak discharge rate through a detention or retention basin or other stormwater management facility.

- G. **DETENTION BASIN:** A structure or facility, natural or artificial, which stores stormwater on a temporary basis and releases it at a predetermined rate. A detention basin may drain completely after a storm event, or it may be a pond with a fixed minimum water elevation between storm events.
- H. **DEVELOPMENT:** Any man-made change to improved or unimproved real estate including but not limited to:
1. Construction, reconstruction or placement of a building, or any addition to a building valued at more than one thousand dollars (\$1,000);
 2. Installing a manufactured home on a permanent foundation on a site or preparing a site for a manufactured home;
 3. Installing utilities, erection of walls and fences, construction of roads or similar projects;
 4. Construction of flood control structures such as levees, dikes, channel improvements, etc.
 5. Mining, dredging, filling, grading, excavation, or drilling operations;
 6. Construction and/or reconstruction of bridges or culverts;
 7. Storage of materials; or
 8. Any other activity that might change the direction, height, or velocity of flood or surface waters.

“Development” does not include activities such as the maintenance of existing buildings and facilities such as painting, re-roofing, resurfacing roads, or gardening, plowing, and similar agricultural practices that do not involve filling, grading, excavation or the construction of permanent buildings.

- I. **DISCHARGE:** The rate of flow of water over a surface at a given point and time, often measured in cubic feet per second (cfs).
- J. **DRAIN COMMISSIONER:** Presque Isle County Drain Commissioner or the authorized representative of the Drain Commissioner.
- K. **DRAINAGE:** The interception and removal of ground water or surface water by natural or artificial means.
- L. **ENFORCING AGENT:** The agent, or their representative, designated by the Rogers City Council to enforce requirements of Rogers City Zoning Ordinance.
- M. **EARTH CHANGE:** A human-made change in the natural cover or topography of land, including cut and fill activities, which may result in or contribute to soil erosion or sedimentation of the waters of the state. The term “earth change,” as used in relation to the Stormwater Management ordinance, shall not apply to the practice of plowing and/or tilling soil for the purpose of crop production.
- N. **FLOODPLAIN:** The area of land adjoining a lake or stream which is inundated when the flow exceeds the capacity of the normal channel. For mapping purposes, floodplains are designated according to the frequency of the flood event, such as the 100-year floodplain or

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- 500-year floodplain.
- O. GRADING: Any stripping, clearing, stumping, excavating, filling, stockpiling or any combination thereof, including the land in its excavated or filled condition.
- P. GRAVEL BERM: A long, narrow windrow of coarse aggregate.
- Q. IMPERVIOUS AREA: Impermeable surfaces, such as structures, paved or gravel driveways, parking areas, or roads which prevent the infiltration of water into the soil.
- R. INDUSTRIAL USE: Any manufacturing, fabrication, assembly, printing or improvement of articles or merchandise, warehousing, wholesaling, or storage of activities related to mineral extraction and processing, and other business enterprises not classified as commercial.
- S. INSTITUTIONAL USE: Enterprises or establishments operated for profit or nonprofit by agencies, associations, religious organizations, governmental bodies or other groups. Including, but not limited to, uses such as government offices, schools, churches or hospitals.
- T. LAND DISTURBANCE: An area of land subjected to erosion due to the removal of vegetative cover and/or earthmoving activities, including filling.
- U. LEACHING BASINS: A collection area for stormwater usually man-made, which does not have positive outlets. Water is normally designed to be removed through the infiltration process.
- V. MAINTENANCE PLAN: A binding agreement between the landowner and the City of Rogers City which sets forth the location and design of best management practices, as well as the terms and requirements for stormwater and erosion control facility maintenance recorded with the County Register of Deeds.
- W. NONEROSIVE VELOCITY: A rate of flow of stormwater runoff, often measured in feet per second, that does not erode soils. Nonerosive velocities vary for individual sites, taking into account topography, soil type, and runoff rates.
- X. NORMAL MAINTENANCE: Landscaping, repairs, road leveling, minor excavation or filling at a developed site, or other activities determined by the Enforcing Agent to be exempt from permit requirements, provided that such activities do not violate standards in this Ordinance.
- Y. OFF-SITE FACILITY: Stormwater management facility which is located partially or completely off the development site.
- Z. PEAK RATE OF DISCHARGE (peak flow): The maximum calculated rate of stormwater flow at a given point in a channel, watercourse, or conduit resulting from a predetermined frequency storm or flood, measured in cubic feet per second (cfs).

- AA. PERMANENT STORMWATER CONTROLS: Installations designed to control stormwater after a project is completed.
- BB. POLLUTION: Degradation of water quality, preventing the use of water for some specific purpose, caused by a natural or human-made substance.
- CC. REGULATED WETLAND: Land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support, wetland vegetation or aquatic life, and is commonly referred to as a bog, swamp, or marsh, and which is any of the following:
1. contiguous to the Great Lakes, and inland lake or pond, or a river or stream; or
 2. MDEQ determines that protection of the area is essential to the preservation of the natural resources of the state from pollution, impairment, or destruction.
- DD. RETENTION BASIN: A holding area for stormwater, either natural or constructed, which does not have a positive outlet. Water is removed from retention basins through infiltration and/or evaporation process, and may or may not have a permanent pool of water.
- EE. RUNOFF: The water that flows across the land without seeping into the ground following a rain, snowmelt or irrigation.
- FF. SENSITIVE AREAS: Any site with one or more of the following characteristics:
1. Proposed activity has a slope greater than 3:1 within 20 feet of the property line.
 2. Disturbance of heavy clay soils and soil classified in hydrologic Group D – Presque Isle County Soil Survey, published by the Natural Resource Conservation Service, U.S. Department of Agriculture.
 3. Proposed project may cause significant sedimentation or flooding.
 4. Earth changes located within 100 feet of a regulated wetland.
 5. Other sites identified by local units of government as having a high potential for environmental degradation and flooding or stormwater runoff onsite or off-site, e.g., floodplain.
 6. Other sites as determined by the Enforcing Agent.
- GG. STAGED DISCHARGE: The reduced flow of water out of a stormwater facility, in which the rate of flow has been reduced from the rate at which the water entered the facility.
- HH. STORMWATER: The water that flows across the land without seeping into the ground including precipitation, groundwater, surface water, snowmelt or irrigation.
- II. STORMWATER RUNOFF CONTROL PLAN: Maps and written information for a proposed land use or earth change which describe the way in which stormwater runoff will be controlled,

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during and after completion of construction.

JJ. **STORMWATER FACILITIES:** All facilities, area, and structures which serve to convey, store, or receive stormwater, either on a temporary or permanent basis.

KK. **SWALE:** Low-lying stabilized area with gradual slopes which transports stormwater, either onsite or off-site.

LL. **TEMPORARY STORMWATER CONTROLS:** Installations designed to control stormwater during construction or until soils in the contributing drainage area are stabilized.

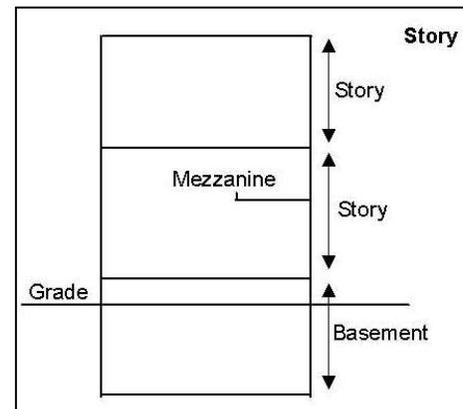
MM. **VEGETATIVE COVERS:** Grasses, shrubs, trees and other vegetation which hold and stabilize soils.

NN. **WATERSHED:** A land area, also known as a drainage area, which collects precipitation and contributes runoff to a receiving body or water point along a watercourse.

OO. **WATERCOURSE:** Any natural or human-made waterway, drainage way, drain, river, stream, diversion, ditch, gully, swale or ravine having banks, a bed and a definite direction or course, either continuously or intermittently flowing.

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 two hundred (200) square feet with a clear height of seven feet six inches (7'6"). For the purposes of this Ordinance, the usable floor area is only that area having at least five (5) feet clear height between floor and ceiling.



STRUCTURE: Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground. A structure may or may not be a building.

STRUCTURE, PRINCIPAL: A building/structure in which is conducted the principal use of the lot upon which it is situated.

STRUCTURAL CHANGES OR ALTERATIONS: Any change in the supporting members of a building, such as bearing walls, columns, beams, or girders, or any substantial change in the roof.

SUBSTANTIAL IMPROVEMENT: Means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is

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considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

SWIMMING POOL: Any structure or container, either above or below grade, located either in part or wholly outside a permanently enclosed and roofed building, designed to hold water to a depth of greater than twelve (12) inches when filled to capacity, intended for immersion of the human body, whether for swimming or wading or both. This shall not include church baptistries.

T

TELECOMMUNICATION TOWERS AND FACILITIES: All structures and accessory facilities, including Alternative Tower Structures, relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals; including, but not limited to, radio towers, television towers, telephone devices and exchanges, microwave relay facilities, telephone transmission equipment buildings, private and commercial mobile radio service facilities, personal communication services towers (PCS), and cellular telephone towers. Not included in this definition are: citizen band radio facilities; short wave receiving facilities; radio and television broadcast reception facilities; satellite dishes; federally licensed amateur (HAM) radio facilities; and governmental facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority.

TEMPORARY BUILDING OR USE: A structure or use permitted by the Building Inspector to exist during periods of construction of the main use or for special events, not to exceed six (6) months. Two (2) extension periods of six (6) months each are allowed.

TOWNHOUSES: A row of three (3) or more attached one-family dwellings, not more than two and one-half (2.5) stories in height and for which there is an entrance to each dwelling on the ground floor. Townhouse shall not be used as a synonym for the term "condominium" which refers to how property or space is owned rather than for a particular housing style.

TRANSIT CENTER: A fixed location where passengers interchange from one route or vehicle to another that has significant infrastructure such as a waiting room, benches, restrooms, sales outlet, ticket or pass vending machines and other services.

TRAVEL TRAILER: See "Recreational Vehicle".

U

UNNECESSARY HARDSHIP: A situation that exists due to conditions peculiar to a parcel of land such that the parcel cannot be reasonably used in a manner consistent with this Zoning Ordinance.

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

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V

VARIANCE: A modification of literal provisions of this Ordinance which the Zoning Board of Appeals is permitted to grant when strict enforcement of said provision would cause practical difficulty or unnecessary hardship as defined in **Article 22** of this Ordinance.

VARIANCE, DIMENSIONAL: A variance granted to provide relief from a specific standard in this Zoning Ordinance which usually relates to an area, dimension, or construction requirement/limitation.

VARIANCE, USE: A variance to provide relief from the requirements of this Ordinance pertaining to uses of land.

VEHICLE SALES - NEW: An authorized dealership primarily for the sale of new vehicles but as an incidental use may include the sale of used vehicles, and having facilities on the premises for the display, service, repair and sale of new vehicles and accessories.

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

W

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

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

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

WIND RESOURCE STUDY: A study conducted to determine the wind speeds at a specific site and the feasibility of using that site for wind power generation.¹

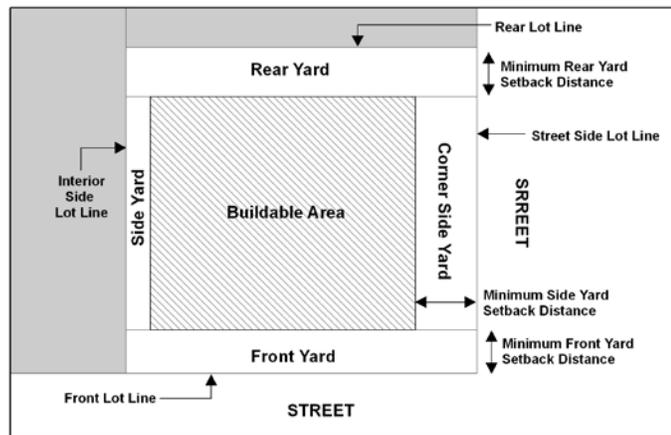
WIND TURBINE GENERATOR:

- A. **SMALL WIND TURBINE GENERATORS:** Horizontal and vertical axis units, principally used to serve the needs of the consumer on whose property they are constructed.
- B. **LARGE WIND TURBINE GENERATORS:** Units which are built to supply the utility grid.

Y

YARD: A yard is an open space, unoccupied and unobstructed from the ground upwards, except as otherwise provided herein, and on the same lot with a building. The measurement of a yard shall be the minimum horizontal distance between the lot line and the building or structure.

- A. **REQUIRED YARD:** That portion of any lot on which the erection of a main building is prohibited.
- B. **FRONT YARD:** A yard on the same lot with a building between the front line of the building and the front lot line and extending from one side lot line to the other side lot line.
- C. **REAR YARD:** A yard on the same lot with a building between the rear line of the building and the rear lot line and extending from one side lot line to the other side lot line.
- D. **SIDE YARD:** A yard on the same lot with a building between the side lot line and the nearest side line of the building and extending from the rear yard to the front yard.
- E. **CORNER SIDE YARD:** An open space between a main building and the street side lot line extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point on the street side lot line to the nearest point of the main building.
- F. **WATERFRONT YARD:** A yard on the same lot with a building between the rear line of the building and the ordinary high water mark and extending from one side lot line to the other side lot line.



Z

ZERO LOT LINE: The location of a building on a lot in such a manner that one (1) or more of the building's sides rests directly on a lot line.

DEFINITIONS

ZONING BOARD OF APPEALS: The City of Rogers City Board of Zoning Appeals, the members of which have been duly appointed by the City Council and which is authorized as a body to interpret, hear appeals, and grant variances only in accordance with the provisions of this Ordinance.

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

ZONING OFFICER: The Officer employed by the City of Rogers City charged with the administration and enforcement of the zoning ordinance, or his/her duly authorized representative.

ZONING PERMIT: A permit issued by the City Zoning Officer which states that a proposed use and/or structure meets all of the requirements of this Ordinance.

32-13 to 32-20: Reserved

ARTICLE 3: GENERAL PROVISIONS

32-21 Effects of Zoning

- A. PURPOSE: It is the purpose of this Article to provide regulations that apply in all zoning districts to all permitted and special land uses.
- B. Zoning affects every structure and use and extends vertically. The provisions of this Article shall apply to all districts, except as noted herein. Except as hereinafter specified, each building, structure or premises shall hereafter be used or occupied, and each building or part thereof or other structure shall be erected, moved, placed, reconstructed, extended, enlarged, or altered, in conformity with the regulations herein specified for the zoning district in which it is located. The applicable zoning permit or building permit shall be obtained. In the event that any lawful use, activity, building or structure which exists or is under construction at the time of the adoption of this Ordinance and is not in conformance with the provisions of the Zoning District in which it is located, such use, activity, building or structure shall be considered a legal nonconforming use and shall be allowed to remain as such, including the completion of construction, providing said construction does not require more than one (1) year from the effective date of this Ordinance for completion. Lawful nonconforming uses shall be regulated by the provisions contained in **§32-48**.
- C. In case any building or part thereof is used, erected, altered or occupied contrary to law or to the provisions of this Ordinance, such building shall be declared a nuisance and may be required to be vacated, torn down, or abated by any legal means and shall not be used or occupied until it has been brought into conformance.
- D. If construction on a building is lawfully begun prior to adoption of this Ordinance, nothing in this Ordinance shall be deemed to require any change in the planned or designed use of any such building provided that actual construction is being diligently carried on, and further provided that such building shall be entirely completed for its planned or designed use within one (1) year from the effective date of this Ordinance, or affecting amendment.

32-22 Application of Regulations

- A. All buildings, structures or land may hereafter be used, constructed, altered or occupied, only when in conformity with all of the regulations herein specified for the district in which it is located.
- B. No building or other structure shall hereafter be altered:
 - 1. To accommodate or house a greater number of persons or families than permitted by the Zoning District or to provide less space per dwelling unit than is specified for the Zoning District in which such building is located.

2. To have narrower or smaller rear yards, front yards, or other side yards, other than permitted.
 3. To exceed the height limitations or to occupy a greater percentage of lot area than is specified for the Zoning District in which such building is located.
- C. No yard, lot, parking area, or other required space existing at the time of passage of this Ordinance shall be subdivided or reduced in dimension or area below the minimum requirements set forth herein except where such reduction has been brought about by expansion or acquisition of public rights-of-way for streets, roads or highways. If a required area is already less than the minimum required under this Ordinance, said area or dimension shall not be further divided or reduced. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

32-23 Conflicting Regulations: Graphics, Tables, And Text

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 City law or ordinance, then the provisions of this Ordinance shall govern. Whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this Ordinance, then the provisions of such ordinance shall govern. Where any provision of this Ordinance differs from any other provision of this Ordinance, the more restrictive requirement shall prevail.

The graphics, tables and text used throughout this Ordinance are regulatory. In case of a conflict, text shall control over tables or graphics; tables shall control over graphics. If a conflict exists between **Article 19** (Use Matrix) and the individual Use Tables found in **Articles 5 - 18**, the individual Use Tables shall control.

32-24 Permit Required – Conformance to Zoning

In accordance with other City codes, ordinances and regulations duly adopted by the City Council, and in accordance with this ordinance, no structure shall hereafter be erected, relocated or altered in its exterior or interior dimension or use, and no excavation for any structure shall be begun until a building permit from Presque Isle County and a zoning permit from the City have been issued. With respect to this Zoning Ordinance, eligibility for a zoning permit shall be established upon conformance with the provisions contained herein.

32-25 Zoning Lots/Zoning Lot Occupancy/Illegal Dwellings

A. ZONING LOTS:

1. **NEW LOTS TO BE BUILDABLE:** All newly created lots shall have buildable area. The net buildable area of a lot shall be a contiguous piece of land excluding land subject to flooding six (6) months of the year, poor drainage, steep slopes, rock outcrops and land encumbered by easements preventing the use of the land.
2. No new lots shall be created which do not meet the minimum lot size regulations of this Ordinance.
3. **Corner Lots:** On a corner lot, each lot line which abuts a street shall be deemed to be a front lot line, and the required yard along both lot frontages shall be a required front yard. The owner shall elect, and so designate in his application for permit, which of the remaining two (2) required yards shall be the required side yard and which the required rear yard.

B. **ZONING LOT OCCUPANCY:** No single-family detached residential structure shall be erected upon a lot with another single family detached residential structure unless otherwise provided in this Ordinance. In addition, every building hereafter erected or structurally altered to provide dwelling units shall be located on a lot or a building site as herein defined.

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

32-26 Restoration of Unsafe Buildings/Barrier-Free Modifications

- A. Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition any part of any building or structure declared unsafe by the Building Inspector or the Presque Isle Health Department. A building or structure condemned by the Building Inspector may be restored to safe condition provided change of use or occupancy is not contemplated nor compelled by reason of such reconstruction or restoration; except that if the damage or cost of reconstruction or restoration is equal to or in excess of its State Equalized value, the structure shall be made to comply in all respects with the requirements for materials and methods of construction of structures hereafter erected.
- B. Nothing in this Ordinance shall prevent the unlimited modification of a building only as may be necessary to comply with barrier-free requirements and the Americans with Disabilities Act.

32-27 Access

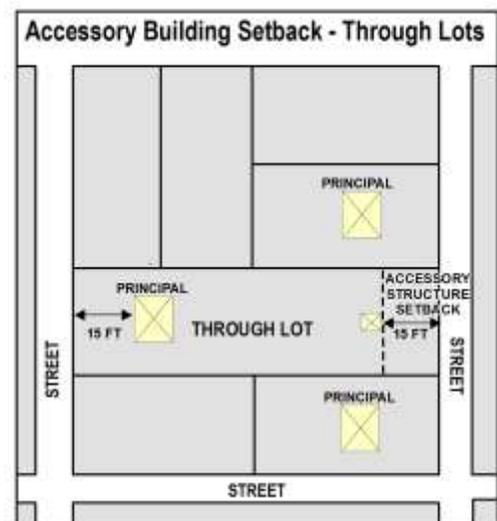
Every principal structure hereafter erected or moved after the effective date of this Ordinance, shall be located on a lot adjacent to a public street, easement which provides access to a public street, or with access to an approved private street, and all structures shall be located on lots as to provide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

32-28 Temporary Buildings for Construction Purposes

- A. Temporary buildings may be utilized during construction for the storage of construction materials and for construction offices during a construction period as permitted herein. Temporary buildings for use incidental to construction work shall be removed within thirty (30) days after the completion or abandonment of the work. No structures shall be used for temporary dwelling purposes that do not comply with the requirements of this Ordinance or any applicable building codes, provided the Zoning Board of Appeals may allow variances on the size of temporary dwelling units. No garage or other accessory building or structure, travel trailer, basement, tent, barn, partial or temporary structure, whether of a fixed or portable construction, shall be erected or moved onto a lot and used for any dwelling OR construction purposes unless authorized by the issuance of a zoning permit by the Zoning Administrator.
- B. All construction debris shall be removed from the site within thirty (30) days after the completion or abandonment of the work. Failure or refusal to remove a temporary building and/or construction debris within thirty (30) days after the completion or abandonment of work constitutes a violation of this Ordinance.
- C. The Zoning Administrator may authorize a certification for a dwelling house to be temporarily used as a sales and management office for the sale of homes within a subdivision for a period of one (1) year, provided all of the following requirements are complied with:
 - 1) The house to be used as such office is built upon a lot approved as part of the approved subdivision and is of substantially similar design as those houses to be sold within the subdivision.
 - 2) No retail sales or business other than that accessory to the management and sales of the land in the subdivision owned by the applicant shall be permitted.
 - 3) Said dwelling house shall meet all other zoning restrictions of the zone in which it is located.

32-29 Accessory Structures & Accessory Uses

- A. **ACCESSORY STRUCTURES:** Accessory structures, except as otherwise permitted in this Ordinance, shall be subject to the following regulations:
1. No accessory structure shall be erected, constructed or placed upon a lot without a principal structure.
 2. **ATTACHED ACCESSORY STRUCTURES:** Where an accessory structure is attached to a principal structure, such accessory structure shall be considered part of the principal structure and shall be subject to and must conform to all regulations of this Ordinance applicable to principal structure regardless of whether the accessory building was constructed as a detached structure and then later attached to the principal structure.
 3. **RELATIONSHIP TO PRINCIPAL STRUCTURE:** No detached accessory structure shall be located closer than ten (10) feet to any principal structure.
 4. **LOCATION IN YARDS:** Except as provided in subsection 7 below, all detached accessory structures shall be located in the rear or side yard of the lot.
 5. **SETBACKS:**
 - a. Accessory structures shall be setback a minimum of five (5) feet from the side and/or rear lot lines in the R-1 District.
 - b. Accessory structures shall be setback a minimum of three (3) feet from the side and/or rear lot lines in the R-2 and RT Districts.
 6. **ACCESSORY STRUCTURES ON CORNER LOTS:** When an accessory structure is located on a corner lot, the side lot line of which is substantially a continuation of the front line of the lot to its rear, said structure shall not project beyond the front yard setback required on the lot in rear of such corner lot. In no instance shall an accessory structure be located nearer than ten (10) feet to a street right-of-way line on a corner lot.
 7. **ACCESSORY STRUCTURE ON WATERFRONT LOTS:** Accessory structures are permitted in the front (street side), rear (waterfront side), and side yard of waterfront lots and shall adhere to the setbacks of the district and §32-33 .
 8. **ACCESSORY STRUCTURES ON THROUGH LOTS:** The setback of an accessory structure on a through lot shall be equal to the front yard setback in the district in which it is located.
 9. **ACCESSORY STRUCTURE HEIGHT:** No detached accessory structure in R-1, R-2, RT, RM, RMH, W, OS-1, B-1, and B-2 Districts shall exceed a



height of fourteen (14) feet or the height of the residence whichever is greater¹. Accessory buildings in all other districts may be constructed to equal the permitted maximum height of structures in said districts.

10. ACCESSORY STRUCTURE SIZE AND NUMBER:

No more than two (2) detached accessory structures shall be allowed on each zoning lot.

11. NONTRADITIONAL STORAGE FACILITIES: Truck bodies, school bus bodies, mobile homes, travel trailers or other items built and intended for other uses shall not be used as permanent accessory structures. Semi trailers may be used as temporary storage for commercial and industrial uses in the commercial and industrial districts in the rear yard only. In a commercial zone, semi-trailers used as temporary storage must be screened from visibility from all public rights-of-way including streets or alleys.

12. ACCESSORY STRUCTURE AS A DWELLING: No detached accessory structure shall be used for dwelling purposes unless otherwise permitted in this Ordinance.

13. MATERIALS: Accessory structures using non-rigid materials to serve as walls or roof shall not be permitted except those used for commercial or industrial purposes in the I-1, I-2 or A districts¹⁷

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

15. PERMITS REQUIRED:

a. **RESIDENTIAL DISTRICTS:** Accessory structures less than one hundred (100) square feet do not require a zoning permit but shall conform to this Zoning Ordinance.

b. **ALL OTHER DISTRICTS:**

1) Accessory structures less than one hundred (100) square feet require a zoning permit after a staff-level site plan review.

2) Accessory structures greater than one hundred (100) square feet shall adhere to the same approval procedure as the principal structure.

B. ACCESSORY USES:

1. RECREATIONAL VEHICLE OCCUPANCY: Overnight camping in a recreation vehicle on a lot in the city shall be permitted in all residential districts providing that the recreational vehicle shall be occupied for no more than a week in any thirty (30) day period but not longer than thirty (30) days in a calendar year. The Zoning Administrator shall have the authority to increase the length of stay up to an additional seven (7) days in any thirty (30) day period. However, the additional seven (7) days shall not increase the total stay of not longer than

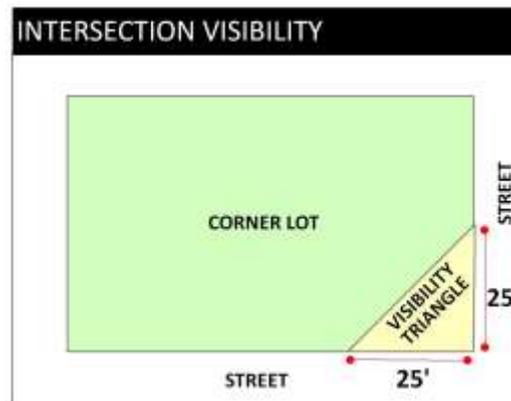
- thirty (30) days in a calendar year. Overnight camping in a recreational vehicle shall only occur on a lot with a principal structure or on a lot which is adjacent to another lot which is under the same ownership and contains a principal structure. Said lots shall not be separated by a public right-of-way. The Zoning Administrator may allow recreational vehicle occupancy in districts other than residential on a case by case basis. No zoning permit is required for recreational vehicle occupancy in any district.
2. **STORAGE OF RECREATIONAL EQUIPMENT AND TRAILERS:** The open storage of any recreational vehicle or trailer such as but not limited to: truck camper bodies, snowmobiles, boats, motor homes, camper trailers, travel trailers, all terrain vehicles, utility trailer, boat trailer, and other similar conveyance, shall be permitted only within the confines of the side or rear yard and a five (5) foot setback shall be maintained. No zoning permit is required for recreational vehicle and trailer storage in any district.
 3. **PRIVATE POOLS:** Permanent private pools shall be permitted as an accessory use in the rear yard only, provided they meet the following requirements:
 - a. There shall be a minimum distance of not less than ten (10) feet, between the adjoining property line or alley right-of-way and the outside of the pool wall. Side yard setbacks shall apply.
 - b. There shall be a distance of not less than four (4) feet between the outside pool wall and any building located on the same lot.
 - c. No swimming pool shall be located in any easement.
 - d. Conformance to Building Code: Permanent pools as well as portable pools of a depth of twenty-four (24) inches or greater shall conform to the requirements of the current Building Code used by Presque Isle County.
 4. **OUTDOOR MECHANICAL EQUIPMENT:** The following regulations shall apply to outdoor mechanical equipment (such as air conditioning units) on residential property or commercial property which abuts a residential use:
 - a. Shall not be located in the front yard.
 - b. Shall be located so as to create the least disturbance to neighboring properties.
 5. **PARKING AND STORAGE OF MOTOR VEHICLES:** The parking and storage of motor vehicles on a parcel used for residential purposes shall be limited to the accessory buildings and driveway areas of such parcel. As used in this subsection motor vehicles means automobiles, pickup trucks, sports utility vehicles and motorcycles.³⁰

32-30 Corner and Driveway Clearance/Residential Entranceway

A. CORNER & DRIVEWAY CLEARANCE:

No fence, wall, shrubbery, sign, or other structure or planting shall obstruct vision between the height of two (2) feet and ten (10) feet. Such heights of clear vision areas shall be measured from established street grades within the triangular area formed:

1. At the intersection of any street edge of pavement formed by a straight line drawn between said lines at a distance along each line of twenty-five (25) feet from their point of intersection.
2. At the intersection of a driveway and a street where two sides of the triangle defined by measuring twenty-five (25) feet in length along the edge of the driveway and along the curb edge of the roadway line from the point of intersection and the third side is a diagonal connecting the first two.



- B. **RESIDENTIAL ENTRANCEWAY:** In all Residential Districts, entrance-way structures, including but not limited to, walls, columns and gates marking entrances to single-family subdivisions, multiple-family housing projects, commercial developments, industrial developments, mixed-use developments, or similar uses may be permitted and may be located in a setback, except as provided in **subsection 1 above**, provided that such entranceway structures shall be approved by Rogers City during either the required staff review or Planning Commission review, whichever is applicable.

32-31 Relocation of Buildings/Demolition Of Buildings

- A. **RELOCATION OF BUILDINGS:** The relocation of a building to a different site shall be considered the same as erection of a new building. All provisions, regulations or requirements relative to the erection of a new building shall be applicable to a structure that is relocated. No building shall be moved onto a lot into the City of Rogers City without first obtaining a zoning permit from the Zoning Administrator.
- B. **DEMOLITION OF BUILDINGS:** The demolition of buildings shall be completed under conditions that may be specified by the Presque Isle County Building Official deemed necessary to protect

the public health, safety and welfare. Demolished buildings shall be inspected by the Presque Isle County Building Official.

32-32 Storage in Front Yards

The storage of goods or materials, including firewood, shall not be allowed in a front yard in any district unless otherwise allowed by this Ordinance.

32-33 Waterfront Regulations

A. **PURPOSE AND APPLICATION OF PROVISIONS:** The provisions of this waterfront section are intended to protect the unique and sensitive natural environment of waterfront property in Rogers City. Regulations contained within this Section apply to property bordering Lake Huron and the Trout River (not property within the Waterfront District). Its purpose is based on the recognition that:

- The economic and environmental well being and health, safety, and general welfare of Rogers City is dependent on and connected with the preservation of its Lake Huron shoreline areas;
- The shoreline zone has unique physical, biological, economic, and social attributes;
- Future land development and redevelopment should not be conducted at the expense of these attributes;
- Property values will be enhanced when the natural features of the shoreline zone are preserved;
- Pollution, impairment or destruction of the shoreline area and the adjacent bottomlands and waters of Lake Huron should be prevented or minimized.

B. **WATERFRONT SETBACK**

To provide minimum setback standards in the Zoning Ordinance to protect surface water resources from adverse construction or alteration, these measures are deemed to be the minimum necessary in order to:

- Avoid structural encroachment of the natural waters and waterways, except in the situation of uses traditionally depending upon direct water access.
 - Promote high water quality through the encouragement of an undisturbed natural area to trap nutrients and sediment from entering natural waters, and to prevent erosion.
 - Protect the natural environment of streams and lakes for wildlife habitat purposes and to preserve, to the extent practical, the natural image of landscapes.
1. **SETBACK:** All structures proposed to be built upon property bordering Lake Huron shall be set back fifty (50) feet from the ordinary high water mark, except for the following uses: pump houses, recreational docks, boat ramps, marinas, storm water and erosion control devices, picnic tables, benches, recreational watercraft, stairways and walkways.
 2. **AVERAGE SETBACK LINE:** If there are existing principal buildings within two hundred (200) feet on each side of a proposed building location within the district, a proposed building or structure may be located the same distance from the body of water as the average distance of the principal buildings located within two hundred (200) feet, but shall be located no

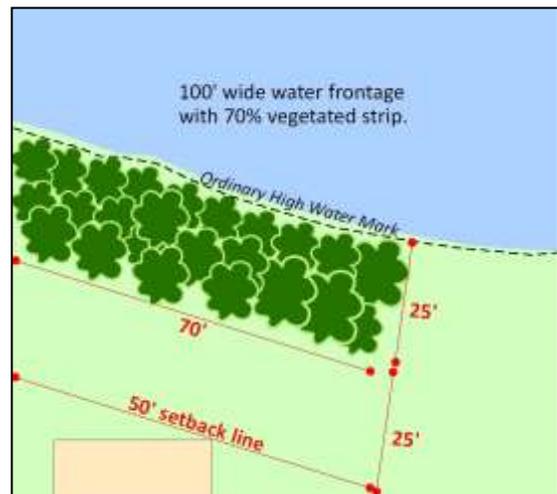
closer than 30 feet. If there is an existing principal building within two hundred (200) feet on only one (1) side, the proposed building may be located the same distance from the body of water as the average of the distance of the principal building within two hundred (200) feet and the district setback of fifty (50) feet from the surface water feature.

3. **HISTORICAL SETBACK LINE:** A proposed building or structure may be located the same distance from a body of water as either an existing principal building that has suffered either loss or removal due to casualty or demolition within one (1) year before the submission of an application for a building permit as long as such principal building is or was a lawful nonconforming building. For a demolition, the one (1) year period begins running when the demolition permit was issued. For a casualty, the one (1) period shall run from the date of the casualty.

C. **DEVELOPMENT STANDARDS WITHIN WATERFRONT SETBACK** (does not apply to the Waterfront District)

Within the waterfront setback of fifty (50) feet, the following development standards shall apply:

1. Within twenty-five (25) feet of the ordinary high water mark, a natural vegetation strip shall be established or maintained on at least seventy percent (70%) of the width of the lake frontage for any new construction or any renovation that results in an increase of the structure footprint by five hundred (500) square feet or greater. The natural vegetation strip shall consist of trees, shrubs or herbaceous plants, excluding lawn and shall commence at the ordinary high water mark and be measured inland twenty-five (25) feet.



2. Individual trees within the natural vegetation strip may be removed which are in danger of falling, causing damage to dwellings or other structures or causing blockage of the shoreline.
3. The natural vegetation strip shall not be used for any motorized vehicular traffic, parking or for storage of any kind, including junk, waste or garbage or for any other use not otherwise authorized by this ordinance.
4. No structures shall be allowed except for those listed in subsection A.1 above.
5. No burning of brush or leaves or stockpiling of grass, leaves or compost is allowed in the natural vegetation strip.
6. No dredging or filling shall be allowed except where permitted by state or federal law, with appropriate permits.

7. Walkways or stairs necessary for water access shall be limited to a maximum width of five (5) feet. Decks and patios which are less than eighteen (18) inches above the natural grade at the deck building line may extend into the setback area, but not nearer to the ordinary high water mark than twenty (20) feet.
8. The use of pesticides, herbicides, fungicides and fertilizers is prohibited in the natural vegetation strip (per item 1 above) or within twenty-five feet of ordinary high water mark, except for the allowed limited use of herbicides for the eradication of poison ivy, poison sumac or poison oak and for the eradication of other species identified as invasive by the MDEQ. Fertilizer used in the waterfront setback (50 feet), shall be zero phosphorus fertilizer.
9. Any dwelling permitted along Lake Huron shall have its lowest floor, including the basement, constructed at least four (4) feet above the ordinary high water mark.
10. No Zoning Permit for any construction or authorization for any grading shall be granted until it is determined that any removal of ground cover conforms to the sedimentation control rules of the Presque Isle County Soil Erosion & Sedimentation Control Office. Particular care shall be taken to provide protective measures to control erosion of raw earth over the winter months if not seeded and mulched by September 15th.
11. Natural drainage courses shall be protected from grading activity.
12. Natural vegetation strip shall be shown on plot plan filed with the Zoning Administrator, or on site plan.

32-34 Manufactured Homes on Individual Lots

A manufactured home newly sited on an individual lot shall meet the standards for minimum lot size, yard set-backs, and minimum floor area for the district in which it is located and shall meet the following additional standards:

- A. Manufactured homes shall be attached to an approved foundation or basement and shall be anchored using a system that meets the Michigan Manufactured Housing Commission requirements.
- B. The wheels, axles and towing assembly shall be removed from a manufactured home before the unit is attached to the foundation. Additionally, no manufactured home shall have any exposed undercarriage or chassis.
- C. Manufactured homes shall be installed according to the United States Department of Housing and Urban Development (HUD) regulations entitled "Manufactured Home Installation Standards", and the construction of the unit shall comply with the United States Department of Housing and Urban Development (HUD) regulations entitled "Manufactured Home Construction and Safety Standards", being 24 CFR part 3280, as amended.
- D. Manufactured homes shall not be attached to each other. Additions, new roofs and accessory buildings may be attached to a manufactured home.
- E. No manufactured home shall be located or placed in Rogers City without prior completion of site preparation to include electric, water, sewage disposal and foundation to meet the current HUD rules and regulations and District Health Department regulations.
- F. Manufactured homes shall not be used as accessory buildings.

32-35 Unclassified Uses

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

32-36 Land Clearing/Dumping Of Material

A. TREES, SOIL, SAND, CLAY, GRAVEL OR SIMILAR MATERIALS; REMOVAL; FILLING (NOT INCLUDING MINING AS A SPECIAL USE)

1. From and after the effective date of this Ordinance, it shall be unlawful for any person, firm, corporation, partnership or any other organization or entity to clear cut, strip any topsoil, sand, clay, gravel, or similar material, or to use lands for filling within the area of the City without first obtaining written permission from the Zoning Administrator.
2. Exceptions:
 - a. Excavations for building construction purposes pursuant to a duly issued building permit.
 - b. Where the moving, grading or leveling of the aforesaid materials is carried on by the land owner for the immediate use or development of the land upon which these substances are found and according to a site plan approved by the Zoning Administrator or the Planning Commission.
3. A separate permit shall be required for each separate site. Each application for a permit shall be made in writing to the Zoning Administrator and shall contain the following information as a condition precedent to the obligation to consider such request:
 - a. Names and addresses of parties of interest in said premises setting forth their legal interest in said premises.
 - b. Full legal description of the premises wherein operations are proposed.
 - c. Detailed proposal as to method of operation, estimated period of time that such operation will cover.
 - d. Detailed statement as to exactly what type of material is proposed to be extracted or deposited.
 - e. Such other information as may be reasonably required by the Zoning Administrator to base an opinion as to whether a permit should be issued or not.
4. Where, in the opinion of the Zoning Administrator there is a reasonable danger involved for persons and/or property, adequate fencing and other measures may be required to insure the keeping of the health, safety and general welfare of City residents.

- B. Material to be placed on the site shall be of such a composition as not to create potential contamination of the natural environment including groundwater, vegetation, soils and surface waters. No dumping of soil, sand, clay or similar

material shall be undertaken that appreciably increases the surface runoff reaching adjacent or surrounding property. Surface runoff shall be dissipated by retention on the development parcel, percolation into the soil, evaporation, or by transport by natural drainage way or conduit to any appropriate point of discharge.

- C. Dumping of hazardous substances including but not limited to medical and/or nuclear wastes shall not be allowed within the City of Rogers City including the shoreline of Lake Huron, except as permitted by 1978 P.A.113, State of Michigan.

32-37 On-Site Drainage and Runoff

No premises within a residential district shall be filled or graded so as to discharge surface runoff onto abutting premises or in such a manner that will cause inconvenience or damage to adjacent properties. When property is developed adjacent to existing properties previously developed, existing grades have priority.

32-38 Stormwater Management

- A. **PURPOSE:** The purpose of these regulations is to reduce or eliminate the hazards to public health and safety caused by excessive stormwater runoff; to reduce the economic losses to individuals and the community at large; to enhance broader social and economic objectives; and to protect, conserve, and promote the orderly development of land and water resources.

- B. **REGULATED ACTIVITIES**

1. Any development that disturbs one or more acres of land or is within 500 feet of a lake or stream, excluding practice of plowing and/or tilling soil for the purpose of crop production.
2. Development in sensitive areas, regardless of size or location.
3. New industrial or commercial use development sites, regardless of size or location.
4. Development of existing industrial or commercial uses which is of 500 square feet or greater and which increases runoff from the site.
5. Subdivision developments regardless of size or location and site condos as defined by Section 1022 of Act 288, PA 1967, as amended or Act 159 of 1978, as amended.
6. Diversion or piping of any natural or manmade stream channel or discharging surface water or groundwater from dewatering activities into any stream, ditch or sewer.
7. Installation of stormwater facilities or appurtenances thereto.

- C. **APPLICABILITY:** A stormwater runoff control plan must be submitted and approved before:

1. Commencing any regulated activities; or

2. A plat is recorded; or
3. An existing drainage system is altered, rerouted, deepened, widened, enlarged, or obstructed; or
4. A residential development having a gross aggregate area including roads, utility rights-of-way, and any other dedicated lands of one (1) or more acres is constructed;
5. Any new commercial, industrial, or utility development is commenced; No final subdivision plat shall be approved, and no zoning permits shall be issued until and unless a stormwater runoff control plan has been reviewed and approved by the enforcing agent or their representative.

D. **EXEMPTIONS:** The following development activities shall be exempted from some or all of the provisions of these regulations at the discretion of the Planning Commission.

1. The development of single-family or two-family residential dwelling units and their accessory structures (such as fences, storage shed, and septic tanks) in an existing subdivision or on a lot of less than one (1) acre in size, and does **not** fall under the definition of a sensitive area.
2. Any maintenance, alteration, use, or improvement to an existing structure not changing or affecting quality, rate, volume, or location of surface water discharge.
3. Land disturbance associated with existing one and two family dwellings.
4. Use of land for gardening for home consumption.
5. Municipal improvements within all rights-of-way and at or within any municipal facilities.
6. The requirements of this section shall not be applicable to those uses located in the B-2 District. In order to manage their stormwater runoff, those land uses located in the B-2 District may utilize public storm sewer currently existing at the time they are determining their stormwater runoff calculations. However, such public storm sewer is not guaranteed to meet those stormwater runoff needs. In addition, the City of Rogers City is not obligated to provide additional public storm sewer facilities to meet those needs.

Exempted activities may be required to provide a simplified stormwater runoff control plan that would identify stormwater facilities and how stormwater would be managed on site and the expected off-site impact. Simplified plans may utilize creative and innovative stormwater management techniques, such as:

- Swales in back-lot areas
- Parking lot depressions
- Leaching basins and underground storage
- Gravel berms
- Fill ditches
- Gravel underlayments
- Rain gardens

E. STORMWATER RUNOFF CONTROL REGULATIONS

1. Stormwater runoff control areas and facilities, whether on-site or off-site, shall be designed, constructed, and maintained to prevent flooding and protect water quality. The design of any stormwater runoff control system shall be based upon a 25-year frequency 24-hour duration storm event. In order to be approved, all site plan provisions for stormwater management must meet the following performance standards:
 - a. Runoff leaving the site shall be controlled to a non-erosive velocity, both during and after construction.
 - b. After development, runoff from the site shall approximate the rate of flow, volume, and timing of runoff that would have occurred following the same rainfall under predevelopment conditions. Stormwater management conveyance and storage facilities shall be designed to reduce flood hazards and water pollution related to runoff from the proposed development project.
2. Stormwater storage facilities, which protect water quality and prevent adverse flooding on-site and off-site, shall be required for all sites where one (1) acre or more will be disturbed. In order to improve the quality of stormwater runoff and reduce the discharge of sediment into local wetlands and watercourses,
 - a. One or more of the following techniques shall be used:
 - 1) Infiltration of runoff, provided that soils and groundwater conditions are suitable.
 - 2) Retention basins with a fixed minimum water elevation between runoff events (e.g., wet ponds) or may be dry at various times throughout the year.
 - 3) Detention basins which could retain water or drain completely after a storm event (e.g., dry basins) but which discharge storm water to wetlands or constructed basins which trap sediment carried by storm water runoff.
 - b. The following standards shall be used:
 - 1) Detention basins shall be designed to hold stormwater for more than 24 hours before completely draining to become a dry basin (extended detention basins).
 - 2) Detention basins with a positive outlet shall be designed to hold runoff from a 25-year storm event, as a minimum. Retention basins without a positive outlet shall be designed to hold runoff from a 100-year storm event.
 - 3) The banks of detention basins shall not exceed a 1:6 slope unless a fence is constructed.

- 4) Natural watercourses shall not be dredged, cleared of vegetation, deepened, widened, straightened, stabilized or otherwise altered without approval from the MDEQ and County Drain Commission.
- 5) The use of stormwater runoff control areas and vegetated buffer areas as open space, recreation, and conservation areas shall be encouraged.
- 6) Stormwater detention/retention ponds, with banks which exceed a 1:6 slope, located in all districts shall be completely enclosed with a permanent substantial fence with two 3'-foot swinging gates mounted for an unobstructed opening of at least 6' with a minimum of four (4) feet in height above the ground level. All gates shall be kept locked to prevent unauthorized access. Any such ponds located in a front yard or visible from the public right-of-way shall be landscaped and fencing shall be open decorative in design (no chain link, or solid material) as approved by staff or the Planning Commission.
- 7) Fencing may be waived by the Planning Commission at the site plan review process when pond design is part of an overall landscape plan, or adequate justification is provided.
- 8) Natural vegetation (e.g. created wetlands, vegetative buffer strips) shall be used in stormwater designs to assist with the removal of pollutants in the stormwater.
- 9) 50 ft. isolation distances shall be maintained from septic systems and water wells. Variations in this setback requirement may be granted by the District Health Department.
- 10) A 50 ft. vegetative buffer shall be maintained from water bodies. Natural vegetation shall be maintained, to the extent possible, along lakeshores and streambanks to preserve natural stormwater collection and treatment. Supplemental or replacement plant materials shall be consistent with those found naturally occurring adjacent to the water body.
- 11) A 25 ft. vegetative buffer shall be maintained from wetlands, and runoff control systems shall not be constructed in regulated wetlands. (Proper state and federal permits are needed to discharge stormwater or utilize wetlands for a stormwater structure). Supplemental or replacement plant materials shall be consistent with those found naturally occurring adjacent to the wetland.
- 12) Be regularly maintained for optimum performance. A maintenance plan may be required for approval that as a minimum could include, but not be limited to: removal of accumulated sediment, periodic structural repairs, reseeding or replacement of vegetative cover.
- 13) Have an emergency overflow system. The overflow system shall be designed to accommodate flow from the 100-year storm event, or as otherwise required by the appropriate State of Michigan Agency.

- 14) Designed to distribute stormwater runoff volume evenly over the floor of the basin or trench and to prevent flooding.

c. Stormwater Calculation/Designs

- 1) Stormwater runoff volumes and discharge rates for predevelopment and post-development of the site shall be calculated by the USDA Natural Resource Conservation Service method, rational method, or other documented design method approved by the Enforcing Agent.
- 2) Temporary stormwater control measures shall be designed to detain the runoff from the disturbed site for a 2-year, 24 hour storm event.
- 3) The allowable peak discharge rate from each stormwater control facility shall be equal to or less than the peak discharge of the site prior to the proposed development for all storm events up to a 25-year, 24-hour storm event.
- 4) In lieu of a staged discharge, the allowable peak discharge rate from each stormwater control facility may be a constant equal to the peak discharge rate of the watershed prior to development in a 2-year, 24 hour storm event.
- 5) Sites that have multiple drainage courses shall perform calculations for each separate drainage course impacted by the proposed development.

d. Required Storage Volumes

- 1) Permanent stormwater control facilities shall be sized to detain the runoff from the developed watershed less the allowable staged discharge from the site for a 25-year, 24-hour storm.
 - 2) If a staged discharge is not used, stormwater storage facilities may be sized to detain the increased runoff (post-development minus pre-development) due to the proposed construction for a 25-year, 24-hour storm event.
3. Discharge from stormwater conveyance facilities shall be routed through swales, vegetated buffer strips, stormwater basins, hydrological isolated wetlands, and other facilities designed to decrease runoff velocity and volume, allow for natural infiltration, allow suspended solids to settle, and remove pollutants.
 4. If wetlands are proposed for stormwater detention, runoff must be diffused to non-erosive velocities before it reaches the wetlands.
 5. Vegetated buffer strips shall be created, or retained in their natural state along the edges of all watercourses and wetlands. The width of the buffer shall be sufficient to prevent erosion, trap the sediment from overland runoff, and buffer structures from periodic flooding.

6. Driveway drainage, drainage from adjacent parking or storage areas on private property, and driveway culverts shall be designed according to Michigan Department of Transportation driveway criteria standards, Rule 61 of the Administrative Rules Regulating Driveways, Banners and Parades on and over Highways.

F. STORMWATER RUNOFF CONTROL PLAN REQUIREMENTS

A stormwater runoff control plan shall show how stormwater will be controlled, and if necessary, collected and treated and maintained. A stormwater runoff control plan shall include the following information:

1. A map or maps including a legal description and site location sketch, at a scale suitable to the site or as otherwise determined by the enforcing agent. The map must also include proposed contour elevations at one foot intervals, spot elevations, and arrows indicating the proposed drainage direction.
2. A soils survey or written description of the soil types of the exposed land areas contemplated for the earth change.
3. A description and the location of the physical limits of each proposed earth change.
4. Location of all lakes and streams within 500 feet of the site and regulated wetlands on the site or site boundary.
5. Proposed square footage of impervious area.
6. The timing and sequence of each proposed earth change.
7. A description and the location of all proposed temporary and permanent stormwater control facilities and measures.
8. A maintenance plan (if required) that describes tasks needed to maintain the function of stormwater control features.
9. Other information which the enforcing agent or Rogers City Planning Commission requires to review the impact of the proposed earth changes.

32-39 Performance Standards

Commercial or industrial development within Rogers City shall comply with the following performance standards:

- A. **SOUND AND VIBRATION:** All machinery shall be so mounted and operated that sound and vibration at any lot line shall not be so intrusive as to interfere with normal daily activities in adjoining land uses.
- B. **ODOR:** The emission of noxious, odorous matter in such quantities as to be readily detectable at any point along any lot line so as to produce a public nuisance or hazard is prohibited.

For new facilities, the most recent technologies shall be utilized to reduce odors, as part of or in addition to any conditions included in a USEPA and/or MDEQ air/water quality permit(s). As part of the Zoning Permit review the applicant shall demonstrate that all measures technologically available and financially viable to mitigate the emission of noxious odors will be incorporated into the design of the facility.

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

- C. **TOXIC GASES:** The escape or emission of any gas, which is in violation of a USEPA and/or MDEQ permit shall be deemed a violation and shall be abated, as directed by the permit issuer.
- D. **GLARE AND HEAT:** Any operation producing intense glare or heat shall be performed within an enclosure so as to completely obscure and shield such operation from direct view from any point along the lot line, except during the period of construction of the facilities to be used and occupied.
- E. **ELECTROMAGNETIC RADIATION:** The rules and regulations of the Federal Communications Commission, as amended with respect to the propagation and dissemination of electromagnetic radiation must be followed and are hereby made a part of this Ordinance.
- F. **DRIFTED AND BLOWN MATERIAL:** Property owners shall take appropriate measures to ensure the prevention of drifting of airborne particles or debris beyond their lot lines. Any such activity shall be promptly abated upon notification by the City. During times of stockpiling or removal, excavation or grading those measures, necessary and practical (dampening, etc.), will be taken to minimize the blowing and drifting of material.
- G. **SMOKE, DUST, DIRT, AND FLY ASH:** The discharge of any opaque smoke or particulate in violation of an issued permit from the USEPA or the MDEQ shall not be permitted, and shall be abated, as directed by the permit issuer.

- H. **NOTIFICATION:** The public shall be notified whenever scrubbers or other pollution control equipment used to reduce or eliminate the emission of odors, gases, or particulate matter into the air, or contaminants from discharging into ground or surface waters, will be shut down for maintenance or become inoperable due to breakdown.

In the case of a planned shutdown, the public shall be notified at least 48 hours in advance. Such notice shall include the date and time of the shutdown, the duration of the shutdown and the impact of the shutdown (increased odors, etc.) on the community.

In the case of a non-planned, sudden breakdown of such equipment the public shall be immediately notified of the problem, its expected duration and its impact on the community.

Such notification shall be sent via e-mail, fax and/or other electronic means to the MDEQ, Rogers City, adjacent governmental entities, local schools, district health department, and local media (TV, radio, newspaper, etc.).

32-40 Exterior Site Lighting

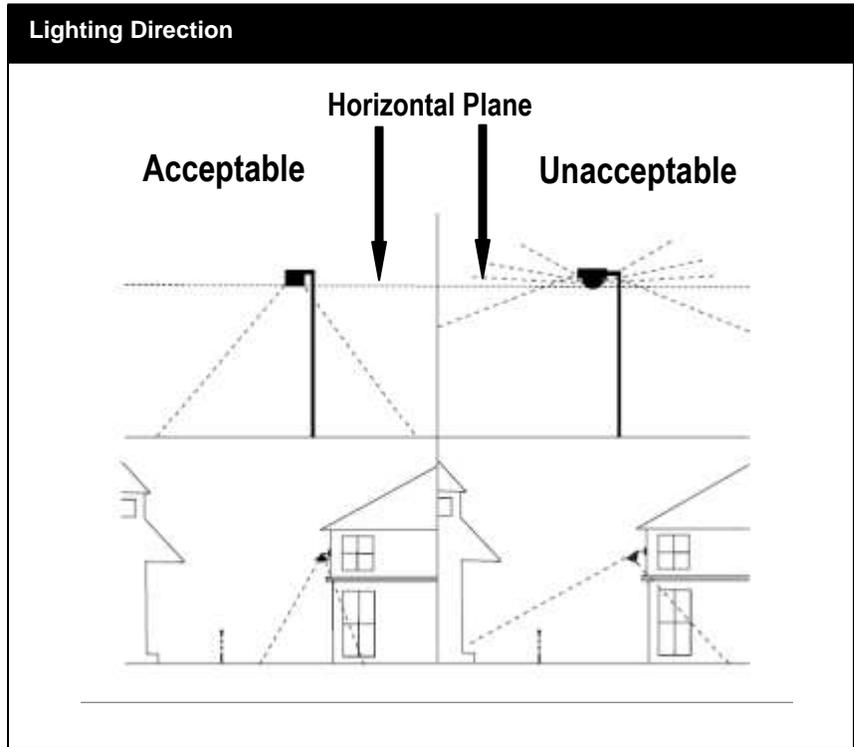
- A. **INTENT AND PURPOSE:** The purpose of exterior lighting standards is to create and maintain safe nighttime environments for both pedestrians and drivers on public roadways and right-of-ways by minimizing brightly lighted surfaces and lighting glare; to preserve the restful quality of nighttime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

B. **GENERAL STANDARDS:**

1. **EXEMPTED AREAS AND TYPES.** The following types of outdoor lighting shall not be covered by this Ordinance:
 - a. Residential decorative lighting such as porch or entry lights, ground level lawn and driveway lights, and special seasonal lights such as Christmas decorations.
 - b. Lights located within the public right-of-way or easement.
 - c. Industrial quarry safety lighting for nighttime operations. Non-production lighting in an industrial quarry (offices, etc.) shall conform to the lighting regulations contained in this Ordinance.
 - d. Temporary lighting needed for emergency services or to perform nighttime road construction on major thoroughfares.
 - e. Temporary lighting for civic activities, fairs, or carnivals provided the lighting is temporary.

- f. Lighting required by the Federal Communications Commission, Federal Aviation Administration, Federal Occupational Safety and Health Administrations, or other applicable federal or state agencies.
 - g. Lighting for recreational facilities: shall conform to the requirements set forth in the most current edition of the Illuminating Engineering Society of North America (IESNA) RP-6 Recommended Practice for Sports and Recreational Area Lighting and the IESNA Lighting Handbook.
2. **REGULATED LIGHTING.** The following types of lighting shall be regulated by this Ordinance:
- a. Private parking lot lighting and site lighting for commercial, industrial and institutional developments.
 - b. Multiple-family development parking lot lighting and site lighting.
 - c. Privately-owned street lighting.
 - d. Building facade lighting.
 - e. Security lighting, spotlights, and floodlights.
 - f. Other forms of outdoor lighting which, in the judgment of the Zoning Administrator, is similar in character, luminosity and/or glare to the foregoing.
 - g. Standards related to the lighting of signs are contained in **§32-45**.
3. **STANDARDS:** Lighting shall be designed and constructed as per the following requirements:
- a. **DESIGN:** All exterior lighting shall be designed in a consistent and coordinated manner for the entire site. All lighting structures within a property or planned development shall be of uniform design and materials and shall be harmonious to the scale of the property and its surroundings. Parking lot and street lights shall also be of uniform height.
 - b. **LIGHTING CONFINED TO SITE:** Direct or directly reflected light shall be confined to the development site and pedestrian pathways and shall not negatively affect adjoining property. All lighting shall be oriented not to direct glare or excessive illumination in a manner which may interfere with the vision of drivers or pedestrians.
 - c. **LIGHTING DIRECTED DOWNWARD/SHIELDED:** Except for diffused globe-style walkway lights, lighting for sporting events, and the lighting addressed in **subsection d below**, the following shall apply: all outdoor lighting in all districts shall be directed toward and confined to the ground areas of lawns or parking lots. Exterior lighting shall be shielded, hooded and/or louvered to provide a glare-free area beyond the property line unless the light source is not directly visible from beyond the boundary of the site. Lighting fixtures shall have one hundred (100) percent cut off above the horizontal plane at the lowest part of the point light source. The light rays may not be emitted by the installed fixture at angles above the horizontal plane.

- d. **UPWARD DIRECTIONAL LIGHTING:** All lighting used for the external illumination of buildings and flags with lights directed in an upward direction so as to feature said buildings and flags, shall be placed and shielded so as not to interfere with the vision of persons on adjacent streets or adjacent property.
- e. **INTENSITY:**
 - (1) Lighting levels shall not exceed 0.5 foot-candles at any common property line of a residential use or district.
 - (2) Lighting levels shall not exceed 5 foot-candles at any common property line of a commercial, airport, or industrial district. If any commercial, industrial, or airport district or use abuts a residential district or use, lighting levels shall not exceed 0.5 foot candles at any common property line with that residential district or use.
 - (3) Lighting levels shall not exceed 1 foot-candle at the edge of a property line adjacent to a street right-of-way.
 - (4) Site lighting shall not exceed twenty (20) foot candles as measured three (3) feet above the ground surface, directly under the fixture.
- f. **HEIGHT:** Pedestrian lighting shall be no more than sixteen (16) feet in height. Parking lot lighting and lighting for public and private streets shall be no more than twenty-five (25) feet in height. The Planning Commission may permit taller fixtures only when the Commission determines that unique conditions exist and where a waiver would: reduce the number or bulk of light fixtures; not adversely impact neighboring properties; and permit fixtures in proportion to height and bulk of nearby buildings and other fixtures.
- g. **LOCATION OF POLES:** Lighting poles and structures shall be located within landscaped areas where possible.
- h. **MOVING LIGHTS:** All illumination of any outdoor feature shall not be of a flashing, moving or intermittent type. Artificial light shall be maintained stationary and constant in intensity and color at all times when in use. Beacon, strobe and search lights are not permitted.
- i. **INTERFERENCE WITH TRAFFIC CONTROL DEVICES:** No colored lights shall be used at any location where it may be confused with or construed as traffic control devices.
- j. **GAS STATIONS:** Ceiling lights in gas pump island canopies shall be recessed.



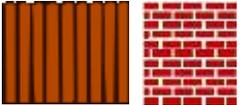
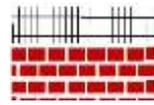
- 4. Administrative & Planning Commission Departures:
 - a. Greater intensities may be allowed where additional security may be needed.
 - b. Higher fixtures may be permitted for pole lighting if the fixture is located at least two hundred (200) feet from a Residential District or use.

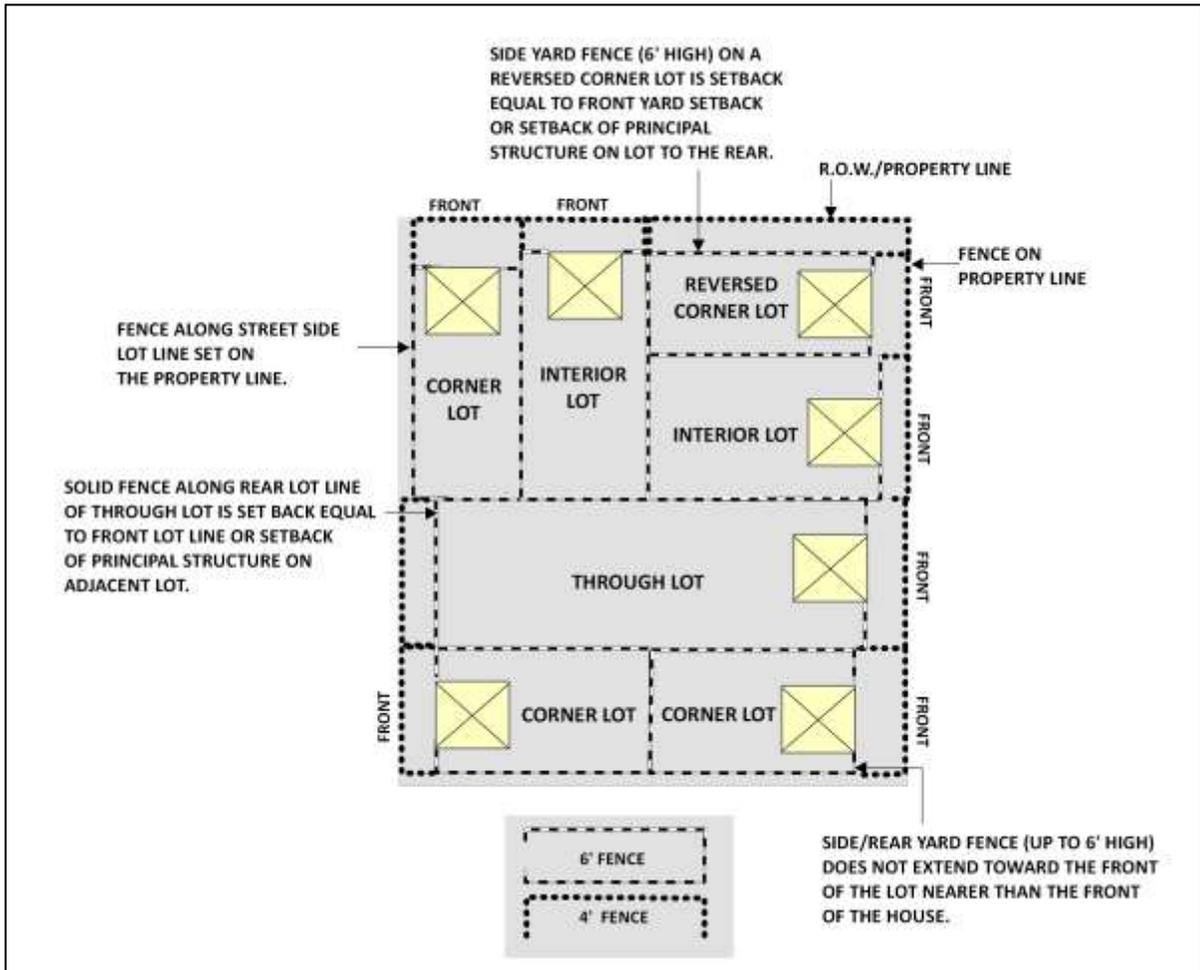
32-41 Fences and Walls

A. CONSTRUCTION AND MAINTENANCE: ALL DISTRICTS

1. Fence and wall materials may include treated wood, painted/stained wood, treated split rail, ornamental wrought iron, brick, stone, masonry block, molded vinyl, or chain link. Scrap lumber, plywood, woven wire, sheet metal, plastic or fiberglass sheets are specifically prohibited.
2. Ornamental fences located in front yards shall be constructed in a style similar to split rail, picket, wrought iron fences, or decorative masonry. No chain link fences shall be permitted in front yards. Ornamental fences in a front yard must contain openings at least fifty (50) percent the width of the slats. If a wall/fence combination is used, the wall may be solid up to two (2) feet in height and an open-style fence can make up the balance to total four (4) feet in height.
3. Fences on residential or commercial lots shall not contain barbed wire, electric current or charge of electricity.
4. ¹⁸The portions of all fences facing property other than the property of the fence owner or facing a street right-of-way shall be finished and constructed so that, to the extent possible by the design of the fence, the fence posts and the horizontal and/or vertical fence supports are not visible from that other property or from the street right-of-way.
5. Fences shall be maintained to retain their original appearance, shape and configuration. Elements of a fence that are missing, damaged, destroyed or deteriorated shall be replaced and repaired to maintain conformity with the original fence appearance and design.
6. **Visibility Triangle:** Fences, walls, or hedges installed, constructed, or planted in accordance with the provisions of this Ordinance shall not obstruct visibility triangles as regulated in §32-30.

B. RESIDENTIAL FENCES AND WALLS: Fences and walls shall require a Zoning Permit issued by the Zoning Administrator and shall comply with the following regulations and requirements:

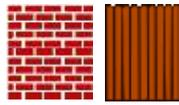
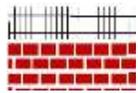
Table 32-41 B: Residential Fences & Walls			
	Solid Fences & Walls	Open Style Fences	Wall/Fence Combination
	Have less than 50% open space.	Have 50% or more open space.	
			
Front Yard		<ul style="list-style-type: none"> Up to 4' high. Fences may be set on the property line. 	<ul style="list-style-type: none"> Up to 4' high. Fence/wall combinations may be set on the property line. May be solid up to 2' high. Open-style fence may make up the balance.
Rear Yard & Side Yard	<ul style="list-style-type: none"> Up to 6' high: Outer face may abut property line Fences over 4' high may not extend toward the front of the lot nearer than the front of the house. Corner Side Yards: Fences over 4' high shall be set back a distance equal to the front yard setback of the lot to the rear or the set back of the principal structure of the lot to the rear, whichever is less³. 		
Through Lots			
Front Yard (the lot line upon which the front of the principal structure faces)		<ul style="list-style-type: none"> Up to 4' high. Fences may be set on property line. 	<ul style="list-style-type: none"> Up to 4' high. Fences may be set on property line. May be solid up to 2' high. Open-style fence may make up the balance.
Rear Yard (the lot line opposite the front lot line)	<ul style="list-style-type: none"> Up to 6' high: Set back equal to the front yard setback of the district or equal to an average of the setbacks of the existing principal structures on adjacent lots. 	<ul style="list-style-type: none"> Up to 4' high: Outer face may be on property line. 4' to 6' high: Set back equal to the front yard setback of the district or equal to an average of the setbacks of the existing principal structures on adjacent lots. 	<ul style="list-style-type: none"> Up to 4' high: Outer face may be on property line. May be solid up to 2' high. Open-style fence may make up the balance. 4' to 6' high: Set back equal to the front yard setback of the district or equal to an average of the setbacks of the existing principal structures on adjacent lots.
Fences along the waterfront shall conform to the requirements set forth in §32-33 (Waterfront Regulations)			



Residential Fence Diagram¹

¹Visibility Triangle: Fences, walls, or hedges installed, constructed, or planted in accordance with the provisions of this Ordinance shall not obstruct visibility triangles as regulated in §32-30.

C. COMMERCIAL & INDUSTRIAL FENCES & WALLS: Fences and walls which are not part of an approved site plan require a Zoning Permit from the Zoning Administrator. All fences and walls shall comply with the following regulations and requirements:

Table 32-41 C Commercial and Industrial Fences & Walls			
	Solid Fences & Walls	Open Style Fences	Wall/Fence Combination
	Have less than 50% open space.	Have 50% or more open space.	
			
Front Yard		<ul style="list-style-type: none"> Up to 4' high. May be set on the property line. 	<ul style="list-style-type: none"> Up to 4' high. May be set on the property line. May be solid up to 2' high. Open-style fence may make up the balance.
Rear Yard & Interior/Street Side Yard	<ul style="list-style-type: none"> Commercial Lots: Up to 6' high. Industrial Lots: Up to 8' high. 6 additional inches allowed for fence posts. Outer face may abut property line 		
Corner Side Yard (on reversed corner lot)	<ul style="list-style-type: none"> Commercial: Up to 6' high. Set back a distance equal to the front yard setback of the lot to the rear or the setback of the principal structure of the lot to the rear, whichever is less. Industrial Lots: Up to 8'. Set back a distance equal to the front yard setback of the lot to the rear or the setback of the principal structure of the lot to the rear, whichever is less. 		
Through Lots			
Front Yard (the lot line upon which the front of the principal structure faces)		<ul style="list-style-type: none"> Up to 4' high. May be set on the property line. 	<ul style="list-style-type: none"> Up to 4' high. May be set on the property line. May be solid up to 2' high. Open-style fence may make up the balance.
Rear Yard (the lot line opposite the front lot line)	<ul style="list-style-type: none"> Commercial Lots: Up to 6' high: Set back equal to the front yard setback of the district or equal to an average of the setbacks of the existing principal structures on adjacent lots. Industrial Lots: Up to 8' high. Set back equal to the front yard setback of the district or equal to an average of the setbacks of the existing principal structures on adjacent lots. 		
Fences along the waterfront shall conform to the requirements set forth in §32-33 (Waterfront Regulations)			

- D. **COMMERCIAL AND INDUSTRIAL FENCES & WALLS REQUIRED FOR SCREENING PURPOSES:** For those districts and uses listed below, there shall be provided and maintained on those sides abutting or adjacent to a residential use of property or a residential district an obscuring fence or wall or a combination thereof as required below (except otherwise regulated by this Ordinance):

TABLE 32-41 D: Fences & Walls for Residential Screening Purposes	
SIDE AND REAR YARD SCREENING REQUIREMENTS	
All off street parking areas	4' high fence or wall
B-1 and OS-1 or office use	4' high fence or wall
B-2, B-3, and Airport Districts or Commercial Use	6' high fence or wall
I-1 and I-2 Districts or Industrial Use	8' high wall or fence (Height shall provide open storage areas, loading/unloading areas, or service areas the most complete obscuring possible.)
Outdoor storage areas	6' high fence or wall; 8' high fence or wall if in an industrial zone or use is industrial
Hospital/ambulance delivery areas	6' high fence or wall
Utility buildings, stations, and substations	6' high fence or wall

1. **Screening Materials:** Chain link or other wire fence utilizing metal, plastic or wood slats shall be considered an obscuring wall for the purpose of this Ordinance. The Planning Commission may, in its review of site plans for specific uses, allow or require the provision of a greenbelt planting consisting of trees and shrubs alone or in addition to a fence or wall to serve as a screen where such screens are required under this Ordinance or where conditions are such that a more effective and harmonious development with abutting or neighboring land uses would result. Greenbelt plantings shall be regulated under **§32-42**. The construction of a fence or wall in combination with a berm to achieve the required height standards for screening purposes may also be approved. The height of the berm in addition to the fence atop of the berm shall not exceed the total allowable fence height as permitted by district.
2. **Location:** Required fences and walls may abut the lot line except where underground utilities interfere and except in instances where this Ordinance requires conformance with front yard setback lines on abutting residential lots. Upon review of the site plan, the Planning Commission may approve an alternate location for the fence or wall or may waive the fence or wall requirement if in specific cases it would not serve the purposes of effectively screening the use. Required barriers may, upon approval of the Planning Commission, be located on the opposite side of an alley right-of-way from a nonresidential zone that abuts a residential zone when mutually agreeable to affected property owners. The continuity of the required barrier on a given block will be a major consideration of the

Planning Commission in reviewing such request.

3. Construction for Screening Purposes:

- a. All walls herein required shall be constructed of materials approved by the Zoning Administrator to be durable, weather resistant, rustproof and shall be maintained by the commercial or industrial property owner or tenant at all times equal in condition to the completed structure at the time of initial installation. Wood or wood products, when utilized, shall be treated (wolmanized or equal) and maintained at all times.
- b. Walls may be constructed with openings which do not in any square section (height and width) exceed twenty (20) percent of the surface where uses to be screened do not generate noise which may impact abutting residential uses. Where walls are so pierced, the openings shall be so spaced as to maintain the obscuring character required, and shall not reduce the minimum height requirement. The arrangement of the openings shall be reviewed and approved by the Zoning Administrator.

Walls which screen uses that do generate noise which may impact abutting uses 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 Zoning Administrator.

- c. Required walls shall be constructed of sound absorbing materials when, in the opinion of the Planning Commission or the Zoning Administrator, the use could result in noise of such frequency and/or magnitude as to pose a potential nuisance to abutting residents.
4. **Maintenance Guarantee:** The City may require that a suitable maintenance guarantee be provided for the continued maintenance of walls required under this Ordinance.
 5. The requirement for an obscuring wall between off-street parking areas or outdoor storage areas and abutting residential districts or uses shall not be required when such areas are located more than two hundred (200') feet distant from such abutting residential use or district.
 6. The Planning Commission may waive or modify the foregoing requirements where cause can be shown that no good purpose would be served with conformance to **subsection D**.

- E. **DUMPSTER/TRASH AREA SCREENING:** All outside trash storage areas, including dumpsters, shall be screened with a solid fence or wall at least six (6) feet in height. Fence/wall materials shall be block, wood, or vinyl. A chain link fence with slats shall be permitted. A self-latching gate shall be required. Screening requirements may be adjusted, when after review of the zoning application the zoning administrator determines that strict adherence to the ordinance will serve no purpose and waiver from the ordinance will not detrimentally impact neighboring properties at the time of application²⁹.

32-42 Landscaping and Buffering

These requirements apply to all uses for which site plan review is required in the RM, RMH, B-1, B-3, OS-1, WD, A, I-1, I-2 Districts.

A. **INTENT:** It is the intent of this section to protect and manage vegetation to:

1. Contribute to air purification, oxygen regeneration, groundwater protection and recharge and the control of stormwater runoff.
2. Safeguard and enhance private and public property values and encourage continued investment in the community.
3. Enhance community appearance, identify unique natural beauty, and promote quality development at a suitable scale.
4. Provide visual screens between land uses of differing character and use intensities.
5. Provide for the preservation of native trees and vegetation.

B. **FLEXIBLE DESIGN STANDARDS:**

1. It is recognized that alternative design concepts exist which, if adopted, could exceed the results envisioned using these development standards. It is intended that the requirements of this chapter be flexible and permit latitude in site design and the use of plant materials when it can be shown that variation from the requirements will provide a development substantially better than that achievable using the minimum standards of this section. The provisions of this section shall be considered the minimum development standards and not a design goal.
2. The Zoning administrator¹⁹ or Planning Commission may approve variations from strict compliance with this section when an applicant can demonstrate that any of the following apply to a specific development site:
 - a. When topography, shape, size or other natural features make full compliance impractical or impossible.
 - b. When space limitations or prevailing development patterns in the surrounding neighborhood justify alternative compliance for in-fill projects and redevelopment in older established areas of the City.
 - c. When safety considerations warrant alternative compliance.
 - d. When there is not an alternative in the practical siting of a building, location of site access, or the location of underground utilities to service the site.

- e. When the alternative compliance plan is equal to or superior in its ability to fulfill the intent of this section.

C. LANDSCAPE PLAN REQUIRED

1. A separate detailed landscape plan shall be submitted:
 - a. As part of a site plan review; or
 - b. Within ninety (90) days after final approval of the site plan. Plans may be submitted as an amendment to a site plan and do not require an additional review fee.
 - c. On projects in excess of two (2) acres, the developer may file a phased plan for completing the landscaping pursuant to these standards.
2. The landscape plan shall include, but not necessarily be limited to, the following items:
 - a. Location, spacing, size, and root type [bare root (BR), balled and burlaped (BB), or container] and descriptions for each plant type proposed for use within the required landscape area.
 - b. Scale shall be equal to the scale of the accompanying site plan.
 - c. Existing and proposed contours on-site.
 - d. Typical straight cross-section including slope, height, and width of berms and type of ground cover, or height and type of construction of wall or fence, including footings.
 - e. Significant construction details to resolve specific site conditions, such as tree wells to preserve existing trees or culverts to maintain natural drainage patterns.
 - f. Planting and staking details in either text or drawing form to ensure proper installation and establishment of proposed plant materials.
 - g. Identification of existing trees and vegetative cover to be preserved.
 - h. Identification of grass and other ground cover and method of planting.
3. Industrial uses are required to submit a landscape plan for the front yard and corner side yard only. Rear or side yard landscape plans are only required if the industrial use abuts a residential use or district. All other uses for which a landscape plan is required shall submit a landscape plan for the entire property.

D. DISTRICT REQUIREMENTS:

1. R-1, R-2, RT, and RM Districts: Nonresidential & Multi-Family Uses

- a. 30% of the site under development shall be in landscaped open space.

- b. The open space shall be landscaped with one (1) evergreen or deciduous tree or shrub for every 1,000 square feet.
- c. Plant materials existing on the site prior to development may be included as part of the landscaping requirement.
- d. Twenty-five (25) percent of the required open space shall be between the roadway and the building.
- e. Buildings on corner lots shall have 40% of the required open space between the building and the streets.
- f. Landscaping of an adjacent right-of-way may be included in the requirement if it is maintained by the adjacent property owner.

2. OS-1, B-1, B-3, A, I-1 and I-2 Districts: Nonresidential Uses

- a. 15% of the site shall be in landscaped open space
- b. The open space shall be landscaped with one (1) evergreen or deciduous tree or shrub for every 1,000 square feet.
- c. Plant materials existing on the site prior to development may be included as part of the requirement.
- d. Thirty (30) percent of the required open space shall be between the roadway and the building. Buildings on corner lots shall have 60% of the required open space between the building and the streets.
- e. Whenever feasible, a portion of the landscaping shall be places adjacent to the building(s).
- f. Landscaping of an adjacent right-of-way may be included in the requirement if it is maintained by the adjacent property owner.

E. LANDSCAPING STANDARDS:

- 1. Unless otherwise specified, materials such as river rock, cobble, boulders, paving stone, patterned concrete, bark and wood chips shall be limited to small areas and shall not exceed 25 percent of the required landscape area. All such ground covers shall be at least six (6) inches deep. Loose gravel less than three (3) inch minimum aggregate size shall not be used in areas abutting public streets or sidewalks.
- 2. Grass or other living plants shall be primary ground cover in required landscape areas. Ground covers other than grass shall be planted in required areas to provide complete coverage within two (2) growing seasons. Vines shall not be used adjacent to pedestrian areas.

3. The overall landscape plan shall not contain more than thirty-three (33%) percent of any one plant species.
4. The general site topography and any natural landforms unique to the property shall be maintained and made part of the development whenever possible.
5. The substitution of natural vegetation in lieu of landscaping may be approved on a case by case basis.
6. No synthetic plant material shall be used to fulfill any landscaping requirement.
7. All trees shall be located to allow sufficient room for growth.
8. The required landscaping shall be planted with permanent living plant materials within thirty (30) days from the date of occupancy and shall thereafter be maintained in presentable condition, and shall be kept free from refuse and debris; provided further that all plant materials shall be continuously maintained in a sound, healthy and vigorous growing condition, and shall be kept free of plant diseases and insect pests. All unhealthy and dead material shall be replaced within one (1) year of damage or death or the next appropriate planting period, whichever comes first. All landscaped areas shall be provided with a readily available and acceptable water supply. The Zoning Administrator may extend the time period for planting when seasonal conditions are such that planting cannot be undertaken.
9. All landscape materials shall be installed in such a manner so as not to alter drainage patterns on site or adjacent properties or obstruct vision for reasons of safety, ingress or egress.
10. All plant material shall be planted in a manner so as not to obstruct access to or view of fire hydrants or other fire connections, not interfere with utility lines (above and below ground) and public roadways. Landscape materials shall not constitute a nuisance to neighboring properties.
11. Minimum plant sizes at time of installation:

Deciduous Canopy Trees	2½"	dbh (diameter at breast height)
Deciduous Ornamental Trees:	2"	dbh
Evergreen Tree:	5-6'	height
Deciduous Shrub:	2'	height
Large Evergreen Shrub:	2'	height
Spreading Evergreen Shrub:	18" – 24"	spread
12. **Existing Vegetation:** Existing plant material, which complies with the standards and intent of the Ordinance shall be credited toward meeting the landscape requirements.

- a. Existing healthy trees and shrubs in areas not required for development shall be preserved and incorporated into the final development plan where possible.
- b. Trees to be preserved shall be pruned to remove dead, diseased or irregular branching, but the crown form characteristic of the respective species shall be maintained.
- c. Preserved trees shall be protected with sturdy, highly visible barriers around the tree or group of trees, at approximately the critical root zone or dripline.
- d. The critical root zone of the tree shall remain undisturbed by cutting, filling or storage of materials and equipment during the development process.
- e. Healthy, younger trees on development sites shall be preserved wherever possible to allow normal succession as older trees are lost.

13. Berms:

- a. Berms shall be constructed so as to maintain a side slope not to exceed a one foot (1') rise to a three feet (3') run ratio.
- b. Berms not containing planting beds shall be covered with grass or vegetative groundcover maintained in a healthy growing condition.
- c. Berms shall be constructed in a way that does not alter drainage patterns on site or adjacent properties or obstruct vision for reasons of safety, ingress or egress.
- d. Trees shall be allowed to be placed on berms.

F. GREENBELTS AND BUFFERS

1. For nonresidential uses which abut a residential use or which are adjacent to a Residential District boundary, there shall be provided and maintained greenbelts or buffers.
2. The selection, spacing and size of plant material shall be such as to create a horizontal obscuring effect for the entire length of the required greenbelt area, and a vertical obscuring effect of such height as is determined adequate by the Planning Commission for proper screening between land uses.
3. The relationship between deciduous and evergreen plant materials shall insure that a maximum obscuring effect will be maintained throughout the various seasonal periods.
4. Greenbelts shall be reviewed by staff for site plans requiring administrative review and by the Planning Commission for site plans requiring Planning Commission review to determine adequate width, length, and materials for screening purposes.
5. Required screening may be interrupted to provide reasonable pedestrian, bicycle, or vehicular access to a property from a public right-of-way.

6. Required screening of parking areas shall be achieved through the use of a decorative masonry/brick wall, decorative fencing, earth berms and landscape plant materials, either in combination or independently.
7. The Planning Commission may require or allow the substitution of fences, walls and/or earth berms in those instances where a greenbelt or planting screen will not appropriately provide necessary screening to abutting properties.
8. The minimum starting height of plant materials in the greenbelt shall be equivalent to the required fence, wall or berm height as stated in **Table 32-41D (§32-41 Fences and Walls)**.

G. SUGGESTED PLANT MATERIALS

EVERGREEN TREES:		
Fir	Pine	Spruce
Douglas Fir	Hemlock	
NARROW EVERGREEN TREES		
Cedar	Junipers	Arborvitae
LARGE DECIDUOUS TREES		
Oaks	Ash (disease and insect resistant)	Black Cherry
Hard Maples	Ginkgo (male only)	Basswood
Beech	Lindens	Sycamore (Plane Tree)
Honey locusts (seedless & thornless)	Birch	Elms (disease-resistant)
SMALL DECIDUOUS TREES		
Flowering Dogwood	Hawthorn (thornless)	Serviceberry
Sweet Birch	Mountain Ash	Hornbeam
Purple Leaf Plum	Kwansan Cherry	Redbud
Magnolia	River Birch	Flowering Crabapple (disease resistant)
LARGE DECIDUOUS SHRUBS:		
Honeysuckle	Flowering Quince	Lilac
Buckthorn	Barberry	Border Privet
Pyracantha	Forsythia	Yellow Osier
Viburnum	Cotoneaster (Peking, Spreading)	Burning Bush
Spirea	Sargent Crabapple	Ninebark
Dogwood (Red Osier, Grey)		
LARGE EVERGREEN SHRUBS:		
Irish Yew	Pfitzer Juniper	Mugo Pine
Hicks Yew	Savin Juniper	
SMALL DECIDUOUS SHRUBS:		
Potentilla	Japanese Quince	Cotoneaster (Cranberry, Rockspray)
Compact Burning Bush	Regal Privet	
SMALL EVERGREEN SHRUBS:		
Spreading Yews (Dense, Brown's, Ward, etc.)	Low Spreading Junipers (Andora, Hughes, Tamarack, etc.)	Big Leaf Winter-creeper (Euonymus)
Dwarf Mugo Pine	Bird's Nest Spruce	
TREES NOT PERMITTED		
Box Elder	Poplars	Catalpa
Soft Maples	Elms (unless disease-resistant)	Tree of Heaven
Willows	Cottonwoods	Scotch Pine
Horse Chestnut (nut bearing)	Jack Pine	

32-43 Circulation and Parking

A. PURPOSE:

The purpose of parking regulations is to make Rogers City safe for and accessible by pedestrians, cyclists, and drivers. Equal consideration should be given to pedestrians, cyclists and drivers in the design of all public and private parking areas. Site design should help to reduce the number of conflicts between the parking area users. Public rights-of-way shall be designed to ensure the movement of people safely. Design of parking areas and rights-of-way shall contribute to the walkability of Rogers City.

B. PEDESTRIAN TRAVELWAYS

1. **REQUIREMENTS:** All developments except for one and two-family dwellings shall provide clearly defined pedestrian travelways from the public sidewalk to main entrances of the buildings or uses of the land or to the sidewalk fronting the building in the case of a multi-entrance building.

2. ²⁰**CONSTRUCTION STANDARDS:**

a. Walkways shall be designed to be recognizable to both drivers and pedestrians. Any combination of at least two (2) of the following walkway treatments shall be used:

- (1) Constructing the walk/crosswalk with different materials, such as concrete or brick or other material approved or recognized under The Americans with Disabilities Act (ADA) requirements;
- (2) Placing bollards at sufficient regular intervals to delineate the walk/crosswalk;
- (3) Aligning planting islands to define the walk/ crosswalk;
- (4) Raising the walk/ crosswalk; and
- (5) Painting pavement with walk/crosswalk striping.

b. Pedestrian travelways shall be physically separate from the parking area except where they cross a vehicle maneuvering lane, in which case the travel way shall be defined with a separate and contrasting material such as the use of a textured concrete or brick paver.

C. ²¹**MOTOR VEHICLE PARKING: SINGLE-FAMILY RESIDENTIAL USES**

1. The off-street parking facilities required for residential dwellings shall be located on the same lot or plot of ground as the dwellings they are intended to serve and shall consist of a parking strip, parking apron, driveway, carport, and/or garage or some combination thereof.
2. Parking areas may be located in the front, side or rear yard but may not occupy more than fifty (50) percent of any yard. Such parking area shall provide two (2) parking spaces per dwelling unit where no garage is provided.

D. MOTOR VEHICLE PARKING: MULTI-FAMILY AND NONRESIDENTIAL USES

1. **COMPLIANCE REQUIRED:** Off-street parking and loading provisions of this section shall apply to the following:
 - a. **New Construction:** For all buildings and structures erected and all uses of land established after the effective date of this chapter.
 - b. **Enlargement:** Whenever a building is expanded to increase its usable floor area.
 - c. **Change in Use:** Whenever the use of a building or portion of a building is changed to accommodate a use requiring more parking than the former use.
 - d. **Parking Area Construction and Expansion (For all new parking areas and whenever existing parking areas are expanded or upgraded).** Normal maintenance, such as re-grading of legal non-conforming gravel parking areas or the addition of top coat or sealer to existing paved parking areas, will not trigger full off-street parking compliance; however, pulverizing an existing asphalt, concrete or other paved parking surface, the outright removal or substantial modification of the paved surface in preparation for paving and demolition by neglect which serves to return a parking area substantially to gravel or other aggregate surface, shall, for the purposes of this code, be considered a new parking area.
 - e. Regulations pertaining to off-street parking shall not apply to:
 - 1) commercial buildings in existence at the time of adoption of this Ordinance; or
 - 2) new commercial construction projects where it can be demonstrated that adequate public parking exists when located within the B-2.
2. **PERMIT REQUIRED:** No parking lot shall be constructed unless and until a zoning permit therefore is issued. Applications for a permit shall be submitted with two (2) sets of site plans for the development and construction of the parking lot showing that the provisions of this Section will be fully complied with.
3. **PLAN REVIEW:** Any off-street parking lots, parking structures or loading areas required under this chapter shall be required to submit a plan for review and approval of applicable regulations. All elements shall be dimensioned on the plan and distances from property lines and structures shall be noted. The plan shall show the following:
 - a. Total number of parking spaces provided, existing and proposed; and total required by ordinance;
 - b. Location and size of spaces;
 - c. Parking aisles;
 - d. Vehicle circulation;
 - e. Ingress and egress;
 - f. Sidewalks and pedestrian circulation;

- g. Signage;
 - h. Lighting;
 - i. Storm water retention areas;
 - j. Proposed and existing grades;
 - k. Landscaping islands;
 - l. Landscape and buffer areas; and
 - m. Any other information deemed necessary by the City of Rogers City.
4. **OWNED OR LEASED PARKING.** The owner or occupier of the property to be served shall own or lease all property utilized to meet minimum parking requirements. A five (5) year lease on such property shall be required. At least six (6) months before the lease expires, an extension or renewal of the lease shall be acquired or other parking shall be made available. The lease shall include a provision that advance notice of cancellation shall be given one hundred eighty days (180) prior to cancellation of the lease. The lease agreement shall be kept on file with the City.
5. **LOADING SPACE:** Loading space as required elsewhere in this ordinance dealing with off-street loading requirements shall not be construed as also supplying off-street parking space.
6. **CHANGES TO REQUIRED PARKING:** Areas designated for required off-street parking shall not be changed to any other use unless and until equal facilities meeting the standards of this section are provided and approved at a differing location on the property or elsewhere as permitted within this ordinance. If parking requirements for the site are changed due to a change in use or occupancy, the designated off-street parking areas shall be revised and approved by the Zoning Administrator.
7. **EXCESSIVE PARKING SPACE:** A maximum of one hundred twenty (120) percent of the required number of parking spaces may be provided (rounded down to the nearest whole number). Provision of more than one hundred twenty (120) percent of the requirement will require a variance from the Board of Zoning Appeals.
8. **COLLECTIVE PARKING:** Two (2) or more buildings or uses may collectively provide the required off-street parking in which case the required number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately.
9. **SHARED PARKING:** Joint use of the same parking areas may be permitted for two (2) or more uses located on the same, adjacent, or nearby parcels provided that the developer or owner demonstrates to the satisfaction of the City that the uses will not overlap in hours of operation or in demand for shared spaces. The owners of all parcels used for or making use of shared parking areas shall record a commitment stating that the uses will not overlap in hours of operation or in demand for shared spaces. The commitment shall be binding on future owners of the property(s) and shall be recorded with the Register of Deeds. Shared parking areas shall be located not more than three hundred (300) feet from the uses they are intended to serve and shall be connected to that use by a defined pedestrian walkway.
10. **REDUCTION OF PARKING SPACES/LAND BANKING:**

- a. For development in any zoning district, the Zoning Administrator or Planning Commission may approve a total reduction of not more than 30% of the required off-street parking spaces where it has been demonstrated by study of the proposed use(s) and the customary operation of the use(s) that adequate parking would be provided.
- b. When such a reduction is approved, an area of sufficient size to include the number of parking spaces necessary to meet the minimum requirements stated herein shall be designated on the site plan (land banking) and no structure or other permanent feature shall be permitted within such designated area. The area shall not be included in any required landscape buffer. The areas shall be reserved to accommodate additional parking so as to meet the otherwise applicable minimum requirements. In the event additional parking is required, a site plan shall be submitted to the staff for approval. The additional parking shall be constructed within 4 months thereafter.
- c. Off-Site Land Banking: The Planning Commission may approve land banking at a location off-site. A written agreement shall remain on file at the City which records that the off-site land which has been set aside for future parking is under the control of the applicant.

11. INGRESS/EGRESS:

- a. A maximum of one (1) ingress and egress driveway for each sixty-six (66) feet of lot width shall be allowed in office, business and industrial zones. Modification of this standard shall only be allowed where the plan for such access can be demonstrated to the satisfaction of the Planning Commission that traffic movement and traffic safety can better be served by such modification.
- b. Entrances shall be designed to allow vehicles entering the site to be stacked to prevent backup on the adjacent street. Parking lot entrances and exits shall be consolidated when possible to limit the number of access points to the site. In instances where parking areas are 100 feet or more wide, the parking lot entrance shall be a minimum of 50 feet from the nearest existing access drive.
- c. Ingress/egress to parking lots shall be located as far away from street intersections as possible to prevent impeding the flow of traffic in the parking lot and prevent hazards in the street. Each entrance to and exit from any off-street parking lot located in an area zoned for other than single-family and two-family residential use shall be at least twenty-five (25) feet distant from adjacent property located in any single-family residential district and shall be located at least twenty-five (25) feet distant from any corner.

12. DISPLAY AND STORAGE:

- a. Accessory off-street parking facilities required herein shall not be used for the storage, display, sale, repair, dismantling or wrecking of any vehicles, equipment or material.

- b. **Parking of trucks in residential zones:** There shall be no overnight parking of trucks in excess of 6000 lbs (gross vehicle weight) in the front setback in any residential zoned area.
- c. **Parking and Storage of Inoperable Motor Vehicles:** Automotive vehicles of any kind or type without current license plates shall not be stored within the front setback on any residentially zoned property, unless within an enclosed building. Storage of inoperable motor vehicles shall conform to Chapter 28, Article IV (Inoperable and Dismantled Motor Vehicles) of the Rogers City Code of Ordinances.

13. PARKING AREA STANDARDS:

- a. **Location of Parking Areas in Residential Districts:** Parking areas for multifamily housing and nonresidential uses in residential districts shall adhere to the following requirements:
 - (1) All parking areas shall be landscaped, screened, surfaced, and drained as provided in this Ordinance.
 - (2) Parking shall conform to setbacks.
 - (3) All such parking areas shall be at least forty (40) feet in width.
 - (4) Such parking areas shall be used solely for the parking of passenger automobiles, and no commercial repair work or sales or service of any kind shall be conducted on such parking lot. No sign, other than entrance, exit, and condition of use signs, shall be maintained, and the aggregate area of all such signs shall not exceed twelve (12) square feet.
 - (5) Each entrance to and exit from such parking lot shall be at least twenty (20) feet from any adjacent property located in any residential zone, and the location and design of entrances, exit, surfacing, landscaping, marking, and lighting shall be subject to the approval of the Planning Commission to insure adequate relation to traffic safety, lighting and protection of the adjacent residential area.
 - (6) The Zoning Administrator shall thereafter issue a permit, which may be revoked at any time that the aforementioned requirements are not complied with. Any person operating the premises to which said permit relates in violation of any of the conditions specified by this Ordinance or fixed to such permit, shall be deemed in violation of this Ordinance and shall be subject to the penalties prescribed in this Ordinance.
- b. **Location of Parking Areas in Nonresidential Districts:** Please refer to **Articles 8 through 17** for location standards for parking in nonresidential districts.
- c. **Off-Site Locations:**

- (1) All off-street parking areas shall be located on the immediate premises or within 300 feet for commercial uses and 500 feet for industrial uses as measured from the nearest point of the parking area to the nearest point of the building intended to be served. Either a proof of ownership or evidence of at least a five (5) year lease must be provided. In addition, an adequate pedestrian route from the parking area to the use must be provided and maintained.
 - (2) The required number of parking spaces may be reduced, at the discretion of the Planning Commission, if a public parking area or sufficient on-street parking is located within 500 feet of the building to be served.
 - (3) Parking area shall be used solely for parking of private passenger vehicles, for periods of less than 24 hours and shall not be used as an off-street loading area.
 - (4) No commercial repair work or service of any kind, or sale or display thereof, shall be conducted in such parking area.
 - (5) No signs of any kind, other than signs designating entrances, exits and conditions of use, shall be maintained on such parking area.
 - (6) No building other than those for shelter or attendants shall be erected upon the premises and they shall not exceed fifteen (15) feet in height and fifty (50) sq. ft. in area.
- d. **Surface:**
- (1) An entire parking area, including parking spaces, maneuvering lanes and ingress and egress driveways required under this Section, shall be provided with asphalt, concrete, brick or other similar hard surface. Such concrete pavement shall be of a minimum thickness of four (4) inches placed upon a minimum four (4) inch compacted sand or equivalent base. Drive approaches shall be a minimum thickness of six (6) inches²². Any bituminous paving shall be of a minimum thickness of two (2) inches and shall be placed upon a base of limestone or gravel of a minimum thickness of six (6) inches. All parking paving shall be complete within a period of twenty-four (24) months after site plan approval. Off-street parking for one (1) and two (2) family dwellings need not be surfaced with concrete or bituminous material. In those instances where a parking area is non-conforming, the expansion or significant improvement of the use of the land or structure shall require the paving of such parking area to conform to this Section. This surface shall be striped and maintained in good condition and free of weeds, dirt, trash and debris.
 - (2) The planning commission may approve parking areas that do not fully comply with the strict development standards of these regulations, if in the opinion of the commission they comply with the intent of the regulations and do not create significant adverse impacts on the petitioned property, abutting properties or the immediate neighborhood. This exception does not apply to the B-2 district.

- (3) The use of pervious concrete and other pervious surfaces may be permitted for specific uses as approved by the Planning Commission.
- (4) For industrial and commercial uses, storage yards for equipment, raw materials, or partially or fully finished product, may be surfaced with gravel or slag when located in a side or rear yard. The storage yard shall be properly graded and maintained to insure proper drainage and shall be kept free of weeds, trash and other debris.
- e. **Screening:** Parking areas shall conform to the requirements set forth in **§32-41**.
- f. **Design Standards:**

(1) Parking Space Design:

Parking Pattern (in degrees)	Maneuvering Lane Width	Parking Space		
		Width	Length	Total Width of 2 Parking Stalls Plus Maneuvering Aisle
0 degrees (parallel parking)	12'	8'	22'	28' (one-way) 38' (two-way)
30 degrees	12'	9'	18'	48' (one-way)
45 degrees	14'	9'	18'	52' (one-way)
60 degrees	18'	9'	18'	58' (one-way)
90 degrees	22'	10'	19'	60' (two-way)

(2) Parking Lot Design

- (a) All curbing shall conform to City standards, unless approved otherwise by the Planning Commission.
 - (b) All parking areas shall be provided with circulation aisles of adequate dimension to assure efficient internal circulation.
 - (c) Parking lots with 300 or more spaces shall include perimeter drives and a central access drive leading to the main building.
 - (d) A shelter of not more than 50 square feet in size for use by a parking lot attendant may be maintained on a parking lot containing at least 25 spaces.
- (3) **Drainage:** Except for one- and two-family dwellings, off-street parking areas shall be drained with internal site drainage 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.

Storm water retention or detention facilities on site shall be provided to assure storm water runoff at a rate of flow in keeping with City standards and with capacity of existing public storm water drainage-ways.

- (4) All spaces shall be provided adequate access by means of maneuvering lanes. Backing directly onto a street shall be prohibited. All maneuvering lane widths shall permit one-way traffic movement, except that the 90° pattern may permit two-way movement.
- (5) Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for all vehicles.
- (6) Ingress and egress to a parking lot lying in an area zoned for other than single-family or two-family residential use shall not be across land zoned for single-family or two-family residential use.

14. Parking Spaces Required:

- a. **Computing the Number of Spaces:** For the purpose of determining off-street parking requirements, usable floor area shall be calculated.
- b. **Fractional Spaces:** When units or measurements determining number of required parking spaces result in requirement of a fractional space, any fraction up to and including one-half shall be disregarded, and fractions over one-half shall require one parking space.
- c. **Uses Not Mentioned:** For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accordance with the use which the Zoning Administrator considers to be similar in type.
- d. **Handicap-Accessible Spaces:** Off-street parking facilities shall provide spaces for the handicapped in accord with the provisions of Act 230 of the Public Acts of the State of Michigan 1972, as amended.

PARKING FOR HANDICAPPED (ALL DISTRICTS)	
Number of Parking Spaces in Lot	Required Minimum Number of Accessible Spaces¹
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8

401 to 500	9
501 to 1,000	2% of Total Spaces
1,001 and Over	20 Plus 1 for Each 100 Over 1,000 Spaces
¹ For every 8 accessible spaces, at least 1 must be a van accessible space.	

e. Number of Spaces Required:

- (1) The requirements of the following table shall not be applicable to those uses located in the B-2 District. In order to meet their parking needs, those land uses located in the B-2 District may utilize public parking which currently exists at the time they are determining their parking needs. However, such public parking is not guaranteed to meet those parking needs. In addition, the City of Rogers City is not obligated to provide additional public parking to meet those needs.

- (2) If a use is not listed in the following tables, the requirements for a similar use may be used to determine the parking requirements for the proposed use.

<i>Residential Parking Requirements</i>	
<i>Use</i>	<i>Requirements</i>
Bed and Breakfasts/Rooming houses	1 for each sleeping room and 2 for the owner/resident manager
Group day care homes	2 in addition to the 2 required for the residence
Housing for the elderly	1 for each unit and 1 for each employee on the largest shift
Manufactured Homes located in a Manufactured Housing Community	2 for each manufactured home site and 1 for each employee.
Multiple family	1.5 per each efficiency or one-bedroom dwelling unit, 2 per each unit with 2 or more bedrooms and 1 for each employee
One-family and two-family	2 for each dwelling unit
State-Licensed Residential Facilities (Adult Foster Care Homes 6 or less people)	4 for each establishment

<i>Institutional Parking Requirements</i>	
<i>Use</i>	<i>Requirements</i>
Assisted living facility, Nursing Homes, Convalescent Homes	1 for every 2 dwellings plus 1 for each employee on the largest shift
Churches, temples, or similar places of worship; theaters, auditoriums, and assembly buildings; stadiums, sports arenas, or similar places of outdoor assembly	1 space for each 4 seats or 8 linear feet of benches in the main unit, plus 1 for each employee. If no permanent seats are provided, then 1 space for each 35 square feet of gross floor area.
College housing	2 spaces per building and one per dorm bed
Colleges and universities; high schools	1 for each teacher, employee, or administrator, and 1 for each 5 students
Elementary, middle, and junior high schools	1 for each teacher, employee, or administrator, plus 1 space for each 4 seats in the auditorium or 1 for each 35 square feet where no fixed seating exists in the auditorium. If no such auditorium exists, then two spaces per classroom in addition to that for each teacher, employee or administrator.
Government offices; libraries; museums	1 for every 400 square feet of gross floor area
Hospitals	1 for every 2 beds plus 1 for every employee based upon the largest shift
Jails	1 space for each staff member plus 1 space for every 5 cells in addition to off street loading spaces for delivery and transport vehicles.
Nursery schools, day nurseries, or child day care centers (non-residential)	1 for each employee plus 1 space for each 5 children of licensed authorized capacity or 1 space for every 10 children if adequate drop-off facilities are provided.
Post offices	1 space per official vehicle plus 1 space per employee on the largest shift plus 1 space per 200 square feet
Private clubs or lodges	1 for every 3 persons allowed within the maximum occupancy load as established by city, county, or state fire, building, or health codes

<i>Business/Commercial Parking Requirements</i>	
<i>Use</i>	<i>Requirements</i>
Auto service station and repair	1 space per pump, plus 2 spaces per service bay, plus 1 for each employee, plus 1 for each 250 square feet of gross floor area devoted to retail sales.
Auto body shop	1 space for each 500 square feet of gross floor area plus 1 space for each employee.
Auto wash; auto reconditioning; auto cleaning	1 space per employee on the largest shift plus a minimum of 7 stacking spaces.
Automobile, mobile home, truck, recreational vehicle, boat and farm implement sales and rental	1 space per 500 square feet of showroom floor area plus 1 space per 2,000 square feet of outdoor sales area
Bank	1 per 200 square feet of gross floor area
Beauty parlor or barber shop	2 per chair.
Bowling alley	5 spaces per lane
Dance Halls, Exhibition Halls, Pool Halls without fixed seats	1 per every 3 persons allowed within the maximum occupancy load.
Dry cleaners	2 for every 1000 square feet of gross floor area
Furniture and appliance sales and service, hardware, household equipment, repair shops, shoe repair, showroom of a plumber, decorator, electrician or similar trade, and other similar uses	1 for each 850 feet of gross floor area
Greenhouse	1 space per 1,000 square feet gross floor area
Laundromats and coin operated dry cleaners	1 for each 3 washing or dry cleaning machines
Motel, hotel, or other commercial lodging establishments	1 for each guest bedroom plus 1 for each 1 employee, plus spaces for any dining rooms, cocktail lounges, ballrooms, or meeting rooms, based upon maximum occupancy code.
Medical and dental offices or similar offices	1 for each employee plus one for each examining room.
Mini-warehouses, self-storage establishments	1 per 10 storage units, equally distributed throughout the storage area
Funeral home; mortuary	1 per 3 persons based on maximum occupancy code plus one for each employee
Open air business	1 for each 600 square feet of lot area
Professional offices	1 for each employee plus 1 per 500 square feet gross floor area
Research, medical or optical laboratory	1 space per 350 square feet
Restaurants and establishments for on premises sale and consumption of food, refreshments, and/or beverages	1 for every 2 persons of seating capacity plus 1 space per employee on the largest shift
Restaurants with drive in, drive through, or take out	Use seating capacity standards as applicable for sit-down restaurants. A minimum of 5 stacking spaces shall be provided for each service window where a drive through operation is present.
Retail sales unless otherwise specified herein; shopping center	1 space per 300 square feet
Taverns; cocktail lounges; and night clubs	1 space per 100 square feet
Veterinary clinics; animal hospitals	3 for every employee plus one per examination room

<i>Industrial Use Parking Requirements</i>	
<i>Use</i>	<i>Requirements</i>
Industrial Establishments	1 space per employee on the 2 largest shifts, plus 1 space per 300 square feet of public office area
Mineral extraction, borrow pit, top soil removal and storage	1 space per employee on the largest shift
Sanitary landfill or refuse dump; sewage, trash, garbage disposal or recycling plant	1 space per employee on the largest shift
Truck terminal	1 space per 1,000 square feet
Warehouse and/or storage building	1 space per 2,000 square feet
Water treatment or wastewater facility	1 space per employee on the largest shift
Wholesale establishments	1 space per 600 square feet plus 1 space per employee on the largest shift

<i>Misc. Use Parking Requirements</i>	
<i>Use</i>	<i>Requirements</i>
Athletic clubs	1 per each 3 persons allowed within the maximum occupancy load plus 1 per each employee
Boat Launch Ramps; Marinas	1 per boat slip plus 20 for launch ramps
Cemetery	1 space per employee on the largest shift
Golf Courses	4 spaces per hole plus 1 for each employee
Mini Golf Courses	2 spaces per hole plus 1 for each employee
Private club or lodge	1 space per 3 persons up to maximum capacity
Tennis or racquetball facility	2 spaces per court plus 1 space per employee on the largest shift

15. **Parking Lot Landscaping:** Parking lot landscape requirements shall be applicable to all nonresidential parking areas in all districts, and a parking lot landscape plan shall be provided.

a. **Parking Lot Perimeter Landscaping:**

- (1) A ten (10) foot wide landscape strip shall be provided between the parking lot and adjacent right-of-way unless otherwise provided in this Ordinance.
- (2) When a new development is constructed either adjacent to or in between existing developments, the type and placement of street trees in the right-of-way along the new development shall be consistent with the type and placement of street trees along the existing development right-of-way.
- (3) All landscape strips shall be planted with shrubbery, trees and groundcover. There shall be 1 tree for every 40 feet of landscape strip.

b. **Landscaping of Interior Parking Areas.**

- (1) Parking areas totaling one hundred (100) or more spaces shall provide a minimum of ten (10) percent interior landscaping. Parking areas totaling less than one hundred (100) shall provide a minimum of 5% interior landscaping, which may be transferred to the perimeter of the lot(s) if interior landscaping is not possible. Plant material within parking lots shall provide for safe visibility and maintain clear site lines between 3 and 8 feet from the top of the curb.
- (2) Interior landscaping shall occur in any combination of planting islands, planting peninsulas and entrance ways.
- (3) In cases in which trees exist on the property where the parking lot is proposed, the existing trees shall be maintained where they do not impede construction on the site and shall count toward the interior landscape requirement.

c. **Landscaping Standards:** Landscaping shall adhere to the requirements in **32-42 (E)**.

E. 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 on a regular basis, there shall be provided and maintained on the lot adequate space for standing, off-street loading and unloading in order to avoid undue interference with public use of dedicated rights-of-way. Such space shall be provided as follows:

1. Required Off-Street Loading Berths:

<i>Off-Street Loading & Unloading</i>	
<i>Gross Floor Area</i>	<i>Loading & Unloading Space Required</i>
0 – 4,999 ft ²	None
5,000 - 20,000 ft ²	One (1) space
20,001 - 50,000 ft ²	Two (2) spaces
50,001 – 100,000 ft ²	Three (3) spaces
100,001 and up	One additional space for each additional 100,000 square feet

- 2. Each loading space shall be at least twelve (12) feet in width, forty-four (44) feet in length, and have a clearance of fourteen (14) feet above grade.
- 3. Such space may occupy all or any part of any required yard or court space, except the front yard.
- 4. Where an alley exists or is provided at the rear or side of buildings, loading spaces shall be computed from the center of the alley.

5. Loading areas shall be designed to provide internal drainage.
 6. The Planning Commission may permit the modification of loading space requirements where, in the particular instance, such modification will not be inconsistent with the purpose and intent of these requirements.
- F. SNOW STORAGE AREAS:** Snow storage areas shall be provided for all nonresidential uses as an unobstructed area of not less than ten percent (10%) of the surface area of all paved or surfaced areas such as but not limited to: parking areas, loading and service areas, driveways, etc. Such area may be lawn or landscaped areas, parking lot divider strips, tree planting areas in parking lots provided plantings are adequately protected. Snow storage areas shall not include public street rights-of-way.

32-44 Access Management

- A. **PURPOSE:** In order to protect public safety, maintain traffic flow, consider future transportation needs, provide adequate and safe access to property, promote efficiency and economy in public utility requirements, minimize land use conflict, protect natural resources, promote consistent development patterns and enhance visual characteristics of the entryways into Rogers City. The following site development standards shall apply to all property with frontage on US 23, M-68 (west), and F-21 (Co Rd 451).



- B. **APPLICATION OF STANDARDS:** The standards of this Section shall apply to all lands with frontage along US 23, BR US 23, M-68 West, and F-21 (Co Rd 451). The regulations herein apply in addition to, and simultaneously with, the other applicable regulations of the zoning ordinance and requirements set forth by MDOT and Presque Isle County Road Commission. A site plan evaluation of compliance with Access Management Standards shall be conducted during site plan review, and the plan shall comply or be brought into compliance prior to issuance of any permits or approvals, if any of the following circumstances exist:
1. Proposed erection of a new building or structure, or the reconstruction, demolition, rehabilitation or expansion of an existing site;
 2. Proposed land division, subdivision or site condominium project;
 3. Proposed construction of a parking lot;
 4. Any other circumstances where a building permit, other construction permit, or zoning permit is sought for use, site upgrade, or change of use for any land, buildings or structures; or

5. Any other change of use or business where there will be an increase in accepted average daily trip generation figures significant enough to move the site to a higher Trip Generation Intensity Category (Low to Medium, Medium to High, or Low to High), in accordance with the thresholds established in **Table 1**.

Table 1: Trip Generation and Intensity Categories		
Low (Less than 1,500 Daily Trips)	Medium (1,500 – 4,000 Daily Trips)	High (Greater than 4,000 Daily Trips)
150 Unit Apartments (1,050 Daily Trips)	Gas Station w/ Convenience (1,950 Daily Trips)	200,000 ft ² Shopping Center (10,650 Daily Trips)
150 Room Hotel (1,350 Daily Trips)	Fast Food w/ Drive-Thru (1,500 Daily Trips)	50,000 ft ² Strip Commercial Center (4,300 Daily Trips)
Pharmacy w/ Drive-Thru (1,320 Daily Trips)	50,000 ft ² Medical/Dental Office (1,835 Daily Trips)	

- C. **SITE PLAN REQUIREMENTS:** In addition to the submittal information required for site plan review in **Article 20**, the following shall be provided with any application for site plan or special use review as deemed necessary by the Zoning Administrator or the Planning Commission.
1. Existing access points within 500 feet along US 23, BR US 23, M-68 West, and F-21 frontage on either side and along both sides of any adjoining roads.
 2. Evidence indicating that the sight distance recommendations of the road agency are met.
 3. Dimensions between proposed and existing access.
 4. Where shared access is proposed or required, a shared access and maintenance agreement shall be submitted. (Once approved, this agreement shall be recorded with the Presque Isle County Register of Deeds.)
 5. Dimensions for driveways - width, radii, throat length, length of any deceleration lanes or tapers, pavement markings and signs.
 6. The site plan shall illustrate the route and dimensioned turning movements of any expected truck traffic, tankers, delivery vehicles, waste receptacle vehicles and similar vehicles. The plan should confirm that routing the vehicles will not disrupt operations at the access points nor impede maneuvering or parking within the site.
 7. Review coordination. The applicant shall submit the proposal to MDOT and/or the Presque Isle County Road Commission for review. The review of MDOT and/or Presque Isle County Road Commission shall be considered during the site plan review process. The City may request attendance at coordination meetings with representatives of the applicable road agency.

D. STANDARDS:

1. NUMBER:

- a. Each lot shall be permitted one access point. This access point may consist of an individual driveway, a shared access with an adjacent use, or access via a service drive or frontage road.
 - b. An additional driveway may be permitted by the Planning Commission upon finding that conditions 1 or 2, below, exist. The additional driveway may be required to be on a side street or a shared access with an adjacent site.
 - (1) The site has a frontage of over 660 feet and the spacing standards between access points listed below are met, and the additional access will not prevent adjacent lands from complying with the access spacing standards when such lands develop or redevelop in the future.
or
 - (2) A traffic impact study, prepared in accordance with accepted practices as described in this chapter, demonstrates the site will generate over 300 trips in a peak hour or 3000 trips daily, or 400 and 4000 respectively if the site has access to a traffic signal, and the traffic study demonstrates the additional driveway will provide improved conditions for the motoring public and will not cause negative traffic impacts.
2. The access drive and its right of way shall be designed and shown on a site plan to accommodate all possible future divisions of the parcel of record, as it exists on the effective date of this amendment; and
 3. The access drive and its right of way shall be designed and shown on a site plan to provide access to any adjoining parcel of land which would otherwise become, or is, landlocked.
 4. In addition to meeting the standards of this Ordinance, all new or altered driveways shall meet the minimum standards of the Michigan Department of Transportation (MDOT) *Administrative Rules Regulating Driveways, Banners, and Parades On and Over Highways*, and shall receive a driveway permit from MDOT or Presque Isle County, whichever is applicable, prior to construction.
 5. All driveway radii shall be constructed with concrete curbs to define access.
 6. Driveways more than three hundred (300) feet in length shall have a turn-around large enough to accommodate emergency vehicles.
 7. An adequate area of land for snow storage area must be reserved along the drive, and shall not interfere with or damage landscaping required by this Ordinance and clear vision areas must be maintained.

8. **SPACING BETWEEN ACCESSES:** Access points shall provide the following spacing from other access points along the same side of the public street (measured from centerline to centerline as shown on the figure) based on the posted speed limit along the public street segment unless greater spacing is required by the Road Agency or required to meet other standards herein. Where the subject site adjoins land that may be developed or redeveloped in the future, including adjacent lands or potential outlots, the access shall be located to ensure the adjacent site(s) can also meet the access location standards in the future.

Desirable Separation of Adjacent Access Points	
Highway Speed	Minimum Access Point Spacing (measured centerline to centerline)
25mph	130 feet
30 mph	185 feet
35 mph	245 feet
40 mph	300 feet
45 mph	350 feet
50 mph and above	455 feet

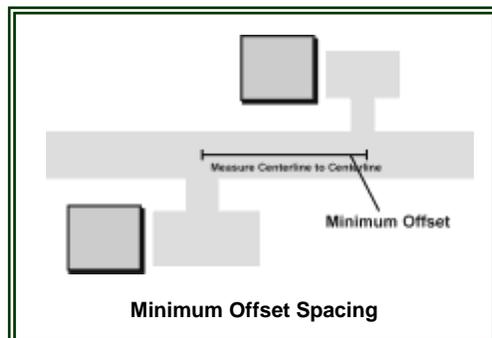
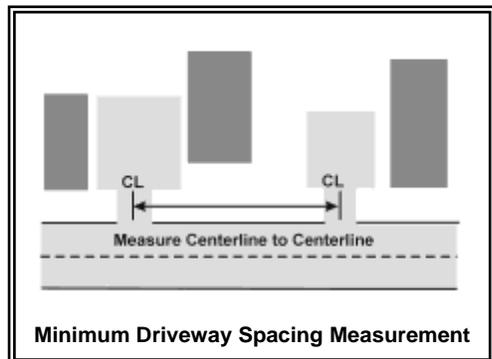
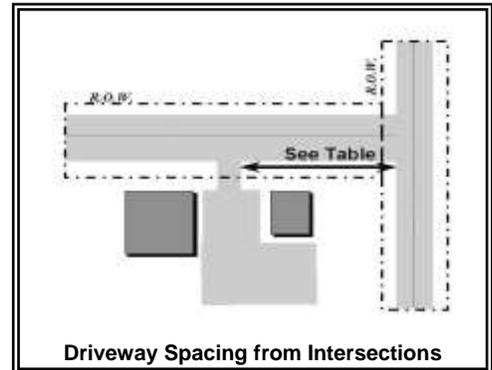
Source: Michigan Department of Transportation

9. **SPACING FROM INTERSECTIONS:** Minimum spacing of access points from intersections shall be 300 feet (measured from pavement edge to pavement edge as shown on the figure):

In the event that a parcel lacks sufficient frontage to maintain adequate spacing, choose the next lowest spacing; or the driveway may be shared with adjacent property owner(s); or provide access to the nearest side street; or parking lot cross-connections may be used.

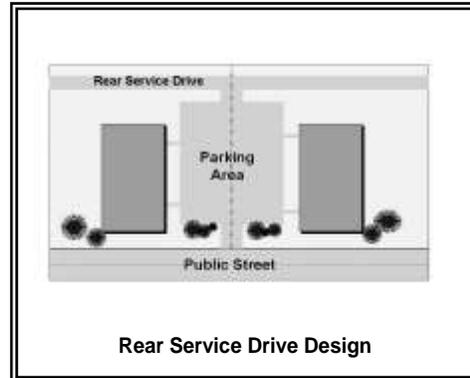
10. **ACCESSES ALIGNED WITH DRIVEWAYS:** Access points shall be aligned with driveways on the opposite side of the street or offset a minimum of 250 feet, centerline to centerline. The Planning Commission may reduce this to not less than 150 feet where each of the opposing access points generates less than 50 trips (inbound and outbound) during the peak hour of the public street or where sight distance limitations do not exist.

11. **SHARED ACCESS AND SERVICE DRIVES:** Where direct access consistent with the various standards above cannot be achieved, access should be via a shared driveway, frontage road or service drive. In particular, the Planning Commission may require development of frontage roads or rear service drives



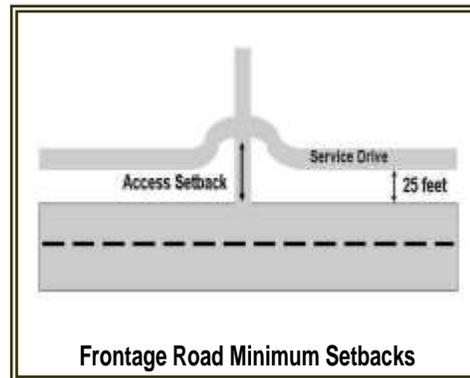
where such facilities can provide access to signalized locations, where service drives may minimize the number of driveways, and as a means to ensure that traffic is able to more efficiently and safely ingress and egress.

Frontage roads or service drives shall be constructed in accordance with the following standards:



Rear Service Drive Design

a. Service drives and frontage roads shall be set back as far as reasonably possible from the intersection of the access driveway with the public street. A minimum of twenty-five (25) feet shall be maintained between the public street right-of-way and the pavement of the frontage road, with a minimum 60 feet of throat depth provided at the access point.



Frontage Road Minimum Setbacks

b. The alignment of the service drive can be refined to meet the needs of the site and anticipated traffic conditions, provided the resulting terminus allows the drive to be extended through the adjacent site(s).

c. In cases where a shared access facility is recommended, but is not yet available, temporary direct access may be permitted, provided the plan is designed to accommodate the future service drive, and a written agreement is submitted that the temporary access will be removed by the applicant when the alternative access system becomes available. This may require posting of a financial performance guarantee.

d. All shared driveways or private frontage roads shall be maintained jointly by the benefiting property owners, who shall enter into and record an agreement for the joint maintenance to keep the access in a reasonably safe condition.

e. Parking lot cross-connections may be used as an alternative to frontage roads or shared driveways if such cross-connections are designed with equivalent standards and function, and do not interfere with safe internal parking lot circulation patterns. The connector drives must be recorded as easements and maintained by adjoining property owners and users who shall enter into a formal legal agreement for joint maintenance.

12. No driveway shall interfere with municipal facilities such as street light or traffic signal poles, signs, fire hydrants, cross walks, bus loading zones, utility poles, fire alarm supports, drainage structures, or other necessary street structures. The Zoning Administrator is authorized to order and effect the removal or reconstruction of any driveway which is constructed in conflict with street structures. The cost of reconstructing or relocating such driveways shall be at the expense of the property owner.

32-45 Signs

A. PURPOSE:

The purpose of this section is to regulate outdoor signs, designed to be visible to the public, in a manner which does not restrict the content while recognizing the mass communications needs of both businesses and other parties; protecting property values and neighborhood character; creating a more attractive business environment; promoting pedestrian and traffic safety by reducing sign distractions, obstructions, and other hazards; and promoting pleasing community aesthetics.

B. APPLICATION OF REGULATIONS:

No sign, except those indicated in subsection D.4 (below), shall be erected, altered, replaced, or relocated until approved by the Zoning Administrator and a Sign Permit issued. A property owner may maintain an existing conforming sign without a sign permit provided the type, size, shape and height do not change and the use remains the same. All signs within the City of Rogers City shall conform to the regulations herein, whether or not a permit is required.

C. APPLICATION REQUIREMENTS:

Applications for 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 the sign or other advertising structure is to be attached or erected.
3. Site plan showing the location of the sign and nearby structures.
4. Two (2) blueprints or drawings of the plans and specifications and methods of construction and attachment to the building or in the ground.
5. Name of person, firm, corporation or association erecting structure.
6. Written consent of the owner where the sign is to be erected on vacant land.
7. In all cases where wiring is to be used in connection with the sign, it shall comply with the National Electrical Code and the necessary permits shall be obtained.
8. Such other information as the Zoning Administrator shall require to show full compliance with this and all other Ordinances of the City.
9. Fee as described in the currently adopted fee schedule.

D. APPROVAL PROCEDURES:

1. **SIGN PERMIT:** It shall be the duty of the Zoning Administrator, upon the filing of an application for a sign permit, to examine the plans and specifications and other data and the premises upon which it is proposed to erect the sign or other advertising structure, and, if it shall appear that the proposed structure is in compliance with all requirements of the City, the permit shall be issued. In the case of illuminated signs, an electrical permit and a sign permit must be issued.

2. **SIGN PERMIT FEE:** It shall be unlawful in the City for any person to erect or alter any sign, except those signs specifically exempted herein, unless a permit shall first have been obtained from the Zoning Administrator for such erection or alteration, and a permit fee paid to the City according to the schedule as shall be established from time to time by resolution of the City Council.
3. **SIGN PERMIT REVOCABLE AT ANY TIME:** All rights and privileges accrued under the provisions of this Ordinance or any amendment thereto are mere licenses and may be revoked upon the violation of any of the conditions contained herein. If the work authorized under an erection permit has not been completed within twelve (12) months after date of issuance, the said permit shall become null and void.
4. **SIGNS EXCLUDED FROM PERMITS:** The following signs are permitted in all districts except where restrictions are indicated, in accordance with the provisions of this section and shall not require permits for erection.
 - a. Wall signs, which are used as nameplates, not exceeding two (2) square feet in area; occupational signs denoting only the name and profession of the occupants in a commercial, public or other institutional building and not exceeding two (2) square feet in area.
 - b. Memorial signs or tablets, names of buildings, and date of erection when cut into any masonry surface or when constructed of non-ferrous metal.
 - c. Signs erected by the City or pursuant to the authorization of City Council including signs identifying municipal buildings, parks, other municipal facilities, historical markers, and other official noncommercial information.
 - d. Traffic or other municipal or State regulatory signs, legal notices, danger and such temporary emergency or non-advertising signs as may be approved by the City.
 - e. Sign advertising the rental, sale or lease of the property upon which it is located.
 - f. Political campaign signs. Size is determined by the Zoning District.
 - g. Official signs of a noncommercial nature erected by public utilities.
 - h. Flags or insignia of any governmental or nonprofit organization when not displayed in connection with a commercial promotion or as an advertising service.
 - i. Signs directing and guiding traffic on private property that do not exceed four (4) square feet each and that bear no advertising matter.
 - j. One (1) sign not exceeding twenty (20) square feet in sign face indicating a special temporary event of a governmental, institutional, or nonprofit organization such as a carnival, circus, festival, or similar event, placed on the lot where the activity is to take place. Such signs may be erected not sooner than thirty (30) days before the

event and must be removed not later than three (3) days after the event except as otherwise authorized by City Council.

- k. Signs for yard sales or other similar temporary activity, so long as such signs meet the following restrictions:
 - (1) Not more than one (1) such sign may be located on any lot.
 - (2) No such sign may exceed four (4) square feet in surface area.
 - (3) Such sign shall be erected not more than three (3) days prior to the event and shall be removed immediately following the event.
- l. Such sign shall only be located on the lot in which the temporary activity is taking place.
- m. Wall or projecting signs which are used to communicate that a business is open, not to exceed three (3) square feet in area.
- n. Integral decorative or architectural features of buildings or works of art, so long as such features or works do not contain letters, trademarks, moving parts or lights.
- o. Non-advertising signs demarking an historically significant place, building, or area when sanctioned by national, state, or local historic-oriented agencies, in accordance with national or state design standards.
- p. Non-advertising signs exclusively devoted to controlling property access (no trespassing, private property, keep out, no hunting, etc.) provided the sign does not exceed a total area of two (2) square feet.
- q. Projecting identification signs when located below a canopy, awning, or marquee which do not exceed two (2) feet in area or extend below a minimum height of eight (8) feet from ground level.
- r. Permanent signs on accessory structures such as gas pumps or storage sheds indicating only the name, contents, price, and services of such devices. The total sign area per each device may not exceed twenty (20) percent of the mounting wall of the structure or device.
- s. Banners across public rights-of-way subject to any terms or conditions City Council or its designee deems appropriate.
- t. Temporary signs.
- u. Bulletin boards not over thirty-two (32) square feet in area for public, charitable or religious institutions when they are located on the premises of such institutions; provided, however, if such signs are electrically illuminated, an electrical permit must be obtained.

- v. Signs erected by the City of Rogers City, State of Michigan, or CDA as part of a community wayfinding program.

E. GENERAL SIGN STANDARDS

1. **SIGNS IN RIGHT-OF-WAY:** Any sign except those established and maintained by City, County, State or Federal governments shall not be erected in, nor project into, or overhang a right-of-way except as otherwise allowed in this Ordinance. The owner of any sign which has been removed by the City from the right-of-way because it is in violation of this provision shall pay to the City the sum of Five Dollars (\$5.00) before recovering said sign. If any sign is not claimed within thirty (30) days, it shall be destroyed.
2. **SIGNS NOT TO CONSTITUTE A TRAFFIC HAZARD:** No sign shall be erected at the intersection of any streets in such a manner as to obstruct free and clear vision or at any location where, by reason of the position, shape or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device, or which makes use of the words "Stop," "Look," "Danger" or any word, phrase, symbol or character in such manner as to interfere with, mislead or confuse traffic.
3. **SIGNS AFFIXED TO NONTRADITIONAL SURFACES:** No sign shall be affixed to trees, rocks, shrubs, utility poles, or other similar objects except signs of any political subdivision of this State. No sign shall be affixed to a fence without first being approved by the Zoning Administrator as meeting a special purpose. No sign shall be affixed to a stationary motor vehicle or other similar object not usually used for signage and put on non-mobile display for the purpose of advertising.
4. **ILLUMINATION/GLARE:** Internally and externally lighted reflective, glowing and other forms of illumination shall be permitted on all signs except where specifically prohibited. All illumination shall be concentrated on the area of the sign or landscape feature or directed or shielded so as to not interfere with the vision of persons on the adjacent streets or adjacent property. Illumination shall not constitute a traffic hazard. No sign shall be illuminated by other than electrical means or devices, and wiring shall be installed in accordance with the National Electrical Code.
5. **FLASHING/MOVING SIGNS:** Illuminated signs shall not be of the flashing, moving or intermittent type unless elsewhere allowed in this Ordinance or approved by the Zoning Administrator, who shall find that the lighting is non-glaring and does not interfere with traffic control devices.
6. **OBSTRUCTIONS TO DOORS, WINDOWS AND FIRE ESCAPES:** No sign shall be erected or maintained so as to prevent free ingress or egress from any door, window or fire escape. No sign of any kind shall be attached to a stand pipe or fire escape.
7. **FREE-SPEECH/OBSCENE MATERIAL:** Signs which express non-commercial speech may be erected in any district. Such signs shall not exceed four (4) square feet in size. No sign shall contain statements, words, or pictures of an obscene, indecent or immoral character, such as will offend public morals or decency.

8. **SIGN CONSTRUCTION:** No nails, tacks or wires shall be permitted to protrude from the front of any sign. This shall not exclude, however, the use of block letters, electrical reflectors, or other devices which may extend over the top and in front of the advertising structure. Signs shall be comparable to a professionally designed and constructed sign.
9. **SIZE LIMITATIONS:** Size limitations apply to the sign face only, not the support structure.
10. **DIRECTIONAL SIGNS:** Directional signs required for the purpose of orientation, when established by City, County, State or Federal governments shall be permitted in all zoning districts in the public right-of-way.
11. **NONCONFORMING SIGNS:**
 - a. Nonconforming signs that were otherwise lawful on the effective date of this Zoning Ordinance may be continued.
 - b. No person shall increase the extent of nonconformity of a nonconforming sign. Without limiting the generality of the foregoing, no nonconforming sign may be enlarged or altered in such a manner as to aggravate the nonconforming condition. Nor may illumination be added to any nonconforming sign.
 - c. A nonconforming sign may not be moved or replaced except to bring the sign into complete conformity with this section.
 - d. If a nonconforming sign is destroyed by natural causes, it may not thereafter be repaired, reconstructed, or replaced except in conformity with all provisions of this Zoning Ordinance. The remnants of the former sign structure not usable for a new conforming sign shall be removed within one hundred eighty (180) days. For purposes of this section, a nonconforming sign is considered destroyed if it is damaged to an extent that the cost of repairing the sign to its former stature or replacing it with an equivalent sign equals or exceeds the value of the sign so damaged.
 - e. Subject to the other provisions of this section, nonconforming signs may be repaired, maintained, serviced or repainted if the framework and/or the size and/or shape of the sign remain unchanged. If such framework is altered or removed or the size and/or shape of the sign are altered, said sign must be changed to a conforming sign.
 - f. If a nonconforming sign, other than an off-premise sign, advertises a business, service, commodity, accommodation, attraction, or other enterprise or activity that is no longer operating or being offered or conducted, that sign shall be deemed abandoned and shall be removed by the owner of the sign, the owner of the property where the sign is located, or the party having control over such sign within thirty (30) days after such abandonment.
 - g. If a nonconforming off-premise sign remains blank for a continuous period of 180 days, that off-premise sign shall be deemed abandoned and shall, within 30 days after such abandonment, be altered to comply with this Zoning Ordinance or be removed by the

owner of the sign, the owner of the property where the sign is located, or the persons having control over such sign. For purposes of this section, a sign is “blank” if:

- (1) It advertises a business, service, commodity, accommodation, attraction, or other enterprise or activity that is no longer operating or being offered or conducted;
- (2) The advertising message it displays becomes illegible in whole or substantial part; or
- (3) The advertising copy that either has been paid for by a party other than the sign owner or promotes an interest other than rental of the sign has been removed.

h. **Subsections f and g** above shall not apply to signs advertising seasonal businesses.

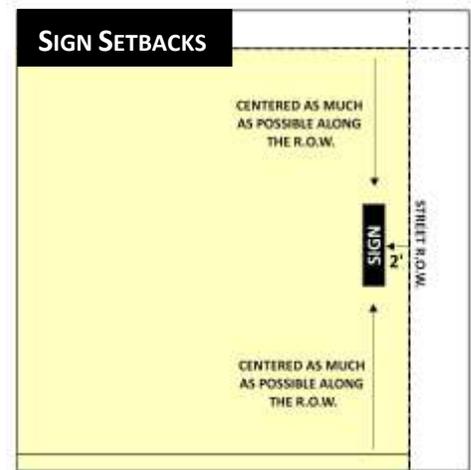
12. UNSAFE, DAMAGED, AND ILLEGAL SIGNS:

In the event that any sign becomes insecure, in danger of falling, unsafe, damaged, or if any sign shall be unlawfully installed, erected or maintained in violation of any of the provisions of this Ordinance, the owner or lessee shall within ten (10) days of receipt of a written notice from the Zoning Administrator make such sign conform to the provisions of this Ordinance or shall cause it to be removed. The Zoning Administrator may grant a time extension if, after inspection, the Zoning Administrator determines that no immediate danger exists. In the event said owner or lessee does not remove said sign pursuant to said notice, or cannot establish a good faith effort to comply, the Zoning Administrator is authorized to cause removal of such sign and any expense incident thereto shall be paid by the owner or lessee of the sign or, if such person cannot be found, by the owner of the building or structure or property to which such sign or structure is affixed. If such expense is not paid, the City shall have a lien on the property and such cost shall be added to the tax bill for the property. The Zoning Administrator shall refuse to issue a permit to any permittee or owner who refuses to pay costs so assessed. The Zoning Administrator may cause any sign or other advertising structure which is an immediate peril to persons or property to be removed summarily and without notice.

13. PROHIBITED SIGNS: The following signs are prohibited within the City:

- a. No sign or banner shall be placed across any public right-of-way except by permission of the City.
- b. It shall be unlawful for any person to display upon any sign or other advertising structure any obscene, indecent or immoral matter.
- c. Signs which incorporate in any manner any flashing or moving lights with the exception of approved electronic message boards.
- d. String lights used in connection with business premises for commercial purposes, other than Christmas decorations or unless special permission is obtained from the City Council for special events.
- e. Rotating signs, except as otherwise regulated in this ordinance.
- f. Any sign unlawfully installed, erected or maintained.
- g. Signs on park-type benches.
- h. Any sign on the roof of any building.

- i. Advertising devices such as pennants, pinwheels, streamers, search lights, or other devices with similar characteristics.
 - j. Signs which no longer advertise a commercial or industrial use occurring on the premises after one (1) year has elapsed.
14. **SIGN MAINTENANCE:** The Zoning Administrator may order the removal of any sign that is not maintained in accordance with the provisions of this Ordinance.
- a. **Maintenance** All signs for which a permit is required, together with all their supports, braces, guys and anchors, shall be maintained in good working order, and when not galvanized or constructed of approved corrosion-resistant, noncombustible materials, shall be painted when necessary to prevent corrosion. The exteriors of all signs, supporting members, painted surfaces, advertising materials and lettering shall be kept painted and in good repair, so as to present a neat and orderly appearance. All bulbs or component parts of the sign, including the electrical switches, boxes and wiring used in the illumination of the sign must be well maintained and in good repair.
 - b. It shall be the duty and responsibility of the owner or lessee of every sign to maintain the immediate premises occupied by the sign in a clean, sanitary and healthful condition.
15. **SIGN SETBACKS:** Freestanding signs shall be set back at least two (2) feet from the property line and shall be centered as much as possible along the street frontage.



F. RESIDENTIAL DISTRICT REQUIREMENTS **R-1** **R-2** **RT** **RM** **RMH**

The use of outdoor advertising signs shall be limited in the **R-1, R-2, RT, RM, and RMH** Districts as follows:

TABLE 32-45(A): Residential District Sign Requirements			
	Single & Two-Family Uses	Multiple Family, Subdivisions, Manufactured Housing Dev.	Home Business/ Cottage Industry
Free-Standing Signs	Number Allowed: 1 Size: 4 ft ² Height: 4 ft <i>None allowed if a freestanding home based business/cottage industry sign exists.</i>	(Sign showing name of development)† Number Allowed: 1 double-sided or 2 single-sided per entrance Size: 24 ft ² Height = 8 ft	Number Allowed: 1 Size: 4 ft ² Height: 4 ft
Wall Signs	(Nameplate) Number Allowed: 1 Size: 2 ft ²		1 at 4 ft ²
Real Estate Signs	Number Allowed: 2 Size: 6 ft ²	(Sign advertising the lots or buildings in a development)† Number Allowed: 1 for each 50 lots advertised. Size: 40 ft ²	
Yard/ Garage Sale Signs	Number Allowed: 1 Size: 4 ft ²	Number Allowed: 1 Size: 4 ft ²	
Banners & Pennants	“Open House” not to exceed 30 days	“Open House” not to exceed 30 days	
Construction Signs†	Number Allowed: 1 Size: 20ft ² Time period: 4 months	Number Allowed: 1 Size: 20ft ² Time period: 4 months	
† Such signs shall be erected on the buildings which they advertise or upon the lot on which such buildings are constructed.			



G. OFFICE, COMMERCIAL & INDUSTRIAL DISTRICT REQUIREMENTS

- The use of outdoor advertising signs shall be limited in the OS-1, WD, RC, B-1, B-2, B-3, A, I-1, and I-2 Districts as follows:

TABLE 32-45 (B): Office, Business & Industrial Districts Sign Requirements (including non-residential uses in Residential Districts)

	OS-1, B-1, WD, RC	B-3, A, I-1, I-2, B-2
Free-Standing Signs	Number Allowed: 1 per street frontage Size: 40 ft ² Maximum Height = 6 ft	Number Allowed: 1 per street frontage Size: B-3, A, I-1, I-2 100 ft ² , B-2 40 ft ² Maximum Height = 12 ft ²³
Wall Signs	See G.2 (below)	
Time & Temperature Signs	Number Allowed : 1 Size: No more than 50% of the size of the primary sign. Must be integral part of principle sign – size does not count toward allowable square footage of principle.	
Projecting Signs	Number Allowed: 1	Size: 10 ft ² per side Minimum Height = 8 ft
Marquee, Awning or Canopy Signs	See G.4 (below)	
Message Boards (Static & Digital)	Number Allowed: 1 Size: Shall be no greater than 50% of the area of the primary sign existing or as allowed by district, whichever is less. Shall be used in conjunction with a primary sign.	
Temporary Signs		
Sale & Rental of Individual Units	Number Allowed: 1 for non-corner lots, 2 for corner lots (one facing each street) Size: 6 ft ² Time Limit: All signs shall be removed within 2 weeks after a lease of sale contract has been signed.	
Construction Sign	Number Allowed: 1 Size: 64 ft ² Such signs shall be erected on building or lot where such construction is being carried on and shall advertise only the architect, contractor, subcontractor, materials, or equipment used.	
New Business Sign	Number Allowed: 1 Size: 50 ft ² Time Limit: Not to exceed 3 months	
Temporary Event/Product	Number Allowed: 2 Size: 30 ft ² (in sum)	
Portable Sign	Number Allowed: 1 Size: 30 ft ² Time Limit: Not to exceed 14 days in one year In no instance shall such sign be located so as to obstruct automobile or pedestrian travel lanes. Such signs shall neither be illuminated nor connected to an energy source. Such signs shall not constitute a safety hazard to the public.	
A-Frame Signs (see G5. below)	Number Allowed: 1 per street frontage Size: 2' wide X 4' high	

2. WALL SIGNS:

a. For walls or buildings with architectural detailing (windows, doors, cornices, moldings, columns, etc.), the signable area shall be the two-dimensional area that describes the square, rectangle, or parallelogram on the façade of a building free of architectural details where a wall sign would be placed.

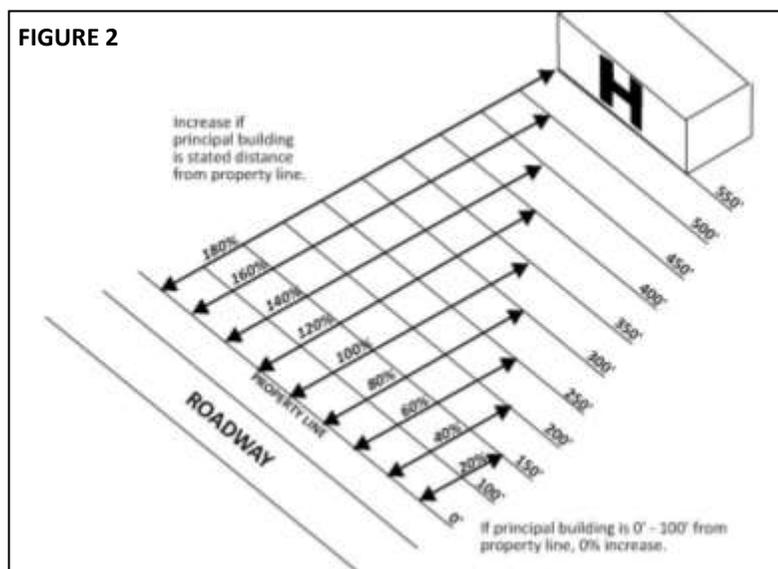
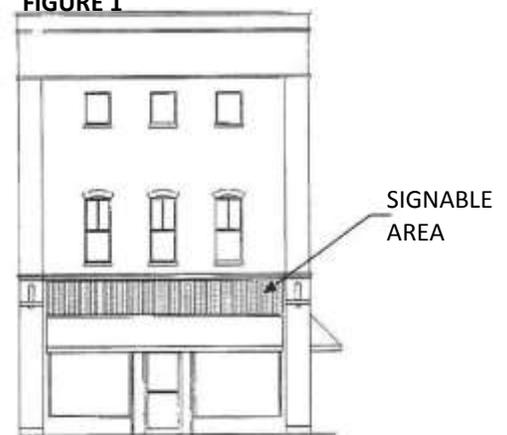
(1) **OS-1, WD, RC, B-1, and B-2 Districts:** Wall signs shall not exceed fifty (50) percent of the signable area to a maximum of fifty (50) square feet of signage per façade.

(2) **B-3, A, I-1, and I-2 Districts:** Wall signs shall not exceed fifty (50) percent of the signable area to a maximum of seventy-five (75) square feet of signage per façade unless regulated by subsection (c) (below).

b. The signable area for a building façade, with or without architectural detailing, shall not exceed twenty-five (25) percent of the total square footage of the façade.

c. **Wall Sign Increase (Figure 2):** The size of a wall sign may be increased twenty (20) percent for principal structures located between one hundred (100) feet and one hundred fifty (150) feet from the property line, and twenty (20) percent for every fifty (50) feet beyond one hundred fifty (150) feet thereafter, to a maximum of one hundred eighty (180) percent of the original sign size. However, under no circumstances may the area of a wall sign(s) exceed ninety (90) percent of the signable area for a building façade.

FIGURE 1



- d. **Materials Required:** All wall signs shall have a surface or facing of noncombustible material.
- e. **Limitation on Placement:** No wall sign shall cover wholly or partially any wall opening nor project beyond the ends or top of the wall to which it is attached.
- f. **Projection and Height:** No wall sign shall have a greater thickness than twelve (12) inches measured from the wall to which it is attached to the outer surface. Wall signs may project over the public right-of-way not to exceed twelve (12) inches and shall not extend below a minimum height of eight (8) feet above the ground level.
- g. **Supports and Attachments:** All wall signs shall be safely and securely attached to structural members of the building by means of metal anchors, bolts, or expansion screws. In no case shall any wall sign be secured with wire, strips of wood, or nails.

3. PROJECTING SIGNS

The Planning Commission may authorize a sign to project into the public right-of-way subject to the following conditions:

- a. One (1) projecting sign limited to not more than ten (10) square feet of sign area for each side of such sign.
- b. No projecting sign shall exceed a height greater than the front wall height of the building to which it is attached or extend below a minimum height of eight (8) feet above the public sidewalk and a minimum of fifteen (15) feet above a driveway, alley or thoroughfare.
- c. The distance measured between the principal faces of any projecting sign shall not exceed twelve (12) inches.
- d. In the case of a zero lot line establishment, no projecting sign may project beyond the property line by more than five (5) feet.
- e. Any movable part of a projecting sign, such as the cover of a service opening, shall be securely fastened by chains or hinges.
- f. All projecting signs shall be safely and securely attached to structural members of the building by means of metal anchors, bolts, supports, rods, or braces.

4. MARQUEE, AWNING, OR CANOPY SIGNS

- a. The signable area of a marquee, awning or canopy sign shall be limited to seventy-five (75) percent of the area of the front or top plane and fifty (50) percent of the side plane of the marquee, awning or canopy.
- b. Signage shall be attached directly to the marquee, awning or canopy.

- c. Letters shall not project above, below, or beyond the physical dimensions of the awning or canopy.
- d. A marquee may extend above the building to which it is attached.
- e. No marquee, awning, or canopy sign shall extend below a minimum height of eight (8) feet.
- f. Every marquee sign shall be constructed entirely of noncombustible materials.
- g. Every marquee sign shall be thoroughly secured to the building by iron or metal anchors, bolts, supports, rods, braces, or other means as approved by the Zoning Administrator.
- h. Awnings and marquees may project into the public right-of-way subject to the following conditions:
 - (1) The awning or marquee is located on a building wall that is set back no more than two (2) feet from the property line.
 - (2) The set back requirement for the yard in which the architectural feature is located is zero (0) feet.
 - (3) The architectural feature shall not extend into the public right-of-way by more than forty (40) percent of the distance from the front property line to the edge of the street curb, unless otherwise permitted by ordinance.
 - (4) The architectural feature will not interfere with any existing or planned public improvement.

5. A-Frame Signs

- a. No more than one sign per business per street frontage.
- b. Must be constructed of durable materials
- c. Sign shall be removed when business is closed.
- d. Maximum size 2' wide by 4' in total height for each panel with a maximum of 2 panels per sign. Maximum spread between the two panels at the base shall be 2'6". A-frame signs located entirely on private property may be a maximum of 3' in width.
- e. Must be located on or adjacent to the lot in which the business it is advertising is located. Exception: If a building has no front yard the sign may be located on the sidewalk upon approval of the Zoning Administrator so long as the sign is not an obstacle to either pedestrians or vehicles.
- f. Sign shall not be illuminated.

- g. Shall count toward the maximum number of temporary signs permitted at any one time on a property.
 - h. Sign may be located in a right-of-way as a directional off-premise sign upon approval by the Zoning Administrator.
6. **Multiple Development/Business Center Signs:** A development containing multiple buildings, separate parties, tenants, or uses shall be considered as a single development and shall adhere to the freestanding sign regulations stated in subsection 1 (above), regardless of the number of buildings, separate parties, tenants, or uses contained therein. Business Center Signs shall not exceed the maximum square footage for an allowable freestanding sign in each district. Each tenant shall be allowed an individual sign of ten (10) square feet/side to be incorporated in the business center sign. The total allowable height of the sign cluster shall be twenty (20) feet.
7. **Construction of Signs:**
- (1) All pylon signs shall be securely built, constructed and erected upon posts and standards sunk at least forty-two (42) inches below the material surface of the ground embedded in concrete. Wood or wood products shall be of wolmanized or equal treatment. A lightning grounding device shall be provided.
 - (2) The base upon which a monument sign is erected shall not count toward the allowable sign area but shall count toward the allowable sign height.
 - (3) **Sign Face Elements:** All letters, figures, characters or representations in cutout or irregular form, maintained in conjunction with, attached to, or superimposed upon any sign shall be safely and securely built or attached to the sign structure.
 - (4) **Distance between Faces:** The distance measured between the principal faces of any freestanding sign shall not exceed eighteen (18) inches.
 - (5) **Multi-Sided Signs:** In the case of a sign with more than two (2) sides, the applicable square footage for a two- (2) sided sign shall apply.
 - (6) Non-rigid material which is used to cover an existing permanent sign shall be placed on the sign on a temporary basis not to exceed six (6) months. Such material shall not be considered a temporary sign and shall not be affixed permanently to the sign.

H. PARKING LOTS: The use of outdoor advertising signs in parking lots shall be limited to the following in all districts:

TABLE 32-45(C): SIGNS FOR PARKING LOTS	
ENTRANCE & EXIT SIGNS (may contain the business name)	<p>Number Allowed: 1 entrance 1 exit</p> <p>Size: 4 ft² each</p> <p>Maximum Height = 4 ft</p>
CONDITION OF USE SIGN (may contain the business name)	<p>Number Allowed: 1 (EITHER FREESTANDING OR WALL SIGN)</p> <p>Size: 9 ft² each</p> <p>Maximum Height = 6 ft (IF FREESTANDING)</p>

I. MESSAGE BOARDS

1. **STATIC MESSAGE BOARDS:** One (1) static message board shall be allowed in addition to the primary freestanding or wall sign in the OS-1, B-1, B-2, B-3, A, RC, I-1 and I-2 Districts and for nonresidential uses in residential districts.
 - a. The static message board shall be no greater than fifty (50) percent of the area of the primary freestanding or wall sign either existing on the property or as allowed by zoning district, whichever is less.
 - b. Static message boards shall only contain advertising for on-premise establishments or public service announcements.
 - c. Static message boards shall be an integral part of the primary sign.

2. **ELECTRONIC MESSAGE BOARDS:** One (1) electronic message board shall be allowed in addition to the primary freestanding or wall sign in the OS-1, B-1, B-2, B-3, A, RC, I-1 and I-2 Districts and for for nonresidential uses in residential districts.
 - a. The electronic message board shall be no greater than fifty (50) percent of the area of the primary freestanding or wall sign either existing on the property or as allowed by zoning district, whichever is less.
 - b. Electronic message boards shall be an integral part of the primary sign.
 - c. An electronic message board shall be allowed to have changing messages, scrolling message, and animation, but shall not be allowed to contain flashing elements.

- d. The electronic elements shall be of an intensity that the brightness and motion shall not adversely affect surrounding or facing premises, nor adversely affect safe vision of pedestrians or operators of vehicles on public or private streets, driveways or parking areas.
- e. An electronic message board shall contain a default mechanism that freezes the sign in one position if a malfunction occurs.
- f. An electronic message board shall contain a mechanism to automatically adjust the intensity of its display according to natural ambient light conditions.
- g. Electronic message boards shall only contain advertising for on-premise establishments or public service announcements unless otherwise allowed in this Ordinance.
- h. **Number Allowed:** Only one (1) static or one (1) electronic message board shall be permitted per property.
- i. Instruments which use technology to display or project digital messages onto windows or walls of buildings shall be considered an electronic message board and shall be subject to all provisions of this Ordinance.

J. OFF-PREMISE ADVERTISING SIGNS

The regulation of off-premise signs is intended to enhance and protect community character and image by minimizing visual blight and pollution, and to minimize traffic safety hazards due to diversion of the driver's attention and blockage of sight distances. Off-premise sign regulations address the location, size, height and related characteristics of such signs. Off-premise advertising signs require a Special Use Permit.

1. **Area and Height Limitations:** No off-premise sign may be erected or maintained of a greater surface area than three hundred (300) square feet for each side of such sign. The top of the sign shall be no more than fifteen (15) feet above the ground and the bottom of the sign shall be at least three (3) above the ground. Double faced off-premise sign structures (i.e., structures having back-to-back faces) and V-type structures having only one face visible to traffic proceeding from any given direction on a street or highway shall be considered as one off-premise sign.
2. **Location:** Static and digital off-premise signs may be erected only in the I-1 District. No off-premise sign may be erected or maintained within fifty (50) feet of street lines at any street intersection and shall have a minimum setback from the front property line of twenty-five (25) feet. No off-premise sign shall be installed or placed on top of, cantilevered or otherwise suspended above the roof of any building.
3. **Spacing:** Off-premise signs shall be located no closer to one another than two thousand (2000) feet.
4. **Construction:** All off-premise signs shall have a surface or facing of non-combustible material and shall be securely constructed and erected upon posts and standards sunk at least four (4) feet below the natural surface of the ground. All posts, anchors, and bracings

of wood shall be treated to protect them from moisture by creosoting or other approved methods where they rest upon or enter the ground.

5. **Illumination:** An off-premise sign may be illuminated, provided such illumination is concentrated on the surface of the sign and is so located as to avoid glare or reflection onto any portion of an adjacent street or highway, into the path of on-coming vehicles, or on any adjacent premises. In no event shall any off-premise sign have flashing or intermittent lights, nor shall the lights be permitted to rotate or oscillate.
 6. **Maintenance:** The site upon which the off-premise sign is placed shall be maintained by the owner thereof in clean, sanitary and inoffensive condition and free and clear of all noxious substances, rubbish, and weeds.
 7. **Digital Off-Premise Signs:**
 - a. **Rate of Change:** The rate of change between static messages or images shall not exceed more than one (1) change per six (6) seconds. Each change shall be complete in one (1) second or less.
 - b. **Luminance:** The maximum daylight sign luminance level shall not exceed 62,000 candelas per meter squared at 40,000 lux illumination beginning 1/2 hour after sunrise and continuing until 1/2 hour before sunset and does not exceed 375 candelas per meter squared at 4 lux illumination at all other times.
 - c. Digital off-premise signs shall be configured to default to a static display in the event of mechanical failure.
 8. An off-premise sign must be constructed in such a fashion that it will withstand all wind and vibration forces which can normally be expected to occur in the vicinity. An off-premise sign must be maintained so as to assure proper alignment of structure, continued structural soundness, and continued readability of the message(s).
 9. An off-premise sign established within an industrial area, as defined in the Highway Advertising Act of 1972 (1972 PA 106, as amended) bordering interstate highways, freeways or primary highways as defined in said Act shall, in addition to complying with the above conditions, also comply with all applicable provisions of said Act and the regulations promulgated thereunder.
- K. COMBINATION OFF-PREMISE & ON-PREMISE ELECTRONIC MESSAGE BOARDS:** Digital signs which are used to advertise both on-premise and off-premise establishments shall comply with the following regulations:
1. A permanent, static on-premise primary sign must be in existence.
 2. The Combination Off-Premise/On-Premise Sign shall adhere to the regulations contained in subsection I.2 above.

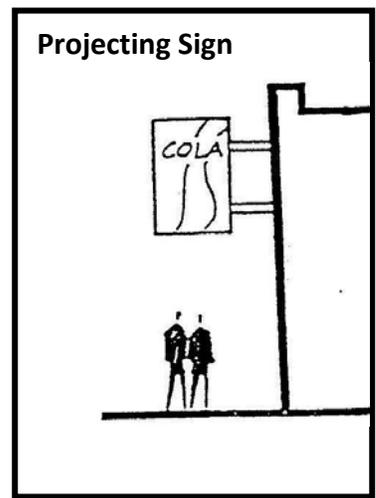
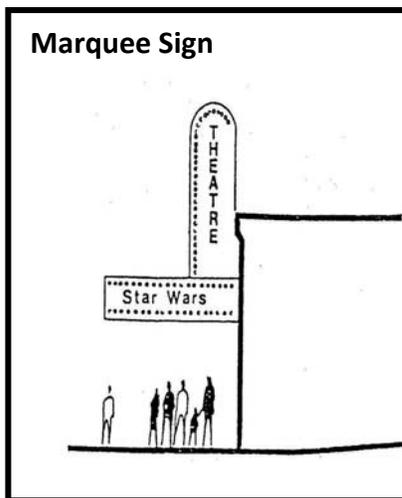
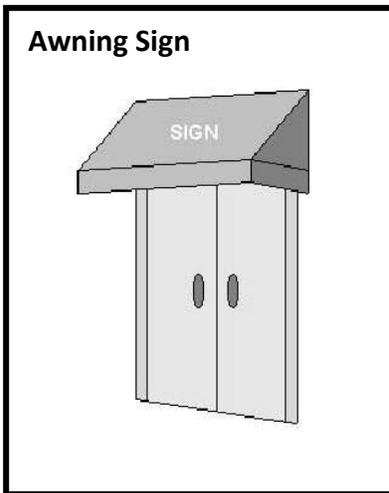
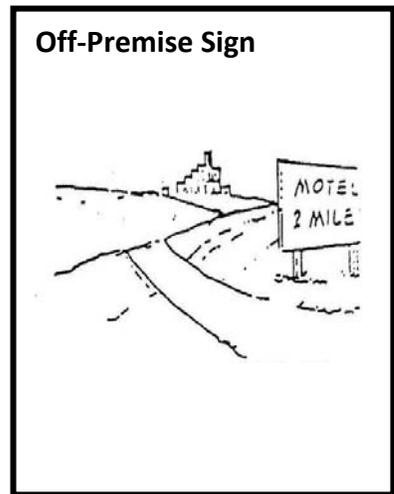
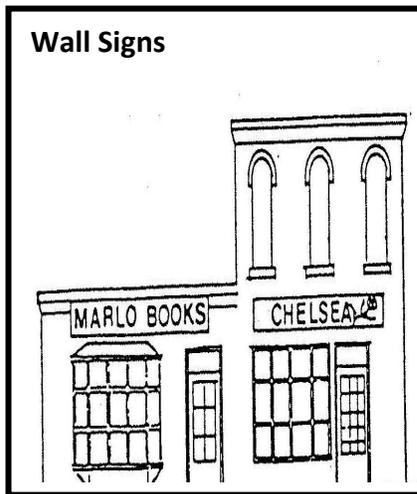
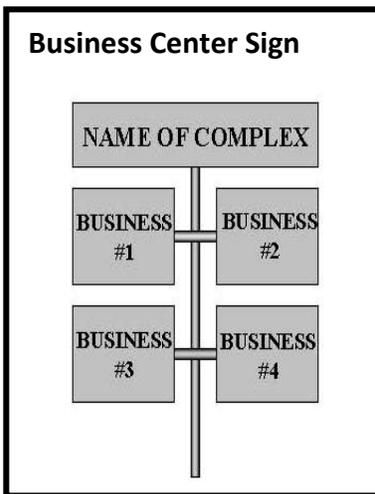
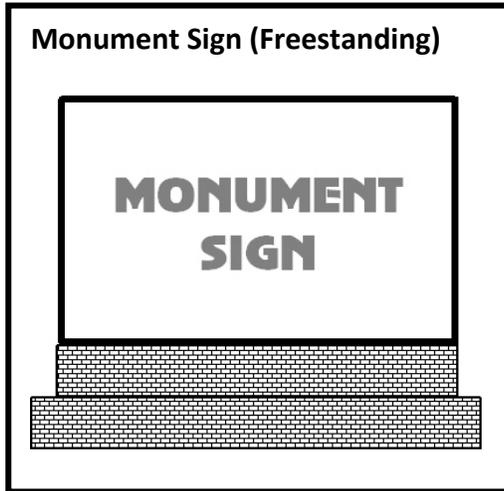
3. Over fifty (50) percent of the digital messages contained on such sign shall advertise the on-premise establishment. The balance of the messages may advertise off-premise establishments and/or public service announcements.
4. Each message shall remain readable for at least six (6) seconds.
5. Combination Off-Premise & On-Premise Digital Signs shall be spaced at least one thousand (1,000) feet apart in all Districts.
6. Combination Off-Premise & On-Premise Digital Signs shall be allowed in the OS-1, B-2, B-3, WD, A, I-1 and I-2 Districts.

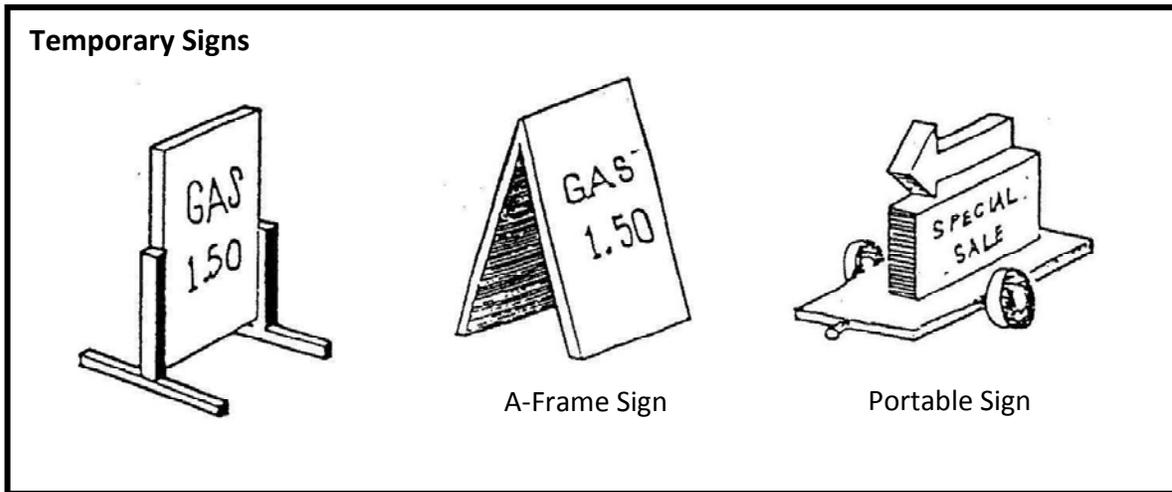
L. OFF-PREMISE DIRECTIONAL SIGNS

1. **Private Off-Premise Directional Signs on Private Property:** Private off-premise directional signs which provide directions to a commercial or industrial establishment which is not located on a primary street within the city shall be allowed on private property provided there exists a written agreement between the property owner and the business/industry. Said agreement shall be filed with the City of Rogers City.
 - a. Off-premise directional signs shall be no greater than six (6) square feet.
 - b. Off-premise directional signs must be located at intersections.
 - c. Sign lettering may display the off-premise business name, address, and an arrow indicating direction.
 - d. Off-premise directional signs shall only be located on US-23, BR US-23, M-68 West, and F-21 (Co Rd 451). See Map.
 - e. One (1) off-premise direction sign is permitted per commercial or industrial zoning lot.
2. **PRIVATE OFF-PREMISE PRIVATE SIGNS IN THE PUBLIC RIGHT-OF-WAY:** Private A-frame signs may be allowed in the public right-of-way. The following regulations shall apply:
 - a. Signs shall be approved by the City Council.
 - b. Signs shall be removed each night.
 - c. Signs shall only be located at intersections on the following streets: US-23, BR US-23, M-68 West, and F-21 (Co Rd 451). See Map.
 - d. Maximum size 2' wide by 4' in total height for each panel with a maximum of 2 panels per sign. Maximum spread between the two panels at the base shall be 2'6".
 - e. The owner of the property abutting the right-of-way on which the sign is placed shall be notified, prior to City Council approval, that the sign is being requested.



M. SIGN TYPE DIAGRAMS





32-46 Groundwater Protection (Hazardous Substances)

All businesses or facilities which use or generate hazardous substances, (except (1) fuel stored in a fuel tank which is part of a motor vehicle for purposes of use by that vehicle’s motor and (2) materials in a five gallon, or smaller, pre-packaged sealed containers and is for purposes of resale and located inside a retail establishment):

- A. in quantities greater than one hundred (100) kilograms (approximately two hundred twenty (220) pounds) or ninety-five (95) liters (approximately twenty-five (25) gallons) per month, whichever is less, or
- B. stores greater than one hundred (100) kilograms (approximately two hundred twenty (220) pounds) or ninety-five (95) liters (approximately twenty-five (25) gallons) per month, whichever is less shall be subject to site plan review requirements.
 - 1. **SITE PLAN REQUIREMENTS:** In addition to all of the data required for a Site Plan, the following shall also be shown in the site plan.
 - a. Inventory of hazardous substances to be stored, used or generated on-site, presented in a format acceptable to the local fire marshal.
 - b. Location and size of interior and exterior areas and structures to be used for storage, use, loading/unloading, recycling, or disposal of hazardous substances.
 - c. Location of all underground and above ground storage tanks for such uses as fuel storage, waste oil holding tanks, chemical storage, hazardous waste storage, collection of contaminated stormwater or wash water, and all similar uses.

of contaminated stormwater or wash water, and all similar uses.

- d. Location of exterior and interior drains, on-site sewage systems, dry wells; catch basins; retention/detention areas; sumps and other facilities designed to collect, store, transport stormwater or waste water. The point of discharge for all drains and pipes shall be specified on the site plan.
 - e. Location of all water wells on the site and within one hundred fifty (150) feet surrounding the parcel's property boundaries.
 - f. Delineation of areas on the parcel which are known or suspected to be contaminated, together with a report on the status of clean-up.
 - g. In addition to the above data required on the site plan, the following shall also be required: Submissions of the "State/County Environmental Permits Checklist". The plan should reflect the proposed development of the property which is already in compliance with the other state and county requirements, as reflected by permits for the development which have already been issued, or by letters of concurrent approval of those permits with the zoning permit.
2. **GROUNDWATER PROTECTION STANDARDS:** The project and related improvements shall be designed to protect land and water resources from pollution, including pollution of soils, groundwater, rivers, streams, lakes, ponds, and wetlands.
- a. Storm water detention, retention, transport, and drainage facilities shall be designed to use or enhance the natural storm water system on site, including the storage or filtering capacity of wetlands, watercourses, and water bodies, and/or the infiltration capability of the natural landscape. Storm water facilities shall not cause flooding or the potential for pollution of surface or groundwater, on-site or off-site. Storm water facilities shall conform to the requirements of this Ordinance.
 - b. General purpose floor drains shall be connected to a public sewer system or an on-site holding tank (not a septic system) in accordance with state, county and municipal requirements, unless a groundwater discharge permit has been obtained from the MDEQ. General purpose floor drains, which discharge to groundwater, are prohibited.
 - c. Sites at which hazardous substances, hazardous wastes, or potentially polluting materials are stored, used, or generated shall be designed to prevent spills and discharges of such materials to the air, surface of the ground, groundwater, lakes, streams, rivers or wetlands.
 - d. Secondary containment facilities shall be provided for aboveground storage or hazardous substances, hazardous wastes, or potentially polluting materials in accordance with state and federal requirements. Aboveground secondary containment facilities shall be designed and constructed so that the potentially polluting material cannot escape from the unit by gravity through sewers, drains, or other means, directly or indirectly into a sewer system, or to the waters of the State (including groundwater).

- e. Underground storage tanks shall be registered, installed, maintained, closed and removed in accordance with regulations of the MDEQ.
- f. Out-of-service or abandoned underground storage tanks shall be closed and removed in accordance with regulations of the MDEQ.
- g. Aboveground storage tanks shall be certified, installed, operated, maintained, closed or removed in accordance with regulations of the MDEQ.
- h. Bulk storage facilities for pesticides and fertilizers shall be in compliance with requirements of the Michigan Department of Agriculture.
- i. Abandoned water wells (wells that are no longer in use or are in disrepair), abandoned monitoring wells, and cisterns shall be plugged in accordance with regulations and procedures of the MDEQ and District Health Department.
- j. State and federal requirements for storage, spill prevention, record-keeping, emergency response, transport and disposal of hazardous substances, hazardous wastes, liquid industrial waste or potentially polluting materials shall be met. No discharge to surface water or groundwater, including direct or indirect discharges of waste, waste effluent, wastewater, pollutants, or cooling water, shall be allowed without approval from state, county and local agencies.

32-47 Open Space Preservation

Land zoned for residential development may be developed at the option of the landowner, with the same number of dwelling units on a portion of the land as would be allowed for the buildable portion of the entire parcel. Not more than eighty percent (80%) of the buildable land may be allowed for development. Unbuildable areas, such as wetlands, areas within the 100-year floodplain, or slopes greater than twenty-five percent (25%) shall not count toward the twenty percent (20%) open space minimum, as provided in subsection (b) below. Land may be developed for residential use under the open space preservation option following the provisions of **§32-232 – 32-234**, Special Approval Use Permits, if all the following apply:

- A. The land is zoned at a density equivalent to two (2) or fewer dwelling units per acre, or if the land is served by a public sewer system, three (3) or fewer dwelling units per acre.
- B. A percentage of the buildable land area, but not less than twenty percent (20%), will remain perpetually in an undeveloped state by means of a conservation easement, plat dedication, restrictive covenant, or other legal means that runs with the land. “Undeveloped state” means a natural state preserving natural resources, natural features, or scenic woodlands; agricultural use; open space; or similar use or condition. This term does not include golf course, but may include a recreational trail, picnic area, children’s play area, greenway, or linear park.
- C. The development does not depend upon the extension of a public sewer or public water supply system, unless development of the land under conventional zoning would also depend upon such extension. In cases where the extension of public sewer or public water is necessary, the developer shall bear the costs associated with the extension.
- D. The option provided by this section has not previously been exercised with respect to the land.
- E. Minimum yard setbacks, lot size, and lot width requirements may be reduced accordingly to accommodate the number of dwellings allowed. However, the lot width to depth ratio of 1:4 requirement shall not be changed to allow narrower lots.
- F. Development of land under this section is subject to all other applicable ordinances, laws, rules, including, but not limited to:
 1. The Land Division Act.
 2. Any ordinance regulating the division of land, the platting of land into subdivisions, or the creation of a site condominium project.
 3. Rules relating to suitability for groundwater for on-site water supply for land lot served by public water.
 4. Rules relating to suitability for soils for on-site sewage disposal for land not served by public sewers.

32-48 Nonconforming Structures, Uses and Lots

A. INTENT:

It is the intent of this Ordinance to permit legal nonconforming lots, structures or uses to continue until they are removed but not to encourage them. It is recognized that there exists within the districts established by this Ordinance and subsequent amendments, lots, structures and uses of land and structures which were lawful before this Ordinance was passed or amended which would be prohibited, regulated or restricted under the terms of this Ordinance or future amendments.

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

B. CHANGE IN TENANCY OR OWNERSHIP:

There may be a change of tenancy, ownership or management of any existing nonconforming uses of land or of structures which does not alter the nonconforming status.

C. NONCONFORMING STRUCTURES:

Where a lawful structure exists on the effective date of adoption or amendment of this Ordinance which could not be built under the requirements of this Ordinance by reason of restrictions in area, lot coverage, height, yards, its location on the lot, bulk, or other requirements concerning the structure, such structure may be continued subject to the following provisions:

1. Alterations to Nonconforming Structures

- a. Alterations to a nonconforming structure are permitted, however no nonconforming structure may be enlarged or altered in a way which increases its nonconformity.
- b. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is removed.

2. Damaged or Total Destruction of Nonconforming Structures

In the event any nonconforming building or structure shall be damaged by fire, wind, or an Act of God or the public enemy, the same shall be permitted to be rebuilt provided it

does not exceed the size, floor area, height and placement of the original building or structure.

D. NONCONFORMING USES OF LAND

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

1. Expansion of Nonconforming Use:

No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance except for the following:

The expansion of a non-conforming use or structure to the maximum extent of twenty (20) percent of the original non-conforming use or structure may be permitted as a Special Land Use under the following additional conditions:

- a. Any permitted expansion shall not be for the accommodation of any type of use or activity which is not currently engaged in within the existing structure.
 - b. No expansion shall reduce or eliminate any ordinance requirements regarding setback, open space, off-street parking, screening, density, area, traffic safety, noise, lighting, height, pollution, or other safeguards or protection requirements.
 - c. Any expansion of a structure or use permitted hereunder shall terminate at the time of termination of the original non-conforming use or structure and shall not be allowed to continue independently of such original use or structure.
 - d. Any expansion permitted hereunder shall not affect or alter any other restrictions, limitations or conditions pertaining to the existing non-conforming use or structure which shall remain in full force and effect.
2. Moving a Nonconforming Use: No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance.
3. Destruction of Nonconforming Use: In the event any nonconforming use of a building or use of land shall be damaged by fire, wind or an Act of God or the public enemy, it may be rebuilt or restored provided the cost of restoration thereof shall not equal or exceed the State Equalized Value of such the building(s) or land. However, an exception to this requirement may be made for replacement of a non-conforming single family residence in an established residential neighborhood.

4. Change of Nonconforming Use

- a. No nonconforming use shall be changed to other than a conforming use, nor shall any use be reverted to a former non-conforming use after said use has been changed to a conforming use.
- b. Where nonconforming use status applies to a structure and land in combination, removal or purposeful destruction of the structure shall eliminate the nonconforming status of the land.

5. Abandonment of Nonconforming Use: If a property owner has the intent to abandon a nonconforming use of land and in fact abandons a nonconforming use of land for a period of one (1) year or more, then any subsequent use of the property or structure shall conform to the requirements of this Ordinance. When determining the intent of the property owner to abandon a nonconforming use or structure, the Zoning Administrator shall consider the following factors:

- a. Whether utilities such as water, gas, and electricity to the property have been disconnected.
- b. Whether the property, buildings, and grounds have fallen into disrepair.
- c. Whether signs or other indications of the existence of the nonconforming use have been removed.
- d. Whether equipment or fixtures necessary for the operation of the nonconforming use have been removed.
- e. Other information or actions that evidence an intention on the part of the property owner to abandon the nonconforming use or structure.

E. NONCONFORMING LOTS OR PARCELS

1. Any nonconforming lot of record may be used for any purpose authorized by the district in which it is located. This provision shall apply even though such lot fails to meet the requirements for area or width 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. Any required variances may be requested pursuant to the procedures and standards of this Ordinance.
2. If two (2) or more contiguous lots, parcels, or portions of lots or parcels are under the same ownership and do not individually meet the lot width, depth, and/or area requirements of this Ordinance, then those contiguous lots, parcels, or portions of lots or parcels shall be considered an undivided lot or parcel for the purposes of this Ordinance, and no portion of such undivided lot or parcel shall be used or divided in a manner that diminishes compliance with the lot width, depth, and/or area requirements established by this Ordinance or which

creates a nonconforming structure.

F. MAINTENANCE OF NONCONFORMING USES AND STRUCTURES

- a. Nothing in this Ordinance shall prevent such necessary repairs and incidental alterations of a nonconforming structure or use existing on the effective date of this Ordinance as may be necessary to secure a reasonable advantageous use thereof during its natural life.
- b. Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition any part of any structure declared unsafe or to comply with barrier-free requirements of the Americans with Disabilities Act.

32-49 General Exceptions

A. ESSENTIAL SERVICES

The erection, construction, alteration, maintenance, and operation by public or private utilities or municipal departments or commissions, of essential services and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utility or municipal department or commission or for the public health or safety or general welfare, shall be permitted as authorized or regulated by law and other Ordinances of the City of Rogers City in any use District. The essential services addressed in this section must also meet all regulations and requirements of the authority having jurisdiction over the road. No zoning permit is required.

B. 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 or other public election.

C. HEIGHT LIMIT

1. The height limitations of this Ordinance shall not apply to any portion of a structure that could not be used for living or commercial space such as chimneys, church spires, flag poles, and public monuments; provided, however, the Planning Commission may specify a height limit for any such structure when such structure requires authorization as a Special Land Use.
2. **Ground mounted amateur radio transmitting and receiving towers** See §32-251.
3. These height restrictions do not apply to wind turbines, anemometer towers, radio and television towers, telecommunication towers and related facilities which are regulated by **Article 21: Supplemental Regulations**.

D. PROJECTIONS INTO YARDS (ENCROACHMENTS)

1. **Enclosed Porch:** A closed, roofed porch may project into a front or rear setback for a distance not exceeding five (5) feet. Side setbacks shall be maintained.
 2. **Open Porches and Decks:** An open, unenclosed and unroofed porch, deck, terrace, or similar structure may project into a front or rear setback for a distance not exceeding ten (10) feet, but this shall not be interpreted to include or permit fixed canopies. Side setbacks shall be maintained.
 3. **Patios and Grade-Level Decks:** A patio or grade-level deck shall maintain a two (2) foot setback from all property lines.
 4. **Architectural Features:** Chimneys, flues, cornices, eaves, gutters and similar features may project into any required setback a maximum of twenty-four (24") inches.
 5. Unenclosed and unroofed fire escapes, outside stairways and balconies may project into a required setback to within five (5) feet of the property line.
- E. **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. Further, any walk, terrace or other surface servicing a like function, and not in excess of twelve (12) inches above the grade upon which placed, shall, for the purpose of this ordinance, not be considered to be a structure, and shall be permitted in any required yard.

32-50 Site Condominiums

A. INTENT

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

B. GENERAL REQUIREMENTS

1. **Compliance with Federal, State and Local Laws.** All site condominium projects, including manufactured home condominium developments, shall comply with all applicable federal, state, and local laws and ordinances.

2. **Zoning Requirements.** All site condominium projects shall be located within the zoning district that permits the proposed use, and shall comply with all zoning requirements of this Ordinance.

a. For the purposes of these regulations, each condominium unit in a site condominium shall be considered as a single zoning lot, and shall comply with all regulations of the zoning district in which it is located.

b. In a site condominium containing single-family detached dwelling units, not more than one (1) dwelling unit shall be located on a single site condominium unit nor shall a dwelling unit be located on a site condominium unit with any other principal structure or use.

c. Required yards shall be measured from the boundaries of the site condominium unit.

3. **Site Plan Review.** Prior to recording a plat or master deed, site condominiums shall undergo site plan review and approval by the Planning Commission in accordance with Article 20 of this Ordinance. Approval under this Ordinance shall be required as a condition to the right to construct, expand, or convert a site condominium project in the City.

a. Application

(1) An application for site plan approval shall be filed for review as per the requirements of Article 20 of this Ordinance. All procedures and standards of Article 20 shall apply to site condominium projects.

(2) All condominium site plans shall include the information required in Section 66 of the Condominium Act.

(3) The application for site plan review shall also include a copy of the proposed deed restrictions and/or master deed and by-laws to be recorded with the County Register of Deeds for review and approval by the Planning Commission.

- (4) In the case of single-family detached dwelling units, the location and dimensions of site condominium common elements, limited common elements and building envelopes, rather than individual buildings and required yards, shall be shown on the site plan.

b. Deed Restrictions, Master Deed, By-Laws.

- (1) The deed restrictions and/or master deed and by-laws shall be reviewed with respect to all matters subject to regulation by the City, including but not limited to preservation and maintenance of drainage, retention ponds, wetlands and other natural areas, and maintenance of landscaping in common areas in the project.
- (2) Also, the deed restrictions and/or master deed and by-laws shall provide for the means by which any private road rights-of-way may be dedicated to the public entity having jurisdiction in the future should such dedication be later deemed appropriate.

c. Performance Guarantees

As a condition of approval of the site plan, the Planning Commission shall require performance guarantees by the developer in accordance with the provisions of **§32-315**, to ensure completion of improvements shown upon the site plan. Upon fulfillment of all requirements, the developer shall apply to the City for release of any remaining performance guarantees.

4. Easements for Utilities

Road rights-of-way shall be parcels separate from individual residential units or lots. The rights-of-way shall be for roadway purposes, and for the maintaining, repairing, altering, replacing, and/or removing of pipelines, wires, poles, mains, conduits, and other installations of a similar character, hereinafter collectively called “public structures” for the purpose of providing public utilities including electric, communications, water, drainage and sewers, and subject to easements to be dedicated to the City.

5. Additional Filings Required

Subsequent to the recording of the deed restrictions and/or master deed and by-laws, and subsequent to the construction of improvements, the developer shall file the following information with the City Clerk:

- a. Three (3) copies of the as-built site condominium plans.
- b. Two (2) copies of the recorded deed restrictions and/or master deed and by-laws with all pertinent attachments.
- c. Certification from the developer’s engineer that improvements have been installed in conformance with the approved construction drawings and monuments.

32-51 Farm Animals⁸

A. REGULATED ACTIVITIES

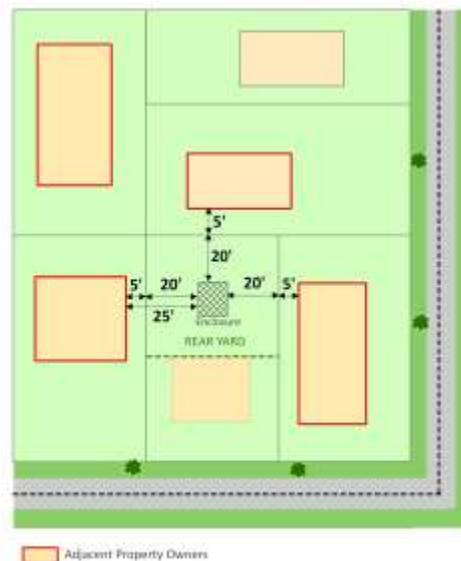
Except in those zoning districts that allow agricultural activities, no farm animal with the exception of chickens as provided for in section 32-52 shall be raised, harbored, cared or provided for on any parcel or lot.

32-52 Keeping Chickens¹²

A. KEEPING CHICKENS

in the R-1, R-2, RT, RM and OS-1 districts is allowed subject to the following conditions:

1. A maximum of four (4) hens may be kept per lot.
2. Roosters are prohibited
3. Chickens may not be slaughtered outside
4. Chickens shall be provided a covered enclosure and must be kept in a covered enclosure or a fenced area at all times.
5. Enclosures shall only be located in the backyard. For the purpose of this section "backyard" shall mean that portion of the lot enclosed by the property's rear lot line and side lot lines to the points where the side lot lines intersect an imaginary line established by the rear of the principle structure and extending to the side lot lines.
6. Enclosures shall be located at least twenty (20) feet from the side and rear lot lines and twenty five (25) feet from any neighboring dwelling.
7. Enclosures shall be constructed and maintained in such a manner as to prevent vermin from being harbored within the walls or underneath the enclosure.
8. Feed and other items associated with keeping chickens that may become infested by vermin shall be stored in such a way to prevent access by vermin.
9. Chickens may only be kept on lots where a single family home exists and whose principle use is single family residential.



B. Permit Required:

1. Any person who keeps chickens in the City of Rogers City shall obtain a permit from the City prior to acquiring the chickens.
2. No permit shall be issued and no chickens shall be kept unless the owners of all adjacent properties consent in writing to the permit and this consent is presented with the application for a permit.
3. For the purposes of this section, adjacent property means all parcels of property that the applicants property comes into contact with at one or more points, except parcels that are legally adjacent to but are in fact separated from the applicants property by a public or private street.
4. In the case where the applicant is renting a property. The property owner must also consent in writing to the permit and this consent is presented with the application for a permit.
5. A person who has been issued a permit shall submit it for examination upon request by a City police officer or Zoning administrator.
6. Failure to comply with any of the provisions of this section is grounds to revoke the permit.

C. Expiration of permit:

1. Permits expire and become invalid five (5) years after the date of issuance.
2. A person who wishes to continue keeping chickens must obtain a new permit prior to the expiration date of the previous permit.
3. Application for a new permit shall be pursuant to the procedures and requirements that are in effect at the time the person applies for a new permit.

32-53 to 32-69: Reserved

ARTICLE 4: ZONING DISTRICTS & MAP

32-70 Districts Established

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

R-1	Single-Family Residential District
R-2	Single-Family Residential District
RT	Two-Family Residential District
RM	Low Rise Multiple-Family Residential District
W	Waterfront District
RMH	Residential Manufactured Housing District
RC	Recreation Conservation District
OS-1	Office Service District
B-1	Local Business District
B-2	Central Business District
B-3	General Business District
I-1	Light Industrial District
I-2	General Industrial District
A	Airport Zoning District

32-71 Zoning Map

The areas assigned to each Zoning District and the boundaries thereof shown on the map entitled "Zoning Map of Rogers City, Michigan" are hereby established, and said map and all proper notations and other information shown thereon are hereby made a part of this Zoning Ordinance. The official Zoning Map shall be located in Rogers City Offices and shall be the final authority in any dispute concerning district boundaries. The official map shall be kept up to date. The official zoning map, including legally adopted amendments, shall be designated as such by the signature of the Zoning Officer and Planning Commission Chair.

32-72 Zoning District Boundaries

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

- A. Boundaries indicated as approximately following the center lines of streets, highways, or alleys, shall be construed to follow such center lines.
- B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- C. Boundaries indicated as approximately following city limits shall be construed as following city limits.
- D. Boundaries indicated as following railroad lines shall be construed to be the midway between the main tracks.
- E. Boundaries indicated as following shore lines shall be construed to follow such shorelines, and in the event of a change in the shoreline shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the center line of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such center lines.
- F. Boundaries indicated as parallel to or extensions of features indicated in subsections A through E above shall be so construed. Distances not specifically indicated on the official Zoning Map shall be determined by the scale of the map.
- G. Insofar as some or all of the various districts may be indicated on 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.
- H. Where, due to the scale, lack of detail, or illegibility of the Zoning Map accompanying this Ordinance there is any uncertainty, contradiction, or conflict as to the intended location of any district boundaries shown thereon, interpretation concerning the exact location of district boundary lines shall be determined, upon written application, or upon its own motion, by the Zoning Board of Appeals.

32-73 Zoning of Annexed Areas

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

- A. Land that is zoned previous to annexation shall be classified as being in whichever district of this Ordinance most closely conforms with the zoning that existed prior to annexation, such classification to be recommended by the Planning Commission to the City Council and the Council shall approve same by resolution.

- B. Land not zoned prior to annexation shall be automatically classified as an R-1 District until a Zoning Map for said area has been adopted by the City Council. The Planning Commission shall recommend the appropriate zoning districts for such area within three (3) months after the matter is referred to it by the City Council.

32-74 Zoning of Vacated Areas/Zoning of Filled Areas

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

32-75 to 32-79: *Reserved*

ARTICLE 5: (R-1 & R-2) SINGLE FAMILY RESIDENTIAL DISTRICTS **R-1** **R-2**

32-80 Intent

The purpose of these Districts is to promote and maintain single family detached development either on unplatted individual lots or in conventional subdivisions. No further subdividing of single family lots below the lot area specified herein shall be deemed desirable or contributory to the existing low to medium density character of these Districts. These Districts are also designed to accommodate a series of support uses typically regarded as part of the structure of low to medium density neighborhoods. These support uses contribute to neighborhood amenity by providing cultural, religious or educational services to residents.



32-81 Uses Permitted by Right & Special Land Uses

Permitted and Special Land Uses in all districts shall be limited to the following (also listed in **Article 19: Table of Permitted and Special Land Uses**) and shall be subject to all applicable provisions of **Article 20: Plot Plans & Site Plan Review** and **Article 21: Supplemental Development Regulations**.

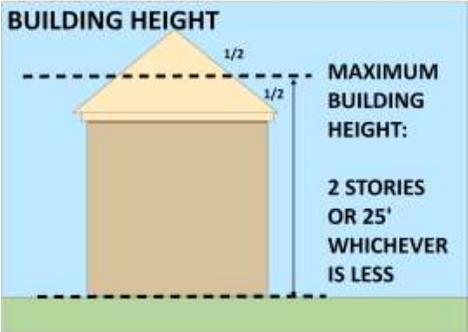
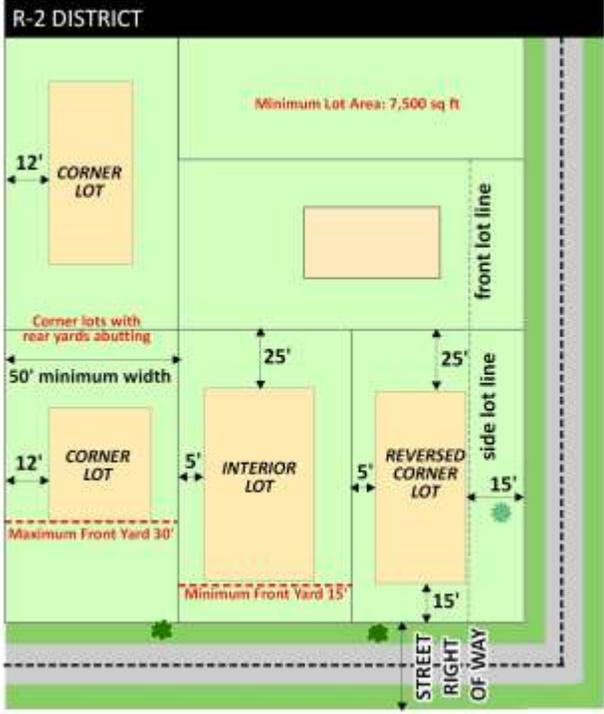
R = Permitted by right S = Permitted with a Special Use Permit *Uses with Supplemental Development Regulations	R-1	R-2
ACCOMODATION AND FOOD SERVICES		
<i>Bed & Breakfasts</i>	S*	S*
<i>Rooming & Boarding Houses</i>	S*	S*
ARTS, ENTERTAINMENT, AND RECREATION		
<i>Ball Fields</i>	R	R
<i>Nature Parks/Nature Areas</i>	R	R
<i>Public Parks, Playgrounds, Rec Area</i>	R	R
COMMERCIAL/BUSINESS/SERVICE		
<i>Cemeteries</i>	R	R
<i>Commercial Use in a Residential District (Neighborhood Business)</i>		S*
EDUCATIONAL SERVICES/RELIGION		
<i>Public or private schools</i>	R	R
<i>Religious Institutions</i>	S*	S*
HUMAN CARE & SOCIAL ASSISTANCE		
<i>Child Care Services (see following)</i>		
<i>Family Child Care Home (6 or less)</i>	R*	R*
<i>Group Child Care Home (7 -12)</i>	S*	S*
<i>Child Care Center or Day Care Center/Nursery School</i>	S*	S*
<i>State-Licensed Residential Facilities (Adult Foster Care - 6 or less adults)</i>	R	R

R = Permitted by right S = Permitted with a Special Use Permit *Uses with Supplemental Development Regulations	R-1	R-2
MISCELLANEOUS		
<i>Accessory Buildings & Uses Incidental to Principal Permitted Uses</i>	R	R
<i>Planned Unit Development</i>	S*	S*
RESIDENTIAL USES		
<i>Amateur Radio Antennae (roof- or ground-mounted)</i>	R*	R*
<i>Home Occupations</i>	R*	R*
<i>Cottage Industries</i>	S*	S*
<i>One-Family Dwelling (year round & seasonal)</i>	R	R
<i>Secondary Dwelling Units</i>	S*	S*
RETAIL		
<i>Outdoor Vendors in public parks</i>	R*	R*
UTILITIES/ENERGY		
<i>Essential Services</i>	R	R
<i>Wind Energy Facilities and Anemometer Towers (Commercial)</i>		S*
<i>Wind Energy Systems (small on-site)</i>	R*	R*

32-82 Development Standards

R-1	
Minimum Lot Area:	12,000 ft ²
Minimum Lot Width:	100 ft
Maximum Building Height: ^a	2 stories or 25' whichever is less
Maximum Lot Coverage:	30%
Minimum Floor Area: ^b	1,500 ft ²
SETBACKS	
Minimum front yard: ^{c, d}	25 ft
Maximum front yard:	40 ft
Minimum rear yard:	25 ft
Minimum side yard: ^e	12 ft

R-2	
Minimum Lot Area:	7,500 ft ²
Minimum Lot Width:	50 ft
Maximum Building Height: ^a	2 stories or 25' whichever is less
Maximum Lot Coverage:	30%
Minimum Floor Area: ^b	900 ft ²
SETBACKS	
Minimum front yard: ^{c, d}	15 ft
Maximum front yard:	30 ft
Minimum rear yard:	25 ft
Minimum side yard: ^e	5 ft



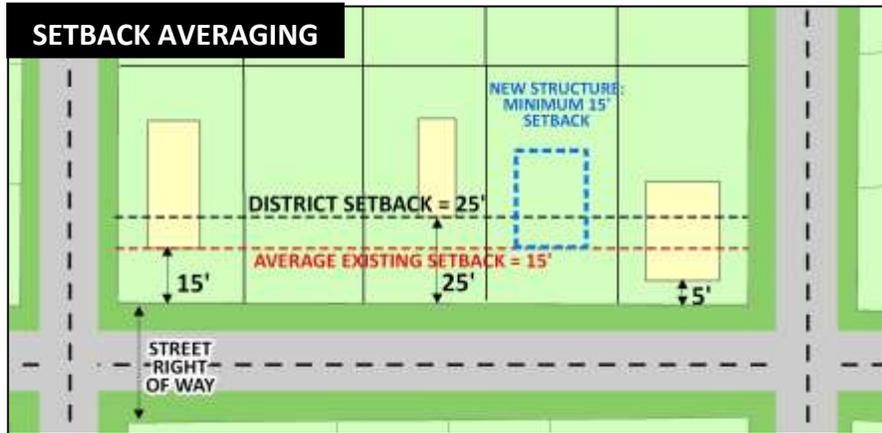
^a Height regulations shall apply to any portion of a structure that could be used as living or commercial space, but shall not apply to areas that could not be used for living or commercial space (chimneys, church spires, bell towers, etc.). These height restrictions do not apply to wind turbines, anemometer towers, radio and television towers, telecommunication towers and related facilities which are regulated by Article 21: Supplemental Regulations.

b MINIMUM FLOOR AREA: The minimum floor area per dwelling unit shall not include areas of basements, breezeways, porches, terraces, attached garages, attached sheds, or utility rooms.

c FRONT YARD USE: In all residential districts, the required front yard shall not be used for off-street parking, loading or unloading, and shall remain as open space unoccupied and unobstructed from the ground upward except for landscaping, plant materials, or vehicle access drives.

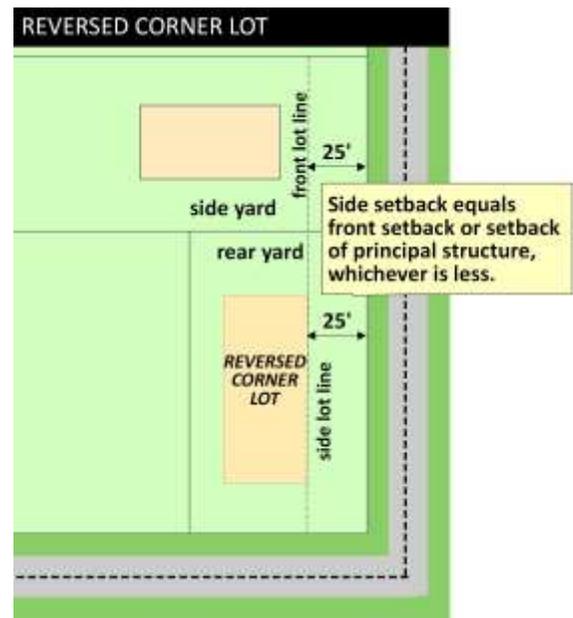
d SETBACK AVERAGING:

Where the front yards of two (2) or more principal structures in any block (in case of platted properties) or within three hundred (300) feet (in the case of unplatted properties) in existence at the time of passage of this Ordinance, within the district zoned and on the same side of the



street, are less than the minimum front yards required herein, then any building subsequently erected within said block (or 300 feet) shall not be less and need not be greater, than the average depth of the front yards of the existing structures.

e CORNER SIDE YARDS: In the case of a rear yard abutting a side yard (**reversed corner lot**), the side yard setback abutting a street shall not be less than the minimum front yard setback of the district in which located or the setback of the principal structure on the abutting lot, whichever is less, and all regulations applicable to a front yard shall apply. When a corner lot rear yard abuts another corner lot rear yard then the required side yard shall be twelve (12) feet.



32-83 to 32-89: Reserved

ARTICLE 6: (RT) TWO FAMILY RESIDENTIAL DISTRICT

32-90 Intent

The RT Two-Family Residential District is designed to afford a transition of use in existing housing areas by permitting new construction or conversion of existing structures between adjacent residential and commercial, office, thoroughfares or other uses which would affect residential character. This district also recognizes the existence of older residential areas of the City where larger houses have been or can be converted from single-family to two-family residences in order to extend the economic life of these structures. This district also allows the construction of new two-family residences where slightly greater densities are permitted.



32-91 Uses Permitted by Right & Special Land Uses

Permitted and Special Land Uses in all districts shall be limited to the following (also listed in **Article 19: Table of Permitted and Special Land Uses**) and shall be subject to all applicable provisions of **Article 20: Plot Plans & Site Plan Review** and **Article 21: Supplemental Development Regulations**.

R = Permitted by right S = Permitted with a Special Use Permit *Uses with Supplemental Development Regulations	RT
ACCOMODATION AND FOOD SERVICES	
<i>Bed & Breakfasts</i>	S*
<i>Rooming & Boarding Houses</i>	S*
ARTS, ENTERTAINMENT, AND RECREATION	
<i>Ball Fields</i>	R
<i>Public Parks, Playgrounds, Rec Area</i>	R
COMMERCIAL/BUSINESS/SERVICE	
<i>Cemeteries</i>	R
EDUCATIONAL SERVICES/RELIGION	
<i>Public or private schools</i>	R
<i>Religious Institutions</i>	S*
HUMAN CARE AND SOCIAL ASSISTANCE	
<i>Child Care Services (see following)</i>	
<i>Family Child Care Home (6 or less)</i>	R*
<i>Group Child Care Home (7 -12)</i>	S*
<i>Child Care Center or Day Care Center/Nursery School</i>	S*
<i>State-Licensed Residential Facilities (Adult Foster Care - 6 or less adults)</i>	R

R = Permitted by right S = Permitted with a Special Use Permit *Uses with Supplemental Development Regulations	RT
MISCELLANEOUS	
<i>Accessory Buildings & Uses Incidental to Principal Permitted Uses</i>	R
<i>Planned Unit Development</i>	S*
RESIDENTIAL USES	
<i>Amateur Radio Antennae (roof- or ground-mounted)</i>	R*
<i>Home Occupations</i>	R*
<i>Cottage Industries</i>	S*
<i>One-Family Dwelling (year round & seasonal)</i>	R
<i>Two-Family Dwelling (duplex)</i>	R
RETAIL	
<i>Outdoor Vendors in public parks</i>	R*
UTILITIES/ENERGY	
<i>Essential Services</i>	R

32-92 Development Standards

RT	
Minimum Lot Area for 2-Family Use:	10,000 ft ²
Minimum Lot Area for all other uses:	5,000 ft ²
Minimum Lot Width for 2-Family Use:	80 ft
Minimum Lot Width for all other uses:	50 ft
Maximum Building Height: ^a	2 stories or 25' whichever is less
Maximum Lot Coverage:	30%
Minimum Floor Area: ^b	600 ft ²
SETBACKS	
Minimum front yard: ^{c, d}	25 ft
Minimum rear yard:	25 ft
Minimum side yard: ^e	10 ft

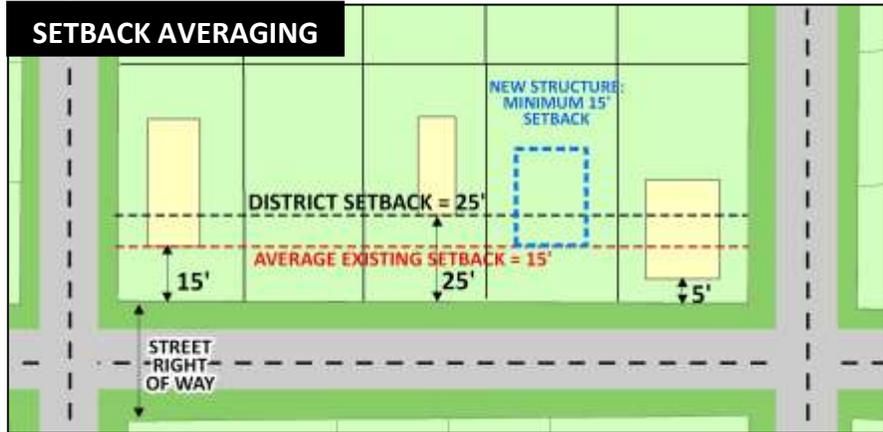


^aHeight regulations shall apply to any portion of a structure that could be used as living or commercial space, but shall not apply to areas that could not be used for living or commercial space (chimneys, church spires, bell towers, etc.). These height restrictions do not apply to wind turbines, anemometer towers, radio and television towers, telecommunication towers and related facilities which are regulated by Article 21: Supplemental Regulations.

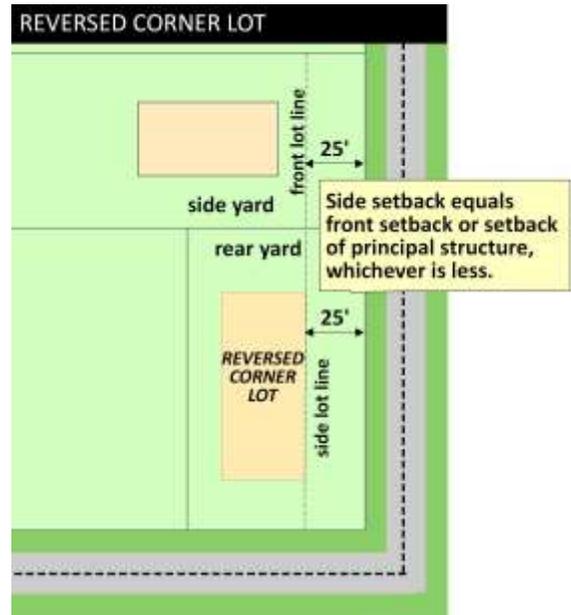
^b **MINIMUM FLOOR AREA:** The minimum floor area per dwelling unit shall not include areas of basements, breezeways, porches, terraces, attached garages, attached sheds, or utility rooms.

^c **FRONT YARD USE:** In all residential districts, the required front yard shall not be used for off-street parking, loading or unloading, and shall remain as open space unoccupied and unobstructed from the ground upward except for landscaping, plant materials, or vehicle access drives.

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



^e **CORNER SIDE YARDS:** In the case of a rear yard abutting a side yard (reversed corner lot), the side yard setback abutting a street shall not be less than the minimum front yard setback of the district in which located or the setback of the principal structure on the abutting lot, whichever is less, and all regulations applicable to a front yard shall apply. When a corner lot rear yard abuts another corner lot rear yard then the required side yard shall be twelve (12) feet.

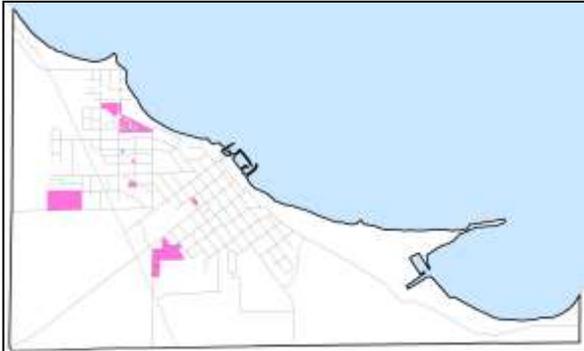


32-93 to 32-99: Reserved

ARTICLE 7: (RM) LOW RISE MULTIPLE FAMILY RESIDENTIAL DISTRICT **RM**

32-100 Intent

The RM-1 Low Rise Multiple-Family Residential Districts are designed to provide sites for multiple-family dwelling structures, and related uses, which will generally serve as zones of transition between the nonresidential districts and the lower density Single-Family Districts. The Multiple-Family District is further provided to serve the limited needs for the apartment type of unit in an otherwise medium density, single-family community.



32-101 Uses Permitted by Right & Special Land Uses

Permitted and Special Land Uses in all districts shall be limited to the following (also listed in **Article 19: Table of Permitted and Special Land Uses**) and shall be subject to all applicable provisions of **Article 20: Plot Plans & Site Plan Review** and **Article 21: Supplemental Development Regulations**.

R = Permitted by right S = Permitted with a Special Use Permit *Uses with Supplemental Development Regulations	RM
ACCOMODATION AND FOOD SERVICES	
<i>Rooming & Boarding Houses</i>	S*
ARTS, ENTERTAINMENT, AND RECREATION	
<i>Ball Fields</i>	R
<i>Public Parks, Playgrounds, Rec Area</i>	R
COMMERCIAL/BUSINESS/SERVICE	
<i>Cemeteries</i>	R
HUMAN CARE AND SOCIAL ASSISTANCE	
<i>Child Care Services (see following)</i>	
<i>Family Child Care Home (6 or less)</i>	R*
<i>Group Child Care Home (7 -12)</i>	S*
<i>Assisted Living Home Nursing/Convalescent Home</i>	S*
<i>State-Licensed Residential Facilities (Adult Foster Care - 6 or less adults)</i>	R
MISCELLANEOUS	
<i>Accessory Buildings & Uses Incidental to Principal Permitted Uses</i>	R
<i>Planned Unit Development</i>	S*

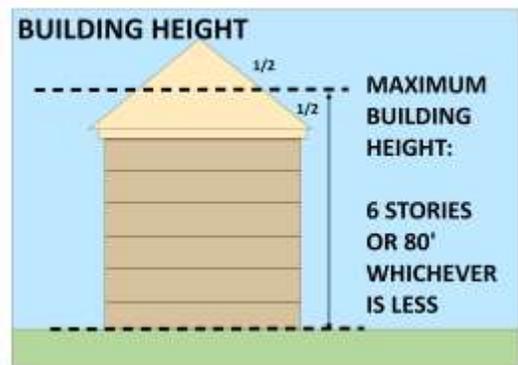
R = Permitted by right S = Permitted with a Special Use Permit *Uses with Supplemental Development Regulations	RM
RESIDENTIAL USES	
<i>Amateur Radio Antennae (roof- or ground-mounted)</i>	R*
<i>Home Occupations</i>	R*
<i>Cottage Industries</i>	S*
<i>One-Family Dwelling (year round & seasonal)</i>	R
<i>Multiple-Family Dwelling Units</i>	R
<i>Townhouses</i>	R
<i>Two-Family Dwelling (duplex)</i>	R
RETAIL	
<i>Outdoor Vendors in public parks</i>	R*
UTILITIES/ENERGY	
<i>Essential Services</i>	R
<i>Wind Energy Facilities and Anemometer Towers (Commercial)</i>	S*

32-102 Development Standards

- A. **ONE-FAMILY AND TWO-FAMILY DWELLINGS:** One-family detached and two-family dwellings permitted in the RM-1 District shall observe the same development standards as in the R-2 District.
- B. **MULTIPLE FAMILY DWELLINGS:**

RM	
	MULTIPLE-FAMILY DWELLINGS
MINIMUM LOT SIZE	1 acre
MAXIMUM LOT COVERAGE	30%
MAXIMUM HEIGHT ^a	6 stories or 80 ft
MAXIMUM DENSITY	25 Units Per Acre
SPACING BETWEEN BUILDINGS ^b	One-half the height of the higher of the two buildings.
SETBACKS	
FRONT YARD ^c	25 ft
SIDE YARD (abutting a multiple-family use)	20 ft.
SIDE YARD (abutting a single-family use or district)	
Multiple-family buildings up to 35'	30 ft
Multiple-family buildings up to 35'	50 ft
REAR YARD	40 ft
MINIMUM FLOOR AREA	As defined by the currently adopted building code.

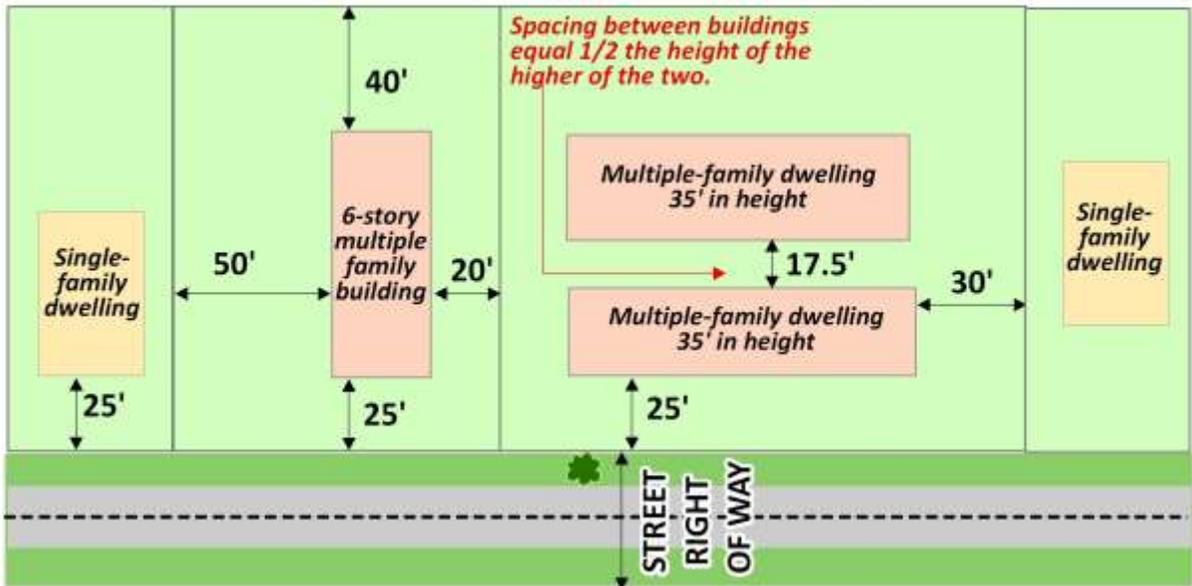
^a **HEIGHT:** Height regulations shall apply to any portion of a structure that could be used as living or commercial space, but shall not apply to areas that could not be used for living or commercial space (chimneys, church spires, bell towers, etc.). These height restrictions do not apply to wind turbines, anemometer towers, radio and television towers, telecommunication towers and related facilities which are regulated by Article 21: Supplemental Regulations.



^b **SPACING BETWEEN MULTIPLE-FAMILY DWELLING BUILDINGS:** Where two (2) or more multiple row or terrace dwellings are erected upon the same lot, a minimum setback space of twenty (20) feet in width shall be provided between structures. This setback width shall be increased by two (2) feet for each ten (10) feet or part thereof, by which each multiple row or terrace dwelling, having common areas exceeds forty (40) feet in length on that side of the dwelling facing the common yard.

^c **FRONT YARD USE:** In all residential districts, the required front yard shall not be used for off-street parking, loading or unloading, and shall remain as open space unoccupied and unobstructed from

the ground upward except for landscaping, plant materials, or vehicle access drives.



32-103 to 109 Reserved

ARTICLE 8: (W) WATERFRONT DISTRICT

32-110 Intent

This district allows redevelopment into a compatible mix of residential uses coexisting with parks, waterfront uses, and pedestrian-oriented commercial uses. Direct visual and pedestrian access both to the lakeshore and downtown area are encouraged. Small scale waterfront and tourist related commercial uses, such as pedestrian oriented shops and restaurants, seasonal use businesses, private and public recreational uses are also encouraged.



32-111 Uses Permitted by Right & Special Land Uses

Permitted and Special Land Uses in all districts shall be limited to the following (also listed in Article 19: Table of Permitted and Special Land Uses) and shall be subject to all applicable provisions of Article 20: Plot Plans & Site Plan Review and Article 21: Supplemental Development Regulations.

R = Permitted by right S = Permitted with a Special Use Permit *Uses with Supplemental Development Regulations	W
ACCOMODATION AND FOOD SERVICES	
Bakeries (goods produced & sold on-site)	R
Bed & Breakfasts	S*
Coffee Shops	R
Convention Centers/Conference Centers/Banquet Halls	R
Drinking Establishments	R
Hotels & Motels & Resorts (attached or detached units)	R
Microbreweries	R
Restaurants without Drive-Through	R
Restaurants with Outdoor Dining (Dining on public right-of-way)	S*
AGRICULTURE/FOREST PRODUCTS	
Farm Product Sales (Fruit/Vegetable Market)	R
ARTS, ENTERTAINMENT, AND RECREATION	
Art Studios	R
Boat Tours	R
Dive Shops/Dive Tours	R
Boat Docks, tourist/commercial	R
Marinas (including boat fuel sales, boat supplies, & accessories)	R
Museums & Galleries	R
Nature Parks/Nature Areas	R
Outdoor Performance Facilities	R
Public Parks, Playgrounds, Rec Area	R

R = Permitted by right S = Permitted with a Special Use Permit *Uses with Supplemental Development Regulations	W
COMMERCIAL/BUSINESS/SERVICE	
Boat Repair & Storage	S*
MISCELLANEOUS	
Accessory Buildings & Uses Incidental to Principal Permitted Uses	R
Planned Unit Development	S*
PUBLIC FACILITIES	
Water & Wastewater Treatment Plants	R
RESIDENTIAL USES	
Dwelling Units above Commercial Establishment	R*
Townhouses	S
RETAIL	
Boat and Boating Accessory Sales	R
Clothing & Clothing Accessories Stores	R
Florists	R
Food & Beverage Stores	R
Furniture & Home Furnishings Stores; Antique Stores	R
General Merchandise Stores	R
Health & Personal Care Stores	R
Outdoor Sales/Display in conjunction with an approved use	R*
Outdoor Vendors	R*
Outdoor Vendors in public parks	R*
Small-Scale Craft Making	R
Sporting Goods, Hobby, Book & Music Stores	R
UTILITIES/ENERGY	
Essential Services	R
Wind Energy Systems (small on-site)	R*

32-112 Development Standards

W

COMMERCIAL USES

MINIMUM LOT AREA: None
 MINIMUM LOT WIDTH: None
 MAX. BUILDING HEIGHT: ^a 2 stories or 25 ft, whichever is less

SETBACKS

Waterfront Lots:

Minimum front yard (street side): 20 ft
 Minimum rear yard (waterfront): 35 ft from the ordinary high water mark (*waterfront setback supersedes all other setbacks*)
 Minimum side yard: ^c 0 ft

Non-Waterfront Lots:

Minimum front yard: 20 ft
 Minimum rear yard: ^b 0 ft (*20 ft if directly abutting a residential district or use*)
 Minimum side yard: ^c 0 ft

ADDITIONAL REGULATIONS – COMMERCIAL USES:

- MIXED USES:** Mixed commercial and residential uses shall be allowed on the same lot.
- OUTDOOR STORAGE:** There shall be no outdoor storage of equipment or materials.
- WATERFRONT ENTRANCE:** Commercial buildings adjacent to the waterfront shall provide at least two (2) public entrances where feasible – one on the waterfront side and one on the street side. This standard applies only to new nonresidential buildings and major renovations of existing commercial buildings, or any renovation which includes a change of use from residential to commercial.
- PARKING:** Off-street parking shall be permitted to occupy a portion of the required front yard or side yard but shall be located at least five (5) feet from the street right-of-way. Screening, in the form of landscaping, decorative fencing, or a decorative wall, shall be located between the off-street parking area and the street right-of-way. Parking shall not be permitted on the waterfront side of the lot.

RESIDENTIAL USES

MAXIMUM BUILDING HEIGHT: 2 stories or 25 ft, whichever is less
 MINIMUM FLOOR AREA: Single-family residential: standards of the R-2 District apply.
 Townhouses: standards of the RM-1 District apply.

SETBACKS

Waterfront Lots:

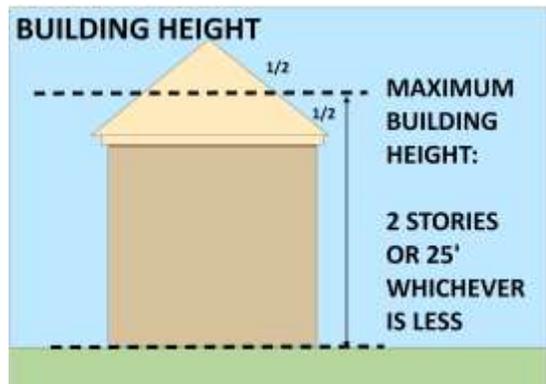
Minimum front yard (street side): 15 ft
 Minimum rear yard (waterfront): 35 ft from the ordinary high water mark (*waterfront setback supersedes all other setbacks listed*)
 Minimum side yard: 5 ft (*12 ft on the street side of a corner lot*)

Non-Waterfront Lots:

Minimum front yard: 15 ft
 Minimum rear yard: 25 ft
 Minimum side yard: 5 ft (*12 ft on the street side of a corner lot*)



^a **HEIGHT:** Height regulations shall apply to any portion of a structure that could be used as living or commercial space, but shall not apply to areas that could not be used for living or commercial space (chimneys, church spires, bell towers, etc.). These height restrictions do not apply to wind turbines, anemometer towers, radio and television towers, telecommunication towers and related facilities which are regulated by Article 21: Supplemental Regulations.



^b **REAR SETBACK:** When a W district abuts a residential district or use, a setback of twenty (20) feet shall be required along the rear lot line.

^c **SIDE SETBACK:** No side yards are required along the interior side lot lines of the District, except as otherwise specified in the Building Code, provided that if walls of structures facing such interior side lot lines contain windows, or other openings, side yards of not less than ten (10) feet shall be provided. When the lot has a common lot line with a residential district or use, a setback of 20 feet is required of which 10 feet shall be landscaped. If the said lot is a corner lot, the side line that abuts a street shall have a setback of 20 feet, of which a 10 foot width shall be landscaped.

32-113 to 32-119 Reserved

ARTICLE 9: (RMH) RESIDENTIAL MANUFACTURED HOUSING DISTRICT **RMH**

32-120 Intent

The RMH Residential Manufactured Housing District is designed for those who prefer manufactured housing living. Although an assembly of single family units, manufactured housing developments typically have a higher density impact than conventional single family development. In order to not adversely impact other areas of the City, certain land areas are hereby recognized as appropriate for continued manufactured housing use provided that proper site design standards and requirements are met.



32-121 Uses Permitted by Right & Special Land Uses

Permitted and Special Land Uses in all districts shall be limited to the following (also listed in **Article 19: Table of Permitted and Special Land Uses**) and shall be subject to all applicable provisions of **Article 20: Plot Plans & Site Plan Review** and **Article 21: Supplemental Development Regulations**.

R = Permitted by right S = Permitted with a Special Use Permit *Uses with Supplemental Development Regulations	RMH
ARTS, ENTERTAINMENT, AND RECREATION	
Public Parks, Playgrounds, Recreation Area	R
RV Park	S*
HUMAN CARE AND SOCIAL ASSISTANCE	
<i>Child Care Services (see following)</i>	
Family Child Care Home (6 or less)	R*
Group Child Care Home (7 -12)	S*
State-Licensed Residential Facilities (Adult Foster Care - 6 or less adults)	R
MISCELLANEOUS	
Accessory Buildings & Uses Incidental to Principal Permitted Uses	R

R = Permitted by right S = Permitted with a Special Use Permit *Uses with Supplemental Development Regulations	RMH
RESIDENTIAL USES	
Amateur Radio Antennae (roof- or ground-mounted)	R*
Home Occupations	R*
Manufactured Housing Community (with accessory uses such as laundry facilities, office building, and community building)	R*
UTILITIES/ENERGY	
Essential Services	R

32-122 Development Standards

RMH	
Minimum Lot Area:	10 acres
Minimum Floor Area	720 ft ²

- A. Manufactured home developments shall be developed and licensed pursuant to the requirements of the Michigan Manufactured Housing Commission, Public Act 96 of 1987 and any rules promulgated pursuant to this Act, as amended. This includes, but is not necessarily limited to, compliance with Michigan Manufactured Housing Commission regulations concerning internal roads, parking requirements, fencing, screening, unit spacing and recreational and open spaces.
- B. To the extent permitted by the Michigan Manufactured Housing Commission, this Ordinance shall require all manufactured homes in manufactured housing developments to be anchored to the ground in accordance with the standards and specifications of the manufacturer and any applicable state and federal statutes and rules.

32-123 to 32-129 Reserved

ARTICLE 10: (RC) RECREATION CONSERVATION DISTRICT RC

32-130 Intent

The RC-Recreation Conservation District is intended to protect and enhance areas of the City designated as open space, woodlands, wetlands, recreation and resource conservation and which are one acre or greater.



32-131 Uses Permitted by Right & Special Land Uses

Permitted and Special Land Uses in all districts shall be limited to the following (also listed in **Article 19: Table of Permitted and Special Land Uses**) and shall be subject to all applicable provisions of **Article 20: Plot Plans & Site Plan Review** and **Article 21: Supplemental Development Regulations**.

R = Permitted by right	RC
S = Permitted with Special Use Permit	
*Uses with Supplemental Development Regulations	
ARTS, ENTERTAINMENT, AND RECREATION	
Nature Parks/Nature Areas	R
Public Parks, Playgrounds, Recreation Area	R
MISCELLANEOUS	
Accessory Buildings & Uses Incidental to Principal Permitted Uses	R
RETAIL	
Outdoor Vendors in Public Parks	R*
UTILITIES/ENERGY	
Essential Services	R
Wind Energy Facilities and Anemometer Towers (Commercial)	S*

32-132 Development Standards

RC			
Minimum Lot Area:	1 acre	SETBACKS	
Minimum Lot Width:	200 ft	Minimum front yard:	35 ft
Maximum Building Height: ^a	2 stories or 25' whichever is less	Minimum rear yard:	30 ft
Maximum Lot Coverage	30%	Minimum side yard:	20 ft

^a Height regulations shall apply to any portion of a structure that could be used as living or commercial space, but shall not apply to areas that could not be used for living or commercial space (chimneys, church spires, bell towers, etc.). These height restrictions do not apply to wind turbines, anemometer towers, radio and television towers, telecommunication towers and related facilities which are regulated by Article 21: Supplemental Regulations.



32-133 to 32-139 Reserved

ARTICLE 11: (OS-1) OFFICE SERVICE DISTRICT

32-140 Intent

The OS-1 District is designed to accommodate various types of office uses performing administrative, professional and personal services. These are typically small office buildings which can serve as a transitional use between the more intensive uses of land such as major thoroughfares and/or commercial districts and the less intensive uses of land such as single family residential development.



32-141 Uses Permitted by Right & Special Land Uses

Permitted and Special Land Uses in all districts shall be limited to the following (also listed in **Article 19: Table of Permitted and Special Land Uses**) and shall be subject to all applicable provisions of **Article 20: Plot Plans & Site Plan Review** and **Article 21: Supplemental Development Regulations**.

R = Permitted by right S = Permitted with a Special Use Permit *Uses with Supplemental Development Regulations	OS-1
ACCOMODATION AND FOOD SERVICES	
<i>Bakeries (goods produced & sold on-site)</i>	R
<i>Caterers/Food Service Contractors</i>	R
<i>Coffee Shops</i>	R
<i>Convention Centers/Conference Centers/Banquet Halls</i>	R
<i>Drinking Establishments</i>	R
<i>Microbreweries</i>	S
ARTS, ENTERTAINMENT, AND RECREATION	
<i>Art Studios</i>	R
<i>Fitness & Recreational Sports Centers (ex: spas, health clubs, racquetball)</i>	R
<i>Museums & Galleries</i>	R
<i>Private Clubs; Lodges</i>	R
<i>Swimming Pool Clubs</i>	R
COMMERCIAL/BUSINESS/SERVICE	
<i>Extermination & Pest Control Services</i>	R
<i>Financial Institutions</i>	R
<i>Funeral Homes & Mortuaries w/o crematorium</i>	R*
<i>General Rental Centers</i>	R
<i>Interior Designers/Showrooms</i>	R
<i>Medical Laboratories</i>	R
<i>Personal Services (barber/beauty shops, tailoring, massage)</i>	R
<i>Pet Care (except Veterinary and Animal Shelters)</i>	S
<i>Photofinishing/Photographers</i>	R
<i>Printing/Binding/Publishing of Printed Materials</i>	R
<i>Professional Cleaning Services</i>	R
<i>Professional Offices</i>	R

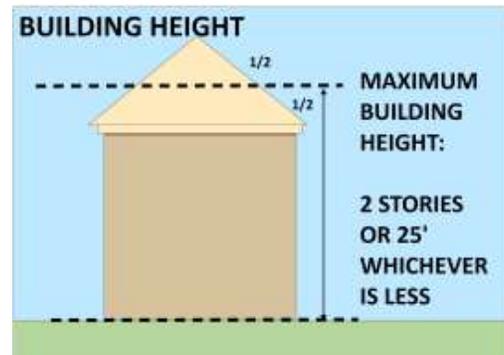
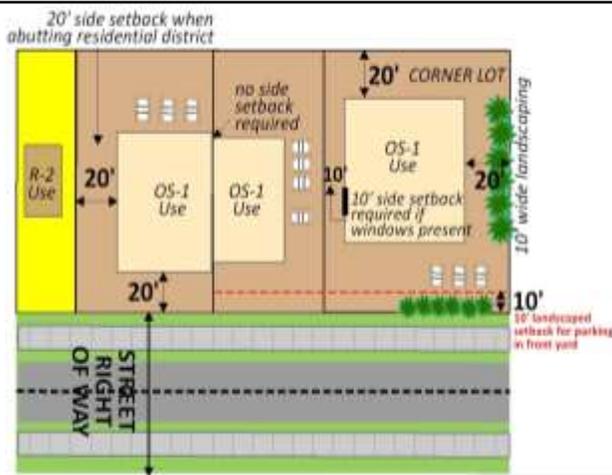
R = Permitted by right S = Permitted with a Special Use Permit *Uses with Supplemental Development Regulations	OS-1
EDUCATIONAL SERVICES/RELIGION	
<i>Colleges/Universities/Other Institutions of Higher/Specialized Learning (public and private)</i>	S
<i>Public or private schools</i>	R
<i>Religious Institutions</i>	R
HUMAN CARE AND SOCIAL ASSISTANCE	
<i>Health Care /Dental /Optical Clinics</i>	R
<i>Assisted Living Home Nursing/Convalescent Home</i>	S*
<i>Residential Human Care & Treatment Facility</i>	S
MISCELLANEOUS	
<i>Accessory Buildings & Uses Incidental to Principal Permitted Uses</i>	R
<i>Planned Unit Development</i>	S*
PARKING LOTS	
<i>Parking lots, Off Street (located on a lot not contiguous to the use it serves or a parking lot operated as a business)</i>	R
<i>Parking Structures</i>	R*
PUBLIC FACILITIES	
<i>Community Centers (public)</i>	R
<i>Government Offices</i>	R
<i>Libraries</i>	R
<i>Post Office</i>	R
RESIDENTIAL USES	
<i>One-Family Dwelling (year round & seasonal)</i>	R
<i>Cottage Industries</i>	S*
<i>Home Occupations</i>	R*
<i>Multiple-Family Dwelling Units</i>	S
<i>Townhouses</i>	S
<i>Two-Family Dwelling (duplex)</i>	R

OS-1

R = Permitted by right S = Permitted with a Special Use Permit *Uses with Supplemental Development Regulations	OS-1
RETAIL	
<i>Drive-Through Establishments (ex: pharmacy, dry cleaners)</i>	R*
<i>Florists</i>	R
<i>General Merchandise Stores</i>	R
<i>Medical Equipment Sales</i>	R
<i>Outdoor Sales/Display in conjunction with an approved use</i>	R
<i>Pet Stores</i>	S
<i>Pharmacies/Medical & Optical Supplies</i>	R
UTILITIES/ENERGY	
<i>Essential Services</i>	R
<i>Wind Energy Facilities and Anemometer Towers (Commercial)</i>	S*
<i>Wind Energy Systems (small on-site)</i>	R*

32-142 Development Standards

OS-1	
Minimum Lot Area:	None
Minimum Lot Width:	None
Maximum Building Height: ^a	2 stories or 25' whichever is less
SETBACKS	
Minimum front yard: ^b	20 ft
Minimum rear yard:	20 ft
Minimum side yard:	^c
ONE-FAMILY AND TWO-FAMILY DWELLINGS: One-family detached and two-family dwellings permitted in the OS-1 District shall observe the same development standards as in the R-2 District ²⁴	



^a Height regulations shall apply to any portion of a structure that could be used as living or commercial space, but shall not apply to areas

that could not be used for living or commercial space (chimneys, church spires, bell towers, etc.). These height restrictions do not apply to wind turbines, anemometer towers, radio and television towers, telecommunication towers and related facilities which are regulated by Article 21: Supplemental Regulations.

^b Off-street parking shall be permitted to occupy a portion of the required front yard provided that there shall be maintained a minimum unobstructed and landscaped setback of ten (10) feet, decorative fencing, or a screening wall between the nearest point of the off-street parking area, exclusive of access driveways, and the nearest right-of-way line.

^c No side yards are required along the interior side lot lines of the District, except as otherwise specified in the Building Code, provided that if walls of structures facing such interior side lot lines contain windows, or other openings, side yards of not less than ten (10) feet shall be provided.

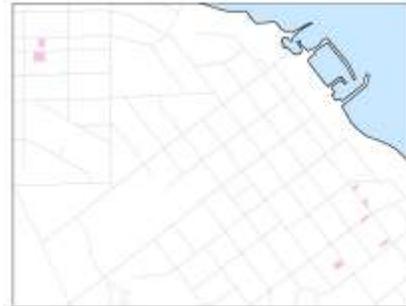
When the lot has a common lot line with a residential district a setback of 20 feet is required of which 10 feet shall be landscaped. If the said lot is a corner lot, the side line that abuts a street shall have a setback of 20 feet, of which a 10 foot width shall be landscaped.

32-143 to 32-149 Reserved

ARTICLE 12: (B-1) LOCAL BUSINESS DISTRICT B-1

32-150 Intent

The Local Business District (B-1) is designed to provide for the day-to-day convenience shopping and service needs of persons residing in adjacent residential areas. The district will generally be used as a transitional district between more intensive uses of land such a major thoroughfares and other business districts and less intensive uses of land such as office and residential. It will normally be located only on property which fronts on a major or secondary thoroughfare.



32-151 Uses Permitted by Right & Special Land Uses

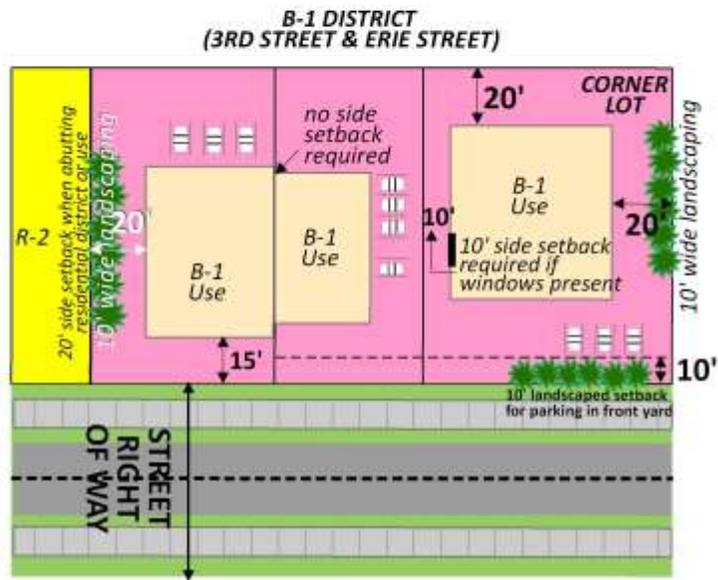
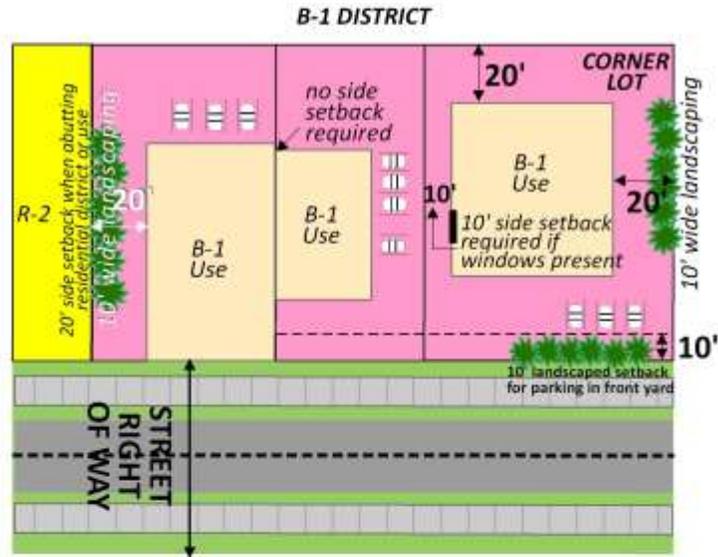
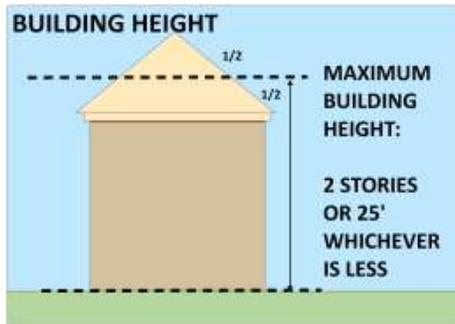
Permitted and Special Land Uses in all districts shall be limited to the following (also listed in Article 19: Table of Permitted and Special Land Uses) and shall be subject to all applicable provisions of Article 20: Plot Plans & Site Plan Review and Article 21: Supplemental Development Regulations.

Table with 2 columns: Use Description and District Code (B-1). Rows include categories like ACCOMODATION AND FOOD SERVICES, ARTS, ENTERTAINMENT, AND RECREATION, COMMERCIAL/BUSINESS/SERVICE, and HUMAN CARE AND SOCIAL ASSISTANCE.

Table with 2 columns: Use Description and District Code (B-1). Rows include categories like MISCELLANEOUS, PUBLIC FACILITIES, RESIDENTIAL USES, RETAIL, and UTILITIES/ENERGY.

32-152 Development Standards

B-1	
Minimum Lot Area:	None
Minimum Lot Width:	None
Maximum Building Height: ^a	2 stories or 25' whichever is less
SETBACKS	
Minimum front yard: ^b	
3 rd Street & Erie Street:	15 ft
All other streets:	None
Minimum rear yard:	20 ft
Minimum side yard:	^c
ADDITIONAL REGULATIONS:	
1.	Buildings in the B-1 District shall be architecturally compatible with the surrounding neighborhood.
2.	There shall be no outdoor storage of equipment or materials.
3.	A minimum floor area of 400 sq. ft. for a one bedroom or efficiency dwelling unit shall be required. For each additional bedroom, an additional 100 sq. ft. of floor area shall be provided. ⁷



^a Height regulations shall apply to any portion of a structure that could be used as living or commercial space, but shall not apply to areas that could not be used for living or commercial space (chimneys, church spires, bell towers, etc.). These height restrictions do not apply to wind turbines, anemometer towers, radio and television towers, telecommunication towers and related facilities which are regulated by Article 21: Supplemental Regulations.

^b Off-street parking shall be permitted to occupy a portion of the front yard provided that there shall be maintained a minimum unobstructed and landscaped setback of ten (10) feet, decorative fencing, or a decorative screening wall between the nearest point of the off-street parking area, exclusive of access driveways, and the nearest right-of-way line.

^c No side yards are required along the interior side lot lines of the District, except as otherwise specified in the Building Code, provided that if walls of structures facing such interior side lot lines contain windows, or other openings, side yards of not less than ten (10) feet shall be provided.

When the lot has a common lot line with a residential district a setback of 20 feet is required of which 10 feet shall be landscaped. If the said lot is a corner lot, the side line that abuts a street shall have a setback of 20 feet, of which a 10 foot width shall be landscaped.

32-1532-153 to 32-159 *Reserved*

ARTICLE 13: (B-2) CENTRAL BUSINESS DISTRICT **B-2**

32-160 Intent

The B-2 Central Business District is designed to provide for a variety of retail stores and retail activities as well as to accommodate a variety of commercial, entertainment, cultural, governmental, and upper floor residential uses which serve the needs of the region. The District is intended to promote convenient pedestrian shopping and to reinforce a compact development pattern. B-2 design standards are intended to encourage the renovation of traditional historic buildings and development of new buildings which are compatible and consistent with the nautical heritage and appearance of the historic downtown in Rogers City.



32-161 Uses Permitted By Right & Special Land Uses

Permitted and Special Land Uses in all districts shall be limited to the following (also listed in **Article 19: Table of Permitted and Special Land Uses**) and shall be subject to all applicable provisions of **Article 20: Plot Plans & Site Plan Review** and **Article 21: Supplemental Development Regulations**.

R = Permitted by right S = Permitted with a Special Use Permit *Uses with Supplemental Development Regulations	B-2
ACCOMODATION AND FOOD SERVICES	
<i>Bakeries (goods produced & sold on-site)</i>	R
<i>Caterers/Food Service Contractors</i>	R
<i>Coffee Shops</i>	R
<i>Convention Centers/Conference Centers/Banquet Halls</i>	R
<i>Drinking Establishments</i>	R
<i>Hotels & Motels & Resorts (attached or detached units)</i>	R
<i>Microbreweries</i>	R
<i>Restaurants without Drive-Through</i>	R
<i>Restaurants with Outdoor Dining (Dining on public right-of-way)</i>	S*
AGRICULTURE/FOREST PRODUCTS	
<i>Farm Product Sales (Fruit/Vegetable Market)</i>	R
<i>Greenhouses/Nurseries/ Landscaping (Produce Sales)</i>	R
ARTS, ENTERTAINMENT, AND RECREATION	
<i>Archery Ranges (& as accessory use to a business)</i>	S
<i>Art Studios</i>	R
<i>Bowling Centers</i>	R
<i>Dive Shops/Dive Tours</i>	R
<i>Fitness & Recreational Sports Centers (ex: spas, health clubs, racquetball)</i>	R
<i>Museums & Galleries</i>	R
<i>Private Clubs; Lodges</i>	R
<i>Swimming Pool Clubs</i>	R
<i>Theaters/Performing Arts Facilities</i>	R

R = Permitted by right S = Permitted with a Special Use Permit *Uses with Supplemental Development Regulations	B-2
COMMERCIAL/BUSINESS/SERVICE	
<i>Automobile Service Stations (example: gas station); Auto Body/Paint/Interior & Glass; Auto Repair; Oil Change</i>	S*
<i>Dry Cleaning & Laundry Services (cleaning equipment is used to service only the premises at which it is located)</i>	R
<i>Electronic & Precision Equipment Repair & Maintenance</i>	R
<i>Financial Institutions</i>	R
<i>Funeral Homes & Mortuaries w/o crematorium</i>	R*
<i>General Rental Centers</i>	R
<i>Interior Designers/Showrooms</i>	R
<i>Personal/Household Goods Repair/ Maintenance (excluding repair of large items)</i>	R
<i>Personal Services (barber/beauty shops, tailoring, massage)</i>	R
<i>Pet Care (except Veterinary and Animal Shelters)</i>	R
<i>Photofinishing/Photographers</i>	R
<i>Printing/Binding/Publishing of Printed Materials</i>	R
<i>Professional Cleaning Services</i>	R
<i>Professional Offices</i>	R
CONSTRUCTION	
<i>Special trade contractors (ex: electrical, plumbing, heating – indoor storage of materials/equipment)</i>	R

R = Permitted by right S = Permitted with a Special Use Permit *Uses with Supplemental Development Regulations	B-2
HUMAN CARE AND SOCIAL ASSISTANCE	
Health Care /Dental /Optical Clinics	R
Child Care Services (see following) ²⁵	
Family Child Care Home (6 or less)	R*
Group Child Care Home (7 -12)	S*
Child Care Center or Day Care Center/Nursery School	S*
MANUFACTURING/INDUSTRIAL/MINING/WASTE MANAGEMENT	
Sign Painting Shops	R
MISCELLANEOUS	
Accessory Buildings & Uses Incidental to Principal Permitted Uses	R
Mixed Use Shopping Center	R
Planned Unit Development	S*
PARKING LOTS	
Parking lots, Off Street (located on a lot not contiguous to the use it serves or a parking lot operated as a business)	R
Parking Structures	R*
Community Centers (public)	R
Government Offices	R
Libraries	R
Police/Fire Stations	R
Post Office	R
RESIDENTIAL USES	
Dwelling Units above Commercial Establishment	R*
TRANSPORTATION SERVICES/WAREHOUSING/WHOLESALE TRADE/ STORAGE/SHIPPING	
Mail Order Establishments	R

R = Permitted by right S = Permitted with a Special Use Permit *Uses with Supplemental Development Regulations	B-2
UTILITIES/ENERGY	
Essential Services	R
Public Utility Facilities (without storage yards)	R
RETAIL	
Boat and Boating Accessory Sales	R
Building & Garden Equipment & Supplies Dealers	R*
Clothing & Clothing Accessories Stores	R
Convenience Stores	R
Drive-Through Establishments (ex: pharmacy, dry cleaners)	R*
Electronics & Appliance Stores	R
Florists	R
Food & Beverage Stores	R
Furniture & Home Furnishings Stores; Antique Stores	R
General Merchandise Stores	R
Hardware Stores	R
Health & Personal Care Stores	R
Medical Equipment Sales	R
Movie Rental Stores	R
Office Supply Stores	R
Outdoor Sales/Display in conjunction with an approved use	R
Outdoor Vendors	R*
Pet Stores	R
Pharmacies/Medical & Optical Supplies	R
¹³ Resale Shops	R
Seasonal Use Sales	R
Small-Scale Craft Making	R
Sporting Goods, Hobby, Book & Music Stores	R
Vehicle Sales	R*

32-162 Development Standards

- A. **Intent:** The intent of the development standards of the B-2 District is to allow increased economic activity and development in the Central Business District by continuing the nautical heritage appearance and ambiance in the historic downtown by preserving the current buildings and ensuring future additions will be of compatible design. The intent of the building placement standards is to eliminate narrow alleyways between buildings which detract from the appearance of the downtown, create a public nuisance, reduce safety, increase fire hazards, and waste valuable downtown space. The purpose of this requirement is to encourage compact development, to provide for increased residential and economic opportunities in this district, or, in the case of the false second story, to create a more uniform appearance to the downtown streetscape. It is the intent of this provision that these areas attain and maintain a high standard of appearance.

B. Building Design & Flexibility:

1. There will be no single design element or style standard set for this district. An eclectic collection of high quality, unique, and architecturally interesting buildings is the intent for the long-term design appearance of the central business district. The nautical heritage of the City of Rogers City is best served by faithful preservation of the original appearance of our historic stock of buildings and by future additions which are compatible with this stock and of high-quality construction.
2. **Flexible Design Standards:** The Planning Commission may approve modifications of the design standards, including building height, in order to allow for creativity and flexibility in design, while maintaining the intent of the district regulations. If modifications of design standards are requested in projects requiring only staff-level site plan review, staff may request the project be approved by the Planning Commission.
3. The design requirements contained in **§32-162** shall be adhered to for new construction and for buildings which undergo a rehabilitation of twenty-five (25) percent or more of the primary façade.

C. Single-Family Residential (Nonconforming) Uses Exception: Standards of the R-2 District shall apply.

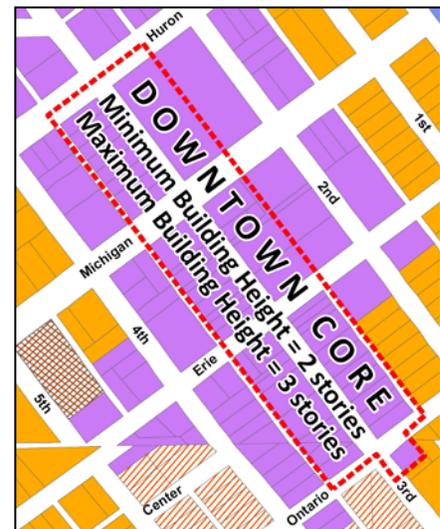
D. Minimum Lot Area & Width: There shall be no minimum lot area or minimum lot width in the B-2 District.

E. BUILDING HEIGHT**DOWNTOWN CORE**

MINIMUM BUILDING HEIGHT:	2 stories (or one story with a false second story façade)
MAXIMUM BUILDING HEIGHT:	3 stories

OUTSIDE OF DOWNTOWN CORE

MINIMUM BUILDING HEIGHT:	None
MAXIMUM BUILDING HEIGHT:	2 stories



1. Height regulations shall apply to any portion of a structure that could be used as living or commercial space, but shall not apply to areas that could not be used for living or commercial space (chimneys, church spires, bell towers, etc.). These height restrictions do not apply to wind turbines, anemometer towers, radio and television towers, telecommunication towers and related facilities which are regulated by **Article 21: Supplemental Regulations**.
2. Height requirements may be exceeded by parapet walls or as needed to conceal mechanical equipment, roof structures, chimneys, antennas, cupolas, spires, or other ornamental projections.

F. Setbacks

DOWNTOWN CORE
(3RD STREET BETWEEN ONTARIO AND HURON)

FRONT SETBACK: Buildings shall have a setback equal to the majority of existing buildings on the same block and on the same street.

The Planning Commission may approve a greater front setback as part of the site plan review process. Applicant shall provide justification that greater setback is necessary for the proposed use, is pedestrian-oriented, and contributes to the quality and character of the streetscape.

SIDE SETBACK: 0 ft required

Buildings in the downtown core shall be built from side lot line to side lot line. Buildings shall be constructed in such a manner as to prevent any need to access the lot line wall from the adjoining property. The Planning Commission may approve a greater side setback as part of the site plan review process. Applicant shall provide justification that a greater setback is necessary for the proposed use. Parking lots on the side of the building are not a sufficient justification for a greater side setback.

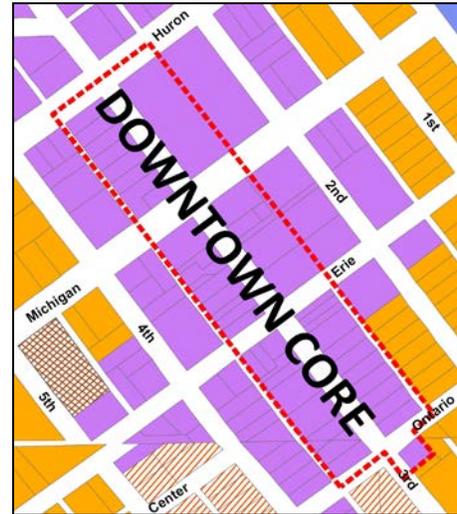
REAR SETBACK: 0 ft minimum

OUTSIDE OF THE DOWNTOWN CORE

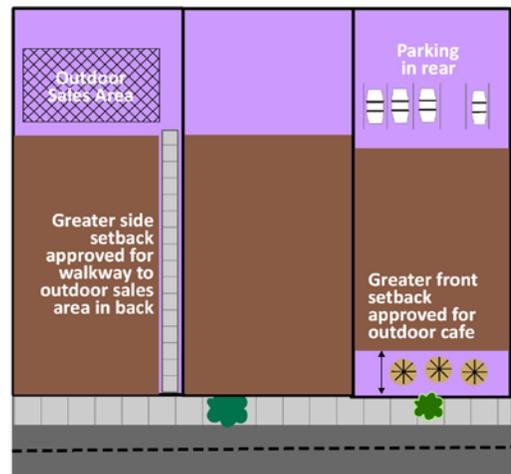
FRONT SETBACK: Minimum 0 ft
Maximum 15 ft

SIDE SETBACK: Minimum 0 ft

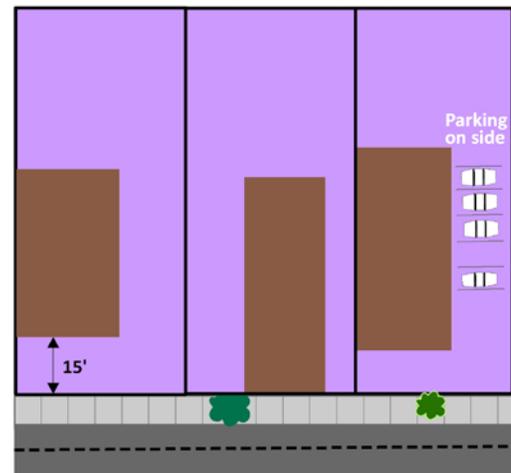
REAR SETBACK: Minimum 0 ft



DOWNTOWN CORE



REMAINDER OF B-2 DISTRICT



G. Parking Lot Location

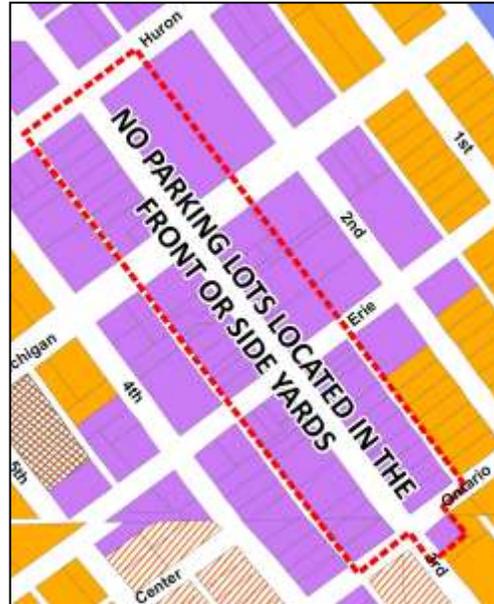
DOWNTOWN CORE

(3RD STREET BETWEEN ONTARIO AND HURON)

There shall be no parking lots located in the front or side yards.

OUTSIDE OF THE DOWNTOWN CORE

There shall be no parking lots located in the front yard. Parking lots in side yard are permitted as part of an approved site plan.



H. Building Materials: Downtown Core

The intent of this provision is to prevent the lowering of property values for nearby and adjoining property owners due to use of materials with questionable durability or perceived lower quality appearance. The following applies to street-facing walls only:

1. **Allowed:** Face brick; wood; glass; stone; stucco-like material; brick or stone veneers; manufactured brick veneer; manufactured stone veneer; fluted cement; split faced/colored concrete block designs that mimic stone, brick, or other similar masonry; and similar products as determined by the Planning Commission.
2. **Not Allowed:** Oriented strand board (OSB); plywood, pressed wood; composite materials; vinyl; aluminum; mirrors; reflective glass; plastic and plastic-like materials; corrugated metal; fiberglass; rough-textured wood; rigid poly siding; concrete blocks (except noted above); and similar products as determined by the Planning Commission
3. **Alternatives:** During site plan review or as needed, the Planning Commission may approve special high quality, innovative, or technology driven alternative materials not listed in this ordinance. The Planning Commission will evaluate proposed alternative materials to ensure they meet appropriate architectural, aesthetic, and safety standards, and they are compatible with surrounding properties.
4. **Paint Schemes:** The same color scheme is to be used on all sides for the building. White shall be avoided except for trim. Complimentary colors on a single building should offer less contrast

I. Façades: Downtown Core

1. **PRINCIPAL PEDESTRIAN ENTRANCE:** All buildings shall have their principal pedestrian entrance on a front lot line directly accessible from a public sidewalk. Principal entrances shall have design details that enhance the appearance and prominence of the entrance. Rear entrances are strongly encouraged where appropriate.
2. **FRONT ENTRANCEWAY INSET:** The front entranceway shall be inset 3 feet from the front building wall (for new construction only).
3. **REAR FAÇADES:** Rear facades of buildings should present an attractive and finished appearance.
4. **GARAGE DOORS:** The location of garage doors shall be reviewed and approved during site plan approval.
5. **BLANK WALLS:** Blank walls shall not face a public street. Walls facing public streets shall include windows and architectural and design features such as awnings, cornice work, edge detailing, decorative finish materials, recesses, designs using building materials, or murals.
6. **MULTIPLE LOT COMBINED BUILDING SITES:** The store front façade for a multiple-lot, combined building site will maintain an eclectic appearance so that to a pedestrian on the sidewalk, it appears that several individual stores are located on the combined site. This appearance may be achieved through architectural devices which the Planning Commission will review with sole discretion regarding final appearance.
7. **BUILDINGS WITH UPPER STORIES:**
 - a. Buildings that have upper stories shall be designed to create a distinct and separated ground floor area (through the use of a change in material, texture, color, awning or canopy, etc).
 - b. If the building is to use a false second story façade, then the façade must be of same type construction as the first story and maintain the structural integrity of a real second story building. For buildings with a real second story, the second story may be used for either commercial or residential uses.
8. **ELEMENTS OF FAÇADE:** The ground level façade shall be designed to include the elements that make up a traditional storefront including:
 - a. A base panel between the sidewalk and the windows
 - b. Windows and an entry framed by piers/pilasters

- c. A sign band or projecting sign
- d. A middle cornice separating the ground level façade from the upper stories

Building facades along a street block will form a street edge that frames the public space. Horizontal elements should be reflected in the design including lintels, windowsills, cornices, transoms, etc. but the vertical character of traditional storefronts as expressed by entries, window openings, and building height is emphasized. Walls along the public right-of-way shall include windows and architectural features such as awnings, cornice work, columns, edge detailing or other decorative finish materials. Wall massing shall be broken up with architectural elements to reduce scale.

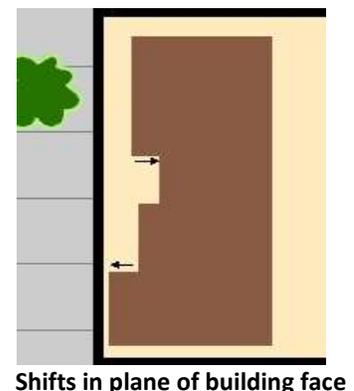
9. DESIGN TREATMENT OPTIONS:

Each primary facade shall incorporate a minimum of two of the following design treatments:

- a. Color banding through the use of colored exterior building materials or paint.
- b. Canopies or porticos.
- c. Roofs which extend (overhang) at least eight (8) inches beyond the wall.
- d. Sculpted art work.
- e. Raised cornice parapets over doors.
- f. Arches.
- g. Towers.
- h. Shifts in the plane of the building face.

Each primary facade shall incorporate at least one of the following design treatments:

- i. Change in the exterior building material.
- j. Vertical or horizontal banding of architectural (not color) features.



J. Transparency: Windows & Doors (Downtown Core)

- 1. **Storefront/Ground Floor:** Ground floors shall be designed with storefronts that have windows and doorways which are integrally designed. Required windows shall be either windows that allow views into retail space, working areas, or lobbies, pedestrian entrances, or display windows set into the wall.
- 2. **Transparency:** Only clear or lightly tinted glass shall be allowed in windows and doors. Windows shall not be blocked by an opaque treatment.

WINDOW & DOOR OPENINGS:

GROUND FLOOR:	Minimum 35%, maximum 90%
UPPER FLOOR:	Minimum 20%, Maximum 50%

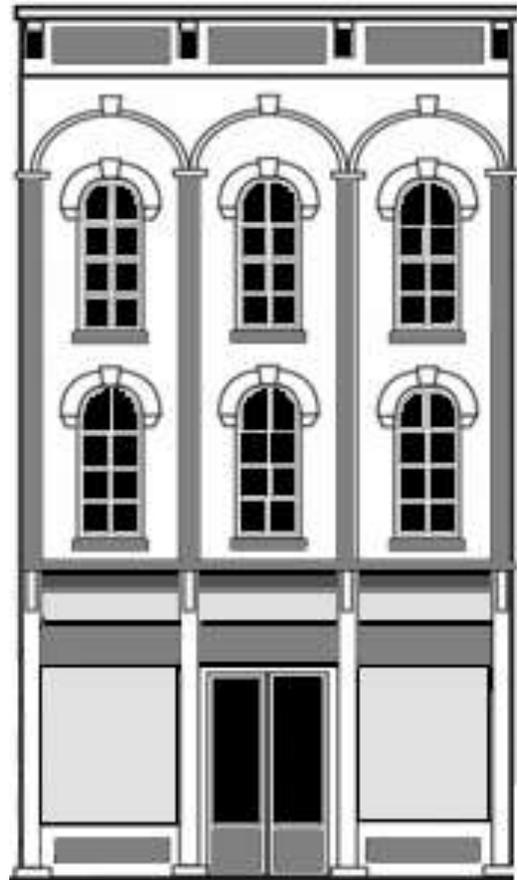
- 3. **Window Sill:** On the ground floor, the bottom of the window sill shall be a maximum of two (2) feet above the adjacent exterior grade.
- 4. **Window Design:** Windows shape and design shall be in proportion to the geometric shape of the building. For infill development, window shape and design shall be in proportion to the neighboring buildings.
- 5. Theaters shall be exempt from this subsection J.

Upper floor transparency: Min 20%, Max 50% →

Distinct separation between ground/upper floors →

Ground floor transparency: Min 35%, Max 90% →

Window sill maximum 2' above sidewalk →

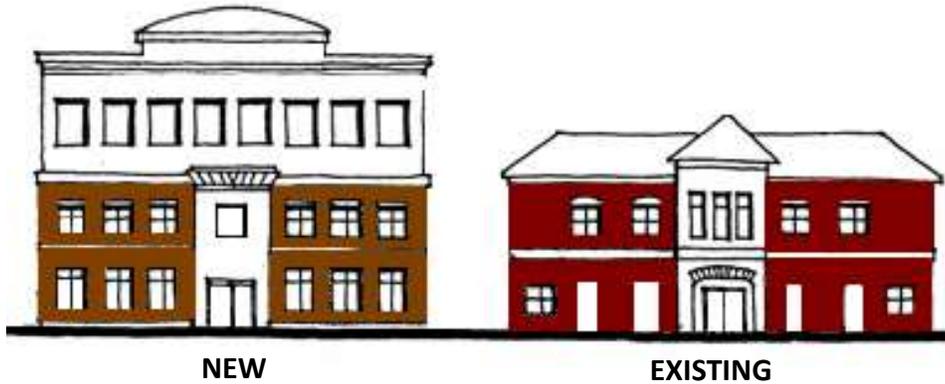


K. Roofs

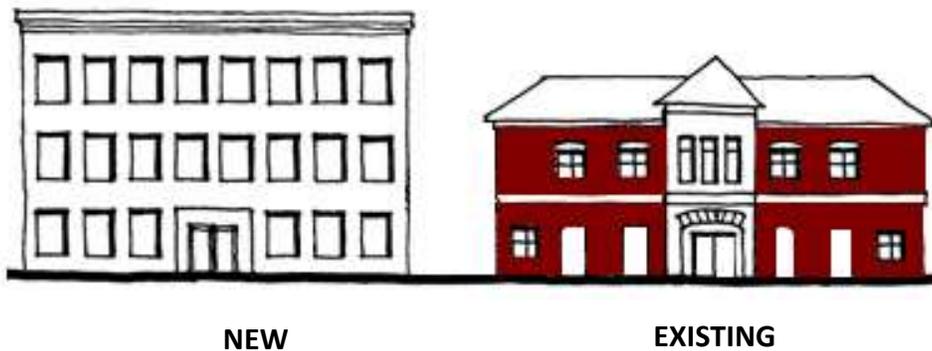
1. **Infill development** – roof structure shall be in scale with the building and complement the character of adjacent buildings.
2. **Flat Roofs:** Flat roofs shall be enclosed by parapets and must have three-dimensional cornice treatment which is at least twelve (12) inches in height and contains at least three (3) reliefs.
3. **Rooftop Screening:** Rooftop mechanical and other equipment shall be screened from view from adjacent properties and public rights-of-way. Parapets and other screening treatments shall blend in with the design of the building in terms of color, materials, height, and scale.
4. Roof lines are not restricted to a particular form; however, specific conditions resulting from specific combinations of roof lines and site characteristics are restricted as follows:
 - a. The roof of all buildings must be designed to prevent precipitation from being shed to adjoining properties, public or private. Stormwater runoff must be managed on site. No gutters will be allowed to drain onto sidewalks or streets.
 - b. No roof may overhang any adjoining property.
 - c. If any of these conditions exist, then during renovation or re-roofing, the condition must be abated.

L. Building Scale

If multiple lots are combined to create a building site greater than ten thousand (10,000) square feet, then the appearance of the building shall be compatible with the existing historic stock of buildings in this district. The scale of the building shall be designed to be harmonious with nearby structures in terms of mass, scale, and proportion to the best extent possible.



DO: IN THE ABOVE DIAGRAM, PROPORTION AND DIFFERENTIATION BETWEEN GROUND AND UPPER FLOORS RELATES TO EXISTING STRUCTURE



DON'T: IN THE ABOVE DIAGRAM, THERE IS NO RELATIONSHIP TO EXISTING STRUCTURE

M. Outdoor Display

Outdoor temporary display areas are permitted limited to the area within three (3) feet of the façade of the building to which it is an accessory use. If located at the rear or side yard, it shall be contained within the same lot. A minimum of five (5) feet of sidewalk along the curb and leading to the entrance to the establishment shall be maintained so that pedestrian circulation and access to the building entrance is not impaired.

N. Sidewalk Encroachment

1. **Outdoor Seating:** An outdoor seating area on the public right of way may be allowed if approved by as a Special Use by the Planning Commission.
2. **Awnings:** First floor awnings may encroach upon the frontage line and public sidewalk but must avoid street trees. At least eight (8) feet of clearance must be provided above the sidewalk and set back a minimum of two (2) feet from the curb.
3. **Street Furniture:** Benches and trash receptacles may be permitted in areas where feasible.

O. Open Spaces

Any open area, other than a paved parking lot, outdoor café, loading dock, driveway, or other use allowed by the Rogers City Zoning Ordinance, between two existing structures will be attractively landscaped. No areas between buildings in this district will be left unimproved. The location of temporary buildings (except during construction) and outdoor storage (of any kind) is prohibited.

P. Business that has Ceased Operation

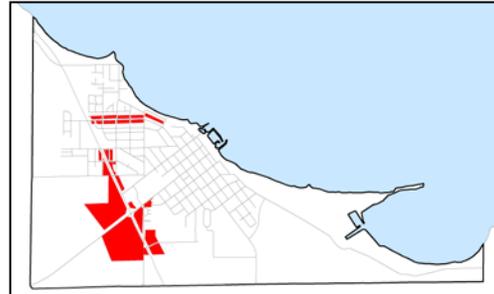
When a business ceases operation, it is required that within 30 days the signs for the business must be removed, painted blank, or covered securely with durable material and windows managed to provide suitable appearance from the street.

32-163 to 32-169 Reserved

ARTICLE 14: (B-3) GENERAL BUSINESS DISTRICT

32-170 Intent

The General Business District (B-3) is designed to provide sites for diversified business types and is often located so as to serve passerby traffic. These uses are generally characterized by generating large volumes of vehicular traffic. The district will generally be used adjacent to high volume major thoroughfares.



32-171 Uses Permitted by Right & Special Land Uses

Permitted and Special Land Uses in all districts shall be limited to the following (also listed in **Article 19: Table of Permitted and Special Land Uses**) and shall be subject to all applicable provisions of **Article 20: Plot Plans & Site Plan Review** and **Article 21: Supplemental Development Regulations**.

R = Permitted by right S = Permitted with a Special Use Permit *Uses with Supplemental Development Regulations	B-3
ACCOMODATION AND FOOD SERVICES	
<i>Bakeries (goods produced & sold on-site)</i>	R
<i>Caterers/Food Service Contractors</i>	R
<i>Coffee Shops</i>	R
<i>Convention Centers/Conference Centers/Banquet Halls</i>	R
<i>Drinking Establishments</i>	R
<i>Hotels & Motels & Resorts (attached or detached units)</i>	R
<i>Microbreweries</i>	R
<i>Restaurants without Drive-Through</i>	R
<i>Restaurants with Drive-Through (Drive-In or Eat in Car)</i>	R*
AGRICULTURE/FORREST PRODUCTS	
<i>Agricultural Equipment Dealers</i>	R
<i>Bulk seed, feed, fertilizer and nursery stock outlet and distribution centers (including wholesale)</i>	R
<i>Farm Product Sales (Fruit/Vegetable Market)</i>	R
<i>Greenhouses/Nurseries/ Landscaping (Produce Sales)</i>	R
<i>Lumber Yards</i>	R
<i>Veterinary Services/Animal Clinics/Animal Hospitals</i>	R*

R = Permitted by right S = Permitted with Special Use Permit *Uses with Supplemental Development Regulations	B-3
ARTS, ENTERTAINMENT, AND RECREATION	
<i>Amusement Arcades</i>	R
<i>Archery Ranges (& as accessory use to a business)</i>	S
<i>Art Studios</i>	R
<i>Bowling Centers</i>	R
<i>Dive Shops/Dive Tours</i>	R
<i>Fitness & Recreational Sports Centers (ex: spas, health clubs, racquetball)</i>	R
<i>Museums & Galleries</i>	R
<i>Outdoor Recreation Facilities (commercial: ex – go karts)</i>	S*
<i>Private Clubs; Lodges</i>	R
<i>Skating Rinks (indoor)</i>	S
<i>Swimming Pool Clubs</i>	R
<i>Theaters/Performing Arts Facilities</i>	R
<i>Zoos</i>	S*

R = Permitted by right S = Permitted with a Special Use Permit *Uses with Supplemental Development Regulations	B-3
COMMERCIAL/BUSINESS/SERVICE	
Automobile Service Stations (example: gas station); Auto Body/Paint/Interior & Glass; Auto Repair; Oil Change	R*
Automotive Equipment Rental/Leasing	R
Boat Repair & Storage	S*
Carwashes	R*
Cash Advance Stores	R
Commercial/Industrial Equipment Rental & Leasing	R
Commercial Equipment Repair & Maintenance	R
Dry Cleaning & Laundry Services	R
Electronic & Precision Equipment Repair & Maintenance	R
Extermination & Pest Control Services	R
Financial Institutions	R
Fortune Tellers	R
Funeral Homes & Mortuaries w/o crematorium	R*
General Rental Centers	R
Interior Designers/Showrooms	R
Medical Laboratories	R
Personal/Household Goods Repair/ Maintenance (excluding repair of large items)	R
Personal Services (barber/beauty shops, tailoring, massage)	R
Pet Care (except Veterinary and Animal Shelters)	R
Photofinishing/Photographers	R
Printing/Binding/Publishing of Printed Materials	R
Professional Cleaning Services	R
Professional Offices	R
Tattoo/Piercing Parlor	S
CONSTRUCTION	
Special trade contractors (ex: electrical, plumbing, heating – indoor storage of materials/equipment)	R
Storage Facilities for Building Materials (Sand, Gravel, Stone, Lumber)/Contractor's Equipment (with outdoor storage)	S
EDUCATIONAL SERVICES/RELIGION	
Colleges/Universities/Other Institutions of Higher/Specialized Learning (public and private)	R
Religious Institutions	R

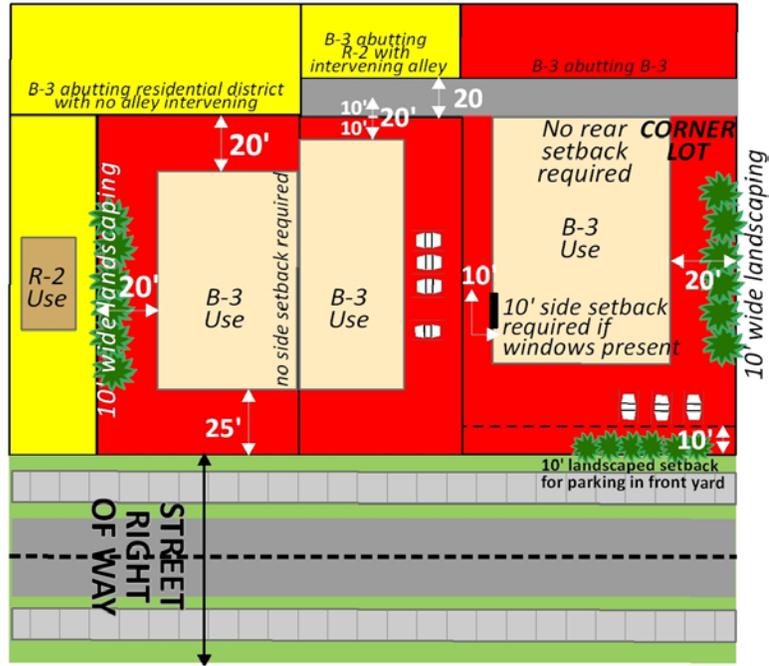
R = Permitted by right S = Permitted with a Special Use Permit *Uses with Supplemental Development Regulations	B-3
HUMAN CARE AND SOCIAL ASSISTANCE	
Health Care /Dental /Optical Clinics	R
Hospitals	R*
Assisted Living Home Nursing/Convalescent Home	S*
Residential Human Care and Treatment Facility	S
Child Care Services (see following) ²⁶	
Family Child Care Home (6 or less)	R*
Group Child Care Home (7 -12)	S*
Child Care Center or Day Care Center/Nursery School	S*
MANUFACTURING/INDUSTRIAL/MINING/WASTE MANAGEMENT	
Central Dry Cleaning Plants (not dealing directly with customers)	S
Dry bulk blending plants	S
Food/beverage processing and packaging	S
Sign Painting Shops	R
MISCELLANEOUS	
Accessory Buildings & Uses Incidental to Principal Permitted Uses	R
Mixed Use Shopping Center	R
Planned Unit Development (only allowed in the M-68 Overlay District)	S*
PARKING LOTS	
Parking lots, Off Street (located on a lot not contiguous to the use it serves or a parking lot operated as a business)	R
Parking Structures	R*
PUBLIC FACILITIES	
Community Centers (public)	R
Government Offices	R
Libraries	R
Police/Fire Stations	R
Post Office	R
RESIDENTIAL USES	
Living Quarters for Watchman or Caretaker – Industrial Uses	R*
TRANSPORTATION SERVICES/WAREHOUSING/WHOLESALE TRADE/ STORAGE/SHIPPING	
Couriers/Parcel Packing/Shipping/ Delivery Establishments	R
Mail Order Establishments	R
Scenic & Sightseeing Transportation/Ground Passenger Transportation	R
Warehousing & Storage	S*

R = Permitted by right	B-3
S = Permitted with a Special Use Permit	
*Uses with Supplemental Development Regulations	
RETAIL	
<i>Boat and Boating Accessory Sales</i>	R
<i>Building & Garden Equipment & Supplies Dealers</i>	R*
<i>Clothing & Clothing Accessories Stores</i>	R
<i>Convenience Stores</i>	R
<i>Drive-Through Establishments (ex: pharmacy, dry cleaners)</i>	R*
<i>Electronics & Appliance Stores</i>	R
<i>Fireworks Stores¹⁶</i>	R
<i>Florists</i>	R
<i>Food & Beverage Stores</i>	R
<i>Furniture & Home Furnishings Stores; Antique Stores</i>	R
<i>General Merchandise Stores</i>	R
<i>Hardware Stores</i>	R
<i>Health & Personal Care Stores</i>	R
<i>Home Improvement Centers (lumber stored in enclosed structure)</i>	R
<i>Manufactured Home Dealers</i>	R
<i>Medical Equipment Sales</i>	R
<i>Movie Rental Stores</i>	R
<i>Office Supply Stores</i>	R
<i>Outdoor Sales/Display in conjunction with an approved use</i>	R*
<i>Outdoor Vendors</i>	R*
<i>Pawn Shops/Resale Shops</i>	R
<i>Pet Stores</i>	R
<i>Pharmacies/Medical & Optical Supplies</i>	R
<i>Retail Uses with Outdoor Storage</i>	R
<i>Seasonal Use Sales</i>	R*
<i>Small-Scale Craft Making</i>	R
<i>Sporting Goods, Hobby, Book & Music Stores</i>	R
<i>Truck and heavy equipment sales/service establishments</i>	R
<i>Vehicle Sales</i>	R*
UTILITIES/ENERGY	
<i>Essential Services</i>	R
<i>Public Utility Facilities (without storage yards)</i>	R
<i>Wind Energy Systems (small on-site)</i>	R*

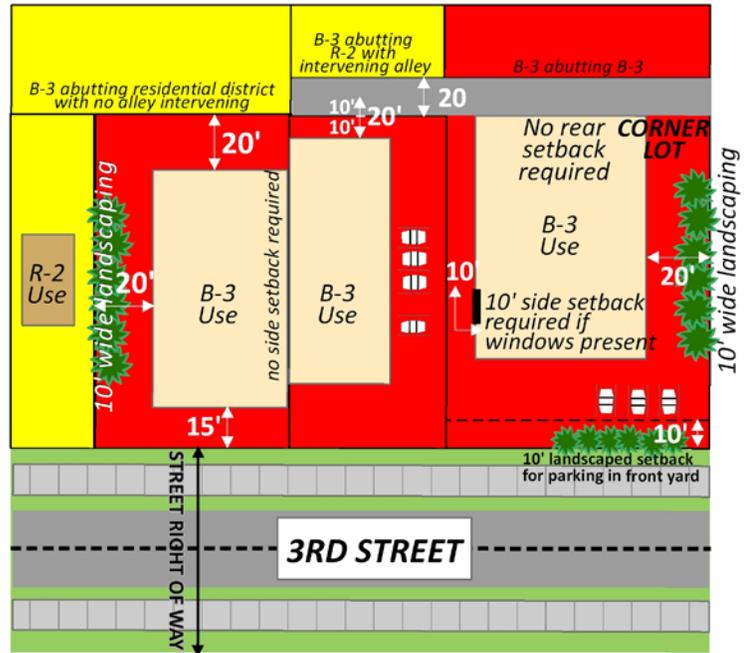
32-172 Development Standards

- A. DEVELOPMENT STANDARDS FOR RESIDENTIAL USES IN B-3: Standards of the R-2 District apply.
- B. DEVELOPMENT STANDARDS FOR B-3 DISTRICT (NON-RESIDENTIAL USES).

B-3 (OUTSIDE M-68 AND 3RD STREET OVERLAYS)	
MINIMUM LOT AREA:	None
MINIMUM LOT WIDTH:	None
MAX. BUILDING HEIGHT: ^a	3 stories or 35 ft, whichever is less
SETBACKS	
Minimum front yard: ^b	25 ft
Minimum rear yard: ^c	0 ft
Minimum side yard: ^d	0 ft
ADDITIONAL REGULATIONS:	
Outdoor storage of equipment or materials shall be screened from public view as per Section 32-41.	

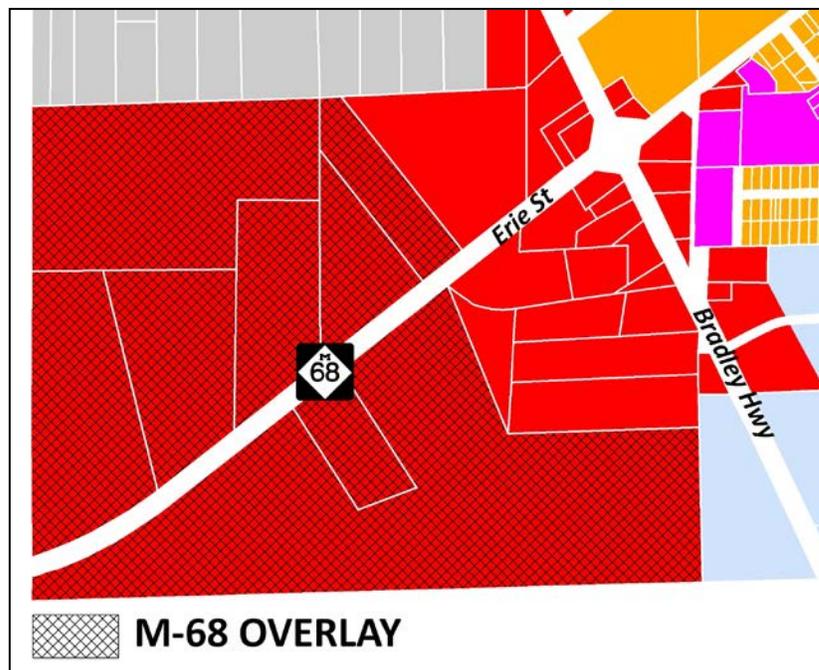


B-3 (3RD STREET OVERLAY)	
MINIMUM LOT AREA:	None
MINIMUM LOT WIDTH:	None
MAX. BUILDING HEIGHT: ^a	3 stories or 35 ft, whichever is less
SETBACKS	
Minimum front yard: ^b	15 ft
Minimum rear yard: ^c	0 ft
Minimum side yard: ^d	0 ft
ADDITIONAL REGULATIONS:	
Outdoor storage of equipment or materials shall be screened from public view as per Section 32-41.	

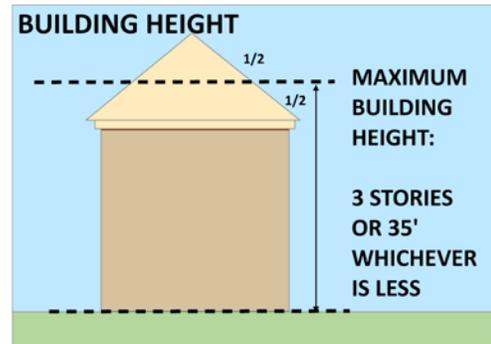


C. DEVELOPMENT STANDARDS FOR M-68 OVERLAY DISTRICT

B-3 (M-68 OVERLAY)	
MINIMUM LOT AREA:	1 acre
MINIMUM LOT WIDTH:	200 feet
MAX. BUILDING HEIGHT: ^a	3 stories or 35 ft, whichever is less
SETBACKS	
Minimum front yard:	25 ft
Minimum rear yard: ^c	0 ft
Minimum side yard: ^d	0 ft
ADDITIONAL REGULATIONS:	
1.	Outdoor storage of equipment or materials shall be screened from public view as per Section 32-41.
2.	Development abutting M-68 shall maintain either ⁴ :
<i>OPTION A:</i> a greenbelt of existing trees exclusive of access drives. This greenbelt shall be measured from the front property line. A small area may be cleared for signage.	
OR	
<i>OPTION B:</i> A three (3) foot high berm landscaped with native tree species consistent with the area. Trees shall be planted in such a way as to achieve a minimum year round 40% screening of the development from M-68,	
OR	
<i>OPTION C:</i> A landscaped front yard consistent with the requirements of section 32-42 Landscaping and Buffering	
3.	An additional ten (10) feet of land may be cleared on each side of the access drive.
4.	Parking lots in the front yard shall be allowed.
5.	No more than one (1) access from M-68 shall be developed for each lot fronting on M-68.



^a **HEIGHT:** Height regulations shall apply to any portion of a structure that could be used as living or commercial space, but shall not apply to areas that could not be used for living or commercial space (chimneys, church spires, bell towers, etc.). These height restrictions do not apply to wind turbines, anemometer towers, radio and television towers, telecommunication towers and related facilities which are regulated by Article 21: Supplemental Regulations.



^b **FRONT YARD PARKING:** Off-street parking shall be permitted to occupy a portion of the required front yard provided that there shall be maintained a minimum unobstructed and landscaped setback of ten (10) feet, decorative fencing, or a decorative wall between the nearest point of the off-street parking area, exclusive of access driveways, and the nearest right-of-way line.

^c **REAR SETBACK:** When a B-3 district abuts a residential district or use without an alley intervening, a setback of twenty (20) feet shall be required along the rear lot line. When an alley intervenes, one-half the width of the alley may be considered in computing the rear yard setback.

^d **SIDE SETBACK:** No side yards are required along the interior side lot lines of the District, except as otherwise specified in the Building Code, provided that if walls of structures facing such interior side lot lines contain windows, or other openings, side yards of not less than ten (10) feet shall be provided. When the lot has a common lot line with a residential district or use, a setback of 20 feet is required of which 10 feet shall be landscaped. If the said lot is a corner lot, the side line that abuts a street shall have a setback of 20 feet, of which a 10 foot width shall be landscaped.

32-173 to 32-179 Reserved

ARTICLE 15: (I-1) LIGHT INDUSTRIAL DISTRICT

32-180 Intent

The I-1 Light Industrial District is designed so as to primarily accommodate wholesale activities, warehouses, and industrial operations whose external, physical effects are restricted to the area of the district and in no manner affect in a detrimental way any of the surrounding districts. The I-1 District is so structured as to permit, along with any specified uses, the manufacturing, compounding, processing, packaging, assembly, and/or treatment of finished or semi-finished products from previously prepared material.

The general goals of this district include among others, the following specific purposes:

1. To provide sufficient space, in appropriate locations, to meet the needs of the City's expected future economy for all types of manufacturing and related uses.
2. To protect abutting residential districts by separating them from manufacturing activities, and by prohibiting the use of such industrial areas for new residential development.
3. To promote manufacturing development which is as free as is technically possible from danger of fire, explosions, toxic and noxious matter, radiation, and other hazards, and from offensive noise, vibrations, smoke, odor, and other objectionable influences.
4. To promote the most desirable use of land in accordance with a well considered plan. To protect the character and establish pattern of adjacent development, and in each area to conserve the value of land and buildings and other structures.
5. To promote the growth of existing industrial business and the development of "clean" light-industrial business which have minimal impact on air and water quality.
6. To minimize negative impacts on public health, safety, and welfare.
7. To provide for limited retail and commercial activities which have an industrial character in terms of their storage requirements or serve the retail or service needs of the industrial areas of the City.

32-181 Uses Permitted by Right & Special Land Uses

Permitted and Special Land Uses in all districts shall be limited to the following (also listed in **Article 19: Table of Permitted and Special Land Uses**) and shall be subject to all applicable provisions of **Article 20: Plot Plans & Site Plan Review** and **Article 21: Supplemental Development Regulations**.

R = Permitted by right S = Permitted with a Special Use Permit *Uses with Supplemental Development Regulations	I-1
ACCOMODATION AND FOOD SERVICES	
<i>Drinking Establishments</i>	R
<i>Microbreweries</i>	R
AGRICULTURE/FOREST PRODUCTS	
<i>Agricultural Equipment Dealers</i>	R
<i>Agricultural activities, products processing and storage (excluding concentrated animal feeding operations)</i>	R
<i>Animal Shelter/Kennels</i>	S*
<i>Bulk seed, feed, fertilizer and nursery stock outlet and distribution centers (including wholesale)</i>	R
<i>Lumber Mills</i>	R
<i>Lumber Yards</i>	R
<i>Veterinary Services/Animal Clinics/Animal Hospitals</i>	R*
<i>Wineries/Distilleries/Breweries</i>	R
ARTS, ENTERTAINMENT, AND RECREATION	
<i>Museums & Galleries</i>	R
<i>Outdoor Recreation Facilities (commercial: ex – go karts)</i>	S*
<i>RV Park</i>	S*
COMMERCIAL/BUSINESS/SERVICE	
<i>Automobile Service Stations (example: gas station); Auto Body/Paint/Interior & Glass; Auto Repair; Oil Change</i>	R*
<i>Automotive Equipment Rental/Leasing</i>	R
<i>Boat Repair & Storage</i>	R
<i>Carwashes</i>	R*
<i>Cash Advance Stores</i>	R
<i>Commercial/Industrial Equipment Rental & Leasing</i>	R
<i>Commercial Equipment Repair & Maintenance</i>	R
<i>Crematoriums</i>	S*
<i>Electronic & Precision Equipment Repair & Maintenance</i>	R
<i>Extermination & Pest Control Services</i>	R
<i>Fortune Tellers</i>	R
<i>General Rental Centers</i>	R
<i>Personal/Household Goods Repair/ Maintenance (excluding repair of lg items)</i>	R
<i>Printing/Binding/Publishing of Printed Materials</i>	R
<i>Professional Cleaning Services</i>	R
<i>Professional Offices</i>	R
<i>Sexually Oriented Businesses</i>	S*
<i>Tattoo/Piercing Parlor</i>	S

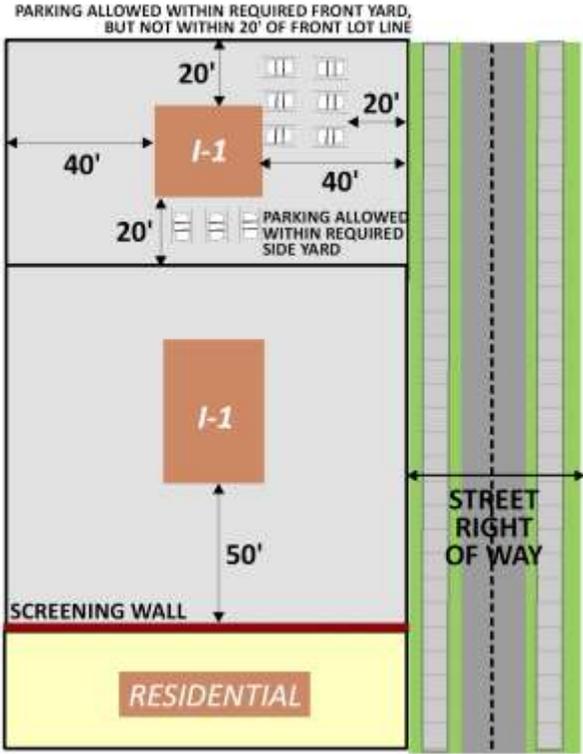
R = Permitted by right S = Permitted with a Special Use Permit *Uses with Supplemental Development Regulations	I-1
COMMUNICATIONS	
<i>Wireless Telecommunications Towers & Facilities & Alternative Tower Structures</i>	S*
<i>Television/Radio Broadcasting Stations</i>	S
CONSTRUCTION	
<i>Special trade contractors (ex: electrical, plumbing, heating – indoor storage of materials/equipment)</i>	R
<i>Storage Facilities for Building Materials (Sand, Gravel, Stone, Lumber)/Contractor's Equipment (with outdoor storage)</i>	R
EDUCATIONAL SERVICES/RELIGION	
<i>Colleges/Universities/Other Institutions of Higher/Specialized Learning (public and private)</i>	R
MANUFACTURING/INDUSTRIAL/MINING/WASTE MANAGEMENT	
<i>Central Dry Cleaning Plants (not dealing direct w/ customers)</i>	R
<i>Computer, Electronic, & Appliance Product Mfg</i>	R
<i>Dry bulk blending plants</i>	R
<i>Food/beverage processing and packaging</i>	R
<i>Furniture & Related Product Mfg</i>	R
<i>Leather & Allied Product Mfg</i>	R
<i>Machine Shops</i>	R
<i>Metal Plating/Buffering/Polishing/Cutting/ Slitting/Shearing</i>	R
<i>Miscellaneous Mfg (from previously prepared materials including agricultural, building, natural, synthetic, biological, and ceramic materials)</i>	R
<i>Petroleum Products, Gas Products, Paint & Chemical Bulk Storage & Distribution</i>	R
<i>Recycling facilities/Resource Recovery Facilities/Transfer Stations/Waste Collection</i>	R
<i>Research/Design/Experimental Product Development (within a completely enclosed building)</i>	R
<i>Sign Painting Shops</i>	R
<i>Textile & Apparel Mfg</i>	R
<i>Tool & Die Shops</i>	R
<i>Wood Product Mfg</i>	R
MISCELLANEOUS	
<i>Accessory Buildings & Uses Incidental to Principal Permitted Uses</i>	R
<i>Planned Unit Development</i>	S*
PUBLIC FACILITIES	
<i>Police/Fire Stations</i>	R
<i>Public Works Facilities with or without Outdoor Storage</i>	R
<i>Water & Wastewater Treatment Plants</i>	R

R = Permitted by right S = Permitted with a Special Use Permit *Uses with Supplemental Development Regulations	I-1
RETAIL	
<i>Building & Garden Equipment & Supplies Dealers</i>	R
<i>Convenience Stores</i>	R
<i>Home Improvement Centers (lumber stored in enclosed structure)</i>	R
<i>Manufactured Home Dealers</i>	R
<i>Retail Uses with Outdoor Storage</i>	R
<i>Truck and heavy equipment sales/service establishments</i>	R
RESIDENTIAL USES	
<i>Living Quarters for Watchman or Caretaker – Industrial Uses</i>	R*

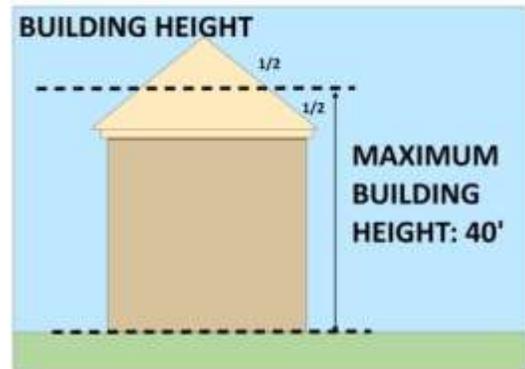
R = Permitted by right S = Permitted with a Special Use Permit *Uses with Supplemental Development Regulations	I-1
TRANSPORTATION SERVICES/WAREHOUSING/WHOLESALE TRADE/STORAGE/SHIPPING	
<i>Couriers/Parcel Packing/Shipping/ Delivery Establishments</i>	R
<i>Freight Terminals/Trucking Facilities</i>	R
<i>Mail Order Establishments</i>	R
<i>Rail yards</i>	R
<i>Scenic & Sightseeing Transportation/Ground Passenger Transportation</i>	R
<i>Truck Washes</i>	R
<i>Warehousing & Storage</i>	R
<i>Wholesale Trade</i>	R
UTILITIES/ENERGY	
<i>Electrical Transformer Stations & Substations</i>	R
<i>Essential Services</i>	R
<i>Gas Regulator Stations</i>	R
<i>Public Utility Facilities (with or without storage yards)</i>	R
<i>Wind Energy Systems (small on-site)</i>	R*

32-182 Development Standards

I-1	
MINIMUM LOT AREA:	20,000 ft ² (0.459 acres)
MINIMUM LOT WIDTH:	100 ft
MAXIMUM LOT COVERAGE:	50%
MAX. BUILDING HEIGHT: ^a	40 ft
SETBACKS	
Minimum front yard: ^b	40 ft
Minimum rear yard: ^c	40 ft
Minimum side yard: ^c	20 ft
ADDITIONAL REGULATIONS:	
1.	STORAGE: All storage shall be in the rear yard and shall be completely screened with an obscuring wall or fence, not less than six (6) feet high, or with a chain link type fence and a greenbelt planting so as to obscure all view from any adjacent residential, office or business district or from a public street.
2.	See §32-39: Performance Standards.



^a **HEIGHT:** Height regulations shall apply to any portion of a structure that could be used as living or commercial space, but shall not apply to areas that could not be used for living or commercial space (chimneys, church spires, bell towers, etc.). These height restrictions do not apply to wind turbines, anemometer towers, radio and television towers, telecommunication towers and related facilities which are regulated by Article 21: Supplemental Regulations.



The height of structures may exceed the maximum required herein for planned developments of twenty (20) acres or more in area provided that all yards shall be increased at least one (1) foot in depth for each additional one (1) foot of building height above the maximum herein permitted.

^b **FRONT YARD PARKING:** An off-street parking lot for visitors, over and above the number of spaces required may be permitted within the required front yard provided that such off-street parking is not located within twenty (20) feet of the front lot line.

^c **ABUTTING A RESIDENTIAL DISTRICT:** No building shall be located closer than fifty (50) feet or the height of the building, whichever is greater, to the side or rear lot line when said property abuts any residential district. A screening wall or dense vegetative buffer is required as per **§32-41 and §32-42.**

32-183 to 32-189 Reserved

ARTICLE 16: (I-2) GENERAL INDUSTRIAL DISTRICT

32-190 Intent

The I-2 General Industrial District is designed primarily for manufacturing, assembling and fabrication activities including large scale or specialized industrial operations, whose external physical effects will be felt to some degree by surrounding districts. The I-2 District is so structured as to permit the manufacturing, processing, and compounding of semifinished or finished products from raw materials as well as from previously prepared material.

1. To provide sufficient space, in appropriate locations, to meet the needs of the City's expected future economy for all types of manufacturing and related uses.
2. To protect abutting residential districts by separating them from manufacturing activities, and by prohibiting the use of such industrial areas for new residential development.
3. To promote the most desirable use of land in accordance with a well considered plan. To protect the character and establish patten of adjacent development, and in each area to conserve the value of land and buildings and other structures.
4. To promote the growth of existing industrial business and the development of "clean" light-industrial business which have minimal impact on air and water quality.
5. To minimize negative impacts on public health, safety, and welfare.
6. To provide for limited retail and commercial activities which have an industrial character in terms of their storage requirements or serve the retail or service needs of the industrial areas of the City.

32-192 Uses Permitted by Right & Special Land Uses

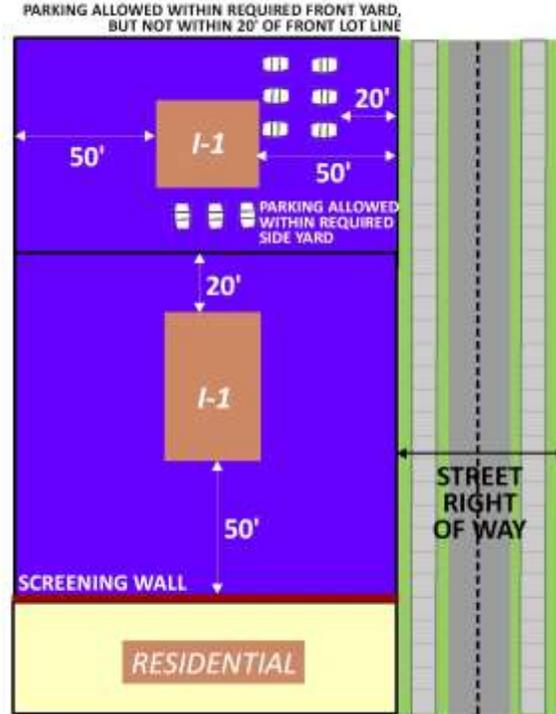
Permitted and Special Land Uses in all districts shall be limited to the following (also listed in **Article 19: Table of Permitted and Special Land Uses**) and shall be subject to all applicable provisions of **Article 20: Plot Plans & Site Plan Review** and **Article 21: Supplemental Development Regulations**.

R = Permitted by right S = Permitted with Special Use Permit *Uses with Supplemental Development Regulations	I-2
AGRICULTURE/FOREST PRODUCTS	
<i>Agricultural activities, products processing and storage (excluding concentrated animal feeding operations)</i>	R
<i>Lumber Mills</i>	R
<i>Lumber Yards</i>	R
<i>Wineries/Distilleries/Breweries</i>	R
ARTS, ENTERTAINMENT, AND RECREATION	
<i>Marinas (including boat fuel sales, boat supplies, & accessories)</i>	R
<i>Museums & Galleries</i>	R
COMMERCIAL/BUSINESS/SERVICE	
<i>Commercial Equipment Repair & Maintenance</i>	R
COMMUNICATIONS	
<i>Wireless Telecommunications Towers & Facilities & Alternative Tower Structures</i>	S*
CONSTRUCTION	
<i>Storage Facilities for Building Materials (Sand, Gravel, Stone, Lumber)/Contractor's Equipment (with outdoor storage)</i>	R
PUBLIC FACILITIES	
<i>Water & Wastewater Treatment Plants</i>	R
TRANSPORTATION SERVICES/WAREHOUSING/WHOLESALE TRADE/STORAGE/SHIPPING	
<i>Couriers/Parcel Packing/Shipping/ Delivery Establishments</i>	R
<i>Freight Terminals/Trucking Facilities</i>	R
<i>Rail yards</i>	R
<i>Warehousing & Storage</i>	R
<i>Wholesale Trade</i>	R
UTILITIES/ENERGY	
<i>Electrical Transformer Stations & Substations</i>	R
<i>Essential Services</i>	R
<i>Gas Regulator Stations</i>	R
<i>Heating & Electric Power Generating Plants</i>	S
<i>Public Utility Facilities (with or without storage yards)</i>	R
<i>Wind Energy Facilities and Anemometer Towers (Commercial)</i>	S*
<i>Wind Energy Systems (small on-site)</i>	R*

R = Permitted by right S = Permitted with a Special Use Permit *Uses with Supplemental Development Regulations	I-2
MANUFACTURING/INDUSTRIAL/MINING/WASTE MANAGEMENT	
<i>Central Dry Cleaning Plants (not dealing directly with customers)</i>	R
<i>Computer, Electronic, & Appliance Product Mfg</i>	R
<i>Concrete, Cement, Gypsum, Plaster of Paris Manufacture</i>	R
<i>Dry bulk blending plants</i>	R
<i>Food/beverage processing and packaging</i>	R
<i>Furniture & Related Product Mfg</i>	R
<i>Junkyards/salvage yards/landfills/scrap yards/motor vehicle impoundment and wrecking yards</i>	S*
<i>Leather & Allied Product Mfg</i>	R
<i>Machine Shops</i>	R
<i>Metal Plating/Buffering/Polishing/Cutting/ Slitting/Shearing</i>	R
<i>Mines, quarries, and gravel pits</i>	R
<i>Miscellaneous Mfg (from previously prepared materials including agricultural, building, natural, synthetic, biological, and ceramic materials)</i>	R
<i>Oil and Gas Processing Facilities</i>	S
<i>Petroleum Products, Gas Products, Paint & Chemical Bulk Storage & Distribution</i>	R
<i>Recycling facilities/Resource Recovery Facilities/Transfer Stations/Waste Collection</i>	R
<i>Research/Design/Experimental Product Development (within a completely enclosed building)</i>	R
<i>Sign Painting Shops</i>	R
<i>Smelting Industries</i>	S
<i>Textile & Apparel Mfg</i>	R
<i>Tool & Die Shops</i>	R
<i>Wood Product Mfg</i>	R
MISCELLANEOUS	
<i>Accessory Buildings & Uses Incidental to Principal Permitted Uses</i>	R
<i>Planned Unit Development</i>	S*
RESIDENTIAL USES	
<i>Living Quarters for Watchman or Caretaker – Industrial Uses</i>	R*

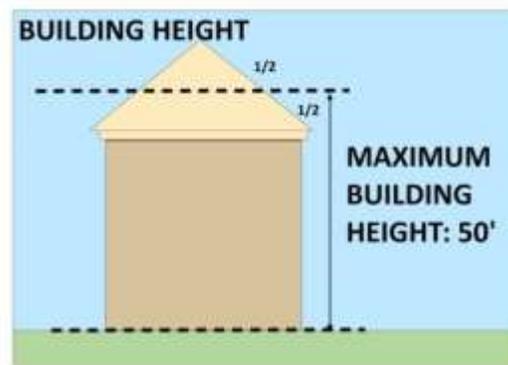
32-192 Development Standards

I-2	
MINIMUM LOT AREA:	20,000 ft ²
MINIMUM LOT WIDTH:	100 ft
MAXIMUM LOT COVERAGE:	50%
MAX. BUILDING HEIGHT: ^a	50 ft
SETBACKS	
Minimum front yard: ^b	50 ft
Minimum rear yard: ^c	50 ft
Minimum side yard: ^c	20 ft
ADDITIONAL REGULATIONS:	
1. STORAGE: All storage shall be in the rear yard and shall be completely screened with an obscuring wall or fence, not less than six (6) feet high, or with a chain link type fence and a greenbelt planting so as to obscure all view from any adjacent residential, office or business district or from a public street.	



^a **HEIGHT:** Height regulations shall apply to any portion of a structure that could be used as living or commercial space, but shall not apply to areas that could not be used for living or commercial space (chimneys, church spires, bell towers, etc.). These height restrictions do not apply to wind turbines, anemometer towers, radio and television towers, telecommunication towers and related facilities which are regulated by Article 21: Supplemental Regulations.

The height of structures may exceed the maximum required herein for planned developments of twenty (20) acres or more in area provided that all yards shall be increased at least one (1) foot in depth for each additional one (1) foot of building height above the maximum herein permitted.



^b **FRONT YARD PARKING:** An off-street parking lot for visitors, over and above the number of spaced required may be permitted within the required front yard provided that such off-street parking is not located within twenty (20) feet of the front lot line.

^c **LOTS ABUTTING A RESIDENTIAL DISTRICT:** No building shall be located closer than fifty (50) feet or the height of the building, whichever is greater, to the side or rear lot line when said property abuts any residential district. A screening wall or dense vegetative buffer is required as per §32-41 and §32-42.

32-193 to 32-199 Reserved

ARTICLE 17: (A-1) AIRPORT DISTRICT**32-200 Intent**

The Airport District is designed so as to primarily accommodate airport activities, logistical activities, wholesale activities, warehouses, commercial activities, and limited manufacturing operations whose external, physical effects are restricted to the area of the district and in no manner affect in a detrimental way any of the surrounding districts. The Airport District is structured to permit, along with any specified uses, limited manufacturing, compounding, processing, packaging, assembly, and/or treatment of finished or semi-finished products from previously prepared material.



The general goals of this use district include among others, the following specific purposes:

1. To provide for airport operations and related activities such as aviation, aviation support, logistical operations, and to ensure compliance with the airport overlay provided by the Michigan Aeronautics Commission (see appropriate documentation).
2. To protect abutting residential districts by separating and screening them from airport and light manufacturing activities, and by prohibiting the use of this district for new residential development.
3. To promote light manufacturing development which is as free as is technically possible from danger of fire, explosions, toxic and noxious matter, radiation, and other hazards, and from offensive noise, vibrations, smoke, odor, and other objectionable influences affecting the workforce or the local population.
4. To promote the most desirable use of land in accordance with a well considered plan.
5. To protect the character and establish pattern of adjacent development, and in each area to conserve the value of land and buildings and other structures.
6. To provide space, as available, to meet the needs of the City's expected future economy for all types of airport activities, manufacturing, and related uses.

32-201 Uses Permitted by Right & Special Land Uses

Permitted and Special Land Uses in all districts shall be limited to the following (also listed in **Article 19: Table of Permitted and Special Land Uses**) and shall be subject to all applicable provisions of **Article 20: Plot Plans & Site Plan Review** and **Article 21: Supplemental Development Regulations**.

R = Permitted by right S = Permitted with a Special Use Permit *Uses with Supplemental Development Regulations	A
ACCOMODATION AND FOOD SERVICES	
Caterers/Food Service Contractors	R
Drinking Establishments	R
Microbreweries	R
Restaurants without Drive-Through	R
Restaurants with Drive-Through (Drive-In or Eat in Car)	R*
AGRICULTURE/FOREST PRODUCTS	
Animal Shelter/Kennels	S*
Lumber Yards	R
Veterinary Services/Animal Clinics/Animal Hospitals	R*
Wineries/Distilleries/Breweries	R
ARTS, ENTERTAINMENT, AND RECREATION	
Golf Courses	S*
COMMERCIAL/BUSINESS/SERVICE	
Automobile Service Stations (example: gas station); Auto Body/Paint/Interior & Glass; Auto Repair; Oil Change ¹⁰	R*
Automotive Equipment Rental/Leasing	R
Cash Advance Stores	R
Commercial/Industrial Equipment Rental & Leasing	R
Commercial Equipment Repair & Maintenance	R
Crematoriums	S*
Dry Cleaning & Laundry Services (cleaning equipment is used to service only the premises at which it is located)	R
Electronic & Precision Equipment Repair & Maintenance	R
Extermination & Pest Control Services	R
Fortune Tellers	R
Funeral Homes & Mortuaries w/o crematorium	R*
Medical Laboratories	R
Printing/Binding/Publishing of Printed Materials	R
Professional Cleaning Services	R
Professional Offices	R
Sexually Oriented Businesses	S*
Tattoo/Piercing Parlor	S

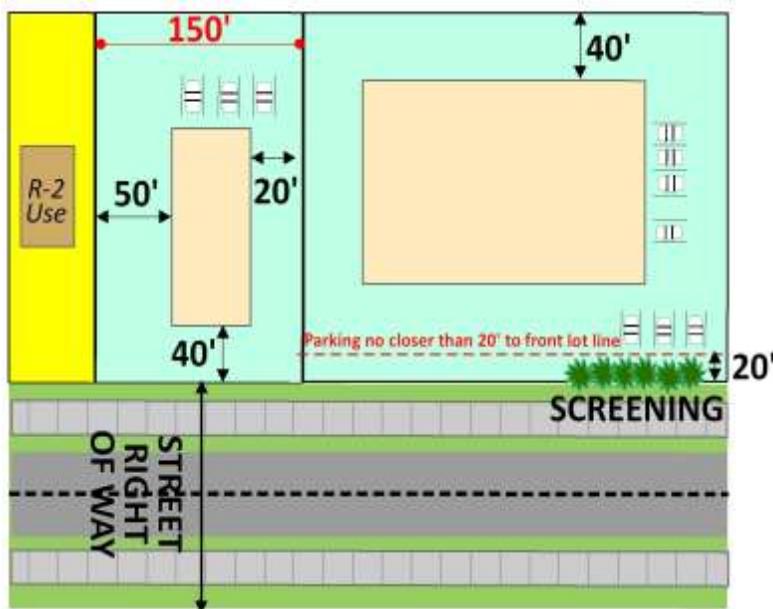
R = Permitted by right S = Permitted with a Special Use Permit *Uses with Supplemental Development Regulations	A
COMMUNICATIONS	
Wireless Telecommunications Towers & Facilities & Alternative Tower Structures	S*
Television/Radio Broadcasting Stations	S
CONSTRUCTION	
Special trade contractors (ex: electrical, plumbing, heating – indoor storage of materials/equipment)	R
Storage Facilities for Building Materials (Sand, Gravel, Stone, Lumber)/Contractor's Equipment (with outdoor storage)	R
MANUFACTURING/INDUSTRIAL/MINING/WASTE MANAGEMENT	
Central Dry Cleaning Plants (not dealing directly with customers)	R
Computer, Electronic, & Appliance Product Mfg	R
Dry bulk blending plants	R
Food/beverage processing and packaging	R
Furniture & Related Product Mfg	R
Machine Shops	R
Metal Plating/Buffing/Polishing/Cutting/Slitting/Shearing	R
Miscellaneous Mfg (from previously prepared materials including agricultural, building, natural, synthetic, biological, and ceramic materials)	R
Petroleum Products, Gas Products, Paint & Chemical Bulk Storage & Distribution	S
Recycling facilities/Resource Recovery Facilities/Transfer Stations/Waste Collection	R
Research/Design/Experimental Product Development (within a completely enclosed building)	R
Textile & Apparel Mfg	R
Tool & Die Shops	R
Wood Product Mfg	R
MISCELLANEOUS	
Accessory Buildings & Uses Incidental to Principal Permitted Uses	R
Planned Unit Development	S*

R = Permitted by right S = Permitted with a Special Use Permit *Uses with Supplemental Development Regulations	A
PUBLIC FACILITIES	
Government Offices	R
Police/Fire Stations	R
Public Works Facilities with Outdoor Storage	R
Water & Wastewater Treatment Plants	R
RETAIL	
Home Improvement Centers (lumber stored in enclosed structure)	R
UTILITIES/ENERGY	
Electrical Transformer Stations & Substations	R
Essential Services	R
Gas Regulator Stations	R
Public Utility Facilities (with or without storage yards)	R
Water & Wastewater Treatment Plants	R

R = Permitted by right S = Permitted with a Special Use Permit *Uses with Supplemental Development Regulations	A
TRANSPORTATION SERVICES/WAREHOUSING/WHOLE-SALE TRADE/ STORAGE/SHIPPING	
Airports, Landing Fields, Heliports, Aviation Support, Aviation Development, & other functions related to aviation.	R
Couriers/Parcel Packing/Shipping/ Delivery Establishments	R
Freight Terminals/Trucking Facilities	R
Mail Order Establishments	R
Scenic & Sightseeing Transportation/Ground Passenger Transportation	R
Truck Washes	R
Warehousing & Storage	R
Wholesale Trade	R

32-202 Development Standards

A			
Minimum Lot Area:	1 acre	SETBACKS ^a	
Minimum Lot Width:	150 ft	Minimum front yard: ^b	40 ft
Maximum Building Height:	per FAA regulations	Minimum rear yard:	40 ft
Maximum Lot Coverage:	50%	Minimum side yard:	20 ft
Minimum Floor Area	n/a		



^a **SETBACKS:** No building shall be located closer than fifty (50) feet or the height of the building, whichever is the greater to the outer perimeter (property line) of such district when said property line abuts any residential district or use.

^b **MINIMUM FRONT YARD:** An off-street parking lot for visitors, over and above the number of spaced required may be permitted within the required front yard provided that such off-street parking is not located within twenty (20) feet of the front lot line. Screening consisting of decorative fencing, decorative walls, or landscaping shall be located between the off-street parking area

and the nearest right-of-way line.

- A. **ADDITIONAL SETBACKS:** The Planning Commission may impose additional setback requirements so as to assure the public health, safety and general welfare in this district. In determining setback requirements, the Planning Commission shall consider the use of adjacent properties, the use of existing and proposed buildings and structures on the site, access drives to the site, and traffic patterns within the site.

- B. **SCREENING:** Fencing, screening, and obscuring walls shall be in accordance with **§32-41 and §32-42 of this Ordinance**. In addition, the Planning Commission, in its sole discretion, may impose additional requirements for fencing, screening, or obscuring walls of outdoor activities or of buildings on those sides abutting other zoning districts and public thoroughfares. The Planning Commission will consider the need for such fences, screenings, or obscuring walls on the basis of aesthetics, site usage, environmental effects, and property value considerations with the intent to contain or limit negative affects on other properties.

- C. **STORAGE:** All storage shall be in the rear yard and shall be completely screened with an obscuring wall or fence, not less than six (6) feet high, or with a chain link type fence and a greenbelt planting so as to obscure all view from any adjacent residential, office or business district or from a public street.

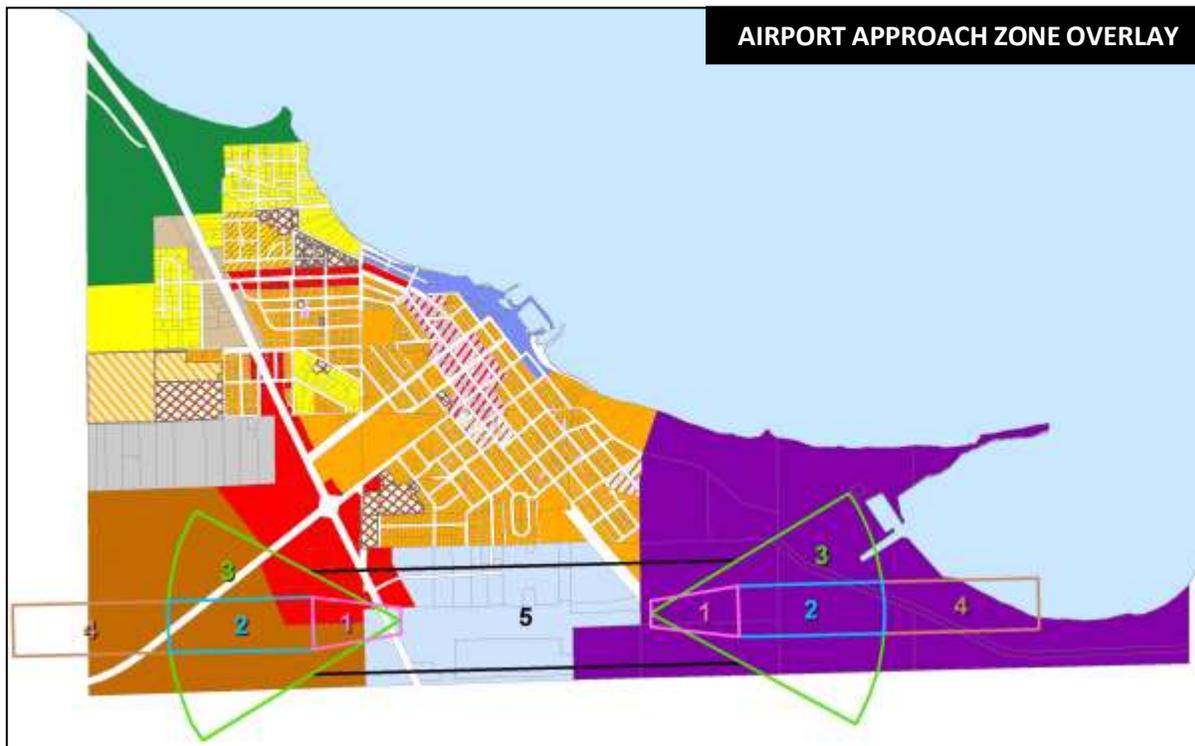
- D. **CONSULTANT:** In the Airport District, the Planning Commission may, at its sole discretion, hire a consultant or consultants to advise the Commission on appropriate and necessary actions related to environmental, visual, auditory, or other factors. Costs for such consultants will be paid for by applicants as a mandatory condition of their zoning permit/approval.

32-203 to 32-209 Reserved

ARTICLE 18: AIRPORT APPROACH ZONE OVERLAY

32-210 Intent

The intent of this section is to incorporate the airport approach plans for the Presque Isle County Airport, which have been approved by the Michigan Aeronautics Commission in 2001, into the Rogers City Zoning Ordinance. The zones designated in the airport approach plan will function as airport overlay zones for zoning purposes. Furthermore, the land use guidelines applying to these overlay zones have been adapted from the Airport Approach Plan Land Use Guidelines which were approved by the Michigan Aeronautics Commission on November 15, 2006.



32-211 Development Regulations

AIRPORT APPROACH ZONES 1, 2, 3, and 5

The following table imposes additional standards for property located within Zones 1, 2, 3, and 5 of the Airport Approach Plan in addition to those standards which apply to the underlying districts.

UNDERLYING DISTRICTS:

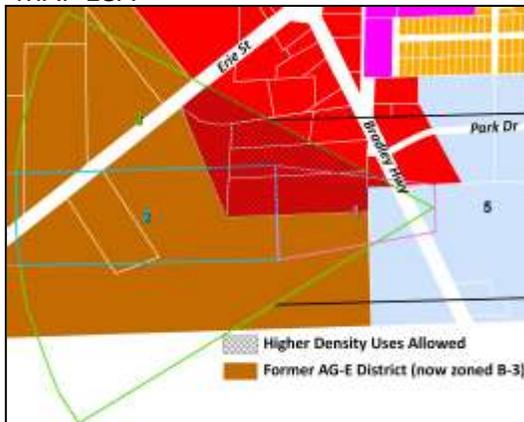
I-2

B-3

A

<p>LAND USES</p>	<p>Prohibited specific land uses:</p> <ul style="list-style-type: none"> • Assisted Living Home Nursing/Convalescent Home • Petroleum Products, Gas Products, Paint & Chemical Bulk Storage & Distribution (fueling provisions for aircraft are allowed) • Public parks, playgrounds, or recreation areas. • Hospitals • Residential Human Care & Treatment Facility • Residential Uses • Telecommunications Towers & Facilities & Alternative Tower Structures • Wind Energy Facilities and Anemometer Towers (Commercial) • Wind Energy Systems (small on-site) <p>The following uses, which typically involve a congregation of people, are prohibited in the Airport Overlay Zones 1, 2, 3, and 5 except on lots in the B-3 District which were <u>not</u> formerly zoned AG-E (SEE MAP 18A BELOW)</p> <ul style="list-style-type: none"> • Convention Centers/Conference Centers/Banquet Halls • Hotels & Motels & Resorts: only allowed in the Airport Overlay Zones on lots which. • Colleges/Universities/Other Institutions of Higher/Specialized Learning (public & private)
<p>ADDITIONAL REGULATIONS</p>	<p>Structures shall be located at least 500' from the runway centerline</p> <p>ZONES 1 AND 5 ONLY: Low vegetation required (i.e. shrubs and ground cover)</p> <p>Lighting shall be no greater in height that the maximum allowable height of the building and shall be shaded downward.</p> <p>Utilities shall be placed underground.</p>

MAP 18A



AIRPORT APPROACH ZONE 4

The following table imposes additional standards for property located within Zone 4 of the Airport Approach Plan in addition to those standards which apply to the underlying districts.

UNDERLYING DISTRICTS:

I-2

B-3

LAND USES	<p>Prohibited specific land uses:</p> <ul style="list-style-type: none"> • Colleges/Universities/Other Institutions of Higher/Specialized Learning (public and private) • Manufactured Housing Communities • Multiple-Family Dwelling Units • Petroleum Products, Gas Products, Paint & Chemical Bulk Storage & Distribution • Public or private schools • Public parks, playgrounds, or recreation areas. • Hospitals • Residential Human Care & Treatment Facility • Telecommunications Towers & Facilities & Alternative Tower Structures • Wind Energy Facilities and Anemometer Towers (Commercial) • Wind Energy Systems (small on-site) • Convention Centers/Conference Centers/Banquet Halls • Hotels & Motels & Resorts: only allowed in the Airport Overlay Zones on lots which.
ADDITIONAL REGULATIONS	<p>Lighting shall be shaded downward.</p> <p>Overhead utilities shall not exceed the height limitations set by the FAA.</p>

32-212-219 Reserved

ARTICLE 19: TABLE OF PERMITTED & SPECIAL LAND USES

ROGERS CITY ZONING DISTRICTS	
R1	Single-Family Residential District
R2	Single -Family Residential District
RT	Two-Family Residential District
RM1	Low Rise Multiple-Family District
RMH	Residential Manufactured Housing District
OS1	Office Service District
A	Airport Zoning District
B1	Local Business District
B2	Central Business District
B3	General Business District
I1	Light Industrial District
I2	General Industrial District
W	Waterfront District
RC	Recreation Conservation District

USE CATEGORIES
Accommodation/Food Services
Agriculture/Forest Products
Arts/Entertainment/Recreation
Commercial/Business/Service
Communications
Construction
Educational Services/Religion
Human Care/Social Assistance
Manufacturing/Industrial/Mining/Waste Mgmt
Miscellaneous
Parking Lots
Public Facilities
Residential Uses
Retail
Transportation/Warehouses/Wholesale/Storage/Shipping
Utilities/Energy

Section 32-220 : TABLE OF PERMITTED USES & SPECIAL LAND USES														
R = Permitted by right S = Permitted with a Special Use Permit	R1	R2	RT	RM 1	RM H	OS 1	A	B1	B2	B3	I1	I2	W	RC
ACCOMODATION AND FOOD SERVICES														
<i>Bakeries (goods produced & sold on-site)</i>						R		R	R	R			R	
<i>Bed & Breakfasts</i>	S*	S*	S*										S*	
<i>Caterers/Food Service Contractors</i>						R	R		R	R				
<i>Coffee Shops</i>						R		R	R	R			R	
<i>Convention Centers/Conference Centers/Banquet Halls</i>						R			R	R			R	
<i>Drinking Establishments</i>						R	R	R	R	R	R		R	
<i>Hotels & Motels & Resorts (attached or detached units)</i>									R	R			R	
<i>Microbreweries</i>						S	R		R	R	R		R	
<i>Restaurants without Drive-Through</i>							R	R	R	R			R	
<i>Restaurants with Drive-Through (Drive-In or Eat in Car)</i>							R*			R*				
<i>Restaurants with Outdoor Dining (Dining on public right-of-way)</i>								S*	S*				S*	
<i>Rooming & Boarding Houses</i>	S*	S*	S*	S*										

*** Uses with Supplemental Development Regulations**

TABLE OF PERMITTED USES & SPECIAL LAND USES														
R = Permitted by right S = Permitted with Special Use Permit	R1	R2	RT	RM 1	RM H	OS 1	A	B1	B2	B3	I1	I2	W	RC
AGRICULTURE/FOREST PRODUCTS														
<i>Agricultural Equipment Dealers</i>										R	R			
<i>Agricultural products processing and storage (excluding concentrated animal feeding operations)</i>											R	R		
<i>Animal Shelter/Kennels</i>							S*				S*			
<i>Bulk seed, feed, fertilizer and nursery stock outlet and distribution centers (including wholesale)</i>										R	R			
<i>Farm Product Sales (Fruit/Vegetable Market)</i>									R	R			R	
<i>Greenhouses/Nurseries/ Landscaping (Produce Sales)</i>									R	R				
<i>Lumber Mills</i>											R	R		
<i>Lumber Yards</i>							R			R	R	R		
<i>Veterinary Services/Animal Clinics/Animal Hospitals</i>							R*			R*	R*			
<i>Wineries/Distilleries/Breweries</i>							R				R	R		

*** Uses with Supplemental Development Regulations**

TABLE OF PERMITTED USES & SPECIAL LAND USES															
R = Permitted by right S = Permitted with Special Use Permit	R1	R2	RT	RM 1	RM H	OS1	A	B1	B2	B3	I1	I2	W	RC	
ARTS, ENTERTAINMENT, AND RECREATION															
<i>Amusement Arcades</i>										R					
<i>Archery Ranges (& as accessory use to a business)</i>									S	S					
<i>Art Studios</i>						R		R	R	R			R		
<i>Ball Fields</i>	R	R	R	R											
<i>Boat Tours</i>													R		
<i>Bowling Centers</i>									R	R					
<i>Dive Shops/Dive Tours</i>									R	R			R		
<i>Boat Docks, tourist/commercial</i>													R		
<i>Fitness & Recreational Sports Centers (ex: spas, health clubs, racquetball)</i>						R			R	R					
<i>Golf Courses</i>							S*								
<i>Marinas (including boat fuel sales, boat supplies, & accessories)</i>												R	R		
<i>Museums & Galleries</i>						R			R	R	R	R	R		
<i>Nature Parks/Nature Areas</i>	R	R											R	R	
<i>Outdoor Performance Facilities</i>													R		
<i>Outdoor Recreation Facilities (commercial: ex – go karts)</i>										S*	S*				
<i>Private Clubs; Lodges</i>						R		R	R	R					
<i>Public Parks, Playgrounds, Rec Area</i>	R	R	R	R	R								R	R	
<i>RV Parks/Campgrounds</i>					S*						S*				
<i>Skating Rinks (indoor)</i>										S					
<i>Swimming Pool Clubs</i>						R			R	R					
<i>Theaters/Performing Arts Facilities</i>									R	R					
<i>Zoos</i>										S*					

*** Uses with Supplemental Development Regulations**

TABLE OF PERMITTED USES & SPECIAL LAND USES														
R = Permitted by right S = Permitted with a Special Use Permit	R1	R2	RT	RM 1	RM H	OS 1	A	B1	B2	B3	I1	I2	W	RC
COMMERCIAL/BUSINESS/SERVICE														
Automobile Service Stations (example: gas station); Auto Body/Paint/Interior & Glass; Auto Repair; Oil Change							R* 11		R*	R*	R*			
Automotive Equipment Rental/Leasing							R			R	R			
Boat Repair & Storage										S*	R		S*	
Carwashes										R*	R*			
Cash Advance Stores							R			R	R			
Cemeteries	R	R	R	R										
Commercial/Industrial Equipment Rental & Leasing							R			R	R			
Commercial Equipment Repair & Maintenance							R			R	R	R		
Commercial Use in a Residential District (Neighborhood Business)		S*												
Crematoriums							S*				S*			
Dry Cleaning & Laundry Services (cleaning equipment is used to service only the premises at which it is located)							R	R	R	R				
Electronic & Precision Equipment Repair & Maintenance							R	R	R	R	R			
Extermination & Pest Control Services						R	R			R	R			
Financial Institutions						R			R	R				
Fortune Tellers							R			R	R			
Funeral Homes & Mortuaries w/o crematorium						R*	R*		R*	R*				
General Rental Centers						R			R	R	R			
Interior Designers/Showrooms						R			R	R				
Medical Laboratories						R	R			R				
Personal/Household Goods Repair/Maintenance (excluding repair of large items)								R	R	R	R			
Personal Services (barber/beauty shops, tailoring, massage)						R		R	R	R				
Pet Care (except Veterinary and Animal Shelters)						S		R	R	R				
Photofinishing/Photographers						R		R	R	R				
Printing/Binding/Publishing of Printed Materials						R	R		R	R	R			
Professional Cleaning Services						R	R		R	R	R			
Professional Offices						R	R		R	R	R			
Sexually Oriented Businesses							S*				S*			
Tattoo/Piercing Parlor							S			S	S			

*** Uses with Supplemental Development Regulations**

TABLE OF PERMITTED USES & SPECIAL LAND USES														
R = Permitted by right S = Permitted with a Special Use Permit	R1	R2	RT	RM 1	RM H	OS 1	A	B1	B2	B3	I1	I2	W	RC
COMMUNICATIONS														
Wireless Telecommunications Towers & Facilities & Alternative Tower Structures							S*				S*	S*		
Television/Radio Broadcasting Stations							S				S			
CONSTRUCTION														
Special trade contractors (ex: electrical, plumbing, heating – indoor storage of materials/equipment)							R		R	R	R			
Storage Facilities for Building Materials (Sand, Gravel, Stone, Lumber)/Contractor's Equipment (with outdoor storage)							R			S*	R*	R		
EDUCATIONAL SERVICES/RELIGION														
Colleges/Universities/Other Institutions of Higher/Specialized Learning (public and private)						S				R	R			
Public or private schools	R	R	R			R								
Religious Institutions	S*	S*	S*			R				R				
HUMAN CARE AND SOCIAL ASSISTANCE														
Child Care Services (see following) ²⁷														
Family Child Care Home (6 or less)	R*	R*	R*	R*	R*				R*	R*				
Group Child Care Home (7 -12)	S*	S*	S*	S*	S*				S*	S*				
Child Care Center or Day Care Center/Nursery School	S*	S*	S*					S*	S*	S*				
Health Care /Dental /Optical Clinics						R		R	R	R				
Hospitals										R*				
Assisted Living Home Nursing/Convalescent Home				S*		S*				S*				
Residential Human Care and Treatment Facility						S				S				
State-Licensed Residential Facilities (Adult Foster Care - 6 or less adults)	R	R	R	R	R									

*** Uses with Supplemental Development Regulations**

TABLE OF PERMITTED USES & SPECIAL LAND USES														
R = Permitted by right S = Permitted with a Special Use Permit	R1	R2	RT	RM 1	RM H	OS 1	A	B1	B2	B3	I1	I2	W	RC
MANUFACTURING/INDUSTRIAL/MINING/WASTE MANAGEMENT														
Central Dry Cleaning Plants (not dealing directly with customers)							R			S	R	R		
Computer, Electronic, & Appliance Product Mfg							R				R	R		
Concrete, Cement, Gypsum, Plaster of Paris Manufacture												R		
Dry bulk blending plants							R			S	R	R		
Food/beverage processing and packaging							R			S	R	R		
Furniture & Related Product Mfg							R				R	R		
Junkyards/salvage yards/landfills/scrap yards/motor vehicle impoundment and wrecking yards												S*		
Leather & Allied Product Mfg											R	R		
Machine Shops							R				R	R		
Metal Plating/Buffering/Polishing/Cutting/Slitting/Shearing							R				R	R		
Mines, quarries, and gravel pits												R		
Miscellaneous Mfg (from previously prepared materials including agricultural, building, natural, synthetic, biological, and ceramic materials)							R				R	R		
Oil and Gas Processing Facilities												S		
Petroleum Products, Gas Products, Paint & Chemical Bulk Storage & Distribution							S				R	R		
Recycling facilities/Resource Recovery Facilities/Transfer Stations/Waste Collection							R				R	R		
Research/Design/Experimental Product Development (within a completely enclosed building)							R				R	R		
Sign Painting Shops									R	R	R	R		
Smelting Industries												S		
Textile & Apparel Mfg							R				R	R		
Tool & Die Shops							R				R	R		
Wood Product Mfg							R				R	R		
MISCELLANEOUS														
Accessory Buildings & Uses Incidental to Principal Permitted Uses	R	R	R	R	R	R	R	R	R	R	R	R	R	R
Mixed Use Shopping Center									R	R				
Planned Unit Developments	S*	S*	S*	S*		S*	S*		S*	S*	S*	S*	S*	

* Uses with Supplemental Development Regulations

TABLE OF PERMITTED USES & SPECIAL LAND USES

R = Permitted by right S = Permitted with a Special Use Permit	R1	R2	RT	RM 1	RM H	OS 1	A	B1	B2	B3	I1	I2	W	RC
PARKING LOTS														
<i>Parking lots, Off Street (located on a lot not contiguous to the use it serves or a parking lot operated as a business)</i>						R			R	R				
<i>Parking Structures</i>						R*			R*	R*				
PUBLIC FACILITIES														
<i>Community Centers (public)</i>						R		R	R	R				
<i>Government Offices</i>						R	R		R	R				
<i>Libraries</i>						R			R	R				
<i>Police/Fire Stations</i>							R		R	R	R			
<i>Post Office</i>						R			R	R				
<i>Public Works Facilities with Outdoor Storage</i>							R				R			
<i>Water & Wastewater Treatment Plants</i>							R				R	R	R	
RESIDENTIAL USES														
<i>Amateur Radio Antennae (roof- or ground-mounted)</i>	R*	R*	R*	R*	R*									
<i>Home Occupations</i>	R*	R*	R*	R*	R*	R*								
<i>Cottage Industries</i>	S*	S*	S*	S*		S*								
<i>Dwelling Units in conjunction with a Commercial Use⁵</i>								R*	R*				R*	
<i>Living Quarters for Watchman or Caretaker – Industrial Uses</i>										R*	R*	R*		
<i>Manufactured Housing Community (with accessory uses such as laundry facilities, office building, and community building)</i>					R*									
<i>One-Family Dwelling (year round & seasonal)</i>	R	R	R	R		R								
<i>Secondary Dwelling Units</i>	S*	S*												
<i>Multiple-Family Dwelling Units</i>				R		S								
<i>Townhouses</i>				R		S							S	
<i>Two-Family Dwelling (duplex)</i>			R	R		R								

*** Uses with Supplemental Development Regulations**

TABLE OF PERMITTED USES & SPECIAL LAND USES																
R = Permitted by right S = Permitted with a Special Use Permit	R1	R2	RT	RM 1	RM H	OS 1	A	B1	B2	B3	I1	I2	P1	W	RC	
RETAIL																
<i>Boat and Boating Accessory Sales</i>									R	R					R	
<i>Building & Garden Equipment & Supplies Dealers</i>									R*	R*	R					
<i>Clothing & Clothing Accessories Stores</i>								R	R	R					R	
<i>Convenience Stores</i>									R	R	R					
<i>Drive-Through Establishments (ex: pharmacy, dry cleaners)</i>						R*			R*	R*						
<i>Electronics & Appliance Stores</i>									R	R						
<i>Fireworks Store¹⁵</i>										R						
<i>Florists</i>						R		R	R	R					R	
<i>Food & Beverage Stores</i>								R	R	R					R	
<i>Furniture & Home Furnishings Stores; Antique Stores</i>									R	R					R	
<i>General Merchandise Stores</i>						R		R	R	R					R	
<i>Hardware Stores</i>								R	R	R						
<i>Health & Personal Care Stores</i>								R	R	R					R	
<i>Home Improvement Centers (lumber stored in enclosed structure)</i>							R			R	R					
<i>Manufactured Home Dealers</i>										R	R					
<i>Medical Equipment Sales</i>						R			R	R						
<i>Movie Rental Stores</i>									R	R						
<i>Office Supply Stores</i>									R	R						
<i>Outdoor Sales/Display in conjunction with an approved use</i>						R		R	R	R					R	
<i>Outdoor Vendors</i>									R*	R*					R*	
<i>Outdoor Vendors in public parks</i>	R*	R*	R*	R*											R*	
<i>Pawn Shops</i>										R						
<i>Pet Stores</i>						S			R	R						
<i>Pharmacies/Medical & Optical Supplies</i>						R			R	R						
<i>Resale Shops¹⁴</i>									R	R						
<i>Retail Uses with Outdoor Storage</i>										R	R					
<i>Seasonal Use Sales</i>								R*	R*	R*						
<i>Small-Scale Craft Making</i>								R	R	R					R	
<i>Sporting Goods, Hobby, Book & Music Stores</i>									R	R					R	
<i>Truck and heavy equipment sales/service establishments</i>										R	R					
<i>Vehicle Sales</i>									R*	R*						

* Uses with Supplemental Development Regulations

TABLE OF PERMITTED USES & SPECIAL LAND USES														
R = Permitted by right S = Permitted with a Special Use Permit	R1	R2	RT	RM 1	RM H	OS 1	A	B1	B2	B3	I1	I2	W	RC
TRANSPORTATION SERVICES/WAREHOUSING/WHOLESALE TRADE/ STORAGE/SHIPPING														
<i>Airports, Landing Fields, Heliports, Aviation Support, Aviation Development, & other functions related to aviation.</i>							R							
<i>Couriers/Parcel Packing/Shipping/Delivery Establishments</i>							R			R	R	R		
<i>Freight Terminals/Trucking Facilities</i>							R			R	R	R		
<i>Mail Order Establishments</i>							R		R	R	R	R		
<i>Rail yards</i>							R			R	R	R		
<i>Scenic & Sightseeing Transportation/Ground Passenger Transportation</i>							R			R	R	R		
<i>Truck Washes</i>							R			R	R	R		
<i>Warehousing & Storage</i>							R			S*	R	R		
<i>Wholesale Trade</i>							R			R	R	R		
UTILITIES/ENERGY														
<i>Electrical Transformer Stations & Substations</i>							R			R	R	R		
<i>Essential Services</i>	R	R	R	R	R	R	R	R	R	R	R	R	R	R
<i>Gas Regulator Stations</i>							R			R	R	R		
<i>Heating & Electric Power Generating Plants</i>												S		
<i>Public Utility Facilities (without storage yards)</i>							R		R	R	R	R		
<i>Public Utility Facilities (with storage yards)</i>							R			R	R	R		
<i>Wind Energy Facilities and Anemometer Towers (Commercial)</i>		S*		S*		S*						S*		S*
<i>Wind Energy Systems (small on-site)</i>	R*	R*				R*				R*	R*	R*	R*	

*** Uses with Supplemental Development Regulations**

ARTICLE 20: PLOT PLANS, SITE PLANS, AND SPECIAL LAND USES

32-221 Purpose

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

32-222 Plot Plan Requirements

Plot plans shall be submitted with all applications for Zoning Permits which do not require a site plan, residential Special Land Uses, and nonresidential accessory buildings over one hundred (100) square feet. The Plot Plan, drawn to scale, shall show the following:

- A. Legal description of the property.
- B. Name and address of the property owner(s), developer(s), and designer(s), and their interest in said properties.
- C. The shape, location and dimensions of the lot and property lines, drawn to scale. The scale shall be of such size as deemed adequate by the Zoning Officer to make a judgment that the application meets the requirements of this ordinance. When deemed necessary by the Zoning Officer, a survey may be required.
- D. The scale, north arrow, and date.
- E. Location of required setbacks of the zoning district.
- F. The location, shape, dimensions, and height of all structures or impervious surfaces to be erected, altered or moved onto the lot and of any building or other structure already on the lot, drawn to scale. In addition, an elevation drawing of the proposed building(s) may be required by the Zoning Officer in order to measure the height of the proposed structures.
- G. The location and configuration of the lot access and driveway, drawn to scale.
- H. The location and width of all abutting rights-of-way, easements, and public open spaces within or bordering the subject project.
- I. The existing and intended use of the lot and of all such structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate.
- J. Natural features such as forests, water bodies, wetlands, high risk erosion areas, slopes over

10%, drainage and other similar features, if determined by the Zoning Officer to be applicable.

- K. Other information concerning the lot or adjoining lots that may be essential for determining whether the provisions of this Ordinance are being observed, as deemed necessary by the Zoning Officer.

32-223 Circumstances Requiring a Site Plan

- A. Site plans are required for the following uses:

- 1. All new uses and/or structures except (1) single-family or two-family dwelling units; and (2) accessory structures to single-family or two-family dwelling units.
- 2. Expansion or renovation of an existing use, other than single-family or two-family dwelling units and accessory structures thereof, which increases the existing floor space more than twenty five (25) percent.
- 3. Changes of use for an existing structure or lot except for the circumstances listed in **subsection B (below)**.
- 4. Any Special Land Use (except residential Special Land Uses such as Group Day Care Homes and Cottage Industries which require a plot plan)
- 5. Planned Unit Developments.
- 6. Any use requiring off-street parking, except single-family or two-family dwelling units.
- 7. Nonresidential accessory structures over one hundred (100) square feet (require submission of plot plan data only).
- 8. Other uses as required by this Ordinance.

- B. The Zoning Officer may waive site plan review requirements and, in the case of a use that would normally require Planning Commission approval, the stated review and approval procedures by the Planning Commission in any of the following cases where he or she determines that the submission of a site plan and adherence to the stated review and approval procedures by the Planning Commission would serve no useful purpose:

- 1. A change in principal use where such change would not result in significant structural alterations, an increase in impervious surface, additional off-street parking, access or other external site characteristics, or create a violation of this Ordinance.
- 2. Seasonal Use Sales

32-224 Pre-Application Conference

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

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

32-225 Site Plan Data Required

A. Development projects \$25,000 or less in value.

To facilitate the review of minor development projects, the Zoning Officer may accept a site plan with required data listed in **§32-222**.

B. Development projects over \$25,000 in value

Each site plan submitted shall contain the following information unless specifically waived, in whole or in part, by the Planning Commission. The Zoning Officer or Planning Commission may waive any of the site plan requirements listed below, when it finds those requirements are not applicable to the proposed development.

1. **CONTACT INFORMATION:** Name and address of the property owner(s), developer(s), and designer(s), and their interest in said properties.
2. **LEGAL DESCRIPTION:** The parcel’s legal description.
3. **MAP REQUIREMENTS:** The date, a north arrow, the scale and name of the individual or firm responsible for preparing said plan. The scale must be at least one (1) inch = forty (40) feet for parcels under three (3) acres and at least one (1) inch = one hundred (100) feet for parcels of three (3) acres or more.
4. **BOUNDARY LINES:** The boundary lines and dimension of the property. Show relationship of the subject property to abutting properties. A certified survey of the property which has been prepared and sealed by a professional licensed surveyor may be required by the Zoning Officer.
5. **NATURAL FEATURES:** Boundary dimensions of natural features such as existing trees and vegetation, forests, water bodies, wetlands, floodplains, high risk erosion areas, slopes over ten (10) percent, drainage and other similar features.
6. **TOPOGRAPHY:** The topography of the existing and finished site shall be shown by contours or spot elevations. Where the existing slope on any part of the site is ten percent (10%) or greater, contours shall be shown at height intervals of two (2) feet or less.

7. **LOCATION OF STRUCTURES AND ACCESSORY FEATURES:** The location, dimension, and height of all existing structures and all proposed uses or structures on the site, including principal building(s), accessory structures, trash receptacles, walkways, signs, exterior lighting, common use areas, recreational areas and facilities, and any impervious surface. Indicate gross building areas.
8. **LOCATION OF VEHICULAR FEATURES:** Location of proposed drives, neighboring drives, vehicle entrances and loading points, vehicular circulation features, size and number of parking spaces, service lanes (show the dimensions of a typical parking stall and parking lot), and loading and unloading areas.
9. **ELEVATIONS:** Drawings or sketches of the exterior and elevations, and/or perspective drawings of the building or structures under consideration. Indicate number of stories.
10. **TYPE OF SURFACE:** Types of surfacing such as paving, turfing or gravel to be used at the various locations.
11. **SETBACKS:** Setback lines and distances between structures and lot lines.
12. **AREA OF DEVELOPMENT:** Indicate the gross land area of the development and area of the property subject to be covered by structures (not available as open space).
13. **RIGHTS-OF-WAY, EASEMENTS, AND PUBLIC SPACES:** The location and width of all abutting rights-of-way, easements, and public open spaces within or bordering the subject project.
14. **UTILITIES:** Size and location of proposed sewer and water lines and connections. Location of all other utilities on the site.
15. **NEARBY STRUCTURES:** The location and identification of all existing structures, lighting, signs, ingress drives, roads, and parking within a two hundred (200) foot radius of the site, including road names.
16. **ADJACENT FRONT YARD DIMENSIONS:** The front yard dimensions of the nearest building on both sides of the proposed structure.
17. **ZONING CLASSIFICATION:** The existing zoning district in which the site is located and the zoning of adjacent parcels.
18. **LANDSCAPING, FENCES, AND WALLS:** Location and height of all walls, fences and screen planting, including a general plan for the landscaping of the development and the method by which landscaping is to be accomplished and be maintained. (Plant materials shall be chosen and installed in accordance with **§32-42** of this Ordinance.)
19. **OUTDOOR STORAGE:** Description and location of any existing or proposed outdoor storage facilities (above ground and below ground storage).

20. **DRAINAGE:** The location, size and slope of all surface and subsurface drainage facilities.
21. **FLOOR DRAINS:** Location and status of any floor drains in structures on the site. The point of discharge for all drains and pipes shall be specified on the site plan.
22. **WASTEWATER TREATMENT:** Description and location of on-site wastewater treatment and disposal systems.
23. **WELL LOCATION:** Location of existing private drinking water wells, monitoring wells, test wells, irrigation wells, or wells used for industrial processes.
24. **SNOW STORAGE:** The location of snow storage areas.
25. **STORMWATER RUNOFF PLAN:** A stormwater runoff control plan in accordance with the requirements of **§32-38**.
26. **DOCUMENTATION OF COMPLIANCE WITH SOIL EROSION AND STORMWATER STANDARDS:** All site plans shall comply with the terms of the Presque Isle County Soil Erosion and Sedimentation Control Standards and Rogers City Stormwater Management Requirements of **§32-38**. It shall be the applicant's responsibility to provide documentation of compliance with these standards.
27. **HOURS OF OPERATION:** Anticipated hours of operation for the proposed use. The Planning Commission may impose reasonable limits to hours of operation as a condition of site plan approval when warranted to assure compatibility with surrounding land uses.
28. **RESIDENTIAL PROJECT REQUIREMENTS:** Site plans for residential projects (multiple family developments and manufactured home parks) shall include the following additional information:
 - a. Minimum floor area of dwelling units.
 - b. Total number of units proposed.
 - c. Number of bedrooms per unit in multiple family developments.
 - d. Areas to be used for open space and recreation.
29. **PHASED CONSTRUCTION:** Where phases or staged construction is contemplated for the development of a project, the site plan submitted must show the interrelationship of the proposed project to the future stages, including the following:
 - a. Relationship and identification of future structures.
 - b. Pedestrian and vehicular circulation.
 - c. Time schedule for completion of the various phases of the proposed construction.
 - d. Temporary facilities or construction of same as required to facilitate the stated

development.

- 30. **IMPACT STATEMENT:** Staff may require a statement which addresses the following as applicable to the type of use:
 - a. A complete description of the proposed development including: areas of the site; the number of lots or units; and the number and characteristics of the population impact such as density, as it relates to elderly persons, school children, tourists, family size, income, and related information as applicable.
 - b. Expected demands on community services, and how these services are to be provided, to specifically include: school classroom needs, volume of water consumption related to ground water reserves, change in traffic volume on adjacent streets and other factors that may apply to the particular development.
 - c. Statements relative to the impact of the proposed development on soil erosion, drainage patterns, shoreline protection, wildlife habitat, air pollution, water pollution (ground and surface), noise pollution and the aesthetics and scale of development in terms of the surrounding environment. Statement of the impact of the development with respect to noise, dust, fire hazard, fumes, odors, vibration, smoke, or excessive light.

- 31. **OTHER:** Information as may be required by the Zoning Officer or Planning Commission to assist in the consideration of the proposed development.

32-226 Application Submittal Procedures

- A. **Development projects over \$25,000 in value and Special Uses:** Three (3) copies of the site plan shall be submitted to the Zoning Officer by the petitioner or property owner or his designated agent. The Zoning Officer will review the materials submitted to assure all information required by the Ordinance has been provided. If the application is incomplete the Zoning Officer will send a notice with a detailed list of all deficiencies to the applicant. If the site plan, including all required additional or related information, is determined to be complete, Staff will perform a 15-day staff-level site plan review.
 - 1. After staff-level site plan review is complete, applicant will submit twelve (12) copies of the site plan to the Planning Commission.
 - 2. Planning Commission Submission Deadlines:
 - a. Permitted Uses: Fifteen (15) days before the Planning Commission meeting at which the site plan will be reviewed.
 - b. Special Uses: Thirty (30) days before the Planning Commission meeting at which the site plan will be reviewed.

3. The Planning Commission may distribute the site plan to the following agencies or any other agency deemed appropriate for comment prior to consideration for approval.
 - a. The Presque Isle County Soil Erosion and Sedimentation Control Officer;
 - b. The Presque Isle County Drain Commissioner;
 - c. The Michigan Department of Transportation;
 - d. The Michigan Department of Environment Quality;
 - e. District Health Department;
 - f. Local fire and ambulance service providers;
 - g. Other agencies as deemed appropriate.
 4. Application fees to cover the estimated review costs as determined pursuant to **§32-314** of this Ordinance shall be paid when the application and site plan are submitted to the Zoning Officer.
 5. Where the applicant is dependent upon the grant of any variances by the Zoning Board of Appeals, said favorable action by the Zoning Board of Appeals shall be necessary before the site plan approval may be granted, or the site plan may be approved subject to favorable action by the Zoning Board of Appeals.
 6. The applicant or his/her representative shall be present at the scheduled site plan review. If the applicant fails to provide representation, the review may be addressed at the next scheduled Planning Commission meeting.
 7. The Planning Commission may request the assistance of a qualified professional planner, engineer, attorney, or other professional in the site plan review process if deemed necessary or advisable. The applicant shall be responsible for any and all charges incurred.
- B. **Development Projects \$25,000 of less in value**: Staff will perform a staff-level site plan review.

32-227 Site Plan Review Standards

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

- A. **COMPLIANCE WITH DISTRICT REQUIREMENTS**: The site plan shall comply with the district requirements for minimum floor space, height of building, lot size, yard space, density and all other requirements as set forth in the Zoning Ordinance, unless otherwise provided.
- B. **PUBLIC WELFARE AND ADJOINING PROPERTIES**: The uses proposed will not adversely affect the public health, safety, or welfare. Uses and structures located on the site shall take into account the size of the property, uses on the adjoining property and the relationship and size of

buildings to the site. The site shall be developed so as not to impede the normal, orderly, and reasonable development or improvement of surrounding property for uses permitted in this Ordinance nor to diminish the value thereof and will be harmonious in use, appearance, and layout with existing and planned future uses in the immediate area.

- C. **LIGHT, AIR, AND ACCESS:** The location, size, and height of the building, walls, and fences shall be such that there is adequate open space so as to provide light, air, and access to the persons occupying the building and that there will be no interference with adequate light, air, and access to adjacent lands.
- D. **TOPOGRAPHY AND NATURAL LANDSCAPE:** All elements of the site plan shall be designed so that there is a limited amount of change in the overall natural contours of the site and shall minimize reshaping in favor of elements that respect existing features of the site in relation to topography. The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, and by topographic modifications which result in smooth natural appearing slopes as opposed to abrupt changes in grade between the project and adjacent areas.
- E. **DRAINAGE:** Provisions shall be made to accommodate stormwater according to **§32-38**.
- F. **PRIVACY:** The site plan shall provide reasonable visual and sound privacy for all dwelling units located therein. Fences, walls, barriers and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants.
- G. **EMERGENCY VEHICLE ACCESS:** All buildings or groups of buildings shall be so arranged as to permit emergency vehicle access by some practical means to all sides.
- H. **VEHICULAR AND PEDESTRIAN CIRCULATION:** Safe, convenient, uncontested, and well-defined vehicular and pedestrian circulation shall be provided for ingress/egress points and within the site. A pedestrian circulation system shall be provided and shall be as insulated as completely as reasonably possible from the vehicular circulation system. Drives, streets and other circulation routes shall be designed to promote safe and efficient traffic operations within the site and at ingress/egress points. The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrian or bicycle pathways in the area. Streets and drives which are part of an existing or planned street pattern which serves the project area shall be capable of safely and effectively accommodating the traffic volume and pattern proposed by the project. Where possible, shared commercial access drives shall be encouraged.
- I. **FIRE AND SAFETY:** The vehicular transportation system shall provide for circulation throughout the site and for efficient ingress and egress to all parts of the site by fire and safety equipment. Fire protection measures shall be provided as deemed necessary by the Fire Chief in conformance with all applicable laws of the State of Michigan for the protection of residents and/or occupants of the structures.
- J. **ACCESS:** Every structure or dwelling unit shall have access to a public street, private road, walkway or other area dedicated to common use.

- K. **LOADING AND STORAGE:** All loading and unloading areas and outside storage areas, including areas for the storage of trash, which face or are visible from residential districts or public thoroughfares, shall be screened, by a vertical screen consisting of structural or plant materials of sufficient height to obscure the direct view from adjacent first floor elevations. The site plan shall provide for adequate storage space for the use therein.
- L. **SNOW STORAGE:** Proper snow storage areas shall be provided so to not adversely affect neighboring properties, vehicular and pedestrian clear vision, and parking area capacity.
- M. **EXTERIOR LIGHTING:** Exterior lighting shall be arranged so that it is deflected away from adjacent properties and so that it does not interfere with the vision of motorists along adjacent streets. Lighting of building or structures shall be minimized to reduce light pollution. Lighting standards contained in **§32-40** shall be adhered to.
- N. **UTILITIES:** All utility services shall be provided in a manner least harmful to surrounding properties. All utilities shall be located underground, as applicable, unless specifically waived by the Planning Commission.
- O. **GROUNDWATER PROTECTION:** Groundwater protection standards found in **§32-46** shall be adhered to, if applicable.
- P. **COMPLIANCE WITH OTHER STATUTES AND REGULATIONS:** Site plans shall conform to all applicable requirements of state and federal statutes, and approval may be conditioned on the applicant receiving necessary state and federal permits before the actual zoning permit is granted.

32-228 Site Plan Approval

- A. **Planning Commission Approval:** Development projects over \$25,000 in value:
 - 1. Within sixty (60) days of the site plan application being found complete, the Planning Commission shall act to approve, approve with modifications and/or conditions, or disapprove the site plan in writing with reasons. The Planning Commission’s decision shall be in writing and shall include findings of fact, based on evidence presented on each standard.
 - 2. If approved by the Planning Commission, three (3) copies of the site plan shall be signed and dated by the applicant, Zoning Officer and Planning Commission Chair. One signed and dated site plan shall be provided to the applicant; one shall be retained by the Zoning Officer as part of the City’s permanent zoning file, and one copy shall be made part of the Planning Commission’s permanent record of proceedings on the site plan.
 - 3. **Conditional Approvals:** The Planning Commission may impose reasonable conditions with the approval of a final site plan, pursuant to **§32-319** of this Ordinance.

4. The Planning Commission may require an applicant to provide a performance guarantee in connection with the approval of a final site plan, pursuant to **§32-315** of this Ordinance.
- B. **Administrative Approval:** Development projects \$25,000 and less in value may be approved by the Zoning Officer. Two (2) copies of the site plan shall be signed and dated by the applicant and Zoning Officer. One signed copy shall be provided to the applicant and one shall be retained by the Zoning Officer as part of the City’s permanent zoning file.

32-229 Conformity to Approved Site Plan Required

Following approval of a site plan by the Planning Commission, the applicant shall construct the site improvements in complete conformity with the approved site plan and conditions imposed. Failure to do so shall be deemed a violation of this Ordinance and the Zoning Permit shall be revoked by the Planning Commission if approval was given by the Planning Commission or by the Zoning Officer in the case of an administrative approval. The Zoning Officer shall give the permittee notice of intention to revoke such permit at least ten (10) days prior to the revocation by the Planning Commission or Zoning Officer. The Planning Commission or Zoning Officer may revoke such permit if it is determined that a violation in fact exists and has not been remedied since the notification of the intention to revoke a permit.

32-230 Amendment of Approved Site Plan Required

- A. Amendment of a site plan approved by the Planning Commission (development projects over \$25,000 in value) shall be permitted only under the following circumstances:
1. The owner of property for which a site plan has been approved shall notify the Zoning Officer of any desired change to the approved site plan. Minor changes may be approved by the Zoning Officer upon determining that the proposed revision(s) will not alter the basic design and character of the site plan, nor any specified conditions imposed as part of the original approval. Minor changes shall include the following:
 - a. Reduction of the size of any building and/or sign.
 - b. Expansion no greater than five (5) percent of the size of any building and/or sign.
 - c. Movement of buildings and/or signs by no more the ten (10) feet.
 - d. Landscaping approved in the site plan that is replaced by similar landscaping to an equal or greater extent.
 - e. Changes in floor plans that do not exceed five (5%) percent of the total floor area and which do not alter the character of the use or increase the amount of required parking.
 - f. Internal re-arrangement of a parking lot or alter access locations or design.
 - g. A reduction in the number of parking spaces by no more than five (5) percent.

- h. Changes that will preserve the natural features of the site without changing the basic site layout.
 - i. Changes related to item *a*) through *h*) above, required or requested by Rogers City or other state or federal regulatory agencies in order to conform with other laws or regulations; provided the extent of such changes does not alter the basic design and character of the site plan, nor any specified conditions imposed as part of the original approval.
 - j. All amendments to a site plan approved by the Zoning Officer shall be in writing. After approval by the Zoning Officer, the Applicant shall prepare a revised site plan showing the approved amendment. The revised site plan shall contain a list of all approved amendments and a place for the Zoning Officer to sign and date all approved amendments.
2. An amendment to a site plan approved by the Planning Commission that cannot be processed by the Zoning Officer under **subsection (1)** above shall be processed in the same manner as the original site plan application.
- B. An amendment to a site plan approved administratively (development projects \$25,000 or less in value) shall be approved by the Zoning Officer.

32-231 Expiration of Site Plan

- A. The site plan shall expire unless construction of an approved site plan improvement has begun within one (1) year of approval. Thirty days prior to expiration of an approved final site plan, an applicant may make application to the Planning Commission for a one-year extension of the site plan at no fee. The Planning Commission shall grant the requested extension for this additional one year if it finds good cause for the extension.
- B. Any subsequent re-submittal of a site plan due to expiration which has not been granted an extension shall be processed as a new request with new fees.

32-232 Special Land Uses

A. General Requirements

Special Land Use permits are required for proposed activities which are essentially compatible with other uses, or activities permitted in a zoning district, but which possess characteristics or locational qualities which require individual review. The purpose of this individual review is to ensure compatibility with the character of the surrounding area, with public services and facilities, with adjacent properties, and to ensure conformance with the standards set forth in this Ordinance. Special Land Uses shall be subject to the general provisions and supplemental site development standards of this Ordinance as well as to the provisions of the zoning district where it is located. Each use shall be considered on an individual basis.

B. Special Land Use Applications:

An application for a Special Land Use shall be submitted through the office of the Zoning Officer to the Planning Commission on a special form provided for that purpose at least thirty (30) days prior to the Planning Commission meeting at which the application will be reviewed, and shall include items listed below:

1. Site plan prepared under the requirements of **§32-225** (residential Special Land Uses such as Group Day Care Homes and Cottage Industries require plot plan only).
2. Written description of proposed use, including parking facilities, if required, and any exceptional traffic situation the use may occasion.
3. A statement prepared by the applicant appraising the effect on the neighborhood.
4. Other information as may be required by the Planning Commission to assist in the consideration of the Special Land Use application.
5. The application shall be accompanied by the fee established by the City Council.

The Zoning Officer will review the materials submitted to assure all information required by the Ordinance has been provided. If the application is incomplete, the Zoning Officer will send a notice with a detailed list of all deficiencies to the applicant. If the site plan, including all required additional or related information, is determined to be complete, the Zoning Officer shall cause the submittal to be placed on the agenda of the Planning Commission meeting as a public hearing after notice has been provided in accordance with **§32-316**.

32-233 Special Land Use Approval Standards

After the required public hearing, the Planning Commission shall approve, or approve with conditions, an application for a Special Land Use permit only upon finding that the proposed Special Land Use complies with Site Plan Review Standards listed in **§32-227** (except residential Special Land Uses) and all the following standards:

- A. **Allowed Special Land Use:** The property subject to the application is located in a zoning district in which the proposed Special Land Use is allowed.

- B. **Compatibility with Adjacent Uses:** The proposed Special Land Use shall be designed, constructed, operated and maintained to be harmonious, compatible and appropriate in appearance with existing or planned uses and the intended character of the area and the surrounding land and shall not change the essential character of the area in which it is proposed to be located. The use shall not be hazardous or disturbing to existing or future nearby uses. In determining whether a Special Land Use will be compatible and not create a significant detrimental impact, as compared to the impacts of permitted uses, consideration shall be given to the degree of impact the Special Land Use may have on adjacent property, as compared with the expected value to the community. The following types of impacts shall be considered:
 - 1. Use activities, processes, materials, equipment, or conditions of operation;
 - 2. Vehicular circulation and parking areas;
 - 3. Outdoor activity, storage and work areas;
 - 4. Hours of operation;
 - 5. Production of traffic, noise, vibration, smoke, fumes, odors, dust, glare, and light;
 - 6. Impacts on adjacent property values; and
 - 7. The relative ease by which the impacts above will be mitigated.

- C. **Public Services:**
 - 1. The proposed Special Land Use will not place demands on fire, police, or other public resources in excess of current capacity.
 - 2. The proposed Special Land Uses will be adequately served by essential public services and facilities or that the persons responsible for the establishment of the proposed use will provide adequately any such service or facility.

- D. **Economic Well-Being of the Community:** The proposed Special Land Use shall not be detrimental to the economic well-being of the surrounding residents, businesses, landowners, and the community as a whole. The use will not create excessive additional public costs and will not be detrimental to the economic welfare of the City.

- E. **Public Services:** The proposed Special Land Use shall be served adequately by essential public facilities and services including but not limited to streets, police and fire protection, storm water drainage, refuse disposal, water and sewage facilities, and schools.

- F. **Compatibility with Natural Environment:** The proposed Special Land Use will not involve uses, activities, processes, materials, or equipment that will create a substantially negative impact on the natural resources of the City or the natural environment as a whole. Natural features of the landscape, including but not limited to, ponds, streams, hills, and wooded areas, shall be retained where they afford a barrier or buffer from adjoining properties. The landscape shall be preserved in its natural state, as far as practical, by minimizing tree and soil removal, and any grade or slope changes shall be in keeping with the general appearances of the neighborhood.

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

- H. **Non-Detrimental Standards:** The proposed Special Land Use shall not involve uses, activities, processes, materials, equipment or conditions of operation that will be hazardous or detrimental to any persons, property, or the general welfare by reason of noxious or offensive production of noise, smoke, fumes, glare, vibration, odor or traffic.

- I. **Consistent with Zoning Ordinance and Comprehensive Plan:** The use will be consistent with the intent and purposes of this Ordinance and meet the goals and objectives of the *Rogers City Comprehensive Plan*.

- J. **Compliance with Supplemental Site Development Standards:** The proposed Special Land Use complies with all applicable supplemental site development standards as contained in **Article 21** of this Ordinance.

32-234 Special Land Use: Decision

- A. After the required public hearing and review of approval standards, the Planning Commission shall act to approve, approve with modifications and/or conditions, or disapprove the Special Land Use.

- B. The decision on a Special Land Use shall be incorporated into a written statement of findings and conclusions relative to the Special Land Use which specifies the basis for the decision and any condition(s) imposed.

- C. The provision for fencing, walls, and/or landscaping may be required as a screening devise to minimize adverse affects on the neighborhood.

32-235 Amendment of Approved Special Land Use

Amendment of an approved Special Land Use shall be permitted only under the following circumstances:

- A. The owner of property for which a Special Land Use has been approved shall notify the Zoning Officer of any desired change to the approved Special Land Use. Minor changes may be approved by the Zoning Officer upon determining that the proposed revision(s) will not alter the basic design and character of the Special Land Use, nor violate any of the specified conditions imposed as part of the original approval. Minor changes shall include the following:
 - 1. Reduction of the size of any building and/or sign.
 - 2. Expansion no greater than five (5) percent of the size of any building and/or sign.
 - 3. Movement of buildings and/or signs by no more than ten (10) feet.
 - 4. Landscaping approved in the Special Land Use that is replaced by similar landscaping to an equal or greater extent.
 - 5. Changes in floor plans that do not exceed five (5%) percent of the total floor area and which do not alter the character of the use or increase the amount of required parking.
 - 6. Internal re-arrangement of a parking lot or alter access locations or design.
 - 7. Reduction in the number of parking spaces by no more than five (5) percent.
 - 8. Changes which are required or requested by Rogers City or other state or federal regulatory agencies in order to conform with other laws or regulations; provided the extent of such changes does not alter the basic design and character of the Special Land Use, nor violate any of the specified conditions imposed as part of the original approval.
 - 9. All amendments to a Special Land Use approved by the Zoning Officer shall be in writing. After approval by the Zoning Officer, the Applicant shall prepare a revised site plan showing the approved amendment. The revised site plan shall contain a list of all approved amendments and a place for the Zoning Officer to sign and date all approved amendments.
- B. An amendment to an approved Special Land Use that cannot be processed by the Zoning Officer under **Subsection (A)** above shall be processed in the same manner as an original Special Land Use application.

32-236 Inspection of a Special Land Use

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

32-237 Compliance with Other Regulations

- A. All applicable federal, state and local licensing regulations shall be complied with. Initial and annual proof of such compliance may be a condition of Special Land Use approval and the continuance thereof.
- B. As a minimum, or unless specifically modified by the provisions of **Article 21 (Supplemental Site Development Standards)**, the dimensional standards and landscape, buffering and parking regulations otherwise applicable to the use and/or zoning district shall be maintained as outlined within the other various applicable articles of this Ordinance. In such cases where there are conflicting standards, the most restrictive shall apply unless specifically modified by the provisions of **Article 21**.

32-238 Expiration of a Special Land Use Permit

- A. The Special Land Use permit shall expire unless the use has begun within one (1) year of approval. Thirty days prior to expiration of an approved Special Land Use permit, an applicant may make application to the Planning Commission for a one-year extension of the Special Land Use permit at no fee. The Planning Commission shall grant the requested extension for this additional one year if it finds good cause for the extension.
- B. The Special Land Use permit shall expire if replaced or superseded by a subsequent permitted use or Special Land Use permit or if the applicant requests the rescinding of the Special Land Use Permit.
- C. The Special Land Use permit shall expire if the Special Land Use has been abandoned for a period of one (1) year or more. When determining the intent of the property owner to abandon a Special Land Use, the Zoning Officer shall consider the following factors:
 - 1. Whether utilities such as water, gas, and electricity to the property have been disconnected.
 - 2. Whether the property, buildings, and grounds have fallen into disrepair.
 - 3. Whether signs or other indications of the existence of the Special Land Use have been removed.
 - 4. Whether equipment or fixtures necessary for the operation of the Special Land Use have been removed.
 - 5. Other information or actions that evidence an intention on the part of the property owner to abandon the Special Land Use.

32-239 New Ownership of a Special Land Use

A Special Land Use Permit does not expire on transfer or sale of the property unless one of the conditions listed in **§32-238** exists.

32-240 to 32-249 Reserved

ARTICLE 21: SUPPLEMENTAL DEVELOPMENT REGULATIONS

32-250 Purpose

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

32-251 Amateur Radio Support Structures/Antennas

A. **HEIGHT:** The total height of amateur radio support structures/antennas shall be permitted up to fifty (50) feet if used in accordance with the terms of a valid Amateur Radio Service License issued by the Federal Communications Commission or permitted under Federal Regulation by a reciprocal agreement with a foreign country. Other pole, mast or whip type antennas which are roof-mounted or attached to a building shall not extend more than thirty-five (35) feet above the highest point of a roof, or fifty (50) feet in total height, whichever is greater.

B. **LOCATION AND SETBACKS:**

1. Ground Mounted Support Structures/Antennas:

- a. Shall be located in the rear or interior side yards only, and not be located closer than five (5) feet from any side or rear lot line. Moveable antennas shall not revolve closer than three (3) feet to side or rear lot line. Guy wires permitted in compliance with subsection C below may extend to within one (1) foot of the property line.
- b. A corner lot, the side yard of which is substantially a continuation of the front lot line of the lot to its rear, shall be regarded as having two front yards. When an antenna is located on this type of lot, it shall not project beyond the continued front lot line of the rear lot.
- c. In case of double frontage lots, accessory antennas shall observe front yard requirements on both street frontages whenever there are any principal buildings fronting on said streets in the same block or adjacent blocks.

2. Roof Mounted Support Structures/Antennas: Shall be located at the midpoint or the rear half of the building roof. In all cases, an antenna shall be anchored or fastened securely to the building or surface to which it is attached or upon which it rests.

C. **GUY WIRES:**

Guy wires for the support of antennas and support structures located on the rooftops of buildings/structures shall be permitted. In such instances all guy wires shall be secured to the roof of the building/structure.

D. **NUMBER PERMITTED:** No more than two independent (2) antennas or antenna support structures shall be permitted for each lot or parcel. The numerical limits of this Section shall not apply in the following situations:

1. Antennas which are visually integrated with the building surface on which they are mounted (similar color, not extending above wall, equipment penthouse or enclosure surface).
 2. Pole, mast or whip antennas mounted on or adjacent to the roof of residential or non-residential buildings sixty (60) feet or more in height.
- E. **PERMITS:** All ground mounted support structures/antennas in excess of thirty-five (35) feet in height and all roof mounted structures/antennas shall require a Zoning Permit to ensure compliance with the requirements of this ordinance. All applicable fees shall be paid prior to issuance of a permit.

Submittal Requirements:

1. Copy of valid Amateur Radio Operators License.
 2. Plot plan showing location and number of support structures and antennas, including any guy wiring.
- F. **GROUNDING:** All antenna support structures shall be electrically grounded. Grounding shall be in accordance with the provisions of the National Electrical Code (NEC), as amended, and the manufacturer's specifications.
- G. **MAINTENANCE:** Antennas and antenna support structures shall be properly maintained at all times. Those that have, due to damage, lack of maintenance or repair, or other circumstances, become unstable, lean significantly out-of-plumb, or pose a danger of collapse, shall be removed or brought into compliance within sixty (60) days of notice being given by Zoning Official. An order for immediate action may be given to prevent an immediate threat to public safety or property.
- H. **REMOVAL:** Upon discontinuance of the use of the property as an amateur radio facility for whatever reason, all support structures, antennas and accessory exterior equipment shall be removed within ninety (90) days of such discontinuance.

32-252 Animal Shelters/Kennels/Veterinary Clinics/Animal Hospitals

- A. All kennels shall be operated in conformance with all applicable County and State regulations.
- B. For dog kennels, the minimum lot size shall be two (2) acres.
- C. Animals shall be confined within a building or in a fenced area to preclude their approaching nearer than one hundred fifty (150) feet to any dwelling on adjacent premises or nearer than one hundred (100) feet from the property line, which ever is greater.
- D. Outdoor animal enclosures shall be screened from adjacent properties and/or roads with a wall, opaque fence, or an evergreen buffer at least five (5) feet in height.
- E. The facility shall be so constructed and maintained that odor, dust, noise or drainage shall not constitute a nuisance or hazard to adjoining premises.
- F. Animals shall be kept in a soundproof building between the hours of 10 p.m. and 8 a.m. if within five hundred (500) feet from a residential use or district.
- G. Fences for outdoor areas shall be a minimum of six (6) feet in height.

32-253 Assisted Living Homes; Nursing/Convalescent Homes

- A. Minimum lot size shall be two (2) acres.
- B. All dwellings shall consist of at least two hundred twenty (220) square feet per unit (not including kitchen and sanitary facilities).
- C. Total coverage of all buildings (including dwelling units and related service buildings) shall not exceed forty percent (40%) of the total site exclusive of any dedicated public right-of-way.
- D. Service uses such as a dry cleaning pick-up station, beauty shop, barber shop, food service establishment, lounge area, recreational area, workshops or similar use for the exclusive service to residents of a building may be allowed within a single building or a contiguous group of buildings owned and operated by the same party. In no instance shall such service use be provided with direct access to a street for the use of the public in general. It is the purpose of this provision to allow such use to be provided as a convenience to occupants of the building(s) in which such service is located. No signs of any nature shall be visible from outside the building in which the use is located.
- E. Development of site and structures shall be in accordance with U.S. Department of Housing and Urban Development, Minimum Property Standards, Multifamily Housing, as it applied to housing for the elderly.
- F. **Assisted Living Homes only:** There shall be provided on the site not less than one thousand (1,000) square feet of open space for each bed in the home. The one thousand (1,000) square feet of land area shall provide for landscape setting, off-street parking, service drives, loading space, yard requirement and accessory uses, but shall not include the area covered by main or accessory buildings.

32-254 Automobile Service Stations; Auto Body/Paint/Interior & Glass; Auto Repair; Oil Change

- A. Access to such use shall be directly to a major or collector street or shall be to a minor street which has direct access to an abutting major or collector street. Entrances shall be no less than twenty-five feet (25') from a street intersection (measured from the road right-of-way) or from adjacent residential districts and not less than fifteen (15') feet from any adjoining property lines.
- B. Driveway widths entering the gasoline station shall have a maximum width of thirty-five (35') feet.
- C. Outdoor storage of parts or materials in the B-3 and I-1 districts shall be within a fenced and obscured area in the side or rear yard which meets all setback requirements. Outdoor storage of parts or materials shall be prohibited in the B-2 District.
- D. Gasoline pumps, air and water hose standards and other appurtenances shall be set back not less than fifteen (15') feet from all street right-of-way lines and shall be arranged so that motor vehicles are provided easy egress and ingress to and from the adjoining road, and so that no portion of the vehicle while it is stopped for service, shall overhang onto a sidewalk, curb, road or public right-of-way.
- E. All buildings shall be set back not less than forty (40') feet from all existing or proposed street right-of-way lines, whichever is greater.
- F. Vehicles shall not be allowed to be stored outside the building for more than forty-eight (48) hours unless awaiting repair for which a "work order," signed by the owner of the vehicle, is posted in the vehicle so as to be visible from outside the vehicle. Junk parts and junk vehicles shall not be kept on the outside of the building
- G. Areas utilized for off-street parking and vehicular storage shall be paved.
- H. Areas for off-street parking required for customer use shall not be utilized for the storage of vehicles awaiting repair.
- I. All vehicle servicing or repair shall be conducted within a building.
- J. Suitable containers shall be provided and utilized for the disposal of used parts and such containers shall be screened from public view.
- K. Any ventilation from the building shall be filtered to eliminate any airborne odor or particulate matter being discharged into the atmosphere.

- L. Vehicles which have been treated shall be stored inside the building or on a designated area on the site for a period adequate to assure that none of the material utilized in the process shall drip or be tracked upon public sidewalks or streets.
- M. All lubrication equipment, hydraulic hoists and pits shall be completely enclosed within a building.
- N. Curbs in accordance with standard City specifications shall be constructed on all streets adjacent to the gasoline station site.
- O. Automobile leasing may be permitted in connection with a gasoline service or gasoline filling station upon the special approval of the Planning Commission and subject to the provisions that the number of automobiles on the site that are available for lease shall not exceed one (1) automobile for each one thousand (1,000) square feet of lot area and shall not be located in areas that are required for parking, aiseways, service bays, loading, landscaping or sidewalks.
- P. B-2 District only: Minor repair and service of automobiles are permitted. However, painting, tire recapping, engine and transmission rebuilding, motor vehicle dismantling, upholstery work, and other such activities whose adverse external physical effects would extend beyond the property line are prohibited.

32-255 Bed and Breakfasts**A. GENERAL REQUIREMENTS**

1. The Bed & Breakfast establishment shall be located in a single-family residence except for those located in the Waterfront District
2. Except for those located in the Waterfront District, the owner(s) or resident manager(s) of the Bed & Breakfast shall reside at the residence at all times during periods of operation, except for temporary absences (up to thirty (30) days per calendar year), in which the owner's or resident manager's designee must be on the premises. The resident manager and/or designee's name must be filed with the City. Sufficient sleeping rooms and bathrooms shall be retained for use by the owner(s) or resident manager(s) and their immediate family members residing at the residence. The minimum size for manager/owner living quarters shall be four-hundred eighty (480) sq. ft.
3. Any number of dwelling residents may assist with the Bed and Breakfast operation, but not more than one (1) non-resident full-time equivalent employee may be hired.
4. The use shall be compatible with the neighborhood in which it is located and other allowed uses in the vicinity.
5. The minimum lot width shall be fifty (50) feet.
6. Guests may rent sleeping rooms for a period not to exceed thirty (30) consecutive days.
7. A smoke detector in proper working order shall be provided in every sleeping room and in additional locations within the structure. A fire extinguisher in proper working order shall be located on every floor in the immediate vicinity of the sleeping rooms.
8. The structure shall have at least two (2) exit doors to the outside.
9. The use shall be located in the principal structure on the property. The rooms utilized for sleeping shall be part of the primary use and not specifically constructed for rental purposes. The Planning Commission may grant permission for accessory dwellings or structures in existence as of the effective date of this section and located on the same parcel as the principal structure containing the Bed and Breakfast to be used as additional sleeping rooms.
10. Rental sleeping rooms shall have a minimum of 100 square feet for one (1) or two (2) occupants with an additional thirty (30) square feet for each occupant to a maximum of four (4) occupants per room.
11. Lavatories and bathing facilities shall be provided for guests at the Bed and Breakfast at a ratio of one (1) per floor, and shall be designated for the exclusive use of guests of the Bed & Breakfast.

12. A common room or area for guest relaxation is required.
13. There shall be no separate cooking facilities for the Bed & Breakfast establishment other than those which serve the principal residence. Food and beverages for compensation may be served only to guests staying on the premises and shall be in compliance with State law.
14. A site plan shall be provided including a floor plan of the structure, drawn to scale not less than 1/8" = 1', providing the following information:
 - a. Owner/ resident manager and guest on-site parking
 - b. Guest entrance to the structure
 - c. Outdoor areas for use by guests
 - d. All rooms of the structure clearly indicating guest and owner/resident manager sleeping rooms, and all other portions of the residence available for use by guests
 - e. Additional information as may be deemed necessary by the Zoning Officer or Planning Commission.
15. All on-site parking shall be paved and constructed in accordance with the parking requirements of **§32-43**.
16. Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from spilling onto adjoining property used or zoned for residential purposes, or onto public rights-of-way.
17. The use of outdoor yard areas, open decks, pools, and the like available for use by guests shall not result in the production of excessive off-site noise, odor, and other external disturbances. Approval of the Bed & Breakfast operation may be conditioned on the installation of fencing, plantings, and/or other such installations and conditions necessary to ensure compatibility with the surrounding neighborhood.
18. All required state and local permits must be secured, maintained and displayed within an area of the Bed & Breakfast available to guests.
19. Rental of snowmobiles, ATV's, or similar vehicles, boats and other marine equipment to guests may be permitted as part of the Special Permitted Use approval by the Planning Commission. Such requests will be evaluated by the Planning Commission on a case by case basis based on information provided by the applicant.
20. All requirements and conditions imposed upon the Special Permitted Use approval shall be implemented prior to the Bed & Breakfast establishment becoming operational.

B. SIGNAGE

1. It is the intent of the Planning Commission to encourage signage to be placed as close to the Bed & Breakfast establishment as possible.
2. One (1) wall sign in addition to one (1) ground sign is permitted per Bed & Breakfast property:

- a. Wall Sign: Maximum four (4) square feet in area, attached flat against the front face of the dwelling. The sign shall not be internally illuminated. If externally illuminated, such illumination shall be directed downward toward the sign and shall be in accordance with **§32-45** of this Ordinance. Signage shall be consistent with the scale and architectural and aesthetic character of the dwelling to which it shall be affixed; or
- b. Ground Sign: Maximum eight (8) square feet in area with a maximum height of four (4) feet. The sign shall not be internally illuminated. If externally illuminated, such illumination shall be directed downward toward the sign and shall be in accordance with **§32-45** of this Ordinance. Signage shall be located at least four (4) feet from any public right-of-way, parallel or perpendicular to the property line, and centered on the lot as much as possible. For corner lots the sign may be located at an angle to the intersecting right-of-way lines. Sign shall not obscure vehicle vision from intersecting streets, alleys or private drives.

32-256 Boat Repair and Storage

- A. The minimum site size shall be one (1) acre.
- B. All engine repair and major structure repair shall be conducted within a completely enclosed building.
- C. There shall be no outdoor storage of dismantled boats, engines, or engine parts.

32-257 Building & Garden Equipment and Supplies

- A. Areas for off-street parking shall not be utilized for storage or sales of plants, materials or products.
- B. When such uses are located adjacent to residential zones, they shall not operate or be open for business between the hours of 11:00 p.m. and 7:00 a.m.
- C. The storage of soil, fertilizer or any packaged or loose materials may occur in the side or rear yard only and shall be so contained so as to prevent any effects on adjacent uses.
- D. Plant materials and garden/yard amenities (statuary, benches, arbors, etc) may be displayed in the front yard setback.

32-258 Car Washes

- A. Minimum lot size shall be twenty thousand (20,000) square feet.
- B. Such facility shall only be located on property abutting a major thoroughfare or a street with access to such major thoroughfare.
- C. A six foot (6') high obscuring wall of sound-absorbing material shall be provided and maintained on those property lines abutting a residential district.
- D. All wash equipment shall be located within a building. Outdoor vacuums, if provided, will be required to be a minimum distance of fifty feet (50') from a residential area.
- E. Entrances: Sufficient space shall be provided on the lot so that vehicles do not enter the wash building directly from an adjacent street or alley. All maneuvering areas, stacking lanes, and exit aprons shall be located on the car wash parcel itself. Streets and alleys shall not be used for maneuvering or parking by vehicles to be serviced by the automobile wash.
- F. All floor drains from wash areas shall be equipped with sand traps before disposal into the sanitary sewer.

32-259 Child Care Centers; Nursery Schools; Day Care Homes

- A. **CHILD CARE CENTERS, NURSERY SCHOOLS, AND GROUP CHILD CARE HOMES** (not including dormitories) shall meet the following conditions:
 - 1. An outdoor play area shall be provided for all facilities caring for one or more children who individually receive care for more than four (4) hours per day. Play areas shall:
 - a. have a minimum area of not less than two thousand (2,000) square feet or one hundred and fifty (150) square feet per child cared for, whichever is greater;
 - b. be enclosed by a fence of at least four feet (4') in height and capable of containing children within the play area;
 - c. be screened by a heavily planted greenbelt from any abutting residential uses; and
 - d. located in the side or rear yard area.
 - 2. No group child care use shall be located closer than four hundred feet (400') to another child care use permitted under this section unless located on different sides of the street or block.
- B. **FAMILY CHILD CARE HOMES** shall meet the following conditions:
 - 1. Play areas shall have a minimum area of not less than one hundred fifty (150) square feet per child; be enclosed by a fence of at least four feet (4') in height and capable of containing children within the play area; and located in the side or rear yard area.

32-260 Commercial/Office Use in a Residential District

A. **PURPOSE:** To permit neighborhood retail/service commercial and office uses in the R-2 District.

B. USES

1. Any generally recognized retail business which supplies new commodities on the premises primarily for persons residing in adjacent residential areas such as: groceries, meats, dairy products, baked goods or other foods, drugs, dry goods, and notions or hardware. Businesses selling previously-used items (antique and resale shops) shall be permitted.
2. Any personal service establishment which performs services on the premises primarily for persons residing in adjacent residential areas, such as: shoe repair, drop-off dry cleaning shops (for off-site processing), tailor shops, beauty parlors, barber shops, dressmaker, tailor, pharmacist, or an establishment doing radio, television, or home appliance repair, and similar establishments that require a retail character no more objectionable than the aforementioned.
3. Any professional office use such as: architect, engineer, attorney, accountant, therapist/counselor, and similar professions that have no greater impact than the aforementioned.
4. Prohibited uses: Activities specifically prohibited include: Animal grooming, kennels, restaurants, repair or service of motor vehicles and other large equipment; manufacturing processes which would normally require industrial zoning; any activity which may become a nuisance due to noise, unsightliness or odor; and any activity which may adversely affect surrounding property.

C. CONDITIONS

1. All such businesses shall have no more than three (3) persons working on the premises at any time.
2. Outdoor storage is prohibited.
3. The total area devoted to approved uses shall not exceed two thousand (2,000) square feet for new buildings or additions. The square footage of uses in existing commercial buildings shall be limited to the size of the building. If the building is less than two thousand (2,000) square feet, an addition may be constructed so that the total square footage does not exceed two thousand (2,000) square feet, the addition matches the existing structure, and all developmental standards of the district are met or appropriate variances obtained.
4. New construction shall utilize brick, stone, wood, vinyl, or decorative concrete masonry units. Metal siding shall be prohibited. Final design shall be approved the Planning Commission as part of the Special Use approval process.
5. All goods produced on the premises shall be sold at retail on the premises where produced.

6. All business activity shall be conducted within a completely enclosed building, or in an area specifically approved by the Planning Commission.
7. Parking shall be accommodated on-site, if possible. Otherwise the Planning Commission may permit the use of on-street parking.
8. Hours of operation may be limited by the Planning Commission.
9. Signs must comply with those set forth for the residential zoning district.
10. The Planning Commission may allow a use to sell alcohol, however the Commission may limit the type of license applied for or obtained for the sale of alcohol, hours of operation, and any other restrictions intended to stabilize, protect, and encourage the residential character of the area. The use must gain approval from the Michigan Liquor Control Commission before alcohol may be sold.

32-261 Drive Through/Drive Up Businesses

A. RESTAURANTS

1. Ingress and egress shall be provided so as not to conflict with adjacent uses or adversely affect traffic flow on adjacent thoroughfares.
2. The primary access shall be on a major thoroughfare. Secondary access may be on a side street which has direct access to a major thoroughfare.
3. Back up or waiting space for drive-up windows or service facilities shall be provided in a manner physically separated from off-street parking areas and drives at a rate of eight (8) car spaces for each service window or facility in addition to the space at the service window or facility.

B. USES OTHER THAN RESTAURANTS

1. Ingress and egress shall be provided so as not to conflict with adjacent uses or adversely affect traffic flow on adjacent thoroughfares.
2. Drive-up windows or service facilities shall include the provision of back up or waiting space physically separated from off-street parking areas and drives at the rate of four (4) car spaces for each service window or facility in addition to the space at the service window or facility.

32-262 Dwelling Units Above Commercial Establishment

- A. Dwelling units shall not be located below the second floor.
- B. A minimum floor area of 400 sq. ft. for a one bedroom or efficiency shall be provided. For each additional bedroom, an additional 100sq. ft. of floor area shall be provided.

32-263 Funeral Home/Mortuary

- B. The use shall be so arranged that adequate assembly area is provided off-street for vehicles to be used in a funeral procession. This assembly area shall be provided in addition to any required off-street parking area.
- C. Points of ingress and egress shall be designed so as to minimize possible conflicts between traffic on adjacent major thoroughfares and funeral processions or visitors entering or leaving the site.
- D. A mortuary that houses a crematorium shall be located at least one hundred (100) feet from any residential use.
- E. A caretaker's residence may be provided within the main building or within an accessory building of the mortuary establishment.

32-264 Golf Courses

- A. Minimum lot size shall be forty (40) acres.
- B. The site shall have direct access to a major thoroughfare or to a street with direct access to a major thoroughfare.
- C. The site plan shall be laid out to achieve a relationship between the major thoroughfare and any proposed service roads, entrances, driveways and parking areas which will encourage pedestrian and vehicular traffic safety.
- D. Development features including the principal and accessory buildings and structures shall be so located and related as to minimize the possibilities of any adverse affects upon adjacent property. This shall mean that all principal or accessory buildings shall be not less than seventy-five (75) feet from any property line abutting residentially zoned lands; provided that where topographic conditions are such that buildings would be screened from view, the Planning Commission may approve modification of this requirement.
- E. A shelter building with toilet facilities shall be provided which meets all requirements of the Presque Isle County Health Department.

32-265 Home Occupations and Cottage Industries

While Rogers City recognizes that many residents feel the necessity to work at home, the City also recognizes the rights of all residents to be free from actual or potential nuisance conditions which may be caused by non-residential activities conducted in a residential zone. The intent of this section is to provide standards to ensure home occupations and cottage industries are compatible with other allowed uses in residential districts, and thus maintain and preserve the residential character of the neighborhood.

A. GENERAL STANDARDS

1. Home Occupations are permitted in all zoning districts in which single-family dwellings are permitted as a matter of right. A zoning permit is required.
2. In cases where a significant portion of a home occupation is to produce and sell goods or products on the premises, the use is considered a Cottage Industry. Cottage Industries shall be allowed on the basis of individual merit. A periodic review of each Cottage Industry shall be performed to ensure the conditions of approval are adhered to. If the premises is sold, leased, or rented to a party other than the applicant, the permit shall be reviewed by the Zoning Administrator for compliance with the original permit. If any changes are necessary, the request will be reheard by the Planning Commission.
3. Home Occupations or Cottage Industries shall be operated entirely within the dwelling or within an attached or detached garage or accessory building.
 - a. **Home Occupations or Cottage Industries in the Primary Dwelling:** No more than twenty-five percent (25%) of the dwelling’s ground floor area shall be devoted to the Home Occupation or Cottage Industry.
 - b. **Home Occupations or Cottage Industries in an Attached Garage or Detached Accessory Building:** Home Occupations or Cottage Industries located within attached or detached residential garages or other accessory buildings may utilize the entire floor area for said Home Occupation or Cottage Industry.
4. Home Occupations or Cottage Industries shall be conducted by the person or persons occupying the premises as their principal residence. One full-time equivalent person who is not an occupant of the premises may be employed at the place of the Home Occupation or Cottage Industry.
5. Additions to a dwelling for the purpose of conducting a Home Occupation or Cottage Industry shall be of an architectural style that is compatible with the architecture of the dwelling, shall meet all required setbacks in the zoning district classification in which the dwelling is located, and shall be designed so that the addition may be used for dwelling purposes if the Home Occupation or Cottage Industry is discontinued.
6. Home Occupations or Cottage Industries shall be incidental and subordinate to the principal use of the dwelling for residential purposes and shall not detract from the residential character of the premises or the neighborhood.
7. Home Occupations or Cottage Industries shall not result in the creation of conditions that

- would constitute a nuisance to neighboring property owners, nor to the City as a whole. Any machinery, mechanical devices, or equipment employed in the conduct of a Home Occupation or Cottage Industry shall not generate noise, vibration, radiation, odor, glare, smoke, steam, or other conditions not typically associated with the use of the dwelling for residential purposes. Furthermore, the Home Occupation or Cottage Industry shall not create an electrical interference with the transmission of television, cellular, wireless service, or radio in the area which exceeds that which is normally produced by a residential dwelling unit in the district.
8. The outdoor storage of goods and/or materials of any kind is prohibited unless screened (by a tight-board wood fence or decorative masonry wall, landscaped buffer, landscaped berm, or similar method) from view from neighboring property and bordering road rights-of-way. If screening is required, the type and location of the same shall be approved by the Zoning Officer.
 9. Traffic and delivery or pickup of goods shall not be disturbing to surrounding properties.
 10. No such Home Occupation shall require the delivery of goods or the visit of customers before 8:00 a.m. and after 7:00 p.m.
 11. Hours of operation for Cottage Industries shall be approved by the Planning Commission.
 12. Sufficient solid waste receptacles must be provided and sufficiently screened from view. The property must be maintained free of debris.
 13. There shall be no parking permitted within any setback areas. No Home Occupation or Cottage Industry shall require parking for customers that cannot be accommodated on the site and/or not exceeding two (2) parking spaces at curbside on the street.

To ensure that a Cottage Industry is compatible with surrounding residential use, the Planning Commission may limit the number of vehicles that may be parked on the Cottage Industry premises during business operations.

14. No process, chemicals, or materials shall be used which are contrary to all applicable state or federal laws.
15. Any applicable local, state, or federal licenses shall be obtained and copies submitted to the Zoning Administrator prior to issuance of a Home Occupation or Cottage Industry permit.

B. TERMINATION, EXTENSIONS, REVISIONS, AND INSPECTIONS.

1. Upon written application by the owner, the Planning Commission may, for just cause, grant a time extension for compliance with the conditions of this Section.
2. Any Home Occupation or Cottage Industry shall be subject to periodic review by the Zoning Officer.
3. If the Zoning Officer has reason to believe the property owner is in violation of his or her permit or that grounds for revocation exist, written notice of alleged violation(s) shall be sent to the operator of the Home Occupation or Cottage Industry and to the owner of the real property premises, if different from the operator of the Home Occupation or Cottage

- Industry. The operator shall be afforded the opportunity to appear at a public hearing before the Planning Commission to present his or her case. The hearing notice procedures shall be the same as those for a Special Land Use.
4. Following the public hearing, the decision of the Planning Commission shall be made in writing and shall be based on specific findings of fact. Reasonable conditions may be imposed to prevent conflicts with other property uses or to assure compatibility with the standards of this ordinance. The Planning Commission shall have the authority to limit the hours of operation, impose conditions of operation or, if deemed necessary, order the complete termination of the activity.
 5. Proposed revisions or additions to a Cottage Industry shall constitute a change of use and shall be subject to Special Land Use review and approval by the Planning Commission.

32-266 Hospitals

- A. Minimum lot area shall be five (5) acres.
- B. The lot location shall be such that at least one (1) property line abuts a major thoroughfare. The ingress and egress for off-street parking facilities for guests and patients shall be directly from said major thoroughfare.
- C. Minimum main and accessory building setback shall be one hundred (100) feet.
- D. Ambulance and emergency entrance areas shall be visually screened from the view of adjacent residential uses by a structure or by a masonry wall of six (6) feet or more in height.
- E. No power plant or laundry shall be located nearer than three hundred (300) feet to any adjacent residential use.

32-267 Junkyards/Salvage Yards/Scrap Yards/Motor Vehicle Impoundment and Wrecking Yards

For this use, the following more restrictive provision shall take precedent above all other provisions which may relate to setbacks, screening, etc. All uses shall be established and maintained in accordance with all applicable State of Michigan statutes. If any of the requirements of this subsection are less restrictive than those in applicable state statutes, the state requirements shall prevail.

- A. The site shall be a minimum of five (5) acres in size.
- B. There shall be a required yard setback of at least one hundred (100) feet from any public street and any lot line. The front yard setback shall be planted with trees, grass and shrubs to minimize the appearance of the installation. Nothing shall be piled, stored or accumulated in any required yard area.
- C. The location of any such use shall be not less than five hundred (500) feet distant from any Residential District and not less than three hundred (300) feet distant from any other district.
- D. Wherever a side or rear lot line of such use abuts residential use or a residential zoning district, the required setback shall be doubled.
- E. Glare from any process, such as arc welding, conducted at a junkyard or salvage yard, which emits harmful rays shall be screened so as not to constitute a hazard or nuisance to adjacent properties.
- F. No open burning shall be permitted and all industrial processes involving the use of equipment for cutting compressing or packaging shall be conducted within a completely enclosed building.
- G. The Planning Commission may establish hours of operation to protect the character of the land uses in the vicinity.
- H. Screening:
 - 1. A wall or opaque fence, a minimum of eight (8) feet in height and a maximum of fifteen (15) feet in height (including any barbed wire), constructed of painted or treated wood, molded vinyl, painted or textured block, brick, or stone and set 15 feet or more inside the lot lines, shall be maintained in good repair around junk yards, motor vehicle impoundment yards, scrap yards, recycling facilities, motor vehicle wrecking yards or similar establishments.
 - 2. In a front or corner side yard the fence shall not project beyond the front façade of buildings located on adjacent lots on the same side of the street.
 - 3. Entryways to junk yards, motor vehicle impoundment yards, scrap yards, recycling facilities, motor vehicle wrecking yards, or similar establishment shall be gated and closed at all times when not in use. Gates shall be opaque and match the style of the fence.
 - 4. A landscaped strip shall be maintained between the fence and property line in the following

- yards:
- a. All front and corner side yards;
 - b. The front 1/3 of any side yard; and
 - c. Any yard abutting a residential zoning district or use.
- I. All activities shall be confined within the fenced-in area. There shall be no stocking of material above the height of the fence or wall, except that movable equipment used on the site may exceed the wall or fence height. No equipment or material shall be used or stored outside the fenced-in area.

32-268 Living Quarters for Watchman or Caretaker – Industrial Uses

Living quarters for a watchman or caretaker, including his or her family, accessory to the industrial use of the property shall be subject to the following conditions:

- A. The living quarters shall not exceed 900 square feet in floor area.
- B. The watchman or caretaker shall be a full-time employee of the industrial facility whose property the residence is located.
- C. The Planning Commission may impose setback requirements so as to assure the public health, safety and general welfare. In determining setback requirements, the Planning Commission shall consider the use of adjacent properties, the use of existing and proposed buildings and structures on the site, access drives to the site, and traffic patterns within the site.

32-269 Manufactured Housing Community

- A. Manufactured housing communities shall be developed and licensed pursuant to the requirements of the Michigan Manufactured Housing Commission, Public Act 96 of 1987 and any rules promulgated pursuant to this Act, as amended. This includes, but is not necessarily limited to, compliance with Michigan Manufactured Housing Commission regulations concerning internal roads, parking requirements, fencing, screening, unit spacing and recreational and open spaces.
- B. To the extent permitted by the Michigan Manufactured Housing Commission, this Ordinance shall require all manufactured homes in manufactured housing developments to be anchored to the ground in accordance with the standards and specifications of the manufacturer and any applicable state and federal statutes and rules.

C. LOCATION REQUIREMENTS

- 1. Access to any manufactured housing community shall be a public major thoroughfare. Locations for manufactured housing communities are encouraged to avoid higher density traffic movements through existing or planned single-family developments.
- 2. Manufactured housing communities shall not be permitted on parcels of less than fifteen (15) acres in area.

- D. **AREA, HEIGHT AND BULK REQUIREMENTS:** All manufactured housing communities shall comply with State Manufactured Housing Commission requirements.

- E. The underside or chassis of all manufactured homes in manufactured housing developments to be fully skirted or enclosed with durable, weather-resistant materials, as specified by the manufacturer or as specifically manufactured for use as home skirting, and all such skirting shall be maintained in place as designed. Skirting material shall be consistent with the siding of the manufactured housing unit.

- F. All utility connections shall comply with State and Local codes.

- G. The proposed site plan for the manufactured housing community shall be submitted to the Planning Commission for their review and approval prior to any consideration. The suggestion of any changes or modifications shall be based on such reasonable requirements as are applied to the review and approval of all other uses in the City. Any items determined to be undesirable or inadequate shall be made known to the applicant and a copy of such objections shall immediately be forwarded to the State Manufactured Housing Commission for their consideration in reviewing the proposed manufactured housing community plans.

- H. The City Engineering Department shall also review the proposed manufactured housing community plans with respect to drainage patterns to adjacent properties, water and sewage needs which would be generated, and the City's ability to accommodate such manufactured housing community needs. In addition, any connections to municipal facilities shall meet applicable City engineering design requirements. A copy of any deficiencies noted shall be

transmitted immediately, with the recommendations of the Planning Commission, to the State Manufactured Housing Commission.

32-270 Outdoor Recreational Facilities - Commercial

- A. Such uses shall be located on a site of at least one acre in area, be at least one hundred fifty feet (150') from any Residential District,
- B. When discontinued or abandoned, the site shall be left in a reusable condition, free of hazards related to dangerous structures, and from pits, pools, excavations, electric circuits and similar features.

32-271 Outdoor Storage Facilities for Building Materials (Sand, Gravel, Stone, Lumber)/ Contractor's Equipment

- A. The outdoor storage of raw materials and equipment shall not be permitted in the front yard.
- B. Storage facilities for building materials, sand, gravel, stone, lumber, storage of contractor's equipment and supplies shall be enclosed within a building or within an obscuring wall or fence on those sides abutting all Residential or Business Districts, and on any yard abutting a public thoroughfare.

32-272 Outdoor Vendors/Outdoor Vendors in Public Parks

- A. Outdoor Vendors/Outdoor Vendors in Public Parks shall comply with the requirements set forth in Chapter 21 of the Rogers City Code of Ordinances: Peddlers, Solicitors and Transient Merchants.
- B. Outdoor Vendors in Public Parks shall require approval of the City Council.

32-273 Parking Structures

- A. The architecture of the parking structure shall be consistent and/or compatible with development in the surrounding neighborhood.
- B. In the B-2 District, commercial uses must occupy a portion of the ground floor of the parking structure fronting a public street.

32-274 Planned Unit Developments**A. PURPOSE**

Rogers City recognizes that many site developments do not readily fit within the confines of the use and design standards of typical zoning district classifications. A Planned Unit Development (PUD) is designed to encourage quality land development and site design outside the typical zoning standards. Through the use of flexible design and use standards developments can make more efficient and effective use of the land and infrastructure to the benefit of the entire community. Creativity is promoted and the needs of the City can often be more effectively satisfied. While permitting greater latitude in the mix of uses and the development standards incorporated into a project, the use also provides the City with increased oversight and guidance in the design process. To this end the use of PUD's is intended to:

1. Provide flexibility in development regulations.
2. Provide a maximum choice of living environments by allowing a variety of housing and building types and permitting an increased density per acre and a reduction in lot dimensions, yards, building setbacks, and area requirements.
3. Foster integrated development incorporating a mix of uses where appropriate – residential, commercial, industrial, institutional, etc.
4. Encourage a development pattern which preserves and utilizes natural topography and geologic features, scenic vistas, trees and other vegetation, and prevents the disruption of natural drainage patterns.
5. Achieve a more efficient use of land than is generally achieved through conventional development resulting in substantial savings through shorter utilities and streets.
6. Achieve a development pattern in harmony with land use density, transportation facilities, and community facilities objectives of the City's Master Plan.
7. Promote efficient use of public services.
8. Promote a more useful pattern of open space and recreation areas.
9. Ensure compatibility with existing road networks and promote alternate modes of transportation (bicycle, pedestrian, bus, etc.).

B. ELIGIBILITY

1. The entire tract being considered for PUD designation must be under single or unified ownership. Such control shall be demonstrated in the application.

2. The site submitted for PUD designation shall be developed as a single integrated design entity even though it may be developed in phases and contain a variety of uses and facilities not normally consistent with each other.
3. Minimum size requirements: one (1) acre, except for a PUD containing any industrial uses shall be a minimum five (5) acres in size. The Planning Commission may waive the size requirement if deemed warranted due to unusual site conditions or the unique character of the proposed development.
4. Adequate public utilities – streets, sanitary sewer, water, utilities, and drainage – are available to and of sufficient capacity to adequately serve the development. Any upgrades necessary to service the development shall be in accordance with all applicable City policies, regulations and ordinances.

C. DEVELOPMENT STANDARDS:

1. **USES:** Compatible residential, commercial, and public uses or commercial, industrial, and public uses may be combined in a PUD provided that the proposed location of the commercial or industrial uses will not adversely affect adjacent property, and/or the public health, safety, and general welfare. Proposed uses should be so designed and located as to promote appropriate interaction between uses and limit or buffer incompatibilities both with other uses within the PUD and existing uses adjacent to the PUD site.

2. OPEN/GREEN SPACE:

- a. Common Open Space: A minimum of twenty (20) percent of the land developed in any planned unit development project shall be reserved for common open space and recreational facilities for the residents or users of the area being developed. The open space shall be disposed of as required in subsection (b) below.
- b. Disposition of Open Space: The required amount of common open space land reserved under a planned unit development shall either be held in corporate ownership by owners of the project area for the use of each owner who buys property within the development or be dedicated to the City and retained as common open space for parks, recreation, and related uses. All land dedicated to the City must meet the Planning Commission's requirements as to size, shape, and location. Public utility and similar easements and rights-of-way for water courses and other similar channels are not acceptable for common open space dedication to the City unless such land or right-of-way is usable as a trail or other similar purpose and approved by the Planning Commission. The responsibility for the maintenance of all open spaces shall be specified by the developer before approval of the final development plan.

3. **UTILITY REQUIREMENTS:** Underground utilities, including telephone and electrical

systems, are required within the limits of all planned unit developments. Appurtenances to these systems which can be effectively screened may be excepted from this requirement if the Planning Commission finds that such exemption will not violate the intent or character of the proposed planned unit development.

4. **INTERNAL DESIGN STANDARDS:** A Planned Unit Development shall be designed so as to provide future users, residents, visitors, and public service personnel with adequate light, air, privacy, circulation patterns, and public services. The plan of the project shall provide for the integrated and harmonious design of buildings, adequate and properly arranged facilities for internal traffic circulation, landscaping, and such other features and facilities as may be necessary to make the project attractive and efficient from the standpoint of the adjoining and surrounding noncommercial areas.

All areas designed for future expansion or not intended for immediate improvement or development shall be landscaped or otherwise maintained in a neat and orderly manner as specified by this ordinance.

5. **EXTERNAL EFFECTS:** A Planned Unit Development shall be designed so as not to create any significant negative impact upon adjacent properties, residents, or public facilities.
6. **PARKING:** Off-street parking, loading, and service areas shall be provided in accordance with **§32-43** of this Ordinance. However, off-street parking and loading areas shall not be permitted within fifteen (15) feet of any residential use.
7. **ARRANGEMENT OF COMMERCIAL USES:** When a planned unit development includes commercial uses, commercial buildings and establishments shall be planned as groups having common parking areas and common ingress and egress points in order to reduce the number of potential accident locations at intersections with thoroughfares. Planting screens or fences shall be provided on the perimeter of the commercial areas abutting residential areas.

D. PROCEDURES

1. **PRE-APPLICATION MEETING:** The developer shall meet with the City Manager, City Engineering Department, and Planning Commission Chair prior to the submission of the development plan. The purpose of this meeting is to discuss early and informally the purpose and effect of this Ordinance and the criteria and standards contained herein, and to familiarize the developer with the policies contained in the City's Land Use Plan.
2. **SUBMISSION OF PRELIMINARY SITE PLAN:** The developer shall submit twelve (12) copies of a preliminary site plan at least thirty (30) days prior to the Planning Commission meeting at which the preliminary site plan will be reviewed. The preliminary site plan shall include:
 - a. General footprint of proposed and existing buildings.

- b. Indication of proposed uses and their general locations.
 - c. General layout of streets, drives, parking areas and pedestrian paths.
 - d. Individual parcels, if applicable.
 - e. Proposed setbacks for district perimeters and individual buildings within the development.
 - f. Proposed perimeter buffer zones and screening.
 - g. Conceptual landscape plan.
 - h. Development phases, if applicable.
 - i. Type, estimated number and density range for residential development.
 - j. Other information as may be deemed necessary by City staff or the Planning Commission to properly review the proposal.
- E. Additional supporting documentation including a written narrative describing the project.

3. PRELIMINARY SITE PLAN APPROVAL

- a. **Public Hearing:** The Planning Commission shall conduct a public hearing on the preliminary site plan in accordance with **§32-316** of this Ordinance.
- b. **Preliminary Site Plan Approval/Action:** Following the public hearing, the Planning Commission shall approve, deny or approve the preliminary plan subject to specified conditions/revisions.

Once approved, the preliminary site plan shall be valid for a period of two (2) years. If a final site plan for the entire project or a phased portion thereof is not submitted within the two (2)-year time period, the PUD and preliminary site plan shall become null and void. The Planning Commission may approve one (1) extension of up to two (2) years.

4. FINAL SITE PLAN APPROVAL:

- a. Upon approval of the preliminary site plan by the Planning Commission, the applicant shall submit 12 copies of a final site plan of the entire PUD or phased portion thereof and filing fee to the Planning Commission for review and approval. Submission shall occur at least thirty (30) days prior to the meeting at which Planning Commission Review will occur.

- b. The final site plan shall include all site plan data required in **§32-225** in addition to the following:
 - (1) A schedule for the development of units to be constructed in progression and a description of the design principles for buildings and streetscapes; tabulation of the number of acres in the proposed project for various uses, the number of housing units proposed by type, estimated residential population by type of housing; estimated nonresidential population; anticipated timing for each unit; height, open space, building density, parking areas, population density and public improvements proposed for each unit of the development.
 - (2) Preliminary building plans, including floor plans and exterior elevations.
 - (3) Landscaping plans.
 - (4) Deed restrictions, protective covenants, and other legal statements or devices to be used to control the use, development and maintenance of the land and the improvements thereon, including those areas which are to be commonly owned and maintained.
- c. The final submittal shall be prepared incorporating any changes specified as part of the preliminary approval.
- d. The Planning Commission shall conduct a public hearing in accordance with **§32-316** of this Ordinance.
- e. Following the public hearing, the Commission shall take action on the plan. If approved with conditions, the approval shall indicate whether review and approval of any required modifications shall be made by the Planning Commission or by the Zoning Officer. Planning Commission approval shall be based on the development standards and purpose stated in this section and a finding that the final site plan is consistent with the preliminary site plan approved by the Planning Commission, including any conditions or required modifications. Additional criteria for Planning Commission approval are as follows:
 - (1) The proposed development may be initiated within two (2) years of the date of approval.
 - (2) Each individual unit of the development, as well as the total development, can exist as an independent unit capable of creating an environment of sustained desirability and stability or that adequate assurance will be provided that such objective will be attained; the uses proposed will not be detrimental to present and potential surrounding uses, but will have a beneficial effect which could not be achieved under standard district regulations.

- (3) The streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic, and increased densities will not generate traffic in such amounts as to overload the street network outside the planned unit development.
 - (4) Any proposed commercial development can be justified at the locations proposed.
 - (5) The area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development.
 - (6) The planned unit development is in general conformance with the land use plan of the City.
 - (7) The existing and proposed utility services are adequate for the population densities and nonresidential uses proposed.
- f. An approved final site plan shall be valid for three (3) years, during which time all permits necessary for the construction of the approved development shall be obtained. Failure to do so shall require the re-submittal of the previously approved final site plan to the Planning Commission for review and re-approval prior to the issuance of a Zoning Permit. The Planning Commission may reject or require modifications to the plan if in its opinion conditions on or off-site have changed in such a manner as to necessitate the rejection or modification.
 - g. No zoning amendment passed during the time period granted for the approved development plan shall in any way affect the terms under which approval of the planned unit development was granted.
5. **AMENDMENT TO AN APPROVED PUD:** Amendments to a final approved site plan for a PUD shall follow the regulations in **§32-235**.
- F. **CLUSTER HOUSING PROVISION FOR SMALL PARCELS:** On parcels less than five (5) acres, the PUD provision may be utilized. The purpose of this provision is to encourage innovative residential development on small, irregularly shaped parcels that have limited potential for platting. The development shall be limited to single family attached or detached dwellings and the density shall not exceed that which is permitted by the existing zoning district. The parcel under consideration for this Cluster Housing Provision shall have a minimum frontage of 66 feet on a public street.

The developer shall have a pre-application meeting as specified above. The developer shall submit an application the contents of which are specified in subsection (D). The Planning Commission shall hold one public hearing and either approve, approve with conditions, or

deny the application within 30 days of review. Criteria for the Planning Commission's recommendation shall be:

1. The area surrounding said development may be planned and developed in coordination and substantial compatibility with the proposed development; and
2. The planned development is in general conformance with the land use plan for the City; and
3. The planned development will not generate traffic in such amounts as to have a significant negative impact on adjacent properties.

32-275 Religious Institutions

- A. Minimum lot width shall be one hundred and fifty (150) feet.
- B. Minimum lot area shall be two (2) acres.
- C. For every foot of height by which the building, exclusive of spire, exceeds the maximum height limitation for the district, an additional (to the minimum) foot of front, side or rear yard setback shall be provided.
- D. The lot location shall be such that at least one (1) property line abuts a collector street, secondary thoroughfare, or major thoroughfare. All ingress to the lot shall be directly onto said thoroughfare.
- E. Off-street parking shall be prohibited within the required front yard setback area.

32-276 Restaurants with Outdoor Dining (Dining on Public Right-Of-Way)

In the interest of promoting business by increasing activity and improving the general business climate in business districts, the Zoning Administrator may issue revocable permits to businesses that apply for a permit to operate a sidewalk cafe, as an extension of a compatible existing business, on a portion of a City sidewalk, alley, or other outside property adjacent to the existing business. The use of the cafe shall be limited to activities carried on by the existing business. The following conditions shall apply:

- A. The sidewalk, alley or passageway shall not be reduced to less than five (5) feet.
- B. There will be no unreasonable interference with the view of, access to or use of property adjacent to said sidewalk or area;
- C. The use will not cause damage to the sidewalk or alley or to trees, benches, landscaping or other objects lawfully located therein;
- D. The use will not cause violation of any state or local laws;
- E. The use will not reduce the effectiveness of or access to any utility pole, sign, other traffic control device or street lighting;
- F. The use will not interfere with street cleaning or snow removal activities.
- G. The use will not be principally used for off premise advertising.
- H. The use will not cause increase risk of theft or vandalism.
- I. All businesses selling alcoholic beverages to be consumed in a public sidewalk area adjacent to the business shall enclose the area with a fence or structure approved by the Zoning Administrator. Prior to approval, written plans shall be submitted. Such plans shall also include the location of adequate trash receptacles.
- J. An outdoor cafe shall be operated during normal operating hours of the establishment.
- K. An outdoor cafe may not be in operation on property adjacent to a residentially zoned district between the hours of 12:00 a.m. and 7:00 a.m. (Ord. No. 94-242).
- L. The exterior of the premises shall be kept clean, orderly, and maintained. Exterior food preparation may be permitted if approved by the Health Department.
- M. On State highways, applicants shall comply with all applicable regulations of the MDOT.

32-277 Rooming and Boarding Houses

- A. This use shall be considered as an accessory use; board or lodging shall not be furnished to more than five (5) persons in addition to the family.
- B. The establishment shall be the principal dwelling unit on the property and shall be owner-occupied at all times.
- C. In the case of renting rooms, such convenience shall not be furnished unless there shall be provided at least eighty (80) square feet of floor area per guest in that part of the building directly occupied by such guests for rooming purposes.
- D. Boarding and the renting of rooms shall not include the operating of what is normally termed a restaurant or similar use where meals are served to transient guests. No separate cooking areas shall be allowed in guestrooms.
- E. Board shall not be provided to other than those rooming in the residence.
- F. Off-street parking shall be required in accordance with **§32-43**.
- G. The establishment shall have at least two (2) exits to the outdoors.
- H. The boarding house shall not alter the residential character of the building or structure.

32-278 RV Parks/Campgrounds

- A. A minimum lot size shall be four (4) acres for a campground and ten (10) acres for an RV Park, and not less than two hundred fifty (250) feet in width.
- B. The lot shall provide direct vehicular access to a public street. The term "lot" shall mean the entire campground or RV Park.
- C. All sanitary stations, portable toilets, or any sanitary facilities shall be centrally located on the lot. Portable toilets shall be in place for a period not to exceed ninety (90) days.
- D. The perimeter of the campground or RV Park shall be completely screened by natural terrain, a neatly finished and well-maintained wooden fence or masonry wall, or by well-maintained live evergreens.
- E. Campsites shall be located at least fifty (50) feet from property lines.
- F. All campgrounds and RV parks shall comply with State of Michigan and District Health Department requirements.
- G. Use of a Recreational Vehicle Park is subject to the following conditions:

1. Manufactured homes are not allowed.
2. A maximum of 10 campsites per acre is allowed.
3. Campfires or wood burning is not allowed.
4. Total sanitary waste output shall not exceed current Rogers City Sanitary Sewer System capacity unless the owner agrees to provide additional capacity.
5. Total water use shall not exceed current Rogers City Water System capacity unless developer agrees to provide additional capacity.
6. No tent camping is allowed.
7. Campsites shall be designed to allow parking for one Recreational Vehicle and two motor vehicles.
8. Storage of maintenance equipment, overflow of patron owned vehicles and equipment must be inside of a screened parking area or accessory building.
9. Lighting shall be in accordance with this Ordinance.
10. No outdoor storage is allowed on camping sites.
11. No porches, decks or accessory buildings are allowed on camping sites.
12. Fencing and screening shall be in accordance with this Ordinance.
13. Only one gas fired outdoor community fire pit is allowed.
14. Use of a Recreational Vehicle Park for purposes other than recreation or vacation may be allowed by the planning commission for a period not to exceed three (3) years.

32-279 Seasonal Use Sales

- A. Time limits for seasonal uses and for tent sales shall be as follows:
 - 1. Time limits for a tent or sidewalk sale shall be no longer than five (5) days. No more than three (3) tent sales or sidewalk sales shall be allowed for a given location within a single calendar year. However, no tent sale or sidewalk sale for any given location shall occur for three (3) consecutive time periods. A one-week period shall lapse between each such successive tent or sidewalk sale.
 - 2. The time limit for the sale of Christmas trees, pumpkins, or similar uses shall be for no longer than forty (40) days.
 - 3. The time limit for the sale of plants, vegetables, fruit, or other produce shall be for no longer than fourteen (14) weeks. Not more than one (1) fourteen-week sale of plants, vegetables, fruit, or produce shall occur for any given location within a single calendar year.

- B. The proposed use, including the erection of any temporary building or structure, will be allowed if the seasonal user does the following:
 - 1. Provide adequate light and ventilation between buildings and structures.
 - 2. Provide adequate automobile and pedestrian traffic flow.
 - 3. Provide adequate off-street parking.
 - 4. Provide adequate lot access for fire protection purposes.
 - 5. Not adversely affect the stability and integrity of the zoning plan prescribed by this ordinance or otherwise interfere with the protection of public health, safety, and general welfare.
 - 6. Not be incompatible with or otherwise adversely affect the physical character of the community and, in particular, the surrounding area within a distance of three hundred (300) feet.

32-280 Secondary Dwelling Units

The purpose of this section is to allow a minor amount of space within a dwelling to be rented or leased as separate living quarters for extended family or non-family members in all residential neighborhoods within the City. These provisions are further intended to provide reasonable control in recognition of the high percentage of owner occupied single family homes in the City. The purpose of these standards is also to prevent the undesirable proliferation of permanent two-family units which would, over time, disrupt the character of single family neighborhoods. The following regulations shall apply:

- A. One (1) secondary dwelling unit is allowed per lot.
- B. The secondary dwelling unit shall be rented or leased so the tenants are permanent residents rather than transients.
- C. The secondary unit shall not exceed 600 square feet or twenty-five (25) percent of the total floor area of the principal dwelling, whichever is less, so that it remains an accessory use to the primary dwelling and does not result in the creation of a duplex or apartment building.
- D. The secondary dwelling unit shall be provided electricity, plumbing, and heat.
- E. The secondary unit shall contain only one (1) bedroom.
- F. The secondary unit shall be a self-contained unit and shall be:
 1. located above a garage, or
 2. attached to the primary dwelling or garage, or
 3. totally within a primary dwelling, or
 4. a detached stand-alone structure
- G. The secondary unit shall have a separate exterior entrance which shall not be visible from the front yard.
- H. The residents of the primary structure shall maintain the secondary unit and shall ensure that no excessive noise, traffic, or blight occurs on the property.
- I. The secondary unit shall conform to the Presque Isle County building code standards.
- J. One additional parking space shall be provided on-site for the secondary dwelling unit.
- K. Detached Stand-Alone Structures:
 1. Such structures shall be in the rear yard and shall be consistent in appearance with the principal structure.
 2. Such structures shall be a maximum of six hundred (600) square feet in size with a minimum width of twenty (20) feet.
 3. The property owner must reside on-site.
 4. Separate water and sewer service must be provided.

32-281 Sexually Oriented Businesses

The purpose and intent of the section of this Ordinance pertaining to the regulation of sexually oriented businesses is to regulate the location and operation of, but not to exclude, sexually oriented businesses within the City, and to minimize their negative secondary effects. It is recognized that sexually oriented businesses, because of their very nature, have serious objectionable operational characteristics which cause negative secondary effects upon nearby residential, educational, religious, and other similar public and private uses. The regulation of sexually oriented businesses is necessary to ensure that their negative secondary effects will not contribute to the blighting and downgrading of surrounding areas and will not negatively impact the health, safety, and general welfare of City residents. The provisions of this Ordinance are not intended to offend the guarantees of the First Amendment to the United States Constitution or to deny adults access to sexually oriented businesses and their products, or to deny sexually oriented businesses access to their intended market. Neither is it the intent of this Ordinance to legitimize activities which are prohibited by City Ordinances, state or federal law. If any portion of this Ordinance relating to the regulation of sexually oriented businesses or referenced in those sections is found to be invalid or unconstitutional by a court of competent jurisdiction, the City intends said portion to be disregarded, reduced, and/or revised so as to be recognized to the fullest extent possible by law. The City further states that it would have passed and adopted what remains of any portion of this Ordinance relating to regulation of sexually oriented businesses following the removal, reduction, or revision of any portion so found to be invalid or unconstitutional.

- A. No sexually oriented business shall be greater than five thousand (5,000) square feet.
- B. No sexually oriented business shall be established on a parcel within five hundred (500) feet of any residence, public or private school, church, public park, state-licensed child care facility, or residential zoning district.
- C. No sexually-oriented business shall be permitted in a location in which any principal or accessory structure, including signs, is within one thousand (1,000) feet of any principal or accessory structure of another sexually-oriented business.
- D. For the purpose of this section, measurements shall be made in a straight line in all directions without regard to intervening structures or objects, from the closest part of any structure, including signs and roof overhangs, used in conjunction with the sexually oriented business to the closest point on a property boundary or right-of-way associated with any of the land use(s) or zoning district identified in **subsection B and C** above.
- E. The proposed use shall conform to all specific density and setback regulations of the zoning district in which it is located.
- F. The proposed use must meet all applicable written and duly promulgated standards of Rogers City and other governments or governmental agencies having jurisdiction, and that to the extent required, the approval of these governments and/or governmental agencies has been obtained or is reasonably assured.

- G. The outdoor storage of garbage and refuse shall be contained, screened from view and located so as not to be visible from neighboring properties or adjacent roadways.
- H. Any sign or signs proposed for the sexually oriented business must comply with the provisions of this Ordinance, and shall not otherwise include photographs, silhouettes, drawings, or pictorial representations of any type, or include animated or flashing illumination.
- I. Entrances to the proposed sexually oriented business must be posted on both the exterior and interior walls in a location clearly visible to those entering and exiting the business, and using lettering no less than two (2) inches in height that: 1) “persons under the age of 18 are not permitted to enter the premises”, and 2) “No alcoholic beverages of any type are permitted within the premises unless specifically allowed pursuant to a license duly issued by the Michigan Liquor Control Commission.”
- J. No product or service for sale or gift, or any picture or other representation of any product or service or gift, shall be displayed so as to be visible from the nearest adjoining sidewalk, street, or a neighboring property.
- K. Hours of operation shall be limited to 12:00 PM (noon) to 12:00 AM (Midnight).
- L. Any booth, room, or cubicle available in any sexually oriented business, excepting an adult motel, used by patrons for the viewing of any entertainment characterized by the showing of Specified Anatomical Areas or Specified Sexual Activities:
 - 1. Shall be handicap accessible to the extent required by the Americans With Disabilities Act;
 - 2. Shall be unobstructed by any door, lock, or other entrance and exit control device;
 - 3. Has at least one (1) side totally open to a public, lighted aisle so that there is an unobstructed view at all times from the adjoining aisle of any occupant;
 - 4. Is illuminated such that a person of normal visual acuity looking into the booth, room or cubicle from its entrance adjoining the public lighted aisle can clearly determine the number of people within.
 - 5. Has no holes or openings in any interior or exterior walls not relating to utility, ventilation or temperature control services or otherwise required by any governmental building code or authority.

32-282 Vehicle Sales

Outdoor display may be allowed in non-required front and side yards abutting a street provided the following conditions are met:

- A. Display areas shall not be covered by canopies or other structures.
- B. Display areas shall be surfaced with concrete, asphalt, or other impervious surface material.

32-283 Warehousing & Storage Facilities

- A. All storage shall be within an enclosed building.
- B. The storage of dangerous, toxic or flammable materials shall not be permitted.
- C. Minimum lot width shall be 200'.
- D. Proposed storage buildings which are accessory to a principal use shall be positioned to the rear of other approved non-storage or non-warehousing buildings, e.g., retail or office uses, or, the storage buildings shall be set back at least one hundred (100) feet from public road right-of-way lines.
- E. A caretaker dwelling unit and/or office may be permitted on-site.
- F. A warehouse which is off-site from and accessory to a principal use shall be permitted only if the principal use is located within the City.

32-284 Wireless Telecommunications Towers & Facilities & Alternative Tower Structures

The following site development standards shall apply to all telecommunications towers, structures and antennas installations in the City. Unless otherwise provided, telecommunication towers, alternative tower structures and antennas shall comply with all of the following standards.

Antenna towers and masts erected and operated as a residential accessory use, and not more than fifty (50) feet in height as measured between the tower’s base at grade and its highest point erected, are exempt from the requirements of this ordinance.

A. USE AND ZONING DISTRICT LIMITATIONS

Telecommunication towers, alternative tower structures and antennas are a special approval use in AG-E, I-1, I-2 & A-1 Districts, requiring a site plan, a visual impact study and a decommissioning plan. Installations shall be enclosed by a 6’ fence to prevent unauthorized access to the site.

B. VISUAL IMPACT

The application for special approval for the tower shall include a visual impact analysis, prepared by the applicant, which includes graphic depictions of the anticipated visual appearance of the tower from important vantage points in the surrounding area. Methods used in preparing the analysis shall be reviewed and approved by the Zoning Administrator.

C. Height and Construction

1. A cellular phone or other personal and business communications services antenna tower shall be exempt from building height limits established by zoning district regulations, provided that the tower height shall not exceed the minimum height necessary to serve its intended functions.
2. Maximum tower height shall be 195 feet.
3. The tower and any ancillary building housing equipment needed for operation of the tower shall not exceed the floor area and height minimally necessary for such equipment, and shall be of a size, type, color, and exterior materials which are aesthetically and architecturally compatible with the surrounding area, and as minimally obtrusive as possible. Landscape screening may be required by the Planning Commission to accomplish screening of ancillary equipment buildings.
4. Towers shall be monopole construction with no guy wires.

D. LIGHTING

The applicant shall provide documentation of any lighting to be installed on the tower. If tower lighting is required or proposed, the tower may not be approved unless the Planning Commission determines that it will not have a significant adverse impact on properties and

residents of the surrounding area.

1. The color and intensity of tower lighting required by Federal Communications Commission (FCC), Federal Aviation Administration (FAA) or Michigan Aeronautics Commission (MAC) regulations shall be as unobtrusive as possible and must cause the least disturbance to the surrounding properties.
2. Lighting shall not be strobe lighting or other intermittent white lighting fixtures, unless expressly required by State or federal regulations. Such intermittent lighting shall be alternated with steady red lights at night if acceptable to State or federal regulations.
3. Lighting may consist of a red top light that does not pulsate or blink.

E. COLOR

Towers shall be painted so as to be as unobtrusive as possible. The painting of towers in alternate bands of color shall be permitted only if specifically required by Federal Communications Commission (FCC), Federal Aviation Administration (FAA) or Michigan Aeronautics Commission (MAC) regulations. If alternate band painting is required by FCC, FAA, or MAC regulations, the applicant shall provide documentation of such requirements and regulations.

F. HEIGHT DECREASE.

If the height required for the tower to serve its intended function decreases from the installed height due to technological advancement, additional tower installations at other locations, or other factors, the City may order that the tower be lowered to such decreased minimum height.

G. SIGNS

No signs other than signs required pursuant to federal, state or City ordinance shall be allowed on an antenna or tower or site.

H. SETBACK REQUIREMENTS

1. The tower shall be set back not less than the distance equal to the height of the tower measured from the base of the tower to all points on each property line.
2. The tower and any supporting or appurtenant structures shall be no closer to any building, than the distance equal to the height of the tower measured from its base at grade to its highest point of elevation.
3. The planning commission may reduce the required setbacks for towers that are designed to collapse onto themselves. In such a case, a sealed engineers drawing that states the minimum required setback shall be provided with the special use application. The City may retain the services of an independent engineer to review the tower design and requested setback. The costs associated with an independent review shall be paid for by the applicant.

I. FCC/FAA/OTHER REGULATIONS

The applicant shall provide documentation of conformance with any Federal Communications Commission, Federal Aviation Administration, of Michigan Aeronautics Commission regulations. The tower shall comply with the Michigan Tall Structures Act (P.A. 259 of 1959, as amended).

J. USE

The owner/operator of the tower shall agree to permit use of the tower by other personal or business communications services providers, including local government agencies, on reasonable terms, so long as such use does not interfere with the owner/operator's reasonable use of the tower.

K. REMOVAL OF ABANDONED TOWERS

Any Tower that is not in use for a period of twelve (12) consecutive months shall be considered abandoned, and the owner of such tower shall remove the same within one hundred eighty (180) days of receipt of notice from the City of such abandonment. In addition to removing the tower, the owner shall restore the site to its original condition. Any foundation shall be removed to a minimum depth of five (5) feet below the final grade and site vegetation shall be restored. Failure to remove an abandoned tower within the one hundred eighty (180) day period provided in this subsection shall be grounds for the City to remove the tower at the owner's expense. The Planning Commission shall require the applicant to file an irrevocable bond equal to the reasonable cost (including adjustment for inflation) of removing the tower and attendant accessory structures as a condition of a special use permit given pursuant to this section.

L. ANTENNA CO-LOCATION ON AN EXISTING TOWER OR STRUCTURE

1. No antenna or similar sending/receiving devices appended to a tower, following its approved construction, shall be permitted if it exceeds the engineered design capacity of the tower thereby jeopardizing the tower's structural integrity.
2. The installation and/or operation of the above mentioned, antennas or facilities shall not interfere with normal radio/television reception in the area. In the event interference occurs, it shall be the sole responsibility of the owner to rectify the situation with the parties involved.
3. No antenna or similar sending and receiving devices appended to the tower or structure shall increase the overall height of the tower or structure by more than ten (10) feet.

32-285 Wind Energy Systems

In order to protect public safety, promote energy conservation and minimize land use conflicts, the following site development standards shall apply to all wind turbine generator (WTG) and anemometer tower (AT) installations in the City. Unless otherwise provided WTG(s) and AT(s) shall comply with all of the following standards. Small roof mounted WTG(s) both vertical axis and horizontal axis that have a blade diameter of less than 6’ are exempt from the requirements of this ordinance.

A. PRINCIPAL OR ACCESSORY USE:

A wind energy facility or anemometer tower may be considered either a principal or an accessory use. A different existing use or an existing structure on the same parcel shall not preclude the installation of a wind energy facility or a part of such facility on such parcel. Wind energy facilities that are constructed and installed in accordance with the provisions of this Article shall not be deemed to constitute the expansion of a nonconforming use or structure.

B. SUFFICIENT WIND RESOURCES

1. Small WTG(s) are exempt from a wind study.
2. Large WTG(s) built to supply the utility grid shall have documented annual wind resources sufficient for the operation of the proposed development. No WTG(s) shall be approved without submission of a wind resource study documenting wind resources on the site over a minimum of one year. The City may retain the services of an independent, recognized expert to review the results of the wind resource study.

C. ZONING DISTRICTS LIMITATIONS

1. **R-1, R-2, RC, OS-1, B-3, I-1, I-2, & W Districts**—Small WTG(s) and AT(s) in these districts are a principle permitted use and require a zoning permit. WTG(s) shall have automatic braking, governing or a feathering system to prevent uncontrolled blade rotation or over speeding. Installation shall conform to additional requirements of this ordinance.
2. **B-3, RC & I-2**—Large WTG(s) and AT(s) in these districts are a special use, requiring a site plan, a decommissioning plan, a shadow flicker analysis study and any other supporting documentation required by the zoning ordinance. Installations shall be designed with locking access doors to prevent unauthorized access to electrical and mechanical components.

D. MINIMUM SITE AREA

The minimum site area for a WTG or an AT shall be as necessary to meet required setbacks and any other standards of this Ordinance.

E. HEIGHT LIMITATIONS AND BLADE CLEARANCE

1. Small horizontal axis WTG(s) shall not exceed 65' in height measured with vertical blade tip at its highest point and shall have a minimum 15' vertical blade tip clearance from ground level.
2. Vertical axis WTG(s) shall not exceed sixty-five (65') feet in height and shall have a minimum ten (10') feet clearance from the ground to the bottom of the rotating spire or helix.
3. Large horizontal axis WTG(s) shall have a minimum twenty (20') feet vertical blade tip clearance from ground level.

F. SETBACKS

Each proposed horizontal axis WTG or AT shall meet the following applicable setback requirements:

1. Each WTG shall be set back from any adjoining lot line a distance equal to one and one-half (1.5) times the total height of the WTG. The Planning Commission may reduce this setback to no less than one hundred (100) feet; provided the applicant owns the adjoining property or an easement is obtained. The amount of setback relief approved by the Planning Commission will be based on data provided by the applicant and prepared by a qualified professional. Such data shall satisfy the Planning Commission that sound levels will not exceed fifty (50) decibels on the dB(A) scale at the property line from the proposed setback. Data provided shall be specific to the proposed tower in the proposed location taking into consideration prevailing winds, topography, existing vegetation, and other relevant factors.
2. In addition to the above, a WTG shall be set back from a public or private road right-of-way or existing easement a minimum distance equal to one and one-half (1.5) times the height of the WTG as defined in this Ordinance

G. MAXIMUM NOISE LEVELS

Any proposed WTG shall result in the production of cumulative sound levels that are fifty (50) decibels or less as measured on the dB(A) scale at the property lines of the site in question.

H. MAXIMUM VIBRATIONS & SHADOW FLICKER

1. Any proposed WTG or AT shall not produce vibrations through the ground humanly perceptible beyond the property on which it is located.
2. Small WTG(s) shall not be placed in a manner that causes shadow flicker onto neighboring property.
3. Large WTG(s) shall include a shadow flicker analysis study with the required site plan.

I. POTENTIAL ICE THROW

Any potential ice throw or ice shedding from a WTG shall not cross the property lines of the site nor impinge on any right-of-way or overhead utility line.

J. INTERFERENCE WITH RESIDENTIAL RECEPTION

Any WTG or AT shall be constructed and operated so that they do not interfere with television,

microwave, navigational or radio reception to neighboring areas.

K. STATE OR FEDERAL REQUIREMENTS

Any proposed WTG or AT shall meet or exceed any standards and regulations of the Federal Aviation Administration (FAA), Michigan Aeronautics Commission (MAC) and any other agency of the state or federal government with the authority to regulate wind turbine generators or other tall structures in effect at the time the Special Use permit is approved.

L. LANDSCAPING

Each proposed large WTG shall meet the following landscaping requirements. The requirements may be reduced or waived if it is determined that the location of the site, or for other factors, the visual impact of the WTG would be minimal.

1. The base of the WTG shall be landscaped with a buffer of plant materials that effectively screens the view of the bases of these facilities from adjacent property. The standard buffer shall consist of a landscaped strip at least four (4') feet wide outside the perimeter of the facilities.
2. Existing natural land forms on the site which effectively screens the base of the WTG or AT from adjacent property shall be preserved to the maximum extent possible.
3. Landscaping shall be designed to counter the effects of "shadow flicker" on any neighboring structures or roadways.
4. To ensure compliance with these landscaping standards, additional landscaping on the site after the installation of the WTG may be required.

M. AESTHETICS AND LIGHTING

Any proposed WTG or AT shall meet the following requirements:

4. Each WTG or AT shall either maintain a galvanized steel finish or, be painted a neutral color to reduce visual obtrusiveness.
5. Each WTG or AT, including all accessory structures shall, to the extent possible, use materials, and colors that will blend them into the natural setting. A medium grey shade is the preferred color.
6. Each WTG or AT shall not be artificially lighted, unless required by the FAA, MAC or other applicable governmental authority. If lighting is required, the lighting alternatives and design chosen:
 - a. Shall be the intensity required under FAA or MAC regulations.
 - b. Shall not be strobe lighting or other intermittent white lighting fixtures, unless expressly required by the FAA or MAC. Such intermittent lighting shall be alternated with steady red lights at night if acceptable to the FAA or MAC.
 - c. May be a red top light that does not pulsate or blink.

- d. All tower lighting required by the FAA or MAC shall be shielded to the extent possible and acceptable to the FAA or MAC to reduce glare and visibility from the ground.
- e. Each WTG or AT shall be sited on the property in a location that reduces to the maximum extent possible any adverse impacts on significant view corridors from adjacent properties.
- f. WTG(s) shall be a monopole or monotube style construction (as distinguished from a lattice-style tower) and shall not utilize guy wires.
- g. AT(s) may be supported by guy wires. The wire shall be clearly visible to a height of at least 6 feet above the ground.
- h. WTG(s) shall not be used to display any advertising except the reasonable identification of the manufacturer or operator of the wind energy facility.

N. HAZARD PLANNING

Application for a special use permit for a WTG shall be accompanied by a hazard prevention plan. Such plan shall address the following at a minimum:

- 1. A sign no more than four (4) square feet in area displaying an address and telephone number for emergency calls and informational inquires shall be posted at the proposed wind turbine generator or anemometer tower.
- 2. The landscape plan accompanying the application shall be designed to avoid spread of fire from any source on the turbine; such preventative measures may address the types and locations of vegetation below the turbine and on the site.
- 3. A listing of any hazardous fluids that may be used on site shall be provided, including Material Safety Data Sheets (MSDS).
- 4. A periodic inspection schedule certifying that the turbine shall be routinely inspected to ensure that no hazardous fluids are released from the turbine.
- 5. A Hazardous Materials Waste Plan shall be provided

O. REMOVAL OF ABANDONED WIND TURBINE GENERATORS OR ANEMOMETER TOWERS

- 1. Any Large WTG or AT that is not in use for a period of twelve (12) consecutive months shall be considered abandoned, and the owner of such WTG or AT shall remove the same within one hundred eighty (180) days of receipt of notice from the City of such abandonment. In addition to removing the WTG or AT, the owner shall restore the site to its original condition. Any foundation shall be removed to a minimum depth of five (5) feet below the final grade and site vegetation shall be restored.

2. Failure to remove an abandoned WTG or AT within the one hundred eighty (180) day period provided in this subsection shall be grounds for the City to remove the WTG or AT at the owner's expense. The Planning Commission shall require the applicant to file an irrevocable bond equal to the reasonable cost (including adjustment for inflation) of removing the WTG or AT and attendant accessory structures as a condition of a special use permit given pursuant to this section.

P. EQUIPMENT REPLACEMENT

Major components of the wind turbine generator may be replaced without a modification of the Special Use permit provided all regulations contained herein are adhered to.

32-286 Zoos

The Planning Commission review and approval shall be for the purpose of maintaining the health and safety and welfare of the community and to ensure that the development is consistent with the Master Plan of the City. The Planning Commission shall approve the use only after finding that the use is so arranged that the display will not adversely affect the normal development or use of adjacent property and further, that the display will be constructed in accordance with the following development standards:

- A. The lot shall contain not less than 2 acres;
- B. The application for a special use permit shall include copies of all approvals granted by other regulatory agencies, if required, including but not limited to: the District Health Department, Michigan Department of Agriculture, and the Michigan Department of Environmental Quality.
- C. The application for a Special Land Use permit shall include a written plan of operation for the facility. The plan shall include information on management of pests such as insects and vermin, care of the displayed animals, transportation of the animals, feed storage, waste removal and control of offensive odors and noise. Operation of the facility in compliance with the plan approved by the Planning Commission will be a condition of the Special Land Use permit;
- D. Fencing shall be provided which is appropriate to the animals on display.
- E. The facility must have an approved site plan.

32-287 to 32-300 Reserved

ARTICLE 22: ZONING BOARD OF APPEALS

32-301 Intent and Purpose

The purpose of this Article is to insure that the objectives of this Ordinance are fully and equitably achieved, that a means be provided for competent interpretation of this Ordinance, that flexibility be provided for the strict application of this Ordinance, that the spirit of the Ordinance be observed, public safety secured and substantial justice done.

32-302 Creation and Membership

The Zoning Board of Appeals (ZBA) shall perform its duties and exercise its powers as provided in Article 6 of Act 110, P.A. 2006, as amended. The Board shall consist of seven (7) members appointed by the City Council by a vote of a majority of its membership.

- A. **PLANNING COMMISSION MEMBER:** The first member shall be a member of the Rogers City Planning Commission for the terms of his/her office.
- B. **REMAINING MEMBERS:** The remaining members must be selected from the electors of Rogers City and shall be representative of the population distribution and of the various interests present in the City.
- C. **ELECTIVE OR APPOINTIVE OFFICE:** No member of the Zoning Board of Appeals shall be from any elective or appointive office of the City government.
- D. **EMPLOYEES:** An employee or contractor of the City Council may not serve as a member of the Board of Appeals.
- E. **ALTERNATES:** The City Council may appoint not more than two (2) alternate members for the same term as regular members to the Zoning Board of Appeals. An alternate member may be called to sit as a regular member of the Zoning Board of Appeals in the absence of a regular member if a regular member is absent from or unable to attend one (1) or more meetings of the Zoning Board of Appeals. An alternate member may also be called to serve in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member having been appointed shall serve in the case until a final decision has been made. The alternate member shall have the same voting rights as a regular member of the Zoning Board of Appeals.
- F. **TERMS OF OFFICE:** The terms of office for members of the Zoning Board of Appeals shall be for three (3) years, except for members serving because of their membership on the Planning Commission, whose terms shall be limited to the time they are members of the Planning Commission. The first year, two (2) members shall be appointed for a term of one (1) year, two (2) members to two years and three (3) members for three (3) years to provide for staggered terms. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired.

ZONING BOARD OF APPEALS

Vacancies for unexpired terms shall be filled for the remainder of the term in the same manner as the original appointment.

- G. **REMOVAL OF MEMBER:** A member of the Zoning Board of Appeals may be removed by the City Council for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office.
- H. **COMPENSATION:** The members of the Zoning Board of Appeals shall serve without pay.

32-303 Organization

- A. **RULES OF PROCEDURE:** The Zoning Board of Appeals may adopt rules of procedure for the conduct of its meetings and the implementation of its duties.
- B. **OFFICERS:** The Board shall annually elect a chairperson, a vice-chairperson, and a secretary at its first annual meeting following annual filling of expired terms.
- C. **MEETINGS AND QUORUM:** Meetings of the Zoning Board of Appeals shall be held at the call of the chairperson and at such other times as the board in its Rules of Procedure may specify. All meetings shall be held in the City Municipal Building and shall be open to the public. A majority of the total membership of the Board shall comprise a quorum. The Board of Appeals shall not conduct business unless a majority of those Zoning Board of Appeals members qualified to sit for a particular matter are present to constitute a quorum, regardless of whether the members are regular members or alternate members.
- D. **OATHS AND WITNESSES:** The Board shall have the power to subpoena and require the attendance of witnesses, administer oaths, compel testimony and the production of books, papers, files and other evidence pertinent to the matters before it to insure a fair and proper hearing.
- E. **RECORDS:** The Zoning Board of Appeals shall keep a record of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating said fact. Such records shall contain the grounds for every determination made by the Board and the final ruling on each case. Such records shall be filed in the office of the City Clerk, which shall constitute a public record.

32-304 Jurisdiction

The Board of Zoning Appeals shall act upon questions as they arise in the administration of this Ordinance. The Board shall perform its duties and exercise its powers as provided in Michigan Zoning Enabling Act, 110 of the PA of 2006, as amended. The Board of Zoning Appeals shall not have the power to alter or change the zoning district classification of any property, nor make any change in the terms or intent of this Ordinance, but does have the power to act on those matters for which this Ordinance provides. Within this capacity the Board of Zoning Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination of the Zoning Officer, Planning Commission or any official administering or enforcing the provisions of this Ordinance. The Zoning Board of Appeals may make such order, requirements, decision or determination as ought to be made, and to that end shall have all the powers of the official or body from whom the appeal is taken

32-305 Authorized Appeals

The Zoning Board of Appeals shall hear the following specified categories of appeals in accordance with the following standards:

- A. **ADMINISTRATIVE REVIEW**: The Board of Zoning Appeals shall 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 Officer or by any other official or body charged with administering or enforcing the provisions of this Ordinance.
- B. **SPECIAL LAND USE AND PUD**: The Zoning Board of Appeals has no jurisdiction to hear appeals from Planning Commission decisions concerning Special Land Uses or Planned Unit Developments.
- C. **INTERPRETATION OF THE ORDINANCE**: The Board of Appeals shall hear and decide upon request to:
 - a. Interpret the provisions of this Ordinance when it is alleged that certain provisions are not clear or that they could have more than one meaning. In deciding upon such request the Board of Zoning Appeals shall insure that its interpretation is consistent with the intent and purpose of the Ordinance and the article in which the language in question is contained.
 - b. Determine the precise location of the boundary lines between zoning districts when there is dissatisfaction with a decision made by the Zoning Officer.
- D. **DIMENSIONAL VARIANCE**: The Board of Zoning Appeals shall have the power to authorize specific variance from site development requirements such as lot area and width regulations, building height and bulk regulations, yard width and depth regulations, off-street parking and loading space requirements, of this ordinance, upon the finding of a practical difficulty. To establish practical difficulty, the applicant must establish all of the following:

1. The need for the requested variance is due to unique circumstances or physical conditions of the property involved such as narrowness, shallowness, shape, water, or topography that do not apply generally to other properties in the surrounding area and will not be recurrent in nature, and is not due to the applicant's personal or economic hardship;
 2. Strict compliance with the regulations governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity unnecessarily burdensome;
 3. That the variance requested is the minimum amount necessary to overcome the inequality inherent in the particular property and would give substantial relief to the property owner and would be consistent with justice to other property owners;
 4. The need for the requested variance is not the result of action of the property owner or previous property owners (self-created).
 5. That the requested variance will not cause a substantial adverse impact on surrounding property, property values, or the use and enjoyment of property in the neighborhood or zoning district and will not impair an adequate supply of light and air to adjacent property, unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, or in any other respect impair the public health, safety, comfort, morals or welfare of the inhabitants of Rogers City.
 6. That the variance will be in harmony with the general purpose and intent of this Ordinance.
- E. **USE VARIANCE:** Upon a concurring vote of 2/3 of the membership, the Zoning Board of Appeals may grant a variance from uses of land only in cases where the applicant demonstrates in the official record that unnecessary hardship exists. To establish unnecessary hardship, the applicant must establish all of the following:
1. The property cannot be reasonably used for any of the uses permitted by right or by special use permit in a manner consistent with existing zoning;
 2. The need for the requested variance is due to unique circumstances or physical conditions of the property involved such as narrowness, shallowness, shape, water, or topography and not to general conditions in the neighborhood that may reflect the unreasonableness of the zoning;
 3. The proposed use will not alter the essential character of the neighborhood; and
 4. The immediate hardship causing the need for the use variance was not created by the property owner or previous property owners (self-created).

32-306 Appeal Procedures

- A. **NOTICE OF APPEAL:** Appeals to the Board of Zoning Appeals may be made by any person aggrieved, or by an officer or department of the City, by filing a written Notice of Appeal with the City Clerk. Upon receipt of a Notice of Appeal, the City Clerk shall promptly transmit the records concerning the appealed action to the chairperson of the ZBA. Any appeal from the ruling of the Zoning Officer concerning the enforcement of the provisions of this Ordinance shall be filed within ten (10) days after the date of the Zoning Officer's decision.
1. **Fee:** A fee as established by the City Council shall be paid to the City Clerk at the time the petitioner files an application with the Board. The purpose of such fee is to cover the necessary advertisements, investigations, hearing records and other expense incurred by the Board in connection with the appeal. No fee shall be charged if the City or any official body of the City is the moving party.
- B. **DOCUMENTS REQUIRED:** The applicant shall submit nine (9) copies of surveys, plans and data or other information which is requested by the Zoning Officer or Chairman of the ZBA and which is reasonably necessary.
- C. **HEARING AND PUBLIC NOTICE:** Upon receipt of a Notice of Appeal, the chairperson of the Zoning Board of Appeals shall fix a reasonable time and date for a Public Hearing, not to exceed thirty (30) days from the date of filing of the Notice of Appeal. Upon determination of the date and time of the Public Hearing, the City Clerk shall give public notice pursuant to **§32-316**.
- D. **STAY:** An appeal to the Zoning Board of Appeals stays all proceedings in furtherance of the action appealed. However, if the body or officer from whom the appeal is taken certifies to the Zoning Board of Appeals after the notice of appeal is filed that, by reason of facts stated in the certificate, a stay would in the opinion of the body or officer cause imminent peril to life or property, proceedings may be stayed only by a restraining order issued by the Zoning Board of Appeals or a circuit court.
- E. **APPEARANCE:** Upon the hearing, any party may appear in person or by agent or attorney. The Board may recess such hearing from time to time, and, if the time and place of the continued hearing are announced at the time of adjournment, no further notice shall be required.
- F. **DECISION:**
1. The Board of Appeals shall render its decision within thirty (30) days of filing of Notice of Appeal unless an extension of time is necessary to review new information pertinent to making the decision, and is agreed upon by the appellant and a majority of members of the ZBA present.
2. The concurring vote of a majority of the members of the Zoning Board of Appeals is necessary to reverse an order, requirement, decision, or determination of the administrative official or body, to decide in favor of the applicant on a matter upon which the zoning board of appeals is required to pass under the zoning ordinance, or to grant a dimensional variance in the zoning ordinance. A two-thirds (2/3) majority is required to grant a use variance.

3. A member of the Zoning Board of Appeals who is also a member of the Planning Commission shall not participate in a public hearing on or vote on the same matter that the member voted on as a member of the Planning Commission. However, the member may consider and vote on other unrelated matters involving the same property.
 4. **Findings of Fact:** In granting or denying a variance, the Board shall state in a written statement of findings of fact the grounds upon which it justifies the granting of a variance.
- G. **CONDITIONS:** In granting the variance, the Zoning Board of Appeals may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violations of such conditions and safeguards, when made part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance and shall automatically invalidate the permit.
- H. Each variance granted under the provisions of this Ordinance shall become null and void unless:
1. The construction authorized by such variance or permit has commenced within six (6) months of granting of the variance.
 2. The occupancy of land, premises or building has taken place within one (1) year after the granting of the variance.
- I. **RESUBMITTAL:** No application for the variance which has been denied, wholly or in part, by the Board of Zoning Appeals shall be resubmitted for a period of one (1) year from the date of the last denial, except on the grounds of newly discovered evidence or proof of changed conditions found upon inspection by the ZBA to be valid.

32-307 Review by Circuit Court

- A. Any party aggrieved by an order, determination or decision of any officer, agency, board, commission, Board of Appeals or legislative body of the City of Rogers City which has acted pursuant to the provisions of Michigan Zoning Enabling Act, 110 of the PA of 2006, as amended, may obtain a review thereof both on the facts and the law, in the Circuit Court of Presque Isle County, provided that all other means of local appeal and review as provided in this Ordinance have first been exhausted. The Circuit Court shall review the record and decision of the Board of Appeals to insure that the decision:
1. Complies with the constitution and laws of the State.
 2. Is based upon proper procedure.
 3. Is supported by competent, material, and substantial evidence on the record.
 4. Represents the reasonable exercise and discretion granted by the Board of Appeals.

ZONING BOARD OF APPEALS

- B. If the court finds the record inadequate to make the review required by this section or finds that additional material evidence exists that with good reason was not presented, the court shall order further proceedings on conditions that the court considers proper. The Zoning Board of Appeals may modify its findings and decision as a result of the new proceedings or may affirm the original decision. The supplementary record and decision shall be filed with the court. The court may affirm, reverse, or modify the decision.

- C. An appeal from a decision of a Zoning Board of Appeals shall be filed within thirty (30) days after the Zoning Board of Appeals issues its decision in writing signed by the chairperson, if there is a chairperson, or signed by the members of the Zoning Board of Appeals, if there is no chairperson, or within twenty-one (21) days after the Zoning Board of Appeals approves the minutes of its decision. The court may affirm, reverse, or modify the decision of the Zoning Board of Appeals. The court may make other orders as justice requires.

32-308 to 32-310 Reserved

ARTICLE 23: ADMINISTRATION AND ENFORCEMENT

32-311 Enforcement

- A. The provisions of this Ordinance shall be administered in accordance with the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended.
- B. The provisions of this Ordinance shall be administered and enforced by the Zoning Officer or by such deputies of his department as the Zoning Officer may delegate to enforce the provisions of this Ordinance. For purpose of this Ordinance, the Zoning Official may also be called the Zoning Administrator or other titles as designated by the City Manager.

32-312 Duties of the Zoning Officer

- A. The Zoning Officer shall have the power to grant zoning compliance permits, to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this Ordinance.
- B. The Zoning Officer shall not refuse to issue a permit when conditions imposed by this Ordinance are complied with by the applicant despite violations of contracts, such as covenants or private agreements which may occur upon the granting of said permit.
- C. Under no circumstances is the Zoning Officer permitted to make changes to this Ordinance nor to vary the terms of this Ordinance in carrying out his duties as Zoning Officer except as provided in **subsection D** below.
- D. Administrative Deviation:
 - 1. The Zoning Officer is hereby authorized to grant an administrative deviation to the provisions of this Ordinance in an amount not to exceed a ten (10) percent variation from the site development standards, parking and loading requirements, and the specific provisions and requirements contained in this Ordinance.
 - 2. Upon receipt of a request for an administrative variance, the Zoning Officer shall prepare a report of the situation and all factual data concerning the site in terms of the criteria stated in this Ordinance. Upon completion of the report, the Zoning Officer shall determine whether or not the request meets the criteria stated in subsection D.1 (above) and shall approve or deny the request exclusively on that basis. Decisions rendered by the Zoning Officer shall be in the form of a letter with reference to the above mentioned report.

ADMINISTRATION & ENFORCEMENT**32-313 Permits**

- A. No building or structure shall hereafter be erected, structurally altered, reconstructed, used, or moved, nor shall any use subject to the provisions of this Ordinance be commenced until a Zoning Permit application has been filed with the City of Rogers City and a Zoning Permit has been issued by the Zoning Officer, except as otherwise provided for in this Ordinance. No Zoning Permit shall be required for any lawful use of any building or structure in existence as of the adoption date of this Ordinance. Exempted from the permit requirements are exterior alterations and ordinary maintenance repairs that do not require a building, mechanical, electrical or plumbing permit.
- B. A Zoning Permit shall not be issued until all other necessary permits required by statute have been obtained or waived with exception of those permits which are contingent upon the issuance of a zoning permit.
- C. The zoning permit will expire after one (1) year from date of issuance for any Zoning Permit under which no construction has occurred or no substantial construction has been done in the furtherance of the zoning permit.
- D. The Zoning Officer shall have the power to revoke or cancel any Zoning Permit in case of failure or neglect to comply with the provisions of the Ordinance, or in the case of a false statement or misrepresentation made in the application. The owner shall be notified of such revocation in writing.
- E. No Zoning Permit shall be valid until the required fees have been paid. No separate fee shall be required for accessory buildings or structures when application thereof is made at the same time as the principal building or structure. Applications and petitions filed pursuant to the provisions of this Ordinance shall be accompanied by the filing fees as specified by the City Council.
- F. Conformance with Approved Plans: Permits issued on the basis of plans and applications approved by the Zoning Officer authorize only the use, arrangement and construction set forth in such approved plans and applications. Any other use, arrangement or construction at variance with that authorized shall be deemed a violation of this Ordinance.
- G. Any person, partnership, limited liability company, corporation, association or other entity who fails to obtain any necessary permit, whether it be a zoning compliance permit, sign permit, fence permit, etc. shall be subject to a late fee as determined by City Council.
- H. The following shall apply in 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 provisions of this Ordinance.
 2. PERMITS FOR NEW USE OF LAND: No land heretofore vacant shall hereafter be used unless a zoning permit is first obtained for the new use.

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3. PERMITS FOR CHANGE OF USE: No existing use of land or structure, or part thereof, shall be hereafter changed to a different use unless a change of use permit is obtained².
- I. **CERTIFICATES**: No land, building or part thereof, shall be occupied by or for any use unless and until a certificate of occupancy shall have been issued for such use. The following shall apply in the issuance of any certificate:
 1. CERTIFICATES NOT TO BE ISSUED: No Certificates of Occupancy shall be issued for any building structure or part thereof, or from 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 the same caused to be done, unless and until a certificate of occupancy shall have been issued for such building or structure.
 3. CERTIFICATES REQUIRED BY PRESQUE ISLE COUNTY: Certificates of Occupancy as required by the County Building Code for new buildings or structures, or parts thereof, or for alternations to or changes of use of existing buildings or structures, shall constitute certificates of occupancy as required by this Ordinance.
 4. RECORD OF CERTIFICATES: A record of all certificates issued shall be kept on file in the office of the Building Inspector and the Zoning Officer and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the property involved.
 5. CERTIFICATES FOR DWELLING ACCESSORY BUILDINGS: Buildings or structures accessory to dwellings shall not require separate zoning certificates of occupancy, but may be included in the zoning certificate of occupancy for the dwelling when shown on the plot plan and when completed at the same time as such dwellings.

32-314 Fees

- A. To assist in defraying the costs of investigating, reviewing, and administering zoning applications, appeals, rezoning requests from individual property owners, and other types of decisions which result in extra costs to the City, the City Council may from time to time adopt by resolution a Fee Schedule establishing basic zoning fees relating to the following:
- B. The amount of these zoning fees shall cover the costs associated with the review of the application or appeal, including but not limited to the costs associated with conducting public hearings, publishing notices in the newspaper, sending required notices to property owners, postage, photocopying, mileage, time spent by zoning staff, and time spent by the members of the Planning Commission and/or Zoning Board of Appeals. The basic zoning fees shall be paid before any application required under this Ordinance is processed. The basic zoning fees are non-refundable, even when the applicant withdraws an application or appeal.
- C. If the Zoning Officer, Planning Commission, or Zoning Board of Appeals determines that the

basic zoning fees will not cover the actual costs of the application review or appeal, or if the Zoning Officer, Planning Commission, or Zoning Board of Appeals determines that review of the application and/or participation in the review process or appeal by qualified professional planners, engineers, attorneys, or other professionals is necessary, then the applicant shall deposit with the City Treasurer such additional zoning fees in an amount determined by the Zoning Officer equal to the estimated additional costs. The additional zoning fees shall be held in escrow in the applicant's name and shall be used solely to pay these additional costs. If the amount held in escrow becomes less than ten percent (10%) of the initial escrow deposit or less than ten percent (10%) of the latest additional escrow deposit, and review of the application or decision on the appeal is not completed, then the Planning Commission or Zoning Board of Appeals may require the applicant to deposit additional fees into escrow in an amount determined by the Zoning Officer to be equal to the estimated costs to complete the review or decide the appeal. Failure of the applicant to make any escrow deposit required under this Ordinance shall be deemed to make the application incomplete or the appeal procedurally defective, thereby justifying the denial of the application or the dismissal of the appeal. Any unexpected funds held in escrow shall be returned to the applicant following final action on the application or the final decision on the appeal. Any actual costs incurred by the City in excess of the amount held in escrow shall be billed to the applicant and shall be paid by the applicant prior to the issuance of any permit or prior to the final decision on an appeal.

32-315 Performance Guarantee

In connection with the construction of improvements through site plan approval, Special Land Use approval, or a PUD project, the Planning Commission may require the applicant to furnish the City with a performance guarantee in the form of a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the City in an amount equal to the estimated costs associated with the construction of public and site improvements. Public improvements mean, by way of example and not limitation, roads, parking lots, and water and sewer systems which are located within the development or which the applicant has agreed to construct even though located outside the development. Site improvements mean landscaping, buffering, and the completion of conditions imposed by the Planning Commission which are located within the development. For purposes of this section, the costs covered by the performance guarantee shall include all of the following: (1) the purchase, construction, and/or installation of the improvements, (2) architectural and engineering design and testing fees and related professional costs, and (3) an amount for contingencies consistent with generally accepted engineering and/or planning practice. The performance guarantee shall be deposited with the City Clerk at or before the time the City issues the permit authorizing the development, or if the development has been approved in phases, then the performance guarantee shall be deposited with the City Clerk prior to the commencement of construction of a new phase. The performance guarantee shall ensure completion of the public and site improvements in accordance with the plans approved by the Planning Commission. Any cash deposit or certified funds shall be refunded for the development or each phase of a multi-phase development in the following manner:

- A. One-third (1/3) of the cash deposit after completion of one-third (1/3) of the public and site improvements;

- B. Another one-third (1/3) of the cash deposit after completion of two-thirds (2/3) of the public and site improvements; and
- C. The balance at the completion of the public and site improvements.

Any irrevocable bank letter of credit or surety bond shall be returned to the applicant upon completion of the public improvements. If a development is to be completed in phases, then the Planning Commission may require the applicant to furnish a performance guarantee as provided in this section for each phase of the development. If an applicant has contracted with a third-party to construct the public and site improvements and the third-party has provided a bond meeting the requirements described above and the bond also names the City as a third-party beneficiary of the bond, then the Planning Commission may accept that bond as meeting all or a portion of the performance guarantee required by this section.

32-316 Public Notification

All applications for development approval requiring a public hearing shall comply with the Michigan Zoning Enabling Act, PA 110 of 2006, and the other provisions of this Section with regard to public notification.

- A. **PUBLISHED NOTICE:** When the provisions of this Ordinance or the Michigan Zoning Enabling Act require that notice be published, the zoning staff shall be responsible for preparing the content of the notice, having it published in a newspaper of general circulation in the city of Rogers City and mailed or delivered as provided in this Section.
- B. **CONTENT:** All mail, personal and newspaper notices for public hearings shall:
 - 1. Describe the nature of the request: Identify whether the request is for a rezoning, text amendment, Special Land Use, planned unit development, variance, appeal, Ordinance interpretation or other purpose.
 - 2. Location: Indicate the property that is subject to the request. The notice shall include a listing of all existing street addresses within the subject property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used such as a tax parcel identification number, identification of the nearest cross street, or the inclusion of a map showing the location of the property. No street addresses must be listed when eleven (11) or more adjacent properties are proposed for rezoning, or when the request is for an Ordinance interpretation not involving a specific property.
 - 3. When and where the request will be considered: indicate the date, time and place of the public hearing(s).

4. Written comments: Include a statement describing when and where written comments will be received concerning the request. Include a statement that the public may appear at the public hearing in person or by counsel.
5. Disabled access: Information concerning how disabled access will be accommodated if the meeting facility is not disabled accessible.

C. PERSONAL AND MAILED NOTICE

1. General: When the provisions of this Ordinance or state law require that personal or mailed notice be provided, notice shall be provided to:
 - a. The owners of the property for which approval is being considered and the applicant, if different than the owner(s) of the property.
 - b. Except for rezoning requests involving eleven (11) or more adjacent properties or an Ordinance interpretation request that does not involve a specific property, notice shall be given to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property subject to the request, regardless of whether the property or the occupant is located within the City of Rogers City. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one (1) occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.
 - c. All neighborhood organizations, public utility companies, railroads and other persons which have requested to receive notice pursuant to **subsection E below**.
2. Notice Deemed Given: Notice shall be deemed given when personally delivered or by its deposit in the United States mail, first class, property addressed, postage paid. Zoning staff shall prepare a list of property owners and registrants to whom notice was mailed, as well as of anyone to whom personal notice was delivered.

D. TIMING OF NOTICE: Unless otherwise provided in the Michigan Zoning Enabling Act, PA 110 of 2006, or this Ordinance where applicable, notice of a public hearing shall be provided as follows:

For a public hearing on an application for a rezoning, text amendment, special land use, planned unit development, variance, appeal, or Ordinance interpretation: not less than fifteen (15) days before the date the application will be considered for approval.

E. REGISTRATION TO RECEIVE NOTICE BY MAIL

1. **GENERAL:** Any neighborhood organization, public utility company, railroad or any other person may register with the City Clerk to receive written notice of all applications for development approval pursuant to **subsection (C)(1)(c)** above or written notice of all applications for development approval within the zoning district in which they are located. The City Clerk shall be responsible for providing this notification, as established by the City Council.
2. **REQUIREMENTS:** The requesting party must provide the City Clerk information to ensure notification can be made. All registered persons must register annually to continue to receive notification pursuant to this section.

32-317 Violations

A. CIVIL LAW:

Any building, structure or use which is constructed, altered, moved or maintained in violation of the provisions of this Ordinance is hereby declared to be a nuisance per se.

B. MUNICIPAL CIVIL INFRACTION:

Violations of the provisions of this Ordinance or failure to comply with any of its requirements, including violations of conditions and safeguards established in connection with variances and conditional uses and violations of approved site plans, shall constitute a municipal civil infraction. Any person who violates this Ordinance or fails to comply with any of its requirements shall be guilty of a municipal civil infraction and be fined not more than five hundred dollars (\$500) for each offense and, in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate and distinct offense under the provisions of this Ordinance.

C. REMEDIES:

The City Council may institute injunction, mandamus, abatement or other appropriate proceedings to prevent, enjoin, abate or remove any violations of this Ordinance. The rights and remedies provided herein are both civil and criminal in nature. The imposition of any fine, or jail sentence or both shall not exempt the violator from compliance with the provisions of this Ordinance.

D. INSPECTION:

The Zoning Officer or his deputy shall have the responsibility to investigate each alleged violation and shall have the right to inspect any property for which a zoning permit has been issued to ensure compliance with the plans and conditions of the zoning permit or approved site plan.

32-318 Planning Commission

- A. In cases where the Rogers City Planning Commission is empowered to approve certain uses of premises under the provisions of this Ordinance, the applicant shall furnish such surveys, plans or other information as may be reasonably required by said Commission for the proper consideration of the matter.
- B. The Planning Commission shall investigate the circumstances of each such case and shall notify such parties who may, in its opinion, be affected thereby of the time and place of any hearing which may be held relative thereto as required under its rules of procedure.
- C. Any approval given by the Planning Commission, under which premises are not used or work is not started within one (1) year or when such use or work has been abandoned for a period of one (1) year, shall lapse and cease to be in effect.
- D. The Planning Commission shall not have the power to change the zoning classification of any property, nor to grant variances from any terms or requirements of this Ordinance except as specifically granted in this Ordinance.

32-319 Conditions

The Planning Commission and Zoning Board of Appeals may attach reasonable conditions on discretionary zoning decisions under its respective jurisdiction. These conditions may include those necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Any conditions imposed, however, shall meet all of the following requirements:

- A. Be designed to protect natural resources, the health, safety, and welfare and social and economic well being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
- B. Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.
- C. Be necessary to meet the intent and purpose of the Zoning Ordinance, be related to the standards established in the Ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.

ADMINISTRATION & ENFORCEMENT**32-320 Rehearing Process**

- A. **REHEARING PERFORMED BY PLANNING COMMISSION OR ZBA:** The Planning Commission or Zoning Board of Appeals may grant a rehearing under exceptional circumstances for any decision made by it. A rehearing shall mean that the body which originally reviewed the request shall be the body which reviews the same request again. Exceptional circumstances shall mean any of the following:
1. The applicant who brought the matter before the Planning Commission or Zoning Board of Appeals made misrepresentations concerning a material issue, which was relied upon by the Planning Commission or Zoning Board of Appeals in reaching its decision.
 2. There has been a material change in circumstances regarding the Planning Commission or Zoning Board of Appeals' findings of fact, which occurred after the public hearing.
 3. The City attorney by written opinion states that in the attorney's professional opinion the decision made by the Planning Commission or Zoning Board of Appeals or the procedure used in the matter was clearly erroneous.
- B. **REHEARING PROCEDURE:** A rehearing may be requested by the applicant or by the Zoning Administrator, or a rehearing may be granted by the Planning Commission or Zoning Board of Appeals on its own motion.
1. **Time Limit:** A request for a rehearing which is made by an applicant must be made within twenty-one (21) days from the date on which the applicant receives notification regarding the decision for which the rehearing is being requested.
 2. A request for a rehearing made by the Zoning Administrator or a rehearing granted by the Planning Commission or Zoning Board of Appeals on its own motion may be granted at any time as long as the applicant has not been prejudiced by any delay.
 3. Whenever the Planning Commission or Zoning Board of Appeals considers granting a rehearing, it shall provide written notice to the applicant that a rehearing will be considered. The notice may be served upon the applicant by first class mail at the applicant's last known address or may be served personally on the applicant. The notice must be served at least nine (9) days before the time set for the hearing if served by mail, or at least seven (7) days before the time set for the hearing if served by personal service. Service by mail shall be complete upon mailing. In addition to serving the above notice on the applicant, all other notice requirements for the type of decision being heard shall be completed before the Planning Commission or Zoning Board of Appeals holds a hearing at which it considers whether to grant a rehearing.
 4. If the Planning Commission or Zoning Board of Appeals grants a rehearing, then the rehearing shall not be held until all notice requirements for the type of decision being reheard have been satisfied.

32-321 to 32-325 Reserved

ARTICLE 24: AMENDMENTS AND ADOPTION

32-326 Amendment to this Ordinance

The City Council is authorized and empowered to cause this Ordinance to be amended, supplemented, or changed, pursuant to the authority and according to the procedures set forth in Act 110 of 2006, as amended.

- A. The regulations and provisions stated in the text of this Ordinance and the boundaries of zoning districts shown on the City of Rogers City Zoning Map may be amended, supplemented or changed by action of the City Council following a recommendation from the Planning Commission.
- B. Proposals for amendments, supplements or changes may be initiated by the City Council on its own motion, by the City Planning Commission or by petition of one (1) or more owners of property to be affected by the proposed amendment.
- C. **FILING FEE:** Application for amendment shall be accompanied by the fee as prescribed by the City Council. No part of such fee shall be refundable to a petitioner. No fee shall be charged when the amendment is initiated by the Rogers City Planning Commission or Rogers City Council.

32-327 Amendment Procedure

- A. **APPLICATION:** A Petitioner shall submit a completed and signed application for Ordinance amendment, along with the appropriate fees, to the City Clerk. An application shall be submitted for each parcel of land which is not contiguous to any adjacent parcel of land being proposed for the same amendment.
- B. **ACTION OF CLERK:** The City Clerk shall review the application form to ensure it is complete. Any application not properly filed or complete shall be returned to the applicant. Complete applications shall be transmitted to the Planning Commission.
- C. **NOTICE OF HEARING:** After transmitting the amendment application to the Planning Commission the Clerk shall establish a date for a public hearing on the application which will be conducted by the Planning Commission within 45 days of the date of application receipt. The Clerk shall give notice of the public hearing pursuant to **§32-316**.

D. **APPLICATION INFORMATION:**

When the petition involves a change in the Zoning Map, the applicant shall submit the following information to the City Clerk:

- 1. A legal description of the property.

AMENDMENTS & ADOPTION

2. A scaled map of the property, correlated with the legal description, and clearly showing the property's location.
 3. The name and address of the applicant.
 4. The applicant's interest in the property, and if the applicant is not the owner, the name and address of the owner.
 5. Signature(s) of petitioner(s) and owner(s) certifying the accuracy of the required information.
 6. The desired change and reasons for such change.
- E. **PLANNING COMMISSION CONSIDERATION:** The Planning Commission shall consider each proposal for amendment on particular factors related to the individual proposal and in terms of the likely effect on the community's physical development. The Planning Commission may recommend any additions or modifications to the original proposal.
- F. **REZONING STANDARDS:** The Planning Commission shall review and apply the following standards and factors in the consideration of any rezoning request.
1. Is the proposed rezoning consistent with the current Master Plan?
 2. Are all of the allowable uses in the proposed district reasonably consistent with surrounding uses?
 3. Will there be an adverse physical impact on surrounding properties?
 4. Have there been changes in land use or other conditions in the immediate area or in the community in general which justify rezoning?
 5. Will rezoning create a deterrent to the improvement or development of adjacent property in accord with existing regulations?
 6. Will rezoning grant a special privilege to an individual property owner when contrasted with other property owners in the area or the general public (i.e. will rezoning result in spot zoning)?
 7. What is the impact on the ability of the City and other governmental agencies to provide adequate public services and facilities, and/or programs that might reasonably be required in the future if the proposed amendment is adopted?
- G. **FINDINGS OF FACT:** The Planning Commission shall submit a final report indicating findings of fact/recommendation to the City Council along with a summary of the comments received at the public hearing.

AMENDMENTS & ADOPTION

- H. **OUTSIDE AGENCY REVIEW:** In determining the above-mentioned findings of fact the Planning Commission may solicit information and testimony from officials of, but not limited to, the following agencies:
1. Presque Isle County Health Department
 2. Presque Isle County Road Commission
 3. Presque Isle County Drain Commission
- I. **CITY COUNCIL REVIEW:**
1. The City Council may hold a public hearing if it considers it necessary or if otherwise required. Notice of such hearing shall be published using the procedures in **§32-316**. The City Council shall grant a hearing on a proposed Ordinance amendment to a property owner who requests a hearing by certified mail, addressed to the City Clerk. Notice of such hearing shall be published using the procedures in **§32-316**.
 2. After receiving the recommendations of the Planning Commission, the City Council at any regular meeting or at any special meeting called for that purpose, shall consider said findings of fact and recommendations and vote upon the adoption of the proposed amendment. Such action shall be by Ordinance, requiring a majority vote of the full membership of the City Council. The City Council may refer any proposed amendments to the Planning Commission for consideration and comment. The Planning Commission shall have sixty (60) days from such referral to make further recommendations to the City Council. In the event that an application is referred back to the Planning Commission, the City Council shall make specific mention of their objections to the Planning Commission's findings and recommendations. In order to lessen the possibility of adverse litigation concerning the zoning district decisions of the City Council, the City Council shall make a written record of the rationale for the action taken on each application for amendment to this Ordinance.
- J. **PUBLICATION²⁸:** Once adopted by the City Council, amendments to this Ordinance shall be filed with the City Clerk, and one (1) notice of adoption shall be published in a newspaper of general circulation in the City within fifteen (15) days after adoption. Any amendments to this Ordinance shall take effect seven (7) days after publication or at a later date as may be specified by the City Council at the time of adoption.
- K. **RE-SUBMITTAL OF APPLICATION FOR REZONING:**

An owner of property, his/her authorized agent, or other person, shall not initiate action for rezoning affecting the same parcel more often than once every twelve (12) months. An exception to this rule may be made in those cases where the Planning Commission determines that conditions affecting the property have changed substantially, thereby justifying a repetition before twelve (12) months have elapsed from the date of the previous petition.

AMENDMENTS & ADOPTION

32-328 Protest Petition

- A. An amendment to this Zoning Ordinance is subject to a protest petition. If a protest petition is filed, approval of the amendment to the Zoning Ordinance shall require a 2/3 vote of the legislative body, unless a larger vote, not to exceed a ¾ vote, is required by ordinance or charter. The protest petition shall be presented to the City Council before final legislative action on the amendment and shall be signed by one (1) or more of the following:
 - 1. The owners of at least twenty (20) percent of the area of land included in the proposed change.
 - 2. The owners of at least twenty (20) percent of the area of land included within an area extending outward 100 feet from any point on the boundary of the land included in the proposed change.
- B. Publicly owned land shall be excluded in calculating the twenty (20) percent land area requirement under subsection (A).

32-329 Comprehensive Review of Zoning Ordinance

The Planning Commission shall, at intervals of not more than five (5) years, examine the provisions of this Ordinance and the location of zoning district boundary lines and shall submit a report to the City Council recommending changes and amendments, if any, which are deemed to be desirable in the interest of public health, safety and general welfare.

32-330 Interpretation and Conflicts

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience, prosperity and general welfare of Rogers City. Unless specifically provided for, it is not intended by this Ordinance to repeal, abrogate, annul or in any way to impair or interfere with the existing and unrepealed provision of law or ordinance or any rules, regulations or permits previously adopted or issued pursuant to law relating to the use of building or land, provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or structures or required by such existing provisions of law or ordinance or by such rules, regulations or permits, the provisions of this Ordinance shall control.

32-331 Severance Clause

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

AMENDMENTS & ADOPTION**32-332 Vested Right**

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

32-333 Repeal and Savings Clause

- A. This Ordinance repeals and replaces any previous Rogers City Zoning Ordinance in its entirety.
- B. The repeal of any previous Rogers City Zoning Ordinance, as provided, shall not affect or impair any act done, offense committed or right accruing, accrued, or acquired or liability, penalty, forfeiture or punishment incurred prior to the time enforced, prosecuted or inflicted. Said Ordinance or Ordinance sections repealed is hereby continued in force and effect after the passage, approval and publication of this Ordinance for the purpose of such rights, fines, penalties, forfeitures, liabilities and actions therefore.

32-334 Enactment and Effective Date

- A. This Ordinance was adopted on February 14, 2011 by the Rogers City Council and will be effective March 3, 2011. The foregoing Zoning Ordinance and Map of Zoning Districts were presented at a public hearing before the Rogers City Planning Commission on January 24, 2011.
- B. Amendments or revision to this Ordinance or Map of Zoning Districts shall become effective on the expiration of seven (7) days or at a later date specified by the Rogers City Council after publication of a notice of adoption of said amendments or revisions within fifteen (15) days of adoption in accordance with Section 401 of PA 110 of 2006, as amended.

I hereby certify that the above Ordinance was adopted by the Rogers City Council at a regular meeting held on February 14, 2011.



City Clerk

First Reading: February 1, 2011

Second Reading: February 14, 2011

Published: February 24, 2011

Effective Date: March 3, 2011

Affidavit of Publication Required.

ZONING ORDINANCE CHANGES

Note: The adopted date corresponds to the same date as used in the ordinances book. This is the date of second reading and adoption by Council.

Foot Note #	Adopted	Article	Section	Used For
1	03/19/2012	3	32-29	Accessory Structure Height/General Provisions
2	03/19/2012	23	32-313	Permits for Change of Use/Administration & Enforcement
3	03/19/2012	3	32-41	Fences & Walls/Rear Yard & Side Yard/General Provisions
4	03/19/2012	14	32-172	M-68 Overlay/Development Standards
5	03/19/2012	19	32-220	Dwelling Units/Table of Permitted Uses & Special Land Uses
6	03/19/2012	12	32-151	Residential Uses/B-1 Local Business District
7	04/17/2012	12	32-152	Minimum Square Footage/Development Standards
8	04/17/2012	3	32-51	Farm Animals/General Provisions
9	04/17/2012	2	32-12	Farm Animal/Definitions
10	05/15/2012	17	32-201	Commercial/Business/Service/Uses Permitted by Right & Special Land Uses
11	05/15/2012	19	32-220	Automobile Service Stations/Table of Permitted Uses & Special Land Uses
12	09/18/2012	3	32-52	Keeping Chickens/General Provisions
13	11/19/2013	13	32-161	B-2 Central Business District/Resale Shop
14	11/19/2013	19	32-220	32-220 Table of Permitted Uses & Special Land Uses, Pawn/Resale Shops
15	04/15/2014	19	32-220	Table of Permitted Uses & Special Land Uses, Firework Stores, B-3 General Business District
16	04/15/2014	14	32-171	B-3 General Business District, Fireworks Stores
17	07/01/2014	3	32-29	Accessory Structure & Accessory Uses/Non-Rigid Materials, A, 13
18	07/01/2014	3	32-41	Fences & Walls, A, 4
19	07/01/2014	3	32-42	Landscaping & Buffering, B, 2
20	07/01/2014	3	32-43	Circulation & Parking, B, 2
21	07/01/2014	3	32-43	Circulation & Parking, C
22	07/01/2014	3	32-43	Circulation & Parking, E, 13, d
23	07/01/2014	3	32-45	Signs, G, Table 32-45 (B) Free Standing Signs
24	07/01/2014	11	32-142	Development Standards, Table OS-1
25	07/01/2014	13	32-161	Uses Permitted By Right & Special Land Uses, Human Care & Social Assistance, Child Care

Foot Note #	Adopted	Article	Section	Used For
26	07/01/2014	14	32-171	Uses Permitted by Right & Special Land Uses, Human Care & Social Assistance, Child Care
27	07/01/2014	19	32-220	Table of Permitted Uses & Special Land Uses, Human Care & Social Assistance, Child Care
28	07/01/2014	24	32-327	Amendment Procedures, J
29	11/18/2014	3	32-41	Fences and Walls, E
30	9/20/2016	3	32-29	Accessory Structures & Accessory Uses, 5
*	9/20/2016	*	*	Zoning Map Amendment, B-3 to I-1 Parcel 71-150-121-000-014-02 & 71-150-121-000-005-02.