



Chapter 154 —

# **PLANNING & DEVELOPMENT ZONING ORDINANCE**

Ordinance 309 Introduced on 7/20/2022  
Approved on 8/10/2022

**City of Hancock, Michigan**

D E S I G N E D & D E V E L O P E D B Y O H M A D V I S O R S



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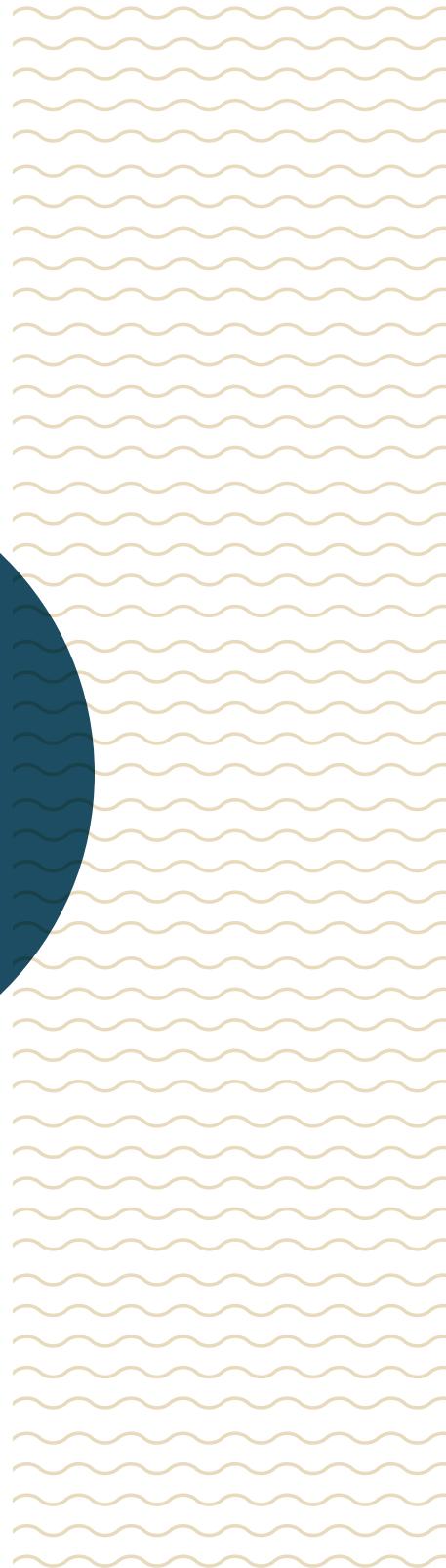
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The background image is an aerial photograph of a winding road through a hilly, sparsely vegetated landscape. The road curves from the bottom left towards the top right, with several smaller paths or tracks branching off it. The terrain is a mix of light brown and greenish-blue tones, suggesting dry grassland or scrubland. A large, dark blue circular overlay covers the right side of the image, containing the text.

# ARTICLE ONE

## Introduction





## How to Navigate this Code

**Step One:** Locate your property and district or overlay district on the Zoning Map.

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**Step Two:** Locate the district regulations in Article Three.

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**Step Three:** Determine the use, building placement, parking, landscaping and signage regulations in the district or zone in Article Five.

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**Step Four:** Determine if any regulations apply in Article Five.

---

**Step Five:** Determine if any nonconformities exist and how to address them in Article Seven.

---

**Step Six:** Determine if any approvals are necessary and how to apply for them in Article Seven.

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**Step Seven:** Reference Glossary in Article Nine for terms and definitions in the ordinance.

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# **ARTICLE ONE** Introduction

## **SECTION 1.01:** Title, Legal Basis & Jurisdiction

---

- A.** This Ordinance shall be known as the City of Hancock Zoning Ordinance, and may be referred to within this document as "Code", "Ordinance", or "Zoning Ordinance."
  - B.** This Ordinance is adopted following the authority and requirements of the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended.
  - C.** The original City of Hancock Zoning Ordinance was adopted and became effective in 1976. It was subsequently revised and updated. That ordinance is repealed by and replaced with this Ordinance.
- 

## **SECTION 1.03:** Purpose & Intent

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- A.** The City of Hancock declares, by reference to the Michigan Zoning Enabling Act declarations (Act 110 of 2006), that the purposes of this Ordinance are to:
    - 1. Promote the public health, safety, and general welfare.
    - 2. Meet the needs of the state's residents for residence, recreation, industry, trade, service and other uses of land.
    - 3. Ensure that land uses are in appropriate locations and relationships.
    - 4. Facilitate the adequate and efficient provision of transportation systems, sewage disposal, energy, solid waste disposal, drainage, public water supply, education, recreation and other public service and facility requirements.
      - i. To promote safe, fast and efficient movement of people and goods while maintaining the quality of the City's environment and to provide adequate parking;
      - ii. To clarify expectations by providing consistent guidelines for future development;
      - iii. To preserve and enhance the City's environment;
      - iv. To provide for effective signage that is compatible with the area; and
      - v. To maintain the safety and potability of public water supplies within the City.
-

### **SECTION 1.03:** Purpose & Intent (Cont.)

---

- B.** The Districts and other provisions of this Ordinance are based upon the Future Land Use Map and policies of the CITY OF HANCOCK MASTER PLAN 2018, with the intent to implement that plan by regulating the use of land and structures in order to:
- 
1. Promote efficiency in the expenditure of funds for public improvements and services while preventing the overburdening of public facilities;
  2. Support the character of the community;
  3. Enhance and protect property values;
  4. Prevent nuisances and preserve quality of life;
  5. Provide adequate light, and protect air and water quality;
  6. Encourage the use of land and resources in accordance with their character;
  7. Conserve natural resources and energy and protect the natural environment;
  8. Reduce hazards to life and property due to fire, flooding, erosion, pollution, or excessive dust, fumes, smoke, noise, vibration, noxious odors, snow accumulation or other hazards; and
  9. Limit the improper use of land given the character of each Zoning District.
- 

- C.** No provision of this Ordinance is intended to legitimize activities prohibited by local ordinance, state, or federal law. If a court finds any portion of this Ordinance invalid or unconstitutional, the City of Hancock intends that portion be disregarded, reduced and/or revised so as to be consistent with the purposes of this Ordinance to the fullest extent allowed by law.
- 

### **SECTION 1.05:** Applicability

---

- A.** The provisions of this Code shall be adopted for the promotion of the public health, safety and general welfare. Wherever the requirements of the Code conflict with the requirements of any other rules, regulations, codes, deed restrictions, or covenants, whichever requirements that are more restrictive shall rule.
- 
- B.** From here on, no building, structure or land shall be used, occupied, erected, constructed, reconstructed, moved or altered except in conformity with all of the regulations in this Code specified for the zone or district in which it is located.
-

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## **SECTION 1.07:** Zoning Districts & Overlays

- A.** The following districts and overlay districts are established for the corporate limits of the City of Hancock, and land within these areas shall be designated on the Zoning Map by the following symbols:
- 

Districts & Overlay Districts	Symbol	Replaces
Districts		
One-Family Residential District	R-1	R-1, One-Family
Multiple-Family Residential District	R-2	R-2, Two-Family R-3, Multiple-Family
Local Business District	B-1	B-1, Local Business
Community Mixed-Use District	B-2	B-2, Community Business
Downtown Mixed-Use District	DMU	B-2, Community Business B-3, General Business
Industrial District	I	I, Industrial
Open Space & Recreation District	OSR	S-D Conservancy (Open Space and City Parkland)
Shoreline Mixed-Use District	SMU	S-D, Conservancy B-1, Local Business B-3, General Business I-Industrial
Overlay Districts		
Cluster Development Overlay District	CDO	N/A

---

### **A Great Place For Your Next Adventure.**

The City of Hancock offers an opportunity to find your next adventure, both professionally and personally.

## **SECTION 1.09:** Zoning Map

---

- A.** The City is divided into districts as shown on the Zoning Map, which is adopted as part of this Code.
  - B.** The Zoning Map shall be located in the office of the Zoning Administrator of the City of Hancock, maintained on file in the office of the City Clerk, and on the City's official website, and this map shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the City.
  - C.** No changes shall be made to the Zoning Map except in accordance with Section 7.17 of this Code. Any unauthorized changes shall be considered a violation of this Code.
- 

## **SECTION 1.11:** Rules for Interpreting District Boundaries on the Zoning Map

---

- A.** The following rules shall apply to the interpretation of district and zone boundaries on the Zoning Map:
    - 1. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall follow such centerlines;
    - 2. Boundaries indicated as approximately following platted lot lines shall be understood as following such lot lines;
    - 3. Boundaries indicated as approximately following City limits shall be understood as following such City limits;
    - 4. Boundaries indicated as following DNR trails shall be understood as following such trails;
    - 5. Boundaries indicated as following shorelines shall be understood as moving with the actual shoreline; boundaries indicated as approximately following the centerlines of streams and rivers shall be understood to follow such centerlines; and
    - 6. Boundaries indicated as parallel to or extensions of features listed above shall be correctly understood. Distances not specifically indicated on the Zoning Map shall be determined by the scale of the map.
-

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## **SECTION 1.11:** Rules for Interpreting District Boundaries on the Zoning Map (Cont.)

### **B. Conflicts to Official Zoning Map**

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Where physical or cultural features conflict with those shown on the Zoning Map, or in other circumstances not covered in this Code, the Zoning Administrator shall interpret and determine the district boundaries.

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### **C. Lots Divided by District Boundaries**

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Where a district boundary line divides a lot which was in single ownership at the time of passage of this Code, the Planning Commission may permit the extension of the requirements of this Code to the remaining portion of the lot.

---

## **SECTION 1.13:** Rules of Interpretation

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### **A.** Whenever a defined word appears in the Code, its meaning is as set forth in Article Nine. Words not defined in this Code are interpreted in accord with their usual dictionary meaning and customary usage.

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1. All references to other regulations or manuals in this Code refer to the most current version and citation, unless indicated otherwise. When the regulations or documents have been repealed and not replaced by other regulations or manuals, Code requirements for compliance are no longer in effect.
  2. Illustrations, diagrams, and flowcharts are included in this Code to illustrate the intent and requirements of the text. In the case of a conflict between the text and any illustration, diagram, or flowchart, the text controls.
  3. Except as otherwise noted, any fraction greater than or equal to 0.5 will be rounded up to the nearest whole number. Any fraction less than 0.5 will be rounded down to the nearest whole number.
  4. The word "person" includes a firm, association, organization, partnership, trust, limited liability company, corporation, or other legal entity, or individual.
  5. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular, if the context so requires.
  6. The word "shall" is mandatory, the word "may" is permissive.
  7. The word "lot" includes the words "plot", "tract", or "parcel".
-

**SECTION 1.13:** Rules of Interpretation (Cont.)

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8. The terms "standards", "regulations", and "requirements" are used to mandate a specific course of action or built outcome.
  9. Section headings are provided for ease of use and organization and shall not be interpreted as regulatory.
  10. Where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction *and, or, or either ... or*, the conjunction shall be interpreted as follows:
    - i. *And* indicates that all the connected items, conditions, provisions or events shall apply.
    - ii. *Or* indicates that the connected items, conditions, provisions or events may apply individually or in any combination.
    - iii. *Either ... or* indicates that all the connected items, conditions, provisions or events shall apply separately.
- 

The City of Hancock, platted in the 1850s by early copper explorers, is a progressive and welcoming city on the north shore of Portage Lake, and is the northernmost city in Michigan.

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## SECTION 1.15: Rules of Measurement & Calculation

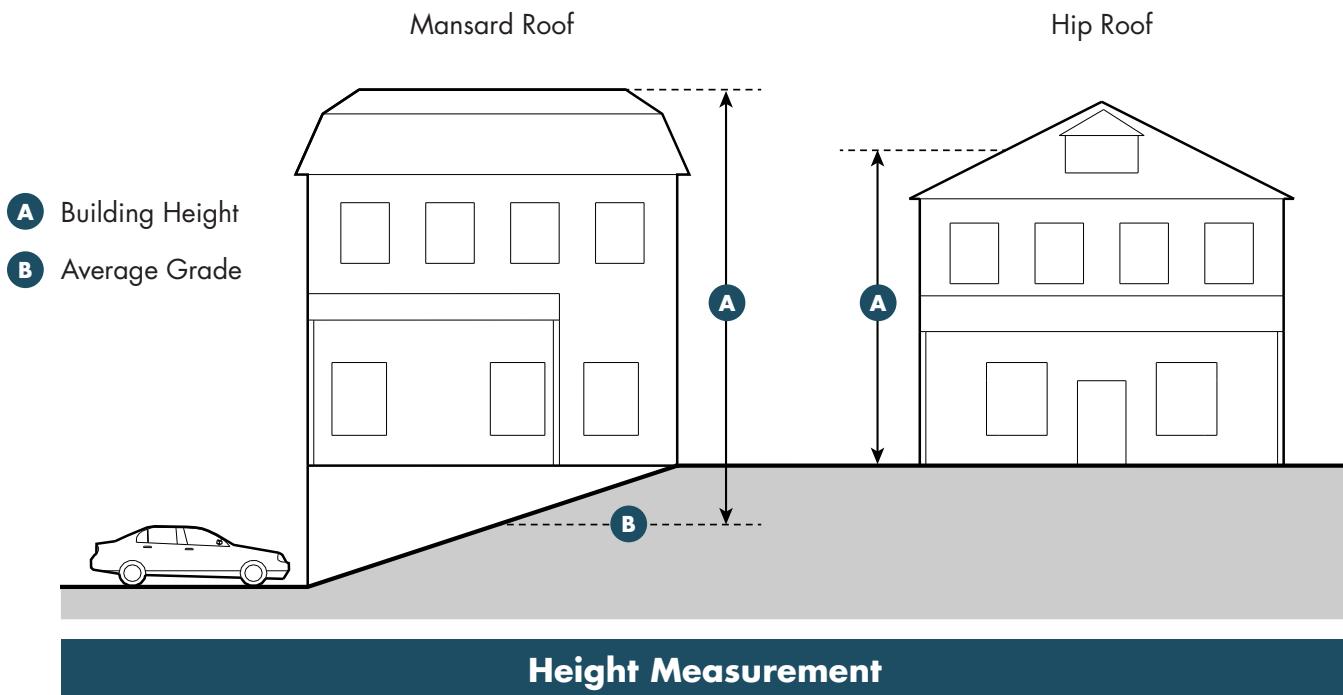
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### A. Height Measurement

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Building height is measured as the distance between a horizontal line at the average existing pre-development grade of the lot directly beside the structure, and the highest point of the coping of a flat roof, the top of a mansard roof, the midpoint of any pitched gable, hip or the upper portion of a gambrel roof, or measured between the top floor ceiling and the peak of the roof on an "A" framed structure. Chimneys, elevators, poles, spires, tanks, towers, and other projections not used for human occupancy are not included in calculating height and may extend above the height limit.

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### B. Measuring Distance

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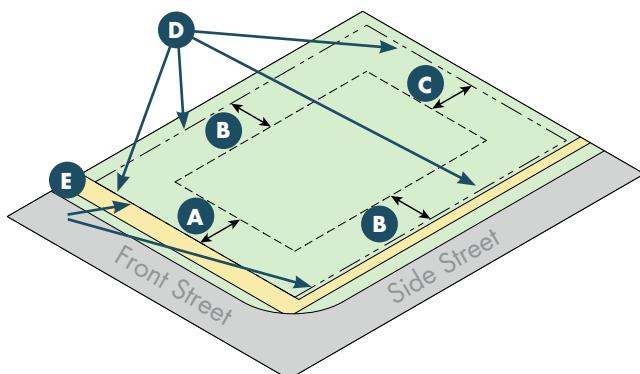
When measuring a required distance, such as the minimum distance between a structure and a lot line, the measurement is made at the closest or shortest distance between the two objects.

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## **SECTION 1.15:** Rules of Measurement & Calculation (Cont.)

### **C. Measuring Setbacks**

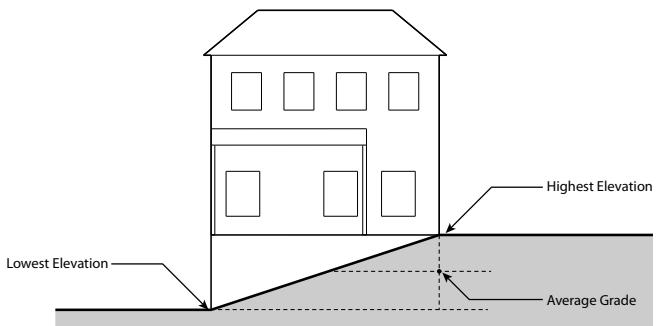
1. The front street setback is measured at a right angle from the right-of-way line or roadway easement.
2. Where a lot extends through the block from street to street, the required Front-Yard must be provided along each street and the lot shall have two Front-Yards, two Side-Yards and no rear yard.
3. The side street setback is measured at a right angle from the side street right-of-way line.
4. The rear setback is measured at a right angle from the rear lot line or the rear right-of-way or easement line where there is an alley. The rear lot line is the lot line opposite to the front street lot line.
5. All lot lines which do not front a street, side street or rear lot lines are considered side interior lot lines for measuring setbacks. Side interior setbacks are measured at a right angle from the side lot line.
6. The Zoning Administrator will determine setbacks for irregular shaped lots.



**Measuring Setbacks**

**Key** —————

- |          |               |                  |               |
|----------|---------------|------------------|---------------|
| <b>A</b> | Front Setback | <b>D</b>         | Property Line |
| <b>B</b> | Side Setback  | <b>E</b>         | Right of Way  |
| <b>C</b> | Rear Setback  | — — Setback Line |               |
- — — Property Line / Right of Way



**Determining Average Grade**

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## **SECTION 1.15: Rules of Measurement & Calculation (Cont.)**

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### **D. Determining Average Grade**

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Average grade is determined by calculating the average of the highest and lowest elevation along natural or improved grade (whichever is more restrictive). If improved, then the average grade will be measured along the front of the building parallel to the front street setback line.

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### **E. Yards, Open Space & Parking**

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Unless otherwise permitted in this Code, no part of a yard, open space, off-street parking, or loading space required to comply with this Code shall be included as similar space for any other building.

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### **F. Lot or Yard Dimensions**

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No yard or lot existing at the time of passage of this Code shall be reduced in dimension or area below the minimum or increased above the maximum requirements. Yards or lots created after the effective date of this Code shall meet at least the minimum and maximum requirements established by this Code.

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### **G. Permitted Within Setbacks**

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1. The following are permitted within the required setback; provided none of the following shall be permitted to encroach any sightlines, public or private easement, or right-of-ways:
    - i. Fences and decorative walls, only allowed on lot line if both parties agree;
    - ii. Sidewalks and driveways;
    - iii. A required buffer yard;
    - iv. Landscaping;
    - v. Signs;
    - vi. Building eaves, roof overhangs, gutters, downspouts, light shelves, bay windows and oriels less than ten (10) feet wide, chimneys, flues, cornices, belt courses, sills, buttresses or other similar architectural features may extend a maximum of three (3) feet into a required setback; provided, however, that such extension is no closer than 2 feet from the vertical plane of any lot line;
-

**SECTION 1.15:** Rules of Measurement & Calculation (Cont.)

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**G. Permitted Within Setbacks (Cont.)**

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- vii. Unenclosed patios, decks, terraces or portes-cochères may encroach into a side interior or rear setback, provided that such extension is at least three (3) feet from the vertical plane of any lot line; or
  - viii. An awning, canopy or gallery attached to a building may encroach into a front or side street setback provided that such extension is at least two (2) feet from the vertical plane of any lot line.
- 

**SECTION 1.17:** Minimum Requirements

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- A.** In the interpretation and application of this Code, these provisions shall be minimum requirements (unless a maximum requirement is expressly provided) adopted for the promotion of the public health, safety, and general welfare. Wherever the requirements of this Code are different from the requirements of any other lawfully adopted rules, regulations, codes, deed restrictions, or covenants, the most restrictive or that imposing the higher standards shall govern. Wherever special or unusual conditions or circumstances exist, or wherever there is an apparent safety hazard, the Planning Commission may prescribe additional requirements in order to promote and protect the health, safety, and general welfare of the City. The regulations contained in each district or zone shall be minimum regulations and shall apply to each class or kind of structure or land, except as provided.
- 

**SECTION 1.19:** Effect of Annexation on Zoning

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- A.** All territory which may be annexed to the City by Council shall be annexed in the R-1 Single-Family Residential District until or unless otherwise classified.
- 

**SECTION 1.21:** Private Provisions

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- A.** The provisions of this Code are not intended to nullify, abolish or repeal any easement, covenant or other written and recorded private agreement or restriction.
-

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## **SECTION 1.23:** Conflicting Provisions

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- A.** In the case of any conflict or inconsistency between two or more provisions of this Code or any other ordinance of the City of Hancock, the provision which imposes the greater, higher, or more restrictive standard of performance shall control.
- 

## **SECTION 1.25:** Glossary: Use-Terms & Non-Use Terms

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- A.** The "Glossary" is found in Article Nine of this Code. The Glossary includes use terms that provide clarity and understanding about the uses that are permitted, prohibited, or special uses permitted within each zoning district. The remaining terms used within this document and defined in the glossary are non-use related.
- 

## **SECTION 1.27:** Determination of Uses Not Listed in this Code

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- A.** This Code may require interpretation to assign all possible uses to individual districts. Therefore, any use not specifically set forth in this Code shall be reviewed by the Zoning Administrator for consistency and for compatibility with typical use characteristics. Based upon this review, the Zoning Administrator shall determine the appropriate district for any use not specifically set forth in this Code. In case of disagreement with the Zoning Administrator, any affected party may file an appeal with the Zoning Board of Appeals.
- 

## **SECTION 1.29:** Saving Provision for Pending Enforcement Actions

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- A.** Except as shall be expressly provided for in this Code, the adoption of this Code shall not:
- 
1. Nullify or make void any action pending under, or by virtue of, any prior zoning code or subdivision code;
  2. Discontinue, nullify, void, abate, modify or alter any penalty accruing or about to accrue under, or by virtue of, any prior zoning code or subdivision code;
  3. Affect the liability of any person, firm, or corporation under, or by virtue of, any prior zoning code or subdivision code;
  4. Waive any right of the City of Hancock under any section or provision of any prior zoning code or subdivision code; or
  5. Vacate or annul any rights obtained by any person, firm, or corporation by lawful action of the City of Hancock under, or by virtue of, any prior zoning code or subdivision code.
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### **SECTION 1.31:** Invalidity & Severability

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- A.** Should any section or provision of this Code be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Code as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.
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## **ARTICLE THREE**

### Districts

## **ARTICLE THREE** Districts

### **SECTION 3.01:** Intent

- A.** The following districts are established for the regulation of land in the City. The districts have been formed to realize the general purpose in the preamble and the Zoning Ordinance No. 309, as may be amended from time to time. The specific purpose of each district shall serve as the regulatory basis for existing and future development within each district.
- 

### **SECTION 3.03:** Compliance

- A.** The regulations for each district in this Code shall be minimum regulations, or maximum if so specified, and shall apply uniformly to each class or kind of structure or land, except as provided in the Code or as otherwise varied for specific cases heard by the Zoning Board of Appeals.
- 
- B.** No building, structure or land shall be used, occupied, erected, constructed, reconstructed, moved or structurally altered except in conformity with all of the regulations specified for the district in which it is located.
- 
- C.** No yard or lot existing at the time of adoption of this Code shall be reduced in dimension or area below the minimum requirements or beyond the maximum requirements, and yards or lots created after the effective date of this Code shall meet all such requirements.
- 
- D.** Any single lot of record existing on the effective date of this ordinance shall comply with the yard dimension requirements in effect at the time such lot was platted and/or created.
- 
- E.** Permitted uses, including all accessory uses, and special uses for each district are set forth within each section. Special uses require a special use permit.
- 

### **SECTION 3.05:** Development Examples

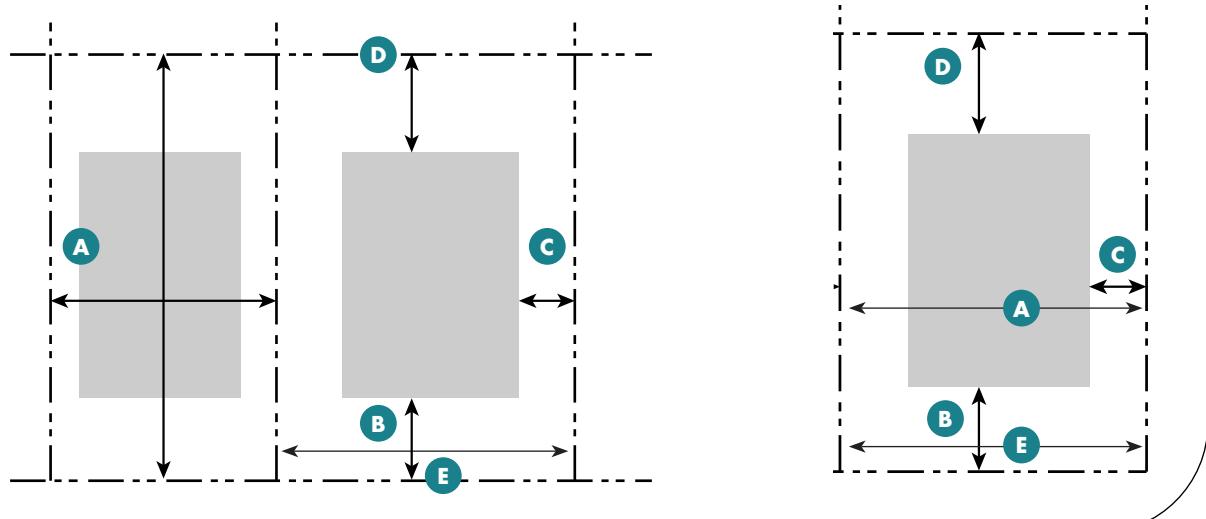
- A.** The development examples, included at the end of this Article, reflect various forms of development for all new development within the City. The alteration of existing structures, shall comply with the development standards applicable to the development example that, the Zoning Administrator determines is most similar to the existing structure.
-

## **SECTION 3.07:** Development Standards

- A.** Each district contains development standards specific to the development pattern for that district.

## **SECTION 3.09:** Additional Development Standards

- A.** Additional standards applicable to certain uses and development standards are set forth in Article Five "General Standards."



### **Standard Lot: Key Terms**

#### **Key**

<b>A</b>	Lot Width	<b>C</b>	Side Setback*	<b>E</b>	Street Frontage
<b>B</b>	Front Setback	<b>D</b>	Rear Setback	<b>B</b> or <b>C</b>	Corner Lot, Front Setback*

### **Corner Lot: Key Terms**

\*The front lot line of a corner lot shall be decided based upon the prevailing custom of the front lot line of other adjacent buildings on the same block, and based on the discretion of the Zoning Administrator.

### SECTION 3.11: District Uses Summary Table

- A.** The following table summarizes the permitted and special uses for residential and non-residential districts. "P" indicates a use is permitted in the respective district. "S" indicates that a use is permitted only after a Special Use approval is received from the Planning Commission. Permitted and special uses are also subject to all other applicable requirements of this Code. A blank space indicates that a use is not permitted in the respective district. Uses are defined in Article Nine - Glossary. In instances where there are additional use standards in Article Five, this will be referenced in the column titled "Ref.#", in the format "Article . Section , Sub-Section".

Districts – Use Summary Table (P = Permitted, S = Special)									
	One-Family Residential (R-1)	Multiple-Family Residential (R-2)	Local Business District (B-1)	Community Mixed-Use District (B-2)	Downtown Mixed-Use District (DMU)	Shoreline Mixed-Use District (SMU)	Industrial District (I)	Open Space & Recreation (OSR)	Ref.#
<b>Agriculture</b>									
Commercial Greenhouse				S					
Farm Equipment Sales & Services	P		P	P	P		P		
Outdoor Processing, Composting			P		P		P	P	
<b>Residential</b>									
Accessory Dwelling Unit (ADU)	P	P	P	P	P	S	P	P	5.03,C & D
Child Day Care, InHome – Group	S	S	P	P	P	P	P	S	
Child Day Care, InHome – Family	P	P	P	P	P	P	P	P	
Dwelling, Assisted	S	S	P	P	P	P	P	P	
Dwelling, Attached Single-Family	P	P	P	P	P	P	P	P	
Dwelling, Residential Care Facility	P	P	P	P	P	P	P	S	5.03, I
Dwelling, Detached Single-Family	P	P	P	P	P	P	P	P	
Dwelling, Duplex	P	P	P	P	P	P	P	P	
Dwelling, Halfway House	S	S	S	S	S	S	S	S	
Dwelling, Multi-Unit Building	P	P	P	P	P	P	P	P	
Home Occupation	P*	P*							5.03, B
Dwelling, Multi-Unit Building Complex	S	P	P	P	P	P	P	P	
Upper Level Dwelling					P	P	P	P	
Mobile Home Parks	S	P	P	P	P	S	P	P	
Group Quarters	S	P	P	P	P	P	P	P	

\* Home Occupation only permitted within a Detached, Single-Family Dwelling.

## SECTION 3.11: District Uses Summary Table (Cont.)

Districts – Use Summary Table (P = Permitted, S = Special)						
	One-Family Residential (R-1)	Multiple-Family Residential (R-2)	Local Business District (B-1)	Community Mixed-Use District (B-2)	Downtown Mixed-Use District (DMU)	Shoreline Mixed-Use District (SMU)
<b>Communications / Utilities</b>						
Power Generation Facility					P	P
Power Substation Facility	S				P	P
Wireless Service Facility	S	S	S	S	P	P
<b>Institutional</b>						
<b>Civic</b>						
Community Facility, Activity Center	S	P	P	P	P	P
Community Facility, Government Administration & Courts	S	S	P	P	P	P
Community Facility, Public Health Safety	S	P	P	P	P	P
Library	S	S	P	P	P	P
Museum / Arts Center		P	P	P	S	P
<b>Education</b>						
School, College / University	S	S	P	P	S	P
School, Primary	S	S	P	P	P	P
School, Secondary	S	S	P	P	P	P
School, Vocational	S	S	P	P	S	P

**SECTION 3.11:** District Uses Summary Table (Cont.)

Districts – Use Summary Table (P = Permitted, S = Special)						
	One-Family Residential District (R-1)	Multiple-Family Residential District (R-2)	Local Business District (B-1)	Community Mixed-Use District (B-2)	Downtown Mixed-Use District (D-MU)	Shoreline Mixed-Use District (SMU)
						Open Space & Recreation (OSR) REF.#
<b>Transportation</b>						
Air Transportation Services				S	S	S
Air Transportation Services, Heliport				S	S	S
<b>Other</b>						
Club House					P	S
Community Facility, Detention & Corrections				S	S	S
Event Center, Large				S	S	S
Event Center, Small				P	S	S
Pro Shop						S
Religious Assembly	S	S	P	P	P	
<b>Parks &amp; Recreation</b>						
Community Facility, Outdoor Recreation	P	P	P	P	P	P
Community Facility, Park	P	P	P	P	S	P
Community Facility, Trail	P	P	P	P	P	P
Community Garden	P	P	P	P	P	P
<b>Commercial</b>						
Adult Uses						
Adult Entertainment Business						S
Motor Vehicles Services						S
Equipment Repair, Light					P	P
Retail, Gasoline & Convenience						P
Storage, Vehicle & Boat						S
						P

## SECTION 3.11: District Uses Summary Table (Cont.)

Districts – Use Summary Table (P = Permitted, S = Special)						
	One-Family Residential District (R-1)	Multiple-Family Residential District (R-2)	Local Business District (B-1)	Community Mixed-Use District (B-2)	Downtown Mixed-Use District (DMU)	Shoreline Mixed-Use District (SMU)
Commercial					Industrial District (I)	Open Space & Recreation (OSR)
Motor Vehicles Services						
Vehicle Care Services, Major			S	S	S	P
Vehicle Care Services, Minor			S	S	S	P
Vehicle Care Services, Washes			S	S	S	P
Vehicle Sales, Automobiles			S	S	S	P
Vehicle Sales, Motorcycles			S	S	S	P
Vehicle Sales, Recreational Vehicles			S	S	S	P
Entertainment / Recreation						
Bar / Tavern			S	S	S	S
Enterprise, Indoor			P	P	P	P
Enterprise, Outdoor			P	P	S	P
Golf Course			P	P	P	P
Live Theater			P	P	S	P
Movie Theater			P	P	S	P
Private Club			S	P	S	P
Shooting Range, Indoor					S	
Services						
Adult Day Care			S	S	P	S
Animal Shelter					P	P
Boarding / Kennel, Indoor					P	P
Child Day Care Center			S	P	P	P
Clothing Services, Dry Cleaning			P	P	P	P
Clothing Services, Tailor			P	P	P	P

**SECTION 3.11:** District Uses Summary Table (Cont.)

Districts – Use Summary Table (P = Permitted, S = Special)							REF #	
	One-Family Residential District (R-1)	Multiple-Family Residential District (R-2)	Local Business District (B-1)	Community Mixed-Use District (B-2)	Downtown Mixed-Use District (DMU)	Shoreline Mixed-Use District (SMU)	Industrial District (I)	Open Space & Recreation (OSR)
<b>Commercial (Cont.)</b>								
Services (Cont.)								
Alternate Financial Services	S	S	S	S	P	P	S	S
Financial Services & Banking			P	P	P	P	P	P
Funeral Homes				P	P	P	P	P
Health & Wellness, Clinic				P	P	P	P	P
Health & Wellness, Fitness Facility / Gym			S	P	P	P	P	P
Health & Wellness, Massage			S	S	P	P	P	P
Health & Wellness, Physical Therapy			P	S	P	P	P	P
Overnight Lodging, Bed & Breakfast	S	S	P	P	P	P	P	P
Overnight Lodging, Boutique Hotel				P	P	P	P	S
Overnight Lodging, Hotel				P	P	P	P	S
Overnight Lodging, Motel				P	P	P	P	S
Overnight Lodging, Resort				P	P	P	P	P
Personal Care & Beauty Services			P	P	P	P	P	P
Storage, Self-Store				S		P		
Professional / Office								
Medical, Emergency Services					P	P	P	P
Medical, Full Service Hospital					P	S	P	P
Medical, Nursing					P	P	P	P
Medical, Office					P	P	P	P
Medical, Outpatient & Urgent Care					P	P	P	P

## SECTION 3.11: District Uses Summary Table (Cont.)

Districts – Use Summary Table (P = Permitted, S = Special)						
	One-Family Residential (R-1)	Multiple-Family Residential (R-2)	Local Business District (B-1)	Community Mixed-Use District (B-2)	Downtown Mixed-Use District (DMU)	Shoreline Mixed-Use District (SMU)
					Industrial District (I)	Open Space & Recreation (OSR)
<b>Commercial (Cont.)</b>						
Professional / Office (Cont.)						
Medical, Psychiatric Therapy			P	P	P	P
Office, Corporate			P	P	P	P
Office, Professional Services			P	P	P	P
Radio / Television Broadcast Studios					P	P
Research Facility / laboratory					P	S
Studio - Art	S	S	P	P	P	P
Veterinary			P	S	S	P
<b>Restaurant / Food Preparation</b>						
Beverage, Brewing & Distilling			S	S	P	P
Beverage, Distribution				S	P	P
Beverage, Non-Alcoholic Production				S	P	P
Food Service, Fast Casual Restaurant			S	P	P	P
Food Service, Full Service Restaurant			S	P	P	P
Food Service Mobile			S	P	P	P
Food Service, Processing				P	P	
Food Service, Production				S	P	
Food Service, Quick Service / Fast Food				S	P	505, D

**SECTION 3.11:** District Uses Summary Table (Cont.)

Districts – Use Summary Table (P = Permitted, S = Special)		One-Family Residential (R-1)	Multiple-Family Residential (R-2)	Local Business District (B-1)	Community Mixed-Use District (B-2)	Downtown Mixed-Use District (DMU)	Shoreline Mixed-Use District (SMU)	Industrial District (I)	Open Space & Recreation (OSR)	REF #
<b>Commercial (Cont.)</b>										
Retail				P		P	P	P		P
Antique Shop										P
Auction Facility										P
Beverage Sales, Liquor, Beer, or Wine Store				P		P	P	S		P
Food Sales, Farm Market				P		P	P	P		P
Food Sales, Large Grocery						P		S		P
Food Sales, Small Grocery				P		P	P	P		P
Food Service, Commissary / Bakery				P		P	P	P		P
Food Service, Deli				P		P	P	P		P
Gallery, Art				P		P	P	P		P
Garden Center, Indoor				P		P	P			P
Garden Center, Outdoor						S	P	P		P
Outdoor Sales, Primary Use						S	S	S		S
Retail, Convenience				P		P	S	P		P
Retail, Enclosed Shopping Center						P	S	S		P
Retail, Large						P	S	P		P
Retail, Medium						P	P	P		P
Retail, Outdoor Shopping Center				P		P	S	S		P
Retail, Pharmacy						P	P	P		P
Retail, Small Format				P		P	P	P		P

## SECTION 3.11: District Uses Summary Table (Cont.)

Districts – Use Summary Table (P = Permitted, S = Special)		One-Family Residential (R-1)	Multiple-Family Residential (R-2)	Local Business District (B-1)	Community Mixed-Use District (B-2)	Downtown Mixed-Use District (DMU)	Shoreline Mixed-Use District (SMU)	Industrial District (I)	Open Space & Recreation (OSR)	REF. #
<b>Commercial (Cont.)</b>										
Industrial										
Equipment Repair, Heavy						P				
Junk / Scrap Yard					S					
Manufacturing, Artisan				S	P	P	P			
Manufacturing, Heavy							P			
Manufacturing, Light					P		P			
Mineral Extraction / Processing							S			5.07, B
Outdoor Processing, Concrete & Asphalt								P		
Recycling Center						P				
Storage, Commercial Gases						P	P			
Storage, Contractor						P	P			
Truck Terminals						P	P			
Warehouse, Large					P	S	P	P		
Warehouse, Small					P		P	P		
Waste Facility					S					

### SECTION 3.13: Dimensions Summary Table

A. The following table summarizes the dimensional standards for regulating development in each of the residential and non-residential districts.

Summary Table of Dimensions		One-Family Residential District (R-1)	Multiple-Family Residential District (R-2)	Local Business District (B-1)	Community Mixed-Use District (B-2)	Downtown Mixed-Use District (DMU)	Shoreline Mixed-Use District (SMU)	Industrial District (I)	Open Space & Recreation (OSR)	REF #
<b>Lot Dimensions</b>										
Lot Size (Min. Sq.)										
Single-Family	3,500	3,500	3,500	3,500	3,500	3,500	3,500	3,500	3,500	N/A
Two-Family	N/A	1,200 lot area/unit	1,200 lot area/unit	1,200 lot area/unit	1,200 lot area/unit	1,200 lot area/unit	1,200 lot area/unit	1,200 lot area/unit	1,200 lot area/unit	N/A
Multi-Family	N/A	1,200 lot area/unit	1,200 lot area/unit	1,200 lot area/unit	1,200 lot area/unit	1,200 lot area/unit	1,200 lot area/unit	1,200 lot area/unit	1,200 lot area/unit	N/A
Lot Width [Ft.]										
Single-Family	35 min	35 min	35 min	35 min	35 min	35 min	35 min	35 min	35 min	N/A
Two-Family	N/A	70 min.	70 min.	70 min.	70 min.	70 min.	70 min.	70 min.	70 min.	N/A
Multi-Family	N/A	70 min	70 min	70 min	70 min	70 min	70 min	70 min	70 min	N/A
<b>Setbacks</b>										
Front-Yard Setback (Min. Ft.)	20*	20*	20*	20*	20*	20*	20*	0**	25*	40*
Side-Yard Setback (Min. Ft.)	10	8*	5	5	0	0	0	5*	40	N/A
Rear Yard Setback (Min. Ft.)	30	35	20	20	20	20	20	5	10***	40
Height										
Building Height (Max. Ft.)	35	45	45	60	60	60	60	45	35	N/A
<b>Lot Coverage</b>										
Lot Coverage (Max.)	50%	65%	70%	80%	90%	90%	90%	50%	65%	N/A
Open Space (Min.) (Paved Areas Not Included)	20%	N/A	10%	15%	5%	5%	20%	20%	20%	N/A

\*Where the existing Front-Yards of two or more principal structures in any block in the same district and on the same side of the street are less than the minimum required Front-Yard, then any Front-Yards of the subsequent buildings within said block need not be greater than the average depth of the existing Front-Yards of the adjacent two principal structures. Whenever a rear yard abuts a Side-Yard on the same side of a street in a Residential District, the required Side-Yard abutting the street shall not be less than the required Front-Yard of the District in which it is located. All required Yards shall be increased by one foot for every additional one foot of structure height above the maximum height. Side-Yard setbacks within the SMU District that are adjacent to the shoreline Ordinary High Water Mark (OHWM) shall be a minimum of 25 feet as measured from the OHWM.

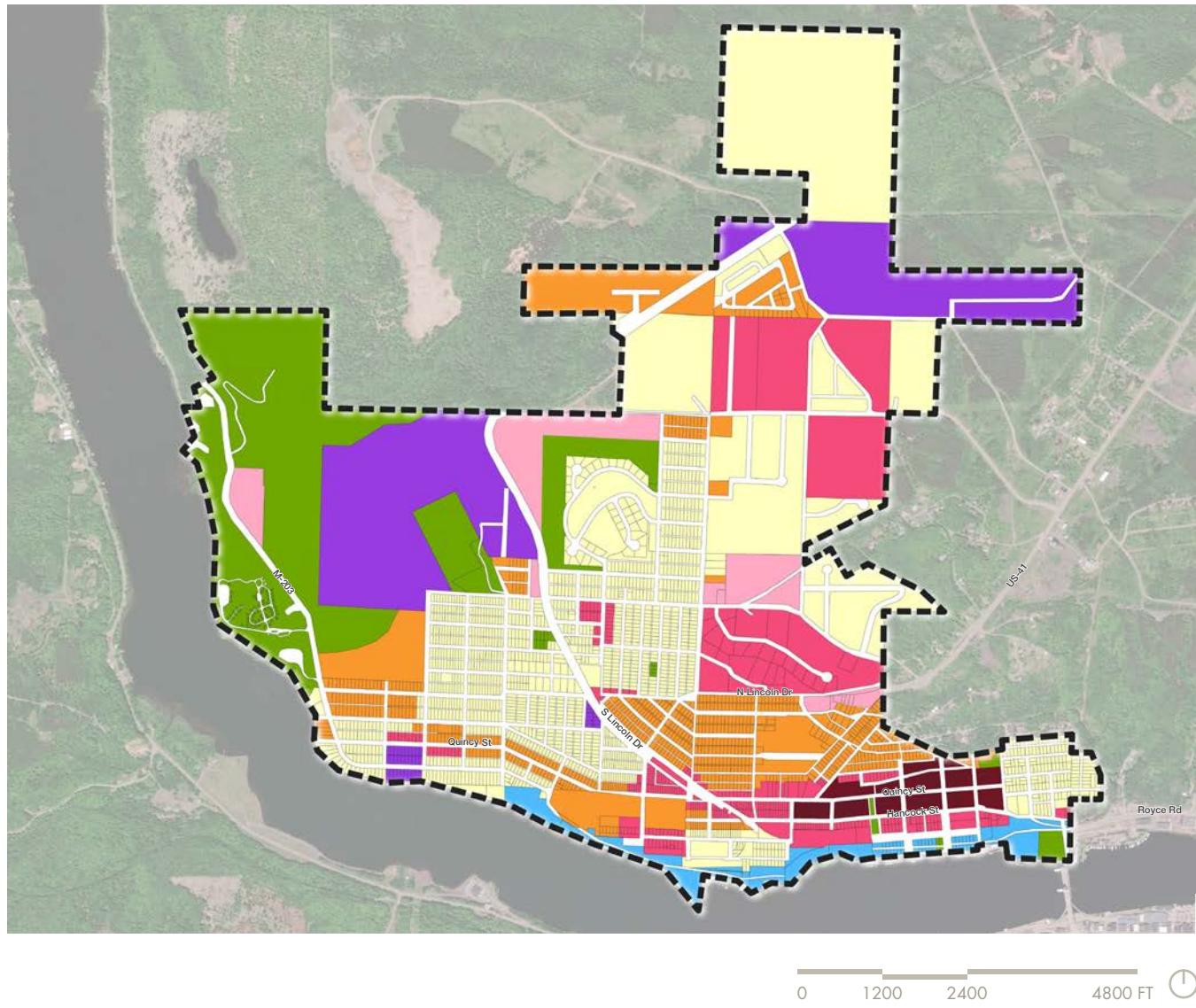
\*\*For commercial buildings in the DMU District, the building setback shall be replaced with a build-to-line of 0 feet.

\*\*\*The rear yard setback shall be 25 feet if adjacent to the Keweenaw Waterway in the SMU District.

## SECTION 3.13: Dimensions Summary Table (Cont.)

Summary Table of Dimensions		One-Family Residential District (R-1)	Multiple-Family Residential District (R-2)	Local Business District (B-1)	Community Mixed-Use District (B-2)	Downtown Mixed-Use District (DMU)	Shoreline Mixed-Use District (SMU)	Industrial District (I)	Open Space & Recreation (OSR)	REF.#
Accessory Building										
Accessory Building	Rear yard, 5 feet from any lot line; no closer to the front lot line than 10 feet behind the front building line.	Rear or Side-Yard, 5 feet from any lot line or recorded easement; no closer to the front lot line than 10 feet behind the front building line.	Rear yard, 5 feet from any lot line or recorded easement; whichever is closer.	Rear yard, 5 feet from any lot line or recorded easement; whichever is closer.	Rear yard, 5 feet from any lot line or recorded easement; whichever is closer.	Rear yard, 5 feet from any lot line or recorded easement; whichever is closer.	Rear yard, 5 feet from any lot line or recorded easement; whichever is closer.	Rear yard, 5 feet from any lot line or recorded easement; whichever is closer.	N/A	For Accessory Dwelling Unit, see Section 5.03, C
Accessory Building Height (Max. Ft.)	12	12	12	12	12	12	12	12	12	Section 5.03, C
Parking Location										
Parking Location	Driveway, Garage, & Rear Yard Parking Lot	Side-Yard / Rear Yard / Front-Yard	Side-Yard / Rear Yard	On Street, Daytime	Side-Yard / Rear Yard	Front-Yard / Side-Yard / Rear Yard – if Front-Yard then only 50% of Front-Yard may be devoted to impervious parking surface.	N/A	N/A	N/A	
Drive-Thru Location										
Drive-Thru Location	N/A	N/A	Not Permitted	Rear and Side Yards, adjacent to the primary structure.	Not Permitted	Rear and Side Yards, adjacent to the primary structure.	N/A	N/A	N/A	

**SECTION 3.15:** Zoning Map



**Legend**

<span style="color: yellow;">●</span>	R-1	One-Family Residential District	<span style="color: darkred;">●</span>	DMU	Downtown Mixed-Use District
<span style="color: orange;">●</span>	R-2	Multiple-Family Residential District	<span style="color: cyan;">●</span>	SMU	Shoreline Mixed-Use District
<span style="color: pink;">●</span>	B-1	Local Business District	<span style="color: purple;">●</span>	I	Industrial District
<span style="color: red;">●</span>	B-2	Community Mixed-Use District	<span style="color: green;">●</span>	OSR	Open Space & Recreation District

\*This map is current as of the effective date of this Code but is for reference only and shall not be construed as being the official Zoning Map, which shall be kept in the office of the Zoning Administrator.

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## **SECTION 3.17: One-Family Residential District (R-1)**

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### **A. Conflicts to Official Zoning Map**

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The One-Family Residential (R-1) District is intended to regulate all land in the City platted for medium-scale urban and suburban single-unit residential development.

---

### **B. Existing Development Patterns**

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The existing development pattern in the R-1 District is traditional single-unit and more suburban residential neighborhoods with single-unit residential structures.

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### **C. Desired Development Pattern**

---

The desired development pattern in the R-1 District is to accommodate multiple forms of Single-Family development. New development in the R-1 District should also promote pedestrian connectivity and the retention of planned open-space.

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### **D. Uses**

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The following uses are either permitted or special uses as indicated in the following chart. For definitions, see Article Nine, Glossary of Uses.

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**SECTION 3.17:** One-Family Residential District (R-1) (Cont.)

**Districts – Use Summary Table (P = Permitted, S = Special)**

	REF.#		REF.#
<b>Residential</b>		<b>Institutional (Cont.)</b>	
Accessory Dwelling Unit (ADU)	P	Community Facility, Activity Center	S
Child Day Care, In-Home - Group	S	Community Facility, Government Administration & Courts	S
Child Day Care, In-Home - Family	P	Community Facility, Public Health Safety	S
Dwelling, Assisted	S	Library	S
Dwelling, Residential Care Facility	P	<b>Education</b>	
Dwelling, Detached Single-Family	P	School, College/University	S
Dwelling, Halfway House	S	School, Primary	S
Home Occupation	P*	School, Secondary	S
<b>Communications / Utilities</b>		School, Vocational	S
Wireless Service Facility	S	<b>Other</b>	
<b>Commercial</b>		Religious Assembly	S
<b>Entertainment / Recreation</b>		<b>Parks &amp; Recreation</b>	
Private Club	S	Community Facility, Outdoor Recreation	P
<b>Services</b>		Community Facility, Park	P
Child Day Care Center	S	Community Facility, Trail	P
Overnight Lodging, Bed & Breakfast	S	Community Garden	P
<b>Professional / Office</b>			5.03, J
Studio, Art	S		

**Reference: General Regulations**

- Article Five - Parking (p. 124)
- Article Five - Exterior Lighting (p. 145)
- Article Five - Landscaping & Buffering (p. 149)
- Article Five - Signage (p. 143)
- Article Five - Accessory Use & Structures (p. 120)

\* Home Occupation only permitted within a Detached, Single-Family Dwelling.

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## **SECTION 3.17: One-Family Residential District (R-1) (Cont.)**

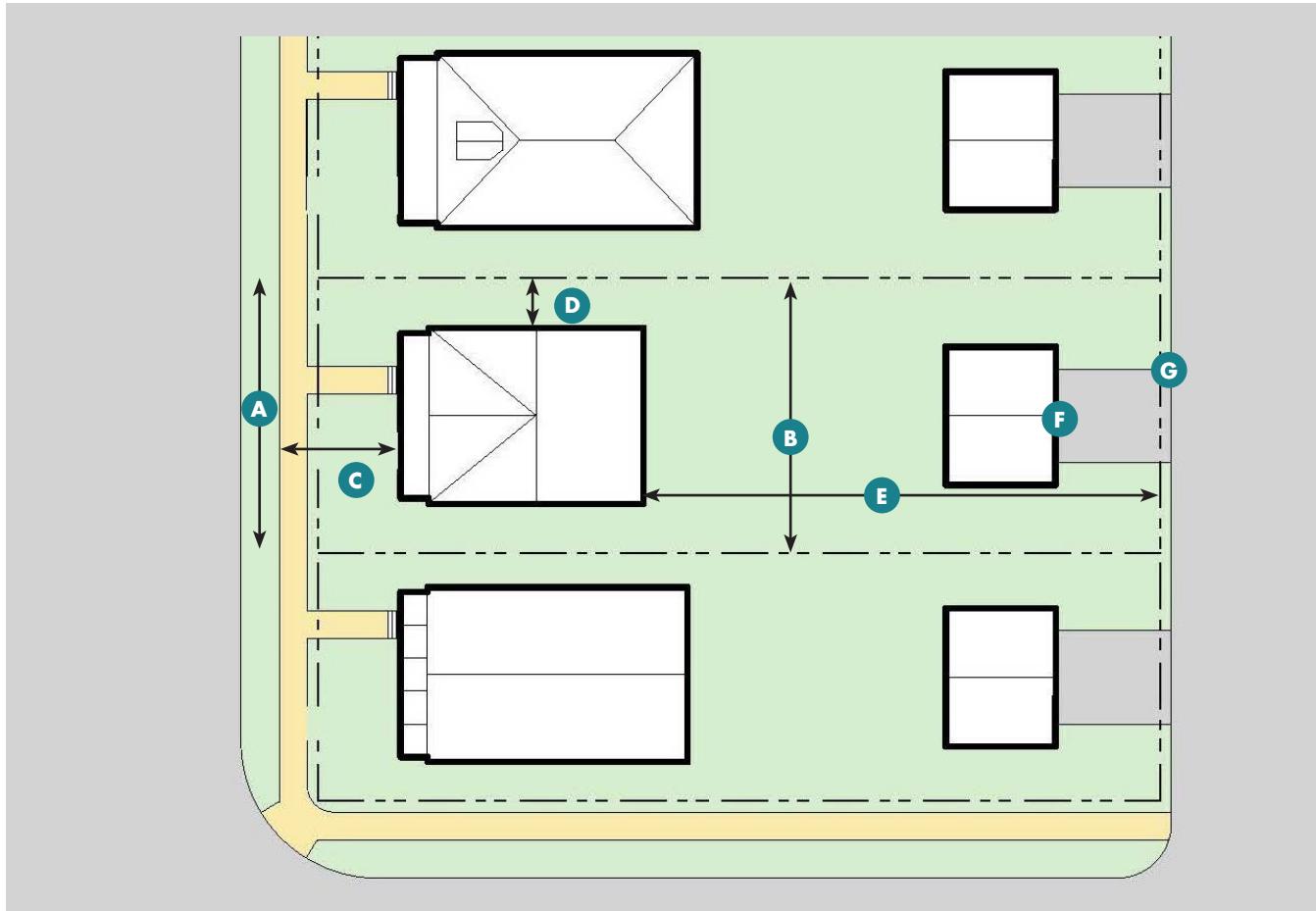
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### **E. Development Standards**

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All development in the R-1 District shall be in accordance with the following development standards. Additional standards generally applicable to certain uses and development standards can be found in Article Five "General Regulations."

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Lot size is shown as the total area in square feet within the dashed line in the above illustration.

\*Where the existing Front-Yards of two or more principal structures in any block in the same district and on the same side of the street are less than the minimum required Front-Yard, then any Front-Yards of the subsequent buildings within said block need not be greater than the average depth of the existing Front-Yards of the adjacent two principal structures. Whenever a rear yard abuts a Side-Yard on the same side of a street in a Residential District, the required Side-Yard abutting the street shall not be less than the required Front-Yard of the District in which it is located. All required yards shall be increased by one foot for every additional one foot of structure height above the maximum height stated in the Schedule of Regulations.

**SECTION 3.17:** One-Family Residential District (R-1) (Cont.)

<b>Development Standards</b>		
<b>Dimensions</b>	<b>A</b> Street Frontage (Min. Ft.) N/A	Project Area (Min. Acres) N/A
	<b>B</b> Lot Size — Single-Family (Min. Sq. Ft.) 3,500	Lot Width — Single-Family (Ft.) 35 Min.
<b>Density</b>	Units Per Acre (Max.) N/A	
	<b>C</b> Front-Yard Setback (Min. Ft.) 20*	Front-Yard Setback (Max. Ft.) N/A
<b>Setbacks</b>	<b>D</b> Side-Yard Setback (Min. Ft.) 10	Side-Yard Setback (Max. Ft.) N/A
	Side-Yard Setback (Min. Aggregate Ft.) N/A	Side-Yard Setback (Max. Aggregate Ft.) N/A
<b>Height</b>	<b>E</b> Rear Yard Setback (Min. Ft.) 30	
	Building Height (Min. Ft.) N/A	Building Height (Max. Ft.) 35
<b>Lot Coverage</b>	Lot Coverage (Max.) — Not Including Paved Areas 50%	Open Space (Min.) — Paved Areas Not Included 20%
<b>Accessory Building</b>	<b>F</b> Accessory Building Location & Size (Max Sq. Ft.)  Rear yard, 5 feet from any lot line; no closer to the front lot line than 10 feet behind the front building line. No accessory structure shall exceed 864 sq. ft. except where the rear yard exceeds 20,000 sq. ft. in area then the structure shall not exceed 1,800 sq. ft.	Accessory Building Height (Max. Ft.) 12
<b>Parking Location</b>	<b>G</b> Parking Location Driveway & Garage	

---

## **SECTION 3.17: One-Family Residential District (R-1) (Cont.)**

### **F. Development Examples**

Buildings in the R-1 District may be constructed in accordance with the following development examples:

<b>Development Examples</b>	<b>R-1 District</b>	<b>Development Examples</b>	<b>R-1 District</b>
Single-Unit Detached (Front Loaded)	●	Education / Public Institution	●
Single-Unit Detached (Narrow Lot)	●	Congregation / Community Facility	●
Single-Unit Attached	●		
Accessory Dwelling Unit	●		

---

## **SECTION 3.19: Multiple-Family Residential District (R-2)**

### **A. Purpose & Intent**

The purpose of the Multiple-Family Residential (R-2) District is to incorporate a mix of housing types in areas of the City that have been developed on a residential-scale. The regulations for the R-2 District allow for walkable single-unit and multi-unit residential development.

### **B. Existing Development Patterns**

The existing development pattern in the R-2 District is residential neighborhood-scale development, including single-family, two-family, and multi-family structures and uses.

**SECTION 3.19:** Multiple-Family Residential District (R-2) (Cont.)**C. Desired Development Pattern**

The desired development pattern in the R-2 District is medium to high density development compatible in scale to detached Single-Family homes in the form of two-family homes, attached single-unit homes, and multi-unit development.

**D. Uses**

The following uses are either permitted or special uses as indicated in the following chart. For definitions, see Glossary Article Nine, Uses.

**Districts – Use Summary Table (P = Permitted, S = Special)**

	REF.#		REF.#
<b>Residential</b>			
Accessory Dwelling Unit (ADU)	P	5.03, C & D	
Child Day Care, In-Home - Group	S		
Child Day Care, In-Home - Family	P		
Dwelling, Assisted	S		
Dwelling, Attached Single-Family	P		
Dwelling, Residential Care Facility	P	5.03, I	
Dwelling, Detached Single-Family	P		
Dwelling, Duplex	P		
Dwelling, Halfway House	S		
Dwelling, Multi-Unit Building	P		
Home Occupation	P*	5.03,B	
Dwelling, Multi-Unit Building Complex	S		
Mobile Home Parks	S		
Group Quarters	S		
<b>Communications / Utilities</b>			
Power Substation Facility	S	5.05,K	
Wireless Service Facility	S	5.05,K	
<b>Commercial</b>			
<b>Entertainment / Recreation</b>			
Private Club		S	
<b>Professional / Office</b>			
Studio, Art		S	
<b>Services</b>			
Adult Day Care		S	
Child Day Care Center		S	
Overnight Lodging, Bed & Breakfast		S	

## **SECTION 3.19:** Multiple-Family Residential District (R-2) (D.) (Cont.)

### **Districts – Use Summary Table (P = Permitted, S = Special)**

	REF.#		REF.#
<b>Institutional</b>		<b>Parks &amp; Recreation</b>	
Civic		Community Facility, Outdoor Recreation	P
Community Facility, Activity Center	P	Community Facility, Park	P
Community Facility, Government Administration & Courts	S	Community Facility, Trail	P
Community Facility, Public Health Safety	P	Community Garden	P 5.03, J
Library	S		
<b>Education</b>			
School, College/University	S		
School, Primary	S		
School, Secondary	S		
School, Vocational	S		
<b>Other</b>			
Religious Assembly	S		

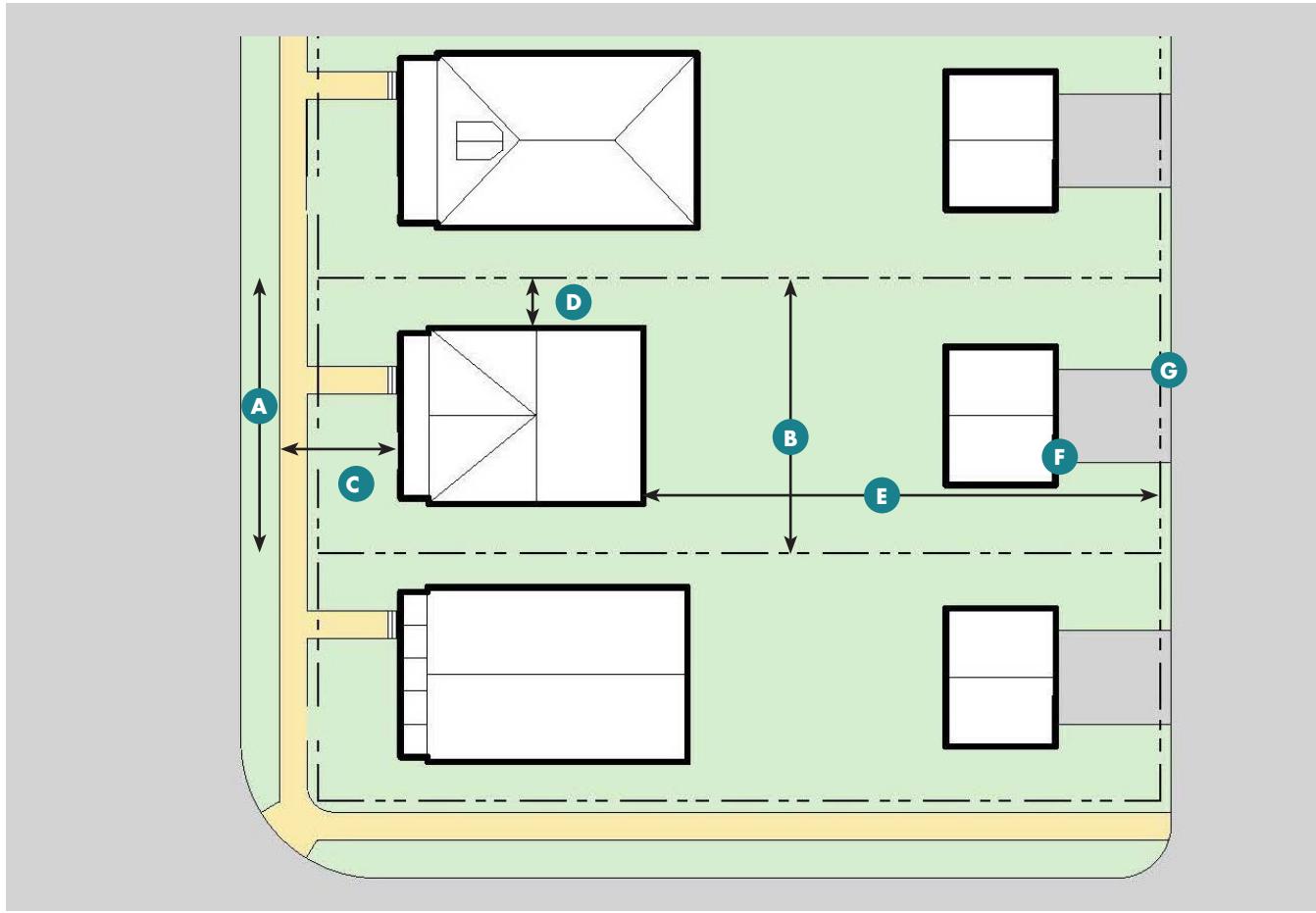
#### **Reference: General Regulations**

- Article Five - Parking (p. 124)
- Article Five - Exterior Lighting (p. 145)
- Article Five - Landscaping & Buffering (p. 149)
- Article Five - Signage (p. 143)
- Article Five - Accessory Use & Structures (p. 120)

\* Home Occupation only permitted within a Detached, Single-Family Dwelling.

**SECTION 3.19:** Multiple-Family Residential District (R-2) (Cont.)**E. Development Standards**

All development in the R-2 District shall be in accordance with the following development standards. Additional standards generally applicable to certain uses and development standards can be found in Article Five "General Regulations."



Lot size is shown as the total area in square feet within the dashed line in the above illustration.

\*Where the existing Front-Yards of two or more principal structures in any block in the same district and on the same side of the street are less than the minimum required Front-Yard, then any Front-Yards of the subsequent buildings within said block need not be greater than the average depth of the existing Front-Yards of the adjacent two principal structures. Whenever a rear yard abuts a Side-Yard on the same side of a street in a Residential District, the required Side-Yard abutting the street shall not be less than the required Front-Yard of the District in which it is located. All required yards shall be increased by one foot for every additional one foot of structure height above the maximum height.

## SECTION 3.19: Multiple-Family Residential District (R-2) (Cont.)

Development Standards		
	A Street Frontage (Min. Ft.)	Project Area (Min. Acres)
Dimensions	N/A	N/A
	Lot Size — Single-Family (Min. Sq. Ft.)	B Lot Width — Single-Family (Ft.)
	3,500	35 Min.
	Lot Size — Two-Family (Min. Sq. Ft.)	Lot Width — Two-Family (Ft.)
	1,200 Lot Area Per Unit	70 Min.
Density	Lot Size — Multi-Family (Min. Sq. Ft.)	Lot Width — Multi-Family (Ft.)
	1,200 Lot Area Per Unit	70 Min.
Setbacks	Units Per Acre (Max.)	
	N/A	
	C Front-Yard Setback (Min. Ft.)	Front-Yard Setback (Max. Ft.)
	20*	N/A
	D Side-Yard Setback (Min. Ft.)	Side-Yard Setback (Max. Ft.)
	8*	N/A
Height	Side-Yard Setback (Min. Aggregate Ft.)	Side-Yard Setback (Max. Aggregate Ft.)
	N/A	N/A
Lot Coverage	E Rear Yard Setback (Min. Ft.)	35
	Building Height (Min. Ft.)	Building Height (Max. Ft.)
	N/A	45
Lot Coverage (Max.) — Not Including Paved Areas		Open Space (Min.) — Paved Areas Not Included
	65%	N/A

**SECTION 3.19:** Multi-Family Residential District (R-2) (Cont.)

<b>Development Standards</b>	
<b>Accessory Building</b>	<b>F</b> Accessory Building Location Rear or Side-Yard, 5 feet from any lot line or recorded easement; no closer to the front lot line than 10 feet behind the front building line
<b>Parking Location</b>	<b>G</b> Parking Location Driveway, Garage, and Rear Yard Parking Lot

**F. Development Examples**

Buildings in the R-2 District may be constructed in accordance with the following development examples:

<b>Development Examples</b>	<b>R-2 District</b>	<b>Development Examples</b>	<b>R-2 District</b>
Single-Unit Detached (Front Loaded)	●	Multi-Unit Residential	●
Single-Unit Detached (Narrow Lot)	●	Education / Public Institution	●
Duplex Stacked	●	Congregation / Community Facility	●
Triplex Stacked	●	Neighborhood Commercial	●
Fourplex Stacked	●		
Multiplex	●		
Single-Unit Attached	●		
Accessory Dwelling Unit	●		
Two-Unit Side-by-Side or Duplex	●		

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## **SECTION 3.21: Local Business District (B-1)**

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### **A. Purpose & Intent**

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The purpose of the Local Business (B-1) District is to preserve the scale of the City's neighborhoods while creating opportunities for infill and walkable development.

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### **B. Existing Development Patterns**

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The existing development pattern in the B-1 District is smaller scale local businesses within the adjacent neighborhoods.

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### **C. Desired Development Pattern**

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The desired development pattern in the B-1 is commercial and retail development on a neighborhood scale. The introduction of residential development will promote a mixed-use district.

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### **D. Uses**

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The following uses are either permitted or special uses as indicated in the following chart. For definitions, see Article Nine, Glossary of Uses.

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#### **Districts – Use Summary Table (P = Permitted, S = Special)**

	REF.#		REF.#	
<b>Residential</b>		<b>Residential (Cont.)</b>		
Accessory Dwelling Unit (ADU)	P	5.03, C & D	Dwelling, Duplex	P
Child Day Care, In-Home - Group	P		Dwelling, Halfway House	S
Child Day Care, In-Home - Family	P		Dwelling, Multi-Unit Building	P
Dwelling, Assisted	P		Dwelling, Multi-Unit Complex	P
Dwelling, Attached Single-Family	P		Group Quarters	P
Dwelling, Residential Care Facility	P	5.03, I		
Dwelling, Detached Single-Family	P		<b>Communications / Utilities</b>	
			Wireless Service Facility	S 5.05,K

**SECTION 3.21:** Local Business District (B-1) (Cont.)

**Districts – Use Summary Table (P = Permitted, S = Special)**

	REF.#	REF.#
<b>Institutional</b>		<b>Commercial</b>
Civic		Motor Vehicle Services
Community Facility, Activity Center	P	Retail, Gasoline & Convenience S
Community Facility, Government Administration & Courts	P	Vehicle Care Services, Washes S
Community Facility, Public Health Safety	P	
Library	P	Entertainment / Recreation
Museum / Arts Center	P	Bar / Tavern S
<b>Education</b>		Enterprise, Indoor P
School, College/University	P	Live Theater P
School, Primary	P	Movie Theater P
School, Secondary	P	
School, Vocational	P	<b>Services</b>
<b>Other</b>		Adult Day Care S
Religious Assembly	P	Child Day Care Center P
<b>Parks &amp; Recreation</b>		Clothing Services, Dry Cleaning P
Community Facility, Outdoor Recreation	P	Clothing Services, Tailor P
Community Facility, Park	P	Alternate Financial Services S
Community Facility, Trail	P	Financial Services & Banking P
Community Garden	P	Health & Wellness, Fitness Facility / Gym S
	5.03, J	Health & Wellness, Massage S
		Health & Wellness, Physical Therapy P
		Overnight Lodging, Bed & Breakfast P
		Personal Care & Beauty Services P

## SECTION 3.21: Local Business District (B-1) (Cont.)

	REF.#		REF.#
<b>Commercial (Cont.)</b>			
<b>Professional / Office</b>			
Medical, Nursing	P		
Medical, Office	P		
Medical, Outpatient & Urgent Care	P		
Medical, Psychiatric Therapy	P		
Office, Professional Services	P		
Studio - Art	P		
Veterinary	P		
<b>Restaurant / Food Preparation</b>			
Beverage, Brewing & Distilling	S		
Food Service, Fast Casual Restaurant	S		
Food Service, Full Service Restaurant	S		
Food Service Mobile	S      5.07, A		
<b>Retail (Cont.)</b>			
Antique Shop	P		
Beverage Sales, Liquor, Beer or Wine Store	P		
Food Sales, Farm Market	P		
Food Sales, Small Grocery	P		
Food Service, Commissary & Bakery	P		
Food Service, Deli	P		
Gallery, Art	P		
Garden Center, Indoor	P		
Retail, Convenience	P		
Retail, Outdoor Shopping Center	P		
Retail, Pharmacy	P		
Retail, Small Format	P		
<b>Manufacturing</b>			
Manufacturing, Artisan	S		

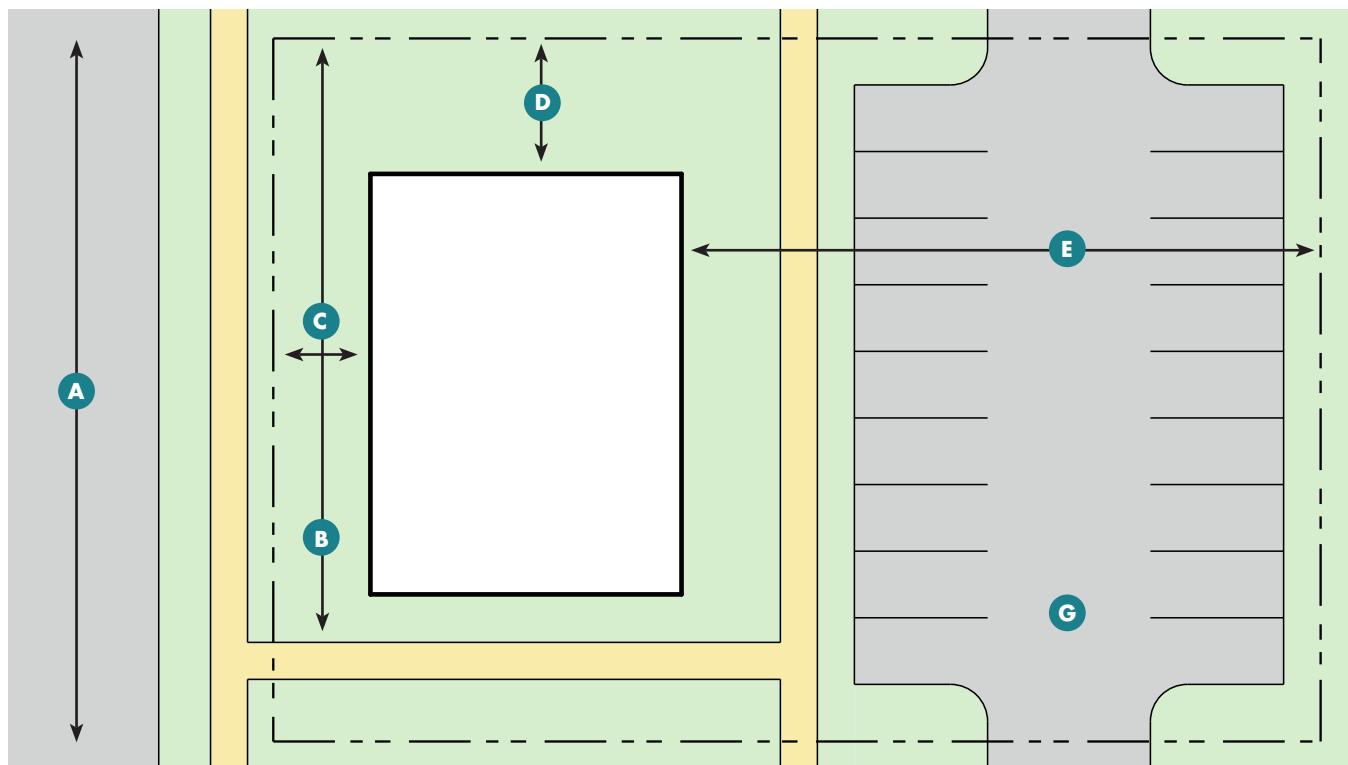
### Reference: General Regulations

- Article Five - Parking (p. 124)
- Article Five - Exterior Lighting (p. 145)
- Article Five - Landscaping & Buffering (p. 149)
- Article Five - Signage (p. 143)
- Article Five - Accessory Use & Structures (p. 120)

**SECTION 3.21:** Local Business District (B-1) (Cont.)

**E. Development Standards**

All development in the B-1 District shall be in accordance with the following development standards. Additional standards generally applicable to certain uses and development standards can be found in Article Five "General Regulations."



Lot size is shown as the total area in square feet within the dashed line in the above illustration.

## SECTION 3.21: Local Business District (B-1) (Cont.)

Development Standards		
	Dimensions	Project Area (Min. Acres)
<b>A</b>	Street Frontage (Min. Ft.)	N/A
	Lot Size — Single-Family (Min. Sq. Ft.)	3,500
	Lot Size — Two-Family (Min. Sq. Ft.)	1,200 Lot Area Per Unit
	Lot Size — Multi-Family (Min. Sq. Ft.)	1,200 Lot Area Per Unit
<b>B</b>	Lot Width — Single-Family (Ft.)	35 Min.
	Lot Width — Two-Family (Ft.)	70 Min.
	Lot Width — Multi-Family (Ft.)	70 Min.
	Front-Yard Setback (Min. Ft.)	20*
<b>C</b>	Front-Yard Setback (Max. Ft.)	N/A
	Side-Yard Setback (Min. Ft.)	5
	Side-Yard Setback (Max. Aggregate Ft.)	N/A
	Rear Yard Setback (Min. Ft.)	20
<b>D</b>	Building Height (Min. Ft.)	Building Height (Max. Ft.)
	N/A	45
<b>E</b>	Lot Coverage (Max.) — Not Including Paved Areas	Open Space (Min.) — Paved Areas Not Included
	70%	10%

\*Where the existing Front-Yards of two or more principal structures in any block in the same district and on the same side of the street are less than the minimum required Front-Yard, then any Front-Yards of the subsequent buildings within said block need not be greater than the average depth of the existing Front-Yards of the adjacent two principal structures. Whenever a rear yard abuts a Side-Yard on the same side of a street in a Residential District, the required Side-Yard abutting the street shall not be less than the required Front-Yard of the District in which it is located. All required yards shall be increased by one foot for every additional one foot of structure height above the maximum height.

**SECTION 3.21:** Local Business District (B-1) (Cont.)

<b>Development Standards</b>	
<b>Accessory Building</b>	<b>F</b> Accessory Building Location Rear yard, 5 feet from any lot line or recorded easement, whichever is closer
<b>Parking Location</b>	<b>G</b> Parking Location Side-Yard / Rear Yard / Front-Yard
<b>Drive-Thrus</b>	Drive-Thru Location Not Permitted

**F. Development Examples**

Buildings in the B-1 District may be constructed in accordance with the following development examples:

<b>Development Examples</b>	<b>B-1 District</b>	<b>Development Examples</b>	<b>B-1 District</b>
Single-Unit Detached (Front Loaded)	●	Multi-Unit Residential	●
Single-Unit Detached (Narrow Lot)	●	Education / Public Institution	●
Duplex Stacked	●	Congregation / Community Facility	●
Triplex Stacked	●	Neighborhood Commercial	●
Fourplex Stacked	●	Commercial Retail	●
Multiplex	●	Office Building	●
Single-Unit Attached	●	Office Flex	●
Accessory Dwelling Unit	●		
Two-Unit Side-by-Side or Duplex	●		

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## **SECTION 3.23:** Community Mixed-Use District (B-2)

### **A. Purpose & Intent**

The purpose of the Community Mixed-Use (B-2) District is to promote a mix of commercial uses and higher density residential development in proximity to traditional residential development patterns.

### **B. Existing Development Patterns**

The existing development pattern in the B-2 District is primarily single-story, single-purpose, low-density commercial.

### **C. Desired Development Pattern**

The desired development pattern in the B-2 District is the introduction of a mix of uses that are adjacent to residential development. Development may be mixed vertically on separate floors of a multi-story building, or horizontally in separate single or multi-story buildings on a single site or adjacent parcels. New structures should be oriented to the street with parking at the rear and sides of buildings.

### **D. Uses**

The following uses are either permitted or special uses as indicated in the following chart. For definitions, see Article Nine, Glossary of Uses.

#### **Districts – Use Summary Table (P = Permitted, S = Special)**

	REF.#		REF.#	
<b>Residential</b>		<b>Residential (Cont.)</b>		
Accessory Dwelling Unit (ADU)	P	5.03, C & D	Dwelling, Detached Single-Family	P
Child Day Care, In-Home - Group	P		Dwelling, Duplex	P
Child Day Care, In-Home - Family	P		Dwelling, Halfway House	S
Dwelling, Assisted	P		Dwelling, Multi-Unit Building	P
Dwelling, Attached Single-Family	P		Dwelling, Multi-Unit Complex	P
Dwelling, Residential Care Facility	P	5.03, I	Upper Level Dwelling	P
			Mobile Home Parks	S
			Group Quarters	P

**SECTION 3.23:** Community Mixed-Use District (B-2) (Cont.)

**Districts – Use Summary Table (P = Permitted, S = Special)**

	REF.#	REF.#
<b>Communications / Utilities</b>		
Wireless Service Facility	S	5.05,K
<b>Institutional</b>		
Civic		
Community Facility, Activity Center	P	
Community Facility, Government Administration & Courts	P	
Community Facility, Public Health Safety	P	
Library	P	
Museum / Arts Center	P	
<b>Education</b>		
School, College/University	P	
School, Primary	P	
School, Secondary	P	
School, Vocational	P	
<b>Transportation</b>		
Air Transportation Services, Heliport	S	
<b>Other</b>		
Event Center, Large	S	
Event Center, Small	P	
Religious Assembly	P	
<b>Parks &amp; Recreation</b>		
Community Facility, Outdoor Recreation		P
Community Facility, Park		P
Community Facility, Trail		P
Community Garden		P 5.03,J
<b>Commercial</b>		
<b>Motor Vehicles Services</b>		
Equipment Repair, Light		P
Retail, Gasoline & Convenience		S
Storage, Vehicular & Boat		S
Vehicle Care Services, Washes		S
Vehicular Care Services, Minor		S
Vehicular Sales, Automobiles		S
Vehicular Sales, Motorcycles		S
Vehicular Sales, Recreational Vehicles		S
<b>Entertainment / Recreation</b>		
Bar / Tavern		S
Enterprise, Indoor		P
Enterprise, Outdoor		P
Live Theater		P
Movie Theater		P
Private Club		P

## SECTION 3.23: Community Mixed-Use District (B-2) (Cont.)

### Districts – Use Summary Table (P = Permitted, S = Special)

	REF.#		REF.#		
<b>Commercial (Cont.)</b>					
Services					
Adult Day Care	P		Medical, Full Service Hospital	P	
Animal Shelter	P		Medical, Nursing	P	
Boarding/Kennel, Indoor	P		Medical, Office	S	
Child Day Care Center	P		Medical, Outpatient & Urgent Care	P	
Clothing Services, Dry Cleaning	P		Medical, Psychiatric Therapy	P	
Clothing Services, Tailor	P		Office, Corporate	P	
Alternate Financial Services	S		Office, Professional Services	P	
Financial Services & Banking	P		Studio - Art	P	
Funeral Homes	P		Research Facility/Laboratory	P	
Health & Wellness, Clinic	P		Veterinary	S	
Health & Wellness, Fitness Facility/Gym	P		<b>Restaurant / Food Preparation</b>		
Health & Wellness, Massage	S		Beverage, Brewing & Distilling	S	
Health & Wellness, Physical Therapy	S		Beverage, Distribution	S	
Overnight Lodging, Bed & Breakfast	P		Beverage, Non-Alcoholic Production	S	
Overnight Lodging, Boutique Hotel	P		Food Service, Fast Casual Restaurant	P	
Overnight Lodging, Hotel	P		Food Service, Full Service Restaurant	P	
Overnight Lodging, Motel	P		Food Service Mobile	P	5.07, A
Overnight Lodging, Resort	P		Food Service, Processing	P	
Personal Care & Beauty Services	P		Food Service, Production	S	
Storage, Self-Store	S		Food Service, Quick Service / Fast Food	S	5.05, D

**SECTION 3.23:** Community Mixed-Use District (B-2) (Cont.)

**Districts – Use Summary Table (P = Permitted, S = Special)**

REF.#	REF.#
<b>Commercial (Cont.)</b>	<b>Commercial (Cont.)</b>
Retail	Retail (Cont.)
Antique Shop P	Retail, Medium P
Beverage Sales, Liquor, Beer or Wine Store P	Retail, Outdoor Shopping Center P
Food Sales, Farm Market P	Retail, Pharmacy P
Food Sales, Large Grocery P	Retail, Small Format P
Food Sales, Small Grocery P	
Food Service, Commissary / Bakery P	
Food Service, Deli P	
Gallery, Art P	
Garden Center, Indoor P	
Garden Center, Outdoor S	
Outdoor Sales, Primary Use S	
Retail, Convenience P	
Retail, Enclosed Shopping Center P	
Retail, Large P	

**Reference: General Regulations**

Article Five - Parking (p. 124)

Article Five - Exterior Lighting (p. 145)

Article Five - Landscaping & Buffering (p. 149)

Article Five - Signage (p. 143)

Article Five - Accessory Use & Structures (p. 120)

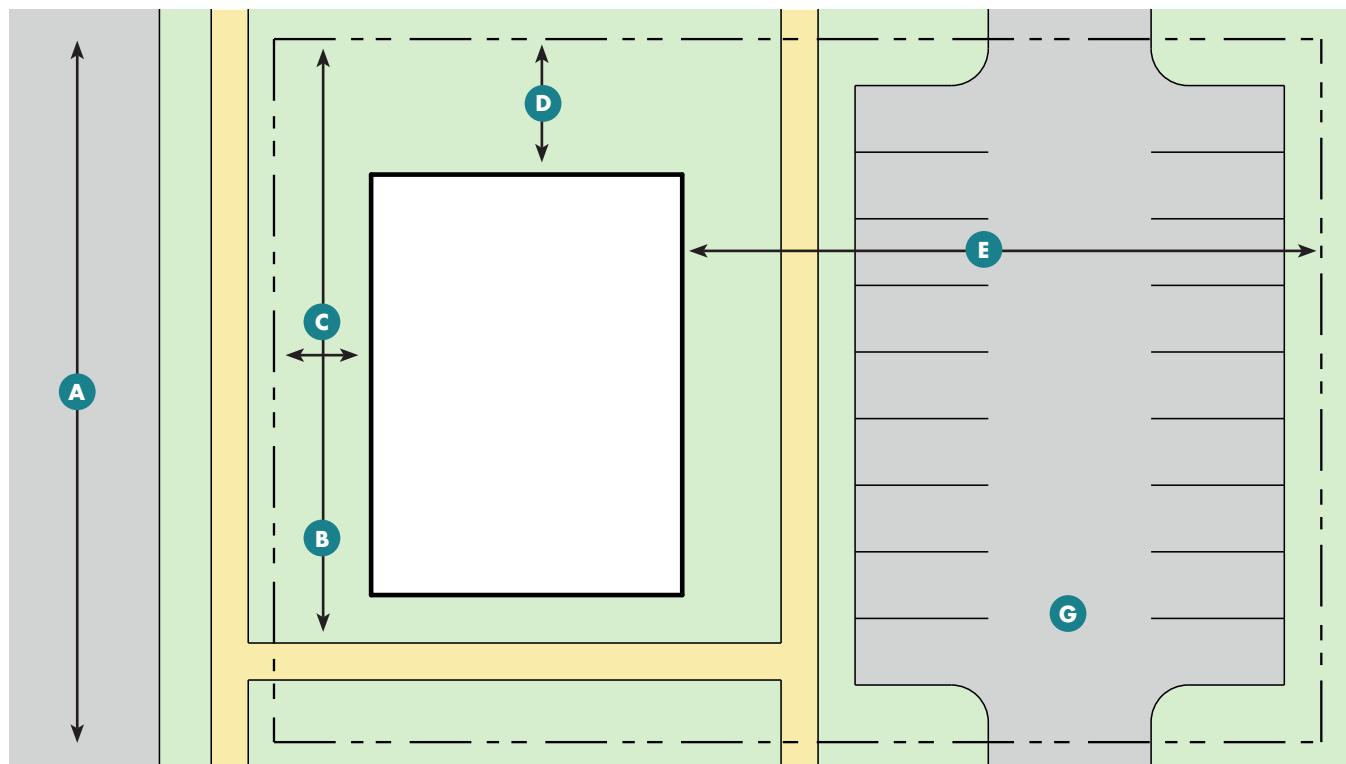
\*Where the existing Front-Yards of two or more principal structures in any block in the same district and on the same side of the street are less than the minimum required Front-Yard, then any Front-Yards of the subsequent buildings within said block need not be greater than the average depth of the existing Front-Yards of the adjacent two principal structures. Whenever a rear yard abuts a Side-Yard on the same side of a street in a Residential District, the required Side-Yard abutting the street shall not be less than the required Front-Yard of the District in which it is located. All required yards shall be increased by one foot for every additional one foot of structure height above the maximum height.

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## **SECTION 3.23:** Community Mixed-Use District (B-2) (Cont.)

### **E. Development Standards**

All development in the B-2 District shall be in accordance with the following development standards. Additional standards generally applicable to certain uses and development standards can be found in Article Five "General Regulations."



Lot size is shown as the total area in square feet within the dashed line in the above illustration.

**SECTION 3.23:** Community Mixed-Use District (B-2) (Cont.)

Development Standards		
<b>Dimensions</b>	<b>A</b> Street Frontage (Min. Ft.)	Project Area (Min. Acres)
	N/A	N/A
	<b>Lot Size — Single-Family (Min. Sq. Ft.)</b>	<b>Lot Width — Single-Family (Ft.)</b>
	3,500	35 Min.
	<b>B</b> Lot Size — Two-Family (Min. Sq. Ft.)	<b>Lot Width — Two-Family (Ft.)</b>
<b>Setbacks</b>	1,200 Lot Area Per Unit	70 Min.
	<b>Lot Size — Multi-Family (Min. Sq. Ft.)</b>	<b>Lot Width — Multi-Family (Ft.)</b>
	1,200 Lot Area Per Unit	70 Min.
	<b>C</b> Front-Yard Setback (Min. Ft.)	Front-Yard Setback (Max. Ft.)
	20*	N/A
<b>E</b>	<b>D</b> Side-Yard Setback (Min. Ft.)	Side-Yard Setback (Max. Ft.)
	5	N/A
	Side-Yard Setback (Min. Aggregate Ft.)	Side-Yard Setback (Max. Aggregate Ft.)
	N/A	N/A
	<b>Rear Yard Setback (Min. Ft.)</b>	
<b>Height</b>	20	
	<b>Building Height (Min. Ft.)</b>	<b>Building Height (Max. Ft.)</b>
<b>Lot Coverage</b>	N/A	60
	<b>Lot Coverage (Max.) — Not Including Paved Areas</b>	<b>Open Space (Min.) — Paved Areas Not Included</b>
	80%	15%

## SECTION 3.23: Community Mixed-Use District (B-2) (Cont.)

Development Standards	
Accessory Building	Accessory Building Location  Rear yard, 5 feet from any lot line or recorded easement, whichever is closer
Parking Location	<b>G</b> Parking Location  Side-Yard / Rear Yard
Drive-Thrus	Drive-Thru Location  Rear and Side-Yards, adjacent to the primary structure

### F. Development Examples

Buildings in the B-2 District may be constructed in accordance with the following development examples:

Development Examples	B-2 District	Development Examples	B-2 District
Single-Unit Detached (Front Loaded)	●	Multi-Unit Residential	●
Single-Unit Detached (Narrow Lot)	●	Education / Public Institution	●
Duplex Stacked	●	Congregation / Community Facility	●
Triplex Stacked	●	Neighborhood Commercial	●
Fourplex Stacked	●	Commercial Retail	●
Multiplex	●	Office Flex	●
Single-Unit Attached	●		
Accessory Dwelling Unit	●		
Two-Unit Side-by-Side or Duplex	●		

**SECTION 3.25:** Downtown Mixed-Use District (DMU)**A. Purpose & Intent**

The purpose of the Downtown Mixed-Use (DMU) District is to preserve the identity of the City's historic downtown center while creating opportunities for infill and walkable development.

**B. Existing Development Patterns**

The existing development pattern in the DMU District is historic businesses mixed with traditional neighborhood design along several historic corridors.

**C. Desired Development Pattern**

The desired development pattern in the DMU District is higher density of commercial and retail development serving the entire community. The introduction of residential development, especially above commercial uses, will promote a mixed-use district.

**D. Uses**

The following uses are either permitted or special uses as indicated in the following chart. For definitions, see Article Nine, Glossary of Uses.

**Districts – Use Summary Table (P = Permitted, S = Special)**

	REF.#		REF.#	
<b>Residential</b>			<b>Residential (Cont.)</b>	
Accessory Dwelling Unit (ADU)	S	5.03, C & D	Dwelling, Detached Single-Family	P
Child Day Care, In-Home - Group	P		Dwelling, Duplex	P
Child Day Care, In-Home - Family	P		Dwelling, Halfway House	S
Dwelling, Assisted	P		Dwelling, Multi-Unit Building	P
Dwelling, Attached Single-Family	P		Dwelling, Multi-Unit Building Complex	P
Dwelling, Residential Care Facility	P	5.03,I	Upper Level Dwelling	P
			Group Quarters	P

## SECTION 3.25: Downtown Mixed-Use District (DMU) (Cont.)

### Districts – Use Summary Table (P = Permitted, S = Special)

	REF.#		REF.#
<b>Communications / Utilities</b>		<b>Commercial*</b>	
Wireless Service Facility	S	Motor Vehicle Services	
<b>Institutional</b>		Vehicle Care Services, Major	S
Civic		Vehicle Care Services, Minor	S
Community Facility, Activity Center	P	Vehicle Sales, Automobiles	S 5.07,E
Community Facility, Government Administration & Courts	S	Vehicle Sales, Motorcycles	S 5.07,E
Community Facility, Public Health Safety	P	Vehicle Sales, Recreational Vehicles	S 5.07,E
Library	P	<b>Entertainment / Recreation</b>	
Museum / Arts Center	P	Bar / Tavern	S
<b>Education</b>		Enterprise, Indoor	P
School, College/University	S	Live Theater	S
School, Primary	P	Movie Theater	S
School, Secondary	P	Private Club	S
School, Vocational	S	<b>Services</b>	
<b>Other</b>		Adult Day Care	S
Event Center, Large	S	Child Day Care Center	S
Event Center, Small	S	Clothing Services, Dry Cleaning	P
Religious Assembly	P	Clothing Services, Tailor	P
<b>Parks &amp; Recreation</b>		Alternate Financial Services	P
Community Facility, Park	S	Financial Services & Banking	P
Community Garden	P 5.03,J	Funeral Homes	P
		Health & Wellness, Clinic	P

\*Only commercial use shall be allowed on street level in the Downtown Mixed Use District (DMU).

**SECTION 3.25:** Downtown Mixed-Use District (DMU) (Cont.)

**Districts – Use Summary Table (P = Permitted, S = Special)**

	REF.#	REF.#	
<b>Commercial (Cont.)</b>		<b>Commercial (Cont.)</b>	
<b>Services (Cont.)</b>		<b>Restaurant / Food Preparation</b>	
Health & Wellness, Fitness Facility/Gym	P	Beverage, Brewing & Distilling	P
Health & Wellness, Massage	P	Beverage, Nonalcoholic Production	P
Health & Wellness, Physical Therapy	P	Food Service, Fast Casual Restaurant	P
Overnight Lodging, Bed & Breakfast	P	Food Service, Full Service Restaurant	P
Overnight Lodging, Boutique Hotel	P	Food Service Mobile	P 5.07, A
Overnight Lodging, Hotel	P	Food Service, Quick Service / Fast Food	S 5.05, D
Overnight Lodging, Motel	P		
Personal Care & Beauty Services	P		
<b>Professional / Office</b>		<b>Retail</b>	
Medical, Emergency Services	P	Antique Shop	P
Medical, Nursing	P	Beverage Sales, Liquor, Beer or Wine Store	P
Medical, Office	P	Food Sales, Farm Market	P
Medical, Outpatient & Urgent Care	P	Food Sales, Large Grocery	S
Medical, Psychiatric Therapy	P	Food Sales, Small Grocery	P
Office, Corporate	P	Food Service, Commissary / Bakery	P
Office, Professional Services	P	Food Service, Deli	P
Radio / Television Broadcast Studios	P	Gallery, Art	P
Research Facility / Laboratory	S	Garden Center, Indoor	P
Studio - Art	P	Garden Center, Outdoor	P
Veterinary	S	Outdoor Sales, Primary Use	S
		Retail, Convenience	S

## SECTION 3.25: Downtown Mixed-Use District (DMU) (Cont.)

### Districts – Use Summary Table (P = Permitted, S = Special)

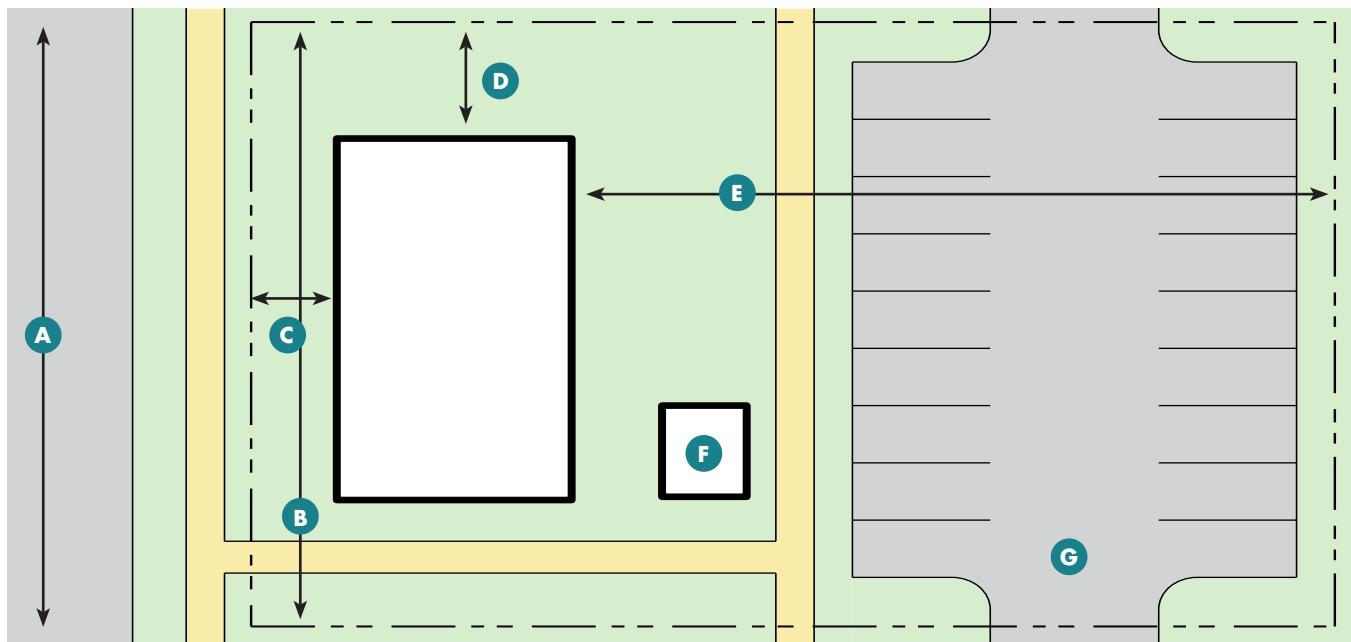
	REF.#		REF.#
<b>Commercial (Cont.)</b>			
Retail (Cont.)			
Retail, Enclosed Shopping Center	S		
Retail, Large	S		
Retail, Medium	P		
Retail, Outdoor Shopping Center	S		
Retail, Pharmacy	P		
Retail, Small Format	P		
<b>Industrial</b>			
Manufacturing, Artisan	P		
Warehouse, Small	S		

#### Reference: General Regulations

- Article Five - Parking (p. 124)
- Article Five - Exterior Lighting (p. 145)
- Article Five - Landscaping & Buffering (p. 149)
- Article Five - Signage (p. 143)
- Article Five - Accessory Use & Structures (p. 120)

### E. Development Standards

All development in the DMU District shall be in accordance with the following development standards. Additional standards generally applicable to certain uses and development standards can be found in Article Five "General Regulations."



Lot size is shown as the total area in square feet within the dashed line in the above illustration.

**SECTION 3.25:** Downtown Mixed-Use District (DMU) (Cont.)

Development Standards		
<b>Dimensions</b>	<b>A</b> Street Frontage (Min. Ft.)	Project Area (Min. Acres)
	N/A	N/A
	<b>Lot Size — Single-Family (Min. Sq. Ft.)</b>	<b>Lot Width — Single-Family (Ft.)</b>
	3,500	35 Min.
<b>Setbacks</b>	<b>B</b> Lot Size — Two-Family (Min. Sq. Ft.)	Lot Width — Two-Family (Ft.)
	1,200 Lot Area Per Unit	70 Min.
	<b>Lot Size — Multi-Family (Min. Sq. Ft.)</b>	<b>Lot Width — Multi-Family (Ft.)</b>
	1,200 Lot Area Per Unit	70 Min.
<b>Height</b>	<b>C</b> Front-Yard Setback (Min. Ft.)	Front-Yard Setback (Max. Ft.)
	0*	N/A
	<b>D</b> Side-Yard Setback (Min. Ft.)	Side-Yard Setback (Max. Ft.)
	0	N/A
<b>Lot Coverage</b>	Side-Yard Setback (Min. Aggregate Ft.)	Side-Yard Setback (Max. Aggregate Ft.)
	N/A	N/A
	<b>E</b> Rear Yard Setback (Min. Ft.)	
	5	
<b>Building Height</b>	Building Height (Min. Ft.)	Building Height (Max. Ft.)
	N/A	60
<b>Open Space</b>	Lot Coverage (Max.) — Not Including Paved Areas	Open Space (Min.) — Paved Areas Not Included
	90%	5%

\*For commercial buildings in the DMU District, the building setback shall be replaced with a build-to-line of 0 feet.

## SECTION 3.25: Downtown Mixed-Use District (DMU) (Cont.)

Development Standards	
Accessory Building	F Accessory Building Location  Rear yard, 5 feet from any lot line or recorded easement, whichever is closer
Parking Location	G Parking Location  On Street, Daytime
Drive-Thrus	Drive-Thru Location  Rear and Side-Yards, adjacent to the primary structure.

### F. Development Examples

Buildings in the DMU District may be constructed in accordance with the following development examples:

Development Examples	DMU District	Development Examples	DMU District
Single-Unit Detached (Front Loaded)	●	Multi-Unit Residential	●
Single-Unit Detached (Narrow Lot)	●	Education / Public Institution	●
Duplex Stacked	●	Congregation / Community Facility	●
Triplex Stacked	●	Neighborhood Commercial	●
Fourplex Stacked	●	Commercial Retail	●
Multiplex	●	Office Building	●
Single-Unit Attached	●	Office Flex	●
Accessory Dwelling Unit	●		
Two-Unit Side-by-Side or Duplex	●		

**SECTION 3.27:** Shoreline Mixed-Use District (SMU District)**A. District Location**

The SMU District includes all land lying between the Ordinary High Water Mark (OHWM) of Portage Lake and the upland area shown on the official Zoning Map.

**B. Purpose & Intent**

The provisions of the Shoreline Mixed-Use District are intended to protect the unique and sensitive natural environment of the lake as well as the shore areas adjacent to Portage Lake in the City of Hancock. Its purpose is based on the recognition that:

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

**C. Existing Development Patterns**

The existing development pattern in the SMU District includes businesses and residential uses mixed with traditional neighborhood design between a historic business district and a major waterway.

**D. Desired Development Pattern**

The desired development pattern in the SMU District is commercial and residential development and recreational uses on a neighborhood scale.

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## **SECTION 3.27:** Shoreline Mixed-Use District (SMU) (Cont.)

### **E. General Requirements**

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1. Requirements to Receive Zoning Permit: Before conducting any construction or earth moving on the entire property or vegetation removal within the Lakefront Vegetative Buffer Zone within the SMU District, all of the following criteria must be met:
  - i. A site plan shall be submitted to the Zoning Administrator as outlined in Section 7.09;
  - ii. A zoning permit shall be approved prior to receiving any required county, state or federal permits, including septic and water well permits; soil erosion and sedimentation control permits; wetland permits; flood plain and culvert permits; and/or driveway permits.
2. Setback Requirements: All structures proposed to be built within the SMU District shall be set back a minimum of 25 feet from the OHWM, except for the following uses: pump houses (up to 3' X 3' X 3' tall), recreational docks, covered docks, boat houses, storm water and erosion control measures, picnic tables, benches, recreational watercraft, patios, and stairways and walkways up to 4 feet wide.
  - i. If a greater setback is required under the provisions of any state or federal law than is required by this section, then such setback requirement shall apply.
  - ii. Where the imposition of the setbacks precludes the location of a dwelling or other primary structure, the applicant may request a variance. Any variance must be obtained from the Zoning Board of Appeals in accordance with Article Seven of the Hancock Zoning Ordinance.
3. Lakefront Vegetative Buffer Zone Requirements: Maintaining a natural strip of vegetation along the shoreline is very important to maintaining the aesthetic character and ecological integrity of the shoreline.
  - i. Vegetative buffer zones protect water quality and shoreline habitat, preserve scenic and aesthetic character, and control erosion and flooding. To preserve the fragile and transient nature of the shoreline environment, a Lakefront Vegetative Buffer Zone shall be maintained, where possible, 20' landward of the OHWM.

**SECTION 3.27:** Shoreline Mixed-Use District (SMU) (Cont.)

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3. Lakefront Vegetative Buffer Zone Requirements (Cont.):

- ii. The vegetated zone with native shoreline species shall serve as a natural transition between the shoreline and adjacent upland development. This minimum 20-foot wide permanent vegetative buffer shall remain natural and undisturbed, except if a landscape plan is submitted to and approved by the Planning Commission.
  - iii. The following standards apply to all uses within the 20-foot wide vegetative buffer zone:
    - a. Vegetation removal shall be limited to the amount necessary for the development of the site. Protection of tree crowns and root zones shall be required for all trees.
    - b. Vegetation shall be restored in areas affected by construction activities. Vegetation should be indigenous to the Portage Lake shoreline. Temporary vegetation, sufficient to stabilize the soil, may be required on all disturbed areas as needed to prevent soil erosion. Stumps of trees cleared or harvested within the vegetative buffer zone must remain undisturbed in the ground.
    - c. Tree removal should be limited to removal of fallen, dead, diseased or dangerous trees and selective cutting of trees to provide a filtered view of the water. Cutting of trees should be limited to 30 percent.
    - d. In cases where native vegetation does not exist within a buffer zone, the landowner is encouraged to replant the buffer zone with native plant species.
-

## SECTION 3.27: Shoreline Mixed-Use District (SMU) (Cont.)

### Districts – Use Summary Table (P = Permitted, S = Special)

	REF.#		REF.#		
<b>Residential</b>			<b>Residential (Cont.)</b>		
Accessory Dwelling Unit (ADU)	P	5.03, C & D	Dwelling, Multi-Unit Building	P	
Child Day Care, In-Home - Group	S		Dwelling, Residential Care Facility	S	5.03,I
Child Day Care, In-Home - Family	P		Dwelling, Halfway House	S	
Dwelling, Attached Single-Family	P		Upper Level Dwelling	P	
Dwelling, Detached Single-Family	P				
Dwelling, Duplex	P				
Group Quarters	P				

### Reference: General Regulations

- Article Five - Parking (p. 124)
- Article Five - Exterior Lighting (p. 145)
- Article Five - Landscaping & Buffering (p. 149)
- Article Five - Signage (p. 143)
- Article Five - Accessory Use & Structures (p. 120)

**SECTION 3.27:** Shoreline Mixed-Use District (SMU) (Cont.)

**Districts – Use Summary Table (P = Permitted, S = Special)**

	REF.#	REF.#
<b>Institutional</b>		
Civic		
Community Facility, Activity Center	P	
Library	S	
Museum / Arts Center	P	
<b>Other</b>		
Event Center, Large	S	
Event Center, Small	S	
<b>Parks &amp; Recreation</b>		
Community Facility, Outdoor Recreation	P	
Community Facility, Park	P	
Community Facility, Trail	P	
Community Garden	P	5.03,J
<b>Commercial</b>		
<b>Motor Vehicle Services</b>		
Equipment Repair, Light	S	
Storage, Vehicle & Boat	S	
Vehicle Car Services, Minor	S	
Vehicle Sales, Recreational Vehicles	S	5.07,E
<b>Commercial</b>		
<b>Entertainment / Recreation</b>		
Bar / Tavern		S
Enterprise, Indoor		S
Enterprise, Outdoor		S
Private Club		S
<b>Services</b>		
Overnight Lodging, Bed & Breakfast		P
Overnight Lodging, Boutique Hotel		P
Overnight Lodging, Hotel		P
Overnight Lodging, Motel		P
Overnight Lodging, Resort		P
<b>Restaurant / Food Preparation</b>		
Beverage, Brewing & Distilling		S
Food Service, Fast Casual Restaurant		P
Food Service, Full Service Restaurant		P
Food Service Mobile		P
		5.07,A



## SECTION 3.27: Shoreline Mixed-Use District (SMU) (Cont.)

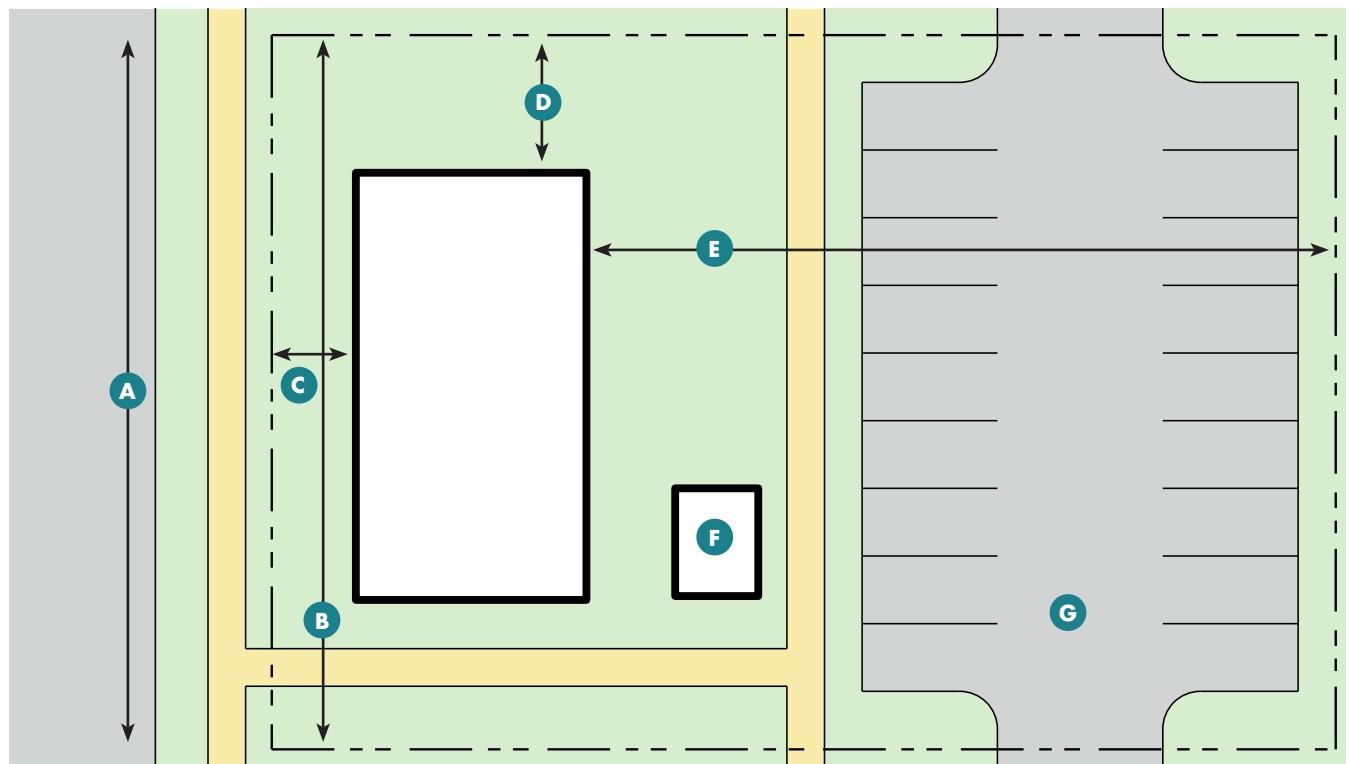
### Districts – Use Summary Table (P = Permitted, S = Special)

	REF.#	
<b>Commercial (Cont.)</b>		
<b>Retail</b>		
Beverage Sales, Liquor, Beer or Wine Store	S	<b>Reference:</b> General Regulations Article Five - Parking (p. 124) Article Five - Exterior Lighting (p. 145) Article Five - Landscaping & Buffering (p. 149) Article Five - Signage (p. 143) Article Five - Accessory Use & Structures (p. 120)
Food Sales, Farm Market	P	
Food Sales, Small Grocery	P	
Food Service, Deli	P	
Retail, Convenience	P	
Retail, Small Format	P	

## **SECTION 3.27:** Shoreline Mixed-Use District (SMU) (Cont.)

### **E. Development Standards**

All development in the SMU District shall be in accordance with the following development standards. Additional standards generally applicable to certain uses and development standards can be found in Article Five "General Regulations."



Lot size is shown as the total area in square feet within the dashed line in the above illustration.

\*The front of a SMU property is considered to be the street side, or the address of the building. Where the existing Front-Yards of two or more principal structures in any block in the same district and on the same side of the street are less than the minimum required Front-Yard, then any Front-Yards of the subsequent buildings within said block need not be greater than the average depth of the existing Front-Yards of the adjacent two principal structures. Whenever a rear yard abuts a Side-Yard on the same side of a street in a Residential District, the required Side-Yard abutting the street shall not be less than the required Front-Yard of the District in which it is located. All required yards shall be increased by one foot for every additional one foot of structure height above the maximum height. Side-Yard and rear yard setbacks within the SMU District that are adjacent to the shoreline Ordinary High Water Mark (OHWM) shall be a minimum of 25 feet as measured from the OHWM.

## SECTION 3.27: Shoreline Mixed-Use District (SMU) (Cont.)

Development Standards			
	A Street Frontage (Min. Ft.)	Project Area (Min. Acres)	
Dimensions	N/A	N/A	
	Lot Size — Single-Family (Min. Sq. Ft.)	Lot Width — Single-Family (Ft.)	
	3,500	35 Min.	
	B Lot Size — Two-Family (Min. Sq. Ft.)	Lot Width — Two-Family (Ft.)	
Setbacks	1,200 Lot Area Per Unit	70 Min.	
	Lot Size — Multi-Family (Min. Sq. Ft.)	Lot Width — Multi-Family (Ft.)	
	1,200 Lot Area Per Unit	70 Min.	
	C Street Side Setback (Min. Ft.)	Street Side Setback (Max. Ft.)	
Setbacks	25*	N/A	
	D Side-Yard Setback (Min. Ft.)	Side-Yard Setback (Max. Ft.)	
	5	N/A	
	Side-Yard Setback (Min. Aggregate Ft.)	Side-Yard Setback (Max. Aggregate Ft.)	
Height	N/A	N/A	
	E Rear Yard Setback (Min. Ft.)		
Lot Coverage	10 (25 if adjacent to the Keweenaw Waterway)		
	Building Height (Min. Ft.)	Building Height (Max. Ft.)	
	N/A	45	
Lot Coverage	Lot Coverage (Max.) — Not Including Paved Areas	Open Space (Min.) — Paved Areas Not Included	
	50%	20%	

**SECTION 3.27:** Shoreline Mixed-Use District (SMU) (Cont.)

<b>Development Standards</b>	
<b>Accessory Building</b>	<b>F</b> Accessory Building Location Rear yard, 5 feet from any lot line or recorded easement, whichever is closer
<b>Parking Location</b>	<b>G</b> Parking Location Side-Yard / Rear Yard
<b>Drive-Thrus</b>	<b>Drive-Thru Location</b> Not Permitted

**F. Development Examples**

Buildings in the SMU District may be constructed in accordance with the following development examples:

<b>Development Examples</b>	<b>SMU District</b>	<b>Development Examples</b>	<b>SMU District</b>
Single-Unit Detached (Front Loaded)	●	Multi-Unit Residential	●
Single-Unit Detached (Narrow Lot)	●	Neighborhood Commercial	●
Duplex Stacked	●	Commercial Retail	●
Triplex Stacked	●	Office Building	●
Fourplex Stacked	●	Office Flex	●
Multiplex	●		
Two-Unit Side-by-Side or Duplex	●		

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**SECTION 3.29:** Industrial District (I)**A. Purpose & Intent**

The purpose of the Industrial (I) District is to serve as the economic engine of the City.

**B. Existing Development Patterns**

The existing development patterns in the I District include small to medium manufacturing facilities and warehouses.

**C. Desired Development Pattern**

The desired development pattern in the I District is to continue the development of manufacturing and warehouse facilities. Additionally, certain retail, commercial and office uses are appropriate within the I District.

**D. Uses**

The following uses are either permitted or special uses as indicated in the following chart. For definitions, see Article Nine, Glossary of Uses.

## SECTION 3.29: Industrial District (I) (Cont.)

### Districts – Use Summary Table (P = Permitted, S = Special)

	REF.#		REF.#
<b>Agricultural</b>		<b>Institutional (Cont.)</b>	
Commercial Greenhouse	S	Transportation	
Farm Equipment Sales & Services	P	Air Transportation Services	S
Outdoor Processing, Composting	P	Air Transportation Services, Heliport	S
<b>Residential</b>		<b>Other</b>	
Mobile Home Parks	P	Community Facility, Detention & Corrections	S
<b>Communications / Utilities</b>		Event Center, Large	S
Power Generation Facility	P	Event Center, Small	S
Power Substation Facility	P	<b>Parks &amp; Recreation</b>	
Wireless Service Facility	P	Community Facility, Outdoor Recreation	P
<b>Institutional</b>		Community Facility, Park	P
<b>Civic</b>		Community Facility, Trail	P
Community Facility, Activity Center	P	Community Garden	P 5.03,J
Community Facility, Government Administration & Courts	P	<b>Commercial</b>	
Community Facility, Public Health Safety	P	<b>Adult Uses</b>	
Library	P	Adult Entertainment Business	S 5.07, D
Museum / Arts Center	P	<b>Motor Vehicles Services</b>	
<b>Education</b>		Equipment Repair, Light	P
School, College/University	P	Retail, Gasoline & Convenience	P
School, Primary	P	Storage, Vehicular & Boat	P
School, Secondary	P	Vehicle Care Services, Washes	P
School, Vocational	P	Vehicular Care Services, Major	P
		Vehicular Care Services, Minor	P
		Vehicular Sales, Automobiles	P 5.07,E

**SECTION 3.29:** Industrial District (I) (Cont.)

**Districts – Use Summary Table (P = Permitted, S = Special)**

	REF.#	REF.#
<b>Commercial</b>		<b>Entertainment / Recreation (Cont.)</b>
<b>Motor Vehicles Services (Cont.)</b>		<b>Services (Cont.)</b>
Vehicular Sales, Motorcycles	P	Health & Wellness, Massage
Vehicular Sales, Recreational Vehicles	P	Health & Wellness, Physical Therapy
<b>Entertainment / Recreation</b>		<b>Overnight Lodging, Boutique Hotel</b>
Enterprise, Indoor	P	Overnight Lodging, Hotel
Enterprise, Outdoor	P	Overnight Lodging, Motel
Live Theater	P	Overnight Lodging, Resort
Movie Theater	P	Personal Care & Beauty Services
Private Club	P	Storage, Self-Store
Shooting Range, Indoor	S	<b>Professional / Office</b>
<b>Services</b>		Medical, Emergency Services
Adult Day Care	P	Medical, Full Service Hospital
Animal Shelter	P	Medical, Nursing
Boarding / Kennel, Indoor	P	Medical, Office
Child Day Care Center	P	Office, Corporate
Clothing Services, Dry Cleaning	P	Radio / Television Broadcast Studios
Clothing Services, Tailor	P	Research Facility / Laboratory
Alternate Financial Services	S	Studio - Art
Financial Services & Banking	P	Veterinary
Funeral Homes	P	
Health & Wellness, Clinic	P	
Health & Wellness, Fitness Facility / Gym	P	

## SECTION 3.29: Industrial District (I) (Cont.)

### Districts – Use Summary Table (P = Permitted, S = Special)

	REF.#		REF.#		
<b>Commercial</b>			<b>Commercial (Cont.)</b>		
Restaurant / Food Preparation			Retail (Cont.)		
Beverage, Brewing & Distilling	P		Garden Center, Indoor	P	
Beverage, Distribution	P		Garden Center, Outdoor	P	
Beverage, Non-Alcoholic Production	P		Outdoor Sales, Primary Use	S	
Food Service, Fast Casual Restaurant	P		Retail, Convenience	P	
Food Service, Full Service Restaurant	P		Retail, Enclosed Shopping Center	P	
Food Service Mobile	P	5.07, A	Retail, Large	P	
Food Service, Processing	P		Retail, Medium	P	
Food Service, Production	P		Retail, Outdoor Shopping Center	P	
Food Service, Quick Serve / Fast Food	P	5.05, D	Retail, Pharmacy	P	
<b>Retail</b>			Retail, Small Format	P	
Antique Shop	P		<b>Industrial</b>		
Auction Facility	P		Equipment Repair, Heavy	P	
Beverage Sales, Liquor, Beer or Wine Store	P		Junk / Scrap Yard	S	
Food Sales, Farm Market	P		Manufacturing, Artisan	P	
Food Sales, Large Grocery	P		Manufacturing, Heavy	P	
Food Sales, Small Grocery	P		Manufacturing, Light	P	
Food Service, Commissary / Bakery	P		Mineral Extraction/Processing	S	5.07, B
Food Service, Deli	P		Outdoor Processing, Concrete & Asphalt	P	
Gallery, Art	P		Recycling Center	P	

**SECTION 3.29:** Industrial District (I) (Cont.)**Districts – Use Summary Table (P = Permitted, S = Special)**

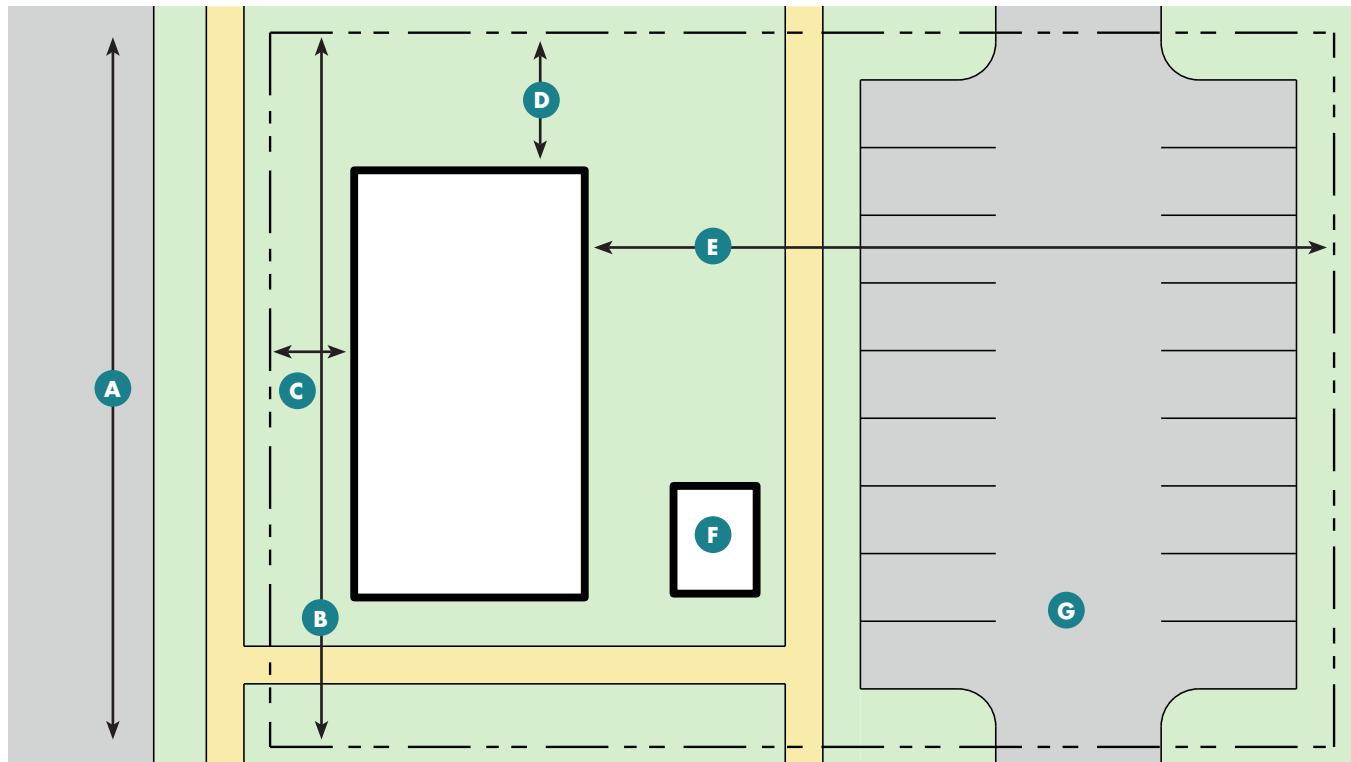
	REF.#
<b>Industrial (Cont.)</b>	
Truck Terminals	P
Warehouse, Large	P
Warehouse, Small	P
Waste Facility	S

**Reference: General Regulations**

- Article Five - Parking (p. 124)
- Article Five - Exterior Lighting (p. 145)
- Article Five - Landscaping & Buffering (p. 149)
- Article Five - Signage (p. 143)
- Article Five - Accessory Use & Structures (p. 120)

**E. Development Standards**

All development in the I District shall be conducted in accordance with the following development standards. Additional standards generally applicable to certain uses and development standards can be found in Article Five "General Regulations."



Lot size is shown as the total area in square feet within the dashed line in the above illustration.

## SECTION 3.29: Industrial District (I) (Cont.)

Development Standards			
Dimensions	A Street Frontage (Min. Ft.)	Project Area (Min. Acres)	
	N/A	N/A	
	Lot Size (Min. Acres)	Lot Size (Max. Acres)	
Setbacks	N/A	N/A	
	B Lot Width (Min. Sq. Ft.)	Lot Width (Max. Ft.)	
	N/A	N/A	
	C Front-Yard Setback (Min. Ft.)	Front-Yard Setback (Max. Ft.)	
	40*	N/A	
Height	D Side-Yard Setback (Min. Ft.)	Side-Yard Setback (Max. Ft.)	
	40	N/A	
	Side-Yard Setback (Min. Aggregate Ft.)	Side-Yard Setback (Max. Aggregate Ft.)	
Lot Coverage	N/A	N/A	
	E Rear Yard Setback (Min. Ft.)		
	40		
Building Height	Building Height (Min. Ft.)	Building Height (Max. Ft.)	
	N/A	35	
Lot Coverage	Lot Coverage (Max.) – Not Including Paved Areas	Open Space (Min.) – Paved Areas Not Included	
	65%	20%	

\*Where the existing Front-Yards of two or more principal structures in any block in the same district and on the same side of the street are less than the minimum required Front-Yard, then any Front-Yards of the subsequent buildings within said block need not be greater than the average depth of the existing Front-Yards of the adjacent two principal structures. Whenever a rear yard abuts a Side-Yard on the same side of a street in a Residential District, the required Side-Yard abutting the street shall not be less than the required Front-Yard of the District in which it is located. All required yards shall be increased by one foot for every additional one foot of structure height above the maximum height.

**SECTION 3.29:** Industrial District (I) (Cont.)

Development Standards	
<b>Accessory Building</b>	<b>F Accessory Building Location</b> Rear or Side-Yard, 5 feet from any lot line or recorded easement; no closer to the front lot line than 10 feet behind the front building line
<b>Parking Location</b>	<b>G Parking Location</b> Front-Yard / Side-Yard / Rear Yard - if Front-Yard, then only 50% of Front-Yard may be devoted to impervious parking surface
<b>Drive-Thrus</b>	<b>Drive-Thru Location</b> Rear and Side-Yards, adjacent to the primary structure.

**F. Development Examples**

Buildings in the I District may be constructed in accordance with the following development examples:

Development Examples	I District
Education / Public Institution	●
Congregation / Community Facility	●
Neighborhood Commercial	●
Commercial Retail	●
Office Building	●
Office Flex	●
Industrial Flex	●

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## **SECTION 3.31: Open Space & Recreation District (OSR)**

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### **A. Purpose & Intent**

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The Open Space and Recreation (OSR) District is intended to promote the conservation of open space and supporting uses within the city of land conservation and recreation.

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### **B. Existing Development Patterns**

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The existing development pattern in the OSR includes land held in conservation, public parks, and open space.

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### **C. Desired Development Pattern**

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To maintain existing land held in conservation, public parks, and open space and to provide these public facilities in close proximity to existing neighborhoods.

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### **D. Uses**

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The following uses are either permitted or special uses as indicated in the following chart. For definitions, see Article Nine, Glossary of Uses.

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#### **Districts – Use Summary Table (P = Permitted, S = Special)**

	REF.#	REF.#
<b>Agricultural</b>		
Outdoor Processing, Composting	P	
<b>Other</b>		
Club House	S	
Event Center, Large	S	
Pro Shop	S	
<b>Parks &amp; Recreation</b>		
Community Facility, Outdoor Recreation	P	
Community Facility, Park	P	
Community Facility, Trail	P	
Community Garden	P	5.03.J
<b>Reference: General Regulations</b>		
Article Five - Parking (p. 124)		
Article Five - Exterior Lighting (p. 145)		
Article Five - Landscaping & Buffering (p. 149)		
Article Five - Signage (p. 143)		
Article Five - Accessory Use & Structures (p. 120)		

**SECTION 3.31: Open Space & Recreation District (OSR) (Cont.)****E. Development Standards**

All development in the OSR shall be conducted in accordance with the following standards. Additional standards generally applicable to certain uses and development standards can be found in Article Five "General Regulations."

Development Standards		
Dimensions	A Street Frontage (Min. Ft.) N/A	Project Area (Min. Acres) N/A
	B Lot Size (Min. Sq. Ft.) N/A	Lot Size (Max. Sq. Ft.) N/A
Setbacks	C Lot Width (Min. Ft.) N/A	Lot Width (Max. Ft.) N/A
	D Front-Yard Setback (Min. Ft.) N/A	Front-Yard Setback (Max. Ft.) N/A
Height	E Side-Yard Setback (Min. Ft.) N/A	Side-Yard Setback (Max. Ft.) N/A
	F Side-Yard Setback (Min. Aggregate Ft.) N/A	Side-Yard Setback (Max. Aggregate Ft.) N/A
Lot Coverage	G Rear Yard Setback (Min. Ft.) N/A	H Building Height (Min. Ft.) N/A
	I Building Height (Max. Ft.) N/A	J Open Space (Min.) – Paved Areas Not Included N/A
K Lot Coverage (Max.) – Not Including Paved Areas N/A		

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## **SECTION 3.31:** Open Space & Recreation District (OSR) (Cont.)

<b>Development Standards</b>	
<b>Accessory Building</b>	<b>F</b> Accessory Building Location N/A
<b>Parking Location</b>	<b>G</b> Parking Location N/A
<b>Drive-Thrus</b>	Drive-Thru Location N/A

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## **SECTION 3.33:** Cluster Development Overlay District (CDO)

**A. Purpose:** The provisions of the Cluster Development Overlay District are intended to protect the unique and sensitive natural environment throughout the community. Its purpose is based on the recognition that:

- 
1. To encourage the preservation of larger tracts of land in an undeveloped state whereby natural resources, natural features, scenic or wooded conditions, agricultural use, open space, and similar uses or conditions are preserved;
  2. To conserve areas containing unique and sensitive features such as steep slopes, floodplains and wetlands, by setting them aside from development;
  3. To reduce erosion and sedimentation by the retention of existing vegetation, and the minimization of development on steep slopes;
  4. To provide for a diversity of lot sizes, building densities, and housing choices to accommodate a variety of age and income groups, and residential preferences, so that the community's population diversity may be maintained;
-

**SECTION 3.33:** Cluster Development Overlay District (CDO) (Cont.)

5. To implement the policies in the City of Hancock Land Use Plan to conserve a variety of aesthetically and environmentally sensitive resource lands, including provisions for reasonable incentives to create a network of conservation lands for the benefit of present and future residents;
  6. To create neighborhoods with direct visual access to open land, with amenities in the form of neighborhood open space, and with a strong neighborhood identity;
  7. To provide for the conservation and maintenance of open land within the city to achieve the above-mentioned goals and for active or passive recreational use by residents;
  8. To provide multiple options for landowners in order to minimize impacts on environmental resources (sensitive land such as wetlands, floodplains, and steep slopes) and disturbance of other natural or cultural features;
  9. To provide standards reflecting the varying circumstances and interests of landowners, and the individual characteristics of their properties; and
  10. To conserve scenic views and elements of the City of Hancock's natural character, and to minimize perceived density, by minimizing views of new development from existing roads and bodies of water and between adjacent and conflicting land uses.
- 

- B. Overlay District Established:** The establishment of this overlay district is to satisfy the requirements of 2006 The Michigan Zoning Enabling Act, [MCL 125.3506], as may be amended. It requires that qualified jurisdictions (municipalities) provide, at the option of the landowner, for the development of residential units on a portion of the property provided that 50 percent or more of the land is preserved in permanent open space. This district is an overlay over those existing districts that have a permanent open space. This district is an overlay over those existing districts that have a residential density of three units per acre or less (with public sewer) or two units per acre or less (without public sewer). This shall be a development option for landowners within the following districts: R-1 and R-2.
-

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## **SECTION 3.33: Cluster Development Overlay District (CDO) (Cont.)**

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**C. Permitted Uses:** All permitted residential uses within the underlying district are permitted within the CDO District. At the landowners option, Single-Family dwellings will be permitted within residential developments subject to the following:

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1. An application shall be filed identifying the landowners desire to exercise the open space preservation development option. With the application, the landowner shall submit a comparison plan that adheres to site development requirements for the underlying zoning district. This can be in the form of a proposed plat establishing lots or a land division plan creating parcels. This comparison plan will determine the number of dwelling units that can be developed within the open space preservation plan. This application and comparison may be reviewed administratively with the applicant prior to the submission of a site plan.
  2. A site plan, adhering to the standards within the ordinance under Section 7.09, shall be submitted for review and approval by the Planning Commission. It shall be titled "Open Space Preservation Plan" and a copy of the comparison plan shall be included with the site plan. A copy of these plans shall be submitted to the Houghton County Health Department by the applicant for their review and any correspondence received from them shall be submitted by the applicant to the City.
  3. The Planning Commission will review the site plan and determine compliance with the ordinance standards for:
    - i. Site plan review;
    - ii. Requirements within the underlying zoning district; and
    - iii. The requirements of this overlay district including site development requirements listed in Section 3.33, F.
  4. The Planning Commission may approve the site plan as presented, approve subject to conditions or changes reflected in the motion to approve, table pending the submission of additional information, or deny the request based upon noncompliance with the ordinance standards.
-

**SECTION 3.33:** Cluster Development Overlay District (CDO) (Cont.)

---

**D. Conditions for Approval:** The required conditions will be based upon the layout and design of the dwelling units and preservation of the open space as follows:

---

1. Initial Conditions: New parcels within the underlying districts may be created in accordance with the open space preservation option if both of the following apply:
    - i. The development does not depend upon the extension of a public sewer or a public water supply system, unless development of the land without the exercise of the option provided by this article would also depend upon such an extension.
    - ii. The option provided following this section has not previously been exercised with respect to that land.
  2. Open Space Preservation Option: A maximum of 50 percent of any parent parcel buildable area may be divided into new parcels as described below. The remaining 50 percent plus of the parent parcel shall be kept as open space in perpetuity by means of a conservation easement, plat dedication, restrictive covenant, or other legal means that runs with the land acceptable to the Planning Commission. Development rights shall be transferred from the portion of the parent parcel kept as open space to the parent parcel's buildable area such that the same number of dwelling units as would otherwise be allowed on the entire area in the absence of the open space preservation option shall be allowed on the parent parcel's buildable area.
  3. Layout/Design Provisions: The layout and design of the dwelling units will be in a manner that achieves the greatest compatibility with surrounding land use and with the intent and purpose of this overlay district and the underlying zone. It shall balance what is economically feasible for efficient conservation development with the need to preserve the character of the area. Individual parcels, lots or sites within the residential development shall meet the following:
    - i. (Lot) width. The parcels, lots, or sites (units) will have a minimum lot width of no less than 50 percent of the minimum lot width within the underlying zone or 30-feet, whichever is greater.
    - ii. (Lot) area. The parcels, lots, or sites (units) will have a minimum lot area of 25 percent of the minimum lot area within the underlying zone or 3,000 square feet, whichever is greater.
    - iii. (Lot) coverage. The parcels, lots or sites (units) will have a maximum lot coverage of 70 percent, including accessory buildings.
-

---

## **SECTION 3.33: Cluster Development Overlay District (CDO) (Cont.)**

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- iv. Floor area. The minimum floor area for the dwelling unit will meet the minimum standard within the underlying zone.
  - v. Yard/setback. The dwelling units will meet the following setback provisions:
    - a. Front. 50 percent of the minimum setback within the underlying zone, but no less than 5'.
    - b. Side. 50 percent of the minimum setback within the underlying zone, but no less than 5'.
    - c. Rear. 50 percent of the minimum setback within the underlying zone but no less than 15'.
  - iv. Height. The maximum height will meet the maximum height standard within the underlying zone.
4. Additional Provisions: The intent of this overlay district is to preserve land in an undeveloped state as well as to preserve the character of the area consistent with that of the underlying zone. In order to achieve this intent, the following conditions will apply:
    - i. The applicant will provide documentation of the means to preserve the open space, whether in the form of a conservation easement, plat dedication, restrictive covenant, or other legal means that runs with the land acceptable to the Planning Commission. The applicant shall likewise identify the party responsible for maintenance of the open space area. If proposed for dedication to the public, a letter of support from the public entity, indicating acceptance and responsibility for maintenance, will be included with the application. The Planning Commission may impose conditions on the preserved open space, and any change in use shall require a formal amendment of the site plan.

**SECTION 3.33:** Cluster Development Overlay District (CDO) (Cont.)

---

- ii. No part of the developed parcels, lots or sites will be counted toward the open space, nor shall any land devoted to roadways or other impervious surfaces, other than those of a recreational nature (such as bike paths, recreational trails or linear park paths).
  - iii. The open space will be arranged in a manner so that it is contiguous and accessible by residents within the residential development. It shall also be arranged to connect to other open space areas on adjoining properties and/or connected to possible pedestrian or non motorized trails. The Planning Commission shall approve open space preservation project with the goals and objectives for establishing the district.
  - iv. The open space shall preserve those areas where protection of the highest quality of natural resource is achieved. This includes areas of mature tree stands or forested areas, habitat areas for wildlife or similar areas that could otherwise be developed.
- 

**E. Conditions for Approval:** Special Land Uses. No special land use within the underlying zoning district will be allowed unless such use is processed separately under the special land use process for review and approval.

---

**F. Site Development Requirements:** The following regulations are based upon the relationship of the residential cluster(s) and the restricted open space to the adjoining properties, including the road right-of-way:

---

1. Setback & Access:

- i. Development Setback. The placement of any residential development will be setback 50 feet from any abutting property line and 100 feet from any existing public road right-of-way. This area may be included within the calculated open space.
  - ii. Access. Access to the dwelling units within the residential development may be in the form of a public road or private road, with any private road adhering to public road standards. If the residential development is made up of no more than two dwelling units, a private driveway may be utilized, provided it has an improved surface with a width of no less than 20 feet and a height clearance of 15 feet to support access by emergency vehicles.
-

---

## **SECTION 3.33:** Cluster Development Overlay District (CDO) (Cont.)

---

2. Siting Criteria for New Parcels. Diversity and originality in parcel lay-out shall be encouraged to achieve the best possible relationship between buildable and conservation land areas as described in this chapter. The Planning Commission shall evaluate proposals to determine whether the proposed site plan meets the following criteria:
    - i. Protects and preserves all flood plains, wetlands, and steep slopes (grades of 25 percent or greater) from clearing, grading, filling or construction.
    - ii. Preserves and maintains existing fields, meadows, crop land, pastures, and orchards and creates sufficient buffer areas to minimize conflict between residential and agricultural/forestry uses. When new development must be located in these areas due to greater constraints in all other parts of the site, buildings should be sited on the least prime and important or unique farmland or forest land soils.
    - iii. Maintains or creates an undisturbed upland buffer of natural native vegetation of at least 100 feet in depth adjacent to surface waters, including lakes, rivers and streams.
    - iv. Minimizes impacts on large woodlands five acres or greater in area, especially those located on prime or important farmland soils or those located on prime timberland soils.
    - v. Leaves scenic views and vistas unblocked and uninterrupted, particularly as seen from adjacent roads and surface water.
    - vi. Avoids siting new construction on prominent hilltops or ridges, by taking advantage of lower topographic features or by siting in forested areas.
    - vii. Protects wildlife habitat areas of species listed as endangered, threatened or of special local concern.
    - viii. Designs around and preserves sites of historic, archaeological, or cultural value as needed to safeguard the character of the feature.
    - ix. Protects rural roadside character and improves public safety and vehicular carrying capacity by avoiding development fronting directly onto existing public roads. Establishes buffer zones along the scenic corridor of rural roads by allowing historic buildings, stone walls, hedgerows, and similar features to remain.
-

**SECTION 3.33:** Cluster Development Overlay District (CDO) (Cont.)

---

- x. Provides that conservation lands shall be reasonably contiguous. Fragmentation of conservation lands shall be minimized, except for common greens and playground areas, conservation lands are not divided into numerous small parcels located in various parts of the development.
  - xi. When conservation lands are held in common by surrounding parcel owners, the proposed site plan shall:
    - a. Provide for active recreation areas in suitable locations that offer convenient access by residents.
    - b. Include a pedestrian circulation system designed to assure that pedestrians can walk safely and easily on the site, between parcels, activity areas, special features and contiguous developments.
    - c. Ownership of conservation lands may remain with the owner of the parent parcel, a homeowner's association made up of parcel owners in the development, the City, or a recognized not-for-profit land conservancy.
    - d. Conservation lands created pursuant to this chapter may be used for any use allowed in the zoning district in which it is located so long as such use complies with the other provisions of this chapter.
-

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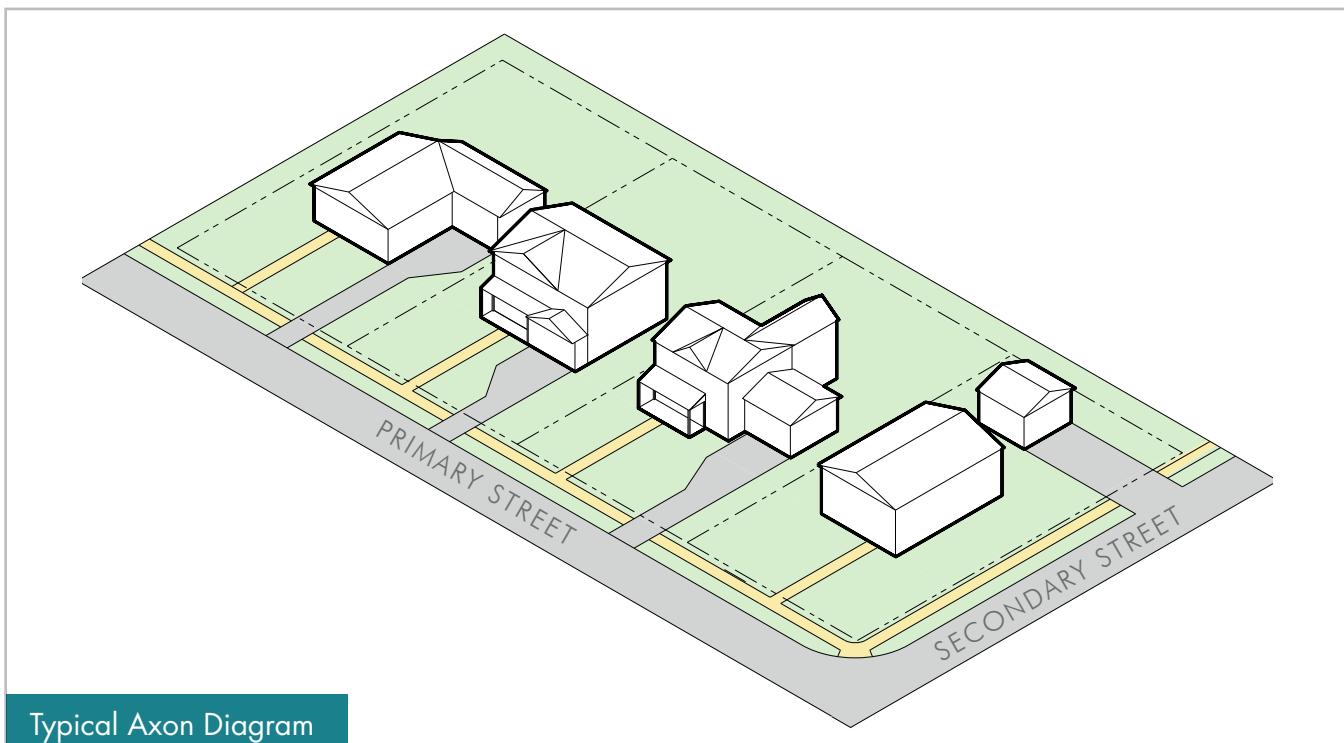
## **SECTION 3.35:** Development Examples

- A.** The building examples are for new development in the districts described below. New buildings and alterations to existing buildings shall be reviewed in accordance with the development standards contained within this Article.
- 

<b>Building Examples</b>	<b>R-1</b>	<b>R-2</b>	<b>B-1</b>	<b>B-2</b>	<b>DMU</b>	<b>SMU</b>	<b>I</b>
Single-Unit Detached (Front Loaded)	●	●	●	●	●	●	●
Single-Unit Detached (Narrow Lot)	●	●	●	●	●	●	●
Duplex Stacked		●	●	●	●	●	●
Triplex Stacked		●	●	●	●	●	●
Fourplex Stacked		●	●	●	●	●	●
Multiplex		●	●	●	●	●	●
Single-Unit Attached		●	●	●	●	●	
Accessory Dwelling Unit	●	●	●	●	●	●	
Two-Unit Side-by-Side or Duplex	●	●	●	●	●	●	
Multi-Unit Residential	●	●	●	●	●	●	
Education / Public Institution	●	●	●	●	●		●
Congregation / Community Facility	●	●	●	●	●		●
Neighborhood Commercial	●	●	●	●	●	●	●
Commercial Retail		●	●	●	●	●	●
Office Building		●		●	●	●	●
Office Flex		●		●	●	●	●
Industrial Flex							●

## Single-Unit Detached (Front Loaded)

### A. Typical Configuration



Note: Diagram is illustrative, not regulatory.

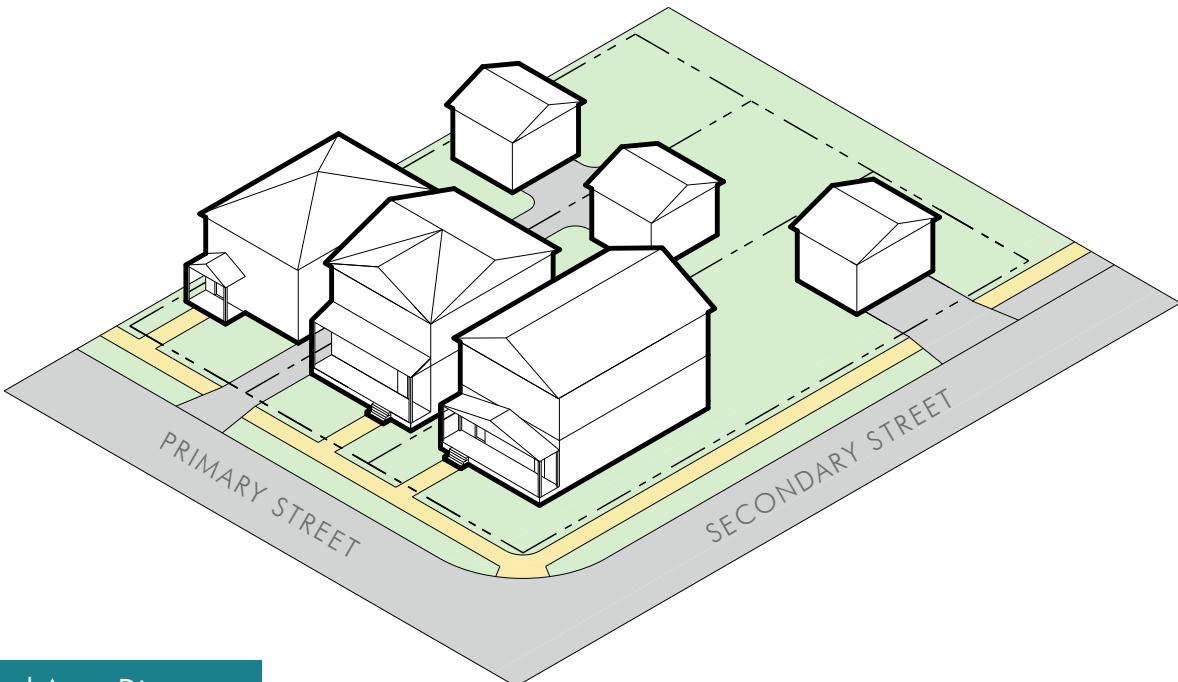
- B.** Attached or detached structures from one to two stories which can include single or mixed uses. Parking is located in the rear/side of the building accessed from a rear alley when possible.

### Example Images



## Single-Unit Detached (Narrow Lot)

### A. Typical Configuration



Typical Axon Diagram

Note: Diagram is illustrative, not regulatory.

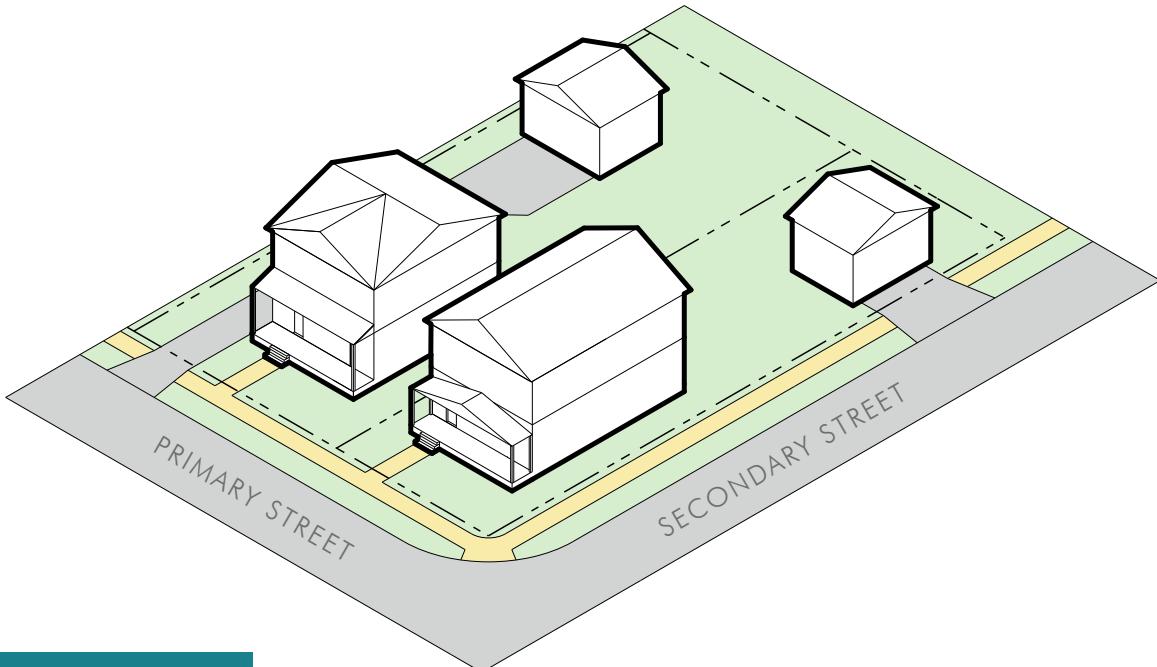
- B.** A detached structure with narrow side and street setbacks where garages are clearly subordinate to the principal structure. This type of housing can be placed on a narrow (35-foot) lot with a shared driveway.

### Example Images



## Duplex Stacked

### A. Typical Configuration



Typical Axon Diagram

Note: Diagram is illustrative, not regulatory.

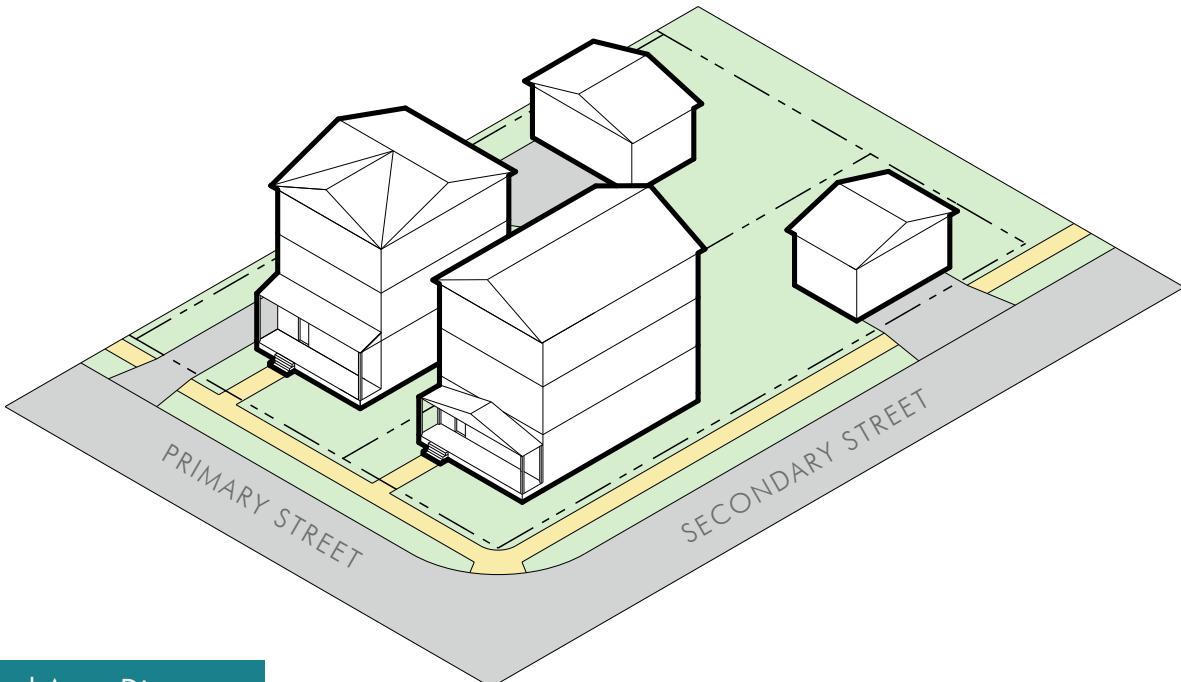
- B.** This type has two units stacked, with one unit on the ground floor and the other on top. This type of housing can also be placed on a narrow lot with a building maximum width of 55' and depth of 65.'

### Example Images



## Triplex Stacked

### A. Typical Configuration



Typical Axon Diagram

Note: Diagram is illustrative, not regulatory.

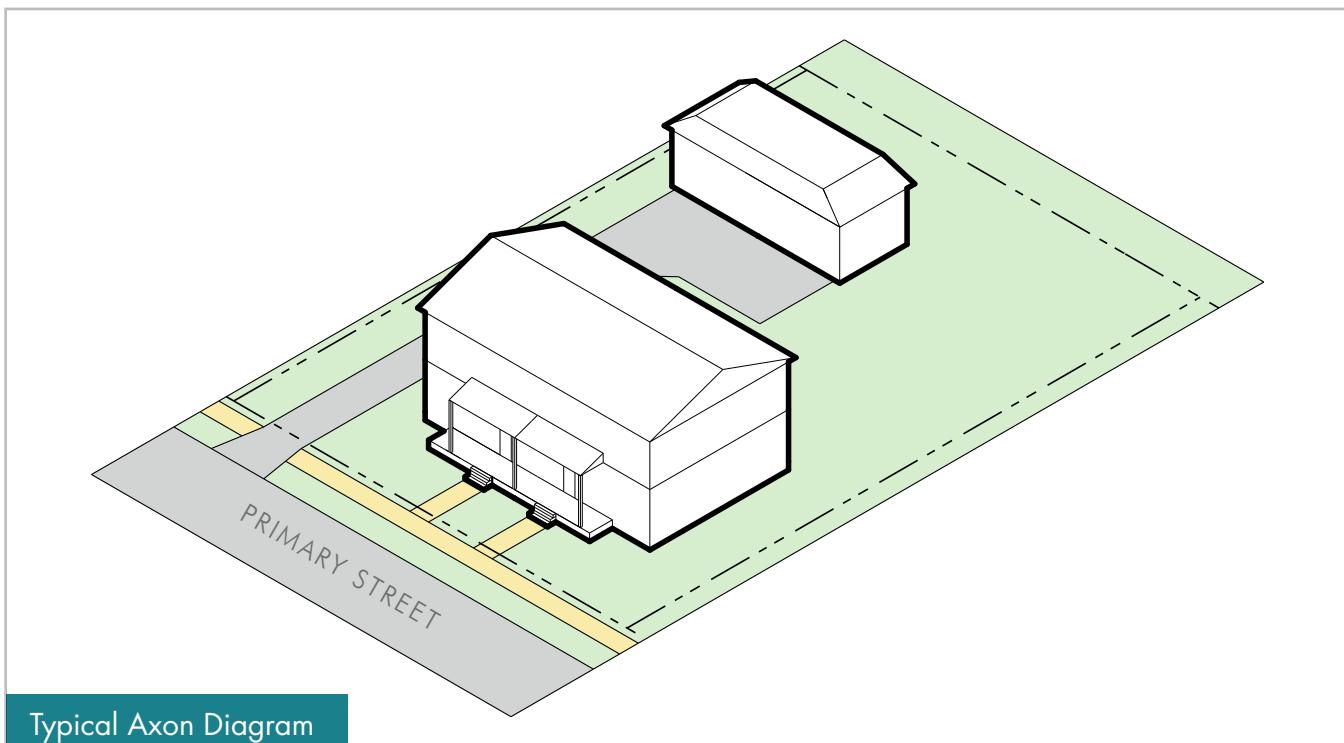
- B.** This type has a small-to-medium-size structure consisting of three dwellings stacked on top of each other on consecutive floors with a building maximum width of 55' and depth of 65'.

### Example Images



## Fourplex Stacked

### A. Typical Configuration



Note: Diagram is illustrative, not regulatory.

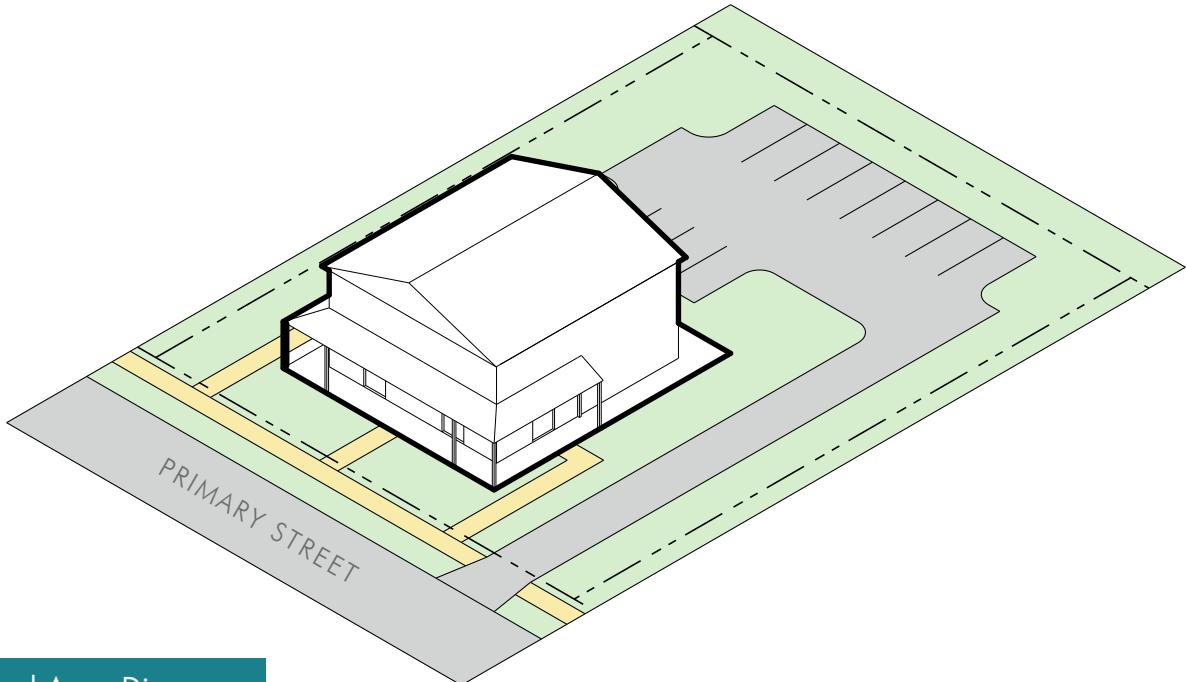
- B.** This type of small-to-medium-sized structure consists of two units on the ground floor and two units stacked directly above them with a building maximum width of 75' and depth of 80.'

### Example Images



## Multiplex

### A. Typical Configuration



Typical Axon Diagram

Note: Diagram is illustrative, not regulatory.

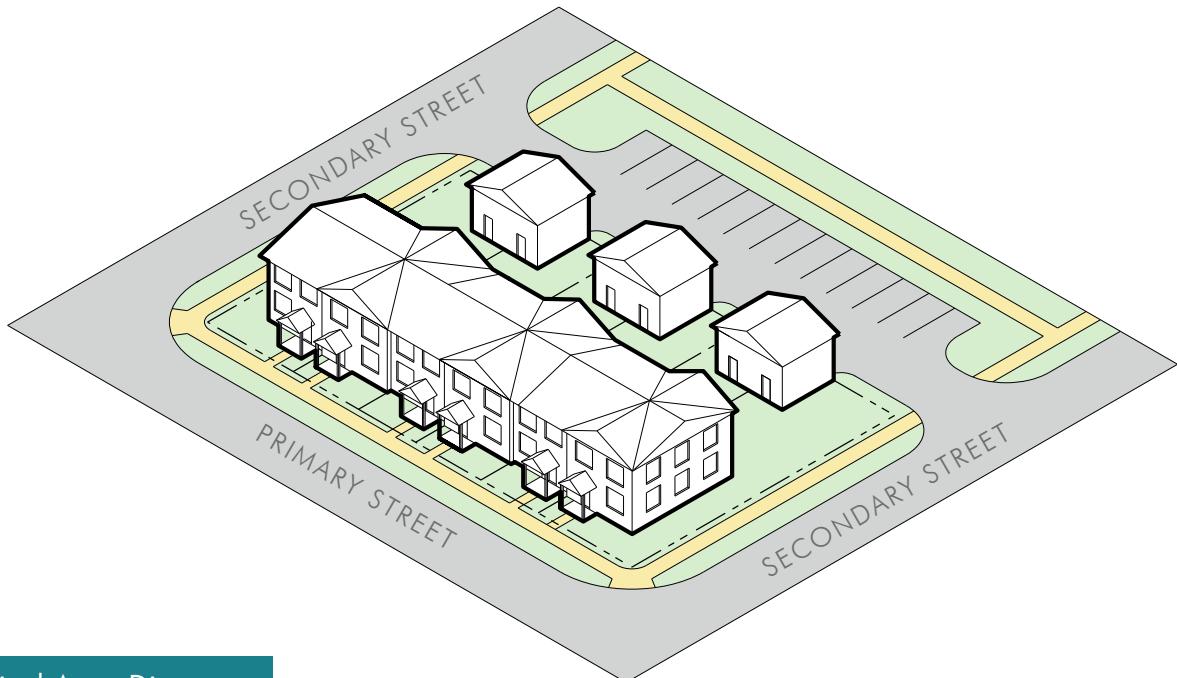
- B.** This type of small-to-medium-sized structure is made to look like a large mansion with 5-12 units stacked on top of one other on consecutive floors, often with a shared entry with a building maximum width of 75' and depth of 80.'

### Example Images



## Single-Unit Attached, Townhouse, or Rowhouse

### A. Typical Configuration



Typical Axon Diagram

Note: Diagram is illustrative, not regulatory.

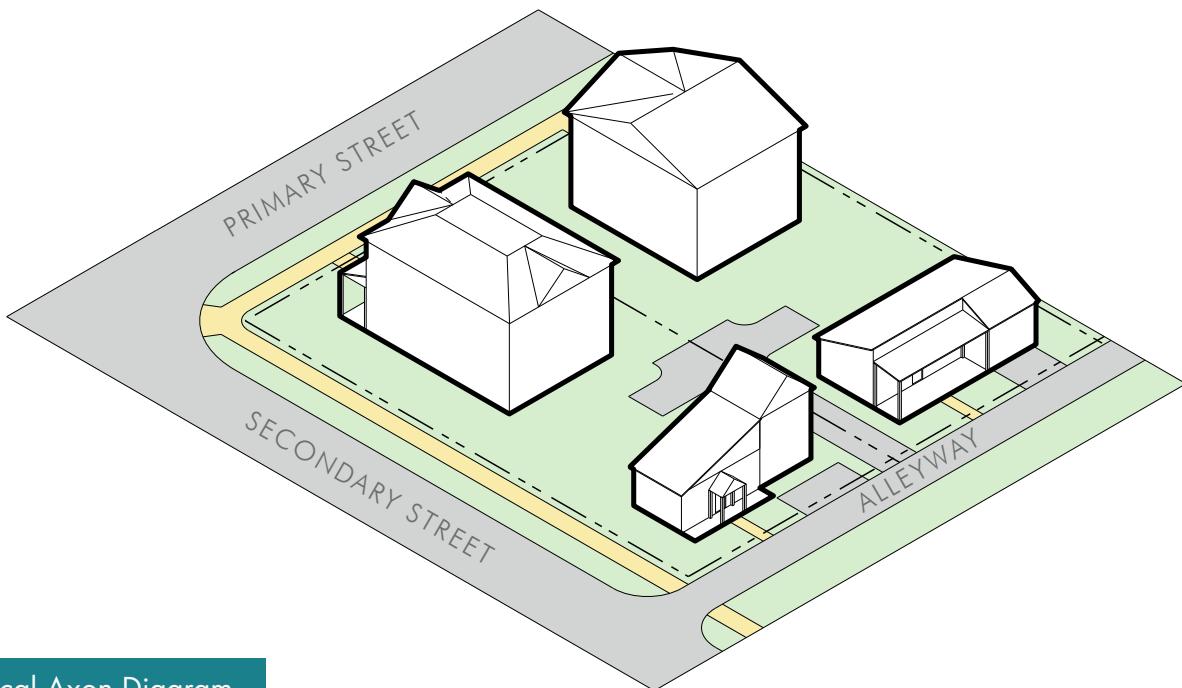
- B.** An attached structure with narrow side and street setbacks. Garage access is typically from a rear parking lot or garage, but garages are clearly subordinate to the principal structure.

### Example Images



## Accessory Dwelling Unit

### A. Typical Configuration



Typical Axon Diagram

Note: Diagram is illustrative, not regulatory.

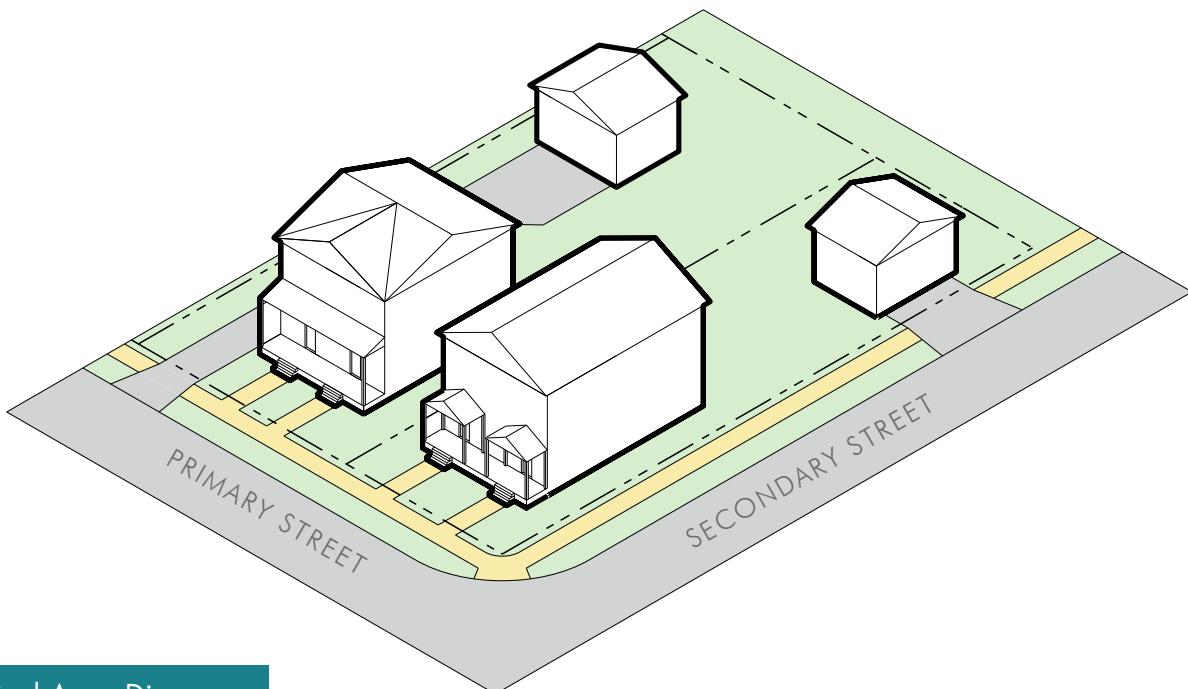
- B.** An attached or detached secondary structure that allows for additional dwelling unit(s) on a single property. These may be over a garage, attached to the primary structure, or stand alone units.

### Example Images



## Two-Unit Side-by-Side or Duplex

### A. Typical Configuration



Typical Axon Diagram

Note: Diagram is illustrative, not regulatory.

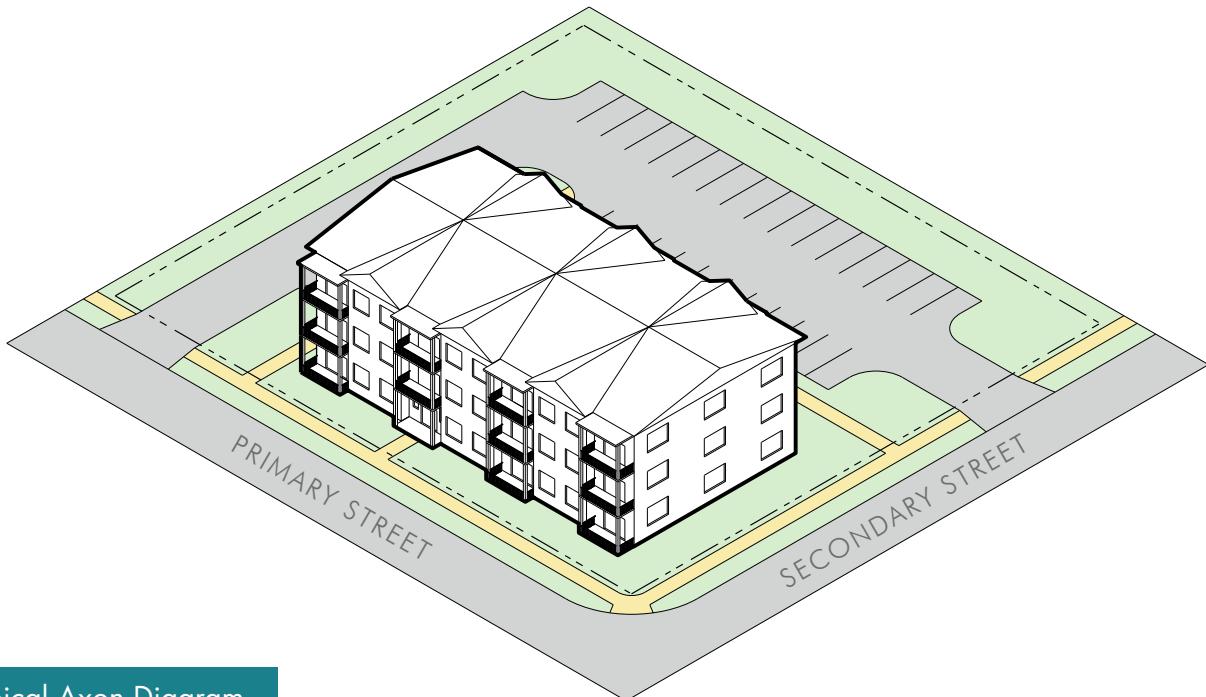
- B.** A detached structure with two units that is massed as a single structure. Setbacks can range from narrow to wide and units are typically side-by side, but may be stacked.

### Example Images



## Multi-Unit Residential

### A. Typical Configuration



Typical Axon Diagram

Note: Diagram is illustrative, not regulatory.

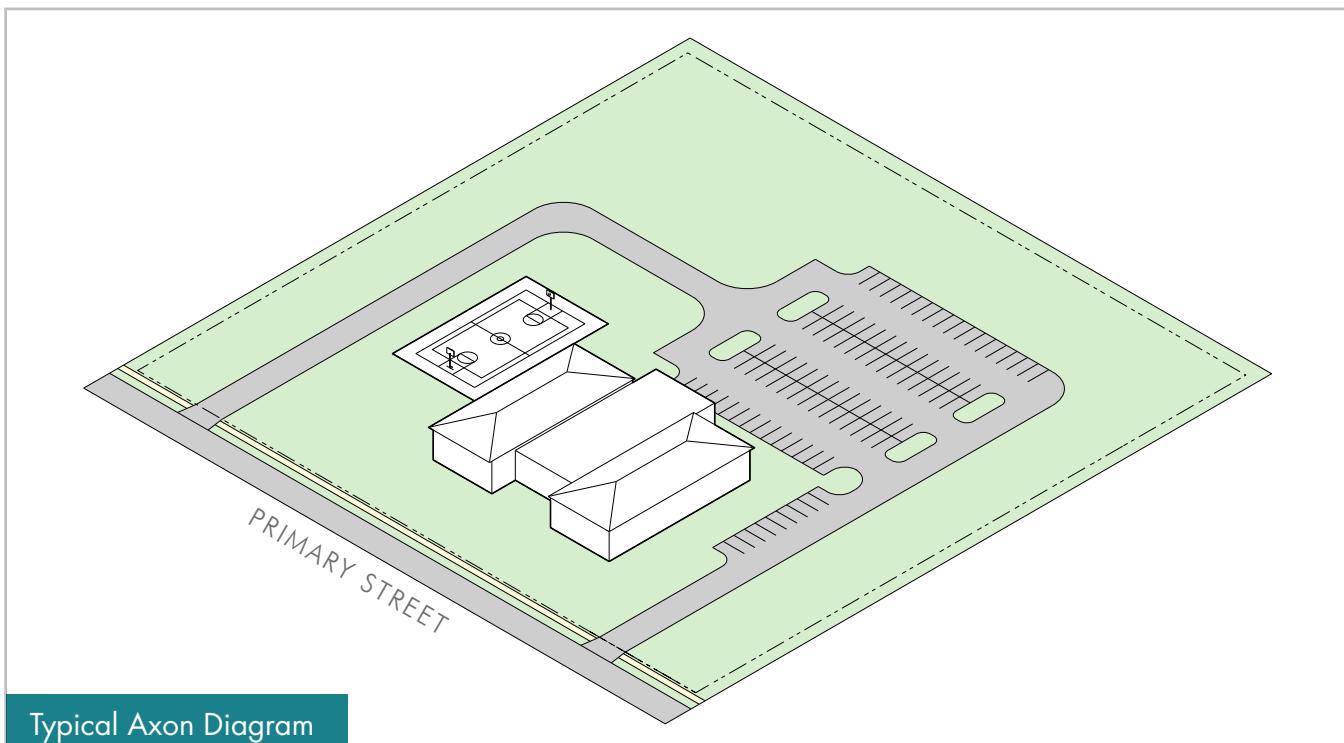
- B.** A building with multiple residential units that front an interior corridor, with main access from the primary street. Units can be next to each other (side-by-side), or stacked (top and bottom).

### Example Images



## Education / Public Institution

### A. Typical Configuration



Note: Diagram is illustrative, not regulatory.

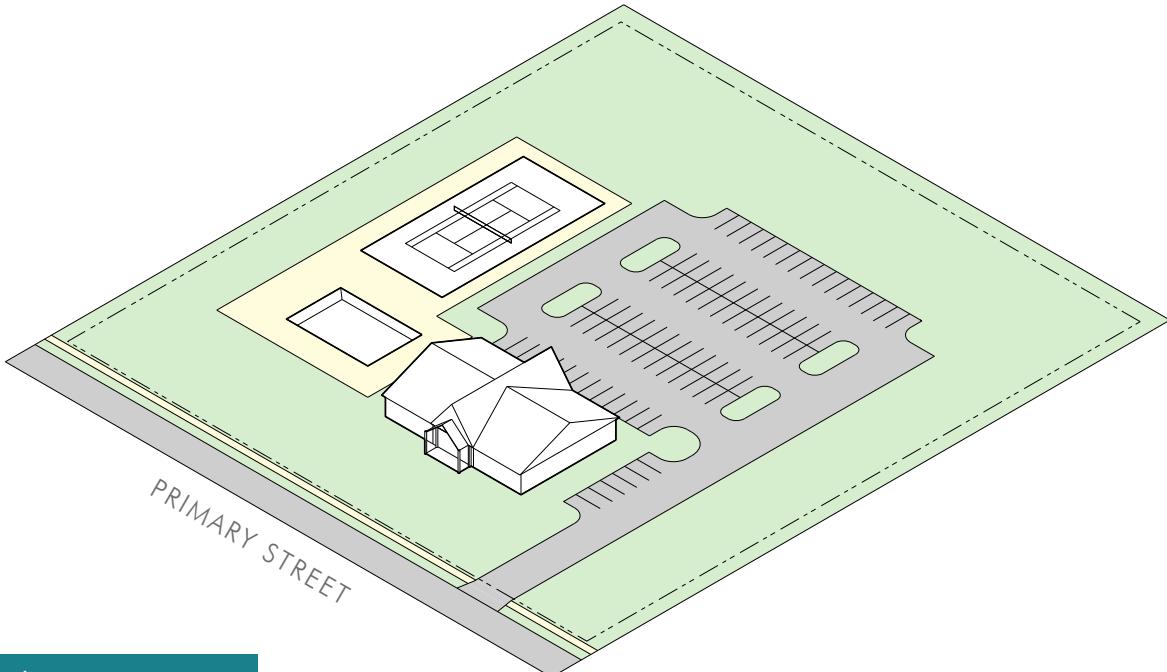
- B.** An institution or place for instruction or education, such as kindergarten, elementary, middle, or junior high school, and high school.

### Example Images



## Community Facility

### A. Typical Configuration



Typical Axon Diagram

Note: Diagram is illustrative, not regulatory.

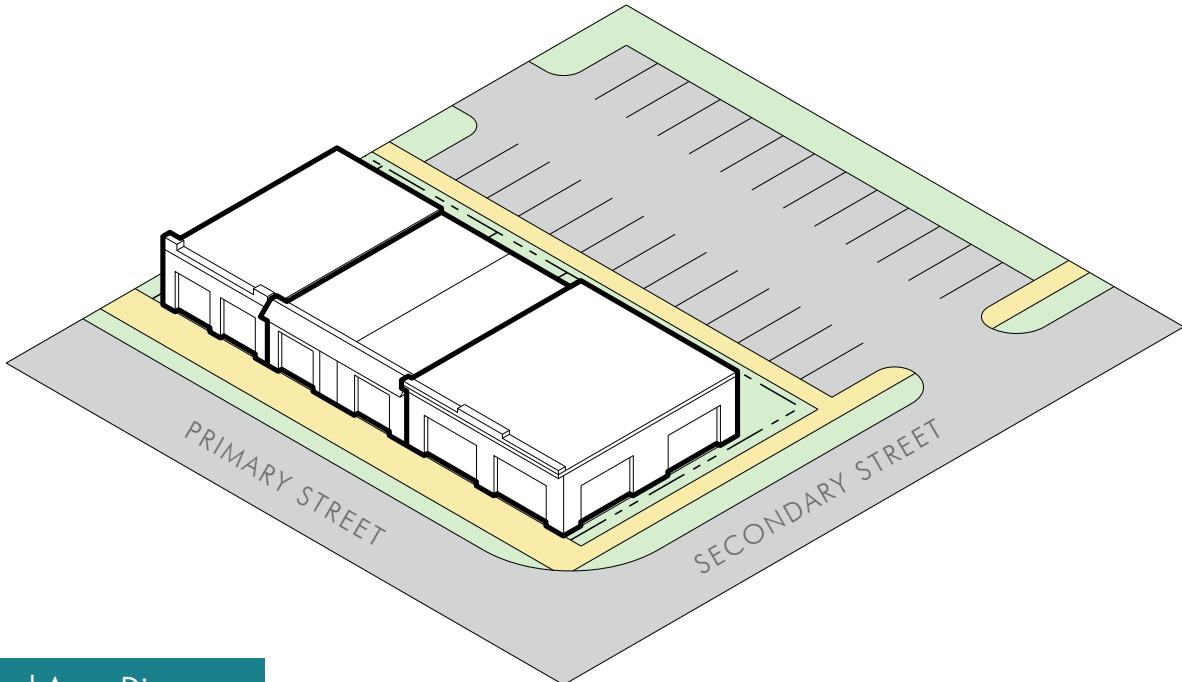
- B.** Usually a public building where community can gather for group activities, social support, public information, and other purposes. It can be open for the whole community or specialized groups.

### Example Images



## Neighborhood Commercial

### A. Typical Configuration



Typical Axon Diagram

Note: Diagram is illustrative, not regulatory.

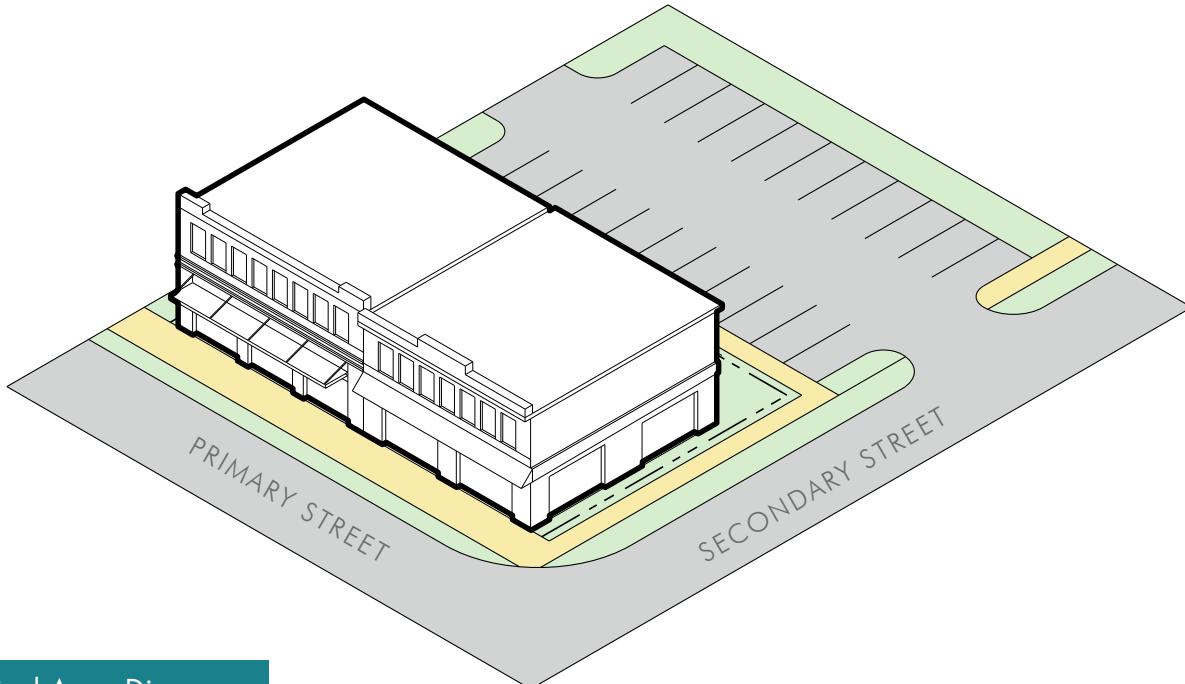
- B.** Attached or detached structures from one to two stories which can include single or mixed uses. Parking is located in the rear/side of the building accessed from a rear alley when possible.

### Example Images



## Commercial Retail

### A. Typical Configuration



Typical Axon Diagram

Note: Diagram is illustrative, not regulatory.

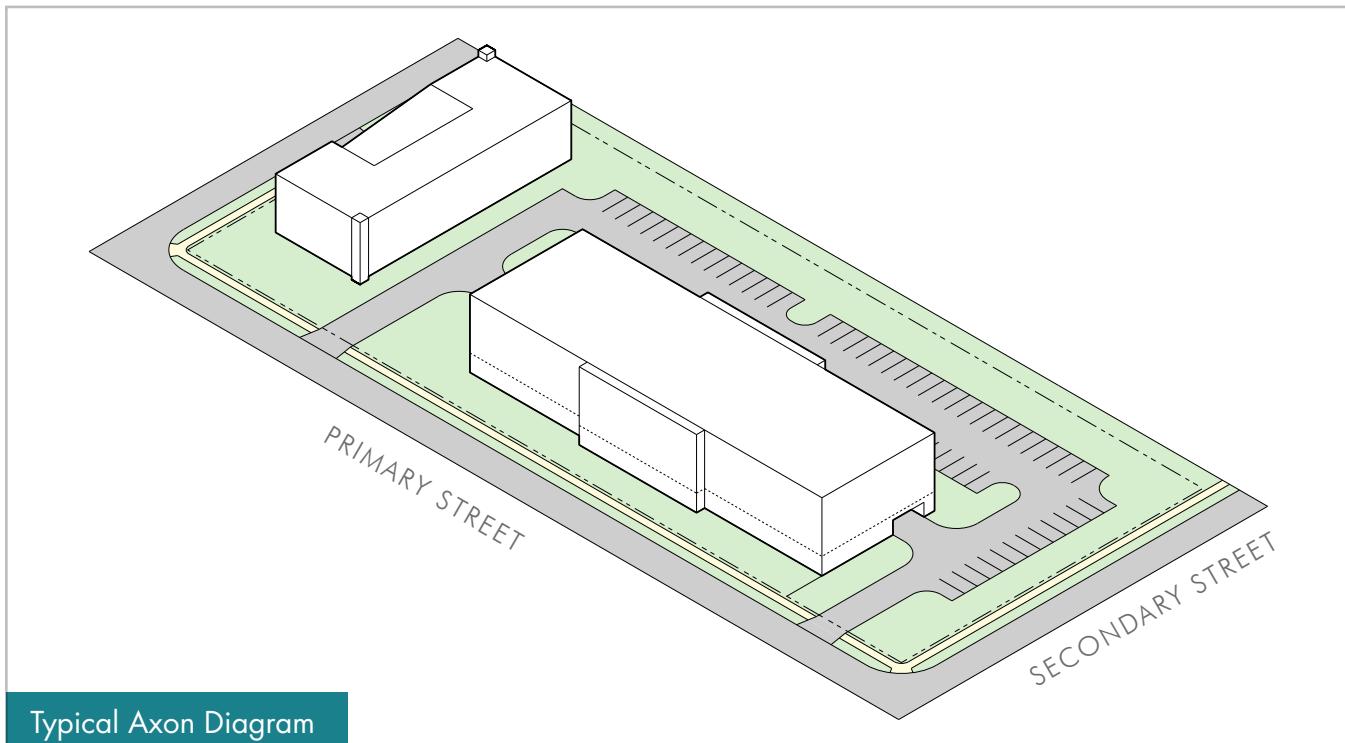
- B.** Attached or detached structures from one to four stories which can include single or mixed uses and open store fronts. Parking is located in the rear/side of the building accessed from a rear alley when possible.

### Example Images



## Office Building

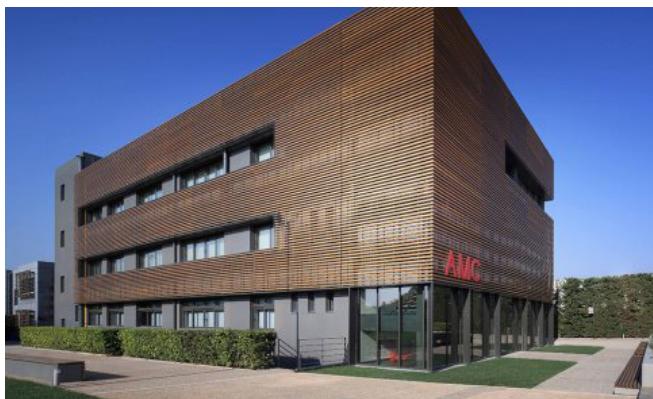
### A. Typical Configuration



Note: Diagram is illustrative, not regulatory.

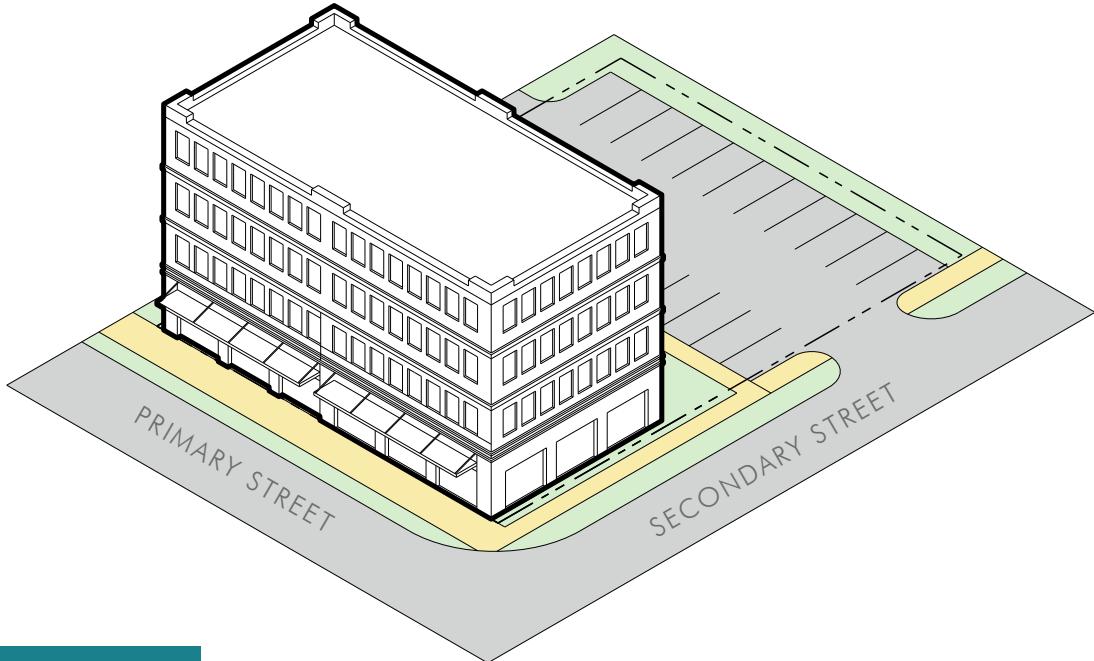
- B.** A building used for a single business, service, industry, or like activity, which may include ancillary services. Parking is typically found on the same lot with main access from the primary street.

### Example Images



## Office / Flex

### A. Typical Configuration



Typical Axon Diagram

Note: Diagram is illustrative, not regulatory.

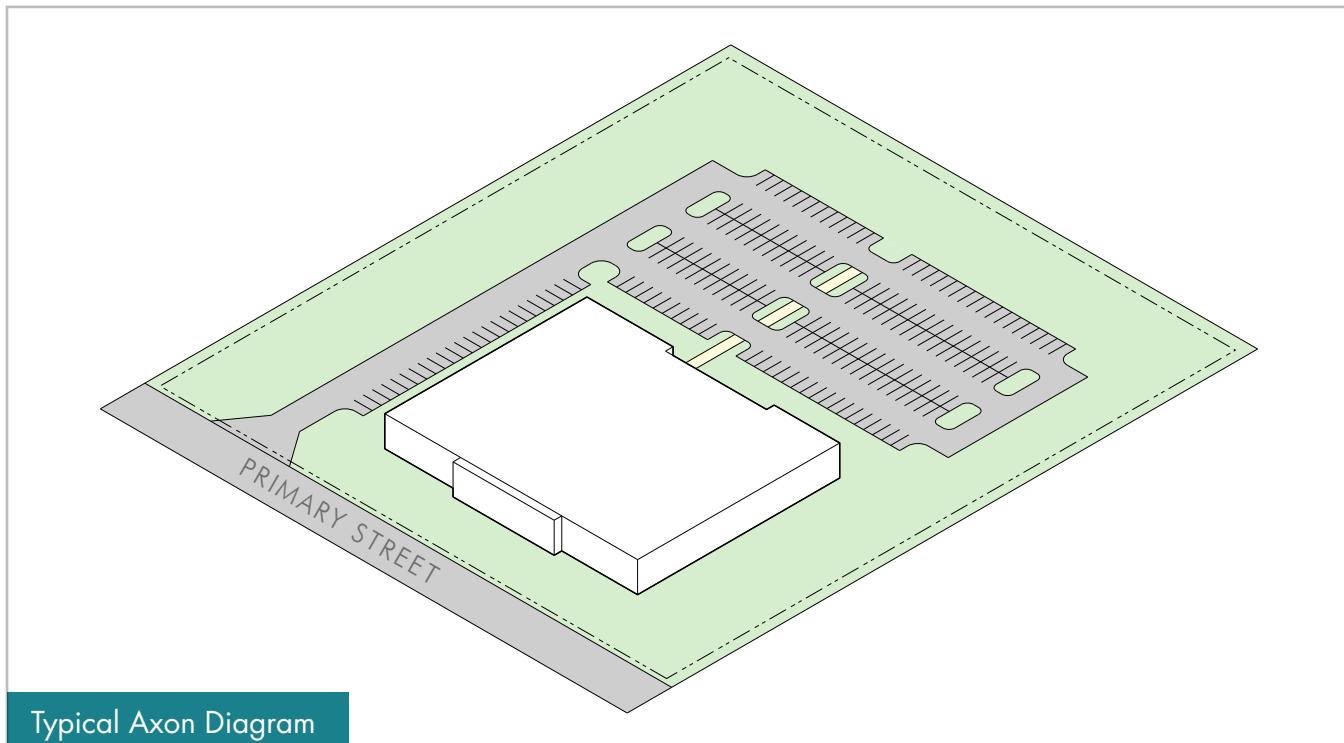
- B.** A building used for multiple businesses, services, industries, or like activity, which may include ancillary services. Parking is typically found on the same lot and the main access from the primary street.

### Example Images



## Industrial / Flex

### A. Typical Configuration



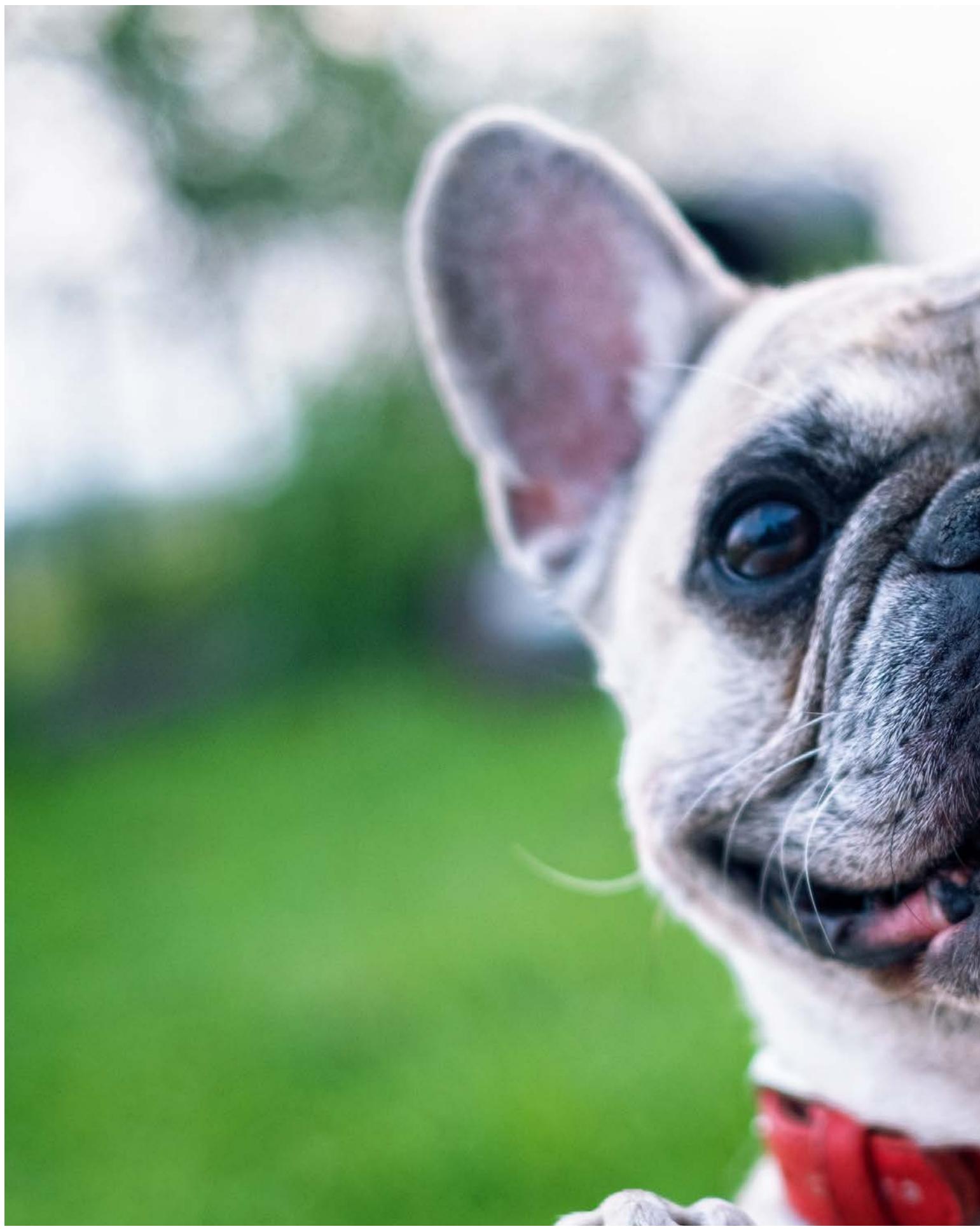
Note: Diagram is illustrative, not regulatory.

- B.** A building that houses manufacturing activity. Facilities for loading and unloading are typically located in the side or rear yard with employee and visitor parking in the rear yard.

### Example Images



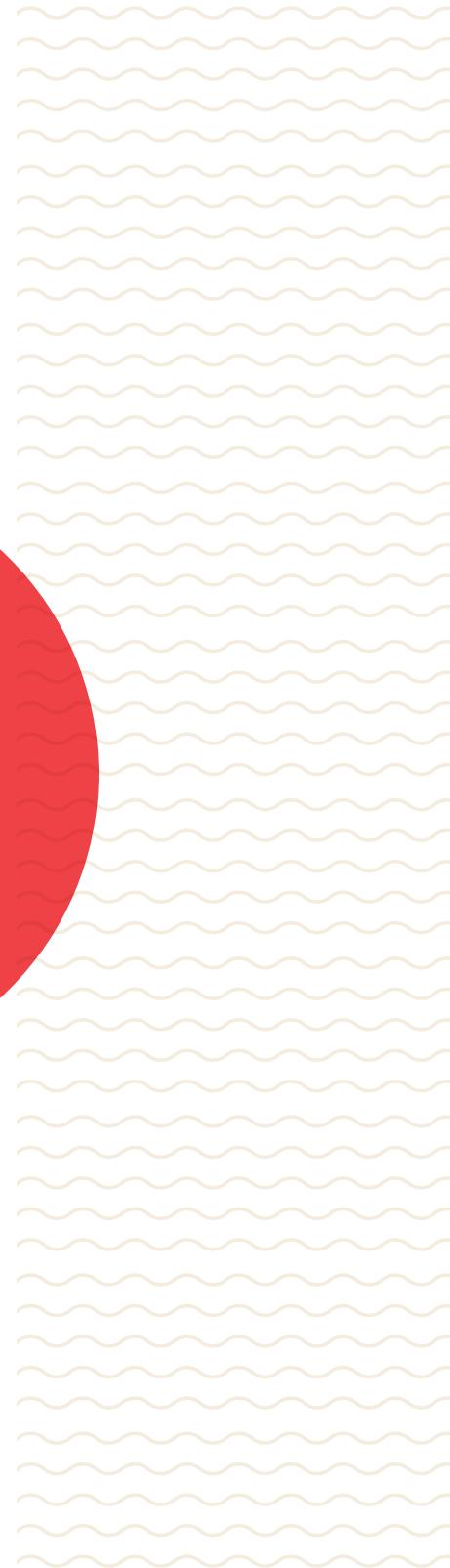
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## **ARTICLE FIVE**

General  
Regulations



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## **ARTICLE FIVE** General Regulations

### **SECTION 5.01:** Overview

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#### **A. General Health & Safety Standards**

---

1. The following general health and safety standards shall apply to the use of all property in the City:
    - i. No use shall produce noise that is objectionable because of volume, frequency, intermittent beat, shrillness, or vibration. Said noise shall be muffled or otherwise controlled so as not to become detrimental. Public safety sirens and related apparatus shall be exempt from this standard.
    - ii. No use shall cause vibrations or concussions detectable by human ears beyond the lot lines without the aid of instruments.
    - iii. No use shall emit across the lot lines malodorous gas or matter in quantity that is detectable at any point along the lot lines.
    - iv. No use shall discharge across the lot lines fly ash, dust, smoke, vapors, noxious, toxic or corrosive matter, or other air pollutants that are detrimental to health, animals, vegetation or property, or conflict with public air quality standards.
    - v. No use shall produce heat or glare in such a manner as to be a nuisance or create a hazard perceptible from any point beyond the lot lines.
    - vi. No use shall produce erosion, ponding of water, changing of water flow, or pollutants that are detrimental to adjacent properties or conflict with public water quality standards.
    - vii. No waste materials such as garbage, rubbish, trash, construction material, gasoline, oil, flammables, soils, tars, chemicals, greases, industrial or agricultural waste, or any other material that may harm the waters may be found on any lot in a way that would likely mix with surface or ground water.
-

## **SECTION 5.01:** Overview (Cont.)

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- viii. Debris, refuse, trash, construction material, garbage, litter, unfinished buildings, scrap metals, unlicensed, inoperable or junk vehicles. This subsection shall not be construed as prohibiting any of the following:
  - a. A motor vehicle which is mechanically operable, but unlicensed because it is owned, leased or cosigned to a duly licensed and lawful new or used car dealer, if the motor vehicle is located on premises under the control of the car dealer for sale or delivery; or
  - b. A motor vehicle which is stored on the premises of a duly licensed and lawful motor vehicle repair shop or a licensed and lawful vehicle impoundment facility, if the repair shop or impoundment facility has all licenses or registrations required by the State of Michigan, and all zoning permits required by the City of Hancock.

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### **B. Organization of General Standards**

---

1. The applicable regulations have been organized within this chapter as follows:
  - i. Overview;
  - ii. Standards for Residential Uses;
  - iii. Standards for Specific Uses; and
  - iv. Nonconformities.

---

## **SECTION 5.03:** Standards for Residential Uses

---

Unless otherwise indicated, the regulations in this Section shall apply to districts where residential uses are either permitted or conditionally permitted.

---

### **A. Home Occupations for Single-Family Uses**

---

1. Home occupations shall be subject to the following standards:
  - i. Home occupations shall clearly be subordinate and incidental to the primary use of the property as a residence;
  - ii. No more than 25% of the gross floor area of the dwelling, including accessory structures, may be utilized for the home occupation;

---

## **SECTION 5.03:** Standards for Residential Uses (Cont.)

---

- iii. The external appearance of the residence may not be altered to accommodate the home occupation;
  - iv. Outdoor storage of any kind for the business, including products, materials or equipment, is prohibited;
  - v. Noise, vibration, smoke, dust, odor, heat, light, glare, radiation, or electromagnetic disturbance generated by the home occupation and detectable from neighboring property, public rights of way, public property or any other property by any means is prohibited;
  - vi. Not more than one person that is not an occupant of the residence on premises may be employed by the home occupation;
  - vii. Customers or commercial visitors of the home occupation may not enter the premises before 8:00 am or after 6:00 pm; and
  - viii. No signage permitted.
- 

### **B. Accessory Dwelling Units (ADU) for Single-Family Uses**

---

- 1. A zoning permit is required prior to the construction of an accessory dwelling unit. An ADU compatible with the surrounding neighborhood may be created through new construction, conversion of an existing structure, addition to an existing dwelling, or conversion of an existing dwelling to an ADU while simultaneously constructing a new primary dwelling on the site where both structures comply with all applicable zoning regulations. The following standards apply:
    - i. Only one ADU is permitted per Single-Family, platted lot and must be built on the same lot as the primary structure;
    - ii. The ADUs exterior finish materials must be the same as the exterior finish materials of the primary dwelling;
    - iii. The maximum floor area shall be 800 square feet;
    - iv. Both the primary residence and the ADU shall be served by one residential utility connection and one meter and all utilities extended to serve the ADU must be underground;
    - v. The ADU shall have access to one on-site parking space to be located on a driveway or within a garage on the property; and
    - vi. The ADU may be attached or detached from principal structure. If detached, the ADU shall be located in rear yard only and comply with accessory structure standards.
-

**SECTION 5.03:** Standards for Residential Uses (Cont.)

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**C. Accessory Structures for Single-Family Uses**

---

1. A zoning permit is required prior to the construction of an accessory structure. The following standards apply to accessory buildings and structures on lots containing Single-Family residential dwellings:
    - i. Up to one accessory structure, not including an accessory dwelling unit, is permitted on a single lot. Only one of the permitted accessory items may exceed 200 square feet;
    - ii. Accessory structure(s) shall be located in the rear yard only;
    - iii. Any utilities to service accessory structure(s) shall be underground;
    - iv. Accessory structures may not be located within 15 feet of the primary structure and shall be no closer than five feet to any lot line and not within any recorded easement. An accessory structure located adjacent to a side street shall not be closer to the side street lot line than the required Side-Yard setback for the principal structure;
    - v. Accessory structures may be constructed only in conjunction with or after construction of the primary structure on the site with the exception of agricultural properties which are exempt from this standard; and
    - vi. No accessory structure shall exceed 864 sq. ft. except where the rear yard exceeds 20,000 sq. ft. in area then the structure shall not exceed 1,800 sq. ft.
- 

**D. Swimming Pools for Single-Use Family Uses**

---

1. A zoning permit is required prior to the construction of a swimming pool, pool house, or sauna. Applicable standards for swimming pool, pool house, or sauna are as follows:
    - i. Only one swimming pool and one pool house or sauna is permitted per property;
    - ii. The swimming pool and pool house or sauna shall be located in the rear yard only and shall be setback a minimum of 15 feet from the primary structure and any lot line; and not within any recorded easements;
    - iii. The pool house or sauna shall be considered an accessory structure and shall count toward the maximum number of accessory structures on site;
    - iv. The swimming pool shall be surrounded by a wall or fence no less than five feet high with a locked gate to prevent uncontrolled access; and
    - v. A pool house or sauna shall not exceed 100 sq. ft. in size.
-

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## **SECTION 5.03:** Standards for Residential Uses (Cont.)

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### **E. Garage Sales for Single-Family Uses**

---

1. Garage sales (including patio, basement, yard, or block sales) shall be permitted on any lot containing a Single-Family dwelling and not in any public right-of-way or easement, and are subject to the following regulations:
  - i. Garage sales may be held from 8:00 a.m. to sundown;
  - ii. No sale may extend for more than three consecutive days (or portion thereof);
  - iii. Garage sales may be advertised by sign 24 hours in advance and shall be placed only on the property at which the sale is to occur. Off-premises signs must follow sign ordinances;
  - iv. No more than two garage sales per Single-Family dwelling may be held in any calendar year;
  - v. No person conducting a garage sale under the provisions of this chapter shall sell or offer for sale any food or beverage for consumption on the premises. Food or beverage may be provided for such consumption at no cost to the consumer, but only if a permit is obtained in advance from the Western UP Health Department.
  - vi. No fee or other charge shall be imposed upon members of the public attending any such sale;
  - vii. Balloons, streamers, special lighting, noise making devices or other similar advertising displays or notices shall not be used to call attention to the garage sale; and
  - viii. Estate auctions and moving sales shall be permitted not more than one week per calendar year, provided that estate auction is for settling the estate of the resident, or provided that the moving sale is when a resident is moving.

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### **F. Portable Storage Units or Any Enclosed Unit Designed for Temporary Storage that is Transportable for Single-Family Uses**

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1. A zoning permit is required prior to the placement of any unit.
  2. Portable Storage Units shall be permitted for temporary loading or unloading of personal belongings for a period no longer than 30 consecutive days per calendar year.
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**SECTION 5.03:** Standards for Residential Uses (Cont.)

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**G. Dumpsters, Roll-off for Single-Family Uses**

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1. A zoning permit is required prior to the placement of any dumpster if placed within the public right-of way.
  2. Dumpsters are permitted for a period no longer than 14 consecutive days at one time with a maximum of 28 total days per calendar year for the clean-up or restoration of a property.
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**H. Residential Care Facilities in the R-1, R-2 Districts**

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1. Residential care facilities or State Licensed Residential Facility as defined by the Michigan Zoning Enabling Act ((Act 110 of 2006) MCL 125.3206), shall be permitted in the City in the R-1 and R-2 zoning districts, subject to the following standards:
    - i. Suitable space shall be provided for indoor and/or outdoor recreational activities for the number of residents at the care facility;
    - ii. All new structures proposed shall be of compatible residential design with the surrounding neighborhood;
    - iii. All exterior lighting shall be shielded to prevent glare at four feet in height at any property line;
    - iv. The site must meet all applicable zoning requirements for yard, parking and sign regulations of the district in which it is located; and
    - v. Prior to issuance of a final zoning permit, the operator or agency shall provide evidence that a valid license has been issued or is obtainable for the proposed use, if such license is required by a governmental body or unit.
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## **SECTION 5.03:** Standards for Residential Uses (Cont.)

### **I. Community Gardens in the R-1, R-2, B-2, & OSR Districts**

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1. Community Gardens shall consist of land used for the cultivation of non-prohibited fruits, vegetables, plants, flowers, or herbs by multiple users. Such land may include available public land. Community Gardens permitted with conditions in the R-1, R-2, B-2, and OSR Districts must meet the following requirements:
  - i. The land shall be served by a water supply sufficient to support the cultivation practices used on the site.
  - ii. Site users shall use raised beds with new soil or provide a Phase 1 Environmental Site Assessment (ESA). Any historical sources of contamination identified in the ESA must be tested to determine type and level of contamination. Appropriate remediation procedures must be undertaken to ensure that soil is suitable for gardening. Raised beds shall also be used if the ESA finds the proposed site to be contaminated.
  - iii. Site users must have operating rules addressing the governance of the garden, hours of operation, maintenance and security requirements and responsibilities; a garden coordinator to manage the community gardens; and must assign garden plots in a fair and impartial manner according to the operating rules established for that garden. The name and telephone number of the garden coordinator and a copy of the operating rules shall be kept on file with the City.
  - iv. The site is designed and maintained so that water and fertilizer will not drain onto adjacent properties.
  - v. There shall be no retail sales, except for products grown on the site.
  - vi. With the exception of public, institutional, civic, religious, or cultural facilities, the only building or structures permitted on the site are sheds for storage of tools; greenhouses that consist of buildings made of glass, plastic, or fiberglass in which plants are cultivated; benches; bike racks; raised/accessible planting beds; compost or waste bins; picnic tables; seasonal farm stands; fences; garden art; rain barrel systems; and children's play areas. The combined area of all buildings or structures shall not exceed 15 percent of the garden site lot areas. Any signs shall comply with Section 5.05, G.

**SECTION 5.05:** Standards for Uses in All Zoning Districts

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Unless otherwise indicated, the regulations in this Section shall apply to permitted and conditionally permitted uses within all zoning districts.

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**A. Parking**

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1. This Section provides standards for off-street parking and loading areas and seeks to balance the public and private needs for off-street parking and loading areas.
  2. The requirements set forth under this Section shall apply under the following circumstances:
    - i. The construction of any new structure;
    - ii. Any cumulative increase in gross floor area in excess of 25%; or
    - iii. Upon a change from one use to another in accordance with the provisions of this Code.
  3. Parking spaces shall be provided and maintained by each property owner in every zoning District for the off-street storage of motor vehicles, recreational vehicles, trailers, for the use of occupants, employees, and patrons of each property subject to the provision of this Ordinance. Parking and storage of recreational vehicles and equipment is subject to Section 5.05, B, (6).
  4. Off-Street parking lots required in this Ordinance shall be approved by the Zoning Administrator, subject to any construction specification and standards adopted by the City of Hancock including the following:
    - i. Safe ingress and egress from public streets.
    - ii. Effective storm drainage and dust control measures.
    - iii. Safe maneuvering lanes and effective spacing between vehicles.
    - iv. A logical circulation system in parking lots.
    - v. Backing directly onto a public street shall be avoided.
    - vi. For computing the number of parking spaces required for non-residential, the definition of Useable Floor Area shall govern. For residential uses, Number of Bedrooms shall govern.
    - vii. All parking spaces shall be designed and located consistent with all applicable barrier free and handicapped parking requirements under federal, state, county and local law.
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## **SECTION 5.05:** Standards for Uses in All Zoning Districts (Cont.)

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5. On any side of a residential off-street parking area which abuts a residential district, there shall be provided a continuous screening device (fence, wall or greenbelt) not less than four feet six inches in height. All screening devices shall be maintained in good condition, and shall consist of materials which complement the residential environment of the area as well as a regard for continuity with any existing screening devices.
  6. Parking and Storage of Recreational Vehicles and Equipment for Residential Uses. The parking and storage of recreational vehicles and equipment for residential uses shall be subject to the following regulations:
    - i. Parked or stored recreational vehicles and equipment shall not be connected to electricity, water, gas, or sanitary sewer facilities; and at no time shall this equipment be used for living or housekeeping purposes;
    - ii. If the recreational vehicles and equipment is parked or stored outside of a garage, it shall be parked or stored no closer to the street than the nearest foundation line of the residence and shall be parked on hard dustless surface; and
    - iii. On-street parking of recreational vehicles and equipment is not permitted except for loading and unloading for a period of no more than 24 hours.
  7. Off-Street Parking Requirements for Residential Uses. In addition to the standards included for off-street parking, residential uses shall be constructed in accordance with the following provisions:
    - i. Parking spaces shall be a minimum of 9 feet wide and 18 feet long.
    - ii. Parking spaces shall consist of a parking strip, parking bay, driveway, garage, or combination and shall be located on the premises they are intended to serve.
    - iii. Off-street parking shall not be permitted within a required Front-Yard or a Side-Yard setback unless in an approved driveway or as otherwise provided in this Ordinance.
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**SECTION 5.05:** Standards for Uses in All Zoning Districts (Cont.)

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- iv. Any parking area that is not on a hard surface shall have a definite separation from the non-parking area and have properly bedded surface aggregate. Rental properties shall remain subject to the hard-surface parking lot. Hard surface parking lot must be one of the following: 4" thick concrete, 2" thick blacktop or Hot Mix Asphalt (HMA), Permeable brick or pavers meant for driveways.
  - v. Any area once designated as required off-street parking or any existing off-street parking area shall not be changed to any other use unless it is surplus parking area and /or until equal facilities are provided elsewhere.
  - vi. For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accordance with a use which the Zoning Administrator considers is similar in type.
8. Non-Residential Off-Street Parking Requirements. In addition to the standards included for off-street parking, non-residential uses shall be constructed in accordance with the following provisions:
- i. Dedicated off-street parking for non-residential uses shall be either on the same lot or within a walkable distance of 500 feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the parking lot.
  - ii. Any area once designated as required off-street parking or any existing off-street parking area shall not be changed to any other use unless it is surplus parking area and/or until equal facilities are provided elsewhere.
  - iii. The storage of merchandise, motor vehicles for sale, trucks, or the repair of vehicles is prohibited on required off-street parking spaces.
  - iv. For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accordance with a use which the Zoning Administrator considers is similar in type.
  - v. On any side of a non-residential off-street parking area which abuts a residential district, there shall be provided a continuous screening device (fence, wall or greenbelt) not less than four feet six inches in height. All screening devices shall be maintained in good condition and shall consist of materials which complement the residential environment of the area as well as a regard for continuity with any existing screening devices.
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## **SECTION 5.05:** Standards for Uses in All Zoning Districts (Cont.)

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### 9. Joint Use of Parking Areas

- i. The joint use of parking areas by two or more uses may be approved by the Zoning Administrator whenever such joint use is practical and satisfactory to each of the uses served, and when all requirements for location, design, and construction are met. Except as otherwise provided in this Ordinance, shared parking shall not include the parking required for residential uses.
  - ii. Computing Capacities: In computing capacities of any joint parking area, the total parking space requirement is the sum of the greatest number of parking spaces required for the individual uses that will occur at the same time. If the maximum space requirements for individual uses occur at distinctly different times, the total number of off-street parking spaces required for joint use may be reduced by the Zoning Administrator to not less than (1/2) the number of required spaces provided on any one lot. The lots shall be interconnected for vehicular and pedestrian circulation.
  - iii. Record of Agreement: A copy of an agreement between joint users shall be filed with and must be approved by the Zoning Administrator prior to the issuance of the zoning permit. The agreement shall include provisions for the continued long-term use and maintenance of the parking area as well as the allocation of parking spaces to each use.
  - iv. Whenever possible, joint or cooperative parking arrangements shall utilize shared driveways, shared service drives, cross access drives, and frontage roads to minimize driveways that access an arterial or collector street. Cross-access easements, if necessary, shall be submitted to the Zoning Administrator for approval.
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**SECTION 5.05:** Standards for Uses in All Zoning Districts (Cont.)

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10. Exceptions

- i. In the City, all uses and buildings within the Downtown Mixed Use (DMU) District, shall be exempt from the minimum parking space requirements listed in the table under Section 5.05, B, (19).
- ii. All parking must be provided for in the rear yard or side-yard for multi-family uses in the R-2 Residential Districts with any change to the building footprint size or as a result of new construction. No parking is permitted in the Front-Yard. However, if there are existing physical characteristics of the property that present practical obstacles to rear yard parking, the Planning Commission may either:
  - a. Reduce the Front-Yard setback to 15 feet so that the parking can be provided in the rear yard; or
  - b. Allow off-street parking in the Front-Yard which may include a portion of the required Front-Yard setback.
- iii. In the R-2 Residential Districts, off-street parking lot construction on a lot which is not contiguous to the property for which the parking lot is used must meet the following standards:
  - a. The noncontiguous parking lot must be within a walking distance of 500 feet of the property for which the parking is used.
  - b. There must be a 10 foot landscaped setback exclusive of access driveways on the front, back and Side-Yards. Setbacks must be landscaped in accordance with 5.05, J, (8). Parking lot surfaces must be:
    1. 4" thick concrete
    2. 2" thick blacktop (HMA)
    3. Permeable brick or pavers meant for driveways
  - c. A site plan review is required for all non-contiguous parking (see Section 7.09).
  - d. Any use established under this Subsection shall preserve and respect existing site amenities to the fullest; and any site work in the required Front-Yards that will disturb grass lawns, scenic views, tree stands and/or shrubbery shall be subject to review by the Zoning Board of Appeals for approval or disapproval.

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## **SECTION 5.05:** Standards for Uses in All Zoning Districts (Cont.)

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### 11. Calculation of Required Parking Spaces for All Districts

- i. The number of required off-street parking spaces or total loading area for a property shall be calculated in accordance with the following general standards:
  - a. When the product of the applicable formula for determining the number of required off-street parking spaces or the total loading area results in a fraction, the nearest higher whole number shall represent the number of required off-street parking spaces or the total loading area; and
  - b. Except as otherwise expressly provided, when multiple uses are proposed to be conducted upon a single property, the number of required off-street parking spaces for such property shall be the sum of the required off-street parking spaces for each use to be conducted upon the property.
- ii. Parking Space Reductions
  - a. The Zoning Administrator shall have the right to grant a reduction in the number of required off-street parking spaces if an applicant can satisfy any of the following:
    1. Up to a maximum 50% reduction if the uses proposed on the property shall each have different peak hours upon a credible showing that such reduction is warranted based on the size and type of the proposed development, the mix of uses (if applicable), the anticipated rate of parking turnover and the anticipated peak parking and traffic loads of all uses. Any reserved parking spaces for a specific tenant or dwelling unit may not be included in the shared parking calculation;
    2. Up to a maximum 50% reduction if the property is within 500 feet of public parking that has capacity for at least the amount of required parking being reduced and, such public parking is accessible to the subject property via safe public walkway(s); or
    3. Subject to Zoning Administrator approval, up to 25% of provided parking spaces may be compact spaces.

**SECTION 5.05:** Standards for Uses in All Zoning Districts (Cont.)

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12. Parking Location & Layout

- i. Off-street parking and loading areas provided in accordance with this Code shall comply with all of the following requirements:
  - a. All off-street parking and loading areas must have access to a publicly dedicated street or alley or right-of-way easement;
  - b. Unless otherwise permitted in this Code, required off-street parking spaces must be located on the same property they are required to serve;
  - c. All off-street parking shall be configured so that all circulation between parking aisles is confined to the property and does not require entering upon the public right-of-way and to prevent motor vehicles from backing onto public rights-of-way (except single-or-two-unit residential dwellings); and
  - d. Off-street parking shall only be permitted in the locations on the property determined for each district as set forth in this Code.
- ii. Minimum Dimensions for Parking Spaces, Drive Aisles, & Driveways
  - a. All off-street parking spaces required in accordance with this code shall comply with the following minimum dimensions:
    1. Parallel parking spaces shall be a minimum of eight feet in width and a minimum of 22 feet in length;
    2. Perpendicular parking spaces (90 degrees) shall be a minimum of nine feet in width and a minimum of 20 feet in length and shall require a minimum 24-foot wide two-way drive aisle;
    3. Angled parking spaces (60 degrees) shall be a minimum of 10 feet in width and a minimum of 20 feet in length and shall require a minimum 18-foot wide one-way drive aisle;
    4. Compact parking spaces shall be eight feet in width and 17 feet in length.
  - b. All driving lanes and parking aisles in parking lots shall be clearly striped.

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## **SECTION 5.05:** Standards for Uses in All Zoning Districts (Cont.)

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### 13. Access

- i. All specifications, except those required for single or two-family dwellings, must have access to a public street or alley in a manner that allows any vehicle leaving or entering the parking area from or into a public street or alley to be traveling in a forward motion.
  - ii. Applicants are encouraged to provide off-street vehicle access to parking areas on adjacent properties to provide for convenience, safety and efficient circulation for vehicles and pedestrians, consistent with the following:
    - a. Cross-access ways must allow for two-way traffic between lots, unless determined by the Zoning Administrator to be unnecessary; and
    - b. Bicycle and pedestrian connections must be provided between adjacent lots or uses, unless determined by the Zoning Administrator to be unnecessary.
- 

<b>Uses</b>	<b>Min. Driveway Width</b>	<b>Max. Driveway Width<sup>1</sup></b>
Single-Family	10 ft.	
Two-Family	16 ft. (combined driveway)	24 ft.
All Others	12 ft. (one-way) 20 ft. (two-way)	30 ft.

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Table Note: 1. Max. driveway width as measured at the ROW line.

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**SECTION 5.05:** Standards for Uses in All Zoning Districts (Cont.)

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14. Off-Site Parking

- i. The Zoning Administrator may approve the use of off-site parking spaces toward the off-street parking requirements upon the satisfaction of the following standards:
  - a. Off-site parking may be located up to 500 feet from the front entrance of the primary building along a paved pedestrian path, whether public or private, and the off-site parking is owned in common with the property. If off-site parking is not under common ownership with the property, the off-site parking is subject to an appurtenant easement providing the property with the right to use the off-site parking spaces; and
  - b. No accessible parking shall be located off-site.

15. Parking Surfaces

- i. Parking areas shall be surfaced with a durable, smooth, and dustless material approved by the Zoning Administrator, such as asphalt, concrete, pavers, aggregate stone or gravel, or appropriately reinforced and constructed permeable surfaces such as permeable pavers or reinforced turf. Parking areas shall be graded and provided with adequate drainage. Surface drainage may not be directed or permitted to flow from or across the parking area onto the public right-of-way. The required parking area and/or surface shall be maintained and replaced, if necessary, as long as the building it serves is occupied or the use is continued. All vehicles shall be parked on paved surfaces.

16. Accessibility

- i. Accessible parking spaces must be provided according to the provisions of the Americans with Disabilities Act.
  - ii. All required accessible parking spaces shall be closest to the main entrance of the primary structure.
  - iii. Accessible parking spaces shall count toward the total number of spaces required by this Code.
  - iv. Accessible parking shall be marked on the pavement and with a sign in front of the parking space.
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## **SECTION 5.05:** Standards for Uses in All Zoning Districts (Cont.)

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### 17. Bicycle Parking for Non-Residential Uses

- i. Bicycle parking, if provided, shall be located in a visible area within 100 feet of the primary building entrance.
- ii. The minimum size of a bicycle parking space is two feet by six feet.
- iii. Bicycle parking racks shall be anchored to a hard surface and located to avoid potential conflict with parking and circulation of motor vehicles. Bicycle parking racks shall be positioned out of any required walkway.
- iv. Bicycle parking racks shall support each bicycle in a method that does not use a wheel as the primary means of support and connection to the rack.
- v. Bicycle parking racks shall enable the bicycle frame and one or both wheels to be secured through use of a "U" type lock.

### 18. Electric Vehicle Charging Station Spaces

- i. **Parking**
  - a. For a newly developed parcel, an electric vehicle charging station space shall be included in the calculation for minimum required parking spaces required in accordance with this Section. For an existing parcel, an approved existing parking space (except a handicapped space) may be converted to an electric vehicle parking space without being in violation of the requirements in this Section.
  - b. Public electric vehicle charging stations are reserved for parking and charging electric vehicles only. Electric vehicles may be parked in any space designated for public parking, subject to the restrictions that would apply to any other vehicle that would park in that space.
- ii. **Accessible spaces**
  - a. It is strongly encouraged, but not required, that a minimum of one accessible electric vehicle charging station be provided. Accessible electric vehicle charging station should be located in close proximity to the building or facility entrance and connected to a barrier-free accessible route of travel. It is not necessary to designate the accessible electric vehicle charging station exclusively for the use of disabled persons.

**SECTION 5.05:** Standards for Uses in All Zoning Districts (Cont.)

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ii. Lighting

- a. It is recommended that lighting shall be provided where an electric vehicle charging station is installed, unless charging is for daytime purposes only. Lighting shall not encroach upon abutting properties.

iv. Equipment Standards & Protection

- a. Battery charging station outlets and connector devices shall be no less than 36 inches and no higher than 48 inches from the surface where mounted. Equipment mounted on pedestals, lighting posts, bollards, or other devices shall be designed and located so as not to impede pedestrian travel or create trip hazards on sidewalks.
- b. Adequate battery charging station protection, such as concrete-filled steel bollards shall be used. Curbing may be used in lieu of bollards if the battery charging station is set back a minimum of 24 inches from the face of the curb.

v. Usage fees

- a. The property owner may collect a fee for the use of an electric vehicle charging station made available to visitors of the property.

vi. Signage

- a. Information shall be posted identifying voltage and amperage levels and any time of use, fees, or safety information related to the electric vehicle charging station.
- b. Each electric vehicle charging station space shall be posted with signage indicating the space is only for electric vehicle charging purposes. For purposes of this Subsection, "charging" means that an electric vehicle is parked at an electric vehicle charging station and is connected to the battery charging station equipment. Restrictions shall be included on the signage if removal provisions are to be enforced by property owner pursuant to the Michigan Motor Vehicle Code, MCL 257.1 et seq.

vii. Maintenance

- a. Electric vehicle charging stations shall be maintained in all respects, including the functioning of the equipment. A phone number or other contact information shall be provided on the equipment for reporting non-functioning equipment, malfunctioning equipment, or other issues regarding the equipment.



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## **SECTION 5.05:** Standards for Uses in All Zoning Districts (Cont.)

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### 19. Parking Space Count

- i. The table on the following page contains the minimum number of off-street parking spaces required for each of the following uses. If a use is not specified, then the number of required off-street parking spaces, if any, shall be at the Zoning Administrator's discretion.
-

**SECTION 5.05:** Standards for Uses in All Zoning Districts (Cont.)

Uses	Minimum Number of Parking Spaces
Residential	
Child Care Homes, Group	4 per unit
Child Care Homes, Family	2 per unit
Dwelling, Assisted	
Dwelling, Care Facility	1 per unit
Dwelling, Halfway House	
Dwelling, Multi-Unit Building	1 per bedroom
Dwelling, Multi-Unit Complex	
Dwelling, Detached Single-Family	2 per unit
Dwelling, Two-Family	1 per bedroom
Single-Family Residence—Rental	1 per bedroom
Fraternity or Sorority	1 per bedroom, plus 1 per 1,000 square feet
Mobile Home Park	2 per unit
Institutional	
Community Facility, Activity Center	
Community Facility, Public Health Safety	
Library	1 per 400 sq. ft.
Museum / Arts Center	
Event Center, Large	
Event Center, Small	40% of maximum legal capacity
Religious Assembly	1 per 3 seats
School	One per employee, High Schools add 1 for each 10 students

## **SECTION 5.05:** Standards for Uses in All Zoning Districts (Cont.)

<b>Uses</b>	<b>Minimum Number of Parking Spaces</b>
<b>Commercial</b>	
Adult Entertainment Business	1 per 300 sq. ft.
Equipment Repair, Light	2 per service bay
Retail, Gasoline & Convenience	1 per 300 sq. ft.
Vehicle Care Services, Washes	1 per 300 sq. ft. of any associated retail space
Vehicle Care Services, Major	2 per service bay, plus 1 per employee
Vehicle Care Services, Minor	
Retail, Large	
Retail, Medium	
Retail, Outdoor Shopping Center	1 per 400 sq. ft.
Retail, Pharmacy	
Retail, Small Format	
<b>Industrial</b>	
Equipment Repair, Heavy	
Junk / Scrap Yards	
Manufacturing, Artisan	1.5 per employee on the largest shift
Manufacturing, Heavy	
Manufacturing, Light	
Mineral Extraction / Processing	
Outdoor Processing, Concrete & Asphalt	
Recycling Center	
Storage, Commercial Gases	
Storage, Contractor	1 per employee on the largest shift
Truck Terminals	
Warehouse, Large	
Warehouse, Small	
Waste Facility	

**SECTION 5.05:** Standards for Uses in All Zoning Districts (Cont.)

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**B. Loading Facilities**

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1. Uses in the Downtown Mixed Use District are exempt from meeting the off-street parking requirements and shall also be exempt from off-street loading requirements.
2. On the same premises with every building or structure involving the receipt or distribution of vehicles, materials, or merchandise, there shall be provided and maintained on the lot, adequate space for standing, loading, and unloading.
3. All designated loading spaces shall be approved by the Zoning Administrator and such space shall be in keeping with the character of the use and the normal size of vehicles serving the use (e.g. small vans and panel trucks, large vans, and/or semi-trailer rigs, etc.).
4. Any building or structure which requires the receipt or distribution of materials or merchandise by trucks or similar vehicles shall have adequate loading facilities on the property subject to the following conditions:
  - i. The following requirements shall pertain to the location of loading berths:
    - a. All required loading berths shall be located on the same lot as the use served;
    - b. Loading areas must be located to the side or the rear of the building and may not be placed between the street and the building or any front façade of a building;
    - c. In no case shall a loading berth be located in such a manner as to require loading/unloading vehicles to back into or maneuver within a public right-of-way or overhang adjacent property;
    - d. A plan shall be submitted and approved during the review process that shows how the loading will occur;
    - e. No permitted or required loading berth shall be located within 50 feet of the nearest point of intersection of any two streets;
    - f. Loading or unloading may not interfere with or encroach on fire and emergency vehicle lanes, parking areas, sidewalks, bike lanes, drive aisles or queuing areas;
    - g. Loading areas are not permitted within 100 feet of a district that allows residential uses; and
    - h. Loading areas may not block required parking, or the associated circulation for required parking.

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## **SECTION 5.05:** Standards for Uses in All Zoning Districts (Cont.)

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- ii. Unless otherwise specified, a required off-street loading berth shall be as follows:
    - a. For local pickup and delivery trucks: 12 feet in width by 30 feet in length with a 45-foot maneuvering apron and shall have a vertical clearance of at least 12 feet. Maneuvering apron shall be at least 20 feet from the centerline of the street;
    - b. For over-the-road tractor-trailers: Twelve feet, six inches in width by 60 feet in length with a 70-foot maneuvering apron and shall have a vertical clearance of at least 15 feet. In no case, shall the loading berth be less than 145 feet from the centerline of the street;
    - c. Each required off-street loading berth shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement and shall be subject to approval by the Zoning Administrator;
    - d. All off-street loading berths shall be surfaced with concrete or other appropriate material meeting the durability requirements and as approved by the Zoning Administrator. Bituminous asphalt may be used on the portions of the apron outside of the landing/parking space;
    - e. Space allocated for off-street loading use shall not, while so allocated, be used to satisfy the space requirements for any off-street parking facilities or portions thereof;
    - f. Uses for which off-street loading facilities are required, but which are located in buildings of less floor area than the minimum prescribed, shall provide adequate receiving facilities accessible by motor vehicles off any adjacent alley, service drive, or open space on the same lot;
    - g. If within 200 feet of a district that allows Single-Family residential dwellings, loading facilities may not operate between the hours of 12:00 AM and 6:00 AM.
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**SECTION 5.05:** Standards for Uses in All Zoning Districts (Cont.)

**C. Drive-Thru Facilities**

1. The following standards apply to all new or expanded drive-thrus, where permitted, and the addition of drive-thru facilities on existing properties.
  - i. Drive-thrus may not be located within 100 feet of a Single-Family dwelling.
  - ii. If within 200 feet of a district that allows Single-Family residential dwellings, drive-thrus may not operate between the hours of 12:00 AM and 6:00 AM.
  - iii. The entire drive-thru lane, including stacking areas, must be paved with concrete. Although drive-thru windows and stalking lanes are not permitted in a Front-Yard, ingress and egress lanes may be located in a Front-Yard.
  - iv. Drive-thru stacking space requirements are intended to provide for queuing of vehicles in line for drive-thru services provided by an establishment where drive-thrus are permitted in this Code. Stacking spaces are measured in twenty (20) foot increments to provide for adequate space between vehicles and to ensure that queuing vehicles are not spilling into public rights-of-way or easements and causing congestion. All queuing vehicles shall be located on the lot where the drive-thru services are being provided and shall not interfere with on-site parking or circulation. The following table provides the required minimum number of vehicle stacking spaces that must be provided behind the menu board, if applicable and based on the number of pick-up/service windows following the menu board, or a pick-up/service window/opening if there is no menu board:

<b>Drive-Thru Configuration</b>	<b>Minimum Number of Vehicle Stacking Spaces</b>
Before Menu Board Ahead of One Pick-Up/Service Window (if applicable)	5
Before Menu Board Ahead of Two Pick-Up/Service Windows (if applicable)	4
Before Pick-Up/Service Window/Opening (if no menu board)	4

- v. Drive-thru stacking lanes shall adhere to the following standards:
- All stacking spaces must have a minimum width of 10 feet along straight segments, 12 feet along curved segments, and the stacking space length must be a minimum of 20 feet;
  - Drive-thru lanes must be separated by striping and may not interfere with off-street parking or the lanes utilized for maneuvering in and out of off-street parking spaces;
  - Establishments with drive-thrus must provide a by-pass lane whereby vehicles may circulate around drive-thru lanes;
  - There must be one trash receptacle provided per drive-thru lane;
  - Pedestrian walkways shall be clearly visible and be emphasized by enhanced paving or markings where they intersect drive-in or drive-through aisles.

**SECTION 5.05:** Standards for Uses in All Zoning Districts (Cont.)

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- vi. The following regulations shall apply to menu boards and directional signage within drive-thru facilities:
  - a. A maximum of two menu boards per drive-thru aisle are permitted;
  - b. Associated directional signage that gives directions to vehicles through the parking lot and drive-thru is permitted and may not be used for advertising purposes;
  - c. Drive-thru directional signs may not be larger than five square feet and internally illuminated only;
  - d. Menu boards may be internally illuminated for the sole purpose of lighting menu writing or graphics and may not flash or have any visible bulbs or led lighting. External lighting is prohibited;
  - e. All menu boards must be oriented toward the drive-thru aisle it serves;
  - f. Drive-thru speakers shall not emit more than 50 decibels and shall not be audible above ambient noise from adjacent properties; and
  - g. Drive-thru speakers shall not be used for outdoor music.

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**D. Outdoor Dining for Eating Establishments**

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1. Outdoor dining areas shall be immediately adjacent to the eating establishment space.
2. Outdoor dining shall be accessed through the primary tenant space.
3. If a fence or wall enclosure is provided it shall be complementary to the architecture of the primary structure.
4. A five-foot wide sidewalk shall be maintained in the public right-of-way.

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**E. Entertainment as Accessory to a Primary Use**

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Entertainment may include live entertainment such as a live band, choirs or performers such as DJs, comedians, celebrity appearances, etc. Entertainment may be conducted in conjunction with a primary use such as a restaurant, bar, or other business so long as it complies with the City's Noise Control ordinance, Title IX, Chapter 96. Adult oriented entertainment business shall not be permitted.

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## **SECTION 5.05:** Standards for Uses in All Zoning Districts (Cont.)

### **F. Visibility Triangle**

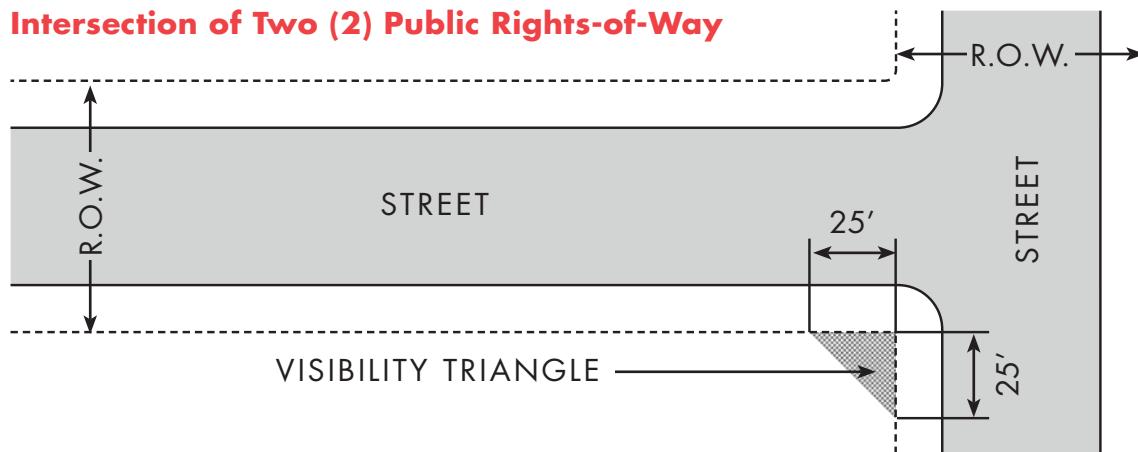
No fence, wall, shrubbery, sign, or other objects shall be placed so as to obstruct vision above a height of two feet from the established street grades within the triangular area formed by a straight line drawn between intersecting street right-of-way lines at a distance along each line of 25 feet from their point of intersection.

### **G. Signage**

1. Any publicly displayed sign shall be regulated as follows:
  - i. R-1 Districts: For each dwelling unit, one name plate not exceeding two square feet in area per family.
  - ii. R-2 Districts: For one multi-unit building or multi-unit complex, identification or accessory sign not exceeding 18 square feet in area. For a duplex, one nameplate not exceeding two square feet in area per family.
  - iii. B-1 Districts: For each office building, one wall sign and/or one free-standing sign, not to exceed 18 square feet in area. For each office unit occupying a building, one sign or name plate.
  - iv. B-1 & B-2: No sign shall project beyond or overhang the wall, or any permanent architectural feature, by more than one foot, and shall not project above or beyond the highest point of the roof or parapet.
  - v. B-1, B-2, DMU & SMU Districts: Free-standing accessory signs or advertising pylons may be located in a Front-Yard, but shall not be placed closer than 100 feet to any adjacent residential district.
  - vi. All Districts where signs are permitted: No sign shall be placed closer than 200 feet to any residential district.

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#### **Intersection of Two (2) Public Rights-of-Way**



**SECTION 5.05:** Standards for Uses in All Zoning Districts (Cont.)

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2. The following conditions shall apply to all signs visible from a public street, erected or located in any use district.
    - i. Wall mounted signs shall not exceed an overall size equivalent to 25% of the surface area of the mounting wall as computed only on the basis of the ground level story.
    - ii. No sign shall locate in, project into, or overhang a public right-of-way or dedicated public easement, unless approved by the governmental unit having jurisdiction.
    - iii. Necessary directional signs required for the purpose of orientation, when established by the City, County, State, or Federal Government, shall be permitted in all use districts.
    - iv. Signs used for advertising land or buildings for rent, lease, and/or for sale shall be permitted when located on the land or building intended to be rented, leased, and/or sold, provided that such signs exceeding 20 square feet shall be subject to obtaining a temporary permit from the Zoning Administrator.
    - v. Freestanding accessory signs may be located in the required Front-Yard provided the use or building is set back at least ten feet and except as otherwise provided herein.
    - vi. Refer to General Provisions Section, "Exterior Lighting."
    - vii. Provided a sense of scale is retained, the Zoning Board of Appeals may waive the maximum area of sign required for reasons of unusual building size, extra large site area, extra deep setbacks, or multiple number of structures or uses, as compared with other permitted uses in the same district.
    - viii. Nonconforming signs and billboards shall not be allowed to continue beyond ten years for the enactment of this Ordinance or beyond the point where an unsafe condition requires major repair or replacement.
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## **SECTION 5.05:** Standards for Uses in All Zoning Districts (Cont.)

### **H. Exterior Lighting**

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1. The following exterior lighting requirements are intended to minimize light pollution and light trespass in the City by:
  - i. Encouraging the use of electrical engineers or lighting professionals to design outdoor lighting systems;
  - ii. Implementing guidelines that define the characteristics of the lighting fixtures distribution that reduces light pollution; and
  - iii. Providing specific lighting standards for residential uses in Section 5.05, I, (9).
2. This Section is not intended to prevent the use of any design, products or method of installation. The Zoning Administrator may approve an alternate design if the design meets the intent of this Section to provide high quality lighting, glare control, and reduced light trespass.
  - i. The following exterior lighting is exempt from the requirements of this Section:
    - a. Federal Aviation Administration mandated lighting associated with a utility tower or airport;
    - b. Lighting for the United States flag, Michigan flag, a County or City flag, a corporate flag, or any other flag at the discretion of the Zoning Administrator;
    - c. Holiday lighting during the months of November, December, and January, provided the lighting does not create unsafe glare on street right-of-way;
    - d. Battery-powered emergency lighting;
    - e. Architectural lighting of 40 watts, or equivalent, or less;
    - f. Public safety lighting;
    - g. Street lighting in the public right-of-way, though every attempt shall be made to select glare free fixtures and use shields and other devices to direct lighting downward; and
    - h. Residential garage, porch, and architectural and landscape accent lighting except for flood lights.

**SECTION 5.05:** Standards for Uses in All Zoning Districts (Cont.)

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3. General Provisions

- i. All exterior lighting in the City of Hancock must comply with these standards or will be considered a violation subject the penalties found in this Code.
- ii. Light levels are specified, calculated and measured in foot-candles. All foot-candles values are maintained foot-candles.
- iii. Measurements are to be made at ground level, with the light-registering portion of the meter held parallel to the ground pointing up.
- iv. All exterior light fixtures shall satisfy the following requirements:
  - a. The maximum light level of any light fixture cannot exceed 0.5 foot-candles measured at the property line of any residential district, 2.0 foot-candles measured at the property line of any non-residential district, and 2.5 foot-candles at the property line of a parking lot.
  - b. Glare lighting must not be oriented to direct glare or excessive illumination onto adjacent properties, streets or sidewalks.
  - c. All lighting fixtures and poles within a single development shall be consistent in style, color, size, height, and design and are compatible with the architecture character of the development.
  - d. Service connections for all freestanding lighting fixtures must be installed underground.
  - e. Any roof accent lighting must face downward and must be full cut-off.
  - f. Light fixtures within parking and vehicular areas may be no higher than 30 feet.
  - g. Light fixtures within pedestrian areas may be no higher than 15 feet.
  - h. Light fixtures located within 50 feet of a property line of a district that allows Single-Family dwellings may be no higher than 15 feet.
  - i. For LED (Light Emitting Diodes) lights, light output shall be capable of being further dimmed if the City of Hancock or the Zoning Administrator so requires when the lighting is judged to create a nuisance or hazard.

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## **SECTION 5.05:** Standards for Uses in All Zoning Districts (Cont.)

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- j. Light fixtures in parking and vehicular display areas must be full cutoff. In all other areas, light fixtures with more than 2,000 lumens must be full cutoff unless they meet all of the following:
  1. Decorative, non-cutoff fixtures with maximum initial lumens generated by each fixture does not exceed 9,500 lumens;
  2. If the unshielded fixture has all metal halide, fluorescent, induction, white high-pressure sodium and color-corrected high-pressure sodium lamps, the outer lamp envelope must be coated with an internal white frosting to diffuse light;
  3. All metal halide fixtures equipped with a medium base socket must use either an internal refractive lens or a wide-body refractive globe; or
  4. All non-cutoff fixture open-bottom lights must have equipped with full cutoff fixture shields.

### 4. Parking Structure Lighting

- i. To the extent possible, as determined by the Zoning Administrator, internal light sources within structured parking shall not be visible from the adjacent public right-of-way.
- ii. Rooftop lighting for parking structures shall be no more than 15 feet above the rooftop parking surface and shall be mounted a minimum of 15 feet in from the edge of the structure.

### 5. Flood Lighting

- i. Flood light fixtures must be either aimed down at least 45 degrees from the vertical or the front of the fixture shielded so that no portion of the light bulb extends below the bottom edge of the shield.
  - ii. Any flood light fixture located within 50 feet of a street right-of-way must be mounted and aimed perpendicular to the right-of-way, with a side-to-side horizontal aiming tolerance not to exceed 15 degrees.
  - iii. All flood lamps emitting 1,000 or more lumens must be aimed at least 60 degrees down from horizontal or shielded so that the main beam is not visible from adjacent properties or the street right-of-way.
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**SECTION 5.05:** Standards for Uses in All Zoning Districts (Cont.)

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6. Canopy Lighting

- i. Lighting under canopies must be designed to prevent glare off-site. Acceptable lighting designs include the following:
  - a. Recessed fixture incorporating a lens cover that is either recessed or flush with the bottom of the surface canopy;
  - b. Lighting fixture incorporating shields or is shielded by the edge of the canopy itself;
  - c. Surface mounted fixture incorporating a flat glass that provides a cutoff design or shielded light distribution;
  - d. Surface mounted fixture measuring no more than two feet by two feet, with a lens cover that contains at least 2% white fill diffusion material; or
  - e. Indirect lighting where light is beamed upward and then reflected down from the underside of the canopy, provided the fixture is shielded so that direct illumination is focused exclusively on the underside of the canopy.

7. Sports & Venue Lighting

- i. Lighting of outdoor sports areas, athletic fields, and performance areas shall comply with the following standards:
  - a. Sport field lights shall not exceed 100 feet in height.
  - b. All lighting fixtures shall be equipped with an existing glare control package (e.g., louvers, shields, or similar devices) and aimed so their beams are directed and fall within the primary playing or performance area.
  - c. The hours of operation for the lighting system for any game or event shall not continue more than one hour after the end of the game or event.

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## **SECTION 5.05:** Standards for Uses in All Zoning Districts (Cont.)

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### 8. Building & Landscape Lighting

- i. The following standards apply to all exterior building and landscape lighting:
  - a. Lighting Fixtures shall be selected, located, aimed and shielded so that direct illumination is focused exclusively on the building façade, plantings and other intended site features and away from adjoining properties and the street right-of-way.
  - b. All wall pack fixtures must be full cutoff fixtures.
  - c. Only lighting used to accent architectural features, landscaping, or art may be directed upward, if the fixture is located, aimed or shielded to avoid light spill into the night sky.
  - d. The primary building frontage for all single/two-story, multi-tenant commercial buildings and retail spaces shall feature pedestrian-scaled lighting.
  - e. Decorative light fixtures shall be provided along entrance drives, public rights-of-way, buildings, and pedestrian pathways for all commercial buildings and multi-unit residential buildings. Natural areas or conservation areas are exempt from this requirement.

### 9. Exterior Lighting Specifically For Residential Uses

- i. Exterior lights shall be shielded and shall not directly cast onto neighboring property.
- ii. Exterior lights must be angled toward the ground in order to preserve the dark sky.

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## I. Landscaping

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1. The purpose of this chapter is to establish minimum standards for the provision, installation, and maintenance of landscape plantings in order to achieve a healthy, beautiful, and safe community. These regulations are intended to:
  - i. Protect and preserve the appearance and character of the community;
  - ii. Increase the compatibility of development with both adjacent development and the natural environment;

**SECTION 5.05:** Standards for Uses in All Zoning Districts (Cont.)

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- iii. Improve environmental quality by recognizing the numerous beneficial effects of landscaping upon the environment;
  - iv. Maintain and increase the value of land by requiring landscaping to be incorporated into development;
  - v. Reduce noise and glare of urban development;
  - vi. Eradicate or control exotic plant species that have become nuisances or to disrupt or destroy native ecosystems;
  - vii. Promote innovative and cost conscious approaches to the design, installation, and maintenance of landscaping;
  - viii. Establish procedures and standards for the administration and enforcement of this landscaping section; and
  - ix. Ensure biodiversity and sustainability by maintaining a diversity of plant types.
2. Applicability
- i. The standards within Section 5.05, J shall apply to all new development and gross floor area (GFA) expansions greater than 25%.
  - ii. The following types of landscaping are required, and the standards listed in the sections below:
    - a. Foundation Plantings
    - b. Streetscaping
    - c. Buffer Yard
    - d. Parking Lot Landscaping
3. Landscaping for Residential Uses
- i. No part of any newly planted tree shall be located within any recorded easement.
  - ii. The unfinished front and side foundation walls of the principal structure shall be shielded with landscaping.
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## **SECTION 5.05:** Standards for Uses in All Zoning Districts (Cont.)

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### 4. Vegetation

- i. All proposed plant material shall be:
  - a. Included on the Michigan Upper Peninsula Regional Plant List, exclusive of invasive species, kept on file at Michigan State University and the Michigan Department of Natural Resources. Any proposed plant materials not on this list must be classified as native to Michigan by the Native Manual of Michigan Flora (Voss & Reznicek, 2012 and subsequent editions) or its Online reference tool at <https://michiganflora.net/>;
  - b. Not more than 30% of any single plant genus; and
  - c. Living, disease free, undamaged, and free of defects.

### 5. Foundation Planting

- i. Foundation planting strips shall have a minimum width of five feet along the full length of the visible foundation facing a public street and Side-Yard, unless it abuts a sidewalk, porch, door, or stoop.
- ii. Foundation landscaping shall be required adjacent to the foundation of all structures as follows:

#### **Standards for Foundation Landscaping**

Foundation Landscaping	Planting strip with minimum width of 5-feet along the full-length of the visible foundation facing a public street and Side-Yard.
Type of Planting	Shrubs, flowers, long grasses, shade/evergreen trees at the recommended spacing by plant type.

### 6. Streetscaping

- i. All new construction where the lot width at the right-of-way exceeds 70 feet must provide shade or canopy trees at the right-of-way at a rate of one tree per 40 linear feet of frontage. Trees shall be planted in the first five feet of the Front-Yard outside of any easement or utility rights-of-way. Tree plantings shall not be placed in the visibility triangle located at an intersection. Tree planting shall not interfere with any utility poles or equipment that are either above or below ground.

**SECTION 5.05:** Standards for Uses in All Zoning Districts (Cont.)

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7. Mature Tree & Plant Conservation

- i. The preservation of plants and trees that exist on a site shall count toward the requirements of this Code, provided that:
  - a. Existing vegetation is clearly indicated on the landscaping plan;
  - b. Existing vegetation is not an invasive species; and
  - c. Existing vegetation is in good health.

8. Buffering Landscaping

- i. Buffer landscaping applies to a designated unit of a setback or open area together with any required plant materials, barriers, or fences. The type and amount of landscaping specified and the amount of designated area are intended to reduce impacts between adjoining land uses. The standards provide flexibility to the property owner through the manipulation of landscape elements including distance, plant material type, plant material density and structural or land forms.
  - a. All uses subject to the standards of this section must provide landscaping in required buffers except:
    1. Any area occupied by structures, paving, walkways, decks or patios;
    2. Any portion of a lot retained in the natural state, that is undisturbed from construction or site improvement activities and the Zoning Administrator determines that landscaping is not necessary to achieve the purposes of this section;
    3. Where landscaping would conflict with access to utility infrastructure; however groundcover must be planted provided it does not interfere with utility infrastructure as determined by the Zoning Administrator;
    4. Between adjacent sites with shared parking;
    5. Where common driveways or vehicular access easements are located on the property line; or
    6. Where buildings are located side-by-side or on a property line.

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## **SECTION 5.05:** Standards for Uses in All Zoning Districts (Cont.)

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- b. Location of Buffers: Buffers shall be located on the side and rear lot lines extending into the yard or setback, depending on the size of the lot. Buffers shall not extend into, or be located within, any portion of an existing public right-of-way.
  - c. To determine the buffer requirement between two adjacent lots:
    1. Identify the land use class of the proposed use by referring to the Classification for Buffer Determination table; and
    2. Identify the land use class of each adjoining use by referring to the Classification for Buffer Determination table.
  - d. Determine the buffer requirements for side and rear lot lines by referring to the Buffer Requirements table. Existing plant material or fences may be counted as contributing to the total buffer requirements. The buffers specified are to be provided on each lot independent of adjoining buffers.
  - e. Determine if a developed use increases from a given land use class to a higher land use class (e.g., Class III to Class IV). The Zoning Administrator shall determine the extent of additional buffers needed to mitigate the potential impact of the use.
  - f. Buffer requirements are based on the width of the buffer and the number of plant units required per 100 linear feet of buffer. The requirements may be satisfied by any of the options associated with the applicable buffer class indicated in the Quantity of Plant Material table. (Required Plants Per 100 feet of Buffer). Plants must be spaced to provide an effective screen at their maturity.
  - g. General Landscaping for Lots & Building Foundations:  
To visually soften the building mass or help define exterior spaces, the following landscaping is required for all lots in addition to the landscaping for buffers described in Section 5.05, J, (8) and parking area landscaping described in Section 5.05, J, (9). All required planting must be located in areas that do not include any buffer or right-of-way. If the lot consists primarily of impervious surface, required trees may be used to add to required parking area landscaping. Existing plant materials which meet the requirements of Section 5.05, J may be counted toward the landscaping required.
-

**SECTION 5.05:** Standards for Uses in All Zoning Districts (Cont.)

Classification for Buffer Determination				
Class I	Class II	Class III	Class IV	Buffer Substitution Permitted
Agriculture & Animal Uses	Civic, Recreation & Community Assembly Uses	Commercial Services & Retail Uses (Except Office)	Industrial & Transportation Uses	
Single-Family Dwelling	Offices		Vehicle & Equipment Uses	Any residential or commercial property with side or rear setbacks less than 15 ft.
Two-Family Dwelling	All Other Residential Uses  (Including a bed and breakfast, live/work, multiple-family dwelling, residential care facility and senior independent living community)			

Buffer Requirements				
Land Use Class	Adjacent Existing Land Use Class			
	Class I	Class II	Class III	Class IV
Class I	No Buffer Required	E	E	E
Class II	E	A	C	D
Class III	E	C	A	B
Class IV	E	D	B	A
Buffer Substitution Permitted	F	F	F	F

## SECTION 5.05: Standards for Uses in All Zoning Districts (Cont.)

Quantity of Plant Material						
Plant Requirements <sup>1</sup>						
Buffer <sup>3</sup>	Width Options	Deciduous Trees <sup>1</sup>	Deciduous Shrubs <sup>1</sup>	Evergreens <sup>1</sup>	Berms <sup>2</sup>	Fences <sup>2</sup>
A	15 ft.	2	—	2		
	10 ft.	2	2	2		
B	20 ft.	2	—	2		
	15 ft.	2	2	2		
	10 ft.	2	4	4		
	25 ft.	2	2	2		
C	20 ft.	2	4	2		
	15 ft.	3	4	4		
	30 ft.	2	2	2		
	25 ft.	2	2	4		
D	20 ft.	3	4	4	Required	
	10 ft.	3	4	4		Required
	30 ft.	2	2	2		
	25 ft.	3	4	4		
E	20 ft.	3	4	4	Required	
	15 ft.	3	4	4		Required
F	5 ft.	Planting shall be composed of shrubs that will reach 6' at maturity, planted at the recommended interval to a maximum of 10' to provide opacity. If a side setback is under 8' in width, plantings may be substituted with a 6' tall opaque fence made of wood or vinyl panels.				

<sup>1</sup> Required minimum plant units per 100 ft.

<sup>2</sup> Entire length of buffer: Min. 3 ft. tall berm or 4 ft. tall opaque fence

<sup>3</sup> Where side setbacks do not exist or they are 5 ft. wide or less, buffer requirements may be waived.

**SECTION 5.05:** Standards for Uses in All Zoning Districts (Cont.)

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- h. Any area on a project site that has been disturbed must be landscaped, in compliance with Section 5.05, J. Shade trees must be planted in interior landscaping areas consistent with the Quality of Plant Material.
- i. Foundation landscaping must be designed to soften building edges and screen foundations.
  1. Landscape materials must be planted within five feet of the building perimeter as described in the table in Section 5.05, J, (5).
  2. Where site design considerations (e.g., location of sidewalks, plazas, or service areas) make a five foot planting area infeasible, as determined by the Zoning Administrator, plant materials may be located in planter boxes or in other areas of the site.

9. Parking Lot Landscaping

- i. Parking lot landscaping is required for all new or expanded parking lots greater than 10 spaces. When an existing parking lot is expanded and the expansion results in 10 or more parking spaces, the expansion shall be required to comply with the following standards.
  - a. Perimeter Parking Lot Landscaping
    1. A minimum five-foot wide, landscaped area with a continuous row of shrubs must be provided at the perimeter of the parking lot along a right-of-way. Shrubs must be a minimum of 18 inches in height when planted and must reach a minimum size of three feet in height within three years of planting.
    2. The required five-foot landscaped area may be reduced to three feet when a three -foot high masonry wall, wrought iron or wood picket fence is erected.
  - b. Snow Storage
    1. An area equivalent to 20 percent of the required parking stall area shall be provided for snow storage. The snow storage area shall be located within any fence bounding the parking lot.

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## **SECTION 5.05:** Standards for Uses in All Zoning Districts (Cont.)

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### **J. Non-Residential Structure Design Standards**

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#### 1. Purpose & Intent

- i. The purpose and intent of these regulations is to encourage new construction and additions to all buildings in the City, other than Single-Family and two-family residences within the Downtown Mixed-Use District (DMUD) that contribute to the City as a unique place, reflecting the community's physical character. These regulations promote creative architectural designs that connect with its surroundings.
- ii. The Zoning Administrator shall review and approve the proposed exterior design of all-new buildings and additions to existing buildings, except for Single-Family and two-family residences, for compliance with the requirements of this Section.
- iii. Signs, landscaping and buffering, and all other development standards set forth in this Code shall additionally apply.

#### 2. Applicability

- i. The design standards listed for non-residential structures shall be reviewed by the Zoning Administrator.
- ii. Industrial properties will not be required to comply with these standards.
- iii. Properties deemed as having historical significance, such as a listing in a national, state or local historic designation or part of a historic district ,will not be subject to these standards.

#### 3. Building Design & Materials

- i. All architectural elevations of principal buildings shall consist of a base, a body, and a cap.
  - ii. The base shall occupy the lowest portion of the elevation and shall consist of brick, stone, or textured concrete block.
  - iii. The body shall occupy the middle portion of the elevation and shall consist of wood, brick, stone, or cementitious siding. Other materials such as textured concrete block and applied materials are considered less desirable; however, they may be permitted with the approval of the Planning Commission on a case-by-case basis if the overall design meets the purpose and intent of Section 5.05, L, (1).
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**SECTION 5.05:** Standards for Uses in All Zoning Districts (Cont.)

**Base, Body & Cap Illustration**



- iv. The cap shall occupy the highest portion of the elevation, excluding the roof. The building cap shall consist of brick, stone, textured concrete block, wood, or applied materials such as exterior insulation finish system (E.I.F.S.). The cap shall consist of at least one of the following architectural features: a cornice, parapet, awning, canopy, or eaves.

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## **SECTION 5.05:** Standards for Uses in All Zoning Districts (Cont.)

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- v. Buildings that have a flat roof and a continuous wall elevation of uniform height shall contain three-dimensional architectural elements that serve to break up the horizontal emphasis of the elevation.
  - vi. Architectural elements shall be distributed in a manner that limits the length of a continuous wall section of uniform height to not more than four times the height of the building.
  - vii. Where E.I.F.S. (Exterior Insulation and Finish Systems) is allowed it shall not cover more than 15% of the exterior of the structure excluding window and door openings.
  - viii. Pitched roofs, where included in the design of a structure, shall have at least a 5/12 slope and roof materials for pitched roofs shall be either shingles or standing seam metal.
  - ix. Building Mechanical Equipment.
    - a. Building mechanical equipment may be situated on a property only as follows:
      1. Within the interior of the building not visible from the exterior;
      2. On the roof of a structure as close to the middle of the roof as possible and adequately screened;
      3. In a rear or Side-Yard if surrounded by a 100% opaque fence or wall of at least six feet in height and made of natural masonry or stained or painted wood. Barbed or concertina wire is not permitted on the top of any such fence or wall;
      4. No mechanical equipment shall be located in the Front-Yard nor shall any mechanical equipment be placed in the same yard as the primary building entrance; and
      5. No mechanical equipment located on the roof of a building shall be screened or protected by barbed or concertina wire, or chain link fence.
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**SECTION 5.05:** Standards for Uses in All Zoning Districts (Cont.)

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4. Façades

- i. Any structure façade facing a public right-of-way (including waterfront property in the Shoreline Mixed-Use District but excluding waterways) shall be treated as a front facade.
  - ii. A finished elevation (four-sided architecture) is required on every side of the structure. Each side of a structure shall be architecturally similar to the other sides.
  - iii. When using zero lot line construction, the adjoining wall shall be constructed of maintenance-free masonry and the adjoining facade is exempt from the four-sided architecture requirement provided.
    - a. The ground floor of mixed-use structures requiring first-floor commercial uses shall be transparent storefronts consisting of a minimum of 60% glass on front facades and 20% glass on other facades. Facades wider than 90 feet shall change architectural styles at a minimum of five-foot step backs at intervals of not more than 40 feet to create the appearance of multiple structures.
    - b. All structures with frontages on two public streets shall be required to create a corner feature.
    - c. Any facades facing a public right of way shall have a minimum of 25% transparent glass and all facades, except adjoining or party walls, shall have a minimum of 10% transparent glass. Paper and other coverings shall not be used to partially or completely make the transparent glass opaque.
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## **SECTION 5.05:** Standards for Uses in All Zoning Districts (Cont.)

### **K. Fences**

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1. The following standards shall apply to the material, maintenance and height of fencing for-residential uses:
  - i. A zoning permit for fences and walls for residential uses is required.
  - ii. Fences and walls shall not violate the sight distance requirements, which apply to the visibility triangle as defined in Article Nine.
  - iii. Fences and walls shall not block or divert natural or designed stormwater flow.
  - iv. Fences on residential lots of record shall not contain barbed wire or be electrified.
  - v. Fences and walls in the Front-Yard shall be:
    - a. Decorative in nature; styles include picket, split rail and shall not include chain link;
    - b. Minimum 50% transparent;
    - c. Setback 15 ft. from the front property lot line and located up to the side property lot lines; and
    - d. Maximum of four feet, four inches in height.
  - vi. Fences and walls in the rear and Side-Yard shall be:
    - a. Designed for privacy including normal fencing material;
    - b. If mutually agreeable to the abutting property owners, a fence may be erected on the property line, otherwise said fence may be erected immediately adjacent and parallel to the property line; and
    - c. Maximum of six feet in height.
2. The following standards shall apply to the material, maintenance and height of fencing for non-residential uses:
  - i. A zoning permit for fences and walls for non-residential uses is required.

**SECTION 5.05:** Standards for Uses in All Zoning Districts (Cont.)

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- ii. Material
  - a. Fences shall not include barbed or concertina wire and shall not contain an electric charge.
  - b. Fences shall be constructed of treated wood, vinyl, or other acceptable materials.
- iii. Maintenance
  - a. Fences shall be maintained in good condition and repair at all times and shall be maintained at no less than an 80-degree angle to the ground where it is located at all times.
- iv. Height
  - a. Fences in the rear yard shall be six feet in height and 100% opaque.
  - b. Fences in the Front-Yard or Side-Yard on any corner lot shall not exceed four feet in height, shall be no more than 50% opaque, and shall be made of iron, powder-coated aluminum, or treated wood.
  - c. Fences in Front-Yards must be placed three feet away from any easements or rights-of-way adjacent to or located within the property.
  - d. No fence shall be located within any visibility triangle as determined by this Code.
  - e. Sports fields, in instances where a fence or backstop protects spectators from projectiles, may have a fence height greater than six feet; provided that the fence has a zoning and building permit.

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## **SECTION 5.05:** Standards for Uses in All Zoning Districts (Cont.)

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### **L. Walls**

1. The following regulations shall apply generally to all decorative and retaining walls:
  - i. All walls shall be made of brick, stone, pressure-treated wood, reinforced poured concrete or concrete masonry units;
  - ii. Walls shall not include barbed or concertina wire or contain any type of electrical charge;
  - iii. Walls shall be maintained in good condition and repair and shall be maintained at no less than an 85-degree angle to the ground where it is located;
  - iv. Walls in Front-Yards must be placed three feet away from any easements or rights-of-way adjacent to or located within the property;
  - v. No wall shall be located within any visibility triangle as determined by this Code; and
  - vi. Walls in the Front-Yard or Side-Yard on any corner lot shall not exceed three feet in height.

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### **M. Outdoor Storage & Displays**

1. The permanent or temporary outdoor storage or display of bulk goods are subject the approval of a zoning permit and subject to the following:
  - i. The outdoor storage or display of merchandise, inventory or materials shall not interfere with parking or the safe and unobstructed use of vehicular or pedestrian access;
  - ii. The outdoor storage or display of merchandise, inventory or materials shall not be located in any required yard area within the lot;
  - iii. The outdoor storage or display of merchandise, inventory or materials shall not include the use of banners, pennants or strings of pennants;
  - iv. Outdoor storage areas shall be required to be fully screened, with the exception of a gate or opening for entrance and exit, with a fence or wall not to exceed eight feet in height; and

**SECTION 5.05:** Standards for Uses in All Zoning Districts (Cont.)

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- v. Temporary outdoor storage of retail goods shall be permitted for a duration no longer than 21 consecutive days and no longer than 63 days over an entire year. The temporary display area may not be larger than 200 square feet and may not interfere with pedestrian, bicycle or vehicular circulation.
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**SECTION 5.07:** Standards for Specific Non-Residential Uses

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**A. Mobile Food Trucks**

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1. Permit Required. A mobile food truck shall not set-up within the City without first obtaining a zoning permit from the Zoning Administrator. The zoning permit shall be conspicuously displayed during operation.
  2. Fees. An application for a permit under this subsection shall be accompanied by a fee in the amount established by resolution of the City Council. There shall be no proration of fees. Fees are non-refundable.
  3. Requirements. A zoning permit shall be granted only if the proposed mobile vending business satisfies the following conditions:
    - i. A mobile food truck may operate between the hours of 9:00 am and 11:00 pm.
    - ii. A mobile food truck shall not exceed 36 feet in length or nine feet in width.
    - iii. The customer service area for mobile truck shall be on the side of the street that faces curb, lawn, or sidewalk when parked. No food service shall be provided on the driving lane side of the truck or vehicle.
    - iv. The owner or operator of the food truck shall provide trash receptacles, other than public receptacles.
    - v. Mobile food truck utilizing public parking spaces or parked on public streets shall conform to all applicable parking regulations and shall not hinder the lawful parking or operation of other vehicles.
    - vi. No food shall be displayed outside of a mobile food truck.
    - vii. While operating on city-owned or controlled property, shall not provide or allow dining area within ten feet of mobile food truck, including but not limited to tables and chairs, booths, stools, benches, and stand-up counters.
    - viii. When extended, awnings for mobile food trucks shall have a minimum clearance of seven feet between the ground level and the lowest point of the awning or support structure.
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## **SECTION 5.07:** Standards for Specific Non-Residential Uses (Cont.)

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- ix. Shall not operate on city-owned or controlled property within one block of a city-sanctioned or authorized street fair, public festival, farmers market, or event being conducted without authorization from the event sponsor.
  - x. Shall not use external signage, bollards, seating or other equipment that is not contained in the vehicles. Signage is only permitted when physically part of the mobile food truck. No separate freestanding signs are permitted.
  - xi. Shall not use any flashing or blinking lights or strobe lights; all exterior lights over 60 watts shall contain opaque, hood shields to direct the illumination downward.
  - xii. Shall comply with all other city ordinances.
  - xiii. Shall comply with all applicable federal, state, and county regulations.
  - xiv. A mobile food truck shall not be left unattended.
  - xv. Any power required for the mobile food truck located on city-owned or controlled property shall be self-contained and shall not use utilities drawn from the city-owned or controlled property.
  - xvi. Mobile food trucks on private property may use electrical power from the property being utilized with prior authorization from the power customer.
  - xvii. The mobile food truck shall submit written proof of permission from the property owner with the zoning permit application.
  - xviii. Power cables or similar devices shall not run across any city street or ally, and shall not be run on the ground across or within pedestrian walkways or areas.
  - xix. Mobile food trucks parked on city-owned and controlled property shall not be parked within 150 feet of any entrance to an existing, brick and mortar restaurant during the hours when such restaurant is open for business to the public, unless written permission, a copy of which must be provided to the city, is first given by the restaurant.
  - xx. At all times, mobile food trucks shall be at least 25 feet from all intersections and driveways.
  - xxi. A mobile food truck may not park on the street in any residential district overnight. If parked or stored outside of a garage, it shall be parked or stored no closer to the street than the nearest foundation line of the residence.
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**SECTION 5.07:** Standards for Specific Non-Residential Uses (Cont.)

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**B. Mining of Sand & Gravel**

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1. Surface mining of sand and gravel shall require a zoning permit upon the submission of the following by the applicant:
    - i. Name of the owner or owners of land from which removal is to be made;
    - ii. Name of the applicant making request for such a permit;
    - iii. Name of the person or corporation conducting the mining operations;
    - iv. Location, description and size of the area from which the removal is to be made;
    - v. Location of the processing plant to be used and any accessory or kindred operations that may be utilized in connection with the operation of the processing plant by the mining processor or any other firm, person or corporation. The processing plant shall be located to minimize dust, dirt and noise, as much as possible;
    - vi. Type of resources or materials to be removed;
    - vii. Proposed method of removal and whether or not blasting or other use of explosives will be required;
    - viii. General description of the equipment to be used; and
    - ix. Method of rehabilitation and reclamation of the mined-out area, including a grading plan showing existing contours in the area to be excavated and the proposed future contours showing the topography of the area after completion. The plan shall include the surrounding area within 500 feet of the property boundary line, drawn to an appropriate scale with contour lines at intervals of five feet or less.
  2. The following standards shall apply to all surface mining of sand and gravel:
    - i. No mining of sand and gravel shall be carried on, or any stock pile placed closer than fifty (50) feet to any property line, or greater distance as specified by the Zoning Administrator. When such is deemed necessary for the protection of adjacent property, this distance requirement may be reduced by the written consent of the owner or owners of abutting property. Adequate lateral support shall be provided for said abutting property;
    - ii. If the site of the mining operation is adjacent to the right-of-way of any public street or road, no operation shall take place closer than 100 feet to the nearest line of the right-of-way.
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## **SECTION 5.07:** Standards for Specific Non-Residential Uses (Cont.)

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- iii. Any excavated area adjacent to a right-of-way of any public street or road shall be back filled for a distance of 150 feet from the right-of-way line;
  - iv. Fencing or other suitable barrier, including the planting of trees or shrubs found on the Upper Peninsula Regional Plant List list shall be erected and maintained around the entire site or portions where, in the opinion of the Planning Commission, such fencing or barrier is necessary for the protection of the public safety;
  - v. All equipment and machinery shall be operated and maintained in such manner as to minimize dust, noise and vibration. Access roads shall be maintained in a dust-free condition by surfacing or other treatment as may be specified by the Zoning Board of Appeals;
  - vi. Quarrying shall not be carried out closer than 300 feet to any adjoining property line unless the written consent of such adjoining property owner has first been obtained; and
  - vii. The Zoning Administrator is authorized to impose requirements with respect to providing adequate barriers as it may be necessary to protect the public safety.
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### **C. Portable Storage Units**

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- 1. Portable Storage Units shall be a permitted use, permitted accessory use, or special use only within the B-2 District. The following excepts apply, provided that a permit is obtained from the Zoning Administrator.
    - i. When necessary to facilitate clean-up and/or restoration activities resulting from natural disasters of storms, fire, or flood for a period of not more than 180 days.
    - ii. A portable storage unit may be located on a property for a period not to exceed seven consecutive days and not more than twice per year.
  - 2. The unit must not be stored in the grass and should be on a hard surface on lots of less than one acre.
  - 3. Storage of hazardous materials is prohibited.
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**SECTION 5.07:** Standards for Specific Non-Residential Uses (Cont.)

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**D. Adult Entertainment Businesses**

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1. Location
    - i. No adult entertainment business shall be established within 500 feet of any area zoned for residential use (not including mixed-use properties).
    - ii. Adult entertainment businesses are permitted only in the Industrial District.
    - iii. No adult entertainment business shall be established within a radius of 1,000 feet of:
      - a. Any school or library, whether public or private, governmental or commercial;
      - b. Any park or recreational facility;
      - c. Any religious assembly; or
      - d. Any other adult entertainment business.
  2. Section 5.07, D, (1) may be waived by the Zoning Board of Appeals provided that the applicant provides affidavits of 51% of the property owners within the above described radius, giving their consent to the establishment of an adult entertainment business, and if the Zoning Board of Appeals determines:
    - i. That the proposed use will not be contrary to the public interest or injurious to nearby properties, and that the spirit and interest of Section 5.05, D will be observed;
    - ii. That the establishment of an additional regulated use in the area will not be contrary to any program of neighborhood conservation nor will it interfere with any program of residential or commercial reinvestment, or renovation of a historical area; and
    - iii. That all applicable regulations of Section 5.07, D will be observed.
  3. Site & Design
    - i. All building openings, entries, windows, etc. for adult entertainment businesses shall be located, covered, or serviced in such a manner as to prevent a view into the interior from any public or semi-public areas, sidewalk or street. For new construction, the building shall be oriented so as to eliminate any possibility of viewing the interior from any public or semi-public areas.
    - ii. Parking lots must be lit.
    - iii. Loitering is not permitted at building entrances or around the building.
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## **SECTION 5.07:** Standards for Specific Non-Residential Uses (Cont.)

### **E. Vehicle Sales**

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1. Where permitted, vehicle sales shall be subject to the following conditions:
    - i. All vehicles sales must be on a lot containing a permanent building, containing a foundation and meeting all applicable building codes;
    - ii. The entire sales lot and off-street parking area must be paved;
    - iii. The sales lot must be at least 1,000 feet from any residential district;
    - iv. All vehicles and equipment must be in operational condition; and
    - v. All other provisions of this Code shall be met.
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## **SECTION 5.09:** Nonconformities

### **A. Nonconformities**

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1. Intent. It is recognized that there exists within the Districts established by this Ordinance or by amendments, lots, structures, and uses of land, that were lawful before this Ordinance was passed or amended, which would be prohibited or restricted under the terms of this Ordinance or future amendment. It is the intent of this Ordinance to permit these nonconformities to continue until they are removed, but not to encourage their survival, except in the case of those with historic significance.
  2. Zoning Board of Appeals. Although it is the intent of this Ordinance to restrict the expansion and perpetuation of nonconforming uses of land and/or buildings, the Zoning Board of Appeals, subject to a hearing, may allow an expansion or enlargement provided that it is conclusively shown that such extension or enlargement:
    - i. Will not further reduce the value or otherwise limit the lawful use of adjacent premises.
    - ii. Will essentially retain the character and environment of abutting premises.
    - iii. Will not materially increase or perpetuate the nuisance aspects of the use upon adjacent uses (noise, glare, traffic congestion, land overcrowding, vibration, signs, hours of operation and related).
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**SECTION 5.09:** Nonconformities (Cont.)

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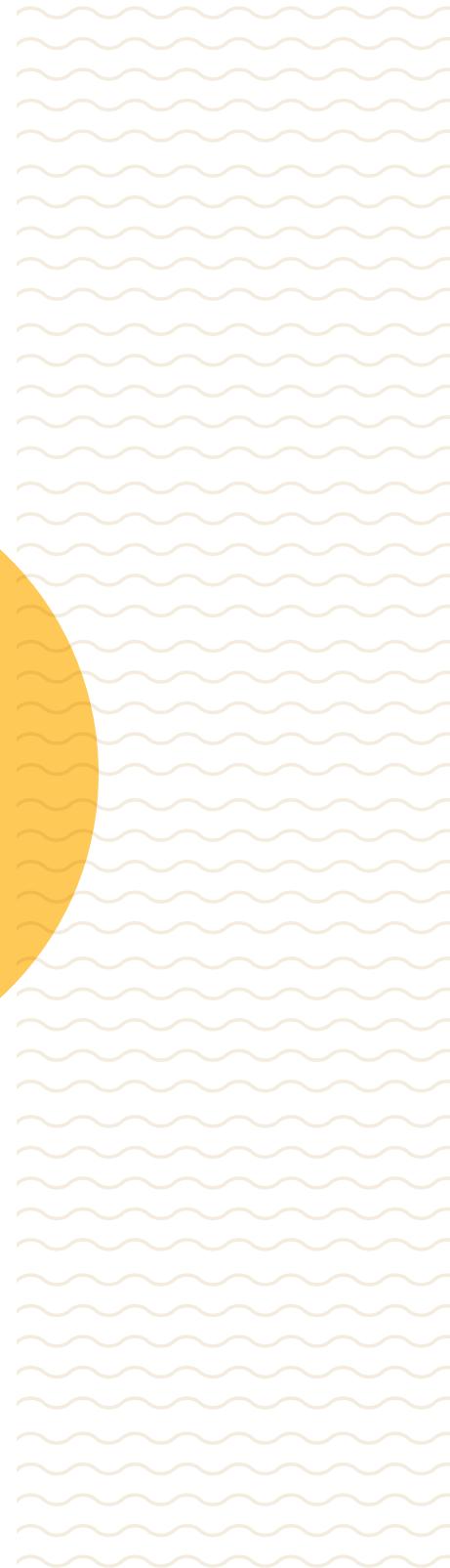
3. Nonconforming Lots. A permitted Single-Family dwelling and customary accessory building may be erected on any single lot on record at the effective date of adoption or amendment of this Ordinance, even though such lot may fail to meet the district requirements for area or width, or both. Yard dimensions and other requirements not involving area or width, or both shall conform to the regulations of the district in which such lot is located. Variance to yard requirements shall be obtained through the Zoning Board of Appeals.
4. Nonconforming Use of Land and/or Structures
  - i. Nonconforming use of land shall not be enlarged or increased nor extended to occupy a greater area of land than was occupied at the effective date.
  - ii. No nonconforming use of land or building shall be moved in whole or in part to any other portion of the lot or parcel occupied.
  - iii. No nonconforming structure may be enlarged or altered in a way which increases its nonconformity.
  - iv. Any non-conforming structure damaged to an extent of more than 75% of its then fair market value, exclusive of foundations, shall not be restored or reconstructed, used or occupied as a non-conforming use. If such damage amounts to 75% or less of the fair market value, the non-conforming structure may be restored, provided a building permit is obtained and that such restoration shall begin within one year from the time of damage.
  - v. Any nonconforming use may be carried on throughout any parts of a building which were manifestly arranged or designed for such use, but no such use shall be extended to occupy any land outside such building.
  - vi. Any nonconforming use of a structure, land, or structure and land, may be changed to another nonconforming use provided that the proposed use is equally or more appropriate to the District than the existing nonconforming use.
  - vii. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall conform to the regulations for the district in which such structure is located. The nonconforming use may not be resumed. There may be changes in tenancy and ownership of nonconforming premises.
  - viii. When a nonconforming use of land, structure, or structure and land in combination is discontinued or ceases to exist for 12 consecutive months, the structure, or structure and premises in combination, shall not be used except in conformance with regulations of the District in which it is located.





## ARTICLE SEVEN

### Administration & Procedures



# **ARTICLE SEVEN** Administration & Procedures

## **SECTION 7.01:** Introduction

- A.** This Article sets forth the provisions and the requirements for submittal, review and approval of applications under this Ordinance and for addressing complaints, suspending and revoking permits. These provisions are intended to clearly describe administrative duties and responsibilities, permit procedures and conditions to improve citizen and property owner understanding and to ensure efficiency in the administration of the Ordinance.

Application Type	Zoning Admin.	Planning Commission	Zoning Board of Appeals (ZBA)	Council
<b>Zoning Permits</b>				
Application Submitted To:	X			
Decision By:	A			
Appeal To:			QJ	
<b>Variances</b>				
Application Submitted To:	X			
Decision By:			QJ	
Appeal To:			QJ	
<b>Special Uses</b>				
Application Submitted To:	X			
Decision By:		X		
Appeal To:			CC	

## **SECTION 7.01:** Introduction (Cont.)

<b>Application Type</b>	<b>Zoning Admin.</b>	<b>Planning Commission</b>	<b>Zoning Board of Appeals (ZBA)</b>	<b>Council</b>
<b>Zoning Enforcement</b>				
Application Submitted To:	X			
Decision By:	A			
Appeal To:			QJ	
<b>Site Plan Review</b>				
Application Submitted To:	X			
Decision By:		X		
Appeal To:			QJ	
<b>Zoning Text Amendments</b>				
Application Submitted To:	X			X
Decision By*:		QL		LS
Appeal To:				
<b>Zoning Map Amendments</b>				
Application Submitted To:	X			X
Decision By*:		QL		LS
Appeal To:				
<b>Key</b>				
<b>A</b> Administrative Decision			<b>LS</b> Legislative Decision	
<b>QJ</b> Quasi-Judicial Decision			<b>X</b> Responsible for Determination	
<b>QL</b> Quasi-Legislative Decision			<b>CC</b> Circuit Court	

\*After QL, Quasi-Legislative Decision, Planning Commission makes recommendation to City Council for LS, Legislative Decision.

**SECTION 7.03:** Individual & Organizational Procedures & Duties (Cont.)

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- A.** The provisions of this Ordinance shall be administered by the City Council, the Planning Commission, City Zoning Administrator, the Zoning Board of Appeals, and the City Attorney in accordance with the Michigan Zoning Enabling Act, Public Act 110 of 2006, and the delegation of responsibility assigned by this Ordinance.
- 
1. City Council. The City Council shall have the primary responsibility for supervision of the administration and enforcement of the Ordinance. In order to carry out this responsibility, the City Council may adopt and file rules, guidelines, and forms to assist the Zoning Administrator and the City Planning Commission in administering and enforcing this Ordinance. Until such rules or guidelines are adopted, any existing rules, guidelines, the Zoning Ordinance, and the Michigan Zoning Enabling Act, Public Act 110 of 2006 shall guide the administration of this Ordinance.
    - i. Procedures. A majority vote of the entire membership of the City Council is required to adopt a proposed Ordinance or Ordinance amendment.
    - ii. Duties. The City Council shall perform the following duties in relation to this Ordinance:
      - a. Shall consider and vote upon the adoption of a zoning ordinance (with or without amendments) or proposed amendments to the zoning text and zoning map.
      - b. Set the amount of fees for zoning permits.
      - c. Appoint members to the Planning Commission.
  2. Planning Commission. The Commission shall consist of nine members approved by the City Council.
    - i. The Planning Commission shall consist of the Mayor of the City, one of the administrative officials of the City selected by the Mayor, one member of the City Council to be selected by it, as members ex officio and six persons who shall be appointed by the Mayor subject to the approval by a majority vote of the members elect of the Council.
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## **SECTION 7.03:** Individual & Organizational Procedures & Duties (Cont.)

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### ii. Appointment & Terms

- a. All members of the Planning Commission shall serve as such without compensation, and shall hold no other city office, except the ex officio members.
  - b. The terms of the ex-officio members shall correspond to their respective official tenures, except that the term of the administrative official selected by the Mayor shall terminate with the term of the Mayor. The term of each appointed member shall be three years or until the member's successor takes office, except that the respective terms of two of the members first appointed shall be for one year and two for two years.
  - c. The Planning Commission shall elect its Chairperson from among the appointed members, and shall create and fill such other of its offices as it may determine. The term of Chairperson shall be one year, with eligibility for reelection. The Commission shall schedule at least one regular meeting in each month. It shall adopt rules for transaction of business and shall keep a record of its resolutions, transactions, findings and determinations, which record shall be a public record.
  - d. The Planning Commission shall have no authority to make expenditures on behalf of the city, and shall engage no employees nor contract with any municipal planners, engineers, architects or other consultants for such services, without the previous approval of the Council.
-

**SECTION 7.03:** Individual & Organizational Procedures & Duties (Cont.)

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## iii. Procedures

- a. The Planning Commission shall schedule a meeting at least once every month and a majority of the Planning Commission shall constitute a quorum for the transaction of ordinary business. Ordinary business which shall arise at their meetings shall be determined by a majority vote of the Planning Commission members. The affirmative vote of a simple majority of the total number of seats for the Planning Commission, regardless of vacancies or absences, shall be necessary for the adoption, or recommendation for adoption, of any plan/ordinance or amendment to a plan/ordinance.
  - b. Member(s) shall not be absent for more than three consecutive regular meetings unless excused by the Chairperson. The Chair of the Planning Commission shall notify the City Council of any non-compliance of the above attendance criteria of a Planning Commission member by letter, recommending removal of said member from the Planning Commission.
  - c. Under extenuating circumstances such as a serious or chronic health condition, or family illness, the Planning Commission may, by motion and simple majority vote, defer the action specified above. Said member is exempt from voting privileges in the action.
  - d. The business that the Planning Commission may perform shall be conducted at a public meeting of the Planning Commission held in compliance with the Open Meetings Act, 1976 PA 267, MCL 15.261 to 15.275, as amended. Public notice of the time, date, and place of a regular or special meeting shall be given in the manner required by that act.
  - e. A writing prepared, including meeting minutes, owned, used, in the possession of, or retained by a Planning Commission in the performance of an official function shall be made available to the public in compliance with the Freedom of Information Act, 1976 PA 442, MCL 15.231 to 15.246, as amended.
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## **SECTION 7.03:** Individual & Organizational Procedures & Duties (Cont.)

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- iv. Duties. This Section shall not be construed to diminish the Planning Commission's authority and duties imposed by the Michigan Planning Enabling Act, Public Act 33 of 2008 by other laws or regulations. The Planning Commission shall perform the following duties:
    - a. Adopt Bylaws for the transaction of business including the election of officers and rules of procedure consistent with the Michigan Planning Enabling Act, Public Act 33 of 2008.
    - b. Elect a chairperson from its members and create and fill other offices as it considers advisable. The term of office of each officer shall be one year with the opportunity for reelection as specified in the By-Laws.
    - c. Keep a public record of its resolutions, transactions, findings, and determinations.
    - d. Prepare forms, rules, procedures, and guidelines for the proper administration and enforcement of the Ordinance which are to be forwarded to the City Council for action prior to implementation.
    - e. Conduct public hearings on matters requiring a public hearing, or which in the Planning Commission's discretion warrant a public hearing, prior to action.
    - f. Shall make and approve a master plan as a guide for development within the City, or areas outside the City boundaries that in the Planning Commission's judgment are related to the planning of the City as provided for in the Michigan Planning Enabling Act, Public Act 33 of 2008.
    - g. Make a comprehensive review and recommend changes to the Master Plan and/or Zoning Ordinance as deemed necessary.
    - h. Review and take appropriate action on all applications for zoning text change, rezoning, and special use permits, and the review of site plans.
    - i. Review and advise the City Council on all applications for amendments to the Ordinance and on any amendments proposed by the Planning Commission.
    - j. Advise and make recommendations to the City Council concerning future amendments, changes, additions, or departures from the Ordinance.
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**SECTION 7.03:** Individual & Organizational Procedures & Duties (Cont.)

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- k. If the Planning Commission has adopted a master plan, the Planning Commission shall review and make recommendations on plans before action by the City Council under section 112 of the Land Division Act, 1967 PS 288, MCL 560.105, as amended.
3. Zoning Administrator
- i. Employment. The City Council shall employ a Zoning Administrator (who may be the City Manager) to act as its officer to effect the proper and consistent administration and enforcement of this Ordinance. The terms of employment and rate of compensation shall be established by the City Council.
  - ii. Duties. It shall be the responsibility of the Zoning Administrator to be thoroughly versed in the provisions of this Ordinance and to enforce the provisions of this Ordinance. The Zoning Administrator or the Administrator's deputized agents shall have the power of a police officer, whose jurisdiction is the enforcement of this Ordinance. Acting in this capacity, the Zoning Administrator shall, among other responsibilities, be empowered to perform the following duties:
    - a. Attend Meetings: The Zoning Administrator shall attend Planning Commission, Zoning Board of Appeals, and such other meetings related to administration of this Ordinance as necessary or when requested.
    - b. Assist Citizens: Help citizens determine what zoning forms and procedures apply to proposed zoning requests and land use changes, and aid them in completing required permit application forms. Help citizens with an alternate procedure if the request is not in compliance.
    - c. Review Applications: Receive and review all permit application forms to determine level of completion and level of compliance with the provisions of the Ordinance.
    - d. Issue Permits: For permits requiring only administrative approval, the Zoning Administrator shall be authorized to issue the appropriate Zoning Permits provided the request complies with all applicable provisions of this Ordinance. The issuance of permits includes the authority to impose any condition authorized by this Ordinance. For permits requiring Planning Commission approval, the Zoning Administrator will refer all complete applications to that body for review.

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## **SECTION 7.03:** Individual & Organizational Procedures & Duties (Cont.)

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- e. File Applications: The Zoning Administrator shall maintain files of all applications for zoning approval and for all Zoning Permits and shall keep records of all permit approvals and denials. Such files and records shall be open to public inspection. Copies shall be furnished upon request at a cost established by the City Council.
  - f. Inspections: The Zoning Administrator shall make as many inspections of buildings or premises as necessary in order to properly carry out the enforcement of this Ordinance or any permit, approval, or condition of a permit or approval, or order under this Ordinance. At a minimum the property shall be inspected upon staking for any building, and prior to occupancy.
  - g. Non-Conforming Uses: Identify, monitor, and control changes in nonconforming uses.
  - h. Enforce the Zoning Ordinance: The Zoning Administrator shall be the principal Ordinance enforcement officer. The Zoning Administrator shall ensure conformance with issued permits, investigate alleged Ordinance violations, including the conditions of permits or approvals, violation notices, appear in court or other jurisdictional proceedings, and undertake such other enforcement activities as may be delegated by the City Council or Planning Commission.
  - i. Investigate Violations: The Zoning Administrator shall issue violation notices and appearance summons, and work with the City Attorney to seek the issuance of warrants for the arrest of alleged violators, or to enforce appropriate civil action for violation.
  - j. Record of Complaints: Keep a record of every complaint of a violation of any of the provisions of this Ordinance as a public record.
  - k. Prepare Record of Decisions: The Zoning Administrator shall establish notebooks or other records for listing each decision, waiver, interpretation, or enforcement action made under this Ordinance. This record shall be organized for easy reference by date and decision to help ensure consistency of future decisions.
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**SECTION 7.03:** Individual & Organizational Procedures & Duties (Cont.)

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4. Zoning Board of Appeals (ZBA). The Zoning Board of Appeals shall perform its duties and exercise its powers so that the health, safety and welfare of the public may be secured; and that substantial justice be done.
  - i. Membership
    - a. The Zoning Board of Appeals shall consist of three members, one per City Council, one per Planning Commission and one member at large who shall be appointed by the City Council, and shall serve in staggered terms as established by the Council.
    - b. The Zoning Board of Appeals shall elect a Chairperson each year.
  - ii. Procedures
    - a. Officers: The Zoning Board of Appeals shall select a Chairman and Vice-Chairman from within their membership.
    - b. Alternate Members: Two alternates will be appointed by the City Council, and shall serve in staggered terms as established by the City Council. An alternate member may be called to serve as a member of the Zoning Board of Appeals in the absence of a regular member. An alternate member may also be called to serve as a member for the purpose of reaching a decision on a case in which the member has abstained for reasons of conflict of interest. The alternate member appointed shall serve in the case until a final decision is made. An alternate member serving on the Zoning Board of Appeals has the same voting rights as a regular member.
  - iii. Attendance. Since regular attendance is required for optimal function of the Zoning Board of Appeals, members of the Board are appointed subject to the following attendance criteria.
    - a. Member(s) shall be expected to notify the chairperson or said Member's designee of said Member's expected absence prior to a meeting.
    - b. Member(s), unless excused by the chairperson, shall not be absent for more than two (2) consecutive meetings, irrespective of calendar year.
    - c. The Chairperson of the Zoning Board of Appeals shall notify the City Council of any non-compliance of the above attendance criteria of a Zoning Board of Appeals member by letter, recommending removal of said member from the Zoning Board of Appeals.

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## **SECTION 7.03:** Individual & Organizational Procedures & Duties (Cont.)

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- d. Under extenuating circumstances, such as a serious or chronic health condition, or family illness, the Zoning Board of Appeals may, by motion and majority vote, defer the action specified above. Said member is exempt from voting privileges in the action.
- iv. Meetings. All meetings of the Board shall be held at the call of the Chairperson and at such times as such Board may determine. All hearings conducted by the said Board shall be open to the public. The City Clerk, or representatives, shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact; and shall also keep records of its hearings and other official action. Three members of the Board shall constitute a quorum for the conduct of its business. 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 matter before it.
- v. Voting
  - a. All members of the Zoning Board of Appeals present at a meeting shall vote on every matter unless a member of the Board has a conflict of interest. A member of the Zoning Board of Appeals shall abstain from a vote in which the member has a conflict of interest, and the member shall state the nature of the conflict of interest prior to participating in a hearing on the matter.
  - b. The concurring vote of a majority of all the members of the Zoning Board of Appeals shall be necessary to reverse an order, requirement, decision or determination of the administrative official or body, or to decide in favor of the applicant on a matter upon which they are required to pass under the Zoning Ordinance, or to grant a variance in the Zoning Ordinance.
  - c. A Zoning Board of Appeals shall not conduct business unless there is a quorum of three members or alternates present.
  - d. 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.

**SECTION 7.03:** Individual & Organizational Procedures & Duties (Cont.)

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vi. Keeping of Records

- a. Minutes of all meetings shall be recorded and shall contain the grounds of every determination made by the Zoning Board of Appeals including all evidence and data considered, all findings of fact and conclusions drawn by the Board for every case together with the votes of the members and final disposition of each case. Such minutes shall be filed in the Office of the City Clerk, and shall be available to the public. The written record of proceedings shall be contained in a file with the following information:
    1. The application (for a permit, variance, interpretation, exception).
    2. Any reports, plans, surveys, or photos.
    3. Notice of Public Hearing to affected parties in newspaper.
    4. Letter from Zoning Administrator granting or denying the application or referring it to the Zoning Board of Appeals and all other relevant records related to the case.
    5. Affidavit of publication of Notice of Hearing.
    6. Record of testimony heard and evidence presented.
    7. A copy of the zoning Article(s) and Section(s) in question.
    8. Briefs, correspondence or other communications made to or from the Zoning Board of Appeals, including any from the City Attorney or other attorneys.
    9. Statement of facts found by Board of its knowledge regarding the request including any information gained from personal inspection.
  - b. Decision of the Board as specifically related to the findings of fact. Said findings of fact shall include, but are not limited to the following information:
    1. How the application of this Ordinance creates unnecessary hardship or practical difficulty in the use of petitioner's property.
    2. Identify the unique physical circumstances or conditions or exceptional topography that create practical difficulties.
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## **SECTION 7.03:** Individual & Organizational Procedures & Duties (Cont.)

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3. Specific findings (characteristics of the land) showing that because of physical circumstances or conditions there is no possibility that the property can be developed in strict conformity with the provisions of this Ordinance. That the authorization of a variance is necessary to enable the reasonable use of the property and that the condition is specific to this property and not general to other properties in the area.
  4. Finding that the practical difficulty was not created by the appellant and is related only to property that is owned or occupied by the appellant.
  5. A statement of the impacts of the variance if authorized, the property values, use and enjoyment of the property in the neighborhood or district, and on the public, health, safety and welfare.
  6. The proposed variance does not permit the establishment of any use which is not permitted by right within the district or any use or dimensional variance for which a Special Use Permit is necessary.
  7. Findings on whether the proposed development complies with the requirements, standards or procedures given in the Zoning Ordinance or an interpretation of the disputed Ordinance provisions, if applicable.
  8. Findings on any error in judgment or procedure in the administration of the relevant zoning provisions.
  9. The possible precedents or affects which might result from the approval or denial of the appeal.
  10. Findings on the impact if the appeal is approved, on the ability of the City or other governmental agency to provide adequate public services and facilities and/or programs that might reasonably require in the future if the appeal is approved.
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**SECTION 7.03:** Individual & Organizational Procedures & Duties (Cont.)

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- vii. Duties. The Zoning Board of Appeals shall perform the following duties:
- a. To hear and decide appeals where it is alleged there is error of law in any order, requirement, decision or determination made in the enforcement of this Ordinance.
  - b. In hearing and deciding appeals, the Zoning Board of Appeals shall have the authority to grant such variances therefrom as may be in harmony with the general purpose and intent of this Ordinance, public safety and welfare secured, and substantial justice done, including:
    1. Interpret the provisions of the Ordinance in such a way to carry out the intent and purpose of the plan, as shown upon the zoning map fixing the use districts, where street layout actually on the ground varies from the street layout as shown on the map aforesaid.
    2. Permit the erection and use of a building or use of premises for public utility purposes and make exceptions therefrom to the height and bulk requirements, which said Board considers necessary for the public convenience or welfare.
    3. Permit the modification of the automobile parking space or loading space requirements where, in the particular instance, such modification will not be inconsistent with the purpose and intent of such requirements.
    4. Permit such modification of the height and area regulations as may be necessary to secure an appropriate improvement of a lot which is of such shape, or so located with relation to surrounding development or physical characteristic that it cannot otherwise be appropriately improved without such modification.
    5. Permit temporary buildings and uses for periods not to exceed 12 months, provided adequate conditions of performance are required to assure public safety and compatibility with surrounding uses or properties.
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## **SECTION 7.03:** Individual & Organizational Procedures & Duties (Cont.)

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- c. Where, owing to special uses, a literal enforcement of the use provisions of this Ordinance would involve practical difficulties or cause unnecessary hardships within the meaning of this Ordinance, the Board shall have power upon appeal in specific cases to authorize such variation or modification as may be in harmony with the spirit of this Ordinance, so that public safety and welfare be secured and substantial justice done. No such variance or modification of the use provisions of this Ordinance shall be granted unless it appears beyond a reasonable doubt that all the following facts and conditions exist:
    1. That there are exceptional or extraordinary circumstances or conditions applicable to the property or its use that do not apply generally to other properties or uses in the same district.
    2. That such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the vicinity.
    3. That the granting of such variance or modification will not be materially detrimental to the public welfare or materially injurious to the property or improvements in the district in which the property is located.
    4. That the granting of such variance will not adversely affect the purposes or objectives of the Zoning Plan of the city.
    5. Nothing contained here shall be construed to give or grant to the Board the power or authority to alter or change the Zoning Ordinance or the zoning map, such power and authority being reserved to the City Council in the manner provided by law.
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**SECTION 7.03:** Individual & Organizational Procedures & Duties (Cont.)

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- d. In consideration of all appeals and all proposed variations to this Ordinance the Board shall, first determine that the proposed variation will not impair an adequate supply of light and air to adjacent property, or unreasonably increase congestion in public streets, or increase the danger of fire or endanger the public safety, or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals, or welfare of the inhabitants of the city. The concurring vote of four members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator, or to decide in favor of the applicant any matter upon which it is authorized by this Ordinance to render a decision.
- e. To hear and decide on Special Uses.

viii. Orders

- a. In exercising the above powers, the Board may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the Zoning Administrator from whom the appeal is taken.
  - b. The decision of the Zoning Board of Appeals shall be final. Appeals from decisions of the Zoning Board of Appeals shall be to the circuit court, as provided by law. An appeal from a decision of a Zoning Board of Appeals shall be filed within thirty days after the Zoning Board of Appeals issues its decision in writing signed by the chairperson.
- ix. Notice. No order of the Board permitting the erection of a building shall be valid for a period longer than one year, unless a building permit for such erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.
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## **SECTION 7.03:** Individual & Organizational Procedures & Duties (Cont.)

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- x. No order of the Board permitting a use of a building and/or premises shall be valid for a period longer than one year unless such use is established within such period; provided, however, that where such use permitted is dependent upon the erection or alteration of a building such order shall continue in force and effect if a building permit for said erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.
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## **SECTION 7.05:** Permit Review & Approval Procedures

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- A.** The general provisions of this section shall apply to all applications for development approval and procedures under this Ordinance.

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  - 1. Authority to File Applications: Applications shall be submitted to the Zoning Administrator by the owner, or any other person having a recognized interest in the land for which the development is proposed, or their authorized agent.
    - i. Applicant is Not Owner: If the applicant is not the owner of the land, or is a contract purchaser of the land, a letter signed by the owner consenting to the submission of the application shall be submitted.
    - ii. Applicant is Not Sole Owner: If the applicant is not the sole owner of the land, a letter signed by the other owners or an association representing the owners consenting to or joining in the application shall be submitted.
  - 2. Application Submission Schedule: The schedule for the submission of applications shall be established by the Zoning Administrator and made available to the public.
  - 3. Application Contents: Applications required under this Ordinance shall be submitted on a form approved by the Planning Commission and City Council and made available to the public.
  - 4. Simultaneous Processing of Applications: Whenever two or more forms of review and approval are required under this Ordinance (e.g., a Special Use Permit and a Variance), the applications for those development approvals may, at the option of the Zoning Administrator, be processed simultaneously, so long as all applicable requirements are satisfied for both applications.

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**SECTION 7.05:** Permit Review & Approval Procedures (Cont.)

## 5. Fees

- i. Determination of Fees: The City may charge reasonable fees sufficient to cover the costs of administration of this Ordinance. The City Council may adopt by resolution a fee schedule to accompany all applications submitted under this Ordinance. Fees shall be based on actual direct costs of inspection and consultation with qualified professionals resulting from the enforcement of this Ordinance and may include the cost of filing approvals with other entities. Such fees may also include but are not limited to all costs associated with conducting a public hearing or inspection. The fee schedule and any amendments shall be available at the City Clerk's office following adoption by the City Council.
  - ii. Fees to be Paid: No application shall be processed until the established fee has been paid and a receipt obtained from the Office of the Zoning Administrator; except that City Council, in the resolution establishing zoning fees, may exempt all City projects or the projects of other governmental agencies from all or part of the fees. The Office of Zoning Administrator shall keep accurate records of all fees. Such records are public records open for public inspection.
  - iii. Additional Costs & Fees for Professional Reviews: Professional review shall include a report indicating the extent of conformance or non-conformance with this Ordinance and identifying any problems which may create a threat to public health, safety or the general welfare or to the quality of the air, water or natural resources of the City. Mitigation measures, alterations or alternatives to a proposed design may be identified where they would serve to lessen or eliminate identified impacts. The applicant shall receive a copy of any professional review and a copy of the statement of expenses for the professional services rendered.
  - iv. Refund of Fees: Application fees are not refundable except where the Zoning Administrator determines that an application was accepted in error, or the fee paid exceeded the amount due, in which case the amount of the overpayment shall be refunded to the applicant.
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## **SECTION 7.05:** Permit Review & Approval Procedures (Cont.)

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### 6. Conceptual Review Meeting

- i. General Overview: A Conceptual Review Meeting is optional prior to submission of any application for development approval under this Ordinance. The purpose of a Conceptual Review Meeting is to familiarize the applicant and the City staff with the applicable provisions of this Ordinance required to permit the proposed development, and to inform the applicant about requirements for the preparation of the application.
  - ii. Initiation of Conceptual Review Meeting: Any potential applicant may request a pre-application conference with the Zoning Administrator. Along with the request for the Conceptual Review Meeting, the applicant may provide to the Zoning Administrator a description of the proposed development, the type of development approval sought, the location of the proposed project, and any other appropriate supporting documents such a concept plan, maps, drawings, models, and any other information the Zoning Administrator deems necessary for the Conceptual Review Meeting.
  - iii. Meeting: The Zoning Administrator shall schedule a Conceptual Review Meeting after receipt of a request for a Conceptual Review Meeting and any appropriate submission materials. At the Conceptual Review Meeting the applicant, the Zoning Administrator, Director of Public Works and any other City staff and regional, state, federal or adjacent local government representatives the Zoning Administrator deems appropriate to attend the Conceptual Review Meeting, shall discuss the proposed development, and based upon the information provided by the applicant including a Conceptual Sketch Plan, identify what Ordinance provisions generally apply to the proposed development.
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**SECTION 7.05:** Permit Review & Approval Procedures (Cont.)

7. Determination of Application Sufficiency.
  - i. Application Must be Complete. All applications must be complete before the permit issuing authority or approving body or official is required to consider the application.
  - ii. Determination of Sufficiency. Within 14 calendar days following receipt of the application, the Zoning Administrator shall determine if the application is complete. An application not reviewed for sufficiency within 14 calendar days, shall be considered complete and shall be processed as such. If the Zoning Administrator determines the application is not sufficient, written notice shall be provided to the applicant specifying the application's deficiencies. If the applicant fails to correct the deficiencies within sixty (60) days, the application shall be considered withdrawn. When the application is determined sufficient, it shall be reviewed pursuant to the procedures and standards of this Article.
8. Preparation of Staff Report. After an application is determined sufficient the Zoning Administrator shall refer the application to the appropriate official or approval body and direct the applicant to contact any other review agencies for comment. The Zoning Administrator shall review the application and where a Site Plan, Special Use, Variance, Ordinance Interpretation, Text Change, or Rezoning, is involved, prepare a Staff Report. Where a Staff Report is required, it shall be made available to the public five calendar days before the first scheduled public meeting or hearing, if requested, on the application. The Staff Report shall state whether the application complies with all appropriate standards of this Ordinance. Conditions for approval may also be recommended to eliminate any areas of noncompliance or mitigate any adverse effects of the development proposal. A Staff Report shall also be prepared on requests for rezoning or a text change. Staff reports may be prepared by a consultant to the City where authorized by the City Council.
9. Scheduling of Required Public Hearing. When an application for development approval is subject to a public hearing the Zoning Administrator shall ensure that the public hearing(s) on the application is scheduled for a regularly scheduled meeting or a meeting specially called for that purpose. The public hearing(s) shall be scheduled so there is sufficient time for a Staff Report to be prepared and for the public notification requirements of this Ordinance to be satisfied and be no longer than 21 days.

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## **SECTION 7.05:** Permit Review & Approval Procedures (Cont.)

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10. Decision on Permits. The bodies and officials responsible for reviewing permit applications shall:

- i. Approve all applications that conform with the requirements of this Ordinance;
- ii. Approve with conditions all applications that would conform if certain conditions were met; and
- iii. Shall deny all applications that do not conform with this Ordinance and would not likely conform even if mitigating conditions were imposed as a condition of approval.

11. Expiration of Permits

- i. All permits shall expire automatically, if, within six months after the issuance of such permits, significant actual construction has not commenced or use has not commenced where no actual construction is required. Significant means more than one-third of the estimated expense of the development.
  - ii. The City may extend a permit for a period of up to six months from the date when a permit would otherwise expire if it concludes that:
    - a. The permit recipient has proceeded with due diligence and in good faith; and
    - b. Conditions have not changed so substantially as to warrant a new application. One successive extension may be granted for a period of up to six months upon the same findings. All extensions may be granted without resort to the formal application and review processes. Fees required for an extension shall be according to the City fee schedule.
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**SECTION 7.05:** Permit Review & Approval Procedures (Cont.)

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**B.** Zoning Permits. The following provisions shall apply in the issuance of any Zoning Permit in addition to any other requirements for a particular use contained in this Ordinance:

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1. Commencement

- i. No clearing, grading, excavation or filling of land for a building or structure shall be commenced; no erection, addition to, alteration of, or moving of any building or structure shall be undertaken, nor shall any land be changed to a use of a different use type, use category, or use class under this Ordinance except in conformance with one of the following permits or approvals:
  - a. A Zoning Permit has been secured from the Zoning Administrator.
  - b. A Special Use Permit has been approved in compliance with the provisions of Article 7 of this Ordinance.
  - c. A platted Subdivision has been approved in compliance with the provisions of Chapter 153, Subdivision Regulations.
- ii. Except upon a written order of the Zoning Board of Appeals, no Zoning Permit shall be issued for any building, structure or use of land that would be in violation of any of the provisions of this Ordinance. Such order shall not be final until the minutes of the ZBA meeting at which the decision was made have been approved by the ZBA.

2. Application for Zoning Permit

- i. All applications for a Zoning Permit shall require an accurate scale map showing the following, unless waived by the Zoning Administrator:
  - a. The location, shape, area, dimensions, and legal descriptions of the parcel, location of easements and centerline of road.
  - b. The location, dimensions, height and bulk of the existing and/or proposed structures to be erected, altered, or moved on the parcel,
  - c. All existing and proposed uses of buildings, structures and land.
  - d. The proposed number of sleeping rooms, dwelling units, occupants, employees, customers, and other users.
  - e. The yard, open space, driveway or access by easement, and parking space dimensions.
  - f. The proposed plan and specific off-street parking and unloading spaces, if applicable.

- } The first step toward any type of development in the City starts with a Zoning Permit. The application must be completed and returned to the City for review.

## **SECTION 7.05:** Permit Review & Approval Procedures (Cont.)

- g. Any wetlands or flood plains, critical sand dunes or high risk erosion areas, lakes, streams or other water resources which may be on the property.
  - h. Any change to the ground contour of the parcel involved.
  - i. Any other information deemed necessary by the Zoning Administrator to properly administer this Ordinance.
  - j. A list of any permits that will be required for the development or use from federal, state, county or local agencies.
- ii. Land uses requiring site plan review per Section 7.09 shall submit a site plan in place of the information required in Section 7.05, B, (2), i and all development of the site shall be in accordance with an approved site plan.

} For a simple project not requiring a site plan review, and if the proposed project meets all requirements in the Zoning Ordinance, the Zoning Administrator will approve the Zoning Permit and provide a copy to the applicant. The applicant can then obtain a building permit from the Houghton County Building Department.

- iii. A copy of the deed or proof of equitable title shall be required with any application for a Zoning Permit for any new principal or accessory structure on any non-platted parcel in order to assure compliance with dimensional requirements of this Ordinance, to protect easements from encroachment, and to assure conformance with the Land Division Act, Public Act 288 of 1967, as amended. The Zoning Administrator may examine electronic copies of recorded deeds to meet this requirement.

} For a more complex project that requires site development plan review, or if the proposed project does not meet all requirements of the Zoning Ordinance, the Zoning Administrator will notify the applicant of the next steps of the process.

**SECTION 7.05:** Permit Review & Approval Procedures (Cont.)

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3. Withholding Permit:

- i. The Zoning Administrator may withhold any Zoning, Temporary Zoning, Special Use, or a Zoning Permit pending verification that an applicant has received required city, county, state or federal permits, including but not limited to sanitary sewer and water tap-in permits, septic and water well permits, soil erosion and sedimentation control permits, wetlands permits, flood plain, culvert, or driveway permits. Final permit approval of the requested development activity will be conditioned upon the receipt of any other necessary government approvals, and the City approval body can direct the Zoning Administrator not to issue the permit until those other permits have been obtained and copies filed with the Zoning Administrator.
  - ii. The Zoning Administrator may refuse to issue a Zoning Permit to a person who is responsible for an unresolved violation of this Ordinance at the requested location, or another location within the jurisdiction of this Ordinance, until the violation is satisfactorily corrected.
4. Previous Approvals: Nothing in the Ordinance shall require changes in the plans, construction, or designated use of a building for which a lawful permit has been heretofore issued or otherwise lawfully authorized, and the construction of which shall have been actively pursued within 6 months of the effective date of this Ordinance.
  5. Inspections: The Zoning Administrator shall inspect sites on which new permanent buildings are erected prior to issuance of a Zoning Permit and at such other time as is necessary to ensure conformance with this Ordinance and the conditions of any permit or approval.
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## **SECTION 7.05:** Permit Review & Approval Procedures (Cont.)

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**C.** **Temporary Zoning Permits.** Temporary Zoning Permits for temporary buildings, structures and uses shall conform with the following requirements:

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1. Application: Temporary Zoning Permits may be approved, modified, conditioned, or denied by the Zoning Administrator based on the standards established in Section 7.05, C, (3) and subject to such conditions as are reasonably necessary to minimize adverse impacts on abutting property, and protect the public health, safety and general welfare. The Zoning Administrator may refer the application for a Temporary Zoning Permit to the Planning Commission for a decision. The Planning Commission shall apply the procedures and standards in this Section, the same as the Zoning Administrator.
  2. Permits: A written temporary Zoning Permit shall be issued for all temporary buildings, structures and uses that comply with this Ordinance and shall contain the following information:
    - i. The applicant's name.
    - ii. The location and effective dates of all permitted temporary buildings, structures or uses.
    - iii. Conditions specified by which the permit was issued, such as:
      - a. Use and placement of signs.
      - b. Provision for security and safety measures.
      - c. Control of nuisance factors.
      - d. Elements of a performance guarantee.
      - e. Signature of the Zoning Administrator on the permit.
-

**SECTION 7.05:** Permit Review & Approval Procedures (Cont.)

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3. Conditions of Approval: A permit for a proposed temporary use shall be issued by the Zoning Administrator only if each of the following criteria is met:
  - i. The proposed use is clearly of a temporary nature.
  - ii. The temporary use shall not endanger the public health, safety or welfare of the City, or adjacent residents.
  - iii. Structures of temporary uses shall be provided, if required, with safe, sanitary and effective systems for water supply and disposal of wastes, approved by the Health Department.
  - iv. The proposed temporary use shall meet all lot, yard, setback and other requirements of this Ordinance.
  - v. The nature and intensity of the temporary use and the size and placement of any temporary building or structure shall be planned so that the temporary use, building or structure will be compatible with existing development on abutting property.
  - vi. Except for a garage sale, the temporary use shall not be located within an accessory building or structure.
  - vii. The parcel shall be of sufficient size to adequately accommodate the temporary use, building or structure.
  - viii. The location of the temporary use or structure shall be such that adverse effects on surrounding properties will be minimal, particular regarding the traffic generated by the temporary use or structure.
  - ix. Off-street parking areas are of adequate size for the particular temporary use, building or structure, are safely located and the entrance and exit drives are laid out so as to prevent traffic hazards and nuisances.
  - x. Signs shall conform to the provisions of this Ordinance.
  - xi. Any lighting or noise shall be directed and controlled so as to not create a nuisance to neighboring property owners.
  - xii. All the criteria specific to a particular temporary use are met.
  - xiii. The Zoning Administrator may impose conditions with the issuance of the permit which are designed to insure compliance with the requirements of this Ordinance and other applicable federal, state, or local laws, regulations, ordinances or codes.

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## **SECTION 7.05:** Permit Review & Approval Procedures (Cont.)

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4. **Permit Revocation.** A Temporary Zoning Permit may be revoked at any time for any of the following reasons:
    - i. Nonconformance with the requirements of this Section and/or a issued permit;
    - ii. Evidence that the Temporary Zoning Permit was obtained by misrepresentation or fraud;
    - iii. That one or more of the conditions of the Temporary Zoning Permit have not been met;
    - iv. That the temporary use is in violation of any statute, ordinance, law, or regulation; or
    - v. The Temporary Zoning Permit has expired by its terms or the provisions of the Ordinance
  5. **Appeal.** An appeal of a decision by the Zoning Administrator relative to approval or denial of a Temporary Zoning Permit for a temporary use or renewal may be taken to the Zoning Board of Appeals pursuant to the conditions outlined in this Ordinance.
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**SECTION 7.05:** Permit Review & Approval Procedures (Cont.)

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**D. Communication Towers**

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1. Communication towers permitted by Special Use Permit in all Districts must meet the following requirements:
  - i. The location of a proposed communication tower shall not be approved unless the Zoning Administrator determines that the communications equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or building located within the applicant's search radius of the proposed tower due to one or more of the following reasons:
    - a. The planned equipment would exceed the structural capacity of the existing or approved tower or building, as documented by a qualified and licensed professional engineer, and the existing or approved tower cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.
    - b. The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the tower or building as documented by a qualified and licensed professional engineer and the interference cannot be prevented at a reasonable cost.
    - c. Existing or approved towers and buildings within the search area cannot accommodate the planned equipment at a height necessary to provide reasonable coverage and/or capacity as documented by a qualified and licensed professional engineer.
    - d. Other reasons that make it infeasible to locate the planned equipment upon an existing or approved tower or building, including but not limited to documented proof that the owner of such tower or building will not lease space to the applicant, that there is insufficient ground, building, roof or tower area on which equipment may be installed, existing towers or buildings would not provide required setback distances, etc.

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## **SECTION 7.05:** Permit Review & Approval Procedures (Cont.)

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- ii. After an application for a special land use approval is filed with the body or official responsible for approving special land uses, the Zoning Administrator shall determine whether the application is administratively complete. Unless the body or official proceeds as provided under Section 7.13, the application shall be considered to be administratively complete when the body or official makes that determination or 14 business days after the body or official receives the application, whichever is first. If, before the expiration of the 14-day period, the body or official responsible for approving special land uses notifies the applicant that the application is not administratively complete, specifying the information necessary to make the application administratively complete, or notifies the applicant that a fee required to accompany the application has not been paid, specifying the amount due, the running of the 14-day period is tolled until the applicant submits to the body or official the specified information or fee amount due. The notice shall be given in writing or by electronic notification. A fee required to accompany any application shall not exceed the local unit of government's actual, reasonable costs to review and process the application. The body or official responsible for approving special land uses shall approve or deny the application not more than 60 days after the application is considered to be administratively complete. If the body or official fails to timely approve or deny the application, the application shall be considered approved and the body or official shall be considered to have made any determination required for approval.
  - iii. Subject to the setback and other requirements of this Ordinance, a communication tower shall be located on a parcel of land so as to provide a fall zone of not less than 110% of the height in the tower to any lot line. This fall zone shall be maintained throughout the existence of the communication tower. No land division shall be approved which would violate this provision.
  - iv. Communication towers shall be of a monopole or self-supporting lattice design, unless the Planning Commission finds that an alternative design will not adversely impact the surrounding area.
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**SECTION 7.05:** Permit Review & Approval Procedures (Cont.)

- v. Proposed wireless telecommunication towers of the guyed or self-supporting lattice type shall be structurally designed, to accommodate both the applicant's antennas and comparable antennas for at least two additional users. Proposed monopole wireless telecommunication towers shall be structurally designed to accommodate both the applicant's antennas and comparable antennas for at least one additional user. All towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights.
  - vi. The base of the tower and wire/cable supports shall be fenced with a minimum six foot climb-resistant fence.
  - vii. All communication towers erected, constructed, or located within the City shall comply with the following requirements:
    - a. Discontinuance and Abandonment: The holder of a Special Land Use Permit for a wireless telecommunications tower shall remove all discontinued communication towers and give notice of discontinuance of use of a tower within 90 days of the date that the use of the tower ceases. If at any time the use of the tower is discontinued for more than 365 consecutive days, the Zoning Administrator may declare the tower abandoned. Notice of abandonment shall be sent by first-class mail to the applicant instructing the applicant that the tower must either be reactivated or dismantled and removed from the site within 120 days of the date the notice is sent to the applicant. If reactivation or dismantling and removal of the tower does not occur, the City may contract to remove the tower and assess all cost on the property taxes of the owner of the tower or file a lawsuit to collect the costs plus reasonable attorney fees.
    - b. Towers shall not be artificially lighted unless required by the Federal Aviation Administration (FAA). If required to be lighted, all options for lighting shall be presented to the Planning Commission which shall select the option with the least negative visual impact in the area, unless the FAA dictates a particular option.
    - c. There shall be no display advertising or identification of any kind intended to be visible from the ground or other structures.
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## **SECTION 7.05:** Permit Review & Approval Procedures (Cont.)

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### **E. Zoning Permit Approval**

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1. **Zoning Permit Required.** No land or building for which a Special Use Permit, or site plan approval is required shall be occupied or used until a Zoning Permit is issued by the Zoning Administrator stating that the building and its intended use complies with the provisions of this Ordinance and the permit and its conditions.
2. **Permits for Existing Buildings.** Zoning Permits may be issued upon request for existing buildings, structures, or parts, or existing uses of land if, after inspection, such uses of land are in conformity with the provisions of this Ordinance. Where the permit is issued for building, or use not in conformity with this Ordinance, the permit shall specify the degree of nonconformity including but not limited to use type, use intensity, structures, and dimensions.
3. **Permits for New or Changed Uses**
  - i. Application for Zoning Permits shall be in writing to the Zoning Administrator on a form furnished for that purpose, and such permits shall be issued within five days after receipt of such application if it is found that the building or structure, or part, or the use of land is in accordance with the provisions of this Ordinance or any permit or permit condition issued or approved under this Ordinance.
  - ii. If such permit is refused for cause, the applicant shall be mailed a notice of such refusal and cause, within five business days.
  - iii. Except upon a written order of the Zoning Board of Appeals, a Zoning Permit shall not be issued for any building, structure or use of land that would be in violation of any of the provisions of this Ordinance or any permit or condition issued or approved under this Ordinance.

**SECTION 7.07:** Notice & Hearing Procedures

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**A. Public Notice**

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1. Public Notification. All applications for development approval requiring public hearings shall comply with the Michigan Zoning Enabling Act, PA 110 of 2006, as amended.
    - i. Content. All notices for public hearings, including those by publication in a newspaper or mail shall include:
      - a. Name, address, and telephone number of the applicant or the applicant's agent.
      - b. Describe the nature, scope, and purpose of the application or proposal.
      - c. Identify the property that is the subject of the request, including a listing of all existing street addresses within the property, or if there is no street address the nearest cross street (street addresses are not required to be listed for any group of eleven (11) or more adjacent properties that are proposed for rezoning).
      - d. Indicate the date, time, and place of the public hearing(s).
      - e. Include a statement that the public may appear at the public hearing in person or by counsel, be heard, and submit evidence and written comments with respect to the application.
      - f. Include a statement describing when and where written comments will be received prior to the public hearing.
      - g. Add information concerning how handicapped access will be accommodated if the meeting facility is not handicap accessible.
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## **SECTION 7.07:** Notice & Hearing Procedures (Cont.)

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- ii. Notice Requirements. When the provisions of this Ordinance require notice, the Zoning Administrator shall be responsible for preparing the content of the notice and implementing as follows:
    - a. Publish the notice in a newspaper of general circulation in the City not less than 15 days before the date of the hearing.
    - b. Personally deliver, or deposit notice during normal business hours for delivery with the United States postal service or other public or private delivery service, not less than 15 days before the date of the hearing, to the following parties (except this provision does not apply to rezoning of any group of 11 or more adjacent properties):
      1. All owners of the property that is the subject of the request.
      2. All persons to whom real property is assessed within 300 feet of the property that is the subject of the request.
      3. Occupants of all structures within 300 feet of the subject property regardless of whether the property or structure is located in the zoning jurisdiction. Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one dwelling unit or spatial area owned or leased by different persons, one occupant of each unit or spatial area shall be given notice. If a single structure contains more than four dwelling units or other distinct spatial areas owned or leased by different persons, 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.
      4. For appeals of administrative decisions, requests for Ordinance interpretation, and variance requests to the Zoning Board of Appeals, if the request does not involve a specific parcel of property, notice need only be published as provided in Section 7.07, A, (1), ii, (a) and given to the person making the request as provided in Section 7.07, A, (1), ii, (b).
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**SECTION 7.07:** Notice & Hearing Procedures (Cont.)

- c. Notice by mail/affidavit. Notice shall be deemed mailed by its deposit during normal business hours for delivery with the United States Postal Service, or other public or private delivery service, by first class, properly addressed, postage paid. The Zoning Administrator shall prepare a list of property owners and registrants to whom notice was mailed.
  - d. Timing of Notice. Unless otherwise provided in the Michigan Zoning Enabling Act, PA 110 of 2006, or this Ordinance, notice shall be provided not less than fifteen (15) days before the hearing.
  - e. Once the Zoning Administrator has received a complete application for a Zoning Text Change, Rezoning, Special Use Request, Variance, or other request pursuant to this Ordinance or a petition to the Zoning Board of Appeals, the Zoning Administrator shall mail a copy of the petition or application within five business days after receipt.
2. Deferral of Review of Application
- i. Submission of Request: Any request for a deferral of a public hearing until a later date shall be submitted in writing to the Zoning Administrator.
  - ii. Zoning Administrator Review: The Zoning Administrator shall approve a request for deferral if it has been submitted prior to the time of notice of a public hearing. The date of the public hearing at which the application will be heard shall be set at the time the deferral is granted by the Zoning Administrator. The decision-making body may defer consideration at a public hearing on its own motion at any time.
  - iii. Submission of Application: Any request for a withdrawal of an application shall be submitted in writing to the Zoning Administrator.
  - iv. Prior to Notice of Public Hearing: The Zoning Administrator shall approve a request for withdrawal of an application if it has been submitted prior to the time of notice of a public hearing.
  - v. Withdrawal: The Planning Commission may allow an applicant to withdraw an application at the request of the applicant at the public hearing.
3. Notification of Decision. Notification of a decision on an application for development approval shall be provided by the Zoning Administrator to the applicant by mail within fourteen (14) days after the decision. A copy of the decision shall also be made available to the public at the offices of the Zoning Administrator, during normal business hours.
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## **SECTION 7.09:** Site Development Plan Review

### **A. Purpose**

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1. The intent of this division is to provide for consultation and cooperation between the Applicant and Planning Commission, so that all parties might realize maximum utilization of land and minimum adverse effects upon the surrounding area.
2. It is recognized that peculiarities of lot contour, existing and potential development of adjacent properties and existing and potential traffic and pedestrian circulation patterns require a flexibility in the location of buildings, open spaces, parking lots and driveways that cannot be achieved by detailed specifications. It is required that all development, except Single-Family and two-family residential, be submitted to the Planning Commission for its review and approval prior to the issuance of building permits. Nothing contained in this section is intended to allow a greater density of population nor less required open space than that which is specified.
  - i. One-Family Residential District (R-1)
  - ii. Multiple-Family Residential District (R-2)
  - iii. Local Business District (B-1)
  - iv. Community Mixed-Use District (B-2)
  - v. Downtown Mixed-Use District (DMU)
  - vi. Shoreline Mixed-Use District (SMU)
  - vii. Industrial Mixed-Use District (I)
  - viii. Open Space & Recreation District (OSR)



Site plan review provides the City with an opportunity to review the proposed use of a site in relation to all applicable provisions of the Zoning Ordinance and City planning. Site plan review also provides the City with an opportunity to review the relationship of the plan to surrounding uses, accessibility, on and off-site pedestrian and vehicular circulation, off-street parking, public utilities, drainage, natural features, screening, and other relevant factors which may have an impact on the public health, safety, and general welfare.

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**SECTION 7.09:** Site Development Plan Review (Cont.)

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3. Development requiring site plan review shall include:
  - i. All expansions or enlargements to nonconforming uses or nonconforming structures that results in a need for 10 or more additional parking spaces, per the standards of this Ordinance.
  - ii. All ponds or lakes greater than five acres;
  - iii. All other site plans for new land uses, expansions, or changes of use of existing land uses requiring:
    - a. More than 10 new parking spaces or;
    - b. A principal structure of more than 4,000 square feet, excluding the basement;
    - c. More than two acres in affected area for non-residential land uses;
    - d. Apartment building containing 2 or more dwelling units;
    - e. Two or more multiple-family buildings on a lot, parcel, or tract of land, or on a combination of lots under single ownership;
    - f. Mobile home park;
    - g. Subdivision including 4 or more dwelling units;
    - h. Commercial, office, industrial, business, recreational, or institutional structures/uses that include any changes in exterior material, landscaping, parking, and new additions to buildings; or
    - i. All other uses that the Zoning Ordinance requires a site plan review and approval.

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**B. Standards**

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1. The site plan shall be reviewed and approved by the Planning Commission upon finding that:
  - i. The site meets the requirements of this Code;
  - ii. The proposed development does not create adverse effects on public utilities, roads, or sidewalks;
  - iii. Pedestrian and vehicular areas are designed for safety, convenience, and compliment adjacent site design;

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## **SECTION 7.09:** Site Development Plan Review (Cont.)

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- iv. Site design, architecture, signs, orientation, and materials are consistent with the City's Master Plan objectives and the design of the neighboring sites and buildings;
  - v. Landscaping, lighting, dumpster enclosures, and other site amenities are provided where appropriate and in a complementary fashion; and
  - vi. Site engineering has been provided to ensure that existing utilities will not be adversely affected.
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### **C. Required Information**

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- 1. The following information shall be included on the site plan for final review, unless waived by the Planning Commission. The site plan shall be to a reasonable scale and indicate:
    - i. Two complete sets of plans or sketches for Zoning Administrator review and a digital set for Planning Commission review that show the placement of any buildings or other structures, delineates a perimeter line encompassing all proposed activities, identifies the location and extent of the Shoreline Mixed Use District, and proposed land changes including plantings;
    - ii. Seal of architect and/or engineer who prepared plans.
    - iii. An appropriate descriptive legend, including north arrow, scale, legal description and the names and addresses of the architect or engineer responsible for the preparation of the site plan.
    - iv. The existing (and proposed) zoning.
    - v. Location and size of all structures (including location of entrances and loading points).
    - vi. All outside dimensions of each structure, its distance from the property lines, its area and its height.
    - vii. With multiple-family residential proposals, the number and location of one-bedroom units, two-bedroom units, etc., and include typical floor plans with square feet of floor areas.
    - viii. Recorded and measured dimensions of all lot lines and location and design of all lots.
    - ix. Adjacent property's structures, uses, zoning and other significant features of the community, within 100 feet of property (using a location sketch).
    - x. Location of all existing and proposed drives and parking areas including types of surfacing, parking layout and dimensions.
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**SECTION 7.09:** Site Development Plan Review (Cont.)

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- xi. Dimensions of road widths and rights-of-way.
  - xii. All existing easements and vacated easements and rights-of-way.
  - xiii. All required minimum setbacks (from the existing or proposed right-of-way from adjacent properties).
  - xiv. Locations of lawns and landscaped areas, types and number of species, and how the landscaping is to be accomplished.
  - xv. Locations, sizes, and types of existing trees over four inches in diameter (before and after proposed development).
  - xvi. Location and type of outside lighting, include site and fixture photometrics.
  - xvii. All proposed screen and freestanding architectural walls, including typical cross-sections and the heights above ground on both sides of walls.
  - xviii. Elevation drawings of all existing and proposed buildings on the site drawn to a scale of one inch equals four feet, or to another scale adequate to determine compliance with this chapter and to provide any other information needed to evaluate the overall site design on the basis of the criteria set forth in this section.
  - xix. Color and type of façade materials.
  - xx. Utilities
    - a. Show location of all existing and proposed utilities.
    - b. Provide profiles for any proposed sanitary sewer on site (excluding if the work is just a lateral connection to the main).
    - c. Stormwater Management Plan.
    - d. Provide existing and proposed grading of the site.
    - e. Profile of any stormsewer on site.
    - f. Stormwater calculations showing the pre and post development flows for the 100 year storm event (4.75 inches per the National Weather Service Rainfall Data for the area).
    - g. Detention on site that contains the first flush from impervious surfaces, and maintains or reduces the peak runoff discharge rate after the 100 year event to the same as pre-development conditions.
    - h. Calculations shall provide flow rates, detention volumes, conveyance capacities and any other pertinent calculations.
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## **SECTION 7.09:** Site Development Plan Review (Cont.)

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2. In addition to the information required in Section 7.09 C 1, the following information shall be provided for site improvements in the Shoreline Mixed-Use District (SMU). The “site approval standards” and “site plan data required” below apply to all proposed land uses or development within the SMU District, unless it is a special use, or the property proposed for development is subject to the requirements of the Subdivision Control Act or the Condominium Act:
  - i. Site Plan Approval Standards: The following standards shall be considered by the Zoning Administrator or Planning Commission when reviewing the site plan submission:
    - a. The site plan shall demonstrate that erosion and sedimentation shall be prevented;
    - b. The site plan should maintain the natural character and aesthetic value of the shoreline and attempt to minimize the visual impact of the development;
    - c. Site development shall be fitted to the topography and soil so as to create the least potential for vegetation loss and site disturbance;
    - d. The Zoning Administrator can review and act upon site plans for the construction of one Single-Family dwelling, or accessory buildings, or additions to existing Single-Family dwellings, or disturbances of the Lakefront Vegetative Buffer Zone in the Residential Neighborhood. All other site plans shall be reviewed and acted upon by the Planning Commission.

**SECTION 7.09:** Site Development Plan Review (Cont.)

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- ii. Site Plan Data Required: All development, excavation, land changes, or construction in the SMU District requires submittal of a site plan or sketch, and approval by the Zoning Administrator or the Planning Commission as outlined in Section 7, prior to the start of any of these activities. In addition to the requirements of Section 7.09, Site Development Plan Review, applicants shall submit site plans or sketches that contain the following information:
    - a. All shoreline types and coastal resources, including but not limited to, bluff ridges, wetland boundaries, OHWM; and a landscape plan which contains an existing and planned vegetation inventory (trees and shrubs over 2" in diameter, and ground cover, including a written list and map showing the location of trees, shrubs and grasses, with notes as to the locations of native and non-native species) shall be identified and submitted with the site plan or sketch.
    - b. A description of existing and proposed outdoor lighting;
    - c. A plan for controlling traffic to the lakefront, detailing construction and maintenance of paths, stairs or boardwalks;
    - d. A grading plan or sketch that delineates areas of cut and fill, and identifies changes in topography and drainage. If the area to be graded exceeds 5,000 square feet the applicant shall submit a diagram showing the existing contours of the site and finished contours to be achieved by grading. Contours shall be sufficiently detailed to define the topography over the entire site (generally at two-foot intervals);
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## **SECTION 7.09:** Site Development Plan Review (Cont.)

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- e. Detailed drawings and descriptions of all temporary and permanent soil erosion and sedimentation control measures, and bank stabilization measures;
  - f. Detailed drawings delineating areas to be cleared of vegetation before and during development activities, with area calculations and descriptions of the vegetation to be removed, and detailed drawings and descriptions of proposed vegetation restoration for those same areas;
  - g. Detailed drawings that show the location of existing structures on the property, as well as dwellings on neighboring parcels;
  - h. The site plan or sketch shall identify the location of property, including a full tax identification number, location of the nearest public road intersection, the high water mark of Portage Lake, a north arrow and map scale;
  - i. The site plan shall include the name, address, professional status, license number (if applicable), and phone number of the person who prepared the plan along with the date of the original drawing and the date of the most recent revision.
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**SECTION 7.09:** Site Development Plan Review (Cont.)

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**D. Approval Process**

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1. Conceptual Sketch Plan. An item may be submitted to the Planning Commission for informal discussion at a Conceptual Review Meeting (Section 7.05, A, (6)). No approval shall be granted. However, the applicant may wish to present and discuss a proposed project and any anticipated problems before applying for site plan approval.
  2. Site Plan Approval
    - i. An application for site plan approval shall be submitted to the Planning Commission, at least 21 days prior to a Planning Commission meeting, on such forms and containing such information that the Planning Commission shall prescribe. Planning Commission members shall receive copies of the plans and staff report at least 5 days before the Planning Commission meeting.
    - ii. The Planning Commission is authorized to approve, approve with conditions, or deny all site plans submitted under this Section.
    - iii. Each action taken with reference to site plan review and approval shall be duly recorded in the minutes of the Planning Commission, within 7 days of receipt and shall state the grounds for the action taken upon each site plan submitted for its approval.
- 

**E. Revisions.** An applicant for site plan approval may wish to revise a previously approved site plan. A site plan outlining the differences in the original approved site plan and the requested changes shall be submitted to the City Zoning Administrator. The approval process shall be similar to that outlined above. If the revised site plan is denied, the applicant may develop the site plan as originally approved or appeal the matter as outlined below.

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**F. Appeals.** An applicant for site plan approval shall have the right of appeal to the Zoning Board of Appeals, and in such cases, the board may reverse, affirm or modify the action of the Planning Commission by the concurring vote of two-thirds of the members of the board.

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**G. Conformity.** When an applicant receives final site plan approval, the site shall be developed in complete conformity with the approved site plan, except as provided for under Revisions and Appeals above. The site plan approval shall be valid for a period of 12 months. A permit will become invalid if the authorized work is not started within 6 months after permit approval. No time extension to the site plan approval shall be granted.

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Site Development Plan Review Process		Approximate Timing				
1.	Conceptual Review Meeting  See "Conceptual Review Meeting" in Section 7.05, A, (6); applicant will meet with Code Enforcement Officer and Zoning Administrator.	Prior to application submittal.				
2.	Application Submittal  A completed Zoning Permit application is submitted to the Zoning Department. The information required for the site development plan review is listed on the application form.	Submitted <b>at least</b> 21 days prior to a Planning Commission meeting.				
3.	Input from City Departments  Upon receipt of a completed application, the Zoning Department and outside consultants, if necessary, will review the site plan and provide a recommendation based upon the requirements of the zoning ordinance and other applicable standards. Staff will also determine if application is eligible for approval.	Review and decision within 7 days of receipt.				
4.	Planning Commission Review  If the site plan is compliant with the application requirements and standards of the zoning ordinance, the application is placed on the next Planning Commission agenda. Commission members will receive copies of plans at least 5 days before meeting.	Fourth Monday of each month, at Planning Commission meeting. Decision made during meeting. Applicant or a representative must be present at meeting.				
5.	<table border="1"> <tr> <td>Planning Commission <b>Approves</b></td> <td>Planning Commission <b>Denies</b></td> </tr> <tr> <td>May approve as presented <b>OR</b> approve with provisions where all conditions must be resolved to receive final approval.</td> <td>Applicant needs to address issues raised at meeting, revise and resubmit, or withdraw application <b>OR</b> appeal to ZBA.</td> </tr> </table>	Planning Commission <b>Approves</b>	Planning Commission <b>Denies</b>	May approve as presented <b>OR</b> approve with provisions where all conditions must be resolved to receive final approval.	Applicant needs to address issues raised at meeting, revise and resubmit, or withdraw application <b>OR</b> appeal to ZBA.	
Planning Commission <b>Approves</b>	Planning Commission <b>Denies</b>					
May approve as presented <b>OR</b> approve with provisions where all conditions must be resolved to receive final approval.	Applicant needs to address issues raised at meeting, revise and resubmit, or withdraw application <b>OR</b> appeal to ZBA.					
6.	Obtain Permits  Obtain necessary permits and initiate project.	Expires in 6 months if work is not started or 12 months for completion after date of approval.				

## **SECTION 7.11:** Variances

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- A.** The procedures for obtaining a dimensional or locational variance from the development standards in this Code is as follows:
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1. The Zoning Board of Appeals may authorize variances from the terms of this Code when the Board has made written findings of fact, based upon the standards set forth.

Under certain circumstances, physical characteristics of an individual parcel, such as shape and terrain, may significantly impede beneficial use by reducing the size of or buildable area within the allowable building footprint (between required setbacks and yards) of the zoning district. When such characteristics exist beyond the control of a property owner, a variance to these "dimensional" requirements may be requested by the owner and considered by the Zoning Board of Appeals (ZBA). The ZBA has the authority to grant variances only if it will not unreasonably diminish the use of adjacent properties or impair public health, safety, or welfare.

2. The applicant may file an appeal for a variance, which shall contain the following:
    - i. Description of property and nature of variance;
    - ii. The nature of the variance i.e., including the specific provisions of the Code from which the variance is requested;
    - iii. A description sufficient to identify the property, including a reference of the volume and page of the last recorded deed;
    - iv. A statement of the special circumstances or conditions applying to the land or structure and not applying generally throughout the zone or district;
    - v. A statement showing that the special uses and circumstances do not result from the actions of the applicant;
    - vi. A statement showing that the granting of the variance is necessary to the preservation and enjoyment of substantial property rights;
    - vii. Such other information regarding the appeal as may be pertinent or required for appropriate action by the Zoning Board of Appeals; and
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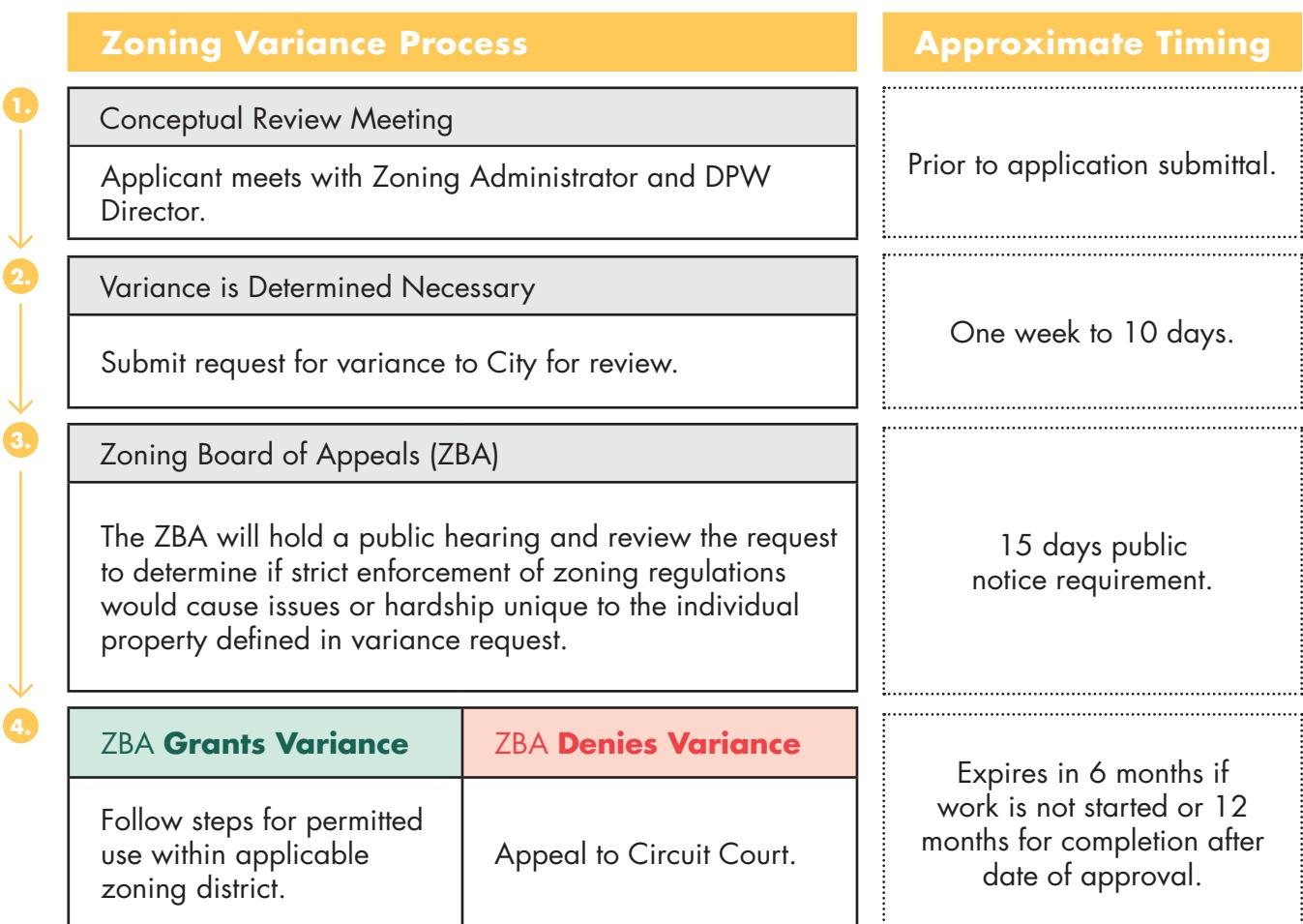
## **SECTION 7.11: Variances (Cont.)**

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- viii. One copy of a plot plan drawn to an appropriate scale showing the following:
  - a. The boundaries and dimensions of the lot;
  - b. The size and location of existing and proposed structures;
  - c. The proposed use of all parts of the lot and structures, including access ways, walks, off-street parking and loading spaces and landscaping;
  - d. The relationship of the requested variance to the standards set by the Code; and
  - e. The use of land and location of structures on adjacent property.
3. The Board shall not grant a variance unless it shall, in each specific case, make specific findings of fact directly based upon the particular evidence presented to it, that support conclusions that without the variance the owner would suffer practical difficulties. In determining whether a property owner seeking an area variance has encountered practical difficulties, the Board shall consider and weigh all of the following factors; provided, however, that the applicant need not satisfy all of the factors and no single factor shall be determinative, to determine whether:
  - i. The property in question will yield a reasonable return or whether there can be any beneficial use of the property without a variance;
  - ii. The variance is substantial;
  - iii. The essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance;
  - iv. The variance would adversely affect the delivery of government services (i.e., water, sewer, garbage);
  - v. The property owner purchased the property with knowledge of the zoning restriction;
  - vi. The property owner's predicament feasibly can be obviated through some method other than a variance;
  - vii. The spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance; and
  - viii. There are any other relevant factors that may assist the Board in weighing and balancing the public and private benefits and harms to determine if the requested relief is necessary.

**SECTION 7.11:** Variances (Cont.)

4. In granting a variance, the Board may impose such conditions, safeguards and restrictions upon the premises benefited by the variance as may be necessary to comply with the standards set out here to reduce or minimize potentially injurious effects of such variance upon other property in the neighborhood, and to carry out the general purpose and intent of this Code.
5. The Board shall have all the powers of the Zoning Administrator with respect to such decision. The concurring vote of a majority of the members of the Board shall be necessary to reverse or modify any decision of the Zoning Administrator under this Code. The Board shall render a written decision on the application without unreasonable delay after the close of a hearing, and in all cases, within 30 days after the close of the hearing.



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## **SECTION 7.11:** Variances (Cont.)

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6. A variance granted by the Board shall terminate in 6 months if work is not started or 12 months for completion after date of approval. Once the time limit pursuant to this subsection has expired, a request for a variance shall require a new application for a variance.
  7. There shall be no modification of variances except by further action of the Zoning Board of Appeals.
  8. No applications for variances from the use tables contained in this Code in Section 3.11 shall be permitted and no such application will be accepted, considered or heard.
  9. Any application for a variance that is substantively amended by an applicant must be refiled and all applicable time periods shall start over from the date of the filing of a complete amended application.
  10. Any application for a variance that is not acted upon by an applicant within six (6) months of the filing of a complete application shall automatically expire and be of no further force or effect.
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## **SECTION 7.13:** Special Uses

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**A.** The following provisions shall apply to the issuance of Special Use Permits:

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1. Specifically listed Special Uses are provided within the zone or district regulations in recognition that such uses, although often desirable, will more intensely affect the surrounding area in which they are located than the Permitted Uses of such zone or district.
  2. The intent of the procedure for authorizing a Special Use is to set forth the development standards and criteria for locating and developing Special Uses in accordance with the nature of the surrounding area, conditions of development, and with regard to appropriate plans.
  3. Any person owning or having an interest in property may file an application to use such property for one or more of the Special Uses provided for by this Code in the zoning district in which the property is situated.
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**SECTION 7.13:** Special Uses (Cont.)

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4. The application for a special use permit shall contain the following:
  - i. Description of property and intended use;
  - ii. A description sufficient to identify the property including a reference of the volume and page of the last recorded deed;
  - iii. A statement of the necessity or desirability of the proposed use to the property and land use;
  - iv. A statement of the compatibility of the proposed use to adjacent property and land use;
  - v. Such other information regarding the property, proposed use, or surrounding area as may be pertinent to the application or required for appropriate action by the Planning Commission;
  - vi. The application shall be accompanied by two copies of the plot plan, drawn to an appropriate scale clearly showing the following:
    - a. The boundaries and dimensions of the lot;
    - b. The size and location of existing and proposed structures;
    - c. The proposed use of all parts of the lot and structures, including accessways, walks, off-street parking, loading spaces, and landscaping;
    - d. The relationship of the proposed development to the development standards in the existing zone or district; and
    - e. The use of land and location of structures on adjacent property.
5. The time and place for the hearing of a Special Use and public notice of such hearings as to the time, place, date and subject of the hearing, shall be published in a newspaper of general circulation prior to the date of the hearing per Section 7.07. Any party in interest may appear and be heard at the hearing in person, by agent, or by attorney.
  - i. The Planning Commission shall not grant a Special Use unless it shall, in each specific case, make specific written findings of fact directly based upon the particular evidence presented to it, that support conclusions that:
    - a. Adequate utility, drainage and other such necessary facilities have been or will be provided;

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## **SECTION 7.13:** Special Uses (Cont.)

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- b. Adequate access roads or entrance and exit drives will be provided and will be so designed as to prevent traffic hazards and to minimize traffic conflicts and congestion to public streets and alleys;
  - c. All necessary permits, and licenses for the use and operation of the Special Use have been obtained, or evidence has been submitted that such permits and licenses are obtainable for the proposed Special Use on the subject property;
  - d. All exterior lights for artificial open-air illuminations are so shaded as to avoid casting direct light upon any property located in a residential zone;
  - e. The location and size of the Special Use, the nature and intensity of the operation involved or conducted in connection with it, the size of the site in relation to it, and the location of the site with respect to streets giving access to it, shall be such that it will be in harmony with the appropriate and orderly development of the district in which it is located;
  - f. The location, nature, and height of buildings, structures, walls, and fences on the site and the nature and extent of landscaping and screening on the site shall be such that the use will not unreasonably hinder or discourage the appropriate development, use and enjoyment of adjacent land, buildings and structures;
  - g. Evidence that the Special Use desired will not adversely affect the public health, safety and morals; and
  - h. In granting a Special Use Permit, the Planning Commission may impose such conditions, safeguards and restrictions upon the premises benefitted by the Special Use as may be necessary to comply with the standards set out in this Code to reduce or minimize potentially injurious effects of such Special Uses upon other property in the neighborhood, and to carry out the general purpose and intent of this Code.
- ii. A Special Use Permit granted by the Planning Commission shall terminate at the end of one year from the date of which the Planning Commission grants the Special Use, unless within one year period a zoning permit is obtained and the erection or alteration of a structure and/or use is started, moreover the Special Use shall automatically expire if, for any reason, the use shall be abandoned for a period of more than 6 months.
-

## **SECTION 7.13:** Special Uses (Cont.)

- iii. Any application for a special use permit that is substantively amended by an applicant must be refiled and all applicable time periods shall start over from the date of the filing of a complete amended application.
- iv. Any application for a special use that is not acted upon by an applicant within six months of the filing of a complete application shall automatically expire and be of no further force or effect.

<b>Principal Uses Permitted Subject to Special Permitting Process</b>		<b>Approximate Timing</b>				
<b>1.</b>	Conceptual Review Meeting  Applicant meets with Zoning Administrator and DPW Director.	Prior to application submittal.				
<b>2.</b>	Application Submittal  Submit Zoning Permit application to the City Clerk. The information required for the Principal Uses is listed on the application. Clerk will ensure that application is complete and has necessary supporting material. It then is given to the Planning Commission.	Submitted at least 21 days prior to a Planning Commission meeting.				
<b>3.</b>	Input & Review by Planning Commission  The Planning Commission will hold a public hearing, providing notice to those near the property. After the hearing, the commission, and other city staff consultants if necessary, will review the use permit and provide a recommendation based upon the requirements of the zoning ordinance and other applicable standards.	Planning Commission meeting: Fourth Monday of each month.				
<b>4.</b>	<table border="1"> <tr> <td><b>Planning Commission Approves</b></td> <td><b>Planning Commission Denies</b></td> </tr> <tr> <td>May approve as presented <b>OR</b> approve with provisions where all conditions must be resolved to receive final approval.</td> <td>Applicant needs to address issues raised at meeting, revise and resubmit, or withdraw application <b>OR</b> appeal to Circuit Court.</td> </tr> </table>	<b>Planning Commission Approves</b>	<b>Planning Commission Denies</b>	May approve as presented <b>OR</b> approve with provisions where all conditions must be resolved to receive final approval.	Applicant needs to address issues raised at meeting, revise and resubmit, or withdraw application <b>OR</b> appeal to Circuit Court.	
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## **SECTION 7.15: Appeals**

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**A.** The following provisions shall apply to the Zoning Board of Appeals for administrative appeals:

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1. An appeal from a decision of the Zoning Administrator with respect to the interpretation or application of this Code may be taken to the Zoning Board of Appeals by any person affected, or agent, or by any Officer of the City of Hancock affected by such decision of the Zoning Administrator.
  2. Appeals to the Board shall be filed within 20 days after the decision of the Zoning Administrator by filing a written notice of appeal with the Zoning Board of Appeals on the form specified by the Zoning Administrator. The notice of appeal shall specify the grounds for such appeal. Upon receipt of a notice of appeal, the Zoning Administrator shall forthwith transmit to the Board all of the papers constituting the record upon which the decision being appealed was based.
  3. The time and place for the hearing of an Appeal and public notice of such hearings as to the time, place, date and subject of the hearing, shall be published in a newspaper of general circulation prior to the date of the hearing per Section 7.07.
  4. The Board shall have all the powers of the Zoning Administrator with respect to such decision. The concurring vote of a majority of the members of the Board present at the meeting shall be necessary to reverse or modify any decision of the Zoning Administrator under this Code. The Board shall render a written decision on the application without unreasonable delay after the close of a hearing, and in all cases, within thirty (30) days after the close of the hearing.
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**SECTION 7.17:** Zoning Map (Rezoning) & Code Amendments

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- A.** Before any ordinance, measure, regulation, or amendment to this Code may be passed, the Planning Commission shall hold a public hearing thereon, and shall give at least 15 days' notice of the time and place in a newspaper of general circulation in the city.
  - B.** The time and place for the hearing of a Zoning Map change or Rezoning and Code Amendments and public notice of such hearings as to the time, place, date and subject of the hearing, shall be published in a newspaper of general circulation prior to the date of the hearing per Section 7.07.
  - C.** During the ten days prior to the hearing, the text or copy of the text of such ordinance, measure, or regulation, together with the maps or plans, or copies, forming part of or referred to in such ordinance, measure or regulation and the maps, and reports submitted by the Planning Commission, board, or office shall be on file, for public examination, in the office of the City Clerk or such other office as is designated by Council.
  - D.** No such ordinance, measure, or regulation which differs from, or departs from the plan or report submitted by the Planning Commission shall take effect unless passed or approved by an affirmative vote of a majority of the members of Council.
  - E.** No such ordinance, measure, or regulation which is in accordance with the recommendations, plan, or report submitted by the Planning Commission shall take effect unless passed or approved by an affirmative vote of a majority of the members of City Council.
  - F.** Applications for amendments to the Code shall be filed in accordance with the filing procedures adopted by the Planning Commission.
  - G.** Two copies of an application form, provided by the City, shall be filed with the Planning Commission at their public office.
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## **SECTION 7.17:** Zoning Map (Rezoning) & Code Amendments (Cont.)

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### **H.** The application shall include the following statements:

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1. A description or statement of the present and proposed provisions of this Code or the proposed change of the district boundaries of the zoning district map.
  2. A description sufficient to identify the property, including a reference of the volume and page of the last recorded deed.
  3. The proposed use of the property.
  4. A statement of the necessity or desirability of the proposed use to the neighborhood or community.
  5. A statement of the relationship of the proposed use to adjacent property and land use.
  6. A list of owners of property within three hundred (300) feet from such area to be rezoned.
  7. Such other information regarding the property, proposed use, or surrounding area as may be pertinent to the application or required for appropriate action by the Planning Commission or the Hancock City Council.
  8. The application shall be accompanied by two copies of a plot plan, prepared by a Registered Engineer, Architect or Surveyor of the State of Michigan, drawn to an appropriate scale, clearly showing the following:
    - i. The boundaries and dimensions of the proposed lot;
    - ii. The approximate size and location of existing and proposed structures on the land to be rezoned if desired by the applicant; and
    - iii. The proposed use of all parts of the lot and structures, including accessways, walks, off-street parking and loading spaces, and landscaping if desired by the applicant.
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**SECTION 7.19:** Violations; Remedies

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**A.** The notice of any violation of the Code shall be as follows:

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1. Whenever the Zoning Administrator determines that there is a violation of any provision of this Code, a notice of such violation shall be issued and shall:
    - i. Be in writing;
    - ii. Identify the violation;
    - iii. Include a statement of the reason or reasons why it is being issued and refer to the section of this Code being violated; and
    - iv. State the time by which the violation shall be corrected.
- 

**B.** Service of notice of the violation shall be one of the following, which shall be deemed complete:

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1. When a certified mail receipt is received, or first-class mail is not returned after 10 days of mailing;
  2. By personal delivery to the person or persons responsible, or by leaving the notice at the usual place of residence of the owner with a person of 16 years or older; or
  3. By first class mail, addressed to the person or persons responsible at a last known address.
- 

- C.** It shall be unlawful to locate, erect, construct, reconstruct, enlarge, change, maintain and/or use, any building or land in violation of any regulation in or any provisions of this Code or any amendment or supplement thereto adopted by the Hancock Council of the City of Hancock under Michigan Zoning Enabling Act, PA 110 of 2006, as amended. Any person, firm or corporation, violating any regulation in, or any provision of this Code, or any amendment or supplement thereto, shall be deemed guilty of a misdemeanor of the third degree. Each and every day during which such illegal location, erection, construction, reconstruction, enlargement, change, and/or maintenance if use continues, may be deemed a separate offense.
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## **SECTION 7.19: Violations; Remedies (Cont.)**

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- D.** In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained or used, or any land is or is proposed to be used in violation of this Code or any amendments or supplements thereto, in addition to any other rights or remedies contained in this Code or elsewhere in the City's laws, the Hancock City Council, the Zoning Administrator, Building Inspector, or any adjacent or neighboring property owner who would be specially damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement, or any other appropriate action, actions, proceedings to prevent, enjoin, abate or remove such unlawful location, erection, construction, enlargement, change, maintenance or use.
- .....
- E.** Any application under this Code for a zoning permit, variance, special use permit, sign permit, amendment, or filing of a notice of appeal shall be accompanied by such fee as shall be specified from time to time by Code of the Hancock City Council. There shall be no fee, however, in the case of applications filed by the Hancock City Council, Planning Commission or the Hancock Public Schools.
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# ARTICLE NINE

## Glossary





## ARTICLE NINE Glossary

### A.

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**Access Drive.** A privately owned, constructed and maintained surface providing vehicular access to and between parking areas for two or more parking spaces within a land development or any drive servicing one or more units of occupancy on a single lot.

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**Accessory Building or Structure.** A building on the same lot with, and of a nature customarily incident and subordinate to, that of the principal building.

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**Accessory Dwelling Unit.** A residential dwelling unit, but not a mobile home, located on the same lot as a detached Single-Family dwelling, either within the same building or in a detached building, including units often referred to as "in-law suites."

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**Accessory Use.** A use of property on the same lot with, and of a nature customarily incidental and subordinate to, in terms of size, intent, and/or purpose, the principal use of the property, and does not alter or change the character of the property.

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**Adjacent.** Touching or so close that it functions as attached.

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**Administrator.** See "Zoning Administrator".

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**Adult Day Care.** A licensed facility for the daytime care of an adult with a mental or cognitive impairment.

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**Adult Entertainment Business.** Any establishment involved in the sale of services or products characterized by the exposure or presentation of specified anatomical areas or physical contact of live male or females, and which is characterized by salacious conduct appealing to prurient interest (as defined by the Michigan Supreme Court) for the observation or participation in by patrons. Services or products included within the scope of an Adult Entertainment Business are photography, dancing, viewing, reading, massage, and similar functions which utilize activities as specified.

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**Air Transportation Services.** Any area of land or use devoted to the take-off, landing and storing and servicing of aircraft, and any areas designated for related buildings and facilities.

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**Air Transportation Services, Heliport.** A private use heliport, helipad, or helistop which provides helicopter landing area for the transport of persons or the transport of patients needing specialized medical treatment; or the emergency transport of organs, blood, medicine, or medical equipment.

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**A.**

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**Aisle.** That portion of the off-street parking and loading area that provides access to parking, queuing or loading spaces, exclusive of driveways and parking and loading spaces.

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**Alley.** A dedicated public right-of-way, other than a street, that affords a secondary means of access to abutting property.

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**Alternate Financial Services.** A business providing an array of financial services that operate outside of federally insured banks and thrifts, including check-cashing outlets, money transmitters, car title lenders, payday loan stores, pawnshops, and rent-to-own stores.

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**Animal Shelter.** A licensed facility used to house stray, homeless, abandoned, or unwanted animals and that is owned, operated, or maintained by an established humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection, and humane treatment of animals.

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**Antenna.** Any exterior apparatus (including an antenna dish) used for transmitting and receiving, mounted on a Tower, Antenna Tower, Antenna Tower Alternative Structure, building or structure and used in Wireless Services.

---

**Antique Shop.** Any premises used for the sale or trading of articles of which 80% or more are over 30 years old or have collectible value. Antique shop does not include a thrift or second-hand store or any outdoor storage.

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**Auction Facility.** A building, area, or areas within a building used for the public sale of goods, wares, merchandise, or equipment to the highest bidder, but not including auctions of livestock, farm animals, or vehicles.

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**Awning.** A shelter projecting from and supported by the exterior wall of a building constructed of non-rigid materials on a supporting framework.

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**B.**

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**Bar/Tavern.** A venue primarily devoted to serving alcoholic beverages in which the service of food is incidental.

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**Basement.** That portion of a building located partly underground but having more than one-half (1/2) of its clear floor-to-ceiling height below the average grade of the adjoining ground.

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**Beverage, Brewing & Distilling.** An establishment where beer, malt beverages or spirits are made on the premises and then sold or distributed either by wholesale or retail, which may include on-premises consumption.

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**Beverage, Distribution.** A facility for storage and wholesale distribution of alcoholic beverages, but not including retail sales.

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**Beverage, Non-Alcoholic Production.** Production of non-alcoholic beverages made on premises and then sold or distributed off-site either by wholesale or retail.

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**Beverage Sales, Liquor, Beer or Wine Store.** An establishment for the sale of beer, wine and general alcoholic beverages, including the sale of distilled spirits or hard liquor, for off-premises consumption, but not including the sale of convenience items such as, without limitation, pre-packaged snacks, non-alcoholic beverages, personal care items, clothing, household items and/or cigarettes.

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**Block.** The property abutting on one side of a street between two intersecting streets or a street and a railroad right-of-way or watercourse.

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**Boarding/Kennel, Indoor.** Any structure for the boarding or care of permitted animals. An ancillary outdoor space may be present, but the outdoor space may not be used to house animals.

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**Boat & Boat Trailer.** Includes boats, jet skis, canoes, kayaks, catamarans, racing shells, floats, rafts, and similar motorized and non-motorized vessels and watercraft, plus the enclosed and unenclosed trailers used to transport or store the same and related parts, accessories and equipment.

---

**B.**

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**Buffer.** A designated transition area around water resources or wetlands that is left in a natural, usually vegetated, state so as to protect the water resources or wetlands from runoff pollution. Construction activities in this area are restricted or prohibited.

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**Buffer Yard.** A unit of land, together with a specified type and amount of planting, and any structures which may be required, intended to eliminate or minimize conflicts and provide screening within and between land uses.

---

**Building.** Any covered structure built for the support, shelter or enclosure of persons, animals, chattels or moveable property of any kind; and which is permanently affixed to the ground by means of a footer and foundation as defined in the State of Michigan Building Code.

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**Building Elevation.** The front, rear or side exterior surface of a building as viewed in a flat scale drawing.

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**Building Frontage.** The side or façade of a building closest to and most nearly parallel to an abutting street.

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**Building Height.** The vertical distance from the average grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof; or to the mean height level between eaves and ridge for gable, hip and gambrel roofs.

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**Building Line.** A line parallel to the street right-of-way line at any story level of a building and representing the distance which all or any part of the building is to be set back from said right-of-way.

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**Bulk.** Bulk means the size of lots; the size and placement of buildings or structures, and the location of same with respect to one another, and includes the following:

1. Floor area ratio;
  2. Location of exterior walls at all levels in relation to lot lines, streets or to other buildings;
  3. Size and height of buildings;
  4. All open spaces allocated to buildings; and,
  5. Amount of lot area and lot width provided per dwelling unit.
-

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**C.**

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**Canopy.** A permanent structure made of cloth, metal or other material attached or unattached to a building for the purpose of providing shelter to patrons or automobiles, or as a decorative feature on a building wall. A canopy is not a completely enclosed structure but typically is supported by features other than the building façade (e.g., structural legs, building extensions, etc.).

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**Child Care Homes, Family.** The permanent occupant of a dwelling provides for the care of fewer than thirteen minor children unrelated to the caregiver for periods of less than 24 hours and must be licensed or registered by the State of Michigan.

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**Child Care Homes, Group.** The permanent occupant of a dwelling provides for the care of fewer than seven minor children unrelated to the caregiver for periods of less than 24 hours and must be licensed or registered by the State of Michigan.

---

**C.**

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**Child Day Care Center.** An establishment in which child care is provided for seven or more children, where the licensee is administering to the needs of infants, toddlers, preschool-age children, and school-age children outside of school hours by persons other than their parents, guardians, or custodians for part of the twenty-four-hour day in a place other than a child's home by a provider required to be licensed by the State of Michigan Licensing and Regulatory Affairs.

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**City.** The City of Hancock, Michigan.

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**City Council.** The Council of the City of Hancock, Michigan.

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**Clothing Services, Dry Cleaning.** An establishment or business maintained for the pickup and delivery of dry cleaning and/or laundry.

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**Clothing Services, Tailor.** An establishment that mends, alters, and repairs clothing for members of the general public. Does not include the manufacture of clothing for sale or distribution to other distributors or retailers or the sale of clothing directly to the general public.

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**Commission.** The City of Hancock Planning Commission.

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**Community Facility, Activity Center.** A facility where activities are programmed for children, adults, or seniors by a public or not-for-profit entity. Activities must be community-oriented and may be located indoors or on associated playfields.

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**C.**

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**Community Facility, Detention & Corrections.** A facility for the detention, confinement, treatment or rehabilitation of persons arrested or convicted for the violation of civil or criminal law, including adult detention centers, juvenile delinquency centers, jails, and prisons, which house those who are in the custody of law enforcement, and that are typically, but not exclusively, government owned.

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**Community Facility, Government Administration & Court.** A facility where government or judicial business is carried out by a public entity.

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**Community Facility, Outdoor Recreation.** A public, private or non-profit facility for community athletic and active recreational activities that is open to the public and may contain concession stands that serve prepared or packaged foods.

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**Community Facility, Park.** An outdoor, public place where people may partake in activities including cultural, social activities, or playgrounds and ball fields.

---

**Community Facility, Public Health & Safety.** A government facility for public safety and emergency services, including a facility that provides police or fire protection and related administrative facilities.

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**Community Facility, Trail.** A public, non-commercial naturalized, gravel, dirt, or paved path intended for walking, hiking, running or cycling.

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**Community Garden.** A site operated and maintained by an individual or group to cultivate trees, herbs, fruits, vegetables, flowers, or other ornamental foliage for the following uses: personal use/consumption, donation or off-site sale of items grown on the site.

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**C.**

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**Contiguous.** Next to, abutting, or touching and having a boundary, or portion, that is coterminous.

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**Cornice.** The uppermost section of moldings along the top of a wall or just below a roof.

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**Court.** An open unoccupied and unobstructed space, other than a yard, on the same lot with a building or group of buildings.

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**Covenant.** A written promise or pledge.

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**Covering.** Any clothing or wearing apparel, but does not include any substance that can be washed off the skin, such as paint or make-up, or any substance designed to simulate the appearance of the anatomic area beneath it.

---

**Culvert.** A closed conduit for the passage of surface drainage under a street, driveway, or other embankment.

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**Cut.** An excavation. The difference between a point on the original grade and a designated point of lower elevation on the final grade.

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**Cut & Fill Slopes.** A portion of land surface or area from which soil material is excavated and/or filled forming a slope or embankment.

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## D.

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**Density.** A unit of measurement, the number of dwelling units per acre of land, to be used in road design and not to be confused with sanitary sewer and water design density.

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**Detention/Retention.** The term detention/retention refer to the use of a storm water storage facility, which will store storm water and release it at a given rate. The objective of a detention/retention facility is to regulate the rate of runoff and control the peak discharges to reduce the impact on the downstream drainage system. Type of Storm Water Storage Facilities:

1. Detention Basin or Dry Basin. Dry basins are surface storage areas created by constructing a typical excavated or embankment basin. A detention basin may be designed for multi-uses such as parks or playgrounds.
  2. Retention Basins or Ponds. Retention basins are permanent ponds where additional storage capacity is provided above the normal water level.
  3. Parking Lot Storage. Parking lot storage is a surface storage facility where an inlet is undersized causing shallow ponding to occur in specific graded areas of the parking lot.
  4. Subsurface Storage. Subsurface storage is a structure constructed below grade for the specific purpose of detaining storm water runoff.
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**Detention facility.** A detention basin or alternative structure designed to temporarily store stormwater runoff and gradually release the stored water at a controlled rate.

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**Development.** The division of land; also, the construction of any new building or structure, or the making of any material change in the use or appearance of any existing building or structure above or below grade through activities of construction, erection or alteration.

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**Development Area.** Any contiguous (abutting) area owned by one person or operated as one development unit and used or being developed for non-farm commercial, industrial, residential, or other non-farm purposes upon which earth-disturbing activities are planned or underway.

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**Development Standards.** The standards controlling the size of structures and the relationships of structures and uses to each other and to open areas and lot lines. Development standards include regulations controlling maximum height, minimum lot area, minimum lot frontage, minimum size of yards and setbacks, maximum lot coverage and maximum floor area ratio.

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**D.**

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**Drive-Thru Facility.** A commercial facility which provides a service directly to a motor vehicle or where the customer drives a motor vehicle onto the premises and to a window or mechanical device through which the customer is serviced without exiting the vehicle.

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**Driveway.** A private roadway providing access for vehicles to a parking space, garage, dwelling or other structure.

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**Dumpster, Roll-off.** A metal storage receptacle used primarily for the temporary storage or deposit of waste materials, including debris, trash or construction, renovation or demolition waste and which is transportable such as to be delivered by, and picked up by, a vehicle that removes its contents to a dump site. The term does not include dumpsters which are permanently placed for the collection of normal household trash, such as at commercial locations or apartment complexes.

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**Dwelling.** Any building or portion occupied or intended to be occupied exclusively for residential purposes, but not including a tent, cabin, trailer or trailer coach or other temporary or transient structure or facility.

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**Dwelling, Attached Single-Family.** A single dwelling unit located on an individual lot which is attached to any other dwelling unit and contains at least one bathroom and one kitchen.

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**Dwelling, Duplex.** Two-unit dwellings which share a common wall or roof but have separate and distinct entrances.

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**Dwelling, Halfway House.** A residential facility owned and/or operated by an agency or an individual authorized to provide housing, food, treatment or supportive services for individuals on supervised release and who have been assigned by a court to a residential home in lieu of placement in correctional institution or for individuals who have been institutionalized and released from the criminal justice system or who have had alcohol or drug problems who require the protection of a supervised group setting.

---

**Dwelling, Multi-Unit Building.** A structure on a single lot containing two-to-eight apartment units, each of which is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to all dwelling units.

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**D.**

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**Dwelling, Multi-Unit Building Complex.** A structure on a single lot containing more than eight apartment units, each of which is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to the dwelling units.

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**Dwelling Unit.** Shall mean one room, or a suite of two or more rooms, designed for or used for living and sleeping purposes either permanently or transiently.

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**Dwelling, Zero Lot line.** A dwelling located on the lot in such a way that one or more of the dwelling's sides rests directly on a lot line.

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**E.**

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**Easement.** Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of said owner's property.

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**Eave or Eaves.** Eave means the edge of a roof. Eaves usually project beyond the side of the building.

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**Employee.** A person who is employed to work for a wage or salary.

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**Employee (Adult Entertainment Business).** A person who works or performs in and/or for an adult entertainment business, regardless of whether or not said person is paid a salary, wage or other compensation by the operator of said business.

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**Enterprise, Indoor.** A public, private, or non-profit establishment for the provision of entertainment or games of skill to the general public for a fee and that is wholly enclosed in a building such as a bowling alley, arena, arcade or billiard parlor.

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**Enterprise, Outdoor.** A public, private or non-profit property for the provision of entertainment or games of skill to the general public for a fee and may contain incidental concession stands that serve prepared or packaged foods. Typical uses include, but not limited to, miniature golf, amphitheater, go karts, disc golf, sports arenas, motor vehicle or animal racing facilities, and amusement parks.

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**Equipment Repair, Heavy.** An establishment that repairs commercial or personal automotive vehicles, equipment, or recreational vehicles and may have associated vehicle storage behind the front façade of building for no longer than 60 days on a paved surface.

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**Equipment Repair, Light.** An establishment primarily engaged in the provision of repair services to individuals and households rather than businesses, but excluding automotive and equipment repair use types, and typically including repair facilities for appliances, electronics, computers, or bicycles/scooters.

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## E.

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**Erosion.** The wearing away of the land surface by running water, wind, ice or other geological agents, including such processes as gravitational creep. Detachment and movement of soil or rock fragments by wind, water, ice, or gravity. Erosion includes:

1. Accelerated erosion. Erosion much more rapid than normal, natural or geologic erosion, primarily as a result of the influence of the activities of man.
  2. Floodplain erosion. Abrading and wearing away of the nearly level land situated on either side of a channel due to overflow flooding.
  3. Gully erosion. The erosion process whereby water accumulates in narrow channels during and immediately after rainfall or snow or ice melt and actively removes the soil from this narrow area to considerable depths such that the channel would not be obliterated by normal smoothing or tillage operations.
  4. Natural erosion (geologic erosion). Wearing away of the earth's surface by water, ice or other natural environmental conditions of climate, vegetation, etc., undisturbed by man.
  5. Normal erosion. The gradual erosion of land used by man, which does not greatly exceed natural erosion.
  6. Rill erosion. An erosion process in which numerous small channels only several inches deep are formed; occurs mainly on recently disturbed soils.
  7. Sheet erosion. The removal of a fairly uniform layer of soil from the land surface by wind or runoff water.
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**Erosion & Sediment Control.** A system of structural and vegetative measures that minimize soil erosion and off-site sedimentation.

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**Erosion & Sediment Control Plan.** An erosion and sediment control strategy or plan, to minimize erosion and prevent off-site sedimentation by containing sediment on-site or bypassing sediment laden runoff through a sediment control measure, prepared and designed in accordance with the Houghton County Drain Commissioner Requirements.

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**E.**

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**Event Center, Large.** A facility designed to accommodate 500 or more persons and used for conventions, conferences, seminars, product displays, recreation activities, and entertainment functions, along with accessory functions including temporary outdoor displays, and food and beverage preparation and service for on-premises consumption.

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**Event Center, Small.** A facility that accommodates small-scale events, conferences, or weddings and has a capacity less than 500 people.

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**F.**

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**FAA.** The Federal Aviation Administration and any legally appointed, designated or elected agent or successor.

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**Facade.** That portion of any exterior elevation of a building extending from the grade of the building to the top of the parapet wall or eaves, for the entire width of the building elevation.

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**Family.** "Family" means any of the following:

1. Any group of individuals living together as a single housekeeping unit or the functional equivalent of a family, where the residents are a close group with social, economic, and psychological commitments to each other and whose relationship is of a continuous, non-transient, domestic character with a demonstrable and recognizable bond which constitutes the functional equivalent of the bonds which render the domestic family a cohesive unit;
  2. Not more than three (3) unrelated Persons living together as a single housekeeping unit;
  3. The "functional equivalent of a family" shall not include any organization such as a club, fraternity, sorority, lodge, monastery, or intentional community, nor any individuals whose association is seasonal or for limited durations defined by their occupation/jobs or educational pursuits, nor shall it include a group who share a Dwelling Unit explicitly for financial or philosophical reasons, or include any state-licensed facility except to the extent permitted by law.
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**F.**

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**Farm Equipment Sales & Services.** An establishment primarily engaged in the sale or rental of farm tools and implements, feed, grain, tack, animal care products, and farm supplies, including the sale of large implements, such as tractors and combines, and farm machinery repair services, but excluding the sale or distribution of agricultural chemicals such as fertilizer.

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**Fence.** An artificial barrier or divider constructed to prevent escape or intrusion, to mark a boundary, or to enclose an area.

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**Fill.** The result of earth, sand, gravel, rock or any other material being placed, pushed, dumped, pulled, transported or moved to a new location above the natural surface of the ground or on top of the stripped surface and shall include the resulting grade conditions. The difference in elevation between a point on the original ground and a designated point of higher elevation on the final grade.

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**Financial Services & Banking.** Any building, property or activity of financial services, including, but not limited to, banks, facilities for automated teller machines (ATM's), credit unions, savings and loan institutions and mortgage companies.

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**Floor Area.** The sum of the gross horizontal areas of each floor of the principal building, measured from the exterior walls or from the center line of party walls, including the floor area of accessory buildings and structures.

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**Floor Area, Gross.** The floor area within the inside perimeter of the exterior walls of the building exclusive of vent shafts and courts, without deduction for corridors, stairways, closets, the thickness of interior walls, columns or other features. The floor area of a building, or portion thereof, not provided with surrounding exterior walls is the usable area under the horizontal projection of the roof or floor above. The gross floor area shall not include shafts with no openings or interior courts.

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**Flood, Frequency.** The average frequency statistically determined, for which it is expected that a specific flood level or discharge may be equaled or exceeded.

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**Flood, Regional.** A flood which is representative of large floods known to have occurred generally in the area and reasonably characteristic of what can be expected to occur on a particular stream. The regional flood generally has a frequency of approximately 100 years as is determined by an analysis of floods in a particular stream and other streams in the same general region.

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**F.**

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**Flood or Flooding.** A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters; and/or
  2. The unusual and rapid accumulation or runoff of surface waters from any source.
- 

**Food Sales, Farmer's Market.** An occasional or periodic market held in an open area or in a structure where more than one individual sells such items as fresh produce, seasonal fruits, fresh flowers, arts and crafts items, and food and beverages dispensed from booths on-site. All necessary and applicable permits shall be obtained prior to operation within city boundaries.

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**Food Sales, Large Grocery.** A retail establishment which primarily sells food, but also may sell other convenience and household goods, and which occupies at least 10,000 square feet. A section for fresh fruits and vegetables no less than 40 square feet must be visible within the retail area of the establishment, and which may have a retail sale liquor license issued by the State of Michigan.

---

**Food Sales, Small Grocery.** A retail establishment of less than 10,000 square feet engaged in selling food stuffs containing only the incidental sale of retail home goods. A section for fresh fruits and vegetables no less than 20 square feet must be visible with the retail area of the establishment, and which may have a retail sale liquor license issued by the State of Michigan.

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**F.**

**Food Service, Mobile.** A unit designed to be towed on public roads, and having an enclosed area for storage, handling, or preparation of food.

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**Food Service, Processing.** An establishment for the processing of produce or meat for consumption off-site or for sale to consumers or other commercial producers. It may not produce odors, fumes or noise that is discernable from the exterior of the structure.

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**Food Service, Production.** An establishment for the small-scale production of a finished food product for consumption off-site through retail or wholesale sales that shall not produce odors, fumes or noise that is discernable from the exterior of the structure and without outdoor storage.

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**Food Service, Quick Service/Fast Food.** A food service establishment devoted to the preparation and offering of food and beverage for sale to the public for consumption via a counter or drive-through on or off the premises generally in disposable containers, and which offers menus, ingredients, food preparation, décor, uniforms, architecture, or similar features.

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**Foundation Planting.** Landscaped vegetation that is planted along the foundation of a structure in order to improve aesthetics and provide visual interest, generally along a continuous foundation wall at the base of a building.

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**Funeral Homes.** A facility for (a) embalming and the performance of other services used in the preparation of the dead for burial; (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, which may include a funeral chapel, gathering and/or event spaces.

---

**G.**

**Gable.** The triangle formed by a sloping roof. A building may be front-gabled or side-gabled. Porches and dormers may also be gabled.

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**Gallery, Art.** An establishment engaged in the sale, loan, or display of art books, paintings, sculpture, or other works of art to the public, and not including libraries, museums, or non-commercial art galleries.

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**G.**

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**Garage, Private.** A detached accessory building or a portion of the principal building used for the storage of automobiles or trailers by only the family residing on the premises. A carport shall be construed to be a private garage.

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**Garage Sales.** The sale or offering for sale to the general public six (6) or more items of personal property on any portion of a lot, either within or outside of a structure. Garage Sales include patio, basement, yard, or block sales.

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**Garden Center, Indoor.** An establishment where retail and wholesale products and produce are sold directly to the consumer, and which may include a nursery and/or greenhouse, and which may include plants, nursery products and stock, potting soil, hardware, power equipment and machinery, hoes, rakes, shovels, and other garden and farm variety tools and utensils, but not including outdoor storage and sales.

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**Garden Center, Outdoor.** An establishment where retail and wholesale products and produce are sold directly to the consumer, and which may include a nursery and/or greenhouse, plants, nursery products and stock, potting soil, hardware, power equipment and machinery, hoes, rakes, shovels, and other garden and farm tools, and where outdoor storage is incidental to the sale of goods.

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**Glare.** Excessive light or excessive contrast that requires adjustment and potentially discomfort from the human eye. Glare is a safety issue, especially for road users, pedestrians, and road workers due to the presence of lights that are shielded poorly.

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**Golf Course.** A tract of land for public, private or non-profit use laid out with at least nine holes for playing a game of golf and improved with tees, greens, fairways, and hazards, which may include a clubhouse, driving range, and shelters.

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**Grade.** The average level of the finished surface of the ground adjacent to the exterior walls of the building or structure.

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**Grading.** Earth-disturbing activity such as excavation, stripping, cutting, filling, stockpiling, or any combination thereof.

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**Group Quarters.** Shared living quarters 3 or more unrelated persons without separate kitchen or bathroom facilities for each room or unit. This classification includes boardinghouses, dormitories, fraternities, sororities, employee housing, non-licensed alcohol and drug recovery housing, and private residential clubs.

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## H.

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**Hazard.** Any danger to public health, welfare or safety, including exposure to risk or damage to property or liability for personal injury; or risk of harm to land, air or water resulting in environmental degradation. Hazards can include, but are not limited to, flooding and ponding, compaction and settling, landslides, earthquakes, toxic chemicals, radiation, fire and disease.

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**Hazardous Materials.** Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

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**Health & Wellness, Clinic.** An outpatient facility where patients are admitted for examination and treatment by a group of licensed physicians practicing medicine together.

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**Health & Wellness, Fitness Facility/Gym.** A building or portion of a building designed and equipped for the conduct of sports, exercise, leisure time activities, organized fitness class or other customary and usual recreational activities operated for profit or not-for-profit.

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**Health & Wellness, Massage.** An establishment that provides therapeutic or medical massage of a non-sexual nature provided by a licensed practitioner.

---

**Health & Wellness, Physical Therapy.** An outpatient office/establishment that provides physical rehabilitation or occupational therapy for individuals with an injury or disability provided by a licensed practitioner.

---

**Historical Significance.** Any structure or area that provides evidence for a fact of history.

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**Home Occupation.** Any occupation, business, profession, activity or use which is incidental to the principal use of the premises and is conducted by a resident occupant which does not alter the exterior of the property or affect the residential character of the neighborhood.

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**Homeowner's Association.** A private organization established for the care and maintenance of storm water and detention facilities and other common areas.

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**Hospital.** An institution providing health services, primarily for inpatients, and medical or surgical care of the sick or injured, including as an integral part of the institution such related facilities as laboratories, outpatient departments, training facilities, central service facilities, and staff offices.

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**I.**

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**Impervious Surface.** Any material that prevents the infiltration of storm water into the ground. The definition includes, but is not limited to, building and structural components such as roofs, roof overhangs, eaves, decks and patios. The definition also includes structural and non-structural surfaces, materials and minerals such as roads, parking lots, sidewalks, driveways, decorative pavers, concrete, cement, asphalt, brick, crushed rock and gravel. Impervious surface coverage is measured in square feet and as a percentage of lot area.

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**Improved Surface.** Concrete, asphalt, aggregate base, sub-base, asphalt concrete, brick or such other unenclosed surfaces as approved by the City.

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**Improvement.** Street pavement or resurfacing, curbs, gutters, sidewalks, water lines, sewer lines, storm drains, streetlights, flood control and drainage facilities, utility lines, landscaping, and other related matters.

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**Incidental.** An object or use necessarily found in connection with the principal structure or use, but subordinate and secondary thereto.

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**Industrial.** Activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b)(14).

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**J.**

**Junk.** Old or scrap copper, brass, rope, rags, batteries, paper, rubber; junked, dismantled, or wrecked motor vehicles or parts thereof; iron, steel, and other old or scrap ferrous or nonferrous materials which are not held for sale or re-melting purposes.

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**Junk/Scrap Yard.** An establishment (other than an establishment having facilities for processing iron, steel or nonferrous scrap and whose principal product is scrap iron and steel or nonferrous scrap for sale for re-melting purposes), which is maintained or operated for the purpose of storing, keeping, buying, or selling junk; or for the maintenance or operation of an automobile graveyard, except an establishment or place where automobiles, wrecked or otherwise, are held or impounded for a period not to exceed ninety (90) days exclusively for storage, repair, or resale without alteration.

---

**K.****L.**

**Landscaped Area.** An area that is permanently devoted to and maintained for the growing of trees, shrubs, grass or other plant material.

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**Landscaping.** The improvement of open areas by the planting and maintenance of trees, bushes, flower gardens, grass, or other vegetation.

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**Lattice.** A framework consisting of an ornamental design made of strips of wood or metal.

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**Library.** A public facility for the use, but not sale, of literary, musical, artistic, or reference materials.

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**Live Theater.** A public, private, or non-profit indoor or outdoor theater or stage used for theatrical, musical, or artistic live productions attended by an audience.

---

**Loading Facilities.** The portion of a building and site dedicated to the receipt or distribution of materials or merchandise by trucks or similar vehicles.

---

**Loading Space.** An off-street space or berth on the same lot with a building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials; and which abuts upon a street, alley or other appropriate means of access.

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**L.**

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**Lot.** A parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, and may consist of:

1. A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record, provided that it is recorded as one lot; or
  2. A parcel of land described by metes and bounds description provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirement of this Code
  3. A portion of a lot of record; or
  4. A single lot of record.
- 

**Lot Area.** The total computed area contained within the lot lines exclusive of any portion of a public right-of-way or a private access easement.

---

**Lot, Corner.** A lot abutting on two (2) or more streets at their intersection or on two parts of the same street, such streets or parts of the same street forming an interior angle of less than 135 degrees. The point of intersection of the street lines is the corner.

---

**Lot, Coverage.** That percentage of a lot which, when viewed directly from above, would be covered by a structure or structures, or any part thereof, excluding projecting roof eaves.

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**Lot, Depth.** The average horizontal distance between the front and the rear lot lines.

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**Lot, Frontage.** The distance between the side lot lines, measured by a line drawn parallel with the front lot line at a point of required minimum Front-Yard depth.

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**Lot, Interior.** A lot other than a corner lot and with frontage on one street.

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**L.**

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**Lot Line, Front.** The front lot line of a corner lot shall be decided based upon the prevailing custom of the front lot line of other adjacent buildings on the same block, and based on the discretion of the Zoning Administrator.

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**Lot Line, Rear.** The lot line that is most distant from, and is, or is most nearly parallel to, the front lot line. If a rear lot line is less than fifteen (15) feet long, or if the lot comes to a point at the rear, the rear lot line shall be a line at least fifteen (15) feet long, lying wholly within the lot, parallel to the front lot line.

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**Lot Lines.** The property lines bounding the lot.

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**Lot Line, Side.** A lot line which is neither a front lot line nor a rear lot line.

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**Lot of Record.** A lot which is part of a subdivision, the plat of which has been recorded in the office of the Houghton County Register of Deeds, or a lot described by metes and bounds, the description and deed of which has been recorded in such office.

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**M.**

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**Manufacturing, Artisan.** The on-site production of goods by hand manufacturing conducted wholly within an enclosed building of less than 5,000 square feet of gross floor area which involve the use of hand tools and small-scale equipment.

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**Manufacturing, Heavy.** The treatment, processing, rebuilding, repairing, or bulk storage of material, products, or items, and where the finished product is not acquired by the ultimate user on the premises and produces any externally perceptible noise, fumes, odors, vibrations, or outdoor storage behind the front façade and screened.

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**Manufacturing, Light.** The manufacturing, compounding, processing, packaging, storage, assembly, and/or treatment of finished or semi-finished products from previously prepared materials, which activities are conducted wholly within an enclosed building, which may include research and development facilities, and may include the temporary outdoor storage of finished or semi-finished products.

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**Massage.** A method of treating or stimulating the external parts of the human body by rubbing, stroking, kneading, tapping, touching or vibrating with the hand or any instruments for pay.

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**Medical, Emergency Services.** An establishment for the provision of emergency medical care, which includes ambulance services, and the subsequent inpatient medical care or outpatient services provided by an adjoining health care facility and provided by a licensed practitioner.

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**Medical, Full-Service Hospital.** A facility or institution, whether public or private, engaged in providing services for health maintenance, diagnosis or treatment of human diseases, pain, injury, or physical condition, including but not limited to a general hospital, emergency room, diagnostic center, treatment center, rehabilitation center, extended care center, nursing home, intermediate care facility, outpatient laboratory, or central services facility serving one or more such institutions provided by a licensed practitioner.

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**Medical, Nursing.** A facility licensed by the State of Michigan for the aged or chronically or incurably ill persons in which five or more persons not of the immediate family are provided with food and shelter or care for compensation, but not including hospitals, clinics, or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.

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**M.**

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**Medical, Office.** A building used exclusively by physicians, dentists, and similar personnel for the treatment and examination of patients provided by a licensed practitioner on an outpatient basis, so no overnight patients shall be kept on the premises.

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**Medical, Outpatient & Urgent Care.** An establishment for outpatient-only medical services that apply to medical issues where a patient requires immediate attention or care than can be provided by an appointment with a family doctor or general licensed practitioner, but not including emergency ambulance services.

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**Medical, Psychiatric/Therapy.** An establishment where patients receive treatment by professionals licensed by the State of Michigan to treat mental health issues or addiction, which may include in-patient or outpatient treatment.

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**Mineral Extraction/Processing.** A facility for the exploration or extraction of surface or subterranean compounds and materials; this includes oil and gas exploration and production, and the mining of metallic and nonmetallic minerals, sand, gravel, and rock.

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**Monopole.** A single pole with no above ground lateral support from secondary structural members in either tension or compression.

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**Movie Theater.** A public, private, or non-profit enclosed structure specialized theater for showing movies or motion pictures attended by an audience.

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**Museum/Arts Center.** Any publicly or privately owned center used primarily for the display of art that does not produce noise audible from outside the property, and may contain gift-shop or art sales.

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**N.**

**National Pollutant Discharge Elimination System (NPDES) Permit.** This permit is called a National Pollutant Discharge Elimination System (NPDES) permit. NPDES permits regulate wastewater discharges by limiting the quantities of pollutants to be discharged and imposing monitoring requirements and other conditions.

**Neighborhood Commercial.** A small-scale commercial zone that provides retail goods and services for the convenience of the adjacent residential neighborhoods.

**Neighborhood Scale.** Neighborhood scale refers to the physical environment created by the combination of land uses and buildings within a .25 to .5 mile area and is influenced by land use types, intensity, traffic generation, location, size, and design of structures with a maximum height of 3 stories.

**Nursing Home.** Nursing home means a nursing care facility, including a county medical care facility, that provides organized nursing care and medical treatment to 7 or more unrelated individuals suffering or recovering from illness, injury, or infirmity.

**O.**

**Office, Corporate.** An establishment primarily engaged in providing internal office administration services as opposed to customer service; for example, the headquarters, regional offices or the administrative offices for a corporation; which may include a facility containing equipment for telecommunications or data processing/storage including switches, routers, operation centers, and other infrastructure critical for telecommunication companies, internet servers, data firms, fiber-optic cable, and other technology providers. Generally, the majority of the traffic generated from corporate offices comes from employees and not the general public.

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**O.**

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**Office, Professional Services.** A building containing the office or offices of a business or businesses engaged in providing professional services, including, but not limited to, the following: accounting; auditing and bookkeeping services; advertising agencies; architectural, engineering, planning, and surveying services; attorneys; counseling services; court reporting services; data processing and computer services; detective agencies and similar services; educational, scientific, and research organizations; employment, stenographic, secretarial, and word processing services; government offices including agency and administrative office facilities; management, public relations, and consulting services; photography and commercial art studios; writers and artists offices, but not including medical offices or offices that are incidental and accessory to another business or retail sales activity in the building.

---

**Open Space.** Land presently devoted to conservation or recreational purposes and/or land designated by the City of Hancock to remain undeveloped (may be specified on a zoning map).

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**Orientation.** The direction a building faces. Most buildings squarely face a street, with their principal facade and entrance in full view.

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**Outdoor Processing, Concrete & Asphalt.** A facility used for the production of asphalt or concrete, or asphalt or concrete products, used in building or construction, and includes facilities for the administration or management of the business, the stockpiling of bulk materials used in the production process or of finished products manufactured on the premises and the storage and maintenance of required equipment, but not including the retail sale of finished asphalt or concrete products. All operations must comply with the Michigan Compiled Laws: Soil and Water Conservation.

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**Outdoor Sales, Primary Use.** The placement of goods, equipment, or materials for sale, rental, or lease in a location not enclosed by a structure consisting of walls and a roof, but not including yard sales.

---

**Outdoor Storage.** The keeping of personal or business property or motor vehicles in a required open parking space or any other area outside of a building for a period of time exceeding 72 consecutive hours.

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**Overlay District.** A district described on the zoning map, within which, through superimposition of a special designation, certain regulations and requirements apply in addition to those of the underlying zoning districts to which such designation is added.

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**P.**

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**Parapet.** A low wall projecting from the edge of a platform, terrace, or roof. Parapets may rise above the cornice of a building or form the upper portion of a defensive wall on a castle. In Mission style homes, rounded parapets are often used as decorative features.

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**Parcel.** Any legally described piece of land created by a partition, subdivision, deed or other instrument recorded with the appropriate entity or agency.

---

**Parking Lot.** A parcel of land containing one or more unenclosed parking spaces whose use is principal to the lot as differentiated from an accessory use, as in a residential lot.

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**Parking Space.** A durable, solid surfaced area enclosed or unenclosed, sufficient in size to store one motor vehicle, together with a paved driveway connecting the parking space with a street or alley and permitting ingress and egress of an automobile.

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**Parking Space, Off Street.** An area adequate for parking an automobile with room for opening doors on both sides together with properly related access to a public street or alley and maneuvering room but located totally outside of any street or alley right-of-way.

---

**Person.** Any natural Person, business association, or business entity, including but not limited to corporation, partnership, limited liability company, sole proprietorship, political subdivision of the State or other governmental entity, public or private agency, utility, or any other legal entity, or any successor or assign of any of the foregoing.

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**Personal Care & Beauty Services.** An establishment which accommodate two or more clients at one time providing nonmedical services, including, but not limited to, beauty salons, barber shops and tanning salons by licensed professionals, which may also include accessory retail sales of products related to the services provided.

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**Personal Services.** Activities conducted in an office, store or other place of business catering to the personal needs of a customer, such as normally conducted by a barber, tailor, dressmaker, doctor, attorney, architect or a photocopy duplication center.

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**P.**

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**Planning Commission.** The Planning Commission of the City of Hancock, Michigan.

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**Plat.** The map, drawing, or chart on which the developer's plan of subdivision (preliminary) is presented to the Planning Commission for approval and, after such approval, to the Houghton County Register of Deeds (final) for recording.

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**Pollutant.** Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, and accumulations that may cause or contribute to pollution such as pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

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**Ponds.** An area that is designed to permanently hold water.

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**P.**

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**Pool House.** A building where swimmers change clothes or other associated activities to a residential swimming pool.

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**Portable Storage Unit(s).** Any enclosed unit of whatever type construction or material, designed for permanent or temporary storage, which can be transported by a vehicle and left on-site.

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**Power Generation Facility.** A facility that converts one or more energy sources, including but not limited to water power, fossil fuels, nuclear power, or solar power, into electrical energy or steam, which may also perform either or both of the following functions: (a) operation of a transmission system that conveys the energy or steam from the generation facility to a power distribution system; (b) operation of a distribution system that conveys energy or steam from the generation facility or the transmission system to final consumers.

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**Power Substation Facility.** A group of equipment for purposes other than generation or utilization, through which electric energy in bulk is passed for the purposes of switching or modifying its characteristics to meet the needs of the public, provided that in residential districts an electric substation shall not include rotating equipment, storage of materials, trucks or repair facilities, housing of repair crews, or office or place of business.

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**Pre-Development Conditions.** Site conditions as they existed prior to manmade alterations and/or earth disturbing activities.

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**Premises.** Any lot or combination of contiguous lots held in single ownership, together with the development; a condominium complex constitutes one premises.

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**Principal Building.** A building in which the principal use of the lot upon which it is situated is conducted.

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**Principal Use.** The primary or predominant use of land or structures, as distinguished from an accessory use. A principal use may be either a permitted use or a special use.

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**Private Club.** A public, commercial, or non-profit establishment that provides membership for the participation in, or use of, shared space, programming, or social activities, and may not include any form of adult entertainment business or retail sales.

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**P.**

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**Private Street.** A roadway which has not been dedicated to the City and is completely maintained by the adjoining property owners. A private street is not maintained by the City nor is it required to meet City standards. It is owned entirely by the property owners who use it.

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**Proportion.** The relationship of the dimensions of building elements, such as windows and doors, to each other and to the elevations. Often, proportions are expressed as mathematical ratios, particularly for buildings based on Greek, Roman and Renaissance architecture.

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**Public Property.** Real estate owned, leased, or otherwise controlled by a governmental entity.

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**Public Way.** An alley, avenue, boulevard, bridge, easement, expressway, freeway, highway, land, parkway, right-of-way, road, sidewalk, street, subway, tunnel, viaduct, walk, or other ways in which the general public or a public entity have a right, or which are dedicated, whether improved or not.

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**Q.**

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**R.**

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**Radio/Television Broadcast Studios.** Any building or space within a building used for the production and transmission of radio or television signals received by the public through radio, television or similar means as licensed by the State of Michigan.

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**Rail.** The top and bottom frame member of a door or window that is not the jamb.

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**Recreational Vehicles and Equipment.** A motor home, house trailer, truck camper, boat, boat trailer, travel trailer and/or any other vehicle which is principally designated and used for recreation purposes.

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**Recycling Center.** A center for the collection and/or processing of recyclable materials, but not including storage containers located on a residentially, commercially or industrial site used solely for the recycling of material.

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**Religious Assembly.** A use located in a permanent building and providing regular organized religious worship and related activities.

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**Research Facility/Laboratory.** A building or group of buildings for scientific research, investigation, testing, or experimentation, but not for the manufacture or sale of products.

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**Residential Care Facility.** An establishment operated for the purpose of providing special care or rehabilitation to the occupants, including assisted living, developmental disability dwelling, elderly care, life care, mental health or substance abuse, and nursing care.

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**Retail, Convenience.** A small retail establishment, that offers for sale convenience goods, such as prepackaged food items, tobacco, periodicals, and other household goods, and which shall not have a retail liquor license.

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**Retail, Enclosed Shopping Center.** A group of primarily commercial establishments planned, constructed, and managed as a single entity with customer and employee parking provided on- site and provision for goods delivery separated from customer access.

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**Retail, Large.** A retail establishment selling consumer goods that exceeds 20,000 square feet.

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## R.

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**Retail, Medium.** A retail establishment selling consumer goods that is between 5,000 and 20,000 square feet.

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**Retail, Outdoor Shopping Center.** A group of commercial establishments planned, constructed, and managed as a single entity with customer and employee parking provided on-site, provision for goods delivery separated from customer access, and where access to individual shops requires outdoor access from a shared sidewalk or road.

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**Retail, Pharmacy.** An establishment substantially devoted to the sale of pharmaceutical items, supplies, and equipment such as prescription drugs.

---

**Retail, Small Format.** A retail establishment selling consumer goods that is no greater than 5,000 square feet.

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**Right-of-Way.** A strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting, and drainage facilities, and may include special features (required by the topography or treatment) such as grade separation, landscaped areas, viaducts, and bridges.

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**Roof, Mansard.** A roof with two slopes on each of the four sides. The lower slope is steeper than the upper slope. Dormers are often set in the lower slope. The upper slope is usually not visible from the ground.

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

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## S.

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**Sanitary Sewers.** An approved sewage disposal system which provides a collection network and disposal system and central sewage treatment facility for a single development, community or region.

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**Sauna.** A sauna, or sudatory, is a small room or building designed as a place to experience dry or wet heat sessions.

---

**S.**

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**Scale.** The relationship of the size of a building or object to the size of a human being. Grand or large scale implies a size out of proportion to human size, while small or intimate scale implies the opposite.

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**School, College/University.** A post-secondary institution, licensed by the State of Michigan, for higher learning that grants associate or bachelor's degrees and may also have research facilities and/or professional schools that grant master and doctoral degrees, which may also include community colleges that grant associate or bachelor's degrees or certificates of completion in business or technical fields.

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**School, Primary.** A public, private, or parochial school, licensed by the State of Michigan, offering instruction at the elementary school level in the branches of learning and study required to be taught in schools within the state.

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**School, Secondary.** A public, private, or parochial school, licensed by the State of Michigan, offering instruction at the junior, and/or senior high school levels in the branches of learning and study required to be taught in the public schools within the state.

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**School, Vocational.** A school, licensed by the State of Michigan, established for teaching industrial, clerical, managerial, or artistic skills, and which may be owned and operated privately for profit.

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**Sediment Basin.** A barrier, dam, or other suitable detention facility built across an area of water flow to settle and retain sediment carried by the runoff waters.

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**Sediment Control Plan.** A written description, acceptable to the approving agency, of methods for controlling sediment pollution from accelerated erosion on a development area.

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**S.**

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**Sediment Pollution.** Failure to use management or conservation practices to abate wind or water erosion of the soil or to abate the degradation of the waters of the state by soil sediment in conjunction with land grading, excavating, filling, or other soil-disturbing activities on land used or being developed for non-farm commercial, industrial, residential, or other non-farm purposes.

---

**Setback.** The required minimum horizontal distance between the building line and the related front, side or rear property line.

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**Setback Line.** A line parallel to the street right-of-way line at any story level of a building and representing the distance which all or any part of the building is to be set back from said right-of-way.

---

**Sewers, Sanitary, Central or Group.** An approved sewage disposal system which provides a collection network and disposal system and central sewage treatment facility for a single development, community, or region.

---

**Sewers, Storm.** A sewer that carries storm water and surface water, street wash and other wash waters, or drainage, but excludes domestic wastewater and industrial wastes. Also called a storm drain.

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**Shooting Range, Indoor.** An establishment for public, private or non-profit use where the shooting of firearms is permitted completely within a building for the practice of marksmanship.

---

**Sidewalk.** That portion of the road right-of-way outside the roadway, which is improved for the use of pedestrian traffic.

---

**Sign.** An outdoor advertising structure, device or visual communication designed or intended to convey information to the public in written or pictorial form.

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**Sign, Freestanding.** A sign suspended or supported by one or more uprights or braces in or upon the ground.

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**Sign, Nonconforming.** Any sign which was erected legally prior to the adoption of this code, but which does not comply with subsequently enacted sign restrictions and regulations or a sign which does not conform to the sign code requirements.

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**S.**

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**Sill.** The framing member that forms the bottom edge of the window opening.

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**Single-Family, Attached.** Single-Family attached means and refers to any building containing two or more attached living units.

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**Site Development Plan.** The written document or set of plans meeting the requirements of this Code that provides information on the location of the area proposed for development, the site in relation to its general surroundings, and existing characteristics of the site, including limits of earth disturbing activities.

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**Site Plan.** A scaled drawing of a proposed development showing grade, property lines, building locations, drives, walkways, parking areas, fencing, screening, setbacks, signs and other improvements.

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**Slope (Related to Roofs).** The incline of the roof. Amount of rise for every twelve (12) inches of run.

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**Slope (Related to the Ground or Topography).** The face of an embankment or cut section; any ground whose surface makes an angle with the plane of the horizon. Slope is usually expressed in a percentage based upon vertical differences in feet per one hundred (100) feet of horizontal distance.

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**Special Use.** Uses that, because of potential incompatibility and negative impact on the immediate neighborhood, require a greater degree of scrutiny and review of site characteristics and impacts to determine their suitability in a given location. Special uses are permitted only following approval by the Zoning Board of Appeals.

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**State Licensed Residential Facility.** Any structure constructed for residential purposes that is licensed by the State of Michigan pursuant to Michigan Public Act 116 of 1973 (the Child Care Licensing Act) or Michigan Public Act 218 of 1979 (the Adult Foster Care Facility Licensing Act). This definition includes adult foster care facilities, foster family homes, foster family group homes, family day care homes, and group day care homes.

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**S.**

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**Steep Slope.** A slope over eighteen percent (18%) grade, which is characterized by increased run-off, erosion and sediment hazards.

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**Storage, Commercial Gases.** Any establishment whereby the primary activity is, or necessitates, the storage of compressed gasses

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**Storage, Contractor.** An unenclosed portion of the lot or parcel upon which a construction contractor maintains its principal office or a permanent business office and where it stores and maintains construction equipment and other materials customarily used in the trade carried on by the contractor.

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**Storage, Self-Store.** A personal storage building that is subdivided by permanent partitions into individual spaces, and each space has an independent entrance within an enclosed building under the exclusive control of the tenant, with one or more exterior entrances to the building, and which is used for storage of personal belongings and not for any commercial or industrial purpose, and that may include outdoor storage of recreational vehicles.

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**Storefront.** The full extent of the ground floor of a business, office, or commercial enterprise building that faces and runs adjacent to the right-of-way.

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**Storm Drainage.** Publicly owned facilities by which storm water is collected and/or conveyed including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

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**Storm Water.** Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation and resulting from such precipitation.

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**S.**

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**Storm Water Runoff.** See "Runoff."

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**Story.** That portion of a building included between the surface of any floor and the surface of the floor above it, or, if there be no floor above it, then the space between the floor and the ceiling next above it.

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**Stream.** A body of water running or flowing on the earth's surface. Flow may be seasonally intermittent.

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**Street.** An improved public right-of-way fifty (50) feet or more in width which provides a public means of access to abutting property or any such right-of-way more than thirty (30) feet and less than fifty (50) feet in width provided it existed prior to the enactment of this Code and provided street has been accepted by Houghton County. The term "street" shall include avenue, drive, circle, road, parkway, boulevard, highway, thoroughfare or any other similar term.

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**Street, Arterial.** A major street that provides intra-community travel and access to the county or regional highway system. Access to an arterial should be provided at collector and local streets.

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**Street, Collector.** A street which provides for distribution of traffic between major and local streets and abutting properties, including the principal entrance and circulation routes within residential subdivisions.

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**Street, Local.** A minor street primarily used for providing access to individual properties.

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**Street, Major.** A street primarily used for collecting local traffic and connecting destinations.

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**Street, Private.** A street not dedicated to the City.

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**Street, Public.** A street dedicated to the City.

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**S.**

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**Street Frontage.** The distance for which the front boundary line of the lot and the street line are coincident.

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**Street Line.** A dividing line between a lot, tract or parcel of land and a contiguous street.

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**Streetscaping.** The installation of trees adjacent to the right of way to improve aesthetics, the environment, and provide a traffic calming function.

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**Structure.** Anything constructed, except pavement, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground.

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**Structure, Temporary.** A use or structure permitted for limited duration with the intent that such use will terminate, or the structure will be removed automatically in a fixed period of time. A temporary structure is without a foundation or footing.

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**Studio, Art.** Workspace for one or more artists or artisans, including the accessory private sale of art produced on the premises, and shall not be open to the public.

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**Surveyor.** A registered land surveyor in the State of Michigan.

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**Swimming Pool.** Any body of water or receptacle for water having a depth greater than two (2) feet used for swimming or bathing, and constructed, installed or maintained in or above the ground outside a building.

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**T.**

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**Telecommunications Service Facilities.** Facilities for the provision of personal wireless services as such term is defined in 47 U.S. S .S Section 332 of the Telecommunications Act of 1996 and further includes towers, poles, cables, wires, lines, wave guides, antennas, microwave dishes and/or any other equipment or facilities associated with the transmission or reception of communications as authorized by the FCC which a person seeks to locate or have installed upon a tower or antenna support structure. The term Personal Wireless Service Facilities shall not include the following, which shall be exempted from regulation under this Code:

1. Any satellite earth station antenna two meters or less in diameter or less that is located in an area zoned industrial or commercial;
  2. Any satellite earth station antenna one meter or less in diameter, regardless of zoning category; or
  3. Antennas used by amateur radio operators or those used for television reception on residential homes.
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**Telecommunications Services.** Commercial mobile services, unlicensed wireless services and common carrier wireless exchange access services as such term is defined in 47 U.S. S .S Section 332 of the Telecommunications Act of 1996.

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**Temporary Vegetation.** Short term vegetative cover such as oats, rye, or wheat, used to stabilize the soil surface until final grading and installation of permanent vegetation.

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**Thoroughfare.** See "Street."

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**Time Limit.** Time limits designated within these regulations shall begin when application for review are officially accepted or as otherwise stipulated in this Code.

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**Tower.** A self-supporting, monopole, or guyed structure, constructed from grade, which supports Personal Wireless Service Facilities. The term tower shall not include amateur radio operator's equipment, as licensed by the FCC.

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**Truck Terminals.** Storage and distribution facilities having more than five heavy trucks with a rating of more than 10,000 pounds or an unladen weight of more than 6,000 pounds on the premises at any one time but excluding trucking accessory to another industrial use on site.

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## **U.**

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**Use.** The purpose for which land or a building or structure is arranged, designed, or intended, or for which either land or a building or structure is, or may be, occupied or maintained.

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**Use, Accessory.** See Accessory Use.

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**Use, Change of.** The change of activity of a building, structure or premises.

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**Use, Nonconforming.** Any building, structure, parking area, or premises legally existing or used at the time of adoption of this chapter, or any amendment, and which does not conform with the use regulations of the district in which located. Any such building, structure, or premises conforming in respect to use but not in respect to height, area, yards, or courts, or distance requirements from more restricted districts or uses, shall not be considered a nonconforming use.

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**Use, Special.** A use which is permitted in a district only if a zoning certificate is expressly authorized by the Zoning Board of Appeals.

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**Use, Temporary.** A use that is authorized by this Code to be conducted for a fixed period of time. Temporary uses are characterized by activities such as the sale of agricultural products, contractors offices and equipment sheds, fireworks, carnivals, flea markets, and garage sales.

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**Utility Easement.** The easement used for the maintenance of vehicle sight distances, the placement of stormwater drainage, sewer, water, natural gas, electric, telephone, cable television or other facilities or utilities, and for street maintenance.

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**V.**

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**Variance.** A modification of the terms of the relevant regulations where such modification will not be contrary to the public health, safety, or welfare and where owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.

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**Vehicle Care Services, Major.** General repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers, including body work, framework, welding, and major painting service.

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**Vehicle Care Services, Minor.** The replacement of any part or repair of any part that does not require removal of the engine head or pan, engine transmission or differential, incidental body and fender work, minor painting and upholstering service to automobiles and trucks not in excess of 7,000 pounds gross weight.

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**Vehicle Care Services, Washes.** An establishment for the washing and cleaning of passenger vehicles, recreational vehicles, or other light duty equipment where overnight outdoor storage is prohibited.

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**Vehicle Sales, Automobiles.** An establishment for the storage and display for sale of more than two passenger vehicles and where repair or body work is incidental to the operation of the new or used vehicle sales, which include motor vehicle retail or wholesale sales.

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**Vehicle Sales, Motorcycles.** An enclosed establishment for the retail sale and display of motorcycles, parts, and associated retail merchandise, which does not include outdoor sales.

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**Vehicle Sales, Recreational Vehicles.** An establishment for the sale and display for sale of more than two recreational vehicles including boats, camping vehicles and trailers which shall not be connected to water and/or sewer systems.

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**Veterinary.** An establishment for the care, grooming, diagnosis and treatment of sick, ailing, infirm or injured animals, and those in need of medical or surgical attention and may include overnight accommodations on the premises for treatment, observation and recuperation provided by a licensed practitioner.

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**Visibility Triangle.** No fence, wall, shrubbery, sign, or other objects shall be placed so as to obstruct vision above a height of two feet from the established street grades within the triangular area formed by a straight line drawn between intersecting street right-of-way lines at a distance along each line of 25 feet from their point of intersection.

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**W.**

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**Walkway.** A dedicated public way, for pedestrian use only, whether along the side of a road or not.

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**Warehouse, Large.** An enclosed storage facility which is used to store goods or parts, or for any part of the shipping process, that is greater than 50,000 square feet and includes cross-dock facilities.

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**Warehouse, Small.** An enclosed storage facility which is used to store goods or parts, or for any part of the shipping process, that is under 50,000 square feet and does not include cross-dock facilities.

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**Waste Facility.** Any land used for the disposal or storage of solid waste material, including garbage, sewage, trash, rubble, construction debris, and all other kinds of organic or inorganic refuse by abandonment, discarding, dumping, reduction, burial, incineration, or any other similar means.

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**Wastewater.** Any water or other liquid, other than uncontaminated storm water, discharged from a facility.

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**Water Resource.** All streams, lakes, ponds, wetlands, drainage systems, and all other water bodies or accumulations of surface water, natural or artificial, which are situated wholly or partially or borders upon the jurisdiction, except those private waters which do not combine or affect or junction with natural surface waters.

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**Wetlands.** Surface areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated conditions. Wetlands generally include swamps, marshes, bogs and similar areas (1987 Corp of Engineers Wetland Delineation Manual).

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**Wireless Service Facility.** A public, commercial and private electromagnetic and photoelectric transmission, broadcast, repeater and receiving stations for radio, television, telegraph, telephone, data network, and wireless telecommunications, including commercial earth stations for satellite-based communications, which may include antennas, commercial satellite dish antennas, and equipment buildings, but do not include telephone, telegraph and cable television transmission facilities utilizing hard-wired or direct cable connections.

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**Y.**

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**Yard.** An open space other than a court, on a lot, unoccupied and unobstructed from the ground upward.

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**Yard, Front.** A yard extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and a line parallel thereto on the lot, usually the building line.

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**Yard, Front (Corner Lot).** The front lot line of a corner lot shall be decided based upon the prevailing custom of the front lot line of other adjacent buildings on the same block, and based on the discretion of the Zoning Administrator.

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**Yard, Front (Least Depth).** The shortest distance, measured horizontally, between any part of the building, and the front lot line.

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**Yard, Front, How Measured, Least Depth.** Such depth shall be measured from the right-of-way line of the existing street on which the lot fronts; provided, however, that if the proposed location of the right-of-way line of such street differs from that of the existing street, then the required Front-Yard least depth shall be measured from the right-of-way line of such street.

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**Yard, Rear.** A yard extending across the full width of the lot, the depth of which is the minimum distance between the rear lot line to the closest part of a principal building.

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**Yard, Rear (Least Depth).** The average distance measured horizontally between any part of a building and the nearest rear lot line.

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**Yard, Rear, How Measured, Least Depth.** The average distance measured horizontally between any part of a building, except as hereinafter specified, and the nearest rear lot line.

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**Yard, Required.** A space between a lot line and the buildable area within which no structure shall be located except as provided in this Code.

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**Yard, Side.** An open space extending from the Front-Yard to the rear yard between a building and the nearest side lot line unoccupied and unobstructed from the ground upward except as specified.

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**Y.**

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**Yard, Side (Least Depth).** The shortest distance, measured horizontally, between any part of a building and the nearest side lot line.

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**Yard, Side, How Measured, Least Width.** Such width shall be measured from the nearest side lot line. On a corner lot when the side lot line is a side street lot line, the required Side-Yard shall be the same as the required Front-Yard of the adjacent lot.

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**Z.**

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**Zoning Administrator.** The City's official administrator of this Code as set forth in Section 7.03, A, (3) of the Hancock Charter or their designee.

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**Zoning Map.** The Zoning Map or Maps of the incorporated area of the City of Hancock, or portions, together with all amendments subsequently adopted.

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CITY OF  
**HANCOCK**