

**ORDINANCE NO. 2011-03**

**ZONING ORDINANCE**

**CITY OF ONAWAY  
STATE OF MICHIGAN**

**ADOPTED BY:  
ONAWAY CITY COMMISSION  
JUNE 20, 2011**

**EFFECTIVE DATE: JULY 2, 2011**

**AS AMENDED**

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**ORDINANCE 2011-03**  
**CITY OF ONAWAY**  
**STATE OF MICHIGAN**

AN ORDINANCE enacted under Act 110, Public Acts of 2006, as amended, governing the lands lying within the limits of the City of Onaway, Michigan, to regulate and restrict the locations and use of buildings, structures, and land for trade, industry, residence, and public and semi-public, or other specified uses; to regulate and limit the height and bulk of buildings and other structures; to regulate and to determine the size of yards, courts, and open spaces; to regulate and limit the density of population; to divide the City into districts and establish the boundaries thereof; to provide for changes in the regulations, restrictions, and boundaries of the districts; to define certain terms used in this Ordinance; to provide for enforcement; to establish a Zoning Board of Appeals; and to impose penalties for the violation of this Ordinance.

**Enacting Clause**

THE CITY OF ONAWAY ORDAINS:

**ARTICLE I**  
**SHORT TITLE AND PURPOSE**

**1.1 Short Title.** This Ordinance shall be known as the “City of Onaway Zoning Ordinance”.

**1.2 Purposes.** The purposes of this Ordinance shall be to:

- A. Promote and protect the public health, safety, peace, morals, comfort, convenience, and general welfare of the inhabitants of the City.
- B. Protect and conserve the character and social and economic stability of the residential, commercial, industrial, and other use areas.
- C. Encourage the use of land in accordance with the character and adaptability and limit improper use of land.
- D. Prevent overcrowding the land and undue congestion of population.
- E. Provide adequate light, air, and reasonable access.
- F. Facilitate adequate and economical provision of transportation, safe and adequate water supply, sewage disposal, education, recreation, and other public utilities, facilities, and services.
- G. Encourage resource protection.
- H. Conserve the expenditures of tax monies and other funds for public improvements and services through their conformity with planned uses of land, resources, and properties.
- I. Implement the *City of Onaway Comprehensive Plan*.

## **ARTICLE II DEFINITIONS**

**2.1 Construction of Language.** The following rules of construction apply to the text of this Ordinance:

- A. The particular shall control the general.
- B. In case of a difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
- C. Words used in the present tense shall include the future. Words used in the singular number shall include the plural, and the plural shall include the singular, unless the context clearly indicates the contrary.
- D. A “building” or “structure” includes any part thereof.
- E. The phrase “used for” includes “arranged for,” “designed for,” “intended for,” “maintained for,” or “occupied for.”
- F. The word “person” includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
- G. Terms not defined in this Ordinance shall have the meaning customarily assigned to them.
- H. The term “including” means “included but not limited to.” It is a term that introduces examples but does not limit the provisions to only those examples.
- I. The word “shall” is mandatory; the word “may” is permissive.
- J. The word “lot” includes “plot” or “parcel.”
- K. If any activity, use, building, structure, or part thereof is placed upon a parcel of property in violation of this Ordinance, the activity, use, building, or structure shall be declared a nuisance and may be required to be vacated, dismantled, abated, or cease operations by any available legal or equitable means, and such activity, use, building, or structure shall not be occupied or operated until it complies with this Ordinance.

**2.2 Definitions.**

**ACCESSORY BUILDING OR STRUCTURE:** A building or structure or portion thereof, supplementary and subordinate to a main building on the same lot occupied by or devoted exclusively to an accessory use. Where an accessory building is attached to a main building in a substantial manner, such as by a wall or roof, the accessory building shall be considered a part of the main building.

**ACCESSORY USE:** A use naturally or normally incidental and subordinate to and devoted exclusively to the main use of the land or building.

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

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

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

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing Specified Sexual Activities or Specified Anatomical Areas and still be categorized as an Adult Bookstore or Adult Video Store. The sale of such material shall be deemed to constitute a principal business purpose of an establishment if it comprises thirty-five percent (35%) or more of sales volume or occupies thirty-five percent (35%) or more of the floor area or visible inventory within the establishment.

**ADULT CABARET:** A nightclub, bar, restaurant, or similar commercial establishment that regularly features:

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

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

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

**ADULT MOTION PICTURE THEATER:** A commercial establishment which for any form of consideration, regularly and primarily shows films, motion pictures, video cassettes, slides, or other photographic reproductions or visual media that are characterized by depiction or description of Specified Sexual Activities or Specified Anatomical Areas.

**ADULT THEATER:** A theater, concert hall, auditorium, or similar commercial establishment that regularly features a person or persons who appear in a state of nudity or live performances that are characterized by exposure of Specified Anatomical Areas or by Specified Sexual Activities.

**ADULT FOSTER CARE FACILITY:** As defined by the Adult Foster Care Facility Licensing Act (PA 218 of 1979, as amended): a governmental or non-governmental establishment that provides foster care to adults. Adult foster care facility includes facilities and foster care homes for adults who are aged,



mentally ill, developmentally disabled, or physically disabled who require supervision on an ongoing basis, but who do not require continuous nursing care.

**ADULT FOSTER CARE HOME, FAMILY:** A private residence with the approved capacity to receive six (6) or fewer adults to be provided with foster care for five (5) or more days a week for two (2) or more consecutive weeks. The licensee shall be a member of the household and an occupant of the residence.

**ADULT FOSTER CARE HOME, SMALL GROUP:** An adult foster care facility with the approved capacity to receive twelve (12) or fewer adults to be provided with foster care for five (5) or more days a week for two (2) or more consecutive weeks.

**ADULT FOSTER CARE HOME, LARGE GROUP:** An adult foster care facility with the approved capacity to receive at least thirteen (13), but not more than twenty (20) adults to be provided with foster care for five (5) or more days a week for two (2) or more consecutive weeks.

**ADULT FOSTER CARE CONGREGATE FACILITY:** An adult foster care facility with the approved capacity to receive more than twenty (20) adults to be provided with foster care.

**ALTERNATIVE TOWER STRUCTURE:** Clock towers, bell steeples, light poles, water towers and other similar alternative-design mounting structures that camouflage or conceal the presence of communication antennas.

**ANTENNA:** Any exterior transmitting or receiving device mounted on a tower, building or alternative tower structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals, or other communication signals. This definition does not include satellite dish antennas.

**BASEMENT:** That portion of a building which is partly or wholly below grade but so located that the vertical distance from average grade to the floor is greater than the vertical distance from the average grade to the ceiling. If the vertical distance from the grade to the ceiling is over five (5) feet, such basement shall be rated as a first story.

**BED AND BREAKFAST FACILITY:** Any dwelling used or designed in such a manner that certain rooms in excess of those used by the family and occupied as a dwelling unit are rented to the public for compensation and shall cater primarily to the public traveling by motor vehicle.

**BOTTOMLAND:** The land area of an inland lake or stream that lies below the ordinary high water mark and that may or may not be covered by water.

**BUILDING:** Any structure, either temporary or permanent, having a roof supported by columns or walls, and used or built for the shelter or enclosure of persons, animals, chattels, or property of any kind. This shall include tents, awnings, vehicles, whether mounted on wheels or not, and situated on private property and used for purposes of a building.

**BUILDING HEIGHT:** The vertical distance measured from the established grade of the center of the front of the building to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and ridge for gable, hip, and gambrel roofs; and the average height between the lowest point and the highest point on a shed or salt box roof. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building wall.

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

**BUILDING, MAIN:** A building in which is conducted the principal use of the lot on which it is situated.

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

**CHANGE OF USE:** The alteration, addition to, or replacement of an existing use with a new use belonging to a different zoning classification. For the purpose of this definition, zoning classifications are those enumerated as separate items or categories within the list of principal permitted or special approval uses within each zoning district of this Ordinance.

**CHILD CARE ORGANIZATION:** As defined by the Child Care Organizations Act (PA 116 of 1973, as amended): a governmental or non-governmental organization having as its principal function the receiving of minor children for care, maintenance, training and supervision, notwithstanding that educational instruction may be given. Child care organizations include organizations, agencies, children's camps, child care centers, day care centers, nursery schools, parent cooperative preschools, foster homes, day care group homes or day care family homes.

**CITY:** City of Onaway.

**CO-LOCATION:** The use of a wireless communication tower by more than one wireless communication provider.

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

**DAY CARE HOME, FAMILY:** A private home in which one (1) but fewer than seven (7) minor children are received for care and supervision for periods less than twenty-four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Care is given for more than four (4) weeks during a calendar year.

**DAY CARE HOME, GROUP:** A private home in which more than six (6) but not more than twelve (12) minor children are given care and supervision for periods less than twenty-four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Care is given for more than four (4) weeks during a calendar year.

**DAY CARE CENTER:** A facility other than a private residence receiving one (1) or more preschool or school-age children for periods of less than twenty-four (24) hours a day and where parents or guardians are not immediately available to the child. Care is provided more than two (2) consecutive weeks, regardless of the number of hours of care per day. May also be referred to as a childcare center, day nursery, nursery school, parent cooperative preschool, playgroup or drop-in center.

**DRIVEWAY:** A paved or graveled vehicular access from a street or alley to a building on private property.

**DWELLING UNIT:** A building, or portion thereof, designed for occupancy by one (1) family for residential purposes and having sleeping and cooking facilities, except for motels, cabins, and similar transient facilities.

**DWELLING, SINGLE-FAMILY:** A building, or portion thereof, designed exclusively for and occupied exclusively by one (1) family.

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

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

**ERECTED:** Includes built, construction, reconstructed, moved upon, or any physical operations on the land required for the building. Excavations, fill, drainage, and the like shall be considered part of erection.

**ESCORT:** A person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

**ESCORT AGENCY:** A person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.

**ESSENTIAL SERVICES:** The erection, construction, alteration, or maintenance of public utilities or municipal facilities for underground, surface or overhead gas, electrical, steam, fuel, or water transmission or distribution systems, collection, communication, supply or disposal systems, including towers, poles, wire, mains, drains, sewers, pipes, conduits, cables, fire alarm or police call boxes, traffic signals, hydrants and similar accessories in connection therewith, but not including buildings, which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general public health, safety or welfare. Communications towers and facilities, alternative tower structures, and wireless communication antennas and wind turbine generators are not included within this definition.

**FAMILY:** An individual or two (2) or more persons occupying the premises and living as a single non-profit housekeeping unit.

**FARM:** All of the contiguous land of ten (10) acres or more operated as a single unit on which bona fide agriculture is carried on directly by the owner-operator, manager, or tenant-farmer by his own labor or with the assistance of members of his household or hired employees.

**FARM BUILDING:** Any building or structure other than a dwelling or a private garage moved upon, maintained, used, or built on a farm, which is essential and customarily used on farms for the pursuit of agricultural activities.

**FARM OPERATIONS:** Activities which occur on a farm in connection with the production of farm products, and includes, but is not limited to: marketed produce at roadside stands or farm markets; noise; odors; dust; fumes; operation of machinery and irrigation pumps; ground and aerial seeding and spraying; the application of chemical fertilizers, conditioners, insecticides, pesticides, and herbicides; and the

employment and use of labor. However, the keeping of game, fish hatcheries, dog kennels, stockyards, slaughterhouses, stone quarries, gravel or sand pits, removal and sale of topsoil, fertilizer works, boneyards, or places for the disposal of garbage, sewage, rubbish, junk, or offal, shall not constitute farm operations and the resulting products shall not constitute farm products.

**FARM PRODUCTS:** Those plants and animals useful to humans and includes, but is not limited to: forages and sod crops, grains and feed crops, dairy and dairy products, poultry and poultry products, livestock including breeding and grazing, fruits, vegetables, flowers, seeds, grasses, trees, fish, apiaries, equine and other similar products, or any other product which incorporates the use of food, feed, fiber or fur.

**FLOOR AREA:** The floor area of a residential dwelling unit is the sum of the horizontal areas of each story of the building as measured from the exterior walls; exclusive, of areas of basements, unfinished attics, attached garages, breezeways and enclosed and unenclosed porches.

**FLOOR AREA, USABLE:** (For the purposes of computing parking) is all ground and non-ground floor area used for, or intended to be used for, the sale of merchandise or services or for use to serve patrons, clients or customers. Such floor area that is used, or is intended to be used, principally for the storage or processing merchandise, or for utilities, shall be excluded from this computation of "Usable Floor Area." For the purposes of computing parking for those uses not enclosed within a building, the area used for the sale of merchandise, display of merchandise, and/or area used to serve patrons or clients shall be measured to determine necessary parking spaces.

**GAS AND OIL PROCESSING FACILITIES:** Any facility and/or structure used for, or in connection with, the production, processing, or transmitting of natural gas, oil, or allied products or substances, and the injection of same into the ground for storage or disposal, not under the exclusive jurisdiction or control of the Geological Survey Division, Michigan Department of Environmental Quality or Michigan Public Service Commission; not including industrial facilities such as cracking plants, large oil storage facilities, and heavy industrial operations and facilities.

**HIGHWAY:** Any public thoroughfare, road, or street, except alleys, including county, federal, and state roads and highways.

**HOME OCCUPATION:** An occupation or profession carried on by an occupant of a dwelling unit as a secondary use that is clearly subservient to the use of the dwelling for residential purposes.

**JUNKYARD:** An area of land, with or without a building, used for the storage, outside a completely enclosed building, of used or discarded materials, included, but limited to: waste paper, rags, metal, building materials, home furnishings, machinery, vehicles or vehicle parts, with or without the dismantling, processing, salvage, sale or other use of disposition. The deposit or storage of three or more wrecked, dismantled, partially dismantled, or inoperable vehicles, or major part of three or more such vehicles, shall be considered a junkyard.

**LOT:** A platted lot of record or an unplatted parcel of land described by metes and bounds upon which could be occupied by a main building or a group of such buildings and accessory building, or utilized for the principal use and uses accessory thereto, together with such open spaces as are required under the provisions of this Ordinance.

**LOT AREA:** The total horizontal area within the lot lines of the lot.

**LOT OF RECORD:** A lot or parcel of land, the dimensions of which are shown on a document or map on file with the City, and which actually exists as so shown, or any part of such parcel held in record ownership separate from that of the remainder thereof.

**LOT, CORNER:** A lot where the interior angle of two adjacent sides at the intersection of the two streets is less than one hundred thirty-five (135) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the purposes of this Ordinance if the arc is of less radius than one hundred fifty (150) feet and the tangents to the curve, at the two points where the lot lines meet the curve or the straight street line extended, form an interior angle of less than one hundred thirty-five (135) degrees.

**LOT, DOUBLE FRONTAGE:** Any interior lot having frontage on two more or less parallel streets, as distinguished from a corner lot.

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

**LOT COVERAGE:** The part or percent of the lot occupied by buildings, including accessory buildings.

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

**LOT LINES:** The lines bounding a lot as defined herein:

**LOT LINE, FRONT:** In the case of an interior lot, the line separating the lot from the road right-of-way. In the case of a corner lot, the front lot line is that line separating the lot from the road right-of-way which is designated as the front road/street in the plat and in the application for a building permit or zoning occupancy permit.

**LOT LINE, REAR:** The lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet long lying farthest from the front lot line and wholly within the lot.

**LOT LINE, SIDE:** Any lot lines other than the front lot line or rear lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

**LOT WIDTH:** The horizontal distance between the side lot lines measured at the two points where the building line or setback intersects the side lot lines.

**MOBILE HOME:** As defined by the Mobile Home Commission Act (PA 96 of 1987, as amended), a structure transported in one or more sections, which is built on a chassis and designed to be used as a dwelling with or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure.

**MOBILE HOME PARK:** As defined by the Mobile Home Commission Act (PA 96 of 1987, as amended), a parcel or tract of land under the control of an individual, partnership, association, trust, corporation, or any other legal entity or combination of legal entities, upon which three or more mobile homes are located on a continual, non-recreational basis, and which is offered to the public for that purpose regardless of whether a charge is made, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home.

**MOTEL:** A building or group of buildings made up of two or more separate living or sleeping quarters used independently of each other and used principally for overnight accommodations.

**NUDE MODEL STUDIO:** Any place where a person who displays Specified Anatomical Areas is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration, but does not include an educational institution funded, chartered, or recognized by the State of Michigan.

**NUDITY OR A STATE OF NUDITY:** Knowingly or intentionally displaying in a public place, or for payment or promise of payment by any person including, but not limited to payment of an admission fee, any individual's genitals or anus with less than a fully opaque covering, or a female individual's breast with less than a fully opaque covering of the nipple and areola. Public nudity does not include any of the following:

1. A woman breastfeeding a baby whether or not the nipple or areola is exposed during or incidental to the feeding.
2. Material as defined in Section 2 of Act No. 343 of the Public Acts of 1984, being section 752.362 of the Michigan Compiled Laws.
3. Sexually explicit visual material as defined in Section 3 of Act No. 33 of Public Acts of 1978, being section 722.673 of the Michigan Compiled Laws.

**OWNER:** Any person having legal equitable title to possession of or a possessory interest in any lot, including, without limitation, any agent or person having such ownership interest.

**PERSON:** Any individual, association, partnership, corporation, or any other legal entity.

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

**PLANNING COMMISSION:** The Planning Commission of the City of Onaway.

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

**RECREATIONAL VEHICLE:** A vehicle designed to be used primarily for recreational purposes, including temporary sleeping quarters and/or cooking facilities, or a unit designed to be attached to a vehicle and used for such purposes, including self-propelled motor homes, pickup campers, fifth wheel trailers, travel trailers, and tent trailers. Any such vehicle or unit which is forty (40) feet or more in overall length shall be considered a mobile home and shall be subject to all regulations of this Ordinance applicable to a mobile home.

**ROADSIDE STAND:** A farm structure use, or intended to be used, solely by the owner or tenant of the farm on which it is located for the sale of only the seasonable farm products of the immediate locality on which such roadside stand is located.

**SEXUAL ENCOUNTER CENTER:** A business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:

1. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or,
2. Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity.

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

**SPECIFIED ANATOMICAL AREAS:** Are defined as:

1. Less than completely and opaquely covered human genitals, pubic regions, buttocks, anus and female breast below a point immediately above the top of the areola; and
2. Human male genitals in a discernibly turgid state even if completely and opaquely covered.

**SPECIFIED SEXUAL ACTIVITIES:** Means and includes any of the following:

1. The fondling or other erotic touching of human genitals, pubic regions, buttocks or female breast;
2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
3. Masturbation, actual or simulated; or
4. Excretory functions as part of or in connection with any of the activities set forth in (1) through (3) above.

**STATE TRUNKLINES:** That part of State Highways M-33, M-68 and M-211 within the City of Onaway.

**STRUCTURE:** Any production or pieces of work artificially built up or composed of parts joined together in some definite manner, any construction including dwellings, garages, building, signs and signboards, house trailers, trailer coaches, and mobile homes.

**TELECOMMUNICATION TOWERS AND FACILITIES AND ALTERNATIVE TOWER STRUCTURES:** Includes transmitters, antenna structures, towers and supporting structures for all classes of communications services, including but not limited to AM, FM, CATV, microwave, TV, VHF, cellular telephone, and the like. Not included in this definition are: citizen band radio facilities; radio and television broadcast reception facilities; satellite dishes; federally licensed amateur (HAM) radio facilities, and governmental facilities which are subject to state or federal law or regulations which are subject to state or federal law or regulations which preempt municipal regulatory authority.

**VEHICLE:** Any device in, upon, or by which any person or property is or may be transported or drawn upon a highway or road, except devices exclusively moved by human power. Motor vehicle means automobiles, pick-up trucks, sports utility vehicles, and motorcycles. Commercial vehicle means truck tractors, semi-trailers, buses, and utility work trailers.

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

**WIND TURBINE GENERATOR:**

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

**YARD:** A space open to the sky and unoccupied or unobstructed on the same lot with buildings or structures. Yard measurements shall be the minimum horizontal distances.

**YARD, FRONT:** A yard extending the full width of the lot between the front lot line and the nearest line of the main building or accessory building.

**YARD, REAR:** A yard extending from the full width of the lot between the rear lot line and the nearest line of the main building or accessory building.

**YARD, SIDE:** A yard extending from the front yard to the rear yard between the side lot line and the nearest line of the building or of accessory building.

**ZONING ADMINISTRATOR:** The administrator of this Ordinance appointed by the County Board of Commissioners.

**ZONING BOARD OF APPEALS:** The City Commission sitting as the Zoning Board of Appeals, whose duties and powers are detailed in Article 24.

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



**ARTICLE III  
GENERAL PROVISIONS**

**3.1 Effect of Zoning.**

- A. In order to carry out the intent of this Ordinance, no use or activity on a parcel of land shall be allowed or maintained, no building or structure or part thereof shall be allowed to be used, constructed, remodeled, altered, or moved upon any property unless it conforms with the requirements and intent of this Ordinance regarding the specific zoning district in which it is located.
- B. If any activity, use, building, structure, or part thereof is placed upon a parcel of land in violation of this Ordinance, the activity, use, building, or structure shall be declared a nuisance and may be required to be vacated, dismantled, abated, or cease operations by any available legal or equitable means, and such activity, use, building, or structure shall not be occupied or operated until it complies with this Ordinance.
- C. The City Planning Commission shall have power on written request of a property owner in any zoning district to classify a use not listed with a comparable permitted use in the district and grant a permit for the use, giving due consideration to the intent of this Ordinance. Petition for such classification and permit shall be made through the office of the Zoning Administrator. In granting permit of such classified use, the Planning Commission may attach conditions and safeguards as may be necessary for the protection of the public welfare and for the proper development of the general neighborhood and adjacent properties. If the use is deemed incompatible, the use may only be provided by amendment to the Ordinance.
- D. Unless provided elsewhere in this Ordinance, or a variance is granted by the Zoning Board of Appeals, no building shall be erected or altered to exceed the height limitations or occupy a greater percentage of lot area, or intrude upon the required yards, or accommodate a greater number of dwelling units, or provide less space per dwelling unit than is specified for the district in which the building is located.
- E. No lot area, yard, parking area, or other required space shall be divided, altered, reduced, or diminished to create an area or dimension less than the minimum required under this Ordinance, except where the reduction has been brought about by the expansion or acquisition of public rights-of-way for a street, road, or highway. If a lot is already less than the minimum required under this Ordinance, it shall not be further divided or reduced.

**3.2 Essential Public Services.** Essential services, as defined, shall be permitted as authorized and regulated by law, public policy, and specific zoning regulations in any district. It is the intention otherwise to exempt the erection, construction, alternation, and maintenance from the application of this Ordinance. However, electric, telephone, and other electronic communications distribution networks are encouraged to be underground whenever possible. Telecommunication towers and wind turbine generation facilities shall be regulated and permitted pursuant to this Ordinance and shall not be regulated or permitted as essential services, public utilities, or private utilities.

**3.3 Nuisances.**

A. The conduct of any activity or the storage, display, or keeping of any goods, materials, or substances in such a way:

1. As to endanger the safety, health, comfort, or repose of the public or obstruct, interfere with or render dangerous any road, highway, navigable lake or stream, or other public place.
2. As to be dangerous or detrimental to human, animal, or plant life.
3. Which does, would, or has the potential to cause the deposit or run-off of water, waste, soil, or other materials across neighboring properties.
4. Which does, would, or tend to exploit, waste, or restrict the productive, beneficial development or extraction of a natural resource, mineral, ore, or substance.
5. Which does, would or have the potential to pollute or contaminate any natural resource, including air, surface or ground water, and/or soil.
6. Which attracts mice, rats, termites, flies, fleas, roaches ants, or other pests or vermin.
7. Which violates any provisions of this Ordinance.

whether the activity or condition is created by reason or odors, fumes, dust, smoke, fog, icing, condensation, evaporation, heat, seepage, noise, sight, vibration, excavation, or other causes, it shall be deemed a nuisance per se and shall not be permitted in any building or upon or under any land in any zoning district in this City.

B. Any building, residence, or structure found to be allowed for a period of sixty (60) days or more, to remain in a condition of disrepair, dilapidation, structural failure, or collapse from whatever cause; or deemed by the District Health Department to be unsanitary or otherwise detrimental to human health; or deemed by any state or local fire department official to be a fire hazard; or found by the Zoning Administrator to come within the

provisions of this section; shall be deemed a nuisance per se and shall be subject to abatement upon the complaint and/or petition of the Zoning Administrator or any interested person.

- C. Nothing in this section shall be deemed to prohibit any activity or land use that has been permitted or licensed in compliance with any other provisions of this Ordinance.

### **3.4 Prohibited Uses.**

- A. The following uses and activities are deemed to be a nuisance per se and of danger to the health, safety, and general welfare of the general public, as well as detrimental to property values and the full development of permitted uses of land in the City, and shall not be permitted within the City.

1. Radioactive substances or waste storage, disposal sites or facilities, whether such items are liquid, solid, gaseous, or consist of contaminated animals, materials, fixtures, or equipment, and whether or not containerized, except as permitted by P.A. 113 of 1978 (Radioactive Waste), as amended.
2. Toxic chemical wastes or contaminants or hazardous substances storage or disposal sites or facilities, whether such items are liquid, gaseous, or consist of contaminated animals, materials, fixtures, or equipment, and whether or not containerized.

- B. The preceding provisions of this section shall not be effective to the extent that the provisions conflict with existing state law, except that any such use allowed due to such conflict is deemed to be a special use and is subject to special use permit, fee schedule, and investigative costs assessment provisions in effect at the time.

**3.5 Fencing of Outdoor Storage Areas.** Applications for zoning permits for industrial or commercial uses may be forwarded to the Planning Commission for consideration of the need for fencing or screening if the Zoning Administrator determines that provision of fencing and/or screening may be necessary to protect the health, safety, and welfare of City residents. Prior to the issuance of any zoning permit, the Zoning Administrator may require, subject to the applicant's right to review and recommendation by the Planning Commission, adequate fencing and/or screening of a type to be determined by guidelines adopted from time to time by resolution of the Planning Commission of outdoor storage areas used by industrial or commercial facilities.

**3.6 Required Water Supply and Sewage Disposal Facilities.** Every building erected, altered, or moved upon any premises and used in whole or in part as dwellings (year-round or seasonal), recreational, institutional, business, commercial, or industrial purposes, including churches, schools, and other buildings in which persons customarily congregate, shall be provided with a

safe and sanitary water supply system and with means of collective and disposing of all domestic, commercial, and industrial wastewater, and other wastes that may adversely affect health conditions, subject to written approval of and following the requirements of the District Health Department where City water or sanitary sewer is not available.

**3.7 Temporary Dwelling Structures.** A garage home, basement home, camper, travel trailer, recreational vehicle, or mobile home not installed according to the requirements of this Ordinance may be used as a temporary dwelling by the owner of the premises during the period when a dwelling conforming to the provisions of this Ordinance is in the process of erection or completion on the same lot, subject to the following provisions:

- A. Compliance with Section 3.6 of this Ordinance shall precede occupancy of the temporary dwelling.
- B. The location of the temporary dwelling shall conform to all yard setback limitations of the zoning district where located.
- C. The use of the temporary dwelling shall not be hazardous to the health, safety, or public welfare.
- D. The use of the temporary dwelling shall be limited to twelve (12) months, beginning with the date of issuance. One (1) additional twelve (12) month extension may be obtained from the Zoning Administrator.
- E. Application for the erection or use of a temporary dwelling shall be made with the Zoning Administrator at the time of zoning permit application for the permanent dwelling.
- F. Except in the case of a camper, travel trailer, or recreational vehicle, which will be stored on the premises, the temporary dwelling shall be removed upon completion of construction of a dwelling complying with the requirements of this Ordinance.

**3.8 Fees.** All fees required to be paid under this Ordinance shall be deposited by the City Treasurer in the City's general fund. No approval or permit issued under this Ordinance shall become effective until the required fees are paid in full.

- A. To assist in defraying the costs of investigating, reviewing, and administering zoning applications, appeals, rezoning requests from individual property owners, and other types of decisions which result in extra costs to the City, the City Commission may from time to time adopt by resolution a Fee Schedule establishing basic zoning fees related to the following:
  - 1. Zoning permits.
  - 2. Special use permits.

3. Appeals to or requests for interpretations by the Zoning Board of Appeals. Appeals and requests for interpretations initiated by the City Commission, the Planning Commission, or the Zoning Administrator shall not be subject to a zoning fee.
  4. Classification of unlisted property uses.
  5. Requests to change a nonconforming use to another nonconforming use.
  6. Requests for variances from the Zoning Board of Appeals.
  7. Requests for rezoning of property by individual property owners or amendments to the Zoning Ordinance text. Rezoning or property or text amendments initiated by the City Commission, the Planning Commission, the Zoning Board of Appeals, or the Zoning Administrator shall not be subject to a zoning fee.
  8. Site plan reviews.
  9. Requests for a planned unit development (PUD).
  10. Any other discretionary decisions by the Planning Commission, Zoning Board of Appeals, or City Commission.
- B. The amount of these zoning fees shall cover the costs associated with the review of the application or appeal, including but not limited to the costs associated with conducting public hearings, publishing notices in the newspaper, sending required notices to property owners, postage, photocopying, mileage, time spent by zoning staff, and time spent by the members of the Planning Commission and/or Zoning Board of Appeals. The basic zoning fees shall be paid before any application required under this Ordinance is processed. The basic zoning fees are nonrefundable, even when the applicant withdraws an application or appeal.
- C. If the Zoning Administrator, Planning Commission or Zoning Board of Appeals determines that the basic zoning fees will not cover the actual costs of the application review or appeal, or if the Zoning Administrator, Planning Commission, or Zoning Board of Appeals determines that review of the application and/or participation in the review process or appeal by qualified professional planners, engineers, attorneys, or other professionals is necessary, then the applicant shall deposit with the City Treasurer such additional zoning fees in an amount determined by the Zoning Administrator equal to the estimated additional costs. The additional zoning fees shall be held in escrow in the applicant's name and shall be used solely to pay these additional costs. If the amount held in escrow becomes less than ten percent (10%) of the initial escrow deposit or less than ten percent (10%) of the latest additional escrow deposit, and review of the

application or decision other appeal is not completed, then the Planning Commission or Zoning Board of Appeals may require the applicant to deposit additional fees into escrow in an amount determined by the Zoning Administrator to be equal to the estimated costs to complete the review or decide the appeal. Failure of the applicant to make any escrow deposit required under this Ordinance shall be deemed to make the application incomplete or the appeal procedurally defective, thereby justifying the denial of the application or the dismissal of the appeal. Any unexpended funds held in escrow shall be returned to the applicant following final action on the application or the final decision on the appeal. Any actual costs incurred by the County in excess of the amount held in escrow shall be billed to the applicant and shall be paid by the applicant prior to the issuance of any permit or prior to the final decision on an appeal.

- 3.9 Lot/Building Relationship.** Every building erected, altered, or moved shall be located on a zoning lot, as defined, and except in the case of an approved multiple dwelling development, there shall be nor more than one (1) principal building and its permitted accessory structures located on each zoning lot in any district where residential use is permitted.
- 3.10 Conflicting Regulations.** Wherever in the City of Onaway, there are provisions in two (2) or more laws or ordinances concerning identical subjects and there are conflicts between the provisions, the law or ordinance with the more stringent requirements, regulations, restrictions, or limitations shall govern.
- 3.11 Grades.** No premises shall be filled or graded in a way that surface runoff is discharged onto abutting premises that will cause inconvenience or damage to adjacent properties or waterways. When property is developed adjacent to previously developed properties, existing grades shall have priority. All grading shall comply with the provisions of Part 91 of P.A. 451 of 1994 (Soil Erosion and Sedimentation Control).
- 3.12 Accessory Buildings.**
- A. An accessory building, whether attached or detached to a main building, shall be subject to all yard regulations applicable to the main building for the district where located.
  - B. Detached accessory buildings shall not be located closer than six (6) feet to any main building or other accessory building.
  - C. An accessory apartment or guest quarters may be built on the same lot as a principal dwelling or commercial use. However, the accessory apartment or guest quarters shall only be used by the owner or operator and is not intended for rental purposes.
  - D. Construction of an accessory building in all districts may occur prior to the main building only when building and zoning permits for the main building have been approved.

- E. Structures such as mobile homes, recreational vehicles, semi-truck trailers, shipping containers, and the like shall not be used for storage or accessory buildings.
- F. In the R-1, R-2 and R-3 Districts and on lots in all other districts which do not meet the minimum lot size requirement in Article 15, Schedule of Regulations, the total floor area of all detached residential accessory buildings may not exceed two hundred percent (200%) of the ground floor area of the main building. The main building may contain an attached garage, which does not count toward the two hundred percent (200%) limitation.
- G. An accessory building must be located in a side or rear yard.
- H. Accessory buildings must be constructed of commonly accepted building materials such as wood, metal, concrete block, or brick, and must be painted or otherwise finished in acceptable fashion as not to detract from the appearance of the property and neighborhood. Pre-manufactured canvas-type accessory buildings will be permitted as long as they are kept in constant repair. Tarps and the like cannot be used on any accessory buildings.

**3.13 Permitted Yard Encroachments.** The yard requirements of all districts are subject to the following permitted encroachments: chimneys, flues, cornices, gutters, bay windows, and similar features may project into any required yard a maximum of twenty-four (24) inches.

**3.14 Stormwater Retention.** The property owner or developer is required to remain on site all storm water drainage in excess of natural conditions. This provision may require storm water retention or detention ponds where necessary. An exception can be made for water leaving the site via an existing storm water pipe, or through other storm water facilities which will be developed at the same time as the proposed new use. All storm water facilities, including detention or retention ponds shall be designed at minimum to handle a storm with the projected frequency of once every twenty-five (25) years.

**3.15 Use of Recreational Vehicles.** No person shall use or permit the use of any recreational vehicle, as defined in this Ordinance, for temporary living arrangement on any vacant lot, parcel, field, or tract of land not specifically licensed as a recreational vehicle park or campground for more than thirty (30) days in a ninety (90) day period and no more than ninety (90) days per calendar year. The recreational vehicle shall be self-contained, or sanitary facilities meeting the requirements of District Health Department shall be provided when in use. An exception to these regulations may be made during the actual construction of a permanent dwelling on the premises, as regulated under Section 3.7.

**3.16 Parking and storage of vehicles.**

- A. The parking and storage of motor vehicles, as defined in Article 2, shall be limited to the garage and driveway areas of residential properties.
- B. The outdoor parking or storage of recreational vehicles is prohibited in all residential districts unless the following conditions are met:
  - 1. Storage or parking shall be limited to a parcel of land upon which is located an inhabited dwelling unit and the vehicle or equipment so stored or parked shall be owned by the occupant of that unit.
  - 2. All such vehicles and equipment stored or parked shall be in good repair.
  - 3. All such storage or parking of recreational vehicles or equipment shall be in the driveway or side or rear yards no closer than five (5) feet from the side or rear lot lines.
  - 4. Only one travel trailer or one fifth-wheeler or one motor home may be parked or stored in a side or rear lot.
- C. The parking and storage of commercial vehicles, as defined in Article 2, or the use of commercial vehicles for storage is prohibited in residential districts provided, however, that this restriction shall not be deemed to prevent temporary parking of any such vehicle when engaged in delivery, pickup, or service to the premises where located, nor shall this restriction be deemed to prevent overnight parking of a commercial vehicle, provided that the vehicle is parked in a driveway on a parcel of land upon which is located an inhabited dwelling unit and the vehicle is owned by the occupant of that unit and used in connection with the occupant's employment.
- D. A violation of this section shall be deemed a nuisance per se and shall be subject to abatement upon the complaint and/or petition of the Zoning Administrator or any interested person.

**3.17 Adjacent lots under single ownership.** Where two (2) or more adjacent lots are under single ownership and where either or both contain less than one hundred percent (100%) of the required minimum land area, within its zoning district, such lots shall be combined so that both lots conform with the required minimum land area within its zoning district.

**3.18 Division of land.** All land divided into two (2) or more parcels for the purpose of sale or lease for residential, commercial, industrial, or otherwise shall be in conformity with the provisions of this ordinance. Such lots shall be subject to all provisions of the zoning district in which the parcel is located, governing area, width, frontage, and other requirements concerning applicable land uses. Parcels that are required to be combined pursuant to Section 3.17 shall satisfy this section.



**ARTICLE IV  
ESTABLISHMENTS OF ZONING DISTRICTS**

**4.1 Districts.**

For the purpose of this Ordinance, the following zoning districts shall be established in the City of Onaway:

- R-1 Low Density Residential
- R-2 Medium Density Residential
- R-3 Restricted Residential
- R-4 Multiple Family Residential
- MH-1 Mobile Home
- C-1 General Commercial
- C-2 Professional Commercial
- OR-1 Office Residential
- M-1 Manufacturing
- CF-1 Community Facilities

**4.2 Zoning Map.** Zoning districts are illustrated on a map entitled “Zoning Map of the City of Onaway, Michigan,” which with all notations, references, and other information shown on the map, shall be made a part of this Ordinance.

**4.3 District Boundaries.** Unless otherwise specified, zoning district boundary lines shall be interpreted as following along the center lines of highways or streets, the boundaries of incorporated places; or the boundaries of recorded plats or subdivisions. If there are any questions as to the determination of district boundaries, the City of Onaway Zoning Board of Appeals shall interpret the boundaries.

**4.4 Zoning District Changes.** When re-zoning of district boundaries occur, any nonconforming use may be continued subject to all other applicable provisions of this Ordinance.

**ARTICLE V**  
**LOW DENSITY RESIDENTIAL DISTRICT (R-1)**

**5.1 Intent.** The Low Density Residential (R-1) District is intended to create and preserve residential environments throughout the City of Onaway in a rural setting.

**5.2 Permitted Uses.**

- A. Single-family dwellings.
- B. Two-family dwellings.
- C. Adult foster care homes, family.
- D. Accessory uses and facilities incidental to the permitted uses.

**5.3 Uses Allowed by Special Permit.**

- A. Churches, public libraries, and educational institutions.
- B. Funeral homes.
- C. Non-commercial recreational facilities, indoor and outdoor
- D. Plant nurseries.
- E. Planned unit developments.
- F. Private clubs, lodges.
- G. Home occupations, subject to the limitations of this Ordinance.
- H. Adult foster care homes, small group or large group.
- I. Day care homes, family.
- J. Day care homes, group.
- K. Bed and breakfast establishments
- L. Parks and open space.
- M. Accessory uses and facilities incidental to the special permit uses.

**ARTICLE VI**  
**MEDIUM DENSITY RESIDENTIAL DISTRICT (R-2)**

**6.1 Intent.** The Medium Density Residential (R-2) District is established for the purpose of providing a residential living environment, similar to the R-1 District, but located in areas capable of sustaining smaller lots and closer to the more populated centers in the City of Onaway. Additionally, the uses permitted in this district are considered to be compatible with residential activities, while conflicting land uses are prohibited.

**6.2 Permitted Uses.**

- A. Single-family dwellings.
- B. Adult foster care homes, family.
- C. Accessory uses and facilities incidental to the permitted uses.

**6.3 Uses Allowed by Special Permit.**

- A. Churches, public libraries and educational institutions.
- B. Funeral Homes.
- C. Non-commercial recreational facilities, indoor and outdoor.
- E. Planned unit developments.
- F. Home occupations, subject to the limitations of this Ordinance.
- G. Professional offices.
- H. Two-family dwellings, multiple-family dwellings, site condominiums.
- I. Adult foster care homes, small group or large group.
- J. Day care homes, family and group.
- K. Bed and breakfast establishments.
- M. Parks and open space.
- N. Accessory uses and facilities incidental to the special permit uses.

**ARTICLE VII**  
**RESTRICTED RESIDENTIAL DISTRICT (R-3)**

**7.1 Intent.** The Restricted Residential (R-3) District is established for the purpose of providing a residential living environment that will preserve the integrity of the existing area including its natural resources of land, air, and water quality with the flavor and culture of the area. It is intended that these resources will be preserved by following limitations with regard to the density and that additionally, the uses permitted in this district are considered compatible with residential activities while conflicting land uses are prohibited.

**7.2 Permitted Uses.**

- A. Single-family dwellings.
- B. Accessory uses and facilities incidental to the permitted uses.

**7.3 Uses Allowed by Special Permit.**

- A. Non-commercial recreational facilities, indoor and outdoor.
- B. Home occupations, subject to the limitations of this Ordinance.
- D. Adult foster care homes, family, small group or large group.
- E. Day care homes, family and group.
- F. Bed and breakfast establishments.
- G. Parks and open spaces.
- H. Accessory uses and facilities incidental to the special permit uses.

**ARTICLE VIII**  
**MULTIPLE FAMILY RESIDENTIAL DISTRICT (R-4)**

**8.1 Intent.** The Multiple Family Residential (R-4) District is designed to provide a location within the City of Onaway for dwelling units containing a mixture of densities and housing types. Structures that offer an alternative to single-family detached housing will be permitted in this district.

**8.2 Permitted Uses.**

- A. Two family dwellings.
- B. Apartments.
- C. Accessory uses and facilities incidental to the permitted uses.

**8.3 Uses Allowed by Special Permit.**

- A. Foster care facilities, family and group.
- B. Planned unit developments.
- C. Site condominiums.
- D. Parks and open spaces.
- E. Accessory uses and facilities incidental to the special permit uses.

**ARTICLE IX**  
**MOBILE HOME DISTRICT (MH-1)**

- 9.1 Intent.** The purpose of this district is to allow for the placement of mobile home parks in those areas which provide the maximum living situation and benefits to the mobile home dweller and the City. The regulations pertaining to mobile homes, mobile home sites and mobile home parks are designed so that physical, economic and access considerations will be major criteria in mobile home park developments.
- 9.2 Permitted Uses.**
- A. Mobile homes in mobile home parks licensed by the State of Michigan.
  - B. Accessory building required for normal operation of the mobile home development. Such uses as stores, mechanical dispensers, equipment storage, coin operated laundry and dry cleaning facilities may be allowed provided that such uses:
    - 1. Shall not occupy more than 10% of the total site,
    - 2. Shall be subordinate to the residential use and character of the park,
    - 3. Shall be located, designed and intended to serve the trade or service needs of persons residing in the park.
  - C. One permanent building for conducting the operation and maintenance of the mobile home park development. A caretaker's residence may be provided within or in addition to said permanent building.
- 9.3 District Regulation.** All mobile home parks shall conform to conditions, requirements and regulations stated in Article 20.

**ARTICLE X**  
**GENERAL COMMERCIAL DISTRICT (C-1)**

**10.1 Intent.** The General Commercial District is intended to permit those uses which provide for a variety of retail stores and related activities, and for office buildings and service establishments which occupy the prime frontages in the General Commercial District; and which serve the consumer population beyond the corporate boundaries of the City of Onaway. The district regulations are designed to promote convenient pedestrian shopping and the stability of retail development.

**10.2 Permitted Uses.**

- A. Retail businesses that supply commodities on the premises within a completely enclosed building, such as, but not limited to, food, drugs, liquor, furniture, clothing.
- B. Adult foster care congregate facilities.
- C. Nursing homes.
- D. Any personal service establishment which performs services on the premises, such as, but not limited to, repair shops (other than auto), tailor shops, barber and beauty shops, dry cleaners.
- E. Professional offices.
- F. Restaurants, bars and lounges.
- G. Offices and office buildings.
- H. Financial institutions.
- I. Public and quasi-public buildings, such as, but not limited to:
  - 1. Municipal offices
  - 2. Municipal off-street parking facilities
  - 3. Libraries
  - 4. Museums
- J. Commercial recreation facilities such as: bowling alleys, theaters and similar uses.
- K. Offices and showrooms of plumbers, electricians, decorator or similar trades.
- L. Off-street parking.
- M. For-profit business schools or private schools (dance schools, music schools, etc.).
- N. Arts and crafts studios.
- O. Laundromats.
- P. Accessory uses and facilities incidental to the permitted uses.

### **10.3 Uses Allowed by Special Permit.**

- A. One (1), two (2), and multiple family residential dwelling units within an existing commercial building subject to the following conditions:
  - 1. It is the intent herein to provide for the conversions of existing commercial buildings and to extend their economic life by permitting one(1), two (2), and multiple family residential dwelling unite within an existing commercial building.
  - 2. A dwelling unit located on the ground floor shall not occupy more than fifty percent of the ground floor area and shall be located in the back half of the building. Only one dwelling unit shall be located on the ground floor.
  - 3. The minimum required floor space for a dwelling unit located on the ground floor shall be 600 square feet.
  - 4. Off street parking shall be provided as required in Article 19.
- B. Retail business selling commodities outside of a building.
- C. Outdoor seating for restaurants, bars and lounges.
- D. Churches.
- E. Hotels, motels and bed and breakfast establishments.
- F. Gas stations and auto repair shops, provided that outdoor storage of vehicles under repair be confined to the rear yard and screened from view.
- G. Accessory uses and facilities incidental to the special permit uses.
- H. Car wash establishments.
- I. Sales, rentals and service centers for vehicles, watercraft and/or mobile homes, including new and used automobiles, trailers, motor homes, modular homes, manufactured homes, motorcycles, bicycles, boats, all terrain vehicles, off-road vehicles, campers and snowmobiles.
- J. Sexually oriented businesses as defined and regulated in this Ordinance.



**ARTICLE XI**  
**PROFESSIONAL COMMERCIAL DISTRICT (C-2)**

- 11.1 Intent.** This district is intended to provide for commercial development without infringing upon, or interfering with, existing residential dwellings.
- 11.2 Permitted Uses**
- A. Offices and office buildings
  - B. Attorney offices
  - C. CPA/Tax offices
  - D. Financial institutions
  - E. Insurance offices
  - F. Medical offices (Doctor, Dentist, Specialists)
  - G. Newspaper offices
  - H. Restaurants and delicatessens (no taverns)
  - I. Bed and Breakfast
  - J. Clothing/shoe stores
  - K. Book stores
  - L. Electronics stores
  - M. Video/music stores
  - N. Auto parts stores
  - O. Barber shops/hair salons
  - P. Florists/gift shops
  - Q. Hardware stores
  - R. Bakeries
  - S. Apartments located above office space
  - T. Real Estate offices
  - U. General retail
- 11.3 Residential Clause.** Existing homes can be expanded or rebuilt, but must meet or exceed schedule of regulations for medium density residential (R-2) as set forth in the Zoning Ordinance. Residential construction can occur only on those lots on which residential dwellings presently exist.
- 11.4 Special Restrictions.** Businesses operating within this district cannot be open to the public between 9 p.m. and 7 a.m. without a special use permit from the Planning Commission.
- 11.5 Schedule of Regulations.** The schedule of regulations for the Professional Commercial district shall be the same as for the General Commercial district as set forth in the Zoning Ordinance except that the maximum floor area in the Professional Commercial district shall not exceed 5,000 square feet.

**ARTICLE XII**  
**OFFICE/RESIDENTIAL DISTRICT (OR-1)**

- 12.1 Intent.** This district is intended to accommodate various types of office uses performing administrative, professional and personal services in a residential setting. This district is specifically intended to prohibit commercial establishments of a retail nature or other activities which require constant short term parking.
- 12.2 Permitted Uses.** In an OR-1 Office/Residential District no building or land shall be used and no building shall be erected except for one of the following specified uses:
- (1) Any permitted use allowed in a R-2, Medium Density Residential District;
  - (2) Offices and office buildings; and,
  - (3) By Special Use Permit, any use allowed by Special Use Permit in a R-2 Medium Density Residential District.
- 12.3 Special Regulations.** Businesses operating within this district cannot be open to the public between 9:00 p.m. and 7:00 a.m.
- 12.4 Schedule of Regulations.** The schedule of regulations for offices in the Office/Residential district shall be the same as for the general commercial district, except that the maximum floor area in the Office/Residential district shall not exceed 5,000 square feet. The schedule of regulations for all other uses allowed in the Office/Residential district shall be the same as for the Medium Density Residential district.

**ARTICLE XIII**  
**COMMUNITY FACILITIES DISTRICT (CF-1)**

**13.1 Intent.** This zone is designated as a district to serve the local populace. The activities permitted within this zone are compatible with each other and are designed to promote efficiency in the administration of local services.

**13.2 Permitted Uses**

- A. Parks
- B. Business colleges, trade schools
- C. Hospitals
- D. Laboratories and offices
- E. Prescription pharmacies, opticians
- F. Public and private elementary and high schools
- G. Governmental administrative facilities
- H. Nurseries for children
- I. Auditoriums
- J. Libraries
- K. Museums
- L. Animal shelters
- M. Accessory buildings and uses
- N. Charter schools
- O. Accessory uses and facilities incidental to the permitted uses

**13.3 Uses Allowed by Special Use Permit**

- A. Communication towers
- B. Wind energy systems as described in Article 18

**ARTICLE XIV**  
**MANUFACTURING DISTRICT (M-1)**

**14.1 Intent.** The Manufacturing (M-1) District is designed to provide sites for manufacturing and wholesale storage, and as a distribution area to retail stores and industrial users.

**14.2 Permitted Uses**

- A. Wholesale storage with trucking facilities
- B. Truck terminals with warehousing
- C. Pre-fabrication shops for residential, commercial and industrial equipment
- D. Sales offices as an accessory use to the main use
- E. Service and storage centers for trucks, watercraft, truck trailers and miscellaneous motorized vehicles
- F. Outside storage yards as an accessory use to the main use
- G. Lumber yards, building material suppliers with prefabrication of wood parts.
- H. Bottling works, food packaging and freezer plants
- I. Research and experimental laboratories
- J. Machine, plastic and wood shops
- K. Gas and oil processing facilities
- L. Storage facilities (private or commercial use)
- M. Accessory uses and facilities incidental to the permitted uses
- N. Tool and die

**14.3 Uses Allowed by Special Permit**

- A. Slaughter houses and meat packing facilities
- B. Salvage yards
- C. Alternative energy facilities
- D. Accessory uses and facilities incidental to the special permit uses
- E. Automotive repair, body and undercoating shops when completely enclosed
- F. Plumbing and heating shops
- G. Extractive industries

**ARTICLE XIV - B**  
**LIGHT MANUFACTURING DISTRICT (M-2)**

**14b.1 Intent.** The Light Manufacturing (M-2) District is designed to be harmonious with neighboring commercial uses and provide sites for storage, light industrial, and vocational schooling.

**14b.2 Permitted Uses**

- A. Storage facilities (private or commercial use), with all items to be stored within a completely enclosed building.
- B. Light industrial use, with activities to take place within a completely enclosed building.
- C. Vocational school
- D. Any combination of the above

**14b.3 Uses Allowed by Special Permit**

- A. Outside storage yards as an accessory use to the main use

**14b.4 Schedule of Regulations.** The schedule of regulations for the M-2 Light Manufacturing district shall be the same as for the M-1 Manufacturing district as set forth in the Zoning Ordinance.

**ARTICLE XV  
SCHEDULE OF REGULATIONS**

<u>District</u>	<u>Minimum Lot Area</u>	<u>Minimum Lot Width</u>	<u>Maximum Bldg Stories</u>	<u>Maximum Height</u>	<u>Minimum Setbacks</u>			<u>Minimum Floor Area</u>
					<u>Front</u>	<u>Sides</u>	<u>Rear</u>	
Low Density Residential (R-1)	12,000 sq ft	99 feet	2	30	20'	10'	20'	1,200 sq ft
Medium Density Residential (R-2)	7,200 sq ft	60 feet	2	30	20'	10'	20'	1,000 sq ft
Restricted Residential (R-3)	12,000 sq ft	99 feet	2	30	20'	10'	20'	1,200 sq ft
General Commercial (C-1)	7,200 sq ft	60 feet	2	30	20'	10'	30'	1,000 sq ft
Community Facility (CF-1)	TBD	TBD	TBD	TBD	TBD	TBD	TBD	
Manufacturing (M-1)	12,000 sq ft	99 feet	2	30	20'	10'	30'	2,400 sq ft

**FOOTNOTES TO SCHEDULE OF REGULATIONS**

- a) The minimum floor area per dwelling unit shall not include area of basements, utility rooms, breezeways, porches or attached garages.
- b) Minimum land area required per dwelling unit in the R-4 Districts shall be:

<u>Dwelling Unit Size</u>	<u>Multiple Dwellings</u>	<u>Duplexes, Condominiums, Townhouses, Two-family dwellings</u>
Efficiency/One-bedroom	3,000 sq ft	4,200 sq ft
Two-bedroom	4,200 sq ft	5,100 sq ft
Three-bedroom	5,100 sq ft	5,700 sq ft
Four or more bedrooms	5,700 sq ft	6,000 sq ft

- c) Minimum required separation between dwelling units on the same lot: Condominiums, duplexes, townhouses, shall be the following:

<u>Front Yard</u>	<u>Side Yard</u>	<u>Rear Yard</u>
20 feet	10 feet	20 feet

Minimum yard setback, requirements between multiple dwellings, condominiums, duplexes, townhouses and corresponding front, side and rear property lines shall conform to the requirements in the Schedule of Regulations for the district in which such dwellings are located.

- d) The minimum required floor space per dwelling unit shall be:

Efficiency	400 square feet
One bedroom apartment	500 square feet
Two bedroom apartment	700 square feet
Three bedroom apartment	800 square feet*

\*Plus an additional eighty (80) square feet for each bedroom in excess of three bedrooms in any dwelling unit.

Minimum floor areas for condominiums, duplexes, townhouses shall be the same as for single family dwelling units.

- e) A dwelling shall have a minimum width along any exterior side elevation of 24 feet and a minimum internal height of seven and one-half feet.
- f) A dwelling must be firmly attached to a solid foundation constructed on site in accordance with the county building code which shall be a fully enclosed basement or crawl space.

- g) A dwelling must not have exposed wheels, towing mechanisms, undercarriage or chassis.
- h) A dwelling must be connected to a public sewer and water supply or to such private facilities approved by the local health department.
- i) A dwelling must contain storage area(s) either in a basement located under said dwelling, in an attic area, in a closet area, or in a separate fully enclosed structure on the site equal to not less than 10% of the interior living area of the dwelling.
- j) A dwelling must be aesthetically compatible in design and appearance to conventionally on-site constructed homes.
- k) A dwelling shall not contain any additions or rooms or other areas which are not constructed with similar materials and are similar in appearance and with similar quality of workmanship as in the original structure.
- l) A dwelling must comply with all pertinent building and fire codes.



**ARTICLE XVI**  
**SITE PLAN REVIEW PROCEDURE**

- 16.1 Purpose.** The proper development of a community requires that various uses within any district be as compatible as possible. There are, however, certain types of activities and structures which, because of size and amount of traffic generated or attracted under normal use, lend themselves to potential conflict with surrounding uses. It is the responsibility of the Onaway City Planning Commission to provide procedures to insure the City of Onaway develops in accordance with the general intent of this ordinance.
- 16.2 Circumstances Requiring a Site Plan.** All developments other than single family dwellings or accessory buildings or structures customarily accessory to a dwelling.
- 16.3 Site Plan Data Required.** Each site plan submitted shall contain the following information, unless specifically waived, in whole or in part, by the Onaway City Planning Commission:
- a. The date, north arrow, scale and name of individual or firm responsible for preparing said plan. The scale must be at least 1 inch = 50 feet for parcels under three (3) acres and not less than 1 inch = 100 feet for parcels three (3) acres or more.
  - b. The boundary lines of the property, to include all dimensions and legal description.
  - c. The location of all structures on the site, including proposed drives, walkways, signs, exterior lighting, parking (showing the dimensions of a typical parking area), loading and unloading areas, common use areas and recreational areas and facilities.
  - d. The location and widths of all abutting right-of-ways.
  - e. The location of unusual environmental features, such as streams, wetlands, etc.
  - f. The location and identification of all existing structures within a two hundred foot radius of the site.
  - g. The name and address of the property owner.
  - h. The existing zoning district in which the site is located and, in the case of a request for a zoning change, the classification of the proposed new district.
  - i. The location of all existing and proposed landscaping as well as all existing and proposed fences or walls.
  - j. A locational sketch of the proposed use or structure.
  - k. The type, location and size of all utilities existing and proposed for the site.
  - l. The location, size and slope of all subsurface drainage facilities.
  - m. A summary schedule and views should be affixed to site plans for proposed structures in applicable residential and commercial districts, giving the following information:
    - 1) The number of dwelling units proposed, by type, including a typical floor plan for each type of unit.
    - 2) The residential area of the proposed units in square feet as well as area dimensions of driveways and staging areas.
    - 3) Typical elevation drawings of the front and rear of each building.
  - n. For multiple family and mobile home developments, the contour intervals of the topography of the existing and finished site shall be shown, where the existing slope or any part of the building site is 10% or greater, such contour shall be shown at height intervals of 2 feet.

**16.4 Anticipated hours of operation of the proposed use.** The planning commission may impose reasonable limits to hours of operation as a condition of site plan approval when warranted to assure compatibility with surrounding land uses.

**16.5 Submittal and approval.** All site plans, required as stated within this Ordinance, shall be submitted by the petitioner (property owner or designated agent) to the office of the Zoning Administrator in 2 copies. The Zoning Administrator shall cause the request for approval to be put on the agenda of the next regularly scheduled Onaway City Planning Commission meeting, provided that such meeting is scheduled to be held at least forty-eight hours after the applicant has submitted the site plan to the Zoning Administrator's office. If the regularly scheduled Onaway City Planning Commission meeting is to be held within forty-eight hours of such submittal by the applicant, the Zoning Administrator shall schedule the applicant's hearing for the next following regularly scheduled Onaway City Planning Commission Meeting.

The City Planning Commission shall have the responsibility to approve, approve with specified changes and/or conditions, or disapprove the applicant's request, using the standard for site plan review included in this ordinance as a basis for its decision.

Any conditions or changes stipulated by the City Planning Commission shall be recorded in the minutes of the meeting and a copy of each of said conditions or changes given to the applicant and Zoning Administrator. An approved site plan request shall contain the signature of the Chairperson of the Planning Commission and the Zoning Administrator.

Of the 2 copies of the site plan submitted by the applicant, 1 copy shall be kept on file by the City Clerk, 1 copy retained in the Zoning Administrator's office, and one copy retained by the applicant.

**16.6 Fee.** Accompanying the request for approval of a site plan, a fee, to be determined by the City Commission, shall be submitted. Said fee is for the purpose of defraying administrative costs in processing the request for approval. Such fee may be used for reimbursing another party retained by the City Planning Commission for expert consultation relative to the application. Any costs of special meetings called to review a site plan shall be paid by the applicant.

**16.7 Revocation.** If the Zoning Administrator shall find that the conditions and stipulations of an approved site plan are not being adhered to, the City Planning Commission shall give notice to the applicant of its intent to revoke the prior approval given to the site plan. Intent to revoke shall be made known to the applicant 10 days prior to the stated date of revocation and shall contain the reasons for revoking the site plan approval.

If the applicant notifies the City Planning Commission within 7 days of the receipt of the above letter of his or her intent to rectify the violation, the City Planning Commission, through official act, may defer the revocation.

**16.8 Standards for Site Plan Review.** In reviewing the site plan, the City Planning Commission and Zoning Administrator shall consider and endeavor to assure the following:

- a. The site plan adheres to all locational and dimensional requirements set forth in this ordinance.
- b. The location, design, width and adequacy of all driveways and sidewalks within the site and their relationships to connecting streets and sidewalks providing access to and egress from the site.

- c. On site circulation of both vehicular and pedestrian traffic will achieve both safety and convenience of persons and vehicles using, visiting or residing on the site.
- d. Landscaping, fencing and obscuring walls are of such a design and location that the proposed development is aesthetically pleasing and is harmonious with nearby existing or future developments.
- e. Utility services, including proposed water, sanitary and storm water runoff systems are sufficient to fulfill the projected needs of the development.
- f. Expiration. Site plan approval shall expire if the authorized work is not commenced within twelve (12) months after approval; if work is suspended or abandoned for a period of twelve (12) months after the work is commenced; or if the project is not completed within two years of site plan approval.

**16.9 Site Plan Amendments.** An approved site plan may be submitted for minor amendment to the Zoning Administrator provided that the changes conform to the Zoning Ordinance, and if the applicant agrees. No additional fees will be charged for minor amendments. If, in the judgment of either the Zoning Administrator or the Planning Commission Chair, the site plan amendment is major, the provisions of Section 16.5 “Submittal and Approval Procedures” shall be followed. Installing more than three thousand (3,000) additional square feet of impervious paving shall require a site plan amendment to review stormwater management unless the paving was included in a previously approved site plan.

**ARTICLE XVII  
SPECIAL USE PERMITS**

- 17.1 Purpose.** Certain land use activities entitled “Special Permit Uses” may be authorized in the various zoning districts, only if adequate safeguards are provided to ensure the protection of the public health, safety, and general welfare. The uses that may be authorized are listed in the “Special Permit Uses” section of each zoning district. Special uses are authorized by the City Planning Commission by the issuance of a special use permit provided:
- A. The proposed use is one listed as a “Special Permit Use” for the district in which the use is to be located or if the use is similar to one listed.
  - B. The provisions of this Article are complied with.
  - C. The standards for the particular use as stated in the provisions for that district in which the use is located are fulfilled, and all other applicable standards or other requirements of this Ordinance are met.
- 17.2 Application.** Two copies of an application for a special use permit authorized in this Ordinance shall be submitted to the Zoning Administrator on a form supplied for such purposes. Application shall be accompanied by the payment of the fee established by the City Commission and a site plan meeting the requirements of Article 16. The Zoning Administrator shall forward the complete application and supporting data to the Planning Commission. If all required information is not provided, the Zoning Administrator may deny the application on that basis.
- 17.3 Public Hearing and Notice Requirements.** Following receipt of a complete special use permit application, the Planning Commission shall hold at least one (1) Public hearing.
- A. One (1) notice that a request for special use permit has been received shall be published in a newspaper which circulates in the County not less than fifteen (15) days before the date the special use permit will be considered. The notice shall:
    - 1) Describe the nature of the special use permit request.
    - 2) Indicate the property which is the subject of the special use permit request, including street address.
    - 3) State when and where the special use permit request will be considered.
    - 4) Indicate when and where written comments will be received concerning the request.
  - B. The notice shall also be sent by first class mail or personal delivery to the owners of property for which approval is being considered, to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property in question, and to the occupants of all structures within three hundred (300) feet. The notice shall be given not less than 15 days before the date the request shall be considered. If the name of the occupant is not known, the term “occupant” may be used in making notifications. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area, each shall receive notice. In the case of a single structure containing more than four (4) dwelling units, individuals, partnerships, businesses, or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.
- 17.4 Planning Commission Action.** The Planning Commission shall review the proposed special use permit request in terms of the standards stated within this Ordinance and may deny, approve, or approve with conditions the special use permit. The Planning Commission’s decision must:
- A. Be made in writing and include a finding of fact describing how the special use permit does or does not comply with the provisions of this Ordinance.

- B. Clearly specify any conditions attached to an approval of a special use permit and the basis for those conditions.
- C. If the Planning Commission denies the application, the reasons for its denial must be clearly specified.
- D. A copy of the Planning Commission's decision must be provided to the applicant.

**17.5 Basis for Determination.** The special use permit request and required site plan shall be subject to the following special requirements, in addition to the requirements and standards of the zoning district where located:

- A. The use will be designed, constructed, operated, and maintained to be harmonious with the existing or intended character of the general vicinity, and the use will not change the essential character of the area in which it is proposed to be located. The provision for fencing, walls, and/or landscaping may be required as a screening device to minimize adverse effects on the neighborhood.
- B. Natural features of the landscape, including but not limited to, ponds, streams, hills, and wooded areas, shall be retained where they afford a barrier or buffer from adjoining properties.
- C. The landscape shall be preserved in its natural state, as far as practical, by minimizing tree and soil removal, and any grade or slope changes shall be in keeping with the general appearance of the neighborhood.
- D. The use will not be hazardous or disturbing to existing or future nearby uses.
- E. The use will be served adequately by essential public services and facilities or that the persons responsible for the establishment of the proposed use will provide adequately any such service or facility.
- F. The use will not create excessive additional public costs and will not be detrimental to the economic welfare of the City.
- G. The use will be consistent with the intent and purposes of this Ordinance and meet the goals and objectives of the City of Onaway Master Plan.

**17.6 Reapplication.** No application for a special use permit which has been denied wholly or in part shall be resubmitted until the expiration of one (1) year or more from the date of the denial, except on grounds of newly discovered evidence or proof of changed conditions found by the Zoning Administrator to be sufficient to justify reconsideration by the Planning Commission.

**17.7 Special Use Permit Validity.**

- A. Approval of a special use permit shall be valid regardless of change of ownership, provided that all terms and conditions of the permit are met by any subsequent owner.
- B. In instances where development authorized by a special use permit has not commenced within twenty four (24) months from the date of issuance the permit shall expire.
- C. A special use permit shall become invalid when the use of the property for which the permit was granted is discontinued for a period of six (6) months. However, the Planning Commission shall not invalidate a special use permit unless intent to discontinue the operation is evident. Intent to discontinue is demonstrated by disconnected utilities, sign removal, fixture and furniture removal, or inventory removal.

**17.8 Jurisdiction of Zoning Board of Appeals.** The Zoning Board of Appeals shall have no jurisdiction over decisions of the Planning Commission in regard to matters concerning the denial or revocation of special use permits, except to determine if correct procedures were followed.

**ARTICLE XVIII**  
**SITE DEVELOPMENT REQUIREMENTS**

**18.1 Site Development Requirements for Specific Uses.** Those permitted uses and special permit uses enumerated in any specific zoning district, and if included below, shall be subject to the requirements of this Article, in addition to those of the zoning district in which the use is located, along with provisions located elsewhere in this Ordinance.

**A. AIRPORTS, AIRCRAFT LANDING FIELDS**

1. Privately owned and maintained non-commercial aircraft landing strips, more or less parallel to a public road, shall be set back from the road a minimum of seventy-five (75) feet. Where a privately owned landing strip is situated more or less perpendicular to a public road, the landing strip shall be separated from the road by a minimum of one hundred (100) feet.
2. All privately owned and maintained landing strips shall be at least four hundred (400) feet from the nearest residential dwelling and at least four hundred (400) feet from all other buildings not designated as accessory structures for the landing field.
3. All other aircraft landing fields or airports must conform to the applicable federal and state regulations and be approved by appropriate federal and state agencies prior to submittal of a site plan to the Planning Commission.

**B. BED AND BREAKFAST FACILITIES**

While this subsection is established to enable single-family dwelling units to be used as bed and breakfast facilities, it is the intent of the Planning Commission to preserve the character of the residential district in which the operation is located. A bed and breakfast operation is a subordinate use to a single-family dwelling unit subject to the following conditions:

1. The operator shall live on the premises when the operation is active.
2. A special use permit is required prior to commencing use. The special use permit shall allow annual inspection by the Zoning Administrator at a convenient time.
3. Bed and breakfast facilities will operate in compliance with all local, state, and federal requirements.
4. The number of rooms available for guests shall be limited to five (5). Each guest room shall be equipped with a separate functioning smoke detector alarm, and a fire extinguisher in proper working order shall be installed and maintained on every floor. Guests shall have access to lavatory and bathing facilities.
5. The maximum length of stay for guests shall be fourteen (14) consecutive days.
6. Two (2) off-street paved or graded gravel parking spaces shall be provided for the operator of the facility, plus one (1) parking space for each available guest room and one (1) for any non-resident employee.
7. The dwelling unit has no exterior evidence, other than a sign meeting the requirements of Article 22, to indicate that the dwelling is being utilized for any purpose other than as a residence.
8. Breakfast may be served only to overnight guests, in accordance with state public health regulations regarding bed and breakfast facilities.
9. The bed and breakfast operation shall produce no excessive noise, traffic, glare, or other nuisance that would be detrimental to the character of the neighborhood.

**C. CAR WASH FACILITIES**

1. Vacuuming activities shall be carried out in the rear yard and at least fifty (50) feet distance from any adjoining residential use.

2. The entrances and exits of the car wash bays shall be from within the lot and not directly to or from adjoining street or alley. A street or alley shall not be used as maneuvering or parking spaces for vehicles waiting for service.

D. CARE FACILITIES

1. All care facilities, including family, group or convalescent homes for the care of persons or all ages (children and adults) shall be licensed by the appropriate agency of the State of Michigan, and shall provide a copy of the license to the City of Onaway before operation of the care facility proceeds.
2. Convalescent homes, nursing homes, extended care facilities and similar uses shall be located so no building shall be located closer than thirty (30) feet to any lot line. Service entrances shall be screened from the view of adjacent residential property.

E. CHURCHES OR PLACES OF WORSHIP

1. Minimum lot area shall be two (2) acres.
2. Minimum lot width shall be one hundred fifty (150) feet.
3. For every one(1) foot of height (excluding spire) above the maximum building height allowable for the district in which the church is located, an additional one (1) foot setback on all sides of the main structure shall be required.
4. Property vehicular ingress, egress and off-street parking requirements shall be maintained according to Article 19.

F. COMMERCIAL AND INDUSTRIAL USES WITH OUTDOOR STORAGE

Outside storage of equipment or materials shall be located in the rear or side yards, screened from view, and vehicular access to such storage shall be maintained.

G. COMMERCIAL KENNELS AND ANIMAL HOSPITALS

1. All kennels and animal hospitals shall be operated in conformity with all pertinent county and state regulations.
2. The kennel and runs must be located a minimum of two hundred fifty (250) feet from an occupied dwelling or any adjacent building used by the public, and shall not be located in any required setback areas.
3. A visual and noise barrier between the kennel area and adjoining property shall be maintained.
4. The sale of pet supplies is allowed provided it is clearly incidental and subordinate to the kennel.
5. One sign meeting the requirements of Article 22 is permitted.

H. FARMS

Regulated by the Right to Farm Act

I. FUNERAL HOMES

1. Minimum lot size shall be one (1) acre).
2. A well-designed and landscaped off-street vehicle assembly area for funeral processions shall be maintained in addition to required off-street parking and related vehicle maneuvering space.
3. A caretaker's residence may be located inside the main facility.

J. GAS AND OIL PROCESSING FACILITIES

1. The facility shall comply with all federal, state and local building, environmental and health codes and regulations.
2. The applicant shall provide copies of the application for permit to drill, permit to drill, survey record of well location, and plat, as provided to the Supervisor of Wells, Department of Natural Resources and Environment, as part of the permit process for the location and erection of oil and gas processing facilities.
3. The Planning Commission may impose reasonable conditions in order to comply with the Zoning Ordinance standards.
4. The facility may incorporate surface land owned or leased by the oil and/or gas company. If leased, the lease documents shall be submitted to the Planning Commission, and they shall be informed of the length of the lease.
5. Because the subject facilities are industrial in nature, the required site plan shall also show adequate visual and sound privacy from adjacent property and public roads. Forested greenbelt, berms, attractive fence screen, landscaping, mufflers, insulation, or other contrivances may be used to insure compliance with visual and sound privacy of the adjacent properties.
6. In the event the facility is no longer required or is not used for two (2) years the existing facility shall be removed and the area restored to its original state. Further, the area shall be checked by an agency concerned with environmental protection to insure that it is clear of pollutants.
7. The sound level of the facility shall not exceed sixty (60) decibels as measured four hundred and fifty (450) feet in any direction from the facility.
8. The facility shall be built no closer than four hundred fifty (450) feet from an existing dwelling.
9. The facility shall be built no closer than one hundred (100) feet from any public road.

K. GASOLINE SERVICE STATIONS

1. No ingress or egress to an automobile service station, repair garage, or filling station, shall be closer than twenty-five (25) feet from any intersection or residential property line abutting the property on which the facility is located.
2. The entire lot, excluding those areas occupied by a building or landscaped areas, shall be hard-surfaced with concrete or a plant mixed bituminous material.
3. All lubrication equipment, hydraulic hoists, and pits shall be completely enclosed within a building. All gasoline pumps and canopy overhang shall be located not less than twenty-five (25) feet from any lot line and shall be arranged so that motor vehicles may be provided easy egress and ingress to and from the adjoining street, and so that no portion of the vehicle while it is stopped for service, shall overhang onto a sidewalk, curb, street, or public right-of-way.
4. All outside storage areas for trash, used tires, auto parts, and the like shall be enclosed by a six (6) foot totally obscuring wall. Outside storage or parking of disabled, wrecked or partially dismantled vehicles shall be allowed for a period not to exceed fifteen (15) days.
5. The property on which the automobile service station, repair garage or filling station is located shall be no closer than five hundred (500) feet from a vehicular entrance or exit to a hospital, library, museum, public or private school, playground, church or park.
6. All exterior lighting, including signs, shall be hooded or shielded so that glare is directed downward and away from the view of adjacent properties.



L. HOME OCCUPATIONS

The purpose of the home occupation special use permit provisions is to allow the operation of home occupations for supplemental income purposes in residential districts. Home occupations are limited to those uses, which may be conducted within an occupied residential dwelling or in an accessory building without changing the appearance or condition of the residence in any way. The following criteria shall be employed by the Planning Commission to determine a valid home occupation:

1. The use shall not employ any person who is not a member of the household.
2. The structures on the property shall not show any external indication of the home occupation, or any change in the appearance of the building(s) or premises from a dwelling, except that one non-illuminated sign meeting the requirements of Article 22 may be erected to advertise the activity.
3. The use may be conducted in an accessory building, only when the Planning Commission determines that the use conforms to the required conditions for home occupations, and would more appropriately be conducted in an accessory building rather than in a dwelling.
4. Any heavy commercial vehicle (1) having a gross vehicle weight rating, or actual gross weight, or gross combination weight rating, or an actual gross combination weight of ten thousand one (10,001) or more pounds; (2) is designed for carrying sixteen (16) or more passengers, including the driver; or (3) is used in the transportation of hazardous material in a quantity that requires the vehicle to be marked or placarded; may be allowed only with Planning Commission approval.
5. The use shall not generate pedestrian or vehicular traffic beyond that which is normal to the residential district.
6. No outdoor storage is permitted.
7. No more than twenty five percent (25%) of the dwelling's ground floor area may be used for the home occupation, except for bed and breakfast facilities. There is no limit on the accessory building floor area to be used in the home occupation.
8. Only those articles produced on the premises by such occupation may be sold or offered for sale.
9. In no way shall the appearance of the residence be altered or the occupation within the residence be conducted in a manner which would cause the premises to differ from its residential character by the use of colors, materials, construction, lighting, or the emission of sounds, noises, odors or vibrations.
10. There shall be no use of community facilities beyond that normal to the use of the property for residential purposes.
11. The display of goods produced or services performed on the premises shall not be evident from the exterior of the residence.
12. Temporary residential events such as garage sales and yard sales are allowed, and not considered home occupations, provided that they are conducted no more than seven days within a 90-day period and do not operate between the hours of 8 p.m. and 8 a.m.

M. JUNKYARDS (SALVAGE YARDS)

Use of premises for the operation of a salvage yard shall be subject to the following special requirements, in addition to the requirements and standards of the zoning district where located, in order to prevent conflict with or impairment of the principal permitted uses of the district.

1. Written application for a Special Use Permit shall be presented to the Zoning Administrator who shall refer the application to the Planning Commission.

2. The Zoning Administrator shall make an investigation as to the suitability of the proposed site.
3. A suitable site shall provide a front yard of not less than one hundred (100) feet. The required front yard shall not be used for parking, storage, burning, wrecking or dismantling of any junk or refuse material.
4. The site shall be adequately screened with a solid uniformly finished wall or fence or an adequately maintained evergreen hedge not less than eight (8) feet in height, and in no case less than that of the enclosed material.
5. Issuance of a permit shall in no way exempt the applicant from any additional laws or regulations of the State of Michigan.
6. A suitable site shall be not less than 10 acres or more than 20 acres.

N. MULTIPLE-FAMILY DWELLING DEVELOPMENTS

1. Ingress, egress and off-street parking facilities shall conform to the standards set forth in Article 19.
2. When a multiple-family development is located adjacent to commercial, industrial, or single-family residential lot, a greenbelt and protective screening shall be provided.
3. Where a multiple-family building exceeds the allowable maximum height of the district in which it is located, for every one (1) foot of excess height, one (1) foot of additional setback on all sides shall be required.
4. Vehicular access to the rear of the site for the provision of services shall be provided.
5. Trash and garbage collection facilities shall be located to the rear of the lot.

O. PLANT OR LANDSCAPE NURSERIES

1. Storage or display areas shall meet all applicable yard setbacks and parking requirements of this Ordinance.
2. Organic plant food, soil, or fertilizer shall be sufficiently packed or stored to avoid adverse health effects or odors for neighboring property owners.
3. An office and/or storage building may be constructed on the premises. Any building shall conform to all applicable yard setbacks.
4. Minimum lot size shall be one (1) acre.
5. The premises may be surrounded by fencing or screening.
6. Off-street loading and parking facilities meeting the requirements of Article 19 shall be provided.

P. TELECOMMUNICATION TOWERS & ALTERNATIVE TOWER STRUCTURES

1. The following site development standards shall apply to all telecommunications towers, structures and antenna installations in the City. Unless otherwise provided telecommunication towers, alternative tower structures and antennas shall comply with all of the following standards.
2. Antenna towers and masts erected and operated as a residential accessory use, and not more than fifty (50) feet in height as measured between the tower's base at grade and its highest point erected, are exempt from the requirements of this ordinance.
3. Use and zoning district limitations. Telecommunication towers, alternative tower structures and antennas are a special approval use in CF-1 Districts, requiring a

site plan, a visual impact study and a decommissioning plan. Installations shall be enclosed by a 6' fence to prevent unauthorized access to the site.

4. Visual impact. The application for special approval for the tower shall include a visual impact analysis, prepared by the applicant, which includes graphic depictions of the anticipated visual appearance of the tower from important vantage points in the surrounding area. Methods used in preparing the analysis shall be reviewed and approved by the Zoning Administrator.
5. Height and construction
  - a) A cellular phone or other personal and business communications services antenna tower shall be exempt from building height limits established by zoning district regulations, provided that the tower height shall not exceed the minimum height necessary to serve its intended functions.
  - b) Maximum tower height shall be 195 feet.
  - c) The tower and any ancillary building housing equipment needed for operation of the tower shall not exceed the floor area and height minimally necessary for such equipment, and shall be of a size, type, color, and exterior materials which are aesthetically and architecturally compatible with the surrounding area, and as minimally obtrusive as possible. Landscape screening may be required by the Planning Commission to accomplish screening of ancillary equipment buildings.
  - d) Towers shall be monopole construction with no guy wires.
6. Lighting. The applicant shall provide documentation of any lighting to be installed on the tower. If tower lighting is required or proposed, the tower may not be approved unless the Planning Commission determines that it will not have a significant adverse impact on properties and residents of the surrounding area.
  - a) The color and intensity of tower lighting required by Federal Communications Commission (FCC), Federal Aviation Administration (FAA) or Michigan Aeronautics Commission (MAC) regulations shall be as unobtrusive as possible and must cause the least disturbance to the surrounding properties.
  - b) Lighting shall not be strobe lighting or other intermittent white lighting fixtures, unless expressly required by State or federal regulations. Such intermittent lighting shall be alternated with steady red lights at night if acceptable to State or federal regulations.
  - c) Lighting may consist of a red top light that does not pulsate or blink.
7. Color. Towers shall be painted so as to be as unobtrusive as possible. The painting of towers in alternate bands of color shall be permitted only if specifically required by Federal Communications Commission (FCC), Federal Aviation Administration (FAA) or Michigan Aeronautics Commission (MAC) regulations. If alternate band painting is required by FCC, FAA, or MAC regulations, the applicant shall provide documentation of such requirements and regulations.

8. Height decrease. If the height required for the tower to serve its intended function decreases from the installed height due to technological advancement, additional tower installations at other locations, or other factors, the City may order that the tower be lowered to such decreased minimum height.
9. Signs. No signs other than signs required pursuant to federal, state or City ordinance shall be allowed on an antenna or tower or site.
10. Setback requirements.
  - a) The tower shall be set back not less than the distance equal to the height of the tower measured from the base of the tower to all points on each property line.
  - b) The tower and any supporting or appurtenant structures shall be no closer to any building, than the distance equal to the height of the tower measured from its base at grade to its highest point of elevation.
  - c) The Planning Commission may reduce the required setbacks for towers that are designed to collapse onto themselves. In such a case, a sealed engineers drawing that states the minimum required setback shall be provided with the special use application. The City may retain the services of an independent engineer to review the tower design and requested setback. The costs associated with an independent review shall be paid for by the applicant.
11. FCC/FAA/other regulations. The applicant shall provide documentation of conformance with any Federal Communications, Federal Aviation Administration, or Michigan Aeronautics Commission regulations. The tower shall comply with the Michigan Tall Structure Act (P.A. 259 of 1959, as amended).
12. Use. The owner/operator of the tower shall agree to permit use of the tower by other personal or business communications services providers, including local government agencies, on reasonable terms, so long as such use does not interfere with the owner/operator's reasonable use of the tower.
13. Removal of abandoned towers. Any tower that is not in use for a period of twelve (12) consecutive months shall be considered abandoned, and the owner of such tower shall remove the same within one hundred eighty (180) days of receipt of notice from the City of such abandonment. In addition to removing the tower, the owner shall restore the site to its original condition. Any foundation shall be removed to a minimum depth of five (5) feet below the final grade and site vegetation shall be restored. Failure to remove an abandoned tower within the one hundred eight (180 ) day period provided in this subsection shall be grounds for the City to remove the tower at the owner's expense. The Planning Commission shall require the applicant to file an irrevocable bond equal to the reasonable cost (including adjustment for inflation) of removing the tower and attendant accessory structures as a condition of a special use permit given pursuant to this section.

14. Antenna co-location on an existing tower or structure.
- a) No antenna or similar sending/receiving devices appended to a tower, following its approved construction, shall be permitted if it exceeds the engineered design capacity of the tower thereby jeopardizing the tower's structural integrity.
  - b) The installation and/or operation of the above mentioned, antennas or facilities shall not interfere with normal radio/television reception in the area. In the event interference occurs, it shall be the sole responsibility of the owner to rectify the situation with the parties involved.
  - c) No antenna or similar sending and receiving devices appended to the tower or structure shall increase the overall height of the tower or structure by more than ten (10) feet.

Q. **VEHICLE SALES, RENTAL AND SERVICE CENTERS**

Vehicles shall include new or used automobiles, trucks, watercraft, recreational vehicles, motor bikes, boats, ATVs, campers, snowmobiles, and trailers, provided:

- 1. Ingress and egress to the use shall be at least sixty (60) feet from the intersection of any two sheets.
- 2. Display areas shall be surfaced with concrete, asphalt, or a similar durable, smooth and dustless surface.
- 3. The arrangement of vehicles stored in the open shall be uniform, following the patterns established for off-street parking lots.
- 4. Sales or display areas shall set back a minimum of twenty (20) feet from any public or private street or road right-of-way.
- 5. Service areas shall be in completely enclosed buildings and storage areas for vehicles that are being serviced must be in the rear yard and screened from adjacent properties.

R. **SEXUALLY ORIENTED BUSINESS**

- 1. No sexually oriented business shall be permitted in a location in which any principal or accessory structure, including signs, is within one thousand (1000) feet of any principal or accessory structure of another sexually oriented business.
- 2. No sexually oriented business shall be established on a parcel that is within one thousand (1000) feet of any parcel zoned R-1, R-2, R-3 and R-4 or Mobile Home District.
- 3. No sexually oriented business shall be established on a parcel that is within one thousand (1000) feet of any residence, park, school, childcare facility, or place of worship in any zoning district. The distance shall be measured in a straight line from the nearest property line upon which the proposed sexually oriented business is to be located to the nearest property line of the residence, park, school, childcare facility, or place of worship.
- 4. the proposed use shall conform to all specific density and setback regulations, etc. of the zoning district in which it is located.
- 5. The proposed use must meet all applicable written and duly adopted standards of the City of Onaway.
- 6. The outdoor storage of garbage and refuse shall be contained, screened from view and located so as not to be visible from neighboring properties or adjacent roadways.

7. Any sign or signs proposed for the sexually oriented business must comply with the provisions of this ordinance, and shall not otherwise include photographs, silhouettes, drawings, or pictorial representations of any type, or include animated or flashing illumination.
8. Entrances to the proposed sexually oriented business must be posted on both the exterior and interior walls, in a location clearly visible to those entering and exiting the business. Lettering no less than two (2) inches in height shall state: 1) "Persons under the age of 18 are not permitted to enter the premises", and 2) "No alcoholic beverages of any type are permitted within the premises unless specifically allowed pursuant to a license duly issued by the Michigan Liquor Control Commission."
9. No product or service for sale or gift, or any picture or other representation of any product or service for sale or gift shall be displayed so as to be visible from the nearest adjoining roadway or a neighboring property.
10. Hours of operation shall be limited to 12:00 noon to 12:00 midnight.
11. All off-street parking areas shall be illuminated during all hours of operation of the sexually oriented business, and until one hour after the business closes.
12. Any booth, room or cubicle available in any sexually oriented business, excepting an adult motel, used by patrons for the viewing of any entertainment characterized by the showing of Specified Anatomical Areas or Specified Sexual Activities (a) is handicap accessible to the extent required by the Americans with Disabilities Act; (b) is unobstructed by any door, lock, or other entrance and exit control device; (c) has at least one side totally open to a public, lighted aisle so that there is an unobstructed view at all times from the adjoining aisle of any occupant; (d) is illuminated by a light bulb of wattage of no less than twenty-five (25) watts; (e) has no holes or opening in any side or rear walls.

#### S. MINING AND EXTRACTIVE OPERATIONS

1. Minimum lot size shall be five (5) acres.
2. No open pit or mine shall be located closer than two hundred (200) feet to the right-of-way line of a public street or thoroughfare. No open pit or mine shall be located closer than six hundred fifty (650) feet to a dwelling unit which existed on the date of ordinance adoption.
3. Safety fencing shall be provided, and any necessary fencing shall be shown on the site plan. Where property used for mining operations abuts property zoned for residential use or a public street, and when mining operations occur within view of such residential property or street, a visual buffer shall be established and maintained. The buffer shall be composed, at a minimum, a seventy-five (75) foot wide vegetated area including tree and shrub species native to the region and a twenty-five (25) feet wide vegetated berm at least eight (8) feet in height.
4. The applicant shall submit a reclamation plan to the Planning Commission.
5. The applicant shall give assurances acceptable to the Planning Commission of installing pollution or nuisance control devices or operational practices to minimize dust, smoke, noise, vibration, water pollution, surface water and groundwater level impacts, hazardous waste discharge or spills, or visual effects or such operations. The City may require a performance bond or similar assurance for such safeguards prior to approval.
6. If truck or heavy equipment traffic is anticipated to pass through residential areas, the site plan shall include measures to minimize negative traffic impacts, including consideration for alternative truck routes where possible.

7. If truck or heavy equipment traffic is anticipated to pass through residential areas, the site plan shall include measures to minimize negative traffic impacts, including consideration for alternative truck routes where possible.
8. The site plan shall be submitted prior to beginning mining activities and at five-year intervals thereafter, during the active life of the mine. For mines in active use at the time of ordinance adoption, the site plan need only cover areas of the site anticipated for future mining, and shall be submitted within six (6) months of the effective date of this ordinance provision.
9. A performance bond may be imposed at any time if the site plan and/or reclamation plan is not followed.

T. WIND ENERGY SYSTEMS

1. In order to protect public safety, promote energy conservation and minimize land use conflicts, the following site development standards shall apply to all wind turbine generator (WTG) and anemometer tower (AT) installations in the City. Unless otherwise provided WTG and AT shall comply with all of the following standards. Small roof mounted WTG both vertical axis and horizontal axis that have a blade diameter of less than 6' are exempt from the requirements of this ordinance.
2. Principal or accessory use. A wind energy facility or anemometer tower may be considered either a principal or an accessory use. A different existing use or an existing structure on the same parcel shall not preclude the installation of a wind energy facility or a part of such facility on such parcel. Wind energy facilities that are constructed and installed in accordance with the provisions of this Article shall not be deemed to constitute the expansion of a nonconforming use or structure.
3. Sufficient wind resources. Small WTG are exempt from a wind study. Large WTG built to supply the utility grid shall have documented annual wind resources sufficient for the operation of the proposed development. No WTG shall be approved without submission of a wind resource study documenting wind resources on the site over a minimum of one year. The City may retain the services of an independent, recognized expert to review the results of the wind resource study.
4. Zoning districts limitations
  - a) R-1, R-2, R-3, R-4, MH-1, C-1, C-2, OR-1, M-1. Small WTG and AT in these districts are a principle permitted use and require a zoning permit. WTG shall have automatic braking, governing or a feathering system to prevent uncontrolled blade rotation or over speeding. Installation shall conform to additional requirements of this ordinance.
  - b) Community Facilities. Large WTG and AT in these districts are a special use, requiring a site plan, a decommissioning plan, a shadow flicker analysis study and any other supporting documentation required by the zoning ordinance. Installations shall be designed with locking access doors to prevent unauthorized access to electrical and mechanical components.
5. Minimum site area. The minimum site area for a WTG or an AT shall be as necessary to meet required setbacks and any other standards of this ordinance.

6. Height limitations and blade clearance.
  - a) Small horizontal axis WTG shall not exceed 65' in height measured with vertical blade tip at its highest point and shall have a minimum 15' vertical blade tip clearance from ground level.
  - b) Vertical axis WTG shall not exceed sixty-five (65') feet in height and shall have a minimum ten (10') feet clearance from the ground to the bottom of the rotating spire or helix.
  - c) Large horizontal axis WTG shall have a minimum twenty (20') feet vertical blade tip clearance from ground level.
7. Setbacks. Each proposed horizontal axis WTG or AT shall meet the following applicable setback requirements:
  - a) Each WTG shall be set back from any adjoining lot line a distance equal to one and one-half (1.5) times the total height of the WTG. The Planning Commission may reduce this setback to no less than one hundred (100) feet; provided the applicant owns the adjoining property or an easement is obtained. The amount of setback relief approved by the Planning Commission will be based on data provided by the applicant and prepared by a qualified professional. Such data shall satisfy the Planning Commission that sound levels will not exceed fifty (50) decibels on the dB(A) scale at the property line from the proposed setback. Data provided shall be specific to the proposed tower in the proposed location taking into consideration prevailing winds, topography, existing vegetation, and other relevant factors.
  - b) In addition to the above, a WTG shall, be set back from a public or private road right-of-way or existing easement a minimum distance equal to one and one-half (1.5) times the height of the WTG as defined in this ordinance.
8. Maximum noise levels. Any proposed WTG shall result in the production of cumulative sound levels that are fifty (50) decibels or less as measured on the dB(A) scale at the property lines of the site in question.
9. Maximum vibrations and shadow flicker
  - a) Any proposed WTG or AT shall not produce vibrations through humanly perceptible beyond the property on which it is located.
  - b) Small WTG shall not be placed in a manner that causes shadow flicker onto neighboring property.
  - c) Large WTG shall include a shadow flicker analysis study with the required site plan.
10. Potential ice throw. Any potential ice throw or ice shedding from a WTG shall not cross the property lines of the site nor impinge on any right-of-way or overhead utility line.



11. Interference with residential reception. Any WTG or AT shall be constructed and operated so that they do not interfere with television, microwave, navigational or radio reception to neighboring areas.
12. State or federal requirements. Any proposed WTG or AT shall meet or exceed any standards and regulations of the Federal Aviation Administration (FAA), Michigan Aeronautics Commission (MAC) and any other agency of the state or federal government with the authority to regulate wind turbine generators or other tall structures in effect at the time the Special Use permit is approved.
13. Landscaping. Each proposed large WTG shall meet the following landscaping requirements. The requirements may be reduced or waived if it is determined that the location of the site, or for other factors, the visual impact of the WTG would be minimal.
  - a) The base of the WTG shall be landscaped with a buffer of plant materials that effectively screens the view of the bases of these facilities from adjacent property. The standard buffer shall consist of a landscaped strip at least four (4') feet wide outside the perimeter of the facilities.
  - b) Existing natural land forms on the site that effectively screen the base of the WTG or AT from adjacent property shall be reserved to the maximum extent possible.
  - c) Landscaping shall be designed to counter the effects of Ashadow flicker@ on any neighboring structures or roadways.
  - d) To ensure compliance with these landscaping standards, additional landscaping on the site after the installation of the WTG may be required.
14. Aesthetics and lighting. Any proposed WTG or AT shall meet the following requirements:
  - a) Each WTG or AT shall either maintain a galvanized steel finish or be painted a neutral color to reduce visual obtrusiveness.
  - b) Each WTG or AT, including all accessory structures shall, to the extent possible, use materials, and colors that will blend them into the natural setting. A medium gray shade is the preferred color.
  - c) Each WTG or AT shall not be artificially lighted, unless required by the FAA, MAC or other applicable governmental authority. If lighting is required, the lighting alternatives and design chosen:
    - \*Shall be the intensity required under FAA or MAC regulations.
    - \*Shall not be strobe lighting or other intermittent white lighting fixtures, unless expressly required by the FAA or MAC. Such intermittent lighting shall be alternated with steady red lights at night if acceptable to the FAA or MAC.
    - \*May be a red top light that does not pulsate or blink.

\*All tower lighting required by the FAA or MAC shall be shielded to the extent possible and acceptable to the FAA or MAC to reduce glare and visibility from the ground.

\*Each WTG or AT shall be sited on the property in a location that reduces to the maximum extent possible any adverse impacts on significant view corridors from adjacent properties.

\*WTG shall be a monopole or monotube style construction (as distinguished from a lattice-style tower) and shall not utilize guy wires.

\*AT may be supported by guy wires. The wire shall be clearly visible to a height of at least 6 feet above the ground.

\*WTGs shall not be used to display any advertising except the reasonable identification of the manufacturer or operator of the wind energy facility.

15. Hazard planning. Application for a special use permit for a WTG shall be accompanied by a hazard prevention plan. Such plan shall address the following at a minimum:

a) A sign no more than four (4) square feet in area displaying an address and telephone number for emergency calls and informational inquiries shall be posted at the proposed wind turbine generator or anemometer tower.

b) The landscape plan accompanying the application shall be designed to avoid spread of fire from any source on the turbine; such preventative measures may address the types and locations of vegetation below the turbine and on the site.

c) A listing of any hazardous fluids that may be used on site shall be provided, including Material Safety Data Sheets (MSDS).

d) A periodic inspection schedule certifying that the turbine shall be routinely inspected to ensure that no hazardous fluids are released from the turbine.

e) A Hazardous Materials Waste Plan shall be provided.

16. Removal of abandoned wind turbine generators or anemometer towers

a) Any Large WTG or AT that is not in use for a period of twelve (12) consecutive months shall be considered abandoned, and the owner of such WTG or AT shall remove the same within one hundred eighty (180) days of receipt of notice from the City of such abandonment. In addition to removing the WTG or AT, the owner shall restore the site to its original condition. Any foundation shall be removed to a minimum depth of five (5) feet below the final grade and site vegetation shall be removed.

b) Failure to remove an abandoned WTG or AT within the one hundred eighty (180) day period provided in this subsection shall be grounds for the City to remove WTG or AT at the owner's expense. The Planning Commission shall

require the applicant to file an irrevocable bond equal to the reasonable cost (including adjustment for inflation) of removing the WTG or AT and attendant accessory structures as a condition of a special use permit given pursuant to this section.

17. Equipment replacement. Major components of the wind turbine generator may be replaced without a modification of the Special Use permit provided all regulations contained herein are adhered to.

#### U. MEDICAL MARIJUANA REGISTERED PRIMARY CAREGIVERS

1. A registered primary caregiver, in compliance with the General Rules of the Michigan Department of Community Health as established under the Michigan Medical Marijuana Act (MMMA), is classified as a home occupation and shall be allowed to operate as a home occupation with no additional review and approval by the City of Onaway, provided the following conditions are met:
  - a. The cultivation and use of marijuana shall at all times comply with the conditions and circumstances established by the MMMA and the Department of Community Health Rules promulgated pursuant to the MMMA.
  - b. The registered primary caregiver is operating at his or her primary residence.
  - c. The registered primary caregiver's residential parcel is completely outside a one-thousand foot (1,000') radius from any parcel with a primary or secondary school, or pre-school facility.
  - d. A maximum of one (1) registered primary caregiver shall be permitted to serve qualifying patients on any single parcel.
  - e. Delivery of medical marijuana by a registered primary caregiver to a qualifying patient is not permitted at the registered primary caregiver's premises or in any public place. All delivery of medical marijuana by a registered primary caregiver to a qualifying patient must occur at the residence of the qualifying patient.
  - f. All medical marijuana ready for use shall be contained within the dwelling in a closet, room, or other enclosed area equipped with locks or other security devices that permit access only by the registered primary caregiver.
  - g. The outdoor growth and/or cultivation of medical marijuana plants is prohibited.
  - h. All medical marijuana plants cultivated shall be contained within a closet, room, or other enclosed area equipped with locks or other security devices that permit access only by the registered primary caregiver within an enclosed, legally existing dwelling, or an an accessory building with locks or other security devices that permit access only by the registered primary caregiver.
  - i. If a room with windows is utilized as a growing location, any lighting methods that exceed usual residential periods between 10 p.m. and 7 a.m. shall employ shielding methods that prevent ambient light spillage to adjacent residential properties without alteration to the exterior of the residence.

V. MEDICAL MARIJUANA DISPENSARIES

A facility or use where two or more registered primary caregivers operate and/or provide services for compensation or membership fee on a single parcel under the Michigan Medical Marijuana Act (MMMA), or supply registered primary caregivers with medical marijuana is hereby classified as a marijuana dispensary, and such is prohibited in the City of Onaway.

W. MEDICAL MARIJUANA CULTIVATION FACILITY

The cultivation of marijuana in the City of Onaway by a registered primary caregiver as defined in the Michigan Medical Marijuana Act (MMMA) shall be permitted only as set forth in this ordinance. Any parcel in the City of Onaway where more than 60 marijuana plants are being grown or cultivated at any one time by a registered primary caregiver for the use of qualifying patients the primary caregiver has agreed to assist shall be considered a marijuana cultivation facility, and such is prohibited in the City of Onaway.

X. FENCES

1. In all zoning districts, permitted materials include treated wooden boards, be they picket or stockade, with the boards of uniform height, width, thickness, and material; chain-link (rust-free); and manufactured.
2. Chicken wire, snow fence, barbed wire, livestock fence, electric fence, sheet boards, such as plywood, and anything else not listed in Section 18.X.1 are prohibited.
3. No fence can be taller than six-feet in height.

**ARTICLE XIX**  
**OFF-STREET PARKING, LOADING, AND UNLOADING REQUIREMENTS**

**19.1 Vehicular Parking Spaces and Access Thereto.** For each dwelling, commercial, industrial, manufacturing, institutional, or other similar uses or service establishments erected, altered, or enlarged, there shall be provided and maintained suitable space for vehicle parking. The parking area shall be provided with safe entrance and exit from the road or street. The entrance and exit may be combined or provided separately. Approval for the location of the entrance and exit drive(s) shall be obtained from the City of Onaway, Michigan Department of Transportation, or other appropriate jurisdiction. The request for approval shall include the design and construction in the interest of safety, adequate drainage, and other public requirements. One vehicle parking space shall be a minimum of two hundred (200) square feet, exclusive of drives, entrances, and exits. The following additional requirements apply:

- A. Any area once designated as required off-street parking shall not be changed to any other use unless and until equal facilities are provided elsewhere.
- B. Two or more buildings or uses may collectively provide the required off-street parking in which case the required number of parking spaces shall not be less than the sum of the requirements for the individual uses computed separately.
- C. In the instance of dual function of off-street parking space where operating hours of buildings do not overlap, the Planning Commission or Zoning Administrator may grant an exception by reducing the total number of spaces required.
- D. For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accord with a use which the Planning Commission or Zoning Administrator considers as being similar in type.
- E. For the purpose of computing the number of parking spaces required, the definition of USABLE FLOOR AREA shall govern.
- F. The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following schedule:

USES	NUMBER OF MINIMUM PARKING SPACES PER UNIT OF MEASURE
1. Residential One-Family Two-Family Multiple-Family Rooming Houses	One (1) for each dwelling unit. One (1) for each dwelling unit. One (1) for each dwelling unit. One (1) for the owner or resident manager and one (1) for each guest room.
2. Banks	One (1) for each three hundred (300) square feet of usable floor area
3. Business offices or professional offices except as indicated in the following item four (4)	One (1) for each two hundred (200) square feet of usable floor area
4. Professional offices of doctors, dentists, or similar professions	Three (3) for each doctor, dentist, or other medical professional
5. Retail stores except as otherwise specified	One (1) for each four hundred (400) square feet of usable floor area

6. Furniture and appliance, hardware stores, household equipment repair shops, showroom of a plumber, decorator, electrician, or similar trade, shoe repair and other similar uses	One (1) for each eight hundred (800) square feet of usable floor area
7. Supermarkets	One (1) for each one hundred and fifty (150) square feet of usable floor area
8. Beauty parlor or barber shops	One (1) for each beauty or barber shop chair
9. Mortuary, funeral establishments	One (1) for each one hundred (100) square feet of assembly room space
10. Motor vehicle sales and service establishments	One (1) for each four hundred (400) square feet of usable floor area of sales room and one (1) for each auto service stall in the service room
11. Pool hall or club	One (1) for each one (1) game table <u>or</u> one (1) for each one hundred and fifty (150) square feet of usable floor space in game rooms, whichever is greater
12. Bowling alleys	Four (4) for each bowling lane
13. Establishments for sale and consumption, on the premises, of beverages, food or refreshments	One (1) for each six (6) seats
14. Churches, temples, or other places of worship	One (1) for each six (6) seats in the main unit of worship
15. Theaters and auditoriums (except schools)	One (1) for each six (6) seats
16. Elementary and junior high schools	One (1) for each of two (2) teachers, employees or administrators
17. High school and college or university	One (1) for each two (2) teachers, employees or administrators, and one (1) for each 10 (10) students
18. Laundromats and coin operated dry cleaning	One (1) for each three (3) machines
19. Dance halls, roller rinks, exhibition halls, and assembly halls without fixed seats	One (1) for each one hundred (100) square feet of usable floor area. Where legal capacity is established, one (1) for each (4) persons of the established legal capacity
20. Private clubs or lodges	One (1) for each four (4) members, <u>or</u> one (1) for each one hundred (100) square feet of usable floor area, whichever is the greater
21. Hospitals and similar institutions	One (1) for each four (4) beds and one (1) for each two (2) employees and/or members of the staff
22. Homes for the aged and convalescent homes	One (1) for each six (6) beds and one (1) for each two (2) employees and/or members of the staff
23. Housing for the elderly	One (1) for each three (3) dwelling units
24. Hotels, motels, cabins and similar lodging facilities	One (1) for each rental unit

25. Stadium and sports arena or similar outdoor places of assembly	One (1) for each six (6) seats <u>or</u> one (1) for each twelve (12) feet of benches
26. Auto service stations	One (1) for each service stall rack or pit; and one (1) for each one (1) single or dual gasoline pump
27. Auto wash	Adequate waiting space shall be provided off the street right-of-way
28. Industrial or research establishments	One (1) for each two (2) employees in the largest working shift
29. Wholesale establishments	One (1) for every one (1) employee in the largest working shift, <u>or</u> one (1) for every seventeen hundred (1700) square feet of usable floor space, whichever is greater
30. Mobile home parks	One (1) for each mobile home site and one (1) for each employee of the park
31. Libraries	One (1) for each five hundred (500) square feet of usable floor space
32. Open air business	One (1) for each eight hundred (800) square feet of gross lot area used for open air sales or display, <u>plus</u> additional parking space for any building used for retail sales
33. Plant nurseries	One (1) for each eight hundred (800) square feet of gross lot area used for open air sales display

G. The number of parking spaces provided for any particular use shall not exceed a maximum of one hundred fifty percent (150%) of the required number of spaces as noted in Subsection (F). Where the applicant has demonstrated by study that additional parking is necessary for the operation of the use, the Planning Commission may approve not more than an additional fifty percent (50%) of the minimum parking requirement.

**19.2 Off-Street Loading and Unloading.** On the same premises with every building, structure or part thereof, involving the receipt or distribution of vehicles, materials, material or merchandise, there shall be provided and maintained on the lot, adequate space for standing, loading, and unloading in order to avoid undue interferences with public use of dedicated streets or alleys. Loading and unloading places shall be laid out in the dimension of at least ten by fifty (10x50) feet, or five hundred (500) square feet in area, with a clearance of at least fourteen (14) feet in height. All spaces shall be provided in the following ratio of spaces to gross floor space:

Gross Floor Area (In square feet)	Loading and Unloading Space Required in Terms of Square Feet of Gross Floor Area
0 - 1400	None
1401 - 20,000	One (1) space
20,001 - 100,000	One (1) space plus one (1) space for each 20,000 square feet in excess of 20,000 square feet
100,000 and over	Five (5) spaces

- 19.3 General condition.** In the case of a use not specifically mentioned, the requirements for off-street parking facilities for a use which is so mentioned, and which said use is similar, shall apply.
- 19.4 Parking duration.** Except when land is used as storage space in direct connection with the business of a repair or service garage, a twenty-four (24) hour time limit for parking in non-residential off-street parking areas shall prevail, and it shall be unlawful to permit the storage on any parking area in any district, of wrecked or junked cars.
- 19.5 Existing parking lots.** Off-street parking existing at the effective date of this ordinance which serves an existing building or use shall not be reduced in size less than that required under the terms of this ordinance.
- 19.6 General standards.** All off-street parking lots providing space for more than four (4) vehicles located in a Business, Commercial, Industrial or Multi-family Districts shall comply with the following development regulations except as specifically stated otherwise herein:
- A. Plans for the development of any parking lot shall be submitted as part of the site plan to the City Zoning Administrator and must be approved by said Zoning Administrator prior to the start of construction. The construction of the entire parking lot shall be completed to the satisfaction of the Zoning Administrator.
  - B. Adequate points or means of ingress and egress shall be provided and shown in the plan submitted.
  - C. Such parking lots shall be hard-surfaced with concrete or plant-mixed bituminous material and maintained in a usable dust-proof condition, and shall be graded and drained to dispose of surface water. No surface water shall be allowed to drain onto adjoining private or public property or onto any street or right of way.
  - D. Necessary curbs or other protection for the public and for the protection of adjoining properties, streets, and sidewalks shall be provided and maintained, as may be required by the Zoning Administrator.
  - E. Entrance to such areas shall be only from the principal use being served or adjoining street or alley right of way.
  - F. All illumination for or on such parking lots shall be deflected away from residential areas and shall be installed in such a manner as to allow the reduction of the amount of light after normal parking hours each day.



**ARTICLE XX**  
**MOBILE HOME REGULATIONS**

**20.1 Scope.** For the preservation of the interests of various types of residential developments which should be permitted in every community and for the protection of the residents of any manufactured dwelling unit, commonly known as a mobile home or mobile home park, these regulations are considered as minimum standards to be applied to all such development in the City.

**20.2 Regulations.**

- A. No mobile home park shall be located, operated, or constructed that conflicts with this Ordinance, the Mobile Home Commission Act (PA 96 of 1987, as amended), or rules promulgated by the Act.
- B. Preliminary plan review responsibility is delegated to the Planning Commission. Review responsibility is to ensure that mobile home parks are located in designated districts.
- C. Mobile homes on individual lots outside mobile home parks shall:
  - 1. Conform to all lot and yard regulations governing dwellings in the district where located;
  - 2. Provide minimum floor space conforming to the district where located;
  - 3. Meet all other requirements of this Ordinance pertaining to residential dwellings and comply with all state laws and codes;
  - 4. Compare favorably with other occupied housing in construction materials, roof live-loads, insulation, adequacy of plumbing and living space;
  - 5. Be permanently attached to a foundation or basement and shall be anchored using a system meeting Mobile Home Commission requirements; wheels, axles, and towing assembly shall be removed from the mobile home before the unit is attached to the foundation; no mobile home shall have any exposed undercarriage or chassis;
  - 6. Contain a storage area in the basement located under the mobile home, in the attic area, in closet areas, or in a separate structure of standard construction similar to the principal dwelling; storage area shall be equal to ten percent (10%) of the square footage of the unit or one hundred fifty (150) square feet, whichever is less;
  - 7. Contain no additions, rooms, or other areas which are not constructed with similar quality workmanship as the original structure, including permanent attachment to the principal structure and construction of a required foundation; and,
  - 8. Comply with all pertinent building and fire codes; all construction, plumbing, electrical apparatus, and insulation within and connected to the mobile home shall be a type and quality conforming to the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C 5401 to 5426, and as from time to time such standards may be amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.

**ARTICLE XXI**  
**PLANNED UNIT DEVELOPMENTS**

- 21.1 Purpose.** The purpose of a PUD is to permit and encourage design flexibility within the existing residential zones using the special use permit procedure. It has the potential of eliminating the current single-family-large-scale residential design substituting in its place a diversity of types and location of dwelling units, allowing a more efficient use of land for circulation, open space and utilities. It also is intended to minimize adverse environmental impacts by harmonious utilization of the existing physical identity of the area.
- 21.2 Procedures for Application and Approval.** The procedures for application and approval of a PUD permit shall include one or more informal pre-application conferences between the applicant and the Zoning Administrator in which the applicant informs the Zoning Administrator of his general intentions. During this conference, it is desirable to involve those community agencies (police and fire departments, engineering department, public works department, and parks and recreation departments) which will be involved in the design and construction of the development. A preliminary development plan is then filed with the Planning Commission for purposes of obtaining a special use permit during which time a public hearing will be scheduled commensurate with the criteria set forth in the special use permit procedure. Following the public hearing, the Planning Commission will approve or disapprove the request for the special use permit.
- 21.3 Concept Plan Requirement.** The applicant shall submit during the pre-application conference, a concept plan including types and placement of residential structures; utilities and public facilities, such as schools, fire departments, recreational facilities; minimum lot sizes; densities; environmental treatment; pedestrian and auto circulation, commercial and industrial areas, if applicable; the conformity of the proposed development with surrounding uses; financing of the project; and all other information local administrative agencies and legislative bodies may require to gain a satisfactory understanding of the proposed development.
- 21.4 Preliminary Plan Requirements.** Following the presentation of, and any deliberation pertinent to, the concept plan, the applicant shall submit a preliminary plan. The procedures for submission and approval of the preliminary plan shall follow those outlined in the Special Use Permit section of the ordinance.
- A. The preliminary plan is specifically intended to include enough detail for administrative and legislative analysis for approval or denial of a special use permit.
  - B. The preliminary plan must be more detailed than the concept plan and contain the information required of a site plan in Article 16. It should also include the following:
    - 1. A written document giving the legal description of the property as indicated in the deed of ownership; a statement of the objectives of the planned development, including physical, social and economic concepts; a schedule of development, including phasing of residential, public and commercial areas; and future selling and/or leasing intentions and accompanying management techniques.
    - 2. Graphic presentation including a base map with topographic identification (preferable using 5 feet contour intervals) and important environmental features, including water bodies, vegetation (type and size) and soils. Additional maps should contain proposed lot lines, location and floor area dimensions of buildings, areas to be dedicated for public use, existing and proposed pedestrian and vehicular circulation, off-street parking, layout or proposed and existing

utility systems, general landscape plans, information pertinent to the identification of areas adjacent to the proposed development; and general description of the architectural and landscape elements on the perimeter of the planned development.

3. Additional written information shall be contained in the preliminary plan, including tabulation of land area ratios, a comprehensive market analysis, environmental impact statements, and any contract and deeds of indenture between the developer and home buyer.

**21.5 Procedures for Final Plan.** Once the preliminary plan has been submitted to the Planning Commission and the special use permit approved, with or without recommended modifications and stipulations, the applicant must, within a period of six months to one year, present a final development plan to the Planning Commission, which shall review it within a specified time period (usually 30 days).

- A. The final plan should not deviate substantially from the approved preliminary plan. The final plan shall be in compliance with the preliminary plan if the following conditions have been met:
  1. The final plan does not violate the content of the ordinance;
  2. Land reserved for open space (common and usable) has not been reduced by more than 10%;
  3. The total building coverage has not increased by more than 10%.
- B. These provisions are incorporated into the ordinance to preclude any modification which would substantially alter the character of the development from that approved in the preliminary plan.
- C. The final plan should include site plans applicable to legal recording criteria and engineering drawings. Drawings and plans presented in general fashion in the preliminary stage shall be presented in detail character in the final plan.
- D. Any modifications not included in the preliminary plan must be reviewed by the Planning Commission and legal documents, such as easement agreements, the final draft of articles of incorporation, and any indentures, as well as dedications, shall be submitted by the applicant.
- E. The final development plan should be reviewed by the Planning Commission and members of the community's staff agencies. The Planning Commission shall then approve the final plan, disapprove it, or approve it with modifications. No public hearing is necessary, and if approval is given by the Planning Commission, the legislative body shall accept and record site maps and plans, dedicated street, properties, and open spaces, rights-of-ways, and any additional dedications within the development.
- F. If the plan is disapproved by the Planning Commission, reasons for the denial should become part of the public record as well as presented to the developer in written form.

**21.6 Design Requirements.** Since the PUD concept is to allow more flexibility in design while retaining control through review procedures, the design standards incorporated into a PUD ordinance should be less structured than found in a standard residential zone or subdivision regulation, yet formal enough to ensure desired performance. These design requirements also offer incentives to developers to invest in PUD's:

- A. Density. Density increases can be allowed for PUD's over and above those allowed in the original R-2 zones. Since successful PUD design can occur in almost any sized area, the development should be allowed on any site of 2 acres or more. It should be controlled by one owner or group of owners, and be planned and developed as a single unit.
- B. Lot size variations. Lot sizes shall be computed using gross acreage computation. Land utilization for public utilities such as easements and flood plain areas shall not be included in determining computations for gross development areas. A fixed percentage of streets within the proposed development shall be subtracted from the computed gross area figure, the result shall be divided by the minimum lot requirements (after density bonuses have been arrived at by the methods described below) of the zoning district within which the PUD is located. The result will define the maximum residential units allowed.
- C. Density increases are to be permitted for the following amenities:
  - 1. Improved and unimproved common open space.
    - a. The first acre of common open space per twenty (20) acres of gross, if improved, permits a maximum increase of eight (8) percent; if first acre of common open space is unimproved, six (6) percent is allowed;
    - b. The second acre of common open space per twenty (20) acres of gross, if improved, permits a maximum increase of four (4) percent; if unimproved, three (3) percent is allowed; and
    - c. Each additional acre of common open space per twenty (20) acres of gross, if improved, permits a maximum increase of three (3) percent; if unimproved, two (2) percent is allowed.
  - 2. Character, identity and architectural and sitting variation incorporated in a development shall be considered cause for density increases not to exceed fifteen (15) percent, provided these factors make a substantial contribution to the objectives of a Planned Unit Development. The degree of distinctiveness and the desirable variation achieved shall govern the amount of density increase which the Planning Commission shall approve. Such variations may include, but are not limited to, the following:
    - a. Landscaping (a maximum increase of five (5) percent);
    - b. Visual focal points; use of existing physical features, such as topography, view, sun and wind orientation, circulation pattern, physical environment, variation in building setbacks and building groups (such as clustering), a maximum increase of five (5) percent; and,
    - c. Design features (maximum increase of five (5) percent) street sections, architectural styles, harmonious use of materials, parking areas broken by landscape features and varied use of house types.

**21.7 Open Space.** Open spaces are an important facet of the community's environment and character. The PUD approach is an efficient "tool" in preserving and enhancing open spaces, particularly recreational areas within residential developments. Open space shall be distinguished as private (for personal or family use), common (for use by all home owners in the PUD), and public (open to all members of the general public).

- A. The following open space requirements shall be adhered to in all PUD's to provide for the integration of efficient and extensive areas into the existing open space system of the

community. These areas should be easily accessible to all residents of the PUD. Required open space shall comprise at least forty (40) percent of the total gross area. Not less than fifty (50) percent of the net area of the property shall be open space devoted to planting, patios, walkways, and recreational uses, but excluding areas covered by dwelling units, garages, carports, parking areas or driveways.

- B. Net area is defined as the site area less all land covered by buildings, street, parking lots or stalls, driveways and all other paved vehicular ways and facilities. At least twenty percent (20%) of the total area shall be devoted to such properly planned permanent usable open space. Common open space shall comprise at least twenty-five percent (25%) of the gross area of the PUD to be used for recreational, park or environmental amenity for collective enjoyment by occupants of the development, but shall not include public or private streets, driveways or utility easements, provided, however, that up to fifty percent (50%) of the required open space may be composed of open space on privately owned properties dedicated by easement to assure that the open space will be permanent.
- C. Active open spaces for recreational purposes should not be less than six thousand (6000) square feet in area.
- D. Any portion of the PUD site, if deemed environmentally significant, may upon review of the Planning Commission, be preserved in their natural state.

**21.8 Homeowners Association.** Homeowners associations have the advantage of enabling the residents of a PUD to control, through ownership and maintenance, common space areas and private streets, thereby eliminating or substantially decreasing maintenance costs to the local government.

- A. If the developer chooses to institute a homeowners association, the following minimum criteria must be met:
  - 1. The homeowners association must be set up before the homes are sold;
  - 2. Membership must be mandatory for each home buyer and any successive buyer;
  - 3. The open space restrictions must be permanent, not just for a period of years;
  - 4. The association must be responsible for liability insurance, local taxes and the maintenance of recreational and other facilities;
  - 5. Homeowners must pay their pro rata share of the cost, the assessment levied by the association can become a lien on the property; and,
  - 6. The association must be able to adjust the assessment to meet changed needs. The above stipulations have the advantage of insuring the economic viability of the homeowners association and preserving open space areas within the community.
- B. The developer must file a restrictive covenant with the Register of Deeds at the time the final plan is approved, guaranteeing those open spaces included in the final plan will remain open for their designated purposes or for other open space uses desired by the homeowners association.

**21.9 Environmental Design Requirements.** The Planning Commission shall require the following in accordance with applicable provisions of this ordinance: The preservation of existing trees, predominant shrubbery, waterways, scenic viewing areas, historic point, flood plain preservation and the planting of vegetation or placement of protective cover on slopes of twenty percent (20%)

or greater to minimize hillside erosion resulting from residential development and consequent streets and walkways.

**21.10 Traffic Circulation.** Internal circulation systems and points of ingress and egress with external traffic flow must be coordinated within the PUD and in relation to the community as a whole. These systems should promote safety, convenience, easy access, separation of vehicles from pedestrians and enhance the overall physical design of the PUD. Vehicular circulation systems in PUD's should not be connected with external streets to encourage through traffic. Emergency access and safety standards should be adhered to. These standards apply to the location of residences relative to the community and the overall design of the PUD.

**21.11 Private Streets.** Private streets, particularly in PUD's must be designed to accommodate anticipated traffic loads including volume, vehicular weight and size, speed emergency vehicles and turning radius. Those developments with homeowners associations may maintain private streets within the development through agreements of indenture. All private streets can deviate from existing public street standards if, upon review and recommendation, the fire chief, police chief and the Planning Commission authorize such modifications within the PUD and health, safety and welfare requirements are met.

- A. For the purpose of utility easements, all private streets in the PUD with underground utilities should be dedicated to the local government, which will maintain these streets.
- B. Private streets may be dedicated into the public street system if the owners of these streets fully agree to accept all expenses for any required upgrading to public street standards and agree to dedicate these streets without compensation by the local government. The following residential street standards should be adhered to, unless modification is permitted by the Planning Commission:

Type of Street	Uses Served	Required Right-of-Way (Feet)	Width of Pavement (Feet)
Residential dead end or Local Street	1-6 dwellings	40	24
	7-20 dwellings	40	24
	21-50 dwellings	50	30
Residential collector	51-200 dwellings	60	36
Neighbor collector	Over 200 dwellings or commercial use	60	

These standards are commensurate with traffic flow and safety standards for various densities.

**21.12 Parking Standards.** Parking standards are an important element of a PUD design process and should adhere to high design and safety standards. The following minimum requirements shall be adhered to:

- A. For each dwelling unit there shall be off-street parking spaces consisting of not less than two hundred (200) square feet each;
- B. Parking areas shall be arranged so as to prevent through traffic to other parking areas;
- C. Parking areas shall be screened from adjacent roads, structures and traffic arteries with hedges, dense planting, earth berms, changes in grade or walls;
- D. No more than fifteen (15) parking spaces shall be permitted in a continuous row without being interrupted by landscaping;

- E. No more than sixty (60) parking spaces shall be accommodated in any single parking area;
- F. All streets and any off-street loading area shall be paved and the design thereof approved by the Planning Commission. All areas shall be marked so as to provide for orderly and safe loading, parking and storage; and,
- G. All parking areas shall adequately be graded and drained to dispose of all surface water without erosion, flooding or other inconveniences.

**21.13 Perimeter Treatment.** To provide adequate separation between the PUD and the surrounding community, a minimum thirty (30) feet buffer zone shall be established on the perimeter of the development, in which no structures are to be located and adequate screening and landscaping or protection by natural features will be established.. In those cases where, because of natural topography, this screening and landscaping requirement cannot be met and adequate privacy and separation is not possible, the Planning Commission may require structures on the perimeter to be set back in accordance with the requirements established for the zoning district in which the PUD is located. Those structures within this category should be adequately screened or landscaped.

**21.14 General Standards.** The principle advantage of a Planned Unit Development, flexibility in design, should be followed in determining general building and site standards. These should conform to minimum performance criteria rather than to specific building code dimensions and requirements found in established residential zones. The following guidelines shall be established in the determination of structural siting on lots; reduction of spacing is based upon standards within the existing zones:

**21.15 Building Spacing.** When the building is designed to provide adequate privacy to its residents, including adequate window space, there may be a reduction in the spacing of buildings. Those residences which have no windows or windows at higher levels and have adequate light and ventilation from other areas of the room, may decrease building spacing. Residences incorporating effective utility spaces in side yards should be eligible for reduced separation between houses. Where building configurations incorporate the above criteria and have unusual shapes, the spacing of structures may be reduced.

**21.16 Front Yard Requirements.** In those areas where street design reduces traffic flow, adequate screening or landscaping is provided, the residence is facing onto a common open space or through interior room design minimizing use of the front yard, front yard requirements may be reduced.

**21.17 Lot Width Requirements.** Those lots which have an awkward configuration yet allow adequate light and ventilation between structures, may reduce their lot width requirements while maintaining adequate light, ventilation and access.

**21.18 Building Heights.** To insure adequate light, ventilation and open space amenities in the PUD, while allowing a variety of building types and densities, building heights should be part of the review process. However, to protect the character of the area, a maximum building height of thirty (30) feet should be instituted.

## ARTICLE XXII SIGNS

**22.1 Purpose.** To fairly balance the rights of individuals to erect signs and the rights of the general public; to promote signs that enhance the landscape quality of the community; to protect property values by preventing structures that have a blighting effect on the aesthetic character of the City; to control the number of signs reasonably necessary to identify a business and its products and/or services; to maintain signs within a reasonable scale and character relative to the buildings to which they relate; to protect neighboring properties and residential areas from lighting trespass; to prevent visual and physical hazards, obstructions, and distractions to motorists and pedestrians for purposes of public safety; to prevent placement of signs that will conceal or obscure adjacent businesses or the signs of adjacent businesses where possible; to prevent confusion between advertising signs and traffic-control signs and devices; to regulate erection and maintenance of signs that are potentially dangerous to the public due to structural deficiencies, disrepair, decay, or abandonment; to prevent aesthetic nuisances and visual blight; to further the objectives of the City's Master Plan; and to discourage the display of nonconforming signs.

**22.2 Definitions.** The construction of language is as explained in Article 2.1. All other definitions in Article 2.2.

**ABANDONED SIGN:** A sign pertaining to a business, lessor, owner, product, or activity that has not been available upon the premises where such sign is displayed for six months or longer.

**ADDRESS SIGN:** A sign identifying a numerical designation commonly used to indicate the location of a building on a street or right-of-way.

**AWNING SIGN:** A sign that is attached to, or part of, a fabric-covered, rigid framework shelter attached to a building. Awnings may be fixed or retractable. *Marquee awnings* are those that are supported by ground posts and extend over the entrance to a building.

**BANNER:** A sign printed or displayed upon cloth or other flexible material, excepting national, state, or municipal flags.

**BILLBOARD:** An off-premise sign.

**CANOPY:** A sign attached to, or part of, a horizontal, roof-like shelter or structure, usually attached to a building that may be suspended, cantilevered, or pole-supported.

**COMMERCIAL SIGN:** Any sign that identifies, advertises, or directs attention to a business or is intended to induce the purchase of goods, property, or services.

**CONSTRUCTION SIGN:** A temporary, free-standing or wall sign erected on property to advise the public of the design, construction, location, management, financing, and/or leasing of a building or buildings under construction or renovation.

**DIRECTIONAL SIGN:** A sign that directs the route to a use or occupancy.

**DYNAMIC DISPLAY:** Any characteristics of a sign that appear to have movement or that appear to change, caused by any method other than physically removing and replacing the sign or its components, whether the apparent movement or change is in the display, the sign structure itself, or any other component of the sign. This includes a display that incorporates a technology or method allowing the sign



face to change the image without having to physically or mechanically replace the sign face or its components. This also includes any rotating, revolving, moving, flashing, blinking, or animated display and any display that incorporates rotating panels, LCD or other monitors, LED lights manipulated through digital input, "digital ink" or any other method or technology that allows the sign face to present a series of images or displays.

**EXTERIOR-BUSINESS SIGN:** A sign located outside a building.

**EXTERNALLY ILLUMINATED SIGN:** A sign that is illuminated by a light source that is outside the face of the sign.

**FLASHING SIGN:** Any lighted or electrical sign which gives out light or varying intensities of light in sudden intermittent bursts.

**FREE-STANDING OR GROUND SIGN:** A non-portable sign supported by permanent uprights or supports in the ground, not attached to any building or structure.

**GRAPHICS:** Including, but not limited to, any mosaic, mural, painting, or graphic-art technique constructed, molded, painted, etched, or otherwise placed onto a building or structure.

**HEIGHT:** The vertical distance of a sign measured from the average finished grade level within ten (10) feet of the horizontal limits of the sign structure to the top of the sign structure, including any framework.

**ILLUMINATED SIGN:** Any sign that has characters, letters, figures, or designs, illuminated by electric lights or luminous tubes as part of the sign.

**INTERACTIVE SIGN:** A sign mounted on a building wall or in a window that is interactive or utilizes touch screens to relay the sign message and are accessed or manipulated from the public right-of-way.

**INTERNALLY-ILLUMINATED SIGN:** A sign that is lighted by a source inside the sign face, behind the sign face, or otherwise back-lighting the sign face or message.

**MOTION OR SOUND-ACTIVATED SIGN WITH SPEAKER BOX:** A sign that uses audio-messaging through an exterior speaker box to communicate with pedestrians in the public right-of-way and is either motion or sound activated.

**MOTOR VEHICLE SIGN:** A sign that is on a motor vehicle or trailer.

**MOVING SIGN:** A sign that physically moves or has the appearance of moving.

**NEON SIGN:** A sign constructed of thin, visible, molded tubes containing a gas for illumination.

**NONCOMMERCIAL SIGN:** A sign that is not related to or connected with trade or commerce in general.

**NONCONFORMING SIGN:** Any sign that does not conform to the requirements of this Ordinance.

**OFF-PREMISE SIGN:** Any sign located on property that displays a message pertaining to a business, service, good, or activity that is not located on the same property as the sign.

**ON-PREMISE SIGN:** A sign with a message that relates to a business, service, good, activity, or profession lawfully being conducted, sold, or offered on the same premises.

**OVERHANGING SIGN:** A fixed-message sign that is affixed to any part of a building, where the sign surface is perpendicular to the building wall, and the sign is oriented toward viewing by vehicular traffic.

**PERMANENT SIGN:** A sign of a durable material anchored or secured to a building, accessory structure, or the ground, that is not temporary and has a vertical sign face.

**POLITICAL-EVENT SIGN:** A temporary, unattended sign pertaining to an official city, school district, county, state, or federal election or referendum, or other sign as defined by law.

**PORTABLE SIGN:** A sign not permanently affixed, anchored, or secured to the ground or to a structure, including trailered signs, tripods, menu and sandwich-board signs.

**REAL ESTATE SIGN:** A temporary sign placed upon property advertising that the particular property is for sale, lease, or rent.

**RESIDENTIAL-EVENT SIGN:** A non-commercial sign located in a district zoned for residential uses, identifying a permissible event at a residence, such as a garage sale, yard sale, etc.

**ROOF SIGN:** A sign that is located upon, above, or over the roof of a structure.

**SANDWICH-BOARD SIGN:** A professionally designed, custom-constructed portable sign, also known as a "tent" sign, that is displayed seasonally and temporarily at a storefront.

**SIGN:** Any writing, pictorial representation, illustration, decoration, emblem, symbol, design, trademark, or figure that is a structure or a part of a structure or is written, printed, painted, projected, constructed, illuminated, or other-wise placed or displayed upon any structure, building, parcel of land, or within three feet of a window interior that attracts attention to the subject thereof or is used as a means of identification, advertisement, announcement, expression, or decoration and that is visible from a street, right-of-way, sidewalk, alley, park, or other public property.

**SIGN FACE:** The portion of a sign upon, against, or through which the message is displayed.

**SIGN SUPPORTS OR UPRIGHTS:** A non-illuminated structure that is used to brace, support, or hold a free-standing sign.

**TEMPORARY SIGN:** A sign intended to be displayed for a limited period of time.

**TRAILERED SIGN:** A sign mounted on a trailer or other wheeled device.

**WALL SIGN:** A sign that is attached, mounted, or painted directly onto a building wall with the sign face parallel to the building wall.

**WARNING SIGN:** Any sign that alerts persons to safety hazards or potential violations.

**WINDOW SIGN:** A sign that is either affixed to or within three (3) feet of a door or window interior.

**22.3 Provisions Applicable to All Districts.** The following provisions shall apply to all districts within the City:

- A. Pre-existing Non-conforming Signs. Any sign that conformed with a sign ordinance in effect at the time said sign was displayed, may be maintained, subject to the provisions herein contained.
- B. Sign Construction and Assembly. Projecting nameplates, overhanging signs, and free-standing signs shall have a sign face that is an integrally-framed structure and shall not have multiple, attached separate sign units on the face of the sign supports. The entire sign shall be made of materials that maintain this integral character, rather than an assemblage of different sign types and materials. Changeable-message signs shall be an integral part of the face of any free-standing sign. In addition, such message signs shall have a uniform dark background with light-colored lettering and satisfy all other conditions of this Ordinance.
- C. Sign Installation. No sign shall be placed, displayed, or installed upon property without the consent of the property owner. Wall-mounted signs and overhanging signs shall be thoroughly secured to a building by metal anchors, bolts, supports, rods, or braces and shall comply with building code requirements for wind loads, snow loads, and dead loads. Independently-mounted letters, figures, or similar message elements shall be safely and securely attached to the sign face and building wall.
- D. Sign Maintenance. Signs shall be maintained at all times in a clearly legible and safe condition and shall be kept in good repair. Lighting for a sign shall be maintained in working order.
- E. Illumination of any Sign.
  - 1. Exterior lighting shall be provided from an external light source attached to the sign and directed only to the face of the sign. Sign light sources shall not exceed 150 watts per sign face and shall be shielded in order to prevent visible glare to passing motorists and shall not be directed so as to trespass or encroach in or upon neighboring properties.
  - 2. Interior illumination, including dynamic display, will only be permitted where lighting does not interfere with traffic or have a negative impact on neighboring properties.
  - 3. Neon signs shall be permitted, as provided in herein.
- F. Address Sign. One (1) address sign shall be placed at the main entrance to each principal structure on any property such that same is plainly legible and visible from the street fronting the property, to assist ambulance, police and fire-protection response. Wall-mounted address signs shall not exceed two (2)-square feet in surface area. Free-standing address signs may be provided at single-family residences, not to exceed two (2)-square feet in area and five (5) feet in height. Commercial, industrial, institutional, and multi-family uses are encouraged to include an address sign or signs on any free-standing sign on the lot as well.
- G. Sign in or Over a Right-of-Way. Signs, awnings, or canopies extending over a public sidewalk may not project more than four (4) feet from the building to which they are attached and must be a minimum of seven feet, six inches, higher than the sidewalk

grade. Temporary signs (such as real estate, political event, and residential event signs) shall not be placed in the public right-of-way, except as provided herein.

- H. Obstructions to any Door, Window, Sidewalk, or Fire Escape. No sign shall be erected, re-located, or maintained so as to prevent ingress or egress from any door, window, sidewalk, or fire escape.
- I. Sign Constituting a Traffic Hazard. No sign shall be placed, displayed, or illuminated so as to obstruct or impair driver vision. A sign shall not obstruct the view of any official traffic sign, traffic signal, or traffic marking. Signs that, by reason of their location, shape, size, or color, can be confused with an official traffic sign, signal, or marking, shall not be permitted. Signs which use beacons, spotlights, or searchlights visible from public rights-of-way are prohibited.
- J. Abandoned Sign. Abandoned signs shall be removed after the business, lessor, owner, product, or activity that has not been available upon the premises where such sign is displayed for six months. Any abandoned sign or sign structure that remains after six months may be removed and disposed of by the City at the expense of the property owner.
- K. Sign Constituting a Public Nuisance. If a sign is determined to be a public nuisance, it shall be abated in accordance with the procedures provided in the City's nuisance ordinance regarding junk, debris, etc.

**22.4 Signs Prohibited.** The following interior and exterior signs are prohibited in all districts, except as otherwise provided in this Ordinance:

- A. Trailered signs that are placed upon or attached to a trailer or other wheeled device for display.
- B. Roof-mounted signs.
- C. Signs painted, posted, or mounted on trees, rocks, or other natural features, fences, fence posts, light poles, benches, flower boxes, and perimeter or privacy walls, and telephone or utility poles.
- D. Any sign or sign structure that the City determines is structurally unsafe.
- E. Any sign that is not professionally manufactured, including those made out of cardboard, scrap wood, etc.
- F. Motion or sound activated signs with speaker box.
- G. Off-premises signs, other than sandwich boards as regulated herein.
- H. All signs featuring illumination or sound not approved by the planning commission.
- I. All signs that are not expressly permitted in Articles 22.5 through 22.8.

**22.5 Permitted Temporary Signs in All Districts.** The following non-illuminated, temporary signs are permitted in all districts, and shall not require permits:

- A. Real Estate Signs. A real estate sign that is free-standing in a private yard, or mounted on a private building wall, shall be permitted on the property intended to be rented, leased, and/or sold, provided that the sign is removed within thirty (30) days after the sale, lease, or rental of the property. A real estate sign shall have a maximum height of four feet and maximum sign area of six square feet.
- B. Construction Signs. A construction sign for each development project shall be permitted on a construction site. Such a sign shall be removed by the owner or lessee of the property within thirty (30) days of the completion date of the project. A construction sign shall have a maximum height of four feet and a maximum sign area of six square feet.
- C. Residential-Event Signs. For publicizing a single event such as a garage sale, yard sale, estate sale, or moving sale, residential-event signs are permitted for a period not to exceed seven (7) days in a ninety (90)-day period. Off-premise residential-event signs may be displayed, placed, or mounted on public property for up to three (3) days in a ninety (90)-day period, provided that they do not damage in any way that public property and are removed within 24 hours of the conclusion of the residential event.
- D. Political-event Signs. Political-event signs are permitted on private property only and shall not exceed eight (8)-square feet in area and four (4) feet in height. Political-event signs shall be removed within thirty (30) days following the political event to which the sign pertains.
- E. Window Signs. Temporary window signs that occupy no more than seventy-five percent (75%) of a total window's area are permitted for a maximum of fifteen (15) days in a ninety (90)-day period.
- F. Motor Vehicle Signs. Motor vehicle signs that have advertising for a business, product, or service are permitted if the vehicle or trailer is parked for a period no longer than seven (7) days in a ninety (90)-day period.

**22.6 Permitted Permanent Signs.** The following non-illuminated permanent signs are permitted in all districts, subject to the restrictions herein contained and shall not require permits for erection:

- A. Governmental Signs. Governmental signs of a branch of local, state, or federal government, including traffic or similar regulatory devices, or signs required to be maintained or posted by law or governmental order, rule, or regulation.
- A. Flags or Emblems. Flags or emblems of governmental, civic, philanthropic, educational, or religious organizations, provided that the height of any flagpole shall not exceed thirty (30) feet. Parcels having fewer than one hundred (100) primary street-frontage feet shall be permitted one permanent flagpole, and parcels having more than one hundred (100) feet of primary street frontage shall be permitted one permanent flagpole for each one hundred (100) feet of primary street frontage, not to exceed a maximum of three (3) flagpoles. Temporary displays for periods not exceeding seven (7) days in any ninety (90)-day period may exceed this standard.
- C. Commemorative Signs. Commemorative signs such as cornerstones, historical markers, memorial plaques or tablets, and the like.

- D. Warning Signs. Warning signs such as "No Trespassing," "No Hunting," "Danger," and "Beware of Dog," not exceeding two (2)-square feet in area and no more than one (1) sign per one hundred (100) feet of property frontage.
- E. Permanent Window Signs. A business that has an overhanging, wall-mounted, or free-standing sign as described herein, shall be permitted interior signs (including neon) that occupy not more than twenty-five percent (25%) of the total window area of the first floor level facing the front lot line. The total permanent window signage for a building shall not exceed twenty-four (24)-square feet. Neon signs exceeding twenty-five percent (25%) of the window area shall be reviewed as special-condition signs.

**22.7 Signs Requiring a Permit.** One of the following professionally made on-premise signs, without illumination or sound of any kind, may be erected by obtaining a permit from the Zoning Administrator.

- A. Overhanging Signs. One Overhanging Sign (including signs affixed to awnings or canopies) per commercial building shall be permitted in the C-1 district.
  1. All awning or canopy signs must be at least seven feet, six inches from the sidewalk. No portion of any other overhanging sign can be closer than 10 feet to the ground, or more than 15 feet above the ground. The maximum sign area is 12 square feet.
  2. No part of an overhanging sign shall exceed the height of the building facade or extend more than forty-eight (48) inches in width.
  3. Such signs shall not be mounted on the corner of a building or be closer than four (4) feet from the corner of the building.
- B. Wall-Mounted Signs. One Wall-mounted Sign, including those painted directly on the building façade, shall be permitted in all districts, subject to the following restrictions:
  1. Such signs shall be mounted such that no part of the sign is higher than the height of the facade of the building upon which it is mounted.
  2. Dwelling-unit structures or home occupations shall be limited to one sign and three (3)-square feet.
  3. The wall-mounted sign area for non-profit institutional uses located in residential zones shall be limited to ten percent (10%) of the front facade and five percent (5%) of the side or rear facades.
  4. The total area of all wall-mounted signs in commercial districts shall be restricted according to the following schedule:

<b>AREA OF WALL MOUNTED SIGNS</b>			
<i>Zoning District</i>	<i>% Of Ground Floor Wall Area On Front Façade</i>	<i>% Of Ground Floor Wall Area On Rear Façade</i>	<i>% of Ground Floor Wall Area On Side Facades</i>
C-1, C-2, OR-1	15	10	5
M-1	15	10	10

- C. On-premise, free-standing signs. One on-premise, free-standing sign shall be permitted in the front-yard area of the lot, not less than 10 feet from any lot line, in the C-1, M-1, MH-1, and R-4 districts, and at non-profit institutions in all districts.
1. Free-standing signs identifying a non-profit institution, or multi-family residential complex or sub-division in any district, including mobile home parks, shall be restricted to a maximum area of twelve (12)-square feet and a maximum height of six (6) feet.
  2. The area and height of free-standing signs identifying a business or service are restricted according to the following schedule:

<b>FREESTANDING SIGNS</b>		
<i>Zoning District</i>	<i>Maximum Height In Feet</i>	<i>Maximum Sign Area In Square Feet*</i>
C-1 – State Street	8	12
C-1 – Other than State Street	15	40
M-1	15	40

**22.8 Special-Condition Signs.** The following may be permitted upon approval by the Planning Commission, via the special use permit process established by this Ordinance:

- A. Multiple commercial signs. Any combination of on-premise overhanging, wall-mounted, or free-standing signs that exceeds the total of one permitted in Article 22.7. Banners may be permitted as second signs through this Article.
- B. Illumination. Any signs that feature exterior or interior illumination, including dynamic displays.
- C. Sound. Any signs or devices that feature sound, including interactive signs.
- D. Sandwich Boards. Sandwich-board signs shall be permitted in C-1 and C-2 districts, on private or public property, subject to the following conditions:
  1. One sandwich board sign is permitted per business. All such signs shall be subject to review and approval by the Planning Commission, prior to placement, in accordance with these standards.
  2. A business shall be permitted to display a sandwich-board sign year round, during the business hours of the business displaying the sign.
  3. Sandwich-board signs shall not exceed six (6)-square feet in area and four (4) feet in height.
  4. Sandwich-board signs on private property shall not obstruct doorways.
  5. Sandwich-board signs on a public right-of-way/sidewalk shall be kept within twenty-four (24) inches of the building face and within six (6) feet of the building entrance for the business to which the sign pertains and shall not obstruct pedestrian traffic or impede maintenance and/or snow and ice removal.
  6. Sandwich boards will not be considered for businesses that do not have a conforming overhanging, wall, or free-standing sign installed.

**22.9 Restrictions Upon Nonconforming Signs.** Nonconforming signs shall be restricted as follows:

- A. Expansion, Enlargement, and Alteration. Nonconforming signs shall not be structurally altered so as to prolong the life of the sign, such as to change the shape, size, type, design, or face of the sign. Non-conformities shall not be enlarged, expanded, or extended.
- B. Re-establishment. A nonconforming sign shall not be re-established or displayed after the activity, business, or usage to which it relates has been discontinued for six months.
- C. Reconstruction. Should any nonconforming sign or any portion thereof be destroyed by any means, to the extent of 60 percent or more, it shall be reconstructed only in conformity with the provisions of this Ordinance.
- D. Relocation. Should any sign be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
- E. Maintenance. Nonconforming signs may be maintained in their present shape, size, and materials with ordinary repairs so as to remain in a safe condition and to avoid unsightly deterioration.
- F. Removal. All signs within the Prohibited category shall be removed within 30 days of the effective date of this Ordinance.
- G. Relocation of On-site Elements. If the owner of a sign or the premises on which a sign is located changes the location of a building, property line, or sign, or changes the use of a building such that any sign on the premises is rendered nonconforming, such sign shall be made to conform to this Ordinance.
- H. Relocation of Off-Site Elements. No person shall be required to remove a sign that was erected in compliance with this Ordinance if said sign becomes nonconforming due to a change occurring after the effective date of this Ordinance in the location of buildings or streets where such change is beyond the control of the owner of the sign and the premises on which the sign is located.
- I. Temporary Sign Change - Conformity. The following types of signs shall be removed or altered to conform to this Ordinance within thirty (30) days from the effective date of this Ordinance:
  - 1. Sandwich-board and portable signs; and
  - 2. Temporary signs that do not conform to Article 22.5
- J. Condemnation. Upon approval of City Commission, pursuant to applicable law, the City may acquire by condemnation an interest in privately-owned nonconforming signs for the purpose of removal of such nonconforming signs to promote the public health, safety, and welfare of the City and its inhabitants. Just compensation, as defined by applicable law, shall be paid any owners for residual value of a nonconforming sign that is condemned pursuant to this section.



## 22.10 Administration and enforcement

- A. Authority for Administration and Enforcement. The Zoning Administrator shall administer and enforce the provisions of this Article.
- B. Procedures for Review and Permitting. No sign identified in Articles 22.7 or 22.8 shall be erected, altered, or relocated unless approved by the City, pursuant to the provisions of this Article and the following:
  1. Permits Required. Signs identified in Articles 22.7 and 22.8 shall require permits prior to installation.
  2. Planning Committee Review. Signs identified in Article 22.8 shall require Planning Commission approval prior to installation.
- C. Permits Not Required. All other signs permitted in this Article shall not require permits, but shall be regulated as provided in this Article.
- D. Servicing and Repair. No permit shall be required for ordinary servicing or cleaning of a sign. No permit is required for periodic message changes for changeable-message signs, not including changes to a sign that requires a new permanent face.
- E. Application for Sign Permit. A completed application for a sign permit shall contain or be accompanied by the following:
  1. Sign-Location Drawing. Distance measured in feet and inches from all applicable lot lines shall be shown.
  2. Sign-Elevation Drawing.
    - a.) Height of the sign above the ground and support structure(s).
    - b.) Area and dimensions of sign surface.
    - c.) Lettering of the sign shall be graphically shown to scale as it will appear on the erected sign, shall be in the style of the finished sign, and shall be illustrated to approximate the size and weight of the lettering of the final constructed sign.
    - d.) Materials and colors to be used on the sign face and support structures shall be labeled.
    - e.) Method of illumination, or sound, if any, shall be shown. In the case of internally-illuminated signs, the drawing shall identify which part of the sign is translucent and which part is opaque.
  3. Load Calculations. If deemed necessary by the Zoning Administrator, structural calculations must certify that a sign is designed to withstand snow load, dead load, and wind load in accordance with applicable State and Federal regulations.

4. Registered Seal. At the discretion of the Zoning Administrator, for public-safety concerns, the application shall bear the certificate or seal of a registered architect or engineer as a condition precedent to the issuance of the permit.
  5. Certificate of Insurance. The Zoning Administrator may require an applicant to obtain a certificate of insurance for installation of free-standing or overhanging signs.
  6. Location Staking. With two stakes erected to designate the vertical height and located at the horizontal limits of the sign structure, the proposed location of free-standing signs shall be identified by an applicant prior to review by the City.
  7. Graphic Illustration. The Zoning Administrator/Planning Commission may require photographs, markings on buildings, mockups, spec sheets, catalogs, or other necessary illustrations in order to evaluate a proposed sign and its impacts.
  8. Other Information. The City may require additional information to show full compliance with this and all other applicable laws.
  9. Permit Fee. A fee must be paid for signs requiring permits, in accordance with the City's schedule of fees.
  10. Expiration of Permit. All permits issued for the erection of a sign shall expire, unless authorized work commenced within six (6) months after issuance of the permit.
- F. Planning Commission Authority. Where the Planning Commission is empowered to approve certain signs under the provisions of this Article, the applicant shall furnish such surveys, plans, or other information as may be reasonably required by said Commission for the proper consideration and investigation of the matter. The Planning Commission may impose such conditions or limitations in granting approval as may in its judgment be necessary to fulfill the intent and purposes of this Article.
- G. Standards for Sign Review. In reviewing signs, the Planning Commission shall consider the following standards as a basis for approving signs and establishing setback, location, and placement of signs:
1. Relationship of the sign to surrounding properties and rights-of-way:
    - a.) Compatibility with adjacent land uses and signs.
    - b.) Visibility of neighboring signs or buildings.
    - c.) Visibility and legibility of the sign for pedestrian and vehicular traffic.
    - d.) Lighting trespass impacts.
  2. Relationship of the sign to features on the site of the sign installation:
    - a.) Suitability of the sign and its location relative to particular site characteristics such as yard areas, vegetation, topography, and the like.
    - b.) Compatibility of the sign with the size, location, and character of the principal building(s) on-site.
    - c.) Impact of the sign upon on-site vehicular and pedestrian circulation.

3. Impact of the sign upon the Onaway townscape:
  - a.) Impact of the sign upon views of the skyline.
  - b.) Impact of the sign upon parks and public spaces.
  - c.) Impact of the sign upon historic buildings or properties.
4. Impacts of the sign upon public safety:
  - a.) Visibility of traffic-safety devices.
  - b.) Visibility of pedestrians and vehicles entering or exiting the site or on adjacent rights-of-way.
  - c.) Impacts of sign lighting upon vehicular traffic.
  - d.) The safety of the placement of the sign.
5. Consistent with the intent and purposes of this Ordinance.

H. Public Nuisance and Health Hazard. Any sign constituting an immediate hazard to health and safety shall be deemed a nuisance and may be removed and disposed of by the City at the sign owner's expense.

I. Removal of Illegal Temporary Signs. Illegal temporary signs that are on display at any time more than twenty-four (24) hours after notice to the property owner may be removed and disposed of by the City at the owner's expense.

**ARTICLE XXIII  
NON-CONFORMITIES**

**23.1 Scope.** No building or structure, or part thereof, shall hereafter be erected, constructed, altered, or maintained, and no new use or change shall be made to any building, structure, or land, or part thereof, except in conformity with the provisions of this ordinance.

**23.2 Intent.** It is recognized that there exists within the zoning districts established by this ordinance or amendments that may later be adopted, lots, structures, and uses of land and structures which were lawful before this ordinance was passed or amended which would be prohibited, regulated, or restricted under the terms of this ordinance or future amendment.

It is the intent of this ordinance to permit these non-conformities to continue until they are removed, but not to encourage their survival. Such uses are declared by this ordinance to be compatible with permitted uses in the districts involved. It is further the intent of this ordinance, that non-conformities shall not be enlarged upon, expanded or extended, not be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

To avoid undue hardship, nothing in this ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this ordinance and upon which actual building construction has been diligently carried on. Actual construction is defined to include the placing of construction materials in permanent position and fastened in a permanent manner; except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction. Construction shall be completed within two (2) years from the effective date of this ordinance or amendment.

**23.3 Non-conforming Lots.** In any district in which one-family dwellings are permitted, notwithstanding limitations by other provisions of this ordinance, a one-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this ordinance. This provision shall apply even though the lot fails to meet the requirements for area or width, or both, that are generally applicable in the district; provided that yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the district in which the lot is located. Variance to yard requirement, if needed, shall be obtained through the Board of Appeals.

Where two (2) or more adjoining non-conforming lots are existing under single ownership, the lots shall be combined to provide a parcel which meets, where possible, at least the minimum lot size for the district where located.

**23.4 Non-conforming Use of Land.** Where, at the effective date of adoption or amendment of this ordinance, lawful use of land exists that is made no longer permissible, under the terms of this ordinance as enacted or amended, the use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

- A. A non-conforming use shall not be enlarged, increased, or extended beyond the boundaries of the original parcel of land of record as of the effective date of adoption or amendment of the ordinance.
- B. A non-conforming use of land ceases for any reason, other than because of the seasonal nature of the business or operation, for a period of more than two (2) years, any

subsequent use of the land shall conform to the regulations specified by this ordinance for the district on which the land is located.

- C. A non-conforming use shall not be moved in whole or in part to any other portion of the lot or parcel occupied by the use at the effective date of adoption or amendment of the ordinance.

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

- A. The structure shall not be enlarged or altered in a way which increases its non-conformity. However, the structure may be enlarged or altered in a way which does not increase its structural non-conformity.
- B. If the structure is destroyed by any means to an extent of more than fifty (50) percent of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this ordinance.
- C. If the structure is moved for any reason for any distance whatever, it shall conform to the regulations for the district in which it is located after it is moved.

**23.6 Non-conforming Uses of Structures and Land.** If a lawful use of a structure, or of structure and land in combination, exists at the effective date of adoption or amendment of the ordinance, that would not be allowed in the district under the terms of this ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. An existing structure devoted to a use not permitted by this ordinance in the district in which it is located shall not be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
- B. Any non-conforming use may be carried on throughout any parts of a building which were arranged or designed for the use, and which existed at the time of adoption or amendment of this ordinance, but the use shall not be extended to occupy any land outside such building.
- C. If no structural alterations are made, any non-conforming use of a structure, or structure and premises, may be changed to another non-conforming use provided that the Zoning Board of Appeals either by general rule or by making findings of the specific case, finds that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. In permitting such change, the Zoning Board of Appeals may require appropriate conditions and safeguards in accord with the purpose and intent of this ordinance.
- D. Any structure, or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which the structure is located, and the non-conforming use shall not thereafter be resumed.
- E. When a non-conforming use of a structure, or structure and premises in combination, is discontinued or ceases to exist for two (2) continuous years, the structure, or structure and premises in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located. Structures occupied by seasonal uses shall be exempted from this provision.

- F. Where non-conforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land.

**23.7 Repairs and Maintenance.** On any building devoted in whole or in part to any non-conforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring, or plumbing to an extent not exceeding fifty (50) percent of the assessed value of the building, provided that the cubic content of the building as it existed at the time of passage or amendment of this ordinance is not be increased.

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

**23.8 Exceptions for Non-conforming Use Category.** General exceptions or special permit uses approved under other provisions of this ordinance shall not be considered non-conforming uses.

**23.9 Change of Tenancy or Ownership.** There may be a change of tenancy, ownership, or management of any existing non-conforming use of land, structure, and premises provided there is no change in the nature or character of the non-conforming use.

**ARTICLE XXIV  
ZONING BOARD OF APPEALS**

- 24.1 Creation and Duties.** A Zoning Board of Appeals is hereby created which shall perform its duties and exercise its powers as provided by the Michigan Zoning Enabling Act, PA 110 of 2006, as may from time to time be amended, and by the provisions of this ordinance, and such a way that the objectives of this ordinance are observed, public safety and general welfare are secured, and substantial justice is done.
- 24.2 Required Hearings.** The Zoning Board of Appeals shall hear and decide questions that arise in the administration of this ordinance, including the interpretation of the Zoning Map and considering variances. It shall hear and decide appeals from and review any administrative order, requirement, decision, or determination made by an administrative official or body charged with enforcing this ordinance.
- 24.3 Appeals.** An appeal to the Zoning Board of Appeals may be taken by a person aggrieved or by an officer, department, board, or bureau of the state. The Zoning Board of Appeals shall have no jurisdiction over decisions of the Planning Commission in regard to matters concerning the denial or revocation of special use or PUD permits, except to determine if correct procedures were followed.
- 24.4 Grounds for Appeal.** The grounds for any determination shall be stated in the records of the Zoning Board of Appeals proceedings.
- 24.5 Timing of Appeal.** An appeal shall be taken within such time as prescribed by the Zoning Board of Appeals by general rule, by filing with the officer from whom the appeal is taken and with the Zoning Board of Appeals of a notice of appeal specifying the grounds for the appeal. The body or officer from whom the appeal is taken shall immediately transmit to the Zoning Board of Appeals all the papers constituting the record upon which the action appealed from was taken.
- 24.6 Stays.** An appeal stays all proceedings in furtherance of the action appealed from unless the body or officer from whom the appeal is taken certifies to the Zoning Board of Appeals after the notice of appeal is filed that, by reason of facts stated in the certificate, a stay would in the opinion of the body or officer cause imminent peril to life or property, in which case proceedings may be stayed by a restraining order issued by the Zoning Board of Appeals or a Circuit Court.
- 24.7 Interpretations.** The Zoning Board of Appeals shall have the power to hear and decide upon requests for interpretation of the provisions of this ordinance and accompanying Zoning Map.
- 24.8 Variances.** The Zoning Board of Appeals shall have the power to grant non-use or dimensional variances relating to the construction, structural changes, or alterations of buildings or structures, so that the spirit of the ordinance is observed, public safety secured, and substantial justice done. A dimensional variance may be granted only in cases where the applicant demonstrates in the official record of the public hearing that practical difficulty exists by showing the following:
- A. That the need for the requested variance is due to unique circumstances or physical conditions of the property involved, such as narrowness, shallowness, shape, water, or topography and is not due to the applicant's personal or economic difficulty.
  - B. That the need for the requested variance is not the result of action of the property owner or previous property owners (self-created).

- C. That strict compliance with regulations governing area, setback, frontage, height, bulk, density, or other dimensional requirements will unreasonably prevent the property owner from using the property for a permitted purpose, or will render conformity with those regulations unnecessarily burdensome.
- D. That the requested variance is the minimum variance necessary to do substantial justice to the applicant as well as to other property owners in the neighborhood or zoning district.
- E. That the requested variance will not cause an adverse impact on surrounding property, property values, or the use and enjoyment of property in the neighborhood or zoning district.

The Zoning Board of Appeals also has the power to grant use variances.

**24.9 Use Variance.** Upon a concurring vote of 2/3 of the membership, the Zoning Board of Appeals may grant a variance from uses of land only in cases where the applicant demonstrates in the official record that unnecessary hardship exists. To establish unnecessary hardship, the applicant must establish all of the following:

- A. The property cannot be reasonably used for any of the uses permitted by right or by special use permit in a manner consistent with existing zoning.
- B. The need for the requested variance is due to unique circumstances or physical conditions of the property involved such as narrowness, shallowness, shape, water, or topography and not to general conditions in the neighborhood that may reflect the unreasonableness of the zoning.
- C. The proposed use will not alter the essential character of the neighborhood.
- D. The immediate hardship causing the need for the use variance was not created by the property owner or previous property owners (self-created).

**24.10 Time, Notice, Appearance.** Following written request concerning an appeal of an administrative decision, a request for an interpretation of the Zoning Ordinance or Zoning Map, or a request for a variance, the Zoning Board of Appeals shall fix a reasonable time for the hearing, after giving the following applicable notice:

- A. For a request for a variance, a notice shall be published in a newspaper of general circulation in the County not less than fifteen (15) days before the date the application will be considered. The notice shall describe the nature of the request, indicate the address of the property in question, state when and where the request will be considered, and indicate when and where written comments will be received. Notice shall also be sent to the owners of the property in question, by mail or personal delivery to all persons to whom real property is assessed within three hundred (300) feet of the property in question, and to the occupants of all structures within three hundred (300) feet of the property regardless of whether the property or occupant is located in the zoning jurisdiction.
- B. For an interpretation or an appeal, a notice stating the time, date, and place of the public hearing shall be published in a newspaper of general circulation in the County not less than fifteen (15) days before the hearing date and shall be sent to the person requesting the interpretation or appeal. If the request for an interpretation or appeal involves a specific parcel, written notice stating the nature of the request and the time, date, and place of the public hearing shall be sent by first class mail or personal delivery to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property in question.



Any party may appear at the hearing in person or may be represented by his/her agent or attorney. The Zoning Board of Appeals shall render a decision within a reasonable period of time, not to exceed forth-five (45) days.

In deciding upon matters referred to, or upon which it is required to act under this ordinance, the Zoning Board of Appeals shall after public notice and hearing, take into consideration the public health, safety, and general welfare and apply appropriate conditions and safeguards in conformity with the general purpose and intent of this ordinance.

- 24.11 Powers of the Zoning Board of Appeals.** The Zoning Board of Appeals may reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination and may issue or direct the issuance of a permit.
- 24.12 Approval Periods.** No order of the Zoning Board of Appeals permitting the erection of a building shall be valid for a period longer than one (1) 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 the permit.
- 24.13 Final Action on Appeals.** The decision of the Zoning Board of Appeals shall be final. Any party aggrieved by the decision may appeal to the Circuit Court for Presque Isle County. An appeal under this section shall be filed within thirty (30) days after the Zoning Board of Appeals certifies its decision in writing or approves the minutes of its decision.
- 24.14 Fees.** Refer to Article 3.8.

**ARTICLE XXV  
ADMINISTRATION AND ENFORCEMENT**

**25.1 Enforcement.** The provisions of this ordinance shall be administered by the Zoning Administrator who shall be appointed by the City Commission. The Zoning Administrator may be assisted by any other employees and officials as he may delegate to enforce the provisions of this ordinance. The duty of enforcement thereof shall rest with such administrative official as shall be authorized therein by law, and such administrative officials shall for the purpose of the ordinance have the power of a law enforcement officer.

If the Zoning Administrator shall find that any of the provisions of this ordinance are being violated, he shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings, or structures, removal of illegal buildings or structures or of discontinuance of any illegal work being done; or shall take any other action authorized by this ordinance to ensure compliance with or to prevent violation of its provisions.

**25.2 Zoning Permits.** No building or other structure shall be erected, moved, added to, or structurally altered without a permit therefor, issued by the Zoning Administrator. No permit shall be issued except in strict conformity with the provisions of this ordinance, unless the Zoning Administrator receives a written order from the Zoning Board of Appeals.

The Zoning Administrator shall have the power to issue permits and to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this ordinance. It shall be unlawful for the Zoning Administrator to approve any plans or any permits for any excavation or construction until he has inspected such plans in detail and found them in conformity with this ordinance.

The Zoning Officer shall require that every application for a permit for excavation, construction, moving, or alteration or change in type or use or the type of occupancy be filed in triplicate and accompanied by written statement and, as applicable, dimensioned plans or plats drawn to scale, and showing the following to enable the Zoning Officer to ascertain whether the proposed work or use is in conformance with this ordinance:

- A. The actual shape, location and dimensions of the lot.
- B. The shape, size and location of all buildings or other structures to be erected, altered or moved, and of any buildings or other structures already on the lot.
- C. The existing and intended use of the lot and of all such structures upon it, including, in residential area, the number of dwelling units the building is intended to accommodate.
- D. The lines of the lots of parcels under separate ownership therein.
- E. The names and widths of abutting pavements and rights-of-way.
- F. The signature of the fee holder owner of the premises concerned.
- G. Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this ordinance are being observed.

One copy of the application shall be returned to the applicant by the Zoning Administrator, after he shall have marked such copy either as approved or disapproved, and attested to same by his signature on such copy. The original and one copy of the application, similarly marked, shall be retained by the Zoning Administrator, maintained on file and available to the public for inspection upon request during normal business hours. In all cases when the Zoning

Administrator shall refuse to issue a permit, he shall state such refusal in writing with the cause and reasons for said refusal.

- 25.3 Expiration of Zoning Permit.** If the work described in any permit has not begun within ninety (90) days from the date of issuance thereof, said permit shall expire; it shall be cancelled by the Zoning Administrator and written notice thereof shall be given to the persons affected.

If the work described in any permit has not been substantially completed within one (1) year of the date of issuance thereof, said permit shall expire and be cancelled by the Zoning Administrator, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the cancelled permit shall not proceed unless and until a new building permit has been obtained.

- 25.4 Conformance with Approved Plans.** Permits issued on the basis of plans and applications approved by the Zoning Administrator authorize only the use, arrangement and construction set forth in such approved plans and applications, and no other use, arrangement or construction. Use, arrangement or construction at variance with that authorized shall be deemed violation of this ordinance, and punishable as provided by Article 25.

- 25.5 Final Inspection.** The recipient of any permit for the erection, construction, alteration, repair or moving of any building, structure, or part thereof, shall notify the Zoning Administrator immediately upon the completion of the work authorized by such permit, for a final inspection.

- 25.6 Fees.** Fees for inspections and the issuance of permits or certificates or copies thereof, required or issued under the provisions of this ordinance shall be collected by the City in advance of the issuance of such permits or certificates.

**ARTICLE XXVI**  
**INTERPRETATION, SEVERABILITY, PENALTIES, AMENDMENTS,**  
**RIGHTS AND REMEDIES, GENERAL RESPONSIBILITY, REPEAL OF**  
**PRIOR ORDINANCE, AND ENACTMENT AND EFFECTIVE DATE**

- 26.1 Interpretation.** In the interpretation and application, the provisions of this ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, morals, safety, comfort, convenience, or general welfare. Where this ordinance imposes a greater restriction than is required by existing ordinances or by rules, regulations, or permits, the provisions of this ordinance shall control. Nothing in this ordinance should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification, or any permissible activities therein; and, they are hereby declared to be subject to subsequent amendment, change, or modification as may be necessary to the preservation or protection of public health, safety, and welfare.
- 26.2 Severability.** This ordinance and the various parts, sections, subsections, phrases, and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, section, subsection, phrase, or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of this ordinance shall not be affected thereby.
- 26.3 Violation – Penalty.** Any person, firm, or corporation, including, but not by way of limitation, builders and contractors, who shall violate, neglect, or refuse to comply with or who resists the enforcement of any of the provisions of this ordinance or conditions of the Planning Commission or Board of Appeals of Onaway adopted pursuant thereto shall be responsible for a municipal civil infraction punishable by a civil fine in the amount of \$100.00 for an initial offense; \$500.00 for a first repeat offense; and \$1,000.00 for a second repeat offense and any subsequent repeat offense. Each day that a violation is permitted to exist shall constitute a separate offense. The City Manager is authorized to issue citations. A copy of the citation need not be personally served upon the alleged violator, but may be served upon an owner or occupant of the land, building, or structure by posting the copy on the land or attaching the copy to the building or structure. In addition, a copy of the citation shall be sent by first-class mail to the owner of the land, building, or structure at the owner's last known address.
- 26.4 Amendment to this ordinance.** The City Commission is authorized and empowered to cause this ordinance to be amended, supplemented, or changed, pursuant to the authority and according to the procedures set forth in Act 110, Public Acts of 2006, as amended. Proposals for amendments may be initiated by the City Commission, Planning Commission, or by petition of one or more property owners in the area of the City affected by a proposed amendment.
- 26.5 Processing of Amendment.** The procedure for amending this ordinance shall be as follows:
- A. Each petition shall be submitted to the Zoning Administrator, accompanied by the proper fee, and then referred to the Planning Commission at the next regular scheduled meeting, or at a special meeting called for such purpose.
  - B. The Planning Commission shall conduct a public hearing, the notice of which shall be given by one publication in a newspaper of general circulation. The notice shall be published not less than fifteen (15) days prior to the public hearing
  - C. If the property involved adjoins another unit of government, the proper officials shall be given notice not less than fifteen (15) days prior to the public hearing and shall be given an opportunity to comment on any coordinated action or review deemed necessary.
  - D. For Zoning Map amendments, notices of public hearing shall be sent by first class mail to property owners as reflected on the City's tax rolls, or tenants of the property, within

three hundred (300) feet of the boundary of the property to be rezoned, as well as any electric, gas, and public utility company, each telecommunication service provider, each railroad operating within the district or zone affected, and the airport manager of each airport that registers its name with the City for the purpose of receiving the notice of hearing. The notice shall be given not less than fifteen (15) days prior to the hearing.

- E. Following the public hearing, the Planning Commission shall submit a summary of comments received at the public hearing and its recommendations to the City Commission. The City Commission may hold a public hearing if it considers it necessary, or if a property owner requests a hearing by certified mail. Notice of hearing shall be given as provided above in (B), (C), and (D).
- F. The City Commission shall not change an amendment recommended by the Planning Commission, although it may decline to adopt the amendment and/or return it to the Planning Commission for additional discussion.
- G. Following amendment to this ordinance, a notice of adoption shall be published in a newspaper of general circulation within fifteen (15) days of adoption. The amendment shall take effect eight (8) days after publication or at such later date as may be specified by the City Commission.

**26.6 Rights and Remedies.** The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

**26.7 General Responsibility.** The City Commission, or its duly authorized representative, is hereby charged with the duty of enforcing this ordinance, and said board is hereby empowered to begin and pursue any and all necessary and appropriate actions and/or proceedings to restrain and/or prevent any non-compliance with, or violation of, any of the provisions of this ordinance, and to correct, remedy, and/or abate such non-compliance or violation.

**26.8 Repeal of Prior Ordinance.** City of Onaway Ordinance No. 26 of 1997, and all ordinances that amended Ordinance No. 26 prior to the adoption of this ordinance, are hereby repealed. The repeal of those ordinances does not affect or impair any act done, offense committed, or right accruing, accrued, or acquired, or liability, penalty, forfeiture, or punishment incurred prior to the time enforced, prosecuted, or inflicted.

**26.9 Enactment and Effective Date.** This Zoning Ordinance was adopted by the Onaway City Commission on June 20, 2011 after recommendation of the same by the Onaway Planning Commission on June 6, 2011, following a public hearing on June 6, 2011. Notice of adoption of this ordinance was published in newspapers of general circulation in the City on June 24, 2011. The zoning ordinance shall take effect on July 2, 2011.

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GARY WREGGLESWORTH, MAYOR

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KELLI STOCKWELL, CLERK