

CITY OF POTTERVILLE

Zoning Ordinance
Ordinance No. 138

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ORDINANCE NO. 138

ZONING ORDINANCE OF THE CITY OF POTTERVILLE

PREAMBLE

An ordinance to provide for the establishment of zoning districts to encourage and regulate the use of land and the proper location of buildings and structures for residence, trade, industry, or other purposes; to regulate the height and bulk of the buildings, the density of population, and the minimum dimensions of yards, courts, and other open spaces; to provide for the administration, enforcement, penalties for violation, and amendment of said ordinance.

Whereas, Act 207, P.A. 1921, as amended, empowers the city to enact a zoning ordinance and to provide for its administration, enforcement, and amendment; and

Whereas, the city council of the City of Potterville deems it necessary for the purpose of promoting and protecting the health, safety, morals, and general welfare of the people of the city to enact such an ordinance; and

Whereas, the city council, pursuant to the provisions of Act 285, P.A. 1931, as amended, has appointed a planning commission to recommend the boundaries of the various zoning districts and appropriate regulations to be enforced therein; and

Whereas, the planning commission has divided the city into districts and has prepared regulations pertaining to such districts in accordance with a master plan; and

Whereas, all requirements of Act 207, P.A. 1921, as amended, and Act 285, P.A. 1931, as amended, with regard to the preparation of this ordinance and subsequent action of the city council have been met;

The City of Potterville, under the authority of Act 285 of the Michigan Public Acts of 1931, as amended, and Act 207 of the Michigan Public Acts of 1921, as amended, hereby ordains as follows:

ARTICLE 1- SHORT TITLE

This ordinance shall be known as the “Zoning Ordinance of the City of Potterville.”

ARTICLE 2
PURPOSE

It is the purpose of this zoning ordinance to promote the public health, safety, morals, comfort, convenience, and general welfare of the inhabitants of the City of Pottersville by encouraging the use of lands and natural resources in the city in accordance with their character, adaptability, and suitability for particular purposes; to enhance social and economic stability; to prevent excessive concentration of population; to reduce hazards caused by flooding; to conserve and stabilize the value of property; to provide adequate open space for light and air; to prevent fire and facilitate the fighting of fires; to allow for a variety of residential housing types and commercial and industrial land uses; to lessen congestion on the public streets and highways; to facilitate adequate and economical provision of transportation, sewage, drainage, water supply and distribution, educational and recreational facilities, and the development in accordance with the objectives and policies contained in the Master Plan for the City of Pottersville; and to provide for the administration and enforcement of such standards. It is not the purpose of this zoning ordinance to, in any way, impose hardship or imposition on present or future owners of properties developed at the time of its adoption. It is also not intended to correct all past errors or omissions that have occurred in the city zoning.

ARTICLE 3
DEFINITIONS

3.01 RULES APPLYING TO THE TEXT

For the purpose of this ordinance, certain rules of construction apply to the text as follows:

1. Words used in the present tense include the future tense; and the singular includes the plural, unless the context clearly indicates the contrary.
2. The word “person” includes a corporation or firm as well as an individual.
3. The word “building” includes the word “structure.”
4. The word “lot” includes the words “plot,” “tract,” or “parcel.”
5. The term “shall” is always mandatory and not discretionary; the word “may” is permissive.
6. The word “used” or “occupied” as applied to any land or building shall be construed to include the words “intended, arranged, or designed to be used or occupied.”
7. Any word or term not interpreted or defined by this article shall be used with a meaning of common standard utilization.

3.02 DEFINITIONS

For the purpose of this ordinance, certain terms or words used herein shall be interpreted or defined as follows:

1. Accessory Building: A subordinate building or structure on the same lot with a principal or main building.
2. Accessory Use: A use customarily incidental and subordinate to the principal use.
3. Alley: Any dedicated public way other than a street that provides only a secondary means of access to abutting property and is not intended for general traffic circulation.
4. Basement: A story having at least one-half (1/2) of its height below finished grade. A basement shall be counted as a story for the purpose of height measurement if the vertical distance between the ceiling and the average level of adjoining ground is no more than five (5) feet.
5. Building: Any structure having a roof supported by columns or by walls and that is intended for the shelter, housing, or enclosure of persons, animals, or property.
6. Building, Height of: the vertical distance measured from the finished grade line to the highest point of the roof for flat roofs; to the deck line of mansard roofs; and to the mean height level between eaves and ridge for gable, hip, and gambrel roofs.
7. Building Lines: A line defining the minimum front, side, and rear yard requirements outside of which no building or structure may be located.
8. Building, Principal: A building in which is conducted the main or principal use of a lot on which it is located.

9. Clubs: An organization catering exclusively to members and their guests or premises and buildings for recreational, artistic, political, or social purposes that are not conducted primarily for profit and that do not provide merchandising, vending, or commercial activities except as required incidentally for the membership and purpose of such club.
10. Conservation Easement: An interest in land that provides limitation to the use of land or a body of water or requires or prohibits certain acts on or with respect to the land or body of water, whether or not the interest is stated in the form of a restriction, easement, covenant, or condition in a deed, will, or other instrument executed by or on behalf of the owner of the land or the body of water or in an order of taking, which interest is appropriate to retaining or maintaining the land or body of water, including improvements on the land or body of water, predominantly in its natural, scenic, or open condition, or in an agricultural, farming, open space, or forest use, or similar use or condition. (Amended by Ordinance 202).
11. Coverage: That percent of the lot covered by all principal and accessory buildings.
12. Day-Care Facility: A facility for the care of children under eighteen (18) years of age, as licensed and regulated by the state under Act 116 of the Public Acts of 1973 and the associated rules promulgated by the Michigan Department of Social Services. Such organizations shall be further defined as follows:
 - a. Child-Care Center: A facility, other than a private home, where One (1) or more children are received for care and supervision.
 - b. Family Day-Care Home: A private home in which one (1) to six (6) children are received for care and supervision, including those children less than seven (7) years old in the resident family. This number shall not include more than two (2) children less than twelve (12) months old.
 - c. Group Day-Care Home: A private home where seven (7) to twelve (12) children are received for care and supervision. This number shall not include more than (2) children younger than two (2) years old.
13. Density: The number of dwelling units residing upon, or to be developed upon, a net acre of land. The measurement of a net acre shall not include the right-of-way.
14. Driveway: A space on a lot, not to exceed in width thirty (30) percent of the width of the lot or thirty-six (36) feet whichever is less, except where such space forms an apron to the entrance of a garage, specifically designated and used by licensed motor vehicles to provide access from parcels of land to a public or private street. For parcels that occupy a corner lot the total width of all driveways shall not exceed thirty (30) percent of the width of the street address. (Added by Ordinance 10-221).
15. Dwelling: Any building or portion thereof that is used or designed or used exclusively for residential purposes.
16. Dwelling, Multiple-Family: A building or portion thereof that is used or designed to contain separate living units for three (3) or more families, but that may have joint services and/or facilities.

17. Dwelling, Single Family: A detached building that is designed for or occupied exclusively by one (1) family.
18. Dwelling, Two (2) Family: A detached or semi-detached building that is designed for or occupied exclusively by two (2) families living independent of each other.
19. Dwelling Unit: A building or portion thereof that is designed exclusively for residential occupancy by one (1) family and that has cooking facilities.
20. Erecting: The building, construction, alteration, reconstruction, moving upon, or any physical activity upon a premises or lot.
21. Essential Services: The erection, construction, alteration, or maintenance by public utilities or municipal departments or commissions of underground or overhead gas, electrical, telephone transmission or distribution system, including poles, wire, mains, drains, sewers, pipes, conduits, cables, towers, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith but not including buildings reasonably necessary for the furnishing of adequate service by such public utilities, departments, or commissions.
22. Family: An individual or two (2) or more persons related by blood, marriage, or adoption or a group of persons not related by blood or marriage, occupying a premises and living as a single, non-profit housekeeping unit with single culinary facilities as distinguished from a group occupying a boarding house, lodging house, hotel, club, fraternity, or similar dwelling for group use.
23. Farm: Any parcel of land that is used in the raising of agricultural crops. It includes necessary storage of equipment used. It excludes livestock operations, the raising of fur-bearing animals, and riding academies.
24. Fence: A freestanding structure resting on or partially buried in the ground and/or rising above ground level, which forms a barrier which is not otherwise a part of any building or other structures and is used to delineate a boundary, or as a means of confinement, screening or privacy.
25. Ornamental Fence: A man made structure in which the surface area is more than 50 percent open. Ornamental fences do not include chain link or any form of wire construction, not to exceed 4 feet in height.
26. Floor Area: Sum of the gross horizontal areas of the floors of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating dwelling units. For the purpose of determining parking area requirements, floor area shall exclude areas used for storage, housing of mechanical equipment, and maintenance facilities.
27. Garage, Private: An accessory building or an accessory portion of a principal building designed or used primarily for the storage of non-commercial motor vehicles, boats, snowmobiles, and similar vehicles owned and used by the occupants of the building to which it is accessory.

28. Greenway: A contiguous or linear open space, including habitats, wildlife corridors, and trails, that link parks, nature reserves, cultural features, or historic sites with each other, for recreation and conservation purposes. (Amended by Ordinance 202).
29. Gasoline Service Station: Any area of land, including any structure or structures thereon, that is used to designate for the supply of gasoline or oil or other fuel for the propulsion of vehicles. For the purpose of this ordinance, this term shall also mean any area or structures used or designed for polishing, greasing, washing, dry cleaning, spraying (but not including painting), or otherwise cleaning or servicing such motor vehicles.
30. Home Occupation: An accessory use of a service or professional character, conducted within a dwelling by the family residents thereof, that is clearly secondary and incidental to the use of the dwelling for living purposes and that does not change the character thereof.
31. Junk Yard: Any land or building over two hundred (200) square feet in area used for abandonment, storage, keeping, collecting, or baling of paper, rags, scrap metals, other scrap, or discarded materials or for the abandonment, demolition, dismantling, storage, or salvaging of automobiles or other vehicles or machinery or parts thereof.
32. Kennel: Any lot or premises used for the sale, boarding, or breeding of dogs, cats, or other household pets. Kennel shall also mean the keeping of three (3) dogs, cats, and/or other household pets over the age of six (6) months.
33. Landscaping: A man made configuration of bark, brick, stone, plant life, (excluding sod) or other decorative materials, approved by the City manager in advance.
34. Lot: A parcel of land occupied or intended for occupancy by a use permitted in this ordinance, including one (1) main building with its accessory buildings and providing the open spaces, parking spaces, and loading spaces required by this ordinance, provided that the owner of any number of contiguous lots may have as many of said contiguous lots considered a single lot for the purpose of this ordinance and he/she elects; and, in such case, the outside perimeter of said group of lots shall constitute the front, rear, and side lot lines thereof.
 - a. Corner Lot: A lot that has at least two (2) contiguous sides abutting upon a street for their full length.
 - b. Interior Lot: A lot other than a corner lot.
 - c. Through Lot: An interior lot having frontage on two (2) streets that do not intersect at a point contiguous to such lot.
35. Lot, Depth of: The mean distance from the front lot line of the lot to its opposite rear line measured perpendicular to such lot line.
36. Lot Lines: The lines bounding a lot as herein described. (Amended by Ordinance 208).
 - a. Front Lot Line: The line that separates the lot from the street right-of-way line. In the case of a through lot, all lot lines abutting a street.
 - b. Rear Lot Line: Lot line that is opposite the front line. In the case of a lot with side lot lines converging at the rear, the rear lot line shall be an imaginary line

parallel to the front lot line, not less than twenty (20) feet long, lying farthest from the front lot line and wholly within the lot. In the case of through lots, there shall be no rear lot line.

- c. Side Lot Line: Any lot line other than the front lot or the rear lot line.
 - d. Corner Lots: For corner lots, all lot lines abutting a street shall be considered front lot lines. All other lot lines shall be considered side lot lines.
37. Lot of Record: A lot is part of a subdivision, the map of which has been recorded in the office of the register of deeds in Eaton County or a lot described by meters and bounds, the deed to which has been recorded in the office of the register of deeds in Eaton County.
38. Lot, Width of: The width measured along the front lot lines. In the case of corner lots, the shorter line abutting a street. In the case of through lots, the lot line providing primary access to the lot. In the case of irregularly shaped lots with nonparallel side lot lines, a lesser frontage at the street line may be permitted, provided that the lot width at the building line is equal to the specified lot width for that district. Similarly, for irregularly shaped corner lots, the lot width requirement must be met at the building line. (Amended by Ordinance 208).
39. Major Thoroughfare: A public street with the principal use or function of providing an arterial route for through traffic and the secondary use or function of providing access to abutting property.
40. Medical Clinic: An establishment where human patients who are not lodged overnight are admitted for examination and treatment by a group of physicians, dentists, or similar professionals.
41. Minor Street: A public way with the principal use or function of giving access to abutting properties.
42. Mobile Home: A structure, transportable in one (1) or more sections that is built on a chassis and designed to be used as a dwelling with or without permanent foundation when connected to the required utilities and that includes the plumbing, heating, air conditioning, and electrical systems in the structure. Mobile home does not include a recreational vehicle.
43. Mobile Home Park: A parcel or tract of land upon which three (3) or more mobile homes are located on a continual non-residential basis that is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for the occupancy of a mobile home.
44. Motel/Hotel: A building or group of buildings, whether detached or in connecting units, used as individual sleeping or dwelling units designed primarily for transient automobiles travelers and providing for accessory off-street parking facilities.
45. Nursing Home: A nursing home is a home for the care of the aged or infirm; or it is a place of rest for those suffering bodily disorders, wherein three (3) or more persons

- are cared for. Said home shall conform to the quality for the Department of Public Health's Policies, criteria, and Guidelines license.
46. Open-Air Businesses: Outdoor sales of products such as, but not limited to, landscaping materials, plant materials not grown on the site, lawn furniture, playground equipment, and garden supplies.
 47. Open Space: The common open space designed and developed for use by the occupants and lot owners of a development, or by others, for recreation (whether active or passive) which space is effectively separated from vehicular traffic and off-street parking that is readily accessible. The term shall not include space devoted to streets, driveways, utility easements, and off-street parking lots. (Amended by Ordinance 202).
 48. Open Space Development (OSD): A development option as authorized by Act 179 of the Public Acts of 2001, as amended (now MCL 125.584(f), and applied for, developed and completed in accordance with the requirements in this Ordinance in general and the requirements in Section 4.13 of this Ordinance in particular. (Amended by Ordinance 202).
 49. Planned Unit Development: A land area that has both individual building sites and common property, such as a park, and that is designed and developed under one (1) owner or organized group as a separate neighborhood or community unit.
 50. Portable Structure: A portable garage, cabin, structure or partial structure that is designed to be moved easily and is not permanently attached to the ground, structure or building. (Amended by Ordinance 217).
 51. Principle Use: The main use to which the premises are devoted and the principle purpose for which the premises exist.
 52. Public or Institutional Uses: Churches; accredited public, parochial, or private schools; trade schools or colleges; hospitals and nursing homes; parks, non-profit recreational uses; libraries, government-owned facilities; cemeteries; fire stations; or similar uses providing service necessary to the community.
 53. Public Utility: Any person, firm, corporation, municipal department, or board fully authorized to furnish to the public with electricity, gas, steam, telephone, telegraph, transportation, or water.
 54. Recreational Vehicle: A vehicle or equipment intended for temporary or periodic use for recreational or leisure pursuits. Such vehicles shall include, but are not limited to, boats, airplanes, special purpose automobiles, floats, rafts, trailers, snowmobiles, RTVs and ATVs, camping or travel trailers, motorized homes, detachable travel equipment of the type adaptable to light trucks, and other equipment or vehicles of a similar nature.
 55. Setback: The minimum horizontal distance between a structure, including steps and unenclosed porches, and the front or right-of-way or lot line. (Amended by Ordinance 192).
 56. Signs and Billboards: (Amended by Ordinance 201).

- a. Awning: A retractable or fixed shelter constructed of non-rigid materials on a supporting framework that projects from the exterior wall of a building.
- b. Awning Sign: A sign affixed flat against the surface of an awning.
- c. Balloon Sign: A sign composed of a non-porous bag of material filled with air.
- d. Banner Sign: A fabric, plastic, or other sign made of non-rigid material without enclosing structural framework.
- e. Billboard: An off-premise sign which advertises and establishment, product, service, or activity not available on the premises on which the sign is located.
- f. Canopy: A freestanding roof-like structure built on one (1) or more support posts, designed to offer protection from the weather.
- g. Canopy Sign: A sign painted or attached directly to and parallel to the exterior face of a canopy roof and extending no greater than twelve (12) inches from the exterior face of the canopy to which it is attached.
- h. Construction Sign: A sign which identifies the owners, financiers, contractors, architects, and engineers of a project under construction.
- i. Directional Sign: A sign which gives directions, or facility information for the use on the lot on which the sign is located, such as parking or exit or entrance signs.
- j. Freestanding Sign: A sign supported on poles not attached to a building or wall.
- k. Government Sign: A temporary or permanent sign erected by the City of Potterville, Eaton County, or the state or federal government.
- l. Ground Sign: A sign resting directly on the ground or supported by short poles not attached to a building or wall.
- m. Incidental Sign: A sign that identifies safety precautions, identifying logos without text, and other such incidental information, and which sets forth no other advertisement intended to be read from the street.
- n. Marquee: A permanent structure constructed of rigid materials that projects from the exterior wall of a building.
- o. Marquee Sign: A sign affixed flat against the surface of a marquee.
- p. Mural: A design or representation painted or drawn on a wall which does not advertise and establishment, product, service, or activity.
- q. Name Plate: A sign that identifies a street address, house numbers and which sets forth no other advertisement intended to be read from the street.
- r. ff-Premise Sign: A sign which relates to or advertises an establishment, product, merchandise, good, service or entertainment which is not located, sold, offered, produced, manufactured or furnished at the property on which the sign is located.
- s. On-Premise Sign: Any sign which pertains solely to the use of the property on which it is located, such as to an establishment, product, merchandise, good, service or entertainment which is located, sold, offered, produced, manufactured or furnished at the property on which the sign is located.

- t. Placard: A sign not exceeding two (2) square feet which provides notices of a public nature, such as “No Trespassing” or “No Hunting” signs.
 - u. Political Sign: A temporary sign used in connection with noncommercial message or an official City, school district, county, state, or federal election or referendum.
 - v. Portable Sign: A sign designed to be moved easily and not permanently attached to the ground, a structure, or a building.
 - w. Projecting Sign: A double-faced sign attached to a building or wall that extends more than eighteen (18) inches but not more than thirty-six (36) inches from the face of the building or wall.
 - x. Reader Board: A portion of sign on which copy is manually changed.
 - y. Real Estate Sign: A sign advertising the real estate upon which the sign is located as being for sale, rent, or lease.
 - z. Roof Line: The top edge of a roof or parapet wall, whichever is higher, but excluding any cupolas, chimneys, or other minor projections.
 - aa. Roof Sign: A sign erected above the roof line of a building.
 - bb. Sign: A device, structure, fixture, or placard using graphics, symbols, and/or written copy designed specifically for the purpose of advertising or identifying an establishment, product, service, or activity.
 - cc. Special Event Sign: Temporary and portable signs containing public messages concerning special events sponsored by governmental agencies or non-profit organizations.
 - dd. Temporary Sign: A sign not permanently attached to the ground, a structure, or a building. Temporary signs may include banners, portable signs, and any other sign displayed for a limited period of time.
 - ee. Wall Sign: A sign painted or attached directly to and parallel to the exterior wall of a building extending no greater than eighteen (18) inches from the exterior face of the wall to which it is attached.
 - ff. Window Sign: A sign installed inside a window and intended to be viewed from the outside.
57. Site Condominium Subdivision: The division of land on the basis of condominium ownership whereby a master deed is required in accordance with the Condominium Act, Act 59 of 1978, as amended.
58. State-Licensed Residential Facility: A structure constructed for residential purposes that is licensed by the state pursuant to Act 287 of the Public Acts of 1972, as amended, or Act 116 of the Public Acts of 1973, as amended, that provides resident services for seven (7) or more persons under twenty-four (24) hour supervision or care for persons in need of that supervision or care.
59. Story: That portion of a building included between the surface of any floor and the surface of the next floor above it; or, if there is no floor above it, story means the space between the floor and the ceiling next above it.

60. Street: A dedicated public right-of-way, other than an alley, that affords the principal [means] of access to abutting property.
61. Structural Alterations: Any change in the supporting members of a building, such as bearing walls, columns, beams, or girders, or any substantial changes in the roof and exterior walls.
62. Structure: Any constructed, erected, or placed material or combination of materials in or upon the ground having a fixed location, including but not limited to buildings, radio towers, billboards, light posts, swimming pools, fences, animal enclosures, garages, sheds, decks, platforms, satellite dishes, gazebos, tennis courts, signs, and storage bins, but excluding lawful plants serving as fences, sidewalks, and paving on streets, driveways, patios, or parking areas. (Amended by Ordinance 189).
63. Swimming Pool: Any structure or container, located either above or below grade, that [is] designed to hold water to a depth greater than twenty-four (24) inches and that is intended for swimming or bathing.
64. Undeveloped State: A natural state preserving natural resources, natural features, or scenic or wooded conditions; agricultural use; or a similar use of condition. Land in an undeveloped state does not include a golf course but may include a recreational trail, picnic area, children's play area, greenway, or linear park. Land in an undeveloped state may be, but is not required to be, dedicated to the use of the public. (Amended by Ordinance 202).
65. Travel Trailer Parks: Travel trailer parks for the temporary accommodation of recreational vehicles with or without tents or tent trailers and operated on a seasonal basis between May 1 and December 1. Travel trailer parks may include customary incidental uses, such as management headquarters, recreational facilities, toilets, showers, and laundry facilities.
66. Use: The purpose for which land or a building is arranged, designed, or intended or for which land or a building may be occupied.
67. Vehicle: Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices propelled by human power or used exclusively upon stationary rails or tracks.
68. Yard: An open space on the same lot with a building, unoccupied and unobstructed from the ground upward, except as otherwise provided herein. The measurement of a yard shall be construed as the minimum horizontal distance between the lot line and the building line.
69. Yard, Front: A yard extending across the front of a lot between the side lot lines and measured between the front line of the lot and the nearest point of the main building or land use.
70. Yard, Rear: A yard extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the side lines of the lot. The depth of the rear yard shall be measured between the rear line of the lot or the centerline of the alley, if there is an alley, and the rear line of the building.

71. Yard, Side: An open, unoccupied space on the same lot with the building, situated between the building and the side line of the lot and extending from the front yard to the rear yard. Any lot line that is not a front line or a rear line shall be deemed a side line.

ARTICLE 4
GENERAL PROVISIONS

4.01 ACCESS TO A STREET

Any lot of record created after the effective date of this ordinance shall have frontage on a public street. Any one (1) lot of record created before the effective date of this ordinance without any frontage on a public street shall not be occupied without access provided by an easement or other right-of-way no less than twenty (20) feet wide.

4.02 ACCESSORY BUILDINGS (Amended by Ordinance 208 & 217). Accessory buildings may be erected as a part of the principal building or may be connected to it by a roofed-over porch, patio, breezeway, or similar structure; or they may be completely detached. This article does not differentiate between portable and non-portable structures. If attached to the principal building, an accessory building shall be made structurally a part of it and shall comply in all respects with the requirements applicable to the principal building.

An accessory building not attached and not made a part of the principal building, as provided in the preceding statement, shall not be nearer than ten (10) feet from any other separate structure on the same lot. No unattached accessory building may be used for dwelling. No building in the rear of and on the same lot with a principal building shall be used for residential purposes.

1. Garages: The following standards shall be met for all private garages in residential districts:
 - a. The roof pitch on any garage shall not exceed that of the principal building.
 - b. The roof shall be of conventional wood construction and shall have a conventional roofing application and have an overhang of no less than six (6) inches.
 - c. If trusses are used, they will be spaced no greater than two (2) feet on center and will be of engineered design.
 - d. Roof height will be no greater than eighteen (18) feet from the ground to the peak.
 - e. There will be a floor area no greater than seven hundred seventy (770) square feet.
 - f. There shall be no unpainted metal siding.
 - g. There shall be a floor of concrete and/or equal quality in any garage.

The garage shall be aesthetically compatible in design and appearance with the principal buildings in the vicinity. The compatibility of design shall be determined in the first instance by the zoning administrator, upon review of the plans submitted for a particular garage, subject to the appeal by an aggrieved party to the zoning board of appeals. Any determination of compatibility shall be based upon the standard set forth in subparagraphs A through G above, as well as the character, design, and appearance of one (1) or more residential buildings located outside of the immediate vicinity. The foregoing shall not be construed to

prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard design garages.

2. Setbacks for Accessory Buildings:

- a. No accessory building shall project into any required front yard setback area.
- b. No accessory building shall be closer than three (3) feet to any lot line.
- c. No accessory building shall be erected closer to any side lot line than the permitted distance for a dwelling within a residential district except when an accessory building is located ten (10) feet or more to the rear of the principal dwelling where an accessory building shall be no closer than three (3) feet to the side lot line.
- d. No accessory building shall be closer to the side street lot line than the side yard setback of the principal building on the lot. Where the rear line of a corner lot coincides with the side line of an adjoining lot in a residential district, an accessory building shall not be closer than eight (8) feet to the common lot line.
- e. An accessory building shall not occupy more than forty (40) percent of the area of any rear yard.

4.03 FALLOUT SHELTERS

Fallout shelters are permitted uses and structures in any district, subject to the yard and lot coverage regulations of the district. Such shelters may contain or be contained in other structures or may be constructed separately and, in addition to shelter use, may be used for any accessory use permitted in the district, subject to the district regulations for such use.

4.04 GREENBELT REGULATIONS

1. A greenbelt shall be required in the side and/or rear yards of any commercial or industrial use that abuts a residential district. A greenbelt shall be defined as a strip of land that is not less than ten (10) feet in width and that is planted and maintained with [trees] and shrubs; a greenbelt may include berms, walls, or fences, as required by the planning commission, so as to create as permanent dense buffer between land uses.
2. To determine greenbelt requirements, the following procedures shall be followed:
 - a. Identify the zoning of the proposed land use to be developed.
 - b. Identify the zoning of the adjacent land uses.
 - c. If the zoning of the proposed land use to be developed is B-1, B-2, B-3, I-1, or I-2 and the zoning of the adjacent land uses is R-1, R-2, or R-3, a greenbelt is required to the following specifications:
 - X = Deciduous tree
 - @ = Evergreen tree
 - * = Shrub
 - Double line represents fence or wall
 - B = Berm

- a) If the proposed land use is in a B-1, B-2, B-3, or I-1 District and adjacent zoning is R-3, the greenbelt development requirements per one hundred (100) feet are:

X X X X * * Ten (10) feet
OR
* @ X X X Fifteen (15) feet
OR
@ X X * Twenty (20) feet
OR
X X * Twenty-five (25) feet

- b) If the proposed land use is in a B-1, B-2, B-3, or *-1 District and adjacent zoning is R-1 or R-2, the greenbelt development requirements per one hundred (100) feet:

X X X X * * Twenty (20) feet
X X X X * * @ Twenty (20) feet B
X X X @ * Twenty-five (25) feet
X X @ * Thirty (30) feet

- c) If the proposed land use is in an I-2 District and adjacent zoning is R-1, R-2, R-3, the greenbelt development requirements per one hundred (100) feet are:

* * X X X X X X Twenty-five (25) feet
@ * * X X X X Thirty (30) feet
@ * X X X X X Forty (40) feet
@ * X X X X Fifty (50) feet

- d) Other appropriate screen that meets the equivalent of the standards specified may be allowed contingent upon approval of a plan submitted to the planning commission.

3. Whenever a greenbelt is required by this ordinance, it shall be constructed and landscaped within six (6) months of the date of issuance of the certificate of occupancy.
4. Plant material shall be maintained in a healthy and growing condition. Withered or dead plant material shall be replaced within a reasonable time or not longer than one (1) growing season.
5. Berms shall be defined as earthen mounds at least three (3) feet in height above the highest ground elevation within twenty (20) feet of the greenbelt. Berm slopes shall be one (1) foot vertical per three (3) feet horizontal to prevent erosion. The berm shall be continuous along that portion of the greenbelt that abuts adjacent residential uses except for pedestrian and vehicular access as approved by the planning commission.
6. Walls and fences required for greenbelts are subject to the following requirements.

- a. Walls or fences shall be less than six (6) feet high. Walls or fences built on top of berms may include the berm height in calculating the height.
- b. Walls or fences shall have no opening except as may be approved by the planning commission.
- c. Lumber shall be spruce, cedar, redwood, or wolmanized or of equal construction quality of grade.
- d. Grade of lumber shall be at least construction grade.
- e. An anchor post set in concrete a minimum of eight (8) inches thick and sixteen (16) inches deep and six (6) inches wider than the post (or other equivalent anchoring) shall be located at fence ends, corners, and at approximately twenty (20) foot centers for all types of woodscreening fences.
- f. Wood walls may be permitted for screening, provided that they are similar to one (1) of the following wall types: board; staggered board; wood (one (1) inch x four (4) foot screen); board and batten; solid stockade fence; panel; or solid picket.

4.05 PARKING OF VEHICLES IN RESIDENTIAL DISTRICTS (Amended by Ordinance 10-221).

1. In those residential districts described in Article 5, Zoning Districts, section 4.05, inclusive, and delineated upon the official zoning map established, no person shall park or place a motor vehicle, recreational vehicle i.e. trailer or watercraft in a front yard. However, this section shall not apply:
 - a. To vehicles parked or placed in a driveway;
 - b. While engaged in actual loading and unloading, not to exceed twelve (12) hours;
 - c. While engaged in washing or cleaning of a vehicle, not to exceed twelve (12) hours;
 - d. Where parking areas were legally established by designating front yard parking on plot plans in connection with plans submitted for building permits which were issued prior to the effective date of this chapter;
 - e. Where prior to such effective date, parking areas were established in front yards as an accessory use to a lawful conforming use by the development of a hard-surfaced parking areas;
 - f. Where any person parking or placing any motor vehicle, trailer, or watercraft in a front yard is handicapped and has been issued a valid certificate attesting thereto, pursuant to Public Act 300 of 1949, as amended (MCLA 257.1 et seq., as amended).
2. No recreational vehicle parked or stored outdoors shall be connected to electricity, water, gas or sanitary features for living purposes. Nor shall the same be used for living or lodging purposes, without obtaining up to a seven (7) day temporary permit.
3. Commercial Vehicles – For R-1, R-2, and R-3 Districts not more than one (1) commercial motor vehicle not exceeding one ton rated capacity shall be permitted per housing unit, provided that no truck trailers shall be permitted.
4. Surfacing – Unless otherwise provided for in this section, all off-street parking areas, access lanes, driveways and other vehicle maneuvering areas shall be hard-surfaced with a

durable and smooth surface, or alternatively, with continuous ribbon strips consisting of asphalt, concrete or brick pavers. Improved surfaces in the back yard will not exceed thirty (30) percent of the area of the back yard.

5. Citations can be issued by the Zoning Administrator in cases of non-compliance as allowed in Section 25.06 of this ordinance. All parking situations found to be non-conforming at the time of this ordinance shall be notified in writing by the Zoning Administrator of their non-conforming status within six (6) months. All non-conforming cases shall be given notice to comply within ninety (90) days or seek a variance before the Zoning Board of Appeals. No fee for variance request will be charged per Section 24.12 of this ordinance.

4.06 REAR DWELLING PROHIBITED (Amended by Ordinance 150).

No Building in the rear of and on the same lot with a principal building shall be used for residential purposes.

4.07 REQUIRED WATER SUPPLY AND SANITARY SEWAGE FACILITIES

After the effective date of this ordinance, no structure shall be erected, altered, or moved upon a lot or premise and used in whole or in part for dwelling, business, industrial, or recreational purposes unless it shall be provided with safe and effective means of collection, treatment, and disposal of human excrement and domestic, commercial, and industrial wastes. All such installations and facilities shall conform with the minimum requirements of the Eaton County Health Department and the State of Michigan Health Department.

4.08 REVIEW OF BUILDING DESIGN NEAR PUBLIC BUILDINGS AND SITES

The design of proposed non-residential buildings within five hundred (500) feet of the nearest property line of public parks; scenic areas; and buildings, such as community centers, city office buildings, libraries, schools, or hospitals, shall first be approved by the zoning administrator, subject to appeal by an aggrieved party to the zoning board of appeals. The purpose of this requirement is to prevent the occurrence of inappropriate structural appearance of building designs intended to attract attention of potential customers and patrons in proximity to improvements in which the public has invested tax monies. The board of appeals may request recommendations from the planning commission and city council before making its determination.

4.09 SITE CONDOMINIUM SUBDIVISIONS (Amended by Ordinance 177).

Pursuant to the authority of Section 141 of the Condominium Act, Public Act 59 of 1978 as amended, all site condominium subdivisions shall meet the following requirements and procedures.

1. All site condominium subdivisions shall require site plan approval by the planning commission in accordance with Article 21 of this ordinance. In addition to the information required in Article 21 of this ordinance, the following information shall also be included for site plan review:

- a. A condominium subdivision plan as required in Section 66 of the Condominium Act.
 - b. All information as required in the City of Potterville Subdivision Regulations, as amended.
 - c. Documented proof of review by Eaton County Road Commission, the drain commissioner, the health department, the Michigan Department of Transportation, and the Michigan Department of Natural Resources.
2. All site condominium subdivisions shall meet the requirements of the zoning district in which it is located, including minimum lot size and minimum setbacks.
 3. All site condominium subdivisions shall meet the subdivision design standards and subdivisions improvement requirements, and performance contract, and/or bond, for public improvements requirements of the City of Potterville Subdivision Regulations, as amended.
 4. The City of Potterville's clerk shall be furnished with a copy of the recorded master deed, as defined in Section 8 of the Condominium Act. The master deed must ensure that the City of Potterville will not be responsible for the maintenance or liability of the non-dedicated portions of the subdivision, that all private roads will be properly maintained, that snow removal will be provided, and that there is adequate access and turnaround for emergency vehicles. Responsibility for the maintenance of storm water retention areas, drainage easements, drainage structures, lawn cutting, and other general maintenance of common areas must be clearly stated.
 5. The zoning administrator shall be furnished with two (2) copies of all as-built drawings, at the expense of the developer, for review by the engineer representative for the city, to assure compliance with all city ordinances prior to the issuance of any building permits. Fees for this review shall be the actual costs incurred. Said as-built drawings shall become the property of the city.

4.10 TEMPORARY BUILDINGS INCIDENTAL TO CONSTRUCTION WORK

Temporary buildings for uses incidental to construction work shall be permitted in all districts, provided such buildings shall be removed upon the completion or abandonment of the construction work or within the period of one (1) year, whichever is less. One (1) additional year may be permitted by the zoning administrator if it can be demonstrated that construction is proceeding diligently toward completion.

4.11 TEMPORARY DWELLING

No structure shall be used for dwelling purposes that is not considered a standard dwelling structure as defined in this ordinance. No detached garage or other accessory building, tent, cabin, partial structure, whether of a fixed or portable construction, shall be erected or moved onto a lot and used for any dwelling purpose for any length of time unless authorized by the zoning administrator by the issuance of a temporary permit.

4.12 FENCES, WALLS AND SCREENS (Amended by Ordinance 148, 189, 208 & 138).

1. Permit. Any person or corporation desiring to build or erect a fence, wall, or screen within the City of Potterville shall first apply to the Zoning Administrator for a permit before construction. Application for such permit shall contain any and all information, including drawings, required and necessary for the determination of whether the erection of such fence, wall or screen would be contrary to the provisions of this ordinance. For fences, walls, or screens, a survey shall be obtained at the cost of the person applying for the permit indicating property corners, and shall be filed at the time when the application is made. For fences, walls, or screens, the property corners shall be marked and the corners of where the proposed fence, wall or screen shall be marked so that the Zoning Administrator is able to inspect the location of the proposed fence.
2. Standards. It shall be unlawful for any person or corporation to construct or erect any fence, wall or screen upon any property within the City of Potterville, except in accordance with the requirements herein provided:
 - A. All fences shall be constructed within the property lines of a parcel or lot as listed on the application. The city shall not be responsible for the determination for the location of any fence, wall, or screen erected on any parcel or lot lines. Fences shall be erected at least three (3) feet from any public sidewalk or right-of-way. No fence shall be erected in such a manner as to create a “dead space” between an existing fence or building and the proposed fence.
 - B. The following height requirements apply to fences, walls, and screens constructed on residential property. For Commercial and Industrial fencings requirements refer to the appropriate zoning ordinance standards.

Location	Minimum Height	Maximum Height	Maximum Opacity
Front Yard	3 feet	4 feet	50%
Side Yard	3 feet	6 feet	100%
Rear Yard	3 feet	6 feet	100%

- C. Gates shall not open over public property, sidewalks, or right-of-way.
- D. Barbed Wire, razor edge fence, spikes, nails, or any sharp point of instrument of any kind on any fence, wall or screen shall not be lawful and are prohibited in residential districts. Electrical fences shall only be permitted in R-R and I-2 Districts. Barbed wire shall not be permitted, except in commercial, and industrial districts, barbed wire may be allowed as a topping for woven-wire industrial type fences; provided that the barbed wire shall be no closer than six (6) feet from ground level. The use of barbed wire shall be included in the site plan and approved by the Planning Commission. The term barbed wire shall include barbed wire fences, fences with sharp or pointed tops, affixed spikes, projecting nails, or other pointed instruments of any kind.

- E. It is the sole responsibility of the land owner in which the fence is erected to install fencing to be plumb, with adequate support, and in a safe manner.
- 3. Clear Vision Requirements. No fence, wall, or screen within 25 feet of any property corner located on any intersection of two or more streets shall be constructed or erected.
 - A. In the case of a corner lot, a 3' ornamental fence will not be allowed within 25 feet of the intersection right-of-way lines. An ornamental fence not more than 2' above the elevation of the sidewalk or roadway, whichever is closer, will be allowed up to 3' of the intersection of the right-of-way lines.
- 4. Landscaping Materials allowed
 - a. Bark, mulch, and plants 2' in height, or less, will be allowed up to the property, lot lines, or right-of-way.
 - b. Brick, stone, or other sizeable material may not be used within 3' of the road right-of-way.
 - c. No plants containing thorns will be permitted in the front setback.

4.13 OPEN SPACE DEVELOPMENT (Amended by Ordinance 202).

1. DESCRIPTION AND PURPOSE

- A. The purpose of a Open Space Development (OSD) is to permit greater flexibility in development than is generally possible under standard District regulations. The intent of the regulations is to foster the preservation of significant natural features, large open spaces, or active agricultural land that would otherwise be developed but will be preserved as a result of the OSD.
- B. These OSD provisions are not intended as a device for ignoring the requirements of this Ordinance and are not intended simply as a means to increase density. These provisions are intended to result in land development substantially consistent with the underlying zoning, but provide a degree of flexibility in design to allow for customization of design to meet the unique natural conditions of a particular site and innovation in design to create a higher quality development than could otherwise be possible with the underlying zoning.

2. QUALIFYING CONDITIONS

- A. The tract of land for which a OSD application is received must be either in one (1) ownership or the subject of an application filed jointly by the owners of all affected properties.
- B. The property which is the subject of an OSD application must be a minimum of twenty (20) contiguous acres in total area and may be located within the Rural Residential (RR) district. The Planning Commission and City Council may consider a lesser development size if the proposed project substantially forwards the intent of the Open Space Development regulations.
- C. The applicant must demonstrate that the property proposed for the OSD contains unique site conditions, significant natural features, large open spaces, or active

agricultural land, which would otherwise be developed but will be preserved as a result of the OSD.

3. *REVIEW PROCEDURES*

A. Sketch Plan Approval

1. To be considered as a OSD the applicant shall be required to first receive approval of a sketch plan in accordance with the requirements of this Chapter.
2. Applications for sketch plan approval for OSDs shall be submitted to the Zoning Administrator at least thirty (30) days prior to the date of first consideration by the Planning Commission.
3. The application materials shall include all the following information, unless the Zoning Administrator determines that some of the required information is not reasonably necessary:
 - a. Current proof of ownership if the land to be utilized or evidence of a contractual ability to acquire such land, such as an option or purchase agreement, or a signed agreement, or a signed agreement from the property owner indicating permission to file such application.
 - b. Parallel Plan used to determine base density that meets the standards of Section 4.13.5, C.
 - c. Written documentation that the proposal meets the standards of Section 4.13.6.
 - d. If a phased development is proposed, identification of the areas included in each phase. The density, lot area and setbacks of proposed housing units within each phase and for the total OSD.
 - e. Arrangement and area calculations for open space, including upland and wetland open space areas.
 - f. A completed application form, supplied by the Zoning Administrator, and an application fee.
 - g. Ten (10) copies of a sketch plan meeting the requirements of (preliminary site plans).
4. The Planning Commission shall review the sketch plan in accordance with the requirements of this Ordinance and deny, approve, or approve with conditions, the sketch plan.

B. Final Site Plan Approval

1. After receiving approval of a sketch plan from the Planning Commission, the applicant shall within one (1) year submit a final site plan to the Planning Commission.
2. The final site plan may be for either the entire project or for one (1) or more phases.

3. Applications for final site plan approval for OSDs shall be submitted to the Zoning Administrator at least thirty (30) days prior to the date of first consideration by the Planning Commission.
4. The application materials shall include all the following information, unless the Zoning Administrator determines that some of the required information is not reasonably necessary:
 - a. Current proof of ownership of the land to be utilized or evidence of a contractual ability to acquire such land, such as an option or purchase agreement, or a signed agreement from the property owner indicating permission to file such application.
 - b. Written documentation that the proposal meets the standards of Section 4.13.6 c. If a phased development is proposed, identification of the areas included in each phase. The density, lot areas and setbacks of proposed housing units within each phase and for the total OSD.
 - d. Arrangements and area calculations for open space, including upland and wetland open space areas.
 - e. A completed application form, supplied by the Zoning Administrator, and an application fee.
 - f. Fifteen (15) copies of a final site plan for the phase for which approval is requested, meeting the requirements of Section 22.3.
5. Failure to submit a final plan for approval within one (1) year period shall void the previous sketch plan approval and a new application shall be required to be submitted and approved in accordance with these provisions.
6. The Planning Commission shall conduct a public hearing prior to considering the proposed final site plan. Notices of the public hearing will be provided in accordance with the requirements of the Zoning Act for special land uses.
7. The Planning Commission shall recommend to the City Council either to deny, approve, or approve with conditions, the final site plan for the OSD. The City Council shall review the final plan in accordance with the requirements of this Ordinance and deny, approve, or approve with conditions, approval of the OSD.
8. Major changes in the final site plan shall be submitted to the City pursuant to the above procedures applicable to the original application.

4. PERMITTED USES

The following uses may be permitted, either singly or in combination, in accordance with the applicable OSD requirements:

- A. Single Family detached dwellings.
- B. Accessory buildings and uses customarily associated with single family detached dwellings.
- C. Agriculture.
- D. Private open space and recreational facilities for use by the residents of the OSD.

5. SITE DEVELOPMENT REQUIREMENT

- A. A minimum lot area of one (1) acre must be maintained and all other requirements shall conform to the dimensional standards of the Rural Residential district.
- B. Land not proposed for development, but used for the calculation of overall density shall be considered open space and subject to the requirements of Section 4.13.5, C.
- C. Development Density.

Parallel Plan: The maximum base density and number of dwelling units permitted in the OSD shall be determined through the completion and submission of a parallel plan which shall indicate the number of dwelling units that may be developed under the existing zoning classification. The parallel plan shall meet the following minimum requirements:

- 1. The parallel plan shall contain enough detail to permit the City to evaluate the feasibility of development for each indicated lot and/or dwelling unit. The Planning Commission may require additional detail or information as it may determine necessary to evaluate the feasibility of the parallel plan.
 - 2. All lots or buildings shown on the parallel plan shall be located on buildable lots, which, for the purpose of this Section shall mean lots or building areas that have an area(s) of sufficient size and shape to accommodate the proposed main building septic and well systems (where no public sanitary sewer or water system is [to] be used), and required driveways, streets, or other means of permitted access.
 - 3. Areas of wetlands, water bodies, and other unbuildable areas shall not be included within buildable areas, but may be included in the lot area calculations.
- D. Open Space: Any open space provided in the OSD shall meet the following considerations and requirements:
- 1. Open space areas shall be large enough and of proper dimensions so as to constitute a useable area, with adequate access, through easements or other similar arrangements, such that all properties within the entire OSD may utilize the available open space.
 - 2. The OSD shall have a minimum of twenty percent (20%) open space. Any area used in the calculation or required open space shall have a minimum width of fifty (50) feet.
 - 3. Evidence shall be given that satisfactory arrangements will be made for the maintenance of such designated land to relieve the City of the future maintenance thereof.
 - 4. Open space may be provided where significant natural features may be preserved and/or be used for passive or active recreation. Open space is

encouraged to be located between neighborhood clusters of housing units, as shown in the accompanying illustration.

5. All land set aside as open space shall be deed restricted, protected by conservation easement, or other similar permanent restriction, to ensure that the open space remains in a natural and undisturbed condition in perpetuity. Land set aside for agriculture may, at the discretion of the property owner(s) be converted to open space, but shall not be used as land for the construction of additional dwellings, nor used for any other development.
6. All open space shall be in the joint ownership of the property owners within the OSD. A property owner's association shall be formed which shall take responsibility for the maintenance of the open space.

E. Development Setback

1. Any building area, which for the purposes of this Section shall mean any lot on which a main use is located, shall be located at least one hundred (100) feet from any public street right-of-way not constructed as part of the OSD.
2. No native or natural vegetation shall be removed from the one hundred (100) foot setback, not any grading or changes in topography occur, except that necessary for entrance roads, required utilities, or drainage improvements.
3. The Planning Commission may modify this requirement provided the applicant demonstrates that the clearing of existing vegetation would contribute significantly to the purpose and objectives of the OSD.
4. The Planning Commission may reduce this setback if existing landscaping provides a natural screen, or the proposed development provides such a landscape screen. In any case, the setback shall be not less than fifty (50) feet. The landscape screen shall meet all of the following minimum requirements:
 - a. Occupy at least seventy percent (70%) of this lineal distance of the property line abutting and public street right-of-way.
 - b. Be on a strip of unoccupied land at least fifty (50) feet in depth.
 - c. Have at least fifty percent (50%) capacity from the roadside view at the time of planting.
 - d. Consist of either existing vegetation, land forms, or landscaped areas using native or natural materials, or a combination thereof.
5. OSD sites abutting more than one (1) public street shall be permitted to reduce the setback on the shortest side of the abutting streets to fifty (50) feet without a natural screen. No native or natural vegetation shall be removed from the fifty (50) foot setback, nor any grading or changes in topography occur, except that may be necessary for entrance roads or utilities.

- F. Design Principles: The overall intent of the Open Space Development regulations is to foster more creative development design, using open space to the advantage of the development, maintaining the rural character of the City, ensuring access to open spaces, preserving natural features, and other design objectives intended

to foster an improved living environment. To this end the following general guidelines will be considered by the Planning Commission and City Council in evaluating proposed Open Space Developments.

1. Open space should be provided where significant natural features may be preserved, active agricultural land maintained, or be used for passive or active recreation.
2. Open space should generally be used to group areas of residential neighborhoods as clusters of housing units. This is intended to avoid the suburban development type normally found in urbanized areas. Generally, neighborhood clusters should have not more than 8-10 units per cluster.
3. The Open Space Development should be designed with due regard for views from adjacent roadways as well as adjacent properties. Where possible, substantial setbacks from adjacent development should be provided, except where internal roadways are designed to connect to adjacent properties for the purpose of providing a network of internal connections between properties.
4. Open space within the development should be generally be accessible from as many places within the development as possible, rather than limited to individual easements between development lots. To this end, providing open space segments along the internal roadways will be considered a high priority by the City. Such areas should be large enough to appear as open space, rather than a vacant lot for future development, and kept in their natural state. Such areas may, however, incorporate trails or other internal pedestrian circulation paths.
5. The overall design of the Open Space Development should emphasize the rural character of the City, provide views to open spaces from as many areas of the development as possible, and avoid long, straight street segments and rows of homes.

6. REVIEW STANDARDS

The following review standards will be used by the Planning Commission and the City Council in their consideration of a OSD. Before such developments may be approved the City Council shall find:

- A. That the OSD meets the stated purposes of Section 4.13.1.
- B. That the OSD does not substantially alter the character of the general area in which the development is proposed.
- C. That the location of the buildings of the OSD do not unduly impact other single family uses in the vicinity of the proposed development.
- D. That the OSD preserves, in perpetuity, unique site conditions, such as significant natural features, large open space areas, or active agricultural land.
- E. That the OSD can accommodate adequate and safe disposal of sanitary sewer and can provide an adequate, assured source of water for domestic use.

1. To evaluate this review standard, the Planning Commission and/or City Council may specify what additional evidence it deems to be acceptable to ensure the review standards are met, including additional soil borings, soil reports, hydrological tests, and other such evidence which will be submitted by the applicant and reviewed by the City prior to approval of the OSD.
2. Such additional information may also include the following provisions related to the objective of groundwater protection.
 - a. The Planning Commission and/or City Council may require specific evidence from the applicant that groundwater sources will be protected and that other environmental concerns are met. Approval of the Eaton County Health Department or other agencies, while required to develop this site, will not be the sole determining factor in this regard.
 - b. The Planning Commission and/or City Council may specify what additional evidence it deems to be acceptable to make this determination, including additional soil borings, soil reports, hydrological tests, and other such evidence which will be submitted by the applicant and reviewed by the City prior to approval of the OSD.
 - c. Such additional studies may be required by the Planning Commission and/or City Council where one (1) or more of the following conditions are present:
 - (1) Existing studies or reports showing evidence of groundwater contamination problems either on the lot or parcel on which the OSD is to be placed, or on lots or parcels within a one (1) mile radius of the OSD site;
 - (2) Existing sites identified by Act 451 or the Michigan Public Acts of 1994, as amended (The Michigan Environmental Response Act) and Michigan Department of Environmental Quality identified LUST (Leaking Underground Storage Tanks) sites within one (1) mile radius of the OSD site;
 - (3) Existing licensed landfills (active or inactive) within a three (3) mile radius of the OSD site.
 - (4) Industrially used or zoned site within a one (1) mile radius of the OSD site.
 - (5) Existing residential development within one (1) miles radius of the OSD site that equals or exceeds a gross density (total acres divided by number of dwelling units) of one unit for every one and onehalf (1.5) acres.
 - (6) Existing agricultural development totaling more than five hundred (500) acres within a one (1) mile radius of the OSD site.
 - (7) Any other condition which in the view of the Planning Commission and/or City Council may require additional information regarding protection of groundwater.
7. CANOPIES AND AWNINGS (Amended by Ordinance 162).
 Canopies and Awnings: Canopies and Awnings, where structural requirements are met, shall be attached to the building without use of support columns. Where support columns for canopies or awnings are required, said support columns shall be subject to the same

regulation and limitations of free-standing signs as set forth in Article XIX of this ordinance.

8. ADULT THEATERS AND ADULT BOOKSTORES (Amended by Ordinance 139).
- 1) Adult bookstores, adult motion picture theaters and adult mini-motion picture theaters, except that no building or land, and no building hereafter erected, converted or structurally altered, shall be used as an adult bookstore, adult motion picture theater or adult minimotion picture theater if that building or land is located within 400 feet of the property line of any residentially or agriculturally zoned district as defined in this Zoning Code or within 2,640 feet of any public school building or facility, and except that no adult bookstore, adult motion picture theater or adult mini-motion picture theater shall be located within 1,000 feet of any establishment that is an adult bookstore, adult motion picture theater, adult minimotion picture theater, and any establishment that provides nude or topless dancing or waiters or waitresses.

Definitions: as used in this subsection:

- A. "Adult Bookstore" means an establishment that has, as a substantial or significant portion of its stock in trade, sexual paraphernalia, books, periodicals, magazines, newspapers, pamphlets, pictures, photographs, motion picture films, and/or videotapes which are distinguished or characterized by their emphasis on matter depicting, describing or relating to nudity, sado-masochistic abuse or sexual conduct.
- B. "Adult Motion Picture Theater" means any establishment, whether in a completely enclosed or not, that offers, for an admission fee, membership fee or other valuable consideration, the viewing during more than twenty-five percent of its operating hours of motion picture films, pictures or photographs, which are distinguished or characterized by their emphasis on nudity, sado-masochistic abuse or sexual conduct.
- C. "Adult Mini-motion Picture Theater" means [an] enclosed building or any portion of building which is used for presenting material distinguished or characterized by [an] emphasis on matter depicting, describing or relating to sexual conduct, nudity or sado-masochistic abuse, by any means of display, including, without limitation, by motion picture, mechanical amusement devices, television (including videotape or closed circuit) or live performance for observation by patrons therein.
- D. "Nudity" means uncovered or less than opaquely covered post pubertal human male or female genitals, pubic area or buttocks.
- E. "Sado-masochistic Abuse" means flagellation or torture by or upon a human.
- F. "Sexual Conduct" means any of the following actual or simulated acts of:
- 1) Human sexual intercourse, homosexual or heterosexual;
 - 2) Human or animal masturbation;

- 3) Bestiality;
 - 4) Fellatio;
 - 5) Cunnilingus; or
 - 6) Human excretory functions.
- 2) The City Planning Commission and City Council, in considering whether a requested use is covered by this Ordinance may consider such relevant factors as it deems necessary, including but not limited to, the following:
- A. The hours of operation and whether said hours of operation are greater than the typical retail establishment.
 - B. Whether any age restrictions are imposed.
 - C. Whether there is a charge for admission to enter the premises, or any part of the premises.
 - D. Whether the emphasis of the business is to provide primarily sexual publications or movies.
 - E. The name of the business.
 - F. The nature of on-premises signs, if any.
- 3) Purpose: In addition to the purpose expressed as the purpose of this Zoning Title, the purpose of the locational requirements of this section is to prevent crime, protect and preserve the quality of life in the City's retail trade, maintain property values, protect and preserve the quality of life in the City, preserve areas frequented by children from increased criminal activity and increased blight or other neighborhood deterioration, and prevent the blighting, downgrading and deterioration of residential, agricultural and commercial districts. The City finds that such establishments have a deteriorating impact on the surrounding areas.

4.14 CLEAR VISION AREA (Amended by Ordinance 208).

No fence, wall, screen or planting material greater than thirty (30) inches in height shall be erected or maintained in such a way as to obstruct the vision of motorists of the street right-of-way lines and a line connecting two points located on those intersecting right-of-way lines twenty-five (25) feet from the point of intersection with the right-of-way lines.

No fence, wall, screen or planting material shall be erected or maintained in such a way as to obstruct the vision of motorists existing driveways.

ARTICLE 5
ZONING DISTRICTS

5.01 DISTRICTS ESTABLISHED

For the purposes of this ordinance, the City of Potterville is hereby divided into the following districts:

R-R	Rural Residential
R-1	Low-Density Residential
R-2	Medium-Density Residential
R-3	High-Density Residential
R-4	Mobile Home Park
B-1	General Business
B-2	Light Highway Business
B-3	General Highway Business
I-1	Light Industrial
I-2	General Industrial

5.02 ZONING DISTRICT MAP

The boundaries of these districts are hereby defined and established as shown on a map entitled “Zoning Map of the City of Potterville, Eaton County, Michigan,” that accompanies this ordinance. This map, with all explanatory matter thereon, is hereby made a part of this ordinance. The official zoning map shall be identified by the signature of the city mayor, attested to by the city clerk and planning commission chairperson, and bearing the following words: “This is to certify that this is the official zoning map referred to in the City of Potterville Zoning Ordinance adopted on the 9th day of March 1992.”

If in accordance with the provisions of this ordinance, changes are made in district boundaries or other matter portrayed on the official zoning map, each map change shall be accompanied by a reference number on the map that shall refer to the official action of the city council. Two (2) copies of the official zoning map are to be maintained and kept up to date one (1) in the city clerk’s or treasurer’s office and one (1) in the zoning administrator’s office.

5.03 INTERPRETATION OF DISTRICT BOUNDARIES

Where uncertainty exists with respect to the boundaries of any of the districts indicated on the zoning map, the following rules shall apply:

1. Boundaries indicated as approximately following streets and highways or the centerlines of streets or highways shall be construed to be such boundaries.
2. Boundaries indicated as approximately following lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following city boundary lines shall be construed as following such city boundary lines.

4. Boundaries indicated as approximately following railroad lines shall be construed to be midway between the main tracks.
5. Boundaries indicated as approximately parallel to the centerlines of streets or highways shall be construed as being parallel thereto and at such distance therefrom as indicated on the official zoning map. If no distance is given, such dimension shall be determined by the use of the scale shown on the official zoning map.
6. Boundaries following the shoreline of a stream, lake, or other body of water shall be construed to follow such shorelines and, in the event of change in the shorelines, shall be construed as moving with the actual shorelines; boundaries indicated as approximately following the thread of streams, canals, or other bodies of water shall be construed to follow such threads.

5.04 ZONING OF ANNEXED AREAS

Any area annexed to the City of Potterville shall, immediately upon such annexation, be automatically classified as an R-R District until a zoning map for said area has been adopted by the city council. The planning commission shall recommend appropriate zoning for such area within three (3) months after the matter is referred by the city council.

ARTICLE 6
R-R RURAL-RESIDENTIAL DISTRICT

6.01 INTENT AND PURPOSE

This district is intended to preserve, enhance, and stabilize existing areas within the city for general farming and rural-residential housing and areas that, because of their soil characteristics, natural flora, seasonal flooding, or areas of potential development that do not currently have public water and sewer services, should be conserved for agricultural and open space use. To achieve these objectives, permitted uses within this district are limited to agricultural and low-density residential uses, together with such limited community facilities as schools, churches, and public open spaces. Large lot sizes shall be required to protect ground and surface waters where public sewer and water are not provided.

6.02 USES PERMITTED BY RIGHT

The following uses of land and structures may be permitted by right:

1. Conservation areas and structures for the conservation of water, soils, open space, and forest and wildlife resources and non-commercial recreational areas, including swimming pools, travel trailer parks, community recreation centers, or other non-commercial recreational activities.
2. Day-care homes (family).
3. Field crop and fruit farming, truck gardening, horticulture, greenhouses, tree nurseries, and similar agricultural enterprises along with accessory uses incidental to the above.
4. Golf courses, country clubs, and driving ranges.
5. Roadside stands selling products grown on the premises upon which the stand is located, provided that contiguous space for the parking of customers' vehicles is furnished off the public right-of-way at the ratio of one (1) parking space for each fifteen (15) square feet of roadside stand floor area and, provided further, that all buildings are located at least twenty-five (25) feet from all property lines.
6. Signs as provided in Article 19.
7. Single-family dwellings.

6.03 USES PERMITTED BY SPECIAL LAND USE PERMIT

The following uses of land and structures may be permitted by the issuance of a special land use permit as outlined in Article 20:

1. Communication towers.
2. Day-care homes (group).
3. Home occupations.
4. Mineral extraction.
5. Public or institutional uses.
6. State-licensed residential facilities.
7. Veterinary hospitals, clinics, and kennels.

6.04 AREA AND BULK REQUIREMENTS

See Article 16 entitled “Schedule of Regulations,” limiting the height and bulk of buildings, minimum lot size, the maximum density permitted, and minimum yard setback requirements.

ARTICLE 7
R-1 LOW DENSITY RESIDENTIAL DISTRICT

7.01 INTENT AND PURPOSE

The purpose of this district is to encourage a predominance of residential dwellings located on individual parcels of land housing only one (1) family. The requirements for this district are designed to protect and stabilize the essential character of these areas and to promote and encourage a suitable and safe environment for family life. This district includes existing low-density, one (1) family properties as well as areas within which such development appears both likely and desirable.

7.02 USES PERMITTED BY RIGHT

The following uses of land and structures may be permitted by right:

1. Day-care homes (family).
2. Signs as provided in Article 19.
3. Single-family dwellings.

7.03 USES PERMITTED BY SPECIAL LAND USE PERMIT

1. Conversion of one (1) family dwellings.
2. Day-care homes (group).
3. Home occupations.
4. Planned unit developments.
5. Public or institutional uses.
6. State-licensed residential facilities.

7.04 AREA AND BULK REQUIREMENTS

See article 16 entitled “Schedule of Regulations,” limiting the height and bulk of buildings, minimum lot size, the maximum density permitted, and minimum yard setback requirements.

ARTICLE 8
R-2 MEDIUM-DENSITY RESIDENTIAL DISTRICT

8.01 INTENT AND PURPOSE

This district is intended to provide for a diverse residential environment whereby both one (1) family and two (2) family dwellings can be accommodated side by side. It provides for a mixture of these two (2) housing types by special land use approval and thereby offers a greater choice in living environments. The district also includes areas within the city that presently have, or will have within a reasonable future period, public water and sewer facilities.

8.02 USES PERMITTED BY RIGHT

The following uses of land and structures may be permitted by right:

1. All uses permitted by right in R-1 Districts.

8.03 USES PERMITTED BY SPECIAL LAND USE PERMIT

1. All special land uses permitted in R-1 Districts.
2. Two (2) family dwellings.

8.04 AREA AND BULK REQUIREMENTS

See article 16 entitled "Schedule of Regulations," limiting the height and bulk of buildings, minimum lot size, the maximum density permitted, and minimum yard setback requirements.

ARTICLE 9
R-3 HIGH-DENSITY RESIDENTIAL DISTRICT

9.01 INTENT AND PURPOSE

This district is provided to accommodate a mixture of housing types, such as single-family, two (2) family, and multiple-family dwellings compatible with the character and density of an otherwise low-density, one (1) family community. This district also includes areas within the city that presently have sewer and water facilities that are located adjacent to major thoroughfares and are situated contiguous to existing multiplefamily residential development. It is the purpose of this district to achieve the same character, stability, and soundness of residential environment as intended for achievement in the R-1 and R-2 Districts.

9.02 USES PERMITTED BY RIGHT

The following uses of land and structures may be permitted by right:

1. All uses permitted by right in R-1 Districts.
2. Multiple-family dwellings.
3. Two (2) family dwellings.

9.03 USES PERMITTED BY SPECIAL LAND USE PERMIT

The following uses of land and structures may be permitted by the issuance of a special land use permit as outlined in Article 20:

1. All special land uses permitted in R-1 Districts.
2. Funeral homes and mortuaries.

9.04 AREA AND BULK REQUIREMENTS

See article 16 entitled "Schedule of Regulations," limiting the height and bulk of buildings, minimum lot size, the maximum density permitted, and minimum yard setback requirements.

9.05 ACCESS DRIVES

Private access drives serving multi-family dwellings shall meet the following minimum requirements:

1. All streets, roadways, or private access drives shall be paved to a minimum width of twenty (20) feet. Additional widths for streets may be required by the planning commission based upon the particular density and building relationship of the proposed group housing development.
2. No dead-end street or roadway shall serve more than twenty (20) units as a means of vehicular access.
3. Suitable turning facilities shall be provided for vehicles at the terminus of all dead-end streets or roadways. A minimum pavement radius of fifty (50) feet shall be required for all turnarounds, and additional widths may be required by the planning commission after consideration of the vehicular needs of a particular proposal.

4. Satisfactory arrangements shall be made with the planning commission regarding the maintenance and repair of streets, roadways, or access drives.

ARTICLE 10
R-4 MOBILE HOME PARK DISTRICT

10.01 INTENT AND PURPOSE

This district is intended to accommodate the particular needs of mobile homes situated in mobile home parks. It is recognized that properly located mobile home parks can provide important alternate and affordable housing opportunities for the city residents.

10.02 USES PERMITTED BY RIGHT

1. Day care homes (family).
2. Mobile homes parks.
3. Signs as provided in Article 19.

10.03 USES PERMITTED BY SPECIAL LAND USE PERMIT

1. Day care homes (group).
2. Home occupations.

10.04 SITE DEVELOPMENT REQUIREMENTS

1. All mobile home parks shall conform to the standards specified in Act 96 of the Public Acts of 1987, as amended; the Mobile Home Commission Rules, March 1987, as amended; and the Department of Public Health, Bureau of Environmental and Occupational Health, Mobile Home Parks and Seasonal Mobile Home Parks Health Standards, May 26, 1984, as amended.
2. All mobile homes shall be skirted within 90 days of placement within the mobile home park and must meet the standards of Act 96 of the Public Acts of 1987, as amended.
3. All mobile homes shall be anchored when installed in a mobile home park with only those systems that are approved by Act 96 of the Public Acts of 1987, as amended.
4. Mobile homes, permanent buildings and facilities, and other structures shall not be located closer than ten (10) feet from the property boundary line. If said structures abut a public right-of-way, they shall not be located closer than fifty (50) feet from the boundary line, except that if the boundary line runs through the center of the public road, the fifty (50) feet shall be measured from the road right-of-way.
5. Mobile home parks shall be screened from view as follows:
 - a. If a mobile home park abuts an existing residential development, the park shall be required to provide screening along the park boundary abutting the residential development.
 - b. If the park abuts a non-residential development, the park need not provide screening.
 - c. In all cases, however, a park shall provide screening along the park boundary abutting a public right-of-way.

6. The screening shall consist of evergreen trees or shrubs of a minimum of five (5) feet in height that are spaced so they provide a continuous screen upon maturity. Alternative screening devices may be spaced so they conceal the mobile home park as effectively as the required landscaping described above.
7. The business of selling new and/or used mobile homes as a commercial operation in connection with the operation of a mobile home development is prohibited. New or used mobile homes located on lots within the mobile home development to be used and occupied on that site may be sold by a licensed dealer and/or broker. This section shall not prohibit the sale of a used motor home by a resident of the mobile home development, provided the development permits the sale.
8. All public and private utilities shall be stored underground.

10.05 APPROVAL PROCESS

1. Four (4) copies of a preliminary plan shall be submitted to the city for preliminary approval. The preliminary plan shall include the located, layout, general design, and a general description of the project.
2. Approval of the preliminary plan shall be given if it conforms to applicable laws and ordinances not in conflict with Act 96 of 1987, as amended.
3. The city shall return the preliminary plan to the developer, either approved, modified, or disapproved, within sixty (60) days after it receives the preliminary plans; otherwise the preliminary plan shall be considered approved.
4. The final plans shall be reviewed and approved by the Department of Commerce.

ARTICLE 11
B-1 GENERAL BUSINESS DISTRICT

11.01 INTENT AND PURPOSE

This district is designed to cater to the needs of the local consumer population and typically accommodates those retail and business activities that serve the whole community. It is the purpose of these regulations to recognize those retail establishments presently existing within the commercial core of the city and to permit a wide variety of business enterprise types that cannot practicably be incorporated into the highway business districts.

11.02 USES PERMITTED BY RIGHT (Amended by Ordinance 190).

Unless otherwise indicated, all of the following uses within this district shall be wholly conducted within a permanent, fully enclosed building except utility structures not usually so enclosed:

1. Building supply and equipment for new or used automobiles.
2. Business schools or private schools operated for profit.
3. Commercial recreation facilities, such as bowling alleys, billiards halls, indoor archery ranges, indoor skating rinks, or other similar uses, provided that all uses will be conducted wholly within a completely enclosed building and that such building is located at least one hundred (100) feet from any front, side, or rear yard of any lot within an adjacent residential district.
4. Dry cleaning establishments, provided that nonflammable and odorless cleaning fluid or solvent are used.
5. Funeral homes and mortuaries.
6. Medical clinics.
7. Offices and banks.
8. Other retail businesses, such as drug stores, variety stores, secondhand stores, dry goods stores, clothing stores, notions stores, music stores, bookstores, or hardware stores that supply commodities on the premises.
9. Personal service establishments that perform services on the premises, such as barber or beauty shops; licensed massage establishments; repair shops for shoes, radios, televisions, and jewelry; self-service laundries; and photographic studios.
10. Pet shops, provided that animals and birds are kept entirely within the building at all times.
11. Printing, publishing, photographic reproduction, blueprinting, and related trades and arts.
12. Restaurants and bars that provide for consumption on the premises, provided that such establishments shall not be “drive-in” or “drive-through” facilities.
13. Retail food establishments that supply groceries, fruits, vegetables, meats, dairy products, baked goods, confections, or similar commodities for consumption off the

premises. Foodstuffs may be prepared or manufactured on the premises as an accessory activity if the sale of the product is limited to the local retail store.

14. Signs as provided in Article 19.
15. Small manufacturing and processing establishments selling their entire output at retail on the premises.
16. Swimming pools and other outdoor recreational uses, provided such facilities are an accessory use to a permitted use within this district and are located on the same lot as the principal use to which they are accessory.
17. Temporary outdoor uses, such as sidewalk sales displays, Christmas tree sales lots, revival tents, or other quasi-civic activities may be permitted on a temporary basis without a public hearing by the board of appeals, provided that such permit shall not be issued for more than thirty (30) days in any one (1) year.
18. Veterinary hospitals and clinics, provided that no outdoor keeping of animals shall be permitted.

11.03 USES PERMITTED BY SPECIAL LAND USE PERMIT (Amended by Ordinance 172 & 215).

The following uses may be permitted under the provisions of Article 20 of this ordinance, provided that, unless otherwise indicated, all uses shall be wholly conducted within a permanent, fully enclosed building except utility structures not usually so enclosed.

1. Public or institutional uses.
2. Caretaker's accessory residence for warehouses and storage facilities if situated on a portion of the lot complying with this article, provided that:
 - a. It shall be part of the structure and attached,
 - b. It shall be a minimum of 750 square feet and a maximum of 1,200 square feet including office,
 - c. It shall be a maximum of two bedrooms, and
 - d. It shall only be used as a caretaker's residence, provided however, that the person using the residence shall only be an employee of the business or a relative of the owner of the business, or if a corporation, a relative of the general manager of the business.
3. Multiple-family dwellings/apartments.
 - a. It shall be part of the structure and attached.

11.04 SITE DEVELOPMENT REQUIREMENTS

1. No use in this district shall produce any objectionable noise, odor, smoke, fumes, heat, glare, or vibration at its lot lines so as to be detrimental to the health, safety, and welfare of the city and its residents.
2. When all frontage one (1) side of the street within a block is zoned B-1 and when two (2) or more existing business structures are set back for the purpose of providing suitable parking in front, new construction on adjacent lots shall conform to that

setback insofar as practical so that a joint, functional parking facility can b[e] created; otherwise parking shall be provided at the side or rear yards. When said parking areas abut a residential district, parking facilities shall be screened by an obscuring fence or wall at least four (4) feet in height and shall be appropriately painted and landscaped.

3. All space required for the accumulation and unloading of garbage, trash, scrap, waste, and empty containers shall be provided entirely within a covered contained structure.
4. Shrubs and/or trees may be used to screen along or in combination with structural screens. No screening shall, in any way, impair safe vertical or horizontal sight distance for any moving vehicle. Screening at least four (4) feet in height shall be erected to prevent headlight glare from shining on adjacent residential or agricultural property.
5. Lighting shall be hooded, shielded, and directed so as to prevent the source of illumination from being visible outside the property lines of the parcel or lot and shall, in no way, impair safe movement of traffic on any streets or highway.
6. A greenbelt shall be required in the side and/or rear yards that abut a residential district. Refer to Section 4.04 for greenbelt regulations.

11.05 AREA AND BULK REQUIREMENTS

See Article 16 entitled “Schedule of Regulations,” limiting the height and bulk of buildings, minimum lot size, maximum density permitted, and providing minimum yard setback requirements.

ARTICLE 12
B-2 LIGHT HIGHWAY BUSINESS DISTRICT

12.01 INTENT AND PURPOSE

This district is designed to accommodate retail business and service activities that serve the particular needs of the highway traveler. The protective standards for site development contained in this section are intended to promote efficient and safe traffic access to these district[s] and to minimize any adverse effect of such districts upon adjoining land uses of a different type.

12.02 USES PERMITTED BY RIGHT

All of the following uses permitted must be conducted wholly in a permanent, fully enclosed building except as otherwise stated herein and except utility structures not usually so enclosed:

1. All uses permitted by right in B-1 Districts.
2. Drive-in restaurants and businesses, except drive-in theaters.
3. Gasoline service stations under the following conditions:
 - a. Minimum lot size shall be fifteen thousand (15,000) square feet with a minimum lot width of one hundred twenty (120) feet.
 - b. No more than ten (10) percent of the gross area of the district shall be utilized for this use.
 - c. Automobile, truck, and trailer repair and the sale of automotive accessories shall be permitted only as an accessory use to a gasoline service station and shall be conducted within a wholly enclosed building.
4. Motels and hotels not including trailer camps or tent sites.
5. Passenger terminals.
6. Servicing and repair of motor vehicles, trailers, and recreational vehicles, including car/truck washes and oil-change establishments.

12.03 USES PERMITTED BY SPECIAL LAND USE PERMIT (Amended by Ordinance 172 & 215 & 10-224).

The following uses may be permitted under the provisions of Article 20 of this ordinance:

1. Special open space uses, such as public beaches, bath houses, private resorts, recreational camps, and other open space uses.
2. Travel trailer parks.
3. Caretaker's accessory residence for warehouses and storage facilities if situated on a portion of the lot complying with this article, provided that:
 - e. It shall be part of the structure and attached,
 - f. It shall be a minimum of 750 square feet and a maximum of 1,200 square feet including office,
 - g. It shall be a maximum of two bedrooms, and

- h. It shall only be used as a caretaker's residence, provided however, that the person using the residence shall only be an employee of the business or a relative of the owner of the business, or if a corporation, a relative of the general manager of the business.
- 4. Wrecker and towing business as provided for in the Potterville Wrecker and Towing Code.
- 5. Outdoor vehicle sales, such as, passenger automobiles, motorcycles, and light duty trucks.

12.04 SITE DEVELOPMENT REQUIREMENTS

- 1. No use in this district shall produce an objectionable noise, odor, smoke, fumes, heat, glare, or vibration at its lot lines so as to be detrimental to the health, safety, and welfare of the city and its residents.
- 2. Whenever a proposed use is located adjacent to or within one-half (1/2) miles of an existing or planned state or interstate limited access highway interchange, it shall b[e] incumbent upon the applicant to show that the proposed site location shall not cause unsafe traffic congestion resulting at or in conjunction with said limited access interchange; and the applicant shall request and submit, with his/her application, written recommendations from the traffic division of the Michigan Department of State Highways and Transportation and from the Eaton County Road Commission. Private access drives shall, in no case, be less than one hundred (100) feet from the right-of-way line of said interchange.
- 3. Off-street parking and loading areas shall be set back at least twenty (20) feet from the front line or right-of-way and the rear lot line. This setback area shall be maintained with grass or other suitable landscaping.
- 4. All commercial and industrial uses located along Lansing Road shall meet the site access requirements of this section. The site access requirements are designed to limit the congestion and overcrowding of the city's major thoroughfares and to protect the public health, safety, and welfare.

All lots created prior to the effective date of this ordinance shall be permitted to have a maximum of one (1) access drive onto Lansing Road. Any lots created after the effective date of this ordinance shall be required to access the lot using the original access drive or other site access alternative. Site access alternatives include shared driveways, shared parking areas, service drives, rear access drives, and access from alternative roadways.

Additional access drive(s) onto Lansing Road may be permitted if one (1) of the following conditions is met:

- a. The centerline of the access drive is spaced a minimum of three hundred (300) feet from the centerline of another access drive and a minimum of fifty (50) feet from the centerline of any intersection.
 - b. The planning commission grants a special land use permit pursuant to Article 20 permitting such additional access drive(s) based on the following considerations: There are no reasonable site access alternatives available to the site; the centerline of the access drive is located a minimum of fifty (50) feet from the centerline of any intersection; and the public health, safety, and welfare are maintained.
5. All space required for the accumulation and unloading of garbage, trash, scrap, waste, and empty containers shall be provided entirely within a covered contained structure.
 6. Shrubs and/or trees may be used to screen alone or in combination with structural screens. No screening shall, in any way, impair safe vertical or horizontal sight distance for any moving vehicle. Screening at least four (4) feet in height shall be erected to prevent

12.05 AREA AND BULK REQUIREMENTS

See Article 16 entitled “Schedule of Regulations,” limiting the height and bulk of buildings, minimum lot size, maximum density permitted, and providing minimum yard setback requirements.

12.06 EXCEPTIONS TO REQUIRED LOT AREA, WIDTH, AND YARDS

In cases where one (1) owner or lessee proposes an integrated site development of a unified group of buildings, the planning commission may waive or modify the lot area, lot width, and yard requirements (except front yard requirements) stated herein if, in its judgment, the proposed development conforms to the basic intent of this district and will meet the parking, vehicular safety, and protective standards stated within this section.

ARTICLE 13
B-3 HIGHWAY BUSINESS DISTRICT

13.01 INTENT AND PURPOSE

This district is designed to accommodate retail business and service activities that serve the particular needs of the highway traveler. This district is also designed to provide for more intensive commercial-service establishments located away from residential areas. The protective standards for site development contained in this section are intended to promote efficient and safe traffic access to these districts and to minimize any adverse effects of such districts upon adjoining land uses of a different type.

13.02 USES PERMITTED

All of the following uses are permitted in the B-3 District:

1. All uses permitted by right in B-2 District, provided that all uses are conducted wholly in a permanent, fully enclosed building except as otherwise stated herein and except utility structures not usually so enclosed.
2. Lumber yards.
3. Miniature golf and golf driving ranges.
4. Open-air businesses.
5. Outdoor vehicle sales, such as auto, truck, mobile home, and farm implement sales.
6. Warehousing and distribution centers.
7. Wholesale establishments.

13.03 USES PERMITTED BY SPECIAL LAND USE PERMIT (Amended by Ordinance 172).

The following uses may be permitted under the provisions of Article 20 of this ordinance:

1. All special land uses permitted in the B-2 District.
2. Caretaker's accessory residence for warehouses and storage facilities if situated on a portion of the lot complying with this article, provided that:
 - a. It shall be part of the structure and attached,
 - b. It shall be a minimum of 750 square feet and a maximum of 1,200 square feet including office,
 - c. It shall be a maximum of two bedrooms, and
 - d. It shall only be used as a caretaker's residence, provided however, that the person using the residence shall only be an employee or a relative of the owner of the business, or if a corporation, a relative of the general manager of the business.

13.04 SITE DEVELOPMENT REQUIREMENTS

All uses permitted in this district shall meet the site development requirements of Section 12.04.

13.05 AREA AND BULK REQUIREMENTS

See Article 16 entitled “Schedule of Regulations,” limiting the height and bulk of buildings, minimum lot size, maximum density permitted, and providing minimum yard setback requirements.

13.06 EXCEPTIONS TO REQUIRED LOT AREA, WIDTH, AND YARDS

In cases where one (1) owner or lessee proposes an integrated site development of a unified group of buildings, the planning commission may waive or modify the lot area, lot width, and yard requirements (except front yard requirements) stated herein if, in its judgment, the proposed development conforms to the basic intent of this district and will meet the parking, vehicular safety, and protective standards stated within this section.

ARTICLE 14
I-1 LIGHT INDUSTRIAL DISTRICT

14.01 INTENT AND PURPOSE

It is the intent of this district to provide location and space for a variety of light industrial uses and processing and commercial establishments not engaging primarily in retail sales. This district is designed to accommodate wholesale activities, warehouses, and industrial operations whose external physical effects are restricted to the area of the district and in no manner affect, in a detrimental way, any of the surrounding districts.

14.02 USES PERMITTED

Land and/or buildings in the I-1 District may be used for the following:

1. Central dry cleaning plant.
2. Chemical products, such as plastics, perfumes, and synthetic fibers.
3. Compounding, packaging, and storing cosmetics, drugs, perfumes, pharmaceuticals, soap, or toiletries, excluding all processes involving refining or rendering of fats and oils.
4. Contractors' offices, building materials business, and other construction-related businesses, including plumbing, electrical, roofing, and siding.
5. Electricity regulating substation; pressure control substation; and pressure control station for gas, water, and sewage.
6. Financial institutions (banks, savings and loans, or credit unions).
7. Laboratories, including experimental film and testing.
8. Lumber yards.
9. Manufacturing, compounding, processing, packaging, treating, and assembling from previously prepared materials in the production of:
 - a. Apparel and other finished products made from fabrics, leather goods, fur, canvas, and similar materials.
 - b. Electrical appliances, electronic instruments and devices, radios and phonographs.
 - c. Food and beverage products, including meat, dairy, fruit, vegetable, seafood, grain, bakery, and confectionary and kindred foods but excluding those involving distillery, fermentation, rendering of fats or oils, slaughtering or tanning.
 - d. Furniture and fixtures.
 - e. Jewelry, silverware, toys, athletic products, office products, tobacco goods, musical instruments, signs, displays, lampshades, and similar manufacturing.
 - f. Lumber and wood products, including millwork, prefabricated structural wood products and containers, but not including logging camps.
 - g. Medical lenses and engineering, measuring, optic, photographic, and similar instruments.

- h. Paperboard containers, building paper, building board, and bookbinding.
 - i. Printing and publishing.
 - j. Signs as provided in Article 19.
 - k. Textile mill products, including woven fabric, knit goods, dyeing, finishing, floor coverings, yard, thread, and other textile goods.
10. Office buildings for executive, administrative, accounting, clerical, stenographic, or drafting uses.
 11. Restaurants or other eating or drinking establishments that provide food or drink on the premises; this does not include drive-in establishments.
 12. Servicing and repair of motor vehicles, trailers, and recreational vehicles, including car/truck washes and oil-change establishments.
 13. Trade or industrial schools.
 14. Veterinary hospitals or clinics.
 15. Warehouses.
 16. Welding, sheet metal, or machine shop.
 17. Wholesale establishments, including automotive equipment, drugs, chemicals, dry goods, apparel, food, farm products, electrical goods, hardware, machinery equipment, paper products and furnishings, and lumber and building products.

14.03 SPECIAL LAND USES (Amended by Ordinance 170).

In an I-1 District, the following uses and their accessory uses are permitted when authorized in accordance with the provisions of this section and Article 20 of this ordinance:

1. Motor freight terminal.
2. Caretaker’s accessory residence for warehouses and storage facilities if situated on a portion of the lot complying with this article, provided that:
 - a. It shall be part of the structure and attached;
 - b. It shall be a minimum of 750 square feet and a maximum of 1,200 square feet including office space;
 - c. It is a maximum of two bedrooms; and
 - d. Can only be used as a caretaker’s residence.

14.04 PERFORMANCE STANDARDS

Performance standards for sound, vibration, odor, gasses, glare, heat, light, electromagnetic radiation, smoke, dust, dirt, fly ash, and drifted and blown material are as follows:

1. The intensity of sounds shall not exceed the following decibel levels when adjacent to the following types of uses:

Decibels (dba)	Adjacent Use	Where measured
55	Residential Dwellings	Common Lot Lines

65	Commercial	Common Lot Lines
70	Industrial and Other	Common Lot Lines

The sound levels shall be measured with a type of audio output meter approved by the Bureau of Standards. Objectionable noises caused by intermittent, beat frequency, or shrillness shall be muffled so as not to become a nuisance to adjacent uses.

2. All machinery shall be mounted and operated so as to prevent the transmission of ground vibration exceeding a displacement of three one thousandths (.003) of one (1) inch measured by any lot line of its source.
3. The emission of noxious, odorous matter in such quantities as to be readily detectible at any point along lot lines, when diluted in the ration of one (1) volume of odorous air to four (4) or more volumes of clean air, or as to produce a public nuisance or hazard beyond lot lines is prohibited.
4. The escape of or emission of any gas that is injurious, destructive, or explosive shall be unlawful and may be summarily caused to be abate[d].
5. Any operation producing intense glare or heat shall be performed within an enclosure so as to completely obscure and shield such operation from direct view from any point along the lot line except during the period of construction of the facilities to be used and occupied.
6. Exterior lighting shall be so installed that the surface of the source of light shall not be visible and shall be so arranged as far as practicable to reflect light away from any residential use, and in no case shall more than one (1) footcandle power of light cross a lot line five (5) feet above the ground in a residential district.
7. Applicable rules and regulations of the Federal Communications omission in regard to propagation of electromagnetic radiation shall be used as standards for this ordinance.
8. It shall be unlawful to discharge, into the atmosphere from any single source of emission whatsoever, any air contaminator for a period or periods aggregating more than four (4) minutes in any one-half (1/2) hour that is:
 - a. As dark or darker in shade as designated as No. 1 on the Ringlemann Chart. The Ringlemann Chart, as published by the United States Bureau of Mines, which is hereby made a part of this ordinance, shall be standard. However, the Unbrascope readings of smoke densities may be used when correlated with the Ringlemann Chart.
 - b. Of such opacity as to obscure an observer's view t a degree equal to or greater than the smoke described in 1) above, except when the emission consists only of water vapor. The quantity of gas-borne or airborne solids shall not exceed two-tenths (0.20) of one (1) gram per cubic foot of the charring medium at a temperature of five hundred (500) degrees Fahrenheit.

9. The drifting or airborne transmission of dust, particles, or debris from any open stock pile beyond the lot line shall be unlawful and may be summarily caused to be abated.
10. Radioactive materials shall not be emitted to exceed quantities established as safe by the United States Bureau of Standards, as amended from time to time.
11. It shall be unlawful to discharge into the atmosphere, any substance not covered in c., d., and h., above and in excess of standards approved by the Michigan Department of Natural Resources.
12. It shall be unlawful to discharge, at any point, any materials in such a way or of such nature or temperature as can contaminate any surface waters, land, or aquifers or otherwise cause the emission of dangerous or objectionable elements, except in accordance with standards approved by the Michigan Department of Natural Resources.
13. Hazardous wastes, as defined by the Michigan Department of Natural Resources, shall be disposed of by methods approved by the Michigan Department of Natural Resources.
14. Fire safety provisions shall be as follows:
 - a. Automatic fire extinguishing systems shall be required as set forth in the applicable National Fire Protection Association (NFPA) code or standard for the intended occupancy of the structures or as many be otherwise required by the fire department. Fire department connections for sprinkler systems shall be located within fifty (50) feet of a fire hydrant. All such systems shall be installed in accordance with the applicable NFPA standard or code or other type of fire extinguishing system installed.
 - b. A fire warning or alarm system shall be provided in accordance with the applicable NFPA code or standard for the intended occupancy of the structure. Such systems shall be installed in accordance with the applicable NFPA code or standard for the type of system installed and shall be designed to alert occupants under emergency conditions and to retransmit to ensure notification to the fire department. Alarms or warning systems shall be tested and maintained in accordance with the applicable NFPA code or standard or as may be required by the fire department.
15. Use shall not include any production or storage of any material designed for use as an explosive or the use of any such material in the manufacturing process or production.
16. No use that has been declared a nuisance by statute, by action of the county, or by a court of competent jurisdiction and for uses requiring contaminant discharge permits shall be permitted.

14.05 SITE DEVELOPMENT REQUIREMENTS

1. A greenbelt shall be required in the side and/or rear yards that abut a residential district. Refer to Section 4.04 for greenbelt regulations.
2. External areas for storage shall be screened on all sides by an opaque fence not less than six (6) feet in height; but the fence shall, in no case, be lower than the enclosed structure.
3. Except for landscape improvements and necessary drives and walks, the front yard shall remain clear and shall not be used for parking, loading, storage, or accessory structures.
4. A fifteen (15) foot wide, unobstructed strip around the building shall be maintained as a fire lane at all times.
5. The side or rear yard may be eliminated where a railroad service to the site is obtained at that edge of the lot.
6. When the side or rear yard areas abut land within a residential or commercial district and when such yard areas are to be used for parking, loading, unloading, such side or rear yard areas shall be effectively screened by an obscuring solid, uniformly finished all or fence. Such wall or fence shall meet the requirements of Section 4.04.

14.06 SUPPORTING EVIDENCE REQUIRED

In all instances in which the zoning administrator and/or the board of appeals considers the ability of a proposed use to meet all the requirements of this section to be reasonably doubtful, it will be incumbent upon the proponent to furnish adequate evidence in support of his/her application. If such evidence is not presented, the building permit shall not be issued.

14.07 AREA AND BULK REQUIREMENTS

See article 16 entitled "Schedule of Regulations," limiting the height and bulk of building, minimum lot size, maximum density permitted, an[d] minimum yard setback requirements.

ARTICLE 15
I-2 GENERAL INDUSTRIAL DISTRICT

15.01 **INTENT AND PURPOSE**

This district is established to provide location and space for all types of industrial, wholesale, and storage facilities and to permit the manufacturing, compounding, processing, packaging, assembly, and/or treatment of finished or semi-finished products from previously prepared material, such as pharmaceuticals, hardware, cutlery, tool and die, gauge, and machine shops. It is also intended to permit industrial and commercial uses that meet the performance standards of this section, commercial establishments not engaged in retail sales, and service establishments that are of a type not generally requiring the customer to call at the place of business.

The I-2 District is also designed for manufacturing, assembling, and fabricating activities, including largescale or specialized industrial operations whose external effects will be felt to some degree by surrounding districts. It is so structured to permit the manufacturing, processing, and compounding of semi-finished or finished products from raw material, as well as from previously prepared material. It is the intent of this section to encourage the full utilization of standards that will serve as adequate protection against the creation of nuisances. In order to allow optimum service to activities of this nature, residential uses, uses incidental to residential development, and most retail commercial uses are excluded from this district as being incompatible with the primary uses permitted.

15.02 **USES PERMITTED**

In this district, no building, structure, or land shall be used; and no building or structure shall be hereafter erected, structurally altered, or enlarged, except for the following uses:

18. Accessory uses clearly appurtenant to the main use of the lot and customary to and commonly associated with the main use, such as:
 - a. Caretaker's residence if situated upon a portion of the lot complying with all of the requirements of the residential districts.
 - b. Incidental offices for management and materials control.
 - c. Restaurant or cafeteria facilities for employees.
19. All uses permitted by right in I-1 Districts.
20. Any production, processing, clearing, testing, repair, storage, and distribution of materials, goods, foodstuffs, and other semi-finished products from previously prepared material, provided that no retail activity is involved.
21. Contractors' establishments not engaging in retail activities on the site.
22. Grain and seed elevators and sales and cold storage for cooperative and/or wholesale agricultural products.
23. Open industrial or storage uses, provided that any activity in which materials being processed or stored are located, transported, or treated outside of a building; such

use shall be provided with an obscuring, permanently maintained fence or wall no lower than the subject use or storage and meeting the requirements of Section 4.04.

24. Storage and incidental repair of large trucking equipment.
25. Storage facilities for building materials, sand, gravel, stone, lumber, and contractors' equipment.

15.03 SPECIAL LAND USES

In an I-2 District, the following uses and their accessory uses are permitted when authorized in accordance with the provisions of this section and Article 20 of this ordinance:

3. Communication towers.
4. Junk yards.
5. Motor freight terminal.

15.04 PERFORMANCE STANDARDS

Refer to Section 14.04 for required performance standards.

15.05 SITE DEVELOPMENT REQUIREMENTS

15.06 SUPPORTING EVIDENCE REQUIRED

In all instances in which the zoning administrator and/or the board of appeals considers the ability of a proposed use to meet all the requirements of this section to be reasonably doubtful, it will be incumbent upon the proponent to furnish adequate evidence in support of his/her application. If such evidence is not presented, the building permit shall not be issued.

15.07 AREA AND BULK REQUIREMENTS

See article 16 entitled "Schedule of Regulations," limiting the height and bulk of building, minimum lot size, maximum density permitted, an[d] minimum yard setback requirements.

**ARTICLE 16
SCHEDULE OF REGULATIONS**

16.01 SCHEDULE LIMITING HEIGHT, BULK, DENSITY, AND AREA BY ZONING DISTRICT

Zoning District	Minimum Lot Size		Maximum Height of Structures		Minimum Setback from R.O.W. and/or Lot Line		
	Area in Square Feet	Width In Feet (1)	In Stories	In Feet	Front (2)	Each Side (3)	Rear
R-R Rural Residential	2 acres	100'	2.5	35' (4)	35'	20'	40'
R-1 Low-Density Residential	10500	90'	2.5	35'	35'	15'	40'
R-2 Medium-Density Residential							
Single-Family Dwelling	8500	80'	2.5	35'	25'	10'	40'
Two (2) Family Dwelling	10500	90'	2.5	35'	25'	10'	30'
R-3 High-Density Residential							
Single-Family Dwelling	8500	80'	2.5	35'	25'	10'	30'
Two (2) Family Dwelling	10500	90'	2.5	35'	25'	10'	30'
Multiple-Family Dwelling	(5)	(5)	2 1/2	35'	40'	10'	50'
B-1 General Business	5000	40'	2.5	35'	0'	0' (6)	10'
B-2 Light Highway Business	10,000	100'	2 1/2	35'	50'	20'	40'
B-3 General Highway Business	10,000	100'	2 1/2	35'	50'	20'	40'
I-1 Light Industrial	None	None	3 (7)	40' (7)	50' (7)	(8)	(8)
I-2 General Industrial	5 acre	125'	3	40'	50'	(8)	(8)

Zoning District	Minimum Floor Area Per Unit In Square Feet	Maximum Percent Of Lot Area Covered By All Structures
R-R Rural Residential	800 (9)	---
R-1 Low-Density Residential	1,000 (9)	30
R-2 Medium-Density Residential	1,000 (9)	30
Single Family Dwellings		
Two (2) Family Dwellings		
R-3 High Density Residential		
Single-Family Dwellings	1,000 (9)	35
Two (2) Family Dwellings	750	35
Multiple Family Dwellings	(10)	35
B-1 General Business	---	---
B-2 Light Highway Business	---	---
B-3 General Highway Business	---	---
I-1 Light Industrial	---	---
I-2 General Industrial	---	---

16.02 NOTES TO SCHEDULE OF REGULATIONS (Amended by Ordinance 189 & 208).

- 26. Refer to Definition of Lot Width.
- 27.
 - a. All measurements of front yards shall be taken from the right-of-way line. In the case of front yards abutting Vermontville Highway, Lansing Road, or M-100, the front yard shall not be less than fifty (50) feet.
 - b. In a residential zoning district, where the average of the established front setbacks of structures on all adjacent lots, which are located within 200 feet of either side of a lot and on which there are existing buildings, is less than the minimum required setback, the required setback line may be reduced to this lesser average depth, but in no case to less than 10 feet. For the purpose of computing such average, an adjacent vacant lot shall be considered as having the minimum required setback specified for that zoning district, in which it is located.
- 28. Refer to Definition of Lot Lines.
- 29. Structures for agricultural operations may be permitted up to seventy-five (75) feet in height.

30. Maximum density for multiple-family dwellings shall not exceed ten (10) units per acre.
31. If the building is not structurally attached to an adjacent building or is not located immediately upon the property line, a ten (10) foot setback shall be required.
32. Except that any building within one hundred (100) feet of a residential district shall not exceed fifteen (15) feet in height.
33. Side and rear yards shall be ten (10) percent of the lot width and depth, respectively, but shall not be required to exceed forty (40) feet each; except where a lot in this district abuts a lot in any residential district, no building shall be closer than one hundred (100) feet to the property line of such residential lot.
34. No single-family dwelling shall have a structure width of less than twenty (20) feet for a distance of at least twenty (20) feet, measured from the outside walls having the greatest length.

ARTICLE 17
FLOODPLAIN REGULATIONS

17.01 **SCHEDULE LIMITING HEIGHT, BULK, DENSITY, AND AREA BY ZONING DISTRICT**

The purpose of these regulations is to protect those areas of the city that are subject to periodic inundation from floodwaters of the major rivers and their branches and tributaries within the city so that the capacity of the reservoirs shall not be significantly reduced, thereby creating changes to areas previously not so endangered in time of high water or to impede, retard, accelerate, or change the direction of the flow or carrying capacity of the river valley or to otherwise increase the possibility of flood. Said regulations, while permitting reasonable use of such properties, will help protect human life, safety, health and general welfare and will help prevent or minimize material or economic losses through public aid and relief efforts occasioned by the unwise occupancy of such flood areas. All land and land uses within the floodplain area shall be subject to the requirements specified herein in addition to the zoning district requirements of the zones in which said lands are located.

17.02 **FLOODPLAIN DELINEATION**

The floodplain within the City of Potterville is any land area susceptible to being inundated by water from any source, such as the overflow of streams or drains or the unusual, rapid accumulation of surface runoff. The city council shall adopt an official floodplain zoning map with the advice of the planning commission. If the United States Department of Housing and Urban Development provides a flood hazard boundary map for the city, said map shall become the official floodplain zoning map. When a flood insurance rate map becomes available from the United States Department of Housing and Urban Development, said map shall take precedence over all prior maps and serve as the official floodplain zoning map. The official floodplain zoning map may be subject to alteration with any significant changes in land use, including the indirect impact of such a change that seriously impedes, retards, accelerates, or changes the direction of flow or carrying capacity of the watercourse or that otherwise increases the possibility of flood. The official floodplain zoning map shall be kept on file at the office of the city clerk.

17.03 **PERMITTED PRINCIPAL USES**

Notwithstanding any other provisions of this ordinance within the floodplain, no building or structure shall be erected, converted, or structurally altered; and no land and/or structure shall be used except for one (1) or more of the following uses:

1. Open spaces uses, such as crop farming and gardening (not including related buildings), parks, playgrounds, golf courses, nature preserves, bridle trails, nature paths, and other similar open spaces.

2. Public right-of-way, private drives, and off-street parking uses, provided that all parking shall be at grade level and in conformance with the provisions of Article 18.
3. Public utility facilities, provided utilities are constructed or elevated to withstand flood damages and are as further regulated by this ordinance.
4. Storage yards for materials and equipment, except flammable liquids that are subject to removal or major damage by floodwaters.

17.04 USES PERMITTED BY SPECIAL PERMIT

The following uses of land and structures may be permitted within the floodplain upon the application for and issuance of a special land use permit with specified procedures and requirements as outline[d] in Article 20 and shall be subject to the following requirement:

Any use permitted by right or special land use permit within the zoning district shall be permitted within the floodplain, provided that:

1. The use pattern and the structure proposed to accomplish said use shall be designed so as to not significantly reduce the impoundment capacity of the floodplain and the flow of water by the use of stilts, cantilevering, or such other design techniques that will place the desired buildings above the Intermediate Regional Flood high water level of the site in a safe manner so said structure or building will withstand the anticipated velocity of the floodwaters and will not suffer flood damage.
2. All buildings substantially improved or newly constructed shall have a minimum floor elevation of the lowest floor, including the basement, of not less than the high water level of the Intermediate Regional Flood and shall further incorporate elevation for floodproofing of the structure and all attendant utility and sanitary facilities up to the level of the Intermediate Regional Flood.

17.05 DATA SUBMISSION

Prior to the issuance of a special land use permit or a building permit for structures on/or adjacent to floodplain areas, the zoning administrator shall require the applicant for such permit to submit topographical data, engineering studies, propose site plans, or other similar data needed to determine the possible effects of flooding on a proposed structure and/or the effect of the structure on the flow of water. All such required data shall be prepared by technically qualified persons. Review of the data submitted and application for special land use permit shall be processed according to the procedures described in Article 20.

17.06 ALTERATIONS TO THE FLOODPLAINS

Dumping or backfilling in the floodplain areas with any material in any manner is prohibited, unless, through compensating excavation and shaping of the floodplain, it is provided that the flow and natural impoundment capacity of the floodplain will be maintained or improved so that no significant or measurable change in flow or reduction in

impoundment capacity of the floodplain would thereby result. Where there is dumping, backfilling, or excavation, in any manner, adequate site plans and engineering drawings, which must effectively show the final results of such action, shall be submitted to the zoning administrator.

17.07 EXISTING USES IN THE FLOODPLAIN

It is the intent of this ordinance to permit existing uses to continue in the floodplain until they are removed, but this ordinance is not intended to encourage their survival.

It is recognized that there exists, within the floodplain, as defined by this ordinance, lots of structures that were unlawful before this ordinance was passed or amended, which would be prohibited, regulated, or restricted under terms of this ordinance or future amendments.

Such uses are declared by this ordinance to be incompatible with permitted uses in the floodplain. It is further the intent of this ordinance that illegal uses shall not be enlarged upon, expanded, or extended, nor shall they be used for adding other structures or uses prohibited in the floodplain.

If a structure locate[d] in the floodplain, as defined by this ordinance, is damaged by any means to an extent of more than sixty (60) percent of the structure's pre-catastrophe, it shall not be reconstructed. The damage to the structure is the expenditure necessary to return the structure to its condition before destruction and shall be determined by the zoning administrator after:

1. Receiving an estimate of the structural damage from the fire chief.
2. Receiving a figure that represents the difference between the pre-catastrophe market value of the structure and the post-catastrophe value as determined by the assessing officer.
3. Dividing the sum of the figure derived in No. 1, above, from the fire chief and No. 2, above, from the assessing officer by two (2).

Any building damaged by any means to an extend of less than sixty (60) percent of the structure's pre-catastrophe market value, as recorded by the assessing officer, may be modified, repaired, or replaced; but any alterations must incorporate floodproofing of utility and sanitary facilities up to the level of the Intermediate Regional Flood. The costs of said improvements for floodproofing shall not be included in determining the damage costs.

The board of appeals may permit reconstruction of a use if it is adequately protected against flood damage, is not located in the floodway, and if not allowing reconstruction would create undue hardships on the appelliant.

17.08 **LIABILITY**

Under no circumstances shall the City of Potterville incur any liability whatsoever for the granting of any use or building in floodplain areas.

ARTICLE 18
OFF-STREET PARKING AND LOADING REGULATIONS

18.01 **INTENT OF PARKING PROVISIONS**

It is the intent of this ordinance that off-street parking spaces shall be provided and adequately maintained by each property owner in every zoning district for the use of occupants, employees, and patrons of each building and premise constructed, altered, or enlarged after the effective date of this ordinance.

18.02 **FRACTIONAL SPACES**

When unit of measurement determining the number of required parking spaces results in a fractional space, any fraction up to an[d] including one-half (1/2) shall be disregarded; and fractions over one-half (1/2) shall require one (1) parking space.

18.03 **REQUIREMENTS FOR A USE NOT MENTIONED**

In the case of a use not specifically mentioned, the requirements of off-street parking facilities for a use that is mentioned and that is most similar to the use not listed shall apply, as defined by the board of appeals.

18.04 **USE OF PARKING SPACES**

No commercial repair work, servicing, selling, or storage of vehicles of any kind shall be conducted on any parking area. Required parking shall be used only for the parking of vehicles used to service the establishment to which it is accessory and by its patrons.

18.05 **BUILDING ADDITIONS OR OTHER INCREASES IN FLOOR AREA**

Additional parking shall be provided and maintained in proper ration to any increased floor area or building use capacity.

18.06 **JOINT USE OF PARKING AREAS**

The joint use of parking facilities by two (2) or more uses is recommended an[d] may be granted by the board of appeals whenever such use is practical and satisfactory to each of the uses intended to be served and when all requirements for location, design, and construction can be satisfied.

1. In computing capacities of any joint use, the total space requirement is the sum of the individual requirements that will occur at the same time. If space requirements for individual uses occur at distinctly different times, the total of such off-street parking facilities required for joint or collective use may be reduced below the sum total of individual space requirements.
2. A copy of an agreement between joint users shall be filed with an application for a building permit and recorded with the Register of Deeds of Eaton County. The

agreement shall include a guarantee for continu[ing] use of the parking facility for each party to the joint use.

3. The availability of public parking in the general area of a commercial establishment shall be considered by the board of appeals to grant exemption to that business from conforming to the off-street parking regulations in the ordinance.

18.07 PARKING SPACE REQUIREMENT

The number of required off-street parking spaces in all districts for every residential, recreational, institutional, cultural, business, and industrial use shall be provided in accordance with the following minimum requirements:

<u>USE</u>	<u>REQUIRED PARKING SPACE</u>
Auditoriums (Other than Incidental to Schools), Lodge Halls, Meeting Halls, Community Center, or Buildings of Similar use Without Fixed Seats	One (1) Space for Every Eight (8) Persons of Legal Capacity
Automobile Service and Repair Garages; Gasoline Filing and Service Stations Shift	Three (3) Spaces for Each Repair and Service Stall, Plus One (1) Space For Each Worker on Each
Banks	One (1) Space for Every One Hundred (100) Square Feet of Floor Space
Barber Shops and Beauty Parlors	Two (2) Spaces for each Beauty and/or Barber Shop Chair
Bowling Alleys	Five (5) Spaces for Each Alley, Plus One (1) Space for Every Employee
Churches	One (1) Space for Each Four (4) Seats, Plus One (1) Space for Every Two (2) Employees
Clinics	Four (4) Spaces for each Doctor, Plus One (1) Space for Each Employee
Dance halls, Pool and Billiard Rooms, Exhibition Halls, and Roller Rinks	One (1) Space for Each One Hundred (100) Square Feet of Floor Area Used for Dancing Assembly

USE

REQUIRED PARKING SPACE

Whichever is Greater

Drive-in Restaurants

Storage Space for Five (5) Cars Between Sidewalk Area and the Service Window, Plus One (1) Space for Every Two Hundred (200) Square Feet of Floor Area

Dwelling Units

Dwelling Units Two (2) Spaces for Each Dwelling Unit

Elementary and Junior High Schools

One (1) Space for Every Employee, Including Administrators and Teachers

Funeral Homes and Mortuaries

One (1) Parking Space for Every Fifty (50) Square Feet of Floor Area in Slumber Rooms, Chapels, and Assembly Rooms

Golf Courses Open to the General Public, Except Miniature or "Par 3" Courses

Four (4) Spaces for Each One (1) Golf Hole, Plus One (1) Space for Each Employee

Dance Halls, Pool or Billiard Rooms, Exhibition Halls, and Roller Rinks

One (1) Space for Every Employee, Including Administrators and teachers, Plus One (1) Space for Each Five (5) Students, Plus One (1) Space for Every Eight (8) Seats in a Gymnasium

Industrial or Manufacturing Establishments, Including Research and Testing Laboratories, Creameries, Bottling Works, Printing Shops, and Engraving Shops

One (1) Space for Every Two (2) Employees for Industries Using Two (2) or More Shifts; One (1) Space for Every Three (3) Employees for Industries using One (1) Shift Only; or One (1) Space for Every Four Hundred (400) Square Feet of Gross Floor Area,

Libraries, Museums, and Post Offices

One (1) Space for Every Eight Hundred (800) Square Feet of Floor Area, Plus One (1) Space for Every Four (4) Employees

USE

REQUIRED PARKING SPACE

Whichever is Greater

Massage Establishment (Licensed)

Two (2) Spaces for Each Massage Table and for Each Massage Chair

Miniature or "Par 3" Golf Courses

Three (3) Spaces for Each One (1) Golf Hole, Plus One (1) Space for Each Employee

Motels and Hotels

One (1) Space for Each Sleeping Unit, Plus Two (2) Spaces for Operating Personnel

Nursing Homes

One (1) Space for Each Four (4) Beds, Plus One (1) Space for Every Four (4) Employees, Including Nurses

Offices

One (1) Space for Every Two Hundred (200) Square Feet of Floor Area

Private Golf Clubs, Swimming Pool Clubs, Tennis Clubs, or Other Similar Uses

One (1) Space for Every Two (2) Member Families or Individuals

Restaurants and Bars

One (1) Space for Every Seventy-Five (75) Square Feet of Floor Area, Plus One (1) Space for Every Three (3) Seats

Retail Stores, Except as Otherwise Specified Herein

One (1) Space for Every One Hundred Fifty (150) Square Feet of Floor Area

Warehouses and Wholesale Stores

One (1) Space for Every Eight Hundred (800) Square Feet of Floor Area

18.08 LOCATION OF PARKING AREAS

All off-street parking areas required in this ordinance shall be located on the same lot, on the immediate premises of the developed site, and in the same district as the use they are intended to serve, with the exception of the following uses:

1. For uses in the B-1 Districts, parking shall be provided on the premises or within five hundred (500) feet, measured from the nearest point of the parking area to the nearest point of the building.
2. For uses in I-2 Districts, parking shall be provided on the premises or within a eight hundred (800) foot walking distance from a normal entrance.
3. For public and quasi-public buildings, places of assembly, private clubs, associations and institutions, parking shall be provided on the premises or within five hundred (500) feet, measured from the nearest point of the parking area to the nearest point of the building.

18.09 SITE DEVELOPMENT REQUIREMENTS

All off-street parking areas shall be designed, constructed, and maintained in accordance with the following standards and requirements:

1. A minimum area of one hundred eighty (180) square feet, nine (9) feet * twenty (20) feet, shall be provided for each vehicle parking space; each space shall be definitely designated and reserved for parking purposes exclusive of space requirements for adequate ingress and egress.
2. Parking areas shall be designed and marked so as to provide for orderly and safe movement and storage of vehicles.
3. Adequate ingress and egress to the parking area by means of clearly limited and defined drives shall be provided.
 - a. Except for parking space provided on single-family and two (2) family residential lots, drives for ingress and egress to the parking area shall be not less than twenty (20) feet wide and located so as to secure the most appropriate development of the individual property.
 - b. Each entrance to [a]nd exit from any off-street parking area shall be at least ten (10) feet from any adjacent lot within a residential district.
4. Each vehicle parking space within an off-street parking area shall be provided adequate access by means of maneuvering lanes. Backing directly onto a street shall be prohibited. The width of required maneuvering lanes may vary, depending upon the proposed parking pattern, as follows:
 - a. For right-angle parking patterns of seventy-five (75) to ninety (90) degrees, the maneuvering land width shall be twenty (20) feet.
 - b. For parking patterns fifty-four (54) to seventy-four (74) degrees, the maneuvering land width shall be fifteen (15) feet.
 - c. For parking patterns thirty (30) to fifty-three (53) degrees, the maneuvering land width shall be twelve (12) feet.

- d. All maneuvering land widths shall permit one (1) way traffic movement, except for the ninety (90) degree pattern, which may provide for two (2) way traffic movement.
5. Parking areas with a capacity of four (4) or more vehicles shall be surfaced with a material that shall provide a durable, smooth, and dustless surface and that shall be graded and provided with adequate drainage facilities to dispose of all collected surface water.
6. Except for single-family and two (2) family residential lots, adequate lighting shall be provided throughout the hours when the parking area is [in] operation. Such lighting shall not exceed an intensity of five (5) footcandles, nor shall it be less than one and one-half (1½) footcandles. All lighting shall be arranged so as to reflect light away from any residential property adjacent to the parking area and any adjacent road or street so that light will not interfere with traffic.
7. Where a parking area with a capacity of four (4) or more vehicles abuts a residential district or public right-of-way in a residential district, a buffer strip at least ten (10) feet wide shall be provided between the parking area and the adjoining property; and a vertical screen shall be erected consisting of structural or plant materials no less than six (6) feet in height and spaced so as to effectively screen the parking area from the residential area.

18.10 REDUCTION, MODIFICATION, WAIVER

The board of appeals may authorize reduction, modification, or waiver of these parking requirements under specified conditions by the issuance of a conditional permit when an appeal has been filed with the board of appeals consistent with the requirements of Article 24.

18.11 LOADING AND UNLOADING SPACE REQUIREMENTS

1. In order to prevent undue interference with public use of streets and alleys, every use customarily receiving or distributing goods by motor vehicle shall provide space on the premises for the number of vehicles that will be at the premises at the same time on an average day of full use.
2. Loading space required under this section shall be provided as area additional to off-street parking space and shall not be considered as supplying off-street parking space.
3. Adequate space for standing, loading, and unloading services not less than twelve (12) feet in width, twenty-five (25) feet in length, and fourteen (14) feet in height, open or enclosed, shall be provided for uses listed in the following table or for similar uses involving the receipt or distribution of materials or merchandise.

<u>USE</u>	<u>FLOOR AREA (IN SQUARE FEET)</u>	<u>REQUIRED SPACE</u>
Commercial Uses	First Twenty Thousand (20,000)	One (1) Space
	Each Additional Twenty Thousand (20,000) or Fraction Thereof	One (1) Space
Manufacturing Uses	First Twenty Thousand (20,000) or Fraction Thereof	One (1) Space
	Each Additional Twenty Thousand or Fraction Thereof	One (1) Space
Wholesale and Storage, Including Building and Contractor's Yards	First Twenty Thousand (20,000)	One (1) Space
	Each Additional Thousand (20,000) or Fraction Thereof	One (1) Space

4. Access to a loading and unloading space shall be provided directly from a public street or alley, and such space shall be arranged to provide sufficient off-street maneuvering space as well as adequate ingress and egress to and from a street or alley. All areas designed for truck traffic circulation in industrial districts shall have a turning radius of at least forty (40) feet for driveways and maneuvering lanes.
5. Off-street loading spaces and access drives shall be paved, drained, and lighted and shall have appropriate bumper or wheel guards where needed. Any light used for illumination shall be arranged so as to reflect the light away from adjoining premises and streets. Where off-street loading space adjoins or abuts a lot or premises used for residential, educational, recreational, or religious purposes or abuts a residential district, there shall be provided masonry wall or solid fence that is not less than six (6) feet in height between the off-street loading space and said uses.
6. Loading areas and loading docks shall not be located in the front of the building and shall be oriented away from residential districts whenever possible. When loading areas and loading docks are located within one hundred (100) feet of a residential district, appropriate screening approved by the planning commission shall be provided.

ARTICLE 19
SIGNS AND BILLBOARDS

19.01 **INTENT AND PURPOSE**

This section is intended to protect and further the health, safety, and welfare of the residents of Potterville; to maintain and improve the appearance of the City; to conserve community character; to prevent traffic hazards; to provide safer conditions for pedestrians; and to promote economic development by regulating the construction, alteration, repair, maintenance, size, location, and number of signs.

19.02 **GENERAL SIGN PROVISIONS** (Amended by Ordinance 201).

1. No person shall erect, alter, place or permit to be placed, or replace any sign without first obtaining a zoning permit, provided the following signs shall not require a zoning permit:
 - a. Directional signs of three (3) square feet or less in area
 - b. Governmental Signs
 - c. Placards
 - d. Political Signs
 - e. Name Plates
2. For the purposes of determining permitted signs, property fronting Interstate 69 right-of-way will be considered street frontage.
3. Signs shall be maintained free of peeling paint or paper, fading, staining, rust, or other conditions which impairs legibility or intelligibility.
4. Sign supports, braces, guys and anchors shall be maintained in such a manner as not to cause a hazard.
5. Signs, may be internally illuminated or if externally illuminated, except for home occupation signs which shall not be illuminated, the source of the light shall be enclosed and directed to prevent the source of light from shining directly onto traffic or residential property.
6. No sign shall be placed in, upon or over a public right-of-way, alley, or other public place, except as may be otherwise permitted by this Chapter.
7. No light pole, utility pole, or other supporting member shall be used for the placement of any sign unless specifically designed and approved for such use.
8. No sign shall be erected in any place where it may, be reason of its position, shape, color, or other characteristic, interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device or constitute a nuisance per se.
9. No commercial vehicle, which in the opinion of the Zoning Administrator has the intended function of acting as a sign, shall be parked in any area abutting the street, unless no other parking area is available.
10. No sign shall employ any flashing, moving, oscillating, blinking, or variable intensity light. However, variable time-temperature signs and intermittent electronic message

boards may be permitted, provided each message shall not change more often than once every three (3) seconds.

11. No sign shall contain any moving or animated parts nor have the appearance of having any moving or animated parts.
12. No wall sign shall extend beyond the edge of the wall to which it is affixed, and no wall sign shall extend above the roof line of a building.
13. No sign shall be erected above the roof line of a building.
14. Any non-conforming sign which for a period of ninety (90) days or more no longer advertises a bona fide business conducted or product sold, shall be removed by the owner of the building, structure, or property upon which such sign is located, within thirty (30) days of receipt of written notice by the Zoning Administrator.
15. Awning, canopy, and projecting signs shall be permitted in all Business and Industrial Zoning Districts, (B-1, B-2, B-3, I-1 and I-2).

19.03 EXEMPTED SIGNS (Amended by Article 201).

The following signs shall be exempt from the provisions of this Ordinance.

1. Government Signs.
2. State and National Historic markers.
3. Window signs, provided the total area of all signs within one (1) foot of the window shall not obscure more than fifty (50) percent of the window area.
4. Memorial signs or tablets.
5. Murals.
6. Signs not visible from any street.
7. Signs for essential services.
8. Placards not extending two (2) square feet.
9. Name Plates with address, owner, or occupant name, of up to two (2) square feet in area attached to a mailbox, light fixture or exterior wall.
10. Flags or insignia of any nation, state, county, city, community organization, or educational institution.
11. Scoreboard and advertising banners/boards for a public or private school or publicly owned and operated athletic field.

19.04 NON-CONFORMING SIGNS, ILLEGAL SIGNS, AND SIGNS ACCESSORY TO NON-CONFORMING USES (Amended by Ordinance 201).

1. Every permanent sign which does not conform to the height, size, area, or location requirements of this section as of the date of the adoption of this Ordinance, is hereby deemed to be nonconforming.
2. Non-conforming signs may not be altered, expanded, enlarged, or extended; however, nonconforming signs shall be maintained and repaired so as to continue the useful life of the sign.

3. For purposes of this article, a non-conforming sign may be diminished in size or dimension or the copy of the sign amended or changed without jeopardizing the privilege of non-conforming use. If a sign is non-conforming in its setback, this section shall not apply, and the sign may not be replaced.
4. Any non-conforming sign destroyed by fire or other casualty loss shall not be restored or rebuilt.
5. Any non-conforming sign which for a period of three (3) months or more no longer advertises a bona fide business conducted or product sold, shall be removed by the owner of the building, structure, or property upon which sign is located, within thirty (30) days of receipt of written notice by the Zoning Administrator.
6. A sign, accessory to a non-conforming use, may be erected in the City in accordance with the sign regulations for the subject zoning district.

19.05 UNITS OF MEASUREMENT

1. The area of a sign shall be measured as the area within a single, continuous perimeter composed of any straight line geometric figure which encloses the extreme limits of writing, representation, emblem, logo, or any other figure or similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed, excluding only the structure necessary to support the sign.
2. The area of freestanding, ground, or projecting sign that has two (2) or more faces shall be measured by including the area of all sign faces, except if two (2) such faces are placed back-to-back, at a distance of twelve (12) inches or less, and are of equal size, the area of the two (2) back-to-back faces shall be counted as one (1) face. If the two (2) back-to-back faces are of unequal size, the larger of the two (2) sign faces shall have be counted as the one (1) face. At such a point that the distance becomes greater than twelve (12) inches between sign faces, each sign face will be counted individual and count towards the total sign square footage allowed.
3. The height of a sign shall be measured as the vertical distance from the highest point of the sign to the grade of the adjacent street or the average grade of the ground immediately beneath the sign, whichever is less.
4. For buildings with multiple tenants, the sign areas for wall signs, marquee signs, projecting signs, and awning signs shall be determined by taking the lineal measurement of the front wall of the building, applicable to each tenant space, and computing sign requirements for that portion of the total wall. In the case of a corner lot, the wall length adjacent to the tenant space on the second street frontage shall be used to calculate the sign area for a second wall sign, awning sign, or projecting sign. Each sign shall be attached to the same wall which is used to determine its size.

19.06 SIGN REGULATIONS APPLICABLE TO ALL ZONING DISTRICTS (Amended by Ordinance 201).

1. Portable signs and temporary signs are prohibited, except as may be otherwise permitted by this Chapter.
2. Temporary signs shall not exceed twelve (12) square feet in area.
 - a. Maximum of sixty (60) days a calendar year.
 - b. Maximum of fourteen (14) days at one time.
3. All ground, wall and freestanding signs may include reader boards.
4. Any sign, including awnings to which signs are affixed or displayed, no[t] resting directly on the ground shall maintain a minimum clear space of eight (8) feet from the bottom of the sign to the ground.
5. Balloons, strings of light bulbs, pennants, flags, or streamers (other than those of a governmental nature used for the purpose of commercial advertisement or attraction) hung overhead to draw attention to a business or its merchandise on display, shall be prohibited.
6. Real estate sign shall be removed within seven (7) days after completion of the sale or lease of the property.
7. Construction signs are permitted within any zone district, subject to the following restrictions:
 - a. Two (2) signs may be placed on the lot where the construction is taking place, each of which shall be no larger than sixteen (16) square feet in area, and not exceed eight (8) feet in height. In a case where two (2) or more firms utilize a sign, the sign shall be no larger than twenty-four (24) square feet in area, and not exceed eight (8) feet in height.
 - b. Construction signs shall not be erected until a building permit has been issued for the project which is the subject of the proposed sign and construction activity has begun.
 - c. Signs must be setback at least fifteen (15) feet from the front property line.
 - d. Construction signs shall be removed within fifteen (15) days of the issuance of any Occupancy Permit for the building or structure which is the subject of the construction sign.
8. Special event signs, including banner signs, are permitted in any zone district, subject to the following restrictions:
 - a. No more than five (5) such signs shall be displayed for each special event. Such signs may be located either on or off the lot on which the special event is held.
 - b. The display of such signs shall be limited to the twenty-one (21) days immediately preceding the special event which is being advertised.
 - c. Such signs shall have a maximum size of thirty-two (32) square feet in area, and a maximum height of seven (7) feet and shall be set back from any side or rear property line a minimum of fifteen (15) feet.
 - d. Such signs shall be removed within forty-eight (48) hours of the conclusion of the special event which is being advertised.

9. Directional signs are permitted subject to the following restrictions:
 - a. A directional sign may contain a logo of an on-premise establishment, but no advertising copy.
 - b. No such sign shall exceed six (6) square feet in area or four (4) feet in height.
 - c. Directional signs shall be limited to traffic control functions.
10. Garage and estate sale signs are permitted subject to the following restrictions:
 - a. One (1) sign per lot or parcel is permitted, located on the lot or parcel on which such sale is being conducted, or on any other lot or parcel with written permission of the property owner, and erected outside of any public street right-of-way.
 - b. Such sign shall not exceed six (6) square feet in area.
 - c. The display of such signs shall be limited to the seven (7) days immediately preceding the sale which is being advertised and shall be removed within one (1) day after the completion of the sale.
11. Incidental signs pertaining to any conforming accessory activity being conducted on the premises are permitted in any District, subject to the following restrictions:
 - a. No individual sign shall exceed two (2) square feet in area.
 - b. Only those signs which, in the opinion of the Zoning Administrator are necessary to indicate entrances, exits, safety precautions including identifying logos without text, and other such incidental language shall be permitted.

19.07 SCHEDULE OF SIGN REGULATIONS (Amended by Ordinance 201).

Signs in each Zoning District shall be subject to the following regulations:

***(Chart attached at back of packet)**

19.08 BILLBOARDS (Amended by Ordinance 201).

1. Billboards shall be permitted in the B-2 and B-3 Business Districts and in the I-1 and I-2 Industrial Districts subject to the following:
 - a. Billboards shall be classified as a permitted use in the B-2 and B-3 Business Districts and in the I-1 and I-2 Industrial Districts, but shall be subject to review and approval by the Planning Commission under the Site Plan Review provisions of Article 22 of the Zoning Ordinance of the City of Pottersville.
 - b. The Maximum number of signs per parcel shall not exceed one (1) sign. The sign shall be in addition to other sign(s) permitted for an existing use located on the same site on which the billboard is to be placed.
 - c. The maximum sign area shall not exceed three hundred (300) square feet.
 - d. The sign height shall not exceed thirty-five (35) feet.
 - e. The sign may be illuminated, in accordance with Section 19.03, Paragraph 5 of this Ordinance.
 - f. Sign placement shall be regulated as follows, unless otherwise pre-empted by Federal Law:

1. A sign shall not be located within one thousand (1,000) feet of any interchange or intersection.
 2. A sign shall not be located within five hundred (500) feet of any residential zoning district (R-R, R-1, R-2, R-3, or R-4).
 3. A fifty (50) foot setback is required from all lot lines.
 4. All signs shall be located within one hundred (100) feet of the I-69 right of way.
 5. A sign shall not be located within two thousand (2,000) feet of another offpremises sign on the same side of the highway, including official and offpremise signs as defined in Section 131 (c) of Title 23 of the United States Code. Said placing measurement shall apply separately to each side of the highway and shall be measure along the nearest edge of the pavement of the highway between points directly opposite each sign.
 6. Signs may be two-sided or in a “V” configuration.
- g. A billboard shall not be located or maintained on trees, or painted or drawn upon rocks or other natural resources.
 - h. When a sign is removed, or required to be moved, the entire structure, including supports, foundations, electrical apparatus, and other sign components and related materials shall be removed from the site.
 - i. The sign shall be subject to all state and federal permitting requirements.
 - j. Off-premise signs located at school or public athletic fields shall be exempt from this section, provided said signs are oriented toward the athletic field or public grounds, and not toward a public street.

ARTICLE 20
SPECIAL LAND USES

20.01 **INTENT AND PURPOSE**

It is the intent of this ordinance to provide a set of procedures and standards for specific uses of land or structures that will allow practical latitude and maintain sound provisions for the protection of the health, safety, convenience and general welfare of city inhabitants. In order to provide controllable and reasonable flexibility, this article permits detailed review of certain specified types of land use activities that, because of their particular and unique characteristics, require special consideration in relation to the welfare of adjacent properties and to the community as a whole.

20.02 **PERMIT PROCEDURES** (Amended by Ordinance 175).

An application for a special land use permit for any use permitted under this article shall be submitted and processed under the following procedures:

1. Any application shall be submitted through the city clerk on a special form for the purpose. Each application shall be accompanied by the payment of a fee as established by the City Council to cover costs of processing the application. No part of any fee shall be refundable.
2. Every application shall be accompanied by the following information and data:
 - a. The special form supplied by the city clerk, filled out in full by the applicant.
 - b. Site plan containing that information specified in Section 22.03.
 - c. Preliminary plans and outlined specifications of the proposed development, if applicable.
 - d. A statement with supporting evidence regarding the required findings specified in Section 22.04.
3. Upon receipt of a completed application, the planning commission, or the zoning administrator on behalf of the planning commission, shall schedule a public hearing. The zoning administrator shall notify the planning commission at the same time notice is provided as required in paragraph four (4). The application along with all required data shall be transmitted to the planning commission. The planning commission shall hold a public hearing at a regular planning commission meeting, within sixty (60) days of receiving the application.
4. The public hearing shall be advertised by at least one (1) publication in a newspaper of general circulation in the city and notice to the owners of the property in question, to the owners of all property 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 in question not less than five (5) days and not more than fifteen (15) days before the date of the hearing. Said notice shall indicate the place, time, and purpose of the hearing.

5. The decision rendered by the planning commission shall have eighty (80) days to accept, deny, or modify the special land use permit application.
6. The decision rendered by the planning commission shall be accompanied by a clear explanation of the reason for the action taken. A special land use permit shall be issued by the city clerk only upon the approval of the planning commission or the board of appeal in the event of an appeal. Any permit issued shall contain all the specified conditions under which the use is allowed.
7. No application for a special land use permit that has been denied in whole or in part by the planning commission shall be submitted until the expiration of one (1) year or more from the date of such denial except on the grounds of newly discovered evidence or proof of changed conditions.

20.03 BASIS FOR DETERMINATIONS

Before making a decision on a special land use permit application, the planning commission shall establish, beyond a reasonable doubt, that the following general standards, as well as the specific standards outlined in each applicable section of the article, shall be satisfied. The planning commission shall find adequate evidence that each use on its proposed location will:

1. Be harmonious with and in accordance with the general principles and objective of the Master Plan for the City of Potterville.
2. Be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that a use will not change the essential character of the area in which it is proposed.
3. Not be hazardous or disturbing to existing or future uses in the same general vicinity and will be a substantial improvement to property in the immediate vicinity and to the community as a whole.
4. Be served adequately by essential public facilities and services, such as highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities, and schools.
5. Not involve uses, activities, processes, materials, equipment, or conditions of operation that will be detrimental to any person, property, or general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors.
6. Be consistent with the intent and purposes of the zoning district in which it is proposed.

20.04 CONDITIONS AND SAFEGUARDS

The planning commission may impose such additional conditions and safeguards deemed necessary for the general welfare, for the protection of individual property rights, and for ensuring that the intent and objectives of this ordinance will be observed. The breach of any condition, safeguard, or requirement shall automatically invalidate the permit granted.

20.05 DESIGN STANDARDS

The specific and detailed requirements set forth in the following sections relate to particular uses and are requirements that must be met by those uses in addition to the foregoing general standards and requirements where applicable.

1. Communication Towers:
 - a. Setbacks for each tower from adjacent property lines shall not be less than one (1) times the height of each tower above the ground.
 - b. A fence at least six (6) feet in height shall be erected around the perimeter of each tower.
2. Conversion of One (1) Family Dwellings to Two (2) Family and Three (3) Family Dwellings:
 - a. It can be demonstrated that larger houses in older residential areas of the city have been or can be converted from one (1) family to two (2) family or three (3) family residences in order to extend the economic life of these structures and to allow the owners to justify the expenditures for repairs and modernization.
 - b. Such an expanded capacity is a clear necessity to satisfy this particular housing demand.
 - c. Undue traffic congestion must not result.
 - d. The imposition on existing sanitary facilities must not be excessive.
 - e. Such use must not unduly injure the character or value of the existing neighborhood.
 - f. The floor area per dwelling unit must not be less than a minimum of three hundred fifty (350) square feet for one (1) bedroom, five hundred fifty (550) square feet for two (2) bedrooms, seven hundred fifty (750) square feet for three (3) bedrooms, and an average of two hundred (200) square feet for each bedroom in excess of three (3) bedrooms.
3. Day-Care Home (Group):
 - a. Minimum lot size shall be eight thousand seven hundred (8,700) square feet with sixtysix (66) feet for the lot width.
 - b. A usable outdoor play area shall be provided on the site at a rate of seventy-five (75) square feet for each child that is not a member of the family, exclusive of required front yard, required side yard along a street, and of driveways and parking areas. The play area shall be fenced for safety and shall be screened from any adjoining residential land by suitable plant material.
4. Funeral Homes and Mortuaries:
 - a. Minimum lot size shall be one (1) acre with a minimum width of one hundred fifty (150) feet.

- b. The proposed site shall front on a major thoroughfare.
 - c. On all sides adjacent to a residential district, the front, side, and rear yards shall be at least fifty (50) feet. All yards shall be appropriately landscaped in trees, shrubs, and grass.
 - d. All buildings shall be harmonious in appearance with the surrounding residential area and shall be similar in design and appearance to any other buildings within the immediate vicinity of the proposed site.
 - e. Adequate off-street assembly area for vehicles used in funeral processions shall be provided in addition to any required off-street parking area. Parking and assembly areas shall be screened from surrounding residential areas by an open structure wood fence or solid masonry wall at least six (6) feet in height. Shrubs and trees may be used in combination with said structural screens or walls.
5. Home Occupations:
- a. No more than one-half (1/2) of the floor area of one (1) story of the dwelling is devote[d] to such use.
 - b. No outdoor activities are carried on in connection with such use.
 - c. No employees, other than the occupants of the dwelling, are engaged in such activities.
 - d. No structural provisions shall be inherent in the design of the structure.
 - e. There shall be no external evidence of such occupations or uses except one (1) nonilluminated nameplate not to exceed two (2) square feet in area for platted lots and four (4) square feet in unplatted areas.
 - f. The essential character of the lot or structure, in terms of use and appearance, will not be changed in the slightest degree by the occurrence of such occupation or activity.
6. Junk Yards:
- a. All uses shall be established and maintained in accordance with all applicable State of Michigan statutes.
 - b. A solid fence or wall at least eight (8) feet in height shall be provided around the entire periphery of the site to screen said site from surrounding property. If the operation is adjacent to an R-1 or R-2 District, the planning commission may require a fence greater in height if it is deemed necessary to protect adjacent residential properties. Such fence or wall shall be of sound construction, painted, or otherwise finished neatly and inconspicuously.
 - c. All activities shall be confined within the fenced-in area. There shall be no stocking of material above the height of the fence or wall, except that movable equipment used on the site may exceed the wall or fence height. No equipment, material, signs, or lighting shall be used or stored outside the fenced-in area.

- d. All fenced-in areas shall be set back at least one hundred (100) feet from any right-of-way or property line. Such front yard setback shall be planted with trees, grass, and shrubs to minimize the appearance of the installation. The spacing and type of plant materials will be determined by the planning commission.
 - e. No open burning shall be permitted; and all industrial processes involving the use of equipment for cutting, compressing, or packaging shall be conducted within a completely enclosed building.
 - f. Whenever the installation abuts upon property within a residential district, a transition strip at least two hundred (200) feet in width shall be provided between the fenced-in area and the property within a residential district. Such strip shall contain plant materials, grass, and structural screens to effectively minimize the appearance of the installation and to help confine odors therein.
7. Mineral Extractions:
- a. All uses shall be established and maintained in accordance with all applicable State and Michigan statutes.
 - b. Topsoil shall not be stripped, excavated, or otherwise removed on any premises for sale or for any other use than on the premises on which the topsoil was originally located, except when as a product of an authorized excavation of other soils as provided in this section. This provision shall not be construed, however, to prohibit sod farm operations.
 - c. The applicant shall submit plans and proposals for the reuse of property after completion of excavation. At a minimum, such plans are to provide rehabilitation of the excavated areas so that the proposed site, when rehabilitated, shall be lacking in hazards, shall be inconspicuous, and shall blend into the natural ground form of the area. Such plans shall include a contour plan.
 - d. The applicant shall file a performance bond with the city council in such amount as the city council shall need sufficient to ensure completion of the work following excavation pursuant to the conditions as set forth in this subsection.
 - e. No fixed machinery shall be erected or maintained within fifty (50) feet of any property or street line.
 - f. All uses shall be enclosed by a fence, adequate to prevent trespass, six (6) feet or more in height, for the entire periphery of the excavation area. The top of the slope of the excavation shall not be closer than fifty (50) feet from the property line.
 - g. No slope shall exceed an angle with the horizontal of forty-five (45) degrees.
 - h. All slopes and banks shall be reasonably graded and treated to prevent erosion or any other potential deterioration.

- i. No building shall be erected on the premises, except as may be permitted, elsewhere in this ordinance or except as temporary shelter for machinery and field office subject to approval by the planning commission.
 - j. The planning commission shall establish routes for truck movement to and from the site in order to minimize the wear on public streets and to prevent hazards and damage to properties in the community. That portion of access roads within the area of operation shall be provided with a dustless surface.
 - k. All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to single property, any individual, or to the city in general.
 - l. Proper measures, as determined by the planning commission, shall be taken to minimize the nuisance of noise and flying dust or rock. Such measures may include, when considered necessary, limitations upon the practice of stockpiling of excavated materials on the site.
 - m. When excavation or removal operations are completed, the excavate area shall be graded so that no gradients in disturbed earth shall be steeper than a slope of 3-1 (horizontalvertical). A layer of arable topsoil shall be spread over the excavated area, except exposed rock surfaces, to a minimum depth of four (4) inches in accordance with an approved contour plan. The area shall be seeded with a perennial rye grass and maintained until the area is stabilized and approved by the planning commission.
 - n. All areas within a single development shall be rehabilitated as they are worked out or abandoned so that they shall comply with the rehabilitation plan as approved.
 - o. Any extension of quarrying operations beyond the property lines actually quarried at the effective date of this ordinance shall be considered as a new operation and shall require a special land use permit.
 - p. All existing pits [at] the effective date of this ordinance shall be inspected by the zoning administrator to determine the nature and extend of nonconformity. Said uses found to be nonconforming shall be so recorded, and newly excavated areas shall conform the provisions of this ordinance.
8. Motor Freight Terminal:
- a. This use shall include garaging and maintenance of equipment, freight forwarding, packing, and crating services.
 - b. All outdoor activities and storage related to this use shall be set back a minimum of fifty (50) feet from all side and rear lot lines and a minimum of one hundred (100) feet from all residential districts.
 - c. All truck traffic shall be encouraged to locate away from neighboring residential properties.
 - d. Appropriate screening in accordance with Section 4.05 and as approved by the planning commission shall be required to protect adjoining parcels.
9. Planning Unit Developments:

See Article 21 of this ordinance.

10. Public or Institutional Uses:

- a. Such use shall be in conformance with the character of the adjacent neighborhood and shall be essential to service the neighborhood or community.
- b. The planning commission shall establish requirements for setback, lot size, side yard, parking, screening, and other conditions necessary for the use to conform with the character of the adjacent neighborhood.

11. Special Open Space Uses:

- a. The proposed site shall be at least two (2) acres in area.
- b. The proposed site shall have at least one (1) property line abutting a major thoroughfare. All ingress and egress to the site shall be directly from said thoroughfare.
- c. All buildings and structures shall be set back at least two hundred (200) feet from any property line. Whenever the installation abuts upon property within a residential district, this two hundred (200) foot setback shall be landscaped with trees, grass and structural screens of a type approved by the planning commission to effectively screen the installation from surrounding residential properties.

12. State-Licensed Residential Facilities:

- a. Such use shall be in conformance with the character of the adjacent neighborhood.
- b. The planning commission shall establish requirements for setback, lot size, side yard, parking, screening, and other conditions necessary for the use to conform with the character of the adjacent neighborhood and to protect adjacent properties.

13. Travel Trailer Parks:

- a. All travel trailer parks shall be subject to the requirements of the Michigan Department of Health.
- b. No travel trailer park shall be located except the direct access to a major thoroughfare and with a minimum lot width of not less than fifty (50) feet for the portion used for entrance and exit. No entrance or exit shall be through a residential district or shall require movement of traffic from the park through a residential district.
- c. The minimum lot area per park shall be three (3) acres, with a maximum of twenty (20) acres.
- d. Spaces in travel trailer parks may be used by travel trailers, provided that they meet any additional laws and ordinances of the State of Michigan and Eaton County. They shall be rented by the day or week only, and an occupant of such space shall remain in the same trailer park for a period of not more than thirty (30) days.

- e. Management, headquarters, recreational facilities, toilets, showers, laundry facilities, and other uses and structures customarily incidental to the operation of a travel trailer park are permitted as accessory uses in any district in which trailer parks are allowed, provided that:
 - 1. Such establishments and the parking area primarily related to their operations shall not occupy more than ten (10) percent of the area of the park.
 - 2. Such establishments shall be restricted in their use to occupants of the park.
 - 3. Such establishments shall present no visible evidence of their commercial character that would attract customers other than occupants of the park.
 - f. No space shall be so located that any part intended for occupancy for sleeping purposes shall be within fifty (50) feet of the right-of-way line of any freeway or expressway or within twenty-five (25) feet of the right-of-way of any minor street.
 - g. In addition to meeting the above requirements, the travel trailer park site plan shall be subject to the review and approval of the Eaton County Health Department.
14. Two (2) family Dwellings:
- a. Two (2) family dwellings require a special land use permit in the R-2 District.
 - b. The dwellings shall not alter the character of the neighborhood in which they are located.
 - c. The dwellings shall be located along major roads and entrance ways to the residential development or shall act as buffers between residential and higher-intensity uses whenever practical.
15. Wrecker and Towing Business With Vehicle Storage: (Amended by Ordinance 213).
- a. The use of a parcel for wrecker and towing business with vehicle storage, which meets all of the following conditions, shall be permitted in B-2 Light Highway Business District.
 - b. The parcel on which the facility is located shall not be less than three (3) acres.
 - c. The vehicle storage lot shall be enclosed by a solid fence or wall at least six (6) feet in height around the periphery of the vehicle storage lot to screen said lot from surrounding property. If the operation is adjacent to an R-1 or R-2 District, the planning commission may require a fence greater in height if it is deemed necessary to protect adjacent residential properties. Such fence or wall shall be of sound construction, painted, or otherwise finished neatly and inconspicuously. All activities shall be confined within the fenced-in area. There shall be no stocking of material above the height of the fence or wall, except that movable equipment used on the site may exceed the wall or fence

height. No equipment, material signs, or lighting shall be used or stored outside the fenced-in area.

- d. The area of the lot on which the motor vehicle[s] are to be stored shall be covered with concrete, asphalt, or some other surface material as set forth by 18.08.05 of the Potterville Zoning Ordinance, as amended.
 - e. Where the wrecker and towing business abuts a residential district, the business shall submit a site plan, which complies with the greenbelt regulations as set forth at section 4.04 of the Potterville Zoning Code.
 - f. No open burning shall be permitted, and no industrial processes involving the use of equipment for cutting, compressing, or packing shall be conducted onsite.
16. Outdoor Vehicle Sales: (Amended by Ordinance 10-224).
- a. The use of a parcel for outdoor vehicle sales which meets all of the following conditions, shall be permitted in a B-2 Light Highway Business District.
 - b. All uses shall be established and maintained in accordance with all applicable State of Michigan statutes pertaining to Class A and B dealership licensure.
 - c. The parcel on which the facility is located shall not be less than the requirements set forth in Article 16 for a B-2 Light Highway Business.
 - d. The area of the lot on which the motor vehicles are to be stored shall be covered with concrete or asphalt as set forth by 18.09 (5) of the Potterville Zoning Ordinance, as amended[,] and under Section 8-134 of the Potterville City Code.
 - e. All display, customer, and employee parking shall be appropriately striped or painted to meet the conditions under Section 18.09 of the Potterville Zoning Ordinance. All vehicles shall fit inside designated parking spaces.
 - f. Where the vehicle sales abut a residential district, the business shall submit a site plan, which complies with the greenbelt regulations as set forth in Section 4.04 of the Potterville Zoning Ordinance, except that parking on the parcel shall not extend into the rear setback as defined in Article 16.
 - g. No open burning shall be permitted, and no industrial processes involving the use of equipment for cutting, compressing, or packing shall be conducted onsite.

ARTICLE 21
PLANNED UNIT DEVELOPMENS (PUDS)

21.01 **PURPOSE**

It is the purpose of this section to encourage more imaginative and livable housing environments within the R-1, R-2, and R-3 Districts through a planned reduction on averaging of the individual lot area requirements for each zoning district, providing the overall density requirements for each district remain the same. Such averaging or reduction of lot area requirements shall only be permitted when a tract of land can be developed as an entity and thereby qualify for regulation of the tract of land as one (1) complex land use rather than an aggregation of individual buildings located on separate, unrelated lots.

21.02 **OBJECTIVES**

The following objectives shall be considered in reviewing any application for a special land use permit for a planned unit development:

1. To provide a more desirable living environment by preserving the natural character of open fields, stand of trees, brooks, ponds, floodplains, hills, and similar natural assets.
2. To encourage the provision of open space and the development of recreational facilities at a generally central location and within reasonable distance of all living units.
3. TO encourage developers to use a more creative and imaginative approach in the development of residential areas.
4. To provide for more efficient and aesthetic use of open areas by allowing the developer to reduce development costs through the bypassing of natural obstacles in the residential site.
5. To encourage variety in the physical development patter[n] of the city by providing a mixture of housing types.

21.03 **QUALIFYING CONDITIONS**

Any application for a special land use permit shall meet the following conditions to qualify for consideration as a planned unit development:

1. The planned unit development site shall be not less than ten (10) acres in area, shall be under the control of one (1) owner or group of owners, and shall be capable of being planned and developed as one (1) integral unit.
2. Public water and sewer facilities shall be available or shall be provided as part of the site development.
3. The total number of dwelling units and/or lots in the planned unit development shall be no greater than if the tract were developed with the lot area requirements of the particular zoning district in which it is located.

4. For each square foot of land gained through the reduction of averaging of lot sizes, equal amounts of land shall be dedicated to the city or shall be set aside for the common use of the home or lot owners within the planned unit development under legal procedures that shall also give the city a covenant or interest therein so that there are assurances that the required open space shall remain open.

21.04 USES THAT MAY BE PERMITTED

The following uses of land and structures may be permitted within planned unit developments:

1. The gross acreage proposed for planned unit development shall be computed to determine the total land area available for development into lots under the minimum lot size requirements of the applicable zoning district in which it is located. In arriving at a gross acreage figure, the following lands shall not be considered as part of the gross acreage:
 - a. Land utilized by public utilities as easements for major facilities, such as electric transmission lines, sewer line, water mains, or other similar lands that are not available to the owner because of such easements.
 - b. Lands with floodplains as specified in Article 17.
2. After the total gross area available for development has been determined by the above procedure, the maximum number of lots and/or dwelling units that may be approved within a planned unit development shall be computed by subtracting twenty (20) percent for street right-of-way purposes from the total gross area available and dividing the remaining net area available by the minimum lot area requirements of the district in which it is located.

Under this procedure, individual lots may be reduced in area below the minimum lot size required by the zoning district in which it is located, provided that the total number of dwelling units and/or lots created within the development is not more than the maximum number that would be allowed if the tract was developed under the minimum lot area requirements of the applicable zoning district in which it was located.

3. The minimum lot size, density requirements, and setbacks of the district it is located in shall serve as the basic development standards for the proposed PUD, provided that the planning commission may modify these standards where the public health, safety, and welfare are maintained.

ARTICLE 22
SITE PLAN REVIEW

22.01 **PURPOSE**

It is the purpose of this section to require site plan review approval for certain buildings, structures, and uses that can be expected to have a significant impact on natural resources, traffic patterns, adjacent parcels, and the character of future development. The regulations contained herein are intended to provide and promote the orderly development of the city; safe and convenient traffic movement, both within a site and in relation to access streets; the stability of land values and investments by preventing the impairment or depreciation of land values; development by the erection of structures or additions or alteration thereto, without proper attention to setting or to the unsightly or undesirable appearances; harmonious relationships of buildings and other structures and uses, both a site and/or adjacent sites; and the conservation of natural amenities and resources.

22.02 **APPROVAL REQUIRED**

Site plan approval is required for the following:

1. All uses requiring a special land use permit.
2. Residential developments, including site condominiums, containing four (4) or more lots or units. The site plan review process for manufactured home communities is outlined in Article 10.
3. All additions, alterations, or extensions to any of the above uses as determined by the Zoning Administrator to be significant enough to require site plan review.
4. All new construction or exterior renovation of any business or industrial properties.
5. Any significant change in uses.

22.03 **PROCEDURES FOR SITE PLAN REVIEW**

1. Application for site plan review shall be submitted through the city clerk to the Planning Commission on a special application form for that purpose; each application shall be accompanied by the payment of a fee in accordance with the duly adopted "Schedule of Fees" to cover the costs of the processing the application. No part of any fee shall be refundable.
2. Every application shall be accompanied by the following information and data:
 - a. Application form supplied by the city clerk, filled out in full by the applicant.
 - b. Twenty (20) copies of the site plan, plot plan, or development plan, drawn to a readable scale showing:
 - 1) Property dimensions.
 - 2) Size, shape, square footage, and location of existing and proposed buildings and structures.
 - 3) The location and surface of all drives and parking areas.
 - 4) Existing public right-of-way and/or private easements.

- 5) Watercourses and water bodies, including surface drainage ways.
 - 6) A landscaping plan indicating locations of existing and proposed vegetation, screening, fencing, signs, and advertising features.
 - 7) Lighting plan.
 - 8) Storage area, dumpster areas, and greenbelts (if required) with all necessary screening.
3. Planning Commission Review:
- a. Upon receipt of an application for site plan review, including all data required, verified by the Zoning Administrator, the city clerk shall transmit one (1) copy of the site plan to each of the following agencies considered to be impacted or affected by the request for their review and comment. Upon receiving a written response, from each of the following entities, the city clerk shall transmit the remaining copies of the site plan to the Planning Commission along with the written responses. The following agencies shall respond within thirty (30) days of receiving the site plan. If the agencies fail to respond in writing within the allotted time it will be assumed that they have no comments and/or additions to the site plan being presented.
 - 1) Eaton County Road Commission or City of Potterville Dept. of Public Works
 - 2) Eaton-Barry County Health Department
 - 3) Eaton County Drain Commission
 - 4) City of Potterville City Manager
 - 5) City of Potterville Fire Chief
 - 6) City of Potterville Police Chief
 - 7) Potterville School District and Superintendent of Potterville Schools
 - 8) DDA (if within district)
 - 9) TIFA (if within district)
 - b. The Planning Commission, upon receiving the comments of the above affected agencies, shall proceed with the review of the site plan, by setting a date for a public hearing, to determine the compliance with the provisions of this ordinance.
 - c. The site plan will be considered at a regular planning commission meeting, at sometime following a public hearing, within sixty (60) days of receiving the completed application. The public will be given the opportunity to comment on the site plan at the public hearing and at the meeting in which the site plan will be considered.
 - d. The Planning Commission shall respond to the applicant within eighty (80) days of the public hearing as to the approval, denial, or approval with modifications of the site plan. If denied, the Planning Commission shall cite

reasons for denial; and if approved, the Zoning Administrator shall issue a letter of site plan approval to the applicant.

22.04 STANDARDS FOR SITE PLAN APPROVAL

1. All elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and type of lot, the character of adjoining property, and the type and size of buildings. The site shall be developed so as not to impede the normal and orderly development or impoundment of surrounding property for uses permitted in the ordinance.
2. The landscaping shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal and by topographic modifications that result in maximum harmony with adjacent uses.
3. Special attention shall be given to proper site surface drainage so that removal of storm waters will not adversely affect neighboring properties.
4. The site plan shall provide reasonable visual and sound privacy for all dwelling units located therein. Fences, walks, barriers, and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants. Refer to Section 4.04 for buffer yard, berm, wall, and fence specifications.
5. All buildings or groups of buildings shall be arranged so as to permit emergency vehicle access by some practical means to all sides.
6. Every structure or dwelling unit shall have access to a public street, walkway, or other area dedicated to common use.
7. A pedestrian circulation system that is insulated as completely as reasonably possible from the vehicular circulation system shall be provided.
8. All loading and unloading areas and outside storage areas, including areas for the storage of trash, that face or are visible from residential properties or public streets shall be screened by a vertical screen consisting of structural (fence) materials no less than six (6) feet in height.
9. Exterior lighting shall be arranged so that it is deflected away from adjacent properties and so that it does not impede the vision of traffic along adjacent streets.

22.05 ACTION BY PLANNING COMMISSION

The Planning Commission shall have the function, duty, and the power to approve or disapprove or approve subject to compliance with such modifications or conditions as it may deem necessary to carry out the purpose of these regulations, the design and site plan of all proposed buildings or structures or the development of the entire property; the specifications of all exits, entrances, streets, highways, or other means of ingress and egress; the proposed manner of dedication to the public or maintenance of same and the construction of appropriate screens and buffers.

22.06 MODIFICATION OF APPROVAL OF SITE PLAN AND LAPSE OF SITE PLAN APPROVAL (Amended by Ordinance 211).

1. Once site plan approval has been granted by the planning commission, changes to the approved site require a resubmission and payment of fees.
2. Final approval shall be valid for a period of up to 12 months from the date of approval.
3. If construction of the proposed development has not commenced within the 12-month period from the date of the site plan approval, said approval shall become null and void.
4. Upon written application of the applicant at least 30 days prior to the expiration of the 12-month period, the planning commission may grant one extension of the approval of the site plan for a period not to exceed 12 months.
5. For all site plan approvals which have been granted 12 months prior to the effective date of this ordinance, said applicant, developer, or successor in interest, is hereby granted an additional six months in order to obtain the necessary permits and commence construction of the proposed development. Upon written application from the applicant at least 30 days prior to the expiration of the 6-month period, the planning commission may grant one extension of this site plan approval for a period not to exceed six months.

22.07 FINANCIAL GUARANTEES

In approving the site plan, the Planning Commission may require that a cash deposit, certified check, bond, or other financial guarantee of ample sum, which is acceptable to the city, be furnished by the developer to ensure compliance with such requirements as drives, walks, utilities, parking, landscaping, and the like. The financial guarantee shall be deposited with the city clerk at the time of issuance of the permit authorizing the project or activity. As work progresses, the Planning Commission may authorize a proportional rebate or the financial guarantee upon completion of significant phases or improvements.

22.08 APPEALS AND QUESTIONS OF INTERPRETATION OF ORDINANCE

Any person considering himself or herself aggrieved by the decision of the Planning Commission in granting or denial of a site plan approval shall have the right to appeal said decision to the Zoning Board of Appeals. The appeal shall be exclusive and must be filed with the city clerk within ten (10) days of the decision of the Planning Commission.

ARTICLE 23
NONCONFORMING USES, STRUCTURES, AND LOTS

23.01 **INTENT AND PURPOSE**

It is the intent of this ordinance to permit the continuance of a lawful use of any building or land existing at the effective date of this ordinance, although such use of land or structures may not conform with the provisions of this ordinance.

It is also recognized that such uses are incompatible with permitted uses in the districts involved.

It is the intent of this ordinance that nonconformities shall not be enlarged upon, expanded, or extended; nor shall they be used as grounds for adding other structures or uses prohibited elsewhere in the same districts. The continuance of all nonconforming uses and structures within the city shall be subject to the conditions and requirements set forth in this section.

23.02 **STRUCTURAL CHANGES OR ENLARGEMENT**

The building or land use that is nonconforming shall not be structurally changed, altered, or enlarged unless the provisions of this ordinance for the district in which it is located can be met; provided, however, when application is made to structurally change, alter, or enlarge a nonconforming building where the nonconformance is due solely to nonconformance with the setback requirements of Section 16.01 and the change, alteration, or enlargement does not cause a further violation to the setback requirements of Section 16.01, then this change, alteration, or enlargement shall be permitted as long as other provisions of the ordinance have been complied with.

A basement, garage, or any incompletely constructed structure in use as a dwelling on the effective date of this ordinance may be used as a dwelling following said date; however, owners are encouraged to bring said structures to a state of completion in conformance with the regulations of this ordinance relative to dwelling in the district in which said structure is located.

23.03 **REPAIR OF NONCONFORMING STRUCTURES**

Nothing in this ordinance shall prohibit the repair, improvement, or modernizing of a lawful nonconforming structures to correct deterioration, obsolescence, depreciation, and wear provided that such repair does not exceed an aggregate cost of the structure unless the subject structure is changed by such repair to a conforming structure.

23.04 RECONSTRUCTION AND RESTORATION

Any lawful nonconforming structure damaged by fire, explosion, an act of God, or by other causes may be restored, rebuilt, or repaired, provided that such restoration does not exceed seventy-five (75) percent of the structure's precatastrophy market value, as recorded by the assessing officer. The damage to the structure is the expenditure necessary to return the structure to its condition before destruction and shall be determined by the zoning administrator.

1. After receiving an estimate of the structural damage from the city fire chief.
2. After receiving a figure representing the difference between the pre-catastrophe [sic] value as determined by the assessing officer for the City of Pottersville.
3. After dividing the sum of the figures derived in No. 1, above, from the fire chief and No. 2, City of Pottersville.

23.05 DISCONTINUANCE OR ABANDONMENT

Whenever a nonconforming use has been discontinued for twelve (12) consecutive months or for eighteen (18) months during any three (3) year period, such discontinuance shall be considered conclusive evidence of an intention to abandon. The nonconforming use shall not be reestablished, and any future use shall be in conformance with the provisions of this ordinance.

23.06 CHANGING USES

If no structural alterations are made, the board of appeals may, upon an appeal, authorize a change from one (1) nonconforming use to another nonconforming use, provided that the proposed use would be more suitable to the zoning district in which it is located than the nonconforming use that is being replaced. Whenever a nonconforming use has been changed to a more nearly conforming use or to a conforming use, such use shall not revert or be changed back to a nonconforming or less conforming use.

23.07 PRIOR CONSTRUCTION APPROVAL

Nothing in this ordinance shall prohibit the completion of construction and use of a nonconforming building for which a building permit has been issued prior to the effective date of this ordinance, provided that construction is commenced within (90) days after the date of issuance of the permit and that the entire building shall have been completed according to plans filed with the permit application within one (1) year after the issuance of the building permit.

23.08 TERMINATION OF NONCONFORMING LAND USES

The nonconforming uses of land existing at the effective date of this ordinance, where no building is located, may be continued, provided that the nonconforming land use shall not, in anyway, be expanded or extended on either the same property or adjoining property.

23.09 ILLEGAL, NONCONFORMING

Nonconforming uses of buildings or land existing at the effective date of this ordinance established without a building permit or those nonconforming uses that cannot be proven conclusively as existing prior to the effective date of this ordinance shall be declared illegal, nonconforming uses and shall be discontinued.

23.10 NONCONFORMING LOTS

1. A lot that is platted or otherwise of record as of the effective date of this ordinance may be used if the following conditions are met:
 - a. The lot has a minimum lot area of seven thousand two hundred (7,200) square feet.
 - b. The minimum side yard shall be ten (10) percent of the lot width or six (6) feet, whichever is greater.
 - c. The minimum lot width shall not be less than sixty (60) feet.
 - d. The depth of the rear yard shall not be less than twenty-five (25) feet.
 - e. The depth of the front yard shall not be less than twenty-five (25) feet.
 - f. The lot coverage does not exceed thirty (30) percent.
2. Where two (2) or more noncomplying lots are adjacent to each other and in common ownership, such lots shall be combined so that the lot or lots created by this combination comply with the minimum requirements of this ordinance.

23.11 DISTRICT CHANGES

Whenever the boundaries of a district shall be changed so as to transfer an area from one (1) district to another district of another classification, the provisions of this section shall also apply to any existing uses that become nonconforming as a result of the boundary changes.

ARTICLE 24
BOARD OF APPEALS

24.01 **ESTABLISHMENT**

A city zoning board of appeals in accordance with Act 207 of the Public Acts of Michigan of 1921, as amended, is hereby established. The board of appeals shall perform its duties and exercise its powers as provided by Section 5 of said Act, as amended, and in such a way that the objectives of this ordinance may be equitably achieved. There shall be a means for competent interpretation and controlled flexibility provided in the application of this ordinance. The health, safety, and welfare of the public shall be secured; and substantial justice shall be secured.

24.02 **MEMBERSHIP, TERMS OF OFFICE** (Amended by Ordinance 212).

1. The legislative body of the city may act as or appoint a board of appeals. In the event that the legislative body appoints, the board of appeals must consist of not less than five (5) members, each to be appointed for a term of three (3) years, provided that appointments for the first year shall be for a period of one (1), two (2), and three (3) years, respectively, so as nearly as may be to provide for the appointment of an equal number each year, depending on the number of members, thereafter each member to hold office for the full three (3) year period. One (1) member of the zoning board of appeals shall be a member of the planning commission who holds no other municipal office. Members of the board of appeals shall be removed by the city council for nonfeasance, malfeasance, and misfeasance in office.
2. The city council may also if it so desires appoint not more than two alternate members. Whenever appointed, their term shall terminate on the first day of January after each regular city election. The alternate members may be called on a rotating basis to sit as regular member of the board of appeals when a regular member is absent. An alternate member may also be called to serve in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member having been appointed shall serve in the case until a final decision has been made. The alternate member shall have the same voting rights as a regular member of the board of appeals.

24.03 **RULES OF PROCEDURE**

The board of appeals shall adopt its own rules of procedure as may be necessary to conduct its meetings and to carry out its function. The board of appeals shall choose its own chairperson and, in his/her absence, an acting chairperson.

24.04 MEETINGS

Meetings shall be held at the call of the chairperson and at such times as the board of appeals may determine. All meetings of the board of appeals shall be open to the public. The board of appeals may declare any meeting or part of any meeting a study meeting to pursue matters of business without comment or interruption from the public in attendance.

24.05 RECORDS

Minutes shall be recorded of all proceedings that shall contain evidence received, the findings of fact, and data relevant to every case considered, together with the votes of the members and the final disposition of each case. Such minutes shall be filed in the office of the city clerk and shall be made available to the general public. The city clerk shall act as a secretary to the board of appeals, and all records of the board of appeals action shall be taken and recorded under the city clerk's discretion.

24.06 HEARINGS (Amended by Ordinance 174).

The board of appeals, or the zoning administrator on behalf of the board, shall fix a reasonable time for hearing of the appeal and shall give due notice thereof to the persons to whom any real property within three hundred (300) feet of the premises in question is assessed, and to the occupants of single and 2-family dwellings within three hundred (300) feet, the notice to be delivered personally or by mail to the respective owners and tenants at the address given in the last assessment roll. The board of appeals shall be notified at the same time the other notices are delivered.

The board of appeals shall decide the appeal within a reasonable time. If the tenant's name is not used, the term occupant may be used. Upon the hearing, a party may appear in person, or by agent, or by attorney.

The board of appeals may reverse or affirm, in whole or in part, or may modify the order, requirement, decision or determination appealed from and shall make such order, requirement, decision, or determination as, in the board's opinion out to be made in the premises, and to that end, shall have all the powers of the officer or body from whom the appeal is taken.

The board of appeals may recess such hearing from time to time; and, if the time and place of the continued hearing is publicly announced at the time of adjournment of the board of appeals hearing, no further notice shall be required, except as by the Open Meetings Act.

24.07 DECISIONS

The board of appeals shall return a decision on a case within sixty (60) days after a request or appeal has been filed, unless a further time is agreed upon with the parties concerned. Any decision of the board of appeals shall not become final until the expiration of five (5) days from the date of entry of such order, unless the board of appeals shall find the immediate effect of such order is necessary for the preservation of property or personal rights and shall so certify on the record.

24.08 TWO-THIRDS (2/3) VOTE

The concurring vote of two-thirds (2/3) members of the board of appeals shall be necessary to reverse any order, requirement, decision, or determination of the zoning administrator or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance or to affect any variation in this ordinance.

24.09 REPORTS TO COUNCIL

At intervals of not greater than one (1) year, the board of appeals shall, by written report to the city council, list all applications and appeals made to it since its last report and shall summarize its decisions on such applications and appeals.

24.10 FILING OF APPEALS

Appeals to the board of appeals may be made by any person aggrieved or by any officer, department, board, or bureau of the city. Any appeal from the ruling of the zoning administrator concerning the enforcement of the provisions of this ordinance shall be made to the board of appeals within ten (10) days after the date of the mailing of the zoning administrator's decision. Such appeal shall be filed with the secretary of the board of appeals and with the zoning administrator and shall specify the grounds for the appeal. The zoning administrator shall immediately transmit, to the Secretary of the board of appeals, all papers constituting the record upon which the action appealed from was taken.

24.11 STAY

An appeal shall stay all proceedings in furtherance of the action appealed from unless the zoning administrator certifies, to the board of appeals after notice of appeal has been filed with him/her, that, by reason of facts stated in the certificate, a stay would, in the Administrator's opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed other than by a restraining order that may be granted by the board of appeals or on application by court of record.

24.12 FEES

A fee, established by the city council, shall be paid to the Secretary of the board of appeals at the time the petitioner files an application with the board of appeals. The purpose of such fee is to cover, in part, the necessary advertisements, investigations, hearing records,

and other expenses incurred by the board of appeals in connection with the appeal. No fee shall be charged if the city or any official body of the city is the moving party.

24.13 REVIEW BY CIRCUIT COURT

Any party aggrieved by any order, determination, or decision of any officer, agency, board, commission, board of appeals, or the legislative body of the City of Pottersville that has acted pursuant to the provisions of Act 207 of the Michigan Public Acts of 1921 may obtain a review thereof, both on the facts and the law, in the Circuit Court of Eaton County, provided that application is made to the court within thirty (30) days after delivery of a copy of such order, determination, or decision by certiorari or by any other method permissible under the rules and practices of the circuit courts of this state, and further provided that all other means of local appeal and review, as provided on this ordinance, have first been exhausted.

24.14 DUTIES AND POWERS

The city zoning board of appeals shall not have the power to alter or change the zoning district classification of any property, nor shall it make any change in the terms or intent of this ordinance; but it does have the power to act on those matters where this ordinance provides for the appeal, interpretation, variance, special exception, or special land use permit as defined in this section.

24.15 INTERPRETATION

The board of appeals shall have the power to:

1. Classify a use that is not specifically mentioned as part of the use regulations of any zoning district so that it conforms to a comparable permitted or prohibited use in accordance with the purpose and intent of each district.
2. Determine the off-street parking and loading space requirements of any use not specifically mentioned in Article 18.
3. Determine the precise location of the boundary lines between zoning districts.
4. Interpret, upon request, the provisions of this ordinance in such a way as to carry out the intent and purpose of the ordinance.

24.16 VARIANCES

The board of appeals shall have the power to authorize, upon appeal, specific variances from such requirements as lot area and width regulations, building height and bulk requirements, yard and depth regulations, and off-street parking and loading space requirements, provided all of the basic conditions listed herein and any one (1) of the special conditions listed thereafter can be satisfied.

1. The following basic conditions must be met:

- a. The variance will not be contrary to the public interest or to the intent and purpose of this ordinance.
 - b. The variance shall not permit the establishment within a district or any use that is not permitted by right within that zoning district or any use or dimensional variance for which a conditional use permit or temporary use permit is required.
 - c. The variance will not cause a substantial adverse effect upon property values in the immediate vicinity or in the district in which the property of the applicant is located.
 - d. The variance is not one (1) where the specific conditions relating to the property are so general or recurrent in nature as to make the formulation of a general regulation for such conditions reasonably practical.
 - e. The variance will relate only to property that is under control of the applicant.
2. When all of the foregoing basic conditions can be satisfied, a variance may be granted when any one (1) of the following special conditions can be clearly demonstrated:
- a. Where there are practical difficulties or unnecessary hardships that prevent carrying out the strict letter of this ordinance. These hardships or difficulties shall not be deemed economic but shall be evaluated in terms of the use of a particular parcel of land.
 - b. Where there are exceptional or extraordinary circumstances or physical conditions, such as narrowness, shallowness, shape, or topography of the property involved or to the same zoning district. Such circumstances or conditions shall not have resulted from any act of the applicant subsequent to the adoption of this ordinance.
 - c. Where such variation is necessary for the preservation of a substantial property right possessed by other properties in the same zoning district.
3. The following rules shall be applied in the granting of variances:
- a. The board of appeals may specify, in writing, such conditions regarding the character, location, and other features that will, in its judgment, secure the objectives and purposes of this ordinance. The breach of any such condition shall automatically invalidate the permit granted.
 - b. Each variance granted under the provisions of this ordinance shall become null and void unless:
 - 1. The construction authorized by such variance or permit has been commenced within six (6) months after the granting of the variance.
 - 2. The occupancy of land, premises, or buildings authorized by the variance has taken place within one (1) year after granting of the variance.
 - c. No application for a variance that has been denied in whole or in part by the board of appeals shall be resubmitted for a period of one (1) year from the date of the last denial, except on the grounds of newly discovered evidence or proof

of changed conditions found upon inspection by the board of appeals to be valid.

24.17 SPECIAL LAND USE PERMIT

The board of appeals shall review any appeal properly filed with it where a special land use permit application has been denied by the planning commission; in which case, the board of appeals has the power to approve or deny the issuance of a special land use permit, or it can authorize approval and vary the conditions of that approval as long as the conditions remain consistent with the standards described in Article 20 and are consistent with the intent and provisions of this ordinance. In making its determination, the board of appeals shall examine the application and all accompanying data as well as the records and determinations of the planning commission's hearing and deliberations; furthermore, the board of appeals shall make any additional investigations it deems necessary before rendering a decision.

24.18 ESSENTIAL SERVICES

The board of appeals shall have the power to permit the erection and use of a building or an addition to an existing building of a public service corporation or for public utility purposes in any permitted district to a greater height or of larger area than the district requirements herein established and permit the location in any use district of a public utility building, structure, or use if the board of appeals shall find such use, height, area, building, or structure reasonably necessary for the public convenience and service.

24.19 BOND FOR COMPLIANCE

In authorizing any appeal, special exception, or special land use variance permits, the city board of appeals may require that a bond be furnished to ensure compliance with the requirements, specifications, and conditions imposed to ensure the discontinuance of a temporary use by a stipulated time.

ARTICLE 25
ADMINISTRATION AND ENFORCEMENT

25.01 **ADMINISTRATION**

The provisions of this ordinance shall be administrated by the City of Potterville Planning Commission and the City of Potterville City Council in accordance with the Municipal Planning Commission Act, Act 285 of the Michigan Public Acts of 1931, as amended, and the City and Village Zoning Act, Act 207, of the Municipal Public Acts of 1921, as amended.

25.02 **ZONING ADMINISTRATOR**

The city council, with the recommendation of the planning commission, shall designate or employ a zoning administrator to act as its officer to affect proper administration of this ordinance. The term of employment, rate of compensation, and any other conditions of employment shall be established by the city council. The zoning administrator shall have the power to enforce this ordinance according to the procedures authorized by law.

25.03 **DUTIES OF ZONING ADMINISTRATOR**

It shall be the responsibility of the zoning administrator to enforce the provisions of this ordinance and, in doing so, shall perform the following duties:

1. All applications for zoning permits shall be submitted to the zoning administrator, who may issue zoning permits and certificates of occupancy when all applicable provisions of this ordinance have been complied with.
2. The zoning administrator shall maintain files of all applications for building permits and for certificates of occupancy and shall keep records of all building permits and certificates of occupancy issues; these files and records shall be filed in the office of the city clerk and shall be open to public inspection. Copies shall be furnished, at cost, upon the request of any person having a proprietary or tenancy interest in the property involved.
3. The zoning administrator shall be empowered to make inspections of buildings or premises in order to properly carry out the enforcement of this ordinance.
4. The zoning administrator shall record all nonconforming uses of land existing at the effective date of this ordinance for the purposes of carrying out the provisions of Article 23, and the zoning administrator shall further notify all affected property owners of their nonconforming status within six (6) months from the effective date of this ordinance by means of written communication mailed to the address of the owner of the nonconforming land use as given in the last assessment roll.
5. The zoning administrator shall keep a record of every identifiable complaint of a violation of any of the provisions of this ordinance and of the action take[n] consequent to each such complaint; these records shall be public records.
6. The zoning administrator shall report to the city council periodically, at intervals of not greater than six (6) months, summarizing, for the period since the last report, all

building permits and certificates of occupancy issued and all complaints of violation and the action taken subsequent thereon.

7. The zoning administrator shall make a report to the city planning commission at each regular meeting of the commission, summarizing, for the period since the last report, all building permits and certificates of occupancy issued, all complaints of violation and subsequent action taken thereon, and other actions taken under the authority of this ordinance. The zoning administrator shall inform the planning commission chairperson of all building permits and certificates of occupancy within five (5) days of their issuance.

Under no circumstances is the zoning administrator permitted to make changes in this ordinance, nor is he/she permitted to vary the terms of this ordinance while carrying out the duties prescribed herein. It shall be the responsibility of the planning commission to assure that the zoning administrator applies the provisions of this ordinance to the portion of the city developed at the time of its adoption only with the utmost care and discretion to assure that present and future owners of the properties are not denied common-sense right even if activity under such rights does not result in strict conformity to the provisions of this ordinance.

25.04 ZONING PERMITS

The following apply in the issuance of any permit:

1. Exclusive of farm service buildings, the excavation for any building or structure shall not be commenced; the erection, addition, alteration, or moving of any building or structure shall not be undertaken; no land shall be used; or an existing use of land shall not be changed to a use of a different type or class until a zoning permit and a certificate of occupancy have been secured from the zoning administrator. Except upon a written order of the board of appeals, no such zoning permit or certificate of occupancy shall be issued for any building or use of land where construction, addition, alteration, or use thereof would be in violation of any of the provisions of this ordinance.
2. Three (3) copies of a site layout or plot plan, drawn to scale, shall be submitted with all application for zoning permits; these site layouts or plot plans shall show:
 - a. The location, shape, area, and dimension of the lot.
 - b. The location, dimensions, height, and bulk of the existing and/or proposed structures to be erected, altered, or moved on the lots.
 - c. The intended uses.
3. Any permit granted under this section shall become null and void after one (1) year from the date of granting such permit, unless the development proposed shall have passed its first building inspection. Before voidance is actually declared, the zoning administrator shall notify the applicant of such voiding action by sending a notice to

the applicant at the address indicated on the permit application at least ten (10) days before such avoidance is effective.

4. The development or usage proposed by any zoning permit shall be subject to two (2) zoning inspections; one (1) inspection is to be before construction is completed but before occupancy occurs. It shall be the duty of the permit holder to notify the zoning administrator regarding times of inspection. Failure of the permit holder to make proper requests for inspection shall automatically cancel the permit, requiring the issuance of a new permit before construction may proceed or occupancy may be permitted.
5. Fees for inspection and the issuance of permits or certificates required under this ordinance shall be collected by the city clerk in advance of issuance. The amount of such fees shall be established by the city council and shall cover the cost of inspection and supervision resulting from the enforcement of this ordinance.
6. Application for a zoning permit may be subject to the provisions of Article 22. If so, the requirements of Article 22 shall be in addition to the requirements contained in this article.

25.05 CERTIFICATE OF OCCUPANCY

No land shall be occupied or used, and no building shall be used or changed in use until a certificate of occupancy, stating that the building and its proposed use complies with the provisions of this ordinance, has been issued by the zoning administrator.

1. Certificates of occupancy may be issued, upon request, for existing buildings, structures, parts thereof, or existing land uses of land if, after inspection, it is found that such buildings, structures, parts thereof, or such uses of land are in conformance with the provisions of this ordinance.
2. Any use or occupancy of any land or building not specifically permitted in its particular zoning district shall require the issuance of a certificate of occupancy for continued use. The certificate shall indicate the authorized use, the authority by which it is permitted, and any limiting conditions to such use.
3. Application for certificates of occupancy shall be made at the time of application for building permit or, in the case of existing building or uses of land, by application in writing to the zoning administrator. A certificate of occupancy applied for coincidentally with an application for a building permit shall be issued at the completion of the final inspection; and, in the case of existing buildings or uses of land, a certificate of occupancy shall be issued within ten (10) days after the receipt of such application if the building, structure, or use of land is in accordance with the provisions of this ordinance. If such certificate is refused for cause, the applicant shall be notified of such refusal, in writing, within the aforesaid ten (10) day period.

25.06 VIOLATIONS AND PENALTIES (Amended by Ordinance 204).

The zoning administrator shall enforce the provisions of this ordinance. Violations of any provisions of this ordinance are declared to be a nuisance, per se. Any and all building or land use activities considered possible violations of the provisions of this ordinance observed or communicated to police and fire department employees or to any city officials shall be reported to the zoning administrator.

1. The zoning administrator shall inspect each alleged violation and shall order correction, in writing, of all conditions found to be in violation of this ordinance. Said written order shall include a date by which said correction must be completed. The completion date may be extended at the discretion of the Zoning Administrator.
2. For each and every day the violation continues beyond the permissible grace period, a separate offense shall be declared. Any person, firm, corporation, or legal entity violating any provisions of the Zoning Administration of the City of Potterville shall be adjudged guilty of a municipal civil infraction.
3. The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

25.07 CONFLICTING REGULATIONS

In the interpretation, application, and enforcement of the provisions of this ordinance whenever any one (1) of the provisions or limitations imposed or required by the provisions of this ordinance are more stringent than any other law or ordinance, the provisions of this ordinance shall govern, provided that whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed by this ordinance, the provisions of such other law or ordinance shall govern. In the case of mobile home parks, any higher standard than imposed by state law must be approved pursuant to Rule 120 of the Mobile Home Commission Rules, 1987, as amended.

ARTICLE 26
AMENDMENTS

26.01 **AMENDMENTS**

The city council may amend the regulations and provisions stated in the text of this ordinance and the boundaries of zoning districts shown on the zoning districts map of the City of Potterville may be amended, supplemented, or changed by the city council in accordance with State of Michigan Act 207 of the Public Acts of 1921, as amended.

26.02 **INITIATION OF AMENDMENTS**

Proposals for amendments, supplements, or changes may be initiated by the city council on its own motion, by the planning commission, or by petition of one (1) or more owners of property to be affected by the proposed amendment.

26.03 **AMENDMENT PROCEDURE**

1. Petition to City Clerk: Each petition for an amendment by one (1) or more owners shall be submitted by application to the city clerk on a standard form provided.
2. Referral to Planning Commission: Upon receipt of a completed application, the planning commission, or the zoning administrator on behalf of the commission, shall schedule a public hearing. The zoning administrator shall notify the planning commission at the same time notice is provided as required in section 26.04. The zoning administrator shall refer every proposed amendment, supplement or change, to the planning commission for the holding of a public hearing thereon and for review and recommended action. The public hearing shall be held at a regular planning commission meeting, within sixty (60) days of receiving the application.
3. Planning Commission Recommendation: The planning commission shall consider each proposal for amendment in terms of its own judgment on particular factors related to the individual proposal and in terms of the likely effect of such proposal upon the Master Plan for the City of Potterville. The planning commission may recommend any additions or modifications to the original amendment proposal. The planning commission shall transmit a written recommendation, setting forth the reasons of acceptance, denial, or modification of the amendment proposal, to the city council within eighty (80) days of the public hearing.
4. Action by City Council: If the city council shall deem any amendments, changes, additions, or departures are advisable to the proposed text or district boundaries recommended by the planning commission, it shall refer the same back to the planning commission for a report thereon within a time specified by the city council. After receiving the report, the city council may adopt the amendment with or without changes or may refer the same again to the planning commission for further report.

26.04 PUBLIC HEARING PROCEDURE AND NOTICE THEREOF

For any public hearing conducted by the planning commission or the city council on a proposed amendment to this ordinance, the following procedure and notice requirements shall apply:

1. Notice of the public hearing, stating the time and place of such hearing and the substance of the proposed amendment, shall be given by publishing said notice at least on[c]e in a newspaper of general circulation in the City of Potterville; and, in the event of a proposed change in the zoning districts map, the district boundary lines affected shall also be stated. This notice shall appear in said newspaper at least fifteen (15) days prior to the date set for the public hearing. Furthermore, not less than fifteen (15) days notice of the time and place of such public hearing shall first be given, by registered mail, to each public utility company and to each railroad company owning or operating any public utility or railroad within the districts or zones affected against that registers its name and mailing address with the city clerk for the purpose of receiving the notice.
2. Notice of the proposed zoning change shall also be made by the city clerk, by first-class mail, to the person or firm to whom the property is assessed and to all persons or firms to whom property within three hundred (300) feet are assessed, provided, however, that failure to mail such notices in any particular instances shall not invalidate any zoning ordinance enacted.

26.05 EFFECT OR PROTEST TO PROPOSED AMENDMENT

In case a protest against any proposed amendment to this ordinance is presented in writing to the city clerk prior to the public hearing thereon, duly signed by the owners of at least twenty (20) percent of the area of land included in the proposed change or the owners of at least twenty (20) percent of the area of land included within an area extending outward one hundred (100) feet from any point on the boundary of the land included in the proposed change excluding public right-of-way, such amendment shall not be passed except by a two-thirds (2/3) vote of all members of the city council.

26.06 RESUBMITTAL

No application for a rezoning that has been denied by the city council shall be resubmitted for a period of one (1) year from the date of the last denial, except on grounds of newly discovered evidence or proof of changed conditions found upon inspection by the city council to be valid.

26.07 COMPREHENSIVE REVIEW OF ZONING ORDINANCE

The planning commission shall examine, from time to time at intervals of not more than one (1) year, the provisions of this ordinance and the location of the zoning district boundary lines and shall submit a report to the city council recommending changes and

amendments, if any, that are deemed to be desirable in the interest of public health, safety, and general welfare.

ARTICLE 27
MISCELLANEOUS PROVISIONS

27.01 SEVERABILITY

This ordinance and the various parts, sections, subsections, clauses, and articles thereof are hereby declared to be severable. If any part, sentence, paragraph, subsection, section, clause, or article is adjudged unconstitutional or invalid; it is hereby provided that the remainder of this ordinance shall not be affected thereby. If any part, sentence, paragraph, subsection, section clause, or article is adjudged unconstitutional or invalid as applied to a particular property, building, or other structure, it is hereby provided that the application of such portion of the ordinance to other property, buildings, or structures shall not be affected thereby. Whenever any condition or limitation is included in an order authorizing a planned unit development or any special land use permit, variance, zoning permit, certificate of occupancy, site plan approval, or designation of nonconformance, it shall be conclusively presumed that the authorizing officer of body considered such condition or limitation necessary to carry out the spirit and purpose of this ordinance of the requirement of some provision hereof and to protect the health, safety, and welfare and that the officer or board would not have granted the authorization to which the condition or limitation pertains except in the belief that the condition or limitation was lawful.

27.02 REPEALS

The zoning ordinance originally enacted by the City of Pottersville on March 28, 1978, and all amendments and extensions thereof are hereby repealed. Parts of other ordinances in conflict with this ordinance, to the extent of such conflict and no further, are hereby repealed.

27.03 EFFECTIVE DATE

This ordinance shall become effective the 8th day of April, 1992.

ATTACHMENTS (FROM PREVIOUS ARTICLES)

19.07 SCHEDULE OF SIGN REGULATIONS (Amended by Ordinance 201).

Signs in each Zoning District shall be subject to the following regulations:

*(Chart attached at back of [f] packet)

R-R – RESIDENTIAL ZONING RISTRICTS – PERMITTED SIGNS	
Ground Signs for Farm Markets [1]	
Number	Two (2) per street frontage
Size	No greater than twenty (20) square feet total
Location	a) Front right-of-way line: Minimum of fifteen (15) feet b) Side or rear property line: Minimum of ten (10) feet
Height	No higher than six (6) feet
Note: [1]	One (1) wall sign may be substituted for a ground sign. The wall sign shall be placed on the front of the stand used for the sale of farm market products.
Wall Signs for home occupations (non-illuminated)	
Number	One (1) per lot or parcel
Size	No grater than two (2) square feet
Location	On wall od house facing street
Political signs (non-illuminated)	
Size	No greater than sixteen (16) square feet
Location	a) Front right-of-way line: Minimum of fifteen (15) feet b) Side or rear property line: Minimum of ten (10) feet
Height	No higher than six (6) feet
Real estate signs (non-illuminated)	
Number	One (1) per street frontage
Size	No greater than six (6) square feet for lots or parcels under one (1) acre; sixteen (16) square feet for lots or parcels over one (1) acres. [1]
Location	a) Front right-of-way line: Minimum of fifteen (15) feet b) Side or rear property line: Minimum of ten (10) feet
Height	No higher than six (6) feet
Note: [1]	For lots or parcels possessing three hundred (300) feet or more of road frontage, one (1) sign shall be permitted per each three hundred (300) feet of frontage or fraction thereof.
Public Uses; Institutional uses, veterinary hospitals; clinics; and kennels; other non-residential uses	
Number	One (1) per street frontage.
Size	No grater than thirty-two (32) square feet.
Location	a) Front right-of-way line: Minimum of fifteen (15) feet b) Side or rear property line: Minimum of ten (10) feet

Height	No higher than six (6) feet.
R-1 AND R-2 SINGLE FAMILY RESIDENTIAL ZONING DISTRICTS – PERMITTED SIGNS	
Walls signs for home occupations (non-illuminated).	
Number	One (1) per lot or parcel
Size	No greater than two (2) square feet
Location	On wall of house facing street
Ground signs for residential subdivisions, schools, or other non-residential uses.	
Number	One (1) per street frontage.
Size	No greater than thirty-two (32) square feet
Location	a) Front right-of-way line: Minimum of fifteen (15) feet b) Side or rear property line: Minimum of ten (10) feet
Height	No higher than six (6) feet.
Political Signs (non-illuminated).	
Size	No greater than sixteen (16) square feet.
Location	a) Front right-of-way line: Minimum of fifteen (15) feet b) Side or rear property line: Minimum of ten (10) feet
Height	No higher than six (6) feet.
Real estate signs (non-illuminated).	
Number	One (1) per lot or parcel
Size	No greater than six (6) square feet for lots or parcels under one (1) acre; sixteen (16) square feet for lots or parcels over one (1) acres. [1]
Location	a) Front right-of-way line: Minimum of fifteen (15) feet b) Side or rear property line: Minimum of ten (10) feet
Height	No higher than six (6) feet
Note [1]	For lots or parcels possessing three hundred (300) feet or more of road frontage, one (1) sign shall be permitted per each three hundred (300) feet of frontage or fraction thereof.
R-3 AND R-4 MULTIPLE-FAMILY AND MOBILE HOME PARK RESIDENTIAL ZONING DISTRICTS – PERMITTED SIGNS	
Ground signs for residential subdivisions, multiple family apartment complexes, schools, churches and other	
Number	One (1) per street frontage
Size	No greater than thirty-two (32) square feet
Location	a) Front right-of-way line: Minimum of fifteen (15) feet b) Side or rear property line: Minimum of ten (10) feet
Wall Signs for home occupations (non-illuminated)	
Number	One (1) per lot or parcel
Size	No greater than two (2) square feet
Location	On wall of house facing street

Political signs (non-illuminated)	
Size	No greater than sixteen (16) square feet
Location	a) Front right-of-way line: Minimum of fifteen (15) feet b) Side or rear property line: Minimum of ten (10) feet
Height	No higher than six (6) feet
Real estate signs (non-illuminated)	
Number	One (1) per street frontage
Size	No greater than six (6) square feet for lots or parcels under one (1) acre; sixteen (16) square feet for lots or parcels over one (1) acres. [1]
Location	a) Front right-of-way line: Minimum of fifteen (15) feet b) Side or rear property line: Minimum of ten (10) feet
Height	No higher than six (6) feet
Note: [1]	For lots or parcels possessing three hundred (300) feet or more of road frontage, one (1) sign shall be permitted per each three hundred (300) feet of frontage or fraction thereof.
B-1 GENERAL BUSINESS ZONE DISTRICTS – PERMITTED SIGNS	
Ground signs.	
Number	One (1) per street frontage
Size	No greater than thirty-two (32) square feet
Location	a) Front right-of-way line: Minimum of fifteen (15) feet b) Side or rear property line: Minimum of ten (10) feet
Height	No higher than six (6) feet.
Wall signs	
Number	One (1) per lot or parcel
Size	One (1) square foot per one (1) lineal footage of tenant space; maximum one hundred (100) square feet per tenant space.
Location	On wall of building facing street.
Political signs (non-illuminated)	
Size	No greater than sixteen (16) square feet
Location	a) Front right-of-way line: Minimum of fifteen (15) feet b) Side or rear property line: Minimum of ten (10) feet
Height	No higher than six (6) feet
Real estate signs (non-illuminated)	
Number	One (1) per street frontage
Size	No greater than six (6) square feet for lots or parcels under one (1) acre; sixteen (16) square feet for lots or parcels over one (1) acres. [1]
Location	a) Front right-of-way line: Minimum of fifteen (15) feet b) Side or rear property line: Minimum of ten (10) feet
Height	No higher than six (6) feet

Note: [1]	For lots or parcels possessing three hundred (300) feet or more of road frontage, one (1) sign shall be permitted per each three hundred (300) feet of frontage or fraction thereof.
B-2 AND B-3 HIGH BUSINESS DISTRICTS DISTRICT– PERMITTED SIGNS	
Ground signs.	
Number	One (1) per parcel, except that only one (1) ground sign, one (1) business complex sign, or one (1) freestanding sign shall be permitted per lot or parcel.
Size	No greater than thirty-two (32) square feet
Location	a) Front right-of-way line: Minimum of fifteen (15) feet b) Side or rear property line: Minimum of ten (10) feet
Height	No higher than six (6) feet.
Wall signs	
Number	One (1) per street frontage
Size	One (1) square foot per one (1) lineal footage of tenant space; maximum one hundred (100) square feet per tenant space.
Location	On wall of building facing street.
Political signs (non-illuminated)	
Size	No greater than sixteen (16) square feet
Location	a) Front right-of-way line: Minimum of fifteen (15) feet b) Side or rear property line: Minimum of ten (10) feet
Height	No higher than six (6) feet
Real estate signs (non-illuminated)	
Number	One (1) per lot or parcel
Size	No greater than six (6) square feet for lots or parcels under one (1) acre; sixteen (16) square feet for lots or parcels over one (1) acres. [1]
Location	a) Front right-of-way line: Minimum of fifteen (15) feet b) Side or rear property line: Minimum of ten (10) feet
Height	No higher than six (6) feet
Note: [1]	For lots or parcels possessing three hundred (300) feet or more of road frontage, one (1) sign shall be permitted per each three hundred (300) feet of frontage or fraction thereof.
Business Complex signs.	
Number	One (1) per parcel, except that only one (1) ground sign, one (1) business complex sign, or one (1) freestanding sign shall be permitted per lot or parcel.
Size	No greater than thirty-two (32) square feet.
Location	a) Front right-of-way line: Minimum of fifteen (15) feet b) Side or rear property line: Minimum of ten (10) feet
Height	No higher than six (6) feet
Freestanding signs.	

Number	One (1) per parcel, except that only one (1) ground sign, one (1) business complex sign, or one (1) freestanding sign shall be permitted per lot or parcel.	
Size	No greater than sixty (60) square feet.	
Location	a) Front right-of-way line: Minimum of fifteen (15) feet b) Side or rear property line: Minimum of ten (10) feet	
Height	No higher than twenty-five (25) feet	
Gasoline stations		
Ground signs	Number	One (1) per lot or parcel, except that only one (1) ground sign, one (1) business complex sign, or one (1) freestanding sign shall be permitted per lot or parcel.
	Size	No greater than fifty (50) square feet
	Location	a) Front right-of-way line: Minimum of fifteen (15) feet b) Side or rear property line: Minimum of ten (10) feet
	Height	No higher than six (6) feet
Freestanding signs	Number	One (1) per parcel, except that only one (1) ground sign, one (1) business complex sign, or one (1) freestanding sign shall be permitted per lot or parcel.
	Size	No greater than seven-two (72) square feet
	Location	a) Front right-of-way line: Minimum of fifteen (15) feet b) Side or rear property line: Minimum of ten (10) feet
	Height	No higher than twenty-five (25) feet
	Additional Signs	One (1) additional sign may be attached to the support column(s) of the freestanding sign. Such sign shall not exceed three (3) square feet, and shall at least ten (10) feet of ground clearance.
Temporary signs	Number	Two (2)
	Size	No greater than nine (9) square feet
	Location	Minimum of five feet from front lot line, and fifteen (15) feet from any side or rear lot line.
	Height	No higher than four (4) feet
Other permitted signs at gasoline stations	Directional signs or lettering over entrance doors or service bays may only display the type of service taking place in such bay.	
	Customary lettering on or other insignia which are a structural part of a gasoline pump, and any other insignia required by law. If illuminated, such signs shall be non-flashing and shall not in any manner constitute a traffic hazard.	
	One (1) non-illuminated credit card sign not exceeding two (2) square feet in area which may be placed on or near each gasoline pump.	
I-1 AND I-2 INDUSTRIAL DISTRICTS – PERMITTED SIGNS		
Ground signs.		

Number	One (1) per lot or parcel
Size	No greater than thirty-two (32) square feet
Location	c) Front right-of-way line: Minimum of fifteen (15) feet d) Side or rear property line: Minimum of ten (10) feet
Height	No higher than six (6) feet
Political signs (non-illuminated)	
Size	No greater than sixteen (16) square feet
Location	c) Front right-of-way line: Minimum of fifteen (15) feet d) Side or rear property line: Minimum of ten (10) feet
Height	No higher than six (6) feet
Real estate signs (non-illuminated).	
Number	One (1) per lot or parcel

