
Rivertown Zoning Ordinance (abridged)

The following is a partial zoning ordinance based on the Zoning Code for Manchester, Michigan, which has been significantly shortened and abridged for use in the exercises in this book. The ordinance is a useful foundation on which to base land use decisions in the exercises; it is intended only as a reference for the exercises and does not represent a full zoning ordinance. (The definitions are abridged; only the district regulations needed for Rivertown exercises are described; they are limited to Commercial, Institutional, and Agricultural; Residential, Industrial, and Planned Unit Development sections are omitted.) The Rivertown ordinance is in need of updating, and the city planner should include that as part of the annual work plan.

CITY OF RIVERTOWN ZONING ORDINANCE

GENERAL PROVISIONS¹

Adopted January 10, 2005

100. SHORT TITLE

This section shall be known and cited as the City of Rivertown Zoning Ordinance.

101. INTRODUCTION

(A) The purpose of this ordinance is to promote public health, safety, and welfare; to protect, regulate, restrict, and provide for the use of land and buildings; to meet the needs of the city's property owners for places of residence, recreation, industry, trade, service, and other uses of land; to ensure that uses of the land shall be situated in appropriate locations and have desired relationships; to limit the inappropriate overcrowding of land and congestion of population and other public facilities; to facilitate adequate and efficient provision for transportation systems, sewage disposal, water, energy, education, recreation, other public services, and basic needs.

(B) The city is divided into districts with regulations designating land uses or activities that are permitted or subjected to special regulations.

(C) The purpose of this ordinance is to provide for the establishment of a Board of Appeals and its powers and duties to provide for the interpretation of the ordinance and the boundaries of its districts.

(D) The ordinance is also intended to enhance social and economic stability in the city and conserve the taxable value of land, buildings, and structures.

101a. SCOPE AND CONSTRUCTION OF REGULATIONS

¹ The full code can be found online at: http://vil-manchester.org/administration/Zoning_Code.pdf (accessed 30 July 2009).

(A) No building or structure, or part thereof, shall hereafter be erected, constructed, reconstructed, or altered, and no new use or change shall be made to any building, structure, or land, or part thereof, except as permitted by the provisions of this ordinance.

(B) In interpreting and applying the provisions of this ordinance, the requirements shall be held to be the minimum for the promotion of the public health, safety, convenience, comfort, prosperity, and general welfare.

(C) Where a condition imposed by a provision of this ordinance upon the use of any lot, building, or structure is conflicting with a condition imposed by any other provision of this chapter, or by the provision of an ordinance adopted under any other law, the provision which is more restrictive shall govern.

(D) Nothing within this ordinance shall be construed to prevent compliance with an order by the appropriate authority to correct, improve, strengthen, or restore to a safe or healthy condition, any part of a building or premises declared unsafe or unhealthy.

102. DEFINITIONS

For the purpose of this ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BUILDING. A structure having a roof supported by columns or walls.

BUILDING SETBACK LINE. The line established for required setbacks forming the area within a lot in which a building may be located.

BUFFER. A landscaped area composed of living material, wall, berm, or combination thereof, established and/or maintained to provide visual screening, noise reduction, and/or transition between conflicting types of land uses.

COMMERCIAL USE. The use of property in connection with the purchase, sale, barter, display, or exchange of goods, wares, merchandise, or personal services, and the maintenance or operation of offices.

CONDITIONAL USE. A use that is subject to conditional approval by the City Council or Planning Commission. A conditional use may be granted only when there is a specific provision listed in this chapter. A conditional use is not considered to be a nonconforming use.

DWELLING, 2-FAMILY. A building consisting of two dwellings.

DWELLING, MULTIPLE-FAMILY. A building consisting of three or more dwellings.

DWELLING, SINGLE-FAMILY. A building designed for, or occupied exclusively by, one family, but in no case shall a travel trailer, motor home, trailer coach, automobile chassis, tent, or other portable building be considered a dwelling.

EASEMENT. A right given to another person or entity to trespass upon land that person or entity does not own for purposes of ingress, egress, utilities, drainage, and similar uses.

FLOOR AREA. The sum of the gross horizontal areas of the building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings.

HOME OCCUPATION. An occupation, profession, activity, or use that is a customary or secondary use of a residential dwelling unit and which does not alter the exterior of the property or affect the residential character of the neighborhood.

JUNK YARD. A place, structure, parcel, or use of land where waste, discard, salvage, or similar materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including auto wrecking yards and used lumber, housing wrecking and structural steel materials and equipment, and establishments for the sale, purchase, or storage of salvaged or inoperative machinery and the processing of used, discarded, or salvaged materials, for any thirty consecutive days.

LODGING FACILITY. Any establishment in which individual units are rented to transients for periods of less than thirty days for the purpose of sleeping accommodations. The term shall include hotels and motels, bed and breakfast operations, but shall not include multiple-family dwellings.

LOT. A parcel of land, excluding any portion in a street or other right-of-way, of at least sufficient size to meet minimum requirements for use, coverage, lot area, and yards or other open spaces as herein required. A lot shall have frontage on a public street, or on an approved private street, and may consist of:

- (1) A single lot of record;
- (2) A portion of a lot of record;
- (3) Any combination of complete and/or portions of lots of record; or
- (4) A parcel of land described by metes and bounds.

LOT AREA. The total horizontal area within the lot lines of a lot, but excluding that portion within a street right-of-way.

LOT, CORNER. A lot with frontage on two intersecting streets.

LOT COVERAGE. The percentage of a lot area covered by the building area.

LOT DEPTH. The mean horizontal distance from the front line to the rear lot line; or in the case of a waterfront lot, from the lake frontage line to the street frontage line.

LOT, DOUBLE FRONTAGE. A lot other than a corner lot having frontage on two more or less parallel streets. In the case of a row of double frontage lots, one street will be designated as the front street for all lots in the plat and in the request for a zoning compliance permit. If there are existing structures in the same block fronting one or both of the streets, the required front yard setback shall be observed on those streets where structures presently front.

LOT, INTERIOR. A lot other than a corner lot with only one lot line fronting on a street.

LOT LINES. Any line dividing one lot from another or from a public right-of-way, and thus constitutes the property lines bounding a lot.

LOT, WIDTH. The required horizontal distance between the side lot lines measured at the points

where the required front yard setback line intersects the side lot lines. For lots located on the turning circle of a cul-de-sac, the lot width may be reduced to 80 percent of the required lot width.

MOBILE HOME. A detached portable single-family dwelling, prefabricated on its own chassis and intended for long-term occupancy, containing sleeping accommodations, a flush toilet, a wash basin, a tub or shower, eating and living quarters. It is designed to be transported on its own wheels or flatbed arriving at the site where it is to be occupied as a complete dwelling without permanent foundation and connected to existing utilities.

MOBILE HOME PARK. Any parcel of land intended and designed to accommodate more than one mobile home for living use which is offered to the public for that purpose; and any structure, facility, area, or equipment used or intended for use incidental to that living use.

NONCONFORMING BUILDING. A building or portion thereof lawfully existing at the effective date of this ordinance, or amendments thereto, and which does not conform to the provisions of this ordinance in the zoning district in which it is located.

NONCONFORMING LOT. A lot lawfully existing at the effective date of this ordinance, or amendments thereto, with dimensions and size not conforming to the Zoning Ordinance.

NONCONFORMING USE. A use which lawfully occupied a building or land at the effective date of this ordinance, or amendments thereto, and that does not conform to the use regulations of the zoning district in which it is located.

OFF-STREET PARKING AREA. A land surface or facility providing vehicular parking spaces along with adequate drives and aisles for maneuvering so as to provide access for entrance and exit for the parking of more than two vehicles.

RESTAURANT. Any establishment whose principal business is the sale of food and beverages to the customer in a ready-to-consume state, and whose method of operation is characteristic of a carryout, drive-in, drive-through, fast food, standard restaurant, bar/lounge, or combination thereof, as defined below.

(1) **BAR/LOUNGE.** A restaurant operated primarily for dispensing alcoholic beverages, although the sale of prepared food or snacks may also be permitted.

(2) **RESTAURANT, CARRYOUT.** A restaurant whose method of operation involves sale of food, beverages, and/or frozen desserts in disposable or edible containers or wrappers in a ready-to-consume state for consumption primarily off the premises.

(3) **RESTAURANT, FAST-FOOD.** A restaurant whose method of operation involves minimum waiting for delivery of ready-to-consume food to the customer at a counter or drive-through line.

(4) **RESTAURANT, STANDARD.** A restaurant whose method of operation involves the delivery of prepared food by waiters and waitresses to customers seated at tables.

SETBACK. The minimum required horizontal distance between the building or structure and the front, side, and rear lot lines and specified natural features.

SITE CONDOMINIUM. A type of ownership in a development containing residential,

commercial, office, industrial, or other structures or improvements in which each co-owner owns exclusive rights to a volume of space in a structure herein defined as a condominium unit as described in the master deed and common parts of the property are owned jointly.

STRUCTURE. A constructed or erected object, typically including such things as buildings, bridges, sheds, and decks.

VARIANCE. A modification of the literal provisions of the zoning ordinance granted when strict enforcement of the zoning ordinance would cause undue hardship owing to circumstances unique to the individual's property on which the variance is granted.

YARD, FRONT.

(1) A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the principal building and the front lot line, and measured perpendicular to the building at the closest point to the front lot line.

(2) In all cases, the front lot line shall be considered to be that portion of the lot that abuts a public road right-of-way or private road easement.

YARD, REAR. A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the principal building.

YARD, SIDE.

(1) A yard between any building and the side lot line, extending from the front yard to the rear yard.

(2) The width of the required side yard shall be measured horizontally from the nearest point of the side lot line to the nearest point of principal building.

103. DISTRICT DESIGNATIONS

This Zoning Ordinance includes the following districts:

(A) Agriculture District (AG)

(B) Single-Family Residential District, Low Density (R-1A)

(C) Single-Family Residential District, Medium Density (R-1B)

(D) Multiple-Family Residential District, Low Density (R-2)

(E) Multiple-Family Residential District, Medium Density (R-3)

(F) Mobile Home Park Residential District (MHP)

(G) Local Service District (C-1)

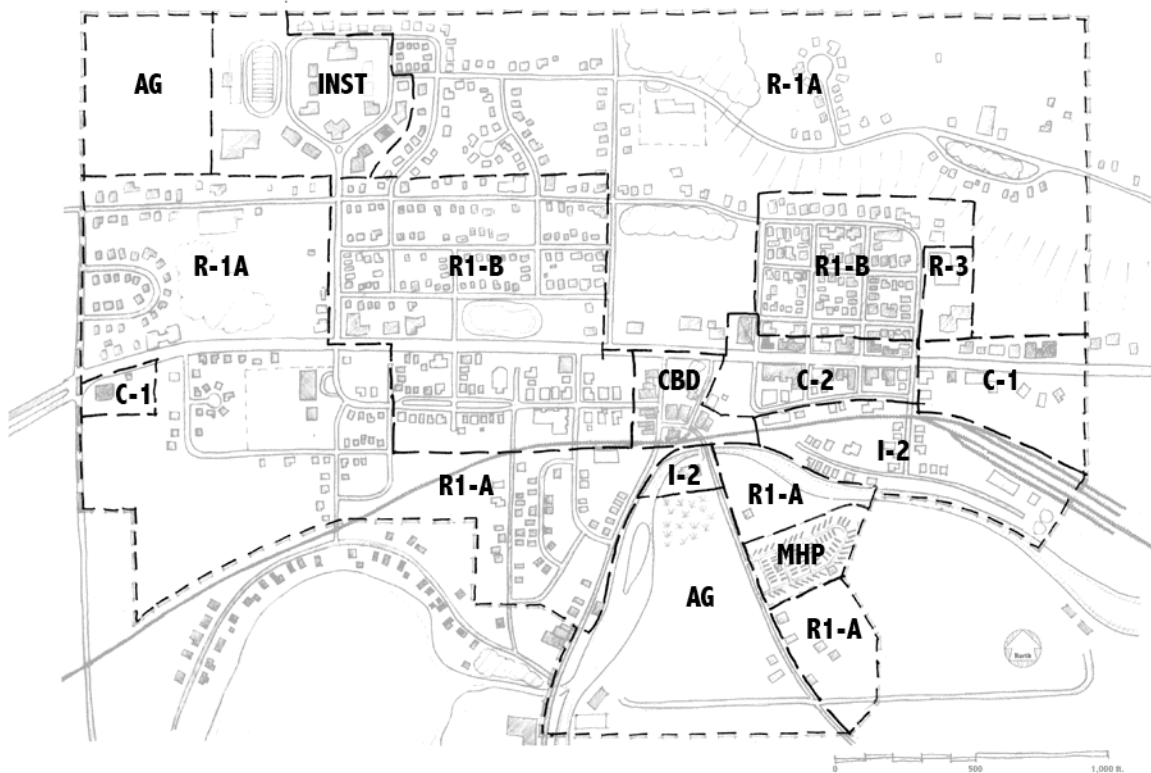
(H) General Commercial District (C-2)

(I) Central Business District (CBD)

- (J) Limited Industrial District (I-1)
- (K) General Industrial District (I-2)
- (L) Planned Unit Development District (PUD)
- (M) Institutional (INST)

104. ZONING DISTRICT MAP

(A) The zoning districts as provided in Section 105 are delineated on the Zoning Districts Map of the City of Rivertown [Figure AC.1].



AC.1 Zoning Districts Map of the City of Rivertown

105. ZONING DISTRICTS AND REGULATIONS

105.1 LOCAL SERVICE DISTRICT (C-1)

(A) *Purpose.* This District is designed primarily for the convenience of persons residing in the city by providing office, limited retail, and business service uses that serve the adjacent and surrounding neighborhoods. It is the purpose of these regulations to permit development of the enumerated functions in a manner that is compatible with uses in the surrounding area. To these ends, certain uses are excluded which would function more effectively in other districts.

(B) Permitted uses.

- (1) Office buildings for the use of any of the following occupations: executive, administrative, professional, accounting, writing, clerical, stenographic, drafting, and sales;
- (2) Medical and dental office, including clinics and medical laboratories;
- (3) Banks, credit unions, savings and loan associations;
- (4) Publicly owned buildings, public utility transformer stations and substations, telephone exchanges, and public utility offices;
- (5) Retail office supply, computer and business machine sales;
- (6) Business service establishments such as printing and photocopying services, mail and packaging services, and typing and secretarial services;
- (7) Personal service establishments, such as barber and beauty shops; watch, clothing, and shoe repair; locksmith; and similar establishments;
- (8) Outdoor display of products or materials for retail sale or rental when accessory to a principle permitted use; and
- (9) A single-family dwelling and any use, building, or structure accessory thereto, established and existing at the time of adoption of this chapter.

(C) Conditional uses.

- (1) Private service clubs, social organizations, and lodge halls;
- (2) Funeral homes;
- (3) Multiple-family housing and/or apartment dwelling second floor and above;
- (4) Veterinary offices and hospitals, including accessory boarding, provided no outdoor exercise runs or pens are permitted; and
- (5) Bed and breakfast establishments.

105.2 GENERAL COMMERCIAL DISTRICT (C-2)

(A) Purpose. This District is intended to accommodate office, business service, and retail uses that serve a larger market than C-1 District, including the city and portions of the surrounding townships. The purpose of these regulations is to permit development of the enumerated functions in a manner that is compatible with uses in the surrounding area. To these ends, certain uses are excluded which would function more effectively in other Districts.

(B) Permitted uses.

- (1) All permitted and conditional uses allowed in C-1 Local Service District, with the exception of single-family dwellings;

- (2) Food services including grocery, meat market, bakery, restaurant, delicatessen and fruit market, and similar self-service units, but not including any business of a drive-in type;
- (3) Retail sales of drug and health care products, hardware, gifts, dry goods, notions, sporting goods, clothing, furniture, and appliances;
- (4) Radio, television, and electrical appliance repair, and shops of plumbers, electricians, and other similar services and trades;
- (5) Accessory uses, buildings, or structures.

(C) *Conditional uses.*

- (1) Bar/lounge serving alcoholic beverages and/or providing entertainment;
- (2) Fast-food restaurants;
- (3) Sit-down and/or carry-out restaurants; move to conditional uses
- (4) Laundromats and dry cleaning establishments; move to conditional uses
- (5) Planned shopping centers;
- (6) Lodging facilities;
- (7) Outdoor sales of manufactured products;
- (8) Sale of new and used automobiles, boats, mobile homes, farm machinery, and other vehicles;
- (9) Automobile service stations and washes;
- (10) Recreation and amusement services, including theaters, bowling alleys, roller and ice skating rinks, billiard halls, and miniature golf; and
- (11) Farm supply and feed stores.

105.3 CENTRAL BUSINESS DISTRICT (CBD)

(A) *Purpose.* This District is designed to provide for a variety of office, business service, entertainment, and retail uses which occupy the prime retail frontage, by serving the comparison, convenience, and service needs of the market area which includes the city and surrounding townships. The regulations of the CBD District are designed to promote convenient pedestrian shopping and the stability of retail development by encouraging a continuous retail frontage and by prohibiting automotive-related services and non-retail uses which tend to break up the continuity.

(B) *Permitted uses.*

- (1) All permitted uses allowed in the C-1 and C-2 District;

- (2) Newspaper offices and printing plants;
- (3) Post offices;
- (4) Private service clubs, social organizations, and lodge halls; and
- (5) Parks and playgrounds.

(C) *Conditional uses.*

- (1) Bar/lounge serving alcoholic beverages and/or providing entertainment;
- (2) Fast-food restaurants;
- (3) Theaters, when completely enclosed;
- (4) Recreation and amusement services, including theaters, bowling alleys, roller and ice skating rinks, and billiard halls;

105.4 INSTITUTIONAL DISTRICT (INST)

(A) *Purpose.* The public institutional designation is intended to provide an area for activities relating to the purpose of state and local governmental entities and semi-public institutions providing necessary public services and provide for continued operation and facilitate managed growth of existing major institutions within the city.

(B) *Permitted uses.*

- (1) Government buildings or offices such as fire stations, schools and colleges, hospitals, community meeting or recreation halls;
- (2) Libraries, museums, or similar cultural facilities;
- (3) Churches, hospitals, schools and colleges, and other public or semi-public institutions;
- (4) Public Utilities, such as electrical, sewer, water, natural gas, storm water, telecom facilities and other similar uses;

(C) *Conditional uses.*

- (1) Small scale retail sales and services designed to serve the immediate surroundings;

105.5 AGRICULTURAL DISTRICT (AG)

(A) *Purpose.* The purposes of the agricultural district are to protect and promote the continuation of farming in areas with prime soils where farming is a viable component of the local economy, to promote the continuation of farming in areas where it is already established, and to separate agricultural land uses and activities from incompatible residential, commercial, and industrial development, and public facilities.

(B) *Permitted uses.*

- (1) General farming, and horticulture, including necessary farm structures;
- (2) Forestry uses;
- (3) Production nurseries and greenhouses;
- (4) Single family residential;
- (C) *Conditional uses.*

- (1) Elementary schools and churches;
- (2) Roadside stands for the sale of agricultural products;
- (3) intensive livestock
- (4) Manure storage facilities.
- (5) agricultural marketing outlets
- (6) Residential subdivision or site condominium developments;

106. SUPPLEMENTAL REGULATIONS

106.1 OPEN SPACE

(A) *Gross acreage required.* When completed, a development shall have 20% of the gross acreage in the development devoted to open space, which shall remain in its natural state and/or be restricted to active and/or passive outdoor recreational purposes.

(1) The computation of designated open space shall not include: rights-of-way or easements designated for road purposes; areas within the minimum setbacks of a dwelling unit; land which is under water (lakes, streams, water courses, and other similar bodies of water); any area to be improved into a lake or pond; and/or more than 25% of the area of regulated wetlands.

(B) *Transition from adjacent parcels.* In order to provide an orderly transition of density when a cluster development abuts a single-family residential district of equal or lower density, the Planning Commission, at its discretion, may require one or more of the following measures: designation of open space along the common boundaries; screening in accordance with an area or row of lots of commensurate size as neighboring residential lots.

(C) *Density.* The number of dwelling units within any development permitted hereunder shall not exceed the number of dwelling units permitted in the Zoning District in which the proposed development is located without application of the cluster housing option. The applicant must submit a concept plan that illustrates a site layout without the cluster option and all applicable ordinances and laws observed.

(D) *Setbacks.* Minimum setback requirements are established in a manner that permits variation in the siting of individual dwelling units in order to encourage creativity in design and

compatibility with natural resource features. The minimum setback requirements for each dwelling unit shall be shown on the site plan as follows.

- (1) In the case of single-family detached dwellings, the following minimum setbacks shall be applied:

<i>Minimum Yard Setbacks per Unit</i>				
<i>Front</i>	<i>Rear</i>	<i>Total Front and Rear</i>	<i>Side: Least</i>	<i>Side: Total</i>
20	30	55	5	15

106.2 LANDSCAPING

(A) *Landscape plan requirements.* A separate detailed landscape plan shall be required to be submitted to the city as part of the site plan review or tentative preliminary plat review. The landscape plan shall demonstrate that all requirements of this section are met and shall include, but not necessarily be limited to, the following items:

- (1) Location, spacing, size, root type, and descriptions for each plant type;
- (2) Typical straight cross section including slope, height, and width of berms;
- (3) Typical construction details to resolve specific site conditions, such as landscape walls and tree wells used to preserve existing trees or maintain natural grades;
- (4) Details in either text or drawing form to ensure proper installation and establishment of proposed plant materials;
- (5) Identification of existing trees and vegetative cover to be preserved; and
- (6) Identification of grass and other ground cover and method of planting.

(B) *Screening between land uses.*

(1) Upon any improvement for which a site plan is required, a landscape buffer shall be constructed to create a visual screen at least six feet in height along all adjoining boundaries between either a conflicting nonresidential or conflicting residential land use and residentially zoned or used property. A landscape buffer may consist of earthen berms and/or living materials so as to maintain a minimum opacity of at least 80%. Opacity shall be measured by observation of any two square yard area of landscape screen between one foot above the established grade of the area to be concealed and the top or the highest point of the required screen. The plantings must meet this standard based upon reasonably anticipated growth over a period of three years.

(C) *Subdivision and site condominium landscaping.* Landscaping for single-family residential subdivisions and site condominiums shall be provided in accordance with the following requirements.

- (1) *Street trees.* The frontage of all internal public or private streets shall be landscaped with a minimum of one tree for every 50 lineal feet, or fraction thereof.
- (2) *Required landscaping at the perimeter of parking lots.* Separate landscape areas shall be provided at the perimeter of parking lots in accordance with the following requirements.

(a) Parking lots that are considered to be a conflicting land use as defined by this section shall meet the screening requirements set forth above.

(b) Parking lots shall be screened from view with a solid wall at least 3 feet in height along the perimeter of those sides that are visible from a public road. The city, at its discretion, may approve alternative landscape plantings in lieu of a wall.

(D) Screening of trash containers.

(1) Outside trash disposal containers shall be screened on all sides with an opaque fence or wall and gate at least as high as the container, but no less than 6 feet in height, and shall be constructed of material that is compatible with the architectural materials used in the site development.

107. CONDITIONAL LAND USES

(A) Basis of determinations. The Planning Commission and City Council shall review the proposed conditional use in terms of the standards stated within this ordinance and shall establish that the use and the proposed location:

(1) Will be designed, constructed, operated, and maintained so as to (be harmonious) and appropriate in appearance with the comprehensive plan, existing or intended character of the general vicinity, and will not change the essential character of the area;

(2) Will not be hazardous or disturbing to existing uses or uses reasonably anticipated in the future;

(3) Will be an improvement in relation to property in the immediate vicinity and to the city as a whole;

(4) Will be served adequately by essential public services and facilities or that the persons responsible for the establishment of the proposed use will provide adequately any such service or facility;

(5) Will not create excessive additional public costs and will not be detrimental to the economic welfare of the city;

(6) and will be consistent with the intent and purposes of this ordinance.

108. NONCONFORMING USES, STRUCTURES, AND LOTS

(A) Intent.

Certain existing lots, structures, and uses of lots and structures were lawful before this ordinance was adopted, but have become nonconformities under the terms of this ordinance and its amendments. It is the intent of this ordinance to permit the nonconformities to remain until they are discontinued or removed, but not to encourage their survival or, where discontinuance or removal is not feasible, to gradually upgrade the nonconformities to conforming status. Nonconformities shall not be enlarged, expanded, or extended, except as provided herein, and shall not be used as grounds for adding other structures and uses of lots and structures which are

prohibited. Nonconformities are declared by this ordinance to be incompatible with the structures and uses permitted in the various districts.

(1) No nonconforming uses shall be enlarged or increased, or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this ordinance.

(2) No nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by the use at the effective date of adoption or amendment of this ordinance.

(3) If the nonconforming use of land ceases operation with the intent of abandonment for a period of more than 6 months, any subsequent use of the land shall conform to the regulations specified by this chapter for the district in which the land is located.

(4) Property losses due to fire or extreme natural events resulting in destruction of more than 50 percent of the property cannot be rebuilt.

109. OFF-STREET PARKING

The purpose of this section is to ensure the provision of off-street parking facilities that are sufficient in number, adequately sized, and properly designed to meet the range of parking needs and demands that are associated with land uses now in place in the city or with land uses allowed by this ordinance.

Where required. In all zoning districts, off-street parking facilities for the storage and parking of self-propelled motor vehicles for the use of occupants, employees, and patrons of the buildings hereafter erected, altered, or extended after the effective date of this chapter, shall be provided as herein prescribed. The space shall be maintained and shall not be encroached upon so long as the main building or structure remains, unless an equivalent number of the spaces are provided elsewhere in conformance with this ordinance.

(1) *One- and two-family dwellings.* The off-street parking facilities required for 1- and 2-family dwellings shall be located on the same lot or plot of ground as the building they are intended to serve.

(2) *Multiple-family residential.* The off-street parking facilities for multiple-family dwellings shall be located on the same lot or plot of ground as the dwellings they are intended to serve. In no event shall any parking space be located nearer than 10 feet to any main building.

(3) *Other land uses.* The off-street parking facilities required for all other uses shall be located on the lot or within 500 feet of the permitted uses requiring the off-street parking, the distance to be measured along lines of public access to the property between the nearest point of the parking facility to the building to be served.

109.1 Table of off-street parking requirements.

The amount of required off-street parking space for new uses or buildings, additions thereto, and additions to existing buildings shall be determined in accordance with the table at the end of this document.

110. SITE PLAN REVIEW

(A) *Generally.* The City Council shall have the authority to review and to approve or reject all site plans (i.e., preliminary, final, and combined site plans), taking into account the recommendations of the City Planning Commission. Site plan review and approval is required in accordance with the procedures contained in this section prior to the issuance of building permits or commencement of construction for new structures and for additions or reductions that alter the size of the floor area.

(B) *Where required.*

(1) Site plan review is required for all proposed uses and certain existing uses within the city where an alteration, addition, expansion, change, or conversion constitutes an increase or reduction to the existing structure or use of more than 500 square feet or 10 percent, whichever is less; or would require a variance from the provisions of this chapter, regardless of its size. Site plan review shall also be required prior to the paving of any off-street parking for any use for which off-street parking is required by this chapter.

(2) Site plan review shall not be required for individual single-family dwellings or residential accessory storage buildings.

(3) The city shall not issue a building permit until a final site plan has been approved and is in effect. A use, not involving a building or structure, shall not be commenced or expanded, nor shall the Zoning Administrator or duly appointed agent issue an occupancy permit for the use until a final site plan has been approved and an onsite inspection has been conducted.

(4) No grading, removal of trees or other vegetation, landfill, or construction of improvements shall commence for any development which requires site plan approval until a final site plan is approved and an onsite inspection has been conducted.

(C) *Preliminary site plan.*

(1) *Application.* Any applicant may submit a request for preliminary site plan review by filing with the Zoning Administrator completed forms, payment of the review fee, and seven (7) copies of the preliminary site plan drawing(s). The Administrator, upon receipt of the application, shall transmit only complete submittals of the preliminary site plan drawings to the Planning Commission prior to its next regular meeting. The purpose of the preliminary review is to confirm general compliance with city standards as well as to suggest changes, if necessary, for final site plan approval.

(2) *Information required.* Each preliminary site plan submitted for review shall provide the following information:

(a) Property owner's and applicant's name and address;

(b) Scale, north arrow, and date of plan; Sheet size shall be at least 24 inches by 36 inches with plan view drawn to a scale of no greater than one inch equals 50 feet for property less than three acres or no greater than one inch equals 100 feet for property of three or more acres.

(c) Location, description, dimensions, and area of the site; zoning classification; and demonstration of compliance with lot area, width, coverage, and setback requirements;

(d) General topography and soils information and existing natural and manmade features to be retained, altered, or removed;

(e) Location, number, and dimensions of proposed buildings/structures; including floor area, number of floors, height, number, and type of dwelling units (where applicable);

(f) Proposed streets/drives; including general alignment, right-of-way, surface type, and width;

(g) Proposed parking; including location and dimensions of spaces and aisles, and surface type;

(h) Adjacent land uses, property owners, and zoning and location of adjacent buildings and drives/streets;

(i) Proposed phasing;

(j) Location and width of any easements on the site.

(3) *Planning Commission action.* The Planning Commission shall make a recommendation to approve, approve with conditions, or deny the preliminary site plan within 60 days from the date of the Planning Commission meeting at which the site plan is first heard. The Planning Commission shall set forth the reason for its action in the record of the meeting at which action is taken. The time limit may be extended upon a written request by the applicant and approval by the Planning Commission.

(4) *City Council action.* The City Council shall receive the recommendations of the Planning Commission and may approve or deny the preliminary site plan.

(5) *Effect of approval.* Approval of a preliminary site plan by the City Council shall indicate its general acceptance of the proposed layout of buildings, streets and drives, parking areas, other facilities, and overall character of the proposed development. The City Council may, at its discretion, and with appropriate conditions attached, authorize issuance of grading and foundation permits on the basis of the approved preliminary site plan. The authorization, however, will be used only in those situations in which seasonable conditions, such as the onset of frost, or other severe time limitations might, in the City Council's opinion, unduly delay the commencement of construction until after the final site plan is approved. The City Council shall attach appropriate conditions to the authorization.

(6) *Expiration of approval.* Approval of a preliminary site plan shall be valid for a period of 180 days from the date of approval and shall expire and be of no effect unless an application for a final site plan is filed with the Zoning Administrator within that time period. The Zoning Administrator or duly appointed agent shall, within ten days of the date of approval of the preliminary site plan by the City Council, transmit a written certification of the approval to the applicant.

(D) *Final site plan.*

(1) *Application.* Following approval of a preliminary site plan, the applicant shall submit to the Zoning Administrator seven copies of a final site plan as well as other data and exhibits hereinafter required, the review fee, and a completed application form. The Administrator shall transmit only complete submittals of the final site plan drawing(s) to the Planning Commission prior to its next regular meeting upon receipt of the following:

(a) Scale, north arrow, and date of plan;

(b) Location, description, dimensions, and area of the site; zoning classification; and demonstration of compliance with lot area, width, coverage, and setback requirements;

(c) General topographic application.

(2) *Information required.* A final site plan submitted for review and approval shall contain all of the following data presented in a clear and legible format. Site plans shall consist of an overall plan for the entire development. Sheet size shall be at least 24 inches by 36 inches with plan view drawn to a scale of no greater than one inch equals 50 feet for property less than three acres or no greater than one inch equals 100 feet for property three or more acres in size.

(a) *General information.*

1. Proprietors', applicants', and owners' names, addresses, and telephone numbers;
2. Date of preparation, including revisions;
3. Scale;
4. North point;
5. Location map drawn at a scale of one inch equals 2,000 feet with north point indicated;
6. Architect, engineer, surveyor, landscape architect, or planner's seal;
7. Existing and proposed lot lines, building lines, structures, parking areas, and the like, on the parcel and within 100 feet of the site;
8. Centerline and existing and proposed right-of-way lines of any street;
9. Zoning classification of petitioner's parcel and all abutting parcels; and
10. Gross acreage figure.

(b) *Physical features.*

1. Acceleration, deceleration, and passing lanes and approaches;
2. Proposed locations of access drives, street intersections, driveway locations, sidewalks, and curbing;
3. Location of existing and proposed service facilities above and below ground, including:
 - a. Chemical and fuel storage tanks and containers;
 - b. Water supply facilities;
 - c. Sanitary sewage disposal facilities;
 - d. Storm water control facilities and structures; and
 - e. Delineation/Location of all easements.
4. Location of all structures with setback and yard dimensions;
5. Dimensioned parking spaces and calculation, drives and method of surfacing;
6. Exterior lighting locations and illumination patterns;
7. Location and description of all existing and proposed landscaping, berms, fencing, and walls; ; buffers??
8. Trash receptacle pad location and method of screening; for commercial and industrial
9. Transformer pad location and method of screening;
10. Dedicated road or service drive locations;
11. Entrance details including sign locations and size;
12. Designation of fire lanes; and
13. Any other pertinent physical features.

(c) *Natural features.*

1. Soil characteristics of the parcel to at least the detail provided by the U.S. Soil

Conservation Service, County Soil Survey;

2. Existing topography with a maximum contour interval of two feet. Topography on the site and beyond the site for a distance of 100 feet in all directions should be indicated. Grading plan, showing finished contours at a maximum interval of two feet, correlated with existing contours so as to clearly indicate required cutting, filling, and grading;
3. Location of existing drainage courses and associated bodies of water, on- and off-site, and their elevations;
4. Location of existing wetlands;
5. Location of natural resource features, including woodlands and areas with slopes greater than 10 percent (One foot of vertical elevation for every 10 feet of horizontal distance).

(d) *Additional requirements for residential developments.*

1. Density calculations by type of unit by bedroom counts;
2. Designation of units by type and number of units in each building;
3. Carport locations and details where proposed; and
4. Specific amount and location of recreation spaces.

(e) *Additional requirements for commercial and industrial developments.*

1. Loading/unloading areas;
2. Total and useable floor area; and
3. Number of employees in peak usage.

(3) *Standards for review.* In reviewing the final site plan, the Planning Commission and City Council shall determine whether the plan meets the following specifications and standards.

(a) The plan conforms to the approved preliminary site plan and with all Zoning Ordinance regulations.

(b) All required information is provided.

(c) The proposed use will not be injurious to the surrounding neighborhood and protects the general health, safety, welfare, and character of the township.

(d) There is a proper relationship between major thoroughfares and proposed service drives, driveways, and parking areas. Proper access to all portions of the site and all sides of any structure is provided. All structures or groups of structures shall be so arranged as to permit emergency vehicle access by some practical means to all sides.

(e) The location of buildings is such that the adverse effects of the uses will be minimized for the occupants of that use and surrounding areas.

(f) Natural resources will be preserved to the maximum extent possible in the site design by developing in a manner that will not detrimentally affect or destroy natural features such as lakes, ponds, streams, wetlands, steep slopes, soils, groundwater, and woodlands.

(g) Storm water management systems and facilities will preserve the natural drainage characteristics and enhance the aesthetics of the site to the maximum extent possible, and will not substantially reduce or increase the natural retention or storage capacity of any wetland, water body, or water course, or cause alterations which could increase flooding or water pollution on- or off-site.

(h) Wastewater treatment systems, including on-site septic systems, will be located to minimize any potential degradation of surface water or groundwater quality and meet county and state standards.

(i) Sites which include storage of hazardous materials or waste, fuels, salt, or chemicals will be designed to prevent spills and discharges of polluting materials to the surface of the ground, groundwater, or nearby water bodies in accordance with county and state standards.

(j) Landscaping, including grass, trees, shrubs, and other vegetation is provided to maintain and improve the aesthetic quality of the site and area.

(k) The proposed use is in compliance with all city ordinances and any other applicable laws.

(4) *Planning Commission action.* The Planning Commission shall make a recommendation to approve, approve with conditions, or deny the final site plan within 60 days of the date of the Planning Commission meeting at which the site plan is first heard. The time limit may be extended upon a written request by the applicant and approved by the Planning Commission. The Planning Commission may suggest and/or require modifications in the proposed final site plan as are needed to gain approval. All engineering drawings and plans shall be reviewed by the City Engineer, Department of Public Works, and Fire Chief before a final site plan may be recommended to Council.

(5) *City Council action.* The City Council shall receive the recommendations of the Planning Commission and approve or deny the site plan.

(6) *Effect of approval.* Approval of a final site plan authorizes issuance of a building permit or, in the case of uses without buildings or structures, issuance of a certificate of zoning compliance.

ADDENDUM:**OFF-STREET PARKING REQUIREMENTS TABLE**

<i>Maneuvering Lane Width</i>				
<i>Parking Pattern</i>	<i>1-Way</i>	<i>2-Way</i>	<i>Parking Space Width</i>	<i>Parking Space Length</i>
0E Parallel	12 feet	20 feet	9 feet	25 feet
30E - 53E	12 feet	20 feet	9 feet	20 feet
54E - 74E	15 feet	24 feet	9 feet	20 feet
75E - 90E	15 feet	24 feet	9 feet	20 feet

Note: "Parking Pattern" represents the angle of parking spaces in degrees. 1-Way and 2-Way represent the width of the driving lane based on whether it serves one-lane or two-lane traffic.

<i>Use</i>	<i>Required Number of Parking Spaces Per Each Unit of Measure as Follows</i>	
<i>Residential Uses</i>		
Single- or 2-family dwelling	2	Per each dwelling unit
Multiple-family dwelling	2	Per each dwelling, plus
	1	Per each 10 dwelling units
Senior citizen housing and senior assisted living	1	Per each dwelling unit, plus
	1	Per each 10 dwelling units
	1	Per each employee
<i>Institutional Uses</i>		
Churches	1	Per each 3 seats based on maximum seating capacity in the main place of assembly therein
Private clubs and lodges	1	Per each 3 individual members allowed within the maximum occupancy load as established by fire and/or building codes
Hospitals	1	Per each 4 beds, plus
	1	Per staff doctor, plus
	1	Per each employee at peak shift
Convalescent homes, homes for the aged, children's homes	1	Per each 5 beds, plus
	1	Per each staff doctor, plus
	1	Per each employee at peak shift

<i>Institutional Uses</i>		
High schools, trade schools, colleges, and universities	1	Per each teacher, plus
	1	Per each 10 students, plus
	1	Per each employee
Elementary and middle schools	1	Per each teacher, plus
	1	Per each 25 students, plus
	1	Per each employee
Child-care center, or nursery schools	1	Per each 5 students, plus
	1	Per each employee
Day-care homes	1	Per each employee and/or caregiver
Stadiums, sports arenas, and auditoriums	1	Per each 4 seats based on maximum seating capacity
Libraries and museums	1	Per each 500 square feet of floor area
<i>General Commercial Uses</i>		
Retail Stores, except as otherwise	1	Per each 100 square feet of floor area specified herein
Supermarkets, drugstores, and other self-serve retail establishments	1	Per 150 square feet of floor area
Convenience stores and video stores	1	Per 100 square feet of floor area
Planned shopping center	1	Per 100 square feet of floor area for the first 15,000 square feet, plus
	1	Per 150 square feet of floor area in excess of 15,000 square feet
Furniture, appliances, hardware, household equipment sales	1	Per each 400 square feet of floor area, plus
	1	Per each employee
<i>General Commercial Uses</i>		
Motels and hotels	1	Per each guest bedroom, plus
	1	Per employee, plus amount required for accessory uses, such as a restaurant or cocktail lounge
Fast-food restaurants	1	Per each 125 square feet of floor area, plus
	1	Per each employee
Sit-down restaurants	1	Per each 3 seats, based on maximum seating capacity, plus

<i>General Commercial Uses</i>		
	1	Per each employee
Taverns and cocktail lounges	1	Per each 3 persons allowed within the (other than fast-food restaurants) maximum occupancy load as established by fire and/or building codes, plus
	1	Per each employee
Garden stores, building material sales	1	Per each 800 square feet of lot area used for the business provided for herein
Movie theaters	1	Per each 4 seats based on the maximum seating capacity, plus
	1	Per each employee
Wholesale stores, machinery sales, and other similar uses	1	Per each 1,000 square feet of floor area, plus
	1	Per each employee

<i>Automotive Uses</i>		
Auto sales	1	Per each 200 square feet of showroom floor area, plus
	1	Per each employee, plus
	1	Per each service stall
Automotive repair facilities	2	Per each service stall, plus
	1	Per each employee, plus
	1	Per each service vehicle
Gasoline stations without convenience store	1	Per each pump unit, plus
	2	Per each service stall, plus
	1	Per each employee
Gasoline stations with convenience store	1	Per each pump unit, plus
	2	Per each service stall, plus
	1	Per each employee, plus
	1	Per each 100 square feet of floor area devoted to retail sales and customer service
Car washes (self-serve)	1	Per each wash stall, plus
	1	Per each vacuum station, plus
	1	Per each employee