

City of Saginaw
Chapter 153
Zoning Ordinance
Effective: July 27, 2025

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giffels webster

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Giffels Webster's Clearzoning® Ordinance : It's Your Code, Only Better™

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Preface
How to Use This Ordinance



How to Use This Ordinance

1. Content Organization and Page Layout

The Ordinance is organized into seven Articles, which are further divided using standard outline hierarchy. The content and page layout are designed to promote a clear understanding of requirements, as well as quick retrieval of relevant standards, procedures and other information. The following key assists with navigating through this document.

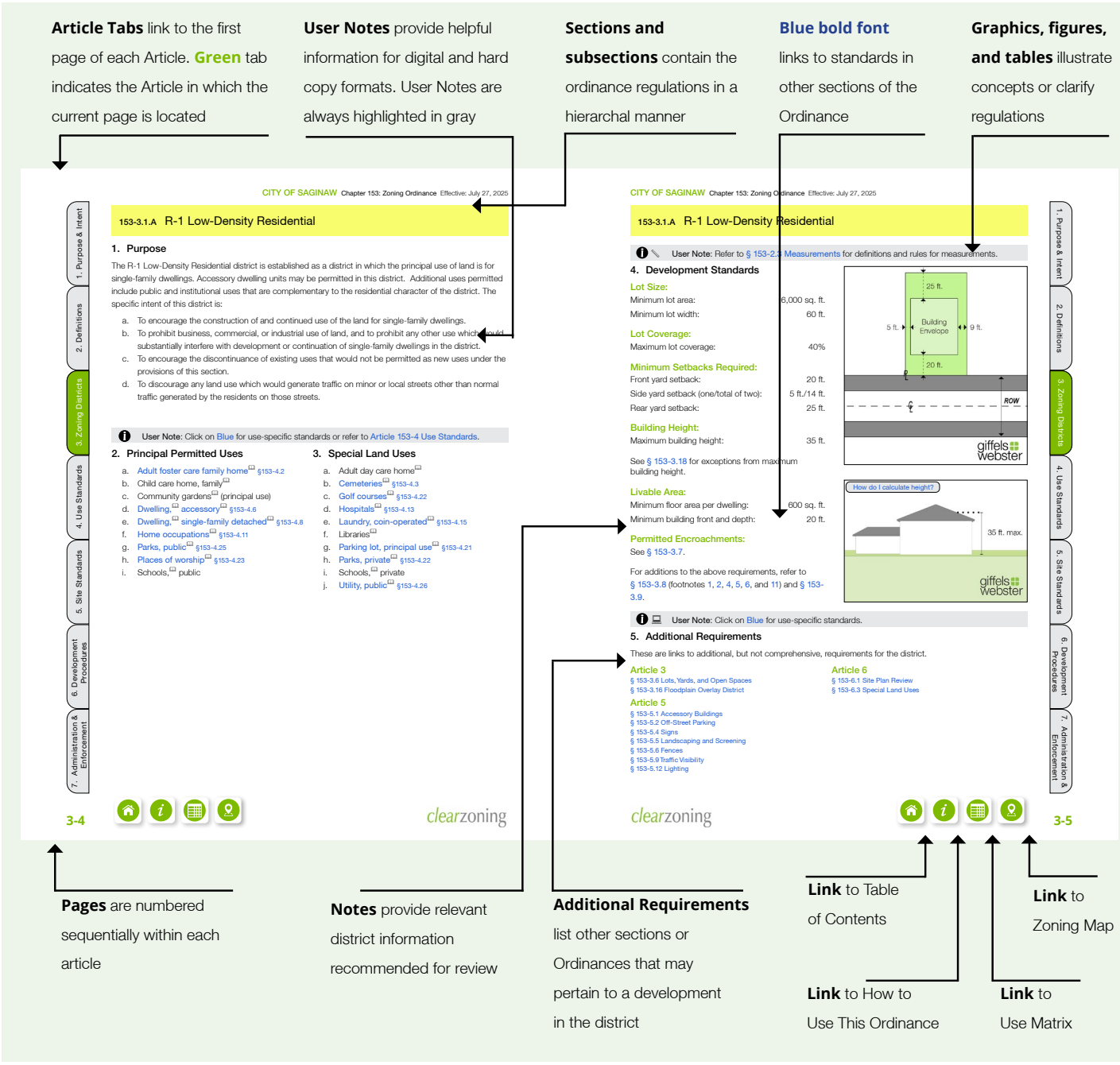
Article Tabs link to the first page of each Article. **Green** tab indicates the Article in which the current page is located

User Notes provide helpful information for digital and hard copy formats. User Notes are always highlighted in gray

Sections and subsections contain the ordinance regulations in a hierarchal manner

Blue bold font links to standards in other sections of the Ordinance

Graphics, figures, and tables illustrate concepts or clarify regulations



Pages are numbered sequentially within each article

Notes provide relevant district information recommended for review

Additional Requirements list other sections or Ordinances that may pertain to a development in the district

Link to Table of Contents

Link to How to Use This Ordinance

Link to Zoning Map

Link to Use Matrix

clearzoning

How to Use This Ordinance

2. Symbols and User Notes

The following symbols are used throughout the Zoning Ordinance:

Symbol	Meaning and Purpose
📖	Indicates the term is defined in Article 153-2 Definitions. (Note: Not every defined term is designated with a 📖 symbol. Consult § 153-2.2 Definitions, for a list of all defined terms.)
	Indicates there is a graphic that illustrates the standard or requirement.
	Indicates there is a specific method for measuring that is described in Article 153-2 Definitions, § 153-2.3 Measurements.
PL	Identifies a property line.
℄	Identifies the right-of-way centerline.
ROW	Identifies the right-of-way.
ℹ	Identifies a User Note that provides helpful information for all users.
💻	Identifies a Digital User Note that provides helpful information for users with a digital version of the Zoning Ordinance.

How to Use This Ordinance

3. Reading the Ordinance

Rules have been established to assist with interpreting the ordinance. Below are some rules to keep in mind when reading this document:

- Sometimes there may be general and specific regulations that pertain to one particular aspect of site design. In such instances, the specific regulations must be followed.
- Discrepancies between text and an illustration (including its caption) may occur. In the case of such discrepancies, the text is considered the accurate source of information.
- The use of the word SHALL carries significant meaning. SHALL regulations must be followed. Requirements that use the word MAY are discretionary, meaning that the requirement is at the discretion of the approving body.
- Article 153-2 Definitions contains over 100 terms. If a term is not listed in this article, it will carry the meaning customarily assigned to it.
- Conjunctions are often used and must be read accurately:
  - » AND indicates that all connected items, conditions, provisions or events shall apply.
  - » OR indicates that the connected items, conditions, provisions or events may apply singly or in any combination. (OR may also be read “and/or”)
  - » EITHER … OR indicates that the connected items, conditions, provisions or events shall apply singly, but not in combination.

For more rules, see § 153-2.1 Construction of Language.

How to Use This Ordinance

4. Digital User Note

What is a link?

A link allows for quick reference to a relevant section. By 'clicking' a link, the user is taken directly to a page in the Ordinance or another reference document. The user may return to the original page by clicking the 'previous view' button in Adobe Acrobat Reader.

If you do not see the 'previous view' button on your Adobe Acrobat Reader screen, you can add it by turning on your 'page navigation toolbar'. For assistance, refer to the 'Help' menu in your version of Acrobat Reader.

What information is linked?

All blue text is linked to either another page within the Zoning Ordinance, a separate City ordinance or document, or an external website.

In addition, several other features of the document are linked to the ordinance. Click on any of the following features to quickly locate another section:



Article tabs located on the side of each page are linked to the Contents page of each Article.



Icons located at the bottom of each page are linked to the 'How to Use This Ordinance' section, the main Table of Contents, the Use Matrix, and the Zoning Map.



Use Matrix district headings are linked to the corresponding district regulations page in Article 153-3 Zoning Districts.



'How do I calculate height' button located on each district regulations page is linked to the definition of building height in Article 153-2 Definitions.



Zoning Map Legend headings are linked to the corresponding district regulations page in Article 153-3 Zoning Districts.

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Use Matrices
District Summary Table



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Use Matrix

User Note: Click on a district heading for the corresponding district regulations page.

Below is a reference table that summarizes the uses listed in the Ordinance. Uses below are generalized. Consult Section 153-3.1 as certain conditions and standards may apply. If there are any conflicts between this table and the uses listed in Section 153-3.1, the latter will control.

P = Principal permitted use

S = Special land use

* = Refer to the district

USE	R-1	R-2	R-3	B-1	B-2	MU-1	MU-2	MU-3	MU-4	I-1	I-2	OS
Adult business §153-4.1					S							
Adult day care home	S	S	S	P	P	P	P	P	P			
Adult foster care family home §153-4.2	P	P	P			P	P	P	P			
Adult foster care large group home §153-4.2			P			S	P	S	S			
Adult foster care small group home §153-4.2		S	P			S	P	S	P			
Amusement arcade				P	P			P*	S			
Bed and breakfast			P			P	P	P	P			
Boarding houses		S	P			P						
Business office				P	P		P	P	P			
Business service					P	S*		P*	P	P	P	
Cemeteries §153-4.3	S	S	P	P	P	S	P	P	P			
Child care home, family	P	P	P	P	P	P	P	P	P			
Child care home, group		S	P	P	P	P	P	P	P			
Clubs, private			S	P	P		P	P*	P			
Community gardens			P			S*	S*		S*			
Community gardens (principal use)	P	P										

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Use Matrix

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USE	R-1	R-2	R-3	B-1	B-2	MU-1	MU-2	MU-3	MU-4	I-1	I-2	OS
Drive-in eating and drinking establishments §153-4.4				S	S				S*			
Drive-through eating and drinking establishments §153-4.4				S	S		S*		S*			
Drive-through services §153-4.4				S	S		S*		S*			
Dwelling, accessory §153-4.6	P	P	P			P	P					
Dwelling, live-work			S	P		S*	P	P	P			
Dwelling, multiple-unit §153-4.7			P	P	P	S	P*	P	P			
Dwelling, multiple-unit (containing up to four units) §153-4.8		S										
Dwelling, single-family attached §153-4.8		S	P	P		P	P*	P/S*	P			
Dwelling, single-family detached §153-4.8	P	P	P			P	P					
Dwelling, two-family §153-4.8		P	P			P	P	P/S*	P			
Eating and drinking establishments §153-4.9				P	P	S*	P/S*	P	S			
Financial institutions				P	P		P/S*	P	P			
Food production										P	P	
Food production (limited to sites previously used for food production or light manufacturing)									P			
Food stores				P	P		P/S*	P*	P			

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USE	R-1	R-2	R-3	B-1	B-2	MU-1	MU-2	MU-3	MU-4	I-1	I-2	OS
Food stores (less than 50,000 sq. ft.)							P/S*	P*				
Food stores (less than 15,000 sq. ft.)										P	P	
Funeral homes				P	P		S					
Golf courses §153-4.22	S	S	S									S
Governmental offices			P	P	P	P	P*	P*	P	P		
Greenhouses, commercial §153-4.10					S				S*	P		
Group residence			P			S	P*		P			
Homeless shelters §153-4.12					S							
Home occupations §153-4.11	P	P	P	P	P	P	P	P	P			
Hospitals §153-4.13	S	S	S	P	P	S	P	S	S			
Hotels and motels					P			P	P			
Household repair and service				S	P		S*		P			
Junkyards											S	
Kennels					S						P	
Laundry, coin-operated §153-4.15	S	S	P	P	P	S*	P*	P*				
Libraries	S	S	P	P	P	P	P	P	P			

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Use Matrix

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USE	R-1	R-2	R-3	B-1	B-2	MU-1	MU-2	MU-3	MU-4	I-1	I-2	OS
Manufacturing, heavy										S	S	
Manufacturing, light										P	P	
Manufacturing, light (limited to sites previously used for food production or light manufacturing)									S			
Manufacturing, medium										P	P	
Marihuana excess growers §153-4.16										S	S	
Marihuana growers §153-4.16 (any class excluding excess growers)										S	S	
Marihuana processors §153-4.16										S	S	
Marihuana retailers §153-4.16				S	S					S	S	
Marihuana safety compliance facilities §153-4.16										S	S	
Marihuana secure transporters §153-4.16										S	S	
Meat packing											S	
Medical offices				P	P	S*	P/S*	P	P			
Microbreweries, small distilleries, small winemakers				S	P		P*	S*	P			
Mining and extraction											S	
Mobile food court				P	P		S*	S*	P*			

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USE	R-1	R-2	R-3	B-1	B-2	MU-1	MU-2	MU-3	MU-4	I-1	I-2	OS
Mobile home parks §153-4.17			S									
Museums			S	S	P	S	P	P	P			
Natural open space												P
Open air businesses					S				S*			
Outdoor drive-in theaters					S							
Outdoor storage §153-4.19 (accessory or principal use)									S*	S	P	
Parking decks §153-4.20					P		P*	S	P*			
Parking lot, principal use §153-4.21	S	S	S	P	P	S			P*			S
Parks, private §153-4.22	S	S	S	P	P	S*	P*	S*	P*	S		P
Parks, public §153-4.25	P	P	P	P	P	P*	P*	P*	P*	P	P	P
Penal and correctional institutions and detention facilities											P	
Personal service				P	P	S*	P	P	P			
Pet boarding, daily				S	S				S	P		
Places of assembly				S	P	S	S	S*	S			
Places of worship §153-4.23	P	P	P	P	P	P	P	P	P			
Power plant											S	

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USE	R-1	R-2	R-3	B-1	B-2	MU-1	MU-2	MU-3	MU-4	I-1	I-2	OS
Public memorials												P
Radio and television towers, freestanding §153-4.27					S							
Railroad stations										S	P	
Recreation, indoor commercial				S	P			P/S*	P	S	S	S
Recreation, outdoor commercial		S	S	S	S				S*			S
Research and development					S		S*		P	P	P	
Retail stores					P				P			
Retail stores (less than 50,000 sq. ft.)				P		S*	P*	P*				
Rooming house			S									
Schools, private	S	S	S	S	P	S	S		P			
Schools, public	P	P	P	P	P	P	P	P	P			
Self-storage					S				S*	P	P	
Senior housing (dependent)						S*	S*		S			
Senior housing (independent)			P			S*	P*	S	S			
Service establishment of an office, showroom, or workshop nature				S	P				P			
Short-term rentals §153-4.28			P			P	P	P	P			

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USE	R-1	R-2	R-3	B-1	B-2	MU-1	MU-2	MU-3	MU-4	I-1	I-2	OS
Solar energy systems, §153-4.29 large-scale principal use										S	S	
Solar energy systems, §153-4.29 small-scale principal use				S	S					S	S	
Substance abuse treatment facilities					S				S*	P		
Transportation terminals					P					P	P	
Universities and colleges			S	P	P	S	S	P	P			
Uses similar to those permitted in the district, as determined by planning commission and not listed in zoning districts elsewhere					S					S	S	
Utility, private (with outdoor storage)										S		
Utility, private (without outdoor storage)					S					P	P	
Utility, public §153-4.26	S											
Utility, public §153-4.26 (with or without outdoor storage)									S	P	P	
Utility, public §153-4.26 (without outdoor storage)		S	S	S	S			S				
Vehicle fueling stations §153-4.31				S	S					S		
Vehicle repair, passenger §153-4.31					S					P	P	
Vehicle sales, other										P	P	

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USE	R-1	R-2	R-3	B-1	B-2	MU-1	MU-2	MU-3	MU-4	I-1	I-2	OS
Vehicle sales, passenger					S							
Vehicle service, passenger §153-4.31					S					P	P	
Vehicle repair and service, other §153-4.31										P	P	
Vehicle wash establishments					S					P	P	
Veterinary clinics or veterinary hospitals				P	P				P			
Vocational training facilities			S	S	P		S		P	S		
Wholesale and warehousing										P	P	
Wireless communications facilities §153-4.33					S					S	S	

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District Summary Table

User Note: Click on a district heading for the corresponding district regulations page.

Below are reference tables that summarizes district regulations.

Consult Article 153-3 Zoning Districts for additional requirements and exceptions to the information below.

STANDARD	R-1	R-2	R-3	B-1	B-2	MU-1	MU-2	MU-3	MU-4	I-1	I-2	OS
Min. lot area (sq. ft.)	6,000	6,000*	6,000	4,000	4,000	4,000*	4,000	*	4,000	20,000	20,000	
Min. lot width (ft.)	60	60	60	40	40	40	40	30	40	100	100	
Max. lot coverage	40%	40%	40%	50%	50%					75%	75%	25%
Min. front yard setback (ft.)	20	20	20	20	0	15*	*	*	5*	0	0	20*
Min. side yard setback (one/total of two) (ft.)	5/14	5/14	5/14	10/20	10/20	5/10*	*	*	0	10/20*	10/20*	10/20*
Min. rear yard setback (ft.)	25	25	20	20	10	12*	*	*	0*	10*	10*	10*
Max. building height (ft.)	35	35	70	35	70	40*	70 (16 min.)	*	70 (0 min.)	38	50	
Min. floor area per dwelling (sq. ft.)	600	600	*	*	*	*	*	*	*			
Min. building front and depth (ft.)	20	20										
Required open space (% of gross floor area)			7% of GFA	7% of GFA	7% of GFA	7% of GFA	7% of GFA	7% of GFA	7% of GFA			
Required frontage in setback zone						70%	*	*				
Required fenestration						*	*	*	*			
Min. required parking setbacks						*	*	*	*			

* See respective district's development standards for requirements/restrictions.

Zoning Map

User Note: Click on the following links to find the Zoning Map for the City of Saginaw.

Click here for the
Interactive Zoning Map

Click here for the
City of Saginaw's Planning & Zoning page
to find a static, non-interactive Zoning Map

Click here for the
City of Saginaw's homepage

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Chapter 153, Article 1
Purpose and Intent

Article 153-1 Purpose and Intent

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153-1.1 Purpose

The purpose of this chapter is to regulate and restrict the use of land and buildings by dividing the City of Saginaw into districts; defining certain terms used therein; imposing regulations, prohibitions, and special use restrictions governing the erection, construction, reconstruction of structures and buildings and lands to be used for business, industry, residence, social, and other specified purposes; regulating and limiting the height and bulk of buildings and other structures and regulating and limiting lot occupancy and the size of yards and other open spaces; regulating and limiting the density of population; establishing floor space requirements to assure adequate light and ventilation of buildings; limiting congestion upon the public streets by providing for the off-street parking and loading of vehicles; providing for the gradual elimination of nonconforming uses of land, buildings, and structures through purchase, condemnation, or otherwise; creating a Zoning Board of Appeals, defining and limiting the powers and duties of said Board, and setting standards to guide actions of said Board; providing for administration of this chapter and for amendments, supplements or changes thereto; providing for resolution of conflicts with the Michigan Zoning Enabling Act (Act 110 of 2006 M.C.L. 125.3101 *et seq.*) or other acts, ordinances, or regulations; and providing penalties for violation of this chapter.

153-1.2 Preamble

In accordance with the authority and intent of M.C.L. 125.3101 *et seq.* as amended, the City desires to provide for the orderly development of the City, consistent with the City's Comprehensive Plan, which is essential to the well-being of the City, and which will place no undue burden upon developers, industry, trade, service, and other uses of land; to ensure that uses of the land shall be situated in appropriate locations and relationships; to limit the inappropriate overcrowding of land and congestions of population and transportation systems and other public facilities; to facilitate adequate and efficient provisions for transportation systems, sewage disposal, water energy, education, recreation and other public service, and facility needs; and to promote the public health, safety, and welfare within the City.

153-1.3 Enabling Authority

This chapter is adopted pursuant to M.C.L. 125.3101 *et seq.* Said Act is hereby made a part of this chapter just as if it were word for word repeated herein.

153-1.4 Short Title

Chapter 153 of the City of Saginaw, Michigan Code of Ordinances shall be known and may be cited as the "Zoning Code" or the "Zoning Ordinance" of the City of Saginaw.

153-1.5 Interpretation and Application

In interpreting and applying the provisions of this chapter, said provisions shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, prosperity and general welfare. It is not intended by this chapter to interfere with or abrogate or annul any law, ordinance, rule, regulation or permit previously adopted or issued, and not in conflict with any of the provisions of this chapter, or which shall be adopted or issued pursuant to law relating to the use of buildings or premises, and likewise not in conflict with this chapter; nor is it intended by this chapter to interfere with or abrogate or annul any easements, covenants or other agreement between parties.

153-1.6 Conflicting Regulations

Whenever any provision of this chapter imposes more stringent requirements, regulations, restrictions, or limitations than are imposed or required by the provisions of any other law or chapter, the provisions of this chapter shall govern. Similarly, when any other law or ordinance imposes more stringent requirements, regulations, restrictions, or limitations than are imposed or required by the provisions of this chapter, the provisions of said law or ordinance shall govern.

153-1.7 Scope

No building or structure, or part thereof, shall hereafter be erected, constructed, reconstructed, or altered and maintained, and no new use or change shall be made, used or maintained of any building, structure, or land, or part thereof, except in conformity with the provisions of this chapter.

153-1.8 Severability

This chapter and the various parts, articles, sections, subsections and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, subsection, section or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of the chapter shall not be affected thereby.

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G

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H

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M

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N

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P

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U

Universities and Colleges
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Vehicle Fueling Stations
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Vehicle Sales, Passenger
Vehicle Service, Passenger
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W

Wholesale and Warehousing
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Yard
Yard, Front
Yard, Rear
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Z

Zoning Administrator
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Build-to Line
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Lot Depth
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Lot Line, Rear
Lot Line, Side
Lot Lines
Lot Width
Setback
Setback Zone
Yard, Front
Yard, Rear
Yard, Side

153-2.1 Construction of Language

The following rules of construction apply to the text of this chapter.

A. The particular shall control the general.

B. In the case of any difference of meaning or implication between the text of this chapter and any caption or illustration, the text shall control.

C. The word "shall" is always mandatory and not discretionary. The word "may" is permissive and discretionary.

D. Words used in the present tense shall include the future, and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.

E. A "building" or "structure" includes any part thereof.

F. The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for," or "occupied for."

G. The word "person" includes an individual, firm, a corporation, company, copartnership, partnership, an incorporated association, club, joint venture, estate, trust, or any other similar entity, group, or combination acting as a unit. The singular masculine pronoun shall include the feminine, neuter, and plural; unless the intention to give a more limited meaning is disclosed by the context.

H. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provision, or events connected by the conjunction "and," "or," "either...or," the conjunction shall be interpreted as follows.

1. "And" indicates that all the connected items, conditions, provisions, or events shall apply; and
2. "Or" indicates that the connected items, conditions or provisions, or events may apply singularly or in any combination.

153-2.2 Definitions

A

Accessory Building or Structure

A subordinate building, structure, or portion of a principal structure, the use of which is clearly incidental to and serves exclusively the principal building or principal use and is located on the same zoning lot. Such buildings and structures include garages, garden equipment sheds, small greenhouses, swimming pools, solar energy systems and kennels/pens for dogs or animals as defined.

Abandon

To cease from actively using or occupying land or premises for a time period greater than specified.

Aboveground Active Spaces

Aboveground active spaces include spaces intended for outdoor occupancy above the ground level, such as balconies and rooftop patios.

Abutting

See "Adjacent".

Accessory Dwelling

See "Dwelling, Accessory".

Adjacent

(Also referred to as "Contiguous" and "Abutting"). Tracts of land that share a common property boundary without being separated by a public or private right-of-way, body of water, railway, or alley.

Adult Business

Adult businesses include any of the following:

1. **Adult Arcade**: A place to which the public is permitted or invited to view motion pictures, movies, videos, pictures, or other products of image-producing devices, where the images displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas."
2. **Adult Book Store, Adult Novelty Store,** or **Adult Video Store**: A commercial establishment which, as one (1) of its principal purposes, offers for sale or rental for any form of consideration reading materials, photographs, films, motion pictures, movies, video cassettes or video reproductions, DVDs, other video discs, or other visual representations characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas" or instruments, devices or paraphernalia which are designed for use in connection with "specified sexual activities."

3. **Adult Cabaret**: A night club, restaurant, or similar commercial establishment which, as one (1) of its principal purposes, features: persons who appear in a state of nudity or semi-nudity; live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities;" or, films, motion pictures, videos cassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."
4. **Adult Motion Picture Theater**: A commercial establishment where, for any form of consideration, films, motion pictures, movies, video cassettes, slides, or similar photographic reproductions are regularly and primarily shown which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."
5. **Adult Theater**: A theater, concert hall, auditorium, or similar commercial establishment which regularly and primarily features persons who appear in a state of nudity or semi-nudity, or live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."
6. **Sexual Encounter Center**: A business or commercial enterprise that, as one (1) of its principal business purposes, offers for any form of consideration: (a) physical contact in the form of wrestling or tumbling between persons of the opposite sex; or (b) activities between male and female persons and/or persons of the same sex, when one (1) or more of the persons is in a state of nudity.

Adult Day Care Home

A facility or program providing non-residential community-based health, social, and related support services for the elderly and/or functionally impaired adults in a protective setting for a portion of a 24-hour day. The facility shall comply with all applicable federal and state policies and guidelines, including employees who shall maintain applicable accreditations and certifications.

Adult Foster Care Homes

Pursuant to Act 218 of the Public Acts of 1979, as amended, a governmental or non-governmental establishment having as its principal function the receiving of adults for foster care. It includes facilities and foster care family homes for adults who are aged, emotionally disturbed, developmentally disabled, or physically handicapped who require supervision on an ongoing basis but who do not require continuous nursing care. Adult foster care homes are regulated by the Department of Social Services under three licenses:

1. **Adult Foster Care Family Homes** serving six or fewer adults,
2. **Adult Foster Care Small Group Homes** serving 7 to 12 adults, and
3. **Adult Foster Care Large Group Homes** serving 13 to 20 adults.

Alley

A secondary thoroughfare less than 30 feet in width dedicated for the public use of vehicles and pedestrians affording access to abutting property.

Section 153-2.2 A

Alteration

As applied to a building or structure means a change or rearrangement in the structural parts or in the means of ingress or egress; or an enlargement, whether by extending on a side or by increasing in height; or the moving from one location or position to another.

Amusement Arcade

An indoor establishment that contains games for a purchase or fee, including gaming arcades, board games, and billiards halls. Does not include games for exercise or physical activity, or bowling alleys or laser tag, which shall be recognized in this chapter as "Recreation, Indoor Commercial."

Antennas

Any exterior apparatus designed for the sending and/or receiving of electromagnetic waves for telephonic, radio, television, or personal wireless services.

Approving Authority

An individual or body vested with the authority to act on a request by approving or denying it. This may include the Zoning Administrator or their designee, the Planning Commission, the Zoning Board of Appeals or the City Council.

Architectural Features

Architectural features of a building shall include cornices, eaves, gutters, belt courses, sills, lintels, bay windows, chimneys, and other similar decorative ornaments.

Architecturally Compatible

Two structures are considered to be architecturally compatible if they meet at least two of the following criteria:

1. They have similar building materials (e.g., siding, roof).
2. They have similar design (e.g., framing, scale, proportions, form).
3. They have similar architectural features (e.g., windows, doors, light fixtures, pillars, balconies, porches, cornices, eaves, decorative elements, etc.).
4. They have similar or complementary colors.

Articulations

The layout or pattern of building elements including exterior walls, doors, roofs, windows, and decorative architectural elements.

Awning

A roof-like cover, typically constructed of canvas or similar fabric stretched over a framework, that projects from the wall of the building for the purpose of shielding a doorway, a window, or pedestrians.

B

Base Zoning District

The base zoning district is the primary zoning district designation establishing land use regulations and dimensional requirements. When there is a Planned Unit Development, the base zoning district serves as the foundation for established regulations before flexibility from the ordinance is negotiated.

Bed and Breakfast

A private residence that offers sleeping accommodations to transient guests and is the innkeeper's personal residence. A bed and breakfast may serve meals at no extra costs to its guests, but shall not serve meals to the general public.

Bedroom

A room in a dwelling unit used for or intended to be used primarily for sleeping purposes by human beings.

Boarding House

A building where the principal use is the owner's principal residence, and the building is designed to include either a single-family or multiple-unit dwelling, and where the owner provides long term lodging for greater than three (3), but not more than twenty (20), persons who do not make up a family as defined in this chapter, and the lodgers pay compensation to use not more than ten (10) sleeping rooms. The common parts of the building or structure are maintained by the owner who may also provide lodgers with some services, such as meals, laundry, and cleaning. Boarding houses are not motels or hotels and are not open to transient guests.

Boats

A vehicle designed for operation as a watercraft propelled by oars, sails, or one or more internal combustion engine(s).

Building Face

See "Façade."

Building Front

The facade of a building most nearly parallel to and nearest the front line.

Building Line

A line that follows the maximum extent of a building at any floor-level that is generally parallel to the lot line on the same side of the building.

Building Permit

The written authority issued by the chief inspector permitting the construction, removal, moving, alteration, or use of a building in conformity with the provisions of this chapter. (Also referred to as "Permit.")

Section 153-2.2 B

Building, Principal

A building in which is conducted the predominant use of the lot on which it is located.

Building

An independent structure erected on-site, a mobile home, a pre-manufactured or pre-cut structure having a roof supported by columns or walls, intended and/or used for shelter or enclosure of persons or chattels. When any portion thereof is completely separated from every other part by division walls from the ground up, and without openings, each portion of such building shall be deemed a separate building. This refers to both temporary and permanent structures and includes mobile homes, tents, sheds, garages, stables, greenhouses, or other accessory structures.

Business Office

The office of a member of a recognized profession maintained for the conduct of business in architectural, engineering, planning, law, interior design, accounting, insurance, real estate, or any similar type of profession. Includes offices for the conduct of educational industries, service industries, and medical industries, but not instructing pupils or giving medical examination or treatment on site.

Business Service

An establishment that is primarily engaged in rendering services to other business establishments on a fee or contract basis, such as advertising and mailing, building maintenance, personal and employment services, management and consultant services, protective services, equipment rental and leasing, photo finishing, copying and printing, travel, office supply, and similar services.

C

Caliper

The diameter of a tree trunk as measured in accordance with the American National Standards Institute (ANSI) standards.

Canopy

With reference to structures, a canopy is a rooflike cover that projects from the wall of a building over a door, entrance or window; or a freestanding or projecting cover above an outdoor service area, such as a gas station. An awning is a type of canopy.

Cemetery

Privately owned property which guarantees perpetual care of grounds used solely for the interment of deceased human beings or customary household pets.

Certificate of Occupancy

A document issued by the Chief Inspector allowing the occupancy or use of a building and certifying that the structure or use has been constructed or will be used in compliance with all of the applicable municipal codes and ordinances.

Chief Inspector

Chief Inspector of the City of Saginaw.

Child Care Center

A facility, other than a private residence, receiving 1 or more children under 13 years of age for care for periods of less than 24 hours a day, where the parents or guardians are not immediately available to the child. Child care center includes a facility that provides care for not less than 2 consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, before- or after-school program, or drop-in center. This definition does not include group child care homes and family child care homes.

Child Care Home, Family

A private home in which 1 but fewer than 7 minor children are received for care and supervision for compensation for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the household. Family child care home includes a home in which care is given to an unrelated minor child for more than 4 weeks during a calendar year. A family child care home does not include an individual providing babysitting services for another individual. As used in this subparagraph, "providing babysitting services" means caring for a child on behalf of the child's parent or guardian if the annual compensation for providing those services does not equal or exceed $600.00 or an amount that would according to the internal revenue code of 1986 obligate the child's parent or guardian to provide a form 1099-MISC to the individual for compensation paid during the calendar year for those services. Family child care home includes a private home with increased capacity.

Section 153-2.2 C

Child Care Home, Group

A private home in which more than 6 but not more than 12 minor children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the household. Group child care home includes a home in which care is given to an unrelated minor child for more than 4 weeks during a calendar year. Group child care home includes a private home with increased capacity.

City Council

The City Council of the City of Saginaw.

City Planning Commission

The City of Saginaw City Planning Commission.

Civic Use

Civic uses include all non-residential land uses that are operated by a public entity.

Clinic

A building or group of buildings where human patients are admitted, but not lodged overnight, for examination and treatment by a licensed medical professional, such as a physician, dentist, ophthalmologist, physical therapist, psychologist, or the like. This definition does not include a hospital or surgery center, but may include a place of medical research and medical testing procedures such as x-rays and blood testing.

Club, Private

A private assembly space used for private events or meetings not open to the public. Includes but is not limited to private membership clubs, banquet halls, and wedding venues.

Code

The same as "ordinance," "zoning code," or "zoning ordinance" of the City of Saginaw. (See "Ordinance.")

Commercial Use

A commercial use related to the use of property in connection with the purchase, sale, barter, display, or exchange of goods, wares, merchandise, or personal services or the maintenance of offices or recreational or amusement enterprises.

Commercial Vehicles

Include trucks, highway tractors and trailers, pickups, vans, wreckers, or similar vehicles any of which have or require commercial license plates and have a gross vehicle weight in excess of 10,000 pounds.

Community Garden

A garden used by an individual or group of individuals, with crops grown not for commercial distribution but for personal use, or sales at a produce stand or farmers market.

Concept Plan

A generalized plan indicating establishing the proposed layout and use of a development.

Contiguous

See "Adjacent."

Courtyard

An uncovered area partly or wholly enclosed by buildings or walls and used primarily for supplying access, light, and open space to abutting buildings.

Cul-de-sac

A street with only one outlet having sufficient space at the closed end to provide vehicular turning facilities.

Section 153-2.2 D

D

Detention Facilities

A residential and institutional complex for the temporary holding of criminal suspects and/or offenders whose individual cases are being processed.

District

A portion of the City within which certain uses of land and/or buildings are permitted and within which certain regulations and requirements apply under the provisions of this chapter.

Drive Through Service

An establishment with a drive-through window that is not an eating and drinking establishment.

Drive-Through Eating and Drinking Establishment

An eating and drinking establishment that includes a drive-through window.

Dwelling

A building, or portion thereof, designed for a single habitable unit with facilities which are used or intended to be used for living, sleeping, sanitation, cooking, and eating purposes. A single dwelling unit shall be occupied by a single family, as defined in this chapter.

Dwelling, Accessory

A subordinate habitable dwelling unit that provides complete independent living facilities for one person or a family and which is situated on the same lot as the principal single-family dwelling unit. The accessory dwelling unit may be within the same building as the single-family dwelling unit or in a detached building. Accessory dwelling units may also be referred to as an accessory apartment, accessory cottage, carriage house, granny flat, or a mother-in-law apartment.

Dwelling, Attached Single-Family

A structure containing three or more dwelling units, each with its own private entrance, and sharing a common wall between adjoining dwelling units. Attached single-family dwellings are commonly associated with the townhouse building type.

Dwelling, Detached Single-Family

A freestanding building containing one dwelling unit and designed for occupancy by a single household unit. A single-family detached dwelling does not include a mobile home or manufactured home, but may include a modular home.

Dwelling, Efficiency Unit

A dwelling unit consisting of one room, exclusive of bathroom, kitchen, hallway, closets, or dining alcove directly off the principal room containing not less than 350 square feet of floor area.

Dwelling, Live-Work

A structure that contains limited commercial activities conforming to the zoning district in which it is located, with the commercial business proprietor residing in a portion of the same structure that serves as a dwelling unit or artists' loft/efficiency unit.

Dwelling, Multiple-Unit

A building or portion thereof designed to contain three or more dwelling units, but not an "attached single-family dwelling." (See "Dwelling, Attached Single-Family.")

Dwelling, Two-Family

A building containing two separate dwelling units.

Section 153-2.2 E

E

Eating and Drinking Establishments

A commercial establishment where food and beverages are prepared, served, and consumed either on-site or prepared and are delivered or dispensed for drive-in or drive-through consumption. Includes restaurants, coffee shops, cafes, taverns, and other similar establishments. This definition does not include food production facilities.

Electric Vehicle Charging Space

An electric vehicle charging space is a parking space that has access to an electric vehicle charging station.

Essential Services

The erection, construction, alteration, or maintenance by public utilities or public authorities, of underground or overhead gas, electrical, steam, or water transmission or distribution systems, collections, communication, supply, or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, towers, fire alarm boxes, police call boxes, traffic signals, hydrant, or other similar equipment and accessories in connection therewith, not including buildings, as shall be reasonably necessary for the furnishing of adequate services by public utilities, or public authorities, or for the public health, safety, or general welfare, but it shall not be deemed to include buildings, public lines supported by towers or frameworks consisting of two or more supporting poles carrying such lines.

F

Façade

(Also "Building Face"). The portion of any exterior elevation on the building extending from grade to top of the parapet, wall, or eaves, including the entire width of the building elevation.

Façade, Primary

A façade that faces a primary street.

Façade, Secondary

A façade that faces a secondary street.

Family

Family means either of the following:

1. An individual, or a collective number of individuals related by blood, marriage, adoption, or legally established relationships such as guardianship or foster care, plus up to two unrelated boarders, roomers, or guests, who reside in a single dwelling unit and live as a single nonprofit housekeeping unit with single culinary facilities; or
2. A collective number of no more than six unrelated individuals whose relationship is of a permanent and distinct domestic character who reside in a single dwelling unit and live as a single nonprofit housekeeping unit with single culinary facilities.
3. A family, however, shall not include any society, club, fraternity, sorority, association, lodge, or group of unrelated individuals occupying sleeping rooms within a boarding house, rooming house, group residence, or similar group living facilities. Also, a family shall not include a group of individuals, whether related or not, whose association or living arrangement is temporary or resort-seasonal in character or nature.

Fence, Closed Construction

A fence that is more than 50% opaque when viewed perpendicularly to its vertical surface. Closed construction fences are commonly used to conceal a property, materials stored, or the operation of a land use from view of adjoining properties or rights-of-way.

Fence, Open Construction

A fence that is less than 50% opaque when viewed perpendicularly to its vertical surface. Common examples of open construction fences include split-rail fences, chain link fences, and picket fences.

Fence

A permanent or temporary barrier enclosing or bordering a plot of land or portion thereof composed of suitable human-made materials for the purpose of preventing or controlling entrance or to confine within or to make a boundary. A wall is considered to be a type of fence for purposes of this chapter.

Section 153-2.2 F

Financial Institution

An establishment for the provision of financial and banking services to consumers or clients. Typical uses include banks, savings and loan associations, savings banks, credit unions, lending establishments, and automatic teller machines (ATMs).

Flex Space

For the purposes of this chapter, a "Flex Space" is a building type designed to accommodate a variety of non-residential uses with adaptable regulations. This building type is best suited for land uses that require design flexibility to support specialized operational needs, such as light manufacturing or food production.

Floodway Fringe Area

The area directly adjacent to the floodway which is represented on the Federal Emergency Management Agency's (FEMA) flood maps as the special flood hazard area, or referred to as "Zone A" or "Zone V." This area is often referred to as the "100-year floodplain," meaning it has a 1% annual chance of flooding.

Floodway

The channel of a river or watercourse and the adjacent land areas that must remain unobstructed to effectively discharge base flood (100-year flood) waters without significantly increasing water levels. It is the most hazardous part of a floodplain, where high-velocity flows and deep water pose risks to development. Floodways are designated by the National Flood Insurance Program.

Food Production

The preparation, processing, or canning and packaging of food products, including breweries, wineries, and distilleries. Does not include simple bottling and canning, which is light manufacturing, and does not include meatpacking.

Food Store

Any retail establishment offering for sale groceries and daily household items, including grocery stores, convenience stores, bakeries, dairy stores, specialty food markets, and similar stores.

Frontage

The distance along the front lot or building line.

Full Cutoff

With reference to lighting, full cutoff refers to a fixture design that emits no light above a horizontal plane.

Funeral Home

An establishment where the human dead are prepared for burial or cremation. The establishment may be used to display funeral equipment and to provide gathering spaces for viewing the body and conducting funeral services.

G

Gallery

When used to refer to an architectural element, means a frontage characterized by a covered pedestrian walkway integrated into the façade, typically supported by a series of columns or piers.

Garden Wall

A decorative, low-height masonry or constructed wall, typically used along sidewalks, courtyards, or landscape features to provide visual interest, separation, or enclosure without obstructing views.

Golf Course

A tract of land laid out for playing the game of golf, improved with tees, greens, fairways, and hazards such as water and sand traps, and which may include such accessory uses as a pro shop, clubhouse, driving range, practice greens, concession shop, and service buildings.

Governmental Office

A facility owned, operated, or occupied by a level of government or governmental agency to provide a governmental service to the public, including post offices.

Grade

A reference plane representing the average of finished ground level adjoining the building at all exterior walls.

Greenbelt

An area of land that is planted with the primary objective of screening, buffering, or separating land uses.

Greenhouse, Commercial

An establishment used for the growing of plants, all or part of which are distributed commercially, sold at retail, or sold at wholesale.

Group Residence

A building used as a residence, within a single dwelling unit or combination of multiple dwelling units, by a group of persons who are not a family on a non-transient basis. Typical group residence uses include cooperatives, convents, sororities, fraternities, and homes for people recovering from substance abuse addiction, but does not include boarding houses, rooming houses, substance abuse treatment facilities, and does not include group living or care facilities licensed by the State of Michigan.

Section 153-2.2 H

H

Historic District Commission

A historic district commission created by the City Council Pursuant to the Local Historic Districts Act, Public Act 169 of 1970, being M.C.L. §§ 399.201 *et seq*.

1. **Denial**: The written rejection of a permit application for work that is inappropriate and that adversely affects a resource.
2. **Alteration**: Work that changes the detail of a resource but does not change its basic size or shape.
3. **Center**: The Michigan State Historic Preservation Office, formerly the Michigan Historical Center and the Michigan Bureau of History of the Michigan Department of State.
4. **Certificate of Appropriateness**: The written approval of a permit application for work that is appropriate and that does not adversely affect a resource.
5. **Committee**: A historic district study committee appointed by the City Council pursuant to the Local Historic Districts Act, Public Act 169 of 1970, being M.C.L. §§ 399.201 *et seq*.
6. **Demolition by Neglect**: Neglect in maintaining, repairing, or securing a resource that results in deterioration of an exterior feature of the resource or the loss of structural integrity of the resource.
7. **Demolition**: The razing or destruction, whether entirely or in part, of a resource and includes, but is not limited to, demolition by neglect.
8. **Historic District**: An area, or group of areas not necessarily having contiguous boundaries, that contains one resource or group of resources that are related by history, architecture, archaeology, engineering, or culture.
9. **Historic Preservation**: The identification, evaluation, establishment, and protection of resources significant in history, architecture, archaeology, engineering, or culture.
10. **Historic Resource**: A publicly or privately owned building, structure, site, object, feature, or open space that is significant in the history, architecture, archaeology, engineering, or culture of this state, or the City, or of the united states.
11. **Notice to Proceed**: The written permission to issue a permit for work that is inappropriate and that adversely affects a resource, pursuant to a finding under § 153-6.5(A)(4).
12. **Open Space**: Undeveloped land, a naturally landscaped area, or a formal or human-made landscaped area that provides a connective link or a buffer between other resources.
13. **Ordinary Maintenance**: For the purposes of this chapter, keeping a resource unimpaired and in good condition through ongoing minor intervention, undertaken from time to time, in its exterior condition. Ordinary maintenance does not change the external appearance of the resource except through the elimination of the usual and expected effects of weathering. Ordinary maintenance does not constitute work for purposes of the Local Historic Districts Act, Public Act 169 of 1970, being M.C.L. §§ 399.201 *et seq*., as amended.
14. **Proposed Historic District**: An area or group of areas not necessarily having contiguous boundaries, that has delineated boundaries and is under review by a committee or a standing committee for the purpose of making a recommendation as to whether it should be established as a historic district or added to an established historic district.

15. **Repair**: For the purposes of this chapter, to restore a decayed or damaged resource to a good or sound condition by any process. A repair that changes the external appearance of a resource constitutes work for purposes of the Local Historic Districts Act, Public Act 169 of 1970, being M.C.L. §§ 399.201 *et seq.*, as amended.
16. **Resource**: One or more publicly or privately owned historic or nonhistoric buildings, structures, sites, objects, features, or open spaces located within a historic district.
17. **Standing Committee**: A permanent body established by the City Council pursuant to the Local Historic Districts Act, Public Act 169 of 1970, being M.C.L. §§ 399.201 *et seq.*, as amended, to conduct activities of a historic study committee on a continuing basis.
18. **Work**: Construction, addition, alteration, repair, moving, excavation, or demolition.

Health and Wellness Facility

A type of medical office which is equipped and arranged to provide instruction services or activities which improve or affect a person's physical condition by physical exercise, massage, or rehabilitation by providers licensed by the State or Michigan, as applicable. This may include but shall not be limited to physical, massage therapy, alternative therapy, physical rehabilitation clinics, and health spas.

Home Occupation

Any use customarily conducted entirely within the dwelling and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes.

Home, Tourist

A dwelling which offers sleeping accommodations in less than ten rooms to transient guests for compensation. See definition of "Short-Term Rental*."

Homeless Shelter

A building with sleeping and bath facilities used for temporary occupancy by persons without an identified place of residence.

Hospital

A building, structure, or institution in which sick or injured persons, primarily inpatients or overnight patients, are given medical or surgical treatment and operating under license by the Department of Public Health, State of Michigan.

Hotel or Motel

A building or group of buildings offering transient lodging accommodations by way of ten or more guest rooms on a daily rate to the general public that may provide additional services, such as restaurants, meeting rooms, and recreational facilities.

Section 153-2.2 H

Household Repair and Service

An establishment used for the showcasing of household products, or rental equipment for the repair and remodeling of household products, often involving tools, hardware, paint, rugs, blinds, carpets, and similar items. This definition includes dry cleaning counters and laundromats but not dry-cleaning plants nor clothing repair. This definition does not include hardware stores, which are included in the "Retail Store" definition.

I

Institutional Use

Institutional uses shall include schools, hospitals, or places of worship.

Islands

With reference to parking, a raised landscaped or paved area within a parking lot that serves to define traffic flow, separate parking rows, and provide aesthetic or environmental benefits to the development.

Section 153-2.2 J

J

Junk

Any motor vehicles, machinery, appliances, products, or merchandise with parts missing or scrap metals or other scrap materials that are damaged, deteriorated, or are in a condition which cannot be used for the purpose for which the product was manufactured.

Junkyard

An area where waste and used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled including, but not limited to: junk, scrap iron, metals, paper, rags, tires, bottles, and automobiles. A junkyard includes automobile wrecking yards and includes any area of more than two hundred (200) square feet for storage, keeping or abandonment of junk, but does not include uses established entirely within enclosed buildings. The term “junkyard” does not include drop-off stations for residential recyclables.

K

Kennel

Any lot or premises on which dogs or household pets are kept for any commercial purpose other than daily boarding services. This definition includes, but is not limited to, overnight boarding, breeding, training, and including any associated indoor or outdoor dog runs.

Section 153-2.2 L

L

Laundry, Coin-Operated

A facility where patrons wash or dry clothing or other fabrics in machines operated by the patron. This definition does not include dry-cleaning counters nor dry cleaning plants.

Library

A public facility containing printed information, electronic information, and pictorial material for the public use and purpose of study, reference, and recreation.

Livable Area

The portion of a dwelling unit designed and suitable for human habitation, excluding non-habitable spaces such as garages, unfinished basements, attics, or utility rooms.

Loading Space

An off-street space on the same lot with a building or group of buildings, for temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and having direct and unobstructed access to a public street or alley.

Local Street

A city local street as designated in the most recent State of Michigan Act 51 map, as amended.

Lot

A parcel of land consisting of one or more lots of record occupied or intended to be occupied by a principal building or use and any accessory buildings or by any other use or activity permitted thereon and including the open spaces and yards required under this chapter, and having its frontage upon a public street or road either dedicated to the public or designated on a recorded subdivision.

Lot of Record

A lot, the dimension and configuration of which are shown on a map recorded in the office of the register of deeds for the county, or a lot or parcel described by metes and bounds, the accuracy of which is attested to by a professional engineer or land surveyor (so registered and licensed in the state) and likewise so recorded and on a file with the county.

Lot, Corner

A lot where the interior angle of two adjacent sides at the intersection of two streets is less than 135 degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the purposes of this chapter if the arc is of less radius than 150 feet and the tangents to the curve, at the two points where the lot lines meet the curve or the straight street line extended, form an interior angle of less than 135 degrees. (See also "Lot, Interior" and "Lot, Double Frontage.")

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 certificate of occupancy permit. If there are existing buildings in the same block fronting on one or both of the streets, the required minimum front yard setback shall be observed on those streets where the majority of the buildings presently front. ✍

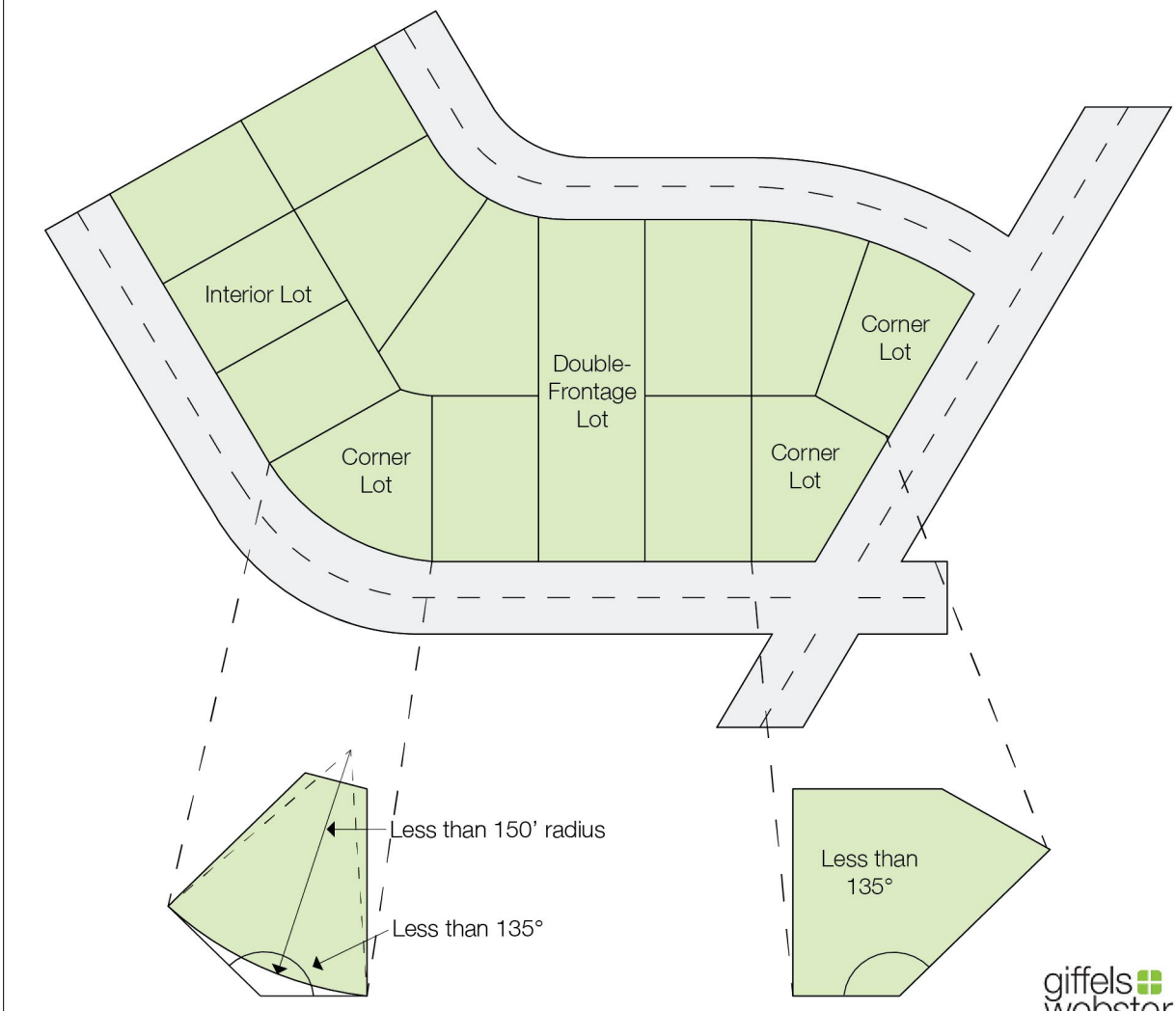
Lot, Interior

A lot other than a corner lot with only one lot line fronting on a street. ✍

Lot, Through

Any interior lot having frontages on two (2) more or less parallel streets as distinguished from a corner lot. In the case of a row of through lots, one street will be designated as the front street for all contiguous lots. ✍

Figure 2.2.A Corner Lot, Flag Lot, Interior Lot, and Through Lot



Lot, Zoning

A parcel of land consisting of one or more lots of record, which at the time of filing for a building permit is designated by its owner or developer as a lot to be used, developed or built upon as a unit, under single ownership or control.

M

Major Thoroughfare

See "Street, Primary."

Manufacturing, Heavy

A facility that manufactures, compounds, or produces raw materials, chemicals, acids, toxins, metals, and other materials or substances that eventually assemble into a finished product on-site or off-site. These facilities or processes necessitate the storage of large volumes of highly flammable, toxic, or explosive materials needed during the manufacturing process. Heavy manufacturing uses include, but are not limited to, foundries, brickyards, concrete/asphalt mixing plants, coal/coke yards, bulk stations, blast furnaces, materials salvage, recycling plants, facilities with chemical treatments such as commercial laundry and dry cleaning plants, and facilities with higher emissions than other forms of manufacturing.

Manufacturing, Light

A facility with manufacturing processes involving the fabricating, processing, packaging, assembling, or treatment of products from previous produced/prepared materials. These processes occur indoors and create little to no observable changes to outer appearance of the building and site. Light manufacturing includes, but is not limited to, canning/bottling of food or beverages; printing, publishing, or forming of box, carton, and cardboard products; manufacturing of tools, dies, jigs, and fixtures; metalworking machine shops involving the use of grinding or cutting tools; bookbinding; and engraving.

Manufacturing, Medium

A facility involving the assembly and/or manufacturing of, but not limited to, motor vehicles and components; cigars and cigarettes; electrical fixtures and other electrical apparatus and hardware; business machine manufacturing; cold storage plants; commercial ice manufacturing; electroplating; heat treating; metal stamping, pressing, and buffing plants; millwork, lumber, and power saw mills; nut, bolt, or screw manufacturing; paint manufacturing; pharmaceutical products manufacturing; and steel fabrication.

Marihuana

The term shall have the meaning given to it by the Michigan Regulation and Taxation of Marihuana Act, being Initiated Law 1 of 2018, M.C.L. §§ 333.27951 *et seq*. Such associated terms include, but are not limited to, the following:

1. **Act**: The Michigan Regulation and Taxation of Marihuana Act, being Initiated Law 1 of 2018, M.C.L. §§ 333.27951 *et seq.*, as amended, and its corresponding emergency and/or administrative rules.
2. **Marihuana Establishment**: A grower, safety compliance facility, processor, retailer, secure transporter, or excess grower licensed by the state in accordance with the Act. Though contemplated by the Act, as used herein, marihuana establishment does not include microbusinesses, designated consumption establishments, marihuana event organizers, or temporary marihuana events.

3. **Marihuana Grower**: A person licensed to cultivate marihuana and sell or otherwise transfer marihuana to marihuana establishments.
4. **Marihuana Grower, Excess**: A person licensed to hold five Class C grower licenses and licensed to cultivate marihuana and sell or otherwise transfer marihuana to marihuana establishments.
5. **Marihuana Processor**: A person licensed to obtain marihuana from marihuana establishments; process and package marihuana; and sell or otherwise transfer marihuana to marihuana establishments.
6. **Marihuana Retailer**: A person licensed to obtain marihuana from marihuana establishments and to sell or otherwise transfer marihuana to marihuana establishments and to individuals who are 21 years of age or older.
7. **Marihuana Safety Compliance Facility**: A person licensed to test marihuana, including certification for potency and the presence of contaminants.
8. **Marihuana Secure Transporter**: A person licensed to obtain marihuana from marihuana establishments in order to transport marihuana to marihuana establishments.
9. **Person**: An individual, corporation, limited liability company, partnership of any type, trust, or other legal entity.

Massage Therapy

An establishment or office where a massage is performed for financial compensation only by individuals who satisfy the requirements of the Massage Therapy Licensing Act (PA 471 of 2008) as amended.

Meat Packing

A facility where live animals are slaughtered and processed for food. Includes livestock yards.

Medical Office

A clinic or health and wellness facility as defined elsewhere in this Chapter.

Microbreweries, Small Distilleries, and Small Winemakers

A facility in which a limited amount of beer, wine, or other alcoholic beverages, as defined by the State of Michigan Liquor Control Commission, are brewed, fermented, or distilled and then packaged and stored for distribution. The premises shall also include a tasting room for consumption on-site. Microbreweries, small distilleries, and small winemakers shall not be considered food production.

Mining and Extraction

Activity including the removal of any soil, sand, gravel, aggregates, rock, peat, clay, or other naturally occurring material from the premises on which it is found or located, and its transportation to any other premises.

Mobile Food Court

A site that contains two or more mobile food vehicles on the lot.

Mobile Home

A structure, transportable in one or more sections, which 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 includes the plumbing, heating, air conditioning, and electrical systems contained in the structure. This definition includes manufactured homes.

Mobile Home Park

A parcel or tract of land under the control of a person upon which three or more mobile homes are located on a continual nonrecreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefor, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incidental to the occupancy of a mobile home and which is not intended for use as a temporary trailer park. (See M.C.L. §§ 125.2301 et seq.)

Modular Home

A dwelling unit constructed in conformity with the City's adopted Building Code, which consists of prefabricated units and assembled on a permanent foundation on the lot.

Monopole Tower

A telecommunications tower consisting of a single pole, constructed with guy wires or ground anchors.

Municipal Park

A parcel of land that is used as a park and is operated under the supervision of the City.

Museum

A public or quasi-public facility displaying, preserving, and exhibiting objects of community and cultural interest in one or more of the arts or sciences.

Section 153-2.2 N

N

Nonconforming Building

A building or portion thereof lawfully existing at the effective date of this chapter, or amendments thereto, and which does not conform to the provisions (e.g., setbacks, height, lot coverage, parking) of this chapter in the zoning district in which it is located.

Nonconforming Lot

A lot of record that was lawfully established under previous regulations and does not meet the current minimum lot area or lot width required by this Chapter.

Nonconforming Use

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

O

Occupancy

The purpose for which a building, or part thereof, is used or intended to be used.

Occupancy Load

The number of individuals normally occupying the building or part thereof, or for which the existing facilities have been designed.

Occupancy Unit

Occupancy unit means a guest room which is available to be rented or occupied by guest(s) in bed and breakfasts, boarding houses, rooming houses, group residences, hotels, or similar uses, but does not include independent kitchen facilities for cooking or baking or constitute a full dwelling unit.

Occupied

Arranged, designed, built, altered, converted to, rented, leased, or intended to be inhabited, not necessarily for dwelling purposes.

Open Air Business

A primarily outdoor business that involves outdoor sales, display of merchandise, and outdoor entertainment as the principal means of business. Such uses include, but are not limited to, bicycle, utility truck or trailer, motor vehicle, boats, or home equipment sales; rental of equipment and services; farmers markets, retail plant nurseries, lawn furniture, playground equipment, and other home garden supplies and equipment; and outdoor entertainment such as drive-in theaters and amusement parks.

Ordinance

The same as the term “code”, “zoning code”, or “zoning ordinance” of the City as used herein. (See “Code.”)

Outdoor Storage

The keeping of any equipment, goods, materials, merchandise, or vehicles in the same place outside an enclosed building or structure for more than 24 hours. This definition does not include open air business uses.

Outlot

A parcel of land which must be designated on a recorded plat as an outlot before it may be legally considered as such.

Section 153-2.2 P

P

Park, Private

A tract of land presently owned or controlled and used by private or semi-public persons, entities, groups, etc., for outdoor active and/or passive recreation, but not used as an outdoor commercial recreation use. There shall be no recreational facilities involved, except for small playground equipment used for non-commercial purposes.

Park, Public

A parcel of land that is used as a park and is operated under the supervision of the City.

Parking Deck

A covered structure or building composed of one or more levels or floors used exclusively for the parking or storage of passenger vehicles. The levels or floors may be below or above ground level. Electric vehicle (EV) charging may be included. The parking deck may or may not collect a fee for parking/storage of the passenger vehicle.

Parking Lot, Principal Use

A standalone surface parking lot (excluding parking decks), without a principal building or principal use other than parking. An attendant stand is allowed, and the parking lot may or may not collect a fee for parking/storage of the passenger vehicle.

Parking Lot, Off-Street

A structure providing vehicular parking spaces along with adequate drives and aisles. Adequate maneuvering space shall be provided which allows unrestricted access and egress plus on-site storage space for at least two vehicles.

Parking Space

An area for each automobile or motor vehicle, such space being exclusive of necessary drives, aisles, entrances, or exits, and being fully accessible from a street or alley for the storage or parking of self-propelled vehicles.

Penal and Correctional Institutions

Prisons, jails, and associated institutions and facilities in which varying degrees of security are required for the incarceration and confinement of convicted prisoners.

Permit

See "Building Permit."

Personal Service

A business which offers specialized goods and services purchased by the consumer. Included are barber shops, beauty shops, tanning and nail salons, tailors, dressmakers and millineries, and clothing repair services. This definition also includes dry cleaning counters, but not dry cleaning plants.

Pet Boarding, Daily

A facility where household pets are boarded throughout the day, but not boarded overnight. Overnight boarding meets the definition of "kennel."

Place of Assembly

A place where the public is assembled regularly or occasionally, including but not limited to conference centers, auditoriums, theaters, arenas, and stadiums.

Place of Worship

A facility, together with its accessory uses, where persons regularly assemble for religious purposes and related social events and which the facility, together with its accessory uses, is maintained and controlled by a religious body organized to sustain religious ceremonies and purposes.

Planned Unit Development (PUD) Plan

A plan that includes the application, site plan, description, background studies, and all other required information relevant to the Planned Unit Development.

Planned Unit Development (PUD)

A unified development, consisting of a map and adopted ordinance setting forth the regulations governing, and the location and phasing of all proposed uses and improvements to be included in the development. Modification(s) to the use or dimensional specifications of the base zoning district are provided when the PUD Plan is determined to meet community objectives and achieve a higher quality of development than would be possible using conventional zoning standards.

Plaza

An open space at ground level that is improved, landscaped, or paved, usually surrounded by buildings or streets, readily accessible to the public at all times.

Section 153-2.2 P

Porch

A covered entrance to a building or structure that projects out from the main wall of said building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached.

Porch, Enclosed

A porch that is fully enclosed by walls, windows, screens, lattice, or other materials.

Porch, Open

A porch that is open on at least one or more sides, with or without railings. An unenclosed porch may include support columns but lacks walls, windows, or permanent enclosures.

Power Plant

Any plant facilities and equipment for the purposes of producing, generating, transmitting, delivering, or furnishing electricity for the production of power.

Public Notice

A notice of the time, place, and purpose of a public hearing, which notice, except where otherwise expressly provided herein, shall be published in a newspaper having general circulation in the City.

R

Railroad Stations

A heavy rail facility for freight pick-up or distribution; may include intermodal distribution facilities for truck or shipping transport. This definition includes freight depots.

Recreation, Indoor Commercial

A facility within a roofed structure, canopy, or enclosed by a building, available to customers, which is privately owned and operated for commercial recreation purposes. This definition includes bowling alleys, skating rinks, laser tag, indoor water parks, indoor extreme sports equipment and facilities, fitness centers, arts and crafts, instructional studios, and other similar indoor facilities that involve intentional space for the activity and/or exercise. This definition excludes adult businesses and amusement arcades.

Recreation, Outdoor Commercial

An outdoor facility which is privately owned and operated for commercial recreation purposes. This definition includes commercial playgrounds, ski lifts, mini-golf, disc golf, ice skating, extreme sports equipment and facilities, water parks, and other similar outdoor facilities. This definition excludes golf courses.

Recreational Vehicle

Any vehicle designed and/or used for travel, temporary dwelling, and/or recreational purposes and equipped with wheels to facilitate movement from place to place, and automobiles when used for living or sleeping purposes and including travel trailer, camping trailer, truck camper, motor home, fifth-wheel, trailer, or van, not meeting the specifications required for a manufactured home or mobile home.

Research and Development

A facility where research and development and/or laboratory testing is conducted in industries that include, but are not limited to, applied biology or chemistry, biotechnology, pharmaceuticals, communication, information technology, alternative energy, micro-electromechanical systems, electronics, maker spaces/ fabrication labs, autonomous vehicles, robotics, instrumentation, or computer hardware and software. Accessory production or assembly of products is allowed in conjunction with the research and development uses.

Retail Store

An establishment for the selling of goods, wares, or merchandise directly to the ultimate consumer or persons. Retail includes all indoor sales establishments, including gift shops, art galleries, pharmacies, hardware stores, general merchandise stores, sporting goods and bicycle repair, watch and jewelry stores (excluding repair which are “personal service”), sporting goods, music and bookstores (excluding adult bookstores), stationery, office supply shops, hobby shops, toy and game shops, camera and photo supplies, studio/ gallery, costume or tuxedo rental, pet shop, gift, novelty and souvenir shops, florists, tobacco stores, participatory art stores, luggage and leather goods stores, sewing and needlework stores, and similar uses.

Section 153-2.2 R

Retaining Wall

A permanent solid barrier of brick, stone, wood, or other opaque material approved by the chief inspector intended to enclose an area. For the purpose of this chapter, all supporting members, posts, stringers, braces, pilasters, or other construction features of a retaining wall shall be located and placed on the inside of the wall away from public view. All retaining walls, moreover, shall be constructed and/or painted, tinted, or colored in one color only for their exterior surface, and no sign or advertising shall be placed, affixed, painted, or designed thereon.

Rezoning

An amendment to the Official Zoning Map.

Right-of-Way

The public or private land reserved for transportation, utilities, or access purposes, including roads, sidewalks, alleys, and easements.

Riverfront

Refers to the proximity to the Saginaw River.

Rooming House

Any single dwelling unit or combination of multiple dwelling units, containing more than two and less than ten sleeping rooms for compensation, whether the compensation be paid directly or indirectly. The occupants of a rooming house do not make up a family, as defined in this chapter. The term “rooming house” shall not include tourist home, short-term rental, automobile court, hotel, motel, or dwelling.

S

School

Includes public, parochial, or private elementary, junior, and senior high schools, and colleges offering courses in general education, not operated for profit.

Self-Storage

A building or portions of buildings offered to customers for a fee on a monthly or yearly basis for the storage of goods.

Senior Housing

A building or group of buildings containing dwellings intended to be occupied as "housing for older persons," as defined by the Federal Fair Housing Act, as amended. Dependent senior housing facilities employ medical professionals for care, however independent senior housing facilities do not. Dependent senior housing may include assisted living arrangements and nursing or convalescent homes regulated by the State of Michigan.

Service Establishment of an Office, Showroom, or Workshop Nature

Any service establishment of an office, showroom, or workshop nature, such as a decorator, upholsterer, caterer, exterminator, building contractor, and similar establishments that require a retail outlet.

Short-Term Rental

Any building, or part of a building, or group of buildings, other than a hotel, boarding house, rooming house, or guest house, which provides lodging accommodations for not more than ten (10) transient persons for compensation for a period of less than thirty (30) days. This definition includes tourist homes, lodging homes, and bed and breakfast.

1. **Guest**. A person renting lodging from a short-term rental host, or through a hosting platform on behalf of the short-term rental host, for less than 30 consecutive days.
2. **Host**. A person engaged in providing a short-term rental unit.
3. **Hosting Platform**. A marketplace in any form or format which facilitates short-term rentals , through advertising, matchmaking or any other means.
4. **Principal Residence Short-Term Rental**. The one dwelling unit where an owner of the property has their true, fixed, and permanent home to which, whenever absent, they intend to provide lodging accommodations for compensation, for not more than ten (10) transient persons, for periods of (30) days or less, and then to return and that shall continue as a principal residence until another principal residence is established.
5. **Non-Principal Residence Short-Term Rental (or Commercial Rental)**. An activity where the owner of a non-principal residence dwelling unit intends to provide lodging accommodations for compensation, for not more than ten (10) transient persons, for periods of (30) days or less.
6. **Short-Term Rental Unit**. Any dwelling unit that is rented wholly or partly for compensation, for not more than ten (10) individuals, for periods of 30 consecutive days or less, by the owner of the property, whether the property is their principal residence or is non-owner occupied.

Section 153-2.2 S

Signs

Any interior or exterior device, structure, or part of a building or structure which directs attention to an object, product, place, service, activity, person, institution, organization, or business which, except as otherwise provided, is visible from any public thoroughfare, sidewalk, alley, or public property. The definition does not include, unless otherwise indicated, signs primarily directed at persons within the premises of the sign owner. Neither does it include signs the total area of which is less than one square foot. The term SIGN shall include, but not be limited to, any printed or written text, pictorial representation, numeral, emblem, banner, or pennant.

1. **Awning Sign**: See "Canopy (Awning) Sign."
2. **Canopy (Awning) Sign**: A sign that is painted on, attached to, and made an integral component of an awning or canopy that is otherwise permitted by ordinance. (See "Canopy.")
3. **Banner Sign**: A sign usually consisting of a larger square or rectangular piece of cloth, netting, etc., duly inscribed and suspended in public views, across a street, in front of a building, or from a light fixture or pole.
4. **Billboard**: A sign erected, maintained, and used for the purpose of displaying messages intended to be seen from a long distance or read from a vehicle traveling at high speeds
5. **Changeable Copy Sign**: A sign that is designed or used to display characters, letters, words, or illustrations that can be readily changed or rearranged by manual, mechanical, or electronic means without altering the face of the sign.
6. **Construction Sign**: A sign installed on a site being developed or improved. Such signs typically identify active or pending development projects at that location.
7. **Decorative Display Sign**: A temporary display designated for the entertainment or cultural enrichment of the public and has no direct or indirect sales or advertising.
8. **Entryway Sign**: A sign that commonly identifies a development, part, or all of which is served by a minor public or private street system such as subdivisions, industrial or office parks, or multiple-family developments, which serve more than two (2) zoning lots or by way of private streets or drives which serve more than two (2) separate and distinct principal uses.
9. **Freestanding Sign**: A sign attached to a permanent foundation, supported above the ground by no more than two poles, posts, or similar uprights with or without braces, upon which announcements, declarations, displays, etc., may be placed. This definition includes pole signs, but shall not include monument signs.
10. **Inflatable Sign**: A sign consisting of a balloon or other gas-filled figure.
11. **Marquee Sign**: A sign attached to a marquee, canopy, or other structure projecting from and supported by the building and extending beyond the building wall.
12. **Monument Sign**: A sign extending upward from grade which is attached to a solid base and which may be attached or dependent for support from any pole, posts, or similar uprights, provided that such supports are concealed within the sign structure.
13. **Off-Site Sign**: A sign other than an on-site sign.
14. **On-Site Sign**: A sign indicating the name, occupation, nature of activities conducted, services or goods offered, or the products manufactured on the premises where the sign is located.

15. **Permanent Sign**: A sign that is designed, constructed, and installed for long-term display. It is made of durable, weather-resistant materials and is securely affixed to the ground, a building, or a structure. Examples include, but are not limited to, monument signs, wall signs, pole signs, illuminated signs, or directional signs.
16. **Pole Sign**: A freestanding sign that is mounted on one or more freestanding poles or other support so that the bottom edge of the sign face is not in direct contact with a solid base or the ground.
17. **Portable Sign**: A temporary sign designed to be easily movable. Portable signs are typically held in place during the period of a display by sandbags, blocks, or other easily movable anchors.
18. **Premises**: Contiguous land under the same ownership or control which is not divided by a public street.
19. **Projecting Sign**: A sign which is affixed to any building or structure other than a marquee, any part of which extends beyond the building wall, and the horizontal sign surface is not parallel to the building wall.
20. **Public Signs**: Signs of a noncommercial nature and in the public interest erected by or on the order of a public officer or public body. The definition includes, Examples include, but are not limited to, a governmental building identification sign, safety sign, danger sign, trespassing sign, traffic sign, memorial plaque, or a historical interest sign.
21. **Roof Sign**: A sign which is mounted on the roof of a building, or which extends above the top edge of the wall or top parapet of a flat-roofed building, above the eave line of a building with a hip, gambrel, or gable roof or the deck line of a building with a mansard roof.
22. **Sign Area**: This term or other reference to square measure is the entire area within one or more circles, triangles, or quadrilaterals or combination thereof enclosing the extreme limits of the sign together with any frame, other material, or other color forming an integral part of the display or used to differentiate it from the background against which it is placed.
23. **Sign Face**: Surface of a sign exposed to the view of the public carrying a sign message.
24. **Temporary Sign**: A sign that is intended to be displayed for a limited period of time. It is often made of lightweight, non-durable materials and is not permanently affixed to the ground, a building, or any structure. Such can be physically lifted, pulled, or wheeled from one location to another.
25. **Wall Sign**: A sign which is attached directly to a building wall with the horizontal sign surface parallel to the building wall, including signs painted on any building wall.
26. **Window Sign**: A sign painted on or affixed to glass surfaces of windows or doors and pertaining to and identifying only the lawful business conducted therein, or the products or services offered on-site.
27. **Yard Sign**: A temporary sign placed independently of any other sign on the premises and is independent of support from any building, canopy, marquee, or awning; a consistent physical characteristic is its temporary and disposable nature.

Section 153-2.2 S

Figure 2.2.B Signs



Site Plan

A plan showing all notable features of a proposed development, as required under provisions of this chapter, so that it may be evaluated in order to determine whether it meets the provisions of this chapter.

Solar Energy System (SES)

A photovoltaic system or solar thermal system for generating and/or storing electricity or heat, including all above and below ground equipment or components required for the system to operate properly and to be secured to a roof surface or the ground. This includes any necessary operations and maintenance building(s), but does not include any temporary construction offices, substation(s) or other transmission facilities between the SES and the point of interconnection to the electric grid. Passive solar energy systems are included in this definition but not to the extent that they fulfill other functions such as structural and recreational.

1. **Accessory Ground-Mounted Solar Energy System**. A ground-mounted solar energy system with the purpose primarily of generating electricity for the principal use on the site.
2. **Building Integrated Solar Energy System**. A solar energy system that is an integral part of a primary or accessory building or structure (rather than a separate mechanical device), replacing or substituting for an architectural or structural component of the building or structure. Building-integrated systems

include, but are not limited to, photovoltaic or hot water solar energy systems that are contained within roofing materials, windows, skylights, and awnings. building-integrated solar energy systems are allowed as a permitted accessory building or structure to any residence or business in any zoning district.

3. **Ground-Mounted Solar Energy System**. A solar energy system mounted on support posts, like a rack or pole that are attached to or rest on the ground.
4. **Large-Scale Principal Use Solar Energy System**. A principal-use solar energy system generating more than 2 MW DC.
5. **Maximum Tilt**. The maximum angle of a solar array (i.e., most vertical position) for capturing solar radiation as compared to the horizon line.
6. **Minimum Tilt**. The minimal angle of a solar array (i.e., most horizontal position) for capturing solar radiation as compared to the horizon line.
7. **Non-Participating Lots**. One or more lots for which there is not a signed lease or easement for development of a principal-use SES associated with the applicant project.
8. **Participating Lots**. One or more lots under a signed lease or easement for development of a principal-use SES associated with the applicant project.
9. **Photovoltaic (PV) System**. A semiconductor material that generates electricity from sunlight.
10. **Principal Use Solar Energy System**. A commercial, ground-mounted solar energy system that converts sunlight into electricity for the primary purpose of off-site use through the electrical grid or export to the wholesale market.
11. **Repowering**. Reconfiguring, renovating, or replacing an SES to maintain or increase the power rating of the SES within the existing project footprint.
12. **Residential Solar Array**. A small electricity generating system consisting of solar panels and associated equipment sized primarily to meet the needs of the on-site consumers for the home or small business on whose property they are constructed. While not intended to distribute electricity to other consumers as a primary purpose they may be inter-connected to a public utility.
13. **Roof-Mounted Solar Energy System**. A solar energy system mounted on racking that is attached to or ballasted on the roof of a building or structure. This definition includes solar carport systems which are affixed on the roof of an existing carport structure.
14. **Small-Scale Principal Use Solar Energy System**. A principal-use solar energy system generating up to and including 2 MW DC.
15. **Solar Array**. A photovoltaic panel, solar thermal collector, or collection of panels or collectors in a solar energy system that collects solar radiation.
16. **Solar Collection**. A device, or combination of devices, structure, or part of a device or structure that transforms direct solar energy into thermal, chemical, or electrical energy and that contributes significantly to a structure's energy supply.

Section 153-2.2 S

Stepback

The manner in which the wall of a upper story of a façade is recessed from the outermost extents of the building footprint.

Stoop

A frontage where the first floor is elevated from the sidewalk to provide privacy for first floor windows. The entrance is usually from an exterior stair and landing.

Street

A thoroughfare or way having 30 feet or more of right-of-way or easement width, other than an alley, for the use of the public and/or open to public travel. A public street is a street accepted by dedication or otherwise by the City. A private street or private drive is a street not so accepted, or any street designated as a private street upon a recorded plat.

Street, Primary

Streets dedicated as state trunkline, county primary, county local, or city major in the most recent State of Michigan Act 51 map, as amended.

Street, Secondary

Any public street not defined as a primary street. (See "Street, Primary.")

Structure

Anything erected or constructed, such as a building, edifice, or structural formation of any kind, including improved parking lots, which requires permanent location on the ground or attachment to something having such location, and which is artificially built up or composed of parts joined together in some definite manner.

Substance Abuse Treatment Facility

Any building and land licensed by the State of Michigan and used for the medical treatment of alcohol or other drug abuse where one or more patients are provided with care, meals, activities/recreation, and overnight lodging.

Swimming Pool

Any structure or container whether located above or below grade designed to hold water to a depth of greater than 24 inches, intended for swimming or bathing. A swimming pool shall be considered as an accessory building for the purpose of determining required yard spaces and maximum lot coverage.

T

Telecommunications Facility

Refers to antennas and towers, either individually or together.

Temporary Buildings or Portable Storage Containers

Temporary buildings or portable storage containers considered incidental to construction work or designed or constructed to ship, store or handle bulk goods or items, or which are substantially similar to such containers in appearance. These include portable office trailers or reusable steel boxes, cargo containers, shipping containers, MODS/PODS, Conex boxes and similar containers designed for use in parking, shipping, and storage of freight, articles of goods or commodities. These are generally capable of being mounted or moved by truck trailer, rail car or loaded on a ship.

Tent

A shelter of canvas or the like supported by poles and fastened by cords or pegs driven into the ground and shall not include those types of tents used solely for children's recreational purposes.

Terrace

When used to refer to a type of building frontage, means a flat, raised outdoor space that is designed as part of a building's frontage.

Tower

A structure, such as a lattice tower, guy tower, or monopole tower constructed as a freestanding structure or in association with a building, other permanent structure, or equipment on which is located one or more antennas intended for transmitting or receiving analog, digital, microwave, cellular telephone, personal wireless service, or similar forms of electronic communication. The term includes microwave towers, common carrier towers, and cellular telephone towers.

Trafficways Plan

The most updated City Transportation Plan as kept on file by the Department of Public Services.

Transportation Terminals

A facility used for the public transportation of passengers, including bus and train terminals.

Section 153-2.2 U

U

Universities and Colleges

An institution other than a vocational training facility that provides full-time or part-time education beyond high school.

Use

The purpose for which land or premises of a building thereon is designed, arranged, intended, or for which it is occupied, maintained, let, or leased.

Use, Accessory

A use naturally and normally incidental to, subordinate to, and devoted exclusively to the main use of the premises.

Use, Public

Any use financed by public funds and operated as part of the governmental function, including any proprietary activities operated by the City.

Use, Temporary

A use of property conducted from an area, structure, or facility that does not require a building permit from the City and which may not comply with the use or dimensional standards of this chapter. Such area, facility, or structure may include parking lots, lawns, trucks, tents, or other temporary structures.

Utility, Private

A building or structure, essential to the private property distribution- often for heavy manufacturing facilities- of transportation, including railroad trackage, water, gas, electricity, telephone, steam, telegraph, cable television, sewage disposal, or internet.

Utility, Public Substation

Any building or structure, not located within a street or alley, essential to the distribution of service and operation of the above-described public utilities which is not located on the same site as the principal utility.

Utility, Public

Any person, firm, corporation, municipal department, or board duly authorized to furnish and furnishing under municipal or state regulation to the public transportation, including railroad trackage, water, gas, electricity, telephone, steam, telegraph, cable television, or sewage disposal, or internet.

V

Variance

A variance granted by the Zoning Board of Appeals is a modification of the literal provisions of this chapter which is granted when strict enforcement would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted. Hardships based solely on economic considerations are not grounds for a variance.

Vehicle Fueling Stations

A commercial establishment primarily engaged in the retail sale of motor vehicle fuels, such as gasoline or diesel, which may also include ancillary services such as the sale of automotive fluids, minor vehicle repairs, and convenience retail. A vehicle fueling station may have fuel pumps, underground storage tanks, and a small retail structure, but does not include major vehicle repair, bodywork, or vehicle storage unless otherwise permitted. This definition includes principal use electric vehicle (EV) charging stations.

Vehicle Repair, Other

An indoor facility for general repair, rebuilding, reconditioning, or dismantling of vehicles such as commercial vans/vehicles, RVs, boats, semis, trailers, and tractors. This definition also includes the servicing of such vehicles. This definition does not include passenger automobile which are "passenger vehicle repair" or "passenger vehicle services." (See "Vehicle Repair, Passenger" and "Vehicle Service, Passenger.")

Vehicle Repair, Passenger

An indoor facility used for general repair, rebuilding, reconditioning, or dismantling of motor vehicles and their engines. Repairs may involve body work, frame work, welding, and major painting service. Includes facilities often known as "collision shops."

Vehicle Sales, Other

Sales of vehicles such as commercial vans/vehicles, RVs, boats, semis, trailers, and tractors, but not including passenger automobiles which are "passenger vehicle sales." (See "Vehicle Sales, Passenger.")

Vehicle Sales, Passenger

A building with a showroom and/or a sales lot used for the sales of passenger automobiles and motorcycles.

Vehicle Service, Passenger

A space or building or parts of a building, and the necessary equipment used for sale to the consumer and/or for the installation in or upon passenger motor vehicles, the usual operating commodities such as motor fuels, lubricants, antifreeze, water, air, batteries, tires, light bulbs, fan belts, windshield wipers, glass replacement, and other commodities and for the sale of such services as washing, wiping, cleaning, and waxing of motor vehicles, tire repair and battery charging. Vehicle washing at such establishment is considered part of the service and shall be confined to hand washing or comparable manually operated high pressure washing equipment with not more than one wash stall.

Section 153-2.2 V

Vehicle Wash Establishment

Any building or structure or portion thereof containing facilities for washing motor vehicles using production line methods with a conveyor, blower, steam cleaning device, or other mechanical washing devices; and shall also include coin and attendant operated drive-through, automatic self-serve, track mounted units, and similar high volume washing establishments, but shall not include hand washing operations in a "passenger vehicle service" station. (See "Vehicle Service, Passenger.")

Veterinary Clinic or Veterinary Hospital

An enclosed building wherein small animals such as dogs, birds, cats, or other household pets are given medical or surgical treatment, and use as a boarding kennel is limited to short-time boarding incidental to clinic use. Such clinics are only those under the direction of a licensed veterinarian registered with the county and constructed in such a manner that noise and odor outside of the building are completely eliminated.

Vocational Training Facilities

An educational facility used for the instruction of for-profit technical or vocation education training. Includes adult educational facilities not associated with a school as defined by this Chapter.

W

Wholesale and Warehousing

A facility used for the sale of items at wholesale, and/or the warehousing or storage of items in connection with production and marketing or in connection with manufacturing, freight handling, and retailing. Typical uses include wholesale distributors, storage warehouses, moving and storage firms, trucking and shipping operations, and major mail processing centers. This definition excludes uses classified as open air businesses, outdoor storage, and self storage.

Wireless Communications Facilities

Any transmitter, antenna structure, antenna, or other type of installation used for the provision of personal wireless services. They include a broad range of spectrum-based services. All commercial mobile services are also included.

1. **Applicant**: A wireless provider who has applied for or been issued a zoning approval as provided in this chapter.
2. **Small Cell Wireless Facility**: A wireless facility that meets both of the following requirements:
    a. Each antenna is located inside an enclosure of not more than six cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements would fit within an imaginary enclosure of not more than six cubic feet.
    b. All other wireless equipment associated with the facility is cumulatively not more than 25 cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meters, concealment elements, telecommunications demarcation boxes, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services.
3. **Wireless Communication Equipment**: The set of equipment and network components used in the provision of wireless communication services, including, but not limited to, antennas, transmitters, receivers, base stations, equipment shelters, cabinets, emergency generators, power supply cables, and coaxial and fiber optic cables, but excluding wireless communication support structures.
4. **Wireless Communication Support Structure**: A structure that is designed to support, or is capable of supporting, wireless communication equipment. A wireless communication support structure may include a monopole, lattice tower, guyed tower, water tower, utility pole or building.

Section 153-2.2 Z

Z

Zoning Administrator

The Zoning Administrator, or the City Manager's designee, for the City of Saginaw.

Zoning Board of Appeals

The City of Saginaw Zoning Board of Appeals.

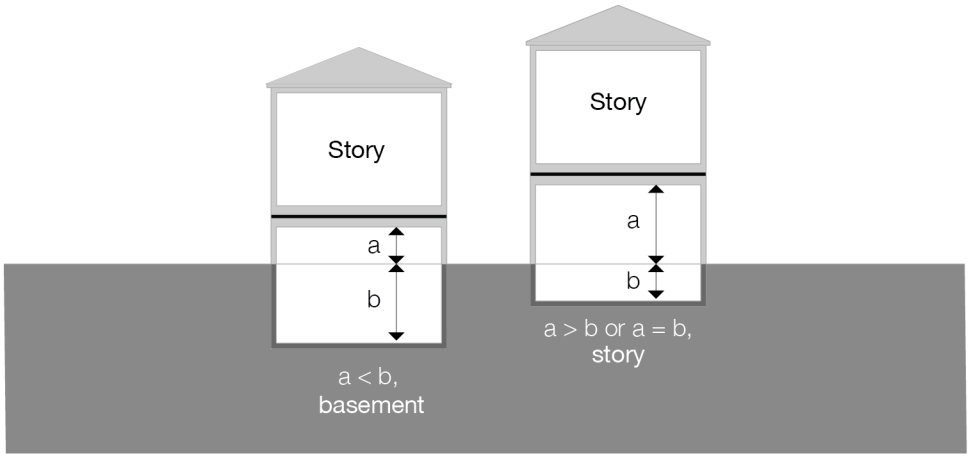
153-2.3 Measurements

Building

Basement

That portion of a building that is wholly or partly below grade is a basement when the vertical distance from finished grade to floor is greater than the vertical distance from finished grade to ceiling. A basement shall not be included as a story for height measurement, except as provided in the definition of "Story."

Figure 2.3.A Basement and Story



Fenestration

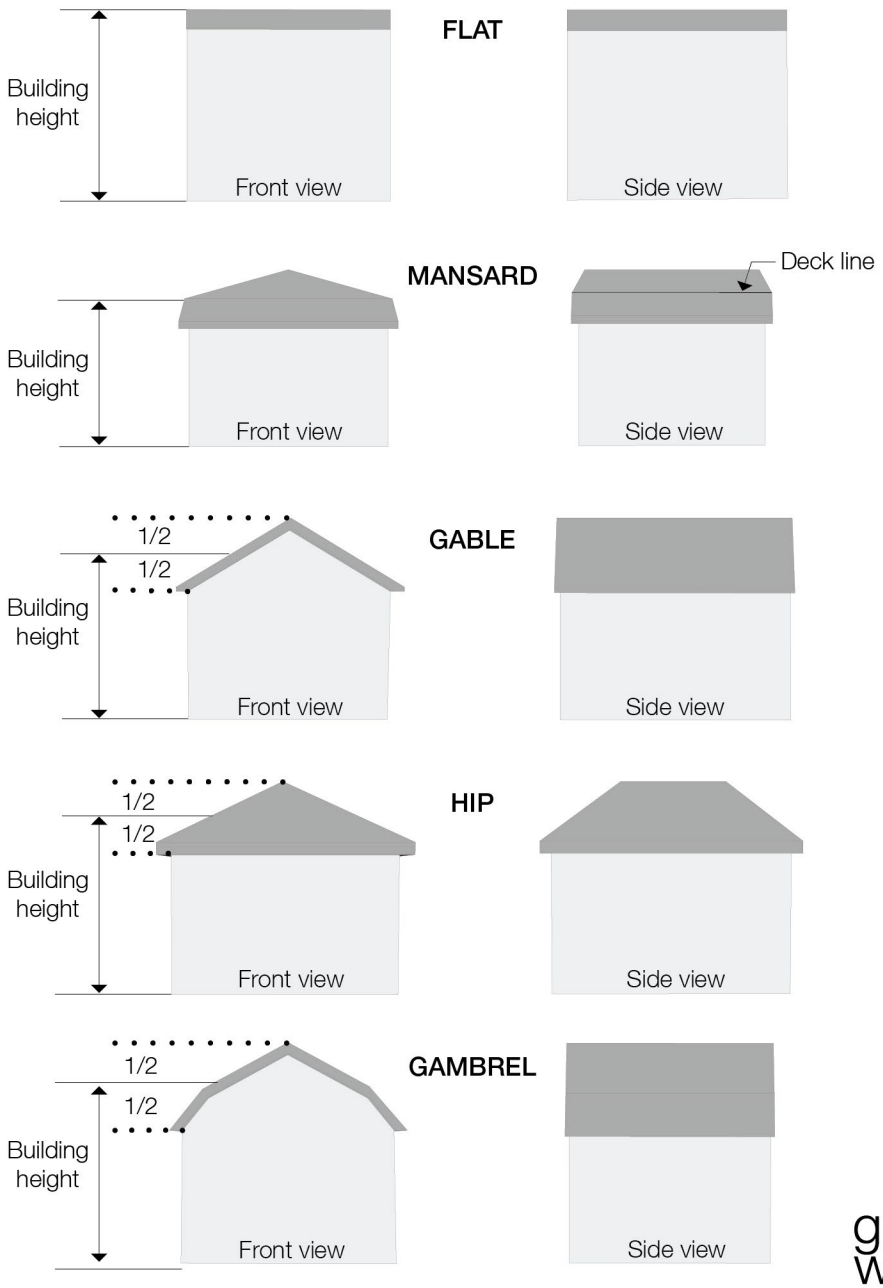
The arrangement, proportion, and design of openings in a building's façade, including windows and doors. For the purpose of calculating fenestration area, the area of building's façade containing openings that are clear and transmitting of at least 65% of visible daylight shall be divided by the area of the façade as measured by the finished floor area of the applicable story to the ceiling height of that applicable story.

Section 153-2.3 Building

Height, Building

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

Figure 2.3.B Building Height



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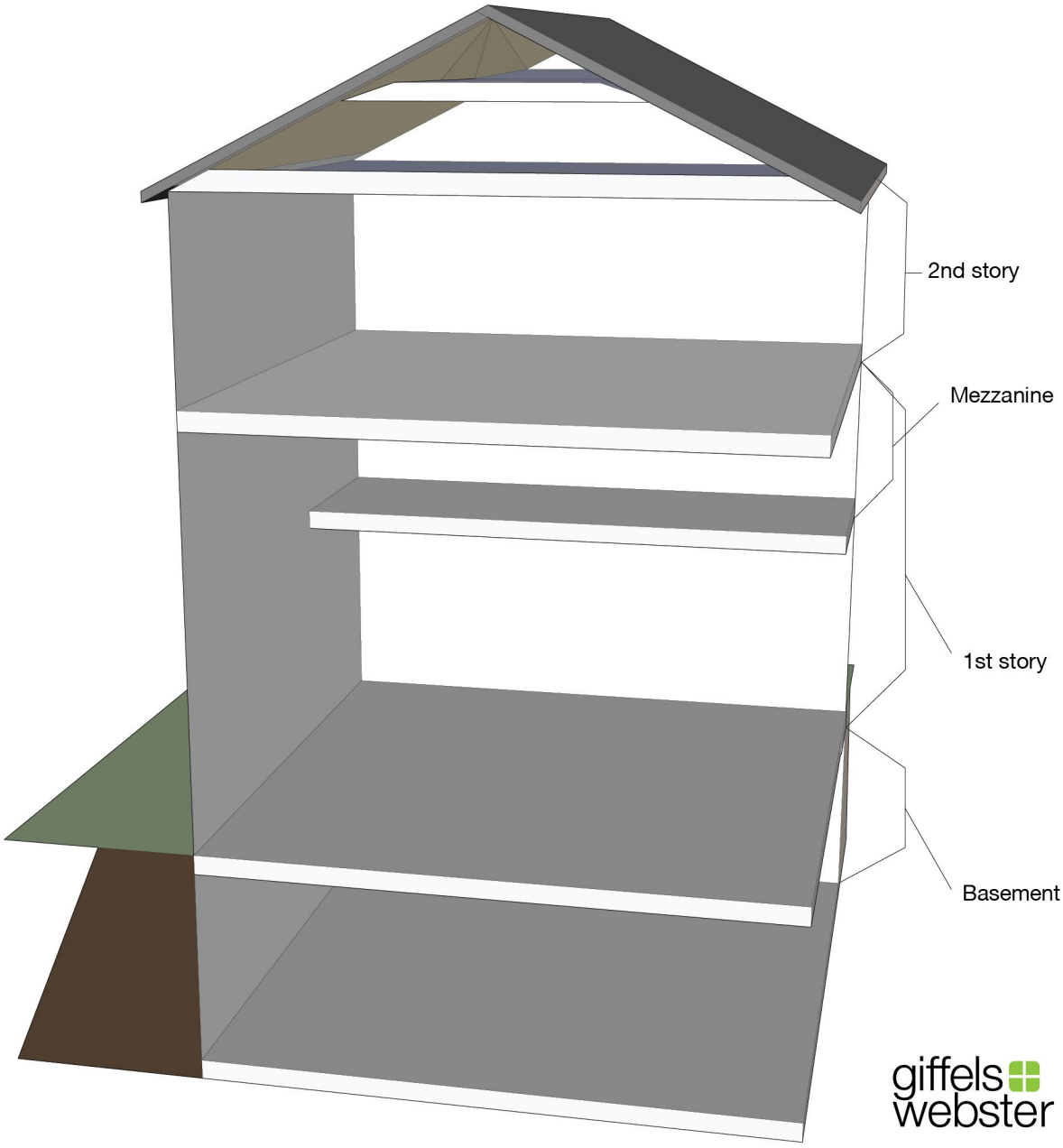
Mezzanine

An intermediate floor in any story occupying no greater than one-third (1/3) of the floor area of such story.

Story

The portion of a building, other than a mezzanine, included between the surface of a floor and the upper surface of the floor next above, or if there be no floor above, then the space between the floor and the top of the ceiling joists, or, where there is not a ceiling, to the top of the roof rafters.

Figure 2.3.C Mezzanine and Story

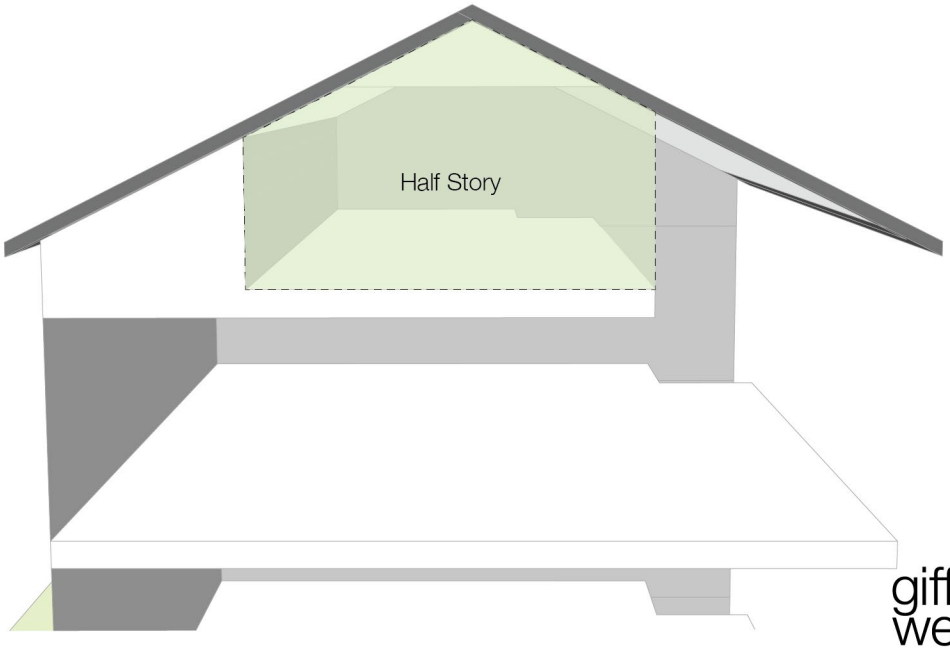


Section 153-2.3 Building

Story, Half

An uppermost story, lying under a sloping roof, that does not exceed one half (1/2) of the floor area of the story immediately below, and having a floor area which contains at least 200 square feet with a clear height of at least seven feet and six inches.

Figure 2.3.D Half Story



Floor Area

Floor Area, Gross Leasable Area (GLA)

The total floor area designed for tenant occupancy and exclusive use, including basements, mezzanines, and upper floors, if any, expressed in square feet and measured from the centerline of joint partitions and from outside wall faces. It is all the floor area on which tenants pay rent.

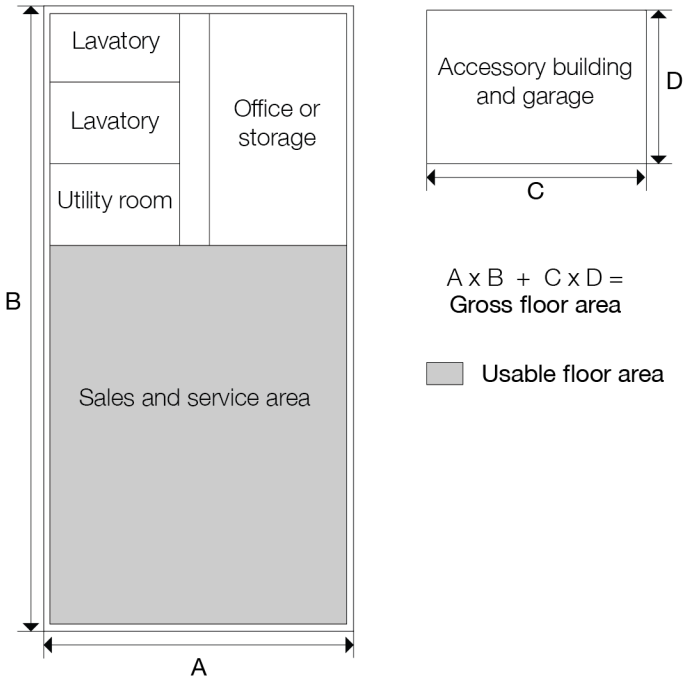
Floor Area, Gross

The sum of the gross horizontal areas of the several floors of a building or structure from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, excluding any space where the floor-to-ceiling height is less than six (6) feet. Areas of basements, utility rooms, breezeways, unfinished attics, porches (enclosed or unenclosed), loading or interior parking areas are not included. ✍

Floor Area, Usable

The portion of the floor area, measured from the interior face of the exterior walls, used for or intended to be used for services to the public or customers, patrons, clients, or patients; including areas occupied by fixtures or equipment used for display or sale of goods or merchandise, but not including areas used or intended to be used for storage of merchandise, utility, or mechanical equipment rooms, or sanitary facilities. In the case of a half story, the usable floor area shall be considered to be only that portion having a clear height above it of four feet or more. ✍

Figure 2.3.E Gross and Usable Floor Area



Lots, Yards, and Building Placement

Build-to Line

The maximum setback from the property line or right-of-way line that is permitted. A defined percentage of a building's front façade must be constructed upon the build-to line.

Lot Coverage

The part or percent of the lot occupied by buildings or structures, including accessory buildings or structures, porches and swimming pools.

Lot Depth

The mean horizontal distance from the center of the front street line to the center of the rear lot line.

Lot Line, Front

In the case of an interior lot abutting on one public or private street, the line separating the lot from such street right-of-way. In the case of a corner or double frontage lot, the front lot line shall be that line separating said lot from that street which is designated as the front street in the plat and/or in the request for a certificate of occupancy.

Lot Line, Rear

The lot boundary line which is opposite and most distant from the front lot line. In the case of a lot with side lot lines diverging or converging toward the rear, the rear lot line shall be a line drawn parallel to the front lot line not less than 20 feet long lying farthest from the front lot line but wholly within the lot and so located that a perpendicular can be drawn from it to some point on the principal building. ✍

Lot Line, Side

Any lot boundary line not a front lot line or a rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior lot line. ✍

Lot Lines

Any line dividing one lot from another or from a street right-of-way or any public place.

Lot Width

The horizontal distance between the side lot lines, measured at the two points where the building line, or setback line, intersects the side lot lines.

Setback

The minimum horizontal distance between a building or structure and the front, side, and rear lot lines.

Setback Zone

The area between the maximum and minimum required setback.

Yard

The space between a principal building and a lot line.

Yard, Front

The yard between the principal building and the front lot line extending across the entire width of the lot.

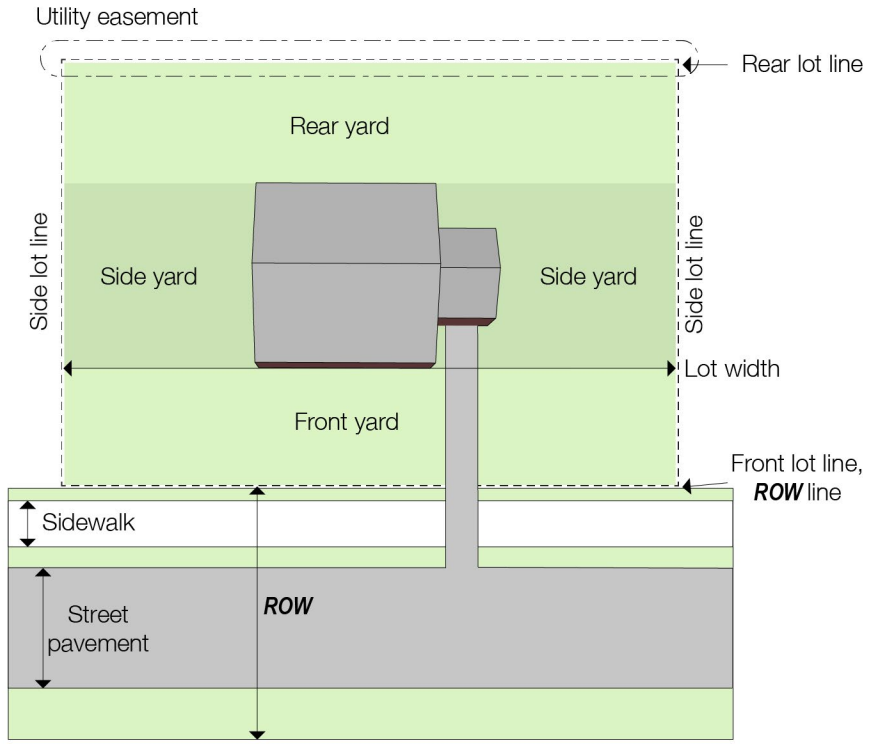
Yard, Rear

The yard between the principal building and the rear lot line extending across the entire width of the lot.

Yard, Side

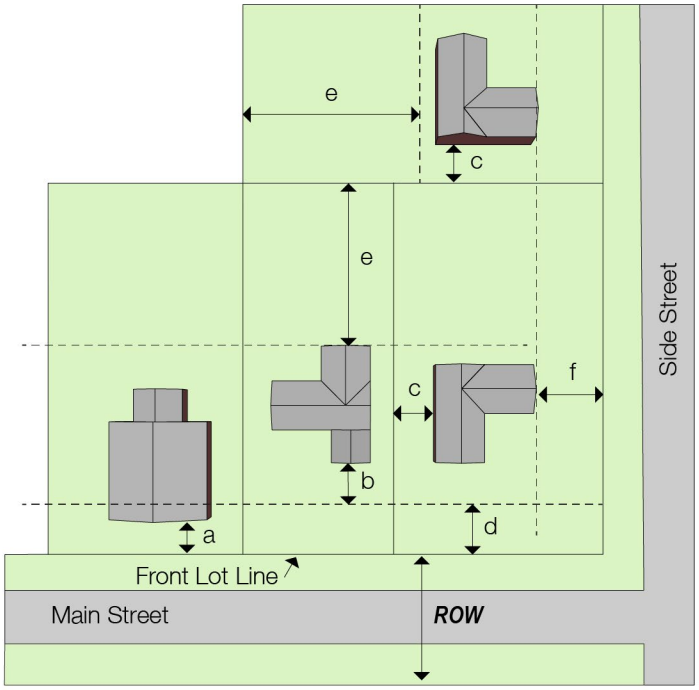
The yard between the principal building and a side lot line extending between the front yard and rear yard.

Figure 2.3.F Lot Lines and Yards



Section 153-2.3 Lots, Yards, and Building Placement

Figure 2.3.G Yard Requirements



Legend

a - Deficient front yard
b - Front yard in excess of minimum front yard requirements
c - Minimum side yard required
d - Minimum front yard required; Also, building setback line
e - Minimum rear yard required

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Chapter 153, Article 3
Zoning Districts

Article 153-3 Zoning Districts

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153-3.1 Districts Established

The City of Saginaw is divided into the following zoning classifications:

153-3.1.A R-1 Low-Density Residential
153-3.1.B R-2 Medium Density Residential
153-3.1.C R-3 High Density Residential
153-3.1.D B-1 Neighborhood Business
153-3.1.E B-2 General Business
153-3.1.F MU-1 Mixed Use 1
153-3.1.G MU-2 Mixed Use 2
153-3.1.H MU-3 Mixed Use 3
153-3.1.I MU-4 Mixed Use 4
153-3.1.J I-1 Light Industrial
153-3.1.K I-2 General Industrial
153-3.1.L OS Open Space
153-3.1.M PUD Planned Unit Development

User Note: Click on a zoning district's name for its requirements.

153-3.1.A R-1 Low-Density Residential

1. Purpose

The R-1 Low-Density Residential district is established as a district in which the principal use of land is for single-family dwellings. Accessory dwelling units may be permitted in this district. Additional uses permitted include public and institutional uses that are complementary to the residential character of the district. The specific intent of this district is:

a. To encourage the construction of and continued use of the land for single-family dwellings.
b. To prohibit business, commercial, or industrial use of land, and to prohibit any other use which would substantially interfere with development or continuation of single-family dwellings in the district.
c. To encourage the discontinuance of existing uses that would not be permitted as new uses under the provisions of this section.
d. To discourage any land use which would generate traffic on minor or local streets other than normal traffic generated by the residents on those streets.

User Note: Click on Blue for use-specific standards or refer to Article 153-4 Use Standards.

2. Principal Permitted Uses

a. Adult foster care family home §153-4.2
b. Child care home, family
c. Community gardens (principal use)
d. Dwelling, accessory §153-4.6
e. Dwelling, single-family detached §153-4.8
f. Home occupations §153-4.11
g. Parks, public §153-4.25
h. Places of worship §153-4.23
i. Schools, public

3. Special Land Uses

a. Adult day care home
b. Cemeteries §153-4.3
c. Golf courses §153-4.22
d. Hospitals §153-4.13
e. Laundry, coin-operated §153-4.15
f. Libraries
g. Parking lot, principal use §153-4.21
h. Parks, private §153-4.22
i. Schools, private
j. Utility, public §153-4.26

153-3.1.A R-1 Low-Density Residential

User Note: Refer to § 153-2.3 Measurements for definitions and rules for measurements.

4. Development Standards

Lot Size:

Minimum lot area:	6,000 sq. ft.
Minimum lot width:	60 ft.

Lot Coverage:

Maximum lot coverage:	40%

Minimum Setbacks Required:

Front yard setback:	20 ft.
Side yard setback (one/total of two):	5 ft./14 ft.
Rear yard setback:	25 ft.

Building Height:

Maximum building height:	35 ft.

See § 153-3.18 for exceptions from maximum building height.

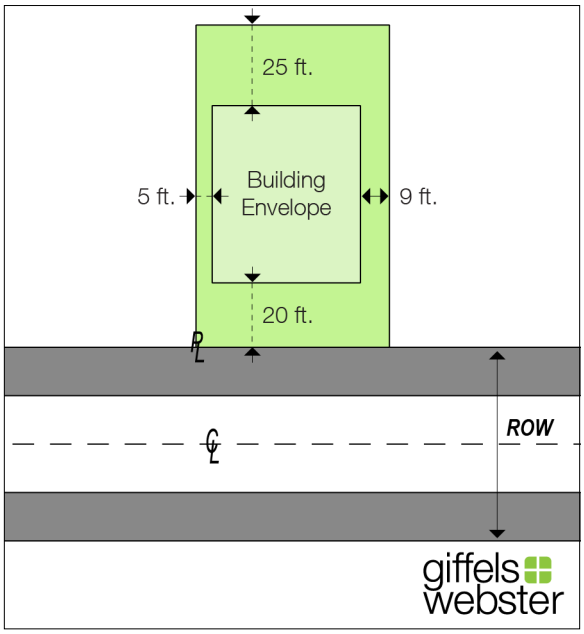
Livable Area:

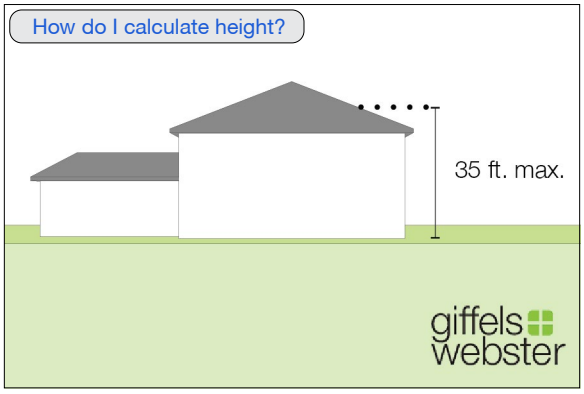
Minimum floor area per dwelling:	600 sq. ft.
Minimum building front and depth:	20 ft.

Permitted Encroachments:

See § 153-3.7.

For additions to the above requirements, refer to § 153-3.8 (footnotes 1, 2, 4, 5, 6, and 11) and § 153-3.9.





User Note: Click on Blue for use-specific standards.

5. Additional Requirements

These are links to additional, but not comprehensive, requirements for the district.

Article 3

§ 153-3.6 Lots, Yards, and Open Spaces
§ 153-3.16 Floodplain Overlay District

Article 5

§ 153-5.1 Accessory Buildings
§ 153-5.2 Off-Street Parking
§ 153-5.4 Signs
§ 153-5.5 Landscaping and Screening
§ 153-5.6 Fences
§ 153-5.9 Traffic Visibility
§ 153-5.12 Lighting

Article 6

§ 153-6.1 Site Plan Review
§ 153-6.3 Special Land Uses

153-3.1.B R-2 Medium Density Residential

1. Purpose

The R-2 Medium Density Residential district is established as a district in which the principal use of land is for single-family dwellings and multiple-family buildings with up to four dwelling units. Accessory dwelling units may be permitted in this district. Additional uses permitted include public and institutional uses that are complementary to the residential character of the district. The specific intent of this district is:

a. To encourage the construction of and continued use of the land for residential uses.
b. To prohibit uses that are not consistent with the residential uses due to noise, glare, traffic, or other externalities.
c. To encourage the discontinuance of existing uses that would not be permitted as new uses under the provisions of this section.

User Note: Click on Blue for use-specific standards or refer to Article 153-4 Use Standards.

2. Principal Permitted Uses

a. Adult foster care family home §153-4.2
b. Child care home, family
c. Community gardens (principal use)
d. Dwelling, accessory §153-4.6
e. Dwelling, two-family §153-4.8
f. Dwelling, single-family detached §153-4.8
g. Home occupations §153-4.11
h. Parks, public §153-4.25
i. Places of worship §153-4.23
j. Schools, public

3. Special Land Uses

a. Adult day care home
b. Adult foster care small group home §153-4.2
c. Boarding houses
d. Cemeteries §153-4.3
e. Child care home, group
f. Dwelling, multiple-unit (containing up to four units) §153-4.8
g. Dwelling, single-family attached §153-4.8
h. Golf courses §153-4.22
i. Hospitals §153-4.13
j. Laundry, coin-operated §153-4.15
k. Libraries
l. Parking lot, principal use §153-4.21
m. Parks, private §153-4.22
n. Recreation, outdoor commercial
o. Schools, private
p. Utility, public §153-4.26 (without outdoor storage)

153-3.1.B R-2 Medium Density Residential

User Note: Refer to § 153-2.3 Measurements for definitions and rules for measurements.

4. Development Standards

Lot Size:

Minimum lot area:	6,000 sq. ft.
Minimum lot area (structures with two or more dwelling units):	7,200 sq. ft.
Minimum lot width:	60 ft.

Lot Coverage:

Maximum lot coverage:	40%

Minimum Setbacks Required:

Front yard setback:	20 ft.
Side yard setback (one/total of two):	5 ft./14 ft.
Rear yard setback:	25 ft.

Building Height:

Maximum building height:	35 ft.

See § 153-3.18 for exceptions from maximum building height.

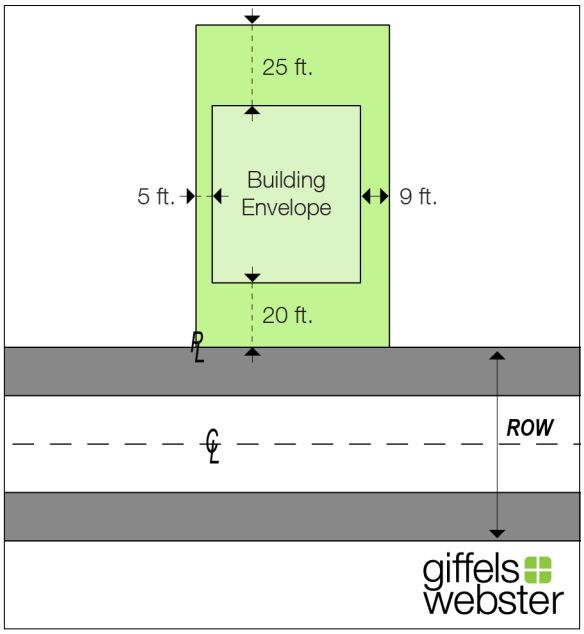
Livable Area:

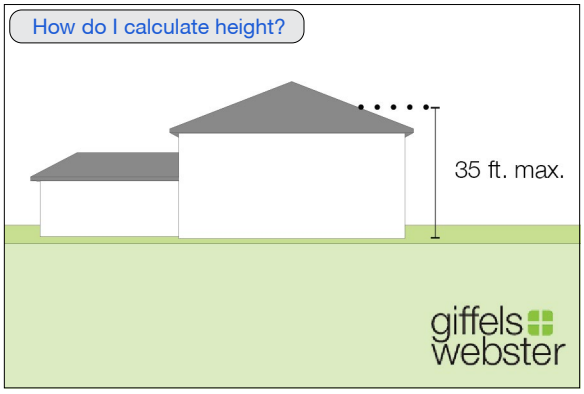
Minimum floor area per dwelling:	600 sq. ft.
Minimum building front and depth:	20 ft.

Permitted Encroachments:

See § 153-3.7.

For additions to the above requirements, refer to § 153-3.8 (footnotes 1, 2, 4, 5, 6, 10, and 11) and § 153-3.9.





User Note: Click on Blue for use-specific standards.

5. Additional Requirements

These are links to additional, but not comprehensive, requirements for the district.

Article 3

§ 153-3.6 Lots, Yards, and Open Spaces
§ 153-3.16 Floodplain Overlay District

Article 5

§ 153-5.1 Accessory Buildings
§ 153-5.2 Off-Street Parking
§ 153-5.4 Signs
§ 153-5.5 Landscaping and Screening
§ 153-5.6 Fences
§ 153-5.9 Traffic Visibility
§ 153-5.12 Lighting

Article 6

§ 153-6.1 Site Plan Review
§ 153-6.3 Special Land Uses

153-3.1.C R-3 High Density Residential

1. Purpose

The R-3 High Density Residential district is designed to permit a more intensive residential use of land with various types of multiple dwellings, including high-rise apartment structures, and related institutional uses. These districts shall generally be located adjacent to streets permitting good accessibility, and should be compatible with adjoining single-family neighborhoods. Various types and sizes of residential units, for ownership or rental, are encouraged throughout the district provided at planned locations in the community to meet the needs of the different age and family groups in the community.

User Note: Click on Blue for use-specific standards or refer to Article 153-4 Use Standards.

2. Principal Permitted Uses

a. Adult foster care family home §153-4.2
b. Adult foster care large group home §153-4.2
c. Adult foster care small group home §153-4.2
d. Bed and breakfast
e. Boarding houses
f. Child care center §153-4.2
g. Child care home, family
h. Child care home, group
i. Community gardens
j. Dwelling, accessory §153-4.6
k. Dwelling, multiple-unit §153-4.7
l. Dwelling, two-family §153-4.8
m. Dwelling, single-family attached §153-4.8
n. Dwelling, single-family detached §153-4.8
o. Governmental offices
p. Group residence
q. Home occupations §153-4.11
r. Laundry, coin-operated §153-4.15
s. Libraries
t. Parks, public §153-4.25
u. Places of worship §153-4.23
v. Schools, public
w. Senior housing (independent)
x. Short-term rentals §153-4.28

3. Special Land Uses

a. Adult day care home
b. Clubs, private
c. Dwelling, live-work
d. Golf courses §153-4.22
e. Hospitals §153-4.13
f. Mobile home parks §153-4.17
g. Museums
h. Parking lot, principal use §153-4.21
i. Parks, private §153-4.22
j. Recreation, outdoor commercial
k. Rooming house
l. Schools, private
m. Universities and colleges
n. Utility, public §153-4.26 (without outdoor storage)
o. Vocational training facilities
p. Uses similar to those permitted in the district, as determined by Planning Commission and not listed in zoning districts elsewhere

153-3.1.C R-3 High Density Residential

User Note: Refer to § 153-2.3 Measurements for definitions and rules for measurements.

4. Development Standards

Lot Size:

Minimum lot area:	6,000 sq. ft.
Minimum lot width:	60 ft.

Lot Coverage:

Maximum lot coverage:	40%

Open Space:

Required open space:	7% of gross floor area

Minimum Setbacks Required:

Front yard setback:	20 ft.
Side yard setback (one/total of two):	5 ft./14 ft.
Rear yard setback:	20 ft.

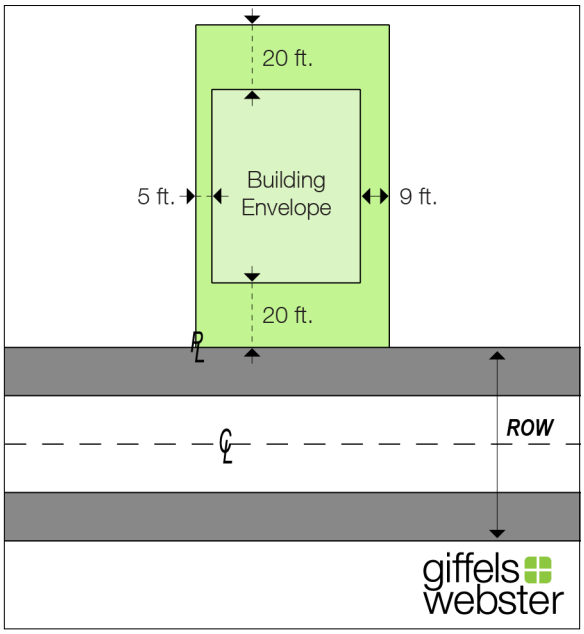
Building Height:

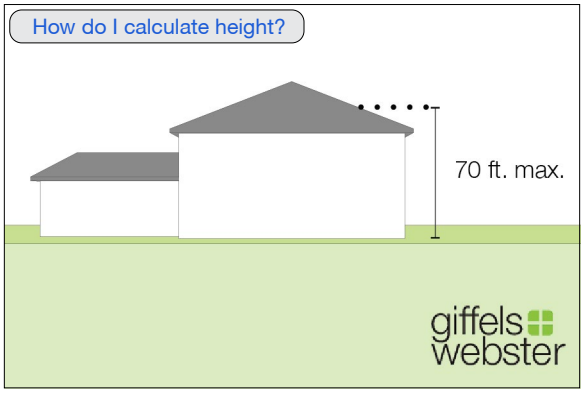
Maximum building height:	70 ft.

See § 153-3.18 for exceptions from maximum building height.

Minimum Floor Area Per Dwelling Unit:

Single-family dwelling:	600 sq. ft.
Multiple-unit dwelling efficiency:	450 sq. ft.
Multiple-unit dwelling one-bedroom unit:	525 sq. ft.
Multiple-unit dwelling two-bedroom unit:	750 sq. ft.
Multiple-unit dwelling three-bedroom unit:	850 sq. ft.
Multiple-unit dwelling four or more bedroom unit:	1,000 sq. ft.





Permitted Encroachments:

See § 153-3.7.

For additions to the above requirements, refer to § 153-3.8 (footnotes 1, 3, 4, 5, 6, 7, 10, and 11) and § 153-3.10.

User Note: Click on Blue for use-specific standards.

5. Additional Requirements

These are links to additional, but not comprehensive, requirements for the district.

Article 3
§ 153-3.6 Lots, Yards, and Open Spaces
§ 153-3.16 Floodplain Overlay District

Article 5
§ 153-5.1 Accessory Buildings
§ 153-5.2 Off-Street Parking
§ 153-5.4 Signs
§ 153-5.5 Landscaping and Screening
§ 153-5.6 Fences
§ 153-5.9 Traffic Visibility
§ 153-5.12 Lighting

Article 6
§ 153-6.1 Site Plan Review
§ 153-6.3 Special Land Uses

153-3.1.D B-1 Neighborhood Business

1. Purpose

The B-1 Neighborhood Business district is intended to provide a transition between more intensive districts and residential areas, with commercial uses and services that meet the needs of residents in the surrounding neighborhoods and are compatible with residential development.

User Note: Click on Blue for use-specific standards or refer to Article 153-4 Use Standards.

2. Principal Permitted Uses:

a. Adult day care home
b. Amusement arcade
c. Business office
d. Child care center §153-4.2
e. Child care home, family
f. Child care home, group
g. Clubs, private
h. Dwelling, live-work
i. Dwelling, multiple-unit §153-4.7
j. Dwelling, single-family attached §153-4.8
k. Eating and drinking establishments §153-4.9
l. Financial institutions
m. Food stores
n. Funeral homes
o. Governmental offices
p. Home occupations §153-4.11
q. Hospitals §153-4.13
r. Laundry, coin-operated §153-4.15
s. Libraries
t. Medical offices
u. Mobile food court
v. Parking lot, principal use §153-4.21
w. Parks, private §153-4.22
x. Parks, public §153-4.25
y. Personal service
z. Places of worship §153-4.23
aa. Retail stores (less than 50,000 sq. ft.)
ab. Schools, public
ac. Universities and colleges
ad. Veterinary clinics or veterinary hospitals

3. Special Land Uses

a. Drive-in eating and drinking establishments §153-4.4
b. Drive-through eating and drinking establishments §153-4.4
c. Drive-through services §153-4.4
d. Household repair and service
e. Marihuana retailers §153-4.16
f. Microbreweries, small distilleries, small winemakers
g. Museums
h. Pet boarding, daily
i. Places of assembly
j. Recreation, indoor commercial
k. Recreation, outdoor commercial
l. Schools, private
m. Service establishment of an office, showroom, or workshop nature
n. Solar energy systems, §153-4.29 small-scale principal use
o. Utility, public §153-4.26 (without outdoor storage)
p. Vehicle fueling stations §153-4.31
q. Vocational training facilities

153-3.1.D B-1 Neighborhood Business

User Note: Refer to § 153-2.3 Measurements for definitions and rules for measurements.

4. Development Standards

Lot Size:

Minimum lot area:	4,000 sq. ft.
Minimum lot width:	40 ft.

Lot Coverage:

Maximum lot coverage:	50%

Open Space:

Required open space:	7% of gross floor area

Minimum Setbacks Required:

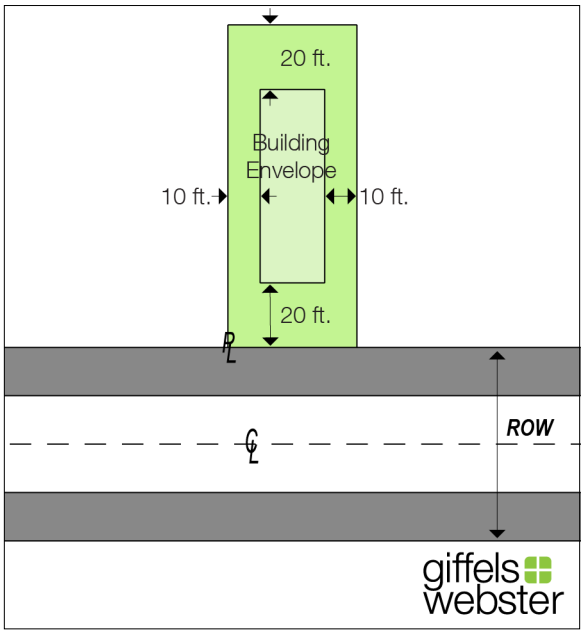
Front yard setback:	20 ft.
Side yard setback (one/total of two):	10 ft./20 ft.
Rear yard setback:	20 ft.

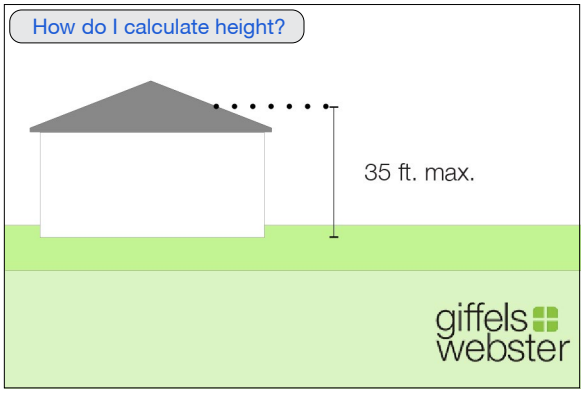
Building Height:

Maximum building height:	35 ft.

Minimum Floor Area Per Dwelling Unit:

Single-family dwelling:	600 sq. ft.
Multiple-unit dwelling efficiency:	450 sq. ft.
Multiple-unit dwelling one-bedroom unit:	525 sq. ft.
Multiple-unit dwelling two-bedroom unit:	750 sq. ft.
Multiple-unit dwelling three-bedroom unit:	850 sq. ft.
Multiple-unit dwelling four or more bedroom unit:	1,000 sq. ft.





For additions to the above requirements, refer to § 153-3.8 (footnotes 1, 3, 5, 6, 7, 8, and 10) and § 153-3.11.

User Note: Click on Blue for use-specific standards.

5. Additional Requirements

These are links to additional, but not comprehensive, requirements for the district.

Article 3
§ 153-3.6 Lots, Yards, and Open Spaces
§ 153-3.16 Floodplain Overlay District

Article 5
§ 153-5.1 Accessory Buildings
§ 153-5.2 Off-Street Parking
§ 153-5.4 Signs
§ 153-5.5 Landscaping and Screening
§ 153-5.6 Fences
§ 153-5.9 Traffic Visibility
§ 153-5.12 Lighting

Article 6
§ 153-6.1 Site Plan Review
§ 153-6.3 Special Land Uses

153-3.1.E B-2 General Business

1. Purpose

The B-2 General Business district is intended to permit a wider range of business and entertainment activities than those permitted in the B-1 district. The permitted uses are intended to provide businesses and services characterized by their reliance on vehicular traffic and more expansive trade areas usually found in major business areas along major streets, regional thoroughfares or near freeway access ramps. These uses generate large volumes of vehicular traffic, require substantial access for off-street parking and loading, and require detailed planning particularly as to relationships with adjacent residential areas. Permitted uses in this district include a range of compatible commercial, public/institutional, and office uses, with multiple-family residential in appropriate locations. Multiple dwelling residential uses are also allowed in a planned setting with business uses.

User Note: Click on Blue for use-specific standards or refer to Article 153-4 Use Standards.

2. Principal Permitted Uses

a. Adult day care home
b. Amusement arcade
c. Business office
d. Business service
e. Child care center §153-4.2
f. Child care home, family
g. Child care home, group
h. Clubs, private
i. Dwelling, multiple-unit §153-4.7
j. Eating and drinking establishments §153-4.9
k. Financial institutions
l. Food stores
m. Funeral homes
n. Governmental offices
o. Home occupations §153-4.11
p. Hospitals §153-4.13
q. Hotels and motels
r. Household repair and service
s. Laundry, coin-operated §153-4.15
t. Libraries
u. Medical offices
v. Microbreweries, small distilleries, small winemakers
w. Mobile food court
x. Museums
y. Parking decks §153-4.20
z. Parking lot, principal use §153-4.21
aa. Parks, private §153-4.22
ab. Parks, public §153-4.25
ac. Personal service
ad. Places of assembly
ae. Places of worship §153-4.23
af. Recreation, indoor commercial
ag. Retail stores
ah. Schools, public
ai. Schools, private
aj. Service establishment of an office, showroom, or workshop nature
ak. Transportation terminals
al. Universities and colleges
am. Veterinary clinics or veterinary hospitals
an. Vocational training facilities

153-3.1.E B-2 General Business

3. Special Land Uses

a. Adult business §153-4.1
b. Drive-in eating and drinking establishments §153-4.4
c. Drive-through eating and drinking establishments §153-4.4
d. Drive-through services §153-4.4
e. Greenhouses, commercial §153-4.10
f. Homeless shelters §153-4.12
g. Kennels
h. Marihuana retailers §153-4.16
i. Open air businesses
j. Outdoor drive-in theaters
k. Pet boarding, daily
l. Radio and television towers, freestanding §153-4.27
m. Recreation, outdoor commercial
n. Research and development
o. Self-storage
p. Solar energy systems, §153-4.29 small-scale principal use
q. Substance abuse treatment facilities
r. Uses similar to those permitted in the district, as determined by planning commission and not listed in zoning districts elsewhere
s. Utility, private (without outdoor storage)
t. Utility, public §153-4.26 (without outdoor storage)
u. Vehicle fueling stations §153-4.31
v. Vehicle repair, passenger §153-4.31
w. Vehicle sales, passenger
x. Vehicle service, passenger §153-4.31
y. Vehicle wash establishments
z. Wireless communications facilities §153-4.33

153-3.1.E B-2 General Business

User Note: Refer to § 153-2.3 Measurements for definitions and rules for measurements.

4. Development Standards

Lot Size:

Minimum lot area:	4,000 sq. ft.
Minimum lot width:	40 ft.

Lot Coverage:

Maximum lot coverage:	50%

Open Space:

Required open space:	7% of gross floor area

Minimum Setbacks Required:

Front yard setback:	0 ft.
Side yard setback (one/total of two):	10 ft./20 ft.
Rear yard setback:	10 ft.

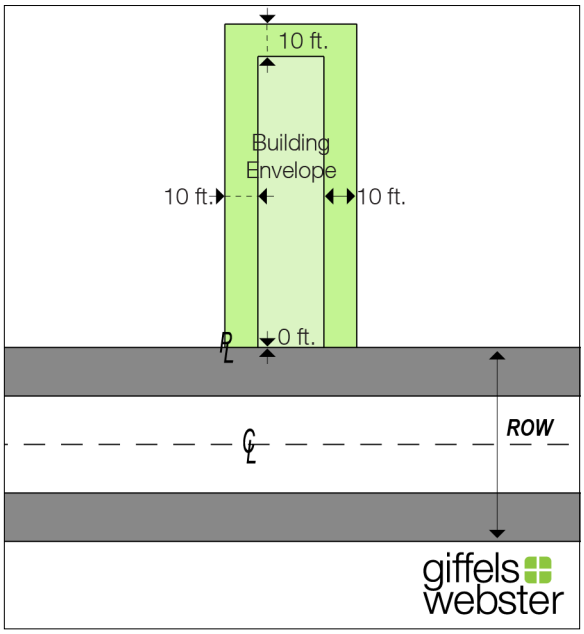
Building Height:

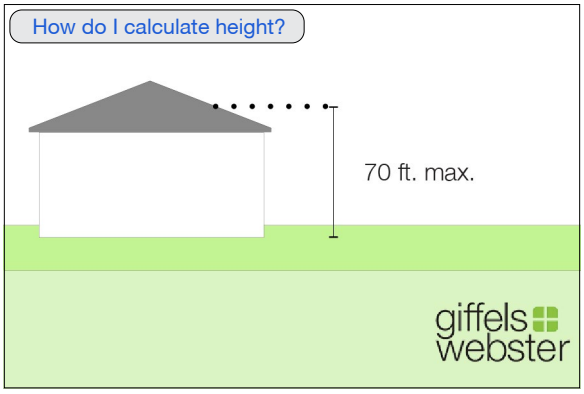
Maximum building height:	70 ft.

Minimum Floor Area Per Dwelling Unit:

Single-family dwelling:	600 sq. ft.
Multiple-unit dwelling efficiency:	450 sq. ft.
Multiple-unit dwelling one-bedroom unit:	525 sq. ft.
Multiple-unit dwelling two-bedroom unit:	750 sq. ft.
Multiple-unit dwelling three-bedroom unit:	850 sq. ft.
Multiple-unit dwelling four or more bedroom unit:	1,000 sq. ft.

For additions to the above requirements, refer to § 153-3.8 (footnotes 1, 5, 6, 7, 8, and 10).





153-3.1.E B-2 General Business

User Note: Click on Blue for use-specific standards.

5. Additional Requirements

These are links to additional, but not comprehensive, requirements for the district.

Article 3

§ 153-3.6 Lots, Yards, and Open Spaces
§ 153-3.16 Floodplain Overlay District

Article 5

§ 153-5.1 Accessory Buildings
§ 153-5.2 Off-Street Parking
§ 153-5.4 Signs
§ 153-5.5 Landscaping and Screening
§ 153-5.6 Fences
§ 153-5.9 Traffic Visibility
§ 153-5.12 Lighting

Article 6

§ 153-6.1 Site Plan Review
§ 153-6.3 Special Land Uses

153-3.1.F MU-1 Mixed Use 1

1. Purpose

The MU-1 Mixed Use 1 district is a pedestrian-friendly mixed-use district intended to accommodate a variety of detached and attached urban housing types, with some complementary neighborhood business uses. Non-residential uses in this district include those which primarily serve the surrounding neighborhood.

User Note: Click on Blue for use-specific standards or refer to Article 153-4 Use Standards.

2. Permitted Uses

All principal and special land uses permitted in the MU-1 district are listed in accordance with the designated street frontages below.

Use	Primary Street		Secondary Street	
	Ground floor	Upper floor	Ground floor	Upper floor
Adult day care home	P	P	P	P
Adult foster care family home §153-4.2	P	P	P	P
Adult foster care large group home §153-4.2	S	S	S	S
Adult foster care small group home §153-4.2	S	S	S	S
Bed and breakfast	P	P	P	P
Boarding houses	P	P	P	P
Business service	S			
Child care center §153-4.2	S	S	S	S
Child care home, family	P	P	P	P
Child care home, group	P	P	P	P
Community gardens	S		S	
Dwelling, accessory §153-4.6	P	P	P	P
Dwelling, live-work containing non-residential use presently permitted in this MU-1 district	S	S	S	S
Dwelling, multiple-unit §153-4.7	S	S	S	S
Dwelling, single-family attached §153-4.8	P	P	P	P
Dwelling, single-family detached §153-4.8	P	P	P	P
Dwelling, two-family §153-4.8	P	P	P	p
Eating and drinking establishments §153-4.9	S			
Governmental offices	P	P	P	P
Group residence	S	S	S	S
Home occupations §153-4.11	P	P	P	P

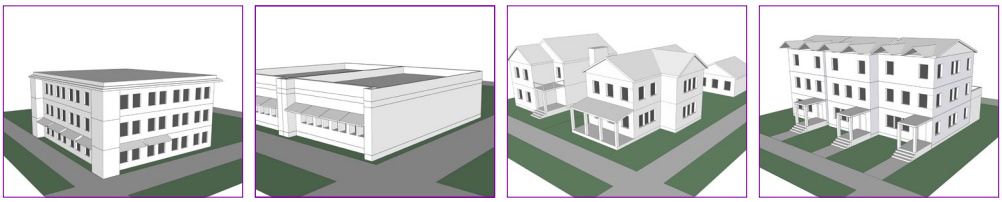
153-3.1.F MU-1 Mixed Use 1

Use	Primary Street		Secondary Street	
	Ground floor	Upper floor	Ground floor	Upper floor
Hospitals §153-4.13	S	S	S	S
Laundry, coin-operated §153-4.15	S			
Libraries	P	P	P	P
Medical offices	S	S		
Museums	S	S	S	S
Parking lot, principal use §153-4.21	S	S	S	S
Parks, private §153-4.22	S		S	
Parks, public §153-4.25	P		P	
Personal service	S			
Places of assembly	S	S	S	S
Places of worship §153-4.23	P	P	P	P
Retail stores (less than 50,000 sq. ft.)	S			
Schools, public	P	P	P	P
Schools, private	S	S	S	S
Senior housing (dependent)	S	S		
Senior housing (independent)	S	S		
Short-term rentals §153-4.28	P	P	P	P
Universities and colleges	S	S	S	S

153-3.1.F MU-1 Mixed Use 1

3. Permitted Building Types:

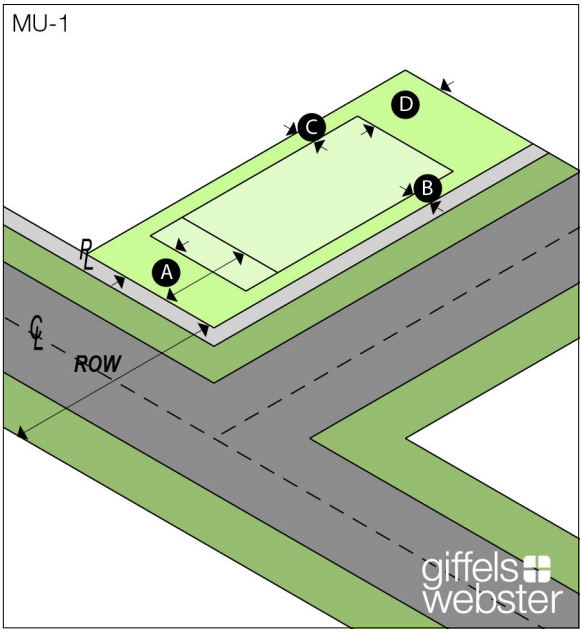
Multiple-story building | Single-story building | Urban house | Townhouse



See § 153-5.14 Building Standards for standards by building type.

User Note: Refer to § 153-2.3 Measurements for definitions and rules for measurements.

4. Development Standards:



Lot Size:

Minimum lot area:	4,000 sq. ft.
Minimum lot area (three- and four-unit dwellings):	7,200 sq. ft.
Minimum lot width:	40 ft.

Open Space:

Required open space:	7% of gross floor area

Minimum and Maximum Setbacks:

A Front yard setback:	15 ft. min./25 ft. max.
B Other street-facing setback (one/total of two):	5 ft. min. /10 ft. min.
C Interior side yard setback (one/total of two):	5 ft. min./10 ft. min.
D Rear yard setback (alley/no alley):	12 ft. min./20 ft. min.

Required Frontage in Setback Zone:

Primary street frontage:	70%

See § 153-5.14 Building Standards for additional frontage requirements.

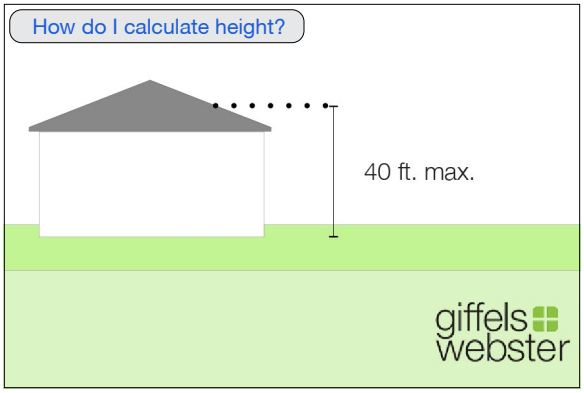
153-3.1.F MU-1 Mixed Use 1

Building Height:

Maximum building height: 40 ft.

Ground floor height must exceed all upper stories.

The minimum height shall be satisfied from the build-to line back to a depth of at least 30 feet.



Orientation:

Primary façade/entrance shall be oriented to the front lot line.

Minimum Floor Area Per Dwelling Unit:

Single-family dwelling:	600 sq. ft.
Multiple-unit dwelling efficiency:	450 sq. ft.
Multiple-unit dwelling one-bedroom unit:	525 sq. ft.
Multiple-unit dwelling two-bedroom unit:	750 sq. ft.
Multiple-unit dwelling three-bedroom unit:	850 sq. ft.
Multiple-unit dwelling four or more bedroom unit:	1,000 sq. ft.

Required Fenestration:

Civic and institutional uses are exempt from these requirements.

Ground floor, primary street:	20%
Ground floor, secondary street:	15%
Upper floors:	10%

All other architectural design standards for buildings in the MU-1 district are in § 153-5.14 Building Standards.

Access and Parking:

Minimum Required Parking Setbacks:

Yard	Minimum Required Parking Setbacks
Front yard	No surface parking may be permitted between any building and the front street.
Interior side yard	2 ft.
Rear yard (alley/no alley)	0 ft./5 ft
Rear or side-facing street yard	30 ft, and complying with § 153-5.5(J), Street Frontage Landscaping.

For additions to the above requirements, refer to § 153-3.8 (footnotes 1, 6, 10, and 11) and § 153-3.13.

User Note: Click on Blue for use-specific standards.

5. Additional Requirements

These are links to additional, but not comprehensive, requirements for the district.

Article 3

§ 153-3.6 Lots, Yards, and Open Spaces
§ 153-3.16 Floodplain Overlay District

Article 5

§ 153-5.1 Accessory Buildings
§ 153-5.2 Off-Street Parking
§ 153-5.4 Signs
§ 153-5.5 Landscaping and Screening
§ 153-5.6 Fences
§ 153-5.9 Traffic Visibility
§ 153-5.12 Lighting

Article 6

§ 153-6.1 Site Plan Review
§ 153-6.3 Special Land Uses

153-3.1.G MU-2 Mixed Use 2

1. Purpose

The MU-2 Mixed Use 2 district is a pedestrian-friendly mixed-use district intended to accommodate flexible development at varying scales, preserve historic homes, integrate context-sensitive mixed uses and serve as a transition from the more intensive MU-3 and MU-4 districts to surrounding residential neighborhoods. Uses in this district include a variety of residential densities, commercial, and institutional uses.

User Note: Click on Blue for use-specific standards or refer to Article 153-4 Use Standards.

2. Permitted Uses

All Principal and Special Land Uses permitted in the MU-2 district are listed in accordance with the designated street frontages below.

Use	Primary Street		Secondary Street	
	Ground floor	Upper floor	Ground floor	Upper floor
Adult day care home	P	P	P	P
Adult foster care family home §153-4.2	P	P	P	P
Adult foster care large group home §153-4.2	P	P	P	P
Adult foster care small group home §153-4.2	P	P	P	P
Bed and breakfast	P	P	P	P
Business office	P	P	P	P
Child care center §153-4.2	P	P	P	P
Child care home, family	P	P	P	P
Child care home, group	P	P	P	P
Clubs, private	P	P	P	P
Community gardens	S		S	
Drive-through eating and drinking establishments §153-4.4 with Michigan Avenue frontage	S			
Drive-through services §153-4.4	S			
Dwelling, accessory §153-4.6	P	P	P	P
Dwelling, live-work	P	P	P	P
Dwelling, multiple-unit §153-4.7		P	P	P
Dwelling, single-family attached §153-4.8			P	P
Dwelling, single-family detached §153-4.8	P	P	P	P
Dwelling, two-family §153-4.8	P	P	P	P

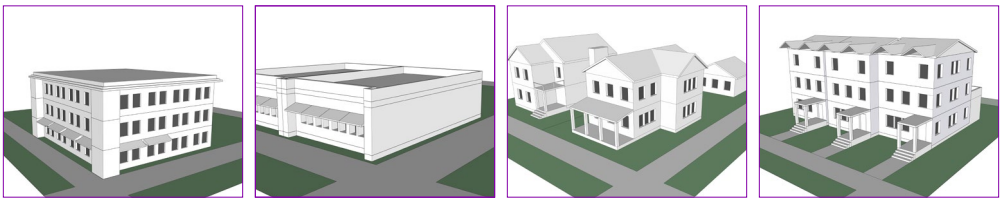
153-3.1.G MU-2 Mixed Use 2

Use	Primary Street		Secondary Street	
	Ground floor	Upper floor	Ground floor	Upper floor
Eating and drinking establishments §153-4.9	P		S	
Financial institutions	P	P	S	
Food stores (less than 50,000 sq. ft.)	P		S	
Funeral homes	S	S	S	S
Governmental offices		P	P	P
Group residence		P	P	P
Home occupations §153-4.11	P	P	P	P
Hospitals §153-4.13	P	P	P	P
Household repair and service	S			
Laundry, coin-operated §153-4.15	P		P	
Libraries	P	P	P	P
Medical offices	P	P	S	S
Microbreweries, small distilleries, small winemakers	P	P		
Mobile food court	S			
Museums	P	P	P	P
Parking decks §153-4.20	P	P		
Parks, private §153-4.22	P		P	
Parks, public §153-4.25	P		P	
Personal service	P	P	P	P
Places of assembly	S	S	S	S
Places of worship §153-4.23	P	P	P	P
Research and development		S	S	S
Retail stores (less than 50,000 sq. ft.)	P		P	
Schools, private	S	S	S	S
Schools, public	P	P	P	P
Senior housing (independent)		P	P	P
Senior housing (dependent)		S	S	S
Short-term rentals §153-4.28	P	P	P	P
Universities and colleges	S	S	S	S
Vocational training facilities	S	S	S	S

153-3.1.G MU-2 Mixed Use 2

3. Building Types:

Multiple-story building | Single-story building | Urban house | Townhouse



See § 153-5.14 Building Standards for standards by building type.

User Note: Refer to § 153-2.3 Measurements for definitions and rules for measurements.

4. Development Standards:

Lot Size:

Minimum lot area:	4,000 sq. ft.
Minimum lot width:	40 ft.

Open Space:

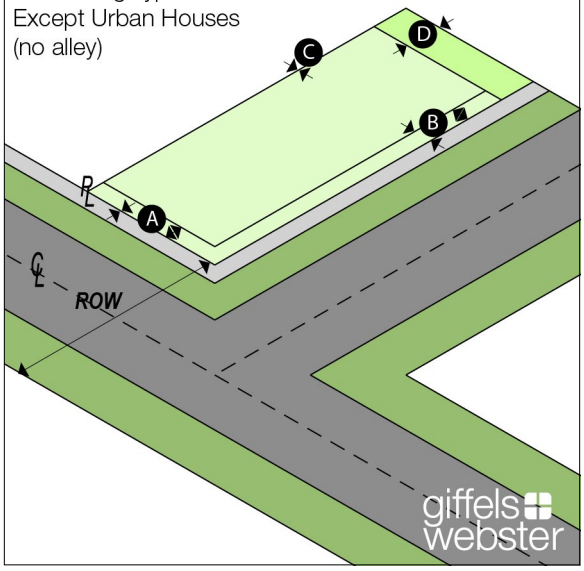
Required open space:	7% of gross floor area

Minimum and Maximum Setbacks:

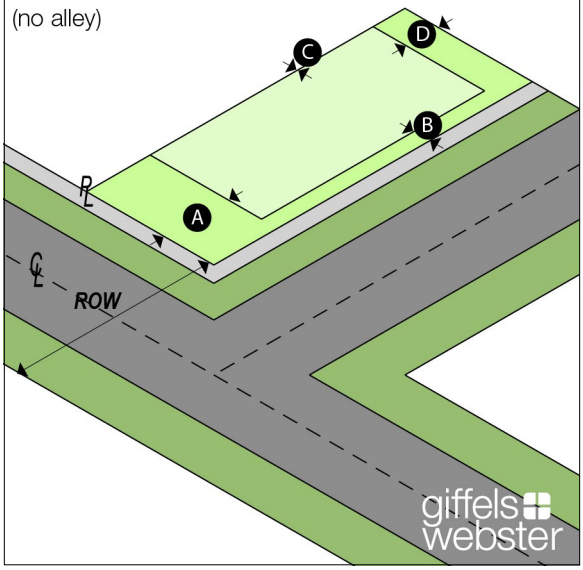
	Setback	All Building Types Except Urban Houses	Urban Houses
A	Front yard setback	0 ft. min./ 5 ft. max.	20 ft. min.
B	Rear or side street-facing setbacks	0 ft. min./ 5 ft. max.	5 ft. min.
C	Interior side yard setback	0 ft. min.	0 ft. min.
	Side yard residential setback*	6 ft. min.	
D	Rear yard setback (alley/no alley)	0 ft. min./ 10 ft. min.	0 ft. min./ 10 ft. min.

** Residential setbacks apply to property lines that are adjacent to an urban house building type or an R-1, R-2, or R-3 zoning district.*

MU-2
All Building Types
Except Urban Houses
(no alley)



MU-2
Urban Houses
(no alley)



Required Frontage in Setback Zone:

Primary street frontage:	75%
Secondary street frontage:	60%
Side or rear street frontage:	40%

See § 153-5.14 Building Standards for additional frontage requirements.

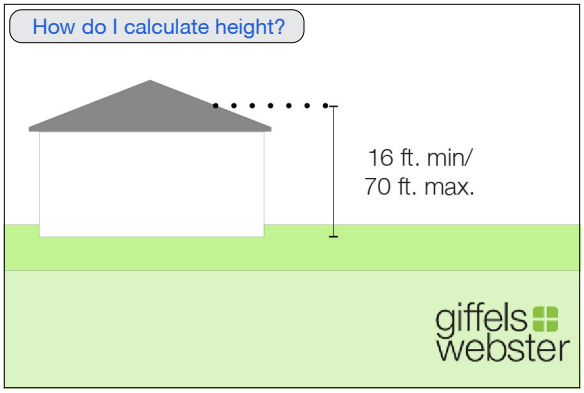
153-3.1.G MU-2 Mixed Use 2

Building Height:

Maximum building height: 16 ft. min./70 ft. max.

Ground floor height must exceed all upper stories.

The minimum height shall be satisfied from the build-to line back to a depth of at least 30 feet.



Orientation:

Primary façade/entrance shall be oriented to the front lot line unless the building is adjacent to the Saginaw River.

See § 153-3.19 for Riverfront Orientation requirements.

Minimum Floor Area Per Dwelling Unit:

Single-family dwelling:	600 sq. ft.
Multiple-unit dwelling efficiency:	450 sq. ft.
Multiple-unit dwelling one-bedroom unit:	525 sq. ft.
Multiple-unit dwelling two-bedroom unit:	750 sq. ft.
Multiple-unit dwelling three-bedroom unit:	850 sq. ft.
Multiple-unit dwelling four or more bedroom unit:	1,000 sq. ft.

Required Fenestration:

Civic and institutional uses are exempt from these requirements.

Ground floor, primary street:	40%
Ground floor, secondary street:	25%
Upper floors:	20%

Access and Parking:

Minimum Required Parking Setbacks:

Yard	Minimum Required Parking Setbacks
Front yard	No surface parking may be permitted between any building and the front street, in accordance with § 153-3.19.
Interior side yard	30 ft. from the front property line and 2 ft. from the side property line
Rear yard (alley/no alley)	0 ft./5 ft
Rear or side-facing street yard	30 ft, and complying with § 153-5.5(J), Street Frontage Landscaping.

For additions to the above requirements, refer to § 153-3.8 (footnotes 1, 5, 6, and 10) and § 153-3.13.

User Note: Click on Blue for use-specific standards.

5. Additional Requirements

These are links to additional, but not comprehensive, requirements for the district.

Article 3

§ 153-3.6 Lots, Yards, and Open Spaces
§ 153-3.16 Floodplain Overlay District

Article 5

§ 153-5.1 Accessory Buildings
§ 153-5.2 Off-Street Parking
§ 153-5.4 Signs
§ 153-5.5 Landscaping and Screening
§ 153-5.6 Fences
§ 153-5.9 Traffic Visibility
§ 153-5.12 Lighting

Article 6

§ 153-6.1 Site Plan Review
§ 153-6.3 Special Land Uses

153-3.1.H MU-3 Mixed Use 3

1. Purpose

The MU-3 Mixed Use 3 district is intended to promote a vibrant, diverse, and economically sustainable urban core that fosters a balance of residential, commercial, and institutional uses. This district aims to encourage mixed-use development, pedestrian-friendly streetscapes, and a high standard of architectural design while preserving historic character and enhancing accessibility. There are two sub-districts comprising the MU-3 district: MU-3W (Old-Town) and MU-3E (Downtown). Different dimensional standards between the MU-3E and MU-3W districts reflect the historical character of the respective districts.

User Note: Click on Blue for use-specific standards or refer to Article 153-4 Use Standards.

2. Permitted Uses.

All principal and special land uses permitted in the MU-3 district are listed in accordance with the designated street frontages below.

Use	Primary Street		Secondary Street	
	Ground floor	Upper floor	Ground floor	Upper floor
Adult day care home	P	P	P	P
Adult foster care family home §153-4.2	P	P	P	P
Adult foster care large group home §153-4.2	S	S	S	S
Adult foster care small group home §153-4.2	S	S	S	S
Amusement arcade	P		P	
Bed and breakfast	P	P	P	P
Business office		P		P
Business service	S	S	S	S
Child care center §153-4.2	P	P	P	P
Child care home, family	P	P	P	P
Child care home, group	P	P	P	P
Clubs, private	S	P	P	P
Dwelling, live-work	P	P	P	P
Dwelling, multiple-unit §153-4.7	P	P	P	P
Dwelling, single-family attached §153-4.8	S	S	P	P
Dwelling, two-family §153-4.8	S	S	P	P
Eating and drinking establishments §153-4.9	P	P	P	P
Financial institutions	P	P	P	P
Food stores (less than 50,000 sq. ft.)	P		P	
Governmental offices		P		P

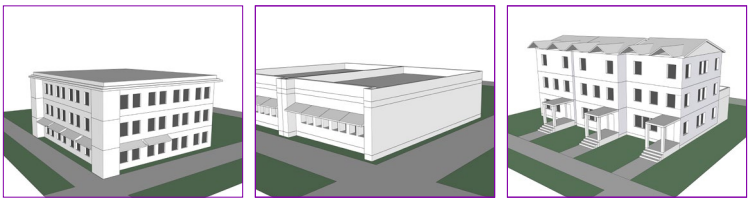
153-3.1.H MU-3 Mixed Use 3

Use	Primary Street		Secondary Street	
	Ground floor	Upper floor	Ground floor	Upper floor
Home occupations §153-4.11	P	P	P	P
Hospitals §153-4.13	S	S	S	S
Hotels and motels	P	P	P	P
Laundry, coin-operated §153-4.15	P		P	
Libraries	P	P	P	P
Medical offices	P	P	P	P
Microbreweries, small distilleries, small winemakers	S		S	
Mobile food court	S		S	
Museums	P	P	P	P
Parking decks §153-4.20	S	S	S	S
Parks, private §153-4.22	S		S	
Parks, public §153-4.25	P		P	
Personal service	P	P	P	P
Places of assembly		S	S	S
Places of worship §153-4.23	P	P	P	P
Recreation, indoor commercial	S	S	P	P
Retail stores (less than 50,000 sq. ft.)	P		P	
Schools, public	P	P	P	P
Senior housing (independent)	S	S	S	S
Short-term rentals §153-4.28	P	P	P	P
Universities and colleges	P	P	P	P
Utility, public §153-4.26 (without outdoor storage)	S	S	S	S

153-3.1.H MU-3 Mixed Use 3

3. Building Types:

Multiple-story building | Single-story building | Townhouse



See § 153-5.14 Building Standards for standards by building type.

User Note: Refer to § 153-2.3 Measurements for definitions and rules for measurements.

4. Development Standards:

Lot Size:

Minimum lot area:

Buildings 38 ft. or lower:	1,800 sq. ft.
Buildings taller than 38 ft.:	4,000 sq. ft.
Minimum lot width:	30 ft.

Open Space:

Required open space: 7% of gross floor area

Minimum and Maximum Setbacks:

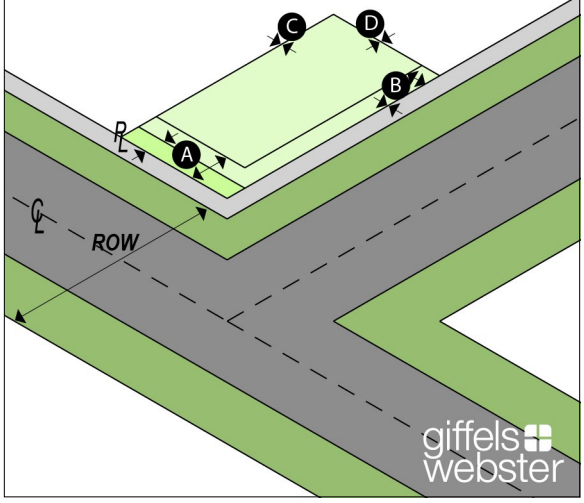
	Setback	MU-3E	MU-3W
A	Primary street front setback	5 ft. min./ 10 ft. max.	0 ft. min./ 5 ft. max.
B	Secondary street front setback	0 ft. min./ 5 ft. max.	0 ft. min./ 5 ft. max.
C	Interior side yard setback	0 ft. min.	0 ft. min.
D	Rear yard setback	0 ft. min.	0 ft. min.
	Side or rear street-facing setbacks	0 ft. min./ 5 ft. max.	0 ft. min./ 5 ft. max.

Required Frontage in Setback Zone:

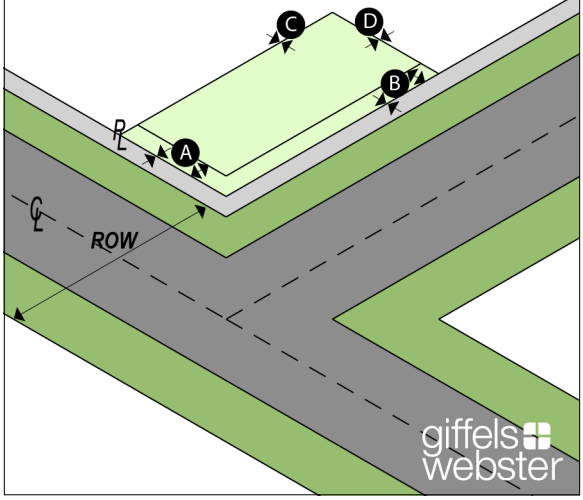
Primary street frontage:	85%
Secondary street frontage:	75%
Side or rear street frontage:	60%

See § 153-5.14 Building Standards for additional frontage requirements.

MU-3E
(building height 38 ft. or lower)



MU-3W
(building height 38 ft. or lower)



153-3.1.H MU-3 Mixed Use 3

Building Height:

MU3-E:	38 ft. min./No max.
MU3-W:	24 ft. min./70 ft. max.

Ground floor height must exceed all upper stories.

Buildings taller than 100 ft. may only be approved by the discretion of the Planning Commission following the same process as required for Special Land Uses. Conditions may be added if determined necessary to protect public health, welfare, and safety.

Orientation:

Primary façade/entrance shall be oriented to the front lot line unless the building is adjacent to the Saginaw River.

See § 153-3.19 for Riverfront Orientation requirements.

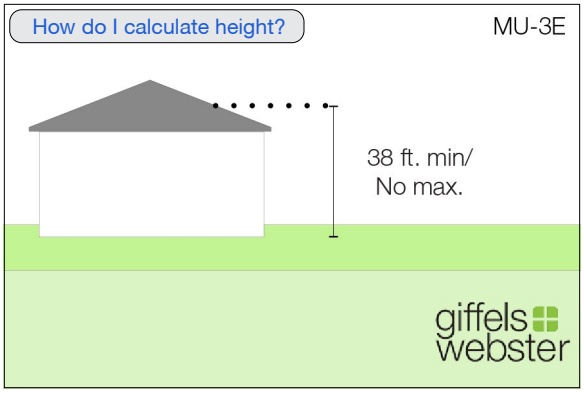
Minimum Floor Area Per Dwelling Unit:

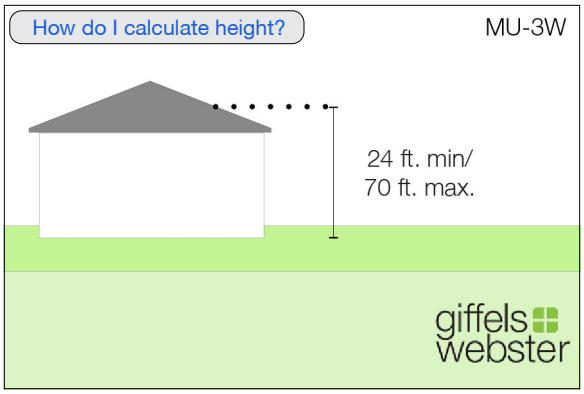
Single-family dwelling:	600 sq. ft.
Multiple-unit dwelling efficiency:	450 sq. ft.
Multiple-unit dwelling one-bedroom unit:	525 sq. ft.
Multiple-unit dwelling two-bedroom unit:	750 sq. ft.
Multiple-unit dwelling three-bedroom unit:	850 sq. ft.
Multiple-unit dwelling four or more bedroom unit:	1,000 sq. ft.

Required Fenestration:

Civic and institutional uses are exempt from these requirements.

Ground floor, primary street:	60%
Ground floor secondary street:	40%
Upper floors:	20%





Access and Parking

Yard	Minimum Required Parking Setbacks
Front yard	No surface parking may be permitted between any building and the front street, in accordance with § 153-3.19.
Rear yard	0 ft.
Interior side yard	30 ft. from the front property line and 2 ft. from the side property line
Rear or side-facing street yard	30 ft, and complying with § 153-5.5(J), Street Frontage Landscaping.

For additions to the above requirements, refer to § 153-3.8 (footnotes 1, 6, and 10) and § 153-3.13.

153-3.1.H MU-3 Mixed Use 3

User Note: Click on Blue for use-specific standards.

5. Additional Requirements

These are links to additional, but not comprehensive, requirements for the district.

Article 3

§ 153-3.6 Lots, Yards, and Open Spaces
§ 153-3.16 Floodplain Overlay District

Article 5

§ 153-5.1 Accessory Buildings
§ 153-5.2 Off-Street Parking
§ 153-5.4 Signs
§ 153-5.5 Landscaping and Screening
§ 153-5.6 Fences
§ 153-5.9 Traffic Visibility
§ 153-5.12 Lighting

Article 6

§ 153-6.1 Site Plan Review
§ 153-6.3 Special Land Uses

153-3.1.H MU-3 Mixed Use 3

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153-3.1.I MU-4 Mixed Use 4

1. Purpose

The MU-4 Mixed Use 4 district is intended to guide the transition of industrial uses to vibrant, adaptable spaces that accommodate a balanced mix of residential, commercial, and light industrial uses. This district seeks to encourage sustainable development by integrating adaptive reuse strategies while supporting redevelopment opportunities. Ultimately, the district supports a gradual transition from traditional industrial activities to a dynamic, mixed-use environment, with housing opportunities in close proximity of employment centers.

User Note: Click on Blue for use-specific standards or refer to Article 153-4 Use Standards.

2. Permitted Uses

All Principal and Special Land Uses permitted in the MU-4 district are listed in accordance with the designated street frontages below.

Use	Primary Street		Secondary Street	
	Ground floor	Upper floor	Ground floor	Upper floor
Adult day care home	P	P	P	P
Adult foster care family home §153-4.2	P	P	P	P
Adult foster care large group home §153-4.2	S	S	S	S
Adult foster care small group home §153-4.2	P	P	P	P
Amusement arcade	S	S	S	S
Bed and breakfast	P	P	P	P
Business office	P	P	P	P
Business service	P	P	P	P
Child care center §153-4.2	P	P	P	P
Child care home, family	P	P	P	P
Child care home, group	P	P	P	P
Clubs, private	P	P	P	P
Community gardens	S		S	
Drive-in eating and drinking establishments §153-4.4	S			
Drive-through eating and drinking establishments §153-4.4	S			
Drive-through services §153-4.4	S			
Dwelling, live-work	P	P	P	P
Dwelling, multiple-unit §153-4.7	P	P	P	P
Dwelling, single-family attached §153-4.8	P	P	P	P
Dwelling, two-family §153-4.8	P	P	P	P

153-3.1.I MU-4 Mixed Use 4

Use	Primary Street		Secondary Street	
	Ground floor	Upper floor	Ground floor	Upper floor
Eating and drinking establishments §153-4.9	S	S	S	S
Financial institutions	P	P	P	P
Food production (limited to sites previously used for food production or light manufacturing)	P	P	P	P
Food stores	P	P	P	P
Governmental offices	P	P	P	P
Greenhouses, commercial §153-4.10	S		S	
Group residence	P	P	P	P
Home occupations §153-4.11	P	P	P	P
Hospitals §153-4.13	S	S	S	S
Hotels and motels	P	P	P	P
Household repair and service	P	P	P	P
Laundry, coin-operated §153-4.15	P		P	
Libraries	P	P	P	P
Manufacturing, light (limited to sites previously used for food production or light manufacturing)	S	S	S	S
Medical offices	P	P	P	P
Microbreweries, small distilleries, small winemakers	P	P	P	P
Mobile food court	P		P	
Museums	P	P	P	P
Open air businesses	S		S	
Outdoor storage §153-4.19 (accessory or principal use)	S		S	
Parking decks §153-4.20	P	P	P	P
Parking lot, principal use §153-4.21	P		P	
Parks, private §153-4.22	P		P	
Parks, public §153-4.25	P		P	
Personal service	P	P	P	P
Pet boarding, daily	S	S	S	S
Places of assembly	S	S	S	S
Places of worship §153-4.23	P	P	P	P
Recreation, indoor commercial	P	P	P	P
Recreation, outdoor commercial	S		S	

153-3.1.I MU-4 Mixed Use 4

Use	Primary Street		Secondary Street	
	Ground floor	Upper floor	Ground floor	Upper floor
Research and development	P	P	P	P
Retail stores	P	P	P	P
Schools, private	P	P	P	P
Schools, public	P	P	P	P
Self-storage			S	S
Senior housing (dependent)	S	S	S	S
Senior housing (independent)	S	S	S	S
Service establishment of an office, showroom, or workshop nature	P	P	P	P
Short-term rentals §153-4.28	P	P	P	P
Substance abuse treatment facilities	S	S		
Universities and colleges	P	P	P	P
Utility, public §153-4.26 (with or without outdoor storage)	S	S	S	S
Veterinary clinics or veterinary hospitals	P	P	P	P
Vocational training facilities	P	P	P	P

153-3.1.I MU-4 Mixed Use 4

3. Building Types

Multiple-story building | Single-story building | Urban house | Townhouse | Flex space



See § 153-5.14 Building Standards for standards by building type.

User Note: Refer to § 153-2.3 Measurements for definitions and rules for measurements.

4. Development Standards:

Lot Size:

Minimum lot area:	4,000 sq. ft.
Minimum lot width:	40 ft.

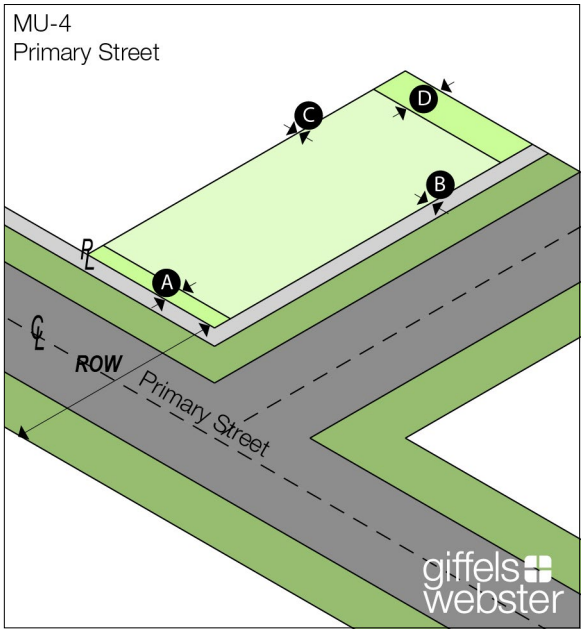
Open Space:

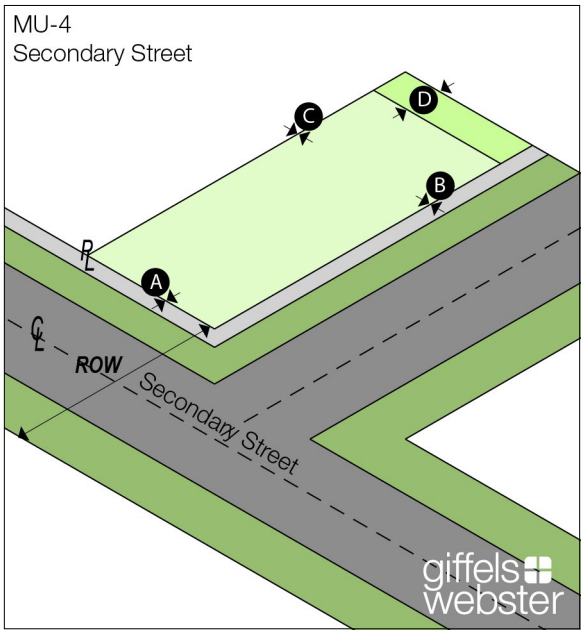
Required open space:	7% of gross floor area

Minimum and Maximum Setbacks:

A	Primary street front setback:	5 ft. min./No max.
B	Secondary street front setback:	0 ft. min./No max.
	Side or rear street-facing setback:	0 ft. min.
C	Interior side yard setback:	0 ft. min.
D	Rear yard setback (alley/no alley):	0 ft. min./10 ft. min.

See § 153-5.14 Building Standards for additional frontage requirements.



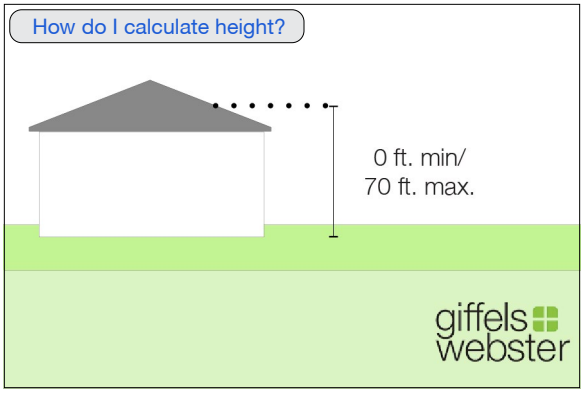


153-3.1.I MU-4 Mixed Use 4

Building Height:

Minimum building height:	0 ft.
Maximum building height:	70 ft.

Ground floor height must exceed all upper stories.



Orientation:

Primary façade/entrance shall be oriented to the front lot line unless the building is adjacent to the Saginaw River.

See § 153-3.19 for Riverfront Orientation requirements.

Minimum Floor Area Per Dwelling Unit:

Single-family dwelling:	600 sq. ft.
Multiple-unit dwelling efficiency:	450 sq. ft.
Multiple-unit dwelling one-bedroom unit:	525 sq. ft.
Multiple-unit dwelling two-bedroom unit:	750 sq. ft.
Multiple-unit dwelling three-bedroom unit:	850 sq. ft.
Multiple-unit dwelling four or more bedroom unit:	1,000 sq. ft.

Access and Parking:

Yard	Minimum Required Parking
Front Yard	No surface parking may be permitted between any building and the front street.
Rear Yard (alley/no alley)	0 ft./5 ft.
Interior Side Yard	2 ft.
Rear or Side-Facing Street Yard	30 ft, and complying with § 153-5.5(J), Street Frontage Landscaping.

For additions to the above requirements, refer to § 153-3.8 (footnotes 1, 6, and 10) and § 153-3.13.

153-3.1.I MU-4 Mixed Use 4

User Note: Click on Blue for use-specific standards.

5. Additional Requirements

These are links to additional, but not comprehensive, requirements for the district.

Article 3

§ 153-3.6 Lots, Yards, and Open Spaces
§ 153-3.16 Floodplain Overlay District

Article 5

§ 153-5.1 Accessory Buildings
§ 153-5.2 Off-Street Parking
§ 153-5.4 Signs
§ 153-5.5 Landscaping and Screening
§ 153-5.6 Fences
§ 153-5.9 Traffic Visibility
§ 153-5.12 Lighting

Article 6

§ 153-6.1 Site Plan Review
§ 153-6.3 Special Land Uses

153-3.1.J I-1 Light Industrial

1. Purpose

In the I-1 Light Industrial district, the intent is to permit certain industries which are of a light manufacturing, warehousing, and wholesaling character to locate in planned areas of the City, so that such uses may be integrated with nearby land uses, such as commercial and residential uses; limitations are placed upon the degree of noise, smoke, glare, waste, and other features of industrial operations so as to avoid adverse effects. The I-1 district serves as a transition between non-industrial uses and the more intensive uses in the I-2 district.

User Note: Click on Blue for use-specific standards or refer to Article 153-4 Use Standards.

2. Principal Permitted Uses

a. Business service
b. Food production
c. Food stores (less than 15,000 sq. ft.)
d. Governmental offices
e. Greenhouses, commercial §153-4.10
f. Manufacturing, light
g. Manufacturing, medium
h. Parks, public §153-4.25
i. Pet boarding, daily
j. Research and development
k. Self-storage
l. Substance abuse treatment facilities
m. Transportation terminals
n. Utility, private (without outdoor storage)
o. Utility, public §153-4.26 (with or without outdoor storage)
p. Vehicle repair, passenger §153-4.31
q. Vehicle sales, other
r. Vehicle service, passenger §153-4.31
s. Vehicle repair and service, other §153-4.31
t. Vehicle wash establishments
u. Wholesale and warehousing

3. Special Land Uses

a. Manufacturing, heavy
b. Marihuana retailers §153-4.16
c. Marihuana secure transporters §153-4.16
d. Marihuana safety compliance facilities §153-4.16
e. Marihuana processors §153-4.16
f. Marihuana growers §153-4.16 (any class excluding excess growers)
g. Marihuana excess growers §153-4.16
h. Outdoor storage §153-4.19 (accessory or principal use)
i. Parks, private §153-4.22
j. Railroad stations
k. Recreation, indoor commercial
l. Solar energy systems, §153-4.29 large-scale principal use
m. Solar energy systems, §153-4.29 small-scale principal use
n. Uses similar to those permitted in the district, as determined by planning commission and not listed in zoning districts elsewhere
o. Utility, private (with outdoor storage)
p. Vehicle fueling stations §153-4.31
q. Vocational training facilities
r. Wireless communications facilities §153-4.33

153-3.1.J I-1 Light Industrial

User Note: Refer to § 153-2.3 Measurements for definitions and rules for measurements.

4. Development Standards

Lot Size:

Minimum lot area:	20,000 sq. ft.
Minimum lot width:	100 ft.

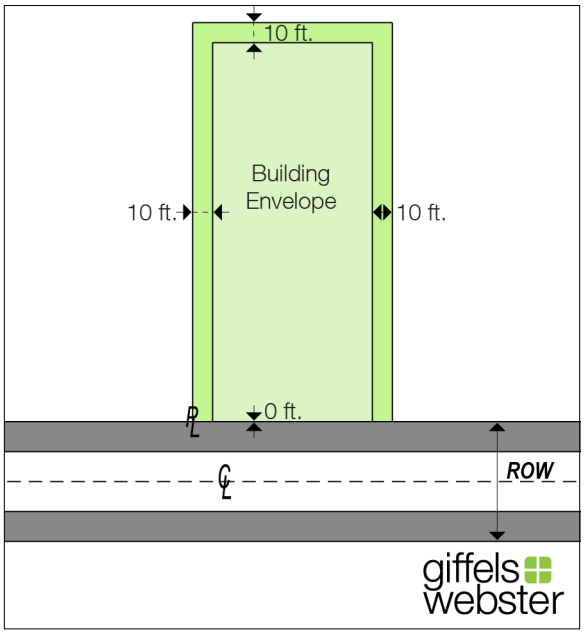
Lot Coverage:

Maximum lot coverage:	75%

Minimum Setbacks Required:

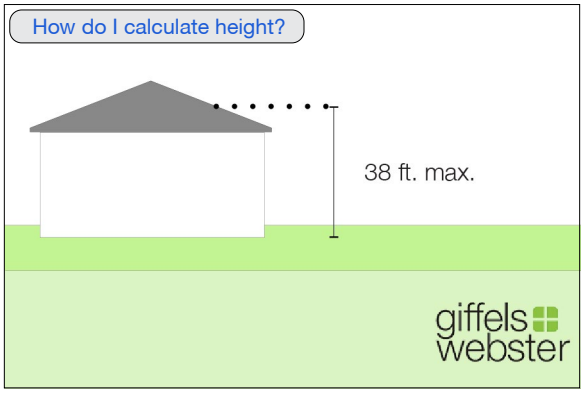
Front yard setback:	0 ft.
Side yard setback (one/total of two):	10 ft./20 ft.
Rear yard setback:	10 ft.
Residential setback:	25 ft.

Residential setbacks apply to property lines that are adjacent to an urban house building type or an R-1, R-2, or R-3 zoning district.



Building Height:

Maximum building height:	38 ft.



For additions to the above requirements, refer to § 153-3.8 (footnotes 1, 3, 5, and 9) and § 153-3.14.

User Note: Click on Blue for use-specific standards.

5. Additional Requirements

These are links to additional, but not comprehensive, requirements for the district.

Article 3
§ 153-3.6 Lots, Yards, and Open Spaces
§ 153-3.16 Floodplain Overlay District

Article 5
§ 153-5.1 Accessory Buildings
§ 153-5.2 Off-Street Parking
§ 153-5.4 Signs
§ 153-5.5 Landscaping and Screening
§ 153-5.6 Fences
§ 153-5.9 Traffic Visibility
§ 153-5.12 Lighting

Article 6
§ 153-6.1 Site Plan Review
§ 153-6.3 Special Land Uses

153-3.1.K I-2 General Industrial

1. Purpose

In the I-2 General Industrial district, the intent is to permit higher intensity industrial uses in locations that are buffered with appropriate transitions from commercial and residential districts. Limitations are placed upon the degree of noise, smoke, glare, waste, and other features of industrial operations so as to avoid adverse effects.

User Note: Click on Blue for use-specific standards or refer to Article 153-4 Use Standards.

2. Principal Permitted Uses:

a. Business service
b. Penal and correctional institutions and detention facilities
c. Food production
d. Food stores (less than 15,000 sq. ft.)
e. Kennels
f. Manufacturing, light
g. Manufacturing, medium
h. Outdoor storage §153-4.19 (accessory or principal use)
i. Parks, public §153-4.25
j. Railroad stations
k. Research and development
l. Self-storage
m. Transportation terminals
n. Utility, private (without outdoor storage)
o. Utility, public §153-4.26 (with or without outdoor storage)
p. Vehicle repair, passenger §153-4.31
q. Vehicle sales, other
r. Vehicle service, passenger §153-4.31
s. Vehicle repair and service, other §153-4.31
t. Vehicle wash establishments
u. Wholesale and warehousing

3. Special Land Uses

a. Junkyards
b. Manufacturing, heavy
c. Marihuana retailers §153-4.16
d. Marihuana secure transporters §153-4.16
e. Marihuana safety compliance facilities §153-4.16
f. Marihuana processors §153-4.16
g. Marihuana growers §153-4.16 (any class excluding excess growers)
h. Marihuana excess growers §153-4.16
i. Meat packing
j. Mining and extraction
k. Power plant
l. Solar energy systems, §153-4.29 large-scale principal use
m. Solar energy systems, §153-4.29 small-scale principal use
n. Recreation, indoor commercial
o. Uses similar to those permitted in the district, as determined by planning commission and not listed in zoning districts elsewhere
p. Wireless communications facilities §153-4.33

153-3.1.K I-2 General Industrial

User Note: Refer to § 153-2.3 Measurements for definitions and rules for measurements.

4. Development Standards

Lot Size:

Minimum lot area:	20,000 sq. ft.
Minimum lot width:	100 ft.

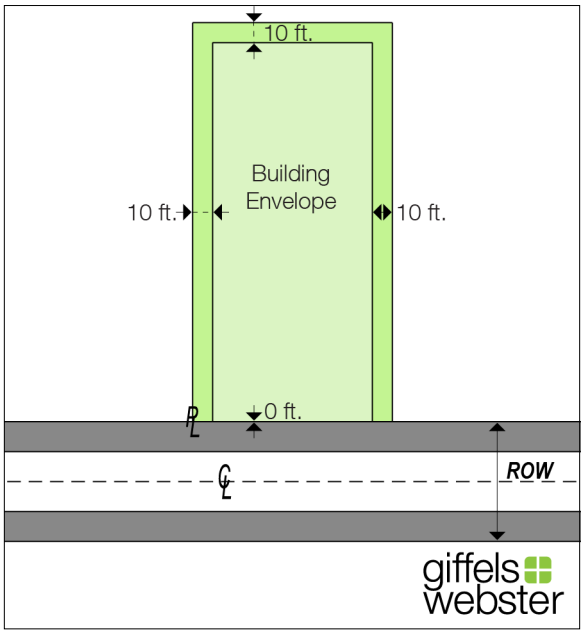
Lot Coverage:

Maximum lot coverage:	75%

Minimum Setbacks Required:

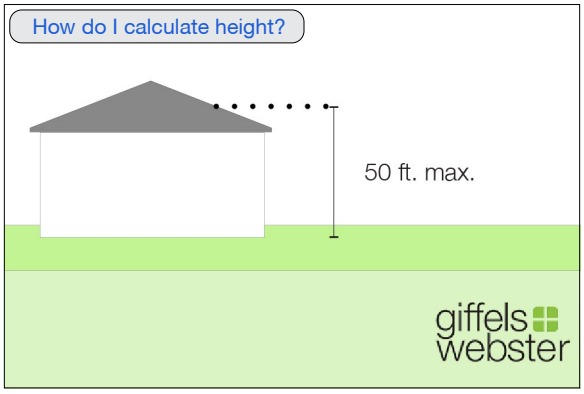
Front yard setback:	0 ft.
Side yard setback (one/total of two):	10 ft./20 ft.
Rear yard setback:	10 ft.
Residential setback:	25 ft.

Residential setbacks apply to property lines that are adjacent to an urban house building type or an R-1, R-2, or R-3 zoning district.



Building Height:

Maximum building height:	50 ft.



For additions to the above requirements, refer to § 153-3.8 (footnotes 1, 3, 5, and 9) and § 153-3.14.

User Note: Click on Blue for use-specific standards.

5. Additional Requirements

These are links to additional, but not comprehensive, requirements for the district.

Article 3
§ 153-3.6 Lots, Yards, and Open Spaces
§ 153-3.16 Floodplain Overlay District

Article 5
§ 153-5.1 Accessory Buildings
§ 153-5.2 Off-Street Parking
§ 153-5.4 Signs
§ 153-5.5 Landscaping and Screening
§ 153-5.6 Fences
§ 153-5.9 Traffic Visibility
§ 153-5.12 Lighting

Article 6
§ 153-6.1 Site Plan Review
§ 153-6.3 Special Land Uses

153-3.1.L OS Open Space

1. Purpose

The Open Space district is established as a district in which the principal uses of land are for parks, parkways, recreational uses, recreational facilities, and conservation areas. In promoting the general purpose of this article, the specific intent is:

a. To establish a zoning district which protects, where possible and practical, and regulates the use of properties having unique natural characteristics, such as woodlands, wetlands, areas with steep slopes, or bodies of water in an environmentally sensitive manner.
b. To provide a distinct zoning classification for recreational lands and facilities in proper locations and extent so as to promote the general safety, convenience, comfort and welfare of City residents.
c. To protect natural resources from the encroachment of incompatible land uses or conversion to certain uses that may make them incompatible with adjoining areas.

User Note: Click on Blue for use-specific standards or refer to Article 153-4 Use Standards.

2. Principal Permitted Uses

a. Natural open space
b. Parks, public §153-4.25
c. Parks, private §153-4.22
d. Public memorials

3. Special Land Uses

a. Golf courses §153-4.22
b. Recreation, indoor commercial
c. Recreation, outdoor commercial
d. Parking lot, principal use §153-4.21

153-3.1.L OS Open Space

User Note: Refer to § 153-2.3 Measurements for definitions and rules for measurements.

4. Development Standards

Lot Coverage:

Maximum lot coverage:	25%

Minimum Setbacks Required:

Front yard setback:	20 ft.
Side yard setback (one/total of two):	10 ft./20 ft.
Rear yard setback:	10 ft.

Outdoor uses without buildings are not required to comply with the setback requirements described above.

User Note: Click on Blue for use-specific standards.

5. Additional Requirements

These are links to additional, but not comprehensive, requirements for the district.

Article 3

§ 153-3.6 Lots, Yards, and Open Spaces
§ 153-3.16 Floodplain Overlay District

Article 5

§ 153-5.1 Accessory Buildings
§ 153-5.2 Off-Street Parking
§ 153-5.4 Signs
§ 153-5.5 Landscaping and Screening
§ 153-5.6 Fences
§ 153-5.9 Traffic Visibility
§ 153-5.12 Lighting

Article 6

§ 153-6.1 Site Plan Review
§ 153-6.3 Special Land Uses

153-3.1.M PUD Planned Unit Development

1. Intent

The Planned Unit Development (PUD) district is intended to provide flexible land use and design regulations for innovative residential and commercial development. Modification to the use and dimensional specifications elsewhere in this chapter may be allowed so long as the general purposes for the standards are achieved and the general provisions of the zoning regulations are observed.

2. Objectives

a. Planned Unit Developments in accordance with this Section are intended:
   i. To permit flexibility in the regulation of land development.
   ii. To encourage innovation in land use and variety in design, layout, and type of structures constructed.
   iii. To achieve economy and efficiency in the use of land, natural resources, energy, and the providing of public services and utilities.
   iv. To encourage useful open space; to provide improved housing, employment, and shopping opportunities particularly suited to the needs of the residents of the State and City. Further, housing developments that contain a mixture of unit types and sizes are encouraged.
   v. To encourage the innovative use, re-use, and improvement of existing sites and buildings.
   vi. To encourage high quality site and building design that contributes to an improved public realm.
   vii. To encourage sensible multi-family and mixed-use development in areas near commercial centers, employment centers, and access to public or nonmotorized transportation options.
   viii. To encourage the incorporation of green infrastructure and responsible storm water management for improved water quality.

153-3.1.M PUD Planned Unit Development

3. Eligibility

a. **Land Requirements**.
   i. Non-contiguous lots shall not be considered. The land shall be considered contiguous even if intersected by public rights-of-way, public utility easements, or railroads.
   ii. The land shall be under single ownership at the time of the application.

b. **Qualified Development Projects**. Before the PUD undergoes formal review as stipulated in subsection 6 "Application Procedure and Zoning Approval Process," the project shall be qualified in one of the two manners below.
   i. Automatically qualifying projects. Projects meeting at least two of the following conditions shall automatically qualify as a PUD, without Planning Commission need to qualify.
      (1) The PUD site contains 5 or more contiguous acres. The land shall be considered contiguous even if intersected by public rights-of-way, public utility easements, or railroads. However, the 5-acre size requirement shall be calculated exclusive of any such public rights-of-way, public utility easements, or railroads
      (2) The PUD site is directly adjacent to the riverfront.
      (3) The PUD site is located within a TIF district.
      (4) The PUD site is a brownfield, as defined under Public Act 381 of 1996, and the proposed redevelopment will result in remediation of the site.
      (5) The proposed development includes a mix of residential and non-residential uses.
   ii. Discretionary qualification. For projects which do not automatically qualify under subsection i above, the applicant may apply to Planning Commission for a qualification review. The qualification review may be done concurrently with the public hearing. The Planning Commission may determine whether the PUD project qualifies with an affirmative finding that the proposed development meets all of the objectives in subsection 2 "Objectives."

c. **Accessory Uses**.
   i. Accessory uses customarily incidental to principal uses within a PUD shall be permitted, as deemed appropriate by the Planning Commission.

4. Circulation and Access

a. Each lot or principal building in a PUD shall have pedestrian access from a public or private sidewalk or walkway where deemed necessary by the City Planning Commission. All parts and phases of the PUD shall be interconnected by a walkway system which will provide for the necessary, safe, and convenient movement of pedestrians. A bicycle path system may also be provided in the PUD and may be part of the sidewalk system where approved by the City Planning Commission. Said system shall be connected to the public sidewalk system.
b. Public streets and utilities to be dedicated to the City shall be designed and constructed according to city standards established for public streets and utilities.
c. Private streets shall be subject to the review and approval of the City Engineer and all standards for private roads in § 152.051 of the General Code.

153-3.1.M PUD Planned Unit Development

5. Requirements for Dimensional and Use Modifications

a. **Use Modifications**. Subject to subsection 3 above, City Council, upon recommendation of the Planning Commission, may approve uses not permitted in the base zoning district with a finding that the use meets the intent and objectives of this Section and the City's Master Plan. The use standards found in Article 153-4 Use Standards of this ordinance shall be used as guidelines for regulation of the proposed uses, but may be modified by City Council provided that such conditions are indicated on the PUD plan. The proposed uses and areas occupying such use shall be specifically noted on the PUD plan.

b. **Dimensional Modifications**. Modifications, or waivers, from compliance with the base dimensional regulations of this ordinance may be granted by City Council, upon recommendation of the Planning Commission.

i. Such modifications may be approved in accordance with one of the findings below:

(1) The modifications will result in a higher quality of development than would not be possible using conventional zoning standards

(2) The PUD encourages flexibility, innovation, and creativity in development consistent with the intent and objectives of subsection 1 and subsection 2, respectively.

ii. Upon recommendation of the Planning Commission, the City Council shall make specific findings to modifications of the following items, if applicable:

(1) Density requirements. Because land is used more efficiently in the PUD, a greater number of single dwelling units per net acre may be provided than is usually permitted in the base zoning district with the finding that the density is supported by the Master Plan and by area infrastructure. A reduction in the required lot sizes or lot widths may be granted in accordance with this provision.

(2) Setback requirements. Specific yard and setback requirements of the base zoning district shall be used as a guide and these may be modified to the extent that required yard areas may be reduced or eliminated upon a finding that the modification contributes to better integration with surrounding development, allows for more efficient use of the site, supports improved circulation on the site or otherwise achieves the objectives described in subsection 2.

(3) Height. Minimum and maximum height requirements of the base zoning district shall be used as a guide and may be modified upon findings regarding light, air circulation, views, integration with surrounding development, and airport flight patterns.

(4) Off-street parking. Compliance with the off-street parking requirements in § 153-5.2 shall be met, except that modification from the these standards may be granted upon a finding that the parking provided is sufficient for the development or that the proposed development will encourage greater pedestrian activity and promote a walkable environment. Other standards. Other requirements of Article 153-3 Zoning Districts and Article 153-5 Site Standards may be modified as a part of a PUD. The City Council shall include findings demonstrating that such modifications are aligned with the intent and objectives of subsection 1 and subsection 2, respectively.

153-3.1.M PUD Planned Unit Development

iii. Open space requirements.

(1) Except for single-family residential site condominiums, minimum open space requirements for PUD developments shall be computed in accordance with Table 153-3.1.M(5)(iii)((3)) Minimum Open Space Required or 10% of the total land area within the PUD, whichever is greater.

(2) In all single-family residential site condominiums the open space requirement shall be calculated as 15% of the total land area within the PUD.

(3) Minimum open space required.

Table 153-3.1.M(5)(iii)((3)) Minimum Open Space Required

Former Zoning District	Minimum Open Space (% of Ground Floor Area)
R-1, R-2	24%
R-3	17%
B-1	15%
B-2, I-1, I-2	11%
MU-1, MU-2, MU-3, MU-4	9%

(4) When the PUD is located in an MU district or, upon recommendation from the Planning Commission, the City Council determines that the PUD is in an urban setting and unable to accommodate outdoor open space, indoor recreational space may be provided as an alternative. In these circumstances, recreation space shall be provided in an intentional location that is accessible to the users of the PUD, such as a fitness center with equipment, indoor pools, or gymnasium/sports courts. The required recreation space shall be equal to 5% of the total land area within the PUD for the provision of this indoor space.

(5) Recreation space shall be conveniently and equitably located through the PUD in relation to the location of dwelling units and natural features.

(6) The City Council, upon recommendation by the Planning Commission, may require that natural amenities such as ravines, rock outcrops, wooded areas, tree or shrub specimens, unique wildlife habitats, ponds, streams, and marshes be preserved as part of the open space system of the PUD and counted towards the open space requirement.

6. Application Procedure and Zoning Approval Process

a. General. Whenever any PUD is proposed and before any building permit for the erection of a permanent building in such PUD shall be granted or any subdivision or any part thereof may be filed in the Department of Building, Planning and Economic Development office, the developer or his or her authorized agent shall apply for and secure approval of the PUD in accordance with the following procedures.

b. PUD plan procedural, submittal, and informational requirements:

i. The PUD plan consists of a completed application form and an area plan. The PUD plan's review process is as follows:

(1) Pre-application conference. The applicant must participate in a pre-application conference with the Zoning Administrator and any other City officials as deemed appropriate. The

153-3.1.M PUD Planned Unit Development

purpose of such conference is to provide information and guidance that will assist the applicant in preparation of the application and PUD plan. No formal action shall be taken at a pre-application conference.

(2) An application for a PUD for a parcel of land may be made by the owner(s) of record or by any person(s) acting on behalf of the owner(s) of record of the subject parcel.

(3) The application shall be filed with the office of the Department of Building, Planning and Economic Development. The Zoning Administrator or his or her designee shall check the PUD plan application for completeness, and within a reasonable timeframe transmit the PUD plan to the Planning Commission.

(4) The Planning Commission shall, after receiving the PUD plan from the Department of Building, Planning and Economic Development, conduct a preliminary concept review of the PUD plan. The Planning Commission may advise the applicant of any recommended changes in the area plan as are needed to conform to the regulations and standards of this Chapter. The Planning Commission shall then schedule a public hearing on the PUD plan for an upcoming Planning Commission meeting date.

(5) Notice of the public hearing shall be provided, as required by the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended.

(6) Following the public hearing of the Planning Commission, the Commission shall transmit a copy of its report and recommendation on the PUD plan to the City Council, together with a summary of the comments received at the public hearing.

(7) The City Council shall review the PUD plan and the Planning Commission report thereon, and after reviewing the report, a summary of comments received at the public hearing, minutes of all proceedings, and all documents related to the PUD, shall approve, disapprove, or postpone for further consideration the ordinance of adoption of the PUD plan within a reasonable timeframe.

(8) If the PUD plan is approved by the City Council, the PUD plan shall constitute an amendment to the Official Zoning Map. The applicant shall review the PUD plan in its approved form. The applicant and all current owner(s) of record or the legal representative of the current owner(s) of record of all property included within the PUD shall then sign an agreement that the approved PUD plan shall be binding upon the applicant and owner(s) of record and upon their heirs, successors, and assigns. The PUD plan shall not be officially approved until this PUD agreement has been signed as required herein and has been received by the City Clerk. Subject to final engineering review and any administrative conditions, approval of the PUD Plan shall be considered to be approval of the final site plan for the PUD.

(9) Following official adoption and enactment of the ordinance by the City Council, the PUD designation for the area in question shall be designated on the official City Zoning Map.

ii. Information required for area plan. The applicant shall present information regarding the following characteristics of the proposed development in writing:

(1) General characteristics.

(a) General character, concept, and substance of PUD;

(b) Objectives and purpose to be served;

153-3.1.M PUD Planned Unit Development

(c) Compliance with city regulations and standards;
(d) Scale and scope of PUD proposed;
(e) Market analysis and economic feasibility of the proposed PUD as deemed necessary by the Planning Commission;
(f) Community impact in terms of streets and traffic, schools, recreation facilities, costs and revenues, and utility systems;
(g) Environmental impact statement as deemed necessary by the Planning Commission;
(h) Development schedules; and
(i) Alignment with the adopted City Master Plan

(2) Design and control features. The PUD plan shall comply with the site plan review informational requirements of § 153-6.1(C)(4). Additionally, the following shall be provided.
(a) A certified boundary survey and legal description of the property;
(b) Typical floor plans;
(c) Typical exterior building elevations and style of architecture;
(d) Density of use for each use area of the site;
(e) Location, size, and uses of common open space public or resident group use areas and facilities, including school sites, parks, and play areas;
(f) General description of the organization(s) or individual(s) who will own and maintain all land areas in the PUD, including common open space;
(g) General description of covenants, grants, easements, or other restrictions to be imposed upon land or buildings, including the rules and regulations of any homeowners association, cooperative association, or other type of association;
(h) Detail of easement on private streets, if applicable, to allow necessary city access to the streets, water lines, sanitary sewer, storm sewer, as well as provisions for access of emergency vehicles. The utilities may be maintained by the developer; if so, only access in case of emergency repairs and access for emergency vehicles is necessary;
(i) Description of applicant's intentions regarding selling or leasing of all or portions of land in the PUD and of dwelling units;
(j) Description of all proposed nonresidential uses;
(k) Delineation of areas to be subdivided, if applicable, pursuant to the Condominium Act, Public Act 59 of 1978, being M.C.L. §§ 559.101 *et seq.*, or the Land Division Act, Public Act 288 of 1967, being M.C.L. §§ 560.101 *et seq.*;
(l) Schedule and phasing of construction. The schedule and phasing shown on the plans should match the narrative provided.

(3) PUD plan standards. The Planning Commission shall determine and shall provide evidence of same in its report to the City Council, pursuant to division (b)(i)(6) above that the PUD plan meets the following standards:
(a) The proposed development conforms to the adopted Master Plan or any part thereof, or represents land use policy which, in the City Planning Commission's opinion, is a logical and acceptable change in the adopted Master Plan;
(b) The proposed development conforms to the intent and to all regulations and

153-3.1.M PUD Planned Unit Development

standards of the PUD and of the applicable zoning requirements;

(c) The proposed development demonstrates a recognizable and substantial public benefit to the users of the site and the community as a whole;

(d) The proposed development is adequately served by public facilities and services such as highways, streets, police and fire protection, drainage courses, water and sewer facilities, and refuse disposal;

(e) The common open space, any other common properties, individual properties, and all other elements of the PUD are so planned that they achieve a unified open and recreation area system with open space and all other elements in appropriate locations, suitably related to each other, the site, and the surrounding land;

(f) The applicant has made provisions satisfactory to the Planning Commission to assure that those areas shown on the plan for use by the public or by occupants of the development will be or have been irrevocably committed for that purpose. Provisions satisfactory to the Planning Commission have been made to provide for the financing of any improvements shown on the plan for open space areas and common use areas, streets, walkways, and utilities which are to be included within the development, and that maintenance of such improvements is assured;

(g) The location of the proposed uses, layout of the site, and its relation to streets giving access to it is such that traffic to, from, and within the site and assembly of persons in connection therewith will not be hazardous or inconvenient to the project or the neighborhood. In applying this standard, the Commission shall consider, among other things, convenient routes for pedestrian traffic, particularly of children; relationship of the proposed project to main thoroughfares and street intersections; and the general character and intensity of the existing and potential development of the neighborhood;

(h) Streets follow topography, are properly spaced, and are located and aligned in accordance with the intended function of each street. The property has adequate access to public streets. The plan provides for logical extensions of public streets and provides suitable street connections to adjacent parcels, where applicable;

(i) Major pedestrian circulation is provided for within the site and interconnects all residential and community areas. The pedestrian system provides a logical extension of pedestrian ways from outside the site and provides pedestrian connections to the edges of the site, where appropriate;

(j) The mix of housing unit types and densities and the mix of residential and nonresidential uses is acceptable in terms of convenience, privacy, compatibility, and similar measures;

(k) Where applicable, the Planning Commission shall determine that noise, odor, light, or other external effects from any source whatsoever which is connected with the proposed use will not adversely affect adjacent and neighboring land and uses;

(l) The proposed development creates a minimum disturbance to natural features and land forms; and

(m) Phased developments are designed so that each phase will be complete without

153-3.1.M PUD Planned Unit Development

depending on completion of a future phase. For redevelopment projects, all demolition and structural restoration shall occur as a part of Phase I. Portions of the site allocated for future phases shall be identified on the plans and maintained with an acceptable landscaped groundcover until developed. Alternative maintenance plans for future phases of the site may be presented and considered by the City Council.

c. Effect of approval of PUD plan. Approval of the PUD plan by the City Council shall have the following effects:
   i. Upon the abandonment of a particular project approved under this subchapter, or upon the expiration of three years from the effective date of approval of a PUD wherein the PUD has not been completed (or commenced and an extension of time granted by the City Council, upon recommendation by the Planning Commission), the authorization shall expire and the zoning shall be reviewed by the Planning Commission and amended by the City Council to a suitable zoning district classification;
   ii. Approval by the City Council and Planning Commission of a PUD plan constitutes final site plan approval and shall include the acceptance of uses, building location, layout of streets, dwelling unit count and type, floor areas, densities, construction schedule, and all other elements of the area plan; and
   iii. No modification from the PUD plan approved by the City Council shall be permitted except as provided in division (d) below.

d. Amendment of the PUD plan.
   i. A developer may request an amendment to an approved PUD plan. A request for amendment shall be made in writing to the Department of Building, Planning and Economic Development and shall clearly state the reasons therefor. Such reasons may be based upon changing social or economic conditions or potential improvements in layout mutually affecting the interest of the City and developer such as technical causes, site conditions, state or federal projects and installations, and statutory revisions. The Department of Building, Planning and Economic Development upon receipt of such request shall refer said request to the Planning Commission for hearing and recommendations.
   ii. The Planning Commission shall make a determination on if the amendment constitutes a minor or major amendment. Examples of major amendments include, but are not limited to, increases in scope of density of use, land area, or building size; the addition of uses or buildings not authorized by the original PUD approval; the rearrangement of lots or building tracts; changes in the character or function of the drives and vehicular circulation patterns; changes in the concept of development; or changes to any written agreement with the City Council.
   iii. All major amendments shall follow the procedures and conditions herein required for original submittal and reviewed in full.
   iv. Minor amendments may be permitted by the Planning Commission following normal site plan review procedures outlined in § 153-6.2 Amendments, Including Rezonings, subject to its finding of the following:
      (1) Such changes will not adversely affect the initial basis for granting approval; and
      (2) Such minor changes will comply with all applicable requirements of this chapter and

other local, state, and federal laws; and will not adversely affect the overall planned unit development in light of the intent and purpose of such development as set forth in this article.

7. Performance Guarantees

A. In approving a PUD, City Council may require a performance guarantee subject to § 153-7.2 Performance Guarantees.

153-3.1.M PUD Planned Unit Development

[Intentionally blank]

153-3.2 Zoning Map and Boundaries

A. The boundaries of all established districts are shown on the official Zoning Map, maintained by the City Clerk. All notations, references, and other information shown thereon are a part of this chapter and have the same force and effect as if said Zoning Map and all such notations, references, and other information shown thereon were fully set forth or described herein.

B. District boundary lines follow:

1. Streets, alleys, shorelines, lot lines, or any line which may be established on the Zoning Map, Official Map of the City, or any recorded subdivision thereof;

2. An extension of any of the foregoing lines;

C. Where due to scale, lack of detail, or illegibility of the Zoning Map accompanying this chapter, there is any uncertainty, contradiction, or conflict as to the intended location of any district boundaries shown thereon, interpretation concerning the exact location of district boundary lines shall be determined upon written application to, or upon its own motion by, the Zoning Board of Appeals.

D. Exceptions. Where a district boundary line, as established in this section or as shown on the Zoning Map, divides a lot which was in single ownership and of record at the time of enactment of this chapter, use(s) of the building or property shall comply with the district where the use(s) is located. Additionally, any structure or site improvements located on the property shall comply with the district where the structure or site improvements are located. Questions concerning the exact location of district boundary lines shall be determined by the Zoning Board of Appeals in accordance with § 153-7.12(G)(11).

153-3.3 Street and Alley Rights-of-Way

A. Zoning designation. All street and alley rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting upon such street and alley rights-of-way. Where the centerline of a street or alley serves as a district boundary, the zoning of such street or alley, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to such centerline.

B. Vacated Areas. Whenever any street, alley or other public way within the City is vacated by official governmental action and when the lands within the boundaries thereof attach to and become a part of lands adjoining such street, alley or public way, such lands formerly within such vacated street, alley or public way shall automatically and without further governmental action acquire and be subject to the same zoning regulations as are applicable to the lands to which the same shall attach, and the same shall be used for the same use as is permitted under this chapter for such adjoining lands.

153-3.4 Annexation

A. Any area annexed to the City from a territory which has no zoning regulations shall be automatically classified as part of the most restricted adjoining city zoning district. The newly annexed area shall remain so classified until the Planning Commission has completed a land use plan for it, and the City Council has amended the Zoning Map to show its permanent zoning classification.

B. Any area having zoning regulations in effect at the time of its annexation to the City shall be classified as being in whichever district of this chapter most closely conforms with the zoning that existed prior to annexation, such classification to be recommended by the planning commission to the council and the council shall approve the same by resolution.

153-3.5 Street Access

No dwelling shall be built, moved, or converted upon a lot having a frontage of less than 20 feet upon a public street, or upon a private street or other permanent easement giving access to a public street. No building permit shall be issued for any construction located on any lot or parcel of land in the City that does not abut on a public street or highway; provided, that this chapter shall not be the basis for preventing the issuance of a building permit for ordinary repair or maintenance of any building that is already erected on the date of the adoption of this chapter upon a lot or parcel of land that does not so abut such a street or highway.

153-3.6 Lots, Yards, and Open Spaces

A. No space which has been counted or calculated as part of a minimum side yard, rear yard, front yard, or other open space required by this chapter may be counted or calculated to satisfy or comply with a minimum yard, court, or other open space requirement of or for any other building.

B. County Drain Easements. In determining whether the minimum open space requirements of this chapter have been met, the zoning administrator shall consider and count any area of land owned by the developer adjacent to the property for which plans for the development of a building have been submitted to the zoning administrator which lies between the outside edge of an easement for a county drain and the centerline of the drain proper. In the event that the parcel to be so developed is divided by any such drain, the zoning administrator shall consider and count the entire area affected by the easement of the drain; provided, however, that such surface area afore-described shall not be utilized for permanent structures or any other improvements of the drain; provided, further, that in no event shall the area lying within any such drain easement be considered or counted for more than 20% of the total minimum open space requirement of this chapter.

C. In cases where less than the full required future right-of-way width of a street has been deeded or dedicated, the building setback on any properties abutting thereon which have not provided for sufficient street area by deed or dedication shall be measured from the future required right-of-way line. This required street width shall be determined for minor residential streets by the standards set forth in the platting regulations and for any other street by the Trafficways Plan or any amendment thereto.

153-3.7 Projections and Yard Encroachments

A. Projections, such as outside stairways, fire escapes, fire towers, porches, platforms, balconies, boiler flues, solar energy systems, and other similar projections, extending beyond the main wall of a building and attached thereto shall be considered as part of the building and such projections shall not occupy any of the minimum required yards or open spaces except in accordance with the maximum encroachments detailed in Table 153-3.7(A) Maximum Permitted Encroachments below.

Table 153-3.7(A) Maximum Permitted Encroachments

	Front	Rear	Street Side	Interior Side
Architectural features (belt courses, clues, leaders, sills, lintels, gutters, pilasters, pediments, cornices, chimneys, fireplace insert vents, ornamental windows)	1.5'	1.5'	1.5'	1.5'
Canopies providing cover to an entrance	3'	3'	3'	3'
Gutters and roof overhangs	2'	2'	2'	2'
Porches, decks, patios, exterior balconies, stoops, and above-grade stairways connecting to a porch[a]	8'	5'	5'	No encroachment permitted
Patios, terraces, and similar structures constructed between grade level and 9 inches in height	Up to 5' from property line	Up to 5' from property line	Up to 5' from property line	3'
Barrier-free access structures	No maximum	No maximum	No maximum	No maximum
Gas and electric meters	1.5'	1.5'	1.5'	1.5'
Ground mounted mechanical equipment[b]	No encroachment permitted	3'	3'	3'
Egress windows meeting fire code	3'	10'	3'	3'
Apparatus needed for the operation of active and passive solar energy systems, including, but not limited to, overhangs, movable insulating walls and roofs, detached solar collectors, reflectors, and piping	4'	4'	40% of required side yard up to a maximum of 4'	40% of required side yard up to a maximum of 4'
A pedestrian bridge where the encroachment is necessary to complete a connection for access to a mass transit station	No maximum	No maximum	No maximum	No maximum

1. Footnotes:
    a. Covered porches within the setback area may not be enclosed with storm windows or screen windows.
    b. Ground mounted air conditioning units or other similar equipment may only be permitted to encroach when the following items are met:
        i. Does not exceed noise standards;
        ii. Does not exceed four feet in height or ten square feet in area per unit;
        iii. Has adequate screening to conceal it from view from adjacent properties and public rights-of-way by means of landscaping and/or fencing; and
        iv. The location of the unit(s) minimizes the impacts on adjoining properties.

B. **Yard Exceptions**. Nothing in this chapter shall be deemed to prohibit the following uses or structures in minimum required yard space:

1. Gardens, garden ornaments, and usual landscape features.
2. Fences in accordance with the provisions of § 153-5.6 Fences.
3. Off-street parking for motor vehicles except as regulated in accordance with the provisions of § 153-5.2 Off-Street Parking.
4. Retaining walls.
5. Playgrounds.

153-3.8 Notes to District Standards

A. **Applicability**. The notes contained in § 153-3.8(B) are additions, exceptions, and clarifications to the district standards contained in § 153-3.1. The applicability of individual notes to each district is provided in the tables on the following pages.

Table 153-3.7(A) Applicability of Notes to District Standards

Note	R-1	R-2	R-3	B-1	B-2	MU-1	MU-2	MU-3	MU-4	I-1	I-2
1	X	X	X	X	X	X	X	X	X	X	X
2	X	X									
3			X	X	X					X	X
4	X	X									
5	X	X	X	X	X	X	X	X	X	X	X
6	X	X	X	X	X	X	X	X	X		
7			X	X	X						
8				X	X						
9										X	X
10		X	X	X	X	X	X	X	X		
11	X	X	X			X					

B. **Notes to District Standards**.

1. Exceptions to the height requirements may be granted in accordance with § 153-3.18.
2. The width of the required minimum street side yard on any corner lot shall be three-fourths of the minimum front yard depth required on the contiguous interior residential lot fronting on the same street as the side yard abuts. If the average block-setback is used to calculate the front yard in accordance with § 153-3.8(B)(11), then the minimum street-side setback shall be three-fourths of the average-block setback for the side street.
3. The width of the minimum required street side yard on corner lots shall be ten feet.
4. Where the side wall of a single- or two-family dwelling exceeds 35 feet in length, the side yard adjacent to such wall shall be increased, in addition to the other requirements contained herein, one foot for each five feet of such excess length up to a maximum side yard width of 50 feet. For the purpose of § 153-3.8(B)(4), the length of a side wall of a building shall be the shortest distance between the front yard and the rear yard.
5. The required front and street side yard setbacks shall not be used for off-street parking, loading, or unloading, and shall remain as open space unoccupied and unobstructed from the ground upward except for landscaping, plant materials, or vehicle access drives, and except that for single-family and multiple-unit dwellings with four or fewer units, passenger motor vehicles may be parked on a lawful paved driveway or garage apron in a required front yard.

6. The minimum floor area per dwelling unit shall not include areas of basements, breezeways, unenclosed porches, terraces, attached garages, attached sheds, or utility rooms.
7. For all dwellings, a minimum lot area of 4,000 square feet shall be provided for the first dwelling unit in a building, plus 1,200 square feet for each additional dwelling unit therein.

   Each lot occupied by any other building providing permanent or transient sleeping accommodations for those defined as an Occupancy Unit, shall contain at least 4,000 square feet for the first six occupancy units, with at least 1,200 square feet for each additional occupancy unit or major fraction thereof.
8. When non-residential properties in this district are adjacent to a residential zoning district or urban house building type, an interior side-yard setback of ten feet for all buildings, parking, and loading areas shall be required. Non-residential properties adjacent to all other uses shall not be subject to any interior side-yard setback unless required by the Building Code.
9. Any lot adjacent to or across the street from a residential district shall provide the same abutting front, side, or rear yard as is required in the residential district adjacent to or across said street.
10. No more than 20% of all units may be efficiency units.
11. An exception to the minimum setback may be granted to accommodate a setback equal to the average setback of 50% of the buildings to be retained within the block face. The applicant shall provide a map with those measurements.

153-3.9 R-1 and R-2 District Requirements

A. When indicated, the following conditions apply to uses in the low- and medium-density residential districts:

1. Only one principal structure may be permitted on each lot used for single family residential purposes.
2. Accessory structures may only be used for dwelling purposes when permitted as an accessory dwelling in accordance with § 153-4.6 Dwellings, Accessory.

153-3.10 R-3 District Requirements

A. When indicated, the following conditions apply to uses in the high-density residential district:

1. Accessory structures may only be used for dwelling purposes when permitted as an accessory dwelling in accordance with § 153-4.6 Dwellings, Accessory.

153-3.11 B-1 District Requirements

A. When indicated, the following conditions apply to uses in the B-1 district:

1. All business, service, or processing shall be conducted wholly within a completely enclosed building, provided further, that all lighting in connection with permitted business uses shall be so arranged as to reflect the light away from all adjoining residence buildings or residentially zoned property, in accordance with the lighting standards in § 153-5.12 Lighting.
2. All business or service establishments shall be mainly for the purpose of dealing directly with consumers. Any goods produced or processed on the premises shall be principally sold at retail on the premises where produced and/or processed.

153-3.12 B-2 District Requirements

Reserved.

153-3.13 MU-1, MU-2, MU-3, MU-4 District Requirements

A. When indicated, the following conditions apply to uses in the Mixed-Use districts:

1. Redevelopment.

   a. When a site within an MU district is part of a redevelopment, the site shall be brought into equal or greater compliance with the Zoning Ordinance than the previous development.

   b. All nonconforming characteristics shall be addressed in accordance with § 153-7.1(B) for nonconforming structures, with the following exceptions:

      i. For structures that do not meet the minimum required building height in the district where they are located, an expansion of up to 25% may be permitted without including additional building height.

      ii. For structures that do not meet the required frontage in the setback zone, an expansion of up to 25% may be permitted without including additional frontage in the setback zone.

2. Exceptions from setback and frontage requirements.

   a. For structures without rear alley access, frontage requirements shall exclude the width of any driveway.

3. Buildings adjacent to residential.

   a. Multiple-story buildings, single-story buildings, and townhouses shall have a minimum side yard setback of 6 ft. along any property line adjoining a residential district or property including an urban house building type.

153-3.14 I-1 and I-2 District Requirements

A. When indicated, the following conditions apply to uses in the industrial districts:

1. No dwelling unit shall be erected in an I-1 or I-2 district. However, the sleeping quarter of a watchman or a caretaker may be permitted in said districts as an accessory use, in conformance with the specific requirements of the particular district.

153-3.15 Condominium Developments

The city council recognizes that state law authorizes a method of land development under the Condominium Act, Public Act No. 59 of 1978 as an alternative to the method of development under the Land Division Act, Public Act No. 288 of 1967. Condominiums shall be permitted in all zoning districts as prescribed in this section:

A. Under this section, any development to be approved shall be subject to a development agreement. Such an agreement shall contain but not be limited to the payment of fees and expenses incurred by the City regarding the particular development; construction time table; maintenance plan, association by-laws, insurance coverage on private roadways, tap and utility plans, fire suppression pressures, emergency vehicle access requirements, conflict dispute provisions and other subjects that may be customary or particular to this type of development.

B. Condominium subdivision plans shall comply with the district requirements for use, area, height, bulk, and all other requirements set forth in this Chapter.

C. The following information is required to issue final approval of a site condominium:

1. All information required as a part of site plan review in accordance with § 153-6.1.
2. All information and documentation required under the Condominium Act.
3. Plans demonstrating the nature, location, and size of lots and common elements. A lot number shall be assigned to each lot therein.
4. Evidence that all necessary state and county agency approvals have been obtained with respect to any aspect of the proposed development, including without limitation, utilities, water supply, sewage disposal, drainage, wetlands, and roads.
5. Proposed Master Deed, bylaws and restrictive covenants, if any, containing provisions governing the maintenance and control of common areas and conforming with all applicable sections of this Chapter. The Master Deed shall be reviewed by the City Attorney.

D. If the condominium plan is approved, copies of the recorded final condominium plan and master deed including all exhibits must be provided to the City. If the subsequently recorded documents are not consistent with those approved by the City, any and all previously awarded approvals by the City related to the proposal may be voided and permits, certificates, inspections and the like may be revoked

153-3.16 Floodplain Overlay District

A. **Purpose**. It is the purpose of the Floodplain District to protect the natural resources of the City, and to promote the public health, safety, and general welfare; by application of special regulations for the use of land which may be subject to periodic inundation at predictable intervals, while permitting reasonable economic use and considering the physical limitations of such land. A further purpose is to help reduce the financial burdens imposed upon the community which may result from improper use of land. All lands included in the Floodplain District shall be subject to the terms imposed herein in addition to the terms imposed by any other zoning district in which said lands may be located.

B. **Disclaimer of Liability**. The degree of flood protection required by this subchapter is considered reasonable for regulatory purposes, and for promotion of the public health, safety, and welfare, and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by human-made or natural causes, such as ice jams and bridge openings restricted by debris. Approval of the use of land or premises under this subchapter shall not be considered approval, guarantee, or warranty of safety or suitability. This subchapter does not imply that areas outside the Floodplain Districts or land uses permitted within such districts will be free from flooding or flood damages. This subchapter shall not create liability on the part of the City or any officer or employee thereof for any flood damages that result from reliance on this subchapter or any administrative decision lawfully made thereunder.

C. The Floodplain District shall be considered to overlay existing zoning districts and shall constitute additional terms over and above those imposed by the underlying zoning districts. The location and boundaries of the Floodplain District shall coincide with those locations and boundaries of the Special Flood Hazard Area (SHFA) as shown on the Federal Emergency Management Agency (FEMA) Flood Insurance Study (FIS) entitled “Flood Insurance Study for Saginaw County, All Jurisdictions” and dated August 15, 2023, and the Flood Insurance Rate Maps (FIRMs) panel numbers included on Index Panels 26145CIND1A and 26145CIND2A, effective August 15, 2023.

D. Available flood hazard data from federal, state, or other sources shall be reasonably utilized in meeting standards of this subchapter. Data furnished by the Federal Emergency Management Agency shall take precedence over data from other sources.

E. **General Provisions of Both the Floodway and Floodway Fringe Areas**.

1. The following restrictions constitute those general provisions which shall govern development, construction, improvement, and relocation within the Floodplain District. The provisions of 44 CFR Part 60.3 shall apply along with the provisions of the Stille-DeRossett-Hale Single State Construction Code Act, Section 8b(6) of Act 230, of the Public Acts of 1972, as amended, and Appendix G of the Michigan Building Code 2015

    a. All persons proposing development within the Floodplain District shall obtain approved permits from those government agencies having jurisdiction over floodplain development. No building permit or certificate of occupancy shall be issued until all such aforementioned permits have been obtained and have been reviewed by the Zoning Administrator.

b. Developers of new, substantially improved, or relocated structures within the Floodplain District shall submit to the Zoning Administrator a written document indicating:

   i. The elevation of the lowest floor in the structure including basement;

   ii. The elevation to which a structure has been floodproofed, if floodproofing methods have been employed; and

   iii. Whether or not the structure contains a basement.

   iv. Details of specifications proposed

      (A) As-built drawings shall be kept on record and available for public inspection and for use in determining flood insurance risk premium rates.

   v. Where applicable, a letter of approval from the Michigan Department of Environment, Great Lakes, and Energy (EGLE).

   vi. Persons wishing to develop in areas designated as "A" Zones on the Flood Insurance Rate Map (that "A" having no number affixed to the designation) shall provide intermediate regional floodplain elevations with on-site reference marks set by a registered civil engineer, architect, or land surveyor. Such elevations shall be subject to review by the Department of Engineering.

c. When floodproofing measures are employed, a registered engineer or architect shall certify that methods used produce a watertight condition and are adequate to withstand the flood depths, pressures, velocities, impact, and uplift forces and any other factors associated with the intermediate regional floodplain elevation.

d. All new construction and substantial improvements made to existing structures, including mobile homes, shall be firmly anchored to prevent flotation and lateral movement, and shall be constructed with flood-resistant materials and methods.

e. If new and replaced utility, water, and sanitary facilities must be located below elevation of the intermediate regional floodplain, they shall be constructed so as to be watertight, to resist hydrostatic and hydrodynamic loads, and to be resistant to the effects of buoyancy. All measures to floodproof utility and sanitary facilities are subject to the approval of the Department of Engineering.

f. On-site waste disposal systems such as septic tanks and leach fields shall be located to avoid impairment by flood waters associated with the intermediate regional flood level.

g. The application or discharge of persistent toxic compounds whose direct or indirect effects through residuals have a half-life greater than six months, or landfill or any decomposable material, onto or within those areas defined as Floodway or Floodway Fringe Areas is strictly forbidden.

h. Service facilities such as electrical and heating equipment shall be constructed at or above the intermediate regional flood protection elevation for the particular area or shall be floodproofed.

i. Fill or other materials shall be protected against erosion by rip-rap, vegetative cover, or bulkheading.

j. Should any watercourse relocation or alteration be proposed, notification of said change in the watercourse shall be sent by the developer to all adjacent communities, to the Michigan Department of Environment, Great Lakes, and Energy (EGLE), and to the Federal Emergency Management Agency (FEMA). With the altered or relocated portion of any watercourse, the carrying capacity shall be maintained.

k. Nothing in this subchapter shall be construed to prevent any permanent structures being constructed on piles meeting the requirements of the City's Building Code.

l. All subdivision proposals and proposals for new development shall be designed and located to be consistent with the need to minimize flood damage. In addition, all subdivision proposals shall have public utilities and facilities such as sewer, gas, electric, and water systems located and constructed to minimize flood damage.

m. Base flood elevation data shall be provided for subdivision proposals and other proposed developments which contain at least 50 lots or five acres, whichever is less.

F. **Conflicting Regulations**. In the event of conflict between those regulations stipulated in this subchapter and the remainder of this chapter, those regulations found in this subchapter shall take precedence. In the event of a conflict between this subchapter and 44 CFR Part 60.3(d), 44 CFR Part 60.3(d) shall control.

G. **Compliance with State and Federal Law**. Nothing in this subchapter shall be deemed to exempt a property owner from the requirements of any state or federal statute or regulation applicable to the proposed activity; nor shall any permit or approval issued to an owner from a state or federal agency be deemed to exempt the developer from the requirements of this chapter.

153-3.17 Multiple Buildings on a Single Lot

A. Intent: To provide design flexibility in the siting of multiple buildings on a single lot while mitigating any potential adverse impacts.

B. Except for structures intended for use as single-family residential, multiple principal buildings may be permitted on a single lot.

C. When setbacks and frontage requirements are met for the entire zone lot, and surface parking location is met for the buildings being used to meet the required setback and frontage standards, additional buildings on the site are not subject to maximum setback or surface parking location requirements.

D. A continuous network of pedestrian walkways within and between developments, providing pedestrians the opportunity to walk between destinations, including buildings and amenities, must be provided. Pedestrian walkways that cross a parking lot or internal street or driveway must be clearly marked through a change in paving materials distinguished by their color, texture or height.

E. No land division of such lot may occur unless the lot is a site condominium, in accordance with the standards for site condominiums in § 153-3.15.

F. Where two or more attached single-family ,multiple-unit dwellings, or mixed-use buildings are erected on a single lot, a minimum separation distance shall be provided between structures as required in the Michigan Building Code as adopted by the City of Saginaw.

153-3.18 Exceptions from Maximum Building Height

A. No building shall be erected, converted, enlarged, reconstructed, or structurally altered to exceed the height limit hereinafter established for the district in which the building is located, unless a height exception is granted in accordance with the following provisions.

1. In all zoning districts:

a. Roof-Mounted Structures.

i. The following structures may exceed the maximum height, in accordance with the standards described in § 153-3.13(A)(1)(b).

(A) Roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building

(B) Fire or parapet walls

(C) Skylights

(D) Towers

(E) Steeples, Minarets, or other similar structures used in Places of Worship

(F) Stage lofts and screens

(G) Flagpoles

(H) Chimneys and Smokestacks

(I) Individual domestic radio and television aerials and wireless masts

(J) Water tanks, solar collectors, or similar structures

ii. Roof-mounted structures permitted to exceed the maximum height limits shall comply with the following:

(A) No such structure may be erected to exceed by more than 15 feet the height limits of the district in which it is located

(B) No such structure shall have a total area greater than 25% of the roof area of the building

(C) No such structure shall be used for any residential purpose or any commercial purpose other than a use incidental to the main use of the building.

iii. Height above 99 feet. Compliance with the Tri-City Area Joint Airport Zoning Ordinance, amended and effective May 25, 2012, is required. A special permit must be issued to erect or extend a structure, including buildings, radio and television antennas, chimneys, stacks, gables, towers, or other additions attached to structures in excess of 99 feet above the existing ground level.

b. Freestanding Structures.

i. Freestanding monuments, transmission towers, radio or television antennas or towers, chimneys, flagpoles, water towers, and similar structures may be erected on a lot to a greater height than the limit established for the district in which the lot is located, subject to the following limitations.

(A) The total height of the structure shall be 150 feet or less from the ground.

(B) The freestanding structure must be one that is normally incidental to the permitted use of the principal building or use of the lot.

(C) The freestanding structure may not cover, at any level, more than 5% of the area of the lot.

2. R-1 and R-2 District Height Exceptions:

a. Civic and Institutional buildings, except hospitals, may be erected to a height not exceeding 75 feet. Any required front, rear, or side yard shall be increased by one foot for each foot by which such building exceeds the height limits established for the zoning district.

3. MU-1, MU-2, MU-3, and MU-4 Height Exceptions:

a. Planning Commission may grant a waiver from the maximum building height requirements when all of the following criteria are met:

i. The increased height will not exceed the maximum height of structures of the same building type within a 300 foot radius by more than 10 feet.

ii. The increased density can be supported by public services, utilities, and infrastructure. A traffic study may be required to show the impact that the proposed density will have on the surrounding road network.

iii. The proposed structure is compatible with landmark historic buildings.

153-3.19 Riverfront Orientation

In the MU-2 and MU-3 districts, structures adjacent to the Saginaw River shall comply with the following:

A. To ensure that development contributes to a walkable and vibrant riverfront, all new construction, expansions, and changes in use shall treat the Saginaw River as a primary street, and only uses permitted on a primary street may be located along this frontage. In addition, all such developments must comply with the same standards required for primary streets along the river frontage, including setbacks, frontages, and fenestration.

B. All new construction buildings shall include a prominent entrance facing the riverfront, meeting the requirements of § 153-5.14(B). Redevelopments of existing structures are also encouraged to incorporate this feature.

C. Parking shall be prohibited between the building and the Saginaw River, but may be permitted in any other yard. However, if parking is located in a yard that is facing a right-of-way, parking shall be setback at least 30 feet from the right-of-way line and a street frontage landscaping meeting the requirements of § 153-5.5(J) shall be provided in the setback area.

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Chapter 153, Article 4
Use Standards

Article 153-4 Use Standards

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153-4.1 Adult Businesses

A. Purpose. It is the purpose of this section to regulate adult businesses in order to promote the health, safety, and general welfare of the citizens of the City, and to establish reasonable and uniform regulations to prevent the deleterious secondary effects of adult businesses within the City. The provisions of this section have neither the purpose nor effect of imposing a limitation or restriction on the content or reasonable access to any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of this section to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market.

B. Adult businesses shall comply with the following requirements:

1. No adult business may be located within 1,000 feet of an existing place of worship, school, park or playground boundary, measured from the nearest building line of the proposed adult business to the property line of the use subject to this separation distance.
2. No adult business may be located within 1,000 feet of an existing adult business, measured from the nearest building line of the proposed adult business to the property line of any existing adult business.
3. No adult business may be located within 1,000 feet of any residential zoning district or lot used for single- or two-family residential purposes. This provision may be waived if the applicant files a petition with the Planning Commission demonstrating approval of the proposed adult business use by at least 51% of the persons owning property or residing within a radius of 1,000 feet of the location of the proposed use.

153-4.2 Adult Foster Care

A. All adult foster care facilities shall comply with all requirements set forth in the Adult Foster Care Facility Licensing Act, 1979 PA 218, MCL 400.701 *et seq.*

B. Any parking areas accessory to adult foster care facilities shall comply with all screening requirements in § 153-5.5 Landscaping and Screening and outdoor lighting requirements in § 153-5.12 Lighting.

153-4.3 Cemeteries

A. Cemeteries shall be subject to the following requirements:

1. The minimum lot area for all cemeteries shall be 20 acres.
2. All buildings and structures within a cemetery, including headstones and monuments, shall be located a minimum of 100 feet from any lot line.
3. A five-foot fence shall be required around the entire site except for gates at entrance and exit points.
4. New cemeteries and sections added to existing cemeteries shall have no markers or monuments above grade.
5. Cemeteries may only be located along a major thoroughfare or shall be accessed through a local street within a business or industrial district that connects to a major thoroughfare.
6. The site must abut a major thoroughfare with all ingress and egress directly to the major thoroughfare.

153-4.4 Drive-In and Drive-Thru Eating and Drinking Establishments and Drive-Thru Service Establishments

A. Drive-in and drive-thru eating and drinking establishments and drive-thru service establishments shall comply with the following requirements:

1. When a drive-in or drive-thru eating and drinking establishment or drive-thru service establishment adjoins property located in any residential district, a masonry wall, ornamental on both sides, and five feet in height, shall be erected and maintained along the interior line, or if separated from the residential zone by an alley, then along the alley lot line
2. Trash storage areas meeting all requirements of § 153-5.8 Trash Enclosures shall be provided on-site.
3. The site must abut a major thoroughfare with the primary ingress and egress along the major thoroughfare. The Planning Commission may approve a secondary means of ingress and egress on an adjacent collector or arterial street upon a determination that the additional curb cut will improve overall circulation within the site and will have minimal impact on the general health, welfare, or safety of adjacent properties.
4. Vehicle waiting areas shall be provided in accordance with § 153-5.2 Off-Street Parking.
5. The noise and glare generated from menu and order stations shall comply with the performance standards in § 153-7.13 Performance Standards.
6. Pedestrian circulation. The Planning Commission may require internal sidewalks, pedestrian markings or other pedestrian accommodations beyond what is required in this Chapter to ensure compatibility between pedestrian and vehicular traffic on the site.

153-4.5 Drive-In Theaters, Outdoor

A. Outdoor drive-in theatres shall comply with the following requirements:

1. The minimum lot area for outdoor drive-in theaters shall be 20 acres
2. All structures shall be located a minimum of 100 feet from any lot line.
3. The entire property shall be fenced around the perimeter.
4. The site must abut a major thoroughfare with all ingress and egress directly to said thoroughfare.

153-4.6 Dwellings, Accessory

A. Accessory dwellings are permitted to be located on the same lot as a single-family residential building, provided that the following conditions are met:

1. An accessory dwelling shall comply with the setback and height requirements for accessory structures. This height requirement may be increased to match the height of the principal structure when the accessory dwelling is located within the same setbacks required for the principal structure.
2. A maximum of one accessory dwelling shall be permitted per single-family lot.
3. The gross floor area of an accessory dwelling shall be a minimum of 400 square feet, but no greater than 864 square feet, and not more than 40% of the gross floor area of the principal structure.
4. One additional off-street parking space shall be provided for the accessory dwelling.
5. The property owner shall live in one of the dwelling units on the property as their principal residence. No accessory dwelling may be used as a short-term rental of less than 30 days or as a bed-and-breakfast operation.
6. When accessory dwellings are attached to the principal structure, the exterior of the home shall not have the appearance of being divided into separate units.
7. When accessory dwellings are detached, the accessory structure shall meet the following additional standards.
    a. The detached dwelling shall be architecturally compatible with the primary dwelling, as defined in this Chapter.
    b. The accessory dwelling may not be subdivided or otherwise segregated in ownership from the primary dwelling unit.

153-4.7 Dwellings, Multiple-Unit

A. Multiple-unit dwellings with greater than 4 units, including apartments, townhouses, and row houses shall be subject to the following requirements:

1. The site where such multiple-unit dwellings are located must have at least one property line abutting a major or secondary thoroughfare or have vehicular access to such a thoroughfare through property zoned R-3, B-1, B-2, MU-1, MU-2, MU-3, or MU-4.

2. Permitted accessory uses.

   a. All multiple-unit dwellings shall be permitted to include accessory uses customarily accessory to multiple-unit dwellings including recreational facilities, leasing offices, and garages for vehicles and storage.

   b. Multiple-unit dwellings in the R-3 district and the MU districts may include accessory uses for the convenience of occupants such as newsstands, delicatessens, restaurants, personal service shops and similar uses, provided the following conditions are met:

      i. At least 75 dwelling units shall be contained within the apartment building or apartment building group;

      ii. A total of not more than 2% of the gross floor area of the building shall be used for such accessory uses. This maximum area does not include accessory uses under subsection a above;

      iii. All such accessory uses shall be situated within the interior of the building so that no part thereof shall be directly accessible to the general public or to tenants from any street, or public or private way;

      iv. No sign or window display shall be discernible or visible from a sidewalk, street, or public or private way; and

      v. Such accessory uses shall not be provided on the same floor as dwelling units are situated, unless separated therefrom by a fireproof wall as provided in the Building Code most recently adopted by the City.

153-4.8 Dwellings, Single-Family, Two-Family, and Multiple-Unit Containing Four or Fewer Units

A. Single-family, two-family, and multiple-unit dwellings containing four or fewer units in all zoning districts shall comply with the following standards.

1. All new dwellings shall comply with the minimum livable area requirements as established in § 153-3.1 Districts Established.
2. No dwelling may be constructed with any building dimension across the front, side, or rear elevation which does not meet or exceed the minimum length of 20 feet.
3. All dwellings and additions thereto must be firmly attached to a permanent foundation constructed on the site in accordance with the most recent Michigan Building Code as adopted by the City.
4. All dwellings shall be connected to the public sewer and water supply when required by §§ 94.080 through 94.083, or to such private facilities approved by the local health department.
5. All dwellings shall contain a storage area or areas within any principal or accessory structure comprising at least ten percent of the total area of the dwelling or 100 square feet, whichever is less.
6. All exterior additions to existing dwellings shall be constructed with materials that match or complement the original structure.
7. All dwellings must comply with all pertinent building and fire regulations.
8. Not more than two non-transient persons may rent individual rooms within a single-family dwelling or within each dwelling unit in a two-family dwelling or multiple-unit dwelling containing four or fewer units.
9. All single-family dwellings shall be architecturally compatible with at least two other structures sharing the same block, as determined by the Zoning Administrator. If there are fewer than two structures on the same block, the dwelling shall be exempt from this requirement.

153-4.9 Eating and Drinking Establishments

A. Eating and drinking establishments in all districts shall comply with the following requirements:

1. All businesses serving alcohol shall comply with all requirements of the Michigan Liquor Control Code, Public Act 58 of 1998.
2. Outdoor seating areas may be permitted as a seasonal use by filing an application for such use with the Zoning Administrator. The application shall provide sufficient information indicating that each of the following conditions will be met:
    a. The outdoor seating area must be immediately adjacent to the principal use and positioned in a manner to avoid interference with established loading/unloading zones, off-street parking areas and associated maneuvering lanes.
    b. The occupation of an on-site sidewalk or other right-of-way may be permitted provided.
        i. The permit for any outdoor seating area within a public right-of-way shall expire annually. A new permit may be obtained from the Zoning Administrator upon expiration.
        ii. A minimum public right-of-way of five feet shall be maintained.
        iii. No outdoor seating area shall limit pedestrian or vehicular visibility and must comply with § 153-5.9 Traffic Visibility.
        iv. If alcohol is to be served in conjunction with the outdoor seating area, barriers designating the service area must be utilized, as required by the State Liquor Control Commission. If no alcohol is to be served, a barrier approved by the Zoning Administrator must be utilized between the service area and any pedestrian right-of-way, off street parking area, loading/unloading zone, or other outdoor use.
        v. The number, size, and location of tables, chairs, and equipment shall be reviewed by the Zoning Administrator, as well as the proposed hours of operation. Planning commission approval shall be required when it is the opinion of the Zoning Administrator that the proposed number, size, and location of tables, chairs, and equipment will materially impede on site pedestrian or vehicular circulation.

B. Eating and drinking establishments in the MU-1 district shall comply with the following additional requirements:

1. All parking areas shall be screened from adjacent residential areas in accordance with § 153-5.5(M)(5).
2. Hours of operation shall be reviewed by the Planning Commission and documented as a part of the approval of any such use.

153-4.10 Commercial Greenhouses

A. Commercial greenhouses shall comply with the following requirements:

1. A minimum lot area of 1 acre is required to establish a commercial greenhouse.
2. Greenhouses and accessory structures shall be setback no less than 40 feet from all lot lines.

153-4.11 Home Occupations

A. Home occupations may be permitted within any single-family dwelling unit, subject to the following:

1. All home occupations shall be conducted entirely within the dwelling unit on the lot and must be clearly incidental and secondary to the primary use of the dwelling unit for dwelling purposes. No home occupation shall require an area greater than 25% of the floor area used for dwelling purposes.
2. The home occupation shall not generate sewage or water use in excess of what is normally generated from a single-family dwelling unit in a residential area.
3. All home occupations shall only employ persons who reside at the property where the home occupation is located.
4. No exterior alterations to the principal structure may be designed to accommodate the home occupation.
5. With the exception of a sign, as permitted under § 153-5.4 Signs, there shall be no outside display of any kind, or other visible evidence of the conduct of a home occupation from the street or from neighboring properties.
6. The home occupation shall not generate vehicular traffic in excess of that normally generated for a single-family dwelling unit, including customer traffic, shipments, and deliveries.
7. Any mechanical equipment used at any time in connection with such use shall be the same or similar to such equipment as is usual and permissible for household purposes or hobbies.
8. Any mechanical equipment used in connection with such use shall be designed and constructed so that the operation thereof does not adversely affect insurance rates or the use of radio and television on other properties
9. There shall be sufficient parking on the site to accommodate the home occupation.

B. Yard Sales.

1. Yard sales may be permitted on lots with single- and two-family dwelling units provided they comply with the following:
   a. The sale is confined to the property;
   b. The sale is only for three days or less of duration;
   c. Only one yard sale per property per year is permitted.

153-4.12 Homeless Shelters

A. Homeless shelters shall comply with the following requirements:

1. The minimum lot area requirements for homeless shelters shall be determined from yard space, and off-street parking requirements or the minimum lot area requirements for the district, whichever is greater.
2. All operational activities shall occur within the shelter building.

153-4.13 Hospitals

A. Hospitals shall comply with the following requirements:

1. The minimum lot area for any hospital located in the R-1, R-2, or R-3 zoning districts shall be five acres.
2. The hospital shall be obscured from all residential property view with a masonry wall at least five feet in height.
3. The site must abut a major thoroughfare with all ingress and egress directly to said thoroughfare.

153-4.14 Junkyards

A. Junkyards shall comply with the following requirements:

1. A minimum lot size of 10 acres is required
2. A major screening buffer shall be provided along the outer boundary of the entire site, meeting the requirements of § 153-5.5(M)(7). In addition, a masonry wall not less than six feet in height shall be required at the outermost boundaries of the major screening buffer.
3. Junk may not be stacked higher than the height of the screening wall.

153-4.15 Laundry, Coin-Operated

A. Coin-operated laundry facilities shall comply with the following requirements:

1. Daily hours of operation shall be limited to 7 am to 9 pm. The facility shall be staffed by the business owner, or their designee, during all hours of operation. The name and contact information of the business owner, or their designee, shall be submitted to the Department of Building, Planning, and Economic Development. The daily hours of operation shall be clearly posted on the exterior of the building, near the entrance.
2. The first story of the front facade shall contain transparent glass windows amounting to at least 50% of the total front facade area, measured from grade to the ceiling of the first story.
3. Facilities in the R-1, R-2, and R-3 zoning districts are intended to serve a neighborhood population. To ensure neighborhood compatibility, the facility be limited to having frontage on a primary street, and shall not exceed 2,000 square feet in gross floor area.
4. Coin operated laundries shall be subject to the security and video surveillance requirements of Chapter 117 and the business licensing requirements of the Chapter 110 of the City Code.

153-4.16 Marihuana Establishments

A. This section shall be known as the Marihuana Establishments Zoning Ordinance.

B. **Purpose**. Marihuana businesses have demonstrated a strong demand for storefront spaces and other business locations. It has been observed that without separation distances, this particular use will concentrate in clusters. In order to limit the intensity and density of this use, and to recognize that separation distances are desired from sensitive uses (e.g., schools, places of worship, parks, substance use disorder programs, etc.), special regulation of marihuana establishments has been deemed necessary. It is the intent of these provisions to ensure that quality of life is not impaired, neighborhood character is preserved, commercial retail viability and variety is enhanced and encouraged, and the stability of industrial areas is maintained.

C. **Applicability**. Any land use that requires a license from the Michigan Department of Licensing and Regulatory Affairs (LARA) in the administration of the Michigan Regulation and Taxation of Marihuana Act, being Initiated Law 1 of 2018, M.C.L. §§ 333.27951 *et seq.*, as amended, or its corresponding administrative rules, shall require review and approval as specified within this code. Provisions of this section do not apply to the medical use of marihuana in compliance with the Michigan Medical Marihuana Act (MMMA), being Initiated Law 1 of 2018, M.C.L. § 333.26424, as amended.

D. **Approval Procedures for Marihuana Establishments**.

1. Development of marihuana establishments shall be approved by either the Planning Commission or the Chief Inspector as set forth below. The type of marihuana establishments allowed within the City, and the zoning classification where such marihuana establishments are allowed to be located within the City, shall be as set forth as follows.

Table 153-4.16(D)(1) Approval Procedures for Marihuana Establishments

License	Description	Criteria	Review Procedure
Grower - Any Class excluding Excess Growers	New or Major Expansion	More than 25% increase in square footage	Planning Commission Review and Approval
	Class change and/or license stacking for same use	Less than or equal to 25% increase in square footage	Chief Inspector Review and Approval
Excess Growers	New or Any Expansion	—	Planning Commission Review and Approval
Microbusinesses, designated consumption establishments, marihuana event organizers, and temporary marihuana events are prohibited in the City.			

Table 153-4.16(D)(1) Approval Procedures for Marihuana Establishments (Continued)			
License	Description	Criteria	Review Procedure
Processor	New	—	Planning Commission Review and Approval
	Major expansion	More than 25% increase in square footage	Planning Commission Review and Approval
	Minor Expansion	Less than or equal to 25% increase in square footage	Chief Inspector Review and Approval
Retailer	New or Any Expansion	—	Planning Commission Review and Approval
Secure Transporter	New or Any Expansion	—	Planning Commission Review and Approval
Safety Compliance Facility	New or Major Expansion	More than 25% increase in square footage	Planning Commission Review and Approval
	Minor Expansion	Less than or equal to 25% increase in square footage	Chief Inspector Review and Approval
Microbusinesses, designated consumption establishments, marihuana event organizers, and temporary marihuana events are prohibited in the City.			

2. The Planning Commission and Chief Inspector are prohibited from waiving any portion of this section.
3. The Chief Inspector may submit any application subject to Chief Inspector review and approval to the Planning Commission for its review and approval.
4. Planning Commission review shall be conducted in accordance with § 153-6.1(C) and § 153-6.3(C) for special land uses and subject to applicable site standards in Article 5 of this Chapter. Chief Inspector review shall confirm the requested expansion of the use of the property conforms to the building and zoning requirements of the City Code.
5. Planning Commission or Chief Inspector approval under this section will lapse and be void 90 days from the date it was issued if applicant has not obtained a provisional license from the City Clerk in accordance with Chapter 118 of the City Code within that time.

E. **Authorized Marihuana Establishments.**

1. A marihuana establishment is not eligible for a state license until the Planning Commission or the Chief Inspector, where the Chief Inspector is authorized to grant administrative approval through Chief Inspector review and approval, grants approval of the land use in accordance with this code and upon issuance of a municipal license as The distances described in this section shall be computed by measuring a straight line from the nearest property line of land used for the purposes stated in this section (i.e., the sensitive use) to the nearest building line of the physical structure of the marihuana establishment. The following minimum-distancing regulations shall apply to all marihuana establishments. Marihuana establishments shall not be located within: provided in Chapter 118 of the City Code.
2. The location and co-location of authorized marihuana establishments shall be determined as follows:
    a. Separation Distances. The distances described in this section shall be computed by measuring a straight line from the nearest property line of land used for the purposes stated in this section (i.e. the sensitive use) to the nearest building line of the physical structure of the marihuana establishment. The following minimum-distancing regulations shall apply to all marihuana establishments. Marihuana establishments shall not be located within:
        i. One thousand (1,000) feet of a public or private K-12 school;
        ii. Two hundred fifty (250) feet of a publicly owned park or playground;
        iii. One hundred (100) feet of a church or other place of worship;
        iv. Five hundred (500) feet of a hospital;
        v. Two hundred fifty (250) feet of a halfway house or other transitional housing operated or licensed by the state or federal government; and
        vi. Five hundred (500) feet of another marihuana establishment location.
3. Separation distance variance. The required separation distances between a proposed marihuana establishment location and the sensitive uses delineated in § 153-4.16(E)(2) above, are subject to review pursuant to § 153-7.12(F) and cannot be waived except as allowed in this section:
    a. Evidence that all eligible sensitive uses within 1,000 feet of the proposed marihuana establishment location have been notified by the applicant of the intent to seek a waiver from the separation distance requirements has been provided to the Zoning Board of Appeals with the application.
    b. Consent by the owner of the sensitive use that is signed and notarized shall be provided with the application to the Zoning Board of Appeals; however, the consent of the owner of another marihuana establishment located within the established separation distance shall not be required; and
    c. The Zoning Board of Appeals finds that the operation of the marihuana establishment within the requested minimum-distancing separation does not have any particularly detrimental effects on the sensitive use at issue.

4. Pre-existing establishments. A marihuana establishment shall not be in violation of the spacing requirements in this section in the event a school or other sensitive use was located less than the minimum spacing distance from the establishment at any time after a city license and a state license to operate the establishment were issued.

5. Co-location and stacked licenses. There may be only one state operating license per parcel, except co-location and stacked grower licenses are permitted in certain circumstances:

   a. A marihuana establishment with a stacked grower license counts as a single grower for the purposes of marihuana establishment separation distance requirements.

   b. Co-location on the same parcel for growers, processors, and retailers is allowed if each license is for a separate use (other than stacked grower licenses), subject to all applicable state laws, rules and regulations concerning co-location, including but not limited to, state requirements for the separation of establishments.

6. Application requirements. Each application shall be accompanied by a detailed site plan, in accordance with § 153-6.1(C), and any information necessary to describe the proposed use or change of use. Each request shall be considered a new application, including those for class change, stacking, expansion, transfers or other modifications that require Chief Inspector or Planning Commission review and approval. All items must be satisfactorily completed for an application to be considered eligible for review. The following shall be submitted as part of an application:

   a. A signed statement by the applicant indicating the proposed marihuana establishment type, including if the proposed marihuana establishment type involves stacked licenses or co-location and the number of licenses to be maintained at that property.

   b. A notarized statement by the property owner that acknowledges use of the property for a marihuana establishment and agreement to indemnify, defend and hold harmless the City, its officers, elected and appointed officials, employees and insurers, against all liability, claims or demands arising out of, or in connection to, the operation of a marihuana establishment on the property.

   c. Written consent of the applicant for the City to inspect the marihuana establishment at any time during normal business hours to ensure compliance with this code.

   d. A copy of official paperwork issued by the state indicating that the applicant has successfully completed the prequalification step of the application for a state license, as well as copies of all documents submitted to the state in connection with the initial license application, subsequent renewal applications, or investigations conducted by the state.

   e. Existing and proposed building elevations, including building materials, window calculations, descriptions of glass to be used, and other pertinent information that describes building construction or structural alterations, in accordance with § 153-6.1.

   f. Existing and proposed site changes.

g. A sign plan for the exterior of the building and any interior signs that will be visible to the general public from the public right-of-way in accordance with § 153-5.4.

h. All lighting fixtures visible to the public shall be identified.

i. A map, drawn to scale, depicting all sensitive uses as delineated in § 153-4.16(E)(2) above, within 1,000 feet of the proposed marihuana establishment location.

j. A proposed security plan as required by the Act. Such plan shall be forwarded, reviewed and approved by the Chief of Police, or their designee, prior to any public hearing required to be held on the application.

k. A proposed marihuana establishment plan as required by the Act.

l. A proposed marihuana product destruction and waste management plan as required by the Act.

7. Operations. Marihuana establishments must be operated in compliance with the Act and all other applicable state laws, administrative rules, conditions of the marihuana establishment's state operating license, and this code. In addition, such establishments shall comply with the following regulations to the extent such regulations do not conflict with the Act:

a. The exterior appearance of a marihuana establishment must comply with the provisions of this code and the Act.

b. Except as allowed by the Act, no marihuana or equipment used in the growing, production, sale, processing or transport of marihuana can be placed or stored outside of an enclosed building.

c. Site and building lighting shall comply with the Act.

d. A video surveillance system will be maintained in accordance with the Act.

e. Drive-through establishments and mobile establishments are prohibited.

f. public nuisance.

g. Neither marihuana nor marihuana-infused products may be directly visible from the exterior of the marihuana establishment.

h. Security measures shall comply with the applicable provisions of the Act.

i. Retailers may not be open to customers between the hours of 9:00 p.m. and 9:00 a.m.

j. Marihuana establishments shall comply with the barrier-free design requirements of the Michigan Building Code.

k. The separation of plant resin by butane extraction or another method that utilizes a substance with a flashpoint below 100 degrees Fahrenheit shall only be allowed in the I-1 and I-2 industrial zoning districts.

l. Ventilation, by-product and waste disposal, and water management (supply and disposal) for the marihuana establishment will not produce contamination of air, water, or soil; or reduce the expected life of the building due to heat and mold; or create other hazards that may negatively impact the structure, surrounding properties, and/or public health.

m. Odors must be controlled and eliminated by the following methods:

i. The building must be equipped with an activated air scrubbing and carbon filtration system that eliminates all odors at the property line. Fan(s) must be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three. The filter(s) shall be rated for the applicable CFM.

ii. Air scrubbing and filtration systems must be maintained in working order and must be in use at all times. Filters must be changed per manufacturers' recommendation to ensure optimal performance.

iii. Negative air pressure must be maintained inside the building.

iv. Doors and windows must remain closed, except for the minimum time length needed to allow people to ingress or egress the building.

v. The Chief Inspector may grant an exception for an alternative odor control system if a mechanical engineer licensed in the State of Michigan submits a report that sufficiently demonstrates the alternative system will be equal to or better than the air scrubbing and carbon filtration system otherwise required or such alternative will otherwise comply with the Act.

F. **Consumption; Violations**.

1. No consumption, use, or inhalation of a marihuana product shall take place on or within the premises of any marihuana establishment. It shall be a violation of this subchapter to engage in such behavior, or for a person to knowingly allow such behavior to occur. All of the following will give rise to the rebuttable presumption that a person allowed the consumption of marihuana on or within the premises:

a. The person had control over the premises or the portion of the premises where the marihuana was consumed;

b. The person knew or reasonably should have known that the marihuana was consumed; and

c. The person failed to take corrective action, such as requiring the individual consuming marihuana to cease such activity on the premises or removing such individual from the premises.

2. Failure to comply with the requirements of this subchapter shall be considered a violation and may jeopardize the applicant's approval under this subchapter and/or license issued under Ch. 118.

a. If at any time a licensed marihuana establishment violates this subchapter, the City Manager may request that the state revoke or refrain from renewing the marihuana establishment's state operating license.

b. Any approval granted for a marihuana establishment under this subchapter will be revoked or suspended automatically for either of the following reasons:

i. Revocation or suspension of the licensee's authorization to operate by the state.

ii. A finding by the state that a rule or regulation has been violated by the licensee.

c. After a revocation of an approval under this subchapter, a new application shall be required for a marihuana establishment to commence operation at the same location.

3. A marihuana establishment license may be revoked in accordance with § 118.11.

G. **Marihuana-Related Penalties**. A person who violates any provision of this subchapter is responsible for a Class E municipal civil infraction, subject to payment of a civil fine as set forth in Ch. 37, plus costs and other sanctions, for each infraction. Repeat offenses shall be subject to increased fines as provided by Ch. 37. Each violation and each day of failure to comply with any provision of the subchapter shall constitute a separate violation.

H. **Rights**.

1. The operation of a licensed marihuana establishment is a revocable privilege and not a right, in conformance with applicable state law. Nothing in this subchapter is to be construed to grant a property right for an individual or business entity to engage in the use, distribution, cultivation, production, possession, transportation or sale of marihuana as a commercial enterprise. Any individual or business entity which purports to have engaged in such activities either prior to or after the enactment of this subchapter without obtaining the required authorization is deemed to be an illegally established use and is not entitled to legal nonconforming status. Nothing in this subchapter may be held or construed to grant a vested right, license, permit, or privilege to continued operations within the City.

2. Nothing in this subchapter shall be construed in such a manner as to conflict with the Act or other applicable state law or rules.

3. Nothing in this subchapter, or in any companion regulatory or licensing provision adopted in any other provision of this Code of Ordinances, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution for the growing, sale, consumption, use, distribution, or possession of marihuana not in strict compliance with the Act or this code. Also, since federal law is not affected by the Act or this code, nothing in this subchapter, or in any companion regulatory provision adopted in any other provision of this code, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution under federal law.

4. This subchapter shall only take effect if the City's business licensing ordinance is simultaneously amended as needed to license for the activities contemplated herein. If amendments to the business licensing ordinance are not adopted by the City Council, marihuana establishments shall be deemed prohibited from developing within the City.

153-4.17 Mobile Homes and Mobile Home Parks

A. The following regulations applying to Mobile Home Park developments are intended to permit flexibility in land area designs within the general pattern of existing land use and population density, while protecting public health, welfare and safety.

B. Mobile homes shall only be permitted within a mobile home park. All mobile home parks shall comply with the following requirements.

1. All mobile home parks must comply with the Mobile Home Commission Act, Public Act 96 of 1987, being M.C.L. §§ 125.2301 *et seq.* and general rules related thereto as adopted by the State Mobile Home Commission.
2. A mobile home park shall be constructed and maintained on a lot or a parcel which can provide principal entrances and exits to a major thoroughfare or access via a local street through a business or industrial district connecting to major thoroughfare.
3. The minimum lot size required for all mobile home parks shall be 5 acres.
4. All mobile home parks shall maintain a minimum setback from all adjacent right-of-way lines of at least 50 feet. Any such setback area shall be landscaped with a 10' wide greenbelt meeting the requirements for street frontage landscaping established in § 153-5.5(J).
5. All mobile home parks shall maintain a minimum setback from all adjacent property lines of at least 25 feet. Any such setback area that is directly adjacent to a property line shall be screened with either a fence or landscaping, meeting the requirements of § 153-5.5(M) for screening.
6. Walkways shall be provided from each mobile home site to all service buildings, and must be constructed of either asphalt or concrete. Paved sidewalks shall also be installed on both sides of all internal roads (unless deemed by the Planning Commission that a sidewalk on only one side of a road is necessary, or that none are needed along a particular road). Walkways and sidewalks where required shall not be less than three feet in width.
7. Accessory uses customarily incidental to mobile home parks such as management offices, laundry facilities, indoor and outdoor recreation areas and facilities, meeting rooms, and similar uses and structures provided to serve only the residents of a mobile home park and their invited guests may be permitted.
8. Individual mobile home sites within a mobile home park shall have a minimum lot size of 5,500 square feet per mobile home being served. This 5,500 square foot minimum may be reduced by 20 percent, provided that the individual site shall be equal to at least 4,400 square feet. For each square foot of land gained through this reduction of the site below 5,500 square feet, an equal amount of land shall be dedicated as open space. This open space shall be in addition to the open space required under the Mobile Housing Commission Rules in effect at the time the proposal is submitted.

9. Mobile homes within a mobile home park shall comply with the minimum distance and setbacks required under the Mobile Housing Commission Rules in effect at the time the proposal is submitted.
10. The on-site storage of boat trailers, boats, camping units, horse trailers and similar recreational equipment shall be prohibited on mobile home sites and in designated open space areas. The mobile home park may provide, within the confines of the park, a common outdoor storage area for the storage of the above-mentioned equipment.
11. Each mobile home unit space shall be attached to a permanent foundation in a manner consistent with the Michigan Administrative Code.
12. All mobile homes shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission.
13. Each mobile home shall be installed with the wheels removed. No mobile home shall have any exposed towing mechanism, undercarriage, or chassis.

153-4.18 Nursery Schools and Child Care Centers

A. The following requirements apply to nursery schools and child care centers:

1. The minimum lot area shall be 6,000 square feet.
2. An outdoor play area of at least 1,200 square feet shall be provided in a side or rear yard, exclusive of buildings, parking, and driveways.
3. The outdoor play area shall be enclosed by a four-foot-high fence.
4. When located directly adjacent to residentially zoned or used property, the property line shall be screened in accordance with § 153-5.5 Landscaping and Screening.
5. All nursery schools and child care centers shall comply with all requirements set forth in the Child Care Organizations Act, 1973 PA 116, MCL 722.111 *et seq.*

153-4.19 Outdoor Storage

A. Purpose. The purpose of this section is to regulate outdoor storage, either associated with principal outdoor storage uses or accessory outdoor storage uses.

B. Outdoor storage areas shall be screened in compliance with § 153-5.5(M)(7) for major screening buffers, except such screening shall not be required along property lines which are directly adjacent to properties zoned I-1 or I-2.

C. No outdoor storage area shall be located closer than 50 feet from any residentially zoned district.

D. When a building serving a principal use is on site, all outdoor storage shall take place in the side or rear yard. However, in the I-2 district, outdoor storage on a site that does not include such building may take place in an area other than the side or rear yard, so long as all areas, including the street right-of way, are screened by a major buffer screen in compliance with § 153-5.5(M)(7) for major screening buffers.

E. Passenger and other vehicles may only be stored on properties with a minimum lot size of at least one acre or greater. A fence or wall at least five feet in height shall be provided, in addition to any required screening buffers.

F. On lots used for only residential purposes, the following standards apply:

1. For motor homes, travel trailers, folding-type trailers, pick-up campers, snowmobiles on trailers, boats, and similar and related type units, the regulations of outside storage on all lots used for only residential purposes are as follows.

   a. A total of three but not more than one of each of the above units may be stored or parked outside on a lot which is used for only residential purposes, except that in regard to snowmobiles up to four such units may be stored or parked outside on a lot. The ownership of such units shall be in the name of a member of the immediate family of the lot's owner, tenant, or lessee.

   b. The above units, when stored outside, shall be located a minimum of five feet behind the front building line, except as provided in the case of vacant lots under subsection F(3) following.

   c. The combined area covered by the dwelling, accessory buildings, other above-grade structures, swimming pool, and the area covered by the outside storage of the above units may not exceed the permitted lot coverage provided, however, that not more than the maximum number of units described in subsection F(1)(a) above may be stored or parked outside on any lot regardless of the restrictions of this subdivision.

   d. All of the above-described units shall be locked or secured at all times while stored or parked so as to prevent injury to any person or property.

   e. None of the above units or any recreational equipment parked or stored outside shall be connected to electricity, water, gas, or sanitary facilities for living, lodging, or housekeeping purposes and none of the same shall be used for living, lodging, or housekeeping purposes.

   f. All recreation equipment and vehicles shall be maintained in good condition, shall be operable, and shall have a current license or registration.

2. The parking or storage of buses and converted buses in excess of 18 feet in length, and boats in excess of 22 feet in length, on residentially zoned lots, is prohibited. A suitable covering shall be placed over all boats whenever stored outside.
3. Not more than one recreational unit, motor home, travel trailer, pick-up camper, folding-type trailer, boat, or similar and related type units may be parked or stored on vacant residentially zoned lots. When stored on vacant lots, said units shall be located only on the rear half of said lots.
4. Commercial vehicles, as defined in § 153-2.2 Definitions (see Commercial Vehicles), shall not be parked or stored at any time on property used or zoned residentially.
5. This section does not apply to temporary buildings or portable storage containers as defined in § 153-2.2 Definitions (see Temporary Buildings or Portable Storage Containers).

153-4.20 Parking Decks

A. Where permitted as accessory or principal uses, parking decks shall meet the following standards to minimize the visual impact on the public realm, mitigate nuisances including noise and light, and design decks to be visually compatible with the surrounding character and development.

1. Spandrel panels or opaque architectural wall systems, a minimum of 42 inches high, shall be required to screen the view of parking cars and car headlights from the opposite side of the street.
2. For all exposed, above-grade parking structures on side streets and alleys, at least 50% of the ground floor level must be covered by an architectural screen.
3. Parking decks shall meet all dimensional standards required for principal buildings by the zoning district where they are permitted.
4. On primary streets, ground floor elevations shall be lined with non-parking uses that comply with the design standards of § 153-5.11. Parking must be located a distance of at least 30 feet from the primary street right-of-way.

153-4.21 Parking Lot, Principal Use

A. Off-street parking facilities on a site that does not include a principal building shall be subject to the following requirements:

1. Such off-street parking facilities may only be permitted in an R-1, R-2, R-3, or MU-1 zoning district when the parking facility is located on a lot that is directly abutting or across a public right-of-way from a nonresidential use, and the parking facility is designated solely for the use of patrons, employees, or visitors of that nonresidential use.
2. Such off-street parking facilities shall only be located on lots that have a minimum lot width of 100 feet.

3. No repair or service to vehicles and no display of vehicles for the purpose of sale shall be carried on or permitted upon such premises.
4. Such off-street parking facilities shall be setback a minimum of 10' from any property or right of way line.
5. Plans for the development of any parking facility must be submitted to the Department of Public Services and must be approved by the Chief Inspector and City Engineer prior to the start of construction. The construction shall be in accordance with the requirements of the most recent Michigan Building Code as adopted by the City and this chapter, and such construction shall be completed and approved before actual use of the property as a parking lot may begin.
6. During the time the facility is closed and not available for the parking thereon of motor vehicles, a suitable chain or gate shall be placed across every exit and entrance for motor vehicles; such chain or gate shall be securely locked and access to the lot effectively barred. The parking lot shall meet all requirements of § 153-5.2 for off-street parking, § 153-5.5 for parking lot landscaping and screening, and § 153-5.12 for exterior lighting.
7. In addition to the requirements of § 153-5.5, all property lines that are directly adjacent to residentially zoned or used property shall be screened with a masonry wall of at least four feet in height, but no greater than 6 feet. Alternative screening may be approved by the Planning Commission upon a finding that the screening will sufficiently protect adjacent properties from the direct glare of headlights and the noise of motor vehicles.

153-4.22 Parks, Private, Country Clubs, Golf Courses, and Golf Driving Ranges

A. Private parks, country clubs, golf courses, and golf driving ranges shall comply with the following requirements:

1. The minimum lot area shall be five acres.
2. All structures shall be located a minimum distance of 100 feet from any residential lot line.
3. Accessory uses customarily associated with such uses, including clubhouse facilities, shall be permitted.

153-4.23 Places of Worship

A. Places of worship located in the R-1, R-2, R-3, or MU-1 districts shall be subject to the following requirements:

1. The minimum lot area for places of worship shall be two acres.
2. The minimum lot width for places of worship shall be 150 feet.
3. Places of worship shall provide a minimum side and rear setback of 25 feet.
4. Places of worship may only be located along a major thoroughfare or shall be accessed through a local street within a business or industrial district that connects to a major thoroughfare.

153-4.24 Penal and Correctional Institutions and Detention Facilities

A. Penal and correctional institutions and detention facilities shall comply with the following requirements:

1. The minimum lot area shall be four acres
2. All structures shall be located a minimum of 75 feet from all property lines
3. No such use may be permitted within 300 feet of any adjoining residence, as measured from the property line of the penal institution or detention facility to the property line of the residence.
4. Security fencing meeting all requirements of the Michigan Department of Corrections or appropriate federal agencies shall be provided.
5. Landscape screening meeting the requirements of § 153-5.5(M)(7) shall be provided between the security fencing and adjoining property.

153-4.25 Public Recreation Areas

A. Public recreation areas, including public parks and facilities, may include incidental refreshment and service uses and buildings on the site.

153-4.26 Public Utility Buildings, Telephone Exchange Buildings, Electric Transformer Stations and Substations, Gas Regulator Stations, Municipal Pumping Stations

A. Public utility buildings, telephone exchange buildings, electric transformer stations and substations, gas regulator stations, and municipal pumping stations in an R-1, R-2, R-3, or MU-1 zoning district shall comply with the following requirements:

1. The proposed installation must be shown to be reasonably necessary to the orderly development of the surrounding residential area. In the case of electric overhead supply systems, it shall be shown that location and alignment being requested is the arrangement most compatible with the residential areas involved, necessary to the regional power network, and that it is extremely unreasonable to locate such facility entirely in business or industrial districts. Nothing in this section shall authorize overhead supply systems in conduit districts.

153-4.27 Radio and Television Towers, Freestanding

A. A minimum lot size of 10,000 square feet is required for freestanding radio and television towers.

153-4.28 Short-Term Rentals

A. **Title**. This section shall be known as the Short-Term Rentals Zoning Ordinance.

B. **Purpose**. The city has determined that regulation of short-term rentals is necessary to establish a community standard for the integration of short-term rental units in the City to ensure health, safety, and welfare of visitors and residents by re-affirming police, fire, and building safety guidelines. Towards that end, the City has determined that all persons or entities that desire to operate a short-term rental unit within the City must be issued a license pursuant to the requirements of this chapter.

C. **Short-Term Rental Unit General Provisions**.

1. Standards for use. The use must meet all the following standards:
    a. Shall be operated entirely within the principal dwelling.
    b. Shall not involve the alteration or construction not customarily found in a dwelling.
    c. At no time shall the number of total guests exceed ten (10) lodgers.
    d. Shall not generate traffic volumes greater than that normally associated with residential land use.
    e. Shall operate in such a way that all needed parking is provided on-site and not in the street. If additional on-site parking is needed it should be approved by the Chief Building Inspector and installed and designed in such a way as is common in the zoning district where it resides. If outdoor lighting is provided for the parking locations, it must be approved by the Chief Building Inspector. It shall not exceed typical residential installation and it must be located in such a way as to screen neighboring properties.
    f. Shall have a minimum of two exits and meet all the requirements and regulations of the Michigan Building Code per City Code Chapter 150.
    g. If the property is located in a local historic district, the applicable sign permit request must be approved by the Historic District Commission.
    h. Each short-term rental must maintain a record of all guests.
    i. Tents and RVs are not allowed as a part of short-term rentals.
    j. All required parking shall be provided on-site and not in the street.
    k. Site shall be evaluated for degree of potential residential-commercial use conflicts.
2. Posting of standards. The owner shall post local City regulations and rules, as outlined in § 153-4.28(E) of this Chapter, during the application process, in a prominent place within the short-term rental unit and include it as part of all rental agreements. All advertising handouts, flyers, or any other information provided for short-term rentals shall conform to the approved occupancy limits and standards as stated on the short-term rental permit. The name and phone number of the designated representative and the short-term rental permit shall be posted in a conspicuous place near the entrance to the short-term rental.

D. **Short-Term Rental Unit License, Registration, and Fees**.

1. The city shall only issue a short-term rental license for a short-term rental unit to the owner of the property.
2. The city shall issue only 1 short-term rental license per dwelling unit.
3. All short-term rental units must also be registered with the City Clerk and must be inspected annually in accordance with Section 151.113 of the City Code.
4. All Non-Owner Occupied Short-Term Rentals must comply with §§151.110- 151.117 of the City Code regarding non-owner occupied properties.
    a. Complete and file with the City Clerk a registration application for each nonowner occupied property, which shall state or have attached, as applicable:
        i. The name, date of birth, driver's license number, mailing address, telephone number, email address, and webpage address of the owner and of any controller of the property. If the owner of the property resides out-of-state, the applicant shall designate a local agent by name, mailing address, telephone number, email address, and webpage address.
        ii. A copy of the written agreement appointing a local agent or controller for the owner. Contact information shall be updated with the City as required.
5. The application for a short-term rental license shall at a minimum include the following:
    a. Address of the short-term rental unit.
    b. Type of dwelling unit (e.g., single-family home, apartment, condominium).
    c. Type of short-term rental unit (non-principal residence or principal residence).
    d. For principal residence short-term rental units, the permanent resident shall submit a sworn statement each year, prior to expiration of the original issuance of the license.
    e. Any licensee that has submitted a sworn statement pursuant to subparagraph (5)(d) of this section as part of its original application shall complete the following each year, prior to expiration of the original issuance of the license.
    f. Number of bedrooms available for rent.
    g. The names, telephone numbers, and email addresses of 2 contact persons responsible for the short-term rental unit. For principal residence short-term rental units at least 1 of the contact persons shall be a permanent resident of the property. Contact information shall be updated with the City as necessary.
    h. A complete floor plan of the dwelling unit and an off-street parking plan shall be submitted with the initial application for operation of a short-term rental.
    i. Short-term rental licensing and registration fees. The applicant of the property shall be responsible for payment of a nonrefundable license and registration fee, in accordance with the City of Saginaw Fees & Rates Schedule determined by City Council.

6. Applicants must also comply with the applicable provisions of Chapter 110 of the City Code pertaining to business licenses.
7. The owner or agent shall cause the dwelling to be inspected by appropriate representatives of the City for compliance with Michigan Building Code regulations. Proof of such inspections must be provided to the City Clerk upon annual renewal of registration to document that the property remains in compliance with this subchapter.
8. The short-term rental license shall not be transferred or assigned to another person or address, nor shall the licensee authorize any person, other than the person named therein, to operate a short-term rental unit on the property.
9. Any licensee that has submitted a sworn statement pursuant to subparagraph (C)(d), of this section as part of its original application shall complete the following each year, prior to expiration, of the original issuance of the license:
    a. For principal residence short-term rental units, the permanent resident shall submit a sworn statement affirming that the licensed dwelling unit continues to be the applicant's principal residence.
    b. Pay the fee described in subsection § 153-4.28(D)(5)(i).
    c. Cause the property to be inspected as described above.

E. **Short-Term Rental Unit Requirements**.

1. Short-term rental units are prohibited unless the City has issued a short-term rental license for the unit.
2. The occupancy of a dwelling unit rented as a short-term rental shall not exceed the occupancy permitted pursuant to § 153-4.28(C)(1)(c) above.
3. No host shall rent a short-term rental unit in a manner that requires a person to sleep in an area that is not habitable as set forth in § 151.076 “REQUIRED FACILITIES” of the City’s Code of Ordinances.
4. No host shall advertise a short-term rental unit, unless the advertisement includes the applicant's short-term rental unit license number and the maximum occupancy permitted in the unit.
5. The short-term rental unit host shall be responsible for all nuisance and enforcement complaints as outlined in the City Code of Ordinances on their premises including the following:
    a. The city's noise ordinance (§§ 94.045 through 94);
    b. The city's curfew for minor’s ordinance (§§ 130.50 through 130.53);
    c. The city's disturb the peace of neighborhoods ordinance (§ 130.32)
    d. The city's property maintenance regulations (§§ 151.097 and 151.098); and
    e. The city's parking regulations (§ 72.23).

F. **Prohibited Acts and Penalties**.

1. **Prohibited acts**.

   a. It shall be unlawful for any person to:

      i. Violate any provision of this chapter or any condition of any license granted pursuant to this chapter.

      ii. Make any changes or allow any changes to be made in the operation of the short-term rental unit as represented in the license application, without first notifying the City by amending the application.

2. **License revocation**.

   a. The city finds that the suspension or revocation of a license may be necessary if an owner fails to operate the short-term rental unit in accordance with the provisions of this chapter.

   b. A license issued under this chapter may be suspended or revoked for any of the following violations:

      i. A license holder is convicted of or found responsible for violating any provision of this chapter.

      ii. A license application contains any misrepresentation or omission of any material fact, or false or misleading information, or the license applicant has provided the City with any other false or misleading information related to the short-term rental unit.

      iii. The short-term rental unit is operated or is operating in violation of the specifications of the license application, any conditions of approval by the City or any other applicable state or local law, rule, or regulation.

      iv. The short-term rental unit is determined by the City, to have become a public nuisance.

3. **Revocation not exclusive penalty**. Nothing in this chapter shall be deemed to prohibit the City from imposing other penalties authorized by the Saginaw City Code or other ordinance or to file a public nuisance lawsuit or to take any other legal action authorized by law.

4. **Penalty for violations**.

   a. Any person who violates a provision of this chapter shall be responsible for a Class C municipal civil infraction, subject to payment of a civil fine as set forth in Ch. 37, plus costs, restitution, and other sanctions, for each infraction. Each day of violation shall be a separate violation.

153-4.29 Solar Energy Systems

A. **Intent and Purpose**. It is the intent of this section to regulate the safe, effective, and efficient use of solar energy systems (SES) as an alternative energy source and to provide for the land development, installation and construction regulations of solar energy systems subject to reasonable conditions that will protect the public health, safety and welfare within the City of Saginaw.

B. **Applicability**. SES which were installed prior to the effective date of this subchapter shall not be required to meet the requirements of this section except for modifications to an existing SES that increases the SES area by more than 10% of the original footprint or a change to the solar panel type. All modifications or alterations are subject to the requirements and standards of this subchapter.

C. **Roof-Mounted and Accessory Ground Mounted SES**. Roof-mounted and accessory ground solar energy systems are permitted in all zoning districts. The following regulations shall apply:

1. Roof-mounted solar energy systems. Roof-mounted solar panels may be installed on the roof deck of the primary or accessory building or structure, or both. Solar panels mounted to the roof deck of a primary structure shall be subject to height, setbacks, and other applicable regulations for the district where the SES is located. All site improvements shall comply with Article 5 of this chapter. Any SES located in a historic district shall comply with § 153-4.29(C)(3) below.

    a. Roof-mounted solar panels shall include solar panels integrated as the surface layer of the roof structure with no additional apparent change in relief or projection, or separate flush-mounted solar panels attached to the roof deck surface.

    b. Solar panels integrated as the surface layer of the roof structure (solar panel shingles) may be located on any part of the roof.

    c. Nonconformities. A roof-mounted SES or building-integrated SES installed on a nonconforming building, structure, or use shall not be considered an expansion of the nonconformity.

    d. Application. Electrical and building permits are required for all installations or repowering of a roof-mounted SES. Applications must include horizontal and vertical elevation drawings that show the location and height of the SES on the building and dimensions of the SES. Applications for Roof-Mounted solar panels shall also be accompanied by a site plan, full electrical specifications, a structural roof evaluation and fastening schedule signed and stamped by a professional engineer currently licensed in the State of Michigan and/or in accordance with the manufacture's installation specifications.

2. **Accessory Ground-Mounted SES**.

   a. Height. Ground solar energy collectors shall not exceed the maximum allowable height of accessory structures or buildings as measured from ground level to the top of the solar collectors when oriented at maximum tilt.

   b. Setbacks. A ground-mounted SES must be a minimum of two feet from the property line or the required setback that would apply to accessory structures in the side or rear yard in the respective zoning district, whichever is greater. Setback distance is measured from the property line to the closest point of the SES at minimum tilt.

   c. Lot coverage. The area of the solar array shall not exceed 50% of the square footage of the primary building of the property unless it is sited over required parking (i.e., solar carport), in which case there is no maximum lot coverage for the ground-mounted SES. A ground-mounted SES shall not count towards the maximum number or square footage of accessory structures allowed on site or maximum impervious surface area limits if the ground under the array is pervious.

   d. Visibility (residential). A ground-mounted SES in residential districts (R-1, R-1, R-2, R-3, R-4) shall be located in the side or rear yard to minimize visual impacts from the public right(s)-of-way. (See § 153-4.29(C)(3) below for properties located within Local Historic Districts).

   e. Exemptions. Low voltage SES used to power a single device or specific piece of equipment such as a lawn ornament, lights, weather station, thermometer, clock, well pump or other similar singular device is exempt from these requirements.

   f. Nonconformities. A ground-mounted SES installed on a nonconforming lot or use shall not be considered an expansion of the nonconformity.

   g. Guy wires. Poles requiring guy wires are not permitted in R-1, single-family residential and R-2 single and two-family residential districts.

   h. Application. An electrical permit and building permit application is required for all ground-mounted SES installations. The application must also include a site plan that shows the location of the system on the property, height, tilt features (if applicable), the primary structure, accessory structures, and setbacks to property lines. Accessory use applications that meet the ordinance requirements shall be granted administrative approval.

3. Approval of solar systems located in regulated historic districts.

   a. Design review required. Solar systems located in regulated historic districts shall obtain approval from the City of Saginaw Historic District Commission, where applicable, before seeking any other required approvals. Procedures for design review shall be in accordance with § 153-6.5. In addition to the applicable standards and regulations found therein.

b. The following additional design standards apply:

i. Solar systems shall be installed in a manner which does not damage or obscure character-defining features of an historic resource. Solar panels should be located so as not to change an historic roofline or obscure the relationship of an historic roof to character-defining features such as dormers and chimneys.

ii. Pole-mounted solar systems shall be installed in locations that are not clearly visible from public streets.

iii. Roof-mounted solar systems that are not building integrated systems must comply with following:

(A) Solar systems on pitched roofs:

(1) Systems may only be attached to the side or peak of a roof that is clearly visible from public streets when such systems could not otherwise be located on sides and peaks of the roof that are not clearly visible from public streets.

(2) Systems shall be installed below the ridgeline of a pitched roof.

(3) Systems shall be mounted parallel to the plane of a pitched roof and have a low profile.

(B) Solar systems on flat roofs:

(1) Systems shall not be attached to parapet walls that are clearly visible from public streets or any extension of a front wall of a building that is clearly visible from public streets.

(2) Systems shall be set back from the edge of a flat roof, so as not to be visible from a public street.

iv. Building integrated solar systems. The Historic District Commission, where applicable, shall review and approve the use of building integrated solar systems.

v. The Historic District Commission, where applicable, may require that solar systems, excluding solar collector surfaces, be painted so as to be architecturally compatible with the building on which it is located or to blend in with the surrounding area.

D. **Principal-Use Solar Power Systems**.

1. Principal-use solar power systems are permitted in the following zoning districts:

a. Small scale principal-use SES is a permitted use by special use in R1-A, B-1, B1-A, B-2, I-1, and I-2 zoning districts.

b. Large scale principal-use SES is a permitted use by special use in I-1 and I-2 zoning districts.

2. Principal-use solar power systems are subject to site plan review and special use permit application. Site plans and supporting application materials for a principal-use SES shall include a detailed site plan including all applicable requirements found in § 153-6.1 Site Plan Review, plus the following site plan requirements:
    a. Height. Total height shall not exceed 20 feet measured from the ground to the top of the system when oriented at maximum lilt.
    b. Setbacks. Setback distance shall be measured from the property line to the closest point of the solar array at minimum tilt or any SES components and as follows:
        i. Small scale ground-mounted SES shall follow the setback distance for primary buildings or structures for the district in which it is sited.
        ii. Large scale ground-mounted SES setback distance are as follows:
            (A) Fifty feet from the property line of a non-participating lot.
            (B) One hundred feet from any existing dwelling unit on a non-participating lot.
    c. A ground-mounted SES is not subject to property line setbacks for common property lines of two or more participating lots, except road right-of-way setbacks shall apply.
    d. Fencing. Principal-use SES shall be secured with perimeter fencing to restrict unauthorized access. Fencing shall be subject to height, setbacks, and other applicable regulations contained in § 153-5.6 Fences for the zone it is located in.
    e. Screening/landscaping. Principal-use SES shall be designed to follow the screening and/or landscaping standards for the zoning district of the project site.
        i. Any required screening and landscaping shall be placed outside the perimeter fencing. In districts that call for screening or landscaping along rear or side property lines, these shall only be required where an adjoining non-participating lot has an existing residential or public use.
        ii. When current zoning district screening and landscaping standards are determined to be inadequate based on a legitimate community purpose consistent with local government planning documents, the Chief Inspector [or Planning Commission where otherwise required by this chapter] may require substitute screening consisting of native deciduous trees planted 30 feet on center, and native evergreen trees planted 15 feet on center along existing nonparticipating residential uses.
        iii. The Planning Commission may reduce or waive screening requirements provided that any such adjustment is in keeping with the intent of the ordinance and is appropriately documented (e.g., abutting participating lots; existing vegetation).
        iv. Screening/landscaping detail shall be submitted as part of the site plan that identifies the type and extent of screening for a small principal-use SES, which may include plantings, strategic use of berms, and/or fencing.

f. Ground cover. Principal-use SES shall include the installation of perennial ground cover vegetation, e.g., Pennsylvania Sedge, Bearberry, Canada Anemone, etc., maintained for the duration of operation until the site is decommissioned. The applicant shall include a ground cover vegetation establishment and management plan as part of the site plan. Project sites with majority of existing impervious surface or those that are included in a brownfield plan adopted under the Brownfield Redevelopment Financing Act, PA 381 of 1996, as amended, are exempt from installing ground cover. These sites must however comply with the on-site storm water requirements of the ordinance and include a land management plan.

g. Lot coverage. Principal-use SES shall not count towards the maximum lot coverage or impervious surface standards for the district.

h. Land clearing. Land disturbance or clearing shall be limited to what is minimally necessary for the installation and operation of the system and to ensure sufficient all-season access to the solar resource given the topography of the land. Topsoil distributed during site preparation (grading) on the property shall be retained on site.

i. Access drives. New access drives within the SES shall be designed to minimize the extent of soil disturbance, water runoff, and soil compaction on the premises. Access drives should consist of six inches of stone mix or gravel. The use of geotextile fabrics and gravel placed on the surface of the existing soil for temporary roadways during the construction of the SES is permitted, provided that the geotextile fabrics and gravel are removed once the SES is in operation.

j. Wiring. SES wiring (including communication lines) may be buried underground. Any above-ground wiring within the footprint of the SES shall not exceed the height of the solar array at maximum tilt.

k. Lighting. Lighting shall be limited to inverter and/or substation locations only. Light fixtures shall have down lit shielding and be placed to keep light on-site and glare away from adjacent properties, bodies of water, and adjacent roadways. Flashing or intermittent lights are prohibited.

l. Decommissioning. A decommissioning plan is required at the time of application that is in recordable form to be recorded with the county register of deeds. The plan must include the following:

   i. A description of which above-grade and below-grade improvements will be removed, retained, e.g., access drive, fencing, or restored for viable reuse of the property consistent with the zoning district.

   ii. The anticipated life of the project, the estimated decommissioning costs net of salvage value in current dollars, the method of ensuring that funds shall be available for decommissioning and restoration and the anticipated manner in which the project shall be decommissioned and the site restored.

iii. The city may require that applicants provide a form of surety, either through escrow account, bond or otherwise, to cover the cost of removal in the event the City must remove the solar system, of an amount and form determined to be reasonable by the City, but in no event to exceed more than 125% of the cost of removal and compliance with the additional requirements set forth herein.

iv. Such surety shall not be required for municipally or state-owned solar systems. If required, the applicant shall submit a fully inclusive estimate of the costs associated with removal prepared by a qualified engineer. The amount shall include a mechanism for cost-of-living adjustment.

v. A review of the amount of the performance guarantee based on inflation, salvage value, and current removal costs shall be completed every five years, for the life of the project, and approved by the City. An SES owner may at any time:

(A) Proceed with the decommissioning plan approved by the Chief Inspector or Planning Commission and remove the system as indicated in the most recent approved plan; or

(B) Amend the decommissioning plan with Chief Inspector or Planning Commission approval and proceed according to the revised plan.

vi. Decommissioning an SES must commence when the soil is dry to prevent soil compaction and must be complete within 18 months after abandonment. An SES that has not produced electrical energy for 12 consecutive months shall prompt an abandonment hearing.

m. Repowering. In addition to repairing or replacing SES components to maintain the system, a principal-use SES may at any time be repowered, without the need to apply for a new site plan, by reconfiguring, renovating, or replacing the SES to increase the power rating within the existing project footprint. Repowering may require an application for an electrical permit as determined by the Electrical Inspector or this code.

n. A proposal to change the project footprint of an existing SES shall be considered a new application, subject to the ordinance standards at the time of the request. Expenses for legal services and other studies resulting from an application to modify an SES will be reimbursed to the City of Saginaw by the SES owner in compliance with established escrow policy.

153-4.30 Temporary Buildings for Construction

A. All temporary buildings for use incidental to construction shall be located outside of the Public Right-of-Way and may only be permitted on public property if approved by the Zoning Administrator.

B. Clear vision areas shall be maintained at all times in accordance with § 153-5.9 of this chapter.

C. Temporary buildings shall not obstruct the flow of pedestrian or vehicular traffic.

D. Temporary buildings for construction shall be located at the greatest reasonable distance from adjoining residential property and view from the public right-of-way.

E. A permit for a temporary building incidental to construction shall expire after one year. Permits may be re-issued throughout the duration of the construction period upon reapplication to the Zoning Administrator.

153-4.31 Vehicle Fueling Stations and Passenger and Other Vehicle Repair and Service

A. Purpose-effect. In order to regulate and control the problems of noise, odor, light, fumes, vibration, dust, danger of fire and explosion, and traffic congestion which result from the unrestricted and unregulated construction and operation of vehicle repair, service, and fueling stations, and to regulate and control the incidental adverse effects which may impact adjacent and surrounding areas, the following regulations and requirements are provided for passenger and other vehicle repair or service stations located in any zone.

B. Vehicle repair, service, and fueling stations regulated under this section shall include both passenger and other vehicle repair and service uses, and shall include vehicle fueling stations, and shall comply with the following requirements:

1. Minimum area and frontage. A vehicle repair, service, or fueling station shall be located on a lot having a frontage along the principal street of not less than 120 feet, and having a minimum area of not less than 14,400 square feet

2. Setbacks.

   a. A vehicle repair or service station building housing an office and/or facilities for servicing, greasing, and/or washing motor vehicles shall be located not less than 40 feet from any street lot line, and not less than 25 feet from any side or rear lot line adjoining a residentially zoned district.

   b. Gasoline pumps shall be located not less than 15 feet from a lot line. Gasoline pumps and pump canopies shall be located not less than 25 feet from any side or rear lot line abutting a residentially zoned district.

3. Driveways and curbs.

   a. All driveways providing ingress to or egress from a vehicle repair, service, or fueling station shall be not more than 30 feet wide at the property line. No more than one curb opening shall be permitted for each 50 feet of frontage or major fraction thereof along any street. No driveway or curb opening shall be located nearer than 20 feet to any corner or exterior lot line, as measured along the property line. No driveway shall be located nearer than 30 feet, as measured along the property line, to any other driveway giving access to or from the same vehicle repair, service, or fueling station.

   b. A raised curb six inches in height shall be erected along all street lot lines, except for driveway openings.

4. Paved areas. The entire parking area shall be paved with a permanent surface of concrete or asphaltic concrete and shall be graded and drained in accordance with the requirements of § 153-5.2(D). Any unpaved area of the site shall be landscaped with lawn or other horticultural materials, maintained in a neat and orderly fashion at all times, and separated from the paved area by a raised curb or other equivalent barrier.

5. Pedestrian circulation. The Planning Commission may require internal sidewalks, pedestrian markings or other pedestrian accommodations beyond what is required in this Chapter to ensure compatibility between pedestrian and vehicular traffic on the site.
6. Equipment location. All equipment used for motor vehicle repairs shall be enclosed entirely within a building. All gasoline pumps shall be arranged so that motor vehicles shall not be supplied with gasoline or serviced while parked upon or overhanging any public sidewalk, street, or right-of-way.
7. Number of pumps. A vehicle repair, service, or fueling station located on a lot having an area of 14,400 square feet shall include not more than four double gasoline pumps or eight single gasoline pumps and not more than two enclosed stalls for servicing, lubricating, greasing, and/or washing motor vehicles. An additional two gasoline pumps and/or one enclosed stall may be included with the provision of each additional 2,000 square feet of lot area.
8. Walls. Where a vehicle repair, service, or fueling station adjoins property located in any residential zone, a solid masonry wall five feet in height shall be erected and maintained along the interior lot line or if separated from the residential zone by an alley, then along the alley lot line. In addition, all trash areas for used tires, auto parts and other items shall be enclosed on all sides by a five-foot masonry wall except for access gates or doors. All masonry walls shall be protected by a fixed curb or barrier to prevent vehicles from contacting the wall. A masonry wall may additionally be required by the Planning Commission where the repair, service, or fueling station adjoins a nonresidential use such as a professional office building, clinic, day nursery, or landscaped area of other nonresidential uses. Walls may be gradually reduced in height (e.g., stepped down) within 25 feet of any street right-of-way line. No wall may exceed four feet in height in any yard abutting a street.
9. Location near certain premises prohibited. No vehicle repair or service station or public garage shall be located nearer than 100 feet as measured from any point on the property line to any school, playground, place of worship, or hospital, measured from the nearest building line of the vehicle repair or service station to the property line of the use subject to this separation distance.
10. Outdoor storage and vehicle rentals. Outdoor storage or parking of vehicles or trailers other than private passenger automobiles shall be prohibited between the hours of 10:00 p.m. and 7:00 a.m., except that equipment rental operations shall be permitted if incidental to the vehicle repair or service station and if restricted to travel trailers or campers of under 21 feet overall length, car-top carriers, and similar auto accessories and are within fenced enclosures observing the same setbacks as required for buildings in the zoning district wherein the vehicle repair or service station is located, and their storage area does not exceed 20% of the area of the site. Rentals shall be limited to trucks not exceeding 30 feet in length and trailers not larger than tandem axle utility trailers not intended to carry heavy construction equipment.

153-4.32 Vehicle Wash Establishments

A. Vehicle wash establishments shall comply with the following requirements:

1. All structures within a vehicle wash establishment shall provide a minimum front yard setback of 40 feet.
2. A five-foot high solid masonry wall, fence, or planting screen shall be provided along any interior lot line adjacent to a residential zone excepting the portion adjacent to the front or street side yards required therein.
3. Vehicle waiting spaces shall be provided in accordance with § 153-5.2(B).
4. Adequate provision shall be made to keep all water from washing operations on the premises. Where mechanical or manual drying is not done, a mechanical device shall be provided to ensure that each vehicle shall wait on the premises a minimum of 90 seconds following the end of the washing operation.
5. Pedestrian circulation. The Planning Commission may require internal sidewalks, pedestrian markings or other pedestrian accommodations beyond what is required in this Chapter to ensure compatibility between pedestrian and vehicular traffic on the site.
6. All vacuums shall be located in a side or rear yard only.

153-4.33 Wireless Communications Facilities

A. **In General**.

1. Wireless communication equipment (but not a wireless communication support structure) is a permitted use and allowed in all zoning districts. Wireless communication equipment does not have to be related to the principal use of the site. Wireless communication equipment is not subject to zoning review and approval if all of the following requirements are met:
    a. The wireless communication equipment will be co-located on an existing wireless communication support structure or in an existing equipment compound.
    b. The existing wireless communication support structure or existing equipment compound is in compliance with the City's zoning ordinance or was approved by the appropriate zoning body or official for the City.
    c. The proposed co-location will not do any of the following:
        i. Increase the overall height of the wireless communication support structure by more than 20 feet or ten percent of its original height, whichever is greater.
        ii. Increase the width of the wireless communication support structure by more than the minimum necessary to permit co-location.
        iii. Increase the area of the existing equipment compound to greater than 2,500 square feet.
    d. The proposed co-location complies with the terms and conditions of any previous final approval of the wireless communication support structure or equipment compound by the appropriate zoning body or official of the City.
2. Notwithstanding the foregoing, wireless communication equipment otherwise exempt must still comply with all other applicable city codes including a requirement that the chief inspector determines that the co-location will not adversely impact the structure to which it is attached.
3. A co-location that meets the requirements of subsections (1)(a) and (b), above, but which does not meet subsections (1)(c) and (d), is subject to special land use review by the Planning Commission in accordance with the City's zoning ordinance and Sections 514(3) to (6) of Public Act 366 of 2018, as amended.
4. Any equipment placed in a residential district shall not be erected at a height that requires lighting. Any equipment placed adjacent to a residential district or use that requires lighting shall be a continuous red beacon at night.
5. Wireless communication equipment that is not attached to an existing structure (thus requiring the installation of a new wireless communication support structure), is subject to special land use review consistent with the City's zoning ordinance and consistent with the City's master plan.

B. **Special Land Use Standards for Wireless Communication Facilities.**

1. Wireless communication support structures must be installed on a lawful lot for the zoning district in which it is located, either as a principal use, or as an accessory use related to the principal use, and must meet all of the requirements established by this code for such zoning districts.

2. To the extent the other requirements of this code do not conflict with this chapter, Public Act 365 of 2018, as amended, or Public Act 366 of 2018, as amended, such requirements shall still apply to the placement of wireless communication facilities and wireless communication support structures.

C. **Special Land Use Standards for Non-Exempt Small Cell Wireless Facilities.**

1. The modification of existing or installation of new small cell wireless facilities, or the modification of existing or installation of new wireless support structures used for such small cell wireless facilities, that are not exempt from zoning review in accordance with Public Act 365 of 2018, as amended, shall be subject to special land use review and approval in accordance with the following procedures and standards:

   a. The processing of an application is subject to all of the following requirements:

      i. Within 30 days after receiving an application under this subsection C, the Chief Inspector shall notify the applicant in writing whether the application is complete. The notice tolls the running of the 30-day period

      ii. The running of the time period tolled under subdivision a(i) resumes when the applicant makes a supplemental submission in response to the Chief Inspector's notice of incompleteness.

      iii. A complete application shall be submitted to the Planning Commission for review.

      iv. The Planning Commission shall approve or deny the application and notify the applicant in writing within 90 days after an application for a modification of a wireless support structure or installation of a small cell wireless facility is received or 150 days after an application for a new wireless support structure is received. The time period for approval may be extended by mutual agreement between the applicant and the Chief Inspector.

2. The Planning Commission shall base its review of the special land use request on the standards contained within the City's zoning ordinance; provided, however that a denial shall comply with all of the following:

   a. The denial is supported by substantial evidence contained in a written record that is publicly released contemporaneously with the denial.

   b. There is a reasonable basis for the denial.

   c. The denial would not discriminate against the applicant with respect to the placement of the facilities of other wireless providers.

3. In addition to the provisions set forth above, in the Planning Commission's review:
    a. An applicant's business decision on the type and location of small cell wireless facilities, wireless support structures, or technology to be used is presumed to be reasonable. This presumption does not apply with respect to the height of wireless facilities or wireless support structures.
    b. An applicant shall not be required to submit information about its business decisions with respect to any of the following:
        i. The need for a wireless support structure or small cell wireless facilities.
        ii. The applicant's service, customer demand for the service, or the quality of service.
    c. The Planning Commission may impose reasonable requirements regarding the appearance of facilities, including those relating to materials used or arranging, screening, or landscaping.
    d. The Planning Commission may impose spacing, setback, and fall zone requirements substantially similar to spacing, setback, and fall zone requirements imposed on other types of commercial structures of a similar height in a similar location.
4. The fee for zoning review of a special land use and associated site plan shall be as established by the City Council and posted in the Office of the City Clerk.
5. Expiration/Termination.
    a. Within one year after a zoning approval is granted, an applicant shall commence construction of the approved structure or facilities that are to be operational for use by it, unless the Chief Inspector and the applicant agree to extend this period or the delay is caused by a lack of commercial power or communications facilities at the site. If the applicant fails to commence the construction of the approved structure or facilities within the time required, the zoning approval is void.
    b. An applicant may voluntarily request that a zoning approval be terminated.
6. The city shall not institute a moratorium on either of the following:
    a. Filing, receiving, or processing applications for zoning approval under this section.
    b. Issuing approvals for installations that are not a permitted use.

D. The city may revoke a zoning approval, upon 30 days' notice and an opportunity to cure, if the small cell wireless facilities and any associated wireless support structure fail to meet the requirements of the approval, applicable codes, or applicable zoning requirements.

Chapter 153, Article 5
Site Standards

Article 153-5 Site Standards

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153-5.1 Accessory Buildings

Accessory buildings, except as otherwise permitted in this section, shall be subject to the following regulations.

A. Where the accessory building is structurally attached to a main building, it shall be subject to and must conform to all regulations of this chapter applicable to main or principal buildings.

B. **Building Placement**.

1. Accessory buildings shall not be erected in any required yard except for the following:
    a. An accessory structure may be erected in a rear yard, providing that in no instance shall such a building be nearer than two feet to any adjoining lot line.
    b. An accessory structure may be erected in an interior side yard, providing that the structure is behind the rear building line of the principal structure and in no instance shall such building be nearer than two feet to any adjoining interior side lot line.
2. Accessory buildings shall be placed behind the front building line of any street-facing frontage except for the following:
    a. Attached garages may be erected to extend beyond the front line of the house in those areas which are being developed according to a common plan that includes the construction of attached garages extending beyond the front line of the house, except that such garage shall not encroach in or upon the minimum front yard area as required by this chapter.
3. On a corner lot the entrance to a garage shall not be less than eight feet from the lot line adjacent to the side street
4. Separation Distance.
    a. No detached accessory building shall be located closer than seven feet to any main or principal building
    b. No accessory building may be closer than four feet to any other accessory building.

C. **Number Permitted**. Not more than two garage/accessory buildings may be erected on any single lot, subject to setback, lot coverage and other standards of this chapter.

D. **Area**. The total area of all accessory buildings on a lot housing a single-family use or a multiple-family residential use of up to four units, may not exceed the ground floor area of the main building(s) or 600 square feet, whichever allows the larger square footage.

E. **Height**.

1. On lots housing a single-family use or a multiple-family residential use of up to four units, a garage may not exceed one story or 15 feet in height; all other accessory buildings may not exceed ten feet in height.
2. On lots housing multiple-family residential uses of more than four units, mixed use, or nonresidential uses, accessory buildings shall comply with the height requirements in the zoning district in which they are located.

F. **Principal Structure Required**. No garage, utility, or accessory building shall be constructed upon or moved to any parcel of property until the principal building on, or intended to be placed thereon, is at least two-thirds completed, except that construction of an attached garage may proceed with the construction of a dwelling.

G. No accessory building shall be used in any part for dwelling purposes except as an accessory dwelling in accordance with § 153-4.6 Dwellings, Accessory of this Chapter.

153-5.2 Off-Street Parking

A. **Parking Requirements**. All off-street parking shall meet the following requirements:

1. **Intent**. In order to ensure the safe, orderly, and efficient flow of vehicles and people on developed properties, the City sets forth the following regulations for parking, loading, and circulation.

2. **Off-Street Parking Required for All Uses**. At the time of the construction or enlargement of any principal building or structure, automobile parking spaces shall be provided in all districts, prior to the issuance of a certificate of occupancy, as set forth in this section. Parking spaces for single-family and multiple-unit buildings with four or fewer units shall comply with the following:

   a. At a minimum, off-street parking spaces for single-family, and multiple-unit buildings with four or fewer units shall consist of a parking strip, driveway, garage, or combination thereof and shall be located on the premises they are intended to serve and subject to the requirements of the Schedule of Parking Requirements (§ 153-5.2(A)(10)).

   b. A parking strip or driveway shall be located such that it leads to at least one parking area in a yard other than the required front or street side yard. A driveway or parking strip shall not exceed twenty-two (22) feet in width when located in the front or side yard.

   c. In lieu of a parking strip, driveway, garage, or combination thereof, multiple-unit buildings with four or fewer units may construct a parking lot subject to the parking lot design and parking lot construction/maintenance standards in § 153-5.2(C) and (D) below.

3. **Change of Use**. When there is a change of use within a previously approved site plan, or a modification to a previously approved parking area, the Zoning Administrator may review and administratively approve the alterations, provided that the resulting changes meet code requirements. Changes of use may be approved administratively if the change satisfies all requirements of the Zoning Ordinance, and the change of use does not otherwise warrant additional review or an increase in on-site parking. Where the change of use occurs in a multi-tenant shopping center or mixed-use building, an increase in parking shall not be required.

4. **Storage of Vehicles**. The storage of merchandise, motor vehicles for sale, or the repair of vehicles in required parking spaces is prohibited.

5. **Parking Prohibited in Required Front and Street Side Yards**. In all districts, the required front and street side yard setbacks shall not be used for off-street parking, loading, or unloading, and shall remain as open space unoccupied and unobstructed from the ground upward except for landscaping, plant materials, or vehicle access drives, and except that for single-family detached dwellings, and multiple-unit dwellings with four or fewer units, one passenger motor vehicle may be parked on a paved driveway or garage apron in a required front yard.

6. **Uses Not Included in Schedule of Parking Requirements**. For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accord with the requirement for the most similar use or uses, as determined by the Zoning Administrator.

7. **Collective Use of Spaces**. Nothing in this subchapter shall be construed to prevent collective provisions of off-street parking facilities for two or more buildings or uses; provided, that collectively, such facilities shall not be less than the sum of the requirements for the various individual uses computed separately in accordance with § 153-5.2(A)(10)(d). Such shared facilities may take place on separate property, so long as the shared facility being reviewed is governed by an agreement in writing approved by the City and kept on file at the City.
8. **Fractional Requirements**. When units or measurements determining the number of required parking spaces result in the requirement of a fractional space, any fraction less than one-half shall be disregarded and fractions of one-half and greater shall require one parking space.
9. **Reduction of Off-Street Parking Requirements**. The number of required off-street parking spaces may be reduced based on any of the following criteria:
    a. Subject to approval of the Planning Commission. For all uses except for single-family dwellings, multiple-unit dwellings with less than four units, and mobile home sites, the following reductions may only be granted subject to the approval of the Planning Commission.
        i. The applicant has demonstrated through a parking study or other means deemed sufficient that the required off-street parking is excessive. Elements to be considered include:
            (A) Dual function nature of off-street parking spaces where operating hours and parking needs of individual buildings or uses occur at distinctly different times.
            (B) Number and frequency of walk-up (foot traffic) customers.
            (C) Availability of shuttle service and/or transit.
            (D) Seasonal nature of operations.
            (E) Availability of public parking elsewhere.
        ii. Shared parking. The Planning Commission may allow shared parking between adjacent sites as a means to reduce the number of required off-street parking spaces.
            (A) Parking spaces may only be double counted towards the parking requirements for both sites upon a finding that each use maintains different hours of operation.
            (B) Shared parking locations shall be accessible via safe walking, transit, or shuttle service, or vehicular access connections.
            (C) Shared parking shall be governed by an agreement in writing approved by the City and kept on file at the City.
            (D) Shared parking agreements shall have a lease agreement of not less than 5 years including any renewals at the option of the lessee.

b. Subject to the approval of any approving authority. For all uses except for single-family dwellings, multiple-unit dwellings with four or fewer units, and mobile home sites, the following reductions in required off-street parking may be granted by the zoning administrator in circumstances where plans are subject to administrative review only. In all other circumstances, reductions are subject to the approval of the public body authorized to approve such plans.

   i. When the most recently published Institute of Transportation Engineers' Parking Generation Manual or Urban Land Institute Shared Parking Guide recommends a lower quantity of parking than that required in this code such amount may be permitted.

   ii. Deferred Parking. The approving authority may grant relief when the applicant proposes to defer a portion of the required parking spaces. Deferred parking shall meet the following requirements:

      (A) The number of off-street parking spaces required for the use or uses shall be more than ten (10).

      (B) Area of sufficient size to meet the parking space requirements of this section shall be retained as open space. The site plan shall note the area where parking is being deferred, including dimensions and dotted parking lot layout.

      (C) The applicant shall provide a written legal agreement, approved by the City and recorded at Saginaw County, to construct the deferred parking at the direction of the approving body, based on observed usage, within six (6) months of being informed of such request in writing by the Zoning Administrator; the applicant may also inform the City of the need to construct the parking, whereupon its construction may be approved administratively, subject to any necessary engineering approvals based on conditions at the time.

   iii. Bicycle Parking. For each 2 bicycles accommodated by dedicated bicycle parking on the site, the requirement for vehicle spaces may be reduced by one (1); though the reduction shall not exceed ten percent (10%) of the total number of required vehicle spaces.

   iv. Public Parking Access. When the subject property is located within 500 feet of a municipal parking lot, the requirement for vehicle spaces may be reduced by 10% of the total number of required vehicle spaces.

c. Mixed-Use Zoning Districts. The required parking shall be halved for all uses in the MU-1, MU-2, MU-3E and MU-3W, and MU-4 zoning districts. In addition, parking is not required for the following uses in the MU-3E and MU-3W zoning districts:

   i. Non-residential uses.

   ii. Conversion of existing upper stories into any residential use of any number of units.

10. **Required Parking**. Parking for all uses shall be provided according to the following standards:
    a. All single-family dwellings and duplexes shall provide space for a minimum of two vehicles.
    b. Where a parking requirement is based on building floor area, the definition "Floor Area, Usable" in § 153-2.2 Definitions shall control. Where true usable floor area, based on a floor plan, cannot be established at the time of approval (such as with a shopping center where tenants are not yet determined or a speculative building), usable floor area shall be determined as follows:
        i. Commercial: 80% of gross floor area
        ii. Office: 80% of gross floor area
        iii. Industrial: 70% of gross floor area
    c. For all other uses, the applicant shall provide an estimate of parking demand based on the following:
        i. The number of employees shall be based on the maximum number needed for the largest shift.
        ii. Requirements based on the number of seats shall use a measurement of twenty-four (24) inches of bench or pew space.
        iii. Occupancy shall mean legal occupancy as determined by the fire department or other authorized agency.
        iv. Occupancy unit in this § 153-5.2 shall mean a guest room which is available to be rented or occupied by guest(s) in bed and breakfasts, boarding houses, group residences, hotels, or similar uses, but does not constitute a full dwelling unit.
    d. **Minimum parking requirements**. The following table provides requirements for minimum parking by use.

Table 153-5.2(A)(10)(d) Schedule of Parking Requirements

Land Use	Minimum Spaces Required
Residential Uses	
Adult foster care small and large group homes	1 space for every 3 beds
Bed and breakfast	1 for each occupancy unit plus 1 for each employee plus 2 for dwelling unit of owner/operator
Multiple-unit dwellings	1.5 for each dwelling unit
Senior housing (independent)	1.2 for each dwelling unit
One-family and two-family dwellings	2 spaces
Boarding house or group residence	1 space for each occupancy unit
Senior housing (dependent)	1 for every 3 dwelling units

Table 153-5.2(A)(10)(d) Schedule of Parking Requirements (Continued)	
Land Use	Minimum Spaces Required
Business and Commercial Uses	
Amusement arcades	1 per every 75 square feet of gross floor area
Vehicle wash establishment	1 for each employee; see § 153-5.2(B)(2) for stacking requirements
Vehicle service stations	1 space per fueling position, plus room for one stacking space per fueling position. 50% of fueling positions may be counted toward the requirement for any use sharing the site, such as a convenience store or carry-out restaurant
Vehicle repair	3 per vehicle service stall, or 1 per 500 square feet of gross floor area devoted to repairs when service stalls are not present
Personal service	1.75 spaces per chair
Bowling alleys	4 for each bowling lane, plus required parking for any attached bar, restaurant, or assembly, or amusement space
Carry-out eating and drinking establishments	1 for every 150 square feet of floor area; see § 153-5.2(B)(2) for drive-through stacking requirements
Full service eating and drinking establishments	1 for each 3 seats or persons at maximum capacity
Microbreweries, small distilleries, small wine-makers	1 space per 500 square feet of manufacturing space, plus one space per 3 people at maximum occupancy for tasting rooms, plus required spaces for any integrated restaurant
Household repair and service	4 for each establishment plus 1 space for every 800 square feet of floor area
Service establishment of an office, showroom, or workshop nature	4 for each establishment plus 1 space for every 800 square feet of floor area
Laundromats and coin-operated dry cleaners	1 for every 2 washing or dry cleaning machines
Golf course	1 for each hole, plus 1 for each employee; plus required spaces for other on-site uses such as clubhouses

Table 153-5.2(A)(10)(d) Schedule of Parking Requirements (Continued)	
Land Use	Minimum Spaces Required
Recreation, outdoor commercial	If maximum capacity/occupancy is required by Building or Fire Code: 1 per every 3 people at maximum capacity. If maximum capacity/occupancy is not required by Building or Fire Code: 5 spaces plus 1 space per every 1,000 feet of intentional outdoor recreation space (i.e., ice rinks, play equipment, play fields, pools) or 1 space per every mini-golf/disc golf hole, if applicable.
Funeral homes	1 for every 4 people at maximum capacity, plus one per facility vehicle
Motel, hotel, or other commercial lodging establishments	1 for each occupancy unit, plus 10% of that total, plus required spaces for restaurants, ballrooms, meeting rooms, or other accessory spaces
Passenger vehicle or other vehicle sales	1 for every 400 square feet of floor area of sales room, plus required spaces for service and repair stalls
Open air businesses	1 for every 500 square feet of lot area used for retail sales
Arts and craft studios, including photography studios	1 space for each 400 square feet of gross floor area
Quick oil change	1 for each employee; see § 153-5.2(B)(2) for stacking requirements
Radio and television station	1 space for each employee on maximum shift plus 5
Retail stores, except as otherwise specified herein	1 for every 250 square feet of gross floor area
Self-storage facility, outdoor unit access	5 spaces for the complex
Self-storage facility, indoor unit access	1 space for every 20 storage units; minimum 5 spaces
Shopping center or clustered commercial	1 for every 200 square feet of gross leasable floor area
Studios; dance, health, music, and other similar places of instruction and recreation	1 for every 50 square feet of floor area
Assembly halls without fixed seats	1 for every 75 square feet of floor area
Commercial indoor recreation	1 for every 3 people at maximum occupancy

Table 153-5.2(A)(10)(d) Schedule of Parking Requirements (Continued)	
Land Use	Minimum Spaces Required
Industrial Uses	
Industrial establishments, including manufacturing, research, and testing laboratories, creameries, bottling works, printing, plumbing or electrical workshops	1 for every 500 square feet of usable floor area
Wholesale and warehousing establishments	1 for every 1,700 square feet of gross floor area
Junk yard	1 space for each employee plus one for each 10,000 square feet of storage area
Recycling center	1 space for each employee plus 12 vehicle waiting spaces for drop off of materials
Institutional Uses	
Campground - RV park	1 dust free 10-foot by 30-foot space for each campsite plus 1 parking space for each employee
Places of worship	1 for every 3 seats based on maximum seating capacity in the main place of assembly, or 1 per 75 square feet in the main place of assembly, whichever is less
Colleges, universities, vocational training facilities, and private schools	5 spaces for each classroom plus 1 for every 200 square feet of office area
Community center	1 for every 3 persons at maximum occupancy
Elementary and junior high schools	1 per employee, plus required spaces for the auditorium or assembly hall
High schools	1 per employee and 1 for each 10 students, in addition to the requirements of the auditorium or assembly hall
Hospitals	1 for every 3 beds, plus 1 space for every 3 staff members based upon total staff at the hospital
Libraries, museums, and noncommercial art galleries	1 for every 250 square feet of floor area
Marinas, public or private	1 per 5 boat berths, 1 per 20 spaces of dry boat storage, and 1 per employee
Commercial outdoor recreation and places of outdoor assembly	1 for every 3 seats, or 6 feet of benches; or 1 for every 4 people at maximum occupancy; whichever is greater

Table 153-5.2(A)(10)(d) Schedule of Parking Requirements (Continued)	
Land Use	Minimum Spaces Required
Pre-schools, nursery schools, day nurseries, child day care centers	1 for every 350 square feet of floor space, plus 1 space per employee, plus 3 passenger vehicle spaces for loading and unloading of children
Prison, detention facility	1 space for every employee on maximum shift, plus 1 per 250 square feet of visitor floor area
Private clubs or lodge halls	1 for every 3 persons at maximum occupancy
Stadium, sports arenas, or similar place of assembly	1 for every 3 seats or 6 feet of benches
Substance abuse treatment center	1 space for every 3 beds
Tennis and racquet clubs or other similar uses	6 spaces for each court, plus 1 for each employee; where spectator areas are provided, 1 space for every 3 seats or 6 feet of bench
Swimming facilities/natatoriums	1 per four people at maximum occupancy
Theaters and auditoriums (indoor)	1 for every 3 seats or 6 feet of benches
Office Uses	
Business offices	1 space per 333 square feet of floor area
Financial institutions (banks, savings and loan offices, credit unions)	1 for every 300 square feet of floor area; see § 153-5.2(B)(2) for stacking requirements
Medical office and clinics	1 space per 200 square feet of floor area

e. **Maximum parking requirement**. A parking lot shall not exceed 120% of the required minimum base number of parking spaces per the table in § 153-5.2(A)(10)(d) above However, the Planning Commission may grant an increase of over one-hundred twenty (120%) percent of the required minimum base number of parking spaces if:

i. The applicant can demonstrate to the Planning Commission's satisfaction the additional parking is necessary based on documented evidence of actual use or anticipated demand.

ii. The increase in parking will have no undue burden on neighboring property owners and/or natural features.

iii. Pedestrian features and safety measures are sufficiently provided throughout the parking lot.

B. **Drive-Through Design and Stacking**. A lane, aisle, drive, or path in which vehicles are directed expressly for the purposes of receiving or dispensing persons, goods, or services without the driver leaving the vehicle (referred to as a drive-through lane) shall comply with the following requirements:

1. **Drive Through Lanes**.

a. Drive-through lanes shall be separate from the circulation roads and lanes necessary for ingress to and egress from the property.

b. Drive-through lanes shall not use any space that is necessary for adequate access to parking spaces.

c. Drive-through lanes where vehicle stacking and waiting occur shall not be permitted in the front yard.

d. Drive-through lanes and associated bypass lanes shall be set back at least ten (10) feet from the side and rear lot lines.

e. Drive-through lanes located adjacent to a street shall be buffered by a minimum ten (10) foot wide landscaped planting adjacent to the right-of-way as specified in § 153-5.5 Landscaping and Screening.

f. When the direction of traffic in an adjacent lane or aisle is opposite the direction of the drive-through lane or when the adjacent aisle is used to access parking spaces, drive-through lanes shall be separated from other aisles and lanes using a landscaped island, sidewalk, or any other similar raised barrier, as approved by the approving authority. In no case shall this barrier be less than five (5) feet.

g. Drive-through lanes shall provide one (1) means of exit prior to the pick-up window.

h. Designated pedestrian areas which pass through a stacking space/by-pass lane area shall be clearly marked through pavement striping, alternative paving material, or a stamped pattern or texture in the pavement.

i. Drive-through lanes shall have a minimum width of nine (9) feet.

i. Drive-through lanes shall have a minimum length of twenty (20) feet per vehicle.

ii. Drive-through lanes shall have a minimum centerline turning radius of twenty-five (25) feet.

iii. Drive-through lanes shall be striped, marked, or otherwise distinctly delineated.

2. **Drive-Through Stacking.** Wherever a drive-through is provided, drive-through stacking spaces shall be provided in addition to required parking spaces at the following rates:

Table 153-5.2(B)(2) Drive-Through Stacking Requirements		
Activity Type	Minimum Spaces	Measured From (does not include space being served)
Bank teller lane	4	Teller or window
Automated teller machine	3	Teller machine
Restaurant drive-through	10	Where order box is present, 6 before order box, 4 between order box and window
Car wash stall, automatic	10	Entrance
Car wash stall, self-service	2	Entrance
Quick oil change	2 per stall	Entrance
Pharmacy	3	Window
Other	Determined by City Engineer based on Traffic Study	

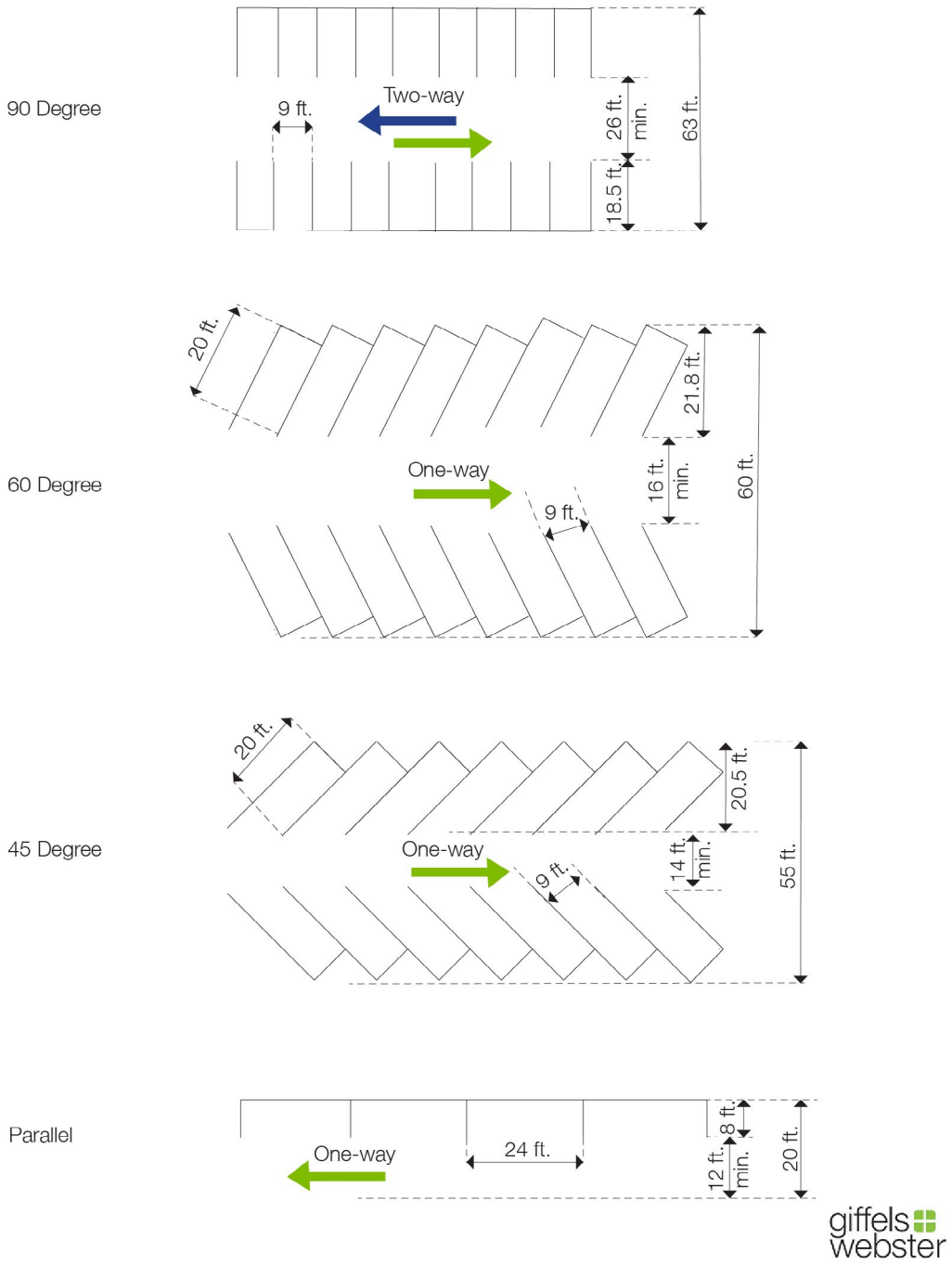
C. **Parking Lot Design**. Wherever the off-street parking requirements in § 153-5.2(A) require the construction of an off-street parking facility, such off-street parking lot shall be laid out, constructed, and maintained in accordance with the following standards and regulations:

1. Parking lots shall not be constructed unless and until a site plan for such parking lot is granted final site plan approval by the Zoning Administrator.
2. Plans for the layout of an off-street parking lot shall have dimensions consistent with the following standards: ✍

Table 153-5.2(C)(2) Minimum Parking Space Dimension and Maneuvering Requirements			
Angle of Spaces	Space Width	Space Length	Maneuvering Width
90 degrees	9 ft.	18.5 ft.	26 ft. (two-way)
60 degrees	9 ft.	20 ft.	16 ft. (one-way)
45 degrees	9 ft.	20 ft.	14 ft. (one-way)
Parallel	8 ft.	24 ft.	12 ft. (one-way)

3. The space length may be reduced by two (2) feet when an acceptable unobstructed overhang is provided. Examples include a four (4) inch high sidewalk that is at least seven (7) feet wide and a landscaped area with no vertical obstructions within the first two feet where the curb height is four (4) inches.
4. Other drives or maneuvering lanes. Other drives or maneuvering lanes not indicated above shall have a minimum width of twenty-two (22) feet.
5. Parking spaces to accommodate vehicles with trailers (boats and recreational vehicles) shall be at least ten (10) feet by forty (40) feet.
6. Parking lot stalls shall be striped and maintained.
7. Barrier-free parking spaces shall be furnished as required by the Building Code.
8. Lighting used to illuminate off-street parking areas shall be installed in accordance with § 153-5.12 Lighting.
9. In order to delineate on-site circulation, improve sight distance and safety at the intersection of parking aisles, protect the vehicle(s) at the end of a parking bay, and define the geometry of internal intersections, curbed and landscaped end islands shall be required at the end of all parking bays that abut traffic circulation aisles in off-street parking lots. End islands with raised curbs and landscaping shall not be required in parking structures. The approving body may waive the requirement for raised end islands and may allow for painted islands only or no islands for surface lots, in locations where internal traffic circulation is forecast to be low (e.g., remote parking spaces away from building entrances) or where the raised islands would not be appropriate. The end islands, whether raised or painted, shall be at least ten (10) feet wide, have an outside radius of fifteen (15) feet, and be constructed two (2) feet shorter than the adjacent parking stall.
10. Parking lots shall be landscaped in accordance with the standards of § 153-5.5 Landscaping and Screening.

Figure 153-5.2(C)(2) Off-Street Parking Layout Dimensions



D. **Parking Space Construction and Maintenance.**

1. Parking lots shall not be constructed or reconstructed unless a site plan has been submitted and granted final site plan approval by the Zoning Administrator. Applications for a site plan shall be submitted to the Zoning Administrator on a form determined by the department.
2. Plans must be submitted in accordance with the procedures set forth in the engineering site plan design standards.
3. Spaces shall be provided adequate access by means of maneuvering lanes. Backing directly onto a street shall be prohibited.
4. Adequate ingress and egress to the parking lot and to all parking spaces shall be provided by means of clearly limited and defined drives.
5. Maneuvering lanes serving angle parking shall permit one-way traffic movement only; lanes serving right angle parking may permit two-way traffic movement. The mixing of one- and two-way movements within a lot shall be permitted only in exceptional circumstances and with the approval of the approving body.
6. For all uses except single-family dwellings, the entire off-street parking lot including parking spaces and maneuvering lanes, shall be paved with asphalt, bricks, concrete, or interlocking cement pavers and shall be graded and drained to dispose of all collected surface water. All parking lots shall be striped to delineate parking spaces and lanes prior to the issuance of an occupancy permit. Single-family parking spaces, strips, or aprons shall be surfaced with asphalt, concrete, or six inches of stone mix or gravel.
    a. Gravel and stone mix surfaces shall be maintained such that the parking space, strip, or apron is free from ruts or holes.
    b. If stone mix or gravel is used the parking area must be clearly defined by use of side borders of landscape ties, treated wood, brick concrete, or other similar border materials.
7. Off-street parking lots shall be drained so as to dispose of all accumulated surface water in such a way as to preclude drainage onto adjacent property or toward buildings.
8. Dead-end off-street parking aisles are discouraged, especially in connection with business uses. Such aisles should be no more than eight (8) spaces deep and should, in any case, be used only when there is no reasonable alternative. If more than eight (8) spaces deep, the layout shall provide a means for vehicles to turn around if all spaces are occupied.

E. **Electric Vehicle Charging Stations**. Electric vehicle charging spaces may be included in the overall parking requirement for a site so long as they comply with the following standards.

1. Where one (1) or two (2) electric vehicle charging spaces are provided, they shall be signed for electric vehicle parking only, and shall comply with ADA standards for barrier-free parking. Where three (3) or more electric vehicle charging spaces are provided, a minimum of two (2) electric vehicle parking spaces shall be signed for electric vehicle parking only and comply with ADA standards for barrier-free parking.
2. Site lighting shall be provided in compliance with § 153-5.12 Lighting, unless charging takes place during daytime hours only.
3. Chargers intended for use by the general public shall include signage identifying voltage and amperage levels and any time of use, fees, or safety information related to the electric vehicle charging station, as well as contact information for the entity responsible for maintaining and servicing the charger.
4. Charging equipment shall be protected by a curb, concrete-filled bollards, or a combination of thereof. Where a curb is the sole means of protection, a charging station shall be set back a minimum of twenty-four (24) inches from the back of the curb.
5. Equipment mounted on pedestals, lighting posts, bollards, walls, or other devices for on-street charging stations shall be designed and located as to not impede pedestrian travel or create trip hazards within the right of-way.
6. Electric vehicle charging stations shall be maintained in all respects, including the functioning of the equipment. A phone number or other contact information shall be provided on the equipment for reporting when it is not functioning, or other problems are encountered.

F. **Pedestrian Accommodations**. Development sites shall provide for the safe and comfortable circulation of pedestrians as follows:

1. Pedestrian walkways shall be provided between building entrances/exits and parking areas, and within parking areas to provide a designated walking area, especially where there is a need to connect dispersed buildings with parking areas.
2. Pedestrian walkways shall be provided between buildings and sidewalks or multi-use paths along adjacent streets, including marked crosswalks across parking maneuvering lanes, as necessary.

G. **Bicycle Parking**.

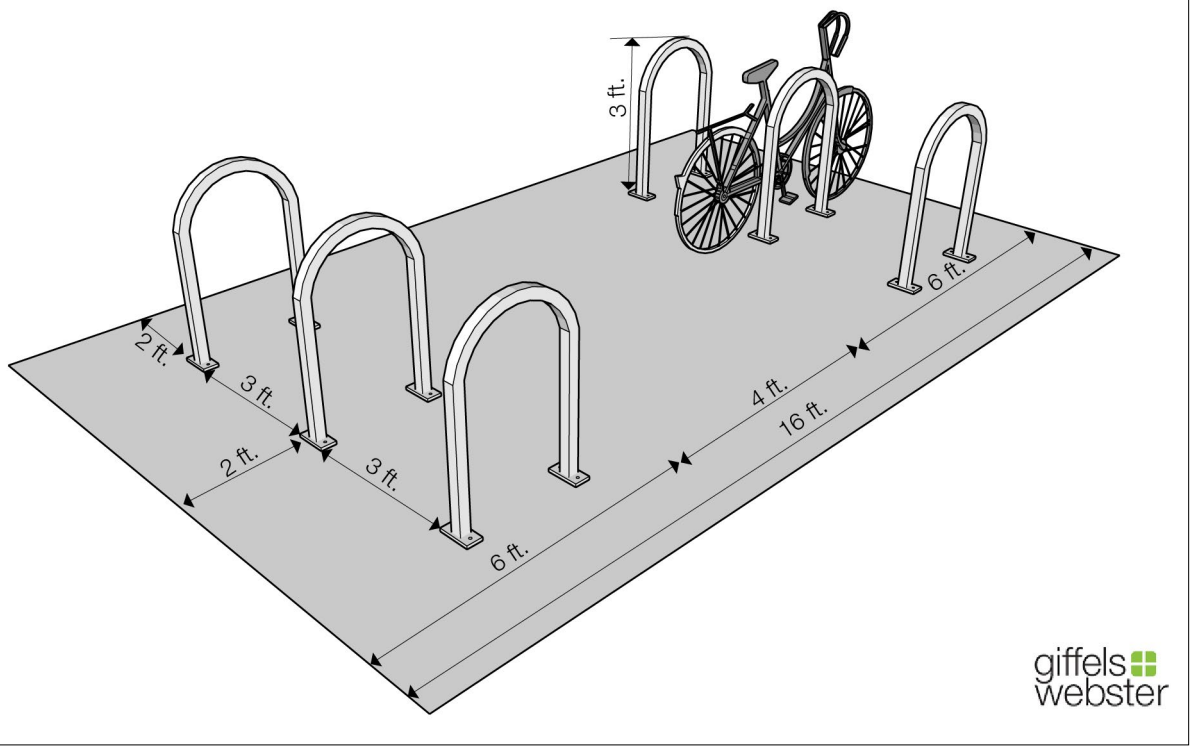
1. **Intent**. As the City works to create a well-connected community, expand its pathway system, and provide more opportunities for non-motorized transportation, it is important that new development accommodates bicyclists. The regulations and requirements are designed to promote and encourage the safety and general welfare of the community by:
   a. Promoting an alternative and energy-efficient mode of transportation;
   b. Encouraging a healthy lifestyle by promoting and accommodating the use of bicycles; and
   c. Providing adequate and safe facilities for the temporary placement of bicycles.
2. **Voluntary Installation of Bicycle Parking**. This subsection does not prohibit the voluntary installation of bicycle parking that conforms to the requirements set forth in this subsection.
3. **Bicycle Parking Facility General Requirements**. Bicycle parking shall be provided for any new building constructed after the effective date of this subsection. After the effective date of this subsection, bicycle parking shall also be provided on all sites when an addition to an existing building is constructed that results in the need for additional motor vehicle parking spaces or for any change in the use of a building that results in the need for additional motor vehicle parking spaces. Such bicycle parking facility shall be provided in accordance with the following requirements:
   a. Provide a minimum of two (2) bicycle parking spaces. Single-family and two-family uses are exempt from this requirement. One bicycle parking space shall be provided for every ten motor vehicle parking spaces required or fraction thereof. The number of required bicycle parking spaces shall not exceed fifty (50).
   b. Off-street bicycle parking facilities may be located in any yard subject to meeting the parking setback requirements of this code. Site plan approval may allow bicycle parking facilities in the required front yard parking setback when the location is between a public bicycle route and the principal building.
   c. Bicycle parking facilities shall be located on the parcel that the bicycle parking serves, or may be placed on an adjoining parcel with property owner permission.
   d. Bicycle parking facilities shall be located along the principal building entrance approach line and be clearly visible and easily accessible from the approach and building entrance being served. When this space is not available, Planning Commission may approve an alternative so long as the alternative provides a logical means of access.
   e. Minimum required bicycle parking spaces shall not be replaced by any other use unless and until equal facilities are provided elsewhere.
   f. For sites containing multiple uses or tenants, a single bicycle parking area may be provided as long as the total number of bicycle parking spaces provided is not less than the sum of all of the separate uses combined.

g. A bicycle parking area shall not interfere with any designated pedestrian sidewalk or pathway, required vehicle parking spaces or vehicle maneuvering lanes, and shall not eliminate any required landscape area.

h. Bicycle parking area(s) shall be laid out, constructed, and maintained in accordance with the following standards and regulations:

   i. Bicycle parking spaces shall be paved and adjacent to a bicycle rack that is solid, cannot be easily removed with common tools, provides at least two (2) contact points for a bicycle, is at least three (3) feet in height, and permits the locking of a bicycle through the frame and one (1) wheel with a standard U-Lock or cable in an upright position. The rack shall be securely anchored in concrete or asphalt. Alternative installations and designs may be considered if the proposed rack design functions similar to the inverted "U" design.

Figure 153-5.2(G)(3)(h)(ii) Minimum Layout Standards for Bicycle Parking Facilities



ii. The minimum layout standards are shown in Figure 153-5.2(G)(3)(h)(ii) Minimum Layout Standards for Bicycle Parking Facilities.

iii. Bicycle parking facilities shall be accessible from adjacent street(s) and pathway(s) via a paved route that has a minimum width of six (6) feet.

iv. Bicycle parking facilities shall be separated from automobile parking spaces and access aisles by a raised curb, landscape area, sidewalk, or other method that complies with all City ordinances when located in or near off-street parking areas. Upon the written request of an applicant, the approving authority may waive or modify the bicycle parking facility layout, location, and design requirements in this subsection upon a satisfactory showing by the applicant of a practical difficulty with complying with the requirement due to site constraints or other factors, and that the applicant's proposed plan will adequately serve the needs of the site and the bicycling public.

v. The exterior surface of bicycle racks and bicycle lockers shall be non-abrasive, non-marring, and durable.

vi. The bicycle rack and bicycle lockers shall be maintained in good condition.

153-5.3 Off-Street Loading

A. On the same premises with every building, structure, or part thereof erected and occupied for commercial or industrial uses involving the receipt or distribution of vehicles, materials, or merchandise, there shall be provided and maintained on the lot, or within such building or structure, adequate space for standing, loading, and unloading services in order to avoid undue interference with public use of the streets and alleys.

B. Such loading and unloading space, unless otherwise adequately provided for, shall be an area 10 feet by 50 feet, and 15 feet height clearance, according to the following schedule:

Table 153-5.3(B) Off-Street Loading and Unloading Spaces Required in Terms of Square Feet of Gross Floor Area

Gross Floor Area (in square feet)	Commercial	Industrial
0 - 5,000	None	None
5,001 - 20,000	1	1 + 1/5,000 in excess of 5,000
20,001 - 50,000	1 + 1/20,000 in excess of 20,000	3 + 1/15,000 in excess of 20,000
50,001 - 100,000	1 + 1/20,000 in excess of 20,000	5 + 1/10,000 in excess of 20,000
100,001 - 300,000	5 + 1/100,000 in excess of 100,000	10 + 1/100,000 in excess of 100,000
300,001 - 500,000	10 + 1/100,000 in excess of 300,000	10 + 1/100,000 in excess of 300,000
Over 500,000	12 + 1/250,000 in excess of 500,000	14 + 1/150,000 in excess of 500,000
Stacking spaces shall have a minimum width of 8 feet and a minimum length of 20 feet.		

C. Multiple-family residential uses with more than 15 units shall include one loading space for deliveries and moving vehicles.

D. No loading space shall be located closer than 50 feet from any R-1, R-2, or R-3 district unless located within a completely enclosed building or enclosed on all sides facing the adjacent property line by a solid masonry wall or ornamental fence of a type approved by the City Planning Commission not less than six feet in height.

E. The Planning Commission may modify the requirements of subsections B, C, and D above, based on finding that the applicant has presented sufficient evidence that the proposed land use does not necessitate the need for traditional loading/unloading activities and can demonstrate that smaller loading/unloading vehicles will be serving the site.

153-5.4 Signs

A. **Findings**. The City finds that signs have an obvious impact on the character and quality of the City. Further, it finds that failure to regulate their size, location, and construction has in specific instances resulted in poor identification of individual businesses, deterioration of the business and residential areas of the City, intensification of the conflicts between different types of land use, reduction in the effectiveness of traffic control devices, and safety hazards to pedestrians and motorists.

B. **Purpose**.

1. The purpose of this subchapter is to regulate signs and outdoor advertising in a manner which will minimize their harmful effects while permitting latitude for creative and effective advertising and identification. To achieve this purpose, this subchapter has the following objectives:

   a. To ensure that the constitutionally guaranteed right of free speech is protected and to allow signs as a means of communication, subject to appropriate and legally permissible time, place, and manner restrictions.

   b. To prevent the placement of on-site signs in a manner that will conceal or obscure signs of adjacent businesses;

   c. To keep the number of on-site signs at a level reasonably necessary to identify a business and its products;

   d. To keep on-site signs within a reasonable scale with respect to the building to which they relate;

   e. To prevent off-site signs from conflicting with business, residential, and public land uses;

   f. To keep an area adjacent to streets clear of signs which might obstruct the view of motorists;

   g. To reduce the visual distractions for motorists on the streets and highways; and

   h. To control the use of signs and of their motion, colors, illumination, and their insistent and distracting demand for attention which can be injurious to the mental and physical well being of the public and can be destructive to adjacent property values and to natural beauty.

   i. In the case of residential land uses or districts: To prevent blight, prevent visual clutter, and protect the aesthetic quality of residential neighborhoods.

2. Accordingly, it has become necessary in the public interest to regulate the sizes, location, character, and other pertinent features of all signs in the City.

C. **Applicability**.

1. The regulations of this section shall apply to all signs visible from any road, public park, or a residentially zoned property.
2. All signs erected or located or relocated or modified in any zoning district shall comply with the following regulations in this section whether they require a permit or not.

D. **Exemptions**. The following type of signs shall be permitted, but are exempted from the provisions of this section.

1. Public signs.
2. Traffic control signs that comply with Manual on Uniform Traffic Control Devices (MUTCD) standards.
3. Directional signs not exceeding four feet in height and 3 square feet in total area located along internal lot driveways and intersections for traffic control and safety purposes. Such signs shall be placed within six feet of a driveway or sidewalk, and shall not be within 20 feet of one another.
4. Signs erected by public or quasi-public utility providers.
5. Temporary signs smaller than 12 square feet.
6. Window signs not exceeding 25% of any individual window pane.

E. **Prohibited Signs**. The following signs shall be prohibited, unless otherwise permitted elsewhere in this ordinance or the City Code:

1. Signs that contain or are an imitation of an official traffic sign or signal. Traffic directional signs in a private parking area are exempted from this provision.
2. Signs that are of a size, location, movement, content, coloring, or manner of illumination which may be confused with or construed as a traffic control device or emergency vehicle.
3. Signs that obstruct a motorist's view of any traffic signs, street sign, or traffic signal.
4. Highway signs or billboards, unless otherwise permitted in industrial districts in this ordinance.
5. Signs that contain or consist of banners, pennants, pinwheels, ribbons, streamers, strings of light bulbs other than holiday decorations or similar devices, unless otherwise permitted elsewhere in this ordinance.
6. Signs that have a moving part.
7. Roof signs.

F. **General Standards for Signs in All Districts**. Except as otherwise provided, the following conditions shall apply in all districts:

1. No sign shall be located within, project into, or overhang any public right-of-way, except as otherwise permitted herein.
2. No signs shall be located so as to impede pedestrian or automobile traffic.
3. No sign shall interfere with the traffic visibility triangle at driveways and intersections, in accordance with 153-5.9 Traffic Visibility.
4. Materials of construction for signs and sign structures shall be of the quality and grade as specified for structures in the state construction code.
5. No sign displayed flatly against the surface of a building shall project above the roof line of the associated structure.
6. No other sign shall extend more than six feet above the normal grade at the base of the sign, unless otherwise listed.
7. All wall signs shall be attached flat against the front wall of the building. No sign attached to a building may project more than 14 inches from the building wall.
8. Projecting signs, canopy signs, or marquee signs that encroach a public right-of-way shall be subject to City hold harmless agreement and insurance requirements.
9. Illumination standards.
    a. Signs in residential districts may be illuminated with not more than 3,000 lumens of non-flashing white light. Such lights must be shielded so that they illuminate only the surface of the sign.
    b. No sign shall have blinking, flashing, rotating, or fluttering illumination.
    c. No sign shall be illuminated in a manner which changes light intensity, brightness, or color.
    d. No sign shall have colored lights which may be confused with or construed as traffic control devices or emergency vehicles. However, electronic message board signs shall not be prohibited from using illuminated colored text.
    e. No sign shall be illuminated in such manner that the direct or reflected light from the sign creates a traffic hazard for motor vehicle operators on public thoroughfares.
10. Electronic message boards. A sign or portion thereof that is an electronic message board shall not be greater than 24 square feet in sign area and shall comply with the following regulations:
    a. The content of the electronic display area shall not feature video, motion or animation.
    b. If signs are determined to be a nuisance or a traffic hazard by the Zoning Administrator, the maximum brightness for the sign shall be reduced so not to exceed an illumination of 10,000 NITS (candelas per square meter) during daylight hours or 1,000 NITS (candelas per square meter) during the period from sunset to sunrise, as measured from a sign face at maximum brightness.

c. Each electronic message board shall have a dimmer control to produce a distinct illumination change from a higher illumination level to a lower one for the period of time from sunset to sunrise. Each sign must appropriately adjust display brightness to conform with applicable brightness specifications as ambient light levels change at each such sign location due to sunrise, sunset, prevailing weather conditions, or otherwise.

d. No additional electronic message board is permitted on the building, if it is visible from a public road.

e. In order to verify compliance with this ordinance or other applicable law, the interface that programs an electronic message board shall be made available to City for inspection upon request. If the interface is not or cannot be made available upon the City s request, the sign shall cease operation until the City has been provided proof of compliance with City Code.

G. **General Standards for Monument and Freestanding Signs**.

1. Monument signs. The sign base for a monument sign shall be no less than 75% of the width of the sign face it is supporting.

2. Freestanding signs.

a. There shall be no more than two (2) poles, posts, or similar supports supporting the freestanding sign. Such posts shall run vertical from grade to the structure of the sign face.

b. Any pole, post, column, or similar support supporting the freestanding sign shall not exceed two (2) feet in width.

H. **Height and Area Measurements**.

1. Height.

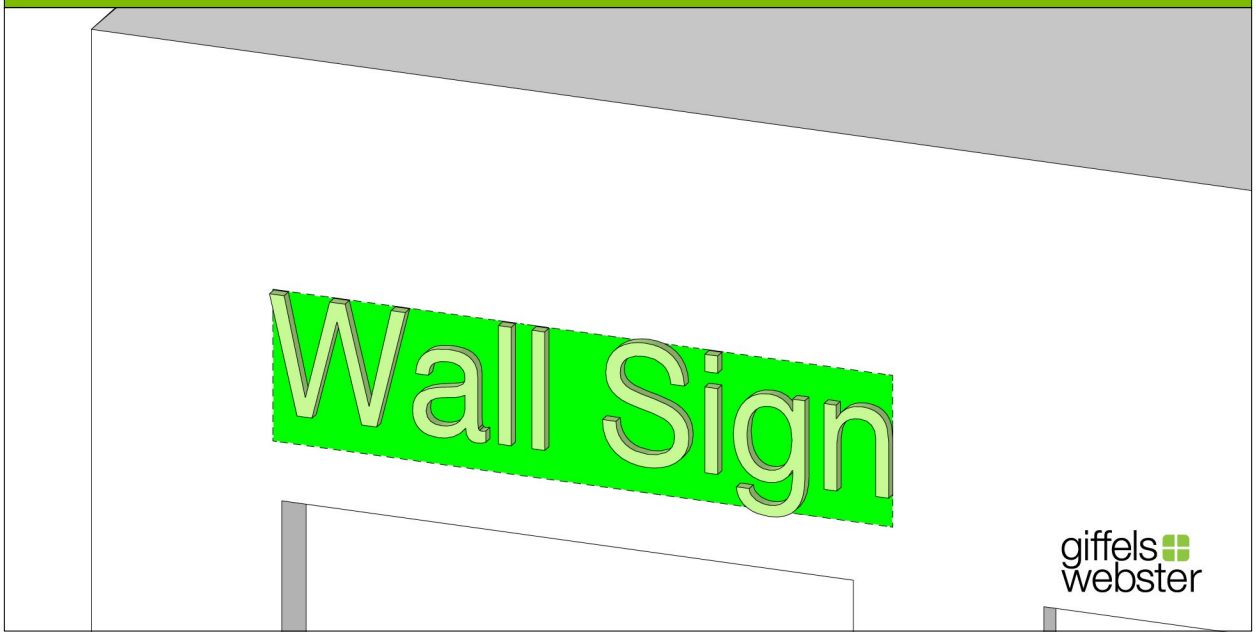
a. The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign.

b. The normal grade shall be construed to be the existing grade; or the newly established grade after construction, both exclusive of or not credited toward any filling, berming, mounding, or excavating solely for the purpose of locating the sign.

c. In cases in which the normal grade cannot reasonably be determined, sign height shall be measured from a point that is 5 feet from the farthest edge of the solid base of the monument sign or the pole/post/supporting upright of the freestanding sign.

2. Area. Area of a sign shall include the entire area within one or more circles, triangles, or quadrilaterals or combination thereof enclosing the extreme limits of the sign together with any frame, other material, or other color forming an integral part of the display or used to differentiate it from the background against which it is placed. The following additional standards shall be considered while calculating the area of the sign.
    a. Incidental text not exceeding six inches in height and a total of 2 square feet in size can be excluded from the maximum allowable area of a permanent wall or monument sign.
    b. The area of a cylindrical sign shall be computed by measuring the total area of all signs on the cylinder.
    c. The area does not include the supporting structure necessary for the erection or attachment of the sign.
    d. Any single row of text shall be grouped into one continuous rectangle. The text shall be bounded by the extreme limits of the text.

Figure 153-5.4(H)(2)(d) Sign Area



I. **Signs in Residential Districts**. Signs in residential districts shall be permitted as follows.

Table 153-5.4(I) Signs Permitted in Residential Districts (R-1, R-2, and R-3)

Sign Type	Use	Maximum Sign Area	Height	Placement	Number Permitted
1. Wall Signs	Residential uses containing up to (4) dwelling units, child care homes, and adult foster care homes	3 sq. ft.	Shall be below the building's roof line or top of façade.	N/A	One per principal building
2. Wall Signs	Multiple family dwellings of more than four (4) units, senior housing, non-residential uses	32 sq. ft.	Shall be below the roof line or top of façade.	N/A	One per principal building
3. Monument Signs	Multiple family dwellings of more than four (4) units, senior housing, non-residential uses	32 sq. ft.	6 feet maximum	Minimum 10 feet from all lot lines or right-of-way lines. Shall not be placed in a traffic visibility triangle per § 153-5.9.	One per lot
4. All other permanent sign types not permitted in this chart are prohibited.					

J. **Signs in Business Districts**. Signs in business districts shall be permitted as follows.

Table 153-5.4(J) Signs Permitted in Business Districts (B-1 and B-2)				
Sign Type	Maximum Sign Area	Height	Placement	Number Permitted
1. Wall signs	1.5 square feet for each lineal feet of building frontage, up to 200 sq. ft. maximum in B-1 and 350 sq. ft. maximum in B-2	Maximum: Shall be below the top of façade.	N/A	One per business façade. One additional sign permitted on a corner or double frontage lot.
2. Monument signs	64 sq. ft.	Maximum: 6 feet	Minimum 10 feet from all lot lines and right-of-way lines. Shall not be placed in a traffic visibility triangle per § 153-5.9.	One per lot. One additional sign is permitted on the secondary frontage of a corner lot or double frontage lot, provided there is minimum 200 feet of spacing between monument signs.
3. Freestanding signs	64 sq. ft.	Minimum: Sign face shall be located no less than 9 feet from normal grade Maximum: 35 feet	Minimum 10 feet from all lot lines and right-of-way lines. Shall not be placed in a traffic visibility triangle per § 153-5.9.	One per lot. One additional sign permitted on the secondary frontage of a corner lot or double frontage lot, provided there is minimum 200 feet of spacing between freestanding signs.
4. Projecting signs	12 sq. ft.	Minimum: 8 feet from normal grade, or sidewalk grade where applicable. Maximum: shall not exceed the top of façade.	Shall not project more than 4 feet from the wall of the building, and 3 feet into the right-of-way line.	One per business façade. One additional sign permitted on a corner or double frontage lot, but cumulative sign area shall not exceed the maximum sign area.

Table 153-5.4(J) Signs Permitted in Business Districts (B-1 and B-2)				
Sign Type	Maximum Sign Area	Height	Placement	Number Permitted
5. Awning and canopy signs	Not more than 25% of the awning or canopy area, or not more than the permitted maximum wall sign area, whichever is less.	Minimum: Not lower than the bottom of the awning or canopy Maximum: Not higher than the top of the awning or canopy	Awning/canopy must be secured to the building in a manner that complies with building code.	One per business façade. One additional sign permitted on a corner or double frontage lot.
6. Marquee signs; permitted for places of worship and places of assembly only	1.5 square feet for each lineal feet of building frontage, up to 200 sq. ft. maximum	Minimum: 8 feet from normal grade, or sidewalk grade where applicable. Maximum: shall not exceed building's roof line or top of façade	Shall not extend from façade to not more than 5 feet from back of road curb or, if no curb is present, from edge of street, aisle or drive.	One per business façade. One additional sign permitted on a corner or double frontage lot, but cumulative sign area shall not exceed the maximum sign area.
7. All other permanent sign types not permitted in this chart are prohibited.				

K. **Signs in Mixed-Use Districts**. Signs in mixed use districts shall be permitted as follows.

Table 153-5.4(K) Signs Permitted in Mixed Use Districts (MU-1, MU-2, MU-3, MU-4)

Sign Type	Maximum Sign Area	Height	Placement	Number Permitted
1. Wall signs	1.5 square feet for each lineal feet of building frontage, up to 200 sq. ft. maximum.	Maximum: Shall not exceed building's top of façade	N/A	One per business façade. One additional sign permitted on a corner or double frontage lot, but cumulative sign area shall not exceed the maximum sign area.
2. Monument signs	64 sq. ft.	Maximum: 6 feet	Minimum 10 feet from all lot lines and right-of-way lines. Shall not be placed in a traffic visibility triangle per Section 5.9.	One per lot. One additional sign permitted on secondary frontage of a corner lot or double frontage lot, provided there is minimum 200 feet of spacing between monument signs.
3. Projecting signs	6 sq. ft.	Minimum: 9 feet from normal grade, or sidewalk grade where applicable. Maximum: shall not exceed building's roof line or top of façade	Shall not project more than 4 feet from the wall of the building, and 3 feet into the right-of-way line.	One per business façade. One additional sign permitted on a corner or double frontage lot, but cumulative sign area shall not exceed the maximum sign area.
4. Awning and canopy signs	Not more than 25% of the awning or canopy area, or not more than the permitted maximum wall sign area, whichever is less.	Minimum: not lower than the bottom of the awning or canopy Maximum: not higher than the top of the awning or canopy	Awning/canopy must be secured to the building in a manner that complies with building code.	One per business façade. One additional sign permitted on a corner or double frontage lot, but cumulative sign area shall not exceed the maximum sign area.

Table 153-5.4(K) Signs Permitted in Mixed Use Districts (MU-1, MU-2, MU-3, MU-4)				
Sign Type	Maximum Sign Area	Height	Placement	Number Permitted
5. Marquee signs; permitted for places of worship and places of assembly only	1.5 square feet for each lineal feet of building frontage, up to 200 sq. ft. maximum	Minimum: 8 feet from normal grade, or sidewalk grade where applicable. Maximum: Shall not exceed building's roof line or top of façade	Shall not extend from façade to not more than 5 feet from back of road curb or, if no curb is present, from edge of street, aisle or drive.	One per business façade. One additional sign permitted on a corner or double frontage lot, but cumulative sign area shall not exceed the maximum sign area.
6. All other permanent sign types not permitted in this chart are prohibited				

L. **Signs in Industrial Districts**. Signs in industrial districts shall be permitted as follows.

Table 153-5.4(L) Signs Permitted in Industrial Use Districts (I-1 and I-2)

Sign Type	Maximum Sign Area	Height	Placement	Number Permitted
1. Wall signs	1.5 square feet for each lineal feet of building frontage, up to 350 sq. ft. maximum.	Maximum: Shall be below the building's roof line or top of façade.	N/A	One per business façade. One additional sign permitted on a corner or double frontage lot, but cumulative sign area shall not exceed the maximum sign area.
2. Monument signs	64 sq. ft.	Maximum: 6 feet	Minimum 10 feet from all lot lines and, if applicable, right-of-way lines. Shall not be placed in a traffic visibility triangle per Section 5.9.	One per lot. One additional sign permitted on secondary frontage of a corner lot or double frontage lot, provided there is minimum 200 feet of spacing between monument signs.
3. Freestanding signs	100 sq. ft.	Minimum: Sign face shall be located no less than 8 feet from normal grade Maximum: 35 feet	Minimum 10 feet from all lot lines and, if applicable, right-of-way lines. Shall not be placed in a traffic visibility triangle per § 153-5.9.	One per lot. One additional sign permitted on secondary frontage of a corner lot or double frontage lot, provided there is minimum 200 feet of spacing between freestanding signs.
4. Awning and canopy signs	Not more than 25% of the awning or canopy area, or not more than the permitted maximum wall sign area, whichever is less.	Minimum: Not lower than the bottom of the awning or canopy Maximum: Not higher than the top of the awning or canopy	Awning/canopy must be secured to the building in a manner that complies with building code.	One per business façade. One additional sign permitted on a corner or double frontage lot, but cumulative sign area shall not exceed the maximum sign area.

Table 153-5.4(L) Signs Permitted in Industrial Use Districts (I-1 and I-2)

Sign Type	Maximum Sign Area	Height	Placement	Number Permitted
5. Billboard signs, including off-site billboards.	700 sq. ft.	Minimum: sign face shall be located no less than 8 feet from normal grade Maximum: 35 feet	Minimum 10 feet from all lot lines and shall not be placed in a traffic visibility triangle per § 153-5.9. No two billboards shall be closer than 300 feet from one another, as measured by nearest point of sign structure to nearest point of sign structure.	One per lot
6. All other permanent sign types not permitted in this chart are prohibited				

M. **Temporary Signs**. Temporary signs shall be permitted as follows:

Table 153-5.4(M) Maximum Size, Height, and Permitted Types of Temporary Signs				
Use	Permitted Types	Cumulative Maximum Area of all signs	Maximum area of any individual sign	Maximum height
Single-family residential	Freestanding	10 sq. ft.	6 sq. ft.	4 ft.
	Wall	6 sq. ft.	6 sq. ft.	-
Multiple-family residential	Freestanding	24 sq. ft.	12 sq. ft.	6 ft.
	Wall	24 sq. ft.	24 sq. ft.	-
Non-residential uses in an R-1, R-2, or R-3 district	Freestanding	24 sq. ft.	24 sq. ft.	6 ft.
	Wall	-	-	-
Non-residential uses in all other district and sites under construction	Freestanding	32 sq. ft.	32 sq. ft.	6 ft.
	Wall	-	-	-
Regulations for A-frame signs are provided in § 153-5.4(M)(11) and for temporary banners in § 153-5.4(M)(12).				

1. All temporary signs larger than 12 square feet require a sign permit.
2. Temporary signs shall not be illuminated in any manner.
3. Temporary signs may be erected anywhere within the limits of the premises if compliant with § 153-5.9 Traffic Visibility for visibility at intersections.
4. Display of temporary banners and temporary signs mounted on building walls (temporary wall signs) shall be limited to a total of twenty-eight (28) days per calendar year. Such signs shall not be displayed for any continuous period greater than 14 days.
5. Temporary signs shall be constructed of durable, all-weather materials and designed to remain in place and in good repair so long as they remain on display.
6. Except as otherwise provided in this section, the maximum display time of freestanding temporary signs is 64 days. After this time expires, the sign shall be removed. Once the temporary sign is removed, there shall be a gap of at least thirty (30) days before the display of any additional temporary sign on the same zoning lot.
7. When all or a portion of a building or land area on a zoning lot is listed for sale or lease, or is under construction, the maximum display time of freestanding temporary signs for all uses and temporary signs mounted on buildings for all uses except residential uses shall be the duration the building, building unit, or land is listed for sale or lease, or under construction. In all cases, the sign area limits in Table 153-5.4(M) Maximum Size, Height, and Permitted Types of Temporary Signs apply.

8. In recognition that there is a need for additional expression of speech prior to a scheduled election, for a period of sixty (60) days prior to until three (3) days after a city-designated election day on which there is at least one ballot item: the maximum allowable area of temporary signs shall be increased to sixty-four (64) square feet in all districts. The maximum area of an individual sign remains as stated in Table 153-5.4(M) Maximum Size, Height, and Permitted Types of Temporary Signs during this period.
9. Temporary signs shall not be attached to a tree, bush, or any other plant materials
10. Except for A-frame signs and special event banners associated with an approved special event application, temporary signs shall not be placed in a public right-of-way. Signs placed within a public right-of-way not otherwise permitted by this section shall be removed by the City.
11. Temporary A-frame signs shall comply with the following requirements:
    a. The sign shall only be permitted in the Mixed-Use (MU) zoning districts.
    b. The sign face shall not exceed 6 square feet.
    c. When located within the right-of-way, the following standards shall apply:
        i. A-frame sign placement shall be subject to approval by the applicable right-of-way authority.
        ii. A minimum of five (5) feet wide clear passage shall be maintained on any public sidewalks or pathways at all times.
        iii. The sign shall be removed at the end of business hours, or 9 pm, whichever is earlier, each day it is lawfully placed within the right-of-way.
12. Temporary event banners shall comply with the following requirements:
    a. If located within a right-of-way, the event banner shall be approved by City Council and the applicable right-of-way authority.
    b. All banners shall be removed immediately after the end of the event/exhibition.

N. **Sign Permits.** Unless an exemption is granted under § 153-5.4(D), all signs regulated by this ordinance that are erected, altered, relocated or maintained are subject to a permit from the City's Department of Building, Planning, and Economic Development in accordance with the following regulations:

a. Application for sign permit. Application for sign permits shall be made upon forms provided for by the City and shall contain or have attached thereto the following information:

b. Name, address and telephone number of the applicant.

c. Location of building, structure, or lot to which the sign is to be attached or erected.

d. Location of the sign in relation to nearby buildings, structures and property lines.

e. Two drawings of the plans and specifications; method of construction and attachment to the building or in the ground.

f. If deemed necessary by the Zoning Administrator, copy of stress sheets and calculations showing the structure as designed for dead load and wind pressure in accordance with regulations adopted by the City.

g. Name and address of the person, firm, corporation or association erecting the structure.

h. Such other information as the City may require showing full compliance with this and all other applicable laws of the City of Saginaw and the State of Michigan.

i. When public safety requires it, the application containing the aforesaid material shall, in addition, bear the certificate or seal of registered architect or engineer as a condition to the issuance of a permit as determined by the Department of Building, Planning, and Economic Development's requirements.

1. Permit applications for illuminated electronic signs shall include a copy of the manufacturer's specifications for luminance.
2. Permit fee. The fees for sign permits shall be established by resolution of the City Council.
3. No permit shall be required for ordinary servicing, repainting of existing sign message or cleaning of a sign. No permit is required for change of message of a sign designed for periodic message change without change of structure, including a bulletin board or billboard.

O. **Maintenance.**

1. Signs, including the face, framing, and all supports thereof, shall be kept, and maintained in a safe condition, shall be adequately protected against corrosion, and shall conform to all the provisions of this chapter.
2. A sign shall not have weeds, trees, vines, or other vegetation growing upon it, or obscuring the view of the sign from the public right-of-way from which it is to be viewed.
3. A sign shall not have any snow accumulation upon it or obscuring the view of the lettering on the sign from the public right-of-way from which it is to be viewed.

P. **Variances and Appeals**.

1. Any party who has been refused a sign permit for a proposed sign may file an appeal with the Zoning Board of Appeals, in accordance with § 153-7.12 Zoning Board of Appeals of this ordinance. In addition to the standards of approval listed in § 153-7.12(F)(2) of this ordinance, the Board may also consider the following standards:
    a. Permitted signage could not be easily seen by passing motorists due to the configuration of existing buildings, trees, or other obstructions, which cannot be legally and/or practically removed.
    b. Permitted signage could not be seen by passing motorists in sufficient time to permit safe deceleration and exit. In determining whether such circumstances exist, the Zoning Board of Appeals shall consider the width of the road, the number of moving lanes, the volume of traffic and speed limits.
    c. Existing signs on nearby parcels would substantially reduce the visibility or advertising impact of a conforming sign on the subject parcel.
    d. Variance from certain sign regulations would be offset by increased building setback, increased landscaping, or other such enhancements, so that the net effect is an improvement in appearance of the parcel, compared to the result that would be otherwise achieved with construction of a conforming sign.
    e. A sign which exceeds the permitted height or area standards of the ordinance would be more appropriate in scale because of the large size or frontage of the parcel or building or within a building setback significantly greater than required by ordinance.

Q. **Violations**.

1. Any sign erected, altered, or converted subsequent to the passage of this subchapter and in violation of any of the provisions thereof is hereby declared to be a violation per § 153-7.3 Violations.

153-5.5 Landscaping and Screening

A. **Intent**. The overall intent of the Zoning Ordinance is to preserve the health, safety, and welfare of the people who live and work in the City. Landscaping is a critical element of meeting this intent, contributing to the aesthetics, development quality, stability of property values, environmental resiliency, and overall character of the City. The intent of this section is to establish minimum standards for the design, installation, and maintenance of landscaping along public streets, as buffer areas between uses, on the interior of a site, within parking lots, and adjacent to buildings. The standards of this section are intended to:

1. Minimize negative impacts of stormwater runoff;
2. Further the sustainability and resiliency goals of the City;
3. Ensure that species selection is appropriate for the location of all plantings with regard to salt tolerances, obscuring effect, durability, and other important considerations;
4. Prevent the spread of invasive, nuisance, and/or noxious species;
5. Provide incentives to preserve quality mature trees;
6. Screen headlights from rights-of-way and residences to reduce glare and driver distraction;
7. Unify the elements of a site;
8. Ensure compatibility between land uses;
9. Break up large expanses of pavement, provide a substantial tree canopy and mitigate the urban heat island effect;
10. Improve the overall aesthetic quality of the community; and
11. Encourage an increase in landscaping during redevelopment of site.

B. **Scope**. The standards of this section are considered the minimum necessary to achieve the intent above. Applicants are encouraged to provide additional landscaping to improve the function, appearance, value, and sustainability of their property. The standards of this section shall apply to all sites, uses, and projects requiring site plan approval.

C. **Existing Sites**. Special provision shall be made for applying these standards to developed sites that existed prior to the City adopting landscaping requirements. When an existing site is undergoing improvement prompting site plan review, the objective of these standards shall be to gradually bring the site into compliance with the minimum standards of this section in proportion to the extent of the expansion or improvement. For example:

1. A parking lot's proposed reconstruction should involve compliance with the parking lot screening and parking lot landscaping standards.
2. A building's proposed expansion on a site with a nonconforming number of trees/plantings should involve an addition in a proportional number of conforming trees/plantings.

D. **Required Planting**. Whenever in this code, landscaping is required, it shall be planted prior to the issuance of a certificate of occupancy or within six (6) months from the date of issuance of a temporary certificate of occupancy. In the instance where such completion is not possible, a

cash bond, letter of credit, or corporate surety bond in an amount equal to the estimated cost of the landscape plan or its portion shall be deposited in accordance with § 153-7.2 Performance Guarantees.

E. **Landscape Plan Required**. A landscape plan shall be submitted for uses requiring site plan approval, per the requirements of § 153-6.1 Site Plan Review.

F. **Species**.

1. Plant materials shall be selected to ensure that the root system will not interfere with public utilities. Planting materials used shall be of good quality and meet American Standard for Nursery Stock standards for minimum acceptable form, quality, and size for species selected, and capable of withstanding the seasonal temperature variations of the Great Lakes Bay Region.
2. Native tree species shall account for no less than ninety percent (90%) of all new tree plantings. Native shrub species shall account for no less than fifty percent (50%) of all new shrub plantings.
3. Species diversity. No single new tree, shrub, or planting species shall occupy more than 33% of the total respective new tree, shrub, or plantings located on the site.
4. Unless otherwise indicated in this Chapter, tree and shrub species shall comply with the City of Saginaw Tree and Shrub List, which is kept on file with the Department of Building, Planning and Economic Development. The list identifies native species for compliance with this Chapter. To administer tree size, spacing, and other provisions in this Section, tree types are organized into the following categories:
    a. Deciduous Canopy Trees
    b. Deciduous Ornamental Trees
    c. Evergreen Trees
    d. Narrow Evergreens
    e. Large Shrubs
    f. Small Deciduous Shrubs
    g. Small Evergreen Shrubs
5. Alternative permitted trees. The Planning Commission may allow an alternative tree species not specified in the City's Tree and Shrub List nor prohibited in Subsection F.6 below with a finding that the tree species is recognized through the State of Michigan's Department of Natural Resources or a state research university as an appropriate tree in Michigan. The Planning Commission shall also determine the tree's tree type category (deciduous canopy, deciduous ornamental, evergreen, or narrow evergreen), and may find that the alternative tree is to be permitted only in certain circumstances or areas of the site, such as appropriate ecosystems or natural areas.
6. Prohibited Species. No species shall be planted that is prohibited by Chapter 95 of the City Code.
7. Size and density of plant material, both at the time of planting and at maturity, are additional criteria that shall be considered when selecting plant material.
8. Where appropriate, the use of drought and salt tolerant plant material is preferred.

G. **General Landscaping Standards**. Landscaping in the City shall meet the following standards:

1. Trees and shrubs shall be placed a minimum of four (4) feet from any fence line or property line.
2. Trees meeting a minimum requirement of this Section shall be a minimum of 2.5 inches diameter at breast height (dbh) for deciduous trees, or a minimum of 6 feet in height for evergreen or conifer trees, at the time of planting.
3. Growth from a tree or shrub that is under 8 feet must be pruned to no less than 6 inches from the right-of-way.
4. Areas of lot coverage that are not paved or occupied by building footprint must be landscaped with grass lawn, ground covers, perennial/shrub beds or a combination thereof. Non-organic ground covers (such as stone chips or rock) must be arranged in a deliberate manner and may not exceed more than 25% of the site's total landscape area.

H. **Existing Vegetation**. Requirements for greenbelt buffer trees and other plantings may be fulfilled or partially fulfilled by existing vegetation, when approved by the approving authority. In making their decision, the approving authority may require the applicant provide documentation, such as a tree survey or photographs.

I. **Open Space Area**. All sites, other than those in the R-1, R-2, R-3, and Mixed Use districts, shall devote at least 25% of their required open space requirement to woody vegetation consisting of trees and shrubbery, unless indoor open space was provided in accordance with § 153-3.6 Lots, Yards, and Open Spaces. Landscaped open space shall not include driveways and parking areas. Areas of a site plan intended for stormwater detention or retention shall only be included in such required minimum landscaped area if formally landscaped with native species suited for a rain retention garden system and contoured such that no fencing shall be required.

J. **Street Frontage Landscaping**. Street frontage landscaping shall be provided along all property lines abutting a street, as specified for each zoning district in Article 153-3 Zoning Districts. The street frontage landscaping shall meet the following requirements, intended to promote attractive, high-quality development and to provide an appealing image of the City.

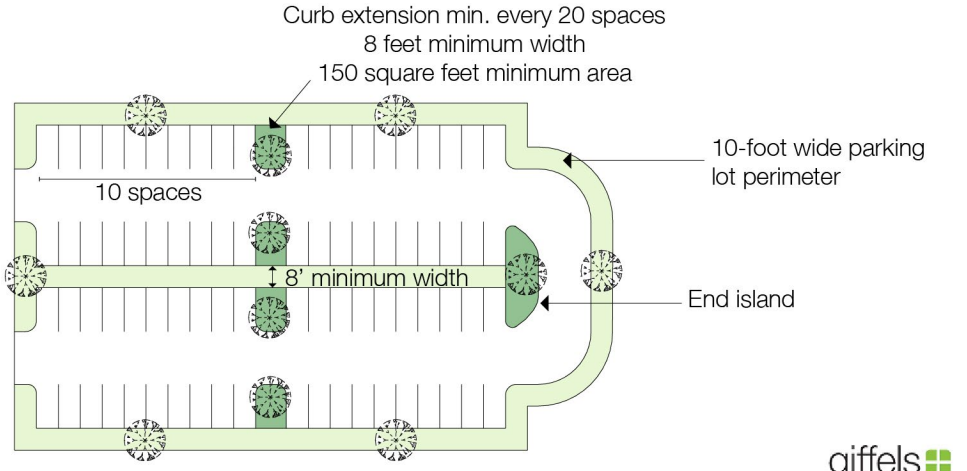
1. Applicability. Street frontage landscaping regulated by this subsection is required for the following:
   a. All uses involving new construction of a principal building.
   b. Principal building expansion for non single- or two-family (duplex) dwelling units of a gross floor area of greater than 10%.
   c. Parking lot expansion of ten (10) or greater parking spaces.
2. The minimum width of street frontage landscaping shall be ten (10) feet wide along any lot line abutting a street, except where a greater width is required (see applicable zoning regulations). The Planning Commission may approve a reduction of this minimum width or an alternative to street frontage landscaping wherever it makes a finding that reduced building setbacks in the applicable zoning district make a full ten (10) foot landscape area impractical, or that reducing the width of the landscape area will not adversely impact landscape health and longevity. If street frontage landscaping is waived by the Planning Commission may require street trees be placed within the adjacent street right-of-way, subject to the approval of the authority having jurisdiction over the street right-of-way.

3. A minimum of one deciduous canopy tree shall be planted per every whole 30 feet of street frontage.
4. Evergreen trees shall not be used in street frontage landscaping areas, except when required as screening in Industrial zoning districts.
5. Parking lot buffer required. A continuous evergreen hedge with a height of three-and-one-half (3 ½) to four (4) feet shall be required adjacent to vehicle parking spaces along the street-facing perimeters of an off-street parking lot in order to screen parking and prevent the intrusion of glare from headlights into the public right-of-way.
    a. This hedge shall be reduced to a maximum three (3) feet high at the end of the hedge row or directly adjacent to a sidewalk or crosswalk.
    b. Hedges, fences, or walls shall be placed so as to permit at least three (3) feet of overhang for parked vehicles.
    c. A low masonry or stone wall, or combination of decorative metal fencing, landscaping, and ornamental brick or stone pillars may be substituted for this hedge with approving authority approval.
    d. A three-and-one-half (3 ½) to four (4) feet high berm may be substituted as a parking lot buffer in the B-2, I-1, or I-2 districts.
6. Any remaining ground surface area within a street frontage area shall be seeded, sodded, or planted with ground cover and shall be irrigated to maintain healthy growth.
7. The Planning Commission may accept enhanced foundation plantings as a method of obtaining partial compliance where street frontage landscaping requirements cannot be met.

K. **Parking Lot Landscaping**. The City finds that large continuous expanses of parking diminish the aesthetic quality of sites and increase the heat island effect. Parking lot landscaping shall be provided for all parking lots containing more than 20 parking spaces, as follows:

1. A minimum of one (1) deciduous (canopy or ornamental) tree shall be provided per ten (10) parking spaces provided, rounded to the nearest whole number.
2. A minimum of one (1) curb extension or landscaped island shall be provided per twenty (20) parking spaces, rounded to the nearest whole number.
3. Required parking lot trees shall be planted within the landscaped curb extensions or landscaped islands. Required parking lot trees unable to be placed within landscaped curb extensions or landscaped islands shall be placed within ten (10) feet of the parking lot perimeter, provided they are spaced a minimum of twenty-five (25) feet apart, on average.
4. Each landscaped curb extension or landscaped island shall be a minimum of eight (8) feet wide and one hundred fifty (150) square feet in area. However, the curb extension or landscaped island may be reduced to six (6) feet wide and one hundred (100) square feet in area when a sprinkled irrigation system is provided.

Figure 153-5.5(K) Parking Lot Landscaping



L. **Right-of-Way Landscape Requirements**.

1. Public rights-of-way shall be planted with grass. Trees, shrubs, or other ground covers may be planted within the right-of-way only as otherwise permitted by city ordinance or as otherwise provided by other appropriate authorities with jurisdiction over the street.

M. **Screening Buffers**. Screening shall take place in the form of a physical or vegetated buffer, and shall meet the following standards.

1. Scope. Screening in compliance with this § 153-5.5(M) shall be provided in the following instances:
   a. Change of land use or establishment of a new land use for which screening is required, as established in Article 153-4 Use Standards or as otherwise established in this subsection M.
   b. Physical site improvements prompting site plan review as required in § 153-6.1 Site Plan Review.
2. A detailed plan for the screening buffer shall be submitted for review as during site plan review. The plan shall include information as required in § 153-6.1 Site Plan Review.
3. The screening buffer shall be located along the shared perimeter of the subject site and an adjacent site, but is not required when separated by a public street.
4. Unless otherwise required by this chapter or by a condition of site plan approval, these screening buffer requirements of § 153-5.5(M) shall be automatically waived for the following:
   a. All uses in the Mixed-Use zoning districts when the principal building is lawfully built within 20 feet from a rear or side lot line.
   b. All parking lots in the MU-3 zoning district. The parking lot buffer of § 153-5.5(J)shall still be provided.

5. Screening buffer requirements by zoning district and type of screening buffer shall be provided in accordance with the following table:

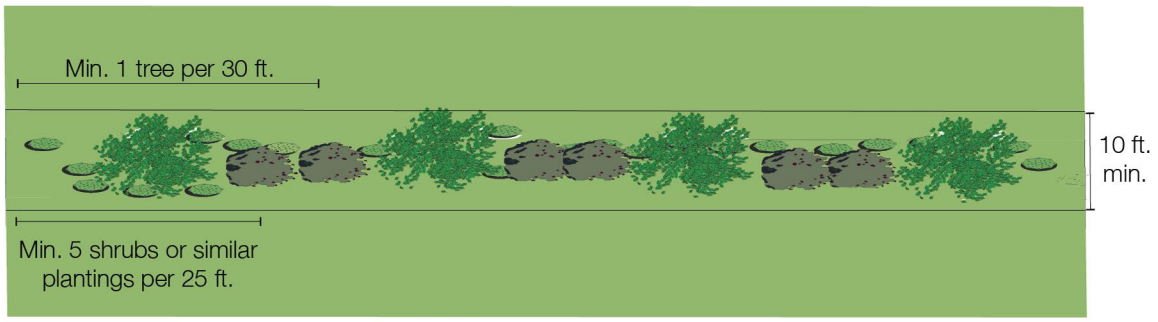
Table 153-5.5(M)(5) Greenbelt Requirements by Zoning or Use

Zoning or Use of Subject Site Providing the Screening	Zoning or Use of Adjacent Site			
	Ground floor residential uses of the R-1, R-2, R-3, MU-1, and MU-2 zoning districts	Ground floor residential uses of all other zoning districts not noted in previous (left) column	Upper floor residential uses, or any floor commercial, and/or office uses in non-industrial zoning districts	Industrial zoning districts or uses
Single-family to four-unit residential uses in any zoning district	None	None	None	None
Non-residential uses in the R-1, R-2, R-3, MU-1, and MU-2 zoning districts	Minor	Minor	None	None
Multi-family housing (over four units) in any zoning district	Minor	Minor	None	None
B-1, B-2, MU-3, MU-4 zoning districts	Major	Minor	None	None
I-1 and I-2 zoning districts	Major	Major	Major	Minor
Parking lots in any zoning district	Major	Major	Minor	Minor
Public utility buildings in any zoning district	Major	Major	Minor	Minor
Outdoor storage or loading areas in any zoning district	Major	Major	Major	Major
Outdoor storage or loading areas in any district	Major	Major	Major	Major

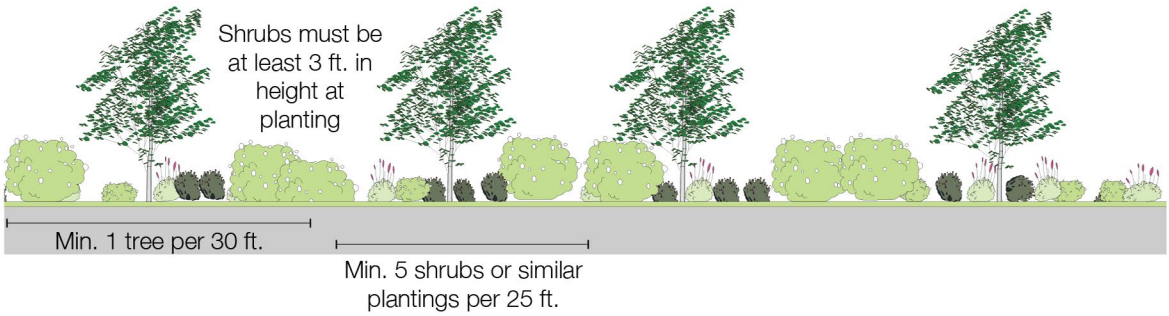
6. Minor screening buffers shall meet the following minimum standards:
    a. The purpose of screening with minor screening buffers is to soften the impact of one land use on another. This presents an interrupted or open screen that creates an impression of space separation without necessarily eliminating visual contact.
    b. The minimum width of a minor screening buffer shall be ten (10) feet.
    c. The minor screening buffer shall contain at least one (1) deciduous canopy tree or evergreen tree for each thirty (30) linear feet of greenbelt. Where the approving authority agrees that deciduous canopy trees are impractical, it may approve the substitution of ornamental deciduous trees.
    d. Evergreen or conifer trees shall be a minimum of six (6) feet in height at the time of planting and deciduous trees shall be a minimum two-and-one-half (2 ½) inch caliper at planting.
    e. A minor screening buffer shall contain understory plantings, with a minimum of five shrubs or similar plantings per twenty-five (25) linear feet of buffer, with a minimum shrub height of three (3) feet.
    f. The remaining ground surface area of the screening buffer shall be seeded, sodded, or planted with ground cover, shrubs, flower beds, or other vegetation.
    g. The goal of a landscape plan for a screening buffer should be that branch and leaf canopy overlap by half the maximum predicted width of the adjacent tree at maturity. Shrubs shall be planted in such a manner that spacing between both shrub and trees will be filled at maturity.

Figure 153-5.5(M)(6) Minor Buffer Greenbelts

Top View



Side View



Cross Section View

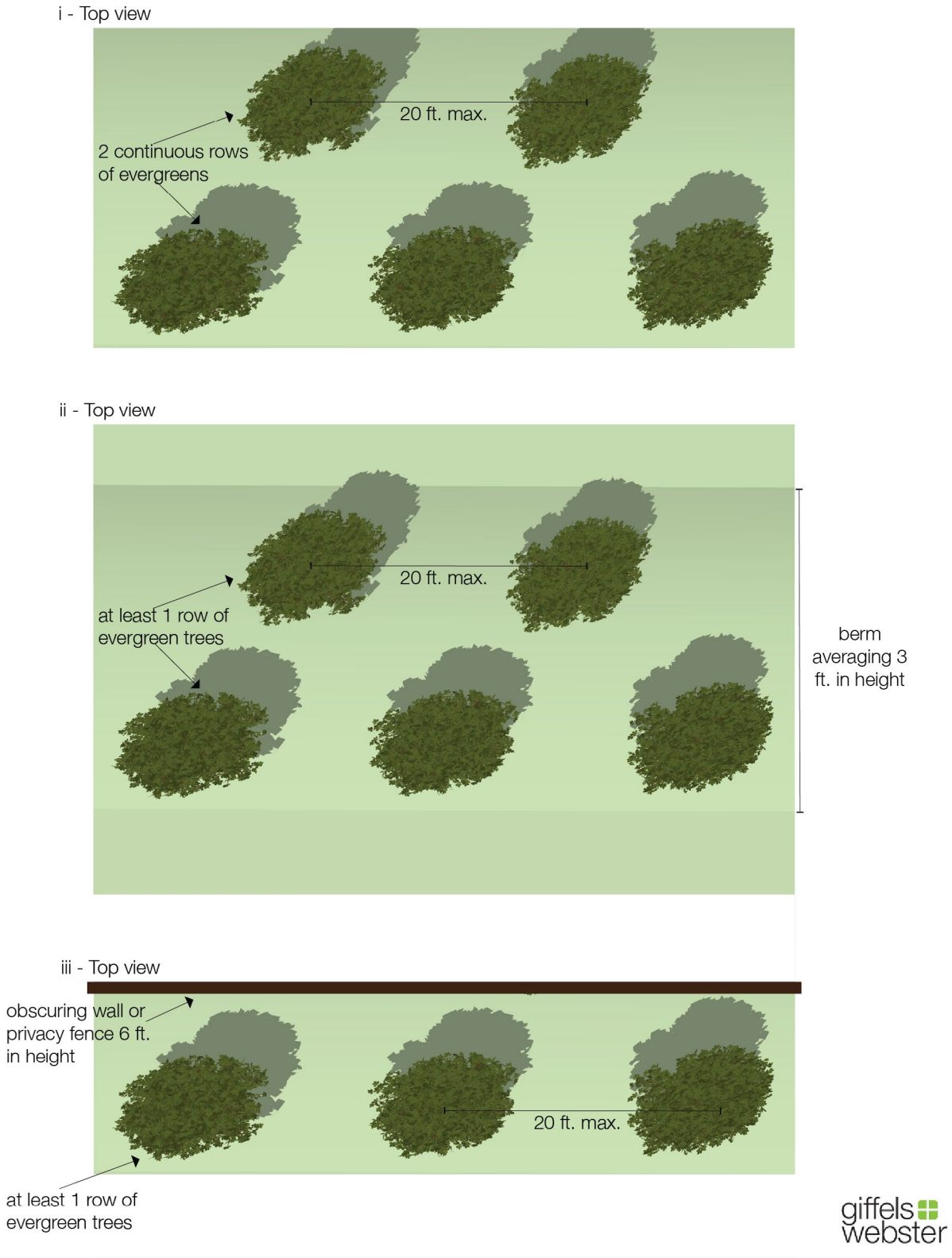


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7. Major screening buffers shall meet the following minimum standards:
    a. The intent of the major screening buffer is to provide screening where major impacts are anticipated and is intended to block the view of obtrusive or undesirable visual elements, exclude all contact between such uses, and create a strong impression of spatial separation.
    b. The buffer zone shall be developed with one of the following:
        i. Two (2) continuous rows of evergreen trees (spruce or pine), measuring at least eight (8) feet in height at the time of planting, evenly staggered, each row planted at intervals not exceeding twenty (20) feet on center; or
        ii. A naturally rolling landscaped berm averaging three (3) feet in height with at least one row of evergreen trees measuring at least eight (8) feet in height at the time of planting and planted at intervals not exceeding twenty (20) feet on center; or
        iii. An obscuring wall or privacy fence six (6) feet in height on the outside perimeter of the subject lot, containing at least one row of evergreen trees measuring at least eight (8) feet in height at the time of planting and planted at intervals not exceeding twenty (20) feet on center.
    c. The minimum width of a major screening buffer shall be twenty (20) feet.
    d. The remaining ground surface area of the screening buffer shall be seeded, sodded, or planted with ground cover, shrubs, flower beds, or other vegetation.
    e. The mix and spacing of evergreen plant materials shall ensure that a maximum obscuring effect will be maintained throughout all season.
    f. Where a berm is proposed, the following requirements shall be met:
        i. Berms shall be constructed as landscaped earth mounds with a crest area of at least four (4) feet in width. The exterior face of the berm shall be constructed as an earthen slope. The interior face of the berm may be constructed as an earthen slope, which may be shorter than the exterior slope, or retained by means of a wall, terrace, or other means acceptable to the approving authority. Whenever an earthen slope is provided, it shall be constructed with an incline not to exceed one (1) foot of vertical rise to three (3) feet of horizontal distance.
        ii. The berm shall be setback, graded, and designed in a manner where no unnatural runoff is conveyed onto the adjoining property.
8. Screening buffers shall be designed to avoid creating obstacles to proper sight distance between vehicles and pedestrians. (See § 153-5.9 Traffic Visibility)

Section 153-5.5

Figure 153-5.5(M)(7)(b) Major Buffer Greenbelts



N. **Landscape Maintenance and Requirements**. Landscaping maintenance shall comply with Chapter 95 of the City Code, along with the additional following requirements.

1. Landscape maintenance. The applicant, landowner, or successors in interest shall be responsible for the regular maintenance of all landscaping elements in good condition. Landscaping shall be maintained free from disease, pests, weeds, and litter, and landscape structures such as fences and walls shall be repaired and replaced periodically to maintain a structurally sound condition in order to maintain the required landscaping of the site.
2. For site plans requiring a landscape plan, the applicant shall demonstrate on their landscape plan how they will be maintaining the trees in good health.
3. If any required tree or plant dies or is removed, the Zoning Administrator shall provide the property owner written notice of dead or missing landscape material in violation of the landscaping requirements, and they shall allow at least ninety (90) days to provide for the replacement of materials.
4. Tree limbs shall be trimmed to a height of no lower than thirteen (13) feet above the street surface, and no lower than eight (8) feet above a sidewalk surface or within a required clear vision area.

O. **Waivers/Substitutions**. The Planning Commission may approve a reduction of the minimum requirements in this section wherever it makes a finding on all of the of criteria below:

1. That the characteristics of the site make full compliance with the standards impractical due to unique site conditions; and
2. The waiver or reduction request is the minimum request necessary; and
3. That reducing the amount of required landscaping will not adversely impact adjacent parcels and is in keeping with the spirit and intent of this chapter.

153-5.6 Fences

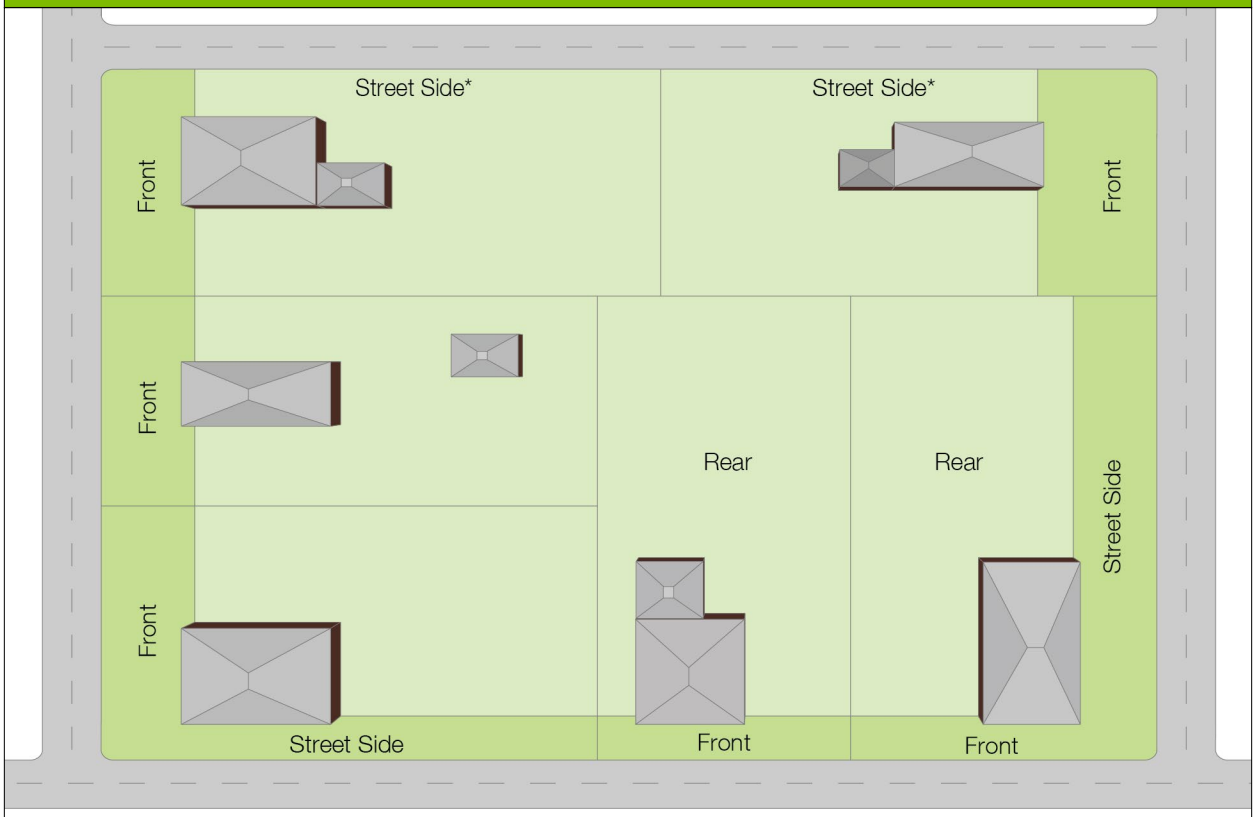
A. **Residential Districts**. Fences shall be permitted in the R-1, R-2, R-3, MU-1, MU-2, MU-3, and MU-4 districts, subject to the following conditions.

1. Fences in front yard areas. Fences which are located in the front yard area between the front of the dwelling and the front property line shall not exceed a height of four feet and shall be of open construction.
2. Fences in rear yard areas. Fences which are located in the rear yard shall not exceed a height of six feet and may be of open or closed construction.
3. Fences on corner lots.
    a. Fences constructed or installed on corner lots or parcels having a side yard abutting upon a street may be erected to a height of six feet above ground level along the side-street frontage, but such fences shall not extend beyond the building line in the side yard area adjacent to the street side of the building thereon.
    b. Fences may be located in the street side yard area on corner lots, between the building and the street property line if such fences are of open construction and do not exceed a height of four feet, except that a fence six feet in height and of open or closed construction may be erected in the street side yard area where a corner lot shares a common rear lot line with the rear adjacent property owner.
4. Fences located in interior side yard areas. Fences constructed or erected in the interior side yard area may be erected to a height of six feet above ground level and may be of open or closed construction.
5. Exceptions. The height restrictions of this chapter shall not apply to schools, public or private, or to public recreation areas, or to public utility installations where higher fences are required for the safety and protection of the public.

B. **Industrial Districts and Business Districts**. Fences shall be permitted in the B-1, B-2, I-1, and I-2 districts subject to the following standards:

1. Height. Fences may not exceed eight feet in height, except that fences in a required front or street side yard areas shall be no more than four feet in height.
2. Construction. Fences in rear or side yards may be of open or closed construction. Fences in required front or street side yards shall be of open construction.
3. Exceptions. When associated with a permitted outdoor storage use and demonstrated with a site plan, fences in required front or street side yards may be constructed of a greater height than is permitted in this Section, and may be closed construction. In no case shall the fence height exceed the maximum building height of the zoning district where it is located.

Figure 153-5.6(A) Fences in Residential Districts



C. **Visual Clearance.**

1. Fences shall comply with all requirements for traffic visibility as established in § 153-5.9 Traffic Visibility.

D. **Barbed Wire**. The placement of barbed wire is regulated as follows.

1. Industrial districts. For industrial properties, barbed wire must be at least six feet above grade. Barbed wire is not allowed on properties used for residential purposes in industrial districts.
2. Business districts. When associated with a permitted outdoor storage use and demonstrated with a site plan, the use of barbed wire may be approved by the Planning Commission as a special exception when there are unique and exceptional circumstances. If approved by the Planning Commission, the barbed wire must be at least six feet above grade. Barbed wire is not allowed on properties used for residential purposes in business districts.
3. Public utility installations. Barbed wire may be placed on fences surrounding a public utility installation in any zoning district, provided the barbed wire is placed not less than six feet above grade.

E. **Electric Fences**. Electric fences may be approved in industrial zones by the Planning Commission in unique or exceptional circumstances, and in instances where, in the Planning Commission's opinion, the industrial use by its nature has a high degree of vandalism or theft. The approval may be upon terms and conditions the Planning Commission may require, and shall be guided by the following criteria:

1. The fence shall not exceed 12 feet in height;
2. The electric charge shall not exceed 12 volts;
3. The property shall be protected from unauthorized touch by a perimeter fence (open or closed construction), not less than six feet high and not closer than two feet to the electric fence;
4. Liability insurance acceptable to the City Clerk shall be provided; and
5. Warning signs approved by the Planning Commission are erected on all sides of the property.

F. **Materials**. Fences shall consist of materials commonly used in conventional fence construction, such as wood, vinyl, composite panel, or metal. If, because of design or construction, one side of the fence has a more finished appearance than the other, the side of the fence with the more finished appearance shall face the exterior of the lot. Privacy slats or inserts for chain link fences shall only be permitted in I-1 or I-2 districts.

G. **Maintenance**. All fences shall be maintained in a good structural condition at all times. All fences shall be kept neatly painted, stained, or preserved and such treatment shall be of the same contiguous color, stain, or other treatment.

153-5.7 Access Management

Driveway approaches and shared access between sites, excepting single-family uses through multiple-family uses with four or fewer units, shall comply with the following requirements.

A. **Driveway Approaches**. Driveway approaches providing a connection from a public street or private road to a private off-street parking lot shall comply with the following requirements:

1. The required width of a driveway approach shall be a minimum of 20 feet and a maximum of 30 feet. Driveway approaches may exceed 30 feet in any of the following circumstances:
    a. When required by the authority (City of Saginaw, Saginaw County Road Commission, or Michigan Department of Transportation) having jurisdiction over the public street.
    b. Driveway approaches serving a residential subdivision, residential site condominium, multi-tenant commercial center, business park, or industrial subdivision, provided a boulevard median with landscape plantings is provided and compliant with § 153-5.9 Traffic Visibility.
    c. The Planning Commission may authorize a driveway approach containing a width of greater than 30 feet if demonstrated necessary by the applicant.
2. A maximum of one driveway approach is permitted on sites containing street frontage of 100 feet or less. An additional driveway approach is permitted for every additional whole 100 feet of street frontage, but in no case shall more than four driveway approaches on the same street frontage be permitted on one site. In no case shall driveway approaches on the same site be closer than 100 feet from one another, measured from the nearest points where the driveway approaches meet the subject street's right-of-way line.
3. No driveway approach shall be closer than 100 feet from a primary street intersection, as measured from the point where the driveway approach meets the subject street's right-of-way line to the intersecting primary street's right-of-way line extended. However, the Planning Commission may allow a driveway approach located no closer than 25 feet to the primary street intersection, upon finding that no other access points in compliance with this Chapter is possible due to the size of the lot and that traffic safety mitigation strategies such as "right turn only" signage is provided.

B. **Shared Access Drives**. Shared access drives providing vehicular access from one property to the adjoining property are permitted. The shared access drive shall be arranged in a logical sequence from one property to another. The shared access drive shall be maintained by the property owners establishing a shared access drive, in a reasonably safe condition, including snow removal and storage. The easement agreement and applicable maintenance agreement shall be provided to the City.

153-5.8 Trash Enclosures

Any multiple-unit residential use containing more than four units, commercial use, office use, or industrial use subject to site plan review in § 153-6.1(B)(3) or § 153-6.1(C) shall provide a dumpster or refuse containers enclosed by a trash enclosure complying with the following requirements:

A. A decorative masonry wall or solid fence of six feet in height shall enclose three sides of the storage area. Bollards and/or other protective devices shall be installed at the opening and to the rear of any storage area to prevent damage to the screening walls. The surface under any such storage area shall be constructed of concrete which complies with local building requirements. The concrete pad shall extend 20 feet in front of the enclosure.

B. A lockable gate shall be installed, constructed of opaque materials; provided, the approval authority may permit a three-sided where site configuration makes a four-sided enclosure impractical or where a three-sided enclosure will effectively screen the dumpster from view from the adjoining right-of-way.

C. Interiors and exteriors of enclosures shall be kept clean and free of debris and clutter.

D. The dumpster enclosure shall be located in a rear or side yard or be so located and arranged as to minimize its visibility from adjacent streets and use. If located within 10 feet of a property line abutting a residential zoning district, the dumpster enclosure shall contain a row of evergreen trees between the enclosure and the property line.

E. The Planning Commission may waive one or more of requirements of this section only where it is determined that adequate screening can be provided and maintained for the life of the use by natural vegetation or other means without negative impact on the aesthetics of the surrounding area.

153-5.9 Traffic Visibility

A. **Street Intersections**. At the intersection of two streets, there shall be no structures or obstructions located in the traffic visibility triangle, formed by measuring a line along the edge of the right-of-way or street easement 25 feet from their point of intersection, except as provided in § 153-5.9(C) below.

B. **Driveway Intersections**. At any driveway's intersection with a public street, there shall be no structures or obstructions located in the traffic visibility triangle, formed by measuring a line along the edge of the right-of-way or street easement and the driveway back-of-curb or pavement edge 10 feet from their point of intersection, except as provided in § 153-5.9(C) below.

C. **Permitted Exceptions**. The following exceptions are permitted in the traffic visibility triangle of a street intersection or driveway intersection.

1. Landscaping, fences, or walls 30 inches or shorter in height from grade may be permitted within the traffic visibility triangle. Deciduous trees may be located in the traffic visibility triangle so long as branches are maintained to keep a clear view from grade to eight (8) feet in height from grade.

2. Buildings, when permitted within the traffic visibility triangle by district setbacks, shall maintain minimum traffic visibility triangle on the ground floor, formed by measuring a line along the edge of the right-of-way or street easement and the driveway edge 5 feet from their point of intersection.

153-5.10 Sidewalks

A. For all sites, a new public sidewalk, or if necessary the reconstruction of the existing public sidewalk, must be provided in the right-of-way running alongside the entire street frontage of the lot subject to a permit by the Department of Public Services and the requirements of this chapter.

153-5.11 Design Standards

A. The design standards below apply to all buildings for which a site plan is required. For redevelopment projects, existing design elements that do not comply with the standards below may be maintained in accordance with the most recent Michigan Building Code as adopted by the City. Any modifications thereafter shall comply with these standards.

1. Design standards for buildings in the MU-1. MU-2, MU-3, and MU-4 zoning districts.

a. Architectural scaling.

i. Architectural scaling elements should be integrated into the building facade.

ii. Façade articulation shall be more detailed at the ground floor.

iii. Architectural scaling elements shall be composed in a way that highlights a building's intrinsic architectural characteristics, including structural and use or ownership representation.

iv. Exterior walls shall have architectural delineation between the first and second stories.

v. Abutting facade. Where a principal building facade abuts a facade of secondary importance, such as along an alley or internal service area, architectural scaling elements should be integrated into that portion of the secondary facade exposed to public view.

vi. At least three of the following architectural scaling elements shall be included along all street-facing facades:

(A) A change in color

(B) A change in material or material module or pattern

(C) A system of horizontal and vertical scaling elements such as a belt course, string course, projecting fins, or projecting cornice or eye brow;

(D) Expression of the structural system and infill panels through a change in plane of at least three inches;

(E) Articulation of window and doorway surrounds, which may include sills, lintels, pilasters, and mullions through a change in plane of at least two inches;

(F) A system of horizontal and vertical articulating reveals of at least three-eighths inch width by three-eighths inch depth;

(G) A system of art or ornament integral to the building, such as an inset decorative panel or metal framework anchored to embed in the building façade.

b. Windows. Windows shall be constructed in accordance with the following:

   i. Fenestration shall be provided in accordance with the district requirements.

   ii. Ground floor windows may not be made opaque by window treatments (except operable sunscreen devices).

c. Building Materials. Only high-quality, durable materials that complement existing materials and character of the District shall be used on facades visible from the street.

   i. The following materials are approved for use in any quantity. Other materials of equal quality may be used.

      (A) Brick, including glazed brick;

      (B) Natural and architectural pre-cast stone;

      (C) Architectural pre-cast concrete;

      (D) Hard coat stucco;

      (E) Glass and channel glass units;

      (F) Wood lap siding;

      (G) Architectural metal panel systems;

      (H) Decorative metal framing systems with an exterior-grade finish system;

      (I) Concrete masonry units with an architectural coloration or finish

      (J) Engineered alternatives of sufficient durability and aesthetic appearance

   ii. The following materials may only be permitted on facades that are not visible from a public street:

      (A) Exterior insulation and finishing systems (EIFS)

      (B) Plain concrete masonry units

      (C) Materials of a structural or unfinished nature such as tilt-up concrete panels

d. Additional standards for MU-3E and MU-3W districts. The following additional standards shall only apply to sites located in the MU-3E and MU-3W districts:

   i. Entrances. There shall be a minimum of one functional entrance every full 50 feet of frontage of the primary street.

   ii. Horizontal articulation. Horizontal articulation is the arrangement and proportion of facade materials and elements (windows, doors, columns, pilasters, and bays) into discreet bays or each block frontage, facades shall be divided into discreet horizontally articulated bays at no greater than 60 feet each.

      (A) Adjacent facades shall contain different wall materials and rhythm of bays to distinguish each storefront in the horizontal plane.

iii. Ground floor articulation. MU-3 buildings shall be designed to create a distinct and separated ground floor area through the use of a horizontal expression line, such as a string course, change in material or textures, awnings or canopies, or a sign band between the first and second stories.

iv. Windows. A minimum of 80% of the window surface on the ground floor shall allow a view into the building interior for a depth of at least 12 feet.

e. Waivers. Modifications to this section may be approved by the Planning Commission. A waiver shall require an application that includes the concept or site plan and a front elevation drawing of the proposed building superimposed on a color drawing or photograph of the entire block showing the relationship of the proposed building to other buildings on the block. The application shall be reviewed by the Planning Commission based upon the following criteria:

i. The design of the building shall be in keeping with the architectural character of the City. This shall not prevent innovation and creativity in design that is in keeping with the Master Plan, as determined by the Planning Commission.

ii. A modification shall not result in increasing the dominance of vehicular parking or garage doors along the front of the building.

iii. The exterior finish materials shall be of equal or better quality, in terms of durability and appearance/texture similar to brick, stone, or wood, as those permitted in the district. The intent is to accommodate new technologies and building material while maintaining the desired character.

iv. Ground floor windows shall be provided along the front sidewalk to maintain the pedestrian-orientation of the streetscape and upper story windows and shall not be incompatible with the rhythm and proportions of windows on other buildings along the block.

153-5.12 Lighting

A. Exterior lighting shall be so installed that the surface of the source of light shall not be visible from the nearest residential district boundary or the nearest street right-of-way, and it shall be so arranged to reflect light away from any residential use or street right-of-way. Sites undergoing development or redevelopment shall be required to shield any light source not conforming to this provision, or install a new full cutoff light fixture to conform with this provision.

B. Lighting fixtures in residential zoning districts, or fixtures sited within 100 feet of a residential zoning district, shall not exceed 15 feet in height, nor exceed 1,300 lumens. Light temperature of such fixtures shall be in between 2,700 and 4,000 Kelvins.

153-5.13 Pedestrian Design

All sites in the R-3, MU-1, MU-2, MU-3, MU-4, B-1, and B-2 zoning districts shall comply with the following pedestrian design standards:

A. There shall be a minimum of one public entrance from the front façade, facing the street which the building is addressed. The front door may not be required to face the street if part of a clearly articulated vestibule entrance connected to the front facade.

B. A pedestrian sidewalk a minimum of six (6) feet in width shall connect the public right-of-way sidewalk to the front façade's public entrance. This connection shall be uninterrupted, except in the event of a vehicular driveway or shared access drive, a clearly defined and signed crosswalk of at least six (6) feet in width shall be provided.

C. The address number shall be clearly visible from the public street.

D. For the MU-1, MU-2, MU-3, and MU-4 districts, the standards of Article 153-3 Zoning Districts or § 153-5.14 Building Standards shall prevail if such standards conflict with the standards of this section.

153-5.14 Building Standards

A. **Building Type Standards.**

1. Intent. This section regulates different physical forms of buildings within each applicable zoning district, creating variation in the urban environment within an appropriate scale.
2. Applicability. Buildings in any MU zoning district shall comply with the requirements of this section in addition to the requirements of the underlying zoning district.
   a. Flex spaces may not include any dwelling units. All other building types may house any use allowed in the underlying zoning district.
   b. Maximum height is regulated by zoning district, unless further required in accordance with the building type as described in Table 153-5.14(A)(4) Building Type Standards below.
3. Exceptions.
   a. Civic and Institutional uses are exempt from this section.
   b. Parking decks shall comply with the standards described in § 153-4.20 Parking Decks.
4. Building Type Standards.

Table 153-5.14(A)(4) Building Type Standards

Building Type	Dwelling Units Per Building	Maximum Height	Permitted Frontage Types	Permitted Aboveground Active Spaces
Multiple-Story Building	No limit	Regulated by district	Terrace, Storefront, Gallery	Rooftop Patios, Balconies
Single-Story Building	No limit	One story	Terrace, Storefront, Gallery	None
Townhouse	3 min. / 10 max.	Four stories	Porch, Stoop	Balconies
Urban House	1 min. / 4 max.	Three stories	Porch, Stoop	Balconies
Flex Space	None permitted	Two stories	Does not apply	None

B. **Building Entrance Standards**.

1. Intent. Building entrance types define the design and functionality of entry points, balancing accessibility, security, and aesthetic appeal. These standards ensure entrances are clearly identifiable, complement the building's architecture, and integrate with the surrounding streetscape.
2. Applicability. Building entrance types shall be applied to the front façade of principal buildings located in an MU zoning district.
3. Multiple story buildings and single-story buildings shall be required to include at least one functional entrance for every 50 feet of frontage.
4. Exceptions.
    a. Parking decks
5. The following requirements for entrance types shall apply.
    a. Recessed. A recessed entry is setback from the primary façade, creating a shallow alcove. The depth of the recessed entry shall be at least one foot greater than the door swing and no more than 15 feet.
    b. Framed. A framed entry is accentuated by a distinct architectural or decorative element that surrounds the doorway, visually emphasizing the entry point.
    c. Vestibule. A vestibule is an entrance that extends towards the front lot line from the building frontage, serving as a transitional area between the outdoors and the interior. It typically consists of two sets of doors, one leading to the exterior and another to the interior.
    d. Corner. An angled street-facing entrance located on the corner of a building at approximately 45° to the intersecting streets. Corner entrances shall be designed to comply with requirements for visual clearance at intersections.

C. **Building Frontage Standards**.

1. Intent. Building frontage types provide a transition and appropriate interface between the public realm (street and sidewalk) and the private realm (yard and building). The allowed frontage type standards supplement the standards for each building type.
2. Applicability. Building frontage types shall be applied to the front façade of principal buildings located in an MU zoning district in accordance with Table 153-5.14(A)(4) Building Type Standards.
3. Exceptions.
    a. Civic and Institutional uses.
    b. Parking decks.
4. Standards for Building Frontages.
    a. All building frontages shall be compliant with the applicable setback and setback zone requirements required by the underlying zoning district.

b. A landscaped front yard area may be provided when the building is setback more than 10' from the property line or road right-of-way.

c. All frontages must include a pedestrian pathway or access point from the public sidewalk.

d. The following standards for porches, stoops, terraces, storefronts, and galleries shall apply:

i. Porch. A frontage where the façade is setback behind an attached front porch structure.

(A) Sides shall be at least 50% open except for any site abutting a building façade.

(B) Shall include a roof.

(C) May encroach into the required setback when unenclosed and permitted by the applicable zoning district.

ii. Stoop. A frontage where the first floor is elevated from the sidewalk to provide privacy for first floor windows. The entrance is usually from an exterior stair and landing.

(A) A stoop shall be at least 18" above the sidewalk and shall directly connect to the sidewalk, walkway, or driveway.

(B) A stoop may have a railing or wall and may have a covering.

(C) If unenclosed and open on three sides, a stoop may encroach into the required setback as permitted by the applicable zoning district.

iii. Terrace. A frontage that includes a flat, raised outdoor space that is designed as a part of the building's frontage. It is often elevated above ground level and can serve as a transition between the building and the public realm, such as a sidewalk or a street.

(A) A terrace shall follow the length of at least 75% of the frontage.

(B) Frequent steps up to the terrace must be provided to maximize access and avoid blank walls along the sidewalk.

(C) Low walls used as seating are encouraged.

iv. Storefront. A frontage where the building façade is located at the sidewalk, front yard, or front lot line with the building entrance at sidewalk grade.

(A) Canopies and awnings are encouraged.

(B) Bi-fold glass windows and doors that allow the space to open to the sidewalk are encouraged.

(C) Residential-grade windows are not permitted.

(D) Window sills shall be no more than 3' above the ground unless aligned with existing adjacent storefronts.

v. Gallery. A frontage characterized by a covered pedestrian walkway integrated into the façade, typically supported by a series of columns or piers.

(A) Galleries shall be no more than one story from the ground floor.

(B) Galleries shall be supported from below by a porch, arcade, or other structure; or visually supported by brackets, corbels, or beams along its full depth.

(C) A gallery may extend over the sidewalk with approval of the City's Engineering Department.

5. Building Active Space Standards.

a. Active spaces may be permitted in accordance with Table 153-5.14(A)(4) Building Type Standards.

b. To protect the privacy of adjacent rear yards, rooftop patios and balconies are prohibited in the rear 35% of the zone lot depth.

c. The Zoning Administrator, or designee, may prohibit other similar structures in the rear 35% of the lot as measured from the rear lot line, when the Zoning Administrator, finds the structure would have similar adverse privacy impacts.

6. Setback Zone Exceptions.

a. The following uses may be permitted as alternatives to a required frontage within the setback zone, subject approval by the approving authority:

i. Ground floor seating in accordance with § 153-4.9(A)(2).

ii. Private open space when the following requirements are met:

(A) Shall be open to the sky, but may include open structures, such as pergolas

(B) May include tables, chairs, benches, sculptures, and similar elements

(C) Shall be fully visible from the street

(D) Shall not be permanently enclosed by railings, fences, gates, or walls that do not allow public access during business hours

iii. Garden walls when the following requirements are met:

(A) Garden walls must be between 30 inches and 42 inches in heights with the following exceptions:

(1) Decorative and/or structural piers may exceed 42 inches in height.

(2) Seating incorporated into the wall may be a minimum of 18 inches in height and may be accessed from both sides of the wall without an intervening division.

(B) Allowed materials are limited to masonry or an ornamental metal fence with masonry piers, spaced not more than 25 feet, with landscaping.

iv. Courtyards when the following requirements are met:

(A) The courtyard shall face the front street

(B) The courtyard shall have a width of at least 15 feet, measured as the distance between the two closest edges of the exterior walls facing each other across the courtyard;

(C) The courtyard shall have a depth of at least 30 feet measured as the horizontal distance between the primary street-facing exterior building wall nearest to the primary street zone lot line and the closest facade of the exterior building wall facing the primary street behind the courtyard, measured perpendicular to the lot line;

(D) The courtyard is intended primarily for pedestrian use and shall include all of the following physical characteristics:

(1) Shall be no more than one-half story above or below grade at the lot line adjoining the front street;

(2) Shall be physically accessible from the front street, but may be secured for private use;

(3) Shall be visible from the front street zone lot line;

(4) Shall be open to the sky; and

(5) Shall be bounded on not less than three sides with connected building facades.

(E) The courtyard area may be used for any of the following:

(1) Single or multiple entries to uses within the building;

(2) Public or private landscaped area; or

(3) Outdoor seating area.

153-5.15 Grading, Engineering, and Stormwater Management

A. A minimum sloping grade sufficient for drainage to the sidewalk elevation shall be established for front yards by the Chief Inspector. In instances where there are existing structures on adjoining lots the Chief Inspector shall be guided by the existing grades on the adjoining developed properties to achieve a reasonably uniform transition grade between the lots involved. All rear yards shall be graded so as to provide a gradual sloping grade from the rear wall of the building to the rear lot line. The grade at the rear lot line may be established by the Chief Inspector.

B. All grade changes, and changes to a site's impervious surface that results in greater impervious surface, shall be reviewed by the City Engineer.

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Chapter 153, Article 6
Development Procedures

Article 153-6 Development Procedures

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153-6.1 Site Plan Review

A. **Intent**. The purpose of site plan review is to determine compliance with the provisions set forth herein and to promote the orderly development of the City, the stability of land values and investments, and the general health, safety, welfare, and to help prevent the impairment or depreciation of land values and development by the erection of structures or additions or alterations thereto without proper attention to siting and appearance. This review and approval shall be performed by the Zoning Administrator or by the Planning Commission as follows.

B. **Review by the Zoning Administrator**.

1. **Applicability**. The Zoning Administrator shall perform a site plan review for development involving principal permitted uses that do not require waivers from any regulations of this Chapter. In lieu of a site plan, the Zoning Administrator may perform a concept plan review for the following;
    a. New accessory structures that do not require a building permit
    b. Change of use to a new principal permitted use that do not include modifications to the building footprint, parking, or pedestrian or vehicular circulation.
2. **Zoning Administrator concept plan review**. The level of information is intended to be proportional to the extent of the change and yet ensure adequate review for compliance with applicable standards. Submissions for concept plan review shall include:
    a. Application form;
    b. Conceptual review fee;
    c. The name and address of the owner and any designated representative of the owner;
    d. Written description of the proposed use;
    e. Conceptual site plan, illustrating existing site features such as lot dimensions, general footprints of buildings and parking, and provides more detail on the areas of the site proposed to be changed. The level of information required shall be established by the Zoning Administrator or their designee, to be sufficient to ensure the modification complies with this and other applicable city codes; and
    f. A location map.
3. **Zoning Administrator site plan review**.
    a. In order to perform an administrative site plan review, the application shall at a minimum comply with the informational requirements of(B)(2) above and § 153-6.1(C)(4)(a) through (f) below. Additionally, the Zoning Administrator may require the submission of any information set forth in § 153-6.1(C)(4)(g).
    b. The Zoning Administrator shall transmit copies of the site plan to the Department of Public Services and Engineering, the City Engineer, and other City departments or divisions as appropriate, for review. The Zoning Administrator may utilize findings from these departments or divisions to inform their decision to approve or deny the site plans.

4. The Zoning Administrator shall approve or deny the site plans or concept plans, in writing, including any conditions required to comply with this chapter.
5. In instances where the applicant does not concur with the findings of the Zoning Administrator, the applicant may submit an appeal with the Zoning Board of Appeals in accordance with § 153-7.12(E).
6. The Zoning Administrator retains the option to require a complete site plan for review by the Planning Commission, particularly for sites which do not comply with previously approved site plans, sites with parking deficiencies, sites abutting residential districts or sites experiencing problems with drainage, traffic, noise, aesthetics or other general health and safety issues. If a full site plan is required, the Zoning Administrator, shall inform the applicant to submit a set of plans in accordance with § 153-6.1(C).
7. After issuance of final site plan approval, the Zoning Administrator shall furnish a report summarizing the approval to the Planning Commission at the next available meeting. There shall be no action taken by Planning Commission on this subject; such report serves only as an informational item.

C. **Site Plan Review by the Planning Commission**.

1. Applicability. All other development not subject to the Zoning Administrator's review in § 153-6.1(B) above, including site plans with requests for waivers, special land uses, and planned unit developments, shall be reviewed by the Planning Commission.
2. Plans, including the relevant fee, shall be submitted following all administrative procedures established by the Department of Building, Planning and Economic Development, at a scale of not less than one inch equals 50 feet (one inch = 50 feet), including all relevant items herein required. Plans shall be submitted to the Zoning Administrator.
3. Prior to the placing of a site plan on a Planning Commission agenda, the Zoning Administrator shall conduct a completeness review to determine that all required information has been submitted and any significant deficiencies, as cited by the Zoning Administrator, have been corrected. This completeness review shall not constitute an official decision on whether an application complies with the provisions of this Chapter.
4. Site plans subject to review by the Planning Commission shall contain the following information:
    a. A legal description of the property under consideration.
    b. A map indicating the gross land area of the development, the present zoning classification thereof, and the zoning classification and land use of the abutting properties surrounding the proposed development, including the location of structures and other improvements.
    c. A fully dimensioned drawing of the site.
    d. For new construction of buildings, structures, and site improvements, a boundary survey shall be provided at a minimum. The Zoning Administrator may require a land survey showing dimensions of existing buildings, structures, and site improvements, if such are existing.

e. Existing topographic information, at a contour interval of two feet or less if requested by the Zoning Administrator.

f. A vicinity map showing the location of the area in relation to surrounding properties, streets, freeways, schools, school sites, and other significant features of the City where appropriate.

g. A drawing of the site showing the general development plan with at least the following details shown to scale and dimensioned:

   i. Location of each existing and each proposed structure in the development area, the use or uses to be contained therein, the number of stories, gross building areas, distances between structures and lot lines, setback lines, and approximate location of vehicular ingress, egress, and loading points.

   ii. All streets, driveways, easements, service aisles, and parking areas, including general layout, circulation, and design of parking lot spaces. Vehicle turning templates for fire trucks and emergency vehicles, garbage trucks, or semi-trucks may be required if applicable.

   iii. All pedestrian walks, malls, and open areas for parks, recreation, light, and air to be dedicated to the public and which are to be retained by the developer, manager, or property owners association.

   iv. Location and height of all walls, fences, and screen planting, including a general plan for the landscaping of the development and the method by which landscaping is to be accomplished and be maintained together with a brief narrative description of the landscaping plan.

   v. Types of surfacing, such as paving, turfing, or gravel to be used at the various locations.

   vi. A grading plan of the area, including necessary data relating to grade and soil erosion control.

   vii. Existing and proposed utilities.

   viii. Natural features, including but not limited to floodplains, flood hazard areas, wetlands, or other water features.

   ix. If new or replaced lighting fixtures are proposed, a photometric plan displaying location and dimensions of lighting fixtures, lighting fixture types, and lighting intensity levels.

   x. Plans and elevations of one or more structures, indicating proposed architecture.

   xi. Proposed restrictive covenants if applicable.

   xii. Surface water drainage and grading plan, and any plans for storm water retention. Drainage calculations including impervious calculations and proposed ten-year event run-off calculations, including proposed retention. See the Saginaw Area Storm Water Authority Post-Construction Controls for the City of Saginaw: https://www.saswa.org/storm-water-post-construction-controls.

xiii. Water, sewer, and other public utility connections and proposed utilities, including proposed material, structure details, and rim and invert elevations of all structures.

xiv. If on a State highway, evidence of plan or permit approval to MDOT, including any preliminary approvals from MDOT.

xv. Distinguishment between permeable and non-permeable ground.

xvi. Location of existing drainage courses, floodplains, lakes, and streams, with elevations.

xvii. Typical cross-section of proposed roads, parking lots, sidewalks and driveways.

xviii. Such other information as may be required by the City to assist in the consideration of the proposed development.

5. To ensure that buildings, open space, and landscaping will be in harmony with other structures and improvements in the area, and that no undesirable health, safety, noise, and traffic conditions will result from the development, the Planning Commission shall determine whether the site plan meets the following criteria:

   a. The vehicular transportation system shall provide for circulation throughout the site and for efficient ingress and egress to all parts of the site by fire and safety equipment.

   b. Pedestrian walkways shall be provided as deemed necessary by the Planning Commission for separating pedestrian and vehicular traffic.

   c. The site plan shall comply with the district requirements for minimum floor space, height of building, lot size, yard space, density, and all other requirements as set forth in this chapter.

   d. The requirements for landscaping, greenbelts, fencing, walls, and other protective barriers shall be complied with as provided in this chapter.

   e. The site plan shall provide for adequate storage space for the use therein.

   f. The site plan shall comply with all requirements of the applicable zoning district, unless otherwise provided in this chapter.

6. The site plan shall be reviewed by the Planning Commission and shall be approved, disapproved, or approved with specific conditions as may be deemed necessary to carry out the purpose of this chapter and other codes and regulations of the City. If the Planning Commission finds a site plan not in conformance with the provisions set forth in this section, it may, at its discretion, return the site plan to the applicant with a written statement of the modifications necessary to obtain approval. Upon resubmission of the modified site plan, the Planning Commission shall review the plan and approve, disapprove, or approve with specific conditions as may be deemed necessary to carry out the purpose of this chapter and other codes and regulations of the City;

D. **Record of Approval**.

1. Following approval of the site plan by the Planning Commission or Zoning Administrator, the Chief Inspector shall issue a building permit upon submission of proper construction plans, and shall ensure that the development is undertaken and completed in accordance with the approved plans. For any approved site plan, building permits must be obtained encompassing a minimum of 25% of the gross floor area shown on the approved site plan within two years of the site plan approval or the site plan shall be deemed null and void in accordance with § 153-6.1(E)(1) below.
2. The building permit may be revoked by the Chief Inspector in any case where the conditions of the site plan as approved by the Planning Commission or Zoning Administrator have not been complied with.
3. The site plan, if approved, shall become part of the record of approval, and subsequent actions relating to the activity authorized shall be consistent with the approved site plan unless a change or addition conforming to this Section receives the mutual agreement of the landowner and the Planning Commission or Zoning Administrator as required for such revisions. Incidental and minor revisions of the approved site plan with written approval of the Zoning Administrator shall not invalidate prior site plan approval.
4. A site plan amendment that impacts a waiver or reduction previously granted by Planning Commission shall require a new site plan review by Planning Commission in accordance with this section.

E. **Validity**.

1. Lawful construction shall begin on the site or on a building associated with the site plan within two (2) years of the date of approval.
    a. Upon written request stating the reasons therefore, the Planning Commission may extend a site plan for an additional one (1) year period if the evidence shows the following:
        i. The conditions necessitating the delay in the construction and completion of the project are reasonably beyond the control of the applicant.
        ii. The requirements and standards, including those of the zoning ordinance that are reasonably related to the development, have not changed.
        iii. Development or redevelopment in the proximity to the approved site plan has not resulted in changed conditions impacting the site.
        iv. There has not been a change in state or federal law, local charter, or other local ordinance prohibiting the construction or further construction of the approved project.
    b. When the site plan is a part of a Planned Unit Development or Special Land Use, no such extension shall be granted if there has been an amendment or modification to the City's Master Plan since the site plan was approved.

2. An application for the extension of a site plan must be filed at least 60 (sixty) days prior to the expiration of the original site plan or the expiration of any extension previously approved by the City, whichever is applicable.

3. If construction is not diligently pursued to completion for a period of three (3) years or greater, the City may determine the site plan to have expired.

F. **Site Plan Review Procedures for Mobile Home Parks**.

1. Site plan review authority of preliminary plans of mobile home parks, as authorized under the Mobile Home Commission Act, Public Act 96 of 1987, being M.C.L. §§ 125.2301 *et seq.*, shall follow the procedures in this Section, except that said preliminary plans need not include detailed construction plans, rather they should depict location of the site in relation to surrounding properties, layout, general design, and other information consistent with § 153-6.1(C)(4) to fully illustrate the character of the project. If the plan meets the specific standards (e.g., setback, parking, buffers) in this chapter, the site plan shall be approved.

153-6.2 Amendments, Including Rezonings

A. **Amendment Authority**. The City Council may, upon recommendation from the Planning Commission, amend, supplement, or change the regulations or the district boundaries of this chapter as established herein, pursuant to the authority and procedure set forth in the Michigan Planning Enabling Act, Public Act 33 of 2008, being M.C.L. §§ 125.3801 *et seq.*, as amended.

B. **Initiation of Amendment**. Any applicant desiring to have any change made in this chapter shall, with their petition for such change, deposit a fee as established by City Council with the City Clerk at the time that the petition is filed to cover the publication and other miscellaneous costs for processing said petition. All applications for amendments shall contain the following:

1. The applicant's name, address and interest in the application as well as the name, address and interest of every person having a legal or equitable interest in the land.
2. The nature and effect of the proposed amendment.
3. If the proposed amendment would require a change in the Zoning Map (rezoning), a complete legal description of the entire land area affected, the present zoning classification of the land, the names and addresses of the owners of all land and the legal descriptions of their land within the area to be rezoned. Also, a fully dimensioned drawing shall be submitted showing the land which would be affected, the zoning classification of all abutting districts, all public and private rights-of-way and easements bounding and intersecting the land under consideration, and the location of all existing and proposed buildings.
4. If the proposed amendment will correct an alleged error, a detailed explanation of such alleged error and detailed reasons the proposed amendment will correct the error.
5. The changed or changing conditions in the area or in the municipality that make the proposed amendment reasonably necessary to the promotion of the public health, safety, and general welfare.
6. All other circumstances, factors and reasons which the applicant offers in support of the proposed amendment.
7. Conditional rezoning requests shall include the applicant's proposed offer of conditions. This offer may be made either at the time the application for rezoning is filed or may be made at a later time during the rezoning process. The Statement of Conditions shall:
    a. Be in a form recordable with the County Register of Deeds and include a statement acknowledging that it will be recorded.
    b. Contain a legal description of the land to which it pertains.
    c. Acknowledge that upon the rezoning taking effect, the use of the land shall conform thereafter to all of the requirements regulating use and development within the new zoning district.
    d. Contain a provision acknowledging that the Statement of Conditions runs with the land and is binding upon successor owners of the land.

C. **Procedure**.

1. **Public hearing**. At least one public hearing shall be held by the Planning Commission before an amendment becomes effective. The notice of public hearing shall meet the following requirements:

   a. Notice of the public hearing for an amendment to this article shall be given by publishing such notice not less than 15 days prior to the date of public hearing in a newspaper of general circulation in the City or as otherwise provided by law.

   b. For a map amendment (rezoning) only: if an individual property or ten or fewer adjacent properties are included in the rezoning proposal, a notice must be published as required above, and a notice shall also be sent by mail or personal delivery to the owners of property that is the subject of the request. Notice shall also be given as provided under subsection (c) to all persons to whom real property is assessed within 300 feet of the property that is the subject of the request and to the occupants of all structures within 300 feet of the subject property regardless of whether the property or structure is located in the zoning jurisdiction. Notification need not be given to more than 1 occupant of a structure, except that if a structure contains more than 1 dwelling unit or spatial area owned or leased by different persons, 1 occupant of each unit or spatial area shall be given notice. If a single structure contains more than 4 dwelling units or other distinct spatial areas owned or leased by different persons, notice may be given to the manager or owner of the structure, who shall be requested to post the notice at the primary entrance to the structure. The notice under this subsection is considered to be given when personally delivered or when deposited during normal business hours for delivery with the United States postal service or other public or private delivery service. The notice shall be given not less than 15 days before the date the request will be considered. If the name of the occupant is not known, the term "occupant" may be used for the intended recipient of the notice.

   c. A notice under this section shall do all of the following:

      i. Describe the nature of the request.

      ii. State when and where the request will be considered.

      iii. Indicate when and where written comments will be received concerning the request.

      iv. For a rezoning: indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses current exist within the property. If there are no street addresses, other means of identification may be used.

2. **Planning Commission recommendation**. The Planning Commission shall make its final report to the City Council. A summary of the comments submitted at the public hearing shall be transmitted with the report of the Commission to the City Council. The City Council may hold additional public hearings if it considers it necessary.

3. **City Council action**. The City Council shall not determine the boundaries of districts nor impose regulations until after the final report of the Planning Commission, nor shall the ordinance or maps be amended after they are adopted in the first instance until the proposed amendment has been submitted to the Planning Commission and it has held at least one hearing and made a report thereon. In either case, the City Council may adopt the ordinance and maps, with or without amendments, after receipt of the Planning Commission's report, or refer the ordinance and maps again to the Commission for a further report.

D. **Review Standards for Amendments to the Zoning Map (Rezoning)**. In considering any petition for an amendment to the Official Zoning Map, including a conditional rezoning, the Planning Commission and City Council shall consider the following criteria:

1. Consistency with the goals, policies and future land use map of the Master Plan. If conditions have changed since the Master Plan was adopted, recent development trends in the area may be considered.
2. Compatibility of the site's physical, geological, hydrological and other environmental features with the host of uses currently permitted in the proposed zoning district.
3. The compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure, and potential influence on property values.
4. Evidence from the applicant that there are substantial reasons the property cannot be developed with the uses permitted under the current zoning or otherwise in accord with current zoning.
5. The capacity of utilities and services sufficient to accommodate the uses permitted in the requested district without compromising the health, safety and welfare of the City.
6. The capability of the street system to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested zoning district.
7. The apparent demand for the types of uses permitted in the requested zoning district relative to the amount of land in the City currently zoned and available to accommodate the demand.
8. The boundaries of the requested zoning district are reasonable in relationship to surroundings and construction on the site will be able to meet the dimensional regulations for the zoning district listed in the Schedule of Regulations.
9. If the request is for a specific use, is rezoning the land more appropriate than amending the list of permitted or special land uses in the current zoning district to allow the use?
10. Whether the requested rezoning is a logical extension of an existing district in the area.
11. The requested rezoning will not create an isolated and unplanned spot zone or grant a special privilege to an individual property owner not available to other property owners or the general public.
12. The request has not previously been submitted within the past one (1) year, unless conditions have changed or new information has been provided, as determined by the Planning Commission.

13. An offer of conditions submitted as part of a conditional rezoning request shall bear a reasonable and rational relationship to the property for which rezoning is requested.
14. Other factors as appropriate.

E. **Petition**. Upon presentation of a protest petition meeting the requirements of this Subsection, an amendment to this chapter which is the object of the petition shall be passed only by a two-thirds vote of the City Council, unless a larger vote, but not to exceed a three-quarters vote, is required by ordinance or Charter. The protest petition shall be presented to the City Council before final legislative action on the amendment, and shall be signed by one of the following:

1. The owners of at least 20% of the area of land included in the proposed change;
2. The owners of at least 20% of the area of land included within an area extending outward 100 feet from any point on the boundary of the land included in the proposed change; and
3. For purposes of this subsection E, publicly owned land shall be excluded in calculating the 20% land area requirement.

F. **Notice of Adoption**. Following adoption of an amendment to this chapter by the City Council, one notice of adoption shall be published in a newspaper of general circulation in the City within 15 days after adoption. The notice shall include:

1. Either a summary of the regulatory effect of the amendment including the geographic area affected, or the text of the amendment;
2. The effective date of the amendment; and
3. The place and time where a copy of the amendment may be purchased or inspected.

G. **Conditional Rezonings**. Conditions offered on a rezoning shall pertain only to the use of the land, and no conditional rezoning shall be construed to approve any development. The following shall also apply:

1. **Subsequent rezoning of land**. When land that is rezoned with a Statement of Conditions is thereafter rezoned to a different zoning classification or to the same zoning classification but with a different or no Statement of Conditions, the Statement of Conditions shall cease to be in effect.
2. **Amendment of conditions**. Amendment of conditions shall follow the process for rezoning outlined above.
3. **City right to rezone**. Nothing in the Statement of Conditions nor in the provisions of this Section shall be deemed to prohibit the City from rezoning all or any portion of land that is subject to a Statement of Conditions to another zoning classification. Any rezoning shall be conducted in compliance with this ordinance and the Enabling Act.
4. **Reversion to original zoning designation**. If development for the use or uses specified in the Statement of Conditions has not commenced within two (2) years of the approval of the conditional rezoning, the property shall revert to its original zoning designation.

153-6.3 Special Land Uses

A. **Purpose**. The Planning Commission, as herein created, shall have the following specific powers and duties concerning special approvals. In hearing and deciding upon special land uses, the City Planning Commission shall base its actions on the theory that the development and execution of a comprehensive zoning ordinance is founded upon the division of the City into districts within which districts the use of land and buildings and the bulk and location of buildings and structures in relation to the land are substantially uniform. It is recognized, however, that there are variations in the nature of special land uses which, because of their unique characteristics, cannot be properly classified in any particular district or districts without consideration in each case of the impact of those uses upon neighboring land and of the public need for the particular use at the particular location.

B. **Authorization**. The approval of special land uses, as required under Article 153-3 Zoning Districts may be authorized by the Planning Commission pursuant to the requirements of this section.

C. **Application**. An application for a special land use shall be filed and processed in the manner prescribed for application for site plan review in § 153-6.1(C) and shall be in such form and accompanied by such information as shall be established from time to time by the Planning Commission. Any application for special land uses shall be filed simultaneously with an application for site plan review for the subject use, and a fee shall be provided in the amount established by City Council.

D. **Notice of Request for Special Land Uses**.

1. Notice of a request for a special land use shall be in the form of one notice published in a newspaper of general circulation in the City, plus a notice sent by mail or by personal delivery to the owners of property for which approval is being considered, to all persons to whom real property is assessed within 300 feet of the boundary of the property in question, and to the occupants of all structures within 300 feet, except that the notice shall be given not less than 15 days before the application will be considered.
2. If the name of the occupant is not known, the term “occupant” may be used in making notification. Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one dwelling unit or spatial area owned or leased by different persons, one occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four dwelling units or other distinct spatial areas owned or leased by different persons, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.
3. The notice shall:
    a. Describe the nature of the special land use request;
    b. Indicate the property which is the subject of the special land use request;
    c. State when and where the special land use request will be considered;

d. Indicate when and where written comments will be received concerning the request; and

e. Indicate that a public hearing on the special land use request may be requested by a property owner or the occupant of a structure located within 300 feet of the boundary of the property being considered for a special use.

E. **Hearing**. At the initiative of the Planning Commission, or upon the request of the applicant for a special land use, or a property owner or the occupant of a structure located within 300 feet of the boundary of the property being considered for a special land use, a public hearing with notification as required for a notice of a request for special land use approval, as provided in § 153-6.3(D) above, shall be held before a decision on the special approval request is made. If the applicant or the Planning Commission requests a public hearing, only notification of the public hearing need be made. A decision on a special land use request which is based on discretionary grounds shall not be made unless notification of the request for special approval, or notification of a public hearing on a special land use request, is given as required by this section.

F. **Review Standards**. No special land uses shall be granted by the Planning Commission unless the special land use:

1. Will reasonably promote the use of land in a socially and economically desirable manner for those persons who will use the proposed land use or activity; for those landowners and residents who are adjacent; and for the City as a whole;
2. Is necessary for the public convenience at that location;
3. Is compatible with adjacent uses of land;
4. Is so designed, located, and proposed to be operated that the public health, safety, and welfare will be protected;
5. Can be adequately served by public services and facilities without diminishing or adversely affecting public services and facilities to existing land uses in the area;
6. Will reasonably protect the natural environment and help conserve natural resources and energy;
7. Will not intensify a performance standard such as noise, light, odor, or a similar element, unless significant mitigation to such standards are proposed and demonstrated in the building and/or site design;
8. Will not create dangerous or adverse impacts to the transportation network, considering the safety for pedestrian, bicycle, nonmotorized, and vehicular traffic;
9. Proposes a reasonable effort to resolve nonconformities if nonconformities are present;
10. Is in harmony with the purposes and conforms to the applicable regulations of the zoning district in which it is to be located, and meets applicable standards of this chapter; and
11. Is related to the valid exercise of the City's police power and purposes which are affected by the proposed use or activity.

G. **Planning Commission Approval**. The Planning Commission may deny, approve, or approve with conditions, requests for special land uses. The decision on a special land use shall be incorporated in a statement of conclusions relative to the specific land use under consideration. The decision shall specify the basis for the decision, and any conditions imposed. Any conditions imposed must be reasonable as necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet all of the following requirements:

1. Be designed to protect natural resources, the health, safety, and welfare, as well as the social and economic well-being, of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
2. Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.
3. Be necessary to meet the intent and purpose of the zoning requirements, be related to the standards established in the zoning ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.

H. **Record of Approval**.

1. Once a special land use is lawfully established by an approval subject to this section, an approved site plan subject to § 153-6.1, and certificate of occupancy, the special land use approval shall run with the land.
2. The conditions imposed with respect to the special land use or activity shall be recorded in the record of the special land use action and shall remain unchanged except upon the mutual consent of the Planning Commission and the landowner. The Planning Commission shall maintain a record of changes granted in conditions.

I. **Amendments and Expansions**. A previously authorized special land use shall require re-application and approval in accordance with this Section prior to any expansion, significant changes to the nature of the use, or changes to previous conditions of approval. This does not apply to land uses which are now principally permitted uses in its applicable zoning district.

J. **Appeals**. Any decision of the Planning Commission regarding a special land use, including conditions set by Planning Commission related to the special land use and/or associated site plan, shall not be appealed to the Zoning Board of Appeals. Such appeals shall be taken to the circuit court.

K. **Reapplication**. No application for a special land use which has been denied wholly or in part by the Planning Commission shall be resubmitted for a period of 365 days from the date of such denial, except on grounds of new evidence of changed conditions or circumstances of the property and surrounding area found by the Planning Commission to be valid.

L. **Revocation**. If any special land use fails to conform to the specific standards for the particular use, any conditions imposed as part of the special land use approval, any general ordinance of the City, any other provisions of this Zoning Ordinance, or any federal, state and local statutes governing the particular land use allowed under the permit, then the Planning Commission shall have the authority to revoke the special land use approval based on a site inspection by the Department of Building, Planning and Economic Development and its own findings of fact. Prior to revoking the special land use permit, the City shall:

1. Have the Department of Building, Planning and Economic Development inspect the site and use under consideration and issue a written notice of the violation(s) found to the current permit holder by regular U.S. Mail.
2. Offer the permit holder ninety (90) days to correct all violations, without penalty.
3. If all violations are not corrected within ninety (90) days, the Planning Commission shall hold a revocation hearing as follows:
    a. The City shall notify the permit holder by regular U.S. Mail of the date, time and place of a hearing concerning the proposed revocation of the special land use permit.
    b. Public notice of the revocation hearing shall be given in accordance with the public hearing requirements of § 153-6.3(D).
    c. During the hearing, the permit holder shall be afforded an opportunity to present any reasons for why the standards of the permit and/or this ordinance are not being met.
    d. Following the hearing, the Planning Commission may revoke the special land use permit, based upon findings made in the specific case and testimony received during the hearing, and shall notify the permit holder of the findings and decision in writing.

153-6.4 Plat Approval

A. No proposed plat of a new subdivision shall hereafter be approved by the City Council unless the lots within such plat equal or exceed the minimum size and width requirements set forth in the various districts of this chapter, and unless such plat fully conforms with the statutes of the state and the City Code.

153-6.5 Historic District Commission

A. **Historic District Commission Administration**.

1. Creation of Historic District Commission. In order to execute the purposes declared in this subchapter, there is hereby created a commission to be called the Saginaw Historic District Commission.

2. Membership of Commission. The Historic District Commission shall consist of seven members who reside in the City. Members shall be appointed by the City Council for terms of office of three years, except that the initial appointments of some of the members shall be for less than three years so that the initial appointments are staggered and that subsequent appointments do not recur at the same time. Subsequent members shall be appointed for terms of three years as terms expire. Members of the Historic District Commission may be re-appointed after their terms expire. The terms of office of the members shall begin as of the effective date of Ord. D-1914 (March 7, 2002).

3. Membership Eligibility.

   a. A majority of the members shall have a clear and demonstrated interest in or knowledge of historic preservation.

   b. All members must have their principal place of residence within the City; removal from the City causes the member's seat to become vacant. One or more duly organized historic preservation organizations within the City shall be requested to submit a list of citizens' names as nominees for any vacancy; at least two members of the Historic District Commission shall be appointed from these nominations. At least one member of the Historic District Commission shall be a graduate of an accredited school of architecture who has two years of architectural experience or who is an architect registered in the state, if such person resides in the City and is available for appointment.

   c. A vacancy occurring in the membership of the Historic District Commission for any cause shall be filled within 60 calendar days by a person appointed by the City Council for the unexpired or new term.

   d. The members of the Historic District Commission shall serve without compensation.

4. Duties and powers of the Historic District Commission.

   a. The Historic District Commission shall have the authority to review all work affecting the exterior appearance of a resource in a historic district and shall not consider interior arrangements, nor shall it deny applications except in regard to considerations as set forth in § 153-6.5(B).

   b. If an application is for work that will adversely affect the exterior of a resource the Commission considers valuable to local unit, state, or nation, and the Commission determines that the alteration or loss of that resource will adversely affect the public purpose of the local unit, state, or nation, the Commission shall attempt to establish with the owner of the resource an economically feasible plan for preservation of the resource.

c. Work within a historic district shall be permitted through the issuance of a notice to proceed if any of the following conditions prevail and if the proposed work can be demonstrated by finding of the Commission to be necessary to substantially improve or correct any of the following conditions:

   i. The resource constitutes a hazard to the safety of the public or to the structure's occupants;

   ii. The resource is a deterrent to a major improvement program that will be of substantial benefit to the community and the applicant proposing the work has obtained all necessary planning and zoning approvals, financing, and environmental clearances;

   iii. Retaining the resource will cause undue financial hardship to the owner when a governmental action, act of God or other events beyond the owner's control created the hardship, and all feasible alternatives to eliminate the financial hardship, which may include offering the resource for sale at its fair market value or moving the resource to a vacant site within the historic district, have been attempted and exhausted by the owner; and

   iv. Retaining the resource is not in the interest of the majority of the community.

d. The Historic District Commission shall have the following powers and duties in regard to the identification of historic resources:

   i. To establish basic standards for the selection of sites, buildings, structures, and districts to be placed on the list of potential historic districts;

   ii. To compile and maintain a current list of potential landmarks and districts, such list to include a description setting forth the general characteristics and location thereof, and the reasons for its inclusion in the list.

5. Rules of the Historic District Commission.

   a. The Historic District Commission shall elect from its membership a Chairperson and Vice Chairperson whose terms of office shall be fixed by the Commission. The Chairperson shall preside over the Commission and shall have the right to vote. The Vice Chairperson shall, in the case of the absence or disability of the Chairperson, perform the duties of the Chairperson.

   b. The Zoning Administrator, or their designee, shall be Secretary. The Secretary shall keep a record of all resolutions, proceedings, and actions of the Historic District Commission and report periodically to the City Council.

   c. A quorum will consist of four members. The Historic District Commission shall adopt rules for the transaction of its business which shall provide for the time and place of holding regular meetings. They shall provide for the calling of special meetings by the Chairperson or by at least two members of the Historic District Commission. All meetings of the Historic District Commission shall be open to the public and any person or their duly constituted representative shall be entitled to appear and be heard on any matter before it reaches its decision.

d. The Historic District Commission shall keep a record, which shall be open to public view, of its resolutions, proceedings, and actions. The concurring affirmative vote of a majority of members shall constitute approval of plans before it for review or for the adoption of any resolution, motion, or other action of the Historic District Commission.

e. The Historic District Commission shall promulgate regulations, guidelines, and standards to enable the Commission and applicants to evaluate proposals. The Commission may delegate the issuance of certificates of appropriateness for specified minor classes of work to the Chief Inspector. The Commission shall provide to the Chief Inspector specific written standards for issuing certificates of appropriateness under this division. The Commission shall review the certificates of appropriateness issued by the Chief Inspector on at least a quarterly basis to determine whether or not the delegated responsibilities should be continued.

f. The Historic District Commission shall submit an annual report to the Council of the general activities of the Historic District Commission for the preceding year and shall submit such special reports as requested by the City Council.

6. Purpose. The purpose of this section, § 153-6.5, is to:

a. Safeguard the heritage of the City by preserving districts in the City which reflect elements of its cultural, social, economic, political, archaeological, engineering, or architectural history;

b. Stabilize and improve the property values in such districts;

c. Foster civic beauty;

d. Strengthen the local economy; and

e. Promote the use of historic districts for the education, pleasure, and welfare of the citizens of the City.

B. **Procedure for the Review of Plans**.

1. A permit shall be obtained before any work affecting the exterior appearance of a resource is performed within a historic district. Application for a building permit for work on any resource in an historic district shall be made to the Chief Inspector (or their designee). The fee for such application shall be established by Council and posted in the office of the City Clerk. It shall be the responsibility of the Chief Inspector to determine whether the property is in an established historic district. The Chief Inspector shall immediately refer a complete application and all required supporting materials to the Historic District Commission. A permit shall not be issued and proposed work shall not proceed until the Commission has acted on the application by issuing a certificate of appropriateness or a notice to proceed as prescribed in this subchapter.

2. In reviewing the application and supporting materials, the Historic District Commission must give the applicant an opportunity to present their application at a regularly scheduled meeting of the Historic District Commission.

3. The Historic District Commission shall meet at least once each month in which there are pending applications, the meeting to be at a regularly scheduled day of each month as determined by the

Historic District Commission. The business of the Historic District Commission shall be conducted at a public meeting held in compliance with the Open Meetings Act, Public Act 267 of 1976, being M.C.L. §§ 15.261 et seq. Public notice of the time, date, and place of the meeting shall be given in accordance with the Open Meetings Act. A meeting agenda shall be part of the notice and shall include a listing of each permit application to be reviewed or considered by the Historic District Commission.

4. The Historic District Commission shall approve or deny such plans, and if approved shall issue a certificate of appropriateness which is to be signed by the Chairperson, attached to the application for a building permit, and immediately transmitted to the Chief Inspector. The Chairperson shall stamp all prints submitted to the Historic District Commission signifying its approval. The Historic District Commission shall not issue a certificate of appropriateness unless the applicant has certified in the application that the property where work will be undertaken has, or will have before the proposed project completion date, a fire alarm system or a smoke alarm complying with the requirements of the Stille-DeRossett-Hale Single State Construction Code Act, Public Act 230 of 1972, being M.C.L. §§ 125.1501 et seq. The Commission shall file certificates of appropriateness, notices to proceed, and denials of applications for permits with the Chief Inspector.
5. If a permit application is denied, the decision shall be binding. A denial shall be accompanied by a written explanation by the Commission of the reasons for the denial and, if appropriate, a notice that an application may be re-submitted for Commission review when the suggested changes have been made. A record of such action and reasons therefor shall be transmitted in writing to the Chief Inspector and to the applicant. The denial shall also include the notification of the applicant's right to appeal to the State Historic Preservation Review Board.
6. The failure of the Historic District Commission to approve or disapprove of such plans within 60 days from the date the complete application is filed with the Historic District Commission, unless an extension is otherwise mutually agreed upon by the applicant and Historic District Commission, shall be deemed to constitute approval and the Chief Inspector shall proceed to process the application without regard to a certificate of appropriateness or notice to proceed.
7. After the certificate of appropriateness has been issued and the building permit granted to the applicant, the Chief Inspector shall, from time to time, inspect the construction, alteration, or repair approved by such certificate and shall take such action as is necessary to ensure compliance with the approved plans.
8. The Historic District Commission shall have all the powers, duties, and authority as conferred upon it by the Local Historic Districts Act, Public Act 169 of 1970, being M.C.L. §§ 399.201 et seq., as amended. It shall be the duty of the Historic District Commission to review all applications for work affecting the exterior appearance of a resource in an historic district before a permit for such work can be granted. In reviewing the application, the Commission shall follow the guidelines set forth in the U.S. Secretary of Interior's Standards for Rehabilitation as set forth in 36 C.F.R. Part 67. Design review standards and guidelines that address special design characteristics of historic districts administered by the Commission may be followed if they are equivalent in guidance to the Secretary of Interior's Standards and are established or approved

by the Michigan State Historic Preservation Office. The Historic District Commission shall also give consideration to:

a. The historical or architectural value and significance of the structure and its relationship to the historic value of the surrounding area;

b. The relationship of the exterior architectural features of such resource to the rest of the resources and to the surrounding area;

c. The general compatibility of the exterior design, arrangement, texture, and materials proposed to be used; and

d. To any other factor, including aesthetic, which it deems pertinent.

C. **Appeals**.

1. An applicant aggrieved by a decision of the Historic District Commission concerning a permit application may file an appeal with the State Historic Preservation Review Board. The appeal shall be filed within 60 days after the decision is furnished to the applicant. A permit applicant aggrieved by the decision of the State Historic Preservation Review Board may appeal the decision to the Circuit Court.

2. Any citizen or duly organized historic preservation organization in the City, as well as resource property owners, jointly or severally aggrieved by a decision of the Historic District Commission, may appeal the decision to the circuit court, except that a permit applicant aggrieved by a decision rendered under this subchapter may not appeal to the court without first exhausting the right to appeal to the State Historic Preservation Review Board.

D. **Establishing New Districts and Identifying Historic Resources, Modifying or Eliminating Existing Districts, Review of Work in Proposed District, Emergency Moratorium**.

1. Establishment of new districts and identifying historic resources. Before establishing a historic district, City Council shall appoint a historic district study committee, through the appointment of a new study committee, establishment of a standing committee, or retention of an initial study committee. The committee shall contain a majority of the persons who have clearly demonstrated interest in or knowledge of historic preservation and shall contain representation from one or more duly organized local historic preservation organizations. The committee shall do the following:

a. Conduct a photographic inventory of resources within each proposed historic district following procedures established by the center;

b. Conduct basic research of each proposed historic district and the historic resource located within that district;

c. Determine the total number of historic and nonhistoric resources within a proposed historic district and the percentage of historic resources of that total. In evaluating the significance of the historic resources, the committee shall be guided by the selection criteria for evaluation issued by the United States Secretary of the Interior for inclusion of resources in the National Register of Historic Places, as set forth in 36 C.F.R. Part 60, and additional criteria in division (6) below;

d. Prepare a preliminary historic district study committee report that addresses at a minimum all of the following:

   i. The charge of the committee;

   ii. The composition of the committee;

   iii. The historic district or districts studied;

   iv. The boundaries for each proposed historic district in writing and on maps;

   v. The history of each proposed historic district; and

   vi. The significance of each district as a whole, as well as a sufficient number of its individual resources to fully represent the variety of resources found within the district, relative to the evaluation criteria.

e. Transmit copies of the preliminary report for review and recommendations to the Planning Commission, to the State Historic Preservation Office, to the Michigan Historical Commission, and to the State Historic Preservation Review Board; and

f. Make copies of the preliminary report available to the public in compliance with the Freedom of Information Act, Public Act 442 of 1976, being M.C.L. §§ 15.231 et seq.

2. Notice of public hearing. Not less than 60 days after transmittal of the preliminary report, the committee shall hold a public hearing in compliance with the Open Meetings Act, Public Act 267 of 1976, being M.C.L. §§ 15.261 et seq. Public notice of the time, date, and place of the hearing shall be given in the manner required by the Open Meetings Act, Public Act 267 of 1976, being M.C.L. §§ 15.261 et seq.

3. Written notice. Written notice shall be mailed by first-class not less than 14 calendar days before the hearing to the owners of properties within the proposed historic district, as listed on the tax rolls of the local unit.

4. Actions. After the date of the public hearing, the committee and the City Council shall have not more than one year, unless authorized by the City Council, to take the following actions.

   a. The committee shall prepare and submit a final report with its recommendations and the recommendations, if any of the Planning Commission to the City Council. If the recommendation is to establish a historic district or districts, the final report shall include a draft of a proposed ordinance or ordinances.

   b. After receiving a final report that recommends the establishment of a historic or historic districts, the City Council, at its discretion, may introduce and pass or reject an ordinance or ordinances. If City Council passes an ordinance or ordinances establishing one or more historic districts, the City shall file a copy of that ordinance or those ordinances, including the legal description of the property or properties located within the historic district or districts, with the Register of Deeds. The City Council shall not pass an ordinance establishing a contiguous historic district less than 60 days after a majority of the property owners within the proposed district, as listed on the tax rolls of the local unit, have approved the establishment of the historic district pursuant to a written petition.

5. Writing available to the public. A writing prepared, owned, used, in the possession of, or retained by the Historic District Study Committee in the performance of an official function shall be made available to the public in compliance with the Freedom of Information Act, Public Act 442 of 1976, being M.C.L. §§ 15.231 et seq.

6. Establishing additional, modifying, or eliminating historic districts.

   a. City Council may at any time establish by ordinance additional historic districts, including proposed districts previously considered and rejected, may modify boundaries of an existing historic district, or may eliminate an existing historic district. Before establishing, modifying or eliminating a historic district, a historic district study committee shall be appointed by the City Council, and shall follow such procedures applicable to the committee, as established herein. The committee shall consider any previously written committee reports pertinent to the proposed action.

   b. In considering elimination of a historic district, a committee shall follow the procedures set forth in this subchapter for the issuance of a preliminary report, holding a public hearing, and issuing a final report but with the intent of showing one or more of the following:

      i. The historic district has lost those physical characteristics that enabled the establishment of the district.

      ii. The historic district was not significant in the way previously defined.

      iii. The historic district was established pursuant to defective procedures.

7. Review of work in proposed districts. Upon receipt of substantial evidence showing the presence of historic, architectural, archaeological, engineering, or cultural significance of a proposed historic district, City Council may, at its discretion, adopt a resolution requiring that all applications for permits within the proposed historic district be referred to the Historic District Commission as prescribed in § 153-6.5(B). The Commission shall review permit applications with the same powers that would apply if the proposed historic district was an established historic district. The review may continue in the proposed historic district for not more than one year, or until such time as the City Council approves or rejects the establishment of the historic district by ordinance, whichever occurs first.

8. Emergency moratorium. If City Council determines that pending work will cause irreparable harm to resources located within an established or proposed historic district, City Council may by resolution declare an emergency moratorium on all such wok for a period not to exceed six months. City Council may extend the emergency moratorium for an additional period not to exceed six months, upon finding that the threat of irreparable harm to resources is still present. Any pending permit application concerning a resource subject to an emergency moratorium may be summarily denied.

E. **Acceptance of Gift, Grant, or Bequest**.

1. The city may accept gifts, grants, or bequests from the state or federal government for historic restoration purposes or historic purposes; it may accept public or private gifts, grants, or bequests for said purposes, provided, however that such gifts, grants, or bequests are not

prohibited by the Charter of the City; and are not used for the purposes of paying any fees or expenses arising out of any litigation; further, the City Council may appoint the aforementioned Historic District Commission to administer on behalf of the City said gifts, grants, or bequests for the purposes herein provided.

2. The Finance Director shall be custodian of funds of the Historic District Commission and authorized expenditures shall be certified to the Finance Director by the Secretary or other officer designated by said Historic District Commission. The Historic District Commission shall annually report to the City Council any money it shall receive or expend.

F. **Action of the Commission Regarding Historic Resources Threatened with Demolition by Neglect**.

1. The Chief Inspector, on their own initiative or upon request from the Commission, may cause a historic resource within a historic district or proposed historic district to be examined to determine if the historic resource is threatened with demolition by neglect.

   a. Upon determining that a historic resource is threatened with demolition by neglect, the Chief Inspector may issue a notice of defects to the property owner stating the defects thereof and allowing thirty (30) days to cure any cited defects. Service of the notice shall be issued in accordance with § 151.134(B) and shall be effective in accordance with § 151.134(C).

      i. If the defects are not cured within 30 days of the notice of defects, or the property owner is unable to show that necessary efforts to cure the defects has begun, the Commission shall conduct a public hearing at which the owner shall be granted an opportunity to show cause as to why the Commission should not make a finding that the historic resource is threatened with demolition by neglect.

      ii. A record of the entire proceeding shall be made by tape recording or other means of permanent recording. A transcript of the proceedings or copy of the recording shall be made available to all parties upon request and upon payment of a fee prescribed therefor. Such hearing shall generally be conducted in the manner as provided for in § 151.135(D)-(E) with all parties having the rights therein prescribed.

      iii. The Commission may find that a historic resource is being threatened by demolition by neglect if any of the following criteria are met:

         (A) Parts of the resource which are so attached that they may fall and injure members of the public or property.

         (B) Deteriorated or inadequate foundation.

         (C) Defective or deteriorated flooring or floor supports of insufficient size to carry imposed loads with safety.

         (D) Members of walls, partitions or other vertical supports that split, lean or buckle due to defective material or deterioration.

         (E) Members of walls, partitions or other vertical supports that are of insufficient size to carry imposed loads with safety.

(F) Members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split or buckle due to defective material or deterioration; or that are insufficient size to carry imposed loads with safety.

(G) Fireplaces or chimneys which list, bulge or settle due to defective material or deterioration; or are of insufficient size or strength to carry imposed loads with safety.

(H) Deteriorated, crumbling or loose exterior plaster or stucco.

(I) Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations or floors, including broken windows or doors.

(J) Defective or lack of weather protection for exterior wall coverings, including lack of paint, or weathering due to lack of paint or other protective covering.

(K) Any fault or defect in the resource which renders the same structurally unsafe or not properly watertight.

(L) The deterioration of any significant architectural feature of the resource as determined by the commission.

(M) The deterioration or overgrowth of landscape elements that are of historic significance to a resource, or that are endangering the structural stability or weatherproofing of a resource.

2. Upon a finding by the Commission following such hearing that a historic resource within a historic district or proposed historic district is threatened with demolition by neglect, the Commission may do either of the following:

   a. Require the owner of the resource to repair all conditions contributing to demolition by neglect; and/or

   b. Have the Chief Inspector issue a municipal civil infraction in accordance with § 153-6.5(H).

   c. If the owner does not make repairs within a reasonable time, the Commission or its agents may enter the property and make such repairs as are necessary to prevent demolition by neglect. The costs of the work shall be charged to the owner, and may be levied by the local unit as a special assessment against the property. The Commission or its agents may enter the property for purposes of this section upon obtaining an order from the Circuit Court.

3. An owner aggrieved by any decision or order of the Commission under this subsection may appeal the decision or order to a court of competent jurisdiction as provided in § 153-6.5(C) by filing a petition within 20 days from the date of service of the decision or order.

4. The Commission shall first consult with the Chief Inspector for any other violation to be found in the City Code, including Chapter 150 Building Regulations, prior to taking action as provided hereunder.

G. **Work Done on a Resource Without a Permit**.

1. When work has been done upon a resource without a permit, and the Commission finds that the work does not qualify for a certificate of appropriateness, the Commission may require an owner to restore the resource to the condition the resource was in before the inappropriate work or to modify the work so that it qualifies for a certificate of appropriateness.
2. If the owner does not comply with the restoration or modification requirement within a reasonable time, the Commission may seek an order from the Circuit Court to require the owner to restore the resource to its former condition or to modify the work so that it qualifies for a certificate of appropriateness in accordance with the court's order.
3. The costs of the work shall be charged to the owner, and may be levied by the City as a special assessment against the property.
4. When acting pursuant to an order from the Circuit Court, the Commission or its agents may enter a property for purposes of this section.

H. **Violation; Fine; Payment of Costs**.

1. A person that violates this subchapter is responsible for a municipal civil infraction and may be fined not more than $5,000.
2. A person that violates this subchapter may be ordered by the court to pay the costs to restore or replicate a resource unlawfully constructed, added to, altered, repaired, moved, excavated, or demolished.

I. **Acquisition of Historic Resources**. If all efforts by the Historic District Commission to preserve a resource fail, or if it is determined by City Council that public ownership of the resource is most suitable, City Council, if considered to be the public interest, may acquire the resource using public funds, public or private gifts, grants, or proceeds from the issuance of revenue bonds. The acquisition shall be based upon the recommendation of the Commission. The Commission is responsible for maintaining publicly owned resources using its own funds, if not specifically designated for other purposes, or public funds committed for that use by City Council. Upon recommendation of the Commission, the City may sell resources acquired under this section with protective easements included in the property transfer documents, if appropriate.

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Chapter 153, Article 7
Administration & Enforcement

Article 153-7 Administration and Enforcement

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153-7.1 Nonconforming Uses, Structures, and Lots

A. **Nonconforming Uses Regulated**. Any lawful use of the land or buildings existing at the date of passage of this chapter and located in a district in which it would not be permitted as a new use under the regulations of this chapter is hereby declared to be a nonconforming use and not in violation of this chapter; provided, however, that a nonconforming use shall be subject to, and the owner comply with, the regulations in this chapter.

The existence of nonconforming uses is hereby declared to be contrary to the best interests of the community and it is hereby declared to be the policy of the City as expressed in this chapter to discontinue nonconforming uses in the course of time, as circumstances permit, having due regard for the rights of all parties concerned.

1. **Nonconforming Uses of Land**. Where at the time of passage of this chapter lawful use of land exists which would not be permitted by the regulations imposed by this chapter, and where such use involves no individual structure with a current replacement cost exceeding $1,000, the use may be continued so long as it remains otherwise lawful, provided:
    a. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this chapter.
    b. No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this chapter;
    c. No structure not conforming to the requirements of this chapter shall be erected in connection with such nonconforming use of land.
2. **Nonconforming Uses of Structures**. If lawful use involving individual structures with a current replacement cost of $1,000 or more, or of structure and premises in combination, exists at the effective date of adoption of this chapter that would not be allowed in the district under the terms of this chapter, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions.
    a. No existing structure devoted to a use not permitted by this chapter in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located; or unless granted permission by the Zoning Board of Appeals by the authority provided under § 153-7.12(F) and in accordance with the following requirements:
        i. Any enlarged portion shall conform to the yard and height requirements for the district in which it is located.
        ii. The total floor area added to any nonconforming use shall never exceed 50% of the floor area occupied by such use.

iii. Any Zoning Board of Appeals action taken in connection with the enlargement of a nonconforming use or building shall conform with the review standards outlined in § 153-7.12(F).

iv. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption of this chapter, but no such use shall be extended to occupy any land outside such building.

v. If no structural alterations are made, any nonconforming use of a structure, or structure and premises, may be changed to another nonconforming use upon a determination by the Planning Commission by the authority provided under § 153-7.11(B) that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use.

3. **Abandonment**. When a nonconforming use of a structure or land, or structure and land in combination, is ceased or abandoned for more than one year, the structure or land, or structure and land in combination, shall not hereafter be used except in conformance with the regulations of the zoning district in which it is located.

a. A nonconforming use shall be determined to be ceased or abandoned if one or more of the following conditions exists for more than one year, and which shall be deemed to constitute an intent on the part of the property owner to cease and abandon the nonconforming use:

i. Utilities, such as water, gas, and electricity to the property have been disconnected.

ii. The property, buildings, and grounds have fallen into disrepair.

iii. Removal or destruction of the entire structure containing the nonconforming use.

iv. Signs or other indications of the existence of the nonconforming use have been removed.

v. Equipment or fixtures necessary for the operation of the nonconforming use have been removed.

vi. Other actions, which in the opinion of the Zoning Administrator, constitute an intention on the part of the property owner or lessee to abandon the nonconforming use.

b. When a nonconforming use of property has been discontinued under § 153-7.1(A)(3)(a) above, no right shall exist to maintain said property as a nonconforming use unless the Zoning Board of Appeals grants such privilege within one year after such discontinuance upon a finding that the applicant has demonstrated intent to reactivate the use.

4. **Change of Nonconforming Use**.
    a. The Zoning Administrator may issue a certificate of occupancy for a change of a nonconforming use only when the proposed change in use is a use which is permitted in the district, provided applicable yard and area requirements are met, and following appropriate site plan review.
    b. In the event the proposed change in use is a use which does not conform with the use regulations of the district in which it is located, the Zoning Administrator may not issue a certificate of occupancy for any change of a nonconforming use unless the proposed change in use has been authorized by the Planning Commission after a duly advertised public hearing.
        i. In no case shall a legal nonconforming use be replaced by a use that is permitted in a less restricted district. District restrictiveness shall be ordered from (most restricted) OS, R-1, R-2, R-3, MU-1, MU-2, MU-3, MU-4, B-1, B-2, I-1, to I-2 (least restricted). For example, a use only permitted in the I-2 district is less restricted than a use permitted in the both the I-1 and I-2 district.
        ii. In no case shall a legal nonconforming use be replaced by a nonconforming use which creates more nuisances (such as: noise; smoke; odors; or dangerous hazards) than the original nonconforming use it is proposed to replace.
        iii. In no case shall a legal nonconforming use be replaced by a nonconforming use which creates more vehicular traffic than the original nonconforming use it is proposed to replace.
    c. Whenever a nonconforming use has been changed to a conforming use, or to a use permitted in a district of greater restrictions, it shall not thereafter be changed to a nonconforming use.
5. **Change of Tenancy or Ownership**. There may be a change in tenancy, ownership, or management of an existing nonconforming use, provided there is no change in the nature or character of such nonconforming use.
6. **Record of Nonconforming Uses**. After the adoption of this chapter, or any amendments thereto, the Zoning Administrator shall prepare a record of all known nonconforming uses and occupations of lands, buildings, and structures, including tents and trailer coaches, existing at the time of adoption of such chapter. Such record shall contain the legal description of the land, and the nature and extent of use. Such list shall be available at all times in the office of the Zoning Administrator.

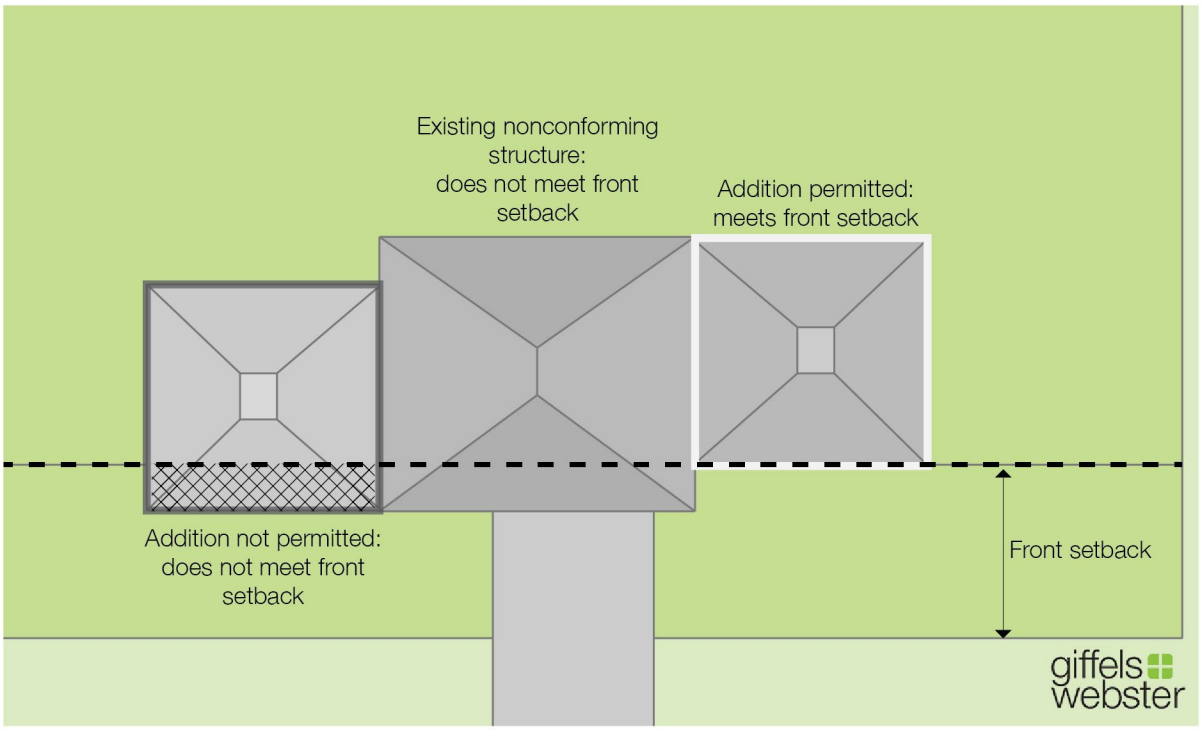
B. **Nonconforming Structures.**

1. Continuation of a Nonconforming Structure. Where a lawful structure exists at the effective date of adoption of this chapter that could not be built under the terms of this chapter by reasons of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued as long as it remains otherwise lawful, subject to the following provisions.

   a. No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.

   b. Should such structure be moved for any reason whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

Figure 153-7.2(B)(1) Nonconforming Structure Enlargement Example



C. **Nonconforming Lots of Record**.

1. **Consolidation of Nonconforming Lots of Record**. If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage of this chapter, and if all or part of the lots do not meet the requirements for lot width and area as established by this chapter, the lands involved shall be considered to be an undivided parcel for the purposes of this chapter, and no portion of said parcel shall be used or occupied which does not meet lot width and area requirements established by this chapter, nor shall any division of the parcel be made which leaves remaining any lot width or area below the requirements stated in this chapter.

2. **Construction on Nonconforming Lots of Record**. In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this chapter, a single-family dwelling and customary accessory buildings may be erected on any nonconforming lot which is of record at the time of the adoption of this chapter, provided that the lot area is not less than 50% of the minimum specified for the district and meets the minimum yard requirements described below. All other requirements of the district must be complied with.

   a. When such nonconforming lot of record is of sufficient depth to permit a buildable depth of 26 feet, the zoning administrator may grant a reduction of the required rear yard by not more than six feet to provide such 26 foot buildable depth for a single-family dwelling.

   b. When a nonconforming lot of record is of sufficient width to permit a buildable width of 26 feet, the zoning administrator may grant a reduction of the required side yard by up to two feet, provided all interior side yards have a minimum setback distance of three feet and all street side yards have a minimum setback distance of ten feet.

D. **Repairs and Maintenance**.

1. On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done in any period of 12 consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring, or plumbing, provided such work does not exceed 15% of the current replacement cost of the structure or portion of the structure where the nonconforming use is contained.

2. No work permitted under this section may result in the enlargement or increase in size of any nonconforming structure or portion of a structure containing a nonconforming use, except as provided in § 153-7.1(A)(2).

3. If the Zoning Administrator shall declare it necessary to strengthen or restore any nonconforming building, structure, or wall, this shall be permissible, provided that such work shall not include structural alterations or changes in the type of construction, and that the extent of such restoration or strengthening shall not exceed the minimum specified by the Zoning Administrator to render the building or structure safe for occupancy. However, if a nonconforming structure or portion of a structure containing a nonconforming use becomes physically unsafe or unlawful due to a lack of repairs and maintenance, and is declared by the Zoning Administrator to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located.

E. **Reconstruction of Damaged Nonconforming Buildings, Structure, and Use**.

1. Nothing in this chapter shall prevent the reconstruction, repair, or restoration and the continued use of any nonconforming building or structure, or any portion of a building or structure containing a nonconforming use, that has been damaged by fire, collapse, explosion, acts of God or acts of public enemy, wherein the expense of such reconstruction does not exceed 50% of the current replacement cost of the entire building or structure or portion of the building or structure containing the nonconforming use; provided that such valuation shall be determined as provided in 153-7.1(F), and provided that such restoration and resumption shall take place within one year from time of such damage, and provided further, that said structure shall be identical with the structure permitted and in effect directly preceding said damage.
2. Where pending insurance claims require an extension of time, the Zoning Administrator may grant a time extension provided that the property owner submit a certification from the insurance company attesting to the delay. Until such time as the debris from any fire damage is fully removed, the premises shall be adequately fenced or screened from access by children who may be attracted to the premises. No fee shall be charged for an appeal under the provisions of this section.

F. **Replacement Cost Valuation**.

1. Except as provided herein, the replacement cost of a structure (excluding contents) shall be determined by twice the existing or pre-catastrophe assessed value of the structure based on the most recent Property Tax Assessment record if the Planning and Zoning Department finds that such record is current and reasonably accurate, or one of the following, whichever is greater:
   a. The insurance coverage value on the structure, as provided by the applicant.
   b. The average of at least two construction estimates from builders licensed in the State of Michigan to replace the structure, as provided by the applicant.
2. When the replacement cost only applies to a portion of a structure or building containing a nonconforming use, the valuation shall be proportionate to the area containing the nonconforming use.
3. In the event that § 153-7.1(F)(1)(a) or § 153-7.1(F)(1)(b) are greater than 25% of the value established in § 153-7.1(F)(1), then the Zoning Administrator shall engage the services of an independent builder licensed in the State of Michigan to provide a construction estimate to replace the structure.
4. The cost of replacement cost determinations, including the cost of any independent construction estimate as described in § 153-7.1(F)(1)(b), shall be borne by the applicant.
5. Any valuation determined under this section shall be subject to the approval of the Zoning Administrator. However, such valuation may be appealed to the Zoning Board of Appeals following the process described in § 153-7.12(E).

G. **Nonconforming Signs**.

1. Signs lawfully erected prior to the effective date of this chapter which do not meet the standards thereof may be maintained except as hereafter provided.
2. No nonconforming signs:
   a. Shall be changed to another nonconforming sign;
   b. Shall have any changes made in the display area unless the sign is specifically designed and intended for periodic changes; or
   c. Shall be structurally altered so as to prolong the life of the sign or so as to change the shape, size, type, or design of the sign unless such change renders the sign conforming. This shall not preclude the general maintenance of or repair of nonconforming signs to keep them in a safe condition and in good repair.
   d. Be re-established after the activity, business, or use to which it relates has been discontinued for 180 days or longer.
   e. Be re-established after damage or destruction, if the estimated expense of reconstruction exceeds 50 percent of the replacement cost as determined in § 153-7.1(F).
3. If the owner of a sign or the premises on which a sign is located changes the location of a building, property line, or sign or changes the use of a building so that any sign on the premises is rendered nonconforming, such sign must be removed or made to conform to this chapter.

H. **Signs for Nonconforming Uses.**

1. On-site signs for any building or land use not conforming to the zoning provisions for the district in which it is located shall not exceed the following size limitations, whichever results in the larger sign area:
   a. One-half square foot of sign area for each lineal foot of building frontage or one-fourth square foot of sign area for each lineal foot of lot frontage, whichever is greater, not to exceed a maximum of 25 square feet in area; or
   b. The maximum sign area permitted for the zoning district in which the sign is located.
2. Off-site signs shall comply with all the provisions of the district in which the nonconforming use is located.

153-7.2 Performance Guarantees

Where in this chapter there is delegated to the Zoning Administrator, City Council, Zoning Board of Appeals, or the City Planning Commission the function of establishing certain physical site improvements as a condition of approval for any application submitted under this Chapter, the Zoning Administrator, City Council, Zoning Board of Appeals, or the City Planning Commission may, to ensure strict compliance with any regulation or required conditions, require the applicant to furnish a performance guarantee in the form of cash deposit, certified check, irrevocable bank letter of credit, or surety bond prior to the issuance of a permit, certificate of occupancy, or temporary certificate of occupancy.

A. All performance guarantees for items related to actions taken by the Zoning Administrator, City Council, Zoning Board of Appeals, or City Planning Commission shall be deposited with the appropriate City Department and determined by the Zoning Administrator.

B. All performance guarantees shall be in an amount determined by the Department of Engineering to be reasonably necessary to ensure compliance hereunder; provided, however, that in fixing the amount of such performance guarantees the Zoning Administrator, City Council, Zoning Board of Appeals, or the City Planning Commission shall consider the following:

   1. The size and scope of the proposed improvement project.
   2. Current prevailing cost of rehabilitating the premises upon default of the operator.
   3. Estimated expenses to compel the operator to comply by court decree.
   4. Such other factors and conditions which might be relevant in determining the sum reasonable in the light of all facts and circumstances surrounding each application.

C. The performance guarantee shall be deposited at the time of the issuance of the permit authorizing the activity or project. The city may not require the deposit of the performance guarantee before the date on which the City is prepared to issue the permit. The city shall establish procedures under which a rebate of any cash deposits in reasonable proportion to the ratio of work completed on the required improvements will be made as work progresses. Provided, however, that the balance on deposit will be sufficient to complete remaining public site improvements.

D. In the event that the applicant shall fail to provide improvements according to an approved plan, the City shall have the authority to have such work completed and to reimburse itself for costs of such work by appropriating funds from the deposited security, or may require performance by the bonding company.

E. This section shall not be applicable to improvements for which a cash deposit, certified check, irrevocable bank letter of credit, or surety bond has been deposited pursuant to the Land Division Act, Public Act 288 of 1967, being M.C.L. §§ 560.101 *et seq.*

153-7.3 Violations

A. General provisions.

1. A use of land or a dwelling, building, or structure, including a tent or recreational vehicle, used, erected, altered, razed, or converted in violation of a zoning ordinance or regulation adopted by this Chapter, known as the Saginaw Zoning Code, is a nuisance per se and public nuisance as defined in Chapter 94 of the City Code of Ordinances.

2. A person who violates any provision of this Chapter is responsible for a Class C municipal civil infraction, subject to payment of a civil fine as set forth in Chapter 37 of this Code of Ordinances, plus costs and other sanctions, for each infraction. Repeat offenses under this Chapter shall be subject to increased fines as provided by Ch. 37. All definitions, procedures, and provisions set forth in Ch. 37 shall govern municipal civil infractions under the provisions of this Chapter.

B. The "authorized City official" as defined in Chapter 37 of the City Code of Ordinances shall be the City official responsible for issue municipal civil infraction citations or municipal civil infraction violation notices pertaining to violations of this Chapter.

C. Violations of any plan approved under this chapter, or failure to comply with any requirements of this chapter, including any agreements and conditions attached to any approved plan, shall be considered a violation of this chapter as provided herein.

D. Violations during construction. Any violations of any plan approved under this chapter shall be grounds for the Zoning Administrator to order that all construction be stopped and to order that building permits and certificates of occupancy be withheld until the violation is removed or adequate guarantee of such removal is provided. On the serving of notice of a violation of this chapter, any building permits or certificates of occupancy issued for such use, building or structure shall become null and void, and new building permits or certificates of occupancy shall be required for any further use of such building, structure, or land.

E. In addition to enforcing this Chapter through the use of a municipal civil infraction proceeding or by the withholding of a certificate of occupancy, the City may initiate proceedings in the Circuit Court to abate or eliminate the nuisance per se or any other violation of this Chapter.

153-7.4 Building Permits

A. **Application Requirements**.

1. The Chief Inspector shall have the power to grant permits for any disturbance of land, including excavation, construction, demolition, moving or alteration, or change in type of use or the type of occupancy of any building or structure, and to make inspections of buildings or premises necessary to carry out their duties in the enforcement of this chapter. It shall be unlawful for the Chief Inspector to approve any plans or issue a building permit for any excavation or construction until they have inspected such plans in detail and found them in conformity with this chapter. To this end, the Chief Inspector shall require that every application for a building permit for excavation, construction, demolition, moving or alteration, or change in type of use or the type of occupancy be accompanied by written statements and plans or plats drawn to scale, and showing the following in sufficient detail to enable the Chief Inspector to ascertain whether the proposed work or use is in conformance with this chapter:
    a. The actual shape, location, and dimensions of the premises to which the permit is to apply;
    b. The lines of all lots or parcels contained within the subject premises;
        i. The width and alignment of all abutting streets, alleys, easements of access, and public open spaces;
        ii. Identification of any adjacent lots under common ownership with the premises;
        iii. The shape, size, height, and location of all buildings or other structures to be erected, altered, or moved, and of any buildings or other structures already on the lot;
        iv. The existing and intended use of the lot and of all such structures upon it, including, in the residential areas, the number of dwelling units the building is intended to accommodate; and
        v. Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this chapter are being observed.
2. If a site plan was approved following the procedures in § 153-6.1, or a PUD plan was approved following the procedures of § 153-3.1.M PUD Planned Unit Development), all permit application materials must be in conformance with the approved site plan or PUD plan.
3. If the proposed excavation, construction, moving or alteration, or use of land, as set forth in the application are in conformity with the provisions of this chapter, the Chief Inspector shall issue a permit. If any application for such permit is not approved, the Chief Inspector shall state in writing on the application the cause for such disapproval. Issuance of a permit shall in no case be construed as waiving any provisions of this chapter. If any plans filed with the Chief Inspector are rejected because they do not comply with the standards as to type and style herein established, an appeal from the ruling may be filed with the Zoning Board of Appeals, which Board shall have the power to hear and determine such appeal and give relief in accordance with the provisions of this chapter.

4. The Chief Inspector is not permitted to grant exceptions to the actual meaning of any clause, order, or regulation contained in this chapter to any person making application to excavate, construct, move, alter, or use either buildings, structures, or land within the City.
5. The Chief Inspector is not permitted to make changes to this chapter nor to vary the terms of this chapter in carrying out their duties as Chief Inspector.
6. The Chief Inspector shall make a record of all nonconforming uses, for which a certificate of occupancy has been applied for, which are existing at the effective date of the chapter, consistent with the provisions of § 153-7.1(A)(6).

B. **Permits Required**.

1. It is unlawful for any person to commence excavation for or construction of any building or structure, demolition of any building or structure, or moving of an existing building without first obtaining a permit from the Chief Inspector. No permit shall be issued for the construction, demolition, alteration, or remodeling of any building or structure until an application has been submitted in accordance with the provisions of this subchapter showing that the scope of work is in compliance with the provisions of this chapter and with any building regulations. A permit shall be issued after the receipt of the application if it is found that the proposed construction, alteration, or remodeling of any building or structure is in accordance with the provisions of this chapter.
    a. No plumbing, electrical, drainage, or other permit shall be issued until the Chief Inspector has determined that the plans and designated use indicate that the structure and premises, if constructed as planned and proposed, will conform to the provisions of this chapter.
    b. Alteration or repair of an existing building or structure includes any changes in structural members, stairways, basic construction; type, kind or class of occupancy; light or ventilation; means of egress and ingress; or any other changes not involving any of the aforesaid provisions regarding plumbing, electrical, or drainage.
2. Permits for new use of land. A permit shall be obtained for the new use of land, whether presently vacant or a change in land use is proposed.
3. Permits for new use of buildings or structures. An occupancy permit shall also be obtained for any change in use of an existing building or structure to a different class or type. (See also § 153-7.1(A)(5) regarding change of use of a nonconforming use.)
4. Permits for buildings to be moved. Any building or structure that is relocated shall fully conform to all the provisions of this chapter in the same manner as a new building or structure.
    a. Prior to the issuance of any permit for the relocation of any building or structure, the Chief Inspector must review clearances from all utility companies to ensure that utilities are discontinued and all facilities accounted for.

b. Prior to the issuance of any permit for the relocation of any building or structure, the Chief Inspector shall conduct an inspection of the building or structure and evaluate the following:

i. Whether the building or structure is in a safe condition to be moved.

ii. Whether the building may be reconditioned to comply with all requirements of this Chapter, the Building Code and other city requirements for the use and occupancy of the building or structure. Notification for final inspection. The recipient of any permit for the construction, demolition, erection, alteration, repair or moving of any building, structure or part thereof shall notify the Chief Inspector immediately upon completion of the work authorized by such permit for a final inspection prior to issuance of a Certificate of Occupancy.

C. **Voidance**.

1. **Cancellation of permits**. The Chief Inspector or Zoning Administrator shall have the power to revoke and cancel any permit in the event of failure or neglect to comply with the terms and provisions of this chapter.

2. **Expiration of permit**. All building permits shall expire within one year of their date of issuance if construction has not been begun and diligently pursued. The Chief Inspector or Zoning Administrator may, upon a showing of due cause, extend the permit for one additional six-month period as they determine to be reasonably necessary for completion. Thereafter, the applicant shall file a new building permit application, accompanied by the required fee.

153-7.5 Excavations or Holes

The construction, maintenance, or existence within the City of any unprotected, unbarricaded, open, or dangerous excavations, holes, pits, or wells, or of any excavations, holes, or pits which constitute or are reasonably likely to constitute a danger or menace to public health, safety, or welfare, are hereby prohibited; provided, however, this section shall not prevent any excavation under a permit issued pursuant to this chapter or the building regulations, where such excavations are properly protected and warning signs posted in such manner as may be approved by the Zoning Administrator.

153-7.6 Restoring Unsafe Buildings

Nothing in this chapter shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by the Chief Inspector or the required compliance with their lawful order.

153-7.7 Construction Begun Prior to Adoption of Chapter

Nothing in this chapter shall be deemed to require any change in the plans, construction, or designed use of any building upon which actual construction was lawfully begun prior to the adoption of this chapter or subsequent changes thereto and upon which building actual construction has been diligently carried on, and provided further, that such building shall be completed within one year from the date of passage of this chapter.

153-7.8 Voting Places

The provisions of this chapter shall not be so construed as to interfere with the temporary use of any property as a voting place in connection with a municipal or other public election.

153-7.9 Certificates of Occupancy

A. It is unlawful to use or permit the use of any land, building, or structure for which a building permit is required, and to use or permit to be used any building or structure altered, extended, erected, repaired, or moved, until the Chief Inspector has issued a certificate of occupancy stating that the provisions of this chapter have been complied with.

B. **Certificates for existing buildings**. Certificates of occupancy shall be issued for existing buildings, structures, or parts thereof, or existing uses of land if, after inspection, it is found that such buildings, structures, or parts thereof or such use of land are in conformity with the provisions of this chapter.

C. **Temporary certificates**.

1. Temporary certificates of occupancy may be issued for a part of a building or structure prior to the occupation of the entire building or structure, provided that such temporary certificate of occupancy shall not remain in force more than six months, nor more than five days after the building or structure is fully completed and ready for occupancy and provided, further, that such portions of the building or structure are in conformity with the provisions of this chapter.
2. In applying for a temporary certificate of occupancy, the applicant shall demonstrate need and substantial compliance with the provisions of this chapter.
3. A temporary certificate of occupancy shall not be issued if the health, safety, or welfare of the occupants or users will be endangered.
4. The Chief Inspector may require a performance guarantee to cover construction not yet finished in accordance with § 153-7.2 Performance Guarantees.

D. **Records of certificates**. A record of all certificates of occupancy shall be kept in the office of the Chief Inspector, and copies of such certificates of occupancy shall be furnished upon request to a person having a proprietary or tenancy interest in the property involved.

E. **Certificates for accessory building to dwellings**. Accessory buildings or structures to dwellings shall not require a separate certificate of occupancy, but rather may be included in the certificate of occupancy for the principal dwelling, building, or structure on the same lot when such accessory buildings or structures are completed at the same time as the principal use.

F. **Application for certificates**. Certificates of occupancy shall be applied for in writing to the Chief Inspector on forms provided by the Chief Inspector, and shall be issued after the receipt of such application if it is found that the building or structure or part thereof or the use of land is in accordance with the provisions of this chapter. If such certificate is refused for cause, the applicant shall be notified of such refusal and the cause thereof.

G. **Certificates for nonconforming buildings and uses**. Reference is made to § 153-7.1(A) and § 153-7.1(B).

H. **Effect**. A certificate of occupancy shall be deemed to authorize and is required for both initial and continued occupancy and use of the building, structure, or land to which it applies, and shall continue in effect as long as such building, structure, or use remains in full conformity with the terms of this chapter and other applicable regulations.

153-7.10 Fees

A. Fees as established by City Council for zoning applications, inspections, and the issuance of permits or certificates or copies thereof required or issued under the provisions of this chapter shall be collected by the issuing office or agency and transmitted to the Finance Director in advance of the processing of the zoning application or the issuance of such permits or certificates.

B. Such fees shall cover the cost of inspection and supervision resulting from the enforcement of this chapter, and shall be established by Council and posted in the Office of the City Clerk.

C. Fees shall not be cumulative and only the highest fee shall be charged, unless multiple reviews or hearings are required or requested.

153-7.11 Planning Commission Duties

A. The Planning Commission as established by the Charter of the City in accordance with the Michigan Planning Enabling Act, Public Act 33 of 2008, being M.C.L. §§ 125.3801 *et seq.*, is designated as the Commission specified in M.C.L. § 125.3811, and shall perform the duties of said Commission as provided in the statute in connection with amendments to this chapter, and shall exercise such other powers and duties as specified in this chapter.

B. The Commission shall hear and decide requests including, but not limited to, the following:

1. Special land uses;
2. Nonconforming use substitutions; and
3. Site plan review involving special land uses, involving waivers as specified in this Chapter, and when referred to the Commission by the Zoning Administrator.

C. The Commission shall hear and make a recommendation to the City Council on the following:

1. Planned Unit Developments;
2. Rezoning petitions; and
3. Zoning Ordinance text amendments

153-7.12 Zoning Board of Appeals

A. **Establishment**. There is established a Zoning Board of Appeals which shall perform its duties and exercise its powers as provided in Public Act 110 of 2006, being M.C.L. § 125.3601, in such a way that the objectives of this chapter shall be observed, public safety secured, and substantial justice done.

B. **Membership**.

1. The Zoning Board of Appeals is created for the City in accordance with the provisions of the Michigan Zoning Enabling Act, Public Act 110 of 2006, being M.C.L. §§ 125.3101 *et seq.*
2. The Zoning Board of Appeals shall consist of five members.
3. When the terms of the individual members of the Board expire, no more than two terms expiring in any one year, the City Council shall appoint a successor for a three-year term from the date of expiration of said original member's term.
4. All members shall be electors of the City. One regular or alternate member of the Zoning Board of Appeals may be a member of City Council; such member shall not serve as Chair. No employee or contractor of the City may serve simultaneously as a member of the Zoning Board of Appeals.
5. One member shall be appointed from the membership of the City Planning Commission.
6. After the initial appointment, each member shall hold office for a period of three years, except for the City Planning Commission member, whose term shall be limited to the time he or she serves on the City Planning Commission. Successors shall be appointed not more than one month after the term of the preceding member has expired.
7. Members may be removed by the City Council for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. Any vacancy in the Board shall be filled by the City Council for the remainder of the unexpired term.
8. The City Council may appoint not more than two alternate members to the Board, said alternate members to have the same term as regular members of the Board and to be subject to the same qualifications and other provisions contained herein applicable to regular members of the Board.
9. The Chair of the Board, or the Vice Chair in the absence of the Chair, may call upon either or both of the alternate members on a rotating basis to sit as regular members of the Board in the absence of one or two regular members; or where a regular member has abstained for reasons of a conflict of interest.
10. Once appointed to hear a case, an alternate member shall serve in the case until a final decision has been made and shall have the same voting rights as a regular member of the Board.
11. The Chair, the Vice Chair, and the Secretary of the Zoning Board of Appeals shall be elected annually by the members of the Board at the first meeting held in each calendar year.

C. **Organization and Procedures**.

1. **Meetings**.

   a. All meetings of the Zoning Board of Appeals shall be held at the call of the Chair or by the Vice Chair in the absence of the Chair or upon the written request of any two members of the Board.

   b. The business which the Zoning Board of Appeals may perform shall be conducted at a public meeting of the Board held in compliance with the Open Meetings Act, Public Act 267 of 1976, being M.C.L. §§ 15.261 *et seq.* Public notice of the time, date, and the place of meeting shall be given in the manner required by the Open Meetings Act.

2. **Records**.

   a. The Zoning Board of Appeals shall keep minutes of its proceedings, and shall keep records of its findings, proceedings at hearings, vote of each member, and other official actions; and which shall be a public record.

   b. The Zoning Board of Appeals shall state and summarize the grounds, findings, and conditions if applicable, for every determination for an appeal, variance, or interpretation.

   c. The Zoning Board of Appeals may request the production of books, papers, files, and other evidence pertinent to the matters before it.

   d. A document prepared, owned, used, in the possession of, or retained by the Zoning Board of Appeals in the performance of an official function shall be made available to the public in compliance with the Freedom of Information Act, Public Act 442 of 1976, being M.C.L. §§ 15.231 *et seq.*

3. **Vote**. The concurring vote of at least three members of the Zoning Board of Appeals shall be necessary to grant any appeal of an administrative decision, an appeal of any action made by a public body under this chapter, grant any variance, or decide in favor of the applicant on any matter upon which it is authorized by this chapter to render a decision or interpretation of the ordinance.

D. **Powers and Authority**.

1. The Board shall hear appeals and requests including, but not limited to, the following:

   a. Appeals of administrative decisions;

   b. Variances from the strict application of the provisions of this chapter; and

   c. Interpretations of zoning district boundaries and interpretations of the text of this chapter.

2. The power or authority to alter or change the zoning regulations or the Zoning Map is reserved to the City Council in the manner provided by law.

E. **Appeals of Administrative Decisions**.

1. The Zoning Board of Appeals has the power to hear and decide appeals of any actions taken under the provisions of this chapter, including any order, requirement, permit, decision, determination, or refusal made by the Zoning Administrator, Planning Commission, or any other administrative official or body in carrying out or enforcing any provision of this chapter, except when expressly precluded by this chapter.
2. An appeal may be taken to the Zoning Board of Appeals by any person affected by any action taken under the provisions of this chapter. Such appeals shall be taken within 60 days from the decision, or 60 days from the date of the approval of the minutes for a public body's decision, by filing with the Zoning Administrator and with the Board a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board all of the papers constituting the record upon which the action appealed from was taken.
3. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Board, after the notice of appeal has been filed with him or her, that by reason of facts stated in the certificate, a stay would, in his or her opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed.
4. The Zoning Board of Appeals shall select a reasonable time and place for the hearing of the appeal and give due notice thereof to the parties and shall render a decision on the appeal without unreasonable delay. Any person may appear and testify at the hearing either in person or by duly authorized agent or attorney.
5. The Zoning Board of Appeals shall not hear or decide on any appeals pertaining to Special Land Uses or Planned Unit Developments.

F. **Variances**.

1. The Zoning Board of Appeals has the power to authorize, upon an appeal, a dimensional variance from the strict application of any provision of this chapter where the strict application of the provisions of this chapter would result in practical difficulties to the owner of such property.
2. Review Standards. In hearing and deciding appeals for variances, the Zoning Board of Appeals shall adhere to all of the following criteria in determining whether practical difficulties exist:
    a. Strict compliance with the standard would render conformity to this chapter unnecessarily burdensome;
    b. The particular request would provide substantial justice to the property owner and neighbors, considering the public benefits intended to be secured by this chapter, the individual hardships that will be suffered by a failure of the Board to grant a variance, and the rights of others whose property would be affected by the allowance of the variance;
    c. The particular request is for the minimum variance necessary that will make possible a reasonable use of the land, buildings, or structures;

d. The practical difficulty is not based on mere inconvenience or inability to attain a higher financial return;

e. The practical difficulty is not self-created by the result of the applicant's own actions or by previous owners of the property;

f. Special conditions or circumstances are unique or peculiar to the property by reason of exceptional irregularity, narrowness, shallowness, or shape or area such property; or special conditions or circumstances presently exist by reason of exceptional or extraordinary conditions of topography, natural features, or adjacent buildings, structures, or infrastructure; or other extraordinary or exceptional conditions presently exist on the property. These special conditions or unique circumstances are not shared by neighboring properties in the same zoning district.

3. Specific dimensional variances which the Zoning Board of Appeals may grant, subject to conformance with the criteria delineated in § 153-7.12(F)(2) above include but are not limited to size, height, setbacks, lot coverage, and any other dimensional requirements.

4. The Zoning Board of Appeals shall not have the authority to grant use variances.

G. **Interpretation of Zoning Text and Map**. The Zoning Board of Appeals shall be responsible to interpret the meaning of this chapter in such a way as to carry out the stated intent of this chapter; and to interpret boundaries of the Zoning Map and districts accompanying and made part of this chapter, where street layout actually on the ground varies from the street layout as shown on the map. In cases of any question as to locations of any boundary line between zoning districts, the Board shall interpret the Zoning Map.

H. **Conditions of Appeals and Variances**.

1. The Zoning Board of Appeals, in acting favorably on any appeal in connection with a request for a variance may attach any conditions to its approval which it finds necessary to accomplish the reasonable application of the standards set forth in § 153-6.3(G).

2. The Zoning Board of Appeals shall have the authority to require performance guarantees to ensure compliance with any requirements deemed necessary for approving any variance. (See § 153-7.2 Performance Guarantees)

3. In exercising the above powers of this chapter, the Zoning Board of Appeals may reverse or affirm wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the administrative official or body from whom the appeal is taken.

I. **Notice of Hearing**. The Zoning Board of Appeals, in conducting any public hearing, shall fix a reasonable time for the hearing of the appeal and shall give due notice to the parties concerned, in accordance with the Michigan Zoning Enabling Act, Public Act 110 of 2006. The Board shall decide the appeal within a reasonable period of time.

J. **Period of Validity**. A variance shall run with the land, except that if no building permit in relation to the variance has been obtained within one year of the effective date of the variance and no erection or alteration is started in compliance with the building permit, the variance shall become null and void. The Zoning Board of Appeals shall review any subsequent application for a variance on the applicable conditions and circumstances which exist at the time of the subsequent application.

K. **Circuit Court Appeal**.

1. The decision of the Zoning Board of Appeals shall be final. However, a person having an interest affected by this chapter may appeal to the Circuit Court. Upon appeal, the court shall review the record and decision of the Board to ensure that the decision:
    a. Complies with the Constitution and laws of the state;
    b. Is based upon proper procedure;
    c. Is supported by competent material and substantial evidence on the record; and
    d. Represents the reasonable exercise of discretion granted by law to the Zoning Board of Appeals.
2. If the court finds the record of the Zoning Board of Appeals inadequate to make the review required by this section, or that there is additional evidence which is material and with good reason was not presented to the Board, the court shall order further proceedings before the Board on conditions which the court considers proper. The Board may modify its findings and decision as a result of the new proceedings, or may affirm its original decision. The supplementary record and decisions shall be filed with the court.
3. As a result of the review required by this section, the court may affirm, reverse, or modify the decision of the Zoning Board of Appeals.

153-7.13 Performance Standards

A. Any use permitted in any zoning district must also comply with all applicable federal, state, county, and city health and pollution laws and regulations with respect to noise, smoke, and particulate matter, vibration, noxious and odorous matter, glare and heat, fire and explosive hazards, gases, electromagnetic radiation, and drifting airborne matter. Every use hereafter established shall not exceed the limits prescribed within the appropriate respective regulation referenced to above. It shall be the responsibility of the owner of the property, where violations of these regulations are suspected, to provide competent written documentation by a registered professional engineer or similar expert to show that the suspected violations do not exist, and the City may elect to so measure a particular emission or environmental impact.

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Chapter 153, Appendix
Schedule of Amendments

Appendix - Schedule of Amendments

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CITY OF SAGINAW
INCORPORATED 1857
MICHIGAN