

Chapter 11

General Provisions

Section 11.01 Purpose and Intent

The purpose of this section of the Zoning Ordinance is to establish certain conditions and requirements that apply, generally, throughout all of the zoning districts. All uses and structures shall be subject to the provisions of this section in addition to the requirements of the specific zoning districts in which they are located.

Section 11.02 General Exceptions

- A. **Essential Services.** Essential services are hereby exempted from the provisions of this Ordinance when properly permitted and in accordance with all other applicable laws and regulations. Any structure larger than 100 square feet to be used, in whole or in part, for essential services shall be subject to site plan review in accordance with Chapter 15.
- B. **Voting Place.** The provisions of this Ordinance 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.
- C. **Height Limits.** The height limits of this Ordinance shall not apply to radio transmitting and receiving or television antennae, chimneys, flagpoles, church spires, belfries, cupolas, domes, water towers, observation towers, power transmission towers, radio towers, masts, aerials, smokestacks, ventilators, skylights, derricks, conveyors, cooling towers, and other similar and necessary mechanical appurtenance pertaining to the permitted uses of the districts which they are located. Structures hereby exempted shall be subject to the following conditions:
1. No structure shall be erected to more than three times the applicable height limits of the district in which it is located;
 2. No structure shall have a total area greater than twenty-five (25) percent of the roof area of the building; and
 3. Unless such structure is permitted as a use in the zoning district in which it is located, it shall be accessory to a permitted and lawful principal use.

4. The provisions of this section notwithstanding, the height requirements and restrictions for wireless communication facilities shall be governed by the provisions of Section 13.25.

Section 11.03 Obstructions to Motor Vehicle Site Lines

No structure, wall, fence, shrubbery, parked vehicle, stored material, or trees shall be placed, erected, planted or maintained in any street or road right-of-way or in any clear vision triangle in excess of thirty (30) inches from natural grade. Existing trees shall be permitted to remain. However, limbs and foliage shall be removed up to a height of seven (7) feet to maintain visibility. This section is intended to preserve the view of drivers of motor vehicles. This section shall not apply to mail boxes that are erected in accordance with the requirements of the US Postal Service.

Section 11.04 Fences

Fences, walls, plantings, and other barriers may be constructed in the City of Gobles in accordance with the following requirements:

- A. No above ground electrically charged fences are permitted.
- B. Barbed wire fences are prohibited in all zoning districts. However, barbed wire strands may be used to enclose storage areas or other similar industrial and commercial uses. The strands shall be restricted to the upper most portion of the fence and shall not extend lower than a height of six (6) feet from the nearest ground level.
- C. In residentially zoned areas, only decorative or ornamental fences not exceeding 48 inches in height may be permitted in required front yards. A fence of this height shall be permitted from the front building line of a residence to within 18 inches of the sidewalk, public right of way, or front property line. Decorative or ornamental fences may include wrought iron, split rail, picket, board on board, cyclone, planting screen, or masonry wall.
- D. In no residentially zoned area shall any solid fence, wall, or planting screen greater than 30 inches in height as measured from grade, be located within a triangular section of land formed by two 10 foot perpendicular lines intersecting at the driveway and street pavement point and a connecting line.
- E. In all districts, the both street frontages on corner lots shall be considered front yards and follow the same limitations as provided in C and D above.
- F. In residentially zoned areas, a fence or wall shall not exceed eight (8) feet in height on rear or side property lines or in rear or side yards. All such fences shall

be placed a minimum of 24 inches within the property boundaries for maintenance purposes.

- G. All fences erected by individual property owners must be located on his/her property.
- H. Where owners of fences or walls composed of non-growing materials such as wood, masonry, metal, etc. shall permit such barriers to deteriorate or fall into a state of unsightly disrepair, the City, after 30 days notice to said owner via mail at his last known address, is thereafter empowered to make appropriate repair or replacement to such wall or fence and may collect the cost of such repair or renovation from said property owner.
- I. Fences constructed of wood or other material having one side designed and considered the decorative side shall be erected with such side facing the adjoining street or abutting property owner's premises.
- J. It shall be unlawful to construct any private fence or barrier within a public right of way.
- K. Any person, firm, partnership, association, or corporation violating any portion of this ordinance shall be found in violation of this Ordinance and subject to penalties as described in Section 21.03.

Section 11.05 Parking of Commercial Vehicles

- A. **Purpose.** The purpose of restrictions on commercial vehicles is to preserve the health, safety and general welfare of persons and property in areas designed and utilized for residential development. The parking of large commercial vehicles is frequently an impediment to the ingress and egress of emergency vehicles and equipment, and is frequently unsafe when operated on residential streets. The noise, exhaust emissions and appearance of commercial vehicles tend to impair the health, safety and general welfare of the people of the City.
- B. **Parking Prohibited.** No commercial vehicle over one ton in gross vehicle weight shall be parked in a residentially zoned area unless parked in a fully enclosed, permitted structure located and constructed in accordance with Section 11.12. This provision shall not apply to commercial vehicles temporarily parked in a residential area in conjunction with the maintenance or service to a property in a residentially zoned area.
- C. **Violations.** In any proceeding for violation of this section, either the person to whom a commercial vehicle is registered or the owner(s) of the property on which the vehicle is parked may be held fully liable for the violation.

- D. **Agricultural District.** Commercial vehicles parked in an agriculturally zoned area shall be exempt from the standards contained in this section of the Ordinance.

Section 11.06 Storage of Certain Vehicles

The provisions of this section apply to recreational vehicles and boats as well as self-propelled vehicles that do not display a valid and current license plate. The provisions of this section apply to all lots that are located, in whole or in part, in any agricultural or residential zoning district. The provisions of this section shall not apply to vehicles and machinery that are intended for and used for agricultural operations.

- A. Vehicles subject to this section may be stored in a fully enclosed, properly permitted and lawful accessory building.
- B. Up to two (2) such vehicles may be stored outside of a fully enclosed building in accordance with the following requirements:
1. Such vehicles shall not be located in any front yard;
 2. Such vehicles may be located in a side or rear yard, provided they are not located within five (5) feet of a side property line;
 3. Such vehicles shall be in a fully operable condition;
 4. Such vehicles shall be located on a lot with an existing, permitted, and lawful principal structure.

Section 11.07 Use of Recreational Vehicles

The provisions of this Section apply to the use of recreational vehicles in all zoning districts. The provisions of this section shall not apply to properties that are lawfully and fully permitted for use as a campground. The use of a recreational vehicle for temporary living quarters or other use, except in a lawful and fully permitted campground is prohibited except in accordance with the following requirements:

- A. The use of a recreational vehicle for temporary living quarters or other use shall be allowed only after the issuance of a zoning permit in accordance with the requirements of this Section, and in accordance with Section 20.06. The requirements of this Section supersede any conflicting requirements in Section 20.06.
- B. A zoning permit for the use of a recreational vehicle for temporary living quarters or other use shall be valid for a single period consisting of between seven (7) and fourteen (14) consecutive calendar days. Shorter periods of use shall not require

a permit, and longer periods of use shall not be permitted. The requirements of this Section supersede the requirements of Section 20.06.D.

- C. A zoning permit for the use of a recreational vehicle for temporary living quarters or other use shall permit the use of one (1) recreational vehicle. Additional zoning permits are required for each additional recreational vehicle.
- D. No more than three (3) zoning permits shall be issued for the use of recreational vehicles on any single lot in one (1) calendar year.

Section 11.08 Keeping of Certain Animals

The keeping of livestock and any other animals except pets is prohibited in all zoning districts except in the agricultural zoning districts for agricultural purposes.

Section 11.09 Performance Standards

No activity, operation, or use shall be permitted on any property which by reason of the emission of odor, fumes, smoke, vibration, radiation, noise or disposal of waste is harmful or potentially harmful to other permitted activities in the zoning district or is obnoxious or offensive to uses permitted in neighboring districts, or is harmful to the general health, safety or welfare of the community. The impacts shall not have an adverse effect on adjacent properties as determined by common or established engineering and legal standards. The burden shall be on the applicant to prove that any proposed development will not have such effects upon development. If it is determined that they do not satisfy these standards once the development is in operation, they will be cited for violating the Ordinance and required to address the problem.

Section 11.10 Restoration of Unsafe Buildings

Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition any part of a building or structure declared unsafe by the Building Inspector or required compliance with his or her lawful order. Furthermore, upon the determination of the Building Inspector and official notification thereof to the property owner, the City Commission may order the demolition and removal of any designated unsafe building. In addition, the cost of said removal shall be borne by the property owner. If the property owner fails to pay for the cost of the removal within 60 days of the date the building was removed, the City may either place a lien on the property or place the cost of said removal on the next available tax bill as a special assessment against the property.

Section 11.11 Temporary Uses

A. **Permitted Temporary Buildings and Uses.** The following buildings and uses are permitted subject to meeting all of the following requirements of this section:

1. **Temporary Dwellings.** No temporary dwelling shall be erected or moved onto a lot and used for dwelling purposes except during construction of a permanent dwelling on the premises that has been issued a building permit. The reasonable date for removal of the temporary dwelling, established on the permit issued by the Zoning Administrator, shall not exceed one (1) year from the issuance of the permit. The temporary dwelling shall be subject to the following conditions:
 - a. Temporary dwellings are permitted in all residential districts.
 - b. The use of the structure on the premises shall not adversely affect adjacent properties.
 - c. The structure shall comply with all applicable sanitary codes and building restrictions of the City and Van Buren County.
 - d. There shall be verifiable evidence of continuing construction of the principal structure.
2. **Temporary Construction Structures.** Temporary buildings and/or structures used for storage of equipment and construction offices may be used only during construction of a permanent structure that has been issued a building permit. In instances where the temporary structure is serving one site or one building, the temporary structure shall be removed from the site prior to issuance of a final notice of approval from the Zoning Administrator. Where the temporary structure is serving multiple building sites, the temporary structure shall be removed prior to the final approval of the final building site within the development. Temporary Construction Structures shall be subject to the following additional conditions:
 - a. Temporary construction structures must be setback at least 10 feet from all property lines except that no temporary construction structures shall be permitted in the front yard.
 - b. The property shall be well maintained and free of debris. Litter shall be kept in an approved, enclosed container.
3. **Special Events and Other Temporary Uses.** The Zoning Administrator may grant temporary use of land and structures for special events and other temporary uses. The following conditions apply to specific temporary uses:

- a. Events lasting greater than one (1) calendar day shall be approved by the City Commission instead of the Zoning Administrator. The maximum duration of any event shall be fifteen (15) days, although those days need not be in succession.
- b. The location of the special event shall not be in or adjacent to any developed residential area except on church, school, or park property. In such a case, or where open lands abut residential neighborhoods, the setback from any residential property shall be 100 feet.
- c. The City Commission may require an Impact Assessment for temporary special events. The assessment must have a focus on traffic impacts created by the event and the impacts of that event on the level of service of surrounding roads. The assessment may also evaluate impacts on services, utilities, public safety, drainage, and/or the environment as necessary. The assessment must be completed by a licensed, certified Engineer, and approved prior to approval of the temporary permit.
- d. If the special event is occurring in a parking lot, a sufficient number of parking spaces shall remain to meet the existing zoning requirements for that district.
- e. Within 24 hours of completion of the special event, all equipment, trash, and other debris shall be completely removed from site.

B. Temporary Zoning Permit. A temporary building or use shall require issuance of a zoning permit from the Zoning Administrator under Section 21.06 of the Zoning Ordinance. The Zoning Administrator may also require the applicant to submit a site plan, including those elements of Section 15.03 that the Zoning Administrator determines to be necessary for a thorough review. Applications shall be accompanied by payment of a fee in accordance with the duly adopted schedule of fees to cover costs of processing the application.

The Zoning Administrator shall make a determination that the location of any temporary buildings or uses will not adversely affect adjoining properties, nor adversely affect public health, safety, and the general welfare of the City. The permit shall establish a reasonable date for removal of the temporary structure and/or use, and shall set forth other conditions of permission as deemed necessary by the Zoning Administrator. Any temporary buildings shall be placed so as to conform to all yard requirements of the zoning district in which it is located, unless otherwise indicated.

- C. **Extensions.** At the conclusion of the agreed upon duration of the temporary use, if the applicant still has need for the temporary use, then one (1) extension may be granted for up to fifty percent (50%) of the original agreed upon duration. An extension must be requested no more than ten (10) days after the expiration of the temporary use permit. The Zoning Administrator may grant an extension if there is a legitimate explanation for why the extension is needed and evidence is presented supporting that the temporary use will be complete or will be able to cease by the conclusion of the extension.
- D. **Removal.** Temporary structures or uses other than temporary construction buildings shall be removed within ten (10) days after expiration of the permit, or the City may use the performance guarantee to enact such removal.

Section 11.12 Accessory Structure

- A. No accessory structure shall be used until the principal structure to which it is accessory has been constructed and used or is under construction.
- B. No accessory structure shall be located in the front yard nor closer to the front property line than the principal structure is located.
- C. Accessory structures shall comply with the minimum setback and maximum height requirements of the zoning district in which they are located.
- D. Accessory structures shall be similar in appearance to the principal structure located on the site.
- E. Accessory structures shall count towards the total lot coverage. Accessory structures shall not occupy more than 10% of the total lot area. However, each parcel may be permitted a 484 square foot accessory structure for vehicle storage regardless of lot size.
- F. Adjacent lots under similar ownership shall be considered as one lot for the purposes of this Section 11.12. This shall allow a property owner owning an adjacent vacant lot to construct an accessory structure on that adjacent lot. To be considered adjacent, the lots must share a property line and shall not cross a street.
- G. Semi-truck trailers and single-axle vans shall not be used, for storage or otherwise. The following requirements shall apply within all zoning districts:
 - 1. Semi-truck trailers that are not properly licensed for travel on public roads shall not be located on any lot except within a fully enclosed structure.

2. Semi-truck trailers that are not in sufficient operating condition to travel on public roads, regardless of whether or not they are currently licensed or registered, shall not be located on any lot except within a fully enclosed structure.
3. The use of any semi-truck trailer, other than one that is both properly licensed and registered and that is in a fully operating condition, for storage or any other use, is hereby prohibited.
4. The use of any single-axle van body, other than one that is both properly licensed and registered and that is in a fully operating condition, for storage or for any other use, is hereby prohibited.

Section 11.13 Signs

A. Definitions.

1. **On-premises sign.** A sign which contains a message related to a business or profession conducted or to a commodity, service, or activity sold or offered upon the premises where the sign is located.
2. **Off-premises Sign.** A sign which contains a message unrelated to a business or profession conducted or to a commodity, service, or activity sold or offered upon the premises where the sign is located. A "billboard" is a type of off-premises sign.
3. **Premises.** A lot as otherwise defined in this Ordinance.
4. **Temporary Sign.** A sign not constructed or intended for long-term use. Examples of temporary signs include signs that announce a coming attraction, a new building under construction, a community or civic project, or other special events that occur for a limited period of time.
5. **Political Signs.** A sign commenting on the election or appointment of a person or an issue or matter to be voted upon by a public body.
6. **Billboard.** An off-premises sign 20 square feet or larger.
7. **Identifying Sign.** Any structure on the same premises it identifies which serves only to tell the name or use of any public or semi-public building or recreation space, club, lodge, church, or institution; only to tell the name or address of an apartment house, hotel, or motels; or only to inform the public as to the use of a parking lot.

8. **Name Plate.** A structure affixed flat against the wall of a building that serves solely to designate the name or the name and profession or business occupation of a person or persons occupying the building
9. **Real Estate Sign.** Any temporary structure used only to advertise with pertinent information the sale, rental, or leasing of the premises upon which it is located.
10. **Freestanding Sign.** A sign that is attached to, erected on, or supported by some structure (such as a pole, mast, frame or other structure) that is not itself an integral part of or attached to a building or other structure whose principal function is something other than the support of the sign.
11. **Wall Sign.** A sign attached to a wall and not projecting away from the wall more than 12 inches.

B. **Measurement of Sign Area.** The total sign area is to be expressed in square feet and shall be computed as herein set forth and permitted in the "Schedule of Sign Regulations" attached to and made a part of this code.

1. Single-Face Sign total area shall be computed as the number of square feet within lines drawn at the outer perimeter forming any single and/or combination of geometric shapes, such as a square, rectangle, triangle or circle encompassing the extreme limits of an individual letter(s), word(s), message(s), representation, emblem or any similar figure, including open space(s), together with any frame or other material forming an integral part of display used to differentiate such sign from the background against which it is placed.
2. Double-face Signs having two (2) faces of equal size arranged and/or positioned back to back and parallel or with the faces at an included angle of not more than thirty (30) degrees in the plan or vertical view; the area of the sign shall be computed as one-half (1/2) the total area of the two (2) faces. When the faces of such a sign are not of equal area, then the area of the sign shall be computed as the total area of the largest face.

C. **Sign Permits.**

1. **Permits.** It shall be unlawful for any person to erect, alter, or structurally change a sign or other advertising structure, unless specifically exempted by this Article, without first obtaining a permit in accordance with the provisions set forth herein. A permit shall require payment of a fee, which shall be established by the City Commission.
2. **Applications.** Application for a sign permit shall be made upon forms provided by the City. The following information shall be required:

- a. Name, address, and telephone number of the applicant.
- b. Location of the building, structure, or lot on which the sign is to be attached or erected.
- c. Position of the sign in relation to nearby buildings, structures, and property lines.
- d. Plans showing the dimension, lettering style, color, materials, method of construction, method of illumination, and method of attachment to the building or in the ground.
- e. Written consent of the owner and/or lessee of the premises upon which the sign is to be erected.
- f. Other information required by the Zoning Administrator to make a determination that the sign is in compliance with applicable laws and regulations.

3. Review of Application

- a. **Planning Commission Review.** Sign permit applications in conjunction with the proposed construction of a new building or addition to an existing building requiring site plan review shall be reviewed by the Planning Commission as part of the required site plan review. Proposed signs must be shown on the site plan.
- b. **Zoning Administrator Review.** Unless otherwise specified herein, the Zoning Administrator shall review the sign permit application for any sign proposed on a site or existing building where no other new construction is proposed.

4. Permit Issuance. Following a review of a sign application by the Planning Commission or the Zoning Administrator as appropriate, the Zoning Administrator shall have the authority to issue a sign permit.

5. Exceptions. A new permit shall not be required for ordinary servicing or repainting of an existing sign message, cleaning of a sign, or changing of the message on the sign where a sign is designed for such changes (such as lettering on a marquee or numbers on a gasoline price sign). Furthermore, a permit shall not be required for those signs listed in subsection D, Exempt Signs.

D. **Exempt Signs.** The following signs are exempt from Sign Regulations:

1. Signs erected by or on behalf of or pursuant to the authorization of a government body, including legal notices, informational signs, directional, street names, traffic control or regulatory signs;
2. Flags, pennants or insignia of any governmental or nonprofit organization when not displayed in connection with a commercial promotion or as an advertising device;
3. Signs not exceeding two (2) square feet in area and bearing only property numbers, post box numbers, names of occupants of premises, or other identification of premises not having commercial connotations;
4. Any accessory sign erected on a premise which is no more than two (2) square feet in area, such as no trespassing signs, and signs warning of animals.
5. Real Estate signs advertising a single or multi family residence for sale or rent, limited to six (6) square feet or less and setback 10 feet from any property line;
6. Real estate signs advertising the sale, rent, or lease of non residential property, limited to one (1) sign per property, a maximum size of 32 square feet, and a setback of 10 feet from any property line unless attached to the building;
7. Election signs advocating or opposing a candidate for office or a position on an issue to be determined at an election, located at least 100 feet from any entrance to a polling place;
8. Historic signs designating sites recognized by the State Historical Commission as Centennial Farms and Historic Landmarks;
9. Essential service signs denoting utility lines, railroad lines, hazards, and precautions;
10. Memorial signs or tablets which are either cut into the face of a masonry surface or constructed of bronze or other incombustible material, when located flat on the face of a building and no greater than six (6) square feet in size;
11. Special decorative displays or signs used for holidays, public demonstrations, or promotion of civic welfare or charitable purposes;

12. Signs in the agricultural district that serve only to identify the name of a farm, farm owner, or crops or livestock produced thereon.

E. District Regulations.

1. Signs Permitted in the AG, R-1, R-2, and R-3 Districts.

- a. One (1) on premises freestanding sign identifying each subdivision or mobile home park per vehicle entrance, having an area not exceeding 20 square feet and a height not exceeding eight (8) feet is permitted.
- b. Construction sign denoting architects, engineers, contractors, financiers, and other professionals involved in a project during development of a subdivision or other property for a period not exceeding two (2) years or until 50% of the lots or units are sold and/or leased, whichever comes first. One (1) such freestanding sign shall be permitted, having an area not exceeding 32 square feet and a height not exceeding 12 feet is permitted in the subdivision together with signs having an area not exceeding six (6) square feet each and a height not exceeding four (4) feet, directing the public to or identifying models. Signs permitted by this section shall be located so as not to block visibility of passing or turning motorists.
- c. Churches, schools and buildings housing governmental functions and utilities of the City, County, or State or any subdivision thereof, are permitted to erect one (1) freestanding sign not to exceed 30 square feet in area or an overall height of six (6) feet. The area of changeable copy shall not exceed 50% of the area of the sign face. These entities are also permitted to have one (1) wall sign per road frontage with a maximum size of 20 square feet and a maximum height of 12 feet.

2. Signs Permitted in the C-1, C-2, and I-1 Districts.

- a. One (1) freestanding and one (1) wall-mounted sign per road frontage for an individual commercial, industrial, or institutional use as located on a lot or group of lots developed as one lot.
- b. For multiple tenant uses such as a shopping center or office complex located on a lot or group of lots developed as one lot, one (1) freestanding sign per lot or group of lots developed as one (1) lot and one (1) wall-mounted sign per each individual use or one (1) wall sign for the shopping center. Centers located on corner lots

- shall be permitted one (1) freestanding sign per road frontage to be located at entry drives.
- c. For an industrial use, one (1) freestanding and one (1) wall sign per use. For larger developments with more than one industry being accessed from a local or primary road, a freestanding sign identifying the development may be permitted at such an access point with the Planning Commission approval.
 - d. In the C-1 district, one (1) projecting sign per use may be permitted along the primary street frontage. The projecting sign shall be perpendicular to the building frontage, limited to a signage area of twelve (12) square feet. There must be a minimum clearance of nine (9) feet from the existing grade below the sign to the bottom of the sign. The projecting sign shall not be internally illuminated.
 - e. It shall be unlawful to erect any freestanding sign the height of which is greater than 15 feet above the level of the street upon which the sign faces at the location of the sign.
 - f. Freestanding signs shall not have a surface area exceeding 48 square feet for a single face sign and 96 square feet for signs of two faces, unless permission for greater surface area is granted in the paragraph below.
 - g. In case of shopping centers, the total surface area of the sign identifying the shopping center and the businesses therein shall be a maximum of 100 square feet for a single face sign and 200 square feet for signs having two faces. Identification signs for up to 4 tenants may be placed upon and supported by the same stanchion, post or other support as the shopping center identification sign, provided there is uniformity in design and square footage requirements are met.
 - h. Wall-mounted signs shall not exceed 20 square feet and shall not project outward from the wall more than one (1) foot or above the cornice or roofline. Signs erected on the vertical portion of a mansard roof are considered to be wall signs. Wall mounted signs shall not be taller than the eaves of a pitched roof or the top of a flat roof building.
3. **Setbacks.** All signs shall satisfy the minimum setback requirements of the zoning district in which they are located, except as follows:
- a. Free standing signs in the front yard shall be setback a minimum of ten (10) feet from the right of way.

- b. No sign shall be located in the clear view triangle area so that it will obstruct the view of the driver of a vehicle at an intersection or driveway. The sides of the clear view triangle area shall be established by the edge of the pavement. The sides of the triangle extend from the intersection of the two road segments. (In the case of a rounded corner, the pavement lines shall be extended in straight lines until they intersect to establish the starting point.) At an intersection of two streets, the sides of the triangle shall extend 30 feet from the starting point. At an intersection of a street and a driveway, the sides shall extend 15 feet from the starting point. The triangle is completed by connecting the far ends of each side with a long, straight line across the yard.
- c. Signs located outside the clear view triangle, either at an intersection or along a roadway, shall not restrict visibility or create a safety hazard.

F. **Temporary Signs.** Temporary signs other than political signs shall be authorized by the Zoning Administrator for not more than one (1) month at a time by written permit which shall show the size, shape, content, height, number, type of construction and location of such signs and the period during which authorized, upon finding by the Zoning Administrator, on the basis of written information furnished by the applicant that the proposed sign or signs are for the direction and/or information of the public and not contrary to the spirit and purpose of this Ordinance, and upon payment of a fee set by the City Commission of each permit and renewal. If such signs are placed on public property, the Zoning Administrator shall remove them without notice.

G. **Non-conforming Signs.**

- 1. **Lawful Existing Signs.** Any sign lawfully existing at the time of this Chapter which does not fully comply with all provisions shall be considered a non-conforming sign and may be permitted to remain as long as the sign is properly maintained and not detrimental to the health, safety and welfare of the community except as hereafter provided.
- 2. **Continuance.** A non-conforming sign shall not:
 - a. Be expanded or changed to another non-conforming sign;
 - b. Be relocated or structurally altered so as to prolong the life of the sign or so as to change the shape, size, type, placement, or design of the sign;

- c. Be re-established or maintained after the activity, business or usage to which it relates has been discontinued for 90 days or longer;
 - d. Be repaired or re-erected after being damaged if the repair or re-erection of the sign would cost more than 50 percent of the cost of an identical new sign.
3. **Intent.** It is the intent of this section to encourage eventual elimination of signs that, as a result of the adoption of this Chapter, become non-conforming, and to administer this Chapter to realize the removal of illegal non-conforming signs and to avoid any unreasonable invasion of established private property rights, therefore,
- a. No person shall be required to remove a sign which was erected in compliance with previous regulations of this Chapter if said sign becomes nonconforming due to a change occurring after adoption of this chapter, or in the location of buildings, streets or other signs, which change, is beyond the control of the owner of the sign and the premises on which it is located.
 - b. 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. General Sign Provisions

- 1. **Permission of Owner or Occupant.** It is unlawful to erect or maintain any sign on any property, public or private, without the consent of the owner or occupant thereof.
- 2. **Construction.** All signs shall be securely constructed in conformance with applicable building, fire, and electrical codes and standards of this Article. Wood products shall be treated to prevent deterioration. Letters, figures, and characters shall be safely and securely attached to the sign structure. All signs shall have a surface or facing of noncombustible material. All signs shall be attached by means of metal anchors, bolts or expansion screws, and in no case shall any sign be secured with wire, strips of wood, or nails.
- 3. **Restrictions on Movement.** It is unlawful to erect or maintain any sign, except a cloth flag moved only by natural wind, which moves or has any visible moving or animated parts or image, whether movement is caused

by machinery, electronics, or otherwise, including swinging signs. It is unlawful to erect or maintain strings of flags or streamers.

4. **Illumination.** It is unlawful to erect or maintain any illuminated sign where the light source moves, flashes, is not of constant intensity and color, where any light bulb can shine directly into the eyes of any occupant of any vehicle traveling upon any highway, driveway, or parking areas or into any window or any residence within 200 feet, or where the illumination interferes with the visibility or readability of any traffic sign or device. The source of illumination shall not be visible from the ground.
5. **Exceptions.** Paragraphs 3 and 4 above shall not be applied to prevent the erection or maintenance of holiday lights each year. Changeable copy signs with electronic displays allowing for alternating messages shall be permitted provided the messages alternate at a frequency of one (1) image per five (5) seconds or less.
6. **Signs Located on or Projecting Over Public Property.** It is unlawful to erect or maintain any sign on, over, or above any public land or right-of-way, if any part of such sign extends more than four (4) feet above such land or right-of-way, is less than nine (9) feet above ground level or has an area exceeding twelve (12) square feet. Signs placed upon a public right-of-way contrary to the provisions of this Ordinance shall be removed by the Zoning Administrator without notice. This Ordinance does not apply to signs posted by duly constituted public authorities in the performance of their public duties. No signage may be posted upon utility poles.
7. **Maintenance.** All signs, sign frames, sign copy areas, panels, structural elements, lamps and electrical hardware shall be maintained in good repair and working order, so as to present a neat and orderly appearance. Non-galvanized or corrosion-resistant materials shall be painted when necessary to prevent corrosion.

Section 11.14 Disconnected Territory

Any additions to the incorporated area of the City of Gobles, resulting from annexation or otherwise, shall be automatically classified in the AG-Agricultural district until such time as the City of Gobles City Commission approves the appropriate zoning designation for the property in accordance with the procedures set forth in this Ordinance.

Section 11.15 Principal Building on a Lot

Except in the instance of cluster development, condominium development, or Planned Unit Developments (PUDs), where a site plan is approved, and except for lots used for education or religious institutions, not more than one (1) single-family dwelling shall be located on a lot as defined herein, nor shall a single-family dwelling be located on the same lot with another principal building. This provision shall not prohibit the lawful division of land.

Section 11.16 Health Department Approval

No permit shall be issued for the construction of a building or structure which is to have drinking water and/or sanitary facilities located therein and which is to be located on a lot which is not served by either public water and sewer facilities if its water supply and/or sewage disposal facilities, as the case may be, does not comply with the rules and regulations governing waste and sewage disposal of Van Buren County.

Section 11.17 Junk Storage / Use of Vacant Land

No yard or parcel of land encompassing a dwelling or commercial building shall be used for open air storage, wrecking, parking, dismantling, accumulation, or abandonment, either temporarily or otherwise, of disused, discarded, or dismantled vehicles, machinery, apparatus, implements, furniture, appliances, used lumber, water craft, or any junk or similarly used property, unless approved for such use in accordance with the requirements contained herein.

Section 11.18 Swimming Pools

- A. **Permit Application.** It shall be unlawful for any person to construct or maintain an outdoor swimming pool without first making application to the Zoning Administrator and obtaining a permit thereof. An application for a permit should provide the following information: name of the owner, plot plan specifying dimensions, site location of the pool, as well as nearby fences, buildings, gates, septic tanks, tile fields, public utilities, and easements. The application for a below ground pool must include plans and specifications to scale of the pool walls, slope, bottom, walkway, fences, gates, diving boards, type and rating of auxiliary equipment, piping, location of adjacent utilities, and valve layout.
- B. **Location.** Outdoor swimming pools may be erected in the side or rear yard only, provided that they are located no closer than 10 feet from the side or rear lot lines. There shall be 10 feet between the pool wall and any structures on the lot as well.

- C. **Fencing.** All below ground swimming pools and above ground swimming pools less than four (4) feet in height shall be completely enclosed by a fence with a locking gate or gates not less than four (4) feet in height. Above ground pools four (4) feet in height or taller shall have locking gates, removable ladders, or a fence not less than four (4) feet in height to restrict unauthorized access. In cases where these standards conflict with Building Code Standards, the stricter standard shall apply.
- D. **Utilities.** All electrical installations or wiring in connection with swimming pools shall conform to the provisions of the State Electrical Code. If service drop conductors or other utility wires cross under or over a proposed pool area, the applicant shall make satisfactory arrangements with the utility involved for the relocation thereof before a permit shall be issued for the construction of a swimming pool. No portion of a swimming pool or associated structure shall be permitted to encroach upon any easement or right-of-way that has been granted for public utility use. The following location restrictions apply to utilities around proposed pools:
1. There must be 10 feet horizontally between pool walls and overhead electrical and telephone wires.
 2. There must be 25 feet horizontally separating pools from any semi-public water well, unless the County Public Health Department approves a shorter distance.
 3. There must be three (3) feet horizontally maintained between pool walls and any sewer.
 4. There must be 10 feet horizontally maintained between swimming pools and septic tanks, tile fields, or other treatment facilities, provided the water level in the pool is one (1) foot above the ground surface elevation of such treatment facility.
 5. There must be three (3) feet horizontally between any portion of the pool and any underground water, electrical, telephone, gas, or other pipes and conduits, except for parts of the swimming pool system.

Section 11.19 Grades, Elevation Differentials, Walls, and Drainage

- A. These activities are exempt in the AG district provided a Soil Erosion Permit has been obtained from Van Buren County.
- B. Any excavation, filling, or grading of land that would alter the established site elevations or drainage patterns, or the use of land for the excavation, removal, filling, or depositing of any type of earth material, topsoil, gravel, rock, garbage,

rubbish, or other wastes, or by-products, shall not be permitted in any zoning district except in accordance with an approved site plan. This regulation does not apply to normal soil removal for basement or foundation work when a building permit has been issued by the City.

- C. The grading of all building lots shall be such so as to divert water away from buildings and to prevent standing water and soil saturation detrimental to structures, lot use, and surrounding property. However, water should not be diverted to adjacent properties.
- D. Retaining walls in excess of four (4) feet in height shall require a building permit. All retaining walls shall be designed and built so as to safely resist lateral pressures of soil behind them and be safely supported by soil beneath them. Additionally, retaining walls shall be maintained in a structurally sound condition and shall not impair drainage or create negative impacts on adjacent properties.

Section 11.20 Projections into Yards, Porches, and Decks

The following shall apply to all buildings and structures, whether temporary or permanent.

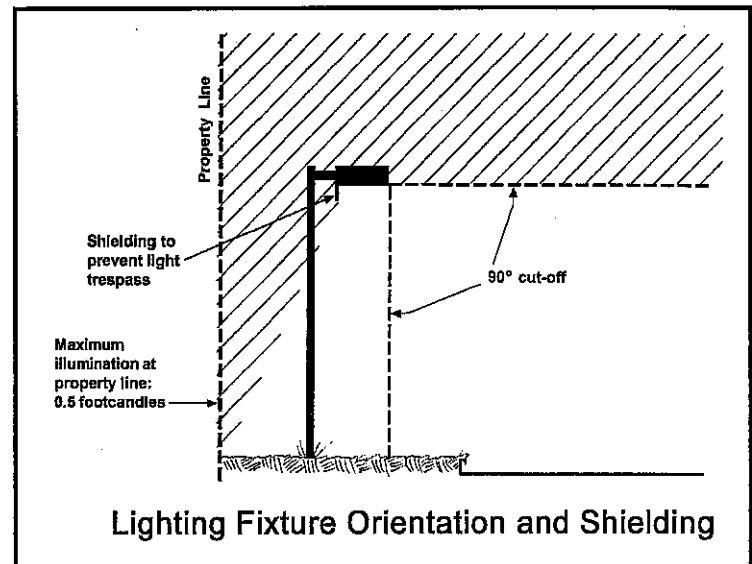
- A. Terraces and patios may project into a required yard provided:
 - 1. That such structures are unroofed and without walls or other continuous enclosure;
 - 2. That the elevation of such structures is no more than eight (8) inches above the existing grade;
 - 3. That no such structure shall be permitted nearer than five (5) feet to any side or rear lot line or nearer than eight (8) feet to any front lot line;
 - 4. That such areas and structures may have open railings or fences not exceeding four (4) feet in height;
 - 5. That such structures may have noncontinuous windbreaks, visual screens, or walls not exceeding seven (7) feet in height in a rear or side yard, or three (3) feet in height in a front yard, and not enclosing more than one-half the perimeter of said terrace, patio, or similar structure, except where not permitted by this Ordinance;
 - 6. That such structures shall be included in the calculations of maximum building coverage.
- B. Decks may project into a required rear yard provided:

1. That such structures shall not project into the required front or side yards;
 2. That such areas and structures may have open railings or fences not exceeding four (4) feet in height;
 3. That such structures may have noncontinuous windbreaks, visual screens, or walls not exceeding seven (7) feet in height in a rear, and not enclosing more than one-half the perimeter of the deck, except where not permitted by this Ordinance; and
 4. The maximum extent of the encroachment into the rear yard is fifteen (15) feet.
- C. Belt courses, sills, pilasters, approved signs, window air conditioners, cornices, eaves, gutters, and similar features may project into any required yard a maximum of 24 inches. Ground mounted air conditioning compressors, gas tanks not exceeding fifty (50) gallon capacity, and other similar equipment must meet all of the required setbacks.
- D. Unenclosed and unroofed fire escapes, outside enclosed or unenclosed stairways, and excavated stairways may project into any required yard a maximum of four (4) feet.
- E. Accessory structures and buildings, including gazebos, decks, terraces, patios and similar features, which are not attached to a principal building, shall comply with the requirements of Section 11.05, Accessory Buildings and Structures.
- F. Access drives may be placed in the required front, side, or rear yards so as to provide access to rear yards or accessory or attached structures. Further, any walk or other pavement serving a like function, shall be permitted in any required yard, providing the pavement is no higher than nine (9) inches above grade.
- G. Stoops or steps must lead to an exterior entrance to a building and shall not encroach into any required yard more than five (5) feet but shall be no closer than five (5) feet to any property line. A wheelchair ramp required for compliance with the Americans with Disabilities Act may be constructed in a required yard space provided the ramp is the minimum size required and provided that it is not located within 20 feet of the front property line and within five (5) feet of any other property line.

Section 11.21 Exterior Lighting

A. **General Provisions.** The design and illumination standards of this Article shall apply to all exterior lighting sources and other light sources visible from the public way or adjacent parcels, except where specifically exempted herein.

1. **Fully-shielded.** Exterior lighting shall be fully shielded and directed downward, and shall utilize full cutoff housings, louvers, glare shields, optics, reflectors or other measures to prevent off-site glare and minimize light pollution.



2. **Intensity.** The intensity of light within a site shall not exceed 10 footcandles within the site, and one (1) footcandle at any lot boundary or street right-of-way line. Where a lot abuts a residential district or use, the intensity shall not exceed one-half (0.5) footcandle at the lot boundary.
3. **Glare and light trespass.** Exterior lighting sources shall be designed, constructed, located, and maintained in a manner that does not cause off-site glare or light trespass on neighboring properties or street rights-of-way.
4. **Animated lighting.** Lighting shall not be of a flashing, moving, animated or intermittent type, and the use of laser light sources, searchlights or any similar high intensity light source for outdoor advertisement or entertainment is prohibited.

B. Standards by Type of Fixture.

1. **Freestanding pole lighting.** The following standards shall apply to all freestanding pole-mounted light fixtures:
- a. **Maximum overall height.** The maximum height of pole-mounted fixtures shall be directly proportional to its proximity to a residential district or use, as follows:
- (1). Fifteen feet (15') high, where such fixtures are located within 150 feet of a residential district or use.

- (2). Twenty feet (20') high, where such fixtures are located more than 150 feet from a residential district or use.
- b. **Hours of operation.** All exterior lighting systems in non-residential districts shall incorporate automatic timers, and shall be turned off between the hours of 11:00 p.m. and sunrise, except where used for security purposes, or where the use of the property continues after 11:00 p.m.
2. **Building-mounted lighting.** Unshielded luminous tube or fluorescent lighting shall be prohibited as an architectural detail on all buildings, including but not limited to areas along roof lines, cornices and eaves or around and within window and door openings. The Planning Commission may approve internally illuminated architectural bands or similar shielded lighting accents as part of a site plan, provided that such lighting accents would enhance the aesthetics of the site and would not cause off-site glare or light pollution.
3. **Decorative light fixtures.** The Planning Commission may approve decorative light fixtures as an alternative to shielded fixtures, provided that such fixtures would enhance the aesthetics of the site and would not cause off-site glare or light pollution. Such fixtures may utilize incandescent, tungsten-halogen, metal halide or high-pressure sodium lamps.
- C. **Lamp or Fixture Substitutions.** Light fixtures regulated under this Section shall not be altered or replaced after approval has been granted, except where the Zoning Administrator has verified that the substitution would comply with the provisions of this Section.
- D. **Exempt Lighting.** The following types of exterior lighting are exempt from the requirements of this Section, except that the Planning Commission and/or the Zoning Administrator may take steps to minimize glare, light trespass, or light pollution impacts where determined to be necessary to protect the health, safety and welfare of the public:
 1. Holiday decorations.
 2. Shielded pedestrian walkway lighting.
 3. Residential lighting less than eight (8) feet in height that does not cause off-site glare or contribute to light pollution.
 4. Cases where federal or state laws, rules, or regulations take precedence over the provisions of this Section.

5. Situations where fire, police, rescue, or repair personnel need light for temporary or emergency situations.

Section 11.22 Standards for Shared Driveways

- A. The number of residential driveways along arterials (including M-40) shall be the minimum necessary to provide reasonable access for regular traffic and emergency vehicles, while preserving traffic operations and safety along these roadways. A single means of direct or indirect access shall be provided for each separately owned parcel. Where possible along arterial roads, access shall be via a shared driveway. Where it is not possible to provide shared access, this access may be by an individual driveway.
- B. Upon application for the creation of new parcels, construction of new development, or other such approval from the City, the Planning Commission shall make an effort to reduce the number of access points on arterials within the City. This is in an effort to make it safer and easier to access properties along these arterials and to ease traffic congestion when vehicles are attempting to access these properties. Unless traffic speed, traffic volumes, sight distance, natural features, or comments from other authorities warrant otherwise, no new driveways shall be created within 150 feet of an existing driveway. In such situations, shared parking and driveway arrangements shall be created with adjacent properties consistent with the standards contained herein.
- C. Two (2) or more lots may have access from a private driveway when the following conditions are met:
 1. The driveway surface shall be a uniform minimum 16 feet wide, measured edge to edge. The width may be reduced to 12 feet if the length of the shared driveway is greater than 300 feet in length or if there are significant topographic, wetland, or other natural features on the site and 16 foot wide passing flares are provided at least every 300 feet.
 2. The driveway shall be constructed of materials suitable to accommodate emergency vehicles.
 3. There shall be a recorded shared access easement. The applicant shall provide record of the shared access agreement and documentation that the shared access agreement has been recorded with the County prior to the issuance of a Zoning permit.
 4. The driveway shall be maintained by the landowners to ensure adequate access for emergency vehicles. (It is the landowner's responsibility to maintain this access).

Section 11.23 Access to Public Roads

Each and every lot divided, subdivided or created on and after the effective date of this Ordinance shall have frontage on a public road in accordance with the requirements of the applicable zoning district regulations. The use and development of private roads is hereby prohibited in Gobles.

Section 11.24 Mobile Homes Located Outside a Manufactured Home Park

Mobile Homes not located within an approved and permitted Manufactured Home Park shall be subject to the following requirements.

A. **Intent.** While mobile homes offer an alternative to conventional single family housing in such areas as structural design, facility arrangement and cost, they can have potential adverse impacts on a residential neighborhood because of marked differences from single family housing in design, placement, structure and site size, and fire and wind resistance. Generally, mobile homes have been restricted to locations within mobile home parks, positioned at areas specifically zoned for them, in order to assure compatibility with nearby residential uses. However, through the application of certain standards, mobile homes and mobile home sites may be designed to more closely resemble nearby conventional housing and be permitted outside mobile home parks and within residential zoning districts. This section presents specific conditions and standards whereby mobile homes may be located outside of mobile home parks.

B. **Definition.** For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

Mobile Home – A moveable or portage dwelling constructed to be towed on its own chassis and designed for permanent year-round living as a single-family dwelling. Provided, however, that the term Mobile Home shall not include motor homes, campers, recreational vehicles (whether licensed or not as a motor vehicle), or other transportable structures designed for temporary use and which are not designed primarily for a permanent residence and connection to sanitary sewage, electrical power and potable water utilities.

C. **Compatibility in Appearance.** To insure compatibility in appearance with single-family housing in the neighborhood, a mobile home shall meet the following design requirements:

1. **Roof.** Must be pitched, minimum 3:12 slope, and shingled, with a minimum roof overhang of six inches on all sides. Roof must be permanently attached to the mobile home and supported by the mobile home, rather than by external supports.

2. **Any Addition or Accessory Building.** Any addition or accessory building to a mobile home must either be constructed by a licensed mobile home manufacturer or satisfy the applicable city code and ordinances for single-family residences. Any addition or accessory building must be similar in appearance, material, and foundation to the mobile home itself.
3. **Installation.** A mobile home shall be installed with the wheels removed. Wheels, towing mechanisms, undercarriages, or chassis shall not be exposed to view by others.
4. **Windows.** Must be similar in design to single-family housing, with glass recessed at least 1 ½ inches behind the exterior surface of its siding.
5. **Steps.** Must be permanently attached on a frost-depth foundation similar to single-family housing requirements, and connected to the exterior door areas or to porches connected to the door areas or to porches connected to the door areas where a difference in elevation requires the same.
6. **Anchoring.** A mobile home shall be anchored by an anchoring system meeting the standards and specification of R 125.1605 of the Michigan Administrative Code.
7. **Connection to Utilities.** Mobile homes shall be connected to public utilities or approved private facilities in accordance with the standards of the city and any other agency governing such facilities. Prior to connection with any public utility and prior to location of the unit upon the site, the necessary permits for connection to public utilities shall be secured. Any pedestal for utility service, fuel tank, or container shall be screened from view from the adjoining street by the mobile home itself or by opaque ornamental fencing.
8. **Compliance with Regulations.** Mobile homes shall comply with all applicable federal and state statutes and regulations, city codes, ordinances, regulations, or standards applicable to such units including but not limited to construction standards, building, plumbing, electrical and mechanical codes, and ordinances.
9. **Maintenance.** Mobile homes shall be maintained against deterioration and/or damage from the elements or from any other cause by prompt and appropriate repairs, surface coating, and other protective measures.

Section 11.25 Minimum Dwelling Requirements

Each dwelling unit shall contain a minimum square footage of living space as required for each zoning district and provided in the development standards in each district. All

living space shall be entirely above the finished grade of the premises, unless a finished basement is more than 60% above the finished grade of the premises. No dwelling unit shall be less than 14 feet across any front, side, or rear elevation.

Section 11.26 Outdoor Furnaces

- A. Every outdoor furnace shall be located at least 200 feet from any dwelling owned by another, in existence at the time of installation of the outdoor furnace.
- B. Every outdoor furnace shall be located at least 75 feet from any property line.
- C. Every outdoor furnace shall have a chimney (also referred to as a "stack") that satisfies the height recommendations of the manufacturer or is at least 2 feet higher than the height of the highest roof peak of any dwelling owned by another located within 500 feet, whichever is taller.
- D. Outdoor furnaces shall not be used to burn any fuel other than a fuel listed by the manufacturer as a fuel it has been designed to handle.
- E. The outdoor furnace shall comply with the provisions of the Fire Code, the Mechanical Code, the Zoning Ordinance, and all other applicable statutes, regulations, and ordinances.
- F. Prior to installation, permits and approvals from the Zoning Administrator, Building Inspector, Mechanical Inspector, and Fire Chief shall be required. The fee for an outdoor furnace permit shall be determined by resolution of the City Commission to cover anticipated reasonable costs of inspections and administration.

Section 11.27 Mobile Home as an Accessory Use for the Aged and Infirm

Mobile Homes shall be permitted as a temporary special use by the Planning Commission on lots and parcels upon which a single family dwelling is located for the purpose of housing the aged, infirmed or "care giver" relatives of the family occupying the principal single family dwelling located on the same lot or parcel, provided the following conditions are met:

- A. The lot has a principal single-family dwelling located upon it.
- B. The lot is a legal lot of record owned by either the aged and infirm person for whom care is being given or owned by the "care giver" relative.

- C. The occupants of both the principal single family dwelling and the mobile home have a direct (by blood, marriage or adoption) relationship or legally established guardianship.
- D. The occupants have a need for this situation, as determined by the Planning Commission and evidenced by a physician's certification prescribing the need of a full-time or part-time care giver.
- E. Mobile homes used for this purpose shall be single wide units only and shall be limited to only one (1) per single family residential parcel.
- F. Mobile homes used for this purpose shall have immediate and unlimited access to all facilities located in the principal dwelling for the maintenance of proper health and sanitation, including potable water and sanitary disposal facilities for solid and liquid wastes.
- G. All accessory mobile homes shall be located within the appropriate setback lines for the yard in which they are located, except that no accessory mobile home shall be in a front yard of a principal dwelling.
- H. The Township Zoning Administrator shall conduct an annual inspection of the premises. If the need remains as specified in the terms of the Special Land Use Permit, the permits shall be renewed for a period not to exceed one (1) year.
- I. That should the aged and infirm relative cease to occupy either the principal single family house or the mobile home, such mobile home shall be removed within 90 days from the parcel. Further, neither residence shall be occupied by other than those persons approved in paragraph 3 above so long as both residences are on the parcel.