

GOBLES ZONING ORDINANCE

City of Gobles
Van Buren County, Michigan

Prepared by the City of Gobles Planning Commission

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The City of Gobles Zoning Ordinance

PREAMBLE

An ordinance enacted under Act 207, of the State of Michigan Public Acts of 1921, to provide for the establishment in Gobles various zones within which the use of land and structures, and the height, the area, the size, and location of buildings may be regulated by ordinance, and within which districts or zones shall be established for the light and ventilation of those buildings, and within which districts or zones the density of population may be regulated by ordinance; to designate the use of certain state licensed residential facilities; to provide by ordinance for the acquisition by purchase, condemnation, or otherwise of private property which does not conform to the regulations and restrictions of the various zones or districts provided; to provide for the administering of this act; to provide for the establishment of a Zoning Board of Appeals; to provide for amendments, supplements, or changes hereto; to provide for conflicts with the state housing code or other acts, ordinances, or regulations; to provide penalties for the violation of the terms of this act; to provide for the collection of fees for building and zoning permits; to provide for petitions, public hearings, and referenda; to provide for appeals; and to provide for the repeal of acts in conflict with this act.

ENACTING CLAUSE

The legislative body of Gobles, Van Buren County, Michigan may regulate and restrict the use of land and structures to meet the needs of the City's residents for natural resources, places of residence, recreation, industry, trade, service, and other use of land; to insure that uses of the land shall be situated in appropriate locations and relationships; to limit the inappropriate overcrowding of land and congestion of population and transportation systems and other public facilities; to facilitate adequate and efficient provision for transportation systems, sewage disposal, water, energy, education, recreation, and other public service and facility needs; and to promote public health, safety, and welfare, and for those purposes may divide the City into districts of the number, shape, and area considered best suited to carry out this section. For each of those districts, regulations may be imposed designating the uses for which buildings or structures shall or shall not be erected or altered, and designating the trades, industries, and other land uses or activities that shall be permitted or excluded or subjected to special regulations.

The land development regulations and districts authorized by this Ordinance shall be made in accordance with the Gobles Land Use Plan designed to promote and accomplish the objectives of this Ordinance. The City of Gobles ordains:



Chapter 1

Title, Scope, and Ordinance Construction

Section 1.01 Short Title

This Ordinance shall be known and may be cited as the "Gobles Zoning Ordinance." Within the following text it may be referred to as the "Ordinance".

Section 1.02 Scope

No building or structure, or part thereof, shall hereafter be erected, constructed or altered, and no land use commenced or continued within Gobles, unless specifically authorized by the terms of this Ordinance.

Section 1.03 Conflicting Regulations

Whenever any provision of this Ordinance imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law or ordinance, then the provisions of this Ordinance shall govern. Whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this Ordinance, then the provisions of such law or ordinance shall govern.

Section 1.04 Severability

This Ordinance and the various parts, sentences, paragraphs, sections and clauses it contains are hereby declared to be severable. Should any part, sentence, paragraph, section or clause be declared unconstitutional or invalid by a court of competent jurisdiction for any reason, such judgment shall not affect the validity of this Ordinance as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.

Furthermore, should the application of any provision of this Ordinance to a particular property, building, or structure be adjudged invalid by any court, such judgment shall not affect the application of said provision to any other property, building, or structure in the City, unless otherwise stated in the judgment, and such judgment shall not affect the application of the remaining provisions of this Ordinance to the subject property, building or structure.

Section 1.05 Repeal

The Zoning Ordinance text and maps adopted by the City of Gobles in May 9, 1968, and all amendments thereto, shall be repealed on the effective date of this Ordinance. The repeal of the above Ordinance and its amendment does not affect or impair any act done, offense committed or right accruing, accrued, or acquired, or any liability, penalty, forfeiture or punishment incurred prior to the time enforced, prosecuted, or inflicted.

Section 1.06 Effective Date

Made and passed by the City Commission of the City of Gobles, Van Buren County, Michigan on June 24, 2009 and effective seven (7) days following publication of notice of Ordinance adoption, pursuant to the provisions of the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended.

This Ordinance shall be in full force and effect on and after July 4, 2009.

Chapter 2

Definitions

Section 2.01 Rules Applying to the Text

The following rules of interpretation shall apply to the text of this Ordinance:

- A. The particular shall control the general.
- B. In the case of any difference of meaning or implication between the text of this Ordinance 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. 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", and "occupied for".
- G. The word "person" includes an individual, a group of people, a corporation, a partnership, a public utility, firm, an incorporated association, or any other similar entity.
- H. Unless the context clearly indicates the contrary, or a regulation involves two (2) or more items, conditions, provisions, 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.
 - 2. "Or" indicates that the connected items, conditions, or provisions, or events may apply singly or in any combination.
 - 3. "Either . . . or" indicates that the connected items, conditions, or provisions, or events shall apply singly and not in combination.
- I. When the Ordinance refers to a number of days, the time frame shall be measured in calendar days.

- J. Terms not herein defined shall have the meaning customarily assigned to them, with reference made to the latest edition of Merriam-Webster's Collegiate Dictionary.

Section 2.02 Definitions

For the purpose of this Ordinance, the terms and words below shall be defined as follows:

Access Property: a property, parcel, or lot abutting a lake or pond either natural or man-made, and used or intended to be used, for providing access to a lake or pond by pedestrian or vehicular traffic to and from offshore land regardless of whether said access to the water is gained by easement, common fee ownership, single fee ownership, lease, license, gift, business invitation or any other form or dedication or conveyance.

Accessory Use, Building or Structure: A use, building, or structure that is clearly incidental to, customarily found in connection with, subordinate to, and located on the same lot, or an adjacent lot, as the principal use to which it is exclusively related. Such principal use shall be permitted and lawful in the zoning district in which it is located.

Adult Day Care Facility: A facility that provides daytime care for any part of a day, but less than twenty-four (24) hour care, for functionally impaired elderly persons provided through a structured program of social and rehabilitative or maintenance services in a supportive group setting other than the client's home. Such facilities are not licensed, however those receiving funds through an Area Agency on Aging must comply with adult day care standards promulgated by the Michigan Office of Services to the Aging.

Adult Use: Any commercial or recreational establishment that at all times excludes minors by virtue of age, including, but not limited to, adult bookstores, adult motion picture theaters, adult mini-motion picture theaters, adult drive-in theaters, adult massage parlors, adult modeling studios, or eating and drinking places with sexually-oriented entertainment.

Agriculture: The use of any land or building for the purpose of producing grain, fruit, nursery stock, dairy products, vegetables, livestock or fowl or other crops and animal husbandry. For the purposes of this Ordinance, the term agriculture shall include the use of farm laborers, packing and trucking of agricultural products, and the storage and application of fertilizers, pesticides and other agricultural inputs, provided that such are incidental to the primary agricultural use. The term agriculture shall not include the keeping or raising of fur-bearing animals, stables, kennels, game fish hatcheries nor mining. The term shall also not include the disposal of garbage, refuse, offal or rendering plants; the slaughtering of animals except such animals as have been raised on the premises; trucking, equipment repairs and sales, and contractor storage yards.

Alley: A public way that affords only a secondary means of access to abutting property and that is not intended for general traffic circulation.

Alteration: Any change, addition, modification or construction that results or is intended to result in any change to the exterior dimensions of any structure or to the type of occupancy or use.

Animal, Wild or Exotic: Any animal not domesticated by humans or any animal that a person is prohibited from possessing by law. Wild or exotic animals shall include, but shall not be limited to the following: alligator and crocodile (family), deer (family), opossum (family), badger, wild dog or wolf (family), primate excluding human (family), bear, raccoon, ferret, skunk, wild cat (family), lemur, spider (poisonous), coyote, lizard, snake and other reptile (poisonous), weasel (family), wild boar or swine (family), and marten.

Antenna: Any exterior transmitting or receiving device mounted on a tower, building, or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunication signals, or other communication signals.

Architectural Features: Architectural features of a building include cornices, eaves, gutters, sills, lintels, bay windows, chimneys, and decorative ornaments.

Automobile: Unless specifically indicated otherwise, "automobile" shall mean any motor vehicle.

Bank: An establishment for the custody, loan, exchange, or issue of money, for the extension of credit, and for facilitating the transmission of funds by drafts or bills of exchange. The term bank shall not be applied to an automated teller machine when it is located on a lot without a bank.

Bar, Cocktail Lounge, or Night Club: Any establishment licensed by the State of Michigan to sell at retail and serve alcoholic beverages on the premises, excluding restaurants as herein defined.

Bed and Breakfast Inn: A dwelling in which overnight accommodations, with or without meal service, are provided or offered for transient guests, for compensation, by the owners and residents therein. Accommodations for any individual guest shall extend for not more than (14) consecutive days. A bed and breakfast inn shall be limited to accommodating eight (8) or fewer persons at any one time.

Bedroom: In a dwelling unit, any room over seventy (70) square feet in size that contains a window and a closet and that is not the living room, kitchen, or bathroom.

Billboard (Off Premise Sign): Any non-accessory advertising sign, device, design, words, letters, number, or trademark which makes anything known to the general public

and may be the principal use of the lot or parcel on which it is located. Billboards are prohibited throughout Gobles.

Boarding House: A building, other than a hotel, where for definite periods of time, lodging or lodging and meals are provided for three or more persons, for compensation or by prearrangement. A rooming house shall be deemed a boarding house for the purposes of this Ordinance.

Boat: Boats, floats, rafts, and any equipment to transport the same on highways.

Buildable Area: The area of a lot exclusive of the required yard areas.

Building: Any structure, either temporary or permanent, having a roof or other covering, and which structure is used or built for the shelter or enclosure of persons, animals, property, or materials of any kind. A building shall include tents, awnings, and carports; and also mobile homes, or pre-manufactured or pre-cut structures, erected on-site, above or below ground, designed or used primarily for shelter rather than as a means of conveyance. A building shall also include structures such as storage tanks, grain elevators, coal bunkers, oil cracking towers, smokestacks, or similar structures. A building shall not include signs and fences.

Building Height: The vertical distance measured from the final grade to the highest point of the roof surface. Chimneys, spires, antennas, and similar projections, other than signs, shall not be included in calculating building height.

Building Permit: The written authority issued by the building inspector permitting the construction, removal, moving, alteration, or use of a building in accordance with the applicable building code.

Building, Principal: A building or group of buildings in which is conducted the principal use of the lot on which the building is located.

Business: A commercial establishment, office, institutional, or industrial use which produces goods or distributes goods and services.

Caliper Measurement: The measurement of the diameter of a tree trunk, measured at four (4) feet above the planted grade, and expressed in inches.

Car Wash: An activity or building, or portion thereof, the primary purpose of which is washing motor vehicles.

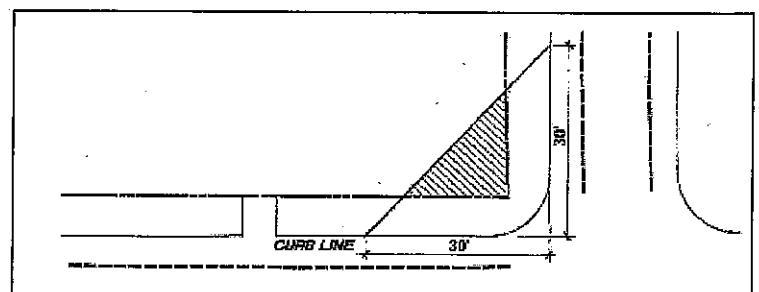
Certificate of Occupancy: A certificate issued by the building inspector, after final inspections, indicating his or her opinion that all the provisions of the applicable building code have been met.

Child Day Care Organizations, State Licensed: Any structure used for, or any person receiving minor children for care, maintenance, training, and supervision and licensed by the State of Michigan pursuant to Public Act 116 of 1973, as amended. The following types of facilities are included within this definition:

- Child Day Care Center** means a facility, other than a private residence, receiving 1 or more preschool or school age children for care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. Child care center or day 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, or drop-in center. Child care center or day care center does not include any of the following: (i) A Sunday school, a vacation bible school, or a religious instructional class that is conducted by a religious organization where children are in attendance for not more than 3 hours per day for an indefinite period, or not more than 8 hours per day for a period not to exceed 4 weeks during a 12-month period; (ii) A facility operated by a religious organization where children are cared for not more than 3 hours while persons responsible for the children are attending religious services.
- Family Child Day Care Home** means a private home in which 1 but fewer than 7 minor children are received for 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 family by blood, marriage, or adoption. Family day care home includes a home that gives care to an unrelated minor child for more than 4 weeks during a calendar year.
- Group Day Care Home** means 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 family by blood, marriage, or adoption. Group day care home includes a home that gives care to an unrelated minor child for more than 4 weeks during a calendar year.

Church: Any structure wherein persons regularly assemble for religious activity. The term church shall include buildings used for worship for all bona fide religions and shall include synagogues and mosques. Use of the singular term "church" is for simplicity's sake and is in no way intended to be preferential to or prejudiced against any particular religion.

Clear View Triangle: A triangular area formed by the street property lines of two intersecting streets and a line connecting them at points thirty (30) feet from the intersection of the pavement edge lines,



or in the case of a rounded corner, from the intersection of the street property lines extended.

Clinic, Veterinary: A place for the care, diagnosis, and treatment of sick or injured animals, and those in need of medical or minor surgical attention. A veterinary clinic may include customary pens or cages enclosed within the walls of the clinic building, when clearly incidental and accessory to the veterinary care.

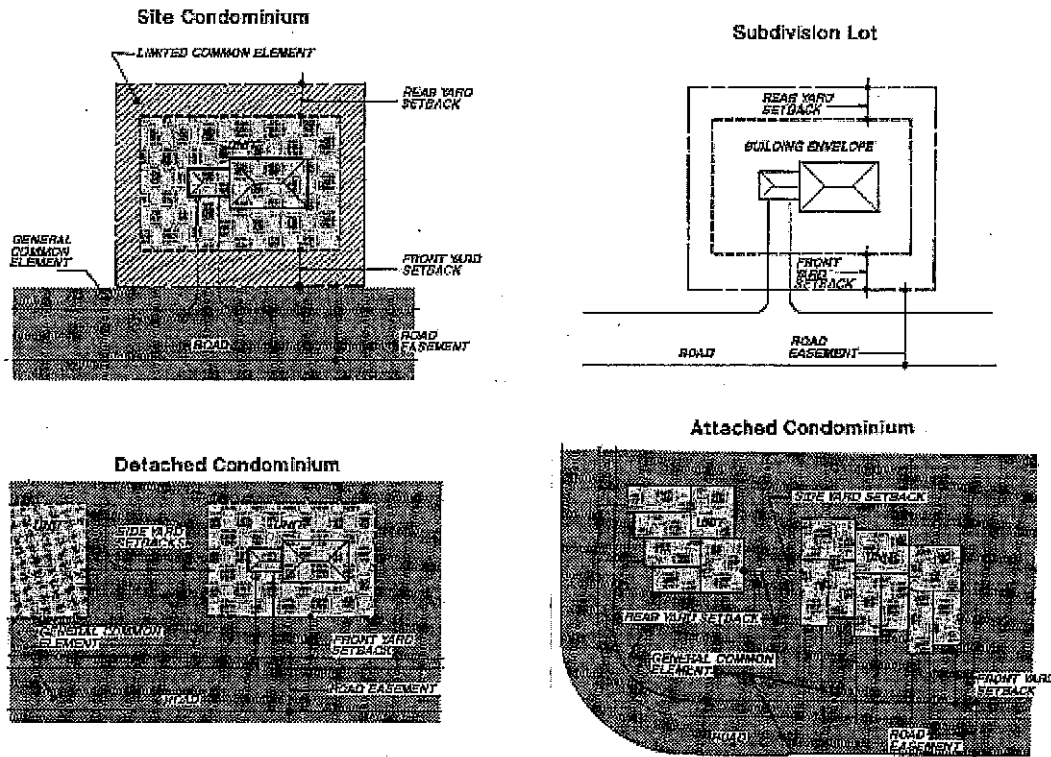
Clinic, Medical: An establishment where human patients who are not lodged overnight are admitted for examination and treatment by a group of physicians, dentists, or similar professionals. A medical clinic may incorporate customary laboratories and pharmacies incidental to or necessary for its operation or to the service of its patients, but may not include facilities for overnight patient care or major surgery.

Club or Lodge, Private: A non-profit association, of persons who are bonafide members paying dues, which owns or leases premises, the use of which is restricted to members and their guests. The facilities owned or used by such organization may be referred to as a "club" or "lodge" in this Ordinance.

Commercial, Vehicle: Any motor vehicle with cab and chassis and with a stake, rack, body, dump body, wrecker body, tanker body, or any other body, or any motor vehicle that has a commercial license plate. Commercial vehicles shall not include motor homes or recreational vehicles, but shall include construction equipment such as backhoes, power shovels, bulldozers, earth moving equipment, semi trucks, tractors, and trailers.

Condominium: Real estate in which certain portions are designated for separate, individual ownership, and the remaining area is designated for common ownership by the separate, individual owners of those portions. Such real estate and the provisions for its ownership shall be in compliance with the State of Michigan's Condominium Act, Public Act 59 of 1978, as amended.

- **General Common Element:** The common elements, other than the limited common elements, intended for the common use of all of the co-owners.
- **Limited Common Element:** A portion of the common elements reserved in the master deed for the exclusive use of less than all of the co-owners.
- **Site Condominium Project:** A condominium project designed to function in a similar manner, or as an alternative to a platted subdivision. A residential site condominium project shall be considered as equivalent to a platted subdivision for purposes of regulation in this Ordinance.
- **Condominium Subdivision Plan:** Drawings and information which show the size, location, area, and boundaries of each condominium unit, building locations, the nature, location, and approximate size of common elements, and other information required by Section 66 of Public Act 59 of 1978, as amended.



CONDOMINIUM TERMINOLOGY

- Condominium Unit, Site** (i.e., Site Condominium Lot): The area designating the perimeter within which the condominium unit must be built. After construction of the condominium unit, the balance of the condominium site shall become a limited common element. The term "site condominium unit" shall be equivalent to the term "lot" for purposes of determining compliance of a site condominium subdivision with the provisions of this Ordinance pertaining to minimum lot size, minimum lot width, minimum lot coverage, and minimum floor area.

Condominium Unit: The portion of the condominium project designed and intended for separate ownership as described in the Master Deed, regardless of whether it is intended for residential, office, industrial, business, recreational, time-share unit, or any other type of use.

Convenience Store: A retail store with a floor area of two-thousand-five-hundred (2500) square feet or less that offers for sale a limited line of groceries and household items intended for the convenience of the neighborhood in which it is located. A convenience store may also sell motor vehicle fuel and lubricants, but shall not include any motor vehicle repair.

Deck: An open, horizontal platform with an average elevation of eight (8) inches or more from finished grade. A deck shall have no sides other than the railings as required by the applicable building code.

Density: The number of dwelling units situated on or to be developed per gross acre of land.

Development: Any human-caused change to improved or unimproved land or structure, which change requires any approval from any City, County, State, or federal agency.

Development Plan: Scaled drawing(s) and accompanying text, which describe the existing conditions of a property and the proposed development.

Drainage Ways and Streams: Existing permanent or intermittent watercourses.

Dumpster: A container used for the temporary storage of rubbish, pending collection, having a capacity of at least two (2) cubic yards.

Dwelling: A building or portion thereof, containing sleeping, kitchen, and sanitary facilities, used exclusively for human habitation, but specifically excluding boarding houses, hotels and motels. In no case shall a travel trailer, motor home, motor vehicle, tent or any portable building defined as a recreational vehicle be used as a dwelling.

Dwelling, Manufactured: A building, or portion of a building, that is designed for long-term residential use; and that is produced in a factory in accordance with the National Manufactured Housing Construction and Safety Standards Act, as amended (42 U.S.C. Sec. 5401); and that is built on a permanent chassis, is transportable in one or more sections, but is constructed without a permanent hitch, axles, and wheels and is transported to the site, where it is placed on a foundation and connected to utilities; and that is designed to be used as either an independent building or as a module to be combined with other elements to form a complete building on a site.

Dwelling, Multi-family: A building containing three (3) or more dwelling units. Multi-family dwellings may include the following:

- **Apartments:** Multi-family dwellings in which individual dwelling units are usually located on a single story with other units above or/and below.
- **Townhouses:** Multi-family dwellings located in a row, with each individual unit occupying one or more stories, sharing common side walls with other units, and having no other units above or below.

Dwelling, Single-family: A building containing not more than one dwelling unit and surrounded by open yards as herein required.

Dwelling, Two-family: A building containing exactly two (2) dwelling units and surrounded by open yards as herein required.

Dwelling Unit: One or more rooms, including sanitary and kitchen facilities, designed and maintained as a self-contained unit for residential occupancy by one or more people living as a single housekeeping unit.

Erected: The word "erected" includes built, constructed, reconstructed, moved upon, or any physical operations on the premises required for the building. Excavations, fill, drainage, and the like, shall not be considered a part of erection.

Essential Services: The term "essential services" shall mean the erection, construction, alteration or maintenance by public utilities, quasi-public utilities, municipal departments, or City -certified cable television companies of underground, surface or overhead gas, steam, electrical, fuel or water systems for the purposes of transmission, distribution, collection, communication, supply, or disposal; including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar equipment, which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety, and welfare of the public. Essential services shall not include storage yards, sales or business offices, or commercial buildings or activities. Wireless communication facilities antenna are specifically excluded from this definition.

Family:

- a. An individual or group of two (2) or more persons related by blood, marriage, or adoption, such as a man and wife or a father or a mother and their children, the parents of either or both, together with foster children, or servants of the principal occupants, with not more than two (2) additional unrelated persons, who are domiciled together as a single, domestic, housekeeping unit in a dwelling unit;
- b. A functional equivalent of the domestic family which is a collective number of individuals domiciled together in one (1) dwelling unit numbering not more than six (6) whose relationship is of a continuous, non-transient, domestic character and who are cooking and living as a single, nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization, or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or terms of other similar determinable periods.

Fence: An accessory structure that is constructed and maintained to serve as a physical barrier to property ingress or egress, as a visual screen, as a marker, as an enclosure, or for decorative use.

Floor Area: The total area of a building measured by taking the outside dimensions of the building at each floor level. The floor area shall exclude non-habitable spaces,

specifically unfinished basements, attics, garages, and enclosed or unenclosed porches.

Garage, Private: An accessory building used or designed to be used primarily for the storage of motor vehicles, boats, or trailers owned and used by the occupants of the building to which it is accessory. A private garage may be either attached to or detached from the principal structure. Private garages shall not have public repair facilities.

Garage, Public: Any building or premise used or designed to be used primarily for the storage of motor vehicles, boats, or trailers, other than junkyard, that does not constitute a private garage.

Garbage: All wastes, animal, fish, fowl, or vegetable matter incident to the preparation, use, and storage of food for human consumption, spoiled food, animal, and fowl manure.

Gas Station: A place used for the retail sale and dispensing of motor vehicle fuel or lubricants, either full or self service, together with the fixed equipment from which the fuel is dispensed directly into motor vehicles.

Golf Course or Country Club: The premises upon which the game of golf is played, including clubhouses, parking lots, swimming pools, tennis courts, driving range, or other facilities or uses customarily incidental to a golf course or country club.

Grade: A grade is the level of the finished surface of the ground adjacent to the exterior walls of a building or structure.

Greenhouse: An establishment where flowers, shrubbery, vegetables, trees, and other horticultural and floricultural products are grown both in open and enclosed buildings.

Hazardous Substance: Any substance or material, the use of which requires a Material Safety Data Sheet by the US Environmental Protection Agency.

Hospital: An institution, which is licensed by the Michigan Department of Health to provide in-patient and out-patient medical and major surgical services for the sick and injured, and which may include accessory facilities as laboratories, medical testing services, central service facilities, and staff offices.

Hotel: A building occupied as a more or less temporary abiding place for individuals who are lodged with or without meals in rooms consisting of a minimum of one (1) bedroom and a bath, occupied for hire, in which access to at least fifty percent (50%) of the lodging units is through a common entrance, and in which provision is not made for cooking in the individual units.

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.

Kennel: Any lot or premises on which three (3) or more dogs, cats, or other domestic animals six (6) months or older are kept, either permanently or temporarily, whether for sale, breeding, boarding, training, protection, or grooming; and may offer provisions for minor medical treatment including animal shelters.

Lake: Any body of water, natural or artificial, defined as "inland lake or stream" in the Inland Lake and Stream Act of 1972, P.A. 1972, No. 451, as amended.

Land Division: The partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his or her heirs, executors, administrators, legal representatives, successors, or assigns for the purpose of sale, or lease of more than 1 year, or of building development, which partition or splitting results in one (1) or more parcels of less than 40 acres or the equivalent, and satisfies the requirements of section 108 and 109 of the Land Division Act, P.A. 288 of 1967, as amended.

Landfill: Any disposal area, tract of land, building, unit, appurtenance, or combination thereof that is used to collect, store, handle, dispose of, bury, cover over, or otherwise accept or retain refuse as herein defined.

Landscaping: The treatment of the ground surface with live plant materials such as, but not limited to, grass, ground cover, trees, shrubs, vines, and other live plant material. In addition, a landscape design may include other decorative man-made materials, such as wood chips, crushed stone, boulders, or mulch. Structural features such as fountains, pools, statues, and benches shall also be considered a part of landscaping, but only if provided in combination with live plant material. Artificial plant materials shall not be counted toward meeting the requirements for landscaping.

Livestock: Horses, cattle, sheep, goats, and other domestic animals normally kept or raised as part of an agricultural operation.

Loading Space, Off-street: An off-street space of definite size and dimensions in accordance with the requirements of this Ordinance, which is safely and conveniently located on the same lot as the building or buildings being served, for the temporary parking of delivery vehicles while loading and unloading merchandise and materials.

Lot: For the purposes of this Ordinance, a lot is a discrete area of land under one ownership and control that is at least sufficient in size to meet the minimum requirements for use, coverage, area, yards, and open space as required herein. A lot may consist of:

- A single Lot of Record.

- A combination of complete Lots of Record, provided that the lots are adjacent as herein defined.
- A parcel of land described by metes and bounds.

Lot, Adjacent: Lots that share a common property line or are separated only by a public or private right-of-way or easement, that lie in the same zoning district and that are under the same ownership.

Lot Area: The size of a lot in a horizontal plane, measured in square feet or acres.

Lot, Contiguous: Lots that share a common property line.

Lot, Corner: A lot abutting upon two or more streets at their intersection, or upon two parts of the same street forming an interior angle of 135 degree or less.

Lot Coverage: The area of a lot that is occupied by buildings or structures, expressed as a percentage of the total lot area.

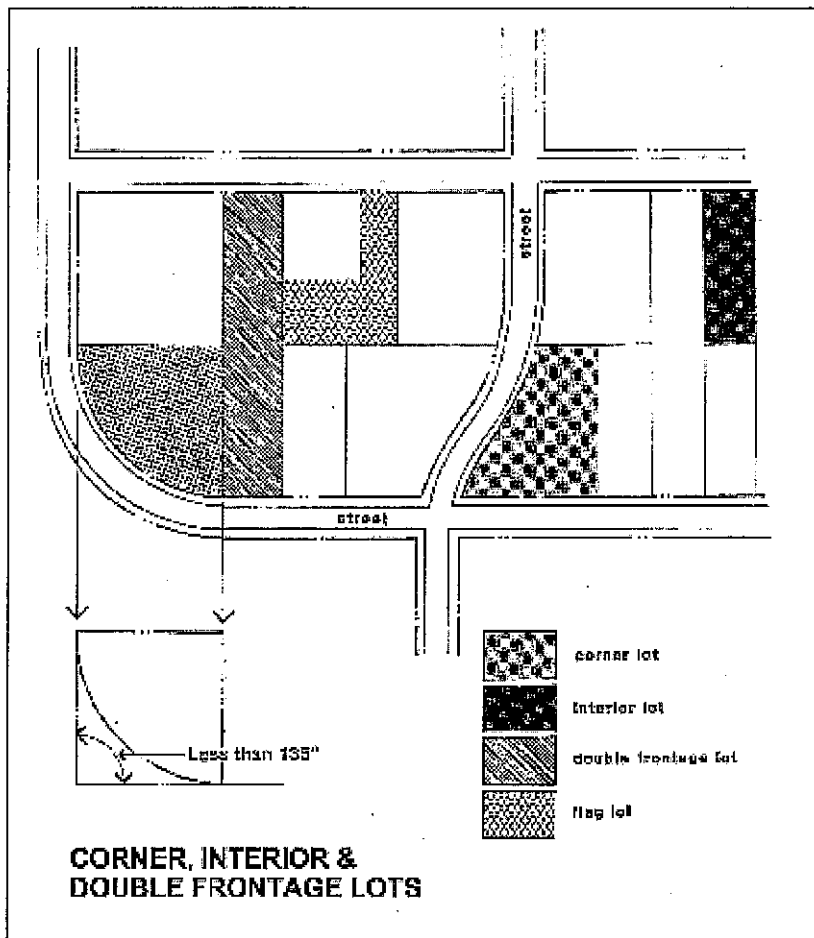
Lot, Double Frontage: A lot other than a corner lot having frontage on two (2) more or less parallel streets. A lot with frontage on one (1) street and one (1) alley, as herein defined, shall not be considered a double frontage lot.

Lot Frontage: The length of a lot line abutting a public or private street or road right-of-way.

Lot, Interior: A lot with only one (1) lot line fronting on a street.

Lot, Lake Frontage: A lot having any frontage directly upon a lake.

Lot Lines: The property boundary lines of a lot.



- **Front Lot Line:** The lot line abutting any public or private street or road right-of-way. When such right-of-way is a right-of-way in fee simple, the front lot line shall be the boundary line between the street or road right-of-way and the lot. When the right-of-way is only an easement and fee simple title remains vested in the underlying lot(s), the front lot line shall be the edge of the right-of-way easement.
- **Rear Lot Line:** Any lot line that does not intersect a front lot line.
- **Side Lot Line:** Any lot line that is neither a front lot line nor a rear lot line.

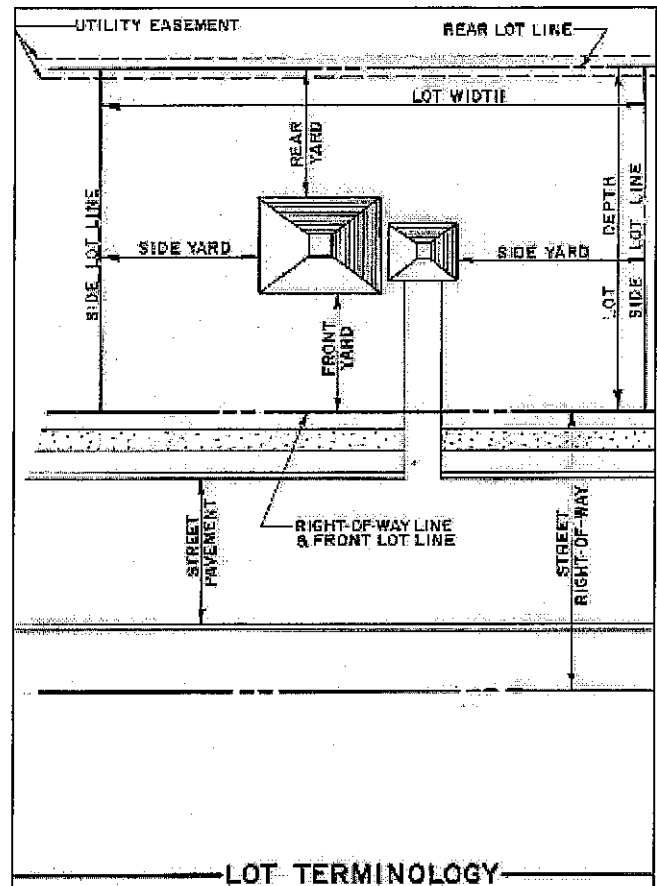
Lot of Record: A lot, the boundaries of which have been established by properly recorded deed and/or by properly approved and recorded plat, in accordance with all applicable laws and regulations in effect at the time of recordation.

Lot Width: The linear measure of the front yard edge that is opposite and parallel to the associated road right-of-way for that yard. Note that on corner lots and double frontage lots there will be more than one front yard and any minimum required lot width must be met along both of these yards.

Lot Split And Consolidation: The dividing or uniting of lots by virtue of changes in the deeds in the office of the Van Buren County Register of Deeds. The division of lots shall take place in accordance with the Land Division Act of 1967, P.A. 288.

Manufactured Housing Development (Mobile Home Park): A parcel or tract of land under the control of a person upon which three (3) or more mobile homes are located on a continual nonrecreational basis, which is offered to the public for that purpose regardless of whether a charge is made, together with any building, structure, enclosure, street, equipment, or facility used or intended for use as temporary park, subject to conditions set forth in the Mobile Home Commission Rules and Michigan Public Act 419 of 1976, as amended.

Marina, Public: An establishment owned by a public agency that provides docking and mooring services. A public marina may also include accessory uses for the provision of boats and for developed open space.



Marina, Commercial: A business that provides boat repair services, provisions and supplies for boats and boaters, and services for boat owners, such as repair or storage of boat lifts, boat docks, and so forth.

Marine Storage: A business that provides storage for boats, trailers, pontoons, water craft, boat lifts, and docks.

Master Plan: Any document, plan, or study adopted by the Gobles Planning Commission pursuant to the authority of Public Act 33 of 2008, as amended.

Mining: The development or extraction of one or more minerals, including topsoil, sand and gravel, from its natural occurrence on or in land or waters. The term mining shall not apply to on-site activities of a fully permitted and lawful construction project.

Mobile Home: A structure, transportable in one (1) or more sections, which is built upon 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. After 1976, those units previously defined as "mobile homes" came under the definition of "manufactured housing" in accordance with federal legislation. See definition for "Dwelling, Manufactured". Recreational vehicles as described and regulated herein shall not be considered "mobile homes" for the purposes of this Ordinance.

Mobile Home Lot: An area within a manufactured housing development which is designated for the exclusive use of the occupants of a specific mobile home.

Motel: One or more buildings occupied as a more or less temporary abiding place for individuals who are lodged with or without meals in rooms consisting of a minimum of one (1) bedroom and a bath, occupied for hire, in which access to at least fifty percent (50%) of the lodging units is through exterior entrances, and in which provision is not made for cooking in the individual units.

Motor Vehicle: Any self-propelled vehicle that is subject to registration under the Michigan Vehicle Code.

Motor Vehicle Repair, Minor: Engine tune-ups, servicing of brakes, air conditioning, and exhaust systems, oil change or lubrication, wheel alignment or balancing, and similar servicing or repairs that do not normally require any significant disassembly or storing the automobiles on the premises overnight.

Motor Vehicle Repair, Major: General repairs, engine and transmission rebuilding or reconditioning, collision service such as body, frame or fender straightening or repair, steam cleaning, undercoating and rust-proofing, and similar servicing, rebuilding or repairs that normally do require significant disassembly or storing the automobiles on the premises overnight.

Natural Features: Natural features shall include soils, wetlands, floodplains, water bodies and channels, topography, trees and other types of vegetative cover, and geologic formations.

Nonconforming Building: A building or portion thereof that was lawfully in existence at the effective date of this Ordinance, or amendments thereto, and that does not now conform to the minimum building height, area, setback, lot coverage or other provision of this Ordinance pertaining to buildings in the zoning district in which it is located. In all circumstances, it is the responsibility of the owner of a nonconforming building to prove that the building was lawfully in existence at the effective date of this Ordinance.

Nonconforming Lot: A lot which was lawfully in existence at the effective date of this Ordinance, or amendments thereto, and that does not now conform to the lot size, lot width, or other provisions of this Ordinance pertaining to lots in the zoning district in which it is located. In all circumstances, it is the responsibility of the owner of a nonconforming lot to prove that the building was lawfully in existence at the effective date of this Ordinance.

Nonconforming Use: A use which was lawfully in existence at the effective date of this Ordinance, or amendment thereto, and that does not now conform to the use regulations of this Ordinance for the zoning district in which it is now located. In all circumstances, it is the responsibility of the owner of a nonconforming use to prove that the building was lawfully in existence at the effective date of this Ordinance.

Nonconformity: Any structure, lot, or use of any lot, land or structure, which was lawfully in existence at the effective date of this Ordinance, or amendment thereto, and that does not now conform to the regulations for the district in which it is located. In all circumstances, it is the responsibility of the owner of a nonconformity to prove that the nonconformity was lawfully in existence at the effective date of this Ordinance.

Nursery: A space, building, and/or structure, or combination thereof, where live trees, shrubs, and other plants used for gardening and landscaping are propagated, stored, and/or offered for sale on the premises.

Nursing Home, Convalescent Home, or Rest Home: A home for the care of the aged, infirm, or those suffering from bodily disorders, wherein two or more persons are housed or lodged and furnished with nursing care. Such homes shall be licensed in accordance with Michigan Public Acts 139 of 1956, as amended.

Occupied: Used in any way at the time in question.

Open Air Business: Any business in which any portion of the business operations or any activity or operation, including but not limited to production, storage or sales, is conducted outside of a fully enclosed structure.

Open Space: Lands containing only natural features.

- **Developed Open Space:** Open space that is partially developed for passive recreation limited to playgrounds, basketball and tennis courts, ball fields for baseball, soccer, football, and concession stands for these passive recreational uses.
- **Common Open Space:** Open space, developed and non-developed, within a specific residential area (neighborhood, subdivision, development, condominium) which open space is reserved for the exclusive use of the residents of that residential area and which open space is maintained by the same residents.
- **Private Open Space:** Developed open space which is owned by other than a public agency, regardless if the use of the open space is available to the public or restricted.
- **Public Open Space:** Developed open space that is owned by a public agency, regardless if the use of the open space is available to the public or restricted.

Open Storage: Any outdoor storage of building materials, sand, gravel, stone, lumber, equipment, or other supplies.

Outdoor Furnace: A fuel-fired boiler or furnace, fueled by wood, coal, corn, or other types of fuel, located outside the structure it is used to heat, with the designated purpose of providing indoor heat for water and/or air for a residence or other structure. This definition shall not include boilers or furnaces fueled by natural gas, propane, or fuel oil if the boiler or furnace has been inspected and approved by the City mechanical inspector.

Overlay Zoning District: A zoning district that applies additional restrictions or requirements to those of one or more underlying zoning districts.

Parking, Off-street: An area not on a public or private road or street right-of-way that is intended, designed and maintained to provide safe and convenient ingress and egress to a public or private road or street, parking spaces for one (1) or more motor vehicles, and adequate drives and aisles for maneuvering.

Parking Lot: An area that provides clearly delineated off-street parking for three (3) or more motor vehicles and that is surfaced with asphalt or concrete.

Parking Space: An area that is intended, designed and maintained to provide parking for one (1) motor vehicle and that is at least twelve (12) feet in width and twenty (20) feet in length.

Patio: A platform or terrace commonly made of concrete, brick, stone, or other pavement material, which is typically attached to the house and used for outdoor activities having an elevation of no more than eight (8) inches over the existing grade.

Pet or Domestic Animal: A domesticated dog, cat, bird, gerbil, hamster, guinea pig, turtle, fish, rabbit, or other similar animal, specifically excluding wild or exotic animals, that is kept for pleasure or companionship.

Planning Commission: The Gobles Planning Commission created pursuant to the provisions of Michigan Public Act 33 of 2008, as amended..

Plat: A map of a subdivision of land in accordance with the Land Division Act, Public Act 288 of 1967, as amended.

Plot Plan: A scaled drawing showing lot lines, existing and proposed buildings, and the distances from proposed buildings to property lines.

Porch: An exterior appendage to a building that has a separate roof, or a roof integral with the building, which roof forms a covered approach to a doorway or vestibule. If a porch is enclosed it becomes a part of the building and is no longer considered a porch.

Public Utility: Any persons, firm, corporation, municipal department, or board, duly authorized to furnish to the public under government regulations any of the following: electricity, gas, steam, communications services, cable television services, transportation services, water, sewer service, or sewage treatment.

Recreation Establishment, Indoor: A facility designed and equipped for the conduct of sports, amusement, leisure time activities, and other customary recreational activities entirely within an enclosed building; such activities include, but are not limited to gymnasiums and fitness centers, bowling alleys, indoor soccer facilities, racquetball and tennis clubs, ice and roller skating rinks, curling centers, and firearms ranges.

Recreation Establishment, Outdoor: A facility designed and equipped for the conduct of sports, amusements, leisure time activities, and other customary recreational activities, one or more of which activities take place outside of an enclosed building; such activities include, but are not limited to, tennis clubs, archery ranges, golf courses, miniature golf courses, golf driving ranges, water slides, batting cages and machines, skateboarding parks, and amusement parks.

Recreational Vehicle: A vehicular-type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motor power or is mounted on or drawn by another motor vehicle. For the purposes of this Ordinance, the term "recreational vehicle" shall also include tents and boats, and any trailers used to transport recreational vehicles.

Refuse: The miscellaneous waste materials resulting from housekeeping, mercantile enterprises, trades, manufacturing, and offices, including other waste matter such as slag, stone, broken concrete, fly ash, ashes, tin cans, garbage, glass, scrap metal, rubber, trash, paper, rags, chemicals, or any similar or related combinations thereof.

Residentially Zoned Area: Any and all areas in the AG, Agriculture, R-1, Low Density Residential, R-2, High Density Residential, or R-3, Manufactured Housing zoning districts.

Restaurant: Any establishment whose principal business is the sale of food and beverages to the consumer in a ready-to-consume state. However, any such establishment in which more than twenty-five (25) percent of the gross receipts are from the sale of alcoholic beverages shall be deemed to be a "bar" for the purposes of this Ordinance.

Right-of-way: A specific and defined area of land over which the right to pass has been granted. The right of passage may be for a specific mode, such as a road, or a railroad, or a walking path. A right-of-way may exist as either the ownership of the subject area of land, in which case it is known as a right-of-way in fee simple, or else as an easement while another party or entity retains ownership, in which case it is known as a right-of-way easement. The right of passage may be available to all persons, in which case it is a public right of way, or the right of passage may be restricted to a specific group of people, such as the owners of lots in a subdivision, in which case it is a private right-of-way. Unless the context clearly indicates otherwise, the term right-of-way as used in this Ordinance shall mean a public or private right-of-way for a road or street for the passage of automobiles and pedestrians, and may be in fee-simple or as an easement.

Road: A pathway intended for the passage and circulation of motor vehicles, which pathway has an all-weather surface and is maintained by Gobles, the Van Buren County Road Commission, the State of Michigan, or by some other public agency.

Roadside Stand: A temporary or existing permanent building operated for the purpose of selling only produce raised or produced by the proprietor of the stand or his family on the premises.

Sawmill, Portable: A temporary operation for the primary processing of timber into lumber: the equipment is taken to the area where the timber is being harvested and the equipment is removed at the conclusion of the harvesting of the timber in that area.

Sawmill: A facility for the primary processing of timber into lumber.

School: Any educational institution, whether public or private, certified by the State of Michigan to offer instruction in grades kindergarten through 12, including Amish schools.

Sign: Any device that is designed to or capable of visually conveying a message from a property or building to another property or to a public or private right-of-way or to a public or private lake or other watercourse, and any support structures and mechanisms.

Site Plan: A map or set of maps and accompanying text depicting and describing a proposed or existing development that is used to determine whether or not the development or proposed development complies with the requirements of this Ordinance.

Special Event: An occurrence or noteworthy happening of seasonal, civic, or church importance, which is organized and sponsored by a non-profit Gobles community group, organization, club or society, and which offers a distinctive service to the community, such as public entertainment, community education, civic celebration, or cultural or community enrichment. Special events typically run for a short period of time (less than two weeks) and are unlike the customary or usual activities generally associated with the property where the special event is to be located. All such special events shall be open to the public.

Stable: An enclosed building intended for the keeping of horses or other large domestic animals. A stable is "private" when its use is without consideration or remuneration of any kind and when it is used solely by the residents of the property on which it is located and constitutes an accessory use in the agricultural zoning district. Any other stable is considered to be a public stable.

State Licensed Residential Facility: Any structure constructed for residential purposes that is licensed by the State of Michigan pursuant to Public Act 287 of 1972, Public Act 11 of 1973, or Public Act 218 of 1979, and provides for residential care for six (6) persons or fewer under 24-hour supervision or care. These acts provide for the following types of residential structures, although not all fit the conditions listed above:

- **Adult Foster Care Facility:** Any establishment having as its principle function the receiving of adults, 18 years of age or older, for foster care in accordance with Public Act 218 of 1974, as amended, and the Adult Foster Care Administrative Rules as administered by the Michigan Department of Consumer & Industry Services. 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. An adult foster care facility does not include nursing homes, homes for the aged, hospitals, alcohol or substance abuse rehabilitation centers, or residential centers for persons released or assigned to a correctional facility. The following four (4) types of Adult Foster Care Homes are provided for by these rules:
 - **Adult Foster Care Family Home:** A private residence with the approved capacity to receive not more than 6 adults who shall be provided foster care for 5 or more days a week and for 2 or more consecutive weeks. The adult foster care family home licensee shall be a member of the household and an occupant of the residence.

- **Adult Foster Care Small Group Home:** An adult foster care facility with the approved capacity of not more than 12 adults who shall be provided foster care. Local zoning approval is required prior to issuance of a license only if seven (7) or more residents will live in the home.
- **Adult Foster Care Large Group Home:** An adult foster care facility with the approved capacity to receive at least 13 but not more than twenty (20) adults who shall be provided foster care. Local zoning approval is required prior to issuance of a license.
- **Adult Foster Care Congregate Facility:** An adult foster care facility with the approved capacity to receive more than twenty (20) adults who shall be provided foster care. Local zoning approval is required prior to issuance of a license.
- **Foster Family Home:** A private residence that houses four (4) or fewer foster children, up to age 19, under constant child care and supervision, regulated under Public Act 116 of 1973, as amended.
- **Foster Family Group Home:** A private residence that houses five (5) or six (6) foster children, up to age 19, under constant care and supervision, regulated under Public Act 116 of 1973, as amended.

Street or drive: Any public or private pathway intended for the passage and circulation of motor vehicles and pedestrians, and intended to provide access to abutting lots.

Structure: Anything constructed or erected, the use of which requires a location on the ground or attachment to the ground. Structures include, but are not limited to, principal and accessory buildings, towers, decks, fences, gazebos, privacy screens, walls, antennae, swimming pools, and signs.

Swimming Pool: Shall mean any structure or container located either above or below ground that is designed to hold water to a depth of greater than twenty-four (24) inches, and that is intended for swimming or bathing.

Toxic or Hazardous Waste: Any material or substance, in any amount, that has been identified by the US Environmental Protection Agency as an Extremely Hazardous Substance.

Use: The purpose for which a lot, or the building(s) thereon is designed, arranged or intended, or for which it is occupied, maintained, let or leased.

Use, Principal: The main use of a lot and its buildings and the main purpose for which the lot and buildings exist.

Use, Special: A use that would not be appropriate generally or without restrictions throughout a particular zoning district, but would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, or general welfare if controlled as to number, area, density, location, or relation to neighborhood. Those uses which constitute special uses in a particular zoning district are set forth in the regulations for each zoning district.

Variance: A modification of the literal provisions of the Zoning Ordinance granted by the Zoning Board of Appeals in cases where strict enforcement would cause undue hardship as a result of special circumstances affecting an individual property, which circumstances do not generally affect other properties in the same zoning district.

Warehouse: A building used for short and/or long term storage in connection with production, marketing, manufacturing, freight handling, distribution, or retailing.

Warehouse, Self-storage: A building or group of buildings containing independent, fully enclosed bays that are typically leased or rented to individuals for the short- or long-term storage of personal or household goods.

Wetland: Land characterized by the presence of water at a frequency and duration sufficient to support, and that, under normal circumstances, does support wetland vegetation or aquatic life.

Wetland, Regulated: Those wetlands regulated by the Michigan Department of Environmental Quality under the provisions of Act 451, as amended.

Wholesale Sales: On-premise sales of goods primarily to customers engaged in the business of reselling the goods.

Wireless Communication Facilities: All structural facilities, attached or accessory, related to the radio frequency spectrum for the purpose of transmitting or receiving radio signals, including but not limited to radio and television towers, cellular telephone and paging towers, telephone devices and exchanges, microwave relay towers, telephone transmission equipment buildings and commercial mobile radio service facilities. Not included are facilities for citizen band radio, short wave radio, ham and amateur radio, television reception antenna, satellite dishes, type IG radios, and government facilities which are subject to state and federal law. Wireless communication facilities shall be specifically excluded from the definition of "public facility" or "essential service."

Wireless Communication Support Structures (Towers): Any structure used to support attached wireless communication facilities, or other antenna or facilities, including support lines, cables, wires, braces and masts intended primarily for the purpose of mounting an attached wireless communication facility or similar apparatus above grade, including any ground or roof-mounted pole, monopole, lattice towers, light poles, wood poles, and guide towers or other similar structures which support wireless communication facilities.

Yard: The area of a lot extending from the lot lines inward for a minimum distance as required by this ordinance; this area being open and unobstructed by any structure, with the exception that architectural features, as herein defined, may extend horizontally up to two (2) feet into the yard; in no case shall any portion of a building foundation or wall encroach into the required yard area.

- **Yard, Front:** A yard extending along the entire front lot line, and extending to the minimum depth as required by the development standards section of each zoning district, such depth being measured perpendicular to the front lot line.
- **Yard, Rear:** A yard extending along the entire rear lot line, and extending to the minimum depth as required by the development standards section of each zoning district, such depth being measured perpendicular to the rear lot line.
- **Yard, Side:** A yard extending along the entire side lot line, and extending to the minimum depth as required by the development standards section of each zoning district, such depth being measured perpendicular to the side lot line.

Zoning Administrator: The person appointed by the Gobles Board to assist the City Commission, Planning Commission, and Zoning Board of Appeals in administrating and enforcing the provisions of this Ordinance.

Zoning Permit: The written authority issued by the Zoning Administrator permitting the construction, removal, moving, alteration, or use of a building in conformity with this Ordinance. The Zoning Administrator is not authorized to amend or in any way alter the terms of this Ordinance, and any permit issued by the Zoning Administrator in contradiction to the requirements of this Ordinance is hereby declared to be null and void.

Chapter 3

Zoning Districts Generally and the Zoning Districts Map

Section 3.01 Establishment of Zoning Districts

The City of Gobles, Van Buren County, Michigan is hereby divided into the following zoning districts, which are described in subsequent chapters:

- AG Agricultural District
- R-1 Neighborhood Residential
- R-2 High Density Residential
- R-3 Manufactured Housing
- C-1 Downtown Commercial
- C-2 Corridor Mixed Use
- I-1 Industrial

Section 3.02 Zoning Districts Map

The location and boundaries of the zoning districts set forth in Section 3.01 are shown on the Gobles Zoning Districts Map, which map is attached to, and hereby made a part of this Ordinance.

Section 3.03 Interpretation of District Boundaries

Unless otherwise shown, the boundaries of the districts are lot lines, the center lines of streets or alleys, or such lines extended, and the limits of Gobles.

- A. When due to the scale, the lack of detail, or legibility of the Zoning Districts Map, there is any uncertainty, contradiction, or conflict as to the intended location of any district boundary lines, said lines shall be interpreted by the Zoning Board of Appeals.
- B. Boundaries indicated as approximately following platted lot lines, property lines, section lines or other lines of a government survey, as they exist as of the

effective date of this Ordinance or applicable amendment thereto, shall be construed as following such lines.

- C. Whenever any street, alley or other public way within the City shall be vacated, such street, alley or other public way or portion thereof, shall automatically be classified in the same zoning district as the property to which it is attached.

Section 3.04 Permissive Zoning

Uses are specifically permitted, either by right or by special use permit as described below, by the regulations established for each of the zoning districts in Chapters 4 through 11. Any use that is not specifically permitted is hereby specifically prohibited.

Section 3.05 Uses Permitted by Right

Within each zoning district certain uses are permitted by right. These uses and any structures must meet and comply with all applicable provisions of this Ordinance. The erection or alteration of any structure requires a zoning permit, in accordance with Section 20.06.

Section 3.06 Uses Permitted by Special Use Permit

Within each zoning district certain uses are permitted by special use permit. Such uses shall be permitted only after the approval of a Special Use Permit by the Planning Commission in accordance with the requirements of Chapter 16, Special Use Permits, of this Ordinance.

Section 3.07 Uses Not Otherwise Provided For

When a person desires a use which is not specifically permitted under the terms of this Ordinance, but which use is essentially the same in nature as other uses, by right or by special use permit, within a zoning district, that person may petition the Zoning Board of Appeals for an interpretation of the Ordinance that the use is permitted, by right or by special use permit, within a particular zoning district, in accordance with the requirements of Chapter 20.

Chapter 4

AG, Agricultural Zoning District Regulations

(See the Zoning Districts Map for the location and boundaries of the AG zoning district.)

Section 4.01 Description and Purpose

This zoning district is intended to accommodate and protect the strict use of land for agricultural purposes for those areas that are currently under cultivation, and to preserve wetlands, woodlands, and other lands in an open and undisturbed state. Farming, crop cultivation, dairy and livestock operations, and limited rural estate single family dwellings are suitable uses in this district. This district is intended to protect areas of existing uses of this nature until such time as they are ready to be utilized as intended in the City Land Use Plan.

Section 4.02 Uses Permitted by Right

The following uses and structures are permitted by right in the AG zoning district in accordance with Section 4.04 and any other applicable provisions (see also Chapter 15):

- A. Agriculture
- B. Greenhouses
- C. Minor home occupations (see also Section 12.09)
- D. Roadside stands (see also Section 12.18)
- E. Single family dwellings
- F. Planned unit development (see also Chapter 17)
- G. Accessory uses and structures customarily incidental to the above permitted uses (see also Section 11.05)
- H. Adult Foster Care Family Home (see also Section 12.22)
- I. Family Child Day Care Home (see also Section 12.22)
- J. Foster Family Home (see also Section 12.22)

- K. Foster Family Group Home (*see also Section 12.22*)

Section 4.03 Uses Permitted by Special Use Permit

The following uses and structures are permitted in the AG zoning district only after the approval of a Special Use Permit in accordance with the requirements of Chapter 16, and in accordance with Section 4.04 and any other applicable provisions (*see also Section 16.04*):

- A. Cemeteries
- B. Churches, Synagogues, and other religious facilities and buildings customarily incidental thereto (*see also Section 12.07*)
- C. Golf courses and country clubs (*see also Section 12.10*)
- D. Kennels (*see also Section 12.12*)
- E. Schools, public and private (*see also Section 12.19*)
- F. Major home occupations (*see also Section 12.09*)
- G. Top soil, sand, gravel, or other mineral extraction (*see also Section 12.23*)
- H. Municipal, County, City, Regional, and State owned buildings and service facilities when in character with the surrounding residential and agricultural area (*see also Section 12.16*)
- I. Outdoor recreation facility (*see also Section 12.10*)
- J. Public stables
- K. Veterinary offices and clinics (*see also Section 12.26*)
- L. Wireless communication facilities and support structures (*see also Section 12.27*)
- M. Group Child Day Care Home (*see also Section 12.22*)
- N. Publicly owned & operated parks, playgrounds, and recreational uses.

Section 4.04 Development Standards

All lots, building and structures in the AG zoning district shall comply with the minimum standards set forth in this section. Furthermore, no zoning permit shall be issued for any development unless and until it has been demonstrated that the proposed development shall be in compliance with the development standards set forth below.

A. *Minimum Lot Dimensions*

1. LOT AREA – The minimum lot area shall be one (1) acre.
2. LOT WIDTH – The minimum lot width shall be one-hundred twenty (120) feet.

B. *Minimum Yard Requirements*

1. FRONT YARD – Any and all front yards shall be at least twenty-five (25) feet in depth.
2. REAR YARD – Any and all rear yards shall be at least fifty (50) feet in depth.
3. SIDE YARD – Any and all side yards shall be at least twenty (20) feet in depth.

C. *Building and Structure Standards*

1. HEIGHT – No building or structure shall exceed thirty-five (35) feet in height with the exception of structures used solely for agriculture.
2. MINIMUM FLOOR AREA – Each dwelling unit shall have a minimum floor area of one-thousand two hundred (1,200) square feet.
3. LOT COVERAGE – Lot coverage shall not exceed thirty-five percent (35%).



Chapter 5

R-1, Neighborhood Residential Zoning District Regulations

(See the Zoning Districts Map for the location and boundaries of the R-1 zoning district.)

Section 5.01 Purpose and Intent

This zoning district is intended to support residential development in and around the existing neighborhoods of Gobles. This district recognizes that the neighborhood areas in Gobles help establish the character of the community and contribute to its aesthetic and social activities. To protect these neighborhoods and encourage new development to fit into and mold itself after these neighborhoods, this district establishes regulations based on the quality and standard of development established throughout the District. By providing the tools to protect these neighborhoods for the future, we hope to continue to preserve this part of the City heritage. The regulations of this district seek to provide for greater flexibility in the location and use of lands, buildings, and structures around inland lakes and waterways as compared to other residential districts in Gobles.

Section 5.02 Uses Permitted by Right

The following uses and structures are permitted by right in the R-1 zoning district in accordance with Section 5.04 and any other applicable provisions (see also Chapter 15):

- A. Minor home occupations (See also Section 12.09)
- B. Single family dwellings
- C. Planned unit developments (See also Chapter 17)
- D. Accessory uses and structures customarily incidental to the above permitted uses (See also Section 11.05)
- E. Adult Foster Care Family Home (see also Section 12.22)
- F. Family Child Day Care Home (see also Section 12.22)
- G. Foster Family Home (see also Section 12.22)
- H. Foster Family Group Home (see also Section 12.22)

Section 5.03 Uses Permitted by Special Use Permit

The following uses and structures are permitted in the R-1 zoning district only after the approval of a Special Use Permit, in accordance with the requirements of Chapter 16, and in accordance with Section 5.04 and any other applicable provisions (*see also Section 16.04*):

- A. Major home occupations (*see also Section 12.09*)
- B. Churches, Synagogues, and other religious facilities and buildings customarily incidental thereto (*see also Section 12.07*)
- C. Schools, public and private (*see also Section 12.19*)
- D. Municipal, County, City, Regional, and State owned buildings and service facilities when in character with the surrounding residential and agricultural area (*see also Section 12.16*)
- E. Cemeteries
- F. Group Child Day Care Home (*see also section 12.22*)
- G. Publicly owned & operated parks, playgrounds, and recreational uses
- H. Two-family dwellings (*see also Section 12.25*)

Section 5.04 Development Standards

All lots, buildings, and structures in the R-1 zoning district shall comply with the minimum standards set forth in this section. Furthermore, no zoning permit shall be issued for any development unless and until it has been demonstrated that the proposed development shall be in compliance with the development standards set forth below.

- A. *Minimum Lot Dimensions*
 - 1. LOT AREA – The minimum lot area shall be 15,000 square feet.
 - 2. LOT WIDTH – The minimum lot width shall be sixty-five (65) feet.
- B. *Minimum Yard Requirements*
 - 1. FRONT YARD – The front yard setback, or the front building line, shall be established at ten (10) feet, no more and no less. Where the average setback of the structures on 200 feet of both sides of the subject property

differs from the ten (10) foot standard by a margin greater than two (2) feet, the Planning Commission shall have the option to apply either the average setback of the adjacent structures or the ten (10) foot requirement.

2. REAR YARD – Any and all rear yards shall be at least twenty (20) feet in depth.
3. SIDE YARD – Any and all side yards shall be at least seven and one half (7½) feet in depth. On lots that are fifty (50) feet in width or less, the side yard setback shall be reduced to five (5) feet.

C. *Building and Structure Standards*

1. HEIGHT – No building or structure shall exceed thirty-five (35) feet in height.
2. MINIMUM FLOOR AREA – Each dwelling unit shall have a minimum floor area of one-thousand-two-hundred (1200) square feet.
3. LOT COVERAGE – Lot coverage shall not exceed thirty-five percent (35%).



Chapter 6

R-2, High Density Residential Zoning District Regulations

(See the Zoning Districts Map for the location and boundaries of the R-2 zoning district.)

Section 6.01 Description and Purpose

This district is intended to allow for more intensive residential land use, by permitting multi-family dwellings and residential care facilities. These include townhouses, apartment complexes, senior housing facilities, residential care facilities, etc. The intensity of the use requires that they be located along primary roadways and where land is available to accommodate.

Section 6.02 Uses Permitted by Right

The following uses and structures are permitted by right in the R-2 zoning district in accordance with Section 6.04 and any other applicable provisions (see also Chapter 15):

- A. Single-family dwellings
- B. Two-family dwellings, multi-family dwellings, and townhouses (see also Section 12.13 and/or 12.25)
- C. Minor home occupations (see also Section 12.09)
- D. Planned unit developments (see also Chapter 17)
- E. Accessory uses or structures customarily incidental to the above permitted uses (see also Section 11.05)
- F. Adult Foster Care Family Home (see also Section 12.22)
- G. Adult Foster Care Small Group Home (see also Section 12.22)
- H. Family Child Day Care Home (see also Section 12.22)
- I. Foster Family Home (see also Section 12.22)
- J. Foster Family Group Home (see also Section 12.22)

Section 6.03 Uses Permitted by Special Use Permit

The following uses and structures are permitted in the R-2 zoning district only after the approval of a Special Use Permit, in accordance with the requirements of Chapter 16, and in accordance with Section 6.04 and any other applicable provisions (see also Section 16.04):

- A. Major home occupations (see also Section 12.09)
- B. Publicly owned & operated parks, playgrounds, and recreational uses
- C. Nursing home, convalescent home, or rest home (see also Section 12.03)
- D. Group Child Day Care Home (see also Section 12.22)
- E. Adult Foster Care Large Group Home (see also Section 12.22)
- F. Adult Foster Care Congregate Facility (see also Section 12.22)

Section 6.04 Development Standards

All lots, building and structures in the R-2 zoning district shall comply with the minimum standards set forth in this section. Furthermore, no zoning permit shall be issued for any development unless and until it has been demonstrated that the proposed development shall be in compliance with the development standards set forth below.

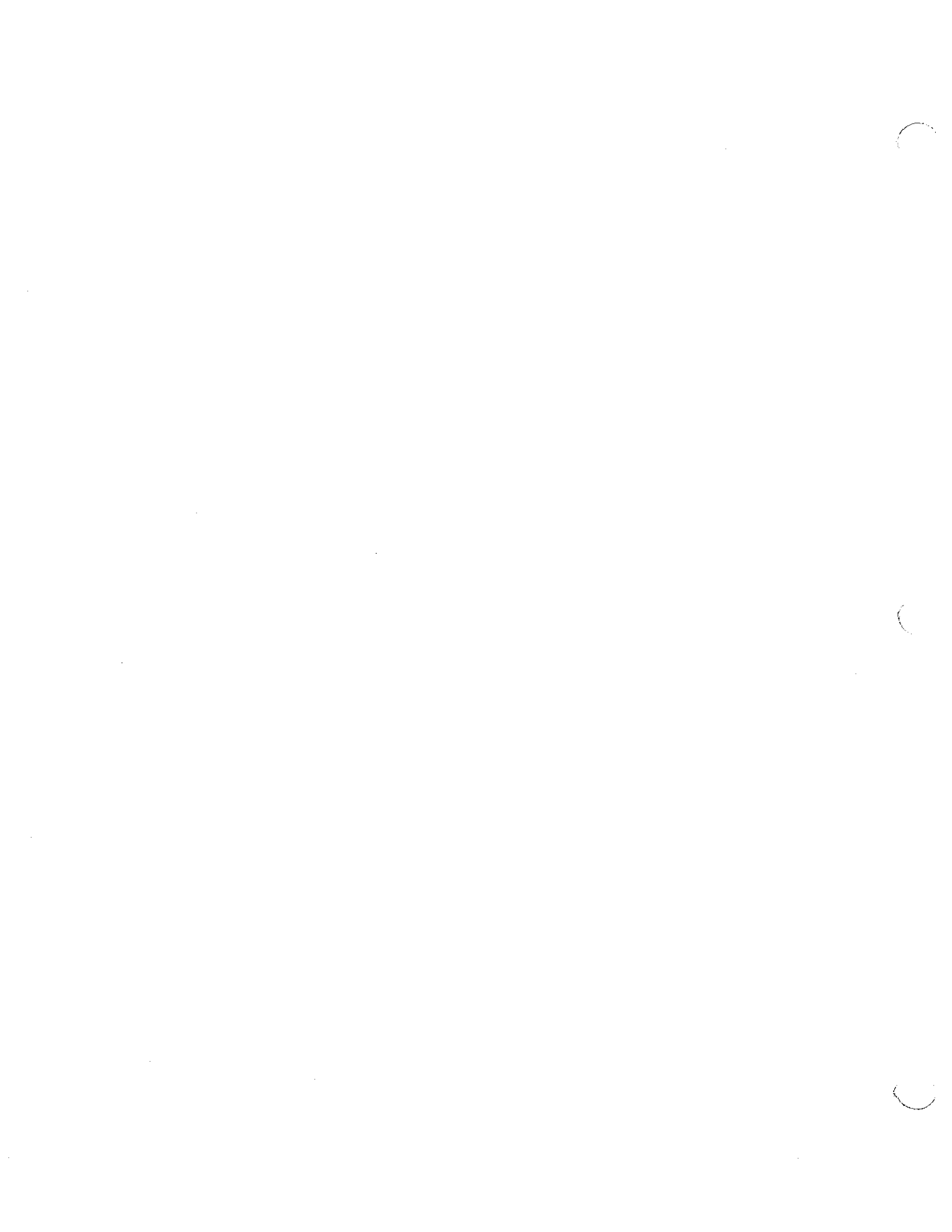
- A. *Minimum Lot Dimensions*
 - 1. LOT AREA – The minimum lot area shall be thirty thousand (30,000) square feet.
 - 2. LOT WIDTH – The minimum lot width shall be one-hundred (100) feet.
- B. *Minimum Yard Requirements*
 - 1. FRONT YARD – Any and all front yards shall be at least twenty-five (25) feet.
 - 2. REAR YARD – Any and all rear yards shall be at least fifty (50) feet.
 - 3. SIDE YARD – Any and all side yards shall be at least fifteen (15) feet.
- C. *Building and Structure Standards*
 - 1. HEIGHT – No structure shall exceed thirty-five (35) feet in height.

2. FLOOR AREA

- (a) Single-family dwellings shall have a minimum floor area of twelve-hundred (1200) square feet.
- (b) Two-family dwellings shall have a minimum floor area of nine-hundred-sixty (960) square feet for each dwelling unit.
- (c) Multi-family dwellings shall have a minimum floor area for each dwelling unit of six-hundred (600) square feet plus one-hundred-twenty-five (125) square feet for each bedroom.
- (d) All other principal buildings shall have a minimum floor area of two-thousand-five-hundred (2500) square feet.

3. DENSITY – The maximum density for multi-family dwellings shall be eight (8) dwelling units per acre of land.

4. LOT COVERAGE – Lot coverage shall not exceed thirty-five (35) percent.



Chapter 7

R-3, Manufactured Home Park Zoning District Regulations

(See the Zoning Districts Map for the location and boundaries of the R-3 zoning district.)

Section 7.01 Statement of Purpose

The R-3, Manufactured Home Park District is intended to provide for the location and regulation of manufactured home parks. It is intended that manufactured home parks be provided with necessary community services in a setting that provides a high quality of life for residents. These districts should be located in areas where they will be compatible with adjacent land uses.

The regulations established by state law (Michigan Public Act 96 of 1987, as amended) and the Manufactured Housing Commission Rules govern all manufactured home parks. When regulations in this Article exceed the state law or the Manufactured Housing Commission Rules they are intended to insure that manufactured home parks meet the development and preliminary plan standards established by this Article for other comparable residential development and to promote the health, safety and welfare of the City's residents.

Section 7.02 Principal Uses and Structures

In all areas zoned R-3, no buildings shall be erected, used, or structurally altered, nor shall the land or premises be used in whole or in part, except for one or more of the following principal permitted uses:

- A. Manufactured home parks
- B. Manufactured homes in a licensed manufactured housing park
- C. Recreational facilities exclusively for park residents and their guests
- D. Office and residence for the manager of the manufactured housing park
- E. Accessory uses and structures incidental to the manufactured home park
- F. Minor home occupations (*see also Section 12.09*)

Section 7.03 Uses Permitted by Special Use Permit

In all areas zoned R-3, the following uses are permitted, subject to the conditions specified for each use as set forth in Chapter 16.

- A. Temporary buildings or trailer offices incidental to construction activities
- B. Major home occupations (*see also Section 12.09*)

Section 7.04 Development Standards

A. *Preliminary Plan Review*

Pursuant to Section 11 of Michigan Public Act 96 of 1987, as amended, a preliminary plan shall be submitted to the City for review by the Planning Commission. The preliminary plan shall include the location, layout, general design, and general description of the project. The preliminary plan shall not include detailed construction plans.

In preparing the preliminary plan and when reviewing the plan, the following procedures and requirements shall apply, except where said procedures and requirements are superseded by requirements in Public Act 96 of 1987, as amended, or the Manufactured Housing Commission Rules.

1. *Application Filing*

Any person requesting any action or review under the provisions of this Ordinance shall file an application on the forms provided by the City. The information required shall be typed or legibly written on the form or on separate sheets attached to the form. The application should contain the following items:

- a. Location and number of pads for manufactured homes.
- b. Typical distance between manufactured homes.
- c. Identification of typical minimum setbacks for manufactured homes on each lot.
- d. Average and range of size of manufactured home lots. A typical site size illustration will suffice.
- e. Density calculations (dwelling units per acre).
- f. Sidewalks and trail locations and widths, if provided.

- g. Location and names of roads and internal drives.
- h. Community building location, if applicable.
- i. Location and size of open areas.
- j. Indication of type of recreation facilities proposed for recreation area, if any.

2. *Optional Pre-Filing Conference*

Applicants may request to meet with City staff, including any consultants designated by the City Council, to preliminarily review applications prior to filing. Such pre-filing conferences are intended to assist the applicant and facilitate the future review and approval of the application. However, no suggestions, recommendations, or other comments made by City officials, staff, or consultants at such conferences shall constitute approval of any application.

3. *Planning Commission Action*

The Planning Commission shall review all applications at a public meeting. The Planning Commission shall consider all recommendations of the staff and consultants. Pursuant to Section 11 of Public Act 96 of 1987, as amended, the Planning Commission shall take action on the preliminary plan within sixty (60) days after the City stamps a plan meeting all of the requirements of this section as being officially received. All applications that the Planning Commission has been charged with the authority to approve under the provisions of this Ordinance shall be approved, denied, or approved subject to conditions. The Planning Commission may table an application for further study or to obtain additional information, provided that final action is taken within the sixty (60) day review period.

4. *Filing Fees*

A filing fee to cover the cost of processing and reviewing the application shall accompany all applications. The filing fee and deposit shall be paid before the approval process begins. A schedule of the current filing fees and deposit requirements is available at the City Hall.

B. *Minimum Requirements*

Manufactured home parks shall be subject to all the rules and requirements as established and regulated by Michigan law including, by way of example, Act 96 of 1987, as amended, and the Manufactured Housing Commission Rules and, in addition, shall satisfy the following minimum requirements:

1. *Parcel Size for Overall Park*

The minimum parcel size for manufactured home parks shall be fifteen (15) acres.

2. *Minimum Site Size*

Manufactured home parks shall be developed with an average site size of 5,500 sq.ft. Individual sites may be reduced to as small as 4,400 sq.ft. provided that for every square foot of land gained through such reduction, at least an equal amount of land shall be dedicated as open space for the collective use and enjoyment of all manufactured home park residents. This open space shall be in addition to the open space required under the Manufactured Housing Commission Rules in effect at the time the proposal is submitted.

3. *Setbacks*

Manufactured homes shall comply with the following minimum distances and setbacks:

- a. For a home not sited parallel to an internal road, twenty (20) feet from any part of an adjacent manufactured home that is used for living purposes for the entire year.
- b. For a home sited parallel to an internal road, fifteen (15) feet from any part of an adjacent manufactured home that is used for living purposes.
- c. Seven (7) feet from any on-site parking space of an adjacent manufactured home site per Rule 125.194 (2) (b) of the Manufactured Housing Commission Rules.
- d. Ten (10) feet from any attached or detached accessory structure of an adjacent manufactured home that may not be used for living purposes for the entire year.
- e. Fifty (50) feet from any permanent community-owned structure such as community buildings or maintenance or storage facilities.
- f. One hundred (100) feet from any baseball, softball, or similar recreational field.
- g. Twenty-five (25) feet from the fence of any swimming pool.

- h. Ten (10) feet from the edge of an internal road, provided that such road is not dedicated to the public. Manufactured homes and other structures in the R-3 District shall be set back at least twenty (20) feet from the right-of-way line of a dedicated public road within the manufactured home park.
- i. Seven (7) feet from any parking bay off a home site.
- j. Seven (7) feet from a common sidewalk.
- k. All manufactured homes, accessory buildings, and parking shall be set back not less than twenty (20) feet from any manufactured home park boundary line, except that a minimum setback of fifty (50) feet shall be provided from right-of-way lines of abutting streets and highways.
- l. Fifty (50) feet from the edge of any railroad right-of-way.
- m. Twenty-five (25) feet from a natural or man-made lake or waterway.

4. *Maximum Height*

Buildings in the R-3 district shall not exceed two (2) stories or thirty-five (35) feet in height, whichever is less; storage sheds or service buildings shall not exceed one (1) story or fifteen (15) feet in height, whichever is less.

5. *Roads*

Roads shall satisfy the minimum dimensional, design, and construction requirements in the Manufactured Housing Commission Rules except as follows:

- a. Internal roads shall have access to a public thoroughfare or shall be connected to a public thoroughfare by a permanent easement. The easement shall be recorded before an internal road is approved by the Michigan Department of Consumer and Industry Services. Sole access by an alley is prohibited.
- b. An internal road shall be constructed of concrete, bituminous asphalt, or, where permitted by local regulations, compacted road gravel in compliance with the standards of the American Association of State Highway and Transportation Officials (AASHTO). The community developer may use other suitable materials of equal quality if approved by the Michigan Department of Consumer and Industry Services.

6. *Parking*

- a. All manufactured home sites shall be provided with at least two (2) off-street parking spaces per Manufactured Housing Commission Rules.
- b. In addition, a minimum of one (1) parking space for every three (3) manufactured home sites shall be provided for visitor parking. Visitor parking shall be located within 500 feet of the home sites the parking is intended to serve. The 500 feet shall be measured along a sidewalk or street.
- c. Common areas for the storage of boats, motorcycles, recreation vehicles, and similar equipment may be provided in a manufactured home park, but shall be limited to use only by residents of the manufactured home park. If proposed, the location of such storage areas shall be shown on the preliminary site plan.

No part of any such storage area shall be located in any required yard on the perimeter of the manufactured home park. Such storage area shall be screened from view from adjacent residential properties with an opaque six (6) foot fence or wall in accordance with the requirements in Section 12.12, or a landscaped greenbelt. If a landscaped greenbelt is used, it shall consist of closely-spaced evergreen plantings (i.e., no farther than fifteen (15) feet apart) which can be reasonably expected to form a complete visual barrier that is at least six (6) feet above ground level at maturity.

Park owners who prohibit storage of boats, motorcycles, recreation vehicles, and similar equipment are not required to construct common areas for storage and parking. If boats, motorcycles, recreation vehicles and similar equipment are allowed in a park, park owners are required to provide storage for these vehicles.

7. *Sidewalks*

Concrete sidewalks having a minimum width of four (4) feet shall be provided on at least one side of collector streets in the manufactured home park.

8. *Accessory Buildings and Facilities*

- a. Accessory buildings and structures, including park management offices and public works facilities, storage buildings, laundry facilities, recreation or community facilities, and other accessory

facilities, shall be designed and operated for use by residents of the park and their guests only.

- b. Site-built buildings within a manufactured home park shall be constructed in compliance with the City of Gobles Building Codes and shall require all applicable permits. Any addition to a manufactured home unit that is not certified as meeting the standards of the U.S. Department of Housing and Urban Development for manufactured homes shall comply with the City of Gobles Building Codes.
- c. If allowed by the management, each manufactured home shall be permitted one storage shed or garage. The installation of any such shed or garage shall comply with the current Michigan Residential Code.

9. *Open Space*

Open space shall be provided in any manufactured home park containing fifty (50) or more manufactured home sites. A minimum of two percent (2%) of the park's gross acreage shall be dedicated to well drained, usable open space, provided that a minimum of 25,000 square feet of contiguous open space shall be provided.

10. *Landscaping*

a. *Perimeter Screening*

All manufactured home parks shall be screened from existing adjacent residential land use by either an opaque six (6) foot fence or wall, or a densely planted landscaped greenbelt.

If a landscaped greenbelt is used, it shall be a minimum of three (3) feet in height at the time of planting and shall form a complete visual barrier at maturity.

b. *Landscaping Adjacent to Road*

Landscaping adjacent to the road shall comply with the following requirements, which are consistent with landscaping required for other types of development in the City of Gobles:

<u>Type</u>	<u>Requirement</u>
Deciduous or Evergreen Trees	1 per 40 lineal feet of road frontage
Shrubs	8 per 40 lineal feet of road frontage

11. *Trash Dumpsters*

If proposed, trash dumpsters shall comply with the following requirements:

- a. Dumpsters shall be set back a minimum distance of fifty (50) feet from the perimeter of the manufactured home park and at least fifteen (15) feet from any building, in a location that is clearly accessible to the servicing vehicle.
- b. Dumpsters shall be screened on three sides with a masonry wall or wood fencing, not less than six (6) feet in height. The fourth side of the dumpster screening shall be equipped with an opaque lockable gate at least six (6) feet in height.
- c. Dumpsters shall be placed on a concrete pad which shall extend six (6) feet in front of the dumpster enclosure. Bollards (concrete filled metal posts) shall be installed at the opening of the dumpster enclosure to prevent damage to the screening wall or fence.

12. *Water and Sewer Service*

All manufactured home parks shall be served by water and sewage systems, which shall meet the requirements of the Michigan Department Environmental Quality. The plumbing connections to each manufactured home site shall be constructed so that all lines are protected from freezing, accidental bumping, or from creating any nuisance or health hazard. All manufactured home parks must also meet the requirements of Sections 11(2)(b), 11(4), and 11(6) of the Manufactured Home Commission Act, Public Act 96 of 1987, as amended.

13. *Storm Drainage*

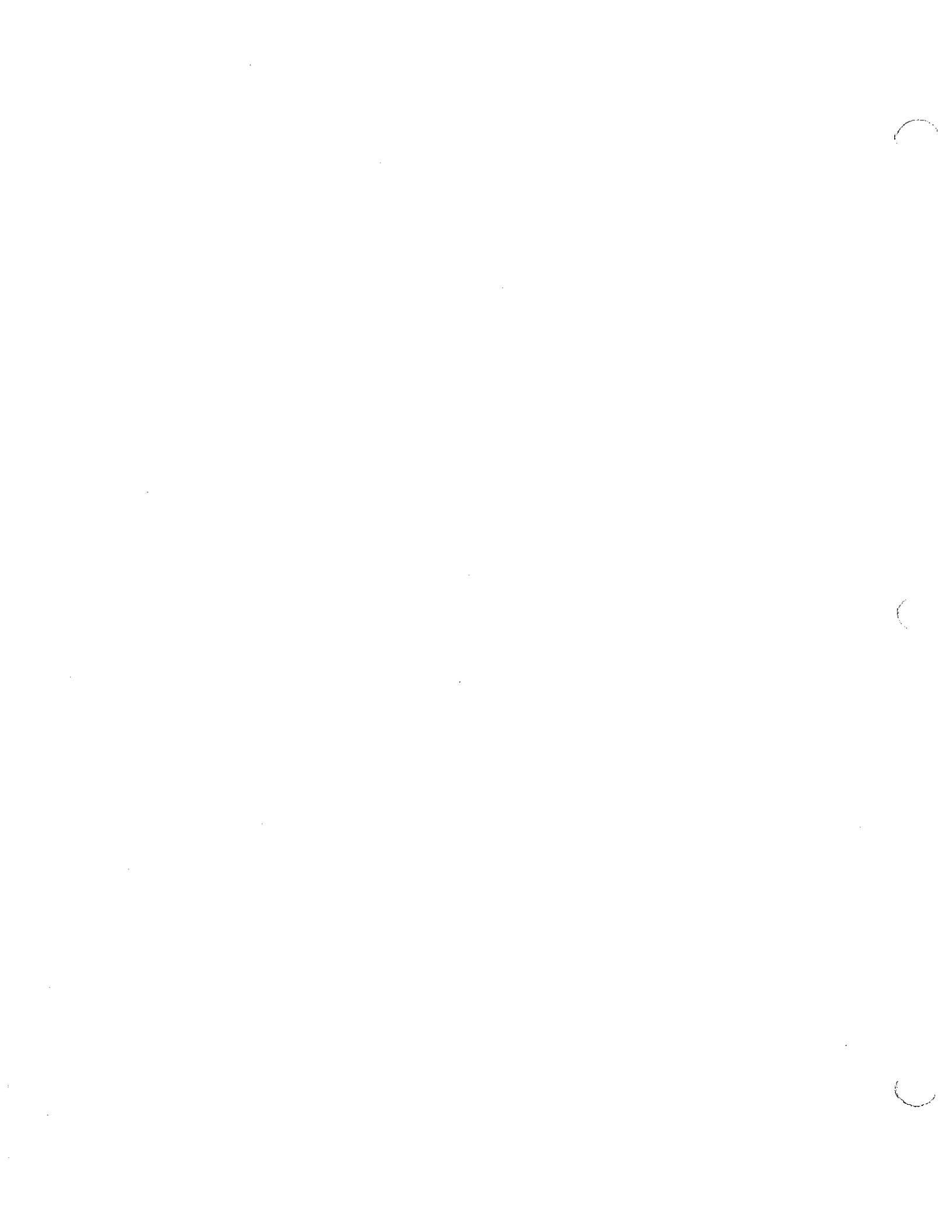
All developed portions of the manufactured home park shall be served by adequate storm drainage facilities, designed and constructed in accordance with applicable requirements of Part 4 of the Michigan Department of Environmental Quality Manufactured Home Parks and Seasonal Manufactured Home Parks Rules.

14. *Telephone and Electric Service*

All electric, telephone, cable TV, and other lines within the park shall be underground.

15. *Sale of Manufactured Homes*

New or pre-owned manufactured homes, which are to remain on-site in the manufactured housing community, may be sold by the resident, owner, or a licensed dealer or broker, provided that the manufactured housing development management permits the sale.



Chapter 8

C-1, Downtown Commercial Zoning District Regulations

(See the Zoning Districts Map for the location and boundaries of the C-1 zoning district.)

Section 8.01 Description and Purpose

This district is intended to preserve the central business district area in downtown Gobles. This area is a mix of commercial, residential, and civic uses with development standards unique to any other part of the community. The uses provided maintain the character and quality of the downtown core, which in turn maintains the character and quality of the community. However, flexibility is provided to allow for new uses and development to allow vacancies and underutilized spaces to be filled.

Section 8.02 Uses Permitted by Right

The following uses and structures are permitted by right in the C-1 zoning district, after approval of Site Plan Review in accordance with Chapter 15:

- A. Retail stores for the sale of such products as art/office supplies, computer equipment, hardware, appliances, sporting goods, bait and tackle, clothing, drugs and notions, gifts, books, and home entertainment supplies and rental;
- B. Food and beverage stores for the sale of groceries, fruit, and meat; baked goods; dairy products; beverages and liquor;
- C. Food and beverage service establishments such as sit down restaurant, carry out restaurant and bar/lounge, but excluding drive in, drive through, or fast food restaurants;
- D. Personal service establishments such as barber shops, beauty salons and tanning salons;
- E. Laundries, automatic or self-service, including dry cleaning pick-up, but excluding a dry cleaning plant;
- F. Banking and financial institutions, excluding drive through or drive up facilities;
- G. Repair shops for bicycles, appliances, shoes, jewelry, small motors, and other such items but not motor vehicles;
- H. Furniture store and/or showroom; interior design offices and showrooms;

- I. Music/dance studios;
- J. Child day care center (*see also Section 12.14*);
- K. Business and professional offices such as administrative, legal, architecture, engineering, financial, insurance, real estate, accounting, governmental and other similar offices;
- L. Medical and dental offices and clinics;
- M. Planned unit development (*see also Chapter 17*);
- N. Mixed use developments, where residential uses are located above or behind the primary commercial use of the site (*see also Section 12.02*); and
- O. Accessory structures and uses customarily incidental to the above permitted uses (*see also Section 11.05*).

Section 8.03 Uses Permitted by Special Use Permit

The following uses and structures are permitted in the C-1 zoning district only after the approval of a Special Use Permit in accordance with the requirements of Chapter 16, and after approval of Site Plan Review in accordance with Chapter 15:

- A. Drive through facility, such as drive through restaurant window or drive through banking window, but excluding fast food restaurant (*see also Section 12.08*);
- B. Indoor recreation facility (*see also Section 12.10*);
- C. Banquet halls, private clubs, and fraternal halls;
- D. Gas station (*see also Section 12.23*);
- E. Auto repair, minor (*see also Section 12.23*);
- F. Technical or vocational training facilities;
- G. Veterinary offices and clinics providing medical, surgical, and grooming facilities for small non-farm animals (*see also Section 12.26*);
- H. Churches, synagogues, and other religious facilities and buildings customarily incidental thereto (*see also Section 12.07*);

- I. Municipal, County, City, Regional, and State owned buildings and service facilities when in character with the surrounding residential and agricultural area (*see also Section 12.16*);
- J. Single family residential dwellings; and
- K. Publicly owned and operated parks, playgrounds, and recreational uses.

Section 8.04 Development Standards

All lots, building and structures in the C-1 zoning district shall comply with the minimum standards set forth in this section. Furthermore, no zoning permit shall be issued for any development unless and until it has been demonstrated that the proposed development shall be in compliance with the development standards set forth below.

- A. There are no minimum lot dimensions in the C-1 district. Lot size shall be determined by the requirements of the proposed development, such as infrastructure, parking, signage, setbacks, etc.
- B. *Minimum Yard Requirements*
 - 1. Structures in the C-1 district adjacent to lots in a residential zoning district shall be setback a minimum of ten (10) feet from the shared property line.
 - 2. Parking lots shall not be located in the front yards between the front face of the primary building and the front property line. On corner and double-frontage lots, parking may be located in the front yard along the less significant road frontage (as determined by the Planning Commission) provided it satisfies the setback standards below and is not located closer to the primary road frontage than that side of the structure.
 - 3. Parking lots in the C-1 district adjacent to lots in a residential zoning district or along a public road frontage shall be setback ten (10) feet from the property line. A berm or landscape screen with a height of three (3) feet shall be used to buffer the parking lot in these instances. Otherwise, parking shall be setback a minimum of five (5) feet from the property line unless the parking is abutting and being shared with an adjacent use. Then the setback may be reduced to zero (0) feet.
 - 4. If adjacent uses are sharing a wall, no minimum side yard is required. If not, a five (5) foot setback shall be maintained.
 - 5. No minimum yard is required along the front property line. The maximum setback in the front yard shall be ten (10) feet.

- 6. Any and all rear yards shall be at least ten (10) feet in depth.
- C. Where residential units are provided, in a mixed use building, a minimum of 700 square feet per dwelling unit shall be provided. The residential units shall not be located on the first floor of a multiple story building. The commercial use shall be the dominant use and shall occupy the primary street frontage.
- D. No structure shall exceed a height of forty (40) feet.

Chapter 9

C-2, Corridor Mixed Use Zoning District Regulations

(See the Zoning Districts Map for the location and boundaries of the C-2 zoning district.)

Section 9.01 Description and Purpose

The purpose of the C-2 district is to provide for a mix of uses and regulations appropriate for the M-40 corridor in Gobles and the existing conditions that prevail. This corridor consists of a mix of commercial, heavy commercial, and residential uses along a State Highway. It also is the primary gateway into town on the north and south sides. The C-2 district allows for a broader variety of uses than the C-1 district, a privilege afforded by the larger tracts of land beyond the downtown core. However, considering that this is the primary corridor through town and the only part of the community people may experience, maintaining quality development is critical as well.

Section 9.02 Uses Permitted By Right

The following uses and structures are permitted by right in the C-2 zoning district, after approval of Site Plan Review in accordance with Chapter 15:

- A. The uses permitted in the C-1, Downtown Commercial district (*see also Section 8.02*);
- B. Funeral homes;
- C. Single family residential dwellings;
- D. Two-family dwellings, multi-family dwellings, and townhouses (*see also Section 12.13 and /or 12.25*);
- E. Minor home occupation (*see also Section 12.09*);
- F. Adult Foster Care Family Home (*see also Section 12.22*);
- G. Family Child Day Care Home (*see also Section 12.22*);
- H. Foster Family Home (*see also Section 12.22*); and
- I. Foster Family Group Home (*see also Section 12.22*)

Section 9.03 Uses Permitted by Special Land Use Permit

The following uses are permitted only after approval of a Special Land Use Permit in accordance with the procedures of Chapter 16, Special Land Use Permit Review and Approval Procedures, in accordance with Section 9.04 and any other applicable provisions.

- A. The uses listed in Section 8.03, items A through I, in the C-1, Downtown Commercial district;
- B. Public and private schools (*see also Section 12.19*);
- C. Car wash (*see also Section 12.06*);
- D. Hotel or motel;
- E. Sales and service of automobiles, recreational vehicles, commercial vehicles, and similar items;
- F. Bed and breakfast inns (*see also Section 12.05*);
- G. Major home occupation (*see also Section 12.09*);
- H. Nursing home, convalescent home, or rest home (*see also Section 12.03*);
- I. Adult Foster Care Small Group Home (*see also Section 12.22*);
- J. Group Child Day Care (*see also Section 12.22*);
- K. Adult Foster Care Large Group Home (*see also Section 12.22*);

Section 9.04 Development Standards

All lots, buildings, and structures in the C-2 district shall comply with the minimum standards set forth in this section. Furthermore, no zoning permit shall be issued for any development unless and until it has been demonstrated that the proposed development shall be in compliance with the development standards set forth below.

- A. *Minimum Lot Dimensions.*
 - 1. LOT AREA – The minimum lot area shall be thirty thousand (30,000) square feet.
 - 2. LOT WIDTH – The minimum lot width shall be one-hundred (100) feet.

B. *Minimum Yard Requirements.*

1. FRONT YARD – Any and all required front yards shall be at least twenty-five (25) feet in depth.
2. REAR YARD – Any and all required rear yards shall be at least fifty (50) feet in depth.
3. SIDE YARD – Any and all required side yards shall be at least fifteen (15) feet in depth.
4. The required side yard setback may be reduced to zero (0) feet where adjacent structures in the C-2 zoning district have a shared building wall and/or parking lot.
5. PARKING – Parking must be setback ten (10) feet from all property lines. Only thirty-three percent (33%) of the required parking is permitted in the front yard area. If the parking lot is abutting and being shared with an adjacent use, then the setback may be reduced to zero (0) feet.

C. *Building and Structure Standards.*

1. HEIGHT – No building shall exceed thirty-five (35) feet in height.
2. LOT COVERAGE – Lot coverage shall not exceed thirty-five percent (35%).
3. RESIDENTIAL FLOOR AREA
 - a. Single-family dwellings shall have a minimum floor area of twelve-hundred (1200) square feet.
 - b. Two-family dwellings shall have a minimum floor area of nine-hundred-sixty (960) square feet for each dwelling unit.
 - c. Multi-family dwellings shall have a minimum floor area for each dwelling unit of six-hundred (600) square feet plus one-hundred-twenty-five (125) square feet for each bedroom.
 - d. All other principal buildings shall have a minimum floor area of two-thousand-five-hundred (2500) square feet.

D. *General Conditions.*

1. All uses within this district shall be conducted within an enclosed structure.

2. All goods produced and services performed on the premises shall be sold at retail on the premises produced.
3. There shall be no outside storage of goods, inventory, or equipment, unless otherwise permitted in this Ordinance.
4. Sidewalks shall be required along all street frontages. Building and site layout shall be arranged to ensure safe pedestrian movement for passersby and patrons of the business(s).

E. *Screening.*

Side yards and rear yards adjacent to residential or agriculturally zoned property shall be treated in one of the following methods, in addition to the requirements of Chapter 14, Landscaping and Screening. Single family residential dwellings shall be exempt from this requirement. (These requirements may be waived by the Planning Commission due to the scope of the development or the probability of development of adjacent vacant lands.):

1. A 20 foot greenbelt buffer shall be required along the shared property line with a combination of evergreen and deciduous trees planted ten (10) feet on center along the length of the property line in accordance with Chapter 14.05; or
2. A ten (10) foot landscape buffer shall be required along the shared property line with a combination of evergreen and deciduous trees planted ten (10) feet on center along the length of the property line in accordance with Chapter 14, and a solid masonry wall or opaque wood fence six (6) feet in height.

F. *Access.*

Commercial uses shall have no more than one access drive along any public road right-of-way; except in such case where parcels abut two public roads, one access drive may be permitted along each adjoining road frontage. For multiple tenant buildings and commercial developments, shared drives, connected parking lots, and parallel access roads shall be utilized. For parcels exceeding 330 feet in frontage along a public roadway, the Planning Commission may grant one (1) additional drive approach upon review of a submitted site plan.

(see also Section ~~11.18~~)

11.22

Chapter 10

I-1, Industrial Zoning District Regulations

(See the Zoning Districts Map for the location and boundaries of the I-1 zoning district.)

Section 10.01 Description and Purpose

This district is intended for intensive uses that are unsuitable in any of the other zoning districts. The regulations are designed to assure that any industrial uses are situated so as to minimize or even eliminate any possibility of negative externalities affecting neighboring or nearby properties; to protect the general health and safety of the residents of the City; and to protect, preserve and enhance the environment of the City. In general, areas suitable for rezoning to I-1 should be isolated open areas, with existing natural buffers between proposed industrial uses and any existing concentrated residential areas, and with frontage on a public road, in accordance with the City's Land Use Plan and the requirements of this Ordinance.

Section 10.02 Uses Permitted by Right

The following uses and structures are permitted by right in the I-1 zoning district, after approval of Site Plan Review in accordance with Chapter 15:

- A. Light industrial fabrication, packaging, and assembly;
- B. Wholesaling and warehouse businesses; storage and shipping companies;
- C. Research and development;
- D. Data processing and computer centers;
- E. Bottling plants and dairies;
- F. Machine shop, printing shop, toll and die shop;
- G. Sign painting and servicing shop;
- H. Self-storage units and warehouse (*see also Section 12.21*);
- I. Contractor yards; and
- J. Building material sales and storage.

Section 10.03 Uses Permitted by Special Use Permit

The following uses and structures are permitted in the I-1 zoning district only after the approval of a Special Use Permit in accordance with the requirements of Chapter 16, and after approval of Site Plan Review in accordance with Chapter 15:

- A. Adult uses (*see also Section 12.04*);
- B. Major motor vehicle repair (*see also Section 12.23*);
- C. Saw and planing mill;
- D. Indoor and Outdoor recreation uses (*see also Section 12.10*);
- E. Wireless communication facilities (*see also Section 12.27*);
- F. Offices, showroom, or workshop of a plumber, electrician, or similar trade; and
- G. Petroleum and fuel storage.

Section 10.04 Development Standards

All lots, building and structures in the I-1 zoning district shall comply with the minimum standards set forth in this section. Furthermore, no zoning permit shall be issued for any development unless and until it has been demonstrated that the proposed development shall be in compliance with the development standards set forth below.

- A. *Minimum Lot Dimensions*
 - 1. LOT AREA – The minimum lot area shall be three (3) acres.
 - 2. LOT WIDTH – The minimum lot width shall be one hundred eighty (180) feet.
- B. *Minimum Yard Requirements*
 - 1. FRONT YARD – Any and all required front yards shall be at least fifty (50) feet in depth.
 - 2. REAR YARD – Any and all required rear yards shall be at least fifty (50) feet in depth.
 - 3. SIDE YARD – Any and all required side yards shall be at least twenty-five (25) feet in depth.

4. All yards adjacent to land zoned for residential purposes shall have a minimum setback of fifty (50) feet. A landscaped bufferyard shall be provided within that setback area in accordance with the standards of Chapter 14.

C. *Building and Structure Standards*

1. HEIGHT – No building shall exceed thirty-five (35) feet in height.
2. LOT COVERAGE – Lot coverage shall not exceed thirty-five (35) percent.

D. *General Conditions*

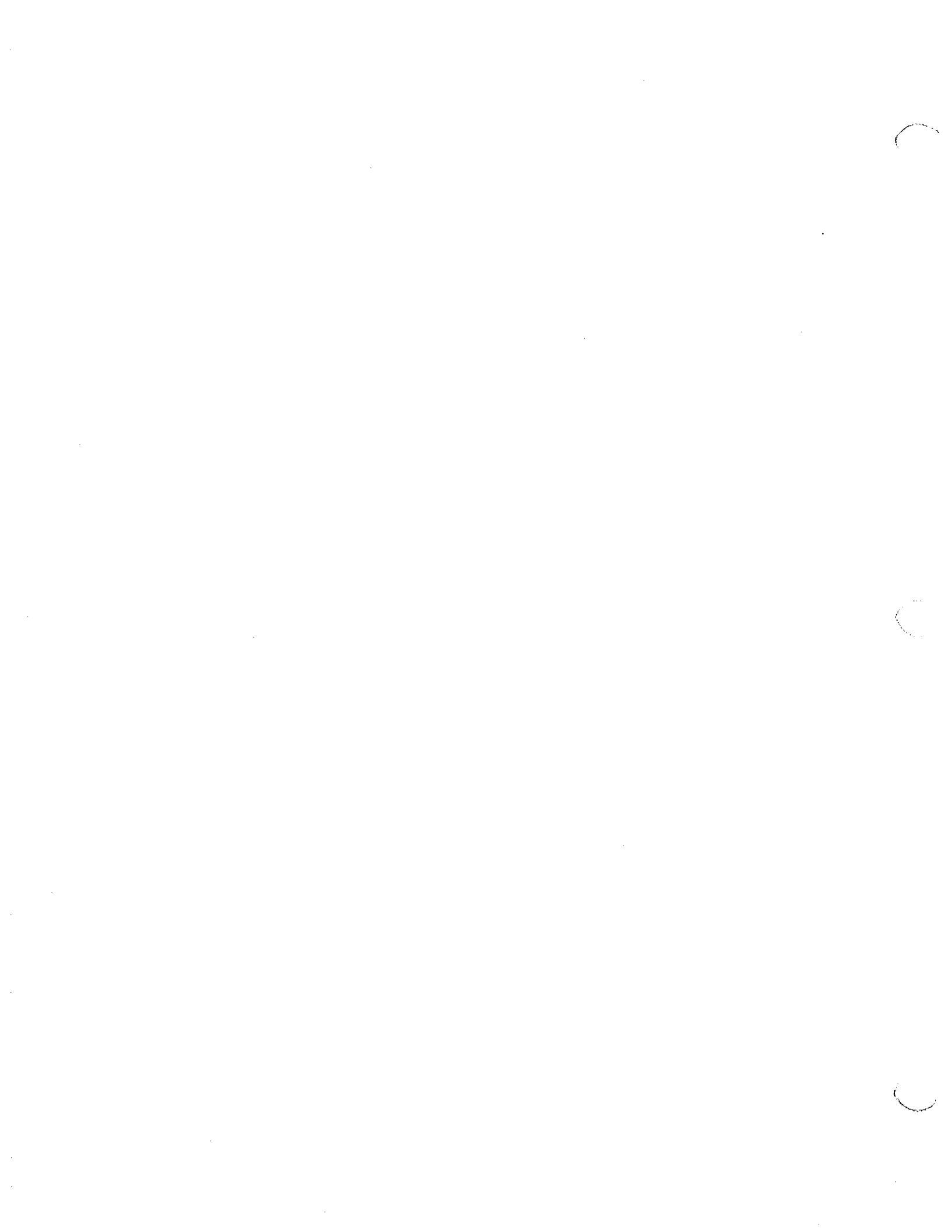
1. Each use shall be conducted wholly within a fully enclosed building unless otherwise permitted by this Ordinance.
2. In no case shall noise, odor, fumes, dust, smoke, glare, or radioactive material significantly impact adjacent districts on which residential occupancy is permitted.
3. All stormwater drainage shall be accommodated on site in a matter acceptable to the City.
4. All buildings shall be readily accessible by fire and emergency vehicles.

E. *Loading*

In addition to the standards of Chapter 13, Parking and Loading, all loading spaces must be fully screened from the view of any property that is zoned to allow residential use. The Planning Commission may consider time restrictions in those instances where trucks are likely to be reversing within 200 feet of residential properties.

F. *Landscaping*

In addition to the standards of Chapter 14, Landscaping and Screening, the landscaping in the front yard and along the front building elevation should be enhanced to complement the architecture of the building.



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 of 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.

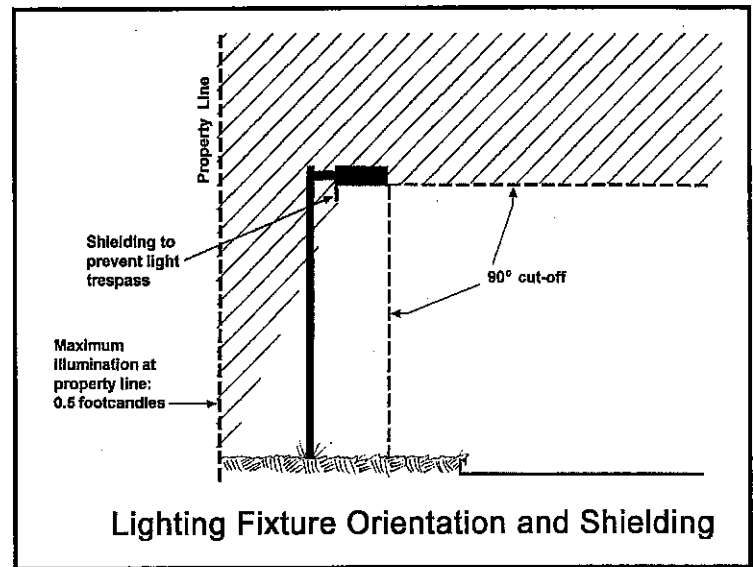
- A. Terraces and patios may project into a required yard provided:
 - 1. That such structures are unroofed and without walls or other continuous enclosure;
 - 2. That the elevation of such structures is no more than eight (8) inches above the existing grade;
 - 3. That no such structure shall be permitted 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.

Chapter 12

Standards for Specific Uses

Section 12.01 Purpose

The purpose of this Chapter is to set forth additional conditions for certain recognized uses. These additional regulations are required to minimize potential adverse impacts and to protect the general health, safety and welfare of the citizens of the City.

Section 12.02 Accessory Apartments

- A. **Sketch Plan Review Required.** The applicant shall provide a sketch plan and building elevations for Planning Commission review and approval.
- B. **Apartments Accessory to permitted Office and Services Uses or Commercial Uses.**
1. Accessory apartments shall be contained entirely within the primary building, and shall occupy no more than fifty percent (50%) of the gross floor area of the building.
 2. Each accessory apartment shall have separate kitchen, bath and toilet facilities and a private entrance (where there is more than one (1) accessory apartment in a building, such entrances may be provided from a common hallway).
 3. When a building is used for both commercial and residential occupancy, apartments may only occupy areas above the first story or to the rear of the commercial use. No business or office use shall be located above any story that contains a residential use. The prime space in the building located on the ground floor along the road frontage shall be devoted to the commercial use.
 4. A parking area shall be reserved on the same lot or parcel as the principal building and designated for the exclusive use of the apartment occupants. Two (2) parking spaces shall be required for each apartment. Shared parking agreements may be acceptable upon approval of the Planning Commission.
 5. If an approved apartment is converted to a use permitted in the district, it shall not require special use approval. However, no

residential occupancy is permitted following such a conversion unless a special use approval is approved by the City.

Section 12.03 Adult Care Facility and Senior Housing

- A. **Minimum Size.** Sites must have a minimum of lot area of one (1) acre, and all dwelling units shall have a minimum of four hundred fifty (450) square feet per unit.
- B. **Access.** All access shall be from a paved road. Walkways shall be provided from the main building entrances to any sidewalks along the adjacent public roads.
- C. **Allowable Density Modification.** The allowable density of the underlying zoning district may be increased by no more than twenty-five percent (25%) for all nursing care units licensed by the State of Michigan, or fifteen percent (15%) for non-licensed nursing care and supportive care units.
- D. **Accessory Uses.** Accessory retail, restaurant, office, and service uses may be permitted within the principal residential building. No exterior signs of any type are permitted for these accessory uses.
- E. **State Licensed Residential Facilities.** State Licensed Residential Facilities shall also comply with the standards of Section 12.22.

Section 12.04 Adult Uses

- A. **Authorization.** In the preparation, enactment, and enforcement of this section, it is recognized that there are some uses relating to sexual material, which, because of their very nature have serious operational characteristics that have a harmful or potentially harmful effect upon residential, office, and commercial areas. Because certain forms of expression relating to sexual material have particular functional and inherent characteristics with a high potential of being injurious to surrounding properties by depreciating the quality and value of such property, it is the intent of this section to provide a framework of reasonable regulatory standards which can be used for approving or disapproving the establishment of this type of use in a viable and accessible location, where the adverse impact of their operations may be minimized.

However, it is recognized that these specified controlled uses have legitimate rights under the United States Constitution as well as locational needs similar to many other retail establishments. Special designation and

regulation is therefore necessary to ensure that adverse effects of such uses will not contribute to the degradation of adjacent parcels and the surrounding area. Furthermore, these controls are intended to provide commercially viable locations within the City where these uses are considered more compatible and less harmful.

B. *Uses Specified.* Uses subject to these controls as defined herein as adult uses include, but are not limited to, the following:

1. Adult related businesses
2. Adult motion picture theaters
3. Adult book and video stores
4. Adult cabarets
5. Nude artist and photography studios

C. *Site Location Principles.* The following principles shall be utilized to evaluate the proposed location of any such use. These principles shall be applied by the Planning Commission as general guidelines to help assess the impact of such a use upon the neighborhood and area in which it is proposed:

1. No adult use business shall be located within five-hundred (500) feet, measured from the outer most boundaries of the lot or parcel upon which the proposed adult use will be situated, of a residential zoning district (not including the AG district), church as herein defined, cemetery, school, library, public park or playground, non-commercial assembly facility, public office building, licensed day care facility as defined in Act 116 of the Public Acts of 1973, as amended (MCLA 722.111 et seq.), or arcade.
2. An adult use business shall be located as a special use in the I Industrial District.
3. No adult only business shall be permitted within an one-thousand (1,000) foot radius of an existing adult only business. Measurement of the one-thousand (1,000) foot radius shall be made from the outer most boundaries of the lot or parcel upon which the proposed adult use will be situated.

D. Site Development Requirements.

1. The site layout, setbacks, structures, function, and overall appearance shall be compatible with adjacent uses and structures.
2. Windows, displays, signs, and decorative structural elements of buildings shall not include or convey examples of a sexual nature.
3. All building entries, windows, and other such openings shall be located, covered, or screened in such a manner as to prevent viewing into the interior from any public or semi-public area.
4. No loud speakers or sound equipment shall be used by an adult only business that projects sound outside of the adult only business so that sound can be discerned by the public from public or semi-public areas.
5. An adult only business shall clearly post at the entrance to the business, or that portion of the business utilized for adult only purposes, that minors are excluded.

E. Use Regulations.

1. No person shall reside in or permit a person to reside in the premises of an adult only business.
2. No person shall operate an adult only business unless a notice indicating the process for all services performed therein is conspicuously placed in the room where such business is carried on. No person operating or working at such a place of business shall solicit or accept any fees except those indicated on any such notice.
3. The owners, operators, or persons in charge of an adult only business shall not allow entrance into such building or any portion of a building used for such use, to any minors as defined by MCL 722.51 et seq., as amended.
4. No adult only business shall possess or disseminate or permit persons therein to possess or disseminate on the premises any obscene materials as defined by MCL 752.361 et seq., as amended.
5. No person shall operate an adult personal service business without obtaining a current zoning certificate and current building occupancy permit. Such licenses shall be issued by the Zoning

Administrator, Building Inspector, or duly appointed designee following an inspection to determine compliance with the relevant ordinances of Gobles. Such license shall be subject to all regulations of federal, state, and local governments.

6. No person shall lease or sublease, nor shall anyone become the lessee or sub-lessee of any property for the purpose of using said property for an adult entertainment business without the express written permission of the owner of the property for such use and only upon having obtained the appropriate licenses and permits from Gobles, County of Van Buren, and State of Michigan.
- F. *Conditions and Limitations.* In granting a Special Use Permit the Planning Commission may impose any such conditions or limitations upon the location, construction, maintenance or operation of the establishment or regulated use, as may in its judgment, be necessary for the protection of the public interest and the public health, safety and welfare.

Section 12.05 Bed & Breakfast Inns

- A. **Primary Residence.** The dwelling shall be the primary and permanent residence of the bed and breakfast inn operator. An owner or manager shall be on the premises when the bed and breakfast in operation is active.
- B. **Meals.** Meals or other services provided on the premises shall only be available to residents, employees, and overnight guests of the establishment.
- C. **Guests.** There shall be a maximum of seven (7) rooms for lodging, with a maximum of eighteen (18) guests at any given time. Guests may stay no longer than fourteen (14) days in succession or a total of sixty (60) days in any twelve (12)-month period. Each operator shall keep a log of the names of all persons staying at the bed and breakfast inn operation including the name, arrival, and departure dates.
- D. **Parking.** Off-street parking areas shall be provided in accordance with Chapter 13, Parking and Loading Spaces, outside of any required front yard.
- E. **Landscaping.** Screening shall be provided between adjacent residences and parking areas or any outdoor eating area, in compliance with Chapter 14, Landscaping and Screening.

- F. **Signs.** Bed & Breakfast Inns shall be permitted one sign to identify the establishment. The sign is limited to six (6) square feet and a maximum height of six (6) feet. The sign should be residential in nature and integrated into the design of the house and the site. Preferred sign types include signs that hang from light posts, signs that are hung on fence posts, or signs that are mounted on the building wall. All signage must be submitted and reviewed at the time of site plan approval.

Section 12.06 Car Washes

- A. **Setbacks.** All car washes shall have a minimum front yard setback of 30 feet. All buildings shall maintain a 50-foot setback from any residential district or use.
- B. **Screening.** Screening shall be provided on those side and rear lot lines abutting a residential district or use in accordance with Chapter 14, Landscaping and Screening.
- C. **Access.** Curb openings for drives shall not be permitted where the drive would create a safety hazard or traffic nuisance for other ingress and egress drives, traffic generated by other buildings or uses, or adjacent pedestrian crossings. All maneuvering areas and stacking lanes shall be located within the site.
- D. **Traffic Impacts.** A traffic impact study may be required analyzing the projected impact of the proposed use on the level of service of adjacent roadways as well as recommended adjustments or solutions, if necessary.
- E. **Drainage.** All drainage shall be trapped and contained on site. Chemicals, waxes, and cleaning agents used in the wash shall be thoroughly removed from the wastewater before it is passed from the site.

Section 12.07 Churches, Synagogues, Temples, and Other Places of Worship

- A. **Height.** The maximum height of the principal building shall be permitted to exceed the maximum height requirements of the district up to a maximum height of 45 feet, provided that the minimum required front, side, and rear yard setbacks shall be increased to equal the height of the building wall abutting each yard, if that wall exceeds the maximum height requirement for that district. The highest point of chimneys, church spires, cupolas, domes and towers may be erected to a height not exceeding twice the height of the building, provided that no such structure shall occupy a total area greater than 20% of the roof area of the building.

- B. **Screening.** Screening shall be provided in accordance with Chapter 14, Landscaping and Screening, where the site abuts a residential district or use.
- C. **Accessory Facilities.** Accessory facilities such as rental, fellowship or social halls, gymnasiums or recreation facilities, preschools, and other similar uses incidental to the primary use shall be permitted, subject to the requirements of this Ordinance.
- D. **Impact Assessment.** The Planning Commission may require an impact assessment for churches, temples or other places of worship that have a seating capacity of over 500 persons. The impact assessment would be focused primarily on traffic, and the impact of the proposed use on the existing and future level of service of surrounding roads. However, the assessment may also analyze the impacts of the proposed use on the public water system and other public services.

Section 12.08 Drive-thru Establishments

The following conditions shall apply to all accessory drive-in or drive-through lanes, facilities or establishments, in addition to any required conditions for the primary use.

- A. **Location.** Sites must abut a major road, with all ingress and egress to such road directly or via a shared drive.
- B. **Access and Traffic.** Curb openings for drives shall not be permitted where the drive would create a safety hazard or traffic nuisance for other ingress and egress drives, traffic generated by other buildings or uses, or pedestrian crossings. All maneuvering areas and stacking lanes shall be located within the site. The Planning Commission may request that the applicant provide a traffic impact assessment that analyzes the projected impact of the proposed use on the existing and future levels of service on adjacent roadways.
- C. **Vehicle Stacking.** Sufficient room shall be provided on site for vehicle stacking and line cueing prior to approaching the drive-in or drive-through service, in accordance with Chapter 13 of this Zoning Ordinance.
- D. **Screening.** Screening shall be provided on those side or rear lot lines abutting a residential district or use in accordance with Chapter 14, Landscaping and Screening.

- E. **Performance Standards.** Devices for the transmission of voices shall be so directed or muffled as to prevent sound from being audible beyond the boundaries of the site.
- F. **Menu boards.** Menu boards may be erected, subject to the following:
1. Such signs shall be located on the interior of the lot and shall be shielded so that they are not visible from the street right-of-way or adjacent properties.
 2. The location, size, content, coloring or manner of illumination of a menu board shall not constitute a traffic or pedestrian hazard, or impair vehicular or pedestrian traffic flow in any manner.
 3. The total sign area of all permitted menu boards shall not exceed 48 square-feet.

Section 12.09 Home Occupations

Generally, commercial uses are found to be incompatible with residential uses. However, under certain restrictions, the adverse impacts from very small commercial uses can be minimized. The City's purpose in allowing for home occupations is to promote economic development by facilitating the start-up of new businesses, to provide for the convenience of residents in accessing needed goods and services, and to protect property values and the health, safety and welfare of the City residents. Home occupations are permitted according to the various zoning district regulations and are subject to the provisions of this Section.

- A. **Minor Home Occupations.** A minor home occupation is a home occupation in which there are no outward indications of the business, which does not have customers or clients coming to the residence in which it is located and in which there are no employees other than the residents of the dwelling. Minor home occupations do not require a zoning permit and are subject to each of the following conditions:
1. The dwelling in which the home occupation is operated shall be the principle residence of the owner of the home occupation business.
 2. There shall be no employees at the dwelling other than actual residents for whom the dwelling is their principle residence.
 3. No customers nor clients shall be allowed at the dwelling.
 4. There shall be no signs for the business.

5. There shall be no deliveries to or from a minor home occupation with a vehicle larger than a 15,000 pound truck or with more than two (2) axles.
6. All operations of the home occupation shall take place within the principle structure. There shall be no outside storage.

B. Major Home Occupations. A major home occupation is a home occupation in which the impacts of the business on adjacent and nearby residences are minimal and there are no adverse impacts. Major home occupations are permitted by Special Use Permit according to the various Zoning District Regulations. In granting a Special Use Permit additional conditions and restrictions may be imposed as deemed appropriate by the City to further minimize impacts. In all cases, a major home occupation shall comply fully with the following conditions:

1. The dwelling in which the home occupation is operated shall be the principle residence of the owner of the home occupation business.
2. There shall be no employees at the dwelling other than actual residents for whom the dwelling is their principle residence.
3. A maximum of six (6) customers shall be permitted to visit the home occupation per day, with no more than two (2) at any one time.
4. One (1) wall sign, not to exceed six (6) square feet in size, shall be permitted for the business. The text on the wall sign shall be limited to the name of the resident and the service or occupation provided in the residence.
5. There shall be no deliveries to or from a major home occupation with a vehicle larger than a 15,000 pound truck or with more than two (2) axles.
6. The Planning Commission shall assure that there will be adequate parking and shall require one (1) or more off-street parking spaces as a condition of the Special Use Permit.
7. Notwithstanding the requirements of item 6 above, the owner of the home occupation business shall be responsible for providing adequate off-street parking for all vehicles associated with the business use and the residential use. If the operation of the home occupation business results in any vehicles being parked anywhere other than on the lot for the dwelling, the owner of the business

shall be deemed to be in violation of this Ordinance and shall be subject to the enforcement provisions provided in Chapter 21.

8. There shall be no outside storage.

Section 12.10 Indoor and Outdoor Recreation Centers and Golf Courses (Excluding public Parks)

- A. **Permitted Uses.** Permitted uses may include, but shall not be limited to recreational fields, rinks or courts, including football, softball, soccer, tennis, basketball, ice or in-line skating, and similar activities, bowling alleys, swimming pools open to the general public or operated by a private non-profit organization, archery and shooting ranges, music concert pavilions, and band shells.
- B. **Accessory Uses.** Permitted accessory uses to the above permitted uses may include, but shall not be limited to refreshment stands, retail shops selling items related to the above uses, maintenance buildings, offices for management functions, spectator seating, and service areas, including locker rooms and rest rooms. Accessory retail or commercial facilities shall be designed to serve only the patrons of the recreation facility, unless otherwise listed as a permitted use in the district where the facility is located.
- C. **Setback Requirements.** No structure or spectator seating facility shall be located within 50 feet of a property line, nor within 200 feet of any residential district or use. Pools shall be at least 100 feet from any residential zoning district.
- D. **Golf Courses.**
 1. **Setbacks.** Fairways and driving ranges shall have sufficient width and shall be oriented in such a manner and set back a sufficient distance to prevent golf balls from being hit outside the perimeter of the golf course.
 - a. **Golf Courses.** Golf Course fairways shall be designed so that existing or future dwelling units are located a minimum of 200 feet from the center of the fairway.
 - b. **Driving Ranges.** The minimum length of a driving range shall be 300 yards, measured from the tee to the end of the range. Tees shall be setback at least 25 yards from each side property line, unless the applicant can demonstrate that golfers will be oriented toward the center of the range so that

golf balls will not be hit beyond the side property lines. Netting is prohibited unless the Planning Commission determines the netting would be compatible with surrounding uses.

c. **Club Houses and Accessory Uses.** No club house or accessory structure shall be located nearer than five hundred (500) feet to any dwelling on another zoning lot.

2. **Access.** Golf Courses and Country Clubs shall have direct access onto a paved public road.
3. **Performance Standards.** Site size shall be sufficient to retain errant balls within the site. The Planning Commission may restrict lighting and hours of operation.
4. **Site Plan Requirements.** The site plan shall illustrate expected trajectory or ball dispersion patterns along fairways and for driving ranges where adjacent to residential uses, buildings, parking lots or public streets.
5. **Accessory Uses.** A Golf Course and Country Club is permitted to operate a restaurant, a bar, and a retail facility for the purposes of selling items to be used on the golf course. The Club shall be available for rental for special events. All uses are subject to approval by the Planning Commission and must be identified on the site plan submitted for approval. Additional uses considered after approval must be brought back to the Planning Commission for approval as an amendment to the site plan.

E. Performance Standards.

1. The location, layout, design, or operation of recreation facilities shall not impair the continued enjoyment, use, and future orderly development of adjacent and nearby properties.
2. A plan to control loitering and litter shall be provided.
3. Recreation uses shall comply with Section 11.08, Performance Standards.
4. The applicant shall provide documentation that the site area is adequate, according to national standards for the use.

F. Impact Analysis. The Planning Commission may require an Impact Analysis be submitted analyzing the impacts of the proposed use on the

traffic surrounding the site, public uses provided to the site, and the existing natural features on the site and immediately surrounding it.

Section 12.11 Reserved

Section 12.12 Kennels

- A. **Minimum Site Size.** Sites shall have a minimum lot area of one (1) acre.
- B. **Screening.** Structures where animals are kept, outdoor runs, and exercise areas shall be screened in accordance with Chapter 14, Landscaping and Screening.
- C. **Performance Standards.** The Planning Commission may impose other conditions and limitations deemed necessary to prevent or mitigate possible nuisances related to noise or odor.
- D. **Setbacks.** Structures where animals are kept, outdoor runs and exercise areas shall not be located in any required yard setback areas, and shall also be set back at least 50 feet from dwellings on adjacent lots.

Section 12.13 Multiple Family Residential Developments

Multiple-family dwellings and developments shall comply with the following:

- A. **Architectural Details.** Walls visible from a street or other residential uses shall include windows and architectural features similar to the front facade of the building, including, but not limited to awnings, cornice work, edge detailing, or other decorative finish materials. All buildings shall have pitched roofs, which may include functional dormer windows and varying lines customary with gable or hip style roofing.
- B. **Street Design and Vehicle Circulation.** Street connections shall be provided to adjacent neighborhoods and parcels in residential districts. Ingress and egress from the public streets shall be designed to minimize congestion and interference with normal traffic flow. All interior roads, drives, and parking areas within a multi-family development shall be hard surfaced and provided with curbs and gutters. Roadway drainage shall be appropriately designed such that storm water from the roadway will not drain onto the adjacent lots. All access drives shall be twenty-four feet (24') in width. The Planning Commission may require a Traffic Impact analysis, which would analyze the projected impact of the proposed use on the existing and future levels of service of surrounding roadways.

- C. **Pedestrian Circulation.** Minimum five (5) foot wide concrete sidewalks shall be provided from parking areas, public sidewalks, and recreation areas to all building entrances. Public sidewalks shall be provided along adjacent public streets with a minimum width of five (5) feet.
- D. **Parking.** Minimum parking requirements shall be based on the standards of Chapter 13, Parking and Loading. The Planning Commission may give credit towards parking requirements where abutting on-street parking is available. All off-street parking spaces must be screened from view of any public road, pedestrian path, or adjacent residential use in compliance with Chapter 14, Landscaping and Screening.
- E. **Open Space.** Open space or active recreation areas (including but not limited to seating areas, playgrounds, swimming pools, walking paths and other recreational elements in accordance with the intended character of the development) shall be provided at a ratio of at least 10% of the gross area of the development. The minimum size of each area shall be not less than 2,500 square feet, and the length to width ratio of each area, as measured along the perimeter, shall not exceed four to one (4:1), except that up to 40% of the requirement may be met by providing walking and multi-purpose trails. Such areas shall be centrally and conveniently located to be physically and visibly accessible to residents, and shall not be located within any required yard setbacks or building separations. Where existing multi-family structures are being redeveloped or improved, and it is not possible due to the constraints of the site to satisfy this requirement, the Planning Commission may waive it or reduce it if it is conclusively demonstrated that the requirement cannot be accommodated on the proposed site.
- F. **Utilities.** All multiple-family dwellings shall be connected to the public water system. Also, the Van Buren County Health Department shall approve the sanitary waste collection system for each site or unit.
- G. **Accessory Uses.** Buildings for a management office, sale or leasing of units, recreation, social gathering, laundry, maintenance, and/or other accessory uses shall be permitted interior to and accessory of multi-family residential development. Such structures shall meet all setback and separation requirements of the principal structures. Accessory uses are subject to the approval of the Planning Commission and must be identified on the site plan.
- H. **Other Requirements.** Adequate landscaping and screening shall be provided along all property lines that abut a lower intensity residential district or use, and along all street frontages. Parking or storage of recreational vehicles, boats, utility trailers or similar items shall be

prohibited, except in areas designated on an approved final site plan and properly located and screened to accommodate such use.

Section 12.14 Nursery Schools and Child Care Facilities

The following regulations shall apply to Nursery Schools, Child Day Care Centers, Child Caring Institutions, and Pre Schools:

- A. **Licensing.** In accordance with applicable state laws, all child care facilities shall be registered with or licensed by the Department of Human Resources and shall comply with the minimum standards outlined for such facilities.
- B. **Outdoor Play Area.** A minimum of 150 square feet of outdoor play area shall be provided and maintained per child provided that the overall size of the play area shall not be less than 5,000 square feet. The outdoor play area shall be suitable fenced and screened from abutting residentially zoned or used land.
- C. **Setbacks.** Childcare centers shall have a minimum side yard setback of at least 25 feet except in the C-1 district.
- D. **State Licensed Residential Facilities.** State Licensed Residential Facilities, including Group Child Day Care Homes, shall be subject to the standards of Section 12.22.

Section 12.15 Outdoor Sales or Display Areas for Sales or Rentals of Goods, Products, Farm Equipment, Machinery, Automobiles, and Other Motor Vehicles, Recreational Vehicles, Boats, Building Supplies, Hardware, Landscaping, and Other Items

- A. **Setback Requirements.** Outdoor sales or display areas shall be set back a minimum of 10 feet from any parking area, driveway or access drive, and 20 feet from any street right-of-way. No outdoor sales area shall be located within 50 feet of any residential district or use.
- B. **Sidewalk Standards.** A minimum of six (6) feet of sidewalk width shall be maintained free for pedestrian circulation through all display areas.
- C. **Performance Standards.** Outdoor sales and display areas must be kept clean and litter-free, and outdoor waste receptacles shall be provided. Written procedures for cleaning and waste containment and removal responsibilities shall be included with all applications and approved as part

of site plan review. Vending machines and devices for the outdoor broadcasting of voice, telephone monitoring, music or any other amplified sound shall be prohibited.

- D. **Signs.** Additional signs shall not be permitted beyond those permitted for the primary use.
- E. **Surface.** Sales and display areas shall be provided with a permanent, durable, and dustless surface, and shall be graded and drained to dispose of all surface water. All areas for display of automobiles, trucks, recreational vehicles, boats and similar items shall be paved.
- F. **Landscaping and Screening.** Such sales or display area shall be separated from the parking area by landscaping, a decorative wall or other architectural feature in accordance with Chapter 14, Landscaping and Screening. A six (6) foot fence or wall, greenbelt, or buffer strip may be required along the rear and sides of the lot, capable of keeping trash, paper, and other debris from blowing off the premises.

Section 12.16 Public Utility Buildings

These standards shall apply to structures and uses not located in the public right-of-way. Essential services permitted by Section 11.02.A of this Ordinance and larger than 100 square feet in size shall be required to satisfy the standards below. These standards may be waived by the Zoning Administrator or the Planning Commission in order to provide necessary services in the best interest of the public.

- A. **Need.** Where utilities or services will not be serving residents of the City, applicants must provide evidence of the necessity for the proposed location of the utility structures and uses.
- B. **Setbacks.** Electric or gas regulator equipment and apparatus shall be set back a minimum of 20 feet from all lot lines.
- C. **Screening.** Screening requirements are subject to Planning Commission approval based on analysis of potential effect on surrounding properties. Any permitted storage yards shall be screened from adjacent residential districts or uses in accordance with Chapter 14, Landscaping and Screening.
- D. **Use Requirements.** Such structures and uses shall be subject to conditions or limitations designed to minimize any adverse impacts from the use on surrounding properties. Structures shall be architecturally compatible with the character of the surrounding area.

Section 12.17 Radio and TV Transmission Towers

- A. At a minimum, the antenna(e), tower(s), turbine(s), etc. must be setback a distance equal to 110% of the height of the tower from any adjoining lot line. Tower support apparatus, including guy lines and accessory buildings, must satisfy the minimum building/structure setback requirements for the zoning district.
- C. **Separation from Adjacent Uses.** The tower shall comply with the minimum separation requirements from off-site uses and designated areas as specified in Table 1 below, measured from the base of the tower to the lot line of the offsite uses and/or designated areas (using a straight-line measurement):

Table 1
Minimum Separation Distances from Adjacent Uses

Off-site Use / Designated Area	Separation Distance
Single family, two family or multiple family residential uses.	200 feet or 300% of height of tower, whichever is greater.
All other areas of residential use, both on and off the property being used or leased.	200 feet or 300% of height of tower, whichever is greater.
Non-residentially zoned lands and non-residential uses.	Setback requirements of subsection F.3 apply.

- C. **Height.** The maximum allowable height is 220 feet.
- D. **Security.** The base of the tower and structural support apparatus shall be enclosed by fencing or other suitable enclosure, to be determined by the Planning Commission, not less than six (6) ft. in height, sufficient to restrict access to authorized personnel only. Said tower and structural support apparatus shall also be equipped with an appropriate anti-climbing device.
- E. **Landscaping.** In all zoning districts, existing vegetation shall be preserved to the maximum extent possible. Landscaping shall be placed completely around the transmission tower and ancillary facilities located at ground level except as required to access the facility. Such landscaping shall consist of evergreen vegetation with a minimum planted height of six (6) ft. placed densely so as to form a screen. Landscaping shall be compatible with other nearby landscaping and shall be kept healthy and well maintained. Landscaping shall be installed on the outside of any fencing.

- F. **Lighting.** The tower shall not be illuminated by artificial means and shall not display strobe lights unless specifically required by the Federal Aviation Administration (FAA) or other state authority for the tower. If lighting is required it shall be oriented inward so as to not project onto surround property or roadways. In cases where there are residential uses with a distance from the tower, which is 300% of the height of the transmission tower, and when required by federal law, dual mode lighting shall be requested from the FAA.
- G. **Display.** No signs, striping, graphics or other attention-getting devices are permitted on the transmission tower or ancillary facilities except for warning and safety signage with a surface area of no more than three (3) square feet. Such signage shall be affixed to a fence or ancillary facility and the number of signs is limited to no more than two (2).
- H. **Weather Resistance.** The tower and all antennas located on the tower shall be designed, constructed and maintained so as to withstand all generally expected weather conditions in the area. The transmission tower and attached antennas shall be unpainted galvanized steel or painted neutral colors or such shades as are appropriate and compatible with the surrounding environment, as approved by the City.
- I. **Ancillary Structures/Buildings.** All buildings and structures accessory to a tower shall be architecturally designed to blend in with the surrounding environment and shall meet the minimum setback requirements of the underlying zoning district.
- J. **Removal.**
1. All transmission towers, antennas, transmission tower substructures and ancillary facilities shall be removed within six (6) months from the time that the facilities have ceased being used to transmit, receive or relay voice and data signals to or from wireless communication devices. The responsibility to so remove shall be born by the owner and operator of the tower, antenna, substructure or facility and by the real property owner upon which the tower, antenna, substructure or facility is located. The site must be restored to the extent possible with appropriate landscaping to its pre-transmission transmission tower appearance. The City may grant one (1), six (6) month extension where a written request has been filed, with the initial six (6) months.
 2. The City may require the posting of an open-ended bond before zoning permit issuance to ensure removal of the transmission tower, substructure or antennas after the facility no longer is being used.

Section 12.18 Roadside Stands

A. Types of Roadside Stands.

1. **Temporary Roadside Stand.** A Temporary Roadside Stand shall be a small stand, or non-permanent structure no more than 100 square feet in size designed for the display and sale of produce grown on site. Such stands may be manned or unmanned and shall be removed from the roadside at the end of each season.
2. **Permanent Roadside Stand.** A Permanent Roadside Stand is a permanent structure designed for the display and sale of produce grown on site. It is manned or monitored at all times and is not required to be removed at the end of the season.

B. Approval. A Temporary Roadside Stand shall be approved as a temporary use by the Zoning Administrator and not require site plan approval. A permanent Roadside Stand shall require site plan approval.

C. Building Size. A Permanent Roadside Stand shall be at least fifty (50) square feet but no greater than six hundred (600) square feet in size.

D. Trash Containers. Suitable trash containers shall be placed on the premises for public use. The site shall be maintained in a neat and orderly condition at all times.

E. Structures. All structures, including permanent buildings and any temporary tables, stands, display racks, tents, or other temporary structures, must be shown on the site plan submitted for approval.

F. Building Setbacks. All Permanent Roadside Stands must abide by the established setback standards for the zoning district. Temporary Roadside Stands, tables, and other structures that are brought out during the day and stored overnight can be located in the front yard provided they do not block safe access to the site, there is still adequate parking provided on the site, no structures are located on the public right of way, and all structures are brought in and stored at the end of the season.

G. Parking. Off-street parking may be provided in the required front yard setback area. Parking shall conform to the regulations of Chapter 13, Parking and Loading Spaces, except that hard-surfacing shall not be required.

H. Signs. Roadside stands and "U-pick" Produce Farms shall be permitted one (1) ground sign and one (1) wall sign consistent with the standards of Section 11.12, Signs.

Section 12.19 Schools, Public and Private

Schools and educational institutions shall be subject to the following additional standards:

- A. The minimum lot size shall be five (5) acres.
- B. No buildings shall be located nearer than 100 feet from any property line.
- C. Such facilities shall be located on collector or arterial roads, as indicated in the City Land Use Plan.

Section 12.20 Seasonal Events

- A. **Seasonal Events.** Seasonal events are those events that occur for only a short period within one year but take place regularly every year. Examples of seasonal events include Christmas tree sales, hay rides, pumpkin sales, corn mazes, neighborhood garage sales, and other similar events. (Seasonal events may also be required to satisfy the standards for temporary uses, Section 11.10.)
- B. **Temporary Uses.** Seasonal events that do not occur on an annual basis shall be subject to the Temporary Use standards and procedures of Section 11.10, Temporary Uses.
- C. **Annual Events.** Seasonal events that occur on an annual basis shall not have to get a new temporary use permit every year. The following procedure shall be followed for annual events:
 - 1. An application for site plan review shall be filed with the Planning Commission.
 - 2. A site plan shall be submitted including those elements contained in Section 15.03 that the Zoning Administrator and Planning Commission believe are necessary for a thorough review.
 - 3. The application must provide a schedule of days when the event will operate and for how many years it is expected to continue.
 - 4. The Zoning Administrator shall determine whether or not the seasonal event shall require Planning Commission approval. If desired, the Administration may consult with the Planning Commission before making this decision. In making the determination, the Zoning Administration shall consider the following:

- a. The size of the operation;
 - b. The impacts on local traffic;
 - c. The impacts on local services;
 - d. The amount of parking necessary;
 - e. If it is determined that the seasonal use will have a greater impact than could be reasonably expected for that site or vicinity at that point in time, then the application should be sent to the Planning Commission.
 - f. The Planning Commission reserves the right to require certain applications for a seasonal use to come before them for approval if it is agreed upon by a majority of members.
5. The Planning Commission shall decide whether to approve, approve with conditions, or deny the permit in accordance with the criteria established in Section 15.06.
 6. If approved, the permit shall last for one (1) year from the date of approval.
 7. In order to renew the permit for each subsequent year, approval of the Zoning Administrator is required.
 8. Only upon substantial change to the originally approved site plan in the opinion of the Zoning Administrator or a violation of a condition of approval will the applicant be required to go back to the Planning Commission for renewal of the permit.
- D. **Traffic.** All such sales and events shall be conducted in a manner so as not to create a traffic hazard or a nuisance to neighboring properties.
- E. **Parking.** Adequate parking and ingress and egress to the premises shall be provided.
- F. **Temporary Structures in Off-Season.** During the off-season, all temporary structures, fences, light stands, signs, or other display materials shall be removed immediately upon ceasing business for the season.
- G. **Signs.** Signs shall conform to the provisions of Section 11.12, Signs, for the district in which the use is located.

- H. **Lighting.** Any lighting shall be directed downward and controlled so as not to create a nuisance to neighboring property owners. Lighting shall be in conformance with Section 11.20, Exterior Lighting.

Section 12.21 Self-storage Facilities

- A. **Permitted Uses.** The use shall be limited to storage of household and non-hazardous commercial goods. However, no commercial business shall be conducted out of an individual storage unit. An accessory caretaker's residence shall be permitted for the person or persons responsible for the operation of the facility.
- B. **Minimum Lot Size and Setbacks.** The minimum lot area shall be two (2) acres. The minimum building and parking setback shall be 50 feet from any street right-of-way line, residential district or off-site residential use.
- C. **Screening and Landscaping.** Screening shall be provided on those side or rear lot lines abutting a residential district or use in accordance with Chapter 14, Landscaping and Screening.
- D. **Parking and Loading.** All parking, loading and maneuvering space shall be contained within the site. Special consideration shall be given to any potential loading and unloading nuisances on surrounding properties.
- E. **Storage.** All storage shall be completely within enclosed structures.

Section 12.22 State Licensed Residential Facilities

State Licensed Residential Facilities are structures constructed for residential purposes, licensed by the State pursuant to the Adult Foster Care Facility Licensing Act, PA 218 of 1979, as amended, as well as PA 116 of 1973, as amended. The Michigan Zoning Enabling Act, PA 110 of 2006, considers these uses residential uses of property, and they are hereby considered permitted uses in residential districts, subject to the following:

- A. State Licensed Residential Facilities, as defined by the State, are facilities providing 24-hour care and supervision to six (6) or fewer persons at a time.
- B. Adult foster care family homes, family child day care homes, foster family homes, and foster family group homes shall be permitted uses in the Agriculture, R-1, and R-2 districts.

- C. In accordance with PA 110 of 2006, as amended, a group child day care home may be considered a special land use in these zoning districts, and may be approved, provided the following additional conditions are satisfied:
1. The facility is not located closer than 1,500 feet to any of the following:
 - a. Another licensed group day care home
 - b. Another adult foster care small or large group home licensed under the Adult Foster Care Act
 - c. A facility offering substance abuse and rehabilitation treatment to 7 or more people
 - d. A community correction center, halfway house, resident home, or similar facility that houses an inmate population under jurisdiction of the Department of Corrections
 2. The facility has appropriate fencing for the safety of children.
 3. The property is maintained consistent with the level of the surrounding neighborhood.
 4. The facility does not exceed 16 hours of operation per 24 hour period.
 5. The property satisfies sign regulations of Section 11.12.

Section 12.23 Service Stations and Auto Repair Facilities

- A. **Setbacks.** Pump island canopies shall be setback a minimum of 20 feet from any right-of-way line. Fuel pumps shall be located a minimum of 30 feet from any right-of-way line or side or rear yard setback line. All buildings shall maintain a 50-foot setback from any residential district or use.
- B. **Access.** Curb openings for drives shall not be permitted where the drive would create a safety hazard or traffic nuisance for other ingress and egress drives, traffic generated by other buildings or uses, or adjacent pedestrian crossings. Ingress and egress openings shall have a defined extent and shall be no wider than the minimum necessary to satisfy engineering standards or the standards of the governing body with authority over the particular roadway. The minimum number of access points to ensure safe traffic flow shall be permitted.

- C. **Overhead Doors.** Overhead doors shall not face a residential district or use. The Planning Commission can modify this requirement upon a determination that there is no reasonable alternative, subject to additional screening being provided.
- D. **Pump Island Canopy.** The proposed clearance of any pump island canopy shall be noted on the site plan. Any signs, logo or identifying paint scheme on the canopy shall be reviewed by the Planning Commission. All lighting fixtures under the canopy shall be fully recessed into the canopy structure and in compliance with the external lighting standards of this Ordinance.
- E. **Repair and Service Use Limitations.** All equipment and service bays shall be entirely within an enclosed building, and all repair work shall be conducted completely within an enclosed building. Repair stations shall not be permitted on sites immediately adjacent to any residential zoning district or use.
- F. **Temporary Vehicle Storage.** The storage, sale, rental, or display of new or used cars, trucks, trailers, and any other vehicles, vehicle components and parts, materials, commodities, supplies, or equipment on the premises is prohibited except in conformance with the requirements of this Section and Ordinance. Inoperable vehicles shall not be stored or parked outside for a period exceeding 30 days for repair stations and 24 hours for all other facilities. Partially dismantled vehicles, damaged vehicles, new and used parts, and discarded parts shall be stored within a completely enclosed building.
- G. **Noise and Odors.** There shall be no external evidence of service and repair operations, in the form of dust, odors, or noise, beyond the interior of the service building. Buildings containing service and repair activities shall have appropriate filtering systems to prevent emission of paint odors. Building walls facing any residential districts or uses shall be of masonry construction with soundproofing.
- H. **Screening.** Screening shall be provided on those side and rear lot lines abutting a residential district or use in accordance with Chapter 14, Landscaping and Screening. All wrecked or damaged vehicles shall be screened from public view, and shall not be parked or stored within any front yard area. A permanent screening fence or wall not less than six (6) feet in height shall be constructed along any property line which abuts a residential zoning district.
- I. **Traffic Impacts and Pollution Prevention.** The Planning Commission may request a traffic impact study to evaluate the impacts of the proposed development on the existing level of service and traffic patterns

surrounding the site. They may also request an impact study and pollution protection plan describing measures to prevent groundwater contamination caused by accidental gasoline spills or leakage, such as special check valves, drain back catch basins, and automatic shut off valves.

Section 12.24 Top Soil, Gravel, Sand, or Other Material Extraction and Processing Facility

The purpose of these requirements is to provide for the use of lands that have significant gravel, sand or other deposits for mining or extraction purposes in a manner that complies with the regulations of this Ordinance, would not constitute a hazard to the public health, safety and welfare, and would result in reclamation of the land in a suitable manner for other purposes. Such uses shall be subject to the following:

- A. **Area.** The minimum site size shall be ten (10) acres.
- B. **Site Plan Information.** The following additional information shall be provided on a site plan:
 - 1. Name and address of the person, firm or corporation who or which will be conducting the actual operation.
 - 2. Location of the processing plant or buildings, whether on-site or off-site.
 - 3. Type of materials or resources to be removed or to be brought to the site.
 - 4. Proposed method of removal or filling, or incineration, general haul route, and whether blasting or other use of explosives will be required.
 - 5. General description of equipment to be used.
 - 6. The estimated time to complete total operations.
 - 7. The total area (expressed in acres) proposed to be excavated or mined.
 - 8. A reuse plan, drawn to a scale of 1" = 50' placed on a standard sheet and containing the following information:
 - a. A proposed grading plan and landscape plan.

- b. A description of the land use activities proposed to be located on the site upon completion of mining or extraction operations.
 - c. A description and location of the street, drainage, water, and sanitary sewer facilities required to serve the uses.
- C. **Impact Assessment.** The applicant shall submit an impact assessment prepared by a licensed, qualified professional, analyzing the potential impacts of the proposed use on the surrounding land uses, the existing and adjacent environment and natural features, the utilities, the traffic and levels of service of adjacent roadways, and additional impacts that may be caused by the proposed use.
- D. **Setbacks.** The following minimum setback standards shall apply:
 - 1. All structures and machinery shall be a minimum of 100 feet from all property lines and 200 feet from any residential districts or uses.
 - 2. No mining, excavation, stockpiling of material or processing shall take place less than 100 feet from all property lines and 200 feet from any residential districts or uses. The Planning Commission may approve a reduction in this setback requirement upon determining that proposed lateral support will adequately protect abutting property, and may require additional setback area upon determining that additional setback area is necessary to adequately protect adjacent property.
 - 3. No mining, excavation, stockpiling of material or processing shall take place less than 100 feet from any street right-of-way, except where determined by the Planning Commission to be necessary to reduce or raise the final elevation to the existing elevation of the street.
- E. **Security.** The site shall be enclosed with a six (6) foot security fence with a locking access gate. Such fences shall be placed no closer than 50 feet to the top or bottom of any slope. The owner or operator shall place appropriate "KEEP OUT" - "DANGER" signs around said premises not more than 200 feet apart.
- F. **Reuse Plan.** Reclamation and rehabilitation of mining and landfill areas in accordance with the Reuse Plan shall be accomplished as soon as practicable following the mining or excavation of an area. Where possible, such rehabilitation and reclamation shall be accomplished concurrently with the mining or excavation operations. Substantial completion of

reclamation and rehabilitation shall be effected within two (2) years after termination of mining or excavation activity (inactivity for a 12 month consecutive period shall constitute termination of mining activity).

- G. **State and Federal Requirements.** Proof of all required outside agency approvals or permits shall be provided to the City prior to the start of work on the site.
- H. **Access and Circulation.** Truck routing shall be restricted to those streets designed to accommodate truck traffic on a year-round basis. All roads used for the purpose of ingress and egress shall be kept dust free by hard topping with cement, bituminous substance or chemical treatment.
- I. **Performance Standards.** Such uses shall comply with Section 11.08, Performance Standards, and the following:
1. Creation of a lake or pond shall only be permitted where the applicant can demonstrate using engineering and hydrological studies that the water can be maintained in a non-polluted condition, and that the applicant meets any requirements of the State of Michigan. In order to protect ground water quality and supply, the pumping or drainage of water from such quarrying operations is absolutely prohibited.
 2. No topsoil shall be removed from the site, and all topsoil shall be redistributed properly upon completion of the extractive activities, or phase thereof.
 3. The slopes of the banks of the excavation shall in no event exceed seven (7) feet horizontal to one (1) foot vertical. Where ponded water results from the operation, this slope shall be maintained and extended into the water to a depth of 10 feet.

Section 12.25 Two-family Attached Dwelling Units and Townhouses

- A. **Building layout and architecture.** The following architectural standards shall be met for all structures:
1. **Orientation.** Parking areas, garages and any other accessory structures and uses shall be located within the established rear yard, with access provided by an alley or access drive. A minimum of 75% of the main entrances to the individual dwellings shall be located on the front façade of the building, and all shall include a front porch or stoop that is at least six (6) feet in width and depth, and 70 square feet in area.

2. **Architectural Details.** Walls visible from a street or other residential uses shall include windows and architectural features similar to the front facade of the building, including, but not limited to awnings, cornice work, edge detailing or other decorative finish materials. All buildings shall have pitched roofs, which may include functional dormer windows and varying lines customary with gable or hip style roofing.
- B. **Street design.** Street connections shall be provided to adjacent neighborhoods and parcels in residential districts. Alleys may be provided where necessary for access to rear yard garages with a minimum pavement width of 20 feet, located within a minimum 30-foot wide access easement.
 - C. **Pedestrian circulation.** Sidewalks shall be provided along street frontages in front of two-family attached residences and townhouses as well as within developments of this type of use. Sidewalks shall have a minimum width of five (5) feet.
 - D. **Large Developments.** Large developments of two-family attached residential units or townhouses including eight (8) or more dwelling units shall also satisfy the requirements of Section 12.13 for multiple family residential developments.
 - E. **Other Requirements.** Adequate landscaping and screening shall be provided along all property lines that abut a residential district or use, and along all street frontages. Parking or storage of recreational vehicles, boats, utility trailers or similar items shall be prohibited, except in areas designated on an approved final site plan and screened or located appropriately.
 - F. **Duplexes.** The exterior of a two-family dwelling (or duplex) shall be designed, constructed and maintained in a manner that provides the appearance of a single-family dwelling. The addition of a separate exterior door on the front facade is prohibited. The primary entrance for the second dwelling unit may be located on a sidewall.
 - G. **Two-family Dwellings in the R-1 District.** The following standards shall apply only to two-family dwellings in the R-1 district.
 1. Two-family dwellings in the R-1 district shall be permitted by special use only in those locations where they already exist as of the effective date of this Ordinance (7/4/09). The City shall maintain a register of these locations for reference purposes.

2. As of the effective date of this Ordinance (7/4/09), an existing single-family dwelling in the R-1 district that is not being used as a two-family dwelling may not be converted into a two-family dwelling.
3. Existing two-family dwellings in the R-1 district are permitted to remain in the district and shall not be required to get a new approval to maintain operations. However, to expand, significantly remodel, or reconstruct, special use permit approval will be necessary.
4. Off-street parking space for a minimum of three vehicles shall be provided in accordance with the standards in Chapter 13, and particularly Section 13.02.C.
5. A maximum of two dwellings shall be permitted per structure. The second dwelling may not be located in a detached accessory structure.
6. The design of the two family structure shall not detract from the character and appearance of the principal building in which it is located or of the surrounding neighborhood. Access to the two dwelling units shall be limited to a front entrance common with the principal building or a separate entrance door on the side or rear of the principal building. When viewed from the adjacent street right-of-way, it shall appear that only one household occupies the site.

Section 12.26 Veterinary Offices and Clinics

- A. **Setbacks.** Structures shall be set back at least 20 feet from all side and rear property lines, and at least 50 feet from abutting residential districts or uses, churches, schools, or restaurants on the same side of the street.
- B. **Landscaping and Screening.** Outdoor enclosures or runs shall be enclosed by screening in accordance with Chapter 14, Landscaping and Screening, to buffer street rights-of-way and adjacent residential districts or uses.
- C. **Operating Requirements.** A licensed or registered veterinarian shall operate the clinic. All boarding shall be limited to animals brought in for treatment or surgery, unless the site has also been approved for a kennel in accordance with Section 12.12, Kennels. All activities shall be conducted within an enclosed building.
- D. **Performance Standards.** All veterinary clinics shall comply with the following:

1. Such buildings shall be constructed to ensure that noise and odors shall not be perceptible beyond the site's property lines.
2. Outdoor exercising is allowed when the pet is accompanied by an employee, provided no animals shall be permitted outside of the buildings between 9:00 p.m. and 7:00 a.m.

Section 12.27 Wireless Communication Facilities

- A. **Intent.** Regulation of commercial wireless communication service towers is necessary to protect the public health, safety and welfare while meeting the communication needs of the public. The intent of the Ordinance is to minimize adverse visual effects of towers and to avoid interference with adjacent property while adequately serving the community.
- B. **Permitted as Special Use.** In the following circumstances, a new wireless communication facility shall be a principal permitted use, or a permitted accessory use, subject to site plan approval in accordance with the standards of this Section 12.27, Chapter 15, and/or subject to Special Land Use review and approval in accordance with Chapter 16:
1. Collocation of an attached wireless communication facility which has been previously approved for collocation by the Planning Commission;
 2. Wireless communication facilities attached to a utility pole located within a right-of-way, where the existing pole is not modified to materially alter the structure and/or result in an impairment of sight lines or other safety interests; or
 3. Wireless communication facilities with monopole support structures of one-hundred-fifty (150) feet or less in height within the Industrial (I) and Agricultural (AG) zoning districts.
 4. Wireless communication facilities with support structures that are greater than one-hundred-fifty (150) feet in height within the Industrial (I) and Agricultural (AG) zoning districts provided they are located five-hundred (500) or more feet from any residentially zoned area.
- C. **Special Use Permit Application.** The application for a Special Use Permit for a wireless communication facility shall contain, in addition to the requirements of Chapter 16, the following information:

1. **Demonstration of Need.** Demonstration of the need for the proposed wireless communication support structure due to a minimum of one of the following:
 - (a) Proximity to an interstate or limited-access highway or major thoroughfare.
 - (b) Proximity to areas of population concentration.
 - (c) Proximity to commercial or industrial business centers.
 - (d) Avoidance of signal interference due to buildings, woodlands, topography, or other obstructions.
2. **Service Area and Power.** As applicable, a description of the planned, proposed, or existing service area of the facility, and wireless communication support structure height and type, and signal power expressed in effective radiated power (ERP) upon which the service area has been planned.
3. **Map of Other Facilities Nearby.** A map showing existing or proposed wireless communication facilities within Gobles and Van Buren County, and further showing existing and known proposed wireless communication facilities within areas surrounding the borders of the City, which are relevant in terms of potential collocation or in demonstrating the need for the proposed facility. A written request for confidentiality must be prominently stated by the applicant.
4. **Data on Other Facilities Nearby.** For each location identified by the applicant/provider, the application shall include the following data, if known, with the applicant/provider expected to exercise reasonable diligence to obtain information:
 - (a) The structural capacity and whether it can accommodate the applicant's facility, as proposed or modified.
 - (b) Evidence of property owner approvals.
 - (c) Whether the location could be used by the applicant/provider for placement of its attached wireless communication facility; if the location cannot be used, a disclosure of the technological considerations involved, with specific reference to how use of the location would prohibit the applicant/provider from providing services.

5. **Collocation.** All wireless communication support structures shall provide for collocation and shall accommodate no more than six (6) attached wireless communication facilities. Support structures shall allow for future rearrangement of attached wireless communication facilities to accept other attached facilities mounted at varying heights. The application shall indicate the applicant's commitment to allow for future collocations. The owner of any communication support structure who does not allow for a feasible collocation shall be deemed to be in violation of this Ordinance and subject to the enforcement provisions of Chapter 21.

(a) **Determining Feasibility of Collocation.** Collocation shall be deemed to be "feasible" when all of the following are met:

- (i) The applicant/provider will pay market rent or other market compensation for collocation.
- (ii) The site is able to provide structural support, considering reasonable modification or replacement of a facility.
- (iii) The collocation being considered is technically reasonable and will not result in unreasonable interference, given appropriate physical adjustments.
- (iv) The height of the structure necessary for collocation will not be increased beyond maximum height limits.

(a) **When Collocation is Not Feasible.** Wireless communication support structures that do not allow for collocation shall not be approved unless the applicant documents that its attached wireless communication facilities cannot be feasibly collocated or accommodated on an existing support structure or other existing structure due to one or more of the following reasons:

- (i) The planned equipment would exceed the structural capacity of the existing support structure or other structure, as documented by licensed engineer, and the existing support structure or other structure cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.
- (ii) The planned equipment would cause interference affecting the function of other equipment on the

existing support structure or other structure as documented by a licensed engineer, and the interference cannot be prevented at a reasonable cost.

- (iii) Support structures and other structures within the search radius cannot accommodate the planned equipment at a height necessary for the coverage area and capacity needs to reasonably function as documented by a qualified and licensed professional engineer.
- (iv) Other unforeseen reasons that make it not feasible to locate the planned communications equipment upon an existing support structure or other structure.

D. Installation of Antenna on Existing Tower. The following provisions govern the installation of antenna apparatus on an existing communication tower, and the construction of associated ancillary buildings/structures on the side of an existing communication tower:

1. Where the existing tower has been granted special use and site plan approvals, and the proposed antenna apparatus and, where applicable, proposed associated ancillary buildings/structures, are in complete conformance with the underlying special use permit and approved site plan for the tower with respect to the total approved number of antenna apparatus on the tower, the array of the antenna apparatus, and the number, size and location of associated accessory buildings/structures, no further zoning approvals are required.
2. Where the existing tower has been granted special use and site plan approvals, but the proposed antenna apparatus and, where applicable, proposed associated ancillary buildings/structures, are not in complete conformance with the underlying special use permit and approved site plan for the tower, as provided in paragraph 1 above, the Zoning Administrator is authorized to administratively approve the proposed antenna apparatus and/or associated ancillary buildings/structures upon determining that the proposed antenna apparatus and/or ancillary buildings/structures constitute a minor modification of the underlying special use permit and approved site plan for the tower. For purposes of this sub-section, a request shall be subject to administrative approval only if approval of the request is not in any manner contrary to the applicable standards for special use approval and site plan approval for the subject tower and any conditions imposed on such

approvals. A determination by the Zoning Administrator pursuant to this sub-section shall be subject to appeal to the Zoning Board of Appeals pursuant to Section 20.04 of this ordinance and applicable provisions of law.

3. Antenna apparatus and/or associated accessory buildings or structures that are not within the scope of either sub-sections 1 or 2 above shall be subject to the special use and site plan approval process and requirements as provided by all applicable provisions of Chapters 15 and 16 of this Zoning Ordinance, respectively.

E. Special Use Permit Approval. In addition to the other requirements for approval of a Special Use Permit, the Planning Commission shall not approve a Special Use Permit unless it finds, based on the information submitted in accordance with paragraph C above, that there is a demonstrable need for the proposed wireless communication facility.

F. Site Plan Application and Approval Requirements. The application for Site Plan Approval shall include, in addition to the requirements of Chapter 15, the following information:

1. **Fall Zone Certification.** To determine the required setbacks, a State of Michigan registered engineer shall submit a determination and certification regarding the manner in which the proposed structure will fall. The fall zone or collapse distance as cited in the certification shall therefore be the minimum setback required. However, in the absence of an engineer's certification, the minimum setback shall be equal to the total height of the tower. Furthermore, in no case shall the minimum setback from a property line be less than seventy-five (75) feet.
2. **Description of Security for Removal.** A financial security (Performance Guarantee) may be required for the wireless communication support structure to ensure removal and maintenance, in accordance with the provisions of Chapter 15.07. The security may be required at the discretion of the Planning Commission.
3. **Data on FCC and FAA Approval.** An application for a wireless communications installation shall have been first submitted for review and have been approved for such facility before the Federal Communications Commission (FCC), Michigan Aeronautics Commission (MAC), and Federal Aviation Administration (FAA). Authorization for the facility shall be submitted to the City as part of the application packet. Approved facilities shall be subject to all

FAA, MAC and FCC requirements for placement, maintenance, and operation.

4. **Lot Size and Access.** All wireless communication facilities shall be located on a minimum of a one-half (½) acre parcel and shall have direct or deeded access to a public road right-of-way. Verification of said access shall be provided with the application.
5. **Landscaping.** All existing vegetation shall be shown on the submitted site plan and shall be preserved during and after installation to the maximum extent possible. Furthermore, additional landscaping may be required by the Planning Commission.
6. **Fencing.** All wireless communication sites shall be fenced with appropriate material with a minimum height of six (6) foot and a maximum height of eight (8) feet. All support structures, wires, and accessory buildings shall be located within the fenced area. The use of barbed wire, electric current or charge of electricity is strictly prohibited.
7. **Compatibility of Support Structures.** Wireless communication support structures shall not be injurious to the neighborhood or detrimental to the public safety and welfare. Support structures shall be harmonious with the surrounding areas, and aesthetically and architecturally compatible with the natural environment. In addition, all structures shall be equipped with an anti-climbing device to prevent unauthorized access.
8. **Maximum Height.** The maximum height of wireless communication support structures shall be the lesser of: a) two-hundred-fifty (250) feet; or b) the minimum height demonstrated to be necessary by the applicant; or c) such lower heights as required and approved by the Federal Aviation Administration. If the tower is located within 500 feet or less of an adjacent residential zoning district, the maximum height shall be one-hundred-fifty (150) feet. The applicant shall demonstrate a justification for the height and provide an evaluation of alternative designs which might result in lower heights. Accessory buildings shall be limited to the maximum height for accessory structures within the underlying zoning district.
9. **Compatibility of Accessory Structures.** Wireless communication facilities proposed on the roof of a building with an equipment enclosure shall be architecturally compatible with the principal building upon which it is located. The equipment enclosure may be located within the principal building or may be an accessory

building, provided the accessory building conforms with all district requirements for accessory buildings and is constructed of the same or compatible building material as the principal building.

10. **Federal and State Requirements.** The requirements of the Federal Aviation Administration, Federal Communication Commission, and Michigan Aeronautics Commission shall be noted on the site plan. Structures shall be subject to any State and Federal regulations concerning nonionizing electromagnetic radiation. Furthermore, if more restrictive State or Federal standards are adopted in the future, the antenna shall be made to conform to the extent required by such standard or the approval and permit for the structure shall be subject to revocation by the City. The cost for testing and verification of compliance shall be borne by the operator of the antenna.
- G. **Radio Frequency Emission Standards.** Wireless communication facilities shall comply with applicable Federal and State standards relative to electromagnetic fields and the environmental effects of radio frequency emissions.

Section 12.28 Wind Energy Conversion Systems (WECS)

- A. **Purpose.** The regulation of wind energy conversion systems, including the height, minimum lot area, and required setbacks for such systems, is intended to provide for an alternative source of power generation while protecting the health, safety and welfare of City residents.
- B. **Definition.** *Wind energy conversion systems:* A system which converts wind energy into electricity through the use of a wind turbine generator and includes the turbine, blades, and tower as well as related equipment.
1. A "small turbine/on-site" system is intended to primarily serve the needs of the customer, with a single tower that that may, or may not, be connected to the utility grid.
 2. A "large turbine/utility grid system" is designed to generate electricity from one or more towers (within an array) and is intended to serve institutions, residential communities or larger cooperatives.
- C. **Special exception use.** Due to the concerns related to health, safety and welfare, such systems shall be regulated as special exception uses within all zoning districts, provided such land area is sufficient to support their

development and operation. The following requirements shall be met and the Planning Commission may impose additional conditions where appropriate:

1. In addition to the requirements of Site Plan Review, Chapter 15, the site plan of the property shall show the location of overhead electrical transmission or distribution lines, whether utilized or not, and the location of the WECS with its specific dimensions, including the entire area through which the rotor(s) may pass, the location of any guy wires or other support devices, and the location of all dwelling units within 500 feet of the WECS.
2. Each special use permit application shall be accompanied by a complete set (either the original or an accurately reproduced copy) of the manufacturer's instructions which shall, at a minimum, include the following:
 - a. A standard foundation and anchor design or specifications for normal soil conditions
 - b. Detailed instructions for operation and maintenance of the WECS on site
 - c. A copy of all warnings and/or documents provided by the manufacturer of the WECS
 - d. Grounding and lightning procedures protection which follow the National Electrical Code, Articles 250 (Grounding) and 280 (Lightning Arresters)
 - e. Proof of Insurance
 - f. The Underwriters Label, which shall be attached to the base of the tower and any subsystem, such as the generator, and shall include the following information:
 - (1). The name, address, and telephone number of the owner of the tower/subsystem
 - (2). Manufacturer's name and address
 - (3). Model number
 - (4). Serial number
 - (5). Emergency and normal shutdown procedures;

- (6). The survival wind speed in miles per hour and meters per second for the tower and the maximum power output for the generator
 - (7). Name of installer
 - (8). Name of person responsible for maintenance
 - (9). Emergency telephone number in force for the installer and the person responsible for maintenance
3. **Electromagnetic interference.** The entire WECS (including turbines, alternators, generators, and interconnect systems) shall be filtered and/or shielded to prevent the emission of generated radio frequency energy which would cause any interference with radio, and/or television broadcasting or reception, and shall comply with Federal Communication Rules, 47 CFR, parts 15 (including sub parts A and F) and 18 (including sub parts A, D and H).
4. **Noise.** The maximum level of noise permitted to be generated by any WECS shall be 50 decibels, as measured on the DBA scale, measured at the property line nearest the WECS. The Planning Commission may request that a baseline study of the decibel levels existing prior to the installation be included as required documentation for review.

D. Site development.

1. **Lot area/setbacks.**
 - a. No "small turbine/on-site" WECS shall be erected on any lot or parcel less than one acre in area and shall be situated on the lot or parcel so that no portion of the tower or turbine is closer to property lines (excluding public utilities) than 150 percent of the height of the tower, measured from the existing grade level to the tip of the blade in the vertical position.
 - b. No "large turbine/utility grid" WECS shall be erected on any parcel less than 20 acres in area and shall be situated on the parcel so that no portion of the tower or turbine is closer to property lines (excluding public utilities) than 150 percent of the height of any towers, measured from the existing grade level to the tip of the blade in the vertical position.

2. **Height.** The maximum allowable height for any "small turbine/on-site" WECS, based upon the combined tower and rotor blade length, shall be 40 feet for parcels of one to less than five acres, 80 feet for parcels of five to less than ten acres and up to 120 feet for parcels of ten acres or more. The maximum allowable height for any "large turbine/utility grid" WECS, based upon the combined tower and rotor blade length, shall be 300 feet. The Planning Commission, in consideration of such request, may waive this height requirement where such proposed location does not negatively impact adjoining properties and where such adjoining property owner has indicated through formal letter that such waiver is acceptable.
 3. **Ground Clearance.** For both horizontal and vertical axis turbines, a WECS rotor shall be located on the tower or support such that the minimum blade clearance above ground level is 20 feet.
 4. **Accessibility.** Towers shall be designed and constructed in such a manner that climbing devices are only accessible with a separate ladder to a height of 12 feet.
 5. **Connection to power grid.** In the case of the WECS to be interconnected with the power grid of the local electric utility, the applicant shall provide proof of written notice to the utility of the proposed interconnection and the utility's response thereto. The resident shall comply with all requirements of the servicing utility if the WECS is interfaced with the utility grid. The utility will install appropriate electric metering (for sellback or non-sellback) and the customer will be required to install a disconnecting device adjacent to the electric meter(s).
 6. **Vibration.** Under no circumstances shall a WECS produce vibrations humanly perceptible beyond lot boundaries.
 7. **Additional studies.** The applicant may offer and submit, or the Planning Commission may require, that the applicant submit studies related to noise, vibration, or similar issues that may be considered a nuisance. In addition, such studies may include avian and wildlife impact, visual impacts, shadow flicker (changes in light intensity caused by the moving blade) or similar issues based upon compatibility of the proposed use in the requested location.
- E. **Decommission plan/site reclamation.** The applicant shall submit a plan that indicates the anticipated life of the project, the estimated cost and method to ensure the availability of such funds, and the manner in which the site will be reclaimed.

Chapter 13

Parking and Loading Spaces

Section 13.01 Purpose

In all zoning districts off-street parking shall be provided for the parking of motor vehicles for the use of occupants, employees and patrons of all buildings or structures hereinafter erected or altered after the effective date of this Ordinance, in accordance with the standards set forth in this Section. Whenever the use of a building or structure or lot is commenced, changed or expanded, off-street parking shall be required in accordance with the standards set forth in this Section. If the intensity of use of any building or structure or lot is increased through the addition of dwelling units, increases in floor area, increases in seating capacity, or through other means, additional parking shall be required in accordance with the standards set forth in this Section.

Section 13.02 General Requirements

The following general standards shall apply to all off-street parking or loading facilities:

- A. **Number of required spaces.** Off-street parking and loading spaces shall be provided for all uses in accordance with the requirements of this Chapter. The Planning Commission may require any use to provide parking spaces above the required minimum, up to the maximum permitted by Section 13.04 (Schedule of Required Parking by Use).
- B. **Downtown Exemption.** Uses in the C-1, Downtown Commercial Zoning District, shall be exempt from compliance with Section 13.04 – Minimum Required Parking Spaces Per Use. However, any parking facilities that are provided in the C-1 district, must still comply with the design and layout standards of this Chapter.
- C. **Off-Street Parking Spaces for One and Two-Family Dwellings.** Off-street parking facilities required for one and two-family dwellings shall consist of a parking strip, driveway, garage, or combination thereof and shall be located on the premises they are intended to serve subject to the provisions of Section 11.11, Accessory Structures and Uses. No parking shall be permitted in the required front yard except on a driveway that leads to an approved parking space.
- D. **Off-Street Parking for Multiple-Family and Non-Residential Uses.** Off-street parking facilities required for multiple-family and non-residential uses shall be located on the same lot or parcel as the building or use they are intended to serve, or within 300 feet of such building or use. (The measurement shall be

based on the walking distance from the nearest point of the parking facility to the nearest normal entrance to the building or use.) Ownership or a use easement, duly recorded with the City, shall be shown for all land areas intended for use as parking by the applicant.

- E. **Similar uses.** Where a use is not specifically mentioned in this Chapter, the Planning Commission shall apply the standards for a similar listed use.
- F. **Shared facilities.** The development and use of a joint parking or loading facility shared between two (2) or more contiguous uses is encouraged. In such cases, the total space requirement is the sum of the individual requirements at the same time of day. The maximum joint requirements will be less than the total individual requirements if the peak needs for the uses occur at distinctly different times of the day from the peaks of the other uses. Shared facilities shall be subject to acceptance by the Planning Commission of a signed shared facility agreement between the property owners.
- G. **Storage, repairs, and displays prohibited.** Except when land is used as permitted storage space in direct connection with a business, a 24 hour time limit for parking in non-residential off-street parking areas shall prevail, provided that it shall be unlawful to permit the storage of wrecked, inoperable, or junked vehicles on any parking area in any district. Parking lots and loading areas shall not be used for parking of inoperable vehicles; outside storage of any equipment, products, or materials; or dumping of refuse. Repairs, performing service, or display of vehicles for sale is prohibited.
- H. **Installation.** No building or structure, for which a parking lot is required, shall be used and no Certificate of Occupancy shall be issued until and after the Zoning Administrator has inspected and certified that the required parking has been constructed as herein required. In instances where the Planning Commission finds that weather conditions prohibit parking lot construction, the construction may be temporarily waived, pending suitable weather, provided that the property owner provides security in accordance with the requirements of Chapter 15.07.
- I. **Irrevocable Use.** Any area once dedicated to off-street parking use shall not be changed to any other use unless and until equal facilities are provided elsewhere.

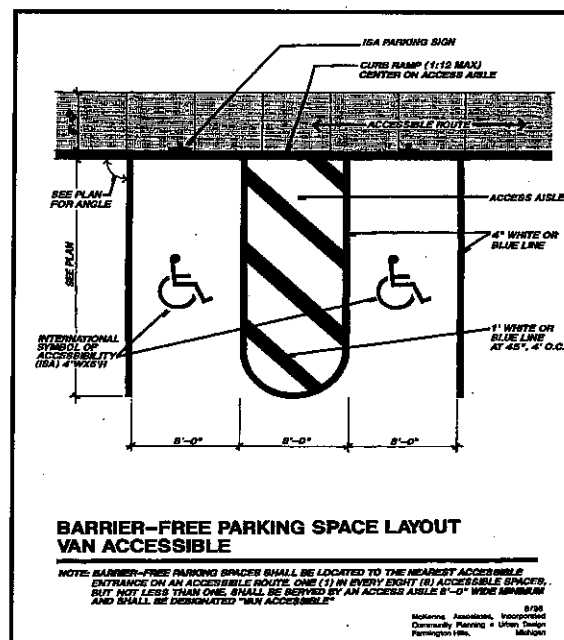
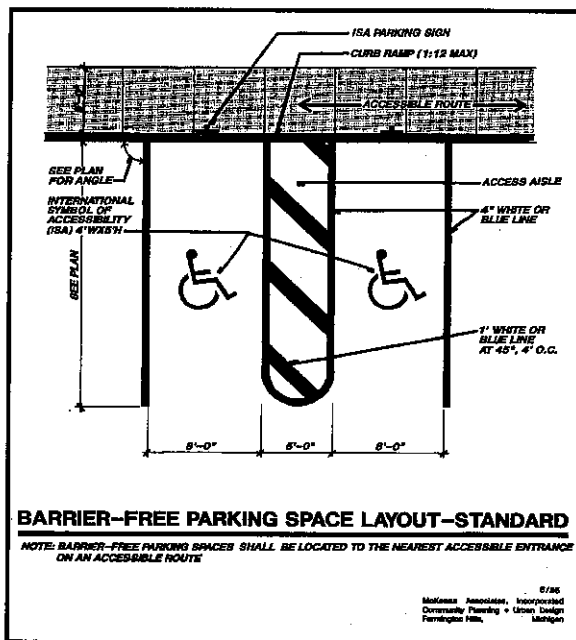
Section 13.03 Design Requirements

A. Barrier-Free Parking Requirements.

- 1. Within each parking lot, signed and striped barrier-free spaces shall be provided at conveniently accessible locations in accordance with the following standards, or with any revised standards of the Michigan

Department of Labor, Construction Code Commission or the Americans with Disabilities Act if the Planning Commission determines that these have a higher requirement.

2. Accessible spaces shall be a minimum width of eight (8) feet.
3. Adjacent to each accessible space shall be at least one access aisle.
4. For the required Van Accessible spaces, the minimum width of the access aisle is eight (8) feet. For all other accessible spaces, the minimum width of the access aisle is five (5) feet.
5. The required number of Van Accessible spaces shall be based on the table shown below.
6. Barrier-free parking spaces shall be identified by signs located approximately six (6) feet above grade.
7. Where a curb exists between a parking lot surface and a sidewalk surface, an inclined approach or a curb cut with a gradient of not more than one (1) foot in 12 feet and a width of not less than four (4) feet shall be provided for wheelchair access.



TOTAL PARKING SPACES	BARRIER-FREE PARKING SPACES REQUIRED	VAN-ACCESSIBLE BARRIER-FREE PARKING SPACES REQUIRED
Less than 25	1	1
25 – 49	2	1
50 – 74	3	1
75 – 99	4	1
100 – 149	6	1
150 – 199	8	2
200 – 299	10	2
300 – 399	12	3
400 or more	14, plus 1 space for each 50 total parking spaces over 400	4, plus 1 space for each 15 total barrier-free spaces

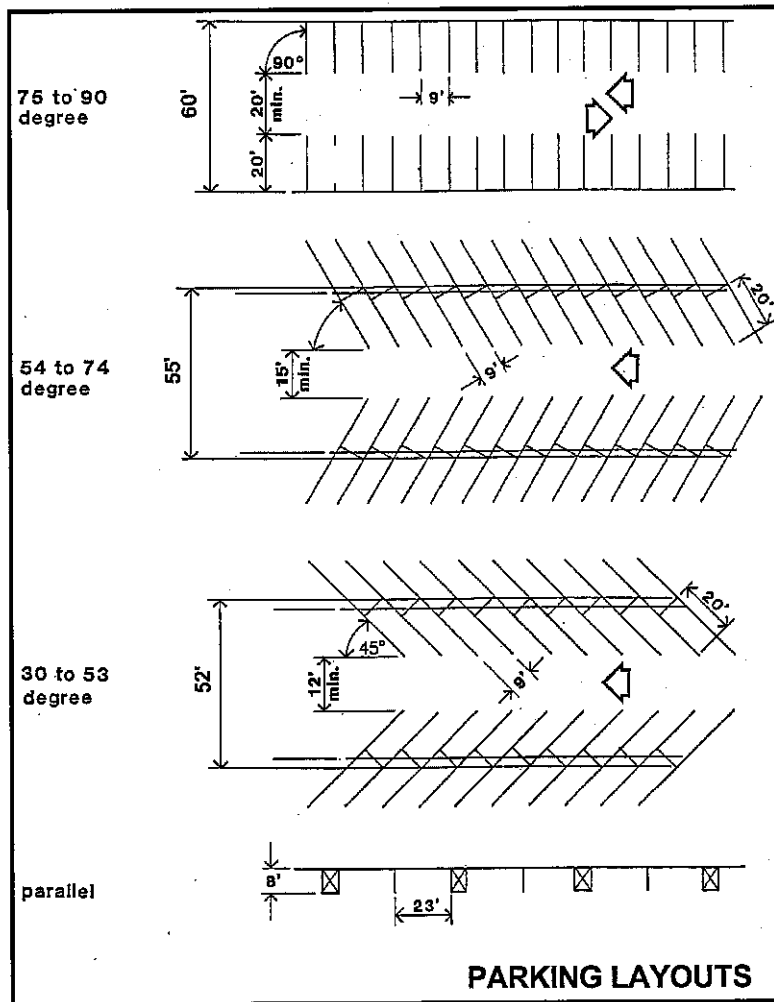
- B. **Landscaping.** Landscaping, screening and buffering shall be provided for all parking and loading facilities in accordance with the provisions of Chapter 14, Landscaping and Screening.
- C. **Exterior lighting.** Where provided, exterior lighting shall comply with the standards of Section 11.20, Exterior Lighting.
- D. **Ingress/Egress.** Adequate means of ingress and egress shall be provided for all parking and loading facilities, and such facilities shall be designed to prevent vehicles from backing into the street or using a street for maneuvering between parking rows. Entrances and exits shall be located so as to minimize traffic congestion. Shared curb cuts are to be utilized whenever possible on arterial roadways.
- E. **Curbing.** Parking lots shall be provided with concrete curbs and gutters for the protection of adjoining properties, streets, sidewalks and landscaped areas. The Planning Commission may approve parking facilities without concrete curbs, however bumper stops must be provided in such facilities to prevent vehicles

Types →

from bumping any walls or fences or encroaching upon any landscaping or sidewalks. Where necessary for the protection of the public and the adjoining properties, streets, or sidewalks, curbs shall be required.

- F. **Sidewalks.** In all cases where off-street parking spaces directly abut a public or private sidewalk, the sidewalk shall be widened to at least seven (7) feet in width to accommodate encroachment of the vehicle's bumper.
- G. **Stacking spaces for drive-through facilities.**
1. On the same premises with every building, structure or part thereof, erected and occupied for the purpose of serving customers in their automobiles by means of a service window, service bay, or similar arrangement, such as drive-in banks or cleaning establishments, there shall be provided four (4) off-street stacking spaces for each service window or transaction station. Eight (8) off-street stacking shall be provided for each drive-thru transaction station of a restaurant.
 2. Self-service motor vehicle car wash and quick oil change establishments shall provide three (3) off-street stacking spaces for each washing stall. Motor vehicle car wash establishments other than self-service shall provide stacking spaces equal in number to three (3) times the maximum capacity of the wash. "Maximum capacity" shall mean the greatest number possible of automobiles undergoing some phase of washing at the same time, which shall be determined by dividing the length of wash process by 20 feet. A drying lane 50 feet long shall also be provided at the exit of the washing stalls (for both self-service and automatic car washes) in order to prevent undue amounts of water from collecting on the public street and thereby creating a traffic hazard.
 3. An off-street stacking space is defined as an area 10 feet wide by 25 feet long.
- H. **Surfacing.** Off-street parking and loading spaces in the C-1, C-2, and I-1 district as well as off-street parking and loading spaces for institutional, civic, non-residential, and multiple family uses (other than single-family and two-family residential) in the AG, R-1, and R-2 district shall be paved with concrete or bituminous material and maintained in a dust-free condition.
- I. **Grading and drainage.** The parking lot and its driveway shall be designed to meet minimum engineering standards. At a minimum they shall provide adequate drainage to prevent surface flow into adjacent property or toward buildings and be maintained in good condition, free of dust, trash, and debris.
- J. **Parking layout.** Plans for the layout of off-street parking facilities shall be in accordance with the following minimum requirements:

PARKING PATTERN (degrees)	MANEUVERING LANE WIDTH (feet)	PARKING SPACE WIDTH (feet)	PARKING SPACE LENGTH (feet)	TOTAL WIDTH OF ONE ROW OF SPACES PLUS MANEUVERING LANE (feet)	TOTAL WIDTH OF TWO ROWS OF SPACES PLUS MANEUVERING LANE (feet)
0° (parallel)	24' (two-way)	8'	23'	32'	40'
30° to 53°	12' (one-way)	9'	20'	26'	40'
54° to 74°	15' (one-way)	9'	20'	33'	50'
75° to 90°	20' (two-way)	9'	20'	40'	60'



Section 13.04 Minimum Required Spaces Per Use

A. Residential Uses

1. Dwellings	Two (2) per dwelling unit
2. Multiple Family Dwelling Units	One (1) per dwelling unit plus one (1) additional visitor space for every four (4) dwelling units
3. Sanitariums, Convalescent, or Nursing Home	Two (2) per three (3) dwelling units or per five (5) beds, plus one (1) per on-duty employee based on maximum employment shift.
4. Bed & Breakfast Inn	One (1) space per room for guest use plus (2) spaces for the dwelling unit.

B. Community Uses

1. Churches	One (1) for each four (4) seats in the main worship unit based on maximum capacity of the assembly space.
2. Hospitals, Institutions, and clinic	One (1) per bed, plus one (1) per employee during the eight (8) hour shift in which the greatest number of employees are on duty.
3. Libraries, Museums, and Post Offices	One (1) for each 300 square feet of floor area.
4. Private Clubs and Lodges	One (1) for each four (4) people based on the maximum occupancy of the building.
5. Nursery Schools and Day Care Centers	One (1) per 350 square feet of usable floor space.
6. Senior High Schools and Institutions of Higher Learning	One (1) space for each employee, plus one (1) for each 10 students, plus one half (1/2) per classroom for visitor use, plus any additional requirements for the auditorium and stadium if required.
7. Stadiums	One (1) for each four (4) seats or six (6) feet of bleachers plus one (1) per employee on largest employment shift.

8. Theaters, Auditoriums	One (1) for each (4) seats based upon maximum seating capacity of the primary assembly space plus one (1) for each employee on the largest employment shift.
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C. Commercial/Industrial Uses

1. Banks, Business Offices, and Public Buildings not specifically mentioned elsewhere	One (1) for each two hundred (150) square feet of usable floor area.
2. Bowling Alleys	Six (6) for each alley, with an alley consisting of two bowling lanes and one (1) scoring console. One (1) additional space per employee on the largest employment shift shall also be required. If there is a restaurant, bar, or pro shop included with the alley, the minimum required for each of those uses shall be applied.
3. Business Parks and/or similar uses.	One (1) for each 250 square feet of usable floor area.
4. Restaurants, Grills, Dining Rooms, Dairy Bars, Soda Fountains	One space per 100 square feet of usable floor area, plus one (1) per employee during largest employment shift.
5. "Drive-in" establishments	One (1) per 30 square feet of usable floor area with a minimum of 25 parking spaces plus stacking requirements as contained in section 13.03.G
6. Hotels and Motels	One (1) for each two (2) guest rooms plus one (1) per each employee on the largest shift, plus extra spaces for dining rooms, ballrooms, or meeting rooms as required based upon maximum occupancy load.
7. Kennel, Veterinary Clinic	One (1) space per 500 square feet, plus one (1) space per employee on largest employment shift.

<p>8. Manufacturing, Processing, and/or Fabricating, Manufacturing Buildings, and/or Business Offices, and/or Research Laboratories, and/or other facilities related, but not necessarily connected to a manufacturing or industrial building</p>	<p>One (1) per 1000 square feet of usable floor area, plus one (1) per on-duty employee based upon maximum employment shift.</p>
<p>9. Medical Doctors Office or Dental Clinic</p>	<p>One (1) for each 150 square feet of waiting room area plus one (1) for each examining room, dental chair, or similar use area, plus one (1) per employee on duty</p>
<p>10. Mortuaries or Funeral Homes</p>	<p>One (1) for each fifty (50) Square feet of floor area used for services</p>
<p>11. Motor Vehicle Sales and Service Establishments</p>	<p>One (1) for each 200 square feet of usable floor space of sales area and one (1) for each one (1) auto service stall, plus one (1) space per employee on largest employment shift</p>
<p>12. Professional Offices and Buildings</p>	<p>One (1) for each two hundred fifty (250) square feet of floor area</p>
<p>13. Car Wash</p>	<p>One (1) per employee based upon maximum employee shift, plus stacking per Section 13.03.G</p>
<p>14. Retail Stores, Supermarkets, Department Stores, Personal Service Shops - General Business</p>	<p>One for each 150 square feet of usable floor area.</p>
<p>15. Taverns and Bars</p>	<p>One for each 50 square feet of usable floor area.</p>

D. Other Uses

1. Golf Course	Five (5) spaces per hole plus one (1) per each employee on maximum employment shift.
2. Outdoor Recreation Facilities	One per six (6) acres of gross land area.
3. Roadside Stands	One (1) per 250 square feet of usable floor area plus one (1) per employee based upon maximum employment
4. Annual Seasonal Event	To be determined based on information on the particular event presented by the applicant to the Planning Commission.
5. Mixed Uses in the Same Building	See Section 13.02.E
6. Other Uses not Specifically Mentioned	In the case of buildings, which are being developed for uses not specifically mentioned, the standards for the mentioned use most similar in terms of parking demand shall apply to the proposed development.

Section 13.05 Off-street Loading Requirements

Where determined to be necessary by the Planning Commission, adequate space shall be provided for loading and unloading activities on the same premises with a use involving the receipt or distribution of vehicles, materials, or merchandise to avoid undue interference with the public use of streets and alleys. Each loading or unloading space shall be 10 feet wide by 50 feet long, with a 15 foot height clearance, unless the Planning Commission determines that an alternative size is more appropriate for the site. Such spaces shall be designated strictly for loading and unloading purposes and clearly shown on any submitted site plans. Loading and unloading spaces shall be provided in accordance with the following schedule:

USABLE FLOOR AREA (square-feet)	LOADING AND UNLOADING SPACES REQUIRED BY DISTRICT	
	C-1 / C-2 Districts	Industrial District
0 to 2,000	None	None
2,001 to 5,000	1	1
5,001 to 20,000	1	1 plus 1/5,000 in excess of 5,000
20,001 to 50,000	1 plus 1/20,000 in excess of 20,000	3 plus 1/15,000 in excess of 20,000
50,001 to 100,000	1 plus 1/20,000 in excess of 20,000	5 plus 1/10,000 in excess of 50,000
100,001 to 300,000	5 plus 1/100,000 in excess of 100,000	10 plus 1/100,000 in excess of 100,000
300,001 to 500,000	10 plus 1/100,000 in excess of 300,000	10 plus 1/100,000 in excess of 300,000
Over 500,000	12 plus 1/250,000 in excess of 500,000	14 plus 1/150,000 in excess of 500,000

- A. No loading space shall be located closer than 50 feet to any residential district or use, except where located within an enclosed building or adequately screened to the satisfaction of the Planning Commission.
- B. Loading spaces shall not be provided in the front yard or on any building facade facing or visible from a public street, except where the Planning Commission determines such a location is necessary due to the location or placement of the building, existing street pattern, or other factors.
- C. Loading spaces shall be paved with concrete or plant-mixed bituminous material in accordance with the requirements of the City.

Section 13.06 Modification of Standards

- A. **Deferment of parking spaces.** Where an applicant demonstrates to the satisfaction of the Planning Commission that the minimum required number of parking spaces is excessive, the Planning Commission may approve the construction of a lesser number of parking spaces, provided that the deferred parking is shown on the site plan and set aside as open space, and provided that the applicant agrees to construct the additional parking upon request by the City after the Zoning Administrator or other City official documents more than one (1) incident of problem parking on the site.

B. Special circumstances. Under the following circumstances, the Planning Commission may permit alternative means (other than the construction of private off-street parking or loading facilities) of complying with the parking or loading requirements of this Chapter:

1. Existing off-street parking and/or loading spaces on the lot can effectively accommodate the parking and loading needs of a given use.
2. Existing on-street spaces adjacent to the lot can effectively accommodate the parking and loading needs of a given use without negatively impacting traffic safety or adjacent uses.
3. Existing public parking lots and alleys near the lot can effectively accommodate the parking and loading needs of a given use without negatively impacting traffic safety or adjacent uses.
4. An agreement for shared facilities is in place between adjacent property owners to set aside existing off-street parking and/or loading spaces on an adjacent lot to accommodate the requirements of a given use.

Section 13.07 Maintenance

All parking and loading areas shall be maintained in accordance with the provisions of this Chapter, an approved site plan, and the following:

- A. Any alterations to an approved parking or loading facility that is not in accordance with an approved site plan shall be a violation of this Ordinance.
- B. Parking and loading facilities for an established use shall not be encroached upon, unless the site maintains the minimum number of required parking spaces as provided in this Chapter. If not, accommodations for additional parking must be made in order to satisfy the minimum requirements for that use.
- C. All land between the boundaries of the parking facility and required screening, as well as the surface of the parking area, shall be kept free from tall grass, weeds, rubbish, refuse and debris, and shall be landscaped to conform with the requirements of this Ordinance.

Chapter 14

Landscaping and Screening

Section 14.01 Purpose

It is the intent of the City of Gobles that all developments that are subject to the provisions of this site plan review, and certain developments subject to Special Use Permits, provide landscaping to provide transitions between adjacent land uses, to enhance the local environment, and to improve community aesthetics. Landscaping is viewed as a critical element contributing to the aesthetics, development quality, stability of property values, and the overall character in the City.

The standards set forth in this Section are also intended to preserve quality mature trees, screen headlights to reduce glare, integrate various elements of a site, help ensure compatibility between land uses, assist in directing safe and efficient traffic flows at driveways and within parking areas, and minimize negative impacts of stormwater runoff.

The standards of this Section are considered the minimum necessary to achieve the intent. In several instances, the standards are intentionally flexible to encourage creative design. Applicants are encouraged to provide additional landscaping to improve the function, appearance, and value of their property.

Section 14.02 General Requirements

- A. **Plan Required.** A landscaping plan in accordance with the requirements of this section is required for all developments subject to site plan approval pursuant to Chapter 15, and shall be a part of and approved with the site plan. A landscaping plan is also required for Special Use Permit, when specifically required in Chapter 16, and shall be submitted with and approved as a part of the Special Use Permit in accordance with the requirements of Chapter 16.
- B. **Plan Requirements.** A separate landscaping plan shall be submitted at a minimum scale of one (1) inch equals fifty (50) feet. The landscape plan shall clearly describe the location, type, size, and spacing of all plant materials. It shall also include planting details and specifications, clearly describing planting technique, material installation, planting mixtures, mulch, material depth, seed blends, and other necessary information.

Section 14.03 Landscaping Requirements

A. At a minimum, landscaping shall be provided for all development in accordance with the requirements set forth in this Paragraph. The Planning Commission may require additional landscaping when, in its determination, such additional landscaping is necessary to preserve the spirit and intent of this Ordinance. The Planning Commission may lessen these requirements when it finds that the nature and scope of the proposed development are minimal, the costs of providing the required landscaping far exceed the potential benefits, and the benefits and intent of the required landscaping are being satisfied in another manner. Where more than one requirement applies, the one that imposes the greater amount of landscaping shall apply.

1. For any development subject to site plan review: a greenbelt at least ten (10) feet in width shall be provided between the development and all side and rear property lines. A greenbelt at least fifty (50) feet in width shall be provided between the development and any adjacent residentially zoned property.
2. For any development requiring a Special Use Permit and subject to site plan review: a greenbelt at least (10) feet in width shall be provided between the development and all side and rear yards. A greenbelt at least fifty (50) feet in width may be required between the development and any adjacent residentially zoned property, if it is determined that the proposed special use is of a higher intensity than the adjacent residential use.
3. For any required parking lot that is located within one-hundred-fifty (150) feet of a residential dwelling, or that the Planning Commission finds that the potential for headlights to impact adjacent property uses, a greenbelt at least ten (10) feet in width and either a fence or a berm shall be provide between the parking lot and the subject property line, with the greenbelt being between the property line and the berm or fence.

B. **Greenbelt Standards.** Greenbelts required by this Section shall meet the following minimum standards:

1. There shall be at least one (1) deciduous tree and four (4) shrubs per each thirty (30) lineal feet of a ten (10) foot wide greenbelt. The location of the trees and shrubbery shall be varied as appropriate to provide a natural and sustainable buffer.
2. There shall be at least one (1) deciduous tree, two (2) evergreen trees, and eight (8) shrubs per each thirty (30) lineal feet of a fifty (50) foot wide greenbelt. The location of the trees and shrubbery shall be varied as appropriate to provide a natural and sustainable buffer.

3. The greenbelt area shall contain grass, vegetative ground cover, mulch, or crushed stone on a weed barrier, and be curbed or edged.
- C. **Berm Standards.** Berms required by this Section shall comply with the following minimum standards:
1. The berm shall be a minimum of four (4) feet in height, with a crest that is a minimum of four (4) feet in width, and side slopes of 3 feet in length to 1 foot in height.
 2. The side slope of the berm facing the development may be constructed as a retaining wall rather than an earthen slope.
 3. The berm shall be protected from erosion by planting with permanent grass.
- D. **Parking Lot Landscaping.** Landscaped island shall be provided in all off-street parking lots with 25 or more spaces.
1. Landscaped islands shall be provided at the ratio of at least one hundred fifty (150) square feet of island for every ten (10) parking spaces or fraction thereof.
 2. For every three hundred (300) square feet of landscaped island, at least one (1) deciduous tree (minimum 2.5 inch caliper) shall be planted. At a minimum, at least one (1) tree shall be planted in each island.
 3. A combination of natural and artificial groundcover shall be provided on the islands consisting of grass, perennial plants, deciduous or evergreen plants and shrubs, shredded bark, or wood chips.
 4. Landscaped islands shall be curbed and designed to protect landscaping from damage by vehicles. Islands shall be located to aid the flow of traffic, control speeds and break visual monotony of large expanses of parking area.
- E. **Preservation of Existing Trees.** The City encourages the preservation of quality and mature trees by providing credits toward the required trees for greenbelts, and buffer strips required in the paragraphs above. Trees intended to be preserved shall be indicated with a special symbol on the site plan and be protected during construction through use of a fence around the drip line. To obtain credit, the preserved trees shall be of a high quality, healthy, and at least four inches (4") in caliper. Trees to be preserved shall be counted for credit only if they are located in a required buffer area. Tree preservation outside of the required buffer area may receive credit if the preserved trees are found to contribute to the required buffer area by the Planning Commission.

The credit for preserved trees shall be as follows. Any preserved trees receiving credit which are lost within two (2) years after construction shall be replaced by the land owner with trees otherwise required.

<u>Caliper of Preserved Tree (inches)</u>	<u>Number of Trees Credited</u>
Over 12 inches	3
8" – 11.9"	2
4" – 7.9"	1

Note: Caliper measurement for existing trees is the diameter at a height of four (4) feet above the natural grade. (Diameter at Breast Height, D.B.H.)

Section 14.04 Installation

- A. Unless otherwise approved by the Planning Commission, required landscaping shall be planted in the spring or fall immediately following the approval of the landscaping plan, whichever comes first. The property owner shall request an inspection by the Zoning Administrator after the landscaping has been established.
- B. Landscaping shall be installed in a sound manner according to generally accepted planting procedures with the quality of plant materials as described in this Section, and shall be protected from vehicular encroachment and snow removal operations.
- C. The Planning Commission shall require security in the amount of twenty (20) percent of the estimated cost of plantings prior to the issuance of any zoning permits required for the proposed development, in accordance with the standards set forth in Section 15.07. Such security shall be held for twenty-four (24) months after the date that the Zoning Administrator inspects the landscaping and certifies that it is complete.
- D. When a Certificate of Occupancy is requested prior to the establishment of the required landscaping, the Zoning Administrator shall require security in the amount of one-hundred-fifty (150) percent of the estimated cost of the plantings, in accordance with the standards set forth in Section 15.07. Such security shall not be released until the Zoning Administrator inspects the development and certifies that the landscaping has been fully installed.

Section 14.05 Plant Material Standards

It is the intent of this Section that a diverse mixture of plantings be provided. Therefore, all required landscaping shall comply with the following minimum plant material

standards, unless otherwise specified within this Section. These standards may be varied by the Planning Commission where the established minimums, in the judgment of the Commission, will not serve the purpose and intent of this Chapter.

A. **Plant Quality.** Plant materials permitted in required landscaped areas shall be hardy to the climate of Michigan, long-lived, resistant to disease and insect attack, and shall have orderly growth characteristics.

B. **Plant Size Specifications.**

1. **Trees.** Required trees shall be of the following sizes at the time of planting, unless otherwise stated in this Section.
 - a. **Deciduous Trees.** Two and a half (2 ½) inch caliper measurement, measured four (4) feet off the ground.
 - b. **Evergreen Trees.** Six (6) feet in height, with a minimum spread of three (3) feet.
 - c. **Deciduous Ornamental Trees.** One (1) inch caliper measurement, measured four (4) feet off the ground.
2. **Shrubs.** Minimum twenty-four (24) inches in height above planting grade.
3. **Hedges.** Planted in such a manner as to form a continuous unbroken visual screen within two (2) years after planting.
4. **Vines.** Minimum of thirty (30) inches in length after one (1) growing season.
5. **Ground Cover.** Planted in such a manner as to present a finished appearance and reasonably complete coverage after one (1) complete growing season.
6. **Grass.** Planted in species normally grown as permanent lawns in the southwest Michigan area. Grass may be plugged, sprigged, seeded, or sodded, except that rolled sod, erosion reducing net, or other suitable mulch shall be used in swales or other areas subject to erosion. Grass, sod, and seed shall be clean and free of weeds, noxious pests, and disease.
7. **Mulch Material.** Minimum of four (4) inches deep for planted trees, shrubs, and vines, and shall be installed in a manner as to present a finished appearance.

C. General Specifications.

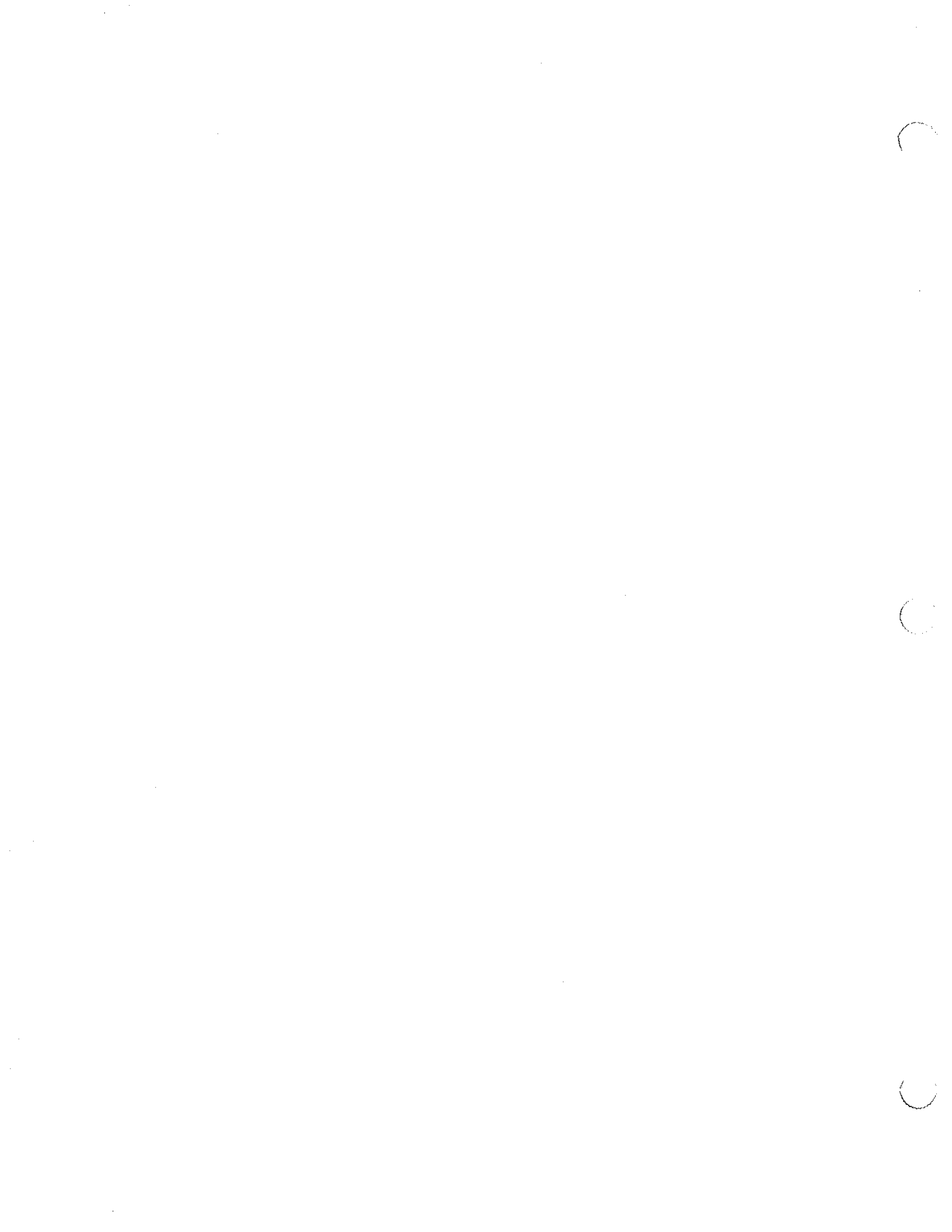
1. No plant materials used to satisfy these standards shall be comprised of non-living materials, such as plastic plants.
2. Ground covers shall be planted in such a manner so as to present a finished appearance and reasonably complete coverage after one complete growing season, at a rate of at least three (3) plants per square foot.
3. All plant materials shall be well-formed, sound, vigorous, healthy and free from disease, sun scald, wind burn, abrasion, and harmful insects at the time of planting.
4. The following plant materials are not permitted for planting (in a public right-of-way or as required by the minimum landscaping standards of this Ordinance) due to their tendency and susceptibility to storm damage, their roots are known to clog drains and sewers, they are known to be susceptible to disease or insect pests, or other undesirable characteristics: Silver Maple, Box Elder, Honey Locust (thorned), Ginko (female), Mulberry, Poplar, Black Locust, Willow, American Elm, Siberian Elm, Slippery Elm (Red Elm), and Chinese Elm, Horse Chestnut, Poplar, Ailanthus, Catalpa, Osage orange, Cottonwood, and European Barberry.

Section 14.06 Maintenance

The property owner shall be responsible for the long term maintenance of required landscaping in accordance with the standards set forth in this Paragraph. The Zoning Administrator or Planning Commission may order in writing that the property owner take necessary actions to maintain landscaped areas and to replace dead, diseased or dying vegetation.

- A. Landscaped areas and plant materials required by this Ordinance shall be kept free from refuse and debris. Plant materials, including lawn areas, shall be maintained in a healthy and growing condition, neat and orderly in appearance.
- B. All landscaped areas shall be provided with a readily available and acceptable water supply to facilitate continued maintenance.
- C. Landscaping materials and arrangement shall ensure adequate sight visibility for motorists, adequate clearance for pedestrians and vehicles, and accessibility to fire hydrants, and shall not interfere with or obstruct the view of public view sheds and sight lines from rights of way and public property to streams, lakes, and other waterways.

- D. Plantings within ten (10) feet of a fire hydrant shall be no taller than twelve (12) inches at maturity.



Chapter 16

Special Use Permits

Section 16.01 Special Use Permits Generally

- A. **Intent.** The procedures and standards set forth in this Chapter are intended to provide a consistent and uniform method for review of proposed plans for uses requiring special use permits.
- B. **Purpose.** The purpose of incorporating special use permits into the Zoning Ordinance is based on the theory that the development and execution of a comprehensive Zoning Ordinance is founded upon the division of the City into districts, within each district 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 certain uses that, while generally compatible with other uses in a particular zoning district, may not be suitable for each and every property located within that district. Furthermore, there are certain uses that, because of their unique characteristics, may require additional development standards to minimize potential impacts to adjacent and nearby properties.
- C. **Application.** Certain uses are permitted by special use permit in accordance with the various zoning district regulations. When a special use permit is required, no zoning permit shall be issued, no construction for any building or structure shall be commenced, and no use shall be made until and after the Planning Commission approves a special use permit for a particular use on a particular lot in accordance with the procedure set forth in this Chapter.

Section 16.02 Application Requirements

Special use permit applications shall be submitted in accordance with the following:

- A. **Eligibility.** The owner or operator of the proposed use, the owner of an interest in the lot where the special use would be located, or by the owner or operator's designated agent, shall submit the application. The applicant or agent is required to be present at all scheduled review meetings.
- B. **Requirements.** Special use permit applications shall be submitted to the City on the forms and according to the guidelines provided by the City, and shall include the following information:
 - 1. The applicant's name, address, telephone and facsimile numbers.

2. The names and addresses of all owners of record, and proof of ownership. If the applicant leases the property, a copy of the lease shall be provided, along with the owner's signed authorization for the application.
3. Legal description, address, location and tax identification number of the property.
4. A certified survey drawing of the subject property. The Zoning Administrator and/or the Planning Commission may exempt this requirement for certain types of applications.
5. A detailed description of the proposed use.
6. A site plan that meets the requirements of Section 15.04.
7. Appropriate fees, as established in the fee schedule set by the City Commission.
8. Supporting statements, evidence, data, information, and exhibits that address those standards and requirements for assessing special use permit applications outlined in Section 16.04 below.
9. Any other information, including an impact or needs assessment, deemed necessary by the Planning Commission to determine compliance with the standards for approval set forth in this Ordinance.

Section 16.03 Review Procedures

- A. **Concurrent Review.** The special use permit review and site plan review may occur concurrently at the discretion of the Planning Commission.
- B. **Submission of the Application.** The application shall be filed with the City. Within 15 days of its receipt, the application shall be reviewed for completeness. In completing this review, the Zoning Administrator may consult with the Chairman of the Planning Commission, the Mayor, the City Engineer or Engineering Consultant, and any other parties whose input the Zoning Administrator deems necessary for the proper review of the application. If the application is found to be incomplete, it shall be returned to the applicant with a written explanation of the additional information that is required. Once the application is found to be complete, a Public Hearing shall then be scheduled for a regular meeting of the Planning Commission.
- C. **Public Hearing.** Upon receipt of an application for a use requiring special use permit approval, the Planning Commission shall hold a public hearing, one (1) notice of which shall be published not less 15 days prior to the public hearing

date in a newspaper of general circulation in the City and sent by first class mail to the owners of the property for which special use permit approval is being considered, and to the owners of record of all real property and to the occupants of all structures located within 300 feet of the boundaries of the property in question, including property outside the jurisdiction. If the name of the occupants is not known, the term "occupant" may be used to refer to the resident.

Notification need not be given to more than one occupant per structure except that if a structure contains more than one dwelling unit owned or leased by different persons, one occupant of each unit shall be given notice. If a single structure contains more than four dwelling 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 is to be determined 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:

1. Describe the nature of the special condition use request.
 2. Adequately describe the property in question, including street address if applicable and available.
 3. State the date, time, and place for the public hearing.
 4. Indicate when and where written comments concerning the request will be received.
- D. **Planning Commission Consideration.** Subsequent to the hearing, the Planning Commission shall review the application for the special use, together with any reports and recommendations from staff, consultants, and other reviewing agencies, and any public comments. The Planning Commission shall then make a determination based on the requirements of this Ordinance and Section 16.04, and shall provide a recommendation to the City Commission. The Planning Commission may postpone consideration of the special use permit application, recommend approval, recommend approval subject to conditions or recommend denial to the City Commission for the special use permit.
- E. **City Commission Consideration.** The Planning Commission shall transmit its recommendation, together with reports and public hearing findings, to the City Commission for final action. The City Commission may postpone consideration of the application, deny, approve, or approve with conditions a special use permit. Any decision on such a request shall state the findings of fact and specify the conclusions drawn there from and any conditions imposed thereon.
- F. **Conditions.** In approving a special use permit, the City Commission may impose conditions related to the standards set forth in 16.04 in order to minimize

impacts to adjacent and nearby properties, to assure good planning and orderly development, and to protect the health, safety and welfare of the community.

- G. **Re-Application.** An application for a special use permit that is substantially the same as a special use permit that has been denied by the City Commission, shall not be filed and shall not be accepted by the City within twelve (12) months of the date of denial.
- H. **Recording.** Each action taken with reference to a special use permit proposal shall be duly recorded in the minutes of the Planning Commission and/or the City Commission. The minutes shall record the findings of fact relative to each special use permit proposal, the grounds for action taken, and any conditions imposed in conjunction with approval. All records of proceedings shall be kept on file and made available to the public.
- I. **Appeals.** Decisions regarding special use permits shall not be appealable to the Zoning Board of Appeals. Appeals of decisions regarding special use permits shall be to the Van Buren County Circuit Court.

Section 16.04 Standards for Approval of Special Use Permits

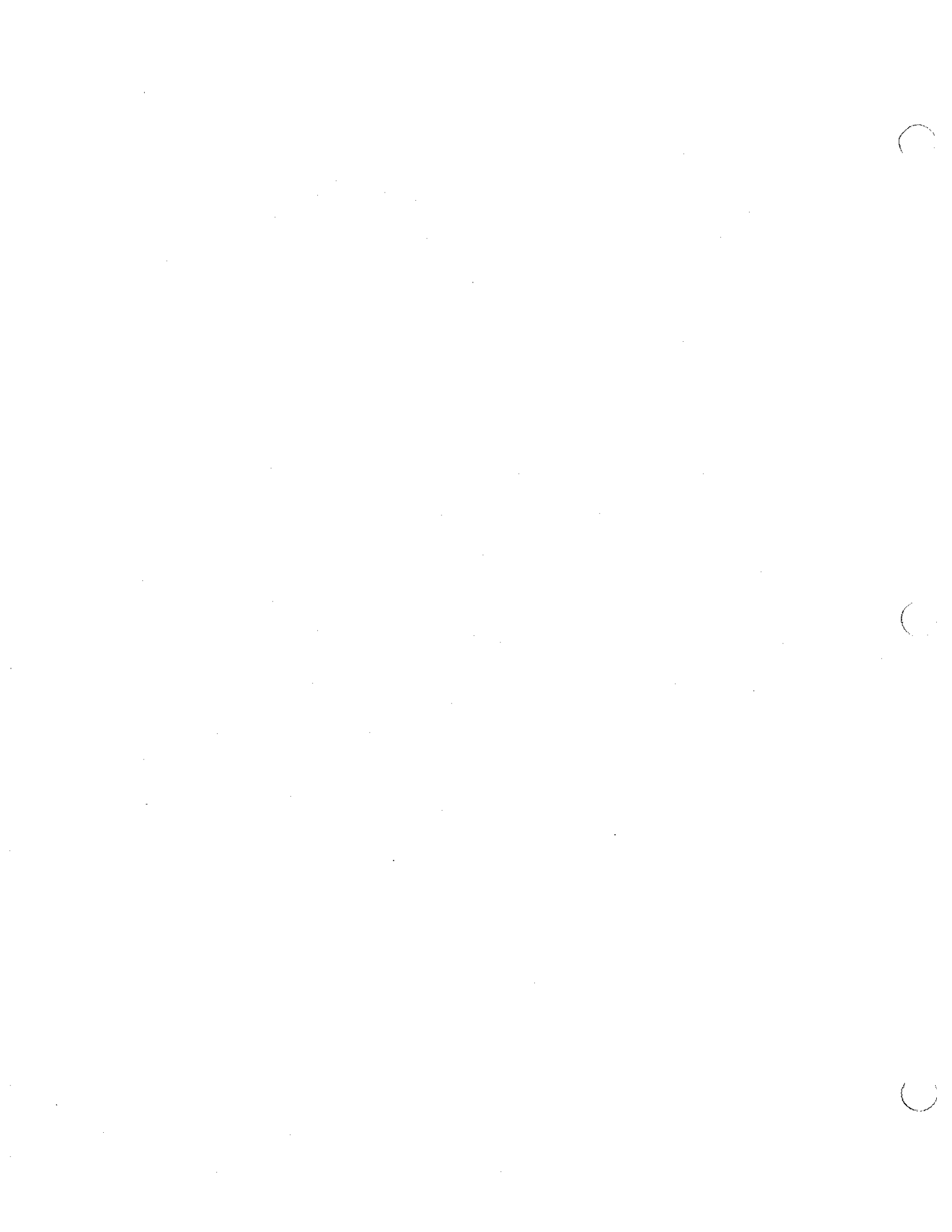
At the public hearing the Planning Commission shall review the application for a special use permit in regard to the standards set forth in this Section. No special use permit shall be approved by the Planning Commission unless it finds that the proposed use will comply with all of the following standards.

- A. **A documented need exists for the proposed use.** A documented and immediate need exists for the proposed use within the City.
- B. **Compatibility with adjacent uses.** The use is compatible with adjacent uses and the existing or intended character of the surrounding area, and will not have an adverse impact upon or interfere with the development, use or enjoyment of adjacent properties, or the orderly development of the area or City as a whole.
- C. **Compatibility with the Land Use Plan.** The location and character of the use is consistent with the general principles, goals, objectives, and policies of the adopted City of Gobles Land Use Plan.
- D. **Compliance with applicable regulations.** The use is in compliance with all applicable Zoning Ordinance provisions, City codes and ordinances, federal and state laws and outside agency regulations.
- E. **Impact upon public services.** The impact of the use upon public services will not exceed the existing or planned capacity of such services, including but not limited to utilities, streets, police and fire protection services, and educational services.

- F. **Traffic impacts.** The use is designed and located in a manner that minimizes any adverse traffic impacts.
- G. **Impact upon the environment and the public health, safety, and welfare.** The use will not be detrimental or injurious to the environment or the public health, safety, and welfare by reason of traffic, noise, vibration, smoke, fumes, odors, dust, glare, light, drainage, topographic changes or other adverse impacts. The proposed use shall be compatible with the natural environment.
- H. **Isolation of existing uses.** Approval of the use will not result in a small residential or non-residential area being substantially surrounded by incompatible uses.

Section 16.05 Approved Special Use Permits

- A. **Commencement.** If the activities authorized by a special use permit are not commenced within twelve (12) months of the date of approval, it shall be null and void, with or without written notification from the City.
- B. **Duration.** An approved special use permit shall run with the land. A change in ownership of the property shall not nullify an approved special use permit. If the activities authorized by a special use permit are discontinued for twelve (12) months or longer, the special use permit shall become null and void, with or without written confirmation from the City.
- C. **Modifications.** There shall be no modifications of an approved special use permit. A property owner desiring a modification of an approved special use permit must file a new application for the modification and go through the process established in this Chapter.
- D. **Violations.** Any violation of the conditions imposed with a special use permit, and any violation of the plans or the information submitted with the application for a special use permit shall be deemed to be violations of this Ordinance and shall be subject to the enforcement procedures provided for in Chapter 21.



Chapter 17

Planned Unit Development

Section 17.01 Purpose

The intent of this Chapter is to provide a degree of flexibility in regard to the use, area, height, bulk, and placement regulations for large-scale developments which qualify as planned developments. These may include, but are not limited to residential developments, shopping centers, industrial, office and business park developments, and medical or educational campuses. Certain large developments may be of such size and configuration as to justify a controlled degree of flexibility, and to permit a mix of land uses that may not normally be permitted in the zoning district, but would, under specific circumstances, increase convenience, be compatible with the overall character of the district, and not be injurious to adjoining properties.

The further purpose of this Chapter is to:

- A. Provide a consistent and uniform method for review of planned development applications that encourages thoughtful and creative planning and design, and high quality development practices.
- B. Allow reasonable regulatory flexibility that results in a substantially higher quality of development, in accordance with the principles, goals and objectives of the Land Use Plan and any sub-area plans.
- C. Preserve natural resources and site features, and encourage economy and efficiency in the use of land, natural resources, energy, and in the provision of public services and utilities.
- D. Encourage the utilization of open space and the development of recreational facilities particularly suited to the proposed uses within a planned development and the natural character of the land where it is located.
- E. Develop sites in such a way that proposed uses, buildings and site improvements are compatible with each other and with adjoining uses, and to prevent adverse impacts on neighboring properties and districts.
- F. Provide for supportive mix of land uses and amenities such as day care, office, neighborhood retail, and similar uses, which in the opinion of the Planning Commission, are in conformance with the goals and objectives of the Land Use Plan and will enhance the residential stability and economic base of the City of Gobles through the application of a special use permit.

Section 17.02 General Requirements

- A. **Permitted Districts.** Planned Unit Developments are permitted in the following zoning districts: AG, Agricultural; R-1, Neighborhood Residential; C-1, Downtown Commercial; C-2, Corridor Mixed Use.
- B. **Minimum Project Area.** The minimum size for a PUD development shall be based on the zoning district in which the development is located according to the following table:

AG, Agricultural	-	10 Acres
R-1, Neighborhood Residential	-	5 Acres
C-1, Downtown Commercial	-	3 Acres
C-2, Corridor Mixed Use	-	5 Acres

The City may, upon recommendation from the Planning Commission, permit a PUD project on a smaller site if the proposed development would have unique benefits for the area of City as a whole.

- C. The development must have direct access to a publicly maintained road.
- D. The site shall be able to be planned and developed as an integrated unit. Phased plans shall be permitted so long as a phasing schedule is submitted with the application for review.
- E. **Uses.** The following uses are permitted in the PUD.
 - 1. In the AG and R-1 districts, the principle permitted use shall be residential development, consistent with the zoning district.
 - a. Residential development shall be primarily single family detached dwellings, although attached two-family dwellings, townhouses, and multifamily dwellings may be permitted as long as it does not exceed 30% of the total dwelling units of the project.
 - b. Non-residential land uses may be integrated into the proposed "PUD" through approval of the special use permit. Commercial uses shall be limited to the development of not more than ten percent (10%) of the total project area. Examples of commercial uses may include retail stores, personal service establishments, bed and breakfast establishments, business or professional offices, the retail or restaurant components of golf courses, and day care facilities. However, all proposed commercial uses must meet the intent of the "PUD" Chapter and be subject to reasonable terms established as part of the special use permit process.

- c. In these districts, single-family residential land uses and other land uses shall be carefully integrated creating a high quality environment consistent with good site design and sound planning principles.
 2. In the C-1 and C-2 districts, the principle permitted use shall be commercial development, although residential uses may be permitted.
 - a. A maximum of 30% of the area can be dedicated to strictly residential uses.
 - b. Over 50% of the residential uses into a PUD in one of these districts must be accessory apartments.
 - c. The proposed mix of land uses shall blend harmoniously and consistently within the goals and objectives of the City Land Use Plan.
 3. Each principal building in the proposed PUD must be provided with wastewater treatment facilities that are approved by the Van Buren County Department of Public Health.
 4. Each site shall be provided with adequate storm drainage. Open drainage courses and storm retention ponds shall be reviewed and may be permitted by the City in consultation with the County Drain Commissioner.
 5. Proposed uses shall be consistent or compatible with the types and intensities of uses specified for the site in this Ordinance or the Land Use Plan.
- F. **Building Height.** The building height standards of the original underlying zoning district shall apply.
- G. **Setbacks.** Minimum setbacks of the original underlying zoning district shall apply. Modifications to these standards may be approved as a part of the Preliminary PUD Plan based on good planning and design principles taking into account the degree of compatibility between adjoining uses and streets, sensitivity to characteristics of the site, the need for free access for emergency vehicles, and the need for adequate amounts of light and air between buildings.
- H. **Circulation system.** The vehicular and pedestrian circulation system within each development shall accommodate, where appropriate, the movement of vehicles, bicycles and pedestrians throughout the proposed development and to and from surrounding areas, safely and conveniently. Sidewalks and streets shall be connected into the overall City network, and shall be extended to adjacent undeveloped properties to provide future connections.

- I. **Utilities.** All utilities including telephone, electric, and cable, within the "PUD", shall be located underground.
- J. **Additional considerations.** In their review of a proposed PUD development, the Planning Commission and City Commission may review other considerations that are found to be relevant to a particular project, including but not limited to road capacity, utility systems, signage, lighting, building materials, noise reduction, and visual screening.
- K. **Covenants and Restrictions.** Where a homeowner's association is to be established, the developer shall file a declaration of covenants and restrictions that will govern the homeowners association for review prior to approval.
- L. **Density Bonus.** A variable density bonus of ten percent (10%) shall be allowed as an incentive for the use of the PUD process. An additional density bonus of ten percent (10%) may be approved at the discretion of the Planning Commission and the City Commission based upon a demonstration by the applicant of design excellence in the PUD project. In order to be eligible for the additional density bonus the PUD must meet all of the following criteria:
 - 1. Provide perimeter buffer areas at least 150 feet in depth along all road frontages and against incompatible developments (e.g. residential adjacent to commercial, single family residential adjacent to multiple family residential).
 - 2. Cleanup of on-site contamination, if necessary.
 - 3. Providing a minimum of 30% open space in the development.
 - 4. Providing an integrated mixture of housing types and styles within the development.
- M. **Open Space.** PUD developments shall include a centrally located, usable open space component that is accessible to all residents of the PUD.
 - 1. **Character and arrangement.** The arrangement and characteristics of such open space shall reflect good planning and design principles, and shall take into account the following considerations:
 - a. Open spaces shall be conveniently located in relation to dwelling units.
 - b. Open spaces shall have reasonable, minimum dimensions which are usable for the functions intended and which will be

maintainable. Open space designs which emphasize perimeter walking paths as the primary open space feature are not permitted.

- c. Open spaces shall satisfy the leisure and recreation needs of all segments of the population residing in the development would be accommodated.
- d. Open spaces shall be integrated into the overall design of the development.

2. **Amount and quality of open space.** Planned unit developments shall provide a minimum amount of open space depending on the zoning district they are located within consistent with the following table:

AG, Agricultural	-	35%
R-1, Neighborhood Residential	-	25%
C-1, Downtown Commercial	-	10%
C-2, Corridor Mixed Use	-	25%

A minimum of fifty percent (50%) of the dedicated open space shall be upland area that is accessible to all residents of the PUD. An active recreational area with appropriate equipment or amenities shall be provided within the dedicated open space, equal in size to a minimum of one thousand five hundred (1,500) square feet per dwelling in the residential component of the PUD. The active recreational area shall be well drained, graded, seeded, or sodded and barrier-free accessible.

- 3. **Areas not Considered Open Space.** Common open space shall not include proposed street right-of-ways, open parking area or commercial areas, areas proposed as single-family residential lots or site condominium lots, or areas proposed to be occupied by dwellings. Common open space may contain accessory structures, paved bicycle and/or walking paths, agricultural uses, wetlands, improvements necessary or desirable for religious, educational, non-commercial, recreational or cultural uses.
- 4. Golf courses may be considered for a maximum of seventy-five percent (75%) of the common open space requirement in a PUD if approved by the City. The remainder of the land required for open space shall be set aside for the use and enjoyment of the residents of the development and shall satisfy the objectives and requirements of this Section. Accessory golf course uses such as pro shops, restaurants, and bars shall be considered commercial spaces and counted towards the maximum allowable commercial property permitted in the PUD.

5. **Protection of Open Space.** The dedicated open space shall be permanently set aside and conserved through an irrevocable conveyance acceptable to the City that:
- a. Describes the permitted activities within the dedicated open space, and assures permanent protection from all forms of development, except as shown on an approved PUD plan.
 - b. Identifies who will be responsible for maintenance of the dedicated open space, how such maintenance will be funded, and what standards shall be applied to such maintenance.
 - c. Permits unrestricted access to any active recreation areas by the general public during daylight (dawn until dusk) hours.
 - d. Is submitted prior to and approved during the Final Development Review process. The legal instrument by which the open space is dedicated shall be submitted to and approved by the City Attorney prior to Final Development Review.

Section 17.03 Informal Conference

Applicants are encouraged to meet with the Planning Commission for informal review of conceptual PUD plans. The purpose of this informal review is to discuss applicable standards and technical issues, comment on the project's compliance with the standards of this Ordinance, and determine the appropriate type of review process. The Planning Commission may also request input from other City Officials, the Building Inspector, Zoning Administrator, and consultants. Conceptual PUD plans should, at minimum, include the proposed use, building footprint, existing conditions, general site layout, and conceptual grading. Conceptual review comments are non-binding, and should be considered by the applicant to be suggestions and recommendations only. A review fee may be required for conceptual plan review, as determined by City Commission resolution.

Section 17.04 Preliminary PUD Review Procedure

- A. **Application.** An applicant wishing to develop property under the City's PUD provisions shall first submit for approval an application for Preliminary Site Plan review.
- 1. **Preliminary PUD Plan.** The Preliminary PUD Plan shall contain the following:
 - a. A scale of not less than 1" equals 50'.

- b. Date, north arrow and scale.
 - c. The dimensions of all lot and property lines, showing the relationship of the subject property to abutting properties and buildings within 100 feet.
 - d. Legal description of parcel.
 - e. The location and nature of any streams, drains, swamps, marshes, and/or unstable soils.
 - f. An indication of basic drainage patterns, existing and proposed, as well as existing topographical contours at a minimum of two (2) foot intervals.
 - g. The location of all existing and proposed streets, drives and parking areas, along with a designation of whether those areas are to be public or private.
 - h. The names, address, and telephone numbers of the architect, planner, designer, engineer or person responsible for the preparation of the site plan.
 - i. The location of all existing and proposed structures on the site.
 - j. The general landscape concept, showing tree masses to be preserved, added buffer areas, screening, and similar features.
 - k. Building envelopes for all parcels.
 - l. General layout of all proposed utilities including: water, sewer, telephone, gas, and electrical services.
2. **PUD description.** A detailed description of the proposed uses, building and site improvements, phasing plans, and open spaces. The written statement shall describe how the proposed project qualifies for consideration as a PUD, state why a PUD is preferred over conventional zoning at this site, review possible impacts on public facilities and services, identify benefits to the City of Gobles, and provide details and reasons for any proposed modifications from Zoning Ordinance provisions.
 3. **Application.** The applicant shall submit an application form with the following information, at a minimum, to the City:

- a. The applicant's name, address, and phone number.
 - b. Proof that the applicant is the owner of the property or has a legal or financial interest in the property (such as a sales agreement).
 - c. The name and address of all persons, firms or corporations having a legal or equitable interest in the property.
 - d. The address of the property.
 - e. The legal description and parcel identification number of the property.
 - f. Project descriptions.
 - g. Size of the property in acres.
 - h. The signature of the applicant and the property owner.
4. **Impact Assessment.** The Planning Commission may require the applicant to prepare and submit an impact assessment. When required, preparation of the impact assessment shall be the responsibility of the applicant. The applicant shall use qualified professional personnel to complete the impact assessment. The impact assessment shall describe in detail the effect and impact that the proposed "PUD" will have, or may have, upon or with respect to any of the following: Streams, rivers, wetlands, and the quality of surface and ground waters; public utilities; displacement of people and other land uses by the proposed use; the character of the area; traffic; and/or wildlife.
5. Upon receipt of the completed application, application fee and ten (10) copies of the Preliminary PUD Plan and PUD description, copies of the plan and the application form shall be forwarded to the City Engineer, Planner, and/or any other persons or agencies deemed appropriate. If the Zoning Administrator has not already received a copy, he/she shall receive one as well. The balance of the plans and the original application form shall be distributed to the Planning Commission to allow for their review of the proposed PUD.

B. Public Hearing

1. Prior to approval of the preliminary site plan, the Planning Commission shall hold a public hearing, one (1) notice of such shall be published not less than 15 days prior to the public hearing date in a newspaper of general circulation in the City and sent by first class mail to the holders of the property for which the project is proposed, and to the owners of record

of all real property and to the occupants of all structures located within 300 feet of the boundaries of the property in question, including those properties outside the City limits. If the name of the occupant is not known, the term "occupant" may be used to refer to the resident. Notification need not be given to more than one occupant per structure except that if a structure contains more than one dwelling unit owned or leased by different persons, one occupant of each unit shall be given notice. If a single structure contains more than four dwellings units 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 is to be determined 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:

- a. Describe the nature of the PUD request.
 - b. Adequately describe the property in question, including street address if available.
 - c. State the date, time and place for the public hearing.
 - d. Indicate when and where written comments concerning the proposed project will be received.
 - e. Indicate that the property is also under consideration for rezoning to PUD district.
2. Within 45 days after receipt of the completed application and fee the Planning Commission shall schedule a public hearing on the request.

C. Planning Commission Consideration. Subsequent to the hearing, the Planning Commission shall review the proposed PUD, together with any reports and recommendations from staff, consultants, other reviewing agencies and any public comments. The Planning Commission shall address whether the project meets the general requirements for a PUD (Section 17.02), and whether the Preliminary PUD Plan meets the following standards:

1. The proposed development is in keeping with the overall goals of the City's Land Use Plan.
2. The proposed development is designed to be in harmony with the existing and intended character of the general vicinity.
3. The proposed development will not be detrimental to the existing or future neighboring uses.

4. The proposed development meets the intent of the PUD district.
 5. The proposed development will not be detrimental to the economic welfare of the community.
 6. The proposed development is consistent with the purposes of this Ordinance.
- D. **Planning Commission Decision.** Within a reasonable time following the public hearing the Planning Commission shall recommend to the City Commission, one of the following: approval, approval subject to certain specified conditions, or denial.
- E. **City Commission Action.** Upon receipt of the report and recommendation from the Planning Commission, the City Commission shall review all findings and take action to approve, approve with conditions or deny the Preliminary PUD plan, and shall set forth the reasons for their action.
- F. **Effect of City Commission action on the Preliminary PUD Plan.** Preliminary PUD Plan approval is intended to provide direction for preparation of the Final PUD Plan, but shall not assure approval of the Final PUD Plan. Preliminary PUD plan approval shall expire two (2) years after the date of approval, unless the Final PUD plan for the project has been submitted to the Planning Commission for review. Upon written request received by the City prior to the expiration date, the City Commission may grant an extension of up to one (1) year, upon determining that site conditions have not changed in a way that would affect the character, design or use of the site, and that the approved Preliminary PUD plan remains in conformance with the purpose and provisions of this Chapter and the goals and objectives of the Land Use Plan. If the City Commission denies the Preliminary PUD Plan, the applicant may pursue development or use of the site under conventional zoning standards, or may submit a new Preliminary PUD Plan for further consideration.

Section 17.05 Outside Agency Permits or Approvals

The applicant shall be responsible for obtaining all necessary permits or approvals from applicable outside agencies. Proof of approval shall be submitted with the Final PUD Plan.

Section 17.06 Final PUD Plan Review Procedures

- A. **Application.** Following approval of the Preliminary PUD Plan, the applicant shall complete and submit ten (10) copies of the Final PUD Plan to the Planning

Commission for approval. This plan shall contain at a minimum the following information:

1. All information required under Preliminary Site Plan approval.
2. Complete engineering drawings and calculations for all roads, bridges, signs, sanitary sewer, and water and storm water infrastructure.
3. All roads whether public or private shall be constructed according to applicable City standards for public roads.
4. Storm water and drainage shall be designed to City and County standards for conventional subdivisions under P.A. 288 of 1967 (The Subdivision Control Act).
5. Floor plans and elevation drawings for all non-residential buildings.
6. Landscape plan.
7. Golf course management and/or landscape management plans.
8. The location and type of any hazardous materials or landscape maintenance chemicals to be stored on the site.
9. Master Deeds, Master Condominium documents and special subdivision regulations or covenants.
10. Projected time for completion of the entire project.
11. Proposed phasing, if any, and the projected time for completion of each phase.
12. Detailed plans addressing any special concerns or requests of the City identified during the Preliminary Site Plan approval phase.
13. Any additional information necessary or requested by the City to show consistency with the Preliminary PUD Plan.

B. Planning Commission Action. The Planning Commission shall review the Final PUD plan, together with any reports and recommendations from officials, consultants, other reviewing agencies and any public comments. The Planning Commission shall address whether the Final PUD Plan conforms to the following objectives and requirements, and shall then report its findings and recommendations to the City Commission:

1. The Final PUD Plan is consistent with the approved Preliminary PUD Plan, any conditions of approval, and the land use goals and objectives of the Land Use Plan.
 2. All conditions of Preliminary Final PUD Plan approval have been addressed.
 3. All applicable engineering requirements have been satisfied, and the applicant has obtained all necessary outside agency permits or approvals.
- C. **City Commission Action.** Upon receipt of the report and recommendation from the Planning Commission, the City Commission shall review all findings and take action to approve, approve with conditions or deny the Final PUD plan, and shall set forth the reasons for their action.

Approval of the Final PUD Plan and PUD Agreement by the City Commission shall allow the applicant to submit construction and building plans for the project to the City Building Inspector for review. All construction and building plans and permits shall conform to the approved Final PUD Plan, and no development may take place on the site, nor may any use thereof be made, except in accordance with the approved Final PUD Plan.

- D. **Expiration.** An approved Final PUD Plan shall expire 365 days after the date of approval of the Final PUD plan, unless building permits have been issued or construction has commenced. If such construction has commenced, Final PUD Plan approval shall continue for a period of five (5) years from the date thereof. If such construction lapses for more than 180 continuous days, said approval shall immediately expire. Upon written request received by the City prior to the expiration date, the City Commission may grant an extension of up to 180 days, provided that site conditions have not changed in a way that would affect the character, design or use of the site, and that the approved Final PUD Plan remains in conformance with the purpose and provisions of this Chapter and the goals and objectives of the City's Land Use Plan.

Section 17.07 Amendments to an Approved Final PUD Plan

Changes to an approved Final PUD plan may occur only under the following circumstances:

- A. A developer or property owner who has been granted final PUD approval by the City Commission shall notify the City if they desire to change an approved final development plan.
- B. Minor changes to a final development plan may be approved by the Zoning Administrator provided that the proposed revision does not alter the basic design nor conditions of the plan. "Minor changes" are limited to the following:

1. For residential buildings, the size of structures may be reduced or increased by five percent (5%) provided that the overall density of units does not increase.
 2. Square footage of nonresidential buildings may be decreased or increased by up to five percent (5%).
 3. The relocation of building footprints by not more than three (3) feet, unless a specific setback or separation distance is imposed as a condition of the PUD approval.
 4. An increase in area portions of the site designated as "not to be disturbed".
 5. Landscape materials may be replaced by similar plant materials on a one-to-one basis or greater.
 6. Building materials may be changed to those of higher quality.
 7. Other similar changes of a minor nature proposed to be made to the configuration, design, layout, or topography of the PUD which are not significant in relation to the PUD and would not have any significant adverse effect on adjacent or nearby lands or the public health, safety, or welfare.
- C. Should the Zoning Administrator determine that the requested modification to the final PUD plan is not minor, resubmittal to the Planning Commission is necessary.
- D. Should the Planning Commission determine that the modifications to the final PUD plan significantly alter the intent of the original concept of the project, a new final PUD submittal, illustrating the modification and satisfying the requirements of Section 17.06, shall be submitted for review by the Planning Commission and City Commission.

Section 17.08 Performance Guarantees

To ensure compliance with the Zoning Ordinance and any conditions imposed thereunder, the Planning Commission may require that a case certified check, irrevocable letter of credit, or surety bond acceptable to the City and the City Attorney covering the estimated cost of improvements associated with a project, be deposited with the City to ensure faithful completion of the improvements.

Section 17.09 Appeals

Decisions regarding Planned Unit Developments shall not be appealable to the Zoning Board of Appeals. Appeals of decisions regarding Planned Unit Developments shall be to the Van Buren Circuit Court. This shall not preclude individual property owners within a PUD development from filing an appeal or a variance application to appear before the ZBA regarding individual properties within the development once it is established.

Chapter 18

Site Condominiums

Section 18.01 Intent

The intent of this chapter is to provide regulations and standards governing the development of condominiums within the City of Gobles. These provisions apply to residential, commercial, and industrial uses on individual building sites and planned unit developments developed as condominiums.

Section 18.02 Initial Information.

Concurrently with notice required to be given to the City of Gobles pursuant to Section 71 of Public Act 59 of 1978, as amended (the Condominium Act), a person, firm, or corporation intending to develop a condominium project shall provide the following information:

- A. The name, address, and telephone number of the following parties:
 - 1. All persons, firms, or corporations with an ownership interest in the land on which the condominium development will be located together with a description of the nature of each entity's interest (for example, fee owner, optionee, or land contract vendee).
 - 2. All engineers, attorneys, architects, planners, or registered land surveyors associated with the project.
 - 3. The developer or proprietor of the condominium development.
- B. The legal description of the land on which the condominium development will be developed together with appropriate tax identification numbers.
- C. The acreage content of the land on which the condominium development will be developed.
- D. The purpose of the development (for example, residential, commercial, industrial, etc.)
- E. Approximate number of condominium units to be developed on the subject parcel.

Section 18.03 Information to be Kept Current

The information shall be furnished to the City of Gobles and the City Building Inspector and shall be kept updated until such time as a Certificate of Occupancy has been issued.

Section 18.04 Site Plans for New Projects

Prior to recording of the Master Deed required by Section 72 of Public Act 59 of 1978, as amended, the condominium development shall undergo site plan review and approval pursuant to Chapter 15 of the City of Gobles Zoning Ordinance. In addition, appropriate engineering plans and inspections prior to the issuance of any Certificates of Occupancy shall be submitted to the County.

Section 18.05 Site Plans for Expandable or Convertible Projects

Prior to expansion or conversion of a condominium development to additional land, the new phase of the project shall undergo site plan review and approval pursuant to Chapter 15 of the City of Gobles Zoning Ordinance. Any anticipated convertible area must be indicated as such on the original condominium site plan. All Convertible and Expandable Condominiums must also satisfy the requirements of the State Condominium Act in terms of the condominium documents and the condominium site plan. If the condominium is a site condominium, the expansion or conversion shall also satisfy the standards and procedures of Section 18.09 below.

Section 18.06 Master Deed, Restrictive Covenants, and "As-Built" Survey to be Furnished

The condominium development developer or proprietor shall furnish the following: one (1) copy of the recorded Master Deed, one (1) copy of all restrictive covenants, and two (2) copies of an "as-built survey". The "as-built survey" shall be reviewed for compliance with the City of Gobles Zoning Ordinance. Fees for this review shall be established as a part of the fee schedule adopted by the City Commission. Draft versions of the Master Deed and Restrictive Covenants shall be reviewed during the approval process.

Section 18.07 Monuments Required

- A. The following requirements shall apply to monuments on all condominium projects.

1. All condominium projects shall be marked at their boundaries with monuments consisting of iron or steel bars or iron pipe at least eighteen inches (18") long and one-half inch (1/2") in diameter, or other approved markers.
 2. All condominium developments shall comply with federal and state statutes and local ordinances in regards to monuments.
- B. All condominium developments which consist in whole or in part of condominium units which are residential, commercial, or industrial building sites, mobile home sites, or recreational sites shall be marked with monuments as provided in this subsection.
1. All monuments used shall be made of solid iron or steel bars at least one-half inch (2") in diameter and thirty-six inches (36") long and completely encased in concrete at least four inches (4") in diameter.
 2. Monuments shall be located in the ground at all angles in the boundaries of the condominium development; at the intersection lines of streets and at the intersection of the lines of streets with the boundaries of the condominium development and the intersection of alleys with the boundaries of the condominium development; at all points of curvature, points of tangency, points of compound curvatures, points of reverse curvature and angle points in the side lines of streets and alleys; and at all angles of an intermediate traverse line. It is not intended or required that monuments be placed within the traveled portion of a street to mark angles in the boundary of the condominium development if the angle points can be readily reestablished by reference to monuments along the sidelines of the streets.
 3. If the required location of a monument is in an inaccessible place or where the locating of a monument would be clearly impracticable, it is sufficient to place a reference monument nearby and the precise location thereof is clearly indicated on the plans and referenced to the true point.
 4. If a point requiring a monument is on a bedrock outcropping, a steel rod, at least one-half inch (2") in diameter, shall be drilled and grouted into solid rock to a depth of at least eight inches (8").
 5. All required monuments shall be placed flush with the ground where practicable.
 6. All unit corners and the intersection of all limited common elements and all common elements shall be marked by monuments in the field by iron or steel bars or iron pipe at least eighteen inches (18") long and one-half inch (2") in diameter, or other approved markers.

7. The City Commission may waive the placing of any of the required monuments and markers for a reasonable time, not to exceed one (1) year, on the condition that the proprietor deposits with the City Clerk cash, a certified check, or an irrevocable bank letter of credit to the City of Gobles, whichever the proprietor selects, in an amount to be established by the City Commission by resolution. Such cash, certified check, or irrevocable bank letter of credit shall be returned to the proprietor upon receipt of a certificate by a surveyor that the monuments and markers have been placed as required within the time specified.

Section 18.08 Occupancy

A certificate of occupancy of the condominium development may be granted before all improvements required by this Ordinance are installed with the approval of the Zoning Administrator, provided that the cash, certified check, or irrevocable bank letter of credit submitted to the City is sufficient in amount and type to provide for the installation of improvements without expense to the City.

Section 18.09 Site Condominiums

- A. **Review Procedures.** Pursuant to authority conferred by Section 141 of the Condominium Act, Act 59 of 1978, as amended, before condominium units may be sold or site improvements initiated, all condominium subdivision plans must be approved by the City Commission following review and recommendation for approval by the Planning Commission. In determining whether to recommend a condominium subdivision plan for approval to the City Commission, the Planning Commission shall consult with all applicable offices or agencies (Zoning Administrator, Planning Consultant, Engineering Consultant, Attorney, etc.) regarding the adequacy of the Master Deed, deed restrictions, utility systems and streets, development layout and design, and compliance with all requirements of the Condominium Act and the City of Gobles Zoning Ordinance. The review process shall consist of two steps:
 1. **Preliminary Plan Review.** In the preliminary plan review phase, the Planning Commission shall review the overall plan for the site including basic road and unit configurations and the consistency of the plans with all applicable provisions of the Zoning Ordinance and Land Use Plan. Plans submitted for preliminary review shall include information specified in items 1 - 4 of the Submission Requirements as set forth below in Section B.
 - a. The Planning Commission shall review the preliminary plan, together with any reports and recommendations from staff, consultants, and other reviewing agencies, and any public

comments. The Planning Commission shall then provide a recommendation to the City Commission.

- b. The Planning Commission shall transmit its recommendation, together with reports and minutes from its meetings and discussions, to the City Commission for final action on the preliminary plan. The City Commission may postpone consideration of the applications, deny, approve, or approve with conditions.
- c. Preliminary Plan approval shall last for two (2) years at which time the applicant will need to start the process over again, if he/she has not yet submitted an application for Final Plan approval. The Planning Commission may grant a one-year extension if circumstances warrant.

2. **Final Plan Review.** Upon receipt of Preliminary Plan Approval, the applicant should prepare the appropriate engineering plans and condominium documents and apply for Final Plan review by the Planning Commission. Final plans shall include information as required by items 1 - 8 of the Submission Requirements as set forth below in Section B. The Zoning Administrator shall review such plans, as well as the City's Attorney and Planning and Engineering Consultant as needed. Further, such plans shall be submitted for review and comments to all applicable local, county, and state agencies as may be appropriate, and as determined by the Planning Commission.

a. Because the Final Plan review is primarily a confirmation of the concept approved in the Preliminary Review stage and a review of the details, the final decision making authority rests with the Planning Commission. The Planning Commission shall make the final determination whether to deny, approve, or approve with conditions the site condominium based on the following criteria:

- (1). Consistency with the preliminary plan.
- (2). Compliance with any conditions of preliminary plan approval.
- (3). Proof of receipt of all applicable County, State, and Federal permits and approvals.
- (4). Compliance with local and county engineering and road design standards.

(5). Compliance with Zoning Ordinance standards and requirements, particularly in regards to the draft Condominium documents.

b. If there are significant changes to the plan between preliminary and final review, the Planning Commission shall make a determination whether or not the City Commission should review the final plan.

B. Submission Requirements. In addition to the requirements of Section 66 of the Condominium Act, Public Act 59 of 1978 as amended, and the requirements for site plans contained in Chapter 15 of the City of Gobles Zoning Ordinance, all plans for site condominium projects presented for approval shall contain the following information:

1. Survey of the condominium subdivision site.
2. A survey or drawing delineating all natural features on the site including, but not limited to: ponds, streams, lakes, drains, flood plains, wetlands, and woodland area.
3. The location size, shape, area and width of all condominium units and common elements, and the location of all proposed streets.
4. A generalized plan for the provision of utilities and drainage systems.
5. A draft copy of the Master Deed and a copy of all restrictive covenants to be applied to the project. The draft is finalized and filed with the County upon approval of the project.
6. A utility plan showing all sanitary sewer, water, and storm drainage improvements, including all easements to be granted to utility companies or the City for repair and maintenance of all utilities.
7. A street construction and maintenance plan for all streets within the proposed condominium subdivision.
8. A storm drainage and storm water management plan, including all lines, swales, drains, basins, and other facilities.

C. Zoning Standards. A site condominium development, whether intended for residential, commercial, or industrial use shall be subject to all of the requirements and standards of the applicable Zoning District in which the development is located.

D. Engineering Standards. The design of a site condominium project shall be subject to the design layout and engineering standards, as provided below,

except as may otherwise be provided by the Zoning Ordinance. All newly created streets, regardless of whether they are to be in public or private ownership, shall conform to all minimum requirements of the general specifications and typical cross sections of the City of Gobles.

E. **Roads.** All roads within site condominium developments shall satisfy the standards of the City of Gobles and this Zoning Ordinance, including Section 11.21 – Standards for Shared Driveways and Section 11.22 – Access to Private Roads.

1. Should a proposed condominium development border on or contain an existing or proposed major thoroughfare, the Planning Commission may require marginal access streets, reverse frontage or such other treatment as may be necessary for adequate protection of residential properties and to afford separation and reduction of traffic hazards.
2. All streets in the site condominium development shall be dedicated to the public. In the event that some streets are not dedicated those streets shall be properly maintained. The road surface shall be kept in good repair. Accumulations of snow and ice shall be promptly removed. The master deed shall contain adequate mechanisms to insure that streets will be properly maintained.

F. **Easements.** The following requirements apply to easements located within site condominiums.

1. Location of utility easements shall be provided as necessary for utilities. Such easements shall be a total of not less than twelve feet (12') wide and six feet (6') from each proposed condominium unit site.
2. Recommendations on the proposed layout of telephone and electric company easements should be sought from all of the utility companies serving the area. It shall be the responsibility of the proprietor to submit copies of the proposed condominium development plan to all appropriate public utility agencies.
3. Easements six feet (6') in width, three feet (3') from condominium unit site shall be provided where needed along side condominium unit boundary lines so as to provide for street light dropouts. Prior to the approval of the condominium subdivision plan, a statement shall be obtained from the appropriate public utility indicating that easements have been provided along specific condominium unit boundaries. A notation shall be made on the condominium subdivision plan indicating: "The side boundary lines between condominium units (indicating building envelope numbers) are subject to street light dropout rights granted to the (name of utility company).

4. Drainage easements shall be provided, which conform substantially to the lines of any natural watercourse, drainage ditch, channel, or stream. Such easements shall be of adequate width for the particular conditions of the site.

G. Condominium Units. Condominium units within site condominium developments shall conform to the following standards.

1. The condominium unit size, width, depth, and shape in any site condominium shall meet the approval of the Planning Commission and shall be appropriate for the location and type of development contemplated. Condominium units shall be of such size as to permit a variety of housing types, to provide side yards for desirable access, light, air, privacy, and safety from fire hazards, and to provide for setbacks from the street line and allow sufficient space for household purposes.
2. Condominium unit areas and widths and building setback lines shall conform to at least the minimum requirements of the City of Gobles Zoning Ordinance for the District in which the site condominium is proposed.
3. Condominium units situated on corner lots in residential condominium subdivisions shall have sufficient width to satisfy the front yard setback standards along both street frontages.
4. Excessive condominium unit depth in relation to width shall be avoided. A depth-to-width ratio of 3 to 1 shall be considered a maximum.
5. Condominium units intended for purposes other than residential use shall be specifically designed for such purposes, and shall have adequate provision for off-street parking, setback, and other requirements in accordance with the City of Gobles Zoning Ordinance.
6. Every condominium unit shall front or abut on a street for the full width of the unit. The measurement of unit width shall be determined in the same manner as lots and parcels throughout the rest of the community.
7. Side condominium unit lines shall be at right angles or radial to the street lines.
8. Residential condominium units abutting major thoroughfares or collector streets, where marginal access streets are not desirable or possible to attain, shall be situated with reverse frontage condominium units or with side condominium unit lines parallel to the major traffic streets.

9. Condominium units shall have a front-to-front relationship across all streets where possible.
- H. **Natural Resources.** The natural features and character of lands must be preserved wherever possible. Due regard must be shown for all natural features such as large trees, natural groves, water courses, and similar community assets that will add attractiveness and value to the property, if preserved. The preservation of drainage and natural stream channels must be considered by the proprietor, and the provision of adequate barriers, where appropriate, shall be required.
- I. **Sidewalks.** Sidewalks shall be installed in all single-family detached site condominium developments. Access to all general common areas shall be provided. Upon review of the site plan, the Planning Commission may approve alternate locations for the sidewalks or may waive the walkway requirement if it would not serve the purpose of providing adequate pedestrian circulation. Sidewalks shall conform to the following requirements:
1. All sidewalks must be a minimum of five feet (5') in width.
 2. Sidewalks must be made of concrete.
 3. Sidewalks must be located on both sides of all streets, unless the Planning Commission determines that this is unnecessary based on the character of the development.
 4. Sidewalks and curb ramps must be ADA compliant.
- J. **Utilities and Improvements.** Utilities and improvements installed or proposed in site condominium developments shall conform to the following standards.
1. **Storm Drainage.** An adequate storm drainage system, including necessary storm sewers, catch basins, manholes, culverts, bridges and other appurtenances, as approved by the City or their consultant, shall be required in all developments. Adequate provision shall be made for proper drainage of storm water from the rear yards of condominium units. Drainage of each yard shall be self-contained and shall be drained from rear to front except where topography or other natural features require otherwise. The Planning Commission may require that all storm sewers be installed within the public rights-of-way or within the general common elements and dedicated to the County when, in the opinion of the Planning Commission, dedication of the same would be in the best interest of the City.
 2. **Sewage Disposal.** Each unit in the site condominium shall be provided with adequate wastewater disposal capabilities. Private wastewater

treatment systems, community septic systems, or individual septic systems must first be inspected and approved by the Van Buren County Public Health Department prior to Final Development Plan approval. Any shared wastewater treatment facilities or lines shall be located in general common elements or easements where possible.

3. **Water Supply.** Each unit in the development shall be connected to the City of Gobles Municipal Water System. Service lines, drops, and other equipment required for the provision of water supply shall be located in general common elements or easements where possible.
4. **Curbs and gutters.** Curbs shall be constructed on all streets shown on the plans in accordance with standards and specifications of the City of Gobles.
5. **Telephone lines, Electric lines, Television lines, etc.** The proprietor shall make arrangements for all lines for telephone, electric, television, and other similar services distributed by wire or cable to be placed underground entirely throughout the development area, and such conduits or cables shall be placed within private easements provided to such service companies by the developer or within dedicated public ways. Overhead lines may be permitted upon written recommendation of the City Engineer or Engineering Consultant and the approval of the Planning Commission at time of preliminary plan approval where it is determined that overhead lines will not constitute a detriment to the health, safety, general welfare, design, and character of the development. All such facilities placed in dedicated public ways shall be planned so as not to conflict with other underground utilities. All such facilities shall be constructed in accordance with standards of construction approved by the Michigan Public Service Commission. All drainage and underground utility installations that traverse privately held property should be protected by easements granted by the proprietor.

K. Revision of Condominium Site Plans and Amendments to Condominium Documents.

1. Minor revisions and amendments to approved final development plans for site condominiums may be approved administratively by the Zoning Administrator. Minor revisions would not alter the approved site design, uses, intent, or conditions of the originally approved site condominium. The following shall be considered minor revisions:
 - a. Changes in residential floor area of not more than five percent (5%) provided that there is no increase in the number of units.
 - b. The relocation of building footprints by not more than three (3) feet.

- c. An increase in area for portions of the site designated as "not to be disturbed."
 - d. The substitution of plant materials by similar types of landscaping on a 1-to-1 basis.
 - e. Other similar changes of a minor nature proposed to be made to the configuration, design, layout, or topography, which are not significant to the layout of the development and would not have any significant adverse effect on adjacent or nearby lands or the public health, safety, or welfare. However, the Zoning Administrator always has the right to consider any modification a major modification.
2. All other revisions and modifications shall be considered major revisions and amendments to approved final development plans for site condominiums and shall return to the Planning Commission for Final Plan Review per the procedures and requirements of Section 18.09.A.2 above.
 3. Any revision to the condominium documents or development agreement that affect the approved final condominium site plan shall be reviewed and approved by the City Attorney or Planning Consultant as well as the Planning Commission.



Chapter 19

Nonconforming Uses and Structures

Section 19.01 Purpose and Intent

Nonconformities are uses, structures, buildings, or lots which do not conform to one or more provisions or requirements of this Ordinance or a subsequent amendment, but which were lawfully established prior to the time of adoption of the Ordinance or amendment. Such nonconformities are declared by this Ordinance to be incompatible with the current or intended use of land in the district in which they are located. While such nonconformities may be continued in accordance with the provisions of this Chapter, it is the intent of Gobles that such nonconformities should eventually be phased out and eliminated.

Accordingly, the purpose of this section is to establish regulations that govern the completion, restoration, reconstruction, extension, and/or substitution of nonconformities, and to specify the circumstances and conditions under which nonconformities shall be permitted to continue.

Section 19.02 Nonconforming Uses

A nonconforming use is a use which was lawfully in existence as of the effective date of this Ordinance, or amendment thereto, and which does not now conform to the use regulations of this Ordinance for the zoning district in which it is now located.

A. **Continuation of Nonconforming Uses.** Where, on the effective date of this Ordinance, or the effective date of an amendment to this Ordinance, a lawful and fully permitted use of land exists, which use is no longer permitted by right under the terms of this Ordinance as enacted or amended, such use may be continued, provided it remains otherwise lawful, subject to the following provisions:

1. **Expansion of Use.** 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 Ordinance.
2. **Moving.** The right to continue a nonconforming use runs with the land. A change in property ownership shall not otherwise affect the rights to continue a nonconforming use established in this Section. No such nonconforming use shall be moved in whole or in part to any other portion

of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance.

3. **Discontinuation of Use.** If such nonconforming use of land ceases for any reason for a period of more than twelve (12) months the right to continue such nonconforming use shall be null and void, with or without written notification from Gobles. Any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located.

B. Special standards for single family homes in nonresidential district:

1. A single family residential dwelling in a zoning district which does not permit such a use may be expanded to occupy the floor area necessary for living purposes subject to approval by the Zoning Board of Appeals.
2. A single family dwelling and its accessory structures, in a zoning district which does not permit such use may be continued, replaced, repaired or remodeled if damaged by flood, fire, or vandalism, if approved by the Zoning Board of Appeals. Such approval requires a finding that the resulting building footprint and floor area will be the same size or smaller than that of the building before such change. Replacement of such nonconforming single-family building shall commence no sooner than receiving a valid building permit and within one (1) year of the date of damage. Work shall be diligently pursued toward completion. The applicant may be required to provide the City with evidence, visual or otherwise, to demonstrate to the satisfaction of the Zoning Administrator or Zoning Board of Appeals that work is being diligently pursued. Failure to complete replacement or diligently work toward completion shall result in the loss of legal, nonconforming status unless good cause for the delay is accepted at a hearing before the Zoning Board of Appeals.

- C. Change in use.** Except for single family dwellings as permitted above, a nonconforming use shall not be enlarged, extended, constructed, reconstructed, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located. If no structural alterations are made, any nonconforming use of a building, or building and land in combination, may be changed to another nonconforming use if the Zoning Board of Appeals, either by general rule or by making findings in the specific case, finds the proposed use is more appropriate to the district than the existing nonconforming use. In permitting such change, the Zoning Board of Appeals may require conditions and safeguards in accord with the purpose and intent of this Ordinance. Where a nonconforming use of a structure, land, or structure and land in combination is hereafter changed to a more conforming use, it shall not thereafter be changed to a less conforming use.

- D. **Removal:** Where nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

Section 19.03 Nonconforming Lots

- A. A nonconforming lot is a lot which was lawfully in existence at the effective date of this Ordinance, or amendments thereto, and which does not now conform to the lot size, lot width, or other provisions of this Ordinance pertaining to lots in the zoning district in which it is located.
- B. A nonconforming lot may be used for any use which is permitted in accordance with the relevant zoning district regulations, provided that any building or structure to be constructed complies with the minimum yard requirements of the applicable zoning district regulations.
- C. **Variance to Area and Bulk Requirements:** If the use of a non-conforming lot requires a variation of the minimum floor area and bulk (minimum setback and maximum height) requirements, then such use shall be permitted only if a variance is granted by the Zoning Board of Appeals. (See item D below).
- D. To develop a nonconforming lot(s) under the provisions of paragraphs B and C of this section, the applicant is required to submit evidence that ownership of the lot was not under contiguous single ownership with other lots which could have been combined into a conforming or more conforming lot.

Section 19.04 Nonconforming Structures

Where a lawful building or structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards, landscape buffer, off-street parking, loading space, minimum setback, or other characteristics of the structure or its location on the lot, such building or structure may be continued provided it remains otherwise lawful, subject to the following provisions.

- A. **Permitted expansions.** An expansion (footprint or floor area) of a non-conforming building or structure shall be permitted on a conforming side when all of the following conditions exist:
1. The entire building or structure is dedicated to a conforming use.
 2. The expansion will conform to all setback and height requirements.

Except as noted above, no nonconforming building or structure may be enlarged unless a variance is granted by the Zoning Board of Appeals.

- B. Replacement of a nonconforming single family dwelling.** A nonconforming building used as a single family residence, and its accessory structures, may be continued, replaced, repaired or remodeled if damaged by flood, fire, vandalism, accident or other natural disaster if approved by the Zoning Board of Appeals. Such approval requires a finding that the resulting building footprint will be the same size or smaller than that of the building before such change or that the building will become more conforming. Replacement of such a nonconforming single family building shall commence within one (1) year of the date of damage and work shall be diligently pursued toward completion. Failure to complete replacement or diligently work toward completion shall result in the loss of legal, nonconforming status unless good cause for the delay is accepted at a hearing before the Zoning Board of Appeals.
- C. Damaged nonconforming buildings and structures.** Except as noted in item B above, a nonconforming building or structure, which is damaged by flood, fire, or vandalism to an extent of more than fifty percent (50%) of its market value prior to damage (as described in paragraph G), exclusive of the foundation, shall be reconstructed only in conformity with the provisions of this Ordinance, unless the lot is a nonconforming lot of record, in which case the provisions of Section 19.03 also apply. Such nonconforming building(s) may be replaced provided replacement is commenced within one (1) year of the date of damage and is being diligently pursued toward completion. Failure to complete replacement shall result in the loss of legal, nonconforming status unless good cause for the delay is accepted at a hearing before the Zoning Board of Appeals.
- D. Relocation of a nonconforming building or structure.** Should any nonconforming building or structure be relocated or removed for any reason for any distance, it shall thereafter conform to the regulations for the district in which it is located after it is relocated or moved.
- E. Safety related repairs, improvements and modernization.** Repairs, improvements, or modernization of non-conforming buildings or structures deemed necessary by the City Building Inspector or the Zoning Administrator to keep a non-conforming building structurally safe and sound shall be permitted provided such repairs or improvements do not exceed fifty percent (50%) of the market value (as described in paragraph G) of the building or structure during any period of 12 consecutive months. This cost/value calculation shall not include any costs associated with modernization of electrical, plumbing, heating, or cooling systems to meet Building Code requirements. Any such repairs, improvements, and modernization shall not result in an enlargement of the non-conforming structure. However, if a non-conforming structure or a structure containing a non-conforming use becomes physically unsafe or unlawful due to lack of maintenance and repairs and is declared as such by the Building

Department, it shall not thereafter be restored, repaired, or rebuilt except in full conformity with the regulations in the district in which it is located.

- F. **Elimination of nonconformity:** In the event a non-conforming situation is removed, the corresponding section of the building or structure shall thereafter conform.

- G. **Market Value:** For the purpose of this Article, Market Value shall be determined by an acceptable independent appraisal provided by the applicant. The City Assessor shall review the appraisal. The value of the repairs of improvements shall be based on a written estimate from a licensed contractor provided by the applicant. This estimate shall be reviewed by the Zoning Administrator and if necessary the Building Inspector.

Section 19.05 Change in Tenancy or Ownership

A change of tenancy, ownership, or management of any existing nonconforming use, lot or structure shall not affect the nonconforming rights set forth in this Chapter.

Section 19.06 Unlawful Nonconformities

Any nonconforming use, lot, or structure that was not lawful and fully permitted prior to the enactment of this Ordinance or pertinent amendment thereto shall not be allowed and shall be in violation of this Ordinance and subject to the enforcement provisions of Chapter 21.

Section 19.07 Burden of Proof

The provisions of this Section shall apply to any finding by the Zoning Administrator, Planning Commission, or the Zoning Board of Appeals that a use, structure, or lot does not conform with the provisions of this Ordinance, or pertinent amendment thereto. In such cases, the burden of proof shall be upon the property owner to prove by a preponderance of the evidence that such use, structure, or lot was legal and fully permitted prior to the effective date of this Ordinance or pertinent amendment thereto. In any permit request, enforcement action, or any other proceeding, the burden of proof shall be upon the property owner or applicant to prove by a preponderance of the evidence that a nonconforming use, lot, or structure was lawful and fully permitted prior to the effective date of this Ordinance, or pertinent amendment thereto.

Section 19.08 Recording of Nonconformities

Upon the written request by a property owner and upon the property owner showing by a preponderance of the evidence that a nonconforming use, structure, or lot was lawful and fully permitted prior to the effective date of this Ordinance, or pertinent amendment thereto, the Zoning Administrator shall issue a Zoning Certificate, in accordance with Section 20.06, that establishes that the use, structure, or lot is a legal nonconforming use and is eligible for the nonconforming rights established by this Chapter. In any such request, the burden is upon the property owner to provide sufficient information and evidence for the Zoning Administrator to make a finding that such use, structure, or lot was lawful and fully permitted prior to the effective date of this Ordinance or pertinent amendment thereto.

Chapter 20

Administration

Section 20.01 Purpose

The Mayor of Gobles, or his/her duly authorized representative as specified in this Chapter, is hereby charged with the duty of enforcing the provisions of this Ordinance. Furthermore, administrative responsibilities are vested in the following City entities: City Commission, Planning Commission, Zoning Board of Appeals, Zoning Administrator, and Zoning Enforcement Officials, which shall include the Mayor and his/her duly authorized assistants or representatives. The purpose of this article is to set forth the scope of authority of these entities.

Section 20.02 City Commission

The City Commission shall have the following responsibilities and authority pursuant to this Ordinance.

- A. **Adoption of Zoning Ordinance and Amendments.** In accordance with the intent and purposes expressed in the Preamble to this Ordinance, and pursuant to the authority conferred by Michigan Public Act 110 of 2006, as amended, the City Commission shall have the authority to adopt this Ordinance and any amendments to this Ordinance, which have been previously considered by the Planning Commission, at a hearing or as decreed by a court of competent jurisdiction.
- B. **Setting of Fees.** The City Commission shall, by resolution, have the authority to set all fees for permits, applications, and requests for action pursuant to the regulations set forth in this Ordinance. In the absence of specific action taken by the City Commission to set a fee for a specific permit or application, the Mayor shall assess the fee based on the estimated costs of processing and reviewing the permit or application.
- C. **Approval of Planning Commission Members.** In accordance with Michigan Public Act 33 of 2008, as amended, members of the Planning Commission shall be appointed by the Mayor with the approval of the City Commission. One (1) member of the City Commission shall sit on the Planning Commission at all times.
- D. **Serve as Zoning Board of Appeals.** Pursuant to the authority granted to the City Commission by Section 601(2) of the Michigan Zoning Enabling Act, Public

Act 110 of 2006, as amended, the City Commission shall serve as the Zoning Board of Appeals for the City of Gobles.

- E. **Development Review and Approvals.** The City Commission shall have the authority to grant special use permits, approve preliminary plans for site condominiums, and approve preliminary and final plans for PUD's as set forth in this Ordinance. Other opportunities for review and approval are provided for in this Ordinance.

Section 20.03 Planning Commission

The City Planning Commission shall have the following responsibilities and authority pursuant to this Ordinance.

- A. **Creation.** The Planning Commission is created pursuant to the Michigan Planning Enabling Act, Michigan Public Act 33 of 2008, as amended. All the powers and duties provided for zoning commissions created pursuant to the Michigan Zoning Enabling Act, Michigan Public Act 110 of 2006, as amended, shall be transferred and provided to the Planning Commission.
- B. **Composition and Appointments.** Members (and alternates) of the Planning Commission shall be appointed by the Mayor with the approval of the City Commission. The qualifications of members, the term of each member, filling of vacancies, removal of members, compensation of members, and operation of the Planning Commission shall be in accordance with Public Act 33 of 2008, as amended, and City Ordinances. All appointed members of the Commission may be compensated at a rate to be determined by resolution of the City Commission.
- C. **Organization, Meetings, Records and Rules.** The Planning Commission shall elect a Chair, Vice-Chair and Secretary from among the appointed members, and may create and fill such other offices as it may determine necessary. The term of the Chair shall be one (1) year, with eligibility for re-election.

The Planning Commission shall, by resolution, determine the time and place of meetings. A special meeting may be called by the chairperson or by two (2) members upon written request to the Secretary. The Planning Commission shall adopt rules for the transaction of business, and shall keep a public record of its resolutions, transactions, findings, and determinations.

- D. **Powers and Duties.** The Planning Commission shall discharge the following duties pursuant to this Ordinance:
1. **Formulation of Zoning Ordinance and Amendments.** The Planning Commission shall be responsible for formulation of this Zoning Ordinance, review of amendments to this Ordinance, and reporting its findings and

recommendations concerning this Ordinance or amendments to the City Commission. All duties bestowed upon the Zoning Commission in Public Act 110 of 2006, as amended, have been transferred to the Planning Commission.

2. **Site Plan Review.** The Planning Commission shall be responsible for review of applications for site plan approval in accordance with Chapter 15 (Site Plan Review and Approval Procedures). As provided for in Chapter 19, the Planning Commission shall be responsible for final decisions on site plan reviews.
3. **Special Land Use Permit Review.** The Planning Commission shall be responsible for review of all applications for special land use permit approval in accordance with Chapter 16 (Special Land Use Permit Review and Approval). As provided for in Chapter 16, the Planning Commission shall be responsible for making a recommendation to the City Commission to grant approval, approval subject to revisions, or denial of approval.
4. **Planned Unit Development Review.** The Planning Commission shall be responsible for review of all applications for planned development in accordance with Chapter 17 (Planned Unit Developments). The Planning Commission shall be responsible for making a recommendation to the City Commission to grant approval, approval with conditions, or denial of a Planned Unit Development proposal.
5. **Formulation of a Master Plan.** The Planning Commission shall be responsible for formulation and adoption of a Master Plan (i.e., the City of Gobles Master Plan) as a guide for the development of the City, in accordance with Michigan Public Act 33 of 2008, as amended.
6. **Review of Matters Referred by the City Commission.** The Planning Commission shall be responsible for review of plats or other matters relating to land development referred to it by the City Commission. The Planning Commission shall recommend appropriate regulations and action on such matters.
7. **Report on Operation of the Zoning Ordinance.** At least once per year, the Planning Commission shall prepare for the City Commission a report on the administration and enforcement of the Zoning Ordinance, recommendations for amendments or supplements to the Ordinance, and planning and development trends in the City. This shall be a written report prepared by the Commission, unless the amount to be reported does not warrant such effort.

Section 20.04 Zoning Board of Appeals

- A. **Purpose.** There is hereby established a Zoning Board of Appeals (herein referred to as the "ZBA" or "Board of Appeals"), which shall perform its duties and exercise its power as provided for in this Ordinance and the Michigan Zoning Enabling Act, Michigan Public Act 110 of 2006, as amended.
- B. **Membership.**
1. The Zoning Board of Appeals shall make determinations on questions arising under this Ordinance. In this capacity, it shall perform its duties and exercise its power as provided in Article VI of Public Act 110 of 2006, as amended.
 2. Pursuant to the authority granted to the City Commission by Section 601(2) of the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended, the City Commission shall serve as the Zoning Board of Appeals for the City of Gobles.
 3. One (1) or two (2) alternate members may also be appointed by the City Commission for three-year terms. An alternate member may be called as specified to serve as a member of the Board if a regular member will be unable to attend one (1) or more meetings. An alternate member may also be called to serve as a member for the purpose of reaching a decision on a case in which a member has abstained for reasons of conflict of interest. The alternate member shall serve in the case until a final decision is made and has the same voting rights as a regular member.
 4. The qualifications of members, the term of each member, filling of vacancies, compensation of members, removal of members, and operation of the ZBA shall be in accordance with Public Act 110 of 2006, as amended. The ZBA shall not conduct business unless a majority of the members of the Board are present.
- C. **General Rules and Procedures.** All meetings shall be held at the call of the chairman and at such times as such body may determine.
1. All hearings conducted shall be open to the public. The Board of Appeals shall keep minutes of its proceedings showing the vote of each member in question, or if absent or failing to vote, indicating such fact; and shall also keep records of its hearings and other official actions in the office of the Clerk. The records shall be a public record.
 2. The Board of Appeals shall not conduct business unless a majority of the members are present. The concurring vote of a majority of the full

membership of Board of Appeals shall be necessary to reverse an order, requirements, decision, or determination of an administrative official or body, or to decide in favor of the applicant a matter upon which they are required to pass under an ordinance, or to effect a variation in an ordinance.

3. The Board shall have the power to subpoena and require the attendance of witnesses, administer oaths, compel testimony, and the product of books, papers files, and other evidence pertinent to the matters before it.
4. The Board shall elect a Chair, Vice-Chair and Secretary from its membership.
5. The ZBA may distribute the application materials to the Zoning Administrator or other designated City consultants to review the application and provide a report to the ZBA that addresses applicable Ordinance issues, whether the issue in question can be resolved by other means defined in this Ordinance, and how the request may affect the Master Plan.
6. A member of the ZBA who is also a member of the Planning Commission shall not participate in a public hearing on or vote on the same matter that the member voted on at a previous meeting as a member of another commission. However, the member may consider and rule on other unrelated matters involving the same property.

D. Powers

1. **Variations.** The Zoning Board of Appeals shall have the power to authorize, upon appeal, specific variations from dimensional requirements of the Zoning Ordinance regulations that would result in practical difficulties to the owner of such property, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the purpose of the Zoning Ordinance.

Variations shall be granted only in accordance with the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended, and the provisions of this Article. The ZBA shall state the grounds upon which it justifies the granting or denying of a variance.

The ZBA may grant a requested variance only upon finding that practical difficulties exist and that the need for the variance is due to unique circumstances peculiar to the property and not generally applicable in the area or to other properties in the same zoning district. In determining whether practical difficulties exist the ZBA shall consider the following factors:

- a. Strict compliance with restrictions governing area, setback, frontage, height, bulk, density or other non-use matters will unreasonably prevent the owner from using the property for a permitted purpose or will render the Ordinance conformity unnecessarily burdensome.
 - b. Allowing the variance will result in substantial justice being done; considering the public benefits intended to be secured by this article, 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. A lesser variance than requested will not give substantial relief to the applicant and/or be consistent with justice to other property owners.
 - d. The alleged hardship and practical difficulties, which will result from a failure to grant the variance, include substantially more than mere inconvenience or inability to attain a higher financial return.
 - e. The proposed and resulted need for the variance has not been self-created by the applicant.
 - f. The variance is the minimum necessary to permit a reasonable use of the land, building, or structure and does not confer upon the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district.
2. **Prohibited Variances.** The following variances shall be prohibited
- a. No variance shall be granted to release an applicant from a condition or any part of a condition attached to a special use approved by the City.
 - b. Use variances shall be prohibited.
3. **Appeals of Administrative Decisions.** The Zoning Board of Appeals shall hear and decide appeals where it is alleged there is error of law in any order, requirement, decision or determination made by the person or body charged with administration or enforcement of the Zoning Ordinance. Such appeals may be taken to the Board by the person, firm or corporation aggrieved, or by an officer, department, or board affected by the order, requirement, decision or determination, provided that a notice of appeal application is filed with the City within a reasonable time of the order, requirement, decision or determination, not to exceed 30 days. An

appeal shall stay all administrative or enforcement proceedings associated with the appeal, unless the Zoning Administrator certifies to the Zoning Board of Appeals that, by reason of facts stated in the certificate, a stay would cause imminent peril to life or property.

The Zoning Board of Appeals shall reverse an administrative decision only after finding that the order, requirement, decision or determination was arbitrary or capricious, based upon an erroneous finding of a material fact, and constituted an abuse of discretion, or was based upon an erroneous interpretation of the Zoning Ordinance.

4. Interpretations.

- a. **Zoning Map.** Where the actual lines of streets, alleys, or property boundaries vary from the portions indicated on the Zoning Map, or some ambiguity exists as to zoning district boundaries, the ZBA shall have the power to interpret the Zoning Map in such a way as to carry out the intent and purpose of the City of Gobles Zoning Ordinance and Master Plan.
- b. **Zoning Ordinance Provisions.** The Board shall have the power to hear and decide requests for interpretations of Zoning Ordinance provisions in such a way as to preserve and promote the character of the zoning district in question, and carry out the intent and purpose of this Ordinance and the Master Plan.

E. Application. Applications to the Zoning Board of Appeals shall be filed with the City, and a fee established by the City Commission be paid at the time the application is filed. Applications shall be accompanied by the following information, where applicable:

1. Applicant's name, address, telephone and facsimile numbers.
2. The address, location and tax identification number for each parcel involved in the request.
3. Zoning classification of the subject parcel(s) and all abutting parcels.
4. A plot plan, drawn to scale, with a north-arrow, existing lot lines, street rights-of-way, easements, building and structures, setback dimensions, parking areas, driveways, sidewalks and other site improvements.
5. A stamped survey of the property, completed by a certified professional in the State of Michigan including building location, drawn to scale, and indicating dimensions of the property. The City may waive this requirement if it is deemed unnecessary for the particular request.

6. A letter from the applicant summarizing the request, and stating the reasons for the request and a response to the criteria listed in paragraph D.1 as to why the variance is necessary.
7. Any additional information deemed necessary by the Zoning Board of Appeals to make a determination on the issue in question.

F. Public Hearing and Notice Requirements.

1. **Notice.** The Zoning Board of Appeals shall select a reasonable time and place for the hearing of the appeal and give due notice of the appeal to the applicant(s), and to all persons whom real property within 300 feet of the premises in question is assessed, and to the occupants of all properties within 300 feet. The notice shall be considered given when delivered personally or deposited in the mail to the respective owners and tenants at the address given in the last assessment role. If the tenants name is unknown, the term "occupant" may be used. Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one dwelling unit owned or leased by different persons, one occupant of each unit shall be given notice. If a single structure contains more than four dwelling units 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 of the structure. Public notice of the time, date, and place of the hearing shall also be given in the manner required by Act 267 of the Public Acts of 1976 (Open Meetings Act), as amended, and by insertion in a newspaper of general circulation in the City no less than 15 days prior to said hearing date. Such notice shall contain the address, if available and applicable, as well as a brief description of the nature of the appeal. It shall also state when and where the hearing will occur and where materials regarding the hearing are available for review. Any person may appear and testify at the hearing, either in person or by duly authorized agent or attorney.
2. **Fees.** The City Commission may from time-to-time prescribe and amend by resolution a reasonable schedule of fees to be charged to applicants for appeal proceedings. At the time an application is filed, said fee shall be paid to the City Clerk.

- G. Conditions.** The ZBA may impose reasonable conditions in connection with an affirmative decision on an appeals, interpretation, or variance request. The conditions may include requirements necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable or 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 ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet the following requirements:

1. Be designed to protect natural resources, the health, safety, welfare and the social and economic well being of those who will use the land use or activity under consideration, residents or landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
2. Be related to the valid exercise of police power, and purposes that are affected by the proposed use or activity.
3. Be necessary to meet the intent and purpose of the Zoning Ordinance, be related to the standards established in the Ordinance, be related to the standards established in the Ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.

Conditions imposed with respect to the approval of a variance shall be recorded as part of the ZBA minutes, and shall remain unchanged except upon the mutual consent of the ZBA and the landowner following notice and hearing as required in a new case.

H. Rehearing

1. The decision of the Board of Appeals shall be final. However, a person having an interest affected by the Zoning Ordinance may appeal to circuit court for the County in which the property is located. Such an appeal must be filed within 30 days after the ZBA issues its decision in writing, signed by the Chair, or if no Chair by the entire ZBA; or within 21 days after the ZBA approves the minutes of its decision.
2. The Board of Appeals is without general authority to reconsider a matter it has decided and from reversing its previous decision unless the facts and circumstances which actuated the decision have so changed as to vitiate or materially affect the reason, which produced and supported it, and no vested rights have intervened.

Section 20.05 Zoning Administrator

- A. **Zoning Administrator.** There is hereby established the position of City of Gobles Zoning Administrator, herein referenced as the Zoning Administrator. The Zoning Administrator shall be appointed by resolution of, and shall serve at the pleasure of the City Commission, or shall be appointed by and serve under the terms of a contract with the City Commission. The City Commission hereby

delegates to the Zoning Administrator the responsibilities and authority listed below. However, if it is determined by the City that it would be more efficient or effective for one or more of these responsibilities or duties to be performed by another member of the City Administration or another City Official, then the Mayor, acting on behalf of the City Commission, may delegate said responsibilities or duties to such members on either a temporary or permanent basis.

1. To exercise any and all authority specifically granted, or necessarily implied, to the Zoning Administrator in accordance with State law;
2. To review and decide upon requests for Zoning Permits in accordance with the provisions of this Chapter;
3. To review and decide upon requests for Zoning Certifications in accordance with the provisions of this Chapter;
4. To investigate and report upon violations of this Ordinance in partnership with the County Sheriff's Department, regardless of whether or not a citizen or resident of the City has made or filed a complaint;
5. To order, in writing, the remedying of any violation of this Ordinance within a reasonable time limit;
6. To distribute applications at a time and place of general convenience, and to accept the filing of completed applications at a time and place of general convenience, in accordance with the provisions of this Ordinance, and in accordance with any rules, requirements or procedures that may, from time to time, be established by the City Commission;
7. To institute legal proceedings to enforce compliance with this Ordinance, in accordance with the provisions of this Chapter;
8. To exercise any other authority or rights specifically provided for in this Ordinance;
9. To exercise any and all administrative responsibilities that are specifically required or necessarily implied and that are not otherwise delegated to the City Commission, the Planning Commission, or to the Zoning Board of Appeals;
10. To assure that all of his or her deliberations and that all of his or her decisions shall not be contrary to the spirit and intent of this Ordinance and shall not be injurious to the surrounding neighborhood;

11. To be generally informed of the provisions of this Ordinance and be in good health and physically capable of fulfilling the duties of the position; and
12. To have no interest whatsoever, directly or indirectly, in the sale or manufacture of any material, process, facility, or device entering into or used in connection with building construction.

B. Responsibilities of the Zoning Administrator. The Zoning Administrator shall be appointed by the City Commission and shall serve under the direction of the Mayor. The City Zoning Administrator shall have, at minimum, the following responsibilities. As stated previously, these responsibilities may be delegated to another member of the City Administration or another City Official if it is determined that this would be more efficient or effective.

1. Provide citizens and public officials with information relative to this Ordinance and related matters. This information shall also be available at the City Hall.
2. Assist applicants in determining the appropriate forms and procedures related to site plan review, zoning, and other zoning matters.
3. Review all applications for site plan review, special land use review, planned development proposals, and take any action required as outlined in this ordinance.
4. Forward to the Planning Commission, Zoning Board of Appeals, and City Commission, all applications, materials related to applications, recommendations if necessary, and other information required for that bodies' review.
5. Maintain up-to-date Zoning Map, Zoning Ordinance text, and office records by recording all amendments and filing all official minutes and other documents in an orderly fashion.
6. Maintain a record of all nonconforming uses, structures, and lots existing on the effective date of this Ordinance, and update this record as conditions affecting the nonconforming status of such uses or structures changes.
7. Place all notices of meetings of Planning Commission, Appeals Board, hearing and etc. in display case in front of City of Gobles Hall and in the Daily Reporter, as required.
8. Attend City Commission and Planning Commission meetings to provide updates on planning and zoning matters in the community.

9. When someone is out of compliance with Zoning Ordinance and upon request of City Commission, send NOTICE OF VIOLATION OF CITY OF GOBLES ZONING ORDINANCE. Violators shall be issued a maximum of three (3) notices, distributed (10) days apart from each other.

Section 20.06 Zoning Permits

A. Permit Required

1. The following actions shall not commence until a zoning permit has been issued by the City Zoning Administrator:
 - a. The excavation, alteration, or filling of land.
 - b. The new use or change in use of land, except for the conduct of agricultural activity.
 - c. The new use or change in use of an existing building or structure.
 - d. Construction or expansion of a structure, including accessory structures and parking lots.
2. Except upon a written order of the Zoning Board of Appeals, no zoning permit shall be issued for any building or structure where the construction, addition, alteration or use thereof would be in violation of any of the provisions of this Ordinance.
3. No building permit shall be issued until the Zoning Administrator has determined that the building, structure, or use of land, if constructed or used as planned and proposed, will conform to the provisions of this Ordinance, as evidenced by issuance of a zoning permit.
4. Accessory buildings being constructed, expanded, or otherwise modified in a manner requiring a zoning permit at the same time as the principal structure or other accessory buildings shall require separate zoning permits if they are detached and separate accessory buildings. However, if the work is occurring at the same time, then the reviews may occur simultaneously.

- B. Application Requirements.** Application for a zoning permit shall be submitted at least 10 days prior to a contemplated new use or change of use of a building or land. Application for a zoning permit shall be made in writing to the Zoning Administrator, signed by the person, firm, co-partnership, or corporation requesting the same or by the duly authorized agent of such person, firm, co-

partnership or corporation. For those uses requiring a site plan, the Zoning Administrator shall not issue a zoning permit until the provisions of Chapter 15 have been satisfied.

For those uses not requiring a site plan, there shall be submitted to the Zoning Administrator with all applications for zoning permits, two (2) copies of a plot plan, drawn to scale showing:

1. The location, shape, area and dimensions for the lot, lots, or acreage.
 2. The location of the proposed construction, alteration, or repair upon the lot, lots, or acreage affected, along with existing structures (including all accessory structures), water supply connections (or wells), and wastewater disposal systems. All wells and sanitary septic systems must have Van Buren County Health Department approval.
 3. The dimensions, height, bulk of all structures and accessory structures, and setback lines and a finished building grade drawing of all existing and proposed structures and accessory structures.
 4. The nature of the proposed construction, alteration, or repair and the intended uses.
 5. The present use being made of any existing structure or accessory structure affected and any proposed change in the use thereof.
 6. The approximate boundary of any water body or Michigan Department of Natural Resources (MDNR) regulated wetland. An MDNR permit shall be required for activities in a regulated wetland or an inland lake or stream. A copy of any required MDNR permits shall be submitted with the zoning permit application.
 7. Any other information deemed necessary by the Zoning Administrator to determine compliance with this Ordinance and to provide for its enforcement.
- C. **Evidence of Ownership.** All applicants for zoning permits shall have available for the Zoning Administrator's inspection, evidence of ownership of all property affected by the permit and shall submit the same upon the request of the Zoning Administrator.
- D. **Contents and Voiding of Permit.** Any zoning permit issued by the Zoning Administrator shall state that the proposed use and any structure or building embraced in the use shall conform with the provisions of this Ordinance and shall further state any special limiting conditions of such use. Any zoning permit granted under this section shall be null and void unless the development

proposed shall have its first zoning inspection within one (1) year from the date of the granting of the permit. Permits may be renewed for an additional year upon review of the facts and conditions of delay and payment of one half the original permit fee. The Zoning Administrator shall give notice by certified mail to the holder of a permit that is liable for voiding action before voidance is actually declared. Said notice shall be mailed to the permit holder at the address indicated in said permit. The Zoning Administrator may suspend or revoke a permit issued under the provisions of this Ordinance whenever the permit is issued erroneously on the basis of incorrect information supplied by the applicant or his agent and is in violation of any of the provisions of this Ordinance or of any other Ordinances or regulations of the City. The permit may also be revoked in the event of failure or neglect to comply with all of the terms and provisions of this Ordinance.

E. **Application Fee.** A fee in accordance with the duly adopted schedule of fees shall be paid to the Zoning Administrator at the time of filing the application for zoning permit. The purpose of the fee is to cover any necessary administrative and inspection costs incurred in connection with the application.

F. **Inspections.**

1. The construction or usage covered by any zoning permit shall be subject to the inspection by the Zoning Administrator to ensure compliance with the provisions of this Ordinance and the approved plot or site plan.
2. It shall be the duty of the holder of every permit to notify the Zoning Administrator when the construction or usage is ready for inspection. Failure to make proper notification of the time for inspection shall automatically cancel the permit, requiring issuance of a new permit before construction may proceed or occupancy may be permitted.
3. Inspections shall be made by the Zoning Administrator at the following intervals:
 - a. When the building foundation forms are in place and/or poles are set. The Administrator shall also inspect the staking of lot corners at this time.
 - b. Upon completion of the work authorized by the permit.
 - c. Where applicable and when practical, inspections made by the Zoning Administrator may be made concurrently with inspections made by the Building Official.
 - d. A temporary zoning permit compliance permit may be issued for a portion of a building, structure or site prior to occupancy of the

entire building, structure or site, provided that such portion of the building, structure, or site is in conformity with the provisions of this Ordinance and the Building Code, and provided further that no threat to public safety exists. The Zoning Administrator may require that a performance guarantee be provided in accordance with Section 14.05 as a condition of obtaining a temporary permit. The date of expiration shall be indicated on the temporary permit; failure to obtain a final permit within the specified time shall constitute a violation of this Ordinance, subject to the penalties set forth in Chapter 23.

- G. **Availability of Record.** The Zoning Administrator shall keep a record of land use permits on file.

- H. **Issuance of a Permit.** Within 10 days after the receipt of any application, the Zoning Administrator shall either issue a permit if the proposed work is in conformance with the terms and provisions of this Ordinance; or deny issuance of a permit and state the reason(s) or cause(s) for such denial in writing. In each case the permit or the written reason(s) or causes(s) for denial shall be transmitted to the owner or his agent.



Chapter 21

Zoning Administration

Section 21.01 Enforcement

The Zoning Administrator shall be primarily responsible for the enforcement of the provisions of this Ordinance. However, the City Commission, the Planning Commission and the Zoning Board of Appeals, in addition to the Zoning Administrator, may institute the legal remedies provided for in this Section to bring about compliance with this Ordinance. The City Commission may enlist the assistance of the County Sheriff's Department or other members of the City Administration to assist with the enforcement of these provisions.

Section 21.02 Public Nuisance

Any building or structure which is erected, altered or converted, or any use of premises or land which is begun or changed subsequent to the time of passage of this Ordinance and in violation of any of the provisions thereof is hereby declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction.

Section 21.03 Penalties

- A. **Fines, compliance and nuisance abatement.** The violation of any provision of this Zoning Ordinance by any firm, corporation, person, or persons, or anyone acting on behalf of said person, persons, firm, or corporation, is a municipal civil infraction that shall result in the assessment of a fine of not less than \$100.00 and not more than \$500.00 per infraction, plus costs and other sanctions ordered by the court. Each day that a violation is permitted to exist shall constitute a separate offense.
- B. The imposition of any sentence shall not exempt the offender from compliance with the requirements of this Ordinance.
- C. The owner of any building, structure, or premises or part thereof, where any condition in violation of this Ordinance shall exist or shall be created, and who has assisted knowingly in the commission of such violation shall be guilty of a separate offense and upon conviction thereof shall be liable to the fines herein provided.

Section 21.04 Procedures for Addressing Violations

The following procedures shall be followed in addressing potential violations. The City Commission, the Board of Appeals, City Attorney, Van Buren County Prosecuting Attorney, or any owners or occupants of any real estate within the City may institute injunction, mandamus, abatement or any other appropriate action or proceedings to prevent, enjoin, abate, or remove any violation of this Ordinance:

A. Report of Violation

Any and all buildings or land use activities considered possible violations shall be reported to the Zoning Administrator or his/her City appointed delegate.

B. Investigation

The Zoning Administrator shall inspect each alleged violation. If a violation has occurred, the Zoning Administrator or County Sherriff shall issue an order to correct the violation to the offender within 10 days of the inspection. A maximum of three (3) notices may be distributed; 10 days apart.

C. Remedial Plan

All violation notices shall be responded to by submitting a remedial plan and timetable for correction of the violation to the Zoning Administrator or County Sherriff within 10 days after the notice is issued. If the Zoning Administrator or County Sherriff rejects the remedial plan or the timetable, revisions must be submitted within five (5) days of notification of the rejection.

D. Prosecution

A remedial plan and timetable not approved or not submitted within the required timetable, or a remedial plan that is not followed, shall be reported to the City Commission, who may initiate prosecution proceedings.

Section 21.05 Authority to Pursue Court Action

The City Commission or its duly authorized representative is hereby empowered to commence and pursue any and all necessary and appropriate actions or proceedings in the Circuit Court, or any other court having jurisdiction, to restrain and to prevent any noncompliance with or violation of any of the provisions of this Ordinance, and to correct, remedy, or abate such noncompliance or violation. Any person aggrieved or adversely affected by such noncompliance or violation may institute suit or join the City Commission in such a suit to abate the violation.

Section 21.06 Other Remedies

The rights and remedies set forth above shall not preclude the use of other remedies provided by law, including any additional rights of the City to initiate proceeding in an appropriate court of law to restrain or prevent any noncompliance with any provisions of this Ordinance, or to correct, remedy, or abate such noncompliance.

Section 21.07 Rights and Remedies Preserved

Any failure or omission to enforce the provisions of this Ordinance, and failure or omission to prosecute any violations of this Ordinance, shall not constitute a waiver of any rights and remedies provided by this Ordinance or by law, and shall not constitute a waiver or prevent any further prosecution of violations of this Ordinance.

Section 21.08 Records of Violations and Remedies

The Zoning Administrator or an appropriate delegate shall keep accurate records of all decisions and actions relative to identified violations and corresponding actions and remedies.



Chapter 22

Amendments to the Zoning Ordinance and Map

Section 22.01 Purpose

For the purpose of establishing and maintaining sound, stable, and desirable development within the territorial limits of the City, this Ordinance shall not be amended except to correct an error in the Ordinance or, because of changed or changing conditions in a particular area or in the City generally, to rezone an area, to extend the boundary of an existing District, or to change the regulations and restrictions thereof. Any person, firm, or corporation may initiate such amendment to this Ordinance by filing an application with the Zoning Administrator, by motion of the City Commission, or by the Planning Commission requesting the Zoning Administrator to initiate an amendment procedure. The procedures for amending this Ordinance shall be in accordance with Act 110 of the Public Acts of 2006, as amended.

Section 22.02 Amendment Procedure

- A. **Application.** Application for an Amendment to the Zoning Ordinance shall be made to the Planning Commission by filing of not less than 10 copies of an application form with the City. Fees are required to be paid in accordance with the fee schedule in effect as established by the City Commission at the time the application is made. The information required below shall be considered a minimum and the Zoning Administrator, in consultation with the Chairman of the Planning Commission, may require additional information that they deem necessary in order for the Planning Commission to make a fully informed decision on the application. The application shall include the following information:
1. The applicant's name, address, and phone number.
 2. If the amendment is initiated by a party other than the City Commission or Planning Commission, then the application shall include the address, parcel number and current zoning district classification of the subject property; it shall be executed by the owner(s) of the property; and it shall grant a right of entry onto the subject property to the Zoning Administrator, members of the Planning Commission, and representatives and designees of the City for the purpose of inspecting the property and reviewing the application.
 3. A narrative description of the nature and effect of the proposed amendment.

4. If the proposed amendment would require a change in the Zoning Districts Map, a complete legal description of the entire land area effected, 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. The Planning Commission may require a current survey of the subject property.
 5. In any case where a requested change in zoning district classification is for only a portion of a lot, the Planning Commission may require that a current survey be submitted and that the boundary line between all zoning district classifications on the subject property be indicated and be physically monumented in the field by the setting of an iron pipe or a concrete marker.
 6. 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 same.
 7. If the proposed amendment is in response to changed or changing conditions in the area or in the City, then the application shall describe those changed or changing conditions that make the proposed amendment reasonably necessary to the promotion of the public health, safety, and general welfare.
 8. All other circumstances, factors, and reasons which the applicant offers in support of the proposed amendment.
- B. **Technical Review.** When the application is filed with the City, a determination shall first be made whether or not the application is complete. In reviewing the application for completeness, the Zoning Administrator or other City delegate may consult with the Chairman of the Planning Commission, the Mayor, the City Engineer, and any other parties whose input is necessary for the proper review of the application. If the application is not complete, it shall be returned with a written explanation of the additional information that is required. Once the application is found to be complete, the Zoning Administrator shall forward the application to the Secretary of the Planning Commission who shall schedule the application for a Public Hearing at a regular meeting of the Planning Commission.
- C. **Public Hearing.** Upon receipt of a complete application, the Secretary of the Planning Commission, or his/her delegate, shall schedule a public hearing on the request. Notice of the public hearing for an amendment to this Ordinance shall be given by publishing said notice in a newspaper of general circulation in the City stating the time and place of such hearing, the substance of the proposed amendment with any text and maps included, the location and address of a

rezoning if applicable and available, and when and where comments will be received regarding the request. This notice shall appear in said newspaper not less than 15 days prior to the date set for the public hearing. Such notice shall also be mailed to each public utility company and railroad company owning or operating any public utility or railroad within the zoning districts affected by the proposed amendment that registers its name and mailing address with the City for the purpose of receiving such notice. The City Clerk shall maintain an affidavit of such mailing.

In addition to the requirements above, if an individual property or 10 or fewer adjacent properties are proposed for rezoning, the Secretary shall give a written notice of the public hearing to the owner(s) of the property in question, and shall provide written notice to all persons to whom any real property within 300 feet of the premises in question is assessed and to the occupants of all properties within 300 feet. The notice shall state the time, place, date, and purpose of the hearing and shall include any proposed text or maps. The notice shall be delivered personally or by mail to the respective owners and tenants at the address given in the last assessment roll. Notification need not be given to more than one occupant of a structure except that if a structure contains more than one dwelling unit owned or leased by different persons, one occupant of each unit shall be given notice. If a single structure contains more than five dwelling units owned or leased by different persons, notice may be given to the owner or manager of the structure, who shall be requested to post the notice at the primary entrance to the structure. If the tenant's name is not known, the term "occupant" may be used. An affidavit of mailing or personal delivery shall be filed with the Planning Commission before the hearing. The notice shall be made not less than 15 days before the hearing.

If 11 or more adjacent properties are proposed for rezoning, it shall not be required that individual notices be sent to the owners of the property in question or to the owners or occupants of the properties within 300 feet of the premises, in compliance with Section 202 of Public Act 110 of 2006, as amended. Also, it is not required that the individual property addresses be provided.

- D. Planning Commission consideration of the proposed amendment.** Subsequent to the hearing, the Planning Commission shall review the proposed amendment, together with any reports and recommendations from staff, consultants, other reviewing agencies, and any public comments. The Planning Commission shall identify and evaluate all factors relevant to the petition, including the appropriate criteria listed in this Section, and shall report its findings and recommendation to the City Commission.
- E. City Commission action on the proposed amendment.** Upon receipt of the report and recommendation from the Planning Commission, the City Commission shall consider the proposed amendment. The City Commission may hold a public hearing if it considers it necessary. Such a hearing shall be noticed in the

same manner described above in paragraph C. A public hearing shall also be granted if requested by an interested property owner, in which case notice need only be given to the property owner making the request. If determined to be necessary, the City Commission may refer the amendment back to the Planning Commission for further consideration. In the case of an amendment to the official Zoning Map, the City Commission shall approve or deny the amendment, based upon its consideration of the criteria contained herein this Section.

- F. **Effective Date.** No amendment approved by the City Commission shall become effective until a notice of adoption has been published in a newspaper of general circulation in the City. This must be done within 15 days after adoption. The notice of adoption shall be completed in accordance with Section 401 of Public Act 110 of 2006, as amended. The amendment shall take effect seven (7) days after the notice has been published.
- G. Any amendment for the purpose of conforming to a provision of a decree of a court of competent jurisdiction as to any specific lands may be adopted by the City Commission and the notice of amendment published without referring same to any other board or agency.

Section 22.03 Criteria for Amendment of Zoning Map.

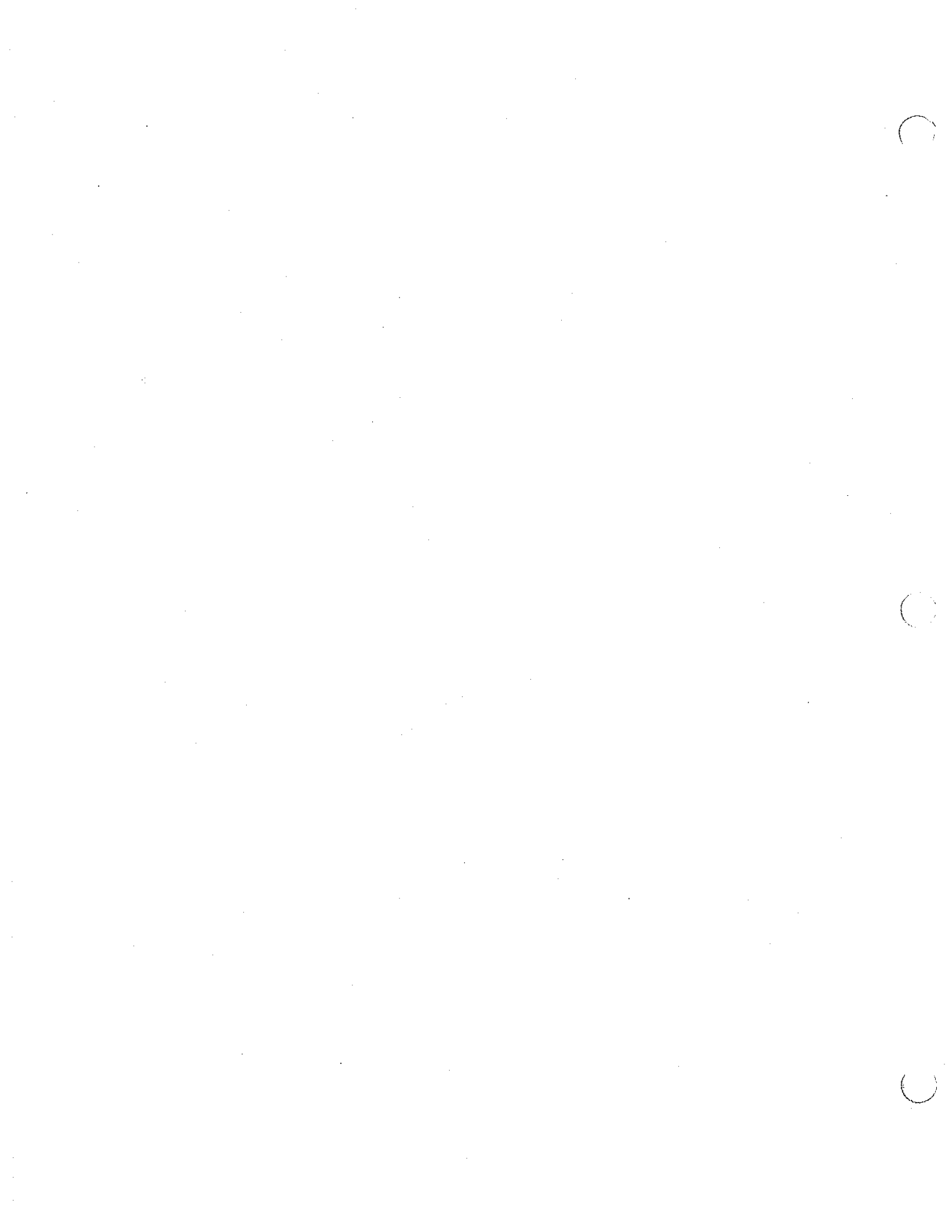
In considering any petition for an amendment to the official Zoning Map, the Planning Commission and City Commission shall consider the following criteria in making its findings, recommendations, and decision:

- A. The consistency with the goals, policies and objectives of the Land Use Plan and any sub-area plans. If conditions have changed since the Land Use Plan was adopted, the consistency with recent development trends in the area shall be considered.
- B. The compatibility of the site's physical, geological, hydrological and other environmental features with the host of uses permitted in the proposed zoning district.
- C. Evidence the applicant cannot receive a reasonable return on investment through developing the property with any of the uses permitted under the current zoning.
- D. 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.

- E. The capacity of City's infrastructure and services sufficient to accommodate the uses permitted in the requested district without compromising the health, safety and welfare of the City.
- F. The capability of the street system to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested zoning district.
- G. The apparent demand for the types of uses permitted in the requested zoning district in the City in relation to the amount of land in the City currently zoned and available to accommodate the demand.
- H. The boundaries of the requested rezoning district are reasonable in relationship to surroundings and construction on the site will be able to meet the dimensional regulations for the requested zoning district.
- I. The requested rezoning will not create an isolated or incompatible zone in the neighborhood.
- J. Other factors deemed appropriate by the Planning Commission and City Commission.

Section 22.04 Comprehensive Review of Ordinance

The Planning Commission shall, from time to time at intervals of not more than five (5) years, examine the provisions of this Ordinance and the location of district boundary lines. At least one (1) time per year, the Planning Commission shall submit a report to the City Commission on the administration and enforcement of the Zoning Ordinance, recommendations for amendments or supplements to the Ordinance, and general planning and development trends in the City. The report shall be a written report, unless the content of the report does not warrant such an effort.



Chapter 23

Miscellaneous Provisions

Section 23.01 Vested Right

Nothing in this Ordinance should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein; and, they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety, and welfare.

Section 23.02 Repeal of Prior Ordinance

The previous Zoning Ordinance adopted by the City of Gobles and published on May 9, 1968, also known as the Gobles Zoning Ordinance, is hereby repealed and replaced by this Ordinance, along with all amendments thereof and all ordinances and parts of ordinances inconsistent with the provisions of this Ordinance.

Section 23.03 Administrative Liability

No officer, agent, employee, or member of the Planning Commission, City Commission, or Zoning Board of Appeals shall render himself or herself personally liable for any damage that may accrue to any person as a result of any act, decision, or other consequence or occurrence arising out of the discharge of the duties and responsibilities pursuant to this Ordinance.

Section 23.04 Severability

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

Section 23.05 Effective Date

This Ordinance was approved by the City Commission on June 16, 2009 and is ordered to take effect seven (7) days after publication of the notice of adoption. (Effective date: July 4, 2009)

Mayor / Date

City Clerk / Date



CHAPTER 152: LAND DIVISION

Section

- 152.01 Title
- 152.02 Purpose
- 152.03 Definitions
- 152.04 Prior approval requirement for land divisions; application for land division approval
- 152.05 Procedure for review of applications for land division approval
- 152.06 Standards for approval of land divisions; allowance for approval of other land divisions
- 152.07 Consequences of noncompliance with land division approval requirement

- 152.99 Penalty

§ 152.01 TITLE.

This chapter shall be known and cited as the City of Gobles Land Division Ordinance. (Ord. 126, passed 7-21-97)

§ 152.02 PURPOSE.

The purpose of this chapter is to carry out the provisions of the State Land Division Act (Public Act 288 of 1967, as amended, being M.S.A. §§ 26.430 (101) et seq. and M.C.L.A. §§ 560.101 et seq., formerly known as the Subdivision Control Act), to prevent the creation of parcels of property which do not comply with applicable ordinances and said act, to minimize potential boundary disputes, to maintain orderly development of the community, and otherwise provide for health, safety, and welfare of the residents and property owners of the municipality by establishing reasonable standards for prior review and approval of land divisions within the municipality. (Ord. 126, passed 7-21-97)

§ 152.03 DEFINITIONS.

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

APPLICANT. A natural person, firm, association, partnership, corporation, or combination of any of them that holds an ownership interest in land whether recorded or not.

DIVIDED or DIVISION. The partitioning or splitting of a parcel or tract of land by the proprietor thereof, or by his or her heirs, executors, administrators, legal representatives, successors, or assigns, for the purpose of sale or lease of more than one year, or of building development that results in one or more parcels of less than 40 acres or the equivalent, and that satisfies the requirements of Sections 108 and 109 of the State Land Division Act, being M.S.A. §§ 26.430(108) and (109) and M.C.L.A. §§ 560.108 and 560.109.

EXEMPT SPLIT or EXEMPT DIVISIONS. The partitioning or splitting of a parcel or tract of land by the proprietor thereof, or by his or her heirs, executors, administrators, legal representatives, successors, or assigns, that does not result in one or more parcels of less than 40 acres or the equivalent, provided that all resulting parcels are accessible for vehicular travel and utilities from existing public roads through existing adequate roads or easements, or through areas owned by the owner of the parcel that can provide such access.

FORTY ACRES OR THE EQUIVALENT. Either 40 acres, a quarter-quarter section containing not less than 30 acres, or a government lot containing not less than 30 acres.

GOVERNING BODY. The legislative body of the city.
(Ord. 126, passed 7-21-97)

§ 152.04 PRIOR APPROVAL REQUIREMENT FOR LAND DIVISIONS; APPLICATION FOR LAND DIVISION APPROVAL.

(A) *Prior approval requirement for land divisions.* Land in the municipality shall not be divided without the prior review and approval of the municipal assessor, or other official designated by the governing body, in accordance with this chapter and the State Land Division Act, provided that the following shall be exempted from this requirement:

(1) A parcel proposed for subdivision through a recorded plat pursuant to the municipality's Subdivision Control Ordinance and the State Land Division Act.

(2) A lot in a recorded plat proposed to be divided in accordance with the municipality's Subdivision Control Ordinance and the State Land Division Act.

(3) An exempt split as defined in this chapter.

(B) *Application for land division approval.* An applicant shall file all of the following with the municipal clerk or other official designated by the governing body for review and approval of a proposed land division before making any division either by deed, land contract, lease for more than one year, or for building development:

(1) A completed application form on such form as may be provided by the municipality.

(2) Proof of fee ownership of the land proposed to be divided.

(3) (a) A survey map of the land proposed to be divided, prepared, pursuant to the survey map requirements of Public Act 132 of 1970, as

amended, being M.S.A. § 13.115(61) and M.C.L.A. § 54.211, by a land surveyor licensed by the state, and showing the dimensions and legal descriptions of the existing parcel and the parcels proposed to be created by the division(s), the location of all existing structures and other land improvements, and the accessibility of the parcels for vehicular traffic and utilities from existing public roads.

(b) In lieu of such survey map, at the applicant's option, the applicant may waive the 30-day statutory requirement for a decision on the application until such survey map and legal description are filed with the municipality, and submit a tentative preliminary parcel map drawn to scale of not less than the scale provided for on the application form, including an accurate legal description of each proposed division, and showing the boundary lines, dimensions, and the accessibility of each division from existing or proposed public roads for automobile traffic and public utilities, for preliminary review, approval, and/or denial by the locally designated official prior to a final application under division (B) of this section.

(c) The governing body of the municipality, or its designated agent delegated such authority by the governing body, may waive the survey map requirement where the foregoing tentative parcel map is deemed to contain adequate information to approve a proposed land division considering the size, simple nature of the divisions, and the undeveloped character of the territory within which the proposed divisions are located. An accurate legal description of all the proposed divisions, however, shall at all times be required.

(4) Proof that all standards of the State Land Division Act and this chapter have been met. (See checklist on file in the office of the City Clerk.)

(5) The history and specifications of any previous divisions of land of which the proposed division was a part sufficient to establish that the parcel to be divided was lawfully in existence as of March 31, 1997, the effective date of the State Land Division Act.

(6) Proof that all due and payable taxes or installments of special assessments pertaining to the land proposed to be divided are paid in full.

(7) If transfer of divisions rights are proposed in the land transfer, detailed information about the terms and availability of the proposed divisions rights transfer.

(8) Unless a division creates a parcel which is acknowledged and declared to be "not buildable" under § 152.06(A), all divisions shall result in "buildable" parcels containing sufficient "buildable" area outside of unbuildable wetlands, flood plains, and other areas where buildings are prohibited therefrom, and with sufficient area to comply with all required setback provisions, minimum floor areas, off-street parking spaces, on-site sewage disposal and water well locations (where public water and sewer service is not available), and maximum allowed area coverage of buildings and structures on the site.

(9) The fee as may from time to time be established by resolution of the governing body of the municipality for land division reviews pursuant to this chapter to cover the costs of review of the application and administration of this chapter and the State Land Division Act.

(Ord. 126, passed 7-21-97) Penalty, see § 152.99

§ 152.05 PROCEDURE FOR REVIEW OF APPLICATIONS FOR LAND DIVISION APPROVAL.

(A) Upon receipt of a land division application package, the municipal clerk or other official designated by the governing body shall forthwith submit the same to the municipal assessor or other designee, who shall approve, approve with reasonable conditions to assure compliance with applicable ordinances and the protection of public health, safety and general welfare, or disapprove the land divisions applied for within 30 days after receipt of the application package conforming to this chapter's requirements, and shall promptly notify the applicant of the decisions and the reasons for any denial. If

the application package does not conform to the requirements of this chapter and the State Land Division Act, the assessor or other designee shall return the same to the applicant for completion and refile in accordance with this chapter and the State Land Division Act.

(B) Any person or entity aggrieved by the decision of the assessor or designee may, within 30 days of said decision, appeal the decision to the governing board of the municipality or such other board or person designated by the governing body which shall consider and resolve such appeal by a majority vote of said Board or by the designee at its next regular meeting or session affording sufficient time for a 20-day written notice to the applicant (and appellant where other than the applicant) of the time and date of said meeting and appellate hearing.

(C) A decision approving a land division is effective for 90 days, after which it shall be considered revoked unless within such period a document is recorded with the County Register of Deeds office and filed with the municipal clerk or other designated official accomplishing the approved land division or transfer.

(D) The municipal assessor or designee shall maintain an official record of all approved and accomplished land divisions or transfers.

(Ord. 126, passed 7-21-97)

§ 152.06 STANDARDS FOR APPROVAL OF LAND DIVISIONS; ALLOWANCE FOR APPROVAL OF OTHER LAND DIVISIONS.

(A) *Standards for approval of land divisions.* A proposed land division shall be approved if the following criteria are met:

(1) All the parcels to be created by the proposed land division(s) fully comply with the applicable lot (parcel), yard, and area requirements of the applicable zoning ordinance, including but not limited to minimum lot (parcel) frontage/width, minimum road frontage, minimum lot (parcel) area, minimum lot width-to-depth ratio, and maximum lot

(parcel) coverage and minimum set-backs for existing buildings/structures.

(2) The proposed land division(s) comply with all requirements of the State Land Division Act and this chapter.

(3) All parcels created and remaining have existing adequate accessibility, or an area available therefor, to a public road for public utilities and emergency and other vehicles, not less than the requirements of the applicable zoning ordinance, major thoroughfare plan, road ordinance, or this chapter. In determining adequacy of accessibility, any ordinance standards applicable to plats shall also apply as a minimum standard whenever a parcel or tract is proposed to be divided to create four or more parcels.

(4) (a) The ration of depth to width of any parcel created by the division does not exceed a four to one ratio exclusive of access roads, easements, or non-buildable parcels created under division (B) of this section and parcels added to contiguous parcels that result in all involved parcels complying with said ratio.

(b) The permissible depth of a parcel created by a land division shall be measured within the boundaries of each parcel from the abutting road right-of-way to the most remote boundary line point of the parcel from the point of commencement of the measurement.

(5) All parcels created by a land division shall comply with the minimum standards set forth in Section 1001.20 (Size of Premises) of the ordinance [sic] and respective districts of the city.

(6) In the absence of applicable zoning or other ordinances providing a different standard, all parcels created by a land division shall comply with the following minimum standards:

(a) Where accessibility is to be provided by a proposed new dedicated public road, proof that the County Road Commission or Michigan Department of Transportation has approved the proposed layout and construction design of the road and

of utility easement and drainage facilities connected therewith.

(b) Where accessibility by vehicle traffic and for utilities is permitted through other than a dedicated and accepted public road or easement, such accessibility shall comply with the following:

1. Where such private road or easement extends for more than 660 feet from a dedicated public road, or is serving or intended to serve more than one separate parcel, unit, or ownership, it shall be not less than 66 feet in right-of-way width, 24 feet in improved roadbed width with at least three feet of improved shoulder width on each side, and adequate drainage ditches and necessary culverts on both sides to accumulate and contain surface waters from the road area. It shall further be improved with not less than six inches of a processed and stabilized gravel base over six inches of granular soil, have a grade of not more than seven percent, and, if dead-ended, shall have a cul-de-sac with a radius of not less than 50 feet of improved roadbed for the accommodation of emergency, commercial, and other vehicles.

2. Where the private road or easement is 660 feet or less in length, and is serving or intended to serve not more than four separate parcels, units, or ownerships, it shall not be less than 40 feet in right-of-way width, 20 feet in improved roadbed width with at least two feet of improved shoulder width on each side, and adequate drainage ditches on both sides with necessary culverts to accommodate and contain surface waters from the road area. It shall further be improved with processed and stabilized gravel and granular soil, have a grade of not more than seven percent, and have a cul-de-sac, where dead-ended, as specified in division (A)(6)(a) of this section. If said private road or easement is serving or intended to serve more than four separate parcels, units, or ownerships, the right-of-way and development standards set forth in division (A)(6)(a) of this section shall apply.

3. If accessibility is by a private road or easement, a document acceptable to the municipality shall be recorded with the County Register of

Deeds and filed with the assessor or designee specifying the method of private financing of all maintenance, improvements, and snow removal, the apportionment of these costs among those benefited, and the right of the municipality to assess such costs against those properties benefited, plus a 25% administrative fee, and to perform such improvements in the event of a failure of those benefited to privately perform these duties for the health, safety, and general welfare of the area.

4. Any intersection between private and public roads shall contain a clear vision triangular area of not less than two feet along each right-of-way line as measured from the intersecting right-of-way lines.

5. No private road or easement shall extend for more than 1,000 feet from a public road.

6. No private road shall serve more than 25 separate parcels.

(B) *Allowance for approval of other land divisions.* Notwithstanding disqualification from approval pursuant to this chapter, a proposed land division which does not fully comply with the applicable lot, yard, accessibility, and area requirements of the applicable zoning ordinance or this chapter may be approved in any of the following circumstances:

(1) Where the applicant executes and records an affidavit or deed restriction with the County Register of Deeds, in a form acceptable to the municipality, designating the parcel as "not buildable." Any such parcel shall also be designated as "not buildable" in the municipal records, and shall not thereafter be the subject of a request to the Zoning Board of Appeals for variance relief from the applicable lot and/or area requirements, and shall not be developed with any building or above ground structure exceeding four feet in height.

(2) Where, in circumstances not covered by division (B)(1) of this section, the Zoning Board of Appeals has, previous to the zoning ordinance, granted a variance from the lot, yard, ratio, frontage, and/or area requirements with which the parcel failed to comply.

(3) Where the proposed land division involves only the minor adjustment of a common boundary line or involves a conveyance between adjoining properties which does not result in either parcel violating this chapter, any applicable zoning ordinance, or the State Land Division Act. (Ord. 126, passed 7-21-97)

§ 152.07 CONSEQUENCES OF NONCOMPLIANCE WITH LAND DIVISION APPROVAL REQUIREMENT.

Any parcel created in noncompliance with this chapter shall not be eligible for new building permits or zoning approvals, such as special land use approval or site plan approval, and shall not be recognized as a separate parcel on the assessment roll. In addition, violation of this chapter shall subject the violator to the penalties and enforcement actions set forth in § 152.99 and as may otherwise be provided by law. (Ord. 126, passed 7-21-97)

§ 152.99 PENALTY.

Any person who violates any of the provisions of this chapter shall be deemed guilty of a misdemeanor and shall be punished by a fine of not more than \$500 or by imprisonment in the county jail for not to exceed 90 days or by both such fine and imprisonment.

Any person who violates any of the provisions of this chapter shall also be subject to a civil action seeking invalidation of the land division and appropriate injunctive or other relief. (Ord. 126, passed 7-21-97)

