

**Zoning Ordinance
Of the
Hastings – Rutland
Joint Planning Commission**

**Adopted by Rutland Charter Township Board May 11, 2016 as
Ordinance No. 2016-156**

Adopted by Hastings City Council June 13, 2016 as Ordinance No. 532

Effective date: July 1, 2016



EXECUTIVE SUMMARY AND USER GUIDE FOR ZONING ORDINANCE OF THE HASTINGS-RUTLAND JOINT PLANNING COMMISSION

This Executive Summary and User Guide is intended to provide a general orientation to the format and organization of the Zoning Ordinance of the Hastings-Rutland Joint Planning Commission (JPC), to make the document easier to understand and use.

Like every municipal zoning ordinance, the JPC Zoning Ordinance regulates the development and use of land by dividing the zoning jurisdictional area of the JPC into “zoning districts”, sometimes commonly referred to as “zones”. This Zoning Ordinance establishes two such zoning districts as noted in Section 3.01, and as shown on the Zoning Map made part of the Zoning Ordinance by Section 3.01: the MU Mixed Use District, and the LI Light Industrial District.

The JPC Zoning Ordinance is based on what is sometimes called a “permissive” zoning concept; that is, land in each zoning district can be used only for the land uses and activities that are specifically designated in the Zoning Ordinance as permissible in that district. The permissible land uses within each zoning district are further divided into either “permitted uses” or “special land uses”. A land use designated as a “permitted use” in a zoning district is recognized as being harmonious with other such uses within the same district, and may therefore require no prior land use approval; but even some permitted uses are subject to “site plan review” or other prior land use approval. A land use designated as a “special land use” in a zoning district always requires prior land use approval by the Joint Planning Commission, pursuant to standards specified in the Zoning Ordinance, to make sure the particular location proposed for the land use will not adversely impact other property, or the general health, safety and welfare of the community.

Chapters 6 and 7 of this Zoning Ordinance indicate the permitted uses and special land uses for each of the two zoning districts. Each of those chapters specifies other requirements applicable in each zoning district, such as the minimum lot size requirements, building “setbacks”, building design and architectural standards, and other requirements for development in each zoning district.

Some provisions of the Zoning Ordinance are intended to apply generally throughout the zoning jurisdictional area of the JPC, such as the “General Provisions” in Chapter 4 and “Supplementary Provisions” in Chapter 5. These and other parts of the Zoning Ordinance regulate specific matters that may also apply in one or more zoning districts, or throughout the JPC zoning jurisdictional area, as indicated to be applicable. Examples of such provisions include the following sections/chapters and subject matters:

- Section 5.01---Accessory Uses
- Section 5.02---Accessory Buildings

- Section 5.03---Temporary Uses or Structures Requiring Zoning Administrator Authorization
- Section 5.05---General Lighting Requirements
- Section 5.10---Waterfront Property Development Regulations
- Section 5.12---Private Roads
- Chapter 12---Off Street Parking Requirements
- Chapter 13---Signs

So, to determine whether property can be used for a particular land use or activity, and what regulations may apply to that property/land use, a person using this Zoning Ordinance will generally go through the following steps:

- ❖ Step 1: find the property on the official Zoning Map and determine the “zoning district” in which the property is located.
- ❖ Step 2: make sure the property meets the minimum “lot” requirements for that zoning district, and is therefore “buildable” pursuant to the requirements in Chapters 6 or 7, as applicable; or is otherwise a legal buildable “nonconforming lot” pursuant to Section 14.09. Chapter 14 also includes special provisions pertaining to “nonconforming” uses and building/structures lawfully established before the enactment of the Zoning Ordinance.
- ❖ Step 3: refer to the pertinent chapter covering that zoning district, Chapter 6 or 7, and determine whether the intended land use is listed there as either a “permitted use” or a “special land use”.
- ❖ Step 4a: if the intended land use is listed as a “permitted use” in the zoning district in which the property is located, check Section 9.02 to see whether that use is subject to a “site plan review” requirement. If so, other provisions of Chapter 9 will apply.

Step 4b: if the intended land use is listed as a “special land use” in the zoning district in which the property is located, review Chapter 10 for information about applying for special land use approval and the “standards” that must be shown to be complied with before the Planning Commission can grant such approval, after a public hearing. Section 10.04 specifies the approval standards that apply to all special land uses; and Section 10.08 includes additional specific standards that are required of certain special land uses. Note: the “site plan review” requirements of Chapter 9 apply to all special land uses.

- ❖ Step 5: for every permitted use or special land use check whether additional regulations are applicable from either Chapter 4 (General Provisions), Chapter 5 (Supplementary Provisions), or other

chapters/sections dealing with specific subjects, such as the examples listed above in the bullet points.

User hint: many words and terms used in this Zoning Ordinance are given a specific definition in Section 2.02. It is therefore important to refer to that section to determine whether a particular word or term has a specific definition for purposes of this Ordinance. Any word or term not specifically defined in that section or elsewhere in this Ordinance (such as in Section 13.02 with respect to various terms relating to signage) is defined in accordance with its customary or common meaning.

Finally, other parts of this Zoning Ordinance address what may be called “administrative” matters, including the following chapters/sections on the indicated subjects:

- Chapter 15---Zoning Board of Appeals
- Chapter 16---Administration and Enforcement
- Section 16.05---Zoning Text/Zoning Map Amendments

These articles are not generally relevant to determining how a particular land use is regulated by the Zoning Ordinance, but may apply in certain circumstances. For example, a potential applicant for a “variance” should review Chapter 15, as that chapter has provisions addressing the authority of the Zoning Board of Appeals to grant variance relief and generally covers the authority and functions of that board.

Disclaimer: this Executive Summary and User Guide is intended to provide a general orientation to the format and organization of the JPC Zoning Ordinance to help persons better understand how to use the Ordinance, generally. Many zoning questions can be answered upon simple reference to the appropriate parts of this Zoning Ordinance; but some questions will require knowledgeable assistance from someone such as the Zoning Administrator, and sometimes from legal counsel with special expertise in zoning matters. In short, although this Executive Summary and User Guide is not intended to substitute for knowledgeable assistance to address a particular zoning question or issue where required; it will hopefully make this Zoning Ordinance less of a mystery to public officials and residents alike, and more accessible to all.

Zoning Ordinance Format Note

This Zoning Ordinance is organized with a chapter-based section numbering system, and a related chapter-based page numbering system.

The chapter-based section numbering system chronologically numbers each section within each chapter. Thus, for example, the first section of Chapter 1 is Section 1.01, and the fourth section of that same chapter is Section 1.04. The first section of Chapter 2 is Section 2.01, and so on.

In coordination with this chapter-based numbering system, the Zoning Ordinance is paginated using a unique chapter-based section page numbering system that enables the user to immediately discern from each page number the chapter of the content on each page, and the consecutive number of each page within that chapter. For example, the fourth page of Chapter 4 is numbered 4-4 at the bottom of the page. This page number tells the user the content of that page pertains to Chapter 4, and is the fourth page of content within that chapter. This pagination system is used for all of the chapters of this Zoning Ordinance.

TABLE OF CONTENTS

<u>Section</u>		<u>Page</u>
Chapter 1---Title, Purpose, Scope and Legal Basis		
1.01	Short Title	1-1
1.02	Purpose	1-1
1.03	Scope and Interpretation	1-1
1.04	Legal Basis	1-2
Chapter 2---Definitions and Word Usage		
2.01	Rules Applying to Text	2-1
2.02	Definitions	2-1
Chapter 3---Zoning Districts and Zoning Map		
3.01	Zoning Districts/Zoning Map	3-1
3.02	Interpretation of District Boundaries	3-1
3.03	Amendment of Zoning Map	3-2
Chapter 4---General Provisions		
4.01	Effects of Zoning; Permissive Zoning Concept	4-1
4.02	Building/Occupancy Permits; Zoning Compliance Permits	4-1
4.03	Required Lot, Yard, Area or Space	4-1
4.04	Essential Services	4-2
4.05	Building/Structure Height Exceptions	4-2
4.06	Control of Heat, Glare, Fumes, Dust, Noise, Vibration and Odors	4-3
4.07	Principal Building on a Lot	4-3
4.08	Double Frontage Lots	4-3
4.09	Garages Occupied as Dwelling Units	4-3
4.10	Trash, Litter or Junk in Yards	4-3
4.11	Classification of Moved Buildings	4-3
4.12	Fill Regulations	4-3
4.13	Exotic Animals	4-6
4.14	Applications for Zoning Approval	4-6
Chapter 5---Supplementary Provisions		
5.01	Accessory Uses	5-1
5.02	Accessory Buildings	5-1
5.03	Temporary Uses or Structures Requiring Zoning Administrator Authorization	5-1
5.04	Additional Setbacks for Structures on Waterfront Lots	5-4
5.05	General Lighting Requirements	5-4
5.06	Minimum Landscape and Screening Requirements	5-6
5.07	Fences and Hedges	5-5
5.08	Swimming Pools	5-12
5.09	Junkyards and Similar Businesses	5-13
5.10	Waterfront Property Development Regulations	5-14
5.11	Media Production on Public Property	5-15
5.12	Private Roads	5-18
Chapter 6---MU-Mixed Use District		
6.01	Purpose of District	6-1
6.02	Permitted Uses	6-1

<u>Section</u>		<u>Page</u>
6.03	Uses Subject to Special Land Use Permit	6-3
6.04	Setbacks	6-4
6.05	Lot Coverage	6-4
6.06	Lot Size Requirements	6-5
6.07	Residential Density and Dwelling Standards	6-5
6.08	Landscaping and Greenbelts	6-5
6.09	Building Design and Architectural Standards	6-6
Chapter 7---LI-Light Industrial District		7-1
7.01	Purpose of District	7-1
7.02	Permitted Uses	7-1
7.03	Special Land Uses	7-2
7.04	Density, Area, Height, Bulk and Placement Regulations	7-2
7.05	Site Plan Review Required	7-3
7.06	Architectural Standards	7-3
Chapter 8---reserved for potential future expansion		8-1
Chapter 9---Site Plan Review		9-1
9.01	Purpose	9-1
9.02	Site Plan Review Required	9-1
9.03	Site Plan Content	9-3
9.04	General Standards	9-4
9.05	Access Control Standards	9-5
9.06	Performance Guarantee	9-9
9.07	Time Limit for Site Plan Approval	9-10
9.08	Amendment of an Approved Site Plan	9-10
Chapter 10---Special Land Uses		10-1
10.01	Purpose	10-1
10.02	Authorization	10-1
10.03	Procedure	10-1
10.04	Standards for Approval	10-1
10.05	Conditions on Approval	10-2
10.06	Validity of Special Land Use Permit	10-3
10.07	Changes to an Approved Special Land Use	10-3
10.08	Specific Standards Required of Particular Special Land Uses	10-4
	Diagram for Special Land Use Applications	10-16
Chapter 11---Site Condominiums		11-1
11.01	Review and Approval Requirements	11-1
Chapter 12---Off Street Parking Requirements		12-1
12.01	Purpose	12-1
12.02	Location	12-1
12.03	Joint Use of Facilities	12-1
12.04	Requirements for Parking Areas	12-1
12.05	Table of Parking Requirements	12-3
12.06	Uses Not Specified	12-8
12.07	Size of Parking Space	12-8
12.08	Off-Street Loading and Unloading	12-8

<u>Section</u>		<u>Page</u>
12.09	Screening and Landscaping of Off-Street Parking Spaces	12-8
12.10	Parking Variation	12-10
Chapter 13---Signs		13-1
13.01	Intent	13-1
13.02	Definitions	13-1
13.03	Signs Allowed/Prohibited	13-3
13.04	Signs Allowed in All Districts	13-3
13.05	Permitted Signs	13-5
13.06	General Standards and Requirements	13-7
13.07	Prohibited Signs	13-9
13.08	Sign Permits and Application Procedures	13-9
13.09	Nonconforming Signs	13-10
Chapter 14---Non-Conformities		14-1
14.01	Scope of Regulations	14-1
14.02	Continuation of Nonconforming Uses and Buildings/Structures; Eventual Termination	14-1
14.03	Repair and Maintenance of Nonconforming Use or Building/Structure	14-1
14.04	Reconstruction/Restoration of Nonconforming Use or Building/Structure	14-1
14.05	Expansion of Nonconforming Use or Building/Structure	14-2
14.06	Substitution of Nonconforming Use	14-2
14.07	Reestablishment and Discontinuation of Nonconforming Use or Nonconforming Building/Structure	14-2
14.08	Nonconformity Due to Rezoning or Text Amendment; Nonconformity Due to Special Land Use Approval Requirement	14-3
14.09	Existing Nonconforming Lots; Combination of Lots Under Single Ownership (Zoning Lots)	14-3
Chapter 15---Zoning Board of Appeals		15-1
15.01	Membership and Appointment	15-1
15.02	Jurisdiction and Power	15-1
15.03	Employees	15-2
15.04	Meetings	15-2
15.05	Appeals	15-2
15.06	Applications	15-3
15.07	Non-Use Variance Standards and Conditions	15-4
15.08	Land Use Variances	15-5
15.09	Public Hearings	15-6
15.10	Fees	15-6
15.11	Time Limit for Approved Variances and Reapplication	15-6
15.12	Vote Necessary for Decision	15-7
15.13	Minutes and Records	15-7
15.14	Appeals of Zoning Board of Appeals Decision	15-7
Chapter 16---Administration and Enforcement		16-1
16.01	Administration and Enforcement	16-1
16.02	Zoning Administrator Appointments and Duties	16-1
16.03	Application/Review/Permit Fees	16-2
16.04	Filing and Processing of Zoning Applications; Public Notice Requirements	16-2

<u>Section</u>		<u>Page</u>
16.05	Zoning Text and Zoning Map Amendments	16-2
16.06	Violations and Sanctions, Nuisance Per Se	16-3
16.07	Effective Date; Non-Repeal	16-4

CHAPTER 1 TITLE, PURPOSE, SCOPE AND LEGAL BASIS

Section 1.01 Short Title

This Ordinance shall be known as the “Hastings–Rutland Joint Planning Commission Zoning Ordinance.” It includes the ordinance text and the Zoning Map referenced in Section 4.02.

Section 1.02 Purpose

- A. This Ordinance provides the zoning regulations governing the use and development of the geographic area within the zoning jurisdiction of the Hastings-Rutland Joint Planning Commission, as established by agreement of the City of Hastings and Rutland Charter Township and depicted on the Official Zoning Map of the Joint Planning Commission. The Ordinance is based on the Hastings-Rutland Joint Planning Commission 2015 Master Plan as approved by the Hastings-Rutland Joint Planning Commission and the City of Hastings and Rutland Charter Township, and is designed:
1. To promote the public health, safety, morals and general welfare;
 2. To encourage the use of land in accordance with its character and adaptability and limit the improper use of land;
 3. To avoid the overcrowding of population;
 4. To provide adequate light and air;
 5. To lessen congestion on the public roads and streets;
 6. To reduce hazards to life and property;
 7. To facilitate the adequate provision of a system of transportation, sewage disposal, safe and adequate water supply, education, recreation and other public improvements and services so as to obtain the most advantageous uses of land, resources and properties.
- B. This Ordinance is adopted with reasonable consideration, among other things, of the character of each zoning district, its peculiar suitability for particular uses, the conservation of property values and natural resources, and the general and appropriate trend and character of land, building and population development.

Section 1.03 Scope and Interpretation

This Ordinance is not intended to repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws, ordinances or regulations, or with private restrictions placed upon property by covenant, deed or other private agreement, or with restrictive covenants running with the land to which the Township is a party.

However, where this Ordinance imposes greater restrictions, limitations, or requirements upon (1) the use of buildings, structures, or land; (2) the height of buildings or structures; (3) lot coverage; (4) lot areas; (5) yards or other open spaces; or (6) any other use or utilization of land than are imposed or required by such existing laws, ordinances, regulations, private restrictions, or restrictive covenants, the provisions of this Ordinance shall control.

Section 1.04 Legal Basis

This Ordinance is enacted pursuant to the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended (MCL 125.3101 et. seq.), and the Michigan Municipal Joint Planning Act, Public Act 226 of 2003, as amended (MCL 125.131 et seq.).

CHAPTER 2

DEFINITIONS AND WORD USAGE

Section 2.01 Rules Applying To Text

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

- A. The particular shall control the general.
- B. With the exception of this section, the headings which title a section or subsection are for convenience only and are not to be considered in any construction or interpretation of this Ordinance or as enlarging or restricting the terms and provisions of this Ordinance in any respect.
- C. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- D. Unless the context clearly indicates to the contrary:
 - 1. Words used in the present tense include the future tense;
 - 2. Words used in the singular number shall include the plural number; and
 - 3. Words used in the plural number shall include the singular number.
- E. A "building" or "structure" includes any part thereof.
- F. The word "person" includes a firm, association, partnership, joint venture, corporation, trust, or equivalent entity or a combination of any of them as well as a natural person.
- G. The words "used" or "occupied," as applied to any land or building, shall be construed to include the words "intended", "arranged", or "designed to be used".
- H. Any word or term not defined herein shall be considered to be defined in accordance with its common or standard definition.
- I. Any term or word defined in this Ordinance is defined for the purpose of its use in this Ordinance; such definitions shall apply in the interpretation and enforcement of this Ordinance unless otherwise specifically stated.

Section 2.02 Definitions

As used in this Ordinance, the following terms shall have the meanings indicated:

ACCESSORY USE, BUILDING OR STRUCTURE

A use, building or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use, building or structure.

ALTER (or ALTERED or ALTERATIONS)

Any change in the supporting members of a building or structure such as bearing walls, columns, beams or girders, any substantial change in the roof, or an addition to or diminution of a structure or building. Also see “structural changes or alterations”.

AUTOMOBILE REPAIR, MAJOR

General repair, rebuilding, or reconditioning of engines, or vehicles, collision services (including body repair and frame straightening), painting or upholstering; or vehicle steam cleaning and undercoating.

AUTOMOBILE REPAIR, MINOR service to passenger automobiles and trucks not exceeding two tons' capacity, excluding any repair or work included in the definition of "automobile repair, major."

AUTOMOBILE WASH ESTABLISHMENT

A building or portion thereof, the primary purpose of which is that of washing motor vehicles.

BASEMENT

A portion of a building, or a portion of a room, located wholly or partially below grade.

BED-AND-BREAKFAST FACILITIES

A use which is subordinate to the principal use of a single-family dwelling, in which not more than six transient guests are provided a sleeping room and board in return for compensation for a period of not more than seven days.

BILLBOARDS

See Chapter 13.

BUILDING

An edifice configured or constructed and designed to stand more or less permanently and covering a space of land for use as a dwelling, store, storehouse, factory, sign, shelter or for some other useful purpose.

BUILDING HEIGHT

The vertical distance from the average elevation of the adjoining grade paralleling the front, or if on a street corner, the front and side, of the building to its highest point of the roof surface if the roof is flat; to the deck line, if the roof is mansard type; or the average height between the eaves and the ridge if the roof is gable, hip or gambrel type.

BUILDING LINE

The line adjacent to a principal building and parallel to the front lot line, formed by the junction of the outer surface of the building or enclosure wall with the finish grade or surface of the adjacent ground.

BUILDING/STRUCTURE SETBACK

The minimum horizontal distance required to exist between a building or structure or any portion thereof (including eaves, steps, and porches) and the front, side or rear lot line, or some other place, such as a waterway, as required by this Ordinance.

CHILD CARE CENTER or DAY CARE CENTER

A facility, other than a private residence, receiving one or more preschool or school age children for care for periods of less than 24 hours a day, and where the parent or guardians are not immediately available to the child. Child care center or day care center includes a facility which provides care for not less than two 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:

- A. 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 greater than three hours per day for an indefinite period, or not greater than eight hours per day for a period not to exceed four weeks during a twelve-month period.
- B. A facility operated by a religious organization where children are cared for not more than three hours while persons responsible for the children are attending religious services.

CHURCH/WORSHIP FACILITY

A building whose primary purpose is to provide a place where persons regularly assemble for religious worship which is maintained and controlled by a religious body organized to sustain worship for a local congregation.

CITY

The City of Hastings.

CLINIC

A building or group of buildings where human patients are admitted, but not lodged overnight, for examination and treatment by more than one of a staff of professionals, such as a physician, dentist or the like.

COMMUNITY FACILITY

A building or structure owned and operated by a governmental agency to provide service to the public.

CONDOMINIUM UNIT (or UNIT)

That portion of a condominium subdivision designed and intended for separate ownership and use, as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational, or any other type of use.

CONSTRUCTION

The building, erection, alteration, repair, renovation (or demolition, relocation or removal) of any building, structure or structural foundation; or the physical excavation, filling and grading of any lot other than normal maintenance.

DENSITY

The total number of dwelling units divided by the area of land under consideration.

DUPLEX

See "dwelling, two-family."

DWELLING, MULTIPLE-FAMILY

A building or portion thereof, used or designed for occupancy by more than two families living independently of each other.

DWELLINGS, SINGLE-FAMILY ATTACHED

A group of three or more single-family dwelling units which are joined consecutively by a common party wall, but not a common floor-ceiling, with each unit having its own outside entrance. For the purposes of this Ordinance, dwellings such as semidetached and row houses shall be deemed single-family attached dwellings.

DWELLING, SINGLE-FAMILY DETACHED

A dwelling unit exclusively for use by one family which is entirely surrounded by open space or yards on the same lot.

DWELLING, TWO-FAMILY

A detached building used or designed for use exclusively by two families living independently of each other and each doing their own cooking in said building. It may also be termed a "duplex."

DWELLING or DWELLING UNIT

Any building or portion thereof, mobile home, pre-manufactured or pre-cut structure which is occupied in whole or in part as a home, residence, or sleeping place, either permanently or temporarily, by one or more families (but not including motels, hotels, tourist rooms or cabins) complying with the following standards:

- A. Minimum living area of 960 square feet for one-bedroom or two-bedroom dwelling plus 150 square feet of additional living area for each additional bedroom beyond two.
- B. A minimum width throughout the entire length of the dwelling of 20 feet measured between the exterior part of the walls having the greatest length.

- C. Firm attachment to a permanent foundation constructed on the site in accordance with applicable construction codes and co-extensive with the perimeter of the building, which attachment also meets all applicable codes and other state and federal regulations.
- D. No exposed wheels, towing mechanism, undercarriage or chassis.
- E. Approved connection to a public sewer and water supply or to such private facilities approved by the local health department.
- F. A storage area either in a basement located under the dwelling, an attic area, in closet areas or in a separate structure being of standard construction similar to or of better quality than the principal dwelling, equal to not less than 15% of the minimum dwelling unit square footage requirement of this Ordinance for the zone in which the dwelling is located.
- G. Aesthetic compatibility in design and appearance to dwellings in the surrounding area; provided this provision shall not be construed to prohibit innovative design concepts in such matters as solar energy, view, unique land contours, or relief from the common or standard designed home.
- H. Permanently attached steps connected to exterior door areas or to porches connected to exterior door areas where a difference in elevation requires the same.
- I. Mobile homes shall comply with the standards for mobile home construction as contained in the United States Department of Housing and Urban Development (HUD) regulations entitled "Mobile Home Construction and Safety Standards" (24 CFR 3208), and as from time to time amended.

The foregoing standards A, B, and C shall not apply to a mobile home occupied as a lawful temporary dwelling in a state-licensed and zoning-approved campground.

ESSENTIAL SERVICES

The erection, construction, alteration or maintenance by municipal entities or by utilities regulated by the Michigan Public Service Commission of public utilities for underground or overhead gas, electrical, steam, or water/wastewater transmission, distribution, collection, communication, supply, or disposal systems, including towers, structures, poles, wires, mains, drains, sewers, pipes, conduits, cables, traffic signals, hydrants, telephone exchanges and/or repeater buildings, electric substations, gas regulator stations, utility pump and metering apparatus, and other similar and accessory equipment which are reasonably necessary for the furnishing of adequate services for the public health, safety, and general welfare.

EXOTIC ANIMAL

Any wild or undomesticated animal which is not of a species customarily used as an ordinary household pet, but which would ordinarily be confined to a zoo or which would ordinarily be found in the wilderness of this or any other country.

FAMILY

- A. An individual or group of two or more persons related by blood, marriage or adoption, including those related as foster children and servants, together with not more than one additional unrelated person, who are domiciled together as a single, domestic, nonprofit housekeeping unit in a dwelling unit; or
- B. A collective number of individuals domiciled together in one dwelling unit whose relationship is of a continuing 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, 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 or other similar determinable period.

FAMILY BUSINESS

An occupation or business activity conducted as an accessory use to the principal residential use of the same property, but which does not qualify as a home occupation as defined in this ordinance.

FAMILY DAY CARE HOME

A private home where not more than six minor children are received for care and supervision for periods of less than 24 hours per day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption.

FARM MARKET

An area and/or permanent or temporary building/structure where transactions between a farm market operator and customers take place as a seasonal or year round operation, and where at least 50% of the products marketed for sale (as measured by retail space used to display products) are produced on and by a farm under the same ownership or control as the farm market. A farm product or commodity sold at a farm market may be unprocessed, or processed to convert it into a value-added product that is more marketable for direct sales (such as by washing, sorting, packaging, canning, drying, freezing, or otherwise preparing the product for sale). A farm market may include other activities and services directly related to the farm products sold at the farm market (such as a cider mill accessory to an apple producer's farm market), but shall not otherwise include indirectly related or unrelated activities and services to attract and entertain customers and/or facilitate retail trade transactions unless such activity or service is otherwise permissible in the zoning district at issue and has been granted all required zoning approvals.

FARMERS MARKET

A commercial marketing facility where farm products are sold by multiple vendors whose operations/activities are not necessarily otherwise affiliated with each other. A farmers market may include unprocessed farm products (fruits, vegetables, and other farm commodities) and processed farm products (for example, apple cider, jams, pies, breads). Non-edible goods may be sold at a farmers market if they are directly related to or derived from farm products; but a farmers market is not intended to include such land uses/activities as flea markets, yard sales, or

any other similar sales event where farm products are not predominant. Note: a farmers market may also include a facility that would otherwise qualify as a “farm market” as herein defined except for the percentage of products offered for sale that are not produced on and by a farm under the same ownership and control as the farm market (e.g., less than 50%).

FENCE

A structural barrier constructed of wood, metal, stone, brick or masonry, or other durable materials, of either solid or open-style construction, erected or otherwise serving to enclose an area of land, or as a property boundary demarcation or dividing device, or as a visual screening device, or performing a similar function. This definition is not intended to include growing trees, shrubs, or other similar live vegetative material.

FLOOR AREA

- A. **FLOOR AREA, GROSS** — The sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the center line of walls separating two buildings. The "floor area" of a building, which is what this normally is referred to as, shall include the basement floor area when more than 1/2 of the basement height is above the established curb level or finished lot grade, whichever is higher (see "basement" definition). Any space devoted to off-street parking or loading shall not be included in "floor area". Areas of basements, utility rooms, breezeways, unfinished attics, porches (enclosed or unenclosed) or attached garages are not included.
- B. **FLOOR AREA, USABLE** — The portion of floor area, measured from the interior face of the exterior walls, used for or intended to be used for services to the public or customers, patrons, clients, or patients; including areas occupied by fixtures or equipment used for display or sale of goods or merchandise, but not including areas used or intended to be used for storage of merchandise, utility or mechanical equipment rooms, or sanitary facilities. In the case of a half story, the usable floor area shall be considered to be only that portion having a clear height above it of four feet or more.

FOSTER CARE (LARGE GROUP) HOME

A private residence constructed and used for residential purposes that is licensed by the state pursuant to 1979 Public Act 218, as amended (*MCL 400.701 et. seq.*) or 1973 Public Act 116, as amended (*MCL 722.111 et. seq.*) which provides supervision, personal care and protection, in addition to room and board, for 7-13 adults and/or children for compensation, 24 hours a day, five or more days a week, for two or more consecutive weeks; except for persons released from or assigned to adult correctional institutions. This term shall also include, solely for purposes of this Ordinance, a private residence in which 7-13 adults are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian.

FOSTER CARE (SMALL GROUP) HOME

A private residence constructed and used for residential purposes that is licensed by the state pursuant to 1979 Public Act 218, as amended (*MCL 400.701 et. seq.*) or 1973 Public Act 116, as amended (*MCL 722.111 et. seq.*) which provides supervision, personal care and protection, in addition to room and board, for 1-6 adults and/or children for compensation, 24 hours a day, five or more days a week, for two or more consecutive weeks; except for persons released from or

assigned to adult correctional institutions. This term shall also include, solely for purposes of this Ordinance, a private residence in which 1-6 adults are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian.

FRONTAGE (OR LOT FRONTAGE)

The length of the front lot line of a lot. This term generally relates to the minimum required length of a front lot line/lot width for property to be buildable; but may refer to road frontage in other contexts in this Ordinance.

GARAGE, PRIVATE

A building accessory to a principal use designed to house not more than three automobiles.

GRADE

The established grade of the road, street or sidewalk shall be the elevation of the curb at the midpoint of the front of the lot. The elevation is established by the Zoning Administrator.

GROUP DAY CARE HOME

A private home where more than six but less 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.

HOME OCCUPATION

An occupation or business activity conducted as an accessory use within a dwelling by the resident(s) of the dwelling, in compliance with all of the following characteristics and limitations:

- A. Is operated only after having received a zoning compliance certificate from the Zoning Administrator.
- B. Is operated in its entirety within the dwelling and not within a garage or accessory building located on the premises.
- C. Is only conducted by the person or persons living within the dwelling and by no others.
- D. The dwelling has no exterior evidence, other than a permitted sign, to indicate that the same is being utilized for any purpose other than that of a dwelling.
- E. The occupation conducted therein is clearly incidental to the residential use of the building.
- F. No goods or services are sold from the premises which are not strictly incidental to the principal home occupation conducted therein. No outdoor display of products is permitted.
- G. No services are sold or conducted upon or from the premises which would constitute a nuisance or annoyance to adjoining residents by reason of noise, smoke, odor, electrical disturbance, night-lighting, or the creation of unreasonable traffic to the premises. Noise,

smoke, odor, electrical disturbance or lighting shall not be discernible beyond the boundaries of the property from which the occupation is conducted.

- H. The occupation does not utilize more than 25% of the interior gross floor area of the premises.

HOTEL/MOTEL

A building or a series of attached, semidetached, or detached rental units providing long-term or transient lodging with motor vehicle parking in an area contiguous to the building. No kitchen or cooking facilities are to be provided without the approval by the Planning Commission with the exception of units for use of the manager and/or caretaker.

JUNK

See "trash."

JUNKYARD

Any place where junk, waste, or discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including paper, rags, wrecked vehicles, used building materials, structural steel materials and equipment and other manufactured goods that are worn, deteriorated, or obsolete.

KENNEL

Any land, building or structure where four or more adult dogs and/or six or more adult cats are boarded, housed, or bred.

LIVESTOCK

Domestic animals raised or kept for any purpose, including but not limited to, cattle, sheep, hogs, horses, chickens, rabbits, ducks, goats, turkeys and geese, but excluding dogs and cats.

LOADING SPACE

An off-street space at least 528 square feet in area on the same lot with a building or group of buildings, for temporary parking for a commercial vehicle while loading or unloading merchandise or materials. Off-street loading space is not to be included as off-street parking space in computation of required off-street parking and shall not be permitted in the front yard.

LOT

A parcel of land (including a "unit" within a site condominium development) adjoining a public street, or where allowed by this Ordinance a private road or shared driveway, and separated from other lots by legal description, deed, or subdivision plot; provided that the owner of contiguous lots or portions of lots in the same ownership may have as many of the contiguous lots considered as a single lot for the purpose of this Ordinance as the owner chooses, or as may otherwise be lawfully required to render the property buildable in conformance with this Ordinance [see "Lot, Zoning (Zoning Lot)"]. This term is used interchangeably with the word "parcel" in this Ordinance.

LOT AREA

The total horizontal area included within the lot lines. Where the front lot line is the center line of a street, or where a portion of a lot lies within a street right-of-way, the lot area calculated to meet the requirements of this Ordinance shall not include that area inside the street right-of-way.

LOT, CORNER

A lot whose lot lines form an interior angle of less than 135° at the intersection of two street lines. A lot abutting on a curved street or streets shall be deemed a corner lot if the tangents to the curve at the points of intersection of the side lot lines with the street lines intersect at an interior angle of less than 135°.

LOT COVERAGE

The amount of a lot, stated in terms of percentage, that is covered by all roofed buildings or structures, or impervious surfaces. This shall be deemed to include all buildings, porches, arbors, breezeways, patio roofs, and the like, whether open box-type and/or lathe roofs, or fully roofed, and parking areas, sidewalks, and drives, but shall not include fences, hedges used as fences, walls, or swimming pools.

LOT LINE

A boundary line of a lot; or, where applicable, a street right-of-way line.

LOT LINE, FRONT

- A. Where a lot abuts only one public street, or lawful private road/shared driveway, the front lot line shall be the line separating the lot from the right-of-way of the street or lawful private road/shared driveway; except where a lot has frontage on a lake, river, or other navigable waterway, the front lot line shall be the boundary line abutting the water.
- B. In the case of a corner lot, or a lot that otherwise has frontage on more than one public street, the front lot line shall be the right-of-way line of the street from which primary access to the principal building is provided or is proposed to be provided, or the right-of-way of the street with which the principal building is most directly associated/facing or is proposed to be most directly associated/facing.

LOT LINE, REAR

Any lot line, other than a front lot line, which is parallel or nearly parallel to the front lot line.

LOT LINE, SIDE

Any lot line not a front or rear lot line.

LOT OF RECORD

A lot which actually exists in a subdivision as shown on the records of the County Register of Deeds, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

LOT WIDTH

The horizontal distance between side lot lines measured at both the front lot line and the building line, on a line parallel to the street (or, where applicable, a lawful private road/shared driveway).

LOT, ZONING (ZONING LOT)

Two or more contiguous lots or portions of lots in the same ownership, where the grouping of such lots for zoning purposes is allowed or required by this Ordinance. In such instances the outside perimeter of the group of lots/portions of lots shall constitute the lot lines of the resulting 'zoning lot'.

MOBILE HOME

A movable or portable dwelling constructed to be towed on its own chassis, connected to utilities and designed without a permanent foundation for year-round living as a single-family dwelling. A mobile home may contain parts that may be combined, folded, collapsed, or telescoped when being towed and expanded later to provide additional cubic capacity.

MOTOR HOME

A self-propelled motor vehicle designed as self-contained living quarters and intended only for short-term occupancy and as defined by current campground legislation.

MOTOR VEHICLE

Every vehicle which is self-propelled.

NATURAL FEATURES

Existing land forms, indigenous vegetation, water bodies, wetlands, wildlife habitat and vistas.

NONCONFORMING LOT OF RECORD (SUBSTANDARD LOT)

A lot lawfully existing at the effective date of this Ordinance, or affecting amendment, and which fails to meet the minimum frontage or area requirements of the zoning district in which it is located.

NONCONFORMING STRUCTURE

A structure, or portion thereof, lawfully existing at the effective date of this Ordinance, or affecting amendment, and which fails to meet the minimum yard setback requirements of the zoning district in which it is located.

NONCONFORMING USE

A use lawfully existing in a building or on land at the effective date of this Ordinance, or affecting amendment, and which fails to conform to the use regulations of the zoning district in which it is located.

OPEN-AIR BUSINESS

Any of the following types of land uses, or where sales or storage of goods or equipment incidental thereto occurs in whole or in part outside a fully enclosed building:

- A. Retail sale of trees, shrubbery, plants, flowers, seed, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies and equipment.
- B. Retail sale of fruits and vegetables (not including a Roadside Stand as defined and otherwise allowed by this Ordinance).

- C. Tennis courts, archery courts, shuffleboard courts, horseshoe courts, miniature golf, golf driving range, children's amusement park and/or similar recreation uses.
- D. Bicycle, utility truck or trailer, motor vehicles, boats or home equipment sales, rental or repair services.
- E. Sale of garages, swimming pools, motor homes, mobile homes, snowmobiles, farm implements, and similar products.
- F. Any other similar business.

PARK

Land owned by a unit of government, open to the public, for traditional active and passive outdoor recreational uses, including nature trails, picnic facilities with or without shelters, playgrounds, rest room facilities, soccer fields, and baseball diamonds. Public parks are not intended to include activities, facilities or structures for which admission is charged, although admission may be charged to the park itself. However, this term does not include linear recreation areas such as "rails to trails" or similar land uses

PARKING AREA, SPACE OR LOT

An off-street open area, the principal use of which is for the parking of motorized vehicles, whether for compensation or not, or as an accommodation to clients, customers, visitors, or employees. Parking area shall include access drives within the actual parking area.

PERMITTED USE

A use which by virtue of being designated as a “permitted use” in a zoning district is recognized as a use of land and buildings which is sufficiently harmonious with other uses allowed within the same district as to not require special or extraordinary controls or conditions.

PLANNING COMMISSION OR JOINT PLANNING COMMISSION

The Hastings-Rutland Joint Planning Commission.

PRINCIPAL OR MAIN USE

The primary or predominant use of a lot.

RECREATION VEHICLE

A vehicle primarily designed as temporary living quarters for recreational, camping, or travel purposes, including a vehicle having its own motor power or a vehicle mounted on or drawn by another vehicle. This term includes folding campers, truck-mounted campers, and motor homes, but does not include mobile homes.

RESIDENTIAL DISTRICT

Any zoning district in the City of Hastings or Rutland Charter Township which includes “Residential” in its name or is otherwise designated and functioning as a zoning district primarily established for residential uses, according to the Zoning Ordinance/Code of the City of Hastings or Rutland Charter Township.

ROAD FRONTAGE

The length of the lot line which borders a public street, or where applicable, a lawful private road/shared driveway.

ROAD OR STREET, PRIVATE

An irrevocable easement running with the land to one or more owners of adjacent properties which provides access to those adjacent properties and which is not dedicated for general public use.

ROAD OR STREET, PUBLIC

See definition of “Street” in this section.

ROADSIDE STAND

A temporary building or structure used for the display and/or sale of agricultural products which are lawfully produced on the premises.

SHOPPING CENTER

A group of establishments engaging exclusively in retail business or service, arranged as a functionally cohesive unit, together with appurtenant features such as parking area and storage facilities.

SIGN

See Chapter 13.

SITE CONDOMINIUM PROJECT OR SUBDIVISION

A place or project consisting of not less than two units established in conformance with the Michigan Condominium Act, PA 59 of 1978, as amended.

SMALL WIND ENERGY CONVERSION SYSTEM (SWECS)

Equipment that converts energy from the wind into usable forms of electrical power primarily intended to reduce consumption of utility-generated power by the occupants of the premises on which the system is located (rather than being primarily intended to generate power for the utility grid serving other premises), and includes any base, blade, foundation, generator nacelle, rotor, tower, transformer, turbine, vane, wire, or other component used in the system.

SPECIAL LAND USE

A use which by virtue of being designated as a “special land use” in a zoning district is recognized as possessing characteristics sufficient to require prior Planning Commission review and approval pursuant to specified standards to determine whether the use can be sited on specific property in a manner consistent with the public health, safety, and general welfare, and without adversely affecting other existing land uses.

STREET

A public thoroughfare which affords traffic circulation and principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road, and other thoroughfare, except an alley, and constructed according to the standards and specifications of the Barry County Road Commission or MDOT.

STRUCTURE

Anything constructed or erected and having a permanent location on the ground or attachment to something having a permanent location on/in the ground.

STRUCTURAL CHANGES OR ALTERATIONS

Any change in the supporting members of a building or structure, such as bearing walls, or girders, or any substantial change in the roof.

SWIMMING POOL

Any structure or container, either above or below grade, located either in part or wholly outside a permanently enclosed and roofed building, designed to hold water to a depth of greater than 24 inches when filled to capacity, intended for immersion of the human body, whether for swimming or wading or both.

TEMPORARY BUILDING OR USE

A structure or use permitted to exist during periods of construction of the main use or for special events, and otherwise subject to applicable provisions of this Ordinance, including Section 5.03

TEMPORARY EVENT

A use of land and/or a building/structure for a commercial or non-commercial activity or event of a temporary nature, incidental to a permissible principal use of the subject property, but not necessarily customarily associated with such principal use, and otherwise subject to this Ordinance.

TOWNHOUSE

A building consisting of five or more attached single-family dwellings.

TOWNSHIP

Rutland Charter Township (unless the context of the use of the term herein clearly states or connotes otherwise).

TRASH

The terms "trash," "litter," and "junk" are used synonymously herein and include used articles or used pieces of iron or scrap metal; vehicle bodies or parts of machinery or junked or discarded machinery; abandoned watercraft; used lumber which may be used as a harborage for rodents or other vermin; ashes; garbage; industrial by-products or waste; empty cans; food containers; bottles; crockery; utensils of any kind; boxes; barrels; pallets; tires; abandoned or unused swimming pools; and all other articles customarily considered trash or junk and which are not housed in a building.

URBAN SERVICES DISTRICT

The Initial Urban Services District and/or any Future Urban Services District established pursuant to the Rutland Charter Township-City of Hastings Intergovernmental Agreement for Sharing Urban Services dated August 13, 2012, as amended, and/or pursuant to any successor agreement.

VARIANCE

A varying or relaxation of the standards of the zoning ordinance by the Zoning Board of Appeals.

VEHICLE

Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices propelled by human power or used exclusively upon stationary rails or tracks.

WETLAND, REGULATED

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, and is commonly referred to as a bog, swamp, or marsh, and which is any of the following:

- A. Contiguous to an inland lake or pond, or a river or stream.
- B. Not contiguous to an inland lake or pond, or river or stream, but more than five acres in area.
- C. Not contiguous to an inland lake or pond, or a river or stream, but five acres or less in area, if the State of Michigan has determined that protection of the area is essential to the preservation of the natural resources of the state from pollution, impairment, or destruction, and has so notified the owner of the subject property.

WIRELESS COMMUNICATIONS SUPPORT STRUCTURE

A structure that is designed to support, or is capable of supporting, wireless communications equipment, including a monopole, self-support lattice tower, guyed tower, water tower, utility pole, or building; provided that for purposes of this Ordinance this term shall not include any tower or other support structure under 50' in height that is owned and operated by a federally-licensed amateur radio station operator or that is used exclusively for receive-only antennas. A tower or other structure within the scope of this definition shall not be considered to be "Essential Services" for purposes of this Ordinance, as that term is defined in this section.

YARD

A general term applied to the space on a lot which contains a building or structure or group of buildings/structures, lying between the building/structure or group of buildings/structures and the nearest respective lot line facing each building/structure:

- A. Front Yard: An open space extending across the full width of a lot between the front lot line and the building setback line. The depth of such yard shall be the shortest horizontal distance between the front lot line and the building setback line, measured at right angles.
- B. Rear Yard: An open space extending across the full width of a lot between the rear lot line and the nearest line of a building, porch or other projection thereof. The depth of such yard shall be the shortest horizontal distance between the rear lot line and the nearest point of the building or projection thereof.

- C. Side Yard: An open space extending on each side of the lot from the required front yard to the required rear yard. The width of such yard shall be the shortest distance between the side lot lines and the nearest point of a building, porch or other projection thereof.

YARD, REQUIRED SIDE-REAR-FRONT

An open space adjacent to a lot line, on the same land with a building or structure or group of buildings/structures, lying in the area between the building/structure or group of buildings/structures and the nearest lot line, and which is unoccupied and unobstructed from the ground upward for the minimum distance and depth/width prescribed in this Ordinance, except as otherwise provided in this Ordinance.

ZONING ADMINISTRATOR

The person designated by this Ordinance to administer and enforce this Ordinance.

ZONING BOARD OF APPEALS

The Zoning Board of Appeals established pursuant to Chapter 15 of this Ordinance.

CHAPTER 3 ZONING DISTRICTS AND ZONING MAP

Section 3.01 Zoning Districts/Zoning Map

For the purpose of this Ordinance the Joint Planning Commission has zoning jurisdiction over the land area within the zoning districts as illustrated on the Hastings-Rutland Joint Planning Commission Official Zoning Map. These zoning districts are known as:

MU - Mixed Use District
LI - Light Industrial District
Other zoning districts as may be added.

The locations and boundaries of these districts are established on a map entitled “Hastings-Rutland Joint Planning Commission Official Zoning Map” which is hereby made a part of this Ordinance. The Official Zoning Map shall be located in the offices of Rutland Charter Township and the City of Hastings and shall be accessible to the general public.

Section 3.02 Interpretation of District Boundaries

Where uncertainty exists as to the boundaries of any of the zoning districts shown on the Zoning Map, the following rules shall apply:

- A. Zone boundary lines are intended to be parallel or perpendicular to street, alley, or lot lines, unless such zone boundary lines are fixed by dimensions, as shown on the Zoning Map.
- B. Where zone boundaries are indicated as approximately following street or alley lines or proposed street lines, such lines shall be construed to be such boundaries.
- C. Where zone boundaries are so indicated that they approximately follow lot lines and are not more than 25 feet distant therefrom, such lot lines shall be such boundaries.
- D. In subdivided property or where a zone boundary divides a lot, the location of any such boundary, unless the same is indicated by dimensions shown on such maps, or described in the text of the ordinance, shall be determined by the use of the map scale shown thereon, and scaled to the nearest foot.
- E. If all or any portion of any public street, alley, right-of-way, easement or land which is not included in any zone shall ever revert to or come into private ownership or shall ever be used for any purpose other than a public purpose, said land shall be subject to all these regulations which apply within the zone immediately adjacent thereto, or within the most restricted of the immediately adjacent zones, if there be more than one.

- F. The Zoning Board of Appeals shall have the power to interpret the map in conformity with the purpose and provisions of this Ordinance where any controversy arises, and its determination shall be final.

Section 3.03 Amendment of Zoning Map

The Zoning Map may be amended from time to time to reflect changes in zones and the rezoning of property shown thereon in the same manner as amendments may be made to the text of this Ordinance. See Section 16.05.

CHAPTER 4 GENERAL PROVISIONS

Section 4.01 Effects of Zoning; Permissive Zoning Concept

- A. No building, structure or land within the jurisdiction of this Zoning Ordinance shall be used or occupied, and no building or structure or part thereof shall be erected, moved, placed, reconstructed, extended, enlarged or altered, except in conformity with this Ordinance.
- B. Land uses are allowed in a zoning district by express specific designation in this Ordinance. Where a use is not so designated it is prohibited, unless the use is determined by the Zoning Administrator to be substantially similar in character, nature, and intensity to a use designated in this Ordinance as an allowed use in that zoning district and compatible with the stated purpose of that district, or a land use variance is approved by the Zoning Board of Appeals pursuant to Section 15.08.

Section 4.02 Building/Occupancy Permits; Zoning Compliance Permits

- A. Building/occupancy permits. See the applicable construction codes for regulations applicable to building permits, occupancy permits, and otherwise applicable to the construction and occupancy of buildings and other structures.
- B. Zoning compliance permits. No building or structure shall be constructed or sited on any premises without prior zoning approval of the location of the building or structure and the intended use thereof either through the building permit application process, or by a zoning compliance permit issued by the Zoning Administrator where a building or structure is exempt from a building permit requirement pursuant to state law. This zoning compliance permit requirement is also specifically applicable to all signs and fences, even where such a structure is also subject to a building permit requirement. The purpose of this zoning approval requirement, in each instance, is to avoid violations of this Ordinance arising from the impermissible location of any building or structure, or the intended use thereof or of any premises.

Section 4.03 Required Lot, Yard, Area or Space

- A. All lots, yards, and other open spaces shall comply with the lot, yard and area requirements of the zoning district in which they are located and are also subject to the following:
 - 1. No lot, yard or other open space shall be divided, altered or reduced so as to make it less than the minimum required under this Ordinance, and if already less than the minimum required it shall not be further divided, altered or reduced.

2. No yard or other open space provided about any building for the purpose of complying with the requirements of this Ordinance shall be considered as a yard or open space for any other building.
3. Where two or more contiguous lots or portions of lots are in the same ownership, and such lots/portions of lots do not individually comply with the minimum requirements for the district in which they are located, such lots/portions of lots shall be grouped together for zoning purposes sufficient to create a single conforming buildable “zoning lot” (or, as applicable, a single less nonconforming zoning lot).
4. Where two or more contiguous lots or portions of lots are in the same ownership, but are not required by the preceding paragraph to be grouped together for zoning purposes, the owner of such lots/portions of lots may nevertheless choose to group such lots/portions of lots together to create a larger “zoning lot”.

Section 4.04 Essential Services

- A. Essential Services are permitted in any zoning district, provided the governing body of the municipality with public utility jurisdiction has granted any applicable municipal consent/franchise.
- B. Notwithstanding subsection A, the following requirements shall apply to such facilities, as applicable:
 1. Electrical substations and/or gas regulator stations shall be enclosed with a fence or wall at least six feet high and otherwise adequate to obstruct passage of unauthorized persons or materials.
 2. Public utility facilities in any zoning district are required to be constructed and maintained in a neat and orderly manner. Any building which is constructed for such facilities shall be landscaped and shall conform with the general character of the architecture of the surrounding area or neighborhood.
 3. Site plan review shall be required for all such development and use of land that involves above ground facilities or parking areas or drives and is to be located outside a dedicated public right-of-way.

Section 4.05 Building/Structure Height Exceptions

The height limitations of all zoning districts may be exceeded by the following structures: flag poles, chimneys, farm structures, non-commercial television and radio antennas (not exceeding 50 feet in height), wireless communications support structures/wireless communications equipment (except as otherwise specifically regulated in this Ordinance), monuments, cupolas, belfries, steeples, spires or other ornamental projections, water towers, fire towers, and small wind energy conversion systems (except as otherwise specifically regulated in this Ordinance). In a zone where industrial uses are allowed, smokestacks, chimneys, cooling and fire towers, parapet walls, elevator buildings and bulkheads, roof storage tanks, and roof structures for other

necessary appurtenances for such uses are also permitted above the height limitations provided they are located at least the same distance as their height from any adjoining property lines.

Section 4.06 Control of Heat, Glare, Fumes, Dust, Noise, Vibration and Odors

Every use shall be conducted and operated so that it is not obnoxious or dangerous by reason of heat, glare, fumes, odors, dust, noise, vibration or vision obstruction beyond the lot or parcel on which the use is located.

Section 4.07 Principal Building on a Lot

On each lot the Zoning Administrator shall designate the primary or main building as the principal building, and other buildings incidental and subordinate to the principal building shall be designated as accessory buildings, for purposes of the requirements of this Ordinance.

Section 4.08 Double Frontage Lots

Buildings on lots having frontage on two intersecting or nonintersecting streets shall comply with front yard requirements on both such streets.

Section 4.09 Garages Occupied as Dwelling Units

Any building erected as a garage, or in which the main portion is a garage, shall not be occupied for dwelling purposes unless it is auxiliary to a residence already being occupied upon the premises and complies with all the provisions of this Ordinance relating to buildings for residence purposes.

Section 4.10 Trash, Litter or Junk in Yards

No trash, litter or junk shall be accumulated, placed, stored, or allowed on any premises, except in a lawful sanitary landfill, a lawful junkyard, or not to exceed eight days storage in watertight/covered storage receptacles designed for the temporary accumulation of trash.

Section 4.11 Classification of Moved Buildings

Any building moved within a district, or any building moved into a district from without, shall be considered a new building and be subject to all the limitations and requirements set forth herein relating to uses, construction, permits and certificates.

Section 4.12 Fill Regulations

- A. Statement of Purpose. The purpose of these regulations is to assure that filling activities on any property for building site preparation, or otherwise, comply with applicable state laws, utilize appropriate fill materials, and are undertaken and completed in such a manner as to reduce hazards to life and property, and generally protect the public health, safety and welfare. Nothing herein is intended to allow the establishment of a disposal area regulated by state law or otherwise affect the provisions of applicable law which

require certain waste materials to be disposed of in a solid waste disposal area constructed and licensed pursuant to same.

B. Regulations Applicable in all Zoning Districts. Only inert soil, sand, clay, gravel, stone, and other inert/non-organic material may be used as fill materials in any zoning district, subject to the following regulations:

1. State Wetland Permit Requirement. No filling activities shall take place in a wetland subject to regulation by the State without a permit first being obtained as required by applicable law.
2. State Soil Erosion and Sedimentation Permit Requirement. No filling activities which may result in or contribute to soil erosion or sedimentation of surface waters shall take place without a permit first being obtained from the appropriate state or county agency as required pursuant to applicable law.
3. Fill Material Content. Fill material shall have sufficient porous materials (such as soil, sand or gravel) to bed non-porous materials (such as rock, or pieces of concrete or brick).
4. Maximum Size of Non-porous Materials. Allowable non-porous materials (such as rock, or pieces of concrete or brick) shall be no greater in size than a standard concrete construction block. If larger pieces of material are encountered they shall be broken up to a conforming size or removed and disposed of lawfully.
5. Compaction of Fill Material. All fill material shall be compacted to at least a 90% density.
6. Leveling and Finishing of Filled Areas. Within 30 days or as soon thereafter as is practicable all filled areas shall be graded and leveled, completely covered with clean top soil at a depth of at least six inches, and seeded with a grass or other appropriate form of vegetation sufficient to control erosion.
7. Final Grade and Runoff Control. The final grade of all filled areas shall be such as to either contain precipitation run-off within the subject property, or restore a natural flow to abutting property or a public roadway or other public right-of-way.

C. When Fill Permit Required; Review of Application for Fill Permit by Zoning Administrator or Planning Commission.

1. No Fill Permit Required. No fill permit is required where the volume of fill associated with a particular filling activity or project will not exceed 500 cubic yards of material.
2. Fill Permit Required; Review by Zoning Administrator. Where the volume of fill associated with a particular filling activity or project will be more than 500 cubic yards of material but less than 1,000 cubic yards of material, no filling activity shall take place except upon approval of an application for a fill permit by the

Zoning Administrator pursuant to the application requirements and review criteria specified in subsections 3 and 4 below (administered by the Zoning Administrator as a zoning compliance permit, rather than by the Planning Commission as a special land use).

3. Where the volume of fill associated with a particular filling activity or project will exceed 1,000 cubic yards of material, or where the Zoning Administrator determines that by reason of the nature of the subject property, the location of that property, or other circumstances of the proposed fill activity, a particular filling activity or project is likely to cause a substantial impact on adjoining or nearby properties which may not be temporary in duration, no filling activities shall take place without Planning Commission approval of the filling activities, as an overlay special land use, in accordance with all applicable provisions of this Ordinance, including the following:
 - a. Application for Fill Permit. An application for a Fill Permit shall be filed with the Zoning Administrator in accordance with the requirements of Chapter 10 and shall in addition include the following information:
 - (1) Name and address of applicant.
 - (2) Common address and legal description of property to be filled.
 - (3) Owner of property to be filled.
 - (4) Type(s) of fill material to be deposited.
 - (5) Source(s) of fill material to be deposited.
 - (6) Route(s) of travel from source(s) of fill material to subject property.
 - (7) Volume of fill material requested to be permitted (in cubic yards).
 - (8) Location of portion of subject property where filling activities will take place.
 - (9) Final grade of filled area.
 - (10) The number and type of vehicles and equipment to be used in filling activities, including transporting, dumping and leveling fill materials.

The Planning Commission may require one or more of the above application items and other pertinent information to be supplied in the form of a site plan in accordance with Chapter 9.

- D. Fill Permit Review Criteria. The Planning Commission shall process and review a Fill Permit application in the same manner as a special land use request is processed and reviewed pursuant to law and applicable provisions of Chapter 10. The Planning Commission shall approve, approve with conditions, or disapprove the application based on the general special land use approval standards in Chapter 10, and upon a finding that:
1. The requested filling activities can be conducted in compliance with all applicable Ordinance requirements; and
 2. All applicable state and/or county permits have been obtained; and
 3. The requested fill activities will not have a harmful effect on abutting or nearby properties, except to the extent that any such affects are unavoidably inherent in the filling process, but will be temporary in duration, lasting only so long as the filling activities are taking place.

Section 4.13 Exotic Animals

Exotic animals are not permitted on any premises which are under the jurisdiction of the Joint Planning Commission without a determination by the Zoning Administrator that the subject animal(s) will pose no threat to the health, safety and welfare of persons or property, after submission of a site plan pursuant to Chapter 9 and pursuant to the standards for site plan approval in Section 9.04; provided that the Zoning Administrator may instead refer the site plan submission to the Planning Commission for review pursuant to the applicable provisions of Chapter 9 if the Zoning Administrator determines such review by the Planning Commission instead of the Zoning Administrator is in the public interest.

Section 4.14 Applications for Zoning Approval

No application for a zoning approval or other action required or allowed by this Ordinance shall be processed for consideration unless the Zoning Administrator has determined the application submitted to be administratively complete, and any applicable application/review fee/deposit has been paid. See Section 16.03.

CHAPTER 5 SUPPLEMENTARY PROVISIONS

Section 5.01 Accessory Uses

In any zoning district accessory uses incidental to a principal permitted use or approved special land use are allowed on the same lot as the principal use, or on a contiguous lot under the same ownership. Accessory uses shall not involve the conduct of any business, trade, or industry except where such type of use is otherwise permissible pursuant to this Ordinance.

Section 5.02 Accessory Buildings

- A. If an accessory building is attached to the principal building, it shall comply in all respects with the requirements of this Ordinance applicable to the principal building.
- B. The distance between a detached accessory building and any principal building shall be at least 10 feet. Accessory buildings shall be considered as attached to a principal building when the distance between the two buildings is solidly covered by a breezeway, portico, covered colonnade or similar permanent roofed structure or architectural device.
- C. A garage may be placed in the front yard of any lawful waterfront lot, if it is an accessory building and is located at least 30 feet from the edge of the lake or river and does not obstruct the water view of adjacent properties.
- D. No accessory building or structure shall include residential or living quarters for human beings.

Section 5.03 Temporary Uses or Structures Requiring Zoning Administrator Authorization

- A. Temporary office building for construction site. Upon application, the Zoning Administrator shall issue a permit for a temporary office building or yard for construction materials and/or equipment which is both incidental and necessary to construction at the site where located for a period of not more than six calendar months and may be renewed by the Zoning Administrator for up to four additional successive periods of six calendar months or less at the same location if such building or yard is still incidental and necessary to construction at the site where located.
- B. Temporary office building for housing development. Upon application, the Zoning Administrator shall issue a permit for a temporary office which is both incidental and necessary for the sale or rental of real property in a new subdivision or housing project for a period of not more than six calendar months and may be renewed by the Zoning Administrator for up to four additional successive periods of six calendar months or less at the same location if such office is still incidental and necessary for the sale or rental of real property in a new subdivision or housing project, and if same has been developed and used in compliance with the permit.

- C. Temporary use of motor home/recreation vehicle as dwelling. Upon application, the Zoning Administrator may issue a permit for a motor home or recreation vehicle to be used for temporary dwelling purposes on premises having running water and sewage facilities. Such a permit shall not be issued for a total of more than 14 days in each six month period on lots with less than 100,000 square feet in area.
- D. Temporary occupancy of dwelling while new dwelling on same site is constructed. Upon application, the Zoning Administrator may issue a permit for occupancy of an existing permanent dwelling while another permanent principal dwelling is under construction or retrofitted to the site. The permit may be issued for not more than 12 consecutive months, after which the original principal dwelling shall be removed or demolished within a thirty-day period. The applicant shall submit a scale sketch plan showing the dimensions of the lot and where both dwellings will be located. The applicant must post a security in an amount equal to a bona fide bid by a company for the demolition and/or removal of the original principal dwelling. Failure to comply with the conditions of the permit may result in the forfeiture of the security and removal/demolition of the original principal building by the City.
- E. Temporary event. Upon application, the Zoning Administrator may issue a permit for a temporary event in the LI and MU districts, subject to the following regulations applicable to any such temporary event:
1. The application shall specify the temporary event for which the permit is requested; the day(s) the event is proposed to be held; the proposed hours during which any aspect of the proposed event will be operating; and emergency contact information for the person or persons who will supervise the proposed event and be responsible for the health, safety, and well-being of all persons participating or assisting in the event.
 2. The event shall be incidental to another permissible use of the subject property that has previously obtained all applicable zoning approvals.
 3. The event shall be compatible with adjacent properties.
 4. The applicant or other party responsible for the event shall make adequate provisions for all of the following with respect to the event, as applicable: parking, traffic circulation, lighting, security and other safety services, garbage/rubbish containment and removal, drinking water, and sanitary facilities.
 5. The event shall not exceed seven consecutive days. No such event shall be held on the subject property more than four times per calendar year, and at least 30 days shall lapse between such events.
 6. The Zoning Administrator may issue a permit for signage for the temporary event pursuant to applicable provisions of Chapter 13, subject to the following requirements and limitations:

- a. The signage shall be limited to 400 square feet, inclusive of all signs, banners and/or flags relating to the event.
 - b. The number, type, and size of all signs shall be provided with the temporary event permit application.
 - c. The permitted signage shall not be in place more than three days prior to the day on which the event begins, and shall be removed not later than the day following the last day of the permitted event.
7. An applicant may propose a temporary event exceeding the seven day limitation specified in subsection E.5; provided that any such application shall not be approvable by the Zoning Administrator, but may be approved by the Planning Commission as an overlay special land use in the zoning districts specified above, subject to the following provisions of this Ordinance:
- a. All of the preceding requirements and limitations of sub-parts 1-6 of subsection E., except the seven consecutive day limitation on the duration of the temporary event.
 - b. All applicable provisions of Chapter 10, Special Land Uses.
 - c. All other applicable provisions of this Ordinance.
- F. Temporary use of mobile home as dwelling. The Zoning Administrator may issue a permit for the temporary use of a mobile home for dwelling purposes that does not satisfy all the requirements for a “dwelling unit” as defined in Chapter 2, provided the mobile home is located upon the premises of the applicant and has running water and sewage facilities of not less than septic-tank quality available for the occupants. The permit shall only be issued in the event of an emergency situation where the applicant has sustained damage to his or her permanent dwelling which makes it impossible to reside in that dwelling. The permit may be issued for a period not exceeding 30 days, but the Zoning Administrator may grant one or more extensions for good cause; provided, the total period of occupancy shall not exceed six months.

As a condition of granting the permit, the applicant shall agree to immediately remove the mobile home from the premises upon completion of repairs to/replacement of the permanent dwelling. The Zoning Administrator may require the posting of a performance bond in an amount not to exceed \$5,000 to assure compliance with the conditions contained herein.

In addition, public utilities may have mobile homes upon their improved business or industrial park property regardless of zone during emergency situations as determined by state or municipal authorities when necessary to perform services for the public, provided that running water and toilet facilities are available upon the property for persons using said mobile homes.

Section 5.04 Additional Setbacks for Structures on Waterfront Lots

Structures on waterfront lots shall be subject to such minimum required setback greater than the generally applicable setback requirements as may be necessary to not obstruct the view of the waterfront by the occupants of adjoining properties.

Section 5.05 General Lighting Requirements

- A. Lighting. All lighting upon any premises, regardless of zone, shall be so arranged that such lighting does not produce any glare which is a nuisance or annoyance to residents or occupants of adjoining premises or a hazard to vehicles on public or private roadways. The following standards shall be met with respect to outdoor lighting:
1. Direct or directly reflected light shall be confined to the site.
 2. Lamps and luminaries shall be shielded, hooded, and/or louvered to provide a glare-free area beyond the property line and upon any public right-of-way, or the light source shall not be otherwise directly visible from beyond the boundaries of the site.
 3. The light from any illuminated source shall be designed so that light intensity or brightness at any property line shall not exceed four lux/lumen or 0.4 footcandle.
 4. Lighting fixtures shall have 100% cut-off above the horizontal plane at the lowest part of the point light source and light rays shall not be emitted by the installed fixture at angles above the horizontal plane. No light fixture shall be mounted higher than 20 feet above the average grade of the site, or 15 feet when the subject site abuts a residential district.
 5. Building-mounted fixtures shall be directed downward, away from adjacent lots, and shall be no higher than the first story eave or, where no eave exists, no higher than eight feet above the finished grade.
 6. Outdoor recreation area lighting may use standard color metal halide sources and standard sports lighting fixtures if they are mounted at a sufficient height and properly equipped with baffling, glare guards or lenses to meet the requirements of this section.
 7. There shall be no lighting of a blinking, flashing, or fluttering nature, including changes in light intensity, brightness, or color, except for temporary decorative or seasonal lighting. Beacon and search lights are not permitted.
 8. No colored lights shall be used at any location or in any manner so as to be confused with or construed as traffic control devices.
 9. A photometric grid shall be submitted with any site plan where lighting is proposed on the site.

- B. Zoning Administrator determination on adequacy of lighting. In the event of any controversy as to the creation of any nuisance or annoyance by artificial lighting, the Zoning Administrator shall determine whether the same is in violation of these lighting provisions and the purpose herein sought to be accomplished for the prevention of nuisance from artificial lighting.
- C. Planning Commission modification of lighting requirements. The Planning Commission may modify the general lighting requirements specified in subsection A above, upon a site-specific determination that compliance with the generally applicable requirements will not be necessary or effective to satisfy the intent of the requirements as applied to the specific site. In making this determination, and determining the resulting modified requirements applicable to the lighting for a specific development on a specific site, the Planning Commission shall consider the following standards:
1. Whether parking, vehicular circulation, or existing or planned land uses are such that compliance with the generally applicable requirements will not achieve the desired effect, or such effect will be better achieved by a lighting plan that includes modifications from the generally applicable requirements.
 2. Whether the public benefit intended by the generally applicable requirements can be better achieved by a lighting plan that includes modifications from the generally applicable requirements.
 3. Whether greater efficiency of the site design will be accomplished by a lighting plan that includes modifications from the generally applicable requirements.
 4. Whether the modified requirements will facilitate compliance with the standards for approval of a site plan specified in Chapter 9.

Section 5.06 Minimum Landscape and Screening Requirements

- A. Intent of requirements. The intent of this section is to promote the public health, safety and welfare by establishing minimum requirements for the design, installation and maintenance of landscaping. Landscaping is necessary for the continued protection and enhancement of all land uses. Landscaping enhances the visual image of the area, preserves natural features, improves property values, and alleviates the impact of noise, traffic, and visual distraction.
- B. Scope of development requirements.
1. The requirements in this section apply to all lots and uses, and additional requirements may apply to specific uses or specific types of areas, such as landscaping of off-street parking areas in certain districts. No site plan or other development plan shall be approved unless the landscaping therein is consistent with all applicable requirements of this Ordinance.
 2. These requirements are minimum requirements, and nothing herein shall preclude the applicant and the Township from agreeing to more extensive landscaping.

3. Creativity in landscape design is encouraged. The requirements are intentionally flexible to encourage adaptability and creative design. Required trees and shrubs may be planted at uniform intervals, at random, or in groupings, depending on the designer's desired visual effect and the intent and requirements of this section.

C. General requirements.

1. Coverage. Unpaved portions of the site shall be planted with grass, ground cover, shrubbery, or other suitable live plant material. Areas to be preserved in a natural state may be planted with native groundcover and maintained in an unimproved state.
2. Compliance. The landscaping requirements shall be met prior to the issuance of a certificate of occupancy, or prior to any actual occupancy where such a certificate is not required, unless the Planning Commission or Zoning Administrator (as applicable) approves a weather-related extension of this landscaping planting requirement. All required landscaping shall thereafter be maintained in a healthy and vigorous growing condition.
3. Landscaping of rights-of-way. Public rights-of-way located adjacent to required landscaped areas and greenbelts shall be planted with grass or other suitable live ground cover, and shall be maintained by the owner or occupant of the adjacent property as if the rights-of-way were part of the required landscaped areas or greenbelts.
4. Screening utility structures. Utility structures such as electrical transformers or sewer pump stations shall be screened from view by landscaping. A minimum of three evergreen trees shall be planted adjacent to the utility structure to screen it from view. All landscape plantings shall be spaced a minimum of 15 feet from any fire hydrant.
5. Maintenance of unobstructed visibility for drivers. Where a driveway intersects a public right-of-way or private road or where a site abuts the intersection of public rights-of-way or private roads, landscaping within the clear sight area shall not exceed a height of 36 inches above the pavement grade at the edge of the pavement.
6. Berms. Where required or provided, berms shall conform to the following standards:
 - a. Berms shall be at least three feet above grade elevation, and shall be constructed with slopes no steeper than one foot vertical for each three feet horizontal, with at least a two-foot flat area on the top. The Planning Commission may modify the height requirement in cases where sufficient room does not exist to construct a three-foot-high berm.
 - b. Berms shall be planted with grass, ground cover, or other suitable live plant material to prevent erosion and retain its height and shape.

- c. Berms shall be designed to meander to provide visual interest and to allow for adequate drainage.
 7. Screening. Except as otherwise provided in this Ordinance, all premises used for commercial or industrial purposes shall be screened from adjoining premises located in any adjoining residential district by either of the following:
 - a. A natural compact planting area of evergreens or shrubbery which retain their density and screening effect throughout the calendar year, not less than five feet in height at the time of planting, and maintained in a neat and attractive manner, compatible with the adjoining residential district.
 - b. An artificial wall or fence of sufficient density or compactness to screen the activities of the business from the view of occupants of adjoining premises, not less than five feet in height and maintained in a neat and attractive manner, compatible with the adjoining residential district. No such planting area, wall or fence shall be closer than 10 feet from any adjoining street right-of-way line.
 8. Modification of landscape requirements. The Planning Commission may reduce or modify the landscape requirements in this section based upon a determination that the landscaping and screening required will not be necessary or effective in meeting the intent of this section. In making this determination, the following shall be considered:
 - a. Whether existing natural vegetation that meets the requirements of this section will be preserved as part of the site plan.
 - b. Whether parking, vehicular circulation, or existing or planned land use are such that required landscaping would not enhance the site or result in the desired screening effect.
 - c. Whether the public benefit intended by the landscape regulations could be better achieved with a plan that varies from the strict requirements of this section.
 - d. Whether the intent to comply with the standards has been demonstrated by the applicant with alternatives considered by the applicant prior to the Planning Commission consideration of modification to requirements.
 - e. Whether greater efficiency of site design could be accomplished with a plan that varies from the strict requirements of this section.
- D. Standards for landscape materials. Unless otherwise specified, all landscape material shall comply with the following standards:
1. Plant quality. Plant materials used in compliance with the provisions of this Ordinance shall be nursery grown, free of pests and diseases, hardy in Barry

County, in conformance with the standards of the American Nursery and Landscape Association or ANSI American Nursery Stock Index, and shall have passed inspections required under state regulations. Landscaping shall be native to the State of Michigan. Growth stunted or dwarf trees shall not be permitted.

2. Plant material specifications. The following minimum specifications shall apply to all plant material at the time of planting proposed in accordance with the landscaping requirements of this Ordinance:

Minimum Plant Material Size

Plant Type	Minimum Caliper (inches)	Height (feet)	Minimum Spread
Deciduous shade trees	3	4 feet first branch	—
Ornamental trees	2	6	—
Evergreen trees	—	6	2 feet
Shrubs	—	2	15 inches
Hedges	—	4	—

3. Turf areas. Turf area(s) shall be planted using species normally grown as permanent lawns in Barry County. Grass, sod, and seed shall be clean and free of weeds, noxious pests, and diseases. Straw, mulch, or biodegradable seed stabilizing mesh/netting shall be used to protect newly seeded areas.
4. Suggested plant material. The following table lists recommended plant materials for required landscaping. Plant materials of equal or better quality may be substituted for suggested plant materials.

<u>Recommended Plant Materials</u>		
<u>Common Name</u>		<u>Genus</u>
<i>Deciduous Canopy Trees</i>		
1.	Oaks	Quercus
2.	Hard Maples (except Japanese)	Acer
3.	Hackberry	Celtis
4.	Planetree (Sycamore)	Platanus
5.	Birch	Betula
6.	Beech	Fagus

<u>Recommended Plant Materials</u>		
<u>Common Name</u>		<u>Genus</u>
7.	Ginkgo (male)	Ginkgo
8.	Honeylocust (Thornless Cultivars only)	Gleditsia
9.	Hophornbeam (Ironwood)	Ostrya
10.	Linden	Tilia
11.	Hickory	Carya
12.	Hornbeam (Blue Beech)	Carpinus
<i>Deciduous Ornamental Trees</i>		
1.	Amelanchier	Amelanchier
2.	Redbud	Cercis
3.	Dogwood (Tree Form)	Cornus
4.	Hawthorn	Crataegus
5.	Flowering Crabapple (disease resistant cultivars)	Malus
6.	Flowering Plum (tree form)	Prunus
7.	Flowering Pear	Pyrus
8.	Magnolia	Magnolia
9.	Hornbeam	Carpinus
10.	Rose of Sharon	Hibiscus
<i>Evergreen Trees*</i>		
1.	Fir	Abies
2.	Hemlock	Tsuga
3.	Spruce	Picea
4.	Pine	Pinus

<u>Recommended Plant Materials</u>		
<u>Common Name</u>		<u>Genus</u>
5.	Douglas Fir	Pseudotsuga
*Dwarf, Globe, Pendulous species/Cultivars are not permitted.		
<i>Narrow Evergreens*</i>		
1.	Juniper	Juniperus
2.	Arborvitae	Thuja
*Dwarf, Globe, Spreading Species/Cultivars are not permitted.		
Large Shrubs		
	<i>Deciduous</i>	
a.	Dogwood (shrub form)	Cornus
b.	Cotoneaster	Cotoneaster
c.	Forsythia	Forsythia
d.	Mock-Orange	Philadelphus
e.	Lilac	Syringa
f.	Viburnum	Viburnum
g.	Witchhazel	Hamamelis
h.	Euonymus	Euonymus
i.	Privet	Ligustrum
j.	Ninebark	Physocarpus
	<i>Evergreens</i>	
a.	Juniper (Hetz, Pfitzer, Savin)	Juniperus
b.	Yew (Pyramidal Japanese)	Taxus
<i>Small Shrubs</i>		

<u>Recommended Plant Materials</u>		
<u>Common Name</u>		<u>Genus</u>
	<i>Deciduous</i>	
a.	Barberry	Berberis
b.	Boxwood	Buxus
c.	Quince	Chaenomeles
d.	Cotoneaster	Cotoneaster
e.	Euonymus	Euonymus
f.	Forsythia	Forsythia
g.	Hydrangea	Hydrangea
h.	Holly	Ilex
i.	Privet	Ligustrum
j.	Potentilla	Potentilla
k.	Currant	Ribes
l.	Lilac	Syringa
m.	Viburnum	Viburnum
n.	Weigela	Weigela

5. Installation and maintenance. The following standards shall be observed where installation and maintenance of landscape materials is required:
 - a. Installation. Landscaping shall be installed in a professional manner to ensure the continued growth of healthy plant material.
 - b. Protection from vehicles. Landscaping shall be protected from vehicles through curbing. Landscape areas shall be elevated above the pavement to a height adequate to protect the plants from snow removal, salt, and other hazards.
 - c. Maintenance. Required landscaping shall be maintained in a healthy, neat, and orderly appearance, free from refuse and debris. All unhealthy

and dead plant material shall be replaced in the next appropriate planting period.

Section 5.07 Fences and Hedges

- A. Fences and hedges on the premises of a residential use shall not exceed six feet in height.
- B. No fence or hedge shall obstruct the view of the front setback of a lake lot, or the front setback of a non-lake lot, by the occupants of adjoining properties.
- C. Barbed wire and electric fences are not permitted.
- D. All fences shall have the decorative or finished side toward the outside of the property line.
- E. All fences shall be kept in an upright position, and otherwise properly repaired and maintained so as to not become unsightly or dilapidated.
- F. Except as otherwise specified in this Ordinance, fences are not subject to minimum setback requirements.
- G. No fence shall be installed before a zoning compliance permit has been obtained from the Zoning Administrator as required by Section 4.02 herein.

Section 5.08 Swimming Pools

- A. Pool licensed by state. Any swimming pool licensed by the state shall abide by all applicable regulations.
- B. Pool not licensed by state. Any pool not subject to a state licensing requirement is subject to the following regulations before any use of the pool:
 - 1. Permit required. A private or public swimming pool shall be considered a structure for purposes of this Ordinance, and therefore requires issuance of a building permit and/or zoning compliance permit, as applicable.
 - 2. Fence/wall required. All ground level swimming pools shall be enclosed by a fence, wall, or other structure at least four feet in height as measured from the outside that impedes climbing by small children. Any opening in the fence or wall shall be equipped with a gate that is a self-closing and latching type with the latch on the pool side of the gate. The entrance way shall lead to the shallow end of the pool. If the entire premises is enclosed by an approved fence or wall, this requirement may be waived by the Zoning Administrator. Above ground swimming pools are not subject to the enclosure requirements of this section, if the steps and pool entrance are secured by a self-closing and latching gate with the latch on the pool side of the gate.

3. Setback and yard requirements. The pool location, including fencing (except otherwise permissible fencing enclosing the entire premises on which the pool is located), shall comply with the applicable minimum setback requirements of the district in which the pool is located.
4. Electrical installations. 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

Section 5.09 Junkyards and Similar Businesses

Any junkyard, salvage yard, dismantling yard, or business dealing in same, including scrap dealers, shall operate only as authorized by this Ordinance, and where otherwise permissible shall meet the following conditions and regulations:

- A. Any such activity or business shall be carried on entirely within a building or buildings or fully enclosed structure, or within a fenced-in area entirely surrounded by a solid fence or natural screen at least eight feet in height, constructed of new materials or of natural shrubbery or trees, and sufficient to at all times effectively screen the activities conducted within same from view from surrounding properties or adjoining roads.
- B. Such business or activity shall be conducted only between the hours of 7:00 a.m. and 6:00 p.m. daily.
- C. The premises shall be kept and maintained in a clean, sanitary, and neat condition, and so that rats, vermin, and fire hazards are kept to a minimum, and rubbish or garbage is not present on the premises other than in normal containers pending periodic removal.
- D. No materials shall be stock-piled above the height of the fence or solid screen.
- E. There shall be no burning of any items upon the premises other than the normal burning of trash made of paper products or wood.
- F. The setback requirements for industrial uses shall apply. Where a fence or a solid screen is used, same shall not be located within any required setback area.
- G. All such activities shall be currently licensed by the State of Michigan.

Section 5.10 Waterfront Property Development Regulations

- A. Intended scope and applicability of regulations. The regulations in this section are intended to apply when property in any zoning district with frontage on a navigable waterway, such as a lake or river, is proposed to be developed for a new subdivision, condominium/site condominium development, multiple-family dwelling unit development (apartment building), or any other multi-lot/unit development, in such a manner as to provide a right of use or access to the waterfront portion of the property to

the owner(s) or occupant(s) of any other lot(s)/unit(s) within the development that do not have any direct frontage on the waterway, whether such right of use/access is by single-fee ownership, common-fee ownership, condominium document, easement, lease, license, or other arrangement. This type of use of waterfront property to provide waterfront access to non-waterfront lots/units in a development is often known as developmental “funneling” or “keyholing”.

The regulations in this section are not intended to apply, and such regulations shall therefore not be applied, so as to restrict any owner/occupant of a single-family dwelling on an existing waterfront single-family lot in any zoning district from allowing other persons access to the waterfront and waterway for non-commercial recreational use, including such activities as swimming, fishing, boating, and seasonal boat moorage at any dock that is otherwise permissible pursuant to any other applicable provisions of this Ordinance (which does not include this section), in the same manner as the owner/occupant of the waterfront lot could use such lot themselves. Such use and access is explicitly not intended to constitute developmental keyholing or funneling regulated by this section.

- B. Developmental anti-funneling/anti-keyholing minimum frontage and depth requirement. In all zoning districts a new subdivision, condominium/site condominium development, multiple-family dwelling unit development (apartment building), or any other multi-lot/unit development, that proposes to provide a right of use or access to the waterfront portion of the property to the owner(s) or occupant(s) of any other lot(s)/unit(s) within the development that do not have any direct frontage on the waterway, shall provide an amount of lineal frontage (using a traverse line, not a meandering line) at the normal high water line of the waterway equal to at least the minimum lot frontage requirement applicable to the zoning district in which the property is located for each lot/ or dwelling unit intended to have a right to use or access the waterway through such waterfront property either individually or in common with others. Any such waterway access lot shall also have a depth of at least 150 feet for the entire width of the access lot.
- C. Waterway access lot use limitations. A waterway access lot created in a new subdivision, condominium/site condominium development, multiple-family dwelling unit development (apartment building), or any other multi-lot/unit development, to which the developmental anti-funneling/anti-keyholing minimum frontage and depth requirement applies pursuant to subsection B above, shall also be subject to the following use limitations:
1. Not more than one dock shall be allowed for each lot or dwelling unit with a right to use/access the waterway as determined pursuant to subsection B. All such permissible docks and associated dockage or mooring of boats in such a development shall be subject to all provisions of this Ordinance (if any) generally regulating docks/dockage, and to all other applicable ordinances.
 2. Buildings and structures are not permissible on any portion of a waterway access lot created pursuant to subsection B above, except for the following structures to the extent they are otherwise permissible and in accordance with all applicable

provisions of this Ordinance: fencing; trash receptacles; boat ramp; swings, slides, volleyball courts, and similar outdoor recreational facilities; picnic tables; and otherwise permissible docks as provided above.

3. Overnight vehicle parking is not permissible on any portion of a waterway access lot created pursuant to subsection B above. Any area of such a waterway access lot otherwise permissibly used for the non-overnight parking of motor vehicles shall not be required to be paved, but shall otherwise be subject to all applicable provisions of this Ordinance regulating parking standards and requirements.
- D. Shoreline alteration and new channelization prohibited. In all zoning districts a new development subject to this section shall not alter the existing shoreline of any waterway in such a manner as to intend to create or have the effect of creating new channels, canals, or additional shoreline for additional development lots/units or a waterfront access lot pursuant to subsection B above. Otherwise permissible shoreline alteration pursuant to this subsection D shall also conform with all laws and regulations of the State of Michigan applicable to such matters.

Section 5.11 Media Production on Public Property

Any media production on public property shall be subject to the following regulations:

- A. Definition. For purposes of this section "media production" shall mean any of the following or a combination thereof, whether for commercial, nonprofit, artistic, or any other purpose:
 1. Photographing, producing, videotaping, or other filming of movies, television programs, commercials, print advertising, or other media.
 2. Still photo shoots.
- B. Permit required. No person, firm, association, or other entity shall operate or engage in any media production on public property without first obtaining a permit from the Zoning Administrator as required herein; provided the provisions of this section shall not apply to current news productions and local cable public television access productions, including reporters, photographers, and camera persons in the employment of a newspaper, news service, broadcasting agency, or to college or other educational facility productions, or any similar entity.
- C. Permit application. An application for a media production permit shall be filed with the Zoning Administrator at least seven days before the intended beginning date for any production activity involving public property, including any preproduction activities, for review and action as provided herein. The application shall include all of the following information:
 1. Applicant's name, primary business address, temporary local address, telephone number, and any other pertinent local contact information, including the name and

direct telephone number of the applicant's designated local liaison with the Zoning Administrator.

2. A description of the proposed production, generally, and a specific description of the portion of the production involving public property.
3. A description of the proposed location(s) for the production, including the dates and times for the portion involving public property from setup through conclusion of the production.
4. A copy of the certificate of insurance and hold-harmless agreement form required by subsection D.3 herein.

D. Standards for permit issuance. Within five days after receipt of an administratively complete application, the Zoning Administrator shall issue a permit upon finding all the following standards to be met:

1. All permits required by any applicable construction code have been issued by the appropriate Building Official.
2. Any permits or other approvals required by any other unit of government have been issued.
3. Proof of general liability insurance of at least \$1,000,000 covering all aspects of the media production on public property and naming the City and Township and the officials, employees and agents of each as additional insureds in effect at all times during the media production; and a standard hold-harmless agreement executed by the applicant holding the City and Township and the officials, employees and agents of each harmless from any liability of any kind claimed to be caused by any act or omission relating in any manner to the permitted media production, and further obligating the applicant to provide a legal defense against any such liability claim brought against the City or Township or the officials, employees or agents of each.
4. The media production will not be detrimental to the public health, safety, or general welfare, either generally or with specific regard to the particular dates and times for the intended use of the specific locations of public property.
5. The media production will not be unreasonably detrimental to the use or occupancy of any private property adjacent to the intended public property production location(s) or any other private property in the vicinity of same.
6. The media production will not involve any obscene matter or performance in violation of law, or otherwise violate any local ordinance or state or federal law.
7. The applicant has the ability and intention to at all times comply with the foregoing standards and all conditions attached to the permit.

- E. Permit conditions. The permittee shall comply with the following conditions imposed on a permit issued pursuant to this section:
1. All public property used for a media production shall be kept in a safe and clean condition for all participants in the production and the general public.
 2. The permittee shall provide on-site security if and to the extent deemed necessary by the Zoning Administrator to insure the public health, safety, and general welfare.
 3. The permittee shall be responsible for all costs of security, and for the costs of all damage and cleanup to public property and any incidental damage and cleanup to private property resulting from the production.
 4. The following conditions shall apply to that portion of any media production involving a public street:
 - a. Base camps shall not be located on a public street.
 - b. A public street shall not be closed or otherwise obstructed for longer than reasonably necessary pursuant to the issued permit, and any such closure or obstruction shall be subject to immediate termination by the Zoning Administrator or any law enforcement authority with jurisdiction over the street to facilitate immediate access to and use of the street by emergency vehicles.
 - c. Only necessary production vehicles may be parked on a public street; all other vehicles and equipment shall be parked at a predetermined approved location.
 5. The permittee shall allow the Zoning Administrator and Building Official (or their designees) a right of access at any time to any production location involving public property for the purpose of verifying continuing compliance with all permit approval standards and conditions.
- F. Suspension or revocation of permit. The Zoning Administrator may temporarily suspend any permit issued under this section in the event of noncompliance with any provision of this section or any applicable City of Hastings ordinance or state or federal law, where the Zoning Administrator determines the permittee can and likely will abate the noncompliance within a reasonable period of time; and the permit shall be reinstated when the Zoning Administrator determines such noncompliance has been abated. The Zoning Administrator may revoke a permit issued under this section in the event of any ongoing or otherwise non-abated noncompliance with any provision of this section or any other applicable City ordinance or state or federal law.

The Zoning Administrator shall promptly give to the permittee notice of any such permit suspension, permit reinstatement, or permit revocation. Such notice may initially be given

orally, but any such oral notice shall be followed by written notice at the earliest feasible opportunity.

Section 5.12 Private Roads

- A. Purpose and Applicability. The Joint Planning Commission has determined the Michigan Land Division Act may allow property to be divided in such a manner as to create new parcels that are “accessible” to a public road as required by that Act, but without the minimum frontage on a public street or sometimes a private road as required by the Planning Commission’s zoning regulations to be “buildable”. The construction, improvement, extension, relocation, and use of private roads is regulated herein as an overlay special land use in any zoning district, to assure they are designed and constructed with a sufficient width, surface, and grade to provide safe passage and maneuverability of private vehicles and emergency services vehicles, and to protect against or minimize soil erosion and prevent damage to the natural environment, including lakes, streams, and wetlands, and to require such private roads to be sufficiently repaired and maintained to facilitate continued safe and convenient use. This section includes provisions pertinent to the continuation of existing private roads, the extension of existing private roads to serve additional lots or building sites, and the construction and use of new private roads where such roads are allowed by this section. This section also distinguishes between private roads and “shared driveways”.

The provisions of this section are not intended to apply to any of the following:

1. access roads and driveways internal to any individual lot which has direct public street frontage access and is under the control of one person or entity, where the access road does not provide access to any abutting lot.
 2. a shared driveway, as defined herein.
 3. access roads that are subject to site plan review and formal approval by the Planning Commission pursuant to other provisions of this Ordinance (pertaining to commercial developments, for example).
- B. Definitions. For purposes of this section, and elsewhere in this Ordinance where the usage of the term is consistent with the usage of that term in this section, the following terms are defined as follows:
- EXISTING DWELLING UNIT — A dwelling unit lawfully existing before December 11, 1996.
 - EXISTING LOT — A lot existing before December 11, 1996 which meets at least one of the following conditions:
 1. The lot consists of a parcel described by metes and bounds for which a deed has been recorded with the Barry County Register of Deeds, or a parcel described by a land contract or memorandum of land contract which has been recorded with the Barry County Register of Deeds;

2. The lot has been assigned its own parcel number by the Assessor and is individually assessed and taxed on that basis; or
 3. The lot consists of a "condominium unit" (i.e., a portion of a condominium project designed and intended for separate ownership and use as described in the condominium master deed) located within a "site condominium" development for which a condominium master deed has been recorded with the Barry County Register of Deeds in accordance with the requirements of the Michigan Condominium Act (PA 59 of 1978, as amended, MCL § 559.101 et seq.) and other applicable laws and ordinances.
- **EXISTING PRIVATE ROAD** --- A private road, as defined herein, which was actually and physically existing before December 11, 1996.
 - **EXISTING SHARED DRIVEWAY** --- A shared driveway, as defined herein, which was actually and physically existing before December 11, 1996.
 - **PRIVATE ROAD** --- A road, easement, or right-of-way not dedicated to public use which is used or intended to be used to provide access to four or more lots, or four or more separate dwelling buildings.
 - **SHARED DRIVEWAY** --- A road, easement, or right-of-way not dedicated to public use which is used or intended to be used to provide access to two or three lots, or two or three separate dwelling buildings.
- C. Continuation of existing private roads and shared driveways. Any lawful existing private road, and lawful existing shared driveway, as defined in this section, may continue to exist as it actually and physically existed before December 11, 1996, without being subject to the other requirements of this section, but shall not be changed except in compliance with this section.
- D. Changes to an existing private road or existing shared driveway. Changes to an existing private road or existing shared driveway shall comply with all the provisions of this section pertaining to new private roads.
- E. New private roads.
1. After December 11, 1996 no new private road shall be constructed, and no existing private road shall be extended, relocated, or otherwise changed, except in accordance with the standards and requirements and review procedures specified in this section.
 2. A private road is allowable in any zoning district, as an overlay special land use.

F. Procedure for review of private roads.

1. Construction permit application and content. An application to construct, extend, or relocate a private road shall be filed with the Zoning Administrator with the application fee (which shall be sufficient to cover all costs and expenses incurred to review and administer the application, and administer an issued private road construction permit, and a final private road permit, including legal and engineering fees). The application shall contain or be accompanied by the following information:
 - a. the name(s) of the owner(s) and any other parties having any legal interest in the private road and the property across which it is to be constructed.
 - b. the property tax parcel number and legal description of the property over which the private road is to be constructed.
 - c. a site location map showing the location of the property containing the road and surrounding properties and roadways (public and private) within 1/2 mile of the site.
 - d. a scaled drawing showing the precise location, route, elevations, dimensions, specifications and design of the private road and any proposed extensions of the road, existing or proposed curb cuts, and the location and distance to any public street which the private road is to intersect.
 - e. a scaled drawing illustrating the existing and proposed lots accessed by the private road, including the dimensions of all such lots.
 - f. a proposed maintenance/access agreement, and any applicable deed restrictions, as addressed in subsection I herein.
 - g. a driveway permit from the Barry County Road Commission or Michigan Department of Transportation or City of Hastings, as applicable.
 - h. the proposed private road name, and a letter from the Barry County Planning Department indicating there is no known duplication of the proposed name.
 - i. an approved soil erosion permit from Barry County.
 - j. a letter from a professional engineer licensed in Michigan certifying the proposed private road meets all applicable design and construction specifications in this section.

2. Review of construction permit application.
 - a. The Zoning Administrator shall review the application for completeness, and for apparent compliance with the requirements of this section, and shall forward an administratively complete application to the Hastings City Clerk to process for Joint Planning Commission review pursuant to this section.
 - b. The Planning Commission shall review the application pursuant to the standards and requirements of this section, assisted by such consultation with the location Fire Chief and the City Attorney, Engineer, and Planner as the Planning Commission deems necessary.
 - c. If the Planning Commission determines the application meets the standards and requirements of this section, it shall approve the application and direct the Zoning Administrator to issue a construction permit for the approved private road. The construction permit is not a final private road permit and does not authorize the construction of any dwelling units or other buildings to be accessed by the private road. The construction permit is valid for a period of one year from the date of approval. If construction of the private road has not commenced before this date the construction permit is deemed expired and abandoned, and a new permit application must be submitted and approved before any construction can begin. The approved private road must be completed within one year from the beginning of construction.

G. Standards for Planning Commission review and approval of private road construction permit application.

1. The Planning Commission shall review a private road application for compliance with the standards generally applicable to all special land uses as specified in Chapter 10 and for compliance with the additional standards and requirements as specified herein. In applying these standards to an application the Planning Commission shall also give consideration to the following factors:
 - a. the impact of the proposed private road and resulting development on nearby properties.
 - b. the impact of the proposed private road and resulting development on the long-range planning goals of the Joint Planning Commission.
 - c. the potential for conflicts between the proposed land uses and existing land uses (i.e., residential development in an agricultural area).
 - d. the health, safety and general welfare of the surrounding community.
 - e. the potential for traffic congestion or intersection interference or other similar or related problems created by the private road.

- f. the potential for soil erosion, or other damage to the natural environment, including lakes, streams, and wetlands.

H. General private road requirements and construction requirements.

1. The private road shall be designed and constructed to accommodate vehicle speeds of 35 mph.
2. The private road shall intersect with a public road.
3. A building lot shall have sufficient frontage on the private road to comply with the applicable minimum frontage requirement of the zoning district in which it is located.
4. The private road shall be centered within a sixty-six foot-wide easement or right-of-way.
5. The private road shall be constructed with sufficient slopes and grades as to provide adequate stormwater and road drainage; provided no part of the private road shall exceed a finished grade of more than 6% unless the Planning Commission approves a greater slope after consulting with the City Engineer.
6. The private road shall provide adequate culverts and ditches at all drainage courses and waterways. If a private road crosses a natural drainage course, stream or other natural body of water, the method of crossing (by bridge, culvert or other structure) must be certified by a professional engineer licensed in Michigan as complying with all applicable Barry County Drain Commissioner and State of Michigan structural and other requirements.
7. The private road shall have a surface layer of not less than six inches of 22A aggregate base gravel.
8. A private road serving seven or fewer dwelling units shall have a finished road surface of at least 18 feet in width. A private road serving more than seven dwelling units, or serving a commercial or industrial use, shall have a paved road surface of at least 22 feet in width, with six inches of 22A aggregate base gravel, two inches or 220#/syd of 20A bituminous base and 1.5 inches or 165#/syd of 36A bituminous surface. All paved road specifications shall be provided and certified by a professional engineer licensed in Michigan, and by the City Engineer, as complying with all applicable requirements.
9. A cul-de-sac shall have a minimum radius of 35 feet.
10. An intersection of the private road with a public street shall meet Barry County Road Commission standards (or MDOT or City standards, where applicable).

11. The private road shall have horizontal and vertical clear zones sufficient to accommodate local delivery and emergency vehicles as determined by the Planning Commission upon consultation with the City Fire Chief.
12. Each phase of construction of the private road shall be inspected by a professional engineer licensed in Michigan, and a written report of such inspection shall be promptly filed with the Zoning Administrator. After consultation with the City Engineer, the Zoning Administrator may require additional inspections at other times during construction of the private road.
13. The name of a private road and the assigning of numbers to all properties/buildings on the private road shall be in accordance with the Barry County Address Ordinance (as administered by the Barry County Planning Office).
14. Upon completion of construction a professional engineer licensed in Michigan shall certify to the Township in writing that the private road was constructed to all the applicable standards and requirements of this section.

I. Maintenance/access agreements and deed restrictions.

1. The proposed maintenance/access agreement/deed restrictions required to be submitted with a private road construction permit application, and the executed version of such document(s) required to be recorded prior to issuance of a final private road permit by the Zoning Administrator, shall have provisions determined by the City Attorney to adequately address all of the following:
 - a. A method of initiating and financing repairs and maintenance of the private road to keep the road in a safe and usable condition (such as a property owner's association).
 - b. A workable method of apportioning the costs of maintenance to one or more of the lots benefited by the private road.
 - c. An explicit declaration that, if repairs and maintenance are not made by the private party responsible for same, the City Council may establish a special assessment district without petition to finance the required repairs/maintenance and assess the owners of property on the private road for such costs, plus all administrative and legal expenses incurred by the City to create and administer the special assessment district.
 - d. An explicit declaration that no public funds of the City of Hastings are to be used to build, repair, or maintain the private road, at any time.
 - e. The granting of easements to the public for purposes of utilities, and for emergency services vehicles and other public vehicles for whatever public services are necessary.

- f. A provision obligating the owners of any property using the road to refrain from prohibiting, restricting, limiting or in any manner interfering with normal ingress and egress and use by any of the other owners or other parties with a legal right to use the road. Normal ingress, egress, and use shall include use by family, guests, invitees, tradesmen, and others bound to or returning from any of the properties having a right to use the road.
 - g. An explicit declaration obligating the owner(s) of the private road and the owners of all property benefited by the private road to indemnify and save and hold the City and Township and the boards, commissions, officers and employees of same harmless from all claims for personal injury and/or property damage arising out of the failure to properly construct, maintain, repair or replace the private road, or in any other manner claimed to be associated with the private road in any respect, including all legal fees and expenses incurred in defending such claims.
- J. Final compliance requirements. Upon completion of construction of the private road the applicant shall provide to the Zoning Administrator:
- 1. A letter from a professional engineer licensed in Michigan certifying the road has been constructed in compliance with the approved private road plans and all applicable requirements.
 - 2. Documentation that the executed road maintenance agreement/access easement/deed restrictions have been recorded with the Barry County Register of Deeds office.
- K. Final private road permit issuance. Upon approval of all items required for final compliance, the Zoning Administrator shall issue a final private road permit. This final private road permit constitutes zoning approval of the use of the private road, and authorization to apply for building/zoning permits for development on lots dependent on the private road in order to qualify as a buildable lot.
- L. Permits for buildings dependent on private road.
- 1. A building permit/zoning compliance permit shall not be issued for any property which derives its primary access or minimum required frontage from a new private road unless a private road construction permit has been issued pursuant to this section and either of the following applies:
 - a. The Zoning Administrator has issued a final private road permit for the completed road; or
 - b. The applicant for the building permit/zoning compliance permit or owner(s) of the private road have provided the City with cash, bond or irrevocable letter of credit in an amount determined by the City sufficient to insure completion of construction of the private road in accordance with the approved private road construction permit within one year from the

issuance of the building permit/zoning compliance permit. A bond or letter of credit shall contain a provision giving the City the right to access the letter of credit or bond if such letter of credit/bond is not renewed 30 days before its expiration date, and the final private road permit is not yet issuable.

CHAPTER 6 MU-MIXED USE DISTRICT

Section 6.01 Purpose of District

- A. The Mixed Use District is intended to provide for a variety of uses and an appropriate mix of uses on the same lot, including high density residential, office, civic, and limited commercial and light industrial activities. This district is intended to allow land use flexibility to maximize utilization of urban infrastructure, such as water and/or sewer facilities, while creating a unique environment designed to function well with the existing natural features, surrounding neighborhood and overall region.
- B. The MU District is designed to balance development with natural feature preservation, including wetlands, streams, rivers, woodlands, and topography, and create commercial/industrial land use patterns that focus on local surrounding residential development, to enhance the character of the area and region.

Section 6.02 Permitted Uses

- A. The following uses are designated as permitted uses in this District, subject to site plan approval in accordance with this Ordinance:
 - 1. Attached living units or dwellings, including condominiums, townhouses or apartments.
 - 2. A detached single-family dwelling on an individual lot.
 - 3. Any generally recognized retail business that supplies commodities on the premises within a completely enclosed building, such as but not limited to foods, drugs, liquor, furniture, clothing, dry goods, appliances or hardware.
 - 4. Any personal service establishment that performs services on the premises within a completely enclosed building, such as but not limited to repair shops (watches, radio, television, shoe, etc.), tailor shops, beauty parlors, barbershops, interior decorators and photographers.
 - 5. Banks, savings and loan institutions, and similar financial establishments serving the local community, with or without a drive up window.
 - 6. Professional offices or clinics, including but not limited to medical, law, accounting, architectural, engineering, real estate and insurance offices.
 - 7. Libraries and museums.
 - 8. Retail sales of bakery and dairy products, with or without a drive up window.

9. Coffee shops, with or without a drive up window.
10. Retail grocery/party stores, which are integrated with on-site residential development.
11. Laundromats, laundry and dry-cleaning establishments (retail outlets only, not including large commercial/industrial laundry operations).
12. Photography studios.
13. Gift shops and antique shops with associated outdoor display areas limited to an area of 200 square feet.
14. Florist retail operations not including plant production on premises.
15. Accessory uses and structures; provided that the keeping or raising of livestock and other agricultural uses are not allowed in this district as an accessory use or otherwise.
16. Retail drug and pharmaceutical stores, with or without a drive up window.
17. Music/dance schools.
18. Community facility.
19. Veterinary clinics, with indoor boarding facilities for in-patient care only.
20. Restaurants, with or without a drive up window.
21. Essential services.
22. Any of the following uses accessory to an otherwise lawful residential dwelling unit:
 - a. Home occupation.
 - b. Family day care home.
 - c. Foster care (small group) home.
 - d. Roadside stand.
 - e. Bed and breakfast facility.
23. Health clubs with all activities indoors.
24. Farm market.
25. Signs, in accordance with the applicable provisions of Chapter 13.

Section 6.03 Uses Subject to Special Land Use Permit

- A. The following uses are designated as special land uses in this District, subject to special land use approval and site plan approval in accordance with this Ordinance:
1. Child care center/day care center.
 2. Hotels/motels.
 3. Hospitals/emergency medical facilities.
 4. Greenhouse/nursery/landscaping/garden shops.
 5. Open-air business as defined Chapter 2 herein.
 6. Bar or pub (providing that such use shall not be within 500 feet of a church, school, hospital, or adult or child care facility).
 7. Funeral homes.
 8. Laboratories – mechanical, medical, or environmental research/testing.
 9. Warehouses and inside storage, including self-storage facilities.
 10. Machine shop.
 11. Crating and packing service.
 12. Auto repair (major or minor) completely contained within a building.
 13. Multi-unit shopping centers or plazas.
 14. Small wind energy conversion systems.
 15. Indoor and outdoor recreation establishments such as bowling centers, indoor theaters, miniature golf courses, indoor soccer and baseball fields, gymnastic centers but excluding health clubs if all activities are indoors.
 16. Refueling stations/convenience stores, with or without restaurants.
 17. Private and public parks.
 18. Any of the following uses accessory to an otherwise lawful residential dwelling unit:
 - a. Group day care home.
 - b. Foster care (large group) home.

19. Auto wash establishments.
20. Farmers market.
21. Churches/worship facilities.

Section 6.04 Setbacks

- A. Minimum Required Building Setbacks. Commercial, office, industrial, and residential buildings shall be subject to the following setbacks from lot lines:
1. Front yard: 30 feet minimum; except where a different setback is required or allowed herein or by Section 5.04.
 2. Side yard: 20 feet minimum.
 3. Rear yard: 20 feet minimum.
 4. Notwithstanding the generally applicable minimum setback requirements specified above, buildings on a lot adjoining M37 or M43 shall have a minimum setback of 50 feet from the highway right-of-way line, except where a lesser setback is expressly allowed by this Ordinance, or where a greater setback is required by this Ordinance.
 5. An otherwise applicable minimum setback as specified above shall be increased to equal or exceed the height of the building or structure, where the calculated setback based on the height of the building or structure is greater than the otherwise applicable required setback.
- B. Minimum Setback from Residential District. Commercial, office, and industrial buildings and parking lots shall be set back a minimum of 30 feet from any property in a Residential zoning district of any zoning jurisdiction. This setback area shall be landscaped as set forth in Section 5.06.
- C. Internal Access Roads; Reduced Building Setback Requirements.
1. Internal access roads may be built within the required building setback along M-37 and M-43.
 2. The Planning Commission may reduce otherwise applicable building setback requirements by up to 50% when the structure is accessed via an internal access road.

Section 6.05 Lot Coverage

The intent of the following lot coverage standards is to minimize unnecessary impervious surface, protecting watershed quality, and to provide open space on each site.

- A. Lot coverage shall be limited to a maximum of 50%. The 50% maximum may be increased with approval from the Planning Commission by 5% for each of the following completed items:
1. Significant natural features, including but not limited to wetlands and forested areas and open space, will be permanently preserved. These areas shall be located adjacent to other preserved areas on adjacent parcels to create interconnected open spaces.
 2. Areas with slopes greater than 20% will not be developed or graded. (Note: A twenty-percent slope equals one foot of rise over five feet of run).
 3. Shared parking and/or cross access will be provided within the development site and with adjacent property.
 4. Stormwater best management practices are incorporated into the development.

Section 6.06 Lot Size Requirements

- A. For parcels located within an Urban Services District: the minimum lot size is 8,000 square feet for a detached single family dwelling, and 21,780 square feet (1/2 acre) for all other uses.
- B. For parcels not located within an Urban Services District: the minimum lot size is 8,000 square feet for a detached single family dwelling, and one acre for all other uses.

Section 6.07 Residential Density and Dwelling Standards

- A. The maximum residential density for a multiple family dwelling development shall be eight units per acre regardless if developed solely as residential or as part of a mixed-use development.
- B. All dwelling units shall comply with the standards specified in the definition of “Dwelling or Dwelling Unit” in Section 2.02.

Section 6.08 Landscaping & Greenbelts

- A. Within the Mixed Use District a greenbelt shall be provided adjacent to and outside of the public right-of-way within the front yard setback. For side yards of a corner lot abutting a public right-of-way or those lots that abut a public right-of-way along the rear or side yard, a greenbelt shall be provided. All greenbelts shall conform to the following standards and the landscaping standards in Section 5.06, Minimum Landscape Requirements:
1. A required greenbelt may be interrupted only to provide for pedestrian or vehicular access, or signage.
 2. Grass, ground cover, or other suitable live plant material shall be planted over the entire greenbelt area, except where paved walkways are used.

3. A minimum of one deciduous canopy tree and one evergreen tree shall be planted for each 50 linear feet, or portion thereof, of required greenbelt length. Trees may be planted at uniform intervals, at random, or in groupings.
 4. All existing trees eight inches or greater in diameter that are in a healthy condition and within the greenbelt shall be preserved, except where necessary to install vehicular, pedestrian and utility access points.
- B. All residential uses within the Mixed Use District, including detached single-family and attached living units, shall provide one deciduous shade tree within 20 feet of the front lot line; corner lots and lots having a width of 80 feet or more shall provide two deciduous shade trees. These trees shall be indicated on the site plan submittal for a building permit.
- C. All tree plantings within the greenbelt shall be located to avoid overhead utility lines, and shall be located to maintain a clear sight area.
- D. Required greenbelt landscaping shall not count towards landscaping requirements for signage, parking, buffering, or screening.
- E. The Planning Commission may reduce or modify the landscape requirements in this section based upon a determination that the landscaping required in this section will not be necessary or effective in meeting the intent of this provision. In making this determination, the following shall be considered:
1. Whether existing natural vegetation that meets the requirements of this section will be preserved as part of the site plan.
 2. Whether parking, vehicular circulation, or existing or planned land use are such that required landscaping would not enhance the site or result in the desired screening effect.
 3. Whether the public benefit intended by the landscape regulations could be better achieved with a plan that varies from the strict requirements of this section.
 4. Whether the intent to comply with the standards has been demonstrated by the applicant with alternatives considered by the applicant prior to the Planning Commission consideration of modification to requirements.
 5. Whether greater efficiency of site design could be accomplished with a plan that varies from the strict requirements of this section.

Section 6.09 Building Design and Architectural Standards

- A. Purpose. The purpose of the following regulations is to provide specific design and architectural standards for the review and approval of new commercial buildings and re-developed parcels in the MU zoning district in order to achieve the following community objectives:

1. To encourage commercial building facade treatments that are articulated and enhanced in order to reduce the massive scale and impersonal appearance of large retail buildings.
2. To maintain and improve community character by requiring buildings to be closer to the street which helps to create shopping areas with a more a pedestrian scale.
3. To encourage developers to use a more creative approach in the design of commercial buildings.

B. Applicability. The following developments shall be subject to the building design and architectural standards of this section:

1. Newly constructed principal buildings.
2. Uses which require site plan review by the Planning Commission as regulated herein.
3. Exterior alterations, renovations and additions to existing non-residential buildings which require a building permit and which pertain to the building facade (that portion or portions of a building which front on a public street).

C. Architectural Standards.

1. Façade materials. At least 80% of the “façade” of a building, which for purposes of this provision is defined as that portion or portions of a building which fronts on a public street or which faces an on-site parking lot, shall be constructed of one or more of the following materials:
 - a. traditional hard coat stucco.
 - b. brick.
 - c. natural or cast stone.
 - d. tinted and/or textured masonry block.
 - e. glass.
 - f. architectural pre-cast panels.
 - g. wood, except materials such as T-71, plywood or particle board, or similar processed wood materials.
 - h. similar materials as approved by the Planning Commission.
2. Façade design devices. All facades shall have a recognizable “top” or upper portion consisting of one or more of the following devices:

- a. cornice treatments, other than just colored “stripes” or “bands”, with integrally textured materials such as stone or other masonry or differently colored materials.
- b. sloping roof with overhangs and brackets.
- c. stepped parapets.

In addition, if the building has more than one story, the façade shall have a horizontal expression line which separates each floor.

3. Façade wall design and features. That portion of a building which fronts on a public street shall be designed to eliminate large expanses of blank walls by the application of two or more of the following methods approximately every 50 feet in wall length:
 - a. doors with corniced parapets over the main entry door.
 - b. display windows that orient street-level customers to products.
 - c. arched entryways, canopies or awnings.
 - d. changes in the plane of a wall, such as offsets, or projecting ribs which are at least 12 inches in width.
 - e. change in texture, color or masonry pattern.
 - f. pilasters, piers or columns.
 - g. other applications as approved by the Planning Commission to meet the intent of this provision.
4. Façade walls exceeding 100 feet in length. Façade walls more than 100 feet in total length shall also incorporate wall plane projections or recesses having a depth of at least three percent of the length of the façade and extending at least 20% of the length of the façade.
5. Customer entrances. Building facades shall exhibit clearly defined, highly visible, and articulated front entrances that feature at least two of the following devices:
 - a. canopies or porticos.
 - b. overhangs.
 - c. recesses or projections of at least three percent of wall length.
 - d. arcades.

- e. raised cornice parapets over the door.
- f. distinctive roof forms.
- g. arches.
- h. outdoor patios.
- i. display windows.

Rear customer entrances, if provided, shall also be subject to the foregoing standards.

- 6. Side/rear walls. Side or rear walls that face rear walkways or rear or side service drives may include false windows and door openings defined by frames, sills, and lintels, or similarly proportioned modulations of the wall, but only when actual doors and windows are not feasible.
- 7. Roofs.
 - a. Buildings shall be topped with pitched roofs with overhanging eaves, or with flat roofs with articulated parapets and cornices. Materials for pitched roofs shall include shingles (either wood or asphalt composition), slate, tiles, or other material if such other material is similar to the roof material on buildings within 500 feet in the MU District.
 - b. Parapets shall be used to conceal flat sections of roofs and rooftop equipment, such as HVAC units, from public view. The average height of such parapets shall not exceed 25% of the height of the supporting wall, and such parapets shall not at any point exceed 1/3 of the height of the supporting wall.

D. Building height.

- 1. The maximum building height shall not exceed 35 feet or 2.5 stories, whichever is less, except as provided herein.
- 2. Building height may be increased if all of the following criteria are met as determined by the Planning Commission:
 - a. The proposed development is designed to provide for shared parking and/or cross access easements with adjacent parcels.
 - b. The height of the building is designed to blend with adjacent development and will not create a dramatic height differential causing detrimental impacts to existing structures.
 - c. The height of the building has been approved by the local fire chief,

upon determining the building height does not exceed the effective fire-suppression capabilities of the Fire Department.

E. Parking.

1. No more than two rows of off street parking shall be located within the front yard, which is defined as the area between the principal building and the front lot line across the entire width of the lot. In certain circumstances the Planning Commission may allow permitted uses and special land uses to have more than two rows of parking between the building and the front lot line. In determining when such parking should be allowed the Planning Commission shall consider the following criteria:
 - a. Whether the need for truck loading and unloading docks and maneuvering areas for trucks does not allow for required parking spaces to be located to the side or in the rear of the building;
 - b. The width of the lot relative to the size of the building;
 - c. The parking requirements for large “big box type” stores create difficulties in providing the majority of the required parking in the side or rear yards.
 - d. Whether additional front yard parking would result in the preservation of a natural site feature(s);
 - e. Whether parking in the side or rear yard is impractical due to a wetland or steep slope or other similar natural feature.
2. For parcels located on a corner lot the above requirements shall only apply to that street which the Zoning Administrator determines carries the most traffic. For the remaining street the parking lot may be located in the front yard subject to the setback regulations of the zoning district in which it is to be located.

F. Sidewalks.

1. Sidewalks shall be provided along all streets in accordance with the City of Hastings standards. Sidewalks shall be a minimum of five feet wide; but the Planning Commission may require a maximum sidewalk width of ten feet in order to allow for the safe and efficient movement of all types of non-motorized transportation.
2. The Planning Commission may also require, where practical and feasible, that a walkway be provided extending from the public sidewalk to the entrance of the building on the site in order to provide for safe pedestrian access.
3. Where the zoning approval for property fronting on M-37/M-43 provides for or requires a non-motorized trail within the front yard but not within the street right-

of-way, an appropriate easement for the trail shall be part of the zoning approval process.

- G. Refuse Containers. All refuse containers shall be located within a four-sided solid fence enclosure constructed of materials and designed so as to coordinate with and complement the principal building or development with which it is associated. Refuse container enclosures shall not be located in a front yard.
- H. Additional Considerations. In order to promote non-motorized access to businesses along the M-37/M-43 corridor bike racks at individual stores are encouraged to be provided as well as lighting of non-motorized trails which traverse or abut the property.
- I. Modification of Standards. The foregoing building design and architectural standards shall be subject to modification by the Planning Commission during the site plan review process upon finding the following factors are met:
 - 1. If the modification is approved the resulting development will still be consistent with the purposes of this District.
 - 2. If the modification is approved the resulting new building or alteration of an existing building will still be visually compatible with existing buildings on adjacent properties and within 500 feet in the MU District.
 - 3. In instances of the reconstruction or conversion of an existing building, approval of the modification is necessary to alleviate practical physical difficulties resulting from strict compliance with the specified standards and requirements.

CHAPTER 7 LI-LIGHT INDUSTRIAL DISTRICT

Section 7.01 Purpose of District

The District is intended for light industrial applications that are not likely to require public utilities, and will be designed to be compatible with other land uses in the area. The allowed industrial uses should be developed with appropriate utility and transportation connections, and in harmony with the area's natural features, with minimal impact on the environment or the surrounding community.

Section 7.02 Permitted Uses

The following uses are designated as permitted uses in this District:

- A. Essential services.
- B. Industrial establishments involving only the assembly and/or packaging of such products as food products (not including the processing of livestock), candy, musical instruments, optical goods, toys, novelties, electrical equipment, and appliances, where all storage of goods/products is completely contained within an enclosed building, and where all loading/unloading areas and facilities are located at or near the rear of the building.
- C. Storage rental units completely within an enclosed building, for items such as household goods, vehicles, and recreational equipment.
- D. Tool and die business, including metal working machine shops involving the use of grinding or metal cutting tools, manufacturing of tool dies/molds/jigs/fixtures (excluding the production of stampings, castings, forging, and similar production run parts), where all storage of goods/products is completely contained within an enclosed building, and where all loading/unloading areas and facilities are located at or near the rear of the building.
- E. Wholesaling and warehousing of goods and products such as automotive equipment, dry goods, apparel, groceries and related products, raw farm products (not including livestock), electrical goods, hardware products, plumbing products, heating equipment and supplies, machinery, alcoholic beverages, paper and paper products, furniture and home furnishings, and any product the manufacture of which is allowed in this District, where all storage of goods/products is completely contained within an enclosed building, and where all loading/unloading areas and facilities are located at or near the rear of the building.
- F. Accessory uses/buildings/structures; provided, however, that the keeping or raising of livestock and other agricultural uses are not allowed in this District as an accessory use or otherwise.

G. Signs, in accordance with the applicable provisions of Chapter 13.

Section 7.03 Special Land Uses

The following uses are designated as special land uses in this District, subject to special land use approval and site plan approval in accordance with this Ordinance.

- A. Automobile repair (major and minor), where no junk vehicles, parts, or vehicles not containing all of their body parts are stored overnight unless adequately screened as determined by the Planning Commission pursuant to applicable standards in this Ordinance.
- B. Broadcast/transmission towers.
- C. Central laundry plants.
- D. Industrial facilities for the assembly, fabrication, manufacture, packaging or treatment of products from the following previously prepared materials: canvas, cellophane, caulk, cork, felt, fiber, glass, leather, paper/cardboard, plastics, precious or semi-precious metals or stones, sheet metal (excluding large stamping such as automobile fenders or body panels or those requiring in excess of 400 tons of manufacture), textiles, wax, wire, wood (excluding saw and planing mills and yards), where all such operations, equipment and storage are completely contained within a fully enclosed building and where all loading/unloading areas and facilities are located at or near the rear of the building
- E. Laboratories (mechanical or environmental research/testing).
- F. Municipal waste treatment or water treatment facilities.
- G. Refueling stations, and auto wash establishments.
- H. Repossession lots/storage, including retail sales of repossessed items.
- I. Salvage and/or recycling centers.
- J. Wireless communications support structure.
- K. Small wind energy conversion system.

Section 7.04 Density, Area, Height, Bulk and Placement Regulations

- A. Minimum lot area: 200,000 sq. ft
- B. Minimum lot width: 300 ft.
- C. Minimum setbacks:
 - Front: 100 ft.

Side: 50 ft.
Rear: 50 ft.

- D. Maximum lot coverage: 35%

Section 7.05 Site Plan Review Required

Site plan review is required for all permitted uses and special land uses, and for other uses as specified in Chapter 9 herein.

Section 7.06 Architectural Standards

The following architectural standards shall apply to buildings/structures in this District:

- A. The maximum building/structure height is 35 feet or 2 ½ stories, whichever is less.
- B. Buildings with multiple stories shall be improved with windows that add character to the structure and create a visual delineation between stories.
- C. Building façade shall have bays, storefronts, entrances, columns, and other vertical elements in 20-40 horizontal foot increments to avoid uninterrupted horizontal stretches of exposed facing building and “break-up” the building façade.
- D. Exterior materials shall reflect a sense of permanence and community character. All proposed materials shall be subject to Planning Commission approval.
- E. Windows shall have sills and trim.
- F. Architectural features shall be complementary with all aspects of the building elevation. For example, building materials and designs shall complement/coordinate on all sides of the building.
- G. Roof design shall be flat, hipped, or front-gabled. Flat roofs shall incorporate a decorative cornice line that clearly identifies the top of a building.
- H. The form, scale and proportion of buildings shall be consistent or compatible with the scale, form and proportion of existing development in the immediate area.
- I. Mechanical equipment on the ground or on the roof shall be screened from view.

CHAPTER 8

(this chapter is reserved for potential future use)

CHAPTER 9 SITE PLAN REVIEW

Section 9.01 Purpose

The intent of this Chapter is to provide for consultation and cooperation between the applicant and the Planning Commission in order that the applicant may accomplish their objectives in the utilization of land within the regulations of this Ordinance and with minimum adverse effect on the use of adjacent streets and other public facilities, and on nearby existing and future uses and the natural environment.

Section 9.02 Site Plan Review Required

- A. Planning Commission Review. Except as provided in this Ordinance with respect to matters subject to administrative site plan review, the following uses shall not be conducted upon any land or in any building/structure, nor shall a building permit or zoning compliance permit be issued for the construction of a building/structure associated with such uses, until a site plan has been submitted to, reviewed, and approved by the Planning Commission in accordance with the provisions of this chapter:
1. Any principal commercial, office, industrial, institutional or business use, and any residential use with more than two dwelling units.
 2. Special land uses.
 3. A change in the use of a building or property or an expansion of a building or use for which additional parking spaces are required by this Ordinance or an expansion of an existing parking lot to add more parking spaces.
 4. Relocation of an existing driveway.
 5. Site condominiums. Also see Chapter 11.
 6. All other uses subject to site plan approval as required by this Ordinance.
- B. Zoning Administrator Review. A site plan for any of the following uses shall be reviewed by the Zoning Administrator, instead of the Planning Commission; provided the Zoning Administrator may choose to refer any site plan for such uses to the Planning Commission for review by the Planning Commission in accordance with the requirements of this Chapter:
1. A change in the use of a building or property or an expansion of the building or use which does not result in the need for more parking spaces as required by this Ordinance.

2. Construction of a building or structure which is accessory to the principal use or building.

Review of site plans by the Zoning Administrator shall be in accordance with the same procedures, requirements and standards required for site plans reviewed by the Planning Commission, except the number of site plan copies and submittal date shall be subject to the discretion of the Zoning Administrator. The Zoning Administrator may waive specific site plan review submittal requirements if it is determined that such requirements are not relevant to the site plan under consideration. Following approval of a site plan the Zoning Administrator shall notify the Planning Commission.

C. Application and Review Procedures.

1. Requirements. An application for site plan review along with 10 sets of the site plan and all supporting materials shall be submitted to the Zoning Administrator at least two weeks prior to the next scheduled Planning Commission meeting. The application shall at a minimum contain the following information:
 - 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 purchase agreement.
 - c. The name, address and phone number of the owner of record if different than the applicant.
 - d. The address of the property.
 - e. Legal description or permanent lot number of the property.
 - f. Project description.
 - g. Size of the property in square feet or in acres.
 - h. Signature of the applicant and owner of the property.
2. Technical review. The Zoning Administrator shall refer copies of the application and site plan to the City director of public services and the City building official for technical review. Copies may also be sent to the city planner, fire chief and police chief as deemed necessary. The site plan shall be reviewed for compliance with the requirements of this Ordinance and a report prepared for the Planning Commission.
3. Final review. The Planning Commission shall review the site plan according to the general standards for site plan review in Section 9.04 and any other applicable regulations of this Ordinance. Based on these standards and regulations, the Planning Commission shall approve, deny, or approve with conditions the site

plan. If the site plan is denied, the applicant shall be given written notification of the reasons for denial within ten working days of the date of denial.

4. Approval. Upon approval of the final site plan, three copies of this plan shall be stamped as approved, dated, and signed by the Zoning Administrator. One copy of the approved plan shall be returned to the applicant, one shall be submitted to the building official as part of the building permit review process, and one copy shall be kept by the Zoning Administrator.
5. Review period. The Planning Commission shall render a decision on a site plan within 60 days of submission of all required information by the applicant unless an extension of time is agreed to by the applicant, or a different time is otherwise required by law.

Section 9.03 Site Plan Content

- A. Each site plan submitted for review shall be drawn at a scale of 1" = 200' or less. The site plan shall contain the following information unless the Zoning Administrator determines that certain items are not necessary or relevant in reviewing the site plan:
 1. A vicinity map illustrating the location of the site.
 2. Date the site plan was prepared.
 3. Name and address of the preparer.
 4. North arrow.
 5. Legal description of the property.
 6. Property lines, dimensions, and building setback distances and all structures and lot lines within 100 feet of the site.
 7. Existing and proposed contour elevations at a minimum of five-foot intervals on the site and to a distance of ten feet outside the boundary lines of the site.
 8. Direction of stormwater drainage and how stormwater runoff will be handled.
 9. Location of existing and proposed buildings, their intended use, the length, width and height of each building, and the square footage of each building.
 10. Location of abutting streets, rights-of-way, service drives, curb cuts, and access easements serving the site, as well as driveways opposite the site and driveways within 100 feet on either side of the site.
 11. Location and size of all water and sanitary sewer lines and storm drainage lines as well as fire hydrants and catch basins, and location of septic tanks and drainfields, and utility easements.

12. Location of all sidewalks, bike paths, and other walkways.
13. Location and size of any existing and proposed walls, fences or other screening provisions.
14. Location of all proposed landscape materials, including size and type of planting.
15. Location of all exterior lighting, and proposed accessory structures, including light poles or fixtures, flagpoles, storage sheds, transformers, dumpsters or trash removal areas and signs.
16. Proposed parking areas and access drives showing number and size of spaces and aisles, loading areas, and handicapped access ramps. Also note method of surfacing such areas.

Section 9.04 General Standards

- A. The Planning Commission shall review the site plan for compliance with the requirements of this Ordinance and conformance with the following general standards:
 1. All elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and type of the lot, the character of adjoining property, and the type and size of buildings. The site shall be so developed as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.
 2. The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, and by topographic modifications that result in maximum harmony with adjacent areas.
 3. Special attention shall be given to property site drainage so that removal of stormwaters will not adversely affect neighboring properties.
 4. The site plan shall provide reasonable, visual and sound privacy for all dwelling units located therein. Fences, walks, barriers and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants.
 5. All buildings or groups of buildings shall be so arranged as to permit emergency vehicle access by some practical means as required by the fire department.
 6. Every structure or dwelling unit shall have access to a public street, walkway or other area dedicated to common use.
 7. There shall be provided a pedestrian circulation system insulated as completely as reasonably possible from the vehicular circulation system.

8. All loading and unloading areas and outside storage areas, including areas for the storage of trash, that face or are visible from residential districts or public thoroughfares shall be screened by a vertical screen consisting of structural or plant materials no less than six feet in height.
9. Exterior lighting shall comply with Section 5.05A and any other provisions of this Ordinance applicable to lighting.
10. With respect to vehicular and pedestrian circulation, including walkways, interior drives and parking, special attention shall be given to location and number of access points, general interior circulation, separation of pedestrian and vehicular traffic, particularly the avoidance of building corners next to access drives, and arrangement of parking areas that are safe and convenient, and insofar as practicable, do not detract from the design of the proposed buildings and structures and the neighboring properties. Streets and drives part of an existing or planned street pattern that serve adjacent development shall be of a width appropriate to the traffic volume they will carry and shall have a dedicated right-of-way equal to that specified in the city's master plan.
11. All public streets shall be built in accordance with the requirements of the City of Hastings or, where applicable, the Michigan Department of Transportation.
12. Sidewalks shall be provided along all streets in accordance with the City of Hastings requirements, and any other applicable provision of this Ordinance (such as Section 6.09F in the MU District).
13. Site plans shall conform to all applicable requirements of state and federal statutes, and approval may be conditioned on the applicant's receiving necessary state and federal permits before final site plan approval or an occupancy permit is granted.

Section 9.05 Access Control Standards

- A. The Planning Commission shall review site plans according to the standards of this section relating to vehicle access and circulation. The purpose of specific access standards is to increase traffic safety, lessen congestion, provide adequate access, promote community character, and ensure orderly development.
- B. The Planning Commission shall have the authority to require a frontage road or service drive for lots contiguous to M-43 and M-37, and on other streets. The Planning Commission shall also have the authority to limit the number of driveways for a site; to require that parking lots on contiguous lots be connected; to require that driveways for contiguous lots be shared; and to require that opposite driveways be directly aligned. In determining whether the above or other access control measures shall be required, the following criteria shall be considered:
 1. The type and location of commercial uses on the site and adjacent to the site.

2. The location, size and design of existing and proposed parking areas.
 3. The existing and projected traffic volume on the roadway and adjacent roadways.
 4. Compatibility between adjacent land uses and likelihood of change or expansion.
 5. Number of lots involved, location of lot lines and amount of road frontage.
 6. Topography and site distance along adjacent roadways and on the site.
 7. Distance from intersections.
 8. Location of driveways opposite the site.
 9. Width of roadway and number of lanes.
 10. Environmental limitations (steep slopes, water, or vegetation).
 11. Sufficient building setback.
- C. The following regulations shall apply to commercial uses along M-37 and M-43, and other streets where the Planning Commission has required access control measures pursuant to Section 9.05B above:
1. A lot shall not be denied reasonable access to a public roadway.
 2. A maximum of one driveway shall be provided to an individual lot or to a contiguous lot under the same ownership when the property in question has no other reasonable access to another abutting street or access road. Additional driveways may also be permitted in accordance with the driveway spacing standards herein. A one-way in/one-way out driveway system may be permitted if it is demonstrated that traffic circulation on and off the site will not create hazardous situations.
 3. Temporary direct access to M-43 and M-37 may be granted in instances where access roads or adjoining lots are not yet developed. A temporary driveway permit shall specify the future means of access, location if known, and date the change will be made. A temporary access agreement shall be recorded with the county register of deeds.
 4. Lots with 300 or more feet of road frontage with a single large use will not be required to construct a service drive but may be required to connect the parking area to parking areas on contiguous lots.
 5. If a lot with an established commercial use, and with 300 feet or more of road frontage, is divided to allow for an additional commercial use (resulting in lots with less than 300 feet of road frontage), an additional driveway for that use will not be permitted. Both the original and the additional commercial use will be

required to construct an adjoining service drive. An exception to this standard exists if the anticipated traffic volumes generated by either the original or the additional commercial use will exceed 3,000 vehicles per day and/or are projected to cause traffic congestion during peak hours.

6. If two or more existing contiguous lots with noncommercial uses together comprise less than 300 feet of road frontage, and if any of those lots converts to a commercial use (or any other use for which site plan review is required), the construction of a service drive will be required. As additional contiguous lots convert to commercial uses, they will be required to construct additional segments of the service drive. These lots will eventually be served by common driveway access, the placement of which will be determined by driveway spacing standards contained herein.
7. Driveways for a lot shall be permitted based on the amount of road frontage for that lot as follows, except that the Planning Commission may modify this in the interest of public safety based on the criteria in subsection B of this section:

Frontage (feet)	Driveways Permitted
Less than 300	1
300 to 600	2
More than 600	3

8. Driveway spacing and location from intersections shall be based on the following:
 - a. Driveway spacing from intersections shall be measured from the centerline of the driveway to the extended edge of the travel lane on the intersecting street.
 - b. The minimum distance between a driveway and an intersecting street shall be based on the following tables, as applicable:
 - (1) Spacing from intersection for driveways along M-43 and M-37 and other streets as deemed necessary:

Intersecting Street	Full Movement Driveway (feet)	Channelized for Right-Turn-In Right-Turn-Out Only (feet)
Highway	250	100

Signalized major street	250	75
Other street (local street or non-signalized major street)	100	75

- (2) Spacing from intersection with M-37 and M-43 for driveways along side streets:

Side Street Classification*	Full Movement Driveway (feet)	Channelized for Right-Turn-In Right-Turn-Out Only (feet)
Highway	200	100
Signalized major street	100	75
Other street (local and non-signalized major street)	75	75

9. If the amount of street frontage is not sufficient to meet the above criterion, the driveway shall be constructed along the property line farthest from the intersection to encourage future shared use, and/or a frontage road or rear access service drive shall be developed.
10. For lots which are only allowed a channelized right-turn-in, right-turn-out driveway, and alternative means of access (shared driveway, frontage road, service drive or connected parking lots) are not feasible due to lot size or existing adjacent development, the Planning Commission may allow a non-channelized, full movement driveway provided that:
 - a. The driveway is spaced no closer to the intersection than the minimum spacing allowed for a right-turn-in, right-turn-out driveway.
 - b. A traffic study, conducted by a registered traffic engineer, provides substantial justification that the driveway operation will not result in conflicts with vehicles at the adjacent intersection.
11. Driveway spacing from other driveways shall be determined as follows:
 - a. There shall be minimum spacing of 25 feet between the centerline of a driveway and the adjacent property line, not including the right turn lane and/or taper. The centerline for channelized driveways is measured at the

street right-of-way line. This requirement does not apply to shared driveways.

- b. Minimum driveway spacing requirements shall be determined based on posted speed limits along the lot frontage, as indicated in Table 7-1.

TABLE 7-1

Posted Speed (mph)	Minimum Driveway Spacing* (in feet)
30	125
35	150
40	185
45	230
50	275
55	350

* As measured from the centerline of each driveway.

- c. The values in table 7-1 are considered minimums based on the distances required to avoid conflicts between vehicles turning right or left from adjacent driveways.
- d. The Planning Commission shall have the authority to waive or modify the preceding spacing requirements when strict adherence to them would result in unreasonable access to the site. In waiving or modifying the spacing requirements, the criteria of subsection B of this section shall be used.

Section 9.06 Performance Guarantee

- A. The Planning Commission may require a performance bond, letter of credit, or certified check in an amount equal to the estimated cost of road, lighting, utility, sidewalk, landscaping, drainage, and other required improvements associated with the project. The estimated amount shall be determined by the Zoning Administrator after conferring with the City director of public services. Such performance guarantee shall be deposited with the city clerk/treasurer prior to the issuance of a building permit authorizing the activity or project. The performance guarantee is to ensure faithful completion of the improvements indicated with the approved site plan; if not completed, the performance guarantee shall be forfeited.

- B. The city clerk/treasurer shall rebate a proportional share of cash deposits only when requested by the depositor, based on the percent of improvements completed, as attested to by the depositor and verified by the Zoning Administrator. In cases where the provisions of this Ordinance have not been met, the amount of the aforementioned performance guarantee shall be used by the city to complete the required improvements or return the property to a safe and healthy condition at the option of the city; and the balance, if any, shall be returned to the applicant. No rebate shall be paid until the work is completed and the costs have been accurately determined by the city.

Section 9.07 Time Limit for Site Plan Approval

The development for which a site plan has been approved shall be under construction within one year after the date of final approval by the Planning Commission (or, where applicable, by the Zoning Administrator). If the applicant does not fulfill this provision, the Planning Commission may grant a single extension of not more than one year provided the applicant presents reasonable evidence to the effect that the development has encountered unforeseen difficulties but is then ready to proceed. Should neither of the aforementioned provisions be fulfilled or the one year extension has expired without construction underway, the site plan approval shall be deemed abandoned and terminated.

Section 9.08 Amendment of an Approved Site Plan

- A. Any person who has been granted site plan approval shall notify the Zoning Administrator of any proposed amendment to the approved site plan.
- B. A minor change in the site plan may be approved by the Zoning Administrator who shall notify the Planning Commission of the minor change and that such change does not substantially change the basic design or alter the conditions required for the plan by the Planning Commission.

The following items shall be considered as minor changes:

1. Reduction of the size of any building and/or sign.
2. Movement of buildings by no more than 10 feet.
3. Plantings approved in the site plan landscape plan being replaced by different but similar types of landscaping.
4. Internal rearrangement of a parking lot which does not affect the number of parking spaces or alter access locations or design.
5. Changes required or requested by the Planning Commission for safety reasons.
6. Changes which will preserve the natural features of the site without changing the basic site layout.

7. Other similar changes of a minor nature proposed to be made to the configuration, design, layout or topography of the site plan which are deemed by the Zoning Administrator to be not material or significant in relation to the entire site and which the Zoning Administrator determines would not have any significant adverse effect on adjacent or nearby lands or the public health, safety and welfare.
- C. The Zoning Administrator may refer any decision regarding any proposed change to an approved site plan to the Planning Commission for review and approval, regardless of whether the change may qualify as a minor change. In making a determination whether a change is a minor change, or whether to refer a change to the Planning Commission for approval, the Zoning Administrator may consult with the Chairperson of the Planning Commission.
 - D. If the Zoning Administrator determines that the requested modification to the approved site plan is not minor, resubmission to the Planning Commission for an amendment of the site plan shall be required and conducted in the same manner as an original site plan review application.

CHAPTER 10 SPECIAL LAND USES

Section 10.01 Purpose

The purpose of this chapter is to provide regulations for uses not essentially incompatible with uses permitted by right in a given district, but which may only be appropriate if restrictions or conditions are imposed by reason of special problems presented by the use itself or its particular location in relation to neighboring properties. The special land use permit procedure established in this chapter is designed to provide the Planning Commission with an opportunity to review and act upon any application for a special use permit.

Section 10.02 Authorization

The Planning Commission shall have the power to approve or deny a special land use permit application, or approve same with conditions, as authorized in Section 10.05, pursuant to the approval standards specified or referenced in Section 10.04.

Section 10.03 Procedure

- A. Application. An application for a special land use permit shall be filed with the Zoning Administrator. The Zoning Administrator shall review the application for administrative completeness, and inform the Hastings City Clerk when the application is determined to be complete for further processing.
- B. Site plan requirement. Applications for a special land use permit shall also be accompanied by a site plan, which shall contain the information for final site plans required by Chapter 9 of this Ordinance.
- C. Additional information. The Planning Commission may require that the applicant provide additional information about the proposed use. Such information may include but shall not be limited to traffic analysis, environmental impact statement, impact on public utilities and services, and effect on the public school system.
- D. Planning Commission hearing. The Zoning Administrator or City Clerk shall refer an administrative complete application to the Planning Commission, and schedule a public hearing for the application. Notice of the hearing shall be given as required by Section 16.04 of this zoning ordinance.

Section 10.04 Standards for Approval

To approve a special land use, the Planning Commission must find that all the following general standards are satisfied, in addition to any applicable standards set forth in this Ordinance for specific special land uses:

- A. The proposed use is designed and constructed and will be operated and maintained so it will be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, and will not result in a detrimental change to the essential character of the area in which it is proposed.
- B. The proposed use will be adequately served by essential public facilities and services such as highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities, and schools.
- C. The proposed use will not create excessive additional requirements at public cost for public facilities and services.
- D. The proposed use will not involve uses, activities, processes, materials and equipment, or conditions of operation that will be overly detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
- E. The proposed use is consistent with the intent and purpose of the zoning district in which such use will be located.
- F. The proposed use is compatible with and in accordance with the Hastings-Rutland Joint Planning Commission Master Plan.
- G. The proposed use will comply with the specific standards applicable to that particular use as specified in Section 10.08, or elsewhere in this Ordinance.

Section 10.05 Conditions on Approval

- A. In approving a request for a special land use permit, the Planning Commission may impose conditions, provided such conditions shall be reasonable and necessary to:
 - 1. Insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity;
 - 2. Protect the natural environment and conserve natural resources and energy;
 - 3. Insure compatibility with adjacent uses of land; and
 - 4. Promote the use of land in a socially and economically desirable manner.
- B. Conditions imposed shall meet all of the following requirements:
 - 1. Be designed to protect natural resources, the health, safety and welfare and the social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.

2. Be related to the valid exercise of the police power and purposes affected by the proposed use or activity.
 3. Be necessary to meet the intent and purpose of this Ordinance, be related to the standards established in this Ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.
- C. The conditions imposed with respect to the approval of a special land use shall be recorded in the record of the approval action and shall remain unchanged except upon the mutual consent of the Planning Commission and the applicant. The Planning Commission shall maintain a record of the conditions which are changed.

Section 10.06 Validity of Special Land Use Permit

- A. Planning Commission approval of a special land use permit shall be valid regardless of change of ownership, provided that all terms and conditions are complied with by the new owners.
- B. In cases where development authorized by a special land use permit has not commenced within one year of issuance, the permit shall automatically terminate. Upon written application filed before the termination of the one-year period, the Planning Commission may authorize a single extension for a further period of not more than one year.
- C. The Planning Commission shall have the authority to revoke a special land use permit following a public hearing with notice given as required herein. Such permit may be revoked upon evidence that the applicant, owner or operator has failed to comply with the requirements of the permit or any other applicable regulations of this Ordinance.

Section 10.07 Changes to an Approved Special Land Use

- A. Any person for which a special land use permit has been approved shall notify the Zoning Administrator of any proposed changes to the approved use or site plan. Any minor change such as dimension changes, increase in parking, drive relocation, landscaping changes, or movement of lighting or signs may be approved by the Zoning Administrator, who shall notify the Planning Commission in writing of such changes, and maintain a record of some.
- B. Any proposed major changes to any approved special land use or site plan shall be subject to all applicable requirements of this Ordinance for a new special land use permit application and/or site plan review. Major changes shall include but are not limited to increasing the density or number of dwelling units, increasing the number of buildings or land area, and the addition of another use or uses not initially authorized under the original special land use permit or site plan. The Zoning Administrator shall determine if other similar changes constitute a major change.

Section 10.08 Specific Standards Required of Particular Special Land Uses

The following specific standards shall be required of the particular special land uses designated in this section pursuant to Section 10.04G of this Ordinance, in addition to the standards specified in Section 10.04A-F of this Ordinance. The required standards for each such use are referred to in the following table and included in the subsequent applicable text for the corresponding item number:

SPECIAL LAND USE	ZONING DISTRICT	ITEM NUMBER
Group day care home	MU	1
Foster care (large group) home	MU	2
Private road	MU, LI (overlay)	3
Small wind energy conversion system	MU, LI	4
Wireless communications support structure	LI	5
Filling activity exceeding 1,000 cy of material	MU, LI (overlay)	6
Temporary event exceeding seven days	MU, LI (overlay)	7

Item 1. Group Day Care Home.

- A. It shall be located at least 1,500 feet from any of the following facilities (measured along a road, street or other thoroughfare open to use by the public as a matter of right for the purpose of vehicular traffic, excluding an alley):
 - 1. Another state licensed group day care home;
 - 2. Another adult foster care small group home or large group home licensed by the State of Michigan under the Adult Foster Care Facility Licensing Act (1979 Public Act 218, as amended --- MCL 400.701 et seq);
 - 3. A facility offering substance abuse treatment and rehabilitation service to 7 or more people licensed by the State of Michigan under article 6 of the Michigan Public Health Code (1978 Public Act 368, as amended --- MCL 333.6101 et seq);
 - 4. A community correction center, resident home, half way house, or other similar facility which houses an inmate population under the jurisdiction of the Michigan Department of Corrections.
- B. It shall have appropriate fencing enclosing all outdoor play areas, as determined by the Planning Commission. Such fencing shall be at least 54" high and non-climbable in design.
- C. It shall maintain the property consistent with (or better than) the visible characteristics of the neighborhood.
- D. It shall not exceed 16 hours of operation during a 24 hour period, operating only between 6:00 a.m. and 10:00 p.m.

- E. It shall meet all applicable sign regulations in this Ordinance.
- F. It shall meet all applicable off-street parking requirements in this Ordinance.

Item 2. Foster Care (Large Group) Home.

- A. It shall be located at least 1,500 feet from any of the following facilities (measured along a road, street or other thoroughfare open to use by the public as a matter of right for the purpose of vehicular traffic, excluding an alley):
 - 1. Another state licensed group day care home;
 - 2. Another adult foster care small group home or large group home licensed by the State of Michigan under the Adult Foster Care Facility Licensing Act (1979 Public Act 218, as amended --- MCL 400.701 et seq);
 - 3. A facility offering substance abuse treatment and rehabilitation service to 7 or more people licensed by the State of Michigan under article 6 of the Michigan Public Health Code (1978 Public Act 368, as amended --- MCL 333.6101 et seq);
 - 4. A community correction center, resident home, half way house, or other similar facility which houses an inmate population under the jurisdiction of the Michigan Department of Corrections.
- B. It shall have appropriate fencing enclosing all outdoor play areas intended for children, as determined by the Planning Commission. Such fencing shall be at least 54" high and non-climbable in design.
- C. It shall maintain the property consistent with (or better than) the visible characteristics of the neighborhood.
- D. It shall meet all applicable sign regulations in this ordinance.
- E. It shall meet all applicable off-street parking requirements in this ordinance; and in addition shall provide a designated passenger loading/unloading area near a barrier-free entrance to the facility, and a loading/unloading area of adequate dimensions for delivery vehicles servicing the facility.
- F. A landscape buffer shall be provided along all property lines that abut a less intense land use and around the perimeters of all parking and loading/unloading areas visible from adjacent properties or streets.
- G. All exterior lighting of entryways, parking spaces, and loading/unloading areas shall be directed and/or hooded so as to not reflect onto adjacent properties or streets.

Item 3. Private road.

“Private road” is designated in Section 5.12 of this Ordinance as an “overlay” special land use in any zoning district. See Section 5.12 for the approval standards and other applicable provisions and requirements.

Item 4. Small Wind Energy Conversion Systems.

- A. The system may be portable or attached to a building, tower, or other structure, subject in each instance to the following applicable height limitation, measured from grade directly below the supporting base of the system to the uppermost component of the system at its highest vertical position:
 - 1. For lots of less than two acres in area: 35 feet.
 - 2. For lots of two to five acres in area: 60 feet.
 - 3. For lots greater than five acres in area: not exceeding such height as is permissible to comply with the setback/location requirements in subsection C below.
- B. The minimum vertical blade tip clearance from grade shall be 20 feet.
- C. No part of the system, including guy wire anchors, may extend closer than 10 feet to the property boundaries of the site upon which it is installed. The tower structure shall be set back from all adjoining property lines and rights-of-way (public or private) a distance equivalent to or greater than the height of the system in its highest vertical position.
- D. The system shall not cause a sound pressure level in excess of 60 decibels, as measured at any property line.
- E. The system shall be equipped with the following safety-related components: an automatic braking, governing or feathering system to prevent uncontrolled rotation or overspeeding; lightning protection; and a locking safety ladder for a tower installation.
- F. A building/electrical permit application for the system shall be accompanied by standard drawings of all components of the system, including any tower, base, and footings.
- G. The system shall comply with applicable federal and state regulations pertaining to tall structures that may interfere with aircraft, including any necessary approvals for installations in close proximity to an airport.
- H. The system shall not be connected to a utility grid electric system until utility company approval of the connection has been filed with the Zoning Administrator.
- I. The system shall not be operated until the applicant has provided to the Zoning Administrator the statement of a licensed professional engineer certifying the system was installed in compliance with all applicable building and electrical code requirements and otherwise complies with all the foregoing standards and requirements.

Item 5. Wireless Communication Support Structure.

- A. Purpose. The purpose of these regulations is to establish standards for the siting of wireless communication support structures/equipment compounds and wireless communications equipment (for convenience, sometimes referred to as "towers" or "communication towers" and "antennas") based on the following goals: (1) protect residential areas and land uses from potential adverse impacts of towers and antennas; (2) encourage the location of towers in nonresidential areas; (3) minimize the total number of towers throughout the community; (4) strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers; (5) encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal; (6) encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques; (7) enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently; (8) protect the public health and safety; and (9) avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.
- B. Definitions. The following terms used in this section shall be defined as follows:
- **ALTERNATIVE TOWER STRUCTURE.** Man-made trees, clock towers, steeples, light poles and similar alternative-design mounting structures that camouflage or minimize the presence of antennas or towers.
 - **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 telecommunications signals, or other communication signals.
 - **BACKHAUL NETWORK.** The lines that connect a provider's towers/cell sites to one or more wireless telephone switching offices, and/or long distance providers, or the public switched telephone network.
 - **CO-LOCATE.** To place or install wireless communications equipment on an existing wireless communications support structure or in an existing equipment compound. "Co-location" has a corresponding meaning.
 - **COMMUNICATION TOWER OR TOWER.** The same thing as wireless communications support structure, except where the context of the usage of the term is clearly applicable to only a tower type of support structure.
 - **EQUIPMENT COMPOUND.** An area surrounding or adjacent to the base of a wireless communications support structure and within which wireless communications equipment is located.

- **HEIGHT.** When referring to a wireless communications support structure, the distance measured from the finished grade to the highest point on the structure, including the base pad and any antenna.
- **WIRELESS COMMUNICATIONS EQUIPMENT.** The set of equipment and network components used in the provision of wireless communications services, including, but not limited to, antennas, transmitters, receivers, base stations, equipment shelters, cabinets, emergency generators, power supply cables, and coaxial and fiber optic cables, but does not include any wireless communications support structure, alternative tower structure, or other structure or device designed to support or capable of supporting wireless communications equipment.
- **WIRELESS COMMUNICATIONS SUPPORT STRUCTURE.** (See definition in Chapter 2).

C. Information required with special land use application.

1. In addition to any information required for applications for special land use permits pursuant to Section 10.03, applicants for a special land use permit for a communication tower/antenna shall submit the following information:
 - a. A scaled site plan clearly indicating the location, type and height of the proposed tower, specifications on all proposed antennas, on-site land uses and zoning, adjacent land uses and zoning (including when adjacent to other municipalities), Master Plan classification of the site and all properties within the applicable separation distances set forth in subsection D.3, adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower and any other structures, topography, parking, and other information deemed by the Zoning Administrator or Planning Commission to be necessary to assess compliance with the standards for approval in this section.
 - b. Legal description and ownership of the parent parcel (and leased parcel, if applicable).
 - c. The setback distance between the proposed tower and the nearest dwelling unit, and the nearest property in a residential zoning district.
 - d. An inventory of existing towers, antennas, or sites approved for towers or antennas that are owned/used by the applicant or any affiliated entity within Barry County, or within any adjoining township/county within one mile of the area under the jurisdiction of the Planning Commission. This inventory shall include the location, height, and design of each existing tower. The location of all such existing towers, and sites approved for towers or antennas shall also be depicted on a single scaled map. The applicant shall also designate on this map the location of all existing towers not owned/used by the applicant or any affiliated entity located

within the jurisdiction of the Planning Commission or within one mile of any boundary thereof, and indicate the owner/operator of such towers, if known.

- e. A landscape plan showing fencing and specific landscape materials.
 - f. Finished color and, if applicable, the method of camouflage and illumination.
 - g. A description of compliance with all applicable federal, state and local laws.
 - h.. A notarized statement by the applicant as to whether construction of the tower will accommodate co-location of additional antennas for future users.
 - i. Identification of the entities providing the backhaul network for the tower(s) described in the application and other wireless sites owned or operated by the applicant or any affiliated entity in the City or Township.
 - j. A description of the suitability of the use of existing towers, other structures or alternative technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed new tower.
 - k. A description of the desirable characteristics justifying the suitability of the proposed location.
 - l. Point-of-view renderings of how the proposed tower will appear from the surrounding area.
 - m. Any additional information requested by the Planning Commission relevant to compliance with any provision of Chapter 10 pertaining to special land use application, review, or approval, including any lawful conditions imposed on approval.
2. All information of an engineering nature, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer.

Note: Section 3514 of the Michigan Zoning Enabling Act, as amended by 2012 Public Act 143, requires a special land use application for this land use to be reviewed by the Zoning Administrator to determine whether it is administratively complete. The application shall be considered administratively complete 14 business days after receipt of the application, unless the Zoning Administrator determines the application is administratively complete within that fourteen-day period, or before expiration of that fourteen-day period, notifies the applicant (in writing or electronically) that the application is not administratively complete and specifies the information and/or application fee payment necessary to make the application administratively complete. The statute also requires the Planning Commission to approve or deny a special land

use application for this land use not more than 90 days after the application is considered to be administratively complete.

D. Specific standards for approval of special land use permit for wireless communication support structure. In addition to the generally applicable standards for approval of special land use permit applications pursuant to Section 10.04A-E the applicant for special land use approval of a wireless communications support structure, also sometimes referred to as a "tower", shall present evidence demonstrating compliance with the following standards specific to this land use:

1. Availability of suitable existing towers, other structures, or alternative technology. The applicant shall demonstrate that no existing tower, other structure, or alternative technology that does not require the use of towers or structures can accommodate the applicant's proposed antenna, based on information submitted by the applicant showing any of the following:
 - a. No existing towers or structures are located within the geographic area which meet the applicant's engineering requirements.
 - b. Existing towers or structures are not of sufficient height to meet the applicant's engineering requirements.
 - c. Existing towers or structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment.
 - d. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
 - e. The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
 - f. There are other limiting factors that render existing towers and structures unsuitable.
 - g. An alternative technology that does not require the use of towers or structures, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.
2. Setbacks. The tower base must be set back a distance equal to 70% of the height of the tower from any adjoining lot line, provided that the Planning Commission is authorized to approve a lesser minimum setback in circumstances where the tower is designed, in the event of failure, to fold over or otherwise collapse within

a fall zone less than the total height of the tower. The Planning Commission determination as to the appropriate minimum required setback shall be based on the tower design and other pertinent circumstances of each individual application, and shall be made pursuant to the general standards for special land use approval in Section 10.04. Tower support apparatus, including guy lines and accessory buildings, must satisfy the minimum building/structure setback requirements for the applicable zoning district.

3. Separation.

- a. Separation from off-site uses/designated areas. The tower shall comply with the minimum separation requirements from off-site uses and designated areas as specified in Table 1, measured from the base of the tower to the lot line of the off-site uses and/or designated areas (straight line measurement):

Table 1	
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
Areas in any residential zoning district	200 feet or 300% of height of tower, whichever is greater
Non-residentially zoned lands and nonresidential uses	None; only setbacks apply

- b. Separation distances between towers. The tower shall comply with the minimum separation requirements from other towers as specified in Table 2, measured between the bases of the proposed tower and preexisting towers (straight line measurement).

Table 2 Existing Towers - Types				
	Lattice (feet)	Guyed (feet)	Monopole 75 Feet in Height or Greater (feet)	Monopole Less Than 75 Feet in Height (feet)
Lattice	5,000	5,000	1,500	750
Guyed	5,000	5,000	1,500	750
Monopole 75 Feet in	1,500	1,500	1,500	750

Table 2 Existing Towers - Types				
	Lattice (feet)	Guyed (feet)	Monopole 75 Feet in Height or Greater (feet)	Monopole Less Than 75 Feet in Height (feet)
Height or Greater				
Monopole Less Than 75 Feet in Height	750	750	750	750

4. Maximum tower height. The maximum tower height is 300 feet.
5. Co-location. The tower shall be designed and constructed (structurally, electrically, and in all other respects) to accommodate the applicant's antennas and compatible antennas for at least two other users, unless the Planning Commission determines, pursuant to specific information submitted by the applicant, that this multiple-user requirement is not technically feasible for the site, or would result in a tower that fails to otherwise comply with all applicable special land use approval standards. Where a multiple-user tower is proposed, or is otherwise required by the Planning Commission pursuant to the applicant shall furnish a written agreement providing that the applicant shall not prevent or deny space on the tower for compatible antennas of other users, and shall make the tower available to share at a fair market rate as determined by customary industry standards.
6. Security fencing; safety. The equipment compound shall be enclosed by security fencing or other suitable enclosure not less than six feet in height, to be determined by the Planning Commission, sufficient to restrict access to authorized personnel only. The tower shall be equipped with an appropriate anti-climbing device.
7. Landscaping and site maintenance. A six-foot-tall landscape screen is required to effectively screen the equipment compound from adjacent residential property, streets and public property, except in locations where the Planning Commission determines the visual impact of the equipment compound would be minimal. The tower site shall be mowed or otherwise maintained in such a manner as to effectively control undesirable or noxious weeds.
8. Lighting. The tower shall not be illuminated by artificial means and shall not display strobe lights unless specifically required by the Federal Aviation Administration or other federal or state authority for the tower. If lighting is required, it shall be oriented inward so as to not project onto surrounding property or roadways, shall be designed to cause the least disturbance to surrounding properties, and shall be designed to minimize bird collisions with the tower.

9. Signs. The use of any portion of a tower/antenna or equipment compound for signs other than warning or equipment information is prohibited.
10. 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.
11. Noninterference. The tower and all antennas located on the tower shall not interfere with any radio or television transmission or reception in the area.
12. Abandonment of unused towers or portions of towers. The applicant shall be required by deed, land contract, lease, or license agreement provisions to remove the tower or portion of tower and associated facilities upon cessation of the use of same. A tower or portion of tower that has no users for a continuous period of at least one year shall be considered abandoned, and shall be dismantled and removed from the premises within 90 days after receipt of notice of such abandonment to the owner of the subject premises.
13. Aesthetics.
 - a. Towers and antennas shall meet the following requirements:
 - (1) Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.
 - (2) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
 - b. Notwithstanding the foregoing, the Planning Commission may also require tower and guy wire devices designed to minimize bird-tower collisions.
14. Accessory structures. The design of the buildings and other accessory structures at or in an equipment compound shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them in with the surrounding environment. All such buildings/structures shall meet the minimum setback requirements of the underlying zoning district. Ground-mounted equipment shall be screened from view by suitable vegetation, except where a design of non-vegetative screening better reflects and complements the architectural character of the surrounding neighborhood.
15. Inspection and maintenance. An approved tower/antenna shall be inspected at regular intervals, not less than once a year, and shall be serviced as frequently as may be necessary to maintain same in a safe and weather-withstanding condition.

Reports of all inspections and maintenance shall be made available to the Planning Commission upon written request.

16. Minimum lot and yard requirements. For purposes of determining whether a proposed tower site complies with zoning regulations for the applicable district, including minimum lot area, maximum lot coverage, and yard requirements, the dimensions of the entire lot shall control where a proposed tower site is created pursuant to a lease or license agreement encompassing less than the entire lot.

E. Installation of antenna or other wireless communications equipment on existing tower or in existing equipment compound. The following provisions govern the installation of antenna apparatus and other wireless communications equipment on an existing communication tower or other wireless communications support structure or within an equipment compound on the site of an existing communication tower:

1. Where the existing tower has been granted special land use and site plan approvals, no further zoning approvals are required if the Zoning Administrator determines the proposed wireless communications equipment and, where applicable, proposed associated accessory buildings/structures and proposed changes to the existing equipment compound are in complete conformance with the underlying special land 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.
2. Where the existing tower has been granted special land use and site plan approvals, or has not been granted such approvals but is determined by the Zoning Administrator to otherwise be in compliance with Chapter 10 no further zoning approvals are required if the Zoning Administrator further determines the proposed wireless communications equipment and, where applicable, proposed associated accessory buildings/structures or proposed changes to the existing equipment compound comply with all of the following (as applicable):
 - a. The wireless communications equipment will be co-located on an existing wireless communications support structure or in an existing equipment compound.
 - b. The existing wireless communications support structure/existing equipment compound is itself in compliance with Chapter 10.
 - c. The wireless communications equipment will not increase the overall height of the existing support structure by the greater of 20 feet or 10% of its original height.
 - d. The wireless communications equipment will not increase the width of the existing support structure by more than the minimum necessary to permit co-location.

- e. The wireless communications equipment will not increase the area of the existing equipment compound so as to be more than 2,500 square feet.
- f. The proposed change(s) will comply with the terms and conditions of any previous final approval of the existing support structure/compound.

A proposed change that does not comply with subsection E.2.c, d, or e, but which otherwise is compliant with subsection E.2, is subject to zoning approval pursuant to approval of an amended site plan in accordance with all applicable provisions of this Ordinance, but without further special land use approval.

- 3. Where a proposed installation of wireless communications equipment on an existing wireless communications support structure is not subject to either preceding subsection E.1 or E.2, the installation shall be subject to special land use and site plan approvals in a zoning district where wireless communications support structure is designated as a special land use.

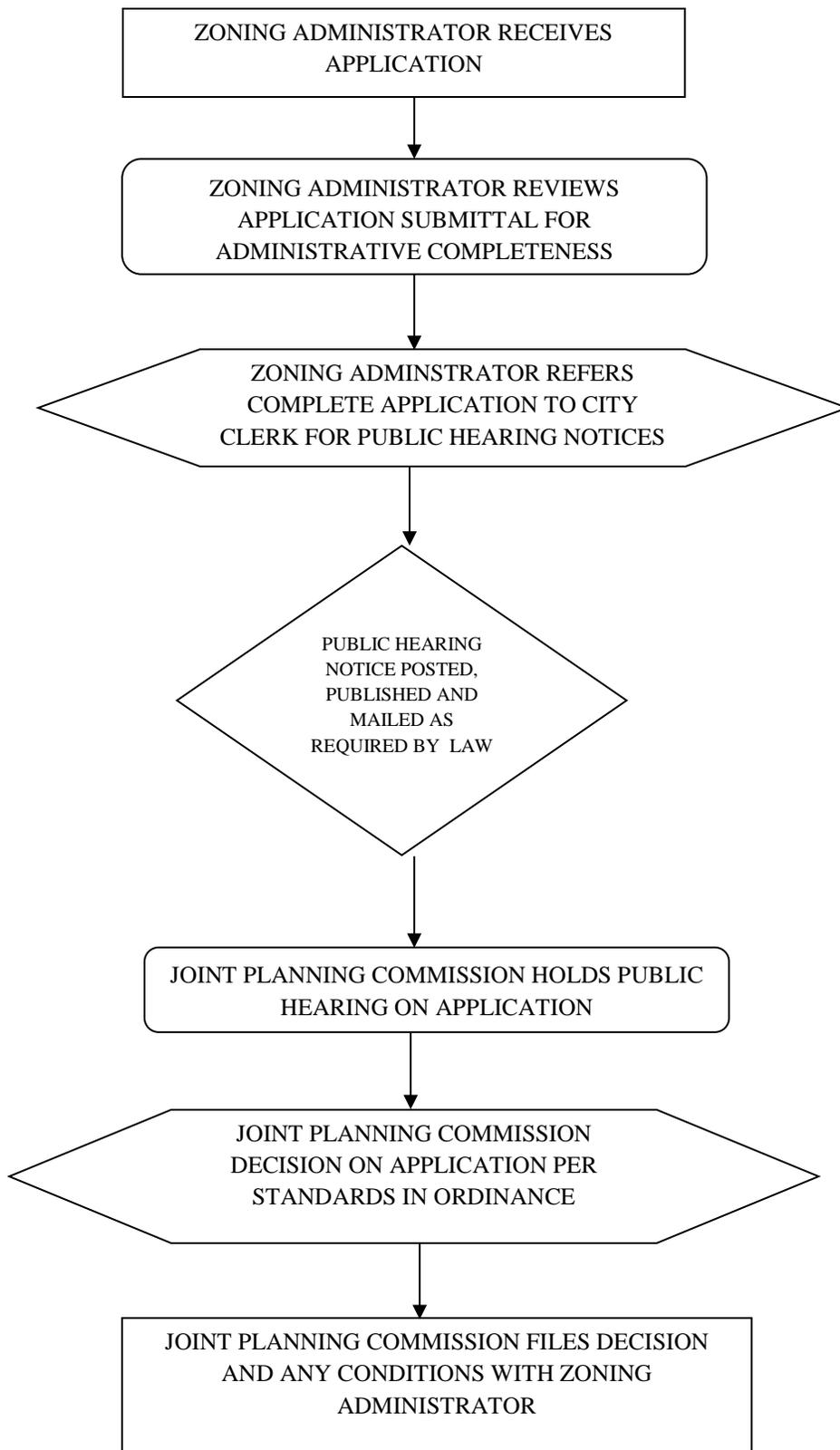
Item 6. Filling exceeding 1,000 cubic yards of material.

Filling activity exceeding 1,000 cubic yards of material is designated in Section 4.12 of this Ordinance as an “overlay” special land use in any zoning district. See Section 4.12 for the approval standards and other applicable provisions and requirements.

Item 7. Temporary event exceeding seven days.

A temporary event exceeding seven days is designated in Section 5.03E of this Ordinance as an “overlay” special land use in any zoning district. See Section 5.03E for the approval standards and other applicable provisions and requirements.

FLOW DIAGRAM FOR SPECIAL LAND USE APPLICATIONS



CHAPTER 11 SITE CONDOMINIUMS

Section 11.01 Review and Approval Requirements

- A. It is not the intent of this Ordinance or any other applicable ordinance of the Township or City to treat developments with a condominium form of ownership any differently than developments with any other form or ownership. This Ordinance therefore treats a “unit” within a site condominium development as a “lot” for purposes of this Zoning Ordinance (see definition of “lot” in Chapter 2).
- B. All proposed site condominium projects are subject to site plan review under this Ordinance (see Chapter 9).
- C. To assure the equality of treatment between site condominium subdivisions and more traditional subdivisions, site condominium subdivisions shall be subject to Article VIII of the Municipal Code of the City of Hastings (Site Condominium Projects), and any other applicable provisions of that Municipal Code pertaining to review and approval of condominium subdivisions; provided that any reference therein to the planning commission shall for these purposes mean the Joint Planning Commission.

CHAPTER 12

OFF STREET PARKING REQUIREMENTS

Section 12.01 Purpose

The purpose of this chapter is to prescribe regulations for off-street parking of motor vehicles to ensure that adequate parking and access is provided in a safe and convenient manner, and that adjacent land uses are afforded reasonable parking protection from light, noise, air pollution and other effects of parking areas. In all zoning districts, off-street parking and loading spaces shall be in accordance with the standards and requirements in this Chapter or as otherwise specified elsewhere in this Ordinance.

Section 12.02 Location

- A. For all residential buildings, required parking shall be provided on the lot with the building or use it is required to serve.
- B. For all nonresidential buildings and uses, or mixed use buildings, required parking shall be provided within 300 feet of the building or use it is required to serve, measured by the pedestrian distance from the nearest point of the parking area to the nearest normal entrance to the building or use.

Section 12.03 Joint Use of Facilities

Provision of common parking facilities for several uses in the same vicinity is encouraged. In such cases, the total space requirement is the sum of the minimum individual requirements.

Section 12.04 Requirements for Parking Areas

Every area established as an off-street public or private area for more than four vehicles, including a municipal parking lot, commercial parking lot, automotive sales and/or service lot, and accessory parking areas for multiple dwellings, businesses, seasonal uses, public assembly, and institutions, shall be developed and maintained in accordance with the following requirements:

- A. The parking area and its driveways shall be effectively screened on each side which adjoins or faces premises situated in any zoning district within or outside the zoning jurisdiction of the Joint Planning Commission which permits residential or agricultural uses by a greenbelt 10 feet in width landscaped with lawn and low shrubbery clumps backed up by a solid planting of evergreen trees which are a minimum of five feet in height or other suitable screen device. A berm may be required to achieve the screening objectives of this provision. Additional or different landscaping and screening requirements may apply to off-street parking areas in specified districts pursuant to Section 5.06, or other provisions pertaining to specific uses.

- B. The parking area and its driveways shall be designed to provide adequate drainage; surfaced with concrete or asphalt pavement; and maintained in good condition, free of dust, trash, and debris. The Planning Commission may, however, approve a gravel parking area when it determines on a site-specific basis that a gravel surface would be more beneficial to the environment, compatible with the use to be served, and not detrimental to adjoining properties.
- C. The parking area and its driveways shall not be used for the repair, dismantling, or servicing of any vehicles.
- D. The parking area shall be provided with entrances and exits so located as to minimize traffic congestion.
- E. Lighting of the parking area and its driveways shall be so arranged as to reflect the light away from adjoining properties.
- F. No part of any required public or private parking area regardless of the number of spaces provided shall be closer than 10 feet to the street right-of-way or any adjacent residentially zoned or used property.
- G. Except as may be permitted in the Mixed Use District, all new or expanded parking areas shall be located to the rear or side of the building or use the parking area is intended to serve (with the "rear" defined for purposes of this provision as the area closest to the rear lot line). The Planning Commission may consider and approve a parking area in front of the building or use the parking area is intended to serve where a rear-side parking area location is not feasible due to existing conditions on the site or where a front parking area may be better suited for the site and the intended use.
- H. On corner lots the parking area shall be located in the interior of the lot to the greatest extent feasible, unless such a location is precluded by the location of existing buildings or structural obstacles.
- I. New or expanded parking structures (but not parking lots) may be approved with a zero setback from abutting street intersection rights-of-way where the ground floor of the structure contains floor area devoted to a permissible principal use (other than parking) along the street frontage.

Section 12.05 Table of Parking Requirements

The amount of required off-street parking space for new uses or buildings, additions thereto, and additions to existing buildings, shall be determined in accordance with the following table, and the spaces so required shall be stated in the application for a building permit, and on a special land use application or site plan where either/both of same is required, and shall be irrevocably reserved for such use and shall comply with the other requirements of this Chapter. For any use not specifically listed, see Section 12.06:

	Use	Number of Minimum Off-Street Parking Spaces Per Unit of Measure
1.	Residential	
	a. Residential, one-family and two-family	2 spaces for each dwelling unit
	b. Residential, multiple-family	2 spaces for each dwelling unit for developments of 1 to 24 units; 1.75 spaces for each dwelling unit for developments of more than 24 units
	c. Bed and breakfast facility	1 space for each sleeping room
2.	Institutional	
	a. Community colleges	1 space for every 3 students plus 1 for every faculty/administrator
	b. Churches/worship facilities	1 space for each 3 seats, maximum seating capacity in the main unit of worship
	c. Hospitals	1 space per two beds plus 1 per employee at largest shift
	d. Adult foster care facilities	1/2 space per bed plus 1 space for each employee
	e. Public or private elementary and junior high schools	1 space for each classroom plus 1 space for each 5 fixed seats of any area used for auditorium purposes or for each 35 square feet of seating area where there are no fixed seats
	f. Senior high school	1 space for each classroom and each other room used by students plus 1 space for each 10 full-time students in addition to the requirements for auditorium (see item k, "Stadium, sport arena or similar place of outdoor assembly," below)
	g. Private clubs or lodge halls	1 space for each 3 members allowed within the maximum occupancy load as established by local, county, or state fire, building, or health codes

	Use	Number of Minimum Off-Street Parking Spaces Per Unit of Measure
	h. Stadium, sport arena or similar place of outdoor assembly	1 space for each 3 seats or 10 feet of bench
	i. Theaters and auditoriums (indoors)	1 space for each 4 seats plus 1 space for each 2 employees
	j. Libraries, museums, and noncommercial art galleries	1 space for each 250 square feet of gross floor area
	k. Day-care, preschool and nursery schools	1 space for each staff member plus 1 space for every 5 children or 1 space for every 10 children if adequate off-street dropoff facilities are provided
3.	Business and commercial	
	a. Automobile service stations, gasoline stations, convenience stores in conjunction with service or gas stations	2.5 spaces for each lubrication stall, rack, pit or pump, plus 1 space for every 75 square feet of gross floor area devoted to retail sales; plus 1 space for each employee
	b. Auto wash, auto reconditioning, auto cleaning (interior/exterior)	1 space for each 1 employee, plus 1 space for each 250 square feet of gross floor area devoted to reconditioning or cleaning
	c. Beauty parlor or barbershop	2 spaces for each chair, plus space for each employee
	d. Bowling alleys	5 spaces for each 1 bowling lane, plus employees
	e. Dance halls, pool or billiard parlors, roller or ice rinks, exhibition halls and assembly halls without fixed seats	1 space for each 3 seats or 1 space for each 100 square feet of gross floor area, whichever is greater
	f. Drive-in establishments	1 space for each 60 feet of usable floor area, with a minimum of 25 parking spaces
	g. Establishments for sale and consumption on the premises of beverages, food or refreshments, including cocktail lounges and taverns	1 space for every three persons allowed within the maximum occupancy load as determined by code, plus 1 space for each three employees

Use		Number of Minimum Off-Street Parking Spaces Per Unit of Measure
h.	Furniture and appliance, household equipment, repair shop, showroom of a plumber, decorator, electrician or similar trade, shoe repair and other similar uses	1 space for each 800 square feet of floor area, occupied in processing or manufacturing
i.	Laundromats and coin-operated dry cleaners	1 space for each 2 washing machines
j.	Miniature golf courses	3 spaces for each 1 hole plus 1 space for each 1 employee
k.	Mortuary establishments	1 space for each 50 square feet of assembly/seating area open to the public
l.	Motel, hotel or other commercial lodging establishments, ballrooms, or meeting rooms based upon maximum occupancy load	1 space for each 1 occupancy unit plus 1 space for each 1 employee, plus extra spaces for dining rooms
m.	Motor vehicles sales and service establishments, trailer sales and rental boat showrooms	1 space for each 400 square feet of gross floor area of sales room
n.	Open-air businesses	1 space for each 600 square feet of lot area, excluding required yards
o.	Restaurant, carry-out	1 space for each 60 square feet of usable floor area
p.	Retail stores, except as otherwise noted in this section	1 space for each 300 square feet of usable floor area
q.	Shopping center or clustered commercial	1 space for each 300 square feet of usable floor area
r.	Auto body shop	1 space for each 500 square feet of gross floor area plus 1 space for each employee
s.	Auto/truck sales	1 space for each 500 square feet of gross floor area for automobile sales

	Use	Number of Minimum Off-Street Parking Spaces Per Unit of Measure
	t. Health spas, gymnasiums, and health clubs	10 spaces for each club or spa plus 1 space for each 200 square feet of gross floor area in excess of 1,000 gross square feet
4.	Offices	
	a. Banks, savings and loan offices	1 space for each 200 square feet of gross floor area
	b. Business offices or professional offices except as indicated in the following item but including court houses and governmental offices	1 space for each 400 square feet of gross floor area
	c. Medical or dental clinics, professional offices of doctors, dentists or similar professions	1 space for each 175 square feet of gross floor area
5.	Industrial	
	a. General manufacturing establishments	1 space for every 650 square feet of gross floor area, plus 1 space per each 350 square feet of office space
	b. Light and limited industrial manufacturing	1 space for every 500 square feet of gross floor area, plus 1 space per each 350 square feet of office, sales or similar space
	c. Research and development	1 space for every 350 square feet of gross floor area plus 1 space per each 350 square feet of office, sales, or similar space
	d. Warehousing	1 space for every 2,000 square feet of gross floor area

Section 12.06 Uses Not Specified

For uses not specifically listed in Section 12.05 the minimum parking space requirements shall be determined as follows:

- A. The Zoning Administrator may establish the parking requirement by making the determination that the proposed use is similar in parking needs to a use which is listed in Section 12.05. In such case, the same parking requirement shall apply.

- B. If the parking needs of the proposed use are not similar to the parking needs of a use listed in Section 12.05, the Zoning Administrator shall refer to engineering or planning manuals, publications and reports, or to the parking requirements used by other municipalities to determine the minimum parking requirements for the proposed use.

Section 12.07 Size of Parking Space

Off-street parking spaces shall be in accordance with the following minimum dimensions:

Parking Pattern (degrees)	Maneuvering Lane Width (feet)	Parking Space Width (feet)	Parking Space Length (feet)	Total Width of One Tier Spaces Plus Maneuvering Lane (feet)	Total Width of Two Tiers of Spaces Plus Maneuvering Lane (feet)
0 (parallel parking)	12	8	23	20	28
30 to 53	13	9	20	33	53
54 to 74	18	9	21	39	60
75 to 90	25	9	19	44	63

Section 12.08 Off-Street Loading and Unloading

Off-street loading and unloading spaces, if provided, shall comply with the following requirements:

- A. Each loading space shall be at least 12 feet in width and 22 feet in length, and have a minimum clearance of 14 feet above grade.
- B. A loading space may be located within the front, side or rear yard, except for required landscape areas, provided that maneuvering of trucks and other vehicles shall take place on the site and not in the street right-of-way.
- C. Loading spaces that face, abut or are adjacent to a residential district shall be at least 50 feet from the residential district lot line and shall be screened on all sides by a solid fence, wall or berm at least six feet in height.

Section 12.09 Screening and Landscaping of Off-Street Parking Spaces

- A. This section shall apply to all off-street parking and loading areas serving non-residential and multi-family uses.
- B. When off-street parking and loading areas abut a residential district, the parking lot and loading area shall be screened from the residential district by a solid, ornamental masonry wall at least four feet tall that coordinates with and is complementary to the principal structure, in addition to the following requirements for landscape plant materials:

1. A greenbelt at least 10 feet in width landscaped with turf, four shrubs and one deciduous tree per each 20 linear feet along the property line, rounded upward.
 2. In lieu of a wall, the Planning Commission may permit or require one evergreen tree at least five feet in height planted every 10 feet in staggered rows along the adjacent property boundary.
 3. In lieu of a wall, berming may be installed consistent with Section 5.06C.6. Berming shall reduce the amount of required landscaping material by 20%.
- C. In addition to required screening around off-street parking and loading areas, all off-street parking areas containing more than 10 parking spaces shall provide the following landscaping within the parking lot envelope, described as the area including the parking lot surface and extending 18 feet from the edge of the parking lot:
1. Two canopy trees shall be required for each 900 square feet of total of the paved driveway and parking lot surface, provided that in no case less than two trees shall be provided. Utilizing landscape islands in the interior of the parking lot for tree plantings shall be encouraged, but not required.
 2. Landscaped areas in and around parking lots shall be no less than 10 feet in any dimension and no less than 150 square feet in area per tree. Landscaped areas shall be protected with curbing or other means to prevent overhang encroachment of vehicles.
 3. Required landscaping elsewhere on the parcel shall not be counted in meeting the parking lot landscaping requirements, and the parking lot landscaping required in the section cannot be credited toward required greenbelts.
 4. Parking lot landscaping shall be designed to improve the safety of pedestrian and vehicular traffic, guide traffic movement, and improve the appearance of the parking area. Landscaping shall be installed such that, when mature, it does not obscure traffic signs or lighting, obstruct access to fire hydrants, interfere with adequate sight distance for motorists, nor disrupt drainage patterns on the site or adjacent properties.
 5. Landscaped areas shall be covered by grass or other living ground cover. Wood chips or similar materials, with a minimum depth of three inches, is permitted for planting beds immediately surrounding plant material. Such material should be identified on the landscape plan.
- D. The Planning Commission may modify the off-street parking and loading area landscaping requirements specified in subsection C above, upon a site-specific determination that compliance with the generally applicable requirements will not be necessary or effective to satisfy the intent of the requirements as applied to the specific site. In making this determination, and determining the resulting modified requirements applicable to the parking and/or loading area(s) for a specific development on a specific site, the Planning Commission shall consider the following standards:

1. Whether existing natural vegetation that meets the requirements of this section will be preserved as part of the site plan.
2. Whether parking, vehicular circulation, or existing or planned land use are such that required landscaping would not enhance the site or result in the desired screening effect.
3. Whether the public benefit intended by the landscape regulations could be better achieved with a plan that varies from the strict requirements of this section.
4. Whether the intent to comply with the standards has been demonstrated by the applicant with alternatives considered by the applicant prior to the Planning Commission consideration of modification to requirements.
5. Whether greater efficiency of site design could be accomplished with a plan that varies from the strict requirements of this section.

Section 12.10 Parking Variation

Where it can be demonstrated that the parking requirements of this chapter would result in more parking spaces than are necessary for the parking needs of a particular use, the Planning Commission may approve a parking plan with fewer spaces than required by this Ordinance according to the following requirements:

- A. The applicant must provide written evidence to the Planning Commission that the parking proposed on the site for the use is sufficient to meet the parking needs of those who will patronize the use as well as the parking needs for employees during the largest working shift. Such evidence may consist of: arrangements for nearby shared parking; evidence that the proposed use will also be patronized by pedestrians or by those using bus service or; evidence from the parking history of the proposed use or a use similar to the proposed use at other locations or; that there is sufficient space on the site for the required parking to be provided if it becomes necessary at a later time.
- B. If a plan is approved to allow fewer parking spaces than otherwise required such parking plan shall only apply to the stated use. Any other use shall comply with the requirements of this chapter before an occupancy permit is issued or such use shall first obtain approval from the Planning Commission in accordance with Section 12.10.A above before an occupancy permit is issued.

CHAPTER 13 SIGNS

Section 13.01 Intent

- A. It is the intent of this section to regulate the size, number, location and manner of construction and display of signs in the area under the jurisdiction of the Joint Planning Commission. This Chapter does not regulate official traffic and government signs, or official notices, the flags of any nation, government or corporate or noncommercial organizations, or religious symbols or commemorative plaques.
- B. The purpose of these regulations is to:
1. Protect the public health, safety and welfare of residents and visitors and to protect the natural beauty and distinctive character of the area under the jurisdiction of the Joint Planning Commission and to harmonize with the regulations of Rutland Charter Township.
 2. Protect all zoning districts from visual chaos and clutter.
 3. Eliminate distractions hazardous to vehicular traffic.
 4. Protect appropriately identified usages from too many and too large signs.
 5. Provide ability for the public to identify premises and establishments.
 6. Encourage creativity of sign design.
 7. Enhance the aesthetics of the community.
 8. Balance the public's right to be informed and its desire to avoid visual pollution and hazardous conditions with the rights of businesses and other nonbusiness uses to communication

Section 13.02 Definitions

As used in this Chapter or elsewhere in this Ordinance, the following terms shall have the meanings indicated:

- **ABANDONED SIGN.** A sign which no longer identifies or advertises a currently operating business, service, owner, product or activity and/or for which no legal owner can be found.
- **AREA (SIGN AREA).** The entire area within a regular geometric form or combination of regular geometric forms comprising all of the display area of one side of the sign and including all of the elements of the matter displayed. Frames and structural members not bearing advertising matter shall not be included in computation of surface area. If a sign is

designed to have matter displayed on more than one side, and the surface area of all sides is not equal, the side with the greatest surface area shall be used to calculate the surface area of the sign for purposes of this Chapter. Where the parallel faces of any double-sided sign are more than 12 inches apart the square footage of each face shall be considered a separate sign and included in the calculation of total sign area.

- **AWNING SIGN.** A sign that is either attached to, affixed to, or painted on an awning or canopy.
- **BILLBOARD.** A sign directing attention to a use, activity or product not located, sold, manufactured or processed on the premises on which the sign is located.
- **BUSINESS CENTER.** An area designated for multiple businesses that are located within the same principal building, or on the same lot or parcel, such as a mall or plaza. These areas may utilize one main entrance/exit.
- **CHANGEABLE-COPY SIGN.** A portion of a sign on which copy is changed manually.
- **CLEAR SIGHT AREA.** An unoccupied space extending along the full width of the front lot line between side lot lines and extending 10 feet from the abutting street right-of-way. Such space shall remain clear of obstructions between three and 12 feet above grade.
- **DIRECTIONAL SIGN.** A sign giving directions or instructions for vehicular or pedestrian circulation. A directional sign shall not contain advertising display copy.
- **DIRECTORY SIGN.** A sign which displays names and/or location of occupants or users of the premises.
- **ELECTRONIC MESSAGE BOARD.** A sign with a fixed or changing display/message composed of a series of lights that may be changed through electronic means.
- **GROUND-MOUNTED SIGN.** A sign supported primarily by an internal structural framework or integrated into landscaping or other solid structural features other than support poles.
- **ILLEGAL SIGN.** A sign which does not meet the requirements of this Ordinance and which does not have a legal nonconforming status.
- **NON-CONFORMING SIGN.** A sign which was legally erected prior to the effective date of this Ordinance.
- **POLE SIGN.** A sign that is mounted on a freestanding pole or other support so that the bottom edge of the sign face is six feet or more above grade.

- **PORTABLE SIGN.** A sign whose principal supporting structure is intended, by design and construction, to be used by resting upon the ground for support and may be easily moved or relocated for reuse. Portable signs shall include but are not limited to signs mounted upon a trailer, bench, wheeled carrier, or other mobile structure with or without wheels.
- **SIGN.** Any device, structure, fixture, billboard or placard using graphics, symbols and/or written copy, which is designed, intended or used to advertise or inform.
- **SIGN OWNER.** The owner of a premises upon which a sign is located is presumed to be the owner of the sign unless facts are submitted to the Township showing other ownership.
- **TEMPORARY SIGN.** A sign designed for use for a limited period of time to announce special events, sales, or sale/lease or rental of property; or a sign political in nature and advocating action on a public issue or indicating a candidate for public office. Portable signs may be allowed as temporary signs, to the extent otherwise permissible as otherwise specified in this Ordinance.
- **WALL SIGN.** A sign attached to a wall and not projecting away from the wall more than 12 inches.

Section 13.03 Signs Allowed/Prohibited

Signs are allowed to be located according to the zoning district in which they are situated pursuant to the provisions of this Chapter pertinent to the particular zoning district; pursuant to Section 13.04 governing signs allowed in all zoning districts; and further pursuant to the General Standards and Requirements provisions of this chapter governing certain aspects of signs in various zoning districts. A sign not expressly allowed in a specific zoning district, or generally allowed in all zoning districts pursuant to this chapter, is prohibited.

Section 13.04 Signs Allowed in All Districts

The following types of signs are allowed in all zoning districts where the use to which the sign pertains is otherwise allowed, without a permit, but subject to the lighting, maintenance and locational requirements in Section 13.06 herein, and other applicable laws:

- A. Building address numbers; and one dwelling nameplate sign per dwelling, not exceeding two square feet in area, either freestanding or attached to the building.
- B. One sign not exceeding four square feet in area and six feet in height giving the name and/or occupation of a lawful home occupation or family business.
- C. Flags and insignia of any government, except when displayed in connection with commercial promotion.
- D. Legal notices posted by any governmental body.

- E. Identification, informational or directional signs, or other types of signs lawfully erected or required by any governmental body including, but not limited to, the State of Michigan, Barry County, Rutland Charter Township, or the City of Hastings.
- F. Governmental use signs erected by governmental bodies to designate hours of activity or conditions of use for parks, parking lots, recreational areas, governmental buildings, or other public places.
- G. Signs directing and guiding traffic and parking on private property, including private off-street parking areas open to the public, provided any such sign does not exceed four square feet in area, and is limited to traffic control functions, and bears no advertising matter.
- H. Historic signs designating sites recognized by the State of Michigan as Centennial Farms or Historic Landmarks, provided any such sign does not exceed 16 square feet in area.
- I. Signs posted to control or prohibit trespassing, hunting or fishing upon private property or public property.
- J. Essential service signs designating utility lines, railroad lines, hazards, or precautions, properly erected and placed by a public or private utility company or railroad, or a governmental entity.
- K. Headstones and monuments in public or lawfully established private cemeteries, and memorial signs or tablets which are either cut into the face of a masonry surface, or constructed of bronze or other incombustible materials and located flat on the face of a building.
- L. Banners and similar devices erected by a governmental entity to advertise a public event or civic function sponsored by a governmental entity.
- M. Temporary Election/Campaign signs.
- N. One Real Estate Sign per lot, located on-premises only while the premises are actually on the market for sale, rent or lease, and not exceeding eight square feet in area; provided, however, that on a corner lot or lot with more than 330 feet of road frontage, more than one Real Estate Sign is allowed so long as the aggregate total of all such signs does not exceed eight square feet in area.
- O. Temporary construction signs designating architects, engineers, or contractors in conjunction with construction work under construction, not exceeding one per project of no more than eight square feet for single family dwelling and two-family dwelling construction projects, and not exceeding 32 square feet in area for all other types of construction projects.
- P. Signs or other special decorative displays used for holidays, public demonstrations, or promotion of civic welfare or charitable purposes, only when authorized by the

Zoning Administrator, based upon the following standards:

1. The size, character and nature of the sign or display shall be compatible with the nature of the matter being promoted.
 2. The duration or time period during which the sign or display will be utilized shall be reasonably related to the nature of the matter being promoted and the proper promotion of same. Arrangement shall be made for the prompt removal of the sign or display after the conclusion of the matter being promoted.
 3. The sign or display shall not affect light or air circulation for lots which are either adjoining or in the surrounding neighborhood of the proposed sign or display.
 4. The sign or display shall not constitute a traffic hazard.
 5. The sign or display shall not have an adverse or detrimental impact on adjoining lots or the surrounding neighborhood.
- Q. One temporary auction or garage sale/yard sale sign located on the premises where such a sale is lawfully being conducted, only while the sale is in progress, and not exceeding 8 square feet in area.
- R. One temporary event sign, not to exceed 32 square feet, such as for special events and sales as defined in this Ordinance. The display of any such temporary event sign shall be limited to 45 days in advance and the day of the event. No such sign shall be redisplayed on the same premises within 90 days of a previous temporary event sign display.

Section 13.05 Permitted Signs

In the Mixed Use District (MU) and Light Industrial District (LI) the following signs may be permitted for each principal use occupying one lot or parcel, upon application for and issuance of a sign permit pursuant to Section 13.08 (where required). For multiple uses on one lot see requirements for business centers (subsection D).

- A. Signs allowed in all zoning districts pursuant to Section 13.04.
- B. Wall signs on building walls facing a public right-of-way or parking area, with a sign area not exceeding 20% of the building wall area upon which affixed, or 90% of the width of the wall, but subject to a total area limit of 200 square feet; except for buildings over 150,000 square feet in area the total area limit is 550 square feet.
- C. One pole sign or one ground-mounted sign in accordance with Option 1 or Option 2 in the table below; provided a permissible business use on a corner lot shall be permitted one ground-mounted sign on each street frontage in accordance with Option 1 or Option 2 in the table below:

Minimum Setback (feet)	Sign Type	Area (square feet)	Height (feet)
Option 1 10	Pole	32	10
OR			
	Ground-mounted	50	6
Option 2 20	Pole	75	20
OR			
	Ground-mounted	100	6

D. Business centers:

1. One pole sign or one ground-mounted sign identifying the name of the business center; provided a business center located on a corner lot is permitted one such sign on each street frontage. For type, area, height, and setback, either Option 1 or Option 2 from the above table applies.
2. Individual establishments within the business center are permitted one wall or one awning sign with an area not exceeding 20% of the wall area or 50% of the awning area, but in either instance not exceeding 200 square feet in area.

E. Billboards are allowed on otherwise lawful lots within business, commercial or industrial areas as defined in the Highway Advertising Act of 1972 (*MCL 252.301 et. seq.*) bordering interstate highways, freeways or primary highways as defined in that Act, in accordance with the following regulations.

1. Not more than three billboards may be located per linear mile of street or highway regardless of the fact that such billboards may be located on different sides of the same street or highway. The linear mile measurement shall not be limited to the boundaries of the area over which this JPC Zoning Ordinance applies where the particular street or highway extends beyond such boundaries. Double-faced billboard structures (i.e., structures having back-to-back billboard faces) and V-type billboard structures having only one face visible to traffic proceeding from any given direction on a street or highway shall be considered as one billboard.

Additionally, billboard structures having tandem billboard faces (i.e., two parallel billboard faces facing the same direction and side-by-side to one another) shall be considered as one billboard. Otherwise, billboard structures having more than one billboard face shall be considered as two billboards and shall be prohibited in accordance with the minimum spacing requirement set forth in subsection B. below. Stacked billboard faces (i.e., two parallel billboard faces facing the same direction with one face being directly above the other) are not permissible at any location.

2. No billboard shall be located within 1,000 feet of another billboard abutting either side of the same street or highway; provided the spacing requirement for an

electronic message board from another electronic message board on either side of the same street or highway facing the same direction of oncoming traffic shall be increased to 1,750 feet (where such an electronic message board is an otherwise permissible type of sign, in the MU District, only).

3. No billboard shall be located within 200 feet of a residential zone and/or existing residence, church, or school. If the billboard is illuminated, this prohibited distance shall instead be 300 feet.
4. No billboard shall be located closer than 5 feet from a property line adjoining a public right-of-way or 3 feet from any interior boundary lines of the premises on which the billboard is located.
5. The surface display area of any side of a billboard shall not exceed 200 sq. feet. In the case of billboard structures with tandem billboard faces, the combined surface display area of both faces shall not exceed 200 sq. feet.
6. The height of a billboard shall not exceed 25 feet above (1) the grade of the ground on which the billboard sits or (2) the grade of the abutting roadway, whichever is higher.
7. No billboard shall be on top of, cantilevered, or otherwise suspended above the roof of any building.
8. A billboard may be illuminated, provided such illumination is concentrated on the surface of the sign and is so located as to avoid glare or reflection onto any portion of an adjacent street or highway, the path of on-coming vehicles, or any adjacent premises. In no event shall any billboard have flashing or intermittent lights, nor shall the lights be permitted to rotate or oscillate.
9. The billboard shall, in addition to complying with the above regulations, also comply with all applicable provisions of said Act and the regulations promulgated thereunder, as such may from time to time be amended. In the event of a conflict between the applicable provisions of said Act and the applicable provisions of this Ordinance, the provisions of this Ordinance shall be controlling to the extent allowed by law.

Notwithstanding the foregoing, an otherwise permissible sign in any of these districts shall not include an electronic message board, except in the MU District where any such electronic message board shall be subject to the design standards and use limitations specified Section 13.06.H.

Section 13.06 General Standards and Requirements

All otherwise permissible signs shall comply with the following standards and requirements, unless a more specific standard or requirement is specified in this chapter for a specific type of sign or in a particular circumstance.

- A. Other codes. All signs shall comply with applicable provisions of the building and electrical codes of the City of Hastings.
- B. Setbacks/location. All signs shall be setback at least 10 feet from all lot lines and any street or road right-of-way; and shall otherwise not be located so as to obstruct the clear sight area.
- C. Illumination. Where signage is otherwise allowed to be illuminated, the illumination shall not be flashing, and shall be arranged so that light is deflected away from adjacent properties and so no direct source of light is visible to any driver or pedestrian located in a public street or private road right-of-way or from any premises in a residential district or used for residential purposes. In addition, all exterior lighting of signs shall be downward facing.
- D. Stationary, on-premises signage. All signs shall be stationary, and shall pertain only to the business or activity conducted on the premises; except non-commercial signs and billboards as allowed in this chapter.
- E. Changeable-copy signs and electronic message boards. All otherwise permissible pole signs and ground-mounted signs may include changeable-copy signs, or electronic message boards (in MU District only), subject to the design standards and use limitations specified in 13.06.H
- F. Design standards for wall signs. A wall sign shall not extend beyond the vertical edge of the wall to which it is affixed, and shall not extend more than three feet above the roof line of a building for more than 40% of the sign width.
- G. Design standards for ground-mounted signs. Ground-mounted signs shall be constructed of wood, brick, concrete, stone (or equivalent imitation stone) or other similar material as approved by the Zoning Administrator in the sign permit process. The base of any ground-mounted sign shall be landscaped with drought-tolerant plant materials that do not obscure the visibility of the sign itself, or encroach into the clear sight area.
- H. Design standards and use limitations for electronic message boards. Electronic message board are permitted in the MU District, only, and subject to the following design standards and use limitations:
 - 1. An electronic message board may change messages and/or background images/color if the rate of change between two static messages and/or images/background color is not more frequent than one change per eight seconds, and each change is complete in one second or less, and all such changes are otherwise compliant with subsections 2 and 3 herein. In addition, animation and flashing features are prohibited, but frame effects are permitted, subject to compliance with subsections 2 and 3 herein.
 - 2. An electronic message board shall be equipped with automatic dimming technology which automatically adjusts the sign's brightness based on ambient light conditions.

3. An electronic message board shall not exceed a brightness level of 0.3 foot candles above ambient light as measured using a foot candle meter at a preset distance, and using the following brightness measurement process:
 - a. At least 30 minutes past sunset, use a foot candle meter to record the ambient light reading for the area, with the digital sign off or displaying all black copy.
 - b. The reading shall be taken with the meter aimed directly at the digital sign at the appropriate pre-set distance (100 feet from source).
 - c. Turn on the digital display to full white copy and take another reading.
 - d. If the difference between readings is 0.3 foot candles or less, the brightness is properly adjusted.
- I. Maintenance. All signs shall be maintained in a safe condition with proper bracing, anchorage and foundation, and be subject to periodic inspection by the Zoning Administrator. In addition, all signs including sign surfaces shall be maintained so as to not have a dilapidated appearance due to leaning, peeling, missing pieces, or other visually distracting or blighting condition. A sign which is not maintained in accordance with these requirements or which otherwise no longer serves the purpose for which it was intended, or is abandoned, shall be removed by the owner within 30 days of written notice by the Zoning Administrator.

Section 13.07 Prohibited Signs

The following types of signs and/or signage features or devices are prohibited:

- A. Private use signs located on public land or in a public street or private road right-of-way; except otherwise permissible traffic control signage for such public land or street/road, and otherwise permissible temporary real estate signs and temporary political signs as specified in Section 13.04
- B. Abandoned signs.
- C. Signs imitating or resembling official traffic or governmental signs or signals.
- D. Flashing or intermittently illuminated signs.
- E. Trailers, vehicles, or other mobile objects that are clearly used primarily for advertising purposes.
- F. Portable signs, except where otherwise allowed by this Chapter as a temporary sign, only.

Section 13.08 Sign Permits and Application Procedures

- A. Permits required. A sign permit shall be required for the erection, use, construction or alteration of all signs, except those exempted in this Ordinance. For purposes of this section "alteration" shall mean any change to an existing sign, including changing the copy to promote, advertise or identify another use. Alteration shall not mean normal maintenance of a sign.
- B. Application. An application for a sign permit shall include the following, and be filed with the Zoning Administrator:
1. Name, address and telephone number of the applicant and the person erecting the sign.
 2. Address or permanent parcel number of the property where the sign will be located.
 3. A sketch showing the location of the building, structure or lot upon which the sign is to be attached or erected, and showing the proposed sign in relation to buildings and structures along with the setbacks from lot lines.
 4. Drawings of the plans and specifications, method of construction and attachment to structures or ground stress sheets and calculations showing that the structure is designed for dead load and wind pressure in any direction of not less than 30 pounds per square foot of area.
 5. Any required electrical permit, attached to the application.
 6. The zoning district in which the sign is to be located.
 7. Any other information the Zoning Administrator may require in order to demonstrate compliance with this chapter.
 8. Signature of the applicant or the person erecting the sign and signature of the property owner.
 9. Any required application fee.
- C. Issuance of sign permit. The Zoning Administrator shall issue a sign permit if all provisions of this chapter and other applicable city ordinances are met. A sign permit expires one year from the date of issuance unless the permitted sign has been installed within the one year period, or unless the Zoning Administrator has granted an extension of not more than one year upon good cause shown. The Zoning Administrator shall deny a permit extension request if the sign for which the permit was issued would no longer be approvable pursuant to this chapter.

Section 13.09 Nonconforming Signs

- A The legal nonconforming status of a sign shall be lost, and the sign shall be removed or otherwise brought into compliance with this Ordinance, if any of the following apply:
1. The sign is relocated.
 2. The structure or size of the sign is altered except toward compliance with this Chapter. This does not refer to change of copy or normal maintenance.
 3. The sign suffers more than 50% deterioration, as measured by the renovation/replacement cost.
 4. The sign is abandoned or otherwise no longer serves the purpose for which it was intended, for one year or longer.
 5. The sign is structurally altered so as to change the shape, size, type, or design of the sign.
- B. Nonconforming signs may be maintained and repaired so as to continue the useful life of the sign. If a nonconforming sign is damaged or destroyed, resulting in a loss of 60 percent or more of its replacement value by fire, flood, wind or other such calamity, its reconstruction shall be in accordance with the provisions of this Ordinance. Any such restoration must be started within a period of one year at the time of such damage and diligently prosecuted to completion.
- C. Except where a provision of Chapter 14 pertaining to non-conformities, generally, conflicts with any specific provision of this Section 13.09, Chapter 14 shall apply to legal nonconforming signs.

CHAPTER 14 NON-CONFORMITIES

Section 14.01 Scope of Regulations

This chapter governs lawfully established nonconforming uses, buildings, structures, and lots. Nothing herein shall be interpreted as authorization for or approval of the initiation, continuance or reestablishment of an unlawful use, building/structure or lot.

Section 14.02 Continuation of Nonconforming Uses and Buildings/Structures; Eventual Termination

Subject to the provisions of this chapter, a lawful use, building/structure, or lot which is existing and lawful on the effective date of this Ordinance, or in the case of an amendment of this Ordinance then on the effective date of such amendment, may be continued even though such use, building/structure, or lot does not conform with the provisions of this Ordinance or applicable amendment thereof. A change in the ownership, tenancy or occupancy of a use, building/structure, or lot shall not affect such continuation rights. As a matter of policy of the State of Michigan, and of Rutland Charter Township and the City of Hastings, all nonconforming uses and nonconforming buildings/structures are intended to eventually terminate, to facilitate the use of property and the development of buildings/structures thereon that fully conform to the requirements of this Ordinance.

Section 14.03 Repair and Maintenance of Nonconforming Use or Building/Structure

Such ordinary repairs and maintenance work as may be necessary to keep a nonconforming use or building/structure in sound condition, or as may be required to conform with law, may be made provided that no such work shall include structural alterations which are likely to extend the reasonably anticipated useful life of the building/structure.

Section 14.04 Reconstruction/Restoration of Nonconforming Use or Building/Structure

If a nonconforming use or nonconforming building/structure is damaged or destroyed by fire, flood, wind, or other calamity to the extent of 50% or more of its fair market value at the time of such damage or destruction, the use/building/structure shall not be repaired or otherwise reconstructed or restored except in conformity with this Ordinance. Where such damage or destruction is less than 50% of the fair market value of the use/building/structure at the time of such damage or destruction, the use/building/structure may be repaired or otherwise reconstructed or restored so as to be not more nonconforming than at the time of the damage or destruction. Any such reconstruction/restoration right shall be considered terminated by abandonment if reconstruction/restoration is not started within six months from the time of the damage or destruction. For purposes of this provision there shall be a rebuttable presumption that the "fair market value" of a building/structure is the same as the "true cash value" for that building/structure according to the most recent property tax assessing records of the municipality

with assessing jurisdiction over the subject real property on which such building/structure is located.

Section 14.05 Expansion of Nonconforming Use or Building/Structure

- A. A nonconforming use or nonconforming building/structure shall not be expanded, extended, enlarged, or otherwise altered, unless:
1. Such expansion, extension, enlargement or alteration is, by itself, in conformity with the provisions of this Ordinance and does not aggravate the existing nonconforming condition; or,
 2. Such expansion, extension, enlargement or alteration is authorized by the Zoning Board of Appeals pursuant to Chapter 15 and upon a showing that the requested expansion, extension, enlargement or alteration will not substantially extend the otherwise reasonably anticipated useful life of the nonconforming use or building/structure.

Section 14.06 Substitution of Nonconforming Use

- A. A nonconforming use shall not be substituted for or changed to any other nonconforming use except as may be authorized by the Zoning Board of Appeals pursuant to Chapter 15, and upon a finding that:
1. The proposed new use will substantially decrease the degree of nonconformity.
 2. The proposed new use will be more compatible with adjacent uses than the prior nonconforming use.
 3. No structural alterations are required to accommodate the proposed new nonconforming use.

Section 14.07 Reestablishment and Discontinuation of Nonconforming Use or Nonconforming Building/Structure

- A. A nonconforming use shall not be reestablished after it has been changed to a conforming use or a more restrictive use. A nonconforming building/structure shall not be reestablished after it has been changed to a conforming or less nonconforming building/structure.
- B. A nonconforming use or nonconforming building/structure shall not be reestablished after being discontinued, vacant, not conducted or abandoned without an intention to resume same. Such an intention shall be presumed after discontinuation, etc. for a period of one year.

Section 14.08 Nonconformity Due to Rezoning or Text Amendment; Nonconformity Due to Special Land Use Approval Requirement

- A. The provisions of this article shall also apply to uses, buildings/structures, and lots which hereafter become nonconforming due to any rezoning or a change in the text provisions of this Ordinance.
- B. A land use designated as a special land use by any provision of this Ordinance applicable to the district in which the land use is located, but in existence before the special land use approval requirement was in effect, may be continued pursuant to Section 14.02 herein but shall also be subject to the other provisions of this chapter unless/until special land use approval has been granted for the land use pursuant to Chapter 10.

Section 14.09 Existing Nonconforming Lots; Combination of Lots Under Single Ownership (Zoning Lots)

- A. Any lot of record created prior to the effective date of this Ordinance that fails to comply with the minimum requirements of its zoning district may be developed for a lawful conforming use if the lot conforms in all respects to the zoning requirements in effect as of the date of such recording, and complies with all other current requirements of this Ordinance. A nonconforming lot shall otherwise be buildable only pursuant to a variance approved by the Zoning Board of Appeals.
- B. Notwithstanding the foregoing subsection A, where two or more contiguous lots or portions of lots are in single ownership, and such lots/portions of lots do not individually comply with the minimum requirements for the district in which they are located, such lots/portions of lots shall be combined for zoning purposes sufficient to create a single conforming buildable “zoning lot” (or, as applicable, a single less nonconforming zoning lot).

CHAPTER 15 ZONING BOARD OF APPEALS

Section 15.01 Membership and Appointment

The Zoning Board of Appeals shall be the City of Hastings Zoning Board of Appeals which shall be subject to the requirements of this Ordinance.

- A. Pursuant to the Michigan Zoning Enabling Act, Act 70 of 2006, as amended, there shall be a Zoning Board of Appeals consisting of six members, each to be appointed by the mayor with the approval of council for overlapping terms of three years, running from January 1 of the year appointed. Vacancies shall be filled by appointment for the unexpired term. The Zoning Board of Appeals shall elect its own chairperson and vice chairperson.
- B. The mayor with the approval of the council shall appoint two alternate members for the same term as regular members. A member of the city council may serve as an alternate member of the Zoning Board of Appeals. Alternate members shall serve in the case of absence of a regular member or the inability of a regular member to serve due to conflict of interest. The alternate member, having been appointed shall serve on the case until a final vote has been made. Alternate members shall have the same voting rights as regular members.
- C. One member of the Zoning Board of Appeals may be a member of the Joint Planning Commission. An employee or contractor of the city council may not serve as a member of the Zoning Board of Appeals. A member of the city council shall not serve as the chairperson of the Zoning Board of Appeals.
- D. A member of the Zoning Board of Appeals who is also a member of the Planning Commission or the city council shall not participate in a public hearing on or vote on the same matter that the member voted on as a member of the Planning Commission or city council. The member may consider and vote on the other unrelated matters involving the same property.
- E. Members of the Zoning Board of Appeals may be removed by the city council for misfeasance, malfeasance, or nonfeasance in office upon written charges and after public hearing.

Section 15.02 Jurisdiction and Powers

The Zoning Board of Appeals shall have all the powers and jurisdiction prescribed by applicable law, and by the provisions of this Ordinance, including the following:

- A. Hear and decide appeals from and review any order, requirement, decision or determination made by the Zoning Administrator. The Zoning Board of Appeals may

reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination as in its opinion ought to be done, and to that end it shall have all the powers of the Zoning Administrator and may issue or direct the issuance of a permit. See Section 15.05.

- B. Act upon all questions as they may arise in the administration and enforcement of this Ordinance, including interpretation of the Zoning Map.
- C. Hear and decide applications for a nonuse variance from dimensional requirements of the Zoning Ordinance, or from any other nonuse-related requirement in the Ordinance, if there are practical difficulties in the way of carrying out the strict letter of the requirement, so that the spirit of the Zoning Ordinance is observed, public safety secured, and substantial justice done. See Section 15.06.
- D. Hear and decide applications for a land use variance. See Section 15.08.
- E. Hear and decide requests to expand, extend, enlarge, or otherwise alter a lawful nonconforming use or nonconforming building/structure. See Section 14.05A.2.
- F. Hear and decide requests to change a nonconforming use to another nonconforming use. See Section 14.06.

Section 15.03 Employees

The Zoning Board of Appeals may employ such clerical or other assistance as may be necessary, provided that it shall not at any time incur any expense beyond the amount of the appropriation made and available for that purpose.

Section 15.04 Meetings

Meetings of the Zoning Board of Appeals shall be held at the call of the chairperson and at such other times as the Zoning Board of Appeals may determine, and shall be at sufficiently frequent intervals, in the discretion of the board, for the efficient conduct of its business. All meetings shall be open to the public. A quorum shall consist of four members.

Section 15.05 Appeals

Appeals to the Zoning Board of Appeals in any matter over which it has jurisdiction may be taken by any party aggrieved by the decision or order appealed from, or by an officer, department, board or agency of a municipality affected by such decision or order. A notice of appeal, specifying the grounds thereof, shall be filed with the Secretary of the Zoning Board of Appeals within 30 days after the date of the action appealed from. A copy of the notice of appeals shall promptly be served upon the officer from whom the appeal is taken, whom shall forthwith transmit to the Zoning Board of Appeals all papers constituting the record upon which the action appealed from was taken.

An appeal shall stay all proceedings in furtherance of the action in respect to which the decision or order appealed from was made unless the officer from whom the appeal is taken certifies to

the Zoning Board of Appeals that by reason of the facts stated in the certificate a stay would, in his or her opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed except upon a restraining order granted by the Zoning Board of Appeals or by the Circuit Court.

Section 15.06 Applications

All appeals and applications for any matter within the jurisdiction of the Zoning Board of Appeals shall be submitted and processed under the following procedures:

- A. The appeal or application shall be filed with the Zoning Administrator, and shall include all of the following:
 1. A completed appeal or application form, using the applicable form prescribed by the Zoning Administrator.
 2. All materials on which the applicant intends to rely in support of the appeal or other application.
 3. For any appeal or other application involving specific property, such as an application for variance relief, a site plan or diagram of the subject property showing, at a minimum, all of the following:
 - a. The location of the subject property with respect to all abutting streets.
 - b. The dimensions of the subject property.
 - c. The location of all existing buildings and structures on the subject property, and on all adjoining properties.
 - d. The location of all proposed buildings/structures on the subject property.
 - e. The existing and proposed uses of the existing and proposed buildings/structures on the subject property.
 - f. The existing and proposed setback of each building/structure which is the subject of the appeal or other application, measured in each instance to the street line and all pertinent lot lines.
- B. The Zoning Administrator shall promptly review the submittal to determine whether it is administratively complete, and shall notify the applicant of any deficiencies in the content of the application submittal. An application shall not be processed for public hearing or other consideration by the Zoning Board of Appeals unless and until it is administratively complete as determined by the Zoning Administrator.
- C. The Zoning Administrator shall promptly refer an administratively complete appeal/application to the City Clerk for further processing and consideration by the Zoning Board of Appeals.

Section 15.07 Non-Use Variance Standards and Conditions

A. Standards: No variance from a dimensional or other non-use provision or requirement of this ordinance shall be authorized by the Zoning Board of Appeals unless the Zoning Board of Appeals finds from reasonable evidence that:

1. By reason of the exceptional narrowness, shallowness, or shape of the property in question, or by reason of exceptional topographic conditions or other extraordinary conditions of the property in question, there are practical difficulties preventing compliance with the strict letter of the Ordinance.
2. The exceptional or extraordinary conditions applying to the specific property do not apply generally to other properties that are subject to the requirement at issue.
3. The variance will not be of substantial detriment to adjoining property.
4. The variance will not materially impair the intent and purpose of this ordinance, or the public health, safety and welfare.
5. The variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties that are subject to the requirement at issue.

In determining whether the standards for variance relief have been shown to be satisfied the Zoning Board of Appeals shall be governed by the following additional legal principles:

- The circumstances or conditions submitted by the applicant to justify the variance relief must pertain to the property at issue, and not the personal circumstances of the applicant and/or other occupants or users of the property.
- The circumstances or conditions submitted by the applicant to justify the variance relief must not have been self-created by the applicant or some other person under the control of the applicant or for whose conduct the applicant is responsible.
- Increased costs associated with complying with the strict letter of the ordinance are not a basis for variance relief.
- Increased financial return if variance relief is granted is not a basis for variance relief.
- The Zoning Board of Appeals may find the standards for relief from the strict letter of the ordinance have been shown to be satisfied, but not to the extent of the variance requested by the applicant, and in such circumstances the Zoning Board of Appeals shall grant only such lesser variance relief as is necessary.

B. Conditions. The Zoning Board of Appeals may attach conditions or limitations upon a variance, where such are necessary to insure that public services and facilities affected by

a requested variance and the associated land use or activity will be capable of accommodating increased service and facility loads caused by the variance and associated land use or activity, and to protect the natural environment and conserve natural resources and energy, and to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner.

Prior to attaching a condition or limitation to a variance, the Zoning Board of Appeals shall also specifically determine the following:

- a. That the condition or limitation is designed to protect natural resources, the health, safety and welfare and the social and economic well-being of those who will use the land use or activity associated with the variance under consideration, residents and land owners immediately adjacent to the land use or activity, and the community as a whole; and,
- b. That the condition or limitation is related to the valid exercise of the police power, and purposes which are effected by the proposed variance; and,
- c. That the condition or limitation is necessary to meet the intent and purpose of the zoning ordinance, is related to the standards established in the ordinance for the variance under consideration and associated land use or activity, and is necessary to insure compliance with those standards.

Any such conditions and limitations may impose greater or more restrictions and requirements than are included in this Ordinance generally, and may include the provision of reasonable financial security to guarantee performance. Violation of any such conditions or limitations shall be deemed a violation of this Ordinance.

Section 15.08 Land Use Variances

An application for a land use variance, to permit a land use not otherwise allowed in that zoning district, may be considered by the Zoning Board of Appeals but only according to the following procedures:

- A. The applicant shall first apply to rezone the property to that zoning district that permits the desired use, and/or shall apply for a text amendment to add the desired use as a permitted use or special land use in the existing zoning district. If the rezoning and/or text amendment application is denied by the city council, the applicant may then file an application for a use variance from the Zoning Board of Appeals.
- B. Such application shall be filed with the City Clerk.
- C. The City Clerk shall forward the application materials to the Joint Planning Commission for consideration at its next regularly scheduled meeting. The Joint Planning Commission shall review the request with attention to the planning classification of the Joint Planning Commission Master Plan for the property in question. The Joint Planning Commission shall then make an advisory recommendation to the Zoning Board of Appeals.

- D. The variance request shall then be considered by the Zoning Board of Appeals in accordance with the hearing procedures in this chapter or as otherwise required by law.
- E. In order to approve a use variance request the Zoning Board of Appeals shall determine that an unnecessary hardship exists and that the variance request meets all of the following standards:
 - 1. The property could not be used (be put to a reasonable use) for any of the uses allowed in that zone.
 - 2. The plight is due to unique circumstances peculiar to the property and not to general neighborhood conditions.
 - 3. The use would not alter the essential character of the area.
 - 4. The problem is not self-created.
 - 5. The spirit of this Ordinance is observed, public safety secured and substantial justice done.
- F. In granting a use variance the Zoning Board of Appeals may prescribe reasonable conditions, as authorized by law. See Section 15.07B.

Section 15.09 Public Hearings

- A. Upon the filing of any appeal, or other application in any matter over which the Zoning Board of Appeals has jurisdiction by law or ordinance, the Zoning Board of Appeals shall hold a hearing on such appeal or application preceded by notice as required by law, or pursuant to City policy if such policy requires notice beyond what is required by law.

Section 15.10 Fees

Upon the filing of any appeal or application to the Zoning Board of Appeals by any person other than an officer, department, board or agency of the City of Hastings or Rutland Charter Township, the appellant or applicant shall pay a fee as set by resolution of the City Council to defray the cost of the hearing of the matter.

Section 15.11 Time Limit for Approved Variances and Reapplication

- A. Any variance granted under the provisions of this Ordinance shall become void unless the construction, occupancy or other actions authorized by such variance have commenced within one year of the granting of such variance.
- B. Upon written application filed with the Zoning Administrator prior to the termination of the one-year time period, the Zoning Board of Appeals may authorize a single extension of the time limit for an additional period of not more than one year upon a finding that the circumstances creating the need for the extension were largely beyond the control of the applicant.

- C. No application for a variance that has been denied wholly or in part by the Zoning Board of Appeals shall be resubmitted within one year from the date of the original filing of an application for the variance, except on grounds of new evidence or proof of changed conditions relating to the reasons for the denial of the original application, found by the Zoning Board of Appeals to be valid.

Section 15.12 Vote Necessary for Decision

The final disposition of any matter of the Zoning Board of Appeals shall require the concurring vote of four of its members.

Section 15.13 Minutes and Records

Minutes shall be kept of the proceedings of the Zoning Board of Appeals showing the findings of fact and resulting conclusions, and the vote of each member upon every motion, or if absent or failing to vote, indicating that fact. Records of the official actions of the Zoning Board of Appeals shall be filed in the office of the city clerk/treasurer and shall be a public record.

Section 15.14 Appeals of Zoning Board of Appeals Decision

A decision of the Zoning Board of Appeals shall be final. Any party aggrieved by any such decision may appeal to the circuit court for Barry County as provided by law. Such appeal shall be filed within 30 days after the Zoning Board of Appeals certifies its decision in writing signed by the chairperson, or 21 days after the Zoning Board of Appeals approves the minutes of the meeting at which the decision was made, whichever occurs first. The records of the Zoning Board of Appeals shall be made available for the court's review.

CHAPTER 16 ADMINISTRATION AND ENFORCEMENT

Section 16.01 Administration and Enforcement

- A. Administration. This Ordinance shall be administered by the Zoning Administrator and any designees of the Zoning Administrator. The Zoning Administrator shall be appointed and have the various duties as specified herein.
- B. Enforcement. This Ordinance shall be enforced by the ordinance enforcement personnel designated by the City, in cooperation with the Zoning Administrator.

Section 16.02 Zoning Administrator Appointment and Duties

- A. Appointment. The Zoning Administrator shall be appointed by the Rutland Charter Township Board for such term and subject to such conditions as the Township Board may determine.
- B. Duties. The Zoning Administrator shall have all such duties as may be specified in this Ordinance, and as may otherwise be lawfully assigned, including the following specific duties:
 - 1. Review for administrative completeness all applications for zoning permits/zoning approvals, such as applications for zoning compliance permits, sign permits, temporary event permits, special land use permits, site plan review, and all other zoning-related matters, except where the duty to review the matter is expressly assigned by this Ordinance to another official.
 - 2. Approval or disapproval of permit applications where this Ordinance specifically assigns such authority to the Zoning Administrator, such as with respect to zoning compliance permits, temporary event permits, sign permits, and minor site plan approvals not otherwise required by this Ordinance to be reviewed by the Planning Commission.
 - 3. Promptly inform the City Clerk of all administratively complete applications required to be noticed for public hearing, and coordinate with the City Clerk with respect to the proper processing of such applications for hearing. See Section 16.04.
 - 4. Inform the Building Official of all issued and denied zoning permits/approvals, and otherwise coordinate with the Building Official with respect to all permit applications and other zoning matters reviewed by the Zoning Administrator under this Ordinance that may have implications for the responsibilities of the Building Official.
 - 5. Keep accurate records of all zoning matters with which the Zoning Administrator is involved, and a record of all fees submitted with zoning-related applications.

6. Attend such meetings of the Joint Planning Commission as may be requested by the Joint Planning Commission, and keep the members of the Joint Planning Commission informed of matters pertaining to zoning.

Section 16.03 Application/Review/Permit Fees

The Hastings City Council is authorized to establish, by motion or resolution, fees for consideration of all applications for a permit or other review/approval under this Ordinance or a related statute by the Zoning Administrator, Joint Planning Commission, Zoning Board of Appeals, Hastings City Council, and any other municipal personnel involved with the consideration of any such matter pursuant to this Ordinance. Such matters for which a fee may be established include but are not limited to: zoning compliance permit, temporary event permit, special land use permit, site plan review, variance, ordinance interpretation, appeal of Zoning Administrator determination, Zoning Ordinance text amendment, Zoning Map amendment (rezoning), and amendment of Master Plan (text or map). The fees may be established at different levels for matters being considered at a regular meeting and matters being considered at a special meeting; and may be established as a flat fee or based on actual costs incurred with respect to administrative review, processing, and all aspects of consideration of the matter, with specified deposit and escrow amounts. All such fees/deposits applicable to a particular application shall be paid before an application is considered administratively complete and processed for public hearing or other consideration. Such fees may be changed by motion or resolution of the Hastings City Council at any lawful meeting, and shall take effect immediately unless a later effective date is specified by the Council action.

Section 16.04 Filing and Processing of Zoning Applications; Public Notice Requirements

- A. Filing and Processing of Applications. Except as may otherwise be specified in this Ordinance, all applications for zoning permits and other zoning-related matters shall be filed with the Zoning Administrator. The Zoning Administrator shall promptly forward to the Hastings City Clerk a copy of each filed application, along with any fee remitted with the application. The Hastings City Clerk shall coordinate with the Zoning Administrator to assure each application is thereafter processed as required by law and/or this Ordinance.
- B. Public Notice. All applications for land use or development approval requiring a public hearing shall be noticed for public hearing in accordance with all applicable requirements of the Michigan Zoning Enabling Act and the Michigan Open Meetings Act, and any other applicable requirements of this Ordinance and charter requirements and policies of the City of Hastings. The City Clerk or the designee of same shall be responsible for all public hearing notices.

Section 16.05 Zoning Text and Zoning Map Amendments

- A. This Ordinance may be amended, supplemented, or otherwise changed by ordinance, in accordance with this section, applicable legal procedures, and any relevant provisions of agreements between the City of Hastings and Rutland Charter Township.

- B. Amendments may be initiated by the Joint Planning Commission, the Hastings City Council, the Rutland Charter Township Board, or on application by any person.
- C. Applications for a zoning text amendment or zoning map change shall be filed with the Hastings City Clerk on an application form provided by the City Clerk, which shall contain the following information as applicable:
 - 1. Name, address and phone number of the applicant.
 - 2. Name, address and phone number of the property owner.
 - 3. A legal description and street address accompanied by a drawing illustrating the location of the property (for a Zoning Map change).
 - 4. Filing date of the application.
 - 5. Nature of the request.
 - 6. Signature of the applicant.
- D. The City Clerk shall promptly forward one copy of the application to the Joint Planning Commission, which shall consider and take action on the application in accordance with all applicable requirements of law, ordinance, charter, municipal policy, and agreements between the City of Hastings and Rutland Charter Township.

Section 16.06 Violation and Sanctions; Nuisance Per Se

- A. Any person who violates, disobeys, neglects or refuses to comply with any provision of this Ordinance, any administrative decision made under the Ordinance, or any permit or approval issued under the Ordinance, including any conditions imposed thereon, or who causes, allows, or consents to any of same, shall be deemed to be responsible for a violation of this Ordinance.
- B. Any person responsible for a violation of this Ordinance, whether as an owner (by deed or land contract), lessee, licensee, agent, contractor, servant, employee, or otherwise, shall be liable as a principal. Each day that a violation exists shall constitute a separate offense.
- C. Any violation of this Ordinance shall constitute a basis for injunctive relief to compel compliance with the Ordinance and/or to restrain and prohibit continuation of the violation, or other appropriate relief in any court of competent jurisdiction, in addition to any other relief or sanction herein set forth or allowed by law.
- D. A violation of this Ordinance is a municipal civil infraction as defined by Michigan statute and shall be punishable by a civil fine according to Section 52-38 of the City of Hastings Municipal Civil Infractions Ordinance, which is herein incorporated by reference.

- E. Any building or structure which is erected, moved, placed, reconstructed, razed, extended, enlarged, altered, maintained or used, and any use of a lot or land which is begun, maintained or changed in violation of any term or provision of this Ordinance, is hereby declared to be a nuisance per se subject to abatement pursuant to *MCL 125.3404* and as otherwise provided by law.

Section 16.07 Effective Date; Non-Repeal

- A. Effective Date. After this Ordinance has been adopted as a joint ordinance by the Hastings City Council and the Rutland Charter Township Board, this Ordinance shall become effective on the 8th day after publication of a Notice of Adoption in a newspaper of general circulation within the City of Hastings and Rutland Charter Township, or on such later date as may be specified in the joint ordinance or required by law, ordinance, or charter.
- B. Non-Repeal. No ordinance of the City of Hastings or Rutland Charter Township is intended to be repealed by this Joint Planning Commission Zoning Ordinance. However, upon the effective date of this Ordinance the area within the zoning jurisdiction of the Joint Planning Commission shall be governed by this Zoning Ordinance, with respect to zoning regulation and requirements, rather than by the provisions of any Zoning Ordinance of the City of Hastings or Rutland Charter Township.