



ZONING ORDINANCE

2022 UPDATE

CITY OF GLADWIN PLANNING COMMISSION
AND
GLADWIN CITY COUNCIL

Adopted by Gladwin City Council December 19, 2022

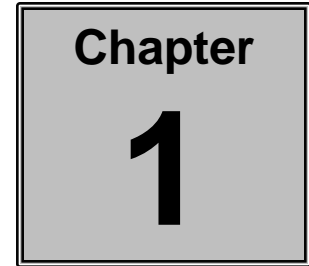
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Chapter 1 Short Title, Preamble and Enacting Clause

SECTION 101. SHORT TITLE.

This Ordinance shall be known and cited as the “City of Gladwin Zoning Ordinance” pursuant to the “Michigan Zoning Enabling Act 110 of 2006, as amended.” It may be referred to as simply “the Ordinance” herein.

SECTION 102. PREAMBLE.

This Zoning Ordinance regulates the land development in the City of Gladwin to ensure the use of land and structures meets the needs of citizens for producing or distributing food, fiber, energy, and other natural resources, places of residence, recreation, industry, trade, service, and other uses of land, to ensure that use of the land is situated in appropriate locations and relationships, to limit the inappropriate overcrowding of land and congestion of population, to provide adequate light and air, to lessen congestion on transportation systems and other public facilities, to reduce hazards to life and property, to facilitate adequate and efficient provision for transportation systems, sewage disposal, safe and adequate water supply, energy, education, recreation, and other public service and facility requirements, and to promote public health, safety, and welfare.

This Zoning Ordinance is based upon a plan to meet those needs and to conserve the expenditure of funds for public improvements and services to conform to the most advantageous uses of land, resources, and properties.

SECTION 103. PRIMACY OF ZONING ORDINANCE.

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

SECTION 104. ENACTING CLAUSE.

Now, therefore, the City of Gladwin Ordains:

Chapter 2 Language and Definitions

SECTION 201. LANGUAGE.

The following rules of construction apply to the text of this ordinance:

1. The particular shall control the general.
2. In case of any difference of meaning or implication between the text of this ordinance and any caption or illustration, the text shall control.
3. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
4. Words used in the present tense shall include the future tense; and words used in the singular shall include both the plural and the singular, unless the context clearly indicates the contrary.
5. A "building" or "structure" includes all or any part thereof.
6. The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for," or "occupied for."
7. The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
8. Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions, or events connected by the conjunction "and," "or," "either...or," the conjunction shall be interpreted as follows:
 - a. "And" indicates that all the connected items, conditions, provisions, or events shall apply. The ampersand (&) may be used instead if the word "and."
 - b. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
 - c. "Either...or" indicates that the connected items, conditions, provisions, or events shall apply singly but not in combination.

9. Terms not herein defined shall have the meaning customarily assigned to them. For terms which are not defined in this Chapter, the definition of the term shall be taken from Webster's Seventh Edition.
10. "Development Rights" as required by the State of Michigan Zoning Enabling law are not included because they are intended for large tracts of land in active farming. Such land is not currently and not likely to be available in the City of Gladwin.

SECTION 202. DEFINITIONS.

A

Abutting: Having a common border with or being separated from such a common border by a right of way, alley, or easement.

Addition: An extension or increase in floor area or height of a building or structure.

Adult Entertainment Uses (Also Known as Sexually-oriented Businesses): Any use of land, whether vacant or combined with structures or vehicles thereon by which said property is devoted to displaying or exhibiting material for entertainment, a significant portion of which includes matter or actions depicting, describing or presenting Specified Sexual Activities or Specified Anatomical Areas.

1. **Adult entertainment use shall include, but not be limited to the following:**

- a. **An adult motion picture theater** is an enclosed building with a capacity of 50 or more persons used for presenting material which has a significant portion of any motion picture or other display depicting or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" for observation by patrons therein.
- b. **An adult mini motion picture theater** is an enclosed building with a capacity for less than 50 persons used for presenting material which has as a significant portion of any motion picture or other display depicting, describing or presenting "Specified Sexual Activities" or "Specified Anatomical Areas."
- c. **An adult motion picture arcade** is any place to which the public is permitted or invited wherein coin or slug operated or electronically or mechanically controlled still or motion picture machines, projectors, or other image producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where a significant portion of images so displayed depict, describe or relate to "Specified Sexual Activities" or "Specified Anatomical Areas."
- d. **An adult bookstore** is a use which has a display containing books, magazines, periodicals, slides, pictures, cassettes, or other printed or recorded material which has as a significant portion of its content or exhibit matter or actions depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical

Areas" or an establishment with a (substantial) segment or section devoted to the sale or display of such material.

- e. **An adult cabaret** is a nightclub, theater, or other establishment which features live performances by topless and/or bottomless dancers, "go go" dancers, exotic dancers, strippers, or similar entertainers, where a significant portion of such performances show, depict or describe "Specified Sexual Activities" or "Specified Anatomical Areas."
 - f. **An adult motel** is a motel wherein matter, actions or other displays are presented which contains a significant portion depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas."
 - g. **An adult massage parlor** is any place where for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations, electric or magnetic treatment, or any other treatment or manipulation of the human body occurs as part of or in connection with "Specified Sexual Activities" or where any person providing such treatment, manipulation, or service related thereto exposes "Specified Anatomical Areas."
 - h. **An adult model studio** is any place where, for any form of consideration or gratuity, figure models who display "Specified Anatomical Areas" are provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons paying such considerations or gratuities, except that this provision shall not apply to any bona fide art school or similar education institution.
 - i. **An adult sexual encounter center** is any business, agency, or person who, for any form of consideration or gratuity, provides a place where three or more persons, not all members of the same family may congregate, assemble, or associate for the purpose of engaging in "Specified Sexual Activities" or exposing "Specified Anatomical Areas."
2. **Significant Portion:** As used in the above definitions, the phrase "significant portion" shall mean and include:
- a. Any one or more portions of the display having continuous duration in excess of five (5) minutes.
 - b. The aggregate of portions of the display having duration equal to 10 percent or more of the display.
 - c. The aggregate of portions of the collection of any materials or exhibits composing the display equal to 10 percent or more of the display.
3. **Display:** As used in the above definitions, the word display shall mean any single motion or still picture, presentation, dance or exhibition, live act, or collection of visual materials such as books, films, slides, periodicals, pictures, video cassettes, or any

other printed or recorded matter which is open to view or available to the general population whether for free or otherwise.

4. Specified Sexual Activities:

- a. Human genitals in a state of sexual stimulation or arousal.
- b. Acts of human masturbation, sexual intercourse, or sodomy.
- c. Fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.

5. "Specified Anatomical Areas"

- a. Less than completely and opaquely covered: 1) human genitals, pubic region; 2) buttock; and 3) female breast below a point immediately above the top of the areola.
- b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Adult Foster Care Facility: A governmental or nongovernmental establishment subject to state licensing procedures as may be required having as its principal function the receiving of adults for foster care. It includes facilities and foster care family homes for adults who are aged; emotionally disturbed, developmentally disabled, or physically handicapped who require supervision on an ongoing basis but who do not require continuous nursing care. Adult foster care facility does not include a nursing home, a home for the aged, an alcohol or a substance abuse rehabilitation center, a hospital for the mentally ill, or similar facilities.

Aged: An adult whose chronological age is 60 years of age or older, or whose biological age, as determined by a physician, is 60 years of age or older.

Airport Approach Plan and Airport Layout Plan: A plan, or an amendment to a plan, filed with the Zoning Commission under Section 151 of the Aeronautics Code of the State of Michigan, 1945 PA 327, MCL 259.151.

Airport Manager: A term defined in Section 10 of the Aeronautics Code of the State of Michigan, 1945 PA 327, MCL 259.10.

Airport Zoning Regulations: Airport zoning regulations under the Airport Zoning Act, 1950 (Excess) PA 23, MCL 259.465, for an airport hazard area that lies in whole or part of the area affected by this zoning ordinance.

Alley: Any dedicated public way affording a secondary means of access to abutting property, and not intended for general traffic circulation.

Alterations: Any change, addition, or modification in construction or type of occupancy, or in the structural members of a building, such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to herein as "altered" or "reconstructed."

Arcade: Arcade shall mean any place of business or establishment whose principal use shall be the housing of mechanical amusement devices. Mechanical amusement devices include any machine, which, upon the insertion of any coin, slug, token, plate, or disc, or which, for a fee paid to the operator or owner, may be operated by the public generally for use as a game, entertainment, or amusement, whether or not registering a score. It shall include such devices as marble machines, ski ball, mechanical grab machines, television display devices, or machines and all games, operations, or transactions similar thereto whether operated principally by mechanical means or electrical means or a combination thereof, under whatever name they may be indicated or called.

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

B

Basement: That portion of a building which is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story.

Block: The property abutting one (1) side of a street and lying between the two (2) nearest intersecting streets, (crossing or terminating) or between the nearest such street and railroad right-of-way, un-subdivided acreage, lake, river, or live stream; or between any of the foregoing and any other barrier to the continuity of development, or corporate boundary lines of the municipality.

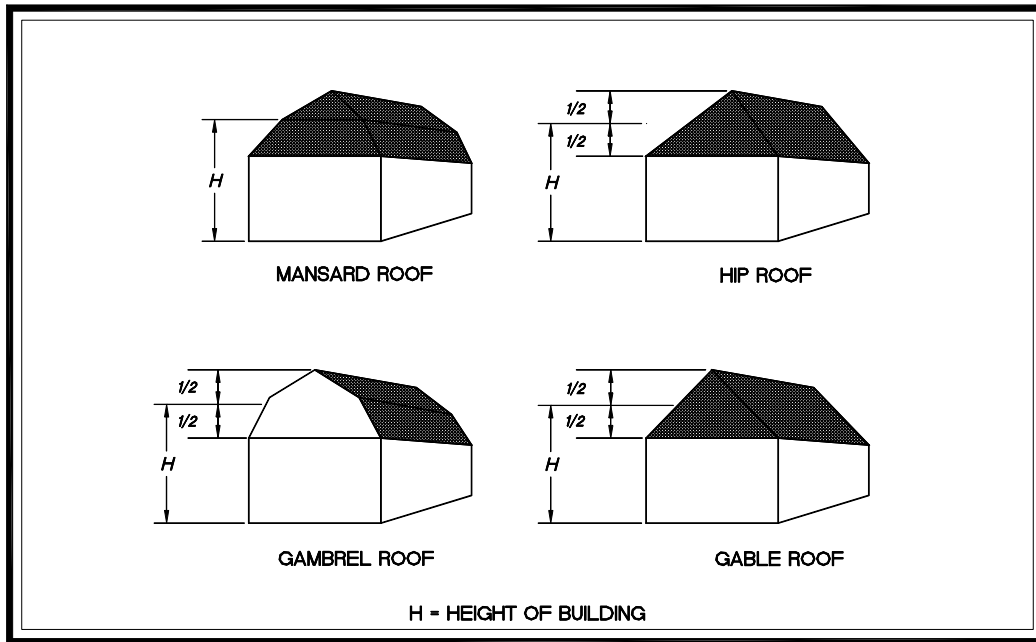
Breezeway: A structure for the principal purpose of connecting the main building or buildings on a property with other main buildings or accessory buildings.

Buffer Area: An area, usually landscaped, intended to separate and partially obstruct the view of two adjacent land uses or properties from one another.

Building: A structure erected on site, a mobile home or mobile structure, a manufactured or precut structure, above or below ground, having a roof or walls and built for, or capable of, the shelter or enclosure of persons, animals, chattels, or property of any kind.

Building Height: The vertical distance from grade to the top of parapet wall in the case of a flat roof, to the deck line for mansard roofs, to the mean height level between eaves and ridge for gable, hip, and gambrel roofs. The height of detached accessory structures shall be the distance from grade to the top of a parapet wall in the case of a flat roof, and to the peak of the roof for mansard, gable, hip, and gambrel roofs.

Figure 2-1



Building Line: A line formed by the face of the building, and for the purposes of this ordinance, a minimum building line is the same as a front setback line. (See Figure 2-1.)

Building Official (Administrator): The administrative official designated to issue construction permits for the City of Gladwin.

C

Cluster Development: A development design technique that concentrates buildings in specific locations on a site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive areas.

Conservation Easement: The term defined in Section 2140 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.2140.

Curb Cut: The providing of vehicular ingress and egress between property and an abutting public street.

D

Development: The construction of a new building or other structure on a zoning lot, the relocation of an existing building on another zoning lot, or the use of open land for a new use.

Direct Recharge Area: That portion of a drainage basin in which water infiltrating vertically from the surface will intercept the water table.

District: A portion of the incorporated area of the municipality within which certain regulations and requirements or various combinations thereof apply under the provisions of this ordinance.

Dwelling Unit: A building or portion thereof, designed for occupancy by one (1) family for residential purposes and having cooking and sanitary facilities.

E

Earth Berm: A mound of earth planted with ground cover, grass, trees, or other landscaping material intended to minimize the view of parking areas and reduce noise and dust from adjacent uses and passersby.

Easement: A grant of one or more property rights by the property owner to and/or for the use by the public, a corporation, or another person or entity.

Erected: Built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises which are required for construction, excavation, fill, drainage and the like, shall be considered a part of erection.

Essential Services: A public utility or municipal department utilizing underground, surface, or overhead gas, electrical, steam, fuel, or water transmission or distribution systems, collection, communication, supply or disposal system, but not including buildings.

Excavation: Any breaking of ground, except common household gardening and ground care.

F

Farm: The land, plants, animals, buildings, structures, including ponds used for agricultural or aquacultural activities, machinery, equipment, and other appurtenances used in the commercial production of farm products.

Family: A single individual doing his or her own cooking, and living upon the premises as a separate housekeeping unit, or a collective body of persons doing their own cooking, and living together upon the premises or a separate housekeeping unit in a domestic relationship based upon birth, marriage, or other domestic bonds distinguished from a group occupying a boarding house, lodging house, club, fraternity, or hotel.

Fence: Any permanent partition, structure, or gate erected upon or near, but not limited to, the dividing line between adjoining property owners, for the purpose of separating, screening, enclosing or protecting property. Hedges, ornamental shrubs, trees and bushes shall be considered fences when placed in a manner or position to serve as such.

Floodplain (Flood Prone Area): Any land area susceptible to being inundated by water from any source.

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 centerline of walls separating two (2) buildings. The "floor area" of a building shall not include the basement floor area except when more than one half (1/2) of the basement height is above grade." Floor area" shall include elevator shafts and stairwells at each floor, floor space used for mechanical equipment (except equipment, open or enclosed, located on the roof), attic space having headroom of 7 feet, 10 inches or more, interior balconies, and mezzanines. Any space devoted to off street parking or loading shall not be included in "floor area."

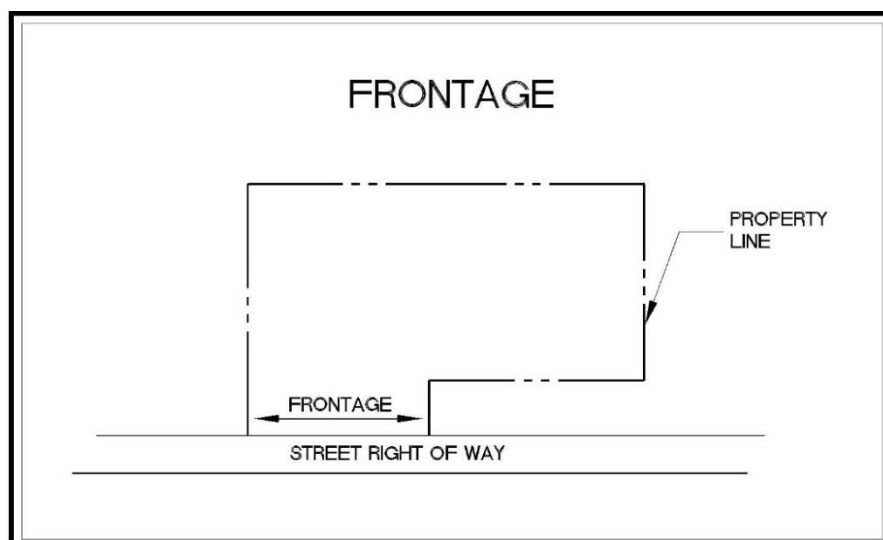
Floor Area, Residential: For the purpose of computing the minimum allowable floor area in a residential dwelling unit, the sum of the horizontal areas of each story of the building shall be measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) dwellings. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways, and enclosed and unenclosed porches.

Floor Space, Usable: That area used for or intended to be used for the sale of merchandise or services, or for the use to serve patrons, clients, or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, hallways, or for utilities or sanitary facilities, shall be excluded from this computation. Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls.

Foster Care: The provision of supervision, personal care, and protection in addition to room and board, for 24 hours per day, 5 or more days per week, and for 2 or more consecutive weeks of compensation.

Frontage: The minimum width required in a use district which abuts a public right-of-way or private road.

Figure 2-2



G

Garage, Private: An accessory building or portion of a main building designed or used solely for the storage of motor driven vehicles, boats, and similar vehicles owned and used by the occupants of the building to which it is accessory.

Governmental Agency: Any department, commission, independent agency, or instrumentality of the United States, of a state, county, incorporated or unincorporated municipality, authority, district, or governmental unit.

Grade: The ground elevation established for the purpose of regulating the number of stories and the height of buildings. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building, measured at a distance 4 feet out from the edge of the building.

Greenbelt: A strip of land of definite width and location reserved for the planting of shrubs and/or trees to serve as an obscuring screen or buffer strip in carrying out the requirements of this ordinance.

Greenway: A contiguous or linear open space, including habitats, wildlife corridors, and trails, that links parks nature reserves, cultural features, or historic sites with each other, for recreation and conservation purposes.

Groundwater Gradient: The slope (gradient) of the groundwater surface thereby defining the direction of groundwater movement.

H

Historic District: An area containing buildings or places in which historic events occurred or having special public value because of notable architectural or other features relating to the cultural or artistic heritage of the community of such significance to warrant conservation and preservation. A historic district officially exists when a local historic district is organized and then researches and determines the historic value of a specific area and makes it a local historic district, when it is placed the Michigan Register of Historic Places after research and evaluation, or when it is nominated or placed on the National Register of Historic Places.

I

Improvements: Those features and actions associated with a project that are considered necessary by the body or official granting zoning approval to protect natural resources or the health, safety, or welfare of the residents of the City of Gladwin and future users or inhabitants of the proposed project or project area, including roadways, lighting, utilities, sidewalks, screening, and drainage. Improvements do not include the entire project that is subject to zoning approval.

Intensity of Development: This means the height, bulk, area, density, setback, use, and other similar characteristics of development.

J

Junk Yard: An area where waste, used, or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled including but not limited to scrap iron and other metals, paper, rags, rubber tires, and bottles. See Outdoor Storage in SECTION 409.

L

Legislative Body: The County Board of Commissioners of a County, the Board of Trustees of a township, the Council of a city or village, or other similar duly elected representative of a county, township, city, or village.

Loading Space: An off-street space on the same lot with a building, or group of buildings, for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

Local Unit of Government: A county, township, city, or village.

Lot: A measured portion of a parcel or tract of land, which is legally described and fixed in a recorded plat, or site condominium master deed.

Lot Area: The total horizontal area within the lot lines of the lot.

Lot, Corner: A lot abutting on and at the intersection of two or more streets.

Lot Coverage: The part or percent of the lot occupied by buildings including accessory buildings.

Lot Depth: The horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.

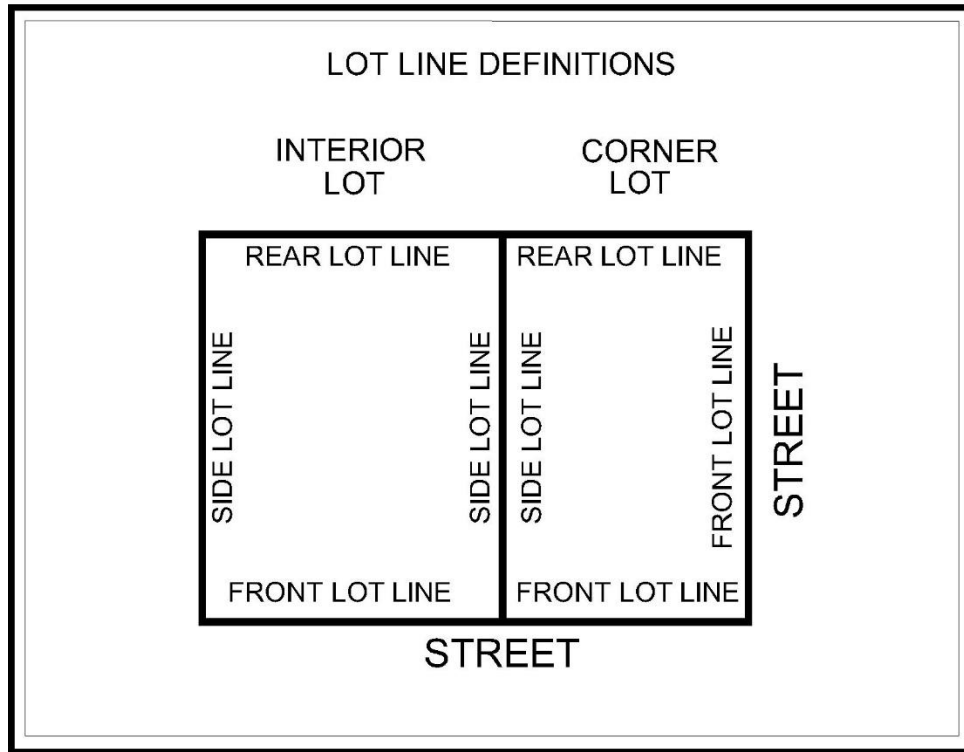
Lot, Interior: Any lot other than a corner lot.

Lot Lines: The lines bounding a lot as defined herein:

1. **Front Lot Line:** In the case of an interior lot, is that line separating said lot from the streets. For a corner lot, all lot lines abutting a street right-of-way are considered a front lot line.
2. **Rear Lot Line:** That lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than 10 feet long lying farthest from the front lot line and wholly within the lot.

3. **Side Lot Line:** Any lot line other than the front or rear lot line. In the case of a corner lot, the property owner may choose which lot line is the rear lot line, and which is the side lot line.

Figure 2-3

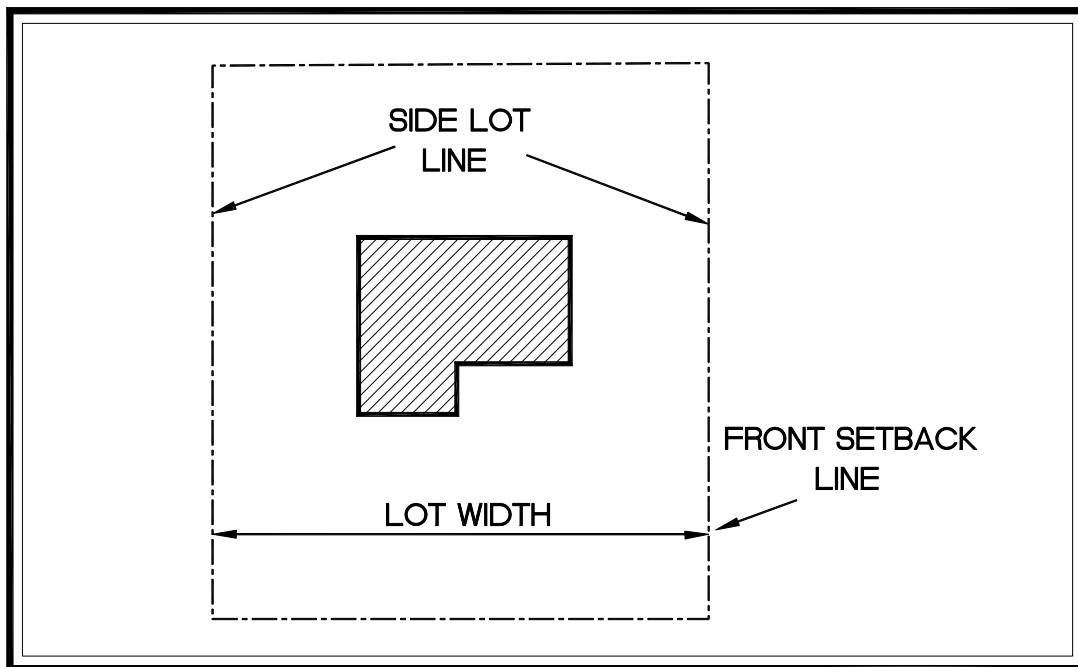


Lot of Record: A lot which exists in a subdivision plat as shown on the records of the County Register of Deeds, or a lot or parcel described by metes and bounds, the description of which has been so recorded. Whenever an owner has combined two (2) or more lots as contained on any recorded plat into a single building site, whereby more than one lot is necessary to satisfy the requirements of this ordinance, said combination of lots shall be deemed to be a single lot of record for the purposes of this ordinance.

Lot, Through: Any interior lot having frontage on two (2) more or less parallel streets as distinguished from a corner lot.

Lot, Width: The horizontal straight line distance between the side lot lines, measured between the two (2) points where the front setback line intersects the side lot lines or in the case of a corner lot, the side lot line and opposite lot line.

Figure 2-4



Lot, Zoning: A single tract of land, which may include one or more lots of record, which conform to this ordinance for area, size, and frontage dimensions in the district.

M

Marijuana, also known as Marihuana or Cannabis: This term shall have the meaning given to it in Section 7601 of the Michigan Public Health Code PA 368 of 1978, MCL 333.7106, as referred to in Section 3(d) of the Michigan Medical Marihuana Act MCL 333.26423 (d). Any other term pertaining to marijuana in the ordinance and not otherwise defined shall have the meaning given to it in the Michigan Medical Marihuana Act or in the rules and regulations of the Michigan Department of Community Health issued with respect to the Act.

Master Plan: The Comprehensive Community Plan including graphic and written proposals indicating the general location for streets, parks, schools, public buildings, and all physical development of the municipality, and includes any unit or part of such plan, and any amendment to such plan or parts thereof.

Medical Use of Marijuana: The acquisition, possession, cultivation, manufacture, use, internal possession, delivery, transfer or transportation or paraphernalia relating to the administration of marijuana to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with the debilitating medical condition, as defined under the Michigan Medical Marihuana Act, P.A. 2008, Initiated law, MCL 333.26423(d).

Mezzanine: An intermediate floor in any story occupying not to exceed one third (1/3) of the floor area of such story.

Motorized Home: A self-propelled motor vehicle which provides the amenities of day to day living while used as a means of transportation for recreational or travel purposes.

Municipality: The City of Gladwin, Michigan.

N

Non-conforming Building: A building or portion thereof lawfully existing at the effective date of this ordinance, or amendments thereto and that do not conform to the provisions of the ordinance in the district in which it is located.

Non-conforming Lot: Any lot, out lot, or other parcel of land which does not meet the land area or dimension requirements of this ordinance.

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

Nuisance Factors: An offensive, annoying, unpleasant, or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things, such as, but not limited to: 1) sound, 2) dust, 3) smoke, 4) odor, 5) glare, 6) fumes, 7) light, 8) vibration, 9) shock waves, 10) heat, 11) electronic or atomic radiation, 12) effluent.

O

Occupied: The word occupied includes arranged, designed, built, altered, converted to, rented or leased, or intended to be occupied.

Off-Street Parking Facility: A facility providing vehicular parking spaces along with adequate drives and aisles, for maneuvering, so as to provide access for entrance and exit for the parking of more than three (3) vehicles.

P

Parking Space: An area of definite length and width, said area shall be exclusive of drives, aisles, or entrances giving access thereto, and shall be fully accessible for the parking of permitted vehicles.

Planning Commission: The City of Gladwin Planning Commission as established by the City of Gladwin City Council under provisions of the Michigan Zoning Enabling Act (Public Act 110 of 2006), as amended.

Plot Plan: A plat of a lot, drawn to scale, showing the actual measurements, the size and location of any existing structures or structures to be erected, the location of the lot in relation to abutting streets and other such information.

Population: The population according to the most recent Federal Decennial Census or according to a special census conducted under Section 7 of the Glenn Steil State Revenue Sharing Act of 1971, 1971 PA 140, MCL 141.907, whichever is more recent.

Porch or Deck: A projection on a building or structure containing a floor, which may be either totally enclosed or open.

Principal Use or Structure: The main use to which the premises are devoted and the principal purpose for which the premises exist.

Projections: Projections from a building that are necessary for the shading of a building or features such as sills, cornices, and chimneys. Such projections may extend into required yards only as allowed by the provisions of this ordinance.

Public Building: Buildings devoted to the use of a governmental agency, as distinguished from buildings that are government financed, but are intended for private use; e.g., public housing.

Public Utility: A person, firm, or corporation, municipal department, board, or commission duly authorized to furnish and furnishing under federal, state, or municipal regulations to the public: gas, steam, electricity, sewage disposal, communication, transportation, or water.

Q

Reserved, currently no definition pertaining to this ordinance.

R

Recharge Pond/Lagoon: A natural or manmade recharge area or pond designed and maintained to recharge storm water, cooling water, and/or treated water to the groundwater at a rate greater than that occurring naturally. (Please note that for certain discharges, a DNR discharge permit is required.)

Recreational Vehicle: A vehicle which moves one (1) or more persons over the ground, air, water, ice, or snow, and which is either self-propelled or connects to a vehicle which is self-propelled.

Regulated Substances: Substances to be regulated hereinafter referred to as regulated substances, as chemicals and mixtures of chemicals which are health hazards. Regulated substances are:

1. Those list of substances as defined and listed by the Michigan Occupation Safety and Health Administration, as regulated under Title III of the Superfund Amendments and Reauthorization Act (SARA) and as currently reported on MIOSHA safety data sheets.
2. Petroleum and non-solid petroleum derivatives (except non-PCB dielectric fluids).

Right of Way: A strip of land acquired by reservation, dedication, forced dedication, prescription, or condemnation and intended to be occupied or occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, waterline, sanitary storm sewer, and other similar uses.

Room: For the purpose of determining lot area requirements and density in a multiple family district, a room is a living room, dining room, or bedroom. A room shall not include the area in kitchen, sanitary facilities, utility provisions, corridors, stairways, hallways, and storage. Plans presented showing one (1), two (2), or three (3) bedroom units and including a "den," "library," or other extra room shall count such extra room as a bedroom for the purpose of computing density.

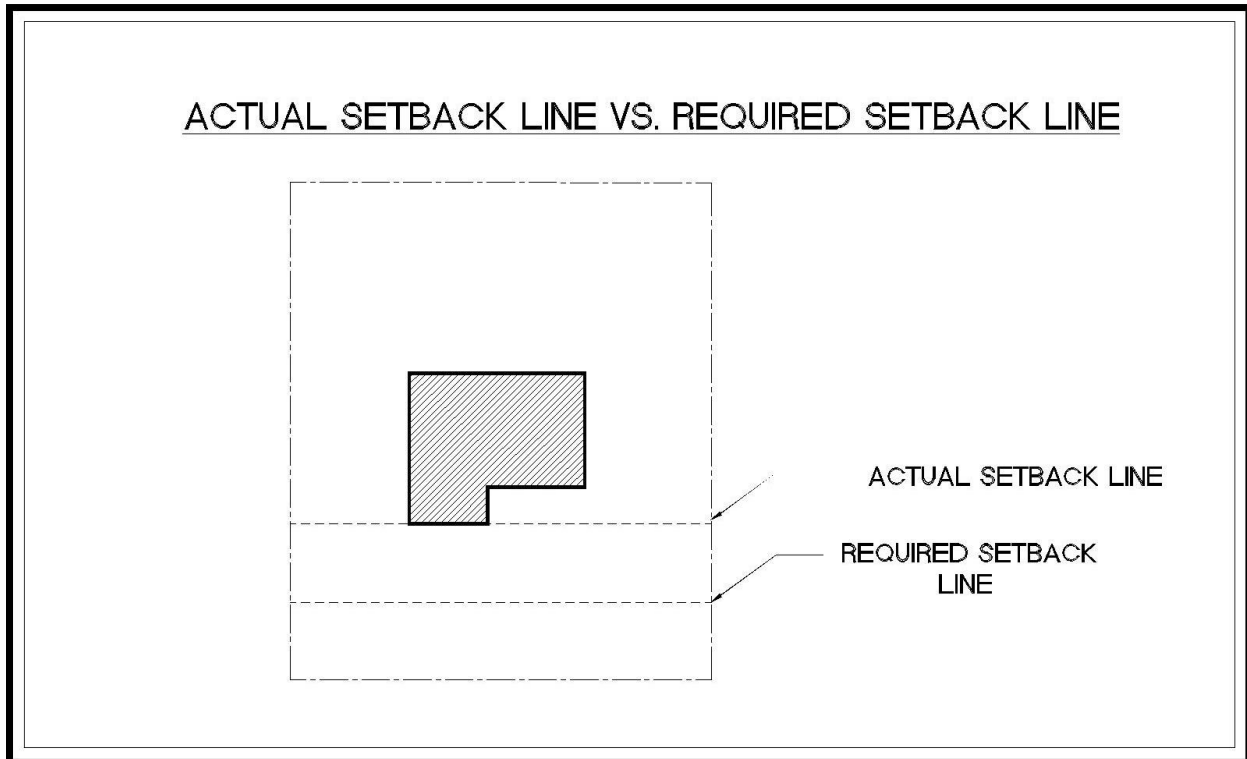
S

Screening: A method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing or walls.

Setback (Required): The distance required to obtain minimum front, side, or rear yard open space provisions of this ordinance, except for roofs, which may project not more than 12 inches into the setbacks.

Setback (Actual): The distance between the lot line and existing principal building.

Figure 2-5



Sign: A sign shall mean any object, device, logo, display, or structure, or part thereof, which is intended to advertise, identify, display, direct, or attract attention to a person, institution, organization, message, business, product, service, event, or location by any means. A sign shall include any banner, bulbs, or other lighting devices, streamer, pennant, balloon, propeller, flag (other than the official flag of any nation, state, or nonprofit organization) and any similar device of any type or kind whether bearing lettering or not. Signs shall not include murals or other artistic works displayed on buildings or structures.

A-Frame or Sandwich Board: A movable sign not secured or attached to the ground or surface upon which it is located.

Accessory Sign: A sign which is accessory to the principal use of the premises.

Beacon Lights: Search lights, or intensive spotlights directed in an upward direction intended to attract attention to a business, event, or other use.

Bench Sign: A sign located on the seat or back of a bench or seat placed on or adjacent to a public right-of-way.

Off-Premise Sign: Any sign which contains a message unrelated to or not advertising a business transacted or goods sold or produced on the premises on which the sign is located; also called a remote sign or non-accessory sign.

Canopy (Awning) Sign: A sign that is mounted or painted on, or attached to, an awning or canopy projecting from and supported by the building and extending beyond the building wall, that is otherwise permitted by this ordinance.

Decorative Display: A temporary display designated for the entertainment or cultural enrichment of the public and having no direct or indirect sales or advertising.

Electronic/Digital Sign: Signs whose alphabetic, pictographic, or symbolic informational content can be changed or altered on a fixed display screen composed of electrically illuminated segments.

Freestanding Sign (Pole or Pylon): A sign attached to a permanent foundation supported from the ground by one or more poles, posts, or similar uprights, with or without braces, upon which announcements, declarations, displays, etc., may be placed.

Inflatable Sign: A sign consisting of a balloon or other gas or air-filled figure that is not combustible.

Monument Sign: A sign attached to a permanent foundation and not attached or dependent for support from any building, pole, posts, or similar uprights.

Marquee Sign: A sign attached to or hung from a marquee, canopy, or other structure projecting from and supported by the building and extending beyond the building wall. Marquee or canopy signs are interchangeable.

Portable Sign: Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; sign converted to a- or t-frames; menus and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.

Projecting Sign: A sign which is affixed to any building or structure other than a marquee, and any part of which extends beyond the building wall and the horizontal sign surface is not parallel to the building wall.

Roof Sign: A sign which is erected, constructed, and maintained above any portion of the roof or exterior wall of a building or structure, and for purposes of this Chapter, roof signs shall be prohibited.

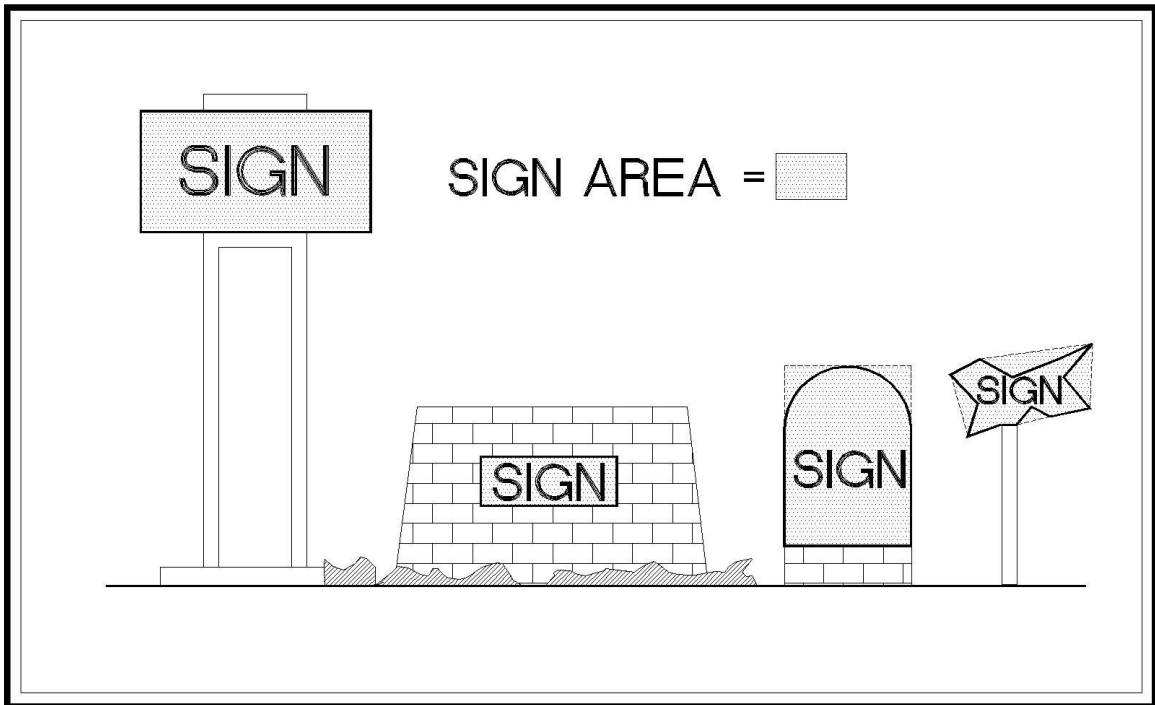
Residential Subdivision Sign: A permanent monument sign marking the entrance to a residential platted subdivision or condominium subdivision.

Temporary Sign: A sign, banner, or other advertising device constructed of cloth, canvas, fabric, plastic, or other light temporary material, with or without a structural frame, or any other sign, intended for a limited period of display.

Wall Sign: A sign which is attached directly to a building wall with the horizontal sign surface parallel to the building wall, including signs painted on any building wall. Wall signs shall not project above the roof or parapet line and may not project more than 1 foot beyond the face of the building wall.

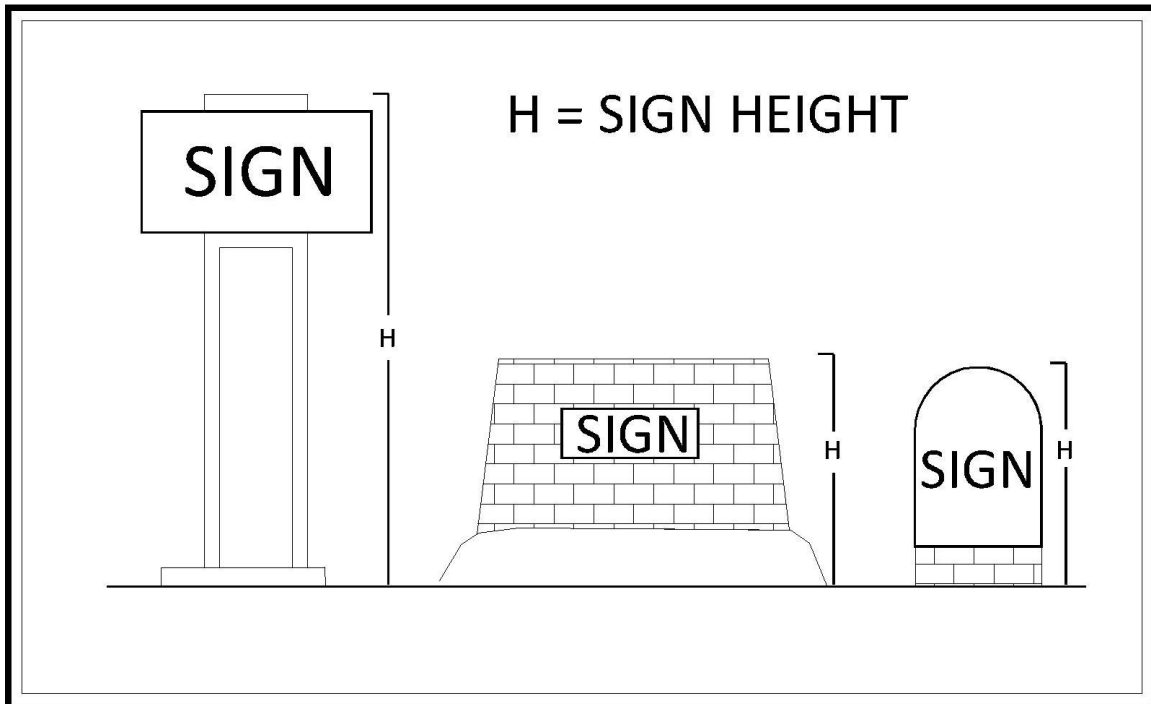
Window Sign: A sign, either permanent or temporary and/or illuminated or non-illuminated, placed in the window area of any use located in a nonresidential district.

Sign Area: The area of sign shall be computed as including the entire area within a regular geometric form or combination of such forms comprising all the display area of the sign and including all of the elements of the matter displayed. An area so created shall include all solid surfaces, as well as all openings. Structural members not bearing copy of display material shall not be included in computation of sign area. Where a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign, except that where two (2) such faces are placed back-to-back, parallel to one another, and less than 24 inches apart, the area of the sign shall be the area of one (1) face. Where a sign has two (2) or more faces, that portion of the sign structure connecting the sign faces shall not be used for display purposes. Signs painted on a wall are also regulated by the provisions of this Ordinance. (Refer also to SECTION 609, Prohibited Signs.)



Sign Height: The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of: 1) existing grade prior to construction; or, 2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases in which the

normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the zoning lot, whichever is lower. The sign shall be non-moving.



Site Plan: The documents and drawings required by the Zoning Ordinance to ensure that proposed land use or activity is in compliance with the City of Gladwin Zoning and other ordinances and state and federal statutes.

Special Use: Any use of land listed as a Principal Use Permitted Subject to Special Conditions which, due to its potential effect on adjacent lands, in particular, and the overall city in general, requires approval by the Zoning Board of Appeals according to the standards as provided in this ordinance.

Story: That part of a building, except a mezzanine as defined herein, included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the ceiling next above. A basement shall not be counted as a story.

Story, Half: An uppermost story lying under a sloping roof having an area of at least 200 square feet with a clear height of 7 feet. For the purposes of this ordinance, the usable floor area is only that area having at least 5 feet clear height between floor and ceiling.

Street: A public dedicated right-of-way, other than an alley, which affords the principal means of vehicular access to abutting property including emergency response vehicles.

Structure: Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

Subdivision: The partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his heirs, executors, administrators, legal representatives, successors, or assigns for the purpose of sale, or lease of more than one year, or of building development that results in one or more parcels of less than 40 acres or the equivalent, and that is not exempted from the platting requirements of the Land Division Act, Public Act No. 288 of 1967, as amended.

Swimming Pool: Any constructed or portable pool, used for swimming or bathing over 24 inches in depth, a diameter exceeding 12 feet or with a surface area exceeding 160 square feet.

T

Temporary Use or Temporary Building: A use or building permitted by the Planning Commission, or this ordinance, to exist during a specified period of time.

Tent: A moveable shelter made of canvas, skins, or other flexible materials supported by pole(s) or other framework. A tent is used exclusively for temporary purposes approved by the City of Gladwin Planning Commission or Zoning Administrator as allowed by the ordinance for certain functions.

U

Underground Storage Tank: Any one or combination of tanks (including underground pipes connected thereto) which is used to contain an accumulation of Regulated Substances and the volume of which (including the volume of underground pipes connected thereto) is 10 percent or more beneath the surface of the ground. Flow-through process tanks are excluded from the definition of underground storage tanks.

Underlying Zone: The zoning as it exists under the overlay zone.

Undeveloped State: A natural state preserving natural resources, natural features scenic or wooded conditions, agricultural use, open space, or a similar use or condition. Land in an undeveloped state does not include a golf course, but may include a recreational trail, picnic area, children's play area, greenway, or linear park. Land in an undeveloped state may be, but is not required to be, dedicated to the use of the public.

Use: The purposes, for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied.

V

Variance: Permission to depart from the literal requirements of the Zoning Ordinance.

Variance, Nonuse: A departure from the provisions of the zoning ordinance relating to setbacks, side yards, frontage requirements, lot size, parking, signage, and other requirements of the applicable zoning district.

W

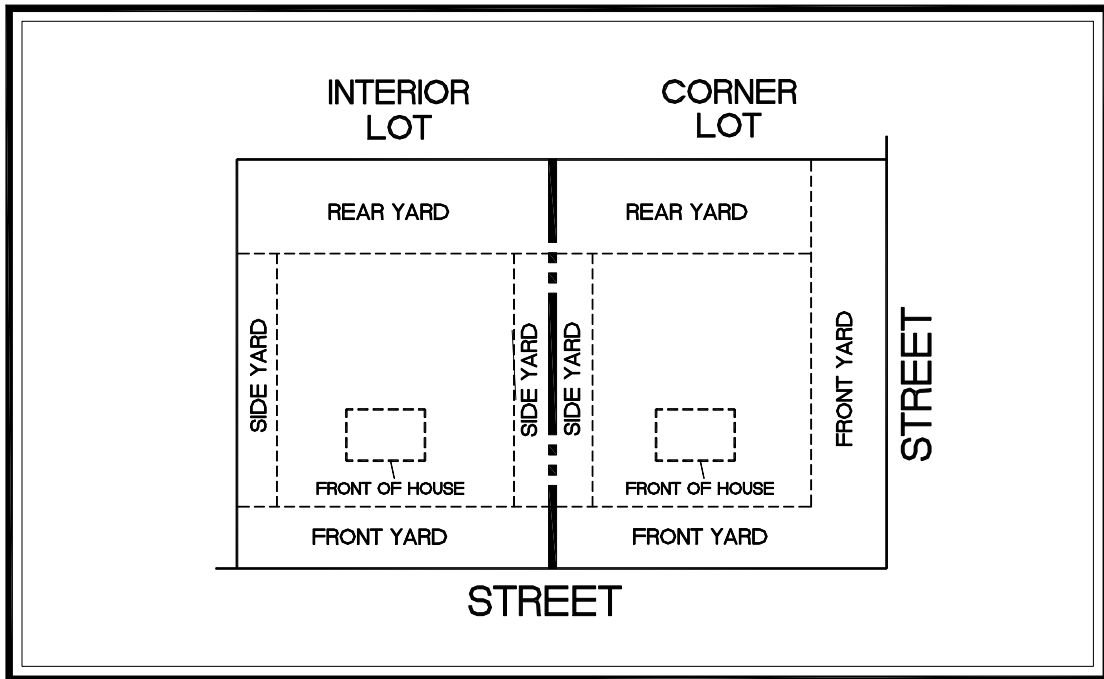
Wall, Obscuring: A structure of definite height and location to serve as an obscuring screen in carrying out the requirements of this ordinance.

Y

Yards: The open spaces on the same lot with a main building that is unoccupied and unobstructed from the ground upward except as otherwise provided in this ordinance, and as defined herein:

1. **Front Yard:** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building. In the case of corner lots, front yard shall be deemed to exist along each street frontage.
2. **Rear Yard:** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building. In the case of a corner lot, the rear yard may be opposite either street frontage.
3. **Side Yard:** An open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point on the side lot line to the nearest point of the main building.

Figure 2-6



Z

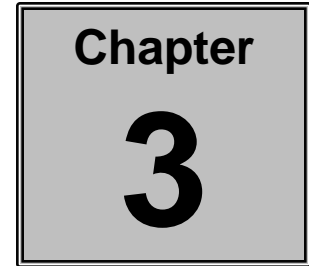
Zoning Board of Appeals: The City of Gladwin Zoning Board of Appeals created under the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended.

Zoning District: A zoning district is a portion of the city within which, on a uniform basis, certain uses of land and buildings are permitted, and within which contain yard, open spaces, lot area, and other requirements are established by this ordinance.

Zoning Jurisdiction: The area encompassed by the legal boundaries of the City of Gladwin.

Zoning Official (Administrator): The administrative official designated by the City Administrator with the responsibilities of administering and enforcing this ordinance.

Zoning Permit: A written approval by the Zoning Administrator that is required before obtaining a building permit to commence construction, reconstruction, or alteration of any building or structures.



Chapter 3 General Provisions

SECTION 301. INTENT.

This Chapter provides more stringent requirements for specific uses and circumstances, consistent with the City of Gladwin's desired vision for future development and community character. These regulations may apply to one or more zoning districts or uses.

SECTION 302. BUILDING REGULATIONS.

1. **Scope:** No building or structure, or part thereof, shall hereafter be erected, constructed, used, reconstructed, altered, or maintained, and no lot or land, or part thereof, shall hereafter be used or maintained and no new use made of any building, structure, or land, or part thereof, except in conformity with the provisions of this ordinance.
2. **Unlawful Building:** If any building, or part thereof, is used, erected, occupied, or altered contrary to law or the provisions of this ordinance, such building shall be deemed an unlawful structure and a nuisance and may be required to be vacated, torn down, or abated by any legal means, and shall not be used or occupied until it has been made to conform to the provisions of this ordinance. Public expenditures toward abating such nuisance shall become a lien upon the land.
3. **Temporary Building/ Commercial-Industrial:** No temporary building, such as an office or construction trailer, shall be erected unless a valid building permit exists for a permanent building or a new use of land on the same site. Any temporary building shall be removed from the site within 30 days of issuance of a certificate of occupancy, whether the certificate is provided by the City of Gladwin or the County of Gladwin. The approval of a temporary building may not exceed one (1) year; however, the Planning Commission may grant multiple extensions up to three (3) months each for good cause shown when the approval is due to expire. No temporary building shall be used for residential purposes. A temporary building must receive approval as a temporary use per SECTION 319.
4. **Frontage on a Public Street:** No building shall be erected on a lot unless said lot fronts no less than 50 percent its full width, upon a street or road that has been dedicated to the public, except where a site plan that provides for adequate vehicular

access and circulation, and future traffic needs of the city has been approved by the Planning Commission. Multi-family developments, or commercial, office, or industrial centers need not front each such structure within the development upon publicly dedicated streets or roads, provided that adequate interior vehicular circulation and access can be assured in a site plan submitted for approval to the Planning Commission.

5. **One Lot, One Building:** In all districts, only one (1) principal building shall be placed on a single lot of record, except as provided by SECTION 302.4 above.
6. **Foundation Required:** All dwellings, not located in a licensed manufactured housing park/facility licensed by the State of Michigan shall be firmly attached to a permanent perimeter foundation constructed on the site in accord with the building codes.
7. **Grading and Runoff:** Building sites shall be graded and drained in a manner that is consistent with the following standards. Final grades shall be determined by the building inspector.
 - a. Prevents the increased rate of flow of stormwater onto adjacent properties causing ponding or flooding.
 - b. Does not negatively impact public drains or storm sewers.
 - c. Directs the flow of surface water away from buildings or structures.
8. **Extractions, Holes, Pits, or Wells:** Any excavation, hole, pit, or well that is reasonably likely, as determined by the zoning administrator, to constitute a danger to public health, safety, and welfare must be effectively barricaded and secured, or filled in.

SECTION 303. BUILDING APPEARANCE, STRUCTURE COMPLETION, AND PERSONAL CONSTRUCTION AUTHORITY.

1. **Residential Character Zones:** The City may designate residential zones, in which at least 75 percent of the lots and frontage have been improved by the erection of the residences thereon, and if one-half or more of the residences built in any such zone are of a certain type and style, whereby the remainder of the residences built in any such zone and to be constructed, altered, relocated, or repaired in such zone shall be of a substantially similar type and style so that new or altered buildings will be in harmony with the character of the neighborhood. Nothing herein shall prevent the upgrading of any residential dwelling by installing an exterior finish having fire or weather resistance, which is greater than the minimum herein required, or by constructing in such zone a residence having floor area greater than the average area of residences in such zone provided, however, such type and style shall be such as not to impair or destroy property values in the zone.

2. **Downtown Development District:** In any case where a building or accessory building within the City of Gladwin Downtown Development Authority District is erected or placed within 200 feet of the front lot line of any parcel of land fronting upon any public street, the front walls of said building or accessory building within said distance of 200 feet shall be constructed of stone, face brick, or other ornamental materials approved by the Planning Commission. Materials should generally be consistent with neighboring properties whenever possible. No building so situated shall be constructed of tarred paper, tin, corrugated iron, or any form of pressed board or felt or similar material within the limits herein specified, nor shall any occupant of such premises be permitted to place open stock, scrap, or junk piles within said 200 feet unless the same shall be obscured from view from the street by the existence of a building, solid wall, earth berm, or evergreen screen sufficient to properly obscure the same from view from the street.
3. **Building Completion Period:** All structures receiving a permit under this ordinance shall be completed within one (1) year of the issue date of the building permit for such structure, unless two (2) extensions for not more than six (6) additional months is granted for good cause by the Planning Commission. When a part of the building is ready for occupancy, a temporary occupancy permit may be issued, provided that the premises complies with health and fire standards required under this ordinance, or any other ordinance, regulation, or statute.

If a building receives a zoning permit or similar approval under this ordinance but has not been granted a building permit within 90 days, the right to develop under the permit shall not be considered vested, and the city shall have the right to amend the ordinance text or map in a manner that effects the previously approved project.

4. **Personal Construction Authority:** Nothing in this ordinance shall be construed as prohibiting an owner, tenant, occupant, or land contract vendee from doing his or her own building, altering, plumbing, electrical installations, etc., provided it includes compliance with the minimum requirements and inspection per the Electrical and Plumbing Codes of the State of Michigan, City of Gladwin ordinances, and the applicable County Health Department regulations.

SECTION 304. HUMAN SAFETY AND ENVIRONMENTAL PROTECTION.

1. **Intent:** It is the intent of this ordinance to protect the health, safety, and welfare of individual residents, the overall community, and the natural and built environment. Accordingly, all uses of land, buildings, and structures in the zoning districts in this ordinance shall conform to the following performance standards.
 - a. **Smoke:** A person or industry shall not discharge into the atmosphere from any single source of emission whatsoever any air contaminant smoke for a period or periods aggregating more than three (3) minutes in any hour which is:
 - 1) As dark or darker in shade as that designated as No. ½ on the Ringelmann chart as published by the United States Bureau of Mines.

- 2) Of such density as to obscure and observer's view to a degree equal or greater than the level of smoke described in SECTION 304.1.a.1) of this standard.
 - 3) At no time shall smoke emissions be darker than Ringelmann No. 1.
- b. **Noxious Gases:** No noxious, odorous, or malodorous gases shall be allowed to escape into the atmosphere in concentrations which are offensive, which produces a public nuisance or hazard on any adjoining lot or property, or which could be detrimental to human, plant, or animal life.
 - c. **Air Contaminants:** A person or industry shall not discharge from any source whatsoever such quantities of air contaminants or other material such as fly-ash, dust, vapor, or other air pollutants, which would cause injury or harm to health, animals, or vegetation, or other property, or which can cause excessive soiling. Dust, dirt, smoke, or fly-ash shall not be in excess of 0.3 grams per cubic foot of flue gas at stack temperature of 500 degrees Fahrenheit and not exceed 50 percent excess air.
 - d. **Glare and Heat:** Any operation or activity producing glare shall be so positioned that direct and indirect illumination from the source of light shall not cause illumination in excess of one-half (1/2) of one (1) foot-candle when measured at any property line or right-of-way line. Flickering or intense source of light shall be controlled so as to not cause a nuisance across any property lines.

If heat results from any industrial operation or other source, it shall be so insulated as to not raise the temperature at any property line or right-of-way line at any time.

- e. **Noise:** No activity shall emit noise in excess of the standards specified in the City of Gladwin Code of Ordinances.
- f. **Vibration:** Vibrations from industrial operations or other sources shall be controlled to the extent that they cannot be felt beyond any property line.
- g. **Radio Transmission:** Radio equipment required in industrial or other operation shall be so shielded that its operation will not interfere with radio, television, or other electronic equipment.
- h. **Storage of Flammable Materials:** Any activity involving the use or storage of flammable or explosive devices or materials shall be protected by adequate firefighting and fire suppression equipment and such safety devices as are normally used in handling of any such material. Such hazards shall be kept removed from adjacent activities to a distance which is compatible with the potential danger involved. The City of Gladwin Fire Department may inspect flammable material at any time.
- i. **Radioactive Materials:** No activity shall emit dangerous radioactivity at any point, or unreasonable electrical disturbance adversely affecting the operation at any point of any equipment other than that of the creator of such disturbance.

- j. **Water Pollution:** Pollution of water shall be subject to the requirements and regulations as are established by the Michigan Department of Community Health; the Michigan Department of Natural Resources; the Michigan Department of Environment, Great Lakes, and Energy; the Gladwin County Health Department; and/or the City of Gladwin.
- k. No premises in the City of Gladwin, Michigan shall be used or occupied for the purpose of a medical marijuana club, distribution facility, or growing facility. Any use, cultivation, or distribution of medical marijuana shall be allowed only to the extent such is lawful under state or federal law and in conformity with this ordinance.

SECTION 305. ACCESSORY BUILDINGS AND STRUCTURES.

Accessory buildings or structures, except as otherwise permitted in this ordinance, shall be subject to the following regulations:

1. Where the accessory building is structurally attached to a main building, it shall be subject to and must conform to all regulations of this ordinance applicable to the main building.
2. Accessory buildings and structures shall not be erected in any required or actual front yard.
3. An accessory building shall not occupy more than 25 percent of a required rear yard.
4. No detached accessory building shall be located closer than 10 feet to any main building nor shall any accessory building or structure be located closer than 5 feet to any side or rear lot line.
5. A detached accessory building or structure in a residential zoning district shall not exceed the height of the principal structure.
6. In residential districts, the vertical exterior surface of a building, not forming part of the roof, shall not exceed a height of 10 feet, measured from grade to the top plate of the wall.
7. One accessory building of not more than 150 square feet may be erected on any parcel in the R-O, C-1, C-2, or MT zoning district, with a zoning permit. Additional accessory buildings must complete site plan review per SECTION 502.
8. Household animal enclosures, dog runs, central air conditioning units, heat pumps, and other mechanical system components that could or are likely to produce noise, odors, and other nuisances, shall not be located adjacent to an adjoining property owner's sleeping area where windows and/or doors on the adjacent property would be exposed to the nuisance.

9. Accessory buildings must be constructed with exterior materials and finishing that is compatible with the principal building and the character of surrounding properties. Acceptable materials include vinyl or wood siding, brick, cement board, or similar materials. Accessory buildings shall not be constructed with metal exteriors in the R-1A, R-1B, R-O, or R-M zoning districts.
10. One accessory building may be utilized for a dwelling unit. Accessory dwelling units must meet the standards listed in the Table of Use Requirements and Table of Uses in SECTION 409.

SECTION 306. HOME OCCUPATIONS.

1. No good or service shall be sold or offered for sale on the premises, except as such is produced on the premises by such occupation or those goods or services incidental to such home occupation.
2. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25 percent of the dwelling unit, (not counting areas of unfinished attics, attached garages, breezeways, and enclosed and unenclosed porches) shall be used for purposes of the home occupation. No person living outside the dwelling unit will be employed at the home occupation.
3. There shall be no change in the outside appearance of the structure or premises, or other visible evidence of the conduct of such home occupation, other than in the provision of day care services.
4. The outdoor storage of goods and materials shall be prohibited. No interior display shall be visible from the exterior of a dwelling unit used for purposes of a home occupation.
5. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be provided by an off-street area, located other than in a required front yard. No commercially licensed vehicles will be parked at the premises in conjunction with the home occupation for greater than one (1) hour.

SECTION 307. RESIDENTIAL OCCUPANCY.

Unless specifically permitted, garages, pole barns, basements, recreational vehicles, tents, and other accessory or temporary structures shall not be utilized for long-term residential occupancy under the terms of this ordinance, unless specifically permitted.

SECTION 308. MEDICAL MARIJUANA HOME OCCUPATION.

1. A medical marijuana home occupation shall also comply with the following conditions:
 - a. No more than 72 plants may be grown by a caregiver as a home occupation.
 - b. No more than two (2) patients or caregivers, in total, may use the premises as a medical marijuana home occupation.
 - c. No marijuana may be cultivated outdoors and all medical marijuana must be contained in an enclosed, locked facility or accessory building.
 - d. All building, electrical, plumbing, and mechanical codes shall be satisfied where electrical wiring, lighting, or watering devices support the growing of medical marijuana.
 - e. Any portion of a building where energy usage and heat exceed typical residential use and the storage of chemicals such as herbicides, pesticides, and fertilizers shall be subject to inspections and approval of the fire and environmental officials having jurisdiction and shall comply with the relevant regulations.
 - f. Medical marijuana home occupations shall be allowed only in one (1) family dwellings.

SECTION 309. ACCESS TO A MAJOR THOROUGHFARE OR COLLECTOR STREET.

For uses making reference to this SECTION 309, vehicular access shall be provided only to an existing or planned major thoroughfare, or collector street. Provided, however, that access driveways may be permitted to other than a major thoroughfare, or collector street where such access is provided to a street where the property directly across the street between the driveway and the major thoroughfare, or collector street is zoned for multiple-family use or any nonresidential uses, is developed with permanent uses other than single-family residences or is an area which, in the opinion of the Planning Commission, will be used for other than single-family purposes in the future, or if the Planning Commission finds that there are special circumstances which indicate that there will be a substantial improvement in traffic safety by reducing the number of driveways to a thoroughfare.

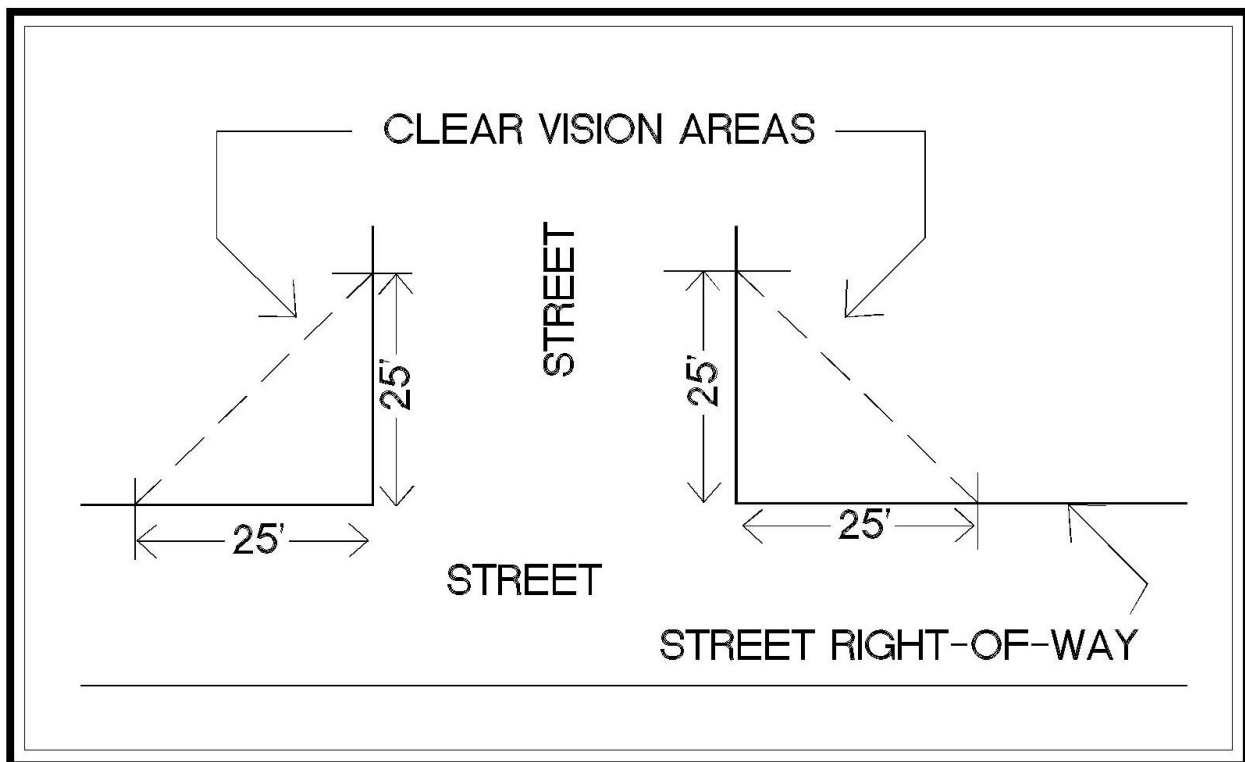
1. All private roads or access drives proposed as part of a new development shall be reviewed by the city engineer during site plan review for compliance with best practices and Gladwin County Road Commission standards.

SECTION 310. ENTRANCEWAYS.

Entranceway structures including but not limited to walls, columns, and gates marking entrances to single-family subdivisions, multiple-family housing developments, industrial parks, or commercial developments may be permitted and may be located in a required yard provided they shall comply to all codes of the City of Gladwin, and shall be approved by the Zoning Administrator and a zoning permit issued.

SECTION 311. CORNER CLEARANCE.

Except as may otherwise be provided in the ordinance, no fence, wall, shrubbery, sign, or other obstruction to vision above a height of 3 feet from the established street grades shall be permitted within the triangular area formed at the intersection of any street right-of-way lines by a straight line drawn between said right-of-way lines at a distance along each line of 25 feet from their point of intersection, subject to SECTION 312.3.b, c, and d.

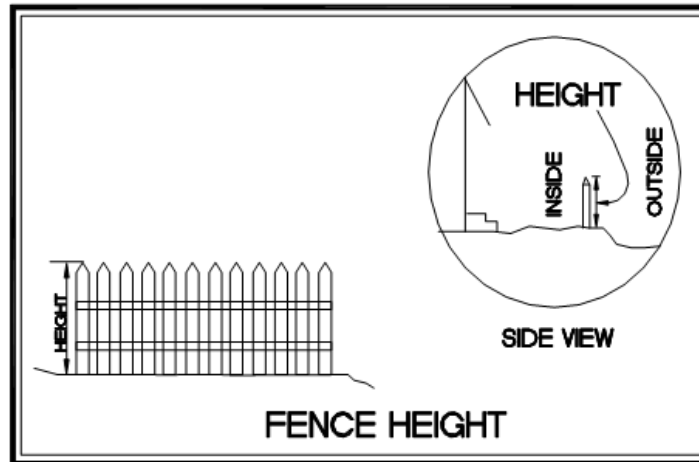


SECTION 312. FENCES.

1. **Scope:** The installation, erection, and/or maintenance of a fence are hereby prohibited except in strict compliance with this ordinance. A permit to be issued by the Zoning Administrator shall be obtained prior to installation or erection of any fence within the corporate limits of the City of Gladwin. Application shall be made upon a

form provided and shall require such information as may be required by the Zoning Administrator. All applications for a permit shall be accompanied by a filing fee as may be established by City Council resolution.

2. **Calculation of Fence Height:** The minimum height of the fence shall be computed as the distance from the base of the fence at normal grade to the top of the highest component of the fence.



3. Design Requirements

- a. **Residential Fences:** All fences in areas zoned or used for residential purposes shall be of an ornamental type and shall not be more than 6 feet in height, above the grade level. Any metal, including chain link or masonry fence further shall not be more 6 feet in height above grade level. Such fences shall not extend beyond the front building line of the principal structure, except that non-obscuring fences no higher than 36 inches may be permitted within the front yard.
 - b. **Business, Office, or Commercial Fences:** All fences in areas zoned or used for business, office, or commercial purposes shall be of an ornamental type, and shall not be more than 6 feet in height above grade level.
 - c. **Industrial Fences:** All fences in areas zoned or used for industrial purposes shall not be less than 6 feet in height nor exceed 8 feet in height above surrounding grade level.
 - d. **Fences Separating Single or Two-Family Residential Property from a Multiple-Family Residential Property:** Areas zoned or used for multiple-family residential purposes, which abut single- or two-family property, shall have erected upon said adjoining property line, a fence of an ornamental type, to be 6 feet in height above grade level.
4. **Material Specifications:** Fences shall be constructed of wood, metal, or masonry, and other acceptable materials, excluding plastic weave designs. Only new material

shall be used, which has been manufactured and/or treated in a manner to prevent rust and corrosion, and/or rot and decay.

- a. All fences shall be constructed of a minimum of:
 - 1) Two (2) inch iron pipe.
 - 2) Two (2) inch angle iron.
 - 3) Four (4) inch wooden posts.
 - 4) Four (4) inch reinforced concrete posts; or any other member having equal stability. All posts shall be sunk in the soil to a depth of at least 3 feet.
 - 5) Fences which are deemed necessary for noise suppression shall be concrete, decorative concrete blocks, or masonry.
- b. No person shall erect or cause to be erected a fence which is:
 - 1) Made with or upon which is fixed barbed wire.
 - 2) Has any protective spike, nail, or sharp pointed object.
 - 3) Charged with electric current.

Provided, however, that a fence in an industrial area may be erected with barbed wire on arms or brackets extending inward over such property.

5. Location

- a. All fences must be located entirely on the private property of the person constructing the fence, provided that if the adjoining property owner(s) consent in writing to the construction of a fence on this property line, it may be so constructed. Such written consent shall be filed with the application for a permit.
- b. No fence shall be erected between the front building line and the front property of the premises, except as otherwise provided by this ordinance; SECTION 312.3.a, b, and c.
- c. Decorative side facing outward.

6. **Maintenance of Fence:** Fences must be maintained in a neat and safe condition, so as not to endanger life or property. Any fence which, through lack of repair, type of construction, or otherwise, endangers life or property is hereby deemed a nuisance. The Zoning Administrator shall notify the owner, agent, or person in control of the property on which such fence is located of the existence of such nuisance and specify the required repairs or modifications to be made to render the fence safe or require that the unsafe fence or any portion thereof to be removed.

7. Existing Fences

- a. Fences presently in existence shall not be enlarged, rebuilt, or reconstructed without first having obtained a permit therefore from the Zoning Administration. Such fences, when repaired or replaced, shall conform to all provisions of this ordinance.

SECTION 313. EXTERIOR LIGHTING.

1. All outdoor lighting in all zoning districts other than residential shall be downward facing and shielded so the surface of the source of the light shall not be visible from all adjacent properties, and public rights-of-way.
2. Illumination guidelines shall be in accordance with the following standards:
 - a. Street Illumination

STREET HIERARCHY	NONRESIDENTIAL		RESIDENTIAL	
	LUX	FOOT-CANDLES	LUX	FOOT-CANDLES
“Major”	12	1.2	6	0.6
“Collector”	8	0.8	4	0.4
“Local”	6	0.6	3	0.3

Major. The part of the roadway system that serves as the principal network for through traffic flow. These routes connect areas of principal traffic generation and important rural highways entering the city.

Collector. The distributor and collector roadways serving traffic between major and local roadways. These are roadways used mainly for traffic movements within residential, commercial, and industrial areas.

Local. Roadways used primarily for direct access to residential, commercial, industrial, or other abutting property. They do not include roadways carrying through traffic. Long local roadways will generally be divided into short sections by collector roadway systems.

- b. **Parking Illumination.** The following table describes the required minimum lighting to be used in developed parking area for several levels of activity and as measured in foot-candles.

High Activity. Examples include major-league athletic events, major cultural or civic events, regional shopping centers, and fast food facilities.

Medium Activity. Examples include community shopping centers, office parks, hospital parking areas, transportation parking (airports, etc.), cultural, civic or recreational events, and residential complex parking.

Low Activity. Examples include neighborhood shopping, industrial employee parking, educational facility parking, and church parking.

LEVEL OF ACTIVITY	VEHICULAR USE AREA ONLY		GENERAL PARKING AND PEDESTRIAN SAFETY	
	LUX	FOOT-CANDLES	LUX	FOOT-CANDLES
Low activity	5	0.5	2	0.2
Medium activity	11	1.0	6	0.6
High activity	22	2.0	10	0.9

3. All illumination shall not be of a flashing, moving, or intermittent type other than used in connection with a sign which requires periodic change, such as time, temperature, or stock average.
4. All illumination shall be constant in intensity and color at all times when in use.
5. A lighting plan, displaying the lux or foot-candles on a site shall be submitted with any commercial, industrial, or multi-family residential site plan.

SECTION 314. DRIVE-THROUGH FACILITIES.

1. Any drive-through facility shall include an off-street waiting space with a minimum width of 10 feet and a minimum length of 20 feet and shall not include the use of any public space, street, alley, or sidewalk.
2. On the same premises with every building structure or part thereof with a drive-through, there shall be provided off-street waiting spaces as follows:

USE	MINIMUM STACKING REQUIREMENTS (PER LANE)
<i>Restaurant</i>	<i>The distance between the order board and the pick-up window shall store 4 vehicles, and storage shall be provided for 4 vehicles in advance of the menu board (not including the vehicles at the pick-up window and menu board)</i>
<i>Financial Institution</i>	<i>6 vehicles per lane inclusive of the vehicle at the window.</i>
<i>Automobile Wash</i>	<i>4 times the maximum capacity of the auto wash in advance of the tunnel and 3 vehicles beyond the tunnel for drying areas.</i>
<i>Child Care Centers</i>	<i>1 vehicle per 15 children enrolled. No parking area or maneuvering lanes shall be permitted between the drop-off point and the principal entrance to the building.</i>
<i>Personal service establishments</i>	<i>4 vehicles per lane inclusive of the vehicle at the window.</i>
<i>Automobile Service Facility</i>	<i>4 vehicles per lane inclusive of vehicle being serviced.</i>
<i>Pharmacy</i>	<i>3 vehicles per lane inclusive of the vehicle at the window.</i>

USE	MINIMUM STACKING REQUIREMENTS (PER LANE)
Other Uses	<i>For uses not listed above, the Planning Commission shall determine the minimum vehicle stacking at the time of site plan review, based upon analysis presented by the applicant, and reviewed by the zoning administrator.</i>

3. Drive-through lanes shall not utilize any space which is necessary for adequate access to parking spaces from internal maneuvering lanes.
4. Drive-through lanes shall have a minimum centerline radius of twenty-five (25) feet.
5. Drive-through lanes shall be striped, marked, or otherwise distinctively delineated, and shall require a by-pass lane with minimum width of fourteen (14) feet.
6. A greenbelt and screening fence or wall shall separate all drive-through lanes and loading areas from adjacent residential districts or uses.
7. Lights used to illuminate loading areas shall be arranged so as to reflect away from adjacent areas.
8. No drive-throughs are permitted in the core downtown area of the City of Gladwin, which is defined as properties fronting Cedar Avenue between N. Bowery Avenue and Silverleaf Street.

SECTION 315. PRIVATE SWIMMING POOLS.

1. A building permit must be obtained for the alteration, erection, and construction of permanent above or below ground swimming pools, and for portable pools with a diameter exceeding 12 feet, a depth greater than 24 inches, or an area exceeding 160 square feet. Swimming pools as defined in this zoning ordinance are subject to and governed by the Michigan Residential Code. The Zoning Administrator shall review and approve all setbacks as required in SECTION 315.2 below.
2. Rear and side lot line setbacks shall not be less than 10 feet between the pool outside wall and the side or rear property line, and not less than 10 feet between pool wall and any building on the lot.
3. A private swimming pool shall be located only in the rear yard.

SECTION 316. GENERAL EXCEPTIONS.

1. **Voting Place:** The provisions of this ordinance shall not be so construed as to interfere with the temporary use of any property as a voting place in connection with a municipal, state, federal, or other public election.
2. **Height Limit:** The height limitations of this ordinance shall not apply to farm buildings, chimneys, church spires, flag poles, water towers, public monuments, or

communication antennae as otherwise permitted under this ordinance; provided, however, that the Planning Commission may specify a height limit for any such structure when such structure requires authorization as a special use and may require increased setbacks to address collapse of structure (such as a water tower). When adopted, any ordinances or recommendations from the Gladwin Airport shall be consulted for height limitations on relevant structures.

3. **Lot Area:** Any lot legally existing and of record on the effective date of this ordinance may be used for any principal use permitted in the district which such lot is located, other than special uses for which special lot area requirements are specified in this ordinance, whether such lot complies with the lot area and width requirements of this ordinance. Such use may be made provided that all requirements other than lot area and width prescribed in this ordinance are complied with and provided that not more than one (1) dwelling unit shall occupy any lot except in conformance with the provisions of this ordinance for required lot area for each dwelling unit. (See also SECTION 1303, Use of Legal Nonconforming Lots..)

SECTION 317. ACCESS THROUGH YARDS.

For the purpose of this ordinance, access drives may be placed in the required front or side yards so as to provide access to rear yards or accessory or attached structures. These drives shall not be considered as structural violations in front and side yards. However, in single-family residential districts access drives shall be limited to one (1) curb cut and may occupy no more than 30 percent of the front yard, unless otherwise approved by Planning Commission. Further, any walk, terrace, or other pavement integral to an access drive, and not in excess of 9 inches above the grade upon which placed, shall for the purpose of this ordinance not be considered to be a structure.

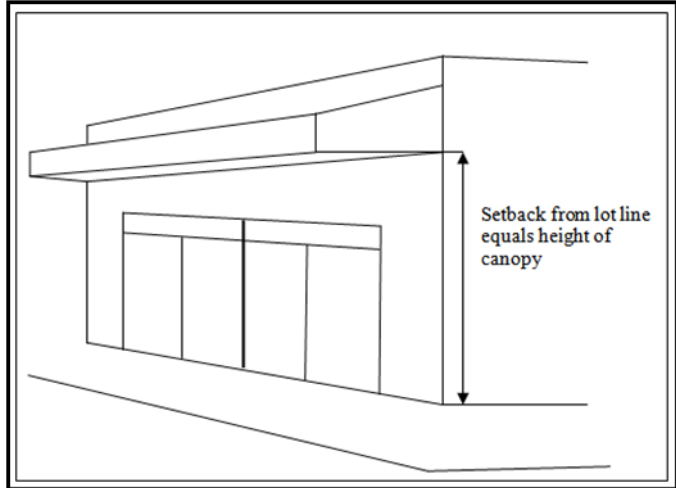
SECTION 318. CANOPIES AND AWNINGS IN THE PUBLIC R.O.W.

Canopies and awnings offering partial protection from the weather, but not fully enclosed, and which extend into a public right-of-way or required yard, may be considered for approval subject to the following conditions:

1. **Public right-of-way.** Canopies and awnings extending into a public right-of-way are subject to the following requirements:
 - a. Such approval shall only be granted by the City Council.
 - b. Any such structure shall not extend closer than 24 inches to any vehicular parking space or moving vehicle lane.
 - c. Any such structure shall not conflict with necessary sight distances for proper vehicular and pedestrian movements.

d. Any such structure shall not conflict with any existing or proposed: landscape features, traffic control device, lighting, adjacent properties and signs, and pedestrian movements.

e. The height, location, materials, construction, and signage involved in any such structure shall specifically be subject to review and approval by the City Council, further, any such structure shall provide no less than 7 feet 6 inches of clearance between the sidewalk and the structures.



f. The structure shall be maintained in such a manner as to continue its original appearance and provide proper safety to the persons and property it may affect.

2. **Required yard.** Canopies and awnings extending into a required yard are subject to the following requirements:

a. Any such structure shall not extend closer than the height of the canopy to any property line adjacent to a residential district. Height is measured from the ground to the bottom of the canopy.

b. Any such structure shall not conflict with necessary sight distances for proper vehicular and pedestrian movements.

c. The height, location, materials, construction, and signage involved in any such structure shall specifically be subject to review and approval.

d. The structure shall be maintained in such a manner as to continue its original appearance.

SECTION 319. TEMPORARY USES.

The Planning Commission shall have the power to grant permits for, or direct the Zoning Administrator to authorize temporary land uses for:

1. Seasonal sales of produce, firewood, or Christmas trees, and similar uses subject to the following conditions:

a. Zoning districts where permitted.

b. Temporary uses shall be restricted to non-residential zoning districts.

- c. Application and submittal requirement.
- d. The application for a temporary use permit shall be accompanied by plans and specifications including a lot drawn to scale, showing the following:
 - 1) The shape, location, and dimensions of the lot, including the shape, size, and location of all buildings or other structures already on the lot.
 - 2) The materials to be utilized/ sold and the parking lot layout.
 - 3) The anticipated automobile traffic flow to and from the lot and any adjacent thoroughfares, or loss of off-street parking spaces.
- e. Time limitations.
 - 1) A temporary use permit for sale of Christmas trees or similar seasonal items shall by its terms be effective for no longer than 30 days. No more than one (1) temporary use permit for the sale of Christmas trees, or similar seasonal items, shall be issued for any given location within a single calendar year.
 - 2) A temporary use permit for a vegetable, fruit, or produce stand or for the sale of firewood or similar use shall, by its terms, be effective for no longer than 180 days. No more than one (1) temporary use permit for such uses shall be issued for any given location within a single calendar year.
- 2. Permitted uses which do not require the erection of any capital improvement of a structural nature, not otherwise permitted in any district (such as art fairs, carnivals, and civic festival events), not to exceed 14 days.
- 3. In classifying uses as not requiring capital improvement, the Planning Commission or Zoning Administrator shall determine that they are either demountable structures related to the permitted use of the land; recreation developments such as, but not limited to golf driving ranges and outdoor archery courts, or structures which do not require foundations, heating systems, or sanitary connections.
- 4. The granting of the temporary use shall be in writing, stipulating all conditions as to time, nature of development permitted, and arrangements for removing the use at the termination of said temporary permit.
- 5. **Standards for Approval for Temporary Uses:** A temporary use permit will be granted if the proposed use, including the erection of any temporary building or structure will:
 - a. Assure adequate light and ventilation between the buildings and structures.
 - b. Facilitate adequate automobile and pedestrian traffic flow and provide adequate off-street parking.

- c. Provide adequate lot access for fire protection purposes.
- d. Not adversely affect the stability and integrity of the zoning plan prescribed by this ordinance nor otherwise interfere with the protection of the public health, safety, and general welfare.
- e. Not be incompatible with or otherwise adversely affect the physical character of the community and, in particular, the surrounding area within a distance of 200 feet from the parcel in question.
- f. When the proposed temporary use is to be conducted on an otherwise vacant or unused lot, the use shall comply with all applicable zoning regulations for the district in which the temporary special use is to be located, including all requirements pertaining to lot size, height, setbacks, open space ratio, maximum percentage of lot coverage, and off-street parking.

SECTION 320. OUTDOOR DINING.

1. Any outdoor dining area must have a barrier that separates it from on-site parking areas, sidewalk, or other areas of the site. Barriers may consist of removable fences, freestanding fences, hedges, planters, trees, removable columns, and other similar materials.
 - a. Barriers shall not exceed 36 inches in height.
 - b. In the case of planters, the planter itself shall not exceed 36 inches, and the plant (live or artificial) shall not exceed 6 feet in height measured from the ground.
2. When located on a public sidewalk, a minimum of 7 feet of continuous pedestrian access must be provided.
3. Outdoor dining space located on corner lots shall not restrict the sight distance triangle required in SECTION 311.
4. Furniture and other materials shall be constructed of durable materials and kept in good condition, free from stains, damage, and other signs of wear.
5. A restaurant may re-purpose off-street parking or one on-street parking space for an outdoor seating platform with approval from the department of public works, public safety, and zoning permit approval. The platform must:
 - a. Be level with the sidewalk with a gap of one inch or less between the platform and sidewalk.
 - b. Be temporary and removable if necessary.
 - c. If located in an on-street space, be no larger than 8 feet wide by 20 feet long.

- d. Be located at least two feet from any adjacent travel lane.
- e. Maintain a distance of six inches between the edge of the platform and the lines marking the parking space.
- f. Be no closer than 25 feet to a street intersection or driveway.
- g. Parking spaces located on M-18 are not eligible for conversion to outdoor dining.
- h. Meet all other standards for outdoor dining.

SECTION 321. MINI WAREHOUSES.

- 1. Building separation between self-storage buildings on the same site shall be 15 feet, as measured from side-to-side or front to rear, or equal to the building height, whichever is greater.
- 2. The total lot coverage of all structures shall be limited to 50 percent of the total lot area.
- 3. A 10-foot landscaped greenbelt shall be provided between the property line and required barrier along all street frontages. A 5-foot landscaped greenbelt shall be provided between the property line and barrier where the site abuts any residential district. All materials shall be planted in conformance with SECTION 802.
- 4. Internal driveway aisles shall be a minimum of 24 feet in width.
- 5. All off-street parking areas and driveways shall be of a durable and dustless surface and graded and drained so as to dispose of all surface water accumulated within the area.
- 6. Building height shall not exceed 1 story.
- 7. All storage on the property shall be kept within an enclosed building.
- 8. The use of the premises shall be limited to storage only.
- 9. The storage of combustible or flammable liquids, combustible fibers, or explosive materials, as defined in the fire protection code, or toxic materials is expressly prohibited.

SECTION 322. SEXUALLY ORIENTED BUSINESSES.

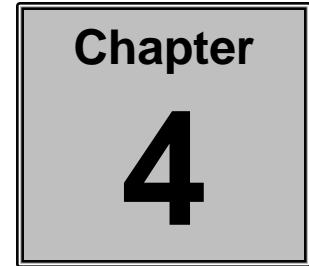
- 1. No sexually oriented business shall be located within one thousand (1,000) feet of any other adult entertainment use nor within five hundred (500) feet of any of the following uses:

- a. All establishments licensed by the Michigan Liquor Control Commission.
 - b. Pool or billiard halls.
 - c. Ice or roller skating rinks.
 - d. Pawn shops.
 - e. Indoor or drive-in movie theaters.
 - f. Any public park.
 - g. Any church.
 - h. Any public or private school having a curriculum including kindergarten or any one or more of the grades, 1 through twelve (12).
2. Such distance shall be measured along the centerline of the street or streets or address between two fixed points on the centerlines determined by projecting straight lines at right angles from the part of the above listed uses nearest to the planned location of the structure containing the adult entertainment use, and from the contemplated location of the structure containing the adult entertainment use nearest to a use listed above.
 3. No adult entertainment use shall be located within five hundred (500) feet of any area zoned residential. Such required distances shall be measured by a straight line between a point on the boundary line of a zoned residential area nearest to the contemplated structure or contemplated location of the structure containing the adult entertainment use to a point on the contemplates structure or contemplated location of the structure containing the adult entertainment use nearest to the boundary lines of a zoned residential area.
 4. All adult entertainment uses shall be contained in a freestanding building. Enclosed malls, commercial strip stores, common wall structures, and multi-uses within the same structure do not constitute a freestanding.
 5. No adult use shall be conducted in any manner that permits the observation of any material depicting, describing or relating to Specified Sexual Activities or Specified Anatomical Areas from any public way or from any property not regulated as an adult entertainment use. This provision shall apply to any display, decoration, sign, show window or other opening.

SECTION 323. TELECOMMUNICATION TOWERS.

1. Shall be located centrally on a parcel at a distance not less than 1.5 times the height of the tower from any property line.

2. A barrier at least eight (8) feet in height shall be installed along the perimeter of the tower, and any accessory structures if deemed appropriate. Said barrier shall consist of either ornamental masonry or materials which are determined to be durable and weather resistant and designed to hinder entrance by non-authorized personnel. If a barrier is not feasible, anti-climb panels shall be installed at a height of twelve (12) feet above the finished grade and five (5) feet above the highest point of the closet structure within ten (10) feet of the tower.
3. A ten (10) foot wide landscaped greenbelt shall be provided between the property line and required barrier along all street frontages. A five (5) foot wide landscaped greenbelt shall be provided between the property line and barrier where the site abuts any residential district. All materials shall be planted in conformance with SECTION 802.
4. Telecommunication towers shall be removed by their owners within six months of the date on which such facilities are no longer used, or which become obsolete for the purpose or purposes for which they were granted special use.
5. Prior to receiving site plan approval, the applicant must demonstrate that there are no existing towers or structures that would be suitable for telecommunications antenna as an alternative to constructing a tower.



Chapter 4 Zoning Districts and Layout

SECTION 401. DISTRICTS ESTABLISHED.

For the purposes of this Ordinance, the City of Gladwin is hereby divided into the following seven Zoning Districts:

- R-1A** One-Family Residential District (larger lots)
- R-1B** One-Family Residential District (smaller lots)
- RO** Residential Office District
- R-M** Multiple Family Residential District
- MHD** Manufactured Housing District
- C-1** Central Business District
- C-2** Service Commercial District
- MT** Manufacturing Technology District

SECTION 402. DISTRICT BOUNDARIES.

The boundaries of these districts are hereby established as shown on the Zoning Districts Map, City of Gladwin Zoning Ordinance, which accompanies this Zoning Ordinance, and which map with all notations, references and other information shown thereon shall be as much a part of this Zoning Ordinance as fully described herein.

SECTION 403. DISTRICT BOUNDARIES REQUIRING INTERPRETATION.

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

1. Boundaries indicated as approximately following the centerlines of streets, highways or alleys, shall be construed to follow such centerlines.

2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following corporate limits shall be construed as following such corporate limits.
4. Boundaries indicated as following railroad lines or other transportation centerlines shall be construed to be midway between any tracks or corridor.
5. Boundaries indicated as following shorelines on lakes or rivers shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the centerline of streams, rivers, canals or other bodies of water shall be construed to follow such centerlines.
6. Boundaries indicated as parallel to or extensions of features indicated in SECTION 403.1 through 5 above shall be determined by the scale of the official Zoning Map.
7. Where physical or natural features existing on the ground are at variance with those shown on the official Zoning Map, or in other circumstances not covered by SECTION 403.1 through 6 above, the Zoning Board of Appeals shall interpret the district boundaries.
8. Insofar as some or all of the various districts may be indicated in the Zoning Map by patterns which, for the sake of map clarity, do not cover public rights-of-way it is intended that such district boundaries do extend to the center of any public right of-way.

SECTION 404. ZONING OF VACATED AREAS.

Whenever any street, alley or other public way, within the City of Gladwin shall be vacated, such street, alley or other public way or portion thereof, shall automatically be classified in the same zoning district as the property to which it attaches with the centerline of such public way the split for a change in zoning on the two sides.

SECTION 405. ZONING OF ANNEXED AREAS.

Wherever any area is annexed to the City of Gladwin it shall be automatically zoned R-1A until the City Council may officially change it.

SECTION 406. ZONING MAPS.

Zoning Districts are based on three maps required by the Michigan Zoning Enabling Act 110 of 2006, as amended and the Michigan Planning Enabling Act 33 of 2008, as may be amended. The Future Land Use Map and Zoning Plan Map are part of the Master Plan and included in that document's appendix.

1. **Zoning District Map:** The City of Gladwin Zoning Map is incorporated to this ordinance by reference. An official copy of the zoning map is available at Gladwin City Hall.

SECTION 407. SPECIFIC ZONING REGULATIONS.

The following tables describe permitted land and special land uses for each district. The following page contains the Dimensional Requirements for those land uses and also contains footnotes to further describe setback restrictions/allowances.

SECTION 408. TABLE OF USES.

City of Gladwin – Table of Uses Uses by Category (Key- P= Permitted Use S= Special Land Use)	Zoning Districts							
	R-1A	R-1B	R-O	R-M	MHD	C-1	C-2	MT
Residential Uses								
Apartments						P/S	P/S	
Bed & breakfast Operations	S	S	P	P		P	P	
Boarding Houses				P				
Foster Care Family Home	P	P	P	P				
Foster Care Family Group Home	P	P	P	P				
Home Occupation—Medical Marijuana Patient or Caregivers	P	P	P	P	P	P	P	
Home Occupations	P	P	P	P	P	P	P	
Manufactured Housing Developments					P			
Multiple Family Dwellings			S	P	P	S	S	
One- and Two-Family Dwellings, Existing						P	P	
One-Family Attached Dwellings		S	S	P		S		
One-Family Detached Dwellings	P	P	P	P		S	S	
Publicly Owned Parks, Parkways, and Recreational Facilities	P	P	P	P	P	P	P	
Planned Unit Development	S	S						
Two-Family Dwellings.	S	S	P	P	S			
Commercial Uses								
Automobile Gasoline Station							S	S
Automobile Service Facility							S	P
Automobile Wash							S	P
Banquet Hall						S	P	
Beauty Salon, Barbershop, or Tattoo Parlor						P	P	
Business Services			S			P	P	
Construction Equipment and Supply Stores								P
Drive-Through						S	S	
Dry Cleaner or Laundromat						P	P	
Dry Cleaning Plant								P
Financial Institution						P	P	
Funeral Home and Mortuary			S				S	
Greenhouses							P	P
Health Care Clinics			S			S	P	
Health Clubs and Rehabilitation Facilities.						P	P	

City of Gladwin – Table of Uses Uses by Category (Key- P= Permitted Use S= Special Land Use)	Zoning Districts							
	R-1A	R-1B	R-O	R-M	MHD	C-1	C-2	MT
Indoor Recreation						S	P	
Kennels								S
Medical, Dental, and Optical Laboratories						S	P	P
Motels			S			P	P	
Office Business			S			P	P	
Open-Air Businesses or Sales Lots							S	P
Outdoor Recreation Facilities						S	P	
Personal Service Establishments						P	P	
Planned Commercial or Shopping Centers						S	P	
Public Or Private Transportation Operations							S	S
Restaurants						P	P	
Restaurants, Outdoor Dining						P	P	
Retail Business						P	P	
Retail Business, Large						S	P	
Vehicle Dealers							P	
Veterinary Hospitals and Clinics			S				S	P
Industrial Uses								
Commercial Garages.							S	P
Contractor's Establishment							S	P
Distribution Center								P
Hazardous Materials Storage								S
Manufacturing Facilities								P
Mini-Warehouses.								P
Recycling Centers								P
Research Laboratories								P
Warehousing and Wholesale Establishments								P
Institutional Uses								
Homes for the Aged and Congregate Care Facilities	S	S	S	S		S	S	
Hospitals and Medical centers				S	S		S	
Nursing Homes	S	S	S	S		S	S	
Schools	P	P	P					
Trade Schools or Industrial Schools.								P

City of Gladwin – Table of Uses Uses by Category (Key- P= Permitted Use S= Special Land Use)	Zoning Districts							
	R-1A	R-1B	R-O	R-M	MHD	C-1	C-2	MT
Other Uses								
Accessory Buildings and Uses	P	P	P	P	P	P	P	P
Adult Foster Care Family Home	P	P	P	P				
Adult Foster Care Small Group Home (13-20)			S	S				
Adult Foster Care Small Group Home (7-12)		S	S					
Adult Foster Care Small Group Home (1-6)	P	P	P	P				
Airports and Landing Fields								S
Cemetery	S							
Child Care Centers		S	S			P	P	
Churches and Other Religious Facilities	S	S	S	S	S		S	
Commercial Solar Energy System								S
Community Center			S				P	
Family Child Care Homes	P	P	P	P				
Group Child Care Homes	S	S	S					
Marihuana Uses								
Outdoor Storage							S	S
Parking Lots or Parking Lot Areas			P					
Planned Unit and Mixed Use Developments	S	S				S		
Private Clubs							P	
Sexually-Oriented Businesses								S
Solar Energy Collector, Building Mounted	P	P	P	P	P	P	P	P
Solar Energy Collector, Ground Mounted	S	S		S				S
Temporary Use			P			P	P	P
Telecommunications Antennae						P	P	P
Telecommunications Towers						S	S	S
Theaters and Public Assembly Uses			S			P	P	
Utility Buildings, Structures and Storage	S	S	S	S				P
Wind Energy Conversion System (on-site)	S	S	S	S	S	S	S	S

SECTION 409. TABLE OF USE REQUIREMENTS.

City of Gladwin – Table of Use Requirements			
USE	DEFINITION	PARKING	DESIGN STANDARD
Residential Uses			
Apartments	One or more rooms with private bath and kitchen facilities comprising an independent self-contained dwelling unit located in a building containing other uses.	1 space per apartment unit.	<ol style="list-style-type: none"> 1. Apartments located on the first floor of a mixed-use building may be permitted by special land use if the apartment does not face any public right-of-way. 2. Apartments located on the second floor or above are permitted by-right in Commercial Districts. 3. The structure, access, and appurtenances shall all meet the requirements of Building Code.
Bed & Breakfast Operations	A use which is subordinate to the principal use of a dwelling unit as a single-family dwelling unit and a use in which transient guests are provided a sleeping room and board in return for payment.	1 space per guest room,	<ol style="list-style-type: none"> 1. Not more than seventy (70) percent of the total floor area shall be used for bed and breakfast rooms for rent. 2. There shall be no separate cooking facilities provided to bed and breakfast customers. 3. Occupancy by a guest shall be no more than seven (7) consecutive days. 4. Parking shall not be permitted within a required front yard.
Boarding Houses	A dwelling where meals, or lodging and meals, are provided for compensation and where 1 or more rooms are occupied by persons by prearrangement A boarding house is to be distinguished from a hotel, motel, bed and breakfast establishment, or a convalescent, nursing, or group home.	1 space per guest room.	<ol style="list-style-type: none"> 1. Occupancy by a guest shall be for no more than 1 month. 2. Parking shall not be permitted within a required front yard.

City of Gladwin – Table of Use Requirements

USE	DEFINITION	PARKING	DESIGN STANDARD
Foster Care Family Home	A private home in which 1 but not more than 4 minor children, who are not related to an adult member of the household by blood or marriage, or who are not placed in the household under the Michigan adoption code, chapter X of the probate code of 1939, 1939 PA 288, MCL 710.21 to 710.70, are given care and supervision for 24 hours a day, for 4 or more days a week, for 2 or more consecutive weeks, unattended by a parent, legal guardian, or legal custodian.	2 spaces	
Foster Care Group Home	A private home in which more than 4 but fewer than 7 minor children, who are not related to an adult member of the household by blood or marriage, or who are not placed in the household under the Michigan adoption code, chapter X of the probate code of 1939, 1939 PA 288, MCL 710.21 to 710.70, are provided care for 24 hours a day, for 4 or more days a week, for 2 or more consecutive weeks, unattended by a parent, legal guardian, or legal custodian.	2 spaces	
Home Occupation	An accessory use of a dwelling that constitutes either entirely or partly, the livelihood of a person living in the dwelling.		See SECTION 306

City of Gladwin – Table of Use Requirements

USE	DEFINITION	PARKING	DESIGN STANDARD
Home Occupation, Medical Marijuana	The accessory use of a dwelling by a patient or a caregiver under the Medical Marihuana Act, whether for remuneration or not. No business or commercial operation that sells or includes marijuana as a portion of its inventory shall be considered as a home occupation.		See SECTION 308
Manufactured Housing Developments	A parcel of land which has been planned and improved for the placement of mobile homes for residential use, as licensed by the Michigan Manufactured Housing Commission.	As required by the Michigan Manufactured Housing Commission.	
Multiple Family Dwellings	A building containing three (3) or more dwelling units designed for residential use and conforming in all other respects to the standards set forth for one-family dwellings.	2 spaces per dwelling unit Bicycle parking facilities are encouraged	Unless a building is part of an adaptive re-use or on a site that must accommodate unique constraints like steep slopes, when located in the R-O District, Multiple Family Dwellings shall meet the following standards: 1. Building fronts shall have entrances and windows and face a public street. 2. Parking areas shall not be located in the front yard of new multi-family buildings, and must be effectively screened via landscaping, fencing, and/or walls from adjacent uses. 3. Each elevation that faces a street shall consist of a minimum of 60 percent masonry, excluding windows. Masonry includes standard size brick, cultured stone, and architectural pre-cast concrete. The balance of the elevations may be constructed of wood siding, fiber cement siding, stucco, wood shingle or other natural materials.

City of Gladwin – Table of Use Requirements

USE	DEFINITION	PARKING	DESIGN STANDARD
One- And Two-Family Dwellings, Existing	A one- or two-family dwelling existing as of the date of adoption of this ordinance.	2 spaces per dwelling unit.	Existing one- and two-family dwellings are permitted by-right in the C-2 district and the buildings may be repaired, renovated, or expanded consistent with any other permitted use.
One-Family Attached Dwellings	A one-family dwelling unit, with a private entrance, which is part of a structure whose dwelling units are attached horizontally in a linear arrangement, and having a totally exposed front and rear wall to be used for access, light, and ventilation.	1.5 spaces per dwelling unit	
One-Family Detached Dwellings	A building designed exclusively for 1 family for residential use.	2 spaces per dwelling unit.	
Publicly Owned Parks, Parkways, And Recreational Facilities	A public or private area of land, with or without buildings, intended for outdoor active or passive recreational uses owned by the City of Gladwin or another governmental unit or agency.	Parking may be required by the Planning Commission during site plan review.	
Two-Family Dwellings	A building containing 2 separate dwelling units designed for residential use and conforming in all other respects to the standards set forth for one-family dwellings.	1.5 spaces per dwelling unit.	<ol style="list-style-type: none"> 1. At least one dwelling entrance must face the public right-of-way. For corner lots, it is preferable to have one entrance face each right-of-way. 2. Parking must be located in the side or rear yard. 3. Exterior materials should be consistent with those utilized on other dwellings in the surrounding neighborhood.

City of Gladwin – Table of Use Requirements

USE	DEFINITION	PARKING	DESIGN STANDARD
Commercial Uses			
Automobile Gasoline Stations.	A place for the dispensing, sale or offering for sale of motor fuels directly to users of motor vehicles, together with the sale of minor accessories for motor vehicles. They may also include a fast food restaurant and convenience store operation or automobile service station.	1 space per 300 square feet of retail floor space.	<ol style="list-style-type: none"> 1. The curb cuts shall not be permitted at such location that will create traffic hazards in the adjacent streets. Entrances shall be no less than 25 feet from an intersection or the road right-of-way or from adjacent property lines. 2. The minimum lot area shall be 15,000 square feet and so arranged that ample space is available for motor vehicles that are waiting. 3. Facilities which are solely intended for the sale of gasoline, fuel, oil, and minor accessories and have no facilities for repair or servicing of automobiles (including lubricating facilities) may be permitted on lots of 10,000 square feet. 4. A 10-foot landscaped greenbelt shall be provided along all street frontages. See Chapter 8.
Automobile Service Facility	<p>The repair, or servicing of automobiles, but not including bumping, painting, refinishing, engine overhauling, steam cleaning or rust-proofing.</p> <p>Examples include quick oil change facilities, muffler and brake replacement facilities and tire repair and replacement facilities.</p>	<p>1 space per seat in the waiting room</p> <p>1 space per employee on the largest working shift</p> <p>1 space per vehicle repair bay</p>	<ol style="list-style-type: none"> 1. The curb cuts for access to a service station shall not be permitted at such location that will create traffic hazards in the adjacent streets. Entrances shall be no less than 25 feet from an intersection or the road right-of-way or from adjacent property lines. 2. The minimum lot area shall be 15,000 square feet and so arranged that ample space is available for motor vehicles that are waiting. 3. Tow trucks (wreckers) and vehicles under repair shall not be permitted in the front yard and shall have an 8-foot wall screening them from view from any residential districts along the side or rear yards. 4. The parking of vehicles on site shall be limited to those which may be serviced within a 24-hour period. 5. A 10-foot landscaped greenbelt shall be provided along all street frontages. See Chapter 8.

City of Gladwin – Table of Use Requirements

USE	DEFINITION	PARKING	DESIGN STANDARD
Automobile Wash	An area of land and/or structure with machine or hand-operated facilities used principally for the cleaning, washing, polishing, or waxing of motor vehicles.	1 space for each employee on the largest shift.	<ol style="list-style-type: none"> 1. The curb cuts shall not be permitted at such location that will create traffic hazards in the adjacent streets. Entrances shall be no less than 25 feet from an intersection or the road right-of-way or from adjacent property lines. 2. The minimum lot area shall be fifteen 15,000 square feet and so arranged that ample space is available for motor vehicles that are waiting. 3. A 10-foot landscaped greenbelt shall be provided along all street frontages. See Chapter 8. 4. If the wash includes a drive-through, reference those standards contained in this table.
Banquet Hall	An establishment which is rented by individuals or groups to accommodate private functions including, but not limited to, banquets, weddings, anniversaries and other similar celebrations. Such a use may or may not include: 1) kitchen facilities for the preparation or catering of food; 2) the sale of alcoholic beverages for on-premises consumption; and 3) outdoor gardens or reception facilities.	1 space per 3 persons allowed within the maximum occupancy load as established by local, county, or state fire, building, or health codes.	<ol style="list-style-type: none"> 1. The sale of alcoholic beverages or food service should occur only during scheduled events and not be open to the general public. If a restaurant is included as part of the facility, it will be considered separately. 2. Outdoor areas for receptions or events shall be screened from adjacent uses, reference Chapter 8. 3. Outdoor areas for receptions or events minimum of 100 feet from any residential zoning district or use. 5. No music or noise should be audible at property lines.
Beauty Salon, Barbershop, or Tattoo Parlor	Any establishment where cosmetology, barber, or tattooing services are provided including hair care, nail care, and skin care on a regular basis for compensation.	3 spaces for the first 2 beauty, barber, or tattoo chairs, and 1.5 spaces for each additional chair.	
Business Services.	Computer operations, photocopying, faxes, printing, and similar service establishments.	1 space per 250 square feet of usable floor space.	

City of Gladwin – Table of Use Requirements

USE	DEFINITION	PARKING	DESIGN STANDARD
Construction Equipment and Supply Stores.	Lumber yards, sand, gravel, stone, and other similar uses.	1 space per 350 square feet of usable floor area.	
Drive-Through	A business establishment so developed that its retail or service character is dependent on providing a driveway approach for motor vehicles so as to serve patrons while in the motor vehicle, or within a building on the same premises and devoted to the same purpose as the drive-through service.	See SECTION 314	See SECTION 314.
Dry Cleaner or Laundromat	An establishment which launders or dry cleans articles dropped off on the premises directly by the customer or where articles are dropped off, sorted, and picked up but where laundering or cleaning is done elsewhere.	1 space for each 3 washing and dry cleaning machines.	
Dry-Cleaning Plant	A building, portion of a building, or premises for cleaning fabrics, textiles, clothing, or articles of any sort by immersion and agitation, or by immersions only, in volatile solvents that serves multiple dry-cleaning facilities.	1 space for each employee on the largest working shift.	
Financial Institution	Banks, credit unions, savings & loans, financial advisors, and similar uses.	1 space per 300 square feet of usable floor space.	Drive-through facilities subject to separate design standards.

City of Gladwin – Table of Use Requirements

USE	DEFINITION	PARKING	DESIGN STANDARD
Funeral home and mortuary	A building used for the preparation of the deceased for burial and the display of the deceased and ceremonies connected therewith before burial or cremation.	1 space per 3 persons allowed within the maximum occupancy load as established by local, county, or state fire, building, or health codes.	
Greenhouses	Buildings used for the growing of plants, all, or part of which are sold at retail or wholesale.	1 space per 500 square feet of usable floor area.	
Health Care Clinics	An establishment where human patients who are not lodged overnight are admitted for examination and treatment by one or more physicians, dentists, other health care professionals, or similar professions.	1 space for each seat in waiting rooms 1 space for each exam room, dental chair, or similar patient-care facility.	If located in a district that requires a Special Land Use, the following requirements shall be met: 1. A 6-foot-high opaque border fence shall be required along any residential property at the rear lot line and side lot lines except in the front yard.

City of Gladwin – Table of Use Requirements

USE	DEFINITION	PARKING	DESIGN STANDARD
Health Clubs and Rehabilitation Facilities.	A place or building where passive or active exercises and related activities are performed for the purpose of physical fitness, improved circulation or flexibility, physical rehabilitation, and/or weight control.	1 space for each 3 persons allowed within the maximum occupancy load 1 space per employee on the largest working shift.	Any activities to be conducted outside require a special land use permit. See Chapter 9.
Indoor Recreation	Bowling alley, billiard hall, indoor archery range, arcades, indoor skating rink, or similar use, which may also include restaurant and other associated uses.	1 space for each 3 persons allowed within the maximum occupancy load as established by local, county, or state fire, building, or health codes.	The boundaries of the property on which the use is located must be at least 100 feet from any residential zoning district.
Kennels	Any lot or premises on which three (3) or more dogs, cats or other household pets are either permanently or temporarily boarded for remuneration. May include areas for outdoor runs or areas for animals.	1 space for each employee on the largest working shift 3 spaces	The boundaries of the parcel on which the kennel is located must be at least 100 feet from any residential district or residential use.
Medical, Dental & Optical Laboratories	Facilities providing testing services or fabricating such devices as artificial limbs, teeth, eyeglasses, or similar products.	1 space for each employee on the largest working shift.	If located in a district that requires a Special Land Use, the following requirements shall be met: 1. A 6-foot-high opaque border fence shall be required along any residential property at the rear lot line and side lot lines except in the front yard.

City of Gladwin – Table of Use Requirements

USE	DEFINITION	PARKING	DESIGN STANDARD
Motels	An establishment or building(s) providing bedrooms and baths, and which offers one or more of the following services; maid service, furnishing of linen, telephone, secretarial, or desk service, bellboy service, and usually food, for the accommodation of travelers or other transient guests.	1 space for each occupancy unit plus 1 space for each employee on the largest working shift.	<ol style="list-style-type: none"> 1. Units for temporary residency shall be a minimum of 250 square feet 2. Units shall not be occupied for more than 30 consecutive days by any occupant. 3. Shall not create any conflicts with adjacent uses or have an adverse impact on traffic flow.
Office Business	Executive, administrative, or professional services including, but not limited to offices of a lawyer, accountant, insurance/real estate agent, architect, engineer, and similar uses.	1 space per 400 square feet of usable floor area, but not less than 3 spaces.	<p>The following requirements for a Special Land Use Permit shall be met:</p> <ol style="list-style-type: none"> 1. A six 6-foot-high opaque border shall be required along any residential property at the rear lot line and side lot lines except in the front yard.

City of Gladwin – Table of Use Requirements

USE	DEFINITION	PARKING	DESIGN STANDARD
Open-Air Businesses or Sales Lots	Any business when said business is not conducted from a wholly enclosed building, including plant sales, sales of outdoor furniture, storage buildings, playground equipment, and other similar uses This does not include vehicle sales.	<p>1 space per 500 square feet of outdoor display, sales, and storage area</p> <p>1 space per 200 square feet of usable floor area of indoor space</p> <p>1 space per employee on the largest working shift.</p>	<ol style="list-style-type: none"> 1. Only sales by the resident business occupying the site are permitted. 2. The outdoor sales/display area may not occupy a street right-of-way, required parking, loading, driveway or landscape area, and shall not result in hazards for vehicles or pedestrians, and shall be shown on an approved site plan. 3. All outdoor lighting shall be shielded from projecting onto or into an adjoining residential district and shall not interfere with driver visibility on a public right-of-way. 4. On all sides of the lot adjacent to a residential district, there shall be provided a buffer wall or fence, consistent with SECTION 804. 5. There shall be no strings of flags, pennants or bare light bulbs permitted. 6. No merchandise for sale shall be displayed within any required setback area. 7. There shall be no broadcast of continuous music or announcements over any loudspeaker or public address system. 8. Resident businesses may conduct outdoor sales of products not customarily sold by the business without prior site plan approval for the two weeks prior to and including the following holidays or events: Independence Day, Halloween, and Christmas.
Outdoor Recreation Facilities	Recreational uses conducted almost wholly outdoors, including golf driving ranges (not associated with a golf course), miniature golf, water parks, amusement parks, and similar uses.	Determined during site plan review by the Planning Commission based on analysis by the applicant.	<ol style="list-style-type: none"> 1. All outdoor lighting shall be shielded from projecting onto or into an adjoining residential district and shall not interfere with driver visibility on a public right-of-way. 2. There shall be no broadcast of continuous music or announcements over any loudspeaker or public address system. 3. On all sides of the lot adjacent to a residential district, there shall be provided a buffer wall or fence, consistent with SECTION 804.

City of Gladwin – Table of Use Requirements

USE	DEFINITION	PARKING	DESIGN STANDARD
Personal Service Establishments	Businesses that perform on-premises services such as, but not limited to, repair shops for appliances, tailors, photographic studios, shoe repair, and other similar services.	1 space per 300 square feet of usable floor area.	
Planned Commercial or Shopping Center	A group of commercial establishments planned, constructed, and managed as a total entity with customer and employee parking provided on-site, with provision for goods delivery separated from customer access, aesthetic considerations and oftentimes protection from the elements.	Calculated separately for each use on site. A total reduction of 25% of parking requirements may be granted by the planning commission with documentation of parking demand by the applicant.	A 6-foot-high opaque border fence shall be required along any residential property at the rear lot line and side lot lines except in the front yard.
Public or Private Transportation Operations	Bus terminals or automotive support activities.	1 per employee on largest working shift. Additional spaces as required to provide for passenger transfers.	<ol style="list-style-type: none"> 1. The boundaries of the property on which the use is located must be at least 100 feet from any residential zoning district. 2. Parking and transfer areas must be screened from adjacent land uses. 3. Effective connections must be made to sidewalks and other nearby pedestrian facilities.

City of Gladwin – Table of Use Requirements

USE	DEFINITION	PARKING	DESIGN STANDARD
Restaurants	Any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state, and whose design or principal method of operation includes the consumption of food on or off the premises.	1 for each 3 customer seats 1 space per employee on the largest working shift	See SECTION 314 for Drive-Through standards.
Restaurants, Outdoor Dining	Outdoor food service provided as an accessory use to a restaurant use.	1 for every 3 customer seats Note, there is no parking requirement in the C-1 district. See SECTION 701.	See SECTION 320.
Retail Business	A business whose principal activity is the sale of merchandise in an enclosed building such as, but not limited to, groceries, meats, dairy products, baked goods, other foods, drugs, dry goods, clothing, notions and/or hardware.	1 space per 300 square feet of usable floor space.	
Retail Business, Large	A business with over 40,000 square feet of total floor area, whose principal activity is the sale of merchandise in an enclosed building such as, but not limited to, groceries, meats, dairy products, baked goods, other foods, drugs, dry goods, clothing, notions and/or hardware.	1 space per 350 square feet of usable floor space.	

City of Gladwin – Table of Use Requirements

USE	DEFINITION	PARKING	DESIGN STANDARD
Vehicle Dealers	Storage and display for sale of more than two motor vehicles with outdoor sales space and repair facilities for sale of new or used autos, trucks, house trailers, recreational vehicles, rental trucks or trailers or any similar use.	<p>1 space per 300 square feet of usable floor area</p> <p>1 space per employee on the largest working shift</p> <p>Parking spaces for employees and customers shall be clearly demarcated from parking spaces for display of vehicles</p>	<ol style="list-style-type: none"> 1. The parking area shall be provided with a permanent, durable, and dustless surface and shall be graded and drained as to dispose of all surface water accumulated within the area. <ol style="list-style-type: none"> a. Driveway access to the outdoor sales area shall be at least 60 feet from the nearest street intersection. b. Any servicing of vehicles including major motor repair and refinishing shall be subject to the requirements of the applicable use in this table (see Automobile Service Facilities and Commercial Garage). 2. All exterior lighting shall be shielded from adjacent residential districts.
Veterinary Hospitals and Clinics	An establishment where animal patients are admitted for examinations and treatment by a group of veterinarians, or similar professionals.	<p>1 space for each seat in waiting rooms</p> <p>1 space for each exam room or similar patient-care facility.</p>	<p>If a facility for overnight boarding of animals is included within the veterinary clinic or hospital, the parcel on which it is located shall not abut any residential zoning district or residential use.</p> <p>Outdoor runs or facilities for animals to rehabilitate outdoors are prohibited. See Kennel.</p> <p>If located in a district that requires a special land use, the following requirements for a Special Land Use Permit shall be met:</p> <ol style="list-style-type: none"> 1. A 6-foot opaque border fence shall be required along any residential property at the rear lot line and side lot lines except in the front yard.

City of Gladwin – Table of Use Requirements

USE	DEFINITION	PARKING	DESIGN STANDARD
Industrial Uses			
Commercial Garages.	The general repair, engine rebuilding, rebuilding, or reconditioning of motor vehicles; collision service, such as body, frame, or fender straightening and repair; overall painting and undercoating of automobiles.	1 space per seat in the waiting room 1 space per employee on the largest working shift 1 space per vehicle repair bay	1. Parking or storage of inoperable vehicles shall be completely surrounded by an opaque fence of not less than six (6) feet in height. 2. All equipment including hydraulic hoist, pits, and oil lubrication, greasing and automobile washing, repairing equipment and body repair shall be entirely enclosed within a building. There shall be no outdoor storage of merchandise such as tires, lubricants, and other accessory equipment. 3. All vehicles upon which work is performed shall be located entirely within a building. 4. There shall be no releasing of hazardous gases, liquids, or materials in any form into the atmosphere, the water or sewer systems of the City of Gladwin or on, or into the earth and further.
Contractor's Establishment	An establishment used for the repair, maintenance, or storage of a contractor's vehicles, equipment, or materials.	1 space per employee on the largest shift	If outdoor storage is included, see associated design standards.
Distribution Center	A use where goods are received and/or stored for delivery to the ultimate customer at remote locations.	5 spaces 1 space per employee on the largest working shift	1. Must provide a landscaped buffer to adjacent residential uses consistent with SECTION 801.3.b.. 2. Parking spaces on site shall also be provided for all construction workers during periods of plant construction.

City of Gladwin – Table of Use Requirements

USE	DEFINITION	PARKING	DESIGN STANDARD
Hazardous Materials Storage	Long-term storage of materials that, because of quantity, concentration, or physical, chemical, or infectious characteristics, may: (1) cause or significantly contribute to an increase in mortality or increase in serious irreversible or incapacitating reversible illness; or (2) pose a substantial present or potential hazard when improperly treated, stored, transported, disposed of, or otherwise managed.		See SECTION 508..
Manufacturing Facilities	The processing, packaging or treatment of durable goods, foodstuffs, cosmetics, over the counter and prescription pharmaceuticals and other parts assembly or consumer products.	1 space for each employee on the largest working shift 3 spaces	
Mini-Warehouses	A facility consisting of a building or a group of buildings in a controlled-access compound, where individual stalls or lockers are rented out to different tenants for the dead storage of customers' goods and wares.	1 space per 3,000 square feet of building area	See SECTION 321.

City of Gladwin – Table of Use Requirements

USE	DEFINITION	PARKING	DESIGN STANDARD
Recycling Operations.	A facility where recyclable materials, such as newspapers, magazines, books, and other paper products, glass, metal cans, and other products are recycled, reprocessed, and treated in order to return such products to a condition where they may be reused.	5 spaces 1 space per employee on the largest working shift	<ol style="list-style-type: none"> 1. All such operations shall consist of the collection of clean, dry materials only and exclude processing of said materials. 2. No outside storage of recyclable materials shall be allowed. 3. Any equipment utilized to collect or store materials be obscured by a screening wall abutting any residential use or any district other than Industrial, if deemed necessary by the Planning Commission. 4. No noxious or malodorous gases or noise produced by such activity be allowed to escape into the atmosphere in concentrations which are offensive, which produces a public nuisance or hazard on any adjoining lots or property, or which could be detrimental to human, plant, or animal life. 5. The hours of operation shall be established to avoid interference with common sleep periods.
Research Laboratories	A building or group of buildings in which are located facilities for scientific research, investigation, testing, or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.	3 spaces plus 1 space for every employee on the largest working shift, or 3 spaces plus 1 space for every 500 square feet of usable floor area, whichever is greater.	

City of Gladwin – Table of Use Requirements

USE	DEFINITION	PARKING	DESIGN STANDARD
Warehousing And Wholesale Establishments	A use engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment.	5 spaces 1 space per employee on the largest working shift	<ol style="list-style-type: none"> 1. Must provide a landscaped buffer to adjacent residential uses consistent with SECTION 801.3.b. 2. Parking spaces on site shall also be provided for all construction workers during periods of plant construction.
Institutional Uses			
Homes for the Aged and Congregate Care Facilities	A supervised personal care facility, which provides room, board, and supervised personal care to unrelated, non-transient, individuals 60 years of age or older. The facility may include medical facilities or care. Housing shall typically consist of multiple-family dwellings, or one-family attached dwellings, but may include detached dwelling units as part of a wholly owned and managed senior project.	1 space per 4 residents or patients	<ol style="list-style-type: none"> 1. Parking areas and buildings shall be at least 40 feet from any property or right-of-way line. 2. A 10-foot landscaped buffer area shall be provided on all lot lines abutting a residential zoning district or use.
Hospitals And Medical Centers	A facility or institution, whether public or private, principally engaged in providing services for health maintenance, diagnosis and treatment of human disease, pain, injury, or physical condition allowing overnight stay, including, but not limited to, a general hospital, special hospital, mental hospital, public health center, diagnostic center, treatment center, rehabilitation center, extended care facility, chronic disease hospital, or maternity hospital.	1 space per 2 patient beds	<p>The following requirements shall be part of any site plan:</p> <ol style="list-style-type: none"> 1. The minimum distance of any principal or accessory building from property lines or street rights-of-way shall be at a least 50 feet. 2. Ambulance and delivery areas shall be obscured from all residential views with an obscuring wall or fence 6 feet in height. 3. The facility shall be developed on a site of at least 3 acres. 4. A 10-foot landscaped buffer area shall be provided on all lot lines abutting a residential zoning district or use.

City of Gladwin – Table of Use Requirements

USE	DEFINITION	PARKING	DESIGN STANDARD
Nursing Homes	A facility that provides nursing services and custodial care on a 24-hour basis for three or more unrelated individuals who for reasons of illness, physical infirmity, or advanced age, require such services.	1 space per 4 patient beds	<ol style="list-style-type: none"> 1. The minimum lot size shall be 3 acres. 2. Parking areas and buildings shall be at least 40 feet from any property or right-of-way line. 3. A 10-foot landscaped buffer area shall be provided on all lot lines abutting a residential zoning district or use.
Schools	An institution providing full time instruction and including accessory facilities traditionally associated with a program of study which meets the requirements of the laws of the state.	Determined during site plan review by the Planning Commission based on analysis by the applicant.	<p>Public schools are exempt from municipal zoning, but private or parochial schools must conform to local zoning requirements.</p> <ol style="list-style-type: none"> 1. Additional uses on the site, including sports stadiums, event centers, and other uses must conform with the relevant parking and design standards for the respective use. 2. Playgrounds and other outdoor activity areas must be entirely surrounded by fencing, consistent with the requirements of SECTION 312.
Trade Schools or Industrial Schools.	A school established to provide for the teaching of industrial, clerical, managerial, or artistic skills and that does not provide for a complete educational curriculum.	1 space per 4 students enrolled	

City of Gladwin – Table of Use Requirements

USE	DEFINITION	PARKING	DESIGN STANDARD
Other Uses			
Accessory Buildings and Uses	<p>Accessory Building: A building or portion of a building subordinate to a main building on the same lot occupied by, or devoted exclusively to, an accessory use.</p> <p>Accessory Use: A structure or use that: a) is clearly incidental to and customarily found in connection with a principal building or use; b) is subordinate to and serves a principal building or a principal use; c) is subordinate in area, extent, or purpose to the principal building or principal use served; d) contributes to the comfort, convenience, or necessity of occupants, business or industry in the principal building or principal use served; and e) is located on the same lot as the principal building or use served.</p>		See SECTION 305.
Adult Foster Care Family Home	<p>A private residence that is licensed by the State of Michigan pursuant to Public Act 218 of 1979 and with an approved capacity of not more than 6 to be provided supervision, personal care, and protection in addition to room and board, for 24 hours a day, 5 or more days a week, and for 2 or more consecutive weeks for compensation. The adult foster care family home licensee must be a member of the household and an occupant of the residence.</p>	2 spaces	

City of Gladwin – Table of Use Requirements

USE	DEFINITION	PARKING	DESIGN STANDARD
Adult Foster Care Large Group Home (13-20)	A structure constructed for residential purposes that is licensed by the State of Michigan pursuant to Public Act 218 of 1979 and with an approved capacity to receive at least 13 but not more than 20 adults to be provided supervision, personal care, and protection in addition to room and board, for 24 hours a day, 5 or more days a week, and for 2 or more consecutive weeks for compensation.	6 spaces	
Adult Foster Care Small Group Home (7-12)	A structure constructed for residential purposes that is licensed by the State of Michigan pursuant to Public Act 218 of 1979 and with an approved capacity to receive at least 7 but not more than 12 adults to be provided supervision, personal care, and protection in addition to room and board, for 24 hours a day, 5 or more days a week, and for 2 or more consecutive weeks for compensation.	4 spaces	=
Adult Foster Care Small Group Home (1-6)	A structure constructed for residential purposes that is licensed by the State of Michigan pursuant to Public Act 218 of 1979 and with an approved capacity to receive not more than 6 adults to be provided supervision, personal care, and protection in addition to room and board, for 24 hours a day, 5 or more days a week, and for 2 or more consecutive weeks for compensation.	2 spaces	

City of Gladwin – Table of Use Requirements

USE	DEFINITION	PARKING	DESIGN STANDARD
Airports And Landing Fields.	<p>An airport licensed by the Michigan Department of Transportation, Bureau of Aeronautics under Section 86 of the Aeronautics Code of the State of Michigan 1945 PA</p> <p>327, MCL 259.86.</p>	<p>Determined during site plan review by the Planning Commission based on analysis by the applicant.</p>	<ol style="list-style-type: none"> 1. The airport shall be licensed by the Michigan Department of Transportation Bureau of Aeronautics under Section 86 of the Aeronautics code of the State of Michigan 1945, PA 327/ MCL 259.86. 2. The City of Gladwin shall have an Airport Approach Plan or Airport Layout Plan under Section 151 of the Aeronautics Code of the State of Michigan, PA 327, MCL 259.151 and such plan shall be required as part of the criteria for the Special Land Use Permit. 3. Airport Special Use Permit regulations shall meet the requirements of the Airport Zoning Act, 1959 PA 23, MCL 259.465.
Cemetery	<p>Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes including, crematoriums, mausoleums, and funeral establishments, when operated in conjunction with and within the boundary of such cemetery.</p>	<p>1 space per employee on the largest working shift.</p> <p>For funeral establishments and other areas for indoor gathering, 1 space per 3 persons allowed within the maximum occupancy load as established by local, county, or state fire, building, or health codes.</p>	<p>Cemeteries shall be established in compliance with Public Act 368 of 1978, as amended, Public Act 87 of 1855, as amended, and other applicable state laws.</p>

City of Gladwin – Table of Use Requirements

USE	DEFINITION	PARKING	DESIGN STANDARD
Child Care Center	A facility other than a private residence in which one or more minor children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian. Group day care centers do not include a Sunday school, vacation bible school, or religious instructional class or a program that supervises children participating in a specific subject matter, artistic or recreational activity for less than 3 hours per day.	2 spaces 1 space per 4 children of licensed capacity	Proof of state license required.
Churches and Other Religious Facilities	A building, together with its accessory buildings and use, where persons regularly assemble for religious purposes and related social events, and which is maintained and controlled by a religious body organized to sustain religious ceremonies and purposes.	1 space per 3 persons allowed within the maximum occupancy load as established by local, county, or state fire, building, or health codes.	<ol style="list-style-type: none"> 1. These uses shall be conducted completely within enclosed buildings. 2. If parking in a City lot is available and if the use is predominantly after peak commercial hours, said parking spaces may be counted as necessary parking. If the facility is being used predominantly during peak commercial times or if the facility is located outside of the C-1 Central Business District, then it must provide all of its own parking.

City of Gladwin – Table of Use Requirements

USE	DEFINITION	PARKING	DESIGN STANDARD
Commercial Solar Energy System	A utility-scale facility of solar energy collectors with the primary purpose of wholesale or retail sales of generated electricity. Commonly referred to as solar farms.		<ol style="list-style-type: none"> 1. Any solar energy collector or associated equipment to operate the commercial solar energy system shall be set back at least 100 feet from any residential zoning district or use. 2. A full landscape buffer and berm shall be erected on all sides of the project adjacent to a commercial or residential use. See SECTION 801.3. 3. As part of site plan review, a decommissioning plan shall be provided for review by the Planning Commission to ensure that structures and appurtenances are properly decommissioned upon the end of their operational life, inoperability, or abandonment. The financial resources for decommissioning shall be 125 percent of the estimated removal and restoration cost, including the cost of inflation over the lifetime of the project.
Community Center	A place, structure, area, or other facility used for and providing religious, fraternal, social, or recreational programs generally open to the public and designed to accommodate and serve significant segments of the community.	1 space per 4 persons allowed in building based on Fire Code rules	
Family Child Care Home	A private dwelling in which 1 to 6 minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family day care homes include homes that give care to an unrelated minor child for more than four weeks during a calendar year	2 spaces	Proof of state license required.

City of Gladwin – Table of Use Requirements

USE	DEFINITION	PARKING	DESIGN STANDARD
Group Child Care Home	A private dwelling in which 7 to 12 minor children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group day care home includes a home that gives care to an unrelated minor child for more than four weeks during a calendar year.	2 spaces 1 space per 4 children of licensed capacity	<ol style="list-style-type: none"> 1. Proof of state license required. 2. Is located not closer than 500 feet to any of the following: <ol style="list-style-type: none"> a. Another licensed group child care home. b. An adult foster care small group home or large group home licensed under the adult foster care facility licensing act, 1979 PA 218, MCL 400.701 to 400.737. c. A facility offering substance abuse treatment and rehabilitation service to 7 or more people licensed under article 6 of the public health code, 1978 PA 368, MCL 333.6101 to 333.6523. d. A community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the department of corrections. 3. Has appropriate fencing for the safety of the children in the group child care home 4. Maintains the property consistent with the visible characteristics of the neighborhood. 5. Does not exceed 16 hours of operation during a 24-hour period.
Marihuana Uses	Uses authorized under the Medical Marihuana Licensing Act or the Michigan Regulation and Taxation of Marihuana Act		These uses are prohibited in the City of Gladwin until such time as the City Council approves licensing of such uses.
Outdoor Storage	The storage of any material for a period greater than 48 hours, including items for sale, lease, processing, and repair (including vehicles) not in an enclosed building.		Must be screened from public right-of-way and any residential zoning district or use by a 6-foot-high fence, wall, or landscaping buffer consistent with SECTION 801.3 or SECTION 804.

City of Gladwin – Table of Use Requirements

USE	DEFINITION	PARKING	DESIGN STANDARD
Parking Lots or Parking Lot Areas	A parcel which is used for the storage of motor vehicles, which is not accessory to any other use on the same or any other lot, and which contains parking space available to the general public or reserved for individuals by the hour, day, week, or month.		Must adhere to the requirements in SECTION 803.
Planned Unit and Mixed Use Developments	<p>Planned Unit Development: A residential development planned and developed as a unit under unified control, developed according to comprehensive and detailed plans, including a program providing for continual maintenance and operation of such improvements, facilities and service which will be for common use of the occupants of the Planned Unit Development (PUD). Provisions for a PUD will be the same for Mixed Use Developments according to the district of use.</p> <p>Mixed Use Development: An integrated pattern of development including dwellings, schools, churches and/or neighborhood commercial developed as a unit, under unified control, and developed according to comprehensive and detailed plans. This includes a program for continued maintenance, operation of the improvements. The Mixed Use Development will focus on utilizing unique land development and providing a strong pattern of vehicular, mass transportation, pedestrian, and non-motorized means of transportation.</p>	<p>Parking must comply with all uses within the Planned Unit Development area.</p> <p>The Planning Commission may grant a reduction of parking requirements based on shared parking within the development between complimentary uses.</p>	<p>Minimum Size Requirement: The City of Gladwin Planning Commission may approve Planned Unit Developments that include only residential uses for a site of at least 3 acres in area.</p> <p>A Mixed Use Development shall be at least 6 acres in area.</p> <p>See Chapter 10.</p>

City of Gladwin – Table of Use Requirements

USE	DEFINITION	PARKING	DESIGN STANDARD
Private Clubs	An organization and its premises catering exclusively to members and their guests for social, intellectual, recreational, or athletic purposes that are conducted for profit; includes, fraternal organizations and lodge halls.	1 space per 3 persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes.	<p>1. These uses shall be conducted completely within enclosed buildings.</p> <p>2. If parking in a City lot is available and if the use is predominantly after peak commercial hours, said parking spaces may be counted as necessary parking.</p> <p>3. If the facility is being used predominantly during peak commercial times or if the facility is located outside of the C-1 Central Business District, then it must provide all of its own parking.</p>
Sexually-Oriented Business	Any use of land, whether vacant or combined with structures or vehicles thereon by which said property is devoted to displaying or exhibiting material for entertainment, a significant portion of which includes matter or actions depicting, describing or presenting Specified Sexual Activities or Specified Anatomical Areas.	1 space per 300 square feet of usable floor area	See SECTION 322.
Solar Energy Collector	A panel or panels and/or other devices or equipment, or any combination thereof, that collect, store, distribute, and/or transform solar, radiant energy into electrical, thermal, or chemical energy for the purpose of generating electric power or other form of generated energy for use in or associated with a principal land use on the parcel of land on which the solar energy collector is located and, if permitted, for the sale and distribution of excess available electricity to an authorized public utility for distribution to other lands.		

City of Gladwin – Table of Use Requirements

USE	DEFINITION	PARKING	DESIGN STANDARD
Solar Energy Collector, Building Mounted	A solar energy collector attached to the roof or wall of a building, or which serves as the roof, wall, window, or other element, in whole or in part, of a building.		<ol style="list-style-type: none"> 1. A building mounted solar energy collector shall not extend more than four (4') feet above the surface to which it is affixed. 2. No solar energy collector may protrude beyond the edge of the roof. 3. A building permit and electrical permit shall be required for installation of building-mounted solar energy collectors. 4. All other accessory structure standards apply.
Solar Energy Collector, Ground Mounted	A solar energy collector that is not attached to and is separate from any building on the parcel of land on which the solar energy collector is located.		<ol style="list-style-type: none"> 1. A building permit and electrical permit shall be required for installation of ground-mounted solar energy collectors. 2. Ground mounted solar energy collectors shall not exceed 6 feet in height. 3. All other accessory structure standards apply.
Telecommunications Antennae	Any exterior transmitting or receiving device mounted on a tower, building or alternative tower structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies, radar signals, wireless communications signals, or other communication signals.		<p>Subject to the same requirements as other accessory structures.</p> <p>Shall be removed within 6 months of the time at which the antennae is no longer functioning.</p>
Telecommunications Towers	A tower, pole, or similar structure that supports a telecommunications antenna operated for commercial purpose above ground in a fixed location, freestanding, guyed, or on a building or other structures.	1 space	See SECTION 323.

City of Gladwin – Table of Use Requirements

USE	DEFINITION	PARKING	DESIGN STANDARD
Temporary Uses	A use established for a fixed period of time, with the intent to discontinue such use upon the expiration of such time, which does not involve the construction or alteration of any permanent structure.		See SECTION 319.
Theaters and Public Assembly Uses	An outdoor or indoor area, building, part of a building, structure, or defined area utilized primarily showing motion pictures, or for dramatic, dance, musical, or other live performances. Such establishments may include related services such as food and beverage sales and other concessions, including theaters, concert halls, auditoriums, and similar uses.	1 space per 3 persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes.	<ol style="list-style-type: none"> 1. If parking in a City lot is available and if the use is predominantly after peak commercial hours, said parking spaces may be counted as necessary parking 2. If the facility is being used predominantly during peak commercial times or if the facility is located outside of the C-1 Central Business District, then the Special Use must provide all of its own parking.
Utility Buildings, Structures and Storage	A service essential to the health, safety, and general welfare of the public, such as the generation, transmission, or distribution of electricity, gas, steam, communications, and water; the collection and treatment of sewage and solid waste; the collection, storage or related uses.	Determined during site plan review by the Planning Commission based on analysis by the applicant.	<p>All uses must provide screening from residential and commercial uses consistent with SECTION 801.3 and be fenced for the safety and protection of nearby residents or businesses.</p> <p>Large uses such as sewage treatment plants and water wells must meet the following requirements:</p> <ol style="list-style-type: none"> 1. There shall be sufficient area of land to allow minimum setbacks of at least forty (40) feet for all front, side, and rear yards. 2. Access to the site shall be via a major thoroughfare. 3. Other than open storage of water in a reservoir, there shall be no outside storage permitted.

City of Gladwin – Table of Use Requirements

USE	DEFINITION	PARKING	DESIGN STANDARD
Wind Energy Conversion System (on-site)	A device for generating electric power from wind that is an accessory use that is intended to primarily serve the needs of the consumer at that site, typically a dwelling or business.		<ol style="list-style-type: none"> 1. Property Set-back. The distance between an on-site wind energy conversion system (WECS) and the owner's property lines shall be equal to the total height of the WECS including the top of the blade in its vertical position. 2. The distance between a WECS and any structure on an adjacent residential lot shall be equal to twice the total height of the WECS including the top of the blade in its vertical position. No part of the wind energy system structure, including guy wire anchors, may extend closer than the required setback in the respective zoning district. 3. A building permit and electrical permit shall be required for installation of any wind energy system. 4. A WECS shall not exceed 66 feet in height.

SECTION 410. TABLE OF DIMENSIONAL REQUIREMENTS.

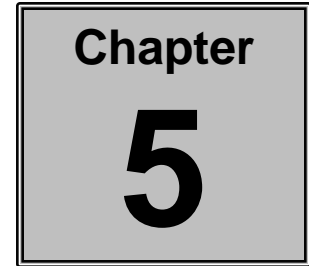
City of Gladwin Table of Dimensional Requirements									
Zoning district	Zoning Lot dimensions		Minimum Setbacks (m)			Maximum Lot Coverage	Maximum Building Height	Minimum Building Width	Minimum Gross Floor Area
	Minimum Area	Minimum Width	Front Yard	Each Side Yard	Rear Yard				
R-1A Residential	12,000 sq. ft.	100'	35' (a, b)	20' (a,)	30' (a)	25%	35' 2.5 stories	24'	1,200 sq. ft.
R-1B Residential	7,500 sq. ft.	75'	25' (a, n, c)	10' (a)	30' (a)	25%	35' 2.5 stories	24'	864 sq. ft.
RO Residential/ Office	7,500 sq. ft.	75'	25' (a, d)	10' (a, f)	30' (a)	25%	35' 2.5 stories	24'	864 sq. ft.
RM Multi-Family	20,000 sq. ft.	100'	50' (e)	30' (e, f, g)	30' (e, g)	50%	70' 6 stories	N/A	- See Table of Use Req.
MHD	Must Comply with Michigan Manufactured Housing Commission Standards								
C-1 Central Business	-	-	-	- (h,, f)	- (j)	- (j)	40' 3 stories	-	-
C-2 Service Commercial	-	-	25' (i)	25' (f, j)	25' (k)	-	60' 3 stories	-	-
MT Manufacturing/ Technology	-	-	50' (l)	25' (k,f)	25' (k)	-	45'	-	-

Footnotes:

- a) For all uses permitted other than single-family residential, the setback shall equal the height of the main building or the above schedule, whichever is greater.
- b) One front yard setback on a corner lot may be (15) feet.
- c) One front yard setback on a corner lot may be ten (10) feet.
- d) In residential areas with streets platted greater than sixty-six (66) feet, the front yard setback shall be a minimum of fifteen (15) feet.

- e) In an R-M, Multiple-Family Zoning District, the minimum distance between any two (2) buildings shall in no instance be less than thirty (30) feet. Parking may be permitted within a required side or rear yard, but shall not cover more than thirty (30) percent of the area of any required yard.
- f) Off-street parking shall be permitted in a side yard setback.
- g) In the case of a rear yard abutting a side yard, the side yard abutting a street shall not be less than the minimum front yard required of the district in which it is located.
- h) No side yards are required along interior lot lines of the C-1 District, except as otherwise specified in the Building Code, provided walls of structures facing such interior lot lines containing windows, or other openings shall have side yards of not less than ten (10) feet provided.
- i) Off-street parking shall be permitted to occupy a portion of the required front yard in the, C-2 and MT districts provided there shall be a minimum unobstructed and landscaped setback of ten (10) feet between the nearest point of off-street parking, exclusive of access driveways, and the nearest right-of-way line on the major thoroughfare plan.
- j) In C-2 Districts, as part of an overall plan, the Planning Commission may approve the need for side yards between buildings subject to the overall plan. The Planning Commission may approve side yards which are less than the minimum in C-2 Districts if subject to an overall site plan and further:
 - i. The fronts of buildings are generally along the same vertical plane, and
 - ii. Adequate provision is made within the site plan for utilities, drainage, and emergency services, and
 - iii. The applicant provides written assurances regarding parking and future adherence to the overall site plan as are reasonably required by the Planning Commission; the Planning Commission may approve development of the site plan in phases.
- k) On a lot of three (3) acres or more in area, side and rear yard setbacks shall be sixty (60) feet or more in depth when abutting a residential district.
- l) Off-street parking for visitors, over and above the number of spaces required the Table of Use Requirements, may be permitted within the required front yard provided that such off-street parking is not located within twenty-five (25) feet of the front lot line.

m) Natural feature setback: All new developments shall be set back a minimum of 25 feet from any watercourse, wetland, pond, lake or stream. This setback area will be planted with native vegetation and maintained in a natural state. Seasonal temporary installations for recreational use and fences, that are consistent with other requirements of this ordinance, may be constructed within the required natural feature setback.



Chapter 5 Site Plan Review and Approval Procedures

SECTION 501. PURPOSE STATEMENT.

The purpose of this Chapter is to ensure compliance with provisions in the zoning ordinance for new construction, expansion, or changes to existing sites. Site plan review allows for an opportunity to review the proposed use of a site in relation to surrounding uses, planned future development, spatial relationships, off-street parking, and utilities, in relationship to city ordinances and plans. It further ensures the eventual existing sites that do not conform with the current requirements are brought into compliance consistent with the character, goals, and guidelines of the City of Gladwin.

SECTION 502. REVIEW AND APPROVAL OF SITE PLANS.

1. **Land Uses or Changes Requiring a Site Plan:** Prior to the establishment of a new use, change of use, addition to an existing use, or erection of any building or structure in a zoning district, subject to the conditions listed below, a site plan shall be submitted for review and approved, approved with conditions or disapproved by the City of Gladwin Planning Commission in accordance with the ordinance requirements of this Chapter.
 - a. Site Plan reviews are required for all permitted uses and structures in all zoning districts except for the single-family detached and two-family dwellings and their accessory uses and any agricultural uses. The site plan shall be part of the record of approval and shall be so filed.
 - b. When the proposed new construction or remodeling constitutes an addition to an existing building or use, site plan review procedures may be modified to provide for an administrative review by the Zoning Administrator in lieu of a more formal review by the City Planning Commission. The Zoning Administrator may be authorized to conduct an administrative review for construction of accessory buildings and in situations where both of the following conditions are satisfied:
 - 1) No variances to the Zoning Ordinance are required and the approval shall be consistent with the intent and purpose of the zoning ordinance and master plan.

- 2) The proposed new construction would not increase the total square feet of the building by more than 25 percent or 1,000 square feet, whichever is less.
 - c. For those cases requiring site plan review solely as a result of building re-occupancy, site plan review procedures may be modified to provide for an administrative review by the Zoning Administrator in lieu of a formal review by the City Planning Commission, unless it constitutes a Special Land Use Permit. The Zoning Administrator may be authorized to conduct an administrative review provided the following conditions are met:
 - 1) Such use is conducted within a completely enclosed building.
 - 2) Re-occupancy does not create additional parking demands beyond 25 percent of that which exists.
 - 3) Re-occupancy does not substantially alter the character of the site.
 - d. Every site plan submitted for review shall be in accordance with the requirements of this zoning ordinance. Administrative review procedures are not intended to modify any ordinance, regulation or development standard. The facility shall not adversely affect the health, safety, and welfare of the City of Gladwin.
2. **Copies Required for a Proposed Site Plan:** Every site plan submitted to the Planning Commission shall be in accordance with the requirements of this zoning ordinance, one 36 by 24, one 11 by 17, and one digital completed copies of all site plans and supporting information shall be filed with the Zoning Administrator, who shall place the request on the next Planning Commission agenda. The Planning Commission and Zoning Administrator may seek input from City Public Safety officials as part of the site plan review prior to approving, disapproving, or approving with conditions. In addition, the cost estimates and proper placement and design of proposed improvements shall be reviewed by the appropriate municipal officials such as department heads, consulting engineers and planners for compliance with this ordinance as well as cost and function. Their recommendations shall be forwarded to the Planning Commission for consideration of inclusion in any approved site plan.
3. **Information Required:** The following information shall be included on the site plan:
- a. A signed statement that the applicant is the owner or interested party with option of the subject parcel, or is acting as the owner's legal representative.
 - b. A scale of not less than 1 inch equals 50 feet.
 - c. Date, north arrow, and scale.
 - d. Sealed plans by a licensed professional (architect, engineer, surveyor, landscape architect).
 - e. Existing or proposed address and parcel number.

- f. Location map.
- g. Zoning district and land use of surrounding/adjoining parcels.
- h. The names, addresses, and telephone numbers of the developers and owners of the property.
- i. The dimensions of all property lines showing the relationship of the property to abutting properties and buildings within 100 feet.
- j. Legal description of the parcel.
- k. Existing and proposed topography with contours at 2-foot intervals based on United States Geological datum and extending a minimum of two hundred (200) feet beyond site boundaries.
- l. An inventory of existing vegetation on the site and portrayal of any significant alterations.
- m. A landscaping plan with a schedule of plant materials and sizes.
- n. Cross-section drawings of any walls, berms, fences, or similar structures. The location and setback from natural features including wetlands, floodplains, streams, drains, swamps, marshes, and/or unstable soils.
- o. An indication of basic drainage patterns, existing and proposed, and including any structures, retention basins, and fencing which are proposed. The applicant shall contact the city and municipal engineer to determine the adequacy of utility and storm water activities, slope, and sod erosion requirements to determine if any such requirements will adversely affect the site plan.
- p. A schedule of parking needs, which may include separate drawings to indicate usable floor areas and other factors for computation of parking needs.
- q. The location and width of existing and proposed sidewalks on or bordering the subject site. Where that site borders a public right-of-way, a concrete sidewalk 5 feet in width shall be provided within the public right-of-way 1 foot from the subject property line. If a sidewalk in good conditions exists within the public right-of-way, the above requirement may be waived by the Zoning Administrator. Any pedestrian project that is intended and constructed as a "trail" for bicycles and small, electric vehicles shall meet the state requirements for a width of 8 feet.
- r. The location of all existing and proposed structures on the subject property and all existing structures within 100 feet of the subject property and all existing structures within 100 feet of the subject property. The setbacks to all existing structures to be retained or constructed on the site shall be portrayed. This will include buildings, signs, trash and storage areas, walls, fences, berms, parking areas, etc. The height of all proposed structures shall also be indicated.

- s. Front, rear, and side elevations of a typical proposed structure.
- t. The location and size of containment and storage areas if the use of hazardous substances is involved.
- u. The location of all existing and proposed drives and parking areas.
- v. The location and right-of-way widths of all abutting streets and alleys.
- w. Vehicular traffic and pedestrian features.
- x. Cross section showing construction of sidewalks, drives, and parking areas.
- y. Designated fire lanes.
- z. The location of all public and private utilities.
- aa. The location, number, dimensions, color, material, and lighting of signs.
- bb. The location, intensity, height, and orientation of all lighting.
- cc. The location, material, color, and dimensions of trash enclosures.
- dd. In addition to the above information, the applicant shall submit a supplementary explanation as to the specific type(s) of activities proposed. Such information shall include, but not be limited to:
 - 1) Estimated number of employees, resident shoppers, and visitors.
 - 2) Hours of operation.
 - 3) Any changes expected in dust, odor, smoke, fumes, noise, lights, or similar potentially adverse conditions.
 - 4) Modifications to land changing vegetative cover, drainage patterns, earth work, or other potential problem areas.
 - 5) Any ancillary improvements that the applicant proposes to remedy or prevent problems caused by development.
 - 6) For all commercial or industrial uses proposed or expanded within the wellhead protection overlay as shown in this Chapter. In addition, the applicant shall comply with all provisions of Chapter 3 and any of its subparts.
- ee. Site plan requirement may be waived at the discretion of the Zoning Administrator and Planning Commission providing such requirement would not be material to the proposed project and is included in the project file.

- ff. Site plan requirements may be increased by the Zoning Administrator or Planning Commission providing such requirement would be material to the proposed project to determine compliance with zoning ordinance requirements.
- 4. **Content of Site Plan File:** The site plan(s), all supplementary data, together with the minutes of any meeting and/or hearings related to the site plan shall become part of the official site plan file.
- 5. **Standards for Approval of a Site Plan:** Decisions rejecting, approving, or conditionally approving a site plan shall be based on the requirements and standards herein, complying with county or other local units of government, other applicable ordinances, and state and federal statutes.

In the process of reviewing the site plan, the Planning Commission shall consider:

- a. Specific development requirements set forth in this zoning ordinance.
 - b. Vehicular access and on-site circulation, including:
 - 1) The location and design of driveways for ingress and egress from the site and their relation to the street and pedestrian traffic.
 - 2) The traffic and pedestrian circulation features within the site including parking areas and assurance that the site provides for safe and convenient access.
 - 3) Appropriate access for emergency vehicles and routine maintenance of utilities and other site features.
 - c. The efficient and compatible relationship between the proposed development and existing and planned development of contiguous land and adjacent neighborhoods.
 - d. The ability of public utility services and facilities to accommodate the proposed use or activity.
 - e. Protection of the natural environment and conservation of natural resources.
6. The cost estimates and proper placement and design shall be reviewed by the appropriate municipal officials such as department heads, consulting engineers and planners for compliance with this ordinance as well as cost and function. Their recommendations shall be forwarded to the Planning Commission for consideration of inclusion in any approved site plan.
- a. **Planning Commission Actions:** The Planning Commission shall take one of the following actions for the recommended site plan:

- b. **Approval:** If the proposed site plan meets all of the zoning ordinance requirements and standards, the site plan shall be approved and the Chairman shall sign two (2) copies of the site plan to be filed in the official site plan file, and one to the applicant.
- c. **Disapproval:** If the site plan does not meet all zoning ordinance requirements and standards, the Planning Commission shall record disapproval and cite the reasons for denial. The applicant may then file a corrected site plan under the same procedures as followed for the initial submission.
- d. **Conditional Approval:** If the corrections to the site plan can be clearly changed, then the Planning Commission shall note such changes as are necessary and the Chairman of the Planning Commission shall sign two copies for distribution as above in sub paragraph a. In addition, the Planning Commission may impose conditions necessary to ensure compliance with the ordinance and site plan review standards including:
 - 1) Requiring landscaping, fences, and walls as provided in this zoning ordinance and maintained as a condition of construction or placement and continued operation as appurtenant.
 - 2) Requiring turn lanes, marginal access roads, and specific location of ingress and egress, and reduce the need for left turns. A marginal access road shall be required for joint use with adjacent parcels, but undeveloped parcels are not required to comply until development of the parcel.
- e. **Table:** If the site plan is found to be in violation of the zoning ordinance requirement or incomplete, the Planning Commission may table action on the site plan until ordinance compliance is shown or required additional information is provided.

Any proposed site plan meeting all of the required data, layout, and activity in this Chapter shall get site plan approval for the proposed project. If it lacks data, it can only be given approval under the condition that the site plan is revised to meet those changes. Disapproval is appropriate when the data or layout has too many deficiencies to warrant any approval.

- 7. **Performance Guarantees:** Performance Guarantees can apply to an improvement done under this zoning ordinance. The requirements and nature of available Performance Guarantees is detailed in SECTION 1008 and accordingly can apply to any site plan review.
- 8. **Period for Completion:** An approved site plan shall remain valid for a period of one (1) year from the date of approval. In the event all improvements are not installed, the remaining improvements shall be completed no later than July 1st of the following construction season except that the Planning Commission may, at its discretion and upon application of the owner and/or developer, provide for up to two (2) successive six (6) month extensions.

SECTION 503. SITE PLAN DESIGN REQUIREMENTS FOR SIGNS, PARKING, AND LANDSCAPING.

The site plan requirements for signs, vehicular parking, and landscaping are detailed in Chapter 6, Chapter 7, and Chapter 8.

SECTION 504. SITE PLAN APPLICATION AND INFORMATION FORM.

A "Requirements for Site Plan Review" form is to be utilized for developing any project requiring site plan review, as well as any project requiring a Special Land Use Permit or a Planned Unit Development. The Zoning Administrator or Planning Commission may identify some projects that do not require some of the standards. The form does not supersede providing any of the data required in any other part of this Chapter or elsewhere in this zoning ordinance.

SECTION 505. AMENDMENTS TO APPROVED SITE PLANS.

1. The applicant and/or property owner shall notify the City of Gladwin prior to making changes to the approved site plan. Minor changes that may be reviewed and approved by the Zoning Administrator are:
 - a. Changes to the landscaping plan.
 - b. Changes to the parking lot that improve site access or circulation such as deceleration lanes, boulevards, curbing, and pedestrian/bicycle paths, (not including a new driveway).
 - c. Changes to the building material or design, screening, or other site amenities that result in a higher-quality development.
 - d. Changes required or requested by the city, county, state, or federal agency for safety reasons or for compliance with applicable laws that do not alter the basic design, compliance with the standards of approval, nor any specified conditions of the approved site plan.
 - e. Situations similar to the above that do not alter the basic design, compliance with the standards of approval, nor any specified conditions of the approved site plan.
2. All other changes not listed above in 1 shall be considered major changes and require a new application for site plan review. Any change to building footprint shall require a new application for site plan review.

SECTION 506. ISSUANCE OF ZONING PERMITS FOR APPROVED SITE PLANS.

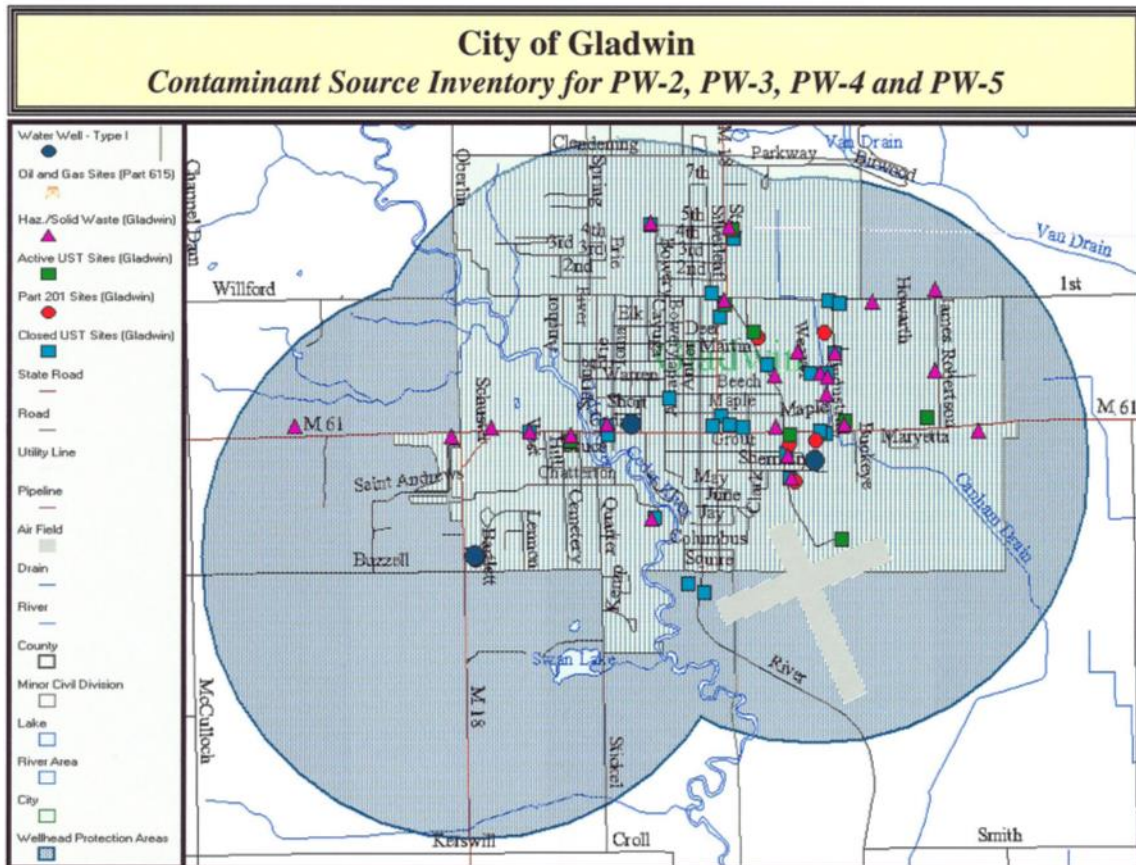
The Zoning Administrator shall, upon approval of the final site plan and upon application by the applicant, issue a zoning permit provided that all other applicable ordinances and codes have been complied with.

SECTION 507. MASTER PLAN STATEMENT REGARDING WELLHEAD PROTECTION.

The City of Gladwin Master Plan contains a statement concerning the impact and value of Wellhead Protection. Because

SECTION 508. WELLHEAD PROTECTION.

The Wellhead Protection Area Map for the City of Gladwin is below.



1. Standards for groundwater/wellhead protection, as approved by the Michigan Departments of Community Health and Natural Resources on October 7, 2004 and in accordance with the Wellhead Protection Program as follows:

- a. The project and related improvements shall be designed to protect the natural environment including lakes, ponds, streams, wetlands, floodplains, groundwater and steep slopes.
- b. General purpose floor drains shall be allowed only if they are connected to a public sewer system, an on-site holding tank or a system authorized by a State of Michigan groundwater discharge permit.
- c. Sites at which hazardous materials and polluting materials are stored, used or generated shall be designed to prevent spills and discharges to the air, to the surface of the ground, and to groundwater lakes, streams, rivers or wetlands.
- d. State and Federal agency requirements for storage, spill prevention, record keeping, emergency response. Transport and disposal of hazardous substances and polluting materials shall be met. No discharges to the groundwater, including direct and indirect discharges, shall be allowed without required permit and approvals.
- e. Secondary containment for above ground areas where hazardous substances and polluting materials are stored or used shall be provided. Secondary containment shall be sufficient to move the substance for maximum, anticipated period of time necessary for recovery of any released substance.
- f. Outdoor storage of hazardous substances and polluting materials shall be prohibited except in product-tight containers, which are protected from weather, leakage, accidental damage and vandalism.
- g. Secondary containment structures such as out-buildings, storage rooms, sheds and pole barns shall not have floor drains which outlet to soils, groundwater or nearby drains or rivers.
- h. Areas and facilities for loading or unloading of hazardous substances and polluting materials, as well as areas where such materials are handled and used, shall be designed and constructed to prevent discharge or runoff to floor drains, rivers, lakes, wetlands, groundwater or soils.
- i. Existing and new underground storage tanks shall be registered with the authorized state agency in accordance with the requirements of the U.S. Environmental Protection Agency and the Michigan State Police Fire Marshall Division.
- j. Installation, operation, maintenance, closure and removal of underground storage tanks shall be in accordance with requirements of the State Police Fire Marshall Division. Leak detection, corrosion protection, spill prevention, and overflow protection requirements shall be met. Records of monthly monitoring or inventory control must be retained and available for review by appropriate governmental officials.

- k. Out-of-service abandoned underground tanks shall be emptied and removed from the ground in accordance with the requirements of the Michigan State Police Fire Marshall Division and the Michigan Department of Natural Resources.
- l. Site plans shall consider the location and extent of any contaminated soils and/or groundwater on site and the need to protect public health, and the environment.
- m. Development shall not be allowed on or near contaminated areas of a site unless information from the Michigan Department of Environmental Quality is available indicating that clean-up will proceed in a timely fashion prior to the development.
- n. No above-ground storage of hazardous substances and related secondary containment facilities shall be located within fifty (50) feet of any property line or one hundred (100) feet of any residentially zoned property.
- o. No underground storage tank shall be within thirty (30) feet of any property line or fifty (50) feet of any residentially zoned property.

SECTION 509. DEVELOPMENT IMPACT STUDY.

The purpose of a Development Impact Statement is to provide the city with relevant information on the anticipated impact of a proposed development on utilities, public services, the economy, environmental conditions, and adjacent land uses. This process recognizes that many development proposals have impacts on local conditions and that these impacts often extend beyond the boundaries of the site. The intent of these standards is to identify and assess these impacts and, thereby, provide the city with information necessary to understand and address these impacts.

1. The Planning Commission may require a development impact study in the following circumstances.
 - a. For any request for site plan review or special approval land use having an area of 2 acres or more.
 - b. For any rezoning over 5 acres or more.
 - c. For any proposal for residential development (site plan, subdivision, or site condominium) of 50 or more units and/or resulting in a density of more than four (4) units per acre.
 - d. In any other circumstance where the Planning Commission finds that a development is likely to have an adverse impact on the City of Gladwin.

2. Submission Requirements:

- a. Qualifications of Preparer: Name(s) and address(s) of person(s) or firm(s) responsible for the preparation of the impact statement and a brief description of their qualifications.
- b. A Development Impact Statement containing all the required information specified herein shall be required whenever one or more of the following conditions apply:
 - 1) The Planning Commission may waive any of the Development Impact Statement submission requirements if it is determined that the subject information is not necessary to conduct a review of the application or determine that the potential impact of the project does not warrant.

3. Information and Data Required: The Development Impact Statement shall include all applicable information as normally required for site plan review, rezoning, subdivision review, site condominium review, or special land use, as specified in the zoning ordinance and subdivision ordinance; and, in addition, the following supplemental information shall be required:

- a. If the possibility of wetlands exist on-site is indicated by the National Wetland Inventory map or at the request of the City Engineer, an official Level III wetlands assessment conducted by the Michigan Department of Environment, Great Lakes, and Energy (EGLE) shall be conducted.
- b. Conceptual Plan, showing how the proposed development relates to the above referenced conditions.
- c. Any application for commercial or industrial rezoning shall be accompanied by a market study demonstrating that there is sufficient demand to support the project. The market study shall take into consideration the availability of existing retail and service businesses within the trade area and retail vacancy rates, as well as stating reasons why currently vacant buildings or properties are not a viable option.
- d. Other information, as determined by the Planning Commission that may be necessary to assess the impact of the proposed development.

4. Impact Assessment: The applicant shall provide information assessing the impact of the proposed development as it pertains to the following factors. The required information shall be provided in narrative and graphic formats, as appropriate. (For rezoning requests, the impact assessment shall be based on the most intense use possible under the permitted uses within the zoning district being requested).

- a. Brief description of the proposed land use.
- b. Hours of operation, if applicable.

- c. Identify whether the proposed use will create dust, noise, odor, or glare that may impact abutting property.
 - d. Project phasing plan or schedule.
 - e. Describe how the site will be provided with water and sanitary sewer facilities, including the adequacy of the existing public utility system to accommodate the proposed new development.
 - f. Describe the methods to be used to control storm water drainage from the site. This shall include a description of measures to control soil erosion and sedimentation during construction.
 - g. Describe the number of expected residents, employees, visitors or patrons, and the anticipated impact on public schools, police, fire, and other emergency services. Attention should be given to the relationship of the proposed development to the municipal fire stations. Letters from the appropriate agencies shall be provided, as appropriate.
5. In reviewing Development Impact Statements, the Planning Commission shall take the information provided into consideration when evaluating the required action, whether it is a rezoning, site plan review, or special land use.

SECTION 510. TRAFFIC IMPACT STATEMENT.

The expected volume of traffic to be generated by the proposed use shall not adversely affect existing streets and traffic patterns. Street access shall minimize excessive vehicle traffic on local streets to reduce the possibility of any adverse effects upon adjacent property. To determine traffic impact, the Planning Commission may require a traffic study based on the criteria in the U.S. Department of Transportation guide Evaluating Traffic Impact Studies: A Recommended Practice for Michigan Communities. The traffic study must be completed by a licensed engineer or similarly qualified professional.

Chapter 6 Signs

SECTION 601. INTENT.

1. **Intent:** The city finds that signs and other visual outdoor advertising promote commerce and are related to the health, safety, and/or general welfare of the residents of the community. Because of the impact of signs, the preservation of the existing character of the community requires regulation of signs and of other visual outdoor advertising. The city finds that failure to regulate the size, location, and construction of signs and other outdoor advertising may:

- 1) Have an adverse effect upon the promotion of business and commerce in the city.
- 2) Lead to poor identification of businesses.
- 3) Have an adverse effect upon the existing aesthetic character of the city.
- 4) Cause deterioration of business and residential areas of the community.
- 5) Create possible traffic and pedestrian safety hazards by limiting visibility or distracting drivers.

Therefore, the purpose of this Chapter and subsections hereunder is to regulate signs and visual outdoor advertising in a manner that protects public health and safety by limiting the size, location, or manner of display of signs that is content-neutral. General goals of this Chapter include:

- 6) Permitting the minimum number of signs and sign messages reasonably necessary to identify a business and its products.
- 7) Keeping signs within a reasonable scale with respect to the buildings to which they relate; and further, to prevent off-premise signs from conflicting with business, residential, and public land uses.
- 8) Prohibiting signs and other visual outdoor advertising which will have an adverse effect on the existing aesthetic character of not only the zoning district in which they are located, but also on the overall character of the City of Gladwin.

SECTION 602. DEFINITIONS OF SIGNS.

The following definitions shall apply to all signs in the City of Gladwin:

1. **A-Frame or Sandwich Board:** A movable sign not secured or attached to the ground or surface upon which it is located.
2. **Accessory:** A sign which is accessory to the principal use of the premises.

3. **Beacon Lights:** Search lights, or intensive spotlights directed in an upward direction intended to attract attention to a business, event, or other use.
4. **Bench:** A sign located on the seat or back of a bench or seat placed on or adjacent to a public right-of-way.
5. **Off-Premise:** Any sign which contains a message unrelated to or not advertising a business transacted or goods sold or produced on the premises on which the sign is located; also called a remote sign or non-accessory sign.
6. **Canopy (Awning) Sign:** A sign that is mounted or painted on, or attached to, an awning or canopy projecting from and supported by the building and extending beyond the building wall, that is otherwise permitted by this ordinance.
7. **Decorative Display:** A temporary display designated for the entertainment or cultural enrichment of the public and having no direct or indirect sales or advertising.
8. **Electronic/Digital Sign:** Signs whose alphabetic, pictographic, or symbolic informational content can be changed or altered on a fixed display screen composed of electrically illuminated segments.
9. **Freestanding Sign (Pole or Pylon):** A sign attached to a permanent foundation supported from the ground by one or more poles, posts, or similar uprights, with or without braces, upon which announcements, declarations, displays, etc., may be placed.
10. **Inflatable Sign:** A sign consisting of a balloon or other gas or air-filled figure that is not combustible.
11. **Monument Sign:** A sign attached to a permanent foundation and not attached or dependent for support from any building, pole, posts, or similar uprights.
12. **Marquee Sign:** A sign attached to or hung from a marquee, canopy, or other structure projecting from and supported by the building and extending beyond the building wall. Marquee or canopy signs are interchangeable.
13. **Portable Sign:** Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; sign converted to a- or t-frames; menus and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.
14. **Projecting Sign:** A sign which is affixed to any building or structure other than a marquee, and any part of which extends beyond the building wall and the horizontal sign surface is not parallel to the building wall.

15. **Roof Sign:** A sign which is erected, constructed, and maintained above any portion of the roof or exterior wall of a building or structure, and for purposes of this Chapter, roof signs shall be prohibited.
16. **Residential Subdivision Sign:** A permanent monument sign marking the entrance to a residential platted subdivision or condominium subdivision.
17. **Sign:** A sign shall mean any object, device, logo, display, or structure, or part thereof, which is intended to advertise, identify, display, direct, or attract attention to a, person, institution, organization, message, business, product, service, event, or location by any means. A sign shall include any banner, bulbs, or other lighting devices, streamer, pennant, balloon, propeller, flag (other than the official flag of any nation, state, or nonprofit organization) and any similar device of any type or kind whether bearing lettering or not. Signs shall not include murals or other artistic works displayed on buildings or structures.
18. **Temporary Sign:** A sign, banner, or other advertising device constructed of cloth, canvas, fabric, plastic, or other light temporary material, with or without a structural frame, or any other sign, intended for a limited period of display.
19. **Wall Sign:** A sign which is attached directly to a building wall with the horizontal sign surface parallel to the building wall, including signs painted on any building wall.
20. **Window Sign:** A sign, either permanent or temporary and/or illuminated or non-illuminated, placed in the window area of any use located in a nonresidential district.

SECTION 603. GENERAL CONDITIONS.

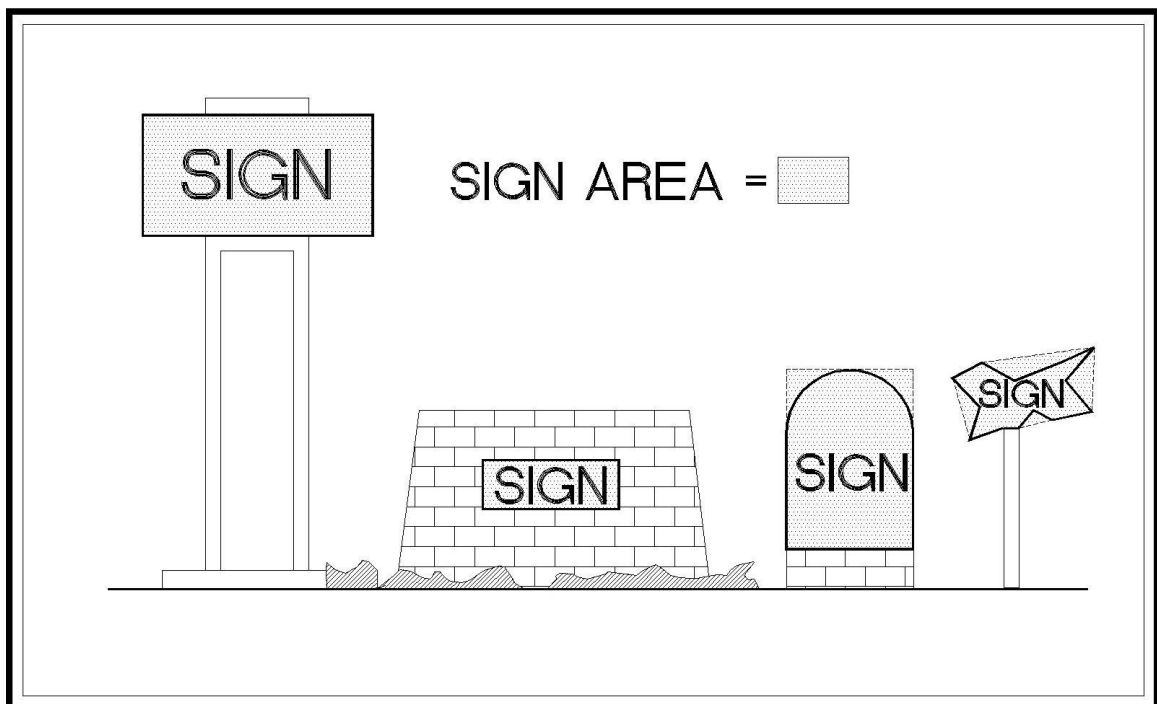
Except as otherwise provided, the following conditions shall apply in all districts:

1. Prior to the erection or structural alteration of a sign, a zoning permit shall be secured from the Zoning Administrator. A scale drawing of the outside dimensions of the sign or the total area encompassed by a line around all lettering or symbols shall be presented to the Zoning Administrator so that he may ensure that the provisions of this ordinance are met. Evidence shall also be presented to the effect that the sign will be securely attached to the building or supporting structure and will not present a hazard. For freestanding or monument signs, a site development plan of the intended location of the sign and a scale drawing of the total sign structure shall also be presented to the Zoning Administrator. Prior to the construction, erection, or structural alteration of a sign, a building permit shall be obtained from the Building Official, where required by state or local law.
2. Illumination of signs shall be in accordance with SECTION 313. Any electronic or digital sign shall be turned off no later than 10 p.m. in the C-1 or Residential Zoning districts.

3. No sign, except those maintained by the city, county, state, or federal governments, shall be located in, project into, or overhang a public right-of-way or dedicated public easement, except as otherwise provided by this ordinance.
4. All site plans submitted in accordance with Chapter 6 shall identify the location(s), height, type, and size of all existing and proposed signs.
5. Signs shall contain no depictions of specified sexual activities or specified anatomical areas as described in the definitions.
6. Any sign authorized to be displayed by this Chapter may contain a non-commercial message.
7. The location of signs must conform to requirements for corner clearance contained in SECTION 311.

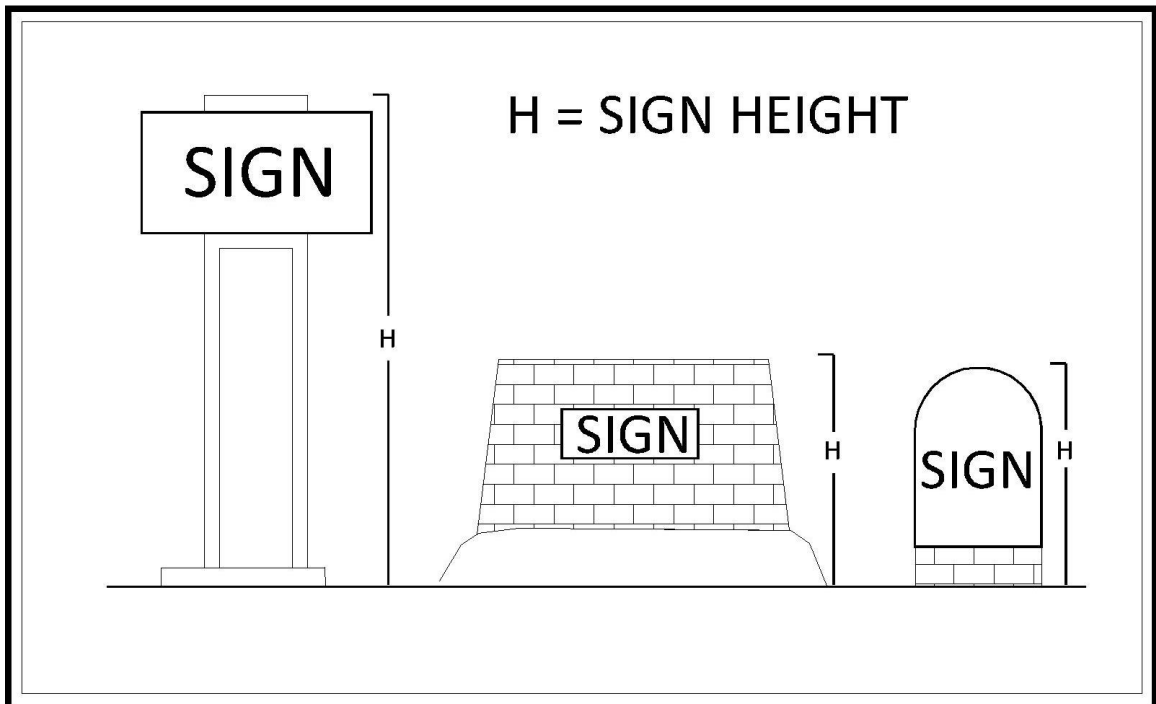
SECTION 604. MEASUREMENT OF SIGN AREA AND SIGN HEIGHT.

1. **Sign Area:** The area of sign shall be computed as including the entire area within a regular geometric form or combination of such forms comprising all the display area of the sign and including all of the elements of the matter displayed. An area so created shall include all solid surfaces, as well as all openings. Structural members not bearing copy of display material shall not be included in computation of sign area. Where a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign, except that where two (2) such faces are placed back-to-back, parallel to one another, and less than 24 inches apart, the area of the



sign shall be the area of one (1) face. Where a sign has two (2) or more faces, that portion of the sign structure connecting the sign faces shall not be used for display purposes. Signs painted on a wall are also regulated by the provisions of this Ordinance. (Refer also to SECTION 609, Prohibited Signs.)

- 2. Sign Height:** The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of 1) existing grade prior to construction; or, 2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the zoning lot, whichever is lower. The sign shall be non-moving.



SECTION 605. SIGN REQUIREMENTS BY ZONING DISTRICT.

Sign Requirements Table				
Type of Sign	R-1A & R-1B	R-O	C-1	C-2 & MT
Free-Standing Sign ¹	<p>Number: 1 sign per parcel for other permitted uses.</p> <p>Max. Area: 24 sq. ft.</p> <p>Max. Height: 4 ft.</p> <p>Setback: 1/3 of required setback</p> <p>Not permitted on parcels with a one- or two-family dwelling use, except for those with a home occupation. One sign of no more than 8 sq. ft. in area may be allowed on parcels with a home occupation.</p> <p>Not permitted with a monument sign on the same parcel.</p>		Not permitted.	<p>Number: 1 sign per street frontage</p> <p>Max. Area: 50 sq. ft., plus 1 additional sq. ft. for each foot of street frontage above 50 feet, maximum of 150 sq. ft.</p> <p>Max. Height: 20 ft.</p> <p>Multi-Occupant: Max area may increase by 10 sq. ft. per occupant, not to exceed 250 sq. ft.</p> <p>Not permitted with a monument sign on the same parcel.</p>
Monument Sign ¹	<p>Number: 1 sign per parcel for permitted uses.</p> <p>Max. Area: 24 sq. ft</p> <p>Max. Height: 4 ft.</p> <p>Setback: 1/3 of required setback</p> <p>Not permitted on parcels with a one- or two-family dwelling use.</p> <p>Not permitted with a free-standing sign on the same parcel.</p>		<p>Number: 1 sign per street frontage</p> <p>Max. Area: 32 sq. ft., plus 1 additional sq. ft. for each foot of street frontage above 50 feet, maximum of 64 sq. ft.</p> <p>Max. Height: 6 ft.</p> <p>Multi-Occupant: Max. area may increase by 8 sq. ft. per occupant, not to exceed 120 sq. ft.</p> <p>Not permitted with a free-standing sign on the same parcel.</p>	<p>Number: 1 sign per street frontage</p> <p>Max. Area: 60 sq. ft., plus 1 additional sq. ft. for each foot of street frontage above 50 feet, maximum of 180 sq. ft.</p> <p>Max. Height: 8 ft.</p> <p>Setback: 1/3 of required setback</p> <p>Multi-Occupant: Max area may increase by 10 sq. ft. per occupant, not to exceed 250 sq. ft.</p> <p>Not permitted with a free-standing sign on the same parcel.</p>

Sign Requirements Table				
Type of Sign	R-1A & R-1B	R-O	C-1	C-2 & MT
Wall Sign ²	Number: 1 sign per parcel. Max. Area: 24 sq. ft. Not permitted on parcels with a one- or two-family dwelling use.		Number: 1 per exposed wall of a business. ³ Max. Area: The greater of 150 sq. ft. or 10% of the total area of an exposed wall. ⁴ Multi-Occupant: Max area may increase by 10% per occupant, not to exceed 300 sq. ft.	
Projecting / Awning / Canopy Signs ^{5,6}	Not permitted	Number: 1 per building/occupant with an exterior public entrance Max. Area: The greater of 100 sq. ft. or 10% of the total area of an exposed wall. If located along with a wall sign, the combined area of the wall sign and canopy sign shall not exceed the area permitted for wall signs.		
Electronic or Digital Signs ⁷	Permitted only on parcels bordering M-18 or M-61. Max. Area: 15 sq. ft. Must be oriented toward M-18 or M-61		Number: 1 (as a monument or free-standing sign). Max. Area: 32 sq. ft.	
Window Sign	Not permitted	Not to exceed 20% of any total window area. The total area of all window signs and wall signs shall not exceed 150% of the maximum allowable area for wall signs.		
Temporary Signs	Max. Area per sign: 6 sq. ft. Max. Area of all signs per parcel: 12 sq. ft.	Max. Area per sign: 12 sq. ft. Max Area: 24 sq. ft.	Number: No more than two signs at any given time. Max. Area: 64 sq. ft. (all signs combined)	
A-Frame/ Sandwich Board ⁸	Not permitted		Number: 1 per business with a public entrance Max. Area: 16 sq. ft. Max. Height: 4 ft. Setback: At least 2 ft. from any curb.	
Residential Subdivision Sign	No more than two (2) per point of vehicular access. Max. Area: 50 sq. ft. Max. Height: 8 ft.		N/A	N/A

1. Parcels with more than one street frontage may erect one free-standing or monument sign on each frontage. Free-standing or monument signs located on parcels with more than one street frontage shall be a minimum of 150 feet apart.

2. The Zoning Administrator may allow a wall sign to be erected in a segmented fashion.

3. For multi-occupant buildings, wall signs on adjacent uses should be arranged to be contiguous whenever possible.
- 4 For multi-occupant buildings, wall area shall be calculated based upon the exterior wall width of that portion of the building occupied by the applicant. For exterior wall widths of less than 50 feet, wall signs of 50 square feet in area shall be permitted, regardless of the total area of the exposed wall.
5. The canopy structure must maintain a minimum ground clearance of 8 feet and the horizontal distance from any parking space or maneuvering lane must be a minimum of 2 feet.
6. Canopies shall, whenever practicable, match the established height and projection of canopies which exist on abutting parcels or businesses.
7. The following standards shall apply:
 - No graphics or copy shall flash.
 - Signs facing a residential district shall be turned off at or before 9 p.m.
 - There will be a maximum of 6 seconds between changes in text or images.
 - No off-premise advertising is allowed.
 - Backgrounds should be dark with light-color text.
 - Intensity of lighting emitted by the sign should conform to other standards in this ordinance.
8. Signs may be located on public sidewalks but must be placed in a location that creates the minimal possible obstruction to pedestrian traffic. The Zoning Administrator may require a sign to be relocated or removed entirely if it impedes pedestrian traffic on a sidewalk or creates any other hazards or nuisance.

SECTION 606. SIGNS PROJECTING INTO THE RIGHT-OF-WAY.

Signs shall not be permitted to be located within or project into the right-of-way except in the following circumstances.

1. A canopy sign structure shall not extend into a public right-of-way or encroach over abutting property lines, except in the C-1 business district where a canopy sign structure may extend over a public sidewalk.
2. In the C-1 Business District, projecting signs already existing may continue until they need to be replaced. New projecting signs shall not be larger than 6 feet by 3 feet (18 sq. ft.). One address may have only one projecting sign. Projecting signs shall have a minimum clearance of 8 feet above a public right-of-way and must be reviewed by the Department of Public Works.

SECTION 607. SIGNS NOT REQUIRING A PERMIT.

The following signs do not require a zoning permit.

1. Highway signs erected by the U.S. Government, State of Michigan, Gladwin County, or the City of Gladwin.
2. Governmental use signs erected by governmental agencies to designate hours of activity or conditions of use for parks, parking lots, recreational areas, other public space, or for governmental buildings.
3. Directional signs in conjunction with drives or off-street parking areas, provided any such sign does not exceed 4 square feet in area, is limited to traffic control functions, and does not obstruct traffic vision with a maximum height of 5 feet. Advertising copy or logos may be permitted, provided they are subordinate to the directional characteristics of the sign. Directional signs in the C-2 or MT district may be off-premises as long as they comply with all other provisions of this Chapter.
4. Historic signs designating sites recognized by the State Historical Commission as Centennial Farms or Historical Landmarks.
5. Placards posted to control or prohibit hunting and/or trespassing within the city.
6. Essential service signs denoting utility lines, railroad lines, hazards, precautions, and medical facilities with emergency care.
7. Memorial signs or tablets which are either: 1) cut into the face of masonry surface; or 2) constructed of bronze or other incombustible material when located flat on the face of a building.
8. Menu boards and drive-through signs used in connection with fast-food restaurants.
9. One (1) nameplate, identifying the name of the occupant, not-to-exceed 2 square feet in area. The nameplate shall be attached flat against the front wall of the building.
10. Tourist-oriented directional signs provided such signs are otherwise permitted by the Michigan Department of Transportation pursuant to P.A. 299 of 1996 as amended.
11. Temporary signs and window signs less than 32 square feet in area.

SECTION 608. TEMPORARY SIGNS.

1. A temporary sign may be installed concurrent with a temporary event or occurrence and removed upon the end of the event. Examples of temporary events shall include sale or rental of a property, an election season, construction or renovation of property, or an activity authorized under this ordinance as a temporary use. Temporary signs may be off-premise signs.

2. Permits are required for temporary signs that have an area of 32 square feet or greater. The applicant shall designate on the permit application form the days on which the sign will be displayed. Display of the sign on any day other than those days designated on the permit shall be a violation of this Chapter.
3. The size and number of temporary signs allowed shall be as specified within each zoning district provided in the Sign Requirements Table.
4. Temporary signs shall be anchored in a safe and secure manner. The anchoring of signs by tying or attaching weighted objects (such as cinder blocks or tires) is prohibited.
5. Temporary signs shall be located a minimum of 5 feet from the edge of any right-of-way or public or private sidewalk.
6. A temporary sign shall not be displayed if it is torn, bent, faded, not upright, unreadable, or otherwise unsightly.
7. Temporary signs held by a person shall not be displayed in the road right-of-way and shall not hamper the visibility of a driver on or off the site.
8. Temporary signs shall only be internally illuminated.
9. An electronic/digital display sign may serve as a temporary sign and shall comply with the requirements of the Sign Requirements Table.

SECTION 609. PROHIBITED SIGNS.

The following signs are prohibited in the City of Gladwin:

1. Roof signs
2. Exterior banners, pennants, spinners, streamers, or similar device which shall be in place for more than 20 days in any 80-day period shall be considered permanent and shall not be allowed.
3. Exterior string lights used in the connection with commercial premise, other than holiday decorations.
4. Any sign which is structurally or electrically unsafe.
5. Any sign that exhibits significant signs of wear or disrepair.
6. Any sign that advertises a business, event, or use no longer located on the same site as the sign. When a use changes, the owner shall have 30 days to replace a sign that is no longer applicable to the property on which it is located. The Planning Commission may consider reasonable requests that extraordinary circumstances exist such that application of this provision would be inequitable.

7. Signs painted directly on structures, or signs painted on, attached, or affixed to any tree, rock, or similar organic or inorganic natural matter.
8. Beacon Lights

SECTION 610. NON-CONFORMING SIGNS.

Signs lawfully erected prior to the adoption of this ordinance shall not:

1. Be re-established after the activity, business, or use to which it relates has been discontinued for 90 days or longer.
2. Be structurally altered so as to prolong the life of the sign or so as to change the shape, size, type, or design of the sign. This shall not preclude the general maintenance and repair of non-conforming signs to keep them in a safe condition and in good repair.
3. Be re-established after damage or destruction, if the estimated expense of reconstruction exceeds 50 percent of the replacement cost as determined by the Zoning Administrator.
4. Non-conforming directional signs may be replaced so long as there is no increase in the nonconformity.

SECTION 611. OFF-PREMISE SIGNS.

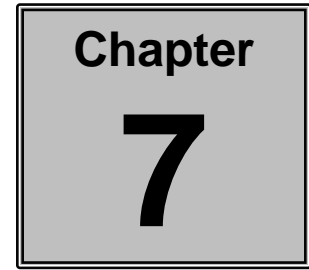
The following standards shall apply to off-premise signs:

1. Off-premise signs are permitted in the MT zoning district only.
2. Off-premise signs shall be regulated as follows:
 - a. Shall be located a minimum of 1,000 feet from residentially zoned property.
 - b. Shall be located a minimum of 1,000 feet from other freestanding signs on the same side of the right-of-way.
 - c. Shall have the same setbacks as other principal structures in the zoning district in which they are situated, except that they shall be located no closer than 200 feet from any abutting public right-of-way.
 - d. Shall not exceed 200 square feet in area.
 - e. Shall not exceed 20 feet in height.
 - f. Shall be free-standing signs. No sign shall project over the roof of any building, nor have any sign above another.

SECTION 612. ZONING PERMITS FOR SIGNS.

Prior to the erection or structural alteration of a sign, a zoning permit shall be secured from the Zoning Administrator and a building permit shall be obtained from the Building Official. Application for sign permits shall be made upon forms provided by the Zoning Administrator and shall contain or have attached thereto the necessary information to determine compliance with zoning ordinance standards.

1. Every applicant, before being granted a permit, shall pay a permit fee for each sign regulated by this Chapter as may be established, by resolution, by the City Council.
2. It shall be the duty of the Zoning Administrator, upon the filing of an application for a zoning permit, to examine such plans and specifications and other data and the premises upon which it is proposed to erect the sign or other advertising structure, and if it shall appear that the proposed structure is in compliance with all the requirements of this Chapter and all other laws and ordinances of the city, he or she shall issue a zoning permit. If the construction authorized under a zoning permit has not been initiated within 90 days after date of issuance, the permit shall become null and void.



Chapter 7 Off-Street Parking Requirements

SECTION 701. INTENT.

There shall be provided in all districts, except C-1, at the time of erection or enlargement of any main building or structure, automobile off-street parking space with adequate access to all spaces. Parking spaces shall be arranged in a manner that promotes safety for motor vehicles and pedestrians, adequate space for loading and unloading of materials, and does not generate off-site impacts. The number of off-street parking spaces, in conjunction with all land or building uses shall be provided, prior to the issuance of a certificate of occupancy, as hereinafter prescribed.

1. Off-street parking spaces may be located within a rear yard or within a required side yard unless otherwise provided in this ordinance. Off-street parking shall not be permitted within a required front yard nor with a required side yard setback unless otherwise provided in this ordinance. C-1 parking shall be in conformance with SECTION 703.
2. Off-street parking shall be on the same zoning lot as the building it is intended to serve, except as may be otherwise provided for by this ordinance.
3. Required off-street parking spaces shall consist of a parking strip, parking bay, driveways, garage, or combination thereof and shall be located on the premises they are intended to serve, and also subject to the provisions of SECTION 305, Accessory Buildings and Structures for garages.
4. All residential driveways and parking strips shall be paved (asphalt or concrete) or utilize crushed asphalt or concrete when constructed. In the case of existing facilities, the driveway surface must be updated to conform with this Section when the garage, principal structure, driveway, or parking strip is added, changed or modified.
5. Driveways in all residential zoning districts shall be a minimum width of 10 feet but no wider than 12 feet. All properties in a residential district are permitted one driveway per parcel.
6. Minimum required off-street parking spaces shall not be replaced by any other use unless and until equal parking facilities are provided elsewhere.
7. Off-street parking existing at the effective date of this ordinance, in connection with the operation of an existing building or use, shall not be reduced to an amount less than hereinafter required for a similar new building or new use.

8. Two or more buildings or uses may collectively provide the required off-street parking, in which case the required number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately, or in instances where operating hours do not overlap, the Planning Commission determines that adequate parking is available for each intended use.
9. The storage of merchandise, motor vehicles for sale, trucks, or the repair of vehicles is prohibited in areas designed for required on-site parking.
10. For those uses not specifically mentioned in SECTION 409, the requirements for off-street parking facilities shall be in accordance with a use which the Planning Commission considers is similar in type.
11. When units or measurements determining the number of required parking spaces result in the requirement of a fractional space, any fraction up to and including one-half (1/2) shall be disregarded and fractions over one-half (1/2) shall require one (1) parking space.
12. For single- and two-family dwellings, it shall be prohibited to park on grass or any other surface that is not established parking. Single- and two-family dwellings are permitted to have tandem parking or shared driveways.
13. The minimum number of off-street parking spaces by type of use shall be determined in accordance with SECTION 409. The Planning Commission may allow for a reduction of up to 25 percent of required off-street parking spaces during site plan review where the property owner can demonstrate, using trip generation rates recognized by the Institute of Transportation Engineers or a similar resource from a recognized professional organization in a related field, that the numerical requirements are excessive.
14. Each parking lot that services a building entrance, except single or two-family residential or temporary structures, shall have a number of level parking spaces for the physically handicapped as set forth in the following table, in accordance with the Licensing and Regulatory Affairs (LARA) Michigan Barrier Free Design Board Section 5 of the Michigan Utilization of Public Facilities by the Physically Limited Act (or as set forth in the Building Code Barrier Free Design Standards in effect) and identified by above grade signs as reserved for physically handicapped persons.

TOTAL SPACES IN PARKING LOT	REQUIRED NUMBER OF ACCESSIBLE SPACES
Up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	8

TOTAL SPACES IN PARKING LOT	REQUIRED NUMBER OF ACCESSIBLE SPACES
301 to 400	12
over 400	12 + 2 for every 250 or fraction thereof over 400

Parking spaces for the physically handicapped shall be a minimum of 12 feet wide and must meet all other applicable requirements as to size as set forth in the Building Code.

SECTION 702. OFF-STREET PARKING SPACE LAYOUT, STANDARDS CONSTRUCTION, AND MAINTENANCE.

Whenever construction of an off-street parking lot is required, such off-street parking lots shall be laid out, constructed, and maintained in accordance with the following standards and regulations.

1. No parking lot shall be constructed, expanded, or reconstructed unless and until a permit therefore is issued by the Zoning Administrator. Applications for a permit shall be submitted in such form as may be determined by the Zoning Administrator and shall be accompanied with two (2) sets of site plans for the development and construction of the parking lot showing that the provisions of this section will be fully complied with. Parking lot surfaces shall meet the following standards:
 - a. The entire parking area, including parking spaces and maneuvering lanes, required under this Chapter shall be provided with asphaltic or concrete surfacing in accordance with specifications approved by the Municipal Engineer.
 - b. Private parking areas not intended for use by customers or the general public may be constructed of crushed asphalt or crushed concrete when located in the side and rear yards.
 - c. Parking areas shall be drained so as to dispose of all surface water accumulated in the parking area in such a way as to preclude drainage of water onto adjacent property or toward buildings.

- Plans for the layout of off-street parking facilities shall be in accordance with the following minimum requirements:

OFF-STREET PARKING LAYOUT REQUIREMENTS						
PARKING PATTERN	MANEUVERING LANE WIDTH		PARKING STALL WIDTH	PARKING STALL DEPTH (90° MEASURE)	TOTAL DEPTH OF ONE TIER OF SPACES PLUS MANEUVERING LANE	TOTAL DEPTH OF TWO TIERS OF SPACES PLUS MANEUVERING LANE
	(2-WAY MOVEMENT)	(1-WAY MOVEMENT)				
0° (parallel) parking	24'	12'	8.0'	22'	20'	40'
45°	23'	12'	9.5'	13'	25'	49'
60°	24'	16'	9.5'	16'	32'	56'
90°	25'	N/A	9.5'	18'	43'	61'

- All maneuvering lane widths shall permit one-way traffic movement, except that which permits the 90-degree parking pattern.
- All spaces shall be provided adequate access by means of maneuvering lanes. Backing directly onto a street shall be prohibited.
- Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for all vehicles. Ingress and egress to a parking lot lying in an area zoned for other than single-family residential use shall not be across land zoned for single-family residential use.
- A wall shall be provided on those sides of the off-street parking area abutting or adjacent to a residential district or use. The obscuring wall shall not be less than 6 feet in height measured from the surface of the parking area.

All land between the required obscuring wall and the front property line or street right-of-way line shall be kept free from refuse and debris and shall be landscaped with deciduous shrubs, evergreen material, and/or ornamental trees. The ground area shall be planted and kept in lawn. All such landscaping and planting shall be maintained in a healthy, growing condition, neat and orderly in appearance. For further landscaping requirements, see Chapter 8.

The Planning Commission, upon application by the property owner of the off-street parking area, may waive or modify the wall requirement by approving either an earth berm or evergreen screen in its place. The Planning Commission may also waive the wall requirement in specific cases where cause can be shown that no good purpose would be served by compliance with the requirements of this Chapter.

- All lighting used to illuminate any off-street parking area shall be so installed as to be confined within and directed onto the parking area only. See SECTION 313, Exterior Lighting for further requirements.

8. In all cases where a wall extends to an alley which is a means of ingress and egress to an off-street parking area, it shall be permissible to end the wall not more than 10 feet from such alley line in order to permit a wider means of access to the parking area.
9. Parking aisles shall not exceed 300 feet without a break in circulation.
10. All parking lots shall be constructed such that no part of parked vehicles will extend beyond the property line or into required landscaped areas or pedestrian ways; i.e. curbs. See Chapter 8 for further details.
11. No parking lot shall have more than one (1) attendant shelter building. All shelter buildings shall conform to setback requirements for structures in the district in which it is located.

SECTION 703. OFF-SITE PARKING FACILITIES.

Required parking for a development may be located off-site under certain circumstances. Requests for off-site parking must meet the following requirements:

1. **Residential Uses:** Parking facilities accessory to dwelling units shall be located on the same zoning lot as the use served. Spaces accessory to uses other than dwellings (such as churches) may be located on a lot adjacent to or directly across a street or alley from the lot occupied by the use served; but in no case at a distance in excess of 300 feet from such zoning lot.
2. **Nonresidential Uses:** Parking facilities accessory to nonresidential uses may be located on other than the same zoning lot as the use served (off-site). All required parking spaces shall be within 500 feet of such zoning lot. No parking spaces accessory to a use in a business or industrial district shall be located in a residential district, unless authorized by the Planning Commission.
3. **Agreement Required:** A written agreement shall be drawn to the satisfaction of the City Attorney and executed by all parties concerned assuring the continued availability of the off-site parking facilities for the use they are intended to serve.

SECTION 704. COMMERCIAL VEHICLE PARKING.

Overnight parking of commercial vehicles in excess of 24,000 pounds and requiring commercial plates, including all semi-truck tractors and trailers, is prohibited within any residential zoning district. This Chapter shall not be interpreted to prohibit the parking of a private passenger vehicle which bears commercial license plates.

SECTION 705. BICYCLE PARKING.

Each parking area associated with any type of land use listed in this ordinance, except for single-family and two-family residential dwellings, may be eligible to substitute one (1) required automobile parking space for five (5) bicycle parking spaces.

Bicycle parking spaces must comply with the following:

1. Bicycle racks must be permanently anchored in easily visible and accessible areas of the parking area. Bicycle parking areas must be made up of asphalt or concrete material.
2. Each bicycle rack should have a minimum capacity of two bicycles.
3. Each bicycle parking space must be accessible without moving another bicycle.
4. There must be an aisle at least 5 feet wide to allow for bicycle maneuvering.
5. Bicycle racks and parking may not interfere with sidewalks, pedestrian traffic, or designated automobile parking areas.

SECTION 706. OFF-STREET LOADING AND UNLOADING.

On the same premises with every building, structure, or part thereof, involving the receipt or distribution of vehicles or materials or merchandise, there shall be provided and maintained on the lot, adequate space for standing, loading, and unloading in order to avoid undue interference with public use of dedicated rights-of-way. Such space shall be provided as follows:

TOTAL FLOOR AREA OF THE BUILDING	OFF-STREET LOADING SPACE REQUIREMENTS
1,401 - 20,000 sq. ft.	One (1) usable loading space, 10' x 50'
20,001 - 50,000 sq. ft	Two (2) usable loading spaces, each 10' x 50'
Over 50,000 sq. ft.	Three (3) usable loading spaces plus one (1) space for each 50,000 sq. ft. in excess of 50,000 sq. ft. each 10' x 50'

1. All loading spaces shall be in addition to the off-street parking area access drive, and maneuvering lane requirements.
2. Off-street loading space shall have a clearance of 14 feet in height.
3. Off-street loading space may be completely enclosed within a building, or may occupy a portion of the site outside of the building, provided that where any portion of a loading space is open to public view, said space shall be screened in accordance with SECTION 313, Exterior Lighting.

4. All loading and unloading in the industrial and commercial districts shall be provided off-street in the rear yard or interior side yard, and shall in no instance be permitted in a front yard. In those instances where exterior side yards have a common relationship with an industrial district across a public thoroughfare, loading and unloading may take place in said exterior side yard when the setback is equal to at least 50 feet.
5. All loading and unloading spaces shall be paved with asphalt or concrete material. The Planning Commission may grant a waiver to allow for the use of crushed asphalt or crushed concrete when the applicant can demonstrate no potential adverse impacts on traffic circulation or surrounding uses.

SECTION 707. SNOW STORAGE.

Snow storage shall be known as any portion of a parking lot or parking structure that is used for seasonal storage of snow. Applicants must show on the site plan the location of where potential snow piles are to be stored during the winter months. The applicant must include the number of parking spaces affected by snow storage in a parking area.

SECTION 708. RECREATIONAL OPEN VEHICLE STORAGE.

1. Residents of the city may keep not more than one (1) of their own trailer, boat, camper, motor home, and similar vehicles on their own property for an indefinite period of time, provided such vehicles are in operable condition and are not kept within 20 feet of the closest edge of any neighboring road surface area. Such vehicles shall be subject to all other applicable provisions concerning accessory buildings set forth in SECTION 305.
2. A travel trailer, motor home, or camper parked or stored on a residential lot shall not be connected to sanitary facilities and shall not be occupied.

Chapter 8 Landscaping

SECTION 801. LANDSCAPING STANDARDS.

1. **Intent:** Landscaping, greenbelts, and screening are necessary for the protection and enhancement of the environment and for the continued vitality of all land uses in the city. Landscaping and greenbelts are capable of enhancing the visual environment, preserving natural features, improving property values, and alleviating the impact of noise, traffic, and visual disruption related to intensive uses. The purpose of this Section is to set minimum standards for the protection and enhancement of the environment through requirements for the design and use of landscaping, greenbelts, and screening to protect and preserve the public health, safety, and welfare of the community.
2. **Scope of Application:** The requirements set forth in this Section shall apply where landscaping is required under this ordinance, and no site plan shall be approved unless said site plan shows landscaping consistent with the provisions of this Section. Furthermore, where landscaping is required, a zoning permit for new construction or expansion shall not be issued until the required landscape plan is submitted and approved, unless provisions set forth in this Section have been met or a performance bond has been posted.

The requirements of this Section are minimum requirements, and nothing herein shall preclude a developer and the City from agreeing to more extensive landscaping.

3. **Landscaping Design Standards:** Required landscaping shall conform to the following standards:
 - a. **General Landscaping:** All portions of the lot or parcel area not covered by buildings, paving, or other impervious surfaces, shall be landscaped with vegetative ground cover and other ornamental materials as required below, except where specific landscape elements, such as a greenbelt, berm, or screening are required:
 - 1) All portions of the landscaped area shall be planted with grass, ground cover, shrubbery, or other suitable plant material, except that paved patios, terraces, sidewalks, and similar site features may be incorporated with Planning Commission approval.
 - 2) A mixture of evergreen and deciduous trees shall be planted.
 - 3) Required trees and shrubs may be planted at uniform intervals, at random, or in groupings.

- 4) On sites located in the C-2 zoning district, the landscaped area shall include a greenbelt of a minimum 10-foot width, located and continually maintained along a public right-of-way. Greenbelts shall also be required around retention/detention ponds or basins.
 - 5) In consideration of the overall design and impact of the landscape plan, the Planning Commission may increase, reduce, or waive the requirements outlined herein for general landscaping, or for landscaping in greenbelt areas, on berms, or as part of a screen, provided that any such adjustment is in keeping with the intent of the ordinance, and more specifically, with the intent of the Chapter.
 - 6) The total landscaped area shall be the basis for determining the required number of trees or shrubs, irrespective of the portion which is devoted to patios, terraces, sidewalks, or other site features.
- b. **Greenbelt Buffer:** Where required, greenbelts and greenbelt buffers shall conform to the following standards:
- 1) A required greenbelt or greenbelt buffer may be interrupted only to provide for roads or driveways for vehicular access.
 - 2) Grass, ground cover, or other suitable live plant material shall be planted over the entire greenbelt area, except that paving may be used in areas of intensive pedestrian circulation.
 - 3) A minimum of one (1) deciduous tree or evergreen tree shall be planted for each 30 linear feet or portion thereof of required greenbelt length. Required trees shall be at least 5 feet tall and may be planted at uniform intervals, at random, or in groupings.
 - 4) Two (2) 18-inch-high shrubs shall be required for each 15 linear feet of greenbelt area. Required shrubs may be planted at uniform intervals, at random or in groupings.
- c. To determine required plant material, required greenbelt area length shall be measured along the exterior periphery of the greenbelt area inclusive of all driveways.
- d. **Landscape Berms:** Where required, earth berms or landscaped berms shall conform to the following standards:
- 1) The berm shall be a minimum of 3 feet above the grade elevation, and shall be constructed with slopes no steeper than 1 foot vertical for each 3 feet horizontal. For the purposes of this provision, grade elevation shall be the ground elevation at the property line adjacent to the proposed berm.

- 2) The berm area shall be planted with grass or other suitable ground cover to ensure that it withstands wind and weather and retains its height and shape.
 - 3) A minimum of one (1) deciduous or evergreen tree shall be planted for each 30 linear feet of required berm.
 - 4) Eight (8) shrubs per tree may be planted as a substitute for each tree (see SECTION 801.3.b.3) above).
 - 5) Required trees and shrubs may be planted at uniform intervals, at random, or in groupings.
 - 6) For the purpose of determining required plant material, required berm length shall be measured along the exterior periphery of the berm.
- e. **Evergreen Screening:** Where required, evergreen screening shall consist of closely spaced plantings which form a visual barrier that grows to at least 5 feet above ground level.
- f. **Mechanical Equipment:** Equipment and utilities including but not limited to blowers, ventilating fans, heating, ventilation and air-conditioning units (HVAC), water and gas meters, elevator housing, and tanks shall meet the following standards.
- 1) Such equipment and utilities shall not be located in any front yard and shall be placed not closer than three feet to any lot line in the CBD Central Business District, and not closer than 12 feet to any lot line in all other districts.
 - 2) All such equipment shall be screened by a solid wall, fence, landscaping and/or architectural feature that is compatible in appearance with the principal building.
 - 3) Roof-mounted equipment shall not exceed a height of 10 feet above the surrounding roof surface, and shall occupy no more than 15% of the total roof area. Roof-mounted equipment shall be screened so that it is not visible from the ground level.
- g. **Rounding:** When calculating the number of required trees or shrubs, all fractions shall be rounded up to the nearest whole number. For example, if there is 70 feet of required greenbelt, 3 deciduous or evergreen trees must be planted, along with 10 shrubs. ($70/30=2.33$); ($70/15=4.67$); $4.67 * 2$ shrubs per 15 feet = 9.34 shrubs)
- h. **Landscaping Rights-of-Way and Other Adjacent Public Open-Space Areas:** Public rights-of-way and other public open-space areas adjacent to required landscaped areas and greenbelts shall be planted with grass or other suitable ground cover and maintained by the owner of the adjacent property as if they were part of required landscaped areas and greenbelts.

- i. **Regulations Pertaining to Landscaping Areas Used for Sight Distance:** When a driveway intersects a public right-of-way or when the subject property abuts the intersection of public rights-of-way, all landscaping within the corner triangular areas described below shall permit unobstructed cross-visibility. Shrubs located in the triangular area shall not be permitted to grow to a height of more than 3 feet above the pavement grade at the edge of the pavement. Portions of required berms located within sight distance triangular areas shall also not exceed a height of 3 feet above the pavement grade at the edge of the pavement. Trees may be maintained in this area provided that all branches are trimmed to maintain a clear vision for a vertical height of 8 feet above the roadway surface. Landscaping, except grass or ground cover, shall not be located closer than 3 feet from the edge of a driveway.

The triangular areas referred to above are:

- 1) The area formed at the corner intersection of a public right-of-way and a driveway, two (2) sides of the triangle area being 10 feet in length measured along the right-of-way line and driveway line and the third side being a line connecting these two sides.
 - 2) The area formed at a corner intersection of two (2) public rights-of-way lines, the two (2) sides of the triangular area being 25 feet in length measured along the abutting public rights-of-way lines and the third side being a line connecting these two (2) sides.
- j. **Maintenance of Landscaping:** All required landscape areas shall be planted and maintained with living plant materials. Failure to maintain required landscaped areas, including the removal and replacement of dead or diseased plant materials, shall constitute a violation of this ordinance.

SECTION 802. PLANT MATERIALS.

Whenever in this ordinance planting is required, it shall be planted within six (6) months from the date of completion of the building or improvement, and shall thereafter be reasonably maintained with permanent plant materials. Plastic and other nonorganic, nonliving plant materials shall be prohibited from use and shall not be in compliance with the spirit and intent of this ordinance. Any plant material required to be planted by this ordinance shall be free from disease and insects at the time of planting and conform to the American Standard for Nursery Stock of the American Nurserymen ANZI Z60.1.

1. Plant Material Spacing

- a. Deciduous or evergreen trees shall not be placed closer than 4 feet from the fence line or property line and shrubs shall not be planted closer than 2 feet from the fence or property line.

- b. Where plant materials are planted in two (2) or more rows, plantings shall be staggered in rows.
- c. Evergreen trees shall be planted not more than 30 feet on centers, except as provided in SECTION 801.3.a.5).
- d. Narrow evergreens shall be planted not more than 3 feet on centers.
- e. Deciduous trees shall be planted not more than 30 feet on centers.
- f. Tree-like shrubs shall be planted not more than 10 feet on centers.
- g. Large deciduous shrubs shall be planted not more than 4 feet on centers.

2. Suggested Plant Materials

Plant Material Type	Standards	Species
Evergreen Trees	Minimum of 6 feet in height	Hemlock Fir Pine Spruce Douglas-Fir
Narrow Evergreens	Minimum of 4 feet in height	Column Honoki Cypress Blue Columnar Chinese Juniper Pyramidal Red-Cedar Irish Yew Douglas Arborvitae Columnar Giant Arborvitae
Tree-like Shrubs	Minimum of 6 feet in height	Flowering Crab Mountain Ash Dogwood Redbud Rose of Sharon Hornbeam Hawthorn Magnolia
Large Deciduous Shrubs	Minimum of 4 feet in height	Honeysuckle Viburnum Mock-Orange Forsythia Lilac Cotoneaster Hazelnut Euonymus Privet Sumac

Plant Material Type	Standards	Species
Deciduous Trees	Minimum of 2- to 3-inch caliper	Oaks Hard Maple Hackberry Birch Planetree (Sycamore) Ginkgo (male) Beech Sweet-Gum Honeylocust Hop Hornbeam Linden
Trees Not Permitted	N/A	Box Elder Soft Maples (Silver) Slippery Elms Poplars Willows Horse Chestnut (nut bearing) Tree of Heaven Catalpa Ginkgo (female) Autumn or Russian Olive Ash Buckthorn Japanese Knotwood Mulberry

3. **Existing Plant Materials:** In instances where healthy plant material exists on a site prior to its development, plant materials requirements may be reduced by two new trees or shrubs for each existing tree over 4-inch caliper or shrub over 18 inches in height that is maintained within the required greenbelt or landscaping area.

SECTION 803. PARKING LOT LANDSCAPING.

Off-street parking areas which contain more than 20 parking spaces shall be landscaped as follows:

1. An area equal to at least 5 percent of the total parking area shall be used for interior landscaping. Whenever possible, parking lot landscaping shall be arranged to improve the safety of pedestrian and vehicular traffic, guide traffic movement, and improve the appearance of the parking area, through the even distribution of the landscape effort across the total off-street parking area, rather than to concentrate all effort in one location.

2. Parking lot landscaping shall be not less than 5 feet in any single dimension and not less than 150 square feet in any single island area. Not more than two (2) landscaped units of 150 square feet may be combined in plans designed to meet the minimum requirements. A minimum of one (1) deciduous tree shall be planted in each landscaped area.
3. The landscape plan shall designate the sizes, quantities, and types of plant material to be used in parking lot landscaping.
4. Required landscaping elsewhere on the parcel shall not be counted in meeting the parking lot landscaping requirements.

SECTION 804. SCREENING WALLS.

1. An obscuring wall, fence or buffer feature shall be provided and maintained to screen incompatible uses from commercial and industrial uses or site features as referenced in this Chapter. Fences shall be constructed in accordance with the standards of SECTION 312. The height of the wall or fence shall be measured from the surface of the parking area or land on the nonresidential side of the wall based on the standards in the following table:

USE	MINIMUM HEIGHT REQUIREMENT
Multi-Family Housing Adjacent to R-1A or R1-B Zoning Districts	6-foot-high wall or fence
Off-street Parking Areas Adjacent to R1-A, R1-B, R-M, or R-O Zoning Districts	6-foot-high wall or fence
C 1 and C 2 districts adjacent to R-1A, R1-B, or R-M districts	6-foot-high wall or fence
MT – Districts adjacent to R1-A, R1-B, R-O, or R-M	8-foot-high wall or fence
Open Storage Areas and Loading and Unloading Zones Adjacent to Any Residential Zoning District or Use.	8-foot-high wall or fence (See also SECTION 312.2)
Trash Receptacles or Dumpsters in Any Zoning District	6-foot-high wall or fence (see also SECTION 312.2)
Utility Buildings, Stations, and Substations in Any Zoning District	6-foot-high wall or fence

2. Required walls shall be located on the lot line except where underground utilities interfere and except in instances where this ordinance requires conformance with yard setback lines, subject to SECTION 312.5.a. Upon review of the site plan, the Planning Commission may approve an alternate location for the wall or may modify the wall requirement by approving either an earth berm or evergreen screen in its place.
3. Required walls shall have no openings for vehicular traffic or other purposes, except as otherwise provided in this ordinance and except such openings as may be

approved by the Planning Commission. All walls herein required shall be constructed of materials approved by the Zoning Administrator that are to be durable, weather resistant, and easily maintained such as wood, brick, and cement.

4. The requirement for an obscuring wall between off-street parking areas, outdoor storage areas, and any abutting residential district may be waived or modified due to the distance from proposed use in the residential or existing screening on the property, at the discretion of the Planning Commission.
5. When residential uses in a non-residential district are adjacent to any uses listed above, the Planning Commission may require screening as outlined above, based on the impact on the adjacent residences.
6. In cases where the walls are intended to screen outdoor storage and similar uses, the materials being stored shall not exceed the height of screening walls.

SECTION 805. COMPLIANCE FOR NONCONFORMING SITES.

Existing sites that do not comply with the standards of this Chapter shall be required to come into full compliance whenever site plan review is required for a project anywhere on the site or when use of a property changes and the new use requires additional landscaping or screening.

Chapter 9 Special Land Use

SECTION 901. REVIEW AND APPROVAL OF SPECIAL USES.

1. Application

- a. The uses identified as special uses in the Table of Uses, SECTION 408 require Special Land Use approval consistent with the standards of this Chapter. Special Land Uses are recognized as possessing characteristics of such unique and special nature relative to location, design, size, public utility needs, and other similar characteristics necessitating individual standards and conditions in order to safeguard the general health, safety, and welfare of the community.
- b. The Planning Commission as provided herein shall have the authority to approve Special Land Use permits subject to such conditions of design, operation, and appropriate and reasonable safeguards as the City may require for any Special Land Use included in the various provisions of this zoning ordinance.

2. Data Required

- a. Application for any Special Land Use permit as provided under the provisions of this ordinance shall be made to the Zoning Administrator by filing an official Special Land Use permit application form; submitting required data, exhibits and information; and depositing the required fee as established by resolution of the City Council, and as may be amended from time-to-time.
- b. An application for a Special Land Use permit shall contain the following:
 - 1) Applicant's name, address, and telephone number.
 - 2) Address and tax description number of the subject parcel(s).
 - 3) A signed statement that the applicant is the owner or party with interest of the subject parcel, or is acting as the representative of the owner or operators detailed in Chapter 5.
 - 4) A complete site plan containing all of the applicable data outlined in SECTION 502, Review and Approval of Site Plans.
 - 5) Supporting statements, evidence, data, information and exhibits which address those standards and requirements for assessing special use permit applications outlined in SECTION 901.3.
 - 6) Information on any previously approved Special Land Uses for property.

- 7) A completed Special Land Use application must be submitted at least 30 days prior to the planning commission meeting at which the public hearing shall be held.
- c. An applicant may request a preliminary review of a Special Land Use application with the zoning administrator prior to formal submittal of the application. There is no cost for preliminary review and the zoning administrator's review is strictly advisory.

3. Special Land Use Application Review Process

- a. The Planning Commission shall review the particular circumstances and facts applicable to each proposed Special Land Use in terms of the following standards and requirements. All Special Land Uses must meet each of the following standards for approval:
 - 1) Will be harmonious with and in accordance with the general objectives of the Future Land Use Plan.
 - 2) Will be designed, constructed, operated, maintained, and in harmony with existing and intended character of the general vicinity and will not change the essential character of that area.
 - 3) Will be served adequately by essential public services and facilities such as highways, streets, drainage structures, police and fire protection and refuse disposal; or persons or agencies responsible for the establishment of the proposed use shall provide adequately for such services.
 - 4) Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the public health, safety, and welfare of the community.
 - 5) Will not involve uses, activities, processes, materials, equipment, and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive smoke, fumes, glare, noise, vibration, or odors.
- b. If the facts regarding this Special Land Use being reviewed establish, by a preponderance of the evidence that the standards and requirements set forth in this zoning ordinance will be met by the proposed use, the Planning Commission shall approve the Special Land Use.
- c. In considering a Special Land Use, the Planning Commission may impose reasonable conditions consistent with the requirements of SECTION 1205.
- d. The Planning Commission may deny, approve, or approve with conditions, or postpone decision on a request for Special Land Use following the required public hearing. The conditions shall be incorporated in a statement containing the

findings of fact relative to the Special Land Use Permit and maintained in the minutes of the public hearing and meeting.

- e. Any conditions imposed shall remain unchanged except upon mutual consent of a majority of the Planning Commission and the landowner. The City shall maintain a record of all conditions that are changed. All records of proceedings hereunder shall be kept and made available to the public.
 - f. The Special Land Use review shall occur prior to site plan review. Approvals may occur at the same meeting of the Planning Commission, or at separate meetings.
4. **Appeal:** The Planning Commission's decision regarding a Special Land Use application may be appealed to the Zoning Board of Appeals, consistent with the standards of SECTION 1105.
5. **Revocation:** If a property owner or operator of a use granted Special Land Use approval fails to comply with the conditions of approval or substantially alters the characteristics of the use granted approval, the Planning Commission may initiate a hearing to revoke the Special Land Use permit. The hearing notice shall be the same as required for the public hearing required for approval of the Special Land Use permit in SECTION 1206.
6. **Expansion:** An approved Special Land Use must re-submit an application, consistent with the process provided for in this Chapter when either of the following conditions are met, as determined by the Zoning Administrator. Please note that a site plan review may be required even if a new Special Land Use application is not required.
- a. The usable floor space increases by 25 percent or more.
 - b. Changes to the Special Land Use occur that affect neighboring properties, increase demand on public services, constitute an expansion of the Special Land Use beyond the original approval, or are otherwise inconsistent with the original application and approval.
 - c. The addition of an accessory building or structure to an approved Special Land Use shall not require a new Special Land Use permit, unless the Zoning Administrator determines that, per subsection 6.b. above, the accessory building or structure will affect neighboring properties.

SECTION 902. DESIGN CRITERIA FOR SPECIAL USES.

All Special Land Uses identified in this Chapter shall meet the design requirements listed in the Table of Use Requirements in SECTION 409. Only after the Special Land Use has been reviewed and found to meet these requirements can the City of Gladwin Planning Commission approve the Special Land Use.

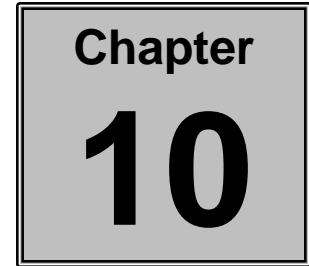
The uses with additional criteria for Special Land Use approval as noted in the Table of Use Requirements must also meet the standards set forth in SECTION 901.3.

SECTION 903. ADDITIONAL SPECIAL LAND USES.

A new Special Land Use can only be created by an amendment to this zoning ordinance and must state the qualifications for permitting approval of the Special Land Use Permit.

SECTION 904. EXPIRATIONS.

For uses that require construction, if a building permit is not issued within a year of approval, the special use expires. The Planning Commission may grant a single one-year extension of the special use upon a request by the applicant that demonstrates the applicant's intent to initiate construction within the one-year extension period.



Chapter 10 Planned Unit Developments and Condominiums

SECTION 1001. INTENT.

The intent of this Chapter is to provide an option for land development that allows for flexibility in the application of standards governing types of residential development. A planned unit development may also be a mixed use development integrating residences and neighborhood commercial activities in a single development. It provides for development of land as an integral unit which incorporates a single plan which locates and arranges land uses, buildings, drives, parking areas, utilities, landscaping and other improvements within a defined site. Using a Planned Unit Development for a larger piece of land allows for legal deviation from the specific site standards of this zoning ordinance as long as the general purposes for the standards are achieved and the general provisions of the zoning regulations are observed.

A Planned Unit Development shall be designed to achieve compatibility with the surrounding area and shall also be designed to encourage innovation and variety in design, layout, and type of residential development and its supporting land uses to achieve economy and efficiency in the use of land, natural resources and energy to provide for efficiencies and economy in providing public services and utilities; and to encourage development of more useful open space and recreation. The process for a Planned Unit Development or Condominium complex is similar to that of a Special Land Use Permit and sometimes is part of one.

The City of Gladwin Planning Commission shall be responsible for review and approve Planned Unit Development, Mixed Use Development, Condominium or similar projects to determine the eligibility, dimensional requirements, land use strategy and impact on public facilities and activities.

SECTION 1002. DEFINITIONS.

- 1. Planned Unit Development:** A residential development planned and developed as a unit under unified control, developed according to comprehensive and detailed plans, including a program providing for continual maintenance and operation of such improvements, facilities and service which will be for common use of the occupants of

the Planned Unit Development (PUD). Provisions for a PUD will be the same for Mixed Use Developments according to the district of use.

2. **Mixed Use Development:** An integrated pattern of development including dwellings, schools, churches and neighborhood commercial developed as a unit, under unified control, and developed according to comprehensive and detailed plans. This includes a program for continued maintenance, operation of the improvements. The Mixed Use Development will focus on utilizing unique land development and providing a strong pattern of vehicular, mass transportation, pedestrian and non-motorized traffic.
3. **Common Open Space:** Land within the PUD shall be under common ownership of all residents in the PUD and are to be used for park, recreation or environmental amenity. These lands shall not include public or private streets, driveways or parking areas. Within these lands only facilities and structures for recreational purposes may be constructed, with the total impervious area of roofs and paving in this area shall be not more than ten (10) percent of the total open space.
4. **Attached Single-Family Dwelling:** A single family dwelling unit attached to one or more other single-family units with a common wall, a connecting structure or wall such as a garage or carport and with such dwelling having its own doors that open to the outdoors.
5. **Home Owners Association:** An association of all owners of a project organized for the purpose of administering, managing and maintaining the common properties and facilities. This association shall be described in all covenants, deeds or other recorded legal documents which affect the title to any land within the development.

SECTION 1003. DEVELOPMENT STANDARDS AND MODIFICATIONS.

A Planned Unit Development will be created in accord with the following standards.

1. **Minimum Size Requirement:** The City of Gladwin Planning Commission may approve a (residential development only) for a site of no less than three (3) acres in area. A Mixed Use Development shall be no less than six (6) acres.
2. Permitted Principal Uses:
 - a. R-1A Single-family residences.
 - b. R-1B Single-family residences.
 - 1) Attached single family dwellings limited to a cluster of units not more than one hundred and fifty (150) feet in length.
 - c. R-M Zoning Districts.
 - 1) Single-family dwellings.

- 2) Two-family dwellings.
 - 3) Attached single-family dwellings limited to a cluster of units not more than one hundred and fifty feet in length.
 - 4) Multiple-family dwellings.
 - 5) Mixed Use Developments are not to exceed three (3) stories.
3. **Allowable Densities:** The maximum density permitted in a Planned Unit Development shall be:

R-1A, R1-B 5.5 dwelling units per acre.

R-M 15 dwelling units per acre.

Where a Planned Unit Development includes lands in more than one zoning district, the dwelling units must be distributed throughout the project in accord with the allowable density of the zoning district in which they are located.

4. Permitted Accessory Uses:
- a. Common open space for recreation, specifically for the residents of the PUD.
 - b. Streams or ponds.
 - c. Parking lots.
 - d. Other uses which, as the result of the plan review process, are determined to be designed to serve the residents of the PUD.
5. **Common Open Space:** At least forty (40) percent of the total land area within a PUD shall be in open space.
6. **Unified Control:** All lands within a proposed Planned Unit Development or Mixed Unit Development shall be under control of a single applicant, with that applicant being an individual, partnership, corporation or group thereof. All buildings, structures, landscaping and other improvements in a PUD shall be under the unified control of the same applicant until conveyed in accordance with the PUD plan.
7. Access and Circulation:
- a. Roadway access for planned and mixed unit developments will be reviewed in accord with standards set forth in the subdivision regulations of the City of Gladwin.
 - b. Private roadway width shall be a minimum of thirty-three (33) feet.
 - c. Public roadways will be in accord with specifications for city streets.

- d. Improved walkways of at least five (5) feet in width will be provided within the PUD as dictated by internal circulation requirements, and walkways shall connect to external walks providing access to schools, parks and other pedestrian generators.

8. Parking Standards:

- a. Parking spaces required:

1 bedroom units two spaces

2+ bedroom units two spaces

Guest parking shall be dictated by project design as approved.

- b. Parking space design and layout.

- 1) Parking shall be arranged to be compatible with surrounding development in the residential district. Parking for residents and guests shall be considered in overall design, private drives and garages are allowed.

- 2) Parking lot size:

- i. Parking space dimensions shall be in accord with SECTION 702.

- c. A single parking area shall contain no more than twenty (20) parking spaces.

- d. Within a parking area, no more than ten (10) spaces shall be permitted in a continuous row without being interrupted by landscaping.

- e. Parking storage areas: Separate parking or storage may be provided to accommodate motor homes, campers, boats and similar vehicles and equipment. Such areas shall be screened from both within and without the planned unit development.

- f. Parking lot screening: Parking areas shall be screened from adjacent roads and buildings with hedges, fences, walls, dense plantings or berms.

- g. Lighting: All areas shall be adequately lighted so as to direct illumination from any residential buildings.

9. Yard Requirements, Site Perimeter:

- a. Where a planned unit development abuts an R-1A, R-1B, or RM zoning district, all structures shall be at least thirty (30) feet from any perimeter boundary line, except that such structures in excess of forty (40) feet in length shall be set back an additional foot for every five (5) feet of building length parallel to said building length.

- b. Where a planned unit development abuts a zoning district other than an R1-A, R1-B or R-M zoning district, all structures shall be set back at least twenty-five (25) feet from any perimeter line.
 - c. Where a planned unit development abuts an R1-A, R1-B or R-M zoning district, no intensive recreational building or facility shall be located within fifty (50) feet of any perimeter boundary line.
 - d. Except for single-family detached dwelling units where a planned unit development abuts an R1-A, R1-B or R-M zoning district, no parking area shall be within fifty (50) feet of any perimeter boundary line.
10. **Yard Requirements, Interior:** Yards in the interior of a planned unit development may be less than those required in the zoning district within which located. Development may occur without any provision for interior yards, but in no case shall buildings be closer than ten (10) feet from each other (zero lot line development).
11. **Underground Utilities:** All utilities within a planned unit development shall be constructed underground.
12. **Lot Sizes:** Lot sizes may be reduced from the regulations of the specific zoning district. Provisions may be made for developments without lot area.
13. **Dwelling Unit Access:** Dwelling units may front on and take access from private roadways which are part of the commonly held lands within the development.

SECTION 1004. APPLICATION PROCEDURES.

Applications are to be filed with the City of Gladwin Planning Commission.

1. **Applicant:** An application for approval of a planned unit development shall be submitted by or on behalf of an applicant who has a demonstrable legal interest in all of the lands within the proposed development.
2. **Pre-Application Conference.** An applicant shall meet with the Zoning Administrator prior to the submission of a formal application. The purpose of the conference is to review procedures necessary for the submission of a complete application.
3. **Preliminary Plan Application.** Before submitting a final plan, an applicant shall submit a preliminary plan of the planned unit development. The approval of a preliminary plan shall confer on the applicant right and general terms and conditions under which the preliminary plan approval was granted and will not be changed.
4. **Submission Requirements – Preliminary Plan Application:**
 - a. Applicant's name, address, phone number, proof of property interest and/or other responsible official preparing the application in two (2) copies.

- b. A written legal description of the site area proposed for development two (2) copies.
 - c. A site plan and supporting maps and drawings at a scale of not more than one (1) inch = one hundred (100) feet and dimensioned to identify the size and location of plan elements.
 - 1) Location Map
 - 2) Site topography, existing and proposed at interval no greater than two (2) feet.
 - 3) Location of all existing and proposed buildings & structures.
 - 4) Public and private roadways within and adjacent to site.
 - 5) Walkways & non-motorized trails within and adjacent to the site.
 - 6) Park areas, driveways and loading and service areas.
 - 7) Open areas with a description as to use.
 - 8) A written tabulation of data concerning the site, including the number of dwelling units by type, the area of all parcels created, the area of common open space and the number of parking spaces provided.
 - 9) A general landscape plan within the site. Specific details of plant size shall be shown for any landscaping provided to comply with any required screening in the project.
 - 10)The location and size of any outside trash containers.
 - 11)The location and size of all existing utilities and drainage facilities.
 - 12)The general location and size of all proposed utilities and drainage facilities.
 - 13)The dimensions of all parcels created as a part of the development.
 - d. Building elevation drawings showing the architectural style to be used in the development, two (2) copies.
 - e. A submittal fee to be determined by the City Council.
5. **Final Plan Application:** Upon approval of the preliminary plan application, a developer shall prepare and submit a final plan application. The final plan shall be in accordance with the approved preliminary plan and shall be subject to approval by the City Planning Commission. Upon approval of the final plan, the developer may obtain necessary building permits for construction of the planned unit development.

6. Submission Requirements – Final Plan Application

- a. Applicant's name, address, phone number, proof of property interest and/or other responsible official preparing the application in two (2) copies.
- b. A written legal description of the site area proposed for development, two (2) copies.
- c. A letter of transmittal setting forth the proposed development schedule, including the sequence of any phases of the development, two (2) copies.
- d. A site plan and supporting maps and drawings containing the following information at a scale of not more than one (1) inch = one hundred (100) feet and dimensioned so as to identify the size and location of various elements of the plan, two (2) copies.
 - 1) Location Map
 - 2) Site topography, existing and proposed at interval no greater than two (2) feet.
 - 3) Location of all existing and proposed buildings and structures.
 - 4) Public and private roadways within and adjacent to site.
 - 5) Walkways and non-motorized trails within and adjacent to the site.
 - 6) Park areas, driveways and loading and service areas.
 - 7) Open areas with a description as to use.
 - 8) A written tabulation of data concerning the site, including the number of dwelling units by type, the area of all parcels created, the area of common open space and the number of parking spaces provided.
 - 9) A general landscape plan within the site. Specific details of plant size shall be shown for any landscaping provided to comply with any required screening in the project.
 - 10) The location and screening of any outside trash containers.
 - 11) The dimensions of all parcels to be created as a part of the development.
- e. The organizational structure of any Homeowners Association to be formed for the operation and maintenance of all common open space, common property and facilities within the development, two (2) copies.
- f. A copy of covenants pertaining to the development, two (2) copies.

- g. Plans and specifications for all sanitary sewer, storm drainage, water and roadways within the project. Those plans and specifications shall be prepared by a professional engineer in accord with the standards of the Michigan Department of Community Health, as they pertain to public utilities.

SECTION 1005. PRELIMINARY PLAN –PLANNING COMMISSION REVIEW AND APPROVAL.

Public Hearing and Notice. The City of Gladwin Planning Commission shall conduct a public hearing on the proposed planned unit development, condominium or similar project. Notice of public hearing shall be consistent with SECTION 1206 of this Zoning Ordinance.

Planning Commission Action: After reviewing the application for a planned unit development, and within sixty (60) days of receipt of the application, the planning commission shall approve, approve with conditions or disapprove the project. The Planning Commission shall prepare a recommendation explaining its actions, and modifications, or conditions of approval or denial. The decisions of the Planning Commission shall be based on: (1) The standards incorporated in this Chapter and any other applicable standards of the City of Gladwin; (2) a determination of that the development is not detrimental to the health, safety and welfare of the community; and (3) Determination that the development shall not be injurious to the character of the neighborhood in which it is located but rather is compatible with it. The review period may be extended upon written request of the applicant.

Developer Action: After receiving approval of the preliminary plan, the developer may proceed with the installation of public works improvements pursuant to City of Gladwin codes. The improvements shall be in accord with the approved preliminary plan and specifications shall be approved by the city engineer. The developer shall have paid the City the required fee for engineering inspection prior to performance of inspection services. In no event will the developer be permitted to proceed with any further or additional construction or development until receiving final plan approval.

SECTION 1006. FINAL PLAN – REVIEW AND APPROVAL.

A developer may submit to the Planning Commission for final approval all or part of the plan for which preliminary approval has been received. Any final plan of all or part of the larger development shall ensure it proportional share of the open or common space.

Planning Commission Action: After review of the proposed final plan for a planned unit development or part thereof, the Planning Commission shall, within thirty (30) days of receipt of the plan, approve, approve with conditions, or disapprove the project. The Planning Commission shall approve the final plan unless it is determined that said final plan is (1) not in accordance with the approved preliminary plan, or (2) unless part of said final plan does not represent a proportion of all material elements of said plan. The

commission shall set forth in writing the basis for its decision and any conditions relating to affirmative action.

Agreement Required: Prior to approval by the City Planning Commission, the developer shall have executed, and submitted in duplicate to the City, an agreement with the City setting forth: (1) the specific location and use of all common or open lands and common facilities within the development; (2) the organizational structure of any Homeowner's Association and provisions for implementation of transferring control to said association from the developer; (3) the methods of levying assessments on the common lands and facilities, both with respect to taxes and operation and maintenance fee; (4) provisions enabling the City to enter upon and maintain such common lands or facilities whenever the developer or Homeowners Association has failed to do so, along with procedures for assessing such costs back to the development; (5) provisions whereby the Zoning Administrator shall not issue a zoning permit until all the required improvements as set forth in the site plan have been completed, or a financial guarantee sufficient to cover the cost of any improvements not completed, has been provided to the City as prescribed in accordance with the provisions of this Chapter, and provisions to allow the City to enter and complete such improvements if the developer has failed to do so within the stated period of time. The agreement shall be approved as to form and content by the City Attorney.

SECTION 1007. APPROVAL PERIOD.

Preliminary Plan: The length of approval of a preliminary plan for a planned unit development shall be eighteen (18) months from the date of approval. An extension may be applied for in writing by the applicant prior to the expiration date, and extensions may be granted by the City of Gladwin Planning Commission twice, each for a period of one year.

Final Plan: The length of approval of a final plan for a planned unit development shall be two (2) years from the date of approval. An extension may be applied for in writing by the applicant prior to the expiration date, and extensions may be granted by the City Planning Commission twice, each for a period of one (1) year, or such time as is compatible with due progress. Where a planned unit development is being developed in phases, the initiation of each new development phase shall automatically extend the approval for two (2) years from the date of issuance of a building permit.

SECTION 1008. PERFORMANCE GUARANTEE.

Condition for Issuance of Temporary Certificate of Zoning Compliance: If, when a certificate of occupancy is requested, all required site improvements have not been completed, the Zoning Administrator may issue a temporary certificate of zoning compliance upon receipt from the developer by the City Clerk/ Treasurer responsible for financial guarantee in the form of a cash deposit, certified check, irrevocable bank letter of credit or surety bond in the amount sufficient to cover the cost of outstanding improvements.

Covered Improvements: The amount of the performance guarantee shall be limited to cover the estimated cost of improvements necessary to comply with provisions of this zoning ordinance and any conditions attached to the planned unit development approval. Said improvements shall include but not be limited to roadways, lighting, utilities, sidewalks, screening and drainage.

Exemptions: This Section shall not be applicable to improvements for which a cash deposit, certified check, irrevocable bank letter of credit or surety bond has been deposited pursuant to Act 288 of the Public Acts of 1967, as amended, being Sections 560.101 to 560.293 of M.C.L.

Completion Time: All required improvements covered by the performance guarantee shall be completed within two hundred forty (240) days of the issuance of the temporary certificate of occupancy.

In the event all required improvements are not completed within the time period provided, the City of Gladwin, by resolution of the City Council, may proceed to have such work completed and reimburse itself for the cost thereof from the security furnished by the developer. If the performance guarantee is insufficient to pay for the rest of the work, the developer is responsible for the balance owed to complete the work.

Release of Performance Guarantee: Upon the written request of the developer for a release of all or a portion of the financial security provided for the completion of the improvements and upon certification by the City Treasurer that the portion of the financial security requested to be released is equal to or less than the proportion of the improvements installed at the date of such request, the City Administrator may authorize the release of such financial security to the developer or to such other source as shall be directed by the developer. Any written request from the developer seeking a release of a portion of the financial security shall be accompanied by a written certification from a responsible engineer or architect certifying what part of the improvements have, in fact, been completed and the cost of improvements which remain to be completed.

SECTION 1009. AMENDMENTS TO PLANS.

Minor changes in the location, siting, or character of buildings and structures may be authorized by the Zoning Administrator, if required by engineering or other circumstances not foreseen at the time the final development program was approved. No change authorized under this Section may increase by more than ten (10) percent, or decrease by more than twenty (20) percent, the size of any building or structure by more than ten (10) feet in any direction provided, notwithstanding anything in the foregoing, the Zoning Administrator may not permit changes beyond the minimum or maximum requirements set forth in this Zoning Ordinance.

All other change in the planned unit development, including changes in the site plan and in the development schedule, must be made under the procedures that are applicable to the initial approval of a planned unit development.

SECTION 1010. SUBDIVISION REQUIREMENTS.

Any planned unit development which will result in the creation of parcels of land under separate ownership, as defined by the Subdivision Control Act 59 of 1978, as amended, will comply with all provisions of those acts in addition to requirements set forth in this zoning ordinance. The Condominium Act shall comply with the provisions of those acts.

SECTION 1011. CONDOMINIUMS.

INTENT: The intent of this Chapter is to regulate the division and development of land under the Condominium Act (PA 59 of 1978, as amended) so that the development is comparable in quality of design to property divided and developed by other methods. All condominiums must conform to the State of Michigan Act 59 of 1978, as amended.

REVIEW REQUIREMENTS: In order to ensure compliance with this ordinance, all condominium developments shall go through the site plan review process, including developments consisting solely of single family, duplex residences, condominium apartments, residential commercial mixed uses that may otherwise not be required to prepare a site plan. The requirements of SECTION 502, Review and Approval of Site Plans and the subsequent Review and Approval of Conditional Uses, shall apply. All applicants for a condominium site plan shall submit the following information:

- a. A draft of the proposed condominium master deed.
- b. A copy of the proposed condominium subdivision plan (this may replace the site plan normally required for site plan review).
- c. A draft of the proposed condominium by-laws.

ZONING ORDINANCE STANDARDS

1. **Lot Size:** In conventional condominium development, the condominium unit is enclosed air space, such as condominium apartments. In conventional condominium development the entire site must meet the minimum lot size requirements for the zoning district in which the parcel is located. For site condominium developments, the condominium unit is a piece of land that is sold as a building site just as lots in a subdivision are sold. Each condominium unit in a site condominium and its associated limited common area are considered equivalent to a "lot" and must meet the minimum lot size requirements for the zoning district in which it is located.
2. **Setbacks:** In conventional condominium developments the buildings must be setback from the site boundaries as required in the zoning district in which it the parcel is located. For site condominium developments the setbacks shall be from the outer edge of the "lot" consisting of condominium units and their associated limited common area, and shall be consistent with the setbacks for principal structures in the zoning district in which it is located.

CONDOMINIUM DESIGN STANDARDS

Conventional and site condominium developments shall comply with the site plan review design requirements of Chapter 5. In addition, the site condominiums shall comply with the design standards contained in other Gladwin City Ordinances, and by the Gladwin County Drain Commissioner, the Gladwin County Health Department and the appropriate departments of the State of Michigan. The Planning Commission may apply the procedures and standards set forth in Chapter 10 in the review and approval of condominium projects.

SURVEY REQUIREMENTS: Conventional condominiums shall comply with all monument requirements contained in the Condominium Public Act 59 of 1978. Site condominiums shall comply with the following requirements unless otherwise approved by the Planning Commission.

1. Monuments shall be located in the ground and made accordingly to the following requirements, but it is not intended or required that monuments be placed within their traveled portion of a street to mark angles in the boundary of the subdivision if the angle points can be readily reestablished by reference to monuments along the sidelines of the streets.
2. All monuments used shall be made of solid iron or steel at least one half (1/2) inch in diameter and thirty-six (36) inches long and completely encased in concrete at least four (4) inches in diameter.
3. Monuments shall be located in the ground and made at all angles in the boundaries of the site condominium; at the intersection lines of streets and at the intersection of alleys with the boundaries of the site condominiums; at the points of curvature, points of reverse curvature and angle points in the side lines of streets and alleys; and at all angles of an intermediate traverse line.
4. If the required location of a monument is in an inaccessible place, or where locating of a monument would be clearly impractical, it is sufficient to place a reference monument nearby and the precise location thereof is clearly indicated on the plat and referenced to the true point.
5. If a point required to have a monument is on a bedrock outcropping, a steel rod, at least one-half (1/2) inch in diameter shall be drilled and grouted into solid rock to a depth of at least eight (8) inches.
6. All required monuments shall be placed flush with the ground where practical.
7. The corner of each area consisting of a unit and the associated limited common area reserved for that unit, and treated as a "lot" under this ordinance shall have a monument in the field by iron or steel bars or iron pipes at least eighteen inches long and one-half (1/2) inch in diameter or other approved markers.

8. The City Council may waive the placing of the required monuments and markers for a reasonable time, not to exceed one (1) year, on condition that the proprietor deposits with the City a certified check, or irrevocable bank letter of credit running to the City, whichever the proprietor selects, in an amount not less than one hundred (100) dollars per monument and not less than four hundred (400) dollars in total, except that lot corner markers shall be at a rate of not less than twenty-five (25) dollars per marker. Such cash, certified check or irrevocable bank letter of credit shall be returned to the proprietor upon receipt of a certification by a surveyor that the monuments and markers have been placed as required within the time specified. If the proprietor defaults, the City shall promptly require a surveyor to locate the monuments and markers in the ground as certified by the plat, at a cost not to exceed the amount of the security deposited and shall pay the surveyor.



Chapter 11 Zoning Board of Appeals

SECTION 1101. INTENT.

An appeals procedure is herein established to fully and equitably achieve the objectives of this Ordinance. This Chapter provides a means for competent interpretation of this Ordinance, for adequate but controlled flexibility to be provided in the application of this Ordinance, to secure the health, safety, and welfare of the public, and for justice to be done.

SECTION 1102. MEMBERSHIP.

There is hereby established a Zoning Board of Appeals, which shall perform its duties and exercise its powers as provided in the Michigan Zoning Enabling Act 110 of 2006, as amended.

The Zoning Board of Appeals shall consist of five (5) members (nominated by the Mayor, and appointed by the City Council). All members shall be electors of the City. One member shall also be a member of the Planning Commission. One member may also be a member of the City Council but may not serve as the chairperson of the Zoning Board of Appeals. An employee or contractor of the City Council may not serve as a member of the Zoning Board of Appeals. Members shall serve three (3) -year terms which may initially be reduced at the time the Zoning Board of Appeals is established in order to provide for staggered terms. A vacancy on the Zoning Board of Appeals shall be filled for the remainder of the unexpired term in the same manner as the original appointment.

The Mayor may nominate, and City Council may appoint not more than two (2) alternate members of the Zoning Board of Appeals to serve for three (3) -year terms. An alternate member of the Zoning Board of Appeals shall serve as a regular member of the Zoning Board of Appeals in the absence of a regular member. An alternate member may also be called to serve as a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of a conflict of interest. The alternate member appointed shall serve in the case until a final decision is made. The alternate member shall have the same voting rights as a regular member of the Zoning Board of Appeals. An alternate member shall be called to serve on a rotating basis by the Chairperson of the Zoning Board of Appeals, when the absence, unavailability, or conflict of interest of a regular member becomes known to the Chairperson.

The Zoning Board of Appeals shall annually elect its own Chairperson, Vice Chairperson, and Secretary. The members of the board should represent the population distribution and interests as near as possible. The compensation of the appointed members of the Zoning Board of Appeals may be fixed by the City Council. Members of the Zoning Board of Appeals shall be removable by the City Council for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. A member shall be disqualified from a vote in which he or she has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest shall constitute malfeasance in office.

SECTION 1103. MEETINGS.

All meetings of the Zoning Board of Appeals shall be held at the call of the Chairperson and at such times as the Zoning Board of Appeals in its rule of procedure may specify. The Chairperson may administer oaths and compel the attendance of witnesses.

All hearings conducted shall be open to the public, and operated in accordance with Act 267 of 1976, the Open Meetings Act, and procedures specified in SECTION 1206. The Zoning Board of Appeals shall keep minutes of its proceedings showing the vote of each member in question, or if absent, or failing to vote, indicating such fact; and shall also keep records of its hearings and other official actions in the office of the City Clerk, and shall be a public record.

The Zoning Board of Appeals shall not conduct business unless at least three (3) of the members (or alternates) are present. The concurring vote of at least three (3) of said Board (or alternates) shall be necessary to reverse an order, requirement, decision, or determination of an administrative official or body, or to decide in favor of the applicant a matter upon which they are required to pass under an ordinance.

A member of the Zoning Board of Appeals who is also a member of the Planning Commission of the City Council shall not participate in a public hearing on, take part in discussion on the matter, or vote on the same matter that the member voted on as a member of the Planning Commission, or the City Council. However, the member may consider and vote on other unrelated matters involving the same property.

In making a decision on a request, the Zoning Board of Appeals shall state the basis for their decision, including any findings of fact and how those facts relate to the standards used by the Zoning Board of Appeals in making their decision. The Zoning Board of Appeals shall adopt bylaws for the operation of the Board and the conducting of hearings.

SECTION 1104. PUBLIC HEARING NOTICE REQUIREMENTS.

Prior to making a decision on an application submitted to it under the terms of this Ordinance, the Zoning Board of Appeals shall hold a public hearing on the request and provide notice consistent with the provisions of SECTION 1206.

SECTION 1105. APPEALS PROCESS.

1. The appellate procedures contained in this Chapter are instituted to hear and decide appeals from and review any order, requirement, decision, or determination made by an administrative official or body charged with the enforcement of the Zoning Ordinance.
2. An appeal shall be filed with the officer from whom the appeal is taken and with the Zoning Board of Appeals, through the Zoning Administrator, and specifying the grounds for the appeal. No new information may be filed as part of the appeal. The Zoning Board of Appeals must review the case based on the same information available to the body or individual whose decision is being appealed.
3. An appeal of a decision may only be filed by a person or party with an interest in the decision being appealed.
4. Applications for appeals of administrative actions shall be submitted to the Zoning Administrator within thirty (30) days of the date of such actions. It is the responsibility of applicants to attend meetings during which their request is being heard.
5. The officer from whom the appeal is taken shall transmit to the Zoning Board of Appeals all papers constituting the record upon which the appeal is taken.
6. An appeal shall stay any enforcement actions related to the issue under appeal. However, if the Zoning Administrator certifies to the Zoning Board of Appeals after the notice of appeal is filed that, by reason of facts stated in the certificate, a stay would cause imminent peril to life or property; proceedings may be stayed only by a restraining order issued by the Zoning Board of Appeals or a circuit court.

The Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirements or determination appealed from and in making an order, requirement, decision or determination, shall have the powers of the officer or body from whom the appeal is taken.

SECTION 1106. JURISDICTION.

The Zoning Board of Appeals shall have the following powers under this Ordinance:

1. **Hear Appeals of Administrative Decisions:** The Zoning Board of Appeals shall hear and decide appeals from and review any administration order, requirement, decision, or determination made by an administrative official or body charged with enforcement of this Zoning Ordinance. The Zoning Board of Appeals may hear an appeal of a decision by the Planning Commission on a Special Land Use request. In exercising this authority, the Zoning Board of Appeals shall reverse or amend an administrative decision based on one of the following criteria:
 - a. The action or decision was arbitrary or capricious.

- b. The action or decision was based on an erroneous finding of a material fact.
 - c. The action or decision constituted an abuse of discretion.
 - d. The action or decision was based on erroneous interpretation of the Zoning Ordinance or Zoning Law.
2. **Interpret the Zoning Map:** The Zoning Board of Appeals shall consider any questions concerning the location of zoning district boundaries or other issues related to the map. In exercising this authority, the Zoning Board of Appeals shall use the following standards:
- a. The Zoning Board of Appeals shall use the rules for interpretation of zoning district boundaries found in SECTION 402 of this Ordinance.
 - b. The Zoning Board of Appeals' review is to determine what the property is zoned, not what they believe it should be zoned and shall not take actions that constitute a rezoning of the property.
3. **Interpret the Zoning Ordinance Text:** The Zoning Board of Appeals shall consider any questions concerning the Zoning Ordinance provisions including the classification of uses that are not specifically listed in the Zoning Ordinance when such an issue arises. In exercising this authority, the Zoning Board of Appeals shall use the following standards:
- a. The Zoning Board of Appeals shall use the rules for interpretation of terms found in SECTION 201 of this Ordinance.
 - b. In undertaking the classification of a use that is not specifically listed in the Zoning Ordinance, the Zoning Board of Appeals shall request a recommendation from the Planning Commission. In classifying a use, the Zoning Board of Appeals shall not classify a use as falling into a general category of one zoning district when that use is specifically listed as a use in another zoning district. For example, if drug stores are specifically listed as a use in zoning district "A", the Zoning Board of Appeals could not find that drug stores fell under the category of general retail establishment in zoning district "B".
 - 1) If the Zoning Board of Appeals makes an interpretation regarding a use not currently identified in the Zoning Ordinance, it shall initiate an amendment to the Ordinance text immediately following the interpretation. See Chapter 14.
 - 2) The Zoning Board of Appeals does not have the authority to classify a use as permitted by Special Land Use. If, in making a determination, the Zoning Board of Appeals finds that the proposed use is most appropriately classified as a use by Special Land Use, it shall notify the Planning Commission and City Council and suggest that the Ordinance be amended to allow such use by Special Land Use in the appropriate districts.

- c. The Zoning Board of Appeals' review is to determine the intention of the Planning Commission and City Council in drafting and adopting the Ordinance language and not what they believe it should say. The Zoning Board of Appeals shall not take actions that constitute a change in the meaning of the text.
4. **Substitution of Nonconforming Uses:** Make determinations regarding the appropriateness of the substitution of one nonconforming use for another. See SECTION 1307.3.
5. **Abandonment of a Nonconforming Use:** Determine whether a nonconforming use has been abandoned. See SECTION 1307.8.
6. **Grant Non-Use Variances:** Except as otherwise specifically provided by this Ordinance, the Zoning Board of Appeals may grant a variance from such provisions of this Ordinance as, building setback requirements, height and bulk requirements, parking requirements, and landscaping requirements. The Zoning Board of Appeals may not grant use variances. A variance is granted for a property, and not a particular owner or interested party. Once granted, a variance and any associated conditions remain in effect when property changes ownership.

An issuance of a variance shall occur only if the board finds from reasonable evidence that all the following facts and conditions exist:

- a. That strict compliance with area, setbacks, frontage, height, bulk, or density would unreasonably prevent the owner from using the property for a permitted purpose, or would render the conformity unnecessarily burdensome;
- b. That a variance would do substantial justice to the applicant, as well as to other property owners in the district;
- c. That the plight of the owner is due to the unique circumstances of the property;
- d. That the problem is in no way self-created; AND
- e. Issuance of the variance would still ensure that the spirit of the Zoning Ordinance secures the public safety and results in substantial justice.

The Planning Commission shall review each application for a variance, and provide a recommendation to the Zoning Board of Appeals for consideration at the public hearing.

SECTION 1107. REHEARING.

The decision of the Zoning Board of Appeals shall be final. However, a person having an interest affected by the Zoning Ordinance may appeal to circuit court, having first exhausted all available local administrative remedies, including an appeal to the Zoning Board of Appeals. The Zoning Board of Appeals is without general authority to reconsider

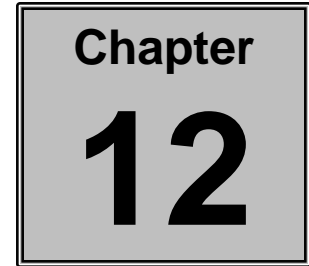
a matter it has decided and from reversing its previous decision unless the facts and circumstances upon which the decision was predicated have changed so as to invalidate or materially affect the reasons which produced and supported it, and no vested rights have intervened.

SECTION 1108. TIME LIMITS.

Authorization to make improvements authorized by a Zoning Board of Appeals variance shall be valid for one (1) year from the date of approval. In the event all improvements are not installed, the remaining improvements shall be completed no later than July 1st of the following construction season, except that the Zoning Board of Appeals may, at its discretion and upon application of the owner and/or developer, provide for up to two (2) successive six (6) -month extensions.

SECTION 1109. PERFORMANCE GUARANTEES.

Performance Guarantees as detailed in SECTION 1214, may be required by the Zoning Board of Appeals to ensure compliance with an affirmative decision.



Chapter 12 Administration and Enforcement

SECTION 1201. INTENT.

This purpose of this Chapter is to establish roles and responsibilities for administering the Zoning Ordinance and enforcing its standards and provisions.

SECTION 1202. PLANNING COMMISSION RESPONSIBILITIES.

1. The Planning Commission has the authority to initiate amendments to the text of the Zoning Ordinance or to the zoning map. It shall be responsible for conducting a public hearing on all amendments regardless of how the amendment was initiated. See Chapter 14.
2. In addition to the Zoning Ordinance, the Planning Commission shall adopt and file with the City Council the following as may be required by the Michigan Zoning Enabling Act PA 110 of 2006 or the Michigan Planning Enabling Act PA 33 of 2008:
 - a. A Master Plan
 - b. A Zoning Plan for the areas subject to zoning in the City of Gladwin.
 - c. The manner of administering and enforcing the Ordinance.
 - d. A five-year review of the Zoning Ordinance along with a recommendation for no changes, an update, or comprehensive revisions.
 - e. Following the enactment of the Zoning Ordinance, the Planning Commission shall, at least once per year, prepare for the City Council a report on the administration and enforcement of the Zoning Ordinance and recommendations for amendments or supplements to the Ordinance.

SECTION 1203. ZONING ADMINISTRATOR.

1. **Appointment:** The City of Gladwin City Administrator shall have the authority to appoint a zoning administrator and enter into contracts for professional services for plan reviews and other tasks.

2. **Responsibilities:** The Zoning Administrator is responsible for administering and enforcing the provisions of this Ordinance. The Zoning Administrator, with approval from the City Administrator, may delegate enforcement of provisions of this Ordinance to other officials.

The Zoning Administrator shall have the power to grant zoning compliance and zoning occupancy permits, and to make inspections of buildings or premises necessary to carry out the duties of enforcement of this Ordinance. The Zoning Administrator shall inspect plans or construction as is necessary prior to a determination that provisions of this Ordinance are satisfied and the permit or certificate may be properly issued.

- a. The Zoning Administrator shall record all nonconforming uses existing at the effective date of this Ordinance for the purpose of carrying out the provisions of SECTION 1304.
- b. Under no circumstance is the Zoning Administrator permitted to either make changes to this Ordinance or to vary the terms of this Ordinance, except as may otherwise be provided, in carrying out prescribed duties as Zoning Administrator.
- c. The Zoning Administrator shall not refuse to issue a permit when the conditions imposed by this Ordinance are accepted by the applicant. The possible violation of contracts, such as private covenants or other private agreements, which may occur upon the granting of a permit shall not be considered as relevant to granting any permit specified by this Ordinance.
- d. Additional responsibilities of the Zoning Administrator shall include:
 - 1) Keeping accurate records of all applications and associated documentation.
 - 2) Serving as a point of contact for citizens and local officials regarding the Ordinance.
 - 3) Assisting applicants with understanding and submitting necessary information.
 - 4) Receiving and investigating complaints.
 - 5) Providing staff support to the Planning Commission, City Council, and Zoning Board of Appeals.
 - 6) Maintaining an up-to-date copy of the Zoning Ordinance and other relevant ordinances, along with forms, permits, and guidance for applicants. All forms and documents utilized by the Zoning Administrator to administer this Ordinance shall be reviewed and approved by the Planning Commission.
 - 7) Making reports to the Planning Commission, City Council, and ZBA upon request.

SECTION 1204. CITY CLERK RESPONSIBILITIES.

The City Clerk is responsible for the following duties:

1. Receive and deposit performance guarantees. See SECTION 1214.
2. Take registrations from electric, gas, and pipeline public utility companies, telecommunication service providers, railroads operating within the city, and airport managers that wish to receive notice of public hearings related to Zoning Ordinance adoption or amendment.
3. Keep and file records of meeting minutes, public notices, and other documentation of Planning Commission and Zoning Board of Appeals meetings.
4. Receive requests for a public hearing at City Council.
5. Keep and file records of all Zoning Ordinance amendments and rezonings. See Chapter 14.

SECTION 1205. ATTACHMENT OF CONDITIONS.

The Planning Commission and Zoning Board of Appeals may impose conditions upon an affirmative decision related to Site Plan Review, Special Land Use, or Zoning Board of Appeals decision.

1. Conditions imposed shall do all the following:
 - a. Be designed to protect natural resources, the health, safety, and welfare, as well as the social and economic well-being of those who will use the land use or activity under consideration, including residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
 - b. Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.
 - c. Be necessary to meet the intent and purpose of the zoning regulations; be related to the standards established in the Ordinance for the land use or activity under consideration; and be necessary to ensure compliance with those standards.
 - d. The conditions imposed shall be recorded in the record of the approval action and shall remain unchanged except upon the mutual consent of the approving authority and the landowner. The approving authority shall maintain a record of changes granted in conditions. The Zoning Administrator shall be empowered to enforce such conditions imposed.

2. In determining appropriate conditions, the Planning Commission, Zoning Board of Appeals, and City Council shall ensure that:
 - a. There is a rough proportionality between the scope of the proposed condition and the impact to be mitigated.
 - b. There is a reasonable connection between the condition imposed and the impact it is mitigating.
3. The Zoning Board of Appeals may impose additional conditions or limitations to ensure that:
 - a. 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.
 - b. The natural environment is protected and natural resources and energy and conserved.
 - c. Compatibility with adjacent uses of land is maintained.
 - d. Land is utilized in a socially and economically desirable manner.

SECTION 1206. NOTICE OF MEETINGS AND PUBLIC HEARINGS.

Unless otherwise noted, whenever the City of Gladwin is required to provide notice and hearing under this Zoning Ordinance, the City of Gladwin shall publish notice according to the following standards.

1. Notice of the hearing shall be published in a newspaper of general circulation in the City of Gladwin.
2. Notice shall be sent by mail or personal delivery to the owners of property for which approval is being considered. Notice shall also be sent to all persons to whom real property is assessed within three hundred (300) feet of the property being considered and to the occupants of all structures within three hundred (300) feet of the property regardless of whether the property or occupant is in the zoning jurisdiction as well as utilities or airports that request notice.
3. The notice shall be given not less than fifteen (15) days before the date the application will be considered for approval. If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection. The notice shall do the following:
 - a. Describe the nature of the request.

- b. Indicate the property that is the subject of the request. The notice shall include all street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist. If there are no street addresses, other means of identification may be used.
 - c. State when and where the request will be considered.
 - d. Indicate when and where written comments will be received concerning the request.
 - e. Indicate where a copy of the application can be reviewed. (City Hall during normal business hours).
4. For any group of adjacent properties numbering eleven (11) or more that is proposed for rezoning, the requirements of SECTION 1206.2 to send notice to properties within three hundred (300) feet and the requirement of SECTION 1206.3.b to list all street addresses do not apply to that group of adjacent properties.
 5. Notice of time and place of a public hearing for adoption or a new Zoning Ordinance, or amendment to the existing Zoning Ordinance shall be given by mail to each gas, electric, and pipeline utility company, each telecommunications service provider, each railroad operating in the City of Gladwin and the Airport Manager of the Airport, that registers its name and mailing address with the Clerk of the City of Gladwin for the purpose of receiving such notice.
 6. The City Offices and the library shall be minimal locations to post notices of public meetings.
 7. The procedures identified in this Section are to be used for all notifications and publications required under this Zoning Ordinance. No differing notifications or publications are appropriate since the adoption of the Michigan Zoning Enabling Act 110 of 2006, as amended.

SECTION 1207. PLANNING COMMISSION MEMBERSHIP.

The following requirements for membership of the City of Gladwin Planning Commission have been established by the Michigan Zoning Enabling Act 110 of 2006, as amended:

The City Council has determined that there will be nine (9) members of the Planning Commission.

1. New members of the Planning Commission shall be nominated by the Planning Commission and appointed by the City Council based on the member's qualifications. This shall include diverse geographic dispersion of the City and representative of community employment within the City.

2. The Planning Commission is divided into groups of three, each of which is subject to three (3) -year terms prior to reappointment or replacement. Subsequent members serve the same three (3) -year appointments as the Planning Commissioner they replace. Planning Commissioners shall serve until they are replaced.
3. Vacancies on the Planning Commission shall be filled in the same manner as provided for the remaining duration of the unexpired term.
4. An elected officer or employee of the City of Gladwin shall not serve simultaneously as a member or employee of the Planning Commission, except that one (1) member of the Planning Commission may be a member of the City Council.
5. The City Council provides for the removal of a member of the Planning Commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing.
6. The Planning Commission shall elect from its members a Chairperson, a Secretary and such other officers or establish such committees it considers necessary and may engage any employees, including for technical assistance it may require. The election of officers shall be held not less than every two (2) years.

SECTION 1208. PLANNING COMMISSION REIMBURSEMENT.

Members of the Planning Commission may be reimbursed for reasonable expenses incurred in discharge of their duties.

SECTION 1209. PLANNING EXPERT AND COMPENSATION.

1. With approval of the City Council, the Planning Commission may engage the services of a planning expert. Compensation for the planning expert shall be paid by the appropriate City Official.
2. The Planning Commission shall furnish information and consider any information and recommendations provided by public officials, departments, agencies, or city consultants.

SECTION 1210. REGULAR MEETINGS, NOTICE AND ACTIVITY SUBJECT TO THE OPEN MEETINGS ACT.

The Planning Commission shall hold regular meetings based on a schedule adopted annually. Notice of public hearings shall not be less than fifteen (15) days before the meeting. The city is subject to the Open Meetings Act, Public Act 267 of 1976, as amended.

SECTION 1211. ZONING PERMITS.

1. **Zoning Permit:** A Zoning Permit shall be issued prior to the occupancy or use of any building, structure, or land in accordance with the provisions of this Ordinance. The following shall apply in consideration of the issuance of any Zoning Permit:
 - a. **Permits Required:** A Zoning Permit is required in the following circumstances:
 - 1) Prior to a building or structure being erected, altered, moved, or repaired. The terms “altered” and “repaired” shall include any changes in structural parts, stairways, class or kind of occupancy, light or ventilation, means of egress and ingress, or other changes affecting or regulated by the County of Gladwin Building Code, Housing Law, or this Ordinance, except for minor repairs or changes not involving any of the aforesaid features.
 - 2) In non-residential zoning districts, prior to any building or structure being demolished or land cleared of significant trees or other vegetation. SECTION 502.3.l
 - b. **Zoning Permit Standards for Approval:** An application for a zoning permit shall be approved if the application meets each of the following standards:
 - 1) The requested action complies with all provisions of this Ordinance.
 - 2) All conditions associated with any permit granted by the Planning Commission, Zoning Board of Appeals, or City Council have been addressed.
 - c. **Permits for Existing Buildings:** Zoning permits may be issued at the request of the property owner for existing buildings, structures, or parts thereof, or existing uses of land if, after inspection, are found that such buildings, structures, or parts thereof, or such use of land, are in conformity with the provisions of this Ordinance. If the certificate is conditioned upon such factors as a permitted nonconforming use, such shall be noted.
 - d. **Application for Permits:** An application for zoning permits shall be made in writing to the Zoning Administrator on forms furnished by that department, and such certificates shall be issued within ten (10) days after receipt of such application if it is found that the building or structure, or part thereof, or the use of land is in accordance with the provisions of this Ordinance. If such certificate is refused for cause, the applicant shall be notified of such refusal and cause thereof, within the ten (10) -day period.
 - e. The following shall apply in the issuance of any certificate:
 - 1) **Certificates Including Zoning:** Certificates of occupancy as required by the County Building Code for new buildings or structures, or parts, thereof, or for alterations to or changes of use of existing buildings or structures, shall also constitute certificates of occupancy as required by this Ordinance. This

subsection shall apply if the County of Gladwin has undertaken the enforcing of construction codes and the issuance of construction building permits.

- 2) **Record of Certificates:** A record of all certificates issued shall be kept on file by the Zoning Administrator and copies shall be furnished when requested.
 - 3) **Certificates for Dwelling Accessory Buildings:** Buildings or structures accessory to dwellings shall require separate Zoning Permits but may be included when shown on the plot plan and when completed at the same time as the dwelling.
- f. **Zoning Permit Expiration:** A Zoning Permit shall expire one (1) year following its approval if the permitted action has not been completed. The Zoning Administrator may grant one (1) extension of a Zoning Permit or an additional one (1) -year period.

SECTION 1212. PLOT PLANS.

The Zoning Administrator shall require that all applications for zoning permits be accompanied by plans and specifications including a plot plan, drawn to scale, and showing the following:

1. The actual shape, location, and dimensions of the lot.
2. The shape, size and location of all buildings or other structures to be erected, altered, or moved and of any building or other structures already on the lot, including setbacks from lot lines and natural features.
3. The existing and intended use of the lot and of all structures on it, including, the number of dwelling units in the building(s).
4. The location of existing and proposed public and private utilities and access drives.
5. The proposed hours of operation, number of employees, usable floor area, or other information necessary to determine parking requirements. See SECTION 409.
6. Such other information concerning the lot or adjoining lots as may be reasonably necessary for determining whether the provisions of this Ordinance are being observed.

SECTION 1213. REVOCATION OF CERTIFICATES OR PERMITS.

1. The Zoning Administrator may revoke a zoning permit or zoning compliance certificate in the following instances:
 - a. A mutual mistake of fact, including but not limited to the zoning classification of premises or a use.

- b. Misrepresentation, whether innocent or intentional, of information provided to the Zoning Administrator during the application (including any site or plot plan), which information is reasonably necessary for a determination to issue a zoning permit or certificate of a zoning compliance. Illustrative of such information may be boundaries, setbacks, grades, or the like.
2. If the Zoning Administrator revokes a Zoning Permit, then all work on or about the premises shall immediately cease. The Zoning Administrator shall promptly offer an informal conference with the applicant, usually within forty-eight (48) hours, to discuss the steps necessary for the revocation to be reversed and, if the steps are complied with, the Zoning Administrator may re-instate the Zoning Permit. The revocation and needed changes shall be prepared in writing.

Determinations of the Zoning Administrator to revoke a zoning permit shall be reviewable by appeal to the Zoning Board of Appeals, which may consider in its decision whether it would be inequitable for the revocation to continue due to substantial delay in discovery of the zoning violation, unless the violation was due to active and intentional misrepresentation by the applicant or landowner.

SECTION 1214. PERFORMANCE GUARANTEES.

To ensure compliance with this Zoning Ordinance and any condition imposed there under, the Planning Commission may require that cash, a certified check, irrevocable bank letter of credit or surety bond acceptable to the City of Gladwin covering the estimated cost of improvements associated with a project for which site plan approval is sought, be deposited with the City Clerk of the City Council to ensure faithful completion of the improvements and be subject to the following:

1. The performance guarantee shall be deposited prior to the issuance of a temporary certificate of occupancy. The City of Gladwin shall establish procedures whereby a rebate of any cash deposits in reasonable proportion to the ratio of work completed on the required improvements will be made as work progresses. A minimum of ten (10) percent of the performance guarantee shall be retained by the City until all work has been completed and subsequently inspected and approved by the Zoning Administrator. This does not relieve the applicant from satisfying all applicable maintenance warranties and/or guarantees necessary to ensure the proper functioning said public improvements.
2. This Section shall not be applicable to the improvements for which a cash deposit, certified check, irrevocable bank letter of credit or a surety bond has been deposited pursuant to Michigan Zoning Enabling Act 110 of 2006, as amended.
3. As used in this Section, "improvements" mean those features and actions (including roadways, lighting, utilities, sidewalks, screening, landscaping, surface drainage, and other improvements) that are part of the project and are necessary by the Planning Commission or Zoning Administrator to protect natural resources or the health, safety,

and welfare of the residents of the City and future users or inhabitants of the proposed project or project area.

SECTION 1215. PERMITS AND FEES.

The City Council may authorize the setting of fees for all zoning permits, reviews, and applications as a condition to granting authority to use, erect, alter, or locate dwellings, buildings and structures including tents and recreational vehicles, within a zoning district established under this act. Fees may include a deposit with the City of Gladwin to reimburse the cost of professional services required to review the permit application.

SECTION 1216. VIOLATIONS.

Any person, firm, or corporation violating any of the provisions of this Ordinance shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine of not more than five hundred (\$500.00) dollars and the costs of prosecution or, in default of the payment thereof, shall be punished by imprisonment in the County Jail for a period not-to-exceed ninety (90) days for each offense, or by both such fine and imprisonment in the discretion of the court, together with the cost of such prosecution.

SECTION 1217. FINES; IMPRISONMENT.

The owner of any building, structure, or premises or part thereof, where any condition in violation of this Ordinance shall exist or shall be created, and who has assisted knowingly in the commission of such violation shall be guilty of a separate offense and upon conviction thereof shall be liable to the fines and imprisonment herein provided.

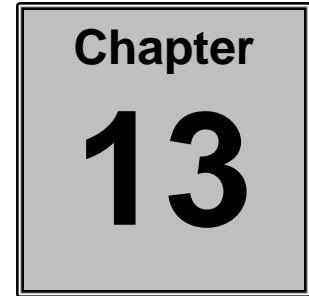
SECTION 1218. EACH DAY A SEPARATE OFFENSE.

A separate offense shall be deemed committed upon each day during or when a violation occurs or continues.

SECTION 1219. NUISANCE PER SE.

Buildings erected, altered, razed, or converted, or uses carried on in violation of the Ordinance or regulations made pursuant thereto, are declared to be a nuisance per se. A court shall order the nuisance abated, and the owner or agent in charge of the building or land, or both the owner and the agent, shall be adjudged guilty of maintaining a nuisance per se. The court may further order that in default of abatement by the owner or agent, that the City of Gladwin may enter upon the premises for such purposes, and that the costs of abatement incurred by the City of Gladwin shall be a personal charge against the owner(s) or occupant(s) and shall also be a lien as against the premises which charge

may further be assessed as a special assessment as against the premises, to be collected as provided in Chapter 12 of the Charter of the City of Gladwin (1959).



Chapter 13 Nonconforming Uses

SECTION 1301. INTENT.

It is the intent of this Ordinance to permit existing, legal nonconforming lots, structures, or uses to continue until they are removed, abandoned, or destroyed. It is recognized that there exists within the districts established by this Ordinance and subsequent amendments, lots, structures, and uses of land and structures which were lawful before this Ordinance was passed or amended which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendments.

Such uses are declared by this Ordinance to be incompatible with permitted uses in the districts involved. It is further the intent of this Ordinance that nonconformities shall not be increased, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land shall not be extended or enlarged in a manner that increases the nonconformity after passage of this Ordinance by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be prohibited generally in the district involved.

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in a permanent position and fastened in a permanent manner; except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building involved.

SECTION 1302. CLASSIFICATION OF NONCONFORMITIES.

1. **Illegal Nonconformity:** Any use of land or structure, creation of a lot, or erection or modification of a structure in violation of the provisions of this Ordinance or a previous

valid City Zoning Ordinance. This includes any use of land or structure lawfully established that subsequently violates the terms of the permit under which it was established.

2. **Legal Nonconformity:** An existing use of land, lot, or structure which does not fully comply with the provisions of this Ordinance, and either was lawfully established, created, or commenced during a period of time when no valid Zoning Ordinance was in effect, or was lawfully established under the jurisdiction of a previous City Zoning Ordinance, or prior provisions of this Ordinance, and remains in compliance with the terms of a permit issued at that time.
 - a. **Legal Nonconforming Lot:** Any existing lot lawfully created which fails to meet the minimum lot area and minimum lot frontage requirements contained in this Ordinance.
 - b. **Legal Nonconforming Structure:** Any existing building, structure, sign, parking area, or other land development which fails to meet the setback, side yard, rear yard, and other requirements of this Ordinance, and can be shown to have established or commenced as a legal nonconformity.
 - c. **Legal Nonconforming Use:** Any use of land located in a district in which it is not permitted by right, or by special land use approval pursuant to this Ordinance, and can be shown to have established, or commenced as a legal nonconformity.
 - 1) A use that existed at the time of adoption of this Ordinance, which is permitted by special land use in the zoning district in which it is located, but which did not receive a special land use permit, is considered a legal nonconforming use. Any alterations or improvements to the use not permitted by this Chapter, shall require a special land use permit. See Chapter 9.

SECTION 1303. USE OF LEGAL NONCONFORMING LOTS.

A use and structure(s) otherwise permitted in a zoning district may be established on any single lot of record even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the zoning district, provided it complies with the setback and lot coverage requirements of the district or under the exceptions outlined in SECTION 1303.1.

1. Dimensional requirements for minimum yard setbacks and maximum lot coverage, may be altered proportionally to lot nonconformance. For example, a lot that fails to meet minimum area requirements by ten (10) percent may reduce yard setback requirements by ten (10) percent. A reduction of dimensional standards under this Section shall not exceed a total reduction of twenty-five (25) percent of any one (1) standard and shall maintain minimum setbacks to ensure public health and safety, as determined by the City of Gladwin building official.

SECTION 1304. INVENTORY OF NONCONFORMING USES.

The City shall establish and maintain an inventory of nonconforming uses. Properties shall be added to or deleted from the inventory as circumstances change or as City officials become aware of previously unlisted situations. The list is intended for informational purposes only. The fact that a parcel is not on the list is not conclusive evidence that it is a legal use.

Each listing in the Inventory of Non-conforming Uses shall include the following information:

1. Parcel identification number.
2. Property address (if one is assigned).
3. Current owner(s).
4. Property description.
5. Current zoning district.
6. Current use of property.
7. Description of all non-conformities.
8. Criteria met by the property allowing its listing as a legal non-conformity.
9. Base area of non-conforming use.
10. Any expansion of the base area of use made since the effective date of this Ordinance.

SECTION 1305. NONCONFORMING USES OF LAND.

Where, at the effective date of adoption or amendment of this Ordinance, lawful use of land exists that is no longer permissible under the terms of this Ordinance as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

1. No nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance.
2. No nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance.
3. If a nonconforming use of land ceases for any reason for a period of more than six (6) months with intent to abandon the use, the Zoning Board of Appeals shall hold a hearing and make findings to determine whether the use has been abandoned

consistent with the standards identified in SECTION 1307.7 and SECTION 1307.8. If the Zoning Board of Appeals determines a nonconforming use of land has been abandoned, any subsequent use of land shall conform to the regulations specified by this Ordinance for this district in which such land is located.

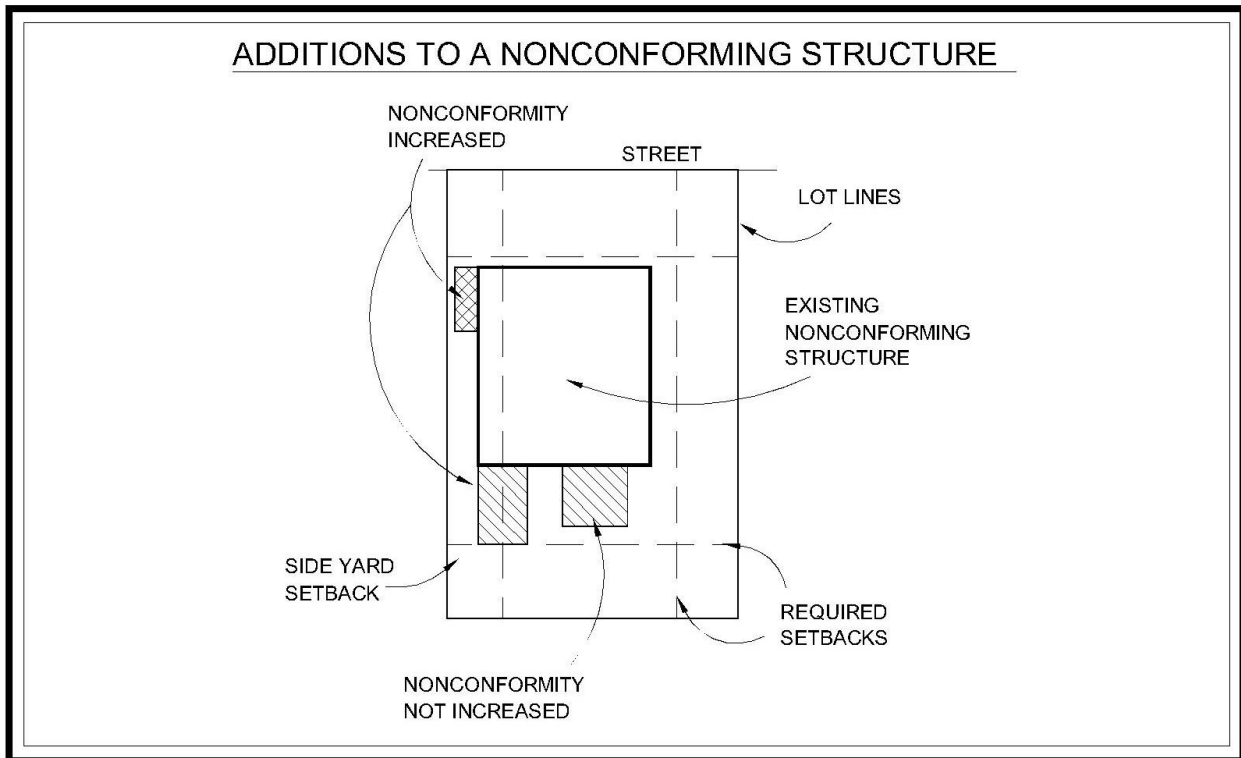
4. A legal nonconforming use may be substituted for another nonconforming use, so long as the new use has no greater adverse impact.

SECTION 1306. NONCONFORMING STRUCTURES.

Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No such structure may be enlarged or altered in a way which increases its nonconformity. For example, existing residences on lots of a width less than required herein may add a rear porch provided that other requirements relative to yard space and land coverage are met. See Figure 13-1.
2. Should a nonconforming structure, other than a one-family dwelling, be destroyed by any means to an extent of more than fifty (50) percent of its replacement cost, exclusive of the foundation at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance.
3. Any legal nonconforming one-family dwelling destroyed by an extent of more than fifty (50) percent of its replacement cost may be re-established with the same building footprint that existed prior to the structure being destroyed. The action of rebuilding the structure should in no way increase the nonconformity that existed previously.
4. Should a structure be moved for any reason for any distance whatsoever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

Figure 13-1



SECTION 1307. NONCONFORMING USES OF STRUCTURES AND LAND.

Any lawful nonconforming use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No existing structure having a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
2. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.
3. A nonconforming use of a structure, or structure and land in combination, may be changed to another nonconforming use of the same or more restricted classification provided that the Zoning Board of Appeals, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. The Zoning Board of Appeals shall hold a public hearing, consistent with the requirements of SECTION 1206 and consider the following factors when determining whether a use is equally or more appropriate:

- a. The similarity of zoning districts each use is permitted in and whether they are permitted by right or by special land use.
 - b. The anticipated off-site impact of each use due to traffic, hours of operation, and generation of noise, dust, or odors, and the general intensity of the proposed use.
 - c. In permitting such change, the Zoning Board of Appeals may require conditions and safeguards in accord with the purpose and intent of this Ordinance. Where a nonconforming use of a structure, land, or structure and land in combination is hereafter changed to a more conforming use, it shall not thereafter be changed to a less conforming use.
4. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed.
 5. When a nonconforming use of structure, or structure and premises in combination, is discontinued or ceases to exist for six (6) consecutive months with the intent to abandon the use the structure, or structure and premises in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located. The Zoning Board of Appeals shall hold a hearing and make findings to determine whether the use has been abandoned consistent with the standards identified in SECTION 1307.7. Structures occupied by seasonal uses (one season out of each year) shall be exempt from this provision.
 6. Where nonconforming use status applies to a structure and premises in combination, removal or destruction exceeding fifty (50) percent of the replacement cost of the structure shall eliminate the nonconforming status of the land.
 7. Any legal nonconforming one-family dwelling destroyed by an extent of more than fifty (50) percent of its replacement cost may be re-established with the same building footprint that existed prior to the structure being destroyed. The action of rebuilding the structure should in no way increase the nonconformity that existed previously.
 8. **Standards to Determine Abandonment of a Nonconforming Use.** The following standards shall be utilized by the Zoning Board of Appeals to determine whether a use of a structure, or structure and premises in combination has been abandoned:
 - a. Reports such as from the building inspection or health department indicating the property is or has not been suitable for occupation
 - b. Disconnection of utilities
 - c. Evidence that the use was relocated to a new site
 - d. Evidence of a “going out of business” sale

- e. Signs advertising a business or use has been removed
- f. The use has been discontinued for six (6) consecutive months, except where government action such as road construction has prevented access to the premises, or where a clear intent to discontinue has not been demonstrated.
- g. Removal of the equipment or fixtures necessary for the operation of the nonconforming use
- h. Request by the property owner for changes in their property tax designation inconsistent with the nonconforming use
- i. Other actions by the property owner or lessee that demonstrates an intent to abandon the nonconforming use

SECTION 1308. NONCONFORMING IMPROVEMENTS.

Any feature of a property that is not a structure is subject to the requirements of this Chapter. This includes nonconforming landscaping, parking lots, and other improvements. If at any time a nonconforming improvement is destroyed or removed to an extent exceeding fifty (50) percent of the value of the improvement, the replacement improvement shall come into conformance with this Ordinance. If there are practical difficulties which prevent conformance, the property owner may seek a variance from the Zoning Board of Appeals pursuant to SECTION 1106.6.

SECTION 1309. REPAIRS AND MAINTENANCE OF NONCONFORMING STRUCTURES AND USES.

For any building devoted in whole or in part to any nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing to an extent not exceeding fifty (50) percent of the assessed value of the building provided that the cubic content of the building as it existed at the time of passage or amendment of this Ordinance shall not be increased.

Further, notwithstanding other Sections of this Chapter, residential dwellings which are non-conforming due to their location in a non-residential district may be remodeled or rehabilitated for the purpose of maintaining a safe, habitable dwelling place, including additions of dwelling space, provided that the cumulative first floor area of any such additions of dwelling spaces shall not exceed fifteen (15) percent of the first floor of the heated living area of the residential dwelling as of the adoption of this Ordinance. Further, accessory buildings for storage space may be allowed, provided that such accessory spaces shall not exceed seven hundred fifty (750) square feet. Any addition or storage space which is proposed to be constructed pursuant to this subsection shall be subject to site plan review by the Planning Commission.

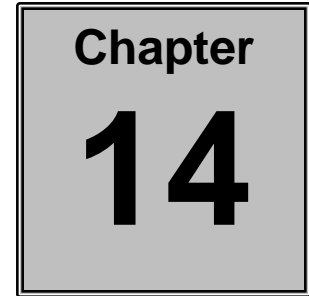
Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

SECTION 1310. CHANGE OF TENANCY OR OWNERSHIP.

There may be a change of tenancy, ownership, or management of any existing nonconforming uses of land, structures and premises provided there is no change in the nature or character of such nonconforming uses.

SECTION 1311. ACQUISITION.

The City Council may acquire, by purchase, condemnation, or otherwise, private property or an interest in private property for the removal of nonconforming uses. The cost and expense, or a portion thereof, of acquiring the private property may be paid from general funds or assessed to a special district in accordance with the applicable statutory provisions relating to the creation and operation of special assessment districts for public improvements in cities. The elimination of the nonconforming uses and structures in a zoning district is declared to be for a public purpose and for a public use. The City Council may institute and prosecute proceedings for condemnation of nonconforming uses and structures under the power of eminent domain in accordance with Act 149 of the Public Acts of 1911, as amended, being Sections 213.21 to 213.41 of the Michigan Compiled Laws or other applicable statute.



Chapter 14 Amendments

SECTION 1401. AMENDMENT TO THE ZONING ORDINANCE.

1. Application by a resident or property owner for an amendment to the Zoning Ordinance text or to rezone property (i.e., a map amendment) shall be submitted the Zoning Administrator at least 20 days prior to the Planning Commission meeting at which the public hearing on the request will be held. An application for an amendment may be submitted by a resident of the City of Gladwin or a person with an interest in property affected by the proposed amendment. The application for the amendment shall include:
 - a. Name, address, and phone number of applicant.
 - b. Signature of owner of the subject parcel if not the applicant, proof of their approval of the request or a copy of a purchase agreement on the property.
 - c. Street address and tax ID number.
 - d. The current zoning of the subject parcel.
 - e. The proposed zoning of the subject parcel.
 - f. A copy of the deed for the subject property or its legal description.
 - g. Other information as deemed necessary by the Zoning Administrator.
 - h. The fee established by the City Council.
2. Requests to rezone two or more noncontiguous parcels require separate applications.
3. A site plan review application, special land use application, variance application, or other similar action shall not be considered by the Planning Commission or Zoning Board of Appeals until the City Council as acted upon a request to rezone property.
4. Amendments initiated by the City Council, Planning Commission, or Zoning Board of Appeals shall be submitted to the Zoning Administrator at least twenty (20) days prior to the Planning Commission meeting at which the public hearing on the request will

be held and shall consist of a copy of the motion passed initiating the request and any associated information. No fee shall be required.

5. Amendment applications shall be submitted to the City departments for review and comment as determined appropriate by the Zoning Administrator prior to the Planning Commission public hearing.
6. At the meeting where an application for a Zoning Ordinance amendment is considered, the City Planning Commission shall consider the request in accordance with the following standards:
 - a. The amendment requested shall be consistent with and promote the intent and purpose of this Ordinance.
 - b. The proposed use will ensure that the land use or activity authorized shall be compatible with adjacent land uses, the natural environment, and the capabilities of public services affected by the proposed land use.
 - c. The proposed use is consistent with the City of Gladwin master plan or a determination that the plan is not applicable due to a mistake in the plan, changes in relevant conditions, or changes in relevant plan policies.
7. Following the required public hearing on a proposed Zoning Ordinance amendment or rezoning, the Planning Commission shall transmit a summary of the comments received at the hearing and its proposed Ordinance, including any zoning maps and recommendations to the City Council of the City of Gladwin.

SECTION 1402. CITY COUNCIL REVIEW AND ADOPTION.

The City Council has the sole responsibility for approving Ordinances for Gladwin, including the Zoning Ordinances, amendments to the Ordinance and related material for which they are responsible. City Council's initial review of a revised Ordinance as submitted by the Planning Commission includes the following responsibilities:

1. After receiving a complete, new Zoning Ordinance or any amendment to an existing Zoning Ordinance with any relevant maps with a recommendation for approval and adoption as an Ordinance of the City of Gladwin, the City Council may choose to hold a public hearing if the Council determines it is desirable.
2. If an additional public hearing before City Council is deemed necessary, a notice of the public hearing shall be given in the same manner as required under SECTION 1206 of this Zoning Ordinance for reviewing or amending the text or maps.
3. The City Council may also refer any proposed new Ordinance or amendments back to the Planning Commission for additional consideration and comments within a time frame specified by the City Council.

4. The City Council shall also grant a hearing on a proposed Ordinance or provision to a property owner who requests a hearing by certified mail addressed to the City Clerk.
5. After an optional City Council public hearing is held as allowed under this Section, and following receipt of the Planning Commission's report on the required public hearing, the City Council shall consider and vote upon the adoption of the Zoning Ordinance or amendment with or without further amendments. Any request to amend Zoning Ordinance text or the zoning map must be approved by a vote of the majority of City Council members.
6. Except as otherwise provided by SECTION 1404, a Zoning Ordinance shall take effect upon expiration of seven (7) days after publication.
7. Following adoption of the Zoning Ordinance and any subsequent amendments by the City Council, the Zoning Ordinance or subsequent amendments shall be filed with the City Clerk, and a notice of Ordinance adoption shall be published in a newspaper of general circulation in the City of Gladwin within fifteen (15) days after adoption.
8. A copy of the notice under SECTION 1402.7 shall be mailed to the airport manager.
9. The action under this Section shall include all of the following information:
 - a. In the case of a newly adopted Zoning Ordinance, the following statement should be included, "A Zoning Ordinance regulating the development of and use of land has been adopted by the City Council of the City of Gladwin".
 - b. In the case of an amendment to an existing Zoning Ordinance, either a summary of the regulatory effect of the amendment, or the text of the amendment shall be included.
 - c. The effective date of the Ordinance or amendment.
 - d. The place where and the time when a copy of the Zoning Ordinance or amendment may be purchased or inspected.
10. The filing and publication requirements under this Section supersede any other statutory requirements relating to the filing and publication of the city Zoning Ordinance.

SECTION 1403. NOTICE TO ADJACENT JURISDICTIONS.

When a public hearing is scheduled to consider a rezoning request of property which has a boundary within three hundred (300) feet of an adjacent jurisdiction, notice shall be distributed to the adjacent jurisdiction, in addition to the standard notice procedures identified in SECTION 1206.

SECTION 1404. FILING PROTEST PETITION AND VOTE.

1. An amendment to a Zoning Ordinance by the City of Gladwin is subject to a protest petition by this subsection. If a protest petition is filed, approval of the amendment to the Zoning Ordinance shall require a two thirds (2/3) vote of the City Council, unless a larger vote not to exceed three fourths (3/4) vote, is required by the City Charter. The protest petition shall be presented to the City Council before final action on the amendment and shall be signed by one (1) or more of the following:
 - a. The owners of at least twenty (20) percent of the area of the land included in the proposed change.
 - b. The owners of at least twenty (20) percent of the area of the land extending outward one hundred (100) feet from any point on the boundary of the land included in the proposed change.
2. Publicly owned land shall be excluded in calculating the twenty (20) percent land area requirement under SECTION 1404.1.

SECTION 1405. USE AND REDEVELOPMENT OF LAND AS CONDITION TO REZONING.

1. An owner of land may voluntarily offer in writing, and the City of Gladwin, may approve, certain use and development of the land as a condition to rezoning of the land or an amendment to the zoning map.
2. In approving the conditions under SECTION 1405.1, the City of Gladwin may establish a time period during which the conditions apply to the land. Except for an extension under SECTION 1405.4, if the conditions are not satisfied within the time specified under this Subsection, the land shall revert to its former zoning classification.
3. The City of Gladwin shall not add to or alter the conditions approved under SECTION 1405.1 during the time period specified under SECTION 1405.2 of this Section.
4. The conditions approved may be amended in the same manner as was prescribed for the original conditional rezoning.
5. The time period specified under SECTION 1405.2 may be extended upon application of the landowner and approval by the City of Gladwin.
6. The City of Gladwin shall not require a landowner to offer conditions as a requirement for rezoning. The lack of an offer under subsection SECTION 1405.1 shall not otherwise affect a landowner's rights under this act, the Ordinances of the City of Gladwin, or any other laws of the State of Michigan.
7. The Planning Commission, after public hearing and consideration of the factors for rezoning set forth in SECTION 1401.6 of this Ordinance, may recommend approval,

approval with recommended changes or denial of the rezoning; provided, however, that any recommended changes to the offer of conditions are acceptable to and thereafter offered by the owner.

8. Any person who establishes a development or commences a use upon land that has been rezoned with conditions shall continuously operate and maintain the development or use in compliance with all of the conditions set forth. Any failure to comply with a condition shall be deemed a nuisance per se and shall constitute a violation of this Zoning Ordinance.
9. If land subject to a conditional rezoning agreement is rezoned to another zoning district, all prior conditions shall be removed and no longer enforceable.

OFFICIALS

CITY OF GLADWIN, MICHIGAN

CITY COUNCIL

PLANNING COMMISSION

CITY ADMINISTRATOR

ZONING ADMINISTRATOR

PLANNING CONSULTANT

City of Gladwin

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