

ARTICLE 8 GENERAL PROVISIONS

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Section 50-52 Applicability

All Zone Districts. The provisions of this Article apply to all Zone Districts unless indicated otherwise. If there is a conflict between this Article and the individual requirements of the Zone District, the Zoning Coordinator shall determine which standards control.

Section 50-53 General Requirements

- A. Standards and Regulations. Standards and regulations pertaining to site layout and building placement, building elements, compatible uses, landscaping and related measures shall be assigned to promote and strengthen the defined character of City neighborhoods and commercial areas. It is determined that neighborhood and commercial character contributes to the unique and desirable identity of the City and that measures set forth herein are necessary and appropriate to promote and strengthen such characteristics.
- B. Main Building and Principal Use. Except as otherwise specifically provided in this Chapter, no lot may contain more than one (1) main building or principal use, except for groups of multiple-family buildings, retail business buildings, mixed-use buildings, or other groups of buildings contained within a single integrated complex under a single approved plan.
- C. Integrated Complex. An integrated complex may share parking, signs, access, and other similar features, which together form a unified function and appearance that the Zoning Coordinator deems to collectively be a principal use. Proposed parking arrangements and sign packages may be modified from the requirements of Articles 12 and 15 respectively, if presented as part of a shopping center or other integrated complex and approved by the Planning Commission as part of a Planned Unit Development (see Article 10) or Planned Sign Program (see Article 15).
- D. Lot Combinations. Two (2) or more lots cannot be combined into a single lot unless the Zoning District is the same.
- E. Ingress and Egress. Vehicle ingress and egress shall be provided as far as possible from street intersections.
- F. All Building, Housing, Fire and other local or State codes and ordinances shall be adhered to.
- G. Any external nuisances related to noise, vibration, light, odor, traffic, or other impacts that could negatively impact other permitted uses will be mitigated through buffers, screening, building design, or other appropriate measures.
- H. Noise, Odors, Smoke, Fumes, or Dust. Any noise, odors, smoke, fumes, or dust generated on the site by any digging, excavating, loading or processing operation and borne, or apt to be borne by the wind, shall be confined to prevent a nuisance or hazard on adjacent properties or public street.
- I. State of Michigan requirements for soil and sedimentation control shall be adhered to.

- J. Loading Areas. Loading and unloading areas shall be shown on the site plan and designed to avoid pedestrian/vehicular conflicts or unnecessary vehicle movements in the public right-of-way.
- K. Pesticides and fertilizers. The use and storage of any pesticides, herbicides, fertilizers, and any other chemicals used in agriculture or gardening must adhere to any applicable state and federal laws.

Section 50-54 Alterations and Enlargements

- A. Alterations and Enlargements. Existing buildings or structures shall not be modified, converted, enlarged, reconstructed, demolished, moved or structurally altered, except as permitted by or pursuant to this Chapter.

Section 50-55 Duration of Approvals

Unless otherwise specified in this Chapter, the duration of approvals shall be as follows:

- A. One Year Period. Approval of any project or permit shall be valid for a period of one (1) year, in which time a building permit shall be obtained and substantial progress achieved. See Article 16 for a definition of substantial progress.
- B. Extension. Upon written request, one (1) extension of up to six (6) months may be granted by the Zoning Coordinator if the applicant can show good cause.
- C. Change of Ownership. Permitted timeframes do not change with successive owners.
- D. Expiration. After the one (1) year approval period, if a building permit is in effect and substantial progress has not occurred, project approval shall expire when the permit(s) expire(s).
- E. Reconsideration of Denial. Unless otherwise specified, any project denial shall not return for reconsideration by the reviewing body prior to one (1) year from the date of denial. If a request is submitted that is substantially different from the original request, then this requirement shall be waived and the project submittal considered as a new request.

Section 50-56 Historic Landmark or Historic District

A designated historic landmark or a property in a historic district as provided in Chapter 2 Article 19 Historic Districts and Historic District Commission of the City Code shall comply with the requirements for approval of a certificate of appropriateness from the Historic District Commission in addition to the site layout and building placement requirements and other design requirements contained in Articles 3-6 of this Chapter.

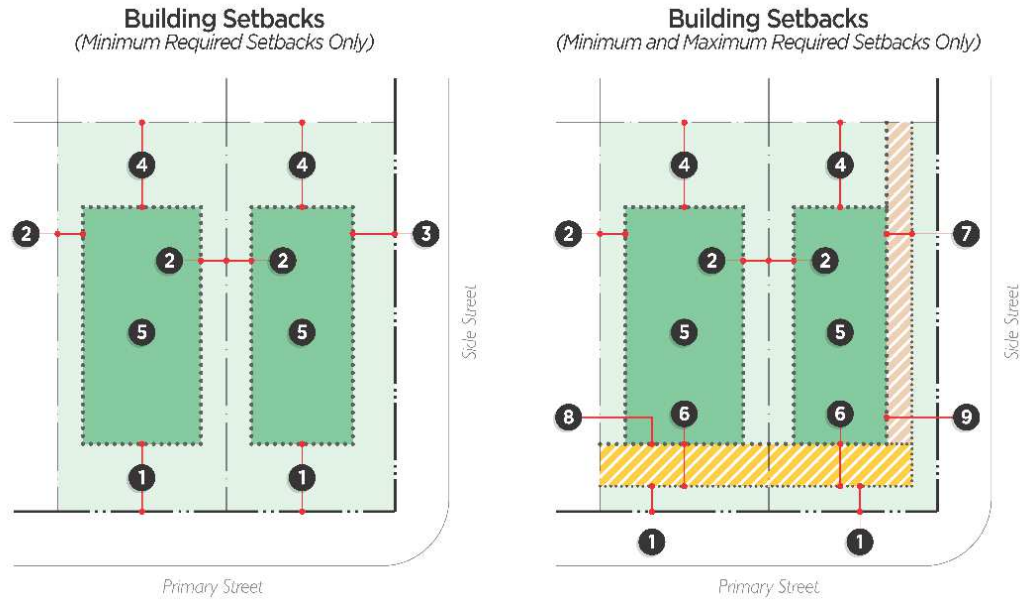
Section 50-57 Lot and Yard Measurements

- A. Distance Measurement. Unless otherwise expressly stated, distances specified in this Chapter are to be measured as the length of an imaginary straight line joining two (2) points.
- B. Lot Areas.
 - 1. Measurement. The area of a lot includes the total horizontal surface area within the lot lines of the lot, not to include public or private rights-of-way.

2. Reduction. No lot or lots of common ownership and yards, courts, parking areas or other spaces shall be reduced in area so that the minimum lot area per dwelling unit, lot width, yards, building area, setbacks, or other requirements of this Chapter are not maintained. Actions by governmental agencies, such as street widening, shall not be considered reductions. If already less than the minimum required under this Chapter, that area or dimension shall not be further divided or reduced.
3. Administrative Waiver. An Administrative Waiver of not more than five (5) percent of the required lot area, as described in each Zone District, may be granted by the Planning Commission where unusual lot configurations, topography or natural features exist and prevent the reasonable development of the land, or where the departure would be in keeping with the character of the neighborhood. The application shall include a Special Use Plot Plan and be subject to Special Use Review procedures of Section 50-194.

C. Building Setbacks.

1. Building Setbacks. Building setbacks, or setback yard lines, are the measurements that define the buildable area of a lot as measured from the lot line. Building setbacks are the minimum horizontal distances required from the front, side or rear lot lines specified in Articles 3, 4, 5, 6, and 7 of this Chapter. The front, rear and side setback lines are parallel and equidistant from the relevant lot line, between which no buildings or structures may be erected, except as provided in Section 50-157F below. The buildable area, located in between these setback lines, is also known as the building envelope.
 - i. Minimum or Maximum Front Setback. The front setback shall extend the full width of the lot.
 - ii. Rear Setback. The rear setback shall extend the full width of the lot.
 - iii. Minimum or Maximum Side Setback. The side setback shall extend from the side lot line between the front setback line to the rear setback line. If no rear setback is required, the side setback shall extend from the side lot line between the front setback line and the rear lot line.
2. Minimum and Maximum Front and Side Setbacks. Articles 4-7 of this Chapter designate minimum and/or maximum front or side setbacks. Where only a minimum side setback is required, the building may be placed at any location inside of the required setback. Where only a minimum setback is required, the building may be located at any point within the setback line so long as it conforms to all minimum setbacks. Where both a maximum and minimum setback is designated, that shall form the build-to zone. The building facade must be located such that the total length of the façade is located built to or within the build-to-zone.
 - i. Courtyard build-to-zone exception. When a break in the front build-to-zone leads to a publically accessible and useable courtyard, up to 35% of that build-to-zone may be open to the street.

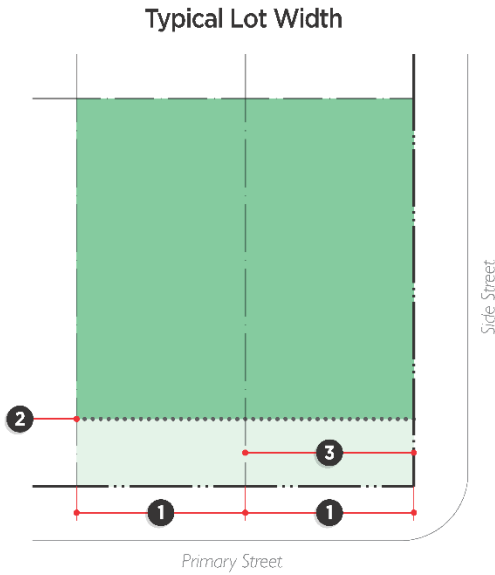


Key

- | | |
|------------------------------|------------------------------|
| ① Front Yard Setback | ⑥ Front Yard Build-to-Zone |
| ② Interior Side Yard Setback | ⑦ Side Yard Build-to-Zone |
| ③ Corner Side Yard Setback | ⑧ Maximum Front Yard Setback |
| ④ Rear Yard Setback | ⑨ Maximum Side Yard Setback |
| ⑤ Buildable Lot | |

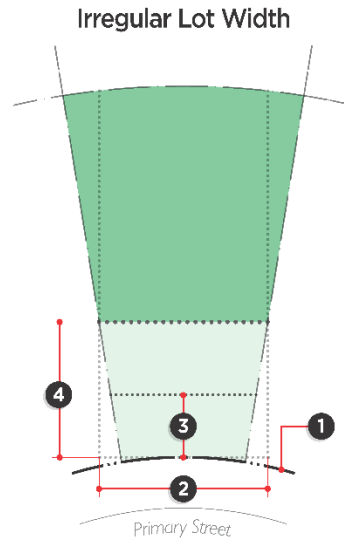
D. Lot Widths.

1. Measurement. Lot width is the horizontal distance of a straight line drawn parallel to the front lot line, measured at the minimum required setback. If no minimum setback is required, lot width shall be measured at the front lot line.
2. Minimum Lot Widths for Irregular Lots.
 - i. The minimum required lot width at the front setback line shall be that required for the Zone District, as measured at the setback between the two (2) side lot lines.
 - ii. If the minimum lot width at the front setback line cannot be met, the minimum setback line shall be moved further into the lot to the point at which the minimum lot width is met.



Key

- ① Required minimum lot width
- ② Minimum required setback
- ③ On a corner lot, the shorter lot line against a public street defines the front lot line



Key

- ① Front lot line
- ② Required minimum lot width
- ③ Minimum required setback as per district regulations
- ④ Required setback to conform with minimum lot width standard

E. Yards. Yards are the open spaces that lie between the nearest lot line and the main building or principal structure, as further defined below. The term “yard” shall only be used in relation to a lot on which a main building or principal structure has been placed.

1. Open Yard. An open yard is a yard that is unoccupied and unobstructed from the ground upward, except as provided under 50-57F and in other provisions of this Chapter.
2. Through and Waterfront Lots. Waterfront lots which abut both a street and a natural water body shall be considered a through lot, with two (2) front lot lines and two (2) front yards.

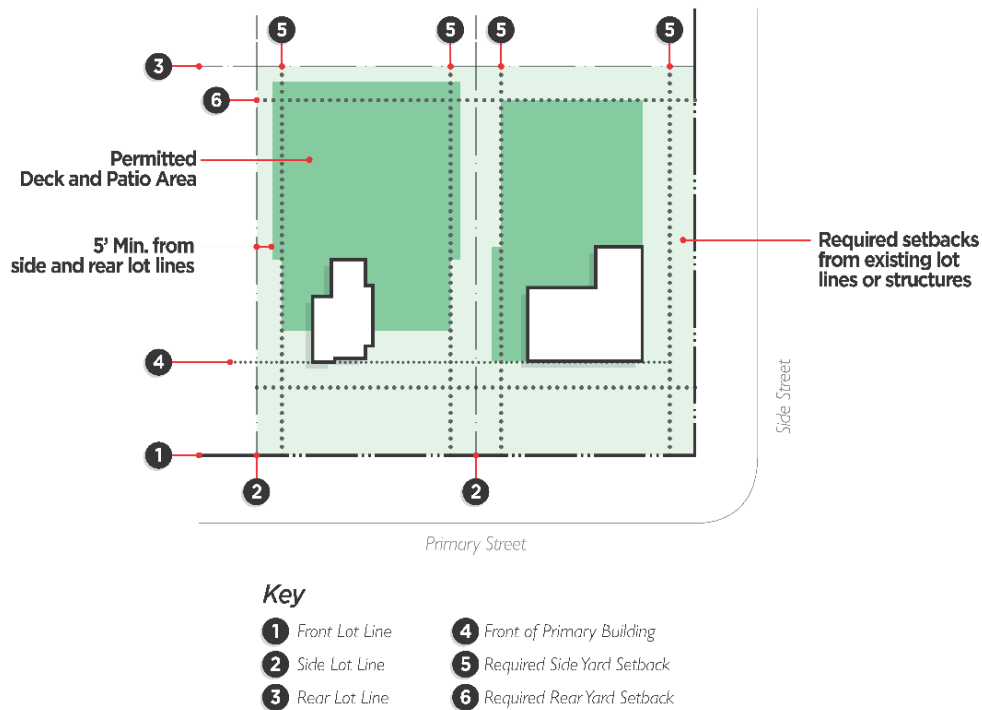
F. Encroachments into Setbacks and Yards.

1. General. The following may be located within setbacks or yards, as permitted under the applicable Sections of this Chapter, and subject to meeting the minimum green space requirements for the lot.
 - i. Garages and other accessory structures as allowed in Section 50-60.
 - ii. Driveways as allowed in Section 50-67.
 - iii. Fences and walls as allowed in Section 50-63.
 - iv. Landscaping, including gardens, except as required for clear vision areas per Section 50-66(D).
 - v. Sidewalks, private.

- vi. Swimming pools as allowed in Section 50-61.
2. Roof and ground-mounted mechanical equipment (e.g. air conditioning, heating, swimming pool and spa pumps and filters, transformers and generators and similar equipment).
- i. In Residential Zone Districts and the University Core district, all ground mounted mechanical equipment for single family detached and attached and two-family dwellings must be in a side or rear yard and must be at least three (3) feet from any side or rear lot line. All such equipment shall be placed on the roof structure for multi-family dwellings, mixed-use, and commercial structures.
 - ii. In all other zone districts all mechanical equipment shall be placed on the roof structure.
 - iii. An Administrative Waiver may be granted by the Director of Planning and Development or their designee to allow mechanical equipment to be placed in an alternate area where it is demonstrated that the required location is not feasible, and provided the unit is properly enclosed or screened with vegetation. If enclosed with a building material the material shall be compatible with the primary building and shall assist in buffering noise.
3. Architectural Elements, Porches and Stoops.
- i. Front Yard.
 - a. Architectural Elements. Architectural elements may project into the front yard by not more than three (3) feet.
 - b. Unenclosed Porches and Stoops. Unenclosed porches and stoops (not including steps) may project into the front yard by no more than ten (10) feet, but shall be no closer than five (5) feet from the front sidewalk.
 - ii. Side Yard.
 - a. Architectural Elements. Architectural elements may project into the side yard by not more than two (2) inches for each one (1) foot of width of the side yard, except that a chimney may be permitted where it does not obstruct light or ventilation, as determined by the Zoning Administrator. In no case shall an architectural element be permitted within five (5) feet of a lot line.
 - b. Unenclosed Porches and Stoops. An unenclosed porch or stoop (including steps) may project into the side yard, provided it is not closer than five (5) feet from the side lot line.
4. Decks and Patios.
- i. Interior Lot.
 - a. A ground-level deck or patio may be located in the side yard, provided it meets the minimum side setback for the Zone District, is set back at least ten (10) feet from the front building façade and is screened from the public right-of-way; or rear yard, provided it is at least five (5) feet from all lot lines.

- b. A deck with a platform over four (4) feet in height may be located in the rear yard, subject to rear and side setbacks.
 - c. A deck or patio is not permitted within the front yard.
- ii. Corner Lot.
- a. A ground-level deck or patio may be located in the side yard, provided it is at least five (5) feet from the yard lot lines, is not located in a front yard, and is not closer to a street than the main building.
 - b. A deck with a platform over four (4) feet in height may be located within the side yard, subject to side yard setbacks.
 - c. Administrative Waiver. An Administrative Waiver may be approved by the Zoning Coordinator to permit the minimum distance from a ground-level deck or patio to the side or rear lot line from five (5) feet to three (3) feet where there are no detrimental effects on adjacent properties, and where applicable fire safety provisions of the City's building codes are met.

Decks and Patio
50.8.06.F.4.ii.c



- 5. Wheelchair Ramps. The Zoning Coordinator may permit wheelchair ramps used for persons with mobility impairments in any yard, provided the location shall not create a hazard or otherwise impede access for operations related to safety, such as access for fire personnel or equipment.

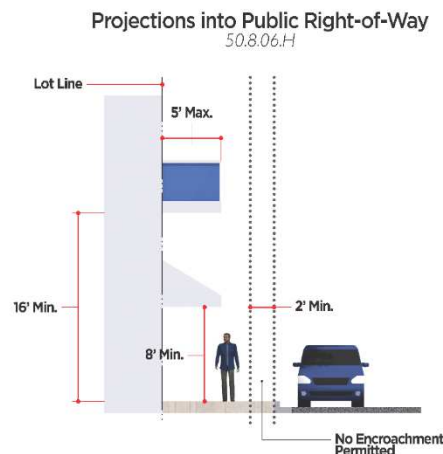
6. **Basement Egress Window Wells.** Basement egress window wells are permitted in all yards, provided:
 - i. **Side or Rear Yard.** When located in a side or rear yard, the window well is not located within three (3) feet of the side or rear lot line.
 - ii. **Front Yard.** When located in the front yard, the window well is not located within ten (10) feet of the front lot line and a three (3) foot high landscape screen shall be provided in front of the window well. If screened with a building material, such material shall be compatible with materials used in construction of the main building.
 - iii. **Building Code.** The requirements of Chapter 11 of the City Code are met.
7. **Athletic Courts.**
 - i. **Interior Residential Lot.** An athletic court shall be located in the rear yard only and be located at least seven (7) feet from the rear and side lot lines.
 - ii. **Corner Residential Lot.** An athletic court may be located in the side yard at least seven (7) feet from the side lot line and no closer to the street than the main building.

G. Structures Not Permitted in Setbacks or Yards.

1. **Below Grade Features.** Below-grade or underground features shall not extend into any front, side or rear yard, unless otherwise allowed in this Chapter.

H. Projections into the Public Right-of-Way.

1. **Balconies.** A balcony with a minimum ground clearance of sixteen (16) feet above finished grade may extend five (5) feet over a public sidewalk.
2. **Awnings.** An awning with a minimum ground clearance of eight (8) feet may extend five (5) feet over a public right-of-way.
3. **Canopies.** Canopy support posts shall not be permitted in a public right-of-way.
4. **No permitted structures shall encroach into the public right-of-way such that they are within a horizontal distance of 2' from the back of a curb for a street or drive parking lot drive aisle.**



Section 50-58 Building Height

A. Measurement.

1. Where specified in stories, building height shall be measured in the number of complete stories above the average grade for any elevation fronting on a public street, including habitable attics, half-stories, mezzanines, and at-grade structured parking. One (1) story shall be measured as not less than nine (9) feet nor more than fifteen (15) feet. The following shall be excluded:
 - i. Spaces completely below grade, such as basements, cellars, crawl spaces, sub-basements, and underground parking structures; and
 - ii. Features that are more than one-half (1/2) story below the average grade.

B. When specified in feet, building height shall be measured as the vertical distance from the average grade adjacent to the structure to the highest point of a flat roof; to the deck line of a mansard roof; and to the average height between the eave and ridge of the highest roof section for a gable, hip or gambrel roof. See Article 16 for definition of average grade.

C. Permitted Appurtenances. The height limitations stipulated elsewhere in this chapter shall not apply to the following:

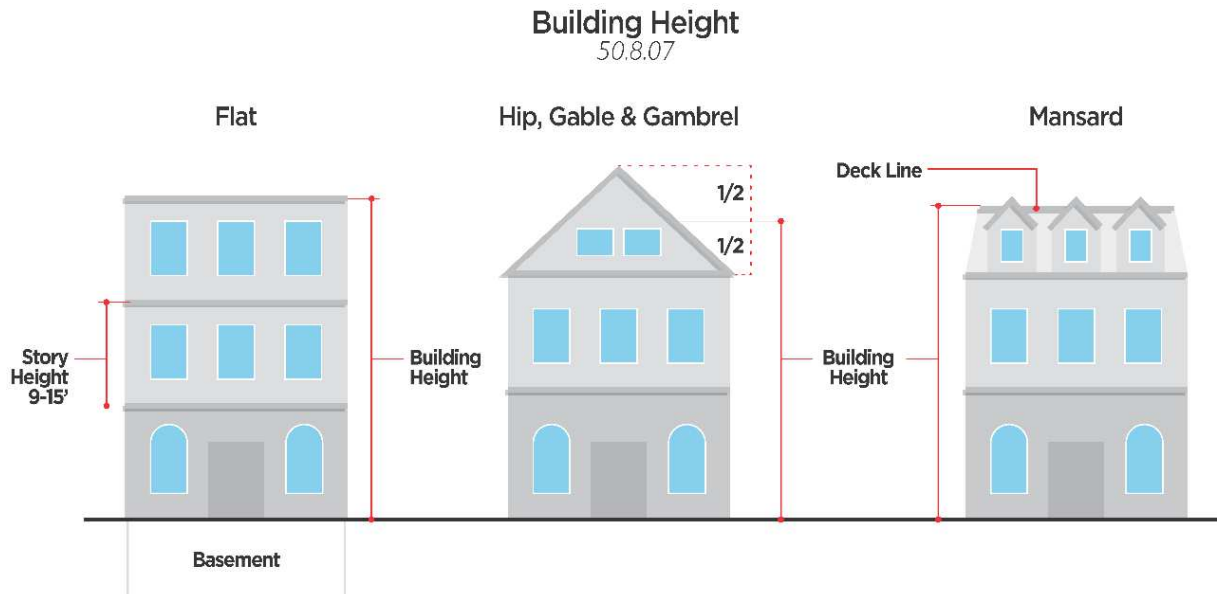
1. Farm buildings, architectural features, etc. Barns, silos and other farm buildings or structures on farms, church spires, belfries, cupolas and domes, monuments, water towers, fire and hose towers, observation towers, windmills, chimneys, smokestacks, flag poles, masts and aerials; to parapet walls extending not more than five feet above the limiting height of the buildings, etc.
2. Places of public assembly. Places of public assembly in churches (excluding spires), schools and other permitted public and semi-public buildings, provided, that these are located on the first floor of such buildings. For each three feet by which the height of such building exceeds the maximum height in the district, its side and rear yards shall be increased in width or depth by an additional foot over the side and rear yards required for the highest building otherwise permitted in the district.
3. Elevator penthouses, water tanks, etc. Bulkheads, elevator penthouses, water tanks, monitors and scenery lofts, provided no linear dimensions of any such structure exceeds 50% of the corresponding street lot line frontage; or to towers and monuments, fire towers, hose towers, cooling towers, grain elevators, gas holders or other structures, where the manufacturing process requires a greater height.
4. The portion of the structures listed above that exceed the heights otherwise permitted in the district shall not occupy more than 25% of the area of the lot, and shall be not less than 50 feet in all parts from every lot line not a street lot line.

- D. Airport Zoning Act and Bishop International Airport Joint Airport Zoning Board Ordinance. Proposed buildings or structures or modification to existing buildings or structures with a height greater than one hundred (100) feet require a permit from the Airport Director of the Bishop International Airport, pursuant to the Airport Zoning Board Ordinance 98-1. All proposed buildings or structures or modifications must comply with Bishop International Airport Joint Airport Zoning Board Ordinance 98-1, which sets forth standards for building within a ten-mile radius of Bishop International Airport.

Section 50-59 Single-Family Dwellings, Detached

A detached single-family dwelling and any additions or alterations thereto, other than manufactured housing located in a licensed manufactured housing community, shall conform to the following in addition to all other regulations of this Chapter.

- A. Conversion to multi-family dwelling. The conversion of an existing detached single-family dwelling to a multi-family structure on the same lot is prohibited, except as permitted in Subsection B. below.
- B. Special Use. Where the lot of an existing detached single-family dwelling exceeds ten thousand



(10,000) square feet in area conversion may be permitted if multi-family dwellings are allowed in the zoning district and the site can meet all other requirements of this Chapter. If it is determined that the conversion is permissible, the request shall be heard by the Planning Commission through Special Use Review (Section 50-194) and the application shall include a Special Use Plot Plan.

- C. Conversion to two-family dwelling. The conversion of a single-family dwelling into a two-family dwelling is allowable following the use regulations of the district; and so long as the building and lot comply with the necessary bulk and site standards as well as Section 50-85 of this Chapter.

- D. Minimum Dimension. Each dwelling shall have a minimum dimension of eighteen (18) feet in any horizontal dimension.
- E. Minimum Floor Area. Each dwelling shall have a minimum Gross Floor Area of seven hundred and fifty (750) square feet.
- F. Primary Entrance.
 - 1. Each primary building entrance shall be provided with a step, stoop, or porch which is attached to the building foundation, or provided with a four-inch deep masonry foundation of its own. A stoop or landing shall project at least three (3) feet from the building (not including steps). A porch shall project at least five (5) feet from the building (not including steps).
 - 2. An Administrative Waiver may be granted by the Zoning Coordinator for handicap ramps and other modifications to a dwelling's primary entrance for housing intended to accommodate persons with mobility impairments.
- G. Manufactured House. If the dwelling is a manufactured house, it shall:
 - 1. Be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Manufactured Home Commission and shall have a foundation wall as required in this Section.
 - 2. Be installed with the wheels removed. Additionally, no dwelling shall have any exposed towing mechanism, undercarriage or chassis.
 - 3. All construction and all plumbing, electrical apparatus and insulation within and connected to the manufactured house shall be of a type and quality conforming to the Manufactured Home Construction and Safety Standards as promulgated by the United States Department of Housing and Urban Development, 24 CFR 3280, as amended, and comply with all applicable building and fire codes.

Section 50-60 Accessory Structures

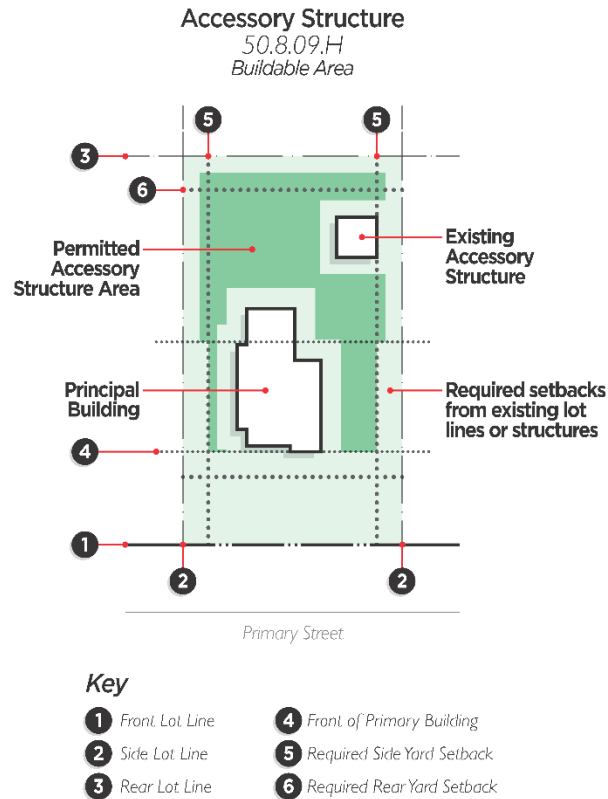
- A. Applicability. All accessory structures shall require a zoning certificate and shall be reviewed and approved by the Zoning Coordinator prior to construction.
- B. In Conjunction with Principal Use.
 - 1. Unless otherwise expressly allowed in this Chapter, accessory structures are permitted only in conjunction with a principal use and a principal building or structure on the same lot.
 - 2. Accessory structures may only be constructed at the same time as or after the construction of the principal building or structure on the same lot. Accessory structures may only be maintained in conjunction with a principal building or structure on the same lot.
 - 3. If the principal building or structure is destroyed, demolished or removed, the accessory structure shall also be demolished or removed unless the lot is combined with an adjacent lot that has a principal building on it, or a new main building is constructed or moved onto the lot or a building permit for the purpose of constructing or moving a main building on the lot is in effect.

- C. Public Right-of-Way or Easement. In no instance shall an accessory structure be located within a public right-of-way or easement, unless otherwise specified in the easement agreement.
- D. Architectural Compatibility. Any accessory structure that is one hundred twenty (120) square feet or larger shall be similar in architecture to the main building in its form and slope of roof. Exterior finish materials shall be those materials customarily used for residential construction, and shall be similar in placement and orientation to the main building.
- E. Carport. A carport shall comply with all setback requirements applicable either to an attached or detached accessory structure, but may cover any required parking spaces without counting toward the total maximum floor area. Carports for additional spaces above the parking minimum shall count toward the maximum area.
- F. Attached Structures. An accessory structure which is structurally attached to a main building shall be subject to all setback regulations applicable to main buildings.
- G. Maximum Gross Floor Area and Height.
 - 1. Single-Family, Two-Family and Non-Residential Uses. The maximum number of accessory structures (attached and detached) and sum of allowed Gross Floor Area (GFA) shall be determined by lot area. The overall height and sum of the GFA for all accessory structures on the lot shall not exceed the following dimensions based on the lot area, except for Accessory Dwelling Units described in subsection b. below:

Table 50-60 Permitted Residential Accessory Structures for Single-Family, Two-Family and Non-Residential Uses			
Lot Area (sq.ft.)	Maximum GFA (sq.ft.) Total	Maximum Height (ft)	Max. Number of
< 4,500	575	14	1
4,500 -5,999	650	14	2
6,000-7,499	800	14	2
7,500 – 10,999	900	14	2
11,000 – 21,999	1,200	16	3
> 22,000	1,500	16	3

- 2. Accessory Dwelling Unit Exception. An Accessory Dwelling Unit above a conforming garage is permitted to exceed the restrictions in table 50-60 provided that the lot size is 4,500 square feet or greater, its floor dimensions do not exceed the base of the garage and its maximum height is 20 feet.
- 3. Multiple-Family Uses. Where the principal use is a multiple-family, accessory structures may exceed the Gross Floor Area of Table 50-60 for garage or carport space up to the necessary GFA for the required number of parking spaces in Article 12. All other conditions of this Chapter shall be met.
- 4. Administrative Waiver. An Administrative Waiver may be approved by the Zoning Coordinator to permit additional GFA for garage or carport space for multiple- family uses, up to two (2) spaces per dwelling unit, provided the applicant can demonstrate need for the space and all other conditions of this Chapter are met.
- H. Detached Structures. All detached accessory structures shall comply with the following dimensional requirements:
 - 1. Not be located closer to the front lot line than the main building.
 - 2. Be located at least ten (10) feet from the main building, excluding decks and patios.

3. Be located a minimum of 5 feet from another accessory structure, excluding decks and patios.
4. Be located a minimum of 5 feet from rear lot lines.
5. Be located a minimum of 10 feet from side lot lines.



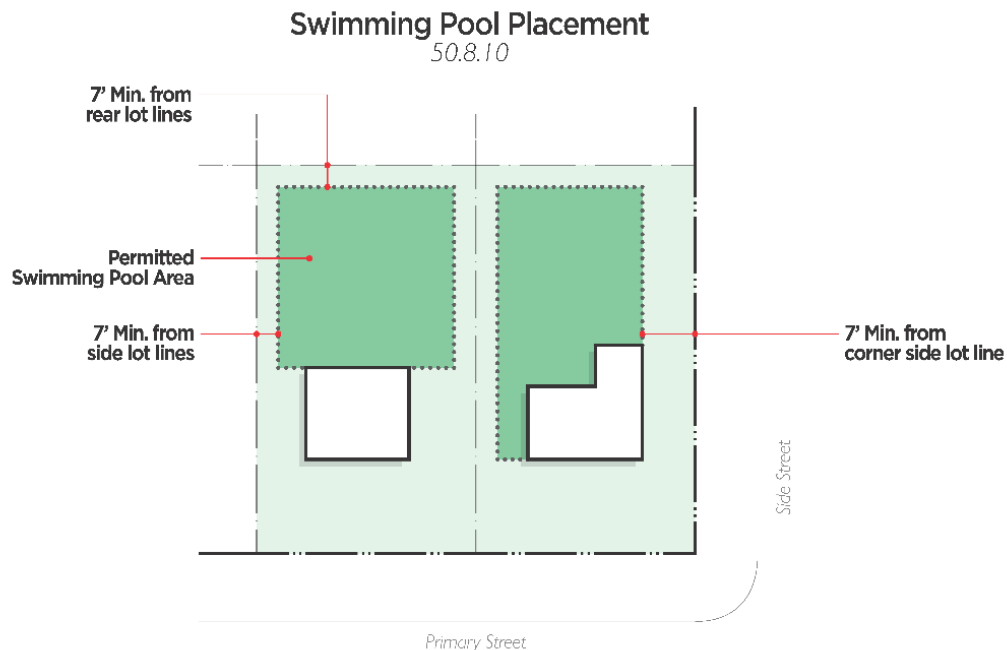
6. Alley. An accessory structure shall be located at least three (3) feet from an alley right-of-way.
7. Administrative Waiver. An Administrative Waiver by the Zoning Coordinator may be approved to allow the minimum distance from the wall(s) of a detached accessory structure to the side or rear lot line to three (3) feet, provided a property survey and scaled site plan is submitted, where topography, natural features, or other site constraints exist, where there are no detrimental effects on adjacent properties, and where applicable fire safety provisions of the City's building codes are met.
- I. Additional Play Structure. In addition to the above accessory structure(s) provided for in Subsections H. and I. above, one (1) accessory structure, including an enclosed play structure, of one hundred twenty (120) square feet or less and fourteen (14) feet in height may be erected in the rear yard on a residential lot.
- J. Garage setbacks in Mixed Residential Districts. Garages, attached or detached, for single-family detached or two-family dwellings in the MR districts shall be set back from the front of the main building by at least eighteen (18) inches.

- K. **Prohibited Structures.** No mobile home, trailer, vehicle, tank, boat, container, railroad car, dumpster, barrels, crate, furniture, tent, junk object or salvage materials or similar items shall be utilized as an accessory structure or storage structure.
- L. **Accessory Dwelling Unit.** Living or sleeping quarters, temporary or permanent, in an accessory structure or other rear building, travel trailer, motor home or other recreation vehicle, auto chassis, boat or portable building, are prohibited unless developed as an Accessory Dwelling Unit.
- M. **Administrative Waiver.** An Administrative Waiver may be granted by the Zoning Coordinator for accessory structure height of up to five feet, where architectural compatibility with the main building could not otherwise be achieved.

Section 50-61 Swimming Pool Placement

In addition to the following provisions, all applicable requirements of Chapter 11 Buildings of the City Code shall apply. For the purposes of this Section, the term swimming pool shall include any structure intended for recreational bathing that contains water over twenty four (24) inches deep, including hot tubs, spas and similar structures. Pools with a water depth of twenty four (24) inches or less shall be exempt.

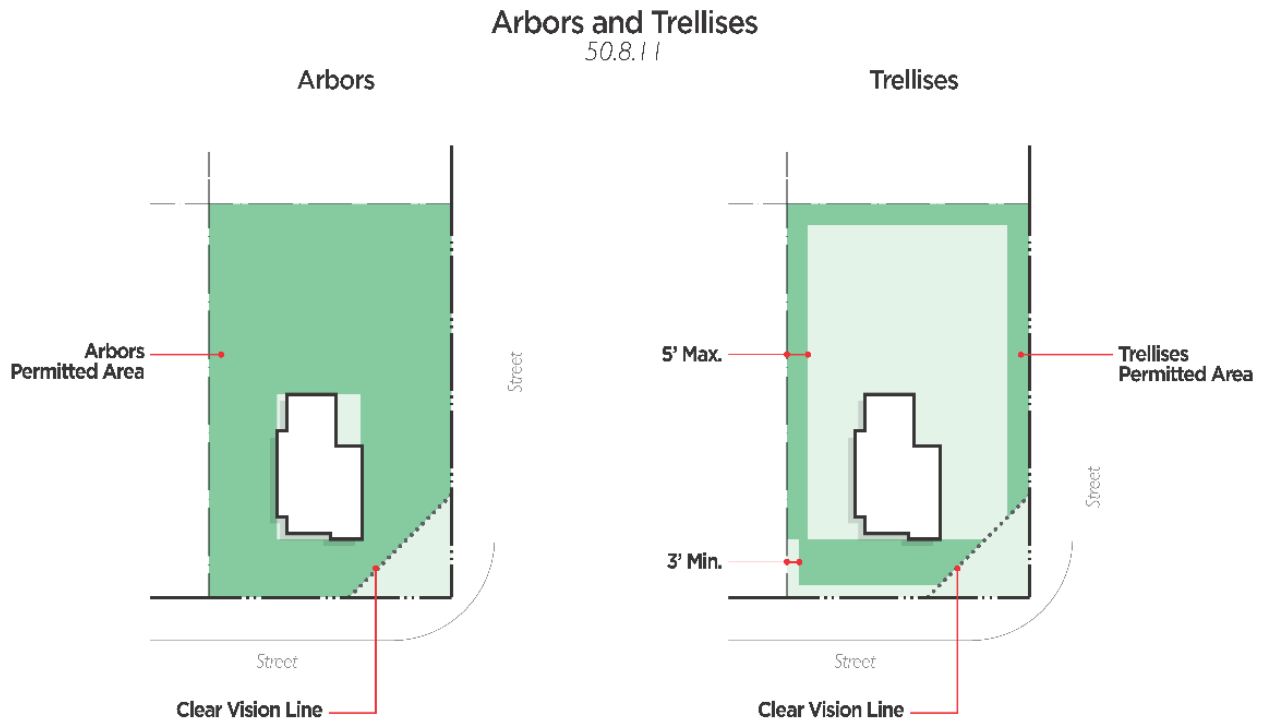
- A. **Interior Residential Lot.** For an interior residential lot, a swimming pool shall be located in the rear yard only but may extend into the side yard provided the minimum distance from the pool wall/edge to the rear and side lot lines shall be seven (7) feet.
- B. **Corner Residential Lot.** For a corner residential lot, a swimming pool may be located in the side yard provided the pool wall/edge is at least than seven (7) feet from the either side lot line, is not located in a front yard, and it is not encroaching on the front yard.
- C. **Distance to Principal Structures.** A swimming pool must be at least ten feet from all principal structures on its lot and adjoining lots.
- D. **Fencing.** All swimming pools must be fenced in accordance with the building code followed by the City of Flint.



Section 50-62 Arbors and Trellises

A. Standards. Arbors and trellises shall comply with the following standards:

1. Arbors may be located in any yard provided they do not exceed (14) feet in height and comply with clear vision requirements.
2. Trellises are permitted within the front yard provided they do not exceed four (4) feet in height, are placed a minimum of three (3) feet from front and side lot lines, and comply with clear vision area requirements. Trellises are permitted in the side and rear yards, provided they do not exceed six (6) feet in height where located within five (5) feet of the side or rear lot lines.



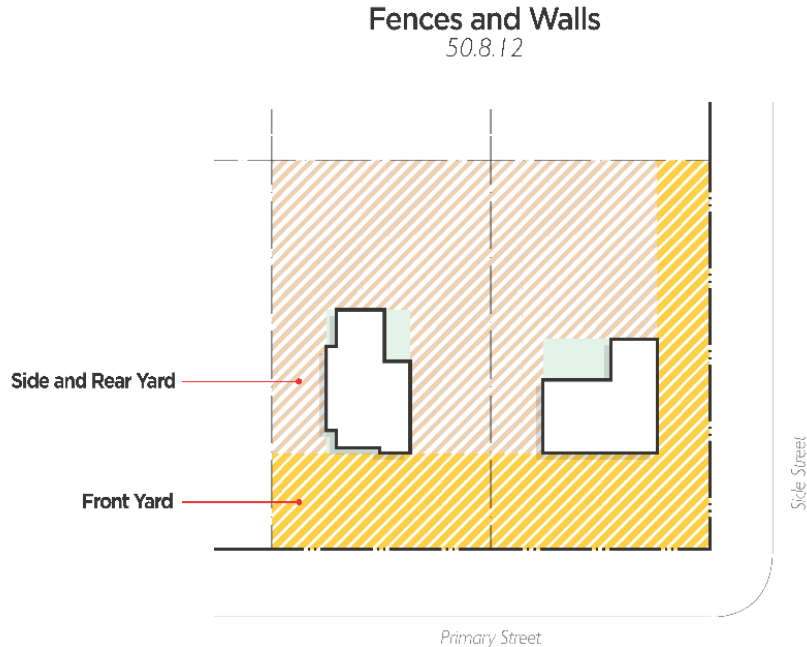
Section 50-63 Fences and Walls

A. Applicability. All fences and walls requiring a building permit shall require Zoning Coordinator approval prior to construction. All supporting posts and post holes may be subject to building code regulations and require a building permit.

B. Standards.

1. Workmanship and Materials. Walls and fences shall be constructed using quality workmanship. Walls shall be made of masonry, clay, brick, stone, decorative wood or other appropriate material. Fences shall be made of ornamental metal, rot-resistant wood, vinyl-coated chain link or other high-quality, durable materials. Chain link fences with slats are not permitted unless approved by the Zoning Coordinator where the fence location will not be generally visible from the public right-of-way.

2. Front Yards in Residential Zone Districts. Within five (5) feet of the side lot line of a lot shall comply with the fence and wall requirements for a front yard in Table 50-63C. where the front setback is ten (10) feet or less.



3. Front Yards of Non-Residential Uses. For non-residential uses in the GN, TN, MR, NC, CC or D Districts, any fence located in a front yard of a non-residential use shall consist of a decorative aluminum or wrought iron picket fence. An Administrative Waiver may be granted by the Zoning Coordinator to permit vinyl coated chain link fencing in the front yard of a property in a non-residential Zone District where the fence would not be visible from a public right-of-way or materially affect the character of a neighborhood.
4. Waterfront Lots. The area of a waterfront lot between the main building and the natural body of water is a front yard per Section 50-57E. and shall follow the requirements for front yard fences, except that a solid fence, wall or screening of any kind shall not be permitted in this yard area.
5. Hedges. Densely landscaped areas, such as hedges and closely spaced bushes or other plant materials, may be considered a fence when they have the effect or accomplish the purposes normally associated with fences, such as creating privacy or separation. See Article 13 Landscaping Standards.
6. Open Fences. Open fences shall be considered chain link, wrought iron or other decorative metal fence, as well as picket or board fence with spacing between boards equivalent to the board width of that fence.
7. Solid Fences and Walls. Solid fences and walls are constructed of opaque materials and block the passage of light. Chain link fences with slats are not permitted unless approved by the Zoning Coordinator.
8. Retaining Walls. Retaining walls may be tiered with separate spacing equivalent to the height of each installed wall section (e.g. wall height is 3 feet, spacing to next wall shall

9. be 3 feet) to allow for the planting of vegetation. A single row of shrubs with a maximum on-center spacing of five feet shall be located at the base of a retaining wall that is greater than 3 feet tall within the front yard. Shrubs shall be a minimum of 30 inches at the time of planting and at least 4 feet high within 4 years. Climbing plants, such as ivy may be permitted as an alternative with Zoning Coordinator approval.
10. Prohibited Material.
 - i. Barbed, razor, concertina, electrified, or other similar wire is not permitted in any Zone District, except as required by a public entity or utility for homeland security to protect power, food or water supplies.
 - ii. Chain link fence material is not permitted in front yards.
11. Finished Side. The finished side of a fence shall face outward toward abutting lots and rights-of-way.
12. Maintenance. Walls and fences shall be maintained in good repair and in safe and attractive condition, including but not limited to replacement of missing, decayed or broken structural and decorative elements with the same materials and removal of graffiti.
13. Clear Vision Areas. No fence, wall, screen or planting material shall be erected or maintained in any location that shall obstruct the vision of motorists at street intersections or driveways, per Section 50-66 of this Chapter.
14. Right-of-Way. Fences shall be located outside of the public right-of-way and setback one (1) foot from the right-of- way line.
15. Vacant Lot. The placement of a fence or wall on a vacant lot shall be permitted. The requirements for walls and open fences shall apply.
16. Buried Electronic Fences. Electronic fences buried beneath the ground are permitted in all Zone Districts outside of public rights-of-way.
17. Setbacks. Fences may be located on the property line, except as noted above adjacent to a public right-of-way.

- C. Maximum Fence and Wall Height. Height shall be measured from grade at the lowest point within three (3) feet of the fence, perpendicular from the plane of the fence. The use of a berm to increase fence or wall height is prohibited.

Table 50-63 Maximum Fence and Wall Height				
Type	Residential Uses [3]		Non-Residential and Other Uses [2, 3]	
	Front Yard	Side or Rear Yard	Front Yard	Side or Rear Yard
Open/Solid Fences and Walls	4 ft	6 ft	4 ft	8 ft
Retaining wall	4 ft	8 ft	6 ft	10 ft
Parking lot screen along ROW [1]	3 ft min., 4 ft max.		3 ft min., 4 ft max.	
[1] Refer to Section 50-157 for parking lot screening requirements.				
[2] Refer to Section 50-158 for required screening of outdoor storage.				
[3] Refer to Section 50-63(B)(d) for waterfront lots.				

D. Administrative Waivers.

1. An Administrative Waiver from fence height, opacity and retaining wall requirements may be granted where an adequate clear vision area is present, no detriment to neighboring properties would be created and it is clearly demonstrated that due to topography, natural features, lot configuration or other site-related issue that the requirements of this Section cannot be satisfied.
2. In Commercial or Employment Zone Districts, an Administrative Waiver of two (2) feet from the maximum fence height in side or rear yards may be granted where it is demonstrated that due to reasons of topography, natural features, lot configuration or security the additional height would not be detrimental to neighboring properties.

Section 50-64 Repair and Storage of Vehicles in Residential Zone Districts

- A. Repair. In all residential Zone Districts, mechanical work and repair of motor vehicles, boats, travel trailers, snowmobiles, recreational vehicles or any other similar vehicles, licensed to, registered in the name of, and solely for the personal use of the dwelling occupant is permitted with the following conditions:
1. Not more than one (1) vehicle shall be under repair at any given time.
 2. There shall be no outside storage of automobile parts or equipment.
 3. Repair activities shall not create excessive noise, vibration, odor or other nuisances to neighboring properties.
- B. Outdoor Recreational Vehicle Storage. Outdoor storage of one (1) operable recreational vehicle (boat, boat trailer, boat and trailer, utility trailer for residential use, travel trailer, motor home, recreational vehicle, or any other similar vehicle), not to exceed twenty (25) feet in length, is permitted within a residential Zone District in accordance with the following requirements:
1. Except as expressly provided below, storage shall be located only in the rear yard.

2. If storage in the rear yard is not possible on an interior lot because of size or topography as determined by the Zoning Coordinator, such vehicle may be stored in the side yard, but not closer than four (4) feet from the side lot line and screened from the adjacent property by a solid fence or hedge six (6) feet in height.
 3. On corner lots, such a vehicle may be parked or stored in a side yard no closer than four (4) feet from the side lot line, provided it is not closer to a street than the main building, is not located in a front yard, and is screened from the adjacent property by a solid fence or hedge six (6) feet in height.
 4. One (1) additional operable vehicle shall be permitted in the rear yard on a lot that is greater than twenty two thousand (22,000) square feet in size.
- C. Commercial Vehicles. No commercial vehicle shall be located on any property in a residential Zone District unless parked or stored within a completely enclosed building, except that one (1) commercial vehicle of $\frac{3}{4}$ ton size or smaller may be parked in a residential driveway. Commercial vehicles are permitted to park temporarily while engaged in the delivery, pickup or service run to the subject property.

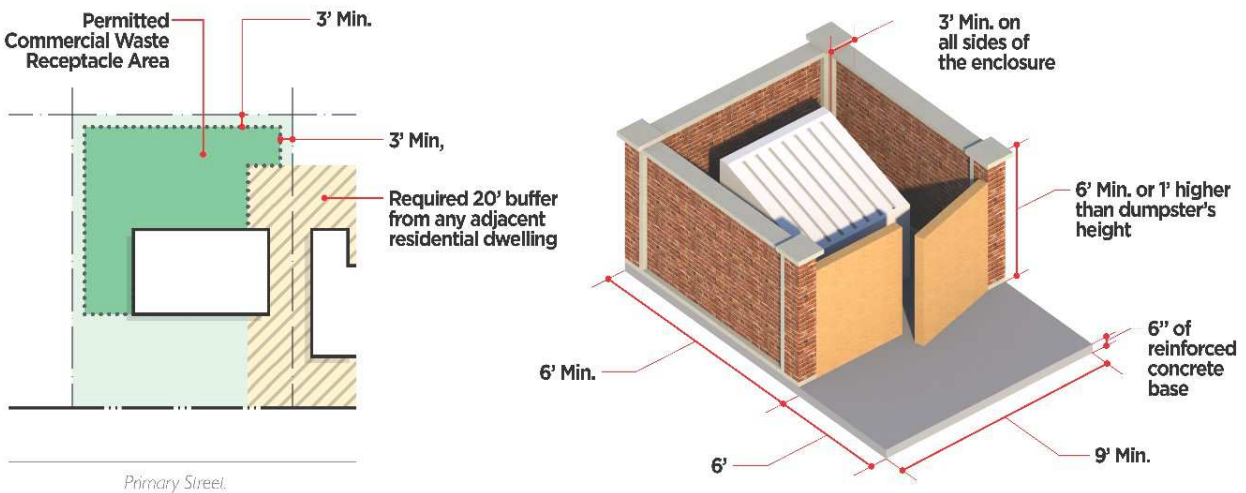
Section 50-65 Commercial Waste Receptacles and Enclosures

- A. Applicability. The requirements of this Section shall apply to all properties in commercial, employment, institutional, or open space districts, or for non-residential properties, residential multi-family buildings of six (6) or more units, and to group living facilities with ten (10) or more adult residents in residential districts.
- B. Enclosure. All outdoor waste, recycling and compost receptacles, including grease barrels, shall be enclosed on three (3) sides and screened. The fourth side of the enclosure shall consist of a gate, made of wood, vinyl, or other high quality material, as determined by the Zoning Coordinator. If the waste receptacle is a dumpster it shall have an enclosing lid or cover.
- C. Materials. The enclosure shall be constructed of brick or decorative textured block wall to recognize the permanence of the structure, reduce maintenance requirements and lessen the opportunity for graffiti or vandalism. The enclosure shall be consistent with the building materials of the main building. Steel or concrete bollards shall be installed to assist in the positioning of dumpsters and to protect the enclosure.
- D. Size. The waste receptacle base shall be at least nine (9) feet by six (6) feet in area, constructed on six (6) inches of reinforced concrete pavement. The base shall extend six (6) feet beyond the waste receptacle pad or gate to support the front axle of a refuse vehicle. The enclosure shall have a minimum height of six (6) feet or one (1) foot above the height of the waste receptacle, whichever is greater. The enclosure shall have at least three (3) feet of space on each side of the waste receptacle.
- E. Placement.
1. Preferred Placement. When possible, the back side of the waste receptacle enclosure should be placed against the building. In this circumstance the wall may act as one side of the enclosure.
 2. Front yard. Waste receptacles and enclosures shall not be placed in the front yard.
 3. Rear and side yards. Waste receptacles and enclosures shall be located in the rear or side yard not closer than three (3) feet from the rear or side lot line, unless otherwise approved by the Zoning Coordinator.

4. Residential use adjacent. Waste receptacles and enclosures shall be placed a minimum of twenty (20) feet from the lot line of an adjacent residential use.
 5. Landscape Buffer. A waste receptacle enclosure shall not be placed within a required landscape transition yard, as described in Section 50-156.
- F. Access. Waste receptacles shall be easily accessed by refuse vehicles without the potential to damage automobiles parked in designated parking spaces or interfering with the normal movement of vehicles on or off the site.
- G. Administrative Waiver. An Administrative Waiver for enclosure materials and the placement of an enclosure may be granted. In granting a waiver from the placement requirements from a residential use, the Zoning Coordinator shall take into consideration the proximity of adjacent residential structures, topography, natural features, existing screening or other barriers, and operational requirements for trash removal that would mitigate potentially adverse effects.

Commercial Waste Receptacles

50.8.14

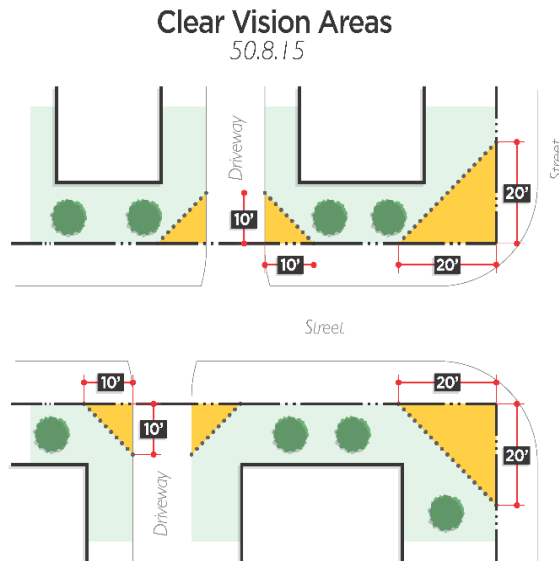


Section 50-66 Clear Vision Areas

- A. Requirement. Clear vision areas are required in locations where an unobstructed view of approaching traffic is necessary for the safety of pedestrians, bicyclists and drivers. A clear vision area is typically, but not exclusively, a triangular area at the intersection of two (2) streets, or a street and a driveway; however, clear vision areas may be required at other locations identified in this Chapter and in other Chapters of the City Code.
- B. Required clear vision areas do not apply to structures that host the primary use of the lot and are permitted within the area as defined in Paragraph C below based on yard requirements as defined in Articles 3-7.
- C. Measurement. At the intersection of two (2) streets or the intersection of a street and a driveway, the required clear vision area shall be established as follows:
 1. Street corners. For streets, twenty (20) feet along each lot line starting at the intersection of the lot lines, and connected by a straight line to form a triangular area. In the case of a

rounded corner, the measurement shall be taken from the intersection of the front lot lines extended.

2. Driveways. For driveways, ten (10) feet along the lot line and the driveway starting at the intersection of the lot line and the closest edge of the driveway, and connected by a straight line to form a triangular area.
 3. Other Required Areas. Other areas for clear vision areas may be requested by the Zoning Coordinator or Planning Commission.
- D. Landscaping or Structures. No plantings, fences, walls or other structures exceeding thirty (30) inches in height shall be established or maintained in clear vision areas. The City's head of Transportation may require a reduction in the height of any screening improvement or a different location of a new building or structure otherwise required in this Chapter to ensure an adequate clear vision area for driveways and streets. Such limitations shall be required only for that portion of the building, structure or screening improvement necessary to provide an adequate clear vision area.



- E. Administrative Waiver. A new building or structure may be located within a clear vision area, provided the following conditions are met:
1. The applicant provides an independent engineering study that demonstrates that the new building or structure shall allow proper stopping sight distance as defined in A Policy on Geometric Design of Highways and Streets, as amended, by the American Association of State Highway and Transportation Officials (AASHTO); and
 2. The City's Transportation Division concurs with the findings of the independent engineering study.

Section 50-67 Driveways

- A. Distance from Lot Line. Unless otherwise permitted by this Chapter or by the City's Transportation Division, all driveways, including the entry radius of the drive approach that serve a single main building or principal use, shall be located at least one (1) foot from an abutting lot line.
- B. Surface. There shall be a hard-surfaced driveway from the public or private right-of-way to the required parking space. The drive surface must be permanent, and completely covered with concrete, bituminous surface, brick or other similar surface. A pervious surface may be used, subject to applicable City ordinances and policies.
- C. Alley Access. In the GN, TN, MR, NC, DC, and DE Districts, where an alley is present, parking areas shall be accessed from the alley. Additional curb cuts on the public street shall be prohibited. An Administrative Waiver may be requested where, due to special conditions, this requirement cannot be satisfied.
- D. Minimum Width. Residential driveways shall be a minimum of ten (10) feet in width.
- E. The minimum width of driveways for non-residential uses shall be determined by the City's Department of Transportation.
- F. Driveway with Garage. Where a garage or accessory structure is accessed directly from a public street and has a vehicle door eight (8) feet or wider, the driveway shall extend to the vehicle door. Garage doors and all required off-street parking spaces shall be set back at least twenty (20) feet from the front lot line to prevent obstruction of the sidewalk by parked cars.
- G. Residential Driveway without Garage. The driveway of a residential property shall extend twenty (20) feet past the rear of the dwelling to allow for sufficient car storage. In the case of corner lots with insufficient depth to allow such a driveway, the driveway shall extend at least 20 (twenty) feet past the front of the dwelling.
- H. Parking. Parking or storage of motor vehicles in the front yard of a residential use or residentially-zoned property is prohibited. A legal driveway located in the front yard may be used for parking, provided the public sidewalk is not blocked.
- I. Administrative Waiver. An Administrative Waiver from the requirements of Subsection A above may be approved for shared driveways of abutting properties provided both property owners grant written permission for joint use and access.

Section 50-68 Pedestrian Access

- A. Purpose. Pedestrian access shall be required for all sites to improve the health, safety, and welfare of the public by providing clear pedestrian pathways at perimeter and internal site locations to reduce pedestrian and vehicular conflicts, improve accessibility for persons with disabilities and establish a multi-modal environment that is supportive of walking, biking and transit use.
- B. The construction and repair of sidewalks shall comply with Chapter 42 Article 5 of the City Code.
- C. New Construction. All sites on which any new construction occurs shall provide sidewalks conforming to City standards along all portions of the property which border a public street, excluding alleys.

- D. Walkways in Parking Lots. Paved walkways shall be provided for access to adjacent parks, shopping areas, transit stops, anticipated walkways and institutions. Pedestrian movement shall be accommodated within parking lots through raised walkways, marked crosswalks or similar methods. A connection between the facility's primary entrance and the public sidewalk.
- E. Trail Connections. Where trails exist or are planned, non-residential properties shall include paths or sidewalks to connect building entries to the trail system, where appropriate and feasible.
- F. Minimum Width for Pedestrians. At least four (4) feet of sidewalk space shall be kept clean and clear for the free passage of pedestrians at all times. An Administrative Waiver may be approved by the Zoning Coordinator upon consultation with the City Engineer, and a lesser width of clear area approved if ADA Standards for Accessible Design are met and it is determined that public safety shall not be substantially impaired. In evaluating a request for an Administrative Waiver, the following shall be considered:
 - 1. Street classification and usage;
 - 2. Vehicular and pedestrian traffic volumes;
 - 3. Nature of vehicular and pedestrian traffic (i.e. school children, etc.);
 - 4. Availability and practicality (i.e., convenience) of alternative pedestrian routes; and
 - 5. Time of day, time of week, time of year, and duration of obstructions.

Section 50-69 Transit Access

- A. Access to Transit Stops. Where public transit service is available or planned, convenient access to transit stops shall be provided.
- B. Transit Shelters. Where transit shelters are provided, they shall be placed in highly visible locations for purposes of safety.
- C. Landscaping. Landscape and/or plaza areas are encouraged at transit stops.

Section 50-70 Bicycle Amenities

- A. Minimum Required Spaces. Any non-residential development requiring motor vehicle parking spaces shall be required to provide bicycle parking. Off-street parking areas shall contain at least one (1) bicycle parking space for every twenty-five (25) spaces provided for motor vehicles, or fraction thereof, with a minimum of three (3) bicycle parking spaces provided. Bicycle facilities provided in the public right-of-way may be used in parking calculations.
- B. Location. Bicycle parking for commercial and mixed-uses shall be conveniently located near building entry points. Bicycle parking placement shall not conflict with pedestrian travel.
- C. Facility. Bicycle parking shall be bicycle rack or locker-type parking facilities and shall be designed to allow either a bicycle frame or wheels to be locked to a structure attached to the pavement or the building.
- D. Administrative Waiver. The Zoning Coordinator may reduce the number of required bicycle parking spaces to a number that meets expected demand, however no less than three (3) spaces shall be provided.

Section 50-71 Private Streets

- A. City Standards. Private streets shall not be constructed, extended or relocated without express written approval by the Departments of Planning and Development, Police, Fire, Public Works and Utilities, and other departments as deemed necessary attesting that the proposed private street will be built and maintained to established City standards for public streets.
- B. Approval. Private streets shall only be permitted where there is no opportunity or potential to establish a public street or plat the land.
- C. Application Requirements. Unless submitted as part of a PUD application, an application for a private street(s) shall include the following. If submitted as a PUD, an application for a private street(s) must follow the application requirements outlined in Article 10.
 - 1. The name(s) and address(es) of the owner(s) and all other parties having any access interest in the private street.
 - 2. The proposed name of the street as well as the proposed addresses for all new lots or parcels that would have a front or side lot line on the street.
 - 3. A site plan showing all proposed lots or parcels that would have access by means of the private street, and also showing the location, grade, route, elevation, dimensions and design of the private street and any proposed extensions thereof, together with existing and proposed curb cuts and the location of and distance to any public streets which the private street is to intersect. Adjacent parcels of land and any buildings thereon shall be included in the site plan.
 - 4. A utility plan showing the location of all public utilities including, but not limited to, water, sewer, telephone, gas, electricity and cable, to be placed within the private street easement or right-of-way or within twenty (20) feet of either side thereof.
 - 5. A private street maintenance agreement to be approved by the City Council. The agreement shall run with the land and shall be recorded with the Genesee County Register of Deeds. It shall be recorded prior to issuance of a building permit.
- D. Maintenance. The private street shall be continuously maintained in such a manner that it does not constitute a danger to public health, safety and welfare. All costs associated with the repair of the private street shall be the responsibility of the individuals and/or the property owners association(s) comprised of land owners served by the street.
- E. Access and Occupancy. The private street shall be readily accessible to and usable by emergency vehicles in all weather. An occupancy permit required under Chapter 11 for a dwelling or other building, the primary access to which is to be provided by a private street, shall not be issued until the private street has been constructed with sufficient width, surface and grade to ensure the safe passage and maneuverability of emergency service vehicles.
- F. Street Frontage. All lots and parcels of land utilizing a private street shall have frontage on the approved private street right-of-way equal to the minimum lot width requirement of the Zone District in which the lot is located.
- G. Disclosure. The following statement shall be included in any deed or other instrument of conveyance recorded for any lots or other parcels of land served by a private street: "This property does not abut or front upon a public street. If a public street does not abut or serve the property, the street abutting or serving the property is a private street, and it is therefore not required to be maintained by the City of Flint."

- H. Performance Guarantee. As a condition of approval of a private street and the issuance of a building permit, the City may require that the applicant provide a performance guarantee, letter of credit or surety acceptable to the City, the release of which is conditioned upon the satisfactory performance by the applicant of the terms of this Section and any conditions of approval.
- I. Fee. The fee for processing a private street application shall be established from time to time by resolution of the City Council, kept on file by the City Clerk, and contained in Appendix A of the City Code
- J. Effect on New and Existing Private Streets.
 - 1. The provisions of this Section shall apply to all private streets designated or constructed on and after the effective date of this Chapter.
 - 2. If one or both of the following occurs after the effective date of this Chapter, the entire private street, including the portion thereof existing prior to the adoption of this Chapter, shall comply with all requirements of this Section:
 - i. An existing private street is extended by an increase in its length.
 - ii. Lots or parcels of land are added to the existing private street.

Section 50-72 Essential Services

- A. Applicability. Essential services shall be permitted in all Zone Districts subject to Director of Planning and Development, or his/her designee, Review to determine that the yard, parking, landscaping and screening and other requirements are met, and are designed to be compatible with surrounding uses.
- B. Authority. Accessory facilities, which are determined by the Zoning Coordinator and Director of Public Works and Utilities to be necessary in support of essential services, may be permitted in any Zone District.
- C. Concealed Enclosure. The outdoor enclosure of above-ground essential service utilities shall be screened using a permanent brick or decorative textured block wall to recognize the permanence of the new infrastructure, reduce maintenance requirements and lessen the opportunity for graffiti or vandalism.
- D. Administrative Waiver. An Administrative Waiver may be granted and alternative enclosure or screening materials used if the operation of the utility would be adversely affected by this requirement.

Section 50-73 Outdoor Canopies

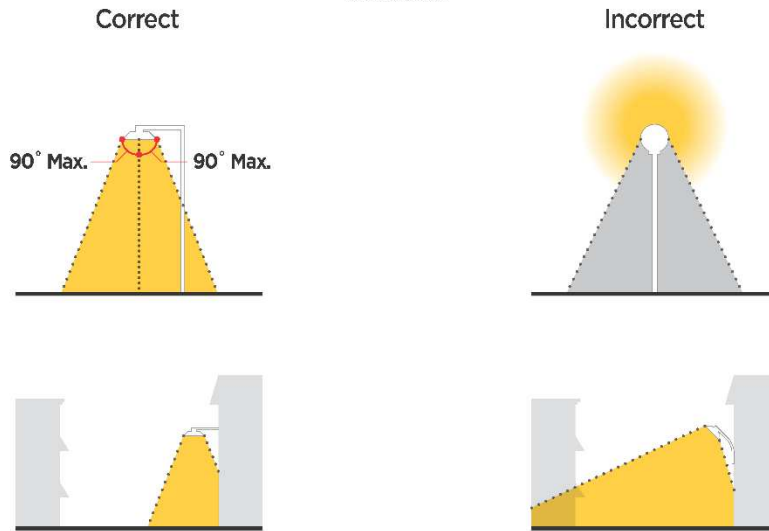
- A. Attached or Detached. A canopy may be either attached or detached from the main building.
- B. Design. A canopy shall utilize the same architectural and design treatment as the main building. A canopy shall not cover architectural details, transparency or the expression line of the main building.
- C. Canopies Over Drive-Through Facilities and Fuel Pumps. A canopy covering a drive-through or fuel pump shall use a similar roof form, pitch, and materials in order to resemble the roof covering of the main building.

- D. Height. A canopy shall have a minimum ground clearance of eight (8) feet over public sidewalks and a minimum ground clearance of fourteen (14) feet over any vehicular driveway or parking area. A canopy shall not exceed the height of the main building.
- E. Setback Standards. A canopy structure shall comply with all minimum building setback standards applicable to the main building, except when providing a covered walkway between a building entrance and the public sidewalk a canopy may extend five feet into the right of way.
- F. Not Enclosed. A canopy structure shall not be enclosed.
- G. Signs. Signs on canopies are subject to the requirements of Article 15.

Section 50-74 Outdoor Lighting

- A. Purpose. The purpose of this Section is to provide reasonable regulations to direct the location, design, illumination level and use of outdoor lighting to minimize its undesirable effects. Specifically, this Section is intended to promote the public health, safety and general welfare of the City of Flint by:
 - 1. Maintaining safe night-time driver performance on public streets by minimizing both brightly lit surfaces and lighting glare.
 - 2. Promoting lighting that provides security but protects the privacy of adjacent properties.
 - 3. Allowing lighting that is not unduly intrusive or a nuisance to nearby residents, property occupants, and drivers.
 - 4. Eliminating intrusive artificial light and lighting that unnecessarily contributes to "sky glow" and energy consumption.

Outdoor Lighting 50.8.23.C



- B. Lighting Plan. The following information shall be included for all Zoning Coordinator site plan review or Planning Commission review. Where neither type of approval is required, one or more of the following items may be required by the Zoning Coordinator prior to lighting installation:
1. A site plan drawn to a scale of one (1) inch equaling no more than thirty (30) feet showing the buildings, landscaping, parking and service areas, and location and type of all proposed outdoor lighting.
 2. A photometric grid overlaid on the proposed site plan.
 3. Analyses showing that the proposed installation conforms to the lighting level standards in this Chapter. A photometric plan shall indicate lighting levels at ground level based on no greater than a twenty five (25) foot on-center grid and shall project twenty five (25) feet onto adjacent properties or to the setback limit line, whichever is greater. Illumination levels shall also be measured for all surrounding streets at the public right-of-way.
 4. Specifications for all proposed lighting fixtures including mounting heights, photometric data, designation as Illuminations Engineering Society of North America (IESNA) "cut-off" fixtures, Color Rendering Index (CRI) of all lamps (bulbs), and other descriptive information on the fixtures. All lighting shall have the intensities and uniformity ratio consistent with the Lighting Handbook of the IESNA.
- B. Outdoor Lighting.
1. Type. All outdoor lighting, including free-standing, canopy, pole, and building mounted, shall be fully shielded and directed downward to prevent off-site glare and illumination.
 2. Intensity - General. The intensity of light within a site shall not exceed ten (10) footcandles within any part of the site and one (1) footcandle at any lot line, except where it abuts or faces a residential Zone District or residential use, a maximum of 0.5 footcandles is permitted.

3. Intensity – Vehicle Fuel or Outdoor Sales Areas.
 - i. In areas where lighting levels from existing, similar vehicle fuel stations or outdoor vehicle sales areas are located on both sides of the lot and across the street, up to eighty (80) percent of the existing light levels may be used.
 - ii. For vehicle fuel station canopies and outdoor vehicle sales areas that do not meet the location requirement in Subsection C above, an Administrative Waiver may be granted for a maximum of twenty (20) footcandles within the site, provided the requirements of Subsection C.b above apply at the lot line.
 4. Uniformity Ratios. In order to maintain uniformity in light levels across a development and prevent or minimize dark areas, the ratio of maximum to minimum lighting levels on a given lot is measured in footcandles at ground level, and shall not exceed a ratio of fifteen-to-one (15:1). Parking lots shall maintain the same uniformity ratios as the main building or principal use served.
 5. Height. Except as otherwise required, the mounting height of fixtures that are located in a residential Zone District or within two hundred (200) feet of such district shall not exceed the following light source to ground level height limits, except as permitted by the Planning Commission.
 - i. Twenty two and one-half (22.5) feet, including a 2.5 foot base, for parking lots.
 - ii. Twenty (20) feet for sidewalks and pathways.
 6. Hours. All outdoor lighting fixtures shall be turned off one half (1/2) hour after the close of business, unless needed for safety and security. In such case, the lighting shall be reduced to the minimum level necessary for that purpose.
 7. Fixtures.
 - i. Poles for lighting fixtures shall be of a fixed height. Adjustable poles are prohibited.
 - ii. High pressure sodium fixtures shall be prohibited.
 - iii. The Zoning Coordinator may approve decorative light fixtures as an alternative to shielded fixtures when it can be proven that there shall be no off-site glare or illumination and the proposed fixtures will improve the appearance of the site.
- B. Canopy Lighting. All lighting on the underside of a canopy shall be fully recessed. No portion of any canopy may be externally illuminated. A maximum of twenty five (25) percent of a fuel station canopy visible from a public street may be internally illuminated.
- C. Security Lighting.
1. The need for security lighting (e.g. the lighting for safety of persons and property) shall be demonstrated. To the extent that an area is illuminated for other purposes, independent security lighting shall not be allowed.
 2. All security fixtures shall be shielded and aimed so that illumination is directed only to designated areas. In no case shall lighting be directed above a horizontal plane through the top of the lighting fixture, and the fixture shall include full cut-off shields that prevent

the light source or lens from being visible on adjacent lots and streets. The use of general floodlighting fixtures shall not be allowed.

- D. Architectural Lighting. When buildings and structures are to be illuminated, the Zoning Coordinator shall approve a design for the illumination using the following standards:
1. Direction of Lights. Lighting fixtures shall be carefully located, aimed and shielded so that light is directed only onto the building façade. Lighting fixtures shall not be directed toward adjacent streets or properties, and light shall not trespass onto surrounding properties.
 2. Façade Lighting. Lighting fixtures mounted on the building and designed to "wash" the façade with light are permitted.
 3. Accent Lighting. Luminous tube (neon), LED or fluorescent lighting shall be allowed as an architectural detail on the exterior of any structure, provided however that exposed bulbs shall be shielded. The Zoning Coordinator may approve internally illuminated architectural bands or similar shielded accents as part of a Director of Planning and Development Review, upon determining that such accents would not cause off-site glare or light pollution and such lighting is not used to the extent that it constitutes a sign.
 4. Landscape Lighting. The illumination of landscaping shall not generate excessive light levels, cause glare, or direct light beyond the landscaping.
- E. Outdoor Recreation Field Lighting. Lighting shall be designed specifically for playfields. Pole height shall be no taller than sixty (60) feet unless evidence is provided by the applicant to the reviewing party that a taller height is necessary to manage spillover light from occurring on abutting properties.
- F. Other Lighting.
1. Indirect illumination of signs, canopies, bollards and buildings is permitted provided a maximum one hundred twenty five (125) watt bulb is utilized and there is no glare.
 2. Electrical feeds to lighting standards shall run underground, not overhead.
 3. The use of a laser light source, search lights or any similar high intensity light for outdoor advertisement or entertainment is prohibited, except as permitted in the D-E, D-C, UC, or IC Zone Districts.
 4. Lighting shall not consist of or have the appearance of movement or flashing components, except as permitted in the D-E, D-C, UC, or IC Zone Districts.
- G. Public Street Lighting. The cost of installing and operating approved street lighting on any public street shall be through a financial method approved by the City or by the Michigan Department of Transportation. The costs of all other lighting systems shall be borne by the developer/property owner.
- H. Exemptions. The following outdoor light fixtures are exempt from the provisions of this Section.
1. Outdoor light fixtures installed prior to the effective date of this Chapter. Fixture replacements shall comply with the requirements of this Section to the extent that the overall appearance of the site is not adversely affected. The Zoning Coordinator may require that existing light fixtures be re-directed in conditions where excessive glare onto adjacent properties and roadways creates a nuisance or safety concern.

2. Streetlights located within a public right-of-way.
 3. Outdoor light fixtures which use an incandescent light bulb of one hundred fifty (150) watts or less, except where they create a hazard or nuisance from glare or spillover light.
 4. Lighting necessary for street or utility construction or emergencies.
 5. Government facilities, parks, playing fields and open areas, public utility facilities, and other uses where sensitive or dangerous materials are located may submit a Site Security Plan to the Zoning Coordinator requesting outdoor lighting that deviates from the standards in this Section. The Plan shall be approved, or approved with conditions, upon finding:
 - i. The lighting is necessary for adequate protection of the public;
 - ii. The condition, location, or use of the land, or history of activity in the area, indicates the land or any materials stored or used on it are in greater danger of theft or damage, or members of the public are at greater risk for harm than on other property; and
 - iii. The deviations from this Chapter shall not have a significant adverse effect on neighboring areas.
- I. Administrative Waiver. The Zoning Coordinator may grant an Administrative Waiver from the requirements this Section if it is determined that in so doing, it shall not contradict the purposes of this Section or negatively affect the health, safety and welfare of the public.

Section 50-75 Infrastructure and Service Needs

- A. Purpose and Intent. The purpose of this Section is to permit development projects the ability to proceed at a faster pace than current City resources are capable of constructing, installing, modifying, or improving existing infrastructure and/or service capacities to accommodate the development project. The project may itself be the sole reason for the infrastructure and service needs, or it may contribute to a heightened demand for infrastructure and services which are nearing or already at capacity. Inadequately sized infrastructure or insufficient service to the development project would result in one or more declining levels of traffic safety, roadway capacity, reduced Level of Service (LOS) or water, sewer, energy, communications or other utility service reductions in the system. It is the intent of this Section to allow for development while insuring that the project site and all customers that utilize and rely upon sufficient infrastructure and services within the community are properly accommodated for.

The inability of the City to provide or enhance the available level of infrastructure or services to accommodate the development project may serve as the basis to deny a project request due to insufficient or increasingly insufficient infrastructure capacity if the project were to be constructed. Project denial due to insufficient infrastructure or services is not a desired outcome as development and redevelopment projects often improve neighborhoods and, over the long-term, improve the economic capacity of the neighborhood and the entire community by raising property values and employment opportunities. Alternatives to improve infrastructure and/or service insufficiency are preferable to project denial. In such cases, the City may offer an alternative to project denial by accepting the offer of voluntary support by the project's owners to undertake or contribute toward the cost of providing the needed infrastructure or service changes for future conditions created or contributed to as a result of the development project.

In general, infrastructure or service changes are quantifiable in terms of capacity and cost. Needed changes may require study, planning, phasing or other efforts before being undertaken.

In such situations, the City Council could, by contract with the project's owners, accept contributions to fund such work. The City would set aside the funds for use only to address the particular infrastructure and/or service changes associated with the development project. For example, in the situation where area streets and intersections are or will be functioning at low levels, undertaking or funding street and intersection improvements may be appropriate. Sometimes, however, street and intersection improvements may not be practical or may be insufficient to address the concerns. Due to topography, the impracticality of acquiring needed additional right-of-way, area-wide traffic patterns, jurisdictional issues or other limitations, different approaches such as additional transit services, remote parking lots, pedestrian overpasses, shared parking structures, reversible traffic flows at peak times, or other, less common, more cooperative approaches may be the only feasible and reasonable alternatives to ameliorate anticipated infrastructure and service burdens imposed by the development upon customers and citizens within the service area. A particular project may provide the necessary impetus for such approaches, particularly in relation to public health and safety, while itself providing insufficient support or justification. However, together with reasonably foreseeable additional projects, it may form the basis for addressing the need by such approaches. If part of the project involves a rezoning a voluntary offer must take the form of a conditional rezoning.

- B. Existing and Future Conditions Evaluation. The applicant or property owner shall be informed of any inadequately sized infrastructure or insufficient services within the proposed project area that currently exists or that will be created or contributed to by the proposed development project. The Zoning Coordinator, Traffic Engineer, Director of Public Works and Utilities, Planning Commission or City Council will provide a basis for the determination that a development project, either by itself or in conjunction with other reasonably foreseeable projects, will:
1. Overload infrastructure or municipal services;
 2. Measurably degrade the level of infrastructure or public services to levels that adversely affect public health, safety or quality of life; or
 3. Place additional strains on infrastructure or public services that already are at levels that adversely affect public health, safety or quality of life.
- C. Alternatives Evaluation. The Zoning Coordinator may encourage the applicant to propose particular designs or improvements, cost estimates and other related information to recommend or identify changes on the project site, in the immediate project area or in locations which would assist in supporting the necessary infrastructure or services to sustain the development. Where the Zoning Coordinator does not have specific information about needed changes readily available because they are not easily ascertainable given the characteristics of the situation, the Zoning Coordinator may identify possible ways of addressing the conditions together with the anticipated costs involved in doing so.
- D. Determination. Upon review of the alternatives to support the needed infrastructure and/or services to support the development project, the applicant may:
1. Appeal the determination to the Zoning Board of Appeals, if the determination was made by the Zoning Coordinator.
 2. Discontinue the project.
 3. Redesign the project to address the concerns.
 4. If it is acceptable to all City and other governmental officials of competent jurisdiction, agree to undertake the needed infrastructure improvements according to plans and specifications approved by the City and with all construction overseen by the City.

5. If it is acceptable to all City and other governmental officials of competent jurisdiction, agree to fund the needed infrastructure or service improvements pursuant to a written agreement approved by the City Council. The amount of that payment shall be determined based on the actual costs of the improvements.
6. If it is acceptable to all City and other governmental officials of competent jurisdiction, agree to contribute to a fund to be used by the City to address the infrastructure or service concerns pursuant to a written agreement approved by the City Council. The amount of that contribution shall be determined based on what the City Council reasonably determines to be the applicant's proportionate share of the reasonably anticipated costs of the improvements.

Section 50-76 Project Phasing

- A. Phasing Plan. Requests for project phasing as part of Site Plan Review shall be submitted to the Zoning Coordinator for consideration. The phasing plan shall include the likely sequence and timeline for construction, as well as the reasoning behind the phased approach. The Zoning Coordinator reserves the right to approve or reject the phasing plan.
- B. Contiguous Sequencing. Project phasing shall be sequenced so that development phases are contiguous.
- C. Lapse. The time period for the lapse of a construction phase shall not exceed twelve (12) months from the issuance of a Certificate of Occupancy.

