

CODIFIED ORDINANCES OF NEGAUNEE

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CODIFIED ORDINANCES OF NEGAUNEE

PART TWELVE - PLANNING AND ZONING CODE

TITLE TWO - Planning
Chap. 1220. Planning Commission.

CHAPTER 1220
Planning Commission

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CROSS REFERENCES

Planning Commission generally - see CHTR. §18.6
Zoning and planning in home rule cities - see M.C.L.A. §117.4i
Zoning and planning generally - see M.C.L.A. §§125.11 et seq.,
125.31 et seq., 125.581 et seq.
Municipal planning commissions - see M.C.L.A. §§125.31 et seq.
County planning commissions - see M.C.L.A. §§125.101 et seq.
Approval of special land uses - see P. & Z. 1280.01, 1280.02

1220.01 DEFINITIONS.

As used in this chapter:

- (a) "Chairperson" means the Chairperson of the Planning Commission as provided for in this chapter.
- (b) "City" means the City of Negaunee.
- (c) "Commission" means the Planning Commission of the City as established by this chapter.
- (d) "Council" means the City Council of the City of Negaunee.

220.02 ESTABLISHMENT.

A Planning Commission is hereby established in and for the City.

1220.03 COMPOSITION.

The Commission shall consist of nine members who shall be representative of the public as a whole.

1220.04 APPOINTMENTS; TERMS; COMPENSATION.

All of the members of the Planning Commission shall be appointed by the Mayor, subject to the approval of Council.

The term of each of the appointed members of the Commission shall be three years or until his or her successor takes office, except that of the members first appointed three shall have terms of one year, three of two years and three of three years.

The members of the Commission shall serve without compensation unless otherwise decreed by Council.

1220.05 VACANCIES.

Vacancies occurring on the Planning Commission shall be filled for the unexpired term by appointment by the Mayor, subject to the advice and consent of Council.

1220.06 REGULAR MEETINGS.

The Planning Commission shall hold at least one regular meeting each month. The time and date of said meeting shall be established by order of the Commission itself.

1220.07 SPECIAL MEETINGS.

Special meetings of the Planning Commission may be called by the Chairperson or any three members of the Commission. Written notice of all special meetings shall be given to all members.

1220.08 OFFICERS.

The Planning Commission shall elect a Chairperson from among the appointed members and create and fill such other of its offices as it may determine. The term of the Chairperson shall be for one year, with eligibility for re-election.

1220.09 POWERS AND DUTIES; ANNUAL REPORT.

(a) The Planning Commission shall adopt rules for the transaction of business and shall keep a record of its resolutions, transactions, findings and determinations, which record shall be a public record.

(b) It shall be the duty of the Chairperson to preside over all meetings of the Commission. In his or her absence a Chairperson pro-tempore may be elected to preside.

(c) Except as may be otherwise provided in this chapter or by the authority of Council, the powers and duties of the Commission are to be of an advisory nature only, and the Commission shall not have any powers or duties which conflict with or supersede the powers and duties of Council or other City commissions or boards.

(d) Neither the Commission nor any member thereof shall incur any financial liability in the name of the City.

(e) The Commission shall annually render a full report of its work to Council.

CHAPTER 1230
Division of Land

1230.01	Title.	1230.07	Standards for approval of Land Divisions.
1230.02	Purpose.	1230.08	Noncompliance; injunctive Relief; Forfeiture.
1230.03	Definitions.	1230.99	Penalty.
1230.04	Prior Approval requirement for Land Divisions.		
1230.05	Application for Land Division Approval.		
1230.06	Procedure for Review of Applications for Land Division Approval		

CROSS REFERENCES

Approval of plats; street system – see M.C.L.A. Sec. 125.43
Regulations governing subdivision of land; bond to secure improvements; publication of regulations – see M.C.L.A. Sec. 125.44
Approval or disapproval of plats; procedure; effect – see M.C.L.A. Sec. 125.45
Certification of city plats – see M.C.L.A. Secs. 125.51 et seq.

1230.01 TITLE.

This chapter shall be known and may be cited as the “City of Negaunee Land Division Ordinance.”
(Ord. Unno. Passed 6-11-98).

1230.02 PURPOSE.

The purpose of this chapter is to carry out the provisions of the State Land Division Act, 1967 PA 288, Act 591 of 1996, and Act 87 of 1997, as amended, known as the Land Division Act, to prevent the creation of parcels of property which do not comply with applicable ordinances and said Act, to minimize potential boundary disputes, to maintain orderly development of the community, and otherwise to provide for the health, safety and welfare of the residents and property owners of the City by establishing reasonable standards for prior review and approval of land divisions within the City of Negaunee. (Ord. Unno. Passed 6-11-98.)

1230.03 DEFINITIONS.

For purposes of this ordinance certain terms and words used herein shall have the following meaning:

- (a) “Accessible” – in reference to a parcel, means that the parcel meets one or both of the following requirements:
 - (1) Has an area where a driveway provides vehicular access to an existing road or street and meets all applicable location standards of the State Transportation Department or County Road Commission under Act 200 of the Public Acts of 1969, as amended, being M.C.L.A. 247.321 to 247.329, and standards of the City, or has an area where a driveway can provide vehicular access to an existing road or street and meet all such applicable location standards.
 - (2) Is served by an existing easement that provides vehicular access to an existing road or street and that meets all applicable location standards of the State Transportation Department or County Road Commission under Act 200 of the Public Acts of 1969, as amended, and standards of the City, or can be served by a proposed easement that will provide vehicular access to an existing road or street and that will meet all such applicable location standards.
- (b) “Applicant” – a person, firm, association, partnership, corporation, or combination of any of them who or that holds an ownership interest in land, whether recorded or not, and who or that applies for City approval of a proposed land division.
- (c) “Development site” – any parcel or lot on which exists, or which is intended for, building development.
- (d) “Division” – the partitioning or splitting of a parcel or tract of land by the proprietor or by his or her heirs, 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 forty acres or the equivalent, and that satisfies the requirements of Sections 108 and 109 of the State Land Division Act. “Division” does not include a property transfer between two or more adjacent parcels, if the property taken from one parcel is added to an adjacent parcel; and any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of the State Land Division Act, or the requirements of other applicable City ordinances.
- (e) “Exempt split” – the partitioning or splitting of a parcel or tract of land by the proprietor, or by his or her heirs, legal representatives, successors, or assigns, that does not result in one or more parcels of less than forty acres or the equivalent. For a property transfer between two or more adjacent parcels, if the property taken from one parcel is added to an adjacent parcel, any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of the State Land Division Act or the requirements of an applicable City ordinance.

- (f) “Forty acres or the equivalent” – forty acres, a quarter-quarter section containing not less than thirty acres, or a government lot containing not less than thirty acres.
- (g) “Governing body” – the Negaunee City Council/
- (h) “Proprietor” – a natural person, firm, association, partnership, corporation, or combination of any of them that holds an ownership interest in land whether recorded or not.
- (i) “State Land Division Act” – Public Act 592 of 1996, and Public Act 87 of 1997, as amended.
- (j) “Subdivide” or “Subdivision” – the partitioning or splitting of a parcel or tract of land by the proprietor by his or her heirs, 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 forty acres or the equivalent, and that is not exempted from the platting requirements of the State Land Division Act and by Sections 108 and 109 of that Act. “Subdivide” or “Subdivision” does not include a property transfer between two or more adjacent parcels, if the property taken from one parcel is added to an adjacent parcel; and any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of the Act or the requirements of an applicable local ordinance.
(Ord. Unno. Passed 6-11-98.)

1230.04 PRIOR APPROVAL REQUIRMENT FOR LAND DIVISIONS.

Land in the City shall not be divided without the prior review and approval of the City Assessor, or other official designated by resolution of the City Council, in accordance with this chapter and the State Land Division Act; provided that the following shall be exempted from requirements of this chapter:

- (a) A parcel proposed for subdivision through a recorded plat pursuant to the State Land Division Act and Chapter 1244 of these Codified Ordinances.
- (b) A lot in a recorded plat proposed to be divided in accordance with the State Land Division Act and Section 1244.02 of these Codified Ordinances.
- (c) An exempt split as defined in this chapter, or other partitioning or splitting that results in parcels of twenty acres or more if each is not accessible and the parcel was in existence on March 31, 1997, or resulted from exempt splitting under the State Act. (Ord. Unno. Passed 6-11-98.)

1230.05 APPLICATION FOR LAND DIVISION APPROVAL.

An applicant shall file all of the following with the City Assessor or other official designated by the City Council for review and approval of a proposed land division before making any division by deed, land contract or lease for more than one year, or for building development.

- (a) A completed application form on such form as may be approved by resolution of the governing body of the City.
- (b) A tentative parcel map drawn to scale including a legal description of each proposed division, and showing the boundary lines, approximate dimensions, and the accessibility of each division for vehicular access and for development sites showing adequate easements for public utilities.
- (c) A statement that all standards of the State Land Division Act and this chapter will be met by the proposed division.
- (d) If a transfer of division rights is proposed in the land transfer, detailed information about the terms and availability of the proposed division rights transfer.
- (e) A filing fee to cover the costs of review of the application and administration of this chapter and the State Land Division Act as set by resolution of the City Council. The fee shall be adjusted from time to time to reflect changes in cost to the City of administering this chapter and State Law.
(Ord. Unno. Passed 6-11-98.)

1230.06 PROCEDURE FOR REVIEW OF APPLICATIONS FOR LAND DIVISION APPROVAL.

- (a) The City Assessor or other designee shall approve or disapprove the land division applied for within forty-five days after receipt of a complete application conforming to the requirements of this chapter and the State Land Division Act, and shall promptly notify the applicant of the decision, and if denied, the reasons for denial.
- (b) Any person or entity aggrieved by the decision of the Assessor or other designee may, within thirty days of said decision, appeal the decision to the City Council or such other body or person designated by the City Council, which shall consider and resolve such appeal by a majority vote of the Council or by the appellate designee at its next regular meeting or session affording sufficient time for a twenty-day written notice to the applicant of the time and date of said meeting and appellate hearing.
- (c) The Assessor or other designee shall maintain an official record of all approved and accomplished land divisions or transfers.
- (d) Approval of a division is not a determination that the resulting parcels comply with other ordinances or regulations, including, but not limited to, zoning ordinances, building codes, Health Department codes, or similar ordinances or regulations, or that the resulting parcels are suitable for building or development.
- (e) The City and its officers and employees shall not be liable for approving a land division if the building permits for construction on the parcels are subsequently denied because of inadequate water supply, sewage disposal facilities, noncompliance with zone ordinances or otherwise, and any notice of approval shall include a statement to this effect. (Ord. Unno. Passed 6-11-98.)

1230.07 STANDARDS FOR APPROVAL OF LAND DIVISIONS.

(a) A proposed land division shall be approved upon satisfaction of all of the following requirements:

- (1) The application for approval contains all of the information described in Section 1250.05.
- (2) Each resulting parcel is accessible to an existing street or road by an existing or proposed driveway or access easement. If a driveway or access easement does not exist at the time a division is proposed, the applicant shall also comply with the requirements of subsection (b) hereof.
- (3) The proposed division, together with any previous division(s) of the same parent parcel or parent tract, shall not result in a number of resulting parcels that is greater than that permitted under Section 108 of the State Land Division Act.
- (4) Each resulting parcel that is a development site (as defined in the Act) shall have adequate easements for public utilities from the resulting parcel to existing public utility facilities.
- (5) Each resulting parcel which is ten acres or less in size shall have a depth which is not more than four times the width of a parcel. If the width of the parcel is irregular, the average width of the parcel shall be calculated and used for purposes of this provision. This depth to width ratio shall not apply to the remainder of the parent parcel or parent tract retained by the applicant.
- (6) All resulting parcels to be created by the proposed land division(s) shall comply with the applicable lot area and dimension requirements of the City Zoning Code for the zoning district(s) in which the resulting parcels are located.

(b) If a means of vehicular access to a resulting parcel does not exist at the time a land division is applied for, the proposed division shall not be approved unless the following requirements are satisfied:

- (1) If a private driveway is proposed as a means of access, each resulting parcel shall have an area where a driveway or easement will provide vehicular access.
- (2) If a private easement is proposed as a means of access, the proposed easement shall be in writing and signed by the owner of the parcel(s) within which the easement is to be located. Such easement shall provide a means of access over and across such parcel(s).
- (3) If a new public street is proposed as a means of access, the application shall provide proof that the proposed street or road complies with layout and construction design standards of the City as contained in Chapter 1246 of these Codified Ordinance or other City of Negaunee ordinances relating to public streets and roads and utility easements and drainage facilities.

(c) If a parcel resulting from a division is less than one acre in size, pursuant to the State Land Division Act, a building permit shall not be issued unless the parcel has all of the following:

- (1) Public water, or Health Department approval for suitability of an on-site water supply; and
- (2) Public sewer, or Health Department approval for suitability of on-site sewage disposal.

The City of Negaunee, and its officers and employees, shall not be liable for approving a division resulting in a parcel less than one acre if a building permit is not issued for the parcel for reasons set forth in this section, and the notice of approval of the division shall so state.

(Ord. Unno. Passed 6-11-98.)

1230.08 NONCOMPLIANCE; INJUNCTIVE RELIEF; FORFEITURE.

(a) Any division of land in violation of any provision of this chapter shall not be recognized as a land division on the City tax roll. The City may also initiate injunctive or other relief to prevent any violation or continuance of any violation of this chapter.

(b) An unlawful division or split shall also be voidable at the option of the purchaser and shall subject the seller to the forfeiture of all consideration received or pledged therefor, together with any damages sustained by the purchaser, recoverable in an action at law.

(Ord. Unno. Passed 6-11-98.)

1230.99 PENALTY.

Whoever violates any of the provisions of this chapter is responsible for a Municipal civil infraction and shall be fined not more than one hundred dollars (\$100.00) for a first offense and not more than five hundred dollars (\$500.00) for a subsequent offense, in the discretion of the court, in addition to all other remedies provided by law.

(Ord. Unno. Passed 6-11-98.)

TITLE FOUR - Subdivision Regulations

Chap. 1240. General Provisions and Definitions.

Chap. 1242. Administration, Enforcement and Penalty.

Chap. 1244. Platting Procedure.

Chap. 1246. Design Standards.

Chap. 1248. Improvements.

CHAPTER 1240

General Provisions and Definitions

1240.01	Short title.	1240.05	Severability.
1240.02	Purposes.	1240.06	Effective date.
1240.03	Legal basis; scope.	1240.07	Definitions.
1240.04	Interpretation; conflicts.		

CROSS REFERENCES

Approval of plats; street system - see M.C.L.A. §125.43

Regulations governing subdivision of land; bond to secure improvement; publication of regulations - see M.C.L.A. §125.44

Approval or disapproval of plats; procedure; effect - see M.C.L.A. §125.45

Certification of city plats - see M.C.L.A. §§125.51 et seq.

Fees - see P. & Z. 1242.05

1240.01 SHORT TITLE.

These Subdivision Regulations shall be known and may be cited as the "City of Negaunee Subdivision Control Code," hereinafter referred to as "these Subdivision Regulations" or "these Regulations."

1240.02 PURPOSES.

The purpose of these Subdivision Regulations is to regulate and control the subdivision of land within the City in order to promote the safety, public health and general welfare of the community. These Regulations are specifically designed to:

- (a) Provide for the orderly growth and harmonious development of the community, consistent with orderly growth policies, and to guide future growth of development of the Municipality in accordance with the Master Plan.

- (b) Protect and conserve the value of land throughout the Municipality and the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings.
- (c) Ensure adequate provisions for public utilities, including storm water drainage, potable water supplies, sanitary facilities and other health-related requirements.
- (d) Establish reasonable standards of design and procedures for subdivisions in order to further the orderly layout and use of land and to ensure proper legal descriptions and monumenting of the subdivided land.
- (e) Ensure that public facilities are available and will have sufficient capacity to serve the proposed subdivision.

1240.03 LEGAL BASIS; SCOPE.

These Subdivision Regulations are enacted pursuant to the statutory authority granted by the Subdivision Control Act, being Act 288 of the Public Acts of 1967, as amended; Act 191 of the Public Acts of 1939, as amended, providing for publication of ordinances; and the Municipality Planning Act, being Act 285 of the Public Acts of 1931, as amended, authorizing cities to adopt ordinances and regulations to secure the public health, safety and general welfare. These Subdivision Regulations shall not apply to any lot or lots forming a part of a subdivision created or recorded prior to the effective date of these Subdivision Regulations, except for the further dividing of lots within a recorded subdivision plat.

1240.04 INTERPRETATION; CONFLICTS.

- (a) The provisions of these Regulations shall be held to be the minimum requirements for the promotion of the public health, safety and general welfare.
- (b) These Regulations are not intended to interfere with, abrogate or annul any other code, rule, regulation, statute or other provision of law. Where any provision of these Regulations imposes restrictions different from those imposed by any other provision of these Regulations or other code, rule, regulation or other provision of law, whichever provision is more restrictive or imposes a higher standard shall control.
- (c) These Regulations are not intended to abrogate any easement, covenant or other private agreement or restriction, provided that where the provisions of these Regulations are more restrictive or impose higher standards than such easement, covenant or other private agreement or restriction, the requirements of these Regulations shall govern.

1240.05 SEVERABILITY.

If any part or provision of these Regulations or the application thereof to any person or circumstance is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application directly involved in all controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of these Regulations or the application thereof to other persons or circumstances. The City hereby declares that it would have enacted the remainder of these Regulations even without any such part, provision or application.

1240.06 EFFECTIVE DATE.

These Subdivision Regulations shall take effect in the City after adoption by the City Council, publication of notice of such adoption within ten days after such adoption, entry in the City Code Book and certification by the City Clerk as to the date of publication of such notice. The effective date shall be thirty days after the date of publication of such notice.

1240.07 DEFINITIONS.

As used in these Regulations, a "person" includes a corporation, a partnership and an incorporated association of persons such as a club; "shall" is always mandatory; a "building" includes a "structure"; a "building" or "structure" includes any part thereof; and "used" or "occupied," as applied to any land or building, shall be construed to include the words "intended, arranged or designed to be used or occupied." In addition:

- (1) "Alley" means a public or private right-of-way shown on a plat which provides secondary access to a lot, block or parcel of land.
- (2) "Applicant" means the owner of land proposed to be subdivided or his or her representative. Consent shall be required from the legal owner of the premises.
- (3) "Block" means a tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways or boundary lines of municipalities.
- (4) "Bond" means any form of security, including a cash deposit, letter of credit, certified check, surety bond, collateral, property or instrument of credit in an amount and form satisfactory to the governing body. All bonds shall be approved by the governing body wherever a bond is required by these Regulations.
- (5) "Building" means any structure built for the support, shelter or enclosure of persons, animals, chattels or movable property of any kind, and includes any structure.
- (6) "Building and Zoning Inspector" means the person designated by the governing body to administer the Building Code and the Zoning Code.

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- (7) "Capital Improvements Program" means a proposed schedule of all future projects listed in order of construction priority, together with cost estimates and the anticipated means of financing each project. All major projects requiring the expenditure of public funds, over and above the annual local government's operating expenses, for the purchase, construction or replacement of the physical assets for the community, are included.
- (8) "Caption" means the name by which a subdivision plat is legally and commonly known.
- (9) "City Attorney" means the licensed attorney designated by the governing body to furnish legal assistance for the administration of these Regulations.
- (10) "City Engineer" means the licensed engineer designated by the governing body to furnish engineering assistance for the administration of these Regulations.
- (11) "Collector road" means a road intended to move traffic from local roads to secondary arterials. A collector road serves a neighborhood or large subdivision and should be designed so that no residential properties face onto it.
- (12) "Construction Plan" means the maps or drawings accompanying a subdivision plat showing the specific location and design of improvements to be installed in the subdivision in accordance with the requirements of the Municipality as a condition of the approval of the plat.
- (13) "County Plat Board" means the Registrar of Deeds, who shall act as Chairperson, the County Clerk, who shall act as Secretary, and the County Treasurer.
- (14) "Cul-de-sac" means a local street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.
- (15) "Dedication" means the intentional appropriation of land by the owner thereof to public use.
- (16) "Developer" means the owner of land proposed to be subdivided or his or her representative. Consent shall be required from the legal owner of the premises.
- (17) "Easement" means authorization by a property owner for the use by another, and for a specified purpose of any designated part of his or her property.
- (18) "Escrow" means a deposit of cash with the governing body in lieu of an amount required and still in force on a performance or maintenance bond. Such escrow shall be deposited by the Building and Zoning Inspector into a separate account.
- (19) "Final plat" means the map, plan or record of a subdivision and any accompanying material, as described in these Regulations.

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- (20) "Flood plain" means the area of land adjoining the channel of a river, stream, watercourse, lake or other similar body of water which will be inundated by a flood which can reasonably be expected for that region.
- (21) "Frontage" means that side of a lot abutting on a street or way and ordinarily regarded as the front of the lot, but it shall not be considered as the ordinary side of a corner lot.
- (22) "Frontage street" means any street constructed by the developer or any existing street in which development shall take place on both sides.
- (23) "Governing body" means the legislative body of the City.
- (24) "Government survey" means the land surveyed, subdivided and monumented by the United States Public Land Survey.
- (25) "Grade" means the slope of a road, street or other public way, specified in percentage terms.
- (26) "Health department" means the State, City, County or District Health Department having jurisdiction.
- (27) "High density" means those residential zoning districts in which the density is equal to or greater than one dwelling unit per 10,000 square feet.
- (28) "Highway, limited access" means a freeway or expressway providing a trafficway for through traffic, in respect to which owners or occupants of abutting property on lands, and other persons, have no legal right of access to or from the same, except at such points and in such manner as may be determined by the public authority having jurisdiction over such trafficway.
- (29) "Improvement" means any structure incident to servicing or furnishing facilities for a subdivision.
- (30) "Individual sewage disposal system" means a septic tank, seepage tile, sewage disposal system or other approved sewage treatment device.
- (31) "Joint ownership" means, among persons, the same owner. For the purpose of imposing these Subdivision Regulations, "joint ownership" means "constructive ownership."
- (32) "Land" means all land areas occupied by real property.
- (33) "Local government" means the government of the City.
- (34) "Local road" means a road intended to provide access to other roads from individual properties and to provide a right-of-way beneath it for sanitary sewer, water and storm drainage systems and/or other utility systems.
- (35) "Lot" means a measured portion of a parcel or tract of land, which is described and fixed in a recorded plat.
- (36) "Lot, corner" means a lot situated at the intersection of two streets, the interior angle of which intersection does not exceed 135 degrees.
- (37) "Lot improvement" means any building, structure, place, work of art or other object or improvement of the land on which they are situated constituting a physical betterment of real property, or any part of such betterment.

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- (38) "Lot of record" means a parcel of land, the dimensions of which are shown on a record plat on file with the Marquette County Register of Deeds, at the time these Regulations became effective, or in common use by City officials and which actually exists as shown, or any part of a parcel held in a recorded ownership separate from the remainder thereof at the time these Regulations became effective.
- (39) "Low density" means those residential zoning districts in which the density is equal or less than one dwelling unit per 40,000 square feet.
- (40) "Major subdivision" means all subdivisions not classified as minor subdivisions, including, but not limited to, subdivisions of five or more lots, or any size subdivision requiring any new street, extension of local governmental facilities or the creation of any public improvements.
- (41) "Master Plan" means a comprehensive plan for development of the community, prepared and adopted by City officials, pursuant to State law, and including any part of such Plan separately adopted and any amendment to such Plan or part thereof.
- (42) "Medium density" means those residential zoning districts in which the density is between 10,000 and 40,000 square feet per dwelling unit.
- (43) "Michigan Coordinate System" means the system defined in Act 9 of the Public Acts of 1964, as amended, being M.C.L.A. 54.231 to 54.239, as amended.
- (44) "Minor subdivision" means any subdivision containing not more than four lots fronting on an existing street, not involving any new street or road, or the extension of Municipal facilities, or the creation of any public improvements, and not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provisions or portion of the Master Plan, the Official Map, the Zoning Code or these Regulations.
- (45) "Model home" means a dwelling unit used initially for display purposes which typifies the type of units that will be constructed in the subdivision. Such dwelling units may be erected, at the discretion of the Municipality, by permitting a portion of a major subdivision, involving no more than four lots, to be created.
- (46) "Municipality" means the City of Negaunee, Michigan.
- (47) "Nonresidential subdivision" means a subdivision whose intended use is other than residential, such as commercial or industrial. Such subdivision shall comply with the applicable provisions of these Regulations.
- (48) "Off-site" means any premises not located within the area of the property to be subdivided, whether or not in the same ownership of the developer.

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- (49) "Official Map" means the Map established by the governing body pursuant to law showing the streets, highways, parks, drainage systems and setback lines theretofore laid out, adopted and established by law, and any amendments or additions thereto adopted by the governing body and resulting from the approval of subdivision plats by the Planning Commission and the subsequent filing of such approved plats.
- (50) "Ordinance" means any legislative action, however denominated, of a local government which has the force of law, including any amendment or repeal of any ordinance.
- (51) "Outlot," when included within the boundary of a recorded plat, means a lot set aside for purposes other than a building site, park or other land dedicated to public use or reserved to private use.
- (52) "Owner" means any person, group of persons, firm or firms, corporation or corporations, or any other legal entity, having legal title to or a sufficient proprietary interest in the land sought to be subdivided under these Regulations.
- (53) "Parcel" and "tract" mean a continuous area or acreage of land which can be described as provided for in the Subdivision Control Act, being Act 288 of the Public Acts of 1967, as amended.
- (54) "Perimeter street" means any existing street to which the parcel of land to be subdivided abuts on only one side.
- (55) "Planning Commission" means the Planning Commission of the City.
- (56) "Plat" means a map or chart of a subdivision of land.
- (57) "Pre-preliminary plat" means a sketch preparatory to the preparation of the preliminary plat as provided under Section 107 of the Subdivision Control Act, being Act 288 of the Public Acts of 1967, as amended, to enable the subdivider to save time and expense in reaching general agreement with the Planning Commission as to the form of the plat and the objectives of these Regulations.
- (58) "Preliminary plat" means a map showing the salient features of a proposed subdivision submitted to an approving authority for purposes of preliminary consideration.
- (59) "Primary arterial" means a road intended to move through traffic to and from such major attractors as central business districts, regional shopping centers, colleges and/or universities, military installations, major industrial areas and similar traffic generators within the City, and/or a route for traffic between communities or large areas.
- (60) "Proprietor" means a natural person, firm, association, partnership, corporation or combination of any of them which may hold any ownership interest in land, whether recorded or not.

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- (61) "Public improvement" means any drainage ditch, roadway, parkway, sidewalk, pedestrianway, tree, lawn, off-street parking area, lot improvement or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which local government responsibility is established. All such improvements shall be properly bonded.
- (62) "Public sewer" means a sewerage system as defined in Act 98 of the Public Acts of 1913, as amended, being M.C.L.A. 325.201 to 325.214, as amended.
- (63) "Public utility" means all persons, firms, corporations, co-partnerships or a municipal or other public authority providing gas, electricity, water, steam, telephone, sewer, cable TV or other services of a similar nature.
- (64) "Public water" means a waterworks system, as defined in Act 98 of the Public Acts of 1913, as amended.
- (65) "Registered engineer" means an engineer properly licensed and registered in the State.
- (66) "Replat" means the process of changing, or the map or plat which changes, the boundaries of a recorded subdivision plat or part thereof. The legal dividing of an outlot within a recorded subdivision plat without changing the exterior boundaries of the outlot is not a replat.
- (67) "Resubdivision" means a change in a map of an approved or recorded subdivision plat if such change affects any street layout on such map or an area reserved thereon for public use, or any lot line, or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions.
- (68) "Right-of-way" means a strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main or shade trees, or for another special use. The use of the term "right-of-way" for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels.
- (69) "Road, dead-end" means a road or a portion of a street with only one vehicular traffic outlet.
- (70) "Road right-of-way width" means the distance between property lines measured at right angles to the centerline of the street.
- (71) "Sale or lease" means any immediate or future transfer of ownership, or of any possessory interest in land, including a contract of sale, lease, devise, intestate succession or transfer of an interest in a subdivision or part thereof, whether by metes and bounds, deed, contract, plat, map, lease, devise, intestate succession or other written instrument.

- (72) "Same ownership" means ownership by the same person, corporation, firm, partnership, unincorporated association or other entity; or ownership by different corporations, firms, partnerships, unincorporated associations or other entities, in which a stockholder, partner or associate, or a member of his or her family, owns an interest in each corporation, firm, partnership, unincorporated association or other entity.
- (73) "Screening" means either:
- A. A strip at least ten feet wide, densely planted or having equivalent natural growth with shrubs or trees at least four feet high at the time of planting, or a type that will form a year-round dense screen at least six feet high; or
 - B. An opaque wall or barrier or a uniformly painted fence at least six feet high.
- (74) "Secondary Arterial" means a road intended to collect and distribute traffic in a manner similar to primary arterials, except that these roads service minor traffic generating areas such as community commercial areas, primary and secondary educational plants, hospitals, major recreational areas, churches and offices, and/or are designed to carry traffic from collector streets to the system of primary arterials.
- (75) "Setback" means the distance between a building and the street line nearest thereto.
- (76) "Subdivide" and "subdivision" mean the partitioning or dividing of a parcel or tract of land by the proprietor thereof or by his or her heirs, executors, administrators, legal representatives, successors or assigns, for the purpose of sale or lease of more than one year, or of building development, where the act of division creates five or more parcels of land each of which is ten acres or less in area, or five or more parcels of land each of which is ten acres or less in area created by successive divisions within a period of ten years.
- (77) "Subdivider" means any person who:
- A. Having an interest in land, causes it, directly or indirectly, to be divided into a subdivision; or
 - B. Directly or indirectly sells, leases or develops, or offers to sell, lease or develop, or advertises for sale, lease or development, any interest, lot, parcel, site, unit or plat in a subdivision; or
 - C. Engages, directly or through an agent, in the business of selling, leasing or developing or offering for sale, lease or development, a subdivision or any interest, lot, parcel, site, unit or plat in a subdivision; and
 - D. Is directly or indirectly controlled by, or under direct or indirect common control with any of the foregoing.

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- (78) "Subdivision agent" means any person who represents, or acts as an agent for or on behalf of, a subdivider or developer in selling, leasing or developing, or in offering to sell, lease or develop, any interest, lot, parcel, unit, site or plot in a subdivision, except an attorney-at-law whose representation of another person consists solely of rendering legal services.
- (79) "Surveyor" means a land surveyor who is licensed in this State as a registered land surveyor, or a civil engineer who is registered in this State as a registered professional engineer.
- (80) "Temporary land improvement" means an improvement built and maintained by a subdivider during construction of a subdivision and prior to release of the performance bond.
- (81) "Topographical map" means a map showing existing physical characteristics with contour lines at sufficient intervals to permit determination of proposed grades and drainage.

CHAPTER 1242
Administration, Enforcement and Penalty

1242.01	Administration generally.	1242.05	Schedule of fees.
1242.02	Enforcement generally.	1242.06	Variances.
1242.03	Amendments.	1242.99	Penalty; equitable remedies.
1242.04	Requirements for resubdivisions, replats, etc.		

CROSS REFERENCES

Approval of plats; street system - see M.C.L.A. §125.43
Regulations governing subdivision of land; bond to secure
improvement; publication of regulations - see M.C.L.A. §125.44
Approval or disapproval of plats; procedure; effect - see
M.C.L.A. §125.45
Certification of city plats - see M.C.L.A. §§125.51 et seq.
Planning Commission - see P. & Z. Ch. 1220
Purpose of Subdivision Regulations - see P. & Z. 1240.02
Scope of Subdivision Regulations - see P. & Z. 1240.03

1242.01 ADMINISTRATION GENERALLY.

These Subdivision Regulations shall be administered by the City of Negaunee in accordance with the Subdivision Control Act, being Act 288 of the Public Acts of 1967, as amended.

1242.02 ENFORCEMENT GENERALLY.

(a) It shall be the duty of Council to enforce these Regulations and to bring to the attention of the City Attorney any violations or lack of compliance herewith.

(b) No owner or agent of an owner of any parcel of land located in a proposed subdivision shall transfer or sell any parcel before a plat of the subdivision has been approved by the City, in accordance with the provisions of these Regulations, and recorded with the office of the Marquette County Register of Deeds.

(c) The subdivision of any lot or any parcel of land, by the use of a metes and bounds description for the purpose of sale, transfer or lease, with the intent of evading these Regulations, shall not be permitted. All such described subdivisions shall be subject to all of the requirements contained in these Regulations.

(d) No building permit shall be issued for the construction of any building or structure located on a lot or plat subdivided or sold in violation of the provisions of these Regulations.

1242.03 AMENDMENTS.

For the purpose of providing for the public health, safety and general welfare, the Planning Commission may from time to time amend these Subdivision Regulations. Public hearings on all proposed amendments shall be held by the City of Negaunee in the manner prescribed by law.

1242.04 REQUIREMENTS FOR RESUBDIVISIONS, REPLATS, ETC.

(a) Any proposed resubdivision, replat, amended plat, urban renewal plat or vacation of any part of any recorded subdivision plat located within the corporate limits of the City of Negaunee shall be accomplished in strict accordance with the requirements of the Subdivision Control Act, being Act of 288 of the Public Acts of 1967, as amended.

(b) The City Council shall be advised as to the status of all proceedings as noted in subsection (a) hereof and as required under the Subdivision Control Act.

1242.05 SCHEDULE OF FEES.

(a) There shall be a minimum fee for the review of all plats as follows:

- (1) The engineering fee for both the preliminary and final approval of all subdivision plats providing for public water and/or public sewage systems shall be one hundred dollars (\$100.00) plus an additional ten dollars (\$10.00) for each lot in the plat.
- (2) The engineering fee for both the preliminary and final approval of all subdivision plats which do not provide for either public water or public sewage systems shall be one hundred dollars (\$100.00) plus an additional seven dollars (\$7.00) for each lot in the plat.

(b) An additional fee shall be paid for all time and expense incurred by the City, the City Engineer or any other City agent or employee in the review of any subdivision plat when such time and expense exceed the minimum fee provided for in subsection (a) hereof.

1242.06 VARIANCES.

(a) In General. Where the Municipality finds that extraordinary hardships or practical difficulties may result from strict compliance with these Regulations and/or that the purposes of these Regulations may be served to a greater extent by an alternative proposal, it may approve variances to these Regulations so that substantial justice may be done and the public interest secured, provided that such variance shall not have the effect of nullifying the intent and purpose of these Regulations, and provided, further, that the Municipality shall not approve variances unless it shall make findings based upon the evidence presented to it in each specific case that:

- (1) The granting of the variance will not be detrimental to the public safety, health or welfare or injurious to other property as located;
- (2) The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property;
- (3) Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these Regulations is carried out;
- (4) The variance will not, in any manner, vary the provisions of the Zoning Code, the Master Plan or the Official Map.

(b) Conditions. In approving variances, the Municipality may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements of these Regulations.

(c) Procedures. A petition for any such variance shall be submitted in writing by the subdivider at the time the preliminary plat is filed for the consideration of the Planning Commission. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner.

1242.99 PENALTY; EQUITABLE REMEDIES.

(a) Whoever violates any of the provisions of these Subdivision Regulations or fails to comply therewith is guilty of a misdemeanor and shall, upon conviction thereof, be fined not more than one hundred dollars (\$100.00) or imprisoned not more than thirty days, or both, for each offense. A separate offense shall be deemed committed each day during or on which a violation occurs or continues. A landowner, tenant, subdivider, builder, public official or other person who commits, participates in, assists in or maintains such violation may be found guilty of a separate offense and suffer the penalties herein provided. Nothing herein contained shall prevent the City Council or any other public official or private citizen from taking such lawful action as is necessary to restrain or prevent any violation of these Subdivision Regulations or of the Subdivision Control Act, being Act 288 of the Public Acts of 1967, as amended.

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(b) Appropriate actions and proceedings may be taken at law or in equity to prevent any violation of these Regulations, to prevent unlawful construction, to recover damages, to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, and these remedies shall be in addition to the penalties described in subsection (a) hereof.

CHAPTER 1244
Platting Procedure

1244.01	Subdivision application procedures and approval process.	1244.04	Specifications for preliminary plats.
1244.02	Division of land in a recorded subdivision plat.	1244.05	Specifications for construction plans.
1244.03	Specifications for pre-preliminary plats.	1244.06	Specifications for final plats.

CROSS REFERENCES

Approval of plats; street system - see M.C.L.A. §125.43
Regulations governing subdivision of land; bond to secure improvement; publication of regulations - see M.C.L.A. §125.44
Approval or disapproval of plats; procedure; effect - see M.C.L.A. §125.45
Certification of city plats - see M.C.L.A. §§125.51 et seq.
Requirements for resubdivisions, replats, etc. - see P. & Z. 1242.04

1244.01 SUBDIVISION APPLICATION PROCEDURES AND APPROVAL PROCESS.

- (a) Preliminary Plat Requirements.
- (1) Preliminary plats shall be submitted and filed for approval in accordance with the requirements of Sections 112 through 120 inclusive of the Subdivision Control Act, being Act 288 of the Public Acts of 1967, as amended, and these Subdivision Regulations. The fee provided for in these Subdivision Regulations for review of preliminary plats shall be deposited with the City Clerk at the time of filing the initial application.
 - (2) The proprietor or his or her agent shall submit ten copies each of the completed application form along with the preliminary plat to the City Clerk at least two weeks prior to the regularly scheduled meeting of the City Planning Commission. The Clerk will immediately forward two complete sets of documents to the City Engineer for review.

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- (3) The City Engineer, upon finding the submission complete, will notify the City Clerk who will in turn alert the Secretary of the Planning Commission to place the matter on the agenda of the next regularly scheduled meeting of the City Planning Commission.
- (4) Distribution of the ten copies by the City Clerk as required in paragraph (a)(2) hereof shall be as follows:
 - A. 2 - City Clerk - Record File
 - B. 1 - Local School District Superintendent
 - C. 2 - City Engineer
 - D. 3 - Chairperson, City Planning Commission
 - E. 2 - City Manager
- (5) The City Engineer, prior to the next regular meeting of the Planning Commission, shall review the proposed preliminary plat and accompanying documents and report his or her findings to the Chairperson of the Planning Commission.
- (6) After careful review of the City Engineer's report and recommendation, along with any other relevant information, the Planning Commission may, at its option, pursue the following course of action:
 - A. Grant tentative approval or disapprove the plat. If the proposed subdivision is disapproved, the Planning Commission shall set forth in writing its reasons for rejection and specify to the proprietor the requirements for tentative approval.
 - B. Grant provisional approval subject to certain modifications and/or requirements which it shall state in writing.
- (7) In the case of provisional approval the proprietor shall re-submit the revised preliminary plat incorporating the modifications and/or changes as required by the Planning Commission. Re-submission may be made prior to the next regularly scheduled meeting of the Planning Commission.
- (8) The City Planning Commission shall forward its recommendations to the City Council for its action. Tentative approval, granted by the City Council, in accordance with the requirements of Section 112 (4) of the Subdivision Control Act, being Act 288 of the Public Acts of 1967, as amended, shall confer upon the proprietor, for a period of one year from its date, approval of lot sizes, lot orientation and street layout. Such tentative approval may be extended if applied for by the proprietor and granted by the City Council in writing.
- (9) If tentative approval of the preliminary plat is granted by the City Council, the proprietor shall conform to all applicable State laws regulating the subdivision of land, and subsequent processing of the proposed subdivision will be in accordance with these Subdivision Regulations and the requirements and procedures set forth in the Subdivision Control Act, being Act 288 of the Public Acts of 1967, as amended.

- (10) Within one year of the date of City Council's tentative approval, the proprietor may submit six copies of the final preliminary plat, along with documented evidence of approvals from all required State and local agencies, to the City Clerk, all in accordance with Section 120, Item 1 (c) of Act 288 of the Public Acts of 1967, as amended, and these Regulations. The City Clerk shall immediately forward two copies each to the Planning Commission, the City Manager and the City Engineer. The City Council shall not act on the matter until it has received a recommendation from the Planning Commission that the final preliminary plat is in general agreement with the previously submitted preliminary plat.
 - (11) Prior to approval of the final preliminary plat by the City Council, the City Manager shall require a written report from the City Engineer regarding the adequacy of proposed improvements, their design and their scheduled installation, along with a review of the final preliminary plat prior to acceptance by the City Council.
 - (12) The City Council may grant approval of the final preliminary plat if it is determined, after reviewing written reports from the City Engineer, and after receiving the recommendation of the Planning Commission, that the plat and proposed improvements have met all requirements. Final approval of the preliminary plat shall confer upon the proprietor, for a period of two years from the date of approval, the conditional right that the general terms and conditions under which approval was granted will not be changed. The two-year period may be extended if applied for by the proprietor and granted by the City Council in writing. The City Manager shall send written notice of any extension to all other approving authorities in accordance with Sections 113 through 119 of Act 288 of the Public Acts of 1967, as amended.
 - (13) After the City Council's approval of the final preliminary plat, the proprietor may begin the installation of the approved subdivision improvements or post surety in the form of a performance bond, letter of credit, certified check or cash deposit as specified herein.
- (b) Final Plat Requirements.
- (1) Final subdivision plats shall be prepared and submitted in accordance with the requirements as set forth in the Subdivision Control Act, being Act 288 of the Public Acts of 1967, as amended.
 - (2) A written application for final plat approval along with the State Treasurer's recording fee shall accompany all final plats.

- (3) The subdivider shall submit proof of ownership of the land included in the final plat in the form of an abstract of title certified to the date of the proprietor's certificate or a policy of title insurance currently in force.
- (4) The City Council may require such other information as it deems necessary to establish whether the proper parties have signed the plat.
- (5) Within two years from the date of the final preliminary plat approval, the proprietor may file a final plat with the City Clerk who will in turn forward the plat to the City Manager and place the item on the agenda of the next regularly scheduled meeting.
- (6) If the City Council determines that all conditions for final plat approval have been satisfied, including pre-installation of required improvements and/or acceptable security provided to assure said installation, Council may grant such approval in accordance with Section 148 of the Subdivision Control Act, being Act 288 of the Public Acts of 1967, as amended.

1244.02 DIVISION OF LAND IN A RECORDED SUBDIVISION PLAT.

The following provisions shall govern the partitioning or dividing of lots, outlots or other parcels of land in a recorded subdivision plat, subject to the provisions of Section 263 of the Subdivision Control Act, being Act 288 of the Public Acts of 1967, as amended.

- (a) Land Detached. Land may be detached from one such lot, outlot or parcel and added to another lot, outlot or parcel upon application to and approval by the City Manager. The fact of such a division shall be noted upon the City assessment roll and thereafter the enlarged lot, outlot or parcel shall be considered to be a single lot, outlot or parcel for tax assessment and all other purposes. No such division shall be permitted unless the remainder of the lot, outlot or parcel from which the part was taken meets the minimum requirements of the City Zoning Code, including width, area, setback and side yard requirements.
- (b) Lot Divided Into Two. Such a lot, outlot or parcel may be divided into not more than two new lots, outlots or parcels upon application to and approval by the City Manager. The fact of such a division shall be noted upon the City assessment roll and thereafter each separate parcel shall be considered to be a single lot, outlot or parcel for tax assessment and all other purposes. No such division shall be permitted unless each separate parcel meets the minimum requirements of the City Zoning Code, including width, area, setback and side yard requirements. In those cases where water, sewer or other services have been installed within the subdivision plat by special

assessment, and the lot, outlot or parcel proposed to be divided has been assessed therefor, no division shall be permitted unless the applicant agrees in writing to pay into the special assessment district an additional amount to be determined by the City Manager, said amount representing the increased share of the cost of the special assessment district which should be borne by the applicant for the divisions of said lot, outlot or parcel as the result of increased benefit received by the applicant for the division of said lot, outlot or parcel when divided into two separate lots, outlots or parcels.

- (c) Division Into Three or Four Lots. Such lot, outlot or parcel may be divided into more than two but not more than four separate lots, outlots or parcels upon application to and approval by the City Planning Commission. A survey showing such proposed divisions prepared by a registered engineer or by a registered land surveyor, including a proper legal description of each separate lot, outlot or parcel proposed, shall be submitted with the application. A copy of the application and the survey shall be forwarded to the City Engineer for recommendation. Upon receipt of such recommendation, the matter shall be placed upon the agenda of the next regular meeting of the Planning Commission. Should the Planning Commission approve the requested divisions, the Chairperson shall notify the City Manager, and the fact of such a division shall be noted upon the City assessment roll and thereafter the divided portions of the lot, outlot or parcel shall be considered to be separate lots, outlots or parcels for tax assessment and all other purposes.

No such division shall be permitted unless each of the parts into which such lot, outlot or parcel is to be divided meets the minimum requirements of the City Zoning Code, including width, area, side yard and setback requirements. In those cases where either sewer or other services have been installed within the plat by special assessment and the lot proposed to be divided has been assessed therefor, no division shall be permitted unless the applicant agrees in writing to pay into the special assessment district an additional amount to be determined by the City Manager representing the increased share of the cost of the special assessment district which should be borne by the applicant for the division of said divided lot, outlot or parcel when divided into three or four such lots, outlots or parcels.

- (d) Existing Dwellings of Record. In areas where dwellings have been constructed upon lots, outlots or parcels of record, or upon parts of lots, outlots or parcels of record, created prior to January 1, 1968, the effective date of the Subdivision Control Act, being Act 288 of the Public Acts of 1967, as amended, such recorded lots, outlots or parcels may be divided into more than two but not more than four separate lots, outlots or parcels upon application to and approval by the City Planning Commission. A survey showing such proposed divisions prepared by a registered land surveyor,

including a proper legal description of each separate lot, outlot or parcel proposed, shall be submitted with the application. A copy of the applications, survey and legal description shall be forwarded to the City Engineer for his or her review and recommendation. Upon receipt of such recommendation, the matter shall be placed upon the agenda of the next regularly scheduled meeting of the City Planning Commission. Should the Planning Commission approve the requested divisions, the Chairperson shall notify the City Manager, and the fact of such division shall be noted upon the City assessment roll and thereafter the divided portions of the recorded lots, outlots, or parcels shall be considered to be separate lots, outlots or parcels for tax assessment and all other purposes. In such situations the minimum requirements of the City Zoning Code, including width, area, side yard and setback requirements are hereby waived. Adequate rights of way and/or easements shall be provided for all water, sewer and other public utility lines servicing the approved lots, outlots or parcels.

- (e) **Appeals.** Any person aggrieved by any action of the City Manager, the City Assessor, or the City Planning Commission hereunder shall be entitled to a hearing before the City Council. Such hearing shall be requested in writing and shall be held at the next regularly scheduled meeting of the City Council occurring not less than ten days after filing of the request. The City Council may, after hearing, modify or reverse any decision of the City Manager, the City Assessor or the City Planning Commission.

1244.03 SPECIFICATIONS FOR PRE-PRELIMINARY PLATS.

The approval of all pre-preliminary, preliminary and final plats shall be conditional upon compliance with the requirements set forth in the Subdivision Control Act, being Act 288 of the Public Acts of 1967, as amended, and these Subdivision Regulations. Pre-preliminary plats submitted to the Planning Commission for information and review shall be prepared in pen and pencil, shall be drawn to a convenient scale of not more than 100 feet to an inch and shall show the following information:

- (a) Name.
- (1) The name of the subdivision if the property is within an existing subdivision.
 - (2) The proposed name of the subdivision if it is not within a previously platted subdivision. The proposed name shall not duplicate the name of any plat previously recorded in Marquette County.
 - (3) The name of the property if no subdivision name has been chosen. (This is commonly the name by which the property is locally known.)

- (b) Ownership.
 - (1) The name and address, including the telephone number, of the legal owner or agent of the property, and a citation of the last instrument conveying title to each parcel of property involved in the proposed subdivision, giving grantor, grantee, date and land records reference.
 - (2) The citation of any existing legal rights of way or easements affecting the property.
 - (3) Existing covenants on the property, if any.
 - (4) The name and address, including the telephone number, of the professional person(s) responsible for subdivision design, for the design of public improvements and for the land survey.
- (c) Description. The location of the property by government lot, section, township, range and county; the graphic scale, the north arrow and the date.
- (d) Features.
 - (1) The location of property lines, existing easements, burial grounds, railroad rights of way, watercourses and existing wooded areas; the location, width and names of all existing or platted streets or other public ways within or immediately adjacent to the tract; and the names of adjoining property owners from the latest assessment rolls within 500 feet of any perimeter boundary of the subdivision.
 - (2) The location, sizes, elevations and slopes of existing sewers, water mains, culverts and other underground structures within the tract and immediately adjacent thereto, existing permanent buildings and utility poles on or immediately adjacent to the site and utility rights of way.
 - (3) The approximate topography, at the same scale as the sketch plat.
 - (4) The approximate location and widths of proposed streets.
 - (5) Preliminary proposals for connection with existing water supply and sanitary sewerage systems, or alternative means of providing water supply and sanitary waste treatment and disposal; preliminary provisions for collecting and discharging surface water drainage.
 - (6) The approximate location, dimensions and area of all proposed or existing lots.
 - (7) The approximate location, dimensions and area of all parcels of land proposed to be set aside for park or playground use or other public use, or for the use of property owners in the proposed subdivision.
 - (8) The location of temporary stakes to enable the Planning Commission to find and appraise features of the sketch plat in the field.
 - (9) A vicinity map showing streets and other general development of the surrounding area. The sketch plat shall show all school and improvement district lines with the zones properly designated.

- (e) Sketch of Subdivision Area. Whenever the sketch plat covers only a part of an applicant's contiguous holdings, the applicant shall submit, at a scale of no more than 200 feet to the inch, a sketch in pen or pencil of the proposed subdivision area, together with its proposed street system, and an indication of the probable future street and drainage system of the remaining portion of the tract.

1244.04 SPECIFICATIONS FOR PRELIMINARY PLATS.

(a) In General. The preliminary plat shall be prepared under the direct supervision of a Registered Engineer or a Registered Land Surveyor in accordance with the requirements set forth in these Regulations and in accordance with all applicable sections of the Subdivision Control Act, being Act 288 of the Public Acts of 1967, as amended.

(b) Features. In addition to the requirements of the Subdivision Control Act, being Act 288 of the Public Acts of 1967, as amended, the preliminary plat shall show the following:

- (1) The location of property with respect to surrounding property and streets, the names of all adjoining property owners of record or the names of all adjoining developments, and the names of adjoining streets.
- (2) The location and dimensions of all boundary lines of the property, to be expressed in feet and decimals of a foot.
- (3) The location of existing streets, easements, water bodies, streams and other pertinent features such as swamps, railroads, buildings, parks, cemeteries, drainage ditches and bridges.
- (4) The location and width of all existing and proposed streets, easements, alleys and other public ways, and proposed street rights of way and building setback lines.
- (5) The location, dimensions and area of all proposed or existing lots.
- (6) The location and dimensions of all property to be set aside for park or playground use, or other public or private reservation, with a designation of the purpose thereof, and conditions, if any, of the dedication or reservation.
- (7) The name and address of the owner or owners of land to be subdivided, the name and address of the subdivider if other than the owner, and the name of the registered land surveyor.
- (8) The date of the map, the approximate true north point, the scale and the title of the subdivision.
- (9) Sufficient data acceptable to the City Engineer to determine readily the location, bearing and length of all lines, and to reproduce such lines upon the ground, and the location of all proposed monuments.

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- (10) The name of the subdivision and of all new streets as approved by the Planning Commission and the City Engineer.
- (11) An indication of the use of any lot (single-family, two-family, multifamily, townhouse) and all uses other than residential proposed by the subdivider.
- (12) All lots in each block consecutively numbered. Outlots shall be lettered in alphabetical order.

(c) Sketch Plat Information; Notations. All information required on a sketch plat should also be shown on the preliminary plat, and the following notations shall also be shown:

- (1) An explanation of drainage easements, if any.
- (2) An explanation of site easements, if any.
- (3) An explanation of reservations, if any.
- (4) An endorsement of the owner, as follows:

Owner

Date

(d) Endorsement by Commission Chairperson. The form for endorsements by the Commission Chairperson shall be as follows:

Approved by resolution of the _____
Planning Commission.

Chairperson

Date

(e) Insufficient or Improper Information. The lack of information under any item specified herein, or improper information supplied by the applicant, shall be cause for disapproval of a preliminary plat.

1244.05 SPECIFICATIONS FOR CONSTRUCTION PLANS.

Construction plans shall be prepared for all required improvements. Plans shall be drawn at a scale of no more than one inch equals fifty feet, and plan sheets shall be standard twenty-four inch by thirty-six inch size. The following shall be shown:

- (a) Profiles showing existing and proposed elevations along centerlines of all roads. Where a proposed road intersects an existing road or roads, the elevation along the centerline of the existing road or roads, within 100 feet of the intersection, shall be shown, along with approximate radii of all curves, lengths of tangents and central angles on all streets.

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- (b) The Planning Commission and/or the City Engineer may require, where steep slopes exist, that cross-sections of all proposed streets at 100-foot stations shall be shown at five points as follows: On a line at right angles to the centerline of the street, and said elevation points shall be at the centerline of the street, each property line and points twenty-five feet inside each property line.
- (c) Plans and profiles showing the location and typical cross-section of street pavements, including curbs and gutters, sidewalks, drainage easements, servitudes, rights of way, manholes and catch basins; the location of street trees, street lighting standards and street signs; the location, size and invert elevations of existing and proposed sanitary sewers, storm water drains and fire hydrants, showing connection to any existing or proposed utility systems; and the exact location and size of all water, gas or other underground utilities or structures.
- (d) The location, size, elevation and other appropriate description of any existing facilities or utilities, including, but not limited to, existing streets, sewers, drains, water mains, easements, water bodies, streams and other pertinent features such as swamps, railroads, buildings, features noted on the Official Map or Master Plan, at the point of connection to proposed facilities and utilities within the subdivision, and each tree with a diameter of eight inches or more, measured twelve inches above ground level. The water elevations of adjoining lakes or streams at the date of the survey, and the approximate high and low-water elevations of such lakes or streams, shall also be shown. All elevations shall be referred to the USGS data plane. If the subdivision borders a lake, river or stream, the distances and bearings of a meander line established not less than twenty feet back from the ordinary high-water mark of such waterways shall also be shown.
- (e) Topography at the same scale as the sketch plat with a contour interval of two feet, referred to sea level data. All data provided shall be the latest applicable U.S. Coast and Geodetic Survey data and should be so noted on the plat.
- (f) All specifications and references required by the local government's construction standards and specifications and the City Engineer, including a site-grading plan for the entire subdivision.
- (g) Notation of approval as follows:

Owner

Date

Planning Commission Chairperson

Date

(h) The title, name, address and seal of a professional engineer and/or registered land surveyor, and the date, including revision dates.

1244.06 SPECIFICATIONS FOR FINAL PLATS.

(a) In General. The final subdivision plat shall be prepared in accordance with the regulations of Sections 132 through Section 151, inclusive, of the Subdivision Control Act, being Act 288 of the Public Acts of 1967, as amended, and shall reflect any changes or additions required by resolution of the Planning Commission, as shown on the preliminary plat. The preliminary plat may be used as the final subdivision plat if it meets these requirements and is in accordance with any revisions required under the Planning Commission's resolution.

(b) Preparation. The final subdivision plat shall be prepared under the direct supervision of a land surveyor registered by the State and said plat shall comply with all requirements of these Subdivision Regulations and the requirements of the Subdivision Control Act, being Act 288 of the Public Acts of 1967, as amended.

(c) Survey Procedures. All survey procedures will be in accordance with the Subdivision Control Act, being Act 288 of the Public Acts of 1967, as amended.

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CHAPTER 1246
Design Standards

1246.01	Roads.	1246.06	Utilities.
1246.02	Drainage and storm sewers.	1246.07	Public uses.
1246.03	Water facilities.	1246.08	Preservation of natural features and amenities.
1246.04	Sewerage facilities.	1246.09	Nonresidential subdivisions.
1246.05	Sidewalks.		

CROSS REFERENCES

Approval of plats; street system - see M.C.L.A. §125.43
Regulations governing subdivision of land; bond to secure
improvement; publication of regulations - see M.C.L.A. §125.44
Approval or disapproval of plats; procedure; effect - see
M.C.L.A. §125.45
Certification of city plats - see M.C.L.A. §§125.51 et seq.
Construction and repair of sidewalks - see S.U. & P.S. Ch. 1020
Planning Commission - see P. & Z. Ch. 1220

1246.030 ROADS.

(a) **Purpose.** To provide for roads of suitable location, width and improvement to accommodate prospective traffic and afford satisfactory access for police, fire-fighting, snow removal, sanitation and road maintenance equipment, and to coordinate roads so as to compose a convenient system and avoid undue hardships to adjoining properties, the following road design standards are required. Road classification may be indicated on the Master Plan or Official Map, or it may be determined by the Planning Commission.

(b) **Road Surfacing and Improvements.**

(1) After sewer and water utilities have been installed by the developer, the applicant shall construct curbs and gutters and shall surface or cause to be surfaced roadways to the widths prescribed in these Regulations. Said surfacing shall be of such character as is suitable for the expected traffic and in harmony with similar improvements in the surrounding areas. Types of pavement shall be determined by the City Engineer. Adequate provision shall be made for culverts, drains and bridges.

- (2) All road pavement, shoulders, drainage improvements and structures, curbs, turn-arounds and sidewalks shall conform to all construction standards and specifications adopted by the Planning Commission, the City Engineer or the governing body and shall be incorporated into the construction plans to be submitted by the developer prior to plat approval.

(c) Excess Right of Way. Right-of-way widths in excess of the standards designated in these Regulations may be required whenever, due to topography, additional width is necessary to provide adequate earth slopes. Slopes shall not be in excess of three-to-one.

(d) Railroads and Limited-Access Highways. Railroad rights of way and limited-access highways, where so located as to affect the subdivision of adjoining lands, shall be treated as follows:

- (1) In residential districts a buffer strip of at least twenty-five feet in depth in addition to the normal depth of the lot required in the district shall be provided adjacent to the railroad right of way or limited-access highway. This strip shall be part of the platted lots and shall be designated on the plat as follows: "This area is reserved for screening purposes. The placement of structures hereon is prohibited."
- (2) In districts zoned for business, commercial or industrial uses, the nearest street extending parallel or approximately parallel to the railroad shall, wherever practicable, be at a sufficient distance therefrom to ensure suitable depth for commercial or industrial sites.
- (3) Streets parallel to the railroad, when intersecting a street which crosses the railroad at grade, shall, to the extent practicable, be at a distance of at least 150 feet from the railroad right of way. Such distance shall be determined with due consideration of the minimum distance required for future separation of grades by means of appropriate approach gradients.

(e) Intersections.

- (1) The design of the internal road circulation system shall incorporate the use of three-way or "T" intersections, wherever possible, to assure added safety.
- (2) Streets shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of two new streets at an angle of less than seventy-five degrees shall not be acceptable. Not more than two streets shall intersect at any one point unless specifically approved by the Planning Commission.

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- (3) Proposed new intersections along one side of an existing street shall, wherever practicable, coincide with any existing intersection on the opposite side of such street. Street jogs with centerline offsets of less than 150 feet shall not be permitted. Where streets intersect major streets, their alignment shall be continuous. Intersections of major streets shall be at least 800 feet apart.
- (4) The minimum curb radius at the intersection of two local streets shall be at least twenty feet, and the minimum curb radius at an intersection involving a collector street shall be at least twenty-five feet.
- (5) Intersections shall be designed with a flat grade wherever practicable. In hilly or rolling areas, at the approach to an intersection, a leveling area shall be provided having not greater than a two percent grade at a distance of sixty feet, measured from the nearest right-of-way line of the intersecting street.
- (6) Where any street intersection will involve earth banks or existing vegetation inside any lot corner that would create a traffic hazard by limiting visibility, the developer shall clear out such ground and/or vegetation (including trees) in connection with the grading of the public right of way to the extent deemed necessary by the City Engineer to provide adequate sight distance.
- (7) The cross-slopes on all streets, including intersections, shall be three percent or less.

(f) **Bridges.** Bridges of primary benefit to the applicant, as determined by the Planning Commission, shall be constructed at the full expense of the applicant without reimbursement from the local government. The sharing expense for the construction of bridges not of primary benefit to the applicant, as determined by the Planning Commission, will be fixed by special agreement between the governing body and the applicant. Said cost shall be charged to the applicant pro rata as the percentage of his or her land developed and so served.

(g) **Dedications and Reservations.**

- (1) **New perimeter streets.** Street systems in new subdivisions shall be laid out so as to eliminate or avoid new perimeter half-streets. Where an existing half-street is adjacent to a new subdivision, the other half of the street shall be improved and dedicated by the subdivider. The Planning Commission may authorize a new perimeter street where the subdivider improves and dedicates the entire required street right-of-way width within his or her own subdivision boundaries.

- (2) Widening and realignment of existing roads. Where a subdivision borders an existing narrow road or when the Master Plan, Official Map or zoning setback regulations indicate plans for realignment or widening a road that would require use of some of the land in the subdivision, the applicant shall be required to improve and dedicate, at his or her expense, such areas for widening or realignment of such roads. Such frontage roads and streets shall be improved and dedicated by the applicant at his or her own expense to the full width as required by these Subdivision Regulations. Land reserved for any road purposes may not be counted in satisfying yard or area requirements of the Zoning Code, whether the land is to be dedicated to the Municipality in fee simple or an easement is granted to the local government.

TABLE 1

DESIGN STANDARDS FOR ROADS

Improvement	Development Density			Nonresidential Business Industrial/ Commercial
	Residential Low	Residential Medium	Residential High	
MIN. WIDTH R.O.W. (FT.)				
Local Road	66	66	66	66
Collector Road	66	66	66	66
Secondary Arterial	66	66	86	86
Primary Arterial	86	100	120	120
MIN. WIDTH TRAVELED ROUTE				
Local Road	26W/S	30W/C	32W/C	30W/C
Collector Road	28W/S	32W/C	34W/C	40W/C
Secondary Arterial	30W/S	40W/C	44W/C	44W/C
Primary Arterial	44W/S	48W/C	48W/C	48W/C

TABLE 1 (Cont.)

DESIGN STANDARDS FOR ROADS (Cont.)

Improvement	Development Density Residential			Nonresidential
	Low	Medium	High	Business Industrial/ Commercial
MAX. GRADE (%)				
Local Road	10%	10%	8%	6%
Collector Road	8%	8%	8%	6%
Secondary Arterial	6%	6%	6%	5%
Primary Arterial	6%	6%	6%	5%
MIN. GRADE (%)				
Local Road	1%	1%	1%	1%
Collector Road				
Secondary Arterial				
Primary Arterial				
MIN. RADIUS OF CURVE (FT.)				
Local Road	100	100	100	200
Collector Road	100	100	100	200
Secondary Arterial	300	300	300	400
Primary Arterial	500	500	500	500

NOTE: W/S = with shoulders (roll-type curb)
 W/C = with curb

TABLE 1 (Cont.)

DESIGN STANDARDS FOR ROADS (Cont.)

Improvement	Development Density Residential			Nonresidential
	Low	Medium	High	Business Industrial/ Commercial
MIN. LENGTH OF VERTICAL CURVES				
Local Road	100 ft. but not less than 20 ft. for each algebraic difference in grade			
Collector Road	100 ft. but not less than 20 ft. for each algebraic difference in grade			
Secondary Arterial	200 ft. but not less than 50 ft. for each 1%.			
Primary Arterial	300 ft. but not less than 50 ft. for each algebraic difference in grade.			
MIN. LENGTH OF TANGENTS BETWEEN REVERSE CURVES (FT.)				
Local Road	100	100	150	200
Collector Road	100	100	150	200
Secondary Arterial	200	200	250	300
Primary Arterial	300	300	350	400
MIN. SIGHT DISTANCE (FT.)				
Local Road	200	200	200	250
Collector Road	200	240	240	250
Secondary Arterial	275	275	300	300
Primary Arterial	275	300	300	400
Intersection	Across Corners - 75 Ft. Back of Intersection			

TABLE 1 (Cont.)

DESIGN STANDARDS FOR ROADS (Cont.)

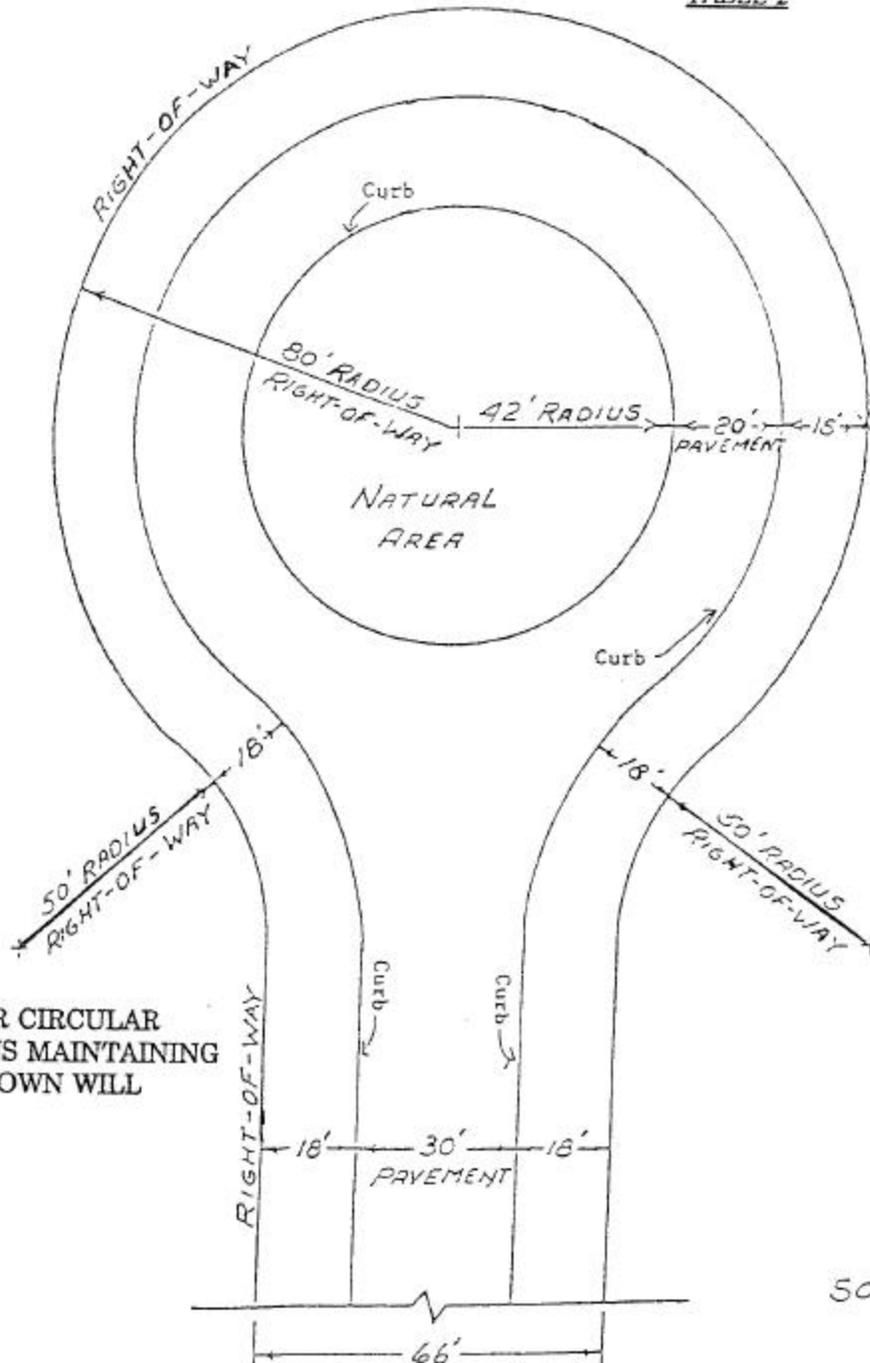
Improvement	Development Density			Nonresidential
	Residential			
	Low	Medium	High	Business Industrial/ Commercial
MIN. TURNAROUND (FT.)				
Cul-de-sac (See Figure 1 following this Table)				
Local Road				
R.O.W. Diameter	160	160	170	170
Pavement (Outside Dia.)	124	124	134	134
Center Island (Inside Dia.)	84	84	82	74
DESIGN SPEED (MPH)				
Local Road	25	25	25	25
Collector Road	30	30	30	30
Secondary Arterial	40	35	35	35
Primary Arterial	40	40	40	45
MIN. LENGTH OF CUL-DE-SAC				
Permanent	Seven times average lot width and not exceeding 1,000 ft. in length.			
Temporary	As approved by the Planning Commission and the City Engineer.			
MIN. RADIUS (FT.)				
At Right-of-Way	25	25	30	30
At pavement	25	25	30	30

FIGURE 1

Cul-de-sac

Medium Development Density
(Residential)

TABLE 2



NOTE: OTHER CIRCULAR ORIENTATIONS MAINTAINING THE RADII SHOWN WILL BE ALLOWED.

SCALE 1" = 3'

(Scale 1" = 30')

1246.02 DRAINAGE AND STORM SEWERS.

(a) General Requirements. The Planning Commission shall not recommend for approval any subdivision plat which does not make adequate provision for storm or flood water run-off. The storm water drainage system shall be separate and independent of any sanitary sewer system. Storm sewers, where required, shall be designed by the rational method, or other methods as approved by the City Engineer, and a copy of design computations shall be submitted along with plans. Inlets shall be provided so that surface water is not carried across or around any intersection, nor for a distance of more than 600 feet in the gutter. When calculations indicate that curb capacities are exceeded at a point, no further allowance shall be made for flow beyond that point, and catch basins shall be used to intercept flow at that point. Surface water drainage patterns shall be shown for each lot and block.

(b) Nature of Storm Water Facilities.

(1) Location. The applicant may be required by the governing body to carry away by pipe or open ditch, any spring or surface water that may exist either previously to or as a result of the subdivision. Such drainage facilities shall be located in the road right of way where feasible, or in perpetual unobstructed easements of appropriate width, and shall be constructed in accordance with the local government's construction standards and specifications.

(2) Accessibility to public storm sewers.

A. Where a public storm sewer is accessible, the applicant shall install storm sewer facilities, or if no outlets are within a reasonable distance, adequate provision shall be made for the disposal of storm waters, subject to the specifications of the City Engineer. However, in subdivisions containing lots less than 15,000 square feet in area and in business and industrial districts, underground storm sewer systems shall be constructed throughout the subdivisions and shall be conducted to an approved outfall. Inspections of all facilities shall be conducted by the City Engineer.

B. If a connection to a public storm sewer will be provided eventually, as determined by the City Engineer and the Planning Commission, the developer shall make arrangements for future storm water disposal by a public utility system at the time the plat receives final approval. Provision for such connection shall be incorporated by inclusion in the surety required for the subdivision plat.

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- (3) Accommodation of upstream drainage areas. A culvert or other drainage facility shall, in each case, be large enough to accommodate potential run-off from its entire upstream drainage area, whether inside or outside the subdivision. The City Engineer shall determine the necessary size of the facility, based on the provisions of the construction standards and specifications assuming conditions of maximum potential watershed development permitted by the Zoning Code.
- (4) Effect on downstream drainage areas. The City Engineer shall also study the effect of each subdivision on existing downstream drainage facilities outside the area of the subdivision. Local government drainage studies together with such other studies, as shall be appropriate, shall serve as a guide to needed improvements. Where it is anticipated that the additional run-off incident to the development of the subdivision will overload an existing downstream drainage facility, the City Council may withhold approval of the subdivision until provision has been made for the improvement of said potential condition in such amount as the City Council shall determine. No subdivision shall be approved unless adequate drainage will be provided to an adequate drainage watercourse or facility.
- (5) Areas of poor drainage. Whenever a plat is submitted for an area which is subject to flooding, the City Council, upon recommendation of the Planning Commission, may approve such subdivision, provided that the applicant fills the affected area of said subdivision to an elevation sufficient to place the elevation of said streets and lots at a minimum of twelve inches above the elevation of the maximum probable flood, as determined by the City Engineer. The plat of such subdivision shall provide for a flood plain area along the bank of any stream or watercourse, in a width which shall be sufficient in times of high water to contain or move the water, and no fill shall be placed in the flood plain area nor shall any structure be erected or placed therein. The boundaries and the elevation of the flood plain area shall be subject to approval by the City Engineer and any other State and/or local agency which may be required under Act 288 of the Public Acts of 1967, as amended. Areas of extremely poor drainage shall be discouraged from development.
- (6) Flood plain areas. The Planning Commission may, when it deems it necessary for the health, safety or welfare of the present and future population of the area, and necessary to the conservation of water, drainage and sanitary facilities, prohibit the subdivision of any portion of property which lies within the flood plain of any stream or drainage course. These flood plain areas shall be preserved from any and all destruction or damage resulting from clearing, grading or dumping of earth, waste material or stumps.

- (c) Dedication of Drainage Easements.
- (1) General requirements. Where a subdivision is traversed by a watercourse, drainageway, channel or stream, there shall be provided a storm water easement or drainage right of way conforming substantially to the lines of such watercourse, and of such width and construction or both as will be adequate for the purpose. Wherever possible, it is desirable that the drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume of flow.
- (2) Drainage easements.
- A. Where topography or other conditions make impractical the inclusion of drainage facilities within road rights of way, perpetual unobstructed easements at least fifteen feet in width for such drainage facilities shall be provided across property outside the road lines and with satisfactory access to the road. Easements shall be indicated on the plat. Drainage easements shall be carried from the road to a natural watercourse or to other drainage facilities.
- B. When a proposed drainage system will carry water across private land outside the subdivision, appropriate drainage easements must be secured.
- C. The applicant shall dedicate, either in fee or by drainage easement, land on both sides of existing watercourses, to a distance to be determined by the City Engineer.
- D. Low-lying lands along watercourses subject to flooding or overflowing during storm periods, whether or not included in areas for dedication, shall be preserved and retained in their natural state as drainageways. Such land or lands subject to periodic floodings shall not be computed in determining the number of lots to be utilized for average density procedure nor for computing the area requirement of any lot.

1246.03 WATER FACILITIES.

- (a) General Requirements.
- (1) Necessary action shall be taken by the applicant to extend or create a water supply district for the purpose of providing a water supply system capable of providing domestic water use and fire protection.
- (2) Where a public water main is accessible, the subdivider shall install adequate water supply facilities, including fire hydrants, subject to the specifications of the State and/or local authorities. All water mains shall be at least six inches in diameter.
- (3) All water main extensions shall be approved by the State Health Department.

- (4) To facilitate the requirements of this section, the location of all fire hydrants, all water supply improvements and the boundary lines of proposed districts, indicating all the improvements proposed to be served, shall be shown on the proposed construction plans, and the cost of installing the same shall be included in the surety to be furnished by the developer.

- (b) Individual Wells and Central Water Systems.
 - (1) In low density zoning districts, in the discretion of the Planning Commission, if a public water system is not available, individual wells may be used or a central water system may be provided in such a manner that an adequate supply of potable water will be available to every lot in the subdivision. Water samples shall be submitted to the Health Department for approval, and individual wells and central water systems shall be approved by the appropriate health authorities. Orders of approval shall be submitted to the Planning Commission.
 - (2) If the Planning Commission requires that a connection to a public water main be eventually provided as a condition of approval of an individual well or central water system, the applicant shall make arrangements for future water service at the time the plat receives final approval. Performance or cash bonds may be required to ensure compliance.

- (c) Fire Hydrants. Fire hydrants shall be required for all subdivisions with public water supply systems. Fire hydrants shall be located no more than 1,000 feet apart and within 500 feet of any structure and shall be approved by the applicable protection unit. To eliminate future street openings, all underground utilities for fire hydrants, together with the fire hydrants themselves, and all other supply improvements, shall be installed before any final paving of a street shown on the subdivision plat.

1246.04 SEWERAGE FACILITIES.

- (a) General Requirements. The applicant shall install sanitary sewer facilities in a manner prescribed by the local government construction standards and specifications. All plans shall be designed in accordance with the rules, regulations and standards of the City Engineer, the State Department of Natural Resources and other appropriate agencies. Plans shall be approved by the aforementioned agencies. Necessary action shall be taken by the applicant to extend or create a sanitary sewer district for the purpose of providing sewerage facilities to the subdivision where no district exists for the land to be subdivided.

(b) High Density Residential and Non-residential Districts. Sanitary sewerage facilities shall connect with public sanitary sewerage systems. Sewers shall be installed to serve each lot and to grades and sizes required by approving officials and agencies. No individual disposal system or treatment plans, or private or group disposal systems, shall be permitted. Sanitary sewerage facilities, including the installation of laterals in the right of way, shall be subject to the specifications, rules, regulations and guidelines of the City Engineer and the State Department of Natural Resources.

(c) Low and Medium Density Residential Districts. Sanitary sewerage systems shall be constructed as follows:

- (1) Where a public sanitary sewerage system is reasonably accessible, the applicant shall connect with the same and provide sewers accessible to each lot in the subdivision.
- (2) Where public sanitary sewerage systems are not reasonably accessible but will become available within a reasonable time (not to exceed fifteen years), the applicant may choose one of the following alternatives:
 - A. A central sewerage system. Where plans for future public sanitary sewerage systems exist, the applicant shall install the sewer lines, laterals and mains to be in permanent conformance with such plans and ready for connection to such public sewer mains; or
 - B. An individual disposal system. Where an individual disposal system is chosen, the applicant shall install sanitary sewer lines, laterals and mains from the street curb to a point in the subdivision boundary where a future connection with the public sewer main shall be made. Sewer lines shall be laid from the house to the street line, and a connection shall be available in the home to connect the individual disposal system to the sewer system when the public sewers become available. Such sewer systems shall be capped until ready for use and shall conform to all plans for installation of the public sewer system, where such exist, and shall be ready for connection to such public sewer main.
- (3) Where sanitary sewer systems are not reasonably accessible and will not become available for a period in excess of fifteen years, the applicant may install sewage systems as follows:
 - A. In medium density residential districts, only a central sewerage system may be installed. No individual disposal system will be permitted. Where plans exist for a public sewer system to be built for a period in excess of fifteen years, the applicant shall install all sewer lines, laterals and mains to be in permanent conformance with such plans and ready for connection to such public sewer main.
 - B. In low density residential districts, an individual disposal system or a central sewerage system shall be used.

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(d) Mandatory Connection to the Public Sewer System. If a public sanitary sewer is accessible and a sanitary sewer is placed in a street or alley abutting upon property, the owner thereof shall be required to connect to said sewer for the purpose of disposing of waste, and it shall be unlawful for any such owner or occupant to maintain or retain upon any such property an individual sewage disposal system.

(e) Individual Disposal System Requirements. If public sewer facilities are not available and individual disposal systems are proposed, minimum lot areas shall conform to the requirements of the Zoning Code and percolation tests and test holes shall be made as directed by the Marquette County Health Department. The individual disposal system, including the size of the septic tanks and the size of tile fields or other secondary treatment devices, shall also be approved by the Marquette County Health Department.

(f) Design Criteria for Sanitary Sewers.

(1) Deviations. These design criteria are not intended to cover extraordinary situations. Deviations will be allowed and may be required in those instances where considered justified by the City Engineer.

(2) Design factors. Sanitary sewer systems should be designed for the ultimate tributary population. Due consideration should be given to current zoning regulations and approved planning and zoning reports where applicable. Sewer capacities should be adequate to handle the anticipated maximum hourly quantity of sewage and industrial waste together with an adequate allowance for infiltration and other extraneous flows. The unit design flows presented hereinafter should be adequate in each case for the particular type of development indicated. Sewers shall be designed for the total tributary area using the following criteria:

	<u>Cubic feet per second (cfs)/acre</u>
One and two-family dwellings	.02
Apartments	
One and two story	.02
Three through six story	.03
Commercial	
Small stores, offices and	
Miscellaneous businesses	.02
Shopping centers	.02
High rise	As directed by the City Engineer
Industrial	As directed by the City Engineer

These design factors shall apply to watersheds of 300 acres or less. Design factors for watersheds larger than 300 acres and smaller than 1,000 acres shall be computed on the basis of a linear decrease from the applicable design factor for an area of 300 acres to a design factor of .01 cfs/acre for an area of 1,000 acres, unless otherwise directed by the City Engineer. Design factors for watersheds larger than 1,000 acres shall be .01 cfs/acre unless otherwise directed by the City Engineer.

- (3) **Maximum size.** The diameter of sewers proposed shall not exceed the diameter of the existing or proposed outlet, whichever is applicable, unless otherwise approved by the City Engineer.
- (4) **Minimum size.** No public sewer shall be less than eight inches in diameter.
- (5) **Minimum slope.** All sewers shall be designed to give mean velocities, when flowing full, of not less than 2.7 feet per second. All velocity and flow calculations shall be based on the Manning Formula using an N value of 0.013. The slopes shall be the minimum for the size indicated. Exceptions to these slopes shall be made at the upper end of lateral sewers serving under thirty houses. Said sewers shall have a minimum slope of 0.76 percent. Where lateral sewers serve less than ten houses, the minimum slope shall be not less than one percent. (See Table 2)

TABLE 2

MINIMUM SLOPES FOR SEWER SIZE INDICATED

Sewer Size (in.)	Minimum Slope (in ft./100 ft.)
8	0.60
10	0.44
12	0.36
15	0.28
18	0.24
21	0.20
24	0.16

- (6) **Alignment.** All sewers shall be laid with straight alignment between manholes, unless otherwise directed or approved by the City Engineer.
- (7) **Manhole location.** Manholes shall be installed at the end of each line; at all changes in grade, size or alignment; at all intersections; and at distances not greater than 400 feet for sewers fifteen inches and smaller, and 500 feet for sewers eighteen inches in diameter and larger.

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- (8) Manholes. The difference in elevation between any incoming sewer and the manhole invert shall not exceed twelve inches, except where required to match crowns. The use of drop manholes will require approval by the City Engineer. The minimum inside diameter of the manholes shall conform to those specified by the City Engineer. Inside drop manholes will require special considerations. However, in no case shall the minimum clear distance be less than that indicated herein. When a smaller sewer joins a larger one, the crown of the smaller sewer shall not be lower than that of the larger one. The minimum drop through manholes shall be 0.2 feet.
- (9) Sewer locations. Sanitary sewers shall be located within a street or right of way, unless topography dictates otherwise. When located in easements on private property, access shall be to manholes. A manhole shall be provided at each street or crossing. End lines shall be extended to provide access from a street or alley right of way where possible. Imposed loading shall be considered in all locations. Not less than six feet of cover shall be provided over the top of a pipe in streets and rights of way, and not less than three feet shall be provided in all other areas.
- (10) Cleanouts. Cleanouts will not be permitted.
- (11) Water supply interconnections. There shall be no physical connection between a public or private potable water supply system and a sewer which will permit the passage of any sewage or polluted water into the potable supply. Sewers shall be kept removed from water supply wells or other water supply sources and structures.
- (12) Relation of sewers to water mains. A minimum horizontal distance of ten feet shall be maintained between parallel water and sewer lines. At points where sewers cross water mains, the sewer shall be constructed of cast iron pipe or encased in concrete for a distance of ten feet in each direction from the crossing, measured perpendicular to the water line. This will not be required when the water main is at least two feet above the sewer.

1246.05 SIDEWALKS.

- (a) Required Improvements.
 - (1) Sidewalks shall be included within the dedicated nonpavement right of way of all roads as shown in Table 3 below.
 - (2) Concrete curbs are required for all roads where sidewalks are required by these Regulations or where required in the discretion of the Planning Commission.
 - (3) Sidewalks shall be improved as required in these Regulations. A median strip at least five feet wide shall separate all sidewalks from adjacent curbs.

(b) Pedestrian Accesses. The Planning Commission may require, in order to facilitate pedestrian access from roads to schools, parks, playgrounds or other nearby roads, perpetual unobstructed easements at least twenty feet in width. Easements shall be indicated on the plat.

TABLE 3
SIDEWALKS REQUIRED
(BOTH SIDES OF PAVEMENT)

NATURE OF ROAD	Development Density			Nonresidential Business Industrial/ Commercial
	Residential Low	Medium	High	
Local Road	Optional*	4 ft. wide	5 ft. wide	6 ft. wide***
Collector Road	Optional**	5 ft. wide	5 ft. wide	6 ft. wide***
Secondary Arterial	Optional**	5 ft. wide	5 ft. wide	6 ft. wide***
Primary Arterial	Both Sides	5 ft. wide	5 ft. wide	6 ft. wide***

*Optional, but where provided four feet minimum on either side of road with concrete curbs.

**Optional, but where provided five feet minimum on either side of road with concrete curbs.

***Or as determined by the Planning Commission.

1246.06 UTILITIES.

(a) Location. All utility facilities, including, but not limited to, gas, electric power, telephone and CATV cables, shall be located underground throughout the subdivision. Where possible, flush-type connections shall be made. Wherever existing utility facilities are located above ground, except where existing on public roads and rights of way, they shall be removed and placed underground. All utility facilities existing and proposed throughout the subdivision shall be shown on the preliminary plat. Underground service connections to the street property line of each platted lot shall be installed at the subdivider's expense. At the discretion of the Planning Commission, the requirement for service connections to each lot may be waived in the case of adjoining lots to be retained in single ownership and intended to be developed for the same primary use.

(b) Easements.

- (1) Easements centered on rear lot lines shall be provided for utilities (private and Municipal). Such easements shall be at least twenty feet wide, ten feet on either side of said lot line. Proper coordination shall be established between the subdivider and the applicable utility companies for the establishment of utility easements established in adjoining properties.
- (2) Where topographical or other conditions are such as to make the inclusion of utilities within the rear lot lines impractical, perpetual unobstructed easements at least twenty feet in width, ten feet on either side of the lot line, in width shall be provided along side lot lines with satisfactory access to the road or rear lot lines. Easements shall be indicated on the plat.

1246.07 PUBLIC USES.

(a) Parks, Playgrounds and Recreation Areas.

- (1) Recreation standards. The Planning Commission shall require that land be reserved for parks and playgrounds or other recreation purposes in locations designated on the Master Plan or otherwise where such reservations would be appropriate. Each reservation shall be of suitable size, dimension, topography and general character and shall have adequate road access for the particular purposes envisioned by the Planning Commission. The park area shall be shown and named on the plat. When parks and/or recreation areas are required, the Planning Commission shall determine the number of acres to be reserved from the following table, which has been prepared on the basis of providing three acres of recreation area for every 100 dwelling units. The Planning Commission may refer such proposed reservations to the local government official or department in charge of parks and recreation for recommendation. The developer shall dedicate all such recreation areas to the local government as a condition of final subdivision plat approval.

TABLE 4

RECREATION REQUIREMENTS

Single-Family Lots <u>Size of Lot (sq. ft.)</u>	<u>Percentage of Total Land in Subdivision to be Reserved for Recreation Purposes</u>
80,000 or more	1.5
50,000	2.5
40,000	3.0
35,000	3.5
25,000	5.0
15,000	8.0

In multi-family and high density residential districts, the Planning Commission shall determine the acreage for reservation based on the number of dwelling units per acre to occupy the site as permitted by the Zoning Code.

- (2) Minimum size of park and playground reservations. In general, land reserved for recreation purposes shall have an area of at least four acres. When the percentages from Table 4 would create less than four acres, the Commission may require that the recreation area be located at a suitable place on the edge of the subdivision so that additional land may be added at such time as the adjacent land is subdivided. In no case shall an area of less than two acres be reserved for recreation purposes if it will be impractical or impossible to secure additional lands in order to increase its area. Where recreation land in any subdivision is not reserved, or the land reserved is less than the percentage set forth in paragraph (a)(1) hereof, the provisions of paragraph (a)(4) hereof shall be applicable.
- (3) Recreation sites. Land reserved for recreation purposes shall be of a character and location suitable for use as a playground or playfield or for other recreation purposes, shall be relatively level and dry and shall be improved by the developer to the standards required by the Planning Commission, which improvements shall be included in the performance bond. The Planning Commission may refer any subdivision proposed to contain a dedicated park to the local government official or department in charge of parks and recreation for a recommendation. All land to be reserved for dedication to the local government for park purposes shall have prior approval of the governing body and shall be named and shown on the plat.
- (4) Alternative procedure; money in lieu of land. Where, with respect to a particular subdivision, the reservation of land required pursuant to this section does not equal the percentage of total land required to be reserved in paragraph (a)(1) hereof, the Planning Commission shall require, prior to final approval of the subdivision plat, that the applicant deposit with the governing body a cash payment in lieu of land reservation. Such deposit shall be placed in a Neighborhood Park and Reservation Improvement Fund to be established by the governing body. Such deposit shall be used by the local government for the improvement of a neighborhood park, playground or recreation area, including the acquisition of property. Such deposit must be used for facilities that will be actually available to and benefit the persons in said subdivision and be located in the general neighborhood of the subdivision. The Planning Commission shall determine the amount to be deposited, based on the following formula: two hundred dollars

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(\$200.00) multiplied by the number of times the total area of the subdivision is divisible by the required minimum lot size of the zoning district in which it is located, less a credit for the amount of land actually reserved for recreation purposes, if any, as the land reserved bears in proportion to the land required for reservation in paragraph (a)(1) hereof, but not including any lands reserved through density zoning.

- (5) Applicability to land utilizing average density. Any subdivision plat in which the principle of average density of flexible zoning has been utilized shall not be exempt from the provisions of this section, except as to such portion of land which is actually dedicated to the local government for park and recreation purposes. If no further area, other than the area to be reserved through averaging, is required by the Planning Commission, the full fee shall be paid as required in paragraph (a)(4) hereof. If further land is required for reservation, apart from that reserved by averaging, credit shall be given as provided by paragraph (a)(4) hereof.

(b) Other Public Uses.

- (1) Plat to provide for public uses. Except where an applicant utilizes planned unit development or density zoning in which land is set aside by the developer as required by the provisions of the Zoning Code, whenever a tract to be subdivided includes a school, recreation uses (in excess of the requirements of subsection (a) hereof) or any other public use as indicated on the Master Plan, or any portion thereof, such space shall be suitably incorporated by the applicant into his or her sketch plat. After proper determination of its necessity by the Planning Commission and the appropriate local government official or other public agency involved in the acquisition and use of each such site, and after a determination has been made to acquire the site by the public agency, the site shall be suitably incorporated by the applicant into the preliminary and final plats.
- (2) Referral to public body. The Planning Commission shall refer the sketch plat to the public body concerned with acquisition for its consideration and report. The Planning Commission may propose alternative areas for such acquisition and shall allow the public body or agency thirty days for reply. The agency's recommendation, if affirmative, shall include a map showing the boundaries and area of the parcel to be acquired and an estimate of the time required to complete the acquisition.

- (3) Notice of property owner. Upon receipt of an affirmative report, the Planning Commission shall notify the property owner and shall designate on the preliminary and final plats that area proposed to be acquired by the public body.
- (4) Duration of land reservation. The acquisition of land reserved by a public agency on the final plat shall be initiated within twelve months of notification from the owner, in writing, that he or she intends to develop the land. Such letter of intent shall be accompanied by a sketch plat of the proposed development and a tentative schedule of construction. Failure on the part of the public agency to initiate acquisition within the prescribed twelve months shall result in the removal of the "reserved" designation from the property involved and the freeing of the property for development in accordance with these Regulations.

1246.08 PRESERVATION OF NATURAL FEATURES AND AMENITIES.

Existing features which would add value to residential development or to the local government as a whole, such as trees, watercourses, waterfalls, beaches, historic spots and similar irreplaceable assets, shall be preserved in the design of the subdivision. No trees shall be removed from any subdivision, nor any change of grade of the land effected, until approval of the preliminary plat has been granted. All trees on the plat required to be retained shall be preserved, and all trees, where required, shall be welled and protected against change of grade. The sketch plat shall show the number and location of existing trees, as required by these Regulations, and shall further indicate all those marked for retention and the location of all proposed shade trees required along the street side of each lot as required by these Regulations.

1246.09 NONRESIDENTIAL SUBDIVISIONS.

(a) In General. If a proposed subdivision includes land that is zoned for commercial or industrial purposes, the layout of the subdivision with respect to such land shall make such provision as the Planning Commission may require. A non-residential subdivision may also be subject to the requirements for site plan approval set forth in the Zoning Code. Site plan approval and nonresidential subdivision plat approval may proceed simultaneously at the discretion of the Planning Commission. A nonresidential subdivision shall be subject to all the requirements of these Regulations, as well as additional standards required by the Planning Commission, and shall conform to the proposed land use and standards established in the Master Plan, the Official Map and the Zoning Code.

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(b) **Standards.** In addition to the principles and standards set forth in these Regulations, which are appropriate to the planning of all subdivisions, the applicant shall demonstrate to the satisfaction of the Planning Commission that the street, parcel and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed:

- (1) Proposed industrial parcels shall be suitable in area and dimensions to the types of industrial development anticipated.
- (2) Street rights of way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereupon.
- (3) Special requirements may be imposed by the City with respect to street, curb, gutter and sidewalk design and construction.
- (4) Special requirements may be imposed by the City with respect to the installation of public utilities, including water, sewer and storm water drainage.
- (5) Every effort shall be made to protect adjacent residential areas from potential nuisance from a proposed commercial or industrial subdivision, including the provision of extra depth in parcels backing up on existing or potential residential development and provisions for a permanently landscaped buffer strip when necessary.
- (5) Streets carrying nonresidential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or potential residential areas.

CHAPTER 1248
Improvements

1248.01	General requirements.	1248.05	Issuance of building permits and certificates of occupancy.
1248.02	Lots.		
1248.03	Roads.		
1248.04	Assurance of completion and maintenance.		

CROSS REFERENCES

- Approval of plats; street system - see M.C.L.A. §125.43
Regulations governing subdivision of land; bond to secure improvement; publication of regulations - see M.C.L.A. §125.44
Approval or disapproval of plats; procedure; effect - see M.C.L.A. §125.45
Certification of city plats - see M.C.L.A. §§125.51 et seq.
Construction and repair of sidewalks - see S.U. & P.S. Ch. 1020
Planning Commission - see P. & Z. Ch. 1220
Road surfacing and improvements - see P. & Z. 1246.01(b)
Sidewalk improvements - see P. & Z. 1246.05(a)

1248.040 GENERAL REQUIREMENTS.

(a) Conformance to Applicable Rules and Regulations. In addition to the requirements established elsewhere in these Subdivision Regulations, all subdivision plats shall be in compliance with the following laws, rules and regulations:

- (1) All applicable statutory provisions.
- (2) The local government Zoning Code, building and housing codes and all other applicable laws of appropriate jurisdictions.
- (3) The Official Master Plan, Official Map, public utilities plant and Capital Improvements Program of the local government, including all streets, drainage systems and parks shown on the Official Map or Master Plan, as adopted.
- (4) The special requirements of these Regulations and any rules of the Health Department and/or appropriate County, regional, State or Federal agencies.

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- (5) The rules of the State Transportation Department, if the subdivision or any lot contained therein abuts a State highway or connecting street.
- (6) The standards and regulations adopted by the City Engineer and all boards, commissions, agencies and officials of the local government.
- (7) All pertinent standards contained within the planning guides published by the applicable regional planning commission.

Plat approval may be withheld if a proposed subdivision plat is not in conformity with the guidelines provided for herein or the policies and purposes set forth in Section 1240.02.

(b) Self-imposed Restrictions. If an owner places restrictions on any of the land contained in a subdivision that are greater than those required by the Zoning Code or these Subdivision Regulations, such restrictions or references thereto shall be indicated on the subdivision plat, and the restrictive covenants shall be recorded with the County Register of Deeds in a form approved by the City Attorney.

(c) Plats Straddling Municipal Boundaries. Whenever access to a subdivision is required across land in another local government, the Planning Commission may request assurance from the City Attorney that such access is legally established, and from the City Engineer that the access road is adequately improved and/or that surety has been provided and is sufficient in amount to assure the construction of the access road. In general, lot lines should not cross municipal boundary lines.

(d) Character of the Land. Land which the Planning Commission finds to be unsuitable for subdivision or development due to flooding, improper drainage, steep slopes, rock formations, adverse earth formations, adverse topography, utility easements or other features which will be reasonably harmful to the safety, health and general welfare of present or future inhabitants of the subdivision and/or its surrounding areas shall not be subdivided or developed unless adequate methods are formulated by the developer and approved by the Planning Commission, upon recommendation of the City Engineer, to solve the problems created by the unsuitable land conditions.

(e) Subdivision Name. The proposed name of a subdivision shall not duplicate or closely approximate phonetically the name of any other subdivision in the area covered by these Regulations. The Planning Commission and the County Plat Board shall have final authority to designate the name of the subdivision, which shall be determined prior to pre-preliminary approval of the plat under the requirements of Section 112 of Act 288 of the Public Acts of 1967, as amended.

1248.02 LOTS.

(a) Arrangement. The lot arrangement shall be designed so that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing permits to build on lots within the subdivision in compliance with either the Zoning Code or Health Department regulations and in providing driveway access to buildings on any lots from an approved street.

(b) Dimensions. Lot dimensions shall comply with the minimum standards of the Zoning Code. In general, side lot lines shall be at right angles to street lines or radial to curving street lines, unless a variation from this rule will produce a more desirable street or lot plan. The dimensions of corner lots shall be large enough to allow for the erection of buildings, observing the minimum front yard setback from both streets. The depth and width of properties reserved or laid out for business, commercial or industrial purposes shall be adequate to provide for off-street parking and loading facilities as required for the type of use and development contemplated and established in the Zoning Code.

(c) Double Frontage Lots. Double frontage and reversed frontage lots shall be avoided except where necessary to provide separation of residential development from traffic arterials or to overcome specific disadvantages of topography and orientation.

(d) Drainage. Lots shall be designed to provide positive drainage away from all proposed building sites. Individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Drainage systems shall be designed to avoid any concentration of storm drainage water from each lot to adjacent lots.

(e) Waste Materials. No cut trees, timber, debris, earth, rocks, stones, soil, junk, rubbish or other waste materials of any kind shall be buried in any land, or left or deposited on any lot or street at the time of the issuance of a certificate of occupancy, and removal of the same shall be required prior to issuance of any certificate of occupancy on a subdivision. No such waste materials shall be left or deposited in any area of the subdivision at the time of the expiration of the performance bond or the dedication of public improvements, whichever is sooner.

(f) Fences. Each subdivider and/or developer shall be required to furnish and install fences wherever the Planning Commission determines that a hazardous condition may exist. The fences shall be constructed according to the standards established by the City Engineer, and the height and material shall be noted on the final construction plans. No certificate of occupancy shall be issued until said fence improvements have been duly installed.

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(g) Water Bodies and Watercourses. If a tract being subdivided contains a water body, or portion thereof, lot lines shall be so drawn as to distribute the entire ownership of the water body among the fee simple owners of the adjacent lots. The Planning Commission may approve an alternative plan whereby the ownership of and responsibility for the safe maintenance of the water body is so placed that it will not become a local government responsibility. No more than twenty-five percent of the minimum area of a lot required under the Zoning Code may be satisfied by land which is under water. Where a watercourse separates the buildable area of a lot from the street by which it has access, provisions shall be made for the installation of a culvert or other structure of a design approved by the City Engineer.

(h) Surety to Include Lot Improvement. The surety shall include an amount to guarantee the completion of all requirements, including, but not limited to, soil preservation, final grading, lot drainage, removal of debris and waste, fencing and all other lot improvements required by the Planning Commission. Whether or not a certificate of occupancy has been issued, at the expiration of a surety so placed, the local government may enforce the provisions of the surety where the provisions of this section or any other applicable law, code or regulation have not been complied with.

1248.03 ROADS.

(a) Frontage on Improved Roads. No subdivision shall be approved unless the area to be subdivided shall have frontage on and access from an existing street on the Official Map, or if there is no Official Map, unless such street is.

- (1) An existing State, County, City or Township highway; or
- (2) Shown upon a plat approved by the Planning Commission and recorded in the County Register of Deeds. Such street or highway must be suitably improved as required by highway rules, regulations, specifications or orders, or be secured by a form of security required under these Subdivision Regulations, with the width of the right of way as required by these Subdivision Regulations or the Official Map.

Wherever the area to be subdivided is to utilize existing road frontage, such road shall be suitably improved, as provided herein.

(b) Grading and Improvement Plan. Roads shall be graded and improved, shall conform to the local government construction standards and specifications and shall be approved as to design and specifications by the City Engineer in accordance with the construction plans to be submitted prior to final plat approval.

(c) Topography and Arrangement.

- (1) Roads shall be appropriately related to the topography. Local roads shall be curved wherever possible to avoid conformity of lot appearance. All streets shall be arranged to obtain building sites at or above the grades of the streets. Grades of streets shall conform as closely as possible to the original topography. Combinations of steep grades and curves shall be avoided. Specific standards are contained in the design standards of these Regulations.
- (2) All streets shall be properly integrated with the existing and proposed circulation system as established on the Official Map and/or Master Plan.
- (3) All thoroughfares shall be properly related to special traffic generators such as industries, business districts, schools, churches and shopping centers, to population densities and to the pattern of existing and proposed land uses.
- (4) Minor or local streets shall be designed to conform to the topography, to discourage use by through traffic, to permit efficient drainage and utility systems and to provide convenient and safe access to property.
- (5) The use of curvilinear streets, cul-de-sacs or U-shaped streets is encouraged wherever such use will result in a more desirable and functional layout.
- (6) Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions, or unless, in the opinion of the Planning Commission, such extension is not necessary or desirable for the coordination of the layout of the subdivision with the existing layout or the most advantageous future development of adjacent tracts.
- (7) In business and industrial developments, streets and other accessways shall be planned to accommodate the grouping of buildings, the location of rail facilities and the provision of alleys, truck loading and maneuvering areas, and walks and parking areas, so as to minimize the conflict of movement between the various types of traffic, including pedestrian traffic.

(d) Blocks.

- (1) Blocks shall have sufficient width to provide for two tiers of lots of appropriate depth. Exceptions to this prescribed block width shall be permitted in blocks adjacent to major streets, railroads or waterways.

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- (2) The length, width and shape of blocks shall be appropriate for the locality and the type of development contemplated. However, block length in residential areas shall not exceed 2,200 feet or twelve times the minimum lot width required in the zoning district, nor shall the length of such blocks be less than 400 feet in length. Wherever practicable, blocks along major arterials and collector streets shall not be less than 1,000 feet in length.
- (3) In long blocks, the Planning Commission may require the reservation of an easement through the block to accommodate utilities, drainage facilities or pedestrian traffic. Pedestrianways or crosswalks, not less than ten feet wide, may be required by the Planning Commission through the center of blocks more than 800 feet long where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation or other community facilities. Blocks designed for industrial uses shall be of such length and width as may be determined to be suitable by the Planning Commission for the prospective use.

(e) Access to Primary Arterials. Where a subdivision borders on or contains an existing or proposed primary arterial, the Planning Commission may require that access to such street be limited by one of the following means:

- (1) The design of lots to back onto the primary arterial and to front onto a parallel local street; no access shall be provided from the primary arterial, and screening shall be provided in a strip of land along the rear property lines of such lots;
- (2) A series of cul-de-sacs, U-shaped streets or short loops entered from and designed generally at right angles to a parallel street, with the rear lines of their terminal lots backing onto the major arterial; or
- (3) A marginal access or service road, separated from the primary arterial by a planting or grass strip and having access at suitable points.

(f) Road Names. All proposed road names shall be reviewed and approved by the Planning Commission and the City Council and cleared through the Marquette County Road Commission, prior to approval of the preliminary plat. Names shall be sufficiently different in sound and in spelling from other road names in the local area so as not to cause confusion. A road which is or is planned as a continuation of an existing road shall bear the same name.

(g) Road Regulatory Signs. The applicant shall deposit with the local government, at the time of submission of the final plat for approval, the sum of fifty dollars (\$50.00) for each road sign required. The City of Negaunee shall install all road signs prior to issuing certificates of occupancy for any residence. Street name signs shall be placed at all intersections within or abutting the subdivision, the type and location of which shall be approved by the City Engineer.

(h) Street Lights. Installation of street lights shall be required in accordance with design and specification standards approved by the City Engineer.

(i) Reserve Strips. Reserve strips shall not be permitted adjacent to a proposed street in a location which strips would deny access from adjacent property to the street.

(j) Construction of Roads and Dead-End Roads.

(1) Construction of roads. The arrangement of streets shall provide for the continuation of principal streets between adjacent properties when such continuation is necessary for convenient movement of traffic, effective fire protection and efficient provision of utilities and where such continuation is in accordance with the local government plan. If the adjacent property is undeveloped and the street must be a dead-end street temporarily, the right of way shall be extended to the property line. A temporary T or L-shaped turnabout shall be provided on all temporary dead-end streets. The Planning Commission may limit the length of temporary dead-end streets in accordance with the design standards of these Regulations.

(2) Dead-end roads (permanent). Where a road does not extend to the boundary of the subdivision and its continuation is not required by the Planning Commission for access to adjoining property, the Planning Commission may require the reservation of an appropriate easement to accommodate drainage facilities, pedestrian traffic or utilities. A cul-de-sac turn-around shall be provided at the end of a permanent dead-end street in accordance with local government construction standards and specifications. Permanent dead-end streets shall be limited in length in accordance with the design standards of these Regulations.

1248.04 ASSURANCE OF COMPLETION AND MAINTENANCE.

(a) Improvements and Performance Bond.

(1) Completion of improvements. Before the final plat is approved by the City Council, all applicants shall be required to complete, in accordance with the City Council's decision and to the satisfaction of the City Engineer, all street, sanitary sewer and other improvements, including lot improvements on the individual lots of the subdivision, as required by these Regulations, as specified in the final subdivision plat and as approved by the City Council, and to dedicate the same to the local government free and clear of all liens and encumbrances on the property and on the public improvements thus dedicated.

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- (2) Performance bond.
- A. The City Council, in its discretion, may waive the requirements provided for in paragraph (a)(1) hereof. As an alternative, the applicant may post cash, a certified check, a surety bond or a letter of credit at the time of application for final subdivision approval in an amount estimated by the City Engineer to be sufficient to secure to the local government the satisfactory construction, installation and dedication of the incompleting portion of the required improvements. The surety shall also secure all lot improvements on the individual lots of the subdivision, as required in these Regulations.
 - B. Such surety shall comply with all statutory requirements and shall be satisfactory to the City Attorney as to form, sufficiency and manner of execution, as set forth in these Regulations. The period within which the required improvements must be completed shall be specified by the City Council in the resolution approving the final subdivision plat, shall be incorporated in the surety and shall not, in any event, exceed two years from the date of final approval.
 - C. Such surety shall be approved by the governing body as to the amount and conditions that shall be satisfactory to the governing body. The City Engineer may, upon proof of difficulty, recommend to the governing body an extension of the completion date set forth in such surety for a maximum period of one additional year. The governing body may, at any time during the period of such surety, accept a substitution of principal or sureties on the bond, upon recommendation of the City Engineer or City Manager.
- (3) Temporary improvements. The applicant shall construct and pay for all temporary improvements required by the City Council and shall maintain the same for the period specified by Council. Prior to construction of any temporary facility or improvement, the developer shall file with the local government a separate suitable surety for temporary facilities, which shall ensure that the temporary facilities will be properly constructed, maintained and removed.
- (4) Costs of improvements. All required improvements shall be made by the applicant, at his or her expense, without reimbursement by the local government or any improvement district therein.

(5) Failure to complete improvements. For subdivisions for which no performance bond has been posted, if the improvements are not completed within the period specified by the City Council in the resolution approving the final plat, the approval shall be deemed to have expired. In those cases where surety has been posted and required improvements have not been installed within the terms of such surety, the local government may declare the surety to be in default and require that all the improvements be installed regardless of the extent of the building development at the time the surety is declared to be in default.

(b) Inspection of Improvements.

(1) General procedure and fees. The City Council shall provide for the inspection of required improvements during construction and ensure their satisfactory completion. The applicant shall pay to the local government an inspection fee of two percent of the amount of the surety or the estimated cost of the required improvements, and the subdivision plat shall not be approved by the City Council unless such fee has been paid at the time of application. These fees shall be due and payable upon demand of the local government and no building permits or certificates of occupancy shall be issued until all such fees are paid. If the City Engineer finds upon inspection that any of the required improvements have not been constructed in accordance with the local government's construction standards and specifications, the applicant shall be responsible for completing or correcting the improvements. Wherever the cost of improvements is covered by a performance bond, the applicant and the bonding company shall be severally and jointly liable for completing the improvements according to specifications.

(2) Release or reduction of performance bond.

A. Certificate of satisfactory completion. The governing body will not accept the dedication of required improvements, nor release or reduce a performance bond, until the City Engineer has submitted a certificate stating that all required improvements have been satisfactorily completed and until the applicant's engineer or surveyor has certified to the City Engineer, through submission of a detailed "as-built" survey plat of the subdivision, indicating location, dimensions, materials and other information required by the City Engineer, that the layout of the line and grade of all public improvements is in accordance with construction plans for the subdivision and that a title insurance policy has been furnished to and approved by the City Attorney indicating that the improvements have been completed, are ready

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for dedication to the local government and are free and clear of any and all liens and encumbrances. Upon such approval and recommendation, the governing body shall thereafter accept the improvements for dedication in accordance with the established procedure.

- B. Reduction of performance bond. A performance bond shall be reduced upon the actual dedication of public improvements, but only in the ratio that the public improvement dedicated bears to the total public improvements for the plat. In no event shall a performance bond be reduced below twenty-five percent of the principal amount of such bond.
- (c) Escrow Deposits for Lot Improvements.
- (1) Acceptance of escrow funds. Whenever, by reason of the season of the year, any lot improvements required by these Subdivision Regulations cannot be performed, the Building and Zoning Inspector may, nevertheless, issue a certificate of occupancy, provided there is no danger to health, safety or general welfare, upon accepting a cash escrow deposit in an amount to be determined by the City Engineer for the cost of said improvements. The performance bond covering such lot improvements shall remain in full force and effect.
- (2) Procedures on escrow funds. All required improvements for which escrow monies have been accepted by the Building and Zoning Inspector at the time of issuance of a certificate of occupancy shall be installed by the developer within a period of nine months from the date of deposit of such escrow monies and the issuance of the certificate of occupancy. In the event that the improvements have not been properly installed, at the end of the nine-month period specified herein, the Building and Zoning Inspector shall give two weeks written notice to the developer requiring him or her to install such improvements. In the event that the required improvements are not installed properly, in the discretion of the Building and Zoning Inspector, he or she may request the governing body to authorize the local government to proceed to contract out the work for the installation of the necessary improvements in a sum not to exceed the amount of the escrow deposit. At the time of the issuance of the certificate of occupancy for which escrow monies have been deposited with the Building and Zoning Inspector, the applicant shall obtain and file with the Building and Zoning Inspector, prior to obtaining the certificate of occupancy, a notarized statement from the purchaser or purchasers of the premises authorizing the Building and Zoning Inspector to install the improvements at the end of the nine-month period in the event that the same have not been duly installed by the developer.

(d) Maintenance of Improvements.

- (1) The applicant shall be required to maintain all improvements on the individual and subdivided lots and to provide for snow removal on streets and sidewalks, if required, until the acceptance of said improvements by the governing body. If there are any certificates of occupancy on a street not dedicated to the local government, the local government may, on twelve hours notice, plow the street or effect emergency repairs and charge the same to the applicant.
- (2) The applicant shall be required to file a maintenance bond with the governing body, prior to dedication, in an amount considered adequate by the City Engineer and in a form satisfactory to the City Attorney, in order to assure the satisfactory condition of the required improvements, including all lot improvements on the individual subdivided lots, for a period of one year after the date of their acceptance by the governing body and the dedication of the same to the local government.

(e) Deferral or Waiver of Required Improvements.

- (1) At the time of final plat approval and subject to appropriate conditions, Council may defer or waive the provision of any or all such improvements as in its judgment are not requisite in the interests of the public health, safety and general welfare, or which are inappropriate because of inadequacy or lack of connecting facilities.
- (2) Whenever it is deemed necessary by the Planning Commission to defer the construction of any improvement required herein because of incompatible grades, future planning, inadequate connecting facilities or the lack thereof, or for other reasons, the applicant shall pay his or her share of the costs of the future improvements to the local government prior to the signing of the final subdivision plat by Council, or the applicant may post acceptable surety to ensure the completion of said improvements upon demand of the local government.

1248.05 ISSUANCE OF BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY.

(a) Where surety has been required for a subdivision, no certificate of occupancy for any building in the subdivision shall be issued prior to the completion of the improvements and the dedication of the same to the local government, as required in the City Council's final approval of the subdivision plat by Council.

(b) The extent of street improvement shall be adequate for vehicular access by the prospective occupant and by police and fire equipment prior to the issuance of an occupancy permit. The developer shall, at the time of the dedication, submit monies in escrow to the local government in an amount determined by the City Engineer for the necessary final improvement of the street.

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(c) No building permit shall be issued for the final ten percent of lots in a subdivision, or if ten percent is less than two lots, then for the final two lots of a subdivision, until all public improvements required by the City Council for the plat have been fully completed and dedicated to the local government.

(d) No building permit or certificate of occupancy shall be granted or issued if a developer or his or her authorized agent shall have violated any Federal, State or local law pertaining to the consumer protection of real estate land sales, land subdivision, promotion or practices, or any applicable conflicts-of-interest legislation, with respect to the lot or parcel of land which is the subject of the permit or certificate, until so ordered by a court of competent jurisdiction.

(e) With respect to the lot or parcel of land, in the event a building permit or certificate of occupancy has been granted or issued, such permit or certificate shall be subject to revocation by the Municipality until otherwise ordered by a court of competent jurisdiction, provided that in no event shall the rights of intervening innocent third parties in possession of a certificate of occupancy be prejudiced by any such revocation.

(f) Any violation of a Federal, State or local consumer protection law, including, but not limited to, the Postal Reorganization Act of 1970, the Federal Trade Commission Act of 1970, the Interstate Land Sales Full Disclosure Act, the Truth-in-Lending Act, the Uniform Commercial Credit Code, State "Blue Sky" laws and State subdivision disclosure acts, or of a conflicts of interest statute, law or ordinance, shall be deemed a violation of these Regulations and shall be subject to all of the penalties and proceedings set forth in these Regulations.

FIRST READING: _____

SECOND READING: _____

PUBLICATIONS: _____

EFFECTIVE: _____

**AMENDMENT TO CODIFIED ORDINANCES OF
THE CITY OF NEGAUNEE, TITLE SIX - ZONING**

The City of Negaunee ORDAINS:

That TITLE SIX - ZONING of the Codified Ordinances of Negaunee, Michigan, shall be, and the same hereby is, amended to read as follows:

REPEALER

Chapters 1260, 1262, 1264, 1266, 1268, 1270, 1272, 1274, 1276, 1278, 1280, 1282, 1284, and 1286 of the Codified Ordinances of Negaunee, Michigan, and any other ordinance, resolution, order or parts thereof in conflict with the provisions of these Amendments are, to the extent of such conflict, hereby repealed. This repeal shall be effective as of the effective date of the following Amendments.

AMENDMENT

TITLE SIX - ZONING of the Codified Ordinances of Negaunee, Michigan, shall be, and hereby is, amended to add Chapters 1260, 1262, 1264, 1266, 1268, 1269, 1270, 1271, 1272, 1273, 1274, 1275, 1276, 1278, 1280, 1281, 1282, 1283, 1284, 1285, and 1286 as follows:

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Chapter 1260 Zoning Definitions

1260.01 SEVERABILITY.

If any section or part of a section of this Zoning Code is held to be invalid for any reason, such invalidity shall not be held to impair or invalidate this Zoning Code in its entirety, it being the legislative intent that every section or part thereof shall remain in force and in effect notwithstanding any invalidity of any particular provision or provisions.

1260.02 DEFINITIONS.

For the purposes of this Zoning Code, certain terms or words used herein shall be defined as follows: Words used in the present tense include the future; words in the singular number include the plural; the plural number includes the singular; the word “person” includes any individual, company, firm, corporation or club, or any group or combination acting as a unit, and the individuals constituting such a group or unit; the word “building” includes the word “structure”; the word “shall” is mandatory and not directory. In addition:

Accessory Building or Structure:

A subordinate building or portion of a main building or structure, the use of which is incidental to that of the main building or structure. The accessory building or structure shall be located on the same property as the main building or structure.

Adult Foster Care Family Home:

A private single family residence licensed under P.A. 218 of 1979, as amended, with the approved capacity to receive six or fewer adults who are provided supervision, personal care, and protection for five or more days a week, and for two or more consecutive weeks, for compensation. The adult foster care home licensee must be a member of the household and an occupant of the residence.

Adult Foster Care Large Group Home:

A facility licensed under P.A. 218 of 1979, as amended, with the approved capacity to receive at least 13 but not more than 20 adults who are provided supervision, personal care, and protection in addition to room and board, for 24 hours a day, five or more days a week, and for two or more consecutive weeks, for compensation.

Adult Foster Care Small Group Home:

A facility licensed under P.A. 218 of 1979, as amended, with the approved capacity to receive 12 or fewer adults who are provided supervision, personal care, and protection in addition to room and board, for 24 hours a day, five or more days a week, and for two or more consecutive weeks, for compensation.

Asphalt or Concrete Plant:

An establishment engaged in the manufacturing, mixing, or batching of asphalt, asphaltic cement, cement, or concrete products.

Assisted Living Facility:

A residence that provides a special combination of housing, personalized support, and health care designed to respond to the individual needs of those who need help with activities of daily living but do not need the skilled medical care provided in a nursing home.

Automobile Wash Facility:

A structure containing facilities for the washing of vehicles by automatic or self service means.

Banks and Financial Institutions:

A non-residential structure in which money is kept for savings or commercial purposes or is invested, supplied for loans or exchanged. Such business establishment can be a bank, credit union, brokerage or other establishment pertaining to the management of money.

Barber and Beauty Shop:

Includes hair salons, and other personal grooming services such as nails, skin, and spas.

Basement:

A story partly underground, provided that where the vertical distance from the average grade to the ceiling of a basement equals or exceeds five feet, the basement shall be considered a “story”.

Bed and Breakfast Establishment:

A single family residence where no more than 5 (five) guest rooms are made available for the temporary accommodation of the traveling or vacationing public. Such an establishment may offer meals only to those persons temporarily residing at the establishment.

Bed and Breakfast Inn:

A structure used primarily for lodging purposes where the use as a residence is clearly secondary. A structure where more than 5 (five) but not more than 9 (nine) guest rooms are made available for the temporary accommodation of the traveling or vacationing public. Such an establishment may offer meals to the public and persons temporarily residing at the establishment.

Billboard:

Any freestanding structure on which is lettered, pictured or displayed matter, the chief purpose of which is for advertising or publicity.

Board of Zoning Appeals:

The Board of Zoning Appeals of the City of Negaunee.

Boat Livery:

An establishment for the renting of boats, canoes and other similar vessels to the public.

Building:

Any structure used, designed or intended for the protection, shelter or enclosure of persons, animals or property.

Building, front line of:

The line of that face of the building nearest the front line of the lot. This does not include the steps, but it does include sun parlors, chimneys, fireplaces and open and enclosed porches.

Building, height of:

The vertical distance from final grade to the highest point of the roof surface for flat roofs, to the deck line of mansard roofs, to the average height between eaves and ridge for gable, hip, and gambrel roofs. Where a building is located on a sloping terrain, the height shall be measured from the average ground level of the final grade at the building walls.

Building Material Sales and Storage:

A facility for retail sales and storage of building materials not including production or remanufacturing.

Business Service Establishment:

Establishments primarily engaged in rendering services to business establishments on a fee or contract basis, such as advertising and mailing; building maintenance; employment services; management and consulting services; protective services; equipment rental and leasing; commercial research; development and testing; photo finishing; and personnel supply service.

Conference Center:

A facility to allow large group meetings, ceremonies and assemblies which may include classrooms and exhibit areas.

Contractor Yard:

An area intended for the temporary or long-term storage of materials and equipment used for construction, road building, and forestry operations.

Convenience Retail:

A retail establishment offering for sale prepackaged food products, household items, newspapers and magazines, and sandwiches and other freshly prepared foods, such as salads.

Cultural Facility:

A premises designed for musical or other performances, museum displays and art exhibits, which may include classrooms.

Day Care Home, Family:

A day care operation located in and subordinate to the residential use of the residence of the operator of the facility, which provides day care services for six or fewer children, and which is licensed or registered under P.A. 116 of 1973.

Day Care Home, Group:

A day care operation located in and subordinate to the residential use of the residence of the operator of the facility, which provides day care services for seven to 12 children, and which is licensed or registered under P.A. 116 of 1973.

Day Care Center:

A facility, other than a private residence, that provides care for preschool or school-aged children for periods of less than 24 hours a day, as defined by Act 116 of 1973. A day care center does not include a family or group day care home.

Dry Cleaning Establishment:

A facility using chemical solvents containing little or no water for the cleaning of clothing of fabrics.

Dwelling Unit:

“Dwelling Unit” means a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation, which meets all of the following criteria:

1. It complies with the minimum square footage requirements for building floor area for the applicable District.
2. It has a minimum width along any exterior side elevation of 24 feet and a minimum internal height of seven and one-half feet.
3. It is firmly attached to a solid foundation constructed on the site in accordance with the Michigan Building Code and Michigan Residential Code.
4. It does not have exposed wheels, towing mechanisms, undercarriage or chassis.
5. The dwelling is connected to a public sewer and water supply or to such private facilities approved by the local health department.
6. The dwelling contains storage area(s) either in a basement located under said dwelling, in an attic area, in a closet area or in a separate fully enclosed structure on the site, equal to not less than 15% of the interior living area of the dwelling.
7. The dwelling is aesthetically compatible in design and appearance to conventionally on-site constructed homes.

8. The dwelling contains no additions of rooms or other areas which are not constructed with similar materials and are similar in appearance and with similar quality of workmanship as in the original structure.
9. The dwelling complies with all pertinent building and fire codes including the Michigan Building Codes and Michigan Residential Code.

Erected:

Erected means built, constructed, reconstructed, moved upon or any physical operation on the premises required for a building. Excavations, fill, drainage and the like shall be considered part of erection.

Essential Services:

“Essential Services” means the erection, construction, alteration, or maintenance by public or private utilities or municipal departments or commissions of underground, surface or overhead, gas, electrical, steam, or water transmission or distribution systems, or of collection, supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith which are reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health or safety or general welfare, but not including buildings other than such buildings as are primarily enclosures or shelters of the mentioned equipment.

External Wood and Solid Fuel Burning Boilers:

Any equipment, device, appliance or apparatus, or any part thereof, which is installed, affixed or situated outdoors for the primary purpose of combustion of wood or other solid fuel to produce heat or energy used as a component of a heating system providing heat for any interior space or water source.

Fairground:

Activities that are primarily out-of-doors for a fixed period of time, not to exceed five consecutive days, and including flea markets, fireworks, displays, speeches, farm stands, seasonal sales, swap and shop markets, racing meets, circuses, carnivals, concerts.

Flea Market and Farmer’s Market:

A structure which is used seasonally for display and sale of items such as agricultural produce, and farm products, flowers, Christmas trees and wreaths and grave blankets, antiques and collectibles, and prepared food and beverage items.

Floor area:

The floor area within the perimeter of the outside walls of the building under consideration, without deduction for hallways, stairs, closets, thickness of walls, columns or other features.

Food Processing Establishment:

Premises used for the preparation and/or manufacture of foodstuffs for resale but not for consumption on the premises including wholesale food preparation.

Freight Handling Facility:

A terminal with the capability of handling a large variety of goods which may involve various forms of transportation and may provide multi modal shipping capabilities, such as rail to truck.

Front of lot:

The front boundary line of a lot bordering on the street, and in the case of a corner lot, may be either frontage.

Fuel Sales Establishment:

A structure used for the retail sale or supply of fuels, lubricants, air, water and other operating commodities for motor vehicles and other internal combustion operated machines, and including the customary space and facilities for the installation of such commodities on or in such vehicles and machines.

Funeral Home:

A building used for the preparation of the deceased for burial, and for display of the deceased and rituals connected before burial or cremation.

Garage, Residential:

A fully enclosed residential accessory building or space typically used for the storage of vehicles.

Grade:

The level at which the ground intersects with the foundation of a building.

Gravel/Sand Pit:

An open land area where sand, gravel and rock fragment are mined, excavated and processed for sale or off-tract use. An area is maintained for the on-site storage of materials to be processed or have been processed.

Greenhouse:

A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale or for personal enjoyment.

Health Care Facilities, In patient:

A facility offering medical care, and services for observation, diagnosis, and active treatment of an individual with a medical, mental, surgical, obstetric, chronic or rehabilitation condition requiring the daily direction or supervision of a physician. Overnight care is provided.

Health Care Facilities, Out-patient:

An establishment where patients are admitted for examination and treatment on an outpatient basis by one or more physicians, dentists or other medical personnel, psychologists, or social worker and where patients are not lodged overnight.

Heavy Manufacturing and Assembly:

Establishments engaged in the mechanical or chemical transformation of materials or substances into new products, including the assembling of components parts, the creation of products, and the blending of materials, such as lubricating oils, plastics, resins or liquor.

Home Occupation:

Activities of the type usually conducted for gainful employment which are clearly incidental and subordinate to a principle residential use as further set forth in § 1285.

Hotel:

A building in which lodging or boarding are provided and offered to the public for compensation and which ingress to and egress from all rooms is made through an inside lobby or office normally supervised at all hours. As such, it is open to the public as distinguished from a boarding house, lodging house, or apartment.

Indoor Recreation Facility:

A place designed and equipped for the conduct of indoor sports and leisure activities such as handball, badminton, basketball, tennis, archery, golf, bowling and ice skating.

Kennel:

A commercial establishment or animal shelter in which dogs or other domesticated animals, other than horses, are housed, groomed, bred, boarded, trained, or sold, for a fee or compensation. This specifically excludes animals kept and raised for a person's personal enjoyment or for hobby or recreational purposes.

Laundromat:

An establishment providing clothing and fabric washing and drying, machines on the premise for rental use to the general public. Laundromats may incorporate drop-off facilities for commercial dry-cleaning establishments, but do not include dry-cleaning equipment.

Library:

An installation or foundation maintaining a collection or repository of literary or artistic materials such as books, periodicals, and newspapers kept for reading or reference.

Light Manufacturing and Assembly:

Establishments where the finished product generally consists of small machine parts, small electronic equipment or similar items. Light manufacturing operations shall be located within the principal building.

Lodge Hall:

A building used by a non-profit membership organization for recreational or social purposes.

Lot:

Land occupied or to be occupied by a building and its accessory buildings, including such open spaces as are required under this Zoning Code, and having its frontage upon a public street or any private way used for street purposes. "Lot" shall also mean a parcel of land.

Lot, Corner:

Any lot having at least two contiguous sides abutting upon a street, provided that the interior angle at the intersection of such two sides is less than 135 degrees. A lot abutting upon a curved street or streets shall be considered a corner lot if the tangents to the curve, at its point of beginning within the lot or at the points of intersection of the side lot lines with the street line, intersect at an interior angle of less than 135 degrees.

Lot lines:

The lines bounding a lot.

Mining:

The extraction of minerals including the actual removal, processing and transportation of minerals and attendant by-products.

Mini-storage Facility:

A structure or group of structures for the storage of customer's goods and wares, recreational vehicles and related equipment, but not warehousing.

Mobile Home:

A structure designed and built to comply with U.S. Department of Housing and Urban Development manufactured home and construction safety standards, as adopted by the State of Michigan in its Mobile Home Commission Act. Any mobile home or manufactured home which does not meet the definition of a "dwelling" under this ordinance, but which complies with the State and Federal Manufactured Home Code, may be placed in a mobile home park as provided in this ordinance.

Mobile Home Park:

A parcel or tract of land as defined by, and which complies with, the definition and standards adopted by the State of Michigan in its Mobile Home Commission

Act.

Motel:

A building or group of buildings having units containing sleeping accommodations which are available for temporary occupancy primarily by automobile travelers and usually providing separate entrances for the units.

Nonconforming Use:

A building or premises lawfully used or occupied at the time of the passage of this Zoning Code or amendments thereto, which use or occupancy does not conform to the regulations of this Zoning Code or amendments thereto.

Nursing Home:

A nursing care facility, including a county medical care facility, that provides organized nursing care and medical treatment to 7 or more unrelated individuals suffering or recovering from illness, injury, or infirmity, as defined by the Michigan Public Health Code.

Nursery:

Land or greenhouses used to raise flowers, shrubs, and plants for sale.

Office Building:

A building used primarily for conducting the affairs of a business, profession, service, industry or government, or like activity, and which may include ancillary services exclusively for workers in the building, such as a restaurant, coffee shop, newspapers or candy stand, or child care facilities.

Office Parks:

A development on a tract of land that contains a number of separate office buildings, accessory and supporting uses, and open space designed, planned, constructed and managed on an integrated and coordinated basis.

Passive park:

A green or natural area for public use, not including sporting facilities or fields.

Personal Service Establishment:

A type of business providing services for personal grooming and exercise, such as health clubs, spas, chiropractic services, etc.

Planned Unit Development:

An area of minimum contiguous size, as specified by ordinance, to be planned, developed, operated and maintained as a single entity and containing one or more residential clusters or planned unit residential developments and/or one or more public, quasi-public, commercial, or industrial areas.

Planning Commission:

The Planning Commission of the City of Negaunee.

Public Buildings:

Any government or quasi-governmental building, structure, facility or complex used by the general public or providing public services, including, but not limited to, assembly buildings, such as auditoriums and libraries, etc.; city halls; community centers, senior citizen centers and fire halls.

Recreation Facility:

A place designed and equipped for the conduct of sports and leisure-time activities.

Recycling Center, Junkyard, Salvage Yard:

A facility in which used material, such as paper, glass, plastic or motor oil, is separated and processed prior to shipment to other locations for processing or manufacturing into new products or for reuse

Recycling Collection Point:

A site containing containers for the collection and temporary storage of recyclable materials, typically an accessory use. Materials collected are transported from the drop-off site to another location for processing.

Recycling Plant:

A facility in which recyclable materials, such as newspaper, magazines, books, and other paper products; glass; metal; and other products, are recycled, reprocessed, and/or treated to return such products to a condition in which they may again be used in new products.

Religious Institutions:

A building whose primary purpose is the regular assembly for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose.

Residence, Multiple Family:

A building containing more than one dwelling unit.

Residence, Single-Family:

A building containing a single dwelling unit designed for residential use by one or 2 persons who may be providing care for their children and/or parents plus not more than 2 other persons, or by not more than 4 unrelated persons living together as a single housekeeping unit.

Restaurants with or without Drive Through:

An establishment where food or beverages are cooked or prepared and offered for

retail sale and where consumption is permitted on the premises.

Retail Food Establishment:

Establishments selling food to the public for consumption but not for resale, usually in small quantities, as well as services incidental to the sale of these goods.

Retail Outlet Store:

A retail establishment selling a single manufacturer's product.

Retail Sales Establishment:

Establishments selling goods to the public for consumption but not for resale, usually in small quantities, as well as services incidental to the sale of these goods. This shall not include the sale of heavy equipment, vehicles, recreational vehicles, watercraft or establishments where there is the permanent exterior display of merchandise.

Retail Warehouse Outlet:

A retail operation from a warehouse as an accessory to the principal warehouse use.

School, Public or Private:

An institution which offers regular instruction at the preschool, primary, or secondary level or serves disabled students. This definition does not include day care facilities, programs offering individual instruction, or courses offered in a non-institutional setting in a specialized subject.

Setback:

The required distance between every structure and any lot line on the lot on which it is located except where a front lot line is not defined by any conveyance or recorded plat, in which case it means the required distance between every structure and the nearest land actually used for purpose of a roadway or parallel drainage ditch.

Shopping Center:

More than one commercial establishment planned, constructed and managed as a total entity, with customer and employee parking provided on site, with provision for delivery separated from customer access. Buildings constructed on outlots shall not be considered part of the shopping center unless access and parking easements are provided.

Sidewalk Café:

An outdoor dining area on a public sidewalk or right of way where patrons consume food and beverages provided by an abutting food service establishment. Such establishments include either table service in the outdoor area or takeout items to be consumed there.

Special Land Uses:

Those uses of land which are essentially compatible with the uses permitted in a zoning district, but which possess characteristics or locational qualities which require individual review and restriction in order to avoid incompatibility with the character of the surrounding area, public services and facilities, and adjacent uses of land.

Storage of Flammable Liquids or Gas Facility:

Any tankage loading facilities and buildings used for the storage and distribution of flammable liquids by tank truck, tank car or pipe line.

Story:

That portion of a building included between the surface of any floor and the surface of the floor or roof next above.

Story, Half:

That portion of a building between the eaves and the ridge lines of a pitched roof which may or may not be used for tenant purposes.

Street:

A public thoroughfare for vehicles which has been dedicated for public use.

Structural Alteration:

Alterations or repairs which may be made to any structure without requiring the existing structure to comply with all the requirements of this Zoning Code, provided that such work conforms to that which is required of a new structure.

Structure:

Anything constructed or erected, the use of which requires permanent location on the ground.

Tavern:

An establishment used primarily for the serving of liquor by the drink to the general public for consumption on the premises and where food or packaged liquors may be served or sold as accessory to the primary use.

Theater:

A building or structure which contains an assembly hall for the performing arts (dramatic dance, musical or other live performances) and/or for the showing of motion pictures.

Trade or Technical School:

An institution offering instruction beyond high school level with a course of study in vocational, technical or other special subjects, or a facility offering instruction at any level in martial arts, arts, drama, dance, speech, music, or similar personal

skills. This definition does not apply to instruction in craft or fine arts in a single family residence only which is a permitted residential use pursuant to Michigan law and this Code.

Vehicle Body Shop:

A premise where one or more of the following services are provided for compensation: rebuilding or reconditioning of motor vehicles; collision service such as body, frame or fender straightening and repair; painting and undercoating of automobiles, including bumping, and refinishing.

Vehicle Repair Garage:

A premise where general vehicle repairs including engine rebuilding, but not including bumping, painting, or refinishing-

Veterinary Clinic:

A facility providing diagnosis, treatment, surgery and similar veterinary care for domestic animals with overnight boarding incidental to treatment.

Video Arcade:

A facility dedicated to the playing of electronic, mechanical or table games which do not involve gambling.

Warehouse:

A building or portion thereof whose principal use is storage of goods, merchandise or other property which may or may not be incidental to retail sales on the site. As a type of storage it is typically not accessible to the general retail public, but may involve the pick-up of bulk goods not readily stored on retail shelves or in the retail store proper or setting.

Wholesale Sales Establishment:

An establishment selling goods for resale, usually in large quantities, as well as services incidental to the sale of these goods. This shall not include the sale of heavy equipment, vehicles, recreational vehicles, watercraft or establishments where there is the permanent exterior display of merchandise.

Wireless Communication Facilities:

All structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to, radio and television broadcasting or relay towers, wireless or cellular telephone communication receivers and transmitters, telephone communication receivers and transmitters, telephone devices and exchanges, microwave relay facilities and towers, telephone transmission equipment buildings, and public, private and commercial mobile radio service facilities. This definition will not include satellite dishes under three (3) feet in diameter.

Wireless Communication Facilities Attached:

Wireless communication facilities affixed to existing structures, including but not limited to existing buildings, towers, water tanks, or utility poles.

Wireless Communication Tower:

A structure intended to support equipment used to transmit and/or receive communication signals. This definition includes, but is not limited to radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, monopoles, freestanding lattice structures and guyed lattice structures.

Woodyard:

A parcel of land where pulp wood and other logs are gathered from various locations and stored for commercial sale or for transport to a processing facility.

Yard:

An open space, which is on the same lot with a building and which is unoccupied, except as otherwise provided in this Zoning Code.

Yard, Rear:

A yard extending the full width of a lot and situated between the rear lot line and the rear line of a building projected to the side lines of the lot.

Yard, Side:

An open, unoccupied space on the same lot with the building located between the building and the side lot line.

First Reading: January 9, 2014
Second Reading: February 13, 2014
Publication Dates: February 19 & 20, 2014
Effective Date: February 24, 2014

**AMENDMENT TO CODIFIED ORDINANCES OF
THE CITY OF NEGAUNEE, CHAPTER 1260 SUPPLEMENTARY REGULATIONS**

The City of Negaunee ORDAINS:

That Chapter 1260 of the Codified Ordinances of Negaunee, Michigan, shall be, and the same hereby is, amended to read as follows:

REPEALER

Section 1260.02(4) of the Codified Ordinances of Negaunee, Michigan, and any other ordinance, resolution, order or parts thereof in conflict with the provisions of this Amendment is, to the extent of such conflict, hereby repealed. This repeal shall be effective as of the effective date of the following Amendment.

AMENDMENT

Section 1260.02 (4) of the Codified Ordinances of Negaunee, Michigan, shall be, and hereby is, amended to read as follows:

(4) “Sign, Standard Outdoor Advertising Structure” : A permanent sign erected, maintained or used in the outdoor environment for the purpose of display of commercial or non-commercial messages not appurtenant to the use of , products sold on, or the sale or lease of, the property on which it is displayed. May also be referenced as an Off-premise Sign or Billboard.

Council Members Present: Mayor LaCosse, Council Members Kangas, Haines, Menhennick, VanStraten, Schuhknecht, and Visser

Council Members Absent: None

WHEREUPON, This Ordinance is declared passed and adopted on this 13th day of February, 2014

CITY OF NEGAUNEE

By: Keith LaCosse, Its Mayor

By: Judith Iwanski, Its Clerk

FIRST READING: June 14, 2012
SECOND READING: July 19, 2012
PUBLICATIONS: July 24th, & 25th
EFFECTIVE: July 30, 2012

AMENDMENT TO CODIFIED ORDINANCES OF
THE CITY OF NEGAUNEE, CHAPTERS 1260, 1271, 1272, 1273, AND 1285

The City of Negaunee ORDAINS:

REPEALER

That any ordinance, resolution, order or part thereof in conflict with the provisions of this Amendment is, to the extent of such conflict, hereby repealed. This repeal shall be effective as of the effective date of the following Amendment.

AMENDMENT

That **Chapter 1260 Zoning Definitions, §1260.02 Definitions, “Greenhouse”** of the Codified Ordinances of Negaunee, Michigan, shall be, and the same hereby is, amended to read as follows:

Greenhouse: A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale or for personal enjoyment. Also, an enclosed, locked facility used for the growing of medical marihuana pursuant to MCL 333.26421 et seq., the Michigan Medical Marihuana Act.

AMENDMENT

That **Chapter 1260 Zoning Definitions, §1260.02 Definitions** of the Codified Ordinances of Negaunee, Michigan, shall be, and the same hereby is, amended to add the following section:

Medical Marihuana Caregiver Dispensary: A registered, primary caregiver under the Michigan Medical Marihuana Act who engages in assisting one or more patients with their medical use of marihuana, but does not engage in the growing of marihuana plants.

AMENDMENT

That **Chapter 1271, Business District (B1)** of the Codified Ordinances of Negaunee, Michigan, shall be, and the same hereby is, amended to add “Medical Marihuana Caregiver Dispensary” as a Permitted Principal Use as follows:

1271.02 PERMITTED PRINCIPAL USES.

1. Banks and Financial Institutions
2. Barber and Beauty Shop
3. Bed and Breakfast Establishments and Bed and Breakfast Inn.
4. Bowling Alley
5. Business Service Establishment
6. Commercial Printing
7. Conference Center
8. Convenience Retail
9. Cultural Facility
10. Essential Services
11. Flea Market and Farmer's Market
12. Fuel Sales Establishment
13. Funeral Home
14. Greenhouse, Greenhouse with nursery
15. Health Care Facility, Out-patient or In-patient
16. Hotels, Motels
17. Indoor Recreational Facility
18. Laundromat
19. Library
20. Lodge Hall
21. Medical Marihuana Caregiver Dispensary
22. Office Building
23. Office Parks
24. Personal Service Establishment
25. Public Buildings
26. Religious Institutions
27. Residence, Upper Floor Commercial Building
28. Restaurants with or without Drive Thru
29. Retail Food Establishment
30. Retail Outlet Store
31. Retail Sales Establishment
32. Sidewalk Café
33. Tavern
34. Theater
35. Trade or Technical Schools
36. Veterinary Clinic
37. Video Arcade
38. Wholesale Sales Establishment

AMENDMENT

That **Chapter 1272, Business District (B2)** of the Codified Ordinances of Negaunee, Michigan, shall be, and the same hereby is, amended to add "Medical Marihuana Caregiver Dispensary" as a Permitted Principal Use as follows:

1272.02 PERMITTED PRINCIPAL USES.

1. Amusement Parks, Fairgrounds, Miniature Golf Courses
2. Automobile Wash Facility
3. Automobile Sales or Showrooms, New or Used
4. Banks and Financial Institutions
5. Barber and Beauty Shop
6. Bed and Breakfast Establishment
7. Boat Livery
8. Bowling Alley
9. Building Material Sales and Storage
10. Business Service Establishment
11. Commercial Printing
12. Conference Center
13. Convenience Retail
14. Cultural Facility
15. Dry Cleaning Establishment, Laundromat
16. Essential Services
17. Flea Market, Farmer's Market
18. Fuel Sales Establishment
19. Funeral Homes
20. Golf Courses
21. Greenhouse, Greenhouse with nursery
22. Health Care Facility, In-patient or Out-patient
23. Laundromat
24. Library
25. Lodge hall
26. Medical Marihuana Caregiver Dispensary
27. Mini-storage facility
28. Motel, Hotel, Cabins and Resort
29. Office Building
30. Office Parks
31. Personal Service Establishment
31. Public Building
32. Recycling Collection Point
33. Religious Institution
34. Restaurant, with or without Drive-Thru
35. Retail Food Establishment
36. Retail Outlet Store
37. Retail Sales Establishment
38. Retail Warehouse Outlet
39. Shopping Center
40. Tavern
41. Theater
42. Trade and Technical School

43. Utility Substation
44. Vehicle Repair Garage
45. Video Arcade
46. Warehousing
47. Wholesale Establishment

AMENDMENT

That **Chapter 1273, Industrial District (I)** of the Codified Ordinances of Negaunee, Michigan, shall be, and the same hereby is, amended to add “Medical Marihuana Caregiver Dispensary” as a Special Use as follows:

1273.03 SPECIAL LAND USES AUTHORIZED BY PERMIT.

The following uses of land and structures may be permitted in this District by application for and the issuance of a Special Land Use as provided for in Chapter 1280:

1. Asphalt Plant
2. Banks and Financial Institutions
3. Bowling Alley
4. Conference Center
5. Convenience Retail
6. Food Processing Establishment
7. Freight Handling Facility
8. Fuel Sales Establishment
9. Gravel/Sand Pit
10. Greenhouse, Greenhouse with nursery
11. Heavy Manufacturing and Assembly
12. Medical Marihuana Caregiver Dispensary
13. Planned Unit Development
14. Retail Warehouse Outlet
15. Storage of Flammable Liquids or Gas Facility
16. Use, building or structure constructed or erected within the Teal Lake Overlay District (§ 1278 of these Codified Ordinances). Such proposed uses shall be evaluated pursuant to the requirements in §1280 and in the Teal Lake Overlay District.
17. Veterinary Clinic
18. Wireless Communication Facility
19. Wireless Communication Facility, Attached
20. Wireless Communication Tower
21. Woodyard

AMENDMENT

Chapter 1285 Home Occupations of the Codified Ordinances of Negaunee, Michigan, shall be, and hereby is, amended to add the following section:

- (1) Activities of a registered primary caregiver under the Michigan Medical Marihuana Act to assist with a patient's medical use of marihuana, other than growing marihuana plants for the patient, shall be considered a business and, if conducted from a residence in the R1, R2 or RR Districts, subject to this Chapter on Home Occupations.

WHEREUPON, this Ordinance is declared passed and adopted on this 19 day of July, 2012.

The above Ordinance shall be published as required by law, and shall be effective on the 30th day of July, 2012.

CITY OF NEGAUNEE

By: Michael Haines, Its Mayor

By: Judith Iwanski, Its Clerk

Chapter 1262
Administration, Enforcement and Penalty

1262.01 AMENDMENTS.

All requests for re-zoning or for amendment of the zoning ordinance or map shall be referred to the Planning Commission for review and recommendation. Upon receiving a recommendation from the Planning Commission, the City Council may, by ordinance, amend, supplement or change this zoning code, according to the procedures established under Michigan law. If a proper protest against a proposed amendment, supplement or change is presented, such amendment shall require at least five votes of the City Council for approval.

1262.02 ZONING COMPLIANCE PERMITS; CERTIFICATES OF OCCUPANCY.

(a) It is the intent of this section to require a zoning compliance permit for all new structures and uses, as well as changes in usage. The regulations contained herein are intended to provide and promote the orderly development of the City; safe and convenient traffic movement, both within a site and in relation to access streets; the stability of land values and investments by preventing the impairment or depreciation of land values and development by the erection of structures or additions or alterations thereto without proper attention to setting or to unsightly or undesirable appearances; harmonious relationship to buildings, other structures and uses, both within a site and/or adjacent sites; and the conservation of natural amenities and resources and to promote the public safety.

(b) No land use shall be commenced or changed and no structure shall be erected or enlarged until the person conducting such use or erecting or enlarging such structure has obtained a Zoning Compliance Permit from the Zoning Administrator.

(c) No zoning compliance permit shall be issued where it appears that any land area required to conform to any provision of this Ordinance is also required as part of any adjoining property to keep the development or use thereof in conformity with this Ordinance, or to keep it from becoming more non-conforming. The applicant for a Zoning Compliance Permit shall agree that neither he nor his successor in title, shall sell, convey, lease, or otherwise dispose of any land surrounding a structure if such conveyance will result in the structure being left on a lot which fails to meet the minimum requirements set forth in this Ordinance.

(d) Any zoning compliance permit based on any material false statement in the application of supporting documents is absolutely void and shall be revoked.

(e) Special or Conditional Uses and Non-Conforming Uses and Structures shall require approval of the Planning Commission and become part of the Zoning Compliance Permit.

(f) Variances require the approval of the Zoning Board of Appeals.

(g) The Zoning Administrator shall issue all Zoning Compliance Permits and shall clearly designate any and all conditions and variances, which have been approved by the Planning Commission and/or Zoning Board of Appeals when required by this Ordinance.

(h) If the applicant does not exercise the use of the Zoning Compliance Permit by completing any approved construction and/or use within two years after its issue, the zoning compliance permit will become null and void.

(i) Any Zoning Compliance Permit acted upon by the applicant or his agents or successors will inure for the duration of the existing use and is limited to those uses specified in the zoning compliance permit.

(j) It shall be unlawful to use or permit the use of any building or premises or part thereof hereafter created, erected or altered, or to change or enlarge the use of any building or premises or part thereof, until a Certificate of Occupancy shall have been issued by Marquette County.

1262.99 PENALTY.

(a) Whoever violates any of the provisions of this Zoning Code shall be deemed responsible for a Municipal civil infraction and shall be subject to a civil penalty of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) for each such infraction. A separate infraction shall be deemed committed each day during or on which a violation occurs or continues. Such penalty provisions do not preclude any other civil action against the violator for injunctive or such other relief as may be available in law or in equity.

(b) In addition to the penalty provided for in subsection (a) hereof, any violation of this Zoning Code is hereby declared to be a public nuisance which may be enjoined. (Ord. Unno. Passed 7-11-96).

Chapter 1264 Board of Zoning Appeals

1264.01 ESTABLISHMENT; MEMBERSHIP; COMPENSATION.

(a) A Board of Zoning Appeals is hereby established in and for the City. The word “Board,” when used in this Zoning Code, shall be construed to mean the Board of Zoning Appeals. The Board shall consist of five members who shall be appointed for terms of three years by the City Council. Two alternate members may be appointed by the City Council, each for a term of three years. The membership shall be representative of the population distribution and of the various interests present in the City. All members of the Board shall serve without compensation.

(b) One member may be a member of the City Council, but no City Council member shall serve as chairperson of the Zoning Board of Appeals.

(c) One member may be a member of the Planning Commission. Such a member shall not participate in a public hearing on or vote on the same matter that the member voted on as a member of the Planning Commission, however, this member may consider and vote on other unrelated matters involving the same property.

(d) A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure to do so constitutes malfeasance in office and may be grounds for removal.

(e) An employee or contractor of the City Council may not serve as a member of the Zoning Board of Appeals.

1264.02 MEETINGS.

Meetings of the Board of Zoning Appeals shall be held as needed, at the call of the chairperson and as provided in the Board’s rules of procedure. There shall be a fixed place of meeting and all meetings shall be open to the public. The Board shall adopt its own rules of procedure and keep a record of its proceedings showing the action of the Board and the vote of each member upon each question considered. The presence of three regular members shall be necessary to constitute a quorum.

1264.03 JURISDICTION.

(a) The jurisdiction of the Board of Zoning Appeals shall extend to the hearing of appeals including the interpretation of the Zoning Map as well as decisions upon all matters referred to the Board or upon which the Board is required to decide pursuant to this Zoning Code. As a part of any decision, the Board may impose conditions which shall become a part of any zoning permit issued.

(b) The Board may call upon the City Manager to secure the assistance of any City department in the performance of its duties and it shall be the duty of such other departments to render such assistance as may be reasonably required.

1264.04 APPEALS.

(a) An appeal from a ruling of the Planning Commission or Zoning Administrator under this Code concerning the enforcement of the provisions of this Zoning Code may be made to the Board of Zoning Appeals within such time as shall be prescribed by the Board in compliance with State statute. The applicant shall file with the Board a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board all documents concerning the appeal. The notice requirements under state law shall be met as to the matters heard by the Board.

(b) The Board shall fix a reasonable time for the hearing of an appeal and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or attorney. The Board's actions shall be in the form of a resolution clearly setting forth the Board's decision. The Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination, and to that end shall have all the powers of the office or board or commission from whom the appeal is taken.

(c) An appeal shall stay all proceedings in furtherance of the action being appealed.

1264.05 VARIANCES.

In addition to the general powers provided in Section 1264.03, the Board of Zoning Appeals may, in specific cases after public notice and hearing, authorize by permit, a variation of the application of the height, area or other dimensional regulations established in this Zoning Code, provided that the variation is in harmony with the general purpose and intent of the regulations, as follows:

(a) A temporary building for commerce or industry, in a Residence District, which is incidental to the residential development, such permit to be issued for a period not to exceed one year.

(b) The erection and use of a building, or an addition to an existing building of a public service corporation or for public utility purposes, in any location, to a greater height or larger area than the district requirements established in this Zoning Code, which the Board shall find reasonably necessary for the public convenience.

(c) A building or use in an Industrial District otherwise excluded from such District, provided that such building or use is distinctly incidental and essential to a use permitted in an Industrial District, and provided, further, that not more than twenty-five percent of the employees of the entire plant are engaged therein.

(d) If there are practical difficulties in carrying out the strict letter of the zoning ordinance, the Board may grant a variance relating to the construction, structural changes or alteration of buildings or structures as to dimensional requirements or other standards, provided that the spirit of the Zoning Ordinance is observed, public safety secured and substantial justice done.

(e) In ruling upon any request for a variance, the procedures outlined in §1264.04 for appeals shall be applied.

(f) In ruling upon any request for a variance, the Zoning Board of Appeals shall apply the standards set forth in §1280 for the evaluation of special uses. No variance shall be granted if any portion of the considerations in §1280 would be violated.

**Chapter 1266
Districts and Zoning Map**

1266.01 ESTABLISHMENT OF ZONING DISTRICTS

For the purposes of this Zoning Code, the City of Negaunee is hereby divided into the following ten districts:

- Single-Family Residential District (R-1)
- Multiple Family Residential District (R-2)
- Rural Residential District (RR)
- Business District (B-1)
- Business District (B-2)
- Industrial District (I)
- Public Area District
- Mining District (M)
- Natural Resource District (NR)
- Teal Lake Overlay District (TL)

1266.02 ZONING MAP; DISTRICT BOUNDARIES

The boundaries of the districts established in Section 1266.01 are hereby established as shown on a map entitled “Zoning Map, City of Negaunee, Michigan,” dated _____, which is on file in the office of the Zoning Administrator and which is hereby made a part of this Zoning Code. Except where specifically designated on said Map, the district boundary lines are intended to follow lot lines, the centerlines of streets or alleys, the centerlines of streets or alleys projected, railroad right-of-way lines, section lines, one-quarter section lines, one-eighth section lines or the city limits. Where a district boundary line does not coincide with lot lines, said boundary line shall be dimensioned on the Zoning Map.

Chapter 1268
Single-Family Residential District (R-1)

1268.01 INTENT.

The Single-Family Residential District (R-1) is intended for the establishment and preservation of quiet single-family residence neighborhoods. The uses in the district are intended to keep the neighborhood relatively quiet and free from unrelated traffic influences. The R-1 District is designed to accommodate residential dwellings served by municipal water and wastewater treatment services.

1268.02 PERMITTED PRINCIPAL USES.

1. Adult Foster Care Family Home, provided it is not within 1,500 feet of Another Adult Foster Care Family Home
2. Day Care Home, Family
3. Essential Services
4. Recreational Uses: community playground; picnic area; passive park
5. Residence, Single-Family

1268.03 SPECIAL LAND USES AUTHORIZED BY PERMIT.

The following uses of land and structures may be permitted in this District by application for and the issuance of a Special Land Use Permit as provided for in Chapter 1280:

1. Bed and Breakfast Establishment
2. Home Occupation
3. Library
4. Planned Unit Development
5. Recreational Uses: boat launch; cross-country ski trail; fields (soccer, hockey, ballfields); fishing piers; ice rink; passive park; swimming beach
6. Religious Institutions
7. School
8. Wireless Communication Facility, attached

1268.04 ACCESSORY BUILDINGS AND USES.

Accessory structures normally associated with permitted uses are allowed when located on the same lot or lots, subject to the following conditions:

- (a) Not more than two (2) accessory buildings shall be permitted on the lots served by the principal building.
- (b) The total square footage of all accessory buildings shall not exceed the total square footage of all floors of the principal building, excluding basements. In no case shall a single accessory building exceed 1,200 square feet of floor area.

(c) All accessory buildings in excess of 150 square feet shall be constructed of similar materials or have the same general appearance as the principal building

(d) The height of the accessory building shall not exceed twenty-five (25) feet or the height of the principal building, whichever is less.

(e) No portion of an accessory building shall be located in the front of the principal building, except garages attached to the principal building. No part of the accessory or principal building shall protrude into the setback line.

(f) Accessory buildings shall not be occupied by or involved in the conduct of a business or home occupation.

(g) No accessory building may be constructed or erected prior to the construction or erection of the principal building on the same lot or lots.

1268.05 GENERAL REGULATIONS.

(a) Height of Buildings: No building or structure thereof shall be erected or altered to a height exceeding thirty-five (35) feet; except a permitted nonresidential structure may exceed this limit by one (1) foot for each foot in excess of ten (10) feet that the building or structure is set back from all property lines.

(b) Lot Area: No building shall be erected or altered unless it is on a lot having an area of not less than 9,600 square feet. This regulation shall not apply to lots already platted and recorded as of the effective date of this Zoning Code, where the owner of such platted lots does not own a sufficient amount of adjacent land to permit compliance, provided that all other requirements of the Zoning Code are met.

(c) Lot Frontage: Every Lot shall have frontage of not less than eighty (80) feet along a public street. This regulation does not apply to lots already platted and recorded as of the effective date of this Zoning Code where the owner of the such platted lots does not own a sufficient amount of adjacent land to permit compliance, provided all other requirements of this Zoning Code are met.

(d) Setbacks: There shall be a building setback line of not less than twenty (20) feet or a setback line consistent with adjacent structures. On every corner lot, the minimum setback distance shall be twenty (20) feet on the short side of the lot and may be as little as fifteen (15) feet on the long side of the lot, except for those lots where the long side is parallel to the front of the majority of other lots on the street, in which case the setback shall be twenty (20) feet.

(e) Rear Yard: Every lot shall have a rear yard of not less than twenty-five (25) feet. Necessary buildings or structures for accessory uses shall not occupy more than forty percent (40%) of the required rear yard area, provided that where such rear yard abuts on streets, no garage or other building for accessory use shall be placed nearer than fifteen (15) feet from the line of such street. Further, regarding corner lots, where such rear yard abuts on an adjacent lot to the rear, the accessory building setback from such lot line shall be not less than five (5) feet. If alleys are

present to the rear lot line of the property, no building or accessory building shall be erected within (5) feet of the alley right-of-way.

(f) Side Yards: Every lot shall have two (2) side yards, neither of which shall be less than ten percent (10%) of the width of the lot. The width of the lot shall be determined at the front setback line of the structure to be built. If alleys are present to the rear lot line of the property, no building or accessory building shall be erected within (5) feet of the alley right-of-way.

(g) Building Floor Area: Every dwelling shall have a first floor area of not less than 720 square feet if the dwelling is one (1) story or one and one-half (1.5) stories in height, or 475 square feet if the dwelling is two (2) stories in height.

(h) Density: Not more than one (1) principal building or structure shall be permitted on any lot.

Chapter 1269
Multiple Family Residential District (R-2)

1269.01 INTENT.

The Multiple Family Residential District (R-2) is intended for the establishment and preservation of residential areas with single-, and multiple- family dwellings. The uses in the district are to be compatible with the residential character of the neighborhoods.

1269.02 PERMITTED PRINCIPAL USES.

1. Adult Foster Care Family Home
2. Day Care Home, Family
3. Essential Services
4. Recreational Uses: community playground; picnic area
5. Residence, Single-family
6. Residence, Multiple-family

1269.03 SPECIAL LAND USES AUTHORIZED BY PERMIT.

The following uses of land and structures may be permitted in this District by application for the issuance of a Special Land Use Permit as provided for in Chapter 1280:

1. Adult Foster Care Small Group Home
2. Adult Foster Care Large Group Home
3. Assisted Living Facility
4. Bed and Breakfast Establishment
5. Day Care Home, Group
6. Library
7. Nursing Home
8. Planned Unit Development
9. Recreational Uses: boat launch, cross-country ski trails, fields (soccer, hockey, ballfield), fishing piers, ice rink, passive park, ski trail, swimming beach
10. Religious Institutions
11. School
12. Temporary Outdoor Activity
13. Wireless Communications Facility, Attached

1269.04 ACCESSORY BUILDINGS AND USES.

Accessory structures normally associate with permitted uses when located on the same lot or lots, subject to the following conditions:

- (a) No more than two (2) accessory buildings shall be permitted on the lot served by the principal building.

- (b) The total square footage of all accessory buildings shall not exceed the total square footage of all floors of the principal building, excluding basements. In no case shall a single accessory building exceed 1,200 square feet of floor area.
- (c) All accessory buildings in excess of 150 square feet shall be constructed of similar materials or have the same general appearance as the principal building.
- (d) The height of the accessory building shall not exceed thirty-five (35) feet or the height of the principal building, whichever is less.
- (e) No portion of an accessory building shall be located in the front of the principal building, except garages attached to the principal building. No part of the accessory or principal building shall protrude into the setback line.
- (f) Accessory buildings shall not be occupied or involved in the conduct of a business or home occupation.

1269.05 GENERAL REGULATIONS.

- (a) Height of Buildings: No building or structure thereof shall be erected or altered to a height exceeding thirty-five (35) feet; except a permitted nonresidential structure may exceed this limit by one (1) foot for each foot in excess of ten (10) feet that the building or structure is set back from all property lines.
- (b) Lot Area: No building shall be erected or altered unless it is on a lot having an area of not less than 9,600 square feet. This regulation shall not apply to lots already platted and recorded as of the effective date of this Zoning Code, where the owner of such platted lots does not own a sufficient amount of adjacent land to permit compliance, provided that all other requirements of the Zoning Code are met.
- (c) Lot Frontage: Every Lot shall have frontage of not less than eighty (80) feet along a public street. This regulation does not apply to lots already platted and recorded as of the effective date of this Zoning Code where the owner of the such platted lots does not own a sufficient amount of adjacent land to permit compliance, provided all other requirements of this Zoning Code are met.
- (d) Setbacks: There shall be a building setback line of not less than twenty (20) feet or a setback line consistent with adjacent structures. On every corner lot, the minimum setback distance shall be twenty (20) feet on the short side of the lot and may be as little as fifteen (15) feet on the long side of the lot, except for those lots where the long side is parallel to the front of the majority of other lots on the street, in which case the setback shall be twenty (20) feet.
- (e) Rear Yard: Every lot shall have a rear yard of not less than twenty-five (25) feet. Necessary buildings or structures for accessory uses shall not occupy more than forty percent (40%) of the required rear yard area, provided that where such rear yard abuts on streets, no garage or other building for accessory use shall be placed nearer than fifteen (15) feet from the line of such street. Further, regarding corner lots, where such rear yard abuts on an adjacent lot to the rear, the accessory building setback from such lot line shall be not less than five (5) feet. If alleys are

present to the rear lot line of the property, no building or accessory building shall be erected within (5) feet of the alley right-of-way.

(f) Side Yards: Every lot shall have two (2) side yards, neither of which shall be less than ten percent (10%) of the width of the lot. The width of the lot shall be determined at the front setback line of the structure to be built. If alleys are present to the rear lot line of the property, no building or accessory building shall be erected within (5) feet of the alley right-of-way.

(g) Building Floor Area: Every dwelling shall have a first floor area of not less than 720 square feet if the dwelling is one (1) story or one and one-half (1.5) stories in height, or 475 square feet if the dwelling is two (2) stories in height.

(h) Density: Not more than one (1) principal building or structure shall be permitted on any lot.

(i) Multi-family dwellings consisting of 2 units shall provide at least four (4) off-street parking stalls.

(j) Multi-family dwellings of three or more dwelling units shall require a Site Plan approved by the Planning Commission, pursuant to §1283, including the following requirements:

1. The minimum lot area required shall be increased by an additional 300 square feet for each dwelling unit in excess of two (2);
2. Each multi-family dwelling shall have two (2) off-street parking stalls per dwelling unit for each of the first four (4) dwelling units, and one and one-half (1 1/2) off-street parking stalls for all dwelling units in excess of four (4);
3. A site plan shall be submitted with the application for a Special Land Use permit, which site plan shall be drawn to scale and shall contain and demonstrate the following:
 - a. The lot lines and dimensions of the lot upon which such multi-family dwelling is to be erected;
 - b. The location and dimensions of the multi-family dwelling on said lot;
 - c. The location and dimensions of all off-street parking stalls provided for said multi-family dwelling
 - d. The location of all structures on lots abutting the lot upon which the multi-family dwelling is to be constructed;
 - e. The size and location of any and all accessory buildings or structures to be placed upon said lot; and
 - f. Such other information as may be reasonably required by the Planning Commission as will enable it to make a determination as to whether the proposed multi-family dwelling will comply with all of the standards described in Chapter 1280 and all other provisions of these Codified Ordinances.

Chapter 1270
Rural Residential District (RR)

1270.01 INTENT.

The Rural Residential District is designed primarily for single-family residential home use with lots larger than other areas of the city. This is to create a more rural character to the district than found in the R-1 and R-2 districts. The larger lots are to insure a safe, potable water supply and/or adequate area for on-site wastewater treatment.

1270.02 PERMITTED PRINCIPAL USES.

1. Adult Foster Care Family Home
2. Day Care Home, Family
3. Essential Services
4. Residence, Single-family

1270.03 SPECIAL LAND USES AUTHORIZED BY PERMIT.

The following uses of land and structures may be permitted in this District by application for and the issuance of a Special Land Use Permit as provided for in Chapter 1280:

1. Adult Foster Care Small Group Home
2. Adult Foster Care Large Group Home
3. Banks and Financial Institutions
4. Bed and Breakfast Establishment
5. Cemetery
6. Day Care Center
7. Day Care Home, Group
8. Golf Course
9. Health Care Facilities, in-patient
10. Library
11. Mobile Home Park
12. Planned Unit Development
13. Recreational Uses: cross country ski trail, fields (soccer, hockey, ballfield), golf course, golf driving range, ice rink, mini-golf course, passive park
14. Religious Institution
15. Residence, multiple family
16. School
17. Wireless Communications Facility
18. Wireless Communications Facility, Attached

1270.04 ACCESSORY BUILDINGS AND USES. *AMENDMENT ADDED - SEE END OF CHAP 1270

Accessory structures normally associated with permitted uses when located on the same lot or lots, subject to the following conditions:

1. No more than three (3) accessory buildings shall be permitted on the lots served by the principal building.
2. The total square footage of all accessory buildings shall not exceed the total square footage of all floors of the principal building, excluding basements. In no case shall a single accessory building exceed 1,200 square feet of floor area.
3. All accessory buildings in excess of 150 square feet shall be constructed of similar materials or have the same general appearance as the principal building.
4. The height of the accessory building shall not exceed thirty-five (35) feet or the height of the principal building, whichever is less.

1270.05 GENERAL REGULATIONS.

(a) Height of Buildings: No building or structure thereof shall be erected or altered to a height exceeding thirty-five (35) feet, except a permitted structure may exceed this limit by one foot for each foot in excess of ten (10) feet that the building or structure is set back from all property lines, except that no building may exceed 75 feet.

(b) Lot Area: No building shall be erected or altered unless it is on a lot having an area of not less than one (1) acre. This regulation shall not apply to lots already platted and recorded as of the effective date of this Zoning Code, where the owner of such platted lots does not own a sufficient amount of adjacent land to permit compliance, provided that all other requirements of the Zoning Code are met.

(c) Lot Frontage: Every lot shall have frontage of not less than 150 feet along a street. This regulation does not apply to lots already platted and recorded as of the effective date of this Zoning Code where the owner of such platted lots does not own a sufficient amount of adjacent land to permit compliance, provided all other requirements of this Zoning Code are met.

(d) Setbacks: There shall be a building setback line of not less than twenty-five (25) feet or a setback line consistent with adjacent structures. On every corner lot the minimum setback distance shall be twenty-five (25) feet on the short side of the lot and may be as little as fifteen (15) feet on the long side of the lot, except for those lots where the long side is parallel to the front of the majority of other lots on the street, in which case the setback shall be twenty-five (25) feet.

(e) Rear Yard: Every lot shall have a rear yard of not less than twenty-five (25) feet. Necessary buildings or structures for accessory uses shall not occupy more than forty percent (40%) of the required rear yard area, provided that where such rear yard abuts on streets, no garage or other building for accessory use shall be placed nearer than fifteen (15) feet from the line of such street. Further, regarding corner lots, where such rear yard abuts on an adjacent lot to the rear, the accessory building setback from such lot line shall be not less than five (5) feet. If alleys are present to the rear lot line of the property, no building or accessory building shall be erected within (5) feet of the alley right-of-way.

(f) Side Yards: Every lot shall have two (2) side yards, neither of which shall be less than ten percent (10%) of the width of the lot, or not less than fifteen (15) feet for lots of 150 feet or more in width. The width of the lot shall be determined at the front setback line of the structure to be built. If alleys are present to the rear lot line of the property, no building or accessory building shall be erected within (5) feet of the alley right-of-way.

(g) Building Floor Area: Every dwelling shall have a first floor area of not less than 720 square feet if the dwelling is one (1) story or one and one-half (1 ½) stories in height, or 475 square feet if the dwelling is two (2) stories in height.

(h) Density: Not more than one (1) principal building or structure shall be permitted on any lot.

FIRST READING: January 9, 2014
 SECOND READING: February 13, 2014
 PUBLICATIONS: February 19th & 20th, 2014
 EFFECTIVE: February 24, 2014

AMENDMENT TO ORDINANCE 1270.04

The City of Negaunee, ORDAINS:

That Chapter 1270.04 of the Codified Ordinances of the City of Negaunee, Michigan shall be, and the same hereby is amended to read as follows:

REPEALER

The existing provisions of Chapter 1270.04 shall remain in full force and effect, except that any ordinance, resolution, order or parts thereof in conflict with the provisions of this amendment are, to the extent of such conflict, hereby repealed. This repeal shall be effective as of the effective date of the following amendment.

1270.04 ACCESSORY BUILDINGS AND USES.

Accessory structures normally associated with permitted uses when located on the same lot or lots, subject to the following conditions:

1. No more than three (3) accessory buildings shall be permitted on the lots served by the principal building.
2. An accessory building may occupy not more than fifty (50) percent of a rear yard area; provided, however, that the total floor area (being the entire area enclosed within the exterior walls) of all detached accessory buildings on a parcel of land, shall be limited as follows :

If the area of the parcel of land is:	Then the maximum total floor area of all detached accessory buildings shall be:
Less than 2 acres	1200 sf
At least 2 acres but less than 3 acres	1600 sf
At least 3 acres but less than 5 acres	2000 sf
At least 5 acres but less than 8 acres	2400 sf
At least 8 acres but less than 10 acres	3000 sf
10 acres or more*	4000 sf plus 200 square feet for each acre increment above 10 acres up to a maximum of 8000 square feet. By way of example, a property containing 12 acres of land may have 4400 square feet of detached accessory buildings.

*When the total of all detached accessory buildings exceeds 4000 square feet in area, the applicant shall provide to the City of Negaunee Zoning Administrator a restrictive covenant, such as a deed restriction, as recorded with the Marquette County Register of Deeds indicating

that any future division of the subject lot or parcel shall meet the above limits for lot area and accessory building ground floor area provided in this Section 1270. Such instrument shall be provided to the City of Negaunee Zoning Administrator prior to the issuance of a Zoning Permit.

3. All accessory buildings in excess of 150 square feet shall be constructed of similar materials or have the same general appearance as the principal building, except for those used in farming operations.
4. The height of the accessory building shall not exceed thirty-five (35) feet.

Council Members Present: Mayor LaCosse, Council Members Kangas, Haines, Menhennick, VanStraten, Schuhknecht and Visser

Council Members Absent: None

WHEREUPON, This Ordinance is declared passed and adopted on this 13th day of February, 2014.

CITY OF NEGAUNEE

By: Keith LaCosse, Its Mayor

By: Judith Iwanski, Its Clerk

Chapter 1271 Business District (B-1)

1271.01 INTENT.

The Commercial Business District (B-1) is intended to provide for commercial uses which are appropriate for high-density development, such as in the central business district. Uses in this district occasionally occupy buildings which share common walls and front directly on the sidewalks. Where off-street parking is provided it is behind the business or at a nearby parking lot. Residential uses are not permitted in the district, with the exception of dwellings in the upper floors of commercial establishments and as a Special Land use authorized by permit.

1271.02 PERMITTED PRINCIPAL USES.

1. Banks and Financial Institutions
2. Barber and Beauty Shop
3. Bed and Breakfast Establishments and Bed and Breakfast Inn.
4. Bowling Alley
5. Business Service Establishment
6. Commercial Printing
7. Conference Center
8. Convenience Retail
9. Cultural Facility
10. Essential Services
11. Flea Market and Farmer's Market
12. Fuel Sales Establishment
13. Funeral Home
14. Greenhouse, Greenhouse with nursery
15. Health Care Facility, Out-patient or In-patient
16. Hotels, Motels
17. Indoor Recreational Facility
18. Laundromat
19. Library
20. Lodge Hall
21. Office Building
22. Office Parks
23. Personal Service Establishment
24. Public Buildings
25. Religious Institutions
26. Residence, Upper Floor Commercial Building
27. Restaurants with or without Drive Thru
28. Retail Food Establishment
29. Retail Outlet Store
30. Retail Sales Establishment
31. Sidewalk Café
32. Tavern
33. Theater

34. Trade or Technical Schools
35. Veterinary Clinic
36. Video Arcade
37. Wholesale Sales Establishment

1271.03 SPECIAL LAND USES AUTHORIZED BY PERMIT.

The following uses of land and structures may be permitted in this District by application for and the issuance of a Special Land Use as provided for in Chapter 1280:

1. Automobile Sales or Showrooms, New or Used
2. Day Care Center
3. Dry Cleaning Establishment
4. Fairground
5. Food Processing Establishment
6. Motel, Hotel, Cabin and Resort
7. Planned Unit Development
8. Recreational Uses: campground; passive park
9. Recycling Collection Point
10. Residence, single family
11. Residence, multiple family
12. Retail Warehouse Outlet
13. Vehicle Repair Garage
14. Wireless Communication Facilities, Attached

1271.04 PERMITTED ACCESSORY USES.

Any accessory use or structure that is normally associated with a permitted use.

1271.05 GENERAL REGULATIONS.

(a) Site Plan: No building permit, certificate of occupancy or zoning compliance permit shall be issued authorizing any development on a lot in the Business District (B-1) without first securing the approval of the Planning Commission of a site plan pursuant to this Ordinance Code Section 1283 and with all other requirements of this Zoning Code.

(b) Obscuring Wall, Fence or Shrub: Whenever the parking plan for a development in the Commercial Business 1 (B-1) District is laid out so as to bring automobile headlights toward any residential land, an obscuring wall, fence, or shrub four (4) feet, six (6) inches in height shall be provided along that side of the parking area.

(c) Height of Buildings: No building or structure shall exceed a height of seventy-five (75) feet.

(d) Prohibited Uses: Any process or activity resulting in the emission of odor, fumes, smoke, dust, excessive noise or vibration, or of a character generally detrimental and disturbing to the district as a whole shall be prohibited, unless such processes or activities meet federal, state, and local regulations pertaining to health and safety, and do not affect other properties.

Chapter 1272 Business District (B-2)

1272.01 INTENT.

The Commercial Business District (B-2) is intended to provide for a diversified, lower density commercial district, containing businesses which may require larger lots or generate more traffic, lighting or other impacts on adjacent uses. Uses in the district are oriented toward automobile traffic. Residential use may be permitted and could be an accessory use if associated with a business, by application for and issuance of a Special Land Use Permit, as provided in Section 1280.

1272.02 PERMITTED PRINCIPAL USES.

1. Amusement Parks, Fairgrounds, Miniature Golf Courses
2. Automobile Wash Facility
3. Automobile Sales or Showrooms, New or Used
4. Banks and Financial Institutions
5. Barber and Beauty Shop
6. Bed and Breakfast Establishment
7. Boat Livery
8. Bowling Alley
9. Building Material Sales and Storage
10. Business Service Establishment
11. Commercial Printing
12. Conference Center
13. Convenience Retail
14. Cultural Facility
15. Dry Cleaning Establishment, Laundromat
16. Essential Services
17. Flea Market, Farmer's Market
18. Fuel Sales Establishment
19. Funeral Homes
20. Golf Courses
21. Greenhouse, Greenhouse with nursery
22. Health Care Facility, In-patient or Out-patient
23. Laundromat
24. Library
25. Lodge hall
26. Mini-storage facility
27. Motel, Hotel, Cabins and Resort
28. Office Building
29. Office Parks
30. Personal Service Establishment
31. Public Building
32. Recycling Collection Point

33. Religious Institution
34. Restaurant, with or without Drive-Thru
35. Retail Food Establishment
36. Retail Outlet Store
37. Retail Sales Establishment
38. Retail Warehouse Outlet
39. Shopping Center
40. Tavern
41. Theater
42. Trade and Technical School
43. Utility Substation
44. Vehicle Repair Garage
45. Video Arcade
46. Warehousing
47. Wholesale Establishment

*AMENDMENT ADDED - SEE END

1272.03 SPECIAL LAND USES AUTHORIZED BY PERMIT. OF CHAP 1272

The following uses of land and structures may be permitted in this District by application for and the issuance of a Special Land Use as provided for in Chapter 1280:

1. Adult Foster Care Large Group Home
2. Assisted Living Facility, Nursing Home
3. Billboards used solely for advertising or publicity purposes. The Planning Commission shall be guided by Section 1280 and the following standards when making decisions regarding billboards as a Special Land Use:
 - a. Such billboards shall not extend more than fifteen feet above street grade;
 - b. Such billboards shall have a minimum setback of twenty-five feet from the edge of the street right-of-way;
 - c. There shall be a minimum distance of 1,000 feet between billboards; and
 - d. Billboards along public highway rights-of-way shall comply with all laws, regulations and requirements of then State of Michigan and its various agencies and departments
4. Contractor Yards
5. Day Care Center
6. Food Processing Establishment
7. Freight Handling Facility
8. Greenhouse with nursery
9. Kennels
10. Planned Unit Development
11. Recreational Uses: boat launch; campground; fishing pier; mini-golf
12. Recycling Collection Point
13. Residence, Multiple family
14. Residence, Upper Floor Commercial Building
15. Sidewalk Café
16. Temporary Outdoor Facility

17. Use, building or structure constructed or erected within the Teal Lake Overlay District (§1278 of these Codified Ordinances). Such proposed uses shall be evaluated pursuant to the requirements in §1280 and in the Teal Lake Overlay District.
18. Veterinary Clinic
19. Wireless Communication Facility
20. Wireless Communication Facility, Attached
21. Wireless Communication Towers

1272.04 PERMITTED ACCESSORY USES.

Any accessory use or structure that is normally associated with a permitted use.

1272.05 GENERAL REGULATIONS.

(a) Site Plan: No building permit, certificate of occupancy or zoning compliance permit shall be issued authorizing any development on a lot in the Business District (B-2) without first securing the approval of the Planning Commission of a site plan pursuant to this Ordinance Code Section 1283 demonstrating that such proposed development will comply with all of the standards described in Chapter 1280 and with all other requirements of this Zoning Code.

(b) Obscuring Wall, Fence or Shrub: Whenever the parking plan for a development in the Commercial Business 2 (B-2) District is laid out so as to bring automobile headlights toward any residential land, an obscuring wall, fence, or shrub four (4) feet, six (6) inches in height shall be provided along that side of the parking area.

(c) Height of Buildings: No building or structure thereof shall be erected or altered to a height exceeding fifty (50) feet except a permitted nonresidential structure may exceed this limit by one (1) foot for each foot in excess of ten (10) feet that the building or structure is set back from all property lines

(d) Lot Area: No building shall be erected or altered unless it is on a lot having an area of not less than 9600 square feet. This regulation shall not apply to lots already platted and recorded as of the effective date of this Zoning Code, where the owner of such plated lots does not own a sufficient amount of adjacent land to permit compliance, provided that all other requirements of the Zoning Code are met.

(e) Lighting: Lighting shall be installed so as to avoid shining on to the waters of the lake or on to adjacent lots. Each light pole or structure, including signs, shall be 30 feet in height or less.

(f) Lot Frontage: Uses other than residential shall have no requirements as to lot frontage, front yard, rear yard, side yard or coverage.

(g) Prohibited Uses: Any process or activity resulting in the emission of odor, fumes, smoke, dust, excessive noise or vibration, or of a character generally detrimental and disturbing to the District as a whole, shall be prohibited, unless such processes or activities meet federal, state, and local regulations pertaining to health and safety, and do not affect other properties.

First Reading: January 9, 2014
Second Reading: February 13, 2014
Publication Dates: February 19 & 20, 2014
Effective Date: February 24, 2014

**AMENDMENT TO CODIFIED ORDINANCES OF
THE CITY OF NEGAUNEE, CHAPTER 1272 SUPPLEMENTARY REGULATIONS**

The City of Negaunee ORDAINS:

That Chapter 1272 of the Codified Ordinances of Negaunee, Michigan, shall be, and the same hereby is, amended to read as follows:

REPEALER

Section 1272.03 of the Codified Ordinances of Negaunee, Michigan, and any other ordinance, resolution, order or parts thereof in conflict with the provisions of this Amendment is, to the extent of such conflict, hereby repealed. This repeal shall be effective as of the effective date of the following Amendment.

AMENDMENT

Section 1272.03 of the Codified Ordinances of Negaunee, Michigan, shall be, and hereby is, amended to read as follows:

(3) Standard Outdoor Advertising Structure used solely for advertising or publicity purposes. The Planning Commission shall be guided by Section 1280 and Section 1286.08 when making decisions regarding standard outdoor advertising structures as a Special Land Use.

Council Members Present: Mayor LaCosse, Council Members Kangas, Haines, Menhennick, VanStraten, Schuhknecht and Visser

Council Members Absent: None

WHEREUPON, This Ordinance is declared passed and adopted on this 13th day of February 2014

CITY OF NEGAUNEE

By: Keith LaCosse, Its Mayor

By: Judith Iwanski, Its Clerk

Chapter 1273
Industrial District (I)

1273.01 INTENT.

The Industrial District (I) is intended to accommodate establishments when the finished product generally consists of small machine parts, small electronic equipment or similar items.

1273.02 PERMITTED PRINCIPAL USES.

1. Automobile Wash Facility
2. Automobile Sales or Showrooms, New or Used
3. Bottling Works
4. Building Material Sales and Storage
5. Business Service Establishment
6. Commercial Printing
7. Contractor Yard
8. Essential Services
9. Light Manufacturing and Assembly
10. Mini-storage Facility
11. Office Buildings,
12. Office Parks
13. Public Building
14. Recycling Center, Junk Yard, Salvage Yard
15. Recycling Collection Point
16. Recycling Plant
17. Trade and Technical School
18. Utility Substation
19. Vehicle Body Shop
20. Vehicle Repair Garages
21. Wholesale and Warehousing Facility

1273.03 SPECIAL LAND USES AUTHORIZED BY PERMIT.

The following uses of land and structures may be permitted in this District by application for and the issuance of a Special Land Use as provided for in Chapter 1280:

1. Asphalt Plant
2. Banks and Financial Institutions
3. Bowling Alley
4. Conference Center
5. Convenience Retail
6. Food Processing Establishment
7. Freight Handling Facility
8. Fuel Sales Establishment
9. Gravel/Sand Pit
10. Greenhouse, Greenhouse with nursery

11. Heavy Manufacturing and Assembly
12. Planned Unit Development
13. Retail Warehouse Outlet
14. Storage of Flammable Liquids or Gas Facility
15. Use, building or structure constructed or erected within the Teal Lake Overlay District (§ 1278 of these Codified Ordinances). Such proposed uses shall be evaluated pursuant to the requirements in §1280 and in the Teal Lake Overlay District.
17. Veterinary Clinic
18. Wireless Communication Facility
19. Wireless Communication Facility, Attached
20. Wireless Communication Tower
21. Woodyard

1273.04 PERMITTED ACCESSORY USES.

Any accessory use or structure that is normally associated with a permitted use.

1273.05 GENERAL REGULATIONS.

(a) Site Plan: No building permit, certificate of occupancy or zoning compliance permit shall be issued authorizing any development on a lot in the Industrial District (I) without first securing the approval of the Planning Commission of a site plan pursuant to this Ordinance Code Section 1283 and with all other requirements of this Zoning Code.

(b) Height of Buildings: No building or structure shall exceed a height of seventy-five feet or six stories.

Chapter 1274 Public Area District

1274.01 INTENT.

The Public Area District (PA) is intended to establish and preserve appropriate access for City, public, or quasi-public uses which are designed to serve the entire community or specific section of it, except such uses as constitute a nuisance in the place where conducted, and to allow the necessary flexibility to address specific land use proposals regarding public lands to make informed decisions in the best interests of the public, health, safety, and welfare of the city and its residents.

1274.02 PERMITTED PRINCIPAL USES.

1. Land held for public use.

1274.03 SPECIAL LAND USES AUTHORIZED BY PERMIT.

1. Cemeteries
2. Community School District facilities
3. Concessions
4. Essential Services
5. Libraries
6. Municipal Buildings
7. Municipal Water/Wastewater Facilities
8. Planned Unit Development
9. Police and Fire Stations
10. Post Offices
11. Public Recreation facilities including parks, playgrounds, camps, camp grounds, winter sports facilities, trails, golf courses, and similar recreation facilities.
12. Solid Waste Transfer Stations
13. Temporary Outdoor Activities
14. Wireless communications facilities

1274.04 PERMITTED ACCESSORY USES.

Any accessory use or structure that is normally associated with a permitted use.

1274.05 GENERAL REGULATIONS.

(a) Site Plan: No building permit, certificate of occupancy, or zoning compliance permit shall be issued authorizing any development on a lot in the Public Area District (PA) without first securing the approval of the Planning Commission of a site plan pursuant to this Ordinance Code Section 1283 demonstrating that such proposed development will comply with all of the standards described in Chapter 1280 and with all other requirements of this Zoning Code.

(b) Prohibited Uses: Any process or activity resulting in the emission of odor, fumes, smoke, dust, excessive noise or vibration, or of a character generally detrimental and disturbing to the

District as a whole, shall be prohibited, unless such processes or activities meet federal, state, and local regulations pertaining to health and safety and do not affect other properties.

Chapter 1275
Mining District (M)

1275.01 INTENT.

The Mining District is intended to accommodate uses associated with ore mining, excavation or extractive processing. The district includes caving grounds and abandoned shafts and mines.

1275.02 PERMITTED PRINCIPAL USES.

1. Gravel/Sand Pits
2. Mining operations (extractive processing)

1275.03 SPECIAL LAND USES AUTHORIZED BY PERMIT.

The following uses of land and structures may be permitted in this District by application for and the issuance of a Special Land Use permit as provided for in Chapter 1280:

1. Recreational Uses: tracks (ORV, bicycle, BMX, motor cross, go-carts, snowmobile, car, midget racing), motorized and non-motorized trails, athletic fields, and similar uses.
2. Use, building or structure constructed or erected within the Teal Lake Overlay District (§1278 of these Codified Ordinances). Such proposed uses shall be evaluated pursuant to the requirements in §1280 and in the Teal Lake Overlay District.
3. Wireless Communication Facility
4. Wireless Communication Facility, Attached.
5. Woodyard.

1275.04 PERMITTED ACCESSORY USES.

Any accessory use or structure that is normally associated with a permitted use.

1275.05 GENERAL REGULATIONS.

(a) Height of Buildings: No building or structure shall exceed a height of seventy-five feet or six stories.

Chapter 1276
Natural Resource District (NR)

1276.01 INTENT.

The Natural Resource District is intended to provide open space in conjunction with recreational uses and other services and to preserve the character of the land in the City which has outstanding scenic and/or recreational qualities. Development shall only be authorized by issuance of a Special Land Use Permit.

1276.02 SPECIAL LAND USES AUTHORIZED BY PERMIT.

The following uses of land and structures may be permitted in this District by application for and the issuance of a Special Land Use Permit as provided for in Chapter 1280:

1. Non-motorized Recreational Uses: such as archery range (outdoor), natural campground, cross county skiing or other such trails, fishing pier, picnic area, passive park, swimming beach
2. Temporary outdoor activity
3. Nature Center
4. Essential Services

Chapter 1278
Teal Lake Overlay District (TL)

1278.01 INTENT.

To prevent development near the shoreline of Teal Lake which would have a detrimental effect upon the purity of the water, the Character of the lake, or the public enjoyment of the scenic views and the shoreline and waters of Teal Lake.

1278.02 SPECIAL LAND USES AUTHORIZED BY PERMIT.

Any permitted use, or Special Land Use, permitted by the underlying district, provided said use complies with this sector and §1280, Special Land Uses. However, no building, structure, or parking lot will be erected or placed within two hundred (200) feet of the high water mark of Teal Lake, without prior approval by the Planning Commission as a Special Land Use in accordance with Chapter 1280.

1278.03 DISTRICT BOUNDARIES.

Teal Lake shall be defined as encompassing all the lake area as defined by law, which lies north of US Highway 41. The boundaries of the Teal Lake Overlay District shall be within a 200 foot perimeter around Teal Lake, measured from the high water mark of 1367 feet.

1278.04 GENERAL REGULATIONS.

The following general regulations will apply to all buildings or structures, in addition to all requirements of the underlying zoning district:

- (a) Rear Yard: There shall be a setback line of not less than fifty (50) feet from the high water mark of Teal Lake.
- (b) Side Yards: Every site shall have two side yards, neither of which shall be less than ten percent (10%) of the width of the sites. The width of the site shall be determined at the front setback line of the structure to be built.
- (c) Lighting shall be installed so as to avoid shining on to the waters of the lake or on to adjacent lots. Each light pole or structure, including signs, shall be 30 feet in height or less.

Chapter 1280 Special Land Uses

1280.01 APPROVAL BY PLANNING COMMISSION REQUIRED; STANDARDS.

Whenever special land uses are proposed, such uses shall be permitted only after review and approval by the Planning commission as established in Chapter 1220. The Planning Commission shall approve a special land use only upon a finding of compliance with each of the following standards:

- (a) The special land use shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area;
- (b) The special land use shall not change the essential character of the surrounding area;
- (c) The special land use shall not interfere with the general enjoyment of adjacent property;
- (d) The special land use shall represent an improvement to the property under consideration and the surrounding area in general;
- (e) The special land use shall not be hazardous to adjacent property or involve uses, activities, materials or equipment which will be detrimental to the health, safety or welfare of persons or property through the excessive production of traffic, noise, smoke, odor, fumes or glare;
- (f) The special land use shall be adequately served by essential public facilities and services, or it shall be demonstrated that the person responsible for the proposed conditional use shall be able to continually provide adequately for the services and facilities deemed essential to the conditional use under consideration; and
- (g) The special land use shall not place demands on public services and facilities in excess of current capacity.

1280.02 CONDITIONS FOR APPROVAL; ENFORCEMENT; APPEALS; NOTICE.

- (a) The Planning Commission may impose conditions with the approval of a special land use which are necessary to insure compliance with the standards for approval and any other applicable standards contained in this Zoning Code. Such conditions shall be considered an integral part of the special land use permit and shall be enforced by the City Zoning Administrator.
- (b) Any decision made by the Planning Commission concerning special land uses may be appealed to the Board of Zoning Appeals.
- (c) The notice requirements set forth in this Code and State law shall be observed relative to the consideration of all special land uses by the Planning Commission.

Chapter 1281 Planned Unit Development

1281.01 INTENT.

To permit greater flexibility in the use and design of structures and land in situations where modifications of specific provisions of this Zoning Code will not be contrary to its intent and purpose or significantly inconsistent with the planning on which it is based and will not be harmful to the neighborhood in which they occur. A Planned Unit Development (PUD) should result in development which maximizes the provision of open space, preserves natural features, and provides a harmonious arrangement of structures and uses. More than one principal use and/or structure per lot may be permitted.

1281.02 ELIGIBILITY.

In order to be approved by the Planning Commission, a proposed Planned Unit Development shall:

(a) On parcels at least two acres in size:

1. Provide for open space and preservation of natural features; clustered development and similar design methods are encouraged.
2. Minimize the amount of impervious surfaces created.
3. Provide a harmonious and efficient arrangement of all structures and uses in relation to topography, the size and type of plot, the character of adjoining property, and the type and size of buildings. Arrangements of buildings shall be done in such a way to utilize natural topography, existing vegetation and views within and beyond the site.

(b) On parcels over 10 acres in size:

1. Provide for open space and the preservation of natural features.
2. Minimize the amount of new impervious surfaces created. The developer shall take into consideration the impact of the size and location of existing impervious surfaces when proposing new impervious surfaces.
3. Arrangements of proposed buildings shall be done in such a way to utilize natural topography, existing vegetation and views within and beyond the site.

1281.03 APPLICATION AND MODIFICATION POWERS.

(a) The applicant shall submit an application to the Planning Commission in accordance with the procedures set forth herein.

(b) In acting upon the application, the Planning Commission may alter setback requirements, building size limits, off-street parking regulations, landscaping rules, and density and intensity limits. It may also authorize uses not permitted in the district where the lot is located, providing such uses are desirable or convenient for the users of the lot as developed or the immediate neighborhood and provided that such uses are planned so as to assure that they will not materially alter the existing character of the neighborhood.

The provisions of this chapter shall be applied to the existing Zoning District, as defined on the zoning map, where the PUD is to be located.

1281.04 PRELIMINARY CONFERENCE.

Prior to preparing a formal application, the applicant shall meet with the Zoning Administrator to discuss the proposed development and application procedures. No decision regarding any proposed PUD is to be established at this conference.

1281.05 PRELIMINARY APPLICATION.

Following the preliminary conference, the applicant shall prepare and submit 12 copies of a preliminary application which consists of the following written and graphic documents, together with any fee(s) which have been imposed by the Negaunee City Council.

(a) A written description of the proposed PUD, including:

1. How the proposed PUD is consistent with the intent of this chapter, and with the eligibility criteria in Section 1281.02.
2. A statement identifying all intended uses, including future sales or leasing arrangements of all or portions of the proposed PUD.
3. A legal description of the proposed PUD parcel.
4. A listing of all owners, holders of easements, and other interested parties.
5. A projected assessment of the proposed PUD demands on public services and utilities, including, but not limited to, water, sewer, electrical service, streets and roads, sidewalks, refuse disposal, and emergency services. Nonresidential proposals shall include an indication of the number of employees, number of floors and estimated usable floor area.

(b) A preliminary site plan shall be provided on 12 identical copies on one or more sheets, at a scale adequate to illustrate the proposed activity, and shall include the following information. If the preliminary site plan has been prepared in digital format (.dwg, .dxf, etc.), a copy shall be provided to the city.

1. The legal description and street address of the lot(s).
2. The name, address and telephone number of the owner, developer, and/or designer.
3. An area location map, the proposed use, zoning of adjacent parcels and existing zoning classification.
4. Drawing date and revision date.
5. North arrow and scale.
6. The actual dimensions of the lot(s) as shown with a signature by a licensed surveyor, engineer, architect, or registered landscape architect, with survey stakes visible. The requirement for a survey may be waived if building dimensions will not change as a result of the proposed activity.
7. The relationship of the subject lot(s) to abutting properties.
8. Depiction of all existing structures, including signs, on the subject lot(s) shown to scale.
9. The dimensions of all proposed structures on the subject lot(s), including location,

finished floor area, exterior buildings elevations, and height of proposed buildings.

10. Distances between existing structures and proposed structures on the subject lot(s) and distance between lot lines and proposed structures.
11. Use of all existing or proposed structures on the subject lot(s).
12. The location of all proposed fences and planting screens or other buffers.
13. The location and right-of-way widths of all streets, alleys, private road easements and/or railroads located within or abutting the subject lot(s).
14. Named streets should be labeled.
15. The location of all existing and proposed ingress/egress points, sidewalks, driveways and parking areas on the subject lot(s).
16. The locations of existing ingress/egress points, driveways, streets, alleys and/or railroads within 300 feet of the boundaries of the subject lot(s).
17. The size and location of all existing and proposed public and private utilities.
18. The location of natural features affecting development, such as rock outcrops, water, wetlands, etc.
19. The location of existing and proposed surface water impoundments and surface water drainage patterns.
20. The location and extent of all planned earth movement.
21. The location of areas on the parcel that will be utilized for the storage of snow and the resulting anticipated drainage patterns that will result from the melting snow.
22. The location of proposed lighting and the direction of the illumination.
23. The locations, sizes, and materials to be used for trash receptacle areas and methods of screening said areas.
24. Recreation areas and trails.
25. Any other information necessary, in the opinion of the Zoning Administrator, to establish compliance with the provisions of this Zoning Code or any other applicable ordinances.

(c) A development schedule; a list of proposed covenants or deed restrictions; any proposed maintenance agreements on open space or common ownership areas; and a description of the type of financial guarantees to be utilized to insure PUD development.

1281.06 WAIVER OF FINAL APPLICATION.

The applicant may request that the requirement of Section 1281.06 for a final application be waived, and include all of the information required for a final application with the preliminary application. If, upon submittal, the Zoning Administrator finds that all items required by Section 1281.05 and Section 1281.08 are included the requirement for a final application and final public hearing may be waived. If the requirement for a final application is waived, the public hearing notice and all other materials pertaining to the preliminary application should clearly state that the final application requirement has been waived, and that no further public hearings on this application are anticipated.

1281.07 APPROVAL OF APPLICATION.

(a) Within sixty days of the Zoning Administrator's receipt of the complete Preliminary Application the Planning Commission shall hold a public hearing in accordance with the

requirements of this Zoning Code to review the preliminary application. In making its review of any portion of the PUD preliminary application, the Planning Commission shall determine whether the proposed PUD is consistent with the standards outlined in Section 1281.10 and Section 1280.01 and other relevant provisions of this Zoning Code. Following the review, the Planning Commission shall approve, approve with conditions or subject to modifications, or deny the preliminary application. Action taken on the preliminary application shall be specified in writing, including the reasons for approval or denial of the application, and any conditions imposed as part of approval with conditions.

(b) Approval of the preliminary application does not constitute recording of the plan nor authorize the issuance of building permits.

(c) Within a maximum of 9 months following preliminary approval, the applicant shall file for final application as outlined below. For good cause, the Planning Commission may extend this time period for up to 6 months. If the applicant fails to apply for the final application for any reason, approval or conditional approval shall be revoked.

1281.08 FINAL APPLICATION.

(a) Following approval or approval with conditions of the preliminary application, the applicant shall prepare and submit 12 copies of a final application which shall include:

1. All information as required by the Planning Commission for preliminary approval or conditional approval of the preliminary application, including modifications required to meet conditions imposed on the preliminary application, if any.
2. Signed copies of any preliminary plats, in accordance with the Land Division Act (Act 288 of 1967, as amended).
3. A detailed development time schedule.
4. Deed restrictions or covenants of the parcel.
5. Any other plans, documentation or specifications, as the Planning Commission may require to insure final engineering review and approval, which may include building plans, elevation and perspective drawings, drainage, road or other facility designs, and letters of commitment or intent insuring adequate financing for public utilities and/or services.

(b) The Planning Commission shall hold a second public hearing, within 30 days of the Zoning Administrator's receipt of the complete final application, and shall determine whether or not the final plans substantially conform to the approved preliminary development plan and are in proper form for final recording. Action taken on the final application shall be specified in writing, including the reasons for approval or denial of the application, and any conditions imposed as part of approval with conditions.

1281.09 AUTHORIZATION AND ISSUANCE OF SPECIAL LAND USE PERMIT.

(a) Where the Planning Commission determines that the final application is consistent with this chapter and other requirements thereof, and is in proper form for recording, it shall authorize a PUD special land use permit for development and use in accordance with the final accepted development plan. The PUD special land use permit shall be issued on the condition that construction will be commenced within 12 months of the date of issue. Authorizing the PUD special land use permit shall not obligate the Planning Commission or the Negaunee City Council to enforce any deed restrictions or covenants of the development parcel.

(b) The PUD special land use permit shall be issued following evidence of recording of the PUD final development plan with the Marquette County Register of Deeds.

1281.10 PLANNED UNIT DEVELOPMENT STANDARDS.

All preliminary and final applications shall be evaluated with respect to the following standards:

(a) Yard, setback, lot size, type of dwelling unit, height, and frontage requirements and restrictions may be waived for the PUD, provided, however, that the spirit and intent of this chapter as defined in the intent statement, are incorporated within the total development plan. The Planning Commission may determine that certain setbacks be established within all or a portion of the perimeter of the site, and shall determine the suitability of the total development plan in accordance with the intent of this chapter.

(b) Access: Every structure or dwelling unit shall have access to a public street, or to a private roadway built to city specifications and dedicated to common use. A maintenance agreement shall be required for private roadways.

(c) Sidewalks: For areas of residential development and significant pedestrian use, all streets and roadways within the PUD shall have a sidewalk at least four feet in width on at least one side of the street or roadway, unless otherwise excluded by the Planning Commission.

(d) Land Usage: Structures and uses shown on the development plan shall be arranged so as not to be detrimental to existing or proposed structures within the development or surrounding neighborhood.

(e) Privacy: Each development shall provide visual and acoustical privacy or provide for spatial separation for dwelling units. Fences, walls, barriers, and landscaping or open space shall be used for the protection and aesthetic enhancement of property and the privacy of its occupants, screening of objectionable views or uses and reduction of noise. The planning commission has the right to deem what is reasonable in these situations.

(f) Off-Street Parking: Parking convenient to all dwelling units and other uses shall be provided. Common driveways, parking areas, walks, or steps may be required together with appropriate lighting deemed by the planning commission, in order to insure the safety of the occupants and the general public. Screening of parking and service areas may be required through use of trees, shrubs, hedges or screening walls.

(g) Utilities: PUD's shall provide for the cost effective and necessary installation of utilities (including, water, wastewater, cable TV, electricity, natural gas and telephone). In certain circumstances due to safety and/or aesthetics, the Planning Commission may require the installation of utilities underground. In no instance shall the PUD place demands in excess of the capabilities of the affected public facilities and services.

(h) Planting: The appeal and character of the site shall be preserved and enhanced by retaining and protecting existing trees and other site features; additional new landscaping shall be added where deemed appropriate and necessary for privacy, shade, beauty of buildings and grounds, and to screen out objectionable features. Plant materials used shall be appropriate for the function they are to serve (i.e. parking lot trees or landscaping located along the roadway need to be large and hearty enough to survive the harsh environment and plantings for screening shall provide adequate buffer). Salt tolerant species shall be planted near roadways and parking lots. Landscaping shall not block the views at intersections.

(i) Lighting: Exterior lighting shall be arranged so that it is deflected away from adjacent properties and so that it does not impede the vision of traffic along adjacent streets. Flashing or intermittent lights shall not be permitted.

(j) Drainage: Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties or nearby bodies of water. Provisions shall be made to accommodate storm water, prevent erosion and the formation of dust. The use of detention/retention ponds may be required. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic or create standing water.

(k) Screening: All loading and unloading areas and outside storage areas, including refuse storage stations, shall be screened from view.

(l) The PUD shall be consistent with the standards outlined in Section 1280.01 and other relevant provisions of the Zoning Code.

1281.11 CHANGES IN APPROVED PUD.

(a) Changes in the location site or character of the building and structures may be authorized by the Planning Commission, if required by engineering or other circumstances not foreseen at the time the final development plan was approved.

(b) Changes which cause a change in the use, character, or intent of the development, an increase in the intensity of use, changes in the overall coverage of the structures, or problems of traffic circulation, utility services, or similar services, or a reduction in the approved open space, off-street parking and loading space, or pavement width requirements may be authorized by the Planning Commission following a public hearing. The public hearing notice shall be published not less than 15 days prior to the public hearing, in accordance with Section 1280.02(c).

(c) Changes which are approved must be made and recorded in accordance with the procedures established for the recording of the initial final development plan.

Chapter 1282 Open Space Preservation

1282.01 INTENT.

It is the intent of this article to offer an open space preservation option to developers as authorized by Act 179 of 2001 for the purpose of:

- (a) Assuring the permanent preservation of open space, agricultural lands, and other natural resources;
- (b) Allowing innovation and greater flexibility in the design of residential developments;
- (c) Encouraging a less sprawling form of development, thus preserving open space.

For the purpose of this article the term “open space” shall refer to a natural state preserving natural resources, natural features, or scenic or wooded conditions; agriculture use; or a similar use or condition.

1282.02 ELIGIBILITY CRITERIA.

To be eligible for open space preservation consideration, the applicant must present a proposal for residential development that meets each of the following:

- (a) Minimum Project Size. The minimum size of an open space preservation development shall be five (5) acres of contiguous land.
- (b) Unified Control. The proposed development shall be under single ownership or control, such that there is a single person or entity having proprietary responsibility for the full completion of the project. The applicant shall provide sufficient documentation of ownership or control in the form of agreements, contracts, covenants, and/or deed restrictions that indicate that the development will be completed in its entirety as proposed.
- (c) Guarantee of Open Space. The applicant shall guarantee to the satisfaction of the Planning Commission that all open space portions of the development will be maintained in the manner approved. Documentation shall be presented that binds all successors and future owners in fee title to commitments set forth in the applicant’s proposal. This provision shall not prohibit a transfer of ownership or control, provided notice of such transfer is provided to the City and the land uses continue as approved in the open space preservation site plan.

1282.03 PROJECT DESIGN STANDARDS.

A proposed open space preservation project shall comply with the following project design standards:

- (a) The open space preservation option is applicable only in the Rural Residential district and restricted to residential development.
- (b) Unless specifically waived or modified by the Planning Commission, and excepting the

minimum lot area, all Zoning Ordinance dimensional requirements for the underlying zoning district and other City regulations shall remain in full force.

(c) The developer shall maintain a minimum of twenty percent of the gross area of the site as dedicated open space. Land dedicated for open space does not include a golf course, street rights-of-ways, unbuildable land areas, or submerged land areas but may include a recreational trail, picnic area, children's play area, greenway or linear park. The dedicated open space may be, but is not required to be, dedicated to the use of the public.

(d) The number of dwelling units allowable within an open space preservation project shall be determined in the following manner: The applicant shall prepare and present to the Planning Commission a design of the area that is consistent with the existing City zoning requirements. The Planning Commission shall review the design and determine the number of lots that could be feasibly constructed on the property. This number, as determined by the Planning Commission, shall be the maximum number of dwelling units allowable for the open space preservation project.

(e) To encourage flexibility and creativity consistent with the open space preservation concept, the Planning Commission may grant specific departures from the requirements of the Zoning Ordinance for yard, lot, and bulk standards as a part of the approval process. Any regulatory modification approved by the Planning Commission shall result in a higher quality of development than would be possible using conventional zoning standards. The regulatory modifications are not subject to variance approval of the Zoning Board of Appeals. No part of an open space preservation site plan may be appealed to the Zoning Board of Appeals.

(f) The dedicated open space shall be set aside by the developer through an irrevocable conveyance that is found acceptable to the Planning Commission, such as:

1. recorded deed restrictions in perpetuity,
2. covenants that run perpetually with the land, or
3. a conservation easement established per the State of Michigan Conservation and Historic Preservation Act, Public Act 197 of 1980, as amended (M.C.L. 399.251).
4. deeded property to the city

(g) Such conveyance shall assure that the open space "will be protected from all forms of development and shall never be changed to another use." Such conveyance shall:

1. Indicate the proposed allowable use(s) of the dedicated open space.
2. Require that the dedicated open space be maintained by parties who have an ownership interest in the open space.
3. Provide standards for scheduled maintenance of the open space.
4. Provide for maintenance to be undertaken by the City of Negaunee in the event that the dedicated open space is inadequately maintained, or is determined by the City to be a public nuisance, with the assessment of costs upon the property owners of the development.

(h) The dedicated open space shall forever remain open space, subject only to uses set forth on the approved site plan. Further subdivision of open space land or its use for other than recreation

or conservation shall be strictly prohibited.

(i) Accessory structures related to a recreation or conservation use may be erected within the dedicated open space, subject to the approved open space preservation site plan. These accessory structures shall not exceed, in the aggregate, one percent (1%) of the total required open space area.

(j) Direct access onto a public road shall be required for all developments receiving approval under the open space preservation option.

(k) The developer shall be responsible for construction of roads providing access into and circulation within the new development.

(l) The development shall be designed to promote the preservation of natural features. If animal or plant habitats of significant value exist on the site, the Planning Commission, as a condition of approval, may require that the open space preservation site plan preserve these areas in a natural state and adequately protect them as nature preserves or limited access areas.

1282.04 PROJECT STANDARDS.

In considering any application for approval of an open space preservation site plan, the Planning Commission shall make the determinations on the basis of the standards for site plan approval set forth in Chapter 1283 Site Plan Review as well as the following standards and requirements:

(a) Compliance with the project design standards in Section 1246 and Section 1248.

(b) The open space preservation project shall be designed to minimize the impact of traffic generated by the proposed development on surrounding uses.

(c) The proposed open space preservation project shall be protective of the natural environment.

(d) Compliance with all applicable federal, state, and local regulations.

1282.05 APPLICATION AND APPROVAL PROCESS.

(a) The application for approval of an open space preservation proposal shall be in accordance with procedures for consideration of a special use permit. The required materials and fees shall be submitted to the Zoning Administrator.

(b) Approval of an open space preservation proposal shall be upon issuance of a special use permit following a public hearing. All improvements and uses of the site shall conform with the approved open space preservation site plan and comply fully with any conditions imposed by the Planning Commission.

(c) The applicant shall record an affidavit with the register of deeds containing the full legal description of the project site specifying the date of final City approval, and declaring that all improvements will be carried out in accordance with the approved open space preservation site plan unless an amendment is adopted by the Planning Commission. In addition, all deed

restrictions and easements shall be duly filed with the register of deeds of the County and copies of recorded documents presented to the city.

(d) Following final approval of the open space preservation site plan by the Planning Commission, a zoning compliance permit may be obtained. It shall be the responsibility of the applicant to obtain all other applicable, city, county, state or federal permits.

(e) If construction has not commenced within twenty-four months of final approval, all City approvals become null and void. The applicant may make written application to the Planning Commission for an extension, not to exceed twelve months. A maximum of two extensions may be allowed.

(f) The Planning Commission may require that a performance guarantee be deposited with the City Treasurer to insure completion of improvements.

1282.06 REVISION OF APPROVED PLANS.

Minor changes to an approved open space preservation site plan may be permitted by the Planning Commission following normal site plan review procedures outlined in Chapter 1283, subject to the finding of all of the following:

(a) Such changes will not adversely affect the initial basis for granting approval;

(b) Such minor changes will not adversely affect the overall open space in light of the intent and purpose of such development as set forth in this Article; and

(c) Such changes shall not result in the reduction of open space area as required herein.

(d) Changes which are a substantial departure from the approved site plan or alter the character or intent of the development will require the resubmission of the proposal to the Planning Commission for a public hearing.

Chapter 1283 Site Plan Review

1283.01 INTENT.

It is the purpose of this chapter to require site plan review and approval for all buildings, structures and uses, because they can be expected to have a significant impact on natural resources, traffic patterns, adjacent parcels and the character of future development. The regulations contained herein are intended to provide and promote the orderly development of the City; safe and convenient traffic movement, both within a site and in relation to access streets; the stability of land values and investments, by preventing the erection of structures, additions or alterations thereto without proper attention to setting, aesthetic considerations, or to unsightly or undesirable appearances; harmonious relationship to buildings, other structures and uses, both within a site and/or adjacent sites; the conservation of natural amenities and resources; and to otherwise protect the general safety, health and welfare of the City.

1283.02 SITE PLAN REQUIRED.

(a) A site plan shall be required and shall accompany the applications for Zoning Compliance Permits for:

1. Any proposed construction.
2. Any commencement of a new use.
3. Any proposed change in use.
4. Special Land Use Permit.
5. Variances.
6. Any other request for zoning status where the Zoning Administrator determines a site plan is necessary for accurate review or documentation of the existing development.
7. When required by other city ordinances.

(b) For site plans pursuant to §1283.04, ten copies of the site plan shall be provided to the Zoning Administrator. For site plans pursuant to §1283.03, one copy of the site plan shall be provided to the Zoning Administrator.

1283.03 SITE PLANS FOR SINGLE AND TWO-FAMILY DWELLINGS AND RESIDENTIAL ACCESSORY USES AND STRUCTURES.

(a) The site plan drawing for single and two-family dwellings and for their alterations, accessory uses and structures, as well as for applications involving expansion of no more than 5% of the square footage of an existing structure which does not involve a change in the use for said property, shall show the following information:

1. The legal description of the site and the property tax identification number.
2. All lot lines and dimensions of the lot.
3. All roads, easements, driveways, and parking areas.
4. All existing and proposed buildings, accessory buildings, and other structures shall be shown and labeled.
5. Proposed use of each building.
6. Distances between buildings and all lot lines.

7. Building dimensions.
8. Natural features affecting development (rock, water, etc.).
9. Well and septic locations.
10. A North arrow.

1283.04 SITE PLANS FOR USES OTHER THAN SINGLE- AND TWO-FAMILY DWELLINGS

(a) The site plan drawing for applications involving expansion of no more than 5% of the square footage of an existing structure which does not involve a change in the use for said property shall show the following information:

1. The legal description of the site and the property tax identification number.
2. All lot lines and dimensions of the lot.
3. All roads, easements, driveways, and parking areas.
4. All existing and proposed buildings, accessory buildings, and other structures shall be shown and labeled.
5. Proposed use of each building.
6. Distances between buildings and all lot lines.
7. Building dimensions.
8. Natural features affecting development (rock, water, etc.).
9. Well and septic locations.
10. A North arrow.

(b) Site plans meeting the following standards shall be required for all applications other than those prepared pursuant to Section 1283.03, including applications for Special Land Use Permits and for Variances.

1. A survey prepared by a licensed surveyor depicting the location of all lot lines, with survey markers erected on site. This requirement may be waived by the Planning Commission upon request by the applicant, in the event that the Planning Commission finds that the survey is unnecessary due to the configuration of the property and/or existing development.
2. A drawing to scale adequate to illustrate the proposed activity.
3. A legal description of the lot; the property tax identification number; the name, address and telephone number of the owner, developer and designer.
4. Date, North arrow, and scale.
5. The actual dimensions of the proposed developed area (as shown by a licensed surveyor, engineer, architect, or registered landscape architect, with the survey stakes visible) showing the relationship of the subject property to abutting properties.
6. The location of all existing and proposed structures, including signs, on the subject property and all existing structures on land immediately adjacent to the site within 10 feet of the site's parcel lines. The location of structures proposed for demolition.
7. The location of all existing and proposed drives and parking areas.
8. The location and right-of-way widths of all abutting streets, alleys, and private easements.

9. The location of proposed planting and screening, fencing, signs and advertising features.
10. The height and floor area of all proposed structures.
11. The size and location of all existing and proposed public and private utilities and required landscaping.
12. Any other information necessary to establish compliance with this Ordinance or any other applicable ordinances.
13. Location of all existing and proposed surface water impoundments and surface water drainage pattern. Indicate whether local, state or federal permits have been applied for.
14. The location and extent of all earth movement which is planned. Indicate if a sedimentation and erosion control permit has been applied for.
15. The location on the parcel that will be utilized for the on-site storage of snow and the resulting anticipated drainage pattern that will result from the melting snow.
16. The location of proposed lighting and the direction of the illumination.

1283.05 REVIEW PROCEDURES.

(a) Upon receipt of a site plan, the Zoning Administrator shall conduct a preliminary review to determine whether the site plan is in proper form and contains all of the information required by this Ordinance.

(b) The Zoning Administrator shall review and approve or deny site plans, or refer the site plan to the Planning Commission for further review under Section 1283.03 and 1283.04(a). Such review or referral shall be accomplished within ten working days.

(c) The Planning Commission shall review and take action on all site plans except those addressed in Section 1283.03 and 1283.04(a) unless referred by the Zoning Administrator.

(d) For site plans which are to be reviewed by the Planning Commission, the Zoning Administrator shall provide all site plan materials to the Planning Commission, along with his preliminary review of its compliance with the requirements in the applicable District under this Ordinance, for the next Planning Commission meeting, provided that the complete site plan is provided to the Zoning Administrator 10 days prior to the Planning Commission meeting.

(e) If a zoning permit has been denied and a Variance is requested by the applicant, the Zoning Board of Appeals shall review the site plans for zoning variances. The Zoning Administrator shall forward the site plan materials to the Zoning Board of Appeals for the meeting.

(f) The Zoning Administrator, Planning Commission, and Zoning Board of Appeals shall use the standards in 1283.06 in their review of site plans. For site plans pursuant to Section 1283.03 and 1283.04(a), the standards of Section 1283.06 shall be presumed to be satisfied if the site plan meets the requirements set forth under "Accessory Buildings and Uses" and/or "General Regulations" in Sections 1268, 1269 or 1270, as applicable. Any denial of a site plan shall be in writing and specify inadequacies or deficiencies in the site plan, and may indicate changes which would result in approval.

(g) The applicant may appeal any denial to the Zoning Board of Appeals, who shall use the standards contained in 1283.06 in their review. The review shall be limited to those materials submitted to the Planning Commission.

1283.06 STANDARDS FOR SITE PLAN APPROVAL.

(a) The proposed use shall conform to the uses permitted in that district.

(b) All elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and type of lot, the character of adjoining property and the type and size of buildings. The site development shall not impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.

(c) Special attention shall be given to proper site surface drainage so that removal of storm waters will not adversely affect neighboring properties.

(d) The site plan shall provide reasonable visual and auditory privacy for all dwelling units located therein or on adjoining properties. Fences, walks, barriers and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants.

(e) All buildings or groups of buildings shall be arranged to permit emergency vehicle access to each building.

(f) Every structure or dwelling shall have access to a public street, walkway or other area dedicated to common use. Attention must be given to assure that safe and efficient ingress and egress is provided and the placement of driveways will not be a traffic concern.

(g) All loading or unloading and outside storage areas at developments other than single- or two-family homes, including areas for storage of trash, which face or are visible from residential properties, abut a residential zone or public thoroughfares, shall be screened by a vertical fence consisting of adequate structural (fence) or plant materials no less than six feet in height.

(h) All outdoor lighting, whether for illuminating parking areas, buildings, signs and/or other structures shall be shielded, shaded, designed and/or directed away from all adjacent residential districts and uses; and further shall not glare upon or interfere with persons and vehicles using public streets. Whenever the parking plan is so laid out as to bring automobile headlights toward any residential land, an obscuring wall or fence four feet, six inches in height shall be provided along that side of the parking area. Flashing or intermittent lights shall not be permitted.

(i) Sufficient area shall be identified for the on-site storage of snow and anticipated drainage that will result from the melting snow.

(j) Sufficient off-street parking shall be provided for residents, customers and employees and all anticipated uses.

Chapter 1284 Nonconforming Uses

1284.01 ALTERATIONS.

A nonconforming use is one that is restricted to an area that was nonconforming at the time this Zoning Code was enacted or amended, subject to the following provisions:

- (a) No existing structure devoted to a use not permitted by this Zoning Code 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 except as otherwise provided herein.
- (b) Any nonconforming use may be extended throughout any part of a building which was manifestly arranged or designed for such use and which existed at the time of adoption or amendment of this Zoning Code, but no such use shall be extended to occupy any land outside such building.
- (c) If no structural alterations are made, any nonconforming use of a structure, or of a structure and premises may be changed to another nonconforming use provided that the Planning Commission, by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Planning Commission may require appropriate conditions and safeguards in accordance with the purpose and intent of this Zoning Code.
- (d) 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 applicable to the district in which such structure is located, and the nonconforming use may not thereafter be resumed.
- (e) When a nonconforming use of a structure, or of a structure and premises in combination, is discontinued or ceases to exist for twelve consecutive months, 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.
- (f) Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

1284.02 REPAIRS AND MAINTENANCE.

- (a) On any building devoted in whole or in part to any nonconforming use, work may be done in any period of twelve consecutive months in the nature of ordinary repair or replacement of nonbearing walls, fixtures, wiring or plumbing to an extent not to exceed fifty 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 Code shall not be increased. Nothing in this Zoning Code 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 the order of such official.

(b) In the event that a building has been destroyed by fire or other calamity, the building may maintain its nonconforming use status if the building is rebuilt on the same footprint as the destroyed building within 12 months of the date of the calamity.

Chapter 1285 Home Occupations

Home occupations may be conducted within a single or two-family dwelling unit in accordance with the following requirements:

- (a) There shall be no exterior display other than one nonilluminated nonprojecting sign, which shall not be more than two square feet in area and which shall be attached to the wall of the building;
- (b) Not more than one (1) person who is not a resident of the dwelling shall be involved in the home occupation;
- (c) A generally recognized retail store similar to those permitted in the Business Districts shall not be considered a home occupation;
- (d) Home occupations shall not require exterior alterations or involve construction features not customary in dwellings, or required use of mechanical or electrical equipment which shall create a nuisance to the adjacent neighborhood.
- (e) Off-street parking shall avoid conflicts with adjacent dwelling units and prevent congestion in the street. Home occupations shall not require a loading/unloading area.
- (f) Instruction in a fine art, craft or music shall be considered a home occupation.
- (g) Not more than one-fourth (1/4) of the living area of the dwelling unit and less than one-half (1/2) of the living area of the main floor shall be devoted to the home occupation. No part of an accessory structure, either attached or detached shall be used. In no instance shall one (1) or more home occupations in any single dwelling unit permanently occupy more than three hundred (300) square feet of the dwelling unit.
- (h) A home occupation shall not create a nuisance or endanger the health, safety, welfare, or enjoyment of any other person in the area, by reason of noise, traffic, safety hazards, dirt, dust, gas, vibration, glare, fumes, odor, unsanitary or unsightly conditions, fire hazards, or the like, involved in or resulting from such home occupation.
- (i) There shall be no outdoor storage of items supportive of the home occupation.
- (j) Walk-in retail trade shall be prohibited. All wholesale, jobbing or retail business shall be conducted entirely by mail, email or telephone.
- (k) All electrical motors and equipment used in the conduct of the home occupation shall be shielded so as not to cause radio or television interference for adjoining properties.

Chapter 1286 Supplementary Regulations

1286.01 RIGHT TO LIGHT.

(a) No person, firm or corporation shall build any structure in any single family, two family or rural residential zone in the City without complying with all of the provisions of this Zoning Code.

(b) No person, firm or corporation shall build or place any structure taller than the height set forth in the applicable zoning district, unless the structure comes within the exceptions set forth in subsection (c) hereof.

(c) An applicant must obtain approval from the Planning Commission for a building higher than the limitation set forth in subsection (b) hereof, where the applicant can show any one of the following conditions:

1. There is an existing principal residence building on an adjacent lot and the roof of the building will not be shaded by the building for more than one hour in any day at any time of the year, except one hour after sunrise and one hour before sunset.
2. There is an adjacent lot with no principal residence building and the proposed building will not shade any part of the lot on which the building is permitted by law and by applicable restrictions on the real estate, at a height of eighteen feet, for more than one hour in any day at any time of the year, except one hour after sunrise and one hour before sunset.
3. The adjacent lot is zoned for commercial or industrial purposes and is not in use for residential purposes.

(d) New subdivisions may be designed with innovative ways of preventing shading of residential buildings. Any design will be deemed to comply with the requirements of this chapter if that design results in no roof of any residence building being shaded for more than one hour in any day at any time of year, except one hour after sunrise and one hour before sunset.

1286.02 HEIGHT EXCEPTIONS.

Chimneys, cooling towers, elevators, windmills, penthouses, stacks, towers, shaft houses, tanks, monuments, cupolas and mechanical appurtenances pertaining to or necessary to a permitted use in the district in which they are located shall not be included in calculating the height of the principal structure.

1286.03 YARD AND COURT OBSTRUCTIONS.

Every part of a required yard or court shall be open from its lowest point to the sky unobstructed, except that open porches, fire escapes, open stairways and chimneys may be permitted where the same are so placed as not to obstruct light and ventilation.

1286.04 EXTERNAL WOOD AND SOLID FUEL BURNING BOILERS.

(a) It is the intent of this section to safeguard the health, comfort, living conditions, safety and welfare of the citizens by regulating the air pollution and fire hazards of outdoor wood, and solid fuel burning boilers.

(b) Stand alone wood and solid fuel fired heating/boiler systems shall conform to the following requirements:

1. Minimum setback of fifty (50) feet from all lot lines.
2. Minimum lot size of two acres.
3. Minimum chimney height of fifteen (15) feet, measured from grade to chimney top.
4. Associated wood or solid fuel storage and stove shall be located in rear of lot.
5. Installation and use shall be as per manufacturer's requirements, except as noted above.

1286.05 WIRELESS COMMUNICATIONS FACILITIES.

(a) It is the intent of this section to recognize that the City has a clear and identifiable interest in accommodating the communication needs of residents and businesses but also has an interest in regulating highly visible structures such as large, high communication towers. It is the City's interest, also, to induce, to the extent reasonable, cooperative use and collocation of such towers and their associated facilities and structures.

(b) Wireless Communication Facilities located by special Land Use Permit in the R-1, R-2, RR, B-1, B-2, I, M, and PA Districts are subject to the following qualifying conditions and/or regulations and to the considerations of section 1280:

1. The height of the wireless communication facility shall not exceed 175' from the ground to the highest point of the facility.
2. All sites must contain a minimum area sufficient to contain the wireless communication facility and all related accessory uses.
 - a. If the property is undeveloped or occupied by a non-residential use, it must have a minimum area of 2.5 acres.
 - b. If the property is occupied by a residential use, it must have a minimum area of 20 acres.
3. The site shall have legal documented access to a public road.
4. Any wireless communication tower must be set back from all property lines a distance equal to its height, unless engineering plans and specifications have been certified by a licensed mechanical, civil, professional engineer or architect, or other engineer licensed and competent in assessing the structural integrity of such towers, verifying a safe fall zone. All towers shall be certified by licensed engineer to verify that the structural design will meet federal standards to withstand wind speeds and icing under 100 year event conditions in the area.
5. Accessory structures shall not exceed a total of six hundred (600) square feet of gross building area.

6. No wireless communication facility shall be approved unless the applicant is able to establish in writing that any existing tower, structure, or facility is not available for co-utilization based upon technical inadequacy or lack of capacity, unreasonable or prohibitive cost, denial by owner or other practical impediment to use or access.
7. There shall not be displayed on the wireless communication facility advertising or identification of any kind intended to be visible from the ground or other structures, except as required for emergency purposes.
8. The wireless communication facility shall be maintained in a predominant color, coating, or material which matches the exterior surroundings. The predominant color scheme shall be designed to minimize off-site visibility of the structure.
9. All wireless communication facilities must comply with the standards of the Federal Aviation Administration, the Federal Communications Commission, the Airport Zoning Ordinance for Marquette County and all applicable State or Local codes.
10. Any wireless communication tower or antenna that is not operated for continuous period of 12 months shall be considered abandoned and the owner of such tower or antenna shall remove the same within 90 days of receiving an abandonment notification from the City. Failure to remove an abandoned tower or antenna within 90 days shall be grounds for the City to remove the tower or antenna at the owner's expense. The Planning Commission may require the applicant to post a bond in an amount equal to the reasonable cost of removal for the tower and/or antenna. If a bond is to be required, the Planning Commission shall include the requirement as a condition of approval.
11. Minimum spacing between wireless communication facilities containing one or more towers shall be one (1) mile in order to prevent a concentration of facilities in one area.
12. Wireless communication facilities shall not be artificially lighted unless required by the Federal Aviation Administration.
13. The base of any tower and any cable supports shall be fenced with a minimum six (6) foot high security fence and all fencing shall be screened with landscaping. Accessory structures shall match the construction characteristics of other existing buildings in the surrounding area.
14. All wireless communication facilities shall be inspected after being constructed and then once every three (3) years for compliance with all ordinance, structural and operational requirements and shall be certified as in compliance by a licensed mechanical, civil, professional engineer or architect, or other engineer licensed and competent in assessing the structural integrity of such towers, and said certification shall be submitted to the City.
15. The Planning Commission may require additional setback distances as part of a Special Land Use Permit approval or for towers located within 1000 feet of property zoned for residential use.

The above Ordinance shall be published as required by law, and shall be effective on the _____ day of _____, 2009.

Upon roll call,

Council members voting aye:

Council members voting nay:

Council members absent:

WHEREUPON, this Ordinance is declared passed and adopted on this _____ day of _____, 2009.

CITY OF NEGAUNEE

By: Paul Gravedoni, Its Mayor

Attest:

By: Judith K. Iwanski, Its Clerk

FIRST READING: June 9, 2011

SECOND READING: July 14, 2011

PUBLICATIONS: August 1st & August 2nd, 2011

EFFECTIVE: August 8, 2011

**AMENDMENT TO CODIFIED ORDINANCES OF
THE CITY OF NEGAUNEE, CHAPTER 1286 SUPPLEMENTARY REGULATIONS**

The City of Negaunee ORDAINS:

That Chapter 1286 **Supplementary Regulations** of the Codified Ordinances of Negaunee, Michigan, shall be, and the same hereby is, amended as follows:

REPEALER

Any ordinance, resolution, order or parts thereof in conflict with the provisions of this Amendment is, to the extent of such conflict, hereby repealed. This repeal shall be effective as of the effective date of the following Amendment.

AMENDMENT

Chapter **1286** of the Codified Ordinances of Negaunee, Michigan, shall be, and hereby is, amended to add the following sections:

1286.06 OFF STREET PARKING REQUIREMENTS

- A. Parking minimums may be adjusted by the Planning Commission if the requestor can show the minimum is not needed.
- B. Except in non-residential units in the B-1 District, there shall be provided off-street parking for motor vehicles, and the minimum number of parking spaces to be provided shall be as shown in the following list. Developments which include more than one use must provide the parking required for each use.

Use	Spaces Required
Adult Foster Care/Large Group Home	1 per employee (1 x maximum number of employees per shift) and 1 per 3 residents
Assisted Living Facility	1 per rentable unit plus 1 x the maximum number of employees per shift

Automobile Sales or Showrooms, New or Used	1.5 per employee
Banks and Financial Institutions	1 per 150 sq. ft. of floor area
Barber and Beauty Shop	2 plus 1.5 per chair
Bed and Breakfast Establishment	One space per room for transient guests in addition to spaces required for single family dwellings.
Bed and Breakfast Inn	One space per room for transient guests in addition to spaces required for single family dwellings.
Bowling alleys	5 per lane in addition to spaces required for restaurant facilities
Cultural Facility	1 per 1000 sq. ft. of floor area
Day Care Center	1 space per 5 children
Fuel Sales Establishment	1 per employee
Funeral Home	1 per 50 sq. ft. of floor area
Golf courses	4 per hole in addition to spaces required for restaurant or bar
Health Care Facilities, Outpatients	1 per 100 sq. ft. of floor area
Hotels	1.2 per room in addition to spaces required for restaurant
Indoor Recreation Facility	.35 times the seating capacity
Laundromats	.33 per machine
Mobile Home Park	2 per mobile home & 1 per 300 sq. ft. for offices
Nursing Home	1 per employee (1 x maximum number of employees per shift) and 1 per 3 residents
Public Buildings	.35 times the seating capacity
Recreation Facility	.35 times the seating capacity
Religious Institutions	.35 times the seating capacity
Residence, Single-Family	2 per dwelling unit
Residence, Multiple-Family	2 per dwelling unit
Restaurants With or Without Drive Through	1.2 per 100 sq. ft.. of floor area
Retail Sales Establishment – Furniture, Appliance, Carpet Sales	1 per 500 sq. ft. of floor area
Rooming House including Sororities, Fraternities, Dormitories	1 per resident
Taverns	1.2 per 100 sq. ft.. of floor area
Theaters	.35 times the seating capacity
Vehicle body shop	1 space per bay and 1 per employee
Vehicle Repair Garage	1 per employee, plus 2 per lift
Warehouses	1 per employee

For uses not specifically listed above, the requirements listed below are applicable

Use	Spaces Required
Office Building	1 per 300 sq. ft. of floor area
Other commercial and industrial uses	1 per employee
Retail Food Establishment	1 per 200 sq. ft. of floor area and outdoor sales space
Retail Sales Establishment	1 per 200 sq. ft. of floor area and outdoor sales space

C. With the exception of residential housing of 4 units or less, the following shall also apply:

1. Where calculation in accordance with the foregoing list results in requiring a fractional space, any fraction less than one-half shall be disregarded and any fraction of one half or more shall require one space.
2. Required off-street parking shall be provided on the lot to which it pertains. All spaces shall be provided adequate access by means of a maneuvering lane. Backing directly onto a street is prohibited.
3. The use of any required parking space for the storage of any motor vehicle for sale, or for any other purpose other than the parking of motor vehicles is prohibited.
4. All required parking spaces shall be clearly defined by use of a car wheel or bumper stops, and/or painted lines.
5. No off street parking shall be constructed or altered until approval has been issued by the Negaunee City Planning Commission under site plan review.
6. Handicap parking spaces shall be provided in accordance with the applicable building code and shall be provided in sufficient number.

D. For a use not specifically identified in this Ordinance, the off street parking facilities shall be in accordance with a use which the Zoning Administrator considers as similar in type.

E. The following minimum design standards shall be observed in laying out off-street parking facilities:

Parking Angle	Stall Width	Aisle Width	Parking Stall Length	Curb to Curb
0 to 15	9ft	12 ft	23 ft	30 ft
16 to 37	9ft	11 ft	19 ft	47 ft
38 to 57	9ft	13 ft	19 ft	54 ft
58 to 74	9ft	18 ft	19 ft	61 ft
75 to 90	9ft	24 ft	19 ft	63 ft

Note: Minimum aisle width is 24' for 2-way traffic.

F. REQUIRED OFF-STREET LOADING SPACES.

Loading spaces required under this section shall be at least 50 feet long and 12 feet wide. Every lot used for commercial or industrial purposes and having a building or buildings with a total floor area of at least 10,000 square feet and every lot used for office purposes on which there is a building or buildings having a total floor area of at least 20,000 square feet shall be provided with off-street loading space. An additional off-street loading space shall be required for every additional 20,000 square feet of floor area or fraction thereof.

WHEREUPON, this Ordinance is declared passed and adopted on this 14th day of July, 2011.

CITY OF NEGAUNEE


By: Michael Haines, Its Mayor

Attest:


By: Judith K. Iwanski, Its Clerk

First Reading: April 12, 2012
Second Reading: May 10, 2012
Publication Dates: May 18, 2012 & May 19, 2012
Effective Date: May 21, 2012

**AMENDMENT TO CODIFIED ORDINANCES OF
THE CITY OF NEGAUNEE, CHAPTER 1286 SUPPLEMENTARY REGULATIONS**

The City of Negaunee ORDAINS:

That Chapter 1286 of the Codified Ordinances of Negaunee, Michigan, shall be, and the same hereby is, amended as follows:

REPEALER

Any ordinance, resolution, order or parts thereof in conflict with the provisions of this Amendment is, to the extent of such conflict, hereby repealed. This repeal shall be effective as of the effective date of the following Amendment.

FENCES

1286.07 FENCES, WALLS AND HEDGES

Fences, walls and hedges are permitted in any zoning district provided that they comply with the following requirements and restrictions.

A. Definitions.

1. Fence. Any partition, structure, wall, retaining wall or gate erected as a dividing marker, barrier, or enclosure, including hedges, encircling either wholly or any portion of any area, or within or along the bounds of any portion of a lot or parcel.
2. Height. The distance from the grade to the top of the highest point of the fence at any given point along the fence.
3. Protective Measures Fence. A fence erected for the express purpose of protecting an enclosed area and the property therein, or a fence intended to deny access to a dangerous property or location.

- B. Any fence, wall or hedge must be completely contained inside the owner's property line, with a finished side facing the abutting property. Adjoining property owners may enter into an agreement, which may be recorded at the Register of Deeds, to place a fence on the lot line and provide an easement for fence maintenance.

- C. Fences or walls on all lots in all residential zoning districts which enclose property and/or are within a required side or rear yard, shall not exceed 8 feet in height, measured from the surface of the ground and shall not extend toward the front of the lot nearer than the front of the house or the minimum required front yard set-back, whichever is greater. Fences up to 4 feet in height may be erected from the front edge of the dwelling to within two feet of the sidewalk (or of the right-of-way line if there is no sidewalk), unless the fence is of chain-link, split-rail or other “see through” material, in which case it may be up to six feet in height. Fences, walls or hedges shall be placed so that they are contained at least five feet from the right-of-way line of an alley.
- D. No property owner shall allow a hedge, fence or other material to intrude into the public sidewalk space or over the lot line or into the street right-of-way, in the space from the ground to 8 feet above the ground, nor to block clear sight lines of vehicles on streets and driveways.
- E. Fences shall be constructed such that posts and framework are on the interior or fence owner’s side of the fence and so that the sheeting or face of the exterior, as seen from the adjoining properties or street, is the more presentable and attractive side of the fence.
- F. All fences shall be maintained in good condition, including, but not limited to paint, stain, repair of damaged portions, rusted metal, holes, loose components and sagging.
- G. Fences must be maintained so as not to endanger life or property. Any fence which through lack of repair, type of construction, or otherwise, imperils life or property, shall be deemed to be a nuisance.
- H. Requirements in this ordinance for fences, walls and hedges are not intended to restrict landscaping features that exist or may be planted as a part of the beautification of any premises provided such planting does not obstruct the vision of drivers on streets or driveways nor interfere with clear sight lines at corners or adjacent driveways and does not obstruct natural light and air on adjacent premises.
- I. Any violation of the provisions of this Ordinance is hereby declared to be a public nuisance which may be enjoined or abated and may subject the violator to civil damages, fines and penalties, including the costs of abatement, as provided in the City’s Nuisance Ordinance. The City specifically reserves the right to contract for the removal and clean-up of nuisance fencing, walls or hedges and to assess the cost thereof to the property owner. In the event that said cost remains unpaid for more than 30 days, it shall be spread upon the tax roll in the manner prescribed for utility arrears and the City shall have all other rights of collection allowed under Michigan law.

- J. All swimming pools shall be fenced in compliance with Michigan Building Codes.
- K. Fences containing barbed wire, concertina or similar wire, shall not be allowed in any district, except that barbed wire which is part of a protective measures fence approved pursuant to this ordinance will be allowed according to the conditions under which it is approved. Electrified fences may be allowed only in the Rural Residential District for the purpose of containing animals provided that proper signage is maintained.
- L. A protective measures fence shall not be allowable in residential districts and shall constitute a special use in all non-residential districts. A protective measures fence may only be constructed pursuant to a finding by the planning commission of a need for such fence. In approving such a fence, the Planning Commission shall determine that the definition of protective measure fence is met and there is no reasonable alternative to the erection of the fence. The owner of a protective measures fence may be granted permission to erect necessary and reasonable barriers along the uppermost edge of such fence including barbed wire. The applicant may appeal a denial or conditions of an approval by the Planning Commission to the Zoning Board of Appeals.

WHEREUPON, This Ordinance is declared passed and adopted on this 10th day of May, 2012

CITY OF NEGAUNEE

By: Michael Haines, Its Mayor

By: Judith Iwanski, Its Clerk

First Reading: January 9, 2014
Second Reading: February 13, 2014
Publication Dates: February 19th & 20th, 2014
Effective Date: February 24, 2014

**AMENDMENT TO CODIFIED ORDINANCES OF
THE CITY OF NEGAUNEE, CHAPTER 1286 SUPPLEMENTARY REGULATIONS**

The City of Negaunee ORDAINS:

That Chapter 1286 of the Codified Ordinances of Negaunee, Michigan, shall be, and the same hereby is, amended as follows:

REPEALER

Any ordinance, resolution, order or parts thereof in conflict with the provisions of this Amendment is, to the extent of such conflict, hereby repealed. This repeal shall be effective as of the effective date of the following Amendment.

SIGNS

1286.08 SIGNS, BANNERS, CANOPIES AND FLAGS.

No sign or part thereof may be constructed, erected, placed, altered or maintained within the City of Negaunee, except as specifically or by necessary implication, authorized by this ordinance.

A. Definitions.

1. Mansard Roof. A roof, or structure on a building imitating a roof, which is at an angle of 60 degrees or greater from the horizontal.
2. Plaque, Commemorative. An inscribed tablet of brass or other non-corrosive metal or stone, identifying a place of historical or cultural significance.
3. Residential Nameplate. A sign identifying a multiple family residential structure or identifying the occupants of one and two family structures.

Nothing in this ordinance shall be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular sign and this ordinance is hereby declared to be subject to subsequent amendment, change or modification as may be necessary to preserve or protect the public health, safety or welfare.

It shall be unlawful for any person to erect, relocate, or structurally alter or repair, any sign or other advertising structure within the City of Negaunee, as defined by this ordinance without first obtaining a zoning permit. All signs shall be subject to the Building Code, the City of Negaunee Zoning Ordinance, and all illuminated signs shall be subject to the provisions of the State Electrical Code. (See Section H for maintenance exceptions which do not require a zoning permit).

B. Permits Required.

1. A zoning permit shall be obtained from the Zoning Administrator prior to the issuance of a building permit.
2. Application for a zoning permit shall be made upon forms provided by the Zoning Administrator and shall contain or have attached the following information:
 - a) Name, address, telephone number and signature of the applicant (person or firm erecting the sign).
 - b) Name, address, telephone number and signature of the owner of the land on which the sign is to be erected.
 - c) A scale drawing showing the position of the sign in relation to nearby buildings, signs, structure, and lot lines. All dimensions are to be included.
 - d) A copy of the plans, specifications and method of construction and attachment to the building or in the ground.
 - e) Upon demand of the Zoning Administrator a copy of calculations showing the structure is designed for dead load and wind pressure as required by Michigan Building Code.
3. Such additional information as required by the Zoning Administrator to show full compliance with this and all other laws and ordinances of the City, including stamped drawings.
4. The Zoning Administrator shall review all applications for a zoning permit. No more than ten working days shall be required to review an application. Reasons for any denial shall be set forth in writing and shall include any changes which would make the plan acceptable. The applicant may appeal any denial to the Planning Commission, then Board of Appeals.

C. Exemptions.

Zoning permits shall not be required for the following signs provided that said signs meet all other requirements of this ordinance, including but not limited to those in Section F. Approval of the property owner is required prior to the erection of a sign. It is the responsibility of the party erecting the sign to determine if a building permit is required.

1. No more than one real estate sign per site, not to exceed an area of six (6) square feet in residential districts, thirty-two (32) square feet in all other districts, which advertise the sale, rental, lease of the premise upon which the sign is located. The sign shall be removed within five days of the sale or rental.
2. Political campaign signs may be erected up to forty-five (45) days before an election. There shall be no limit in the number of such signs on each site. Such signs shall be removed within 5 days after the election.

3. Residential nameplate not to exceed two (2) square feet in area.
4. Temporary signs identifying construction sites for which a building permit has been issued. One sign per premises shall be permitted not to exceed ten (10) square feet for single family and two family structures or sixty-four (64) square feet for all other structures. The sign shall be removed within 5 days after the occupancy of the structure. Temporary signs identifying home improvement activities for which no permit is required. One on premise sign per premises not to exceed six (6) square feet, which may be in place while the work is in progress. In no case shall such a sign be in place for more than 14 days.
5. Special decorative displays used for holidays, public demonstrations or promotion of civic welfare or charitable purposes, on which there is no commercial advertising.
6. Any sign or notice required by state or federal or local laws.
7. On premise signs of a non-advertising, non-identification nature designed exclusively to control access or use, to warn or to direct traffic or pedestrians shall be a maximum of 20 square feet.
8. Any number of official governmental unit flags may be located on any site. Only one corporate flag or pennant may be displayed. Support structures shall meet the requirements of either pole or projecting signs.
9. Commemorative plaques which are firmly attached to a structure.

D. Regulations applicable to all signs.

1. It shall be unlawful to place a sign or handbill on any property without the approval of the property owner. No signs or handbills shall be posted on any tree or utility pole.
2. No signs shall be located on any street or street corner which would obscure the vision of drivers using said streets, or conflict with traffic control signs or signals in any location. NO sign shall obstruct the vision of drivers at any driveway, parking lot or other route providing access to any land use.
3. No sign shall be illuminated by other than electrical means. All flood or spot lighting for illumination of signs shall be directed away from and shall be shielded from any residence. Illumination shall be so arranged as to not adversely affect driver visibility on adjacent thoroughfares.
4. No signs shall have blinking, fluttering lights, exposed bulbs or other illuminating devices which have a changing light intensity or brightness of color and will conform to MDOT and Federal Highway regulation.
5. Prior to the erection of a sign overhanging a public right-of-way, the person erecting such sign shall receive the approval of the proper governmental agency (city, county or state) having jurisdiction over such right-of-way.

6. No signs other than traffic control or directional signs erected by a unit of government shall be allowed on any right-of-way. Portable sidewalk signs shall be permitted when they meet the requirements of Section E.7 and 8 except on State Highway right-of-ways, including the Business Routes.

7. Any sign mounted on a roof shall be included within the overall height limitations; a mansard roof shall be considered a wall for the purpose of applying this regulation (See Section E also).

8. No signs in residential zoning districts may be closer to side or rear lot lines than specified in the minimum set-back requirements of the district in which they are located (See City of Negaunee Zoning Ordinances and Map)

9. Any portion of a sign may be of the changeable copy type provided that all changeable characters are securely attached to the face of the sign.

E. Regulations Based Upon Sign Type.

1. Pole Signs.

- a. It shall be unlawful to erect any portion of a pole sign to a height of greater than 30 feet above the level of the nearest street in the business districts. The maximum height for all other districts shall be 20 feet above the height of the nearest street.
- b. There shall be a minimum unobstructed distance of 10 feet between the bottom of any display area and the ground for any sign located at the right-of-way. For every 2.5 feet the sign is set back from the right-of-way, the base of the display area may be lowered by one foot.
- c. Pole signs in any business district that are within 100 feet of a residential district must be no greater than 20 feet above the height of the nearest street.

2. Ground Signs:

- a. No sign shall be located closer to a side lot line than the distance specific for side yards in that district by the Zoning Ordinance.
- b. No portion of a ground sign may exceed eight (8) feet in height.
- c. For every additional ten feet that a sign is set back from the required front yard, the height/width of the ground sign may be increased by 10%. This increase in sign size shall not apply to off premise signs.

4. Wall Signs.

- a. A wall sign shall not project more than 15 inches from the wall.

5. Projecting Signs.

- a. No portion of a projecting sign shall be less than eight feet above grade.
- b. The clear distance between a projecting sign and the wall to which it is attached may not be greater than two feet.

All projecting signs shall be designed, installed and erected in such a manner that there shall be no visible angle iron or wire support structures above the roof line or parapet.

- c. No sign may project over an alley or private driveway.
- d. No sign shall be located closer than 10 feet to any intersecting rights-of-ways.
- e. A projecting sign may not extend above the top of the wall on which it is attached by more than 6 feet, but in no case shall more than 20% of the sign area be above the top of the wall.

6. Canopy and Marquee Signs.

- a. Canopy and marquee signs shall be placed at least ten feet above the sidewalk and shall be at least two feet, measured horizontally from an established curb.
- b. Signs attached to the face of a marquee or canopy which are parallel to the flow of traffic shall meet the requirements of wall signs. Additionally, the sign may not project more than six inches from the face of the canopy and the sign may not exceed three feet in height.
- c. Signs attached to the sides of a marquee or canopy which are not parallel to the flow of traffic shall meet the requirements of projecting signs.
- d. Where signs are suspended under canopies or marquees, the following conditions shall apply:
 - I. Signs shall not be greater than six square feet.
 - II. There shall not be more than one such sign per business or office.
 - III. Signs shall be at least eight feet above the sidewalk and at least two feet measured horizontally from any established curb.

7. Sidewalk Signs.

- a. Sidewalk signs shall be permitted during the hours a business is open to the public and may only be placed on the street from dawn until dusk.
- b. The maximum height shall be four feet and the sign shall not occupy more than nine square feet of sidewalk. The sign shall be sturdy, stable and of heavy enough construction on its own to withstand typical winds without flipping over or sliding.

- c. Sidewalk signs shall not be illuminated by any means except natural light, building lights and existing street lights.
- d. At all times of the year, sidewalk signs shall be placed directly in front of the business and shall allow a minimum of 4 feet of unobstructed sidewalk for pedestrians. Sidewalk signs shall not be placed within 25 feet of an intersection, measured perpendicularly from the intersecting curb. During the winter months, the sidewalk shall be completely clear of snow prior to placement and sidewalk signs shall not be placed on snow banks.
- e. The owner of the sign and the owner of the site upon which it is located must assume all liability for damage and injury caused by the sign.
- f. Sidewalk signs shall be exempt from the total sign area calculation.
- g. There shall be one sidewalk sign allowed for each business.

8. Flexible Signs.

- a. Signs of fabric, thin plastic or other flexible material may be erected as pole, ground or wall signs provided that all requirements for those types of signs are met. No ropes or guy wires may be fastened so as to cause a hazard.
- b. Flexible signs shall be removed at the first evidence of wear or deterioration.

9. Standard Outdoor Advertising (Billboards)

Standard outdoor advertising structures are allowed only in areas zoned B2 and must conform to the following regulations:

- a. No standard outdoor advertising structure may be erected within 200 feet of any public park, recreation facility, lake, stream, school, church or residential lot located on the same side of the street.
- b. No standard outdoor advertising structure shall be located within 10 feet of any intersection.
- c. No standard outdoor advertising structure shall be closer than 300 feet to another off-premises sign.
- d. Standard outdoor advertising structures may have one or two faces. Said faces may be placed back to back if not more than 36 inches apart, or may be placed in a “V” with a maximum angle of 30 degrees and a maximum separation of 30 inches at the vertex.
- e. No standard outdoor advertising structures shall exceed 300 square feet in area or 30 feet in height.

F. Signs Permitted by Zoning District.

District designations shall be determined from the Official Zoning Map

1. Residential Districts:

- a. For each residential unit in a single family or general residential district, one name plate not exceeding two square feet shall be permitted.
- b. For all conditional uses in the R1, R2, and RR districts, except home occupations, group day care facilities, and non-conforming uses which are not residential there shall be permitted one ground sign and/or one wall sign not to exceed a combined area of 32 square feet. Day care centers in any district shall be permitted to erect a four square foot nameplate.
- c. Multiple Family Development: One sign not to exceed six (6) square feet for the purpose of identifying an office located on the site, plus:
 - I. One sign not exceeding two (2) square feet for each development containing four or fewer dwelling units.
 - II. For each development containing more than four (4) but fewer than 50 dwelling units, one sign not to exceed ten (10) square feet shall be permitted.
 - III. For each development containing fifty or more dwelling units, one sign not to exceed 20 square feet shall be permitted for each driveway providing access to the site. Said signs must be within 50 feet of the driveway and not be within 100 feet of another such sign on the same site.
- d. For each subdivision, signs advertising lots for sale may be erected and maintained until the lots are sold. The sign shall not be erected within 100 feet of an occupied residence.
 - I. One sign not exceeding 32 square feet in area shall be permitted for subdivisions with 20 or less lots.
 - II. One or two signs not to exceed 64 square feet total area shall be permitted for subdivisions with more than 20 lots.
- e. There shall be no off-premise signs.

2. Industrial and Business Districts.

- a. For establishments located in the Business and Industrial Districts, one square foot of sign shall be allowed per liner foot of site frontage.
- b. Only on-premise signs shall be permitted in the B1 districts. Signs in the B2 and Industrial districts may be on-premise or off-premise, but must meet all requirements of this ordinance.

- c. For each office structure containing more than one occupant office a directory sign containing the names of all offices may be located at each common public entrance to the structure. Said directory signs shall not be larger than two square feet for each establishment, with maximum size of 20 square feet for each directory.
- d. Not more than one pole or ground sign per 300 feet of site frontage with not more than three projecting signs and with no restrictions on the number of wall signs per site.

3. Natural Resources.

- a. Business uses in the Natural Resources districts shall meet the following sign requirements.
 - I. Height and area:
Pole signs – not to exceed 30 feet in height of 150 square feet in area.
Projecting signs – not to exceed 20 square feet in area.
Ground signs – not to exceed 150 square feet in area.
Wall signs – no size restrictions except as established in Section 13.2.A
 - II. In no case shall the area of all advertising signs on a site exceed one square foot of sign for each linear foot of site frontage.
 - III. Number: Not more than one pole, ground or projecting sign per site with no restrictions on the number of wall signs per site.
- b. Signs for residential uses shall meet the requirements for signs in the residential district (see Section F.1)
- c. For all non-business and non-residential uses in this district, the following shall be permitted per site:
 - I. Ground signs – not to exceed 20 square feet.
 - II. Pole signs – not to exceed 20 square feet.
 - III. Projecting signs - not to exceed 20 square feet.
 - IV. Wall signs – not to exceed 40 square feet.
- d. There shall be no off-premise signs.

4. Outdoor Athletic Facilities in all districts.

- a. Signs placed on the field or the facility where games are played are subject the following conditions.
 - I. Height and Area
 - i. Ground signs may not exceed eight (8) feet in height or thirty-six (36) square feet per sign.

- ii. Wall signs may not exceed eight (8) feet in height or thirty-six (36) square feet per sign.
 - iii. Pole signs are not permitted.
 - iv. Illuminated signs are not permitted.
- II. Only the side of the sign facing the playing field may contain advertising. The other side must be painted.

b. Scoreboards.

- I. Lighted scoreboards may be illuminated only during time of organized play. Said scoreboards may not exceed 200 square feet in size and may be no taller than 20 feet in height.

G. Non-conforming Signs and Abandoned Signs.

Non-conforming signs are those which do not comply with size, placement, construction, or other provisions or regulations of this ordinance which were lawfully established prior to the adoption of this ordinance.

1. The display face of a non-conforming sign may be modified as necessary to renew or update the message.
2. Non-conforming signs shall not be structurally altered so as to change the shape or size of the sign.
3. Abandoned, non-conforming signs shall be removed by the property owner within 30 days.
 - a. Any sign which pertains to an event, time or purpose which has occurred shall be deemed to have been abandoned 30 days after the event.
 - b. Any sign which is located on property which becomes vacant and unoccupied or is applicable to a business which has been temporarily suspended because of a change in ownership or management shall not be deemed abandoned unless the property remains vacant or the business remains inactive for a period of twelve months.
4. Changes or additions shall not be made to any signs on a site so as to increase their total non-conformity.

H. Maintenance.

Every sign shall be maintained in a safe structural condition at all times, including the replacement of defective parts and peeling, faded, or broken display faces and structural members.

I. Sign Removal.

1. The Zoning Administrator shall notify the property owner by first class mail describing the sign and specifying the violation involved.
2. The property owner shall remove said sign or request the issue to be heard by the Planning Commission within 15 days of mailing of the letter. An appeal stays all proceedings unless the official from whom the appeal is taken certifies to the Planning Commission that a stay would cause imminent peril to life or property.
3. If at the expiration of the time limit in said notice, the owner has not complied with the requirements thereof, or appealed the decision of the Zoning Administrator, the Zoning Administrator shall carry out the requirements of the notice. The costs of such abatement may be charged against the premises and the owner thereof in accordance with the provisions of Section 674.07 and 647.08 of the City Code.

J. Dangerous Signs.

In the case of a sign which presents imminent danger to life or property the sign owner, or if he cannot be reached, a responsible city official, may take immediate action as is necessary to remove the danger with the cost being borne by the owner.

K. Appeals.

The Board of Appeals as provided in the Zoning Ordinance shall constitute the Board of Appeals to pass on matters pertaining to the terms of this ordinance. The term of office, quorum, meetings, records and procedures shall be as specified in the Zoning Ordinance.

Council Members Present: Mayor LaCosse, Council Members Kangas, Haines, Menhennick, VanStraten, Schuhknecht and Visser

Council Member Absent: None

WHEREUPON, This Ordinance is declared passed and adopted on this 13th day of February 2014.

CITY OF NEGAUNEE

By: Keith LaCosse, Its Mayor

By: Judith Iwanski, Its Clerk