

City of Petersburg

ZONING
ORDINANCE

Monroe County,
Michigan

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December 17, 2007
May 2, 2016

CITY OF PETERSBURG ZONING ORDINANCE

TABLE OF CONTENTS

<u>ARTICLE NUMBER</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
<i>I</i>	<i>TITLE, PURPOSE AND LEGAL CLAUSES</i>	
	Section 1.01 - Title	1-1
	Section 1.02 - Legal Basis and Repeal of Prior Ordinance	1-1
	Section 1.03 - Purposes	1-1
	Section 1.04 - Validity and Severability Clause	1-3
	Section 1.05 - Conflict With Other Laws	1-3
	Section 1.06 - Effective Date	1-3
<i>II</i>	<i>DEFINITIONS</i>	
	Section 2.01 - Interpretation	2-1
	Section 2.02 - Definitions	2-1
<i>III</i>	<i>GENERAL PROVISIONS</i>	
	Section 3.01 - Establishment of Districts	3-1
	Section 3.02 - Official Zoning Map	3-1
	Section 3.03 - Number of Residences on a Lot	3-3
	Section 3.04 - Non-Conforming Uses	3-3
	Section 3.05 - Temporary Structures	3-7
	Section 3.06 - Completion of Construction	3-8
	Section 3.07 - Conditional Use	3-9
	Section 3.08 - Essential Services	3-9
	Section 3.09 - Visibility at Intersections	3-9
	Section 3.10 - Home Occupation	3-10
	Section 3.11 - Transient and Amusement Enterprises	3-11
	Section 3.12 - Access to Streets	3-11
	Section 3.13 - Zoning Board	3-12
	Section 3.14 - Accessory Buildings	3-12
	Section 3.15 - Fences, Plantings and Other Screening Structures	3-13
<i>IV</i>	<i>R-1, SINGLE-FAMILY RESIDENTIAL DISTRICT</i>	
	Statement of Purpose	4-1
	Section 4.01 - Principal Uses Permitted	4-1
	Section 4.02 - Uses Permitted on Special Approval	4-2
	Section 4.03 - Site Plan Review	4-5
	Section 4.04 - Area and Bulk Requirements	4-5
	Section 4.05 - Flood Hazard Overlay Zone Regulations	4-5
<i>V</i>	<i>R-2, MEDIUM DENSITY RESIDENTIAL DISTRICT</i>	
	Statement of Purpose	5-1
	Section 5.01 - Principal Uses Permitted	5-1
	Section 5.02 - Uses Permitted on Special Approval	5-2
	Section 5.03 - Site Plan Review	5-4
	Section 5.04 - Area and Bulk Requirements	5-4
	Section 5.05 - Flood Hazard Overlay Zone Regulations	5-6

<u>ARTICLE NUMBER</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
VI	<i>C-1, COMMERCIAL DISTRICT</i>	
	Statement of Purpose	6-1
	Section 6.01 - Principal Uses Permitted	6-1
	Section 6.02 - Uses Permitted on Special Approval	6-3
	Section 6.03 - Site Plan Review	6-4
	Section 6.04 - Area and Bulk Requirements	6-4
	Section 6.05 - Flood Hazard Overlay Zone Regulations	6-4
VII	<i>I-1, LIGHT INDUSTRIAL DISTRICT</i>	
	Statement of Purpose	7-1
	Section 7.01 - Principal Uses Permitted	7-1
	Section 7.02 - Uses Permitted on Special Approval	7-2
	Section 7.03 - Performance Standards	7-2
	Section 7.04 - Site Plan Review	7-2
	Section 7.05 - Area and Bulk Requirements	7-3
	Section 7.06 - Flood Hazard Overlay Zone Regulations	7-3
VIII	<i>PUD, PLANNED UNIT DEVELOPMENT DISTRICT</i>	
	Statement of Purpose	8-1
	Section 8.01 - Planned Unit Development Provisions	8-1
	Section 8.02 - Review and Approval Procedures	8-4
	Section 8.03 - Preliminary Development Plan Review	8-5
	Section 8.04 - Approval Procedures for Preliminary Development Plan	8-6
	Section 8.05 - Final Plan Review	8-7
	Section 8.06 - Approval Procedures for Final Plan	8-8
	Section 8.07 - Other Provisions	8-9
VIIIA	<i>RPUD, RESIDENTIAL PLANNED UNIT DEVELOPMENT DISTRICT</i>	
	Statement of Purpose	8A-1
	Section 8A.01 - Residential Planned Unit Development Provisions	8A-1
	Section 8A.02 - Review and Approval Procedures	8A-4
	Section 8A.03 - Preliminary Development Plan Review	8A-5
	Section 8A.04 - Final Site Plan Review and Approval	8A-8
	Section 8A.05 - Other Provisions	8A-10
IX	<i>SCHEDULE OF REGULATIONS</i>	
	Schedule	9-1
	Footnotes for Schedule of Regulations	9-2
X	<i>STANDARDS FOR SPECIAL APPROVAL USES</i>	
	Statement of Purpose	10-1
	Section 10.01 - Special Approval Procedures	10-1
	Section 10.02 - Special Approval Standards	10-2

<u>ARTICLE NUMBER</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
<i>XI</i>	<i>SITE PLAN REVIEW</i>	
	State of Purpose	11-1
	Section 11.01 - Buildings, Structures, and Uses Requiring Site Plan Review.....	11-1
	Section 11.02 - Site Plan Criteria.....	11-2
	Section 11.03 - Submittal.....	11-3
	Section 11.04 - Review Process	11-3
<i>XII</i>	<i>SUPPLEMENTARY DISTRICT REGULATIONS</i>	
	Section 12.01 - Storage of Materials.....	12-1
	Section 12.02 - Preservation of Environmental Quality.....	12-1
	Section 12.03 - Transition Strip.....	12-2
	Section 12.04 - Automobile Service and Repair Stations.....	12-2
	Section 12.05 - Junk Yard.....	12-3
	Section 12.06 - Commercial Kennels.....	12-5
	Section 12.07 - Storage of Recreational Equipment	12-6
	Section 12.08 - Flood Hazard Overlay Zone Regulations	12-6
	Section 12.09 - Mobile Home Regulations.....	12-11
	Section 12.10 - Swimming Pools, Private.....	12-20
	Section 12.11 - Private Recreation.....	12-21
	Section 12.12 - Performance Standards.....	12-21
	Section 12.13 - Recreation, Scenic or Retention Ponds.....	12-23
	Section 12.14 - Wireless Communication Facilities.....	12-24
	Section 12.15 - Private Wind Energy Conversion System.....	12-34
	Section 12.16 - Solar Energy Systems.....	12-35
<i>XIII</i>	<i>OFF-STREET PARKING AND LOADING REGULATIONS</i>	
	Section 13.01 - General Provisions for Off-Street Parking	13-1
	Section 13.02 - Specifications for Parking Areas.....	13-2
	Section 13.03 - Rules for Calculating Require Number of Parking Spaces	13-4
	Section 13.04 - Schedule of Off-Street Parking Requirements	13-5
	Section 13.05 - General Provisions for Off-Street Loading Facilities	13-7
	Section 13.06 - Specifications for Loading Facilities	13-8
	Section 13.07 - Schedule of Off-Street Loading Requirements.....	13-8
<i>XIV</i>	<i>SIGN REGULATIONS</i>	
	Statement of Purpose	14-1
	Section 14.01 - General Prohibitions.....	14-1
	Section 14.02 - Special Requirements by Type of Sign.....	14-3
	Section 14.03 - Permit Requirements.....	14-10
	Section 14.04 - Sign Erector Registration.....	14-12
	Section 14.05 - Unsafe and Unlawful Signs.....	14-12
	Section 14.06 - Constructional Requirements for Signs	14-12

ARTICLE I

TITLE, PURPOSES AND LEGAL CLAUSES

SECTION 1.01 TITLE

This Ordinance shall be known and may be cited as "The Zoning Ordinance of the City of Petersburg".

SECTION 1.02 LEGAL BASIS & REPEAL OF PRIOR ORDINANCE

This Ordinance was initially enacted pursuant to the City and Village Zoning Act, P.A. 207 of 1921, as amended, being, MCL 125.581 *et seq.* The continued administration of this Ordinance, amendments to this Ordinance, and all other matters concerning the operation of this Ordinance shall be governed by and done pursuant to the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended, being, MCL 125.3101 *et seq.*

The City of Petersburg Ordinance #81, adopted on May 29, 1994, and all amendments thereto, are hereby repealed effective coincident with the effective date of this Ordinance.

SECTION 1.03 PURPOSES

This Ordinance has been established for the purposes of:

1. Promoting and protecting the public health, safety, and general welfare.
2. Protecting the character and the stability of the recreational, residential, and commercial areas within the City of Petersburg and promoting the orderly and beneficial development of all areas.
3. Providing adequate light, air, privacy, and convenience of access to property.
4. Regulating the intensity of use of land and lot areas and determining the area of open spaces surrounding buildings and structures necessary to provide adequate light and air and to protect the public health.
5. Lessening and avoiding congestion in the public highways and streets.
6. Providing for the needs of recreation, residence, and commerce in future growth.

7. Promoting healthful surroundings for family life in residential areas.
8. Meeting the needs of residents of the City and surrounding areas for food, fiber, energy, and other natural resources, places of residence, recreation, industry, trade, service and other uses of land.
9. Facilitating adequate and efficient provision for transportation systems, sewage disposal, water, energy, education, recreation, and other public service and facility needs.
10. Fixing reasonable standards to which buildings and structures shall conform.
11. Prohibiting uses, buildings, or structures permitted within specified zoning districts.
12. Preventing such additions to or alterations or remodeling of existing buildings or structures in such a way as to avoid the regulations and limitations imposed hereunder.
13. Protecting against fire, explosion, noxious fumes and odors, heat, dust, smoke, glare, noise, vibration radioactivity, and other nuisances and hazards in the interest of the public health, safety, and general welfare.
14. Preventing the inappropriate overcrowding of land, the congestion of population, and undue concentration of buildings, structures, transportation systems, and other public facilities so far as possible and appropriate in each zoning district by regulating the use and bulk of buildings in relation to the land surrounding them.
15. Conserving the taxable value of land, buildings, and structures throughout the City.
16. Providing for the completion, restoration, reconstruction, extension, or substitution of nonconforming uses.
17. Creating a Board of Appeals and defining the powers and duties thereof.
18. Designating and defining the powers and duties of the official or officials in charge of the administration and enforcement of this Ordinance.
19. Providing for the payment of fees for zoning permits.
20. Providing penalties for the violation of this Ordinance.

SECTION 1.04 VALIDITY AND SEVERABILITY CLAUSE

If any court of competent jurisdiction shall declare any part of this Ordinance to be invalid, such ruling shall not affect any other provisions of this Ordinance not specifically included in said ruling.

If any court of competent jurisdiction shall declare invalid the application of any provision of this Ordinance to a particular land, parcel, lot, district, use, building, or structure, such ruling shall not affect the application of said provision to any particular land, parcel, lot district, use, building, or structure not specifically included in said ruling.

SECTION 1.05 CONFLICT WITH OTHER LAWS

1. Where any condition imposed by any provision of this Ordinance upon the use of any lot, building, or structure is either more restrictive or less restrictive than any comparable condition imposed by any other provision of this Ordinance or by the provision of any ordinance adopted under any other law, the provision which is more restrictive or which imposes a higher standard or requirement shall govern.
2. This Ordinance is not intended to abrogate or annul any easement, covenant, or other private agreement provided that where any provision of this Ordinance is more restrictive or imposes a higher standard or requirement that such easement, covenant, or other private agreement, the provision of this Ordinance shall govern.

SECTION 1.06 EFFECTIVE DATE

This Ordinance was adopted by the Petersburg City Council, Monroe County, Michigan, at a meeting held on the **(new meeting date to be inserted)**17th day of December, 2007, and shall be effective as of the **(new effective date to be inserted)**14th day of February, 2008.

ARTICLE II

DEFINITIONS

SECTION 2.01 INTERPRETATION

For the purpose of this Ordinance, certain terms, words, and phrases shall, whenever used in this Ordinance, having the meaning herewith defined as follows:

All words used in the present tense shall include the future; all words in the singular number include the plural number and all words in the plural number include the singular number; and the word "building" includes the word "structure", and "dwelling" includes "residence", and the word "person" includes "corporation", "co-partnership", "association", as well as an "individual", the word "shall" is mandatory and not directory.

Terms not herein defined shall have the meaning customarily assigned to them.

SECTION 2.02 DEFINITIONS

Accessory Building: A subordinate building, the use of which is clearly incidental to that of the main building or the use of the land.

Accessory Use: Is a subordinate to the main use on a lot and used for purposes clearly incidental to those of the main use (*also see Home Occupation*).

Adult Day-Care Facility:

- (1) *Adult Family Day-Care Home.* A private home in which six (6) or less adults eighteen (18) years of age or older, receive care for periods of less than twenty-four (24) hours a day. It includes facilities for adults who are aged, mentally ill, developmentally disabled, or physically handicapped that require supervision on an ongoing basis. An adult day-care home does not include alcohol or substance abuse rehabilitation centers, residential centers for persons released from or assigned to a correctional facility, or any other facilities which do not meet the definition of adult day-care center.
- (2) *Adult Group Day-Care Home.* A private home in which more than six (6) but not more than twelve (12) adults eighteen (18) years of age or older, receive care for periods of less than twenty-four (24) hours per day. It includes facilities for adults who are aged, mentally ill, developmentally

disabled, or physically handicapped that require supervision on an ongoing basis. An adult day-care home does not include alcohol or substance abuse rehabilitation centers, residential centers for persons released from or assigned to a correctional facility, or any other facilities which do not meet the definition of adult day care center.

- (3) *Adult Day-Care Center.* A facility, other than a private residence, receiving one (1) or more persons, eighteen (18) years of age or older, for care for periods of less than twenty-four (24) hours per day. It includes facilities for adults who are aged, mentally ill, developmentally disabled, or physically handicapped that require supervision on an ongoing basis. An adult day-care center does not include alcohol or substance abuse rehabilitation centers, residential centers for persons released from or assigned to a correctional facility, or any other facilities which do not meet the definition of adult day-care center.

Adult Foster Care Facility: A state licensed establishment that provides foster care to adults. It includes facilities and foster care homes for adults who are aged, mentally ill, developmentally disabled, or physically handicapped who require supervision on an ongoing basis but who do not require continuous nursing care. An adult foster care facility does not include convalescent or nursing homes, homes for the aged, hospitals, alcohol or substance abuse rehabilitation center, residential centers for persons released from or assigned to a correctional facility, or any other facilities which have been exempted for the definition of adult foster care facility by the Adult Foster Care Facility Licensing Act, MCL 400.701 et seq.; MSA 16.610(61) et seq.; as amended. The following additional definitions shall apply in the application of this Ordinance:

- (1) *Adult Foster Care Family Home.* A private residence with the approved capacity to receive six (6) or fewer adults to be provided supervision, personal care, and protection in addition to room and board, twenty-four (24) hours per day, five (5) or more days per week and for two (2) or more consecutive weeks. The adult foster care family home licensee must be a member of the household and an occupant of the residence.
- (2) *Adult Foster Care Small Group Home.* An owner-occupied facility with the approved capacity to receive twelve (12) or fewer adults who are provided supervision, personal care, and protection in addition to room and board, for twenty-four (24) hours per day, five (5) or more days per week, and for two (2) or more consecutive weeks.
- (3) *Adult Foster Care Large Group Home.* A facility with approved capacity to receive at least thirteen (13) but not more than twenty (20) adults to be provided supervision, personal care, and protection in addition to room and board, twenty-four (24) hours per day, five (5) or more days per week, and for two (2) or more consecutive weeks.

- (4) *Adult Foster Care Congregate Facility.*—An adult foster care facility with the approved capacity to receive more than twenty (20) adults to be provided with foster care.

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

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

Apartment: A residential structure containing three (3) or more attached, one (1) family dwellings.

Apartment Efficiency: A dwelling unit, containing not over three hundred (300) square feet of floor area and consisting of not more than one (1) room in addition to kitchen and necessary sanitary facilities.

Apartment House: A residential structure containing three (3) or more attached dwelling units, which generally share common front and rear entrances.

Ashes: Means the residue from the burning of wood, coal, coke, or other combustible materials.

Automobile Service Station: Building and premises where gasoline, oil, grease, batteries, tires, car washing, and automobile accessories are dispensed at retail cost and minor maintenance services may be provided. Uses permitted at an automobile service station do not include major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles not in operating condition, or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in automobile service stations. An automobile service station is not a repair garage or body shop.

Automobile Wash Station: A building, or portion thereof, the primary purpose of which is that of washing and cleaning motor vehicles.

Basement: That portion of a building which is partly or wholly below grade but so located that the vertical distance from the grade to the floor is greater than the vertical distance from the grade to the ceiling. A basement will not be counted as a story, except in the instance of a split-level dwelling unit.

Bedroom: A room furnished with a bed and intended primarily for sleeping.

Billboard: See definition of *Sign, Outdoor Advertising*, herein.

Block: The property abutting one side of a street and lying between the two nearest intersecting streets, or between the nearest such street and railroad right-of-way, unsubdivided acreage, barrier to the continuity of development.

Board of Zoning Appeals: The words "Board of Appeals", or "Board" shall mean the Board of Zoning Appeals for the City of Petersburg.

Buildable Area: The buildable area of a lot is the space remaining after the minimum open space requirements of the Ordinance have been complied with.

Building: Any structure, either temporary or permanent, having a roof, and used or built for the shelter or enclosure of persons, animals, chattels, or property of any kind. This shall include tents, awnings, or vehicles situated on private property and used for purposes of a building.

Building Height: The vertical distance measured from the established grade to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and ridge for gable, hip and gambrel roofs. Where a building is located on a terrace, the height may be measured from the average ground level of the terrace at the building wall.

Building Inspector: This term shall refer to the Building Inspector of the City of Petersburg, or his authorized representative.

Building Line: A line formed by the face of the building and for the purposes of this Ordinance, a building line is the same as front setback line.

Building, Main or Principal: A building in which is conducted the principal use of the lot on which it is situated.

Buildings, Municipal: Structures relating to the internal affairs of a political unit of self-government and including, but not limited to, such buildings as fire stations, city halls, and libraries.

Building Permit: A building permit is the written authority issued by the Building Inspector of the City of Petersburg permitting the construction, removal, repair, moving, alteration, or use of a building in conformity with the provisions of this Ordinance.

Child Day-Care Facilities: The following definitions shall apply in the construction and application of this Ordinance:

- (1) *Child Family Day-Care Home.* A private residence in which one (1) but not more than six (6) minor children are received for care and supervision for periods less than twenty-four (24) hours per day unattended by a parent or legal guardian, excepting children related to an adult member of the family by blood, marriage, or adoption. It

includes a home that gives care to an unrelated child for more than four (4) weeks in a calendar year.

- (2) *Child Group Day-Care Home.* A private residence in which seven (7) but not more than twelve (12) children are received for care and supervision for periods less than twenty-four (24) hours per day unattended by a parent or legal guardian, excepting children related to an adult member of the family by blood, marriage, or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks in a calendar year.
- (3) *Child Day-Care Center.* A facility, other than a private residence, receiving more than one (1) or more children for care and supervision for periods less than twenty-four (24) hours, and where the parents or guardians are not immediately available to the child.

Child Foster Family Facilities: Means the following:

- (1) *Child Foster Family Home.* A private home in which one (1) but not more than four (4) minor children, who are not related to an adult member of the household by blood, marriage, or who are not placed in the household pursuant to the adoption code, Chapter X of Act No. 288 of the Public Acts of 1939, being section 710.21 to 710.70 of the Michigan Compiled Laws, are given care and supervision for twenty-four (24) hours per day, for four (4) or more days per week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.
- (2) *Child Foster Family Group Home.* A private home in which more than four (4) but fewer than seven (7) minor children, who are not related to an adult member of the household by blood, marriage, or who are not placed in the household pursuant to Chapter X of Act No. 288 of Public Acts of 1939, are provided care for twenty-four (24) hours per day, for four (4) or more days per week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.

City: This term shall mean the City of Petersburg, Michigan.

Clinic: An establishment where human patients who are not lodged overnight are admitted for examination and treatment by a group of physicians, dentists or similar professionals.

Club: An organization of persons for special purposes or for the promulgation of sports, arts, science, literature, politics, or the like, but not for profit.

Commercial Use: A commercial use related to the use of property in connection with the purchase, sale, barter, display, or exchange of goods, ware,

merchandise, or personal services or the maintenance of offices, or recreational or amusement enterprises.

Commission: This term, and the term "Planning Commission" shall mean the City of Petersburg Planning Commission.

Construction Facility: A structure situated on a construction site for a period of time not to exceed the duration of the construction project and to be used only as an office or headquarters and/or other related use, but not to be used as living quarters.

Convalescent or Nursing Home: A structure with sleeping rooms where persons are housed or lodged and are furnished with meals, nursing, and medical care.

Court: An open space, on the same lot with a building or group of buildings and which is bounded on two (2) or more sides by such building or buildings. A court shall be unoccupied.

Density: The number of dwelling units developed on an acre of land.

Development: Means any manmade change to improve or unimproved real estate, including but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

District: A portion of the unincorporated part of the City within which certain regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

Drive-In: A business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve the patrons while in the motor vehicle rather than within a building or structure.

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

Dwelling, One-Family: A building designed exclusively for occupancy by one (1) family.

Dwelling, Two-Family: A building designed exclusively for occupancy by two (2) families, independent of each other, such as a duplex dwelling unit.

Dwelling, Converted: A building designed originally for occupancy by one (1) family but converted to accommodate two (2) or more families in separate, independent, dwelling units.

Dwelling Unit, Mobile Home: A structure, transportable in one (1) or more sections, which is built on a chassis and designed to be used as a dwelling with or without a permanent foundation, when connected to the required facilities, and includes the plumbing, heating, air conditioning and electrical systems contained in the structure. Mobile Home does not include a recreational vehicle.

Dwelling, Multiple-Family: A building or portion thereof, designed exclusively for occupancy by three (3) or more families living independently of each other.

Erected: The word "erected" includes built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises required by the building. Excavations, fill, drainage, and the like, shall be considered a part of erection.

Essential Services: Means the erection, construction, alteration, or maintenance by public utilities or municipal departments of underground, surface or overhead gas, electrical, steam, fuel, or water transmission or distribution systems, collections, communications, supplies, or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarms, and police call boxes, traffic signals, hydrants and similar accessories in connection therewith, but not including buildings, which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general public health, safety or welfare.

Existing Building: A building existing in whole, or one whose foundations are complete and whose construction is being diligently prosecuted on the effective date of this Ordinance.

Family: a. A domestic family which is one or more persons related by blood or marriage occupying a dwelling unit and living as a single, nonprofit housekeeping unit; or
b. The functional equivalent of a domestic family, which is a collective number of individuals living together in one house under one head, cooking as a single housekeeping unit, whose relationship is of a permanent and distinct domestic character, being the functional equivalent of a domestic family with a demonstrable and recognizable bond which constitutes the functional equivalent of the bonds which render the domestic family a cohesive unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, combine, federation, group, coterie, or organization, which is not a recognized religious order, nor does it include a group of individuals whose association is temporary, limited or seasonal in character or nature. There shall be a rebuttable presumption in the first instance that the number of persons who may reside as a functionally equivalent family shall be limited to six (6). Such presumption may be rebutted by an application for a special use permit based upon the applicable standards contained in this Ordinance.

Filling: Shall mean the depositing or dumping of any matter onto, or into the ground, except common household gardening and general farm care.

Flood or Flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. the overflow of inland or tidal waters,
2. the unusual and rapid accumulation of runoff of surface waters from any source.

Flood, Base: The flood having a one percent chance of being equaled or exceeded in any given year.

Flood Hazard Area, Special: The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.

Flood Hazards Boundary Map (FHBM): The official map of the City of Petersburg, issued October 2, 2014 by the National Flood Insurance Program, where the boundaries of the special flood hazard areas have been delineated as Zone A.

Flood Plain: Any land area susceptible to being inundated by water from any source.

Flood, 100-Year: A one-hundred-year (100 year) flood shall mean a flood having an average frequency of occurrence in the order of once in one hundred (100) years, although the flood may occur in any year.

Flood Plain: Flood plain shall mean the relatively flat area or low lands adjoining the channel of watercourse or a body of standing water, which has been or may be covered by floodwater.

Floodway: Floodway shall mean the channel of any watercourse and those portions of the flood plain adjoining the channel which are reasonably required to carry and discharge flood water.

Floor Area: For the purpose of computing minimum allowable floor area in a residential dwelling unit: Is the sum of the horizontal areas of the several floors of the building measured from the interior faces of the exterior walls. The floor area measurement is exclusive of the areas of basements, unfinished attics, attached garages, breezeways, unenclosed porches, or enclosed porches.

Floor Area Ratio (FAR): The ratio of the floor area of a building to the area of the lot on which the building is located. The ratio is calculated by dividing the total floor area by the total lot area, both areas being in the same unit of measure, and expressing the quotient as a decimal number.

Frontage: All the property fronting on one side of a street between intersecting or intercepting streets or between a street and right-of-way, waterway, end of a deadened street, or city boundary measured along the street line.

Garage, Commercial: See definition of *Automobile Service Station*, herein.

Garage, Private: An accessory building not over one (1) story or fifteen (15) feet in height used for parking or storage of not more than the number of vehicles as may be required in connection with the permitted use of the principal building.

Garbage: Means rejected food wastes including waste accumulation of animals, fruit, or vegetable matter used or intended for food or that attend the preparation, use, cooking, dealing in, or storing of meat, fish, fowl, fruit, or vegetable.

Grade: Grade is the highest point of ground contacting any portion of the basement or foundation of a dwelling.

Greenbelt: A strip of land, identified on a site plan or by a zoning ordinance, established to protect one type of land use from another land use that is incompatible. Normally, the area is landscaped and kept in open space use.

Ground Floor Coverage (GFC): The total ground floor area of the principal and all accessory buildings divided by the total lot area, both areas being in the same unit of measure, and expressed as a percentage.

Harmful Increase: An unnaturally high state on a river, stream, or lake which causes, or may cause damage to property, threat to life, personal injury, or damage to land or water resources.

Historic Site: Areas usually limited in size, such as a building, structure, or parcel of land, established primarily to preserve objects of local, regional, state, and/or national significance commemorating important persons, historic events, or superlative examples of a particular style of construction or art form as listed in the National Register of Historic Sites, State of Michigan Historic Register and/or the Monroe County Museum Register of Historic Sites.

Home Occupation: Is an occupation or profession customarily carried on by an occupant of a dwelling unit as a secondary use which is clearly incidental to the use of the dwelling unit for residential purposes. Such home occupation shall not have more than one (1) person outside of the family employed therein. The use of a single-family residence by an occupant to instruction in a craft or fine art within the residence shall be deemed to be a home occupation.

Junkyard: An enclosed lot and any accessory buildings where waste, used, or secondhand materials are bought, sold, exchanged, stored, baled, packed,

disassembled, or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber tires, wood, and bottles.

Kennel: Any building or buildings and/or land used, designed, or arranged for the boarding, breeding, or care of three (3) or more dogs, cats, pets, fowl, or other domestic animals for profit, but shall not include those animals raised for agricultural purposes.

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

Lot: A lot is a parcel of land, excluding any street or other right-of-way, with at least sufficient size to meet the minimum requirements for use, coverage, and lot area, and to provide such yards and open spaces as herein required. Such lot shall have frontage on a public street or on a private street approved by the City Council and may consist of:

1. A single lot of record;
2. A portion of a lot of record;
3. Any combination of complete and/or portions of lots of record if continuous;
4. A parcel of land described by metes and bounds, provided that in no case of division or combination shall the area of any lot or parcel created, including residuals, be less than that required by this Ordinance.

In addition to the land required to meet the regulations herein, the lot shall include all other land shown in a request for a building permit or a certificate of occupancy, occupied by a principal building or use, and any accessory building or use.

Lot Lines: The lines bordering a lot, as defined herein, shall be as follows:

1. **Front Lot Line:** In a case of an interior lot, the front lot line is that line separating the lot from the street. In the case of a corner lot or double frontage lot it is that line separating that line from either street.
2. **Rear Lot Line:** That line opposite the front lot line. In a case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front line, not less than ten (10) feet long, farthest from the front lot line and located wholly within the lot.
3. **Side Lot Line:** Any lot line other than the front lot line and rear lot line.

Lot of Record: A lot which is part of a platted subdivision shown on a map thereof which has been recorded in the office of the Register of Deeds of Monroe County or a lot described by metes and bounds, the description of which has been recorded in said office, existing as of the adoption of this Ordinance and Map.

Lot Types:

1. **Corner Lot:** A lot located at the intersection of two (2) or more streets. A lot abutting a curved street shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred and thirty-five (135) degrees.
2. **Interior Lot:** A lot other than a corner lot, with only one (1) frontage on a street.
3. **Through Lot:** A lot other than a corner lot with frontage on more than one (1) street. Through lots abutting two (2) streets may be referred to as double frontage lots.

Lot Width: The horizontal distance between the side lot lines, measured along the front building line. The distance between the side lot lines at their foremost points, where they intersect the street line, shall not be less than eighty (80) percent of the required lot width except in the case of lots fronting onto the turning circle of cul-de-sac streets, in which case the minimum distance shall be twenty (20) feet.

Major Thoroughfare: An arterial street which is intended to serve as a large volume traffic way for both the immediate City area and the region beyond, and is designated as a major thoroughfare, parkway, freeway, expressway, or equivalent term to identify those streets comprising the basic structure of the Major Thoroughfare Plan. Any street with a width, existing or proposed, of one hundred and twenty (120) feet shall be considered a major thoroughfare.

Manufactured Home: A mass produced structure (prefabricated, modular, or mobile home) transportable in one (1) or more sections, which may be built on a chassis, and is designed to be used as a dwelling unit with or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. For the purpose of this ordinance, a Manufactured Home does not include a recreational vehicle.

Master Plan: A comprehensive statement including written and graphic proposals for the development of the City; stating proposed policies for development and graphically presenting location and overall design of public agencies and facilities systems, allocation of space to all public and private

activities, and indicating all proposed physical development within the City. Such Plan may be utilized, in whole or in part, with or without formal adoption by the Planning Commission and/or the City Board.

Mobile Home: See definitions of *Dwelling, Mobile Home and Manufactured Home, herein.*

Mobile Home Commission Act: Act 96, Public Acts of 1987 as amended.

Mobile Home Park: Means any parcel or tract of land under the control of any person, upon which three (3) or more Mobile Homes are located on a continual basis, or which is offered to the public for that purpose, regardless of whether a change is made therefore, together with any building, structure, enclosure, street, equipment or facility used or intended for use incident to the occupancy of a Mobile Home and which is not intended for use as a temporary Trailer Park.

Mobile Home Site: A parcel of ground within a mobile home park designed for accommodating one (1) mobile home dwelling unit and meeting the requirement of this Ordinance for a mobile home site.

Mobile Home Pad: That part of a mobile home site designed and constructed for the placement of a mobile home, appurtenant structures, or additions including expandable rooms, enclosed patios, garages, or structural additions.

Motel: A series of attached, semi-detached, or detached rental units containing bedroom, bathroom and closet space. No kitchen or cooking facilities are to be provided, with the exception of units for the use of the manager and/or caretaker. Units shall contain not less than two hundred and fifty (250) square feet of net floor area. Units shall provide overnight lodging and are offered to the public for compensation and shall cater primarily to the public traveling by motor vehicles.

Motor Home: A self-propelled, licensed vehicle prefabricated on its own chassis, intended only for recreational activities and temporary occupancy as a part of such activities (*also see Recreation Vehicle*).

Municipality: This term shall mean the City of Petersburg, Michigan.

Non-Conforming Building: A use which lawfully occupied a building or land at the time this Ordinance, or amendments thereto, became effective, but that does not conform to the use regulations of the district in which it is located.

Nuisance Factor: An offensive, annoying, unpleasant, or obnoxious thing or practice; a cause or source of annoyance, especially a continuing or recurrent invasion of any physical characteristics or activity or use across a property line which affects, or can be perceived by a human being. The generation of an

excessive or concentrated amounts of noise, dust, smoke, odor, glare, fumes, vibration, flashes, shockwaves, heat, electronic or atomic radiation, objectionable effluent; crowd noise, excessive pedestrian and vehicular traffic, unwarranted occupancy or trespass.

Nursery (Plant Materials): A lot or structure or combination thereof for the storage, wholesale, sale, or retail sale of live trees, shrubs, and plants, and including as incidental sales, the sale of products used for gardening or landscaping. This definition of nursery does not include a road side stand or temporary sales facility for Christmas tree.

Occupied: The act of using a parcel of land or the buildings, structures, or dwellings situated thereon for any use whatsoever.

Off-Street Parking Lot: A facility providing vehicular parking spaces along with adequate drives and aisles, for maneuvering, so as to provide access for entrance and exit for the parking of more than two (2) automobiles.

Open Air Business Uses: Open air business uses shall include the following:

1. Retail sale of trees, shrubbery, plants, flowers, seed, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies and equipment.
2. Retail sale of fruit and vegetables.
3. Tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving range, children's amusement park, and/or similar recreation uses.
4. Bicycle, utility truck or trailer, motor vehicles, boats, or home equipment sale, rental or repair services.
5. Outdoor display and sale of garages, swimming pools, motor homes, snowmobiles, farm implements, and similar products.

Open Space: Any area (open to the sky) on a lot not covered by a principal or accessory building.

Outdoor Storage: All outdoor storage of building materials, sand, gravel, stone, lumber, equipment, and other supplies.

Parcel: A parcel is a lot as defined in this Article.

Parking Space: An area of definite length and width for the parking of one (1) vehicle only, said area to be exclusive of drives, aisles, or entrances giving

access thereto, and shall be fully accessible for the parking of permitted vehicle.

Planning Commission: The Planning Commission of the City of Petersburg as established under Act 285, Public Acts of 1931, as amended.

Pond, Recreation or Scenic: A water impoundment made by constructing a dam or embankment, or by excavating a pit or dugout, to provide water for livestock, fish and wildlife, recreation, fire control, crop and orchard spraying and related uses.

Pond, Retention: A man-made water impoundment used for the storage and metered release of surface run-off into public or private drainage systems.

Principal Building: The use to which the premises are devoted and purposes for which the premises exist.

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

Recreation, Commercial: A privately owned facility, including both buildings and developed open sites, providing recreational opportunities to the public and operated for a profit.

Recreation, Public: A publicly owned facility, including both buildings and developed open sites, providing recreational opportunities to the public and, while perhaps charging fees, not operated for a profit.

Recreational Vehicle: A vehicle designed and intended for temporary occupancy during leisure time/recreation activities, either self-propelled or designed to be carried on the chassis of another vehicle or pulled by another vehicle. Such unit shall not exceed eight (8) feet in width and shall not be designed or intended for full-time residential occupancy. The term recreational vehicles shall include, among others, such commonly named vehicles as travel trailer, travel camper, pickup camper, tent camper, and motor home.

Refuse: Means solid wastes, except body wastes, and includes garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleanings and solid market and solid industrial wastes.

Road: See definition of *Street*, herein.

Roadside Stands: A roadside stand is a temporary or existing permanent building operated for the purpose of selling only produce raised or produced by the proprietor of the stand or his family and its use shall not make into a

commercial district land which would otherwise be an agricultural district, nor shall its use be deemed a commercial activity, but such stand, if of a permanent character, shall not be more than one (1) story high, nor larger than twenty (20) feet by twenty (20) feet, and must be set back from the nearest highway right-of-way line at least twenty-five (25) feet.

Rooming House: Is a building or part thereof, other than a hotel, where sleeping accommodations are provided for hire and where meals may be regularly furnished.

Row House: A two (2) story row of four (4) or more attached, one (1) family dwellings, not more than two (2) rooms deep, each unit of which extends from the basement to the roof.

Rubbish: Means non-putrescible solid wastes, excluding ashes, consisting of both combustible and noncombustible wastes, such as paper, cardboard, metal containers, wood, glass, bedding, crockery, demolished building materials, or litter of any kind that will be a detriment to the public health and safety.

Screen: A structure providing enclosure and/or visual barrier between the area enclosed and the adjacent property. A screen may also be a non-structure, consisting of shrubs or other growing materials of sufficient height and density as to provide an enclosure and/or a visual barrier.

Setback: The minimum horizontal distance required to exist between the front line of the building (excluding steps or unenclosed porches) and the right-of-way.

Sign: A name, identification, description, display, or illustration which is affixed to, or painted, or represented directly or indirectly upon a building, structure or piece of land, and which directs attention to an object, product, place, activity, person, institution, organization, or business and which is visible from any public street, right-of-way, sidewalk, alley, park, or other public place.

Sign, Community Events: A temporary sign announcing local community events.

Sign, Construction: A sign erected on a site designated on a building permit issued by the City Building Inspector, which advises the public of the pertinent facts regarding the construction of the building and its site improvements.

Sign, Direction or Information: A sign designating the location of a community or institution of public or quasi-public nature or the opening of an event of public interest, but not including signs pertaining to real estate, and not including any advertising matter.

Sign, Freestanding: A sign supported by the ground or by uprights, braces, or pylons located in or upon the ground and not attached to a building.

Sign, Identification: A sign which carries only the name of the firm, the major enterprise, or the principal product or service offered for sale on the premises or a combination of these things only to identify location of said premises and not to advertise, and located only on the premises on which the firm, major enterprise, or principal product or service is situated.

Sign, Individual Property Sale or Rent: A temporary sign advertising the sale, rent or lease of the property upon which it is located.

Sign, Institutional Bulletin Boards: A sign upon which is displayed only the name of the religious institution, school, community center, club, or charitable institution which occupies the premises, and announcements concerning its services or activities.

Sign, Outdoor Advertising: A sign, including billboards, on which the written or pictorial information is intended to advertise a use located on other premises, and which is intended primarily for advertising purposes.

Sign, Political Campaign: A sign or poster announcing candidates seeking political office and/or political issues and data pertinent thereto.

Sign, Portable: A freestanding sign not permanently anchored or secured to the ground or to a building.

Sign, Private Traffic Direction: A sign directing traffic movement onto or within a premise, located entirely thereupon, and containing no advertising message or symbol.

Sign, Projecting: A sign which projects from and is supported by a building wall, any part of which extends more than fifteen (15) inches beyond the building face or ends of the building wall.

Sign, Public: Any sign erected by a State, County, or local authority having lawful jurisdiction over public property or right-of-way for the purpose of traffic control, public safety, or public information.

Sign, Residential Entranceway: A freestanding sign or structure supported by the ground or by uprights, braces or pylons, not attached to a building, and intended to identify a platted subdivision, multiple family development or mobile home park.

Sign, Roof: A sign erected upon or above a roof or parapet wall of a building and which is wholly or partially supported by said building.

Sign, Special Temporary: Upon application, a special permit may be granted by the Zoning Administrator for the placement of a temporary sign, which temporary sign shall conform with the requirements stated within *ARTICLE XIV, SIGN REGULATIONS*, with regard to placement and size for new businesses pending installation of permanent signs and signs destroyed by natural causes, vandalism, and acts of God.

Sign, Subdivision Sale: A sign promoting the sale of lots or homes within a subdivision for which final plat approval has been received.

Sign, Wall: A sign attached to, painted on, or otherwise placed upon an exterior building wall, including mansard roof facade with slope not less than seventy-five (75) degrees, with the sign surface parallel to the building wall and not projecting more than fifteen (15) inches beyond the surface to which it is attached.

Soil Removal: Shall mean removal of any kind of soil or earth matter, including topsoil, sand, gravel, clay, or similar materials, or combination thereof, except common household gardening and general farm care.

Story: Is that part of a building included between the surface of one (1) floor and the surface of the next floor. A story thus defined shall not be counted as a story when more than fifty (50) percent of the height is below the established grade.

Story, Half: Is a story situated within a sloping roof, the area of which, at a height of four (4) feet above the floor does not exceed two-thirds (2/3) of the floor area in the story directly below it, and the height above at least two hundred (200) square feet of floor space is seven (7) feet, six (6) inches.

Street: A public thoroughfare which affords the principal means of access to abutting property.

Structure: A walled and roofed building that is principally above ground, a gas or liquid storage facility, or a mobile home.

Subdivision Plat: A subdivision plat shall for the purpose of this Ordinance mean the proposed division of land in accordance with the Michigan Land Division Act (MCL 560.101 et seq.), formerly known as the Subdivision Control Act P. A, 288 of 1967, as amended, MCL 560.101 *et seq.*

Substantial Improvement: Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceed 50 percent of the market value of the structure either (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other

structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications, or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

Swimming Pool, Private: A water impoundment of manmade construction such as concrete or fiberglass for the purpose of total body contact, owned and operated by the landowner of the parcel on which situated, for use only by the residents of the parcel and their guests.

Swimming Pool, Public: Is an artificially contained body of water used collectively by a number of persons primarily for the purpose of swimming, recreational bathing or wading, and includes any related equipment, structures, areas, and enclosures that are intended for the use of persons using or operating the swimming pool such as equipment, dressing, locker, shower, and toilet rooms. Public swimming pools include but are not limited to those which are for parks, schools, motels, camps, resorts, apartments, clubs, hotels, trailer coach parks, subdivisions, and the like.

Temporary Building or Use: A structure or use permitted by the Board of Appeals to exist during periods of construction of the main use, or for special events.

Temporary Construction Facility: A temporary building or structure to be used as a construction facility for a contractor or builder for office, or storage purposes but not for residential purposes.

Terrace: A row of four (4) or more attached, one (1) family dwellings, not more than two (2) rooms deep, and having the total dwelling space on one (1) floor.

Time Limits: Time limits stated in this Ordinance shall mean calendar days, weeks, months, or years, whichever are applicable, unless otherwise specified herein.

Trailer Camper: A portable living unit designed for temporary recreational occupancy, intended to be carried on a motorized vehicle and commonly referred to as a pick-up camper.

Travel Trailer: A vehicular, portable structure, built on a non-motorized chassis and designed to be used as a temporary dwelling for travel and recreational purposes, having a body width not exceeding eight (8) feet.

Usable Floor Area: For the purposes of computing parking: Is that area used for or intended to be used for the sale of merchandise or services or for use to serve patrons, clients, or customers. Such floor area which is used or intended

to be used principally for the storage or processing of merchandise or for utilities shall be excluded from this computation of "Usable Floor Area".

Use: The purpose for which land or premises or a building thereon is designed, arranged, or intended, or for which it is occupied or maintained, let or leased.

Watercourses: Shall mean any waterway or other body of water having reasonably well-defined banks, including rivers, streams, creeks, and brooks, whether continually or intermittently flowing, and lakes and ponds, as shown on the Official Maps on file with the Monroe County Planning Commission.

Wireless Communication Facilities: Shall mean and include 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 towers, television tower, telephone devices and exchanges, microwave relay towers, telephone transmission equipment building and commercial mobile radio service facilities. Not included in this definition are: citizen band radio facilities; short-wave facilities; ham amateur radio facilities; satellite dishes; and, governmental facilities which may be subject to state or federal law or regulations which preempt municipal regulatory authority. For purposes of this Ordinance, the following additional terms are defined:

Attached Wireless Communications Facilities: Any wireless communication facility affixed to an existing structure, including, but not limited to a building, tower, water tank, utility pole, or other feature utilized to receive and transmit federally or state licensed communication services via duly licensed segments of the radio frequency spectrum. This definition shall not include support structures.

Wireless Communication Support Structures: Structures erected or modified to support wireless communication antennas. Support structures within this definition include, but shall not be limited to, monopoles, lattice towers, light poles, wood poles, and guyed towers, or other structures which appear to be something other than a mere support structure.

Colocation: The location by two or more wireless communication providers or wireless communication facilities on a common structure, tower, or building, with the view toward reducing the overall number of structures required to support wireless communication antennas within the community.

Yard: A required open space, other than a court, unoccupied and unobstructed by a structure or portion of a structure from the ground upward, except as provided otherwise in this Ordinance.

Yard, Front: A yard extending the full width of a lot and situated between a street line and a front building line parallel to the street line. The depth of the front yard shall be measured at right angles to a straight line joining the foremost points of the side lot lines. In the case of rounded property corners at street intersections, where the radius of the curve is thirty (30) feet or less, the foremost point of the side lot line shall be assumed to the point at which the side and front lot lines would have met without such rounding. If the radius of such curve exceeds thirty (30) feet, the yard shall be parallel to the street line. The front and rear yard lines shall be parallel.

Yard, Rear: An open yard extending the full width of the lot between the interior side yard lines and situated between the rear lot line and the rear building line and parallel to the rear lot line. In the case of corner and through lots, there shall be no rear yards but only front and side yards.

Yard, Side: A yard situated between the side building line and adjacent side lot line and extending from the rear line of the front yard to the rear lot line and parallel to the side lot line.

Zoning Board of Appeals Terminology: The crucial points of variance are: (a) undue hardship, (b) unique circumstances, and (c) applying to the property. A variance is not justified unless all three (3) elements are present in the case. Requests for a variance are the responsibility of the Zoning Board of Appeals.

Exceptions: An exception is a use permitted only after review of an application by the Planning Commission, such review being necessary because the provisions of this Ordinance covering conditions, precedent or subsequent, are not precise enough to all applications without interpretation, and such review is required by this Ordinance.

The "exception" differs from the "variance" in several respects. An exception does not require "undue hardship" in order to be allowable. The exceptions that are found in this Ordinance appear as "special approval" by the Planning Commission. The effects of such land uses could not be definitely foreseen as of a given time. The general characteristics of these uses include one (1) or more of the following.

1. They require large areas.
2. They are infrequent.
3. They sometimes create an unusual amount of traffic.
4. They are sometimes obnoxious or hazardous.
5. They are required for public safety and convenience.

ARTICLE III

GENERAL PROVISIONS

SECTION 3.01 ESTABLISHMENT OF DISTRICTS

The City of Petersburg is hereby divided into the following zoning districts to be known as, and having the following names and symbols:

- R-1**, Single-Family Residential District
- R-2**, Medium Density Residential District
- C-1**, Commercial District
- I-1**, Light Industrial District
- PUD**, Planned Unit Development
- FP**, Flood Hazards Overlay Zone (*see Section 12.08*)

Section 3.02 OFFICIAL ZONING MAP

1. For the purpose of this Ordinance, zoning districts as provided herein are bounded and defined as shown on a map entitled "Official Zoning Map of the City of Petersburg". The official zoning map, with all explanatory matter thereon, is hereby made a part of this Ordinance.
2. Rules for interpretation - Where uncertainty exists as to the boundaries of zoning districts as shown on the official zoning map, the following rules for interpretation shall govern:
 - A. A boundary indicated as approximately following the centerline of a highway, alley, or easement shall be constructed as following such centerline.
 - B. A boundary indicated approximately following a recorded lot line or the line bounding a parcel shall be construed as following such line.
 - C. A boundary indicated as approximately following a municipal boundary line of the city, or township shall be construed as following such line.
 - D. A boundary indicated as following a railroad line shall be construed as being located midway in the right-of-way.

- E. A boundary indicated as following a shoreline shall be construed as following such shoreline, and in the event of change in the shoreline, shall be construed as following the shoreline existing at the time the interpretation is made.
 - F. The boundary indicated as following the centerline of a stream or river, canal, lake or other body of water shall be construed as following such centerline.
 - G. A boundary indicated as parallel, to, or an extension of, features in paragraphs 1-6 preceding shall be so construed.
 - H. A distance not specifically indicated on the official zoning map shall be determined by the scale of the map.
 - I. Where a physical or cultural feature existing on the ground is at variance with that shown on the official zoning map or any other circumstances not covered by a-h preceding, the Board of Zoning Appeals (Planning Commission) shall interpret the location of the zoning district boundary.
 - J. Where a district boundary line divides a lot which is in single ownership at the time of adoption of this Ordinance, the Board of Appeals may permit an extension of the regulations for either portion of the lot to the nearest lot line, but not to exceed fifty (50) feet beyond the district line into the remaining portion of the lot.
3. Authority of Official Zoning Map - Regardless of the existence of purported copies of the Official Zoning Map which, from time to time, may be made or published, the Official Zoning Map shall be the final authority as to the current zoning status of any land, parcel, lot, district, use, building or structure in the City. The Official Zoning Map shall be located in the Municipal Building and shall be open to public inspection.
 4. Changes to Official Zoning Map - If, a change is made in a zoning district boundary, such change shall be entered onto the Official Zoning Map by outlining the area or parcel of land that was rezoned, along with the new zoning district symbol and local amendment number. There shall also be recorded in the box labeled "REVISIONS" the following information: 1) date when the amendment was made, 2) the Local Zoning Amendment Identification Number, and 3) the initials of the amending person. For the purposes of this section, only the Mayor or Clerk may make such change(s).
 5. Replacement of Official Zoning Map - In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because

of the nature and the number of changes made thereto, the City County may adopt a new Official Zoning Map which shall supersede the prior Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions on the Official Zoning Map but such corrections shall not have the effect of amending the Zoning Ordinance or the prior Official Zoning Map. Unless the prior Official Zoning Map has been lost or has been totally destroyed, the prior map or any significant parts thereof remaining shall be preserved together with all available records pertaining to its adoption or amendment.

SECTION 3.03 NUMBER OF RESIDENCES ON A LOT

Not more than one single-family dwelling unit shall be located on a lot, nor shall a single-family dwelling unit be located on the same lot with any other principal building or structure use.

SECTION 3.04 NON-CONFORMING USES

1. ***NON-CONFORMANCE REGULATED.*** Any lawful use of the land or buildings existing at the date of passage of this Ordinance and located in a district in which it would not be permitted as a new use under the regulations of this Ordinance, is hereby declared to be a "non-conforming use" and not in violation of this Ordinance, provided, however, that a non-conforming use shall be subject to, and the owner comply with, the regulations in this Article.
2. ***NON-CONFORMING USES OF LAND.*** Where, at the time of passage of this Ordinance, lawful use of land exists which would not be permitted by the regulations imposed by this Ordinance, the use may be continued so long as it remains otherwise lawful provided:
 - A. No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance.
 - B. No such non-conforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this Ordinance.
 - C. If any such non-conforming use of land ceases for any reason for a period of more than six (6) months, such land shall conform to the regulations specified by this Ordinance for the district in which such land is located.

D. No additional structure not conforming to the requirements of this Ordinance shall be erected in connection with such non-conforming use of land.

3. **NON-CONFORMING USES OF STRUCTURES.** If lawful use involving individual structures, or structure and premises in combination, exists at the effective date of adoption of this Ordinance that would not be allowed in the district under the terms of this Ordinance, the lawful use may be continued so as it remains otherwise lawful, subject to the following provisions:

A. No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.

B. If any such non-conforming use of a structure ceases for any reason for a period of more than six (6) months, such use shall conform to the regulations specified in this Ordinance for the district in which such use is located.

C. Any non-conforming use may be extended throughout any part of a building which was manifestly arranged or designed for such use at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.

D. If no structural alterations are made, any non-conforming use of a structure, or structure and premises, may be changed to another non-conforming use provided that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. Whenever a non-conforming use has been changed to a conforming use, or to a use permitted in a more restricted district, it shall not thereafter be changed to a non-conforming use, or to a use permitted in a more restricted district, it shall not thereafter be changed to a non-conforming use or a use not permitted in the more restricted district.

4. **NON-CONFORMING STRUCTURES.** Where a lawful structure exists at the effective date of adoption of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued as long as it remains otherwise lawful, subject to the following provisions:

- A. No such non-conforming structure may be enlarged or altered in a way which increases its non-conformity, but any structure or portion thereof may be altered to decrease its non-conformity.
 - B. If any such non-conforming structure ceases being used for any reason for a period of more than six (6) months, any subsequent use of structure shall conform to the regulations specified by this Ordinance for the district in which such structure is located.
5. **NON-CONFORMING LOTS OF RECORD.** In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling and customary accessory building may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance. This provision shall apply even though such lots fail to meet requirements for area or width, or both, that are generally applicable in the district; provided that regulations for minimum front, rear, and side yard setbacks as specified in this Ordinance are met. And further provided that a potable water supply and waste water disposal system is in accordance with the provisions of the City of Petersburg Sanitary Code.
6. **REPAIRS AND MAINTENANCE.** On any non-conforming structure or portion of a structure containing a non-conforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, to an extent not exceeding twenty-five (25) percent of the current State Equalized Valuation multiplied by a factor of two (2) of the non-conforming structure or non-conforming portion of the structure as the case may be provided that the cubic content existing when it became non-conforming shall not be increased. If a non-conforming structure or portion of a structure containing a non-conforming use becomes physically unsafe or unlawful due to a lack of repairs and maintenance, and is declared by the Building Inspector to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located.
7. **RECONSTRUCTION OF DAMAGED NON-CONFORMING BUILDINGS AND STRUCTURES.** Nothing in this Ordinance shall prevent the reconstruction, repair, or restoration and the continued use of any non-conforming building or structure damaged by fire, collapse, explosion, acts of God or acts of public enemy, subsequent to the effective date of this Ordinance, wherein the expense of such reconstruction does not exceed sixty (60) percent of the State Equalized Valuation multiplied by a factor of two (2) of the entire building or structure at the time such damage occurred; and provided that such restoration and resumption

shall take place within six (6) months of the time of such damage and that it be completed within one (1) year from time of such damage, and provided further, that said use be identical with non-conforming use permitted and in effect directly preceding said damage. Where pending insurance claims require an extension of time, the Building Inspector may grant a time extension provided that the property owner submits a certification from the insurance company attesting to the delay. Until such time as the debris from the fire damage is fully removed, the premises shall be adequately fenced or screened from access by children or intruders who may be attracted to the premises. The height and type of fence are to be specified by the Building Inspector.

8. **MOVING.** No non-conforming building or structure shall be moved in whole or in part to another location unless such building or structure and the off-street parking spaces, yard and other open spaces provided are made to conform to regulations of the district in which such building or structure is to be located.
9. **CHANGE OF TENANCY OR OWNERSHIP.** There may be a change in tenancy, ownership or management of an existing non-conforming use, provided there is no change in the nature or character of such non-conforming use.
10. **CERTIFICATE OF OCCUPANCY.**
 - A. At any time after the adoption of this Ordinance should the City become aware of a non-conforming use, the owner of said non-conforming use shall be notified by the Clerk of the provisions of this section, and that his property constitutes a non-conforming use. Within thirty (30) days after receipt of said notice, the owner shall apply for and be issued a Certificate of Occupancy for the non-conforming use. The application for such Certificate shall designate the location, nature, and extent of the non-conforming use and such other details as may be necessary for the issuance of the Certificate of Occupancy. If the owner of a non-conforming use fails to apply for a Certificate of Occupancy within thirty (30) days after receipt of the foregoing notice, the use ceases to be non-conforming and is hereby declared to be in violation of this Ordinance. The Clerk and the City Attorney shall take appropriate action to enjoin such violation.
 - B. If the Building Inspector shall find, upon reviewing the application for a Certificate of Occupancy, that the existing use is illegal or in violation of any other ordinance or law or, if he finds that the building for which the Certificate is requested has been constructed or altered for the existing use or any other use without

full compliance with the Building Code or the Zoning Ordinance in effect at the time of construction or alteration, he shall not issue the Certificate of Occupancy but shall declare such use to be in violation of this Ordinance.

C. After the adoption of this Ordinance, or any amendments thereto, the Building Inspector shall prepare a record of all known non-conforming uses and occupations of lands, buildings, and structures, including tents and trailer coaches, existing at the time of such ordinance or amendment. Such record shall contain the names and addresses of the owners of record of such non-conforming use and of any occupant, other than the owner, the legal description of the land, and the nature and extent of use. Such list shall be available at all times at the Municipal Building.

11. **PLANS ALREADY FILED.** In any case where plans and specifications for a building or structure have been filed, which would conform with the zoning regulations effective at the date of such filing but not with the regulations of this Ordinance, and where a building permit for such building or structure has been issued and construction work started at the effective date of this Ordinance, such work may proceed provided it is completed within one (1) year of said date.

SECTION 3.05 TEMPORARY STRUCTURES

1. **TEMPORARY DWELLINGS.** No cabin, garage, cellar, or basement, or any temporary structure whether of a fixed or movable nature may be erected, altered, or moved upon or used in whole or in part for any dwelling purpose whatsoever for any time whatsoever except as provided in this section.

If a dwelling is destroyed or is damaged by a natural or manmade event, such as fire, flood, windstorm, or tornado, to a extent that it is uninhabitable for a period of time, a temporary dwelling, including a mobile home, approved by the Building Inspector, may be moved onto the lot, after obtaining a permit from the Building Inspector for use as a temporary dwelling during replacement or repair of the permanent dwelling. The temporary dwelling shall be placed so as to conform to all yard requirements of the zoning district in which it is located, or as specified by the Building Inspector if the above is not possible, and shall be connected to a public water supply and sewage disposal system, in accordance to the provisions of the City of Petersburg Sanitary Code.

The Building Inspector shall establish a reasonable date for removal of the temporary dwelling, said date not to exceed one (1) year from the date of issuance of said permit which shall not be subject to renewal. The

temporary dwelling shall be removed from the lot within two (2) weeks of the date of occupancy of the replaced or repaired dwelling with the date of occupancy to be as listed on the Certificate of Occupancy. A performance bond in the amount of one thousand (1,000) dollars shall be provided to insure removal of the temporary dwelling.

The Building Inspector shall provide a written statement setting forth the conditions of permission granted under this section to the residents so dislodged and shall retain a copy in his files.

The Building Inspector shall notify the City Council and Planning Commission in writing of each such permission granted under this section.

2. **TEMPORARY CONSTRUCTION STRUCTURES.** Temporary buildings and/or structures may be used as construction facilities, provided that a permit is obtained for such use from the Building Inspector.

The Building Inspector shall in each case establish a definite time limit on the use of such facilities, limits on the uses to which such facilities may be put, and a date by which such facilities are to be removed from the premises.

SECTION 3.06 COMPLETION OF CONSTRUCTION

Nothing in this Ordinance shall require a change in plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption of this Ordinance or later amendment which may apply.

Actual construction is hereby defined to include the placing of construction materials in a permanent position and fastening them in a permanent manner. Where excavation, demolition, or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that the work shall be carried on diligently. In the case of such excavation, demolition or removal, however, this provision shall expire and not be of effect three hundred and sixty-five (365) days following the effective date of adoption or amendment of this Ordinance, unless a permit for the actual construction of a new building has been issued by the Building Inspector.

Where a building permit has been issued in accordance with the law within three hundred and sixty-five (365) days of such effective date and diligently pursued to completion, said building or structure may be completed in accordance with the approved plans on the basis of which the building permit

was issued, and further, may upon completion be occupied by the use for which it was originally designed.

Any basement, cellar, garage, or any incomplete structure without an occupancy permit in use as a dwelling on the effective date of adoption or amendment of this Ordinance shall not be used as a dwelling for more than twelve (12) months following said date, unless said structure has been completed in conformance with the regulations of the district in which located.

SECTION 3.07 CONDITIONAL USE

A use that would be detrimental to other uses permitted in the same zoning district unless carefully controlled as to number, area, size, exterior design, location or relation to the adjacent properties and to the neighborhood. Such uses may be considered necessary or important to the public health, safety, and welfare of the neighborhood or community as a whole and may be permitted if proper safeguards are taken. Such uses may be permitted in a zoning district as a conditional use if specific provision is made in this Zoning Ordinance.

SECTION 3.08 ESSENTIAL SERVICES

Essential services shall be permitted as authorized and regulated by law and by the Ordinances of the City of Petersburg, it being the intention hereof to exempt such essential services from this Ordinance.

SECTION 3.09 VISIBILITY AT INTERSECTIONS

No fence, planting or other screening structure shall:

1. Obstruct vision on the right-of-way lines of a corner lot within an area which is thirty-five (35) feet distant from their point of intersection. Such unobstructed corner shall mean a triangular area formed by the street property lines and a line connecting them at points thirty-five (35) feet from the intersection of the street property lines extended.
2. Obstruct vision from a driveway between the heights of three (3) feet and ten (10) feet, measured above the elevation of the streets in a line within ten (10) feet of any front property line.

SECTION 3.10 HOME OCCUPATION

A home occupation may be permitted in a single-family detached dwelling within a zoning district where such dwellings is permitted, subject to *ARTICLE X, STANDARDS FOR SPECIAL APPROVAL*, further, to the following conditions:

1. Not more than one (1) person outside of the family shall be engaged in such operation.
2. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes, and not more than twenty (20) percent of the floor area of the dwelling unit may be used for the purposes of the home occupation.
3. A home occupation shall be conducted within the dwelling unit or within a building accessory thereto.
4. There shall be no change in the outside appearance of the structure or premises, or other visible evidence of conduct of such home occupation, and therefore, there shall be no external or internal alterations not customary in residential areas.
5. Traffic generated by a home occupation shall not be greater in volume than that normally generated by the residence. Parking for the home occupation shall not exceed two (2) spaces. Such spaces shall be provided on the premises, off-street, subject to all regulations in *ARTICLE XIII, OFF-STREET PARKING AND LOADING REGULATIONS*, herein, provided the parking spaces shall not be located in the required front yard.
6. Exterior storage of material, equipment, or refuse associated with or resulting from a home occupation, shall be prohibited.
7. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odor, or electrical interferences which are nuisances to persons off the lot. Any electrical equipment processes which create visual or audible interference with any radio or television receivers off the premises or which cause fluctuations in line voltages off the premises shall be prohibited.
8. Signs not customarily found in residential areas shall be prohibited, provided that one (1) non-illuminated name plate, not more than two (2) square feet in area, may be attached to the building, and which sign shall contain only the name, occupation, and address of the premises.
9. Must be connected to a public water and wastewater disposal system, in accordance to the provisions of the City of Petersburg Sanitary Code.

SECTION 3.11 TRANSIENT AND AMUSEMENT ENTERPRISES

Circuses, carnivals, other transient amusement enterprises, music festivals and similar temporary gatherings of people may be permitted in any zoning

district upon approval of City Council. Such enterprises may be permitted only on the finding by the City Council that the location of such an activity will not adversely affect adjoining properties or adversely affect public health, safety, morals, or general welfare. The City Council may require posting of a bond or other acceptable security payable to the City in an amount sufficient to hold the City free of all liabilities incidental to the operation of such activity and indemnify any adjoining landowners for any damage resulting from the operation of such activity, and which damages shall be provable before the court having jurisdiction over the premises upon which the damages occurred and payable through such court.

SECTION 3.12 ACCESS TO STREETS

1. In any residential, commercial, or industrial districts, every use, building, or structure established after the date of this Ordinance shall be on a lot or parcel which adjoins a public street, such street right-of-way to be at least sixty-six (66) feet in width unless a lesser width has been established and recorded prior to the effective date of this Ordinance. (Ord. 99, Effective 6-6-99)
2. Every building and structure constructed or relocated after the effective date of adoption or amendment of this Ordinance shall be so located on lots as to provide safe and convenient access for fire protection vehicles and required off-street parking and loading areas.
3. Private streets or alleys shall not be permitted. All streets and alleys shall be dedicated as public right-of-way. (Ord. 99, Effective 6-6-99)

SECTION 3.13 ZONING BOARD

All powers, duties, and responsibilities for a zoning board as provided by the City Zoning Act, P.A. 638 of 1921, as amended, have been transferred to the City of Petersburg Planning Commission in accordance with the Municipal Planning Act, P.A. 285 of 1945, as amended. All matters concerning the operation of the Zoning Board shall hereafter be governed by and done pursuant to the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended, MCL 125.3101 *et seq.*

SECTION 3.14 ACCESSORY BUILDINGS

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

1. Where the accessory is structurally attached to a main building, it shall be subject to, and must conform to all regulations of this Ordinance, applicable to main buildings.

2. In no instance shall the accessory building exceed the ground floor area of the main building.
3. An accessory building shall be located behind the building line, except when structurally attached to the main building.
4. No detached accessory building shall be located closer than five (5) feet to any main building nor shall it be located closer than five (5) feet to any side or rear lot line.
5. No detached accessory building in R-1, R-2, or C-1 districts shall exceed one (1) story or twenty (20) feet in height.
6. When an accessory building is located on a corner lot, the side lot line of which is substantially a continuation of the front lot line of the lot to its rear, said building shall not project beyond the front yard line required on the lot in rear of such corner lot, unless such building is structurally attached to the main building.

SECTION 3.15 FENCES, PLANTINGS AND OTHER SCREENING STRUCTURES

All fences, plantings and other screening structures of any nature, type or description located in the City of Petersburg shall conform to the following regulations:

1. The erection, construction or alteration of any fence, planting or other screening structure shall be approved by the Building Inspector as conforming to the requirements of the zoning district wherein they are required because of land use development and to the requirements of this section.
2. Fences, plantings and other screening structures which are not specifically required under the regulations for the individual zoning districts, shall conform to the following:
 - A. No fence, planting or other screening structure shall be higher than three (3) feet within the limits of a front yard space of a lot within a residential district.
 - B. No fence, planting or other screening structure shall be higher than three (3) feet within the limits of a side yard when the side yard abuts upon a street upon which other residential lots front within a residential district.

- C. No fence, planting or other screening structure shall be higher than eight (8) feet within the limits of a side yard or rear yard, except as otherwise provided.
- D. No fence, planting or other screening structure shall be erected closer than one (1) foot to any public sidewalk.
- E. All fences hereafter erected shall be of an ornamental nature. Barbed wire, spikes, nails or any other sharp point or instrument of any kind is prohibited on top or on the sides of any fence, except that barbed wire cradles may be placed on top of fences enclosing public utility buildings or whatever deemed necessary in the interest of public safety. Electric current or charge is prohibited in any fence.

ARTICLE IV

R-1, SINGLE-FAMILY RESIDENTIAL DISTRICT

STATEMENT OF PURPOSE

The R-1, Single-Family Residential District is established to provide for residential areas at an urban density of development. This district is designed to promote a predominantly urban character and will aid in protecting and preserving the existing character of the City.

In pursuit of the above stated purpose, lots are of a size that development can only be endorsed when urban services, such as sewer and water, are provided. This will encourage the maintenance of a suitable environment for residential and supportive uses.

The following regulations shall apply to the R-1, Single-Family Residential District and shall be subject further to the provisions of *ARTICLE III, GENERAL PROVISIONS*.

SECTION 4.01 PRINCIPAL USES PERMITTED

1. Single-Family detached dwellings.
2. Publicly owned and operated libraries, parks, and recreational facilities.
3. Churches and other facilities normally incidental thereto.
4. Accessory buildings, provided that they shall be located as required in *ARTICLE III, GENERAL PROVISIONS*.
5. Private swimming pools, exclusively for the use of residents or guests, subject to all yard space requirements of *ARTICLE XII, SUPPLEMENTARY DISTRICT REGULATIONS*.
6. Historic sites.
7. Manufactured Homes when developed on individual lots in accordance with the provisions in Section 12.09 B.
8. Adult and Child Family Day-Care Homes (up to six (6) adults/children being cared for).

- 9, Adult and Child Family Foster Homes (up to six (6) adults/children being cared for).
10. Uses similar to the above permitted land uses.

SECTION 4.02 USES PERMITTED ON SPECIAL APPROVAL

Under such conditions as the Planning Commission after hearing, finds the use as not being injurious to the R-1 district and environs not contrary to the spirit and purposes of this Ordinance, subject further to the considerations imposed herein, and in *ARTICLE X, STANDARDS FOR SPECIAL APPROVAL*, the following may be permitted:

1. Child Group Day-Care Home / Child Group Foster Home (six (6) to twelve (12) children) provided they meet the following standards:
 - a. The proposed use of the residence for group day-care shall not change the essential character of the surrounding residential area, and shall not create a nuisance of the surrounding residential area, and shall not create a nuisance relating to vehicular parking, noise, or additional congestion in excess of residential uses in the district.
 - b. All outdoor play areas shall be enclosed by a fence that is designed to discourage climbing and is at least four (4) feet in height but no higher than six (6) feet, and constructed of a material approved by the Planning Commission.
 - c. The hours of operation do not exceed sixteen (16) hours within a twenty-four (24) hour period. Activity between the hours of 10:00PM and 6:00AM shall be limited so that the drop-off and pick-up of children is not disruptive to neighboring residents.
 - d. Appropriate licenses with the State of Michigan shall be maintained.
2. Nursery schools, day nurseries and child care centers (more than twelve (12) children) provided they meet the following standards:
 - a. For each child cared for, there is provided and maintained a minimum of one hundred (100) square feet of outdoor play area. Such play area shall have a total minimum area of at least twelve hundred (1,200) square feet.
 - b. All outdoor play areas shall be enclosed by a fence that is designed to discourage climbing and is at least four (4) feet in height but no

higher than six (6) feet, and shall be constructed of a material approved by the Planning Commission.

- c. Appropriate licenses with the State of Michigan shall be maintained.
3. Public utility buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations when operation requirements necessitate the locating within the district in order to serve the immediate vicinity.
4. Temporary buildings and uses for construction purposes in accordance with provisions outlined in *ARTICLE III, GENERAL PROVISIONS*.
5. Municipal buildings and uses.
6. Home occupations as defined in *ARTICLE II, DEFINITIONS* and *ARTICLE III, GENERAL PROVISIONS*, of this Ordinance, such as professional offices for doctors, dentists, architects, planners, or others providing a service, and provided said uses are not in conflict with the overall residential character of the area and not contrary to the intent of the Ordinance.
7. Public, parochial and private elementary, intermediate and high schools offering courses in general education; not operated for profit.
8. Cemeteries.
9. Clinics, convalescent homes, nursing homes, and/or rehabilitation institutions.
10. Duplex dwellings newly constructed in accordance with all the requirements of the R-2, Medium Density Residential District and provided that waste water treatment and potable water supply systems are in accordance with the provisions of the City of Petersburg Sanitary Code.
11. When two-family dwellings are created through the conversion of existing single-family dwellings, they must contain at least fourteen hundred (1,400) square feet of floor area; provided that each new dwelling unit after conversion, shall contain at least six hundred (600) square feet of floor space per family, said minimum area not to include basements, attached garages, breezeways, unenclosed or enclosed porches, or the interior area of utility room, and provided that waste water treatment and potable water supply systems are in accordance with the provisions of the City of Petersburg Sanitary Code.

12. Adult Group Day-Care Home / Adult Group Foster Home (six (6) to twelve (12) adults), provided that they meet the following standards:

- a. The proposed use of the residence for group day-care shall not change the essential character of the surrounding residential area, and shall not create a nuisance in fact or law relating to vehicular parking, noise, or additional congestion in excess of residential uses in the district.
- b. Where outdoor areas are provided, they shall be enclosed by a fence that is at least four (4) feet in height, but no higher than six (6) feet, and shall be constructed of a material approved by the Planning Commission.
- c. The hours of operation do not exceed sixteen (16) hours within a twenty-four (24) hour period. Activity between the hours of 10:00PM and 6:00AM shall be limited so that the drop-off and pick-up is not disruptive to neighboring residents.
- d. Appropriate license with the State of Michigan shall be maintained.

13. Adult Day-Care Centers (more than twelve (12) adults) provided they meet the following standards:

- a. The property is maintained in a manner that is consistent with the character of the neighborhood.
- b. A separate drop-off and pick-up area shall be provided adjacent to the main building entrance, located off a public street and the parking access lane, and shall be of sufficient size so as not to create congestion in the site or within a public roadway.
- c. Where outdoor activity areas are provided, they shall be enclosed by a fence that is at least four (4) feet in height but no higher than six (6) feet, and shall be constructed of a material approved by the Planning Commission.

14. Adult Foster Care Large Group Homes (thirteen (13) to twenty (20) adults) and Adult Foster Care Small Group Homes (seven (7) to twelve (12) provided they meet the following standards:

- a. The property is maintained in a manner that is consistent with the character of the neighborhood.

- b. Appropriate licenses with the State of Michigan shall be maintained.

15. Uses similar to the above listed special land uses.

SECTION 4.03 SITE PLAN REVIEW

All principal and special approval uses listed above are subject further to the requirements and provisions of *ARTICLE XI, SITE PLAN REVIEW* and any other applicable regulations included in this Ordinance.

SECTION 4.04 AREA AND BULK REQUIREMENTS

See ARTICLE IX, SCHEDULE OF REGULATIONS limiting height and bulk of buildings and minimum size of lots and yards by permitted land use.

SECTION 4.05 FLOOD HAZARD OVERLAY ZONE REGULATIONS

All principal and special approval uses are subject further to the requirements and provisions of *Section 12.08 Flood Hazard Overlay Zone Regulations*.

ARTICLE V

R-2, MEDIUM DENSITY RESIDENTIAL DISTRICT

STATEMENT OF PURPOSE

The R-2, Medium Density Residential District is established to provide for areas of residential development at a higher intensity of development than that allowed for in the R-1, Single-Family Residential District. This district is intended to provide a sound and stable environment for various types of residential buildings and cluster housing developments. It is further intended to accommodate a mixture of housing types, and to serve the limited needs for townhouses, row houses or other attached single-family housing similar in character and density, but generally somewhat more dense than detached single-family developments. It must be noted that any residential development of this density must be provided with urban services, such as sewer and water. The following regulations shall apply to the R-2, Medium Density Residential District and shall be subject further to the provisions of *ARTICLE III, GENERAL PROVISIONS*.

SECTION 5.01 PRINCIPAL USES PERMITTED

1. Single-family residential dwelling.
2. Apartments, duplexes and attached single-family dwellings, such as townhouses, row houses and condominiums.
3. Churches and other facilities normally incidental thereto.
4. Accessory buildings, provided that they shall be located as required in *ARTICLE III, GENERAL PROVISIONS*.
5. Private swimming pools, exclusively for the use of residents or guests, subject to all yard space requirements of *ARTICLE XII, SUPPLEMENTARY DISTRICT REGULATIONS*.
6. Historic sites.
7. Mobile Home Parks when constructed, licensed, operated, and maintained in accordance with the provisions of the Mobile Home Commission Act, P.A. 96 of 1987, as amended, MCL 125.2301 *et seq.*, connected to a public water and sewer system and/or on-site water and waste water treatment system accepted by the Michigan Department of

Public Health and the Michigan Department of Natural Resources, and the provisions outlined in *Section 12.09 A*.

8. Adult and Child Family Day-Care Homes (up to six (6) adults / children being cared for).
9. Adult and Child Family Foster Homes (up to six (6) adults / children being cared for).
10. Uses similar to the above permitted uses.

SECTION 5.02 USES PERMITTED ON SPECIAL APPROVAL

Under such conditions as the Planning Commission after hearing, finds the use as not being injurious to the R-2 district and environs and not contrary to the spirit and purposes of this Ordinance, subject further to the considerations imposed herein, and in *ARTICLE X, STANDARDS FOR SPECIAL APPROVAL*, the following may be permitted:

1. Child Group Day-Care Home / Child Group Foster Home (six (6) to twelve (12) children) provided they meet the following standards:
 - a. The proposed use of the residence for group day-care shall not change the essential character of the surrounding residential area, and shall not create a nuisance of the surrounding residential area, and shall not create a nuisance relating to vehicular parking, noise, or additional congestion in excess of residential uses in the district.
 - b. All outdoor play areas shall be enclosed by a fence that is designed to discourage climbing and is at least four (4) feet in height but no higher than six (6) feet, and constructed of a material approved by the Planning Commission.
 - c. The hours of operation do no exceed sixteen (16) hours within a twenty-four (24) hour period. Activity between the hours of 10:00PM and 6:00AM shall be limited so that the drop-off and pick-up of children is not disruptive to neighboring residents.
 - d. Appropriate licenses with the State of Michigan shall be maintained.
2. Nursery schools, day nurseries, and child care centers (more than twelve (12) children) provided they meet the following standards:

- a. For each child so cared for, there is provided and maintained a minimum of one hundred (100) square feet of outdoor play area. Such play space shall have a total minimum area of at least twelve hundred (1,200) square feet.
 - b. All outdoor plan areas shall be enclosed by a fence that is designed to discourage climbing and is at least four (4) feet in height but no higher than six (6) feet, and shall be constructed of a material approved by the Planning Commission.
 - c. Appropriate licenses with the state of Michigan shall be maintained.
2. Public utility buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations when operation requirements necessitate the locating within the district in order to serve the immediate vicinity.
 3. Temporary buildings and uses for construction purposes in accordance with provisions outlined in *ARTICLE III, GENERAL PROVISIONS*.
 4. Public, parochial and private elementary, intermediate schools and high schools offering courses in general education; not operated for profit.
 5. Municipal buildings and uses.
 6. Home occupations as defined in *ARTICLE II, DEFINITIONS* and *ARTICLE III, GENERAL PROVISIONS*, of this Ordinance, such as professional offices for doctors, dentists, architects, planners or others providing a service, and provided said uses are not in conflict with the overall residential character of the area and not contrary to the intent of the Ordinance.
 7. Adult Group Day-Care Home / Adult Group Foster Home (six (6) to twelve (12) adults), provided that they meet the following standards:
 - a. The proposed use of the residence for group day-care shall not change the essential character of the surrounding residential area, and shall not create a nuisance in fact or law relating to vehicular parking, noise, or additional congestion in excess of residential uses in the district.
 - b. Where outdoor areas are provided, they shall be enclosed by a fence that is at least four (4) feet in height, but no higher than six (6) feet, and shall be constructed of a material approved by the Planning Commission.

- c. The hours of operation do not exceed sixteen (16) hours within a twenty-four (24) hour period. Activity between the hours of 10:00PM and 6:00AM shall be limited so that the drop-off and pick-up is not disruptive to neighboring residents.
 - d. Appropriate license with the State of Michigan shall be maintained.
8. Adult Day-Care Centers (more than twelve (12) adults) provided they meet the following standards:
- a. The property is maintained in a manner that is consistent with the character of the neighborhood.
 - b. A separate drop-off and pick-up area shall be provided adjacent to the main building entrance, located off a public street and the parking access lane, and shall be of sufficient size so as not to create congestion in the site or within a public roadway.
 - c. Where outdoor activity areas are provided, they shall be enclosed by a fence that is at least four (4) feet in height but no higher than six (6) feet, and shall be constructed of a material approved by the Planning Commission.
7. Adult Foster Care Small Group Homes (six (6) to (12) adults) and Adult Foster Care Large Group Homes (thirteen (13) to twenty (20) adults).
- a. The property is maintained in a manner that is consistent with the character of the neighborhood.
 - b. Appropriate licenses with the State of Michigan shall be maintained.
8. Uses similar to the above special uses.

SECTION 5.03 SITE PLAN REVIEW

All principal and special approval uses listed above are subject further to the requirements and provisions of *ARTICLE XI, SITE PLAN REVIEW* and any other applicable regulations included in this Ordinance.

SECTION 5.04 AREA AND BULK REQUIREMENTS

See *ARTICLE IX, SCHEDULE OF REGULATIONS* limiting height and bulk of buildings and minimum size of lots and yards by permitted land use.

SECTION 5.05 FLOOD HAZARD OVERLAY ZONE REGULATIONS

All principal and special approval uses are subject further to the requirements and provisions of *Section 12.08 Flood Hazard Overlay Zone Regulations*.

ARTICLE VI

C-1, COMMERCIAL DISTRICT

STATEMENT OF PURPOSE

The C-1, Commercial District is intended to provide for the use of land for community wide commercial and services use. The intent of this district is also to encourage the concentration of business uses, to the mutual advantage of both the consumers and merchants.

The following regulations shall apply to the C-1, Commercial District and shall be subject further to the provisions of *ARTICLE III, GENERAL PROVISIONS*.

SECTION 6.01 PRINCIPAL USES PERMITTED

1. Retail food establishments which supply groceries, fruit, vegetables, meats, dairy products, baked goods, confections or similar commodities for sale off the premises. Foodstuffs may be prepared or manufactured on the premises as an accessory activity if the sale of the product is limited to the local retail store. Not more than fifty (50) percent of those employed on the premises, up to a maximum of five (5) persons, may be involved in production of a product for sale off the premises.
2. Other retail businesses such as pharmacy, variety, dry goods, clothing, notions, music, books, hardware, or furniture stores which supply commodities on the premises.
3. Personal service establishments, which perform services on the premises, such as barber or beauty shops, repair shops, radio, television, jewelry, self-service laundries, and photographic studios.
4. Professional offices of doctors, lawyers, architects, planners, dentists, engineers, chiropractors, and others providing a service to the community.
5. Post office and similar governmental office buildings serving residents of the community.
6. Health and physical fitness salons.

7. Restaurants, clubs, and taverns which provide food or drinks for consumption on the premises, excluding drive-in restaurants.
8. Banks, credit unions, savings and loan institutions, insurance and realty offices, and employment agencies.
9. Accessory buildings, provided that they shall be located as required in *ARTICLE III, GENERAL PROVISIONS*.
10. A second floor residential loft shall be a permitted use as a single-family dwelling in the C-1, Commercial District, subject to the following requirements and other applicable ordinances of the City of Petersburg.
 - A. The applicant shall submit to the Building Inspector for approval a floor plan drawing complete with dimensions scaled at 1/4 inch equals one (1) foot (1/4" = 1').
 - B. Each conversion shall provide not less than three (3) separate and distinct rooms consisting of a bedroom, a bathroom and a kitchen-living area.
 - C. A one (1) bedroom dwelling unit shall have a floor area of not less than six hundred (600) square feet excluding entrance ways, stair area and closets and shall be used as a single-family dwelling by a family of not more than three (3) persons.
 - D. A two (2) bedroom dwelling unit shall have a floor area of not less than eight hundred (800) square feet excluding entrance ways, stair area and closets and shall be used as a single-family dwelling by a family of not more than (4) persons.
 - E. A three (3) bedroom dwelling unit shall have a floor area of not less than twelve hundred (1,200) square feet excluding entrance ways, stair area and closets and shall be used as a single-family dwelling by a family of not more than six (6) persons.
 - F. Two (2) separate exits must be provided which are separated by a reasonable distance so as to provide two (2) emergency escape routes; one (1) of the exits may be an escape or rescue window as defined in the applicable Uniform Building Code.
 - G. Garbage, rubbish and similar refuse to be stored outside the building shall be placed within approved containers which shall be stored within an enclosure constructed of any opaque material such as wood, concrete block or bricks and which shall be

enclosed on four (4) sides and have a gate for access and shall have a concrete floor at least three and one-half (3 1/2") thick.

- H. Two (2) off-street parking spaces, not owned by the City, shall be provided for each dwelling unit and shall be within three hundred (300) feet of each dwelling unit.
- I. Before an occupancy permit is issued, a fire, electrical, plumbing, mechanical and building inspection shall be completed and approved.

11. Uses similar to the above permitted uses.

SECTION 6.02 USES PERMITTED ON SPECIAL APPROVAL

Under such conditions as the Planning Commission after hearing, finds the use as not being injurious to the C-1 district and environs and not contrary to the spirit and purposes of this Ordinance, subject further to the considerations imposed herein, the following may be permitted.

- 1. Theaters.
- 2. Drive-in businesses including banks, dry cleaning pick-up stations, or similar personal services.
- 3. Vehicle service stations and automobile repair establishments, with or without body shops.
- 4. Commercial schools including art, music, dance, business, and trade.
- 5. Repair and service establishments including but not limited to lawn mower repair, snow mobile repair, boat repair, or air conditioner repair shops that are operated in conjunction with a retail business.
- 6. Clinics.
- 7. Mortuaries and funeral homes.
- 8. Public utility and service buildings not requiring a storage yard.
- 9. Assembly buildings including dance pavilions, auditoriums, churches, and private clubs.
- 10. Drive-in restaurants.

11. New and used motor vehicle sales and service establishments.
12. Manufacture and assembly of arts and crafts supplies and related supplies.
13. Uses similar to the above special land uses.

SECTION 6.03 SITE PLAN REVIEW

All principal and special approval uses listed above are subject further to the requirements and provisions of *ARTICLE XI, SITE PLAN REVIEW* and any other applicable regulations included in this Ordinance.

SECTION 6.04 AREA AND BULK REQUIREMENTS

See *ARTICLE IX, SCHEDULE OF REGULATIONS* limiting height and bulk of buildings and minimum size of lots and yards by permitted land use.

SECTION 6.05 FLOOD HAZARD OVERLAY ZONE REGULATIONS

All principal and special approval uses are subject further to the requirements and provisions of Section 12.08 Flood Hazard Overlay Zone Regulations.

ARTICLE VII

I-1, LIGHT INDUSTRIAL DISTRICT

STATEMENT OF PURPOSE

The I-1, Light Industrial District is established to provide for light, primary industrial uses. Provisions of this district ensures that these essential industrial facilities are kept from encroaching in areas or districts where they would be incompatible. All activities carried on within the Light Industrial District shall be subject to limitations placed upon the amount of noise, smoke, glare, traffic, and industrial effluent which shall be produced as a result of that activity.

The following regulations shall apply to the I-1, Light Industrial District and shall be subject further to the provisions of *ARTICLE III, GENERAL PROVISIONS*.

SECTION 7.01 PRINCIPAL USES PERMITTED

1. Manufacture, compounding, processing, packaging, treating, and assembling from previously prepared materials in the production of:
 - A. Furniture and fixtures.
 - B. Printing and publishing.
 - C. Engineering, measuring, optic, medical, lenses, photographic, and similar instruments.
 - D. Pottery and ceramics.
 - E. Tool, die, gauge, and machine shops manufacturing small parts.
2. Wholesale outlets for the sale and/or distribution, but not manufacture or production, including automobile equipment, drugs, chemicals, dry goods, apparel, food, farm products, electrical goods, hardware, machinery, equipment, metals, paper products and furnishings, lumber and building products.
3. Warehouses, cartage businesses.
4. Public utility buildings and public service installations.

5. Accessory buildings provided that they shall be located as required in *ARTICLE III, GENERAL PROVISIONS*.
6. Wireless Communication Facilities.
7. Uses similar to the above permitted uses.

SECTION 7.02 USES PERMITTED ON SPECIAL APPROVAL

Under such conditions as the Planning Commission after hearing finds the use as not being injurious to the I-1 district and environs and not contrary to the spirit and intent of this Ordinance, subject further to the considerations imposed herein, the following may be permitted:

1. Manufacture, compounding, processing, packaging, treating, and assembling from previously prepared materials in the production of:
 - A. Food products including meat, dairy, fruit, vegetable, grain, bakery, confectionery, beverage, and kindred foods but not including slaughter houses and mushroom farms.
 - B. Chemical products such as plastics, perfumes, synthetic fibers.
2. Laboratories including experimental, film, and testing.
3. Automobile repair establishments, including body shops.
4. Contractor's yards and building materials storage area.
5. Lumber yards.
6. Uses similar to the above special uses.

SECTION 7.03 PERFORMANCE STANDARDS

All principal and special approval uses listed above are subject further to the requirements and provisions of *ARTICLE XII, SUPPLEMENTARY DISTRICT REGULATIONS*.

SECTION 7.04 SITE PLAN REVIEW

All principal and special approval uses listed above are subject further to the requirements and provisions of *ARTICLE XI, SITE PLAN REVIEW* and any other applicable regulations included in this Ordinance.

SECTION 7.05 AREA AND BULK REQUIREMENTS

See *ARTICLE IX, SCHEDULE OF REGULATIONS* limiting height and bulk of buildings and minimum size of lots and yards by permitted land use.

SECTION 7.06 FLOOD HAZARD OVERLAY ZONE REGULATIONS

All principal and special approval uses are subject further to the requirements and provisions of Section 12.08 Flood Hazard Overlay Zone Regulations.

ARTICLE VIII

PLANNED UNIT DEVELOPMENT (PUD) DISTRICT

STATEMENT OF PURPOSE

In accordance with the Michigan Zoning Enabling Act, the provisions of this section are established to provide an opportunity for the submission, review and approval of applications for Planned Unit Developments (PUD). This section is intended to accommodate developments with mixed or varied uses. Promoting flexibility in the regulation of land development; providing a framework for individuals and developers to be imaginative and innovative in the use of land, the type, design and layout of structures, while achieving compatible, consistent and economic efficiency in the use of land, natural resources, energy, public services and utilities. The provisions contained herein are considered the minimum requirements for residential and nonresidential uses to ensure, promote, and protect the public health, safety, and welfare of City of Petersburg residents.

SECTION 8.01 PLANNED UNIT DEVELOPMENT PROVISIONS

The following provisions shall apply to all lands and land uses within a PUD Zoning District and are provided to ensure appropriate, fair, and consistent decision making.

1. All land uses allowed by right or special approval within the R-1, R-2 and C-1 Districts may be permitted within the PUD as principal or accessory uses, with the exception of mobile home parks, cemeteries, automobile service stations and body shops, outdoor auto sales businesses, and junk or storage yards subject to adequate public health, safety and welfare protection mechanisms being designed into the development, as provided in this article.

The subject property for the PUD development must be a minimum of 20 acres in area. No more than 20 percent of any PUD may be used for nonresidential land use.

2. The applicant for a PUD development must demonstrate the following as a condition to being entitled to Planned Unit Development treatment:
 - A. Grant of the PUD Development will result in one of the following:
 - (1) A recognizable and material benefit to the users of the project and to the City of Petersburg where such benefit

would otherwise be unfeasible or unlikely to be achieved without application of the Planned Unit regulations; or,

- (2) Long-term protection and preservation of natural resources and natural features of a significant quantity and/or quality, where such benefit would otherwise be unfeasible or unlikely to be achieved without application of the PUD regulations; or
 - (3) A nonconforming use shall, to a material extent, be rendered more conforming, or less offensive to the zoning district in which it is situated.
 - B. The proposed type and density of use shall not result in an unreasonable increase in the need for, or burden, public services, facilities, roads and utilities.
 - C. The proposed type and density of use must be complementary to the character and density pattern of the surrounding area.
3. The proposed development shall be under single ownership and/or control such that there is a single person or entity having responsibility for completing the project in conformity with this Ordinance. This provision shall not prohibit a transfer of ownership and/or control, upon due notice to the City Council.
 4. To provide for current and future control and maintenance of recreation facilities, open spaces, private roads, and other common areas within the development, an association with by-laws and other restrictions to ensure compliance with these regulations shall be established.
 5. Within the limits of the development, all public and/or private utilities, including communication and electric systems shall be placed underground. Exceptions may be granted only in those instances where said systems can be effectively screened.
 6. When determined necessary, landscaping shall be provided so as to ensure the proposed uses will be adequately buffered from one another and from surrounding public or private property pursuant to Section - 12.03 Transition Strip, of this Ordinance. The City Council may, if deemed appropriate, require more or less landscaping that this section for PUDs.
 7. Major natural, historical, and architectural features of the district shall be preserved. If the applicant can provide it is in the public interest to impair or destroy the feature, the City Council may grant an exception after taking into account the local, state, and national concern for

preservation and the provisions and standards of Act 451 of the Public Acts of 1994, as amended, the Michigan Natural Resources and Environment Protection Act.

8. All lands and land uses proposed for a PUD District shall have a perimeter with setbacks equal to that required for the predominant land use on-site for that use and the district within which it is normally located.
9. Provisions applicable to lot size, lot width, lot coverage, setback, parking and loading, general provisions and other regulations for land uses within a PUD District shall be equal to that required for said use and the district within which it is normally located. However, to provide an incentive for quality and variety in design and to stay consistent with the Planned Unit Development concept, departures from compliance with the regulations provided for may be granted at the discretion of the City Council as part of the approval of a PUD. Such departures may be authorized on the condition that there are features or planning mechanisms deemed adequate by the City Council designed into the project for the purpose of achieving the objectives intended to be accomplished with respect to each of the regulations from which a departure is sought.
10. The City Council may authorize an increase in allowable density for the Planned Unit Development up to ten (10) percent, provided the proposed type and density of use shall not result in an unreasonable increase in the use of public services, facilities, and utilities, and shall not place an unreasonable burden upon the subject and/or surrounding land and/or property owners and occupants and/or the natural environment.

It must be demonstrated by the applicant that the resulting development would be a substantial benefit to all or a significant portion of users and the surrounding area. Such additional density shall only be permitted if compliance with other PUD regulations can be maintained.

11. No less than twenty (20) percent of the gross area of the site shall be provided as park or open space. Open space may include parks, nature and recreation area, wooded lots, schools, golf courses, water areas, and any use of a similar nature. At least ten (10) percent of the open space shall be preserved as a park, nature, recreation, or actual open area, as opposed to a school, golf course, water area, or the like. The City Council may modify the requirements regarding open space when the character of the development makes such requirements burdensome or impractical, i.e. where no residential development is planned.

12. All development in the PUD District is subject further to the requirements and provisions of Section 12.08 Flood Hazard Overlay Zone Regulations.

SECTION 8.02 REVIEW AND APPROVAL PROCEDURES

1. Pre-application Conference:

Prior to the submission of an application for Planned Unit Development zoning, a Pre-application Conference shall be held with the applicant, City Mayor, City Clerk, Planning Commission Chairman, and Building Inspector in attendance, together with such consultants or technical staff as deemed necessary.

2. Purpose of Conference:

- A. To explain the review and approval process, requirements, timetable and fees, etc., to the applicant, while the applicant indicates the scope and general concept of his proposal. It is intended to alleviate any unnecessary hold-ups.
- B. The applicant shall provide at least the following information at said conference.
 - (1) A sketch plan of the proposed development with sufficient detail to convey the concept.
 - (2) A legal description of the property under consideration.
 - (3) Total acres involved in project.
 - (4) Approximate number and type of residential units, if any.
 - (5) Approximate number and type of nonresidential units, if any.
 - (6) Approximate number of acres occupied by each type of use.
 - (7) Approximate number of acres preserved as open or recreational space.
 - (8) Identify all known natural resources and natural features.
- C. The City Building Inspector may waive the pre-application conference requirement for Planned Unit Developments that are exclusively residential in terms of land use.

3. **Application:**

Thereafter, an application shall be made to the City of Petersburg Clerk for consideration under the Planned Unit Development District. For Planned Unit Development zoning approval, the applicant shall be involved in a two (2) phase process. The preliminary phase shall require a review of the Preliminary Development Plan to determine its suitability for inclusion in the Land Use Plan and Zoning Ordinance of the City. The final phase shall require detailed site plans for any part of the Preliminary Development Plan prior to issuance of building permits or approval of zoning map changes.

SECTION 8.03 PRELIMINARY DEVELOPMENT PLAN REVIEW

1. Within ninety (90) days of the Pre-application Conference, the applicant shall submit an application for PUD zoning to the City Clerk pursuant to procedures in the City of Petersburg Zoning Ordinance, accompanied by ten (10) copies of a Preliminary Development Plan containing all criteria indicated in *Article XI Site Plan Review* of this Ordinance.
2. Upon receipt of an application and Preliminary Development Plan, the City Clerk shall refer the application and Site Plan to the City of Petersburg Planning Commission for review and recommendation. The Planning Commission shall give notice and hold a public hearing and conduct a formal review in accordance with the Michigan Zoning Enabling Act, as amended. The Planning Commission shall consider the following during its review to ensure conformity by the proposed development.
 - A. Whether or not the proposed development best serves the intent of this Ordinance, and the public health, safety, and welfare.
 - B. Whether or not the proposed development meets the intent and objectives of the City's Land Use Plan.
 - C. Whether or not the community will receive a beneficial effect as a result of the proposed development, where said benefits would otherwise be unlikely.
 - D. Whether or not the proposed development meets all provisions contained in *Article XI, Site Plan Review*, and all the PUD provisions contained in the Article.
 - E. Whether or not the proposed new development has adequate facilities such as water, sewer, and roadways to service the site.

- F. The Planning Commission shall be entitled to make reasonable inquiries and request additional information in order to evaluate the proposed development.

SECTION 8.04 APPROVAL PROCEDURES FOR PRELIMINARY DEVELOPMENT PLANS

1. Within forty-five (45) days after submittal of the application and Preliminary Development Plan to the City by the applicant, the City Planning Commission shall either recommend approval, disapproval, or request modification to the development plan, forwarding its written statement of its conclusions, its recommendation, the basis for its recommendation and any conditions recommended associated with an affirmative decision to the City Council. The City Council shall take no action on the Preliminary Development Plan or application until it receives the recommendation to the proposal from the Planning Commission.
2. Within forty-five (45) days after receiving the written recommendation in regards to the Preliminary Development Plan and application, the City Council shall hold a public hearing and thereafter either approve, disapprove, or return the Preliminary Development Plan to the Planning Commission for revision or modification, which the Planning Commission must resubmit within thirty (30) days. The City Council shall provide a written statement of its conclusions, its decision, the basis for its decision and any conditions imposed on an affirmative decision.
3. In reviewing the Preliminary Development Plan, the City Council shall determine whether the proposal complies with the PUD regulations set forth in this Ordinance, as well as the Planning Commission's recommendation.
 - A. If the Preliminary Development Plan is rejected by the City Council, its reasons, therefore, shall be specified in writing and shall be based upon the standards of review listed or referred to in this Ordinance. The applicant shall receive a copy of the specified reason(s) and may resubmit the Preliminary Development Plan containing the necessary changes, corrections, or additions to the City Planning Commission where it will follow the stated review and approval procedures.
 - B. Approval of a Preliminary Development Plan by the City Council shall not constitute a final approval. The effect of receiving approval or approval with conditions shall be to authorize the concept embodied in the Preliminary Development Plan, subject to submission, review, and approval of the Final Development Plan.

SECTION 8.05 FINAL PLAN REVIEW

1. Within six (6) months following receipt of Preliminary Development Plan approval and prior to issuance of any building permits, the applicant shall submit ten (10) copies of a Final Site Plan to the City Planning Commission containing all criteria indicated in Article XI Final Site Plan Review, of this Ordinance, including the following:
 - A. All criteria and documentation approved as part of Preliminary Development Plan.
 - B. A written state describing:
 - (1) The natural features which will be retained or modified including vegetation drainage, hillsides, streams, wetlands, wildlife, and water.
 - (2) Any proposed phasing of the PUD shall be indicated in terms of both physical location of the separate phases and shall receive approval of the Planning Commission.
 - a. The planning and designing shall be such that, upon completion, each phase shall be capable of standing on its own in terms of services, facilities, open space, and shall contain all necessary components of the PUD regulations.
 - b. In developments which include residential and nonresidential uses, phasing shall contemplate that at least 35% of all proposed residential units are completed concurrent with the first phase of any nonresidential construction; completion of at least 75% of all proposed residential construction prior to the second phase of nonresidential construction; and completion of 100% of all residential construction prior to the third phase of nonresidential construction.
 - (3) The method that will be used to service the development with water and sanitary sewer facilities and to control drainage on and from the site.
 - C. A written description and map showing how the impact of the construction phase would be mitigated, including, but not limited to, the following:
 - (1) Access routes for construction vehicles.

- (2) Measures to be taken to mitigate against any physical damage by such vehicles including the effects of weight and soil on road surfaces.
 - (3) Location of sites and area to be used for temporary construction facilities such as batch plants, storage yards, and sales offices.
- D. A statement of the applicant's intentions in regards to future selling or leasing of all or portions of the PUD, such as land areas, dwelling units or buildings, etc.
 - E. Other information as may be reasonably required in order to evaluate the proposed development.
2. In the process of reviewing the Final Development Plan, the following shall be considered:
 - A. Whether or not the Final Development Plan conforms to the Preliminary Development Plan submitted and approved.
 - B. Whether or not the Final Development Plan meets all provisions contained in Section 11.04 - Review Process.
 - C. Whether or not all applicable provisions of this Ordinance have been met. Wherever conflicts occur between provisions of this Article and provisions of any other Article of this Ordinance, the provisions of this Article shall apply to the lands within a Planned Unit Development District.

SECTION 8.06 APPROVAL PROCEDURES FOR FINAL PLAN

1. Within forty-five (45) days after submittal of the application and Final Development Plan to the City by the applicant, the City Planning Commission shall either recommend approval, disapproval, or request modification in the Final Development Plan, forwarding a written statement of its conclusions, its recommendation, the basis for its recommendation and any conditions recommended associated with an affirmative decision to the City Council. The City Council shall take no action on the Final Development Plan until it receives the recommendation and all required documentation from the Planning Commission.
2. Within forty-five (45) days after receiving the written recommendation in regards to the proposed Final Development Plan, the City Council shall either approve, disapprove, or return the Final Development Plan to the

Planning Commission for further revision or modification, which the Planning Commission must resubmit within thirty (30) days.

3. When an applicant receives Final Development Plan approval, it shall constitute approval for PUD zoning on the site requested. The applicant must develop the site exactly as approved by the City Council. Any deviation or alternate development or use of said site shall negate approval of the PUD zoning.
4. Once the PUD zoning is granted pursuant to this Article, the applicant has a period of one (1) year to obtain a building permit and begin construction. If development has not commenced within this period, the applicant shall be notified in writing of the expiration of approval for the PUD zoning. The Planning Commission shall review progress to date and make a recommendation to the City Council as to extending or revoking the original PUD zoning designation.

SECTION 8.07 OTHER PROVISIONS

1. All dedications of public rights-of-way or planned public or private open spaces shall be made prior to any construction taking place on the site.
2. There shall be an advance payment of fees at the time of the Pre-application Conference and at the time of filing of the Preliminary Development and Final Development Plan. The amount of such fees shall be established by the City Council.
3. In those instances where platting is required by law, review and approval of the plats shall comply with current state and local procedures.
4. The City Council, after recommendation from the Planning Commission, may require reasonable performance guarantees to ensure completion of improvements. The City Council may require that these guarantees take the form of a cash deposit, certified check, irrevocable letter of credit, or a surety bond acceptable to the City. The performance guarantee shall be deposited at the time of the issuance of the permits authorizing the work or activity. The City shall establish a procedure by which a refund of any cash deposits shall be made in reasonable proportion to the ratio of work completed on the required improvements shall be made as work progresses.
5. All reasonable conditions imposed to protect the health, safety, and welfare of individuals in the project and those immediately adjacent shall be made a part of the record of approved Planning Unit Development. The City Clerk shall keep a special record of all PUD development plans and approval conditions.

6. Upon approval by the City Council of a Planned Unit Development, the land uses, design layout, streets, densities, and other proposals of the approved Final Development Plan shall become an integral part of the Zoning Ordinance.

ARTICLE VIII - A

RESIDENTIAL PLANNED UNIT DEVELOPMENT (RPUD) DISTRICT

STATEMENT OF PURPOSE

In accordance with the Michigan Zoning Enabling Act, the provisions of this section are established to provide an opportunity for the submission, review and approval of applications for Residential Planned Unit Developments (RPUD). This section is intended to accommodate the redevelopment of certain existing non-residential uses and/or sites with one or more types of residential uses. The RPUD District promotes flexibility in the regulations which would ordinarily apply to facilitate such redevelopment; and provides a framework to be creative and innovative in the type, design and layout of residential structures, while achieving compatible, consistent and economic efficiency in the use of land, streets, public services and utilities. The costs and difficulties in redeveloping existing non-residential uses or sites for residential uses are recognized as factors that may necessitate the use of an RPUD to ensure the economic and physical challenges of such redevelopment can be met. The provisions contained herein are intended to set the minimum requirements for residential uses, while ensuring, promoting and protecting the public health, safety, and welfare of the city's residents.

SECTION 8A.01 RESIDENTIAL PLANNED UNIT DEVELOPMENT PROVISIONS

The following provisions shall apply to all planned unit developments within an RPUD zoning district and are provided to ensure appropriate, fair and consistent decision-making.

1. A planned unit development submitted by an applicant shall be under the control of one owner or unified group of owners and shall be capable of being planned and developed as a one integral unit.
2. A request for RPUD zoning classification may be initiated by the City or the property owner. A RPUD initiated by the City shall be capable of being developed in a coordinated manner. If a RPUD is approved, the requirements shall be transferred to all future owners, and any changes shall require approval of both the City and the affected landowners within the RPUD.

3. The subject area for the RPUD development must be a minimum of 0.5 acres in area.
4. The applicant for an RPUD development must demonstrate the following:
 - A. The proposed types and density of the residential uses shall not result in an unreasonable increase in the need for, or burden, public services, facilities, roads and utilities.
 - B. The proposed types and density of the residential uses must be complementary to the character and density of the surrounding area.
 - C. The applicant shall demonstrate the project will result in recognizable benefits to the residents or occupants of the site, adjacent neighbors and the City overall in contrast to development permitted under conventional zoning. Such benefits can be provided from amongst the following:
 - (1) transition areas from adjacent land uses;
 - (2) high quality architectural design and materials, with clear guidelines that must be met with future site plan submittals;
 - (3) extensive landscaping and preservation of quality woodlands or trees;
 - (4) unified access and circulation that reduces the number of driveways;
 - (5) provision of open space and social space;
 - (6) provision of recreational facilities, such as playground equipment and courts;
 - (7) more extensive setbacks or buffering between new and existing development;
 - (8) coordinated site design elements such as lighting, signs and greenbelt design;
 - (9) coordinated development of several small parcels;
 - (10) elimination of nonconforming situations;

- (11) removal or renovation of blighted buildings or clean-up of site contamination.
5. All land uses allowed by right or special approval within the R-1 District may be permitted within the RPUD as principal or special approval uses. In addition, apartments, seniors housing, duplexes and attached single-family dwellings, such as townhouse, row houses and condominiums are also permitted uses.
6. Within the limits of the development, all public and/or private utilities, including communications or electric systems, shall be placed underground. Exceptions may be granted only in those instances where said systems can be effectively screened.
7. When determined necessary, landscaping shall be provided to ensure the proposed uses will be adequately buffered from surrounding public or private property pursuant to *Section 12.03 Transition Strip* of this Ordinance. The Planning Commission may, if deemed appropriate, require less landscaping than required by Section 12.03 if sufficient landscaping exists between the subject lands and surrounding properties or features of the proposed or surrounding uses reduce or eliminate the need for landscaping. More landscaping than required by Section 12.03 may be required if the surrounding uses require additional buffering due to the proposed development's setbacks, height, building mass or other qualities.
8. All lands and land uses proposed for the RPUD District shall have setbacks equal to the side, rear and front yard setbacks required for the predominant residential use within the development and the district within which it is normally located.
9. Provisions applicable to lot size, lot width, lot coverage, building setback, parking, parking setbacks, general provisions and other regulations for land uses within the RPUD District shall be equal to that required for said uses and district in which they are normally located. However, to provide an incentive for quality in design, to compensate for difficulties in redeveloping a non-residential property for residential purposes, and to stay consistent with the RPUD concept, departures from compliance with the regulations provided for may be granted at the discretion of the Planning Commission as part of the approval of the RPUD. The applicant is required to submit a specific list of deviations from the regulations and these are to be written and illustrated on the plan. Such departures may be authorized on the condition that there are features deemed adequate by the Planning Commission designed into the project for the purpose of achieving the objectives intended to be accomplished with respect to the each of the regulations from which a departure is sought.

10. The Planning Commission may authorize an increase in allowable density for the RPUD development of up to 10 percent, provided the proposed type and density of use shall not result in an unreasonable increase in the use of public services, activities and utilities, and shall not place an unreasonable burden on the subject land and/or surrounding land, property owners and occupants.

It must be demonstrated by the applicant that the resulting increased density will result in a substantial benefit to the development and surrounding properties. Such additional density shall only be permitted if compliance with other PUD regulations can be maintained.

SECTION 8A.02 REVIEW AND APPROVAL PROCEDURES

1. Application:

An application shall be made to the City of Petersburg Clerk for consideration under the Residential Planned Unit Development District. The approval of the application shall be carried out in two phases. The preliminary phase shall require the review of the Preliminary Development Plan to determine its suitability for consideration as a RPUD development. The final phase shall require a detailed site plan to be submitted for review and approval prior to the issuance of building permits.

A separate escrow deposit may be required for administrative charges to review the PUD submittal. This deposit will be in an amount that is intended to cover the consultant fees and the costs of meetings to discuss the application. At the Planning Commission's discretion, the escrow deposit shall be provided prior to the pre-application meeting or at the time the Preliminary Development Plan is submitted.

2. Pre-application Conference:

Prior to the submission of a concept plan for a Residential Planned Unit Development, a pre-application conference may be held with the applicant, City Mayor, City Clerk, Planning Commission Chairman, and Building Inspector in attendance, together with such consultants or technical staff as deemed necessary.

3. Purpose of Conference

- A. To explain the review and approval process, requirements, timetable and fees etc., to the applicant, while the applicant indicates the scope and general concept of his proposal.

B. The applicant shall provide at least the following information at said conference:

- (1) The applicant's name;
- (2) A sketch plan of the proposed development with sufficient detail to convey the concept;
- (3) A legal description of the property;
- (4) Total acres involved in the project;
- (5) Date of preparation and any revisions;
- (6) North arrow;
- (7) Property lines and dimensions;
- (8) Small location sketch of the subject site and area, and scale;
- (9) Zoning and current land use of subject property and all abutting properties and of properties across any public or private street from the RPUD site;
- (10) Lot lines and all structures on the property and within one-hundred (100) feet of the PUD property lines;
- (11) Location of any access points on both sides of the street within three-hundred (300) feet of the RPUD along arterial streets and within one-hundred (100) feet along other streets where access to the RPUD is proposed.

C. The City Building Inspector may waive the pre-application conference.

SECTION 8A.03 PRELIMINARY DEVELOPMENT PLAN REVIEW

1. Within ninety (90) days of the pre-application conference, if any, the applicant shall submit ten (10) copies of the Preliminary Development Plan containing:
 - A. all information indicated in *ARTICLE XI SITE PLAN REVIEW* of this Ordinance to the City Clerk.
 - B. a preliminary layout of proposed residential uses, area allotted to each use, residential density overall, building footprints,

structures, parking areas, drives, driveways, pedestrian paths, gathering areas and identification signs.

- C. building setbacks and spacing.
 - D. general location and type of landscaping proposed (evergreen, deciduous, berm, etc.) noting existing trees over six (6) inches in caliper to be retained, and any woodlands that will be designated as "areas not to be disturbed" in development of the RPUD.
 - E. a preliminary layout of contemplated storm water drainage, water supply and wastewater disposal systems, any public or private easements, and a note of any utility lines to be removed and/or relocated.
 - F. the City may require building elevations, perspectives, color drawings and material descriptions or samples.
 - G. the name of the development; the preparer's name and professional seal of architect, engineer, surveyor or landscape architect indicating license in the State of Michigan;
2. Upon receipt of the Preliminary Development Plan, the City Clerk shall refer the Development Plan to the City of Petersburg Planning Commission for review and approval. The Planning Commission shall give notice, hold a public hearing and conduct a formal review of the Development Plan, including a review of the Development Plan by the City's planning consultant. The notice of public hearing on the request for PUD approval shall be published in a newspaper of general circulation in the City. Separate notice shall be sent by mail or personal delivery to the owners of property for which approval is being considered, to all persons to whom real property is assessed within three hundred (300) feet of the boundary in question, and to the occupants of all structures within three hundred (300) feet. Such notification shall be in accordance with the Michigan Zoning Enabling Act (Public Act 110 of 2006, as amended). The Planning Commission shall consider the following during its review to ensure conformity by the proposed development:
- A. Whether or not the proposed development serves the intent of this Ordinance, and the public health, safety, and welfare.
 - B. Whether or not the proposed development meets the intent and objectives of the City's Land Use Plan.

- C. Whether or not the community will receive a beneficial effect as a result of the proposed development, where such benefits would otherwise be unlikely under conventional zoning.
 - D. Whether or not the proposed development meets all provisions contained in *ARTICLE XI, SITE PLAN REVIEW*, and all the RPUD provisions contained in this Article.
 - E. Whether or not the proposed development has adequate facilities such as water, sewers, and streets to service the site.
 - F. The Planning Commission shall be entitled to make reasonable inquiries and request additional information in order to evaluate the proposed development.
3. After submittal of the application and Preliminary Development Plan to the City by the applicant, the Planning Commission shall either recommend approval, disapproval, or request modification to the preliminary development plan. The Planning Commission shall provide a written statement of its conclusions, its decision, the basis for its decision, and any conditions imposed on an affirmative decision.
4. In reviewing the Preliminary Development Plan, the Planning Commission shall determine whether the proposal complies with the RPUD regulations set forth in this Ordinance.
- A. If the Preliminary Development Plan is rejected by the Planning Commission, its reasons therefore shall be specified in writing and shall be based upon the standards of review listed or referred to in this Ordinance. The applicant shall receive a copy of the specified reason(s) and may resubmit the Preliminary Development Plan containing the necessary changes, corrections, or additional information to the Planning Commission where it will follow the stated review and approval procedures.
 - B. Approval of the Preliminary Development Plan by the Planning Commission shall not constitute a final approval. The effect of receiving approval or approval with conditions shall be to authorize the concept embodied in the Preliminary Development Plan, subject to submission, review and approval of the Final Site Plan.
5. If the Planning Commission approves the application and the Preliminary Development Plan, the applicant shall submit a Development Agreement stating the conditions upon which approval is based, for review and approval by the City Attorney. Said Agreement, after review by the Planning Commission and approval by the City Council, shall be entered

into between the City and the applicant and be recorded in the office of the Monroe County Register of Deeds at the expense of the applicant. Approval shall be effective upon recording. Said agreement shall provide:

- (1) A certified survey of the property comprising the proposed development.
- (2) The manner of ownership of the developed land.
- (3) The manner of the ownership and of the dedication or mechanism to protect any areas designated as common areas or open space.
- (4) Provision assuring that those open space areas shown on the plan for use by the public or residents of the development will be or have been irrevocably committed for that purpose. The City may require conveyances or other documents to be placed in escrow to accomplish this.
- (5) Satisfactory provisions have been made to provide for the future financing of any improvements shown on the plan for site improvements, open space areas and common areas which are to be included within the development and that maintenance of such improvements is assured by a means satisfactory to the City Council.
- (6) The cost of installing and maintaining all streets and the necessary utilities has been assured by a means satisfactory to the City Council.
- (7) The concept plan shall be incorporated by reference and attached as an exhibit.

SECTION 8A.04 FINAL SITE PLAN REVIEW AND APPROVAL

1. Within six (6) months following receipt of Preliminary Development Plan approval or approval with conditions and prior to the issuance of any building permits, the applicant shall submit ten (10) copies of a Final Site Plan to the City Planning Commission containing all criteria indicated in *ARTICLE XI SITE PLAN REVIEW* of this Ordinance, and including the following:
 - A. All criteria, documentation and conditions approved as part of the Preliminary Development Plan.
 - B. A written statement describing the method that will be used to service the development with water and sanitary sewer facilities and to control drainage on and from the site.

- C. A written description and map showing how the impact of the construction phase will be mitigated, including, but not limited to, the following:
 - 1) Access routes for construction vehicles.
 - 2) Measures to be taken to mitigate against any physical damage by such vehicles including the effects of weight and soil on road surfaces.
 - D. Other information as may be reasonably required in order to evaluate the proposed development.
2. The Planning Commission shall review the Final Site Plan, based on the following standards:
- A. Whether or not the Final Site Plan conforms to the Preliminary Development Plan submitted and approved;
 - B. Whether or not the Final Site Plan meets all provisions contained in *Section 11.04—Review Process*.
 - C. Whether or not all applicable provisions of this Ordinance have been met.
3. The Planning Commission shall either recommend approval, approval with conditions, disapproval, or request modification to the Final Site Plan. The Planning Commission will forward a written statement of its conclusions, its recommendations, the basis for its recommendation and any conditions recommended associated with an affirmative decision to the City Council. City Council shall have the authority to approve the Final Site Plan.
4. When an applicant receives Final Site Plan approval, it shall constitute approval for PUD zoning on the site requested. The applicant must develop the site exactly as approved by the Planning Commission. Any deviation or alternate development or use of said site shall negate approval of the PUD zoning.
5. Once the Final Site Plan is approved, the applicant has a period of one (1) year to obtain a building permit and begin construction. If development has not commenced within this period, the applicant shall be notified in writing of the expiration of approval for the RPUD development plan. The Planning Commission shall review progress to date and make a decision whether to extend or revoke the original RPUD plan.

SECTION 8A.05 OTHER PROVISIONS

1. There shall be an advance payment of fees at the time of the Pre-application Conference and at the time of filing of the Preliminary Development Plan and Final Site Plan. The amount of such fees shall be established by City Council.
2. All dedications of public rights-of-way shall be made prior to any construction taking place on the site.
3. The City Council may require reasonable performance guarantees to ensure completion of improvements. These guarantees may take the form of a cash deposit, certified check, irrevocable letter or credit a surety bond or other acceptable financial guarantees. The performance guarantee shall be deposited at the time of the issuance of the permits authorizing the work or activity. The City shall establish a procedure by which a rebate of any cash deposits shall be made in reasonable proportion to the ratio of work completed on the required improvements shall be made as work progresses.
4. All reasonable conditions imposed to protect the health, safety and welfare of individuals in the project and those immediately adjacent shall be made a part of the record of approved Residential Planned Unit Development. The City Clerk shall keep a special record of all RPUD development plans and approval conditions.
5. Wherever conflict occurs between provisions of this Article and provisions of any other Article of this Ordinance, the provisions of this Article shall apply to the lands within the Residential Planned Unit Development District.

ARTICLE IX
SCHEDULE OF REGULATIONS
LIMITING HEIGHT AND BULK OF BUILDINGS AND AREA OF LAND USE
CITY OF PETERSBURG

USE DISTRICT	MINIMUM SIZE LOT PER UNIT (A,G)		MAXIMUM HEIGHT OF BUILDINGS		MINIMUM YARD SETBACK DIMENSIONS IN FEET (A,G)			FLOOR AREA MINIMUM	PERCENT LOT COVER MAXIMUM	
	AREA IN SQ. FT. (A)	WIDTH IN FEET	IN STORIES	IN FEET	FRONT	SIDES	REAR			
						LEAST ONE	TOTAL OF TWO			
R-1 Single-Family Residential District	7,200	60	2	25	35(B,H)	5	15(D)	25	800	40
R-2 Medium Density Residential										
<i>(a) Two-Family Duplex Res.</i>	14,400	120	2 1/2	25	35(B,H)	10	25(D)	35	800 (M)	35
<i>(b) Row House, Town House, Terrace & Condominium Residence</i>	20,000	200	2 1/2	35	35(B,H)	10(L)	25(D,L)	35	800 (M)	35
<i>(c) Apartment Residence</i>	20,000 (P)	200	2 1/2	35	35(B,H)	10(N)	25(D,N)	35	(o)	35
C-1 Commercial District	--	--	2	30	25(H)	(I)	(I)	25(J)	--	--
I-1 Industrial District	20,000	100	2	30	40(Q)	20(Q)	40(Q)	40(Q)	--	35
Flood Hazard Overlay Zone(K)	--	--	--	--	--	--	--	-	--	--
PUD Planned Unit Development	20 (P) acres	660	2 1/2	--	35(B)(H)	10(L)(W)(I)	25(D)(L)(N)(I)	35(J)	--(N)(O)	--

FOOTNOTES FOR SCHEDULE OF REGULATIONS

- A. In determining required yard spaces and lot area for all land uses in any zoning district, the determination of such yard spaces shall be the distance from the building or structure on the lot to the nearest lot line. For those lots adjacent to a major or secondary thoroughfare or collector street, identified on the City's Master Plan for thoroughfare as a federal, state, county, or city road, the yard spaces shall be measured from the proposed future right-of-way lines for such thoroughfare to the building or structure on a lot or parcel of land. Until such times as the City's Master Plans of thoroughfare shall have been adopted, the following right-of-way shall be observed for the purpose of determination of lot area and yard spaces in the City of Petersburg.

Rights-of-way for all other public roads or streets within a platted subdivision shall be at least sixty-six (66) feet. (Ord. 99, Effective 6-6-99)

- B. In all residential districts, the required front yard shall not be used for off-street parking, loading, or unloading, and shall remain as open space unoccupied and unobstructed from the ground upward except for landscaping, plant materials or prepared vehicle access drives.
- C. The minimum floor area per dwelling unit shall not include areas of basements, breezeways, unenclosed porches, terraces, attached garages, attached sheds or utility rooms.
- D. In the R-1 and R-2 Residential Districts, the width of side yards, which abut upon a street on the same side or on the opposite side of the same block, upon which other residential lots front, shall not be less than the required front yard for said homes which front upon said side street.
- E. For mobile home parks, minimum lot width shall be six hundred and sixty (660) feet.
- F. For mobile home parks, minimum lot area shall be twenty (20) acres.
- G. All publicly owned buildings, public utility buildings, telephone exchange buildings, electric transformer stations and substation, and gas regulator stations necessary to provide essential services to the area by governmental units or public utilities will be permitted on lots having the minimum yard setback, and maximum lot coverage (in percent) requirements set forth in the R-1 District of this Ordinance and with a minimum lot size (in area) of 15,750 square feet.

- H. Where an existing front setback has been established by existing office, commercial, or residential buildings occupying forty (40) percent or more of the frontage within the same block, such established setback shall apply.
- I. Side yards are not required along interior side lot lines if all walls abutting or facing such lot lines are of fireproof masonry construction and entirely without windows or other openings. A side yard of twenty (20) feet is required on all corner lots and whenever adjacent to a residential district.
- J. No rear yard is required in the C-1 district where the rear property line abuts upon a twenty (20) foot alley, but where no alley exists, a rear yard of not less than twenty (20) feet shall be provided.
- K. Height, bulk, and area requirements for specific uses will be based upon the requirements of the underlying zoning district, as well as those regulations outlined in Section 12.08 herein.
- L. Row Houses, terraces, townhouses, and condominiums may share common side walls, provided such walls are of approved fireproof and soundproof construction in all areas in which they are constructed in common.
- M. Minimum floor for such dwelling units shall be eight hundred (800) square feet.
- N. Every lot on which an apartment dwelling is erected shall be provided with a side yard on each side of such lot. Each side yard shall be increased by one (1) foot for each ten (10) feet or part thereof by which length the multiple dwelling exceeds forty (40) feet in overall dimension along the adjoining plot line.
- O. The required minimum floor area for apartment dwelling units shall be as follows:

<i>Efficiency Unit</i>	<i>450 square feet</i>
<i>One Bedroom Unit</i>	<i>620 square feet</i>
<i>Two Bedroom Unit</i>	<i>860 square feet</i>
<i>Three Bedroom Unit</i>	<i>1,000 square feet</i>
<i>Additional Bedrooms</i>	<i>150 square feet</i>

P. Each apartment structure shall occupy a lot comprising not less than twenty thousand (20,000) square feet, provided that additional lot area shall be required for each dwelling unit contained within each apartment structure as follows:

<i>For each:</i>	<i>An Additional Lot Area of:</i>
<i>Efficiency Unit</i>	<i>2,000 square feet</i>
<i>One Bedroom Unit</i>	<i>2,500 square feet</i>
<i>Two Bedroom Unit</i>	<i>3,500 square feet</i>
<i>Three Bedroom Unit</i>	<i>5,000 square feet</i>
<i>Extra Bedroom, Over Three</i>	<i>1,500 square feet</i>

Q. Those sides of a parcel within an I-1 district which abut an R-1, R-2, or C-1 district shall be provided with a twenty (20) foot greenbelt. Said greenbelt shall be completely obscuring and shall be subject to the approval of the Building Inspector.

ARTICLE X

STANDARDS FOR SPECIAL APPROVAL USES

STATEMENT OF PURPOSE

This section provides a set of procedures and standards for special uses of land or structures which, because of their unique characteristics, require special consideration in relation to the welfare of adjacent properties and the community as a whole.

The regulations and standards, herein, are designed to allow, on one hand, practical latitude for the investor or developer, but at the same time maintain adequate provision for the protection of the health, safety, convenience, and general welfare of the community.

SECTION 10.01 SPECIAL APPROVAL PROCEDURES

The application for a Special Approval Use shall be submitted and processed under the following procedures:

1. An application shall be submitted through the Building Inspector on a special form for this purpose. Each application shall be accompanied by the payment of a fee as established by the City Council. The Planning Commission may waive the special approval fee if the applicant plans to locate within an existing building.

In the event the allowance of a desired use requires both a rezoning and permission for a special approval use, both requests may be submitted jointly, subject to the following:

- A. The Ordinance procedures for each shall be followed as specified.
 - B. All applicable standards and specifications required by the Ordinance shall be observed.
2. The following is required for all special approval uses:
 - A. The special form shall be completed in full by the applicant including a statement by the applicant that Section 10.02 can be complied with.

- B. A completed site plan as specified in *ARTICLE XI, SITE PLAN REVIEW*.
- 3. The application together with all required data shall be transmitted to the Planning Commission for review. The Planning Commission shall then hold a public hearing. In such cases the notice requirements for Public Hearings shall be followed as required by the Michigan Zoning Enabling Act. The Planning Commission shall provide a written statement of its conclusions, its decision, the basis for its decision and any conditions imposed on an affirmative decision.
- 4. A special approval use granted pursuant to this Article shall be valid for one (1) year from the date of approval. If construction has not commenced and proceeded meaningfully toward completion by the end of this one (1) year period, the Building Inspector shall notify the applicant in writing of the expiration of approval for the special approval use.
- 5. The Planning Commission shall have the authority to revoke any special approval use after the applicant has failed to comply with any of the applicable requirements of this Article or any other applicable sections of this Ordinance.

SECTION 10.02 SPECIAL APPROVAL STANDARDS

Before formulating recommendations for a special approval use application, the Planning Commission shall require that the following general standards, in addition to those specific standards established for each use, shall be satisfied.

- 1. The Planning Commission shall review each application for the purpose of determining that each proposed use meets the following standards and, in addition, shall find adequate evidence that each use on the proposed site will:
 - A. Be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed.
 - B. Be served adequately by essential public facilities and services such as highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities, or schools.
 - C. Not create excessive additional requirements at public cost for public facilities and services.

- D. Not involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to any person, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors.
 - E. Be consistent with the intent and purpose of the zoning district in which it is proposed to locate such use.
2. The Planning Commission may stipulate such additional conditions and safeguards deemed necessary for the general welfare, for the protection of individual property rights, and for insuring that the intent and objectives of this Ordinance will be observed. The breach of any condition, safeguard, or requirement shall automatically invalidate the granting of the special approval use.
 3. The general standards and requirements of this section are basic to all uses authorized by special approval. In such case, the specific and detailed requirements set forth in the following section relate to particular uses and are requirements which must be met by those uses in addition to the foregoing general standards and requirements where applicable.
 4. All applicable licensing ordinances shall be complied with.

ARTICLE XI

SITE PLAN REVIEW

STATEMENT OF PURPOSE

Prior to construction or structural alteration of any building, structure, or use listed in Section 11.01, the following site plan review procedures are instituted to provide an opportunity for the City of Petersburg Planning Commission to review the proposed use of a site in relation to drainage, pedestrian, and vehicular circulation, parking, structural relationships, public utilities, landscaping, accessibility, and other site design elements which may have an adverse effect upon the public health, safety, and general welfare.

SECTION 11.01 BUILDINGS, STRUCTURES, AND USES REQUIRING SITE PLAN REVIEW

The following buildings, structures, and uses require site plan review:

1. A mobile home park.
2. Any principal non-residential building or structure permitted in residential districts and any principal building or structure, except farm buildings and structures, permitted in flood plain districts.
3. Any building with a floor area greater than five hundred (500) square feet, or additions thereto, in a commercial district.
4. More than one (1) building or structure, except a sign, on a lot or parcel, or combination of lots under one (1) ownership, in any commercial district.
5. Any principal used lot in any commercial district which does not involve a building, such as, but not limited to outdoor sales, outdoor displays, and storage and wrecked vehicles.
6. Public utility buildings and structures, but not including poles, towers, and telephone buildings.
7. Any parking lot or addition thereto containing five (5) or more parking spaces.

8. For any rezoning petition which, in the opinion of the Planning Commission, may produce a subsequent request to the Board of Appeals for a difficult or complex variance.

SECTION 11.02 SITE PLAN CRITERIA

The following items shall be contained in the Site Plan:

1. A legal description of the property under consideration.
2. A map indicating the gross land area of the development, the present zoning classification thereof, and the zoning classification and land use of the area surrounding the proposed development.
3. A fully dimensioned map of the land showing topographic information at a contour interval of two (2) feet or less.
4. A vicinity map showing the location of the area in relation to surrounding properties, streets, freeways, schools, school sites and other significant features of the community where appropriate.
5. A site development plan with at least the following details shown to scale and dimension:
 - A. The date, north arrow, and scale. The scale shall be not less than 1" = 20', for property under three (3) acres and at least 1" = 100' for those three (3) acres or more.
 - B. Statistical data including number of dwelling units, size of dwelling units, if any, and total gross acreage involved.
 - C. The location and height of all existing and proposed structures on and within one hundred (100) feet of the subject property's boundary.
 - D. All lot and/or property lines are to be shown and dimensioned, including building setback lines on corner lots.
 - E. The location and dimensions of all existing and proposed drives, sidewalks, curb openings, signs, exterior lighting, curbing, parking areas (show dimensions of a typical parking space), unloading areas, and recreation areas.
 - F. Vehicular traffic and pedestrian circulation features within and without the site.

- G. The location of all proposed landscaping, fences, or walls, including any topographic alterations or changes in natural terrain.
- H. Size and location of existing and proposed utilities, including proposed connections to public sewer or water supply systems.
- I. The location and pavement width and right-of-way width of all abutting roads, streets, alleys, or easements.
- J. The location and size of all existing and proposed surface water drainage facilities.
- K. Areas of marsh, swamp, and flood plains together with any other feature that is of significance to the use and to the site.
- L. The location of all free standing signs.
- M. The location of any outdoor storage materials and the manner in which they shall be screened or covered.

SECTION 11.03 SUBMITTAL

The owner or owners of subject property shall submit an application in ten (10) copies for site plan review to the City Clerk.

SECTION 11.04 REVIEW PROCESS

1. In the process of reviewing the site plan, the Planning Commission shall consider:
 - A. The location and design of driveways providing vehicular ingress and egress from the site in relation to pedestrian traffic.
 - B. The traffic circulation features within the site and location of parking lots, and may make such requirements with respect to any matters as will assure:
 - a. Safety and convenience of both vehicular and pedestrian traffic both within the site and in relation to access streets.
 - b. Satisfactory and harmonious relationships between the development of the site and existing and prospective development of contiguous land and adjacent neighborhoods.

- C. The Planning Commission may further require landscaping, fences, and walls in pursuance of these objectives and same shall be provided and maintained as a condition of the establishment and continued maintenance of any use to which they are a part.
 - D. Other information as may be reasonably required by the Planning Commission to assist in forming an opinion of the proposed development.
2. The Planning Commission may submit plans to other local agencies or departments so that they might comment on any problems the plan might pose.
- A. Any application for site plan approval shall be accompanied by a fee as determined by the City Council. Such fee may be utilized by the Planning Commission to obtain the services of one or more expert consultants qualified to advise as to whether the proposed development will conform to the applicable City ordinances, policies, and standards, and for investigation and report of any objectionable elements which are of concern to the Planning Commission. Such consultants should report to the Planning Commission as promptly as possible.
 - B. The review by the Planning Commission shall follow the criteria set forth herein. Within forty-five (45) days after submittal of the site plan to the City by the applicant, the Planning Commission shall either approve, disapprove or request modifications in the site plan.
 - C. When an applicant receives final site plan approval, he must develop the site exactly as approved by the Petersburg City Planning Commission.
 - D. Any site plan approval may be revoked when the construction of said development is not in conformance with the approved plans, or if said development is not completed within two (2) years. In either case the Planning Commission shall give the applicant notice of intention to revoke such permit at least ten (10) days prior to review of the permit by the Planning Commission. After conclusion of such review, the Planning Commission may revoke its approval of the development, or extend the period of validity of the approved site plan upon evidence of intent to complete by the developer in accordance with the approved site plan.

ARTICLE XII

SUPPLEMENTARY DISTRICT REGULATIONS

SECTION 12.01 STORAGE OF MATERIALS

The following provisions shall apply:

1. Garbage, ashes, rubbish, and similar refuse to be stored outside a building in a mobile home park, all commercial and private recreational sites, multiple-family residents, and the commercial and industrial districts shall be stored within approved containers and said containers shall be stored within a screened enclosure. The enclosure may be constructed of an opaque material such as wood, concrete blocks, or bricks, and shall be enclosed on at least three (3) sides. The fourth side may be open for access or access may be provided by one (1) or more gates. The storage area shall have a concrete floor at least three and one-half inches (3 1/2") thick.
2. The location or storage of abandoned, discarded, unused, unusable, or inoperative appliances, furniture, equipment, or materials, (but not including inoperative vehicles) shall be regulated as follows, except for junk yards, in which case the regulations set forth in *Section 12.05*, herein, apply.
 - A. On any lot or parcel in any residential, commercial or industrial district, the owner or tenant shall locate and store such materials within a completely enclosed building. Such storage shall be for future transfer to other premises and shall not be for the purpose of hire or sale.

SECTION 12.02 PRESERVATION OF ENVIRONMENTAL QUALITY

The following provisions shall apply:

1. In any zoning district no river, stream, watercourse or drainage way, whether filled or partly filled with water or dry in certain seasons, shall be obstructed or altered in any way at any time by any person, except when done in conformance with State and Federal laws and standards.
2. No person shall alter, change, transform, or otherwise vary the edge, bank, or shore, of any lake, river, or stream except as provided in the

Inland Lakes and Streams Act, Act 451 of the Public Acts of 1994 Part 301, as amended.

3. No person shall drain, remove, fill, change, alter, transform or otherwise vary the area, water level, vegetation or natural condition of a marsh, swamp, or wetland except after receiving approval of a site plan from the soil erosion office in accordance with the Michigan Natural Resources and Environmental Protection Act, P.A. 451 of 1994, as amended, MCL 324.101 *et seq.*, and from the Planning Commission in accordance with *ARTICLE XI, SITE PLAN REVIEW*, herein. Any alterations shall conform to the requirements of applicable State and Federal agencies, and in accordance with *Section 12.08 Hazard Overlay Zone* regulations, herein.

SECTION 12.03 TRANSITION STRIP

1. A transition strip, when required by this Ordinance, shall be provided in accordance with this Section. Where permitted, a decorative wood screen or masonry wall, six (6) feet high, may be substituted for the transition strip if the Planning Commission determines that such screen or wall will equal the performance of the transition strip and where such lot is too limited in dimension or area to reasonably permit the installation of such strip.

A hedge may also be substituted for a transition strip, provided that it will obtain a height of at least three (3) feet at the end of the first growing season, and if the Planning Commission determines that such hedge will equal the performance of the transition strip. A screen, wall, hedge, or strip shall be adequately maintained at all times.

2. The transition strip shall be landscaped with living plant materials; such materials shall be planted within six (6) months of the date of issuance of the certificate of occupancy, weather conditions permitting.
3. A security deposit, where not provided as part of performance guarantees required elsewhere herein, shall be deposited with the Building Inspector until such time as the transition strip is planted. The transition strip shall be installed within the time required or the Building Inspector shall be authorized to use funds to install the transition strip.

In all cases, however, the Building Inspector shall be authorized to withhold ten (10) percent of the security deposit for a period of two (2) years from the date of issuance of the Certificate of Occupancy to insure that dead or dying nursery stock shall be replaced. Excess funds, if any, shall be returned to the depositor upon completion of the two (2) year period. It shall be the responsibility of the property owner to maintain the transition strip for its original purposes.

SECTION 12.04 AUTOMOBILE SERVICE AND REPAIR STATIONS

In addition to other regulations set forth in this Ordinance, all automobile gasoline service and repair stations, new and used motor vehicle sales and service establishments, and other automotive service and repair facilities shall conform to the following requirements:

1. Sidewalks shall be separated from vehicular parking or circulation areas by curbs, wheel stops, or traffic islands. The portion of the property used for vehicular traffic shall be separated from landscaped areas by a curb, except where driveways cross.
2. The entire area used for vehicle service shall be paved.
3. Hydraulic hoist, service pits, lubricating, greasing, washing, and repair equipment and operations shall be located within a completely enclosed structure.
4. The maximum widths of all driveways at the right-of-way line shall be no more than thirty (30) feet.
5. The angle of a driveway intersection with the street from the curb line to lot line shall be not less than sixty (60) degrees.
6. The distance of any driveway from any property line shall be at least twenty (20) feet, measured at the tangent points of the drive edge and the street curb return.
7. The distance between curb cuts shall be no less than forty (40) feet, measured between the tangent points of the drive edges and the street curb returns.
8. Outdoor storage of trash, including new or discarded vehicle parts, shall be contained within a solid, unpierced enclosure.
9. Storage of vehicles rendered inoperative, either through damage or disrepair or any other cause, and vehicles without current registration, shall be limited to a period of not more than thirty (30) days and then only for the purpose of temporary storage pending transfer to a junk yard, unless the storage area is completely enclosed by a fence not less than six (6) feet in height. Such storage shall not occur in front of the front building line. Such inoperative vehicles shall not be sold or advertised for sale on the premises.
10. Sales of used cars and other motorized vehicles shall be prohibited, unless special use approval is granted.

SECTION 12.05 JUNK YARDS

In addition to other regulations set forth in this Ordinance, all junk yards shall conform to the following requirements:

1. The junk yard shall be located on a public arterial street, or equivalent major public street as defined in the adopted City of Petersburg General Development Plan.
2. Travel routes for trucks entering and leaving the junk yard shall be shown on a map of the City at the time of application for the special approval use permit. Such routes except arterial streets or their equivalent shall not pass through residential areas.
3. A site plan shall be provided at the time of the special approval use permit application and shall meet all requirements of *ARTICLE XI, SITE PLAN REVIEW*, herein. The site plan shall also contain a description of the location and nature of any material processing operations to be conducted within the junk yard, and the location and nature of equipment for such operations.
4. Junk materials shall be stored in organized rows with open intervals at least twenty (20) feet wide between rows for purposes of fire protection access and visitor safety.
5. Junk materials shall not be stored in piles higher than the top of the fence surrounding the junk yard. Automobiles, trucks, and other vehicles shall not be stacked so as to prohibit fire protection and so as to protect the safety of visitors.
6. The junk yard shall be maintained in such a manner as to prevent the breeding or harboring of rats, insects, or other vermin.
7. The junk yard, when established and located within one thousand (1,000) feet of any existing residential district, as measured on a straight-line distance, shall not be open for business and shall not be operated at any time other than between the hours of 7:00 a.m. and 6:00 p.m., Monday through Saturday, and shall not be open for business or otherwise operate on Sundays.
8. Burning shall be prohibited except within an enclosed incinerator, and only if the burning operation and incinerator are approved by the City Fire Chief or other designated fire official, the Building Inspector, and the County Health Department.

9. All flammable liquids contained in automobiles and other vehicles shall be drained from same immediately after such vehicles are brought to the junk yard. Such liquids are to be stored in containers approved by the City Fire Chief or other designated fire official.
10. All drives, parking areas, and loading/unloading areas shall be paved, oiled, watered, or chemically treated so as to limit nuisances caused by windborne dust on neighboring properties and on public roads.
11. There shall be not more than one (1) entrance way from each public street which adjoins the junk yard.
12. Fencing shall be required as follows:
 - A. A solid, opaque fence or wall, seven (7) feet high as measured from grade at each post in the case of a fence, or at ten (10) feet intervals in the case of a wall, shall be provided along each public street frontage. The fence or wall shall be located on the rear line of the required front yard. Gates shall also be made of solid, opaque material. The front yard shall be landscaped and continuously maintained as a lawn.
 - B. Where the junk yard is adjacent to any residential and commercial use or district, a solid screen type fence or wall, seven (7) feet high, shall be provided on any side or rear property line or portion thereof, adjoining such lots.
 - C. The fence or wall shall be continuously maintained in such a manner that breakages, decay, etc., are repaired within an appropriate period of time and routine maintenance, such as painting, etc., will also be performed within an appropriate period of time.
 - D. Strips of metal, plastic or other materials inserted into wire fences shall not be permitted in any fence enclosing a junk yard.
13. Wrecking and processing operations are permitted in a junk yard but shall be described in the application for the special use permit.

SECTION 12.06 COMMERCIAL KENNELS

A commercial kennel, licensed by the County, shall be subject to the following requirements:

1. The minimum lot size shall be ten (10) acres.

2. Structures or pens shall not be located less than three hundred (300) feet from a public right-of-way or less than one hundred (100) feet from a side or rear lot line.
3. The kennel shall be established and maintained in accordance with all applicable County and City sanitation regulations.
4. A site plan shall be approved in accordance with *ARTICLE XI, SITE PLAN REVIEW*, herein.

SECTION 12.07 STORAGE OF RECREATIONAL EQUIPMENT

Recreational vehicles, boats and boat trailers, snowmobiles, trail-cycles, all-terrain vehicles, and similar equipment and trailers, cases, and boxes used for transporting recreational equipment shall not be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot, or in any location not approved for such use.

Storage of such equipment, when permitted in a commercial district as a principal use of lot, shall be located behind all required lot lines with all required yards to be landscaped and properly and regularly maintained. The storage area shall have a gravel surface, treated regularly to prevent erosion and blowing of dust. The storage area shall be fenced for security purposes.

SECTION 12.08 FLOOD HAZARD AREA OVERLAY ZONE REGULATIONS

It is the purpose of this Section to significantly reduce hazards to persons and damage to property as a result of flood conditions in the City of Petersburg, and to comply with the provisions and requirements of the National Flood Insurance Program, as constituted in accord with the National Flood Insurance Act of 1968, and subsequent enactments and the rules and regulations promulgated in furtherance of this program by the Federal Emergency Management Agency (FEMA).

Further, the objectives of this Section include:

- The protection of human life, health, and property from the dangerous and damaging effects of flood conditions;
- The minimization of public expenditures for flood control projects, rescue and relief efforts in the aftermath of flooding, repair of flood damaged public facilities and utilities, and the redevelopment of flood damaged homes, neighborhoods, commercial and industrial areas;
- The prevention of private and public economic loss and social disruption of a result of flood conditions;

- The maintenance of stable development patterns not subject to the blighting influence of flood damage;
 - To ensure that the public has access to information indicating the location of land areas subject to periodic flooding; and
 - To preserve the ability of floodplains to carry and discharge a base flood.
1. The Flood Hazard Overlay Zone shall overlay existing zoning districts delineated on the official City of Petersburg Zoning Map. The boundaries of the flood hazard area zone shall coincide with the boundaries of the areas of special flood hazards (A zones) designated by the Federal Insurance Administration in the Flood Insurance Rate Map No. 226115C0190E, dated October 2, 2014, and amendments thereto, which are adopted by reference, appended, and declared to be a part of this Ordinance. The term flood hazard area as used in this Ordinance shall mean the flood hazard area zone.

Where there are disputes as to the location of a flood hazard area zone boundary, the Zoning Board of Appeals shall resolve the dispute in accord with Section 12.08.7 herein.

In addition to other requirements of this Ordinance applicable to development in this zoning district, compliance with the requirements of this Article shall be necessary for all development occurring within the flood hazard area zone. Conflicts between the requirements of this Article and other requirements of this Ordinance or any other ordinance shall be resolved in favor of this Article, except where the conflicting requirement is more stringent and would further the objectives of this Article to a greater extent than the requirements of this Article. In such cases the more stringent requirement shall be applied.

2. Development, including the erection of structures and placement of mobile homes, within a flood hazard area shall not occur except upon issuance of a building permit in accordance with the requirements of Article XV Administration and Enforcement and the following standards:
 - A. The requirements of this Article shall be met.
 - B. The requirements of the zoning district and applicable general provisions of this Ordinance must be met.
 - C. All necessary development permits shall have been issued by appropriate local, state and federal authorities including a

floodplain permit, approval, or letter of no authority from the Michigan Department of Natural Resources under authority of the Michigan Natural Resources and Environmental Protection Act, P.A. 451 of 1994, as amended, MCL 324.101 *et seq.*

3. All new construction and substantial improvements within a flood hazard area, including the placement of prefabricated buildings and mobile homes, shall:
 - A. Be designed and anchored to prevent flotation, collapse, or lateral movement of the structure;
 - B. Be constructed with materials and utility equipment resistant to flood damage; and
 - C. Be constructed by methods and practices that minimize flood damage.

All new and replacement water supply systems shall minimize or eliminate infiltration of flood waters into the systems.

All new and replacement sanitary sewage systems shall minimize or eliminate infiltration of flood waters into the systems and discharges from systems into flood waters. On-site waste disposal systems shall be located to avoid impairment to the system or contamination from the system during flooding.

All public utilities and facilities shall be designed, constructed and located to minimize or eliminate flood damage.

Adequate drainage shall be provided to reduce exposure to flood hazards.

The building inspector, or his representative, shall review development proposals to determine compliance with the standards in this section, and shall transmit his determination to the zoning administrator.

Land shall not be divided in a manner creating parcels or lots which cannot be used in conformance with the requirements of this Article.

The flood carrying capacity of any altered or relocated watercourse not subject to state or federal regulations designed to ensure flood carrying capacity shall be maintained.

Available flood hazard data from federal, state or other sources shall be reasonably utilized in meeting the standards of this section. Data

furnished by the Federal Insurance Administration shall take precedence over data from other sources.

4. On the basis of the most recent available base flood elevation data the following standards shall apply in the flood hazard area zone:
 - A. All new construction and substantial improvements of residential structures shall have the lowest floor, including basement, elevated to one (1) foot, at least, above the base flood level.
 - B. All new construction and substantial improvements of non-residential structures shall have either:
 - (1) The lowest flood, including basement, elevated to at least one (1) foot above the base flood level; or
 - (2) Be constructed such that below base flood level, together with attendant utility and sanitary facilities, the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subparagraph are satisfied, and that the flood proofing methods employed are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with a base flood in the location of the structure. Such certification shall be submitted as provided in Section 8.07 and shall indicate the elevation to which the structure is flood proofed.

The most recent base flood elevation data received from the Federal Insurance Administration shall take precedence over data from other sources.

5. All mobile homes shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties in accord with the following specifications:
 - A. Over-the-top ties shall be provided at each of the four (4) corners of the mobile home, with two (2) additional ties per side at intermediate locations, except that on mobile homes less than fifty (50) feet in length one (1) tie per side shall be required.
 - B. Frame ties shall be provided at each corner of the home with five (5) additional ties per side at intermediate points, except that on

mobile homes less than fifty (50) feet in length four (4) ties per side shall be required.

- C. All components of the anchoring system shall be capable of carrying a force of 4,800 pounds.
- D. All additions to a mobile home shall be similarly anchored.

An evacuation plan indicating alternate vehicular access and escape routes shall be filed with the Monroe County Emergency Management Division for mobile home parks and mobile home subdivisions.

- 6. In addition to the information required with an application for a zoning compliance permit, special use permit or any other type of development permission required under this Ordinance, the following information shall be submitted as a part of an application for permission to commence any type of development within a flood hazard area zone:
 - A. The elevation in relation to mean sea level of the floor, including basement, of all structures;
 - B. Where flood proofing will be employed, the elevation in relation to mean sea level to which a structure will be flood proofed;
 - C. Where flood proofing will be employed, a certificate from a registered professional engineer or architect that the flood proofing criteria of this Ordinance will be met;
 - D. A description of the extent to which any watercourse will be altered or relocated as a result of proposed development;
 - E. Proof of development permission from appropriate local, state, and federal agencies as required by Section 8.04/1.c, including a floodplain permit, approval, or letter of no authority from the Michigan Natural Resources and Environmental Protection Act, as amended, P.A. 451 of 1994, MCL 324.101 *et seq.*
 - F. Base flood elevation data where the proposed development is subject to the Michigan Land Division Act, P.A. 288 of 1967, as amended, MCL 560.101 *et seq.*, or greater than five (5) acres in size; and
 - G. Additional information which may be reasonably necessary to determine compliance with the provisions of this Ordinance.
- 7. Where disputes arise as to the location of the flood hazard area boundary, the Zoning Board of Appeals shall resolve the dispute and

establish the boundary location. In all cases, the decision of the Zoning Board of Appeals shall be based upon the most current floodplain studies issued by the Federal Insurance Administration. Where Federal Insurance Administration information is not available, the best available floodplain information shall be utilized.

8. Where a dispute involves an allegation that the boundary is incorrect as mapped and Federal Insurance Administration floodplain studies are being questioned, the Zoning Board of Appeals shall modify the boundary of the flood hazard area only upon receipt of an official letter of map amendment issued by the Federal Insurance Administration.
9. All parties to a map dispute may submit technical evidence to the Zoning Board of Appeals.
10. The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based upon engineering and scientific methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. Approval of the use of land under this Article shall not be considered a guarantee or warranty of safety from flood damage.
11. This Ordinance does not imply that areas outside the flood hazard area will be free from flood damage. This Ordinance does not create liability on the part of the City of Petersburg or any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

SECTION 12.09 MOBILE HOME REGULATIONS

1. Mobile Home Park Regulations:

A1. *General Requirements*

- (1) Each mobile home within a mobile home park shall contain a complete bathroom, kitchen facilities, sleeping accommodations and plumbing and electrical connections. Travel trailers, motor homes and other recreational vehicles shall not be occupied in a mobile home park.
- (2) Mobile home skirting shall be vented. Louvered or similar vents shall be at least a minimum of six hundred (600) square inches per one thousand (1,000) square feet of living space. A minimum of one (1) vent shall be placed at the front and rear of the mobile home and to each exposed side.

An access panel of sufficient size to allow full access to utility hookups located beneath the mobile home shall be installed. All skirting shall be manufactured of fire-resistant material and certified as such by the manufacturer. Skirting shall be installed in a manner so as to resist damage under normal weather conditions to include, but not limited to, damage caused by freezing and frost, wind, snow, and rain.

- (3) Storage of dangerous or combustible goods and articles underneath any mobile home or out-of-doors at any mobile home site shall be prohibited except in an approved enclosed storage facility.
- (4) Canopies and awnings may be attached to any mobile home and may be enclosed, subject to mobile home site regulations, herein. When enclosed, such shall be considered a structure and part of the mobile home and building, and an occupancy permit issued by the Building Inspector shall be required.
- (5) All garbage and rubbish shall be stored, and transferred in accordance with the procedures outlined in Part 5, Garbage and Rubbish Storage Disposal, of the Mobile Home Commission Rules. Garbage and trash removal shall be made at least once per week, except during the summer when health conditions may warrant additional pickups. Incineration of garbage or rubbish on the site shall be prohibited.
- (6) A commercial sales lot activity is prohibited within a mobile home park except that mobile homes placed on mobile home sites under the "model home" concept may be sold on site by a licensed mobile home dealer or broker. This subsection does not prohibit the sale of a mobile home on site by the mobile home owner.
- (7) Entry and exit fees shall be prohibited.
- (8) All structure and utilities to be considered, altered, or repaired in a mobile home park shall comply with all applicable codes of the City, the State of Michigan, the U.S. Department of Housing and Urban Development and the Mobile Home Commission, including building, electrical, plumbing, liquefied petroleum gases and similar codes, and shall require permits issued by the appropriate offices. However, a mobile home built prior to June 15, 1976, shall

be constructed to the State of Michigan Standards in effect at that time. All structures and improvements to be constructed or made under the City's Building Code shall have a building permit issued by the Building Inspector. Such structures or improvements shall have a minimum of two inspections prior to a final inspection by the Building Inspector.

- (9) A Mobile Home Park shall have a public water and sewer system and/or onsite water and waste water treatment system acceptable by the Michigan Department of Public Health and Michigan Department of Natural Resources.
- (10) The site and surrounding area shall be suitable for residential use. It shall not be subject to hazards such as insect or rodent infestation, objectionable smoke, noxious odors, unusual noises, subsidence, or the probability of flooding or erosion. The soil, groundwater level, drainage, rock formation, and topography shall not create hazards to the property or to the health and safety of occupants.
- (11) All land in a Mobile Home Park shall comprise a single parcel. Public thoroughfares, except extensions of local and collector streets proposed as part of a mobile home park site plan, shall not bisect or divide a mobile home park to avoid unwarranted public traffic from traveling through the park.
- (12) A mobile home park shall not be occupied unless at least twenty-five (25) or fifty (50) percent of the expected total, whichever is less, mobile home sites are available for occupancy at the time of opening of the park.
- (13) A mobile home park shall not be developed on less than 20 acres. Individual sites within a park shall be developed with sites having fifty-five hundred (5,500) square feet per mobile home unit being served. These fifty-five hundred (5,500) square feet may be reduced by twenty (20) percent provided that the individual site shall be equal to at least forty-four hundred (4,400) square feet. For each square foot of land gained through the reduction of the site below fifty-five hundred (5,500) square feet, at least an equal amount of land shall be dedicated as open space, but in no case shall the open space requirements be less than that required under R125, 1946, Rule 946 of the Michigan Administrative Code.

- (14) The minimum setback for a park shall be thirty-five (35) feet from a public right-of-way.
- (15) The mobile home park shall be constructed in accordance with the Mobile Home Commission Act, P.A. 96 of 1987, MCL 125.2301 *et seq.*, and the rules promulgated thereunder.
- (16) Mobile Home Parks shall be subject to the site plan review requirements specified in *ARTICLE XI SITE PLAN REVIEW*. Common laundry drying yards, trash collection stations, surface mounted transformers, and similar equipment and facilities shall be screened from view by plant materials or by manmade screens. Required landscape strips shall not be included in the calculations of required recreational areas. Parking shall not be permitted in any required buffer area.
- (17) All mobile home parks shall be located within the R-2, Medium Density Residential District as designated in *ARTICLE V* of this Ordinance.
- (18) One sign per major entranceway may be erected with a maximum area of thirty-two (32) square feet (typically 4' x 8'), with copy on both sides. This area shall be reduced to a maximum sixteen (16) square feet if two separate signs are to be erected at the entranceway. Said sign(s) shall not be higher than six (6) feet nor lower than four (4) feet above ground elevation at the sign (*see Article XIV Signs*).

No part of an entranceway sign may be placed within ten (10) feet of the residential development boundary line, nor shall any entranceway sign obstruct vision onto any right-of-way lines of corner lots within an area which is thirty-five (35) feet distant from their point(s) of intersection (*see Section 3.09 Visibility at Intersections*).

B. *Mobile Home Site Regulations*

The Mobile Home Commission Act, P.A. 96 of 1987, MCL 125.2301 *et seq.*, , regulates mobile home park density, design, construction, licensing, and individual mobile home installation (anchoring) and health aspects. All mobile home parks shall be constructed according to the standards of the Mobile Home Commission Act, rules and regulations adopted thereunder, and the Michigan Department of Public Health Rules, which include specifications for internal road widths, lengths, turning radii, alignment, gradients, construction materials, curbing parking, utilities,

pedestrian circulation, pad size, maintenance, setbacks, screening, and health aspects. Any variance from these established standards granted by the City must be filed with the Michigan Mobile Home Commission, however, the Commission may approve, disapprove, or revoke the variance upon notice and hearing.

C. **Utilities**

Each mobile home shall be suitably connected to sanitary sewer, water and other available utility lines and such connections shall meet the following regulations:

- (1) A public water system or water system approved by the Michigan Department of Public Health, and in accordance with the Michigan Safe Drinking Water Act, P.A. 399 of 1976, as amended, MCL 325.1001 *et seq.*, shall be provided within a Mobile Home Park. The water supply shall be adequate for fire-fighting purposes.
- (2) A public sewer system or waste water treatment system approved by the Michigan Department of Public Health and the Michigan Department of Natural Resources shall be provided within a Mobile Home Park.
- (3) Each mobile home space shall be provided with at least a four (4) inch sanitary connection. The sewer shall be closed when not connected to a mobile home and shall be capped so as to prevent any escape of odors. The sewer condition shall be water tight and self-draining.
- (4) The plumbing connections to each mobile home site shall be constructed so that all lines are protected from freezing, from accidental bumping, or from creating any type of nuisance or health hazard.
- (5) All electrical lines to each mobile home site shall be underground. Separate meters shall be installed for each site. All cable television and telephone lines shall be underground. Above ground lines are allowed for the connection between the mobile home unit and the individual site utility pedestals.
- (6) No individual exterior television antennas shall be permitted within the Mobile Home Park. If central television antenna systems, cable television, or other such services are provided, the distribution systems shall be underground and

shall be constructed and installed pursuant to State and local codes and ordinances.

- (7) An electrical service adequate for single-family residence needs shall be provided for each mobile home space. The installation shall comply with all State electrical regulations.
- (8) All fuel oil and liquefied gas supplies shall be installed in a manner consistent with the requirements contained in the General Rules of the Mobile Home Commission Act, P.A. 96 of 1987, as amended, MCL 125.2301 *et seq.*

D. ***Access and Parking***

- (1) All internal streets, driveways, motor vehicle parking spaces and walkways within the park shall be hard surfaced and shall further comply with the General rules of the Mobile Home Commission Act, P.A. 96 of 1987, as amended, MCL 125.2301 *et seq.*
- (2) All entrances and exits from a mobile home park shall abut a hard surfaced public road (cement and/or bituminous construction). Improvements to said hard surfaced roads, such as acceleration/deceleration lanes, shall be made in accordance with the City Engineer's standards.
- (3) Cul-de-sac streets, where proposed, shall have a turnaround with a minimum radius of forty-five (45) feet, in accordance with the City Engineer's standards, and shall have a maximum length of three hundred (300) feet.
- (4) Entrances and exits for a mobile home park from City, County or State highways shall have written approval of the highway authority having jurisdiction before the final site plan for all or any phase of the mobile home park shall be approved by the Mobile Home Commission.
- (5) Where a proposed Mobile Home development is adjacent to properties that have existing public sidewalks on them and the sidewalk abuts the MHP parcel, the developer shall also construct a sidewalk of equal width to act as a connection between, or an extension of the existing public sidewalk(s). Said sidewalk(s) shall be necessary for only those portions of a Mobile Home Park fronting upon a public thoroughfare.

E. **Storage Areas**

The onsite, outdoor storage of boats, camping units, trailers, and similar equipment shall be prohibited. The mobile home park may provide, within the confines of the park, a common outdoor storage area for the storage of the above mentioned equipment. Said storage area shall be surfaced with gravel, asphalt, or similar substances and shall be screened from view with plant materials, or manmade screening devices.

F. **Procedures and Permits**

Application for permit to construct a mobile home park shall be submitted to the Michigan Department of Commerce. The Department of Commerce is the agency charged with licensing of mobile home parks. Preparation of the application, support data, and local agency review of the above mentioned materials shall conform to the requirements of the Mobile Home Commission Act, P.A. 96 of 1987, as amended, MCL 125.2301 *et seq.*

2. **Manufactured Housing on Individual Lot Regulations**

A. The purpose of this section is to establish standards and regulations covering the location and appearance of Manufactured Housing in the City of Petersburg. It is the intent of these regulations to allow a mix of "*HOUSING TYPES*" and "*LIVING TYPES*" in a manner which will not adversely affect existing neighborhoods. For this reason, standards have been set that will regulate the appearance of the Manufactured House, allowing only those that are compatibly similar in appearance to site built houses on individual lots in all zoning districts that allow single family residences.

B. **Location**

For the purposes of this Ordinance, Manufactured Housing may be located in the R-1, Single-Family District, subject further to the regulations contained herein.

C. **General Appearance and Site Standards**

To insure the compatibility in appearance with site built, a manufactured house shall meet the following design and site standards:

- (1) Shall be constructed to the most current State or Federal Building Standards. These include the Stille-DeRossett-Hale Single State Construction Code Act, P.A. 230 of 1972, as amended, MCL 125.1501 *et. seq.*, and the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended.
- (2) Have a minimum width of twenty (20) feet and meet the minimal floor area standards of the district in which it is situated.
- (3) Have two (2) exterior doors (front and rear, or front and side), and where there is a difference in ground elevation, steps must be permanently attached, on a frost depth foundation, either to the perimeter wall, as outlined in item "f" below, or to porches connected to said perimeter wall.
- (4) Have a minimum six (6) inch eave with a roof drainage system that will collect and concentrate the discharge of storm water or snow away from the sides of the dwelling. Said roof to have wood shake, asphaltic or other acceptable shingles, and meet the snow load standards for this portion of the State of Michigan.
- (5) Have an exterior finish architecturally compatible to that in the surrounding area.
- (6) It is firmly attached to a permanent foundation constructed on the site in accordance with City's Building Code and shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the applicable building code for single-family dwellings. In the event that the dwelling is a mobile home, as defined herein, such dwelling shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission and shall have a perimeter wall as required above.
- (7) The compatibility of design and appearance shall be determined in the first instance by the City's Building Inspector upon review of the plans submitted for a particular dwelling subject to appeal by an aggrieved party to the Zoning Board of Appeals within a period of 15 days from the receipt of notice of said Building Inspector's decision. Any

determination of compatibility shall be based upon the standards set forth in this definition of "dwelling" as well as the character, design and appearance of one or more residential dwellings located outside of mobile home parks within two thousand (2,000) feet of the subject dwelling where such area is developed with dwellings to the extent of not less than twenty (20) percent of the lots situated within said area; or, where said area is not so developed, by the character design and appearance of one or more residential dwellings located outside of mobile home parks throughout the City. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard design homes.

- (8) Be connected to a public sewer or water system and/or waste treatment or potable water supply system approved in accordance with the City of Petersburg's Sanitary Code.
- (9) No manufactured house shall be delivered to any lot in the City of Petersburg until the requirements of items "f" and "h" have been met.
- (10) Said lot shall meet the minimum area and setback requirements for the district in which it is situated.
- (11) The provisions of this Section shall not apply to Mobile Homes situated in licensed Mobile Home Parks.

D. ***Mobile Home Compliance***

Mobile Homes which do not conform to the above mentioned standards shall not be used for dwelling purposes within the City unless located within a licensed Mobile Home Park, or unless used for temporary residential purposes as outlined in *Section 3.05*, herein.

E. ***Accessory Structures***

Detached accessory structures, as permitted in this Ordinance, shall be built to the City of Petersburg's Building Code. Where the accessory structure is attached to the manufactured house it shall be similar in material and integrity and meet the construction standards of the HUD Manufactured Housing Construction and Safety Standards Code of the Michigan Construction Code.

F. **Permits**

Prior to the installation of a manufactured house on a residential lot, the individual shall obtain a building permit from the Building Inspector. Said permit shall be valid for a period of one (1) year from date of issuance. If installation is not completed in this time frame an extension of an additional six (6) months may be granted, provided the applicant can show just cause for failure to complete said installation.

SECTION 12.10 SWIMMING POOLS, PRIVATE

1. The requirements of this Section shall apply to private swimming as defined in *ARTICLE II DEFINITIONS*, which also meets the following criteria:
 - A. The pool requires an electrical connection or other power source; and,
 - B. The pool is twenty-four (24) inches deep or deeper.
2. Private swimming pools shall be permitted as an accessory use within the rear yard or side yard, provided they meet the following requirements:
 - A. No swimming pool, or part thereof, shall be hereafter erected or constructed unless a building permit shall have been first issued for such work by the Building Inspector.
 - B. There shall be a minimum distance of not less than ten (10) feet between adjoining property lines, or alley right-of-way and the outside of the swimming pool wall.
 - C. No swimming pool wall shall be located less than thirty-five (35) feet from any street right-of-way line or not less than fifteen (15) feet from any existing dwelling unit on abutting property.
 - D. No swimming pool shall be located in an easement.
 - E. For the protection of the general public, all areas containing swimming pools shall be completely enclosed by a fence not less than four (4) feet in height above the surface of the ground, of chain link or equally impenetrable construction. All vertical members of said fence shall be on the swimming pool side thereof and all horizontal members shall be spaced not more than one and one-half (1 1/2) inches apart. The gates shall be of a self-closing

and latching type, with the latch on the inside of the gate and not readily available for children to open. Gates shall be capable of being securely locked. Such enclosure shall be located not more than one hundred (100) feet distance from the swimming pool. A building or masonry wall at least four (4) feet in height may be used as all or part of such swimming pool enclosure.

If the swimming pool is constructed above ground so that the exterior thereof is at least four (4) feet above ground level, measuring perpendicularly from the top of said pool, and the exterior construction of said above ground pool enclosures contained in the preceding paragraph, and entry into such above ground pool is only by means of a ladder that locks up into place when the pool is not in use, then the fence and gate required in the preceding paragraph of this Section shall not be required.

- F. All electrical installations or wiring in connection with below ground swimming pools shall conform to the provisions of the City Electrical Code. If service drop conductors or other utility wires cross under or over the proposed pool area, the applicant shall make satisfactory arrangements with the utility involved for the relocation thereof before a permit shall be issued for the construction of the swimming pool.
- G. **Permit.** Upon compliance with all requirements of this Section, and upon determination by the Building Inspector based upon the requirements of the Monroe County Health Department that the proposed swimming pool will not be injurious to the general public health, safety, and welfare of the City and its citizens, the Building Inspector shall issue a permit conditioned upon compliance of the permit holder with the requirements of this Section.
- H. **Supervision.** No person shall maintain an outdoor swimming pool on his premises without providing adequate supervision at all times when the pool is in use so that no person may be injured or drowned therein.

SECTION 12.11 PRIVATE RECREATION

- 1. **Golf Course Regulations.** In addition to those stated above, the following regulations shall apply:
 - A. The following minimum acreage and road frontage requirements shall apply:

Type Frontage	Minimum Area (Acres)	Minimum Road
9-Hole, Par 3	20	330
9-Hole Course	80	660
18-Hole Course	140	1,320

SECTION 12.12 PERFORMANCE STANDARDS

The following is a statement of policy of the City of Petersburg, Michigan, with respect to certain uses within various use districts within the City:

1. **Smoke.** It shall be unlawful for any person, firm, or corporation to permit the emission of smoke from any source in an amount which shall be injurious or substantially annoying to persons residing in the affected area.
2. **Airborne Solids.** It shall be unlawful for any person, firm, or corporation to operate and maintain, or cause to be operated and maintained, any process or activity which shall be productive of dust, dirt, fly ash or other airborne matter which shall be injurious or substantially annoying to persons in the vicinity of such activity or process, or which shall cause injury to neighboring business or property.
3. **Odor.** The emission of odors which shall be found to be obnoxious to any considerable number of persons at their place of residence shall be prohibited.
4. **Gases.** The emission or release of corrosive or toxic gases, in amounts which are injurious or substantially annoying to persons living or working in the affected area, shall be prohibited.
5. **Glare and Radioactive Materials.** Glare from any process or operation shall be shielded so as to be invisible beyond the property line of the premises on which the process is performed. Radiation including radioactive materials and electro-magnetic radiation such as that emitted by the X-ray process or diathermy, shall not be emitted to exceed quantities established as safe by the U.S. Bureau of Standards, when measured at the property line.
6. **Flammable Materials.** The storage of flammable materials shall either be within structures approved for use by the City of Petersburg Building Department which shall be set back not less than fifty (50) feet from any lot line, or in open storage which shall be back not less than one hundred and fifty (150) feet from any lot line. The storage and handling

of flammable liquids, liquefied petroleum, gases and explosives shall be in accordance with the State rules and regulations as established by the Michigan Fire Prevention Code, P.A. 207 of 1941, as amended, MCL 29.1 *et seq.*

7. **Noise.** The noise permitted under any use of land shall be no greater than the normal level of traffic noise existing in the area at the time of such emission, when determined at the boundary of the property. Industrial districts may have higher levels of noise within their industrial premises, provided that berms, walls, or other sound barriers of equal effect shall prevent their being substantially annoying to adjacent areas.
8. **Vibration.** Machines or operations which cause vibrations shall be permitted in Industrial Districts, provided that vibrations emanating therefrom shall not be discernible and substantially annoying or injurious to property beyond the lot lines of the effected premises.

The violation of any of these standards may constitute a public nuisance and will be considered by the City Officials when making a decision as to whether or not to institute litigation to abate same.

SECTION 12.13 RECREATION, SCENIC OR RETENTION PONDS

1. **RECREATION OR SCENIC PONDS.** Ponds excavated for recreation or scenic purposes, excluding farm ponds, shall be a special approval use in Residential Districts subject further to the requirements of *ARTICLES X and XI*, and the standards listed below:
 - A. The Pond must be located on a parcel at least two (2) acres in size.
 - B. The Pond must not have an area greater than fifteen thousand (15,000) square feet, and must be set back a minimum of thirty-five (35) feet from property lines or dwelling.
 - C. The Pond shall be constructed in conformance with the design standards of the Soil Conservation Service, and have a permit from the Monroe County Drain Commission in accordance with the provisions of the Michigan Natural Resources and Environmental Protection Act, P.A. 451 of 1994, MCL 324.101 *et seq.*
 - D. For the protection of the general public, appropriate safety measures shall be provided such as warning signs, rescue facilities, fencing, safety ramps, and so forth. Ponds shall be completely enclosed by a chain link fence not less than four (4) feet in height. All openings in any such fence shall be equipped with a self-closing, self-latching gate or door.

- E. Written evidence shall be provided from the Monroe County Health Department that the separation distance between the pond and any septic system or septic system replacement field is sufficient, but in no case shall a pond be located closer than one hundred (100) feet to a septic system.
 - F. All earth excavated during construction of the pond shall not be removed from the parcel, unless it is determined by the Building Inspector that containment on the parcel could not be adequately accommodated.
2. **RETENTION PONDS.** Ponds excavated for storage and metered release of surface runoff shall be subject to the requirements of the District located in, and the standards listed below:
- A. The amount of runoff from the property shall be no greater than that existing prior to any development or land modification.
 - B. Retention ponds outletting into county drains shall be designed to Monroe County Drain Commissioner's specifications.
 - C. Retention ponds, outletting into roadside drains shall be designed to Monroe County Road Commission's or City Engineer's specifications.
 - D. Retention ponds outletting into private drains shall be designed to the City Engineer's specifications.
 - E.5. Written evidence shall be provided from the Monroe County Health Department that the separation distance between the pond and any septic system or septic system replacement field is sufficient, but in no case shall a pond be located closer than one hundred (100) feet to a septic system.
 - F. All earth excavated during construction of the pond shall not be removed from the parcel, unless it is determined by the Building Inspector that containment on the parcel could not be adequately accommodated.

SECTION 12.14 WIRELESS COMMUNICATION FACILITIES:

1. **Purpose and Intent.** It is the general purpose and intent of the City to carry out the will of the United States Congress by authorizing communication facilities needed to operate wireless communication systems. It is the further purpose and intent of the City to provide for such authorization in a manner that will retain the integrity of

neighborhoods and the character, property values, and aesthetic quality of the community at large. Recognizing the number of providers authorized to establish and operate wireless communication services and coverage, it is the further purpose and intent of this section to:

- A. Facilitate adequate and efficient provision of sites for wireless communication facilities and ensure that wireless communication facilities are situated in appropriate locations and relationships to other land uses, structures, and buildings.
- B. Establish predetermined areas considered best for the establishment of wireless communication facilities, subject to applicable standards and conditions.
- C. Recognize that operation of a wireless communication system may require the establishment of facilities in locations not within predetermined areas. In such cases, it has been determined that it is likely that there will be greater adverse impact upon neighborhoods and areas within the community. Consequently, more stringent standards and conditions should apply to the review, approval, and use of such facilities.
- D. Minimize the adverse impacts of technological obsolescence of such facilities, including a requirement to remove unused and/or unnecessary facilities in a timely manner.
- E. Minimize negative visual impact of wireless communication facilities on neighborhoods, community landmarks, historic sites and buildings, natural beauty areas, and public rights-of-ways.
- F. Limit inappropriate physical and aesthetic overcrowding of land use activities and avoid adverse impact upon existing population, transportation systems, and other public services and facility needs.
- G. Promote the public health, safety, and welfare.
- H. Provide for adequate information about plans for wireless communication facilities in order to permit the community to effectively plan for the location of such facilities.
- I. Consideration that the presence of numerous tower structures, particularly if located within residential areas, would decrease the attractiveness and destroy the character and integrity of the community. This, in turn, would have an adverse impact upon property values. Therefore, it is necessary to minimize the adverse impact from the presence of numerous relatively to all tower structures having low architectural and other aesthetic appeal to

most persons, recognizing that the absence of regulation would result in a material impediment to the maintenance and promotion of property values, and further recognizing that this economic component is an important part of the public health, safety, and welfare.

2. **Permitted as Principal Uses.** IN the following circumstances, a new wireless communication facility shall be a principal permitted use, or a permitted accessory use, such to site plan approval as provided in Article XI, Site Plan Review, and also subject to the conditions set forth in subsection 4. below:

- A. Attached wireless communication facilities within all districts where the existing structure (e.g. transmission line, water tower, etc.) is not, in the discretion of the Planning Commission, proposed to be either materially altered or materially changed.
- B. Colocation of an attached wireless communication facility which has been previously approved for colocation within all districts by the Planning Commission.
- C. Within all districts, wireless communication facilities attached to a pole located within a right-of-way, where the existing pole is not modified to materially alter the structure and/or result in an impairment of sight lines or other safety interests.
- D. New wireless communication facilities with monopole support structures shall be permitted in the I-1 district only.
- E. All wireless communication facilities which are located, attached, or sited on property which is owned, leased, or controlled by the City of Petersburg.

3. **Permitted as a Special Land Use.**

- A. Subject to the standards and conditions set forth in subsection 4., new wireless communication facilities with monopole support structures shall be permitted as a special land use subject to the conditions hereinafter imposed on all other zoning districts, except they shall not be located within 200 feet of any district zoned or within a distance equal to the height of the support structure from the right-of-way line of major roads and railroads. If located on the same parcel with another permitted use, such facilities and any other structures connected therewith shall not be located in a front yard.
- B. If it is demonstrated by an applicant a wireless communication facility, in order to operate, is required to be established outside of

an area identified in either subsection 2. Or 3.A., such wireless communication facilities may be considered elsewhere in the City as a special land use, subject to one or more of the following:

- (1) At the time of the submittal, the applicant shall demonstrate a location within the district identified in subsections 2. And 3.A. above cannot reasonably meet the coverage and/or capacity needs of the applicant.
- (2) Wireless communication facilities shall be of a design such as, without limitation, a steeple, bell tower, water tower, or other form which is compatible with the existing character of the proposed site, neighborhood and general area, as approved by the City.
- (3) Locations outside of the areas identified in subsection 2. and 3.A. above shall be limited to the following locations, subject to application of all other standards contained in this section:
 - (a) Municipally-owned sites.
 - (b) Other governmentally-owned sites.
 - (c) Religious or other institutional sites.
 - (d) Public or private school sites.
 - (e) Public utility sites.
 - (f) Other locations where there is a demonstrated need for service.
- (4) All other criteria and standards set forth in subsection 4. are met.

4. Required Standards for Wireless Communication Facilities.

A. Required Information.

- (1) **Site Plan.** A site plan prepared in accordance with Article XI, Site Plan Review, also showing as-built drawings for all proposed attached wireless communication facilities and/or wireless communication support structures.

For colocations, the applicant may provide a copy of the originally approved site plan if no changes to the approved layout are required.

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

considerations involved, with specific reference as to how use of the location would prohibit the applicant/provider from providing services.

- (6) **Fall Zone Certification.** To determine setbacks, a certification by a Michigan licensed, registered engineer regarding the manner in which the proposed structure will fall and the minimum area required.
- (7) **Description of Security for Removal.** A description of the security for the wireless communication support structure to ensure removal and maintenance. The security shall be in a form approved by the City Attorney. The applicant and/or the owner of the property shall remove the facility as required, with the provision the applicant and/or owner shall pay costs and attorney's fees incurred by the City in securing removal.
- (8) **Data on FCC and FAA Approval.** A copy of the application submitted to the Federal Communication Commission and Federal Aviation Administration detailing technical parameters authorized for the facility.

B. **Compatibility of Support Structures.** Wireless communication support structures shall not be injurious to the neighborhood or detrimental to the public safety and welfare. Support structures shall be harmonious with the surrounding areas, and aesthetically and architecturally compatible with the natural environment.

C. **Maximum Height.** The maximum height of wireless communication support structures shall be:

- (1) 100 feet.
- (2) The minimum height demonstrated to be necessary by the applicant.
- (3) Such lower height as approved by the Federal Aviation Administration.

However, the applicant shall provide an evaluation of alternative designs which might result in lower heights and the minimum height required.

- (4) Accessory buildings are limited to the maximum height for accessory structures within the respective zoning districts.

- D. **Setbacks from Non-Residential Areas.** Wireless communication support structures abutting any lot zoned for other than residential purposes shall have a minimum setback in accordance with the required setbacks for principal buildings in the zoning district in which the support structure is located.
- E. **Variances.** The Zoning Board of Appeals may grant variances for the setback of a wireless communication support structure, to reduce its visual impact, or to meet the required standards of subsection 4.K., Colocation. The Zoning Board of Appeals may also grant variances for the height of a support structure of up to 20 feet only in cases where a variance would permit additional colocations.
- F. **Compatibility of Accessory Structures.** Wireless communication facilities proposed on the roof of a building with an equipment enclosure shall be architecturally compatible with the principal building upon which it is located. The equipment enclosure may be located within the principal building or may be an accessory building, provided the accessory building conforms to all district requirements for accessory buildings and is constructed of the same or compatible building material as the principal building.
- G. **Appearance of Support Structures.** The color of the wireless communication support structures and all accessory buildings shall minimize distraction, reduce visibility, maximize aesthetics, and ensure compatibility with surroundings. The applicant shall be responsible for the maintenance of the wireless communication facility in a neat and orderly condition.
- H. **Federal and State Requirements.** The requirements of the Federal Aviation Administration, Federal Communication Commission, and Michigan Aeronautics Commission shall be noted on the site plan.
- I. **Lighting.** Lighting on a wireless communication facility shall be prohibited. If the Federal Aviation Administration requires lighting, the applicant shall propose a height reduction to eliminate the need for lighting, or shall submit detailed technical data demonstrating the need for the requested height including an analysis demonstrating other sites are unavailable or inadequate for their purposes.
- J. **Colocation.** All wireless communication support structures shall accommodate no less than three attached wireless communication facilities. Support structures shall allow for future rearrangement

of attached wireless communication facilities to accept other attached facilities mounted at varying heights.

- (1) **When Colocation is not “Feasible”.** Wireless communication support structures shall not be approved unless the applicant documents its attached wireless communication facilities cannot be feasible collocated or accommodated on an existing support structure or other existing structure due to one or more of the following reasons:
 - (a) The planned equipment would exceed the structural capacity of the existing support structure or other structure as documented by a licensed engineer, and the existing support structure or other structure cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.
 - (b) The planned equipment would cause interference affecting the function of other equipment on the existing support structure or other structure as documented by a licensed engineer, and the interference cannot be prevented at a reasonable cost.
 - (c) Support structures and other structures within the search radius cannot accommodate the planned equipment at a height necessary for the coverage area and capacity needs to reasonably function as documented by a qualified and licensed professional engineer.
 - (d) Other unforeseen reasons that make it infeasible to located the planned communications equipment upon an existing support structure or other structure.
- (2) **Determining Feasibility of Colocation.** Colocation shall be deemed to be “feasible” when all of the following are met;
 - (a) The applicant/provider will pay market rent or other market compensation for colocation.
 - (b) The site is able to provide structural support, considering reasonable modification or replacement of a facility.

- (c) The colocation being considered is technically reasonable and will not result in unreasonable interference, given appropriate physical adjustments.
 - (d) The height of the structure necessary for colocation will not be increased beyond maximum height limits.
- (3) **Refusal to Permit Colocation.** If a party who owns or otherwise controls a wireless communication support structure fails or refuses to alter a structure to accommodate a feasible colocation, such facility shall thereafter be a nonconforming structure and use, and shall not be altered, expanded, or extended in any respect.
- (4) **Refusal to Allow Colocation Constitutes a Violation.** If a party who owns or otherwise controls a facility shall fail or refuse to permit a feasible colocation, and this requires the construction and/or use of a new wireless communication support structure, the party failing or refusing to permit a feasible colocation shall be deemed to be in direct violation and contradiction of the policy, intent, and purpose of this section of the zoning ordinance.
- (5) **New Structures Prohibited.** Consequently, such party shall take responsibility for the violation, and shall be prohibited for receiving approval for a new support structure within the City for a period of five years from the date of the failure or refusal to permit the colocation.
- (6) **Variance from Colocation.** Such a party may seek and obtain a variance from the Zoning Board of Appeals if and to the limited extent the applicant demonstrates entitlement to variance relief which, in this context, shall mean a demonstration that enforcement of the five year prohibition would unreasonably discriminate among providers of functionally equivalent wireless communication services, or that such enforcement would have the effect of prohibiting the provision or personal wireless communication service.
- (7) **Offer of Colocation Required.** An application for a new wireless communication support structure shall include a letter from the applicant to all potential users offering an opportunity for colocation. The list of potential users shall be provided by the City based on those entities who have requested approval of a wireless communication facility, current FCC license holders, and other entities requesting to be on the list. If, during a period of 30 days after the notice letters are sent to potential users, a user requests in writing, to collocate on the new support structure, the applicant

shall accommodate the request(s), unless colocation is not feasible based on the criteria of this section.

- K. **Removal.** When a wireless communication facility has not been used for 90 days, or 90 days after new technology is available which permits the operation of a facility without the requirement of a wireless communication support structure, all or parts of the wireless communications facility, including the foundation up to a depth of four feet below grade, shall be removed by the users and owners of the facility and owners of the property.

The removal of antennae or other equipment from the facility, or the cessation of operations (transmission and/or reception of radio signals) shall be considered as the beginning of a period of non-use. The situations(s) in which removal of a wireless communications facility is required may be applied and limited to a portion of the facility.

- (1) Upon the occurrence of one or more of the events requiring removal, the property owner or persons who had used the wireless communications facility shall immediately apply for and secure the application for any required demolition or removal permits, and immediately proceed with and complete the demolition/removal, restoring the condition which existed prior to the construction of the facility.
- (2) If the required removal of the wireless communications facility or a portion thereof has not been lawfully completed within 60 days of the applicable deadline, and after at least 30 days written notice, the City may remove or secure the removal of the facility or required portions thereof, with its actual costs and reasonable administrative charges to be drawn or collected for the security posted at the time application was made for establishing the facility.

- L. **Radio Frequency Emission Standards.** Wireless communication facilities shall comply with applicable federal and state standards relative to electromagnetic fields and the environmental effects of radio frequency emissions.

- M. **Effect of Approval.**

- (1) Subject to subsection (2) below, final approval for a wireless communication support structure shall be effective for a period of six months.
- (2) If construction of a wireless communication support structure is commenced within two miles of the land upon

which a facility has been approved, but upon which construction has not been commenced during the six-month period of effectiveness, the approval for the support structure that has not been commenced shall be void 30 days following written notice from the city of commencement of the other support structure. Such voiding shall apply when the applicant granted approval of the support structure which has not been commenced demonstrates that it would not be feasible to collocate on the support structure that has been newly commenced.

5. Review Period, Fees for Wireless Communication Facilities.

- A. An application for wireless communication facility special use shall be governed according to the time limits and application fees as specified in Public Act 110 of 2006, MCL 125.3514, as amended and summarized below.
- B. After an application for a special land use approval is filed with the City, the Zoning Administrator shall determine whether the application is administratively complete. Unless the Zoning Administrator determines that the application is deficient and notifies the applicant accordingly, the application shall be considered to be administratively complete within 14 business days after receipt of the application.
- C. For wireless communication equipment proposed for placement or installation on an existing wireless support structure, the Planning Commission shall approve or deny the application not more than 60 days after the application has been deemed administratively complete.
- D. For wireless communication equipment proposed at new sites without an existing wireless communication support structure, the Planning Commission shall approve or deny the application not more than 90 days after the application has been deemed administratively complete.
- E. Fees required by the City of Petersburg shall not exceed \$1,000.00

Section 12.15 Private Wind Energy Conversion Systems.

1. **Intent.** It is the intent of the City of Petersburg to promote the effective and efficient use of private wind energy conversion systems (WECS) by regulating the siting, design, and installation of such systems to protect the public health, safety, and welfare. In no case shall this ordinance guarantee the wind rights or establish access to the wind.
2. **Approval Required.** Except where allowed as an accessory use, it shall be unlawful to construct, erect, install, alter, or locate any private WECS project within the City.
3. **Accessory Uses.** Private WECS projects located on lots within the City, and within any zoning district shall be allowed as an accessory use. Accessory use private WECS projects shall conform to the regulations of this section, including maximum height and minimum setback standards.
4. **General Standards.** The following standards shall apply to all private wind energy conversion systems in the City:
 - a. **Design and safety certification.** The safety of the design of all private WECS structures shall be certified by the manufacturer.
 - b. **Controls and brakes.** All private WECS structures shall be equipped with manual and automatic controls to limit rotation of blades to a speed below the designed limits of the WECS. The manufacturer must certify that the rotor and over-speed control design and fabrication conform to applicable design standards.
 - c. **Setbacks.** All private structures must be setback from property lines at a distance equal to or greater than the height of the structure, measured from the base of the structure to the highest reach of its blade. This shall include private WECS structures attached to a garage or residential unit.
 - d. **Height.** Private WECS structures shall not be greater than forty (40) feet in height. This shall include WECS structures attached to a garage or residential unit.
 - e. **Interference.** All private WECS structures shall be designed and operated to minimize or mitigate interference with existing electromagnetic communications, such as radio, telephone, microwave or television signals.

- a. **Noise Levels.** The noise level for a WECS structure shall comply with the standards set forth in Section 12.12 of the City of Petersburg Zoning Ordinance.
- f. **Removal.** If a private WECS ceases to perform its intended function for more than twelve (12) consecutive months, the property owner shall remove the collector, mount, and associated equipment and facilities no later than 90 days after the end of the 12-month period.

Section 12.16 Solar Energy Systems

- 2. **Rooftop-Mounted Solar Energy Systems.** Rooftop and building mounted solar energy systems are permitted in all zoning districts, subject to the following regulations:
 - a. Roof-mounted systems shall not extend more than four feet above the surface to which it is affixed.
 - b. No solar energy system may protrude beyond the edge of the roof.
 - c. A building permit shall be required for installation of rooftop and building-mounted systems.
- 3. **Ground-Mounted Solar Energy Systems.** Ground-mounted and freestanding solar energy systems are permitted in all zoning districts, subject to the following regulations:
 - a. **Location.** Solar energy systems may be located in a side or rear yard. Solar energy systems are prohibited in the front yard.
 - b. **Height.** The height of the solar energy system and any mounts shall not exceed ten (10) feet when oriented at maximum tilt.
 - c. **Area.** No more than twenty percent (20%) of the total lot area may be covered by a ground-mounted solar energy system.
 - d. **Batteries.** When solar storage batteries are included as part of the solar collector system, they must be placed in a secure container or enclosure when in use, and when no longer used shall be disposed of in accordance with applicable laws and regulations.
 - e. **Removal.** If a solar energy system ceases to perform its intended function for more than twelve (12) consecutive months, the property owner shall remove the collector, mount, and associated equipment and facilities no later than 90 days after the end of the 12-month period.

ARTICLE XIII

OFF-STREET PARKING AND LOADING REGULATIONS

SECTION 13.01 GENERAL PROVISIONS FOR OFF-STREET PARKING

1. The regulations of this Article shall be met in all districts whenever any uses are established or any building or structure is erected, enlarged, or increased in capacity.
2. Plans and specifications showing required off-street parking spaces, including the means of access, ingress, egress, and circulation shall be submitted to the Building Inspector and the City Engineer for review at the time of application for a building permit for the erection or enlargement of a building or at the time spaces are added or altered, unless a site plan is required under *ARTICLE XI, SITE PLAN REVIEW*, herein, in which case this requirement shall not apply.
3. No parking area or parking space which exists at the time this Ordinance becomes effective, or which subsequently thereto is provided for the purpose of complying with the provisions of this Ordinance, shall thereafter be relinquished or reduced in any manner below the requirement established by this Ordinance except when changes in the use or the intensity of use or a structure creates a lesser demand for parking spaces in which case the Zoning Board of Appeals may allow a reduction in the number of spaces.
4. Commercial and recreational vehicles shall not be parked in front of the building line or within the required side yard of the main residential structure. Such vehicles parked behind the building line or within the required side yard of the main residential structure shall be on a prepared driveway surface or in a carport or garage. Commercial and recreational vehicles include, but are not limited to, school busses, refuse trucks, delivery and service trucks larger than a conventional full size van, motor homes, campers, watercraft and snowmobiles.
5. Parking of motor vehicles other than commercial or recreational vehicles in front of the front building line of the main residential structure shall be limited to parking on prepared driveway surfaces or in a carport or garage. Parking spaces for all dwelling units shall be located on the same premises as the principal building(s).

6. A resident may petition the Planning Commission for a license to park a commercial or recreational vehicle in front of the front building line of the main residential structure provided that the resident can establish a specific hardship and that reasonable clear vision areas are maintained. The Planning Commission shall set such limitations and requirements as it deems necessary to achieve the purpose of the Zoning Ordinance. An example of a hardship may be that the location of the existing structures in relationship to the property lines prevent the driving of such a vehicle behind the front building line and the vehicle is work related and the resident cannot make any other convenient arrangement.
 - A. No fee shall be required and the license shall expire when the need ceases or the resident no longer resides at the premises.
 - B. The City Clerk shall give notice of the hearing on the petition to the residents within three hundred (300) feet of the premises involved at least five (5) days prior to the hearing. The hearing shall be at a regularly scheduled meeting of the Planning Commission. If the petitioner requests a special meeting, then the fee shall be the same as for the filing of an application for a site plan review.
7. The storage of merchandise or vehicle parts in any parking lot in any district is prohibited.

SECTION 13.02 SPECIFICATIONS FOR PARKING AREAS

1. Every parcel of land hereafter used as a public or private parking area shall be developed and maintained in accordance with the following regulations:
 - A. Off-street parking spaces and all driveways shall not be closer than ten (10) feet to any property line, unless a wall, screen or compact planting strip is provided as a parking barrier along the property line, except in R-1 and R-2 districts in which case a minimum distance is not required for residences only.
 - B. All off-street parking areas shall be drained so as to prevent direct drainage onto abutting properties and surface drainage onto public streets. The Planning Commission may require that such parking areas be paved. All parking spaces in paved lots shall be marked with striping.
 - C. Lighting fixtures used to illuminate any off-street parking areas shall be so arranged as to reflect the light away from any adjoining streets or residential lots.

- D. Any off-street parking area providing space for five (5) or more vehicles shall be effectively screened, on any side which adjoins a lot in any residential district, by a wall, screen, or compact planting strip not less than four (4) feet in height.
- E. All off-street parking areas that make it necessary or possible for vehicles to back directly into a public street are prohibited, provided that this prohibition shall not apply to off-street parking areas of one or two family dwellings.
- F. All spaces shall have adequate access by means of aisles or lanes.
- G. Ingress and egress to parking lots shall be provided for all vehicles by means of clearly limited and defined drives.
- H. Aisles for access to all parking spaces on two-way aisles shall be designed and clearly marked for two-way movement. Aisles for angle parking spaces shall have one-way movement only and shall be clearly marked for one-way movement.
- I. Not more than fifteen (15) parking spaces shall be permitted in a continuous row in R-1 and R-2 Residential Districts without being interrupted by landscaping. Not more than twenty (20) parking spaces shall be permitted in a continuous row in commercial and industrial districts without being interrupted by landscaping.
- J. All required landscape areas and screens shall be maintained in a healthy and growing condition for plant materials, and all landscape areas and screens shall be maintained in a neat and orderly appearance.
- K. Each off-street parking space for automobiles shall not be less than two hundred (200) square feet in area, exclusive of access drives or aisles, shall have a minimum width of ten (10) feet, and shall be of usable shape and condition. An access drive shall be provided and, where a turning radius is necessary, it shall have a radius sufficient to permit an unobstructed flow of vehicles. Parking aisles shall be of sufficient width to allow a minimum turning movement into and out of parking spaces. The minimum width of such aisles shall be:
 - (1) For ninety (90) degree parking, the aisle shall not be less than twenty-four (24) feet in width.
 - (2) For sixty (60) degree parking, the aisle shall not be less than eighteen (18) feet in width.

- (3) For forty-five (45) degree parking, the aisle shall not be less than thirteen (13) feet in width.
 - (4) For parallel parking, the aisle shall not be less than twelve (12) feet in width, for one-way traffic, or twenty-four (24) feet for two-way parking.
3. Off-street parking facilities for trucks at restaurants, service stations, and similar establishments shall be of sufficient size to adequately serve trucks and not interfere with other vehicles that use the same facilities.

SECTION 13.03 RULES FOR CALCULATING REQUIRED NUMBER OF PARKING SPACES

1. Where floor area is the unit for determining the required number of off-street parking spaces, said unit shall mean the gross floor area, except that floor area used for parking within the principal building, incidental service, storage, and installation of mechanical equipment, heating systems, and similar uses.
2. Churches and other places of assembly in which those in attendance occupy benches, pews, or other similar seating facilities, each eighteen (18) inches of such seating shall be counted as one (1) seat. In cases where a place of assembly has both fixed seats and open assembly area, requirements shall be computed separately for each type and added together.
3. For requirements stated in terms of employees, the calculation shall be based upon the maximum number of employees likely to be on the premises during the largest shift.
4. For requirements stated in terms of capacity or permitted occupancy, the number shall be determined on the basis of the largest ratings by the local, county or state building, fire, or health codes.
5. Any fractional space shall be counted as one (1) additional required space.
6. Where a common municipal parking area is in existence, the off-street parking requirements for commercial areas can be waived if sidewalks are provided and the lot is no more than a five hundred (500) foot distance measured along the sidewalks from the entrance of the establishment concerned. Any change in tenancy or use shall be judged as sufficient cause for review by the Planning Commission for the purpose of determining off-street parking requirements.

7. The number of parking spaces required for land or buildings used for two or more purposes shall be the sum of the requirements for the various uses computed in accordance with this Ordinance. Parking facilities for one (1) use shall not be considered as providing the required parking facilities for any other use, except as provided in *Section 13.03.8* and *13.03.9*, herein.
8. If a parking lot serves two or more uses where the operating hours of the uses do not overlap, the total number of required spaces may be less than the sum of requirements for each use, to a limit of the sum of one-half (1/2) of the parking requirements of each use. In no case, however, shall the number of spaces required be less than the sum of the largest number of spaces required for one use plus one-half (1/2) of the required spaces for each additional use. The Building Inspector shall determine the conditions of overlapping requirements and the amount of reductions in the required number of spaces which shall be permitted, in accordance with this Subsection.
9. Off-street parking spaces required for churches may be reduced by fifty (50) percent where churches are located in non-residential districts and within three hundred (300) feet of existing usable public or private off-street spaces. The Building Inspector shall determine if such public or private spaces qualify under this Section. The required number of off-street parking spaces may also be reduced in accordance with *Section 13.03.8*, herein, if applicable.
10. Where a use is not specifically listed in the *SCHEDULE OF OFF-STREET PARKING REQUIREMENTS*, the parking requirements of a similar use shall apply. The Building Inspector shall make the interpretation.

SECTION 13.04 SCHEDULE OF OFF-STREET PARKING REQUIREMENTS

1. Uses permitted in Flood Plain and Residential Districts:

A.	Dwellings-Single-Family	One (1) space for each dwelling unit.
B.	Dwellings-Mobile Home Park	Two (2) spaces per unit plus one (1) space for each two (2) employees of the park.
C.	Dwellings-Multiple-Family	Two (2) spaces for each dwelling unit.
D.	Dwellings-Senior Citizens Units	One (1) space for each two (2) dwelling units, plus one (1) space for each two (2) employees.
E.	Nursing Homes, Children's Homes	One (1) space for each four (4) beds plus one (1) space for each two (2) employees.
F.	Elementary and Junior High Schools	One (1) space for each employee plus one (1) space for each classroom, including portables.

G.	Senior High Schools	One (1) space for each employee plus one (1) space for each four (4) students of the rated capacity, plus one-half (1/2) the requirements for auditoriums.
H.	Churches, Auditoriums, Assembly Halls other than schools	One (1) space for each four (4) seats of maximum capacity.
I.	Libraries, Museums	One (1) space for each five hundred (500) square feet of floor area.
J.	Swimming Pool Clubs, Tennis Clubs, and similar uses	One (1) space for each two (2) member families, plus spaces as required for each accessory use, such as a restaurant.
K.	Golf Courses, except Miniature and "Par 3" Courses	Six (6) spaces for each golf hole and one (1) space for each employee plus spaces required for each accessory use, such as a restaurant.
L.	Miniature and "Par 3" Courses	One (1) space for each employee plus spaces required for each accessory use, such as a restaurant.
M.	Nursery School, Day Nurseries, Child Care Centers	One (1) space for each three hundred (300) square feet of floor area, one (1) space for each employee and a pick-up and drop-off area.

2. Uses permitted in the Commercial District and/or by special approval in other districts.

A.	General retail sales establishments, not elsewhere classified	One (1) space for each two hundred (200) square feet of gross floor area.
B.	Furniture, Appliance, Household Equipment Stores and Repair Shops	One (1) space for each four hundred (400) square feet of gross floor area.
C.	Barber and Beauty Shops	Two (2) spaces for each chair, plus one (1) space for each employee.
D.	Restaurants, Cocktail Lounges, Taverns, Night Clubs	One (1) space for each two (2) patrons of maximum seating capacity plus one (1) space for each two (2) employees.
E.	Professional and Business Offices	One (1) space for each two hundred (200) square feet of gross floor area.
F.	Medical and Dental Offices, Clinics, Banks	One (1) space for each one hundred (100) square feet of floor area plus one (1) space for each employee.
G.	Self-serve Laundry or Dry Cleaning Stores	One (1) space for each two (2) washing, drying, or dry cleaning machines.
H.	Automobile Service Stations	One (1) space for each gasoline pump, plus two (2) spaces for each lubrication stall.
I.	Automobile or Machinery Sales and/or Service Establishments	One (1) space for each two hundred (200) square feet of showroom floor area plus two (2) spaces for each service plus one (1) space for each (2) employees.

J.	Bowling Alleys	Five (5) spaces for each alley plus parking for accessory uses as provided herein.
K.	Funeral Homes	Four (4) spaces for each parlor or one (1) space for each fifty (50) square feet of floor area in parlors, whichever is greater, plus one (1) space for each fleet vehicle.
L.	Shopping Centers	Five and one-half (5 1/2) spaces for each one thousand (1,000) square feet of gross leasable floor area.
M.	Private Clubs, Lodge Halls	One (1) space for each three (3) persons of maximum capacity.
N.	Automobile Wash	Five (5) spaces for each washing stall (not including space in each stall).
O.	Wholesale Establishments	One (1) space for each two hundred (200) square feet of sales floor area plus one (1) space for each two (2) employees plus one (1) space for each vehicle to be stored on the premises.
P.	Warehouses	One (1) space for each two thousand (2,000) square feet of gross floor area plus one (1) space for each vehicle to be stored on the premises.
Q.	Utility Sub-Stations	One (1) space for each employee
R.	Contractors Establishments	One (1) space for each employee, plus one (1) space for each vehicle stored on the premises.
S.	Junk Yards	One (1) space for each employee, plus one (1) space for each operating vehicle stored on premises, plus five (5) spaces for each acre of land in yard.

SECTION 13.05 GENERAL PROVISIONS FOR OFF-STREET LOADING FACILITIES

1. In connection with every building or part thereof hereafter erected, except single and two family dwellings, off-street loading and unloading spaces for uses which customarily receive or distribute material or merchandise by vehicles shall be provided on the same lot with such buildings. Off-street loading spaces are hereby required in order to avoid interference with public use of streets and parking areas.
2. Plans and specifications showing required loading and unloading spaces and the means of ingress and egress, and internal circulation shall be submitted to the Building Inspector and appropriate state or county agency for review at the time of application for a building permit for the erection or enlargement of a use of a building or structure or at the time such spaces are added or altered, except as required in *ARTICLE XI, SITE PLAN REVIEW*, herein, in which case this requirements shall not apply.

SECTION 13.06 SPECIFICATIONS FOR LOADING FACILITIES

1. Each off-street loading/unloading space shall not be less than the following:
 - A. In any residential district, a loading space shall not be less than ten (10) feet in width and twenty-five (25) feet in length, and if a roofed space, not less than fifteen (15) feet in height.
 - B. In a commercial district, a loading space shall not be less than ten (10) feet in width and fifty-five (55) feet in length, and, if a roofed space, not less than fifteen (15) feet in height.
2. Subject to the limitations of paragraph four (4) following, a loading space may occupy part of any required side or rear yard, except the side yard along a street in the case of a corner lot shall not be occupied by such space. No part of a required front yard shall be occupied by such loading space.
3. Any loading space shall not be closer than fifty (50) feet to any lot located in residential districts unless wholly within a completely enclosed building or unless enclosed on all sides by a wall, fence, or compact planting strip not less than six (6) feet in height, in which case such space shall not be located closer to the lot line than the required yard.
4. Off-street loading facilities that make it necessary or possible to back directly into a public street shall be prohibited. All maneuvering of trucks and other vehicles shall take place on the site and not within a public right-of-way.

SECTION 13.07 SCHEDULE OF OFF-STREET LOADING REQUIREMENTS

1. Off-street loading/unloading spaces where required shall be provided at the rate of one (1) space for the first five thousand (5,000) square feet of gross floor area, and one (1) space for each additional twenty thousand (20,000) square feet of gross floor area, or fraction thereof.
2. Required off-street parking spaces shall not be included in the count of required loading spaces.
3. In the case of mixed uses on one lot or parcel the total requirements for off-street loading facilities shall be the sum of the various uses computed separately.

ARTICLE XIV

SIGN REGULATIONS

STATEMENT OF PURPOSE

It is the intent and purpose of this Article to regulate signs in a manner compatible with the Building Code of the City of Petersburg and to provide proper regulation and control of all outdoor signs such that no sign will, by reason of its size, location, construction, or manner of display, endanger life and limb, confuse or mislead traffic, obstruct vision necessary for traffic safety, or otherwise endanger the public morals, health, or safety; and further, to regulate such signs in such a way as to create land patterns compatible with other major land objectives and to prevent such signs from causing annoyance or disturbance to the citizens and residents of the City.

SECTION 14.01 GENERAL PROHIBITIONS

1. All signs shall be designed, constructed, and maintained so as to be appropriate in appearance with the existing or intended character of their vicinity and so as not to change the essential character of such area.
2. No sign shall be illuminated by other than a steady continuously burning light, nor shall any open spark or flame, or intermittent or flashing illumination be permitted.
3. No sign may be displayed which in word, color, or form might be confused with recognized traffic safety symbols.
4. No signs except those established by the City, County, State, or Federal government, shall be located in, projected onto, or overhang any public right-of-way.
5. No sign shall be enlarged, altered, or relocated except in conformity to the provisions of this Ordinance.
6. No sign not included in the Definitions of Section 14.02 of this Article shall be erected, installed, or maintained in the City.
7. No sign or part of a sign shall move either by mechanical means or reaction to air current.

8. No banners, pennants, balloons, spinners, or streamers are permitted.
9. The construction of any such sign shall be such that it will withstand normal wind forces encountered in the area. All such signs shall be properly maintained and shall not be allowed to become unsightly through disrepair or action of the elements.

AREA, HEIGHT AND PLACEMENT RESTRICTIONS			
NAME	DISTRICTS PERMITTED	MAXIMUM AREA OF SIGN	MAXIMUM HEIGHT OF SIGN
1. Community Events Sign	All Districts	32 square feet	
2. Construction Signs	All Districts	6 sq. ft./face for residential; not to exceed 100 sq. ft. all other districts	
3. Ground Signs	All Districts Except Residential	1 sq. ft./2 lin. ft. of lot frontage, not to exceed 80 sq. ft./face or 160 sq. ft. all faces combines	25 ft. above nearest surface
4. Residential Entranceway Signs	All Residential Districts	16 square ft./face; 36 square ft. total all faces	6 ft. above grade
5. Individual Property	All Districts	6 sq. ft. each of 2 faces residential; not to exceed 100 sq. ft. total all other districts	3 ft. residential
6. Institutional Bulletin Boards	All Districts	32 sq. ft./face; 64 sq. ft. total	8 ft. above grade
7. Political Campaign Signs	All Districts	6 sq. ft. total residential; not to exceed 100 sq. ft. all other	
8. Portable Sign	On approval by Building Inspector		
9. Private Traffic Direction Signs	All Districts	3 sq. ft./face	5 ft. (feet)
10. Projecting Signs	None		
11. Public Signs	All Districts		
12. Roof Signs	None		
13. Special Temporary Signs	All Districts	32 sq. ft./face; 64 sq. ft. total all faces	
14. Subdivision Sale Signs	All Districts	50 sq. ft. total for residential; 100 sq. ft. total for all other districts	
15. Wall and Painted Window Signs	All Districts	2 sq. ft./1.0 lin. ft. of building frontage for buildings not using permitted ground sign	

SECTION 14.02 SPECIAL REQUIREMENTS BY TYPE OR SIGN

1. Community Events Signs.

- A. **Definition:** A temporary sign announcing local community events.
- B. **Districts Permitted:** Permitted all districts subject to the conditions stated hereunder, and subject to the approval of the enforcement officer when in violation of these conditions or when occurring on public property rights-of-way.
- C. **Maximum Size:** Not to exceed thirty-two (32) square feet face area.
- D. **Maximum Duration of Display:** Thirty (30) days.
- E. **Religious Displays:** Traditional religious holiday displays when occurring on private property are exempt from the above restrictions.

2. Construction Signs.

- A. **Definition:** A sign erected on a site designated on a building permit issued by the City Building Inspector, which advises the public of the pertinent facts regarding the construction of the building and its site improvements.
- B. **Maximum Number Permitted:** One (1) per building site.
- C. **Size Restrictions by Districts:**

Residential	Six (6) square feet per face.
All Other Districts	One (1) square foot total sign area per two (2) lineal feet of parcel frontage but in no case to exceed one hundred (100) square feet total sign area.
- D. **Restrictions:** Construction signs shall be removed within fourteen (14) days of issuance of certificate of occupancy or expiration of building permit, whichever occurs first.

3. **Ground Signs:**

- A. **Definition:** A freestanding sign supported by the ground or by uprights, braces, or pylons located in or upon the ground and not attached to a building.
- B. **Districts Permitted:** Permitted in all districts, except residential.
- C. **Maximum Number Permitted:** One ground sign per building, shopping center, or group of buildings on a single lot, group of lots under common ownership or control, or an acreage parcel, regardless of the number of separate parties, tenants or uses contained therein.
- D. **Placement Restrictions:** No part of a ground sign may be placed within ten (10) feet of the front property line, and in no case less than seventy (70) feet from the centerline of the road. No part of a ground sign may be placed within a required side yard and in no case within twenty (20) feet of a side lot line. No part of a ground sign shall be attached to, supported by, or in any way connected to a building. A minimum two (2) foot horizontal separation and six (6) foot vertical separation shall be maintained between any sign or sign support element and any adjacent building or structures. No ground sign shall be placed in such a manner as to prevent any vehicle operator, on a curve of the highway or at any intersection, from obtaining a clear view of approaching vehicles (for a distance of five hundred (500) feet along the highway), in accordance with the provisions of Section 3.09 of this Ordinance.
- E. **Height Restriction: Maximum Height:** Twenty-five (25) feet above the nearest street surface. If the parcel contains major topographic features which make the placement of the sign impractical, the Planning Commission may waive the twenty-five (25) feet requirement. **Minimum Height** of any sign element, other than permitted support structure described herein, occurring within required setback yards: Ten (10) feet above street surface or ground elevation at sign, whichever is highest. Permitted support structures occurring within required setback yards may not exceed one (1) square foot in horizontal cross-section, and multiple supports shall not be spaced closer than four (4) feet apart.

Permitted support structures shall not extend more than one (1) foot beyond sign at any point.

A minimum vertical clearance of fifteen (15) feet shall be provided for any portion of a sign located within four (4) feet of any drive or parking lot surface serving motor vehicles.

- F. **Maximum Sign Face Area:** One (1) square foot per two (2) lineal feet of frontage facing principal thoroughfare, but not to exceed eighty (80) square feet per face, or one hundred sixty (160) square feet for all faces combined, for each permitted ground sign.
- G. **Measurement of Ground Sign Face Area:** Area of ground signs shall include the total area within any regular geometric figure (circle, triangle, rectangle, etc.) enclosing the extreme limits of letters, symbols or other material forming an integral part of the display or used to differentiate the sign from the background against which it is placed. A three-dimensional sign in which more than one (1) face is visible from any place, or in which the least cross sectional dimension is greater than eighteen (18) inches, shall be measured from its three (3) principal elevations in arriving at a total sign area.

4. **Residential Entranceway Signs.**

- A. **Definition:** A freestanding sign or structure supported by the ground or by uprights, braces or pylons, not attached to a building, and intended to identify a platted subdivision, multiple family development or mobile home park.
- B. **Districts Permitted:** All residential districts
- C. **Maximum Number Permitted:** One sign per major entrance(s) to a subdivision, multiple family development or mobile home park, however, two signs may be permitted if incorporated into a brick, or masonry wall entranceway.
- D. **Placement Restrictions:** No part of an entranceway sign may be placed within ten (10) feet of the residential development boundary line, nor shall any entranceway sign obstruct vision on any right-of-way lines of corner lots with an area which is thirty-five (35) feet distant from their point(s) of intersection.
- E. **Height and Area Restrictions:**
Maximum Height: Six (6) feet above the ground elevation at the sign, occurring within the required setbacks. Minimum Height of any sign element occurring within required setback yards will be four (4) feet above the ground elevation at the sign.

Maximum Areas of any entranceway sign shall be thirty-two (32) square foot (typically 4' x 8') size maximum, with copy on both sides. This area shall be reduced to sixteen (16) square feet of sign area if two (2) signs are to be erected.

5. Individual Property Sale or Rent Signs.

A. **Definition:** A temporary sign advertising the sale, rent or lease of the property upon which it is located.

B. **Districts Permitted:** Permitted all districts

C. **Maximum Number Permitted:** One (1) per parcel frontage

D. **Size and Area Restriction by Districts:**

Residential (Permit not required)	Six (6) square feet each of two (2) faces three (3) foot height.
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All Other Districts (Permit to be issued by Building Inspector)	One (1) square foot total sign area per two (2) lineal feet of parcel frontage but in no case to exceed one hundred (100) square feet total sign area.
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E. **Placement Restriction:** Property sale or rent signs in other than residential districts, and when consisting of a freestanding sign larger than six (6) square feet face area, shall be subject to the setback requirements of *ARTICLE IX, SCHEDULE OF REGULATIONS*, of this Ordinance.

6. Institutional Bulletin Boards.

A. **Definition:** A sign upon which is displayed only the name of the religious institution, school, community center, club, or charitable institution which occupies the premises, and announcements concerning its services or activities.

B. **Districts Permitted:** Permitted all districts.

C. **Maximum Sign Face Area:** Thirty-two (32) square feet per face, sixty-four (64) square feet total all faces.

Residential	Six (6) square feet total sign area.
All Other Districts	One (1) square foot total sign area per two (2) lineal feet of parcel frontage but in no case to exceed one hundred (100) square feet total sign area.

7. Political Signs.

A. **Definition:** For purposes of this Ordinance, a temporary sign used in conjunction with a local, state or national election or referendum.

B. **Districts Permitted:** Permitted all districts.

C. **Maximum Sign Face Area:**

Residential	Six (6) square feet total sign area.
All Other Districts	One (1) square foot total sign area per two (2) lineal feet of parcel frontage but in no case to exceed one hundred (100) square feet total sign area.

8. Portable Signs.

A. **Definition:** A freestanding sign not permanently anchored or secured to the ground or to a building.

B. **Districts Permitted:** By approval of the Building Inspector.

9. Private Traffic Direction Signs.

A. **Definition:** A sign directing traffic movement onto or within a premise, located entirely thereupon and containing no advertising message or symbol.

B. **Districts Permitted:** All Districts.

C. **Maximum Size:** Three (3) square feet per face; not to exceed five (5) feet in height.

D. **Placement Restrictions:** Subject to review by administrative official.

10. Projecting Signs.

A. **Definition:** A sign which projects from and is supported by a building wall, any part of which extends more than fifteen (15) inches beyond the building face or ends of the building wall.

B. **Districts Permitted:** Prohibited all districts.

11. **Public Signs.**

A. **Definition:** Any sign erected by a state, county, or local authority having lawful jurisdiction over public property or right-of-way for the purpose of traffic control, public safety, or public information.

B. **Districts Permitted:** Permitted all districts, subject to the regulations of the lawful jurisdiction.

12. **Roof Signs.**

A. **Definition:** A sign erected upon or above a roof or parapet wall of a building and which is wholly or partially supported by said building.

B. **Districts Permitted:** Prohibited all districts

13. **Special Temporary Signs.**

A. Upon application, a special permit may be granted by the Building Inspector for the placement of a temporary sign, which temporary sign shall conform to the requirements stated within this Amendment to ARTICLE XIV with regard to placement and size for new businesses pending installation of permanent signs and signs destroyed by natural causes, vandalism, and acts of God.

B. In no event shall said permit be granted for a period exceeding thirty (30) days.

C. **Maximum Sign Face Area:** Thirty-two (32) square feet per face; sixty-four (64) square feet total all faces.

D. **Maximum Duration of Display:** Signs shall not be erected more than thirty (30) days before the election to which they pertain and shall be removed within seven (7) days after that election.

E. **Conditions of Display:** A performance bond of an amount determined by the Planning Commission will be paid to the Building Inspector and returned provided all signs are removed

within seven (7) days after the election. Signs may only be placed or displayed in proper places.

14. **Subdivision Sale Signs.**

- A. **Definition:** A sign promoting the sale of lots or homes within a subdivision for which final plat approval has been received.
- B. **Maximum Number Permitted:** Two (2) per subdivision.
- C. **Maximum Size According to Districts:**
 - Residential Fifty (50) square feet total sign area.
 - All Other Districts One hundred (100) square feet total sign area.
- D. **Setback Restrictions:** Signs shall be placed in accordance with the building setback restrictions pertaining to the subdivision boundaries as defined by the Zoning Ordinance.

15. **Wall and Painted Window Signs.**

- A. **Definition:** A sign attached to, painted on, or otherwise placed upon an exterior building wall painted on a window including mansard roof facade with slope not less than seventy-five (75) degrees, with the sign surface parallel to the building wall and not projecting more than fifteen (15) inches beyond the surface to which it is attached.
- B. **Districts Permitted:** All districts.
- C. **Maximum Number Permitted:** No limit.
- D. **Maximum Sign Face Area:** Two (2) square feet per one (1) lineal foot of building frontage.
- E. **Measurement of Wall Sign Area:** Area of wall signs shall include the total area within any regular geometric figure (rectangle, triangle, circle, etc.) enclosing the extreme limits of figures, symbols, or other graphic devices or forms as well as any frame forming an integral part of the display.

SECTION 14.03 PERMIT REQUIREMENTS

It shall be unlawful for any person to erect, alter, relocate, or maintain within the City any sign as defined herein unless specifically exempted hereunder, without first obtaining a permit therefore from the Building Inspector, and making payment of any fee required by the City.

1. **Application Procedure.** Application for sign permits shall be made upon forms provided by the City and shall have attached thereto the following information:
 - A. Applicant must fill out a City Sign Application form obtained from the City Clerk.
 - (1) Information that must be included in the application is:
 - a. Location. A written description of the site as well as an adequate staking of the requested sign location that would allow on-site inspection by the Planning Commission members.
 - b. A drawing of the sign and supports at a scale of not less than 1" = 5' (one inch equals five feet) which gives all dimensions of the sign.
 - c. A schematic sketch or drawing of the site showing its relationship to the roadway and adjacent land uses within four hundred (400) feet of the sign and any landscaping to be used in conjunction with the sign. Scale to be 1" = 50' (one inch equals fifty feet).
 - (2) Applicant shall conform to all aspects of ARTICLE XIV of this Ordinance.
 - B. The City Clerk will relay all applications to the Building Inspector for review and compliance with the requirements of *Article XIV*. Within thirty (3) days of the receipt of an application, a decision must be made to either approve or disapprove.
 - C. Should an application be disapproved, the building inspector must state the reasons in writing for the disapproval and forward a copy to the applicant. The applicant may reapply within fourteen (14) days of the receipt of the letter without a fee.

- D. The applicant may appeal the decision of the Building Inspector to:
 - 1. The Zoning Board of Appeals for variance from the sign requirements, as outlined in Article XVI, or
 - 2. To the Planning Commission for other reasons, as outlined in *Article XI*.
- 2. **Signs Exempt From Permit Requirements.** The following signs, as defined in this Section, are exempt from permit requirements but remain subject to the conditions and limitations set forth herein.
 - A. Construction Signs.
 - B. Public Signs.
 - C. Political Campaign Signs.
 - D. Residential For Sale Signs.
- 3. **Permit Fees.** A fee shall be paid for the issuance of a sign permit or renewal in accordance with a schedule of fees which shall be adopted by the City Council. Such schedule of fees shall be designed to reimburse the City for all of its direct costs incurred in the inspection and regulation of signs and issuance of permits.
- 4. **Non-Conforming Signs.**
 - A. It is intended to eliminate non-conforming signs, except as otherwise specifically set forth in this Section, as rapidly as the police power of the City permits. Any lawfully erected sign, the maintenance of which is made unlawful by this Ordinance, may continue to be maintained exactly as such existed at the time when the maintenance thereof became otherwise unlawful under the provisions of this Ordinance.
 - B. **No Non-Conforming Sign.**
 - (1) Shall be changed to another non-conforming sign.
 - (2) Shall have any changes made in the words or symbols used or the message displayed on the sign unless the sign is an off-premises advertising sign, or a bulletin board, or substantially similar type of sign, specifically designed for periodic change of message.

- (3) Shall be re-established after the activity, business or usage to which it relates has been discontinued for thirty (30) days or longer.
 - (4) Shall be re-established after damage or destruction if the estimated expenses of reconstruction exceeds fifty (50) percent of the original cost.
- C. The Zoning Board of Appeals shall permit variances from Subsection 4B of this Section or variances permitting the erection or maintenance of a non-conforming sign only upon the grounds established by law for the granting of zoning variances or upon a finding that the grant of a variance will reduce degree of non-conformance of an existing sign or will result in the removal of one or more lawfully non-conforming signs and replacement by a sign or signs more in keeping with the spirit, purpose, and provisions of this Ordinance.

SECTION 14.04 SIGN ERECTOR REGISTRATION

1. No person shall engage in the business of erecting or installing signs for which permits are required by this Ordinance and needing the approval of the Building Inspector without registering with the City and receiving a permit to conduct such operations.
2. **Servicing and Maintenance.** The provisions of Section 14.04 shall not apply to the ordinary servicing or repainting of existing signs, altering of a sign specifically designed for periodic change of message without change in sign structure, such as a bulletin board or similar type of sign.

SECTION 14.05 UNSAFE AND UNLAWFUL SIGNS

Any sign that constitutes a safety hazard, or that has been unlawfully installed, erected, or maintained in violation of any of the provisions of this Ordinance or of any other City ordinances or laws shall be removed in accordance with the provisions of the official building code of Monroe County.

SECTION 14.06 CONSTRUCTIONAL REQUIREMENTS FOR SIGNS

All signs shall be constructed and maintained in accordance with the provisions of the applicable building code.

ARTICLE XV

ADMINISTRATION AND ENFORCEMENT

SECTION 15.01 BUILDING INSPECTOR: APPOINTMENT

The provisions of this Ordinance shall be administered and enforced by the City Building Inspector or by deputies of his department as the City Council may designate.

SECTION 15.02 BUILDING INSPECTOR: DUTIES

The Building Inspector shall have the power to grant building permits, and certificates of occupancy; to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this Ordinance; and to interpret the provisions of this Ordinance. It shall be unlawful for the Building Inspector to approve plans or to issue building permits or certificates of occupancy for any excavation, construction, or use until he has inspected such plans or premises and found them to conform to this Ordinance.

With regard to the National Flood Insurance Program, and the regulation of development within the flood hazard overlay zone, as prescribed in Section 12.08, the duties of the Building Inspector shall include, but are not limited to:

1. Notification to adjacent communities and the Department of Natural Resources of the proposed alteration or relocation of any watercourse, and the submission of such notifications to the Federal Insurance Administration;
2. Verification and recording of the actual elevation in relation to mean sea level of the lowest floor, including basement, of all new or substantially improved structures constructed within the flood hazard area, and in the case of flood proofed structures, the elevation to which the structure was flood proofed; and
3. Recording of all certificates of flood proofing, and written notification to all applicants to whom variances are granted in a flood hazard area zone indicating the terms of the variance, the increased danger to life and property, and that the cost of flood insurance will increase commensurate with the increased flood risk, and may reach amounts in excess of \$25.00 for \$100.00 of insurance coverage per year. A record of

all variance notifications and variance actions shall be maintained together with the justification for each variance.

All records and maps pertaining to the National Flood Insurance Program shall be maintained in the office of the Building Inspector and shall be open for public inspection.

It shall be the responsibility of the Building Inspector to obtain and utilize the best available flood hazard data for purposes of administering this ordinance in the absence of data from the Federal Insurance Administration.

If the Building Inspector shall find that any of the provisions of this Ordinance are being violated, he shall notify the person responsible in writing for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures; discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to insure compliance with, or to prevent violation of, its provisions. The Building Inspector shall be responsible for making periodic inspection of the City for the purpose of finding violations of this Ordinance.

The Building Inspector shall issue a certificate and/or a permit when all applicable regulations of this Ordinance are complied with by the applicant, even though violations of contracts, such as covenants or private agreements, may occur upon the issuance of such certificate or permit.

SECTION 15.03 SITE PLANS

An application for a building permit shall be accompanied by a site plan as required in this Section, unless a site plan is required under *ARTICLE XI, SITE PLAN REVIEW*, herein, in which case the provisions of this Section shall not apply. Such site plan shall be drawn to scale, submitted in two (2) copies, and shall provide the following information:

1. Scale, date, and north point.
2. Location, shape, and dimensions of the lot.
3. Dimensioned location, outline, and dimensions of all existing and proposed structures.
4. A clear description of existing and intended uses of all structures.

5. Additional information as required by the Building Inspector for purposes of determining compliance with the provisions of this Ordinance.

SECTION 15.04 BUILDING PERMITS

The following shall apply in the issuance of any permit:

1. **Permit Required.** It shall be unlawful for any person to commence excavation for, construction of any building or structure, structural changes, or repairs in any existing building, without first obtaining a building permit from the Building Inspector. No permit shall be issued for construction, alteration, or remodeling of any building or structure until an application has been submitted in accordance with the provisions of this Ordinance showing that the construction proposed is in compliance with the provisions of this Ordinance, with the Building Code, and with other applicable ordinances.

"Alteration" or "repair" of an existing building or structure, shall include any changes in structural members, stairways, basic construction type, kind or class of occupancy, light or ventilation, means of egress or ingress, or any other changes affecting or regulated by the Building Code, the Housing Law of the State of Michigan, or this Ordinance, except for minor repairs or changes not involving any of the aforesaid provisions.

2. **Permits For New Use of Land.** A building permit shall also be obtained for the new use of land, whether the land is presently vacant or a change in land use is proposed.
3. **Permits For New Use of Buildings or Structures.** A building permit shall also be obtained for any change in use of an existing building or structure to a different class or type.
4. **Accessory Buildings.** Accessory buildings when erected at the same time as the principal building on a lot and shown on the application thereof shall not require a separate building permit.
5. All building permits, when issued, shall be valid for a period of one (1) year only but may be extended for a further period of not to exceed one (1) year, if said Building Inspector shall find good cause shown for failure to complete work for which said permit was issued; provided that the exterior of any such structure must be completed within one (1) year from the date of the original issuance of a building permit.

Should the holder of a building permit fail to complete the work for which said permit was issued within the time limit as set forth above, any

unfinished structure is hereby declared a nuisance, *per se*, and the same may be abated by appropriate action before the Circuit Court of the County. The Board of Zoning Appeals, the City Council, any person designated by the City Council or any aggrieved person may institute a suit to have the nuisance abated.

SECTION 15.05 CERTIFICATES OF OCCUPANCY

1. **Certificate Required.** It shall be unlawful to use or occupy or permit the use of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a certificate of occupancy shall have been issued therefore by the Building Inspector. A certificate of occupancy shall not be issued for any building or structure or a part thereof, or for the use of land, which does not comply with all provisions of this Ordinance. The certificate shall state that the building, structure, and lot and use thereof, conform to the requirements of this Ordinance. Failure to obtain a certificate of occupancy when required shall be a violation of this Ordinance and punishable under Section 15.10, herein.
2. **Use of Lot Without Structure.** Any lot vacant at the effective date of this Ordinance shall not be used, nor may any use of a lot without a structure existing at the effective date of this Ordinance be changed to any other use unless a certificate of occupancy shall have first been issued for the new or different use.
3. **Change in Building Use.** A structure or part thereof, which is erected or altered after the effective date of this Ordinance, shall not be occupied or used for occupancy or use caused to be done until a certificate of occupancy is issued for such structure.
4. **New or Altered Building.** Any structure, or part thereof, which is erected or altered after the effective date of this Ordinance, shall not be occupied or used for occupancy or use caused to be done until a certificate of occupancy is issued for such structure.
5. **Existing Structure and Use.** A certificate of occupancy shall be issued, upon request of the owner, for an existing structure or part thereof, or for an existing use of land, including legal non-conforming uses and structures if, after inspection of the premises, it is found that such structure or use comply with all provisions of this Ordinance. All legal non-conformities shall be clearly described on the certificate of occupancy.
5. **Accessory Structures for Residences.** An accessory structure for a residence shall require a separate certificate of occupancy, unless

included in the certificate of occupancy issued for the residential structure, when such accessory structure is completed at the same time as the residence structure.

7. **Application.** Application for certificates of occupancy shall be made in writing to the Building Inspector on forms therefore furnished.
8. **Certificates to Include Zoning.** Certificates of occupancy as are required by the City Building Code for new buildings or structures, or parts thereof, or for alterations to existing buildings or structures, shall also constitute certificates of occupancy as required by this Ordinance.

SECTION 15.06 INSPECTION

The applicant for a certificate of occupancy or building permit shall notify the Building Inspector when inspection is desired. Certificates and permits shall be issued within ten (10) days after receipt of such application if the building or structure, or part thereof, or the use of land, complies with the provisions of this Ordinance.

If issuance of such certificate is refused, the applicant therefore shall be notified of such refusal and cause thereof, within the aforesaid ten (10) day period.

SECTION 15.07 RECORDS

The Building Inspector shall maintain a record of all certificates and permits and said record shall be open for public inspection.

SECTION 15.08 FEES

The City Council shall establish a schedule of fees for administering this Article. The schedule of fees shall be posted on public display in the office of the Building Inspector and may be changed only by the City Council. No certificate or permit shall be issued unless required fees have been paid in full.

SECTION 15.09 COMPLIANCE WITH PLANS

Building permits and certificates of occupancy issued on the basis of plans and applications approved by the Building Inspector authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Ordinance and punishable as provided by Section 15.10, herein.

SECTION 15.10 VIOLATIONS AND PENALTIES

1. **Violations.** Violations of the provisions of this Ordinance, or failure to comply with any of its requirements and provisions of permits and certificates granted in accordance with this Ordinance shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than one hundred (100) dollars or imprisoned for not more than ninety (90) days, or both, and in addition, shall pay all costs and expenses involved. Each day such violation continues shall be considered a separate offense. The owner of record or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties provided by law.
2. **Compliance Required.** The imposition of any fine, or jail sentence, or both shall not exempt the violator from compliance with the provisions of this Ordinance.
3. **Public Nuisance *Per Se*.** Any structure which is erected, altered, or converted, or any use of any structure or lot which is commenced or changed after the effective date of this Ordinance, in violation of any of the provisions herein is hereby declared to be a public nuisance *per se*, and may be abated by order of any court of competent jurisdiction.

SECTION 15.11 CHANGES AND AMENDMENTS

The City Council may from time-to-time, on recommendation from the City Planning Commission, or its own motion after requesting recommendations from the City Planning Commission, amend, modify, supplement, or revise the district boundaries or the regulations herein, or as the same are subsequently established, pursuant to the authority and procedures authorized in the Michigan Zoning Enabling Act, as amended; providing, however, whenever a petitioner requests a zoning district boundary amendment, he shall be the fee holder owner of the premises concerned or else have the fee holder owner also subscribed to his petition. Applications or petitions to the City for amendment involving reclassification of property shall be in writing signed by the fee holder owner(s) of the property proposed for rezoning, and accompanied by a legal description and a dimensioned plot plan of the property concerned, and a statement of the proposed use. The application or petition shall be accompanied by a filing fee in an amount as established by the City Council by its own resolution. The fee shall be paid over to the City Treasurer and shall be deposited in the General Fund of the City.

ARTICLE XVI

BOARD OF ZONING APPEALS

SECTION 16.01 CREATION OF BOARD OF ZONING APPEALS

There is hereby established a Board of Zoning Appeals, which shall perform its duties and exercise its powers as provided by the Michigan Zoning Enabling Act, as amended, in such a way that the objectives of this Ordinance shall be attained, public safety secured, and substantial justice done.

SECTION 16.02 BOARD MEMBERSHIP

The Board of Zoning Appeals shall consist of seven (7) members appointed by the City Council. Appointments shall be as follows: Two (2) members shall be appointed for a period of one (1) year; three (3) members shall be appointed for two (2) years; and two (2) members shall be appointed for three (3) years respectively; thereafter each member shall be appointed to office for three (3) years except for members serving because of their membership on the Planning Commission or City Council, whose terms shall be limited to the time that they are members of those bodies. A successor shall be appointed not more than one month after the term of the preceding member has expired. Vacancies for unexpired terms shall be for the remainder of the term.

1. The first member shall be a member of the City Planning Commission.
2. The second member may be a member of the City Council appointed by the City Council, who if appointed shall not serve as Chairman of the Board of Zoning Appeals.
3. Additional member(s) shall be selected and appointed by the City Council from among the electors residing in the incorporated area of the City. No second elected officer of the City nor any employee of the City may serve as a member.

A member of the Board of Zoning Appeals may be removed by the City Council for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. A member of the Board of Zoning Appeals shall disqualify himself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself from a vote in which the member has a conflict of interest constitutes malfeasance in office.

The City Council may appoint no more than two alternate members of the Board of Zoning Appeals for the same term as regular members of the Board of Zoning Appeals. They shall serve as members of the Board of Zoning Appeals upon the call of the chairperson where a regular member is absent from, or unable to attend, one or more meetings of the Board of Zoning Appeals. An alternate member may also be called to serve in place of a regular member for the purpose of reaching a decision on a case in which a regular member has abstained for reasons of a conflict of interest. The alternate member, having been appointed, shall serve in the case until a final decision has been made. The alternate member shall have the same voting rights as a regular member of the Board of Zoning Appeals in the cases in which the alternate member serves.

SECTION 16.03 MEETINGS

All meetings of the Board of Zoning Appeals shall be held at the call of the Chairman, and at such times as the Board of Zoning Appeals may determine. All meetings of the Board of Zoning Appeals shall be open to the public. The Board of Zoning Appeals shall maintain a record of its proceedings, and shall keep records of its findings, proceedings at hearings, and other official actions, all of which shall be immediately filed in the Municipal Building and shall be a public record. Five (5) members of the Board shall constitute a quorum for the conduct of its business. The Board shall have the power to subpoena and require the attendance of witnesses, administer oaths, compel testimony, and the production of books, papers, files, and other evidence pertinent to the matters before it.

SECTION 16.04 APPEALS

An appeal may be taken to the Board of Zoning Appeals by any person, firm or corporation, or any officer, department, board or bureau aggrieved by a decision of anybody charged with enforcement of this chapter or of an administrative official of the department of building and zoning concerning the administering and enforcing of the provisions of this chapter.. Such appeals shall be taken within such time as shall be prescribed by the Board of Zoning Appeals by general rule, by filing with the Building Inspector and with the Board of Zoning Appeals a Notice of Appeal, specifying the grounds thereof. The Building Inspector shall forthwith transmit to the Board of Zoning Appeals all of the papers constituting the record upon which action appealed from was taken. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Building Inspector certifies to the Board of Zoning Appeals after the Notice of Appeal shall have been filed with him, that by reason of acts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property in which case the proceedings shall not be stayed otherwise than by a restraining order which may be granted by a court

of record. The Board of Zoning Appeals shall select a reasonable time and place for the hearing of the appeal and give due notice thereof in accordance with the terms of the Michigan Zoning Enabling Act and shall render a decision on the appeal without unreasonable delay. Any person may appear and testify at the hearing, either in person or by duly authorized agent or attorney.

SECTION 16.05 POWERS OF BOARD OF ZONING APPEALS

The Zoning Board of Appeals shall not have the power to alter or change the zoning district classification of any property, nor to make any change in the terms of this Ordinance nor to permit any use in a district in which it is not permitted, but does have power to act on those matters where this Ordinance provides for an administrative review or interpretation and to authorize a variance as defined in this Section and laws of the State of Michigan.

The concurring vote of two-thirds (2/3) of the members of the Board of Zoning Appeals shall be necessary to reverse any order, requirement, decision, or determination of any such administrative official or to decide in favor of the applicant any matter upon which they are required to pass under this Ordinance or to effect any variation in this Ordinance.

The Board of Zoning Appeals shall have the power to interpret the provisions of this Ordinance and the Zoning Map accompanying this Ordinance.

1. Administrative Review

The Board of Zoning Appeals shall hear and decide appeals from and review any order, requirement, decision, or determination made by any administrative official charged with enforcement of any provisions of this Ordinance. They shall also hear and decide all matters referred to them or upon which they are required to pass under this Ordinance.

2. Variance

Where owing to special conditions, a literal enforcement of the use provisions of this Ordinance would involve “practical difficulties” in the case of non-use variances or cause “unnecessary hardship” in the case of use variances, the Board shall have power upon appeal in specific cases to authorize such variation or modifications of the use provisions of this Ordinance with such conditions and safeguards as it may determine to be in harmony with the spirit of this Ordinance and so that public safety and welfare be secured and substantial justice done. No such variance or modification of the use provisions of this Ordinance shall be granted unless it appears at a minimum that **all** the following facts and conditions exist:

- A. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to other properties or class of uses in the same district or zone.
- B. That such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same zone and vicinity.
- C. That the granting of such variance or modification will not be materially detrimental to the public welfare or materially injurious to the property or improvements in such zone or district in which the property is located.
- D. That the granting of such variance will not adversely affect the purposes or objectives of this Ordinance.
- E. In consideration of all appeals and all proposed variations to this Ordinance, the Board of Zoning Appeals shall, before making any variations from the Ordinance in a specific case, first determine that the proposed variation will not impair an adequate supply of light and air to adjacent property, or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals, or welfare of the inhabitants of the City. Nothing herein contained shall be construed to give or grant to the Board the power or authority to alter or change the Zoning Ordinance or the Zoning Map, such power and authority being reserved to the City Council of the City of Petersburg in the manner provided by law.

3. **Permits**

- A. The Board of Zoning Appeals shall have the power to permit 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 permitted district, to a greater height or larger area than the district requirements herein established, and permit the location in any use district of a public utility building, structure, or use; if the Board shall find such use, height, area, building, or structure reasonably necessary for the public convenience and service, provided such building, structure, or use is designed, erected, and landscaped to conform harmoniously with the general architecture and plan of such district.

- B. The Board of Zoning Appeals shall have the power to permit the modification of the off-street automobile parking space or loading space requirements where, in the particular instance, such modifications will not be inconsistent with the purpose and intent of such requirements.
- C. The Board of Zoning Appeals shall have the power to permit temporary buildings and uses for periods not to exceed one (1) year.

4. **Special Approval**

An appeal may be taken to the Board of Zoning Appeals by any person, firm, or corporation, or by any officer, department, board, or bureau aggrieved by a decision of the Planning Commission regarding application for a Use Permitted on Special Approval as provided for within the various land use districts in this Ordinance. Such appeals shall be taken within such time, and in such manner, as prescribed in Section 16.04, herein.

SECTION 16.06 ORDERS

In exercising the above powers, the Board may reverse or affirm wholly or partly, or may modify the orders, requirement, decisions, or determination appealed from and may make such order, requirement, decisions, or determination as ought to be made, and to that end shall have all the powers of the Building Inspector from whom the appeal is taken.

SECTION 16.07 NOTICE OF HEARING

The Board of Zoning Appeals shall make no recommendation except in a specific case and after a public hearing, conducted by the Board of Zoning Appeals, has been held. Notice of the hearing shall be given in accordance with the provisions of the Michigan Zoning Enabling Act.

SECTION 16.08 BOARD OF ZONING APPEALS APPROVAL

The Board of Zoning Appeals may require the appellant or applicant requesting a variance to submit all necessary surveys, plans, or other information the Board may reasonably require. The Board of Zoning Appeals may impose such conditions or limitations in granting a variance as it may deem necessary to comply with the spirit and purposes of this Ordinance.

SECTION 16.09 APPROVAL PERIOD

No order of the Board of Zoning Appeals permitting the erection or alteration of a building shall be valid for a period longer than two (2) years, unless a building permit for such erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit. No order of the Board of Zoning Appeals permitting a use of a building or premises shall be valid for a period longer than two (2) years unless such use is established within such period; provided, however, that where such use permitted is dependent upon the erection or alteration of a building, such order shall continue in force and effect if a building permit for said erection or alteration is obtained within such period and such erection or alterations are started and proceed to completion in accordance with the terms of such permit.

SECTION 16.10 FILING FEE

Application for a Board of Zoning Appeals hearing shall be in writing and shall be accompanied by a filing fee as established by the City Council which shall be paid to the City Treasurer at the time the notice of appeal is filed.

SECTION 16.11 EFFECTIVE DATE OF ACTION

The decision of the Board shall not become effective until the Board certifies its decision in writing or approves the minutes of the meeting during which it made its decision.

ARTICLE XVII

CONDOMINIUM PROJECTS

SECTION 17.01 REGULATORY INTENT

All new condominium projects including but not limited to attached condominium units projects, single unattached site condominium unit projects also known as site condominiums and conversion condominium projects shall conform to the requirements of this Article and all other ordinances, rules and regulations of the City, including but not limited to the City's Zoning Ordinance and the Michigan Condominium Act, MCL 559.101 *et seq.*

SECTION 17.02 DEFINITIONS

In addition to the definitions set forth in Article 2 and 17 of the City's Zoning Ordinance, the definitions set forth below and in the Michigan Condominium Act are incorporated herein and made a part hereof.

- A. Unattached Condominium Project or Site Condominium Project means a division of land based upon condominium ownership which provides for a single unattached condominium unit on each Condominium Lot.
- B. Condominium Lot means the area of land dedicated to the use of a structure that is either a single unattached condominium unit or a structure that contains 2 or more attached condominium units together with the limited common area dedicated to the respective unit or units.
- C. Condominium Structure or Building means the principle building or structure constructed upon a lot intended for a single unattached condominium unit or 2 or more attached condominium units.
- D. Setback – Front, Side and Rear Yard mean the distance measured from the respective front, side and rear yard lines associated with the Condominium Structure to the respective front, side and rear of the Condominium Lot.

SECTION 17.03 GENERAL REGULATIONS

The following regulations shall apply to all condominium projects permitted in any zoning district.

- A. Attached Condominium Units on a Condominium Lot: Attached condominium units will be considered as one structure being constructed on a single lot for the purpose of determining dimensional requirements under this Zoning Ordinance and shall comply with all applicable regulations of the zoning district in which it is located.
- B. Unattached Single Condominium Unit on a Condominium Lot: An unattached single condominium unit shall be considered as one structure being constructed on a single lot for the purposes of determining dimensional requirements under this Zoning Ordinance and shall comply with all applicable regulations of the zoning district in which it is located.
- C. Computation of Minimum Lot Area: The area within public and private street rights-of-way shall not be included in the computation of minimum lot area.
- D. One Unattached Condominium Unit per Condominium Lot: Not more than one unattached condominium unit shall be located on a condominium lot, nor shall an unattached condominium unit be located on a condominium lot with any other principal use. This requirement shall be incorporated into the condominium documents.
- E. Yard Requirements: Yard requirements shall be measured from the boundaries of the condominium lot and shall comply with all applicable regulations of the zoning district in which it is located.
- F. Utility Connections: Each condominium unit shall be separately connected to all utilities including water, sanitary sewer, electrical, gas, telecommunications, and the any other utility. Condominium units shall be wired for cable and Internet connections using standard connections as approved by the City Engineer.
- G. Relocation of Lot Boundaries: Relocation of condominium lot boundaries, if allowed in the condominium documents as permitted in Section 48 of the Condominium Act, shall comply with all regulations of the zoning district in which they are located and shall be approved by the City Planning Commission in consultation with the City Engineer. This requirement shall be included as part of the condominium documents.
- H. Resulting Lots: Each condominium lot which results from a division of another condominium lot as permitted by Section 49 of the Condominium Act shall comply with all regulations of the zoning district within which it is located and shall be approved by the City Planning Commission in consultation with the City Engineer. This requirement shall be included as a part of the condominium documents.

- I. Land Division Requirements: The condominium project shall comply with the requirements of the Land Division Act (MCL 560.101 *et seq.*) and the land division regulations and engineering standards of the City as may be amended from time to time. Attached condominium units and an unattached condominium unit may abut and have frontage on a private street provided that the condominium project complies with the requirements of this Zoning Ordinance and other ordinances, rules, and regulations of the City.
- J. Design Standards: The design standards as approved by the City Council by resolution for water, sanitary sewer, storm sewer, roads, sidewalks, streets, and other utilities shall apply, subject to such reasonable modifications as may be authorized by the City Engineer based upon the location, topography, size, layout and other site conditions of the proposed condominium project.

SECTION 17.04 SPECIFIC REGULATIONS

Condominium projects shall be subject to the following regulations:

- A. Unattached Condominiums: Unattached condominiums, also known as site condominiums, shall be subject to all requirements and standards of the underlying zoning district including but not limited to density, lot size, minimum floor area requirements, regulations governing the distance between buildings and the attachment of buildings, and other requirements as set forth in this Zoning Ordinance, including but not limited to Article 9, Schedule of Regulations. All proper information and dimensions shall be depicted on the site plan so that the Planning Commission in consultation with the City Engineer can determine that all applicable minimum requirements are met. These regulations shall be applied by requiring the condominium unit and a surrounding limited common element to be equal in area to the minimum lot area and lot width requirements for the district in which the project is located. The site condominium unit shall be equivalent to the area of the lot where a principal building can be constructed and there shall be a limited common element associated with each site condominium unit, which shall be at least equivalent to the minimum yard area requirements for the district in which the project is located.
- B. Street and Road Requirements in any Condominium Project: All streets and sidewalks in a residential condominium project shall conform at a minimum to the standards and specifications as determined by the City for a typical street in a single-family residential subdivision. All streets and sidewalks in a non-residential condominium project shall conform to reasonable requirements for such commercial or industrial uses as determined by the City Engineer in light of the proposed land use.

- C. Commercial, Office or Industrial Condominiums: Commercial, office, or industrial unattached condominium projects shall be subject to all requirements applicable to the appropriate underlying zoning district which exists for the property on which a commercial, office, or industrial site condominium may be proposed, including minimum lot requirements and all other applicable requirements set forth in the Zoning Ordinance. The regulations shall be applied by requiring the condominium unit and a surrounding limited common element to be equal in area to the minimum lot area and lot width requirements for the district in which the project is located. The commercial, office, or industrial condominium project must be appropriate to the underlying zoning for the project site.
- D. Conversion Condominiums: All conversion condominiums shall be subject to the provisions of this Zoning Ordinance and shall require final site plan approval by the Planning Commission prior to the occupancy of any converted condominium unit. The site plan shall include all existing conditions and clearly identify all proposed site modifications. The Planning Commission shall consider the site plan for a condominium conversion as a new site plan and may revise any requirements of previous site plan approvals.

SECTION 17.05 PRELIMINARY AND FINAL REVIEW FOR CONDOMINIUM PROJECTS

- A. Prior to the preparation of a preliminary site plan for a condominium project, the owner or the developer as the prospective applicant may request a meeting with the Planning Commission or the City Council or both and with the City Engineer, City Planner, City Attorney, or City Building Official to discuss the applicant's condominium project. The applicant is encouraged to submit a sketch to scale indicating the general location and configuration of the property to be divided; the alignment of streets and lots; and the relationship of the proposed site condominium to adjacent streets and neighboring properties. The prospective applicant should submit a written narrative that discusses how the project will be served by water and sanitary sewer, storm drainage and other utilities and that includes any additional information that will assist the City in evaluating the condominium project.
- B. Prior to recording the Master Deed required by the Condominium Act, the condominium project shall undergo a two-step review and approval process involving preliminary and final review of the site plan and the condominium documents. Prior to the expansion or conversion of a condominium project to include additional land, site plan review and approval shall be required pursuant to the requirements of this Zoning Ordinance.

SECTION 17.06 ADDITIONAL SITE PLAN REQUIREMENTS

In addition to the requirements of Article XI of this Zoning Ordinance, the following information shall be included on or attached to the site plan and submitted to the Building Official at least twenty-one (21) days prior to a meeting for preliminary site plan review, concurrently with the notice required to be given to the City pursuant to Section 71 of the Condominium Act. The site plan and the condominium documents with exhibits shall be reviewed by the City Engineer and the City Attorney.

- A. The name, address and telephone number of:
 - 1. All persons with an ownership interest in the land on which the condominium project will be located together with a description of the nature of each entity's interest in the land, including, for example, fee owner, optionee, lessee, or purchaser pursuant to a binding purchase agreement land contract vendee.
 - 2. All engineers, attorneys, architects, land surveyors, planners, or landscape architects associated with the condominium project.
 - 3. The developer or proprietor of the condominium project.
- B. The tax identification numbers and legal descriptions of the parcels of property under consideration and a boundary survey and legal description of the assembled parcels, if applicable.
- C. The purpose of the project such as, for example, residential, commercial, industrial, or unattached site condominiums.
- D. Approximate number of condominium units to be developed on the subject parcel.
- E. A preliminary site plan, drawn to a reasonable scale, which shows the following information:
 - 1. The vehicular circulation system planned for the proposed development, including a designation of each street as to whether it is proposed to be private or dedicated to the public.
 - 2. The location of existing private and public streets adjacent to the proposed development with an indication how they will connect with the proposed circulation system for the new development.
 - 3. The type and location of street signs.

4. The proposed layout of the condominium units, utility easements, parking, open space and recreation and park areas.
 5. Proposed water and sanitary sewer service.
 6. Proposed storm water and drainage system.
 7. Proposed utility plans including electricity, gas, and telecommunications.
 8. Preliminary indication of the regulations proposed to be included in the condominium documents in the nature of restrictive covenants which regulate the use and maintenance of public areas, accessory structures, payment of assessments, and enforcement of condominium regulations.
 9. The applicant shall provide updated information to the City until a Certificate of Occupancy has been issued pursuant to this Zoning Ordinance.
- F. Plans for the following:
1. Cross sections of roads, drive aisles, and paved areas.
 2. Site drainage showing topography and flow directions, including retention and detention areas, if any.
- G. Specific locations and dimensions of wetland areas and significant site features such as tree stands, unusual slopes, streams and water drainage areas. If deemed necessary because of site or soil conditions or because of the scope of the project being proposed, a detailed hydrology study may be required, subject to review by the City Engineer.
- H. Preliminary approval by the City Engineer that sufficient capacity for water service and sanitary sewer service and storm drainage is available in the City to serve the condominium project.
- I. Drafts of the condominium documents including the Master Deed, Condominium bylaws and Condominium Subdivision Plan as required by the Condominium Act.
- J. The site condominium site plan shall identify all necessary public easements proposed to be granted to the City for the purposes of constructing, operating, inspecting, maintaining, repairing, altering, replacing, or removing public pipelines, mains, conduits and other installations of a similar character for the purpose of providing public

utilities, including conveyance of sewage, water and storm water run-off across, through and under the property subject to said easements, and excavating and refilling ditches and trenches necessary for the location of such public structures.

- K. All information required to be furnished under the subsection above shall be kept updated until a Certificate of Occupancy has been issued as required by this Zoning Ordinance.

SECTION 17.07 PRELIMINARY APPROVAL BY THE PLANNING COMMISSION

- A. The Planning Commission shall consider whether to grant preliminary approval of the site plan and condominium documents for the proposed condominium project. Based upon the standards and requirements set forth in the Zoning Ordinance and other applicable local, state, and federal rules, regulations and statutes, the Planning Commission shall grant preliminary approval, or preliminary approval subject to conditions, or deny the proposed condominium project and site plan.
- B. A denial shall mean that the proposed project and site plan does not meet the requirements of this Zoning Ordinance. Any denial shall specify the reasons for the denial and those requirements that have not been met.
- C. A preliminary approval shall mean that the condominium project and site plan meet the requirements as set forth in this Zoning Ordinance. Subject to any conditions imposed by the Planning Commission as part of its motion, preliminary approval assures the applicant that the project site plan will receive final approval if all state and county approvals are obtained, no negative comments are received from any governmental agency or public utility, and all local, state and federal laws have been met.

SECTION 17.08 STATE AND COUNTY APPROVAL

- A. All site condominium projects shall require the review and approval of the following agencies prior to final site plan approval:
 - 1. The Monroe County Road Commission or the Michigan Department of Transportation if any part of the project includes or abuts a county road or a state highway or includes streets or roads that connect with or lie within the right-of-way of such county or state highway.
 - 2. The Monroe County Drain Commission; and

3. The Michigan Department of Health shall approve the extensions of the water supply system and the waste water system, with Michigan Department of Environmental Quality reviews as required.
- B. In addition to the specific required approvals, all site condominiums project site plans shall be submitted, to the extent required by law, to the Michigan Department of Environmental Quality, the Monroe County Plat Board, each of the public utilities serving the site, and any other state agency designated by the Planning Commission, for informational purposes. The Planning Commission shall consider any comments made by these agencies prior to final site plan approval. Names of streets shall comply with the Monroe County Ordinance regulating the designation of street names for the purposes of the 911 emergency communication program.

SECTION 17.09 FINAL APPROVAL

Final approval shall be granted by the Planning Commission upon the receipt and approval of all the following:

- A A revised, dated site plan incorporating all of the changes, if any, required for preliminary approval or required by any state or local agencies.
- B Revised condominium documents required by the Condominium Act or by this Zoning Ordinance.

SECTION 17.10 MASTER DEED, RESTRICTIVE COVENANTS, "AS BUILT" SURVEY, AND MYLAR COPY

The Condominium project developer or proprietor shall furnish the Building Official and the City Engineer with the following:

- A One (1) copy of the recorded Master Deed with exhibits and two (2) copies of an "as built" survey.
- B One (1) copy of the site plan on a Mylar sheet of at least thirteen by sixteen (13 x 16) inches with an image not to exceed ten and one-half by fourteen (10 ½ x 14) inches.
- C The "as built" survey shall be reviewed by the City Engineer for compliance with City Ordinances.

SECTION 17.11 FEES

The applicant shall deposit with the City a reasonable sum of money in escrow from which the reasonable fees of the City's consultants shall be paid for the reviews required by this Zoning Ordinance. The amount of the deposit shall be established by the City Building Official in consultation with the City Engineer based upon the size and complexity of the proposed condominium project. From the escrow funds the City shall retain an amount to pay for its reasonable administrative expenses related to the review of the condominium project. Such amount shall be established and revised from time to time by resolution of the City Council following a recommendation from the City Planning Commission.

SECTION 17.12 MONUMENTS REQUIRED

All condominium projects shall be marked with monuments as follows:

- A Monuments shall be located in the ground and made according to the following requirements, but it is not intended or required that monuments be placed within the traveled portion of a street to mark angles in the boundary of the condominium project if the angle points can be readily reestablished by reference to monuments along the sidelines of the streets.
- B All monuments used shall be made of solid iron or steel bars at least one-half (1/2) inch in diameter and thirty-six (36) inches long and completely encased in concrete at least four (4) inches in diameter.
- C Monuments shall be located in the ground at all angles in the boundaries of the condominium project; at the intersection lines of streets and at the intersection of the lines of streets with the boundaries of the condominium project; at all points in the sidelines of streets and alleys; at all angles of an intermediate traverse line and at the intersection of all limited common elements and all common elements.
- D If the required location of a monument is an inaccessible place, or where the locating of a monument would be clearly impractical, it is sufficient to place a reference monument nearby and the precise location thereof be clearly indicated on the plans and referenced to the true point.
- E If a point required to be monumented is on a bedrock outcropping, a steel rod, at least one-half (1/2) inch in diameter shall be drilled and grouted into solid rock to a depth of at least eight (8) inches.
- F All required monuments shall be placed flush with the ground where practicable.

- G All unit corners shall be monumented in the field by iron or steel bars or iron pipes at least eighteen (18) inches long and one-half (1/2) inch in diameter or other approved markers.
- H The City Council may waive the placing of any of the required monuments and markers for a reasonable time, not to exceed one (1) year, on the condition that the proprietor deposits with the City Clerk cash or a certified check, or irrevocable bank letter of credit running to the City, whichever the proprietor selects, in an amount approved by the City as sufficient to accomplish said placing of the required monuments and markers. Such cash, certified check or irrevocable bank letter of credit shall be returned to the proprietor upon receipt of a certificate by a surveyor that the monuments and markers have been placed as required within the time specified.

SECTION 17.13 TEMPORARY OCCUPANCY

The City Council, upon recommendation from the Planning Commission, may allow occupancy of the condominium project before all improvements required by this Ordinance are installed, provided that a bond or other suitable guarantee is submitted sufficient in amount and type to provide for the installation of improvements before the expiration of the Temporary Occupancy Permit without expense to the City.

SECTION 17.14 CONDOMINIUM PLAN REVISION

If the Condominium subdivision plan is revised, the final site plan shall be revised accordingly and submitted for the review by the Planning Commission before any building permit may be issued.

ARTICLE XVII

AMENDMENTS

18.01 Initiating Amendments. The City Council may, from time to time, amend, modify, supplement, or revise the district boundaries or the provisions and regulations of this Ordinance. Amendments may be initiated by the City Council, the Planning Commission, by petition of one or more property owners of the City of Petersburg, or by one (1) or more persons acting on behalf of a property owner(s) of the City of Petersburg. All proposed amendments shall be referred to the Planning Commission for review, public hearing, and recommendation before action may be taken thereon by the City Council.

18.02 Amendment Procedure. The procedure for amending this Ordinance shall be in accordance with the Michigan Zoning Enabling Act (P.A. 110 of 2006), as amended. Application for amendment shall be made by submitting the application, along with required information and the required fee (as established by the City Council), to the Clerk's office. After receipt of filing, the Clerk shall transmit a copy of the application and required information to the Planning Commission. The Planning Commission shall establish a date for a public hearing, and provide notice pursuant to the Michigan Zoning Enabling Act (P.A. 110 of 2006) as amended.

18.03 Information Required.

- A. If a petition involves an amendment to the official zoning map, the petitioner shall submit the following information:
 - 1. A legal description of the property, including a street address and tax code number(s).
 - 2. A scaled map of the property, correlated with the legal description, and clearly showing the property's location.
 - 3. The name and address of the petitioner, the record owner, and all other parties claiming an interest in said property.
 - 4. The petitioners interest in the property. If the petitioner is not the record owner, the name and address of the record owner(s), and the record owner(s) and other interested parties signed consent to the petition. The consent of mortgagees, lienors, and similar such parties shall not be required.

5. Signature(s) of petitioner(s) and owner(s) certifying the accuracy of the information.
 6. Identification of the zoning district requested and the existing zoning classification of property.
 7. A vicinity map showing the location of the property, and adjacent land uses and zoning districts.
- B. If a petition involves a change in the text of the zoning ordinance, the petitioner shall submit the following information:
1. A detailed statement of the proposed amendment, clearly and completely setting forth all proposed provisions and regulations, including all changes in the zoning ordinance necessary to accommodate the proposed amendment.
 2. Name and address of the petitioner.
 3. Reasons for the proposed amendment.

18.04 Review.

- A. In reviewing any petition for a zoning amendment the Planning Commission shall evaluate all factors relevant to the petition and shall make its recommendations for disposition of the petition to the City Council.
- B. The factors to be considered by the Planning Commission may include, but shall not be limited to, the following:
1. Whether the rezoning is consistent with the policies and uses proposed for that area in the City's General Development Plan;
 2. Whether all of the uses allowed under the proposed rezoning would be compatible with other zones and uses in the surrounding area;
 3. Whether any public services and facilities would be significantly adversely impacted by a development or use allowed under the requested rezoning;
 4. Whether the uses allowed under the proposed rezoning would be equally or better suited to the area than uses allowed under the current zoning of the land;

5. Whether the condition and/or value of property in the City or in adjacent civil divisions would be significantly adversely impacted by a development or use allowed under the requested rezoning;
 6. Whether or not the requested zoning change is justified by a change in conditions since the original ordinance was adopted or by an error in the original ordinance; and,
 7. Whether precedents might result from approval or denial of the petition, and the possible effects of such precedents.
- C. All findings shall be made a part of the public records of the meetings of the Planning Commission and the City Council.

18.05 Conformance to Court Decree. Any amendment for the purpose of conforming to a decree of a court of competent jurisdiction shall be adopted by the City Council and the amendment published.

18.06 Publication. Following City Council approval of a petition to amend the zoning ordinance, notice of the amendment shall be published within fifteen (15) days after adoption in a newspaper of general circulation within the City of Petersburg. The notice of adoption shall include the following information:

- A. Either a summary of the regulatory effect of the amendment, including the geographic area affected, or the text of the amendment.
- B. The effective date of the amendment.
- C. The place and time where a copy of the ordinance may be purchased or inspected.

18.07 Conditional Rezoning.

- A. Intent. It is recognized that there are certain instances where it would be in the best interests of the City, as well as advantageous to property owners seeking a change in zoning boundaries, if certain conditions could be proposed by property owners as part of a request for a rezoning. It is the intent of this Section to provide a process consistent with the provisions of Section 405 of the Michigan Zoning Enabling Act (P.A. 110 of 2006) by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request.

B. Application and Offer of Conditions.

1. An owner of land may voluntarily offer in writing conditions relating to the use and/or development of land for which a rezoning is requested. This offer may be made either at the time the application for rezoning is filed or may be made at a later time during the rezoning process.
2. The required application and process for considering a rezoning request with conditions shall be the same as that for considering rezoning requests made without any offer of conditions, except as modified by the requirements of this Section.
3. The owner's offer of conditions may not purport to authorize uses or developments not permitted in the requested new zoning district.
4. The owner's offer of conditions shall bear a reasonable and rational relationship to the property for which rezoning is requested.
5. Any use or development proposed as part of an offer of conditions that would require a special land use permit under the terms of this Ordinance may only be commenced if a special land use permit for such use or development is ultimately granted in accordance with the provisions of this Ordinance.
6. Any use or development proposed as part of an offer of conditions that would require a variance under the terms of this Ordinance may only be commenced if a variance for such use or development is ultimately granted by the Zoning Board of Appeals in accordance with the provisions of this Ordinance.
7. Any use or development proposed as part of an offer of conditions that would require site plan approval under the terms of this Ordinance may only be commenced if site plan approval for such use or development is ultimately granted in accordance with the provisions of this Ordinance.
8. The offer of conditions may be amended during the process of rezoning consideration provided that any amended or additional conditions are entered voluntarily by the owner. An owner may withdraw all or part of its offer of conditions any time prior to final rezoning action of the City Council

provided that, if such withdrawal occurs subsequent to the Planning Commission's public hearing on the original rezoning request, then the rezoning application shall be referred to the Planning Commission for a new public hearing with appropriate notice and a new recommendation.

- C. Planning Commission Review. The Planning Commission, after public hearing and consideration of the factors for rezoning set forth in Section 20.4(B) of this Ordinance, may recommend approval, approval with recommended changes or denial of the rezoning; provided, however, that any recommended changes to the offer of conditions are acceptable to and thereafter offered by the owner.
- D. City Council Review. After receipt of the Planning Commission's recommendation, the City Council shall deliberate upon the requested rezoning and may approve or deny the conditional rezoning request. The City Council's deliberations shall include, but not be limited to, a consideration of the factors for rezoning set forth in Section 20.4(B) of this Ordinance.
- E. Approval.
 - 1. If the City Council finds the rezoning request and offer of conditions acceptable, the offered conditions shall be incorporated into a formal written Statement of Conditions acceptable to the owner and conforming in form to the provisions of this Section. The Statement of Conditions shall be incorporated by attachment or otherwise as an inseparable part of the ordinance adopted by the City Council to accomplish the requested rezoning.
 - 2. The Statement of Conditions shall:
 - a. Be in a form recordable with the Register of Deeds of the County in which the subject land is located or, in the alternative, be accompanied by a recordable Affidavit or Memorandum prepared and signed by the owner giving notice of the Statement of Conditions in a manner acceptable to the City Council.
 - b. Contain a legal description of the land to which it pertains.
 - c. Contain a statement acknowledging that the Statement of Conditions runs with the land and is binding upon successor owners of the land.

- d. Incorporate by attachment or reference any diagram, plans or other documents submitted or approved by the owner that are necessary to illustrate the implementation of the Statement of Conditions. If any such documents are incorporated by reference, the reference shall specify where the document may be examined.
 - e. Contain a statement acknowledging that the Statement of Conditions or an Affidavit or Memorandum giving notice thereof may be recorded by the City with the Register of Deeds of Monroe County.
 - f. Contain the notarized signatures of all of the owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the Statement of Conditions.
3. Upon the rezoning taking effect, the Zoning Map shall be amended to reflect the new zoning classification along with a designation that the land was rezoned with a Statement of Conditions. The Clerk shall maintain a listing of all lands rezoned with a Statement of Conditions.
 4. The approved Statement of Conditions or an Affidavit or Memorandum giving notice thereof shall be filed by the City with the Monroe County Register of Deeds. The City Council shall have authority to waive this requirement if it determines that, given the nature of the conditions and/or the time frame within which the conditions are to be satisfied, the recording of such a document would be of no material benefit to the City or to any subsequent owner of the land.
 5. Upon the rezoning taking effect, the use of the land so rezoned shall conform thereafter to all of the requirements regulating use and development within the new zoning district as modified by any more restrictive provisions contained in the Statement of Conditions.

F. Compliance with Conditions.

1. Any person who establishes a development or commences a use upon land that has been rezoned with conditions shall continuously operate and maintain the development or use in compliance with all of the conditions set forth in the

Statement of Conditions. Any failure to comply with a condition contained within the Statement of Conditions shall constitute a violation of this Zoning Ordinance and be punishable accordingly. Additionally, any such violation shall be deemed a nuisance per se and subject to judicial abatement as provided by law.

2. No permit or approval shall be granted under this Ordinance for any use or development that is contrary to an applicable Statement of Conditions.

G. Time Period for Establishing Development or Use. The approved development and/or use of the land must be commenced upon the land within eighteen (18) months after the rezoning under this Section took effect, and thereafter proceed diligently to completion. This time limitation may upon written request be extended by the City Council if:

1. It is demonstrated to the City Council's reasonable satisfaction that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion, and,
2. The City Council finds that there has not been a change in circumstances that would render the current zoning with Statement of Conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy.

H. Reversion of Zoning. If approved development and/or use of the rezoned land does not occur within the time frame specified under sub-section G. above, then the land shall revert to its former zoning classification as set forth in Section 405(2) of the Michigan Zoning Enabling Act (P.A. 110 of 2006). The reversion process shall be initiated by the City Council requesting that the Planning Commission proceed with consideration of rezoning of the land to its former zoning classification. The procedure for considering and making this reversionary rezoning shall thereafter be the same as applies to all other rezoning requests.

I. Subsequent Rezoning of Land. When land that is rezoned with a Statement of Conditions is thereafter rezoned to a different zoning classification or to the same zoning classification but with a different or no Statement of Conditions, whether as a result of a reversion of zoning pursuant to Subsection H above or otherwise,

the Statement of Conditions imposed under the former zoning classification shall cease to be in effect. Upon the owner's written request, the City Clerk shall record with the Monroe County Register of Deeds a notice that the Statement of Conditions is no longer in effect.

J. Amendment of Conditions.

1. During the time period for commencement of an approved development or use specified pursuant to sub-section G above or during any extension thereof granted by the City Council, the City shall not add to or alter the conditions in the Statement of Conditions.
2. The Statement of Conditions may be amended thereafter in the same manner as was prescribed for the original rezoning and Statement of Conditions.

K. City Right to Rezone. Nothing in the Statement of Conditions nor in the provisions of this Section shall be deemed to prohibit the City from rezoning all or any portion of land that is subject to a Statement of Conditions to another zoning classification. Any rezoning shall be conducted in compliance with this Ordinance and the Michigan Zoning Enabling Act (P.A. 110 of 2006).

L. Failure to Offer Conditions. The City shall not require an owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect an owner's rights under this Ordinance.