TITLE V - ZONING AND PLANNING

CHAPTER 51 ZONING

PREAMBLE

Pursuant to the authority conferred by 2006 PA 110 of the State of Michigan, and acts amendatory thereto, in such case, made and provided and for the purpose of promoting and protecting the public health, safety, peace, morals, comfort, convenience, and general welfare of the inhabitants of the City of Frankenmuth by protecting and conserving the character and social and economic stability of the residential, commercial, industrial and other use areas; by securing the most appropriate use of land; preventing over-crowding of land and undue congestion of population; providing adequate light, air, and reasonable access; and facilitating adequate and economical provision of transportation, water, sewer, schools, recreation, and other public requirements by protecting natural features and natural resources such as ground and surface waters from pollution; and by other means, all in accordance with a comprehensive plan; now therefore:

(Ordinance No. 2011-02, 07-12-2011; Ordinance No. 2012-04, 11-13-2012)

ARTICLE 1. SHORT TITLE AND PURPOSE

5.1. Title and Purpose. This Chapter shall be known and may be cited as the City of Frankenmuth Zoning Ordinance.

In addition to those items referred to in the preamble above, part of the purpose of this Chapter is to make the entire City of Frankenmuth attractive to residents and visitors. Frankenmuth has been a premier tourist attraction in the State of Michigan for several years. A large part of that success is the result of the special attractiveness of all facilities including residential, commercial and industrial. Frankenmuth's Bavarian-Franconian Heritage has been developed into a successful image which is known on a national and international basis. That image can only be maintained through careful planning and action on the part of City residents, businesses, and the City government. Efforts to draw attention to a specific location with garish features such as flashing lights, large or gaudy signs, large balloons, and loud noise will be detrimental to this purpose.

(Ordinance No. 1993-4, Sec. 2, 01-12-1993)

ARTICLE 2. DEFINITIONS

5.2. Definitions. For the purposes of this Chapter, certain terms or words used herein shall be interpreted 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;" the word "person" includes "corporation," "copartnership," "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.

5.3. Definitions (A-C).

(1) Accessory Building. Is a subordinate building, the use of which is clearly incidental to that of the main building or to the use of the land. It shall include among others, storage sheds, play houses, facilities for storage of refuse, etc.

(2) Accessory Use. Is a use subordinate to the main use of a lot and used for purposes clearly incidental to those of the main use.

(2.1) Adult foster care family homes. Private homes with the approved capacity to receive six (6) or fewer adults to be provided with foster care for five (5) or more days a week and for two (2) or more consecutive weeks. The number of occupants in a home, other than the licensee and the licenseeôs spouse, shall not exceed ten (10) persons. The adult foster care family home licensees must provide the care and be a member of the household and an occupant of the home. The ratio of responsible persons to residents shall not be less than one (1) responsible person to six (6) residents and two (2) children under the age of twelve (12) years or ratio thereof. The two (2) previous statements do not apply to those adult foster care family home applicants or licensees who applied for a license or who were issued a license before the promulgation of these rules.

(2.2) Adult foster care large group homes (13-20 persons). A group home that have an approved capacity to receive at least thirteen (13) but not more than twenty (20) adults to be provided with foster care. Any occupant of a home, other than the licensee or persons who are related to the licensee, live-in staff or the live-in staffôs spouse and minor children, or a person related to a resident who is not in need of foster care, shall be considered a resident and be counted as a part of the licensed capacity. The total number of occupants shall not be more than six (6) over the licensed capacity.

(2.3) Adult foster care small group homes (1-6 persons). A group home that has the capacity to receive six (6) or fewer adults. Any occupant of a home, other than the licensee or persons who are related to the licensee, live-in staff or the live-in staffôs spouse and minor children, or a person related to a resident who is not in need of foster care, shall be considered a resident and be counted as a part of the licensed capacity. The total number of occupants shall not be more than six (6) over the licensed capacity. Care is provided by paid staff who do not necessarily live on site.

(2.4) Adult foster care small group homes (7-12 persons). A group home that has the capacity to receive not less than seven (7) or more than twelve (12) adults. Any occupant of a home, other than the licensee or persons who are related to the licensee, live-in staff or the live-in staffôs spouse and minor children, or a person related to a resident who is not in need of foster care, shall be considered a resident and be counted as a part of the licensed capacity. The total number of occupants shall not be more than six (6) over the licensed capacity. Care is provided by paid staff who do not necessarily live on site.

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

(4) Alteration. Any change, addition or modification to a structure or type of occupancy, 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."

(5) Apartment. Is a dwelling unit in a multiple dwelling as defined herein:

(a) Studio Apartment. Is a dwelling unit consisting of not more than one (1) room, in addition to kitchen and necessary sanitary facilities, the minimum total area of which shall not be less than four hundred (400) square feet, and the maximum total area of which shall be no more than five hundred (500) square feet.

(b) One Bedroom Unit. Is a dwelling unit consisting of not more than three (3) rooms, in addition to kitchen and necessary sanitary facilities, the total area of which shall not be less than five hundred seventy-five (575) square feet.

(c) Two Bedroom Unit. Is a dwelling unit consisting of not more than four (4) rooms, in addition to the kitchen and necessary sanitary facilities, the total area of which shall not be less than eight hundred (800) square feet.

(d) Three Bedroom Unit. Is a dwelling unit consisting of not more than five (5) rooms, in addition to kitchen and necessary sanitary facilities, the total area of which shall not be less than one thousand (1,000) square feet.

(e) Four Bedroom Unit. Is a dwelling unit consisting of not more than six (6) rooms, in addition to kitchen and necessary sanitary facilities, the total area of which shall not be less than one thousand two hundred fifty (1,250) square feet.

(6) Apartment Building. A residential structure containing three (3) or more dwelling units.

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

(8) Billboard. (See Article 17).

(9) Building. Is any structure, either temporary or permanent, having a roof, supported by columns or walls and intended 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 such purposes.)

(10) Building Height. Is 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 ridges for gable, hip, and gambrel roofs; and to the average height between the lowest point and the highest point on a shed roof. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building wall.

(11) Building Line. Is a line formed by the face of the building, and for the purposes of this Chapter, a building line is the same as a front setback line.

(12) Building, Main or Principal. Is a building in which is conducted the predominant or principal use of the lot on which it is situated.

(13) Camper. A separate vehicle designed for human habitation which can be towed by a motor vehicle or which can be attached or detached from a pick-up truck.

(14) 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.

(15) Court. Is an open, unoccupied space, other than a yard, and bounded on at least two (2) sides by a building. A court extending to the front yard or front lot line to the rear yard or rear lot line is an outer court. Any other court is an inner court.

(Ordinance No. 1987-4, Sec. 1, 05-05-1987; Ordinance No. 1997-09, 12-02-1997; Ordinance No. 2016-07, 07-12-2016)

5.4. Definitions (D-F).

(1.1) Day care, adult (1-6 persons). Facilities that provide temporary care for less than a twenty four (24) hour period for persons over the age of eighteen (18) in a supervised environment. Generally, these establishments provide care for the elderly or disabled. There shall be no more than six (6) clients cared for on the property at any given time.

(1.2) Day care, adult (7-12 persons). Facilities that provide temporary care for less than a twenty four (24) hour period for persons over the age of eighteen (18) in a supervised environment. Generally, these establishments provide care for the elderly or disabled. There shall be no more than twelve (12) clients cared for on the property at any given time.

(1.3) Day care, adult (13 or more persons). Facilities that provide temporary care for less than a twenty four (24) hour period for persons over the age of eighteen (18) in a supervised environment. Generally, these establishments provide care for the elderly or disabled.

(1.4) Day care centers, commercial. Facilities (publicly or privately operated), other than a private home, having as their principal function the receiving of one (1) or more preschool or school age children (under the age of eighteen (18)) for care, maintenance, and supervision. Day care centers include facilities that provide care for not less than two (2) consecutive weeks, despite the number of hours per day of care. Day care centers receive minor children for care for periods of less than twenty four (24) hours a day, where the parents, relatives, or legal guardians are not immediately available. Day care centers are also commonly known as child care centers, day nurseries, child care facilities, nursery schools, parent cooperative preschools, play groups, or drop-in centers. These may also include intergenerational day care facilities for both children and the elderly.

(1.5) Day care homes, family (1-6 persons). A child care facility that provides licensed day care in private homes for six (6) or fewer unrelated minor children under the age of eighteen (18). Children receive care and supervision for periods of less than twenty four (24) hours a day unattended by a parent or legal guardian for more than four (4) weeks during a calendar year.

(1.6) Day care homes, group (7-12 persons). A child care facility that provides licensed day care in private homes for no more that twelve (12) unrelated minor children under the age of eighteen (18). Children receive care and supervision for periods of less than twenty four (24) hours a day unattended by a parent or legal guardian for more than four (4) weeks during a calendar year. Facilities that provide licensed day care to thirteen (13) or more minor children constitute a commercial day care center.

(1.7) District. Is a portion of the City within which certain regulations and requirements or various combinations thereof apply under the provisions of this Chapter.

(2) Drive-In/Fast Food Restaurant. A business establishment for the serving of food which is maintained, operated and advertised or held out to the public as a place where forty percent (40%) or more of the food, beverage and/or desserts are served to customers in disposable (not re-usable by restaurant) containers or wrappers from a serving counter, or to patrons while in motor vehicles. Food, beverage and/or desserts may be consumed either inside the building, outside, at facilities provided, or in motor vehicles; or may be "carried out" for consumption off the premises.

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

(4) Dwelling, One-Family. Is a building designed exclusively for and occupied exclusively by one (1) family.

(5) Dwelling, Two Family. Is a building designed exclusively for occupancy by two (2) or more families, living independently of each other, also called duplex herein.

(6) Dwelling, Multiple-Family. Is a building designed exclusively for occupancy by three (3) or more families living independently of each other in separate apartment units.

(7) Erected. The word "erected" includes built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises required for the construction. Excavation, fill, drainage, and the like, shall be considered a part of erection.

(8) 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; wires, mains, drains, sewers, pipes, conduits, cables; fire alarm and police call boxes, traffic signals, hydrants and similar accessories in connection therewith; but not including building or substations which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general public health, safety or welfare.

(9) Estate Multiple-Family Dwelling Unit Building. A residential structure containing a minimum of three (3) and a maximum of six (6) estate multiple-family dwelling units.

(10) Estate Multiple-Family Dwelling Unit. A multiple-family dwelling unit which is considered to be larger and more expensive than apartment units. Detailed requirements are listed in section 5.132(L).

(11) Family. Is one (1) or two (2) persons or parents with their direct lineal descendants and adopted children (and including the domestic employees thereof); together with not more than two (2) persons not so related, living together in the whole or part of a dwelling unit comprising a single housekeeping unit. Every additional group of two (2) or more persons living in such housekeeping unit shall be considered a separate family for the purpose of this Chapter.

(12) Farm. Is all of the unplatted contiguous or neighboring land operated as a single unit on which bona fide farming is carried on directly by the owner-operator, manager or tenant farmer, by his own labor or with the assistance of members of his household or hired employees; provided, however, that land to be considered a farm hereunder shall include a continuous parcel of five (5) acres or more in area; provided further, farms may be considered as including establishments operated as bona fide greenhouses, nurseries, orchards, chicken hatcheries, poultry farms and apiaries. No farm shall be operated as a piggery, or for the disposal of garbage, sewage, rubbish, offal or rendering plant, or for the slaughtering of animals except such animals as have been raised on the premises or have been maintained on the premises prior thereto and for the use and consumption of persons residing on the premises.

(13) Fence. A structure of definite height and location to serve as an enclosure in carrying out the requirements of this Chapter.

(14) Fence, Decorative Side. The good side or that side of the fence which is smoothest and reveals to the least extent the support members of the fence.

(15) Fence, Obscuring. A structure of definite height and locations to serve as an obscuring screen in carrying out the requirements of this Chapter.

(16) Fence, Privacy. A structure of definite height and location to provide privacy between living units in RCD and RCM zoning districts.

(17) Floor Area. Area is square feet of all floors in all buildings measured from outside of exterior wall and multiplied by the number of floors.

(18) Floor Area, Usable. (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 Floor Area, Usable. Measurement of floor area shall be the sum of the gross horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls. For the purposes of computing parking for those uses not enclosed within a building, the area used for the sale of merchandise, display of merchandise, and/or area used to serve patrons or clients shall be measured to determine necessary parking spaces.

(19) Freestanding solid or liquid fuel-burning furnace. Is any device, accessory structure or equipment that meets all of the following:

(a) Is designed, intended or used to provide heat and/or heated fluids to heat any type of building.
(b) Operates by the burning of wood, corn, pellets, coal or other solid or liquid fuel.
(c) Is located exterior from the principle structure or any other habitable structure.

(Ordinance No. 1987-4, Sec. 2, 3, 05-05-1987; Ordinance No. 1992-6, Sec. 1, 10-06-1992; Ordinance No. 1993-9, Sec. 1, 09-07-1993; Ordinance No. 1995-8, 10-03-1995; Ordinance No. 2009-01, 01-13-2009; Ordinance No. 2016-07, 07-12-2016)

5.5. Definitions (G-K).

(1) Garage, Private. A single additional structure which either adjoins a residence or may be separate therefrom, not over one (1) story or fifteen (15) feet in height, used for parking or storage of motor vehicles, but shall not include a commercial garage.

(2) Gasoline Service Station. Is a place for the dispensing, sale or offering for sale of motor fuels directly to users of motor vehicles, together with the sale of minor accessories and the servicing of and minor repair of automobiles. Prohibited activities include, but are not limited to, the following: Vehicle body repair, undercoating, painting, tire recapping, engine rebuilding, auto dismantling, upholstery work, auto glass work, and such other activities whose external physical effects could extend beyond the property line.

(3) Grade. The finished ground level adjoining the building at all exterior walls. When the adjoining level varies from wall to wall, grade shall be taken as the average of all exterior walls.

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

(5) Hotel. A building or group of buildings where at least fifty (50%) percent of the floor space is devoted to sleeping rooms and which facility may have restaurant facilities for guests and others and which may also have meeting rooms, shops and other facilities.

(6) Home Occupation. An occupation, business or professional service customarily engaged in by residents in their dwelling, and which use is clearly incidental and secondary to the residential use of the building and does not change the character thereof. Restaurants, retail sales, beauty shops, and barber shops, shall not be considered home occupations.

(7) Junk Yard. Is a licensed open area where waste, used or second hand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber tires, and bottles. A Junk Yard includes automobile wrecking yards, and two or more inoperative, unlicensed vehicles shall be construed to be a Junk Yard.

(8) Kennel, Commercial. Any lot or premises on which three (3) or more dogs are either permanently or temporarily boarded.

(Ordinance No. 1998-07, 09-01-1998; Ordinance No. 1999-05, 07-06-1999; Ordinance No. 2016-07, 07-12-2016)

5.6. Definitions (L-N).

(1) Living Space Ratio. The square footage of open space, less the space used for vehicular movement, that exists for each square foot of building floor area.

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

(3) Lot. Is a parcel of land occupied, or to be occupied by a main building or a group of such buildings and accessory buildings, or utilized for the principal use and uses accessory thereto, together with such open spaces as are required under the provisions of this Chapter.

(4) Lot Area. The total horizontal area within the lot lines of the lot.

(5) Lot, Corner. A lot where the interior angle of two adjacent sides at the intersection of the two streets is less than one hundred-thirty-five (135) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the purposes of this Chapter if the arc is of less radius than one hundred fifty (150) feet and the tangents to the curve, at two points where the lot lines meet the curve or the straight line extended, for an interior angle of less than one hundred thirty-five (135) degrees.

(6) Lot, Interior. Any lot other than a corner lot.

(7) Lot Lines. The lines bounding a lot as defined herein.

(a) Front Line. In the case of an interior lot, the line separating said lot from the street. In the case of a corner lot, or double frontage lot, is that line separating lot from that street which is designated as the front street in the plat and the request for the zoning compliance permit.

(b) Rear Lot Line. The lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet long lying farthest from the front lot line and wholly within the lot.

(c) Side Lot Line. Any lot lines other than the front lot lines or rear lot lines. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

(8) Lot Coverage. The part or percent of the lot occupied by buildings or structures, including accessory buildings or structures.

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

(10) Lot Width. The horizontal distance between the side lot lines measured at the two points where the building line, or setback, intersects the side lot lines.

(10.5) Low Impact Development (LID): An approach to land development that uses various land planning and design practices and technologies to simultaneously conserve and protect natural resource systems, water quality and reduce infrastructure costs.

(11) Master Plan. Is the most recent edition of the Frankenmuth City & Township Joint Growth Management Plan or comprehensive plan including graphic and written proposals indicating the general location for streets, parks, schools, public buildings and all physical development of the City, and includes any unit or part of such plan, and any amendment to such plan or parts thereof. Such plan may or may not be adopted by the Planning Commission and/or the City Council.

(12) Motel. A series of attached, semidetached or detached rental units. The principal use of said Units shall be to provide overnight lodging and are offered to the public for compensation and shall cater primarily to the public traveling by motor vehicles.

(13) Motor home. A self-contained vehicle designed for human habitation with its own mode of power and with a passage way from the body of the home to the driver and front passenger seats.

(14) Nonconforming Building. A building or portion thereof, lawfully existing at the effective date of this Chapter, or amendments thereto, that does not conform to the provisions of the Chapter nor to the use regulations of the district in which it is located.

(15) Nonconforming Use. A use which lawfully occupied a building or land at the time this Chapter or amendments thereto, became effective, and that does not conform to the use regulations of the district in which it is located.

(Ordinance No. 1997-09, 12-02-1997; Ordinance No. 2012-04, 11-13-2012; Ordinance No. 2016-07, 07-12-2016)

5.7. Definitions (O-S).

(1) 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 automobiles.

(2) Open Front Store. A business establishment other than a restaurant, bank or gasoline station so developed that service to the patron may be extended beyond the walls of the building, not requiring the patron to enter said building.

(3) Open Space. Total area in square feet of all uncovered open space of the land area within the site to be developed plus one-half (1/2) of covered open space such as park shelters and carports.

(4) Open Space Ratio. The square footage of site "open space" provided for each square foot of building floor area.

(5) Parking Space. Is hereby determined to be an area of one hundred and eighty (180) square feet, and shall be exclusive of drives, driveways, aisles or entrances giving access thereto and shall be fully accessible for the storage or parking of permitted vehicles.

(6) Principal Use. The main use to which the premises are devoted and the main purpose for which the premises exist.

(7) Public Utility. Is 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 disposal, communication, telegraph, transportation, or water.

(8) Recreational Vehicle. Recreational vehicle includes motor home, camper, travel trailer, trailer coach, snowmobile, all-terrain vehicle, and all like vehicles used for recreational purposes.

(9) Recreation Space. Total area in square feet which is countable as open space but is not paved in streets, walks or driveways and is suitable for recreation pursuits. The smallest countable recreation space is 10,000 square feet. A lesser area may be countable where the total recreation space required is less than 10,000 square feet but shall not be less than 1,000 square feet. The smallest dimension of countable recreation space must be at least 50 feet where more than 10,000 square feet of recreation space is required and at least 20 feet where less than 10,000 square feet of recreation space is required. That part of a recreation area having a dimension less than 50 feet is not included as countable recreation space unless the recreation area is usable roof area. Countable recreation space must be at least 20 feet away from any residential wall containing a window on the ground floor.

(10) Recreation Space Ratio. The square footage of space for active recreation provided for each square foot of building area.

(11) Screen. Any man-made structure, either portable or fixed, constructed of material(s), which provides a shelter, a partition and/or concealment, and that which is not an architectural feature attached to a structure or an integral portion of a structure.

(12) Setback. The distance required to obtain front, side or rear yard open space provisions of this Chapter.

(13) Sexually oriented business. (See Section 5.103).

(14) Sign. (See Article 17.)

(14.5) Significant Natural Feature: A natural area as designated by the Planning Commission, City Council, or the Michigan Department of Environmental Quality which exhibits unique topographic, ecological, hydrological, or historical characteristics such as a wetland, flood plain, water features, or other unique natural features.

(15) Story. Is that part of a building included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the ceiling next above. The story thus defined shall not be counted as a story when more than fifty (50) per cent by cubic content is below the level of the adjoining ground.

(16) Street. Is a public thoroughfare which affords the principal means of access to abutting property.

(17) Structure. Is anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

(Ordinance No. 1997-09, 12-02-1997; Ordinance No. 2001-03, 02-06-2001; Ordinance No. 2008-09, 08-05-2008; Ordinance No. 2012-04, 11-13-2012)

5.8. Definitions (T-Z).

(1) Taverns and Bars. Facilities in which 50% or more of the revenue from sales is derived from the retail sale of alcoholic beverages.

(2) Temporary Building or Use. Is a structure or use permitted by the Board of Appeals to exist during periods of construction of the main use, or for special events.

(3) Temporary Fence. A fence that is not intended to be a permanent structure or is not affixed to the ground in a firm or permanent manner or is installed for a short period of time.

(4) Thoroughfare, Major. Is an arterial street which is intended to serve as a large volume traffic way for both the immediate City area and the region beyond. For the purposes of this Chapter, major thoroughfares shall be considered to be those streets so designated in the Master Plan of the City.

(5) Thoroughfare, Secondary. Is an arterial street which is intended as a trafficway to serve primarily the immediate City area. For the purposes of this Chapter, secondary thoroughfares shall be considered those streets so designated in the Master Plan of the City.

(6) Trailer. Trailer means every vehicle, with or without motive power, which is designed to carry property or persons on its own structure and to be drawn by a vehicle with its own motive power. The term "trailer" shall include watercraft or boat trailer, recreational vehicle trailer, trailer coach, semi-trailer, travel trailer, utility trailer, or any multi-purpose trailer.

(7) Trailer Court or Mobile Home Park. Any parcel or tract of land under the control of any person, upon which three (3) or more occupied mobile homes are harbored on a continual or non-recreational basis, or which is offered to the public for that purpose, regardless of whether a charge is made therefor, together with any building, structure, enclosure, street, equipment or facility used or intended for use incident to the occupancy of the trailer coaches or mobile homes.

(8) Trailer Residence or Mobile Home. A movable or portable unit, designed and constructed to be towed on its own chassis, comprised of a frame and wheels, and designed to be connected to utilities for year-round occupancy as a dwelling unit.

(9) Travel Trailer. A vehicle designed as a travel unit for occupancy as a temporary or seasonal vacation living unit, and which is in no event inhabited for more than thirty (30) days at one site.

(10) Use. Is the purpose for which land or a building is designed, arranged, or intended, or for which land or a building is or may be occupied.

(11) Yards. The open spaces on the same lot with a main building, unoccupied and unobstructed from the ground upward except as otherwise provided in this Chapter, and as defined herein.

(a) Front Yard. Is an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest line of the main building.

(b) Rear Yard. Is an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest line of the main building.

(c) Side Yard. Is an open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot line to the nearest point of the main building.

(12) Zoning Exceptions and Variances.

(a) Exception. An exception is a use permitted only after review of an application by the Board of Appeals or the Planning Commission other than the Administrative Official (Zoning Administrator), such review being necessary because the provisions of this Chapter covering conditions, precedent or subsequent, are not precise enough to all applications without interpretation, and such review is required by the Chapter.

(b) Variance. Is a modification of the literal provisions of the Zoning Chapter granted when strict enforcement of the Zoning Chapter would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted. The crucial point of variance are (a) undue hardship, (b) unique circumstances, and (c) applying to property. A variance is not justified unless all three elements are present in the case.

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 Chapter appear as "special approval" or review by the Planning Commission, Legislative Body, or Board of Appeals. These land uses could not be conveniently allocated to one zone or another, or the effects of such uses could not be definitely foreseen as of a given time. The general characteristics of these uses include one 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.

(13) Watercraft or Boats. Includes all watercraft or other boats, including kayaks and canoes.

(Ordinance No. 1997-09, 12-02-1997; Ordinance No. 2000-03, 07-05-2000; Ordinance No. 2012-03, 10-02-2012)

ARTICLE 3. ZONING DISTRICTS

5.11. Districts. For the purpose of this Chapter, the City of Frankenmuth is hereby divided into the following districts:

A	Agriculture District
RE	One-Family Residential Estate District
RA-1	One-Family Residential District (Low Density)
RA-2	One-Family Residential District (Medium Density)
RA-3	One-Family Residential District (High Density)
MHR	Mobile Home Residential District
RCD	Family Duplex or Two Family District
RCM	Multiple Dwelling Unit District
O	Office Building District

B-1	Convenience Commercial District
B-2	Local Business District
B-3	Highway Commercial District
B-4	Tourist Commercial District
I	Industrial District
FP	Flood Plain District
R-PUD	Residential Planned Unit Development District
MU-PUD	Mixed Use Planned Unit Development District
CL-PUD	Commercial Local Planned Unit Development District
CT-PUD	Commercial Tourist Planned Unit Development District
I-PUD	Industrial Planned Unit Development District
IS-PUD	Industrial Special Use Planned Unit Development District
SU	Special Use District
P-1	Vehicular Parking District

(Ordinance No. 1986-5, 03-04-1986; Ordinance No. 1993-1, Sec. 1, 01-12-1993; Ordinance No. 2016-07, 07-12-2016)

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

(1) Unless shown otherwise, the boundaries of the district are lot lines, the center lines of streets, alleys, roads or such lines extended, and the limits of the City.

(2) Where, due to the scale, lack of detail, or illegibility of the Zoning Map, there is an uncertainty, contradiction, or confliction as to the intended location of any district boundaries shown thereon, interpretation concerning the exact location of district boundary lines shall be determined upon written application to, or upon its own motion by, the Board of Appeals.

5.13. Zoning of Vacated Areas. Whenever any street, alley or other public way within the City shall be vacated, such street, alley or other public way or portion thereof shall automatically be classified in the same zone district as the property to which it is attached.

5.14. Zoning of Annexed Areas.

(1) Any area designated by the Frankenmuth Joint Growth Management Plan (Master Plan) as a Planned Unit Development Area which is annexed to the City of Frankenmuth shall immediately upon such annexation be automatically classified as having the zoning district designation which it had under the Frankenmuth Township Zoning Ordinance being one of the following: R-PUD, CL-PUD, CT-PUD, I-PUD, or I-S-PUD with the following exception:

(a) R-PUD designated properties located on the south side of E. Tuscola Street (Road), beginning with the property at 905 E. Tuscola Street and extending east to the urban limit line, shall immediately upon annexation be automatically classified as specified below:

(1) Properties in said area located within a platted subdivision shall be classified as RA-2.
(2) Properties in said area not located within a platted subdivision shall be classified as RE.

(b) Note that section 5.143(2) of this Chapter shall apply to all parcels of record that are non-conforming.

(2) Any other area annexed to the City of Frankenmuth, such as a single lot, shall immediately upon such annexation be automatically classified as an RA-1 District.

(Ordinance No. 1986-2, 02-04-1986; Ordinance No. 2011-04, 07-12-2011)

5.15. District Requirements. All buildings and uses in any district shall be subject to the provisions of Articles 15 to 19, inclusive.

5.16. Variability of Housing Pattern. No building of residential subdivisions shall duplicate designs of dwelling units upon contiguous lots nor repeat such designs more than twice within three hundred (300) feet.

5.17. Special Use Approval.

(1) Standards for Special Use Approval. Approval of a special use as listed in ñUses Permissible on Special Approvalò as specified in this Chapter shall be based upon the determination that the proposed use complies with all applicable requirements of this Chapter, and all of the following standards as deemed applicable to the use by the Planning Commission:

(a) Documented Need Exists for the Proposed Use. A documented need exists for the proposed use within the community.

(b) Compatibility with Adjacent Uses. The special use is compatible with adjacent uses and the existing or intended character of the zoning district and area. The use will not have an adverse impact upon or interfere with the development, use or enjoyment of adjacent properties, or the orderly development of the neighborhood.

(c) Compatibility with the Master Plan. The special use location and character is consistent with the general principles, goals, objectives, and policies of the latest adopted Master Plan or Frankenmuth Joint Growth Management Plan.

(d) Compliance with Applicable Regulations. The proposed special use is in compliance with all applicable Chapter provisions.

(e) Impact upon Public Services. The impact of the special use upon public services will not exceed the existing or planned capacity of such services; including utilities, roads, police and fire protection services, drainage structures, refuse disposal, and availability or capacity of water and sewage facilities.

(f) Traffic Impacts. The special use is designed and located in a manner that minimizes any adverse traffic impacts caused or exacerbated by the use.

(g) Environmental and Public Health, Safety, and Welfare Impacts. The location, design, activities, processes, materials, equipment, and operational conditions of the special use will not be detrimental or injurious to the environment or the public health, safety, and welfare by reason of traffic, noise, vibration, smoke, fumes, odors, dust, glare, light, drainage or other adverse impacts as set by state, federal or other agencies with jurisdiction.

(h) Isolation of Existing Uses. Approval of the special use location will not result in a small residential or non-residential area being substantially surrounded by incompatible uses.

(2) Compliance with Special Use Approval. It shall be the responsibility of the owner of the property and the operator of the use for which special use approval has been granted to develop, improve, operate and maintain the

use, including the site, structures and all site elements, in accordance with the provisions of this Chapter and all conditions of special use approval until the use is discontinued. Failure to comply with the provisions of this Section shall be a violation of the use provisions of this Chapter and shall be subject to the same penalties appropriate for a use violation.

(Ordinance No. 2016-06; 07-12-2016)

ARTICLE 4. A - AGRICULTURE DISTRICT

5.21. Principal Uses Permitted.

(1) One-family detached dwellings.

(2) Farms including, but not limited to, livestock and poultry raising, dairying, horticulture, truck gardening, farm forestry, and similar bona fide agricultural use of land and structures.

(3) Non-commercial recreation areas, parks and open space uses.

5.22. Uses Permissible on Special Approval. Under such conditions as the Planning Commission, after hearing, finds the use as not being injurious to the A-Agriculture District and not contrary to the spirit and purpose of this Chapter and subject further to the conditions imposed herein, the following may be permitted:

(1) Public utility buildings, telephone exchange buildings, electric transformer stations and substations and gas regulator stations when operation requirements necessitate the location within the district in order to serve the immediate vicinity.

(2) Home occupations that are in compliance with the following standards:

(a) No special space is designed for such operation, business, or professional service;

(b) No separate entrance from the exterior of the building is provided;

(c) No goods or services are sold which are not produced on the premises by the immediate members of the family residing therein;

(d) Such use is conducted entirely within the building by residents thereof and not in any accessory building;

(e) No home occupation use shall require internal or external alterations or involve construction features or the use of electrical or mechanical equipment that would change the fire rating of the structure;

(f) The home occupation use shall not create noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard, or any other hazard or nuisance to any greater or more frequent extent than normally occurs in a similarly zoned residential district;

(g) No home occupation use shall cause unreasonable increase in the use of any one (1) or more utilities (water, sewer, refuse, removal, etc.);

(h) Any sign(s) shall comply with requirements contained in this Chapter. In addition, such sign(s) shall be attached to the building wall, shall only contain the name and occupation of the residents of the premises, shall be non-illuminated, and shall not exceed two (2) square feet in area;

(i) The home occupation use may increase vehicular traffic flow and parking by no more than one (1) additional car at a time. No more than three (3) customers or clients shall come to the dwelling unit for services or products during any one (1) day;

(j) Deliveries to or from the premises by commercial suppliers shall not restrict traffic circulation and shall only be made between the hours of 8:00 A.M. and 7:00 P.M.; and

(k) If approved, a home occupation shall apply only to the owner(s) and/or occupant(s) listed on the permit request. Under no circumstances shall a home occupation permit be transferable should the property ownership and/or occupancy status change.

(3) Churches.

(4) Private swimming pools. A private swimming pool, as regulated herein, shall be any pool, pond, lake or open tank, not located within a completely enclosed building and containing or normally capable of containing water to a depth at any point greater than twenty-four (24) inches. No such swimming pool shall be allowed in any A District except as an accessory use and unless it complies with the following conditions and requirements:

(a) The pool is intended and is to be used solely for the enjoyment of the occupants of the principal use of the property on which it is located.

(b) It may not be located, including any walks or paved areas or accessory structures adjacent thereto, closer than eight (8) feet to any property line of the property on which it is located.

(c) The pool shall be installed in accordance with State Construction Code requirements. Screening for above ground pools shall not extend above the required guardrail height. The decorative side of any required fence shall be located so that it is facing toward the adjacent properties.

(5) Recreational vehicle encampments.

(Ordinance No. 1990-06, Sec. 1, 05-01-1990; Ordinance No. 1995-8, 10-03-1995; Ordinance No. 1996-5, 05-07-1996; Ordinance No. 1999-05; 07-06-1999; Ordinance No. 2004-08, 09-07-2004)

5.23. Area and Bulk Requirements. See Article 15, "SCHEDULE OF REGULATIONS," limiting the height and bulk of buildings, and minimum size of lot by permitted land use.

ARTICLE 5. RE, RA-1, AND RA-2 - ONE-FAMILY RESIDENTIAL DISTRICTS

5.31. Principal Uses Permitted.

(1) One-family detached dwellings.

(2) Publicly owned and operated libraries, parks, parkways, and recreational facilities.

(3) Accessory buildings and uses, provided that they shall be located as required in Article 16, "GENERAL

PROVISIONS."

(4) Name plates and signs as provided in Article 17, "SIGNS AND BILLBOARDS."

(5) Automobile parking space to be provided as required in Article 16, "GENERAL PROVISIONS" (Sections 5.145 and 5.146).

(6) Private swimming pools in accordance with requirements of section 5.22(4).

(7) Adult foster care family home (1-6)

(8) Adult foster care small group home (1-6)

(9) Family day care home (1-6)

(Ordinance No. 2016-06, 07-12-2016)

5.32. Uses Permissible on Special Approval. Under such conditions as the Planning Commission, after hearing, finds the use as not being injurious to residential districts and environs, and not contrary to the spirit and purpose of this Chapter, and subject further to the conditions imposed herein, the following may be permitted:

(1) Day care, adult (1-6 persons).

(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 uses and buildings not associated with active construction projects not to exceed nine (9) months.

(4) Private non-commercial recreational areas; institutional or community recreation centers; a nonprofit swimming pool subject to the following restrictions:

(a) Any use permitted herein shall be developed only on acreage or outlot of at least one (1) acre in area, and shall not be permitted on a lot or group of lots of record.

(b) The proposed site for any of the uses permitted herein shall have one property line abutting a major thoroughfare and the site shall be so planned as to provide ingress and egress directly onto said major thoroughfare.

(c) Front, side and rear yards shall be at least eighty (80) feet wide, and shall be landscaped in trees, shrubs and grass. All such landscaping and planting shall be maintained in a healthy growing condition, neat and orderly in appearance.

(d) Buildings erected on premises shall not exceed two (2) stories in height except where due to topography a lower level shall be permitted when said lower level is entirely below the grade of the major thoroughfare abutting the parcel in question.

(e) All lighting shall be shielded to reduce glare and shall be so arranged as to reflect the light away from all residential districts.

(f) Off-street parking shall be provided so as to accommodate at least one-half (1/2) of the member families and/or individual members and, in addition, shall provide one (1) space for each employee. Bylaws of the organization shall be provided in order to establish the membership involved for computing parking requirements.

(g) Wherever the parking plan is so laid out as to beam automobile headlights toward any residential land, an obscuring wall or obscuring fence four (4) feet in height shall be provided along that entire side of the parking area. The decorative side of the wall or fence shall be located so that it is facing toward the adjacent properties.

(h) All parking areas shall be surfaced as required in sections 5.145 - 5.147.

(i) Whenever a pool is involved, said pool area shall be provided with a protective fence six (6) feet in height and entry shall be provided by means of a controlled gate or turnstile. The decorative side of the fence shall be located so that it is facing toward the adjacent properties.

(j) Where storm sewers are non-existent or capacity is not ample, adequate on site take-off facilities shall be provided and shall be reviewed and approved by the City Engineer as being adequate.

(5) Parks, picnic grounds and golf courses, which may or may not be operated for profit, all subject to the following:

(a) Major accessory uses to a golf course which are generally of a commercial nature, such as a restaurant and bar, shall be housed in a single building with clubhouse. Minor accessory uses which are strictly related to the operation of the golf course itself, such as a maintenance garage and pro shop or golf course, may be located in separate structures.

(b) Lighting of the golf course fairways and greens for night use shall be prohibited unless it can be demonstrated that such facilities will not create a nuisance to abutting property.

(c) Off-street parking and its arrangement shall have the approval of the Zoning Administrator and shall meet the requirements prescribed elsewhere in this Code.

(d) Off-street parking shall be provided so as to provide a minimum of one (1) parking space for each five (5) members if the golf course is a private club, or five (5) spaces for each green if it is operated for profit, plus one (1) space for each employee.

(e) Wherever the parking plan is so laid out as to beam automobile headlights toward any residentially zoned land, an obscuring wall or fence, or an obscuring coniferous planting four (4) feet in height shall be provided along that entire side of the parking area. The decorative side of the wall or fence shall be located so that it is facing toward the adjacent properties.

(f) Whenever a swimming pool is involved, said pool shall be provided with a protective fence, six (6) feet in height and entry shall be provided by means of a controlled gate or turnstile. The decorative side of the fence shall be located so that it is facing toward the adjacent properties.

(6) Churches and other facilities, normally incidental thereto, subject to the following conditions:

(a) The principal structures on the site shall be set back from abutting property sidelines, if zoned Residential

Use, not less than twenty (20) feet. Buildings of greater than the maximum height allowed in Article 15 may be allowed provided front, side and rear yards are increased above the minimum requirements by one (1) foot for each foot of building that exceeds the maximum height allowed.

(b) Wherever the parking plan is so laid out as to beam automobile headlights toward any residential land, an obscuring wall or obscuring fence, four (4) feet in height, or a heavily planted greenbelt six (6) feet in width shall be provided along the entire side of the parking area. The decorative side of the wall or fence shall be located so that it is facing toward the adjacent properties.

(7) Public, parochial and private elementary, intermediate schools and/or high schools offering courses in general education, not operated for profit.

(8) Municipal office buildings.

(9) Home occupations complying with standards as specified under Sub-section 5.22(2) above.

(Ordinance No. 1991-7, Sec. 1, 06-04-1991; Ordinance No. 1995-8, 10-03-1995; Ordinance No. 1996-5, 05-07-1996; Ordinance No. 1999-05, 07-06-1999; Ordinance No. 2000-03; 07-05-2000; Ordinance No. 2012-05; 11-13-2012; Ordinance No. 2016-07, 07-12-2016)

5.33. Area and Bulk Requirements. See Article 15, "SCHEDULE OF REGULATIONS," limiting the height and bulk of buildings, and minimum size of lot by permitted land use.

ARTICLE 6. RA-3 - ONE-FAMILY RESIDENTIAL DISTRICT

5.41. Principal Uses Permitted.

(1) One-family detached dwellings.

(2) Publicly owned and operated libraries, parks, parkways, and recreational facilities.

(3) Accessory buildings and uses, provided that they shall be located as required in Article 16, "GENERAL PROVISIONS."

(4) Name plates and signs as provided in Article 17, 'SIGNS AND BILLBOARDS."

(5) Automobile parking space to be provided as required in Article 16, "GENERAL PROVISIONS."

(6) Private swimming pools in accordance with requirements of section 5.22(4).

5.42. Uses Permissible on Special Approval. Under such conditions as the Planning Commission, after hearing, finds the use as not being injurious to the RA-3 District and environs, and not contrary to the spirit and purpose of this Chapter, and subject further to the conditions imposed herein, the following may be permitted:

(1) Those uses permitted on special approval in section 5.32.

(Ordinance No. 1996-5, 05-07-1996)

ARTICLE 7. MHR - MOBILE HOME RESIDENTIAL DISTRICT

5.51. Principal Uses Permitted.

(1) Mobile home parks, provided the following conditions are met:

(a) It shall conform to all regulations of the State Trailer Coach Park Act of 1959 and any amendments thereto.

(b) The minimum size of a mobile home park shall be ten (10) acres, five percent (5%) of which shall be devoted to the recreational use of the tenants.

(c) The maximum number of mobile homes shall be eight (8) per net acre.

(d) Minimum dimensions of a mobile home site shall be fifty (50) feet side by one hundred (100) feet long.

(e) All drives, street parking areas and walkways shall be hard-surfaced, and all utilities serving the area shall be placed underground.

(f) There shall be a minimum yard setback of forty (40) feet at all exterior property lines of the mobile home park.

(g) Each mobile home shall be separated from other mobile homes by a yard not less than twenty (20) feet wide, and the mobile home shall be so placed upon the lot so as to provide a fifteen (15) foot setback for both front and rear yards.

(h) Unless adequately screened by existing vegetative cover, the mobile home park shall be screened by a temporary planting of fast growing material, capable of reaching a height of fifteen (15) feet or more, such as hybrid poplar, or a permanent evergreen planting, the individual trees to be such a number and so arranged that within ten (10) years they will have formed a screen equivalent in opacity to a solid fence or wall. Such permanent planting shall be grown or maintained to a height of not less than fifteen (15) feet.

(i) No certificate of occupancy shall be issued for any portion of a mobile home park unless and until all improvements shall have been installed on not less than twenty-five (25%) per cent of the mobile home park and for not less than twenty (20) mobile home sites in any case.

(j) Mobile homes including carports and other appurtenant structures shall not occupy an area in excess of twenty-five (25%) per cent of the respective lot area.

(k) Each mobile home shall be provided a garage or carport facility. A carport facility shall be considered as meeting these and any other requirements of this Chapter regarding storage of vehicles.

(l) Mobile Home Stands. The mobile home stands shall be improved to provide adequate support for the placement and tie-down of the mobile home. The stand shall not heave, shift or settle unevenly under the weight of the mobile home due to frost action, inadequate drainage, vibration, wind or other forces acting on the structure. Anchors or tie-downs, such as cast in place concrete "dead men," eyelets imbedded in concrete screw augers or arrowhead anchors shall be placed at each corner of the mobile home stand and at intervals of at least twenty (20) feet. Each device shall be able to sustain a minimum load of four thousand eight hundred (4,800) pounds.

(m) All streets within the district shall be a minimum of twenty-eight (28) feet in width.

(n) No mobile home unit shall be placed within the district that is less than twelve (12) feet in width or fifty (50) feet in length. If the office of a park manager is used for business purposes only, such office may be of smaller dimensions.

(o) No trailer sales shall be permitted upon the premises of a mobile home park unless its placement otherwise conforms to this section.

(p) The Building Inspector and Fire Chief shall both approve the number and placement of fire hydrants within said park.

(2) Those uses permitted in section 5.41, numbers (2), (3), (4) and (5).

ARTICLE 8-A. RCD – TWO FAMILY RESIDENTIAL DISTRICT

5.61. Principal Uses Permitted.

(1) All principal and special approval uses permitted as regulated in RE, RA-1 and RA-2 Residential Districts, except as hereinafter modified.

(2) RCM-Multiple Dwellings-The same being three (3) or more dwelling units.

(3) Two-family dwelling units-Otherwise known as duplex apartments.

(4) Accessory buildings and uses, provided that they shall be located as required in section 5.144 of Article 16, "General Provisions."

(5) Name plates and signs as provided in Article 17, "Signs and Billboards."

(6) Automobile parking space to be provided as required in Article 16, "General Provisions."

(7) Day care, adult (1-6 persons).

5.62. Uses Permissible on Special Approval. Under such conditions as the Planning Commission, after hearing, finds the use as not being injurious to the RCD District and environs and not contrary to the spirit and purposes of this Chapter, subject further to the conditions, imposed herein, the following may be permitted:

(1) Rental offices as accessory to a multiple-dwelling unit project.

(2) Group day care homes (7-12 persons); day care, adult (7-12 persons) and as regulated by and meet minimum State of Michigan requirements. Required outdoor play spaces shall have an obscuring fence or wall at least 48 inches in height around its perimeter. Fence or wall heights may not exceed district maximums.

(3) Private swimming pools in accordance with requirements of section 5.22(4).

(4) Home occupations complying with standards as specified under Sub-section 5.22(2) above.

5.63. Area and Bulk Requirements. See Article 15, "Schedule of Regulations," limiting the height and bulk of buildings, the minimum size of lot permitted by land use, and the maximum density permitted.

(Ordinance No. 2016-07, 07-12-2016)

ARTICLE 8-B. RCM - MULTIPLE-FAMILY RESIDENTIAL DISTRICT

5.65. Principal Uses Permitted.

(1) All principal and special approval uses permitted as regulated in RE, RA-1 and RA-2 Residential Districts, except as hereinafter modified.

(2) RCM-Multiple Dwellings-The same being three (3) or more dwelling units.

(3) Two-family dwelling units-Otherwise known as duplex apartments.

(4) Accessory buildings and uses, provided that they shall be located as required in section 5.144 of Article 16, "General Provisions."

(5) Name plates and signs as provided in Article 17, "Signs and Billboards."

(6) Automobile parking space to be provided as required in Article 16, "General Provisions."

(7) The minimum real estate permitted for the construction of a single RCM unit shall be twenty thousand (20,000) square feet.

(8) Adult foster care small group home (7-12 persons)

(9) Day care home, group (up to 12 persons)

5.66. Uses Permissible on Special Approval. Under such conditions as the Planning Commission, after hearing, finds the use as not being injurious to the RCM District and environs and not contrary to the spirit and purposes of this Chapter, subject further to the conditions, imposed herein, the following may be permitted:

(1) Rental offices as accessory to a multiple-dwelling unit project.

(2) Nursery schools; day nurseries; Day care centers, commercial; and day care, adult (13 or more persons) as regulated by and meet minimum State of Michigan requirements. Required outdoor play spaces shall have an obscuring fence or wall at least 48 inches in height around its perimeter. Fence or wall heights may not exceed district maximums.

(3) General hospitals, except those for criminals and those solely for the treatment of persons who are mentally ill or have contagious disease, not to exceed three (3) stories when the following conditions are met:

(a) All such hospitals shall be developed only on site consisting of at least five (5) acres in area and shall not be permitted on a lot or lots of record.

(b) The proposed site shall have at least one property line abutting a major thoroughfare or secondary thoroughfare.

(c) The minimum distance of any main or accessory building from bounding lot lines or streets shall be at least fifty (50) feet for front, rear, and side yards for all two (2) story structures. For every story above two (2), the minimum yard distance shall be increased by at least ten (10) feet for each additional story.

(d) Ambulance and delivery areas shall be obscured from all residential view with an obscuring wall or fence five (5) feet in height. Ingress or egress to the site shall be directly from a major thoroughfare or a secondary thoroughfare.

(e) All ingress and egress to the off-street parking area, for guests, employees, staff, as well as any other uses of the facilities, shall be directly from a major or secondary thoroughfare.

(4) Housing for the elderly, not to exceed a height of three (3) stories when the following conditions are met:

(a) All housing for the elderly shall be provided as a planned development consisting of at least ten (10) acres and shall provide for the following:

1. Cottage type dwellings and/or apartment type dwelling units.

2. Common services containing, but not limited to, central dining rooms, recreational rooms, central lounge, and workshops.

(b) All dwellings shall consist of at least four hundred (400) square feet of floor area per unit.

(5) Convalescent homes, not to exceed a height of three (3) stories, when the following conditions are met:

(a) The site shall consist of at least four (4) acres.

(b) The maximum coverage shall not exceed twenty-five (25) per cent for all buildings, including principal structures and those incident to the principal structure.

(6) Funeral homes, provided adequate site space is available to allow all vehicles to park off the street right-of-way.

(7) Accessory buildings and uses customarily incident to any of the above uses.

(8) Private swimming pools in accordance with requirements of section 5.22(4).

(9) Home occupations complying with standards as specified under Sub-section 5.22(2) above.

(10) Any construction permitted under section 5.62(3), 5.62(4), and 5.62(5) may comprise three (3) stories. The entire building shall be equipped with an automatic sprinkler system, and the Building Inspector will deny the issuance of a permit if the same not be provided.

(11) Clubs as defined in Section 5.3(14) of this Chapter. Such clubs shall meet the following requirements:

(a) Any use permitted herein shall be developed on a site with a minimum of one (1) acre in area.

(b) The proposed site shall have one (1) property line abutting a major street, and the site shall be so planned as to provide ingress and egress directly onto said major street.

(c) Front, side and rear yards shall be landscaped with trees and shrubs, and grass. All such landscaping and planting shall be maintained in a healthy growing condition and neat and orderly appearance.

(d) Buildings erected on the premises shall not exceed two (2) stories in height.

(e) All lighting shall be shielded to reduce glare and shall be so arranged as to reflect light away from adjacent residential areas.

(f) Off-street parking shall be provided so as to accommodate at least one-half (1/2) of the member families and/or individual members plus one (1) space for each employee.

(g) Wherever the parking plan is so laid out as to beam automobile headlights toward any residential land, an obscuring wall or fence four (4) feet in height shall be provided along that side of the parking area. The decorative side of the wall or fence shall be located so that it is facing toward the adjacent properties.

(h) All parking areas shall be surfaced as required in sections 5.145 through 5.147.

(i) If a swimming pool is constructed on the site, said pool area shall be provided with a protective fence six (6) feet in height and entry shall be provided by means of a controlled gate or turnstile. The decorative side of the fence shall be located so that it is facing toward the adjacent properties.

5.67. Area and Bulk Requirements. See Article 15, "Schedule of Regulations," limiting the height and bulk of buildings, the minimum size of lot permitted by land use, and the maximum density permitted.

(Ordinance No. 2016-07, 07-12-2016)

ARTICLE 9. O - OFFICE BUILDING DISTRICTS

5.71. Preamble. The O-Office Building Districts are designed to accommodate office uses, office sales uses and basic personal services.

5.72. Principal Uses Permitted.

(1) Office buildings for any of the following occupations: executive, administrative, professional, accounting, writing, clerical, stenographic, drafting, and sales.

(2) Medical offices, including clinics and hospitals.

(3) Public owned buildings and public utility offices.

(4) Funeral homes.

(5) Other uses similar to the above uses.

5.73. Uses Permissible on Special Approval. Under such conditions as the Planning Commission, after hearing, finds the use as not being injurious to the O District and environs and not contrary to the spirit and purposes of this Chapter, subject further to the conditions imposed herein, the following may be permitted:

(1) Public utility buildings, telephone exchange buildings, electric transformer stations and substations and gas regulatory stations when operating requirements necessitate the location within the district in order to service the immediate vicinity.

(2) Veterinary clinics, animal hospitals and/or boarding facilities for small animals.

(3) No more than one (1) dwelling unit or apartment shall be permitted upon any floor above an O District establishment. Such apartment shall conform to the minimum floor area requirements as set forth in section 5.132. A recreation area shall be provided for the apartment with a minimum size of one-half (1/2) the floor area of the apartment. Two (2) parking spaces shall be designated for the apartment.

(4) Nursery schools; day nurseries; day care centers, commercial; and adult foster and day care (more than 7 persons) as regulated by and meet minimum State of Michigan requirements. Required outdoor play spaces shall have an obscuring fence or wall at least 48 inches in height around its perimeter. Fence or wall heights may not exceed district maximums.

(5) Sexually oriented businesses as described in Section 5.103(9) of this Chapter shall be prohibited in the O Office Building District.

(Ordinance No. 1991-7, Sec. 3, 06-04-1991; Ordinance No. 1996-5, 05-07-1996; Ordinance No. 2008-10, 08-05-2008; Ordinance No. 2012-05; 11-13-2012; Ordinance No. 2016-07, 07-12-2016)

5.74. Area and Bulk Requirements. See Article 15, "SCHEDULE OF REGULATIONS," limiting height and bulk of buildings and minimum size of lot by permitted land use.

ARTICLE 10. B-1 - CONVENIENCE COMMERCIAL DISTRICT

5.81. Preamble. The B-1 Convenience Commercial District is intended to provide for minor shopping areas at the fringes of residential neighborhoods to provide for the day-to-day needs for goods and services. These uses should not be of the type or magnitude to compete directly with the uses found in the B-2 District.

5.82. Principal Uses Permitted.

(1) Barber shop.

(2) Beauty salon.

(3) Coin-operated laundry.

(4) Superette, provided the gross floor area does not exceed three thousand (3,000) square feet.

5.83. Uses Permissible on Special Approval. Under such conditions as the Planning Commission, after hearing, finds the use as not being injurious to the B-1 District and environs and not contrary to the spirit and purposes of this Chapter, subject further to the conditions imposed herein, the following may be permitted:

(1) Drug store.

(2) Public utility buildings, telephone exchange buildings, electrical transformer stations and substations and gas regulator stations when operating requirements necessitate the location within the district in order to serve the immediate vicinity.

(3) No more than one dwelling unit or apartment shall be permitted upon any floor above a B-1 establishment. The apartment shall conform to the requirements set forth in section 5.73(4).

(Ordinance No. 1996-5, 05-07-1996; Ordinance No. 2012-05; 11-13-2012)

ARTICLE 11. B-2 - LOCAL BUSINESS DISTRICTS

5.91. Preamble. The B-2-Local Business Districts are designed for the business and shopping needs of persons in the City's market area.

5.92. Principal Uses Permitted.

(1) All principal and special approval uses permitted and so regulated in the O-Office Building Districts, except as herein modified. Apartments above any B-2 establishment shall be limited to one (1) unit. The apartment shall conform to the requirements set forth in section 5.73(3).

(2) Any generally recognized retail business which supplies commodities on the premises, such as, but not limited to, groceries, meats, dairy products, baked goods or other foods, drugs, dry goods and notions, hardware, furniture and clothing.

(3) Any personal service establishment which performs services on the premises, such as shoe repair, tailor shops, beauty parlors or barber shops, or any service establishments of an office showroom or workshop nature of an electrician, decorator, dressmaker, shoemaker, baker, printer, upholsterer, or establishments doing radio, television, or home appliance repair, photographic reproduction, and similar establishments that require a retail adjunct and of no more objectionable character than the aforementioned.

(4) Hotels, clubs, restaurants and taverns.

(5) Professional offices of doctors, lawyers, dentists, chiropractors, osteopaths and similar or allied professions.

(6) Other uses similar to the above uses.

(7) All uses shall be subject to the following restrictions:

(a) All business establishments shall be retail or service establishments dealing directly with consumers.

(b) All business servicing or processing, except for off-street parking or loading, shall be conducted within a completely enclosed building with the following exceptions:

1. Temporary outdoor sales or displays shall not exceed 15 days in any calendar year and must have prior permission of the City Council. This 15 day period is in addition to activities sponsored by the Frankenmuth Chamber of Commerce and approved by the City Council.

2. Outdoor sales or displays not included in Subsection (7) (b) 1 above will be considered as permanent outdoor sales or displays. Permanent outdoor sales or displays, including open front stores and sidewalk cafes located within the Historic Preservation District, must comply with the following Subsection (c).

(c) Outdoor sales or displays, including open front stores and sidewalk cafes which are located in the Historic Preservation District, must have prior approval by the Historic Preservation District Commission. An application fee shall be required. The amount of the fee shall be determined by City Council resolution. The Historic Preservation District Commission shall review a site plan submitted by the applicant to ensure compliance with the following standards:

1. The outdoor sales or displays shall not be located within the public right-of-way.

2. Only merchandise normally sold by the property owner/renter shall be allowed to be sold or displayed.

3. The outdoor sales or display area shall be included in the off-street parking space calculations required for that location. Outdoor sales or displays that contain an area of five hundred (500) square feet or less may be allowed without being included in the off-street parking space calculations.

4. The perimeter of the outdoor sales or display area shall be well defined with approved landscaping, fencing or other similar marking.

5. Approvals by the Historic Preservation District Commission shall be valid through the end of December of the year in which the application was filed. Permit renewals require resubmittal of an application for renewal. In those cases where no complaints have been registered with the City of Frankenmuth, a new permit will be approved by the Zoning Administrator. If two (2) or more complaints have been registered with the City of Frankenmuth, and those complaints are from at least two (2) different persons, a new permit request must be submitted to the Historic Preservation District Commission for consideration.

(d) All outside parking spaces shall be located to the side and/or rear of the principal structure.

(e) For those properties located on Main Street in the Historic Preservation District, no outside parking spaces shall be located between the principal structure adjacent to Main Street and the right-of-way line of Main Street.

(8) Accessory structures, uses and signs customarily incidental to the above permitted uses, subject to the restrictions in this Chapter.

(a) Garages to be used exclusively for the storage of commercial and/ or passenger motor vehicles, which are to be used in connection with businesses permitted and located in B-2 Districts.

(b) All lighting for parking areas or for the external illumination of buildings shall be directed away from and shall be shielded from adjacent residential districts.

(Ordinance No. 1998-01, 01-06-1998, Ordinance No. 2006-03, 06-06-2006; Ordinance No. 2008-07, 08-05-2008; Ordinance No. 2012-05; 11-13-2012; Ordinance No. 2016-07, 07-12-2016)

5.93. Uses Permissible on Special Approval. Under such conditions as the Planning Commission, after public hearing, finds the use as not being injurious to the B-2 District and environs and not contrary to the spirit and purpose of this Chapter, the following uses may be permitted:

(1) Drive-In/Fast Food restaurants shall be prohibited in the B-2 Local Business District.

(2) Publicly owned buildings, public utility buildings, telephone exchange buildings, electric transformer stations and substations, gas regulator stations with service yards, but without storage yards, water and sewage pumping stations.

(3) Animal hospitals and animal boarding facilities, provided all activities related to said uses are conducted entirely within enclosed buildings.

(4) Outdoor sales or displays, including open-front stores and sidewalk cafes which are located outside the Historic Preservation District.

(5) Craft production establishments of a non-objectionable nature, open to the public with an observation area. Such observation area shall be controlled by the proprietor.

(6) Motor fuel (gasoline) stations, provided they meet the following standards:

(a) The setback of any overhead canopy or weather protection, free standing or projecting from the station structure, shall not be less than ten (10) feet from the street right-of-way nor less than twenty (20) feet from any adjacent property line.

(b) The total height of any overhead canopy or weather protection shall not exceed twenty (20) feet in height.

(c) Open storage of motor vehicles shall not be permitted for a period of more than forty-eight (48) hours.

(d) No sales of motor vehicles or trailers or campers shall be permitted.

(e) All goods for sale by a motor fuel station convenience store, other than those generally required for the operation and maintenance of motor vehicles, shall be displayed within the principal motor fuel station structure. However, goods readily used in servicing vehicles may be displayed outside of structure, but no farther forward from the building than the gas pump island, but in no event shall any such display be so placed as to constitute a hazard for incoming and outgoing traffic.

(f) Each motor fuel station shall be architecturally designed so as to be as compatible as possible with the general architectural intent of the area in which it is located.

(g) For the purpose of architectural appropriateness, three (3) sides of a motor fuel station shall be considered as a front face.

(h) The entire motor fuel station side, other than that part devoted to landscaping and structures, shall be surfaced with concrete or bituminous surfacing to control dust and provide adequate drainage, and such surfaces shall be designed to meet the requirements of a minimum four (4) ton axle load.

(i) Wherever a motor fuel station abuts an "R" District, a fence or compact evergreen hedge, which is a minimum seventy-five (75%) per cent opaque and not less than six (6) feet high, shall be erected and maintained along the side and rear property line that abuts the "R" District. If a fence is utilized to satisfy this requirement, the decorative side of the fence shall be located so that it is facing toward the adjacent properties. Said fences or hedges are prohibited within fifteen (15) feet of any street right-of-way unless approval is granted by the Zoning Board of Appeals.

(j) All trash, waste materials and obsolete automobile parts shall be stored within a separate enclosure behind the principal structure of the motor fuel station.

(k) All interior curbs shall be constructed within the property lines to separate driving and parking areas from landscaped areas. Such curbing shall be constructed of concrete and shall be of six (6) inch non-surmountable design.

(l) All camper, trailer or motor vehicle rental business, whether operated in conjunction with a gasoline station or not, shall be prohibited within a B-2-Local Business District.

(m) All outside parking spaces shall be located to the side and/or rear of the principal structure.

(n) All outdoor illumination shall be provided with lenses, reflectors or shades which will concentrate the light upon the premises so as to prevent any undue glare or rays of light therefrom being directly visible upon any adjacent street, roadway or private property occupied for residential purposes.

(o) The following minimum requirements shall be observed for yards and setbacks for motor fuel stations:

Lot Width	150 feet
Front Yard	60 feet
Side Yard Adjacent to Another Lot	30 feet
Side Yard Adjacent to Street	60 feet
Rear Yard	30 feet
Pump Setback	25 feet

(7) Nursery schools; day nurseries; day care centers, commercial; and adult foster and day care (more than 7 persons) as regulated by and meet minimum State of Michigan requirements. Required outdoor play spaces shall have an obscuring fence or wall at least 48 inches in height around its perimeter. Fence or wall heights may not exceed district maximums.

(8) Multiple dwelling unit developments, subject to the following restrictions:

(a) A majority of the gross square footage on the pedestrian level of the building shall be utilized for non-residential purposes, consistent with uses permissible in the B-2 Zoning District. The pedestrian level is defined as that level or story of the building, located on the address side of the building, which is at or near street grade and available for pedestrian access. No residential dwelling unit on the pedestrian level of the building shall be allowed to occupy any part of the address side of the building.

(b) No dwelling unit approved under this Subsection shall be less than eight hundred (800) square feet in size.

(c) New multiple dwelling unit developments approved under this Subsection shall be constructed with a pitched roof. A building façade creating the appearance of a pitched roof on all sides of the building may be utilized in lieu of a pitched roof. The minimum roof pitch in either case shall be no less than five feet vertical rise for every 12 feet of horizontal roof distance.

(d) The parking area requirements for dwelling units approved under this Subsection shall conform to the following number of parking spaces:

Dwelling Unit	Minimum Number of Parking Spaces/Unit
Studio	1.7 Spaces
1-bedroom	2.0 Spaces
2-bedroom	2.2 Spaces
3-bedroom	2.2 Spaces
4-bedroom	3.0 Spaces

(9) Sexually oriented businesses as described in Section 5.103 (9) of this Chapter shall be prohibited in the B-2 Local Business District.

(10) Accessory or incidental uses which the Planning Commission after public hearing finds to not be contrary to the spirit and purposes of this Chapter.

(Ordinance No. 1991-7, Sec. 4, 06-04-1991; Ordinance No. 1993-3, Sec. 1, 01-12-1993; Ordinance No. 1993-4, Sec. 3, 01-12-1993; Ordinance No. 1995-8, 10-03-1995; Ordinance No. 1996-5, 05-07-1996; Ordinance No. 1998-01, Sec. 5.93, 01-06-1998; Ordinance No. 2005-02, 05-03-2005; Ordinance no. 2006-06, 08-01-2006; Ordinance No. 2008-10, 08-05-2008; Ordinance No. 2016-07, 07-12-2016).

Editor's Note - Ordinance No. 1991-7, Sec. 4, adopted June 4, 1991 and Ordinance No. 1993-4, Sec. 3, adopted January 12, 1993, amended Sec. 5.93 by adding subsections (6) and (7), respectively. Inasmuch as there already existed Sec. 5.93(6), the editor has re-designated the provisions of Sec. 4 of Ordinance No. 1991-7 and Sec. 3 of Ordinance No. 1993-4 as Sec. 5.93(7) and 5.93(8), respectively.

5.94. Area and Bulk Requirements. See Article 15, "SCHEDULE OF REGULATIONS," limiting height and bulk of buildings and minimum size of lot by permitted land use.

ARTICLE 12. B-3 - HIGHWAY COMMERCIAL DISTRICT

5.101. Preamble. The B-3-Highway Commercial District is designed to furnish areas served typically by the Local Business Districts with a variety of automotive services and other highway-oriented commercial enterprises.

5.102. Principal Uses Permitted.

(1) Motels.

(2) Restaurants.

(3) Night clubs and taverns.

(4) Drive-In/Fast Food service establishments.

(5) Automobile laundry.

(6) Bowling alley.

(7) Gift shop.

(8) Commercial recreation and open space uses as, for instance, outdoor tennis barns, ice hockey, skating rink, etc.

(9) New car sales showrooms and garages.

(10) Building Centers.

(11) All principal and special approval uses permitted and so regulated in the O-Office Building Districts, except as herein modified.

(12) Other uses similar to the above uses.

5.103. Uses Permissible on Special Approval. Under such conditions as the Planning Commission, after public hearing, finds the use as not being injurious to the B-3 District and environs, and not contrary to the spirit and purpose of this Chapter, the following uses may be permitted:

(1) Outdoor sales space for exclusive sale of second-hand automobiles, mobile homes, house trailers, motor homes, campers, subject to the following:

(a) All lighting shall be shielded from adjacent residential districts.

(b) Ingress and egress to the outdoor sales area shall be at least sixty (60) feet from the intersection of any two (2) streets.

(c) A six (6) foot obscuring wall or obscuring fence shall be provided when adjacent to districts which are zoned for residential use. The decorative side of the wall or fence shall be located so that it is facing toward the adjacent properties.

(d) No major repair or major refinishing projects pertinent to said use shall be done on the lot except in enclosed buildings provided for this purpose.

(2) Commercially used outdoor recreational space for children's amusement parks, carnivals, miniature golf courses, subject to the following:

(a) Children's amusement park must be fenced on all sides with a six (6) foot wall or fence. The decorative side of the wall or fence shall be located so that it is facing toward the adjacent properties.

(b) Carnivals may be allowed for periods not to exceed one (1) week, subject to renewal by the Board of Appeals.

(c) Adequate parking shall be provided off the road right of way and shall be fenced with a six (6) foot wall or fence where adjacent to the use.

(3) Trampoline facilities and similar devices may be located in the B-3 District, subject to the following requirements:

(a) Fencing shall be provided on all sides of the area used for trampoline activity. Said fence shall be no less than six (6) feet high and shall be constructed to discourage climbing on such fences during hours when the trampoline facility is not open for business. On those sides of the trampoline lot or parcel which abut on land zoned for residential use, a six (6) foot obscuring wall or obscuring fence shall be constructed on the property line abutting such residential district. The decorative side of the wall or fence shall be located so that it is facing toward the adjacent properties.

(b) Trampolines shall be located on the lot to provide the following minimum distances measured from the outside of frames:

(1) At least six (6) feet at ends to nearest obstacle.

(2) At least four (4) feet on exposed sides to nearest obstacle.

(3) At least four (4) feet between rows of trampolines.

(4) In any row, at least three (3) feet between frames or three (3) feet of approved padding between trampoline beds.

(c) Pits shall not exceed four (4) feet in depth, without special permission, and shall be adequate drained. The construction of pits, the framing and the padding shall be according to manufacturers' plans and specifications.

(d) The ground area surrounding the trampolines shall have a level surface of sod, or of pea gravel or equivalent type of material to prevent dust nuisance.

(e) All trampolines shall be equipped with protective padding.

(f) Automobile entrance and exit points shall not be provided from residential streets and such entrance and exit points shall not conflict with adjacent business uses.

(g) Off-street parking shall be provided at a ratio of one and one-half (1 1/2) spaces per trampoline to service those using trampolines and for spectators at the trampoline facility.

(h) Outdoor lighting shall be shielded to reduce glare and shall be so arranged as to reflect the light away from residential districts.

(i) No loud speaker or public address system shall be used.

(j) In the event the trampoline facility is discontinued, all excavations shall be filled to the grade of the property prior to its use as a trampoline facility.

(4) Motor fuel (gasoline) stations subject to the requirements of section 5.93(6).

(5) No dwelling unit or apartment shall be permitted upon any floor above a B-3 establishment.

(6) Animal hospitals and animal boarding, provided all activities related to said uses are conducted entirely within enclosed buildings.

(7) Nursery schools; day nurseries day care centers, commercial; and adult foster care and day care (more than 7 persons) as regulated by and meet minimum State of Michigan requirements. Required outdoor play spaces shall have an obscuring fence or wall at least 48 inches in height around its perimeter. Fence or wall heights may not exceed district maximums.

(8) Accessory or incidental uses which the Planning Commission after public hearing finds to not be contrary to the spirit and purpose of this Chapter.

(9) Sexually oriented businesses as herein regulated:

Sexually oriented business (including adult bookstore, adult novelty store, adult video store) shall mean a commercial establishment which:

(a) derives a significant or substantial portion of its revenues, from the sale or rental, for any form of consideration, or

(b) maintains a significant or substantial portion of the wholesale value of its displayed merchandise, for the sale or rental, for any form of consideration, or

(c) maintains a significant or substantial portion of its interior business space for the sale or rental, for any form of consideration, or

(d) maintains a significant or substantial portion of the retail value of its displayed merchandise, for the sale or rental, for any form of consideration, or

(e) maintains a significant or substantial portion of its sales and display space, for the sale or rental, for any form of consideration, of one (1) or more of any sexually oriented materials, as that term is defined herein.

(i) Adult Business: Shall mean any activity described in any of the remaining paragraphs of this definition of "adult entertainment activity" and any other business having an employee or entertainer, in person or by motion picture, television, video tape, hologram, magazine or other type of image displaying any "specified anatomical area" or engaging in any "specified sexual activity".

(ii) Adult Mini Motion Picture Theater: Shall mean an enclosed building with a capacity for less than fifty (50) persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

(iii) Adult Motion Picture Theater: Shall mean an establishment, whether in a completely enclosed building or not, with a capacity of fifty (50) or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

(iv) Adult Related Business: Shall mean any activity described in any of the remaining paragraphs of this definition of "adult entertainment activity" and any other business having an employee or entertainer, in person or by motion picture, television, video tape, hologram, magazine or other type of image displaying any "specified anatomical area" or engaging in any "specified sexual activity".

(v) Entertainment: Shall mean for the purposes of this Chapter 51, live performance. Video machines, billiards, etc., are not considered "entertainment".

(vi) Exotic Cabaret: Shall mean a cabaret which features dancers, waiters or waitresses, go-go dancers, exotic dancers, strippers, male or female impersonators, or similar entertainers who are exposing any "specified anatomical areas".

(vii) Massage Parlors: Shall mean an establishment wherein a substantial or significant portion of its business involves the administration of nontherapeutic massage, erotic touching or fondling, including but not limited to, fondling of or erotic touching of human genitals, pubic region, buttocks or breasts. A "massage parlor"

does not include medical or therapeutic massage businesses such as State licensed chiropractors and physical therapist or other State licensed, medically-related practitioners. All practitioners employed by such businesses must be licensed.

(viii) Opaque: Shall mean not pervious to light.

(ix) Public Baths: Shall mean an establishment wherein a substantial or significant portion of its business involves the provision of common bathing facilities or hot tubs available for use for a fee. Shower facilities intended as accessory uses in a school, health club, or similar use are exempt from this Sub-Section (9).

(x) Sexually Oriented Materials: Shall mean books, magazines, periodicals or other printed and/or electronic or digital matter, or photographs, films, motion pictures, video cassettes, compact discs, slides, or other visual representations which are characterized by their emphasis upon the exhibition or description of ñspecified sexual activitiesò or ñspecified anatomical areas.ò

(xi) Significant or Substantial Portion: Shall mean ten percent (10%) or more of the term modified by such phrase.

(xii) Specified Anatomical Areas: Shall mean:

1. Less than completely and opaquely covered human genitals, pubic region, buttocks, female breast below a point immediately above the top of the areola.
2. Human genitals in a discernibly turgid state, even if completely and opaquely covered.

(xiii) Specified Sexual Activities: Shall mean:

1. Human genitals in a state of stimulation or arousal.
2. Wet clothing competitions.
3. Acts of human or animal masturbation, sexual intercourse (homosexual or heterosexual), or sodomy.
4. Fondling of or erotic touching of human genitals, pubic region, buttocks or female breast.
5. Bestiality.
6. Oral-genital contact or stimulation.
7. Human excretory function.

(xiv) Taxi Dance Halls: Shall mean an establishment which provides dance partners for one or more dances as the result (directly or indirectly) of payment of a fee.

Sexually Oriented Businesses: In the development and execution of this Sub-Section (9), it is recognized that there are some uses which because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances thereby having deleterious effects upon the adjacent areas. Special regulation of these uses is necessary to insure that these adverse effects will not contribute to blighting or downgrade the surrounding neighborhood. These special regulations are itemized in this Sub-Section (9).

In regulating sexually oriented businesses, as that term is defined herein, it is the purpose of this Sub-Section (9) to promote the health, safety, and general welfare of the citizens of the City, and to establish reasonable and uniform regulations to prevent the deleterious secondary effects of adult entertainment activities within the City. The provisions of this Sub-Section (9) have neither the purpose nor effect of imposing a limitation or restriction on the content or reasonable access to any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of this Sub-Section (9) to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of

sexually oriented material to their intended market. Neither is it the intent nor effect of this Sub-Section (9) to condone or legitimize the distribution of obscene material.

Based on evidence of the adverse secondary effects of adult uses presented in hearings and in reports made available to the City Council, and on findings incorporated in the cases of Papôs A.M. v. City of Erie, 529 U.S. 277 (2000); Thomas v. Chicago Park District, 534 U.S. 316 (2002); City of Littleton v. Z.J. Gifts D-4, L.L.C., 541 U.S. 774 (2004); City of Renton v. Playtime Theatres, Inc., 475 U.S. 41 (1986); Young v. American Mini Theatres, 427 U.S. 50 (1976); Barnes v. Glen Theatre, Inc., 501 U.S. 560 (1991); California v. LaRue, 409 U.S. 109 (1972); Sensations, Inc. v. City of Grand Rapids, Case Nos. 1:06-CV-300, 4:06-CV-60 (W.D. Mich. Oct. 23, 2006) (unpublished); 2006 U.S. Dist. LEXIS 77159; DLS, Inc. v. City of Chattanooga, 107 F.3d 403 (6th Cir. 1997); East Brooks Books, Inc. v. City of Memphis, 48 F.3d 220 (6th Cir. 1995); Broadway Books v. Roberts, 642 F.Supp. 486 (E.D. Tenn. 1986); Bright Lights, Inc. v. City of Newport, 830 F.Supp. 378 (E.D. Ky. 1993); Exec. Arts Studio v. City of Grand Rapids, 391 F.3d 783 (6th Cir. 2004); Richland Bookmart v. Nichols, 137 F.3d 435 (6th Cir. 1998); Deja Vu v. Metro Government, Case Nos. 96-6512, 96-6573, 97-5924, 97-5938 (6th Cir. Jan. 13, 1999) 1999 U.S. App. LEXIS 535 (unpublished); Bamon Corp. v. City of Dayton, 923 F.2d 470 (6th Cir. 1991); Threesome Entertainment v. Strittmather, 4 F.Supp.2d 710 (N.D. Ohio 1998); J.L. Spoons, Inc. v. City of Brunswick, 49 F.Supp.2d 1032 (N.D. Ohio 1999); Triplett Grille, Inc. v. City of Akron, 40 F.3d 129 (6th Cir. 1994); Oôconnor v. City and County of Denver, 894 F.2d 1210 (10th Cir. 1990); Deja Vu of Nashville, Inc., et al. v. Metropolitan Government of Nashville and Davidson County, 274 F.3d 377 (6th Cir. 2001); Z.J. Gifts D-2, L.L.C. v. City of Aurora, 136 F.3d 683 (10th Cir. 1998); Connection Distrib. Co. v. Reno, 154 F.3d 281 (6th Cir. 1998); Sundance Assocs. v. Reno, 139 F.3d 804 (10th Cir. 1998); American Library Association v. Reno, 33 F.3d 78 (D.C. Cir. 1994); American Target Advertising, Inc. v. Giani, 199 F.3d 1241 (10th Cir. 2000); ILQ Investments, Inc. v. City of Rochester, 25 F.3d 1413 (8th Cir. 1994); Bigg Wolf Discount Video Movie Sales, Inc. v. Montgomery County, 184 F.Supp.2d 445 (D. Md. 2002); Currence v. Cincinnati, 28 Fed.Appx. 438 (6th Cir. 2002); and other cases; and on testimony to Congress in 135 Cong. Rec. S. 14519; 135 Cong. Rec. S 5636; 134 Cong. Rec. E 3750; and reports of secondary effects occurring in and around Adult Entertainment Activities, including, but not limited to, Phoenix, Arizona - 1979; Minneapolis, Minnesota-1980; Houston, Texas - 1997; Amarillo, Texas; Garden Grove, California - 1991; Los Angeles, California - 1977; Whittier, California - 1978; Austin, Texas - 1986; Seattle, Washington - 1989; Oklahoma City, Oklahoma - 1986; Cleveland, Ohio - and Dallas, Texas - 1997; St. Croix County, Wisconsin - 1993; Bellevue, Washington, - 1998; Newport News, Virginia - 1996; New York Times Square study - 1994; Phoenix, Arizona - 1995-98; and also on findings from the paper entitled ñStripclubs According to Strippers: Exposing Workplace Sexual Violence,ò by Kelly Holsopple, Program Director, Freedom and Justice Center for Prostitution Resources, Minneapolis, Minnesota, and from ñSexually Oriented Businesses: An Insiderôs View,ò by David Sherman, presented to the Michigan House Committee on Ethics and Constitutional Law, Jan. 12, 2000, and the Report of the Attorney Generalôs Working Group On The Regulation Of Adult Entertainment Activities, (June 6, 1989, State of Minnesota), the Frankenmuth City Council finds that Sexually Oriented Businesses as a category of establishments are correlated with harmful secondary effects, and that the foregoing reports are reasonably believed to be relevant to the problems that the City of Frankenmuth is seeking to abate and prevent in the future.

(a) Distance Restrictions

(i) No sexually oriented business shall be permitted to be established within six hundred feet (600ô) of another sexually oriented business.

(ii) It shall be unlawful to hereafter establish any sexually oriented business within six hundred feet (600ô) of any residentially zoned property or within six hundred feet (600ô) of any religious or educational institution, public park or recreational land use.

(b) Signs And Exterior Display: Window displays, signs, decorative or structural elements of buildings shall not include or convey specific examples of actual adult uses, and are limited to the signage provisions contained in Article 17 of this Chapter. No adult use shall be conducted in any manner that permits the observation of any material depicting, describing or relating to "specific sexual activities" or "specified anatomical areas" (as defined in this Sub-Section(9)) from any public way or from any property not registered as an adult use. This provision shall apply to any display, decoration, sign, show window, structural elements or other opening.

(Ordinance No. 1991-7, Sec. 5, 06-04-1991; Ordinance No. 1993-4, Sec. 4, 01-12-1993; Ordinance No. 1995-8, 10-03-1995; Ordinance No. 1996-5, 05-07-1996; Ordinance No. 2006-04, 06-06-2006; Ordinance No. 2008-09, 08-05-2008: Ordinance No. 2012-05; 11-13-2012; Ordinance No. 2016-07, 07-12-2016)

Editor's Note-Ordinance No. 1993-4, Sec. 4, adopted January 12, 1993, amended Sec. 5.103 by adding a new subsection (7). To avoid duplication of subsection numbers, the provisions of Sec. 4 of Ordinance No. 1993-4, have been re-designated at the discretion of the editor, as Sec. 5.103(8).

5.104. Area and Bulk Requirements. See Article 15, "SCHEDULE OF REGULATIONS," limiting the height and bulk of buildings and minimum size of lot by permitted land use.

ARTICLE 12-A. B-4 - TOURIST COMMERCIAL DISTRICT

5.108. Preamble. The B-4-Tourist Commercial District is designed to include a mixture of commercial uses for shopping and service needs of local residents and visitors.

5.109. Principal Uses Permitted.

(1) Those uses which provide principally for the retail sale of goods and services including but not limited to restaurants, hotels and motels, and those businesses providing recreation, entertainment and travel aide related businesses such as recreational vehicle parks.

(2) Night clubs and taverns.

(3) Gift shops.

(4) Commercial recreation, open space uses and entertainment such as bowling alleys, tennis courts, ice hockey rinks, skating rinks, miniature golf courses, movie theaters, museums, etc.

(5) Craft production establishments of a non-objectionable nature, open to the public with an observation area. Such observation areas shall be controlled by the proprietor.

(6) Drive-In/Fast Food service establishments.

(7) Sales of motor vehicles or trailers or campers.

(8) Medical clinics, and hospitals.

(9) Professional offices of doctors, lawyers, dentists, chiropractors, osteopaths and similar or allied professions.

(10) Accessory structures, uses and signs customarily incidental to the above permitted uses, subject to the restrictions in this Chapter.

5.110. Uses Permissible on Special Approval. Under such conditions as the Planning Commission, after public hearing, finds the use as not being injurious to the B-4 District and environs, and not contrary to the spirit and purpose of this Chapter, the following uses may be permitted:

(1) Other uses similar to the above uses in Section 5.109.

(2) Indoor warehousing including wholesale sale of goods and services.

(3) Churches.

(4) Motor fuel (gasoline) stations and motor vehicle repair or service facilities, subject to the requirements of Section 5.93 (6).

(5) Automobile laundries.

(6) Outdoor sales space for exclusive sale of second-hand automobiles, mobile homes, house trailers, motor homes, campers, subject to the following:

(a) All lighting shall be shielded from adjacent residential districts.

(b) Ingress and egress to the outdoor sales area shall be at least sixty (60) feet from the intersection of any two (2) streets.

(c) A six (6) foot obscuring wall or obscuring fence shall be provided when adjacent to districts which are zoned for residential use. The decorative side of the wall or fence shall be located so that it is facing toward the adjacent properties.

(d) No major repair or major refinishing projects pertinent to said use shall be done on the lot except in enclosed buildings provided for this purpose.

(7) Garages to be used exclusively for the storage of commercial and/or passenger motor vehicles, which are to be used in connection with businesses permitted and located in B-4 Districts.

(8) Publicly owned buildings, public utility buildings, telephone exchange buildings, electric transformer stations and substations, gas regulator stations with service yards, but without storage yards, water and sewage pumping stations.

(9) Nursery schools; day nurseries day care centers, commercial; and adult foster and day care (more than 7 persons) as regulated by and meet minimum State of Michigan requirements. Required outdoor play spaces shall have an obscuring fence or wall at least 48 inches in height around its perimeter. Fence or wall heights may not exceed district maximums.

(10) Accessory or incidental uses which the Planning Commission after public hearing finds to not be contrary to the spirit and purposes of the Chapter.

(Ordinance No. 2016-07, 07-12-2016)

5.111. Prohibited Uses. The following uses shall not be permitted in the B-4 District.

(1) Animal hospitals and animal boarding facilities.

(2) Funeral Homes.

(3) Sexually oriented businesses as described in Section 5.103 (9) of this chapter.

5.112. All permitted uses shall be subject to the following restrictions:

(1) All business servicing or processing, except for off-street parking or loading, shall be conducted within a completely enclosed building with the following exceptions:

(a) Temporary outdoor sales or displays shall not exceed 15 days in any calendar year and must have prior permission of the City Council. This 15 day period is in addition to activities sponsored by the Frankenmuth Chamber of Commerce and approved by the City Council.

(b) Outdoor sales or displays, open front stores and sidewalk cafes provided they comply with the following:

- Outdoor sales or displays shall not be located within the center 66 feet of any public right-of-way (33 feet from the center line). Only merchandise normally sold by the property owner/renter shall be allowed to be sold or displayed.
- The outdoor sales or display area shall be included in the off-street parking space calculations required for that location. Outdoor sales or displays that require less than 50% of one parking space may be allowed without being included in the off-street parking space calculations.
- The perimeter of the outdoor sales or display area shall be well defined with approved landscaping, fencing or other similar marking.
- Approvals shall be valid through the end of December of the year in which the application was filed. Permit renewals require resubmittal of a new application with payment of the appropriate application fee.

(c) All lighting for parking areas or for the external illumination of buildings shall be directed away from and shall be shielded from adjacent residential districts.

5.113. Permissible Size of Signs for B-4 Districts. Signage in B-4 Tourist Commercial Districts shall comply with the regulations applicable to B-3 Highway Commercial Districts. Exception: Signs shall not be located within the center 66 feet of any public right-of-way (33 feet from the center line).

5.114. Area and Bulk Requirements. Article 15, "SCHEDULE OF REGULATIONS," limiting the height and bulk of buildings and minimum size of lot by permitted land use is hereby amended with the addition of the following requirements for B-4 Districts.

(1) All regulations applicable to lot size, lot width, lot coverage, setback, parking and loading, general provisions and to other requirements and facilities shall be as follows:

Minimum Lot Size	12,000 square feet
Minimum Lot Width	100 feet
Height Limit	45 feet
Front Yard Set Back-Properties Fronting on Weiss Street	5 feet
Front Yard Set Back-Properties Fronting on Any Other Street	50 feet
Side Yard Set Back ï Least One	10 feet
Side Yard Set Back ï Total of Two	20 feet

Rear Yard Set Back	20 feet
Side Yard Abutting a Street	15 feet

(Ordinance No. 2015-02, 08-04-2015)

ARTICLE 13. I - INDUSTRIAL DISTRICTS

5.116. Preamble. The I-Industrial District is designed so as to primarily accommodate wholesale activities, warehouses, and industrial operations whose external, physical effects are restricted to the area of the district and in no manner affect in a detrimental way any of the surrounding districts.

Whenever an I-Industrial District abuts a residential district, there shall be provided as part of the industrial development a greenbelt and a six (6) foot fence in accordance with section 5.152 entitled "Fence and Greenbelt Regulations and Maintenance." The decorative side of the fence shall be located so that it is facing toward the adjacent properties. The fence may be omitted following review and approval by the Zoning Board of Appeals at a public hearing. Said fences are prohibited within fifteen (15) feet of any street right-of-way unless approval is granted by the Zoning Board of Appeals.

(Ordinance No. 1993-3, Sec. 2, 01-12-1993; Ordinance No. 1995-8, 10-03-1995)

5.117. Principal Uses Permitted.

(1) Any of the following uses when conducted wholly within a completely enclosed building, or within a designated area enclosed on all sides with a six (6) foot chain link or other protective fence or wall. The decorative side of the fence or wall shall be located so that it is facing toward the adjacent properties. The use of solid fencing materials which would obscure vision shall first be approved by the Zoning Board of Appeals.

(a) Warehousing and wholesale establishments, and trucking facilities.

(b) The manufacture, compounding, processing, packaging, or treatment of such products as: bakery goods, candy, cosmetics, pharmaceuticals, toiletries, food products, hardware and cutlery; tool; die, gauge, and machine shops.

(c) The manufacture, compounding, processing, packaging, or treatment of articles or merchandise from the following previously prepared materials: bone, canvas, cellophane, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semi-precious metals or stones, sheet metal (excluding large stampings and forgings such as automobile fenders or bodies), shell, textiles, tobacco, wax, wire, wood (excluding saw and planing mills), and yarns.

(d) The manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay, and kilns fired only by electricity or gas.

(e) Manufacture of musical instruments, toys, novelties, and metal or rubber stamps, or other small molded rubber or plastic products.

(f) Manufacture or assembly of electrical appliances, electronic instruments and devices, radios and phonographs.

(g) Laboratories-experimental, film, or testing.

(h) Manufacture and repair of electronic or neon signs, light sheet metal products, including heating and ventilating equipment, cornices, eaves, and the like.

(i) Warehouse, storage and transfer and electric and gas service buildings and yards (excluding gas treatment and gas pumping stations); water and gas tanks and holders. The use of an independent sewage disposal or treatment plant to serve an industrial plan shall first receive the approval of the City Council or its designated representatives.

(j) Veterinary clinics and veterinary hospitals.

(k) Lumber and building material storage yards, coal yards and contractors' equipment storage and similar open commercial yards.

(2) Uses permitted in B Districts subject to the regulations applicable to such uses.

(Ordinance No. 1995-8, 10-03-1995)

5.118. Uses Permissible on Special Approval. Under such conditions as the Planning Commission, after hearing, finds the use as not being injurious to the I-Industrial Districts and environs and not contrary to the spirit and purpose of this Chapter, the following uses may be permitted:

(1) Automobile or other machinery assembly plants subject to adequate control of noise and/or other nuisances.

(2) Painting, varnishing and undercoating shops when set back at least two hundred (200) feet from any adjacent residential districts and provided further that such operation be conducted within a completely enclosed building.

(3) Metal plating, buffing and polishing, subject to appropriate measures to control the type of process to prevent noxious results and/or nuisances.

(4) Salvage yards or junk yards, provided such are entirely enclosed within a building or within an eight (8) foot obscuring wall and provided further that all activities of the use are conducted so as to be obscured from abutting properties.

The quality and character of the obscuring material used in the said wall must receive prior approval of the Zoning Board of Appeals to assure that said wall blends harmoniously with the surrounding environment. No such yard shall be permitted in this City unless it contains a minimum size of three (3) acres.

(5) Midget auto and karting tracks shall be permitted only when surrounded entirely by I-District uses and only after special approval and review by the City Planning Commission, giving due regard to the probable nuisances of noise and dust and observing the necessity of green belt screening.

(6) Other uses of similar and no more objectionable character, and which will not be injurious or have an adverse effect on adjacent areas, and may therefore be permitted subject to such conditions, restrictions and safeguards as may be deemed necessary in the interest of public health, safety, and welfare.

(7) Recreational vehicle encampments.

(Ordinance No. 1991-7, Sec. 6, 06-04-1991; Ordinance No. 1996-5, 05-07-1996; Ordinance No. 2016-07, 07-12-2016)

5.119. Required Conditions.

(1) Any use established in the I Districts shall be operated so as to comply with the performance standards set forth hereinafter in Article 16, "GENERAL PROVISIONS," insofar as they apply to industrial uses.

5.120. Area and Bulk Requirements. See Article 15, "SCHEDULE OF REGULATIONS," limiting the height and bulk of buildings, and the minimum size of lot by permitted land use.

ARTICLE 14. FP - FLOOD PLAIN DISTRICT

5.121. Principal Uses Permitted.

(1) Open type uses such as loading and unloading areas, parking lots, storage of motor vehicles for not more than twenty-four (24) hour periods, gardens, and raising of crops.

(2) Storage yards for equipment and materials in movable containers and not subject to major damage by flood, but not including acids, caustics, flammable liquids, wrecked vehicles, trash, scrap metal, or any other materials commonly placed in junk or salvage yards.

(3) Open-type public and private recreation facilities, such as public parks, golf courses, recreational lakes and other similar recreational uses.

(4) Fences, provided that they are at least seventy (70%) per cent open space.

5.122. Uses Permissible on Special Approval. Under such conditions as the Planning Commission, after hearing, finds the use as not contrary to the spirit and purpose of this Chapter, structural uses (dams, piers, docks, boat houses, farm and other structures, provided there is no human habitation) may be permitted where the following conditions are met as evidenced by a plan or document certified by a registered engineer that the flood protection measures are consistent with the regulations contained herein.

(1) Anchorage to resist flotation and lateral movement.

(2) Installation of water-tight doors, bulkheads and shutters.

(3) Reinforcement of walls to resist water pressures and floating debris and use of membranes or mortars to reduce seepage of water through walls.

(4) Construction of water supply and sewerage systems to prevent the entrance of flood waters, such as cut-off valves.

(5) All floors of structures are at least two (2) feet above the regional flood elevation.

(6) The use or structure will not restrict flood waters or destroy the storage capacity of the flood plain.

(Ordinance No. 1996-5, 05-07-1996)

5.123. Residential Encroachment.

(1) When any part of the subdivision lies within or abuts a flood plain area, the plat shall include and show the following:

(a) The flood plain shall be shown within a flood plain (contour) line.

(b) The contour line shall intersect the side lines of the lots.

(c) The side lines shall be dimensioned to the traverse line from the street line and the established flood plain (contour) line.

(d) The flood plain area shall be clearly labeled on the plat with the words "flood plain area."

(2) If any part of a proposed subdivision lies within the flood plain, approval of the final plat shall be conditioned on the following:

(a) No buildings for residential purposes and occupancy shall be located on any portion of a lot lying within a flood plain unless approved by the City Council in accordance with provisions of this Chapter and is also approved in accordance with the rules of the Water Resources Commission of the Department of Natural Resources.

(b) Restrictive deed covenants shall be filed and recorded with the final plat that the flood plain area will be left essentially in its natural state.

(c) The natural flood plain may be altered if its original discharge capacity is preserved and the stream flow is not revised so as to affect the riparian rights of the owners and further that all regulations of this Chapter are also complied with.

5.124. Other Regulations.

(1) If the district boundary of the Flood Plain District is disputed, it shall be the responsibility of the land owner or developer to provide whether or not the land area in question is within the flood plain.

(2) The regional flood elevation (100 year interval design flood) shall be that as established in Design Memorandum Number 2, Cass River at Frankenmuth, prepared by the U.S. Army Corps of Engineers in conjunction with Flood Control Project, Saginaw River and Tributaries, Michigan, 1963. The regional flood is based on a flow of twenty-five thousand (25,000) c.f.s.

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ARTICLE 15. SCHEDULE OF REGULATIONS

5.131. Standards Limiting Height and Bulk of Buildings and Area of Lots by Land Uses. (Notes refer to Section 5.132).

	Minimum Size Lot Per Dwelling Unit		Maximum Height of Buildings	Minimum Yard Setback Per Lot (in feet)			
					Sides		
Use Districts	Area in Sq. Ft.	Width in Ft.	In Feet	Front	Least One	Total of Two	Rear
A - Agricultural District (Minimum of 1,650 square feet living area floor space) (See Note H)	2 Acres	300	25	30	100	220	50
RE - One Family Estate District, Minimum Average Lot Size per Subdivision (Minimum of 1,650 square feet living area floor space) (See Notes A, H and J)	18,000	120	25	30	12	25	50
Smallest Lot Size Allowed in Subdivision	15,000	110	25	30	12	25	35
RA-1 - One Family District, Minimum Average Lot Size per Subdivision (Minimum of 1,350 square feet living area floor space) (See Notes A, B, H and J)	12,000	100	25	25	10	20	35
Smallest Lot Size Allowed in Subdivision	10,800	90	25	25	10	20	35
RA-2 - One Family District, Minimum Average Lot Size per Subdivision (Minimum of 1,200 square feet living area floor space) (If an attached garage of at least 360 square feet is included, the minimum living area floor space may be reduced up to 75 square feet) (See Notes A, B, H and J)	9,000	80	25	25	8	18	35
Smallest Lot Size Allowed in a Subdivision	9,000	80	25	25	8	18	35
RA-3 - One Family District, Average Lot Size per Subdivision (Minimum of 1,000 square feet living area floor space) (If an attached garage of at least 360 square feet is included, the minimum living area floor space may be reduced up to 50 square feet) (See Notes A, B, H and J)	8,500	70	25	25	8	18	35
Smallest Lot Size Allowed in a Subdivision	8,500						

5.131, CONTINUED. Standards Limiting Height and Bulk of Buildings and Area of Lots by Land Uses. (Notes refer to Section 5.132).

Use Districts	Minimum Size Lot Per Dwelling Unit: Area in Sq. Ft.	Minimum Size Lot Per Dwelling Unit: Width in Ft.	Maximum Height of Buildings: In Feet	Minimum Yard Setback Per Lot (in feet): Front	Sides: Least One	Sides: Total of Two	Rear
MHR - Mobile Home District (See Note A)	5,000	50	20	15	10	20	15
RCD - Two Family District (Minimum of 800 square feet) (See Notes A, B, K, M and P)	12,000	100	25	25	10	20	30
RCM - Multi-Family District (See Notes A, B, C, D, L and M)	20,000	120	25	25	12	24	45
O - Office Building District (See Notes E and N)	12,000	100	35	25	10	20	30
B-1 - Convenience Commercial District (See Notes E, N and Q)	9,600	80	30	50	15	30	30
B-2 - Local Business District (See Notes G, I, Q and R)	None	None	45	4	2	2	20
B-3 - Highway Commercial District (See Notes G, N, O and Q)	15,000	100	45	50	15	30	30
I - Industrial District (See Notes F and N)	15,000	100	45	50	20	40	30
FP - Flood Plain District	15,000	100	25	30	12	25	35

Editor's Notes: (Ord. No. 87-4, Sec. 4, 5-5-87; Ord. No. 92-6, Sec. 1, 10-6-92; Ord. No. 93-2, Sec 1, 1-12-93; Ord. No. 93-11, Sec. 1, 09-07-93; Ord. No. 95-6, 09-05-95; Ord. No. 2004-07, 06-01-2004, Ord. No. 2006-05, 07-11-2006; Ord. No. 2013-02, 07-09-13; Ord. No. 2016-07, 7-12-16).

R-PUD - Residential Planned Unit Development District [See Sections 5.240.4(a)-(c) or RA-2, RCD, RCM setbacks].
CL-PUD - Commercial Local Planned Unit Development District [See Section 5.241.3(3) or B-3 setbacks].
CT-PUD - Commercial Tourist Planned Unit Development District [See Section 5.241.3(3) or B-3 setbacks].
MU-PUD - Mixed Use Planned Unit Development District [See Section 5.250.5(9) & (10)].
B-4 - [See Section 5.114(1)].
P-1 - Vehicular Parking District [See Section 5.245.1].
I-PUD - Industrial Planned Unit Development District [See Section 5.242.3(3) or I setbacks].
I-S-PUD - Industrial Special Use Planned Unit Development District [See Section 5.242.3(3) or I setbacks].
SU - Special Use District [See Section 5.244.7].

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5.132. Notes to Section 5.131.

A. No lot shall be less than twenty thousand (20,000) square feet in lot area where said lot is not served by sanitary sewers and shall be of adequate size to accommodate on site sewage disposal. The front of the dwelling shall be generally parallel with the street or front lot line.

B. In all residential districts except RE and MHR, the side yard abutting upon a street shall not be less than twenty-five (25) feet, when there is a common rear yard.

C. Multiple dwelling definitions and criteria (subparagraphs (1), (2), (3), (4), (6) and (11) do not apply to Estate Multiple-Family dwelling units):

1. The total floor area must not exceed thirty per cent (30%) of the total land area.

2. The minimum lot size for each apartment living unit shall conform to the following areas:

Living Unit	Minimum Lot Size Per Unit (Square Feet)
Studio Units	1,815
1-bedroom units	2,562
2-bedroom units	3,630
3-bedroom units	4,356
4-bedroom units	5,445

3. Minimum size of living units:

(a) [This line was intentionally left blank].

(1) Apartment living units whose finished living area is located on one floor only shall conform to the following floor areas:

Studio Units	400 square feet
1-bedroom units	575 square feet
2-bedroom units	800 square feet
3-bedroom units	1,000 square feet
4-bedroom units	1,250 square feet

(2) Allowance for storage space--In determining whether the minimum size of each living unit, as set forth in paragraph C(3)(a)(1), has been met, there shall be an allowance given for private storage areas provided for the individual dwelling units, which storage areas shall be located within the multiple dwelling building, but apart from the finished living area of the dwelling units. This allowance shall be based upon the number of square feet contained in each storage area, but in no event shall the allowance exceed four per cent (4%) of the minimum size of each living unit as set forth in paragraph C(3)(a)(1).

(3) Allowance for common entrance and passageway-In determining whether the minimum size of each living unit as set forth in paragraph C(3)(a)(1) has been met, there shall be an allowance given for the area or areas used as common entrance and passageway(s) for the living units located within the multiple dwelling building. Such common entrance and passageway(s) shall provide access to the living units located within the multiple dwelling building (except that each entrance and passageway need not provide access to all of the living units in the building), and they shall be located within the multiple dwelling building. In determining the amount of allowance for said living units, the floor area of the entrance and passageway shall be divided

by the number of living units served by each such entrance and passageway within the building. In no event, however, shall the allowance exceed two percent (2%) of the minimum floor area as set forth in paragraph C(3)(a)(1) for any one living unit.

(4) The Board of Appeals may, upon application by the property owner, permit no more than twenty-five percent (25%) of the living units in a multiple dwelling building to contain less than the minimum floor area of living units, as set forth in paragraph C(3)(a)(1) because of architectural design variations within the multiple dwelling building. In no event, however, shall such allowance be given for any living unit in excess of four per cent (4%) of the minimum size as set forth in paragraph C(3)(a)(1).

(5) The maximum size of studio apartment living units shall not exceed five hundred (500) square feet per unit.

(b) [This line was intentionally left blank].

(1) Apartment living units whose finished living area is located on more than one floor (townhouse style) shall conform to the following floor areas:

2-bedroom units	900 square feet
3-bedroom units	1,100 square feet
4-bedroom units	1,400 square feet

(2) No studio or 1-bedroom apartment units shall be constructed which utilize more than one floor of the multiple dwelling building for the finished living area.

(3) The allowances provided in paragraph C(3)(a)(2)-(4) shall not apply to living units where the finished living area is located on more than one floor.

4. The number of units per structure or building shall depend upon the selection of living units as outlined in paragraphs C(3)(a)(1) and C(3)(b)(1) above, or any combination thereof, and its relationship or conformance with paragraph C(1) above. Except as provided in paragraph C(11) herein, there shall in no event be more than eight (8) apartment units per multiple dwelling building.

5. Vehicular Parking: The parking area required for multiple dwelling use shall conform to the following:

Living Unit	Minimum Parking Spaces Per Living Unit
Studio apartments	1.7
1-bedroom apartments	2.0
2-bedroom apartments	2.2
3-bedroom apartments	2.2
4-bedroom apartments	3.0

The space allotted to each such vehicular parking space shall not be less than ten (10) feet by twenty (20) feet. Such dimension shall not include drives for ingress and egress. Parking areas shall be limited to the rear and side yards. Said parking areas shall border no closer than three (3) feet from an exterior lot line and four (4) feet from the structure it serves.

6. Walkways to and from parking areas and to the public sidewalk, as well as entranceways to the building, shall be a minimum of three (3) feet in width and positioned so as to avoid occupation or obstruction by overhanging

portions of vehicles. Driveways shall adequately connect the rear and/or side yard parking areas to the street and shall be no less than twenty (20) feet in width.

7. Recreation area shall comprise at least seventy per cent (70%) of the remaining open space, and the balance of thirty per cent (30%) of said remaining open space shall be devoted to harmonious landscaping.

(a) For the purposes of this paragraph, the term "recreation area" shall include such facilities as swimming pools, tennis courts, playgrounds and other similar recreational facilities, together with green area, all of which shall be for the common use of the multiple dwelling residents. Further, it may include an enclosed structure(s) having as its primary purpose the furnishing of recreational facilities for the multiple dwelling residents.

8. Other requirements:

Maximum Height--Two (2) stories or twenty-five (25) feet, whichever is less.

Rear Yard--Minimum of forty-five (45) foot setback.

Side Yard--Not less than twelve (12) feet in width, except that on corner lots a twenty-five (25) foot side yard setback from adjacent street must be observed.

Front Yard--Setback shall be no less than twenty-five (25) feet.

9. Minimum lot size: No multiple dwelling unit shall be constructed upon a lot unless the same shall contain at least twenty thousand (20,000) square feet. Such lot shall never measure less than one hundred twenty (120) feet in width nor one hundred twenty (120) feet in depth.

10. Total floor area: Total floor area, for purposes of multiple-family dwelling, shall be defined as the total finished space of each unit which is used as living area upon any of the floors constituting the dwelling unit. It shall not include areas in common to all residents of the multiple dwelling.

11. Lower level or subterranean construction shall be devoted to utility and storage uses only, except that in larger planned units a ratio of one (1) basement apartment to sixteen (16) units may be permitted for the habitation of one rendering janitorial service.

D. Parking shall be permitted in the front yard after approval of the parking plan layout and points of access by the Planning Commission. The setback shall be measured from the nearest side of existing and/or proposed right-of-way lines. In a block where one or more buildings now exist, the front setback may be provided equal to the average of such existing building setback.

E. A six (6) foot obscuring wall or fence shall be provided on those sides of the property abutting land zoned for residential use. The decorative side of the wall or fence shall be located so that it is facing toward the adjacent properties. Said fences are prohibited within fifteen (15) feet of any street right-of-way unless approval is granted by the Zoning Board of Appeals.

F. Any storage yard space visible from the street shall be screened with a completely obscuring wall or obscuring fence not less than six (6) feet in height or with a six (6) foot chain link fence and a twenty (20) foot wide green belt planted to obscure said storage yard from the street and in accord with the minimum requirements of section 5.152. The decorative side of the wall or fence shall be located so that it is facing toward the adjacent properties.

G. A completely obscuring wall or fence not less than six (6) feet in height or a six (6) foot chain link type fence and a ten (10) foot wide green belt planted in accord with the minimum requirements of section 5.152 shall be provided when side or rear yards are abutting land zoned for residential use. The decorative side of the wall or fence shall be located so that it is facing toward the adjacent properties. Said fences are prohibited within fifteen (15) feet of any street right-of-way unless approval is granted by the Zoning Board of Appeals.

H. No single-family dwelling unit shall contain less than seven hundred fifty (750) square feet of floor area on the first floor of any residential structure.

I. Minimum setback for corner lots: A corner lot as defined in section 5.6 shall conform to the following minimum setback requirements:

1. A minimum setback for buildings shall be four (4) feet from each lot line which is adjacent to the streets forming the corner.

2. Clear vision setback: In order to maintain sufficient clear vision at corner lots, no building or other obstruction to vision above grade level shall be erected or located within the corner setback area. For purposes of this provision, the corner setback area shall be a triangular parcel, two sides of which are the intersection lot line, and the third being a line passing through a point eight (8) feet from the intersection of the lot lines and which connects the intersecting lot lines at points which are equidistant from the point of intersection.

J. See Section 5.134--Subdivision Regulations.

K. In determining whether the minimum size of each living unit in an RCD District has been met, there shall be an allowance given for private storage areas provided for the individual dwelling units, which storage areas shall be located within the dwelling building, but apart from the finished living area of the dwelling units, and/or there shall be an allowance given for a private garage provided for the individual dwelling units. The private storage allowance shall be based upon the number of square feet contained in each storage area, but in no event shall the allowance exceed four per cent (4%) of the minimum size of each living unit (800 square feet) and the garage allowance shall be fifty (50) square feet, provided that the minimum size of the garage shall be three hundred sixty (360) square feet.

L. An Estate Multiple-Family dwelling unit must comply with the following minimum requirements:

1. Each unit must have an attached garage with a minimum of two hundred sixty-four (264) square feet, with a minimum twelve (12) foot width.

2. Each unit must have a front entrance and a rear entrance both at ground level.

3. Each unit must have a sidewalk leading to the front entrance.

4. Driveways for each unit must be located in front of the unit, except that end units may have driveways on the side of the unit.

5. Each unit must have its own soundproof walls separated by a one and one-half hour fire rated wall. The walls for each unit must be constructed so that the wall-studs are offset from the wall-studs in the adjoining unit.

The walls for each unit shall have a Sound Transmission Class (STC) rating of not less than 50. (Sound Transmission Class is a single-number rating of the sound insulation value of the wall. It is derived from a curve of its insulation value as a function of frequency. The higher the number, the more effective the sound

insulation.) These walls shall extend up through the ceiling to the roof line, except that the portion of the wall above the top ceiling need not be soundproofed.

6. Minimum square frontage per unit.

(a) Single story unit: one thousand one hundred twenty-five (1,125) square feet.

(b) Two story unit: a total of one thousand four hundred (1,400) square feet on the two (2) floors combined.

(c) Bi-level unit: seven hundred fifty (750) square feet on each level.

(d) These minimums shall not be decreased for storage area or garage allowances such as are allowed for apartments, nor shall they be decreased for any other reason.

7. Minimum square footage of land per unit: four thousand eight hundred forty (4,840) square feet.

8. Maximum percentage of land coverage per unit:

(a) Single story unit: 30%

(b) Two story unit: 20%

(c) Bi-level unit: 20%

9. [This line was intentionally left blank].

(a) A maximum of six (6) Estate Multiple-Family dwelling units shall be allowed in any one building. There shall be no more than a length or width of one hundred fifty (150) feet in any one building.

(b) In RCM Zoning Districts only, there shall be no more than a length or width of two hundred twenty (220) feet in any one building. No single roof or wall line shall be continuous for more than seventy-five (75) feet. An offset of at least two (2) feet shall be required.

10. If a basement is constructed, the walls must be masonry walls.

11. Wooden or masonry privacy fencing not exceeding seven (7) feet in height (measured from grade) is required between individual units. This fencing must be constructed so that it is completely obscuring and must extend no more than twelve (12) feet into the rear yard area. This twelve (12) feet is to be measured from a point on the back of the building where the common wall between the two units is located. The decorative side of the fence shall be located so that it is facing toward the adjacent units.

12. Landscaping plans will be reviewed by the Planning Commission as part of the site plan review. It is the intent of this section that landscaping should be more intensive than apartment units or single-family units.

13. Other multiple dwelling criteria listed in section 5.132(C), subparagraphs (5), (7), (8), (9) and (10) shall also be applicable to Estate Multiple-Family dwelling unit buildings.

14. If a unit fronts on a private street, it must be set back a minimum of twenty-five (25) feet from the private street.

15. The above criteria for Estate Multiple-Family dwelling units are minimums and shall not be decreased by the Board of Appeals.

M. Wooden or masonry privacy fencing not exceeding seven (7) feet in height (measured from grade) may be constructed between individual units in RCD and RCM zoning districts which are not defined as Estate Multiple-Family dwelling units. If constructed, this fencing must be constructed so that it is completely obscuring and must extend no more than twelve (12) feet into the rear yard area. This twelve (12) feet is to be measured from a point on the back of the building where the common wall between the two units is located. The decorative side of the fence shall be located so that it is facing toward the adjacent units.

N. In all O, B-1, B-3 and I Districts, the side yard abutting upon a street shall not be less than one-half the front yard setback requirement as defined in that district.

O. Drive-In/Fast Food Restaurants as defined in Section 5.4 (2) of this Chapter shall require a minimum size lot width of 150 feet.

P. Division of ownership of two family dwellings (Duplex).

1. The duplex building must be constructed so that each unit will occupy approximately one half of the original lot.

2. Each unit must have its own driveway and garage on its portion of the original lot.

3. The division line must be through the common wall of the duplex building.

4. An ownersô agreement, detailing all items of common concern, must be recorded in the Office of the Register of Deeds.

Q. Special architectural features such as uninhabited towers or building façades may extend above the Maximum Height of Buildings limitation if approved by the Planning Commission as part of the site plan review of the project.

R. Any newly constructed hotel, motel or multiple dwelling unit development approved as a use permissible on special approval in any B-2 Use District shall be constructed with a pitched roof. A building façade creating the appearance of a pitched roof on all sides of the building may be utilized in lieu of a pitched roof. The minimum roof pitch in either case shall be no less than five feet vertical rise for every 12 feet of horizontal roof distance.

(Ordinance No. 1987-4, Sec. Sec. 1, 5, 05-05-1987; Ordinance No. 1987-5, Sec. 1, 07-07-1987; Ordinance No. 1988-5, Sec. 1, 12-06-1988; Ordinance No. 1992-6, Sec. 1, 10-06-1992; Ordinance No. 1993-2, Sec. 2, 01-12-1993; Ordinance No. 1993-3, Sec. Sec. 3, 4, 01-12-1993; Ordinance No. 1995-8, 10-03-1995; Ordinance No. 1995-6, 09-05-1995; Ordinance No. 2004-07, 06-01-2004; Ordinance No. 2006-05, 07-11-2006; Ordinance No. 2016-07, 07-12-2016)

5.133. Casual Water Control. In the interest of avoiding damage to personal and real property from the uncontrolled discharge of roof water and surface water seepage adjacent to building foundations, builders and/or owners shall:

(1) Equip all buildings with approved eaves troughs or other sanctioned methods of collecting and discharging roof water.

(2) Where such means are employed and no storm sewer is available on the site, the downspouts and/or roof water conductor pipes shall be discharged on the ground or paved surface at a distance of not less than seventy-two (72) inches from the building line, unless otherwise approved by the Building Inspector.

(3) The terrain shall slope downward and away from the building wall at the rate of one-half (1/2) inch per foot out to the edge of the property line, or a minimum of twelve (12) feet away from the building.

(4) Window wells susceptible to receiving such run-off waters shall be covered with waterproof material.

(5) Every residence shall be required to discharge footing drain water to a storm sewer system.

ARTICLE 16. GENERAL PROVISIONS

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

(a) When fences, obscuring walls or fences, and/or landscaping buffers are required as specified in this Chapter, and such regulations are in conflict, the Planning Commission shall make the final determination on said specified requirement.

(Ordinance No. 2016-07, 07-12-2016)

5.142. Scope.

(1) No building or structure, or part thereof, shall hereafter be erected, constructed or altered and maintained, and no new use or change shall be made or maintained of any building, structure or land, or part thereof, except in conformity with the provisions of this Chapter.

(2) Uses for enterprises or purposes in any district that are contrary to federal, state or local laws or ordinances are prohibited.

(Ordinance No. 2012-02, 05-01-2012)

5.143. Nonconforming Lots, Nonconforming Uses of Land, Nonconforming Structures, and Nonconforming Uses of Structures and Premises.

(1) Intent. Within the districts established by this Chapter or amendments that may later be adopted there exist lots, structures, and uses of land and structures which were lawful before this Chapter was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Chapter or future amendment.

It is the intent of this Chapter to permit these nonconformities to continue until they are removed, but not to encourage their survival. Such uses are declared by this Chapter to be incompatible with permitted uses in the districts involved. It is further the intent of this Chapter that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

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

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

(2) Nonconforming Lots. In any district in which single family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Chapter, a single family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Chapter.
This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district; provided that yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance to yard requirements shall be obtained through approval of the Board of Appeals.

(3) Nonconforming Uses of Land. Where, at the effective date of adoption or amendment of this Chapter, lawful use of land exists that is made no longer permissible under the terms of this Chapter as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

(a) No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Chapter.

(b) No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use as the effective date of adoption or amendment of this Chapter.

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

(a) No such structure may be enlarged or altered in a way which increases its nonconformity.

(b) Should such structure be destroyed by any means to an extent of more than 50 per cent of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this Chapter.

(c) Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

(5) Nonconforming Uses of Structures and Land. If a lawful use of a structure, or of structure and land in combination, exists at the effective date of adoption or amendment of this Chapter, that would not be allowed in the district under the terms of this Chapter, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

(a) No existing structure devoted to a use not permitted by this Chapter 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) Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of this Chapter, but no such use shall be extended to occupy any land outside such building.

(c) If no structural alterations are made, any nonconforming use of a structure, or structure and premises, may be changed to another nonconforming use, provided that the Board of Appeals, either by general rule or making findings in the specific case, shall find that the proposed use is equally appropriate or of a higher classification of use to the district than the existing nonconforming use. In permitting such change, the Board of Appeals may require appropriate conditions and safeguards in accord with the purpose and intent of this Chapter.

(d) Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed.

(e) When a nonconforming use of a structure, or structure and premises in combination, is discontinued or ceases to exist for six (6) consecutive months or for eighteen (18) months during any three (3) year period, the structure, or structure and premises in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located. Structures occupied by seasonal uses shall be excepted from this provision.

(f) Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

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

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

(7) Uses Under Exception Provisions Not Nonconforming Uses. Any use for which a general exception or special approval is permitted as provided in this Chapter shall not be deemed a nonconforming use, but shall without further action be deemed a conforming use in such district.

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

5.144. Accessory Buildings and Private Garages.

(1) Building Size, Heights, Setbacks, and Related Regulations Table.

Zoning District	Maximum Building Size / Height	Front Setback	Side Setback	Rear Setback
Residential Districts, including: RE, RA-1, RA-2, RA-3, MHR, RCD, R-PUD See below regulation notes: A, B, C, D, E, F, G, H, I	160 Square Feet. Height not to exceed 10 Feet	Not permitted	5 Feet	5 Feet

Zoning District	Maximum Building Size / Height	Front Setback	Side Setback	Rear Setback
Agricultural, Multi-Family & Office Districts, including: A, RCM, O See below regulation notes: A, B, C, D, E, G, H, I, J, K	Not to exceed 30% rear lot coverage as reviewed and approved by the Planning Commission. Height not to exceed 25 feet or the height of the principal structure, whichever is less.	Not permitted	5 Feet	5 Feet
Commercial Districts, including: B-1, B-2, B-3, CL-PUD, CT-PUD, P-1 See below regulation notes: D, E, J, K	As reviewed and approved by the Planning Commission. Height not to exceed 25 feet or the height of the principal structure, whichever is less.	Not permitted	8 Feet	5 Feet
Industrial Districts, including: I, I-PUD, I-S-PUD, SU See below regulation notes: D, E, J, K	As reviewed and approved by the Planning Commission. Height not to exceed district height limits.	Not permitted	8 Feet	5 Feet

(2) Table Regulation Notes for Accessory Buildings and Private Garages.

A. In all residential districts, the side yard abutting upon a street shall not be less than twenty-five (25) feet, when there is a common rear yard.

B. For any single family dwelling, attached and detached private garages may provide storage for not more than three (3) vehicles, including not more than one (1) commercial vehicle of not over one (1) ton capacity.

C. For any other dwellings, attached and detached private garages may provide storage for not more than two (2) vehicles per dwelling unit, including not more than one (1) commercial vehicle of not over one (1) ton capacity.

D. In no case shall the entrance to a garage be less than twenty-five (25) feet from a street right-of-way line.

E. On a corner lot, no accessory building shall be closer to the side street lot line than the side yard setbacks of the principal building on the lot. Where the rear line of a corner lot coincides with the side line of an adjoining lot in a residential district, an accessory building shall not be closer than eight (8) feet to the common lot line.

F. Such buildings shall not exceed ten (10) feet in height nor shall any wall exceed sixteen (16) feet in length.

G. Decorative features such as extended overhang/porch areas shall not be construed as additional square footage if they do not exceed 24 inches.

H. In no case shall there be more than one (1) accessory building per parcel.

I. Such buildings shall not be used in any part for dwelling purposes.

J. In all Office, Commercial and Industrial Districts, the side yard abutting upon a street shall not be less than one-half the front yard setback requirement as defined in that district. In a block where one or more buildings now exist, the side setback may be provided equal to the average of such existing building setback.

K. Planning Commission review and approval shall be consistent with Site Plan Review procedures listed under Article 20 of this Chapter.

(3) General Provisions.

(A) A building shall be considered as an accessory building if it does not share a common wall and roof with a principal building.

(B) Buildings that are 150 square feet or less are exempt from Planning Commission Site Plan Review requirements, contingent upon there being only one such building on the parcel. For any additional building(s) on commercial and industrial zoned parcels, Planning Commission approval is required.

(C) When an accessory building or use, in any residential, office or business district is intended for other than the storage of items not normally used or associated with said residential, office or business use, permission to store such item(s) must first receive approval from the Planning Commission.

(D) Where the nature of an accessory building requires a structural appearance inharmonious to that of the principal building, the Planning Commission shall require that it be sufficiently screened from view from streets and adjacent lots by an opaque fence, landscaping or hedge of five (5) feet in height.

(E) All permanent outdoor lighting located on accessory buildings in all use districts shall be shielded to reduce glare and shall be so arranged as to reflect away from all adjacent parcels and rights-of-way.

(F) Architectural appurtenances including belfries, cupolas and domes as approved by the Planning Commission

as part of site plan approval are not subject to height restrictions.

(G) Construction of such buildings must be done in an good workmanship-like manner and any accessory buildings shall be maintained in a safe and attractive fashion at all times.

(H) Freestanding solid or liquid fuel-burning furnaces are prohibited within the corporate limits of the City of Frankenmuth with the following exceptions:

(1) Such furnaces may be allowed in I - Industrial Districts, but are prohibited in all other zoning districts.
(2) A minimum lot size of one acre is required.
(3) Appropriate screening is required in order to minimize the visibility of a furnace from any public street right-of-way and from any adjacent property.
(4) A site plan review by the Planning Commission is required prior to approval.

(I) No structure, whether temporary or permanent, of a fixed or portable construction, including, but not limited to, screen tents, free-standing canopy tents, portable carports, utility trailers, storage pods, delivery truck boxes, semi-trailers and other such portable or seasonal structures, shall be erected, moved onto a parcel and used for or stored for temporary purposes unless such structure is expressly authorized by the Zoning Code and it meets the minimum standards as defined in this Chapter or otherwise approved by the Planning Commission.

(Ordinance No. 1991-3, Sec. 1, 02-05-1991; Ordinance No. 2009-01, 01-13-2009; Ordinance No. 2011-05, 07-12-2011; Ordinance No. 2012-06; 11-13-2012)

5.145. Parking Requirements. There shall be provided in all districts at the time of erection or enlargement of any main building structure, automobile off-street parking space with adequate access to all spaces. The number of off-street parking spaces, in conjunction with all land or building uses, shall be provided prior to issuance of a certificate of occupancy as hereinafter prescribed. Should a particular use and/or occupancy change so as to require additional parking spaces, the new occupancy shall not occur until the increase parking requirements are first met.

(1) Off-street parking for other than residential use shall be either on the same lot or within five hundred (500) feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot, and which is unobstructed by physical or natural barriers which would limit or restrict pedestrian traffic from the parking lot to the building served. However, a minimum of ten per cent (10%) of total parking required for such non-residential use shall be upon the same lot with the business building or otherwise upon open space immediately adjacent to the structure housing the particular use. Ownership shall be shown of all lots or parcels intended for use as parking by the applicant.

(2) Residential off-street parking spaces shall consist of a parking strip, driveway, garage, or combination thereof, and shall be located on the premises they are intended to serve, and subject to the provisions of section 5.144. In no case shall parking upon parkway or outlawn be permitted or considered as residential off-street parking; nor shall any person park a vehicle in a residential driveway so as to block a public sidewalk for longer than sixty (60) minutes. In no event shall anyone park a vehicle in a residential driveway with any portion of said vehicle projecting into the roadway.

(3) Any area once designated as required off-street parking shall not be changed to any other use unless and until equal facilities are provided elsewhere.

(4) Off-street parking existing at the effective date of this Chapter in connection with the operation of an existing building or use shall not be reduced to an amount less than hereinafter required for a similar new building or use.

(5) Two or more buildings or uses may collectively provide the required off-street parking, in which case the required number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately.

(6) Dual Use & Leased Parking.

(a) Dual Use. In instances where the operating hours for buildings do not overlap, the Board of Appeals may grant an exception so as to allow dual use of off-street parking.

(b) Leased Spaces. Leased spaces may be used to meet the requirements for off-street parking so long as the term of the lease is for no less than five (5) years. All leases shall be recorded with the Register of Deeds and a copy thereof filed with the City Clerk. In the event the parking lease expires or terminates for any reason, the use of the lessee's building shall be reduced so as to conform with the then available off-street parking. Failure to reduce use shall result in the revocation of the certificate of occupancy, in addition, to other penalties provided herein for violation of this ordinance.

(7) The storage of merchandise, motor vehicles for sale, or the repair of vehicles is prohibited within residential districts. In all other districts the storage of merchandise within or upon areas which are required as parking space to conform to this section, or otherwise designated for parking, is likewise prohibited.

(a) Inoperative or Dismantled Cars, Trucks or Buses. The storage of dismantled, wrecked and/or unlicensed vehicles within any district is expressly prohibited unless contained within an enclosed structure or provided said storage does not exceed one (1) week.

(8) For those uses not specifically mentioned, the requirements of off-street parking facilities shall be in accord with the most restrictive use, which is similar in type, as found in the most recent version of the ñOff-Street Parking Requirementsò report as published by the American Planning Association (APA), or any similar successor publication from the APA, subject to review and approval by the Planning Commission.

(9) Residential lots shall not be utilized for storage of boats, boat trailers, trailer coaches, travel trailers, utility trailers, self-propelled mobile homes or display units, trucks including pickup trucks greater than one (1) ton capacity, power driven cycles, snowmobiles or other recreation vehicles, automobiles, and commercial vehicles, unless such storage is provided in the principal building, or in an accessory building or garage as regulated in the district in which it is located. Provided, however, that the following exceptions may be made:

(a) Automobiles and pickup trucks of one (1) ton capacity or smaller may be parked on driveways only, without further timing restrictions.

(b) All other vehicles combined referred to in this subsection may be parked on driveways only for no more than a maximum of seven (7) continuous days or twenty-one (21) cumulative days per calendar year.

This exception (b) is limited to one (1) vehicle per lot at any given point in time.

In circumstances wherein the above stated conditions would create a hardship, exceptions may be made by the Zoning Board of Appeals after proper notice and hearing by the Board.

(10) It shall be unlawful for any person to park any commercial vehicle such as a truck, semi-trailer, or tractor truck, having a rated capacity of twenty-six thousand and one (26,001) pounds gross vehicle weight (GVW) or more, anywhere, in any residential zone, as designated on the zoning map of the city, except for the purposes of

loading or unloading, or during the course of construction. This prohibition shall apply not only to public streets, but also to private property, driveways, and parking areas.

(11) B-1, B-2, B-3, CT-PUD, CL-PUD, Office and Parking Zoning Districts shall not be utilized for the storage of recreational vehicles, watercraft or boats, (whether mounted on trailers or unmounted), campers, trailers, or used or unsightly machinery or equipment, except under the following circumstances:

(a) All such items that are being used in the course of a permitted construction project are permitted.

(b) All such items that are stored in a completely enclosed building are permitted.

(c) All such items that are in an area which is sight screened from the public street and abutting property owners by a sight screening fence or sight obscuring landscaping of at least five (5) feet in height are permitted. In no case shall such sight screened storage area be located within the front yard setback of any lot.

(d) Outside, temporary storage of such items not located within a sight screened area is limited to no more than a maximum seven (7) continuous days or twenty-one (21) cumulative days per calendar year.

(e) A special use permit has been granted by the Planning Commission because the outside storage of such items is incidental to the principal use permitted in the respective zoning district.

(12) The storage of recreational vehicles, watercraft or boats, campers, and trailers, whether licensed or unlicensed, shall not be permitted on any public street or public right-of-way.

(13) The minimum number of off-street parking spaces required in Section 5.146 below may be reduced whenever parking lot landscaping (as defined in Section 5.148 [Off-Street Parking Lot Landscaping Requirements] below) is required and installed based on the following formula: For parking lots with a minimum of 70 parking spaces, and a minimum of 630 square feet of landscaping, each full 90 square feet of landscaped area included as part of the parking lot design required in Section 5.148 will allow the owner to reduce the required number of off-street parking spaces by one space.

(14) Each employer listed below in Section 5.146 shall provide parking sufficient to accommodate the parking needs of his own employees, in addition to complying with the parking requirements scheduled below for the use of his customers and business invitees.

(a) In order to calculate the number of spaces required for employees, each employer listed below shall determine the average number of employees, including managers, who will be working in the shift with the highest number of employees during the busiest four (4) month period of the year. That number will equal the number of required spaces for employees that must be provided in addition to the number of spaces required below.

(b) This requirement for employee spaces shall not apply to those use categories described below which refer to number of employees because the number of minimum parking spaces required for those categories is already based on number of employees.

(Ordinance No. 1991-2, Sec. 1, 02-05-1991; Ordinance No. 1995-9, 11-08-1995; Ordinance No. 1997-3, 03-04-1997; Ordinance No. 1997-09, 12-02-1997, Ordinance No. 1998-04, 07-07-1998; Ordinance No. 2000-01, 03-07-2000; Ordinance No. 2000-02, 05-02-2000; Ordinance No. 2001-01, 01-09-2001; Ordinance No. 2001-10, 09-04-2001; Ordinance No. 2004-09, 12-07-2004; Ordinance No. 2005-05, 10-04-2005; Ordinance No. 2008-08, 08-05-2008)

5.146. Schedule. The minimum number of off-street parking spaces by type or use shall be determined in accordance with the following schedule. NOTE: The minimum number of required off-street parking spaces may be reduced as noted in sub-section 5.145(13) above:

Use	Number of Minimum Parking Spaces Per Unit of Measure
1. Residential, Single Family RCD RCM	Two (2) for each dwelling unit. Two and two-tenths (2.2) for each dwelling unit. See Notes to Section 5.131.
2. Rooming and/or lodging houses and tourist homes	One (1) for each guest room.
3. Banks	One (1) for each two hundred (200) square feet of floor area.
4. Business offices or professional offices of lawyers, architects, engineers, or similar or allied professions	One (1) for each three hundred (300) square feet of floor area.
5. Professional offices of doctors, dentists or similar professions	One (1) for each one hundred fifty (150) square feet of floor area.
6. Retail stores except as otherwise specified herein	One (1) for each two hundred (200) square feet of floor area.
7. Retail areas inside restaurants where the retail area square footage is less than the restaurant area square footage	One (1) for each four hundred (400) square feet of retail floor area.
8. Furniture and appliance household equipment repair shops, showroom of a plumber, decorator, electrician or similar trade, shoe repair and other similar uses	One (1) for each eight hundred (800) square feet of floor area. (For that floor area used in processing or manufacturing, see industrial requirements below.)
9. Laundromats and self-service dry cleaners	One (1) for each two (2) washing or cleaning machines.
10. Beauty parlors or barber shops	Two (2) for each beauty or barber shop chair.
11. Mortuary establishments	One (1) for each fifty (50) square feet of assembly room floor space.
12. Motor vehicle sales and service establishments	One (1) for each four hundred (400) square feet of floor area of sales room and one (1) for each auto service stall in the service room.
13. Bowling alleys	Four (4) for each bowling lane.
This space was intentionally left blank	
14. Golf clubs or swimming clubs	One (1) for each five (5) members, if a private club, and five (5) for each green if a public course, in addition to those spaces necessary for the clubhouse or restaurant facilities.
15. Establishments for sale and consumption, on the premises, of beverages, food or refreshments (except Drive-In/Fast Food Restaurants	One (1) for each one hundred (100) square feet of floor area, or three-tenths (.3) space per seat, whichever is greater. Outdoor Seating. One (1) for each four hundred (400) square feet of outdoor floor area or seventy-five thousandths (.075) space per seat, whichever is greater. Note: The above listed outdoor seating schedule shall apply only when year round indoor seating is available on the premises. Under this schedule, the number of

	seats located outdoors cannot exceed the number of seats located indoors.
16. Drive-In/Fast Food Restaurants	One (1) space per seventy-five (75) square feet of floor area or four-tenths (.4) space per seat, whichever is greater. Outdoor Seating. One (1) space for each three hundred (300) square feet of outdoor floor area or one tenth (.1) space per seat, whichever is greater. Note: The above listed outdoor seating schedule shall apply only when year round indoor seating is available on the premises. Under this schedule, the number of seats located outdoors cannot exceed the number of seats located indoors.
17. Restaurant areas inside retail stores where the restaurant area square footage is less than the retail area square footage	One (1) space for each two hundred (200) square feet of restaurant floor area, or six-tenths (.6) space per seat whichever is greater.
18. Churches	One (1) for each four (4) seats in the main unit of worship.
19. Theaters and auditoriums	One (1) for each four (4) seats.
20. Elementary and junior high schools	One (1) for each two (2) teachers, employees or administrators.
21. High Schools	One (1) for each two (2) teachers, employees or administrators, and one (1) for each ten (10) students.
22. Dance halls, exhibition halls, and assembly halls without fixed seats	One (1) for each one hundred (100) square feet of floor area.
23. Hospitals	One (1) for each four (4) beds and one (1) for each two (2) employees and/or members of the staff.
24. Homes for the aged and convalescent homes	One (1) for each three (3) beds.
25. Housing for the elderly	One (1) for each two (2) dwelling units.
26. Motels and hotels	One (1) for each rental unit plus one (1) for each two hundred (200) square feet of floor area of meeting rooms, exhibition halls, assembly halls, retail shops and restaurants located inside the motel or hotel.
27. Trailer (mobile home) park	Two (2) for each trailer site.
28. Stadium and sports arena	One (1) for each six (6) seats or twelve (12) feet of benches.
29. Industrial	At least one (1) space on site for every one and three tenths (1.3) employees in the largest working shift. Space on site shall also be provided for all construction workers during periods of plant construction.
30. Wholesale establishments	One (1) for every one (1) employee in largest working shift, or one (1) for every seventeen hundred (1,700) square feet of floor space, whichever is greater.
31. Gasoline stations	One (1) for each lubrication stall, rack, or pit.
32. Auto wash	Adequate waiting space shall be provided off the street right-of-way.
33. Other commercial	Six (6) spaces for each one thousand (1,000) square feet

	of floor space.
34. Nursery schools, day nurseries and child care centers, except in residential district	One (1) space per three hundred fifty (350) square feet of floor area and one (1) space per employee.

(Ordinance No. 1991-7, Sec. 7, 06-04-1991: Ordinance No. 1995-6, 09-05-1995: Ordinance No. 1998-04, Sec. 5.146, 07-07-1998; Ordinance No. 2000-02, 04-04-2000; Ordinance No. 2003-02, 06-03-2003; Ordinance No. 2005-05, 10-04-2005; Ordinance No. 2009-06, 10-06-09; Ordinance No. 2016-07, 07-12-2016).

5.147. Off-Street Parking Space Layout, Standards, Construction and Maintenance. Wherever the off-street parking requirements in sections 5.145 and 5.146 require the building of an off-street parking facility, such off-street parking lots shall be laid out, constructed and maintained in accordance with the following standards and regulations:

(1) All spaces shall be laid out in the dimension of either nine (9) feet by twenty (20) feet or ten (10) feet by eighteen (18) feet, however no less than; or one hundred eighty (180) square feet of space (exclusive of following item 2).

(2) All spaces shall be provided adequate access by means of maneuvering lanes.

(3) Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for all vehicles. All drives shall be surfaced in a manner equivalent to that which is provided for the parking areas under item 11 below within this section.

(a) In all O, B-1, B-2, B-3, SU and I areas, driveway entrances and/or exits shall be spaced a minimum of sixty (60) feet apart.

(b) Whenever a parking lot has ingress or egress within eighty (80) feet of any residential zone, multi-street ingress or egress or drive through capabilities shall be permitted only with the approval of the Planning Commission following a public hearing with prior notice to adjacent property owners.

(4) Plans for the layout of the parking lot shall show a total dimension across two (2) tiers of spaces and one (1) aisle (maneuvering lane) of at least the following for the various patterns:

(a) A 90 Degree Pattern - Sixty (60) feet of two (2) tiers of spaces and one (1) aisle (maneuvering lane), with the minimum aisle being twenty (20) feet in width. This minimum aisle width shall permit two-way traffic movement.

(b) A 60 Degree Pattern - Fifty-Five (55) feet of two (2) tiers of spaces and one (1) aisle (maneuvering lane), with the minimum aisle being fifteen (15) feet in width. This minimum aisle width shall permit one-way traffic movement.

(c) A 45 Degree Pattern - Fifty (50) feet of two (2) tiers of spaces and one (1) aisle (maneuvering lane), with the minimum aisle being twelve (12) feet in width. This minimum aisle width shall permit one-way traffic movement.

(d) A 45 Degree Herringbone Pattern - Forty-three (43) feet of two (2) tiers of spaces and one (1) aisle (maneuvering lane), with the minimum aisle being twelve (12) feet in width. This minimum aisle width shall permit one-way traffic.

(e) Off-street parking areas shall be provided with a continuous and completely obscuring wood or masonry wall or fence six (6) feet in height measured from the surface of the parking area on all sides where the next zoning

district is designated as a residential district. The decorative side of the wall or fence shall be located so that it is facing toward the adjacent properties.

(5) Adequate entrance and exit for vehicles to premises used as a parking area shall be provided and shall be by means of streets or alleys adjacent to or extending through nonresidential districts, or by means of private roadways extending through such districts. All such roadways shall be surfaced in a manner at least equivalent to that which is hereinafter provided for the parking area.

(6) Each entrance to and exit from such parking lot shall be at least twenty (20) feet distant from any adjacent property located in any residential district; where multiple exits and/or entrances serve the same lot on the same street, such exits and entrances shall be at least forty (40) feet apart.

(7) Side Yards. Where the parking lot is contiguous to side lot lines of premises within a residentially zoned district, the required wall shall be located at least ten (10) feet from the side lot line opposite the residential unit or vacant residential lot.

(8) Front Yards. Where the parking lot is contiguous to a residentially zoned district which has a common frontage on the same block with residential structures, or wherein no residential structures have been yet erected, there shall be a setback equal to the required residential setback for said residential district, or a minimum of twenty-five (25) feet, whichever is greater. The required wall shall be located on this minimum setback line.

(9) The parking area shall be provided with a continuous and completely obscuring wood or masonry wall or fence, six (6) feet in height measured from the surface of the parking area. This wall or fence shall be provided on all sides where the next zoning district is designated as a residential district. The decorative side of the wall or fence shall be located so that it is facing toward the adjacent properties. Whenever such wall is required, all land between said wall and boundaries of the parking lot shall be kept free from refuse and debris and shall be landscaped with deciduous shrubs, evergreen material and ornamental trees. Ornamental trees shall be planted at thirty (30) foot intervals, six (6) feet from the wall. The ground area shall be planted and kept in lawn or ground cover. All such landscaping and planting shall be maintained in a healthy growing condition, neat and orderly in appearance.

(10) The parking area shall be provided with an adequate base and a pavement having an asphaltic or Portland cement binder, in accord with standards of the City, so as to provide a permanent, durable and dustless surface and shall be graded and drained so as to dispose of all surface water accumulated within the area.

The parking area shall be surfaced within one (1) year of occupancy of the use it is to serve if it is for a new use, and within six (6) months if the parking area is to serve an existing use or uses. However, as a prerequisite to securing a building permit, the owner shall file with the City Clerk a performance bond in an amount equal to the cost of a properly surfaced parking lot required for the use involved as an assurance that these parking lot standards will be followed.

(11) Where lighting facilities are provided, they shall be so arranged as to reflect the light away from all residential districts.

(12) The Board of Appeals, upon application by the property owner of the parking area, may modify the yard and wall requirements where, in unusual circumstances, no good purpose would be served by compliance with the requirements of this section.

(13) In all cases where a wall extends to an alley which is a means of ingress and egress to a parking area, it shall be permissible to end the wall not more than ten (10) feet from such alley line in order to permit a wider means of access to the parking area.

(14) In addition to the above requirements, such parking area shall comply with such further requirements or conditions as may be prescribed by the Board of Appeals for the protection of the residential district abutting such parcel or parcels in which the parking area is to be located.

(Ordinance No. 1993-10, Sec. 1, 09-07-1993; Ordinance No. 1995-8, 10-03-1995; Ordinance No. 2005-05, 10-04-2005; Ordinance No. 2016-07, 07-12-2016)

5.148. Off-Street Parking Lot Landscaping Requirements. In addition to the requirements of Section 5.147 above, all newly constructed off-street parking lots shall comply with the following landscaping requirements:

(1) As used in this Section the term ñparking lot landscapingò shall mean landscaped planting areas completely surrounded by parking lot spaces or maneuvering lanes.

(2) For all new off-street parking lots with seventy (70) or more parking spaces, there shall be provided landscaped planting areas. These areas shall be no less than six (6) feet in any single dimension and no less than a total of ninety (90) square feet. The plantings in these areas shall be evenly dispersed throughout according to a landscape plan approved by the City Planning Commission. Such landscape plan shall include a minimum of one (1) tree for each ten (10) parking spaces and various plant materials that conform with Section 5.152 [Fence and Green Belt Regulations and Maintenance] of this Code.

(3) The total amount of landscaped planting areas (beginning with a minimum of 630 square feet) shall be based on a formula whereby ninety (90) square feet of landscaping shall be provided for each ten (10) parking spaces as indicated in the following schedule:

Required Parking Lot Landscaping	Number of Spaces
None	1 - 69
630 square feet	70 - 79
720 square feet	80 - 89
810 square feet	90 - 99
900 square feet	100-109
Add 90 square feet for each additional 10 spaces	

(4) Shrubs and trees in these landscaped planting areas shall be located and maintained so that vision is not blocked for either pedestrians or vehicle drivers. Sight lines must be maintained between three feet and seven feet in height above the parking lot surface.

(5) Required parking lot landscaping cannot be counted as part of the overall site landscaping requirements as described in Section 5.153 [General Landscaping Requirements].

(6) The owner of each off-street parking lot shall be responsible for the maintenance of all landscaping which shall be maintained in good condition so as to present a healthy, neat and orderly appearance and shall be kept free from weeds, refuse and debris.

(7) The requirements of this Section 5.148 [Off-Street Parking Lot Landscaping Requirements] may be modified based on a determination by the Planning Commission.

(Ordinance No. 2005-05, 10-04-2005)

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

All businesses in B-2, B-3 and O Districts shall provide a minimum of one (1) loading space. All spaces shall be laid out in the dimension of at least ten by sixty (10' x 60') feet, or six hundred (600) square feet in area, with a clearance of at least fourteen (14) feet in height. Loading dock approaches shall be provided with a pavement having an asphaltic or Portland cement binder so as to provide a permanent, durable and dustless surface. All spaces in I District shall be provided in the following ratio of spaces to usable floor area:

GROSS FLOOR AREA (IN SQUARE FEET)	LOADING & UNLOADING SPACES REQUIRED IN TERMS OF SQUARE FEET OR USABLE FLOOR AREA
1 ï 20,000	One (1) Space.
20,001 ï 100,000	One (1) space plus one (1) space For each 20,000 square feet in excess of 20,001 square feet.
100,001 ï 500,000	Five (5) spaces plus one (1) space for each 40,000 square feet in excess of 100,001 square feet.
500,000 and over	Fifteen (15) spaces plus one (1) space for each 80,000 square feet in excess of 500,001.

5.150. Uses not Otherwise Included Within a Specific Use District. Because of the uses hereinafter referred to possess unique characteristics making it impractical to include them in a specific use district classification, they shall be permitted by the Board of Appeals under the conditions specified, and after public hearing. In every case, the uses hereinafter referred to shall be specifically prohibited from any RE, RA-1, RA-2, RA-3, RCD or RCM Districts.

These uses require special consideration since they service an area larger than the City and require sizable land areas, creating problems of control with reference to abutting use districts. Reference to those uses falling specifically within the intent of this section is as follows:

(1) Outdoor Theaters. Because outdoor theaters possess the unique characteristic of being used only after darkness and since they develop a concentration of vehicular traffic in terms of ingress and egress from their parking area, they shall be permitted in B-3 Districts only when the site in question abuts an I District. Outdoor theaters shall further be subject to the following conditions:

(a) The proposed internal design shall receive approval from the Building Inspector and the City Engineer as to adequacy of drainage, lighting and other technical aspects.

(b) Points of ingress and egress shall be available to the outdoor theater from abutting major thoroughfares (120 foot right-of-way or greater), and shall not be available from any residential street.

(c) All vehicles, waiting or standing to enter the facility, shall be provided off-street waiting space. No vehicle shall be permitted to wait or stand within a dedicated right-of-way.

(d) In the absence of state regulations or statutes, any such theater in this City shall provide toilet accommodations comparable to those required for public restaurants.

(2) Television and Radio Towers. Radio and television towers and their attendant facilities shall be permitted in I

Districts, provided said use shall be located centrally on a parcel having a dimension of not less than one and one-half (1 1/2) times the height of the tower measured from the base of said tower to all points on each property line.

(3) Mobile Home Parks Adjacent to I or R Districts. Mobile home courts or parks shall be permitted adjacent to any use district herein except RE, RA-1 and RA-2, and only adjacent to RA-3 upon one (1) of the four (4) sides of the MHR District. Whenever said MHR District abuts with an I District or any residential district, there shall be erected a twenty (20) foot green belt screening the view of said adjacent districts.

(4) Mobile Home Dwelling Prohibited. No mobile home shall be occupied as a dwelling except for those mobile homes located in an approved mobile home park development or those mobile homes occupied under the temporary dwelling provision outlined within this Chapter.

(5) Use of Structure for Temporary Dwelling. No structure shall be used for dwelling purposes that does not meet the minimum standards as defined in this Chapter and the City Building Code. No temporary structure, whether of a fixed or portable construction, shall be erected or moved onto a lot and used for dwelling purposes unless authorized by the issuance by the Board of Appeals of a temporary permit as provided in this Chapter.

(6) Golf Courses and Country Clubs.

(a) Authorization. In recognition of the basic open space and recreation character of golf courses and country clubs and a compatibility within agricultural and residential areas, these uses may be permitted within Agricultural and Residential, as well as the Flood Plain Districts by issuance of a special use permit pursuant to district allowance and all standards herein specified.

(b) Uses. The following uses may be authorized in those districts as noted in ARTICLE 3, provided the applicable requirements are complied with.

1. Golf courses

2. Country clubs

Accessory uses for a permitted use shall be construed to include restaurant and other eating or drinking establishments and such retail sales directly connected with the conduct of the principal use.

(c) Uses Specifically Prohibited. Driving ranges and miniature golf courses are specifically prohibited.

(d) Site Location Principles. The following principles shall be used in evaluating the proposed location of a permitted use under this item 6.

1. Allowed use should be located to be immediately accessible from a principal or minor arterial or collector street as classified by the adopted major street plan.

2. Site location should be allowed which enhances the natural environment and amenities for community life.

(e) Development Requirements. The following standards shall be applicable as basic requirements for the use of land or for the erection, reconstruction, or alteration of permitted structures.

1. Minimum site shall be fifty (50) acres or more and access shall be so designed as to provide all ingress and egress directly onto or from a collector.

2. Lighting shall be shielded to reduce glare and shall be so arranged and maintained as to direct the light away from all residential lands which adjoin the site.

3. Off-street parking shall be provided as required in this Article, which shall include additional spaces which may be required for such accessory uses as a restaurant or bar.

4. Signs shall be in accordance with the schedule outlined in section 5.162.

5. Minimum yard and height standards require that no building shall be closer than fifty (50) feet to any property or street line. No building shall be erected to a height greater than that permitted in the district in which it is located, except as may be provided under height exceptions for the district in question.

(Ordinance No. 2016-07, 07-12-2016)

5.151. Performance Standards. No use otherwise allowed shall be permitted within any district which does not conform to the following standards of use, occupancy, and operation, which standards are hereby established as the minimum requirements to be maintained within said areas:

(1) Smoke. It shall be unlawful for any person, firm or corporation to permit the emission of any smoke from any source whatever to a density greater than the density prescribed by the rules of the Michigan Air Pollution Control Commission.

(2) Open Storage. The open storage of junk, scrap or salvage, or other waste products where the operations are for the conversion to saleable materials, shall be screened from public view, from a public street and from adjoining properties not of a similar nature, by an enclosure consisting of an obscuring masonry or obscuring wood wall not less than eight (8) feet high. The decorative side of the wall shall be located so that it is facing toward the adjacent properties.

(3) Glare and Radioactive Materials. Glare from any process (such as or similar to arc welding or acetylene torch cutting) which emits harmful ultraviolet rays shall be performed in such a manner as not to be seen from any point beyond the property line, and as not to create a public nuisance or hazard along lot lines. Radioactive materials and wastes, and including electromagnetic radiation such as x-ray machine operation, shall not be emitted to exceed quantities established as safe by the U.S. Bureau of Standards when measured at the property line.

(4) Fire and Explosive Hazards.

(a) In the I Districts the storage, utilization or manufacture of materials or products ranging from incombustible to moderate burning, as determined by the Fire Marshall, is permitted subject to compliance with all other yard requirements and performance standards previously mentioned, and providing that the following conditions are met:

1. Said materials or products shall be stored, utilized or produced within completely enclosed buildings or structures having incombustible exterior walls, which meet the requirements of the Building Code of the City.

2. All such buildings or structures shall be set back at least forty (40) feet from lot lines or, in lieu thereof, all such buildings or structures shall be protected throughout by an automatic sprinkler system complying with installation standards prescribed by the National Fire Association.

3. The storage and handling of flammable liquids, liquefied petroleum, gases and explosives shall comply with the State Rules and Regulations as established by Public Act No. 207 of 1941 as amended.

(5) Public Toilet Facilities. Within B-1, B-2, B-3, O and I Districts, the proprietors of any business which affords at least five hundred (500) square feet of sales or other business activity for the use of public patrons must likewise afford separate toilet facilities for men and women, each such facility to include two (2) stalls. This does not supersede or preempt any county, state or federal sanitation standard which may be already applicable to any business within said districts.

(Ordinance No. 1988-1, Sec. 2, 02-02-1988; Ordinance No. 1995-8, 10-03-1995; Ordinance No. 2006-05, 07-11-2006; Ordinance No. 2016-07, 07-12-2016)

5.152. Fence and Green Belt Regulations and Maintenance. Wherever in this Chapter a fence or wall is required, the decorative side of the fence or wall shall be located so that it is facing toward the adjacent properties.

Where owners of fences or walls composed of non-growing physical materials such as wood, masonry, metal, etc., shall permit such barriers to deteriorate or fall into a state of unsightly disrepair, the City, after thirty (30) days notice to said owner via mail at his last known address, is thereafter empowered to make appropriate repair or replacement to such wall or fence and may collect the cost of such repair or renovation from said property owner.

Wherever in this Chapter a green belt or planting is required, it shall be planted within six (6) months from the date of issuance of a certificate of occupancy and shall thereafter be reasonably maintained with permanent plant materials to provide a screen to abutting properties. Suitable materials equal in characteristics to the plant material listed with the spacing as required shall be provided.

(1) Plant Material Spacing.

(a) Plant materials shall not be placed closer than four (4) feet from the fence line or property line.
(b) Where plant materials are planted in two or more rows, planting shall be staggered in rows.
(c) Evergreen trees shall be planted not more than thirty (30) feet on centers.
(d) Narrow evergreens shall be planted not more than three (3) feet on centers.
(e) Deciduous trees shall be planted not more than thirty (30) feet on centers.
(f) Tree-like shrubs shall be planted not more than ten (10) feet on centers.
(g) Large deciduous shrubs shall be planted not more than four (4) feet on centers.

(2) Suggested Plant Materials/Minimum Size

(a) Evergreen Trees/Five (5) feet in height
(1) Juniper
(2) Red Cedar
(3) White Cedar
(4) Pines

(b) Narrow Evergreens/Three (3) feet in height
(1) Pyramidal Arbor Vitac
(2) Columnar Juniper
(3) Irish Juniper

(c) Tree-like Shrubs/Four (4) feet in height
(1) Flower Crabs
(2) Russian Olives
(3) Mountain Ash
(4) Dogwood

(5) Redbud
(6) Rose of Sharon

(d) Large Deciduous Shrubs/Six (6) feet in height
(1) Honeysuckle
(2) Viburnum
(3) Mock-Orange
(4) Forsythia
(5) Lilacs
(6) Ninebark

(e) Large Deciduous Trees/Eight (8) feet in height
(1) Oaks
(2) Hard Maples
(3) Ash
(4) Hackberry
(5) Sycamore

(3) Trees Not Permitted
(a) Box Elder
(b) Soft Maples
(c) Elms
(d) Poplars
(e) Ailanthus (Tree of Heaven)
(f) All thorned varieties of trees

(Ordinance No. 1995-8, 10-03-1995)

5.153. General Landscaping Requirements.

(1) Scope of Application. These requirements shall apply to all uses for which site plan review is required under Article 20 of this Chapter. No site plan shall be given final approval unless said site plan shows landscaping consistent with the provisions of this Section. If the landscaping is not completed at the time of occupancy, the owner shall file a letter with the Zoning Administrator stating that the landscaping will be completed within six (6) months after a certificate of occupancy has been issued.

In cases where an existing building is to be structurally altered or enlarged, all of the standards set forth herein shall be met. Exceptions: The requirement for an existing building may be waived if no more than forty percent (40%) of the completed buildingôs gross floor area is altered.

The requirements of this Section 5.153 [General Landscaping Requirements] may be waived based on a determination by the Planning Commission.

(2) Landscape Plan Required. A separate landscape plan shall be required to be submitted as part of a Site Plan review. The landscape plan shall include, but not necessarily be limited to, the following:

(a) Not less than seven percent (7%) of the site area shall be landscaped.

NOTE: This 7% calculation does not include landscaping required for parking lots as described in Section

5.148 [Off-Street Parking Area Landscaping Requirements], and it does not include landscaping in any street right-of-way area.)

NOTE: The 7% calculation will include live flower boxes which are building mounted, and credit will be given for four (4) times the square footage of the top surface area of the flower boxes.

NOTE: Detention basin areas whose primary purpose is for storm water drainage detention cannot be counted as part of the 7% calculation. However, bio-filtration or rain garden areas may qualify if approved by the Planning Commission to be included as part of the 7% calculation.

(b) The plan shall be prepared by a person familiar with the principles of landscape design and locally adapted plant materials.

(c) A plan drawn to a readable scale.

(d) A plant list and the locations of the plants for the required landscape area.

(e) Identification of existing trees and vegetation cover to be preserved. Significant existing trees shall be preserved if practical.

(f) Identification of grass, flowers and other ground cover.

(g) Identification of a landscape maintenance program, including a statement that all diseased, damaged or dead materials shall be replaced, in accordance with the standards of this Section.

(h) Irrigation plan information ï The plan shall indicate if the site will be irrigated.

(3) Review of Landscape Plan by Planning Commission. The Planning Commission, upon receipt of a written report and recommendation from the Zoning Administrator, shall review said landscape plan relative to:

(a) The spacing, placement and location of plant materials relative to the length, width and general configuration of the required landscape elements so as to insure that the intended landscaping effect will be achieved.

(b) The choice and selection of plant materials so as to insure that the root system will not interfere with public utilities and that fruit and other debris will not constitute a nuisance within the public right-of-way or to abutting property owners. (NOTE: Minor substitutions of plant material may be allowed in instances where the original selections are not available. Significant changes will require resubmission of the plan to the Planning Commission.)

(c) The proposed relationship between deciduous and evergreen plant materials so as to insure that the intended landscaping effect, including maximum obscuring effect where appropriate, will be maintained throughout the various seasonal periods.

(d) The size of plant materials (both starting and mature) to insure adequate maturity and optimum screening and/or shading effect of proposed plant materials.

(4) Landscape Design Standards.

(a) Quality: All plant material and grasses shall be of generally acceptable varieties and species, free of harmful insects, diseases and perennial weeds.

(b) Composition: A mixture of plant materials, such as evergreen trees, deciduous trees, shrubs and flowers, is recommended.

(5) Maintenance of Landscaping. All landscaped areas shall be maintained with a clean, neat and orderly appearance. All dead plants must be replaced with live plants.

(Ordinance No, 2005-04, 10-04-2005)

5.154. Traffic Impact Studies.

(1) Intent: City of Frankenmuth officials recognize that land use decisions can have a significant impact on traffic operations and safety. Therefore, the City requires traffic impact studies in certain cases to identify the anticipated traffic impacts to assist in decision making. An intent of this section is to provide specific direction for the preparation of traffic impact studies where such studies are required by this Chapter. The requirements of this section are also intended to help City officials determine the appropriateness of certain uses at proposed locations in terms of traffic impacts and the adequacy of proposed access design. Traffic impact studies may also be used by the applicant to justify additional access points.

(2) Applicability: A traffic impact study shall be required when a proposed development would be expected to generate over seventy-five (75) directional trips during the peak hour of the traffic generator or the peak hour on the adjacent streets, or over seven hundred fifty (750) trips in an average day. This requirement applies to new phases or changes to a development where a traffic study is more than two (2) years old and roadway conditions have changed significantly (volumes increasing more than 2 percent annually) or a change in use or expansion at an existing site. The cost of said traffic studies shall be borne by the developer.

(3) Submittal Procedures: The traffic impact study shall be submitted with the site plan or other submittal material. The applicant must discuss or meet with the Zoning Administrator or the Planning Commission to determine if a study is needed, what type of study is needed and specific items to be addressed. The City shall submit a copy of the traffic impact study to the applicable road agency (Michigan Department of Transportation, Saginaw County Road Commission or City of Frankenmuth Department of Public Works) to give them the opportunity to provide input prior to the City taking action on the request.

(4) Qualifications of Preparer: The person responsible for the preparation of the study shall have a degree or specific professional training in the preparation of traffic impact studies. The preparer shall have at least three (3) years of recent experience in the preparation of traffic impact studies, provide evidence of ongoing experience and familiarity with the Highway Capacity Manual and other traffic operation evaluation techniques, be an associate (or higher) member of one or more professional transportation-related organizations and be either a registered professional engineer (PE) or a planner with AICP (American Institute of Certified Planners) or PCP (Professional Community Planner) certification. Any study involving roadway or traffic signal design work shall be prepared by or under the supervision of a registered professional engineer (PE) with specific training in traffic engineering.

(5) Traffic Impact Study Contents: The extent of information to be provided depends upon the expected trip generation of the proposed project. The information provided in the traffic impact study shall be in accordance with the items below.

(a) Description of the site, surroundings and study area: Illustrations and a narrative should describe the characteristics of the site and adjacent roadway system (functional classification, lanes, speed limits, etc.). This description should include surrounding land uses, expected development in the vicinity which could influence

future traffic conditions, special site features and a description of any committed roadway improvements. The study should define and justify the study area selected for analysis.

(b) Description of the requested zoning or use. If the proposed development requires a rezoning, the traffic impact study shall describe potential permitted uses within the requested zoning district. When the request is for a specific use, factors which relate to traffic generation should be provided such as the number and types of dwelling units, the gross and usable floor area, the number of employees and shift change factors. Intended phasing or future expansion should also be noted.

(c) Description of existing peak-hour traffic volumes (and daily volumes if applicable) at intersections and on streets adjacent to the site. Existing level of service analysis shall be provided for intersections in the vicinity which are expected to experience an increase in traffic of at least five percent (5%) due to the proposed project. Existing traffic counts shall not be over two (2) years old from the date of report submittal.

(d) Roadway characteristics shall be described and illustrated, as appropriate. Features to be addressed include existing right-of-way, lane configurations, geometrics, signal timing, traffic control devices, posted speed limits, average running speeds, sight distance information, existing driveways and potential turning movement conflicts in the vicinity of the site.

(e) Projects must analyze background traffic, i.e., the expected increase in traffic volumes related to approved projects and historic annual percentage increases.

(f) Forecasted trip generation of the proposed use for the a.m. peak hour (if applicable), the p.m. peak hour and an average weekday are required. A weekend forecast may also be required for certain commercial uses. The forecasts shall be based on one standard deviation above the average rate outlined in the most recent edition of Trip Generation published by the Institute of Transportation Engineers (ITE). The applicant may use other commonly accepted sources of data or supplement the standard data with data from at least three (3) similar projects in Michigan. For rezoning requests, the study should contrast the traffic impacts of typical uses permitted in the requested zoning district with uses permitted in the current zoning district. The determination of typical uses shall be made by the Zoning Administrator. Any trip reduction for pass-by trips, transit, ridesharing, other modes, internal capture rates, etc., shall be based both on ITE findings and documented survey results acceptable to the City of Frankenmuth. The City may accept in whole or in part the trip reduction rates used. For projects intended to be developed in phases, the trip generation by phase shall be described.

(g) The projected traffic generated shall be distributed (in-bound versus out-bound, left turn versus right turn) onto the existing street network to project turning movements at site access points and nearby intersections where required. Project peak hour turning movement volumes shall be illustrated in the report. A description of the application of standard engineering procedures for determining the distribution should also be attached (trip distribution model, market studies, counts at existing driveways, etc.).

(h) Level of service or ñcapacityò analysis at the proposed access points shall be completed using the procedures outlined in the most recent edition of the Highway Capacity Manual published by the Transportation Research Board. For projects requiring a Traffic Impact Statement or Regional Traffic Analysis, before and after capacity analyses shall also be performed for all street intersections where the expected traffic generated by the proposed project will comprise at least five percent (5%) of the existing intersection capacity, and/or for roadway sections and intersections experiencing congestion or a relatively high crash rate, as determined by the community or applicable road agency. The City may require gap studies for unsignalized intersections where applicable.

(i) The report shall include a map and description of the location and design of proposed access (driveways or new street intersections).

(j) Mitigation/Alternatives: The study shall outline mitigation measures and demonstrate any changes to the level of service achieved by these measures. Any alternatives or suggested phasing of improvements should be described. The mitigation measures may include items such as roadway widening, need for bypass lanes or deceleration tapers/lanes, changes to signalization, use of access management techniques or a reduction in the proposed intensity of use. Documentation shall be provided from the applicable road agency regarding the proposed mitigation measures. The responsibility and timing of roadway improvements shall be described. Proposal improvements requiring applicable road agency approval (new signals, roadway improvements, etc.) require a submittal of correspondence from the applicable road agency outlining their agreement.

(6) Modification of Study Requirements: The requirement for a traffic impact study, or the study elements listed in Item 5 above, may be modified by the City Planning Commission. Reasons for the modification shall be documented by the applicant and may include the following factors:

(a) Roadway improvements are already scheduled which are expected to mitigate any impacts associated with the proposed project.

(b) The existing level of service is not expected to be significantly impacted by the proposed project due to specific conditions at the subject location.

(c) A similar traffic study was previously prepared for the site and is still considered applicable.

(7) Review of Traffic Impact Study: The City of Frankenmuth reserves the right to obtain a professional review of the traffic impact study, and the developer shall pay for the cost of the review if required.

(Ordinance No. 2005-03, 10-04-2005)

5.155. Retail Development Design Standards.

(1) All Retail Developments shall be designed in order, as near as practicable, to emulate small town centers, such that retail buildings will be located around a central public area, with landscaping, open space and other features encouraging walking rather than auto traffic.

(2) All Retail Developments shall, at a minimum, include the following:

(a) The buildings shall be designed in a way that will reduce the massive scale, uniformity and impersonal appearance and will provide visual interest consistent with the community's identity, character, and scale.

(b) If a building facade exceeds sixty (60) feet in length, it shall be broken down into smaller elements by jogging the wall in or out a minimum of four (4) feet for at least ten (10) feet in length, or by adding an element such as a porch, recessed entry, bay window, projecting trellis or similar substantial architectural feature at intervals so that no continuous wall plane is more than sixty (60) feet in length.

(c) The portion of the building within public view shall incorporate human scale elements such as windows, arcades, lower roof overhangs, awnings or architectural features.

(d) The roof design shall provide variations in roof lines and heights to add interest to each building. Parapet walls shall be architecturally treated to avoid a plain monotonous style.

(e) Entryways shall be designed to orient customers and add aesthetically pleasing character to buildings by providing inviting customer entrances that are protected from the weather. Each entrance shall be clearly defined and highly visible.

(f) Special design features such as towers, arcades, porticos, accent lighting, planter walls, seating areas, fountains and other architectural features that define circulation paths and outdoor spaces shall anchor pedestrian ways. Examples are outdoor plazas, patios, courtyards and window shopping areas.

(g) All site lighting shall be full cut-off fixtures and downward facing and no direct light shall bleed onto adjacent properties. The applicant must provide a lighting report which provides information on how site lighting will be accomplished to minimize impacts on adjacent properties and roadways.

(h) Mechanical equipment shall be screened to mitigate noise and views in all directions. If roof mounted, the screen shall be designed to conform architecturally to the design of the building either with varying roof planes or with parapet walls. A wood fence or similar treatment is not acceptable.

(Ordinance No. 2006-01, 04-04-2006)

5.156. Respect Existing Topography and Natural Vegetation.

(1) All development within 500 feet of an inland lake or stream, or which proposes to expose more than an acre of soil shall obtain a Soil Erosion and Sedimentation Control Permit before undertaking land clearing, top soil removal, tree cutting or development unless the activity is exempt under the Natural Resources and Environmental Protection Act, as it is with agricultural activities.

(2) All land development for which a Zoning Permit is required shall attempt to incorporate Low Impact Development solutions before employing more aggressive engineering solutions, including but not limited to the following:

(a) All development applications shall demonstrate respect for existing topography and utilize it to the advantage of the proposed development, without resorting to massive excavation and drastic alteration except where lot characteristics and the characteristics of abutting land make such limited topographic change unreasonable. Steep slopes should be avoided for alteration or new building construction to prevent soil erosion and unnecessary risk of new buildings cracking or slumping.

(b) Existing vegetation that is healthy and suitable for landscaping objectives and which would reduce soil erosion and sedimentation, should remain undisturbed as new development occurs to the extent that is reasonable under the circumstances.

(3) The Zoning Administrator shall determine whether the requirements of subsection (2) above have been met after consulting with the Soil Erosion and Sedimentation Control Official.

(Ordinance No. 2012-04, 11-13-2012)

5.157. Drainage. Improvements on all lots and parcels shall comply with regulations contained in the Cityôs Storm Water Management Plan which is described in Chapter 26 of Title II of the Frankenmuth City Code.

(Ordinance No. 2012-04, 11-13-2012)

5.158. Setbacks from Significant Natural Features.

(1) A building setback of at least 25 feet with the setback area planted with sod-forming vegetation or covered by retaining naturally occurring vegetation, including shrubs and trees, is encouraged to be maintained along all watercourses, drains, water bodies and wetlands.

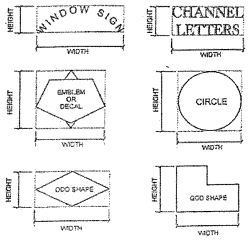
(2) The building setback standard in subsection 1 above is required to be maintained by any land use receiving Site Plan approval pursuant to Article 20. Vegetation within the buffer strip may not be clear cut, plowed or graded, except as part of an official drain cleaning project or an otherwise approved plan.

(Ordinance No. 2012-04, 11-13-2012)

ARTICLE 17. SIGNS

5.161. Purpose. The following regulations are herewith enacted to establish a reasonable uniformity in advertising or displaying through the medium of signs within each zoning district, compatible with the intent of this Chapter as applicable to said districts, taking into account the economic, moral, aesthetic and traffic factors that are reasonably consistent with the exercise of the police powers vested in this municipality. In so doing, to improve traffic control, visual compatibility, and economic growth; to promote the City's interest in enhancing property values and to further assure the attractive appearance of the City of Frankenmuth for the benefit of native citizen and visitor alike.

5.162. Definitions and Special Conditions.



(1) Sign. A sign is any outdoor object, device, display, or structure, or part thereof, which is used to advertise, identify, display, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination or projected images.

(2) Surface Area of Sign. That area per face measured within a single, continuous rectilinear perimeter composed of straight lines which enclose the extreme limits of the advertising message, together with any frame or other material or color forming an integral part of the display, message, drawing or similar device, or used to differentiate same from the background against which it is placed.

(3) Size of sign measurement. In the case of wall signs, roof signs and awnings, the size of the sign shall be measured on the visible face of the sign. In the case of projecting signs, free standing signs, banners, flags and other similar objects with two faces, the size of the sign shall be measured on one face of the sign.

(4) Banner. A piece of cloth, usually rectangular in shape, suspended between two vertical supports or hung between two horizontal supports, often bearing a symbol or slogan.

(5) Directory Sign. Professional nameplate, occupational sign or directory of multiple users of a building denoting only the name, suite number and/or business of the occupants.

(5.5) Electronic Message Center (EMC). A sign or portion of a sign, that displays an electronic image or video, which may or may not include text, including any sign or portion of a sign that uses changing lights or similar form of electronic display such as LED to form a sign message or messages with text and or images wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes. This definition includes without limitation television screens, plasma screens, digital screens, flat screens, LED displays, video boards, and holographic displays.

(6) Flag. A piece of cloth, usually rectangular in shape, hung from one support such as a pole or mast, generally used for identification or decoration, which is intended to be waved by the wind.

(7) Free-standing Sign. A sign not attached to a building and supported by its own foundation.

(8) ñFrontage of the buildingò shall mean the shortest distance between the opposite ends of the building frontage on the street address side of the building.

(9) Graphic Projecting Sign. A sign composed of a symbol or symbols which are commonly associated with and artistically portray the trade or profession operating within the building bearing such sign. Such signs and their supporting structures shall be made (following the historic and traditional middle European practice) out of metal or wrought iron, or wood-carved, and may be permitted exclusive of the sign size limitations applicable to the particular business as established under section 5.164, Permissible Size of Signs by Use District.

(10) Identification Sign. A sign located on the property which simply identifies the occupants, business or the building name, and nothing more.

(11) Non-Signs. The following exceptional displays shall not be considered as signs under this definition.

(a) Any display of official court or public office notices.

(b) The display of a municipal, state or national flag.

(c) Flags identifying a business or organization. The maximum size of these flags shall not exceed thirty five (35) square feet, and there shall be no more than one such flag per business location.

(d) Banners on privately owned light poles. Such banners may be decorative or they may contain the simple identity of the business or organization by name only. The maximum size of a non-sign banner shall not exceed twenty-four (24) square feet. A maximum of one banner per one hundred (100) feet of street frontage on the street address side of the property may be designated as non-signs. A minimum of one such banner will be allowed per property.

(e) Murals depicting the history of Frankenmuth painted upon the exterior surface of a building. The propriety of such murals shall be determined by the Historic Preservation District Commission regardless of the location of the mural either inside or outside the Historic Preservation District.

(f) Awnings which are completely devoid of any message or which merely carry the business name or identification upon the lower fringe of said awnings. If, however, the broad surface of the awning contains either a message or business identification thereon, it shall be considered a wall sign, unless such identification consists of no more than three initials.

(g) Posters or other message-bearing materials placed upon the inside surface of windows.

(h) The simple name or identification of a governmental unit or school when placed upon the street address side of such public building.

(i) Menu Boards having a combined total of no more than 100 square feet at approved drive through businesses. The menu boards must be located between the drive through lane and the building.

(j) Signs that are not legible from the street right-of-way or from an adjacent property.

(12) Private Directional Sign. A sign which provides information as to the location of driveways or certain facilities available for the convenience of business patrons as, for instance, "Parking," ñEnter,ò ñExitò, etc.

(13) Projecting Sign. A sign attached to a building or other structure and extending more than twelve (12) inches beyond the surface of that portion of the building or structure to which it is attached. Projecting signs shall be permitted, provided said signs otherwise comply with the requirements of this Chapter.

(14) Public Directional Sign. A sign which provides information as to the location of a school, church, community center, park, other public or institutional facility if approved by the Zoning Administrator.

(15) Roof Sign. A sign erected upon or which extends above the roof of the building to which it is attached.

(16) Temporary signs include a banner, pennant, poster or advertising display constructed of cloth, canvas, plastic sheet, cardboard, wall board or other like materials and air-filled or gas-filled balloon signs or signs lighter than air or filled by forced air which are intended to be displayed for a limited period of time.

(17) Wall Sign. A sign attached to or painted on the wall of any building, as long as such sign does not project more than twelve (12) inches from the building.

(18) Window Sign. A sign located on the outside of a window. Window signs are subject to the same size regulations that are applicable to wall signs.

(Ordinance No. 2016-07, 07-12-2016)

5.163. Rules Common To All Zones. (See **Sign Regulations Table 1** at the end of this Article).

(1) Historic Preservation District. Because the Historic Preservation District may encompass more than one zoning or use district, the following rules shall govern the display of signs therein, regardless of the zone classification involved.

(a) Permit. Upon receiving a request to erect a sign within the Historic Preservation District or a request to paint a wall mural within any district, the Zoning Administrator shall refer the application to the Historic Preservation District Commission for approval before he/she issues the applicant a permit. The applicant for such a permit, shall provide the Commission with specific information, including a sketch showing sizes, heights, colors, content, structural character, method and extent of illumination, and materials to be used in the completion of such sign, so as to enable the Commission to preserve and maintain architectural harmony between the signs and the buildings or structural improvements with which they are associated. The Historic Preservation District Commission shall be the final arbiter of the propriety of the size, location, design and appearance of signs within its jurisdiction.

(b) Variance. Any such applicant who seeks a variance or deviation from the sign regulations applicable to the zone or use district in which he is situated must appeal to the Historic Preservation District Commission for any such variance. A public hearing process is required before the Historic Preservation District Commission may grant a variance. Public notification of the public hearing shall be made in the same manner as that required for Zoning Board of Appeals variance hearings. Filing fees for variances shall be the same as that required for Zoning Board of Appeals variances.

(2) Supporting Structure Limitation. The area encompassing the supporting structure shall not be more than one hundred percent (100%) of the size of the sign that is being supported. Additional landscaping features or decorative features may be added to the supporting structure provided the size of those features does not exceed

one hundred percent (100%) of the size of the sign. The resulting total of the supporting structure and these other features cannot exceed two hundred percent (200%) of the size of the sign. This requirement is applicable to all districts.

(3) Public Institutions, Churches and Cemeteries. Signs erected in any use district by public institutions, churches and cemeteries shall not exceed thirty-two (32) square feet in area. No more than one free standing sign shall be allowed for these uses. The minimum combined allowable square footage of all signs shall be thirty-two (32) square feet. The maximum combined square footage of all signs shall not exceed the greater of the following options:

(a) one (1) square foot of signage per one (1) foot of property frontage on the street address side of the property, with a maximum of one hundred (100) square feet, or

(b) three (3) square feet of signage per one (1) foot of frontage of the building on the street address side of the building, with a maximum of one hundred (100) square feet.

(4) No sign shall be located upon or over a public sidewalk or public right-of-way; however graphic projecting signs as defined in Section 5.162 (9) may be allowed to project over public rights-of-way provided they have a minimum clearance of eight (8) feet above sidewalks and fifteen (15) feet above driveways and streets. All graphic projecting signs shall be subject to review by the Historic Preservation District Commission regardless of the location of the sign either inside or outside the Historic Preservation District. The maximum size of a graphic projecting sign shall not exceed fifteen (15) square feet.

(5) Any sign located on private property which projects over a sidewalk or driveway shall provide a minimum clearance of eight (8) feet above sidewalks and fifteen (15) feet above driveways.

(6) Wall signs are permitted in all use districts provided they comply with all other provisions in this Chapter.

(7) Properties with four hundred (400) or more feet of frontage on the street address side will be allowed to erect up to two (2) free standing signs provided the distance between the two signs is at least three hundred fifty (350) feet.

(8) Electronic Message Center (EMC) are allowable provided they comply with the following requirements:

(a) All such signs must be incorporated into a permanent sign, and messages may scroll or change content contingent upon the display changing at no less than three (3) second intervals. Flashing or full motion video or film display is prohibited.

(1) All illuminated signs shall be designed and located to prevent light from being cast upon adjoining residences. The illumination of any sign shall not be detrimental or annoying to surrounding property nor constitute a safety hazard, as determined by the Zoning Administrator and Chief of Police.

(b) No such sign shall be displayed in any residentially zoned district except that these signs may be displayed at schools, churches or government buildings located in residentially zoned districts.

(c) These signs shall not be permitted in the Historic Preservation District. Variances from this restriction shall not be allowed.

(d) Maximum size: One sign up to a maximum of thirty-two (32) square feet. An EMC sign may be a portion of a building or freestanding sign, or may comprise the entire sign area.

(e) Temporary Electronic Message Center (EMC) signs are prohibited.

(9) The maximum size of a public directional sign shall not exceed four (4) square feet.

(10) The maximum size of a private directional sign shall not exceed four (4) square feet per driveway. No more than two (2) private directional signs shall be allowed per driveway.

(11) Permanent Joint Signs Identifying Shopping Centers or Industrial Complexes. The maximum size and number of signs within shopping centers shall be regulated as follows (no other free standing signs shall be allowed for individual businesses located in these shopping centers):

(a) Neighborhood Centers. One hundred twenty-six (126) square feet per sign for identifying shopping complexes comprising four (4) acres or less - Maximum of two (2) signs permitted.

(b) Community Center. One hundred sixty-eight (168) square feet per sign for identifying complexes in excess of four (4) acres - Maximum of two (2) signs permitted.

(c) Industrial Complexes. One hundred sixty-eight (168) square feet per sign for industrial plants or complexes - Maximum of two (2) signs permitted.

(d) Each shopping center or industrial complex shall be permitted one sign for each street frontage, provided the combined sizes do not exceed the total square footage limits for signage set forth in sections (a), (b), (c) or (d) above.

(e) Each individual business located in a shopping center shall be allowed one or more wall and/or window signs, provided the combined square footage of the wall signs is no greater in size than fifteen percent (15%) of the square footage of the front wall on the street address side of that business.

(12) Permanent subdivision signs no greater than thirty two (32) square feet in size are permitted at each subdivision entrance, provided an individual, group of individuals or organization (such as a property ownersô association) maintains the signs in good condition.

(Ordinance No. 2016-07, 07-12-2016)

5.164. Permissible Size of Signs by Use District. The following regulations, by zone, are intended to include every zone in the City. (See **Sign Regulations Table 2** at the end of this Article).

(1) Residential and Flood Plain Districts (RE, RA-1, RA-2, RA-3, MHR, RCD, RCM, R-PUD and FP). One sign for each dwelling unit, not exceeding one (1) square foot in area, indicating name of occupant. In RCM districts, signs shall be limited to one identification sign not exceeding ten (10) square feet. (Exception: In RCM districts, signs serving multiple family housing developments with seventy five (75) or more units shall be limited to one (1) identification sign not exceeding thirty two (32) square feet in size. Signs in these districts shall be limited to eight (8) feet in height.

The size of signs for public buildings, churches and cemeteries in these Use Districts shall conform with Section 5.163(3) above.

(2) Office, Convenience, Commercial, and Local Business, and Vehicular Parking Districts (O, B-1 and B-2 and P-1).

(a) Free standing signs and projecting signs are permitted in these districts. No more than one free-standing sign shall be allowed per premise with the following exception: Businesses with double street frontage and those located on corner lots will be allowed two free-standing signs provided the combined square footage of the two signs does not exceed forty two (42) square feet.

(b) No individual sign shall exceed forty-two (42) square feet in size.

(c) The minimum combined allowable square footage of all signs shall be forty-two (42) square feet. The maximum combined square footage of all signs shall not exceed the greater of the following options:

(i) one (1) square foot of signage per one (1) foot of property frontage on the street address side of the property, or

(ii) three (3) square feet of signage per one (1) foot of frontage of the building on the street address side of the building.

(d) No sign shall project above the maximum height limitation for these districts. Free-standing signs in these districts shall be limited to twenty (20) feet in height except that free-standing signs in Office Districts shall be limited to ten (10) feet in height.

(e) Each individual business located in a building with two or more businesses shall be allowed one or more wall and/or window signs, provided the combined square footage of the wall signs is no greater in size than fifteen percent (15%) of the square footage of the front wall on the street address side of that business.

(3) Highway Commercial, Commercial Local PUD, Commercial Tourist PUD and Special Use Districts (B-3, CL-PUD, CT-PUD and SU).

(a) New and used car lots shall be permitted one (1) free-standing sign or projecting sign, which may be placed no higher than twenty (20) feet above ground. An additional free-standing sign or projecting sign may be erected by car dealers to accommodate adjacent used car lots and/or accessory businesses related to said dealership. This additional sign shall be limited to twenty (20) feet in height.

(b) All other businesses located in this district may erect one free-standing or projecting identification sign per establishment which shall not exceed twenty (20) feet in height above ground level, nor shall any building-mounted sign exceed the height limitation for this district. No more than one free-standing sign shall be allowed per premise with the following exception: Businesses with double street frontage and those located on corner lots, will be allowed two free-standing signs provided the combined square footage of the two signs does not exceed eighty-four (84) square feet.

(c) No individual sign shall exceed eighty-four (84) square feet in size.

(d) The minimum combined allowable square footage of all signs shall be eighty-four (84) square feet. The maximum combined square footage of all signs shall not exceed-the greater of the following options:

(i) one and one quarter (1.25) square foot of signage per one (1) foot of property frontage on the street address side of the property, or

(ii) three and three quarters (3.75) square feet of signage per one (1) foot of frontage of the building on the street address side of the building.

(e) Each individual business located in a building with two or more businesses shall be allowed one or more wall and/or window signs, provided the combined square footage of the wall signs is no greater in size than fifteen percent (15%) of the square footage of the front wall on the street address side of that business.

(4) Industrial, Industrial Special PUD and Industrial PUD Districts (I, I-S-PUD and I-PUD). Signs erected in industrial districts shall conform to the following regulations:

(a) Each industrial or manufacturing establishment may erect one free-standing or projecting identification sign per establishment which shall not exceed twenty (20) feet in height above ground level, nor shall any building-mounted sign exceed the height limitation for this district. No more than one free-standing sign shall be allowed per premise with the following exception: Businesses with double street frontage and those located on corner lots, will be allowed two free-standing signs provided the combined square footage of the two signs does not exceed eighty-four (84) square feet.

(b) No individual sign shall exceed eighty-four (84) square feet in size.

(c) The minimum combined allowable square footage of all signs shall be eighty-four (84) square feet. The maximum combined square footage of all signs shall not exceed-the greater of the following options:

(i) one and one quarter (1.25) square foot of signage per one (1) foot of property frontage on the street address side of the property, or

(ii) three and three quarters (3.75) square feet of signage per one (1) foot of frontage of the building on the street address side of the building.

(d) Each individual business located in a building with two or more businesses shall be allowed one or more wall and/or window signs, provided the combined square footage of the wall signs is no greater in size than fifteen percent (15%) of the square footage of the front wall on the street address side of that business.

(e) Tower displays. Industries making functional use of high tower-like structures, such as feed mills, granaries, etc., or those using water towers, may display trademarks or appropriate industrial symbols on the surface of such towers. These trademarks or symbols shall not be illuminated. Any such company trademark or symbol placed more than eighty (80) feet from the ground need not be included in calculating sign area eligibility within the limitations established elsewhere herein.

(5) Agriculture District (A). Signs upon property zoned "agriculture" within the City limits shall conform to those herein permitted and controlled as to size within a residential district. These shall be identification signs only.

5.165. Illumination. Light used to illuminate any sign within the City shall be so shaded, shielded or directed as to assure that the amount of light exposed to any public street or adjacent property does not exceed two hundred twenty five (225) lumens and shall not be flashing, blinking, intermittent, or an on-and-off type of lighting. Illumination shall be arranged so that light is deflected away from adjacent properties so that no direct sources of light shall be visible to any motorist or pedestrian located in a public right-of-way or from any adjacent or nearby property. Any external lighting of signs shall be downward facing or otherwise directed to illuminate only the sign.

5.166. Temporary Signs. The following rules shall govern the display of certain specific temporary signs (See **Sign Regulations Table 3** at the end of this Article):

(1) Illumination of temporary signs in residential districts is prohibited.

(2) Construction signs which identify the architects, engineers, contractors and other individuals or firms involved with the construction, but not including any advertisement of any product, and signs announcing the character of the building enterprise or the purpose for which the building is intended, during the construction period, to a maximum area of sixty-four (64) square feet for each such sign. This sign shall be confined to the site of the construction and shall be removed upon expiration of the building permit or the occupancy of the intended use of the project, whichever occurs first. The combined square footage of all construction signs shall not exceed one (1) square foot of signage per one (1) foot of property frontage on the street address side of the building or three (3) square feet per one (1) foot of frontage of the building on the street address side with a minimum of thirty-two (32) square feet.

Construction signs in residential districts shall be restricted to a maximum of two signs per lot not exceeding six (6) square feet per sign with a maximum height of four (4) feet per sign. The maximum height of all other construction signs shall not exceed fourteen (14) feet.

(3) Real estate signs advertising the sale, rental, or lease of the premises on which the signs are displayed, up to a total area of twelve (12) square feet; however, said signs, when displayed in residential districts, shall not exceed six (6) square feet. Such signs shall be removed within ten (10) days of the sale, rental or lease of the premises. One real estate sign shall be allowed per premise with a maximum height of four (4) feet per sign in residential districts and a maximum height of eight (8) feet per sign in all other districts.

(4) Temporary real estate open house signs, provided that there shall be no more than two (2) such signs placed off-premises; the size of each sign shall be a maximum of six (6) square feet in size and three (3) feet in height above grade; signs shall not be affixed to other signs, utility poles, fire hydrants or trees; the signs will be allowed to be in place up to forty eight (48) hours prior to the opening of the open house; the signs shall be removed within one hour following the closing of the open house.

(5) Street banners advertising a public entertainment or event, if specifically approved by the City Council, and only for locations designated by the City Council during and for fourteen (14) days before and seven (7) days after the event.

(6) Promotional and/or directional signs installed by local service clubs and organizations for the purpose of advertising an event which is charitable in nature. Such signs shall not exceed twelve (12) square feet and must be specifically approved by the City Council, and only for locations designated by the City Council during and for five (5) days before and one (1) day after the event.

(7) Temporary portable business advertising signs. Temporary portable business advertising signs are defined to include signs that advertise a particular business or indicate that a business is open. One temporary portable business advertising sign, not to exceed thirty-two (32) square feet, with a maximum height of eight (8) feet may be allowed for up to twenty-five (25) days per calendar year, in any commercial, office, or industrial use district, provided it complies with the following requirements:

i) A sign permit must be obtained for all temporary advertising signs regardless of the length of time they will be displayed.
ii) Applications for temporary advertising sign permits in the Historical Preservation District must be approved by the Historical Preservation District Commission.
iii) Temporary advertising signs are prohibited from being displayed in any street right-of-way.
iv) Exception to restriction on length of time of display: Signs with the single word "open" or ñwelcomeò that do not exceed nine (9) square feet may be displayed at any business location in the City of Frankenmuth including the Historical Preservation District without a time limit or sign permit.

v) Exception to number of temporary signs: New and used car lots may have more than one temporary advertising sign on the premise during the same time period so long as the total square footage of the signs does not exceed thirty two (32) square feet per two hundred (200) feet of street frontage on the street address side of the business.
vi) Exception to maximum height of temporary advertising signs: The maximum allowable height of air-filled and gas-filled balloon signs and signs lighter than air is one hundred (100) feet. Balloon signs and lighter than air signs are prohibited in the Historic Preservation District.

(8) Temporary portable pedestrian advertising signs. Temporary portable pedestrian advertising signs are defined to include signs that advertise a particular business or indicate that a business is open. Temporary portable pedestrian advertising signs, not to exceed eight (8) square feet in size, may be allowed for up to three hundred sixty-five (365) days per calendar year, in any commercial, office or industrial use district, provided they comply with the following requirements:

i) For single tenant buildings: No more than one sign per business may be displayed.
ii) For multiple tenant buildings: No more than one sign per business and no more than one sign per thirty-five (35) feet of property frontage on Main Street may be displayed.
iii) The sign must be maintained in good condition and shall be removed each day prior to the close of business and stored indoors at any time the business is closed.
iv) The signôs display area shall not exceed two (2) sides with no one side exceeding eight (8) square feet.
v) The sign and its supporting structure shall not exceed twenty-four (24) inches in width and shall not exceed forty-eight (48) inches in height as measured from the ground.
vi) No advertising character, logo or symbol on the sign, including a letter or number, shall exceed five (5) inches in width and shall not exceed ten (10) inches in height.
vii) The sign must be constructed and secured so as to ensure the safety of pedestrians and all other adjacent properties.
viii) Construction materials of the signôs frame shall be of durable, weatherproof material and shall complement the materials used on the front façade of the building where the sign is located.
ix) The signôs frame and advertisement thereon shall be compatible with the color scheme on the front façade of the building where the sign is located.
x) A sign permit must be obtained for all temporary advertising signs regardless of the length of time they will be displayed.
xi) Applications for temporary advertising sign permits in the Historical Preservation District must be approved by the Historical Preservation District Commission.
xii) Illuminated temporary portable pedestrian advertising signs shall be prohibited in the Historic Preservation District.
xiii) Temporary advertising signs are prohibited from being displayed in any street right-of-way.

(9) Outdoor holiday displays, whether on public or private premises, shall be considered temporary displays and shall not be limited or restricted by the provisions of this Article.

(10) Garage sales. Signs posted to advertise garage sales shall be limited in size to three (3) square feet with a maximum height of four (4) feet and shall be erected no longer than three (3) days.

(11) Political campaign signs. Political campaign signs announcing referendum issues or candidates seeking public political office may be erected within any zoning district in the City provided they conform with the following limitations: Such signs shall not exceed a total of six (6) square feet per sign with a maximum height of four (4) feet; there shall be a maximum of two (2) signs per premises; these signs shall not be erected any sooner than thirty (30) days prior to the scheduled day of election for which they were made and must be removed within seven (7)

days thereafter; these signs may be erected without obtaining a sign permit; these signs may be erected within the Historical Preservation District.

(12) Institutional signs. Signs of a temporary nature may be erected for a maximum of twenty (20) days identifying or announcing a single celebration, project or endeavor for any public, charitable, educational or religious institution, located entirely within the premises of that institution, up to an area of thirty-two (32) square feet. If building-mounted, these signs shall not project above the roof line. If ground-mounted, the top shall be no more than eight (8) feet above ground level.

(13) Land development project signs. Signs pertaining to the sale, lease, rent or development of a subdivision, planned shopping center, industrial park or similar land parcel, are allowed for a period of one year. These signs shall be limited in number to one per project and shall be limited in size to an area of forty-two (42) square feet with a maximum height of eight (8) feet. Following the original one year period new permits may be requested in one year increments. These signs must be permanently removed when ninety percent (90%) of the development has been completed.

5.167. Nonconforming Signs. Any presently established sign that would be in violation under the terms of this Article shall be considered and called a nonconforming sign.

(1) A sign which becomes nonconforming hereunder, and which is more than fifty percent (50%) damaged or destroyed in value, shall be removed in its entirety, and no sign permit shall be issued for its replacement other than a sign which would be permitted under this Article.

(2) Lawfully established nonconforming signs may continue so long as they remain otherwise lawful, but may not be modified to advertise a different business or service than that which they had advertised at the time they became nonconforming.

5.168. Exceptions. The following types of signs are exempt from the provisions of section 5.164, Permissible Size of Signs by Use District, with the following qualifications and requirements:

(1) Directional.

(a) All traffic and temporary emergency signs as may be approved by the Chief of Police.

(b) Any other sign of a noncommercial nature and in the public interest erected by or upon the order of a public officer in the performance of his public duty.

(c) Memorial signs, plaques or signs identifying historical features, events, places or people, except where subject to the jurisdiction of the Historic Preservation District Commission.

(d) Nonadvertising directional signs or symbols pertaining to safety and movement on private property (such as "Entrance," "Caution," "Exit," "Slow," "No Trespassing," etc.), no one of which may exceed three (3) square feet in area. Overhead clearance signs shall be limited in size to twelve (12) square feet. Directional signs placed upon the surface of paved areas are exempt from said standard.

(e) If public signs should, in either size or number, conflict with other regulations governing use districts, and such deviation is challenged, the signing practice in question shall be resolved by the City Council.

(f) Private directional signs shall not be included in the eligible sign size ascribed to the various use districts established elsewhere in this Chapter.

(g) Tourist-oriented directional signs provided such signs are otherwise permitted by the Michigan Department of Transportation pursuant to MCL 247.401 through 247.405, as amended.

(2) Public Institutional and Churches. Permanent outside bulletin boards bearing information pertaining to activities of any such public institution or church shall not exceed thirty-two (32) square feet in area.

(3) Integral. Names of buildings, dates of erection, monumental citations, commemorative tablets, and the like, when carved in to masonry surface or made of bronze, aluminum or other permanent type construction and made an integral part of the structure.

(4) Directory signs shall not exceed two (2) square feet in area per business or occupant identified. Such signs may be wall mounted or free standing signs.

(5) Signs Inside a Building.

5.169. Prohibited Signs. The following signs or displays are prohibited:

(1) Signs which contain statements, words or pictures of an obscene, indecent or immoral character, such as will offend public morals or decency. The City Council shall review and determine the propriety of signs which provoke formal complaints hereunder.

(2) Signs which advertise an activity, business, product or service no longer conducted on the premises upon which the sign is located, or are being maintained in violation of a City Ordinance, shall be removed by the owner, agent, or person having the beneficial use of the building and/or land upon which the sign is located, within thirty (30) days after notification from either the City Manager or Zoning Administrator.

(3) Signs which use daylight fluorescent paint, or signs which have intermittent or varying color or lighting intensity, flashing arrows, or spectacular illuminating devices, including beacon lights.

(4) Any sign which moves or has any moving or animated parts, whether the movement is caused by any mechanical, electronic or electrical device or wind including swinging signs. Signs that are filled with air by mechanical, electrical or natural means (not including balloons outside the Historic Preservation District) are also prohibited.

(5) Any sign which by reason of its size, location, coloring, intensity, shape or manner of illumination constitutes a traffic hazard or a detriment to traffic safety by obstruction of visibility or creation of driver confusion of any traffic sign or control device on any public street.

(6) Signs which make use of words, phrases, symbols or characters in such a manner as to resemble standard traffic control signs and interfere with, mislead or confuse drivers of vehicles traveling upon any street, highway, driveway or parking area.

(7) No sign shall be erected or maintained at any location in such a manner as to obstruct free and clear vision at the intersection of any streets or other public ways; no free-standing sign shall be erected within thirty (30) feet of the intersection of any street right-of-way lines without prior approval of the Zoning Administrator after consultation with the City Manager and Chief of Police.

(8) Signs attached to trees or utility poles.

(9) Signs which advertise a business, product, service or goods, at a location other than that on which the sign is located.

(10) Free-standing signs in excess of the height limitation in the district in which they are located.

(11) Roof signs except those displayed on mansard style roofs. Signs on mansard style roofs shall not project above the top of the mansard roof.

(12) Vehicle signs. No sign or other advertising structure shall be painted on or be attached to a motor vehicle, trailer, or similar instrument used primarily for the display of such sign, including, but not limited to, a billboard truck. This section shall not prohibit the identification of a business or its products or services on its licensed vehicle(s) operated and parked in a manner appropriate to the normal course of business. However, such vehicle(s) shall not be placed primarily for advertising purposes, as determined by the Zoning Administrator.

(13) Temporary Electronic Message Center (EMC) signs.

(Ordinance No. 2016-07, 07-12-2016)

5.170. Structural Requirements. All signs shall comply with the pertinent requirements of the Building Code of this City and all other applicable provisions of this Code.

5.171. Permit.

(1) New Sign Construction. Prior to constructing a new building, other than a single family dwelling, upon the premises of which one may reasonably expect the immediate or subsequent placement of a sign or signs, or upon the installation of a new business in a presently erected structure, the nature, description and site location of all signs contemplated for use thereon shall be submitted to the Zoning Administrator at the time of the site plan review for approval prior to construction and/or erection of such sign or signs.

(2) Present Establishments. The owners of presently operating business establishments may not add a new sign or change the structure or size of an existing sign without a permit to do so from the Zoning Administrator, unless it be one specifically exempt herein.

(3) Any applicant for placement of a sign must provide the City sufficient graphic information so as to determine compliance with this Article. A sign permit shall be null and void if the work for which the permit was issued has not been completed within a period of six (6) months after the date of the permit.

(a) Replacement of copy for advertising messages and the maintenance of a sign by the same business without making structural or other physical changes to said sign do not require a permit; nor shall exempt signs require a permit.

(b) Permits for Temporary Signs. A sign permit must be obtained for all temporary signs as defined in Section 5.166 of this Code regardless of the length of time they will be displayed.

(c) Realtors. Licensed real estate brokers and salesmen shall not be required to apply for a permit to post "for rent," "for sale," and "sold" signs located on the affected property when said signs legally conform with the terms of this Article.

(4) Fees for Sign Permits. Fees for temporary and permanent sign permits shall be established by resolution of the City Council from time to time.

5.172. Removal of Signs.

(1) The Zoning Administrator may order the removal of any sign erected or maintained in violation of this Article. He/she shall give notice in writing by first class mail or hand delivery to the owner of such sign, or the owner of the building, structure or premises on which such sign is located, to either remove the sign or bring it into compliance. Owners of temporary signs shall be given three (3) days notice, and owners of permanent signs shall be given fifteen (15) days notice. Any sign located in any street right-of-way shall be subject to immediate removal with no prior written notice to the owner.

(2) Signs in any district which are allowed to deteriorate so as to reflect a shabby appearance shall, by Zoning Administrator order, be removed and replaced by the proprietor with proper substitute subject to the requirements of Section 5.171. Where signs indicating entrance to a subdivision may fall into disrepair after years of service due to the absence or indifference of the original proprietor thereof, the Zoning Administrator may order the destruction thereof if the property owners in said subdivision are unwilling to renovate or properly refurbish said sign. Prior to said destruction, the Zoning Administrator shall give notice in writing by first class mail or hand delivery to all property owners within three hundred (300) feet of the subdivision sign of the Cityôs intent to destroy the sign. If no response is received within thirty (30) days, the Zoning Administrator will proceed with the destruction or removal of the sign.

(3) The Zoning Administrator shall likewise be authorized to require an owner of a deteriorated wall mural to either improve the condition and appearance of said mural or order its obliteration at the ownerôs expense.

5.173. Failure to Comply with Notice. Failure to comply with the terms of this Article within a responsible time, but not less than seven (7) days, after receipt of notification from either the City Manager or Zoning Administrator, or after receiving written notice from the Zoning Board of Appeals, that the owner, lessee, or user of a sign is in violation thereof, shall constitute a municipal civil infraction violation subject to fine for each day that the owner, lessee, or user perpetrates the violation as provided by Section 5.223.

5.174. Appellate Remedy.

The Zoning Board of Appeals or, if in the Historic Preservation District, the Historic Preservation District Commission may, upon application from the property owner and in a public hearing thereon, modify the size of sign permitted, or modify any other limitation or prohibition imposed by this Article where, in their discretion, they conclude that an unnecessary hardship or practical difficulty would result by compliance with the requirements of this Article.

(Ordinance No. 2008-01, 06-03-2008)

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Sign Regulations Table 1 (2008) [Rev. 06/2009]
Permanent Signs - Common Rules

Zoning Dist.	Sign Type	Max. No. Free Stand.	Max. Area Per Sign (in sq. ft.)	Max. Area All Signs (in sq. ft.)	Bonus Provision	Additional Comments/Restrictions	Code Section References
Districts Where Permitted	Supporting Structure		100%/sign		Yes	200% of sign size if landscaping/decorative feature	5.162(2)
	Public Institutions, Churches & Cemeteries	1	32	100	Yes	1 s.f. per front ft. property - 100 s.f. or	5.163(3), 5.163(7)
						3 s.f. per front ft. building - 100 s.f. maximum	
	Graphic Projecting Signs		15			8 ft. above sidewalks & 15 ft. above driveways	5.162(9), 5.163(4)
	Projecting Signs					8 ft. above sidewalks & 15 ft. above driveways	5.163(5)
	Additional Free-standing Sign(s)				Yes	Properties in excess of 400 ft. frontage - 350 ft. apart	5.163(7)
(Rules	Public Directional Sign		4			Zoning Adm. approval required	5.162(14)
common to	Private Directional Sign		4			2 per driveway (i.e. Parking, Enter, Exit)	5.162(12), 5.163(10)
all zones)	Window Sign (applied on the exterior of)					Same as a wall sign, use those calculations	5.162(18)
	Institutional & Churches - Bulletin Board			32			5.168(2)
	Integral					Name of building, monumental, commemorative	5.168(3)
	Directory		2			Per business or occupant - wall mounted or free-stndg.	5.168(3)
	Tourist Oriented Signs - MDOT					Per MCL 247.401 - 247.405	5.168(1)(g)
	Permanent Joint Mall/Shopping Centers					One sign allowed per street frontage -	5.169(7)
	-Neighborhood Centers - Less than 4 acres	1	126			Each individual business within shall be allowed one	5.163(11)(a)
	-Community Centers - Excess of 4 acres	2	168			wall sign no greater in size than 15% of the sq. ft. of	5.163(11)(b)
	-Industrial Complexes	2	168			the front wall of that business.	5.163(11)©
					Yes	Free-standing signs - each street frontage.	5.163(11)(d), (e)
	LED		32			One color only, black background, text only, 3 sec.	5.163(8), 5.169(5)(B)
						No LED signs permitted in the HDC	5.163(8)©
	Permanent Subdivision Sign		32			1 free-standing sign @ each entrance	5.163(12)

Non-Signs	Murals					HDC approval required for content	5.162(11)(e)
	Awnings					Up to 3 initials/awning, otherwise calculate as sign	5.162(11)(f)
	Flags				Yes	1- 35 s.f., then calculate as sign, unless a Gov't flag	5.162(11)(b) & ©
	Banners				Yes	1- 24 s.f per 100 ft. frontage, then calculate as sign	5.162(11)(d)
	Inside of Windows					Signs/posters, etc. applied inside glass - not calculated	5.162(11)(g)

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Sign Regulations Table 2 (2017)
Permanent Signs By Zoning District

Zoning District	Sign Type	Max. No. Wall Signs	Max. No. Free Stand.	Max. Area Per Sign	Max. Area All Signs (in sq. ft.)	Max. Height	Min. Set-back	Allowable Illumination See 5.165	Bonus	Additional Comments/Restrictions	Code Section References
A, MHR, FP	Resident Name	1/du	0	1 s.f.	1 s.f.	8 ft.	25 ft.	Prohibited		Agricultural Zoning Signs - see section 5.164(5)	5.164(1), 5.164(5)
RE, RA-1,2,3	Resident Name	1/du	0	1 s.f.	1 s.f.	8 ft.	25 ft.	Prohibited			5.164(1)
RCD	Resident Name	1/du	0	1 s.f.	1 s.f.	8 ft.	25 ft.	Prohibited			5.164(1)
RCM	Rental Office/Complex Name		0	10 s.f.	10 s.f.	8 ft.		Controlled	Yes	RCM Over 75 units - 32 s.f., Over 400 ft. frtge. - 2 Signs	5.164(1), 5.163(7)
R-PUD	Public Institutions, Churches & Cemeteries		1	32 s.f.		8 ft.		Controlled	Yes		5.163(2), 5.163(6)
O	Office		1	42 sq.ft.		10 ft.		Controlled	Yes	Double Frontage Lots, Frontage Bonus	5.164(2)(a), (d),
B-1, B-2, P-1	All other		1	42 sq.ft.		20 ft.		Controlled	Yes	Double Frontage Lots, Frontage Bonus	5.163(7)
										1 s.f. per front ft. property on address side or	5.164(2)©
										3 s.f. per front ft. building on address side	
										Each individual business shall be allowed one	5.164(2)(e)
										wall sign no greater in size than 15% of the sq. ft. of	
										the front wall of that business - max. 42 s.f.	
B-3, B-4			1	84 sq. ft.		20 ft.		Controlled	Yes	Double Frontage Lots, Frontage Bonus	5.164(3)(a), ©
CL-PUD	Car Lots		2	84 sq. ft.		20 ft.		Controlled	Yes	Double Frontage Lots, Frontage Bonus	5.164(3)(b), ©
CT-PUD										1.25 s.f. per front ft. property on address side or	5.164(3)(d)
SU										3.75 s.f. per front ft. building on address side	
										Each individual business shall be allowed one	5.164(3)(e)
										wall sign no greater in size than 15% of the sq. ft. of	
										the front wall of that business - max. 84 s.f.	
I		1	1	84 s.f		20 ft.		Controlled	Yes	Double Frontage Lots, Frontage Bonus	5.164(4)(a), (b)
I-S-PUD	Towers (Trademarks)		1	84 s.f.				Prohibited		Tower Displays	5.164(4)(e)
I-PUD										1.25 s.f. per front ft. property on address side or	5.164(4)(c)
										3.75 s.f. per front ft. building on address side	
										Each individual business shall be allowed one	5.164(4)(d)
										wall sign no greater in size than 15% of the sq. ft. of	
										the front wall of that business - max. 84 s.f.	
										Towers more than 80 ft. are not calculated in signage	

Note: MU-PUD Zoning District [See Section 5.250.5(9) for sign regulations].

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Sign Regulations Table 3 (2017)
Temporary Signs

Zoning District	Temporary Sign Type	No. of Permitted Signs	Maximum Sign Size Per parcel (in square feet)	Bonus	Height (in feet)	Illumination Allowed	Council Approval	Display Restrictions	Code Section
A, MHR, FP,	Construction	2	6		4	No		Duration & removed upon occupancy	5.166(2)
R-PUD	Real Estate	1	6		4	No		Duration & removed within 10 days of sale	5.166(3)
RE, RA, RA-1,2 & 3,								2 Open House Signs - 6 s.f. - 48 hrs. prior to, 3 ft. tall	5.166(4)
RCD	Business Advertisement	n/a	n/a		n/a	n/a		n/a	
RCM	Portable Pedestrian Advert.	n/a	n/a		n/a	n/a		n/a	
	Outdoor Holiday					Yes			5.166(6)
	Garage Sale	1	3		4	No		3 Days Total	5.166(10)
	Political	2	6		4	No		30 Days prior to/7 days thereafter	5.166(11)
	Institutional	1	32		8	No		Up to 20 days	5.166(12)
	Land Development Project	1	42		8	No		Up to 1 year increment, renewable - until 90% developed	5.166(13)
	LED or fiberoptic							Prohibited	5.170(13)
	Flags or cloth hangings		9					"Open" or "Welcome"	5.166(7)(iv)
O	Construction	1	64	Yes	14	No		Duration & removed upon occupancy.	5.166(2)
B-1, B-2, P-1								1 s.f. per front ft. property - 100 s.f. or	
B-3								3 s.f. per front ft. building - 100 s.f. maximum	
I	Real Estate	1	12		8	No		Duration & removed within 10 days of sale	5.166(3)
SU								2 Open House Signs - 6 s.f. - 48 hrs. prior to, 3 ft. tall	5.166(4)
CL & CT-PUD	Business Advertisement	1	32	Yes	8	No		Up to 25 days in a calendar year, see listed regulations	5.166(7)
I & IS-PUD	Portable Pedestrian Advert.	1	8		4	No		See listed regulations	5.166(8)
	Outdoor Holiday					Yes		Temporary only	5.166(9)
	Garage Sale	1	3		4	No		3 Days Total	5.166(10)
	Political	2	6		4	No		30 Days prior to/7 days thereafter	5.166(11)
	Institutional	1	32		8	No		Up to 20 days	5.166(12)
	Land Development Project	1	42		8	No		Up to 1 year increment, renewable - until 90% developed	5.166(13)
	LED or fiberoptic							Prohibited	5.170(13)
	Flags or cloth hangings		9					"Open" or "Welcome"	5.166(7)(iv)
Other	Street Banners	3					Yes	Install - 14 days prior. Remove - 7 days after.	5.166(5)
	Promotional/Directional (Charitable)		12				Yes	Install - 5 days prior. Remove - 1 day after.	5.166(6)

Note: MU-PUD Zoning District [See Section 5.250.5(9) for sign regulations].
B-4 Zoning District [See Section 5.113 for Sign Regulations].

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ARTICLE 18. MISCELLANEOUS REGULATIONS

5.180. Bed and Breakfast Facilities.

(1) Definition. "Bed and breakfast facility" means any residential dwelling in which rooms are rented to paying guests on an overnight basis with not more than one (1) meal served daily, with the entire service to be included in one (1) stated price.

(2) Purpose. It is the intent of this section to provide regulations for the operation of bed and breakfast facilities. These regulations are intended to insure compatibility between bed and breakfast facilities and adjacent development.

(3) Requirements. Bed and breakfast facilities shall comply with the following requirements:

(a) Zoning Requirements. Bed and breakfast facilities may be permitted in all residential zoning districts and may also be permitted in legal, nonconforming residential structures (used solely for residential purposes) in all other zoning districts.

(b) Building Requirements. The structure in which the bed and breakfast operation is located must meet the following requirements:

(i) The building must meet the minimum size requirements for residential structures within that particular zone.

(ii) The building must have a minimum of two (2) exits.

(iii) Each bedroom used for the bed and breakfast operation should have a minimum of one hundred (100) square feet for two (2) occupants and a minimum of one hundred sixty (160) square feet for a family of two (2) adults and two (2) children.

(iv) Each bedroom must be equipped with a smoke detector.

(v) Each bedroom must be located in the principal structure on the property. No bed and breakfast bedrooms are allowed in outbuildings.

(vi) External changes or modifications for the purpose of accommodating the bed and breakfast operation are prohibited.

(vii) Bed and breakfast bedrooms shall not be located in basements or other below ground areas which do not meet the light and ventilation requirements of section 6.11 of the Frankenmuth City Code.

(viii) The maximum total floor area of a bed and breakfast facility that may be dedicated to the bed and breakfast operation shall not exceed twenty-five (25) percent of the total floor area.

(ix) Guests at bed and breakfast facilities must have access to indoor restroom facilities in the building.

(c) Off-Street Parking Requirements.

(i) It shall be illegal for guests at bed and breakfast facilities to park their vehicles on the street overnight.

Vehicles also may not be parked in such a manner that they block pedestrian usage of City sidewalks; they may not be parked in the area between the sidewalk and curb; and they may not be parked on the lawn area of the property.

(ii) Off-street parking areas for guests must be provided on the property of the bed and breakfast facility. The number of required parking spaces will be one (1) space for each bed and breakfast bedroom plus the basic number of spaces required by section 5.146 of this Code.

(iii) All off-street parking areas shall be paved with a hard surface. An off-street parking plan shall be submitted as part of the application for approval of a bed and breakfast facility.

(Note: This requirement is not intended to encourage applicants to place hard surface parking areas over what would normally be considered lawn or yard areas. Rather, in the case of single-family dwellings, it is intended to require the driveway on the property to be hard surfaced.)

(iv) There shall be no offensive illumination of the parking area.

(d) Other Requirements.

(i) A maximum of four (4) bedrooms per dwelling unit may be used for bed and breakfast operations.

(ii) No more than two (2) adults and two (2) children may occupy a bed and breakfast bedroom at any one time.

(iii) Paying guests in bed and breakfast bedrooms are prohibited from conducting parties, receptions and other activities that might disturb the peace and solitude of the neighborhood.

(iv) The maximum length of stay in a bed and breakfast facility shall not exceed sixteen (16) consecutive days per visit.

(v) A single, non-illuminated, non-animated sign which identifies the bed and breakfast facility of not more than one (1) square foot in area may be erected on the front wall of the building. Free standing signs are prohibited. If the property is located in the City's Historic Preservation District, the sign permit request must be approved by the Historic Preservation District Commission.

(vi) The bed and breakfast facility must be the principal residence of the owner of the facility and the owner must reside on the premises.

(vii) A bed and breakfast facility may not have more than two (2) outside employees.

(viii) Each bed and breakfast facility must maintain a guest register.

(ix) Breakfast is the only meal that may be served as part of the bed and breakfast operation.

(x) Bed and breakfast facilities must comply with State of Michigan Health Department rules and requirements regarding food service.

(xi) Bed and breakfast bedrooms shall not contain cooking facilities, and the house kitchen shall not be enlarged for the purpose of accommodating the bed and breakfast operation.

(4) Authorization.

(a) Requests for operation of bed and breakfast facilities shall be submitted in writing to the City Planning Commission. The Planning Commission will conduct a public hearing on the request following written notification to all properties within three hundred (300) feet of the applicant's property.

(b) If the Planning Commission approves the request, a written permit valid for one (1) year shall be issued to the applicant. The applicant will be required to request approval of a new permit at least thirty (30) days prior to the expiration of the old permit. In those cases where no complaints have been registered with the City of Frankenmuth, a new permit will be approved by the Zoning Administrator. If two (2) or more complaints have been registered with the City of Frankenmuth, and those complaints are from at least two (2) different residents, a new permit request must be submitted to the Planning Commission which will conduct a public hearing on the request after written notice to all properties within three hundred (300) feet of the applicant's property.

(c) The bed and breakfast facility permit will automatically become null and void upon sale or transfer of the property.

(d) A complete floor plan of the dwelling unit and an off-street parking plan shall be submitted with the initial request for operation of a bed and breakfast facility.

(e) The City Council shall determine by resolution from time to time, Bed & Breakfast application and annual renewal fees.

(5) Limit on Ultimate Number of Bed and Breakfast Facilities. During the first twelve (12) months following adoption of Ordinance 86-3, a total of ten (10) bed and breakfast facility permits may be permitted. Subsequently, five (5) additional bed and breakfast facility permits may be added annually until a total of fifty (50) permits are available. The ultimate number of bed and breakfast facility permits shall not exceed fifty (50) permits.

(Ordinance No. 1986-3, 02-14-1986; Ordinance No. 1999-04, 05-04-1999; Ordinance No. 2000-03; 07-05-2000; Ordinance No. 2004-06, 06-01-2004)

5.181. Vacation Homes.

(1) Definition.

(a) "Vacation Home" means any dwelling unit (as defined in this Chapter) intended for permanent occupancy that is occupied for transient use by any person other than the primary owner for any form of compensation and for periods of less than thirty (30) days. Vacation homes do not include bed and breakfast facilities permitted and operated in accordance with this Chapter. Vacation home rental shall be for a period of at least twenty-four (24) consecutive hours.

(b) ñDesignated Representativeò means a person authorized as an agent of the owner who is authorized by the owner to take remedial action and respond to any violation of the City Code.

(2) Purpose. It is the intent of this Section to provide regulations for the permitting and operation of vacation homes. These regulations are intended to insure compatibility between vacation homes and adjacent developments.

(3) Requirements. Vacation homes shall comply with the following requirements:

(a) Zoning Requirements. Vacation homes may be permitted in all duplex (RCD) and multi-family (RCM) residential districts or in legal, nonconforming residential structures (used solely for residential purposes) located

in an office (O), commercial (MU-PUD, B-2, B-3, CL-PUD) or industrial (I) zoning districts. No such uses shall be permitted in any other districts.

(b) Building Requirements. The structure in which the vacation home operation is located must meet the following requirements:

(i) The building must meet the minimum size requirements for residential structures within that particular zone.

(ii) Each bedroom used for the vacation home operation should have a minimum of one hundred (100) square feet for two (2) occupants and a minimum of one hundred sixty (160) square feet for a family of two (2) adults and two (2) children.

(iii) Each dwelling unit must comply with the latest Michigan Residential Code edition concerning the requirements for smoke and carbon monoxide detectors.

(c) Off-Street Parking Requirements.

(i) It shall be illegal for guests at vacation homes to park their vehicles on the street overnight. Vehicles also may not be parked in such a manner that they block pedestrian usage of City sidewalks; they may not be parked in the area between the sidewalk and curb; and they may not be parked on the lawn area of the property.

(ii) Off-street parking areas for guests must be provided on the property of the vacation home. The number of required parking spaces will be two (2) spaces for each dwelling unit (including those in the garage area) and one for each guest room commencing with the third bedroom.

(iii) All off-street parking areas shall be paved with a hard surface. An off-street parking plan shall be submitted as part of the application for approval of a vacation home. This requirement is not intended to encourage applicants to place hard surface parking areas over what would normally be considered lawn or yard areas. Rather, in the case of residential dwellings, it is intended to require the driveway on the property to be hard surfaced.

(iv) There shall be no offensive illumination of the parking area. Such lighting shall reflect away from all adjacent residential properties.

(d) Other Requirements.

(i) Applicants for vacation home rental permits must be submitted by the property owner(s). Each applicant shall be limited to one permit within the City limits.

(ii) Maximum Overnight Occupancy. Maximum overnight occupancy for vacation home rentals shall be up to two (2) persons per sleeping room or guestroom, plus two (2) additional persons per property, up to a maximum of twelve (12) persons, excluding children under three (3) years of age. For homes with a septic system, the maximum overnight occupancy for vacation homes shall be equal to the design load of the septic system. Vacation homes with larger overnight occupancies may only be allowed subject to the approval of the permit.

(iii) Maximum Number of Guests and Visitors. The maximum number of total guests and visitors allowed at any time in a single vacation home rental shall not exceed the maximum overnight occupancy plus six (6) additional persons per property, or eighteen (18) persons, whichever is less, excluding children under three (3) years of age. Vacation home rentals with larger numbers of guests and visitors may only be allowed subject to approval by the Planning Commission. Notwithstanding, maximum guest limits may be exceeded on the

following national holidays: New Yearôs Eve and New Yearôs Day, Easter, Memorial Day, 4th of July, Labor Day, Thanksgiving, Christmas Eve and Christmas, so long as the holiday event does not otherwise trigger the requirement for special approval by the Planning Commission.

(iv) Per Parcel Limit on Number of Residences or Structures. Only one (1) renter and his/her guests shall be allowed on-site at any given time as specified in Sub-section (iii) above. Second residences or accessory structures shall not be leased, subleased, rented or sub-rented separately from the main dwelling. Parcels containing multiple residences or habitable structures may only be used as vacation homes subject to the granting of special approval by the Planning Commission, except that two residences or structures may be used when the total number of guestrooms does not exceed five (5). Tents and RVs are not allowed as a part of a vacation home rental.

(v) Each bedroom must be located in the principal structure on the property. No bedrooms are allowed in outbuildings.

(vi) External changes or modifications for the purpose of accommodating the vacation home operation are prohibited.

(vii) Vacation home bedrooms shall not contain cooking facilities, and the house kitchen shall not be enlarged for the purpose of accommodating the vacation home operation.

(viii) Noise Limits. All activities associated with the vacation home rental shall comply with City Noise Control Regulations listed under Chapter 121 of the City Code.

(ix) Amplified Sound. Outdoor amplified sound shall not be allowed at any time associated with a vacation home rental unless specifically permitted by the City Council.

(x) Special Events. Special events, parties, weddings or other similar activities exceeding the maximum occupancy (indoors or outdoors) are not permitted at any time.

(xi) Pets. Pets shall be regulated under Chapter 124 of the City Code.

(xii) Trash and Recycling. Recycling and refuse shall be regulated per Chapter 21 of the City Code.

(xiii) Designated Representative. The applicant shall provide a current 24-hour working phone number of the property owner, property manager or other designated representative to all neighbors within a 100ôradius of the subject property boundaries, and on the application permit, and any change shall also be reported and noticed to neighbors within 24 hours. Said property owner or designated representative must be available during the rental period within a one-hour drive of the subject property.

(xiv) Posting of Standards. The owner shall post this Section of the City Code in a prominent place within the vacation home and include it as part of all rental agreements. All advertising handouts, flyers, or any other information provided for vacation home rentals shall conform to the approved occupancy limits and standards as stated on the vacation home rental permit. Advertising may only be conducted for properties operating under a valid permit. The name and phone number of the designated representative and the vacation home permit shall be posted in a conspicuous place near the entrance to the vacation home.

(xv) The applicant is responsible for reviewing and adhering to all Covenants, Conditions and Restrictions (or deed restrictions) in place. The City shall not be responsible for the applicantôs determinations as to compliance with such Covenants, Conditions and Restrictions and shall have no duty to enforce them.

(xvi) Paying guests in vacation home rentals are prohibited from conducting parties, receptions and other activities that might disturb the peace and solitude of the neighborhood. The applicant shall not permit any criminal activity or public nuisance to take place in the vacation home. If the applicant knows or suspects that any criminal activity or public nuisance is taking place, he/she shall immediately notify and cooperate with the police.

(xvii) A single, non-illuminated, non-animated sign which identifies the vacation home of not more than one (1) square foot in area may be erected on the front wall of the building. Free standing signs are prohibited. If the property is located in the City's Historic Preservation District, the sign permit request must be approved by the Historic Preservation District Commission.

(xviii) Each vacation home must maintain a guest register that includes name, address and contact information for all occupants of the home.

(4) Enforcement Process.

(a) Initial complaints on vacation home rentals shall be directed to the contact person identified in the Zoning Permit. If the issue reoccurs, the complaint will be addressed by the Cityôs Zoning Administrator who shall conduct an investigation to determine whether there was a violation of a Zoning Permit condition. The Zoning Administrator may accept neighbor documentation consisting of photos, sound recordings and video to support proof of a violation. If the Zoning Administrator verifies that a Zoning Permit condition violation has occurred, a Notice of Violation shall be issued and a penalty may be imposed in accordance with this Section.

(b) At the discretion of the Zoning Administrator, the Zoning Permit may be scheduled for a revocation hearing with the Planning Commission. If the permit is revoked, a Zoning Permit for a vacation home rental may not be reapplied for or issued for a period of at least one (1) year.

(5) Authorization.

(a) Requests for operation of a vacation home shall be submitted in writing to the Zoning Administrator on an application form approved for such use. The Zoning Administrator shall review compliance with this Section and may issue a conditional permit based on the applicant meeting all of the regulations listed herein. Should the permit be denied, the applicant may file an appeal with the Planning Commission which shall conduct a public hearing in the manner prescribed below in (b).

(b) If the Zoning Administrator or Planning Commission approves the request, a conditional permit valid for one (1) year shall be issued to the applicant. The applicant will be required to request approval of a new permit at least thirty (30) days prior to the expiration of the old permit. In those cases where no complaints have been registered with the City of Frankenmuth, a new permit will be approved by the Zoning Administrator. If two (2) or more complaints have been registered with the City of Frankenmuth, and those complaints are from at least two (2) different residents, a new permit request must be submitted to the Planning Commission which will conduct a public hearing on the request after written notice to all property owners within three hundred (300) feet of the applicant's property to determine whether such permit renewal will be granted. Should two (2) or more complaints be filed from at least two (2) different residents while the permit is listed as a conditional permit, the Zoning Administrator shall submit such complaints to the Planning Commission who will determine whether a public hearing as prescribed above is necessary to either revoke or continue the conditional permit.

(c) The vacation home permit will automatically become null and void upon the sale or transfer of the property.

(d) A complete floor plan of the dwelling unit and an off-street parking plan shall be submitted with the initial application for operation of a vacation home.

(e) The City Council shall determine by resolution from time to time, the fee for vacation home applications and annual renewals.

(6) Limit on Ultimate Number of Vacation Homes. The ultimate number of vacation home permits shall not exceed ten (10) permits total within the City limits.

(Ordinance No. 2013-04, 11-12-2013)

5.182. [Section deleted.] (Ordinance No. 2006-10, 11-08-2006)

5.183. [Section deleted.] (Ordinance No. 1987-4, Sec. 1, 05-05-1987; Ordinance No. 1988-1, Sec. 3, 02-02-1988, Ordinance No. 2006-10, 11-08-2006)

5.184. Limitations on Issuance of Building Permits. The City of Frankenmuth has a population in 1987 of approximately four thousand (4,000) people. A close examination of the recently completed Master Plan indicates that this figure could rapidly triple within the next ten (10) years if permitted residential densities in undeveloped land along the peripheries of the City should materialize, if the anticipated use of the Planned Unit Development occurs too frequently, and if probable annexations take place in the imminent future.

The rather considerable input from citizens - some solicited, most volunteered - conforms to the conclusions also reached by the City Council, that the City of Frankenmuth would probably destroy its own best potential if it grew too rapidly. The main considerations prompting such a conclusion are:

(1) The fiscal ability (or inability) of the City to properly extend utilities, facilities, improvements to such expanded areas commensurate with rational municipal service costs;

(2) The obvious perversion or distortion of the environment heretofore successfully and historically developed over the past one hundred forty (140) years to the present desirable social and economic level;

(3) Assuring preservation of the green belt and rural environment so essential to the character of the combined community of township and city.

It is an obvious fact that village size and Bavarian-Franconian architectural features enhance the "dorf" or village image which attracts the continued interest of the tourist and increases the economic stability of the community. It follows also that the historical integrity which forms the basis of this City's attraction and reputation would also be less visible and authentic if a doubling or tripling of the population were permitted in too short a period.

Because of its heritage, as well as its unique crafts and services, Frankenmuth brings tourists into Eastern Michigan and Saginaw County.

Frankenmuth is a historical as well as a rural island surrounded by urban centers that are destined in time, and with lack of appropriate heed, to ultimately overtake, engulf and compromise the positive and desirable characteristics which so favorably distinguish this community from most others within its region and state.

Therefore, in the effort to preserve and maintain the quality of life so carefully nurtured by all of its citizens, as well as its community leaders and government officials, it is deemed necessary to herewith decree and ordain that from the date of enactment of this Chapter until such time as it may be amended or rescinded, the population of the

City of Frankenmuth shall be controlled by the administrative procedures afforded within this Chapter, as well as by other appropriate resolutions and regulations. Accordingly, the City Manager, (or his delegated representative) is herewith ordered to limit within any building year (which shall run from October 1 to the subsequent September 30):

(a) The granting of permits for the construction of single-family residences to no more than three per cent (3%) of the total number of living units (single-family, two-family, multiple-family, estate multiple-family) then existing within the City of Frankenmuth;

(b) The granting of permits for the construction of duplex or two-family units to no more than one per cent (1%) of the total number of living units (single-family, two-family, multiple-family, estate multiple-family) then existing within the City of Frankenmuth;

(c) The granting of permits for the construction of multiple-unit housing to no more than one per cent (1%) of the total number of living units (single-family, two-family, multiple-family, estate multiple-family) then existing within the City of Frankenmuth;

(d) The granting of permits for the construction of estate multiple-unit housing to no more than one per cent (1%) of the total number of living units (single-family, two-family, multiple-family, estate multiple-family) then existing within the City of Frankenmuth.

In calculating the above mentioned percentages, institutional or non-profit projects shall not be included therein. The privilege of building dwelling units within the percentages and terms of either paragraph (a), (b), (c) or (d) above presumes the presence of land so zoned to accommodate the aforementioned uses, but places no obligation upon the City to guarantee that land for said purposes shall be so available at any given time.

If the number of permits issued or applied for within a year shall exceed the aforestated annual percentages in any of the said use categories, such additional permits may be issued by the City Council, but only following a public hearing wherein the merits of granting such additional permits may be considered. If granted, the percentage, or number of permits, in excess of such annual quota shall be deducted from the quota that would be applicable upon the ensuing year. If building within either category shall fall short of the above-assigned percentages, the number of permits not used in a given year may be credited to and accordingly enlarge the permissible percentage for the following year. The prospective or retrospective compensating procedures above mentioned may not be applicable beyond a two-year period.

Whenever any property owner or builder shall apply for more than forty per cent (40%) of the eligible building permits available under categories (a), (b), (c) or (d) above, the permission for permits beyond the said forty percent (40%) shall be granted only following a public hearing and determination by the City Council.

Notice of such public meeting shall be published in a newspaper of local circulation at least ten (10) days before said hearing and shall be further served upon all interested persons by certified mail, including all commercial builders who may have been engaged in building within the City during the eighteen (18) months prior to publication.

In furtherance of the spirit of this section, the City will vigorously resist any attempt to rezone the multiple-family use any vacant enclaves within areas that are established by the Planning Commission as single-family areas, except where the developer can show:

(1) Exceptional amenities for the area to be redeveloped; and

(2) Insignificant adverse impact upon the neighboring areas.

(Ordinance No. 1987-4, Sec. 6, 05-05-1987)

5.185. [Section deleted.] (Ordinance No. 2006-10, 11-08-2006)

5.186. Recreational Vehicle Encampments. Definitions.

(1) Recreational vehicle means a transportation structure which is used for camping, temporary living or casual travel.

(2) Motor home means an automotive vehicle on a truck or bus chassis and equipped as a self-contained traveling home.

Recreational Motor Vehicle Parks for the temporary housing of motor homes or recreational vehicles shall be permitted as an accessory use in either Agricultural or Industrial Use Districts.

(1) Such parks shall be not less than ten (10) acres in total size, with a minimum of three-fourths (3/4) acre of said parcel to be devoted to park or recreation area. There shall also be included within said ten (10) acre parcel an adequately fenced dog run, at least one hundred fifty (150) feet in length.

(2) Approaches to entrance driveways shall afford lead-in lanes at least three hundred (300) feet in length adjacent to the traveled portion of the highway fronting upon said park. Entrance and/or exit driveways shall be a minimum of fifty (50) feet in width at the highway line, and a minimum of thirty-four (34) feet in width at the property line. Multiple drives into or exiting from such parks shall be one hundred (100) feet apart along the highway line. All "through" drives, parking areas and lodging pads shall be paved in accordance with the specifications required for hard surfaces in section 5.147(10).

(3) The operator of said park shall permit no conduct which constitutes a nuisance towards either patrons of the park or towards the occupants of property adjacent thereto. Such park shall be properly illuminated in compliance with standards established by the City Building Inspector; and all electrical installations shall be placed in an underground system.

(4) Said parks shall meet all requirements of city, county, or state health codes applicable to the facilities providing for the comfort and convenience of the patrons. Water disposal or discharge from the park must be connected with the city sanitary sewer system.

Effective refuse service bins or receptacles shall be strategically placed upon the grounds to assure against litter.

(5) Service building, community houses or club rooms erected for the needs and convenience of patrons shall be set back no closer than one hundred (100) feet from the front property line.

No retail sales outlets for merchandising off-road vehicle equipment or motor home units shall be permitted within such parks without first receiving special approval from the Zoning Board of Appeals. Facilities for the servicing of customers' mobile equipment upon the premises shall be limited to minor repairs only.

(6) Since recreational vehicle or motor home parks are designed merely for temporary or transient occupation, patrons or other users of said parks shall not occupy said premises longer than seven (7) consecutive days, except that individuals living temporarily therein who are associated with community-sponsored events may, following

special permission from the City Manager, justify an extension of such period, but in no event may visitors occupy such premises for longer than thirty (30) days.

(Ordinance No. 2016-07, 07-12-2016)

5.187. Earth Sheltered Structures.

(1) Definitions.

(a) "Earth sheltered" means habitable space designed in such a manner so as to take advantage of the insulating effect of the soil and not intended to serve as a substructure or a foundation for a building.

(b) "Berm" means the soil used to accomplish the insulating effect other than the soil contained in the natural topography of the building site.

(2) Earth sheltered structure requirements.

(a) Intent. It is the intent of this section to provide regulations for the construction of earth sheltered structures. These regulations are intended to insure compatibility between earth sheltered structures and adjacent development. Nothing in this section shall be intended to prohibit construction utilizing the natural topography of the existing ground, if such construction complies with all other codes and Ordinances of the City of Frankenmuth.

(b) Authorization. The City Building Inspector shall, by the issuance of a building permit, authorize the construction of earth sheltered structures when the regulations contained herein are complied with following approval of the site plan review by the City Planning Commission.

(c) General requirements. Earth sheltered structures shall comply with the following regulations:

1. An earth sheltered structure, and the property on which it is located, shall comply with the minimum lot area, the minimum floor area requirements and minimum lot width as contained within section 5.131 of the City Code.

2. The minimum setbacks for earth sheltered structures shall be measured from structural walls. Minimum setback requirements shall be as follows:

Front setback: Shall have the same minimum front setback for above grade portions of an earth sheltered structure as listed in section 5.131 of the City Code.

Side and rear setbacks: There shall be a minimum setback of ten (10) feet from the toe of a berm to the property line. The side and rear setbacks shall have the same minimum side and rear setbacks for above grade portions of an earth sheltered structure listed in section 5.131 of the City Code.

3. Earth sheltered structures shall comply with the provisions of the Uniform Building Code as adopted and amended by the City of Frankenmuth including, but not limited to roof, floor and wall loading, waterproofing, light, air and egress.

4. Buildings which are accessory to an earth sheltered structure, including but not limited to garages, shall be permitted at ground level when they comply with the provisions of section 5.144 of the City Code.

5. Accessible roof edges and retaining walls shall have guardrails or other suitable barriers not less than forty two inches (42") in height when there is a grade change greater than thirty inches (30") vertical. Guardrails or other suitable barriers shall not be more than six feet (6') from the roof edge.

6. The City Building Inspector shall review earth sheltered building plans to insure that the proposed structure can be connected to public utilities.

7. Finished building grades shall comply with the provisions of section 5.5(3) of the City Code.

(3) Site plan review of earth sheltered structures.

(a) Submission of plans. Earth sheltered structures are permitted in all zoning districts subject to the following requirements:

1. An application for a building permit shall include complete structural plans bearing the certification of a registered structural engineer that the load-bearing characteristics of all walls and roofs meet the City Building Code and are structurally sound. A grading plan of the lot or parcel where the structure is proposed shall be submitted with the application for a building permit.

2. Earth shelters shall not disturb the natural drainage of adjacent properties.

(b) Additional requirements to be met. All approved earth sheltered structures shall meet the requirements of the Frankenmuth City Code for number and location of fire exits, ventilation and air flow, and the provisions of the Building Code.

(c) Harmonious with adjoining properties. In order to maintain the character of established areas in the City, earth sheltered structures shall be permitted only if the City Planning Commission determines, after conducting a public hearing, that the construction of the earth sheltered structure is harmonious and is not likely to adversely affect the value of properties located within three hundred feet (300') of the proposed site. All property owners located within three hundred feet (300') of the proposed site shall have notice of the hearing, as set forth in Chapter 51 of the City Code. In determining whether the proposed earth sheltered structure is harmonious with neighboring properties, the following factors shall be considered:

1. Whether the scale and proportion of the proposed structure are visually and architecturally compatible with properties located within three hundred feet (300') of the building site.

2. Whether the height and bulk of the proposed structure are visually and architecturally compatible with neighboring properties located within three hundred feet (300') of the building site.

3. Whether the proposed structure is comparable as to quality of construction with neighboring properties located within three hundred feet (300') of the building.

5.188. Active and Passive Solar Energy Structures.

(1) Definitions.

(a) "Passive solar energy structure" means a structure which uses natural and architectural components to collect and store solar energy without using external mechanical energy.

(b) "Active solar energy structure" means a structure which utilizes mechanically-operated solar collectors to collect, transfer or store solar energy.

(c) "Solar collector" means a device or combination of devices, structures, or parts thereof, that collects, transfers or transforms direct solar, radiant energy into thermal, chemical or electrical energy, and that contributes significantly to a structure's energy supply. In addition to such functions, solar collectors may also serve as a part of a structure's roof, wall, window or other structural member.

(2) Active and passive solar energy structure requirements.

(a) Active and passive solar energy devices, systems or structures may be permitted in all zoning districts. The following standards shall be considered for all such proposed projects.

(b) Yards may be modified to permit solar collectors according to the following schedule, which indicates the minimum distance between the solar collector, regardless of type, and the property line.

Front yard -- Requires a 25-foot setback
Side yard -- Requires a 10-foot setback
Rear yard -- Requires a 15-foot setback

(c) Maximum height of structure: Solar collectors, such as flat plate collectors, photovoltaic cells, et cetera, which are roof-mounted or integrated otherwise into the roof structure shall be included in the calculation of maximum height. Concentrating or tracking solar collectors, when mounted on either free-standing elements or integrated architecturally with a principal or accessory building, shall not exceed the building height plus five (5) additional feet.

(d) Lot coverage: Solar collectors, regardless of type, when abutting the principal or any accessory structure, or free-standing, shall not be counted in the determination of maximum allowable lot coverage. Solar greenhouses and similar heat traps, while being habitable spaces integrated into the structure, shall be included in the calculation of lot coverage at one-third (1/3) of their actual square foot area provided that not more than twenty percent (20%) of their thermal mass, or transferring medium, is obscured from the radiant energy of the sun by other architectural elements. (Such obscuration being calculated at a solar declination of twenty-two degrees [22], due south.)

(e) Site plan review of solar energy structures.

1. Proposals for utilization of active solar energy devices shall be subject to the review and approval of the City Planning Commission.

2. Proposals for utilization of passive solar energy devices are not subject to the review and approval of the City Planning Commission. The City Building Inspector will make the final determination as to whether a proposed passive solar energy device meets the requirements of this section.

5.189. Wind Systems and Associated Structures.

(1) Definitions.

(a) "Small wind energy convertor", herein referred to as SWEC, means a device or an assemblage of devices which directly converts wind energy to usable thermal, mechanical, or electrical energy. A SWEC may include windmills or wind turbines, towers and supporting structures. Generator/alternators, AD/DC inverters, storage

batteries and associated control equipment may be included provided that they are directly connected to and necessary for the operation of the SWEC.

(b) "Wind scoop" means an architectural device extended vertically from a principal structure for the purpose of capturing winds and channeling such air movement for cooling or ventilating purposes.

(2) Requirements for wind systems and associated structures.

(a) Small wind energy convertors and wind scoops may only be permitted in Industrial Zoning Districts provided that:

1. The devices conform to the Zoning Ordinance standards as modified herein; and

2. Structural certification is provided to the City of Frankenmuth Building Inspector indicating that the proposed structural elements are capable of supporting the device and withstanding wind velocities of seventy (70) miles per hour, such determinations being required to assure the proper protection of adjacent buildings and structures.

(b) Yards may be modified to permit wind energy convertors and wind scoops according to the schedule in section 5.188(2)(b).

(c) Maximum height of structures. The maximum height of structures shall be modified to permit wind generators and wind scoops as follows:

(i) The maximum height for wind generators in Industrial Districts shall be 75 feet.

(ii) The maximum height for wind scoops in Industrial Districts shall be 35 feet.

(d) Ground clearance. The rotational elements of all wind generators shall maintain a twenty-foot (20') clearance.

(e) Lot coverage. Structures used to support wind generators or house the accessory equipment for same shall not be considered in the calculation of maximum lot coverage.

(f) No structure used to support a small wind energy converter or wind scoop shall be located closer to any adjacent lot line than a distance equal to the height of the device plus twenty-five feet (25').

(g) Site plan review for wind systems and associated structures. All proposals and site plans for utilization of wind generators shall be subject to the review and approval of the City Planning Commission.

5.190. Satellite Television And Communication Dishes.

(1) Definition.

(a) "Satellite Television and Communication Dish", herein referred to as STACD, is a device which receives and/or transmits television or other very high frequency or ultra high frequency signals directly from a satellite in earth orbit (usually a stationary orbit). Such device consists of a dish shaped receiver. It does not include ordinary television antennas used to receive over-the-air television or radio transmission.

(2) Satellite Television and Communication Dish Requirements.

(a) Satellite Television and Communication Dishes may be permitted in all zoning districts. The following standards shall be complied with on all such proposed projects:

(i) No STACD shall be more than forty (40) inches in diameter.

(ii) Yards may be modified to permit STACD's according to the following schedule, which indicates the minimum distance between the STACD and property line:

FRONT YARD - - STACD's are prohibited in front yards
SIDE YARD - - Requires an eight (8) foot setback
REAR YARD - - Requires an eight (8) foot setback

(b) Maximum height of ground-mounted structure. STACD's which are ground-mounted shall not exceed seven (7) feet in height.

(c) Maximum height of roof-mounted structure. STACD's which are roof-mounted or integrated otherwise into the roof structure shall not exceed 3 feet in height above the roof line on which they are mounted.

(d) Lot coverage. STACD's shall not be counted in the determination of maximum allowable lot coverage.

(e) STACD's shall be prohibited on that portion of the roof of any building which faces toward the street upon which the building faces.

(f) STACDôs shall be prohibited on any street-facing building elevation.

(g) No ground-mounted STACDôs shall be constructed without appropriate evergreen landscaping to reasonably conceal the STACD from view.

(h) STACD's shall be color coded to reasonably blend in with the surrounding structures and environment.

(i) Signs, symbols, messages, and pictures are prohibited from being displayed on the surfaces of all STACD's.

(Ordinance No. 1995-2, 05-02-1995; Ordinance No. 2005-01, 03-01-2005)

ARTICLE 19. GENERAL EXCEPTIONS

5.191. Area, Height and Use Exceptions. The regulations in this Chapter shall be subject to the following interpretations and exceptions:

(1) Essential Services. Essential services shall be permitted as authorized and regulated by law and other Ordinances of the City, it being the intention hereof to exempt such essential services from the application of this Chapter.

(2) Voting Place. The provisions of this Chapter shall not be so construed as to interfere with the temporary use of any property as a voting place in connection with a municipal or other public election.

(3) Height Limit. The height limitations of this Chapter shall not apply to farm buildings, chimneys, church spires, flag poles, public monuments, or wireless transmission towers, provided, however, that the Board of Appeal may

specify a height limit for any such structure when such structure requires authorization as a use permitted on special approval or under section 5.150.

(4) Lot Area. Any lot existing and of record at the time this Chapter became effective may be used for any principal use, other than uses permitted on special approval for which special lot area requirements are specified in this Chapter, permitted in the district in which such lot is located, whether or not such lot complies with the lot area requirements of this Chapter, provided that all requirements other than lot area prescribed in this Chapter are complied with, and provided that not more than one (1) dwelling unit shall occupy any lot except in conformance with the provisions of this Chapter for required lot area for each dwelling unit.

(5) Lots Adjoining Alleys. In calculating the area of a lot that adjoins an alley or lane, for the purpose of applying lot area requirements of this Chapter, one-half (1/2) the width of such alley abutting the lot shall be considered as part of such lot.

(6) Yard Regulations. When yard regulations cannot reasonably be complied with, as in the case of a planned development in the multi-family district, or where their application cannot be determined on lots existing and of record at the time this Chapter became effective, and on lots of peculiar shape, topography, or due to architectural or site arrangement, such regulations may be modified or determined by the Board of Appeals.

(7) Multiple Dwelling Side Yard. For the purpose of side yard regulations, a two-family, or a multiple dwelling shall be considered as one (1) building occupying one (1) lot.

(8) Porches within Residentially Zoned Districts.

(a) Front Yard Porches, Decks, Terraces. An open, unenclosed porch, deck or terrace may encroach into a required front yard for a distance not exceeding ten (10) feet.

(b) Rear Yard Decks, Terraces. An open deck or terrace may encroach into a required rear yard for a distance not exceeding ten (10) feet.

(9) Projections Into Yards. Architectural features, not including vertical projections, may extend or project into a required side yard not more than three (3) inches for each one (1) foot of width of such side yard, and may extend or project into a required front yard or rear yard not more than three (3) feet. Architectural features shall not include those details which are normally demountable.

(10) Fences/Obscuring Fence, Wall and/or Screen, and Hedge Requirements, Maintenance Requirements.

(a) Fences/Obscuring Fences/Walls/Screens. Fences, obscuring fences, walls and/or screens, not exceeding six (6) feet in height may occupy a required side or rear yard, unless otherwise specified herein. The six (6) feet in height limit specified above is to be measured from the natural lay of the land. The decorative side of the fence, obscuring fence, wall, or screen shall be located so that it is facing toward the adjacent properties. All other fences, obscuring fences, walls or screens not complying with these regulations must be approved by the Zoning Board of Appeals with the exception that obscuring fences, walls or screens are permitted to exceed fence height limitations in Office, Business and Industrial Zoning Districts if they are being used to screen mechanical, electrical and/or plumbing equipment that provide essential utility services to the building and have been reviewed and approved by the Zoning Administrator. A building permit is required for the installation of all fences, obscuring fences, walls and screens.

(b) Hedges. Hedges and planting(s) may occupy any required yard provided no hedge in excess of two (2) feet in height shall be maintained on the front, side or rear of any lot within thirty (30) feet of any two (2) intersecting lot lines at the intersection of two (2) streets.

(c) Required Maintenance. Any fence, obscuring fence, wall, screen, hedge or other dividing barrier required or installed in accordance with the provisions of this Chapter shall be maintained in a safe and attractive fashion at all times.

(11) Temporary Fences. Temporary fences are prohibited in all zoning districts; however, the following exceptions are permitted provided the height of the temporary fence does not exceed the maximum fence height specified for the respective zoning district:

(a) Temporary fences at permitted construction sites, as authorized by the Building Inspector.

(b) Snow fences and other temporary fences authorized by the City Manager to protect the public health, safety and general welfare.

(c) Other temporary fences located in the Historic Preservation District if approved by the Historic Preservation District Commission following a public hearing. An application fee shall be required. The amount of the fee shall be determined by City Council resolution.

(d) Other temporary fences located outside the Historic Preservation District if approved by the Zoning Board of Appeals following a public hearing. An application fee shall be required. The amount of the fee shall be determined by City Council resolution.

(12) Garden Structures/Maintenance. Garden structures (i.e. trellises) specifically designed for the purpose of supporting the growth of flowers or plants, and not intended to be used for fences, obscuring fences, walls or screens, are limited to no greater than eight (8) feet in width and eight (8) feet in height. Such garden structures are permitted only in side and rear yards. No more than three garden structures, separated by a minimum of ten (10) feet, are allowed per premises. Garden structures shall be maintained in a safe and attractive fashion at all times and are not subject to permit regulations located in this Chapter.

(Ordinance No. 1995-8, 10-03-1995; Ordinance No. 1997-09, 12-02-1997; Ordinance No. 2001-03, 02-06-2001; Ordinance No. 2011-06, 08-02-2011; Ordinance No. 2016-07, 07-12-2016)

ARTICLE 20. SITE PLAN REVIEW

5.201. Purpose. The City Council and the Planning Commission of the City of Frankenmuth find that commercial, institutional, office, industrial, utility, and other non-residential uses in the City of Frankenmuth have a substantial impact upon the character of the community, and upon traffic, utilities and property values therein, thereby affecting the public health, safety and general welfare thereof. Therefore, in order to foster the attractiveness of the community and to enhance and preserve its desirability as a place to live and to work, and thereby preserve property values, and in order to provide an efficient road and utility network, issue the movement of traffic, implement comprehensive planning and better serve the public health, safety and general welfare, it is hereby determined that plans for such uses shall be referred to the Planning Commission of the City of Frankenmuth in accordance with this Article.

5.202. Application. No building in the City of Frankenmuth shall be erected or moved, or externally alterated or added to or enlarged, and no building or land therein shall be used, and no building permit or certificate of

occupancy shall be issued, except in accordance with site and building plans that have been approved as provided by this Article; provided, however, that this section shall not apply to two-family residential (duplex) or single-family, detached residential structures or uses of noncommercial structures accessory thereto. The City Council shall determine by resolution the fee which shall be paid to the City General Fund at the time of request for a building permit which requires a site plan review.

(Ordinance No. 1987-9, 09-01-1987)

5.203. Reviewing Authority. The Zoning Administrator shall assist the Planning Commission by reviewing all applications for site plan review in accordance with the standards presented in this Article and make recommendations to the Planning Commission to approve or deny the site plan as presented. The Planning Commission is empowered to approve or deny requests for site plan approval.

(Ordinance No. 2000-03, 07-05-2000)

5.204. Procedure. The following procedures shall govern the submission and review of site and building plans:

(1) Submission. The developer shall submit to the Zoning Administrator site plans which may be preliminary or final plans. Such submission shall include:

(a) A site plan drawn to a readable scale showing the dimensions of the property to be used;

(b) The size, shape and location of existing and proposed buildings and structures;

(c) The location layout of parking areas, all parking spaces and driveways and all pedestrian, bike and trail pathways;

(d) A landscape plan including locations, sizes and names of proposed plantings and screenings;

(e) The location and elevations of existing and proposed grades, water features, as well as their applicable floodplain. Grading and drainage plans, drawn to scale, including design of storm sewers, outlets, and showing existing and proposed contours at not less than two-foot intervals, stormwater detention areas and retention ponds, and the piped stormwater drainage system. Plans shall also indicate direction of drainage flow. Sufficient data regarding site runoff estimates and off-site drainage patterns shall be provided to permit review of feasibility and permanence of drainage detention and/or retention as well as the impact on local surface and groundwater;

(f) A utility plan, drawn to scale, showing the location and size of existing and proposed public water mains, wells, and sanitary sewers and associated easement or location of existing and proposed private drinking water wells, on-site wastewater treatment and disposal systems. The location of existing and proposed monitoring wells, irrigation wells, test wells, or wells used for industrial processes shall also be depicted. The location of existing and proposed private utilities including natural gas, electricity, telephone, and cable television and associated easements shall also be shown on the plan;

(g) A map of the natural features of the site prior to development and a written description of the features to be retained, removed, or modified, and proposed measures to mitigate any negative impacts on the site and adjacent properties. Natural features to be addressed include, but are not limited to, wetlands, significant stands of trees or individual trees greater than 12 inches dbh, floodways, floodplains, water features, identified groundwater vulnerable areas, slopes greater than 20 percent, ravines, and wildlife habitats, vegetative cover types with potential to sustain significant, or endangered wildlife;

(h) The location and status of any floor drains in existing or proposed structures on the site. The point of discharge for all drains and pipes shall be specified on the site plan;

(i) A description and location for any existing or proposed above ground and below ground storage facilities;

(j) The delineation of areas on the site which are known or suspected to be contaminated, together with a report on the status of cleanup or closure;

(k) The description of the type of operations proposed for the project and drawings showing size, location, and description of any proposed interior or exterior areas for the storing, using, loading or unloading of hazardous substances, hazardous wastes, and/or polluting material;

(l) Proposed locations and types of fencing, signs and advertising features;

(m) Existing zoning of adjacent properties;

(n) Such other information as is necessary to enable the Zoning Administrator and the Planning Commission to determine whether the proposed site plan will conform to the provisions of this Article.

(2) Actions. The Planning Commission shall within thirty-five (35) calendar days of the receipt of any submission by the developer act to either approve or deny the request for site plan approval. If denied, the Planning Commission shall submit to the applicant in writing the reasons for the action.

(3) Appeal from the Planning Commission. If any person shall be aggrieved by the action of the Planning Commission, appeal in writing to the Zoning Board of Appeals may be taken within ten (10) days after the date of such action. The Zoning Board of Appeals shall fix and notify the appellant of a time and place for a public hearing to be published in a newspaper circulating in the City no more than eight (8) days prior to the hearing. All parties in interest shall be afforded an opportunity to be heard thereat. After such hearing, the Zoning Board of Appeals shall affirm or reverse the action of the Planning Commission, stating its findings and the reasons for its action, and a written copy of such findings, reasons, and action shall be given to the appellant.

(Ordinance No. 1996-4; 05-07-1996; Ordinance No. 2000-03, 07-05-2000; Ordinance No. 2012-04, 11-13-2012)

5.205. Site Plan Review Standards. The following standards shall be utilized by the Zoning Administrator and the Planning Commission in reviewing all site plans. These standards are intended to provide a frame of reference for the applicant in the development of site plans as well as a method of review for the reviewing authority. These standards shall not be regarded as inflexible requirements. They are not intended to discourage creativity, invention and innovation.

(1) Preservation of Landscape. The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, and any grade changes shall be in keeping with the general appearance of neighboring developed areas.

(2) Relations of Proposed Buildings to Environment. Proposed structures shall be related harmoniously to the terrain and to existing buildings in the vicinity that have a visual relationship to the proposed buildings. The achievement of such relationship may include the enclosure of space in conjunction with other existing buildings or other proposed buildings and their creation of focal points with respect to avenues of approach, terrain features or other buildings.

(3) Drives, Parking and Circulation. With respect to vehicular and pedestrian circulation, including walkways, interior drives and parking, special attention shall be given to location and number of access points to the public streets, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, and arrangement of parking areas that are safe and convenient and, insofar as practicable, do not detract from the design of proposed buildings and structures and the neighboring properties.

(4) Traffic Impact Study. A traffic impact study shall be required if the proposed development meets the threshold described in Section 5.154.

(5) Surface Water Drainage. Special attention shall be given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. If practical, storm water shall be removed from all roofs, canopies, and paved areas and carried away in an underground drainage system. Surface water in all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic, and will not create puddles in the paved areas.

(6) Utility Service. Electric and telephone distribution lines shall be underground. Any utility installations remaining above ground shall be located so as to have an harmonious relation to neighboring properties and the site. The proposed method of sanitary sewage disposal from all buildings shall be indicated. In any case, all utility installations shall be carried out in accordance with the Standard Rules and Regulations of current adoption of the Michigan Public Service Commission.

(7) Advertising Features. The size, location and lighting of all permanent signs and outdoor advertising structures and features shall be consistent with the requirements of Article 17.

(8) Special Features. Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings, and structures, and similar accessory areas and structures shall be subject to such setbacks, screen plantings or other screening methods as shall reasonably be required to prevent their being incongruous with the existing or contemplated environment and the surrounding properties.

(9) Additional Requirements. All other standards and requirements of this Chapter must be met by site plans presented for review under the provisions of this Article.

(10) Groundwater Protection.

(a) The project and related improvements shall be designed to protect the natural environment, including lakes, ponds, streams, wetlands, floodplains, groundwater and steep slopes. For facilities which use, store or generate hazardous substances in quantities in excess of State of Michigan thresholds for spill reporting, as defined in R 324.2002 and R 324.2009 of the Michigan Administrative Code, unless it is an exempt facility under R 324.2003, the following elements must be indicated on the site plan:

i. Location and size of interior and exterior areas and structures to be used for storage, use, loading/unloading, recycling, or disposal of hazardous substances.

ii. Location of all underground and above ground storage tanks for such uses as fuel storage, waste oil holding tanks, chemical storage, hazardous waste storage, collection of contaminated storm water or wash water, and all similar uses.

iii. Location of exterior drains, dry wells, catch basins, retention/detention areas, sumps and other facilities designed to collect, store or transport stormwater or wastewater. The point of discharge for all drains and pipes shall be specified on the site plan.

iv. Delineation of areas on the site which are known as suspected to be contaminated, together with a report on the status of site cleanup.

(b) Site plan review standards for facilities which use, store, or generate hazardous substances:

i. Sites at which hazardous substances are stored, used or generated shall be designed to prevent spills and discharges to the air, surface of the ground, groundwater, lakes, streams, rivers or wetlands.

ii. Secondary containment for above ground areas where hazardous substances are stored or used shall be provided. Secondary containment shall be sufficient to store the substance for the maximum anticipated period of time necessary for the recovery of any released substance.

iii. General purpose floor drains shall only be allowed if they are approved by the responsible agency for connection to a public sewer system, an on-site closed holding tank (not a septic system), or regulated through a State of Michigan groundwater discharge permit.

iv. State and federal agency requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of hazardous substances shall be met. No discharges shall be allowed without required permits and approvals.

(Ordinance No. 2000-03, 07-05-2000; Ordinance No. 2005-03, 10-04-2005; Ordinance No. 2012-04, 11-13-2012)

5.206. Miscellaneous. No site plan approval by the Planning Commission shall be valid for a period longer than two (2) years, unless a building permit for said project is obtained within such period and the project proceeds to completion in accordance with the terms of such permit.

All site plans approved prior to the date of this amendment which have not been completed shall be invalid two (2) years from the effective date of this amendment, unless a building permit is obtained within such period and the project proceeds to completion in accordance with the terms of such permit.

(Ordinance No. 1992-1, Sec. 1, 01-07-1992)

ARTICLE 21. ADMINISTRATION AND ENFORCEMENT

5.211. Enforcement. The provisions of this Chapter shall be administered and enforced by the Zoning Administrator, or by his/her duly appointed designee.

(Ordinance No. 2000-03, 07-05-2000)

5.212. Duties of Zoning Administrator. The Zoning Administrator shall have the power to grant zoning compliance and approve occupancy permits issued by the Building Inspector, to make inspections of buildings or premises necessary to carry out his/her duties in the enforcement of this Chapter. It shall be unlawful for the Zoning Administrator to approve any plans or issue any permits or certificates of occupancy for any excavation or construction until he/she has inspected such plans in detail and found them to conform with this Chapter.

The Zoning Administrator, and/or such other officers or departments as shall be designated by the City Council, shall record in duplicate, one copy of which shall be filed with the City Clerk, all nonconforming uses existing at the effective date of this Chapter for the purpose of carrying out the provisions of section 5.143.

The Zoning Administrator, under no circumstances, is permitted to make changes in this Chapter nor to vary the terms of this Chapter in carrying out his/her duties as Zoning Administrator.

The Zoning Administrator shall not refuse to issue a permit when conditions imposed by this Chapter are complied with by the applicant despite violations of contracts, such as covenants or private agreements which may occur upon the granting of said permit.

(Ordinance No. 2000-03, 07-05-2000)

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

(1) The actual shape, location and dimensions of the lot.

(2) The shape, size, and location of all buildings or other structures to be erected, altered or moved, and of any building or other structures already on the lot.

(3) The existing and intended use of the lot and of all such structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate.

(4) Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this Chapter are being observed.

(Ordinance No. 2000-03, 07-05-2000)

5.214. Permits. The following shall apply in the issuance of any permit:

(1) Permits Not to be Issued. No building permit shall be issued for the erection, alteration, or use of any building or structure or part thereof, or for the use of any land, which is not in accordance with all provisions of this Chapter.

(2) Permits for New Use of Land. No land heretofore vacant shall hereafter be used or an existing use of land be hereafter changed to a use of a different class or type unless a certificate of occupancy is first obtained for the new or different use.

(3) Permits for New Use of Building. No building or structure, or part thereof, shall be changed to or occupied by a use of a different class or type unless a building permit is first obtained for the new or different use.

(4) Permits Required. No building or structure, or part thereof, shall be hereafter erected, altered, moved, or repaired unless a building permit shall have been first issued for such work. The terms "altered" and "repaired" shall include any changes in structural parts, stairways, type of construction, type, class or kind of occupancy, light or ventilation, means of egress and ingress, or other changes affecting or regulated by the City Building Code, Housing Law of Michigan, or this Chapter, except for minor repairs or changes not involving any of the aforesaid features.

(5) Permits Issued to Owner. No building permit shall be issued except to the owner of record of the property whereon the erection, alteration or use is to be performed.

(6) Revocation of Permit. Upon issuance of a building permit, the erection, alteration or use allowed by such permit shall be commenced within fourteen (14) days thereof and shall proceed in a reasonably continuous manner until completion. If such erection, alteration or use does not proceed in a reasonably continuous manner, the City Council, or the Zoning Administrator authorized by the City Council, may at such time revoke said permit, at which time construction shall cease until a new permit has been issued.

(7) Granting of Permit. In consideration of the complexity of certain structures and uses and the additional fact that the Building Inspector in this community may not be a full-time City employee, it is further ordained that, in the interest of conducting a thorough inspection of projects, the Building Inspector or Zoning Administrator may withhold issuance of said permit for a period of thirty (30) days from application without being subject to censure or legal action.

(8) Permit Coordination. All land uses and construction activities shall conform with the provisions of this Chapter and all applicable local, county, state and federal regulations including, but not limited to those listed below. Prior to the issuance of a Building Permit, Zoning Permit, Special Use Permit, or other permit required under this Chapter, there shall be submitted to the Zoning Administrator the following approved permits in all cases where such permits are required, or applicable:

(a) Driveway permit including approved culverts, where necessary, as approved by the City D.P.W. Superintendent or the Michigan Department of Transportation, as applicable.
(b) Septic system permit approved by the County Health Department.
(c) Soil erosion and sedimentation control permit from the Soil Erosion and Sedimentation Control Official.
(d) Floodplain permit from the Michigan Department of Environmental Quality.
(e) Wetland permit from the Michigan Department of Environmental Quality.
(f) Erection of towers or communication equipment from the Federal Communications Commission.
(g) Erection of tall buildings or structures within an airport approach zone, from the Federal Aviation Authority.
(h) Other permits from local, county, state or federal authorities as pertinent such as transport, storage, use, and/or disposal of hazardous substances, waste or other materials.
(i) Building permit addressing requirements of the State Construction Code from the local Building Inspector.

(Ordinance No. 2000-03, 07-05-2000; Ordinance No. 2012-04, 11-13-2012)

5.215. Certificates. No land, building, or part thereof, shall be occupied by or for any use for which a building permit is required by this Chapter unless and until a certificate of occupancy shall have been issued for such new use. The following shall apply in the issuance of any certificate:

(1) Certificates Not to be Issued. No certificates of occupancy pursuant to the Building Code of the City of Frankenmuth shall be issued for any building, structure, or part thereof, or for the use of any land, which is not in accordance with all the provisions of this Chapter.

(2) Certificates Required. No building or structure, or part thereof, which is hereafter erected or altered, shall be occupied or used or the same caused to be done, unless and until a certificate of occupancy shall have been issued for each building or structure.

(3) Certificates Including Zoning. Certificates of occupancy as required by the Building Code for new buildings or structures, or parts thereof, or for alterations to or changes of use of existing buildings or structures, shall also constitute certificates of occupancy as required by this Chapter.

(4) Certificates for Existing Buildings. Certificates of occupancy shall be issued for existing buildings, structures, or parts thereof, or existing uses of land if, after inspection, it is found that such buildings, structures, or parts thereof, or such use of land, are in conformity with the provisions of this Chapter. Certificates of occupancy may

be issued for business buildings in B-2 and B-3 zones existing at the effective date of this Chapter which change occupancy and which do not provide sufficient parking as required under Article 16, provided there is no decrease in the number of spaces existing at the effective date of this Chapter.

(5) Temporary Certificates. Nothing in this Chapter shall prevent the issuance of a temporary certificate for occupancy for a portion of a building or structure in process of erection or alteration, provided that such temporary certificate shall not be effective for a period of time in excess of six (6) months, and provided further that such portion of the building, structure, or premises is in conformity with the provisions of this Chapter.

(6) Records of Certificates. A record of all certificates issued shall be kept on file in the office of the Zoning Administrator, and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the property involved.

(7) Certificates for Dwelling Accessory Buildings. Buildings accessory to dwellings shall not require separate certificates of occupancy but may be included in the certificate of occupancy for the dwelling when shown on the plot plan and when completed at the time as such dwellings.

(8) Application for Certificates. Application for certificates of occupancy shall be made in writing to the Building Inspector on forms furnished by the Department, and such certificates shall be issued within ten (10) days after receipt of such application if it is found that the building or structure, or part thereof, or the use of land is in accordance with the provisions of this Chapter.

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

(9) Bonding Requirement. When any structure or project, whether publicly or privately developed, would in the opinion of the City Council, jeopardize, prejudice or reflect adversely upon either the welfare of the community or the appearance of any portion or neighborhood thereof, in the event that such project would be abandoned in an incomplete state, the Council may, in its discretion, require such builder or developer to post a performance bond, or an unconditional letter of credit in a form approved by the City Council, prior to the issuance of a building permit, guaranteeing the adequate consummation of the structure or project.

(10) Unpaid Assessment. If property be sold, exchanged or otherwise alienated with any special assessment charges remaining unpaid thereon, said special assessment must be paid in full at the time the title change is consummated or immediately thereafter, before the Building Inspector may issue a Certificate of Occupancy pertaining to said parcel or property.

(Ordinance No. 2000-03, 07-05-2000)

5.216. Final Inspection. The holder of every building permit for the construction, erection, alteration, repair, or moving of any building, structure, or part thereof, shall notify the Building Inspector immediately upon the completion of the work authorized by such permit, for final inspection.

5.217. Fees. Fees for inspection and the issuance of permits or certificates or copies thereof, required or issued under the provisions of this Chapter, may be collected by the Zoning Administrator in advance of issuance. The amount of such fees shall be established by resolution of the City Council and shall cover the cost of inspection and the supervision resulting from enforcement of this Chapter.

(Ordinance No. 2000-03, 07-05-2000)

5.218. Interpretation, Purpose and Conflict. In interpreting and applying the provisions of this Chapter, these provisions shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comforts, morals, prosperity and general welfare. It is not intended by this Chapter to interfere with or abrogate or annul any ordinance, rules, regulations or permits previously adopted or issued, and not in conflict with any of the provisions of this Chapter, or which shall be adopted or issued pursuant to law relating to the use of buildings or premises and likewise not in conflict with this Chapter; nor is it intended by this Chapter to interfere with or abrogate or annul any easements, covenants or other agreements between parties, provided, however, that where this Chapter imposes a greater restriction upon the use of buildings or premises or upon the height of buildings, or requires larger open spaces or larger lot areas than are imposed or required by such ordinance or agreements, the provisions of this Chapter shall control.

5.219. City Planning Commission. The City Planning Commission is hereby designated as the Commission specified in 2008 PA 33 and shall perform the duties of said Commission as provided in the statute in connection with the amendment of this Chapter.

(Ordinance No. 2011-02, 07-12-2011)

5.220. Changes and Amendments. The Frankenmuth City Council may, from time to time, on its own action or on recommendation from the City Planning Commission, or on petition, amend, supplement or change the district boundaries or the regulations herein, provided, however, that a public hearing shall be held before any such amendment shall be passed, and provided further that not less than fifteen (15) days' notice of the time and place of such public hearing shall be given by publication in the official paper of the City, and a hearing be granted to any person interested at the time and place specified as required in the enabling statute (MSA 125.584). Notice shall also be given by registered mail to public utilities affected by such change or amendment as required in the enabling statute.

If the owners of twenty (20) or more per cent of the frontage in the area proposed to be altered or the owners of twenty (20) or more per cent of the frontage of property abutting the area proposed to be altered, or either of such groups shall file a written protest at or before the time of the hearing in this section provided, then and in such event such amendment shall not be passed except by a three-quarters (3/4) vote of the entire membership of the City Council then holding office and qualified to vote.

If a parcel of land is owned by the entireties, by joint tenants, by tenants in common or by legal and equitable owners, any one of such owners may sign the protest for the parcel so owned. The term, "abutting property" as used in this section shall mean the property immediately adjoining the area proposed to be changed either in the rear or at the side thereof and also the frontage directly herein shall mean frontage on the street; provided, however, that a corner lot shall not be considered to have frontage on both streets, but only on the street where the lot has a smaller number of feet frontage. In determining abutting property, there shall be included all the property in a common ownership used as a single unit.

5.221. Fees - Petition for Amendment. Upon presentation of a petition for amendment of the Zoning Chapter by the owner of real estate to be affected, or by owners of real estate within five hundred (500) feet of any part of the premises to be affected, such petition shall be accompanied by an application fee. The City Council shall determine by resolution from time to time, the petition for amendment application fee.

(Ordinance No. 1999-04; 05-04-1999)

5.222. Validity. This Chapter and the various parts, sections and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of the Chapter shall not be affected thereby.

5.223. Violation; Municipal Civil Infraction. A person who violates any provision of this Chapter is responsible for a municipal civil infraction, subject to payment of a civil fine of not less than $50.00 nor more than $500.00, plus costs and other sanctions, for each violation. Repeat offenses shall be subject to increased fines as provided by Section 1.12(3)(b) of this Code. The Zoning Administrator is hereby designated as the authorized City official to issue municipal civil infraction citations (directing alleged violators to appear in court) or municipal civil infraction violation notices (directing alleged violators to appear at the City of Frankenmuth Municipal Ordinance Violations Bureau) for violations under this Chapter as provided by this Code.

(Ordinance No. 2002-05, 08-07-2002)

ARTICLE 22. BOARD OF APPEALS

5.231. Creation of Membership. There is hereby established a Zoning Board of Appeals which shall perform its duties and exercise its powers as provided in 2006 PA 110 and in such a way that the objectives of this Chapter shall be observed, public safety secured, and substantial justice done. The Board shall consist of six (6) members and one (1) ex-officio member, all appointed by the Mayor, by and with the consent of the City Council. Appointments shall be as follows: Two (2) members appointed for a period of one (1) year; two (2) members appointed for a period of two (2) years; and two (2) members appointed for a period of three (3) years respectively; thereafter, each member to hold office for a full three (3) year term. The ex-officio member shall be appointed from the membership of the City Planning Commission by the Mayor to serve a period of one (1) year prior to the date of his appointment, and shall be a qualified and registered elector of the City on such day and throughout his tenure of office. Appointed members may be removed for cause by the City Council only after consideration of written charges and a public hearing. Any appointive vacancies in the Board of Appeals shall be filled by the City Council for the remainder of the unexpired term. The Board of Appeals shall annually elect its own Chairman, Vice Chairman, and Secretary. The compensation of the Board of Appeals shall be fixed by the City Council.

(Ordinance No. 1990-2, 01-09-1990; Ordinance No. 2011-02, 07-12-2011)

5.232. Meetings. All meetings of the Board of Appeals shall be held at the call of the Chairman and at such times as such Board may determine. All hearings conducted by said Board shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent, or failing to vote, indicating such fact; and shall also keep records of its hearings and other official action. Four (4) 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.

5.233. Appeals. An appeal may be taken to the Board of Appeals by any person, firm or corporation, or by any officer, department, board or bureau affected by a decision of the Zoning Administrator. Such appeal shall be taken within such time as shall be prescribed by the Board of Appeals by general rule, by filing with the Zoning Administrator and the Board of Appeals a notice of appeal, specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board all of the papers constituting the record upon which the action appealed from was taken.

An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Board of Appeals after the notice of appeal has been filed with him/her that by reason of facts stated in the certificate a stay would, in his/her 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 the Board of Appeals or by a court of record on application, on notice to the Zoning Administrator and on due course shown.

The Board shall select a reasonable time and place for the hearing of the appeal and give due notice thereof to the parties 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.

(Ordinance No. 2000-03, 07-05-2000)

5.234. Jurisdiction. The Board of Appeals shall have the following powers and it shall be its duty:

(1) To hear and decide on all matters referred to it upon which it is required to pass under this Chapter.

(2) To hear and decide appeals where it is alleged there is error of law in any order, requirement, decision or determination made by the Zoning Administrator in the enforcement of this Chapter.

(3) In hearing and deciding appeals the Board of Appeals shall have the authority to grant such variance therefrom as may be in harmony with their general purpose and intent so that the function of this Chapter be observed, public safety and welfare secured, and substantial justice done, including the following:

(a) Interpret the provisions of the Chapter in such a way as to carry out the intent and purpose of the plan, as shown upon the Zoning Map fixing the use districts, accompanying and made part of this Chapter, where street layout actually on the ground varies from the street layout as shown on the map aforesaid.

(b) Permit the erection and use of a building or use of premises in any use district for public utility purposes.

(c) Permit the modification of the automobile parking space or loading space requirements where, in the particular instance, such modification will not be inconsistent with the purpose and intent of such requirements.

(d) Permit such modification of the height and area regulations as may be necessary to secure an appropriate improvement of a lot which is of such shape, or so located with relation to surrounding development or physical characteristics, that it cannot otherwise be appropriately improved without such modification.

(e) Permit temporary buildings and uses for periods not exceed two (2) years in undeveloped sections of the City and for periods not to exceed six (6) months in developed sections.

(4) Where, owing to special conditions, a literal enforcement of the provisions of this chapter would involve practical difficulties or cause unnecessary hardships, within the meaning of this Chapter, the Board of Appeals shall have power upon appeal in specific cases to authorize such variation or modification of the provisions of this Chapter with such conditions and safeguards as it may determine, as may be in harmony with the spirit of this chapter and so that public safety and welfare be secured and substantial justice done. No such variance or modification of the provisions of this Chapter shall be granted unless it appears beyond a reasonable doubt 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 the Master Plan of the City of Frankenmuth.

(5) In consideration of all appeals and all proposed variations to this Chapter, the Board of Appeals shall, before making any variations from the Chapter 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. The concurring vote of four (4) members of the Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator, or to decide in favor of the applicant any matter upon which it is authorized by this Chapter to render a decision.

Nothing herein contained shall be construed to give or grant to the Board of Appeals the power or authority to alter or change the Zoning Chapter or the Zoning Map, such power and authority being reserved to the City Council of the City of Frankenmuth in the manner hereinafter provided by law.

(Ordinance No. 2000-03, 07-05-2000)

5.235. Exercising Powers. In exercising the above powers, the Board of Appeals may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the Zoning Administrator from whom the appeal is taken.

(Ordinance No. 2000-03, 07-05-2000)

5.236. Notice. The Board of Appeals shall make no recommendation except in a specific case and after a hearing conducted by said Board. A written notice of the time and place of such public hearing shall be mailed to the owners of all lots or parcels of land lying within three hundred (300) feet of the property in question. Such notice shall be served by the applicant or appellant by regular mail with an affidavit of mailing or by registered mail, return receipt requested.

5.237. Fees. The City Council shall from time to time, determine by resolution the fee to be paid, at the time that notice of appeal is filed, to the City Treasurer to the credit of the General Fund of the City.

(Ordinance No. 2000-03, 07-05-2000)

5.238. Miscellaneous. No order of the Board of Appeals permitting the erection or alteration of a building shall be valid for a period longer than one (1) year, 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 Appeals permitting a use of a building or premises shall be valid for a period longer than one (1) year 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 alteration is started and proceeds to completion in accordance with the terms of such permit.

ARTICLE 23. RESIDENTIAL: PLANNED UNIT DEVELOPMENT DISTRICT (R-PUD)

5.240.1. Purpose. Rapid and intensive urbanization over the past decade has produced a need for an economical single-family living unit that is adaptable to urban density but that retains many of the attractive features of the suburban home. Among the housing concepts emerging to meet this need are townhouses, row houses, garden apartments and similar types of housing units with common property areas; clustered types of subdivisions in which housing units are arranged in cluster forms, with clusters separated from each other by common open spaces; and housing units developed with related recreational space, such as golf courses, swimming pools, private parks, community centers and other recreational facilities.

It is the purpose of this Article to encourage more imaginative and livable housing environments within this residential district, through a planned reduction, or averaging, of individual requirements for the residential district, providing the overall density requirements for the district remain. Such averaging or reduction of requirements shall only be permitted when a land owner, or group of owners acting jointly, can plan and develop a tract of land as one (1) complex land-use unit, rather than an aggregation of individual buildings located on separate, unrelated lots.

The provisions of this Article provide enabling authority and standards for the submission, review and approval of applications for residential planned unit developments. It is the intent of this Article to authorize the use of planned unit development regulations for the purpose of: encouraging the use of land in accordance with its character and adaptability; conserving natural resources and natural features and energy; encouraging innovation in land use planning; providing enhanced housing, traffic circulation and recreational opportunities for the people of the City and Township; and bringing about a greater compatibility in design and use between neighboring properties. The provisions of this Article are not intended as a device for ignoring the Zoning Ordinance or the planning upon which it is based. To that end, provisions of this Article are intended to result in land use development substantially consistent with other residential districts, with modifications and departures from generally applicable requirements made in accordance with standards provided in this Article to ensure appropriate, fair and consistent decision making.

5.240.2. Regulations.

(1) A residential planned unit development application may be approved subject to review and approval as provided for in Article 26.

(2) A greenbelt shall be maintained around the City. Residential Planned Unit Developments shall be restricted insofar as the use of belt roads as follows:

(a) Access to belt roads (Roedel, Dehmel and Block) shall be limited to dedicated streets at intervals approximately one-quarter (1/4) mile apart;

(b) Municipal utilities shall be established pursuant to the Urban Limits Intergovernmental Agreement between the City of Frankenmuth and the Township of Frankenmuth;

(c) Structures adjacent to belt roads shall not front/face the belt road.

(d) Departures from compliance with these regulations may be granted at the discretion of the Planning Commission(s) as part of the approval of a planned unit development.

(3) Development shall be further limited as follows:

(a) The development shall be adjacent/contiguous to areas where municipal utilities are in place sufficient to meet the necessary capacity for the proposed development.

(b) The development shall be a minimum of six (6) acres.

(c) The residential density within the development shall not be less than two (2) units per acre. The development shall not exceed a density of three and one-half (3.5) residential units per acre. For the purpose of determining the minimum and maximum density as set out above, gross acreage shall include all areas to be used for residential purposes, including off-street parking, and all open space devoted exclusively for residential use or for natural resource preservation.

(d) At the discretion of the Planning Commission(s) adjacent property may be added to a previously approved unfinished R-PUD development contingent on the following requirements:
(i) Unfinished R-PUD development means one or more streets in the development have not yet been accepted into the City street system by the City Council.
(ii) The combined acreage of the original R-PUD development and the adjacent area proposed for inclusion must comply with the ten percent (10%) open space requirement described in Section 5.240.4 of this Chapter.
(iii) Unless otherwise approved by the Planning Commission(s), the residential density within the adjacent area proposed for inclusion must comply with the density requirements stated above as if the adjacent area were a stand alone development.

(e) Public streets shall conform to the requirements of Section 5.298 of the City of Frankenmuth Code.

(f) Private streets shall be:
(i) Dead-end streets of not more than three hundred (300) feet in length and shall not intersect or abut a second street; or
(ii) U-shaped streets of not more than six hundred (600) feet in length returning to the same public street.

(4) The development shall have utility capacities to meet total planning needs not only for the subject development but for the zoning area or areas in which the subject development is located; excess capacity which may be required by City planning needs of nonsubject sites shall be the subject of municipal participation, at the municipality's discretion.

(5) The application/applicant for a planned unit development must demonstrate as a condition to be entitled to planned unit development that:

(a) The grant of a planned unit development will result in a recognizable and substantial benefit to the ultimate users of the project and to the community where such benefit would otherwise be unfeasible or unlikely to be achieved.

(b) The proposed type and density 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.

(c) The proposed development shall not have a materially adverse impact upon the Frankenmuth Community Master Plan, and shall be consistent with the intent and spirit of this Article.

(d) The proposed development shall not result in an unreasonably negative economic impact on the surrounding properties.

(e) The proposed development shall contain at least as much usable open space as would be required in this Chapter in relation to the most restrictive residential use.

(f) 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 Chapter. This provision shall not prohibit a transfer of ownership and/or control upon due notice to the City Manager/Township Supervisor.

(Ordinance No. 1998-08, 10-06-1998; Ordinance No. 2004-10, 12-07-2004; Ordinance No. 2005-07, 11-01-2005; Ordinance No. 2006-11, 11-08-2006; Ordinance No. 2016-07, 07-12-2016)

5.240.3. Uses That May Be Permitted.

(1) The following uses of land and structures may be permitted within this district:

(a) Single-family dwellings.

(b) Two-family dwellings.

(c) Townhouses, row houses, garden apartments or similar other housing types which are single-family attached dwellings with no side yards between adjacent dwelling units, provided, however, that there shall be no more than a length or width of one hundred fifty (150) feet in any contiguous group.

(d) Recreation and open space, provided, however, that only the following land uses may be set aside as common land for open space or recreational use under the provisions of this section:

(i) Private recreational facilities such as golf courses, swimming pools, parks, community centers, or other recreational facilities which are limited to the use of and operated at the cost of owners or occupants of the lots located within the planned unit development.

(ii) Historical building sites, or historical sites, parks and parkway areas, ornamental parks, extensive areas with tree cover, low lands among streams or areas of rough terrain where such areas have natural features worthy of scenic preservation.

(e) Churches, church schools.

(f) Public/municipal utility structures necessary for local service.

(g) Customary accessory uses.

5.240.4. Applicable Regulations.

(1) Subject to paragraph (3) of this section, all regulations applicable to lot size, lot width, lot coverage, setback, parking and loading, general provisions and to other requirements and facilities shall be as follows:

(a) Single-family detached residential use shall meet the regulations applicable to the RA-2 District, as defined in the City of Frankenmuth Code.

(b) Two-family residential use shall meet the regulations applicable in the RCD District, as defined in the City of Frankenmuth Code.

(c) Multi-family residential uses shall meet the regulations applicable in the RCM District, as defined in the City of Frankenmuth Code.

(2) Ten (10%) per cent, but not less than one (1) acre, of the land in a development shall be dedicated to the City of Frankenmuth for use as a public park. The land so dedicated shall be in parcels which shall not exceed two (2) acres each and shall have a ratio of maximum length to maximum width of not greater than two to one (2:1). Each parcel shall have a minimum of two accesses to a public right-of-way. One said access shall have a minimum forty (40) foot width and all other accesses shall have a minimum fifteen (15) foot width. All corners of the park property shall be marked with circular concrete disks. The disks shall have markings on top indicating that this is ñpublic parkò property. The specific markings and the exact locations of all required disks will be determined by the City Manager or his/her designee. All required disks shall have a diameter of at least fifteen (15) inches and shall have a depth of at least six (6) inches. After installation the surface level of the disks shall be no more than one (1) inch above grade. The City Department of Public Works will design and construct a standardized disk and maintain an inventory of the disks which will be required for installation at the developerôs cost.

(Ordinance No. 2009-03, 03-03-2009; Ordinance No. 2009-04, 06-02-2009)

(3) Consistent with the planned unit development concept, and toward the end of encouraging flexibility and creativity in development, departures from compliance with the regulations provided for in this Article 23 may be granted at the discretion of the Planning Commission(s) as part of the approval of a planned unit development. Such departures may be authorized on the condition of finding that (1) there are features or planning mechanisms deemed adequate by the Planning Commission(s) designed into the project for the purpose of achieving the objectives intended to be accomplished with respect to each of the regulations from which departure is sought; (2) the departure is subordinate to the primary purpose and/or plan of the development; (3) the departure is less than five (5%) percent of the land area and/or plan of the development; and (4) the departure is ordinary and reasonably necessary for the purpose and/or plan of the development. The Planning Commission(s) shall document in the Commission(s) meeting minutes the reasons why any departure is approved.

(Ordinance No. 2009-03, 03-03-2009)

(4) The Planning Commission(s) shall take into account the following considerations, as the same may be relevant to a particular project and ensure compliance with all related applicable regulations: Perimeter setback and berming; thoroughfare, drainage and utility design; underground installation of utilities; insulating the pedestrian circulation system from vehicular thoroughfares and ways; achievement of an integrated development with respect to signage, lighting, landscaping and building materials; and noise reduction and visual screening mechanisms, particularly in cases where nonresidential uses adjoin off-site residentially zoned property.

ARTICLE 24. COMMERCIAL: LOCAL PLANNED UNIT DEVELOPMENT DISTRICT (CL-PUD) AND TOURIST PLANNED UNIT DEVELOPMENT DISTRICT (CT-PUD)

5.241.1. Purpose, Intent and Types.

(1) The purpose of these districts is to permit flexibility in the regulation of land development; encourage innovation in land use and variety in design, layout, and type of structures constructed; achieve economy and efficiency in the use of land, natural resources, energy, and the provision of public services and utilities; encourage provision of useful open space; provide employment and shopping opportunities particularly suited to the needs of the residents and tourists in the City; and encourage the use, reuse and improvement of existing sites and buildings when the uniform regulations contained in other zoning districts do not provide adequate protections and safeguards for the site or surrounding area.

(2) The intent of these districts is to encourage the logical and timely development of land for commercial purposes and the expansion of existing shopping centers in accordance with the objectives and standards established in the Frankenmuth Joint Growth Management Plan (Master Plan). The protective standards contained in this provision are intended to:

(a) Assure convenience by providing commercial areas of sufficient size and in the proper location to serve conveniently the people who live in and who are visiting the area in relation to their needs and demands for goods and services;

(b) Assure traffic safety and provide for the improvement of major thoroughfare traffic capacities by properly locating and grouping commercial areas and be designing such commercial areas so as to provide safe and convenient access thereto and adequate off-street parking for automotive vehicles and by effectively separating vehicular from pedestrian traffic both within the commercial area and on adjacent public rights-of-way; provide for service vehicles by including convenient access and loading facilities in the design of commercial areas;

(c) Protect adjacent areas from depreciation of property values resulting from commercial over zoning and from the over-development or intrusion of undesirable commercial uses;

(d) Promote community attractiveness by encouraging the design of commercial areas which will integrate with adjacent areas by utilizing effectively topographic features, transitional areas, and the liberal application of landscaping and screening devices, thus minimizing any adverse effect of any such commercial area upon adjacent land uses and providing a pleasant environment for the shopping and working experience;

(e) Improve the economic base and tax structure of the Frankenmuth metropolitan area by encouraging the development of stable, economically sound commercial concentrations;

(f) Protect the investments of existing and future commercial concentrations by providing the basis for convenient and stable commercial development through the application of sound planning principles.

(3) The types of Commercial PUD Districts may be generally described as follows:

(a) Local Commercial PUD Districts are those which provide for sale of goods and services to meet the general needs of the residents of the Frankenmuth community, such as food, drugs, hardware, home furnishings, banking and professional services.

(b) Tourist Commercial PUD Districts are those which provide for the sale of goods and services to meet the general needs of out-of-town visitors, such as food, lodging, recreation, entertainment and travel aides.

(Ordinance No. 2011-01, 07-12-2011)

5.241.2. Regulations.

(1) Locational Standards.

(a) A local commercial development shall abut, front on and have its principal access to and from State Trunkline M-83. Developments to the North of Genesee Street shall be oriented to the needs of the residents of the Frankenmuth Community. A tourist commercial development shall abut, front on and have its principal access to and from State Trunkline M-83, Weiss Street, or Jefferson/Curtis Street. Development to the South of the Cass River shall be oriented to the needs of the visitor.

(b) A commercial development, local or tourist, must minimize traffic congestion by provision in the plan, and include in its design a service drive along the major street, separated from the major street by an island.

(i) The service drive shall be at least twenty-four (24) feet in width.

(ii) The service drive shall not be located on public road rights-of-way.

(iii) The service drive access to major streets from privately owned property shall be limited to approximately one-quarter (1/4) mile intervals. However, departures from compliance with this regulation may be granted at the discretion of the Planning Commission(s) as part of the approval of a planned unit development based upon the recommendations and opinions of a qualified highway engineer and public safety and maintenance representatives.

(Ordinance No. 2003-03, 08-05-2003)

(c) A commercial development, local or tourist, shall have a minimum of six (6) acres.

(d) A commercial development, local or tourist, shall be of sufficient size to provide adequate but not excessive facilities or services to the residents of the Frankenmuth community or the visitors, as the case may be, which sufficiency shall be demonstrated by the applicant by means of market studies or such other evidence as the Planning Commission(s) may require.

(e) A commercial development, local or tourist, shall be contiguous/adjacent to areas where municipal utilities are in place sufficient to meet the necessary capacity for the proposed development.

(2) Additional Minimum Standards.

(a) A commercial development, local or tourist, shall have utility capacities to meet total planning needs not only for the subject development but for the zoning area or areas in which the subject development is located; excess capacity which may be required by city planning needs of non-subject sites shall be the subject of municipal participation, at the municipality's discretion.

(b) The application/applicant for a commercial planned unit development must demonstrate as a condition to be entitled to planned unit development that:

(i) The grant of a planned unit development will result in a recognizable and substantial benefit to the ultimate users of the project and to the community, where such benefit would otherwise be unfeasible or unlikely to be achieved.

(ii) The proposed type and density 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.

(iii) The proposed development shall not have a materially adverse impact upon the Frankenmuth Community Master Plan, and shall be consistent with the intent and spirit of this Article.

(iv) The proposed development shall not result in an unreasonable negative economic impact on the surrounding properties.

(c) The commercial development, local or tourist, shall adequately provide and the Planning Commission(s) shall take into account, the following as the same may be relevant to a particular development and insure compliance with all related applicable regulations and Ordinances: perimeter, setback and berming; thoroughfare, drainage and utility design; underground installation of utilities; insulating the pedestrian circulation system from vehicular thoroughfares and ways; achievement of an integrated development with respect to lighting, landscaping mechanisms, particularly in cases where nonresidential uses adjoin residentially-zoned property; off-street parking and off-street loading space; and signage in CL-PUD Districts shall comply with section 5.164(3) of the City of Frankenmuth Code, and in CT-PUD Districts, shall comply with section 5.164(3) of the City of Frankenmuth Code.

5.241.3. Uses That May Be Permitted. Subject to paragraph (4) below, uses that may be permitted within each respective district are:

(1) Commercial Local PUD District (CL-PUD). Those which provide principally for the sale of goods and services to meet the general needs of the residents of the Frankenmuth community, including but not limited to grocery, department, drug and hardware stores, financial institutions, professional and personal service offices and transportation sale and service businesses. Motor fuel (gasoline) stations shall also comply with section 5.93(6) of the City of Frankenmuth Code. Provided however, that from the intersection of M-83 and Roedel Road to a point a minimum of 133 feet south there from, the only uses that may be permitted shall be professional and personal service offices.

(2) Commercial Tourist PUD District (CT-PUD). Those which provide principally for the sale of goods and services to meet the needs of visitors; including but not limited to restaurants, hotels and motels, golf courses and those businesses providing recreation, entertainment, services or goods which require visitor clientele for economic viability, and travel aide related businesses such as recreational vehicle parks. Motor fuel (gasoline) stations and motor vehicle repair or service facilities are prohibited.

(3) Subject to paragraph (4) below, all regulations applicable to lot size, lot width, lot coverage, setback, parking and loading, general provisions and to other requirements and facilities shall be as follows: Commercial Local and Commercial Tourist use shall meet the regulations applicable to the B-3 District, as defined in the City of Frankenmuth Code.

(4) Consistent with the planned unit development concept, and toward the end of encouraging flexibility and creativity in development, departures from compliance with the regulations provided for in the immediately preceding paragraphs (1) through (3), inclusive, may be granted at the discretion of the Planning Commission(s) as part of the approval of a planned unit development. Such departures may be authorized on the condition that there are features or planning mechanisms deemed adequate by the Planning Commission(s) 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.

(5) Sexually oriented businesses as described in Section 5.103(9) of this Chapter shall be prohibited in the CL-PUD and CT-PUD Districts.

(Ordinance 2008-10, 08-05-2008; Ordinance 2011-01, 07-12-2011)

ARTICLE 25. INDUSTRIAL: INDUSTRIAL PLANNED UNIT DEVELOPMENT DISTRICT (I-PUD) AND INDUSTRIAL SPECIAL USE PLANNED UNIT DEVELOPMENT DISTRICT (I-S-PUD)

5.242.1. Purpose, Intent and Types.

(1) The purpose of this district is to permit those businesses which can be housed in attractive buildings in park-like surroundings, and; which have limited detrimental effects on surrounding neighborhoods; which may be labeled as industrial production, light industrial activities, or research, sales and production activities; which encourage innovative land use and design layout and type of structures, achieve economy and efficiency in land use, energy, and provision for public services and utilities and provide employment particularly suited to the needs of the residents of the Frankenmuth community.

(2) The intent of this district is to encourage the logical development of land for light industrial purposes in accordance with the objectives and standards established in the latest edition of the Frankenmuth City & Township Joint Growth Management Plan. The protective standards contained in this provision are intended to:

(a) Assure availability of some prime industrial land which is away from the center of residential population and is accessible by arteries which carry trucks away from population centers and pedestrian oriented commercial districts, and some prime industrial land which is located close to shopping districts and residential areas which will allow for production activities that present no significant adverse effect on surrounding properties and are oriented for businesses which can be housed in an office-type setting;

(b) Assure traffic safety and provide for the improvement of major thoroughfare traffic capacities by properly locating and grouping industrial areas and by designing such industrial areas so as to provide safe and convenient access thereto;

(c) Protect adjacent areas from depreciation of property values resulting from industrial over zoning and from the over-development or intrusion of undesirable industrial uses;

(d) Promote community attractiveness by encouraging the design of industrial areas which will integrate with adjacent areas by utilizing effectively topographic features, transitional areas, and the liberal application of landscaping and screening devices, thus minimizing any adverse effect of any such industrial area upon adjacent land uses and providing a pleasant environment for the shopping and working experience;

(e) Improve the economic base and tax structure of the Frankenmuth metropolitan area by encouraging the development of stable, economically sound industrial concentrations;

(f) Protect the investments of existing and future residential and commercial concentrations by providing the basis for convenient and stable industrial development through the application of sound planning principles;

(3) The types of Industrial PUD Districts may be generally described as follows:

(a) Industrial Planned Unit Development District (I-PUD): Light industrial activities which could include warehousing and light fabrication, and which are removed from population centers.

(b) Industrial Special Use Planned Unit Development District (I-S-PUD): Research, sales and production businesses which present no serious adverse effect on surrounding properties, such as research or office parks.

(Ordinance No. 2016-07, 07-12-2016)

5.242.2. Regulations.

(1) Locational Standards.

(a) Light industrial activities (I-PUD) shall be located on the south side of Curtis Road, east of commercial area on the east side of Weiss Street.

(b) Research, sales and production activities/businesses (I-S-PUD) having no significant adverse effect on the surrounding properties shall be located between North Franklin and the residential district running north from Schleier.

(c) An industrial development shall be contiguous/adjacent to areas where municipal utilities are in place sufficient to meet the necessary capacity for the proposed development.

(2) Additional Minimum Standards.

(a) An industrial development shall have utility capacities to meet total planning needs not only for the subject development but for the zoning area or areas in which the subject development is located. Excess capacity which may be required by city planning needs of non-subject sites shall be the subject of municipal participation, at the municipality's discretion.

(b) The application/applicant for an industrial planned unit development must demonstrate as a condition to be entitled to planned unit development that:

(i) The grant of a planned unit development will result in a recognizable and substantial benefit to the ultimate users of the project and to the community, where such benefit would otherwise be unfeasible or unlikely to be achieved.

(ii) The proposed type and density 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.

(iii) The proposed development shall not have a materially adverse impact upon the Frankenmuth Community Master Plan (1985), and shall be consistent with the intent and spirit of this Article.

(iv) The proposed development shall be compatible with and complimentary to the surrounding residential areas, if any, and shall be well organized and aesthetically designed and shall be without obnoxious odors or excessive noise, all to the effect that there shall not be a negative impact on the surrounding properties.

(c) The industrial development shall adequately provide and the Planning Commission shall take into account, the following section, as the same may be relevant to a particular development and insure compliance with all related applicable regulations and Ordinances of the City of Frankenmuth.

5.242.3. Use That May Be Permitted. Subject to paragraph (4), below, uses that may be permitted within each respective district are:

(1) Industrial Planned Unit Development District (I-PUD): Warehousing and light fabrication.

(2) Industrial Special Use Planned Unit Development District (I-S-PUD): Research, office park.

(3) Subject to paragraph (4) below, all regulations applicable to lot size, lot width, lot coverage, setback, parking and loading, general provisions and to other requirements and facilities shall be as follows:

(a) Light Industrial use shall meet the regulations applicable to the Industrial District, as defined in the City of

Frankenmuth Code.

(b) Research and Production use shall meet the regulations applicable to the Industrial District, as defined in the City of Frankenmuth Code.

(4) Consistent with the planned unit development concept, and toward the end of encouraging flexibility and creativity in development, departures from compliance with the regulations provided for in the immediately preceding paragraphs (1) through (3), inclusive, may be granted at the discretion of the Planning Commission(s) as part of the approval of a planned unit development. Such departures may be authorized on the condition that there are features or planning mechanisms deemed adequate by the Planning Commission(s) 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.

(5) Sexually oriented businesses as described in Section 5.103(9) of this Chapter shall be prohibited in the I-PUD and I-S-PUD Districts.

(Ordinance 2008-10, 08-05-2008)

ARTICLE 26. PROCEDURE FOR REVIEW AND APPROVAL OF PUD APPLICATIONS

5.243.1. Introduction. The procedure for approval of a Planned Unit Development application shall constitute a review for a special land use, which procedure shall involve the Frankenmuth Township Planning Commission and the City of Frankenmuth Planning Commission. Thereafter, if approved, the process of annexation shall involve the Township of Frankenmuth and the City of Frankenmuth.

5.243.2. Pre-application Conference. Prior to the submission of an application for Planned Unit Development approval, the applicant shall meet with the Chairman of the Frankenmuth Township Planning Commission, or his designee, and the Chairman of the City of Frankenmuth Planning Commission, or his designee, and the Frankenmuth City Manager, or his designee, together with such consultants as they may deem appropriate. The applicant shall present, at such conference or conferences, at least a sketched plan of the proposed Planned Unit Development, as well as the following information: a legal description of the property in question, the total number of acres in the project, a statement of the approximate number of units/structures/site improvements; the known deviations from the Ordinance regulations to be sought, the number of acres to be preserved as open or recreational space; and, all known natural resources and natural features which are present and which are or are not to be preserved.

(1) Upon receipt of the conceptual plan and proposal as indicated above, the Town and City Officials shall study the proposal to determine the conformity with the Frankenmuth Community Master Plan, zoning and other applicable regulations.

(2) Within twenty-one (21) days following receipt of the conceptual plan and proposal, the applicant will be notified in writing, by the City Manager or his designee, of the willingness of the appropriate officials to confer for the purpose of bringing the materials submitted as nearly as possible into conformity with the requirements and/or to define specifically modifications of the conceptual plan.

(a) One or more conferences may be held.

(b) Additional materials may be requested to guide in the determinations.

(c) Any recommendations or changes shall be recorded in writing, with the reasons therefor, and shall become a part of the record in the case; applicants shall indicate in writing their agreement to such recommendations, or their disagreement and the reasons therefor. Such response by applicants shall also be included in the record.

(3) Within twenty-one (21) days after the conclusion of such conference, the City Manager, or his designee, shall prepare or cause to be prepared a report to the Township Planning Commission, the City Planning Commission and the applicant.

5.243.3. Preliminary Plans Submission and Review.

(1) Within ninety-one (91) days after the mailing of the report to the applicant, the applicant shall submit ten (10) copies of a preliminary plan, including a preliminary site plan, conforming with paragraph (2) below, to the Chairman of the Township Planning Commission, and ten (10) copies to the Frankenmuth City Manager, who shall present the same to the City Planning Commission for consideration at a special, joint meeting.

(2) Applicants for PUD development shall submit in a preliminary plan, the following technical and/or graphic materials:

(a) Applicant's name and address.

(b) Name of proposed development.

(c) Common description of property and complete legal description.

(d) Dimensions of land width, length, acreage and frontage.

(e) Existing zoning and zoning of all adjacent properties.

(f) Statement of intent of proposed use of land and any phasing of the project.

(g) Name, address, city and phone number of: firm or individual who prepared the plans; owner(s) of the property; applicant, if other than the owner.

(h) Existing and proposed right-of-way of all adjoining and internal roads, and layout of all internal roads.

(i) Proposed acceleration, deceleration and passing lanes.

(j) Location of existing drainage courses, flood plains, lakes, streams and wetlands.

(k) Intentions with respect to water, sanitary sewer and storm sewer and emergency services.

(l) All parking areas and number of spaces by size.

(m) The number and location of areas to be preserved as open or recreational space and the provision for care and maintenance thereof.

(n) All known natural resources and natural features which are present and which are and are not to be preserved.

(o) Density calculations, number and types of units (if applicable), and floor area per habitable space.

(p) Fair representation of the development concept, including each type of use, square footage or acreage allotted to each use, approximate location of each principal structure and use in the development, setbacks, typical layout and elevation for each type of use.

(q) Specification of each deviation from applicable Ordinance regulations which will be sought to be approved, and the safeguards, features and/or planning mechanisms proposed to achieve the objectives intended to be accomplished by the regulation from which a deviation is being sought.

(r) Topographical maps and scale models, if the size of the project and/or the nature of the topography indicate that such document would be meaningful to the review.

(s) A complete petition for amendment to the Zoning Ordinance, if necessary.

(t) Materials as to the development's objectives and purposes to be served, economic feasibility, market needs, impact on public schools, utilities, and circulation facilities; impact on the natural resources; impact on the general area and adjacent property; estimated cost; and a staging plan showing the general time schedule of and expected completion dates of the various elements of the plan.

(3) Within twenty-one (21) days after the special joint meeting, the required modifications to the preliminary plan shall be mailed to the applicant.

5.243.4. Proposed PUD Development Plan Submission and Review.

(1) The Township and City Planning Commissions shall hold a joint public hearing at which the petitioner shall present the proposed PUD development plan, conforming with paragraphs (a) and (b), below, and the Commissions shall be entitled to make reasonable inquiries of and receive answers from the applicant. Notice of such public meeting shall be given as set out in paragraph (c), below. Following the review, each Planning Commission shall provide the applicant with written comments, which shall be part of the official minutes of the respective Planning Commissions.

(a) The petitioner shall submit to the Township Clerk and the City Clerk ten (10) copies each of the proposed PUD development plan together with the appropriate review fees.

(b) The proposed PUD plan shall include:

(i) The final, revised preliminary plan and such other technical and/or graphic material, as modified, and

(ii) an Annexation Petition.

(c) Notice of the public hearing shall be given by two (2) publications in a newspaper of general circulation in the community, the first to be printed not more than thirty (30) days nor less than twenty (20) days, and the second not less than eight (8) days before the date of such hearing. Notice shall also be given to all persons to whom real property within three hundred (300) feet of the premises in question is assessed. The notice shall include the place(s) and time(s) at which the application may be examined.

(2) The Township and City Planning Commissions shall, after holding joint public hearings on the said PUD development plan and reviewing such consultant's reports, as either may deem appropriate, make their recommendation on said plan at the conclusion of the public hearing.

(3) The Frankenmuth Township Board shall take final action on such plan and petition within forty-two (42) days of the date it receives the recommendation report from the Planning Commission or such reasonable extension of time as may be necessary for adequate review, as follows:

(a) to reject both the proposed development plan and the petition for annexation to the City of Frankenmuth, or

(b) to reject and to refer the same to the Township Planning Commission for a report on such amendments, changes, additions or departures as the Township Board may determine, or

(c) to approve the same subject to approval of the same by the City of Frankenmuth.

(4) After approval by the Frankenmuth Township Board, the action of the City of Frankenmuth Council shall be:

(a) to reject the proposed development plan, petition for amendment to Zoning Ordinance and petition for annexation to the City of Frankenmuth, or

(b) to reject and to refer the same to the Frankenmuth Township Board for a review of amendments, changes, additions or departures as the City of Frankenmuth Council may recommend, or

(c) to approve the same subject to the following conditions, to wit:

(i) That the applicant, within twenty-eight (28) days after the final action approving the development plan, deposits with the City, sufficient surety, as the City in its sole discretion shall determine, so as to hold the City harmless or indemnify the City for the estimated cost to be incurred by the City for the installation of municipal services in the plan area, which services are determined to be the responsibility of the applicant; the City shall, within fourteen (14) days of said deposit, mail written notice to the applicant of acceptance or rejection of the deposit; and

(ii) That, within ninety-one (91) days after the written notice of the City's acceptance is mailed to the applicant, the first actual physical improvement of the City's comprehensive plan for municipal services in the plan area shall be commenced, and; thereafter, if the conditions in subparagraphs (i) and (ii) above are fulfilled, then the effective date of annexation shall be the date of approval; or if the conditions are not fulfilled within nine (9) months, then the City Council shall, upon showing of good cause, redetermine the effective date of the annexation or shall, upon failing to show good cause, terminate the conditional annexation. The determination of good cause shall reside solely in the discretion of the City Council.

(5) The PUD development plans shall be numbered consecutively, by district (Residential-R; Commercial Local-CL; Commercial Tourist-CT; Industrial-I-S; or Industrial-I) and year: "(District)-PUD (year number)".

5.243.5. Effect of Approval of PUD Development Plan.

(1) After approval by both legislative bodies as set out above, the administration of the PUD Development Plan shall be the responsibility of the City of Frankenmuth.

(2) The applicant shall proceed through the subsequent planning phase in accordance with the City's regulations and Ordinances in effect at the time of the approval by the City's legislative body, unless subsequent regulations or Ordinances are specifically made applicable to the developments which have been so approved.

(3) If and when the effective date of annexation has arrived, the PUD Plan with all amendments and with all conditions imposed, if any, shall constitute the land use authorization for the property, and all improvement and use shall be in conformity with such plan. The applicant shall record an affidavit with the Saginaw County Register of Deeds, containing the legal description of the entire project, specifying the date of approval of the planned unit development, and declaring that all future development of the planned unit development property has been authorized and required to be carried out in accordance with the approved planned unit development unless an amendment thereto is duly adopted by the City of Frankenmuth upon the request and/or approval of the applicant or applicant's transferees and/or assigns.

(4) Any proposed amendment to the planned unit development shall be subject to the same procedural requirements as are described in this Article 26, except that the Frankenmuth Township Board and Frankenmuth Township Planning Commission may waive their involvement in the process if they so determine.

5.243.6. Fees. There shall be an advance payment of fees at the time of the preliminary plan submission and at the time of the proposed PUD Development Plan submission. The amount of such fees shall be established by the Frankenmuth Township Board and the Frankenmuth City Council for the Township filing and the City filing, respectively.

ARTICLE 27. SU-SPECIAL USE DISTRICT

5.244.1. Preamble. The SU-Special Use District is designed primarily to carry out the intent of the 1985 Frankenmuth Community Master Plan as it pertains to Special Use Areas. The basic concept is to create a research/office park designed to be compatible with surrounding neighborhoods.

In addition, professional office uses are acceptable in this district, but should be primarily oriented toward businesses with a high technology base including related offices, research facilities and light fabrication.

Office, research and technology-based industrial activities are acceptable uses in this district; however, all activity except off-street parking and loading/unloading operations must be conducted inside completely enclosed structures.

(Ordinance No. 1986-4, 03-04-1986)

5.244.2. Principal Uses Permitted.

(1) Professional and administrative offices.

(2) Research offices and laboratories for scientific research and testing.

(3) Data processing and computing centers.

(4) Warehousing.

(5) Printing and publishing operations.

(6) Minor repair and maintenance of automobiles, trucks and motorcycles.

(7) Small machine repair shops

(8) Headquarters and business offices for commercial and industrial firms which conduct their principal activity in another zoning district.

(9) Wholesaling of products produced on and/or off the premises.

(10) Industrial plants which manufacture, process or assemble the following:

(a) Food or kindred products, excluding slaughterhouses.

(b) Furniture and fixtures

(c) Printing and publishing machinery.

(d) Glass products, made of purchased glass.

(e) Industrial controls, electronic components and accessories.

(f) Measuring, analyzing and controlling instruments; photographic, medical and optical goods; watches and clocks.

(g) Jewelry and silverware, musical instruments; toys and amusement goods; sporting and athletic goods; pens, pencils, and other office and artists' materials; costume jewelry, costume novelties, buttons and miscellaneous notions; signs and advertising displays.

(h) Canvas products made of purchased canvas.

(i) Office, computing and accounting machines.

(j) Other light fabrication similar to the above.

All principal uses and uses permissible on special approval shall be conducted inside completely enclosed structures. The only exceptions are off-street parking and loading/unloading operations.

(Ordinance No. 1986-4, 03-04-1986)

5.244.3. Restrictions. No use shall be permitted in a Special Use District if such use would create hazardous or obnoxious noise, smoke, vibration, liquid pollution or hazardous waste, that would be detrimental to adjacent commercial or residential properties.

(Ordinance No. 1986-4, 03-04-1986)

5.244.4. Uses Permissible on Special Approval. Under such conditions as the Planning Commission, after public hearing, finds the use as not being injurious to the SU-Special Use Districts and environs and not contrary to the spirit and purpose of this Chapter, the following uses may be permitted:

Uses permitted in B-1, B-2, B-3 Districts except as specified in section 5.244.5 below.

(Ordinance No. 1986-4, 03-04-1986; Ordinance. No. 1996-5, 05-07-1996)

5.244.5. Prohibited Uses. The following uses are prohibited from the Su-Special Use Districts:

(1) Contractors' equipment storage yards.

(2) Automobile, truck, motorcycle, mobile home, recreational vehicle, and heavy machinery assembly plants.

(3) Industrial and/or automotive painting, varnishing and undercoating shops.

(4) Industrial metal plating, buffing and polishing operations.

(5) Salvage yards and junk yards.

(6) Midget auto and karting tracks.

(7) Recreational vehicle encampments.

(8) Residential dwelling units including mobile homes, duplexes, apartments and condominiums.

(9) Livestock and poultry raising.

(10) Dairy farm operations.

(11) Churches and schools (Kindergarten through Grade 12).

(12) Reserved.

(13) Golf courses, including miniature golf operations.

(14) Convalescent homes and general hospitals.

(15) Funeral homes.

(16) Reserved.

(17) Hotels, motels, restaurants, night clubs, taverns, and drive-in/fast food service establishments.

(18) Open front stores.

(19) Motor fuel (gasoline) stations.

(20) Outdoor sales and displays.

(21) Amusement parks, arcades, carnivals and festivals.

(22) Retail sale of alcoholic beverages whether for consumption on-premises or off-premises.

(23) Outdoor storage of automobiles, trucks, trailers, campers, recreational vehicles and motorcycles.

(24) Neighborhood convenience stores and party stores.

(25) Storage of highly flammable or toxic materials, except as incidental to the operation of a business.

(26) Sexually oriented businesses as described in Section 5.103(9) of this Chapter.

(Ordinance No. 1986-4, 03-04-1986; Ordinance No. 1991-7, Sec. 8, 06-04-1991; Ordinance No. 1992-5, Sec. 10-06-1992; Ordinance 2008-10, 08-05-2008)

5.244.6. Fencing and/or Landscaping Requirements. A completely obscuring wall or fence six (6) feet in height or a six (6) foot chain link type fence and a ten (10) foot wide greenbelt planted in accordance with the minimum requirements of section 5.151 shall be provided when side or rear yards of an SU-Special Use District are abutting land zoned for residential use. The decorative side of the wall or fence shall be located so that it is facing toward the adjacent properties. The use of solid fencing materials which would obscure vision shall first be approved by the Zoning Board of Appeals. Said fences are prohibited within fifteen (15) feet of any street right-of-way unless approval is granted by the Zoning Board of Appeals.

(Ordinance No. 1986-4, 03-04-1986; Ordinance No. 1993-3, Sec. 5, 01-12-1993; Ordinance No. 1995-8, 10-03-1995)

5.244.7. Standards Limiting Height and Bulk of Buildings and Area of Lots of SU-Special Use Districts.

(1) Minimum Size Lot.

(a) Area--15,000 square feet.

(b) Width--100 feet.

(2) Maximum Height of Buildings.

(a) In Stories--2 stories.

(b) In Feet--30 feet.

(3) Minimum Yard Setback Per Lot.

(a) Front--50 feet.

(b) Least Side--15 feet.

(c) Total of Two Sides--30 feet.

(d) Rear--30 feet.

(e) Side Yard Abutting a Street--25 feet.

(Ordinance No. 1986-4, 03-04-1986; Ordinance No. 1993-2, Sec. 3, 01-12-1993)

5.244.8. Permissible Size of Signs for SU-Special Use Districts. Signage in SU-Special Use Districts shall comply with section 5.164(3) of the City of Frankenmuth Code.

(Ordinance No. 1986-15, 10-07-1986)

ARTICLE 28. P-1 - VEHICULAR PARKING DISTRICT

5.245.1. Preamble. The P-1 - Vehicular Parking District is intended for off-street parking only. The district is useful in situations where the property should be so restricted in order to provide a buffer area between residential and non-residential uses. This district is not intended to be used for construction of parking garages or parking structures.

(Ordinance No. 1993-1, Sec. 2, 01-12-1993)

5.245.2. Principal Uses Permitted. Vehicular parking spaces to be provided as required in Article 16, "General Provisions."

(Ordinance No. 1993-1, Sec. 2, 01-12-1993)

5.245.3. Conditions of Use.

(a) Such parking area shall be used solely for the parking of private passenger vehicles for periods of less than one (1) day.

(b) All parking lots proposed to be located in P-1 Vehicular Parking Districts shall be subject to the provisions stipulated in Article 20, "Site Plan Review."

(c) All buildings, including parking garages and parking structures, are prohibited in these districts.

(Ordinance No. 1993-1, Sec. 2, 01-12-1993)

ARTICLE 29. COMMERCIAL: LOCAL PLANNED UNIT DEVELOPMENT OVERLAY ZONE (CL-PUDOZ)

5.246.1. Findings of Fact and Concerns.

(1) Frankenmuth has traditionally fostered small and locally owned business enterprises and entrepreneurship providing local employment opportunities and revenue expansion. Frankenmuth also is identified by numerous one-of-a-kind businesses in small scale storefronts, which reflect the Community's ethnic and lifestyle characteristics, building scale, architectural style and historical development.

(2) Because of its unique character, Frankenmuth is renowned throughout Michigan and the Mid-West, and is one of the most popular tourist destinations in Michigan, thereby contributing to the economic benefits of the Frankenmuth Community's visitor trade.

(3) The unique character of Frankenmuth would be threatened by proposed large scale uses that are incompatible in size and scale with the historic old world character of Frankenmuth and would irreversibly alter its character. These uses would also adversely impact the existing small scale businesses located in Frankenmuth.

(4) Consistent with the City of Frankenmuth and Frankenmuth Township Joint Growth Management Plan, new commercial development should be encouraged in the so called ñtown centerò settings, where small shops are gathered about a central area, with landscaped center features, where walking is encouraged rather than auto traffic, and strip mall developments with large unattractive parking fields are discouraged. Such town center developments are more consistent with the character and tourism goals of Frankenmuth. They promote efficient use of land,

promote a safe and comfortable pedestrian scale environment, preserve and enhance the night sky for the enjoyment of a pristine nighttime environment, and encourage excellence in urban design, improvement in the overall Frankenmuth appearance and preserve the wholeness of Frankenmuth's economic base.

(5) Frankenmuth area residents have expressed concerns that current zoning controls are inadequate to: (a) control the size and scale of commercial uses and (b) protect against adverse changes to the unique physical characteristics of the Community, including building and architectural styles.

5.246.2. Commercial Local Planned Unit Development Overlay Zone.

(1) There is hereby established a Commercial Local Planned Unit Development Overlay Zone (CL-PUDOZ) encompassing all CL-PUD (Commercial Local Planned Unit Development) zoning districts in the City of Frankenmuth . The CL-PUDOZ is established in furtherance of the Frankenmuth Joint Growth Management Plan and the purposes and goals set forth therein.

(2) The CL-PUDOZ does not replace or negate the zoning district designation of the underlying CL-PUD zoning district established in this Chapter but rather is intended to establish limitations, standards and regulations for properties located within the CL-PUDOZ, in addition to those established in the applicable district. In the event of any inconsistency between the provisions set forth in this Article and the provisions set forth in the underlying CL-PUD zoning district, the more restrictive provisions shall supersede and control or, if not determinable which provision is more restrictive, the provisions of this CL-PUDOZ shall supersede and control.

5.246.3. Limitation on Size of Individual Retail Building Developments.

(1) For purposes of this Article 29, the following terms shall have the following meanings:

(a) ñBuildingò shall mean any building operated in whole or in part for retail sales and/or services. For purposes of this section, all buildings within two hundred (200) feet of one another, measured from the outside of the closest adjacent walls, which: (i) are operated by the same or related company or individuals, or (ii) are operated under the same or similar trade names, or (iii) share checkstands, storage areas or distribution facilities, shall constitute a single ñbuildingò and the square footage of each building shall be combined.

(b) The measurement of ñsquare feetò shall include all of the area within a building or buildings, measured from the outside of exterior walls and the middle of party walls shared with another unrelated building. Square footage measurements shall also include all mezzanines, entryways and all floors, and outside areas, if such areas are used for the purpose of sales and are covered or enclosed.

(2) For all properties in the CL-PUDOZ the floor area of a retail building, whether located in a single building, combination of buildings, single tenant space and/or combination of tenant spaces, shall not exceed sixty-five thousand (65,000) square feet. This space limitation shall apply to the combined area of all building levels, both above and below grade.

5.246.4. Retail Development Standards.

(1) The intent of the preceding Sections 5.246.2 and 5.246.3 is to insure that all retail development is of a quality that enhances the character of the Frankenmuth Community, and does not overwhelm its surroundings, and protects and contributes to the health, safety and welfare of the Community. Unregulated retail development can result in substantial impacts to the Community, such as, but not limited to, noise, traffic, community character, environment and the local economy.

(2) All Retail Developments in the CL-PUDOZ shall be designed in order, as near as practicable, to emulate small town centers, such that retail buildings will be located around a central public area, with landscaping, open space and other features encouraging walking rather than auto traffic.

(3) All Retail Developments in the CL-PUDOZ shall, at a minimum, include the following:

(a) The buildings shall be designed in a way that will reduce the massive scale, uniformity and impersonal appearance and will provide visual interest consistent with the community's identity, character, and scale.

(b) If a building facade exceeds sixty (60) feet in length, it shall be broken down into smaller elements by jogging the wall in or out a minimum of four (4) feet for at least ten (10) feet in length, or by adding an element such as a porch, recessed entry, bay window, projecting trellis or similar substantial architectural feature at intervals so that no continuous wall plane is more than sixty (60) feet in length.

(c) The portion of the building within public view shall incorporate human scale elements such as windows, arcades, lower roof overhangs, awnings or architectural features.

(d) The roof design shall provide variations in roof lines and heights to add interest to each building. Parapet walls shall be architecturally treated to avoid a plain monotonous style.

(e) Entryways shall be designed to orient customers and add aesthetically pleasing character to buildings by providing inviting customer entrances that are protected from the weather. Each entrance shall be clearly defined and highly visible.

(f) Special design features such as towers, arcades, porticos, accent lighting, planter walls, seating areas, fountains and other architectural features that define circulation paths and outdoor spaces shall anchor pedestrian ways. Examples are outdoor plazas, patios, courtyards and window shopping areas.

(g) All site lighting shall be full cut-off fixtures and downward facing and no direct light shall bleed onto adjacent properties. The applicant must provide a lighting report which provides information on how site lighting will be accomplished to minimize impacts on adjacent properties and roadways.

(h) Mechanical equipment shall be screened to mitigate noise and views in all directions. If roof mounted, the screen shall be designed to conform architecturally to the design of the building either with varying roof planes or with parapet walls. A wood fence or similar treatment is not acceptable.

(Ordinance No. 2005-10, 12-06-2005)

ARTICLE 30. RESIDENTIAL-COMMERCIAL: MIXED USE PLANNED UNIT DEVELOPMENT DISTRICT (MU-PUD)

5.250.1. Purpose. The Residential-Commercial Mixed Use Planned Unit Development District (MU-PUD) is designed to carry out the intent of the Frankenmuth City and Township Joint Growth Management Plan as it pertains to Mixed Use Areas. The purpose of these districts is to permit flexibility in the regulation of land development; encourage innovation in land use and variety in design, layout, and type of structures constructed; achieve economy and efficiency in the use of land, natural resources, energy, and the provision of public services and utilities, and encourage the use, reuse and improvement of existing sites and buildings. The primary goal is to create an area where small businesses and moderately priced residential units can co-exist in the same general area, while maintaining compatibility with surrounding neighborhoods. Non-motorized transportation should be given

significant consideration in this District. Flexibility in the regulation of land development for a variety of residential uses and commercial uses will be encouraged.

5.250.2. Principal Uses Permitted. The following uses of land and structures may be permitted within the MU-PUD District:

(1) Single-family dwellings.
(2) Two-family dwellings.
(3) Apartment buildings with three or more dwelling units including row housing.
(4) Rental offices as accessory to multiple-dwelling unit projects.
(5) Accessory buildings and uses.
(6) Home occupations provided they comply with Section 5.22 (2).
(7) Housing for the elderly, not to exceed a height of thirty-five (35) feet when the following conditions are met:
(a) Single family, two-family and multiple-family dwelling units may be used in a variety of combinations for the development, provided that each unit contains at least four hundred (400) square feet. Multi-family buildings containing congregate dining areas for ten (10) or more people must have dwelling units containing at least three hundred fifteen (315) square feet in size.
(b) The maximum coverage of the combined square footage of the first floor of all buildings in an elderly housing development shall not exceed thirty-five (35) percent of the land in the development.
(8) Convalescent homes, not to exceed a height of thirty-five (35) feet. The maximum coverage of the combined square footage of the first floor of all buildings in an elderly housing development shall not exceed thirty-five (35) percent of the land in the development.
(9) Funeral homes.
(10) Office buildings and similar uses.
(11) Medical offices, clinics, veterinary clinics and similar uses.
(12) Any generally recognized retail business which supplies commodities on the premises, such as, but not limited to, groceries, meats, dairy products, baked goods or other foods, drugs, dry goods and notions, hardware, furniture and clothing. The square footage of the first floor of each building in the development shall not exceed five thousand (5,000) square feet if the property does not have frontage on Main Street.
(13) Any generally recognized retail business which supplies commodities on the premises, such as, but not limited to, groceries, meats, dairy products, baked goods or other foods, drugs, dry goods and notions, hardware, furniture and clothing. The square footage of the first floor of each building in the development shall not exceed ten thousand (10,000) square feet if the property has frontage on Main Street.
(14) Any personal service establishment which performs services on the premises, such as shoe repair, tailor shops, beauty parlors and barber shops, or any service establishment of an office showroom or workshop nature of an electrician, decorator, dressmaker, shoemaker, baker, printer, upholsterer, or establishments doing radio, television or home appliance repair, photographic reproduction and similar establishments that require a small adjunct and of no more objectionable character than the aforementioned. The square footage of the first floor of each building in the development shall not exceed five thousand (5,000) square feet if the property does not have frontage on Main Street.
(15) Any personal service establishment which performs services on the premises, such as shoe repair, tailor shops, beauty parlors and barber shops, or any service establishment of an office showroom or workshop nature of an electrician, decorator, dressmaker, shoemaker, baker, printer, upholsterer, or establishments doing radio, television or home appliance repair, photographic reproduction and similar establishments that require a small adjunct and of no more objectionable character than the aforementioned. The square footage of the first floor of each building in the development shall not exceed ten thousand (10,000) square feet if the property has frontage on Main Street.
(16) Hotels with frontage on Main Street, provided the square footage of the first floor of each building in the development shall not exceed ten thousand (10,000) square feet.
(17) Restaurants with frontage on Main Street, provided the square footage of the first floor of each building in the development shall not exceed ten thousand (10,000) square feet.
(18) Outdoor sales as listed in Section 5.92 (7) (b) (1).

(19) Nursery schools, day nurseries and child care centers.
(20) Publicly owned and operated libraries, parks, recreational facilities and municipal buildings.
(21) Public utility buildings, offices, telephone exchange buildings, electric transformer stations and sub-stations, and gas regulator stations when operation requirements necessitate the locating within the district in order to serve the immediate vicinity. Such facilities shall be of a non-objectionable character and shall have appropriate landscaping to screen them from neighboring properties.

(Ordinance No. 2013-02, 07-09-2013)

5.250.3. Uses Permissible on Special Approval. Under such conditions as the Planning Commission, after public hearing, finds the use as not being injurious to the MU-PUD District and environs and not contrary to the spirit and purpose of this Chapter, the following uses may be permitted:
(1) Churches and other facilities normally incidental thereto provided they comply with the provisions of Section 5.32 (6).
(2) Commercial and non-commercial recreation areas, institutional and community recreation centers, clubs and swimming pools which are open to the public, all of which are subject to reasonable hour restrictions for outside activities.
(3) Hotels, if the property does not have frontage on Main Street, provided the square footage of the first floor of each building in the development shall not exceed five thousand (5,000) square feet.
(4) Restaurants, if the property does not have frontage on Main Street, provided the square footage of the first floor of each building in the development shall not exceed five thousand (5,000) square feet.
(5) Craft production establishments provided they comply with Section 5.93 (5).
(6) Animal hospitals.
(7) Public and private educational institutions.

(Ordinance No. 2013-02, 07-09-2013)

5.250.4. Prohibited Uses. The following uses are prohibited from the MU-PUD District:
(1) Sexually oriented businesses as described in Section 5.103 (9) of this Chapter.
(2) Motor fuel (gasoline) stations and motor vehicle repair facilities.
(3) Drive-in fast food restaurants.
(4) Taverns and bars. (This category includes facilities in which 50% or more of the revenue from sales is derived from the retail sale of alcoholic beverages.)
(5) Electronic message board signs and light emitting diode signs.
(6) Crematoriums.
(7) Hospitals.
(8) Boarding facilities for animals.
(9) Tattoo parlors.
(10) Carnivals, amusement parks, auto & go-kart tracks.
(11) Sales or storage of hazardous materials. Storage of such materials in household quantities is acceptable.
(12) Communication towers.
(13) Commercial storage lots and structures.
(14) Commercial and industrial uses described in Article 12 (B-3 Highway Commercial), Article 13 (I-Industrial) and Article 27 (SU-Special Use) unless the use is otherwise allowed in Sections 5.250.2 or 5.250.3.

5.250.5. Applicable Regulations. A mixed use planned unit development (MU-PUD) application shall be subject to the requirements of Section 5.240.2 with the following exceptions:
(1) For MU-PUD applications pertaining to property already located inside the City limits, the review and approval will be carried out by the City Planning Commission and City Council.

(2) A mixed use planned unit development site plan may be approved subject to review and approval by the City of Frankenmuth Planning Commission as provided for in Article 20 for any and all of the listed uses, excluding any prohibited uses.
(3) In those cases where the MU-PUD application and the site plan for a specific project are both ready for consideration at the same time, the two requirements stated in the two immediately preceding sub-sections may be considered for approval by the Planning Commission at the same time.
(4) There is no minimum size requirement for these development projects other than the requirements in Section 5.250.6; however, developers are strongly encouraged to adequately plan for uses that can harmoniously co-exist with regard to the potential for other future development opportunities.
(5) Driveway access to Main Street (State Trunkline M83) for such uses shall be jointly planned in accordance with Michigan Department of Transportation access management regulations. Access points to other City streets shall be reviewed and comply with all regulations required by the Subdivision Ordinance (Chapter 53 of the City Code) and as approved by the City of Frankenmuth Planning Commission.
(6) Development shall have utility capacities to meet total planning needs.
(7) The application/applicant for an MU-PUD development must demonstrate that the following requirements will be met in order to be entitled to approval:

(a) The grant of a mixed use planned unit development will result in a recognizable and substantial benefit to the ultimate users of the project and to the community, where such benefit would otherwise be unfeasible or unlikely to be achieved.
(b) The proposed type and density 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.
(c) The proposed development shall not have a materially adverse impact upon the Frankenmuth City and Township Joint Growth Management Plan, and shall be consistent with the intent and spirit of this Article.
(d) The proposed development shall not result in an unreasonable negative economic impact on the surrounding properties.
(e) Required improvements and/or modifications to such infrastructure as approved by the Planning Commission shall be solely completed by the developer at his/her cost upon administrative approval by the applicable City staff.

(8) The mixed use planned unit development shall adequately provide and the Planning Commission shall take into account the following as the same may be relevant to a particular development and insure compliance with all related applicable regulations and ordinances: perimeter, setback and berming; thoroughfare, drainage and utility design; underground installation of utilities; insulating the pedestrian circulation system from vehicular thoroughfares and ways; achievement of an integrated development with respect to lighting, landscaping mechanisms, particularly in cases where nonresidential uses adjoin residentially-zoned property; off-street parking and off-street loading space.
(9) Subject to paragraph 5.250.6 below, all regulations applicable to lot size, lot width, lot coverage, parking and loading, signage, general provisions and to other requirements and facilities <u>(except setback requirements)</u> shall be as follows:

(a) Single-family detached residential use shall meet the regulations applicable to the RA-3 District, as defined in this chapter.
(b) Two-family residential use shall meet the regulations applicable in the RCD District, as defined in this chapter.
(c) Multi-family residential use shall meet the regulations applicable in the RCM District, as defined in this Chapter.
(d) Office use shall meet the regulations applicable in the O District, as defined in this Chapter.
(e) Local business use shall meet the regulations applicable in the B-2 District, as defined in this Chapter.

(10) Minimum yard setbacks for structures in mixed use planned unit developments shall be as follows: Front: 10 feet; Side: 5 feet; Total of Two Sides: 12 feet; Rear: 25 feet.

(11) Vehicular parking lots shall be prohibited within the setback fronting on South Main Street. A landscaping plan shall be submitted for approval for all parking lots. Such plans must provide significant screening from adjacent residential uses.

5.250.6. Departures from Compliance. Consistent with the mixed use planned unit development concept, and toward the end of encouraging flexibility and creativity in development, departures from compliance with the regulations provided for in Sections 5.250.2, 5.250.3 and 5.250.5, inclusive, may be granted at the discretion of the City of Frankenmuth Planning Commission as part of the approval of a planned unit development. Such departures may be authorized on the condition that there are features or planning mechanisms deemed adequate by the Planning Commission 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.

(Ordinance No. 2013-02, 07-09-2013)

5.250.7. Conflicting Regulations. Any conflicting regulations contained herein will be subject to approval by the City Planning Commission.

(Ordinance No. 2012-03, 10-02-2012; Ordinance No. 2013-02, 07-09-2013)

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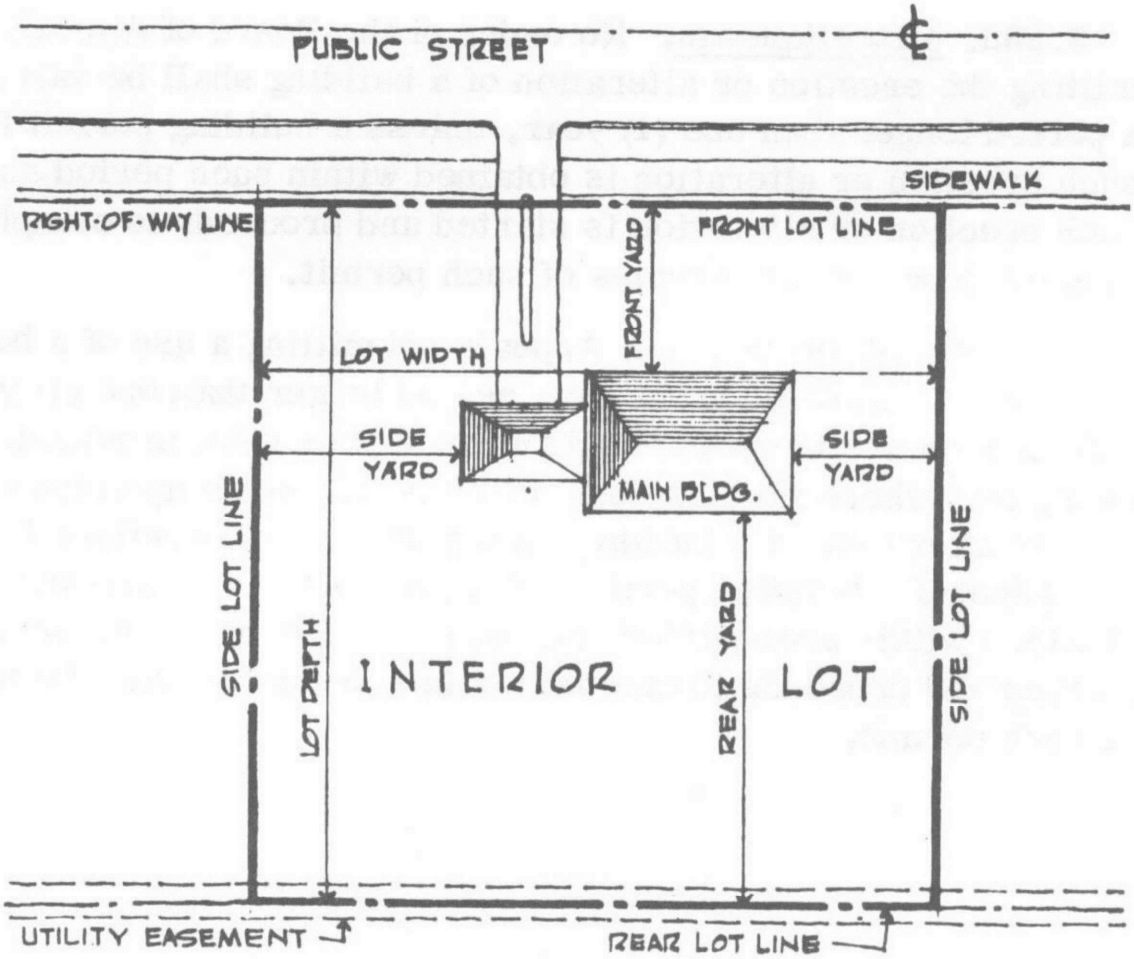
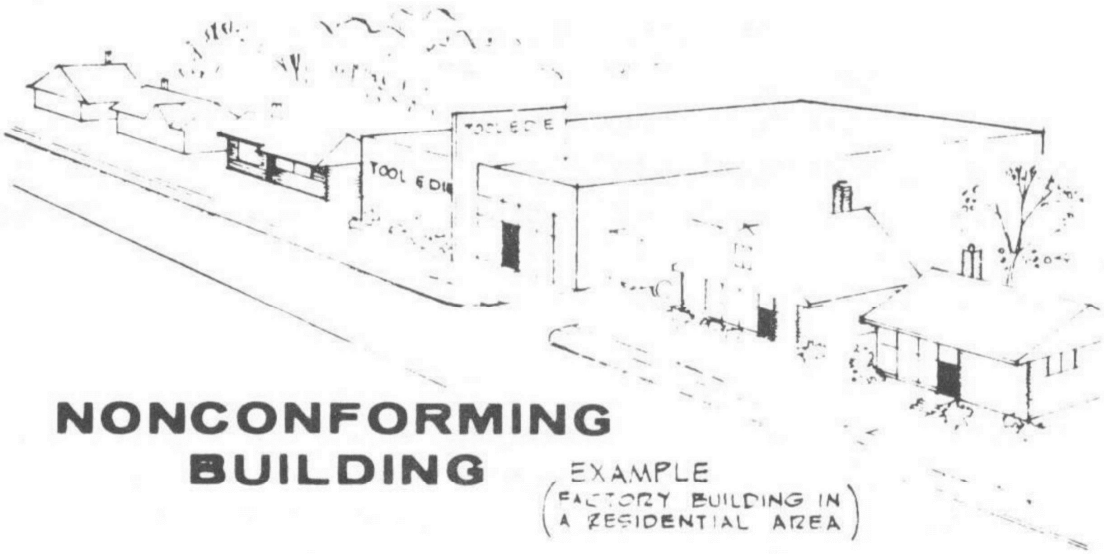


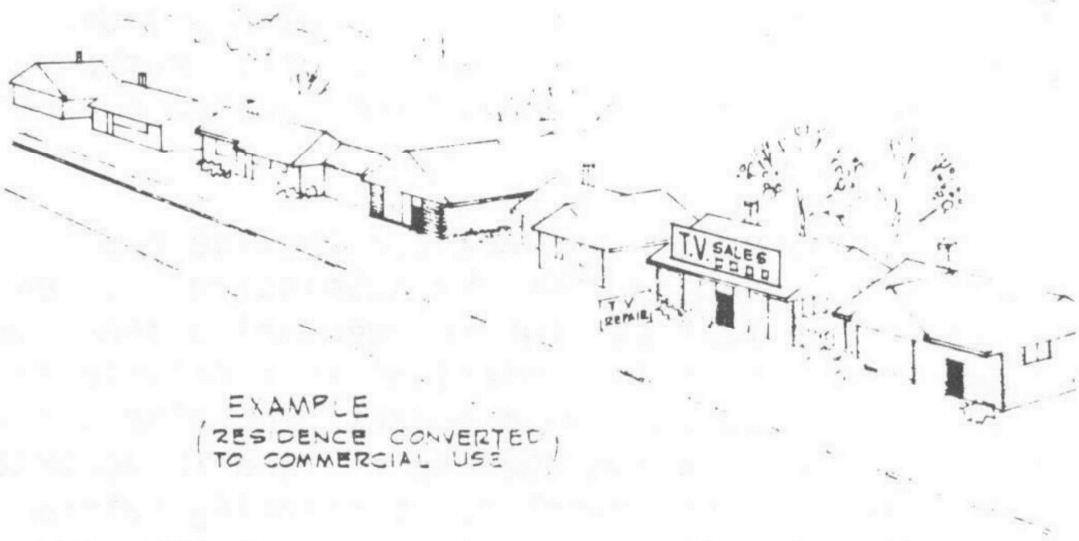
LOT AREA = TOTAL HORIZONTAL AREA

LOT COVERAGE = PERCENT OF LOT OCCUPIED BY BUILDING



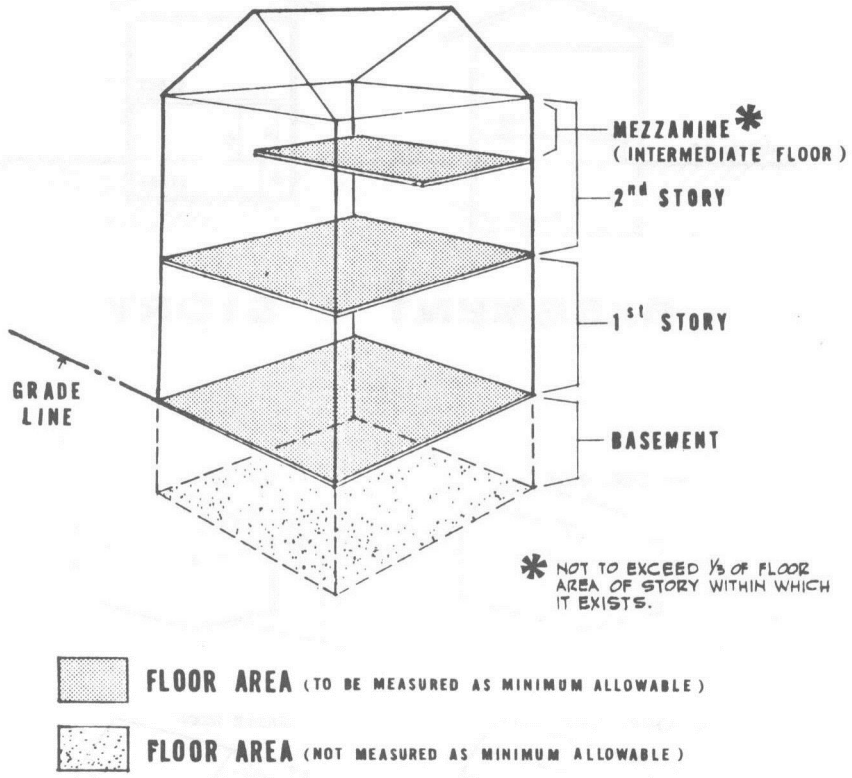
NONCONFORMING BUILDING

EXAMPLE
(FACTORY BUILDING IN A RESIDENTIAL AREA)

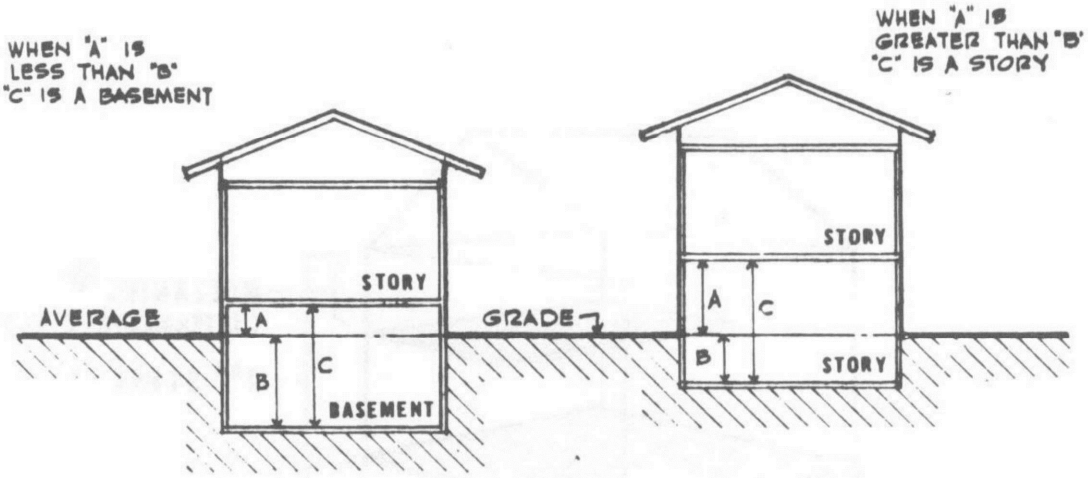


EXAMPLE
(RESIDENCE CONVERTED TO COMMERCIAL USE)

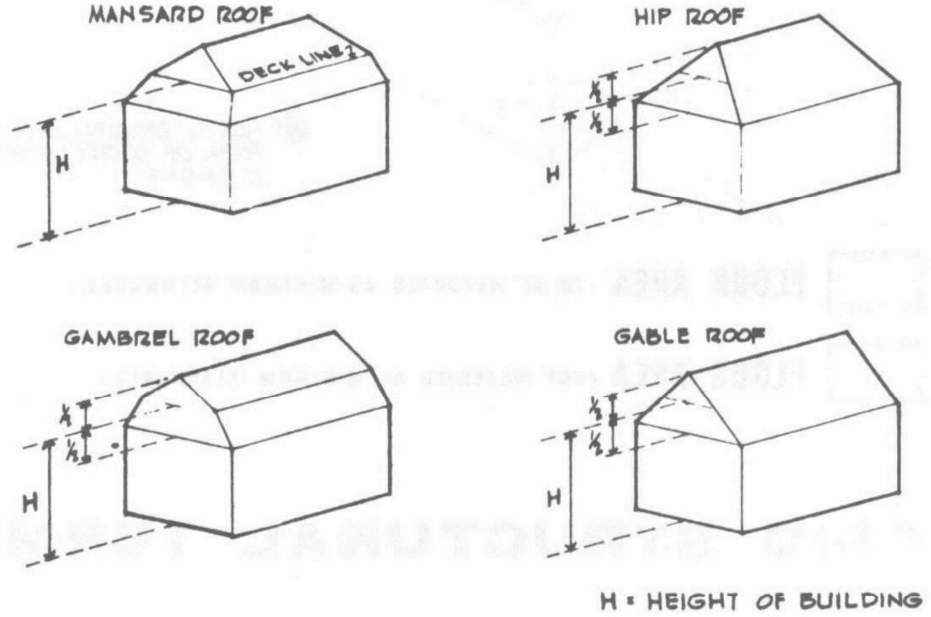
NONCONFORMING USE



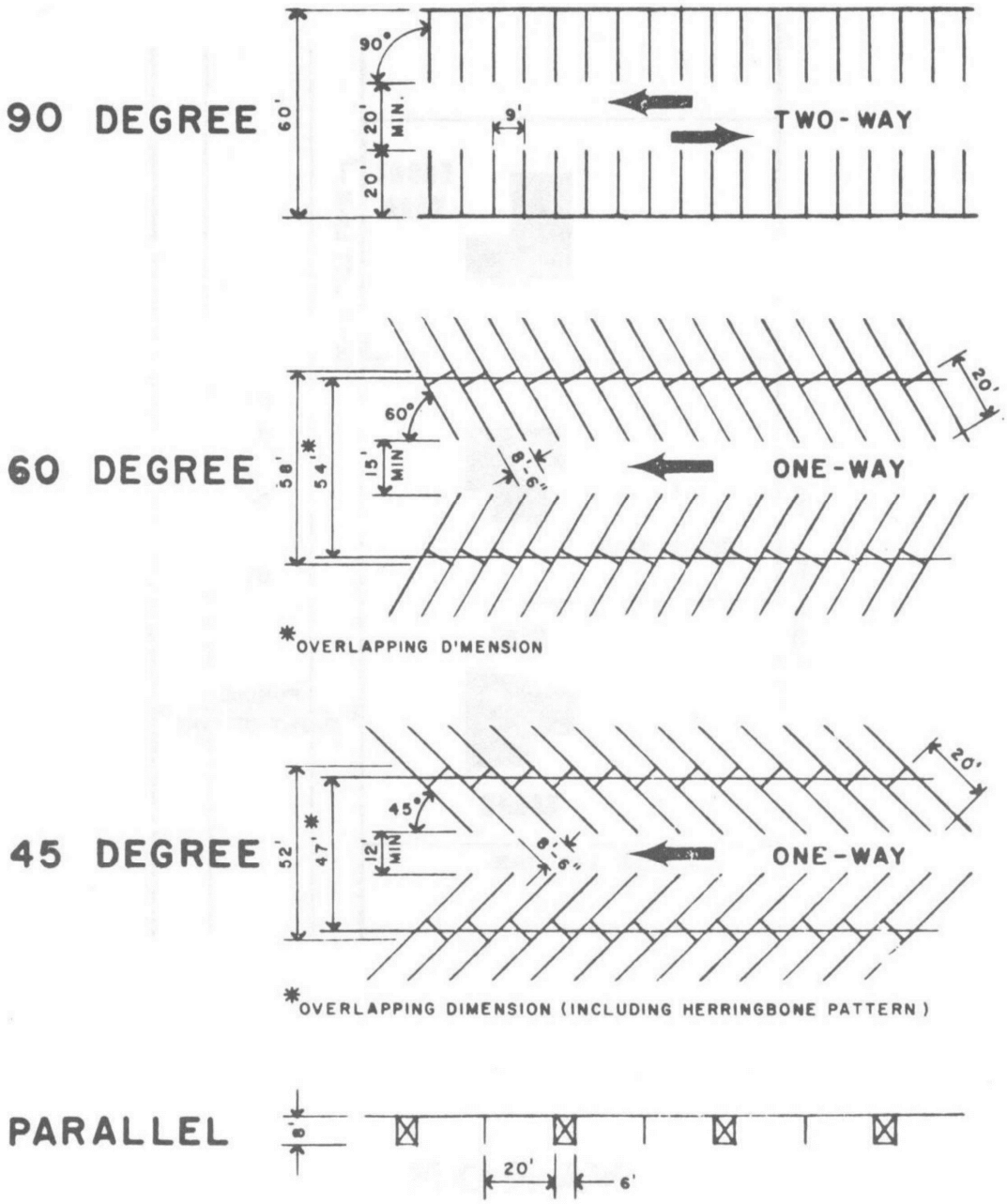
BASIC STRUCTURAL TERMS



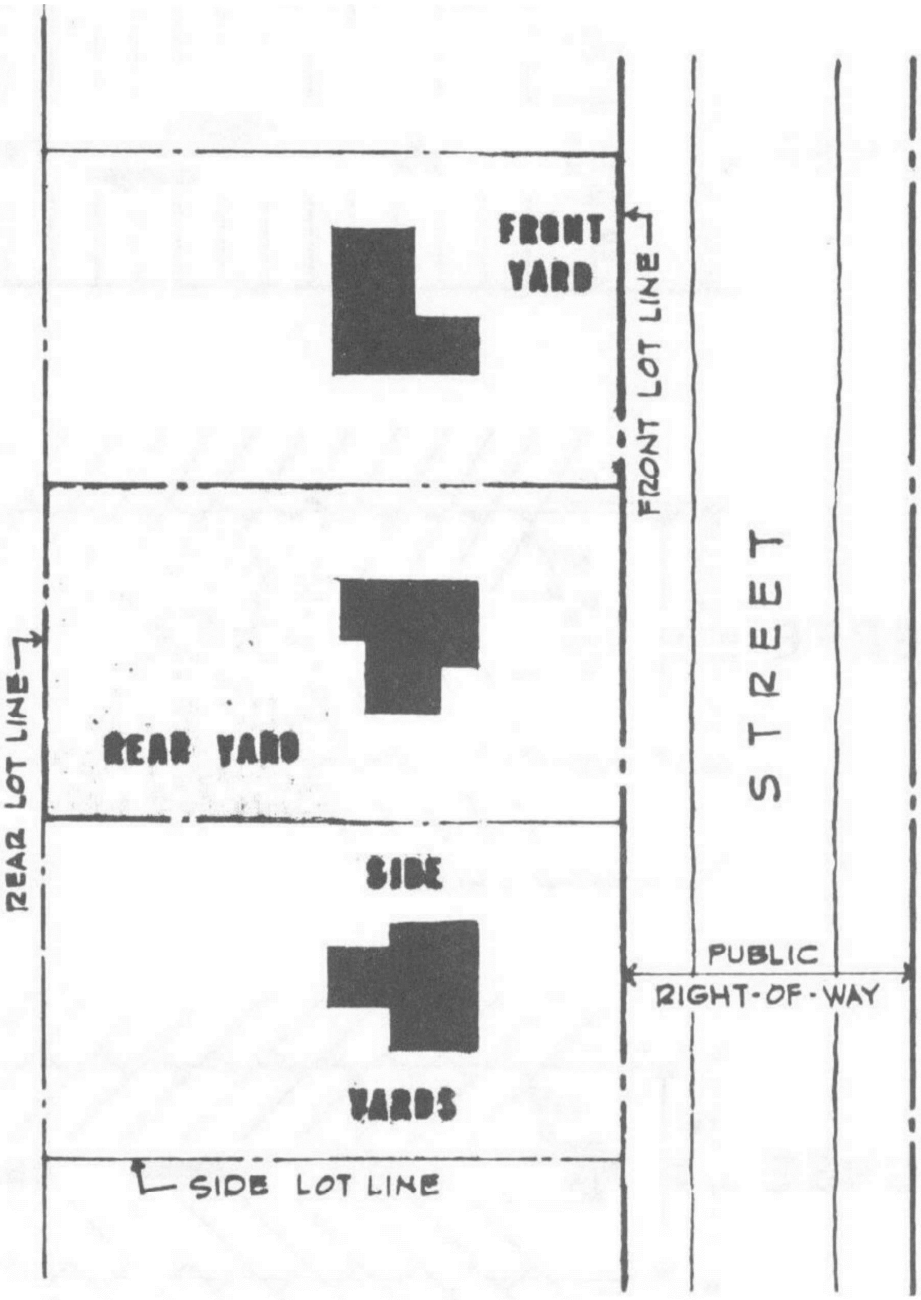
BASEMENT & STORY



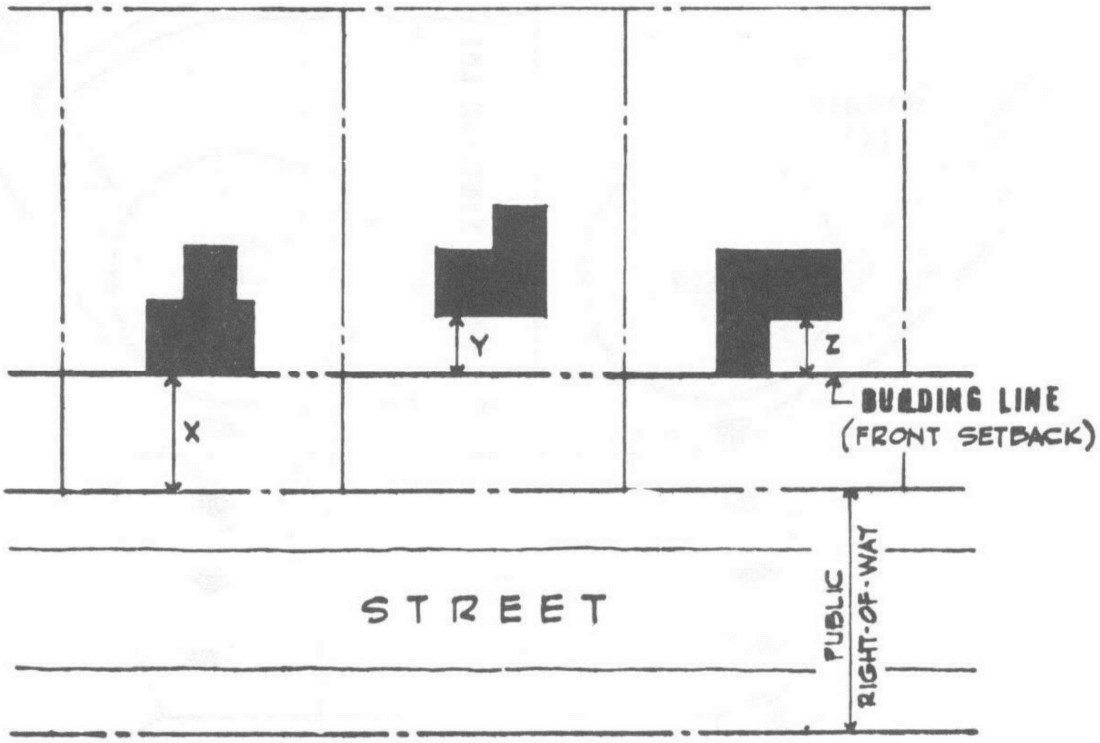
BUILDING HEIGHT



PARKING LAYOUTS


FRONT YARD
FRONT LOT LINE
STREET
REAR LOT LINE
REAR YARD
SIDE
YARDS
PUBLIC
RIGHT-OF-WAY
SIDE LOT LINE

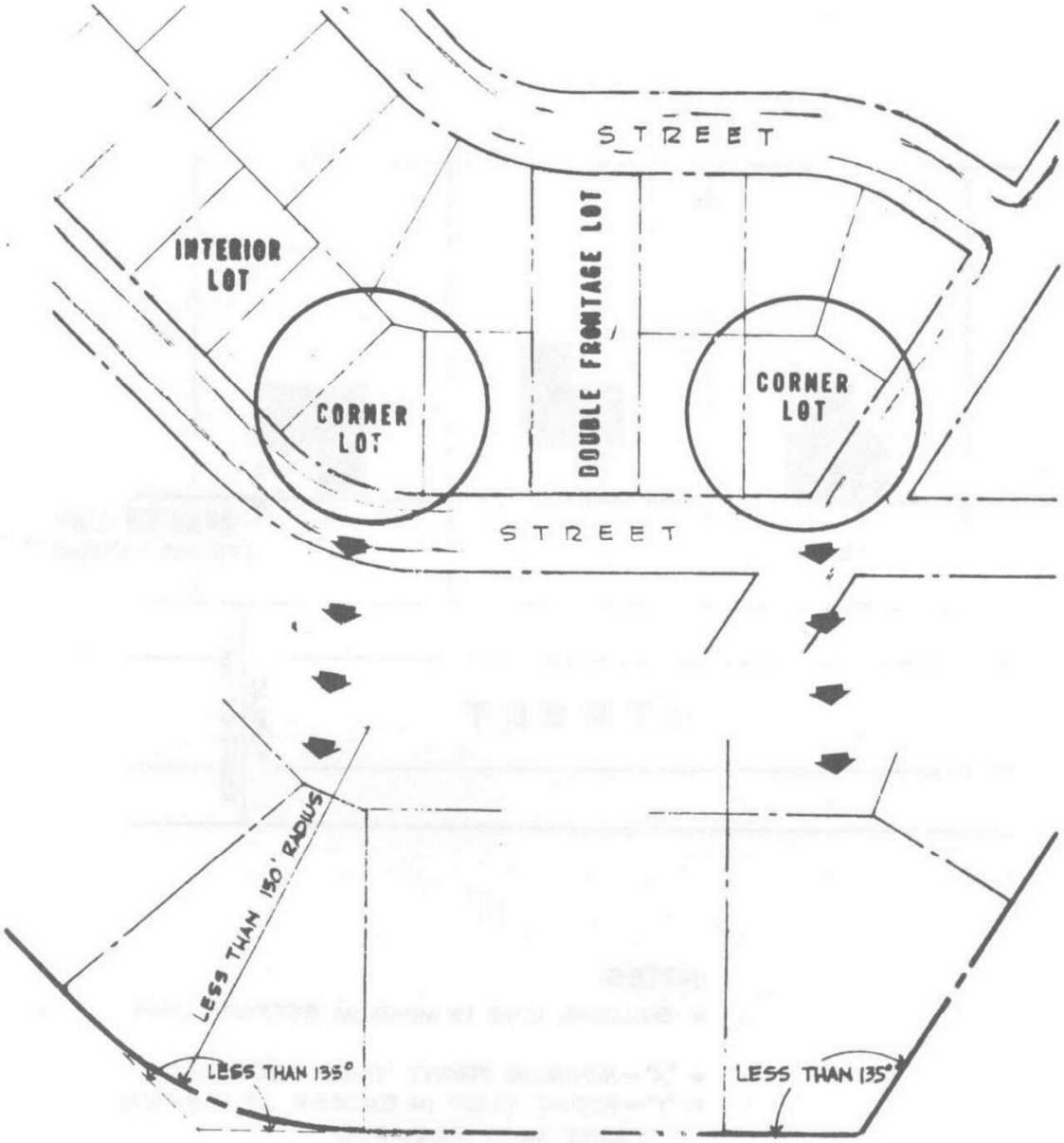
YARDS



NOTES

- BUILDING LINE IS MINIMUM SETBACK LINE
- "X" – MINIMUM FRONT YARD REQUIRED
- "Y" – FRONT YARD IN EXCESS OF MINIMUM FRONT YARD REQUIRED
- "Z" – COURT YARD IN EXCESS OF MINIMUM FRONT YARD REQUIRED

BUILDING LINE



DOUBLE FRONTAGE, INTERIOR & CORNER LOTS