

ARTICLE III

GENERAL PROVISIONS

SECTION 300 INTRODUCTION

The standards and regulations listed in this Article shall apply to all uses, buildings and structures within all zoning districts unless otherwise specifically addressed.

SECTION 301 WITHHOLDING OF APPROVAL

The Planning Commission, Board of Zoning Appeals or City Council may withhold granting of approval of any use, Special Land Use, site plan, Planned Unit Development Plan, variance or other approval required by this Ordinance pending approvals which may be required by State, County or Federal agencies or departments.

SECTION 302 VOTING PLACE

The provisions of this Chapter shall not be construed as to interfere with the temporary use of any property as a voting place in connection with a City, school or other public election.

SECTION 303 LOT AREA

Any lot existing and of record on the effective date of this Ordinance may be used for any principal use permitted other than Special Land Uses for which special lot area requirements are specified in this Ordinance, permitted in the district in which such lot is located whether or not such lot complies with the lot area and width requirements of this Ordinance. Such use may be made provided that all requirements other than lot area and width prescribed in this Ordinance are complied with, and provided that not more than one (1) dwelling unit shall occupy any lot except in conformance with the provisions of this Ordinance for required lot area for each dwelling unit.

SECTION 304 PRINCIPAL BUILDING, STRUCTURE OR USE

No lot may contain more than one (1) principal building, structure or use except: groups of multiple family dwellings under the same ownership, condominium developments, manufactured housing parks, unified shopping centers, an auto dealership, an office complex, a multi-building industrial use, an approved wireless communication facility or a Planned Unit Development. (As amended June 10, 1998)

SECTION 305 SINGLE FAMILY DWELLING DESIGN STANDARDS (amended 7/9/03)

- a. Intent: This section is intended to establish regulations for the construction of new single family dwellings, whether mobile homes, manufactured homes, modular homes or site ("stick") built homes, located outside a mobile home park in addition to HUD standards or the City Building Code, as appropriate. The standards herein are intended to prevent grossly dissimilar dwellings which would adversely affect the value of dwellings in the surrounding area, adversely affect the desirability of an area to existing or prospective homeowners, impair the stability of the environment, prevent the most appropriate use of real estate and lessen the opportunity to realize the development pattern envisioned in the Grand Blanc Community Master Plan.

These regulations are based on the finding that the cohesiveness and character of the City's neighborhoods are significant factors in the City's quality of life, contribute to the distinct character in the various neighborhoods and help retain property values. These regulations further ensure new housing units are harmonious with the general character of the adjacent houses and the City overall and ensure a stable housing stock. While some level of diversity is acceptable, these regulations are intended to ensure the design variation of new homes is similar to the level of variation in existing homes in the immediate area, or surrounding neighborhoods with similar densities for new residential projects. The standards shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.

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- b. **Applicability:** The regulations of this section shall apply to all new single family home construction. Major home expansions where the homeowner is expanding the footprint of the new home by forty percent (40%) shall comply with subsections 305(d)(11), 305(d)(12), and 305(d)(13), in addition to required building codes, to ensure the resulting home continues to maintain the character of the neighborhood. The standards shall not apply to minor home expansions, interior remodeling, or to residences outside of the single family zoning districts.
- c. **Approval:** Compliance with these regulations shall be determined by the Building and Zoning Administrator at the time the building permit is reviewed and shall be based on the standards of subsection 'd' below.
- d. **Standards:**
1. **Code compliance:** Each such dwelling unit shall comply with all pertinent building and fire codes. In the case of a mobile home, all construction and all plumbing, electrical apparatus and insulation within and connected to said mobile home shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, as amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements. Where there are conflicting applicable regulations, the more stringent shall apply.
 2. **Building permit:** All construction required herein shall be commenced only after a building permit has been obtained in accordance with the City Building Code and other building regulations.
 3. **Certification:** If the dwelling unit is a mobile home, the mobile home must either be (i) new and certified by the manufacturer and/or appropriate inspection agency as meeting the Mobile Home Construction and Safety Standards of the U.S. Department of Housing and Urban Development, as amended, or any similar successor or replacement standards which may be promulgated, or (ii) used and certified by the manufacturer and/or appropriate inspection agency as meeting the standards referenced in Subsection (i) above, and found, on inspection by the Building and Zoning Administrator or their designee, to be in excellent condition and safe and fit for residential occupancy.
 4. **Dimensional Standards:** Each such dwelling unit shall comply with the minimum standards listed in Article XX for the Zoning District in which it is located, including minimum lot area, minimum lot width, minimum floor area, required setbacks and maximum building height. Homes constructed within an existing neighborhood, also called fill-in housing, are subject to the regulations of subsection '8' and '9' below.
 5. **Foundation:** Each dwelling unit shall be firmly attached to a permanent basement or crawl space foundation constructed on the site in accordance with the City Building Code and shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the applicable building code for single-family dwellings. If said dwelling is a mobile home, the dwelling shall be securely anchored to the foundation to prevent displacement during windstorms.
 6. **Undercarriage:** In the event that such dwelling unit shall be a mobile home, the wheels, tongue, hitch assembly and other towing appurtenances shall be removed before attachment to its permanent foundation. The foundation or skirting shall fully enclose the towing mechanism, undercarriage and chassis.
 7. **Storage area:** Each such dwelling unit shall contain a storage area equal to ten percent (10%) of the square footage of the dwelling or one hundred (100) square feet, whichever shall be less. This storage area shall consist of a basement, attic or attached garage, or in a separate detached accessory structure that complies with the standards of this Section

regarding accessory buildings and structures. The intent of these standards is to limit the extent of outdoor storage.

8. **Roof:** The roof shall have a minimum 4:12 pitch and with a drainage system that will collect and concentrate the discharge of storm water or snow away from the sides of the dwelling. The roof shall have wood shake, asphalt, or other acceptable shingles. A roof overhang of not less than six (6) inches on all sides shall be provided, or alternatively with window sills or roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling.
 9. **Exterior Doors:** A minimum of two (2) exterior doors shall be provided with the second one being in either the rear or the side of the dwelling. All dwelling units shall be oriented toward the public right-of-way such that the facade that faces the street contains a door, windows, and other architectural features customary to the front facade of a residence.
 10. **Width:** The width across any front, side or rear elevation shall be a minimum of twenty (20) feet and comply in all respects with the City Building Code (BOCA).
 11. **Building Mass:** In-fill housing development shall consider the gross floor area and lot coverage of surrounding homes to ensure compatibility. The gross floor area and lot coverage of the proposed dwelling shall be at least ninety percent (90%) and no more than one hundred and thirty-five percent (135%) of the average square footage of constructed single family dwellings within five hundred (500) feet of the subject dwelling unit, with measurements made from the edge of the street.
 12. **Front Yard Setback:** In-fill housing development shall maintain a consistent front building line along the street. The front yard setback of the proposed dwelling shall be no less than ninety percent (90%) and no more than one hundred and thirty-five percent (135%) of the average established front yard setback of other single family dwelling unit within five hundred (500) feet of the subject dwelling unit, with measurements from the edge of the street.
 13. **Architectural Compatibility:** Building appearance for all new single family dwelling unit construction shall be aesthetically compatible in design and appearance with other residences in similar zoning districts in the surrounding area. For new single family neighborhood development (in the form of a new subdivision plat or new site condominium project), the surrounding area is defined as the nearest existing neighborhoods with similar densities. For in-fill housing development where there is one or a few isolated sites being developed within the existing neighborhood (in the form of an existing lot of record or recent land division), surrounding area shall be defined as within five hundred (500) feet of the subject dwelling unit; with measurements made from the edge of the lot in each direction, including the opposite side of the street. The determination shall be made by the Building and Zoning Administrator and in considering similarity and compatibility with the surrounding area, the following features must be considered in order to meet this requirement. If the Building and Zoning Administrator cannot reach a determination on architectural compatibility, the applicant shall be forwarded to the Planning Commission for review and final action.
 - a) Exterior building material used on the proposed dwelling
 - b) Roof style
 - c) The design and position of
 - d) Front entry design (presence of porches, front door location, etc.)
 - e) Garage style and design
- e. **Appeal:** An applicant may appeal to the Board of Zoning Appeals within a period of fifteen (15) days from the receipt of notice of said Building and Zoning Administrator's, or Planning Commission as applicable, decision.

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- f. **Sewage disposal and water supply:** Each such dwelling unit shall be connected to a public sewer and water supply.
- g. **Exceptions:** The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by state or federal law or otherwise specifically required in this ordinance and pertaining to such parks. Single family homes which do not conform to the standards of this section shall not be used for dwelling purposes within the City unless located within a mobile home park or a mobile home subdivision district for such uses, or unless used as a temporary residence as otherwise provided in this Ordinance.

SECTION 306 REGULATIONS ON USE OF BUILDING FOR DWELLING

- a. The use of any portion of the cellar (more than one-half the room is below grade) of a partially completed building, detached garage or accessory building for sleeping purposes in any zoning district is prohibited.
- b. Dwellings are not permitted in the office, commercial or industrial districts except for legal nonconforming dwelling existing at the time the Zoning Ordinance was adopted, a caretaker's quarters in a funeral home or veterinary clinic, upper story residential in the Central Business District which meets applicable standards of this Ordinance and the City Building Code, or housing used exclusively by security or custodial personnel and approved by the Board of Zoning Appeals. The use of trailers and recreational vehicles for housing such security and custodial personnel is prohibited.

SECTION 307 PARKING, STORAGE AND REPAIR OF VEHICLES

The following standards shall apply to any storage or repair of vehicles within any zoning district:

- a. All vehicles parked or being worked on in a front yard shall be licensed and operable.
- b. Repair, restoration and maintenance procedures on vehicles in any residential zoning district may be permitted in the front yard, only when all such work is conducted entirely within the interior of the vehicle (i.e. minor "under the hood" work is permitted, but major repair, outdoor storage of parts, tools and body work is prohibited). Major repair work is permitted only on lots containing uses approved for automotive repair.
- c. Automobiles, trucks and commercial vehicles parked on any lot must be parked on a driveway, approved parking lot or within street right-of-way where parking is permitted. Areas outside of those approved parking areas shall be lawn or living plant material. (As amended June 10, 1998)
- d. Routine maintenance procedures (such as changing oil, fluids, belts or spark plugs) on a residential lot shall only be permitted on a licensed vehicle that is owned by the owner or tenant of the principal dwelling. Such maintenance procedures shall be permitted only on an approved paved surface for a maximum of five (5) consecutive days and a maximum five (5) days during any single month. Procedures which require the vehicle to be immobile or inoperable in excess of five (5) consecutive days shall be carried out within an enclosed building or off the premises.
- e. Inoperable vehicles and vehicle parts shall be stored inside an enclosed building.
- f. Parking of wreckers is prohibited in any zoning district except on a lot where the principal use involves approved automotive service or repair.
- g. Parking of commercial vehicles over one (1) ton within public street right-of-way is prohibited.
- h. Parking of commercial vehicles over one (1) ton anywhere in a residential district is prohibited.
- i. It shall be unlawful for the owner, tenant or lessee of any lot to permit the open storage or outdoor parking of semi-tractor trucks and/or semi-trailers, bulldozers, earth carriers, cranes or any other similar equipment or machinery, unless the storage or sales of such vehicles is an approved use

for the principal building on the site or unless the vehicles are temporarily parked while in use for approved construction on the property.

SECTION 308 RECREATIONAL VEHICLE PARKING AND STORAGE(amended 8/12/09)

The temporary outdoor parking or storage of a recreational vehicle shall be permitted in the front yard on lands not approved for such use for up to forty-eight hours provided such vehicle is located on a hard surface (including asphalt, concrete or gravel) and not within the right-of-way. However, the Building and Zoning Administrator may issue a permit allowing such temporary outdoor parking or storage of a recreational vehicle for a period not exceeding two (2) consecutive weeks. No more than two (2) temporary permits may be issued for a single property in any given calendar year.

Recreational vehicles may also be stored within the confines of the rear yard or side yard when behind the front building line of the principal building; and shall further provide a side yard setback of not less than three (3) feet and a rear yard setback of not less than ten (10) feet.

All recreational vehicles parked or stored outdoors shall be legally operable and licensed, and shall not be connected to any sanitary facilities. At any given time, not more than one (1) recreational vehicle shall be stored or parked outdoors on a residential property. For the purpose of this section, a single trailer storing more than one (1) recreational vehicle shall count one (1) such vehicle. For example, a single trailer containing two (2) snowmobiles shall constitute one (1) recreational vehicle.

SECTION 309 DETERMINATION OF "SIMILAR USES"

In recognition that every potential use cannot be addressed in this Zoning Ordinance, each district includes the phrase *"Uses of the same nature or class as uses listed in this district as either a Principal Use Permitted or a Special Land Use, but not listed elsewhere in this Zoning Ordinance, as determined by the Planning Commission based on the standards of Section 309"* at the end of the list of Special Land Uses. The Planning Commission shall make a determination of "Uses of the same nature and class..." according to the following:

- a. A finding the proposed use is not listed as a Principal Use permitted or Special Land Use in any zoning district.
- b. If the use is not addressed in the Zoning Ordinance, the Planning Commission shall select the use listed in the Zoning Ordinance which most closely resembles the proposed use using criteria such as potential impact on property values, traffic generated, aesthetics, noise, vibration, dust, smoke, odor, glare and other objectionable impacts terms of health, safety and welfare in the City. The Planning Commission may determine that there is no similar use and that the use should be prohibited (see Section 310).
- c. Once a similar use is determined, the proposed use shall comply with any special conditions or Special Land Use Standard that apply to the similar use.
- d. The Planning Commission or applicant shall have the option to request that the City Council consider an amendment to the Zoning Ordinance to specifically address the use in question, rather than treating the proposed use as a similar use.
- e. The determination as to whether a proposed use is similar in nature and class to other Principal use permitted or Special Land Uses within a district should be considered as an expansion of the use regulations, not a variance applying to a particular situation. Any use determined by the Planning Commission to be a "use of the same nature or class as uses listed" shall thereafter be included in the enumeration of the uses.

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The Planning Commission determination of a "Similar Use" may be appealed to the Board of Zoning Appeals.

SECTION 310 PROHIBITED USES

Basis: Certain uses may not be appropriate within the City of Grand Blanc given the existing development pattern, environmental condition and overall character of the community. In accordance with the City or Village Zoning Act, a Zoning Ordinance or zoning decision can totally prohibit the establishment of a requested land use within a City if there is not an appropriate location within the community or the use is unlawful, even if there is a demonstrated need for that land use either in the City or surrounding area. In determining there is no appropriate location for the requested use within the City, the Planning Commission shall consider the following:

- a. The land area required by the proposed use.
- b. Existing environmental conditions and potential environmental hazards.
- c. The potential impact on surrounding properties in terms of traffic, noise, lighting, property valuation and views.
- d. Demand and capacity of utilities and municipal services to support the proposed use.
(amended 2/14/96)
- e. Finding there is an alternative land use for the property that will provide the property owner with a reasonable rate of return on investment.

The Planning Commission determination of a "Prohibited Use" may be appealed to the Board of Zoning Appeals.

SECTION 311 ESSENTIAL PUBLIC SERVICES

- a. Essential services buildings and structures shall be permitted as authorized under any franchise in effect within the City, subject to regulation as provided in any law of the State of Michigan the list of uses within each zoning district or in any other City Ordinance provided it is the intent of this section to ensure conformity of all buildings, structures uses and storage yards to the requirements of this Zoning Ordinance wherever such conformity shall be practicable and not in conflict with the specific requirements of such franchise, state legislation or City Ordinance. In the absence of such conflict, the Zoning Ordinance shall prevail. Appeal from the application of this Ordinance in regard to any essential service may be made to the Board of Zoning Appeals.
- b. Public and On-Site Utilities: Prior to issuance of a building permit under the terms of this Ordinance, the applicant shall obtain engineering approval from the City.

SECTION 312 ACCESSORY BUILDINGS

All accessory buildings and structures permitted in this Zoning Ordinance shall be subject to the following:

- a. **Relation to principal building:** Accessory buildings, structures and uses are permitted only in connection with, incidental to and on the same lot with, a principal building, structure or use which is permitted in the particular zoning district. No accessory building, structure or use shall be occupied or utilized unless the principal structure to which it is accessory is occupied or utilized.
- b. **Maximum number:** There shall be a maximum of one (1) detached accessory building.

The Board of Zoning Appeals may grant special approval to modify the maximum number of accessory buildings or the minimum size.

- c. **Maximum size and coverage:** An accessory building shall not occupy more than ten (10%) percent of a required rear yard, provided that in residential districts the accessory building shall not exceed the ground floor area of a main building, and in no case be larger than seven hundred (700) sq. feet.
- d. **Restrictions on placement:** Accessory buildings shall not be erected in any right-of-way, easement, or required front yard. When an accessory building is located on a corner lot, the side lot line of which is substantially a continuation of the front lot line of the lot to its rear, said building shall not project beyond the front yard setback required on the lot to the rear of such corner lot. In the case of attached residential dwelling complexes, detached parking garages or carports may be permitted in the non-required front yard provided the Planning Commission approves the site plan, landscaping, elevation drawings and construction materials. In reviewing such structures, the Planning Commission shall consider the impact of headlights and views from nearby public streets and adjacent properties.
- e. **Required setbacks (attached):** Where the accessory building, structure or use is structurally attached to a principal building, structure or use (e.g. a deck, garage or breezeway), it shall be subject to all the regulations of this section applicable to principal buildings, structures and uses.
- f. **Required setbacks (detached):** Detached accessory buildings shall be at least ten (10) feet from any principal building or other accessory building or public street right-of-way line or property line if the structure is less than one hundred (100) square feet in area. Accessory structures greater than one hundred (100) square feet in area shall meet all the setback requirements for the principal buildings.
- g. **Maximum, height:** The maximum building height of any detached accessory building or structure in any Single Family (R-1 through R-3 and RT), District shall be fourteen (14) feet, measured from the average height between the eaves and the ridge. Accessory buildings in all other districts may be constructed to equal the permitted maximum height of structures in said districts, subject to Board of Zoning Appeals' review and approval if the building exceeds one (1) story or fourteen (14) feet in height.
- h. **Drainage:** The placement and design of any accessory building or structure shall not have a significant impact on stormwater runoff. The Building and Zoning Administrator may require grading plans or a sketch plan to ensure compliance with this provision.
- i. **Restrictions on use:** Accessory buildings shall not be occupied for dwelling purposes nor used for any business profession, trade or occupation except for permitted caretakers dwellings, except as permitted in Section 306.
- j. **Permit required:** Any accessory building or structure greater than two hundred (200) square feet in residential zoned districts and one hundred twenty (120) square feet in commercial zoned districts shall require a building permit. (amended 8/8/01 - Ordinance #256)

SECTION 313 SWIMMING POOLS

- a. **Requirement for fence:** Every person owning land on which there is located a pool shall erect and maintain thereon a fence or enclosure approved by the Building and Zoning Administrator in conformance with the City Building Code.
- b. **Restriction from front yard:** Swimming pools, spas, hot tubs and similar devices shall

not be located in any front yard.

- c. There shall be a minimum distance of not less than ten (10) feet between the adjoining property line and the outside of the pool wall. The required side yard setbacks of the zoning district (Article XX) shall apply to side yards if greater than ten (10) feet.
- d. There shall be a distance of not less than four (4) feet between the outside edge of the pool wall and any building located on the same lot.
- e. **Surrounding walk:** All public swimming pools shall be surrounded by a slip resistant walk at least four (4) feet wide.
- f. **Permits:** Construction shall be in accordance with the City Building Code. Permits shall be applied for and issued from the City Building Department prior to excavation or construction of any swimming pool, spa, hot tub or similar device requiring a fence as noted above. The application shall be accompanied by a complete set of plans and specifications. A final inspection and approval from the City Building Department must be obtained prior to use of the swimming pool.

SECTION 314 WASTE RECEPTACLES

Receptacles, including waste receptacles, waste compactors, and recycling bins shall be designed, constructed and maintained according to the standards of this section. Waste receptacle location and details of construction shall be shown on site plans. A change in receptacle location or size shall require modification to the enclosure, as warranted by this section.

- a. **Location:** Waste receptacles shall be located in the rear yard or non-required side yard, unless otherwise approved by the Planning Commission and shall be as far as practical, and in no case be less than twenty (20) feet from any residential district and in such a way that they are not easily damaged by the refuse device. The location and orientation of waste receptacle and enclosure shall minimize the potential for the waste receptacle to be viewed from public street or adjacent residential districts.
- b. **Access:** Waste receptacles shall be easily accessed by refuse vehicles without potential to damage the building or automobiles parked in designated parking spaces.
- c. **Base Design:** The receptacle base shall be at least ten (10) feet by six (6) feet, constructed of six (6) inches of reinforced concrete pavement. The base shall extend six (6) feet beyond the waste receptacle pad or gate to support the front axle of a refuse vehicle.
- d. **Enclosure:** Waste receptacles shall meet the following standards:
 - 1. Each waste receptacle shall have an enclosing lid or cover.
 - 2. Waste receptacles shall be enclosed on three (3) sides with a gate on the fourth side. A gate shall not be required if the opening of the enclosure is not visible from the public street or a residential district, as determined by the Planning Commission. A gate must be maintained in operable and sanitary condition.
 - 3. The enclosure shall be a berm or constructed of brick, concrete or decorative precast panel with brick effect or a wooden enclosure provided the lumber is treated to prevent decay or is determined by the Building and Zoning Administrator to be durable and suitable for outdoor use with a maximum height of six (6) feet or at least one (1) foot higher than the receptacle, whichever is higher, and spaced at least three (3) feet from the receptacle. Suggested timber

materials include Cedar, No. 2 Cedar rough sawn seasoned, Redwood, No. 2 Common Finish (S4S), Douglas Fir-larch or Southern Pine. Posts shall be set in concrete forty-two (42) inches below grade. Posts shall be either 6 x 6 inch pressure treated wood or three (3) inch diameter galvanized steel posts.

4. Bollards or similar protective devices may be installed at the opening to prevent damage to the enclosure.
5. The enclosure shall be screened with five (5) foot high evergreens planted a minimum of six (6) feet apart wherever the enclosure wall is visible to a public street or residential district.

SECTION 315 FENCES (amended 2005)

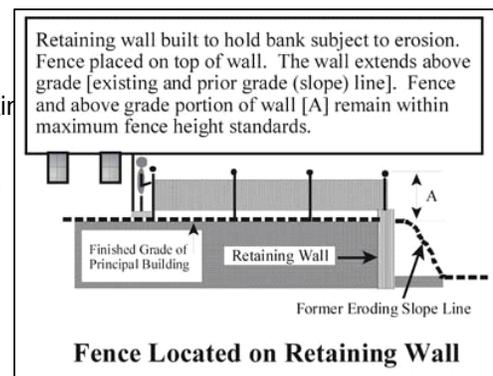
Fences are permitted subject to the following regulations:

- a. **Permits:** The erection, construction or alteration of any fence six feet (6') or less in height shall not require a building permit. The erection, construction or alteration of any fence shall conform with the remaining provisions of Section 315. (amended 8/8/01)
- b. **Location in front yards:** Fences of an ornamental nature may be located in a front yard of any lot of record up to a height of twenty-four (24) inches, provided adequate sight distance is provided for corner lots as described in Section 330.
- c. **Location in other yards:** Fences between two properties should be located on the property line. The Applicant shall submit a signed statement, from all adjoining property owners on whose property line the fence would be constructed, indicating that they do not object to the erection of the fence. If it becomes impossible to obtain the written statement from the adjoining property owners, then the fence shall be located at least six (6) inches inside the property line and the fence owner is responsible for maintaining the property between the fence and the property line. On all lots of record, fences which enclose property and/or are within a required side or rear yard shall not exceed six (6) feet in height, and shall not extend toward the front of the lot nearer the front of the house or the required front yard, whichever is greater.
- d. **Prohibitions:** The following shall be prohibited:
 1. Fences in public street rights-of-way.
 2. Gates or fences across a residential driveway.
- e. **Measuring fence height:** Fence height shall be measured from the grade (elevation) of the ground immediately below the location of the fence. The grade immediately below the location of the fence may not be modified in order to achieve an increase in fence height in excess of ten (10) percent above that obtainable prior to the grade modification. For purposes of this section, the grade associated with placement of a fence shall be defined as:
 1. Fence erected on site containing no building or structure-the grade shall be naturally existing grade without modification.
 2. Fence erected on site containing principal building or structure-the grade shall be the finished grade existing at the fence site after construction of the principal building or structure. For fence construction purposes, said grade shall be subject to approval by the Building and Zoning Administrator.
- f. **Location/height in industrial districts:** Fences in I-1 or I-2 Districts with a maximum height of six (6) feet may be located in any yard except the front yard provided such fences shall be located on parcels with a principal building containing an approved industrial use, the fence is

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maintained in good condition and does not constitute an unreasonable hazard or nuisance.

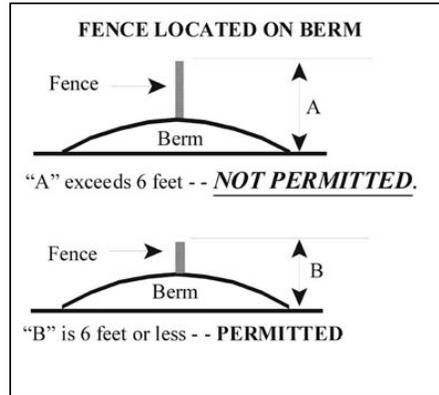
- g. **Wood fence standards:** Wooden fences shall be a maximum of six (6) feet in height measured from the surrounding grade at every point along the fence line. Wood fences having one finished side shall have the exposed fence posts facing inward with the finished side of the fence facing outward unless otherwise approved by the Building and Zoning Administrator. There shall not be more than two (2) inches separating the bottom of the face board and the surface of the ground.
- h. **Chain link standards:** No chain link or wire fence shall hereafter be erected in any required rear or side yard area on any lot of record in excess of six (6) feet in height measured from the surrounding grade at every point along the fence line. Welded wire fences are strictly prohibited unless utilized in conjunction with an approved fencing operation.
- i. **Public fences:** Fences which enclose public parks, public institutions, playgrounds or other public areas, may be a maximum eight (8) feet in height, measured from the surrounding grade at every point along the fence line. Such fence shall not obstruct vision to an extent greater than twenty-five (25%) percent of the total fence area.
- j. **Materials:** Ornamental fences are of approved materials, of a design as to be non-sight obscuring and of a fence type listed below:
- a. Post and Rail
 - b. Split rail
 - c. Picket
 - d. Wrought iron
 - e. Other types of ornamental fences must be approved by the Planning Commission prior to placement in a front yard area.
- k. **Restrictions on electrification:** Fences shall not contain electric current or charge of electricity.
- l. **Restriction on barbed wire, etc.:** Barbed wire, spikes, nails or any other sharp instruments of any kind are prohibited on top of or on the sides of any fence.
- m. **Maintenance:** All fences shall be maintained in a good condition, in an upright position and shall not constitute an unreasonable hazard. Any fence which is not maintained, as determined by the Building and Zoning Administrator, shall be removed or replaced (any required fence shall be replaced).
- n. **Fence placed on retaining wall, berm, or similar feature:** A fence, or portion thereof, may be erected on a retaining wall, berm, or similar feature provided the combined height of the retaining wall, berm, or such feature and fence shall not exceed the total allowable fence height as referenced under e. above, or as noted in the following paragraph.



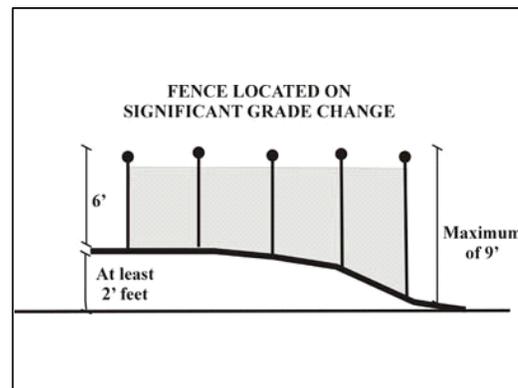
The Building and Zoning Administrator may allow placement of a retaining wall and fence, which, when combined, exceed the total allowable fence height as referenced above. Said approval may occur when the Building and Zoning Administrator determines that additional height is necessary to permit the placement of a retaining wall of sufficient height to stabilize a natural bank against which the retaining wall will be positioned. In granting said approval,

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the Building and Zoning determine that the for said stabilization, as extended base for height. The combined portion of the retaining grade of the principal maximum fence height



Administrator shall additional height is needed opposed to erecting an purposes of gaining fence height of the fence and any wall above the finished structure shall not exceed standards.



- o. **Fence placed on properties with significant grade change:** Where the finished grade at the fence line is two (2) or more feet above or below the finished grade line of the abutting lot or building the Building and Zoning Administrator may allow the fence to be increased in height up to a maximum of nine (9) feet to ensure the intended screening and security benefits are provided in a manner similar to a six (6) foot fence located on a property without significant topographic differences. The Building and Zoning Administrator may require landscaping or specific materials to mitigate the aesthetic impacts of a taller fence.

SECTION 316 RECEPTION ANTENNAS (effective Jan. 28, 1997)

Radio or television antennas or towers, including satellite dish antennas and transmission or reception antennas below three hundred (300) watts of output, erected or installed in any zoning district shall comply with the following requirements. Traditional television and radio antennas, reception antennas with a diameter of one (1) feet or less and short wave (HAM) radio antenna, are exempted from these regulations when not exceeding a fifty (50) foot height above mean grade or ten (10) feet above the roofline in a residential district; or one hundred (100) feet above mean grade in other zoning districts based on a finding that they do not impose potential negative safety, aesthetic and welfare problems.(as amended June 10, 1998)

Antennas and similar devices used for reception or broadcast of communications transmissions shall be permitted subject to the following conditions and requirements:

- a. These regulations shall apply to:
 - 1. Transmission antennas with a broadcast output of less than three hundred (300) watts erected or installed in any zoning district

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2. Any television or radio antenna, including those used for short wave (HAM) transmission, in a residential district erected to a height greater than fifty (50) feet above the grade or greater than ten (10) feet above the established roofline on the lot where the antenna is located
 3. Any television or radio antenna, including those used for short wave (HAM) transmission, in a nonresidential district erected to a height greater than one hundred (100) feet above the grade
 4. Satellite dish reception antennas with a diameter greater than one (1) meter in a residential zoning district
 5. Satellite dish reception antennas with a diameter greater than two (2) meters in a nonresidential zoning district
 6. In residential districts, all towers or other structures used for the purpose of elevating an antenna more than one (1) meter above the surface of the ground or, if the antenna is mounted on the roof of a building, more than one (1) meter above the surface of the established roofline of the building
 7. In nonresidential districts, all towers or other structures used for the purpose of elevating an antenna more than two (2) meters above the surface of the ground or, if the antenna is mounted on the roof of a building, more than two (2) meters above the surface of the established roofline of the building
- b. Not more than one (1) antenna shall be permitted per parcel or lot
 - c. All antennas and antenna towers regulated by these provisions shall be located only in a side or rear yard
 - d. No part of an antenna or antenna tower shall be located in an easement
 - e. No portion of an antenna shall be located closer than six (6) feet, measured on a horizontal plane, from any side or rear lot line
 - f. Ground-mounted satellite dish antennas in a yard fronting on a public street shall be screened from view from such street by landscaping or a wall. The applicant shall submit a sketch plan to the Building and Zoning Administrator for approval. The sketch plan shall indicate the location and height of the satellite dish and buildings, paved areas and other appropriate site features within one hundred (100) feet of the proposed location. Ground-mounted antennas shall be subject to the following conditions:
 1. Maximum height permitted shall be fourteen (14) feet and seventeen (17) feet if placed on a structure.
 2. The antenna shall be obscured from the view of adjacent properties by a screening wall or fence, evergreen plantings, or a combination of the above.
 - g. The diameter of antennas and satellite dishes shall not exceed ten (10) feet.
 - h. No advertising or identification display shall be placed on any portion of an antenna or tower, including a satellite dish antenna.
 - i. Erection or movement of an antennae, tower or satellite dish shall require a permit from the City Building and Zoning Administrator. Roof-mounted antennas shall be subject to the following conditions:

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1. For the purposes of this section, a reception antenna regulated by this Section shall be considered to be a portion of the structure and must comply with the maximum building height regulations in Article XX.
 2. All roof-mounted antennas must be anchored in an approved as outlined in the City Building Code.
 3. The antenna shall not be mounted on the front of the structure.
- j. Towers and support structures
1. Satellite dish reception antennas with a diameter greater than one (1) meter in a residential zoning district
 2. Satellite dish reception antennas with a diameter greater than two (2) meters in a commercial or industrial zoning district
- k. The Federal Communications Commission regulates and permits erection of satellite dish antennas under certain terms and conditions. Other state and federal requirements may be enacted that supersede the requirements of this Ordinance. The regulations of this Ordinance are not intended to conflict with state and federal regulations. In any instance where state or federal regulations establish a regulatory base but permit higher standards to be adopted under local regulations, the requirements of this Ordinance shall be enforced.
- l. **Variances:** The Zoning Board of Appeals may grant a variance from these standards upon determining compliance with the standards of this section would not provide reasonably good reception, that the variance requested is the minimum necessary to provide reasonably good reception and that adjacent properties shall not be negatively impacted.

SECTION 317 ACCESSORY USE AND BUILDING PARKING

Each accessory use that may generate additional demand for parking shall provide parking in addition to that required for the principal use. The parking standards provided in Article XXII shall be used as a guide to determine additional parking needed. If no specific standard is provided, the Building and Zoning Administrator shall determine the additional parking needed based on factors such as increased occupancy potential, additional employees or patrons expected.

SECTION 318 NATURAL FEATURES PRESERVATION: WOODLANDS

The standards of this section are intended to promote the preservation of important woodlands and large mature trees which contribute to the character, welfare and quality of life in Grand Blanc. These standards are intended to prevent the unnecessarily removal of woodlands prior to, during and following construction on a site. The standards of this section, in conjunction with the standards for site plan review, are mechanisms to promote goals from the Grand Blanc Master Plan.

- a. Any property owner or his representative proposing to clear more than twenty-five percent (25%) of the trees of eight (8) inch caliper or greater on a site, as determined by the Planning Commission, shall first notify the City of the intent of such clearing and/or earth change and submit a proposed sketch plan describing the sites features for review and approval by the Planning Commission.
- b. This section shall not prevent tree clearing for approved building envelopes, swimming

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pools, decks, essential services, utility lines or construction drives; nor shall this ordinance prohibit site alterations for farming purposes. The Planning Commission may waive the caliper standard for select clearing of lower quality species including box elders, elms, poplars, willows and cottonwoods.

SECTION 319 NATURAL FEATURES PRESERVATION: WETLANDS

The City of Grand Blanc intends to promote compliance with the Goemaere-Anderson Wetland Protection Act 203 of 1979, as amended. The City encourages placement of buildings to protect Michigan Department of Natural Resources regulated wetlands and non-regulated wetlands between two acres and five acres in size. The City intends to ensure important wetlands are preserved, to prevent the mistaken elimination of regulated wetlands and to promote the goals of the Grand Blanc Community Master Plan.

- a. Any disturbance of soils, removal of landmark trees or stumps, grading, alteration of water flowing into or from an MDNR regulated wetland, or any prohibited activity as listed in Section 5 of Public Act 203 of 1979, without a permit from the MDNR, may result in a stop work order issued by the City and/or require restoration of the wetland in accordance with MDNR standards.
- b. Judicious effort shall be made through site plan design to preserve non-MDNR regulated wetlands which exceed two (2) acres in size, particularly those with standing water or considered to be important wildlife habitat.
- c. Where stormwater is planned to drain into a wetland, a filtration strip or other material shall be used to control runoff of sediment and the wetland. Maintenance of these material shall be addressed in a deed or as a condition of site plan approval.
- d. Land shall not be subdivided in a manner creating parcels or lots which cannot be used in conformance with the requirements of this Section or the MDNR regulations.

SECTION 320 NATURAL FEATURES PRESERVATION: GRADING, REMOVAL AND FILLING OF LAND

Any grading which changes site elevation by more than three (3) feet, or the use of land for the excavation, removal, filling or depositing of any type of earth material, topsoil, gravel, rock, garbage, rubbish or other wastes or by-products, is not permitted in any zoning district except under a certificate from, and under the supervision of the Building and Zoning Administrator in accordance with a topographic plan, approved by the Building and Zoning Administrator, submitted at a scale of not less than one (1) inch equals fifty (50) feet and shall show existing and proposed grades and topographic features and such other data as may from time to time be required by the Building and Zoning Administrator. Such certificate may be issued in appropriate cases upon the filing with the application of a Performance or Surety Bond in an amount as established by the Building and Zoning Administrator sufficient to rehabilitate the property upon default of the operator or such other reasonable expenses. The form of the bond shall be approved by the City Attorney. This regulation does not apply to normal soil removal for basement or foundation work when a building permit has previously been duly issued by the Building Department.

SECTION 321 MINIMUM FRONTAGE ON PUBLIC STREET

No lot shall be used for any purpose permitted by this Ordinance unless said lot has at least sixty (60) feet abutting a public street or otherwise provided in this Ordinance. This shall not preclude use of existing lots of record which have a frontage of less than sixty (60) feet unless nonconforming lots are contiguous and under the same ownership in which case the lots shall be

combined. The intent of this Section is to ensure no new lots with less than sixty (60) feet of frontage are created and that conformance be required where reasonable.

SECTION 322 CALCULATION OF (BUILDABLE) LOT AREA

In the calculation of areas required to maintain specific densities, open space requirements and similar needs, no lot or parcel or portion of same shall be used more than once in such calculation, nor shall adjacent outlots or other open space be used in lieu of space contained within the stated boundaries of the subject lot or parcel. In calculating density for residential developments, fifty percent (50%) of state or federally regulated wetlands area shall be included in computing gross density (e.g. 100 acres of wetland equals fifty (50) acres for computing maximum density). Lakes, ponds, overhead utility easements, public street right-of-ways and private road easements are excluded from area calculations for buildable lot area.

SECTION 323 EXTERIOR LIGHTING

- a. **Shielding:** Only non-glare, color corrected lighting shall be permitted. All outdoor lighting shall be shielded to reduce glare and shall be arranged to reflect light away from all adjacent residential districts. The lighting source shall not be visible from adjoining properties.
- b. **Intensity:** In parking lots, lighting shall average one (1) foot candle measured at the surface. No lighting may extend beyond the property line. A lower intensity may be required by the Planning Commission where the adjacent zoning district is residential. The Building and Zoning Administrator may require a photometric plan (lighting grid) to determine the appropriateness of proposed lighting layout and intensity.
- c. **Height of fixtures:** The maximum height of light fixtures in parking lots shall be thirty (30) feet, measured from the parking lot surface to the centerline of the lighting source. The Planning Commission may modify that height standard in commercial and industrial districts based on consideration of the type of fixture, the height of surrounding buildings, existence of landscaping, the potential off-site impacts and the general character of the surrounding uses. In no case shall the height of the lighting fixture exceed the maximum height permitted for principal buildings in the zoning district.
- d. **Fixtures:** Cut-off shoe box type fixtures shall be required in any parking lot adjacent to a residential district. Lighting fixtures shall be mounted on milled steel or planed wooden poles. Lighting fixtures shall not be attached to utility poles.
- e. **Building illumination:** All lighting in non-residential districts or for non-residential uses used for the external illumination shall be placed and shielded to prevent interference with the vision of motorists or nearby residents.
- f. **Plan requirements:** Parking lot and building lighting illumination shall be illustrated and described on the site plan, including details showing the type of fixture, height of poles and any proposed illumination of buildings, signs or landscaping. Illumination of signs or buildings shall be directed to prevent interference with motorists.
- g. **Wiring:** No wiring shall be exposed.
- h. **Restrictions:** All illumination of signs and any outdoor feature shall not be of a flashing, moving or intermittent type. Illumination of any outdoor feature shall be directed or shaded to not interfere with vision of motorists or to adjacent property. Artificial light shall be maintained stationary and constant in intensity and color.

SECTION 324 ENTRANCE FEATURES

In all districts, so called entranceway structures including but not limited to: walls, columns, and gates marking entrances to single-family subdivisions or multiple housing projects, office complexes, shopping centers and industrial parks may be permitted and may be located in a required yard, but not within a public street right-of-way, provided such entranceway structures do not conflict with required sight distance (see Section 330).

SECTION 325 BUILDING GRADES

- a. Any building requiring yard space shall be located at such an elevation that a sloping grade shall be maintained to cause the flow of water to run away from the walls of the structures thereon. The balance of yard spaces shall be graded and adequate drainage provided where necessary to deflect proper drainage of surface waters from the said premises.
- b. When a new building is constructed on a vacant lot between two existing buildings or adjacent to an existing building, the existing established grade shall be used in determining the grade around the new building and the yard around the new building shall be graded in such a manner as to meet existing grades.
- c. The final grade shall be approved by the Building and Zoning Administrator.

SECTION 326 EXCAVATION OR HOLES

The construction, maintenance or existence within the City of any unprotected, unbarricaded, open or dangerous excavations, holes, pits or wells, or any excavations, holes or pits which constitute or are reasonably likely to constitute a danger or menace to public health, safety or welfare, is hereby prohibited; provided; however, this section shall not prevent any excavation under a permit issued pursuant to this Ordinance or the City Building Code. Where such excavations are properly protected and warning signs posted in such a manner as may be required by the Building and Zoning Administrator.

SECTION 327 BUILDINGS TO BE MOVED

Any building or structure which has been wholly or partially erected on any premises within or outside the City of Grand Blanc shall not be moved to and/or placed upon any premises in the City unless a building permit for such a building or structure shall have been secured. Any such building or structure shall fully conform to all the provisions of this Ordinance in the same manner as a new building or structure.

SECTION 328 REQUIREMENTS FOR IMPACT ASSESSMENT (see Section 2407)

For certain land uses that are considered to have a significant potential impact on traffic, infrastructure, demands for public services and/or significant impacts on surrounding properties due to scale, the applicant shall be required to provide an impact assessment during the initial submittal for either a rezoning or site plan approval. The cost of the impact assessment and review by the City shall be borne by the applicant. The applicant may request a meeting with City staff, consultants and key agency staff prior to developing the Impact Assessment.

The minimum contents of this impact assessment shall be:

- a. Name(s) and address(es) of person(s) or firm(s) responsible for preparation of the impact assessment and a brief statement of their qualifications.
- b. An area plan or aerial photograph illustrating the entire site and nearby properties.

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- c. **Overall site conditions:** narrative and illustration describing adjacent uses, zoning, public roadways, utilities, significant woodlands, trees over eight inches (8") caliper, soils types, 100 year floodplains, drainage ways and general topography. The area described shall be within one-quarter mile for sites up to one hundred (100) acres, and one (1) mile radius for larger sites. Aerial photographs are recommended to assist in describing the general vicinity.
- d. **Wetlands:** Documentation by a qualified wetland specialist shall be required wherever the City determines there is a potential state or federally regulated wetland which may be impacted by the proposed project.
- e. **Conceptual site plan** illustrating very general layout of proposed uses upon which preliminary impact analysis is based, and any proposed phasing.
- f. **Land use impacts:** Description of the types of proposed uses and other man made facilities, including any project phasing, and an indication of how the proposed use(s) conforms or conflicts with existing and Master Planned development patterns. A description shall be provided of any increases in light, noise or air pollution which could negatively impact adjacent properties, particularly associated with smoke or truck routing.
- g. **Environmental impacts:** Description of any general impacts expected to wildlife areas, lakes, streams, ponds and regulated wetlands. Conceptual mitigation or replacement measures under consideration shall be described. The study shall also describe general measures to control soil erosion and sedimentation during and after construction.
- h. **Impact on public facilities and services:** Describe the number of expected employees, visitors or residents and the anticipated impact on police and fire protection. In particular, describe the relationship of the use to municipal fire stations and the need for any new facilities or equipment. Letters from the appropriate agencies should be provided.
- i. **Utility impacts:** Describe proposed water and sanitary sewer facilities, including any improvements or off-site extensions needed to serve the long range development on the site. For sites served with sanitary sewer and public water, general calculations for sewage flows and water demands shall be provided in comparison with sewer line capacity. (amended 2/14/96)
- j. **Drainage:** Describe conceptual plans to control drainage and any significant changes from existing drainage patterns. If wetlands are to be used as stormwater basins, methods to control fertilizers and filter runoff shall be identified. Correspondence from the Genesee County Drain Commissioner shall be attached indicating their concerns and suggestions.
- k. **Storage and handling of waste and hazardous materials:** Methods of on- and off-site disposal of solid waste shall be identified. The information shall describe the type of hazardous substances expected to be used, stored or disposed of on the site; general location within the site; and method of containment. Documentation of compliance with federal and state requirements, and a Pollution Incident Prevention Plan (PIPP) shall be submitted, as appropriate.
- l. **Traffic impacts:** A traffic study in accordance with Section 329 below shall be included in the Impact Assessment unless determined to not be necessary by the Building and Zoning Administrator, because the use will generate less than five hundred (500) one-way vehicle trips daily or less than fifty (50) peak hour directional trips.

SECTION 329 MINIMUM CONTENTS OF TRAFFIC IMPACT STUDY

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Where a traffic impact study is required or requested by the Planning Commission or City Council, including when a component in an overall Impact Study, the applicant shall bear the cost for preparation and evaluation of a study prepared by a traffic engineer with experience preparing traffic impact studies in Michigan during the preceding three (3) years to address the following:

- a. Existing conditions including existing daily and peak hour traffic on adjacent street(s), a description of any sight distance limitations along the site's right-of-way frontage and accident histories within five hundred (500) feet of the site and for any intersection which will experience a traffic volume increase of at least five percent (5%) during the day or during a peak hour due to the proposed project.

Where existing traffic counts are more than two (2) years old, new counts should be taken. Traffic counts shall be taken on a Tuesday, Wednesday or Thursday of non-holiday weeks. Additional counts (i.e. on a Saturday for a proposed commercial development) may also be required in some cases. The following times/situations should also be avoided where possible so that the traffic count data would represent a typical day: construction detours in the area, summer days for a site near a school, etc. The firm performing the impact study must make every effort to complete traffic counts during average or higher than average volume conditions (i.e. regarding weather or seasonal variations) for the area under study.

- b. Forecasted trip generation of the proposed use for the a.m. and p.m. peak hour and average daily traffic generated. The forecasts shall be based on the data and procedures outlined in the most recent edition of the Institute of Traffic Engineers Trip Generation Manual. The applicant may use other commonly accepted sources of data or supplement the standard data with data from similar projects in Michigan.
- c. For requests for a zoning change when such request represents a departure from the land use proposed in the City Master Plan, 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 Planning Commission shall determine typical uses to be considered.
- d. Projected traffic generated shall be distributed (inbound v. outbound, left turn v. right turn) onto the existing street network to project turning movements at major site access points and nearby intersections or expressway interchange ramps. Rationale for the distribution shall be provided. If any streets are proposed for realignment or vacation, the study shall forecast the changes in traffic conditions along affected streets.
- e. Capacity analysis at the proposed access points along public streets using the procedures outlined in the most recent edition of the *Highway Capacity Manual* published by the Transportation Research Board. Pre- and post- construction capacity analyses shall also be performed at all street intersections or expressway ramps where the expected traffic 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 accident rate, as determined by the City. (amended 2/14/96)
- f. The City may require a "gap study" to analyze the frequency and duration of gaps in the flow of through traffic to accommodate turning movements.
- g. Analysis of any mitigation measures warranted by the anticipated traffic impacts. Where appropriate, documentation shall be provided from the appropriate road agency regarding time schedule for improvements and method of funding.
- h. A map and description of the location and design of proposed access (driveway or new street intersection), including any sight distance limitations, dimensions from adjacent driveways and intersections within two hundred fifty (250) feet, other data to demonstrate

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that the design and number of driveways proposed is the fewest necessary, and the driveway(s) will provide safe and efficient traffic operation and be in accordance with the standards of this ordinance.

- i. An analysis of the potential need for bypass lanes or deceleration tapers/lanes, including attachment of any correspondence by the Genesee County Road Commission or the Michigan Department of Transportation, as appropriate.
- j. Resume and qualification of the preparer.

SECTION 330 CLEAR VISION ZONE

There shall be a clear vision zone at all corners of intersecting streets and/or private roads, consisting of a triangular area defined by the point of intersection of the right-of-way lines and the two points extended along such lines a distance of twenty-five (25) feet from the point of intersection, and within which area no obstruction to vision, excluding existing topography, shall be permitted from a height of two (2) feet to eight (8) feet above centerline elevation of abutting streets, except not more than two (2) trees with trunks of not more than thirty (30) inches in diameter each, and clear of any branches for such heights may be located within such area. A greater clear vision area may be reviewed where necessary in view of anticipated traffic volumes, traffic speeds, geographic or topographic conditions or based on a traffic engineering analysis using the standards of the American Association of State and Highway Transportation Officials (AASHTO).

SECTION 331 ACCESS THROUGH YARDS

For the purpose of this Ordinance, access drives may be placed in the required front or side yards so as to provide access to rear yards or accessory or attached structures. These drives shall not be considered as structural violations in front and side yards. Further, any walk, terrace or other pavement servicing a like function, and not in excess of nine (9) inches above the grade upon which placed, shall for the purpose of this Ordinance not be considered to be a structure, and shall be permitted in any required yard.

SECTION 332 TEMPORARY USES AND SEASONAL OR SPECIAL EVENTS SALES (amended 2/14/96)

Temporary uses, temporary sales and seasonal or special events may be allowed in any nonresidential district upon issuance of a permit, when providing the following submittal information and meeting the standards of this Section.

- a. **Submittal information:** the applicant shall submit the following to the Building and Zoning Administrator
 1. An application form and required fee, established by the City Council. The amount of the permit fee may vary depending upon the type of event. The application should also describe procedures to be used for traffic/parking management, waste disposal, security and similar measures to minimize any negative impacts.
 2. A written description of the proposed use or event, and the start and end dates.
 3. If the petitioner is not the owner of the property, the petitioner shall provide written permission of the owner of the property to allow such an event.
 4. Information establishing a reasonable liability insurance coverage is carried, to the satisfaction of the City.
 5. A plot plan (to scale) illustrating property lines, adjacent uses and zoning

districts, existing and proposed buildings and structures, boundaries of proposed sales/activity areas, any proposed lighting, calculation of required parking based on the standards of Article XXII, layout and materials for parking areas, proposed traffic circulation, location of fire hydrants, location and size of any proposed signs, and any other information deemed to be necessary by the Building and Zoning Administrator.

- 6. The proprietor of the temporary use or seasonal event shall deposit a performance guarantee or escrow, in an amount and form acceptable to the Building and Zoning Administrator, prior to the issuance of a permit. The performance guarantee shall be used by the City to pay the cost of returning the property to its state prior to commencement of the event or refunded to the proprietor upon compliance with the requirements of this and any other applicable ordinances.
- b. **Standards and Procedures for Review:** The review of proposed temporary uses, temporary sales and seasonal events shall be by the Building and Zoning Administrator. The proposed use or event shall not be approved unless all of the following standards are met:
- 1. All required information has been submitted.
 - 2. The proposed temporary use or event will be on a lot with a permitted principal building or, if on a vacant lot, meets the minimum required setback for buildings in the zoning district (Article XX).
 - 3. The proposed use, layout, hours of operation and site improvements, such as fencing, are designed to help ensure compatibility with surrounding land uses.
 - 4. Adequate off-street parking and circulation will be provided. Where Article XXII does not require required parking for the proposed use, at least one parking space shall be provided for each eight hundred (800) square feet of gross lot area used for the activity. The Building and Zoning Administrator may require sufficient parking to accommodate the use based on reference sources and experiences of the City of other communities.
 - 5. Adequate provisions have been made for trash disposal, sewage disposal and security.
 - 6. All applicable City Building Codes and Ordinances will be met.
- c. **Operational standards**
- 1. The length of a temporary use or sales event shall not exceed seven (7) days during a season, except that sales of Christmas trees are permitted for up to forty-five (45) days. Uses and events which are to occur on a regular schedule (such as every weekend) or over a period of longer than seven (7) days shall be permitted only in commercially zoned districts, based upon a decision by the Board of Zoning Appeals that the use or event will comply with the intent and standards of this Section. Such a request must be made known at the time of application.
 - 2. All equipment, materials, goods, poles, wires, lighting, signs and other items associated with the temporary uses and seasonal events shall be removed from the premises within five (5) days of the end of the event. Following the five (5) day period, the City shall use the escrow fee to clear such items from the property.

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3. The City Building and Zoning Administrator shall immediately cease operations of any temporary use or seasonal event which does not conform to these standards.
 4. Appeals of the decision of the Zoning Administrator or Planning Commission shall be made to the Board of Appeals.
- d. **Exemptions:** Garage sales for individual homeowners on their property are exempt from the regulations of this Section.

SECTION 333 MAINTENANCE OF COMMONLY OWNED PRIVATE FACILITIES

The Planning Commission or City Council, as appropriate, may require documents suitable to the City Attorney to insure the quality, construction, maintenance and replacement of commonly owned private facilities and land whether improved or unimproved. These facilities may include, but are not limited to detention ponds, retention basins, lighting, open space, wetlands, signs, landscaping, fences, screen walls, drains, trails and sidewalks to which more than two owners of lots or condominiums have rights of use or access or enjoyment; or which are owned in common by an association of owners. Prior to approving such commonly owned private facilities, the Planning Commission or City Council shall approve legal documents which assure the continuing maintenance, and periodic replacement of any commonly-owned private facilities.

SECTION 334 REVIEW, CONSTRUCTION AND MAINTENANCE OF WIRELESS COMMUNICATION FACILITIES (amended June 10, 1998)

The regulations of this Section are intended to conform with federal laws and administrative rules that authorize and govern facilities needed to operate wireless communication systems, but to reasonably regulate the location and design of such facilities to retain the integrity of neighborhoods and the character, property values and aesthetic quality of the city. Given the dramatic increase in the number of wireless communication facilities requested as a result of the new technology and the Federal Telecommunications Act of 1996, it is the policy of the city that all users should co-locate on Attached Wireless Communication Facilities and Wireless Communication Support Structures in the interest of achieving the purposes and intent of this section. In addition, in recognition of the city's concern that technological advances may render such visually obtrusive towers unnecessary in the future, there are requirements to remove unused or unnecessary facilities in a timely manner.

- a. **Definitions.** The following definitions shall apply in the interpretation of this Section:
1. **Wireless Communication Facilities.** All structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to, radio towers, television towers, telephone devices and exchanges, microwave relay towers, telephone transmission equipment building and commercial mobile radio service facilities. This definition does not include "reception antenna" for an individual lot as otherwise defined and regulated in this zoning ordinance, or governmental facilities subject to state or federal law or regulations which preempt municipal regulatory authority.
 2. **Attached Wireless Communication Facilities.** Wireless communication facilities affixed to existing structures, such as existing buildings, towers, water tanks, or utility poles.
 3. **Wireless Communication Support Structures.** Structures erected or modified to support wireless communication antennas. Support structures within this definition include, but shall not be limited to, monopoles, lattice towers, light poles, wood poles and guyed towers, or other structures which appear to be something other than a mere support structure.

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4. **Colocation.** Location by two (2) or more wireless communication providers of wireless communication facilities on a common structure, tower, or building, to reduce the overall number of structures required to support wireless communication antennas within the city.

b. Zoning Districts and Approval Process for Various Types of Situations

Type/Location of Wireless Communication Facility	Districts Permitted	Approval Procedure
1. Attached to existing structures:		
- Attached to an existing conforming structure that will not be materially altered or changed in appearance	All non-single family residential districts	Administrative Sketch Plan approval by the Building and Zoning Administrator
- Attached to an existing utility pole within a public right-of-way that will not be modified to materially alter the pole or impair sight lines or compromise safety	All districts	Administrative Sketch Plan approval by the Building and Zoning Administrator, provided letter of acceptance is provided by the utility company
- Co-location upon an attached wireless communication facility previously approved for such co-location	All districts	Administrative Sketch Plan approval by the Building and Zoning Administrator
2. Located on a municipally owned site:		
- Attached to an existing structure or monopole up to 120 feet in height ¹	All districts	Administrative Sketch Plan approval by the Building and Zoning Administrator
- Monopole 121-150 feet in height ¹	All districts	Site Plan approval by the Planning Commission
3. Located on a site owned by another governmentally entity, religious institution, or public school		
- Monopole up to 80 feet in height ¹	All districts	Site Plan approval by the Planning Commission
- Monopole 81 - 100 feet in height ¹	All districts	Special Land Use required in accordance with Article XXI.
4. New facility not addressed above:		
- Monopole up to 120 feet tall ¹	B-2, B-3, R-P, I-1, I-2 Districts	Permitted Use, Site Plan approval by the Planning Commission

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- Monopole 120-150 feet tall ¹	R-P, I-1 and I-2 Districts	Permitted Use Site Plan approval by the Planning Commission
	B-2, B-3 Districts	Special Land Use required in accordance with Article XXI.
- Monopole, 150 - 200 feet tall, or lattice tower	I-1 and I-2 Districts	Special Land Use required in accordance with Article XXI

¹ Height may be increased ten (10) feet where determined necessary to provide future co-location.

c. **Application Requirements.** The following information shall be provided with the sketch plan, as required above.

1. Signed certification by a State of Michigan licensed professional engineer with regard to the manner in which the proposed structure will fall (i.e. "fall zone"), and that the setback area provided shall accommodate the structure should it fall or break.
2. A description of performance guarantee, in a manner acceptable to the City Attorney, to be posted at the time of receiving a building permit for the facility to ensure removal of the facility when it has been abandoned or is no longer needed, as provided in paragraph e below.

In this regard, the security shall, at the election of the city attorney, be in the form of: (1) cash; (2) surety bond; (3) letter of credit; or, (4) an agreement in a form approved by City Attorney and recordable at the office of the Register of Deeds, establishing a promise of the applicant and owner of the property to remove the facility in a timely manner as required under this section of the ordinance, with the further provision that the applicant and owner shall be responsible for the payment of any costs and attorneys fees incurred by the city in securing removal.

3. A map that illustrates existing and known proposed wireless communication facilities within the city and township, which are relevant in terms of potential co-location or to demonstrate the need for the proposed facility. If and to the extent the information in question is on file with the city, the applicant shall be required only to update as needed. Any such information which is trade secret and/or other confidential commercial information which, if released would result in commercial disadvantage to the applicant, may be submitted with a request for confidentiality in connection with the development of governmental policy. MCL 15.243(l)(g). This ordinance shall serve as the promise to maintain confidentiality to the extent permitted by law. The request for confidentiality must be prominently stated in order to bring it to the attention of the community.
4. For all new facilities, in recognition of the city's policy to promote co-location, a written agreement, transferrable to all assessors and assigns, that the operator shall make space available on the facility for co-location.
5. The name, address and phone number of the person to contact for engineering, maintenance and other notice purposes. This information shall be continuously updated during all times the facility is on the premises.

d. **Design Standards Applicable to All Facilities.** In addition to the Criteria of Site Plan Review listed in Section 2405, all wireless communication facilities shall be constructed and maintained in accordance with the following standards:

1. Facilities shall be located and designed to be harmonious with the surrounding areas.

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2. A permit for the construction and use of a new wireless communication facility shall not be granted until the applicant demonstrates a feasible co-location is not available for the coverage area and capacity needs.
3. All new and modified wireless communication facilities shall be designed and constructed to accommodate co-location, with a written agreement in a format approved by the City Attorney.
4. Landscaping shall be provided to screen the structure base, accessory buildings and enclosure from adjacent uses and public rights-of-way.
5. Elevations of the accessory buildings shall be provided. In residential and commercial districts, all accessory buildings shall be constructed of brick.
6. Fencing shall be provided for protection of the support structure and security from children and other persons who may otherwise access facilities.
7. Any nonconforming situations on the site, such as outdoor storage, signs, inadequate landscaping, unpaved parking, lack of a sidewalk, improper lighting or similar conditions shall be brought into conformance prior to the erection of the wireless communication facility. If existing buildings or structures are not in conformance with the current zoning standards, improvements shall be made to decrease the nonconformity or additional landscaping shall be provided to reduce the impact of the nonconformity and the wireless facility.
8. The operator shall comply with applicable federal and state standards relative to the environmental effects of radio frequency emissions.
9. The applicant shall demonstrate that the requested height of the new or modified support structure and antenna shall be the minimum height be necessary for reasonable communication by the applicant, including additional height to accommodate future co-location where appropriate.
10. Minimum required setbacks for new facility or support structure.
 - (a) From any residential district - the height of the structure, provided the engineering information required in c, 1 is provided. The person or body with authority to approve the facility may decrease this setback to that provided in (c) below upon a finding that no residential use exists or is expected on the adjacent site.
 - (b) From any existing or proposed rights-of-way or other publicly traveled roads or non-motorized improved pathways - half the height of the structure, plus ten (10) feet, provided the engineering information required in c, 1 is provided; otherwise the setback shall be the height of the facility.
 - (c) From non-residential district - one half the height of the structure, provided the engineering information required in c, 3 above demonstrates such setback is adequate.
11. Accessory buildings shall be a maximum of fourteen (14) feet high and shall be setback in accordance with the requirements for principal buildings in that zoning district.
12. There shall be unobstructed access to the support structure, for operation, maintenance, repair and inspection purposes, which may be provided through or over an easement. This access shall have a width and location determined by such factors as: the location of adjacent thoroughfares and traffic and circulation within the site; utilities needed to service the tower and any attendant facilities; the location of buildings and parking facilities;

proximity to residential districts and minimizing disturbance to the natural landscape; and the type of equipment which will need to access the site.

13. Where an attached wireless communication facility is proposed on the roof of a building if the equipment enclosure is proposed as a roof appliance or penthouse on the building, it shall be designed, constructed and maintained to be architecturally compatible with the principal building. The equipment enclosure may be located within the principal building or may be an accessory building. If proposed as an accessory building, it shall conform with all district requirements for principal buildings, including yard setbacks.
 14. The support system shall be constructed in accordance with all applicable building codes and shall include the submission of a soils report from a geotechnical engineer, licensed in the State of Michigan. This soils report shall include soil borings and statements confirming the suitability of soil conditions for the proposed use. The requirements of the Federal Aviation Administration, Federal Communication Commission, and Michigan Aeronautics Commission shall be noted.
 15. A maintenance plan, and any applicable maintenance agreement, shall be presented and approved as part of the site plan for the proposed facility. Such plan shall be designed to ensure the long term, continuous maintenance to a reasonably prudent standard.
- e. **Removal.** As a condition of every approval of a wireless communication facility, adequate provision shall be made for removal of all or part of the facility by users and owners upon the occurrence of one or more of the following events:
1. When the facility has not been used for one hundred eighty (180) days or more. For purposes of this section, the removal of antennas or other equipment from the facility, or the cessation of operations (transmission and/or reception of radio signals) shall be considered as the beginning of a period of nonuse.
 1. Six (6) months after new technology is available at reasonable cost, as determined by the legislative body of the community, which permits the operation of the communication system without the requirement of the support structure.
 2. The situations in which removal of a facility is required, as set forth in paragraph (1) above, may be applied and limited to portions of a facility.
 3. Upon the occurrence of one or more of the events requiring removal, specified in paragraph (1) above, the property owner or persons who had used the facility shall immediately apply or secure the application for any required demolition or removal permits, and immediately proceed with and complete the demolition/removal, restoring the premises to an acceptable condition as reasonably determined by the Building and Zoning Administrator.
 4. If the required removal of a facility or a portion thereof has not been lawfully completed within sixty (60) days of the applicable deadline, and after at least thirty (30) days written notice, the City may remove or secure the removal of the facility or required portions thereof, with its actual cost and reasonable administrative charge to be drawn or collected and/or enforced from or under the security posted at the time application was made for establishing the facility.
- f. **Nonconforming facilities and penalties for not permitting co-location.** If a party who owns or otherwise controls a wireless communication facility shall fail or refuse to alter a structure to accommodate a proposed and otherwise feasible co-location, such facility shall thereupon and thereafter be deemed to be a nonconforming structure and use, and shall not be altered, expanded or extended in any respect. In addition, if a party refuses to allow co-location in accordance with the intent of this Section, and this action results in construction of a new tower, the city may refuse to approve a new wireless communication support structure from that party

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for a period of up to five (5) years. Such a party may seek and obtain a variance from the Zoning Board of Appeals if and to the limited extent the applicant demonstrates entitlement to variance relief which, in this context, shall mean a demonstration that enforcement of the five (5) year prohibition would unreasonably discriminate among providers of functionally equivalent wireless communication services, or that such enforcement would have the effect of prohibiting the provision of personal wireless communication services.

- g. **Variations.** The Zoning Board of Appeals may consider a variance for the standards of this Section, based upon a finding that one or more of the following factors exist:
1. The applicant has demonstrated that a location within a district in accordance with the standards of this Section can not reasonably meet the coverage or capacity needs of the applicant.
 2. The applicant has demonstrated that a feasible co-location is not available for the coverage area and capacity needs because existing structures can not support the facility, that co-location would result in unreasonable interference, or that reasonable financial terms are not available for co-location.
 3. The height requested is due to signal interference due to topography, tall buildings, masses of trees, or other obstructions, or would reduce the number of towers to the benefit of the city.
 4. The applicant has proposed means to mitigate any negative impacts through provision for future co-location, if found to be appropriate by the city, and special site design elements.
 5. The wireless communication and accessory facilities shall be designed to be compatible with the existing character of the proposed site, neighborhood and general area such as a steeple, bell tower, or similar form.