

Planning Commission

Regular Meeting Agenda Thursday, December 3, 2015 7:00 p.m., Council Chambers



City of South Haven

1. **Call to Order**
2. **Roll Call**
3. **Approval of Agenda**
4. **Approval of Minutes** – November 13, 2015
5. **Interested Citizens in the Audience Will be Heard on Items Not on the Agenda**
6. **New Business** – Public Hearing on Proposed Zoning Ordinance Amendments
7. **Other Business** – Site Plan Review for 800 St Joseph Street
8. **Commissioner Comments**
9. **Adjourn**

RESPECTFULLY SUBMITTED,
Linda Anderson, Zoning Administrator

South Haven City Hall is barrier free and the City of South Haven will provide the necessary reasonable auxiliary aids and services for persons with disabilities, such as signers for the hearing impaired and audio tapes of printed materials being considered at the meeting to individuals with disabilities at the meeting upon seven (7) days notice to the South Haven City Hall.

Planning Commission

Special Meeting Minutes Wednesday, November 13, 2015 11:00 a.m., Council Chambers



City of South Haven

1. Call to order by Paull at 10:00 am

2. Roll call

Present: Frost, Gruber, Heinig, Peterson, Smith, Stimson, Webb, Paull
Absent: Miles

Motion by Gruber, second by Peterson to excuse Miles.

All in favor. Motion carried.

3. Approval of Agenda

Motion by Heinig, second by Stimson to approve the November 13, 2015 Special Meeting Agenda as presented.

All in favor. Motion carried.

Paull stated that this is a special meeting being called for the Planning Commission to look at and possibly enact a recommendation to City Council regarding future building in the City of South Haven. This is a specifically limited and targeted piece of legislation designed to give the Planning Commission time to do its job.

Paul noted that we want to give everyone an opportunity, who wishes to, to address us and then the commission will sit and consider the legislation as a group and decide what to do. We are not making the decision; City Council will make the decision. Ours is a recommendation for the City Council to act.

Paull also stated that during the next portion of the agenda he expects people to be civil, respectful and the meeting to go smoothly. There will be no outbursts of approval such as applause or hooting and hollering. This will be an orderly meeting conducted quickly and as meaningfully as possible.

4. Interested Citizens in the Audience Will be Heard on Items Not on the Agenda.

Paull noted that Linda Anderson, the Planning and Zoning Administrator, will read the names of those who signed up to address the commission in the order they signed in.

Ben Stegeman: Not at this time.

Brian Stegeman: Not at this time.

Susan Ryan, 37 Cass Street: Spoke about questions she has about the issuance of the permit at 51 Cass Street and conflict of interest between public and private interests.

David Fenske, 5 Pine Street: Spoke about the city having a disease which he called greed; overworked seasonal activity which collapses in the off season and effects business, residents and the hospital, due to inactivity in the other months and the need for a moratorium.

Steve Runkle, 16 Pine Street: Spoke about his concerns about a permit that was issued for a renovation of a single family home in his residential area and run off which would affect three properties if the pool overflows. Suggested that when a plan is looked at that the character of the neighborhood be considered.

Trish King: Not now.

Gerald Webb, 508 N Shore Drive: Expressed concern that there is confusion regarding what is a draw for full-time residents and what deters full-time residents; that the need for industry, manufacturing and schools does not come from taking away or deterring the number one industry in our town. Noted hearing conflicting messages about declining home values and homes not being affordable which he suggested requires further clarity as the issue is considered.

Dorothy Appleyard, 806 Wilson Street. Stated that she has comments based on the last Planning Commission Workshop that she will forgo at this time with assurance that there will be another time to do those comments.

Paull: After clarification of the question stated he is sure there will be future opportunities.

Appleyard (continued): Expressed a need for taking a breath and trying to do what is best for the entire community, not just one element of the community; reminded of the very minimal ordinance in the past that was unrestrictive that was repealed and that this is the time to take some action.

Susan Woodhull, 1000 Monroe Boulevard: Thanked the commission for taking the time on this topic; spoke about living next door to 41 Cass and not being able to express what it feels like to have this happen to our neighborhood; about the house at 41 Cass being a rental in the past but not on the scale this will be; about taking the time to make a plan that works for the whole city; about her property being devalued based on her surveying people about whether they would buy her property now.

John Matthews, 44 Cass Street: Spoke about reviewing the Master Plan for the city and finding that in the R1-A and R1-B the plans "seeks to maintain the charm of the city" as a residential area, not the charm of a commercial enterprise; about being amazed that city ordinances have allowed something like this; that when he was on City Council there

would have been nothing like this; the need to consider the feelings of the people; compared this formerly quiet side of town as being similar to a Las Vegas strip. Urged the commissioners to go into their hearts and look at what they want South Haven to be; to “do it right, look at places like Petoskey and Charlevoix”.

Pat Gaston, 97 Superior Street: Spoke about it being time to pause, take a breath, consider all aspects, all possibilities; recalled that when she was on the commission somebody needed a use permit to do manicures in their home but “we don’t need any permits for this.” Spoke about the only people who are opposed to taking a breath and thinking this over are those who have money at stake; that “we aren’t gaining anything monetarily, so we’re asking this for the rest.”

Trish King. Asked a question regarding the number of bedrooms and bathrooms at the Cass Street property.

Paull stated the commission is not considering anything to do with Cass Street.

Anderson stated that anyone can come into the building department any time and look at any plans of anything being built.

5. Commission Will be Voting on a Limited Residential Construction Moratorium.

Paull explained that the commission will be considering a piece of legislation in front of you, a recommendation to City Council, will ask Anderson to read it. Paull will make a statement; other commissioners may then make a statement.

Paull: “The commission is currently facing an onslaught of residential construction that is out of character for the community and as such needs to be addressed. We need to do this with deliberation and with some calmness and the particular reason for this request to City Council is to give us time to do that. This is not designed to be a statement against anything; I want to make that clear. We are not against anything; we want the opportunity to be able to deliberate to come up with some appropriate legislation for our neighborhoods.”

Anderson read the resolution as follows:

A RESOLUTION RECOMMENDING THAT THE CITY COUNCIL IMPOSE A MORATORIUM ON THE ISSUANCE OF PERMITS FOR THE CONSTRUCTION OF LARGE DWELLINGS

WHEREAS, a number of concerns have been raised regarding large dwellings in residential zoning districts that are rented on a short-term basis.

WHEREAS, the Planning Commission has undertaken a review and is preparing to make a recommendation to the City Council regarding potential ways to address these concerns.

WHEREAS, it would be in the best interest of the public health, safety, and general welfare to temporarily suspend the issuance of certain permits relating the construction of large dwellings.

Now, therefore, the Planning Commission resolves as follows:

A. The Planning Commission recommends that the City Council impose the following moratorium, to be in effect for 6 months:

MORATORIUM

1. Except as otherwise provided, the City shall not issue any zoning, building, or other permits or approvals relating to the construction or expansion of a single-family or two-family dwelling that, upon completion, will:
 - a. Be over 3,000 square feet in size including unfinished basement space;
 - b. Have more than 4 bedrooms, which means rooms intended for sleeping or placement of a bed; or
 - c. Have more than 3 toilets.
2. This moratorium shall not apply if the property owner:
 - a. Applies for and obtains site plan approval for the dwelling in accordance with the standards and procedures in Sections 1402 through 1407 of the Zoning Ordinance;
 - b. Certifies in writing that the dwelling will not be rented for a period of less than 90 days at one time; and
 - c. Certifies in writing the number of bedrooms and the intended purpose of other rooms that could conceivably be used as bedrooms.

B. All resolutions and parts of resolutions are, to the extent of any conflict with this resolution, rescinded.

Anderson then noted that Section 1402 requires that a site plan be approved by Planning Commission and Section 1407 requires that all fees associated be paid.

Anderson reminded the commissioners that any motion they make should be made in the form of a recommendation to City Council.

Judi Stimson, in reference to 2b, asked if that intends that one person or one family can rent such a dwelling for ninety (90) days). Anderson said they would not be able to rent for less than a ninety (90) day period. Frost noted that Anderson added "at a time" to which Anderson clarified that Section 2b should include that the dwelling will not be rented for a period of less than ninety (90) days at one time.

Paull asked why it's limited to ninety (90) days to which Anderson responded that the Planning Commission could change that if that is their desire after discussion, noting that the city attorney recommended that time period and the commission can recommend something else.

Paull said the onslaught is of any length, short term, seasonal rentals. Paull's concern is to put a moratorium on that intent as well because that is the problem we are trying to resolve over the next six (6) months. Part of the problem is the intent of building for short term, less than ninety (90) days, seasonal rentals.

Frost asked where Paull is getting a reference to three (3) days, noting that certifying in writing isn't accomplishing what it is intended to accomplish. Frost stated that the certification needs to certify that you are not going to rent for a period of less than ninety (90) days. Frost also pointed out that If the house is sold, a new owner will not be bound by the certification.

Anderson added that at the end of six (6) months the moratorium has to be lifted and applicants will have to abide by whatever code has been adopted.

Smith asked if “c” is necessary if “b” is met to which Frost responded, that, yes, it would be all-inclusive. Anderson clarified that is a matter for discussion. Frost agreed, saying, “As written, yes, but it could be changed.”

Peterson questioned whether, during the moratorium, anything being built goes to site plan review. Anderson responded that this moratorium does not affect any ongoing or commercial or industrial building. This only applies to the houses described in Section 1, those over three thousand (3,000) square feet in size, having more than four (4) bedrooms and more than three (3) toilets.

Paull noted that there is also legislation going before city council limiting building heights.

Peterson noted that he had an issue with 1a but 2a seems to take care of that. Anderson stated that was the point, the city could not legally stop all construction. Someone coming in to build a family house, a house for their family, could do so with approval by the Planning Commission.

Gruber stated that we are a commission of diverse individuals; “except for myself, who gets a huge salary as a City Council member,” and expressed appreciation for the volunteerism and the effort taken by the commissioners to do what they do. Everybody has the ability to be heard and should have the right to vote. There are no conflicts of interest from anybody with what is before us right now.

Paull: Thanked Gruber for his statement, which Paull now does not have to make. Stated now is the time for commissioner comments. Asked if the commissioners are ready for the question and stated, upon no questions, that a motion is needed.

Motion by Gruber to recommend that City Council impose a moratorium on the issuance of permits for construction of large dwellings. Second by Frost.

Smith noted that he openly supports this; does not know that it is going to accomplish a lot, but it lets the discussion start.

Paull added that the moratorium allows the commission time to accomplish something without acting quickly to stop stuff coming down the pike. “Now we have breathing space to do it right. In six (6) months this legislation has got to be done right.”

Stimson stated that she does not understand what Smith was concerned about to which Smith responded that this moratorium is not the solution, it just allows the discussion to start. Frost added this is the time to step back, take a breath and reflect.

Heinig wondered if anyone has asked the attorney about someone who bought a property and whether this will stop them. Anderson said yes, if someone has purchased a property and if it falls under the criteria of the moratorium, it will stop them. Heinig wonders what going to happen to those builders who have already invested in a site and do not have a permit as yet. Paull reiterated that they will have to wait. Heinig commented, “Or get their attorney to support them.”

A roll call vote was taken.

Yeas: Frost, Gruber, Heinig, Peterson, Smith, Stimson, Webb, Paul

Nays: None

Abstain: None

Absent: Miles

Motion carried.

6. Adjourn

Motion by Smith, second by Stimson to adjourn at 10:42 a.m.

All in favor. Motion carried.

RESPECTFULLY SUBMITTED,

Marsha Ransom
Recording Secretary



Agenda Item #6 Proposed Amendments to the Zoning Ordinance

City of South Haven

Background Information:

Since the adoption of the Master Plan in 2011, the planning commission has been working on amendments to the ordinance intended to support the plan recommendations. In addition, the planning commission has worked on some general housekeeping amendments such as clarifying certain use groups and adding several new definitions. Of particular interest are the new provisions addressing building height and additional required parking for larger homes. During this past summer the proposed amendments were completed and what is presented in this packet represents approximately half of the proposed amendments. The remaining amendments will be presented at a later date.

Recommendation:

Staff recommends that the planning commission again review the attached documents and prepare for the public hearing. If certain amendments are found to be controversial or not yet ready for city council recommendation, portions may be held for further study without delaying the entire package.

Attachments:

Zoning ordinance sections with proposed amendments
Staff summary

Respectfully submitted,
Linda Anderson
Zoning Administrator

**ARTICLE II
CONSTRUCTION OF LANGUAGE AND DEFINITIONS**

SECTION 200. CONSTRUCTION OF LANGUAGE

Sec. 200. Construction of Language.

The following rules of construction apply to the text of this Ordinance:

1. The particular shall control the general.
2. In the case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
3. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
4. Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
5. A "building" or "structure" includes any part thereof.
6. The phrase "used for" or "occupied" includes "arranged for," "designed for," "intended for," "maintained for," or "occupied for."
7. The word "person" includes an individual, a corporation, a partnership, trust, firm, an incorporated association, or any other similar entity.
8. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and," "or," or "either...or," the conjunction shall be interpreted as follows:
 - a. "And" indicates that all the connected items, conditions, provisions or events shall apply.
 - b. "Or" indicates that the connected items, conditions, provisions or events may apply singly or in any combination.
 - c. "Either...or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
9. Terms not herein defined shall have the meaning customarily assigned to them. A dictionary may be consulted.
10. The word "lot" includes the word "plot", "tract", or "parcel".
11. The words "this Ordinance" means the text of this Ordinance as well as all maps, tables, graphics, schedules as included or attached and as enacted or subsequently amended.
12. The "City" is the City of South Haven in the Counties of Allegan and Van Buren, State of Michigan; the "Council" is the City Council of South Haven; the Planning Commission is the Planning Commission of the City of South Haven; the Board of Appeals is the Zoning Board of Appeals, Board of Zoning Appeals or "Board" of the City of South Haven.
13. In computing a period of days, the first day is excluded and the last day is included. If the last day of any period is a Saturday, Sunday, or legal holiday, the

period is extended to include the next day which is not a Saturday, Sunday, or legal holiday.

14. Where any provision of this Ordinance imposes a greater restriction upon the subject matter than another provision, the provision imposing the greater restriction or regulation shall control.

15. The use of the terms "he" or "his" shall be interpreted as gender neutral and shall be used nonspecifically in reference to gender when found in this ordinance.

Sec. 201. Definitions.

The following words, terms and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Sec. 201.1. "A".

Access: The right and ability to enter, approach and pass to and from a parcel of property. Also, the physical means to enter and exit property.

Accessory Use or Accessory: A use, which is clearly incidental to, customarily found in connection with, and (except in the case of some accessory off-street parking spaces or loading) located on the same zoning lot as, the principal use to which it is related. When "accessory" is used in this text, it shall have the same meaning as accessory use. An accessory use includes, but is not limited to, the following:

1. Residential accommodations for servants in single-family dwellings.
2. Swimming pools for the use of the occupants of a residence or their guests.
3. Domestic or agricultural storage in a barn, shed, tool room, or similar accessory building or other structure.
4. Storage of merchandise normally carried in stock in connection with a business or industrial use, unless such storage is excluded in the applicable district regulations.
5. Storage of goods used in, or produced by, industrial uses or related activities, unless such storage is excluded in the applicable district regulations.
6. Accessory off-street parking spaces, open or enclosed, subject to the accessory off-street parking regulations for the district in which the zoning lot is located.
7. Uses clearly incidental to a main use such as, but not limited to, offices of an industrial or commercial complex located on the site of the commercial or industrial complex.
8. Accessory off-street loading, subject to the off-street loading regulations for the district in which the zoning lot is located.
9. Accessory signs, subject to the sign regulations for the district in which the zoning lot is located.

Accessory Building or Accessory Structure: A building or structure customarily incidental and subordinate to the principal structure whether attached or detached and located on the same zoning lot as the principal building. Except as otherwise provided by this Ordinance, an accessory building or accessory structure shall not be used for human habitation or as a dwelling. As used in Article XVI, an accessory structure shall not have a permanent foundation and shall be constructed to be readily movable or removed.

Adult Entertainment: See definitions in Section 1510.01. Words defined there include: adult bookstore, adult mini motion picture theater, adult motion picture theater, adult smoking or sexual paraphernalia store, massage parlor, pool or billiard hall, open dance hall, host or hostess establishment, pawnshop, secondhand store, sauna, hot tub or similar health or body improvement enterprises, pinball or video game arcade or establishment, specified sexual activities, and specified anatomical areas.

Alley: Any **publically owned and** dedicated public way other than a street, affording a secondary means of access to abutting property and not intended for general traffic circulation.

Alterations: Any change, addition or modification in construction or type of occupancy, or 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."

Amusement Enterprise – A commercially operated business that offers rides, games and other forms of entertainment, whether permanent or temporary. This definition does not apply to Adult Entertainment Facilities as regulated in Section 1510.01.

Apartments: A suite of rooms or a room in a multiple-family building, including bath and kitchen facilities, arranged and intended for a place of residence of a single family.

Applicant: A person who submits an application under one of the procedures therefore in this Ordinance.

Assisted Living Facility: A facility providing housing for elderly or disabled people that provides nursing care, housekeeping, and prepared meals as needed.

Attached Dwelling: A one-family dwelling attached to two (2) or more one-family dwellings by common vertical walls.

Automobile Repair: The general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service, such as body, frame or fender straightening and repair; overall painting and undercoating of automobiles.

Sec. 201.2. "B".

Basement: That portion of a building, which is partly or wholly below finished 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 shall not be counted as a story (see Figure 2-1). A cellar is a basement.

Bed and Breakfast Hotel: An owner-occupied bed and breakfast which has more than ten (10) but less than fifteen (15) sleeping rooms available for transient occupancy, including sleeping rooms occupied by the innkeeper and his/her family, and which may or may not have other commercial facilities for use.

Bed and Breakfast Inn: A single family, owner occupied dwelling unit in which transient guests are provided a sleeping room and board for compensation as an accessory use of the one-family dwelling. A continental or American breakfast, lunch, and/or dinner may be served to overnight guests only. A bed and breakfast inn has ten (10) or less sleeping rooms available for transient occupancy, including sleeping rooms occupied by the innkeeper and his/her family.

Benefit, Recognizable and Substantial: A clear benefit, both to the ultimate users of the property in question and to the community, which would reasonably be expected to accrue, taking into consideration the reasonable foreseeable detriments of the proposed development and use(s), including, without limitation: long-term protection and/or preservation of natural resources and natural features and/or historical and/or architectural features of a significant quantity and/or quality in need of protection or preservation on a local, state and/or national basis; reducing to a significant extent the nonconformity of a nonconforming use or structure so that, to a significant extent, it is rendered more conforming, or less offensive, to the zoning district in which it is situated.

Berm: A mound of earth graded, shaped, and improved with landscaping in such a fashion as to be used for visual and/or audible screening purposes to provide a transition between uses of differing intensity.

Billboard: See definition in Section 2000.1.

Block: The property abutting one side of a street and lying between the two nearest intersecting streets (crossing or terminating); or between the nearest such street and railroad right-of-way, unsubdivided acreage, lake, river or live stream; or between any of the foregoing and any other barrier to the continuity of development, or corporate boundary lines of the municipality.

Bluffline: The line that is the edge or crest of the elevated segment of the shoreline above the beach or riverbank, which normally has a precipitous front, inclining steeply on the shoreline side. Where no elevated segment of the shoreline exists, the bluffline shall be determined as the line of continuous, perennial vegetation nearest the water.

Boarding House/Rooming House: A structure in which furnished rooms, or apartments, are let to lodgers on a temporary basis.

Buffer Strip: A strip of land reserved for plant material, berms, walls, or fencing to serve as a visual and/or sound barrier between properties, often between abutting properties and properties in different zoning districts. Landscaping, berms, fencing, or open space can also be used to buffer noise, light and related impacts from abutting properties even if not in a separately established buffer strip and may be so required by this Ordinance.

Building: Any structure, either temporary or permanent, having a roof supported by columns, walls or other supports, and used or intended for the shelter or enclosure of persons, animals, chattels, or property of any kind, or for the conduct of business. The definition includes but is not limited to: mobile homes, tents, inflatable structures, sheds, garages, greenhouses, and other principal and accessory buildings.

Building Footprint – The area included within surrounding exterior walls excluding courtyards. Areas of a building open to the sky, such as uncovered stairs, porches and patios, are not included in the building area.

Buildable Area – That area of a parcel of land inside the required yards upon which structures may be built or moved.

Building Inspector: The City of South Haven Building Inspector or the Code Enforcement Officer.

Building, Principal (same as Main Building): A building in which is conducted the main or principal use of the lot upon which it is situated.

Sec. 201.3. "C".

Campground: A parcel or tract of land under the control of a person in which sites are offered for the use of the public or members of an organization, either free of charge or for a fee, for the establishment of temporary living quarters for five (5) or more recreational units.

Campsite: An area designated for the exclusive, temporary use of a single recreational unit.

Carry-out Food Establishment: A business establishment so developed that its retail or service character is dependent upon the preparation of food for consumption off the premises.

Carport: A partially open structure, intended to shelter one or more vehicles. Such structures shall comply with all yard requirements applicable to garages.

Cemetery: Property, including crematories, mausoleums, and/or columbariums, used, or intended to be used solely for the perpetual interment of deceased human beings or customary household pets.

Certificate of Occupancy: A document signed by the Building Inspector as a condition precedent to the commencement of a use or the occupancy of a structure or building, which acknowledges that such use, structure, or building, complies with the provisions of the Building Code.

Certificate of Zoning Compliance: A document signed by the Zoning Administrator as a condition precedent to the commencement of a use or the occupancy of a structure or building, which acknowledges that such use, structure, or building, complies with the provisions of the Zoning Ordinance.

Change of Use: A use of a building, structure, or parcel of land, or portion thereof, which is different from the previous use in the way it is classified in this Ordinance or in the Building Code, as amended.

Changeable Message Board: A sign which identifies a business, institution or organization on the premises of which it is located and which contains the name of the business, institution or organization, the names of individuals connected with it, and general announcements of events or activities occurring at the institution or similar messages such as products on sale, the price of a product or a special service opportunity.

Church: A building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose.

Club: An organization of persons or a group of persons associated for a common purpose or a special purpose for promotion or engaging in sports, recreational and social activities, arts, sciences, literature, politics or the like, but not operated for profit and open only to members and not to the general public.

Communication Tower: A radio, telephone or television relay structure including but not limited to monopole, skeleton framework, or other design which is attached directly to the ground or to another structure, used for the transmission or reception of radio, television, microwave, or any other form of telecommunications signals.

Comprehensive Plan: The plan adopted by the Planning Commission pursuant to Public Act 33 of 2008, as amended, including text, maps and graphic proposals indicating the general location for streets, parks, schools, public buildings, and all physical development of the municipality, the relationship of land uses to one another, and includes any unit or part of such plan, and any amendment to such plan or parts thereof.

Condominium Project: Means a plan or project consisting of not less than two (2) condominium units if established and approved in conformance with the Condominium Act (Act 59 of the Public Acts of 1978).

Condominium Master Deed: See Master Deed.

Condominium Subdivision: A division of land on the basis of condominium ownership, pursuant to the Condominium Act and which is not subject to the provisions of the Subdivision Control Act of 1967, Public Act 288 of 1967, as amended.

Condominium Subdivision Plan: The drawings attached to the master deed for a condominium subdivision which describe the size, location, area, horizontal and vertical boundaries and volume of each condominium unit contained in the condominium subdivision, as well as the nature, location and size of common elements.

Condominium Unit: Means that portion of a condominium project or condominium subdivision which is designed and intended for separate ownership and use, as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational, use as a time-share unit, or any other type of use. The owner of a condominium unit also owns a share of the common elements. The term "condominium unit" shall be equivalent to the term "lot", for purposes of determining compliance of the site condominium subdivision with the provisions of this Ordinance pertaining to minimum lot size, minimum lot width, and maximum lot coverage.

Conflict of Interest: Participation by a member of the Zoning Board of Appeals, Planning Commission, or City Council in a public hearing, lobbying, or voting on a matter in which the property in question is owned, leased, rented or is proposed to be developed by the member; is owned or is to be developed by a relative, boss or close friend of the member; or involves a party with whom the member shares a financial interest, such as a partner, borrower, lender, renter or investor; or is property which abuts or is near property owned by the member and the member does not feel he/she can objectively evaluate the request and vote in an unbiased manner. This definition applies to any matter being decided under the Zoning Ordinance. Charter provisions or conflict of interest provisions in other Ordinances shall guide other decisions unless the City Attorney or a Court of Law rules otherwise.

Convalescent or Retirement Facility: A structure whose principal purpose is the provision of sleeping, eating and gathering rooms where persons afflicted with illness, injury, or an infirmity are housed or lodged, often for extended periods of time, and who are furnished with meals and nursing care.

Sec. 201.4. "D".

Day Care Center (Child Care Center): A facility, licensed by the State of Michigan, receiving one or more preschool or school age children for care for periods of less than

24 hours a day, and where the parents or guardians are not immediately available to the child. Child care center or day care center includes a facility, which provides care for not less than two consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. Child care center or day care center does not include any of the following:

1. A Sunday school, a vacation bible school, or a religious instructional class that is conducted by a church or other religious organization where children are in attendance for not greater than 3 hours per day for an indefinite period, or not greater than 8 hours per day for a period not to exceed 4 weeks during a 12-month period.
2. A facility operated by a church or other religious organization where children are cared for while persons responsible for the children are on the premises.

Day Care (Family, Home): A licensed day care center as an accessory use in a private home in which at least 1 but less than 7 minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family day care home includes a home that gives care to an unrelated minor child for more than 4 weeks during a calendar year.

Day Care (Group, Home) or Day Nursery: As defined in PA 116 of 1973, MCL 722.111, a "group day care home" means a licensed day care center in a private home as an accessory use in which more than 6 but not more than 12 minor children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group day care home includes a home that gives care to an unrelated minor child for more than 4 weeks during a calendar year.

Deck: An unroofed structure, generally with a pole or pier foundation, used for outdoor living purposes which may or may not be attached to a building and which protrudes more than four (4) inches above the finished grade. (See Section 1722.)

Deed Restriction: A restriction on the use of a lot or parcel of land that is set forth in the deed and recorded with the County Register of Deeds. It is binding on subsequent owners and is sometimes also known as a restrictive covenant. Unless the City has an ownership interest in the property, a deed restriction is enforced by the parties to the agreement, not by the City.

Density: The number of dwelling units situated on or to be developed on a net acre (or smaller unit) of land, which shall be calculated by taking the total gross acreage and subtracting the area in rights-of-way for streets and roads. (See Figure 2-6 and definitions of Lot Area, Gross and Lot Area, Net).

Detached Dwelling: A dwelling that is not attached to any other dwelling by any means.

Development: A parcel of land with one or more structures and a legal use.

District (or Zone): A portion of the incorporated area of the municipality within which certain regulations and requirements, or various combinations thereof, apply under the provisions of this Ordinance.

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

Drive Through: A type of accessory service provided by a business that allows customers to purchase products or food without leaving their cars.

Driveway: A means of access for vehicles from a street or approved alley across a lot or parcel to a parking or loading area, garage, dwelling or other structure or area on the same lot, that is located and constructed in accordance with the requirements of this Ordinance and any other requirements of the City, the County Road Commission or State of Michigan (depending on which entity exercises authority over the street from which driveway access is derived).

Dwelling: A structure designed for occupancy by one (1) family for residential purposes that is either permanently affixed to the ground, like a dwelling unit, or is a mobile structure like a travel trailer, or motor home.

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

Dwelling, One-Family: A dwelling unit designed for occupancy by one (1) family; also known as a single-family dwelling.

Dwelling, Two-Family: A building containing two (2) dwelling units designed for occupancy by two (2) families living independently of each other; also known as a duplex. A structure with two independent housekeeping units with independent entrances and independent cooking, eating, living, sleeping and sanitary facilities shall be considered a two-family dwelling, unless there is a shared common living area joining the housekeeping units.

Dwelling, Multiple-Family: A building or a portion thereof, designed for occupancy of three (3) or more families living independently of each other. A structure with three or more independent housekeeping units with independent entrances and independent cooking, eating, living, sleeping and sanitary facilities shall be considered a multiple-family dwelling, unless there is a shared common living area joining the housekeeping units.

Sec. 201.5. "E".

Easement: An interest in land that entitles its holder to the limited use of another's property for a specified purpose.

Efficiency Unit: A dwelling unit consisting of one (1) room and having such facilities as kitchen, closets, bathrooms, and hallways in or immediately adjoining such room.

Erected: The word "erected" includes built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises, which are required for a building or structure. Excavation, fill, drainage, and the like, shall be considered a part of erection when done in conjunction with a structure.

Essential Services: 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; collection, telephone, communication, supply or disposal system; including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals and hydrants in connection therewith which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety, convenience or welfare of the public, but not including towers, or office buildings,

substations, or structures which are enclosures or structures for service equipment, or maintenance depots.

Excavation: Any breaking of ground, except common household gardening and ground care.

Sec. 201.6. "F".

Family: One or two persons or parents, with their direct lineal descendants and adopted or foster children (and including the domestic employees thereof) together with not more than three (3) persons not so related, living together in the whole or part of a dwelling comprising a single housekeeping unit.

Farm: The pursuit of any agricultural activity or the raising of livestock or small animals.

Fence: An accessory structure artificially constructed as a barrier and made of wood, metal, stone, brick, or various manufactured materials, which is usually erected, for the enclosure of yard areas.

Flood Related Definitions: See Section 1612. Words defined there include area of special flood hazard, base flood, development, flood or flooding, floodplain, floodway, flood insurance rate map, flood insurance study, substantial improvement, variance.

Floor Area, Usable (For the purposes of computing parking): 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, hallways, stairways, elevator shafts, restrooms, janitorial services, or for utilities or sanitary facilities shall be excluded from this computation of "Usable Floor Area." Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls.

Frontage: The total continuous length of the front lot line. (See also Lot, Front Lot Line.)

Sec. 201.7. "G".

Garage, Private: An accessory building or accessory portion of a main building designed or used solely for the storage of motor-driven vehicles, boats, motor homes, snowmobiles and similar vehicles owned and used by the occupants of the building to which it is accessory.

Gasoline Service Station: A place for the dispensing, sale or offering for sale of motor fuels directly to users of motor vehicles, together with the sale and installation of minor accessories and services for motor vehicles, including but not limited to oil, grease, batteries, tires, other operational fluids and minor accessories for automobiles, but not including major automobile repair.

Grade, Average: The arithmetic average of the lowest and highest grade elevations in an area within five (5) feet of the foundation line of a building or structure (see Figure 2-3).

Grade, Finished: The lowest point of elevation between the exterior wall of the structure and a line five (5) feet from the exterior wall of the structure.

Grade, Natural: The elevation of the ground surface in its natural state, before man-made alterations.

Group Care (Private, Home): A private residence in which a day care center operator licensed by the State of Michigan permanently resides as a member of the household,

which residency shall not be contingent upon caring for children or employment by a licensed or approved child placing agency. Private home includes a full-time foster family home, a full-time foster family group home, a group day care home, or a family day care home.

Group Day Care Facilities (Large): A facility, other than a private residence, receiving one or more preschool or school age children for care for periods of less than twenty-four (24) hours a day and for not less than two (2) consecutive weeks and where the parents or guardians are not immediately available to the child.

Sec. 201.8. "H".

Hazardous Substance: means one of the following:

1. A chemical or other material, which is or may become injurious to the public health, safety, or welfare or to the environment.
2. "Hazardous substance" as defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, Public Law 96-510, 94 Stat. 2767.
3. "Hazardous waste" as defined in the Natural Resources and Environmental Protection Act of 1994, as amended, MCL 324.11103.
4. "Petroleum" as defined in the Natural Resources and Environmental Protection Act of 1994, as amended, MCL 324.21303(d)(ii).

Height (Building): In the case of a principal building, the vertical distance measured from the average grade of the site to the highest point of the roof ~~to the average height between eaves and ridge for gable, hip and gambrel roofs~~ (see Figure 2-2). A cupola, widow's watch, or tower that extends above the roof line shall be considered the highest point of the roof surface on roofs with such features. The measurement of the height of an accessory building or structure shall be determined as the greatest vertical distance from the average finished grade of any side to the highest point of the roof surface (see also Section 1708(5) and Section 1732). **Average grade to be determined by a topographic survey if lot variation is ten (10) feet or greater.**

High Risk Erosion Area: An area of shoreline which is determined by the Department of Environmental Quality on the basis of studies and surveys to be subject to erosion and which is designated as such pursuant to the, Natural Resources and Environmental Protection Act, Public Act 451 of 1994, Part 323, as amended.

Home Occupation: An occupation or profession customarily carried on by an occupant of a dwelling unit as an accessory use, which is clearly incidental and secondary to the use of the dwelling unit for residential purposes.

Hotel (or Motel): A building or group of buildings, whether detached or in connecting units, used as temporary individual sleeping units designed primarily for travelers and providing for accessory off-street parking facilities. The term hotel shall include buildings designated as auto courts, hotels, tourist courts, motor courts, motor hotel, and similar appellations. A hotel shall not be considered or construed to be a multiple family dwelling or a Bed and Breakfast Inn or Bed and Breakfast Hotel.

Human Habitat: A place in which a human being lives; a place of abode.

Sec. 201.9. "I".

Improvements: Those features and actions associated with a project which are considered necessary by the body or official granting zoning approval, to protect natural resources, or the health, safety, and welfare of the residents of the City and future users or inhabitants of the proposed project area, including, but not limited to roadways, lighting, utilities, sidewalks, screening, drainage, parking areas, and landscaping.

Sec. 201.10. "J".

Junk: For the purpose of this Ordinance, the term "junk" shall mean any motor vehicles, machinery, appliances, products, or merchandise with parts missing, scrap metals or other trash, rubbish, refuse, or scrap materials that are damaged or deteriorated. It includes any inoperable or abandoned motor vehicle which is not licensed for use upon the highways of the State of Michigan for a period in excess of thirty (30) days, unless it is actively in the process of rehabilitation as an antique car, and shall also include whether so licensed or not, any motor vehicle which is inoperative for any reason for a period in excess of thirty (30) days and which is not in a completely enclosed building. It does not include domestic refuse if stored so as to not create a nuisance and is thirty (30) feet or more from any residential structure for a period not to exceed seven (7) days. It also includes any other material so determined to be "debris" pursuant to Ordinance #731, Section 30-91 of the Code of Ordinances of the City of South Haven.

Junk Yard: An area where waste, used or secondhand 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 salvage yards and includes any open area of more than two hundred (200) square feet for storage, keeping or abandonment of junk.

Sec. 201.11. "K".

Kennel, Commercial: Any lot or premise on which five (5) or more dogs, cats, or other household pets four (4) months of age or older, are either permanently or temporarily boarded for remuneration, breeding, training, transfer or for sale purposes. **This definition shall include the term "doggy daycare".**

Sec. 201.12. "L".

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

Lodging Rental: A lodging unit secured for transient or temporary occupancy for compensation, which may include but is not limited to, daily fees for a hotel room, motel room, bed and breakfast room, or residential dwelling unit. (See Section 1738).

Landscaping structure: A structure intended as an exterior decoration, often associated with plantings, which is open to the sky, and does not support either a floor or a closed roof, including an arbor, gateway arbor, shade arbor, trellis, retaining wall, raised garden bed, ornamental fence post, pillar, monument or statue.

Lodging Unit: A dwelling unit, hotel, motel, and bed and breakfast room or suite, which is used for temporary or transient lodging in exchange for compensation. Any residential dwelling unit, which is rented for a period of less than 48 hours, or offered or advertised as a daily rental, shall be considered a lodging unit, and its use shall not be classified as a residential use. (See Section 1738).

Lot: Land described in a recorded plat or by metes and bounds description, including a condominium unit in a site condominium subdivision, occupied or to be occupied by a building, structure, land use or group of buildings having sufficient size to comply with the frontage, area, width-to-depth ratio, setbacks, yards, coverage and buildable area requirements of this Ordinance, and having its principal frontage upon a public street or on a private road approved by the City (see Figure 2-4). A lot may or may not be specifically designated as such on public records. A lot may consist of: (a) a single lot of record; (b) a portion of a lot of record; (c) any combination of complete and/or portions of contiguous lots of record; or (d) a parcel of land described by metes and bounds, provided that in no case of a lot division or combination shall the width or depth of any lot or parcel created including residuals be less than that necessary to comply with the requirements of this Ordinance.

Lot Area. The area of a horizontal plane contained within the lot lines and right of way lines of a parcel, not including any area within a public right of way, or the 100 year Flood Plain as established by the Flood Insurance Rate Map promulgated by the Federal Emergency Management Agency as referenced within Section 1613.

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

Lot Coverage: The amount of a lot, stated in terms of percentage, which is covered by all buildings, and/or structures located thereon. This shall be deemed to include all buildings, roofed porches, arbors, breezeways, patio roofs, whether open box types and/or lathe roofs, or fully roofed, but shall not be deemed to include fences, walls, or hedges used as fences, unroofed decks (four inches or less above the finished grade) or patios or swimming pools. Lot coverage shall be measured from the drip line of the roof or from the wall or foundation if there is no projecting portion of the roof.

Lot, Depth of: The average distance from the front lot line of the lot to its opposite rear line measured in the general direction of the side lines of the lot (see Figure 2-5).

Lot, Flag: A lot whose access to the public street is by a narrow, private right-of-way that is either a part of the lot or an easement across another property. See Figures 2-4 and 2-7.

Lot Frontage: The length of the front lot line.

Lot, Interior: Any lot other than a corner lot, which, with the exception of a "through lot", has only one lot line fronting on a street (see Figure 2-4).

Lot Lines: The lines bounding a lot as defined herein and illustrated on Figure 2-7:

1. **Front Lot Line:** In the case of an interior lot, that line separating said lot from the street, private road, or other access easement. In the case of a through lot,

that line separating said lot from either street, private road, or other access easement. (See Section 1715). (Amended 1/17/85; Ord. No. 663)

2. Rear Lot Line: That lot line opposite the front lot line. In the case of a through lot or a lot having frontage on more than one street, the line, which is opposite, the street address selected by the owner. In the case of a triangular or otherwise irregularly shaped lot or parcel, an imaginary line at least ten (10) feet in length entirely within the lot or parcel, parallel to and at a maximum distance from the front lot line. (Amended 1/17/85; Ord. No. 663)

3. Side Lot Line: Any lot line other than the front lot line or rear lot line. 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.

Lot of Record: A lot which is part of a subdivision and is shown on a plat, or a parcel of land, the dimensions of which are shown on a document or map, or a parcel of land described by survey or metes and bounds which is the subject of a deed or land contract and, in all three cases, **that was legally created and legally existing at the effective date of this Ordinance, February 3, 1983, as such lot was depicted and dimensionally configured on such date, and is on file with the County Register of Deeds**, or in common use by municipal or county officials and which actually exists as so shown, or any part of such parcel held in an record of ownership separate from that of the remainder thereof. For the purposes of Article XVI, a lot of record only includes lots, which predate the effective date of the high-risk erosion designation.

Lot, Through: Any interior lot having frontage on two more or less parallel streets as distinguished from a corner lot (see Figure 2-4). In the case of a row of through lots, all yards of said lots adjacent to streets shall be considered frontage, and front yard setbacks shall be provided as required.

Lot, Waterfront: A lot having a property line abutting the Black River and/or Lake Michigan.

Lot Width: The horizontal straight-line distance between the side lot lines, measured between the two points where the line establishing the setback for the front yard intersects the side lot lines.

Lot, Zoning: A single tract of land, located within a single block, which, at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control. A zoning lot shall satisfy this Ordinance with respect to area, size, dimensions, and frontage as required in the district in which the zoning lot is located. A zoning lot, therefore, may not coincide with a lot of record as filed with the County Register of Deeds, but may include one or more lots of record.

Sec. 201.13. "M".

Main Building: A building in which is conducted the principal use of the lot upon which it is situated.

Major Thoroughfare: A public street, the principal use or function of which is to provide an arterial route for through traffic, with its secondary function the provision of access to abutting property. A street with a nonresidential character.

Marina: A boat basin with facilities for berthing and securing all types of recreational craft, providing adequate supplies, provisions and service and fueling facilities, and repair and storage of boats.

Marine Terminal: A dock, pier, landing, structure, or property, which provides access from land to a water, based business.

Master Deed: The document recorded as part of a condominium subdivision to which are attached as exhibits and incorporated by reference the approved bylaws for the condominium subdivision and the condominium subdivision plan.

Mezzanine: An intermediate floor in any story occupying not to exceed one-third (1/3) of the floor area of such story.

Minor Thoroughfare: A public street identified as a secondary street or road on Figure 2-8.

Mobile Home: A structure, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. The term mobile home shall not include pick-up campers, travel trailers, motor homes, modular homes, recreational vehicles, recreational unit, converted buses, tent trailers, or other transportable structures designed for temporary use.

Mobile Home Park: A parcel or tract of land under the control of a person upon which 3 or more mobile homes are located on a continual, nonrecreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home.

Mobile Home Site: An area designated for the exclusive use of a single mobile home or recreational unit.

Modular (Pre-Manufactured) Housing Unit: A dwelling unit constructed solely within a factory, as a single unit, or in various sized modules or components, which are then transported by truck or other means to a site where they are assembled on a permanent foundation to form a single-family dwelling unit, and meeting all codes and regulations applicable to conventional single-family home construction.

~~Motel: A building or group of buildings, whether detached or in connecting units, used as individual sleeping or dwelling units designed primarily for transient automobile travelers and providing for accessory off-street parking facilities. The term motel shall include buildings designated as auto courts, tourist courts, motor courts, motor hotel, and similar appellations, which are designed as integrated units of individual rooms under common ownership. A motel shall not be considered or construed to be a multiple family dwelling. See Hotel~~

Motor Home: A self-propelled, licensed vehicle prefabricated on its own chassis, intended for recreational activities and temporary occupancy.

Moveable Structure, Easily: An accessory structure, which is smaller than two hundred twenty-five (225) square feet; is not built on a slab; does not have a permanent foundation; and is easily removable.

Moveable Structure, Readily: A small permanent structure (greater than two hundred twenty-five square feet and less than three thousand five hundred square feet) which is designed, sited, and constructed to accomplish relocation at a reasonable cost relative to other structures of the same size and construction. Access to and from the site shall be of sufficient width and acceptable grade to permit the structure to be relocated. New

construction and installations shall meet the following criteria to be considered readily moveable structures:

1. The buildings shall be on pilings, a basement, or crawl space. Except as noted below, a slab-on-grade foundation does not meet this criterion.
2. Above-grade walls shall be stud wall construction. Above-grade walls that are constructed of masonry, including stone walls, concrete poured or concrete block walls, and brick veneer walls do not meet this criterion.

Existing permanent structures shall be considered readily moveable structures if the cost of relocation landward of the required setback distance is not more than 25% of the replacement cost of the structure (including any added cost of land) or if the existing structure meets the criteria for new construction in this subdivision. A 1- or 2-car garage which is bolted to a slab foundation, which does not have living space within or above the structure, and which does not have plumbing or interior walls shall be considered a readily moveable structure if it meets the remainder of the requirements specified in this subdivision. Septic systems, tile fields, or other waste-handling facilities are not readily moveable structures.

Municipality: The City of South Haven, Michigan.

Sec. 201.14. "N".

Nonconforming Building: A building or portion thereof that does not conform to the provisions of **this Ordinance** in the district in which it is located.

Nonconforming Lot: **An existing lot of record that does not conform to the area and/or dimensional provisions of this Ordinance in the district in which it is located.**

Nonconforming Lot of Record: A lot legally created and legally existing at the effective date of this Ordinance, February 3, 1983, **that does not conform to the area and/or dimensional provisions of this Ordinance** in the district in which it is located.

Nonconforming Structure: A structure or portion thereof that does not conform to the provisions of **this Ordinance** in the district in which it is located. Within Article XVI, it means a permanent structure which does not conform to the required setback distance at the time of high-risk erosion area designation or which became nonconforming due to erosion or became nonconforming due to a change in the required setback distance. Permanent structures that are constructed within the High Risk Erosion Overlay Zone in violation of the requirements of Article XVI shall not be considered to be nonconforming structures.

Nonconforming Use: A use that does not conform to the use **provisions of this Ordinance** in the district in which it is located.

Nuisance: An offensive, annoying, unpleasant or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things such as, but not limited to noise, dust, smoke, odor, glare, fumes, flashes, vibration, shock waves, heat, electronic or atomic radiation, objectionable effluent, noise of congregation of people (particularly at night), passenger traffic, and invasion of nonabutting street frontage by traffic.

Nursery, (Plant Materials): A space, building or structure, or combination thereof, for the storage of live trees, shrubs or plants offered for retail sale on the premises, including products used for gardening or landscaping. The definition of nursery within the meaning of this Ordinance does not include any space, building, or structure used for the sale of fruits, vegetables, or Christmas trees.

Sec. 201.15. "O".

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 three (3) vehicles.

Open Air Business: A business where the goods offered for sale are displayed outside a building. Buildings on the property shall be incidental and used for office space only. This definition does not include seasonal open air businesses as regulated in Section 1731.

Open Space, Common: An area of land in a development, the use of which is limited to landscaping, conservation and recreational purposes and which is held for the collective use and enjoyment of the owners, tenants, or occupants of a single development, or by others if so authorized by this Ordinance or other municipal action.

Open Space, Dedicated: Common open space dedicated as a permanent recorded easement, or other means of permanent dedication that runs with the deed.

Ordinary High Water Mark: The line between upland and bottomland which persists through successive changes in water levels below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil, and the vegetation. Pursuant to the Natural Resources and Environmental Protection Act, Public Act 451 of 1994, Part 325, formerly the Great Lakes Submerged Lands Act, P.A. 247 of 1955, as amended, the ordinary high water mark for Lake Michigan is 580.5 feet above sea level, International Great Lakes Datum of 1985.

Owner: The owner of the premises or lesser estate in the premises, a mortgagee or vendee in possession, an assignee of rents, receiver, executor, trustee, lessee, or any other person, sole proprietorship, partnership, association, or corporation directly or indirectly in control of a building, structure, or real property, or his or her duly authorized agent.

Sec. 201.16. "P".

Parcel: A lot described by metes and bounds or described in a recorded plat, or as used in Article XVI, a continuous area or acreage of land, which is under the same ownership at the time of the high-risk erosion area designation.

Park: A parcel of land, building or structure used for recreational purposes including but not limited to playgrounds, sport fields, game courts, beaches, trails, picnicking areas, and leisure time activities.

Parking Spaces: An area of definite length and width used for the parking of a motor vehicle. Said area shall be exclusive of drives, aisles, or entrances giving access thereto, and shall be fully accessible for the parking of permitted vehicles.

Permanent Foundation: As used in Article XVI, a foundation for a structure that includes all frost-free foundations as regulated by the building code as well as concrete block,

poured concrete, and slabs or other materials used to support the walls of a building, even if they do not extend down below the frost free line.

Permanent Structure: As used in Article XVI, any one (1) of the following structures that is erected, installed, or moved on a parcel of property:

1. A residential building.
2. A commercial building.
3. An industrial building.
4. An institutional building.
5. A mobile home.
6. Accessory and related buildings.
7. Septic systems.
8. Tile fields.
9. Other waste handling facilities.

A permanent structure shall be considered small if it has a foundation size of three thousand five hundred (3,500) square feet or less and less than five (5) individual living units. All other permanent structures shall be considered large. The term does not include recreational vehicles, travel trailers, or other recreational units. The term also does not include accessory structures, which have less than two hundred and twenty five (225) square feet, which are used for picnicking, storing of recreational, or lawn equipment, and which are constructed in a manner that facilitates easy removal. The accessory structure shall not have a permanent foundation and shall not be used as a residential facility.

Person: Means an individual, partnership, association, trust, or corporation, or any other legal entity or combination of legal entities.

Personal Service Business - A business or use which provides routine and common service to the public including, but not necessarily limited to, barber shops, hair salons, dry cleaners, tailors, shoe repair and craftsman, not including the sale of products except where incidental to the principal service-oriented use.

Planned Shopping Center – A group of architecturally unified commercial facilities and parking on a site that is centrally owned or managed, designed and operated as a unit.

Planned Unit Development: A tract of land or lot, developed under single ownership or management as a separate neighborhood or community unit. The development shall be based on an approved site plan, which allows flexibility of design not available under normal zoning district requirements. The plan may contain a mixture of housing types, common open space, and other land uses as provided in this Ordinance.

Plat: A map of a subdivision of land recorded with the County Register of Deeds pursuant to Public Act 288 of 1967, or a prior statute.

Plot Plan: A drawing showing the proposed placement of a new building, dwelling structure or use, or an addition to a building, structure, or use on a parcel of land. See Section 2102.

Porch: A roofed open area, which may be screened, usually attached to or part of and with direct access to or from a building. A porch becomes a room when the enclosed space is heated or air-conditioned and when the percentage of window area to wall area is less than fifty (50) percent.

Principal Structure: As used in Article XVI, the main building on a lot or parcel, including but not limited to, residential, commercial, industrial, institutional structures and mobile homes. In the high-risk erosion areas described in this Ordinance, principal structure also includes septic systems, tile fields, any on-site waste handling facility, garages and any other building designed and intended for permanent use.

Principal Use: The primary or predominant use of any lot or parcel of land.

Private Road: A private way or means of approach to provide access to two (2) or more abutting lots, and which is constructed and maintained by the owner or owners and is not dedicated for general public use.

Professional Service Business - Businesses of an executive, administrative, or professional nature, including but not necessarily limited to, certified public accountants, engineers, chiropractors, dentists, osteopaths, physicians and surgeons, podiatrists, chiropodists, architects, veterinarians, attorneys at law, physical therapists, and life insurance agents.

Public Facilities: Public facilities include, but are not limited to parks, administrative offices, fire and police facilities, libraries, museums, recreational centers, indoor and outdoor storage areas for materials, public equipment and buildings for essential public services (including but not limited to electric substations, telephone substations, gas regulator stations). Public schools providing K-12 or post high school education are not included as public facilities in this Section (see Section 1510.31).

Public Utility: A person, firm or corporation, municipal department, board or commission, duly authorized to furnish and furnishing under federal, State, or municipal regulations to the public: gas, steam, electricity, sewage disposal, communication, telephone, telegraph, transportation, or water.

Sec. 201.17. "Q".

Reserved.

Sec. 201.18. "R".

Ramp: A sloping walkway, roadway, or passage used to join and provide a smooth transition between two levels of different elevation, including between land and water at a boat-launching site.

Recession Rate: A quantitative measure of the landward movement of the zone of active erosion determined on the basis of the shoreland erosion studies conducted under the Natural Resources and Environmental Protection Act, Public Act 451 of 1994, Part 323, as amended, and expressed in terms of an annual average rate.

Recreation Center - A publicly or privately owned business which is open to the public where meetings are held, sports are played and activities made available for diverse ages and capabilities.

Recreational Unit: A tent or vehicular-type structure, primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle, which is self, powered. A tent means a collapsible shelter of canvas or other fabric stretched and sustained by poles and used for camping outdoors.

Recreational unit includes but is not limited to the following:

1. Travel trailer, which is a vehicular portable structure, mounted on wheels, of such a size or weight as not to require special highway movement permits when drawn by a vehicle, primarily designed and constructed to provide temporary living quarters for recreational, camping, or travel use.
2. Camping trailer, which is a vehicular portable structure, mounted on wheels and constructed with collapsible partial sidewalls of fabric, plastic, or other pliable material which fold for towing by another vehicle and unfold at the campsite to provide temporary living quarters for recreational, camping, or travel use.
3. Motor home, which is a vehicular structure built on a self-propelled motor vehicle chassis, primarily designed to provide temporary living quarters for recreational, camping, or travel use.
4. Truck camper, which is a portable structure built on a self-propelled motor vehicle chassis, primarily designed to provide temporary living quarters for recreational, camping, or travel use.
5. Truck camper, which is a portable structure designed to be loaded onto, or affixed to the bed or chassis of a truck, constructed to provide temporary living quarters for recreational, camping, or travel use. Truck campers are of two (2) basic types:
 - a. Slide-in camper, which is a portable structure designed to be loaded onto and unloaded from the bed of a pickup truck, constructed to provide temporary living quarters for recreational, camping, or travel use.
 - b. Chassis-mount camper, which is a portable structure designed to be mounted on a truck chassis, and constructed to provide temporary living quarters for recreational, camping, or travel use.
6. Boats, or other recreational units, which have the characteristics of the definition of recreational unit but are not listed above.

Recreation Uses: shall include, but need not be limited to, the following:

- a. **Miniature golf.**
- b. **Animal racing, go-cart, automobile or motorcycle tracks.**
- c. **Amphitheatres.**
- d. **Amusement and water parks.**
- e. **Airgun or survival games.**
- f. **Amusement parks**
- g. **Resorts**
- h. **Fairgrounds**
- i. **Batting cages**
- j. **Ski slope**

- k. **Skate board park**
- l. **Flea markets**
- m. **Uses similar to the above uses**
- n. **Uses accessory to the above uses, such as refreshment stands, retail shops selling items related to the above uses, maintenance buildings, office for management functions, spectator seating and service areas, including locker rooms and rest rooms.**

Repair: The reconstruction or renewal of any part of an existing building for the purpose of maintenance.

Required Setback Distance: As used in Article XVI, the least distance a permanent structure can be constructed from the bluffline without a special exception.

Residence Hotel: A building, or part of a building, with a common entrance or entrances, in which rooms are rented primarily for long term occupancy, and in which one or more of the following services are offered: maid service, furnishing of linen, telephone, secretarial or desk service, bellboy service and meals in a common eating area. A residence hotel may include a restaurant, or cocktail lounge, public banquet halls, ballrooms or meeting rooms and recreational facilities. A residence hotel is a type of hotel.

Resort: A place of typically seasonal entertainment, recreation, and/or lodging. Resort lodging, if provided, may include hotels, motels, single or multiple-family residential dwelling units, cottages, campgrounds, bed and breakfasts, or some combination, as regulated by appropriate sections of this Ordinance.

Restaurant: An establishment where food is prepared and served for consumption within the principal building, with or without carry-out services.

Restoration: The reconstruction or replication of an existing building's original architectural features.

Retail Businesses – Businesses selling goods or commodities in small quantities directly to consumers. This definition does not include wholesale distributors.

Right-of-Way: A street, alley, or other thoroughfare or easement permanently established for passage of persons, vehicles, or the location of utilities. The right-of-way is delineated by legally established lines or boundaries.

Sec. 201.19. "S".

Satellite Antenna: See definition in Section 1729.1.

Seasonal Mobile Home Park: A parcel or tract of land under the control of a person upon which three (3) or more mobile homes are located on a continual or temporary basis but occupied on a temporary basis only, and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home. Seasonal mobile home park does not include a campground licensed pursuant to sections 12501 to 12516 of the public health code, Act No. 368 of the Public Acts of 1978, being sections 333.12501 to 333.12516 of the Michigan Compiled Laws.

Setback: The distance required to obtain minimum front, side or rear yard open space provisions of this Ordinance.

Setback Line: As used in Article XVI, the line which is the required setback distance landward of the bluffline and which is the lakeward limit for the construction of permanent structures without a special exception.

Screen: A structure providing enclosure, such as a fence, and a visual barrier between the area enclosed and the adjacent property. A screen may also be non-structural, consisting of shrubs or other growing materials.

Shoreland: The land, water and land beneath the water, which is in close proximity to the shoreline of Lake Michigan.

Shoreline: That area of shorelands where land and water meet.

Shore Protection Structure: Any structural or physical method used to control shoreland erosion processes. Shore protection structures include, but are not limited to, structures such as seawalls, revetments or bulkheads, and may also include any type of beach nourishment by filling.

Sign: A device, structure, fixture, or placard using graphics, symbols, and/or written copy designed specifically for the purpose of advertising or identifying an establishment, product, service, or activity. Definitions of specific types of signs are found in Section 2001.

Site Condominium Subdivision: Means a condominium subdivision which includes units with building envelopes or which grants the owner the right to construct a structure.

Site Plan: A plan showing all salient features of a proposed development, so that it may be evaluated in order to determine whether it meets the provisions of this Ordinance. A plot plan depicts a subset of the information required by this Ordinance for a site plan (see Article XIV).

Special Land Use: A use of land whose characteristics may create a nuisance or nuisance-like impacts on adjoining lands unless carefully sited according to standards established in this Ordinance (see Article XV). Approval for establishing a special land use is indicated by issuance of a Special Use Permit.

Special Use Permit: A permit issued by the City Planning Commission to a person or persons intending to undertake the operation of an activity upon land or within a structure specifically permitted as a special land use pursuant to standards and procedures established in Article XV.

Stop Work Order: An administrative order, which is either posted on the property or mailed or personally delivered to the property owner, which directs a person not to continue, or not to allow the continuation of an activity, which is in violation of this Ordinance.

Story: That part of a building, except a mezzanine as defined herein 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. A basement shall not be counted as a story (see Figure 2-1).

~~**Story, Half:** An uppermost story lying under a sloping roof with the floor height at or above the level of the roof eave.~~

Street: A publicly **owned and** dedicated right-of-way, other than an alley, ~~or an approved private road or easement~~, which affords the principal means of access to abutting property.

Structure: Anything fabricated, constructed or erected, the use of which requires fixation or placement in, on or attachment to something having location on the ground including but not limited to all buildings, independently supported decks, satellite dishes and free-standing signs; excepting anything lawfully in a public right-of-way including but not limited to utility poles, sewage pumping stations, utility manholes, fire hydrants, electric transformers, telephone boxes, and related public facilities and utilities defined as essential public services.

Subdivision: The division of a lot, tract, or parcel of land into more lots for the purpose of sale or development, and subject to the requirements of Public Act 288 of 1967, as amended, this Ordinance and the requirements of Chapter 78 of the Code of Ordinances of the City of South Haven.

Substandard Lot or Parcel: Also known as "nonconforming" lot or parcel. A lot or parcel of record or a lot or parcel which is described in a land contract or deed that is executed and delivered before the designation of a high risk erosion area and which does not have adequate depth to provide the required setback distance from the bluffline for a permanent structure. The term also means those lots which are legally created after the designation of a high-risk erosion area and which have sufficient depth to meet setback requirements for permanent structures, but which subsequently become substandard due to erosion processes or become substandard due to a change in the required setback distance.

Swimming Pool: Means any structure or container located either above or below grade designed to hold water to a depth of greater than twenty-four (24) inches, intended for swimming or bathing.

Sec. 201.20. "T".

Temporary Dwelling Unit: A dwelling unit occupied continuously for less than six (6) months of the year, or a dwelling unit occupied intermittently for less than fifteen (15) days of each month. A dwelling unit, which is occupied more than one hundred-eighty (180) days per year, is not a temporary dwelling unit. A dwelling unit used to gain residency, as a mailing address, or for a homestead tax exemption is not a temporary dwelling unit.

Temporary Use or Building: A use, building, or structure permitted by procedures established in this Ordinance, to exist during a specified period of time.

Traffic Impact Study: This and various terms related to this one are defined in Section 1737.2 including the following: development, average day, gap (critical gap), level of service, peak hour, study area, traffic impact study, trip (i.e. directional trip).

Travel Trailer: A recreational unit designed to be used for temporary residence purposes.

Sec. 201.21. "U".

Underground Storage Tank: A tank or combination of tanks, including underground pipes connected to the tank or tanks, which is, was, or may have been used to contain hazardous substances, and the volume of which, including the volume of the underground pipes connected to the tank or tanks, is ten percent (10%) or more beneath the surface of the ground.

Use: The principal purpose for which land or a building is arranged, designed, or intended, or for which land or a building is or may be occupied.

Sec. 201.22. "V".

Variance: A modification of the literal provisions of the Zoning Ordinance, granted by the Zoning Board of Appeals, when standards established in Article XXII of this Ordinance have been met.

These standards seek to ensure that no variance is granted unless: (a) strict enforcement of the Zoning Ordinance would cause practical difficulty or unnecessary hardship, (b) would not be contrary to the public interest, (c) there are circumstances unique to the individual property on which the variance is granted, and (d) the variance request is not due to actions of the applicant.

Vicious Animal: Any animal that attacks, bites, or injures human beings or domesticated animals without adequate provocation, or which because of temperament, conditioning, or training, has a known propensity to attack, bite, or injure human beings or domesticated animals. (See Section 1739.)

Sec. 201.23. "W".

Wall, Obscuring: A structure of definite height and location to serve as an obscuring screen in carrying out the requirements of this Ordinance.

Water Based Business: Any business in which the proprietor, employee(s) or customer(s) physically board a ship, boat, barge or vessel at a marine terminal, including, but not limited to dinner boats, charter boats, passenger service, boat tours, watercraft rentals, and commercial fisheries.

Wild Animal: Any living member of the animal kingdom, including those born or raised in captivity, except the following: human beings, domestic dogs (excluding hybrids with wolves, coyotes, or jackals), domestic cats (excluding hybrids with ocelots or margays), rodents, any hybrid animal that is part wild, and captive-bred species of common cage birds. (See Section 1739.)

Sec. 201.24. "X".

Reserved.

Sec. 201.25. "Y".

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 Ordinance and as defined herein (see Figure 2-7):

1. Front Yard: 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 wall of the main building. (Amended 1/17/85; Ord. No. 663)
2. Rear Yard: 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 wall of the main building. In the case of a corner lot, the rear yard may be opposite either street frontage. In the case of a waterfront lot, the rear yard shall be defined by the minimum horizontal distance between the nearest wall of the main building and the 100 year Flood Elevation line established by the Flood Insurance Rate Map promulgated by the Federal Emergency Management Agency as referenced within Section 1613.

3. Side Yard: 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 on the side lot line to the nearest wall of the main building.

Sec. 201.26. "Z".

Zone of Active Erosion: The area of the shoreland where the disturbance or loss of soil and substrate has occurred with sufficient frequency to cause unstable slopes or prevent vegetation of the area.

Zoning Administrator: The City of South Haven Zoning Administrator hired for the purpose of carrying out certain duties and responsibilities as defined in this Ordinance.

Zoning Board of Appeals: The body appointed by the City Council to hear appeals by any aggrieved party by a decision or order of the Zoning Administrator, or where it is alleged that the literal enforcement of this Ordinance would involve practical difficulties or would cause unnecessary hardship to the property owner.

Zoning Permit: A document signed by the Zoning Administrator according to procedures established in this Ordinance, as a condition precedent to the commencement of a use, or the erection, construction, reconstruction, restoration, alteration, conversion, or installation of a structure or building, that indicates that a site plan, plot plan, and/or other zoning application or request for special zoning approval or variance for a use, structure or building has been reviewed and determined to comply with the requirements of this Ordinance or

**FIGURE 2-1
BASEMENT AND STORY**

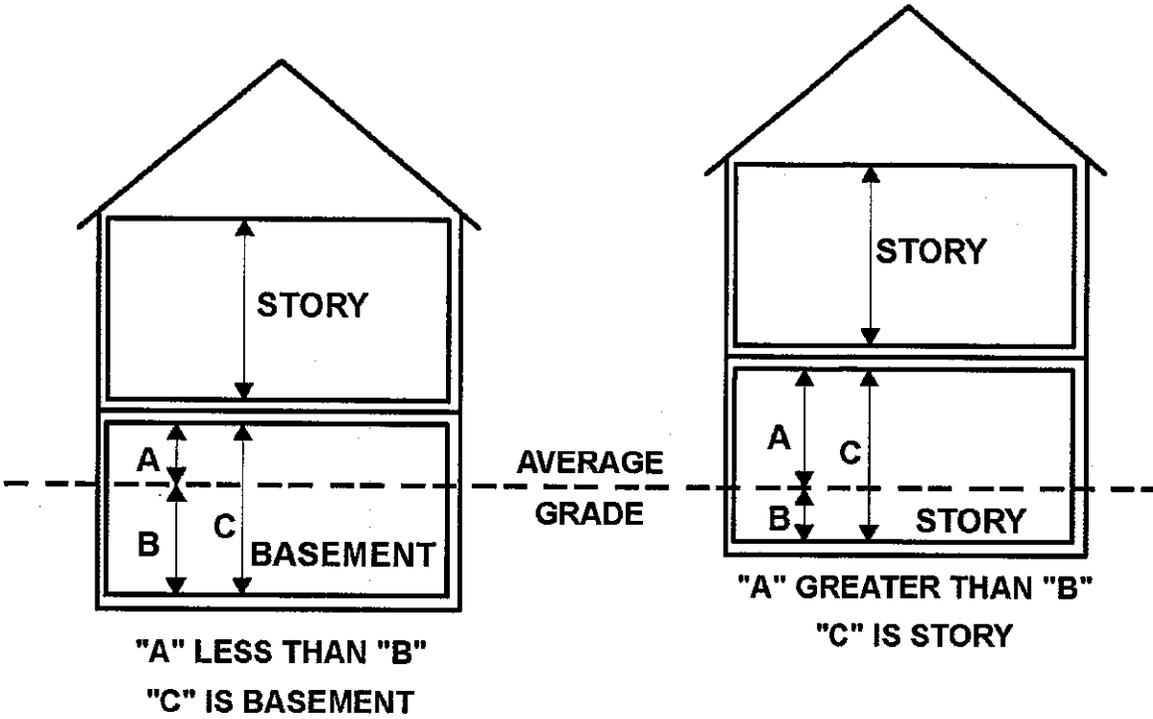
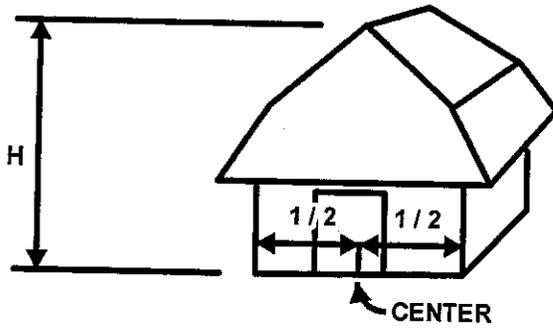
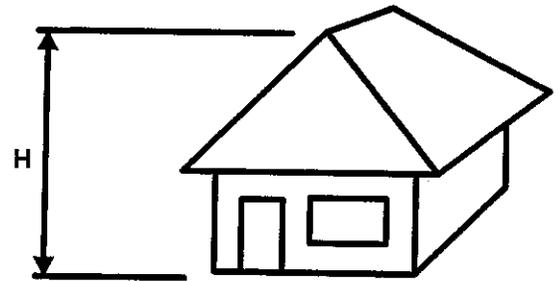


FIGURE 2-2

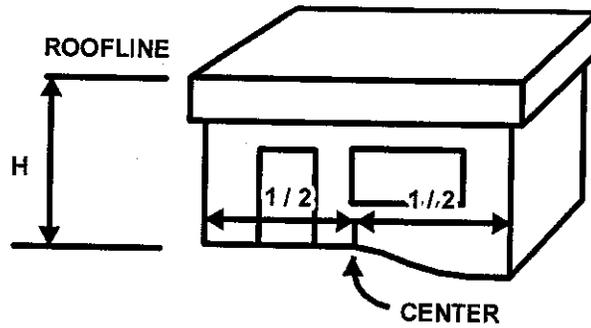
BUILDING HEIGHTS



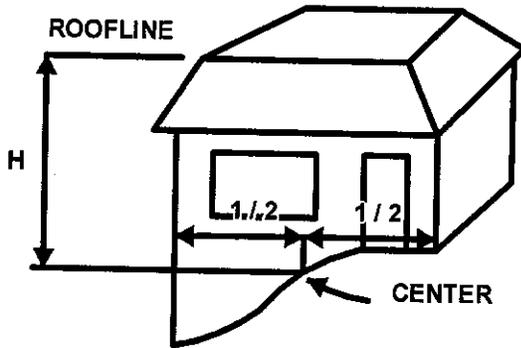
GAMBREL ROOF



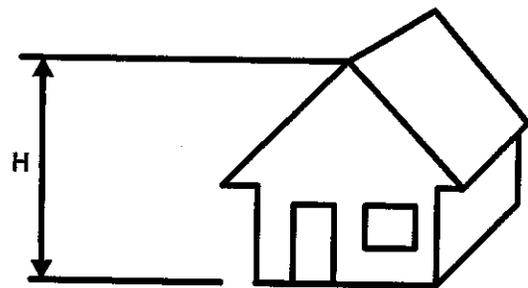
HIP ROOF



FLAT ROOF



MANSARD ROOF



GABLE ROOF

**ARTICLE IV
R-1A, R-1B, AND R-1C SINGLE FAMILY RESIDENTIAL
AND R-2 RESIDENTIAL DISTRICTS**

SECTION 400. INTENT

The R-1A, R-1B and R-1C Single-Family Residential Districts are designed to preserve the character of the single-family residential neighborhoods in the City from intrusion by incompatible land uses. R-1A districts are typically areas of the City originally platted as 50 foot wide lots, and the setback regulations are designed to permit development similar to the character of existing land uses. R-1B districts are made up of areas of the City where there are typically larger lots than 50 feet in width, with 66 feet as a typical lot width. R-1C districts are cottage districts which typically have smaller lots than 50 feet in width and have dense development. In all of these districts, it is the intent of this ordinance to allow development which fits the existing characteristics and patterns of development.

SECTION 401. R-1A, R-1B AND R-1C USE REGULATIONS

Land, buildings and structures in the R-1 zoning district may be used for the following purposes only:

1. One-family detached dwellings.
2. Two-family dwellings which were erected prior to the effective date of the amendment which added this provision. Thereafter, no new two-family dwellings, or conversions to two-family dwellings are permitted in this district.
3. Farms in existence on the effective date of this Ordinance are allowed by right, all others by special use permit (see Section 1510.12.)
4. Publicly owned and operated libraries, parks, recreational facilities, and municipal parking lots by special use permit.
5. Cemeteries which lawfully occupied land in this district at the time of adoption of this Ordinance.
6. Churches and other facilities normally incidental thereto when authorized as a special land use. In considering such authorization, the Planning Commission shall ensure compliance with the standards in Article XV:
7. Public, charter, parochial and private schools offering courses in general education, when authorized as a special land use by the Planning Commission. In considering such authorization, the Planning Commission shall ensure compliance with the standards of Article XV.
8. Family day care home with fewer than seven (7) children or adults is permitted. Nursery schools, day nurseries and group day care homes for over six (7) children or adults, not including dormitories, when authorized by the Planning Commission as a special land use. In considering such authorization, the Planning Commission shall ensure compliance with the standards of Article XV.
9. Private noncommercial recreation areas, institutional or community recreation centers, nonprofit swimming pool clubs when authorized as a special land use by the Planning Commission. In considering such authorization, the Planning Commission shall ensure compliance with Article XV.
10. Golf courses when authorized as a planned unit development. In considering such authorization, the Planning Commission shall ensure compliance with the standards in Section 1510.15 and Article XIII:

11. Home occupations, as defined in Section 201, and which meet the requirements which follow, are not required to obtain a special use permit, all others are only permitted when authorized as a special land use by the Planning Commission according to the standards in b., which follow:
 - a. No special use permit is required if the home occupation meets the following standards:
 - 1) No customers or clients visit the property to do business.
 - 2) No parking of commercial vehicles, equipment or trucks.
 - 3) No shipping or receiving of merchandise or freight which is obtrusive to neighbors.
 - 4) No storage of material, products, or other business related items in a garage, accessory building, or outdoors.
 - 5) No signage.
 - 6) No visible evidence of business activity from outside the home.
 - b. In considering authorization for a special use permit for a home occupation, the Planning Commission shall ensure compliance with the following standards and those in Article XV:
 - 1) Said home occupation shall not exceed ten (10) percent of the gross floor area of any floor of the residential structure.
 - 2) There shall be no alteration in the residential character or function of the premise in connection herewith nor shall any garage or parking area be used in connection herewith.
 - 3) An identification sign shall not exceed two (2) square foot in area and shall be mounted flush to the main structure. **The planning commission may waive this size requirement in cases where the dwelling is over thirty (30) feet from the street right-of-way.**
 - 4) The sale of a commodity or stock in trade sold or stored upon the premises shall only be incidental to the specific home occupation.
 - 5) No person not residing on the premises shall be employed in connection with the home occupation.
 - 6) There shall be no equipment or machinery used in connection with a home occupation which is industrial in nature.
 - 7) No home occupation shall be permitted to be established or continued when the same is objectionable as determined by the Planning Commission due to noise, dust, smoke, odor, vibrations, light, traffic congestion, reduction of the living environment, or other impacts detrimental to the neighborhood in which it is located.
12. Planned Unit Development which contains the following uses or mix of uses and as regulated in Article XIII:
 - a. Single-family dwellings.
 - b. Golf courses, tennis clubs, athletic clubs, and other recreational uses.
 - c. Parks and playgrounds.
13. Accessory buildings and structures customarily incidental to the above permitted uses.
14. Model homes including sales office(s) are permitted in subdivisions, condominium developments and planned unit developments and shall comply with the following standards:
 - a. The model home shall be used solely as a sales and promotion office for the development in which the home is located. The model home shall not be used to conduct other business, or as a model home to promote sales in other developments.
 - b. The model home requires a temporary zoning permit. The Zoning Administrator may issue temporary zoning permits for up to either three (3) model homes or a number equal to one (1%) percent of the total number of units within the development, whichever is less, with a minimum of one (1) model home permitted per development. Temporary zoning permits shall not be issued until roads, water supply, sewage disposal, storm drainage, and other utilities and infrastructure to service the site used for the model home(s) are completed and

determined to be acceptable for use. Certificates of occupancy for model homes shall be limited to model and sales office purposes only and not for habitation.

- c. The model home must be located within the boundaries of the approved development and must comply with all requirements, conditions and stipulations of the development approval, zoning ordinance, and other city, county, state and federal regulations which may apply.
- d. The model home shall be maintained to appear as a home at all times.
- e. Use of the model home for sales and promotion shall cease as soon as fifty (50%) percent of the lots, condominiums, or units are sold or leased, or within two (2) years of the home's occupancy as a model home, whichever occurs first, whereupon the model home shall be offered for sale.
- f. One (1) identification sign shall be permitted subject to the following regulations
 - 1) The sign shall not exceed six (6) square feet in area
 - 2) The sign shall be mounted to the structure or freestanding within five (5) feet of the building
 - 3) If freestanding the sign may be no more than six (6) feet in height
 - 4) The sign may not be illuminated

SECTION 402. R-1A AREA REQUIREMENTS

No building or structure, nor the enlargement of any building or structure, shall be hereafter erected unless the following yards, lot area, and building coverage requirements are provided and maintained in connection with such building, structure, or enlargement.

1. **Front Yard** - There shall be a front yard of no less than fifteen (15) feet, or the average of the front setbacks of the two principle structures on the properties directly adjacent to and fronting on the same right-of-way as the property in question, except that the front setback shall not be less than 10 feet when calculated as an average of the adjacent structure setbacks. If the adjacent property is vacant or the property is on a corner lot, fifteen (15) feet shall be used as the amount for that side when calculating the average. (Amended 10/4/03, Ord. 919)
2. **Side Yard** - There shall be total side yards of fifteen (15) feet, provided that no yard shall be less than three (3) feet.
3. **Rear Yard** - There shall be a rear yard of no less than twenty-five (25) feet.
4. **Lot Area and Width** - The minimum lot area and width for all uses in this District, unless specified elsewhere, shall be five thousand (5000) square feet and fifty (50) feet, respectively.
4. **Maximum Lot Area** - The lot area covered by all buildings shall not exceed 40%.
5. **Single Family residential structures with more than three (3) bedrooms will need the plans reviewed by the city engineer prior to the issuance of the zoning permit.**

SECTION 403. R-1B AREA REQUIREMENTS

No building or structure, nor the enlargement of any building or structure, shall be hereafter erected unless the following yards, lot area, and building coverage requirements are provided and maintained in connection with such building, structure, or enlargement.

1. **Front Yard** - There shall be a front yard of no less than twenty-five (25) feet, or the average of the front setbacks of the two principle structures on the properties directly adjacent to and fronting on the same right-of-way as the property in question, except that the front setback shall not be less than 10 feet when calculated as an average of the adjacent structure setbacks. If the adjacent property is vacant or the property is on a corner lot, twenty-five (25) feet shall be used as the amount for that side when calculating the average. (Amended 10/4/03, Ord. 919)

2. **Side Yard** - There shall be total side yards of twenty (20) feet, provided that no yard shall be less than eight (8) feet.
3. **Rear Yard** - There shall be a rear yard of no less than twenty-five (25) feet.
4. **Lot Area and Width** - The minimum lot area and width for all uses in this District, unless specified elsewhere, shall be eight thousand four hundred (8,400) square feet and sixty-six (66) feet, respectively. **Flag lots shall have a minimum of 20 feet of street frontage and shall widen to the minimum lot width no more than one hundred (100) feet from the right-of-way.**
5. **Maximum Lot Area** - The lot area covered by all buildings shall not exceed 35%.
6. **Single Family residential structures with more than four (4) bedrooms will need the plans reviewed by the city engineer prior to the issuance of the zoning permit.**

SECTION 404. R-1C AREA REQUIREMENTS

No building or structure, nor the enlargement of any building or structure, shall be hereafter erected unless the following yards, lot area, and building coverage requirements are provided and maintained in connection with such building, structure, or enlargement.

1. **Front Yard** - There shall be a front yard of no less than three (3) feet.
2. **Side Yard** - There shall be side yards of no less than three (3) feet in width.
3. **Rear Yard** - There shall be a rear yard of no less than three (3) feet.
6. **Lot Area and Width** - The minimum lot area and width for all uses in this District, unless specified elsewhere, shall be two thousand one hundred seventy eight (2,178) square feet and thirty three (33) feet, respectively.

SECTION 405. R-1A, R-1B AND R-1C HEIGHT REGULATIONS

No building shall exceed ~~thirty (30)~~ **thirty-five** feet and two ~~and one-half (2-1/2)~~ stories in height (see the definition of "Height (Building)"), ~~also, no building shall exceed forty (40) feet from the average grade to the highest point of the roof surface.~~ The highest point of a cupola, widow's watch, tower or similar feature that extends above the roof line shall be considered the highest point of the roof surface on roofs with such features. **Flat roofs and mansard roofs shall be no greater than 25 feet at the highest point.**

SECTION 406. R-2 USE REGULATIONS

Land, buildings and structures in the R-2 District may be used for the following purposes only:

1. All uses as permitted and regulated in the R-1 Residential District, provided that any time more than two (2) one-family dwellings are proposed, the requirements of Article XIII shall be met.
2. Two-family dwellings, provided that any time more than one duplex is proposed, the requirements of Article XIII shall be met.
3. Planned Unit Development which contains the following uses or mix of uses and as regulated in Article XIII:
 - a. Single-family attached and detached dwelling units that conform with the standards of Section 501(2).
 - b. Two-family dwellings.

- c. Golf courses, tennis clubs, athletic clubs and other recreational uses.
 - d. Parks, playgrounds and other open space.
4. Accessory buildings and structures customarily incidental to the above permitted uses.

SECTION 407. R-2 AREA REQUIREMENTS

No building or structure, nor the enlargement of any building or structure, shall be hereafter erected unless the following yards, lot area, and building coverage requirements are provided and maintained in connection with such building, structure, or enlargement.

1. **Front Yard** - There shall be a front yard of no less than twenty-five (25) feet.
2. **Side Yard** - There shall be total side yards of twenty (20) feet, provided that no yard shall be less than eight (8) feet.
3. **Rear Yard** - There shall be a rear yard of no less than twenty-five (25) feet.
4. **Lot Area and Width** - The minimum lot area and width for all uses in this District, unless specified elsewhere, shall be eight thousand four hundred (8,400) square feet and sixty-six (66) feet, respectively. Where no lots are created, the maximum density of dwelling units on the site shall not exceed that permitted by this standard if there were individual dwelling units on individual lots.
5. **Maximum Lot Area** - The lot area covered by all buildings shall not exceed 35%.

SECTION 408. R-2 HEIGHT REGULATIONS

No building shall exceed ~~thirty (30)~~ **thirty-five (35)** feet and ~~two and one-half (2 ½)~~ stories in height.

**ARTICLE VI
CBD CENTRAL BUSINESS DISTRICT**

SECTION 600. INTENT

The CBD Central Business District is intended to permit those uses which provide for a variety of retail stores and related activities, and for office buildings and service establishments which occupy the prime frontages in the Central Business District and which serve the consumer population beyond the corporate boundaries of the city. The district regulations are designed to promote convenient pedestrian shopping and the stability of retail development by encouraging a continuous retail frontage and by prohibiting automotive related services and nonretail uses which tend to break up such continuity. Residential use of floors above the ground floor is encouraged as compatible with nonresidential uses in this District, provided the standards herein are conformed with.

SECTION 601. USE REGULATIONS

In a CBD Central Business District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided in this Ordinance.

1. Any generally recognized retail business which supplies commodities on the premises within a completely enclosed building. ~~such as, but not limited to, foods, groceries, drugs, liquor, furniture, appliances, TV, radio and other electronic devices, variety store, clothing, dry goods, notions, candy, books, florist, gift shops, jewelry, stationary, office supplies, paint and wallpaper, parcel delivery, or hardware.~~
2. Any personal service establishment which performs services on the premises within a completely enclosed building. ~~such as, but not limited to, repair shops (watches, radio, television, shoe and etc.), tailor shops, beauty parlors, barber shops, interior decorators, photographers, travel agencies, and dry cleaners.~~
3. Restaurants delicatessens, ice cream store, soda fountain, and carry-out food establishments, excluding drive-ins. Outdoor cafes and outdoor seating is permitted by special use permit.
4. **Professional Service Businesses** ~~Offices and office buildings of an executive, administrative, or professional nature; including medical, dental and optical clinics.~~
5. Banks, loan and finance offices. Banks with drive-in facilities are permitted by special use permit, when said drive-in facilities are incidental to the principal function.
6. Public and quasi-public buildings, such as:
 - a. Municipal offices
 - b. Municipal off-street parking lots by special use permit
 - c. Libraries
 - d. Museums
 - e. Fraternal organizations
7. **Indoor Recreation Centers** ~~Commercial recreation facilities, such as bowling alleys, theaters, and similar uses. Public parks and public recreation centers by special land use permit.~~
8. Offices and showrooms of plumbers, electricians, decorators, or similar trades, of which not more than twenty-five (25) percent of the floor area of the building or part of the building occupied by said establishment is used for making, assembling, remodeling, repairing, altering, furnishing, or refinishing its products or merchandise, and provided that the ground floor premises facing upon, and visible from, any abutting street shall be used only for entrances, offices or display. All storage of materials on any land shall be within the confines of the building or part thereof occupied by said establishment.

9. Business schools or private schools operating for profit; examples of private schools permitted herein include, but are not limited to, the following: trade schools, dance schools, music and voice schools, and art studios. Schools providing K-12 education are not included as permitted uses in this District.
10. Newspaper offices and printing plants; provided the printing plant is not greater than twenty-five hundred (2500) square feet.
11. Storage facilities when incident to, and physically connected with, any principal use permitted, provided that such facility be within the confines of the building or part thereof occupied by said establishment.
12. Hotels ~~and motels~~ when authorized as a special land use. (See Section 1510.22 and Section 1738) (Amended 8/21/06, Ord. 946.)
13. Bus passenger stations.
14. Other uses which are similar to the above when authorized as a special land use. In considering such authorization, the Planning Commission shall consider the following standards and Article XV:
 - a. All business establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail from premises where produced.
 - b. Outdoor storage of merchandise, products, parts or supplies shall be expressly prohibited. **Excluded from this provision is the outdoor display of goods for sale as authorized by the City of South Haven Code of Ordinances, Section 74-3.**
15. Accessory structures customarily incidental to the above permitted uses.
16. Dwellings located above a permitted use when authorized as a special land use. In considering such authorization, the Planning Commission shall ensure conformance with the following standards and Article XV:
 - a. Ingress and egress to the dwelling unit;
 - b. The availability of parking for tenants and guests. One (1) dwelling unit per lot is allowed above any permitted use without providing any parking space, while additional units require two (2) spaces per unit; and,
 - c. The impact on the building's exterior.
17. Automatic teller machines when located inside a building as an accessory use and not as a freestanding building.
18. **Farmer's markets, art fairs and other outdoor events open to the public as permitted by the City Council.**
- ~~18. Convenience store.~~
- ~~19. Pool or billiard hall.~~
- ~~20. Antique shops.~~
- ~~21. Bakery goods stores.~~
22. Private clubs by special use permit.
23. Multiple-family dwellings, including multiple-family dwellings with units on the ground floor and above the ground floor, when authorized as a special land use. In considering such

authorization, the Planning Commission shall ensure conformance with the following standards and Article XV:

- a. The parcel shall not have frontage on the Phoenix Street, Center Street or Broadway Avenue right-of-ways; and,
- b. Two (2) parking spaces shall be provided per dwelling unit, either on-site or within 300 feet of the parcel.

SECTION 602. REQUIRED CONDITIONS

The outdoor display or sale of goods or merchandise shall not extend more than three (3) feet beyond the front lot line, provided the sidewalk is ten (10) feet wide or greater. If the sidewalk is less than ten (10) feet in width, goods or merchandise shall not be displayed outdoors. During special sidewalk sale days, as determined by the City Manager, goods or merchandise may be displayed outdoors in a reasonable fashion.

SECTION 603. AREA REGULATIONS

No building or structure, nor the enlargement of any building or structure, shall be hereafter erected unless the following yards, lot area, and building coverage requirements are provided and maintained in connection with such building, structure, or enlargement.

1. **Front yard** - No minimum required.
2. **Side Yard** - No side yard is required; where a side yard is provided, it shall be at least ten (10) feet in width.
3. **Rear Yard** - No rear yard is required where the Planning Commission determines that the Site Plan adequately insures no present or future building will be adversely affected.
4. **Lot Area and Width** - No minimum required.
5. **Site Plan** - A Site Plan is required for all structures, additions and parking areas.

SECTION 604. HEIGHT REGULATIONS

No building shall exceed forty-five (45) feet and three ~~and one half~~ (3-1/2) stories in height.

**ARTICLE VII
B-1 NEIGHBORHOOD BUSINESS DISTRICT**

SECTION 700. INTENT

The Neighborhood Business District is for neighborhood convenience shopping, including retail business or service establishments which supply commodities or perform services which meet the daily needs of the neighborhood. **Businesses in this zone are scaled to be compatible with the neighborhood character.**

SECTION 701. USE REGULATIONS

Land, buildings or structures in this zoning district may be used for the following purposes only, subject to the review and approval of a site plan by the Planning Commission:

1. Those non-residential uses which are permitted in the residential zoning districts, subject, except as specifically provided otherwise in this Article, to the same conditions, restrictions and requirements as are provided in the residential zoning districts.
2. **Personal Service Businesses not exceeding 2500 square feet in floor area**
3. Automatic teller machines when inside a building and accessory to another use.
4. **Retail Businesses not exceeding 2500 square feet in floor area or as provided elsewhere in this section. This size limit does not apply to existing structures.**
5. **Professional Service Businesses not exceeding 2500 square feet in floor area. This size limit does not apply to existing structures.**
- ~~3. Bakery goods store.~~
- ~~4. Barber or beauty shop.~~
- ~~5. Book and stationary stores.~~
- ~~6. Candy store, soda fountain and/or ice cream store.~~
- ~~7. Clothes cleaning and/or laundry pickup station.~~
- ~~8. Convenience stores not exceeding 2500 square feet in floor area.~~
- ~~9. Delicatessen store.~~
10. Dwelling located above a permitted use when authorized as a special land use per the standards in Section 601.16.
11. Home occupations are permitted in any building designed and built as a dwelling unit.
- ~~12. Laundromats.~~
13. Recreation center by special use permit.
- ~~15. Shoe repair shop.~~
- ~~16. Tailor and/or dress maker.~~

- ~~17. Other similar retail business or service establishments which supply convenience commodities or perform services primarily for residents of the surrounding neighborhood when authorized by the Planning Commission as a special land use. In considering such authorization, the Planning Commission shall ensure conformance with the following standards and those of Article XV:~~
- ~~a. The size, nature and character of the proposed use fit the scale and character of abutting properties.~~
 - ~~b. The proximity of the proposed use to adjoining properties does not create unreasonable negative impacts on the use and enjoyment of nearby residential properties.~~
 - ~~c. The parking facilities provided for the proposed use are safe, adequately sized and conveniently located.~~
 - ~~d. Any traffic congestion or hazard which will be occasioned by the proposed use can be adequately mitigated.~~
 - ~~e. The design of the proposed use harmonizes, blends with, and enhances adjoining properties and the surrounding neighborhood.~~
 - ~~f. There is a demonstrated need for the proposed use to service the needs of the surrounding neighborhood.~~
18. Accessory buildings and structures customarily incidental to the above permitted uses.

SECTION 702. REQUIRED CONDITIONS

1. The outdoor storage of goods or materials shall be prohibited.
2. Warehousing or indoor storage of goods or materials beyond that normally incidental to the above permitted uses shall be prohibited.
3. Screening - Side yards and rear yards adjoining any residential zoning district shall be screened by one of the following with the selection of the option by the Planning Commission after consulting with neighbors: 1) by a compact hedge of deciduous or evergreen trees which reach a minimum of five (5) feet in height and five (5) feet in width after one growing season, or 2) a solid wall or tight board fence or a privacy fence (which allows air to flow through) six (6) feet in height, or 3) if the provisions in Section 1709, 1713, or 1714 are more restrictive in an individual case, then the provisions of whichever section the Planning Commission believes will best protect abutting properties.
4. No individual commercial building on an individual lot shall exceed fifteen hundred (1500) square feet on a single floor unless the Planning Commission approves it as a special land use pursuant to the standards in Section 1502.
5. The minimum setback of any parking area, including drives within said parking area, from any property line or right-of-way shall be at least five (5) feet. All setback areas required by this paragraph must be landscaped.

SECTION 703. AREA REGULATIONS

No building or structure, nor the enlargement of any building or structure, shall be hereafter erected unless the following yards, lot area, and building coverage requirements are provided and maintained in connection with such building, structure, or enlargement:

1. **Front Yard** - There shall be a front yard of no less than ten (10) feet.
2. **Side Yard** - Each side yard shall be at least ten (10) feet in width.
3. **Rear Yard** - There shall be a rear yard of no less than twenty (20) feet.
4. **Lot Area and Width** - No minimum required.

5. **Site Plan** - A Site Plan is required for all structures, additions, and parking areas.

SECTION 704. HEIGHT REGULATIONS

No building shall exceed thirty-five (35) feet and two and one half (2-1/2) stories in height.

**ARTICLE VIII
B-2 GENERAL BUSINESS DISTRICT**

SECTION 800. INTENT

The General Business District is designed to cater to the needs of a larger consumer population than is served by the Neighborhood Business District, and is generally characterized by an integrated or planned cluster of establishments served by a common parking area and generating large volumes of vehicular and pedestrian traffic. **Businesses of a larger size than in the B-1 zone are permitted where stated.**

SECTION 801. USE REGULATIONS

Land, buildings or structures in this zoning district may be used for the following purposes only, subject to the review and approval of a site plan by the Planning Commission:

1. All uses permitted in the B-1 zoning district.
2. Amusement enterprises.
3. **Personal Service Businesses not exceeding 5000 square feet in floor area. This size limit does not apply to existing structures.**
4. Automatic teller machines when inside a building and accessory to another use.
5. **Retail Businesses not exceeding 5000 square feet in floor area. This size limit does not apply to existing structures.**
- ~~3. Antique shop, and art studios, provided all articles for sale are displayed or stored within the shop.~~
- ~~4. Appliance sales and service.~~
6. Automobile and other vehicle sales **with a special use permit according to Article XV.**
- ~~7. Automobile repair shop or garage, including major repair operations.~~
- ~~8. Bank, loan and finance offices, including drive-in branches by special use permit.~~
- ~~9. Bowling alley, including bars and restaurant.~~
- ~~10. Bus station and travel agency.~~
11. Business or trade school, music and voice schools **by special use permit.**
12. Car wash **by special use permit.**
- ~~13. Catering service, delicatessen and confectionery store.~~
14. Churches and temples by special use permit.
- ~~15. Clinic dental and medical, including laboratory.~~
- ~~16. Dance studio and photographic studio.~~

17. Day nurseries, nursery schools and other group day care by special use permit per the standards of Section 1510.17
- ~~18. Decorator, interior shops.~~
- ~~19. Dry cleaning and laundry—custom and self service, provided it is not larger than two thousand five hundred (2,500) square feet.~~
20. Electrical supplies - wholesale and storage.
- ~~21. Exterminator service.~~
- ~~22. Floor coverings, sales and storage.~~
23. Florist and gift shop, including nursery
- ~~24. Funeral home and ambulance service.~~
25. Garden centers **not exceeding 10,000 square feet by special use permit.**
26. Gasoline service stations **by special use permit.**
27. Hotels and motels when authorized as a special land use (see Section 1510.22 and Section 1738).
- ~~28. Interior decorator shops.~~
- ~~29. Juke box and vending machine service and distribution.~~
- ~~30. Laboratory—medical or dental, provided it is not larger than two thousand five hundred (2,500) square feet.~~
31. Libraries, museums, other municipal offices and municipal facilities.
- ~~32. Liquor store.~~
- ~~33. Locksmiths.~~
34. ~~Lodge hall, private clubs, veterane' clubs.~~ **Private clubs**
35. Malt beverage, liquor and wine distribution and sales.
36. Marinas.
- ~~37. Miniature or Par 3 golf course.~~
- ~~38. Offices~~
- ~~39. Office machines sales and service.~~
- ~~40. Office supply store.~~
- ~~41. Parcel delivery station.~~
42. Parking lots by special use permit.

43. ~~Pet shop, not including treatment or boarding of animals.~~
44. Pool or billiard hall.
45. Newspaper printing and offices, printing and publishing, including processes related thereto, provided the facility is not larger than two thousand five-hundred (2,500) square feet.
46. ~~Professional studio.~~
47. ~~Plumbing and heating, and electrical shops, provided all operations and storage are completely enclosed in a building.~~
48. ~~Radio and TV sales.~~
49. Recreation centers (**Outdoor**) and ~~municipal recreation facilities~~ by special use permit.
50. ~~Resale shops, including "auction houses".~~
51. Restaurant - cafe, bar, grill and cocktail lounge, including "drive-in" or "drive through". **Restaurants with outdoor seating shall be permitted with a special use permit from the planning commission.**
52. ~~Shoe repair.~~
53. ~~Sign painting and servicing shops, provided all operations and storage are completely enclosed in a building.~~
54. ~~Special tools and gauges - checking and service.~~
55. ~~Taxidermist.~~
56. ~~Theater.~~
57. ~~Travel agencies.~~
58. ~~Video stores.~~
59. ~~Other similar retail business or service establishments when authorized by the Planning Commission as a special land use. In considering such authorization, the Planning Commission shall ensure the following standards and those of Article XV are met:~~
 - ~~a. The size, nature and character of the proposed use fits the scale and character of abutting properties.~~
 - ~~b. The proximity of the proposed use to adjoining properties does not create unreasonable negative impacts on the use and enjoyment of nearby residential properties.~~
 - ~~c. The parking facilities provided for the proposed use are safe, adequately sized and conveniently located.~~
 - ~~d. Any traffic congestion or hazard which will be occasioned by the proposed use can be adequately mitigated.~~
 - ~~e. The design of the proposed use harmonizes, blends with, and enhances adjoining properties and the surrounding neighborhood.~~
60. Accessory structures and buildings customarily incidental to the above uses.
61. Planned Unit Developments which contain a mix of land uses permitted by right in this district.

SECTION 802. REQUIRED CONDITIONS

1. More than two (2) uses on a single lot or parcel are permitted per the Planned Shopping Development special land use standards (see Section 1510.27).
2. Any site over two (2) acres shall be processed as a Planned Shopping Development per the special land use standards of Section 1510.27.
3. Side yards and rear yards adjoining any residential zoning district shall be screened by one of the following with the selection of the option by the Planning Commission: 1) by a compact hedge of deciduous or evergreen trees which reach a minimum of five (5) feet in height and five (5) feet in width after one growing season, or 2) a solid wall or tight board fence or a privacy fence (which allows air to flow through) six (6) feet in height, or 3) if the provisions in Section 1709, 1713 or 1714 are more restrictive in an individual case, then the provisions of whichever section the Planning Commission believes will best protect abutting properties.
4. The minimum setback of any parking area, including drives within said parking area, from any property line or right-of-way shall be at least five (5) feet. All setback areas required by this paragraph must be landscaped.
5. The outdoor display or sale of goods or merchandise shall not interfere with any pedestrian or vehicular traffic within the parking area or entryway onto the property. Said display or sale shall not use any required parking spaces or fire lanes and shall be setback thirty-five (35) feet from the front lot line and twenty (20) feet from any side lot line.

SECTION 803. AREA REGULATIONS

No building or structure, nor the enlargement of any building or structure, shall be hereafter erected unless the following yards, lot area, and building coverage requirements are provided and maintained in connection with such building, structure, or enlargement:

1. **Front Yard** - There shall be a front yard of no less than twenty-five (25) feet.
2. **Side Yard** - There shall be a side yard of no less than ten (10) feet in width.
3. **Rear Yard** - There shall be a rear yard of no less than twenty (20) feet.
4. **Lot Area and Width** - No minimum required.
5. **Site Plan** - A Site Plan is required for all structures, additions and parking areas.

SECTION 804. HEIGHT REGULATIONS

No building shall exceed thirty-five (35) feet and two and one half (~~2-1/2~~) stories in height.

ARTICLE IX

B-3 WATERFRONT BUSINESS DISTRICT

SECTION 900. INTENT

The Waterfront Business District is designed to provide a location for diversified businesses having an orientation toward tourism, resort and water-related activities when in accord with the goals and objectives of the Comprehensive Plan for the City of South Haven.

SECTION 901. USE REGULATIONS

Land, buildings or structures in this zoning district may be used for the following purposes only, subject to the review and approval of a site plan by the Planning Commission:

1. Automatic teller machines when inside a building and accessory to another use.
2. Beaches and recreation areas, either municipal or private by special use permit.
3. Boat launching ramp.
4. Campgrounds, subject to compliance with the standards and procedures for establishing a Planned Unit Development as regulated in Article XIII.
 - a. The minimum size of the campground shall be three (3) acres.
 - b. Thirty (30%) percent of the campground shall be dedicated to open space for the common use of the residents. For purposes of calculating the open space percentage, areas set aside for common recreational use may be included; driveways and parking areas shall be excluded.
 - c. There shall be a traffic route which does not pass through a residential area, connecting the campground entrance with a public street with a minimum right of way of eighty (80') feet in width.
 - d. The campsites shall be set back from the property line a minimum distance of thirty (30') feet.
 - e. A recreational unit may be located at the campground for no more than twenty-one (21) consecutive nights. After five (5) nights out of the campground, the recreational unit may return again for no more than twenty-one (21) consecutive nights. A recreational unit shall not be located on the premises of a campground for more than forty-two (42) nights in any calendar year. Storage of recreational units for more than twenty-one (21) days is not permitted in a campground.
 - f. The recreational units (excluding tents) located at the campground shall be validly licensed as vehicles or trailers, and shall at all times be legal for use on roads and highways without requiring any special permits. The maximum allowable trailering width of a recreational unit is ninety six (96") inches. The campground owner shall establish the maximum allowable length of a recreational unit based on the available turning radii in the campground.
 - g. There shall be a security fence surrounding the campground, with a minimum height of six (6') feet. There shall be security gates at the entrances.
 - h. Accessory uses and structures are allowed as part of the campground under the following conditions:
 - 1) Allowed uses are convenience store, snack bar, laundromat, or similar uses.
 - 2) The accessory use is intended for use of occupants of campground only.
 - 3) The accessory use must be centrally located in the campground, it shall not abut or adjoin a public street.

- 4) No signs advertising the accessory use shall face public streets.
- 5) The accessory use shall cease business operation when the campground is closed for the season; the accessory use shall only be open for business when the campground is operating.
- 6) One structure is allowed to be used as an office.
- 7) One mobile home is allowed in a campground as a caretaker's residence.
- i. Home occupations are not permitted within the campground.
- j. Campgrounds shall be licensed by the State of Michigan, including as required in Act 368 of 1978, the Public Health Code. The City may enforce the provisions of the Public Health Code.
- k. A Planned Unit Development shall not be licensed as both a campground and a seasonal mobile home campground.
- l. The maximum number of sites per acre of total campground area is 12 sites per acre.
- m. The minimum area of each site is one-thousand-three-hundred (1300) square feet.
- n. All driveways and parking areas shall be paved with bituminous or concrete paving. Two paved parking spaces shall be provided for each campsite.
- o. Each entrance and exit to and from the campground shall be located at least twenty-five (25') feet distant from adjacent property located in any single-family residential district.
- p. There shall be no vehicle access to the campground except through designated common driveways, unless an access for use only by emergency vehicles is approved as a condition of development approval.
- q. Screening shall be provided along side yards, rear yards and any part of the parcel which abuts a public or private right of way. Screening shall be maintained in a living condition and shall consist of 1) a compact hedge of deciduous or evergreen trees which reach a minimum of five (5) feet in height and five (5) feet in width after one growing season; or 2) a solid wall or tight board fence six (6) feet in height.
- r. The campground owner or applicant must research and show proof that the campground will not overload available roadways, utilities and drainage, including a study which estimates peak loads and shows that there is excess capacity in city utilities, streets and drainage to service the campground.
- s. The City Fire Marshal may prohibit campfires as part of site plan approval.

5. ~~Convenience store.~~

6. Dwelling above permitted use according to the standards in Section 601.16.
7. Marinas and marine services, **including seasonal boat storage.**
8. ~~Miniature or par 3 golf course.~~ **Recreation centers (outdoor) by special use permit**
9. ~~Motels, hotels or resorts motels or hotels~~ when authorized as a special land use (see Section 1510.22 and Section 1738). (Amended 8/21/06, Ord. 946)
10. Parking lots by special use permit.
11. Planned Unit Development which contains a mix of land uses including any use permitted by right in this district and one or more of the following land uses according to the requirements of Article XVIII:
 - a. Attached and semi-detached dwelling units including dwellings known as townhouses or condominiums, among other names, subject to conformance with the following standards:
 1. Each dwelling unit shall have one (1) floor at ground level.
 2. No more than four (4) dwelling units shall be attached in any construction group, or contained in any single structure, except that where the roof ridge lines and building facades of any four (4) consecutive units are staggered or offset by at least ten (10) feet, then a maximum of eight (8) units may be permitted.

3. The site plan shall be so planned as to provide ingress and egress directly onto a major or minor thoroughfare, except when the Planning Commission finds, upon review of the site plan, that ingress and egress directly onto an adjacent minor street will not be detrimental to the harmonious development of the adjacent properties.
Where feasible, the Planning Commission may require that ingress-egress to parking facilities be provided from adjacent alleys so as to minimize curb cuts directly onto the major or minor thoroughfares.
 4. The site plan shall be so planned as to recognize yard and general development relationships with adjacent land uses. The Planning Commission may recommend physical features to be provided which will insure harmony in these relationships.
- b. Multiple-family dwellings and apartments where not all the units are at ground level.
12. Private clubs, fraternal organizations, lodge halls and convention halls.
 13. ~~Recreation centers and facilities by special use permit.~~
 14. Restaurants, lounges or other places serving food or beverage, except those having the character of a drive-in.
 15. ~~Retail uses-businesses~~
 16. Accessory buildings and structures customarily incidental to the above uses.
 17. One family detached dwellings by special use permit, subject to the following conditions to be demonstrated by the applicant:
 - a. The proposed use will be of substantial benefit to the City and the waterfront business community.
 - b. No other use permitted in this zoning district is possible on the lot due its size or configuration.
 - c. The inability to use the lot for another use permitted in this zoning district was not the result of an action taken after January 1, 2014, by the applicant or any predecessor in interest in the property.
 - d. Special use permits shall not be granted under this subsection for any lot created by lot split occurring after January 1, 2014.
 - e. The site plan submitted with the application must satisfy all additional requirements for special use permits in Section 1502 of this ordinance.

SECTION 902. REQUIRED CONDITIONS

1. All dredging, construction and/or development shall be subject to the requirements of all relevant codes and ordinances of the City of South Haven, the State of Michigan, and the federal government.
2. The flushing or discharge of boat toilets and discarding of waste or refuse from boats in marinas into the water is prohibited. Each marina shall provide suitable, safe and sanitary toilet and refuse facilities within buildings designed for this purpose. No less than one (1) toilet facility shall be provided on the site for each fifty (50) boat spaces and not more than one thousand (1,000) feet of walking distance from each boat space. Refuse and garbage containers shall be provided and kept in clean and sanitary condition for the use of boat owners within not more than one hundred and fifty (150) feet of walking distance of each boat space. All such facilities shall be subject to the approval of the Van Buren County Health Department.

3. Public launchings permitted in any marina having a public launching ramp shall be limited as follows: The number of public launchings permitted shall be limited to the number of parking spaces available to the general public for the parking of vehicles and boat carriers in any such marina.

Before any use shall be made of the public launching ramp, a site plan for such ramp and attendant facilities shall be submitted to the Planning Commission to determine if all provisions of this section have been complied with.

4. All lighting for external illumination of the parking area, buildings, grounds or waters shall be directed away from, and shall be shielded from, adjacent residential districts and shielded from the sky.
5. Side yards and rear yards adjoining any residential zoning district shall be screened by one of the following with the selection of the option by the Planning Commission: 1) by a compact hedge of deciduous or evergreen trees which reach a minimum of five (5) feet in height and five (5) feet in width after one growing season, or 2) a solid wall or tight board fence or a privacy fence (which allows air to flow through) six (6) feet in height, or 3) if the provisions in Section 1709, 1713 or 1714 are more restrictive in an individual case, then the provisions of whichever section the Planning Commission believes will best protect abutting properties.
6. The minimum setback of any parking area, including drives within said parking area, from any property line or right-of-way shall be at least five (5) feet. All setback areas required by this paragraph must be landscaped.

SECTION 903. AREA REGULATIONS

No building or structure, nor the enlargement of any building or structure, shall be hereafter erected unless the following yards, lot area, and building coverage requirements are provided and maintained in connection with such building, structure, or enlargement:

1. **Front Yard** - There shall be a front yard of no less than twenty-five (25) feet.
2. **Side Yard** - Side yards shall be at least ten (10) feet in width.
3. **Rear Yard** - There shall be a rear yard of no less than twenty (20) feet.
4. **Lot Area and Width** - No minimum required.
5. **Site Plan** - A Site Plan is required for all structures, additions and parking areas.

SECTION 904. HEIGHT REGULATIONS

No building shall exceed thirty-five (35) feet and two and one half (2-1/2) stories in height.

ARTICLE X
B-4 MAJOR THOROUGHFARE BUSINESS DISTRICT

SECTION 1000. INTENT

The Major Thoroughfare Business District is designed to permit those uses that provide services and activities typically found along heavily traveled roads and interstate highways. These uses enjoy a close proximity to I-196, Blue Star Memorial Highway or Phoenix Road/County Road 388. The district regulations are designed to promote convenient retail and related uses to serve the residents of South Haven as well as providing commercial/retail services for persons traveling along major thoroughfares. This district also allows for developments such as planned shopping developments, malls, department stores, restaurants, and other retail uses.

SECTION 1001. USE REGULATIONS

In the B-4 District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided in this ordinance:

1. All uses permitted in the B-2 zoning district.
2. Planned Shopping Developments, when authorized by the Planning Commission as a special land use. In considering such authorization, the Planning Commission shall ensure conformance with the standards of Article XV:
3. Outdoor theaters, when authorized as a special land use by the Planning Commission. In considering such authorization, the Planning Commission shall ensure the standards of Article XV are met:
4. Parking lots as a separate use by special use permit.
5. Recreation centers (**Indoor and Outdoor**) and facilities by special use permit.
6. ~~Adult Entertainment Businesses provided the requirements of Article IV (Site Plan Review) and Section 1510.01 (Adult Entertainment Businesses) are met.~~
7. Accessory buildings and structures customarily incidental to the above uses.
8. Communication Towers by special use permit on property that does not have frontage on a major thoroughfare provided the requirements of Section 1709 (Plant Materials & Landscaping Requirements) are met. (Amended 9/2/03, Ord. 923)

SECTION 1002. REQUIRED CONDITIONS

1. The outdoor display or sale of goods or merchandise shall not interfere with any pedestrian or vehicular traffic within the parking area or entryway onto the property. Said display or sale shall not use any required parking spaces or fire lanes and shall be setback thirty-five (35) feet from the front lot line and twenty (20) feet from any side lot line.
2. Side yards and rear yards adjoining any residential zoning district shall be screened by one of the following with the selection of the option by the Planning Commission: 1) by a compact hedge of deciduous or evergreen trees which reach a minimum of five (5) feet in height and five (5) feet in width after one growing season, or 2) a solid wall or tight board fence or a privacy fence (which allows air to flow through) six (6) feet in height, or 3) if the provisions in Section 1709, 1713, or 1714 are more restrictive in an individual case, then the provisions of whichever section the Planning Commission believes will best protect abutting properties.

3. All lighting shall be installed in a manner so that no illumination source is visible beyond all property lines and must be directed down and shielded from the sky.
4. No signs shall be placed within a twenty (20) foot setback from any property line and/or right-of-way.
5. The minimum setback of any parking area, including drives within said parking area, from the front or rear property line or right-of-way shall be at least ten (10) feet. The minimum setback of any parking area, including drives within said parking area, from the side property line shall be at least five (5) feet. If the lot is a corner lot, then the minimum setback from a right-of-way shall be ten (10) feet. All setback areas required by this paragraph must be landscaped.

SECTION 1003. AREA REGULATIONS

No building or structure, nor the enlargement of any building or structure, shall be hereafter erected unless the following yards, lot area, and building coverage requirements are provided and maintained in connection with such building, structure, or enlargement (unless specified elsewhere in this Article):

1. **Front Yard** - There shall be a front yard of no less than thirty-five (35) feet.
2. **Side Yard** - There shall be a side yard of no less than twenty (20) feet.
3. **Rear Yard** - There shall be a rear yard of no less than twenty (20) feet.
4. **Lot Area and Width** - No minimum required.
5. **Site Plan** - A site plan is required for all structures, additions and parking areas.
6. **Spacing** - Whenever two (2) or more buildings are built on the same lot, said buildings shall not be allowed to be erected closer than twenty (20) feet to one another.

SECTION 1004. HEIGHT REGULATIONS

No building shall exceed forty-five (45) feet and three ~~and one half~~ (3-1/2) stories in height.

ARTICLE XI
I - 1 LIGHT INDUSTRIAL DISTRICT
I-1B INDUSTRIAL DISTRICT
I-2 GENERAL INDUSTRIAL DISTRICT

SECTION 1100. INTENT OF THE I-1 DISTRICT

The I-1 Light 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. The I-1 District is so structured as to permit, along with any specified uses, the manufacturing, compounding, processing, packaging, assembly and/or treatment of finished or semifinished products from previously prepared material. It is further intended that the processing of raw material for shipment in bulk form, to be used in an industrial operation at another location, not be permitted.

The general goals of this use district include, among others, the following specific purposes:

1. To provide sufficient space, in appropriate locations, to meet the needs of the municipality's expected future economy for many types of manufacturing and related uses.
2. To protect abutting residential districts by separating them from manufacturing activities and by prohibiting the use of such industrial areas for new residential development.
3. To promote manufacturing development which is free from danger of fire, explosions, toxic and noxious matter, radiation and other hazards, and from offensive noise, vibration, smoke, odor and other nuisances.
4. To protect the most desirable use of land in accordance with a well considered plan.
5. To protect the character and established pattern of adjacent development and, in each area, to conserve the value of land and buildings and other structures.
6. To protect the municipality's tax revenue.

SECTION 1101. USE REGULATIONS

Land, buildings or structures in this zoning district may be used for the following purposes only, subject to the review and approval of a site plan by the Planning Commission:

1. Any use charged with the principal function of basic research, design and pilot or experimental product development when conducted within a completely enclosed building.
2. Any of the following uses when the manufacturing, compounding, or processing is conducted wholly within a completely enclosed building. That portion of the land used for open storage facilities for materials or equipment used in the manufacturing, compounding, or processing shall be totally obscured by a wall on those sides abutting any residential or commercial zoning district, and on any front yard abutting a public thoroughfare, except as otherwise provided in Section 1712. In the I-1 District, the extent of such a wall may be determined by the Planning Commission on the basis of usage. Such a wall shall not be less than five feet in height and may, depending upon land usage, be required to be eight (8) feet in height, and shall be subject to the requirements of Article XVII. General Provisions, Section 1713. A chain link fence, with intense evergreen shrub planting, shall be considered an obscuring wall. The height shall be determined in the same manner as determined above (see subsection 20.e. for additional screening requirements):
 - a. Warehousing and wholesale establishments and trucking facilities.

- b. The manufacture, compounding, processing, packaging or treatment of such products as, but not limited to, bakery goods, candy, cosmetics, pharmaceuticals, toiletries, food products, hardware and cutlery, tool, die, gauge and machine shops.
 - c. The manufacture, compounding, assembling or treatment of articles or merchandise from previously prepared materials: bone, canvas, cellophane, cloth, cork, elastomers, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, rubber, precious or semiprecious metals or stones, sheet metal, shell, textiles, tobacco, wax, wire, wood 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. The manufacture of musical instruments, toys, novelties, and metal or rubber stamps, or other molded rubber products.
 - f. The manufacture or assembly of electrical appliances, electronic instruments and devices, radios and phonographs.
 - g. Laboratories - experimental, film or testing.
 - h. The manufacturing and repair of electric or neon signs, light sheet metal products, including heating and ventilating equipment, cornices, eaves and the like.
 - i. Central dry cleaning plants or laundries, provided that such plants shall not deal directly with consumer at retail.
 - j. All public utilities, including buildings, necessary structures, storage yards, and other related uses.
3. Warehouse, storage and transfer, and electric and gas service buildings and yards, public utility buildings, telephone exchange buildings, electrical transformer stations and substations, gas regulator stations, water supply and sewage disposal plants, water and gas tank holders, railroad transfer and storage tracks, railroad rights-of-way, and freight terminals.
 4. Storage facilities for building materials, sand, gravel, stone, lumber, and contractor's equipment and supplies, provided such is enclosed within a building or within an obscuring wall or fence on those sides abutting all residential or business districts, and on any yard abutting a public thoroughfare. In any I-1 District, the extent of such fence or wall may be determined by the Planning Commission on the basis of usage. Such fence or wall shall not be less than five (5) feet in height, and may, depending on land usage, be required to be eight (8) feet in height. A chain link type fence, with dense evergreen shrubbery inside of said fence, shall be considered to be an obscuring fence. See also Sections 1709, 1713 and 1714.
 5. Auto engine, paint and body repair, and undercoating shops when completely enclosed.
 6. Automatic teller machines when inside another building and accessory to another use.
 7. Commercial kennels.
 8. ~~Electrical-supplies, plumbing and heating shops~~ **suppliers**
 9. Factory and mill supplies.
 10. Farms.
 11. Greenhouses.
 12. Incubator: Mix of uses including any in the B-2 District and this District by special land use permit, provided there are at least six (6) individual tenants. No new review and approval is required for a change of land use within an approved incubator, if within the same building and/or on the same site.
 13. Municipal facility and municipal vehicle maintenance garage.

14. Office buildings
15. Parking lots
16. Printing plants.
17. Radio and television towers, public utility microwaves and public utility TV transmitting towers, and their attendant facilities by special use permit, provided said use shall be located centrally on a continuous parcel 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.
18. Stadium, sports arena.
19. Trade or industrial schools.
20. Other similar light industrial uses when authorized by the Planning Commission as a special land use. In considering any site plan to establish a use in this district, the Planning Commission shall ensure conformance with the following standards and for special land uses, those of Article XV:
 - a. Ingress and egress to the lot and the proposed buildings and structures thereon, with particular reference to automotive, truck, and pedestrian access shall be safe and convenient. Traffic flow and control, and access in case of fire or catastrophe shall also be safe and convenient.
 - b. Off-street parking and loading areas where required, shall be located with particular attention to the items in subparagraph (a) above, and the economic, noise, glare, odor or other nuisance effects of the use on adjoining properties and the surrounding neighborhood. The minimum setback of any parking area, including drives within said parking area, from the front or rear property line or right-of-way shall be at least twenty (20) feet. The minimum setback of any parking area, including drives within said parking area, from the side property line or right-of-way shall be at least five (5) feet. If the lot is a corner lot, then the minimum setback from a right-of-way shall be twenty (20) feet. All setback areas required by this paragraph must be landscaped.
 - c. Refuse and service areas shall be located with particular reference to the items in subparagraphs (a) and (b) above.
 - d. Utilities shall be located in safe and convenient locations and buried below ground wherever feasible.
 - e. Screening and buffering, with reference to type, dimensions, and character shall conform to the requirements of Sections 1709, 1713 and 1714 of this Ordinance. Side yards and rear yards adjoining any residential zoning district shall be screened by one of the following with the selection of the option by the Planning Commission: 1) by a compact hedge of deciduous or evergreen trees which reach a minimum of five (5) feet in height and five (5) feet in width after one growing season, or 2) a solid wall or tight board fence or a privacy fence (which allows air to flow through) six (6) feet in height, or 3) if the provisions in Section 1709, 1713 or 1714 are more restrictive in an individual case, then the provisions of whichever section the Planning Commission believes will best protect abutting properties.
 - f. Signs, if any, and proposed exterior lighting shall be located to reduce glare, ensure traffic safety, preserve economic viability, and achieve compatibility and harmony with adjoining and surrounding neighborhood properties.
 - g. Required yards and other open spaces shall conform to the requirements of Section 1102.
 - h. There shall be general compatibility with adjacent properties and the surrounding neighborhood.
21. Accessory buildings and structures customarily incidental to the above uses.

22. **Adult Entertainment Facilities when authorized by the Planning Commission as a special use in accordance with Section 1510.01.**

SECTION 1102. AREA REGULATIONS

No building or structure, nor any enlargement thereof, shall be hereafter erected except in conformance with the following yard, lot area, and building coverage requirements:

1. **Front Yard** - There shall be a front yard of no less than forty (40) feet. Off-street parking for visitors, over and above the number of spaces required under Article XVIII, may be permitted within the required front yard, provided that such off-street parking is not located within twenty (20) feet of the front lot line.
2. **Side Yard** - There shall be total side yards of forty (40) feet, provided that no yard shall be less than twenty (20) feet. In no event shall a building be located closer than seventy-five (75) feet to a residential district. Off-street parking shall be permitted in the required side yard setback if adequately screened from an adjacent residential district as determined by the Planning Commission.
3. **Rear Yard** - There shall be a rear yard of no less than fifty (50) feet.
4. **Lot Area and Width** - No minimum required.
5. **Site Plan** - A Site Plan is required for all structures, additions and parking areas.
6. **Landscaping** - Within the industrially zoned areas, landscaping requirements must adhere to Article XVII, Section 1709. (Amended 12/14/89; Ord. No. 728)

SECTION 1103. HEIGHT REGULATION

No building or structure shall exceed forty (40) feet in height.

SECTION 1104. PERFORMANCE STANDARDS

Before the issuance of any building permit in this Zone, the applicant shall sign an agreement with the City Manager that the use of the property will meet the following Performance Standards, that no nuisance will be created, and that any violation of these standards in subsequent operations will be corrected in an expeditious manner:

1. **Fire and Explosion Hazards** - All buildings, storage and handling of flammable materials, and other activities shall conform to County and City building and fire ordinances and to any applicable State and Federal regulations or requirements. No use of building shall in any way represent a fire or explosion hazard to a use on adjacent property or to the public on a public street.
2. **Smoke, Fumes, Gases, Dust, and Odors** - There shall be no emission of any smoke, radiation, fumes, gases, dust, odors, or any other atmospheric pollutant which will disseminate beyond the boundaries of the lot occupied by such use in such a manner as to cause property damage or hazards to public health or to be detrimental to the property rights of other property or to be obnoxious to the general public.
3. **Liquid or Solid Waste** - No industrial operations shall directly discharge industrial waste of any kind into any river, stream, reservoir, pond or lake. All methods of sewage disposal and industrial waste treatment and disposal shall be approved by the City and by the County and Michigan State Health Departments.

4. **Vibration** - There shall be no vibration which is discernible to the human sense of feeling beyond the boundaries of the lot on which such use is conducted.
5. **Noise** - There shall be no noise emanating from the operation which will adversely affect an adjoining permitted use.
6. **Glare** - There shall be no direct or sky-reflected glare harmful to the human eye at the property line of the lot occupied by such use.
7. **Industrial Park Covenants** - That any industrial park covenants applicable to the property will be conformed with.

SECTION 1105. Reserved for Future Use.

SECTION 1106. INTENT OF THE I-2 DISTRICT

General Industrial Districts are designed primarily for manufacturing, assembling and fabrication activities, including large scale or specialized industrial operations whose external physical effects will be felt to some degree by surrounding districts. The I-2 District is so structured as to permit the manufacturing, processing, and compounding of semifinished or finished products from raw materials as well as from previously prepared material.

SECTION 1107. USE REGULATIONS

Land, buildings, or structures in this zoning district may be used for the following purposes only, subject to review and approval of a site plan by the Planning Commission:

1. Any principal use permitted in an I-1 District subject to the same conditions.
2. Heating and power generating plants.
3. Any of the following production or manufacturing uses (not including storage of finished products), provided that they are located not less than two hundred (200) feet distant from any residential district and not less than two hundred (200) feet distant from any other district and further subject to the regulations contained below in Section 1108, Special Conditions :
 - a. Junk yards, auto salvage and parts reconditioning provided such are entirely enclosed within a building.
 - b. Incineration of garbage or refuse when conducted within an approved and enclosed incinerator plant.
 - c. Blast furnace, steel furnace, blooming or rolling mill.
 - d. Manufacture of corrosive acid or alkali, cement, lime, gypsum or plaster of Paris.
 - e. Petroleum or other inflammable liquids, production, refining or storage.
 - f. Smelting of aluminum, copper, iron or zinc.
 - g. Ferrous and nonferrous foundries.
 - h. Stamping plants.
4. Any other use which shall be determined by the City of South Haven, after recommendation from the Planning Commission, to be of the same general character as the above permitted uses in Section 1107. The City of South Haven may impose reasonable setback and/or Performance Standards so as to insure public health, safety and general welfare.
5. Radio and television towers, public utility microwaves and public utility T.V. transmitting towers, and their attendant facilities, provided said use shall be located centrally on a continuous parcel 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.
6. Accessory buildings and structures customarily incidental to the above uses.

7. **Adult Entertainment Facilities when authorized by the Planning Commission as a special use in accordance with Section 1510.01.**

SECTION 1108. SPECIAL CONDITIONS

1. Any production or manufacturing use permitted in Section 1107 (3) that was in operation or under construction prior to the adoption of this Ordinance is exempt from the locational requirements as stated in the same section and paragraph.
2. Should the existing uses or structure be removed or destroyed by any means, buildings may be rebuilt along the same building line. Uses may be changed within the same building lines subject to uses permitted in Section 1107.
3. Side yards and rear yards adjoining any residential zoning district shall be screened by one of the following with the selection of the option by the Planning Commission: 1) by a compact hedge of deciduous or evergreen trees which reach a minimum of five (5) feet in height and five (5) feet in width after one growing season, or 2) a solid wall or tight board fence or a privacy fence (which allows air to flow through) six (6) feet in height, or 3) if the provisions in Section 1709, 1713 or 1714 are more restrictive in an individual case, then the provisions of whichever section the Planning Commission believes will best protect abutting properties.
4. The minimum setback of any parking area, including drives within said parking area, from the front or rear property line or right-of-way shall be at least twenty (20) feet. The minimum setback of any parking area, including drives within said parking area, from the side property line or right-of-way shall be at least five (5) feet. If the lot is a corner lot, then the minimum setback from a right-of-way shall be twenty (20) feet. All setback areas required by this paragraph must be landscaped.

SECTION 1109. AREA REGULATIONS

No building or structure, nor any enlargement thereof, shall be hereafter erected except in conformance with the following yard, lot area, and building coverage requirements:

1. **Front Yard** - There shall be a front yard of no less than sixty (60) feet. Off-street parking for visitors, over and above the number of spaces required under Article XVIII may be permitted within the required front yard, provided that off-street parking is not located within twenty (20) feet of the front lot line.
2. **Side Yard** - There shall be total side yards of sixty (60) feet, provided that no yard shall be less than thirty (30) feet. In no event shall a building be located closer than seventy-five (75) feet to a residential district. Off-street parking shall be permitted in the required side yard setback if adequately screened from an adjacent residential district as determined by the Planning Commission.
3. **Rear Yard** - There shall be a rear yard of no less than fifty (50) feet.
4. **Lot Area and Width** - No minimum required.
5. **Site Plan** - A Site Plan is required for all structures, additions and parking areas.
6. **Landscaping** - Within the industrially zoned areas, landscaping requirements must adhere to Article XVII, Section 1709. (Amended 12/14/89; Ord. No. 728)

SECTION 1110. HEIGHT REGULATIONS

No building or structure shall exceed sixty (60) feet in height.

SECTION 1111. PERFORMANCE STANDARDS

Before the issuance of any building permit in this Zone, the applicant shall sign an agreement with the City Manager that the use of the property will meet the following Performance Standards and that any violation of these standards in subsequent operations will be corrected expeditiously:

1. **Fire and Explosion Hazards** - All buildings, storage and handling of the flammable materials, and other activities shall conform to County and City building and fire ordinances and to any applicable State and Federal regulations and requirements. No use of building shall in any way represent a fire or explosion hazard to a use on adjacent property or to the public on a public street.
2. **Smoke, Fumes, Gases, Dust, and Odors** - There shall be no emission of any smoke, radiation, fumes, gases, dust, odors, or any other atmospheric pollutant which will disseminate beyond the boundaries of the lot occupied by such use in such a manner as to cause property damage or hazards to public health or to be detrimental to the property rights of other property or to be obnoxious to the general public.
3. **Liquid or Solid Waste** - No industrial operations shall directly discharge industrial waste of any kind into any river, stream, reservoir, pond or lake. All methods of sewage disposal and industrial waste treatment and disposal shall be approved by the City and by the County and Michigan State Departments.
4. **Vibration** - There shall be no vibration which is discernible to the human sense of feeling beyond the boundaries of the lot on which such use is conducted.
5. **Noise** - There shall be no noise emanating from the operation which will adversely affect an adjoining permitted use.
6. **Glare** - There shall be no direct or sky-reflected glare harmful to the human eye at the property line of the lot occupied by such use.
7. **Industrial Park Covenants** - That any industrial park covenants applicable to the property will be conformed with.

SECTION 1112. Reserved for Future Use.

SECTION 1113. INTENT OF THE I-1B INDUSTRIAL DISTRICT

The I-1B 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. The I-1B District is so structured as to permit, along with any specified uses, the manufacturing, compounding, processing, packaging, assembly and/or treatment of finished or semifinished products from previously prepared material.

The general goals of this use district include, among others, the following specific purposes:

1. To provide sufficient space, in appropriate locations, to meet the needs of the municipality's expected future economy for many types of manufacturing and related uses.
2. To protect abutting residential districts by separating them from manufacturing activities and by prohibiting the use of such industrial areas for new residential development.

3. To promote manufacturing development which is free from danger of fire, explosions, toxic and noxious matter, radiation and other hazards, and from offensive noise, vibration, smoke, odor and other nuisances.
4. To protect the most desirable use of land in accordance with a well considered plan.
5. To protect the character and established pattern of adjacent development and, in each area, to conserve the value of land and buildings and other structures.
6. To protect the municipality's tax revenue.

SECTION 1114. USE REGULATIONS

Land, buildings or structures in this zoning district may be used for the following purposes only, subject to the review and approval of a site plan by the Planning Commission:

1. Any use permitted in the I-1 Light Industrial District.
2. Nonferrous smelting and casting.

SECTION 1115. AREA REGULATIONS

No building or structure, nor any enlargement thereof, shall be hereafter erected except in conformance with the following yard, lot area, and building coverage requirements:

1. **Front Yard** - There shall be a front yard of no less than forty (40) feet. Off-street parking for visitors, over and above the number of spaces required under Article XVIII, may be permitted within the required front yard, provided that such off-street parking is not located within twenty (20) feet of the front lot line.
2. **Side Yard** - There shall be total side yards of forty (40) feet, provided that no yard shall be less than twenty (20) feet. In no event shall a building be located closer than seventy-five (75) feet to a residential district. Off-street parking shall be permitted in the required side yard setback if adequately screened from an adjacent residential district as determined by the Planning Commission.
3. **Rear Yard** - There shall be a rear yard of no less than fifty (50) feet.
4. **Lot Area and Width** - No minimum required.
5. **Site Plan** - A Site Plan is required for all structures, additions and parking areas.
6. **Landscaping** - Within the industrially zoned areas, landscaping requirements must adhere to Article XVII, Section 1709. (Amended 12/14/89; Ord. No. 728)

SECTION 1116. HEIGHT REGULATION

No building or structure shall exceed forty (40) feet in height.

SECTION 1117. PERFORMANCE STANDARDS

Before the issuance of any building permit in this Zone, the applicant shall sign an agreement with the City Manager that the use of the property will meet the following Performance Standards, that no nuisance will be created, and that any violation of these standards in subsequent operations will be corrected in an expeditious manner:

1. **Fire and Explosion Hazards** - All buildings, storage and handling of flammable materials, and other activities shall conform to County and City building and fire ordinances and to any applicable State and Federal regulations or requirements. No use of building shall in any way represent a fire or explosion hazard to a use on adjacent property or to the public on a public street.
2. **Smoke, Fumes, Gases, Dust, and Odors** - There shall be no emission of any smoke, radiation, fumes, gases, dust, odors, or any other atmospheric pollutant which will disseminate beyond the boundaries of the lot occupied by such use in such a manner as to cause property damage or hazards to public health or to be detrimental to the property rights of other property or to be obnoxious to the general public.
3. **Liquid or Solid Waste** - No industrial operations shall directly discharge industrial waste of any kind into any river, stream, reservoir, pond or lake. All methods of sewage disposal and industrial waste treatment and disposal shall be approved by the City and by the County and Michigan State Health Departments.
4. **Vibration** - There shall be no vibration which is discernible to the human sense of feeling beyond the boundaries of the lot on which such use is conducted.
5. **Noise** - There shall be no noise emanating from the operation which will adversely affect an adjoining permitted use.
6. **Glare** - There shall be no direct or sky-reflected glare harmful to the human eye at the property line of the lot occupied by such use.
7. **Industrial Park Covenants** - That any industrial park covenants applicable to the property will be conformed with.

ARTICLE XII
PB-1 PROFESSIONAL BUSINESS DISTRICT

SECTION 1200. INTENT

The purpose of this district is to accommodate office uses, office sales uses, and business services. The district is intended as a transition area between residential areas and more intensive business development and is intended principally for daytime business activities that are compatible with adjacent residential districts in the City.

SECTION 1201. USE REGULATIONS

Land, buildings or structures in this zoning district may be used for the following purposes only, subject to the review and approval of a site plan by the Planning Commission.

1. Professional offices for the practice of medicine, dentistry, law, engineering and architectural design, accounting, advertising, brokerage and other related professional services.
2. Publicly owned office and meeting buildings, and public utility offices, but not including storage yards, substations or regulator stations.
3. Financial, real estate and management offices, including banks, credit unions, savings and loan institutions, real estate offices, abstract and title offices, business consulting and management offices and similar office functions, but not including drive-in facilities for such uses.
4. Single family dwellings meeting the requirements of the R-1 Single-Family Residential District.
5. **Pharmacies and medical supply stores offering retail sales.**

SECTION 1202. REQUIRED CONDITIONS

1. Side yards and rear yards adjoining any residential zoning district shall be screened by one of the following with the selection of the option by the Planning Commission after consulting with the neighbors: 1) by a compact hedge of deciduous or evergreen trees which reach a minimum of five (5) feet in height and five (5) feet in width after one growing season, or 2) a solid wall or tight board fence or a privacy fence (which allows air to flow through) six (6) feet in height, or 3) if the provisions in Section 1709, 1713 or 1714 are more restrictive in an individual case, then the provisions of whichever section the Planning Commission believes will best protect abutting properties.
2. The minimum setback of any parking area, including drives within said parking area, from any property line or right-of-way shall be at least five (5) feet. All setback areas required by this paragraph shall be landscaped.
3. There shall be no outdoor display or sale of goods.

SECTION 1203. AREA REGULATIONS

No building or structure, nor the enlargement of any building or structure, shall be hereafter erected unless the following yards, lot area, and building coverage requirements are provided and maintained in connection with such building, structure or enlargement.

1. **Front Yard** - There shall be a front yard of no less than twenty-five (25) feet.
2. **Side Yard** - There shall be a side yard of no less than ten (10) feet in width.

3. **Rear Yard** - There shall be a rear yard of no less than twenty (20) feet.
4. **Lot Area and Width** - No minimum required.
5. **Site Plan** - A Site Plan is required for all structures, additions and parking areas.

Section 1204. HEIGHT REGULATIONS:

No building shall exceed thirty-five (35) feet and two and one half (2-1/2) stories in height.

**ARTICLE XVIII
PARKING AND LOADING SPACES**

SECTION 1800. OFF-STREET PARKING REQUIREMENTS

Except in the Central Business District, the required number of paved automobile off-street parking spaces with adequate access thereto shall be provided in all districts at the time of erection or enlargement of any main building or structure. The number of off-street parking spaces in conjunction with all land or building uses shall be provided prior to the issuance of a Certificate of Occupancy, as herein after prescribed. (Amended 10/15/87; Ord. No. 701)

1. **Residential** off-street parking spaces may be located within a rear yard or within a side yard which is in excess of the minimum side yard setback unless otherwise provided in this Ordinance. Off-street parking shall not be permitted within a front yard nor within a minimum side yard setback unless otherwise provided in this Ordinance. **Residential off-street parking for more than four (4) vehicles may be located on a pervious surface other than gravel.**
2. Off-street parking for other than residential use shall be either on the same lot or within three hundred (300') 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. Ownership by the applicant shall be shown of all lots or parcels intended for use as parking by the applicant.
3. Required residential off-street parking spaces shall consist of a parking strip, parking bay, driveway, garage or combination thereof, and shall be located on the premises they are intended to serve and are subject to the provisions of Section 1708 - Accessory Buildings of this Ordinance.
4. Any area once designated as required off-street parking shall never be changed to any other use unless and until equal facilities are approved and provided elsewhere.
5. Off-street parking existing at the effective date of this Ordinance, 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 new use.
6. 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.
7. In the instance of dual function of off-street parking spaces where operating hours of buildings do not overlap, the Planning Commission may waive the dual parking requirement of 6. above by grant of a special use permit which specifies the terms and conditions for parking of each use.
8. The storage of merchandise, motor vehicles for sale, trucks, semi-trucks, trailers, or the repair of vehicles is prohibited within off-street parking areas. From Labor Day to Memorial Day marinas may use parking lots for boat storage.
9. For those uses not specifically mentioned, the requirements of off-street parking facilities shall be in accord with a use which the Zoning Administrator considers is similar in type.
10. When units or measurements determining the number of required parking spaces results in the requirement of a fractional space, any fraction up to and including one-half (1/2) shall be disregarded, and fractions over one-half (1/2) shall require one (1) parking space.
11. For the purpose of computing the above number of parking spaces required, the definition of usable floor area in Article II, Definitions, Section 201 shall govern.

12. In cases where an applicant can demonstrate that the required number of spaces is excessive, the planning commission may allow some parking area be set aside as greenspace. Should the additional parking be found to be necessary, the zoning administrator shall require the remaining spaces to be installed.
13. The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following schedule; provided that if more than one use occupies a site, then the combined parking requirements for each of the permitted uses must be met unless the request is processed according to the requirements of Section 1800.7 (above):

| | Use | Number of Minimum Parking Spaces Per Unit of Measure |
|----|--|--|
| a. | Residential | |
| | 1) Residential, single-family and two-family | Two (2) for each dwelling unit with three (3) or less bedrooms. For single family residences with four (4) or more bedrooms, one (1) additional space is required for each additional bedroom. |
| | 2) Residential, multiple-family | Two (2) for each dwelling unit. |
| | 3) Housing for the elderly Assisted Living Facility for less than seven (7) patients | One (1) for each two (2) units, and one (1) for each employee. Should units revert to general occupancy, then two (2) spaces per unit shall be provided. |
| | 4) Mobile home park | Two (2) for each mobile home site and one (1) for each employee of the mobile home park. |
| b. | Institutional | |
| | 1) Churches or temples | One (1) for each three (3) four (4) seats or six (6) feet of pews in the main unit area of worship. |
| | 2) Hospitals | One (1) for each one (1) bed. One for each two (2) beds and three (3) employees |
| | 3) Homes for the aged and convalescent homes Assisted Living Facilities for greater than six (6) patients | One (1) for each four (4) beds. |
| | 4.) Elementary and junior high schools | One (1) for each one (1) teacher, employee or administrator, in addition to the requirements of the auditorium. |
| | 5) Senior high schools | One (1) for each one (1) teacher, employee, or administrator and one (1) for each ten (10) students, in addition to the requirements of the auditorium or gymnasium, whichever is greater. |
| | 6.) Private clubs, fraternal organizations, or lodge halls | One (1) for each three (3) persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes. |
| | 7) Private golf clubs, swimming pool clubs, tennis clubs or other similar uses | One (1) for each two (2) member families or individuals plus spaces required for each accessory use, such as a restaurant or bar. |

| | | |
|----|--|---|
| | 8) Golf courses open to the general public, except miniature or "par-3" courses | Six (6) for each one (1) golf hole and one (1) for each (1) employee, plus spaces required for each accessory use, such as a course restaurant or bar. |
| | 9) Fraternity or sorority | One (1) for each five (5) permitted active members, or one (1) for each two (2) beds, whichever is greater. |
| | 10) Stadium, sports arena, or similar place of outdoor assembly | One (1) for each three (3) seats or six (6) feet of benches. |
| | 11) Theaters and auditoriums | One (1) for each three (3) seats, plus one (1) for each two (2) employees. |
| | 12) Nursery school, day nurseries or child care centers Group Care with more than six (6) persons under care | One (1) for each three hundred and fifty (350) square feet of usable floor area |
| | 13) Orphanage | One (1) per employee and one (1) per four (4) beds |
| | 14) Beaches, parks and other outdoor municipal recreation areas | As established by City Parks Director based on the size, accessibility and facilities available |
| | 15) Bus, taxicab and other transit terminals | Five (5) spaces plus one (1) space for each one hundred (100) square feet of waiting area |
| | 16) Government buildings | One (1) space for each two hundred fifty (200) (250) square feet of gross floor area used by the public and one (1) space for each six hundred (600) square feet of gross floor area not used by the public, unless the City Manager determines more is needed |
| | 17) Community centers | One (1) space per two hundred fifty (200) (250) square feet of gross floor area |
| | 18) Utility (gas, electric, telephone, communication towers, etc.), including generating plants | One (1) space per employee, plus one (1) space per vehicle stored outside |
| c. | Business and Commercial | |
| | 1) Planned commercial or shopping center | One (1) for each one hundred (100) two hundred and fifty (250) square feet of usable floor area. |
| | 2) Auto wash (automatic) | One (1) for each one (1) employee. In addition, reserved parking spaces equal in number to five (5) times the maximum capacity of the auto wash. Maximum capacity of the auto wash shall mean the greatest number of automobiles possible undergoing some phase of washing at the same time, which shall be determined by dividing the length in feet of each wash line by twenty (20). |
| | 3) Auto wash (self-service or coin operated) | Five (5) Three (3) for each washing stall in addition to the stall itself. |

| | | |
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| | 4) Automatic Teller Machine (ATM) (free standing, not applicable when associated with another use) | Two (2) spaces per machine |
| | 5) Beauty parlor Hair salon, day spa or barber shop | Three (3) spaces for each of the first two (2) beauty or barber chairs, and one-half (1/2) space for each additional chair. Two (2) for each chair or work station. |
| | 6) Boat launching ramps | Twenty-five (25) spaces per ramp. |
| | 7) Marinas | One and one-half (1-1/2) spaces per boat mooring slip. |
| | 8) Bowling alleys | Five (5) for each one (1) bowling lane, plus accessory uses. |
| | 9) Dance halls, pool or billiard parlors, roller or ice skating rinks, exhibition halls, and assembly halls without fixed seats | One (1) for each two (2) persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes. |
| | 10) Restaurant or establishment for sale and consumption of beverages, food or refreshments on the premises including drive-in | One (1) for each seventy-five (75) square feet of usable floor area or one (1) for each two (2) persons allowed within the maximum occupancy load as established by the local, fire marshal; plus at least four (4) spaces between the take-out window and the road for any drive-through restaurant. |
| | 11) Furniture, antique, appliance, household equipment, repair shops, showroom of a plumber, decorator, electrician or similar trade, shoe repair and other similar uses (including resale shops but not flea markets) | One (1) for each eight hundred (800) square feet of usable floor area. (For that floor area used in processing, one (1) additional space shall be provided for each two (2) persons employed therein.) |
| | 12) Gasoline and other fuel service station (see convenience store, if it is a multiple use) | Two (2) for each lubrication stall, rack or pit; and one (1) for each fuel pump. |
| | 13) Laundromats and coin operated dry cleaners | One (1) for each two (2) washing and/or dry-cleaning machines. |
| | 14) Miniature or "par-3" golf courses | Two (2) for each one (1) hole plus one (1) for each one (1) employee |
| | 15) Mortuary establishments | One (1) for each fifty (50) square feet of usable floor area. |

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| 16) Motel, hotel or other commercial lodging establishments | One (1) for each one (1) occupancy unit plus one (1) for each one (1) employee. |
| 17) Bed & breakfast. | One (1) for each sleeping room plus two (2) for permanent residents |
| 18) Motor vehicle sales and service establishments | One (1) for each two hundred (200) square feet of usable floor area of sales room and one (1) for each one (1) auto service stall in the service room. |
| 19) Retail stores with less than 60,000 square feet | One (1) for each one hundred two hundred and fifty (250) square feet of usable floor area. |

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|---|---|
| 20) Retail stores with greater than 60,000 square feet | One (1) space for each 250 square feet of floor area up to 50,000 square feet; One (1) additional space for every 275 square feet for floor area over 50,000 but less than 450,000 square feet; One (1) space per every 300 square feet of floor space over 450,000 square feet. |
| 21) Carry-out food or walk-up establishment including bakeries, ice cream shops and delicatessens | One (1) for each employee, plus five if carry-out only, or if all seating is exterior only. |

d.

| | |
|--|--|
| 1) Banks | One (1) for each one hundred two hundred and fifty (250) square feet of usable floor area. |
| 2) Business offices or professional offices, except as indicated in the following item (3) | One (1) for each two hundred fifty (200) (250) square feet of usable floor area. |
| 3) Professional offices of doctors, dentists, or similar professions (including clinics) | One (1) for each fifty (50) one hundred (100) square feet of usable floor area in waiting rooms, and one (1) for each examining room, dental chair, or similar use area. |
| 4) Other Commercial Recreation | |
| a) Boat, canoe, jet ski and bicycle rental | Five (5) spaces per employee where it is the principal use; where it is an accessory use, parking may be waived partially or wholly at the discretion of the Zoning Administrator. |
| b) Bingo parlor | One (1) space for each three (3) seats or one (1) per one hundred (100) square feet of usable floor area, whichever is greater. |
| c) Campground | Two (2) dust free 10'x30' site for every campsite. |
| d) Club or lodge | One (1) space for every three (3) persons allowed within the maximum occupancy load as established by local, county, or state fire, building or health codes. |
| e) Dance schools | One (1) space for each one hundred (100) square feet of dance floor area, plus one space for each six hundred (600) square feet of gross floor area. |

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| | f) Golf driving range | One (1) space for each tee, plus one (1) space for each employee on the largest work shift. |
| | g) Health or fitness club, or martial arts schools | One (1) space for each two hundred (200) square feet of usable floor area, plus one (1) space for each employee. |
| | h) Indoor racquet courts | Three (3) spaces per court, plus one (1) space per employee on the largest shift, plus spaces for any other principal or accessory uses. |
| | i) Indoor soccer facility | Fifty (50) spaces for every playing field, plus one (1) space for every three (3) seats of spectator seating (one seat equals two feet of bench length), plus two (2) spaces for every three (3) employees on the maximum shift, but in no case less than one-hundred (100) spaces. |
| | j) Racetrack | One (1) space for every four (4) seats; one seat is equal to two (2) feet of bench length. |
| | k) Rifle and archery range | A minimum of five (5) spaces plus one (1) space per target area |
| | l) Racquet sports | Three (3) spaces, plus three (3) spaces per court or one (1) per three (3) spectator seats, whichever is greater. |
| | m) Theme park, scenic, area, amusement ride, water slide, go cart track and similar uses | Two (2) spaces per three (3) seats on amusement rides or twenty (20) spaces per ride or attraction with no specific or defined seating. |
| | n) Video or pinball arcade | One (1) space per game, provided that where such games are an accessory use, one (1) space is required for each game above four (4) games. |
| | 5) Commercial kennel | One (1) space per four hundred (400) square feet of gross floor area, but no fewer than four (4) spaces. |
| | 6) Business, vocational or trade schools | One (1) space per one hundred (100) square feet of gross building area. |
| | 7) Music and voice schools | One (1) space per three (3) students at any one (1) time. |
| | 8) Catering service | One (1) space per two hundred (200) square feet of gross floor area plus one (1) per employee in the largest shift. |
| | 9) Garden center, greenhouse | One (1) space for each two three (300) hundred (with retail sales) (200) square feet of interior floor area plus one (1) space for each two thousand (2000) square feet of exterior sales area. |
| | 10) Open air business | One (1) space per three thousand (3000) square feet of exterior sales area, except for open air flea markets which require one (1) space for each three hundred (300) square feet of exterior sales area. |
| | 11) Office supply, factory and mill supplies, and related activities | One (1) space for each four hundred (400) square feet of gross floor area |
| | 12) Personal service establishment | One (1) per two hundred fifty (200) (250) square feet of gross floor area plus one (1) per employee. |
| | 13) Service establishments | One (1) per two hundred fifty (200) (250) (200) square feet of retail sales area and one (1) space for each four hundred (400) square feet of service area. |
| | 14) Parcel delivery station | One (1) space per employee on largest shift and one (1) space per four hundred (400) square feet of gross floor area. |
| | 15) Convenience store | Five (5) spaces One (1) space for every 250 feet of usable floor area for each one thousand (1000) square feet of gross floor area. |

| | | |
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| e. | Industrial and Manufacturing Establishments | |
| | 1) Industrial or research establishments, and related accessory offices | Five (5), plus one (1) for every one and one-half (1-1/2) employees in the largest working shift. Space on site shall also be provided for all construction workers during periods of plant construction. |
| | 2) Warehouses and wholesale establishments and related accessory offices | Five (5), plus one (1) for every one (1) employee in the largest working shift, or one for every seventeen hundred (1,700) square feet of usable floor area, whichever is greater. |
| | 3) Adult entertainment | One (1) space per patron based on occupancy load as established by local, county, and state fire, building, or health codes, whichever is greater, plus one space per employee on the largest working shift. |
| | 4) Auto body/paint shop | One (1) space per each service bay and one (1) per employee. |
| | 5) Incinerators | One (1) per employee plus one (1) per each simultaneous truck |
| | 6) Medical or dental laboratories | One (1) per two hundred (200) square feet of gross floor area |
| | 7) Mini-warehouses (self-service storage facilities) | One (1) space per ten (10) twenty (20) storage units plus one (1) space per employee. |
| | 8) Contract construction uses | One (1) space per employee plus one (1) space per company vehicle |
| f. | Planned Unit Developments | Parking standards shall be established by the Planning Commission after receiving the recommendation of the Zoning Administrator based on the mix of proposed uses compared to the standards for those, or the most similar uses in this schedule. |
| g. | Accessory and Incidental Uses | One (1) space per employee using or located in an accessory building or other incidental area shall be provided for all accessory or incidental uses in addition to parking required for all principal uses on a property. |
| h. | Riverfront Parking | |
| | | 1) No parking area shall be required to be provided on-site for a water based business downstream of the Dyckman Avenue Bridge over the Black River. |
| | | 2) Upstream of the Dyckman Avenue Bridge, including waterfront property around the Celery Pond, no ship, boat, barge or vessel shall load or unload passengers at a marine terminal unless there shall be at least one (1) parking space for each three (3) seats, and one (1) parking space for each employee. |
| | | 3) Parking for other non-water based businesses on the Riverfront shall conform to the standards for that use as specified in this Article or elsewhere in this Ordinance. |

Section 1801. OFF-STREET PARKING SPACE LAYOUT, STANDARDS, CONSTRUCTION AND MAINTENANCE

Whenever the off-street parking requirements in Section 1800 above 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. No parking lot shall be constructed unless and until a permit therefore is issued by the Zoning Administrator. Applications for a permit shall be submitted to the Zoning Administrator on a form provided for that purpose and shall be accompanied with two (2) sets of site plans for the development and construction of the parking lot showing that the provisions of this section will be fully complied with.
2. Plans for the layout of off-street parking facilities shall be in accord with the following minimum requirements (see Figure 18-1):

| Parking (degrees) | Aisle Width | Parking Space Width | Parking Space Length Tier Width | Total Width of One Tier of Spaces Plus | Total Width of Two Tiers of Spaces Plus |
|-------------------|-------------------|---------------------|------------------------------------|--|---|
| 0 parallel | 12' (one way) | 8' | 23' 22' | 20' | 28' |
| 30 to 45 | 12' (one way) | 8' 6" 9' | 20' 18' | 32' 30' | 52' 48' |
| 45 46 to 59 | 15' 14' (one way) | 8' 6" 9' | 20' | 36' 34' | 58' 54' |
| 60 to 74 | 16' (one way) | 8' 6" 9' | 20' 22' | 36' 38' | 60' |
| 75 to 90 | 24' (two ways) | 9' | 20' | 44' | 64' |

| Boat Launching Areas: | | | | | |
|-----------------------|------------------|-----|---------|---------|-----------|
| 30 to 53 | 20' (one way) | 10' | 45' 32' | 60' 52' | 100' 84' |
| 54 to 74 45 | 25' (one way) | 10' | 45' 39' | 70' 64' | 115' 103' |
| 75 to 90 60 | 45' 30 (one way) | 10' | 45' 44' | 90' 74' | 135' 118' |

3. All spaces shall be provided adequate access by means of maneuvering lanes (listed as Aisle Width on Figure 18-1). Backing directly onto a street or alley shall be prohibited.
4. Adequate ingress and egress to a parking lot by means of clearly limited and defined drives shall be provided for all vehicles. (See Section 1716 for access standards.)

Ingress and egress to a parking lot lying in an area zoned for other than single-family residential use shall not be across land zoned for single-family residential use.
5. All aisle widths shall permit one-way traffic movement, except that the 90 degree pattern may permit **requires** two-way movement. Two-way movement widths for other patterns are illustrated on Figure 18-1.
6. Each entrance and exit to and from any off-street parking lot located in an area zoned for other than single-family residential use shall be at least twenty-five (25') feet distant from adjacent property located in any single-family residential district.
7. ~~The off-street parking area shall be provided with a continuous and obscuring wall not less than five feet zero inches (5' 0") in height measured from the surface of the parking area. This wall shall be provided on all sides where the next zoning district is designated as a Residential District. See Section 1713 and 1714 on Walls and Fences respectively.~~

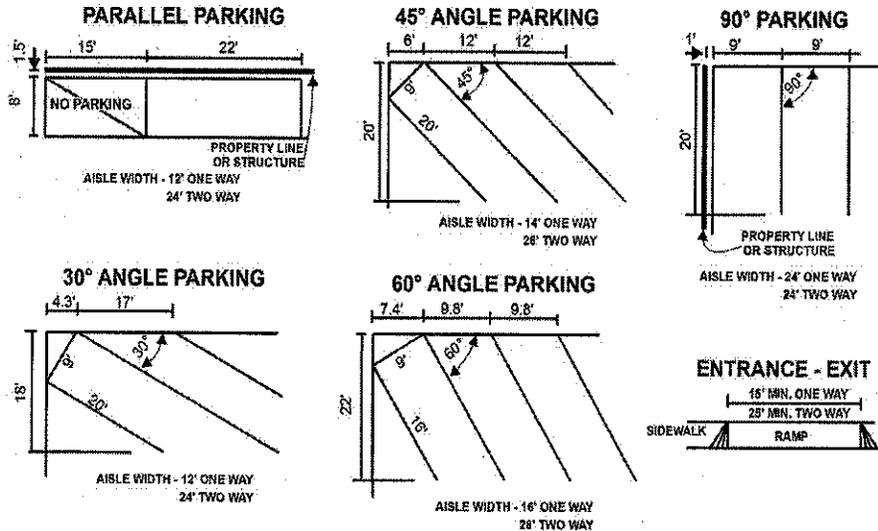
When a front yard setback is required, all land between said wall and the front property line or street right-of-way line shall be kept free from refuse and debris and shall be landscaped with

deciduous shrubs, evergreen material, and ornamental trees per the requirements of Section 1709. The ground shall be planted and kept in lawn. All such landscaping and planting shall be maintained in a healthy, growing condition, and neat and orderly in appearance.

8. The entire parking area, including parking spaces and aisle widths required under this Section, shall be provided with asphalt, concrete or grass paver (or the equivalent) surfacing or as otherwise permitted in this Section in accordance with specifications approved by the City Engineer. The use of recycled products will be encouraged.
 - a. Boat storage yards may either be asphaltic, concrete, grassphalt, or crushed stone/gravel whichever, in the discretion of the City Engineer, is likely to reasonably result in a surface that poses few if any nuisances for adjacent homes and businesses.
 - b. All parking stalls and pavement shall be striped, marked or otherwise delineated, using the same pattern as shown on the approved site plan. The outside edge of the parking area shall be delineated in a way to deter drivers from driving on non-paved areas.
 - c. Off-street parking areas shall be drained so as to dispose of all surface water accumulated in the parking area in such a way as to preclude drainage of water onto adjacent property or toward buildings. Drainage Plans are to be approved by the City Engineer.
 - d. Pervious paving of required parking areas is encouraged. Examples of pervious paving include pervious asphalt, brick or concrete pavers set in an aggregate base, grass paver or the equivalent.
9. All lighting used to illuminate any off-street parking area shall be so installed as to be confined within and directed onto the parking area only. See standards in Section 1710.
10. In all cases where a wall extends to an alley which is a means of ingress and egress to an off-street 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.
11. The Planning Commission, upon application by the property owner of the off-street parking area, may waive the yard or wall requirements where, in unusual circumstances, no good purpose would be served by compliance with the requirements of this Section.
12. Any extra spaces provided for small cars and/or motorcycles, shall be marked for use only by those vehicles.
13. Barriers shall be erected on all parking lots and designed and located to prevent parked vehicles from extending beyond parking lines of parking areas.
14. Design Standards for Parking Structures
 - a. In all districts, above grade parking structures shall conform to height restrictions for zoning districts in which they are located.
 - b. The distance from parking structure entry and exit points to a corner of a street intersection shall conform to standards in Section 1712 and 1716.
 - c. Ramps shall not be constructed with slopes exceeding ten percent (10%) and single lane entrances shall not be less than twelve (12) feet wide at the street.
 - d. A minimum of one car length shall be provided between an exit control gate and the inside edge of a sidewalk. ~~to minimize conflicts between exiting cars and pedestrians.~~
 - e. Parking structure facades shall be left fifty percent (50%) open and interior light levels shall be maintained at ten (10) foot candles minimum, to enhance security and safety. All parking structure lighting shall be designed so as not to reflect or shine on adjacent properties.

- f. Full enclosure of any level of a parking structure may be permitted only if such structure is fully sprinkled and mechanically ventilated.

15. Barrier free parking spaces shall be provided in the required number and size as specified in the current version of the "Americans With Disabilities Act and the Architectural Barriers Act Accessibility Guidelines" published by the United States Access Board.



SECTION 1802. 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 right-of-way. Such space shall be provided as follows:

1. All spaces shall be provided as regulated in the Zoning District, except as hereinafter provided for industrial districts and fuel trucks at gasoline stations.
2. Within an industrial district, all spaces shall be laid out in the dimension of at least ten by fifty (10' x 50') feet, or five hundred (500) 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-1 and I-2 Districts shall be provided in the following ratio of spaces to floor area:

| Gross Floor Area (in square feet) | Loading and Unloading Space Required |
|-----------------------------------|---|
| 0 to 1,400 | None |
| 1,401 to 20,000 | One (1) space |
| 20,001 to 100,000 | One (1) space, plus one (1) space for each twenty thousand (20,000) square feet in excess of twenty thousand and one (20,001) square feet |
| 100,001 and over | Five (5) spaces |

3. All loading and unloading in an industrial district shall be provided off-street in the rear yard or interior side yard and shall, in no instance, be permitted in a front yard. In those instances where exterior side yards have a common relationship with an industrial district across a public thoroughfare, loading and unloading may take place in said exterior side yard when the setback is equal to at least fifty (50') feet. **Loading and unloading spaces shall be designed to accommodate forward movement only.**
4. All gasoline stations shall provide sufficient space for loading and unloading of gasoline and other fuels that fuel trucks do not block ingress and egress from the property, or block space reserved for auto parking.

SECTION 1803. RESERVED

(Amended 6/18/07, Ord. # 955)

SUMMARY OF PROPOSED ZONING ORDINANCE TEXT AMENDMENTS

ARTICLE II - DEFINITIONS

New definitions:

Most of the following are definitions for terms already used in the ordinance

Access*

Amusement Enterprise

Building footprint

Buildable area

Drive Through

Easement*

Group Day care facility (Large)

Building height (clarification of average grade)

Lot of Record (clarification only)

Nonconforming Lot (clarification only)

Open Air business

Personal Service business

Planned Shopping center

Professional Service business

Public facilities

Recreation Uses

Retail businesses

New building height definitions pertaining to mansard and flat roof allowable height

Half story definition and references deleted in all residential zones

*Amendments resulting from ZBA interpretation

ARTICLE IV –SINGLE FAMILY RESIDENTIAL

Added is a lot width and depth requirement for flag lots

Height is changed from 40 feet at the peak to 35 feet. Currently there are 2 measurement points (midway between eave and peak and at the peak). A survey of west Michigan communities showed the height maximum ranges from 28 to 35 feet. No community was found to have a 40 foot residential maximum.

ARTICLE VI – CENTRAL BUSINESS DISTRICT (CBD)

Use list is streamlined to add defined, more general terms such as Professional Service Businesses and Indoor Recreation Centers allowing a small amount of flexibility as new uses arise. For example, convenience stores, bakery and antique shops are all retail stores under the proposed definition.

ARTICLE VII – NEIGHBORHOOD BUSINESS (B-1)

The intent statement in this section specifically states that businesses in this zone are intended to be on a neighborhood scale. New commercial building size limits now reflect that.

As with the CBD article the use list for B-1 has been shortened by combining uses into groups such as retail (bakeries, book stores, candy stores, clothing stores, etc.) and professional business (doctors, attorneys, dentist and other types of offices). Also permitted are small personal service businesses such as barber shops, nail salons, tailors and drycleaners.

Some of the business which remain as a separate category include home occupations, ATMs, recreation centers, convenience stores not larger than 3000 square feet and dwellings above permitted commercial uses.

ARTICLE VIII – GENERAL BUSINESS (B-2)

Several permitted and special uses have again have been consolidated into groups, this time allowing slightly larger businesses than in the B-1 zone. Personal service businesses and retail businesses up to 5000 square feet are allowed.

ARTICLE IX – WATERFRONT BUSINESS (B-3)

There were only a few consolidated uses in this zone due to the limited number of uses permitted.

ARTICLE X – MAJOR THOROUGHFARE BUSINESS (B-4)

The only significant change to this district is the deletion of Adult Entertainment Businesses. Those uses are now proposed for only the industrial zones. Allowing these uses in the B-4 zone would open the door to adult businesses in the outlots around Meijer and Walmart as well as in Phoenix Square.

ARTICLE XI – LIGHT INDUSTRIAL (I-1), INDUSTRIAL (I-2)

Adult Entertainment Facilities have been added to the permitted use lists in these zones.

ARTICLE XII – PROFESSIONAL BUSINESS (PB-1)

Since this zone is home to some medical and dental offices, pharmacies and medical supply stores have been added to the zone use list.

ARTICLE XIV – SITE PLAN REVIEW

In the application procedures section, the number of paper copies required is reduced in electronic copies are available.

The submittal requirements have been amended to allow the planning commission or zoning administrator to require traffic studies for new projects which are expected to generate traffic over a stated threshold. The text also clarifies that all costs associated with the study will be the responsibility of the applicant.

ARTICLE XV – SPECIAL LAND USES

The regulations for Adult Entertainment Facilities have been modified to delete tattoo parlors and state licensed professional massage therapists from the list of included uses. It also clarifies that sexually provocative live music and entertainment does not include standard television or bands in bars in restaurants. Also was added a prohibition on children under the age of 18 being allowed on premises.

The proposed amendments also remove the city council ability to waive the requirement for distance between the adult uses and churches and schools.

The section titled Elderly Housing has been incorporated into the Convalescent and Retirement Facilities section.

ARTICLE XVII – GENERAL PROVISIONS

The provisions for accessory buildings do not differentiate height or setback requirements between attached and detached structures. Text has been added for clarification. Wording was also added prohibiting the use of accessory buildings as dwellings and the use of trailers, trucks or buses as accessory structures.

In the section on temporary use, the zoning text is proposed to make it more in line with the city code for the same.

Section 1734 required design compatibility between new construction and nearby structures. It also references nonexistent historic districts in the city. This section is proposed for deletion as there are no specific standards included as to what defines design compatibility.

ARTICLE XVIII – PARKING AND LOADING SPACES

In cases where an applicant can demonstrate that the required number of spaces is excessive, the planning commission may allow some parking area be set aside as greenspace. Should the additional parking be found to be necessary, the zoning administrator shall require the remaining spaces to be installed.

Retail and commercial parking required reduced from one space for every 150 square feet of usable floor area to one space for every 250 feet of useable floor area. For large scale shopping centers (60k square feet of usable area or more) the parking is on a sliding scale as the usable floor area increase.

Parking space dimensions amended per the city engineer's recommendation.

ARTICLE XVIII – PARKING

This proposed amendment increases the minimum parking requirement for new houses with more than 4 bedrooms.

| | Use | Number of Minimum Parking Spaces Per Unit of Measure |
|----|--|--|
| a. | Residential Single Family and two Family | Two (2) for each dwelling unit with four (4) or less bedrooms. For single family residences with five (5) or more bedrooms, one (1) additional space is required for each additional bedroom. |

Also included is a requirement for area of residential off-street parking for more than four (4) vehicles shall be located on a pervious surface other than gravel.



Agenda Item #7

Site Plan Review for New Residence Which Exceeds Square Footage of the Moratorium Limits

City of South Haven

Background Information:

On November 16, 2015, the city council adopted a six month moratorium on construction of new single family homes which exceeded 3500 square feet in total area and/or had more than four bedrooms or toilets. An exception was written into the moratorium which allowed for such homes to be built provided that the property owner:

- a. Applies for and obtains site plan approval for the dwelling in accordance with the standards and procedures in Sections 1402 through 1407 of the Zoning Ordinance;
- b. Certifies in writing the number of bedrooms and the intended purpose of other rooms that could conceivably be used as bedrooms; and
- c. Certifies in writing that for the next 5 years or until the City adopts an ordinance regulating and permitting short-term rentals:
 - i. The residence will be used in a manner so as to qualify for a personal residence exemption for property-tax purposes; or
 - ii. The residence will not be rented for periods of less than 90 days.

After the moratorium was in place, a contractor submitted plans for a home which exceeded the square foot limit but not the bedroom and toilet limit. (The proposed house is two stories with 6000 square feet including the unfinished basement space.) He explained that the property owner is a physician who will be moving to the city with his family and will be employed at the hospital. The owner intends to live in the house with his family and has no intention of renting the house.

The proposed house complies with zoning requirements. A driveway permit from the city engineer will be required before any construction permits are issued.

The city attorney is working on a certification document for the owner to sign and will have the document prepared by the date of the planning commission meeting.

Recommendation:

This application is an example of why the site plan approval option was written into the moratorium language. It is the intention of the city council to encourage new year-around residents to the city while offering a pause in the construction of large units intended solely for short term rental.

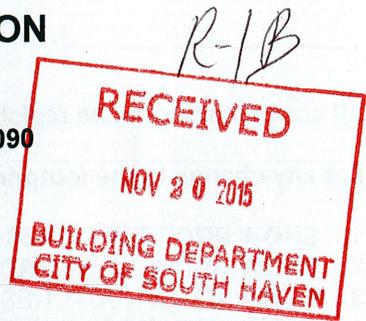
Staff recommends that the Planning Commission review the attached documents and approve the plan for the residence at 800 St. Joseph Street with the certification documents signed as required.

Attachments:

Application
Site and Plan Drawings

Respectfully submitted,
Linda Anderson
Zoning Administrator

BUILDING/ZONING PERMIT APPLICATION
CITY OF SOUTH HAVEN
BUILDING DEPARTMENT
539 PHOENIX STREET, SOUTH HAVEN, MICHIGAN 49090
FOR INFORMATION CALL 269-269-0760



Incomplete Forms Will NOT be
Approved or Processed

Project Address (incl. unit #, if applicable): 800 ST. JOSEPH, South Haven, MI

Tax ID 80-53-195-001-00 (If property is part of a PUD or condominium development, confirmation of parcel number from the Assessing Department is required)

Applicant: MATT O'SULLIVAN Property Owner: BRIAN AKRAMI

Appl. Address: 619 GREEN ST. Owner Address: 800 ST. JOSEPH ST.
SOUTH HAVEN, MI SOUTH HAVEN, MI

Applicant Phone: (269) 214-1256 Owner Phone: (812) 390-1551

Current Use of Property: VACANT LOT Zoning District of Property R-1B

Project Description: SINGLE FAMILY RESIDENCE

Contractor: O'SULLIVAN BUILDERS LLC Lic. No. 2102184884

Liability Carrier/ Expiration date: HARDT INS.

Fed ID or SS: 376 78 7118

Total Value of Construction (Materials and Labor, Building Permit Only): \$600,000

Is property subject to an association? Yes No (If yes, attach letter from association)

Is property currently served with city water and sanitary sewer connections? (Letter from city engineer req'd.)

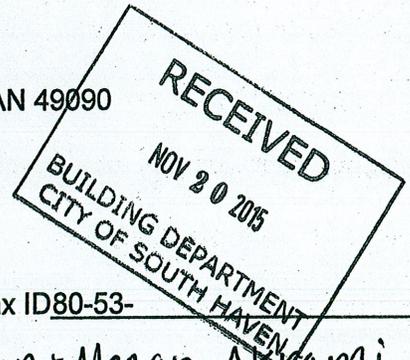
I hereby authorize the Zoning Administrator, Building Inspector or other authorized representative of the City of South Haven to enter and inspect the above property for the purpose of inspection of the premises.

AFFADAVIT: I certify and affirm that I am the property or building owner or owner's authorized agent and that I agree to conform to all applicable laws of this jurisdiction. I also certify that this application is accurate and complete. Section 23A of the State Construction Code Act of 1972, Act No. 230 of the Public Acts of 1972, being Section 125.1523a of the Michigan Compiled Laws, prohibits a person from conspiring to circumvent the licensing requirements of the state relating to persons who are to perform work on a residential structure. Violators of Section 23a are subject to civil fines.

OWNER'S SIGNATURE: Brian Akrami DATE: 11-19-15

APPLICANT'S SIGNATURE: [Signature] DATE: _____

SITE PLAN REVIEW APPLICATION
CITY OF SOUTH HAVEN
BUILDING DEPARTMENT
539 PHOENIX STREET, SOUTH HAVEN, MICHIGAN 49090
FOR INFORMATION CALL 269-637-0760



Fee Due With Application: \$300.00

Project Address: 800 St. Joseph St. South Haven 49090 Tax ID 80-53-

Applicant: O'Sullivan Builders Property Owner: Brian + Megan Akrami

Appl. Address: 619 Green St. Owner Address: 800 St. Joseph St.

South Haven, MI 49090 South Haven, MI 49090

Applicant Phone: (269) 214-1256 Owner Phone: (812) 390-1551

Applicant Email: osullivanbuilders@yahoo.com Owner Email: bakrami@hotmail.com

Current Use of Property: vacant lot Zoning District of Property R1B

Project Description: New construction single family residence to be owner occupied

PROPOSED USE: single family residence

SECTION NUMBER WHICH PERMITS THIS USE: _____

SETBACKS (IN FEET):

FRONT YARD: 25 ft SIDE YARD: 12' / 8' > 20ft total
REAR YARD: 25 ft SIDE YARD: _____

LOT AREA (IN SQUARE FEET) 15,000 sq ft.

LOT WIDTH (AT FRONT SETBACK) 109 ft

AREA COVERAGE (BY ALL STRUCTURES AND DECKS) 2,000

HEIGHT (AVERAGE OF PEAK AND EAVE) 24 ft

BUILDING HEIGHT AT PEAK 31 ft.

FORM CONTINUES ON OTHER SIDE, PLEASE COMPLETE BACK OF SHEET →

TOTAL SQUARE FEET OF RESIDENCE INCLUDING UNFINISHED BASEMENT AREA 6,000 sq ft

NUMBER OF TOILETS 4

NUMBER OF BEDROOMS 4

OFF-STREET PARKING, SECTION 1800

PARKING USE GROUP: Residential

SECTION NUMBER: 1800.12. _____

PARKING REQUIREMENT: 2

PARKING REQUIREMENT CALCULATION:

REQUIRED PARKING SPACES 2 PROVIDED SPACES 2

DIMENSION OF INDIVIDUAL PARKING SPACES 9x24'

COMMENTS:

OWNER'S SIGNATURE: _____ DATE: _____

APPLICANT'S SIGNATURE: [Signature] DATE: 11/20/15

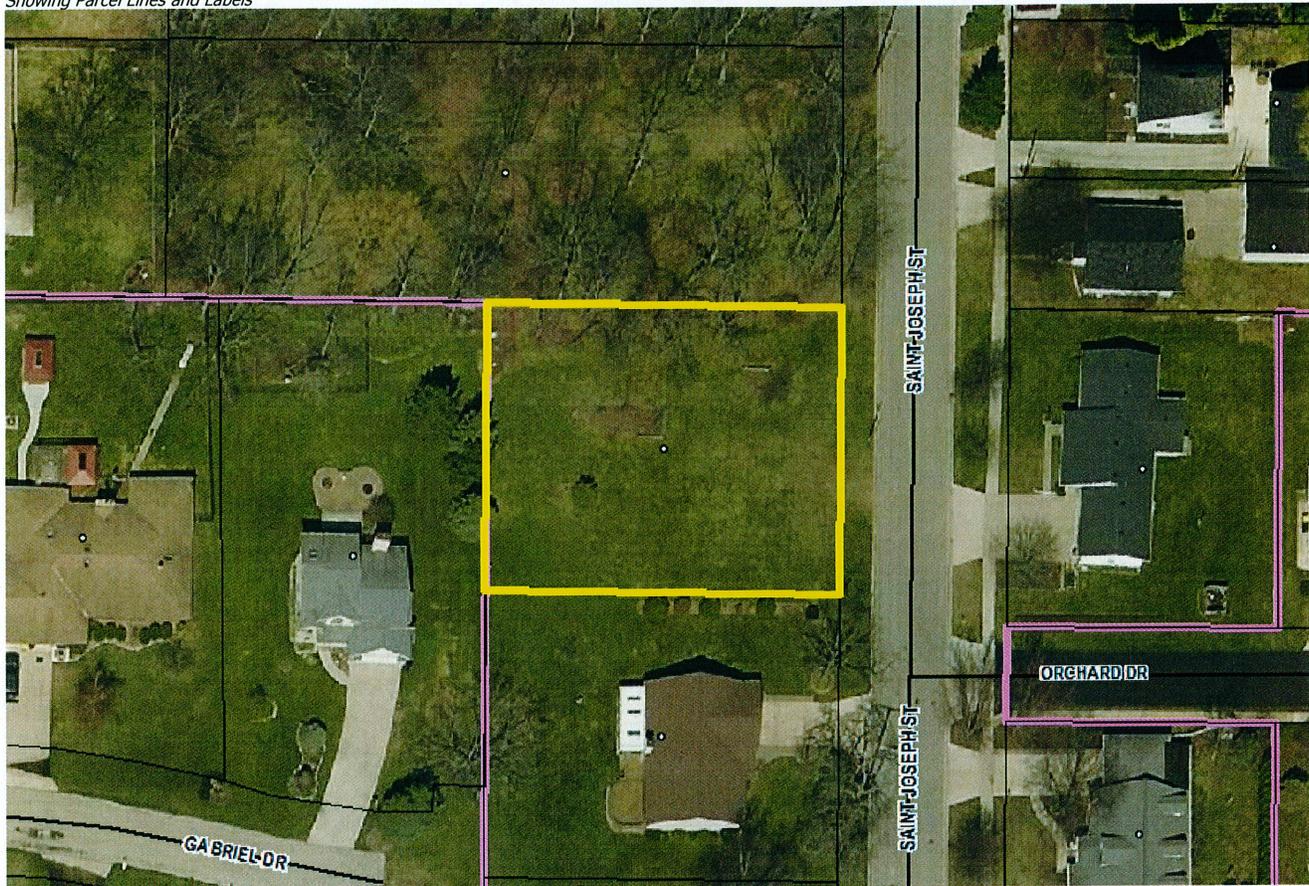
DATE SUBMITTED: _____ DATE ACCEPTED: _____ BY: _____

FEE: _____ DATE OF PAYMENT: _____

FORM CONTINUES ON OTHER SIDE, PLEASE COMPLETE BACK OF SHEET

2015 ORTHO AERIAL MAPS

Showing Parcel Lines and Labels



2015 Digital Orthophotographs

The original photographs displayed here were taken in the spring of 2015. The 'best resolution' of these images is 0.5 feet per pixel.

Digital ortho photography consists of images processed by computer to remove the distortions caused by tilt of the aircraft and topographic relief in the landscape. These images are properly scaled and located in the state plane coordinate system (NAD83) thus giving them similar characteristics of a map.

-  60 US Feet
-  2015 Digital Orthophotograph
-  Municipal Name
Municipal Border
-  Railroads
-  Public Roads
-  Property Lines
-  Subdivision Lines
-  Condominiums Lines

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Akrami Residence

800 St. Joseph Street, South Haven, Michigan

DRAWINGS PREPARED FOR:
Brian & Megan Akrami

SHEET INDEX:

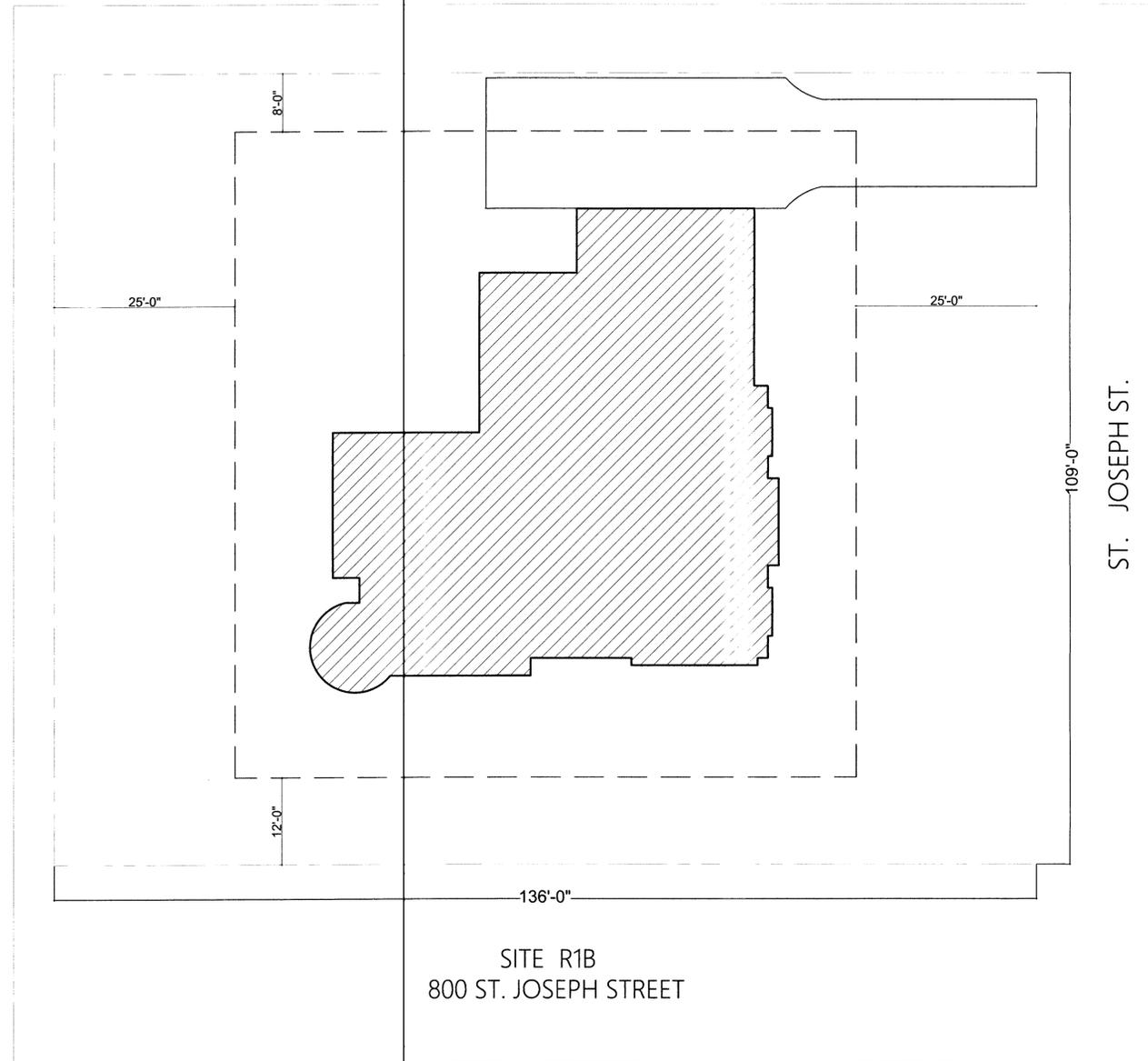
| | |
|---|------------------|
| T | TITLE SHEET/SITE |
| 1 | FOUNDATION |
| 2 | FIRST FLOOR |
| 3 | SECOND FLOOR |
| 4 | ELEVATIONS |

NOTES:

- LOCATION: VAN BUREN COUNTY
- OCCUPANCY: R
- TYPE OF CONST: VB
- WIND: 90-110
- NUMBER OF STORIES: 2
- FOUNDATION WALL 8" THICK,
FOOTING TO HAVE MIN. 4" TOE,
MIN. 10" DEPTH, WITH 3 #5 RODS.
- MIN. R-49 INSULATION IN CEILING
- MIN. R-20 INSULATION IN WALLS

APPLICABLE CODES

| | |
|--------------------|---|
| BUILDING CODE: | MICHIGAN BUILDING CODE 2009 |
| BARRIER FREE CODE: | MICHIGAN BARRIER FREE 2006 |
| PLUMBING CODE: | MICHIGAN PLUMBING CODE 2006 |
| MECHANICAL CODE: | MICHIGAN MECHANICAL CODE 2009 |
| ELECTRICAL CODE: | INCORPORATING 2011 NEC EDITION OF THE NATIONAL ELECTRIC CODE |



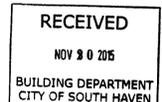
SITE R1B
800 ST. JOSEPH STREET

NOTES

SHOULD A CONTRACTOR FIND DISCREPANCIES OR AMBIGUITIES IN OR OMISSIONS FROM THE DRAWINGS OR SPECIFICATIONS, OR BE IN DOUBT ABOUT THEIR MEANING, HE SHALL NOTIFY THE DESIGNER IMMEDIATELY.

CONTRACTORS SHALL VERIFY AND CHECK ALL DIMENSIONS ON THE JOB DURING CONSTRUCTION AND ADVISE THE DESIGNER OF ANY DISCREPANCIES.

DO NOT SCALE DRAWINGS. USE INDICATED DIMENSIONS ONLY.



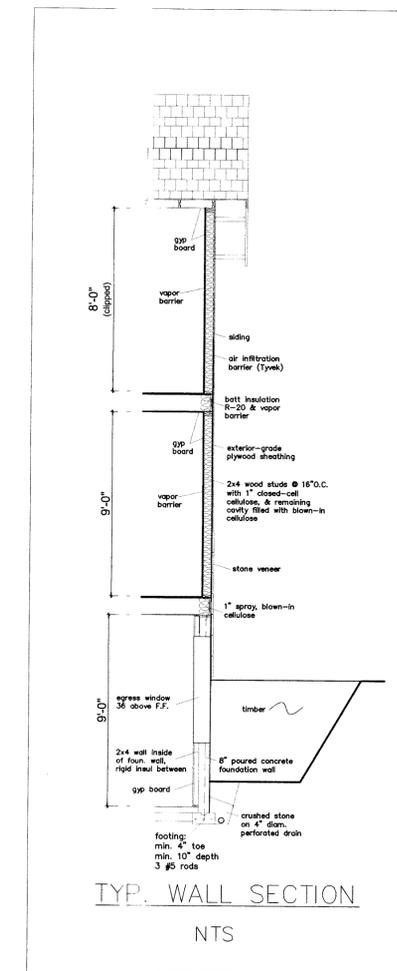
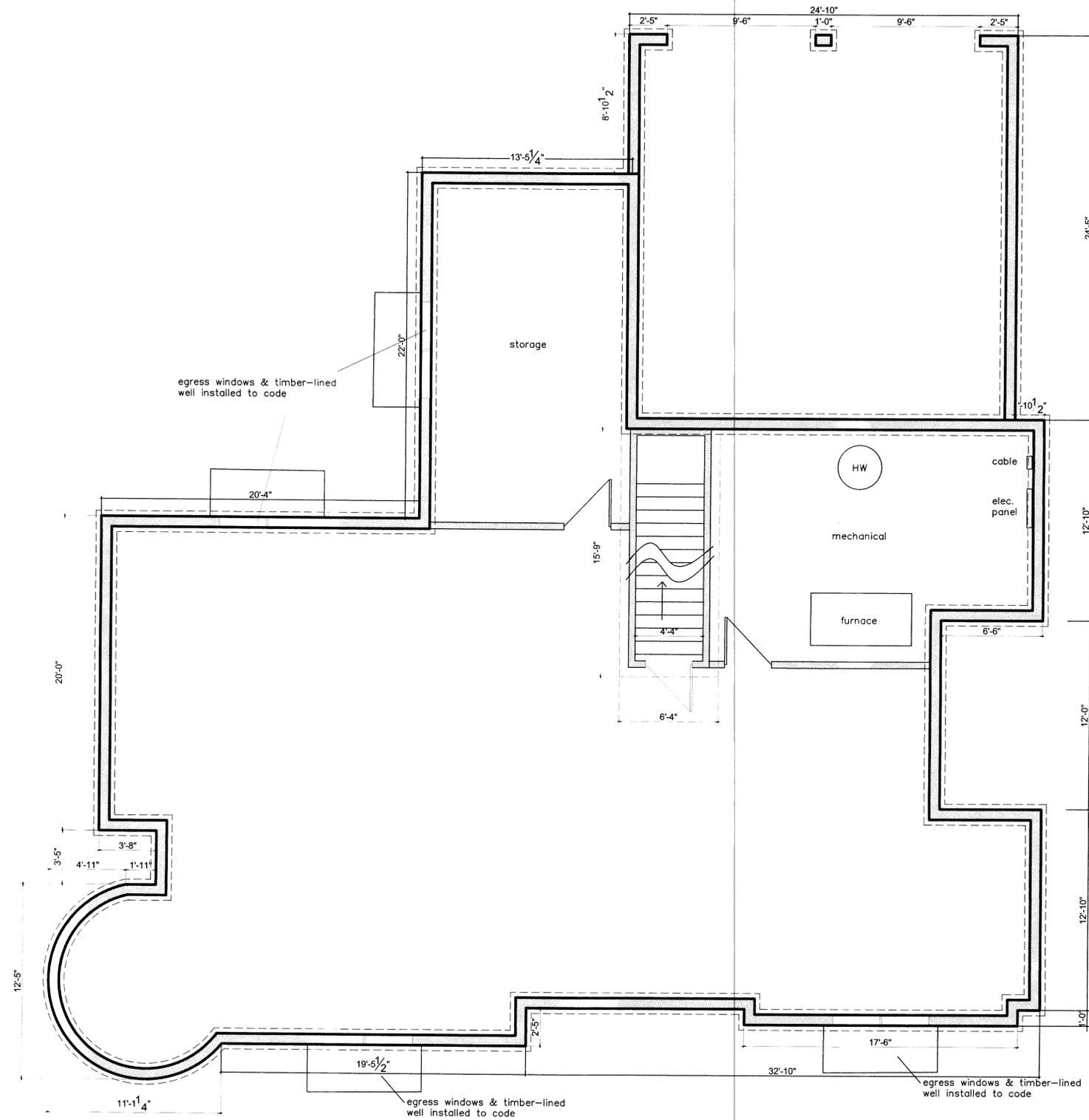
General Notes

AKRAMI RESIDENCE
800 ST. JOSEPH ST., SOUTH HAVEN, MICH

DESIGN:
BRIAN PETERSON
269.787.1811

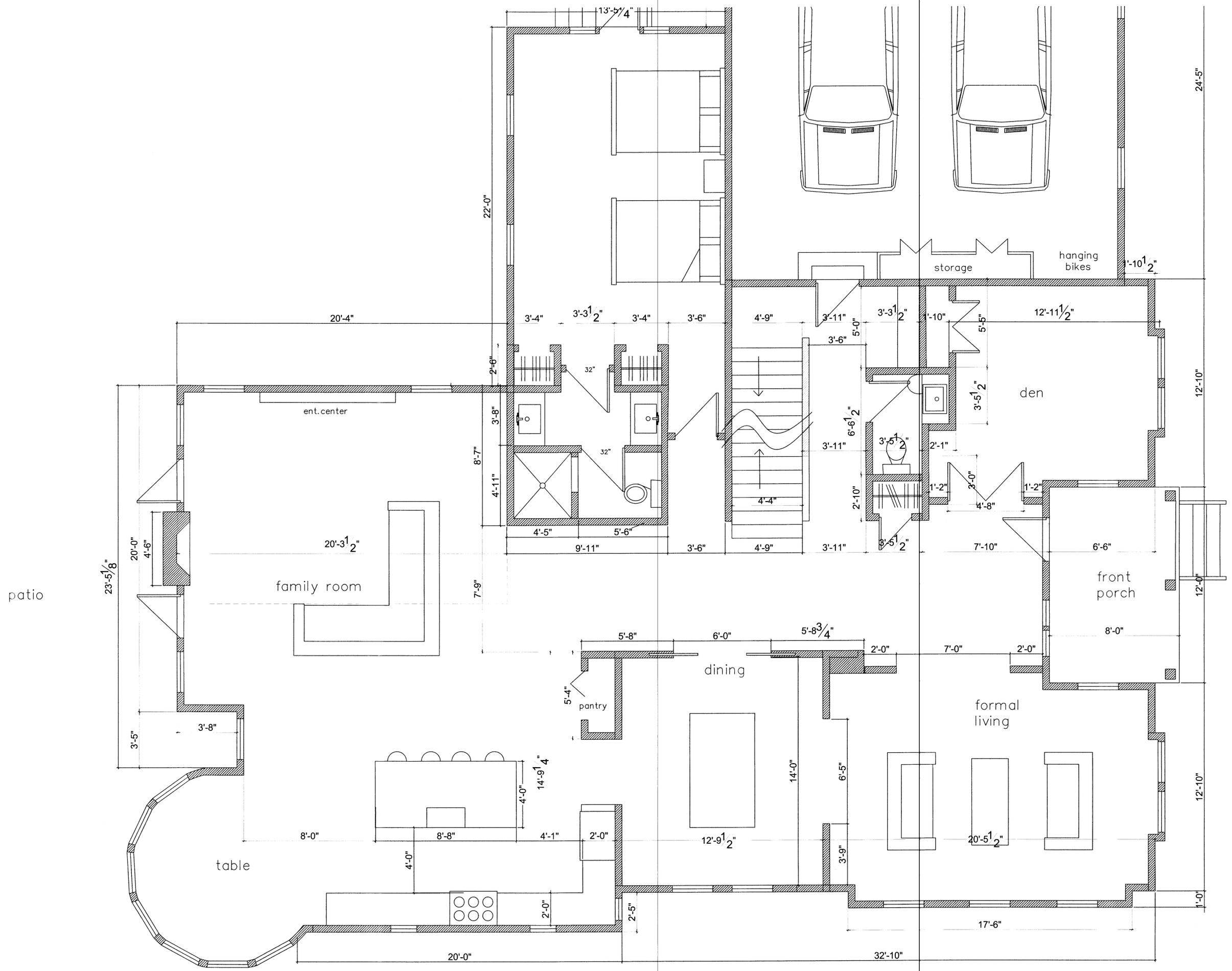
T

11.13.2015



AKRAMI HOME
800 St. Joseph St., South Haven, Michigan

| | | | | | | | | | |
|-------|------------|-------|---|-------|--------------------------------|--|--|--|--|
| Date | 11.19.2015 | Sheet | 1 | Plans | BRIAN PETERSON 269.767.1811 | | | | |
| Scale | 3/8"=1'-0" | | | | | | | | |

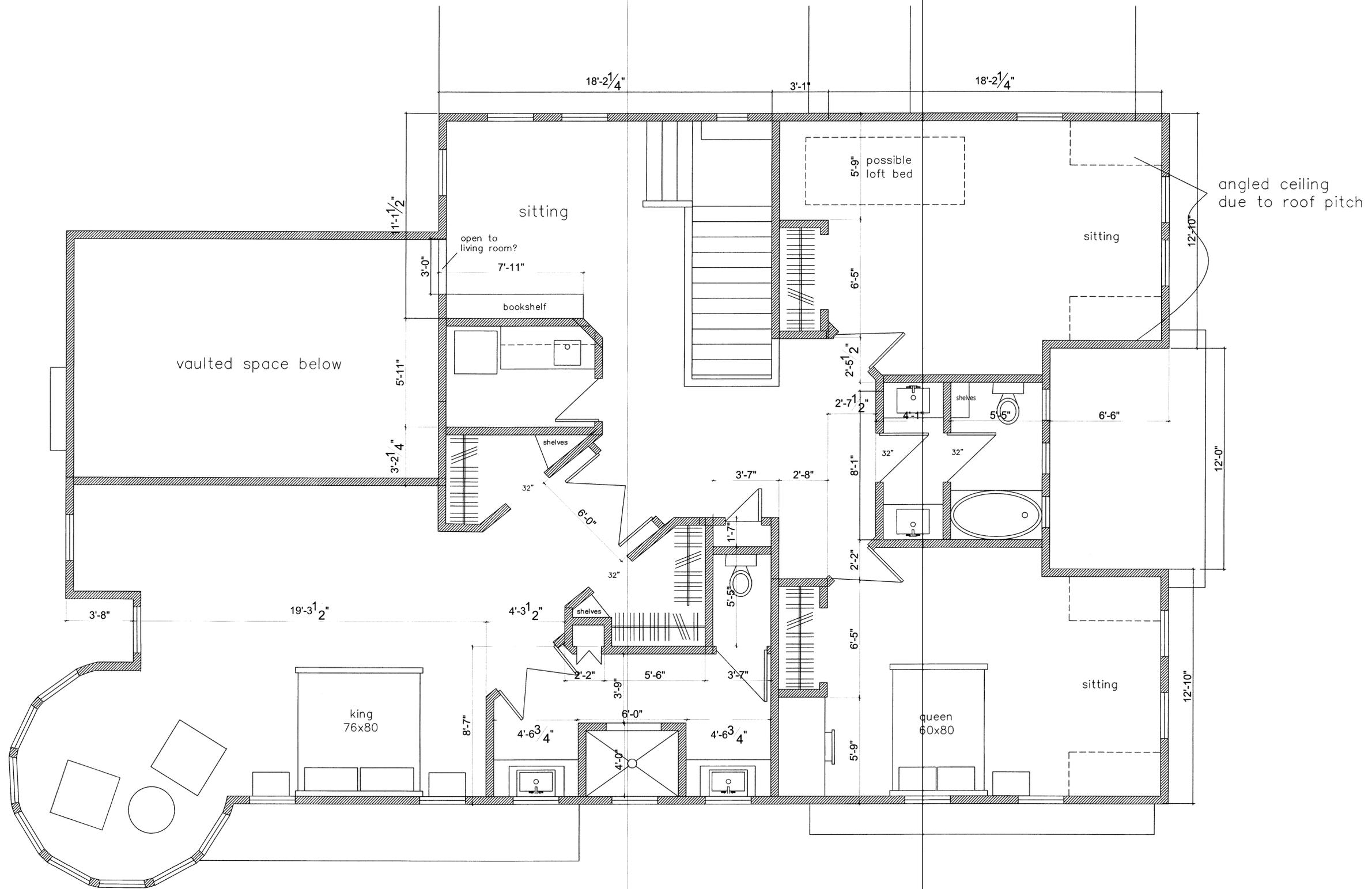


First Level
2,300 s.f.



AKRAMI HOME
800 St. Joseph St., South Haven, Michigan

| | | | |
|------------|--|-------|--------------------------------|
| Date | | Type | |
| 11.19.2015 | | Plans | BRIAN PETERSON 269.767.1811 |
| 3/8"=1'-0" | | 2 | No. _____ Scale/Date _____ |



Second Level
1,730 s.f.

| | | | | | | | | | | | | | |
|---|------------|---|-------|--------------------------------|-------|--------------------------------|--|--|--|--|--|--|--|
| AKRAMI HOME | | | | | | | | | | | | | |
| 800 St. Joseph St., South Haven, Michigan | | | | | | | | | | | | | |
| <table border="1"> <tr> <td>11.19.2015</td> <td rowspan="3" style="font-size: 2em; text-align: center;">3</td> <td rowspan="3" style="text-align: center;">Plans</td> <td rowspan="3" style="text-align: center;">BRIAN PETERSON 269.767.1811</td> <td></td> </tr> <tr> <td>3/8"=1'-0"</td> <td></td> </tr> <tr> <td></td> <td></td> </tr> </table> | 11.19.2015 | 3 | Plans | BRIAN PETERSON 269.767.1811 | | 3/8"=1'-0" | | | | | | | |
| 11.19.2015 | 3 | | | | Plans | BRIAN PETERSON 269.767.1811 | | | | | | | |
| 3/8"=1'-0" | | | | | | | | | | | | | |
| | | | | | | | | | | | | | |



South



East



West



North

| | | | | |
|---|------------|--------------------|---------------------|--------------------------------|
| AKRAMI HOME | | | | |
| 800 St. Joseph St., South Haven, Michigan | | | | |
| <small>Project</small> | | 4 | Elevations | BRIAN PETERSON 269.767.1811 |
| <small>Date</small> | 11.19.2015 | | | |
| <small>Scale</small> | 3/8"=1'-0" | | | |
| <small>Rev</small> | | <small>Rev</small> | <small>Date</small> | |