



ZONING ORDINANCE

*City of Gaylord
The Alpine Village*

Adopted:
Insert Date

City of Gaylord ZONING ORDINANCE

City of Gaylord
Otsego County
Michigan

Adopted:

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THE CITY OF GAYLORD, OTSEGO COUNTY, MICHIGAN, HEREBY ENACTS:

Article 1

Authority & Purpose

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Section 1.1 Title

This Ordinance shall be known and may be cited and referred to as the Zoning Ordinance of the City of Gaylord.

Section 1.2 Authority

This Ordinance is ordained and enacted into law in accordance with the provisions of MCL 125.3101, et. seq., the [Michigan Zoning Enabling Act, 2006 PA 110](#), as amended.

Section 1.3 Purpose

The Zoning Ordinance of the City of Gaylord is enacted:

- A. To regulate and restrict the use of land and structures.
- B. To meet the needs of the residents for food, fiber, energy, and other natural resources, places of residence, recreation, industry, trade, service, and other uses of land.
- C. To ensure that uses of the land shall be situated in appropriate locations and relationships.
- D. To limit the inappropriate overcrowding of land and congestion of population and transportation systems and other public facilities.
- E. To facilitate adequate and efficient provision for transportation systems, sewage disposal, water, energy, education, recreation, and other public service and facility needs.
- F. To promote public health, safety, and welfare.

- G. To provide a method for its administration and enforcement and to provide penalties for its violation.
- H. For these purposes, to divide the City into districts of the number, shape, and area considered best suited to carry out said purposes.

Section 1.4 Alpine Motif

The CITY OF GAYLORD strongly encourages the use of the SWISS ALPINE MOTIF in the construction and/or renovation of all commercial buildings in the CITY OF GAYLORD to maintain, enhance, and promote "GAYLORD, THE ALPINE VILLAGE" and to symbolize the City's relationship with its sister-city, PONTRESINA, SWITZERLAND. The SWISS ALPINE MOTIF is required per [Section 4.11](#).

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Section 2.1 Construction of Language

In order to clarify the intent of the provisions of this Ordinance, the following rules shall apply, except when clearly indicated otherwise:

- A. The particular shall control the general. Specific regulations applying to specific issues control over general regulations.
- B. The word "shall" is always mandatory and never discretionary. The word "may" is permissive.
- C. All words used in the present tense shall include the future.
- D. All words in the singular number include the plural number and all words in the plural number include the singular number.
- E. The word "building" includes the word "structure" and includes any part thereof unless otherwise specified.
- F. The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for," and "occupied for."

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- G. Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions, or events connected by the conjunction "and," "or," or "either . . . or," the conjunction shall be interpreted as follows:
1. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
 2. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
 3. "Either . . . or" indicates that the connected items, conditions, provisions, or events shall apply singly but not in combination.
- H. The word "person" or "entity" includes the word "corporation", "co-partnership", "association", "firm", "limited liability company", or any other legal entity as well as "individual."
- I. "City" shall refer specifically to the City of Gaylord.
- J. "Days" means calendar days unless otherwise stated.
- K. Terms not herein defined shall have the meaning customarily assigned to them.
- L. The Zoning Board of Appeals shall provide any necessary interpretation of these definitions.

Section 2.2 Definitions

For the purpose of this Ordinance, certain terms and words are defined as follows:

A

Abutting - Having property or district line in common; e.g., two (2) lots are abutting if they have property lines in common.

Access - A way of approaching or entering a property. For purposes of this Ordinance, all lots of record shall have access to a public street or private street.

Accessory Building - A subordinate building, the use of which is incidental to and customary in connection with the principal building or use, and which is located on the same lot with such principal building or use.

Accessory Dwelling Unit - An accessory residential dwelling unit located on the same lot as a single-family dwelling unit, either as a stand-alone structure or in a detached building. Accessory dwelling units shall be developed in accordance with the standards in those zoning districts where the use is listed as allowed.

Accessory Use - A subordinate use which is incidental to and customary in connection with the principal building

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or use, and which is located on the same lot with such principal building or use.

Adjacent Property – Property that adjoins or is contiguous to any sides or corners of a specific lot including but not limited to those lands separated from the lot by a road right-of-way, easements, or public utility rights-of-way.

Adult Business – Includes, but is not limited to, adult book store, adult video store, adult personal service business, adult cabarets, adult novelty business, nude modeling studio, adult motion picture theater, and all other adult businesses defined by [Section 20.600 of the City of Gaylord Code of Ordinances](#). Within the definitions included in [Section 20.600 of the City of Gaylord Code of Ordinances](#), the term “human,” besides the customary meaning, also means non-living anthropomorphic (resembling human) devices, both physical and digital.

Adult Day Care Facility - A facility receiving adults for care for periods of less than twenty-four (24) hours in a day for more than two (2) weeks in any calendar year. Care for persons related by blood or marriage to a member of the family occupying the dwelling is excluded from this definition.

Adult Foster Care Home, Family - A private residence with the approved capacity to receive six (6) or fewer adults to be provided with foster care twenty-four (24) hours a day, for five (5) or more days a week for two (2) or more consecutive weeks. The licensee shall be a member of the household and an occupant of the residence.

Adult Foster Care Facility - As defined by the [Adult Foster Care Facility Licensing Act](#) (1979 PA 218, as amended): a governmental or nongovernmental establishment, licensed by the State of Michigan, that provides foster care to adults for twenty-four (24) hours a day, for five (5) or more days a week for two (2) or more consecutive weeks. Adult foster care facility includes facilities and foster care homes for adults who are aged, mentally ill, developmentally disabled, or physically disabled who require supervision on an ongoing basis, but who do not require continuous nursing care. An adult foster care facility does not include the following:

- A. A nursing home licensed under Article 17 of the [Public Health Code, 1978 PA 368](#), MCL 333.20101 to 333.22260.
- B. A home for the aged licensed under Article 17 of the [Public Health Code, 1978 PA 368](#), MCL 333.20101 to 333.22260.
- C. A hospital licensed under Article 17 of the [Public Health Code, 1978 PA 368](#), MCL 333.20101 to 333.22260.
- D. A hospital for the mentally ill or a facility for the developmentally disabled operated by the department of community health under the [Mental Health Code, 1974 PA 258](#), MCL 330.1001 to 330.2106.
- E. A county infirmary operated by a county department of social services or family independence agency under Section 55 of the [Social Welfare Act, 1939 PA 280](#), MCL 400.55.

- F. A child caring institution, children's camp, foster family home, or foster family group home licensed or approved under **1973 PA 116**, MCL 722.111 to 722.128, if the number of residents who become 18 years of age while residing in the institution, camp, or home does not exceed the following:
1. Two (2), if the total number of residents is ten (10) or fewer.
 2. Three (3), if the total number of residents is not less than eleven (11) and not more than fourteen (14).
 3. Four (4), if the total number of residents is not less than fifteen (15) and not more than twenty (20).
 4. Five (5), if the total number of residents is twenty-one (21) or more.
- G. A foster family home licensed or approved under **1973 PA 116**, MCL 722.111 to 722.128, that has a person who is eighteen (18) years of age or older placed in the foster family home under Section 5(7) of **1973 PA 116**, MCL 722.115.
- H. An establishment commonly described as an alcohol or a substance abuse rehabilitation center, a residential facility for persons released from or assigned to adult correctional institutions, a maternity home, or a hotel or rooming house that does not provide or offer to provide foster care.
- I. A facility created by the **Michigan Veterans Facility Act, 1885 PA 152**, MCL 36.1 to 36.12.
- J. An area excluded from the definition of adult foster care facility under Section 17(3) of the **Continuing Care Community Disclosure Act, 2014 PA 448**, MCL 554.917.
- K. A private residence with the capacity to receive at least one (1) but not more than four (4) adults who all receive benefits from a community mental health services program if the local community mental health services program monitors the services being delivered in the residential setting.

Aggrieved Person - To be aggrieved, a person must meet the following three (3) criteria:

- A. The appellant must have participated in the challenged proceedings by taking a position on the contested decision, such as through a letter or oral public comment.
- B. The appellant must claim some legally protected interest or protected personal, pecuniary (financial), or property right that is likely to be affected by the challenged decision.
- C. The appellant must provide some evidence of special damages arising from the challenged decision in the form of an actual or likely injury to or burden on their asserted interest or right that is different in kind or more significant in degree than the effects on others in the local community.

Alley - A public or private thoroughfare which affords only 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".

Animal Hospital or Clinic/Veterinary Clinic - A self-enclosed building wherein animals including domestic household pets and farm animals are given medical or surgical treatment and used as a boarding place for such animals limited to short time boarding incidental to hospital use. Such facilities include only those under the direction of a licensed veterinarian registered in the State of Michigan.

Animal Shelter - A facility that is used to house or contain animals and is owned, operated, or maintained by a governmental or nonprofit corporation for the purpose of providing temporary kenneling and finding permanent adoptive homes for animals.

Applicant - Any person who applies for a permit.

Architectural Features - Architectural features of a building shall include cornices, eaves, gutters, courses, sills, lintels, bay windows, chimneys, and decorative ornaments.

Assisted Living Home - A structure providing housing and limited services such as nursing, recreation, and meals to individuals who are partially able to provide services to themselves.

Attached - Having one (1) or more walls in common with a principal building, fastened securely to a principal building, or connected to a principal building by an integral architectural element such as a covered passageway, façade wall extension, or archway.

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

Auto or Vehicle Repair Garage - A commercial building in which automobile repair is conducted.

Average - For the purpose of this Ordinance, the term, "average" shall be the arithmetic mean.

Awning - Roof-like cover that projects from the wall of a building for the purpose of shielding a doorway or window from the elements.

B

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

Battery Energy Storage System (BESS) - One (1) or more devices, assembled together, capable of storing and discharging electricity primarily intended to supply electricity to a building or to the electrical grid. This includes,

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but is not limited to, the following: battery cells; enclosures and dedicated-use buildings; thermal, battery, and energy management system components; inverters; access roads; distribution, collection, and feeder lines; wires and cables; conduit; footings; foundations; towers; poles; crossarms; guy lines and anchors; substations; interconnection or switching facilities; circuit breakers and transformers; overhead and underground control, communications and radio relay systems, and telecommunications equipment; utility lines and installations; and accessory equipment and structures.

Battery Energy Storage System (BESS), Off-Site - Battery Energy Storage System (BESS) that is a principal use (or co-located with another principal use) and that is designed and built to connect into the transmission or distribution grid.

Battery Energy Storage System (BESS), On-Site - A Battery Energy Storage System (BESS) that is an accessory use that is intended to primarily serve the needs of the consumer on-site.

Bed and Breakfast - A single-family, owner-occupied or manager-occupied structure in which lodging and a morning meal are provided for compensation primarily to transients and for periods not to exceed thirty (30) consecutive days and nights. Also called a Tourist Home.

Berm - An earthen mound used for the purpose of landscaping, screening, or enclosure, compacted, and finished with adequate topsoil to support grass or other landscape materials.

Billboard - A sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered elsewhere than upon the same lot.

Block - The property abutting one (1) side of a street and lying between the two (2) nearest intersecting streets, (crossing or terminating) or between the nearest such street and railroad right-of-way, unsubdivided acreage, lake, river, or stream; or between any of the foregoing and any other barrier to the continuity of development or corporate boundary lines of the city.

Boarding House - A building, other than a hotel, motel, bed and breakfast, tourist home, or short term rental, where, for compensation and by prearrangement for definite periods of more than thirty (30) consecutive days, lodging and, in some cases, meals, are provided for three (3) or more persons, but not exceeding twenty (20) persons.

Body Art Facility - A location at which an individual performs one (1) or more of the following for compensation: tattooing, branding, or body piercing as those terms are defined in [1978 PA 368, Public Health Code](#), MCL 333.13101.

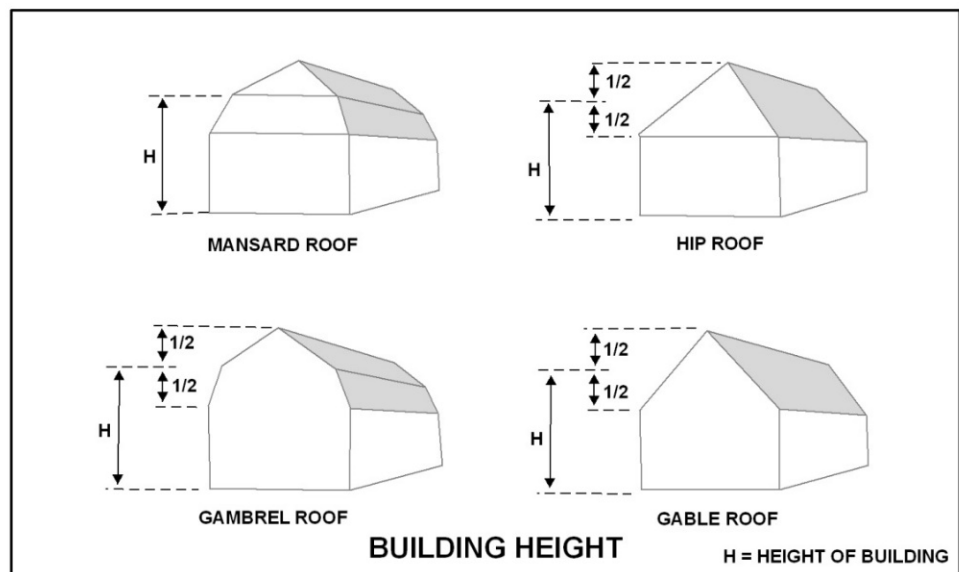
Buffer - Landscaped areas, fences, walls, berms, or any combination thereof to physically separate or screen one (1) use or property from another so as to visually shield or block noise, lights, or other nuisances.

Building - Any structure, either temporary or permanent, having a roof supported by columns or walls, and intended for the shelter, or enclosure of persons, animals, chattels, or property of any kind.

Building Envelope - The space remaining on a lot after the minimum setback and open space requirements have been complied with.

Building, Height of - The vertical distance from the finished grade to:

- A. The highest point of a flat roof.
- B. The average height between eaves and ridge for gable, hip, and gambrel roofs.
- C. The deck line of a mansard roof.



Building, Principal - A building which is used for the principal purpose of the lot on which it is situated.

Buildable Width - The width of the lot left to be built upon after the side setbacks are provided.

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.

Child Care Facility - A facility for the care of children (persons under 18 years of age), as licensed and regulated by the State under [1973 PA 116](#), as amended (Child Care Organizations Act, being MCL §§ 722.111 - 722.128), and the associated rules promulgated by the [State Department of Health and Human Services](#). Such organizations shall be further defined as follows:

- A. **Child Care Home, Family** - A state-licensed, owner-occupied private home in which at least one (1) but fewer than seven (7) minor children are received for care and supervision for periods less than twenty-four (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. Care is given for more than four (4) weeks during a calendar year. A family child care home does not include an individual providing babysitting services for another individual. "Providing babysitting services" means caring for a child on behalf of the child's parent or guardian if the annual compensation for providing those services does not equal or exceed \$600.00 or an amount that would according to the internal revenue code of 1986 obligate the child's parent or guardian to provide a form 1099-MISC to the individual for compensation paid during the calendar year for those

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services. Family Child Care Home includes a private home with increased capacity. "Increased capacity" means one (1) additional child added to the total number of minor children received for care and supervision in a family child care home. The definition of Family Child Care Home in [1973 PA 116](#), as amended, supersedes this definition if a difference in definition exists.

- B. **Child Care Home, Group** - A state-licensed, owner-occupied private home in which more than six (6) but not more than (12) minor children are given care and supervision for periods less than twenty-four (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. Care is given for more than four (4) weeks during a calendar year. Group child care home includes a private home with increased capacity. "Increased capacity" means two (2) additional children added to the total number of minor children received for care and supervision in a group child care home. The definition of Group Child Care Home in [1973 PA 116](#), as amended, supersedes this definition if a difference in definition exists.
- C. **Child Care Center** - A facility other than a private residence receiving one (1) or more preschool or school-age children for periods of less than twenty-four (24) hours a day and where parents or guardians are not immediately available to the child. Care is provided for more than two (2) consecutive weeks, regardless of the number of hours of care per day. May also be referred to as a child care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center.
- D. **Child Caring Institution** - A child care facility that is organized for the purpose of receiving minor children for care, maintenance, and supervision, usually on a twenty-four (24) hour basis, in buildings maintained by the child caring institution for that purpose, and operates throughout the year. An educational program may be provided, but the educational program shall not be the primary purpose of the facility. Child caring institution includes a maternity home for the care of unmarried mothers who are minors and an agency group home, which is described as a small child caring institution, owned, leased, or rented by a licensed agency providing care for more than four (4) but less than thirteen (13) minor children. Child caring institution also includes institutions for developmentally disabled or emotionally disturbed minor children. Child caring institution does not include a hospital, nursing home, or home for the aged licensed under Article 17 of the [Public Health Code, 1978 PA 368](#), MCL 333.20101 to 333.22260, a boarding school licensed under Section 1335 of the [Revised School Code, 1976 PA 451](#), MCL 380.1335, a hospital or facility operated by the State or licensed under the [Mental Health Code, 1974 PA 258](#), MCL 330.1001 to 330.2106, or an adult foster care family home or an adult foster care small group home licensed under the [Adult Foster Care Facility Licensing Act, 1979 PA 218](#), MCL 400.701 to 400.737, in which a child has been placed under Section 5(6).

Church or Religious Institution - A building wherein persons assemble regularly for religious worship, maintained and operated by an organized religious body. Accessory uses, buildings, and structures customarily associated with the religious institution or church are classified as part of the principal use as a religious institution or church.

Clinic - An establishment where patients are not lodged overnight but are admitted for examination and treatment by one (1) or more physicians or dentists.

Club - Buildings and facilities owned or operated by a corporation, association, person, or persons for a social, educational, or recreational purpose, but not primarily for profit and not primarily to render a service which is customarily carried on as a business.

Commercial Event Facility - A location where events are held including, but not limited to, weddings, parties, meetings, family reunions, and corporate events. The event locations can include, but not be limited to, tents, gazebos, barns, open areas, and residential structures as well as other structures specifically designed to host events. Also known as Convention Centers, Conference Centers, Banquet Halls, or Wedding Venues.

Conditional Rezoning - A rezoning in which the property owner voluntarily conditions the use of land to one (1) or more of the specified uses authorized in a particular zoning district.

Condominium - A form of housing ownership by which a person may purchase and own a dwelling unit in a multi-unit building or development. In addition, together with other condominium owners, the person owns a proportionate interest in the common elements of the development and usually pays a monthly maintenance fee or charge for the cost of administering and maintaining the common elements.

- A. **Condominium Act** - 1978 PA 59, as amended.
- B. **Condominium Documents** - The master deed recorded pursuant to the **Condominium Act**, and any other instrument referred to in the master deed or bylaws which affects the rights and obligations of a co-owner in the condominium.
- C. **Condominium Unit** - That portion of the condominium project 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.
- D. **General Common Elements** - The common elements other than the limited common elements.
- E. **Limited Common Elements** - A portion of the common elements reserved in the master deed for the exclusive use of less than all of the co-owners.
- F. **Master Deed** - The condominium document recording the condominium project to which are attached as exhibits and incorporated by reference the bylaws for the project and the condominium subdivision plan for the project, and all other information required by Section 8 of the **Condominium Act**.
- G. **Site Condominium** - A residential development type similar to a subdivision including the principal building and the land around it developed under the **Condominium Act (Act 59 of 1978)** as amended) rather than the **Land Division Act (Act 288 of 1967)** as amended).

Convalescent Home – See **Nursing Home**.

Crematorium - An establishment or structure in which the bodies of the dead are cremated.

D

dB(A) - The sound pressure levels in decibels. Refers to the “a” weighted scale defined by ANSI. A method for weighting the frequency spectrum to mimic the human ear.

Decibel - The unit of measure used to express the magnitude of sound pressure and sound intensity.

Deck - An outdoor platform, either attached to or detached from the principal building, constructed above the ground surface and used as a residential accessory structure for domestic or recreational purposes.

District - Any section of the City of Gaylord within which the zoning regulations are uniform or various combinations thereof apply under the provisions of this Ordinance.

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

Driveway - A means of access for vehicles from a street, approved alley, across a lot or parcel to a parking or loading area, garage, dwelling, or other structure or area on the same lot.

Dwelling - A building or portion thereof designed or used primarily for residential purposes, but not including hotels, motels, or similar uses.

Dwelling, Single-Family - A building designed for or occupied exclusively by one (1) family. A single-family dwelling does not share a common wall with any other dwelling.

Dwelling, Two Family - A building designed for or occupied exclusively by two (2) families living independently of each other, each within their own dwelling unit.

Dwelling, Multiple-Family - A building designed for or occupied exclusively by three (3) or more families living independently of each other, each within their own dwelling unit. Multiple-family dwelling also includes the following specific types:

- A. **Apartment Building** - A structure that consists of attached, stacked, single-story dwelling units or attached single-story dwelling units in a row.
- B. **Bungalow Court** - This building type consists of a series of small, detached structures, providing multiple units arranged to define a shared court.
- C. **Courtyard Apartments** - A structure consisting of multiple, attached side-by-side dwelling units accessed from a courtyard or series of courtyards. Each unit may have its own individual entry or may share a common entry.

- D. **Quadplex** - A structure that consists of four (4) units, typically two (2) on the ground floor and two (2) above with a shared entry.
- E. **Single-Family Conversion** - A single-family home which has been converted to provide three (3) or more dwelling units within the home.
- F. **Townhouse** - A structure in which each dwelling unit shares a common wall with at least one (1) other dwelling unit and in which each dwelling unit has living space on the ground floor and upper floor and has a separate ground-floor entrance.
- G. **Triplex** - A structure that consists of three (3) units typically with a shared entry.

Dwelling Unit - A building or portion of a building, either site-built or pre-manufactured, that has sleeping, living, cooking, and sanitary facilities and can accommodate one (1) family.

E

Easement - The legal right of an owner of property, by reason of such ownership, to use the property of another for purposes of ingress, egress, utilities, drainage, and similar uses.

Electric Vehicle Charging Station - A public or private parking space that is served by battery charging station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle.

Electric Vehicle Charging Facility. A public or private parking lot that contains multiple electric vehicle charging stations and which has a principal purpose of providing charging stations. This facility may also contain amenities such as a building for patrons to wait for their vehicles to charge, food service, restrooms, and similar amenities.

Erected - Erected includes built, constructed, reconstructed, extension, enlargement, moved upon, or any physical operation on the premises intended or required for a building or structure. Excavation, fill, drainage, and general property improvements shall not be considered “erected.” Any site improvements, change of grade, and/or removing of vegetation shall be considered to be part of “erected.”

Essential Services - The erection, construction, alteration, or maintenance by public utilities or municipal departments, commissions, or boards of underground or overhead gas, electrical, steam, water, or sewer transmission, distribution, collection, supply, or disposal systems including poles, wires, mains, pipes, conduits, cables, hydrants, and other similar equipment and appurtenances necessary for such systems to furnish an adequate level of service. Wireless facilities, alternative tower structures, wireless communications, wind turbines, battery energy storage systems, and solar energy structures are not included in this definition.

Excavation - The removal of rock, sand, soil, or fill material below the average grade of the surrounding land and/or road grade, whichever is highest. This does not include alterations for farming or gardening purposes.

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Extractive Operation - The removal, extraction, or mining of sand, gravel, or similar material for commercial gain.

F

Façade - The exterior wall of a building exposed to public view.

Family - An individual or two (2) or more persons related by blood, marriage, or adoption, or a group who need not be related by blood, marriage, or adoption, living together as a single housekeeping unit of a continuing non-transient domestic character in a dwelling. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization, or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or terms or other similar determinable period. Foster family homes and foster family group homes shall be considered a residential use of property for the purposes of zoning and shall be regulated similarly to a single-family home.

Floor Area - The square feet of floor space within the outside line of walls and includes the total of all space on all floors of a building. It does not include porches, garages, or space in a basement or cellar when said basement or cellar space is used for storage or incidental uses.

Food Truck - Any structure, vehicle, or trailer designed as a complete and transportable unit and used as a mobile business to sell prepared food or drink for human consumption from a stationary location during serving hours. Food trucks exclude structures which are installed with a permanent foundation as well as tent-walled structures. This definition does not include mobile food trucks which distribute food and drink as they are driving throughout the community (i.e. mobile ice cream truck).

Food Truck Park - A lot or lots under the control of a person or entity upon which two (2) or more Food Trucks are located and which is offered to the public for the purpose of conducting commerce relating to the sale of prepared food or drink. Approval for food truck parks shall be issued to the property owner and not to individual food trucks.

Frontage - Directly abutting a street.

G

Garage, Private - A detached accessory building or portion of a principal building housing the automobiles of the occupants of the premises.

Gas Station - That portion of property where flammable or combustible liquids or gases used as fuel are stored and dispersed from fixed equipment into the fuel tanks of motor vehicles. Such an establishment may offer for sale at retail other convenience items and may also include a car wash.

Gazebo - An open, small, roofed structure that may or may not be screened on all sides, used for outdoor entertaining and dining.

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Grade - The average level of the finished surface of the ground for buildings more than five (5) feet from a street line. For buildings which are five (5) feet or closer to a street line, the grade is the sidewalk elevation at the center of the building. If there is more than one (1) street, an average sidewalk elevation is to be used. If there is no sidewalk, the City shall establish the sidewalk grade.

Guest House - See [Accessory Dwelling Unit](#).

H

Hazardous Substances - Any substances or materials that, by reason of their toxic, caustic, corrosive, abrasive, or otherwise injurious properties, may be detrimental to the health of any person handling or otherwise coming into contact with such materials or substances.

Home Occupation - An occupation or profession, carried on in a dwelling unit by members of the immediate family residing on the premises, which are clearly incidental or secondary to the use of the dwelling for dwelling purposes. A permit is required. See [Section 7.16.B](#).

Home Office - An occupation or profession, carried on in a dwelling unit by members of the immediate family residing on the premises, which are clearly incidental or secondary to the use of the dwelling for dwelling purposes. A permit is NOT required. See [Section 7.16.A](#).

Hotel/Motel - A commercial building or part of a commercial building in which the dwelling units or rooming units are used primarily for transient occupancy, and in which one (1) or more of the following services are offered: maid service; furnishing of linen; telephone, secretarial, or desk service; and bellboy service. A hotel may include a restaurant or cocktail lounge, public banquet halls, ballrooms, or meeting rooms. Bed and breakfasts, rooming houses, boarding houses, multiple-family dwellings, or short term rentals are not considered hotels/motels.

Homeless Shelter - See [Residential Human Care Facility](#).

Hospital - An institution providing health services primarily for inpatients and medical or surgical care of the sick and injured, including laboratories, outpatient departments, training facilities, central service facilities, and staff offices.

I

Impervious Surface - Any material which prevents, impedes, or slows infiltration or absorption of stormwater directly into the ground at the rate of absorption of vegetation-bearing soils, including building, asphalt, concrete, gravel, and other surfaces. For the purpose of calculating stormwater runoff, impervious surfaces shall include all roofs, slabs, pavements, gravel drives, and parking lots.

Improvements - Those features and actions associated with a project which are considered necessary by the City 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 or project area, including parking areas, landscaping, roadways, lighting,

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utilities, sidewalks, screening, and drainage. Improvements do not include the entire project which is the subject of zoning approval.

Individual and Family Services - Establishments engaged in providing nonresidential individual and family social assistance services.

Industrial Park - A special or exclusive type of planned industrial area designed and equipped to accommodate a community of industries, providing them with all necessary facilities and services in surroundings among compatible neighbors.

Ingress/Egress - Access or entry/exit.

Institution - A nonprofit establishment for public use.

J

Junk - All rubbish, refuse, and debris including, but not limited to, the following: nonputrescible solid waste, ashes, glass, cans, bottles, discarded or abandoned machinery, household appliances, industrial wastes, discarded, inoperative, dismantled, or partially dismantled motorized vehicles or parts thereof. This shall not preclude home composting for on-site use.

Junkyard - The use of premises for the open storage of old and dilapidated automobiles, trucks, tractors, and other such vehicles and parts thereof, wagons, scrap building material, scrap contractors' equipment, tanks, cases, cans, barrels, boxes, drums, piping, bottles, glass, old iron, machinery, rags, paper, excelsior, hair, mattresses, beds or bedding or any other kind of scrap or waste material. A "junkyard" includes automobile wrecking yards, scrap yards, salvage yards, and includes any open area of more than two hundred (200) square feet for storage, keeping, or abandonment of junk. A "junkyard" shall include any premise upon which two (2) or more motor vehicles, which cannot be operated under their own power, are kept or stored for a period of fifteen (15) days or more.

K

Kennel, Boarding - Any kennel where pet animals owned by another person are temporarily boarded for pay, trade, barter, commission, or remuneration of any sort; provided, however, this definition shall not apply to zoos or to animal hospitals operated by veterinarians duly licensed under the law.

Kennel, Breeding - Any kennel where no more than ten (10) dogs, registered with a nationally recognized registration organization, over the age of six (6) months are owned, kept, or harbored for the purpose of breeding purebred or pedigreed dogs, provided, however, this definition shall not apply to zoos, to animal hospitals operated by veterinarians duly licensed under the law, or to residences who breed one (1) dog.

L

Lodging or Rooming House - Same as ***Boarding House***.

Loading Space - An off-street space, on the same lot with a building or group of buildings, for temporary parking for a commercial vehicle while loading or unloading merchandise or materials. Off-street loading space is not to be included as off-street parking space in the computation of required off-street parking.

Lot - A parcel of land, described either by metes and bounds or by reference to a recorded plat, or a site condominium unit created in a recorded master deed, occupied or intended for occupancy by a use permitted in this Ordinance, including the permitted structures. The boundaries of the lot shall be determined by its lot lines.

Lot, Corner - A lot abutting upon two (2) or more streets at their intersection or a lot bounded on two (2) sides by a curving street, any two (2) sides of which form an angle of one hundred thirty-five (135) degrees or less.

Lot, Depth - The mean horizontal distance between the front and rear lot lines.

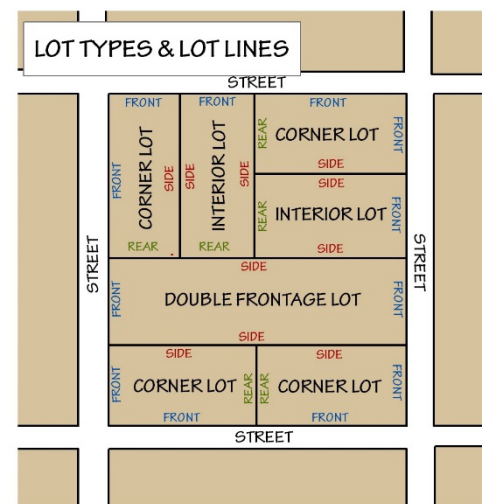
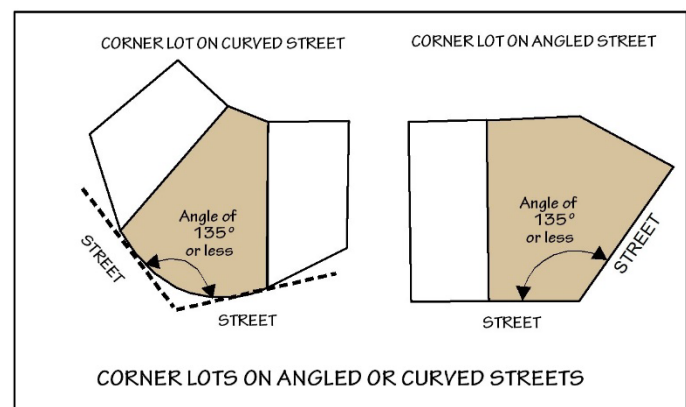
Lot, Interior - A lot other than a corner lot.

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

Lot Area - The total horizontal area within the lot lines of the lot.

Lot Lines - The lines bounding a lot as defined herein:

- A. **Front Lot Line** - In the case of an interior lot, that line separating said lot from the street. In the case of a through lot, is that line separating said lot from either street. In the case of a corner lot, the front lot line is that line separating said lot from each street. See **Article 4** for side lot lines on corner lots (diagram at the right is an example).
- B. **Rear Lot Line** - That lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line not less than ten (10) feet long lying farthest from the front lot line and wholly



within the lot. In the case of a corner lot, the rear lot line is the line opposite the main entrance to the primary building.

- C. **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 defined by a legal description and recorded in the office of the **Otsego County Register of Deeds** on or before the effective date of this Ordinance, or any amendments of this Ordinance.

Lot Width - The width of a lot at the front line line.

M

Manufactured Home - A structure, manufactured and transportable on wheels in one (1) or more sections, which is built and designed to be sold or used as a dwelling, with a permanent foundation and steel support structure, when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure. Manufactured homes are constructed according to the **National Mobile Home Construction and Safety Standards Act of 1974**, as amended. Manufactured homes do not include recreational vehicles or equipment. Manufactured housing must be **HUD** or BOCA-approved. The term Manufactured Home includes the term Mobile Home.

Manufactured Home Site - A plot of ground within a manufactured housing community designed for the accommodation of one (1) manufactured home.

Manufactured Housing Community - A lot which has been planned and improved for the placement of three (3) or more manufactured homes for residential dwelling use and is licensed by the State of Michigan.

Manufacturing, Heavy - The production, processing, cleaning, testing, and distribution of materials, goods, foodstuffs, and products. Heavy Manufacturing facilities are those facilities in which the modes of operation of the facility do have external effects and may directly affect nearby development. External effects shall include but are not limited to air contaminants, blown material, odor, noise, glare, gasses, electrical disturbance, heat, and vibration.

Manufacturing, Light - The production, processing, cleaning, testing, and distribution of materials, goods, foodstuffs, and products. Light Manufacturing facilities are those facilities in which the modes of operation of the facility have no external effects and do not directly affect nearby development. External effects shall include but are not limited to air contaminants, blown material, odor, noise, glare, gasses, electrical disturbance, heat, and vibration.

Marihuana Definitions -

- A. **Marihuana or Marijuana** - The term as defined in the **Michigan Taxation and Regulation of Marihuana Act**, MCL 333.27951 et seq.

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- B. **Marihuana Establishment** – A Marihuana Grower, Marihuana Safety Compliance Facility, Marihuana Processor, Marihuana Microbusiness, Marihuana Retailer, Marihuana Secure Transporter, or any other type of marihuana-related business licensed by the marijuana regulatory agency under the **Michigan Taxation and Regulation of Marihuana Act**, MCL 333.27951 et seq. The term does not include or apply to a “primary caregiver” or “caregiver” as that term is defined in the **Michigan Medical Marihuana Act**, MCL 333.26421 et seq.
- C. **Marihuana Facility** – A location at which a Marihuana Grower, Marihuana Provisioning Center, Marihuana Safety Compliance Facility, Marihuana Processor, or Marihuana Secure Transporter is licensed to operate under the **Medical Marihuana Facilities Licensing Act**, MCL 333.27101 et seq.
- D. **Marihuana Licensee** – A person holding a valid state license and municipal license issued pursuant to the **Michigan Taxation and Regulation of Marihuana Act**, MCL 333.27951 et seq. or the **Medical Marihuana Facilities Licensing Act**, MCL 333.27101 et seq.
- E. **Marihuana Grower** – A Marihuana Licensee that is a commercial entity located in this State that cultivates, dries, trims, or cures and packages marihuana for sale to a processor, Marihuana Retailer, or another grower.
- F. **Marihuana Microbusiness** – A Marihuana Licensee licensed to cultivate not more than one hundred fifty (150) marihuana plants; process and package marihuana; and sell or otherwise transfer marihuana to individuals who are twenty-one (21) years of age or older or to a marihuana safety compliance facility, but not to other marihuana establishments.
- G. **Marihuana Processor** – A Marihuana Licensee licensed to obtain marihuana from marihuana establishments; process and package marihuana; and sell or otherwise transfer marihuana to marihuana establishments.
- H. **Marihuana Provisioning Center** – A Marihuana Licensee that is a commercial entity located in this State that purchases marihuana from a grower or processor and sells, supplies, or provides marihuana to registered qualifying patients, directly or through the patients' registered primary caregivers. Provisioning center includes any commercial property where marihuana is sold at retail to registered qualifying patients or registered primary caregivers. A noncommercial location used by a registered primary caregiver to assist a qualifying patient connected to the caregiver through the department's marihuana registration process in accordance with the **Michigan Medical Marihuana Act**, MCL 333.26421 et seq., is not a provisioning center for purposes of this Ordinance.
- I. **Marihuana Retailer** – A Marihuana Licensee licensed to obtain marihuana from marihuana establishments and to sell or otherwise transfer marihuana to marihuana establishments and to individuals who are twenty-one (21) years of age or older. A noncommercial location used by a primary caregiver to assist a qualifying patient connected to the caregiver in accordance with the **Michigan Medical Marihuana Act**, MCL 333.26421 et seq., is not a Marihuana Retailer for purposes of this Ordinance. A provisioning center under the **Medical Marihuana Facilities Licensing Act**, MCL 333.27101 et seq., is not a Marihuana Retailer for purposes of this Ordinance.

- J. **Marihuana Safety Compliance Facility** – A Marihuana Licensee licensed to test marihuana, including certification for potency and the presence of contaminants.
- K. **Marihuana Secure Transporter** – A Marihuana Licensee licensed to obtain marihuana from marihuana establishments in order to transport marihuana to marihuana establishments.
- L. **Primary Caregiver** - That term defined in Section 3 of **Initiated Law 1 of 2008, as amended (Michigan Medical Marijuana Act, being MCL 333.26423)**.
- M. **Primary Caregiver Facility** - A building in which the activities of a Primary Caregiver are conducted.
- N. **Qualifying Patient** - That term defined in Section 3 of **Initiated Law 1 of 2008, as amended (Michigan Medical Marijuana Act, being MCL 333.26423)**.

Marquee - A roof-like structure, often bearing a signboard, projecting over an entrance, as to a theater or hotel.

Mechanical Amusement Device - Any machine or device which, upon the insertion of a coin, slug, token, plate, or disc, operates or may be operated as a game of contest of skill or amusement when the element of skill in such operation predominates over chance or luck. It shall include mechanical, electrical, or electronic video games; mechanical grabbing devices; pinball games; mechanical, electrical, or electronic baseball, football, basketball, hockey, and similar sports-type games; mechanical, electrical, or electronic cards games; shooting games, target games; or any other machine, device or apparatus which may be used as a game of skill and wherein the player initiates, employs or directs any force generated by such machine.

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

Motel – See **Hotel/Motel**.

N

Native Plant Species - A plant or animal that originally occurred in the Gaylord, Michigan, area.

Nonconforming Building/Structure - A building or structure, or portion thereof, existing at the effective date of this Ordinance, or amendments thereto, which is not in conformance with the standards of this Ordinance.

Nonconforming Lot - A lot of record that legally existed on or before the effective date of this Ordinance, or any amendment thereto, which does not meet dimensional requirements of this Ordinance.

Nonconforming Sign - A sign lawfully existing at the effective date of this Ordinance, or amendments thereto, which does not comply with one (1) or more of the regulations set forth in this Zoning Ordinance.

Nonconforming Use - A use which lawfully occupied a building or land at the effective date of this Ordinance,

or amendments thereto, that does not conform to the use regulations of the Zoning District in which it is located.

Non-Participating Lot(s) - One (1) or more lots for which there is not a signed lease or easement for development of a solar energy facility, wind energy facility, battery energy storage system, or wireless communications facility associated with the applicant project.

Nuisance Factors - 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 lot 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: (A) noise, (B) dust, (C) smoke, (D) odor, (E) glare, (F) fumes, (G) flashes, (H) vibration, (I) shock waves, (J) heat, (K) electronic or atomic radiation, (L) objectionable effluent, (M) noise of congregation of people, particularly at night, (N) passenger traffic, (O) invasion of nonabutting street frontage by traffic, (P) a burned-out structure, (Q) a condemned structure, or (R) fluids.

Nursery, Plant Materials - A space, building, 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.

Nursery School - A daytime facility which has as its main objective a development program for preschool children and whose staff meets the educational requirements established by the State.

Nursing Home - A facility, licensed under applicable Michigan law, for the aged or infirmed in which three (3) or more persons are received, kept, or provided with food and shelter or care for compensation where continuous nursing care and supervision are required; but not including hospitals, clinics or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.

0

Off-Street Parking Lot - A facility providing vehicular parking spaces, along with adequate drives and aisles. Adequate maneuvering space shall also be included to allow unrestricted access and egress to at least two (2) vehicles.

Open Space - Land that is either undeveloped or is relatively free of buildings and other structures. It includes all lands that act as a contrast to the built environment.

Outdoor Production - Growing in an expanse of open or cleared ground or in a greenhouse, hoop house, or similar non-rigid structure.

Outdoor Sales of Large Items - Includes uses operated for profit, substantially in the open air, including sales, rental, or repair of the following: bicycles, utility trucks or trailers, motor vehicles, boats, home equipment, garages, recreation vehicles, recreational equipment, manufactured homes, snowmobiles, farm implements, swimming pools, and similar items.

Outdoor Storage - A land area occupied and used for open storage of products, building materials, sand, gravel, stone, lumber, equipment, and other supplies.

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Owner - A person holding any legal, equitable, option, or contract of interest in land.

P

Park Model Home – See [Recreational Vehicle](#).

Parking Space - An area of definite length and width exclusive of drives, aisles, or entrances, giving access thereto, and fully accessible for the storage or parking of permitted vehicles.

Participating Lot(s) - One (1) or more lots under a signed lease or easement for the development of a solar energy facility, wind energy facility, battery energy storage system, or wireless communications facility associated with the applicant project.

Patio - An uncovered outdoor platform, either attached to or detached from the principal building, constructed level with the ground surface and used as an accessory structure for domestic or recreational purposes.

Performance Guarantee - A cash deposit, certified check, irrevocable bank letter of credit, or a performance or surety bond approved by the City.

Person - A corporation, co-partnership, association, firm, limited liability company, or any other legal entity as well as an individual.

Planned Unit Development (PUD) - A development planned and built as a single entity which may contain a mix of housing types and non-residential uses and which is based upon an approved site plan which allows flexibility of design not available under normal zoning district requirements.

Planning Commission - The body appointed by the City Council under the provisions of the [Michigan Planning Enabling Act, 2008 PA 33](#), as amended, MCL 125.3801 et. seq.

Plot Plan - The drawings and documents depicting and explaining all salient features of a proposed development which requires zoning approval but is not required to prepare a site plan, in order to evaluate compliance with Zoning Ordinance standards and requirements.

Porch, Enclosed - A covered entrance to a building or structure which is totally enclosed and projects out from the main wall of said building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached. Shall be considered part of the principal building for setback purposes.

Porch, Open - A covered entrance to a building or structure which is unenclosed, except for columns supporting the porch roof, and projects out from the main wall of said building or structure and has a separate roof or integral roof with principal building or structure to which it is attached. Shall be considered part of the principal building for setback purposes.

Porte-Cochere - A canopy attached to a building and extending over a driveway, open on all sides except for

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the wall of the principal building. It is considered part of the principal building.

Premises - A lot together with all buildings and structures thereon.

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

Principal Use - The main use of land or structures, as distinguished from a secondary or accessory use.

Public Utility - Any 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, television, transportation, or water.

Q

Qualified Residential Treatment Program - A program within a child caring institution to which all of the following apply:

- A. The program has a trauma-informed treatment model, evidenced by the inclusion of trauma awareness, knowledge, and skills into the program's culture, practices, and policies.
- B. The program has registered or licensed nursing and other licensed clinical staff on-site or available twenty-four (24) hours a day, seven (7) days a week, who provide care in the scope of their practice as provided in parts 170, 172, 181, 182, 182A, and 185 of the [Public Health Code, 1978 PA 368](#), MCL 333.17001 to 333.17097, 333.17201 to 333.17242, 333.18101 to 333.18117, 333.18201 to 333.18237, 333.18251 to 333.18267, and 333.18501 to 333.18518.
- C. The program integrates families into treatment, including maintaining sibling connections.
- D. The program provides aftercare services for at least six (6) months post discharge.
- E. The program is accredited by an independent not-for-profit organization as described in 42 USC 672(k)(4)(G).
- F. The program does not include a detention facility, forestry camp, training school, or other facility operated primarily for detaining minor children who are determined to be delinquent.

R

Recreational Facility, Indoor - A commercial business that provides indoor amusement facilities, such as arcades, rebound tumbling facilities, bowling, billiards, and other similar attractions and is open to the general public.

Recreational Facility, Outdoor - A commercial business that provides outdoor amusement facilities, such as miniature golf, carnival rides, outdoor rebound tumbling facilities, and other similar attractions and is open to

the general public.

Recreational Unit – A tent or vehicular-type structure, primarily designed as temporary living quarters for recreational, camping, or travel use, as defined by the **1978 PA 368, Public Health Code**, MCL 333.12501 et seq.

Recreational Vehicle - A vehicle that is built on a single chassis. The vehicle must be designed to be self-propelled or towable by an automobile or light-duty truck. Furthermore, the vehicle must be designed solely for recreation, camping, travel, or seasonal use rather than as a permanent dwelling. Travel trailer, motor home, camping trailer, camper, fifth wheel, and pick-up coach are considered synonymous with recreational vehicles. Park model homes are recreational vehicles which are primarily designed for long-term or permanent placement at a destination.

Recreational Vehicle Park (RV Park) - A campground on which sites are established for occupancy by recreational vehicles as temporary living quarters for purposes of recreation or vacation.

Recycling Facility - Machinery, equipment, structures, or any parts or accessories of machinery, equipment, or structures, installed or acquired for the primary purpose of recovering materials or energy from the waste stream.

Repowering - Reconfiguring, renovating, or replacing a solar energy facility, wind energy facility, or battery energy storage system to maintain or increase the power rating of the solar energy facility, wind energy facility, or battery energy storage system within the existing project footprint.

Residential Human Care Facility - A facility (not within a private residence) providing any of the following:

- A. Emergency shelter and services for battered individuals and their children in a residential structure.
- B. Shelter and services for individuals receiving care, counseling, crisis support, and similar activities including court-directed services.
- C. Emergency shelter for individuals who are homeless.
- D. Services, programs, and shelter for residents who are undergoing alcohol or substance abuse rehabilitation.

Resort - A lot which may contain cabins and/or rooms with or without kitchen facilities, used primarily for vacation and includes some form of recreational activity (such as golf, skiing, boating, swimming, hunting, fishing, and related or similar uses), and which may or may not contain a small commercial facility such as sporting goods and/or a restaurant which may be open to guests and/or the public. A hotel/motel, bed and breakfast/tourist home, short term rental, or boarding house are not considered a resort.

Restaurant - A business located in a building where, in consideration for the payment of money, meals are habitually prepared, sold, and served to persons for consumption on or off the premises, having suitable kitchen facilities connected therewith, containing conveniences for cooking an assortment of goods that may be required

for ordinary meals, and deriving the major portion of its receipts from the sale of food and complying with state and federal health regulations.

Right-of-Way - A street, alley, or other roadway or easement permanently established for the passage of persons or vehicles.

Rooming House – See [Boarding House](#).

S

Salvage Yard - See [Junkyard](#).

Scrap Yard - See [Junkyard](#).

Setback - The distance required to obtain minimum front, side, or rear yard open space provisions of this Ordinance. Setback is measured from the outermost part of the building.

Short Term Rental - A dwelling which is unoccupied by the owner and/or staff and which furnishes transient accommodations for compensation for periods thirty (30) consecutive days or less.

Sign - An identification, description, illustration, or device which is affixed to, or represented directly or indirectly upon a building, structure, or land and which communicates a message.

Site Plan - The drawings and documents depicting and explaining all salient features of a proposed development so that it may be evaluated according to the procedures set forth in this Ordinance, to determine if the proposed development meets the requirements of this Zoning Ordinance.

Small-Scale Craft Making - Small-scale craft making encompasses the production and sale of hand-made items including furniture, clothing, art, jewelry, toys, candles, collectibles, and similar items on a scale that does not require a manufacturing plant and a large amount of specialized equipment and chemicals. No more than fifty (50) percent of the structure is devoted to making crafts while the remainder of the structure is devoted to sales.

Solar Energy Definitions -

- A. **Solar Energy Facility (Utility Scale)** - A facility designed to capture and utilize the energy of the sun to generate electrical power to be used primarily off-site. A solar energy facility consists of an array of solar collection devices used to collect solar rays and all associated ancillary and structural devices needed to support and convert/transmit the energy collected.
- B. **Solar Energy Panels (Accessory)** - Solar collection devices designed to capture and utilize the energy of the sun to generate electrical power primarily for use on-site.

1. **Building-Integrated Accessory Solar Energy Panels** - Accessory solar energy panels that are an integral part of a principal or accessory building or structure (rather than a separate mechanical device), replacing or substituting for an architectural or structural component of the building or structure. Building-integrated systems include, but are not limited to, photovoltaic or hot water solar energy systems that are contained within roofing materials, windows, skylights, and awnings.
 2. **Ground-Mounted Accessory Solar Energy Panels** - Accessory solar energy panels mounted on support posts, like a rack or pole, that are attached to or rest on the ground.
 3. **Building-Mounted Accessory Solar Energy Panels** - A solar energy system mounted on racking that is attached to the wall of a building or structure or is attached to or ballasted on the roof of a building or structure.
- C. **Solar Collection Device** - The actual material(s) used to collect solar rays and all associated ancillary and structural devices needed to support and convert/transmit the energy collected.
- D. **Dual Use** - A solar energy system that employs one (1) or more of the following land management and conservation practices throughout the project site:
1. **Pollinator Habitat** - Solar sites designed to meet a score of seventy-six (76) or more on the Michigan Pollinator Habitat Planning Scorecard for Solar Sites.
 2. **Conservation Cover** - Solar sites designed in consultation with conservation organizations that focus on restoring native plants, grasses, and prairie with the aim of protecting specific species (e.g., bird habitat) or providing specific ecosystem services (e.g., carbon sequestration, soil health).
 3. **Forage** - Solar sites that incorporate rotational livestock grazing and forage production as part of an overall vegetative maintenance plan.
 4. **Agrioltaics** - Solar sites that combine raising crops for food, fiber, or fuel, and generating electricity within the project area to maximize land use.
- E. **Maximum Tilt** - The maximum angle of a solar collection device (i.e., most vertical position) for capturing solar radiation as compared to the horizon line.
- F. **Minimum Tilt** - The minimal angle of a solar collection device (i.e., most horizontal position) for capturing solar radiation as compared to the horizon line.

Special Use - A use, permitted within certain Zoning Districts, that is generally compatible with permitted uses but which possesses characteristics that could impact adjacent properties and which requires individual review and public hearing to ensure compatibility with the character of the surrounding area, adjacent properties, and public services and facilities. Special Uses are subject to conditions stated in this Ordinance and to any special conditions imposed by the Planning Commission to protect other properties in the City.

State Licensed Residential Facility - A structure constructed for residential purposes that is licensed by the State pursuant to the **Adult Foster Care Facility Licensing Act, 1979 PA 218**, MCL 400.701 to 400.737 or the **Childcare Organizations Act, 1973 PA 116**, as amended, being Sections 722.111 to 722.128 of the Michigan Compiled Laws, which provides resident services for six (6) or less persons under twenty-four (24) hour supervision or care for persons in need of that supervision or care.

Storage - To leave or deposit in a place for preservation or disposal in one (1) or more of the following ways:

- A. **Storage-Accessory** - Storage which is accessory to the principal use of the premises.
- B. **Mini-Storage** - Groups of buildings that contain varying sizes of individual compartmentalized and controlled access stalls or lockers for dead storage of customers' goods or wares.
- C. **Storage Facility** - A building or property on which storage is carried out as the principal use of the property.

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 not floor above, then the ceiling next above. A basement shall not be counted as a story.

Story, Half - A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three (3) feet above the top floor level, and in which space not more than two-thirds (2/3) of the floor area is finished off for use. A half-story containing independent apartments or living quarters shall be counted as a full story.

Street - A public thoroughfare which affords the principal means of access to abutting property. Also called road or roadway.

Street, Private - Any street which is privately owned and has not been accepted for maintenance by a public street agency.

Street, Public - Any street or portion of street which has been dedicated to and accepted for maintenance by a public street agency.

Street Line - A dividing line between a lot and a contiguous street.

Structure - Anything constructed or erected, the use of which requires permanent location on the ground or attached to something having a permanent location on the ground; including, but without limiting the generality of the foregoing; advertising signs, billboards, backstops for tennis courts, and pergolas.

Structural Alteration - Any change, except those required by law or ordinance, which would prolong the life of the supporting members of a building or structure, such as bearing walls, columns, beams, or girders, not including openings in bearing walls as permitted by other ordinances.

Swimming Pool - Any structure with accessories, including preassembled units, which are designed and

constructed for use either above or below ground level, used primarily for the purpose of recreational bathing or swimming but not including portable wading pools having a depth of less than twenty-four (24) inches.

T

Temporary Use or Building - A use or building permitted to exist during a specified period of time.

Travel Trailer – See [Recreational Vehicle](#).

U

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

Use, Principal - See [Principal Use](#).

Use, Accessory - See [Accessory Use](#).

V

Variance - A modification of the literal provisions of the Zoning Ordinance granted when strict enforcement of the Zoning Ordinance would cause unnecessary hardship or practical difficulty pursuant to [Article 8](#).

Variance, Dimensional - A variance granted to provide relief from a specific standard in this Zoning Ordinance which usually relates to an area, dimension, or other physical development requirement/limitation.

Variance, Use - A variance to provide relief from the requirements of this Ordinance pertaining to uses of land.

Vocational Rehabilitation Services - Establishments primarily engaged in providing job counseling, job training, and work experience to the unemployed or underemployed persons, persons with disabilities, and persons who have a job market disadvantage because of lack of education, job skill, or experience.

W

Wildlife-Friendly Fencing - A fencing system with openings that allow wildlife to traverse over or through a fenced area.

Wind Energy Definitions –

A. **Accessory Wind Turbine** - A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics which is intended to primarily provide power on-site.

B. **Ambient** - The sound pressure level exceeded ninety (90) percent of the time.

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- C. **Anemometer** - A device used to measure wind speed.
- D. **Hub Height** - The distance measured from the ground level to the center of the turbine hub.
- E. **Shadow Flicker** - Alternating changes in light intensity caused by the moving blade of a wind turbine casting shadows on the ground and stationary objects, such as the window of a dwelling.
- F. **Wind Energy Facility (Utility-Scale)** - A power-generating facility consisting of one (1) or more wind turbines under common ownership or operation control, and includes substations, MET towers, cables/wires, and other buildings accessory to such facility, whose primary purpose is to supply electricity to off-site customers.
- G. **Wind Turbine** - A wind energy conversion system which converts wind energy into electrical energy. Includes a tower, pylon, or other structures including all accessory facilities.
- H. **Wind Turbine Total Height** - The distance between the ground and the highest point of the wind turbine including the top of the blade in its vertical position.

Wireless Communications -

- A. **Alternative Tower Structure** - Manmade trees, clock towers, bell steeples, light poles, and other similar alternative design mounting structures that camouflage or conceal the presence of antennas or towers, or which currently exist in a manner which would support the placement of an antenna without the need for an additional tower.
- B. **Antenna** - Any exterior transmitting or receiving device mounted on a tower, building, structure, or Alternative Tower Structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies, wireless telecommunications signals, or other communication signals.
- C. **Antenna Array** - One (1) or more antennae. The Antenna Array does not include the Support Structure.
- D. **Co-Location** - The placement or installation of more than one (1) set of wireless equipment on a common support structure, with the objective of reducing the overall number of structures required to support wireless communication antennas within the community.
- E. **Height** - When referring to a Wireless Communication Facility, height shall mean the distance measured from ground level to the highest point on the Wireless Communication Facility, including the Antenna Array.
- F. **Small Cell Wireless Facility** - A wireless facility that meets both of the following requirements:

1. Each antenna is located inside an enclosure of not more than six (6) cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements would fit within an imaginary enclosure of not more than six (6) cubic feet.
 2. All other wireless equipment associated with the facility is cumulatively not more than twenty-five (25) cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meters, concealment elements, telecommunications demarcation boxes, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services.
- G. **Wireless Communications** - Any FCC-licensed or authorized wireless communication service transmitted through the airwaves over frequencies in the electromagnetic spectrum including, but not limited to, infrared line of sight, cellular, personal communications service (PCS), microwave, satellite, or radio signals.
- H. **Wireless Communications Equipment** - The set of equipment and network components used in the provision of wireless communications services, including, but not limited to antennas, transmitters, receivers, base stations, equipment shelters, cabinets, emergency generators, power supply cables, and coaxial and fiber optic cables, but excluding wireless communications support structures.
- I. **Wireless Communication Facility** - Any facility for the transmission and/or reception of wireless communications services, usually consisting of an Antenna Array, connection cables, Wireless Communications Equipment, and a Support Structure. A Wireless Communication Facility also includes an Antenna Array attached to an existing building or structure.
- J. **Wireless Communication Facility (Ground-Mounted)** – also called “**Earth Station or Ground Station**” - A wireless communication facility in which the antenna array is mounted to the ground or any other surface and does not use a wireless communications support structure (tower).
- K. **Wireless Communications Support Structure** - Structures erected or modified to support wireless communication antennas. Support structures within this definition include, but shall not be limited to, monopoles, lattice towers, light poles, wood poles, guyed towers, or other structures which appear to be something other than a mere support structure. Also called a Tower.

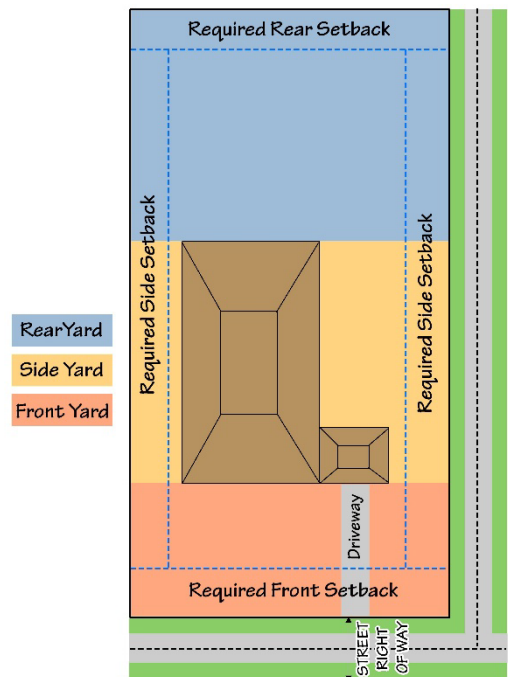
Y

Yard - The space between a principal building and the lot line.

Yard, Front - A yard across the full width of the lot extending from the front line of the principal building to the front lot line.

Yard, Rear - A yard extending the full width of the lot between a principal building and the rear lot line.

Yard, Side - A yard between the principal building and the side lot line and extending from the front yard to the rear yard thereof.

**Z**

Zoning Administrator - The official designated by the City of Gaylord to administer and enforce the provisions of this Ordinance.

Zoning Board of Appeals - The City of Gaylord Zoning Board of Appeals, whose duties and powers are detailed in [Article 8](#).

Zoning Permit - Written authority, as issued by the Zoning Administrator on behalf of the City, permitting the construction, moving, exterior alteration, or use of a building in conformity with the provisions of this Ordinance.

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Article 3

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Section 3.1 Purpose

It is the purpose of this Article to provide regulations that apply in all zoning districts to all permitted uses and Special Uses unless otherwise specified. Zoning affects every structure and use and extends vertically from the ground up.

Section 3.2 Compliance with the Regulations

Except as hereinafter specifically provided:

A. Conformance to Ordinance Required.

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1. No building or structure shall be erected, converted, enlarged, reconstructed, moved, or structurally altered, nor shall any building or land be used, unless it is in conformance with this Ordinance.
2. The minimum setbacks, parking space, and other open spaces, including lot area per family, required by this Ordinance, for any building hereafter erected or structurally altered, shall not be encroached upon or considered as parking, setback, or open space or lot area requirements for any other building on another lot, nor shall any lot area be reduced beyond the district requirements of this Ordinance.

B. Maintenance of Required Elements.

The maintenance of yards, open spaces, lot areas, height and bulk limitations, fences, walls, clear vision areas, parking and loading spaces, and all other requirements, including the proper maintenance and repair of screening arrangements, for a building or use specified within this Ordinance shall be a continuing obligation of the owner and future owners of such building or use or lot upon which such building or use is located.

C. Uses and Construction in Progress.

In the event that any lawful use, activity, building, or structure which exists or is under construction at the time of the adoption of this Ordinance and is not in conformance with the provisions of this Ordinance, such use, activity, building, or structure shall be considered a legal nonconforming use and shall be allowed to remain as such, including the completion of construction subject to the limitations of this Ordinance.

D. Moving of Building.

The moving of a building to a different location shall be considered the same as the erection of a new building, and all provisions, regulations, or requirements relative to the erection of a new building shall be applicable thereto.

Section 3.3 Number of Principal Buildings Per Lot

- A. Every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one (1) principal single-family dwelling on one (1) lot except as specifically provided hereinafter in subsection B.
- B. Multiple-family and non-residential uses may have more than one (1) principal building on one (1) lot.
- C. In the event that a lot is to be occupied by a group of two (2) or more related buildings to be used for residential, institutional, hotel, or motel purposes, there may be more than one (1) principal building on the lot when such buildings are arranged around a court having direct street access; provided however:
 1. That said court between buildings that are parallel or within forty-five (45) degrees of being parallel, shall have a minimum width of thirty (30) feet for one-story buildings, forty (40) feet for two-story

buildings, and fifty (50) feet for three-story buildings, and in no case may such buildings be closer to each other than fifteen (15) feet; and

2. Where a court having direct access to a building is more than fifty (50) percent surrounded by a building, the minimum width of the court shall be at least thirty (30) feet for one-story buildings, forty (40) feet for two-story buildings, and fifty (50) feet for three-story buildings.

Section 3.4 Restoration of Unsafe Buildings

Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition any part of any building or structure declared unsafe by the Zoning Administrator, Building Inspector, or Public Health Inspector.

Section 3.5 Barrier-Free Modification

Nothing in this Ordinance shall prevent the modification of a building only as may be necessary to comply with barrier-free requirements and the [Americans with Disabilities Act](#). A variance may be required.

Section 3.6 Essential Services

Essential services shall be permitted as authorized and regulated by law and other ordinances of the City, it being the intention hereof to exempt such essential services from the application of this Ordinance. Utility facilities, including transformers, pump stations, substations, and buildings necessary to house utility equipment ("Utility Improvements"), shall be a permitted use in any district when the locating of such Utility Improvements are necessary for the furnishing of adequate service by such utilities or municipal departments for the general public health, safety, or welfare. When this is the case, this Section shall supersede the [Tables of Permitted and Special Uses](#) in [Article 4](#). Utility Improvements shall undergo site plan review pursuant to [Article 5](#) and shall adhere to setback requirements of the district in which they are proposed to be located. Screening may be required pursuant to [Section 3.17](#). Utility storage yards and office buildings shall not be considered Utility Improvements and shall undergo the same approval process for storage yards and office buildings. Wireless communications facilities, small cell wireless facilities, solar facilities, wind energy facilities, and battery energy storage facilities shall not be considered "essential services."

Section 3.7 Access to Public Street

In every Zoning District, every use, building, or structure established after the effective date of this Ordinance shall be located on a lot which abuts a public street or a private street or easement which provides access to a public street or to utility services, such private street or easement being at least fifteen (15) feet in width, unless a lesser width was duly established of record prior to the effective date of this Ordinance.

Section 3.8 Water Supply & Sanitary Facilities

No building or structure shall be erected, altered, or moved upon any lot for regular occupation or use by humans unless it is provided with a safe, sanitary, and potable water supply and with a safe and effective means of collection, treatment, and disposal of human, domestic, commercial, and/or industrial waste. All such

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installations and facilities shall conform to all requirements of the [City of Gaylord Wastewater Ordinance](#), the [Health Department of Northwest Michigan](#), and applicable state agencies.

Section 3.9 Illegal Dwellings

The use of any portion of a basement or partially completed structure for dwelling purposes shall not be permitted unless a temporary certificate of occupancy has been issued. Garages, accessory buildings, motor homes, recreational vehicles, trucks, buses, or other such portable structures shall not be occupied for dwelling purposes except as otherwise allowed in this Ordinance or other ordinances.

Section 3.10 Construction – Temporary Buildings & Debris

A. Temporary Construction Buildings.

Temporary buildings may be utilized during construction for the storage of construction materials and for construction offices during a construction period as permitted herein. Temporary buildings for use incidental to construction work shall be removed within thirty (30) days after the completion or abandonment of the work.

B. Construction Debris.

All construction debris shall be removed from the site within thirty (30) days after the completion or abandonment of the work. Failure or refusal to remove a temporary building and/or construction debris within thirty (30) days after the completion or abandonment of work constitutes a violation of this Ordinance.

Section 3.11 Accessory Buildings & Structures

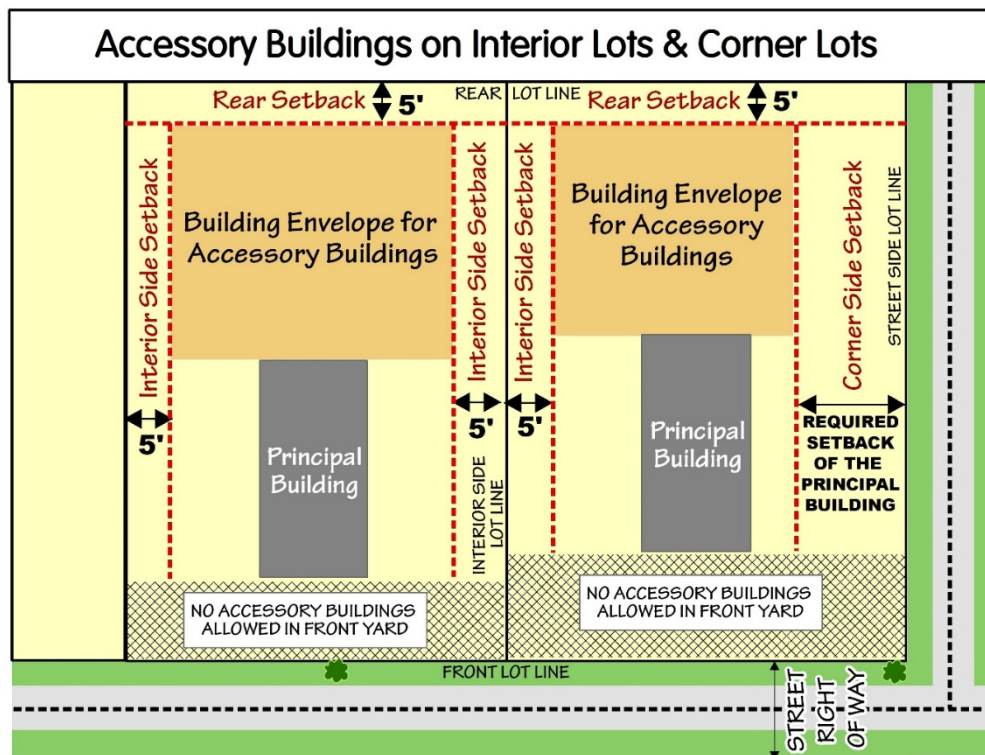
A. General.

1. This Section applies to accessory buildings and structures on residential and nonresidential lots.
2. All accessory buildings or structures with or without a foundation require a zoning permit.
3. Where any accessory building or structure is attached to a principal building, such accessory building or structure shall be considered part of the principal building and shall be subject to and must conform to all regulations of this Ordinance applicable to the principal building regardless of whether the accessory building was constructed as a detached building and attached at a later date.

B. Accessory Buildings.

1. **Location and Setbacks.**

- a. **Yard Location.** Accessory buildings which are detached from the principal building (i.e., not connected by any above-ground structure) may be constructed only in a side yard or rear yard and shall not be closer to the front lot line than the front of the principal building.
 - b. **Percentage of Rear Yard.** Accessory buildings shall not occupy more than thirty (30) percent of the area of the rear yard.
 - c. **Side and Rear Setback.** Accessory buildings shall not be located closer than five (5) feet to the side or rear lot line.
 - d. **Street Side Setback.** No accessory buildings shall project beyond a required principal building setback line along any street.
 - e. **Attached Accessory Buildings/Structures.** Attached accessory buildings/structures shall be required to meet principal building setbacks. However, a carport which is attached to the principal building shall not be required to meet principal building setbacks and shall meet accessory building setbacks.
2. **Size Limit.** There is no minimum or maximum square footage for an accessory building.
 3. **Height Limit.** The maximum height of an accessory building shall be in accordance with the allowable district height requirements of the principal building.
 4. **Materials.** Accessory buildings shall be constructed and finished with exterior materials similar and complimentary to the principal building.
 5. **Accessory Buildings on Vacant Lot.** An accessory building is not permitted on a lot without a principal building. If a property owner intends to build an accessory building on a lot which is adjacent to the lot with the principal building, they shall be required to combine the two (2) lots prior to building the accessory building.
 6. **Manufactured Homes.** Manufactured homes shall not be used as accessory buildings.



7. **Accessory Building as a Dwelling.** An accessory building may be occupied as an Accessory Dwelling Unit in the districts listed in [Section 4.10](#). Such Accessory Dwelling Unit shall comply with all provisions of this Ordinance relating to buildings for residential purposes.
8. **Non-Traditional Storage Facilities.** Truck bodies, school bus bodies, manufactured homes, recreational vehicles, shipping containers, or other items built and intended for other uses shall not be used as accessory buildings. Temporary storage using these structures shall comply with all City of Gaylord ordinances.

C. Accessory Structures.

1. **Gas Stations.** Gas station pumps, pump islands, and canopies shall be located at least twelve (12) feet from the nearest right-of-way line of a public street.
2. **Swimming Pools.** Accessory, open, and uncovered swimming pools and any other structures used for swimming shall be located at least five (5) feet from the rear or side lot line. Swimming pools must be enclosed by a four (4) foot minimum height chain link or similar fence equipped with toddler-proof safety devices on all access gates.
3. **Accessory Solar Panels.** See [Section 7.8](#).

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4. **On-Site Wind Turbines.** See [Section 7.10](#).
5. **On-Site Battery Energy Storage Systems (BESS).** On-site BESS are permitted as an accessory structure in all zoning districts. A zoning permit is required for On-Site BESS with an aggregate energy capacity of more than 600 kWh. Documentation showing compliance with NFPA 85557 shall be submitted for review by the Zoning Administrator after coordination with the local fire official. On-Site BESS with an aggregate energy capacity of less than or equal to 600 kWh do not require a zoning permit.
6. **Roadside Stands.** Roadside stands are permitted in all districts (except B-1) without a zoning permit and shall comply with the following standards. Roadside stands are not permitted in B-1.
 - a. They shall be located out of the right-of-way.
 - b. They shall be no greater in size than eighty (80) square feet.
 - c. They shall be present on a lot for no more than ninety (90) days in a calendar year.
 - d. They shall be used only for the sale of products made on the lot such as fruit, vegetables, flowers, and similar products.

Section 3.12 Nonconformities

A. General.

1. **Intent.** It is the intent of this Section to permit legal nonconforming uses, buildings, and lots existing as of the effective date of this Ordinance or amendment. However, it is hereby declared that nonconformance with the provisions of this Ordinance is not in the best interests of the City and ought to be discontinued as circumstances permit. A structure on which actual construction was lawfully begun prior to the enactment of this Ordinance, or any amendment, and on which construction materials have been permanently fixed in place may be continued although the structure or planned use does not conform with the Ordinance or amendment.
2. **Change in Tenancy or Ownership.** There may be a change of tenancy, ownership, or management of any existing nonconforming use, nonconforming building/structure, or nonconforming lot which does not alter its nonconforming status.
3. **Condemnations To Remove Nonconforming Uses.** The City may acquire by purchase, condemnation, or otherwise, private property or an interest in private property, for the removal of nonconforming uses. The cost and expense, or a portion thereof, of acquiring the property may be paid from general funds or assessed to all special districts. The City Council may institute proceedings for condemnation of nonconforming uses and structures under the power of eminent domain in accordance

with [1911 PA 149](#), as amended, beginning Section 213.21 to 213.41 of the Michigan Compiled Laws or other applicable statute.

B. Nonconforming Buildings and Structures.

Any building or portion thereof legally existing on the effective date of this Ordinance, or amendment thereto, which is not in conformance with the standards of this Ordinance shall be subject to the following regulations:

1. Maintenance of Nonconforming Buildings and Structures.

- a. Nothing in this Ordinance shall prevent such necessary repairs and incidental alterations of a nonconforming building or structure existing on the effective date of this Ordinance as may be necessary to secure a reasonable advantageous use thereof during its natural life.
- b. Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition any part of any building or structure declared unsafe by the Building Official or to comply with barrier-free requirements of the [Americans with Disabilities Act](#). A variance may be required.

2. Alterations to Nonconforming Buildings and Structures.

Alterations to a nonconforming building or structure are permitted, however, no nonconforming building or structure may be enlarged or altered in a way which increases its nonconformity.

3. Re-Location of a Nonconforming Building/Structure.

Should a nonconforming building/structure, which is nonconforming due to insufficient setbacks, be moved for any distance whatsoever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

4. Damage, Destruction, or Removal.

A nonconforming building or structure which has been damaged or removed by fire, explosion, act of God, the public enemy, or purposeful removal to the extent of more than seventy-five (75) percent of its reproduction value at the time of damage, shall not be restored except in conformity with the regulations of the district in which it is located. When damaged by seventy-five (75) percent or less of its reproduction value, a nonconforming building or structure may be repaired or reconstructed and used as before the time of damages provided such repairs or reconstruction are completed within one (1) year from the date of such damage.

5. Change of Use for a Nonconforming Building/Structure.

A change of use, to a permitted or Special Use listed in the district, is allowed in a nonconforming building. If the proposed use has specific regulations pertaining to that use the building cannot meet, then a variance is required.

C. Nonconforming Uses.

A use which lawfully occupied a building or land on the effective date of this Ordinance, or amendments thereto, that does not conform to the use regulations of the district in which it is located shall be subject to the following regulations:

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1. **Change of Use.** No nonconforming use shall be changed to other than a conforming use, nor shall any use be reverted to a former nonconforming use after said use has been changed to a conforming use.
2. **Expansion of Nonconforming Use.**
 - a. **Expansion Throughout a Lot.** Although it is the intent of this Ordinance to restrict the expansion and perpetuation of nonconforming uses, the Planning Commission, by following the Special Use Permit notice provisions of this Ordinance (the Special Use standards in [Section 6.4](#) shall not apply), may allow an expansion throughout a lot, provided that it is shown that such expansion:
 - (1) Will not reduce the value or otherwise limit the lawful use of adjacent premises.
 - (2) Will essentially retain the character and environment of adjacent premises.
 - (3) Will not cause, perpetuate, or materially increase any nuisance aspects of the use upon adjacent uses (such as noise, glare, traffic congestion, or land overcrowding).
 - b. **Expansion Throughout a Building.** Any nonconforming use may be carried on or expanded throughout any parts of a *building* which were manifestly arranged or designed for such use and which existed at the time of adoption or amendment of this Ordinance.
3. **Damage.** In the event that fire, explosion, the public enemy, Act of God, or purposeful removal destroys, damages, or removes an existing structure devoted to a nonconforming use, the nonconforming use and building used for the nonconforming use may be re-established in the configuration that existed prior to the damage or destruction.
4. **Abandonment.** If a property owner has an intent to abandon a nonconforming use, building, or structure and in fact abandons this nonconforming use, building, or structure for a period of six (6) months or more, then any subsequent use of the building, structure or lot shall conform to the requirements of this Ordinance. When determining the intent of the property owners to abandon a nonconforming use, the Zoning Administrator shall consider the following factors:
 - a. Whether utilities, such as water, gas, and electricity to the lot have been disconnected.
 - b. Whether the property, buildings, and grounds have fallen into disrepair.
 - c. Whether signs or other indications of the existence of the nonconforming use have been removed.
 - d. Whether equipment or fixtures necessary for the operations of the nonconforming use have been removed.
 - e. Other information or actions that evidence an intention on the part of the property owner to abandon the nonconforming use or structure.

D. Nonconforming Lots.

Any nonconforming lot of record may be used for any purpose authorized by the district in which it is located. This provision shall apply even though such lot fails to meet the requirements for area or width applicable in the district, provided that yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. The Zoning Administrator may approve an administrative departure to reduce the required setback by ten (10) percent. Any required variances (beyond ten (10) percent) may be requested pursuant to the procedures and standards of [Article 8 \(Zoning Board of Appeals\)](#).

Section 3.13 On-Site Drainage & Runoff

No premises shall be filled or graded so as to discharge surface runoff on abutting premises in excess of natural conditions or in an unnatural, concentrated manner that will cause damage to adjacent lots. When a lot is developed adjacent to existing lots which have been previously developed, existing grades shall have priority.

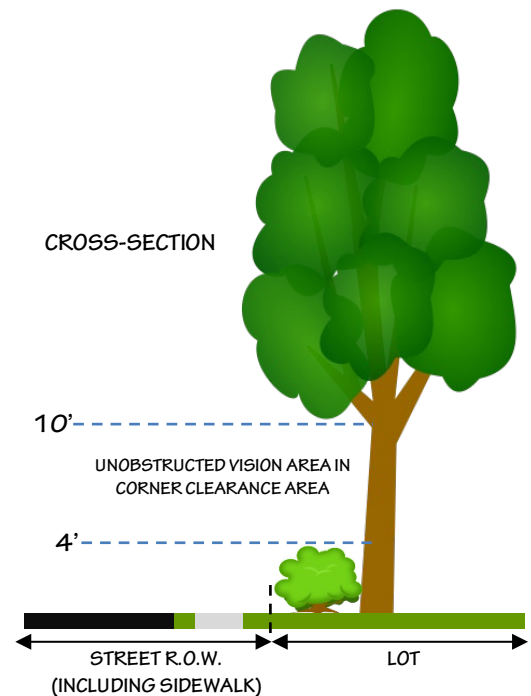
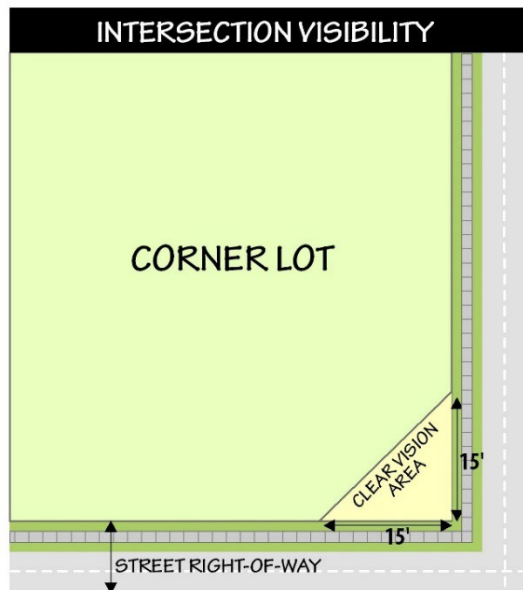
Section 3.14 Hazardous Substances Generation & Storage

These provisions apply to uses that use, generate, or store hazardous substances in quantities greater than twenty-five (25) gallons or two hundred twenty (220) pounds per month:

- A. Sites at which hazardous substances and polluting material are stored, used, or generated shall be designed to prevent spills and discharges to the air, surface of the ground, groundwater, surface water, and wetlands.
- B. Secondary containment for aboveground areas where hazardous substances and polluting materials are stored or used shall be provided and maintained. Secondary containment shall be sufficient to store the substance for the maximum anticipated period of time necessary for the recovery of any released substance.
- C. General purpose floor drains shall be allowed only if they are connected to a public sewer system, an on-site holding tank, or a system authorized through a state groundwater discharge permit. Said floor drains shall be in compliance with the [City of Gaylord Wastewater Ordinance](#).
- D. State and federal agency requirements for storage, spill prevention, record keeping, emergency response, transport, and disposal of hazardous substances and polluting materials shall be met. No discharges to groundwater, including direct and indirect discharges, shall be allowed without required permits and approvals.
- E. The Planning Commission may require a performance bond or similar assurance for safeguards prior to approval. The Planning Commission may require site plan review at five (5) year intervals.
- F. A plan for disposal shall be submitted to the City.

Section 3.15 Intersection Visibility Triangle

A clear vision area shall be kept between the heights of four (4) feet and ten (10) feet in the triangle formed by the intersecting street right-of-way lines where the two (2) sides of the triangle are formed by measuring fifteen (15) feet along the street right-of-way line from their points of intersection, and the third side is a diagonal line connecting the points. No fence, wall, screen, hedge, sign, or other structure, planting, or snow storage shall obstruct vision in this clear vision area.



Section 3.16 Residential Entranceway

In all districts, entranceway structures, including but not limited to, walls, columns, and gates marking entrances to single-family subdivisions, planned unit developments, site condominium developments, multiple-family housing projects, commercial developments, industrial developments, mixed-use developments, or similar uses may be permitted and may be located in a front or side setback, except as provided in [Section 3.15 \(Intersection Visibility Triangle\)](#), provided that such entrance way structures shall comply to all codes of the City.

Section 3.17 Landscaping Regulations & Screening

A. Intent and Purpose.

1. The purpose of this Section is to promote public health, safety, and welfare by establishing minimum standards for the design, installation, and maintenance of landscaping in parking lots, as buffer zones between uses, and along roadways in addition to providing non-landscaping screening standards. Landscaping is considered by the City to be an important element of land development which is a critical factor in maintaining an attractive community character and conserving the value of land and buildings

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in the City. Landscaping for single-family and two-family residential lots are addressed in [subsection H](#) only.

2. This Ordinance is also intended to:
 - a. improve and enhance the character of the site;
 - b. screen or filter views, where necessary;
 - c. help unify the various parts of the site;
 - d. blend inharmonious land uses;
 - e. buffer incompatible uses;
 - f. moderate harsh or unpleasant sounds;
 - g. remove air pollutants;
 - h. control glare and reflection;
 - i. slow the effects of erosive winds or water and promote stormwater retention, thereby helping to prevent flooding;
 - j. assist in directing safe and efficient traffic flow at driveways and within parking lots;
 - k. ensure adequate sight distance;
 - l. reduce the impacts of glare from headlights; and
 - m. distinguish and separate vehicular and pedestrian circulation.
3. The landscape standards of this Section are considered the minimum necessary to achieve the objectives noted above. In several instances, the standards are intentionally flexible to encourage flexibility and creative design. Applicants are encouraged to provide additional landscaping to improve the function, appearance, and value of their property.

B. Applicability.

1. **Applicable Uses.** The standards contained in this Section shall be applicable to any site plan, Special Use request, condominium, subdivision plan, or PUD which is submitted for review and approval under this Ordinance.
2. **Flexible Standards.** For existing and proposed uses which require site plan approval to either expand or be built, landscaping as noted herein shall be installed insofar as practical. The Planning Commission in its review of the site plan has the authority to increase, decrease, or otherwise modify the landscaping and screening requirements of this Section. In doing so, the Commission shall consider the following criteria:
 - a. The amount of space on the site available for landscaping.
 - b. Existing landscaping on the site and on adjacent lots.
 - c. The type of use on the site and size of the development.
 - d. Existing and proposed adjacent land uses.
 - e. The effect which the required landscaping would have on the operation of the existing or proposed land use.

C. General Regulations.

1. **Timing of Installation.** Landscaping shall be installed within one hundred eighty (180) days of occupancy of the building or structure unless a longer period is permitted in writing by the Zoning Administrator.
2. **Hardy Plant Materials.** All landscaping shall be hardy plant materials and maintained thereafter in a neat, healthy, and orderly manner. Withered and/or dead plant materials shall be replaced within a reasonable period of time but no longer than one (1) growing season.
3. **Corner Lots.** For the purpose of this Section, a corner lot is considered as having a front yard along each street and the appropriate landscaping shall be provided for both.
4. **Non-Plant Material.** The extensive use of cobblestones, crushed stones, or other non-living material as a ground cover should be minimized.

D. Front Yard Landscaping for Uses Other Than Single-Family and Two-Family Residential.

1. **Requirements.** Except for necessary driveways, frontage roads, service drives, or walkways, the front yard shall be landscaped according to the following minimum requirements. If the building is not setback sufficiently to allow adequate area for such landscaping, then the Planning Commission or Zoning Administrator as the case may be, shall determine the proper amount of plantings.
 - a. For the first seventy-five (75) feet in length of street frontage, there shall be one (1) canopy tree and two (2) evergreen trees. For each additional seventy-five (75) feet of street frontage, there shall be one (1) additional canopy and one (1) evergreen tree.
 - b. One (1) ornamental tree plus one (1) for each seventy-five (75) feet in length of street frontage.
 - c. Shrubs at a rate of one (1) per each tree required.
2. **Berms.** Earthen berms may be permitted within the required front yard landscape area. Credit of up to twenty-five (25) percent may be received against providing the required plantings through the use of berms three (3) feet in height or greater.
3. **Visibility.** Plantings and berms shall be located so as not to obstruct the vision of drivers entering or leaving a site.

E. Off-Street Parking Area Landscaping Requirements.

1. **Requirements.** All parking areas having twenty (20) or more parking spaces shall be landscaped according to the following minimum requirements:

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- a. One (1) canopy tree for every twenty (20) parking spaces, with a minimum of two (2) trees, shall be planted adjacent to and within the parking area.
2. **Trees.** Trees shall be located to prevent damage by motor vehicles.
3. **Islands.** Landscaping islands shall be dispersed through the parking lot in order to break up large expanses of paved surfaces and improve traffic flow and line of sight for drivers. Each landscape island shall be a minimum of one hundred twenty (120) square feet and six (6) feet wide and shall contain at least one (1) canopy tree.
4. **Non-Obscuring.** Landscaping shall be arranged so as not to obscure traffic signs or fire hydrants or obstruct drivers' sight distance within the parking area and at driveway entrances.
5. **Barriers.** All landscape areas shall be protected by raised curbs, parking blocks, or other similar methods.
6. **Obscuring Screen Along Street.** Where any parking area, except areas serving single-family or two-family dwellings, abuts or faces a public right-of-way, a continuous obscuring screen of at least three (3) feet high but no more than four (4) feet high may be required between the parking area and the public road right-of-way line. The screen may be comprised of natural or man-made material or any combination of these elements. Such screening may be required for parking lots across the street from residential uses where vehicle lights, noise, or appearance may create a nuisance or safety hazard for residents.
7. **Landscaping Substitution.** Landscaping required for buffer zones and front yard landscaping which abuts off-street parking areas may substitute for up to fifty (50) percent of the required parking lot landscaping.

F. Buffer Zones Required.

1. **When a Buffer is Required.** Wherever a commercial or industrial zoning district or a nonresidential use abuts a residential zoning district or use, a buffer zone as required below shall be provided on the subject lot along the boundary between the two (2) abutting properties.
2. **Width.** The width of the buffer zone shall be at least twenty-five (25) feet. A lesser width may be allowed by the Planning Commission or Zoning Administrator as the case may be but only if increased landscaping or berming is provided or a solid fence is installed in order to achieve the intent of the buffer zone width.
3. **Minimum Plantings.** The following minimum plantings shall be provided within the buffer zone:
 - a. One (1) canopy tree plus one (1) additional canopy tree for each fifty (50) feet in length of the buffer zone.

- b. Two (2) evergreen trees plus one additional evergreen tree for each fifty (50) feet in length of the buffer zone.
- c. One (1) ornamental tree plus one (1) tree for each fifty (50) feet in length of the buffer zone.
- d. Types of trees permitted to be planted within the buffer zone shall include but not be limited to the following:
 - (1) **Canopy Trees:** Maple, Ash, Locust, Sycamore, Oak, Linden, Ginkgo.
 - (2) **Ornamental Trees:** Redbud, Hawthorn, Crabapple, Dogwood, Plum, Russian Olive, Shadblow.
 - (3) **Evergreen Trees:** Norway Spruce, Austrian Pine, White Pine, Blue Spruce, Hemlock, Japanese Yew.
- 4. **Berms.** If a berm is used for all or part of the buffer zone, required plant material quantities may be reduced by twenty-five (25) percent. The berm shall comply with the minimum standards contained in this Section. All plant materials shall be placed along the top and exterior side slope of the berm. The buffer zone width shall be increased as needed to accommodate maximum berm side slopes of one (1) foot vertical rise to three (3) feet horizontal.
- 5. **Screening Wall or Fence.** A screening wall or fence may be used for all or part of the buffer zone. If a fence or screening wall is used as a buffer zone, then the following regulations shall apply:
 - a. Required quantities of plant materials may be reduced by fifty (50) percent for that area abutting the fence or wall.
 - b. All required plant materials shall be on the exterior side of the screen wall or fence.
 - c. Screening wall/fence shall comply with the [City of Gaylord Fence Ordinance](#).
- 6. **Areas Outside Buffer Strip.** All areas of the buffer strip outside of planting beds shall be covered with grass or other living ground cover.
- 7. **Minimum Standards.** Landscape materials shall conform with all applicable standards in subsection G.
- 8. **Stormwater Detention/Retention.** Stormwater detention/retention areas shall be permitted within buffer zones provided they do not reduce the screening effect.
- 9. **Trash Receptacles.** Solid waste dumpsters may be located in buffer zones, provided they are screened on three (3) sides by a continuous opaque wall or fence six (6) feet in height.

G. Minimum Standards for Plantings and Berms.

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1. Minimum Plant Size at Time of Planting:

Deciduous canopy tree:	2-1/2" caliper
Deciduous ornamental tree:	2" caliper
Evergreen tree:	7' height
Deciduous shrub:	2' height
Upright evergreen shrub:	2' height
Spreading evergreen shrub:	18" spread

2. Minimum Standards for Berms:

- a. Wherever a berm is used to meet the minimum requirements of this Section, it shall have a minimum height of three (3) feet and a maximum height of five (5) feet above grade.
- b. Berms shall be constructed so as to maintain side slopes not to exceed a one (1) foot vertical rise to three (3) feet horizontal ratio.
- c. Berm areas shall be covered with grass or other living ground cover and shall be maintained in a clean and orderly growing condition.
- d. Berms shall be constructed so as not to alter drainage patterns on-site or on adjacent lots.
- e. Berms shall be constructed of landscaping material acceptable to the Planning Commission. Berms shall not contain construction material/debris, garbage, junk, or other debris not typically used as landscaping material.

H. Single-Family and Two-Family Residential Lots.

All residential lots shall have, as a part of the landscaping and in addition to other regulations herein set forth, lawn (grass) covering those portions of the front and side yards not covered by other landscaping. Such lawn shall be maintained in a reasonable manner. All property owners shall conform to the [City Weed & Grass Ordinance](#). Property owners may keep up to twenty-five (25) percent of their rear yard as an intentional natural garden of unmown vegetation, native to Michigan, for the purpose of providing a natural ecosystem for insects and wildlife. Said natural garden shall maintain side and rear principal building setbacks. At no time shall this natural garden become a nuisance to neighboring property owners due to the proliferation of natural vegetation, insects, or wildlife into the neighboring yards. Unmown vegetation within a natural garden shall not grow to a height greater than four (4) feet.

Section 3.18 Off-Street Parking

A. Purpose.

The purpose of parking regulations is to make Gaylord safe for and accessible to pedestrians, cyclists, and drivers. Equal consideration should be given to pedestrians, cyclists, and drivers in the design of all public and private parking areas. Site design should help to reduce the number of conflicts between the parking area users. Public rights-of-way shall be designed to ensure the movement of people safely. Design of parking areas and rights-of-way shall contribute to the walkability of the City of Gaylord. Screening, landscaping, and lighting shall contribute to the enhancement of the community.

B. When Compliance is Required.

Off-street parking and loading provisions of this Section shall apply to the following:

1. **New Construction.** For all principal buildings erected and all uses of land established after the effective date of this Ordinance chapter.
2. **Enlargement.** Whenever a principal building is expanded to increase its gross floor area.
3. **Change in Use.** Whenever the use of a building or portion of a building is changed to accommodate a use requiring more parking than the former use.
4. **Parking Area Construction and Expansion.** For all new parking areas and whenever existing parking areas are expanded or upgraded. Normal maintenance, such as re-grading of legal nonconforming gravel parking areas or the addition of top coat or sealer to existing paved parking areas, will not trigger full off-street parking compliance; however, pulverizing an existing asphalt, concrete, or other paved parking surface, the outright removal or substantial modification of the paved surface in preparation for paving and demolition by neglect which serves to return a parking area substantially to gravel or other aggregate surface, shall, for the purposes of this Ordinance, be considered a new parking area.
5. **B-1 Exception.** Regulations pertaining to off-street parking shall not apply to new commercial construction projects where it can be demonstrated that adequate public parking exists when located within the B-1 District. Prior to the exception being granted by the City, the applicant shall submit a parking plan to the Zoning Administrator. Public parking lots may be included in the applicant's parking plan.
6. **Existing Parking.** Regulations pertaining to off-street parking shall not apply to non-residential buildings in existence at the time of adoption of this Ordinance unless subsections 1 through 4 (above) occur. Off-street parking existing at the effective date of this Ordinance which serves an existing building or use shall not be reduced in size less than that required under the terms of this Ordinance.

C. Approval Required.

1. **Permit Required.** No parking lot shall be constructed unless and until a zoning permit is issued.
2. **Review Procedure.**
 - a. Parking lots which are submitted for approval at the same time as the principal building shall require review and approval by the Planning Commission according to the site plan review procedures in [Article 5](#).
 - b. Parking lots or changes to parking lots which are submitted as a stand-alone application shall require review and approval by the Zoning Administrator. If the parking lot site plan proposes features which do not comply with this Section and require a deviation pursuant to [subsection H](#), the parking lot site plan shall require review and approval by the Planning Commission.
3. **Site Plan Data Required for Parking Lots.** Parking lot site plans shall show the following:
 - a. Total number of parking spaces provided, existing and proposed; and total required by ordinance;
 - b. Location and size of spaces;
 - c. Parking aisles;
 - d. Vehicle circulation;
 - e. Ingress and egress;
 - f. Sidewalks and pedestrian circulation;
 - g. Signage;
 - h. Lighting;
 - i. Stormwater retention areas;
 - j. Proposed and existing grades;
 - k. Landscaping islands;
 - l. Landscape and buffer areas; and
 - m. Parking details and any other information deemed necessary by the City.

D. Off-Street Parking Requirements.

1. **Number of Parking Spaces Required.** In all districts, there shall be provided at the time any building or structure is erected or structurally altered (to the extent hereinafter provided), off-street parking spaces in accordance with the following requirements:

**Table 3.18
Parking Spaces Required**

Residential Uses	
Use	Parking Spaces Required
Bed & breakfast facilities; Tourist Homes; Boarding Houses	1 parking space for each 1 sleeping room
Dwellings	2 for each dwelling unit
Home Occupations & Cottage Industries	2 spaces for dwelling use; plus 1 for each employee; plus additional spaces for Cottage Industry as determined by the Planning Commission to accommodate customers or clients
Group Child Care homes	2 for each home in addition to the 2 required for the residence
Institutional Uses; Medical Uses; Assembly Uses	
Use	Parking Spaces Required
Child Care Centers	1 per 400 square feet of usable floor area, plus 1 per employee
Churches or Similar Places of Worship	1 parking space for each 6 seats or seating spaces in the main auditorium
Colleges and Universities	1 for each teacher, employee, and administrator, and 1 for each 10 students
Community Center, Library, Museum or Art Gallery.	10 parking spaces plus 1 additional space for each 200 square feet of floor area in excess of 2,000 square feet
Clinics	3 parking spaces plus 1 additional parking space for each 300 square feet of floor area over 1,000 square feet
Elementary or Middle/Junior High Schools	1 parking space for each 10 seats in the auditorium or main assembly room or 4 spaces plus 1 additional space for each classroom, whichever is greater
Government Buildings	1 for every 1,000 square feet of usable floor area
High Schools	1 parking space for each 6 seats in the main auditorium or 3 spaces for each classroom, whichever is greater
Hospitals; Nursing Homes; Convalescent Homes; Homes for the Aged	1 parking space for every 2 beds
Private Club or Lodge	1 parking space for every 10 members
Sports Arena, Stadium or Gymnasium	1 parking space for each 5 seats or seating spaces.
Theater or Auditorium (except school)	1 parking space for each 5 seats or bench seating spaces.

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Business Uses	
Use	Parking Spaces Required
Animal Hospitals/Veterinary Clinics; Kennels	1 per 400 square feet of usable floor area, plus 1 for each 2 employees
Automobile Repair Garages or Gas Stations	2 spaces for each auto repair service bay; plus 1 space for each gas pump; plus 1 space for each employee on maximum working shift
Banks	3 parking spaces plus 1 additional parking space for each 300 square feet of floor area over 1,000 square feet
Beauty Parlors or Barber Shops	1 per employee plus 2 per service chair
Business Office; Professional Offices	3 parking spaces plus 1 additional parking space for each 300 square feet of floor area over 1,000 square feet
Car Washes – Self Serve	2 per wash stall plus the wash stall
Hotels and Motels	1 parking space for each sleeping room or suite
Laundromats	1 per 3 machines for washing
Manufacturing or Industrial Establishment, Research or Testing Laboratory, Creamery, Bottling Plant, or Similar Establishment	2 parking spaces for each 3 employees on the maximum working shift plus space to accommodate all trucks and other vehicles used in connection therewith
Mini-Warehouses, Self-Storage Establishments	1 per 10 storage units, equally distributed throughout the storage area
Mortuary/Funeral Home	1 parking space for each 50 square feet of floor space in parlors or individual funeral service homes
Night Club, Cafe, Dance Hall, or Similar Recreation or Amusement Establishment or an Assembly or Exhibition Hall without fixed seats	1 parking space for each 100 square feet of floor area
Open Air Business use including Manufactured Home Sales and Car Sales Lots	1 per each 1,000 square feet of gross lot area used for open air sales or display, plus additional parking space for any structure utilized for retail sales computed in accordance with the requirements for retail stores
Personal Service Establishment (not otherwise specified herein)	1 parking space for each 200 square feet of floor area
Plumbing Shop or Similar Service Establishment	1 parking space for each 3 persons employed therein
Printing Shop	1 parking space for each 3 persons employed therein
Restaurants and Similar Establishments	1 parking space for each 100 square feet of floor area
Retail stores	1 parking space for each 200 square feet of floor area
Retail (specifically Furniture, Appliance or Implement Store, Hardware Store, Machinery or Equipment Sales and Service, Clothing Shop, or	2 parking spaces plus 1 additional parking space for each 300 square feet of floor area over 1,000 square feet

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Shoe Repair/Service Shop)	
Studios	3 parking spaces plus 1 additional parking space for each 300 square feet of floor area over 1,000 square feet
Warehouses	2 parking spaces for each 3 employees on the maximum working shift plus space to accommodate all trucks and other vehicles used in connection therewith
Wholesale Establishments	2 parking spaces plus 1 additional parking space for each 300 square feet of floor area over 1,000 square feet
Recreational Uses	
Use	Parking Spaces Required
Athletic Clubs	1 per 2 persons of stated legal capacity membership
Bowling Alleys	4 spaces for each alley/lane
Campground or RV park	1 for every campsite plus 1 for each employee per shift
Mini Golf Courses	1 ½ per hole/green

2. **General Rules For Determining Parking Requirements.** In computing the number of off-street parking spaces required, the following rules shall govern:
- Fractions.** Where fractional spaces result, the parking spaces required shall be construed to be the next higher whole number.
 - Uses Not Listed.** The parking space requirements for a use not specifically mentioned herein shall be the same as required for a use of a similar nature as determined by the Zoning Administrator.
 - Usable Floor Area.** For the purpose of computing the number of parking spaces required, the definition of Usable Floor Area shall govern.
 - Loading Spaces Not Counted as Parking.** Loading spaces as required in this Ordinance shall not be construed as part of the minimum required parking spaces for any facility.
 - Mixed Uses.** In the case of mixed uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.
 - Shared Parking.** The Zoning Administrator or Planning Commission may allow shared off-street parking arrangements between two (2) or more buildings or uses. This may occur if the buildings do or do not overlap in hours. Where the required parking spaces are collectively or jointly provided and used, a written agreement to ensure their retention for such purposes shall be properly drawn

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and executed by the parties concerned, approved as to form and executed by the City Attorney, and shall be filed with the application for a zoning permit.

E. Location of Parking Areas and Parking Area Standards.

1. Single-Family and Two-Family Residential. Single-family and two-family residential off-street parking spaces shall consist of a driveway, parking strip, parking bay, garage, carport, or combination thereof and shall be located on the lot they are intended to serve. Parking shall not be located within the required front setback in the R-1 and R-2 Districts.

2. All Other Uses (besides Single-Family and Two-Family Residential).

- a. All parking spaces required herein shall be located on the same lot with the building or use served, except in the case of E.2.a.(1) and (2) below.
 - (1) Where an increase in the number of spaces is required by a change or enlargement of use or where the parking spaces are provided collectively or used jointly by two (2) or more buildings or establishments, the required spaces may be located not to exceed three hundred (300) feet from any nonresidential building served.
 - (2) Where the required parking spaces are not located on the same lot with the building or use served, a written agreement to ensure their retention for such purposes shall be properly drawn and executed by the parties concerned, approved as to form, and executed by the City Attorney and shall be filed with the application for a building permit.
- b. **Runoff and Dust.** Such parking lots shall be maintained in a usable dustproof condition and shall be graded and drained to dispose of surface water. No surface water shall be allowed to drain onto abutting lots or property.
- c. **Curbs.** Necessary curbs or other protection for the public and for the protection of abutting properties, streets, and sidewalks shall be provided and maintained, as may be required by the City.
- d. **Illumination.** All illumination for or on such parking lots shall be deflected away from residential areas and shall be installed in such a manner as to allow the reduction of the amount of light after normal parking hours each day.
- e. **Turn-Around Space.** Adequate space should be provided in all parking areas to facilitate the turning around of vehicles so that the entry onto streets and roads may be in a forward manner and not by backing. Furthermore, in parking areas where internal movement of vehicles is necessary, adequate aisle space shall be provided to ensure vehicular and pedestrian safety.
- f. **Snow Storage.** Adequate area must be provided for snow piling.

- g. **Handicap Parking.** Handicap parking must be provided as required by state and federal regulations.
- h. **Designation.** The designation of the parking area must be clearly identifiable for use by the public.
- i. **Screening.** See [Section 3.17](#).
- j. **Landscaping.** See [Section 3.17](#).

F. Parking Space Standards.

1. **Parking Space, Off-Street for Single-Family and Two-Family Dwellings.** Off-street parking spaces for single-family and two-family residential uses shall be required to be built to the following standards:
 - a. A minimum of a five (5) inches compacted gravel area not in a street or alley is required.
 - b. Parking space shall be an area of not less than one hundred eighty (180) square feet, including driveways, permanently reserved for the temporary storage of one (1) automobile.
 - c. Parking area shall be connected with a street or alley with a five (5) inches compacted gravel driveway, not less than eight (8) feet in width, which affords ingress and egress for an automobile.
2. **Parking Space, Off-Street for Three or More Family Dwellings and All Other Structures.** Off-street parking spaces for three (3) or more family dwellings and other structures shall be required to be built to the following standards:
 - a. A minimum of five (5) inches compacted gravel base or three (3) inches of deep asphalt base (MSHD 4:09 specification) covered with a surface of prime and double sealcoat asphalt or two (2) inches of MSHD specification for 4:11 or 4:12 asphalt mix or an alternate of six (6) inches of concrete not in a street or alley is required.
 - b. Parking spaces shall be an area of not less than one hundred eighty (180) square feet, exclusive of driveways, permanently reserved for the temporary storage of one (1) automobile and connected with a street or alley by a driveway constructed of the above-specified materials and affords ingress and egress for an automobile without requiring another automobile to be moved.

G. Parking Lot Surfacing Standards.

All driveways, driveway approaches, means of ingress and egress to and from parking areas, loading areas, vehicle storage areas, and the like shall be surfaced in the same manner as is required for parking spaces. Provided, however, that in the M-1 District only, the surface of loading areas, terminal areas, and other areas not regularly used for the parking of vehicles, may be of gravel surface for that portion of such areas that is beyond the front face of the building and not having street frontage. Provided, further, that as to such areas in

an M-1 District as are not surfaced as parking spaces, adequate and sufficient dust control measures shall be employed.

H. Flexibility in Parking Requirements.

The City recognizes that, due to the specific requirements of any given development, flexible application of the parking standards set forth in this Section may be required to accommodate the specific parking needs of a particular use, prevent traffic congestion, prevent unauthorized parking on adjacent streets or a neighboring site, prevent excessive paving and stormwater runoff, and prevent the misuse of space which could otherwise be left as open space. For the purposes of this subsection, the approving authority is the Planning Commission for those uses which require Planning Commission approval and is the Zoning Administrator for those uses which require Zoning Administrator approval.

1. The approving authority for a specific use may permit deviations from the requirements of this Section whenever it finds that such deviations are more likely to provide parking to accommodate the specific characteristics of the use in question. The applicant may be required to provide documentation justifying the requested deviation.
2. The approving authority may attach conditions to the approval of a deviation from the requirement of this Section that bind such approval to the specific use in question. Where a deviation results in a reduction of parking, the approving authority may further impose conditions which ensure that adequate reserve area is set aside for future parking, as needed. No structure shall be permitted within the reserved area.
3. A deviation from this Section may only be granted upon the following findings:
 - a. Granting the deviation will not cause a substantially adverse effect on neighboring properties and will not produce nuisance conditions for occupants of nearby properties.
 - b. Granting the deviation will not otherwise impair the public health, safety, and general welfare of the residents.
4. If the approving authority declines to allow the requested deviation, the applicant may appeal the decision to the Zoning Board of Appeals.

Section 3.19 Exterior Lighting

A. Intent and Purpose.

The purpose of exterior lighting standards is to create and maintain safe nighttime environments for both pedestrians and drivers on public roadways and rights-of-way by minimizing brightly lit surfaces and lighting glare; to conserve energy and resources; to preserve the restful quality of nighttime by eliminating intrusive, artificial light and lighting that unnecessarily contributes to “sky glow” to facilitate the preservation of a dark sky environment; and to reduce light pollution from lighting luminaries and light trespass onto adjacent lots. More

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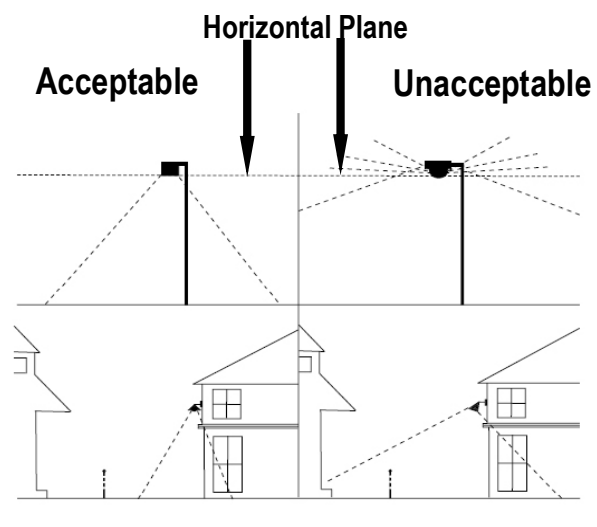
light does not result in better safety or security; the right amount of light, in the right place, at the right time, is most effective. The following requirements shall be considered by the Planning Commission and Zoning Administrator in the review of all site plans submitted for approval under the terms of this Zoning Ordinance.

B. General Standards.

1. **Exempted Areas and Types.** The following types of outdoor lighting shall not be covered by this Ordinance:
 - a. Residential decorative lighting such as porch or entry lights, low-level lawn and driveway lights, and special seasonal lights such as Christmas decorations.
 - b. Lights located within the public right-of-way or easement.
2. **Regulated Lighting.** The following types of lighting shall be regulated by this Ordinance:
 - a. Parking lot lighting and site lighting for commercial, industrial, and institutional developments.
 - b. Multiple-family development parking lot lighting and site lighting.
 - c. Privately-owned street lighting.
 - d. Building facade lighting.
 - e. Security lighting, spotlights, and floodlights.
 - f. Other forms of outdoor lighting which, in the judgment of the Zoning Administrator or Planning Director, are similar in character, luminosity, and/or glare to the foregoing.
3. **Standards.** Lighting shall be designed and constructed as per the following requirements:
 - a. All exterior lighting shall be designed in a consistent and coordinated manner for the entire site. All lighting structures within a lot or planned development shall be of uniform design and materials and shall be harmonious with the scale of the lot and its surroundings. Parking lot and street lights shall also be of uniform height.
 - b. Exterior lighting shall be arranged so that illumination is deflected away from adjacent lots and so that it does not interfere with the vision of the motorist along adjacent streets.
 - c. Light fixtures shall have a bulb that is completely recessed within the fixture, and the lens shall be flush with the bottom of the fixture.
 - d. Flashing or intermittent lights shall not be permitted. Beacon, strobe, and searchlights are not permitted.

- e. Exterior lighting shall be shielded, hooded, and/or louvered to provide a glare-free area beyond the lot line unless the light source is not directly visible from beyond the boundary of the site.
- f. Lighting fixtures shall have one hundred (100) percent cut off above the horizontal plane at the lowest part of the point light source. The light rays may not be emitted by the installed fixture at angles above the horizontal plane. See [Figure 3.19](#).
- g. All lighting used for the external illumination of buildings and flags with lights directed in an upward direction so as to feature said buildings and flags, shall be placed and shielded so as not to interfere with the vision of persons on adjacent streets or adjacent lots.
- h. For exterior recreational facilities, sufficient information must be submitted that demonstrates that the location, selection, and aiming of all lighting fixtures will focus light on the playing areas and minimize glare and visibility from adjacent and nearby lots and roadways. A written explanation and statements shall be supplied explaining why locations, fixture types, intensities, orientation of fixtures, and other decisions were made.
- i. Pedestrian lighting shall be no more than sixteen (16) feet in height. Parking lot lighting and lighting for public and private streets shall be no more than twenty-five (25) feet in height. The Zoning Administrator or Planning Commission may permit taller fixtures only when the approving authority determines that unique conditions exist and where a waiver would: reduce the number or bulk of light fixtures; not adversely impact neighboring properties; and permit fixtures in proportion to the height and bulk of nearby buildings and other fixtures. The Zoning Administrator or Planning Commission may require shorter fixtures.
- j. Lighting poles and structures shall be located within landscaped areas where possible.
- k. No colored lights shall be used at any location where they may be confused with or construed as traffic control devices.
- l. Ceiling lights in gas pump island canopies shall be recessed.

Figure 3.19: Lighting Direction



Section 3.20 Voting Place

The provisions of this Ordinance shall not be so construed as to interfere with the temporary use of any lot as a voting place in connection with a municipal or other public election.

Section 3.21 Animals

Livestock, as defined by [1981 PA 93, Michigan Right to Farm Act](#), are not allowed in the City.

Section 3.22 Garage Sales, Yard Sales, Rummage Sales & Auctions

Not more than two (2) garage sales, yard sales, rummage sales, or auctions shall be conducted on a residential lot in the City of Gaylord during a calendar year. Said garage sale, yard sale, rummage sale, or auction shall not exceed four (4) days in duration. No sale merchandise shall be brought onto the premises for the sale, except in cases where multiple families are conducting a joint sale or auction. Garage sales, yard sales, rummage sales, or auctions that occur on a residential lot more than two (2) times in a calendar year shall be considered a Home Based Business and shall comply with the regulations herein. A zoning permit is not required for garage sales, yard sales, rummage sales, or auctions.

Article 4

District Regulations

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Section 4.1 Zoning Districts

A. Establishment of Districts.

In order to carry out the provisions of this Ordinance, the City of Gaylord is hereby divided into six (6) districts which shall be known as:

City of Gaylord Zoning Districts	
R-1	Single-Family Residence District
R-2	Mixed Density Residential District
B-1	Central Business District
C-1	General Commercial District
C-2	Central Commercial District
M-1	Manufacturing District

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B. Zoning Map.

The districts and boundaries of districts are shown on the maps attached hereto and made a part of this Ordinance. The map shall be designated as the "City of Gaylord Zoning District Map". All notations and references shown on the "City of Gaylord Zoning District Map" are as much a part of this Ordinance as though specifically described herein.

C. District Boundaries.

1. The district boundaries are either streets, highways, or alleys unless otherwise shown, and where the designation on the "City of Gaylord Zoning District Map" indicates that the various districts are approximately bounded by a section line, one-quarter section line, one-eighth section line, corporate limit line, street, highway, or alley line, such section line, one-quarter section line, one-eighth section line, corporate limit line, street, highway, or alley line shall be construed to be the district boundary line.
2. Where the district boundaries are not otherwise indicated, and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be lot lines and where the designations on the "City of Gaylord Zoning District Map" are approximately bounded by lot lines, said lot lines shall be construed to be the boundary of the district.
3. Where boundaries obviously do not coincide with herein designated lines or where they are not located by dimensions on the "Zoning Map", they shall be deemed to the one hundred twenty-five (125) feet back from the nearest street line parallel to which they are drawn.
4. In the event any street, highway, alley drainageway, or other public way forming the boundary of a district is vacated, the new district boundary shall be the former center line of said vacated street, highway, alley, drainageway, or other public way.
5. All determinations relative to questions as to the exact locations of boundary lines of the districts shall be by a Board of Appeals as hereinafter created.

D. Incorporated Land.

All territory which may hereafter become a part of the City of Gaylord by incorporation shall automatically be classified as the closest acceptable city zoning district until appropriately reclassified in accordance with the provisions of [Article 10](#) of this Ordinance.

E. Unzoned Land on the Map.

In the event the "City of Gaylord Zoning District Map" does not show the zoning of any area within the City of Gaylord, such area automatically shall be classified as the closest acceptable city zoning district until a reasonable time following discovery of the omission, the area shall be appropriately classified in accordance with the provisions of [Article 10](#) of this Ordinance.

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F. Public Act 425 Land.

All territory which has heretofore or may hereafter come within the jurisdiction of the City of Gaylord by virtue of or pursuant to **1984 PA 425**, being MCL 124.21 through 124.29, shall automatically be classified as the closest acceptable city zoning district until reclassified in accordance with the provisions of **Article 10** of this Ordinance.

G. Annexed Land.

All territory which may hereafter become a part of the City of Gaylord by annexation shall automatically be classified in the District most similar to that within which the territory was classified immediately prior to annexation by the County or Township, or under this Ordinance, until reclassified in accordance with the provisions of **Article 10** of this Ordinance. Provided, however, that territory coming into the City of Gaylord that was theretofore under the jurisdiction of the City pursuant to **1984 PA 425**, shall continue to be classified in the C-2 Central Commercial District unless and until reclassified in accordance with the provisions of **Article 10** of this Ordinance. Provided further that any territory that becomes a part of the City of Gaylord by annexation that was not subject to any zoning classification prior to annexation shall automatically be classified in the R-1 Single-Family Residence District until appropriately reclassified in accordance with the provisions of **Article 10** of this Ordinance.

Section 4.2 Supplementary Height & Area Regulations

The regulations set forth in this Section qualify or supplement the district regulations appearing elsewhere in this Ordinance.

A. Modification of Height Regulations.

1. The height regulations as prescribed in this Ordinance shall not apply to: belfries, chimneys, church spires, conveyors, cooling towers, elevator bulkheads, fire towers, flag poles, monuments, ornamental towers and spires, smoke stacks, stage towers, scenery lofts, tanks, wind turbines, and water towers.
2. All buildings and structures within five hundred (500) feet of an airport shall not exceed thirty-five (35) feet or two and one-half (2 1/2) stories in height irrespective of the requirements of the district in which the airport is located.

B. Modification of Area Regulations.

1. In the event that a lot is to be occupied by a group of two (2) or more related buildings to be used for residential, institutional, hotel, or motel purposes, there may be more than one (1) principal building on the lot when such buildings are arranged around a court having direct street access; provided however,
 - a. That said court between buildings that are parallel or within forty-five (45) degrees of being parallel, shall have a minimum width of thirty (30) feet for one-story buildings, forty (40) feet for two-story

- buildings, and fifty (50) feet for three-story buildings, and in no case may such buildings be closer to each other than fifteen (15) feet; and
- b. Where a court having direct access to a building is more than fifty (50) percent surrounded by a building, the minimum width of the court shall be at least thirty (30) feet for one-story buildings, forty (40) feet for two-story buildings, and fifty (50) feet for three-story buildings.
 2. Where a lot is used for a commercial or industrial purpose, more than one (1) principal building may be located on the lot, but only when such buildings conform to all open space requirements around the lot for the district in which the lot is located.
 3. Front and side yards shall be waived for any dwelling, hotel or boarding or lodging house erected above the ground floor of a building when said ground floor is designed exclusively for commercial or industrial purposes.

Section 4.3 Unclassified Uses

When a use is not expressly mentioned in the Zoning Ordinance, the Zoning Administrator, or Planning Commission at the request of the Zoning Administrator, shall classify the use based on similar uses in the district. The decision of the Zoning Administrator or Planning Commission regarding unclassified uses may be appealed to the Zoning Board of Appeals. If no similar use can be found, then the use may be added to the Ordinance only by a zoning amendment.

Section 4.4 R-1: Single-Family Residence District

A. District Intent.

The R-1 Single-Family Residence District is designed to provide for an environment of predominantly low-density, single-family detached dwellings along with other related facilities which serve the residents in the district.

**R-1
DISTRICT**

B. Uses Allowed.

Permitted and Special Uses shall be limited to those listed below (also in [Section 4.10: Full Table of Permitted and Special Uses](#)) and shall be subject to all applicable provisions of [Article 5: Plan Review](#), [Article 6: Special Use Review](#), and [Article 7: Supplemental Regulations](#).

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit <i>§7.x indicates supplemental regulations apply</i>	R-1
Arts, Entertainment & Recreation	
Public Parks, Playgrounds, Recreation Areas, Botanical Gardens & Nature Parks (including accessory buildings/structures)	P
Educational Services & Religion	
Churches or Religious Institutions & Customary Accessory Uses	P
Public or private schools	P
Human Care & Social Assistance	
Adult Day Care Facilities (in private home) (up to 12 adults) (Home Occupation)	P
Adult Day Care Facilities (not in private home)	S
Adult Foster Care Family Homes (6 or less adults)	P
Child Day Care Services (see following):	
Child Care Center/Nursery Schools	S
Family Child Care Homes & Group Child Care Homes (Home Occupation)	P
State-Licensed Residential Facilities (6 or less adults)	P
Qualified Residential Treatment Program That Provides Services For 10 or Fewer Individuals	P
Miscellaneous	
Accessory Buildings/Structures §3.11	P
Fences (in accordance with the City Of Gaylord Fence Ordinance)	P
Planned Unit Developments §7.18	P

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit <i>§7.x indicates supplemental regulations apply</i>	R-1
Residential	
Home Occupations §7.16	P
Home Offices §7.16	P
Single-Family Dwellings §7.2	P
Utilities, Energy & Communications	
Essential Services, Public & Private §3.6	P
Solar Energy – Accessory (Roof-Mounted or Building-Mounted) §7.8	P
Wireless Facilities – Small Cell §7.5	S

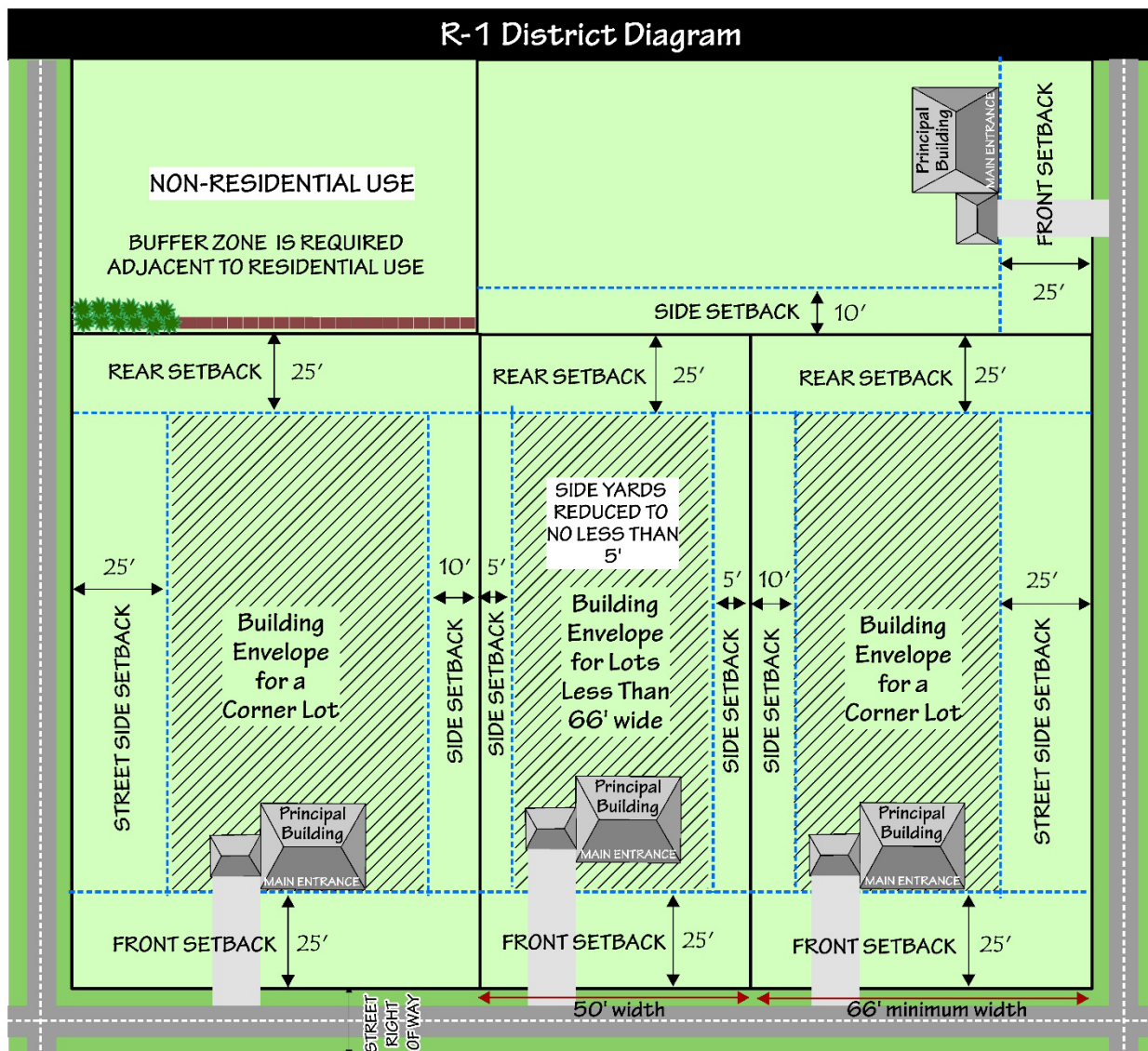
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C. Development Standards for R-1 District.**R-1
DISTRICT**

Principal buildings within this district shall adhere to the standards within this table unless specifically stated otherwise in this Ordinance:

1. Lot & Building Standards	
a. Lot Area (min.)	8,500 sq ft
b. Lot Width (min.)	66 ft
c. Building Height (max.)	35 feet except as provided in §4.2 of this Ordinance
d. Main Floor Area (min.)	1,080 sq ft per dwelling unit
2. Setbacks	
	See Figure 4.4
a. Front (min.)	25 ft Where lots have double frontage, the required front yard shall be provided on both streets. On corner lots, there shall be a front setback on both streets. The rear yard shall be the yard opposite the main entrance of the principal building.
b. Side (min.)	10 ft on each side Lots of record less than 66 ft in width: Each side yard may be reduced to a width of not less than 10 percent of the width of the lot, but in no instance shall it be less than 5 feet.
c. Rear (min.)	25 ft
3. Additional Development Standards	
a. Accessory Buildings	See §3.11
b. Screening	When a non-residential use abuts a residential use or district, screening is required per §3.17
c. Fences	See Section 20-500 of the Gaylord Municipal Code
d. Decks & Patios	Decks and patios shall be subject to the same setbacks as the principal building
e. Signs	See Section 20-400 of the Gaylord Municipal Code
f. Parking	See §3.18

Figure 4.4

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Section 4.5 R-2: Mixed Density Residential District

A. District Intent.

The R-2 Mixed Density Residential District is designed to provide for a mix of single-family detached dwellings, two-family dwellings, and multiple-family dwellings along with other related facilities which serve the residents in the district.

**R-2
DISTRICT**

B. Uses Allowed.

Permitted and Special Uses shall be limited to those listed below (also in [Section 4.10: Full Table of Permitted and Special Uses](#)) and shall be subject to all applicable provisions of [Article 5: Plan Review](#), [Article 6: Special Use Review](#), and [Article 7: Supplemental Regulations](#).

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit <i>§7.x indicates supplemental regulations apply</i>	R-2
Accommodation & Food/Event Services	
Bed & Breakfasts/Tourist Homes §7.3	P
Rooming & Boarding Houses (private; not state-licensed facilities)	P
Short Term Rentals	P
Arts, Entertainment & Recreation	
Campgrounds & RV Parks	S
Public Parks, Playgrounds, Recreation Areas, Botanical Gardens & Nature Parks (including accessory structures)	P
Educational Services & Religion	
Churches or Religious Institutions & Customary Accessory Uses	P
Public or private schools	P
Human Care & Social Assistance	
Adult Day Care Facilities (in private home) (up to 12 adults) (Home Occupation)	P
Adult Day Care Facilities (not in private home)	S
Adult Foster Care Family Homes (6 or less adults)	P
Adult Foster Care Home, Assisted Living Home, Nursing/Convalescent Home (7 or more adults)	S
Child Day Care Services (see following):	
Child Care Center/Nursery Schools	S
Family Child Care Homes & Group Child Care Homes (Home Occupation)	P
State-Licensed Residential Facilities (6 or less adults)	P

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit <i>§7.x indicates supplemental regulations apply</i>	R-2
Human Care & Social Assistance (cont.)	
Qualified Residential Treatment Program That Provides Services For 10 or Fewer Individuals	P
Miscellaneous	
Accessory Buildings/Structures §3.11	P
Cemeteries	P
Fences (in accordance with the City Of Gaylord Fence Ordinance)	P
Planned Unit Developments §7.18	P
Site Condominiums (shall be residential in R-2)	P
Public Facilities	
Community Centers (public)	P
Libraries	P
Public Works Facilities with Outdoor Storage	P
Residential	
Accessory Dwelling Units	S
Home Occupations §7.16	P
Home Offices §7.16	P
Multiple-Family Dwellings §7.2	P
Single-Family Dwellings §7.2	P
Two-Family Dwellings (duplex) §7.2	P
Utilities, Energy & Communications	
Amateur Radio Antennae (roof- or ground-mounted)	P
Essential Services, Public & Private §3.6	P

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TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit <i>§7.x indicates supplemental regulations apply</i>	R-2
Utilities, Energy & Communications (cont.)	
Solar Energy – Accessory (Roof-Mounted or Building-Mounted) §7.8	P
Wireless Facilities – Small Cell §7.5	S

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C. Development Standards for R-2 District.

Principal buildings within this district shall adhere to the standards within this table unless specifically stated otherwise in this Ordinance:

**R-2
DISTRICT****1. Lot & Building Standards**

a. Lot Area (min.) per Dwelling Unit	Single-family dwelling: 8,500 sq ft Two-family dwellings: 4,250 sq ft Multiple dwellings: 2,900 sq ft
b. Lot Width (min.)	66 ft
c. Building Height (max.)	35 feet except as provided in §4.2 of this Ordinance
d. Main Floor Area (min.)	Single-family dwelling: 720 sq ft Two-family or multiple-family dwellings: 400 sq ft

2. Setbacks**See Figure 4.5**

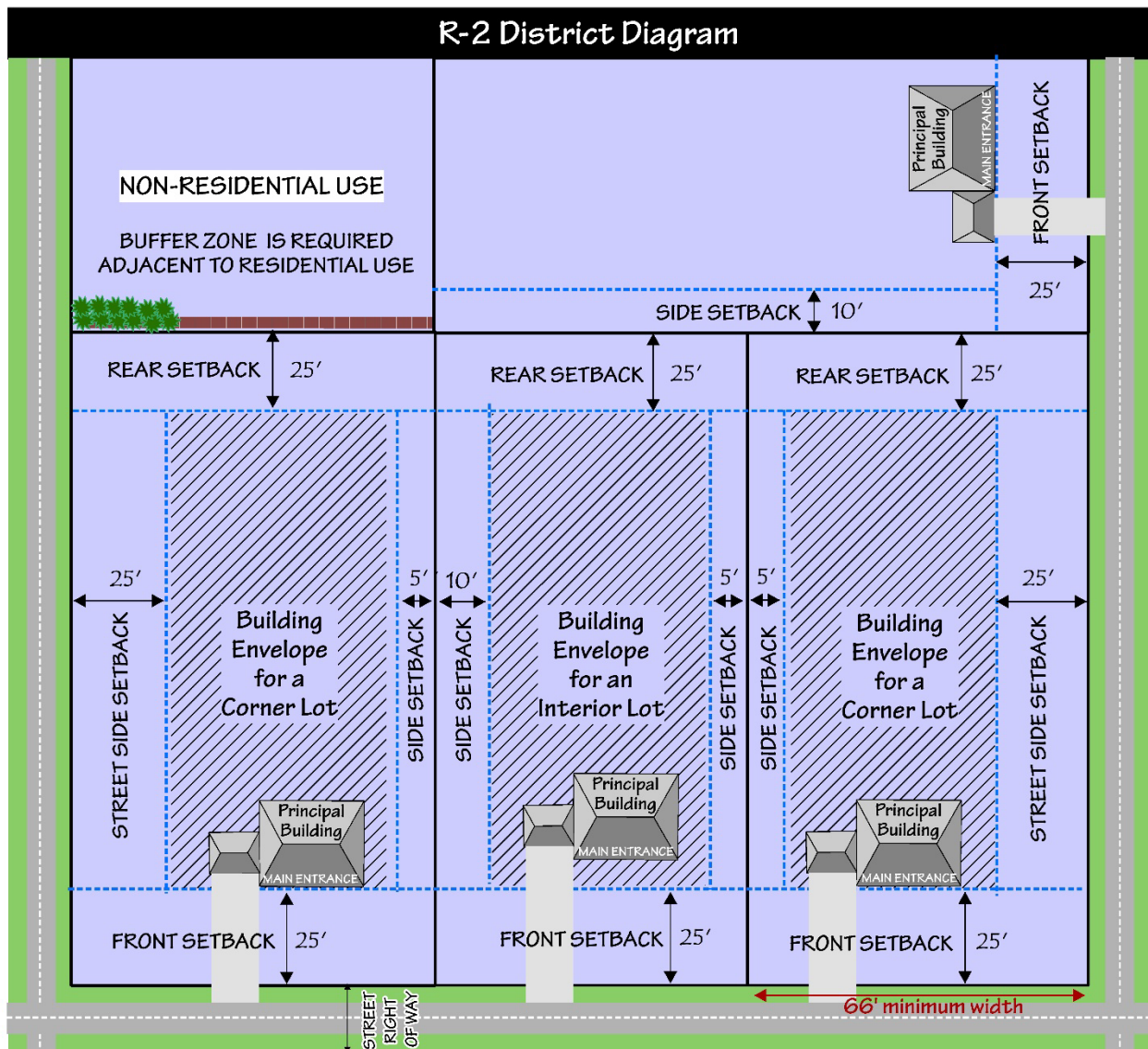
a. Front (min.)	25 ft Where lots have double frontage, the required front yard shall be provided on both streets. On corner lots, there shall be a front setback on both streets. The rear yard shall be the yard opposite the main entrance of the principal building.
b. Side (min.)	5 ft on each side The sum of the 2 yards shall be not less than 15 ft
c. Rear (min.)	25 ft

3. Additional Development Standards

a. Accessory Buildings	See §3.11
b. Screening	When a non-residential use abuts a residential use or district, screening is required per §3.17
c. Fences	See Section 20-500 of the Gaylord Municipal Code
d. Decks & Patios	Decks and patios shall be subject to the same setbacks as the principal building
e. Signs	See Section 20-400 of the Gaylord Municipal Code
f. Parking	See §3.18

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Figure 4.5

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Section 4.6 B-1: Central Business District

A. District Intent.

The Central Business District is intended to preserve and promote a pedestrian-oriented and accessible downtown area which meets the shopping, service, and entertainment needs of the entire community. The district is designed to accommodate a high volume of people. The district uses the Swiss Alpine Motif to enhance and promote “Gaylord, the Alpine Village.”

**B-1
DISTRICT**

B. Uses Allowed.

Permitted and Special Uses shall be limited to those listed below (also in [Section 4.10: Full Table of Permitted and Special Uses](#)) and shall be subject to all applicable provisions of [Article 5: Plan Review](#), [Article 6: Special Use Review](#), and [Article 7: Supplemental Regulations](#).

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit <i>\$7.x indicates supplemental regulations apply</i>	B-1
Accommodation & Food/Event Services	
Bakeries (goods produced & sold on-site), Coffee Shops, Confectioneries & Ice Cream Shops	P
Bars/Taverns	P
Caterers/Food Service Contractors	P
Commercial Event Facilities (including Convention Centers, Conference Centers, Banquet Halls & Wedding Venues)	P
Restaurants without Drive-Through	P
Restaurants with Drive-Through or Eat-In-Car	S
Restaurants with Outdoor Kitchens and/or Outdoor Seating (not on public property) <i>\$7.14</i>	P
Wineries, Cider Mills, Distilleries & Breweries including Tasting Rooms & Distribution Operations	P
Arts, Entertainment & Recreation	
Art Studios	P
Museums & Galleries	P
Theaters & Performing Arts Facilities, Indoor	P
Public Parks, Playgrounds, Recreation Areas, Botanical Gardens & Nature Parks (including accessory structures)	P

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit <i>\$7.x indicates supplemental regulations apply</i>	B-1
Commercial	
Business Incubators	P
Contractors (ex: construction, electrical, plumbing, heating, landscaping, interior designers & similar) with No Outdoor Storage – B-1 District – No more than 25% of the gross floor area shall be used for making, assembling, remodeling, repairing, altering, finishing, or refinishing its products or merchandise. The ground floor premises facing upon and visible from any abutting street shall be used only for entrances, offices or display.	P
Drive-Throughs for Permitted & Special Uses	S
Dry Cleaning & Laundry Services	P
Electric Vehicle Charging Facility <i>\$7.20</i>	S
Film Production & Recording/Broadcasting Studios, Stations & Offices (including sound stages & other related activities)	P
Financial Institutions/Banks	S
Health Spas	P
Laboratories, Support & Medical	P
Offices, Professional	P
Personal Services (barber/beauty shops, tailoring & massage)	P
Pet Care (except Veterinary & Animal Shelters)	P
Photofinishing/Photographers	P

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P = Permitted by right S = Permitted with a Special Use Permit <i>§7.x indicates supplemental regulations apply</i>	B-1
Commercial (cont.)	
Printing/Binding/Publishing of Printed Materials – services directly to the public	P
Repair Shops, Small Items (not automotive-related) within a Totally Enclosed Building (including but not limited to bicycles, home appliances, computers, personal goods, electronic & precision equipment, and similar items)	P
Retail: B-1 District - Retail stores shall be in a completely enclosed building (no outdoor storage)	
Antique Shop; Resale Shop; Consignment Shop	P
Art & Photography Shops	P
Automotive Accessory Sales	P
Bicycle Shops	P
Book Stores	P
Clothing & Clothing Accessories Stores & Shoe Stores (including shoe repair)	P
Department Stores	P
Electronics & Appliance Stores	P
Florists	P
Food & Beverage Stores	P
Furniture & Home Furnishings Stores	P
General Merchandise Stores	P
Gift Shops	P
Hardware Stores	P
Health & Personal Care Stores	P
Office Supply Stores	P
Pet Stores	P
Pharmacies/Medical & Optical Supplies	P
Sporting Goods, Hobby, Book & Music Stores	P
Small-Scale Craft Making	P
Studios for Dance, Physical Exercise, Music, Karate, & Similar Uses	P
Tattoo/Piercing/Body Art Facilities	S
Educational Services & Religion	
Churches or Religious Institutions & Customary Accessory Uses	P

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit <i>§7.x indicates supplemental regulations apply</i>	B-1
Human Care & Social Assistance	
Adult Day Care Facilities (not in private home)	P
Child Day Care Services (see following):	
Child Care Center/Nursery Schools	P
Health Care/Dental/Optical Clinics/Surgical Centers	P
Rehabilitation Institutions (not related to substance abuse)	S
Miscellaneous	
Parking lots (Off-street: located on a lot separate from or not abutting the use it serves) <i>§3.18</i>	P
Parking Structures	S
Planned Unit Developments (PUD) (in B-1, PUDs shall only be in Mixed Use developments and shall maintain the character of downtown Gaylord) <i>§7.18</i>	S
Site Condominiums (in B-1, site condominiums shall only be in Mixed Use developments and shall maintain the character of downtown Gaylord)	S
Public Facilities	
Government Offices/Administration	P
Residential	
Dwelling Units in Conjunction with Commercial Establishment (Mixed Uses)	P
Home Offices <i>§7.16</i>	P
Multiple-Family Dwellings <i>§7.2</i>	P
Single-Family Dwellings <i>§7.2</i>	P
Two-Family Dwellings (duplex) <i>§7.2</i>	P
Transportation Services, Warehousing, Wholesale Trade & Storage	
Transit & Ground Passenger Transportation (only depot/station)	S
Utilities, Energy & Communications	
Amateur Radio Antennae (roof- or ground-mounted)	P
Essential Services, Public & Private <i>§3.6</i>	P
Solar Energy – Accessory (Roof-Mounted or Building-Mounted) <i>§7.8</i>	P
Wireless Facilities – Small Cell <i>§7.5</i>	S

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C. Development Standards for B-1 District.**B-1
DISTRICT**

Principal buildings within this district shall adhere to the standards within this table unless specifically stated otherwise in this Ordinance:

1. Lot & Building Standards

a. Lot Area (min.)	None
b. Lot Width (min.)	None
c. Building Height (max.)	35 feet except as provided in §4.2 of this Ordinance
d. Floor Area (min.)	None (except for dwelling units in a mixed-use building shall conform to the Michigan Residential Code)

2. Setbacks**See Figure 4.6**

	LOTS ABUTTING MAIN STREET	LOTS WHICH DO NOT ABUT MAIN STREET
a. Front	No Front Setback Permitted (0 ft required setback) The front façade shall be located on the front lot line. The Planning Commission may approve a greater setback for cases in which the site plan includes an approved form of outdoor use (such as outdoor dining).	No Front Setback Permitted (0 ft required setback)
b. Side	No Side Setback Permitted (0 ft required setback)	0 ft minimum
c. Rear	0 ft minimum	5 ft minimum

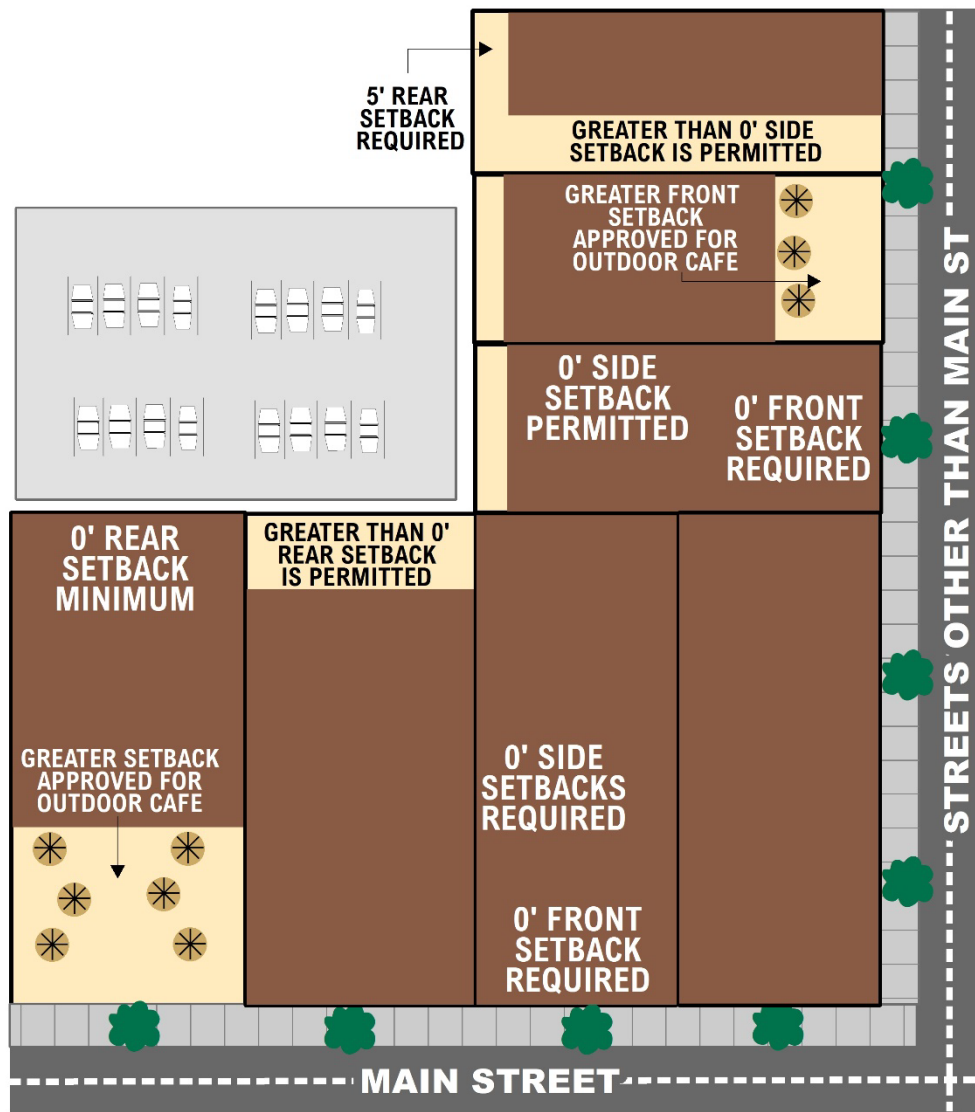
3. Additional Development Standards

a. Screening	When a non-residential use abuts a residential use or district, screening is required per §3.17
b. Fences	See §20-500 of the Gaylord Municipal Code
c. Decks & Patios	Decks and patios shall be subject to the same setbacks as the principal building
d. Signs	See §20-400 of the Gaylord Municipal Code
e. Swiss Alpine Motif	Required - see §4.11

Additional Development Standards (continued)

f. Parking	<p>Whenever a building or use constructed or established after the effective date of this Ordinance is changed or enlarged in floor area, number of employees, seating capacity or otherwise, to create a need for an increase of 10% or more in the number of existing parking spaces as required in Section 3.18, OFF-STREET PARKING REGULATIONS, the owners or operators of said businesses shall be required to submit in detail a parking plan to the Zoning Administrator. The Zoning Administrator shall review the plan and document the findings regarding the feasibility of the plan and public safety. The Zoning Administrator shall forward the findings to the owners or operators of the businesses. These findings shall include recommendations to the plan, and the Zoning Administrator's approval or denial of the plan. Any plan which is denied can be appealed before the Zoning Board of Appeals.</p> <p>Street parking is permitted by commercial establishments in this District for customer use only. Employers in this District shall provide or ensure all employees are provided parking in areas such as permit parking lots or private lots.</p>
g. Outdoor Display or Merchandise	Outdoor display of merchandise is permitted. Displayed merchandise shall consist of only the merchandise which is sold in the subject building. The display shall be set up against the exterior wall of the building. The display area shall maintain a passable area of the sidewalk that complies with ADA requirements .
h. Outdoor Seating & Sidewalk Seating	See the City of Gaylord Sidewalk Seating Ordinance
i. Awnings	Awnings are permitted to extend over the sidewalk and shall be compliant with the Alpine Motif.

Figure 4.6

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Section 4.7 C-1: General Commercial District

A. District Intent.

The C-1 General Commercial District is designed to provide sites for diversified business types requiring a city-wide general market area.

**C-1
DISTRICT**

B. Uses Allowed.

Permitted and Special Uses shall be limited to those listed below (also in [Section 4.10: Full Table of Permitted and Special Uses](#)) and shall be subject to all applicable provisions of [Article 5: Plan Review](#), [Article 6: Special Use Review](#), and [Article 7: Supplemental Regulations](#).

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit <i>\$7.x indicates supplemental regulations apply</i>	C-1
Accommodation & Food/Event Services	
Bakeries (goods produced & sold on-site), Coffee Shops, Confectioneries & Ice Cream Shops	P
Bars/Taverns	P
Caterers/Food Service Contractors	P
Commercial Event Facilities (including Convention Centers, Conference Centers, Banquet Halls & Wedding Venues)	P
Food Trucks & Food Truck Parks (food trucks are not permitted in the DDA boundary) <i>\$7.15</i>	P
Hotels & Motels	P
Night Clubs	S
Restaurants without Drive-Through	P
Restaurants with Drive-Through or Eat-In-Car	P
Restaurants with Outdoor Kitchens and/or Outdoor Seating (not on public property) <i>\$7.14</i>	P
Short Term Rentals	P
Wineries, Cider Mills, Distilleries & Breweries including Tasting Rooms & Distribution Operations	P
Arts, Entertainment & Recreation	
Art Studios	P
Ball Fields	P
Campgrounds & RV Parks	S
Clubs, Lodges & Fraternal Organizations	P
Equipment Rental, Motorized (ORV, Snowmobile)	P
Equipment Rental, Non-Motorized (Outfitter)	P

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit <i>\$7.x indicates supplemental regulations apply</i>	C-1
Arts, Entertainment & Recreation (cont.)	
Indoor Recreation Facility (ex: health clubs, gym, tennis, swimming pool club, skating rinks, bowling centers, amusement arcades, archery ranges)	P
Museums & Galleries	P
Outdoor Recreational Facilities (including but limited to go-karts, miniature golf, disk golf), Commercial	S
Theaters & Performing Arts Facilities, Indoor	P
Public Parks, Playgrounds, Recreation Areas, Botanical Gardens & Nature Parks (including accessory structures)	P
Tours (Commercial Operations)	P
Commercial	
Auto or Vehicle Repair Garage including Auto Body/ Paint/Interior & Glass Repair, & Oil Change	P
Automobile Tire Sales/Installation	P
Automotive Equipment Rental & Leasing	P
Automotive Towing Businesses	P
Business Incubators	P
Car Washes	P
Cash Advance Stores	P
Cleaning Services	P

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TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit \$7.x indicates supplemental regulations apply	C-1
Commercial (cont.)	
Contractors (ex: construction, electrical, plumbing, heating, landscaping, interior designers & similar) with No Outdoor Storage – No more than 50% of the gross floor area shall be used for processing and fabricating.	P
Drive-Throughs for Permitted & Special Uses	P
Dry Cleaning & Laundry Services	P
Electric Vehicle Charging Facility \$7.20	P
Farm Implement Display & Sales Rooms	P
Film Production & Recording/Broadcasting Studios, Stations & Offices (including sound stages & other related activities)	P
Financial Institutions/Banks	P
Flea Markets	P
Funeral Homes & Mortuaries	P
Gas Stations	S
General Rental Centers/Rent-To-Own	P
Grooming Establishments for Pets	P
Health Spas	P
Laboratories, Support & Medical	P
Locksmiths	P
Marihuana Facilities & Establishments (Medical & Adult Use):	
Marihuana Safety Compliance Facilities \$7.6	S
Marihuana Secure Transport Facilities \$7.6	S
Offices, Professional	P
Personal Services (barber/beauty shops, tailoring & massage)	P
Pet Care (except Veterinary & Animal Shelters)	P
Photofinishing/Photographers	P
Printing/Binding/Publishing of Printed Materials – services directly to the public	P
Repair Shops, Small Items (not automotive-related) within a Totally Enclosed Building (including but not limited to bicycles, home appliances, computers, personal goods, electronic & precision equipment, and similar items)	P

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit \$7.x indicates supplemental regulations apply	C-1
Commercial (cont.)	
Retail: Outdoor storage shall be screened (\$3.17)	
Antique Shop; Resale Shop; Consignment Shop	P
Art & Photography Shops	P
Automotive Accessory Sales	P
Bait & Tackle Shops	P
Bicycle Shops	P
Book Stores	P
Building Material & Garden Equipment & Supplies Dealers	P
Clothing & Clothing Accessories Stores & Shoe Stores (including shoe repair)	P
Convenience Stores	P
Department Stores	P
Electronics & Appliance Stores	P
Farm & Feed Supply Stores	P
Farm Market	P
Firearms Store	P
Florists	P
Food & Beverage Stores	P
Furniture & Home Furnishings Stores	P
General Merchandise Stores	P
Gift Shops	P
Hardware Stores	P
Health & Personal Care Stores	P
Liquor Store (where liquor is the primary item for sale)	P
Mall, Shopping Center	P
Office Supply Stores	P
Pawn Shops	P
Pet Stores	P
Pharmacies/Medical & Optical Supplies	P
Retail Uses with Outdoor Storage	P
Sporting Goods, Hobby, Book & Music Stores	P

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TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit <i>§7.x indicates supplemental regulations apply</i>	C-1
Commercial (cont.)	
Small-Scale Craft Making	P
Studios for Dance, Physical Exercise, Music, Karate, & Similar Uses	P
Tattoo/Piercing/Body Art Facilities	S
Taxidermy Shops	P
Upholstery Shop	P
Veterinary Services/Animal Clinics/Animal Hospitals	P
Wholesale Display Rooms (where merchandise is stored elsewhere)	P
Educational Services & Religion	
Business Schools	P
Churches or Religious Institutions & Customary Accessory Uses	P
Colleges/Universities/Institutions of Higher/Specialized Learning (public & private)	P
Human Care & Social Assistance	
Adult Day Care Facilities (not in private home)	P
Adult Foster Care Home, Assisted Living Home, Nursing Home (7 or more adults)	P
Child Day Care Services (see following):	
Child Care Center/Nursery Schools	P
Health Care/Dental/Optical Clinics/Surgical Centers	P
Hospitals	P
Individual & Family Services	P
Rehabilitation Institutions (not related to substance abuse)	P
Vocational Rehabilitation Services (job training, job readiness, etc)	P
Manufacturing, Industrial & Waste Management	
Monument Works Having a Retail Outlet on the Premises	P
Miscellaneous	
Accessory Buildings/Structures §3.11	P
Cemeteries	P
Fences (in accordance with the City Of Gaylord Fence Ordinance)	P
Parking Structures	S

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit <i>§7.x indicates supplemental regulations apply</i>	C-1
Miscellaneous (cont.)	
Planned Unit Developments §7.18	P
Site Condominiums	P
Public Facilities	
Community Centers (public)	P
Correctional Facilities (public or private)	S
Government Offices/Administration	P
Libraries	P
Police/Fire Stations	P
Post Office	P
Public Works Facilities with Outdoor Storage	P
Residential	
Accessory Dwelling Units	S
Dwelling Units in Conjunction with Commercial Establishment (Mixed Uses)	P
Home Occupations §7.16	P
Home Offices §7.16	P
Multiple-Family Dwellings §7.2	P
Single-Family Dwellings §7.2	P
Two-Family Dwellings (duplex) §7.2	P
Transportation Services, Warehousing, Wholesale Trade & Storage	
Transit & Ground Passenger Transportation (only depot/station)	S
Warehousing & Storage (including mini-storage)	P
Wholesale Establishments	P
Utilities, Energy & Communications	
Amateur Radio Antennae (roof- or ground-mounted)	P
Essential Services, Public & Private §3.6	P
Public Utility Facilities – does not include Essential Service Buildings (storage yards require screening pursuant to §3.17)	P
Solar Energy – Accessory (Roof-Mounted or Building-Mounted) §7.8	P
Solar Energy – Accessory (Ground-Mounted) §7.8	P
Wireless Facilities – Co-Location §7.4	P
Wireless Facilities – Small Cell §7.5	S

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C. Development Standards for C-1 District.**C-1
DISTRICT**

Principal buildings within this district shall adhere to the standards within this table unless specifically stated otherwise in this Ordinance:

1. Lot & Building Standards

a. Lot Area (min.)	Single-family dwelling: 8,500 sq ft Two-family dwellings: 4,250 sq ft Multiple dwellings: 2,900 sq ft Non-Residential: None
b. Lot Width (min.)	66 ft
c. Building Height (max.)	35 feet except as provided in §4.2 of this Ordinance
d. Main Floor Area (min.)	Single-family dwelling: 720 sq ft Two-family or multiple-family dwellings: 400 sq ft Non-Residential: None

2. Setbacks**See Figure 4.7**

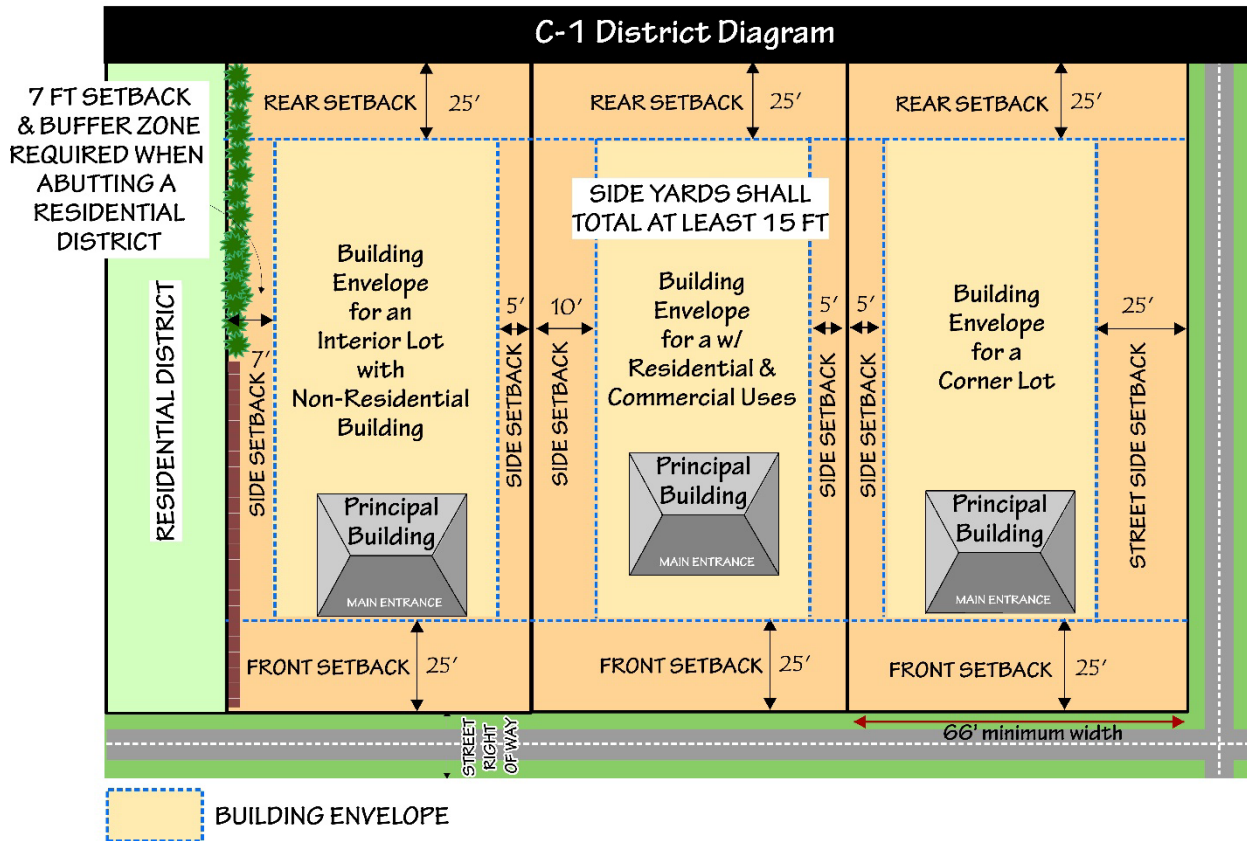
a. Front (min.)	25 ft Where lots have double frontage, the required front yard shall be provided on both streets. On corner lots, there shall be a front setback on both streets. The rear yard shall be the yard opposite the main entrance of the principal building.
b. Side (min.)	5 ft for non-residential buildings 7 ft required on the side of a lot or tract abutting a residential district Side yards for dwellings or for properties whose building(s) are used for both residential/commercial purposes shall be at least 5 ft on each side (the sum of the 2 yards shall be not less than 15 ft).
c. Rear (min.)	25 ft

3. Additional Development Standards

a. Accessory Buildings	See §3.11
b. Screening	When a non-residential use abuts a residential use or district, screening is required per §3.17
c. Fences	See §20-500 of the Gaylord Municipal Code
d. Decks & Patios	Decks and patios shall be subject to the same setbacks as the principal building.
e. Signs	See §20-400 of the Gaylord Municipal Code
f. Parking	See §3.18
g. Construction Materials	All buildings constructed in this district shall be in accordance with BOCA Code. The outer wall coverings of all buildings in this district shall be brick, concrete, stone, stucco or stucco-like material, tile, vinyl siding and/or wood. Metal siding is permitted after a determination through Level 1 or Level 2 site plan review that it is consistent with the surrounding area. In addition, the same must comply with any applicable construction or building code.
h. Swiss Alpine Motif	See §4.11

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Figure 4.7

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Section 4.8 C-2: Central Commercial District

A. District Intent.

The C-2 Central Commercial District is designed to provide sites for diversified business types requiring a city-wide and region-wide general market area. C-2 permits higher impact businesses than the C-1 District.

**C-2
DISTRICT**

B. Uses Allowed.

Permitted and Special Uses shall be limited to those listed below (also in [Section 4.10: Full Table of Permitted and Special Uses](#)) and shall be subject to all applicable provisions of [Article 5: Plan Review](#), [Article 6: Special Use Review](#), and [Article 7: Supplemental Regulations](#).

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit <i>\$7.x indicates supplemental regulations apply</i>	C-2
Accommodation & Food/Event Services	
Bakeries (goods produced & sold on-site), Coffee Shops, Confectioneries & Ice Cream Shops	P
Bars/Taverns	P
Caterers/Food Service Contractors	P
Commercial Event Facilities (including Convention Centers, Conference Centers, Banquet Halls & Wedding Venues)	P
Food Trucks & Food Truck Parks (food trucks are not permitted in the DDA boundary) <i>\$7.15</i>	P
Hotels & Motels	P
Night Clubs	S
Resorts (including cabin courts)	S
Restaurants without Drive-Through	P
Restaurants with Drive-Through or Eat-In-Car	P
Restaurants with Outdoor Kitchens and/or Outdoor Seating (not on public property) <i>\$7.14</i>	P
Short Term Rentals	P
Wineries, Cider Mills, Distilleries & Breweries including Tasting Rooms & Distribution Operations	P
Agriculture, Forest Products & Animal Services	
Animal Shelter/Kennels/Animal Day Care	S
Horse Riding Arenas/Boarding Stables	P
Arts, Entertainment & Recreation	
Art Studios	P
Ball Fields	P
Campgrounds & RV Parks	S

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit <i>\$7.x indicates supplemental regulations apply</i>	C-2
Arts, Entertainment & Recreation (cont.)	
Clubs, Lodges & Fraternal Organizations	P
Country Club	P
Equipment Rental, Motorized (ORV, Snowmobile)	P
Equipment Rental, Non-Motorized (Outfitter)	P
Golf Courses	P
Golf Driving Ranges	P
Indoor Recreation Facility (ex: health clubs, gym, tennis, swimming pool club, skating rinks, bowling centers, amusement arcades, archery ranges)	P
Museums & Galleries	P
Outdoor Recreational Facilities (including but limited to go-karts, miniature golf, disk golf), Commercial	S
Theaters & Performing Arts Facilities, Indoor	P
Theaters & Performing Arts Facilities, Outdoor (including Drive-In Theaters)	P
Public Parks, Playgrounds, Recreation Areas, Botanical Gardens & Nature Parks (including accessory buildings/structures)	P
Shooting Range, Indoor	P
Spectator Sports Arenas	S
Tours (Commercial Operations)	P
Commercial	
Adult Businesses (<i>Ordinance 20-600</i>)	S
Auto or Vehicle Repair Garage including Auto Body/ Paint/Interior & Glass Repair, & Oil Change	P

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TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit <i>§7.x indicates supplemental regulations apply</i>	C-2
Commercial (cont.)	
Automobile Tire Sales/Installation	P
Automotive Equipment Rental & Leasing	P
Automotive Towing Businesses	P
Boat/RV/Recreational Equipment Repair & Storage	P
Bulk Seed, Feed, Fertilizer & Nursery Stock Outlet & Distribution Centers (including wholesale)	P
Business Incubators	P
Car Washes	P
Cash Advance Stores	P
Cleaning Services	P
Commercial/Industrial Equipment Rental & Leasing	P
Contractors (ex: construction, electrical, plumbing, heating, landscaping, interior designers & similar) with Outdoor Storage (outdoor storage shall be screened – see §3.17)	P
Contractors (ex: construction, electrical, plumbing, heating, landscaping, interior designers & similar) with No Outdoor Storage – No more than 50% of the gross floor area shall be used for processing and fabricating.	P
Drive-Throughs for Permitted & Special Uses	P
Dry Cleaning & Laundry Services	P
Electric Vehicle Charging Facility §7.20	P
Extermination & Pest Control Services	P
Farm Implement Display & Sales Rooms	P
Film Production & Recording/Broadcasting Studios, Stations & Offices (including sound stages & other related activities)	P
Financial Institutions/Banks	P
Flea Markets	P
Funeral Homes & Mortuaries	P
Gas Stations	P
General Rental Centers/Rent-To-Own	P
Greenhouses, Nurseries & Landscaping Supply	P
Grooming Establishments for Pets	P
Health Spas	P

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit <i>§7.x indicates supplemental regulations apply</i>	C-2
Commercial (cont.)	
Laboratories, Support & Medical	P
Locksmiths	P
Lumber Yards (lumber yards in C-2 shall be permitted only if accessory to another principal use)	P
Marihuana Facilities & Establishments (Medical & Adult Use):	
Marihuana Microbusinesses §7.6	S
Marihuana Retailers §7.6	S
Marihuana Safety Compliance Facilities §7.6	S
Marihuana Secure Transport Facilities §7.6	S
Offices, Professional	P
Personal Services (barber/beauty shops, tailoring & massage)	P
Pet Care (except Veterinary & Animal Shelters)	P
Photofinishing/Photographers	P
Printing/Binding/Publishing of Printed Materials – services directly to the public	P
Repair Shops, Small Items (not automotive-related) within a Totally Enclosed Building (including but not limited to bicycles, home appliances, computers, personal goods, electronic & precision equipment, and similar items)	P
Repair Shops, Large Items (including but not limited to commercial & industrial equipment, lawn mowers, and similar items) <u>not</u> within a Totally Enclosed Building	P
Retail: Outdoor storage shall be screened (§3.17)	
Antique Shop; Resale Shop; Consignment Shop	P
Art & Photography Shops	P
Automotive Accessory Sales	P
Bait & Tackle Shops	P
Bicycle Shops	P
Book Stores	P
Building Material & Garden Equipment & Supplies Dealers	P

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P = Permitted by right S = Permitted with a Special Use Permit <i>\$7.x indicates supplemental regulations apply</i>	C-2
Commercial (cont.)	
Clothing & Clothing Accessories Stores & Shoe Stores (including shoe repair)	P
Convenience Stores	P
Department Stores	P
Electronics & Appliance Stores	P
Farm & Feed Supply Stores	P
Farm Market	P
Firearms Store	P
Florists	P
Food & Beverage Stores	P
Furniture & Home Furnishings Stores	P
General Merchandise Stores	P
Gift Shops	P
Hardware Stores	P
Health & Personal Care Stores	P
Home Improvement Centers (lumber stored in enclosed structure)	P
Liquor Store (where liquor is the primary item for sale)	P
Mall, Shopping Center	P
Manufactured Home Dealers	P
Office Supply Stores	P
Outdoor Sales of Large Items (automobiles, trucks, boats, trailers, etc) May include service facilities.	P
Pawn Shops	P
Pet Stores	P
Pharmacies/Medical & Optical Supplies	P
Retail Uses with Outdoor Storage	P
Sporting Goods, Hobby, Book & Music Stores	P
Small-Scale Craft Making	P
Studios for Dance, Physical Exercise, Music, Karate, & Similar Uses	P
Tattoo/Piercing/Body Art Facilities	S
Taxidermy Shops	P

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit <i>\$7.x indicates supplemental regulations apply</i>	C-2
Commercial (cont.)	
Truck & Heavy Equipment Sales/Service Establishments	P
Upholstery Shop	P
Veterinary Services/Animal Clinics/Animal Hospitals	P
Wholesale Display Rooms (where merchandise is stored elsewhere)	P
Educational Services & Religion	
Business Schools	P
Churches or Religious Institutions & Customary Accessory Uses	P
Colleges/Universities/Institutions of Higher/Specialized Learning (public & private)	P
Trade/Industrial Schools	P
Human Care & Social Assistance	
Adult Day Care Facilities (not in private home)	P
Adult Foster Care Home, Assisted Living Home, Nursing/Convalescent Home (7 or more adults)	P
Child Day Care Services (see following):	
Child Care Center/Nursery Schools	P
Health Care/Dental/Optical Clinics/Surgical Centers	P
Hospitals	P
Individual & Family Services	P
Rehabilitation Institutions (not related to substance abuse)	P
Residential Human Care Facility (ex: Homeless Shelter)	S
Vocational Rehabilitation Services (job training, job readiness, etc)	P
Manufacturing, Industrial & Waste Management	
Manufacturing, Food	S
Accessory Uses incidental to Manufacturing (offices, food services)	P
Monument Works Having a Retail Outlet on the Premises	P
Printing & Engraving Plants	P
Research/Design/Experimental Product Development/Testing	P

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TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit <i>§7.x indicates supplemental regulations apply</i>	C-2
Miscellaneous	
Accessory Buildings/Structures §3.11	P
Fences (in accordance with the City Of Gaylord Fence Ordinance)	P
Parking Structures	S
Planned Unit Developments §7.18	P
Site Condominiums	P
Public Facilities	
Community Centers (public)	P
Correctional Facilities (public or private)	S
Government Offices/Administration	P
Libraries	P
Police/Fire Stations	P
Post Office	P
Public Works Facilities with Outdoor Storage	P
Residential	
Accessory Dwelling Units	S
Dwelling Units in Conjunction with Commercial Establishment (Mixed Uses)	P
Home Occupations §7.16	P
Home Offices §7.16	P
Manufactured Housing Community (with accessory uses such as laundry facilities, office building, and community building) §7.17	S
Multiple-Family Dwellings §7.2	P
Single-Family Dwellings §7.2	P
Two-Family Dwellings (duplex) §7.2	P

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit <i>§7.x indicates supplemental regulations apply</i>	C-2
Transportation Services, Warehousing, Wholesale Trade & Storage	
Airports, Landing Fields, and Heliports	S
Couriers/Parcel Packing/Delivery Establishments	P
Transit & Ground Passenger Transportation	P
Transit & Ground Passenger Transportation (only depot/station)	P
Truck Washes	P
Warehousing & Storage (including mini-storage)	P
Wholesale Establishments	P
Utilities, Energy & Communications	
Amateur Radio Antennae (roof- or ground-mounted)	P
Essential Services, Public & Private §3.6	P
Essential Service Buildings & Facilities (such as transformer stations, substations, utility exchanges, pump stations) §3.6	S
Public Utility Facilities – does not include Essential Service Buildings (storage yards require screening pursuant to §3.17)	P
Solar Energy – Accessory (Roof-Mounted or Building-Mounted) §7.8	P
Water & Wastewater Treatment Plants	S
Wind Turbines (Accessory) §7.10	S
Wireless Facilities – Co-Location §7.4	P
Wireless Facilities (new - with or without support structures) §7.4	S
Wireless Facilities – Small Cell §7.5	S

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C. Development Standards for C-2 District.

Principal buildings within this district shall adhere to the standards within this table unless specifically stated otherwise in this Ordinance:

**C-2
DISTRICT****1. Lot & Building Standards**

a. Lot Area (min.)	None Lots which contain buildings for dwelling purposes: Single-Family Dwelling: 8,500 sq ft Two-Family Dwellings: 4,250 sq ft Multiple-Family Dwellings: 2,900 sq ft
b. Lot Width (min.)	66 ft
c. Building Height (max.)	100 ft or 8 stories except as provided in §4.2 of this Ordinance
d. Main Floor Area (min.)	Dwellings: 720 sq ft Other than Dwellings: none

2. Setbacks**See Figure 4.8**

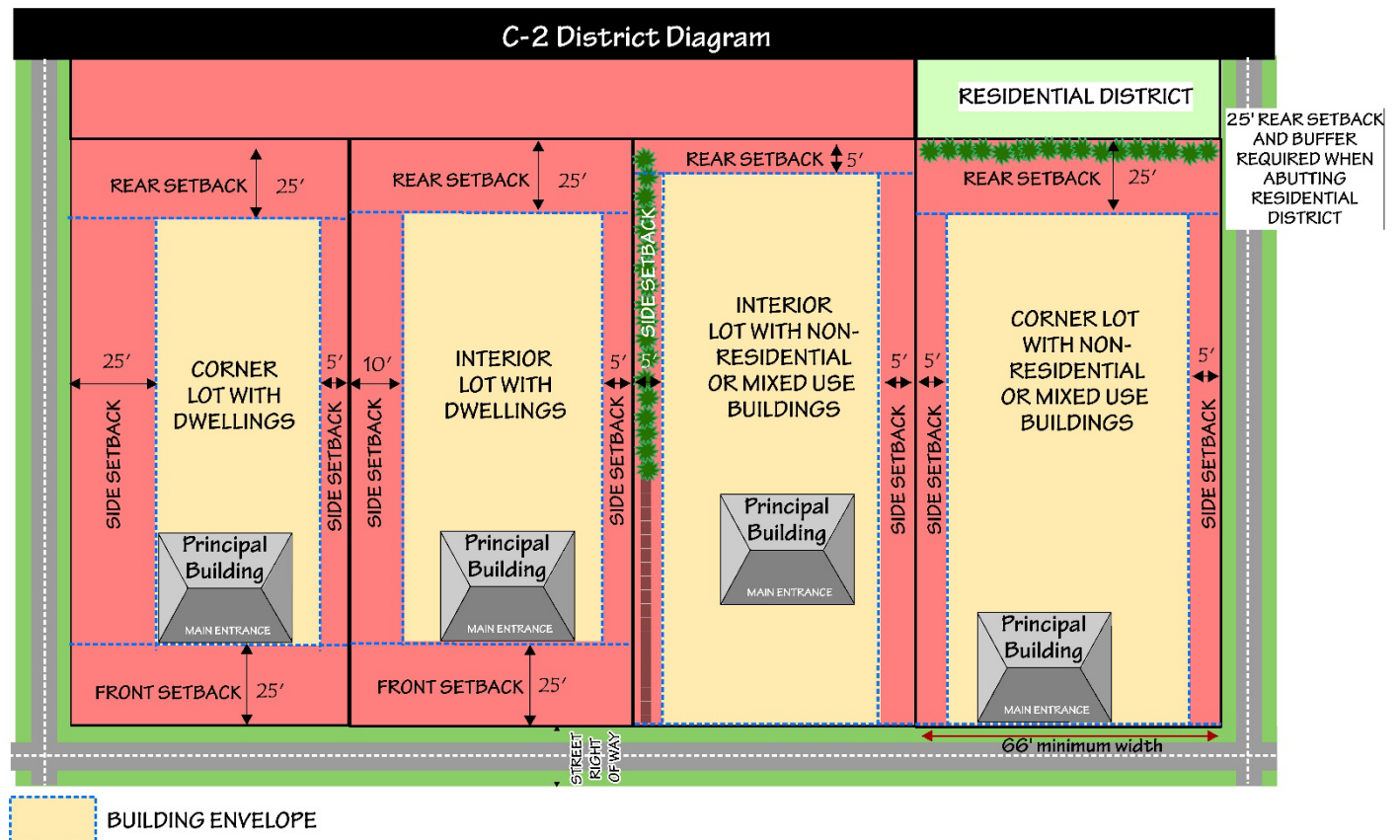
	NON-RESIDENTIAL USES & MIXED USE BUILDINGS	LOTS WITH DWELLINGS (NOT MIXED USE BUILDINGS)
a. Front (min.)	0 ft	25 ft Where lots have double frontage, the required front yard shall be provided on both streets. On corner lots, there shall be a front setback on both streets. The rear yard shall be the yard opposite the main entrance of the principal building.
b. Side (min.)	5 ft	5 ft on each side The sum of the two yards shall be not less than 15 ft
c. Rear (min.)	5 ft (except that a rear yard of 25 ft is required for the rear of a lot abutting upon a residential district)	25 ft

3. Additional Development Standards

a. Accessory Buildings	See §3.11
b. Screening	When a non-residential use abuts a residential use or district, screening is required per §3.17
c. Fences	See Section 20-500 of the Gaylord Municipal Code
d. Decks & Patios	Decks and patios shall be subject to the same setbacks as the principal building.
e. Signs	See Section 20-400 of the Gaylord Municipal Code
f. Parking	See §3.18
g. Construction Materials	All buildings constructed in this district shall be in accordance with BOCA Code. The outer wall coverings of all buildings in this district shall be brick, concrete, stone, stucco or stucco-like material, tile, vinyl siding and/or wood. Metal siding is permitted after a determination through Level 1 or Level 2 site plan review that it is consistent with the surrounding area. In addition, the same must comply with any applicable construction or building code.
h. Swiss Alpine Motif	See Section 4.11

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Figure 4.8

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Section 4.9 M-1: Manufacturing District

A. District Intent.

The intent of the Manufacturing District is to permit the use of land, buildings, and structures for the manufacturing, processing, fabricating, compounding, treatment, packaging and/or assembly of materials or goods, warehousing or bulk storage of goods, and related accessory uses.

**M-1
DISTRICT**

B. Uses Allowed.

Permitted and Special Uses shall be limited to those listed below (also in [Section 4.10: Full Table of Permitted and Special Uses](#)) and shall be subject to all applicable provisions of [Article 5: Plan Review](#), [Article 6: Special Use Review](#), and [Article 7: Supplemental Regulations](#).

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit <i>\$7.x indicates supplemental regulations apply</i>	M-1
Accommodation & Food/Event Services	
Food Trucks & Food Truck Parks (food trucks are not permitted in the DDA boundary) \$7.15	P
Wineries, Cider Mills, Distilleries & Breweries including Tasting Rooms & Distribution Operations (no tasting rooms permitted in M-1)	P
Agriculture, Forest Products & Animal Services	
Agricultural Products Processing & Storage	P
Grain Elevators	P
Arts, Entertainment & Recreation	
Shooting Range, Indoor	P
Commercial	
Auto or Vehicle Repair Garage including Auto Body/ Paint/Interior & Glass Repair, & Oil Change	P
Automobile Tire Sales/Installation	P
Automotive Equipment Rental & Leasing	P
Automotive Towing Businesses	P
Boat/RV/Recreational Equipment Repair & Storage	P
Bulk Seed, Feed, Fertilizer & Nursery Stock Outlet & Distribution Centers (including wholesale)	P
Business Incubators	P
Car Washes	P
Cleaning Services	P
Commercial/Industrial Equipment Rental & Leasing	P

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit <i>\$7.x indicates supplemental regulations apply</i>	M-1
Commercial (cont.)	
Contractors (ex: construction, electrical, plumbing, heating, landscaping, interior designers & similar) with Outdoor Storage	P
Contractors (ex: construction, electrical, plumbing, heating, landscaping, interior designers & similar) with No Outdoor Storage	P
Extermination & Pest Control Services	P
Farm Implement Display & Sales Rooms	P
Greenhouses, Nurseries & Landscaping Supply	P
Lumber Mills	P
Lumber Yards	P
Marihuana Facilities & Establishments (Medical & Adult Use):	
Marihuana Microbusinesses \$7.6	S
Marihuana Retailers \$7.6	S
Marihuana Processors \$7.6	S
Marihuana Safety Compliance Facilities \$7.6	S
Marihuana Secure Transport Facilities \$7.6	S
Repair Shops, Large Items (including but not limited to commercial & industrial equipment, lawn mowers, and similar items) <u>not</u> within a Totally Enclosed Building	P
Truck & Heavy Equipment Sales/Service Establishments	P

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TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit \$7.x indicates supplemental regulations apply	M-1
Commercial (cont.)	
Upholstery Shop	P
Wineries/Distilleries/Breweries without Food or Drink Service	P
Educational Services & Religion	
Trade/Industrial Schools	P
Manufacturing, Industrial & Waste Management	
Manufacturing, Light – including the production, processing, cleaning, testing, and distribution of materials, goods, foodstuffs, and products. Light Manufacturing are those facilities in which the modes of operation of the facility have no external effects and do not directly affect nearby development. External effects shall include but are not limited to air contaminants, blown material, odor, noise, glare, gasses, electrical disturbance, heat, and vibration.	P
Manufacturing, Heavy – including the production, processing, cleaning, testing, and distribution of materials, goods, foodstuffs, and products. Heavy Manufacturing are those facilities in which the modes of operation of the facility do have external effects and may directly affect nearby development. External effects shall include but are not limited to air contaminants, blown material, odor, noise, glare, gasses, electrical disturbance, heat, and vibration. In addition, any facility that manufactures or engages in the following shall be classified as Heavy Manufacturing: cement, lime, gypsum, plaster of paris, explosives, fertilizer, glue, chemicals, tannery/curing of rawhide, wool pulling/scouring, fat rendering, and distillation of bones.	P
Manufacturing, Food	P
Accessory Uses incidental to Manufacturing (offices, food services)	P
Accommodations for a Watchman/Caretaker (limit of one dwelling unit)	P
Blast Furnace, Steel Furnace, Blooming or Rolling Mill	P
Central Dry Cleaning Plants (not dealing directly with customers)	P

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit \$7.x indicates supplemental regulations apply	M-1
Manufacturing, Industrial & Waste Management (cont.)	
Concrete, Cement, Gypsum, Plaster of Paris Manufacture	P
Crematoriums	S
Extraction of Natural Resources (Mining on Property)	P
Food Hub/Food Incubator Facility	P
Incinerator Plants	S
Industrial Parks	P
Junkyards/Salvage Yards/Scrap Yards/Waste Collection Services \$7.13	S
Laboratories, Research	P
Machine Shops	P
Metal Plating/Buffering/Polishing	P
Manufacturing in Conjunction with Retail Component (Small Scale Manufacturing Dealing Directly with Retail Customers)	P
Monument Works Having a Retail Outlet on the Premises	P
Oil & Gas Processing Facilities	S
Petroleum Products, Gas Products, Paint & Chemical Bulk Storage & Distribution	P
Propane Distributors & Supply Facilities	P
Pressurized Gas Filling & Distribution (as a principal use)	P
Printing & Engraving Plants	P
Recycling Facilities/Transfer Stations	P
Research/Design/Experimental Product Development/Testing	P
Slaughter Houses & Stock Yards	S
Smelting Industries	S
Tool & Die Shops	P
Miscellaneous	
Accessory Buildings/Structures \$3.11	P
Fences (in accordance with the City Of Gaylord Fence Ordinance)	P

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TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit <i>§7.x indicates supplemental regulations apply</i>	M-1
Public Facilities	
Public Works Facilities with Outdoor Storage	P
Transportation Services, Warehousing, Wholesale Trade & Storage	
Airports, Landing Fields, and Heliports	S
Couriers/Parcel Packing/Delivery Establishments	P
Drone (Unmanned Aerial) Centers	P
Distribution Centers, Freight Terminals & Trucking Facilities	P
Railyards	P
Transit & Ground Passenger Transportation	P
Transit & Ground Passenger Transportation (only depot/station)	P
Truck Washes	P
Wholesale Establishments	P

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit <i>§7.x indicates supplemental regulations apply</i>	M-1
Utilities, Energy & Communications	
Amateur Radio Antennae (roof- or ground-mounted)	P
Battery Energy Storage Systems <i>§7.12</i>	S
Essential Services, Public & Private <i>§3.6</i>	P
Essential Service Buildings & Facilities (such as transformer stations, substations, utility exchanges, pump stations) <i>§3.6</i>	S
Public Utility Facilities – does not include Essential Service Buildings	P
Solar Energy – Accessory (Roof-Mounted or Building-Mounted) <i>§7.8</i>	P
Solar Energy – Accessory (Ground-Mounted) <i>§7.8</i>	P
Solar Energy Facilities <i>§7.9</i>	P
Wind Energy Facilities & Anemometer Towers (Utility-Scale) <i>§7.11</i>	S
Wind Turbines (Accessory) <i>§7.10</i>	S
Wireless Facilities – Co-Location <i>§7.4</i>	P
Wireless Facilities – Small Cell <i>§7.5</i>	S

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C. Development Standards for M-1 District.**M-1
DISTRICT**

Principal buildings within this district shall adhere to the standards within this table unless specifically stated otherwise in this Ordinance:

1. Lot & Building Standards

a. Lot Area (min.)	None
b. Lot Width (min.)	None
c. Building Height (max.)	100 ft or 8 stories except as provided in §4.2 of this Ordinance.
d. Floor Area (min.)	None

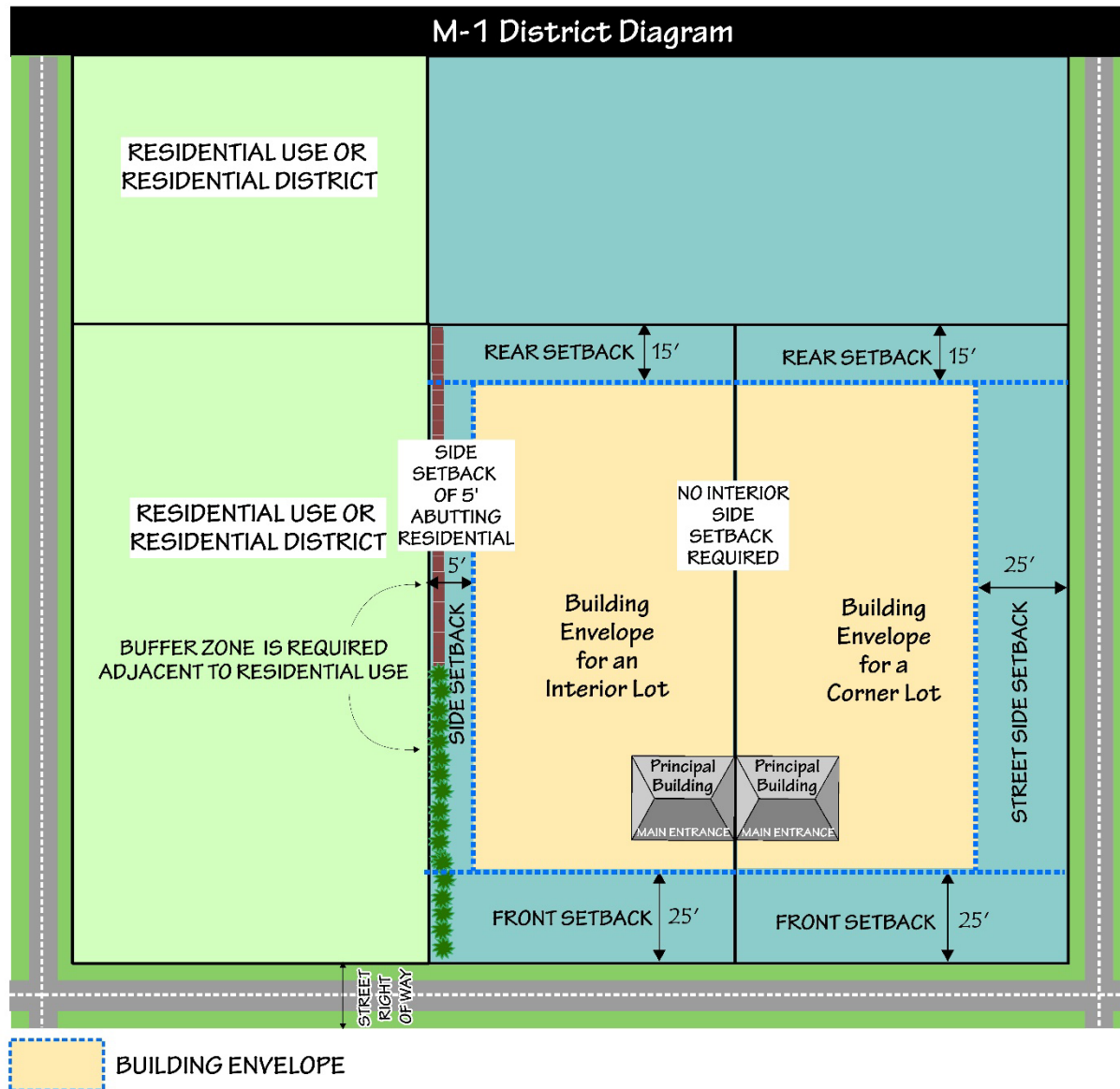
2. Setbacks**See Figure 4.9**

a. Front (min.)	25 ft
	Where lots have double frontage, the required front yard shall be provided on both streets.
	On corner lots, there shall be a front setback on both streets. The rear yard shall be the yard opposite the main entrance of the principal building.
b. Side (min.)	0 ft
	When a lot abuts an "R" District or use, the side setback shall be a minimum of 5 ft.
c. Rear (min.)	15 ft

3. Additional Development Standards

a. Accessory Buildings	See §3.11
b. Screening	When a non-residential use abuts a residential use or district, screening is required per §3.17.
c. Fences	See Section 20-500 of the Gaylord Municipal Code
d. Decks & Patios	Decks and patios shall be subject to the same setbacks as the principal building.
e. Signs	See Section 20-400 of the Gaylord Municipal Code
f. Parking	See §3.18

Figure 4.9

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Section 4.10 Full Table of Permitted & Special Uses

Permitted and Special Uses shall be limited to those listed in the following Table of Permitted and Special Uses and listed in the individual use tables within each district section (above). Uses not listed are not permitted. Unlisted uses are subject to [Section 4.3](#). In the case of a conflict between Table 4.10 and the tables listed in the individual district sections, Table 4.10 shall supersede.

City of Gaylord Zoning Districts		Land Use Categories	Pg
R-1	Single-Family Residence District	Accommodation & Food/Event Services	4-34
R-2	Mixed Density Residential District	Agriculture, Forest Products & Animal Services	4-34
B-1	Central Business District	Arts, Entertainment & Recreation	4-35
C-1	General Commercial District	Commercial	4-36
C-2	Central Commercial District	Educational Services & Religion	4-39
M-1	Manufacturing District	Human Care & Social Assistance	4-39
		Manufacturing, Industrial, & Waste Management	4-40
		Miscellaneous	4-41
		Public Facilities	4-41
		Residential	4-41
		Transportation Services, Warehousing, Wholesale Trade & Storage	4-42
		Utilities, Energy & Communications	4-42

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FULL TABLE OF PERMITTED & SPECIAL USES

P = Permitted by right S = Permitted with a Special Use Permit §7.x indicates supplemental regulations apply	R-1	R-2	B-1	C-1	C-2	M-1
Accommodation & Food/Event Services						
Bakeries (goods produced & sold on-site), Coffee Shops, Confectioneries & Ice Cream Shops			P	P	P	
Bars/Taverns			P	P	P	
Bed & Breakfasts/Tourist Homes §7.3		P				
Caterers/Food Service Contractors			P	P	P	
Commercial Event Facilities (including Convention Centers, Conference Centers, Banquet Halls & Wedding Venues)			P	P	P	
Food Trucks & Food Truck Parks (food trucks are not permitted in the DDA boundary) §7.15				P	P	P
Hotels & Motels				P	P	
Night Clubs				S	S	
Resorts (including cabin courts)					S	
Restaurants without Drive-Through			P	P	P	
Restaurants with Drive-Through or Eat-In-Car			S	P	P	
Restaurants with Outdoor Kitchens and/or Outdoor Seating (not on public property) §7.14			P	P	P	
Rooming & Boarding Houses (private; not state-licensed facilities)		P				
Short Term Rentals		P		P	P	
Wineries, Cider Mills, Distilleries & Breweries including Tasting Rooms & Distribution Operations (no tasting rooms permitted in M-1)			P	P	P	P
Agriculture, Forest Products & Animal Services						
Agricultural Products Processing & Storage						P
Animal Shelter/Kennels/Animal Day Care					S	
Grain Elevators						P
Horse Riding Arenas/Boarding Stables					P	

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FULL TABLE OF PERMITTED & SPECIAL USES

P = Permitted by right

S = Permitted with a Special Use Permit

\$7.x indicates supplemental regulations apply

	R-1	R-2	B-1	C-1	C-2	M-1
Arts, Entertainment & Recreation						
Art Studios			P	P	P	
Ball Fields				P	P	
Campgrounds & RV Parks		S		S	S	
Clubs, Lodges & Fraternal Organizations				P	P	
Country Club					P	
Equipment Rental, Motorized (ORV, Snowmobile)				P	P	
Equipment Rental, Non-Motorized (Outfitter)				P	P	
Golf Courses					P	
Golf Driving Ranges					P	
Indoor Recreation Facility (ex: health clubs, gym, tennis, swimming pool club, skating rinks, bowling centers, amusement arcades, archery ranges)				P	P	
Museums & Galleries			P	P	P	
Outdoor Recreational Facilities (including but limited to go-karts, miniature golf, disk golf), Commercial				S	S	
Theaters & Performing Arts Facilities, Indoor			P	P	P	
Theaters & Performing Arts Facilities, Outdoor (including Drive-In Theaters)					P	
Public Parks, Playgrounds, Recreation Areas, Botanical Gardens & Nature Parks (including accessory structures)	P	P	P	P	P	
Shooting Range, Indoor					P	P
Spectator Sports Arenas					S	
Tours (Commercial Operations)				P	P	

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FULL TABLE OF PERMITTED & SPECIAL USES

P = Permitted by right

S = Permitted with a Special Use Permit

§7.x indicates supplemental regulations apply

	R-1	R-2	B-1	C-1	C-2	M-1
Commercial						
Adult Businesses (Ordinance 20-600)					S	
Auto or Vehicle Repair Garage including Auto Body/ Paint/Interior & Glass Repair, & Oil Change				P	P	P
Automobile Tire Sales/Installation				P	P	P
Automotive Equipment Rental & Leasing				P	P	P
Automotive Towing Businesses				P	P	P
Boat/RV/Recreational Equipment Repair & Storage					P	P
Bulk Seed, Feed, Fertilizer & Nursery Stock Outlet & Distribution Centers (including wholesale)					P	P
Business Incubators			P	P	P	P
Car Washes				P	P	P
Cash Advance Stores				P	P	
Cleaning Services				P	P	P
Commercial/Industrial Equipment Rental & Leasing					P	P
Contractors (ex: construction, electrical, plumbing, heating, landscaping, interior designers & similar) with Outdoor Storage (outdoor storage shall be screened in C-2 – see §3.17)					P	P
Contractors (ex: construction, electrical, plumbing, heating, landscaping, interior designers & similar) with No Outdoor Storage – 1. C-1 District & C-2 District - No more than 50% of the gross floor area shall be used for processing and fabricating. 2. B-1 District – No more than 25% of the gross floor area shall be used for making, assembling, remodeling, repairing, altering, finishing, or refinishing its products or merchandise. The ground floor premises facing upon and visible from any abutting street shall be used only for entrances, offices or display.			P	P	P	P
Drive-Throughs for Permitted & Special Uses			S	P	P	
Dry Cleaning & Laundry Services			P	P	P	
Electric Vehicle Charging Facility §7.20			S	P	P	
Extermination & Pest Control Services					P	P
Farm Implement Display & Sales Rooms				P	P	P
Film Production & Recording/Broadcasting Studios, Stations & Offices (including sound stages & other related activities)			P	P	P	
Financial Institutions/Banks			S	P	P	
Flea Markets				P	P	
Funeral Homes & Mortuaries				P	P	
Gas Stations				S	P	
General Rental Centers/Rent-To-Own				P	P	
Greenhouses, Nurseries & Landscaping Supply					P	P
Grooming Establishments for Pets				P	P	
Health Spas			P	P	P	

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FULL TABLE OF PERMITTED & SPECIAL USES

P = Permitted by right

S = Permitted with a Special Use Permit

[§7.x](#) indicates supplemental regulations apply

	R-1	R-2	B-1	C-1	C-2	M-1
Commercial (continued)						
Laboratories, Support & Medical			P	P	P	
Locksmiths				P	P	
Lumber Mills						P
Lumber Yards (lumber yards in C-2 shall be permitted only if accessory to another principal use)					P	P
Marihuana Facilities & Establishments (Medical & Adult Use):						
Marihuana Microbusinesses §7.6					S	S
Marihuana Retailers §7.6					S	S
Marihuana Processors §7.6						S
Marihuana Safety Compliance Facilities §7.6				S	S	S
Marihuana Secure Transport Facilities §7.6				S	S	S
Offices, Professional			P	P	P	
Personal Services (barber/beauty shops, tailoring & massage)			P	P	P	
Pet Care (except Veterinary & Animal Shelters)			P	P	P	
Photofinishing/Photographers			P	P	P	
Printing/Binding/Publishing of Printed Materials– services directly to the public			P	P	P	
Repair Shops, Small Items (not automotive-related) within a Totally Enclosed Building (including but not limited to bicycles, home appliances, computers, personal goods, electronic & precision equipment, and similar items)			P	P	P	
Repair Shops, Large Items (including but not limited to commercial & industrial equipment, lawn mowers, and similar items) <u>not</u> within a Totally Enclosed Building					P	P
Retail: B-1 District - Retail stores shall be in a completely enclosed building (no outdoor storage) C-1 and C-2 District – Outdoor storage shall be screened (§3.17)						
Antique Shop; Resale Shop; Consignment Shop			P	P	P	
Art & Photography Shops			P	P	P	
Automotive Accessory Sales			P	P	P	
Bait & Tackle Shops				P	P	
Bicycle Shops			P	P	P	
Book Stores			P	P	P	
Building Material & Garden Equipment & Supplies Dealers				P	P	
Clothing & Clothing Accessories Stores & Shoe Stores (including shoe repair)			P	P	P	

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FULL TABLE OF PERMITTED & SPECIAL USES

P = Permitted by right

S = Permitted with a Special Use Permit

\$7.x indicates supplemental regulations apply

	R-1	R-2	B-1	C-1	C-2	M-1
Commercial (continued)						
Convenience Stores				P	P	
Department Stores			P	P	P	
Electronics & Appliance Stores			P	P	P	
Farm & Feed Supply Stores				P	P	
Farm Market				P	P	
Firearms Store				P	P	
Florists			P	P	P	
Food & Beverage Stores			P	P	P	
Furniture & Home Furnishings Stores			P	P	P	
General Merchandise Stores			P	P	P	
Gift Shops			P	P	P	
Hardware Stores			P	P	P	
Health & Personal Care Stores			P	P	P	
Home Improvement Centers (lumber stored in enclosed structure)					P	
Liquor Store (where liquor is the primary item for sale)				P	P	
Mall, Shopping Center				P	P	
Manufactured Home Dealers					P	
Office Supply Stores			P	P	P	
Outdoor Sales of Large Items (automobiles, trucks, boats, trailers, etc) May include service facilities.					P	
Pawn Shops				P	P	
Pet Stores			P	P	P	
Pharmacies/Medical & Optical Supplies			P	P	P	
Retail Uses with Outdoor Storage				P	P	
Sporting Goods, Hobby, Book & Music Stores			P	P	P	
Small-Scale Craft Making			P	P	P	
Studios for Dance, Physical Exercise, Music, Karate, & Similar Uses			P	P	P	
Tattoo/Piercing/Body Art Facilities			S	S	S	
Taxidermy Shops				P	P	
Truck & Heavy Equipment Sales/Service Establishments					P	P
Upholstery Shop				P	P	P
Veterinary Services/Animal Clinics/Animal Hospitals				P	P	
Wholesale Display Rooms (where merchandise is stored elsewhere)				P	P	
Wineries/Distilleries/Breweries without Food or Drink Service						P

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P = Permitted by right

S = Permitted with a Special Use Permit

§7.x indicates supplemental regulations apply

	R-1	R-2	B-1	C-1	C-2	M-1
Educational Services & Religion						
Business Schools				P	P	
Churches or Religious Institutions & Customary Accessory Uses	P	P	P	P	P	
Colleges/Universities/Institutions of Higher/Specialized Learning (public & private)				P	P	
Public or private schools	P	P				
Trade/Industrial Schools					P	P
Human Care & Social Assistance						
Adult Day Care Facilities (in private home) (up to 12 adults) (Home Occupation)	P	P				
Adult Day Care Facilities (not in private home)	S	S	P	P	P	
Adult Foster Care Family Homes (6 or less adults)	P	P				
Adult Foster Care Home, Assisted Living Home, Nursing/Convalescent Home (7 or more adults)		S		P	P	
Child Day Care Services (see following):						
Child Care Center/Nursery Schools	S	S	P	P	P	
Family Child Care Homes & Group Child Care Homes (Home Occupation)	P	P				
Health Care/Dental/Optical Clinics/Surgical Centers			P	P	P	
Hospitals				P	P	
Individual & Family Services				P	P	
Rehabilitation Institutions (not related to substance abuse)			S	P	P	
Residential Human Care Facility (ex: Homeless Shelter)					S	
State-Licensed Residential Facilities (6 or less adults)	P	P				
Qualified Residential Treatment Program That Provides Services For 10 or Fewer Individuals	P	P				
Vocational Rehabilitation Services (job training, job readiness, etc)				P	P	

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\$7.x indicates supplemental regulations apply

	R-1	R-2	B-1	C-1	C-2	M-1
Manufacturing, Industrial & Waste Management						
Manufacturing, Light – including the production, processing, cleaning, testing, and distribution of materials, goods, foodstuffs, and products. Light Manufacturing are those facilities in which the modes of operation of the facility have no external effects and do not directly affect nearby development. External effects shall include but are not limited to air contaminants, blown material, odor, noise, glare, gasses, electrical disturbance, heat, and vibration.						P
Manufacturing, Heavy – including the production, processing, cleaning, testing, and distribution of materials, goods, foodstuffs, and products. Heavy Manufacturing are those facilities in which the modes of operation of the facility do have external effects and may directly affect nearby development. External effects shall include but are not limited to air contaminants, blown material, odor, noise, glare, gasses, electrical disturbance, heat, and vibration. In addition, any facility that manufactures or engages in the following shall be classified as Heavy Manufacturing: cement, lime, gypsum, plaster of paris, explosives, fertilizer, glue, chemicals, tannery/curing of rawhide, wool pulling/scouring, fat rendering, and distillation of bones.						P
Manufacturing, Food					S	P
Accessory Uses incidental to Manufacturing (offices, food services)					P	P
Accommodations for a Watchman/Caretaker (limit of one dwelling unit)						P
Blast Furnace, Steel Furnace, Blooming or Rolling Mill						P
Central Dry Cleaning Plants (not dealing directly with customers)						P
Concrete, Cement, Gypsum, Plaster of Paris Manufacture						P
Crematoriums						S
Extraction of Natural Resources (Mining on Property)						P
Food Hub/Food Incubator Facility						P
Incinerator Plants						S
Industrial Parks						P
Junkyards/Salvage Yards/Scrap Yards/Waste Collection Services \$7.13						S
Laboratories, Research						P
Machine Shops						P
Metal Plating/Buffering/Polishing						P
Manufacturing in Conjunction with Retail Component (Small Scale Manufacturing Dealing Directly with Retail Customers)						P
Monument Works Having a Retail Outlet on the Premises				P	P	P
Oil & Gas Processing Facilities						S
Petroleum Products, Gas Products, Paint & Chemical Bulk Storage & Distribution						P
Propane Distributors & Supply Facilities						P
Pressurized Gas Filling & Distribution (as a principal use)						P
Printing & Engraving Plants					P	P

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S = Permitted with a Special Use Permit

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	R-1	R-2	B-1	C-1	C-2	M-1
Manufacturing, Industrial & Waste Management (continued)						
Recycling Facilities/Transfer Stations						P
Research/Design/Experimental Product Development/Testing					P	P
Slaughter Houses & Stock Yards						S
Smelting Industries						S
Tool & Die Shops						P
Miscellaneous						
Accessory Buildings/Structures §3.11	P	P		P	P	P
Cemeteries		P		P		
Fences (in accordance with the City Of Gaylord Fence Ordinance)	P	P		P	P	P
Parking lots (Off-street: located on a lot separate from or not abutting the use it serves) §3.18			P			
Parking Structures			S	S	S	
Planned Unit Developments (PUD) (in B-1, PUDs shall only be in Mixed Use developments and shall maintain the character of downtown Gaylord) §7.18	P	P	S	P	P	
Site Condominiums (shall be residential in R-2; in B-1, site condominiums shall only be in Mixed Use developments and shall maintain the character of downtown Gaylord) – regulated by the City of Gaylord Site Condominium Ordinance		P	P	P	P	
Public Facilities						
Community Centers (public)		P		P	P	
Correctional Facilities (public or private)				S	S	
Government Offices/Administration			P	P	P	
Libraries		P		P	P	
Police/Fire Stations				P	P	
Post Office				P	P	
Public Works Facilities with Outdoor Storage		P		P	P	P
Residential						
Accessory Dwelling Units		S		S	S	
Dwelling Units in Conjunction with Commercial Establishment (Mixed Uses)			P	P	P	
Home Occupations §7.16	P	P		P	P	
Home Offices §7.16	P	P	P	P	P	
Manufactured Housing Community (with accessory uses such as laundry facilities, office building, and community building) §7.17					S	
Multiple-Family Dwellings §7.2		P	P	P	P	
Single-Family Dwellings §7.2	P	P	P	P	P	
Two-Family Dwellings (duplex) §7.2		P	P	P	P	

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P = Permitted by right

S = Permitted with a Special Use Permit

[§7.x](#) indicates supplemental regulations apply

	R-1	R-2	B-1	C-1	C-2	M-1
Transportation Services, Warehousing, Wholesale Trade & Storage						
Airports, Landing Fields, and Heliports					S	S
Couriers/Parcel Packing/Delivery Establishments					P	P
Drone (Unmanned Aerial) Centers						P
Distribution Centers, Freight Terminals & Trucking Facilities						P
Railyards						P
Transit & Ground Passenger Transportation					P	P
Transit & Ground Passenger Transportation (only depot/station)			S	S	P	P
Truck Washes					P	P
Warehousing & Storage (including mini-storage)				P	P	
Wholesale Establishments				P	P	P
Utilities, Energy & Communications						
Amateur Radio Antennae (roof- or ground-mounted)		P	P	P	P	P
Battery Energy Storage Systems §7.12						S
Essential Services, Public & Private §3.6	P	P	P	P	P	P
Essential Service Buildings & Facilities (such as transformer stations, substations, utility exchanges, pump stations) §3.6					S	S
Public Utility Facilities – does not include Essential Service Buildings (storage yards in C-1 and C-2 require screening pursuant to §3.17)				P	P	P
Solar Energy – Accessory (Roof-Mounted, Building-Mounted, or mounted on carports) §7.8	P	P	P	P	P	P
Solar Energy – Accessory (Ground-Mounted) §7.8				P	P	P
Solar Energy Facilities §7.9						P
Water & Wastewater Treatment Plants					S	
Wind Energy Facilities & Anemometer Towers (Utility-Scale) §7.11						S
Wind Turbines (Accessory) §7.10					S	S
Wireless Facilities – Co-Location §7.4				P	P	P
Wireless Facilities (new - with or without support structures) §7.4					S	
Wireless Facilities – Small Cell §7.5	S	S	S	S	S	S

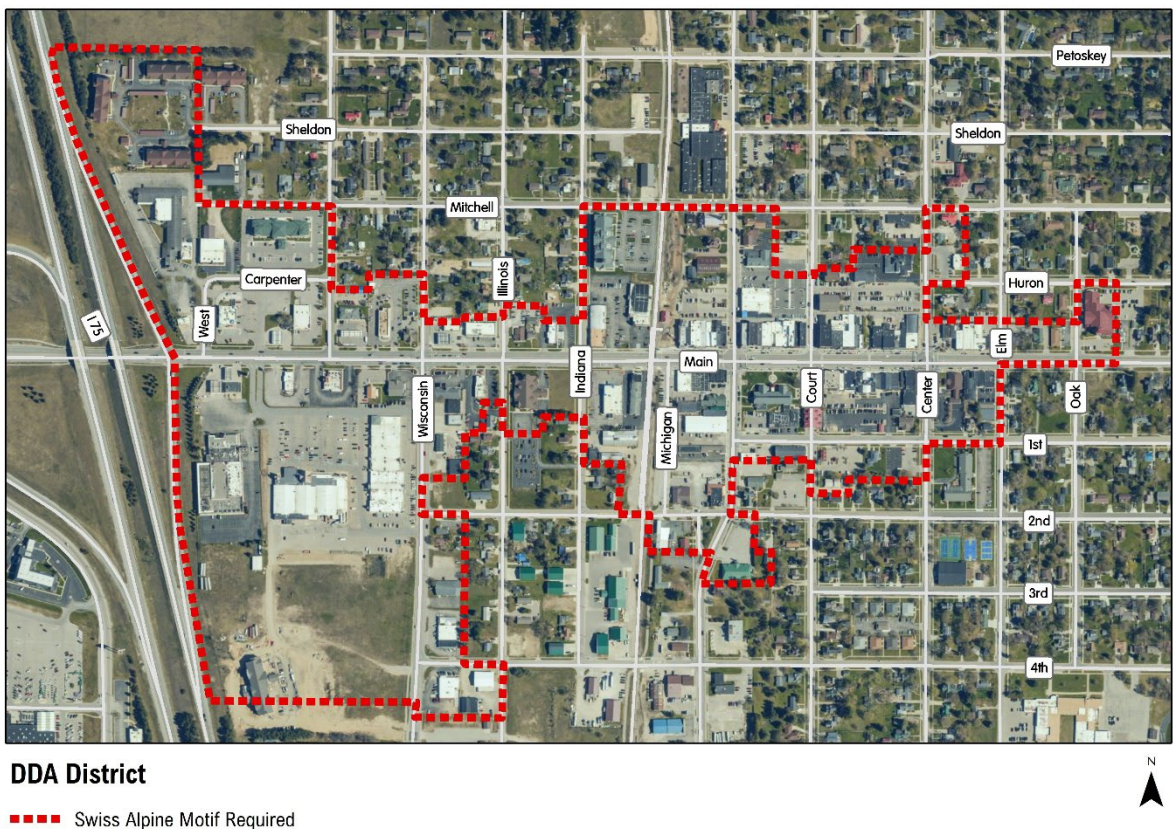
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Section 4.11 Swiss Alpine Motif

A. Intent.

In the interest of safeguarding and enhancing the Swiss Alpine Motif and the distinctive appeal of the City of Gaylord as the "Alpine Village," it is the purpose of this Section to establish certain standards for development to be used when constructing, altering, remodeling, repairing or renovating any structure within the Downtown Development District (see figure below) of the City of Gaylord. It is the objective of this Section:

1. To create certain elements of the cultural, social, economic, political, and architectural history that has become the City of Gaylord;
2. To stabilize and improve property values;
3. To foster civic beauty;
4. To strengthen the local economy;
5. To promote the pleasure and welfare of the citizens of the City and visitors thereto; and
6. To regulate and control the new construction, exterior alteration, remodeling, repair, or renovation of structures within the Downtown Development District.



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B. Definitions.

For purposes of this Section, the following definitions shall apply:

1. **Alteration or remodeling** means work that changes the exterior detail of a structure but does not change its basic size or shape.
2. **Building** shall be synonymous with structure for the purpose of this Section.
3. **Ordinary and routine maintenance** shall mean usual and customary measures to keep the exterior of a structure or building in good condition through ongoing minor intervention. Ordinary and routine maintenance does not change the external appearance of the structure except through the elimination of the usual and expected effects of weathering, specifically painting.

C. Purpose of Review.

The purpose of the review under this Section shall be to ensure compliance with the Swiss Alpine Motif standards as herein set forth. Single-family and two-family residential structures are exempt from the provisions of this Section.

D. Plan Review.

In reviewing the plans, the Planning Commission shall give consideration to:

1. The architectural value and significance of the structure or site.
2. The relationship of the exterior architectural features of such structure to the rest of the structure and to the surrounding area.
3. The general compatibility of exterior design, arrangement, texture, and materials proposed to be used.
4. Any other factor, including aesthetic considerations, which it deems to be pertinent.

E. Application.

If site plan review is required only under this Section, then the application shall contain all of the following information:

1. Name of applicant.
2. Address of property affected.
3. Description of proposed construction, alteration, etc.

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4. Indication of existing and proposed structural materials.
5. Drawings showing elevations of existing and proposed exterior treatments. Elevation drawings shall be submitted for those exterior facades proposed to be changed.
6. Color sketches and architectural renderings.
7. Any other information, as in the opinion of the Zoning Administrator or Planning Commission, is required in order to enable proper review of the application.

Such application shall be filed with the Zoning Administrator who shall then notify the Planning Commission of its receipt and shall transmit it, together with all accompanying attachments and plans, to the Planning Commission for the review required under this Section.

F. Appeals.

Any person or persons, feeling aggrieved by any decision of the Planning Commission as to a review under this Section, have the same right of appeal to the Zoning Board of Appeals as any other decision made under the Gaylord Zoning Ordinance.

G. Penalty.

Any person or entity who commences any new construction, exterior alteration, remodeling, repair, or renovation without having first obtained approval by the Planning Commission of the site plan, shall be guilty of a civil infraction and, upon a determination of responsibility, be liable for a fine not to exceed \$500.00. Provided, further, that each day that a person or entity proceeds with such new construction, exterior alteration, remodeling, repair, or renovation without having obtained any necessary approval under this Section, and each day following the completion of such new construction, exterior alteration, remodeling, repair or renovation without having obtained the necessary approval, shall be deemed a separate offense. Commencing construction, exterior alteration, remodeling, repair, or renovation without first obtaining site plan approval by the Planning Commission is a violation of this Ordinance pursuant to [Section 9.10](#).

H. Plan Review.

In reviewing plans, the Planning Commission shall give consideration to design standards that include the minimum criteria set forth below for the new construction, exterior alteration, remodeling, repair, or renovation of structures within the Downtown Development District. It is the overriding purpose of this Section to ensure compatibility with the general appearance of the Alpine Motif within the Downtown Development District.

I. Required Alpine Design Standards.

The following are the required minimum standards for all new construction, exterior alteration, remodeling, repair, or renovation in the Downtown Development District.

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1. **Roof.** All new structures or expansions of existing buildings which are proposed to increase by fifty (50) percent or more the size of the existing building shall provide a minimum roof pitch of no less than six (6) inch of rise per twelve (12) inch of run (6/12) where structural design allows. Roof structures providing a roof pitch of less than 6/12 shall install false facades indicating roof pitch variations of not less than 6/12. Such facades shall be constructed on all sides of buildings that are adjacent to streets, alleys that provide a public entrance, private service roads, parking lots, and interstate I-75.
2. **Roof Overhangs, Balconies, and Porticos.** All roofs must have either overhangs, balconies, or porticos. The overhang of roofs, balconies, and porticos shall be regulated as follows:
 - a. **Roofs.** The minimum roof overhang shall be sixteen inches (16) inches and the maximum roof overhang shall not exceed six (6) feet.
 - b. **Balconies.** The minimum balcony overhang shall be four (4) feet; the maximum balcony overhang shall be nine (9) feet. Balconies shall be crosshatched beneath the top rail or filled in an alpine design.
 - c. **Porticos.** Must be a gable design.
 - d. **Shed Roofs.** Shed roofs are prohibited unless used as part of false front facades as described in [subsection I.1](#).
3. **Exterior Wall Façade and Trim.** Trim for buildings shall be that which purports the Swiss Alpine or Bavarian motif. Fascia trim accents around windows, doors, and at rooflines are required. Exterior wall treatments shall consist of the following:
 - a. **Approved exterior wall treatments:**
 - (1) Stucco
 - (2) Synthetic Stucco (EIFS)
 - (3) Brick
 - (4) Stone (Real stone products as well as cultured stone products)
 - (5) Wood siding: Lap style, vertical and shake style siding products
 - (6) Vinyl siding: Lap style, vertical and shake style siding products
 - (7) Cement based siding products: Lap style, vertical and shake style siding productsNote: Shake-style shingles do not have to be natural wood. Synthetic products are permitted.
 - b. **Wall treatments not permitted:**
 - (1) Metal siding products
 - (2) Concrete block unless covered with stucco product as finish coating.
 - (3) Log siding

4. **Lighting Standards.** Exterior mounted lights may be of any type except neon. Except for gaslights, all other exterior lights shall be shielded to prevent direct lighting exposure to public view.
5. **Approved Building Colors.** Stucco products on building exteriors may be white, off-white, or pastel colors including soft yellow, pink, rose, beige, and gray.

Trim materials may be painted, stained, or left natural in color if treated to ensure lasting durability. Approved colors include dark browns, green (including hunter green), and maroon. Variations of these colors including softer shades and natural woods may be considered. Color charts or color renditions depicting building colors must be submitted to the Planning Commission for approval. Color selection may not be modified without Planning Commission approval.

6. **Windows and Door Design.** Exterior windows and doors will be regulated as follows:
 - a. **Doors.** Doors shall be provided with an arch-style head. This shall be achieved by using either arch-style doors or applied ornamentation to create the look of an arch-style doorway. This elaboration shall be in either of two (2) forms; decorative painting directly over the door head and down the doorjamb, or, by building up of a three-dimensional door head and/or jamb.

Glass doors are permitted for commercial food and retail businesses. Door treatments and the use of arches and ornamental features around doorways will be required where practical.
 - b. **Windows.** Basic window units are to consist of multi-panel sash of any type material with wood or wood-like accent trim surround. The accents may be painted or white in color. Approved window types shall include casement, double-hung, awning, or fixed units. All units shall have mullion grilles either fixed or removable type.
 - (1) In commercial and retail areas where multi-panel sashes would not be practical, the use of storefront aluminum glazing systems will be permitted. The approval of this type of glazing system will only be approved at the discretion of the Planning Commission.
 - (2) Windows offer fine appurtenances for embellishment. Shutters with jigsaw pattern, false balconies, and decorative brackets may be used. Flower boxes are quite common. However, true Bavarian spirit reveals itself in painted or applied ornamentation. Often these applications are very elaborate and are either painted on or built-up as three-dimensional.
 - (3) Multi-panel sash windows will be a requirement for at least one-third (1/3) of the windows being utilized in the design of a building. This requirement may be relaxed if ornamentation is adhered to. Application of window treatment will utilize both ornamentation and multi-panel sashes.
7. **HVAC Equipment and Utility Meters.** Rooftop and HVAC equipment shall be screened from view by providing equipment screens. The screens shall be of similar materials to their surrounding locations. All meters and vents shall be placed in locations to be considered reasonably unobtrusive.

J. **Suggested Alpine Design Standards For Greater Swiss Alpine Design.** It is encouraged that Suggested Standards are used in conjunction with Required Standards ([subsection I](#)) to complement the exterior of all nonresidential buildings. Suggested Standards are subject to Site Plan Review approval.

1. **Alpine Roof Treatments.** A variety of elements are Alpine in nature and are encouraged in building design.

a. **Dormers.** Dormers are found in Alpine Villages and towns where steep roofs are common. Two (2) types are most prevalent, the eyelid and the standard dormer. Both are well adapted for use on 12/12 slopes or steeper. Shed-style dormers may also be utilized but are not as common.

b. **Dovecotes.** Dovecotes are occasionally seen and are constructed of stucco with red tile roofs.

c. **Other.** Chimneys are usually a simple element, made of stucco with a round top. Bell towers and observation towers are more prominent features of the roof and are used quite extensively.

d. **Towers.** Towers are found throughout Europe and give beautiful vertical relief from otherwise lateral panoramas. Having evolved from watchtowers of thousands of years ago, they add much interest to the village scape. Onion-shaped domes, cantilevered, steeples, and typical Alpine high-pitched roofed towers are all Bavarian-Alpine in nature and are encouraged.

e. **Balconies and Railings.**

(1) **Balconies.** Balconies are eye-appealing adjuncts to buildings, which give mass, depth, and the look of “residence over business” that exists in many Alpine Villages. The balcony or false balcony structures are encouraged because it is not only eye-pleasing but also create a more friendly building scale.

(2) **Railings.** Railings can be constructed of two (2) materials: wood and wrought iron. The wood rail can be of a variety of designs. Designs usually repeat for the entire length of the railing system. The typical railing profile consists of a plank-style railing with jigsaw cut-out patterns. The patterns may be as simple as a diamond shape or as elaborate as the mind can achieve.

Wrought iron railings are common in many parts of Bavaria. Again, designs can vary, but the color is generally black. Wrought iron is also used as a medium to utilize frames and sign supports. It can also be utilized for accents to businesses where grab rails and fencing are desired.

2. **Mural and Awnings.**

a. **Murals.** Murals can be a vital part of a building for large expanse of empty walls. Murals can add to the beauty of both the building and the community. They are used as a feature of many buildings in Bavarian villages and towns. The desired types of murals are those that highlight the architecture

of the buildings, the community and its woodlands and habitat that make the community special. The Planning Commission, prior to installation of any mural, shall require design approval.

All murals must first attain a sign permit prior to their placement on a wall or building. This should be done by contacting the City Zoning Administrator. Advertising or connotation of advertising a particular business through a mural will be discouraged and will be reviewed and considered signage for a business if so desired.

- b. **Awnings.** Awnings are used on the front of most retail shops in Bavaria. Most awnings are retractable and made out of canvas or similar cloth materials. They provide shelter from precipitation as well as protection from the sun. If wording or symbols are used on an awning to identify the business and/or services offered on the lot, then the wording and symbols shall constitute signage and compliance with the [City of Gaylord Sign Ordinance](#), including a Sign Permit, is required. Awnings made out of solid fixed materials shall be considered a shed roof structure.
3. **Paver Bricks and Cobblestones.** Paver bricks and cobblestones are used often in Alpine and Bavarian communities. The City encourages new businesses to utilize brick pavers in and around the main entrances to their buildings. The surface should be smooth enough for wheelchairs and strollers and be level so as to provide no trip edges. A concrete walk to a building does very little to accentuate the fine architecture that will be created with an Alpine architecture utilized.

Section 4.12 Airport Approach Zones

Within an Airport Approach Zone, the allowed structures and uses on a premises are limited only to those that were allowed under this Ordinance within the premise's respective zoning district as of July 1, 2006. For avoidance of doubt, this paragraph is intended to preserve previously allowed uses while not increasing any inconsistency that may exist between the Zoning Ordinance or structures or uses and any airport zoning regulations, airport layout plan, or airport approach plan, consistent with MCL 125.3203(4).

Article 5

Plan Review

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Section 5.1 Purpose & Authorization

A. Purpose.

The purposes of Plan Review are:

1. to determine compliance with the provisions of this Ordinance;
2. to promote the orderly development of the City;
3. to prevent the depreciation of land value through uses or structures which do not give proper attention to site or area protection; and
4. to provide consultation and cooperation between the applicant and the City Planning Commission and City Council in order that applicants may accomplish their objectives in the utilization of their land within the regulations of this Zoning Ordinance and achieve the purposes of the City of Gaylord Master Plan.

B. Authorization.

The Planning Commission or Zoning Administrator, as the case may be, shall have the power to approve, deny, modify, or approve with conditions all site plans submitted to it under this Ordinance. A building permit shall not be applied for until a site plan has been approved as required herein.

Section 5.2 Type of Review Required

Site plans and plot plans shall be submitted and reviewed as follows:

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Table 5.2.A: Level 1 Review Required – Review & Approval by Staff

Type of Use	Required	Approving Body
1. Single-Family or Two-Family Dwelling Units	Plot Plan	Zoning Administrator
2. Expansion of an existing use or building which comprises less than 50 percent of a building or less than 50 percent of the land area occupied by a use which is principally outdoors.	Site Plan	Zoning Administrator
3. Accessory Building (accessory to a residential use)	Plot Plan	Zoning Administrator
4. Accessory Building (accessory to a non-residential use)	Site Plan	Zoning Administrator
5. Accessory Solar Energy Structures	Plot Plan	Zoning Administrator
6. Change of Use	Application	Zoning Administrator
7. Home Occupations	Plot Plan	Zoning Administrator
<i>The Zoning Administrator may refer any Level 1 review to the Planning Commission.</i>		
<i>The Zoning Administrator may accept a plot plan instead of a site plan or may require a site plan instead of a plot plan.</i>		

Table 5.2.B: Level 2 Review Required – Review & Approval by Planning Commission

Type of Use	Required	Approving Body
1. Any new principal commercial, office, industrial, business, public, institutional, or utility building construction	Site Plan	Planning Commission
2. Residential development having more than 2 dwelling units	Site Plan	Planning Commission
3. Special Use and Planned Unit Developments	Site Plan	Planning Commission
4. Residential Special Use (e.g. Bed & Breakfasts, Tourist Homes, Group Child Care Homes, & Adult Day Care Homes (more than 6 adults))	Plot Plan	
5. Expansions of existing multi-family buildings and uses which are proposed to increase by 50 percent or more of the size of the existing building or use. The existing size shall be determined by the gross square footage of an existing building or if the principal use is primarily out of doors then the land area occupied by the use shall be used to determine the existing size.	Site Plan	Planning Commission
6. Expansions of non-residential buildings and uses which are proposed to increase by 50 percent or more of the size of the existing building or use. The existing size shall be determined by the gross square footage of an existing building or if the principal use is primarily out of doors then the land area occupied by the use shall be used to determine the existing size.	Site Plan	Planning Commission
7. Reviews to assure compliance with the regulations and requirements of Section 4.11 (Swiss Alpine Motif)	Site Plan	Planning Commission
8. Any use not listed in Table 5.2.A or Table 5.2.B	*	Planning Commission
<i>*Required plan determined by the Zoning Administrator</i>		

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Section 5.3 Level 1 Review Procedures (Staff Review)

The following details the review procedure for projects that require a Level 1 review by staff:

- A. Plot plans and site plans are reviewed and approved after an application has been submitted and applicable fees have been paid. The Zoning Administrator will issue a zoning permit pursuant to [Section 9.3](#) after determining that the application and proposed activity are in compliance with all applicable sections of this Ordinance.
- B. One (1) copy of the plot plan or site plan shall be submitted to the Zoning Administrator. The Zoning Administrator shall determine if a digital or hard copy is required. The Zoning Administrator shall require that all plans be submitted showing the information listed below and containing the signature of the property owner. The Zoning Administrator may waive any of the plot plan requirements listed below when he/she finds that those requirements are not applicable or necessary. Nothing in this Section shall be construed as to prohibit a property owner or his agent from preparing plans and specifications, provided the same are clear and legible and that the information listed below is provided. When the Zoning Administrator requires a site plan, the data listed in [Table 5.4.E](#) shall be required.

Table 5.3: Plot Plan Requirements

1. Address/Contact	Address and legal or tax description of the property where the proposed use will occur. Name, address, and telephone number of the applicant, property owner(s), developer(s), and designer(s), and their legal and/or financial interest in said properties including evidence of ownership (or purchase agreement).
2. Description	Project description
3. Lot Lines	The shape, location, and dimensions of the lot, drawn to scale. The scale shall be of such size as deemed adequate by the Zoning Administrator to make a judgment that the application meets the requirements of this Ordinance. When deemed necessary by the Zoning Administrator, a survey may be required.
4. Setbacks	Location of required setbacks of the zoning district.
5. Structures	The shape, size, and location of all buildings or other structures to be erected, altered, or moved and of any building or other structures already on the lot, drawn to scale.
6. Access	The location and configuration of the lot access and driveway, drawn to scale. The names and widths of abutting pavements and rights-of-way.
7. Use	The existing and intended use of the lot and of all such structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate.
8. Other	Other information concerning the lot or adjoining lots that may be essential for determining whether the provisions of this Ordinance are being observed.

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- C. Fees shall be required to be paid prior to the Level 1 review.
- D. The Zoning Administrator shall review the materials submitted to ensure all information required by the Ordinance has been provided. If the application is incomplete, the Zoning Administrator will send a notice with a detailed list of all deficiencies to the applicant. If the plot plan or site plan, including all required additional or related information, is determined to be complete, the Zoning Administrator will perform a Level 1 review.
- E. Within fifteen (15) days of the application being deemed complete, the Zoning Administrator will issue a zoning permit, pursuant to [Section 9.3](#), after determination that the application and proposed activity are in compliance with all applicable sections of this Ordinance.
- F. **Expiration.**
1. Approval of a plot plan or site plan is valid for a period of not longer than three (3) years from the date the plan is approved by the Zoning Administrator unless extended as allowed herein.
 2. If actual physical construction of a substantial nature of the improvements included in the approved plot plan or site plan has not commenced and proceeded meaningfully toward completion during that period, the approval of the plot plan or site plan shall be null and void.
 3. Upon written application, filed prior to the termination of the one (1) year approval period, the Zoning Administrator, as the case may be, may authorize a single extension of the time limit for approval of a plot plan or site plan for a further period of not more than one (1) year. Such extension shall only be granted based on evidence from the applicant that there is a likelihood of construction commencing within the one (1) year extension.

Section 5.4 Level 2 Review Procedures (Planning Commission Review)

The following details the review procedure for projects that require a Level 2 review by the Planning Commission. The following review procedure generally refers to site plans, but in certain circumstances, plot plans are accepted and undergo the same Level 2 review as site plans.

A. Site Plan Pre-Application Meeting.

1. The Zoning Administrator, alone or in conjunction with the Planning Commission Chair and/or members of the Planning Commission (in an open meeting), shall have the authority to conduct a pre-application meeting with the applicant/developer to assist them in understanding the site plan review process and other Ordinance requirements and to provide insight as to what portions of their proposed development may be of special concern to the Planning Commission.
2. Except for Planned Unit Developments, this meeting is not mandatory but is recommended for small and large projects alike. For large projects, a pre-application meeting should be held several months in

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advance of the desired start of construction. Such an advance meeting will allow the applicant/developer time to prepare the needed information for the Planning Commission to make a proper review.

B. Timing and Fees for Preliminary and Final Site Plans.

1. **Plan Required.** An application for site plan review shall be made by filing the application form and required site plan or plot plan in digital format with the Zoning Administrator at least three (3) weeks prior to the meeting at which the review will occur.
2. **Fees.** Application fees pursuant to the currently adopted fee schedule for a Level 2 review shall be paid when the site plan is submitted. Once an application is accepted by the Zoning Administrator, no portion of the fee shall be returned to the applicant unless authorized by an action of the City Council.

C. Review for Completeness by the Zoning Administrator and Submission of Print Copies.

1. **Review for Completeness.** The Zoning Administrator shall review the materials submitted to ensure all information required by the Ordinance has been provided. If the application is incomplete, the Zoning Administrator will send a notice with a detailed list of all deficiencies to the applicant.
2. **Print Copies.** Once the application has been deemed complete, the applicant shall provide twelve (12) print copies at least seven (7) days prior to the Planning Commission meeting at which the review will occur.

D. Preliminary Site Plan Review (Optional).

1. If desired by the applicant, a preliminary site plan may be submitted to the Zoning Administrator for transmission to the Planning Commission. The purpose of this procedure is to allow discussion between the applicant and the Planning Commission to better inform the applicant of the acceptability of the project before significant engineering efforts are incurred which may be necessary for final site plan approval.
2. **Procedures.** Applications for preliminary site plan review shall be made in accordance with the application procedures of this Section.
3. **Review by Other Entities.** Upon receipt of the preliminary site plan and application, the Zoning Administrator shall forward copies to the Fire Chief, City Police Chief, Superintendent of Public Works, City Engineer, and City Attorney as necessary for review and subsequent report to the Planning Commission. The Zoning Administrator shall also send the application and site plan to members of the Planning Commission prior to the meeting at which it will be considered.
4. **Preliminary Plan Requirements.** The preliminary site plan shall be drawn at a scale of not more than one (1) inch equals one hundred (100) feet (1" = 100') and shall contain the following information unless specifically waived by the Planning Commission or Zoning Administrator.

Table 5.4.D: Preliminary Plan Requirements

1. Vicinity Sketch	Vicinity sketch of adjacent properties.
2. Streets	Existing adjacent street and proposed streets, public or private as well as development within one hundred (100) feet of the site.
3. Parking	Parking lots and access points.
4. Buffers	Proposed buffer strips or screening.
5. Natural Features	Significant natural features and other natural characteristics, including but not limited to open space, stands of trees, brooks, ponds, floodplains, hills, and similar natural assets.
6. Buildings	Existing and proposed building(s).
7. Topography	General topographical features including existing contour intervals no greater than ten (10) feet.
8. Utilities	Proposed method of providing public utilities including storm drainage.

5. The Planning Commission shall review and approve the preliminary site plan and may make recommendations to assist the applicant in preparing a final site plan which shall conform to the standards of this Ordinance.

E. Final Site Plan Review.

1. If desired by the applicant, a Final Site Plan may be submitted for review without first receiving preliminary site plan approval. Application for final site plan review shall be made in accordance with the application procedures of this Section.
2. Phased developments that have received preliminary plan approval shall generally conform to that preliminary plan in all phases unless changes have been approved.
3. The applicant shall submit a final site plan drawn at a scale of not more than one (1) inch equals one hundred (100) feet (1" = 100') and shall contain the information listed in [Table 5.4.E](#) unless specifically waived by the Planning Commission or Zoning Administrator.

Table 5.4.E: Final Site Plan Requirements

1. General Information	<ul style="list-style-type: none"> (1) Date. Date of the site plan. (2) Contact Information. Name and address of property owner and developer (including contact information). Evidence of ownership required. Name, address, and professional seal of architect, landscape architect, engineer, or professional surveyor who prepared the plan. (3) Use. Proposed use of the property and existing uses on adjacent properties. (4) Zoning District. Zoning classification of the site and adjacent properties. (5) Acreage. Gross acreage of development and total usable floor area. (6) Hours. Anticipated hours of operation for the proposed use.
2. Map Information	<ul style="list-style-type: none"> (1) North arrow and scale. (2) Legal description of the property and parcel number. (3) Vicinity Map. A vicinity map showing adjacent properties.
3. Lot Lines, Access & Right of Way	<ul style="list-style-type: none"> (1) The location of lot lines, dimensions, and required setback line. (2) Location of abutting streets, rights-of-way, service drives, curb cuts, and access easements serving the site, as well as driveways opposite the site and driveways within one hundred (100) feet on either side of the site. Also driveway width, curb radius, and design of proposed deceleration lanes.
4. Development Features	<ul style="list-style-type: none"> (1) Existing and Proposed Buildings/Structures. The size, shape, and location of all existing and proposed buildings and structures as well the setback to the lot lines or rights-of-way, including common use areas and recreational areas and facilities. Include the square footage of each existing and proposed building. Include the length, width, height, and square footage of each building. (2) Elevation Drawings. Architectural elevation drawing of the building(s) including type and color of outer wall coverings and cross-section drawings of the site. (3) Buildings/Structures on Nearby Lots. The location of lot lines and buildings/structures within one hundred (100) feet of the site. (4) Accessory Structures. Location, size, and height of all proposed accessory structures, storage sheds, transformers, dumpsters or trash removal areas or devices, and method of screening, signs, and existing and proposed utility poles. Rooftop or outdoor equipment should also be indicated including proposed method of screening where appropriate. (5) Density. The number of dwelling units proposed, by type, including a typical floor plan for each type of unit. (6) Parking. Proposed parking areas and access drives showing the number and size of spaces and aisles, loading areas, and handicapped access ramps. Also note the method of surfacing such areas. (7) Pedestrian Circulation. Location and type of all sidewalks, bike paths, and other walkways. (8) Utilities. Location and size of all water and sanitary sewer lines and storm drainage lines as well as fire hydrants and catch basins, and location of storm retention/detention ponds.

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	<p>Storm retention/detention ponds with a maximum depth in excess of two (2) feet are permitted in the rear yard only and must be adequately fenced and screened.</p> <p>(9) Lighting. Exterior lighting showing area of illumination and type of fixture as well as method of shielding from adjacent properties and roadways. See Section 3.19.</p> <p>(10) Screening. Location, type, and size of any walls, fences, or other screening provisions with cross sections.</p> <p>(11) Landscaping. Location of all proposed landscape materials, including size and type of plantings.</p> <p>(12) Storage. Outdoor storage areas and snow storage areas.</p> <p>(13) Loading. Loading spaces (including size) shall be shown on the site plan if loading space is necessary.</p> <p>(14) Hazardous Materials Storage Facilities. Location and specifications for any existing or proposed above or below-ground storage facilities for any chemicals, salts, flammable materials, or hazardous materials as well as any containment structures or clear zones required by this Ordinance or other state or federal agencies.</p> <p>(15) Unique Site Features. Identification of any significant or unique site features.</p> <p>(16) For sites adjacent to a state trunkline written approval of the site plan from the Michigan Department of Transportation must be submitted.</p>
5. Topography, Environmental Features & Drainage	<p>(1) The location of wetlands within one hundred (100) feet of the lot.</p> <p>(2) Existing and proposed topographic elevations at two-foot intervals on the site and to a distance of fifty (50) feet outside the boundary lines of the site.</p> <p>(3) Direction of stormwater drainage and how stormwater runoff will be handled as well as a statement describing where stormwater will be ultimately discharged.</p> <p>(4) Location and type of significant existing vegetation, water courses, and water bodies including county drains and manmade surface drainage ways, floodplains, and wetlands. Vegetation that is to be retained on the site must be illustrated.</p>
6. Other	<p>Such other data as may be required by the Zoning Administrator or Planning Commission to ensure that the purposes of this Article are satisfied. The Zoning Administrator or Planning Commission shall state for the record its reasons for requiring such data.</p>

F. Coordination with City Departments.

1. Upon receipt of the final site plan and application, the Zoning Administrator shall forward copies to the Fire Chief, City Police Chief, Superintendent of Public Works, City Engineer, and City Attorney as necessary for review and subsequent report to the Planning Commission. The Zoning Administrator shall also send the application and site plan to members of the Planning Commission prior to the meeting at which it will be considered.
2. In cases where the Planning Commission deems it appropriate to refer a Site Plan to the City Engineer after any prior review has been conducted and report presented to the Planning Commission for

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consideration, the applicant shall be responsible for all costs incurred in the additional review(s) by the Engineer.

G. Coordination with Other Agencies/Departments.

The Zoning Administrator may distribute the site plan to any agencies or consultants as the Zoning Administrator deems appropriate.

H. Statement of Effects & Additional Studies.

1. The Planning Commission may require written statements relative to the effects on the existing traffic capacity of streets, and the proposed development's impact on schools, existing utilities, the environment, or natural features.
2. The Planning Commission may request additional studies, graphics, or other written materials from the applicant in order to assist in determining the appropriateness of the site plan.

I. Site Plans Requiring ZBA Action.

Where the applicant is dependent upon the granting of any variances by the Zoning Board of Appeals, said favorable action by the Zoning Board of Appeals shall be necessary before site plan approval can be granted, or the site plan may be approved subject to favorable action by the Zoning Board of Appeals.

J. Attendance at Meeting.

If the applicant fails to attend the Planning Commission meeting at which the site plan will be reviewed, either in person or by an authorized representative, the review may be tabled until the next scheduled Planning Commission meeting or may be acted upon without the applicant's input.

K. Final Site Plan Approval.

1. **Planning Commission Action.** The Planning Commission shall review the final site plan according to the general standards for site plan review as contained in [Section 5.5](#) and any other applicable regulations of this Ordinance. Based on these standards and regulations, the Planning Commission shall approve, deny, or approve with conditions the final site plan.
 - a. **Findings of Fact.** The decision of the Planning Commission shall be incorporated into a written statement of findings and conclusions relative to the site plan which specifies the basis for the decision and any condition(s) imposed.
 - b. **Conditions.**

- (1) As part of an approval of any site plan, the Planning Commission or Zoning Administrator as applicable, may impose any additional conditions or limitations as in its judgment may be necessary for protection of the public interest pursuant to [Section 9.6](#).
 - (2) Such conditions shall be related to and ensure that the review standards of [Section 5.5](#) are met.
 - (3) Approval of a site plan, including conditions made as part of the approval, shall apply to the property described as part of the application and to all subsequent owners.
 - (4) A record of conditions imposed shall be maintained. The conditions shall remain unchanged unless an amendment to the site plan is approved in accordance with this Ordinance.
 - (5) If approved, with conditions, the applicant shall revise the site plan as necessary and submit the final site plan to the Zoning Administrator to ensure that all revisions as required by the Planning Commission have been made.
 - c. **Denial.** If the site plan is denied by the Planning Commission, notification of such denial shall be given to the applicant within ten (10) days after such Commission action by the Zoning Administrator. The reasons for denial shall be stated in such notice.
2. **Zoning Permit.** Approval of a final site plan authorizes the issuance of a zoning permit.
 3. **Records.** A record of the decision made, the reason for the decision reached, and any conditions attached to such decision shall be kept and made a part of the minutes of the meeting. Conditions imposed shall be detailed on a copy of the site plan presented to the Planning Commission and the applicant is required to sign the site plan acknowledging his acceptance of conditions and intent to comply.
 4. **Inspections for Compliance.** The Zoning Administrator may make periodic investigations of developments for which site plans have been approved. Non-compliance with the requirements and conditions of the approved site plan shall constitute a violation of the site plan and the Zoning Administrator shall take the necessary steps to obtain compliance, including those actions authorized in [Section 9.10](#).
 5. **Performance Guarantee.** The Planning Commission may require reasonable performance guarantees in order to assure the completion of required improvements. as per [Section 9.5](#).
 6. **Rehearing.** A rehearing may be granted pursuant to [Section 9.11](#).
 7. **Special Uses and Concurrent Approvals.** The Planning Commission may choose to review Special Use Permit and site plan review submittals concurrently. In the event of concurrent review, the Planning Commission shall ensure that both the site plan and Special Use submittals satisfy all requirements of this Ordinance.

Section 5.5 Site Plan Review Standards for Approval

Prior to approving a site plan, the Planning Commission shall require that the following standards be satisfied. If these standards and the other requirements noted in this Section or in other City ordinances are met, the site plan shall be approved. The Planning Commission may waive a particular standard upon a finding that the standard is not applicable to the proposed development under consideration, and the waiver of that standard will not be significantly detrimental to surrounding property or to the intent of the Ordinance.

A. Landscaping, Buffers, and Greenbelts.

Landscaping, landscape buffers, and greenbelts shall be provided and designed in accordance with the City's landscape provisions.

B. Impacts on Property/Adjacent Property.

All elements of the site plan shall be designed to take into account the site's topography, the size and type of lot, the character of adjacent property, and the type and size of buildings. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.

C. Natural Features.

1. The landscape shall be preserved in its natural state, insofar as practical, by removing only those areas of vegetation or making those alterations to the topography which are reasonably necessary to develop the site in accordance with the requirements of this Ordinance. A development shall respect the natural resources of the City.
2. Areas of natural drainage such as swales, wetlands, ponds, or swamps shall be protected and preserved insofar as practical in their natural state to provide areas for natural habitat, preserve drainage patterns, and maintain the natural characteristics of the land.

D. **Privacy.** The site plan shall provide reasonable visual and sound privacy for all dwelling units located therein. Fences, walks, barriers, and landscaping shall be used, as appropriate, to accomplish these purposes.

E. **Emergency Vehicle Access.** All buildings or groups of buildings shall be arranged so as to permit necessary emergency vehicle access as requested by the Fire Department.

F. Circulation.

1. A pedestrian circulation system which is separated from the vehicular circulation system may be required. In order to ensure public safety, special pedestrian measures, such as crosswalks, crossing

signals, and other such facilities may be required in the vicinity of schools, playgrounds, shopping areas, and other uses which generate a considerable amount of pedestrian traffic.

2. The arrangement of public or common ways for vehicular and pedestrian circulation shall be connected to existing or planned streets and pedestrian or bicycle pathways in the area. Streets and drives which are part of an existing or planned street pattern serving adjacent development shall be of a width appropriate to the traffic volume they will carry.
3. All streets and driveways shall be developed in accordance with the City standards or [Michigan Department of Transportation](#) specifications.

G. Drainage.

1. Appropriate measures shall be taken to ensure that the removal of surface waters will not adversely affect neighboring properties or the public storm drainage system.
2. Provisions shall be made to accommodate stormwater, prevent erosion, particularly during construction, and the formation of dust.
3. The use of detention/retention ponds may be required. Drainage ponds with a maximum depth in excess of two (2) feet are permitted in the rear yard only and must be adequately fenced and screened.
4. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic or create puddles in paved areas.
5. Catch basins may be required to contain oil filters or traps to prevent contaminants from being discharged into the natural drainage system.

H. Exterior Lighting.

Exterior lighting shall comply with [Section 3.19](#).

I. Loading/Unloading Areas and Outside Storage Areas.

All loading and unloading areas and outside storage areas including areas for the storage of trash, which face or are visible from residential districts or public thoroughfares, shall be screened by a vertical screen consisting of structural or plant materials no less than six (6) feet in height. The finished side of any wall, fence, or other screen shall face adjacent properties.

- J. Site plans shall conform to all applicable requirements of county, state, and federal statutes and approval may be conditioned on the applicant receiving necessary county, state, and federal permits before final site plan approval or an occupancy permit is granted.

Section 5.6 Expiration & Revocation of Site Plan

A. Expiration of a Site Plan.

Approval of a final site plan is valid for a period of not longer than three (3) years from the date the site plan is approved by the Planning Commission or Zoning Administrator unless extended as allowed herein. If actual physical construction of a substantial nature of the improvements included in the approved site plan has not commenced and proceeded meaningfully toward completion during that period, the approval of the final site plan shall be null and void.

B. Revocation of a Site Plan.

Following approval of a site plan, the applicant shall construct the project in complete conformity with the approved site plan and conditions imposed. Failure to do so shall be deemed a violation of this Ordinance and the Zoning Permit may be revoked by the Zoning Administrator. The Zoning Administrator shall give the permittee notice of violation of the site plan approval at least ten (10) days prior to the revocation to provide time for corrective action. The Zoning Administrator may revoke such permit if it is determined that a violation in fact exists and has not been remedied since the notification of the intention to revoke a permit.

Section 5.7 Amendments to an Approved Site Plan

- A. Any person who has been granted site plan approval shall notify the Zoning Administrator of any proposed amendment to the approved site plan.
- B. A minor change may be approved by the Zoning Administrator who shall notify the Planning Commission of the minor change and that such change does not substantially change the basic design or alter the conditions required for the plan by the Commission.

The following items shall be considered as minor changes:

1. Reduction of the size of any building and/or sign.
2. Movement of buildings and/or signs by no more than ten (10) feet.
3. Similar types of landscaping may replace plantings approved in the site plan landscape plan.
4. Changes of building materials to a higher quality.
5. Changes in floor plans that do not alter the character of the use.
6. Internal rearrangement of a parking lot that does not affect the number of parking spaces or alter access locations or design.
7. Changes required or requested by the City for safety reasons.

8. Changes that will preserve the natural features of the site without changing the basic site layout.
- C. The Planning Commission shall have the authority to determine whether other changes proposed are minor in nature.
- D. For amendments to site plans that do not qualify as a minor amendment and which require Planning Commission action, the same application process and fee for site plan review shall apply.
- E. **Expansion of Existing Use, Structure, or Building.**
1. It is recognized that there are existing land uses, buildings, and structures which do not conform to the current regulations of this Ordinance and, as such, do not achieve the intended purposes of this Ordinance. When additions to these uses, buildings, and structures are made so that a site plan review is required, the following regulations shall apply.
 2. The site development standards used in reviewing site plans shall be applied to existing uses, structures, or buildings when they are affected by any expansions, enlargements, or increases in intensity. These standards shall be applied if it is determined that, as a result of such expansions, enlargements, or increases in intensity, any of the following situations exist:
 - a. Existing stormwater drainage provisions on site are inadequate to protect nearby lakes, streams, or creeks from runoff contaminants or to prevent drainage onto adjoining properties.
 - b. There is insufficient on-site parking to satisfy current Zoning Ordinance requirements and/or a hard surface parking area is needed to reduce dust and reduce gravel and dirt runoff into the public stormwater drainage system.
 - c. Existing driveways may result in hazardous vehicle movements.
 - d. Additional plantings are needed in order to comply with the intent of the City of Gaylord landscape regulations or replace trees and shrubs previously removed and screening is needed in the form of fencing or landscaping to provide a buffer between uses, particularly to screen materials stored outside.
 - e. Access to adjoining properties is inadequate and can be improved by way of parking lot connections or the installation of a service drive to improve traffic circulation and reduce the number of turning movements onto the public street system.
 - f. Safety for pedestrians can be improved and better emergency vehicle access can be provided.
 - g. Better lighting conditions are needed to reduce or eliminate nuisance lighting situations for drivers and nearby properties.

- h. Screening of dumpsters is needed to improve the appearance of a site and reduce the likelihood of windblown trash.
 - i. Sidewalks are needed to improve pedestrian safety.
- 3. In determining how to apply the site plan review standards to address the above deficiencies found on a site, the Planning Commission shall be guided by the following criteria:
 - a. Whether or not compliance would ensure safer on-site conditions, protect the natural environment, improve traffic circulation, achieve compatibility with adjacent land uses, promote the use of the land in a socially and economically desirable manner, and generally accomplish the purposes of site plan review as described in this Section.
 - b. The practicality of requiring compliance with the applicable regulations of this Ordinance is based on the existing design, layout, and operation of the existing use and size of the site.
 - c. Whether or not requiring compliance would have a negative impact on the character, safety, and welfare of the neighborhood or surrounding area.

Article 6

Special Use Review

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Section 6.1 Intent

Special Use permits are required for proposed activities which are essentially compatible with other permitted uses in a zoning district but which possess characteristics or locational qualities which require individual review and restriction. The purpose of this individual review is to ensure compatibility with the character of the surrounding area, with public services and facilities, with adjacent properties, and to ensure conformance with standards set forth in this Ordinance. Special Uses are listed in this Ordinance within each zoning district in [Article 4](#). The intent of this Article is to establish equitable procedures and criteria which shall be applied in approving or denying Special Use permits.

Section 6.2 Reviewing Authority

All applications for Special Use Permits shall be considered by the Planning Commission which shall make a recommendation to the City Council. The City Council shall have the authority to grant, to deny, or to grant with conditions such Special Use Permits.

Section 6.3 Special Use Review Procedure

A. Application Submittal.

1. **Application and Fee.** Application shall be submitted through the office of the Zoning Administrator, to the Planning Commission, on a special form provided for that purpose and shall be accompanied by the fee, pursuant to [Section 9.4](#), prescribed in the Fee Schedule. When an application is withdrawn after scheduling and advertising for a public hearing by the Planning Commission, the filing fee shall not be refunded to the applicant.

2. **Additional Materials Required.** Each application shall be accompanied by an accurate site plan, plot plan, building development plan, sketch, program of development, or other related material and any other information required by the Planning Commission or this Ordinance.
 - a. **Plot Plan or Site Plan Requirement.** In addition to a complete application form, the applicant is required to submit a plot plan for Residential Special Uses in accordance with [Section 5.3.B](#) and a site plan for Non-Residential Special Uses prepared in accordance with [Section 5.4.E](#). Incomplete submittals shall not be accepted by the Zoning Administrator.
 - (1) **Reduced Site Plan Data Option.** The Zoning Administrator may accept a final site plan containing the information in [Section 5.4.D.4](#) for a Preliminary Site Plan in lieu of a full site plan.
 - (2) **Waiver of Plan Requirement.** The Zoning Administrator may waive the requirement for a plot plan or site plan if a proposed Special Use does not include any exterior change (building modifications, parking changes, fences, buffers, storage, anticipated changes in vehicular traffic, use of exterior space, etc).
 - b. **Written Statement.**
 - (1) Description of the proposed use including parking facilities, if required, and any exceptional traffic situation the use may occasion.
 - (2) A statement by the applicant appraising the effect on the neighborhood.
3. **Timing of Submittal.** Special Use applications shall be submitted at least thirty (30) days prior to the Planning Commission meeting at which the Special Use will be considered.

B. Application Processing.

1. **Review for Completeness and Scheduling of Public Hearing.** The Zoning Administrator shall review the materials submitted to ensure all information required by the Ordinance has been provided. If the application is incomplete, the Zoning Administrator will send a notice with a detailed list of all deficiencies to the applicant. If the application, including all required additional or related information, is determined to be complete, the Zoning Administrator shall notify the Planning Commission Chairperson.
2. **Coordination with City Departments.** Upon receipt of the Special Use application, the Zoning Administrator shall forward copies to the Fire Chief, City Police Chief, Superintendent of Public Works, City Engineer, and City Attorney as necessary for review and subsequent report to the Planning Commission. The Zoning Administrator shall also send the application to members of the Planning Commission prior to the meeting at which it will be considered.
3. **Coordination with Other Agencies/Departments.** The Zoning Administrator may distribute the site plan to any agencies or consultants as the Zoning Administrator deems appropriate.

C. Public Hearing and Notice Requirements.

A public hearing, held by the Planning Commission and properly noticed using the procedures in [Section 9.9](#), shall be required prior to any Planning Commission recommendation to City Council.

D. Special Uses Requiring ZBA Action.

Where the applicant is dependent upon the granting of any variances by the Zoning Board of Appeals, said favorable action by the Zoning Board of Appeals shall be necessary before Special Use approval can be granted, or the Special Use may be approved subject to favorable action by the Zoning Board of Appeals.

E. Attendance at Meeting.

If the applicant fails to attend the Planning Commission meeting at which the Special Use will be reviewed, either in person or by an authorized representative, the review may be tabled until the next scheduled Planning Commission meeting or may be acted upon without the applicant's input.

F. Additional Studies.

The Planning Commission may request additional studies, graphics, or other written materials from the applicant in order to assist in determining the appropriateness of the Special Use.

G. Planning Commission Action.

1. **Approval of Site Plan or Plot Plan.** After the public hearing and consideration of the site plan review standards in [Section 5.5](#), the Planning Commission may approve, approve with conditions, or deny the site plan or plot plan for the Special Use. The City Council does not have any approval authority for the site plan or plot plan for the Special Use.
2. **Recommendation on Special Use.** After the public hearing and consideration, the Planning Commission shall submit its recommendation to the City Council, together with a statement of conclusions relative to the Special Use under consideration. The recommendation shall specify the basis for the same and any recommended conditions to be imposed.
3. **Findings of Fact.** The decision shall be incorporated in a statement of findings and conclusions specifying the basis for the decision.

H. City Council Action.

1. **Decision.** After receiving the recommendation of the Planning Commission, the City Council may approve, approve with conditions, or deny the request for Special Use approval.

2. **Findings of Fact.** The decision shall be incorporated in a statement of findings and conclusions specifying the basis for the decision.
3. **Conditions.** The decision shall specify any conditions imposed pursuant to [Section 9.6](#). A record of conditions imposed shall be maintained. The conditions shall remain unchanged unless an amendment to the site plan is approved in accordance with this Ordinance.
4. **Approval and Conditions Apply to Subsequent Owners.** Approval of a Special Use, including conditions made as part of the approval, shall apply to the property described as part of the application and to all subsequent owners.
5. **Denial.** If the Special Use is denied by the City Council, notification of such denial shall be given to the applicant within ten (10) days after such Council action by the Zoning Administrator. The reasons for denial shall be stated in such notice.
6. **Zoning Permit.** Approval of a Special Use authorizes the issuance of a zoning permit.
7. **Records.** A record of the decision made, the reason for the decision reached, and any conditions attached to such decision shall be kept and made a part of the minutes of the meeting. Conditions imposed shall be detailed on a copy of the application materials presented to the Planning Commission and City Council and the applicant is required to sign the site plan acknowledging acceptance of conditions and intent to comply.
8. **Inspections for Compliance.** The Zoning Administrator may make periodic investigations of Special Uses. Non-compliance with the requirements and conditions of the Special Use shall constitute a violation and the Zoning Administrator shall take the necessary steps to obtain compliance, including those actions authorized in [Section 9.10](#).
9. **Performance Guarantee.** The City Council may require reasonable performance guarantees in order to assure the completion of required improvements. as per [Section 9.5](#).
10. **Rehearing.** A rehearing may be granted pursuant to [Section 9.11](#).
11. **Concurrent Approvals.** The Planning Commission may choose to review Special Use submittals and site plan review submittals concurrently. In the event of concurrent review, the Planning Commission shall ensure that both the site plan and special use submittals satisfy all requirements of this Ordinance.

Section 6.4 Special Use Approval Standards

The Planning Commission shall recommend and the City Council shall approve, or approve with conditions, an application for a Special Use permit only upon finding that the proposed Special Use complies with all the following discretionary standards. Uses which also require a site plan shall also adhere to the site plan requirements and approval standards in [Section 5.5](#).

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- A. **Intent.** The Special Use shall be consistent with and promote the intent and purpose of the Zoning Ordinance.
- B. **Adjacent Uses.**
1. The proposed Special Use shall be compatible with adjacent uses of land.
 2. The proposed Special Use shall not involve uses, activities, processes, materials, equipment, or conditions of operation that will be hazardous or detrimental to any persons, property, or the general welfare by reason of noxious or offensive production of noise, smoke, fumes, glare, vibration, odor, outdoor storage or activity, or traffic. The following types of impacts shall be considered:
 - a. Use activities, processes, materials, equipment, or conditions of operation.
 - b. Vehicular circulation and parking areas.
 - c. Outdoor activity, storage, and work areas.
 - d. Hours of operation.
 - e. Production of traffic, noise, vibration, smoke, fumes, odors, dust, glare, and light.
 - f. The relative ease by which the impacts above will be mitigated.
- C. **Natural Environment.** The Special Use shall be compatible with the natural environment and will not involve uses, activities, processes, materials, or equipment that will create a substantially negative impact on the natural resources of the City or the natural environment as a whole.
- D. **Public Services.** Based on information readily available, the Special Use shall be served adequately by existing or proposed public and private infrastructure and services, including but not limited to, streets and highways, police and fire protection, refuse disposal, water, wastewater, and storm sewer facilities, electrical service, and schools.
- E. **Impact of Traffic on Street System.**
1. The location and design of the proposed Special Use shall minimize the negative impact on the street system in consideration of items such as vehicle trip generation (i.e. volume), types of traffic, access location and design, circulation and parking design, street and bridge capacity, traffic operations at proposed access points, and traffic operations at nearby intersections and access points.
 2. The proposed Special Use shall not cause traffic congestion, conflict, or movement in greater proportion to that normally prevailing for the use in the particular zoning district.
- F. **Public Health, Safety and Welfare.** The proposed Special use shall be consistent with the public health, safety, and welfare of the City.

Section 6.5 Expiration or Revocation of a Special Use**A. Expiration of Special Use Permit.**

1. Special Use approval shall expire one (1) year after the approval is granted unless the use has begun.
2. See [Section 5.6](#) for expiration of a site plan, if applicable.

B. Special Use that has been Replaced or Superseded.

The Special Use permit shall expire if replaced or superseded by a subsequent permitted use (except in the case where the Special Use is an accessory use on the premises) or a subsequent Special Use permit or if the applicant requests the rescinding of the Special Use Permit.

C. Abandonment of Special Use.

If a property owner has an intent to abandon a Special Use and in fact abandons this Special Use for a period of one (1) year or more, then the Special Use shall be deemed abandoned and any subsequent use of the lot shall conform to the requirements of this Ordinance. When determining the intent of the property owner to abandon a Special Use, the Zoning Administrator shall consider the following factors:

1. Whether utilities such as water, gas, and electricity to the lot have been disconnected.
2. Whether the property, buildings, and grounds have fallen into disrepair.
3. Whether signs or other indications of the existence of the Special Use have been removed.
4. Whether equipment or fixtures necessary for the operation of the Special Use have been removed.
5. Other information or actions that evidence an intention on the part of the property owner to abandon the Special Use.

D. Special Use and Transfer or Sale of Property.

A Special Use does not expire on transfer or sale of the property unless the use has been determined by the Zoning Administrator to have been abandoned pursuant to subsection C.

E. Special Use Revocation.

Following approval of a Special Use, the applicant shall construct and/or operate the Special Use in complete conformity with the approved plot plan or site plan (if applicable) and conditions imposed. Failure to do so shall be deemed a violation of this Ordinance and the Zoning Permit may be revoked by the Zoning Administrator. The Zoning Administrator shall give the permittee notice of violation of the Special Use at least ten (10) days

prior to the revocation to provide time for corrective action. The Zoning Administrator may revoke such permit if it is determined that a violation in fact exists and has not been remedied since the notification of the intention to revoke a permit. The decision of the Zoning Administrator to revoke a Special Use permit may be appealed to the Zoning Board of Appeals.

Section 6.6 Amendments to an Approved Special Use

Minor amendments to a Special Use may be approved by the Zoning Administrator pursuant to [Section 5.7](#). Amendments which are not considered minor require a new Special Use approval.

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Section 7.1 Purpose

The uses listed in this Article shall be subject to the requirements of this Article along with provisions listed elsewhere in this Ordinance. All uses marked with an § in the **Table of Permitted and Special Uses** are included in this Article.

Section 7.2 Dwellings

A. Every dwelling, except for dwellings located in a Manufactured Housing Community, shall comply with this Section.

1. Shall have wood floor joists or supports other than steel support beams.

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2. Shall have a minimum four/twelve (4/12) roof pitch.
 3. Have a minimum width along any exterior side elevation of twenty-four (24) feet and a minimum internal height of seven and one-half (7 1/2) feet.
 4. Shall contain storage area(s) either in a basement located under the dwelling, in an attic area, in a closet area, or in a separate fully enclosed structure on the site. Such storage area(s) for single-family units shall, in the aggregate, be equal to not less than fifteen (15) percent of the interior living area of the dwelling. Multiple family units are required to have a minimum storage area(s) for each living unit of eight (8) percent of the interior living area of the dwelling.
 5. Shall contain no additions of rooms or other areas which are not constructed with similar materials and are similar in appearance and with similar quality of workmanship as in the original structure.
 6. Shall be built and comply with all applicable building and fire codes.
- B. All manufactured homes (including those within manufactured housing communities) shall meet the following additional standards:
1. Manufactured homes shall be attached to an approved permanent foundation or basement and shall be anchored using a system that meets the **Michigan Manufactured Housing Commission** requirements.
 2. Manufactured homes shall be installed according to the manufacturer's setup requirements, and the **United States Department of Housing and Urban Development (HUD)** regulations entitled "**Manufactured Home Installation Standards**" and the construction of the unit shall comply with the **National Mobile Home Construction and Safety Standards Act of 1974**.
 3. The wheels, axles, and towing assembly shall be removed from a manufactured home before the unit is attached to the foundation. Additionally, no manufactured home shall have any exposed undercarriage or chassis.
 4. No manufactured home shall be located or placed in the City of Gaylord without prior completion of site preparation to include electric, water, sewage disposal, and foundation to meet the current **HUD** rules and regulations and **District Health Department** regulations.
 5. Manufactured homes shall not be used as accessory buildings.
 6. Manufactured homes shall not be attached to each other. Additions, new roofs, and accessory buildings may be attached to a manufactured home.

Section 7.3 Bed & Breakfasts/Tourist Homes

- A. No person or entity shall operate a Bed and Breakfast/Tourist Home, as defined, without having obtained a zoning permit as herein provided. These regulations shall not apply to hotels, motels, motor lodges, boarding houses, or rooming houses doing business within the City of Gaylord.
- B. Applicants for a zoning permit to operate a Bed and Breakfast shall complete and submit an application and shall submit a floor plan of the single-family dwelling unit that illustrates that the proposed operation will comply with the terms of this Ordinance and any other applicable City Codes and Ordinances.
- C. Bed and Breakfast/Tourist Home operations shall be confined to the single-family dwelling unit which is the principal dwelling unit on the lot. Parking provided for a Bed and Breakfast/Tourist Home operation shall be in compliance with all City Codes and Ordinances pertaining to parking regulations.
- D. The dwelling unit in which the Bed and Breakfast/Tourist Home is located shall be the principal residence of the operator and said operator shall live on the premises when the Bed and Breakfast/Tourist Home operation is active. In addition, the Bed and Breakfast/Tourist Home operation shall meet the following conditions:
 - 1. A Bed and Breakfast/Tourist Home operation shall be limited to five (5) sleeping rooms for use in the Bed and Breakfast operation.
 - 2. **Length of Stay.** The maximum stay for any occupant of the Bed and Breakfast/Tourist Home sleeping rooms shall be thirty (30) consecutive days.
 - 3. **Public Nuisance.** Bed and Breakfast/Tourist Home operation shall not be permitted whenever the operation endangers, offends, or interferes with the safety or rights of others so as to constitute a public nuisance.
- E. The City of Gaylord shall issue a zoning permit for a Bed and Breakfast/Tourist Home operation if the City finds that the applicant can meet all requirements of this Ordinance and any other applicable local, state, or federal regulation. If the City finds that an applicant cannot meet a particular requirement of these requirements, then the City shall have the authority to deny the applicant a zoning permit. The denial may be appealed to the Zoning Board of Appeals.

Section 7.4 Wireless Communications (Except Small Cell Wireless)

A. Purpose.

The purpose of this Section is to establish general guidelines for the location of wireless facilities and antennas. The City recognizes that it is in the public interest to permit the location of wireless facilities and antennas within the City. The City also recognizes the need to protect the City from unnecessary and unreasonable visual interference, and that wireless facilities and antennas may have negative aesthetic impacts upon adjoining and

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neighboring uses. As such, this Ordinance seeks to:

1. Protect residential areas from potential adverse impact of wireless facilities and antennas.
2. Encourage the location of wireless facilities in nonresidential areas.
3. Minimize the total number of wireless facilities throughout the community.
4. Encourage the joint use of new and existing wireless facilities sites rather than the construction of additional towers.
5. Encourage developers of wireless facilities and antennas to configure them in a way that minimizes their adverse visual impact.
6. Enable the providers of wireless services to provide such services to the community in a responsible manner.
7. Consider the public health and safety of wireless facilities.
8. Avoid potential damage to adjacent lots from wireless support structure failure.

B. Exempted Uses.

Antenna towers and masts erected and operated as a residential or commercial accessory use serving only that property (such as but not limited to Amateur Radio Service Station Antenna and other “customer end” devices covered by [47 CFR Section 1.4000](#)) are exempt from the development standards and any Special Use requirement of this Section. An amateur radio service station antenna structure and other such wireless structures may be erected at the minimum heights and dimensions sufficient to accommodate amateur radio service communications and other such wireless transmissions. See [Over-the-Air Reception Devices \(47 CFR Section 1.4000\)](#). Single-use towers and masts shall comply with all FCC rules and regulations in effect at the time they are erected. Property owners who erect single-use towers and masts shall notify the City prior to erecting such a tower. A tower or mast shall be setback from all lot lines a distance at least equal to its height and a zoning permit is required.

C. Uses Allowed.

1. **Co-Location - Permitted Use.** Pursuant to Section 3514 of [2006 PA 110](#), as amended (Michigan Zoning Enabling Act, being MCL 125.3101 et.seq.), co-location of wireless communications equipment on an existing support structure is a permitted use of property. No zoning permit is required.
 - a. No antenna or similar sending/receiving devices appended to a wireless communications support structure, following its approved construction, shall be permitted if it exceeds the engineered design capacity of the support structure thereby jeopardizing the support structure’s structural integrity.

- b. The installation and/or operation of the above-mentioned wireless communications equipment shall not interfere with normal radio/television reception in the area. In the event interference occurs, it shall be the sole responsibility of the owner to rectify the situation with the parties involved.
- c. There shall be no new wireless communications towers or ground-mounted wireless communications facilities within two (2) miles of an existing wireless communications tower or ground-mounted wireless communication facility. Antennas for Commercial Wireless shall be required to locate on any existing or approved tower within a two (2) mile radius of the proposed tower unless one (1) or more of the following conditions exists:
 - (1) The planned equipment would exceed the structural capacity of the existing or approved tower or building, as documented by a qualified and registered professional engineer, and the existing or approved tower cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.
 - (2) The planned equipment would cause interference materially affecting the usability of other existing or planned equipment at the tower or building as documented by a qualified and registered professional engineer and the interference cannot be prevented at a reasonable cost.
 - (3) Existing or approved towers and buildings within a two (2) mile radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and registered professional engineer.
 - (4) Other unforeseen reasons that make it infeasible to locate the planned equipment upon an existing tower or building.
- 2. **New Wireless Communications Facilities with Support Structures or Ground-Mounted Wireless Communications Facilities (Ground Stations or Earth Stations).** New support structures or Ground-Mounted Wireless Communications Facilities (Ground Stations or Earth Stations) are a Special Use as listed in [Section 4.10](#) and the individual district tables and shall be evaluated using the procedures stated in subsection D below using the standards stated in [subsection E](#).
- 3. **Other Wireless Communications Facilities.** Wireless communications facilities which do not fall under [subsections C.1](#) or C.2 (above) shall follow the same Special Use approval procedure and standards as uses listed in subsection C.2 (above).

D. Special Use Approval Procedure.

- 1. **Application.** An application for Special Use approval of Wireless Communications Facilities with Support Structures or Ground-Mounted Wireless Communications Facilities (Ground Stations or Earth Stations) shall include:

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- a. All information required by [Section 5.4](#).
 - b. A statement explaining the necessity for such a proposed tower.
 - c. A decommissioning plan which shall include:
 - (1) The anticipated life of the project.
 - (2) The anticipated manner in which the project will be decommissioned, including a description of improvements to be removed, retained (e.g. access drive, fencing), or restored for viable reuse of the property consistent with the zoning district. The City shall require full removal of all above-ground and below-ground structures within the footprint of the wireless facility.
 - (3) The projected decommissioning costs for removal of the facility (net of salvage value in current dollars) and soil stabilization.
 - (4) The method of ensuring that funds will be available for site decommissioning and stabilization (in the form of surety bond, irrevocable letter of credit, or cash deposit pursuant to [Section 9.5 Performance Guarantee](#)).
 - (a) The City may require one (1) or more third-party entities to develop decommissioning cost estimates. If this is required, the City will select the most appropriate cost estimate.
 - (b) A review of the amount of the performance guarantee based on inflation, salvage value, and current removal costs shall be completed every three (3) years, for the life of the project, and approved by the City Council. A Wireless Communications Facility owner may at any time:
 - i. Proceed with the decommissioning plan approved by the Planning Commission and remove the system as indicated in the most recent approved plan; or
 - ii. Amend the decommissioning plan with Planning Commission approval and proceed according to the revised plan.
2. After an application for a Special Use is filed, the Zoning Administrator shall determine whether the application is administratively complete. The application shall be considered to be administratively complete when the Zoning Administrator makes that determination or fourteen (14) business days after the Zoning Administrator receives the application, whichever is first.
 3. If, before the expiration of the fourteen (14) day period under subsection D.2, the Zoning Administrator notifies the applicant that the application is not administratively complete, specifying the information necessary to make the application administratively complete, or notifies the applicant that a fee required to accompany the application has not been paid, specifying the amount due, the running of the fourteen (14) day period under subsection D.2 is tolled until the applicant submits to the body or official the

specified information or fee amount due. The notice shall be given in writing or by electronic notification.

4. After the application is deemed complete, a public hearing shall be held. The notice of the public hearing shall be given pursuant to [Section 9.9](#).
5. After a public hearing is held, the Planning Commission shall conduct a site plan review using the standards in [Section 5.5](#) Special Use standards in and [Section 6.4](#) and the standards contained in subsection E below and shall approve or deny the application not more than ninety (90) days after the application is considered to be administratively complete. If the Planning Commission fails to timely approve or deny the application, the application shall be considered approved, and the Planning Commission shall be considered to have made any determination required for approval.

E. Development Standards.

The following standards shall apply to all wireless applications that require a Special Use permit:

1. **Co-Location Capacity.** Any proposed tower for Wireless Communications shall be designed, structurally, electrically, and in all other respects, to accommodate both the applicant's equipment and comparable equipment for at least two (2) additional users. Towers shall be designed to allow for future rearrangement of equipment upon the tower and to accept equipment mounted at varying heights.
2. **Ownership.** The applicant (owner/operator/agent) shall provide documentation to the Planning Commission that clearly establishes the legal ownership of the Wireless Communications Facility. The applicant, agents, or successors shall report to the Planning Commission any changes in the legal ownership of the Wireless Communications Facility within thirty (30) days of the effective date of the change. Documentation shall include contact information.
3. **Visual Impact.**
 - a. The application for Special Use for the Wireless Communications Facility shall include a visual impact analysis, prepared by the applicant, which includes a graphic depiction of the anticipated visual appearance of the Wireless Communications Facility from important vantage points in the surrounding area. Methods used in preparing the analysis may be reviewed and approved by the Planning Commission during its first consideration of the application for Special Use before the public hearing. The Planning Commission may require screening of the site consisting of a vegetative buffer, fence/wall, berm, or some combination thereof.
 - b. **Color and Aesthetics.** Wireless support structures shall be designed to blend into and be compatible with the surrounding environment through the use of color and architectural treatment, except in instances where color is dictated by other state or federal authorities. Towers shall be of a monopole design unless the Planning Commission determines that an alternative design would better blend into the surrounding environment.

4. **Height.** The support structure (tower) shall be exempt from building height limits established by zoning district regulations, provided that the tower height shall not exceed the minimum height necessary to serve its intended functions.
5. **Setbacks.**
 - a. **Towers.** Any part of the structures or equipment placed on the ground pertaining to the tower for Wireless Communications shall be set back for a distance at least equal to the setbacks for principal buildings for the district in which it is located, except that in no case shall such structures or equipment be located less than twenty-five (25) feet from any adjacent lot line or principal building. This provision shall not apply to towers located on existing buildings, towers, or other existing structures. The Planning Commission may require such structures or equipment on the ground to be screened by a landscaped screen, fences, berms, or a combination of these elements.

The Planning Commission shall not approve any wireless support structure or any part of which that is located within two hundred (200) feet of any residential district lot line.

- a. **Ground-Mounted Wireless Communications Facilities and Other Wireless Communications Facilities.** Ground-Mounted Wireless Communications Facilities and Other Wireless Communications Facilities shall be set back at least one hundred seventy-five (175) feet from the outside edge of the equipment enclosure to the outermost lot line of all participating lots. The Planning Commission may reduce the required setbacks if it is determined that such reduction will not adversely affect nearby lots.
 - b. **Other Buildings.** Ancillary building or buildings housing equipment needed for the operation of the Wireless Communications Facility shall not exceed the floor area and height minimally necessary for such equipment, shall meet district setbacks, and shall be of a size, type, color, and exterior materials which are aesthetically and architecturally compatible with the surrounding area, and as minimally obtrusive as possible. Landscape screening may be required by the Planning Commission to accomplish screening of ancillary equipment buildings.
6. **Lighting.** Wireless support structures (towers) shall not be illuminated unless required by other state or federal authorities. Lighting may consist of a red top light that does not pulsate or blink unless required by federal regulations. Radar-activated obstruction lighting is required if permitted by the [FAA](#) and the [FCC](#).
7. **Signs.** No signs or other advertising not related to safety or hazard warnings shall be permitted on any part of the tower or associated equipment or buildings.
8. **Other Regulations.** The applicant shall provide documentation of conformance with any [Federal Communications Commission](#), [Federal Aviation Administration](#), and [Michigan Aeronautics Commission](#) regulations.

9. **Abandonment.** If any Wireless Communications Facility owner or operator intends to abandon and, in fact, does abandon a Wireless Communication Facility by not operating it for a continuous period of twelve (12) months, the City shall require said facility to be removed, along with any associated structures or equipment, within three (3) months of the notification of abandonment by the City unless a time extension is granted by the Zoning Administrator. Only one (1) three (3) month extension shall be permitted and then only if the Zoning Administrator finds that the owner or former operator of the facility is taking active steps to ensure removal.
 - a. If there are two (2) or more users of a single Wireless Communication Facility, this provision shall not become effective until all providers cease to use the facility. If the owner of an abandoned Wireless Communication Facility cannot be located or is no longer in business, the requirements of this Section shall be the responsibility of the landowner on whose property the Wireless Communication Facility is located.

Section 7.5 Small Cell Wireless

A. Exempt Small Cell Wireless Facilities.

The co-location of a small cell wireless facility and associated support structure within a public right of way (ROW) is not subject to zoning reviews or approvals under this Ordinance to the extent it is exempt from such reviews under the [Small Wireless Communications Deployment, 2018 PA 365](#), as amended. In such case, a utility pole in the ROW may not exceed forty (40) feet above ground level without Special Use approval, and a small cell wireless facility in the ROW shall not extend more than five (5) feet above a utility pole or wireless support structure on which the small cell wireless facility is co-located.

B. Approval for Non-Exempt Small Cell Wireless Facilities.

The modification of existing or installation of new small cell wireless facilities or the modification of existing or installation of new wireless support structures used for such small cell wireless facilities that are not exempt from zoning review in accordance with [2018 PA 365](#), as amended shall be subject to review and approval by the City in accordance with the following procedures and standards:

1. The processing of an application is subject to all of the following requirements:
 - a. Within thirty (30) days after receiving an application under this Section, the Zoning Administrator shall notify the applicant in writing whether the application is complete. The notice tolls the running of the thirty (30) day period.
 - b. The running of the time period tolled under subsection B.1.a resumes when the applicant makes a supplemental submission in response to the Zoning Administrator's notice of incompleteness.
 - c. The Planning Commission (for the Special Use Site Plan) and the City Council (for the Special Use) shall approve or deny the application and notify the applicant in writing within ninety (90) days after an application for a modification of a wireless support structure or installation of a small

- cell wireless facility is received or one hundred fifty (150) days after an application for a new wireless support structure is received. The time period for approval may be extended by mutual agreement between the applicant and the Planning Commission and City Council.
2. The Planning Commission shall base its review of the request on the standards contained in [Section 5.5](#) and the City Council shall base its review of the request on the standards contained in [Section 6.4](#) provided, however, that a denial shall comply with all of the following:
 - a. The denial is supported by substantial evidence contained in a written record that is publicly released contemporaneously.
 - b. There is a reasonable basis for the denial.
 - c. The denial would not discriminate against the applicant with respect to the placement of the facilities of other wireless providers.
 3. In addition to the provisions set forth in subsection B.2, in the review:
 - a. An applicant's business decision on the type and location of small cell wireless facilities, wireless support structures, or technology to be used is presumed to be reasonable. This presumption does not apply with respect to the height of wireless facilities or wireless support structures.
 - b. An applicant shall not be required to submit information about its business decisions with respect to any of the following:
 - (1) The need for a wireless support structure or small cell wireless facilities.
 - (2) The applicant's service, customer demand for the service, or the quality of service.
 - c. The Planning Commission may impose reasonable requirements regarding the appearance of facilities, including those relating to materials used or arranging, screening, or landscaping.
 - d. The Planning Commission may impose spacing, setback, and fall zone requirements substantially similar to spacing, setback, and fall zone requirements imposed on other types of commercial structures of a similar height in a similar location.
 4. Within one (1) year after a zoning approval is granted, a small cell wireless provider shall commence substantial construction of the approved structure or facilities that are to be operational for use by a wireless services provider, unless the Planning Commission and the applicant agree to extend this period or the delay is caused by a lack of commercial power or communications facilities at the site. If the wireless provider fails to commence the construction of the approved structure or facilities within the time required the zoning approval is void.

Section 7.6 Marihuana Establishments & Facilities**A. Administration.**

1. A Marihuana Establishment or Facility must be licensed by the State of Michigan and the City of Gaylord and must comply with all local and state laws including all applicable state and local rules and regulations, as well as all conditions of a special use permit.
 - a. Any uses or activities found by the State of Michigan or a court with jurisdiction to be illegal or unconstitutional are not permitted by the City of Gaylord. If a court of jurisdiction declares a use to be illegal or unconstitutional, the City of Gaylord may suspend the acceptance of applications for Special Use permits pending a resolution of the legal issue in question.
 - b. The City of Gaylord may suspend or revoke a Special Use permit based on a finding that the provisions of the Special Use standards in this Ordinance, any other provision of any ordinance, or any term of the Special Use permit and approved site plan are not met.
2. A Marihuana Establishment or Facility, or associated licensed activities including but not limited to growing, processing, testing, transporting, or sales, may not be permitted as a home occupation or accessory use, nor may they include accessory uses except as otherwise provided in this Ordinance.

B. Development Regulations.

1. All Marihuana Establishments and Facilities must comply with the [City of Gaylord Sign Ordinance](#). Additionally, all Marihuana Establishments and Facilities shall:
 - a. Prominently display warning signs within the building stating:
 - (1) “No individual under the age of eighteen (18) years shall be permitted on this premises.”
 - (2) An accurate statement of federal law, such as: “Possession, use, or distribution of marihuana is a violation of federal law.”
 - (3) “It is illegal under State law to operate a motor vehicle or machinery while impaired or under the influence of marihuana.”
 - (4) “No marihuana products shall be smoked, ingested, or otherwise consumed on this premises.”
 - b. No advertising material shall contain the word “marihuana,” “marijuana,” “cannabis” or any other word, phrase, or symbol commonly understood to refer to marihuana, or use any advertising that would appeal to minors.
2. All outdoor production of marihuana is prohibited. No marihuana or paraphernalia shall be displayed or kept such that it is visible from outside the premises.

3. Light cast by light fixtures inside any building used for marihuana production or marihuana processing shall not be visible outside the building from 7:00 p.m. to 7:00 a.m. the following day.
4. A Marihuana Establishment or Facility shall be ventilated so that the odor of marihuana cannot be detected by a person with a normal sense of smell at the exterior of the business or at any adjacent use or property.
5. Two (2) or more Marihuana Establishments and/or Facilities may be located in the same building only if each Marihuana Establishment and/or Facility can independently satisfy all local and state requirements for operation.
6. A Marihuana Establishment or Facility must submit a comprehensive operation, safety, and security plan indicating how it will comply with the requirements of this Ordinance and all other applicable laws and regulations, and shall contain at a minimum:
 - a. Installment of cameras to monitor and record all areas where persons may access marihuana or cash, with details of how the recordings will be backed up and preserved. Cameras shall record business operations and capture all ingress and egress with sufficient detail to identify facial features and clothing. Access must be provided to the Gaylord City Police upon request. No recording of the public rights-of-way shall be permitted unless required by the State of Michigan.
 - b. Use of locking devices, including safes, for storage of marihuana and cash on the premises while closed to the public.
 - c. Installment of an alarm system continuously monitored by a company, with contact information for that company.
 - d. A procedure to notify the Gaylord City Police of any change in the security or alarm system on the premises.
 - e. For Marihuana Growers and Marihuana Processors, the methods used to prevent the growth of harmful mold and limitations on discharge wastewater into the City's wastewater systems.
 - f. A lighting plan showing the outside lighting for security purposes.
 - g. A plan for disposal of marihuana and marihuana-infused products to prevent the ingestion by any person or animal.
 - h. A description of all toxic, flammable, or other hazardous materials regulated by federal, state, or local authorities that will be used or kept at the premises, with the location on the premises and a description of the proposed use.

- i. A statement of the projected daily average and peak electric loads anticipated to be used, with certification by a licensed electrician that the premises are equipped to safely accept the anticipated load.
 - j. Any proposed changes to the buildings with the proper local permits and approvals required for those changes.
 - k. A fire suppression plan, detailing the location and method of fire alarm and extinguishment, with at least a one-hour fire separation wall between any adjoining business or residence.
 - l. Any other information or requirements related to the operation, safety, and security of the establishment as determined by the Planning Commission.
7. Marihuana Retailers and Marihuana Microbusinesses are subject to the additional following conditions:
- a. The Marihuana Establishment shall only sell to customers and be open to the public between the hours of 9:00 a.m. and 10:00 p.m.
 - b. All activities of the Marihuana Establishment, including transfers of marihuana, shall be conducted within a structure at the licensed location and out of public view.
 - c. The exterior appearance of all structures shall remain compatible with the exterior appearance of structures already constructed or under construction within the immediate area and shall be maintained so as to prevent blight, deterioration, or substantial diminishment or impairment of property values within the immediate area.
 - d. The Marihuana Establishment shall not be located within one thousand (1,000) feet of any real property comprising or used by a public or private elementary, vocational, or secondary school; a public or private college, junior college, or university; a licensed child care center or preschool; a public playground, public swimming pool, public or private youth activity facility; a public park, public outdoor recreation area, or public recreation facility; a public library; or within five hundred (500) feet of a religious institution or residentially zoned lots. Measurement shall be from the Marihuana Establishment's designated main public entrance door, along the shortest route to the centerline of the Marihuana Establishment's addressed road, then along the centerline of public roadways, utilizing the shortest centerline route, to the main entrance of the location containing the protected use.
 - e. Marihuana Provisioning Centers are prohibited.
8. A Marihuana Safety Compliance Facility shall comply with all other provisions of this Ordinance applicable to medical laboratories and medical testing facilities.
9. A Marihuana Secure Transporter shall comply with all other provisions of this Ordinance applicable to transporters and warehouses.

Section 7.7 Medical Marihuana Primary Caregivers

A. Intent and Purpose.

The purpose of this Section is to implement land use regulations to address the medical use of marihuana as authorized by the enactment of the [Michigan Medical Marihuana Act](#) (hereinafter referred to as the "MMMA"), Initiated Law 1 of 2008, MCL 333.26423, et seq, and its administrative rules, R 333.101, et seq.

B. Regulations for Primary Caregivers.

A primary caregiver facility is hereby authorized as a use by right in any zoning district, provided that all of the following regulations are met:

1. The primary caregiver must be issued and at all times must maintain a valid registry identification card by the [Michigan Department of Licensing and Regulatory Affairs](#) or any successor agency under the provisions of the [MMMA](#).
2. Except when being transported as provided in [subsection 8](#) below, all marihuana plants or products must be contained within the primary caregiver facility in an enclosed, locked facility that segregates the marihuana plants and products for medical use for each qualifying patient and that permits access only by the primary caregiver.
3. If a room with windows within the primary caregiver facility is utilized to grow marihuana for medical use, any artificial lighting shall be shielded, to prevent glare, must not be visible from neighboring properties, and must not be visible from adjacent roads or public ways.
4. Except as provided herein, no more than one (1) primary caregiver shall be permitted to provide primary caregiver services within a single primary caregiver facility. Provided, however, a husband and wife or not more than two (2) unrelated individuals whose relationship is of a permanent and distinct domestic character and who live as a single, nonprofit housekeeping unit with single culinary facilities may both be primary caregivers within the same primary caregiver facility.
5. Except for any qualifying patients who reside with the primary caregiver at the primary caregiver facility, no more than five (5) qualifying patients may be present at the same time at a primary caregiver facility for any purpose directly related to primary caregiver services. This subsection, however, shall not be construed to prohibit the presence of qualifying patients at a primary caregiver facility for purposes unrelated to primary caregiver services.
6. Qualifying patient visits to a primary caregiver facility shall be restricted to between the hours of 8:00 a.m. and 8:00 p.m., except when (1) the qualifying patient resides with the primary caregiver at the primary caregiver facility, or (2) the qualifying patient visits are for purposes unrelated to primary caregiver services.

7. No qualifying patients under the age of eighteen (18) shall be permitted at any time at a primary caregiver facility, except when (1) in the presence of his/her parent or guardian, (2) the qualifying patient resides with the primary caregiver at the primary caregiver facility, or (3) the qualifying patient visits are for purposes unrelated to primary caregiver services.
8. No marihuana for medical use shall be dispensed by the primary caregiver to qualifying patients at the primary caregiver facility, except to a qualifying patient who resides with the primary caregiver at the primary caregiver facility. Except as provided herein, the primary caregiver shall deliver all marihuana for the medical use of such qualifying patient, and such delivery shall take place on private property away from public view. Any such delivery vehicle shall be unmarked and not bear any emblem or sign that would indicate the nature of its cargo. In addition, all marihuana for medical use delivered to a qualifying patient shall be packaged so the public cannot see or smell the marihuana.
9. No marihuana for medical use shall be consumed, smoked, or ingested by a qualifying patient by any method at a primary caregiver facility, except by a qualifying patient who resides with the primary caregiver at the primary caregiver facility.
10. A primary caregiver shall display at the primary caregiver facility indoors and in a manner legible and visible to his/her qualifying patients:
 - a. A notice that qualifying patients under the age of eighteen (18) are not allowed at the primary caregiver facility, except when (1) in the presence of his/her parent or guardian, (2) the qualifying patient resides with the primary caregiver at the primary caregiver facility, or (3) the qualifying patient visits are for purposes unrelated to primary caregiver services, and
 - b. A notice that no dispensing or consumption of marihuana for medical use shall occur at the primary caregiver facility, except to or by a qualifying patient who resides with the primary caregiver at the primary caregiver facility.
11. A primary caregiver facility shall not have any signage visible from the outdoors that would indicate the nature of the primary caregiver services being conducted in the primary caregiver facility.
12. The portion of the primary caregiver facility, including any room or area utilized to grow marihuana for medical use, shall contain electrical service and wiring, certified by an electrician licensed in the State of Michigan, meeting the applicable requirements of the electrical code in effect in the City.

C. Relationship to Federal Law.

Nothing within this Section is intended to grant, nor shall it be construed as granting, immunity from federal law.

1 Authority & Purpose

2 Definitions

3 General Provisions

4 District Regulations

5 Plan Review

6 Special Use Review

7 Supplemental Regulations

8 Zoning Board of Appeals

9 Administration & Enforcement

10 Amendments & Adoption

Section 7.8 Accessory Solar Panels

A. Scope.

1. This Section applies to Accessory Solar Panels with the primary purpose of providing power on-site.
2. A zoning permit shall be required. A building permit may be required.
3. Accessory solar panels which provide power on-site but which cover more than one-half (1/2) acre of land or produce two (2) MW of power or more shall fall under [Section 7.9](#) Utility-Scale Solar Facilities and shall only be allowed in the M-1 District.

B. Submittal Requirements.

Applicants shall submit drawings that show the location of the system on the lot, height, tilt features (if applicable), the principal building, accessory structures, and setbacks to lot lines. Accessory solar energy panel applications that meet the ordinance requirements shall be granted administrative approval by the Zoning Administrator. In the R-1 and R-2 Districts, the applicant shall submit a plot plan. In the B-1, C-1, C-2, and M-1 Districts, the applicant shall submit a site plan.

C. Height.

Building-mounted accessory solar energy systems shall not exceed five (5) feet above the finished roof.

D. Setbacks/Location.

Building-mounted accessory solar energy panels shall adhere to district setbacks for a principal building but may encroach into designated principal building setbacks by twelve (12) inches.

E. Glare.

Panels shall not result in glare onto adjoining properties or public rights of way.

F. Nonconformities.

1. A building-mounted accessory solar energy panel installed on a nonconforming building or nonconforming use shall not be considered an expansion of the nonconformity.
2. Ground-mounted accessory solar energy panels installed on a nonconforming lot or nonconforming use shall not be considered an expansion of the nonconformity.

Section 7.9 Utility-Scale Solar Facilities

A. Purpose.

1. This Section applies to Solar Energy Facilities (Utility-Scale). A solar energy facility shall require a Special Use permit and shall be evaluated with the standards in this Section in addition to the site plan review standards in [Section 5.5](#) and Special Use standards in [Section 6.4](#).
2. Accessory solar panels are regulated as Accessory Uses in [Section 7.8](#). However, upon determination of the Zoning Administrator, accessory solar panels which provide power to uses other than single-family and two-family residential and which occupy a total area of more than one-half (1/2) acre or produce two (2) MW of power or more may also be required to comply with this Section.

B. Standards.

1. **Setbacks.** The setbacks of all solar collection devices and ancillary equipment shall be at least fifty (50) feet from the road right-of-way and all lot lines of non-participating lots and shall be three hundred (300) feet from the nearest point of the outer wall of all residences and occupied community buildings on non-participating lots.
2. **Height.** The total height for all solar collection devices shall not exceed twenty (20) feet when oriented at maximum tilt.
3. **Reflection/Glare.** Solar collection devices, or a combination of devices, shall be designed and located to avoid glare or reflection onto adjacent lots and adjacent roadways and shall not interfere with traffic or create a safety hazard. This may be accomplished by both the placement and angle of the collection devices as well as human-made or environmental barriers. Plans to reduce glare may be required in the initial materials submitted.
4. **Stormwater/Ground Cover.**
 - a. The Planning Commission may require soil stabilization through groundcover.
 - b. If required by the Zoning Administrator, the application shall include a drainage plan showing how stormwater runoff will be managed. If detergents will be used to clean solar panels, details on the type of detergent, frequency, and quantity of use, and stormwater quality protection measures shall be provided. Any necessary permits from outside agencies for off-site discharge shall be provided. If groundcover (such as conservation cover or pollinator habitat) is utilized, then a drainage plan is not required.
5. **Screening.** The Planning Commission may require that solar devices be screened year-round from view from any existing adjacent non-participating lot line and the public right-of-way by use of a screening wall,

evergreen vegetation, or other screening of similar effectiveness and quality, as determined by the Planning Commission. Screening shall look as natural as possible through the use of varying plant materials of varying heights, if possible. Screening shall be placed outside the perimeter fence. Natural vegetation may be counted toward screening requirements. Screening shall be maintained throughout the life of the facility including replacing dead vegetation within six (6) months or at the earliest feasible time of year dependent on the weather. The Planning Commission may reduce or waive screening requirements provided that any such adjustment is in keeping with the intent of the Ordinance.

6. **Wiring.** Wiring (including communication lines) may be buried underground. Any above-ground wiring within the footprint of the solar energy facilities shall not exceed the height of the solar array at maximum tilt.
 7. **Lighting.** Solar Energy Facility lighting shall be limited to inverter and/or substation locations only. Light fixtures shall have downlit shielding and be placed to keep light on-site and glare away from adjacent properties, bodies of water, and adjacent roadways. Flashing or intermittent lights are prohibited.
 8. **Sound.** The sound pressure level of a solar energy facility and all ancillary solar equipment shall not exceed fifty-five (55) dBA (Leq (1 hour)) at the nearest outer wall of the nearest dwelling located on an adjacent non-participating lot. The site plan shall include modeled sound isolines extending from the sound source to the dwelling. The applicant may be required to provide operating sound pressure level measurements from a reasonable number of sampled locations to demonstrate compliance with this standard. Inverters shall be as centrally located on the lot as possible.
 9. **Fencing.** Solar Energy Facilities may be secured with perimeter fencing to restrict unauthorized access. Fencing is not subject to setbacks in [subsection B.1](#). Fencing for solar energy facilities is exempt from standards in [Section 20.500 – 20.509 \(Fences Ordinance\)](#). The Planning Commission may require wildlife-friendly fencing.
 10. **Lot Coverage.** Solar collection devices shall not count toward the maximum lot coverage standards in this Ordinance or any future amendments.
 11. **Access.** Solar energy facilities shall be maintained in good working order and in accordance with industry standards. Site access shall be maintained for fire and police personnel and equipment, including snow removal at a level acceptable to the local fire department.
- C. **Application Requirements.** The applicant shall be responsible for all costs related to any third-party study required by the Planning Commission.

An applicant shall submit a site plan showing the design of all elements to be erected or constructed as a part of the solar energy facility. The site plan shall include the following:

1. All lot lines, dimensions, and setbacks, including a legal description of each lot comprising the Solar Energy Facility.

2. Names of owners of each lot that is proposed to be within the Solar Energy Facility.
3. Vicinity map showing the location of all surrounding land uses.
4. The location of all solar arrays, including setbacks.
5. The width of arrays.
6. The distance between arrays plus total height (and distance to the lowest edge of the array above grade).
7. Ancillary structures and electrical equipment.
8. Utility connections.
9. Buildings on the lot and within three hundred (300) feet of the lot lines (participating and non-participating lots).
10. Existing and proposed structures as part of the Solar Energy Facility.
11. Buried or above-ground wiring.
12. Temporary and permanent access drives.
13. Fencing detail.
14. Screening/landscape detail and berm detail.
15. Signs.
16. The location of any Battery Energy Storage Systems on-site.
17. Plans for land clearing and/or grading required for the installation and operation of the system, and plans for ground cover establishment and management.
18. Completed copy of Michigan Pollinator Habitat Planning Scorecard for Solar Sites (when applicable).
19. Drainage plan including a plan to control runoff during construction.
20. **Emergency Response Plan (ERP).** A copy of the approved Emergency Response Plan shall be given to the system owner, the local fire department, and local fire code official. Copies of the Emergency Response Plan shall be maintained at an approved on-site and off-site location accessible to facility personnel, the local fire department, and emergency responders, which should be outside the perimeter fence. Such plan shall document and verify that the system and its associated controls and

safety systems are in compliance with the Fire Code. The Emergency Response Plan shall include the following information:

- a. A description of all on-site equipment and systems to be provided to prevent or handle fire emergencies.
- b. A description of all contingency plans to be implemented in response to the occurrence of a fire emergency, including evacuation control measures and community notification measures.
- c. Procedures for safe shutdown or isolation of equipment and systems under emergency conditions to reduce the risk of fire, electric shock, and personal injuries, and for safe start-up following cessation of emergency conditions.
- d. Procedures for inspection and testing of associated alarms and controls.
- e. Procedures to be followed for summoning service and repair personnel, and providing agreed-upon notification to fire department personnel for potentially hazardous conditions in the event of a system failure.
- f. Emergency procedures to be followed in case of fire, explosion, damage to critical moving parts, or other potentially dangerous conditions. Procedures can include sounding the alarm, notifying the fire department, evacuating personnel, and controlling and extinguishing the fire.
- g. Response considerations similar to a safety data sheet (SDS) that will address response safety concerns and extinguishment when an SDS is not required.
- h. Other procedures as determined necessary by the City to provide for the safety of occupants, neighboring properties, and emergency responders.
- i. Procedures and schedules for conducting drills of these procedures and for training local first responders on the contents of the plan and appropriate response procedures.
- j. Identification of potential approach and departure routes to and from the facility site for police, fire, ambulance, and other emergency vehicles.
- k. An analysis of whether plans to be implemented in response to an emergency can be fulfilled by existing local emergency response capacity, identification of any specific equipment or training deficiencies in local emergency response capacity, and recommendations for measures to mitigate emergencies. The City may require that the applicant provide funding for any specific equipment which is necessary to handle emergency situations at the facility.
- l. A commitment to review and update the ERP with local emergency services at least once every three (3) years.

- m. A commitment to offer to conduct, or provide funding to conduct, site-specific training drills with local emergency services before commencing operation and at least once per year while the facility is in operation, at the expense of the project owner. Training should familiarize the local emergency services with the project, hazards, procedures, and current best practices.
 - n. Additional detail(s) and information as required by the Special Use requirements of the Zoning Ordinance, or as required by the Planning Commission.
21. **Pre-Development Sound Modeling Study.** Include sound isolines extending from the sound source(s) to all lot lines and dwellings on non-participating properties within five hundred (500) feet of the lot lines.
22. **Additional Studies.** The Planning Commission may require the applicant to submit additional studies if reasonably related to the standards of this Ordinance as applied to the application site, including but not limited to:
- a. **Visual Impact Assessment.** A technical analysis by a third-party qualified professional of the visual impacts of the proposed project, including a description of the project, the existing visual landscape, and important scenic resources, plus visual simulations that show what the project will look like (including proposed landscape and other screening measures) a description of potential project impacts, and mitigation measures that would help to reduce the visual impacts created by the project and documented on the site plan.
 - b. **Environmental Analysis.** An analysis by a third-party qualified professional to identify and assess any potential impacts on the natural environment including, but not limited to wetlands and other fragile ecosystems, wildlife, endangered and threatened species, historical and cultural sites, and antiquities. If required, the analysis shall identify all appropriate measures to minimize, eliminate, or mitigate adverse impacts identified and show those measures on the site plan, where applicable.
 - c. **Stormwater Study.** An analysis by a third-party qualified professional that takes into account the proposed layout of the Solar Energy Facility and how the spacing, row separation, and slope affect stormwater infiltration, including calculations for a one hundred (100) year rain event (storm). Percolation tests or site-specific soil information shall be provided to demonstrate infiltration on-site without the use of engineered solutions.
 - d. **Glare Study.** An analysis by a third-party qualified professional to determine if glare from the solar collection devices will be visible from nearby residents and roadways. If required, the analysis shall consider the changing position of the sun throughout the day and year, and its influence on the facility.
23. **Decommissioning Plan.** A decommissioning plan is required at the time of application.
- a. The decommissioning plan shall include:

- (1) The anticipated life of the project.
 - (2) The anticipated manner in which the project will be decommissioned, including a description of which above-grade and below-grade improvements will be removed, retained (e.g. access drive, fencing), or restored for viable reuse of the property consistent with the zoning district. Removal shall include removing equipment, foundations, and other items so that the ground is restored to its preconstruction state and is ready for development as another land use.
 - (3) **Performance Guarantee.** The City may require a performance guarantee (pursuant to [Section 9.5](#)) at the time of approval equal to two (2) times the estimated decommissioning cost.
 - (a) The City may require one (1) or more third-party entities to develop decommissioning cost estimates. If this is required, the City will select the most appropriate cost estimate.
 - (b) A review of the amount of the performance guarantee based on inflation, salvage value, and current removal costs shall be completed every three (3) years, for the life of the project, and approved by the City Council. The amount of the performance guarantee shall be increased based on an inflation rate equal to the average of the previous ten (10) years Consumer Price Index.
 - (4) The method of ensuring that funds will be available for site decommissioning and stabilization (in the form of surety bond, irrevocable letter of credit, or cash deposit).
- b. A Solar Energy Facility owner may at any time:
- (1) Proceed with the decommissioning plan approved by the Planning Commission and remove the system as indicated in the most recent approved plan after providing notification to the City; or
 - (2) Amend the decommissioning plan with Planning Commission approval and proceed according to the revised plan.

D. Repowering.

1. In addition to repairing or replacing solar energy components to maintain the system, a solar energy facility may at any time be repowered, without the need to apply for a new Special Use permit, by reconfiguring, renovating, or replacing the solar energy components to increase the power rating within the existing project footprint.
2. A proposal to change the project footprint of an existing solar energy facility shall be considered a new application, subject to the Ordinance standards at the time of the request. Expenses for legal services and other studies resulting from an application to modify a solar energy facility will be reimbursed to the City by the solar energy facility owner in compliance with established escrow policy.

E. Reports.

The City may request an annual solar energy production summary report for the preceding year. When requested, the report shall be transmitted to the City Clerk.

F. Working Order and Site Access.

The Solar Energy Facility shall be maintained in good working order and in accordance with industry standards. Site access shall be maintained, including snow removal at a level acceptable to the city public safety and fire departments.

G. Abandonment.

1. If a Solar Energy Facility owner or operator intends to abandon and, in fact, does abandon a Solar Energy Facility by not operating it for a continuous period of twelve (12) months, said Solar Energy Facility shall be considered abandoned, and the owner of such Solar Energy Facility shall remove the same within one hundred eighty (180) days of the receipt of a notice of abandonment by the City. Failure to remove an abandoned Solar Energy Facility within the one hundred eighty (180) day period provided in this subsection shall be grounds for the City to remove the Solar Energy Facility at the owner's expense. The City Council may grant an extension to this one hundred eighty (180) day period.
2. In addition to removing the Solar Energy Facility, the owner shall restore the site of the Solar Energy Facility to its original condition prior to the location of the Solar Energy Facility, subject to reasonable wear and tear. Any foundation associated with a Solar Energy Facility shall be fully removed below the final grade and site vegetation shall be restored. The Planning Commission may require that vegetative screening be removed.

H. Post-Approval Documentation.

Any Zoning Permit or Special Use Permit for any Utility-Scale Solar Energy System shall be conditioned upon the submission of the following documents:

1. **Amended Emergency Response Plan (ERP) (if applicable).** Additional consultation with local emergency services is required for amended plans.
2. **Post-Construction Sound Survey.** Documentation of sound pressure level measurements shall be provided to the Zoning Administrator by a third-party qualified professional selected by the Planning Commission and at the expense of the Solar Energy System owner within six (6) months of the commencement of the operation of the project. The study will be designed to verify compliance with sound standards applicable to this Ordinance.

Section 7.10 Accessory Wind Turbines

A. Scope.

This Section applies to accessory wind turbines with the primary purpose of providing power on-site. Wind turbines which are intended to power no more than one (1) piece of equipment on the site shall be exempt from this Section.

B. Submittal Requirements.

Applicants shall submit a site plan for all accessory wind turbine applications.

C. Accessory Wind Turbine Standards.

An accessory wind turbine shall comply with the following standards:

1. The wind turbine shall be designed to primarily serve the needs of the property on which it is located.
2. **Design and Installation.** All wind turbines (ground and roof-mounted) shall be installed by a licensed contractor and applications shall be accompanied by engineering drawings of the wind turbine structure including the tower, base, and footings. The installation of the wind turbine shall meet the manufacturer's specifications.
3. **Minimum Lot Size.** The minimum lot size for an accessory wind turbine shall be as necessary to meet required setbacks and any other standards of this Ordinance.
4. **Height.** The accessory wind turbine shall have a tower height of one hundred (100) feet or less.
5. **Rotor Clearance.** A minimum fifteen (15) foot clearance from the ground shall be maintained for the vertical blade tip of a Horizontal Axis Wind Turbine and for the bottom of the rotating spire or helix of a Vertical Axis Wind Turbine.
6. **Setback.** The distance between an accessory wind turbine and the lot lines of adjacent lots shall be at least equal to one and a half (1.5) times the height of the tower including the top of the blade in its vertical position.
7. **Guy Wires.** The use of guy wires shall be prohibited.
8. **Noise.** The accessory wind turbine shall not generate a maximum sound in excess of fifty-five (55) dBA (Leq (1 hour)) at the nearest outer wall of the nearest dwelling located on an adjacent nonparticipating lot. The site plan shall include modeled sound isolines extending from the sound source to the dwelling. The applicant may be required to provide operating sound pressure level

measurements from a reasonable number of sampled locations to demonstrate compliance with this standard.

9. **Reception Interference.** Wind turbines shall not cause interference with television, microwave, navigational, or radio reception to neighboring areas.
10. **Number of Turbines (Horizontal or Vertical).** The number of wind turbines shall be determined by the spacing requirement of the manufacturer. Multiple turbines may be approved by the Planning Commission provided the multiple turbines comply with the spacing requirements of the manufacturer.
11. **Vibration.** Wind turbines shall not cause vibrations through the ground which are perceptible on non-participating lots.
12. **Shadow Flicker.** The property owner of a wind turbine shall make reasonable efforts to minimize shadow flicker to any occupied building on nearby properties.
13. **Potential Ice Throw.** Any potential ice throw or ice shedding from the wind turbine shall not cross the lot lines onto non-participating lots nor impinge on any right-of-way or overhead utility line.
14. **Visual Impact.** All visible components of a wind turbine shall be colored a non-reflective, non-obtrusive neutral color and maintained in good repair in accordance with industry standards. No advertising is permitted on accessory wind turbines.
15. **Roof-Mounted Wind Energy Systems.** Roof-mounted wind energy systems are not permitted in the City.
16. **Safety.** An accessory wind turbine shall have an automatic braking system to prevent uncontrolled rotation.
17. **Other Regulations.** Accessory use of a wind turbine shall comply with all applicable state construction and electrical codes, [Federal Aviation Administration](#) requirements, [Michigan Aeronautics Commission](#) requirements, [1959 PA 259](#), as amended, (Michigan Tall Structures Act, being MCL 259.481 et. seq.) and the [Michigan Public Service Commission](#) and [Federal Energy Regulatory Commission](#) standards.

Section 7.11 Utility-Scale Wind Facilities

A. Purpose and Goals.

The purpose of this Section is to establish guidelines for siting wind energy facilities consisting of one (1) or more wind turbines whose main purpose is to supply electricity to off-site customers. This Section's goals are as follows:

1. To promote the safe, effective, and efficient use of wind turbines installed to produce power that will primarily be directly supplied to the electric power grid system.
2. To lessen potential adverse impacts that wind turbines may have on residential areas and land uses through careful design, siting, noise limitations, and innovative camouflaging techniques.
3. To avoid potential damage to adjacent properties from turbine failure through proper siting of turbine structures.

B. Technological Advances and Design Standards Flexibility.

The City recognizes the accelerated pace at which the technology of wind energy generation is constantly evolving, and the impact these technological changes may have on the use and placement of wind turbines within the City. Consequently, in order to effectively incorporate new technology that may outpace the regulations established herein, the Planning Commission may approve wind energy facilities that do not fully comply with the strict development standards of these regulations, if, in the opinion of the Commission, they comply with the intent of the regulations and do not create significant adverse impacts on the petitioned property, adjacent lots, or the immediate neighborhood.

C. Standards.

Anemometer towers and wind energy facilities consisting of one (1) or more wind turbines whose main purpose is to supply electricity to off-site customers shall be allowed as a Special Use and shall adhere to the following requirements in addition to the requirements contained in [Article 6](#).

1. **Principal or Accessory Use.** A Wind Energy Facility or anemometer tower may be considered either a principal or an accessory use on the lot. A different existing use or an existing structure on the same lot shall not preclude the installation of a Wind Energy Facility or a part of such facility on such lot. Wind energy facilities that are constructed and installed in accordance with the provisions of this Section shall not be deemed to constitute the expansion of a nonconforming use or structure.
2. **Design & Installation.** All wind turbines shall comply with the building code currently adopted by the City. Building permits for all wind turbines must be issued to a licensed contractor and applications shall be accompanied by engineering drawings of the wind turbine structure including the tower, base, and footings. An engineering analysis of the tower showing compliance with the currently adopted building code and certified by a licensed professional engineer shall also be submitted.

Guy wires may be utilized to support a temporary (18 months or less) anemometer tower if demonstrated by the applicant to be necessary to maintain the safety of the structure.

3. **Minimum Site Area.** The minimum site area for a wind turbine or an anemometer tower erected prior to a wind turbine shall be as necessary to meet required wind energy setbacks and any other standards of this Section.
4. **Setbacks.** Each proposed wind turbine or anemometer tower shall meet the following applicable setback requirements:
 - a. **Setback from Non-Participating Lot Line.** Each wind turbine shall be set back from the nearest lot line of a non-participating lot a minimum of 1.5 times its total height as measured from the base of the wind turbine.
 - b. **Occupied Building Setback on Non-Participating Lots.** Each wind turbine shall be set back from the nearest point of the outside wall of the dwellings or occupied community buildings that are located on non-participating lot(s) a minimum of 2.1 times its total height as measured from the base of the wind turbine.
 - c. **Dwellings and Other Structures on Participating Lots.** Each wind turbine shall be set back from the nearest point of the outside wall of dwellings or other structures that are located on participating lot(s) a minimum of 1.5 times its total height as measured from the base of the wind turbine.
 - d. **Setback from Road.** In addition to the above, a wind turbine shall, in all cases, be set back from a public or private road right-of-way a minimum distance at least equal to 1.5 times the height of the wind turbine total height.
 - e. **Setback from Overhead Communication and Electric Transmission Lines.** Each wind turbine shall be set back from overhead communication and electric transmission lines (not including utility service lines to individual houses or outbuildings) a minimum distance of 1.5 times its total height as measured from the base of the wind turbine.
 - f. **Building Setbacks.** Setbacks for buildings accessory to a wind turbine shall conform to the setbacks of the district.
5. **Maximum Height.**
 - a. The maximum height of a wind turbine shall be three hundred (300) feet. An increase in height may be approved at the discretion of the City Council upon recommendation from the Planning Commission. The application shall provide justification for the needed increase in addition to showing the increase will result in some form of preservation (i.e. preserve viewshed, environment, etc.).

- b. The applicant shall demonstrate compliance with the [Michigan Tall Structures Act \(1959 PA 259, as amended\)](#), [FAA](#) guidelines, and [Michigan Aeronautics Commission](#) guidelines as part of the approval process.
6. **Tower Separation.** Wind turbine separation distance shall be based on 1) industry standards, 2) manufacturer recommendation, and 3) the characteristics (prevailing wind, topography, etc.) of the particular site location. Documents shall be submitted by the developer/manufacturer confirming specifications for tower separation. Documents shall provide a justification for the proposed tower separation distances.
7. **Minimum Ground Clearance.** The lowest point of the arc created by rotating wind vanes or blades on a wind turbine shall be no less than fifty (50) feet.
8. **Maximum Noise Levels.** The Wind Energy Facility does not generate a maximum sound in excess of fifty-five (55) dBA (Leq (1 hour)) at the nearest outer wall of the nearest dwelling located on an adjacent nonparticipating lot. The site plan shall include modeled sound isolines extending from the sound source to the dwelling. The applicant may be required to provide operating sound pressure level measurements from a reasonable number of sampled locations to demonstrate compliance with this standard.
9. **Maximum Vibrations.** Any proposed wind turbine shall not produce vibrations through the ground humanly perceptible beyond the lot on which it is located.
10. **Potential Ice Throw.** Wind turbines shall be installed with ice detection, de-icing technology, or a similar application to demonstrate ice throw can be mitigated.
11. **Shadow Flicker.** The turbine owner(s) and/or operator(s) shall conduct an analysis on potential shadow flicker at any occupied building with direct line-of-sight to the turbine. The analysis shall identify the locations of shadow flicker that may be caused by the project and the expected durations of the flicker at these locations from sunrise to sunset over the course of a year. The analysis shall identify situations where shadow flicker may affect the occupants of the buildings for more than thirty (30) hours per year and describe measures that shall be taken to eliminate or mitigate the problems. Shadow flicker on a building shall not exceed thirty (30) hours per year.
12. **Signal Interference.** No wind turbine shall be installed in any location where its proximity with existing fixed broadcast, retransmission, or reception antennas for radio, television, navigation, wireless phone, or other personal communication systems would produce interference with signal transmission or reception. No wind turbine shall be installed in any location along the major axis of an existing microwave communications link where its operation is likely to produce interference with the link's operation.
13. **Visual Impact, Lighting, Power Lines.**

- a. Wind turbines shall be mounted on tubular towers of a non-reflective, non-obtrusive neutral color. The appearance of turbines, towers, and buildings shall be maintained throughout the life of the Wind Energy Facility pursuant to industry standards (i.e. condition of exterior paint, signs, landscaping). A certified registered engineer and authorized factory representative shall certify that the construction and installation of the Wind Energy Facility meets or exceeds the manufacturer's construction and installation standards.
- b. The design of the Wind Energy Facility's buildings and related structures shall, to the extent reasonably possible, use materials, colors, textures, screening, and landscaping that will blend facility components with the natural setting and the environment existing at the time of installation.
- c. Wind turbines shall not be artificially lighted, except to the extent required by the [FAA](#) or the [MAC](#) or other applicable authority, or otherwise necessary for the reasonable safety and security thereof. If lighting is required, the lighting alternatives and design chosen:
 - (1) Shall be the intensity required under state or federal regulations.
 - (2) Shall not be strobe lighting or other intermittent white lighting fixtures, unless expressly required by state or federal regulations. Such intermittent lighting shall be alternated with steady red lights at night if acceptable to state or federal regulations.
 - (3) May be a red top light that does not pulsate or blink.
 - (4) All tower lighting required by state or federal regulations shall be shielded to the extent possible to reduce glare and visibility from the ground.
 - (5) Radar-activated obstruction lighting system shall be utilized, if available.
- d. Wind turbines shall not be used to display any advertising except the reasonable identification of the manufacturer or operator of the Wind Energy Facility.
- e. The electrical collection system shall be placed underground within the interior of each lot at a depth designed to accommodate the existing or permitted land use to the maximum extent practicable. The collection system may be placed overhead adjacent to state and major city streets upon approval of the Planning Commission following a written recommendation from the City Engineer, DPW, and Planning Departments, near substations or points of interconnection to the electric grid or in other areas as necessary.

14. **Safety.**

- a. All collection system wiring shall comply with all applicable safety and stray voltage standards.
- b. The exterior of wind turbine towers shall not be climbable up to fifteen (15) feet above the ground surface.

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- c. All access doors to wind turbine towers and electrical equipment shall be locked.
 - d. Appropriate warning signs shall be placed on wind turbine towers, electrical equipment, and facility entrances.
 - e. All wind turbines shall be equipped with controls to control the rotational speed of the blades within design limits for the specific wind turbine.
 - f. Wind turbines shall be equipped with a redundant braking system. This includes both aerodynamic overspeed controls and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for overspeed protection.
15. **Access.** Wind energy facilities shall be maintained in good working order and in accordance with industry standards. Site access shall be maintained for fire and police personnel and equipment, including snow removal at a level acceptable to the local fire department.
16. **Additional State, Federal, or Local Requirements.** Any proposed wind turbine or anemometer tower shall meet or exceed any standards and regulations of the [Federal Aviation Administration \(FAA\)](#), [Michigan Aeronautics Commission \(MAC\)](#), the [Michigan Public Service Commission](#), National Electric Safety Code, [Federal Energy Regulatory Commission](#), and any other agency of the state, federal, or local government with the authority to regulate wind turbines or other tall structures in effect at the time the Special Use application is approved.
- D. **Application Requirements.** The applicant shall be responsible for all costs related to any third-party study required by the Planning Commission.
1. **Site Plan Required.** All applications for a Wind Energy Facility shall be accompanied by a detailed site plan that is drawn to scale and dimensioned, displaying the following information:
- a. Existing lot features including the following: lot lines, physical dimensions of the lot, land use, zoning district, contours, setback lines, rights-of-way, public and utility easements, public roads, access roads (including width), sidewalks, non-motorized pathways, large trees, and all buildings. The site plan must also include the adjacent properties as well as the location and use of all structures and utilities within three hundred (300) feet of the lot lines (participating and non-participating lots).
 - b. Location and height of all proposed wind turbines, buildings, structures, ancillary equipment, underground utilities and their depth, towers, security fencing, access roads (including width, composition, and maintenance plans), electrical sub-stations, and other above-ground structures and utilities associated with the proposed Wind Energy Facility.
 - c. Topography of land.

- d. Additional details and information as required by the Special Use requirements of the Zoning Ordinance or as requested by the Planning Commission.

2. **Site Plan Documentation.** The following documentation shall be included with the site plan:

- a. The contact information for the Owner(s) and Operator(s) of the Wind Energy Facility as well as contact information for all property owners on which the Wind Energy Facility is located.
- b. A copy of the lease, or recorded document, with the landowner(s) if the applicant does not own the land for the proposed Wind Energy Facility. A statement from the landowner(s) of the leased site that he/she will abide by all applicable terms and conditions of the Special Use permit, if approved.
- c. Identification and location of the properties on which the proposed Wind Energy Facility will be located.
- d. The proposed number, representative types, and height of each wind turbine to be constructed; including their manufacturer and model, product specifications including maximum noise output (measured in decibels), total rated capacity, rotor diameter, and a description of ancillary facilities.
- e. Documents shall be submitted by the developer/manufacturer confirming specifications for wind turbine separation.
- f. Documented compliance with the noise and shadow flicker requirements set forth in this Ordinance.
- g. Engineering data concerning construction of the Wind Energy Facility and its base or foundation, which may include, but not be limited to, soil boring data.
- h. A certified registered engineer shall certify that the Wind Energy Facility meets or exceeds the manufacturer's construction and installation standards.
- i. Anticipated construction schedule.
- j. The location of any Battery Energy Storage System on-site.
- k. Laydown yard details.
- l. A copy of the maintenance and operation plan, including anticipated regular and unscheduled maintenance. Additionally, a description of the procedures that will be used for lowering or removing the Wind Energy Facility to conduct maintenance, if applicable.
- m. Documented compliance with applicable local, state, and national regulations including, but not limited to, all applicable safety, construction, environmental, electrical, and communications. The

- Wind Energy Facility shall comply with **Federal Aviation Administration (FAA)** requirements, **Michigan Airport Zoning Act**, **Michigan Tall Structures Act**, and any applicable airport overlay zone regulations.
- n. Proof of applicant's liability insurance.
 - o. Evidence that the utility company has been informed of the customer's intent to install an interconnected, customer-owned turbine and that such connection has been approved.
 - p. Other relevant information as may be requested by the City to ensure compliance with the requirements of this Ordinance.
 - q. Following the completion of construction, the applicant shall certify that all construction is completed pursuant to the Special Use Permit.
 - r. A written description of the anticipated life of each Wind Energy Facility.
 - s. The City reserves the right to review all maintenance plans and bonds under this Ordinance to ensure that all conditions of the permit are being followed.
 - t. Signature of Applicant.
3. **Hazard Planning.** An application for a wind turbine shall be accompanied by a hazard prevention plan. Such plan shall contain:
- a. Certification that the electrical wiring between turbines and between turbines and the utility right-of-way does not pose a fire hazard.
 - b. Location of landscaping to be designed to avoid the spread of fire from any source on the turbine; such preventative measures may address the types and locations of vegetation below the turbine and on the site.
 - c. A listing of any hazardous fluids that may be used on-site shall be provided in an electronic format, including safety data sheet (SDS).
 - d. Certification that the turbine has been designed to contain any hazardous fluids shall be provided.
 - e. A statement certifying that the turbine shall be routinely inspected to ensure that no fluids are released from the turbine.
4. **Grading, Erosion, and Stormwater Drainage Plan.** A site grading, erosion control, and stormwater drainage plan will be submitted to the Zoning Administrator prior to issuing a Special Use permit for a Utility-Scale Wind Energy Facility. At the City's discretion, these plans may be reviewed by the City's engineering firm. The cost of this review will be the responsibility of the applicant.

5. **Road Analysis and Agreement/Bond.** A description of the routes to be used by construction and delivery vehicles and of any road improvements that will be necessary to accommodate construction vehicles, equipment, or other deliveries, and an agreement or bond which guarantees the repair of damage to public roads and other areas caused by construction of the Utility-Scale Wind Energy Facility.
6. **Environmental Impact Study.** A study assessing any potential impacts on the natural environment (including, but not limited to, assessing the potential impact on endangered species, eagles, birds and/or other wildlife, wetlands, and fragile ecosystems). The study shall conform to state and federal wildlife agency recommendations based on local conditions. The study shall include impacts on migratory birds.
7. **Emergency Response Plan.** A copy of the approved Emergency Response Plan shall be given to the system owner, the local fire department, and local fire code official. Copies of Emergency Response Plan shall be maintained at an approved on-site and off-site location accessible to facility personnel, the local fire department, and emergency responders, which should be outside the perimeter fence. Such plan shall document and verify that the system and its associated controls and safety systems are in compliance with the Fire Code. The Emergency Response Plan shall include the following information:
 - a. A description of all on-site equipment and systems to be provided to prevent or handle fire emergencies.
 - b. A description of all contingency plans to be implemented in response to the occurrence of a fire emergency, including evacuation control measures and community notification measures.
 - c. Procedures for safe shutdown or isolation of equipment and systems under emergency conditions to reduce the risk of fire, electric shock, and personal injuries, and for safe start-up following cessation of emergency conditions.
 - d. Procedures for inspection and testing of associated alarms and controls.
 - e. Procedures to be followed for summoning service and repair personnel, and providing agreed-upon notification to fire department personnel for potentially hazardous conditions in the event of a system failure.
 - f. Emergency procedures to be followed in case of fire, explosion, damage to critical moving parts, or other potentially dangerous conditions. Procedures can include sounding the alarm, notifying the fire department, evacuating personnel, and controlling and extinguishing the fire.
 - g. Response considerations similar to a safety data sheet (SDS) that will address response safety concerns and extinguishment when an SDS is not required.
 - h. Other procedures as determined necessary by the City to provide for the safety of occupants,

neighboring properties, and emergency responders.

- i. Procedures and schedules for conducting drills of these procedures and for training local first responders on the contents of the plan and appropriate response procedures.
 - j. Identification of potential approach and departure routes to and from the facility site for police, fire, ambulance, and other emergency vehicles.
 - k. An analysis of whether plans to be implemented in response to an emergency can be fulfilled by existing local emergency response capacity, identification of any specific equipment or training deficiencies in local emergency response capacity, and recommendations for measures to mitigate emergencies. The City may require that the applicant provide funding for any specific equipment which is necessary to handle emergency situations at the facility.
 - l. A commitment to review and update the ERP with local emergency services at least once every three (3) years.
 - m. A commitment to offer to conduct, or provide funding to conduct, site-specific training drills with local emergency services before commencing operation, and at least once per year while the facility is in operation, at the expense of the project owner. Training should familiarize the local emergency services with the project, hazards, procedures, and current best practices.
 - n. Additional detail(s) and information as required by the Special Use requirements of the Zoning Ordinance, or as required by the Planning Commission.
8. **Visual Impact Assessment.** A technical analysis by a third-party qualified professional of the visual impacts of the proposed project, including a description of the project, the existing visual landscape, and important scenic resources, plus visual simulations that show what the project will look like (including proposed landscape and other screening measures) a description of potential project impacts, and mitigation measures that would help to reduce the visual impacts created by the project and documented on the site plan.
9. **Pre-Development Sound Modeling Study.** Include sound isolines extending from the sound source(s) to all lot lines and dwellings on non-participating properties within five hundred (500) feet of the lot lines.
10. **Other Approvals.** All required approvals from other local, regional, state, or federal agencies must be obtained prior to approval of a site plan. In the case where site plan approval is a requirement for other local, regional, state, or federal agency approval, evidence of such shall be submitted with the site plan, and such approval of the site plan by the Planning Commission shall be conditional upon the approval of all other required permits.
11. **Decommissioning Plan Required.** The applicant shall submit a decommissioning plan at the time of application. The plan shall include:

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- a. The anticipated life of the project.
- b. The anticipated manner in which the project will be decommissioned and the site restored. In addition to removing the wind turbine, or anemometer tower, the owner shall restore the site of the wind turbine or anemometer tower to its original condition prior to the location of the wind turbine or anemometer tower, subject to reasonable wear and tear. Any foundation associated with a wind or anemometer tower shall be fully removed below the final grade and site vegetation shall be restored.
- c. **Performance Guarantee.** The City may require a performance guarantee (pursuant to [Section 9.5](#)) at the time of approval equal to two (2) times the estimated decommissioning cost.
 - (1) The City may require one (1) or more third-party entities to develop decommissioning cost estimates. If this is required, the City will select the most appropriate cost estimate.
 - (2) A review of the amount of the performance guarantee based on inflation, salvage value, and current removal costs shall be completed every three (3) years, for the life of the project, and approved by the City Council. The amount of the performance guarantee shall be increased based on an inflation rate equal to the average of the previous ten (10) years Consumer Price Index.
- d. The method of ensuring that funds will be available for decommissioning and restoration.
- e. City-approved traffic route for decommissioning and surety bond to ensure no perceived road damage is done.
- f. A facility owner may at any time:
 - (1) Proceed with the decommissioning plan approved by the Planning Commission and remove the system as indicated in the most recent approved plan after providing notification to the City; or
 - (2) Amend the decommissioning plan with Planning Commission approval and proceed according to the revised plan.

E. Equipment Replacement and Repowering.

Major components of the wind turbine may be replaced without a modification of the Special Use permit provided all regulations contained herein are adhered to. A Wind Energy Facility may at any time be repowered, without the need to apply for a new Special Use permit, by reconfiguring, renovating, or replacing the wind energy components to increase the power rating within the existing project footprint. A proposal to change the project footprint of an existing Wind Energy Facility or to add a greater number of wind turbines than were approved as part of the Special Use or to increase the height of the existing turbines shall be considered a new

application, subject to the ordinance standards at the time of the request. Expenses for legal services and other studies resulting from an application to modify a Wind Energy Facility will be reimbursed to the City by the facility owner in compliance with established escrow policy.

F. Reports.

The City may request an annual wind energy production summary report for the preceding year. When requested, the report shall be transmitted to the City Clerk.

G. Working Order and Site Access.

The Wind Energy Facility shall be maintained in good working order and in accordance with industry standards. Site access shall be maintained, including snow removal at a level acceptable to the city public safety and fire departments.

H. Abandonment and Removal.

1. If a wind turbine owner or operator intends to abandon and, in fact, does abandon a wind turbine by not operating it for a continuous period of twelve (12) months, said wind turbine shall be considered abandoned, and the owner of such wind turbine or anemometer tower shall remove the same within one hundred eighty (180) days of the receipt of a notice of abandonment by the City. Failure to remove an abandoned wind turbine or anemometer tower within the one hundred eighty (180) day period provided in this subsection shall be grounds for the City to remove the wind turbine or anemometer tower at the owner's expense. The City Council may grant an extension to this one hundred eighty (180) day period in extreme extenuating circumstances.
2. In addition to removing the wind turbine, or anemometer tower, the owner shall restore the site of the wind turbine or anemometer tower to its original condition prior to the location of the wind turbine or anemometer tower, subject to reasonable wear and tear. Any foundation associated with a wind or anemometer tower shall be fully removed below the final grade and site vegetation shall be restored.

I. Post-Approval Documentation - Utility-Scale Wind Energy Facilities.

Any Zoning Permit or Special Use Permit for any Utility-Scale Wind Energy Facilities shall be conditioned upon the submission of the following documents:

1. **Amended Emergency Response Plan (ERP) (if applicable).** Additional consultation with local emergency services is required for amended plans.
2. **Post-Construction Sound Survey.** Documentation of sound pressure level measurements shall be provided to the Zoning Administrator by a third-party qualified professional selected by the Planning Commission and at the expense of the Wind Energy Facility owner within six (6) months of the commencement of the operation of the project. The study will be designed to verify compliance with sound standards applicable to this Ordinance.

Section 7.12 Battery Energy Storage Systems (Off-Site)**A. Purpose.**

1. This Section applies to Off-Site Battery Energy Storage Systems (BESS) that are stand-alone facilities or are in conjunction with another use such as Solar Energy Facilities or Wind Energy Facilities. Battery Energy Storage Systems shall comply with this Section, the site plan review standards in [Section 5.5](#) and the Special Use standards in [Section 6.4](#).
2. On-Site Battery Energy Storage Systems are regulated as Accessory Uses in [Section 3.11](#).

B. Standards.

1. **Setbacks.** The setbacks of all buildings and components of a BESS shall be at least seventy-five (75) feet from the road right-of-way and all lot lines of non-participating lots and at least five hundred (500) feet from the nearest point of the outer wall of residences and occupied community buildings on non-participating lots.
2. **Height.** The maximum height of a BESS or building containing a BESS shall not exceed fifteen (15) feet. The Planning Commission may allow Battery Energy Storage Systems at a height of greater than fifteen (15) feet upon receiving feedback from the Fire Chief that an increase in height will not prevent the provision of emergency services.
3. **Screening.**
 - a. The Planning Commission may require that a BESS be screened year-round from view from any existing adjacent non-participating lot line and the public right-of-way by use of a screening wall, evergreen vegetation, or other screening of similar effectiveness and quality, as determined by the Planning Commission. Screening shall be placed outside the perimeter fence. Screening shall look as natural as possible through the use of varying plant materials of varying heights, if possible. Natural vegetation may be counted toward screening requirements. Screening shall be maintained throughout the life of the facility including replacing dead vegetation within six (6) months or at the earliest feasible time of year dependent on the weather. The Planning Commission may reduce or waive screening requirements provided that any such adjustment is in keeping with the intent of the Ordinance.
 - b. Areas within fifty (50) feet on each side of a BESS shall be cleared of combustible vegetation and other combustible growth (including stumps of trees).
4. **Stormwater Management.** The entire BESS must comply with stormwater requirements of this ordinance. Stormwater shall be modeled based on the final footprint of the BESS project (i.e., accounting for any future increase in power capacity that is planned). Additionally, the stormwater

management system within fifty (50) feet of any BESS components must be designed so as to detain run-off in case of emergency release of liquids (e.g., due to firefighting).

5. **Lighting.** Lighting of the BESS shall be limited to that minimally required for safety and operational purposes and shall be reasonably shielded and downcast from adjacent lots. Flashing or intermittent lights are prohibited.
 6. **Sound.** The sound pressure level of a BESS and all ancillary equipment shall not exceed fifty-five (55) dBA (Leq (1 hour)) at the nearest outer wall of the nearest dwelling located on an adjacent non-participating lot. The site plan shall include modeled sound isolines extending from the sound source to the dwelling. The applicant may be required to provide operating sound pressure level measurements from a reasonable number of sampled locations to demonstrate compliance with this standard.
 7. **Fencing.** The BESS shall be secured with perimeter fencing to restrict unauthorized access. Fencing is not subject to setbacks in [subsection B.1](#).
 8. **Safety and Compliance.**
 - a. Construction of a BESS shall comply with the National Electric Safety Code and the Building Code. In the event of a conflict between the Building Code and National Electric Safety Code (NESC), the NESC shall prevail.
 - b. **System Certification.** All Battery Energy Storage Systems shall be in compliance with the latest edition of NFPA 855 Standard for the Installation of Stationary Energy Storage Systems at the time of application. Compliance includes that all system components and equipment shall be listed by a Nationally Recognized Testing Laboratory to UL 9540 (Standard for Energy Storage Systems and Equipment) and that Battery Energy Storage Systems are subject to UL 9540A (Test Method for Evaluating Thermal Runaway Fire Propagation in Battery Energy Storage Systems), as applicable. Battery Energy Storage Systems, components, and associated ancillary equipment shall have required working space clearances, and electrical circuitry shall be within weatherproof enclosures marked with the environmental rating suitable for the type of exposure in compliance with NFPA 70.
 9. **Working Order and Site Access.** The BESS shall be maintained in good working order and in accordance with industry standards. Site access shall be maintained, including snow removal at a level acceptable to the city public safety and fire departments. The BESS, components, and associated ancillary equipment shall have required working space clearances, and electrical circuitry shall be within weatherproof enclosures marked with the environmental rating suitable for the type of exposure in compliance with NFPA 70.
- C. **Application Requirements.** The applicant shall be responsible for all costs related to any third-party study required by the Planning Commission.

1. **Site Plan.** A site plan shall be required. The site plan shall include the following:
 - a. All lot lines and dimensions, including a legal description of each lot comprising the BESS.
 - b. Names of owners of each lot that is proposed to be within the BESS.
 - c. Vicinity map showing the location of all surrounding land uses.
 - d. Location of all proposed battery structures, buildings which house batteries, other buildings or structures, electrical tie lines and transmission lines, security fencing, and all above-ground structures and utilities associated with a BESS.
 - e. Horizontal and vertical (elevation) to-scale drawings with dimensions.
 - f. Proposed setbacks from the BESS to all existing and proposed structures on participating and non-participating lots.
 - g. Buildings on the lot and within three hundred (300) feet of the lot lines (participating and non-participating lots).
 - h. Temporary and permanent access drives.
 - i. Screening/landscape detail and berm detail.
 - j. Signs.
 - k. Plans for land clearing and/or grading required for the installation and operation of the system, and plans for ground cover establishment and management.
 - l. Planned security measures to prevent unauthorized trespass and access during the construction, operation, removal, maintenance, or repair of the Battery Energy Storage System.
 - m. A written description of the maintenance program to be used for the BESS, including decommissioning and removal. The description shall include maintenance schedules, types of maintenance to be performed, and decommissioning and removal procedures and schedules if the BESS is decommissioned.
 - n. Planned lightning protection measures.
 - o. A preliminary equipment specification sheet that documents the proposed Battery Energy Storage System components and associated electrical equipment that are to be installed. A final equipment specification sheet shall be submitted prior to the issuance of a zoning permit.

- p. Name, address, and contact information of proposed or potential system installer and the owner and/or operator of the Battery Energy Storage System. Such information of the final system installer shall be submitted prior to the issuance of the zoning permit.
2. **Emergency Response Plan (ERP).** A copy of the approved Emergency Response Plan shall be given to the system owner, the local fire department, and the local fire code official. Copies of Emergency Response Plans shall be maintained at an approved on-site and off-site location accessible to facility personnel, the local fire department, and emergency responders, which should be outside the perimeter fence. The Emergency Response Plan shall include the following information:
- a. A description of all on-site equipment and systems to be provided to prevent or handle emergencies.
 - b. Procedures for safe shutdown, de-energizing, or isolation of equipment and systems under emergency conditions to reduce the risk of fire, electric shock, and personal injuries, and for safe start-up following cessation of emergency conditions.
 - c. Procedures for inspection and testing of associated alarms, interlocks, and controls.
 - d. Procedures to be followed for summoning service and repair personnel, and providing agreed-upon notification to fire department personnel for potentially hazardous conditions in the event of a system failure.
 - e. Emergency procedures to be followed in case of fire, explosion, release of liquids or vapors, damage to critical moving parts, or other potentially dangerous conditions. Procedures can include sounding the alarm, notifying the fire department, evacuating personnel, de-energizing equipment, and controlling and extinguishing the fire.
 - f. Response considerations similar to a safety data sheet (SDS) that will address response safety concerns and extinguishment when an SDS is not required.
 - g. Procedures for dealing with Battery Energy Storage System equipment damaged in a fire or other emergency event, including maintaining contact information for personnel qualified to safely remove damaged Battery Energy Storage System equipment from the facility.
 - h. Procedures and schedules for conducting drills of these procedures and for training local first responders on the contents of the plan and appropriate response procedures.
 - i. Identification of potential approach and departure routes to and from the facility site for police, fire, ambulance, and other emergency vehicles.
 - j. A description of all contingency plans to be implemented in response to the occurrence of an emergency, including evacuation control measures and community notification measures.
 - k. The results of a toxic and flammable gas plume dispersion analysis for the anticipated BESS

- equipment in a severe fire emergency scenario to assess potential impacts on surrounding communities.
- l. Other procedures as determined necessary by the City to provide for the safety of occupants, neighboring properties, and emergency responders.
 - m. A commitment to offer to conduct, or provide funding to conduct, site-specific training drills with local emergency services before commencing operation, and at least once per year while the facility is in operation, at the expense of the project owner. Training should familiarize the local emergency services with the project, hazards, procedures, and current best practices.
 - n. An analysis of whether plans to be implemented in response to a fire emergency can be fulfilled by existing local emergency response capacity. The analysis should include the identification of any specific equipment or training deficiencies in local emergency response capacity and recommendations for measures to mitigate deficiencies. The City may require that the applicant provide funding for any specific equipment which is necessary to handle emergency situations at the facility.
 - o. A commitment to review and update the ERP with local emergency services at least once every three (3) years.
 - p. Additional detail(s) and information as required by the Special Use requirements of the Zoning Ordinance, or as required by the Planning Commission.
3. **Land Clearing and/or Grading Plan.** A plan showing proposed clearing and/or grading as required for the installation and operation of the system.
4. **Stormwater Management Plan.** Computations and design of a stormwater management system. For a BESS in a well-head protection zone and/or if the Fire Response Plan requires liquid agents for firefighting, additional calculations and design of the emergency runoff retention system in the area within ten (10) feet of the BESS shall be submitted.
5. **Pre-Development Sound Modeling Study** including sound isolines extending from the sound source(s) to all lot lines and dwellings on non-participating properties within five hundred (500) feet of the lot lines.
6. **Preliminary Equipment Specification Sheet.** Such sheet documents the proposed Battery Energy Storage System components, inverters, and associated electrical equipment that are to be installed. A Final Equipment Specification Sheet shall be submitted as part of Post-Construction Reporting.
7. **System Maintenance Plan.** A detailed maintenance schedule covering all affected equipment and the activities performed as outlined in the NFPA 855 Standard for the Installation of Stationary Energy Storage Systems.

8. **Contact Information.** Name, address, and contact information of proposed or potential system installer and the owner and/or operator of the Battery Energy Storage System. Information on the final system installer shall be submitted as part of Post-Construction Reporting.
9. **NFPA 855 Compliance.** Confirmation that the facility complies with the latest edition of NFPA 855 “Standard for the Installation of Stationary Energy Storage Systems.”
10. **Decommissioning Plan.** A decommissioning plan is required at the time of application. The decommissioning plan shall include:
 - a. The anticipated life of the project.
 - b. The anticipated manner in which the project will be decommissioned, including a description of which above-grade and below-grade improvements will be removed, retained (e.g. access drive, fencing), or restored for viable reuse of the property consistent with the zoning district. Removal shall include full removal of equipment, foundations, and other items so that the ground is restored to its preconstruction state and is ready for development as another land use.
 - c. **Performance Guarantee.** The City shall require a performance guarantee (pursuant to [Section 9.5](#)) at the time of approval equal to two (2) times the estimated decommissioning cost.
 - (1) The City may require one (1) or more third-party entities to develop decommissioning cost estimates. If this is required, the City will select the most appropriate cost estimate.
 - (2) A review of the amount of the performance guarantee based on inflation, salvage value, and current removal costs shall be completed every three (3) years, for the life of the project, and approved by the City Council. The amount of the performance guarantee shall be increased based on an inflation rate equal to the average of the previous ten (10) years Consumer Price Index.
 - d. The method of ensuring that funds will be available for site decommissioning and stabilization (in the form of surety bond, irrevocable letter of credit, or cash deposit).
 - e. A BESS owner may at any time:
 - (1) Proceed with the decommissioning plan approved by the Planning Commission and remove the system as indicated in the most recent approved plan after providing notification to the City; or
 - (2) Amend the decommissioning plan with Planning Commission approval and proceed according to the revised plan.

11. **Additional Studies.** The Planning Commission may require the applicant to submit additional studies if reasonably related to the standards of this Ordinance as applied to the application site, including but not limited to:

- a. **Visual Impact Assessment.** A technical analysis by a third-party qualified professional of the visual impacts of the proposed project, including a description of the project, the existing visual landscape, and important scenic resources, plus visual simulations that show what the project will look like (including proposed landscape and other screening measures) a description of potential project impacts, and mitigation measures that would help to reduce the visual impacts created by the project and documented on the site plan.
- b. **Environmental Analysis.** An analysis by a third-party qualified professional to identify and assess any potential impacts on the natural environment including, but not limited to wetlands and other fragile ecosystems, wildlife, endangered and threatened species, historical and cultural sites, and antiquities. If required, the analysis shall identify all appropriate measures to minimize, eliminate, or mitigate adverse impacts identified and show those measures on the site plan, where applicable.

D. Increased Storage Capacity.

1. The components of the BESS may be reconfigured, renovated, or replaced to increase the power storage capacity within the existing project footprint.
2. A proposal to change the project footprint of an existing BESS shall be considered a new application, subject to the ordinance standards at the time of the request. Expenses for legal services and other studies resulting from an application to modify a BESS will be reimbursed to the City by the BESS owner in compliance with established escrow policy.

E. Working Order and Site Access.

The BESS shall be maintained in good working order and in accordance with industry standards. Site access shall be maintained, including snow removal at a level acceptable to the city public safety and fire departments.

F. Abandonment.

1. If a BESS owner or operator has an intent to abandon, and, in fact, does abandon a BESS for twelve (12) continuous months, the BESS shall be deemed to be abandoned. The applicant/permit holder will be so notified in writing by the City and requested to dismantle the site and return it to its original state within one hundred (180) days of receipt of notice from the City of such abandonment. If there are mitigating circumstances as to why the site has not been used, the applicant/permit holder may contact the City and request a six (6)-month extension which may be granted by the City Council. If a site has been deemed abandoned and no request for an extension is received, the applicant/permit holder will be notified to dismantle the site and return it to its original state. If the applicant/permit holder does not do this within the one hundred (180) day period, the City will have the removal and restoration done at the owner/applicant's expense.

2. In addition to removing the BESS, the owner shall restore the site of the BESS to its original condition prior to the location of the BESS, subject to reasonable wear and tear. Any foundation associated with a BESS shall be fully removed below the final grade and site vegetation shall be restored. The Planning Commission may require that vegetative screening be removed.

G. Post-Approval Documentation.

Any Zoning Permit or Special Use Permit for any Off-Site BESS shall be conditioned upon the submission of the following documents:

1. **Pre-Construction Documents.** Prior to the commencement of construction activities, the following documents shall be prepared and/or updated in compliance with NFPA 855 and developed in consultation with the local fire department. These shall be submitted to the local fire department and the Zoning Administrator. Copies of all Pre-Construction Documents shall be maintained at an approved on-site location accessible to facility personnel, the local fire department, and emergency responders.
 - a. **Final Equipment Specification Sheet.** This sheet shall document the final Battery Energy Storage System components, inverters, and associated electrical equipment.
 - b. **Contact Information.** Name, address, and contact information of the system installer and the owner and/or operator of the Battery Energy Storage System.
 - c. **Amended Emergency Response Plan (ERP) (if applicable).** Changes to the design, type, manufacturer, etc. of BESS facilities or equipment after site plan approval must be analyzed to determine if changes are necessary to the ERP. Additional consultation with local emergency services is required for amended plans.
 - d. **Commissioning Plan.** A Commissioning Plan as outlined in NFPA 855.
 - e. **Hazard Mitigation Analysis (HMA).** A Hazard Mitigation Analysis as outlined in NFPA 855.
2. **Post-Construction Reporting.** Prior to the commencement of commercial operations, the following documents shall be prepared and/or updated in compliance with NFPA 855 and developed in consultation with the local fire department. These shall be submitted to the local fire department and the Zoning Administrator prior to final inspection and approval by the fire inspector. Copies of all Post-Construction Reporting shall be maintained at an approved on-site location accessible to facility personnel, the local fire department, and emergency responders.
 - a. **Amendments or updates to any Pre-Construction Documents.**
 - b. **Commissioning Report.** A Commissioning Report as outlined in NFPA 855.72.
 - c. **Emergency Operations Plan.** An Emergency Operations Plan as outlined in NFPA 855.73.

3. **Post-Construction Sound Survey.** Documentation of sound pressure level measurements shall be provided to the Zoning Administrator by a third-party qualified professional selected by the Planning Commission and at the expense of the BESS system owner within six (6) months of the commencement of the operation of the project. The study will be designed to verify compliance with sound standards applicable to this Ordinance.

Section 7.13 Junkyards, Salvage Yards, Scrap Yards & Recycling Facilities

The following section shall apply to junkyards motor vehicle impoundment yards, scrap yards, recycling facilities, motor vehicle wrecking yards, or similar establishment (referred to collectively as “junkyards”).

- A. The location of the area where junk, materials, or debris is being stored shall be at least one hundred twenty-five (125) feet from any public road. Front yard landscaping is required.
- B. The location of any such use shall not be less than five hundred (500) feet distant from any Residential District and not less than three hundred (300) feet from any other district except the M-1 District.
- C. Glare from any process, such as arc welding, which emits harmful rays shall be screened so as not to constitute a hazard or nuisance to adjacent properties.
- D. Such uses shall adhere to screening requirements per [Section 3.17](#).
- E. The Planning Commission may establish hours of operation to protect the character of the land uses in the vicinity.
- F. **Screening.**
 1. A wall or opaque fence, a minimum of eight (8) feet in height constructed of painted or treated wood, molded vinyl, painted or textured block, brick, or stone and set fifteen (15) feet or more inside the lot lines, shall be maintained in good repair around junkyards. Fences around these facilities may be higher than the maximum fence height in the [City of Gaylord Fence Ordinance](#). Stored materials shall not be piled higher than the fence height.
 2. Entryways to junkyards shall be gated and closed at all times when not in use. Gates shall be opaque and match the style of the fence.
- G. Activity that generates continuous and persistent noises or vibrations that are perceptible from off the site shall not be permitted before the hours of 8:00 a.m. and after 6:00 p.m. and no such activity shall operate on Sundays.
- H. The applicant shall state in writing and/or illustrate how potentially hazardous liquids are to be prevented from entering the ground and present a written plan for handling and disposal of such hazardous liquids.

- I. No oils, lubricants, or other liquids from vehicles, machinery, equipment, or other materials, shall be disposed of on-site unless State of Michigan-approved facilities are properly in place and properly functioning. No burial of wastes shall be permitted on the property under this Section unless in compliance with State of Michigan regulations.

Section 7.14 Outdoor Kitchens & Outdoor Seating (not on Public Property)

A. Outdoor Seating for Brick and Mortar Restaurants and Bars.

1. This subsection is intended to regulate outdoor seating and dining which does not occur on sidewalks or public property. Sidewalk seating is regulated by the [City of Gaylord Sidewalk Seating Ordinance](#).
2. Outdoor seating requires review and approval by the Planning Commission as a site plan review.
3. Outdoor seating shall be located immediately adjacent to the establishment with which it is associated.
4. All food and beverages shall be prepared within the principal establishment or in an outdoor kitchen which is part of the principal establishment.
5. No music, intercom, or other noise shall be permitted that impacts adjacent properties, disturbs a reasonable person of normal sensitivities, or creates a vibration which is perceptible beyond the lot line.
6. No generators are permitted.
7. Outdoor seating areas shall not exceed twenty-five (25) percent of the total seating for the establishment.
8. All tables, chairs, umbrellas, trash receptacles, and other furnishings in the outdoor seating area shall be safe and in good condition, both structurally and in appearance.
9. Furniture, umbrellas, planters, and the like shall not be stored outside during the off-season.
10. An outdoor seating area shall not be open beyond the hours the business in the building is open.
11. Food or drink service to an outdoor seating area may be provided by waitstaff, at a counter indoors, or through a window or opening on the outside of the building.

B. Outdoor Kitchens.

1. An outdoor kitchen is an outdoor food and/or drink preparation area which is part of and operated on the same premises as a restaurant and/or bar and which is not located in a fully enclosed building.

2. An outdoor kitchen requires site plan review by the Planning Commission.
3. Outdoor kitchens shall meet building code.
4. Outdoor commercial kitchens shall be a permanent feature of the property (even if seasonal) and shall be attached in some manner to or directly abutting the principal building.
5. Outdoor commercial kitchens shall not produce noise or odors that impact adjacent properties or disturb a reasonable person of normal sensitivities.
6. Proper waste disposal shall be present.

Section 7.15 Food Trucks & Food Truck Parks

A. Intent.

The City feels that food trucks allow new food vending opportunities that can add vitality to the community, businesses, vacant parking lots, and underutilized commercial properties. The intent of this Section is to allow food trucks and food truck parks but to also provide regulations that limit their impact.

B. Scope.

1. Food trucks regulated by this Section are intended to be stationary establishments. These regulations do not apply to mobile food trucks which distribute goods as they are driving throughout the community (i.e. mobile ice cream trucks).
2. These regulations apply to food trucks on private or public property.
3. Food trucks may be the principal use of the lot or an accessory use of the lot.
4. A single food truck may receive approval for multiple locations.
5. Approval for food truck parks shall be issued to the property owner and not to individual food trucks.

C. Approval.

1. Zoning approval by the Planning Commission is required for food trucks which will be in a stationary location for over seven (7) days and for any food truck park.
2. Zoning approval by the Zoning Administrator is required for food trucks which will be in a stationary location for seven (7) days or less.
3. The food truck owner or operator shall submit a plot plan pursuant to [Section 5.3](#). The plot plan shall show the planned parking for any food trucks on a lot as well as all planned outdoor seating. If a

property owner has a lot large enough to accommodate more than one (1) food truck (Food Truck Park), only one (1) zoning approval is required for all of the food trucks on the property.

4. The food truck owner or operator shall have written permission to use the owner's property if they are not the owner.

D. Standards

1. The Food Truck shall meet the setback requirements of the district; see [Article 4](#).
2. Sales shall not occur in the public right-of-way or on public property unless approved by the Zoning Administrator or, if operating within a public event/festival space, unless approved by the approval mechanism of a public event or festival.
3. Use of generators shall not cause a nuisance to neighbors due to noise, exhaust, or vibration, as determined by the Zoning Administrator.
4. Grease and liquid waste may not be disposed of in storm drains, sanitary sewer systems, or public roads and shall be transported to a proper location for disposal.
5. All areas of the lot shall be kept clean and free of debris and shall provide trash receptacles.
6. Food trucks and food truck parks shall meet the site plan review standards in [Section 5.5](#).
7. Food Truck Parks shall provide sanitary facilities. The Planning Commission may waive this requirement.
8. No music, intercom, or other noise shall be permitted that impacts adjacent properties, disturbs a reasonable person of normal sensitivities, or creates a vibration which is perceptible beyond the lot line.
9. Flashing, blinking, and/or strobe lights are not permitted on a food truck unless allowed as part of a public event/festival.
10. Food trucks shall not block driveways or sidewalks and shall be placed so that they do not interfere with street traffic.

Section 7.16 Home Offices & Home Occupations

A. Home Offices.

A Home Office is a dedicated space in a residential dwelling unit where the resident(s) may carry out certain functions of a commercial, service, or organizational nature – such as administration and sales – without a permit, provided the following conditions are met:

1 Authority & Purpose

2 Definitions

3 General Provisions

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1. **Maximum Floor Area.** The office may not occupy more than twenty-five (25) percent of the floor area of the dwelling unit or a maximum of five hundred (500) square feet, whichever is smaller.
2. **Resident Employees Only.** No persons who are not lawful residents of the dwelling may be employed.
3. **Signs.** There shall be no signs except as provided for in the [City of Gaylord Sign Ordinance](#).
4. **No Customer or Client Traffic.** Persons other than residents of the dwelling shall not visit the home office for business purposes.
5. **Equipment Operation.** There shall be no equipment used, the operation of which can be sensed outside of the dwelling unit.
6. **Accessory Building Use.** A Home Office use may be conducted in an accessory building that is properly permitted by the City Building Official. One hundred (100) percent of the accessory building floor area may be used.

B. Home Occupations.

1. **Intent and Application.** It is the purpose and intent of this Section to provide for certain types of Home Occupations for residents on the resident's premises. Accordingly, minimum standards have been established in order to assure compatibility of Home Occupations with other uses permitted in the applicable district and to preserve the character of residential neighborhoods. Home Occupations are different from Home Offices, such as they allow for Customer or Client Traffic, and one (1) employee that is not a resident of the dwelling. The following regulations shall apply to all Home Occupations within the City of Gaylord.
2. **Application and City Approval.** The Zoning Administrator or their designee shall review and approve applications for all Home Occupation permits.
3. **Non-Transferrable.** Approval of a Home Occupation is not transferable to a location other than that which was approved. The Home Occupation permit and use shall terminate automatically when the applicant no longer resides in the dwelling unit.
4. **Owner Signature.** If the resident applicant is other than the owner of the property, the owner must authorize the application.
5. **Maximum Floor Area.**
 - a. **Home Occupations in the Primary Dwelling.** No more than twenty-five percent (25) percent of the primary dwelling's ground floor area shall be devoted to the Home Occupation.

- b. **Home Occupations in an Attached Garage or Detached Accessory Building.** The entire floor area may be utilized for the home occupation.
6. **Location.** Activities related to the Home Occupation may take place in the primary dwelling or in an accessory structure that is properly permitted by the City Building Official (if necessary) and if those activities do not create nuisance conditions for neighboring properties including loud noise, dust, smoke, bright light, etc. and are not activities that meet the definition of "manufacturing" (heavy or light) as defined in [Article 2](#).
7. **Exterior Appearance.**
- a. **No Outdoor Storage or Displays.** No outdoor storage or display of products, equipment, or merchandise associated with the Home Occupation is permitted.
- b. **No Evidence of Home Occupation.** To protect the residential character of neighborhoods, there shall be no evidence of the home occupation when viewed from the street right-of-way or from an adjacent lot, and no change in exterior appearance of the dwelling or accessory building that houses a Home Occupation. A Home Occupation shall not change the character of the neighborhood.
- c. **Signs.** A Home Occupation shall not have signage unless permitted in accordance with the [City of Gaylord Sign Ordinance](#).
8. **Operational Impacts.**
- a. No equipment, process, or activity shall be used in a Home Occupation which creates glare, fumes, odor, vibration, noise, electrical interference, or fluctuation in voltage which is detectable to the normal senses from the street right-of-way or from an adjacent lot.
- b. To protect the integrity of the water supply and natural environment of the residential neighborhood, no Home Occupation shall involve the:
- (1) generation of any hazardous waste as defined in Article II Chapter 3 [Part 111 of 1994 PA 451](#), as amended (being the Hazardous Waste Management part of the Natural Resources and Environmental Protection Act, MCL 324.11101 et. seq.); or
- (2) use of materials which are used in such quantity, or are otherwise required, to be registered pursuant to the [Code of Federal Regulations, Title 29, Chapter XVII, part 1910\(2\)](#), except this provision shall not apply to material purchased retail over the counter for household cleaning, lawn care, operation of a photocopy machine, painting, printing, art and craft supplies, or heating fuel.

- c. No hazardous materials produced in the Home Occupation operation shall be stored or disposed of on-site, and no Home Occupation shall discharge into any sewer, drainage way, water body, or the ground any materials which are radioactive, poisonous, detrimental to normal sewer plant operation, or corrosive to waste management installations.
 - d. No traffic shall be generated by any Home Occupation in substantially greater volume than would normally be expected in a residential neighborhood. No vehicle or delivery truck shall block or interfere with normal traffic circulation.
9. **One Non-Resident Employee.** A Home Occupation shall not employ more than one (1) person who is not a member of the household.
10. **Limited Customer Traffic and Parking.** A Home Occupation shall not constitute a retail store, but limited customer traffic is permitted. One (1) on-street parking space shall be permitted for customers. At least one (1) off-street parking space for customers shall be provided on the lot. Off-street parking shall be provided for an employee of the Home Occupation.
11. **Traffic and Delivery.** No Home Occupation shall require the delivery of goods or the visit of customers before 8:00 a.m. and after 7:00 p.m.
12. **Commercial Vehicles.** Commercial vehicles used for the home occupation cannot be used primarily for commercial advertising. A commercial vehicle, that is used for company purposes, containing the company logo may be parked in the driveway.
13. **Licenses.** Any applicable local, state, or federal licenses shall be obtained and copies submitted to the Zoning Administrator prior to issuance of a Home Occupation permit.
14. **Examples of Home Occupations.** Examples of Home Occupations permitted by Home Occupation Permit include the following:
- a. Accountant or tax preparer
 - b. Artist, small crafts maker, or toy maker
 - c. Barber shop or beauty shop (no more than two (2) stylists and chairs)
 - d. "Cottage Food operation" meeting the [Michigan Cottage Food Law, 2010 PA 113](#), as amended
 - e. Crafts or fine arts - where some clients come to the dwelling at different times for individual instruction
 - f. Repair Shop – small items
 - g. Operation of network marketing businesses like sales of cosmetics, household cleaning goods, and nutritional supplements on behalf of a third-party
 - h. Seamstress, tailor, or weaver
 - i. T-shirt maker
 - j. Tutor or instructor of music
 - k. Watch, clock, or jewelry creation or repair
 - l. Massage therapy

- m. Firearms sales
- n. Sale of garden vegetables and flowers grown on the property
- o. Other similar businesses

15. Prohibited Uses and Uses Not Classified as a Home Office or Home Occupation.

- a. The following uses (including similar establishments) are prohibited as a Home Occupation:

- (1) Adult Day Care Facilities
- (2) Auto Repair
- (3) Auto Paint Shop
- (4) Barber Shop or Beauty Shop (more than two stylists and chairs)
- (5) Child Care Homes, Family or Group
- (6) Dental or Medical Clinic
- (7) Fireworks Sales
- (8) Funeral Home
- (9) Restaurant/Commercial Kitchen
- (10) Vet/Animal Hospital
- (11) Restaurants and Bars/Taverns
- (12) Sexually-Oriented Businesses
- (13) Marihuana Establishments and Facilities.

- b. The following uses are not classified as a Home Occupation and are classified separately in [Article 4](#). All of the following require zoning approval and a zoning permit:

- (1) Adult Foster Care Facilities
- (2) Bed and Breakfast/Tourist Home
- (3) Rooming & Boarding Houses
- (4) Short Term Rentals
- (5) Kennels

- 16. Revocation.** An approved permit for a Home Occupation will be revoked for producing nuisance violations or other violations of this Section if the violations are not corrected.

17. Review.

- a. Any Home Occupation shall be subject to periodic review by the Zoning Administrator.
- b. If the Zoning Administrator has reason to believe the property owner is in violation of his or her permit or that grounds for revocation exist or that a Home Occupation is being operated without a permit, written notice of alleged violation(s) shall be sent to the operator of the Home Occupation and to the owner of the real property premises, if different from the operator of the Home Occupation. The operator shall be afforded the opportunity to appear at a public hearing before the

Planning Commission to present his or her case. The hearing notice procedures shall be the same as those for a Special Use.

- c. Following the public hearing, the decision of the Planning Commission shall be made in writing and shall be based on specific findings of fact. Reasonable conditions may be imposed to prevent conflicts with other property uses or to assure compatibility with the standards of this Ordinance. The Planning Commission shall have the authority to limit the hours of operation, impose conditions of operation or, if deemed necessary, order the complete termination of the activity.

Section 7.17 Manufactured Housing Communities

Manufactured housing communities shall be developed and licensed pursuant to the requirements of the **Michigan Manufactured Housing Commission, 1987 PA 96** and any **rules** promulgated pursuant to this Act, as amended.

Section 7.18 Planned Unit Developments (PUDs)

A. Intent.

1. This Section provides enabling authority and standards for the submission, review, and approval of applications for Planned Unit Developments. It is the intent of this Section to authorize the consideration and use of Planned Unit Development regulations for the following purposes:
 - a. To encourage the use of land in accordance with its character and adaptability.
 - b. To promote the conservation of natural features and resources.
 - c. To encourage innovation in land use planning and development.
 - d. To promote the enhancement of housing, employment, shopping, traffic circulation, and recreational opportunities for the people of the City.
 - e. To promote and ensure greater compatibility of design and use between neighboring properties.
 - f. To provide for the regulation of legal land uses not otherwise authorized within this Ordinance.
2. The provisions of this Section are not intended as a device for ignoring the Zoning Ordinance or the planning upon which it has been based. To that end, provisions of this Section are intended to result in land use development substantially consistent with the underlying zoning, with modifications and departures from generally applicable requirements made in accordance with standards provided in this Section to ensure appropriate, fair, and consistent decision-making. A Planned Unit Development shall comply with this Section.

B. PUD Use Authorization.

1 Authority & Purpose

2 Definitions

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5 Plan Review

6 Special Use Review

7 Supplemental Regulations

8 Zoning Board of Appeals

9 Administration & Enforcement

10 Amendments & Adoption

1. **Districts.** A Planned Unit Development may be approved in any location within the R-1, R-2, C-1, and C-2 Districts within the City of Gaylord by the City Council.
2. **Uses Allowed.** Any land use authorized in this Ordinance may be included in a Planned Unit Development, as a principal or accessory use, as well as any other legal land use not otherwise authorized in this Ordinance, subject to adequate public health, safety, and welfare mechanisms being designed into the development. Mixed uses are encouraged.
3. **Development not associated with Residential Uses.** A PUD may exclude residential development and allow other commercial, industrial, institutional, cultural, and/or recreational uses if the applicant can demonstrate that the proposed PUD is sufficiently well designed to accomplish the intent of this Ordinance with respect to adjoining land uses both existing and anticipated. A PUD excluding residential uses may not be located in R-1 or R-2.

C. Qualifying Conditions.

1. In order to be eligible for PUD rezoning, the proposed area shall consist of a minimum of two (2) acres except in the case of a two-family or multiple-family dwelling project for which the minimum area requirement shall be one (1) acre.
2. Public water and sanitary sewer shall be available to service the site.

D. Development Requirements.

The following shall apply unless specifically waived by City Council pursuant to [subsection E](#).

1. **Density for Residential Uses.** The density for residential uses shall not exceed the maximum density allowed for the zoning district in which the PUD is to be located. In each case, the maximum density for residential uses shall be determined by the City Council after review by the Planning Commission based on the following standards. The residential uses shall:
 - a. Be designed, constructed, and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed.
 - b. Be served adequately by essential public facilities and services, such as highways, streets, pedestrian ways, police and fire protection, drainage structures, refuse disposal, water, and sewer.
 - c. Not create excessive additional requirements at public cost for public facilities and services.
 - d. Be developed in accordance with the intent for a Planned Unit Development as contained herein.

2. **Dwelling Unit Computation.** The density permitted by the City Council shall be applied to the net development area of the site in order to determine the maximum number of dwelling units permitted for the site. The net development area is determined by subtracting the following from the gross or total site area:
 - a. Area within existing road rights-of-way.
 - b. Land within the 100-year floodplain.
 - c. Areas permanently inundated by water.
 - d. Areas devoted to non-residential uses.
3. **Open Space.** Each PUD shall contain open space areas equal to a minimum of ten (10) percent of the total site area which is devoted to residential use. Such open space shall be maintained by the developer or homeowner's association and shall be set aside for the common use of the home or lot owners within the PUD with written assurances that the required open space shall remain open and be properly maintained. The responsibility for the maintenance of all open spaces shall be specified by the developer before approval of the final site plan.

For purposes of this Section, open space shall only be considered to be those areas having a minimum dimension of fifty (50) feet by one hundred (100) feet. Land in streets, sidewalks, and parking areas shall not be considered as open space.

4. **Mixed Uses.** Residential and non-residential uses may be permitted within the same PUD upon demonstration to the City Council that such uses meet the intent of this Section. It shall also be demonstrated that the non-residential uses will not negatively impact the residential uses and that the non-residential uses will be separated and buffered from residential uses in a manner consistent with good land planning principles.

The permitted density for residential uses in a mixed-use development shall be determined by the City Council upon recommendation of the Planning Commission.

E. **Waiver of Regulations.**

Consistent with the PUD concept and to encourage flexibility and creativity in development, all regulations of the underlying zoning district relative to lot size, yard area, structure height, setback, signs, parking and loading, landscaping, general provisions, and other applicable regulations may be waived by the City Council upon recommendation of the Planning Commission. In determining whether or not to waive these regulations, the Planning Commission and City Council shall determine that there are features designed into the project that would achieve the purpose of this Ordinance and the intent of this Section.

F. **PUD Design Review Considerations.**

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2 Definitions

3 General Provisions

4 District Regulations

5 Plan Review

6 Special Use Review

7 Supplemental Regulations

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9 Administration & Enforcement

10 Amendments & Adoption

A proposed Planned Unit Development shall take into account the following specific design considerations, as they are necessary to ensure compliance with all applicable regulations and to ensure the compatibility of the project with adjoining properties and the general area in which the property is located.

1. Perimeter setbacks.
2. Street drainage and utility design with respect to location, availability, ownership, and compatibility.
3. Underground installation of utilities.
4. Insulation of pedestrian ways from vehicular streets and ways.
5. Achievement of integrated and harmonious development with respect to signs, lighting, landscaping, and construction materials.
6. Noise reduction and visual screening mechanisms for adjoining residential uses.
7. Ingress and egress to the property with respect to automotive and pedestrian safety and convenience, traffic flow and control, street capacity, and emergency access.
8. Off-street parking, loading, refuse, and other service areas with respect to ingress and egress and the potential effects of noise, glare, vibration, and odor emanating from such facilities on adjoining properties and uses.
9. Screening and buffering with respect to dimensions and character.
10. Yard areas and other open space.
11. Density and intensity of development expressed in terms of percent of gross and net land area coverage and/or gross and net housing units per acre and the height of buildings and other structures.
12. The preservation of natural resources and natural features.

G. Application and Processing Procedures.

1. **Pre-Application Conference.** Prior to the submission of an application for Planned Unit Development, the applicant shall meet with the City Manager and Zoning Administrator. The applicant shall present at such conference, or conferences, a sketch plan of the Planned Unit Development, and the following information:
 - a. A legal description of the property in question;
 - b. The total number of acres to be included in the project;

- c. A statement of the approximate number of residential units and/or the approximate number, type, and square footage of non-residential units;
 - d. The approximate number of acres to be occupied and/or devoted to or by each type of use;
 - e. Departures from the regulations of the Ordinance which may be requested;
 - f. The number of acres to be preserved as open space or recreation space; and
 - g. All known natural resources and natural features.
2. **Preliminary Site Plan.** Following the pre-application conference the applicant shall submit a Preliminary Site Plan in accordance with the procedures and requirements of [Section 5.4.D](#) of this Ordinance which pertain to preliminary site plans.
 3. **Final Site Plan.** After receiving the recommendations of the Planning Commission, the applicant, within six (6) months, shall submit the corrected plan to the Zoning Administrator. If the corrected plan is not submitted within this time period, the preliminary plan approval shall be voided and the applicant must re-commence the review process. The Planning Commission may extend the time for submission of the final site plan upon a showing by the applicant that no material change in the plan has occurred or that failure to submit the final plan was beyond the control of the applicant.
 4. **Contents of Final Site Plan.** The final site plan shall contain the same information required for the preliminary site plan and shall also contain the information required by [Table 5.4.E](#) of this Ordinance.
 5. **Public Hearing.** Following its review of the final site plan the Planning Commission shall determine a date for and hold a public hearing for consideration of the PUD and final site plan. Notice shall be given pursuant to [Section 9.9](#).

H. Standards for Approval.

1. Following the public hearing, the Planning Commission shall either approve, deny, or approve with conditions the final site plan and make its recommendation to the City Council.
2. In making its recommendation, the Planning Commission shall find that the proposed PUD meets the standards for final site plan approval in [Section 5.5](#) and the following standards:
 - a. Granting of the Planned Unit Development approval will result in a recognizable and substantial benefit to the ultimate users of the project and to the community where such benefit would otherwise be unfeasible or unlikely to be achieved.
 - b. In relation to underlying zoning, the proposed type and density of use shall not result in a material increase in the need for public services, facilities, and utilities, and shall not place a material burden upon the subject or surrounding land, property owners, occupants, or the natural environment.

- c. The proposed development shall be compatible with the Master Plan of the City and shall be consistent with the intent and spirit of this Section.
- d. In relation to underlying zoning, the proposed development shall not result in an unreasonable negative economic impact upon surrounding properties.
- e. The Planned Unit Development shall not change the essential character of the surrounding area and shall not have a negative impact upon adjacent properties, residents, or public facilities.
- f. The proposed development shall be under single ownership or control such that there is a single person or entity having responsibility for completing the project in conformity with this Ordinance. This provision shall not prohibit a transfer of ownership or control upon due notice to the Zoning Administrator.

I. Conditions.

- 1. In approving a Planned Unit Development, the City Council may impose reasonable conditions, pursuant to [Section 9.6](#).
- 2. The conditions imposed with respect to the approval of a PUD shall be recorded in the record of the approval action and shall remain unchanged except upon the mutual consent of the City Council and the landowner. The approving City Council shall maintain a record of conditions which are unchanged. The final site plan, as approved, shall act as a restriction upon development. The development must conform with the final site plan.

J. City Council Approval.

After receiving the recommendation of the Planning Commission, the City Council shall either approve, deny, or approve with conditions the PUD application and Final Site Plan in accordance with the standards for approval and conditions for a PUD as contained herein. A building permit shall not be issued until City Council approval of the PUD Final Site Plan.

K. Creation of Lots.

All legal methods of land subdivision may be used in the design of a Planned Unit Development. Where the provisions of [1967 PA 288 \(Land Division Act\)](#), as amended, or [1978 PA 59 \(Condominium Act\)](#), as amended, shall apply, the applicant shall thereafter submit the information and plans as may be required by said Acts and all other local procedures or regulations pertaining to the creation of lots.

L. Performance Guarantees.

The City Council, after a recommendation from the Planning Commission or at its own discretion, may require a performance bond or similar guarantee in accordance with [Section 9.5](#) as contained herein.

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M. Phasing and Commencement of Construction.

1. **Phasing.** If a project is proposed for construction in phases, the planning and design shall be such that, upon completion, each phase shall be capable of standing on its own in terms of the presence of services, facilities, and open space and shall contain the necessary components to ensure protection of natural resources and the health, safety, and welfare of the users of the Planned Unit Development and the residents of the surrounding area. In addition, in developments which include residential and non-residential uses, phasing shall be such that at least thirty-five (35) percent of all proposed residential units are completed concurrent with the first phase of any non-residential construction; completion of at least seventy-five (75) percent of all proposed residential construction prior to the second phase of non-residential construction; and completion of one hundred (100) percent of all residential construction prior to the third or final phase of non-residential construction. The percentages shall be approximations and determined at the discretion of the City Council. The percentages may be significantly varied should the City Council determine that the applicant has presented adequate assurances that the residential components or components of the project shall be completed within a specified period.
2. **Commencement and Completion of Construction.** Construction shall be commenced within one (1) year following final approval of a Planned Unit Development or within one (1) year of any other necessary governmental approval for commencement of the project, whichever is later, provided all other necessary approvals have been actively pursued. If construction is not commenced within such time, approval of the final plan for the project shall expire. An extension for a specified period may be granted by the City Council upon good cause shown if such request is made to the City Council prior to the expiration of the initial period.

N. Modification of a PUD.

1. **Minor Changes.** Minor changes to a PUD site plan may be approved administratively by the Zoning Administrator provided the changes comply with all applicable requirements of this Zoning Ordinance and all other city regulations or state law. Minor changes subject to administrative review include dimension changes, building relocation, parking and driveways, changes in landscaping, signs, and lighting, decrease in building size, and increase in building size that does not exceed five thousand (5,000) square feet or five (5) percent of the gross floor area, whichever is smaller.
2. **Major Changes.** A major change to an approved PUD shall comply with the filing procedures for a PUD as contained herein. Major changes include but are not limited to an increase in density or number of dwelling units, increase in land area or building size, except as noted above, or the addition of other uses not authorized by the original PUD approval. The Zoning Administrator shall determine if other similar changes constitute a major amendment.

Section 7.19 Gas Wells

A. Wells for the exploration for and production of gas (as defined in [Part 615 of 1994 PA 451](#)) may be located in an R-2 District only in compliance with the regulations herein set forth.

B. Application and Permit.

Prior to commencing any drilling operations, the lessee or owner of the gas or gas rights or the person or entity responsible for the drilling operations shall obtain a zoning permit from the City.

1. Application for the required zoning permit shall be made on a form provided by the City and shall contain the following information:
 - a. The name and address of the applicant.
 - b. The interest of the applicant in the proposed well and the gas to be produced therefrom.
 - c. The name of the record title owner of the surface of the property on which the well is to be drilled.
 - d. The date by which drilling will be completed, which date may not be more than twelve (12) months after the date when the State of Michigan permit was issued.
 - e. A legal description of the property on which the well is to be drilled.
 - f. An agreement by the applicant to comply with all applicable statutes and the rules promulgated by the Supervisor of Wells pursuant to [Part 615 of 1994 PA 451](#), et seq.
2. Application for the required zoning permit shall be accompanied by the following, which shall be retained by the City.
 - a. An accurate and to-scale site plan, plot plan, drawing, or sketch showing the exact location of the proposed well, the location of means of ingress and egress, all buildings within six hundred (600) feet of the well site and the location and name of all streets, highways, and roads within six hundred (600) feet of the well site.
 - b. A statement setting forth the restoration that will be performed after drilling operations are completed.
 - c. A copy of a permit for the well issued by the Supervisor of Wells for the State of Michigan.
 - d. A statement as to the location of the processing facility to which the well is to be connected, including the legal description of the property, and the owner of the property.

- e. A description of the location of all flowlines to or from such well and copies of documents establishing the right to place and maintain such flowlines.
3. A zoning permit shall be issued only if all of the following requirements are met:
 - a. The applicant has complied with all of the foregoing requirements.
 - b. The proposed well is located not less than three hundred (300) feet from existing structures used for public or private occupancy, from existing sites maintained for public camping or gathering, or from the edge of the traveled portion of any existing public interstate highway or state highway.
 - c. After drilling operations are completed, the wellhead shall be screened from view so as not to be readily visible from the nearest structures used for public or private occupancy. Such screening shall consist of pine or fir trees, bushes, or other vegetation sufficient to accomplish adequate screening.
 - d. Any zoning permit issued under this Section shall be valid only for so long as the drilling permit is valid. The permittee shall notify the City at least five (5) days prior to commencing any drilling operations pursuant to any permit.

C. Regulations.

The following regulations shall apply to all drilling and wells within the City:

1. Once commenced, drilling operations shall proceed with all due diligence and shall be completed as soon as reasonably possible.
2. No well shall use or have a pump jack (rocker arm) other than in an M-1 District.
3. Any artificial lift shall have only an electric motor and all wells shall employ state-of-the-art noise reduction technology.
4. No compressors or processing facilities shall be located within any zoning district other than an M-1 District.

The foregoing regulations dealing with gas wells are not meant to invade or supersede the jurisdiction of the Supervisor of Wells provided for by statute. Wherever the statutes applicable to gas wells and production therefrom or where the rules established by the Supervisor of Wells or the State are more restrictive than these regulations, then the more restrictive regulations shall be deemed to apply.

Section 7.20 Electric Vehicle Charging Stations

The following standards do not apply to charging stations located at a residence for their personal use.

A. General.

1. **Accessory Use.** Electric vehicle charging stations are permitted by right in all non-residential zoning districts. Freestanding electric vehicle charging stations are accessory structures. Electric vehicle charging stations which are available for use by the public or customers of an establishment, when not the principal use of the lot, require Zoning Administrator approval via a zoning permit.
2. **Principal Use.** If the principal use of a lot is the retail charging of electric vehicle batteries, then the following standards shall apply.
 - a. All electric vehicle charging stations available to the public must be operable and kept in good repair.
 - b. Electric vehicle charging stations located on a residential lot shall not be open to the public or used for commercial activity.
 - c. Sites with four (4) or more electric vehicle charging stations shall provide at least one (1) barrier-free electric vehicle charging space.
 - d. The property owner may determine if non-electric vehicles will be permitted or barred from parking spaces dedicated to electric vehicle charging stations.

B. Locational Standards for Electric Vehicle Charging Stations.

1. Where possible, electric vehicle charging stations should be located adjacent to each other to reduce the amount of electrical infrastructure necessary to serve them. In non-residential districts, electrical infrastructure shall be located underground.
2. The charging station shall be located so as not to interfere with any vehicular or pedestrian circulation or block any fire lanes or access into the site.

- C. **Usage Fees.** An owner of a charging station is not prohibited from collecting a fee for the use of a charging station, in accordance with applicable state and federal regulations. Fees shall be prominently displayed on the charging station.

D. Signage.

1. Electric vehicle charging station voltage and amperage levels, fees, and safety information shall be displayed on charging station equipment.

2. Signs may be free-standing or placed on accessory structures pursuant to the [City of Gaylord Sign Ordinance](#).

E. Lighting.

1. In non-residential districts where electric vehicle charging stations are installed, adequate site lighting shall be provided.
2. Any outdoor lighting associated with an electric charging station shall be fully cut off (See [Figure 3.19 – Outdoor Lighting](#)) and consistent in color and design with the other existing light poles and/or outdoor lighting.

Section 7.21 Accessory Dwelling Units

- A. **Purpose.** The purpose of this Section is to allow an Accessory Dwelling Unit to be used, rented, or leased as separate living quarters for extended family or non-family members in specified districts. These provisions are further intended to provide reasonable control in recognition of the high percentage of owner-occupied single-family homes in the City to maintain the character of single-family neighborhoods. The following regulations shall apply.
- B. If the Accessory Dwelling Unit meets the definition of a dwelling unit regardless of whether or not it is used by the resident family, extended family, or non-family members, then it shall be subject to this Section.
- C. One (1) Accessory Dwelling Unit is allowed per lot.
- D. The Accessory Dwelling Unit shall be a self-contained unit, limited in size so that it remains an accessory use to the primary dwelling and does not result in the creation of a duplex or apartment building and shall be any of the following:
1. Located above a garage.
 2. Attached to the primary dwelling or garage. The total floor area shall not exceed thirty (30) percent of the total floor area of the primary dwelling.
 3. Totally within a primary dwelling. The total floor area shall not exceed thirty (30) percent of the total floor area of the primary dwelling.
 4. A detached stand-alone structure. The total floor area shall not exceed fifty (50) percent of the ground floor area of the primary dwelling (not counting any attached garage area of the primary dwelling). Detached Accessory Dwelling Units shall be setback at least fifteen (15) feet from the side and rear lot lines. Detached Accessory Dwelling Units shall be no closer to the front lot line than the primary dwelling.
- E. The Accessory Dwelling Unit shall have a separate exterior entrance.

- F. The primary dwelling unit shall be owner-occupied, and the owner shall maintain the Accessory Dwelling Unit and shall ensure that no excessive noise, traffic, or blight occurs on the property.
- G. Detached Stand-Alone Accessory Dwelling Units shall be considered accessory structures. The following regulations shall apply:
1. Such structures shall be located in the rear or side yard and shall be consistent in appearance with the principal building.
 2. Accessory Dwelling Units shall not exceed a length-to-width ratio of 2:1.
- H. An Accessory Dwelling Unit shall not exist on a lot without a principal dwelling. Should the principal dwelling be damaged or destroyed, either by accident or purposeful removal, to the extent that it is no longer habitable, then the property owner shall have six (6) months to obtain a zoning permit to repair the principal dwelling to a habitable state or rebuild a principal dwelling on the lot. The principal dwelling shall be repaired to a habitable state or rebuilt within one (1) year of the damage or destruction. If the principal dwelling is not rebuilt within one (1) year of damage or destruction, the Accessory Dwelling Unit shall be removed from the lot or shall be modified to meet the minimum dwelling unit size of the district, and in that case, it shall become the principal dwelling. An extension to these timelines may be granted by the Zoning Administrator if he/she finds good cause for such extension.

Article 8

Zoning Board of Appeals

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Section 8.1 Creation & Membership

The Gaylord City Council shall serve as the Zoning Board of Appeals (ZBA) which is hereby created. The City Council while serving as the Zoning Board of Appeals shall perform its duties and exercise its powers as provided and in compliance with [MCL 125.3601 through MCL 125.3607](#), as amended, and by the provisions of this Ordinance to the end that the objectives of this Ordinance are observed, public safety, health, and general welfare secured, and substantial justice done.

A. Terms of Office.

The terms of office for members of the Zoning Board of Appeals shall be limited to the time they are members of the City Council.

B. Officers.

The Mayor shall be the Chairperson of the Zoning Board of Appeals.

C. ZBA Member Who Has Already Voted on a Case.

A member of the Zoning Board of Appeals shall not participate in a public hearing on or vote on the same matter that the member voted on as a member of the Planning Commission or City Council. However, the member may consider and vote on other unrelated matters involving the same property.

Section 8.2 Meetings

A. Meeting Scheduling and Notice.

1. The Zoning Board of Appeals shall conduct its meetings, whenever possible, at the same time as the regular City Council Meetings.

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2. Public notice of the date, time, and place of a public meeting of the Board shall be given in the manner prescribed in [Section 9.9](#).

B. Open Meetings.

All decisions and deliberations of the Board shall take place at a meeting open to the public in compliance with the [Open Meetings Act, 1976 PA 267](#), as amended.

C. Quorum.

The Zoning Board of Appeals shall not conduct business unless a majority of members are present.

D. Rules of Procedure and Records.

1. The Gaylord City Council may establish rules to govern its procedures as a Zoning Board of Appeals.
2. The Zoning Board of Appeals shall keep minutes of its proceedings, including a record of the vote of each member on each action and such minutes shall be public records.

Section 8.3 Powers & Duties

The Zoning Board of Appeals shall hear and decide on matters referred to the Zoning Board of Appeals or upon which the Zoning Board of Appeals is required to pass under this Zoning Ordinance.

A. Exercising Powers.

The Zoning Board of Appeals may revise or affirm, wholly or in part, or may modify the order, requirement, decision, or determination as in its opinion ought to be made in a particular case, and to that end shall have all the powers of the officer from whom the appeal is taken, and may issue or direct the issuance of a permit.

B. Jurisdiction.

The Zoning Board of Appeals shall have the following powers:

1. **Administration/Enforcement.** The Zoning Board of Appeals shall hear and decide appeals from and review any administrative order, requirement, decision, or determination made by an administrative official or body charged with administration and enforcement of this Ordinance.
2. **Interpretation.** The Zoning Board of Appeals shall hear and decide questions that arise in the administration of the zoning ordinance, including the interpretation of the zoning maps.

3. **Non-Use Variances.** Upon the finding of practical difficulty, the Zoning Board of Appeals shall have the authority to grant nonuse variances related to non-use requirements of the Zoning Ordinance as provided for in [Section 8.5](#).
4. **Use Variances.** Upon the finding of unnecessary hardship, the Zoning Board of Appeals shall have the authority to grant variances from uses of land as provided for in [Section 8.5](#).
5. **Revocation of a Special Use Permit.** The decision of the Zoning Administrator to revoke a Special Use permit may be appealed to the ZBA.

C. Specific Powers Not Granted.

1. **Amendments.** Nothing herein contained shall be construed to give or grant to the Zoning Board of Appeals the power or authority to alter or change this Ordinance or the Zoning Map, such power and authority being reserved to the City Council in the manner provided by law.
2. **Special Uses and Planned Unit Developments.** The Zoning Board of Appeals has NO jurisdiction to hear appeals from decisions concerning Special Use approvals or Planned Unit Developments.

D. Majority Vote.

The concurring vote of a majority of the members of the full Zoning Board of Appeals is necessary to reverse an order, requirement, decision, or determination of the administrative official or body, to decide in favor of the applicant on a matter upon which the Zoning Board of Appeals is required to pass under this zoning ordinance, or to grant a variance in the zoning ordinance, all except as hereinafter otherwise provided.

Section 8.4 Procedure & Decisions

- A. An appeal to the Zoning Board of Appeals may be taken by a person aggrieved by a decision or determination of an officer, department, board, or administrative official of the City. In addition, a variance in the Zoning Ordinance may be applied for and granted under Section 4 of the [Uniform Condemnation Procedures Act, 87 PA 1980](#), MCL 213.54, and as provided under MCL 125.3101 et seq. The Zoning Board of Appeals shall state the grounds for any determination made by it.

B. Timing.

1. **Timing of Appeals.** An appeal under this Section shall be taken within fourteen (14) days after the rendition, in writing, of the decision or determination being appealed. Such appeal shall be taken by the filing with the officer or body from whom the appeal is taken specifying the grounds for the appeal. The body or officer from whom the appeal is taken shall immediately transmit, to the Zoning Board of Appeals, all of the papers constituting the record upon which the action appealed from was taken.

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2. **Timing of Interpretation Requests.** Requests for interpretation of the Zoning Ordinance text or Zoning Map may be taken to the Zoning Board of Appeals at any time.
- C. **Application.** The appellant shall file, with the Zoning Board of Appeals on an application furnished by the Zoning Administrator, a notice of appeal specifying the grounds for the appeal.
1. **Materials Required.** The applicant is required to submit one (1) hard copy of surveys, plans, and data or other information deemed reasonably necessary for making an informed decision on his or her appeal.
2. The Zoning Administrator shall transmit to the Zoning Board of Appeals all the papers constituting the record upon which the action appealed from was taken.
- D. **Stay.** An appeal under this Section stays all proceedings in furtherance of the action appealed unless the officer or body from whom the appeal is taken certifies to the Zoning Board of Appeals, after notice of appeal is filed, that by reason of facts stated in the certificate, a stay would, in the opinion of the officer or body, cause imminent peril to life or property, in which case the proceedings shall not be stayed other than by a restraining order which may be granted by the Zoning Board of Appeals or by the Circuit Court, on application and notice to the officer or body from whom the appeal is taken and on due cause being shown.
- E. **Public Hearing.**
1. If the Zoning Board of Appeals receives a written request seeking an interpretation of the Zoning Ordinance or an appeal of an administrative decision, the Zoning Board of Appeals shall, within a reasonable time, conduct a public hearing on the request.
2. **Public Notice.** Notice shall be given as required under MCL 125.3103 and [Section 9.9](#). However, if the request does not involve a specific parcel of property, notice need only be published as provided in MCL 125.3103(1) and [Section 9.9](#) and given to the person making the request as provided in MCL 125.3103(3).
3. **Representation.** At the public hearing, a party may appear personally or by agent or attorney.
- F. **Decision.**
1. The Zoning Board of Appeals shall render its decision within a reasonable time after the meeting at which the appeal is considered. The Zoning Board of Appeals may adjourn a hearing for a reasonable time for reasons stated on the record.
2. The decision of the Zoning Board of Appeals shall be final. A party aggrieved by the decision may appeal to the Circuit Court of Otsego County as provided in MCL 125.3606.
3. **Conditions.** The Zoning Board of Appeals may impose such conditions or limitations in granting a variance as deemed necessary to protect the character of the area, as provided for in [Section 9.6](#).

4. **Findings of Fact.** In granting or denying a variance, the Zoning Board of Appeals shall state in a written statement of findings of fact the grounds upon which it justifies the granting of a variance.

G. Re-Application for Appeal.

No application for a variance which has been denied wholly or in part by the Zoning Board of Appeals shall be resubmitted for a period of one (1) year from the date of the last denial, except on grounds of newly discovered evidence or proof of changed conditions found upon inspection by the Zoning Board of Appeals to be valid.

H. Approval Periods.

No order of the Zoning Board of Appeals permitting the erection or alteration of a building shall be valid for a period longer than one (1) year. If actual physical construction of a substantial nature of the improvements included in the approval has not commenced and proceeded meaningfully toward completion during that period, the Zoning Board of Appeals approval shall be null and void.

Section 8.5 Variance Standards

A. Non-Use Variance Standards.

The Zoning Board of Appeals may grant non-use variances when the applicant demonstrates, in the official record of the hearing, that the strict enforcement of this Ordinance would result in practical difficulty. To establish practical difficulty, the ZBA must find on the basis of substantial evidence that:

1. The need for the requested variance is due to unique circumstances or physical conditions of the property involved that do not apply generally to other properties in the surrounding area, such as narrowness, shallowness, shape, water, or topography and is not due to the applicant's personal or economic hardship.
2. Strict compliance with the regulations governing area, setbacks, frontage, height, bulk, or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity unnecessarily burdensome.
3. Whether granting the requested variance would do substantial justice to the applicant as well as to other property owners in the district, or whether granting a lesser variance than requested would give substantial relief to the property owner and be more consistent with justice to other property owners.
4. The need for the requested variance is not the result of action of the property owner or previous property owners (self-created).
5. That the requested variance will not cause an adverse impact on surrounding property, property values, or the use and enjoyment of property in the neighborhood or zoning district and will not impair an adequate supply of light and air to adjacent property, unreasonably increase the congestion in public streets, or

increase the danger of fire or endanger the public safety, or in any other respect impair the public health, safety, comfort, morals or welfare of the inhabitants of the City.

B. Use Variance Standards.

To obtain a variance from the use regulations of this Ordinance the applicant must demonstrate that unnecessary hardship exists. To establish unnecessary hardship, the ZBA must find on the basis of substantial evidence that:

1. The building, structure, or land cannot be reasonably used for any of the uses permitted by right or by Special Use permit in the zoning district in which it is located.
2. The need for the requested variance is due to unique circumstances or physical conditions of the property involved such as narrowness, shallowness, shape, water, or topography and is not due to the applicant's personal or economic hardship.
3. The proposed use will not alter the essential character of the neighborhood.
4. The immediate hardship causing the need for the use variance was not created by the property owner or previous property owners (self-created).

Article 9

Administration & Enforcement

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Section 9.1 Administration & Administrative Officer

- A. The provision of this Ordinance shall be administered in accordance with the [Michigan Zoning Enabling Act, 2006 PA 110](#), as amended.
- B. The provisions of this Ordinance shall be administered and enforced by the Zoning Administrator or by such delegates as assigned by the City Manager.
- C. The duties of the Zoning Administrator are as follows:
 1. **Zoning Permits.** The Zoning Administrator shall have the power to issue zoning permits and to make inspections of buildings or premises necessary to carry out his/her duties in the enforcement of this Ordinance. It shall be unlawful for the Zoning Administrator to approve any plans or issue any permits for any excavation or construction until the City has inspected such plans in detail and found them to conform with this Ordinance.
 2. **Review Applications for Planning Commission Submittal.** The Zoning Administrator shall receive and review for completeness all applications for which the Planning Commission is required to decide under this Ordinance and refer such applications to the Planning Commission and the City Council, where applicable, for determination.

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3. **Review Applications for Zoning Board of Appeals Submittal.** The Zoning Administrator shall receive and review for completeness all applications for appeals, variances, or other matters which the Zoning Board of Appeals is required to decide under this Ordinance and refer such applications to the Zoning Board of Appeals for determination.
4. **Review Applications for Ordinance Amendment.** The Zoning Administrator shall receive and review for completeness all applications for amendments to this Ordinance and refer such applications to the Planning Commission and City Council for determination.
5. **Records.** The Zoning Administrator shall maintain permanent and correct records of the Ordinance including, but not limited to, zoning permits issued, maps, amendments, Special Use permits, variances, and appeals.
6. **Complaints.** The Zoning Administrator shall respond in writing to all complaints regarding violations of the Zoning Ordinance within sixty (60) days. A record of the complaint and the findings of the investigation shall be maintained. The Zoning Administrator shall report on the status of current complaints at the Planning Commission meetings.
7. Under no circumstances is the Zoning Administrator permitted to make changes to this Ordinance nor to vary the terms of this Ordinance in carrying out his/her duties as Zoning Administrator.
8. The Zoning Administrator shall not refuse to issue a permit when conditions imposed by this Ordinance are complied with by the applicant despite violations of contracts, such as covenants or private agreements which may occur upon the granting of said permit.

Section 9.2 Duties & Powers of the Planning Commission & City Council

A. Planning Commission.

The Planning Commission shall be responsible for the following administrative activities under this Ordinance:

1. **Site Plan Review.** In cases where site plan review is referred to the Planning Commission from the Zoning Administrator, the Planning Commission shall review Site Plans and issue approval, conditional approval, or denial.
2. **Special Use Review.** The Planning Commission shall conduct a public hearing on any application for a Special Use Permit. Following a public hearing, the Planning Commission shall make a recommendation on said application to the City Council.
3. **Rezoning or Text Amendment.** The Planning Commission shall conduct public hearings for proposals to rezone property or amend the text of this Ordinance. Following a public hearing, the Planning Commission shall make its recommendation regarding the proposed rezoning or text change to the City Council.

Council. The Planning Commission may initiate a text change or rezoning, subject to the requirements for notice, public hearing, and City Council approval.

4. The Planning Commission shall not have the power to change the zoning classification of any property, nor to grant variances from any terms or requirements of this Ordinance except as specifically granted in this Ordinance.

B. City Council.

The Planning Commission shall be responsible for the following administrative activities under this Ordinance:

1. **Adopting the Ordinance and Amendments.** On the recommendation of the Planning Commission, the City Council adopts the Zoning Ordinance, making it the enforceable law of City government. Likewise, the City Council may amend the text of this Ordinance or the boundaries of Zoning Districts (rezoning).
2. **Special Use Review.** After reviewing the recommendation of the Planning Commission, the City Council shall review and approve, approve with conditions, or deny said Special Use application.
3. **Fee Schedule.** The City Council shall, by resolution, set fees to be charged for any administrative action under this Ordinance. The City Council may also act to waive any fee.

Section 9.3 Zoning Permit Application Process

A. Fees Required.

Applications shall not be reviewed until the required fees have been paid. No separate fee shall be required for accessory buildings, fences, or structures when application thereof is made at the same time as the principal building or structure. Applications and petitions filed pursuant to the provisions of this Ordinance shall be accompanied by the filing fees as specified by the fee schedule adopted by the City Council.

B. Permits Required.

1. **Zoning Permits.** The term “zoning permit” in this Ordinance is used as a general category and also includes fence permits, Plot Plan or Site Plan approvals, Special Use permits, and other specific zoning-related permits.
 - a. Before proceeding with the erection, alteration, enlargement, razing, conversion, moving, or change of use of any building or structure subject to the provisions of this Ordinance, the owner of the premises shall first apply for and receive a zoning permit from the Zoning Administrator.
 - b. The requirement of a zoning permit shall not apply to alterations inside a building or structure if no change is made in the foundation or outside perimeter.

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C. Review Process for Zoning Permit.

1. **Application.** The Zoning Administrator shall require that every application for a zoning permit be accompanied by an application and, as applicable, dimensioned plans drawn to scale in accordance with the requirements in [Article 5](#) to enable the Zoning Administrator to ascertain whether the proposed work or use is in conformance with this Ordinance. See [Table 5.2](#) for details on types of use, plan required, and approving body.
 - (1) Applications which are approved by the Zoning Administrator are reviewed by the Zoning Administrator for compliance with this Ordinance.
 - (2) Applications which are approved by the Planning Commission are reviewed according to the procedures contained in [Article 5](#) for site plans and [Article 6](#) for Special Uses.
2. **Inspections.** The Zoning Administrator shall have the right to inspect lots, buildings, and/or structures to determine violations of or compliance with this Ordinance. The Zoning Administrator may exercise this right to inspection by consent of the person having the right to possession of the lot, building, or structure or any part thereof, or by administrative search warrant issued by a court of competent jurisdiction. Should a zoning permit holder fail to comply with the requirements of the Zoning Administrator at any inspection stage, the Zoning Administrator shall revoke the zoning permit ([subsection F](#)). Failure of the permit holder to make proper notification of the time for inspection shall cause revocation of the zoning permit, requiring the issuance of a new permit before construction may proceed.
3. **Other Required Permits.** A zoning permit is required prior to the issuance of a building permit.
4. **Signed Copies.** Where a hard copy of a plot plan/site plan has been required, the final approved plot plan/site plan shall be signed by the Zoning Administrator, and one (1) copy shall be kept in the City records and one (1) copy shall be given to the applicant. Where a digital copy of a plot plan/site plan has been required, the final approved plot plan/site plan shall be electronically signed by the Zoning Administrator and one (1) copy shall be kept in City files one (1) copy shall be transmitted to the applicant.

D. Conformance with Approved Plans.

Permits issued on the basis of plans and applications approved by the Zoning Administrator or Planning Commission authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Ordinance, and punishable as provided by [Section 9.10](#).

E. Expiration of Zoning Permit.

The zoning permit will expire after one (1) year from the date of issuance if no construction has occurred or no

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substantial construction has been done in the furtherance of the permit.

1. See [Section 5.6](#) for expiration of site plan approval.
2. See [Section 6.5](#) for expiration of Special Use approval.
3. See [Section 8.4.H](#) for expiration of Zoning Board of Appeals approval.
4. See [Section 10.4.G](#) for expiration of Conditional Rezoning approval.

F. Revocation.

1. If the Zoning Administrator shall find that an approved zoning permit, including any conditions imposed, is not being adhered to, the Zoning Administrator shall give notice to the applicant, in writing, of the intent to revoke the zoning permit.
2. Intent to revoke shall be made known to the applicant by a registered letter sent to the applicant and signed by the Zoning Administrator. Said letter shall be received by the applicant thirty (30) days prior to the stated date of revocation and shall contain the reasons for revoking the approval.
3. If the applicant notifies the Zoning Administrator, within ten (10) days of receipt of the above letter, of his/her intent to rectify the violation, the Zoning Administrator may defer the revocation.
4. Further construction shall be stayed until correction of the defects set forth has been accomplished and approved upon notice and request for re-inspection by the applicant and those inspections completed and compliance certified by the Zoning Administrator.
5. The decision of the Zoning Administrator may be appealed by the owner to the Zoning Board of Appeals upon written request by the owner for such a hearing. Such requests must be made within thirty (30) days of the notice to the owner of such revocation action.

Section 9.4 Fees

- A. To assist in defraying the costs of investigating, reviewing, and administering zoning applications, appeals, rezoning requests from individual property owners, and other types of decisions which result in costs to the City, the City Council shall adopt, by resolution, a fee schedule to cover the cost of inspection and supervision resulting from enforcement of this Ordinance.
- B. The amount of these zoning fees shall cover the costs associated with the review of the application or appeal, including but not limited to the costs associated with conducting public hearings, publishing notices in the newspaper, sending required notices to property owners, postage, photocopying, mileage, and time spent by City staff. The basic zoning fees shall be paid before any application required under this Ordinance is processed. The basic zoning fees are non-refundable, even when an application or appeal is withdrawn by the applicant or when the application is denied by the Zoning Administrator or the Planning Commission.

- C. If the Zoning Administrator determines that the basic zoning fees will not cover the actual costs of the application review or appeal, or if the Zoning Administrator determines that review of the application and/or participation in the review process or appeal by qualified professional planners, engineers, attorneys, or other professionals is necessary or advisable, then the applicant shall deposit, with the City Clerk, such additional zoning fees in a reasonable amount determined by the Zoning Administrator equal to the estimated additional costs. The additional zoning fees shall be held in escrow in the applicant's name and shall be used solely to pay these additional costs. If the amount held in escrow becomes less than ten (10) percent of the initial escrow deposit or less than ten (10) percent of the latest additional escrow deposit and review of the application or decision on the appeal is not completed, then the Zoning Administrator may require the applicant to deposit additional funds into escrow in a reasonable amount determined by the Zoning Administrator to be equal to the estimated costs to complete the review or decide the appeal. Failure of the applicant to make any escrow deposit required under this Ordinance shall be deemed to make the application incomplete thereby justifying the denial of the application. Any unexpended funds held in escrow shall be returned to the applicant following final action on the application or the final decision on the appeal.

Section 9.5 Performance Guarantee

- A. In connection with the construction of improvements through site plan approval, Special Use approval, or a PUD project, the Planning Commission or City Council may require the applicant to furnish the City with a performance guarantee in the form of a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the City in an amount equal to the estimated costs associated with the construction of public and site improvements. Public improvements mean, by way of example and not limitation, roads, parking lots, and water and sewer systems which are located within the development or which the applicant has agreed to construct even though located outside the development. Site improvements mean landscaping, buffering, site clean-up, and the completion of conditions imposed by the Planning Commission or City Council which are located within the development. For purposes of this Section, the costs covered by the performance guarantee shall include all of the following: (1) the purchase, construction, and/or installation of the improvements, (2) architectural and engineering design and testing fees and related professional costs, and (3) an amount for contingencies consistent with generally accepted engineering and/or planning practice. The performance guarantee shall be deposited with the City Clerk at or before the time the City issues the permit authorizing the development, or if the development has been approved in phases, then the performance guarantee shall be deposited with the City Clerk prior to the commencement of construction of a new phase. The performance guarantee shall ensure the completion of the public and site improvements in accordance with the plans approved by the Planning Commission or City Council. Any cash deposit or certified funds shall be refunded for the development of each phase of a multi-phase development in the following manner:
- A. One-third (1/3) of the cash deposit after completion of one-third (1/3) of the public and site improvements;
- B. Another one-third (1/3) of the cash deposit after completion of two-thirds (2/3) of the public and site improvements; and

- C. The balance at the completion of the public and site improvements.
- B. Any irrevocable bank letter of credit or surety bond shall be returned to the applicant upon completion of the public improvements. If a development is to be completed in phases, then the Planning Commission may require the applicant to furnish a performance guarantee as provided in this Section for each phase of the development. If an applicant has contracted with a third party to construct the public and site improvements and the third party has provided a bond meeting the requirements described above and the bond also names the City as a third-party beneficiary of the bond, then the Planning Commission may accept that bond as meeting all or a portion of the performance guarantee required by this Section.
- C. In the case that a performance guarantee has not been required or the costs to perform the tasks stated in subsection A above exceeds the existing performance guarantee, and the applicant has failed to perform the tasks as required, the City may, thirty (30) days after providing written notice to the applicant and landowner of the deficiency, deem the failure to be a nuisance condition and cause the tasks to be completed. The City may recover its actual and necessary expenses for completing the tasks by placing its claim on the next General Tax Roll as a tax lien to be enforced in the same manner as provided by law for the collection of delinquent and unpaid taxes.

Section 9.6 Conditions

The Planning Commission and Zoning Board of Appeals may attach reasonable conditions on zoning decisions under its respective jurisdiction. These conditions may include those necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Any conditions imposed, however, shall meet all of the following requirements:

- A. Be designed to protect natural resources, the health, safety, and welfare, as well as the social and economic well-being of those who will use the land use or activity under consideration, residents and land owners immediately adjacent to the proposed land use or activity, and the community as a whole.
- B. Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.
- C. Be necessary to meet the intent and purpose of the zoning regulations contained in this Ordinance; be related to the standards established in this Ordinance for the special use or activity under consideration; and be necessary to ensure compliance with such standards.

Any conditions imposed with respect to the approval of a land use or activity shall be recorded in the record of the approval action and shall remain unchanged except upon the mutual consent of the approving authority and the land owner. The approving authority shall maintain a record of changes granted and conditions.

Section 9.7 Conflicting Regulations

The provisions of this Ordinance shall be held to be minimum requirements adopted to promote the health, safety, morals, comfort, prosperity, and general welfare of the people of the City of Gaylord, Michigan. It is not intended by this Ordinance to repeal, abrogate, annul, impair, or interfere with any existing easement, covenants, or agreements between parties, or with any rules, regulations, or permits previously adopted or issued pursuant to law.

A. When this Ordinance is More Restrictive than Another Law, Ordinance, or Private Deed Restriction.

Whenever any provision of this Ordinance imposes more stringent requirements, regulations, restrictions, or limitations than are imposed or required by the provisions of any other law, ordinance, or deed restriction then the provisions of this Ordinance shall govern unless legally superseded by such law or ordinance.

B. When Another Law, Ordinance, or Private Deed Restriction is More Restrictive than this Ordinance.

Whenever the provisions of any other law, ordinance, or deed restriction impose more stringent requirements than are imposed or required by this Ordinance, then the provisions of such ordinance, law, or deed restriction shall govern.

C. Conflicting Provisions within this Ordinance.

1. Where any provision of this Ordinance differs from any other provision of this Ordinance, the more restrictive requirement shall prevail.
2. The graphics, tables, and text used throughout this Ordinance are regulatory. In case of a conflict, text shall control over tables or graphics; tables shall control over graphics. Photographs and illustrations marked "example" or text marked "commentary" are not regulatory and are provided for illustrative purposes only. If a conflict exists between [Section 4.10 \(Full Table of Permitted and Special Uses\)](#) and the individual Use Tables found in each district section in [Article 4](#), the individual Use Tables shall control.

Section 9.8 Use of Consultants

From time to time, the City Council, Planning Commission, and/or Zoning Board of Appeals may employ planning, engineering, legal, traffic, or other special consultants to assist in the review of Special Uses, site plans, rezonings, or other matters related to the planning and development of the City.

Section 9.9 Public Notice Requirements

All applications for development approval requiring a public hearing shall comply with the [Michigan Zoning Enabling Act, 2006 PA 110](#), as amended, MCL 125.3101 et. seq. and the other provisions of this Section with regard to public notification.

A. Published Notice.

When the provisions of this Ordinance or the [Michigan Zoning Enabling Act](#) require that notice be published and/or given, the Zoning Administrator shall be responsible for preparing the content of the notice, having it published in a newspaper of general circulation in the City, and mailed or delivered as provided in this Section.

B. Content.

All mailed and newspaper notices for public hearings shall:

1. **Describe the nature of the request.** Identify whether the request is for a rezoning, text amendment, Special Use, planned unit development, variance, appeal, Ordinance interpretation, or other purpose.
2. **Location.** Indicate the property that is subject to the request. The notice shall include a listing of all existing street addresses within the subject property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used such as a tax parcel identification number, identification of the nearest cross street, or the inclusion of a map showing the location of the property. No street addresses must be listed when eleven (11) or more adjacent properties are proposed for rezoning, or when the request is for an Ordinance interpretation not involving a specific property.
3. **Date, Time, and Location.** When and where the request will be considered: indicate the date, time, and place of the public hearing(s).
4. **Written comments.** Include a statement describing when and where written comments will be received concerning the request. Include a statement that the public may appear at the public hearing in person or by counsel.

C. Notice.

1. Except as noted in [Section 9.9.C.2](#) and [Section 9.9.C.3](#) below, notices for all public hearings shall be given as follows:
 - a. Notice of the hearing shall be not less than fifteen (15) days before the date of the public hearing.
 - b. Notice of the hearing shall be published in a newspaper of general circulation.

- c. Notice shall be sent by mail or personal delivery to the owners of property for which approval is being considered and the applicant, if different than the owner(s) of the property.
 - d. Notice shall also be sent by mail to all persons to whom real property is assessed within three hundred (300) feet of the property and to the occupants of all structures within three hundred (300) feet of the property regardless of whether the property or occupant is located in the City.
 - (1) If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection.
 - (2) Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one (1) occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses, or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.
2. Newspaper publication as required in [Section 9.9.C.1](#) above shall be the only notice required for an amendment to the Zoning Ordinance or the zoning map that affects eleven (11) or more properties.
3. For ordinance interpretations and appeals of administrative decisions by the Zoning Board of Appeals and requests that do not affect a specific property, the only notice required shall be to the applicant and by newspaper publication, as required in [Section 9.9.C.1](#) above.
4. **Notice Deemed Given.** Notice shall be deemed given when personally delivered or by its deposit in the United States mail, first class, properly addressed, and postage paid. The Zoning Administrator shall prepare a list of property owners and registrants to whom notice was mailed, as well as of anyone to whom personal notice was delivered.
5. **Registration to Receive Notice by Mail.**
- a. **General.** Each electric, gas, and pipeline utility company, each railroad, each telecommunication service provider, and the airport manager of each airport may register its name and address with the City to receive written notice of all public hearings. The City Clerk shall be responsible for providing this notification, as established by the City Council.
 - b. **Requirements.** The requesting party must provide the Zoning Administrator information to ensure notification can be made.

Section 9.10 Penalties

- A. Buildings erected, altered, razed, or converted, or uses carried on in violation of this Ordinance or regulations made pursuant hereto, are declared to be a nuisance per se. Any person, firm, partnership, corporation, or other organization which violates, disobeys, omits, neglects, or refuses to comply with or resists the enforcement of any provision of this Ordinance shall be guilty of a misdemeanor.
- B. The City Council may institute injunction, mandamus, abatement or any other appropriate action or proceedings to prevent, enjoin, abate, or remove any said unlawful erection, alteration, maintenance, or use. The rights and remedies provided herein are cumulative and in addition to all other remedies provided by law.

Section 9.11 Rehearing

A. Rehearing Performed by Planning Commission, City Council, or ZBA.

The Planning Commission, City Council, or Zoning Board of Appeals may grant a rehearing under exceptional circumstances for any decision made by it. A rehearing shall mean that the body which originally reviewed the request shall be the body which reviews the same request again. Exceptional circumstances shall mean any of the following:

- 1. The applicant who brought the matter before the Planning Commission, City Council, or Zoning Board of Appeals made misrepresentations concerning a material issue, which was relied upon by the Planning Commission or Zoning Board of Appeals in reaching its decision.
- 2. There has been a material change in circumstances regarding the Planning Commission or Zoning Board of Appeals' findings of fact, which occurred after the public hearing.
- 3. The City attorney by written opinion states that in the attorney's professional opinion, the decision made by the Planning Commission or Zoning Board of Appeals or the procedure used in the matter was clearly erroneous.

B. Rehearing Procedure.

A rehearing may be requested by the applicant or by the Zoning Administrator, or a rehearing may be granted by the Planning Commission or Zoning Board of Appeals on its own motion.

- 1. **Time Limit.** A request for a rehearing which is made by an applicant must be made within twenty-one (21) days from the date on which the applicant receives notification regarding the decision for which the rehearing is being requested.
- 2. A request for a rehearing made by the Zoning Administrator or a rehearing granted by the Planning Commission or Zoning Board of Appeals on its own motion may be granted at any time as long as the applicant has not been prejudiced by any delay.

3. Whenever the Planning Commission or Zoning Board of Appeals considers granting a rehearing, it shall provide written notice to the applicant that a rehearing will be considered. The notice may be served upon the applicant by first class mail at the applicant's last known address or may be served personally on the applicant. The notice must be served at least nine (9) days before the time set for the hearing if served by mail, or at least seven (7) days before the time set for the hearing if served by personal service. Service by mail shall be complete upon mailing. In addition to serving the above notice on the applicant, all other notice requirements for the type of decision being heard shall be completed before the Planning Commission or Zoning Board of Appeals holds a hearing at which it considers whether to grant a rehearing.
4. If the Planning Commission or Zoning Board of Appeals grants a rehearing, then the rehearing shall not be held until all notice requirements for the type of decision being reheard have been satisfied.

Section 9.12 Approval Process Reference Chart

The following table is a summary of basic requirements for various administrative actions under this Zoning Ordinance. It supplements the preceding text but is not a substitute for it.

1 Authority & Purpose	2 Definitions	3 General Provisions	4 District Regulations	5 Plan Review
6 Special Use Review	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Amendments & Adoption

Table 9.12: Approval Process Reference Chart

Type of action	Parties who may initiate action	Body making decision	Public hearing required	Published notice(s)- Number of days before hearing	Mailed notice to all owners and occupants within 300 feet - days before hearing	Body to which applicant may appeal
Plot Plan Review and Site Plan Review - §5.2	Applicant	ZA or PC	No	----	----	ZBA
Special Use - §5.2	Applicant	CC	Yes	Not less than 15 days	Not less than 15 days	Circuit Court
Variance	Applicant	ZBA	Yes	Not less than 15 days	Not less than 15 days	Circuit Court
Interpretation	Applicant, PC, or ZA	ZBA	Yes	Not less than 15 days	----	Circuit Court
Appeal from decision	Any aggrieved party	ZBA	Yes	Not less than 15 days	Not less than 15 days	Circuit Court
Text amendment or Rezoning (text amendments do not require the 300' notice)	Applicant, ZA, PC, or CC	Step 1: PC recommends to CC	Yes	Not less than 15 days	Not less than 15 days	----
		Step 2: CC	No	----	----	----
		Step 3: CC publishes Notice of Adoption in newspaper (within 15 days after adoption). Rezoning (map amendment) goes into effect on 8th day after publication.				
Zoning enforcement	ZA	----	----	----	----	ZBA
ZA = Zoning Administrator PC = Planning Commission CC = City Council ZBA = Zoning Board of Appeals						

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Article 10

Amendments & Adoption

Sec	Name	Pg
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Section 10.1 Amendment to this Ordinance

- A. The City Council may, by Ordinance, amend, this Ordinance pursuant to the authority and according to the procedures set forth in [2006 PA 110](#), as amended.
- B. The regulations and provisions stated in the text of this Ordinance and the boundaries of zoning districts shown on the City of Gaylord Zoning Map may be amended by action of the City Council following a recommendation from the Planning Commission.
- C. Proposals for amendments, supplements, or changes may be initiated by the City Council on its own motion, by the City Planning Commission, or by petition of one (1) or more owners of property to be affected by the proposed amendment.

Section 10.2 Amendment Procedure

A. Initiating an Amendment.

1. Amendments Initiated by City Council or the Planning Commission.

- a. The Planning Commission may initiate an amendment and may schedule a public hearing on its own motion.
- b. The City Council may initiate an amendment on its own motion and has the option to send the proposed amendment to the Planning Commission for review prior to scheduling a public hearing.

2. Amendments Initiated by a Citizen.

1 Authority & Purpose

2 Definitions

3 General Provisions

4 District Regulations

5 Plan Review

6 Special Use Review

7 Supplemental Regulations

8 Zoning Board of Appeals

9 Administration & Enforcement

10 Amendments & Adoption

- a. Each application by one (1) or more persons for an amendment shall be submitted to the Zoning Administrator on a standard form provided and shall be accompanied by the fee as prescribed by the City Council. No part of such fee shall be returnable to a petitioner if the public hearing is held.
- b. In the case of a Zoning Ordinance text amendment, the completed application shall contain the requested change and the reason for such change.
- c. In the case of a desired Zoning Map change, the completed zoning application shall describe the property involved, the zone change desired, and the reason for such change.
- d. The Zoning Administrator shall transmit the amendment application and all related materials to the Planning Commission.

B. Public Hearing.

At least one (1) public hearing shall be held by the Planning Commission before any amendment of this Ordinance becomes effective. The notice of the time and place of such public hearing shall be given pursuant to [Section 9.9](#).

C. Planning Commission Action.

1. The Planning Commission shall consider each proposal for amendment on particular factors related to the individual proposal and in terms of the likely effect on the community's physical development. The Planning Commission may recommend any additions or modifications to the original proposal.
2. After review of the proposed amendment of this Ordinance, and after the public hearing specified above, the Planning Commission shall make a tentative report to the City Council. A summary of the comments submitted at the public hearing shall be transmitted with the report of the Planning Commission to the City Council.

D. City Council Action.

1. After receiving the report of the Planning Commission, the City Council may adopt the proposed amendment with or without additional amendments or may refer the proposed amendment to the Planning Commission for a further report.
2. The City Council may hold additional public hearings if it considers it necessary, or as may be required by charter. Notice of such hearing shall be published using the procedures in [Section 9.9](#).
3. The City Council shall grant a hearing on a proposed Ordinance amendment to a property owner who requests a hearing by certified mail, addressed to the City Clerk. Notice of such hearing shall be published using the procedures in [Section 9.9](#).

4. Following adoption of any amendment, supplementation or change to this Zoning Ordinance, one (1) notice of adoption shall be published in a newspaper of general circulation in the City within fifteen (15) days after adoption. Any amendments to this Ordinance shall take effect on the 8th day after publication or at a later date as may be specified by the City Council at the time of adoption.

E. Protest Petition.

Upon presentation of a protest petition meeting the requirements of this subsection, an amendment to a Zoning Ordinance which is the object of the petition shall be passed only by a two-thirds (2/3) vote of the City Council. The protest petition shall be presented to the City Council before final action on the amendment, and shall be signed by one (1) of the following:

1. The owners of at least twenty (20) percent of the area of land included in the proposed change.
2. The owners of at least twenty (20) percent of the area of land included within an area extending outward one hundred (100) feet from any point on the boundary of the land included in the proposed change.
3. Publicly owned land shall be excluded in calculating the twenty (20) land area requirement under subsections E.1 and E.2.

F. Resubmittal of Application for Rezoning.

An owner of property, his/her authorized agent, or other person, shall not initiate action for rezoning affecting the same parcel more often than once every year. An exception to this rule may be made in those cases where the Planning Commission determines that conditions affecting the property have changed substantially, thereby justifying a repetition before one (1) year has elapsed from the date of the previous petition.

Section 10.3 Rezoning Factors

The Planning Commission shall review and apply the following factors in the consideration of any rezoning request:

- A. Is the proposed rezoning consistent with the goals and objectives of the current Master Plan?
- B. Are all of the allowable uses in the proposed district reasonably consistent with surrounding uses?
- C. Will there be an adverse physical impact on surrounding properties?
- D. Have there been changes in land use or other conditions in the immediate area or in the community in general which justify rezoning?
- E. Will rezoning create a deterrent to the improvement or development of adjacent property in accordance with existing regulations?

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- F. Will rezoning grant a special privilege to an individual property owner when contrasted with other property owners in the area or the general public (i.e. will rezoning result in spot zoning)?
- G. Is the site served by adequate public facilities or is the petitioner able to provide them?
- H. Are there size or environmental constraints on the site which would make it difficult to use in the district?

Section 10.4 Conditional Rezoning

A. Intent.

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

B. Application and Offer of Conditions.

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

public hearing with appropriate notice and a new recommendation.

C. Planning Commission Review.

The Planning Commission, after a public hearing as set forth pursuant to [Section 9.9](#) of this Ordinance and consideration of the factors set forth in [Section 10.3](#) (except [10.3.F](#)) of this Ordinance, may recommend approval, approval with recommended changes, or denial of rezoning; provided, however, that any recommended changes to the offer of conditions are acceptable to and thereafter offered by the owner.

D. City Council Review.

After receipt of the Planning Commission's recommendation, the City Council shall deliberate upon the requested conditional rezoning and may approve or deny the request. Should the City Council consider amendments to the proposed conditional rezoning advisable and if such contemplated amendments to the offer of conditions are acceptable to and thereafter offered by the owner, then the City Council shall, in accordance with Section 401 of [2006 PA 110](#), refer such amendments to the Planning Commission for a report thereon within a time specified by the City Council, and proceed thereafter in accordance with said statute to deny or approve the conditional rezoning with or without amendments.

E. Approval.

1. If the City Council finds the rezoning request and offer of conditions acceptable, the offered conditions shall be incorporated into a formal written Statement of Conditions acceptable to the owner and conforming in form to the provisions of this Section. The Statement of Conditions shall be incorporated by attachment or otherwise as an inseparable part of the Ordinance adopted by the City Council to accomplish the requested rezoning.
2. The Statement of Conditions shall:
 - a. Be in a form recordable with the [County Register of Deeds](#), or as an alternative, be accompanied by a recordable Affidavit or Memorandum prepared and signed by the owner giving notice of the Statement of Conditions in a manner acceptable to the City Council.
 - b. Contain the legal description and tax identification number of the land to which it pertains.
 - c. Contain a statement acknowledging that the Statement of Conditions runs with the land and is binding upon successor owners of the land.
 - d. Incorporate by attachment or reference any diagram, plans, or other documents submitted or approved by the owner that are necessary to illustrate the implementation of the Statement of Conditions. If any such documents are incorporated by reference, the reference shall specify where the document may be examined.
 - e. Contain a statement acknowledging that the Statement of Conditions or an Affidavit or Memorandum

giving notice thereof may be recorded by the City with the **County Register of Deeds**.

- f. Contain the notarized signatures of at least one (1) owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the Statement of Conditions.
3. Upon the rezoning taking effect, the Zoning Map shall be amended to reflect the new zoning classification along with a designation the land was rezoned with a Statement of Conditions. The City Clerk shall maintain a listing of all lands rezoned with a Statement of Conditions.
4. The approved Statement of Conditions or an Affidavit or Memorandum giving notice thereof shall be filed by the City with the **County Register of Deeds**. The City Council shall have authority to waive this requirement if it determines that, given the nature of the conditions and/or the timeframe within which the conditions are to be satisfied, the recording of such a document would be of no material benefit to the City or to any subsequent owner of the land.
5. Upon the rezoning taking effect, the use of the land so rezoned shall conform thereafter to all the requirements regulating use and development within the new zoning district as modified by any more restrictive provisions contained in the Statement of Conditions.

F. Compliance with Conditions.

1. Any person who establishes a development or commences a use upon land that has been rezoned with conditions shall continuously operate and maintain the development or use in compliance with all the conditions set forth in the Statement of Conditions. Any failure to comply with a condition contained within the Statement of Conditions shall constitute a violation of this Ordinance and be punishable accordingly.
2. No permit or approval shall be granted under this Ordinance for any use or development that is contrary to an applicable Statement of Conditions.

G. Time Period for Establishing Development or Use.

Unless another time period is specified in the Ordinance, the approved development and/or use of the land pursuant to building or other required permits must be commenced upon the land within one (1) year after the rezoning took effect and thereafter proceeded diligently to completion. Upon the expiration of one (1) year, if the approved development and/or use has not commenced or is not proceeding diligently to completion, the applicant may request a one (1) year extension, and the Zoning Administrator may grant the one (1) year extension if he/she finds just cause for such extension. This time limitation may upon written request be extended by the City Council if:

1. It is demonstrated to City Council's reasonable satisfaction that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion, and

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2. The City Council finds that there has not been a change in circumstances that would render the current zoning with Statement of Conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy.

H. Reversion of Zoning.

If the approved development and/or use of the rezoned land does not occur within the timeframe specified under [subsection G](#) above, then the land shall revert to its former zoning classification. The reversion process shall be initiated by the Zoning Administrator requesting that the Planning Commission proceed with consideration of rezoning of the land to its former zoning classification. The procedure for considering and making this reversionary rezoning shall be the same as applies to all other rezoning requests including a public hearing. The property owner shall have the opportunity, at the public hearing, to provide a comment on the reversion of zoning district. The Planning Commission need not consider the rezoning factors in [Section 10.3](#) when considering the reversion back to the original zoning classification.

I. Subsequent Rezoning of Land.

When land that is rezoned with a Statement of Conditions is thereafter rezoned to a different zoning classification or to the same zoning classification, but with a different or no Statement of Conditions, whether as a result of a reversion of zoning pursuant to subsection H above or otherwise, the Statement of Conditions imposed under the former zoning classification shall cease to be in effect. The City Clerk shall record with the [County Register of Deeds](#) that the Statement of Conditions is no longer in effect.

J. Amendment of Conditions.

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

K. City Right to Rezone.

Nothing in the Statement of Conditions or in the provisions of this Section shall be deemed to prohibit the City from rezoning all or any portion of land that is subject to a Statement of Conditions to another zoning classification. Any rezoning shall be conducted in compliance with this Ordinance and the [Michigan Zoning Enabling Act \(Act 110 of the Public Acts of 2006, as amended\)](#).

L. Failure to Offer Conditions.

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

Section 10.5 Validity/Severability

This Ordinance and all parts thereof are hereby declared to be severable. If any part is adjudged unconstitutional or invalid, it is hereby provided that the remainder of the Ordinance shall not be affected thereby. The City Council hereby declares that it would have passed this Ordinance and each part, section, subsection, phrase, sentence, and clause thereof irrespective of the fact that any one or more parts, sections, subsections, phrases, sentences, or clauses be declared invalid.

Section 10.6 Vested Right

Nothing in this Ordinance should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular district or zoning classification, and they are hereby declared to be subject to subsequent amendment, change, or modification as may be necessary for the preservation or protection of the public's health, safety, and welfare.

Section 10.7 Repeal & Savings Clause

- A. This Ordinance repeals and replaces any previous City of Gaylord Zoning Ordinance in its entirety.
- B. The repeal of any previous City of Gaylord Zoning Ordinance, as provided, shall not affect or impair any act done, offense committed or right accruing, accrued, or acquired or liability, penalty, forfeiture, or punishment incurred prior to the time enforced, prosecuted or inflicted. Said Ordinance or Ordinance sections repealed is hereby continued in force and effect after the passage, approval, and publication of this Ordinance for the purpose of such rights, fines, penalties, forfeitures, liabilities, and actions therefore.

Section 10.8 Enactment & Effective Date

- A. This Ordinance was adopted on _____ by the Gaylord City Council and will be effective _____. The foregoing Zoning Ordinance and Map of Zoning Districts were presented at a public hearing before the City of Gaylord Planning Commission on _____.
- B. Amendments or revisions to this Ordinance or Map of Zoning Districts shall become effective on the 8th day or at a later date specified by the Gaylord City Council after publication of a notice of adoption of said amendments or revisions within fifteen (15) days of adoption in accordance with Section 401 of **2006 PA 110**, as amended.

I hereby certify that the above Ordinance was adopted by the Municipal Council of the City of Gaylord, Michigan at a regular meeting held on _____.

City Clerk

1 Authority & Purpose**2** Definitions**3** General Provisions**4** District Regulations**5** Plan Review**6** Special Use Review**7** Supplemental Regulations**8** Zoning Board of Appeals**9** Administration & Enforcement**10** Amendments & Adoption

Published: _____ Effective Date: _____

Affidavit of Publication Required.

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