

6:00 p.m. Call to Order.

Moment of Silence.

Pledge of Allegiance.

Roll Call.

Proclamations:

1. Trailblazer in Aging Recognition - Kim Phillips
2. 250th Birthday Card: Recognition of Winners

Petitions and Statements of Citizens (3 mins. per speaker).

A. Consent Agenda:

1. Approve the City Council Meeting Minutes of the:
 - a. Regular Meeting of June 9, 2026
2. Approve the Accounts Payable Register of June 23, 2026, as presented.
3. Award a contract in the amount of \$535,874.60 to Lakeland Asphalt Corporation, for the Parks Trail & Parking Lot Paving Services project and authorize the City Manager to execute all documents related to this action on behalf of the city.
4. Award a 5-year contract to Severance Electric Company, Incorporated for the maintenance of the city traffic signal system from July 1, 2026, to June 30, 2031, in the base amount not to exceed \$432,100 with hourly rates as bid for call-in work and additional signalized intersection as necessary and authorize the City Manager to execute all documents related to the contract on behalf of the city.
5. Award a contract for the construction and renovation of the Parks and Recreation building kitchen to Kalleward Group for \$138,630 and authorize the City Manager to sign all documents related to the contract on behalf of the city.
6. Award a contract for the supply of commercial kitchen equipment as part of the Parks and Recreation Building Kitchen Renovation Project to Douglas Equipment for \$97,593 and authorize the City Manager to sign all documents related to the contract on behalf of the city.
7. Approve a one-year contract in the estimated amount of \$45,233.25, with an option for four one-year renewals at the same annual cost, with Minuteman Press of Kalamazoo for printing and mailing services associated with the *Portager* newsletter, and authorize the City Manager to execute all documents related to this matter.
8. Approve Capital Improvement Project Fund Reallocation Recommendations
9. Approve the Resolution establishing the Portage Enrichment Fund at the Kalamazoo County Community Foundation.
10. Minutes of Boards & Commissions.
 - a. Senior Citizens Advisory Board of May 20, 2026.
11. Materials Transmitted.
12. Calendar of Meetings:
 - Historic District Commission: Wednesday, July 1 at 8:30 a.m. in the Heritage Room at Portage District Library (300 Library Lane)
 - Planning Commission: Thursday, July 2 at 7:00 p.m. in the Council Chambers at Portage City Hall

B. Communications:

C. Public Hearings:

1. Subsequent to the public hearing, consider any amendments, and approve Ordinance Amendment #25/26-3 to amend the Code of Ordinances of the City of Portage, Michigan by adopting the text of Chapter 44 Residential Unified Development Ordinance and amending corresponding text sections of Chapter 42 Land Development Regulations Article 4, 5, and 6.

D. Regular Business Agenda:

E. Unfinished Business:

1. Accept the proposed ordinance amending Chapter 50 of the Portage City Code to establish authority for emergency police lines and clear zones and to regulate nuisance parties within the City of Portage, and take final action at the regular City Council Meeting on July 7, 2026.

F. Council Committee Reports:

G. New Business:

H. Statements of City Council and City Manager.

Adjournment.

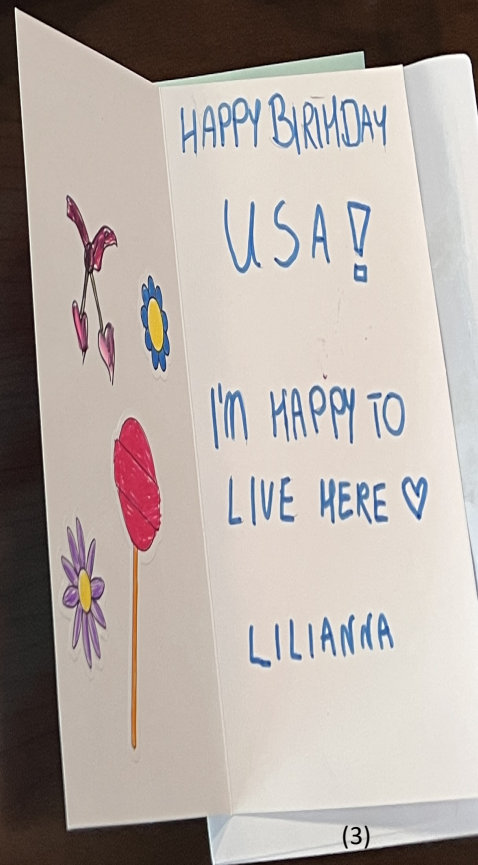
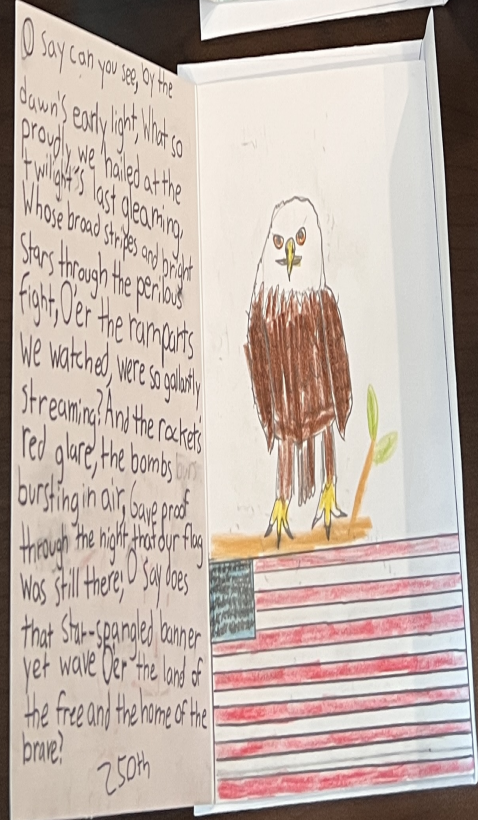
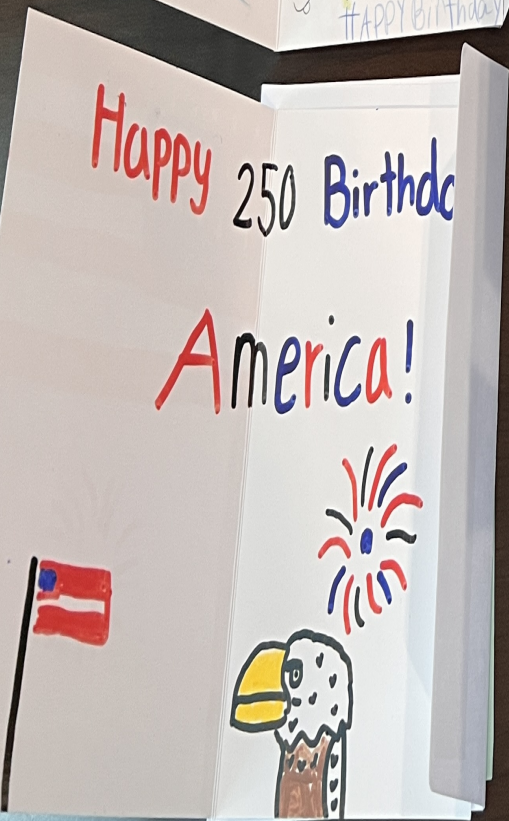
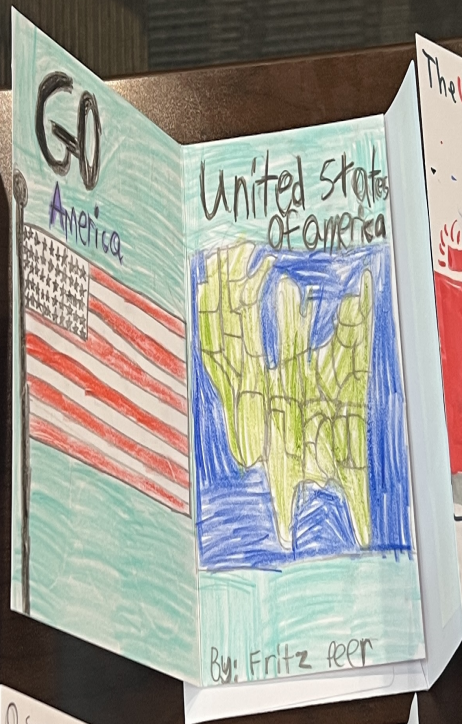
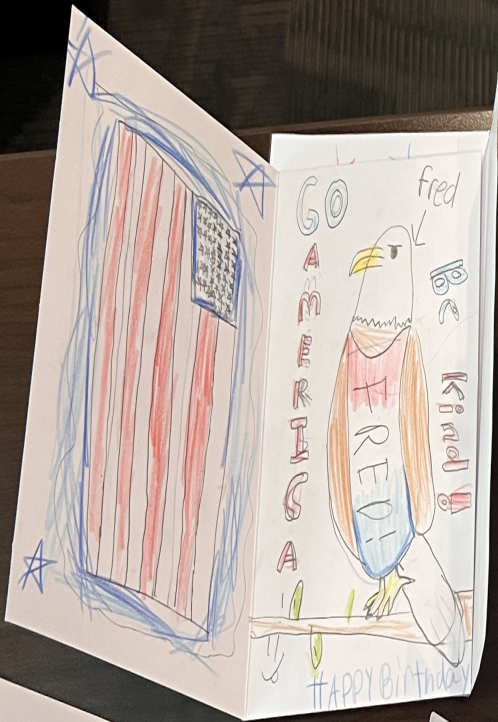



QR Code to Access the Agenda & Agenda Packet

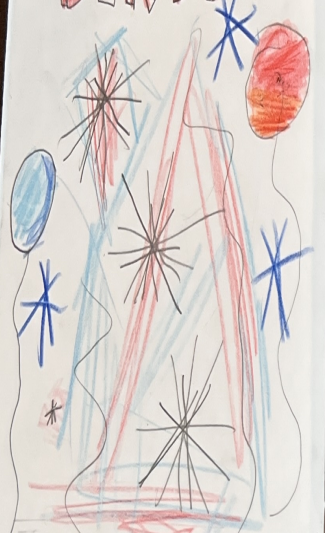
Use the camera on your phone or mobile device to scan the QR Code and then follow the instructions that appear on your screen.

The link will take you to <https://portagemi.portal.civicclerk.com/> where you can view the meeting agendas and agenda packets.

There is one opportunity for public comment during meetings. Each comment is limited to 3 minutes. The Americans with Disabilities Act (ADA) requires reasonable accommodations for participation. Please contact the City Clerk regarding accommodations.



HAPPY 
BIRTHDAY



I Love AMERICA

HAPPY
BIRTHDAY

America

250

The United States
of America

250

years of freedom!



Happy
BirthDay
America!



Vivian steinhagen



HAPPY BIRTHDAY
AMERICA



CITY COUNCIL MEETING MINUTES FROM JUNE 9, 2026

Mayor Patricia Randall called the Regular Meeting to order at 06:00 PM in the Council Chambers at Portage City Hall.

ROLL CALL: Councilmembers Chris Burns, Victor Ledbetter, Nicole Miller, Kathleen Olmsted, Jihan Young, Mayor Pro Tem Jim Pearson, and Mayor Patricia Randall were present.

ABSENT: None.

ALSO PRESENT: City Manager Pat McGinnis, Chief Operating Officer Adam Herringa, Chief Development Officer Peter Dame, City Attorney Catherine Kaufman, and City Clerk Erica Eklov.

At the request of Mayor Randall, the audience observed a moment of silence to reflect on the Juneteenth holiday, its history, and its importance to the Black community. Following the moment of silence, the City Council recited the Pledge of Allegiance.

PROCLAMATIONS:

Juneteenth 2026: Councilmember Young read the proclamation.

PETITIONS AND STATEMENTS OF CITIZENS:

1. Richard Nellums (9240 East Shore Drive) urged the Council to examine the proposed Unified Development Ordinance and associated citizen concerns before the public hearing scheduled for June 23, 2026.
2. Jim Beaudoin (8645 Balmoral Street) expressed concerns regarding additional traffic along Balmoral Street resulting from the trail construction along East Shore Drive. He also noted that some motorists have driven on the trail itself and requested additional signage for the area.
3. Alan Hopkins (10510 Sudan Street) began by stating his appreciation for various road construction upgrades and urged patience from motorists. He then expressed concern regarding traffic for Osterhout Avenue, especially at the intersections of Portage Road and South Westnedge Avenue.
4. Mark Mowery (7402 Quail Street) complimented the new farmers market and suggested the location be utilized as a Christmas market for the winter season.
5. Beth Hinze (9036 East Shore Drive) asked if the city undertook a geotechnical survey for the new trail along East Shore Drive, citing flooding concerns.

CONSENT AGENDA: Mayor Randall shared where the public can access the meeting agenda and asked if anyone would like an item removed from the Consent Agenda. Councilmember Olmsted removed Item A.5 (Chapter 50 Police Ordinance).

Motion by Mayor Pro Tem Pearson, seconded by Councilmember Olmsted, to approve the Consent Agenda as amended. Upon a roll call vote, motion carried 7 to 0.

Approval of Minutes: Motion by Mayor Pro Tem Pearson, seconded by Councilmember Olmsted, to approve the City Council Meeting Minutes of the Board & Commission Interviews, as well as the Regular Meeting of May 26, 2026. Upon a roll call vote, motion carried 7 to 0.

Accounts Payable Register: Motion by Mayor Pro Tem Pearson, seconded by Councilmember Olmsted, to approve the Accounts Payable Register of June 9, 2026, as presented. Upon a roll call vote, motion carried 7 to 0.

Unpaid Water & Sewer Charges: Motion by Mayor Pro Tem Pearson, seconded by Councilmember Olmsted, to order water and/or sewer charges remaining unpaid as of June 30, 2026, to be transferred to the 2026 city tax roll and assessed against the property on which the services were furnished. Upon a roll call vote, motion carried 7 to 0.

Michigan Department of Transportation's "Transportation Alternatives Program" Grant Application: Motion by Mayor Pro Tem Pearson, seconded by Councilmember Olmsted, to approve the Resolution of Support authorizing submission of a grant application to the Michigan Department of Transportation's "Transportation Alternatives Program" for \$3,278,000, committing to providing the required match for the project, and authorizing the City Manager to sign all documents related to the matter. Upon a roll call vote, motion carried 7 to 0.

Appointment of an Acting City Manager: Motion by Mayor Pro Tem Pearson, seconded by Councilmember Olmsted, to approve the appointment of Adam Herringa to the position of Acting City Manager. Upon a roll call vote, motion carried 7 to 0.

Minutes of Boards and Commissions: Motion by Mayor Pro Tem Pearson, seconded by Councilmember Olmsted, to receive the minutes of the Historic District Commission of May 6, 2026. Upon a roll call vote, motion carried 7 to 0.

Calendar of Meetings: Motion by Mayor Pro Tem Pearson, seconded by Councilmember Olmsted, to receive the Calendar of Meetings as presented. Upon a roll call vote, motion carried 7 to 0.

COMMUNICATIONS:

Kalamazoo Metro Transit Presentation: Metro Transit Executive Director Sean McBride and Curtis Aardema, chair of the Central County Transportation Authority (CCTA) and the Kalamazoo County Transportation Authority (KCTA), presented on the status and efforts of the Metro Transit system. Director McBride also highlighted the upcoming millage renewal included on the August 2026 ballot.

Mayor Pro Tem Pearson asked about additional measures to increase service to Portage residents in the southern portion of the city. Director McBride responded by highlighting current options and future plans of the organization. Councilmember Young inquired about incentive programs or partnerships that might encourage Portage residents to support the millage. Director McBride and Chair Aardema responded, highlighting the various existing programs and support structures in Portage and neighboring communities.

Councilmember Burns, who serves on the CCTA/KCTA Board complimented Metro Transit for its efforts to meet citizen needs, especially with the implementation of the Metro Link service. Chair Aardema noted that the city's increased efforts to improve walkability, including sidewalk installations, would bolster the reach of transit service.

Mayor Randall inquired about the costs associated with Metro's offering of free bus passes to Kalamazoo Public School students and if the program could be implemented in Portage Public Schools. Chair Aardema stated the student bus pass program was funded through Kalamazoo City's Foundation for Excellence program. She also asked if people utilize the Metro system in tandem with flights at the Kalamazoo/Battle Creek Airport. Director McBride confirmed the airport passenger usage within operating hours.

Motion by Councilmember Burns, seconded by Councilmember Olmsted, to receive the presentation from the Kalamazoo Metro Transit representatives. Upon a voice vote, motion carried 7 to 0.

REGULAR BUSINESS AGENDA:

Ordinance Amendment - Police Lines, Clear Zones, and Nuisance Parties: Councilmember Olmsted noted several typographical errors and informational issues in sections 1 through 4 of the proposed ordinance amendment. She also requested the penalty in Section 1 (50-117) to mirror that of Section 2 (50-118). At the invitation of the Mayor, Public Safety Director Matt Wolfe offered to answer any questions the Council may have.

Councilmember Burns asked Public Safety Director Matt Wolfe about the rationale for the ordinance proposals. Public Safety Director Matt Wolfe responded. Councilmember Burns then inquired about the practicality of enacting a police line or zone. Director Wolfe noted an existing policy that addresses civil unrest would be updated following the ordinance amendment.

Councilmember Young asked about the difference between Block Parties and the "nuisance parties" the proposed ordinance sought to address. Mayor Randall asked if the ordinance could be applied to a private business, such as the parking lot at Crossroads Mall. Director Wolfe clarified which block parties were permitted and Public Safety's relationship with them. He also noted the Portage Department of Public Safety's efforts to assist the City of Kalamazoo (KDPS) in consistent enforcement in a local and national trend, and that attempts would be made to reach a property owner if possible.

Mayor Pro Tem Pearson noted the news about X-trains in neighboring communities and questioned the timing of the ordinance, noting he could only point to a single instance of a similar event in Portage. Director Wolfe responded that while X-trains had yet to occur in Portage, parking lot takeovers were becoming an issue that can happen at any time and quickly.

Councilmember Ledbetter inquired about towing and impounding vehicles known to be at such events. Director Wolfe responded, noting KDPS's practices, and expressed that constrictions in manpower prevented Portage Public Safety from using towing and impounding as enforcement methods. Councilmember Ledbetter noted this remained an option for the private property owner.

Motion by Councilmember Olmsted, seconded by Mayor Pro Tem Pearson, to consider Councilmember Olmsted's request for updates to the proposed ordinance amending Chapter 50 of the Portage City Code to establish authority for emergency police lines and clear zones and to regulate nuisance parties within the City of Portage. Upon a roll call vote, motion carried 7 to 0.

COUNCIL COMMITTEE REPORTS: Councilmember Burns gave an update on the Central County Transportation Authority (CCTA) board. Councilmember Miller provided an update regarding Discover Kalamazoo and its Tourism Master Plan Visioning Workshop.

Motion by Mayor Pro Tem Pearson, seconded by Councilmember Young, received the Council Committee Reports as presented. Upon a voice vote, motion carried 7 to 0.

STATEMENTS OF CITY COUNCIL AND CITY MANAGER: Councilmember Olmsted highlighted the Dough Chicks, a local business with a booth at the Farmers Market. She then noted attending the local Women's Veterans Conference, with June 12th being Women's Veterans Appreciation Day. She then provided an update regarding a local veteran and closed by celebrating Flag Day and its origins.

Councilmember Ledbetter relayed positive experiences with the Farmers Market. He spoke about the Juneteenth holiday, its history, and the history of the United States, and recent setbacks to Black civil rights.

Councilmember Miller began with mentions of her recent involvement with several local sports organizations. She then extended her condolences to the Daane family, of Daane's Party Store and catering service, for Joyce's recent passing. She then noted her upcoming absence June. She closed by congratulating Senior Center Director Kim Phillips for her national "Trailblazing in Aging" award and CM McGinnis on his upcoming retirement.

Councilmember Young first expressed appreciation for the new Farmers Market location and

its successful opening. She congratulated the Public Safety Department for its contributions to the Hensley Foundation. She then thanked State Senator McCann and Governor Whitmer for inviting her and Councilmember Miller to a roundtable discussion on affordability. She ended by reminding citizens about several upcoming meetings and events, including contacting the Council's next meeting on June 23, the Portage District Library summer reading program, an Environmental Health Advisory Committee meeting, and the Board of Review meeting in July.

Councilmember Burns noted the Unified Development Ordinance update slated for a public hearing at the next Council meeting. His ongoing examination of the ordinance showed park land will remain designated as such. He then clarified the definition and purpose of "affordable housing" as opposed to "low-income housing". He noted the city's effort to use zoning to balance housing types between the city market and landscape.

City Manager McGinnis echoed the Metro Transit presentation, highlighting the ongoing construction of a new sidewalk along the south side of West Centre Avenue. He thanked Council for their trust in staff with the passage of the Transportation Alternatives Program application to continue safety efforts under Item A.4.

Mayor Pro Tem Pearson echoed Councilmember Miller's condolences to the Daane family. He highlighted the approval of the temporary appointment of Adam Herringa to Acting City Manager while the City Council is searching for a permanent replacement for the outgoing manager.

Mayor Randall highlighted the beginning of the Summer Concert Series, noting the numerous City Centre area promotions and activities that will be going on throughout the summer.

ADJOURNMENT: Mayor Randall adjourned the meeting at 07:31 PM.

Erica L. Eklov, City Clerk

TO: Honorable Mayor and City Council

FROM: Pat McGinnis, City Manager

SUBJECT: Accounts Payable Register

SUPPORTING PERSONNEL: Lauren VanderVeen, Finance Director

ACTION RECOMMENDED: Approve the Accounts Payable Register of June 23, 2026, as presented.

The City Council reviews and approves the bi-weekly Accounts Payable Register, which includes automated clearing house payments, paper checks, auto-pay payments, electronic payments and credit card payments. The attached Accounts Payable Register covers the period May 31, 2026, through June 13, 2026, and notes \$943,845.31 in automated clearing house payments, \$2,704,848.91 in paper checks, \$170,013.26 in auto-pay payments, \$633,136.13 in electronic payments and \$49,454.43 in credit card payments (May) for a grand total of \$4,501,298.04.

FUNDING: Not Applicable

Attachments: 1. Accounts Payable Register of June 23, 2026

ACCOUNTS PAYABLE REGISTER
 Check Dates From: 5/31/2026 to 6/13/2026

Check Date	Check	Vendor Name	Description	Amount
Check Type: ACH Transaction				
06/02/2026	26820(A)	BLUE CARE NETWORK-GREAT LAKES	HEALTH INSURANCE	243,426.32
06/05/2026	26821(A)	13 COOKIES LLC	SNAP REIMBURSEMENT	21.00
06/05/2026	26822(A)	13 COOKIES LLC	COOKIES-FARMERS MKT RIBBON CUTTING	303.50
06/05/2026	26823(A)	A BETTER WAY TREE CARE LLC	TREE REMOVAL SVCS-MULT LOCS	11,675.00
06/05/2026	26824(A)	A-1 REFRIGERATION SALES & SERV	INSPECT SPRINKLER SYSTEM-CH	180.00
06/05/2026	26825(A)	ABONMARCHÉ CONSULTANTS, INC	ENGINEERING SVCS-MULT LOCS	23,488.00
06/05/2026	26826(A)	ALL CITY MANAGEMENT SERVICES, INC.	CROSSING GUARD CONTRACT	4,859.66
06/05/2026	26827(A)	ALL-TRONICS, INC.	FIRE ALARM MONITORING	81.00
06/05/2026	26828(A)	AMAZON.COM SALES, INC.	FIRE UNIFORMS, TRAINING SUP-FD; OFC SUP-FN	2,074.62
06/05/2026	26829(A)	AMERICAN SAFETY & FIRST AID	FIRST AID SERVICES & SUPPLIES	134.10
06/05/2026	26830(A)	ANIMAL REMOVAL SERVICE, LLC	ANIMAL REMOVAL SERVICES	450.00
06/05/2026	26831(A)	BATTERIES PLUS	MISC BATTERIES	8.95
06/05/2026	26832(A)	BEL-AIRE HEATING & AIR CONDITI	MI NEIGH-REPLACE AIR CONDITIONER	4,968.00
06/05/2026	26833(A)	BOUND TREE MEDICAL LLC	FIRE EMS SUPPLIES	1,973.00
06/05/2026	26834(A)	BRENNER EXCAVATING INC	PORTAGE ROAD LAKE CENTER-PHASE 1	63,479.44
06/05/2026	26835(A)	C D W GOVERNMENT, INC.	LENOVO MONITOR REPLACEMENTS	327.34
06/05/2026	26836(A)	CAPITOL STRATEGIES, LLC	CONSULTING SERVICES	6,000.00
06/05/2026	26837(A)	CERTASITE LLC	NOVEC FIRE SUPPRESSION SYSTEM INSPECT	506.20
06/05/2026	26838(A)	CHARTER COMMUNICATIONS	INTERNET/VOICE	860.35
06/05/2026	26839(A)	CHEESE PEOPLE OF GRAND RAPIDS	SNAP REIMBURSEMENT	82.00
06/05/2026	26840(A)	COLTER, KEVIN	MI NEIGH-REPLACE FURNACE, WATER HEATER, AC	10,260.00
06/05/2026	26841(A)	COMPLETE TEAM OUTFITTER, INC.	RAMONA STAFF UNIFORMS, TABLECLOTHS	2,224.00
06/05/2026	26842(A)	COX, ELISA ROSE	PZSC PERSONAL TRAINER, SUPERVISED FITNESS	450.00
06/05/2026	26843(A)	CROWN TROPHY	NAME PLATES TAGS UNIFORMS	95.49
06/05/2026	26844(A)	CUSTOMIZED CLEANING SERVICES, INC.	CLEAN, SANIGLAZE & EVERGLAZE TILE, REFRESH	8,066.45
06/05/2026	26845(A)	D & D PRINTING CO.	PRINTING SERVICES	108.00
06/05/2026	26846(A)	DATA CONSTRUCTS LLC	DNS FAILOVER SERVICES	80.50
06/05/2026	26847(A)	DEPATIE FLUID POWER COMPANY	REPAIR & MAINTENANCE SUPPLIES	70.24
06/05/2026	26848(A)	E J USA, INC.	INLET BACK REPLACEMENTS	3,090.26
06/05/2026	26849(A)	EARLE, SHELIA L	PZSC FITNESS INSTRUCTOR CHAIR YOGA, BARRE	1,525.00
06/05/2026	26850(A)	EMERGENCY VEHICLE PRODUCTS, INC	VEHICLE REPAIR & MAINT, APPARATUS MAINT	227.84
06/05/2026	26851(A)	ENG., INC.	AUSTIN LAKE TRAIL A&E DESIGN	49,348.12
06/05/2026	26852(A)	ENGINEERED PROTECTION SYSTEMS, INC.	COMPOST SITE-CARD READER, SERVICES	7,074.90

ACCOUNTS PAYABLE REGISTER
 Check Dates From: 5/31/2026 to 6/13/2026

Check Date	Check	Vendor Name	Description	Amount
06/05/2026	26853(A)	FACE, GEORGE	PER DIEM-GREAT LAKES HOT FIRE CONF	360.00
06/05/2026	26854(A)	FIDELITY SECURITY LIFE INSURANCE CO	VISION INSURANCE	1,335.92
06/05/2026	26855(A)	FISHBECK THOMPSON CARR & HUBER, INC	PROFESSIONAL SERVICES-MULT LOCS	2,800.00
06/05/2026	26856(A)	FISHER, LACEY	PER DIEM-RECRUITING LAW ENFORCEMENT COURSE	170.00
06/05/2026	26857(A)	GENUINE PARTS COMPANY INC	REPAIR & MAINTENANCE SUPPLIES	2,559.55
06/05/2026	26858(A)	GRAHAM, WILLIAM	REIMB EXPS-COMM RISK REDUCTION LDSHP CONF	1,812.23
06/05/2026	26859(A)	GRAINGER INC	REPAIR & MAINTENANCE SUPPLIES	347.52
06/05/2026	26860(A)	GRIFFIN PEST SOLUTIONS	PEST CONTROL SERVICES	556.00
06/05/2026	26861(A)	INTEGRAL PARTNERS LLC	ENGINEERING SVCS-MULT LOCS	6,293.75
06/05/2026	26862(A)	J & H OIL COMPANY	BULK FUEL DELIVERY	47,510.18
06/05/2026	26863(A)	KALAMAZOO LANDSCAPE SUPPLIES	RESTORATION SUPPLIES	575.60
06/05/2026	26864(A)	KALAMAZOO PICKLEBALL	PICKLEBALL CLINICS	1,120.00
06/05/2026	26865(A)	KEHOE, EDWARD J	PZSC TAI CHI & QIGONG INSTRUCTOR	490.00
06/05/2026	26866(A)	KIMBLE, BENJAMIN	PER DIEM-RECRUITING FOR LAW ENFORCEMENT	170.00
06/05/2026	26867(A)	KURZAVA, MATTHEW STEPHEN	PZSC TAI CHI I II & PARKISON'S INSTRUCTOR	810.00
06/05/2026	26868(A)	LAWSON PRODUCTS, INC	REPAIR & MAINTENANCE SUPPLIES	917.81
06/05/2026	26869(A)	LIFEGUARD STORE	RAMONA STAFF UNIFORMS	1,694.24
06/05/2026	26870(A)	M & M CUSTOM FABRICATING INC.	RANGER NAME TAG	11.75
06/05/2026	26871(A)	MACQUEEN EQUIPMENT, LLC	FIRE HELMETS	1,723.40
06/05/2026	26872(A)	MALZ, DIANE	REIMB-REPL COFFEE DECANTER	21.19
06/05/2026	26873(A)	MARTIN, MATTHEW	PER DIEM-STAFF & COMMAND SCHOOL	261.00
06/05/2026	26874(A)	MATERIALS RESOURCES	FIRE CLEANING SUPPLIES	435.54
06/05/2026	26875(A)	MAYHEW, BRYAN	PER DIEM-HOMELAND SECURITY EXERCISE & EVAL	100.00
06/05/2026	26876(A)	MCDONALD'S TOWING & RESCUE, INC.	POLICE TOWING SERVICES	15.00
06/05/2026	26877(A)	MEJEUR ELECTRIC LLC	ELECTRICAL SERVICES-MULT LOCS	2,812.00
06/05/2026	26878(A)	MICH MUNICIPAL POLICE & FIRE REPAIR	POLICE VEHICLE REPAIR & MAINTENANCE	1,519.56
06/05/2026	26879(A)	NYE UNIFORM CO	POLICE/FIRE UNIFORMS	939.93
06/05/2026	26880(A)	O'REILLY AUTO PARTS	ALTERNATOR & CORE RETURN	261.41
06/05/2026	26881(A)	OFF THE CUFF CATERING	PZSC VETERANS LUNCHEON	515.00
06/05/2026	26882(A)	ONSTAFF GROUP SERVICES LLC	TEMPORARY EMPLOYEE SERVICES	10,583.27
06/05/2026	26883(A)	PA STINGER PRESS LLC	MAY PORTAGER NEWSLETTER	3,047.51
06/05/2026	26884(A)	PEERLESS-MIDWEST, INC.	PUMP REHAB, MOTOR OVERHAUL MILHAM WELL 3	31,720.67
06/05/2026	26885(A)	PERCEPTIVE CONTROLS, INC.	WATER TREATMENT PLANT - REPL FLOW METER	9,178.47
06/05/2026	26886(A)	PETERS CONSTRUCTION CO.	RETENTION BASIN MAINTENANCE	1,923.00

ACCOUNTS PAYABLE REGISTER
 Check Dates From: 5/31/2026 to 6/13/2026

Check Date	Check	Vendor Name	Description	Amount
06/05/2026	26887(A)	PHILLIPS, KIMBERLY	REIMB EXPS-NATL COUNCIL AGING/ACTION CONF	1,202.00
06/05/2026	26888(A)	PLASKO, PATRICIA MARIE	PZSC FITNESS INSTRUCTOR FOR BEMOVED, YOGA	1,620.00
06/05/2026	26889(A)	PORTAGE FIREFIGHTERS	IAFF UNION DUES FOR MAY 2026	2,220.00
06/05/2026	26890(A)	PORTAGE POLICE COMMAND OFFICERS	PPCOA UNION DUES FOR MAY 2026	70.00
06/05/2026	26891(A)	PORTAGE POLICE OFFICERS ASSOC	PPOA UNION DUES FOR MAY 2026	686.00
06/05/2026	26892(A)	PRINTING SERVICES INC	PRINTING SERVICES	773.00
06/05/2026	26893(A)	Q3 TECHNOLOGIES LLC	FARMERS MARKET WIFI CONSTRUCTION	10,702.60
06/05/2026	26894(A)	RATHCO SAFETY SUPPLY, INC.	ROAD SIGNS MAJORS	2,163.75
06/05/2026	26895(A)	REED, BRENT LESLIE	RETENTION BASIN MAINTENANCE - MULT LOCS	7,831.30
06/05/2026	26896(A)	REPUBLIC SERVICES OF WEST MICHIGAN	BULK SPRING COLLECTION	20,210.07
06/05/2026	26897(A)	REYNHOUT, BRENT	PER DIEM-MEXICAN CARTELS/GANGS HUMAN TRAF	473.00
06/05/2026	26898(A)	ROE-COMM, INC.	MISC RADIO SERVICES	1,027.50
06/05/2026	26899(A)	ROSE, SANDRA K.	PZSC CARDIO DRUMMING INSTRUCTOR	400.00
06/05/2026	26900(A)	ROYAL TRUCK & TRAILER SALES INC	CRACK SEALER FILTERS	369.38
06/05/2026	26901(A)	SARKOZY BAKERY LLC	SNAP REIMBURSEMENT	19.00
06/05/2026	26902(A)	SARKOZY BAKERY LLC	PASTRIES FOR FARMERS MKT RIBBON CUTTING	180.00
06/05/2026	26903(A)	SAUNDERS, JEREMIAH	REIMB EXPS-MUSAR ROPES RESCUE OPERATIONS	1,134.35
06/05/2026	26904(A)	SCHULTZ, KYLIE	PZSC BARRE FITNESS INSTRUCTOR	120.00
06/05/2026	26905(A)	SEVERANCE ELECTRIC COMPANY,INC	MISS DIG MARKING	1,125.00
06/05/2026	26906(A)	SMART SOURCE, LLC	PRINTING SERVICES	98.40
06/05/2026	26907(A)	SNELL, DEBRA	PZSC FITNESS INSTRUCTOR BODY REBOUND	390.00
06/05/2026	26908(A)	STANDARD & POOR'S	ANALYTICAL SERVICES FOR CIP BOND SERIES	20,330.00
06/05/2026	26909(A)	STOUT, MELISSA	PZSC FITNESS INSTRUCTOR CHAIR YOGA, BARRE	720.00
06/05/2026	26910(A)	TANNER, STEVE	PER DIEM-EMU FIRE STAFF & COMMAND SCHOOL	407.00
06/05/2026	26911(A)	TMK WORLDWIDE, LLC	METER SERVICE	937.90
06/05/2026	26912(A)	TROWBRIDGE FARM LLC	SNAP REIMBURSEMENT	23.00
06/05/2026	26913(A)	TRUGREEN AND ACTION PEST CONTROL	HERBICIDE APPLICATIONS	7,632.73
06/05/2026	26914(A)	TURANZAS, EVAN	PER DIEM-NASRO BASIC SCHL RESOURCE OFFICER	294.00
06/05/2026	26915(A)	UNDERWOOD, TAMARA ANJANETTE	PZSC DRUMS ALIVE INSTRUCTOR	130.00
06/05/2026	26916(A)	UNITED AUTO. IMPLEMENT WORKERS 2290	UAW UNION DUES FOR MAY 2026	1,061.40
06/05/2026	26917(A)	UNITED PARCEL SERVICE	UPS WEEKLY	39.16
06/05/2026	26918(A)	UNITED PETROLEUM	GAS AND DIESEL PUMP SUPPLIES	453.89
06/05/2026	26919(A)	VEOLIA WATER CONTRACT OPERATIONS	WATER SYSTEM CHEMICALS	16,750.20
06/05/2026	26920(A)	WARNER NORCROSS & JUDD LLP	LEGAL SERVICES	2,875.00

ACCOUNTS PAYABLE REGISTER
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Check Date	Check	Vendor Name	Description	Amount
06/05/2026	26921(A)	WAYNE COUNTY APPRAISAL LLC	ASSESSING SERVICES	45,117.75
06/05/2026	26922(A)	WEST MICHIGAN INT'L LLC	REPAIR & MAINTENANCE SUPPLIES	302.00
06/05/2026	26923(A)	WIGHTMAN	SURVEY COMPOST SITE	1,800.00
06/05/2026	26924(A)	WILLIAMS & WORKS	ENGINEERING SVCS-MULT LOCS	5,417.50
06/12/2026	26925(A)	AMERICAN VILLAGE BUILDERS, INC	STANWOOD CROSSINGS FIRST 12 HOMES	175,069.32
06/12/2026	26926(A)	BAUCKHAM, THALL, SEEBER, KAUFMAN	ATTORNEY FEES JUNE 2026	27,083.33
06/12/2026	26927(A)	HELMER, TRAVIS	PER DIEM-GREAT LAKES HOT FIRE CONFERENCE	360.00
06/12/2026	26928(A)	KUHN, RACHEL	PER DIEM-GREAT LAKES HOT FIRE CONFERENCE	360.00
06/12/2026	26929(A)	OFF THE CUFF CATERING	PZSC LAST VETERANS COOKOUT	1,755.00
Total ACH				943,845.31

Check Type: Paper

06/05/2026	333567	10TH DISTRICT COURT	INTERIM BOND PAYABLE	200.00
06/05/2026	333568	A-1 CLIMBERS TREE SERVICE LLC	TREE REMOVAL SERVICES	1,800.00
06/05/2026	333569	ABDULLAH, ARIK	PER DIEM-FDTN ENGINE CO, GR LAKES HOT FIRE CONF	720.00
06/05/2026	333570	ACE-TEX ENTERPRISES, INC.	WIPING CLOTHS	1,096.53
06/05/2026	333571	ALLEGRA PRINT & IMAGING	PRINTING SERVICES	391.00
06/05/2026	333572	ALLIED MECHANICAL SERVICE	HVAC SERVICES-MULT LOCS	975.00
06/05/2026	333573	ALTSCHUL, DUSTIN	SITE DESIGN FOR SECURED PARKING	1,600.00
06/05/2026	333574	ANDERSON, CHRIS	PZSC TRIP DEPT REFUND 07.22.26	140.00
06/05/2026	333575	ARROWHEAD SCIENTIFIC, INC.	MISC EVIDENCE SUPPLIES	1,205.42
06/05/2026	333576	AUSTIN, LORRAINE	SCHRIER BLD DEPOSIT REFUND	150.00
06/05/2026	333577	BAILEY'S MEATS	SNAP REIMBURSEMENT	107.00
06/05/2026	333578	BAILTEK CLEANING & RESTORATION	CARPET CLEANING SERVICES-CITY HALL	2,790.00
06/05/2026	333579	BENGSCHE, MICHELLE	PZSC TRIP DEPT REFUND 07.22.26	280.00
06/05/2026	333580	BOGATSCHOW, HELEN	PZSC TRIP DEPARTMENT REFUND	140.00
06/05/2026	333581	BUSH, DEB	PZSC TRIP DEPT REFUND 05.31.26	260.00
06/05/2026	333582	CHARKOWSKI, PAUL	PZSC TRIP DEPT REFUND 07.22.26	720.00
06/05/2026	333583	CHICAGO TITLE OF MICHIGAN INC	OVER PAYMENT FINAL UTILITY BILL	35.96
06/05/2026	333584	CHICAGO TITLE OF MICHIGAN, INC.	CDBG-TITLE SEARCH	150.00
06/05/2026	333585	CLAYTON HOMES	BD PAYMENT REFUND	784.52
06/05/2026	333586	CLEANWATER CORPORATION OF AMERICA	WATER COOLER SERVICE	197.00
06/05/2026	333587	CLEANWATER CORPORATION OF AMERICA	WATER COOLER SERVICE	199.00
06/05/2026	333588	COPPENS, MICHAEL	PZSC TRIP DEPT REFUND 06.28.26	200.00

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Check Date	Check	Vendor Name	Description	Amount
06/05/2026	333589	D L Z MICHIGAN INC	SITE FEASIBILITY STUDY	7,542.00
06/05/2026	333590	DAR, MUHAMMAD	PZSC RENTAL SECURITY DEPOSIT REFUND	250.00
06/05/2026	333591	DEVON TITLE AGENCY	REFUND OVER PAYMENT FINAL UTILITY BILL	7.71
06/05/2026	333592	DEVON TITLE AGENCY	REFUND OVER PAYMENT FINAL UTILITY BILL	133.67
06/05/2026	333593	DURAN, JANE	PZSC TRIP DEPT REFUND 06.03.26	80.00
06/05/2026	333594	EVENT PRODUCTION SERVICES OF MI LLC	FRIDAY AT FLATS MUSICIAN & SOUND	950.00
06/05/2026	333595	FABER, LORI	PZSC TRIP DEPARTMENT REFUND	280.00
06/05/2026	333596	GARDEN SPOT GREENHOUSE, LLC	CELERY FLATS PLANTERS	2,935.00
06/05/2026	333597	GARTHE, RHONDA	PZSC TRIP DEPT REFUND 07.22.26	280.00
06/05/2026	333598	GORDON FOOD SERVICE	RAMONA CONCESSIONS, PZSC OPERATING SUPPLIES	2,879.77
06/05/2026	333599	GREATER KALAMAZOO FOP LODGE 98	FOP PORTION OF PPOA UNION DUES MAY 2026	3,459.96
06/05/2026	333600	GRIFFITH, BRANDON	GRAIN ELEVATOR DEPOSIT REFUND	150.00
06/05/2026	333601	HENDRICKS, MARY	SCHOOLHOUSE DEPOSIT REFUND	50.00
06/05/2026	333602	HOEKSTRA ROOFING CO.	REPAIR ROOF LEAK	680.00
06/05/2026	333603	HOLT, MARVIN	JUNE CONCERT-OPENING BAND	300.00
06/05/2026	333604	HOME DEPOT CREDIT SERVICES	REPAIR & MAINTENANCE SUPPLIES	1,071.89
06/05/2026	333605	VOID		0.00
06/05/2026	333606	HOOPEs, TOM	PZSC TRIP DEPT REFUND 07.22.26	290.00
06/05/2026	333607	IA AMERICAN INVESTCO, INC	VEHICLE CLEANING SUPPLIES	56.96
06/05/2026	333608	J & J LOCKSMITHS	SERVICE CALL - REPAIR LOCK	120.00
06/05/2026	333609	JOZWIK, HEATHER	PER DIEM-GR LAKES HOT CONF, REIM EXAM-CERT FR PL	859.00
06/05/2026	333610	JUHRS, JAMES	PZSC TRIP DEPT REFUND 07.22.26	140.00
06/05/2026	333611	JULIUS, SARA	PZSC RENTAL SECURITY DEPOSIT REFUND	250.00
06/05/2026	333612	KALAMAZOO COUNTY TREASURER	ADMIN FEE REFUND FOR ASSESSOR PRE CHANGE	72.80
06/05/2026	333613	KALSING PROPERTIES, LLC	REFUND OVER PMT FINAL UTILITY BILL	10.08
06/05/2026	333614	KAMERMAN, DAN	PZSC TRIP DEPT REFUND 07.22.26	280.00
06/05/2026	333615	KAY PARK RECREATION	GRILLS FOR CITY PARKS	3,040.00
06/05/2026	333616	KIESSLING, DARCIÉ	GRAIN ELEVATOR DEPOSIT REFUND	150.00
06/05/2026	333617	KZOO TIRE COMPANY	POLICE - VEHICLE REPAIR/MAINTENANCE	1,018.56
06/05/2026	333618	LAKELAND ASPHALT CORP.	2026 SPRING MILL & FILL	106,894.20
06/05/2026	333619	LARAQUE, DENISE	FARMERS MARKET MUSICIAN	100.00
06/05/2026	333620	LEE, GEOFFREY	PZSC TRIP DEPT REFUND 07.22.26	290.00
06/05/2026	333621	LEONARD, MICHAEL	SCHRIER BLD DEPOSIT REFUND	150.00
06/05/2026	333622	LOUNSBERRY, BRIAN	PZSC TRIP DEPT REFUND 07.22.26	300.00

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Check Date	Check	Vendor Name	Description	Amount
06/05/2026	333623	MACALLISTER MACHINERY CO., INC.	PUBLIC SAFETY- SKYTRAK RENTAL	1,128.18
06/05/2026	333624	MANNIKKE, SHERRY	PZSC TRIP DEPT REFUND 07.22.26	280.00
06/05/2026	333625	MARSH, BRENDA	PZSC TRIP DEPT REFUND 07.22.26	280.00
06/05/2026	333626	MCINTRYRE, JODI	GRAIN ELEVATOR DEPOSIT REFUND	150.00
06/05/2026	333627	MENARDS	WATER SOFTENER SALT	1,610.28
06/05/2026	333628	MESSER, LEIGH ANN	MACARONS-FARMERS MKT RIBBON CUTTING	225.00
06/05/2026	333629	MILLER, CANFIELD, PADDOCK & STONE	PROF SVCS-ELEC PRECINCT AGMT SUPPLEMENTARY	6,225.00
06/05/2026	333630	MILLER, ORLEY S	PZSC EXPLORING SMISH TRIP VENDOR PAYMENT	1,200.00
06/05/2026	333631	MITCHELL, BREANNA	SCHRIER BLD DEPOSIT REFUND	150.00
06/05/2026	333632	MORRIS, SCOTT	PZSC RENTAL SECURITY DEPOSIT REFUND	250.00
06/05/2026	333633	MUNSON, SASHA	LAKEVIEW PAVILION FEES REFUND	110.00
06/05/2026	333634	NIBLOCK, TROY	GOLF CART RENTAL FOR JUNE CONCERT	500.00
06/05/2026	333635	OFFICE DEPOT, INC.	OFFICE SUPPLIES	236.35
06/05/2026	333636	OLIVARES, CARLOS	PZSC TRIP DEPT REFUND 07.22.26	140.00
06/05/2026	333637	OLIVER, ERIKA	SCHRIER BLD DEPOSIT REFUND	150.00
06/05/2026	333638	OLIVER, KAYLEE	HAYLOFT THEATRE DEPOSIT REFUND	150.00
06/05/2026	333639	OPEN ROADS BIKE PROGRAM	EARN-A-BIKE SUMMER 2026	2,500.00
06/05/2026	333640	PARMENTER, KAITLIN	CONCERT KAIT ROSE FLEETWOOD MAC	2,500.00
06/05/2026	333641	PATRICK, LAURA	SCHRIER BLD DEPOSIT REFUND	150.00
06/05/2026	333642	PEARSON, BARBARA HEMPHILL	PZSC TRIP DEPT REFUND 07.22.26	140.00
06/05/2026	333643	PETERMAN CONCRETE CO.	CONCRETE FOR POURING FOUNDATIONS/CEMETERIES	216.98
06/05/2026	333644	PETTY CASH-ANTONIA GIBSON	REPLENISHMENT CHECK	454.41
06/05/2026	333645	PORTAGE CENTRAL HIGH SCHOOL	PZSC RENTAL SECURITY REFUND DEPOSIT	250.00
06/05/2026	333646	PORTAGE PLUMBING SERVICES LLC	MI NEIGH-REPLACE LEAKING DRAIN LINES	1,517.50
06/05/2026	333647	PORTAGE PUBLIC SCHOOLS	SWP TOURNAMENT DEPOSIT REFUND	100.00
06/05/2026	333648	POUND, JANELLE	REIMB EXPS/PER DIEM-PREMIER RAPID CITY TOUR	208.00
06/05/2026	333649	PRIME HOMES	BD BOND REFUND	2,123.00
06/05/2026	333650	Q3 TECHNOLOGIES LLC	MISS DIG SERVICES	198.50
06/05/2026	333651	ROBERTS, ART	PZSC TRIP DEPT REFUND 07.22.26	130.00
06/05/2026	333652	SAFEWARE, INC	FIRE CO MONITORS	1,138.54
06/05/2026	333653	SAM BROWN SHIELDS INC	FIRE UNIFORMS	73.00
06/05/2026	333654	SARENIUS, MELISSA	GRAIN ELEVATOR DEPOSIT REFUND	150.00
06/05/2026	333655	SAVAGE, JAMES	LAKEVIEW VOLLEYBALL FEES REFUND	280.00
06/05/2026	333656	SCHURING, JAMIE L	EASEMENTS - PORTAGE ROAD 360 PHASE 1	7,662.00

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06/05/2026	333657	SCORZO, MICHAEL	PZSC COOKING INSTRUCTOR	210.00
06/05/2026	333658	SHADDUCK, LEMOIN	PZSC PROGRAM REFUND	35.00
06/05/2026	333659	SHAKESPEARE IN KALAMAZOO	SHAKESPEARE ACTING FOR TEENS	192.00
06/05/2026	333660	SITEONE LANDSCAPE SUPPLY LLC	CITY WIDE ISLAND-IRRIGATION REPAIRS	329.25
06/05/2026	333661	SMITH, CLAYTON K. III	FARMERS MARKET MUSICIAN	100.00
06/05/2026	333662	SPIRIT SHOPPE, INC.	FIRE UNIFORMS	40.00
06/05/2026	333663	STATE OF MICHIGAN (DOT)	AUSTIN LAKE TRAIL CONSTRUCTION	49,251.26
06/05/2026	333664	STATE OF MICHIGAN (TREASURY)	2025 IFT DISBURSE TO STATE OF MI SET & SCHL OPER	2,380,632.79
06/05/2026	333665	STATE SYSTEMS RADIO, INC	VEHICLE RADIO REPLACEMENT	125.00
06/05/2026	333666	STEENSMA LAWN & POWER EQUIPMENT	NEW WESTERN PRO PLUS 8' PICKUP PLOWS	38,702.97
06/05/2026	333667	T-MOBILE USA INC	MISC CELL PHONE CHARGES	3,919.56
06/05/2026	333668	TACTRON, INC.	FIRE OPERATIONS	107.24
06/05/2026	333669	TALBOT, MICHAEL J.	ARTS & CRAFTS MARKET MUSICIAN	100.00
06/05/2026	333670	TALBOT, MICHAEL J.	FARMERS MARKET MUSIC	100.00
06/05/2026	333671	THOMAS, SANDY	PZSC RENTAL SECURITY DEPOSIT 05.31.26	250.00
06/05/2026	333672	US HYD LLC	TINK CYLINDER REBUILDS	1,668.68
06/05/2026	333673	VALLIER, PAT	PZSC TRIP DEPT REFUND 05.31.26	130.00
06/05/2026	333674	VENUGOPAL, KAMESH	PZSC RENTAL SECURITY DEPOSIT REFUND	250.00
06/05/2026	333675	VERHAGE FRUIT FARMS	REIMBURSEMENT FOR SNAP & DUFB	91.00
06/05/2026	333676	VROEGOP, WILLIAM	PZSC TRIP DEPT REFUND 07.22.26	150.00
06/05/2026	333677	WALSH, FRANK LAWDEN	WALSH MUNICIPAL SERVICES	10,000.00
06/05/2026	333678	WANGLER, MARY	PZSC TRIP DEPT REFUND 07.22.26	280.00
06/05/2026	333679	WASHBURN, DAWNE	PZSC TRIP DEPT REFUND 07.22.26	370.00
06/05/2026	333680	WAY, LISA	STUART MANOR DEPOSIT REFUND	150.00
06/05/2026	333681	WENGER, WILLIAM & DIANE	PZSC PROGRAM REFUND PAYMENT	262.00
06/05/2026	333682	WHISPER ROCK HOME OWNERS ASSOC.	PZSC RENTAL SECURITY DEPOSIT REFUND	200.00
06/05/2026	333683	WISE, JOHN	PZSC TRIP DEPT REFUND	140.00
06/05/2026	333684	WRAPS N SIGNS	GRAPHIC DESIGN/PRINT CERT OFFICE	1,076.86
06/05/2026	333685	ZAP ZONE XL LTD	SUMMER KICKOFF 2026	2,200.00
06/05/2026	333686	ZOLMAN TIRE INC.	TIRES/REPAIR & MAINTENANCE SUPPLIES	4,168.06
06/09/2026	333687	STATE OF MICHIGAN (TREASURY)	2026 BOND FILING FEE	1,000.00
06/10/2026	333688	FIRST AMERICAN TITLE INSURANCE CO.	4501 QUALITY CT CLOSING FEES	15,327.00
06/12/2026	333689	AUTOMATIC EQUIPMENT SALES & SERVICE	PZSC WEST END ENTRANCE DOOR	236.00
06/12/2026	333690	CONSUMERS ENERGY	ENERGY BILL - 125 E CENTRE AVE PED	152.85

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Check Date	Check	Vendor Name	Description	Amount
06/12/2026	333691	COSTALES, JORGE	EASEMENTS - PORTAGE ROAD 360 PHASE 1	10,135.00
06/12/2026	333692	PETTY CASH-MEGAN HUBER	REPLENISHMENT CHECK	826.62
06/12/2026	333693	SNYDER, MICHAEL	SCHRIER BLD DEPOSIT REFUND	150.00
Total Paper Checks				2,704,848.91

Check Type: Auto-Pay Payments

06/02/2026		CONSUMERS ENERGY	GAS-ELECTRIC	594.78
06/02/2026		BLUE CROSS/BLUE SHIELD	HEALTH INSURANCE	1,257.70
06/02/2026		MISSIONSQUARE	EMPLOYER RETIREMENT CONTRIBUTIONS	20,686.85
06/03/2026		CARD CONNECT	PROCESSING FEES	1,316.23
06/04/2026		CONSUMERS ENERGY	GAS-ELECTRIC	75,802.71
06/08/2026		CONSUMERS ENERGY	GAS-ELECTRIC	1,583.06
06/08/2026		INVOICE CLOUD	PROCESSING FEES	842.60
06/11/2026		CONSUMERS ENERGY	GAS-ELECTRIC	11,899.86
06/12/2026		CONSUMERS ENERGY	GAS-ELECTRIC	1,008.75
06/12/2026		MISSIONSQUARE	EMPLOYEE RETIREMENT WITHHOLDINGS	55,020.72
Total Auto-Pay Payments				170,013.26

Check Type: Electronic Payments

05/29/2026		MULTIPLE	SPRINKLE DEPATIE BROWNFIELD RET CAPTURED FUNDS	16,737.87
06/08/2026		ADP	6/8/26 PAYROLL - WIRE	616,398.26
Total Electronic Payments				633,136.13

Check Type: Credit Card Payments

05/01/2026		DELTA AIR 0062426176268	FLIGHT FOR 3CMA CONFERENCE	586.80
05/01/2026		AMAZON RETA BV9WV2XE2	MOUSE & KEYBOARD-FD	28.11
05/01/2026		FSPNA	USA250 PAPER DECLARATION SAMPLE	15.13
05/01/2026		AMAZON MKTPL BS6MO7S20	PROCLAMATION & MJ LICENSE MAILING-CLERK	11.26
05/01/2026		AMAZON MKTPL BV4HX31A2	ELECTION & YAC GAT SUPPLIES-CLERK	98.13
05/01/2026		AMAZON MKTPL BS9RG1S80	ELECTION DYMO LABEL PRINTER-CLERK	139.94
05/01/2026		FRESH THYME #607	MIND OVER MATTER SUPPLIES	30.25
05/01/2026		AMAZON MKTPL BJ4LB91S1	PROGRAM SUP KITCHEN MADE REMEDIES-PZSC	42.71
05/01/2026		THE HOME DEPOT 2728	PZSC SPRING BRUNCHEON-HANGING BASKETS	88.91
05/01/2026		SUNOCO 0380418400	FUEL FOR APWA CONFERENCE TRIP	38.04

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Check Date	Check	Vendor Name	Description	Amount
05/01/2026		CLEVELAND MARRIOTT	APWA HOTEL EXP	757.89
05/01/2026		CLEVELAND MARRIOTT	APWA HOTEL EXP	757.89
05/04/2026		AMAZON MKTPL BS8TZ2IT0	COMM ENGAGEMENT RES TEAM-TEMP TATTOOS-PD	39.75
05/04/2026		4TE 3CMA	3CMA CONFERENCE REGISTRATION	760.00
05/04/2026		FEDEX870996429000	FEDEX SHIPMENT - POLICE	17.52
05/04/2026		PAYROLLORG	FINANCE MEMBERSHIP RENEWAL	312.00
05/04/2026		ONLINEEEI	USA250 SUPPLIES FOR CITY HALL EXHIBIT	918.48
05/04/2026		AMAZON MKTPL BV0KX2MY2	ELECTION SUPPLIES-CLERK	24.58
05/04/2026		AMAZON MKTPL BV57Y3K62	FITNESS PROGRAM SUPPLIES-PZSC	329.31
05/04/2026		AMAZON MKTPL BV95109S2	PROGRAM SUPPLIES-PZSC	89.35
05/04/2026		YOUNG SUPPLY CO - KALA	DEHUMIDIFIER - WATER TREATMENT PLANT	3,178.00
05/04/2026		APWA - PWX REGISTRATION	PWX 2026 REGISTRATION	919.00
05/04/2026		UNITED 0162398599236	PWX 2026 AIRLINE TICKETS	418.57
05/04/2026		AMAZON MKTPL BJ8VD3IC1	10GTEK 10GBASE-LR SFP TRANSCEIVER-IT	134.64
05/04/2026		B2G, LLC O #199245	PROACTIVE POLICING REGISTRATION	249.00
05/04/2026		PILOT INSTITUTE	DRONE TRAINING REGISTRATION	157.94
05/04/2026		DAIGLE LAW GROUP	IA REGISTRATION	795.00
05/04/2026		PILOT INSTITUTE	DRONE TRAINING REGISTRATION	157.94
05/04/2026		PILOT INSTITUTE	PART 107 REGISTRATION	157.94
05/04/2026		HOLIDAY INN EXPRESS HOLL	STAFF & COMMAND SCHL - HOTEL	478.80
05/04/2026		AMAZON RETA BJ9P39GP1	RANGER SIGN FOR JUNIOR RANGER CLUB-PR	14.61
05/04/2026		AMAZON MARK BS81O1IZ0	OFFICE SUPPLIES-HR	301.98
05/04/2026		AMAZON MKTPL BS04Y0I60	HEAVY-DUTY LEVER ACTUATOR-DPW	79.98
05/04/2026		AMAZON MKTPL BJ35Z8IM1	MARKERS FOR FACILITIES-DPW	8.59
05/05/2026		AMAZON MKTPL BJ5VD5GK0	ITEMS NEEDED FOR K-9-FD	33.98
05/05/2026		AMAZON MKTPL BJ57B6G80	MIND OVER MATTER SUPPLIES-PZSC	159.74
05/05/2026		AMAZON.COM BJ21K31I0	NEW KAYAK FOR RAMONA RENTALS-PR	849.00
05/05/2026		WHENTOWORK INC	PARKS STAFF SCHEDULING SOFTWARE	715.00
05/06/2026		AMAZON RETA BV2TZ2JO1	DRONE CONTROLLER-PD	34.99
05/06/2026		AMAZON MKTPL BF90C7LI2	SHOWER CURTAIN RINGS-PD	14.97
05/06/2026		AMAZON MKTPL BJ3840M10	ITEMS NEEDED FOR K-9-FD	47.02
05/06/2026		AMAZON MKTPL BV4RE3Z21	FARMERS MKT RIBBON CUTTING SUP-PR	63.42
05/06/2026		AMAZON MKTPL BF1SY8ZD2	USA250 LIFE SIZE GEORGE WASHINGTON EXHIBIT-PR	55.98
05/06/2026		TERRACYCLE US LLC	CITY HALL COFFEE POD RECYCLING	302.00

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Check Date	Check	Vendor Name	Description	Amount
05/06/2026		AMAZON MKTPL BV18R34M1	LENS AND SCREEN WIPES-PD	39.98
05/06/2026		AMAZON RETA BF3VG5O92	PARK MAINTENANCE SUPPLIES-DPW	585.70
05/06/2026		SP PROVEN INDUSTRIES	ADDTL KEYS-PARKS & REC TRAILER HITCH LOCK	35.94
05/06/2026		AMAZON.COM BV0DK1L21	NEW KAYAK FOR RAMONA RENTALS-PR	749.00
05/07/2026		WALMART.COM 8009256278	HISTORY COMMITTEE PHOTO PRINT	16.34
05/07/2026		AMAZON MKTPL BJ9AP5DS0	DRONE CONTROLLER-PD	57.99
05/07/2026		AMAZON RETA BV4BX0AF1	SHOWER CURTAINS-PD	35.91
05/07/2026		AMAZON MKTPL BF4UN9A72	OPERATIONS REPAIR SUPPLIES-FD	36.38
05/07/2026		SAMS CLUB #6661	REFRESHMENTS-1241 PUSH IN CEREMONY	31.09
05/07/2026		MMTA	FINANCE CONFERENCE REGISTRATION	379.00
05/07/2026		AMAZON MKTPL BJ0F09630	USA250 LIFE SIZE THOMAS JEFFERSON EXHIBIT-PR	55.98
05/07/2026		SP PROVEN INDUSTRIES	EXTRA KEYS FOR PARKS STORAGE TRAILER-PR	35.94
05/07/2026		AMAZON MKTPL BF03C4T12	FARMERS MKT RIBBON CUTTING SUP-PR	12.91
05/07/2026		JIMMY JOHNS - 2982 - ECOM	ELECTION DAY STAFF LUNCH	96.91
05/07/2026		KAZOO PARKING PARKLYNC	PARKING FEE FOR BUSESSE ATTENDING CIVIC PERF	22.00
05/07/2026		INST. OF POLICE TECH &	AI REGISTRATION	995.00
05/07/2026		SP POOLWEB COM	NEW BUOYS FOR RAMONA SWIM AREA	886.80
05/08/2026		AMAZON MKTPL BF0H811N2	HISTORY COMMITTEE PICTURE FRAMES-PD	80.97
05/08/2026		AMAZON RETA BF1ZK8PX2	LITHIUM BATTERIES-PD	43.96
05/08/2026		AMAZON MKTPL BV1WF4501	DRONE PILOT PINS-PD	99.68
05/08/2026		AMAZON MKTPL BV7BN9BP1	SUPPLIES FOR MULT-EVENTS, EXHIBIT-PR	786.92
05/08/2026		AMAZON MKTPL BF9GN3MW2	FARMERS MARKET RIBBON CUTTING SUP-PR	20.97
05/08/2026		AUTODESK ADY	CIVIL 3D AUTO CAD SUBSCRIPTION	3,042.20
05/08/2026		ZERO WASTE USA	PARK MAINTENANCE SUPPLIES	949.92
05/08/2026		RECYCLE AWAY, LLC	RECYCLE BINS -FARMERS MARKET	484.62
05/08/2026		AMAZON.COM BV33V4X71	BACKUP BATTERY FOR FARMERS MKT OFFICE-PR	62.50
05/08/2026		AMAZON MKTPL BF8OY9XW2	REPLACEMENT KEY FOR OFFICE CABINET-PR	12.87
05/08/2026		GMIS	ANNUAL GMIS MEMBERSHIP	250.00
05/08/2026		LA FINCA	LOBBY ART CONTEST AWARD	50.00
05/08/2026		IN MIDWEST CUSTOM EMBROI	EMPLOYEE OF THE MONTH HOODIES	150.00
05/08/2026		MICHIGAN MUNICIPAL LEAGU	CONFERENCE REGISTRATION MME	450.00
05/08/2026		PST ROCKBOT, INC.	MUSIC SERVICE WITH LICENSING ANNUAL FEE	299.40
05/11/2026		FACEBK CLUTVNRUP2	FACEBOOK AD	3.90
05/11/2026		SAMSCLUB.COM	REFRESHMENTS & SUPPLIES-MULT EVENTS	400.57

ACCOUNTS PAYABLE REGISTER
Check Dates From: 5/31/2026 to 6/13/2026

Check Date	Check	Vendor Name	Description	Amount
05/11/2026		AMAZON MKTPL BV97E13E0	FARMERS MKT RIBBON CUTTING SUP-PR	9.99
05/11/2026		AMAZON MKTPL BF97R34N1	KEY TOPPERS-PR	4.19
05/11/2026		PILOT INSTITUTE	PART 107 REGISTRATION REFUND	(157.94)
05/11/2026		CELLEBRITE INC.	CELLEBRITE REGISTRATION	350.00
05/11/2026		MOUNTAIN GRD LODGE	CONFERENCE HOTEL DEPOSIT - MME	344.73
05/11/2026		SPOTIFY USA	SPOTIFY FOR EVENTS	12.99
05/11/2026		AMAZON MKTPL BV2BT96X1	HIP PACKS FOR RAMONA LIFEGUARDS-PR	132.81
05/12/2026		AMAZON RETA BF1V25TH1	FRAMES FOR CITY COUNCIL POSTERS-PD	38.97
05/12/2026		AMAZON MKTPL BF1CR8A11	OFFICE SUPPLIES-PIO	20.69
05/12/2026		TST FRANCOIS	PIZZA FOR LAST YAC MEETING OF SCHOOL YEAR	76.95
05/12/2026		SQ EASTFORK RANCH LTD	HORSEMANSHIP PROGRAM FEES	600.00
05/12/2026		AMAZON MKTPL IY5RR3YE3	PURCHASE WARRANTY-PZSC	6.99
05/12/2026		AMAZON MKTPL BV9EQ6X10	OPERATING SUPPLIES-PZSC	102.88
05/12/2026		OFF THE CUFF CATERING	CATERING-SPRING BRUNCHEON	1,585.00
05/12/2026		AMAZON MKTPL LC05H2343	OFFICE SUPPLIES-PZSC	31.03
05/12/2026		SAMSClub #6661	MINTS-ADMIN LOBBY	26.96
05/12/2026		AMAZON.COM BF7315ZF1	CPR MASKS FOR RAMONA LIFEGUARDS-PR	86.85
05/13/2026		AMAZON MKTPL BF7BV6111	OFFICE SUPPLIES-PIO	27.95
05/13/2026		DOLLAR TREE	MONKEY BUSINESS BINGO SUPPLIES	105.44
05/13/2026		AMAZON RETA BF4A845F1	WIRELESS MOUSE-PD	33.99
05/13/2026		AMAZON MKTPL BV6UN8690	OFFICE SUPPLIES-TU	19.38
05/13/2026		AMAZON MKTPL BF4XM81P1	JANITORIAL SUPPLIES-DPW	8.49
05/13/2026		AMAZON MKTPL BF0ZF0PQ1	SOFTBALL MAINTENANCE SUPPLIES-DPW	339.00
05/13/2026		SPEEDWAY 44525	GAS FOR PATROL CARS-PUMPS DOWN	70.74
05/13/2026		SPEEDWAY 44525	GAS FOR PATROL CARS-PUMPS DOWN	89.67
05/13/2026		SPEEDWAY 44525	GAS FOR PATROL CARS-PUMPS DOWN	75.00
05/13/2026		MCALISTER'S 105065	CITY COUNCIL MEAL SESSION	178.78
05/13/2026		THE GILMORE	GILMORE TICKETS	559.00
05/13/2026		MARATHON 229435	GAS FOR CITY CAR-PUMPS DOWN	55.70
05/14/2026		AMAZON RETA MC41R5AS3	OFFICE SUPPLIES-PIO	19.89
05/14/2026		AMAZON MKTPL BV44H9KMO	FACILITIES MAINTENANCE-FD	20.32
05/14/2026		MEIJER STORE #196	VETERANS LUNCH SUPPLIES	126.86
05/14/2026		RECYCLE AWAY, LLC	TAX EXEMPT REFUND	(23.24)
05/14/2026		ULINE SHIP SUPPLIES	JANITORIAL SUPPLIES	218.16

ACCOUNTS PAYABLE REGISTER
Check Dates From: 5/31/2026 to 6/13/2026

Check Date	Check	Vendor Name	Description	Amount
05/14/2026		WAL-MART 5280 GAS SE2	GAS FOR PATROL CARS-PUMPS DOWN	53.94
05/14/2026		WAL-MART #5280	GAS FOR PATROL CARS-PUMPS DOWN	38.39
05/14/2026		AMAZON MARK HB77C22F3	OFFICE SUPPLIES-HR	156.39
05/14/2026		DISABILITY MANAGEMENT EM	MEMBERSHIP	370.00
05/15/2026		AMAZON MKTPL BV1CI4USO	CAR MODEM 12V POWER SUPPLY-PD	19.49
05/15/2026		AMAZON MKTPL 7X9GG5VY3	OFFICE SUPPLIES-PIO	91.56
05/15/2026		USPS.COM CLICKNSHIP	POSTAGE - PZSC TRAVEL	9.57
05/15/2026		MATTERPORT	FIRE PREVENTION - 360 CAMERA PROGRAM	696.00
05/15/2026		FSPNA	USA250 PAPER FOR DECLARATION OF INDEP EXHIBIT	905.59
05/15/2026		AMAZON MKTPLACE PMTS	USA250 RETURN OF FERNS W/PLANTERS-PR	(53.98)
05/15/2026		TST FRANCO	VETERANS LUNCHEON	639.98
05/15/2026		AMAZON MKTPL Z68OY6913	BUILDING MAINTENANCE SUP-DPW	62.89
05/15/2026		MARATHON 229435	GAS FOR PATROL CARS-PUMPS DOWN	42.10
05/15/2026		MARATHON 229435	GAS FOR PATROL CARS-PUMPS DOWN	68.50
05/15/2026		MARATHON 229435	GAS FOR PATROL CARS-PUMPS DOWN	78.29
05/15/2026		AMAZON MKTPL BV9EY8950	CANDY FOR CITY HALL VENDING MACH-HR	45.90
05/15/2026		TARGET T-0604	SUPPLIES/SNACKS FOR ZBA TRAINING	42.05
05/18/2026		AMAZON RETA 9H7896V13	ADMIN OFFICE SUPPLIES-FD	22.99
05/18/2026		AMAZON MKTPL BF4BN4MCO	ELECTION SIGN & CLERK MONITOR ARMS-CLERK	132.98
05/18/2026		AMAZON MKTPL BF1WB3O90	OPERATING SUPPLIES-PZSC	43.99
05/18/2026		AMAZON MKTPL VE7V16CI3	GREETING CARD STORAGE BOX-PD	20.39
05/18/2026		AMAZON MKTPL Q45QQ4S03	KEY REPLACEMENT-PR	11.51
05/18/2026		MICHIGAN MUNICIPAL LEAGU	MME MEMBERSHIP	175.00
05/19/2026		B&H PHOTO 800-606-6969	OFFICE SUPPLIES	103.67
05/19/2026		AMAZON RETA PS0YJ8K43	DENTAL BONES FOR K-9-FD	10.76
05/19/2026		FSP MGFOA	FINANCE TRAINING REGISTRATION	115.00
05/19/2026		AMAZON MKTPLACE PMTS	FARMERS MKT REFUND RIBBON CUTTING DECOR-PR	(54.97)
05/19/2026		MAILCHIMP MISC	MAIL SERVICE MONTHLY FEE	110.50
05/19/2026		ZOOM.COM 888-799-9666	ZOOM FEES FOR ONLINE PROGRAMMING	129.97
05/19/2026		MICHIGAN ASSOCIATION OF C	MACP SUMMER CONFERENCE REG	430.00
05/20/2026		AMAZON MKTPL DE6IW9KW3	GAS CARD VISOR CLIPS-PD	19.71
05/20/2026		USPS.COM CLICKNSHIP	POSTAGE - PDPS	8.27
05/20/2026		HOBBY LOBBY #536	FARMERS MARKET RIBBON CUTTING SUPPLIES	312.99
05/20/2026		MEIJER STORE #196	SWET BOARD MEETING	47.75

ACCOUNTS PAYABLE REGISTER
Check Dates From: 5/31/2026 to 6/13/2026

Check Date	Check	Vendor Name	Description	Amount
05/20/2026		LAW ENFORCEMENT SEMINARS	RECRUITMENT REGISTRATION	890.00
05/20/2026		SAMSClub #6661	VOLUNTEER TRAINING & LUNCHEON	68.75
05/20/2026		IN FACTORY DIRECT	VEHICLE AC MACHINE REPAIR	270.40
05/20/2026		STATE EGLE EVENTS	SESC TRAINING REG	200.00
05/20/2026		STATE EGLE EVENTS	SESC TRAINING REG	200.00
05/21/2026		AMAZON MKTPL 7K0AD7GT3	WORK BOOTS-FD	249.95
05/21/2026		IN MICHIGAN FIRE INSPECT	MFIS MEMBERSHIP	40.00
05/21/2026		THE INSTITUTES	FINANCE TRAINING EXAM FEE	339.00
05/21/2026		NATIONAL INSTITUTE OF GO	FINANCE ANNUAL MEMBERSHIP RENEWAL	195.00
05/21/2026		AMAZON RETA 7Q0QS1OP3	USA250 EXHIBIT-RUG SIGNING DECLARATION INDEP-PR	229.38
05/21/2026		AMAZON MKTPL DB7P978C3	SUPPLIES MULT EVENTS/EXHIBIT & DEPT SUP-PR	785.62
05/21/2026		JIMMY JOHNS - 2982 - ECOM	VOLUNTEER TRAINING & LUNCHEON	188.66
05/21/2026		AMAZON MKTPL DP6B831Q3	OFFICE SUPPLIES-PZSC	132.29
05/21/2026		HOMEDEPOT.COM	FARMERS MARKET SAFE REPLACEMENT	66.55
05/21/2026		FREE CONFERENCE CALL GLOB	FREE CONFERENCE CALL SERVICES-IT	18.02
05/21/2026		AMAZON MKTPL R384K5HR3	TORX BIT SETS FOR BIKE SHARE-PR	20.16
05/21/2026		THE WEBSTAUANT STORE INC	PANINI PRESS FOR RAMONA CONCESSIONS	372.45
05/22/2026		AMAZON MKTPL M20E35HJ3	CHAIR MATS-PD	94.98
05/22/2026		AMAZON MKTPL AV8JE0WC3	CHAIR MATS-PD	509.22
05/22/2026		AMAZON RETA G62AX3X93	TRAINING SUPPLIES-FD	7.77
05/22/2026		AMAZON MKTPLACE PMTS	PURCHASE WARRANTY CREDIT-PZSC	(6.99)
05/22/2026		ROBERT ALMONTE, LLC	CARTEL CONFERENCE REGISTRATION	645.00
05/22/2026		B & G DISCOUNT	SAFETY SUPPLIES	331.20
05/22/2026		WENKE GREENHOUSES	GREENHOUSE PROGRAMMING FEES	475.40
05/22/2026		AMAZON MARK LN3ZO9K83	CREATIVE CORNERS-BUG HOTELS & PROG SUP-PR	148.95
05/25/2026		HOBBY LOBBY #536	USA250 PLANTERS & PLANTS FOR CITY HALL EXHIBIT	175.12
05/25/2026		GARDEN SPOT GREENHOUSE	PLANTS FOR FARMERS MARKET RIBBON CUTTING	276.43
05/25/2026		WALMART.COM 8009256278	PRINTER CARTRIDGES	78.14
05/25/2026		CKK INDUSTRIES INC	TRAINING TASERS	199.53
05/25/2026		PARK PLACE HOTEL	GREAT LAKES DRINKING WATER CONF HOTEL	318.92
05/25/2026		HOMEDEPOT.COM	FARMERS MARKET MUSICIAN TENT	134.00
05/25/2026		HOLIDAY INN EXP & SUITES	FBI HOTEL	613.20
05/25/2026		HOLIDAY INN EXPRESS HOLL	STAFF & COMMAND HOTEL	478.80
05/26/2026		AMAZON MKTPL 3I9FA0603	CHAIR MATS-PD	114.99

ACCOUNTS PAYABLE REGISTER
 Check Dates From: 5/31/2026 to 6/13/2026

Check Date	Check	Vendor Name	Description	Amount
05/27/2026		MICHIGAN ROAD SCHOLAR	APWA ROAD SCHOLAR TRAINING REG	779.00
05/27/2026		FAADRONEZONE	REGISTRATION FOR SKYDIO X10 DRONE	5.00
05/27/2026		COMPL TEAM O186948	RAMONA STAFF UNIFORMS	97.59
05/28/2026		AMAZON MKTPL EF7CP6QI3	FIRE EXTINGUISHER ROOM SUP-FD	66.54
05/28/2026		AMAZON RETA 958JO42Y3	EMERG KEYCHAIN CAR ESCAPE TOOLS-FD	53.05
05/28/2026		SP FLAME DECON	CARCINOGEN REDUCING SOAP	734.40
05/28/2026		NATIONAL EMERGENCY TRAIN	COMMAND & CONTROL FIRE DEPT OPS DISASTERS REG	565.56
05/28/2026		AMAZON MKTPLACE PMTS	FARMERS MKT REFUND ON RIBBON CUTTING SUP-PR	(12.91)
05/28/2026		JIMMY JOHNS - 2982 - ECOM	CITY COUNCIL 5/26 DINNER	193.68
05/28/2026		AMAZON MARK YQ2PG29R3	RUG FOR CITY HALL EXHIBIT	37.09
05/29/2026		AMAZON MKTPL 357S87713	LITHIUM BATTERIES-PD	129.95
05/29/2026		SP TRG STORE	INCIDENT MANAGEMENT HANDBOOK	91.81
05/29/2026		AMAZON MKTPL VI1LI0QH3	DISINFECTING WIPES-PZSC	41.91
05/29/2026		NATIONAL ASSOCIATION OF S	NASRO SCHOOL RESOURCE OFFICER TR REG	550.00
05/29/2026		NAVIGATE360 LLC	ALICE INSTRUCTOR TRAINING REG	749.00
05/29/2026		SOCIETYFORHUMANRESOURCE	SHRM MEMBERSHIP	299.00
05/29/2026		SHRM CERTIFICATION	SHRM RECERTIFICATION	165.00
05/29/2026		DISABILITY MANAGEMENT EM	DMEC MEMBERSHIP	249.00
05/29/2026		AMAZON MKTPL 989GX77R3	LABEL MAKER TAPE-DPW	17.99
			Total Credit Card Payments	49,454.43
			Grand Total	4,501,298.04

TO: Honorable Mayor and City Council

FROM: Pat McGinnis, City Manager

SUBJECT: Trail and Parking Lot Paving

SUPPORTING PERSONNEL: Jereme Rowland, Director of Public Works

ACTION RECOMMENDED: Award a contract in the amount of \$535,874.60 to Lakeland Asphalt Corporation, for the Parks Trail & Parking Lot Paving Services project and authorize the City Manager to execute all documents related to this action on behalf of the city.

The 2025–2026 Capital Improvement Program (CIP) budget includes funding for the resurfacing of the Bicentennial Trail from Brown Street to Garden Lane and from Milham Avenue to Kilgore Road. In addition, the CIP includes funding for parking lot resurfacing at the Portage Parks & Recreation facility, South Westnedge Park, Bicentennial Park, Schrier Park, and Westfield Park.

On June 4, 2026, three bids were received and Lakeland Asphalt Corporation of Springfield, Michigan was the lowest bidder for the amount of \$535,874.60. The low bid is within the budget, and city staff believe Lakeland Asphalt has the experience and knowledge to complete this project.

The Request for Proposal (RFP) was posted via BidNet where 34 known contractors responded, and five local known contractors were notified by the Department of Public Works.

It is recommended that a contract be awarded to Lakeland Asphalt Corporation in the amount of \$535,874.60 for the Parks Trail & Parking Lot Paving Services project and that the City Manager be authorized to execute all documents related to this contract on behalf of the city.

FUNDING: Funds are available in the Fiscal Year 2025-2026 Multi-use Trail System Improvements and Parking lot/Walkway Improvements CIP accounts.

Attachments: 1. Bid Tab_2026 RFB Park Trail and Parking Lot Paving Services

2026 RFB PARK TRAIL AND PARKING LOT PAVING SERVICES
PAVING SERVICES
BID TABULATION
BID OPENING ON JUNE 4, 2026 AT 3:30 PM

Lakeland Asphalt Corporation 548 Avenue A. Springfield, Michigan 49037	\$	535,874.60
J. Allen & Company 8288 E. Michigan Avenue Galesburg, Michigan 49053	\$	598,233.65
Rieth-Riley Construction Co., Inc. 911 Hatfield Avenue Kalamazoo, Michigan 49001	\$	860,912.85

Opened by: Justin Williams
Justin Williams, Purchasing Manager

TO: Honorable Mayor and City Council

FROM: Pat McGinnis, City Manager

SUBJECT: Traffic Signal Maintenance Contract

SUPPORTING PERSONNEL: Kendra Gwin, Director of Transportation & Utilities

ACTION RECOMMENDED: Award a 5-year contract to Severance Electric Company, Incorporated for the maintenance of the city traffic signal system from July 1, 2026, to June 30, 2031, in the base amount not to exceed \$432,100 with hourly rates as bid for call-in work and additional signalized intersection as necessary and authorize the City Manager to execute all documents related to the contract on behalf of the city.

The city traffic signal system has grown to 56 traffic signals, 26 school/pedestrian flashing beacons and 9 speed feedback signs. Maintenance of the systems includes traffic control signals of all types, poles, mast arms, light-emitting diode signal heads, overhead street name signs, pedestrian push-button pedestals and signals, underground loop detectors for signal actuation, overhead video detection, fiber optic cable, permanent traffic count stations and battery back-up power systems. Historically, maintenance of the city traffic signal system has been performed by a private contractor.

Traffic signal maintenance, including emergency repairs as needed, is a highly specialized field with few local contractors qualified to perform this work. The current contract for the maintenance of the city's traffic signal system was awarded to Severance Electric Company, Incorporated in May 2021 and expires on June 30, 2026. On June 11, 2026, bid proposals were received for maintenance of the city traffic signal system for the period of July 1, 2026 to June 30, 2031. The bid opportunity was posted on the City of Portage Website and BidNet where 29 known contractors were matched, and one local contractor was notified by the T&U department. The lone bid in the amount of \$432,100 was submitted by Severance Electric Company, Incorporated. The proposal also provides hourly rates for emergency call-in work during regular hours and after hours, as well as new signal intersection additions to the city system. Severance Electric Company, Incorporated has satisfactorily performed this service for the city for more than 20 years.

It is recommended that City Council award a 5-year contract to Severance Electric Company, Incorporated for the maintenance of the city traffic signal system from July 1, 2026 to June 30, 2031 in the base amount not to exceed \$432,100 with hourly rates as bid for call-in work and additional signalized intersection as necessary and authorize the City Manager to execute all documents related to the contract on behalf of the city.

FUNDING: Sufficient funding for the first year of the proposed contract is programmed in the FY 2026-2027 Street Operating Fund. Funding for subsequent contract years will be similarly budgeted.

Attachments: 1. 2026 RFP Traffic Signal System Maintenance Bid Tabulation

**2026 RFP TRAFFIC SIGNAL SYSTEM MAINTENANCE
MAINTENANCE SERVICES
PROPOSAL TABULATION**
PROPOSAL OPENING ON JUNE 11, 2026 AT 3 PM

Severance Electric	\$	432,100.00
7076 East N. Avenue		
Kalamazoo, Michigan 49048		

Opened by: Justin Williams
Justin Williams, Purchasing Manager

TO: Honorable Mayor and City Council

FROM: Pat McGinnis, City Manager

SUBJECT: Department of Parks and Recreation Kitchen Renovation

SUPPORTING PERSONNEL: Kathleen Hoyle, Director of Parks & Recreation
Joe Wilhelme, Deputy Director

ACTION RECOMMENDED: Award a contract for the construction and renovation of the Parks and Recreation building kitchen to Kalleward Group for \$138,630 and authorize the City Manager to sign all documents related to the contract on behalf of the city.

Portage Parks & Recreation has been planning a renovation of the commercial kitchen at its facility located at 320 Library Lane for several years. Constructed in 1982, the 44-year-old kitchen has reached the end of its useful life and no longer meets current commercial kitchen standards. The fire suppression system was removed more than a decade ago, cabinetry is deteriorated, plumbing lacks adequate freeze protection, and food preparation equipment is outdated.

The proposed renovation will bring the kitchen into compliance with Kalamazoo County and State of Michigan health codes, maintain its commercial licensing status, improve accessibility in accordance with the Americans with Disabilities Act (ADA), and increase energy efficiency through LED lighting upgrades. Maintaining the kitchen's commercial license is critical, as any renovation reviewed by the Kalamazoo County Health and Human Services Department that does not include the required code upgrades would result in the loss of that license.

Without these improvements, the facility would no longer be able to support the popular Portage Culinary Academy, provide kitchen access for caterers serving facility rentals, or offer commercial kitchen rental opportunities for local entrepreneurs, food vendors, and Farmers Market participants. Food preparation for public consumption would no longer be permitted at the facility.

The renovation represents an investment in an existing city asset, similar to maintaining parks, playgrounds, pavilions, restrooms, and other public-use facilities. Once renovated, the kitchen will support small businesses, caterers, community organizations, and facility renters through a fee-based rental and membership program.

A Request for Proposals (RFP) was first issued in January 2024. Only one bid was received, and it exceeded the available project budget. During the FY 2025-26 Capital Improvement Planning process, additional funding was approved, and the project was rebid in March 2026 through BidNet and distributed to 55 regional construction firms. No bids were received, largely due to contractors' full project schedules. Based on industry feedback, the project was rebid in April 2026 with an extended completion deadline of April 30, 2027.

The third solicitation resulted in a bid from Kalleward Group of Kalamazoo, Michigan, in the amount of \$138,630 for the construction portion of the project. The city's design consultant, Schley-Nelson Architects, reviewed the proposal and determined it to be responsive to the project specifications and reasonable for the scope and commercial nature of the renovation.

Therefore, it is recommended that City Council award Kalleward Group, of Kalamazoo, MI, for the Commercial Kitchen Renovation Construction project at a total project cost of \$138,630 and authorize the City Manager to execute all documents related to this action.

FUNDING: The Capital Improvement Plan of FY2023-2024 includes \$75,000; the FY 2024-2025 CIP includes \$65,000 for a total of \$140,000. The \$65,000 in funding is a proposed reallocation of funds originally allocated for a restroom renovation. The restroom renovation will be on hold and requested in a future CIP budget.

Attachments: 1. Bid Tab_2026 RFP Parks and Recreation Commercial Kitchen Renovation

**2026 RFP PARKS AND RECREATION COMMERCIAL KITCHEN
CONSTRUCTION SERVICES
PROPOSAL TABULATION**
PROPOSAL OPENING ON APRIL 30, 2026 AT 3 PM

Kalleward Group \$ 138,630.00
3548 Gembrit Circle
Kalamazoo, Michigan 49001

Opened by: Justin Williams
Justin Williams, Purchasing Manager

TO: Honorable Mayor and City Council

FROM: Pat McGinnis, City Manager

SUBJECT: Commercial Kitchen Equipment for Department of Parks and Recreation

SUPPORTING PERSONNEL: Kathleen Hoyle, Director of Parks & Recreation
Joe Wilhelme, Deputy Director

ACTION RECOMMENDED: Award a contract for the supply of commercial kitchen equipment as part of the Parks and Recreation Building Kitchen Renovation Project to Douglas Equipment for \$97,593 and authorize the City Manager to sign all documents related to the contract on behalf of the city.

As part of the Parks and Recreation building kitchen renovation, bids were sought for commercial kitchen equipment to be installed as part of the planned construction renovation. The initial bid for equipment was in February 2024, but due to the lack of funding for the overall renovation, the project was put on temporary hold until additional funds could be allocated.

After obtaining funding through the city's approved FY 2025-26 Capital Improvement Program, a Request for Proposal was initiated for commercial kitchen equipment in March 2026 and released on Bidnet and to a list of five kitchen equipment suppliers with four bids received for equipment. The city's contracted kitchen consultant, JRA Food Service Consultants, prepared the equipment needs and specifications for the project in conjunction with the contracted kitchen architect, Schley-Nelson Architects, and reviewed the submitted bids. JRA determined that all bids met the requirements of the request for proposal specifications. Douglas Equipment, of Bluefield, WV, is recommended for the Parks kitchen renovation as the low-cost bidder at \$97,593 to supply and install commercial kitchen equipment. The equipment includes the procurement and installation of adequate fire suppression and overhead hood ventilation to meet the Kalamazoo County and State of Michigan health codes. Ductwork, start-up, training and warranty are included.

It is recommended that City Council award Douglas Equipment, of Bluefield, WV, to supply and install commercial kitchen equipment as part of the Parks & Recreation Commercial Kitchen Renovation project at a total project cost of \$97,593 and authorize the City Manager to execute all documents related to this action.

FUNDING: The FY 2025-2026 CIP includes \$90,000 and \$7,593 will be from the Parks General Budget Capital Outlay.

Attachments: 1. Bid Tab_2026 RFP Parks and Recreation Kitchen Equipment Install

**2026 RFP PARKS AND RECREATION KITCHEN EQUIPMENT
INSTALLATION SERVICES
PROPOSAL TABULATION**
PROPOSAL OPENING ON APRIL 30, 2026 AT 3:30 PM

Douglas Equipment 301 North Street Bluefield, West Virginia 24701	\$	97,593.00
Stafford Smith Inc. 3414 S. Burdick Street Kalamazoo, Michigan 49001	\$	105,677.00
Great Lakes West 48962 24th Street Mattawan, Michigan 49071	\$	112,983.00
Culinary Depot 67 Rt 59 Spring Valley, New York 10977	\$	115,858.07

Opened by: Justin Williams
Justin Williams, Purchasing Manager

TO: Honorable Mayor and City Council

FROM: Pat McGinnis, City Manager

SUBJECT: Portager Printing & Mailing Contract - Bid Tabulation

SUPPORTING PERSONNEL: Mary Beth Block, Public Information Officer

ACTION RECOMMENDED: Approve a one-year contract in the estimated amount of \$45,233.25, with an option for four one-year renewals at the same annual cost, with Minuteman Press of Kalamazoo for printing and mailing services associated with the *Portager* newsletter, and authorize the City Manager to execute all documents related to this matter.

The city currently has a contract with Minuteman Press of Kalamazoo (formerly JB Printing) to print the *Portager* newsletter twelve times per year, including delivery to the U.S. Post Office for mailing to all Portage mailboxes. The contract expires on June 30, 2026.

Recently, proposals were requested for a one-year contract, with an option for four one-year renewals. Responsive proposals were received from five vendors (see attached Bid Tabulation), with one non-responsive bid received.

Minuteman Press of Kalamazoo submitted the lowest and best proposal in the estimated annual amount of \$45,233.25, with no increase for the four additional option years. This price is a less than 1% increase over current pricing. The proposal includes the cost for production, inserting, mail preparation and delivery to the U.S. Post Office for mailing to all Portage mailboxes. As the current contract holder, Minuteman Press of Kalamazoo has performed well and provided excellent services to the City of Portage over the life of the contract.

It is recommended that City Council approve a one-year contract in the estimated amount of \$45,233.25, with an option for four one-year renewals at the same annual cost, with Minuteman Press of Kalamazoo for printing and mailing services associated with the *Portager* newsletter, and authorize the City Manager to execute all documents related to this matter.

FUNDING: Sufficient funding has been programmed in the Office of Public Information budget for Fiscal Year 2026-2027, and will be programmed in future years for the life of the contract.

Attachments: 1. Bid Tab 2026 RFP Portager Newsletter

**2026 RFP PORTAGER NEWSLETTER
PRINTING AND MAILING SERVICES
PROPOSAL TABULATION**
PROPOSAL OPENING ON JUNE 4, 2026 AT 3 PM

Minuteman Press of Kalamazoo 3111 Lake St. Kalamazoo, Michigan 49048	\$	45,233.25
Printwell Inc. 26975 Northline Road Taylor, Michigan 48180	\$	46,254.21
Printing Services Inc. 7419 S Sprinkle Road Portage, Michigan 49002	\$	60,302.31
Accuform Printing & Graphics, Inc. 7231 Southfield Fwy Detroit, Michigan 48228	\$	74,203.78

Opened by: Justin Williams
Justin Williams, Purchasing Manager

TO: Honorable Mayor and City Council

FROM: Pat McGinnis, City Manager

SUBJECT: Capital Improvement Fund Reallocations

SUPPORTING PERSONNEL: Lauren VanderVeen, Finance Director

ACTION RECOMMENDED: Approve Capital Improvement Project Fund Reallocation Recommendations

Per the City Council Capital Project Policy approved at the February 10, 2026, City Council meeting, the purpose of the Project Close-Out and Savings Reallocation category is to close or restructure inactive projects and reallocate or eliminate appropriated funds in a transparent manner. If funds remain in excess of \$75,000 after project close-out, the City Administration shall prepare a report for City Council recommending either 1) return of the funds to the original source or reserve, or 2) reallocate the funds to another project, subject to Council approval.

Four closed CIP projects were identified with remaining appropriation in excess of \$75,000 and details and recommendations to reallocate the projects are attached.

Therefore, it is recommended that City Council authorize the budget amendments as outlined in this agenda item.

FUNDING: N/A

Attachments: 1. Capital Project Policy - Project Close-Out and Savings Reallocation Recommendations

Capital Project Policy – Project Close-Out and Savings Reallocation									
	CIP Category	Project	Revenue Source	Amended Budget	Expenditures	Remaining Balance	Close-Out Date	Recommendation to Council	Recommended Project Reallocation
1	Streets	S Westnedge Relief Storm Sewer	Major Streets Fund	\$ 1,800,000	\$ 1,689,161	\$ 110,839	Nov-25	Reallocate	Portage Road/Lake Center Corridor Project
2	Streets	E Milham, Westnedge to Portage	CIP Fund	\$ 290,129	\$ 191,396	\$ 98,733	Oct-24	Reallocate	Portage Road/Lake Center Corridor Project
3	Water	South Westnedge Water Main Replacement	Water Fund	\$ 880,000	\$ 580,000	\$ 300,000	Aug-25	Reallocate	Lakeview Water Main Replacement
4	Parks	Martin Luther King Jr Park	CIP Fund	\$ 631,750	\$ 553,363	\$ 78,387	Jun-23	Reallocate	Austin Lake Trail

TO: Honorable Mayor and City Council

FROM: Pat McGinnis, City Manager

SUBJECT: Portage Enrichment Fund with Kalamazoo County Community Foundation

SUPPORTING PERSONNEL: Pat McGinnis, City Manager

ACTION RECOMMENDED: Approve the Resolution establishing the Portage Enrichment Fund at the Kalamazoo County Community Foundation.

Purpose

To provide the legal and policy basis for establishing the Portage Enrichment Fund and transferring \$50,000 from the city’s General Fund fund balance to seed the fund for future public-purpose expenditures.

Background

The City of Portage has long prioritized the maintenance and improvement of parks, public facilities, arts and cultural programming, recreational activities, infrastructure, and other community-benefit services. To support long-term investment and create a stable source of supplemental funding, staff recommends establishing an endowed fund—referred to as the Portage Enrichment Fund—in partnership with the Kalamazoo Community Foundation.

Michigan municipalities frequently collaborate with community foundations to establish endowed funds that support local government services. Such arrangements are used by cities including Ann Arbor, Holland, Grand Rapids, and Traverse City. These partnerships allow municipalities to leverage professionally managed endowments while retaining full control over how expenditures are authorized, ensuring the funds remain dedicated to lawful public purposes.

Legal Basis

Michigan law requires that municipal expenditures serve a “public purpose.” This requirement is grounded in Article IX, Section 18 of the Michigan Constitution and longstanding case law. Expenditures that support parks, infrastructure, recreation, culture, public facilities, and community programming are widely recognized as valid municipal public purposes.

A municipality may transfer general fund dollars to an external nonprofit or community foundation only when:

1. The expenditure is for a clear public purpose; and
2. The municipality maintains adequate oversight and ensures that funds are used exclusively for that purpose.

The proposed fund agreement with the Kalamazoo Community Foundation satisfies these requirements by restricting expenditures to public purposes certified jointly by the City Manager, Finance Director,

and Mayor, and by requiring reporting and accountability provisions.

Staff Analysis

Establishing the Portage Enrichment Fund will:

- Provide a long-term, stable revenue source for high-value community services.
- Allow invested dollars to grow over time and generate annual earnings.
- Support ongoing maintenance and improvements that might otherwise rely solely on annual appropriations.
- Enable philanthropic contributions from residents and local organizations to supplement city resources.

The fund will not replace budgeted municipal services but will enhance and expand them.

Recommendation

It is recommended that the City Council approve the resolution establishing the Portage Enrichment Fund and authorize the transfer of \$50,000 from the General Fund fund balance, and further authorize the City Manager to execute the fund agreement with the Kalamazoo Community Foundation.

FUNDING: A one-time transfer of \$50,000 from the City’s General Fund fund balance in FY 2026-2027 would establish the endowment. Annual financial reports will reflect fund performance and any disbursements.

Attachments: 1. Authorizing Resolution KCFv2

CITY OF PORTAGE

A RESOLUTION AUTHORIZING THE ESTABLISHMENT OF THE PORTAGE ENRICHMENT FUND AND APPROVING A TRANSFER OF GENERAL FUND REVENUE

Whereas the City of Portage is committed to maintaining and enhancing parks, public facilities, arts and cultural opportunities, recreational activities, infrastructure, and other programs and services that provide a clear public purpose and improve the quality of life for residents; and

Whereas the City Council desires to support long-term investment in these public purposes through the creation of the Portage Enrichment Fund, an endowed fund to be held and managed in partnership with a qualified nonprofit or community foundation; and

Whereas establishing the Portage Enrichment Fund will allow the City to dedicate resources for future maintenance, improvements, programming, staffing support, and other clearly defined municipal purposes consistent with the City's mission and responsibilities; and

Whereas Michigan law permits municipalities to allocate general fund revenues for public purposes, and the City Council finds that establishing and seeding this fund serves a valid and substantial public purpose; and

Whereas the City Manager, Finance Director, and Mayor shall jointly determine and certify that any disbursements from the fund are used solely for clear public purposes, including but not limited to parks, public facilities, arts, recreational activities, infrastructure needs, and staffing support;

Now, therefore, be it resolved that the City Council of the City of Portage hereby authorizes the creation of the Portage Enrichment Fund; and

Be it further resolved that the City Council approves the transfer of fifty thousand dollars (\$50,000) from the City's General Fund Balance to establish and seed the Portage Enrichment Fund; and

Be it further resolved that the City Manager is authorized to execute any necessary agreements with a qualified nonprofit or community foundation to hold, invest, and administer the fund in accordance with the purposes stated in this resolution; and

Be it further resolved that all expenditures from the Portage Enrichment Fund must support a clear public purpose as determined by the City Manager, Finance Director, and Mayor and shall be reported to the City Council as part of the City's regular financial reporting.

Adopted this 23rd day of June 2026, by the City Council of the City of Portage.

Adopted: YEAS:

 NAYS:

 ABSENT:

Erica Eklov, City Clerk

Certificate

I certify that the foregoing is a true and complete copy of a resolution adopted at a regular meeting of the City Council of the City of Portage, Michigan, held on the 23rd day of June 2026, the original of which resolution is on file in my office.

Erica Eklov, City Clerk

**Minutes
of
Boards &
Commissions**

City of Portage Senior Citizens Advisory Board

MINUTES: May 20, 2026

Location: Portage City Hall, CR 1

ATTENDANCE: Kim Phillips, Linda Zoeller, Sharon White, John Lobo, Nate Sachritz, Jean Balazs, Karl Hokenmaier.

Absent Excused: Joan Stommen, Shirley Wahmhoff

Absent Un-excused: Larry Smith

Guests: None.

Staff: Kim Phillips

Chairperson Linda Zoeller called the meeting to order at 2:37 PM.

Karl motioned to approve the April 15 meeting minutes without changes. Nate seconded. The motion was approved.

Travel Program, Kim Phillips:

- Trip to Chihuly exhibit at the Frederik Meijer Gardens on 5/19 was very well received.
- There was a trip to Shakespeare's Pub Geezer Happy Hour on 5/18. The event occurs every other Monday and PZSC plans to continue to schedule trips to it.
- Upcoming Spring trip to Mackinac Island.

Legislative Update, Kim Phillips:

- The Michigan Department of Health and Human Services released a draft of their 3-year plan for the 2027 thru 2029 period which is a requirement for continued funding from the Older Americans Act. The draft document lacks mention of any actions to leverage senior centers to support the State's services and outreach programs to the senior population.
- Kim led a response to the State Legislature in the form of an open letter providing feedback on the draft plan. The letter was addressed to the Legislature and published to the public.
- Kim will attend the National Council on Aging Conference in Arlington, VA next week. The schedule includes meetings with federal legislators and opportunity to advocate for services for older adults.

Friends of PSC Board Update, Kim Phillips:

- The Golf Outing held on Monday 5/18 is expected to net \$15k.
- Pickle Ball and Tournament is scheduled for 6/20.
- This year's Spring Appeal was not as successful as in past years. The Friends organization is reviewing analytics to identify gaps.

Youth Advisory Board, Koen Sunder:

- No report.

Dementia Friendly Community (DFC) Initiative Update, Kim Phillips:

- Sharon Ritchie who was leading the initiative, is unable to continue due to personal circumstances. The PZSC is looking to identify alternatives to maintain continuity.

Volunteer Management, Karl Hokenmaier:

- Spring Volunteer Meeting on 5/19.
- Up to 200 volunteers participate throughout the year.
- Karl shared a copy of the Volunteer Handbook prepared by Nicole Romo. Board feedback is appreciated.
- There is a need for volunteer greeters throughout the summer and a Metro driver on Mondays.
- The Parkinson's Group Exercise Class needs helpers/spotters as the number of participants outnumber the helpers.

Monthly Manager's Report, Kim Phillips:

- May membership reached 4,826.
- The staff is considering ideas to commemorate reaching the 5,000-member milestone.
- Kim shared a testimonial letter from a PZSC member with the Board that expressed how the PZSC has helped him recover from lonesomeness after his spouse's passing.
- AARP Tax Aid program at PZSC completed 488 tax returns at no-charge. There were 982 interactions, averaging 98 interactions per counselor.

New Business, Kim Phillips:

- City Council approved moving Katrina from part-time to a full-time front-desk receptionist after Randy's resignation.
- Vance is doing very well filling in as program assistant.
- Kim will present on Fundraising for Busy Professionals at next week's National Council on Aging Conference and will be on the panel for Advocacy at the Local Level.
- Kim will receive the Founders Award at the conference.
- The PZSC budget was approved with no cuts.
- Waiting to fill 2 open part-time rental coordinator positions.

Building/Program Updates, Kim Phillips:

- The Farmers Market construction is complete and PZSC expects to have the Center's parking lot fully available by Friday 5/22.
- The Farmer Market's ribbon cutting is Tuesday 5/26 at 1PM. It will open to the public on Sunday 5/31.
- Planning to utilize the Farmers Market overhang to hold Tai-Chi classes during summer.
- The windows of the pickleball court and the Community West Room were tinted. Users have noted the improvements.

Activities Reminders, Kim Phillips:

- Car Show on July 17. Funds will support the PZSC Veterans program. The Farmers Market parking space will be used.

Citizen Comments:

- None.

Advisory Board Comments:

- None.

Time Adjourned: 3:16 PM

Next meeting: June 17, 2026, 2:30PM at Portage City Hall, Conference Room 1.

TO: Honorable Mayor and City Council

FROM: Pat McGinnis, City Manager

SUBJECT: Residential Unified Development Ordinance

SUPPORTING PERSONNEL: Peter Dame, Chief Development Officer

ACTION RECOMMENDED: Subsequent to the public hearing, consider any amendments, and approve Ordinance Amendment #25/26-3 to amend the Code of Ordinances of the City of Portage, Michigan by adopting the text of Chapter 44 Residential Unified Development Ordinance and amending corresponding text sections of Chapter 42 Land Development Regulations Article 4, 5, and 6.

The City of Portage is creating a new Unified Development Ordinance (UDO) to modernize its existing zoning, subdivision, and condominium development codes. The UDO aims to establish a cohesive framework to guide Portage's growth and development for years to come. It will implement key recommendations from the recently adopted [Portage Forward Together 2045 Master Plan](#). It is a recognized best practice to ensure that the city codes mirror the objectives of the City Master Plan. Further, it will address land use issues and challenges such as the city's current patchwork of development ordinances and zoning districts (some of which date back to the 1960s), outdated housing regulations needing to meet current housing preferences, inflexible zoning preventing innovative development that has led to overreliance on Planned Developments, and more. The UDO will also incorporate best practices and tools recommended by the State of Michigan for local government zoning and land use regulations.

Some specific goals of the UDO include:

- Preserve neighborhood character while enabling thoughtful redevelopment.
- Expand housing development options, including attainable choices like duplexes and townhouses.
- Remove barriers to redevelopment and promote vibrant mixed-use developments in key commercial areas.

The UDO planning process began shortly after the city's Master Plan was adopted. Initial public kickoff meetings with stakeholders and the community were held in January 2025. The city partnered with zoning consultants Kendig Keast Collaborative (KKC) to develop the UDO language, standards, and supporting illustrations.

City staff and KKC conducted a comprehensive review of the existing zoning code to ensure consistency, clarity, and alignment with the Master Plan. In addition, a Technical Committee, made up of community members with knowledge of and experience working with the city's current regulations, was formed to provide technical input and review. This group began meeting in the later stages of drafting and has played an important role in refining the ordinance.

The UDO project will be accomplished in two phases, each having separate ordinances:

1. Module 1: Consisting of all residential-related standards and codes such as residential zoning districts, subdivision standards, yard setbacks, and more. This module will be sent to the Planning Commission and City Council for consideration. *Today's memo addresses this phase.*
2. Module 2: Consisting of all nonresidential development (commercial, industrial, mixed-used, etc.) standards and related codes, and all land use (residential and nonresidential) permitting procedures, including Planned Development standards, to be analyzed, discussed, and sent to the Planning Commission and City Council for consideration. *Immediately follows Module 1.*

Module 1 - Process Update

Module 1 is nearing finalization and is being provided to City Council for consideration and later vote. During the March 5, 2026 Planning Commission meeting, staff provided an informational session to gain Planning Commission and public feedback. The comments below were received. During the March 19, 2026, and April 16, 2026 Planning Commission Public Hearing, additional comments were received and are noted in the draft minutes and attached. At the April 16, 2026 Planning Commission continued public hearing, the Planning Commission voted to recommend that the City Council approve Ordinance Amendment # No. 25/26-3 amending the Code of Ordinances of the City of Portage, Michigan by adopting Chapter 44 Residential Unified Development Ordinance and amending corresponding sections of Chapter 42 Land Development Regulations Articles 4, 5, and 6.

Planning Commission member comments included:

- Ensure the Conservation Development provides a percentage of open space for the community.
- Asked a variety of clarifying questions, such as the overall need for creating new zoning standards to permit more and different housing types, private road widths and on-street parking, encouraging the public to attend the Planning Commission's public hearing on the item.

Comments from the public included:

- Ensure sidewalks will be provided in the future.
- Concern about possible impacts on property value, traffic, etc. from new duplexes, town homes, or multifamily built next to single-family homes.
- Ensure preservation of forested and wetland environments as supported by the Master Plan.
- Ensure compatibility between new homes and adjacent single-unit homes.
- How do the new residential zoning district standards compare to other cities' residential zoning districts?
- Asked about any studies analyzing impacts to single-family homes from higher density residential housing types?
- Support for rental home maintenance requirements.
- Do not keep underlying residential zoning in city parks.
- Do the new single-family residential zoning districts allowing different housing types align with the Master Plan?
- Provide additional community review of the new zoning ordinance review process.

Draft UDO – Module 1 'Residential Unified Development Ordinance'

The draft Residential Unified Development Ordinance and draft zoning map are attached for Planning

Commission and public review. The following provides a summary of residential-focused changes between the existing zoning code and draft ordinance.

SUMMARY OF DRAFT RESIDENTIAL UDO – Module 1: New Standards

1. New zoning districts. Combining the four existing single-family Residential zoning districts (R-1A, R-1B, R-1C, & R-1D (and some R-1T)) into two new districts (RE=Residential Estate and RN=Residential Neighborhood).

- **Purpose:** These many existing districts have relatively insignificant differences as they are all single-unit dwelling districts. Under the proposed districts, developers can shift toward building smaller housing and use smaller lot sizes to provide more housing units, potentially units that are more affordable, and flexible to meet the desired housing market. Developers are not required to build to this minimum and may always exceed it.
- R-1A & R-1B = New RN.
 - Minimum lot size is slightly lower than R-1A
 - Primarily Single-Unit Dwelling district.
 - Allows duplexes in Conventional Development but limited to 30% of the units throughout the neighborhood. Duplexes must be designed to be compatible with adjacent existing single-unit homes.
 - When following Conservation Development rules, RN allows more clustered development to preserve natural areas or create green space. Allow limited townhouses and multiplex dwelling units when open space and buffering from adjacent area is provided – see Conservation Development details.
- R-1C & R-1D = New RE
 - Primarily Single-Unit Dwelling district.
 - Not allowing duplexes, townhouses, or multiplex units.
 - Allows clustering of homes when open space is provided in Conservation Development option; still only single-unit homes.
 - Minimum lot size is similar to existing two districts being combined into RE.

2. ‘Conservation’ housing development option within Residential Neighborhood and Residential Estate districts.

- **Purpose:** Within the proposed RN and RE districts, in larger newly developed areas, the conservation option provides an incentive to preserve natural areas or designated green space in exchange for allowing a small percentage of the new units to be a variety of low-density housing alternatives and allows the housing development to be clustered, while adding a buffer requirement between existing single unit neighborhoods.
- Allows for slightly smaller lot sizes than conventional development.
- There must be a minimum of 5 acres for new conservation development.
- Requires Open Space meeting the following:
 - Consisting of a general lawn or preserved natural area;
 - Must be a separate area from private yards; and
 - Must consist of 20% of the total development area or 15% if amenities (e.g. playground, pavilion, etc.) are provided.
- RN District: Up to 35% of all homes in a Conservation development may be duplexes, townhouses, or multiplex dwelling units (nor more than 4 units/lot and still meeting the height limits of single-unit detached buildings). Perimeter screening standards apply if adjacent to other single-unit neighborhoods.

3. New ‘Cottage Court’ Housing development.

- **Purpose:** Provides a new form of housing development with an emphasis on creating a community-oriented, centralized amenity space.
- Allows a developer to construct homes around, facing a common open space within the proposed development.
- Only permitted in RM district. Minimum of three units; maximum of 12.

4. New Land Use Category: Limited Uses – ‘L’

- **Purpose:** Creates a new list of allowed by-right land uses but with some conditions to ensure neighborhood compatibility.
- Allows administrative approval for some land uses when meeting certain restrictions/limitations.

5. Two-unit attached homes (Duplexes) – Neighborhood Compatibility.

- **Purpose:** Ensures new two-unit attached homes are built to be compatible within the existing single-unit home neighborhood.
- Proposed regulation: Duplexes must be designed to have similar exterior elements as existing homes in the neighborhood, such as garage location, scale, house color, front porch design, size of windows, etc.

6. Bicycle parking.

- **Purpose:** Although bicycle parking is currently required, no standards exist such as number of spaces per unit for a multiplex or multi-unit.
- Proposed regulation: Mix of parking ratios multiplex, multi-units, and cottage court developments. Not required for single-unit or two-unit attached housing.

7. New Exterior Building Material Standards.

- **Purpose:** Ensure buildings have a higher quality, longer-lasting exterior siding/cladding by limiting certain materials.
- Existing code: Requires certain exterior siding/cladding elements in the Lake Center zoning district.
- Proposed: New exterior cladding material standards will only apply to larger new multi-unit buildings. Vinyl is generally not recommended but allows up to 40% of building elevations and must be at least a ‘mid-grade’ thickness/standard.
- Proposed exterior cladding material standards will not apply to single-unit detached homes, two-unit attached homes, town homes, or multiplexes.

8. Residential Infill Parcels.

- **Purpose:** Many vacant parcels exist throughout the community that could not be developed due to the existing zoning standards. The proposed standards provide additional flexibility in setbacks, etc. to enable future housing development that is compatible with the existing neighborhood.
- Allows undeveloped parcels in the RE and RN districts to be developed.
- These are vacant parcels where proposed development generally cannot meet the zoning district standards due to the underlying challenge/uniqueness of the site.
- RE zoned lot = Only allows a future single-unit dwelling per parcel.
- RN zoned lot = Same as RE above or a duplex.
- All future homes must be designed to be compatible with neighboring homes.

9. Screening Multiplex, Multi-units, Town Homes, and others from Single-Unit Homes

- **Purpose:** Staff have received public input during past Planning Commission meetings when high-density housing is proposed next to low-density housing suggesting screening. Current zoning does not require screening for this scenario.
- Proposed regulation: Require screening consisting of fencing and/or landscaping, where necessary.

10. Stormwater Basins – Not fronting major roads

- **Purpose:** Stormwater basins are generally unattractive aesthetically and detract from the overall community image. Current zoning does not require any location setback or screening along major roads (i.e. Westnedge Ave, Centre Ave, etc.).
- Proposed regulation: Prohibit basins close to, facing major streets. Allow but require screening basins when located close to, facing collector streets (Schuring Road, Angling Road, etc.)

Draft UDO – Module 1: Modified Standards

11. Replace ‘Single or One Family Home’ with ‘Single Unit Dwelling’.

- **Purpose:** Zoning should regulate the structure or dwelling’s size, location, height, etc. not the occupants. This new term has become widely used among communities.
- Generally, zoning standards do not dictate which family members may live together in a single house.

12. Two-Unit Dwelling (Duplex) Permitted in RN

- **Purpose:** Provide flexible housing design by allowing duplexes to be developed in single-unit neighborhoods when designed to be compatible with existing single-unit homes in the RN district. The list of exterior building items must be met to ensure compatibility.
- Permitted anywhere in the RN district (current R-1A and R-1B districts) and must be designed to be compatible with existing neighborhood homes.
- Permitted in new Conventional and Conservation developments.
- Conventional Developments: Up to 30% of all units may be two-unit attached dwellings, the remaining must be single-unit detached homes.
- Not allowed in the RE (current R-1C & R-1D districts).
- Accessory Dwelling Units (ADU) are not considered two-unit dwellings. ADUs will continue to be allowed in the RE and RN districts.

13. Eliminating R-1T Attached Residential District

- **Purpose:** No longer needed due to housing flexibility in the RN district, required screening between different housing types, etc.
- Existing R-1T zoned areas have limited locations in Portage, typically for duplex developments. They will be rezoned to an RM or RN, depending on existing land use and / or Master Plan designation.

14. Combine RM-1 and RM-2 to RM; Update RM-1/ -2 regulations

- **Purpose:** Due to similarities and insignificant differences between RM-1 and RM-2, those districts will be combined into one new RM district (Residential Mixed).
- Remove the existing, archaic, and confusing density calculation of RM-1/ -2, replace them using site regulations instead (e.g. yard setbacks, max. building height, etc.).

15. Replace the existing term ‘Multi-family’ residential development with two new terms:

- **Purpose:** Create two new multifamily development terms to best address impacts of variety of building scales and densities of multifamily developments.
- Existing ‘Multi-family’ term = 3 or more dwelling units. Replaced by new terms called ‘Multiplex’ and ‘Multi-unit’.
- Proposed ‘Multiplex’ term = 3–6 units. Permitted in a few cases (not more than 4 units) in the RN Conservation districts; permitted in all RM districts up to 6 units. Ex. Timbercreek Court (Off of Schuring Rd)
- Proposed ‘Multi-unit’ term = 7 or more units. Not permitted in the RE or RN districts. Permitted in the RM district and Mixed-Use districts. This is not a duplex, townhouse, or multiplex. Ex. Foxwood & The Hermitage apartments (5401 12th Street)

16. Reduce Minimum Floor Area sizes for Single-Unit Dwellings

- **Purpose:** Provide greater flexibility in housing sizes, allow for construction of lower-cost housing, and allow for a growing demand for down-sizing homes (smaller square footage), which currently are not widely available in Portage.
- The existing minimum floor area varies by R-1A, R-1B, R-1C, & R1-D district and if a basement is provided:
 - 1-story = Minimum 1,040 – 1,600 sq ft
 - 2-story = Minimum 1,440 - 2,000 sq ft
- Proposed: RE & RN districts minimum size (regardless of basement):
 - 1-story = 1,000 sq ft
 - 2-story = 1,400 sq ft (combined floors)

17. ROW Standards

- **Purpose:** Create a uniform standard between public and private streets. Allow for narrower residential neighborhood streets, which result in safer for vehicles and nonmotorized users. Ensure sidewalks, street trees, and other amenities are established for new development.
- This applies to new roads in new housing developments; it does not apply to small lot splits or main roads (Centre Avenue, Portage Road, etc.).
- Private Roads:
 - Existing Code: Private roads – no road standards apply (e.g. no standard requiring minimum pavement width, sidewalks, etc.); only had to meet the fire code standard (i.e. 22’ wide paved surface).
 - Proposed requirement: All new private roads must be designed to the same public road standards.
- Proposed public and private residential neighborhood roads can be narrower:
 - Existing Code: Up to 32’ wide.
 - Proposed Code: 24’ - 28’ wide; wider for on-street parking along both sides.

Consistency With Master Plan

The draft Residential Unified Development Ordinance is consistent with the intent and goals of the Master Plan. The following Master Plan statements provided below support and align with the proposal.

Chapter 5: Land Use and Development

- Land Use Classification: – *Single Family Residential*

"Single-family detached homes are expected to remain the main housing type in Portage. However, it is also important to introduce other low-intensity options like duplexes and accessory dwelling units that offer more variety. These can be developed on infill lots for those looking for alternatives to large single-family homes but wishing to stay in single-family neighborhoods. These areas could be paired with neighborhood-scale commercial/retail at key intersections to create mixed-use nodes providing residents easy access to goods and services near their own neighborhoods. Within these nodes, efforts to enhance the aesthetic quality of neighborhoods and ensure the visual quality of properties should be a focus. The zoning code could be amended to encourage different neighborhood scales and densities throughout the City."

Chapter 6: Housing and Neighborhoods

- Missing Middle Housing: *"Within Portage, existing single-family or commercial lots can be utilized to accommodate multiple units while preserving the existing neighborhood identity. Consider permitting duplex and/or multiplex housing in some designated single-family zoning districts."*
- Housing Mismatch: *"To address the changing demographics and housing needs in Portage, it's recommended that the City focuses on diversifying housing options. Recent studies show significant growth in the 20-34 and 55+ age groups, with many renters seeking attached housing types like townhouses and walkups."* and *"amend the zoning code to allow a wider variety of housing as-of-right to minimize the reliance on Planned Development."*
- Aging in Place: *"Encourage a variety of housing types that anticipate future market demand and allow seniors to age in place. The variety of housing types should not be isolated but rather integrated into the fabric of the neighborhood."*
- Housing Affordability: *"Work with developers to encourage new housing based on findings from the 2024 Housing Market Study."*
- Neighborhood Character: *"Utilize subdivision regulations and design review to provide developers with the flexibility to cluster residential development in certain portions of a site, thereby leaving larger contiguous areas of wetlands, streams, tree stand, and other assets undisturbed."*
- New Growth: *"New Growth areas consist of new single-family areas primarily on the southeastern side of the City. These areas should continue to support the residential fabric of the City, providing housing options for families and new Portage residents. New residential areas should allow for traditional single-family homes as well as single-family attached units and accessory dwellings. These areas should allow for flexibility in lot size standards, allowing for more dense single-family areas."*

Chapter 7: Economic Development

- Conservation Design: *"Conservation design is an approach to land planning and development that prioritizes the preservation and enhancement of natural resources and ecological systems. Unlike conventional development practices that focus solely on maximizing building density and land use efficiency, conservation design seeks to minimize the environmental impact of development while promoting sustainability and biodiversity. This approach typically involves clustering development in designated areas while preserving large portions of land as open*

space, green corridors, or wildlife habitats. By integrating land use planning with ecological considerations, conservation design aims to create communities that are not only functional and aesthetically pleasing but also environmentally responsible and resilient."

Chapter 9: City Parks, Open Space, and the Environment

- Open Space and Natural Areas: *"Work to develop public/private partnerships to preserve wetlands and undeveloped spaces, and implement programs and facilities supporting the conservation, protection, and preservation of the natural environment" and*
- *"Facilitate preservation of sensitive environmental lands where appropriate and possible. Plan for long-range needs to develop existing city-owned land, expansion of existing park facilities, and acquire new park property. "*

It is therefore recommended that City Council, subsequent to the public hearing, consider any amendments, and approve Ordinance Amendment #25/26-3 to amend the Code of Ordinances of the City of Portage, Michigan by adopting the text of Chapter 44 Residential Unified Development Ordinance and amending corresponding text sections of Chapter 42 Land Development Regulations Article 4, 5, and 6.

FUNDING: Not Applicable

- Attachments:**
1. Residential UDO Approved to Form
 2. Proposed Zoning Map
 3. Article 5 Amendment Redline Strikeouts
 4. Chapter 44 & 42 Ord Amendment Redline Strikeouts
 5. Planning Commission Minutes 3.5.2026
 6. Planning Commission Minutes 3.19.2026
 7. Planning Commission Minutes 4.16.2026
 8. Public Comment _received 3.7.26
 9. Public Comment _received 3.12.26
 10. Public Comment _received 3.16.26
 11. Public Comment _received 3.18.26
 12. Public Comment _received 3.19.26
 13. Public Comment _received 4.3.26
 14. Public Comment _received 4.14.26
 15. Public Comment _received 4.15.26
 16. Public Comment _received at 4.16.26. PC Mtg
 17. Public Comment _received 4.30.26
 18. Public Comment _received 5.25.26
 19. Public Comment _received 6.10.26
 20. Public Comment _received 6.17.26
 21. 2026 06 23 Kalamazoo County Letter of Support

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES
ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF PORTAGE,
MICHIGAN

BY ADOPTING CHAPTER 44 RESIDENTIAL UNIFIED DEVELOPMENT ORDINANCE
AND AMENDING CORRESPONDING SECTIONS OF CHAPTER 42 LAND
DEVELOPMENT REGULATIONS ARTICLE 4, 5, AND 6.

THE CITY OF PORTAGE ORDAINS:

SECTION 1 That the City Council adopt Chapter 44 Residential Unified Development Ordinance, regulating and governing land use, dimension standards, development standards, and subdivision and condominium projects standards of all residential property, buildings and structures by providing standards to permit more housing types in all residential zones; enable smaller residential lots to support housing affordability and attainability; implement Master Plan goals; create a user-friendly code; simplify permitting process; and to repeal all Ordinances or parts of Ordinances in conflict herewith.

SECTION 2 Adoption of Chapter 44 Residential Unified Development Ordinance.

SECTION 3 Amendments to Chapter 42 Land Development Regulations.

The following sections of the City Code are amended and replaced by the adoption of Chapter 44 Residential Unified Development Ordinance.

CHAPTER 42 ARTICLE 4. ZONING

Sec. 42-135. Wireless telecommunications facilities and towers is amended to read as follows.

Sub-sections A through J: No change.

K. Separation:

1. Separation requirements shall apply to all towers as provided in Table I and Table II unless a waiver is granted by the planning commission under subsection X.
2. Separation from uses on adjacent lots or designated zoning districts:
 - a. Tower separation from uses on adjacent zoning lots or zoning districts as specified in Table I shall be measured from the base of the tower to the lot line of the off-site use or of the zoning district boundary, whichever provides greater separation.

- b. Separation requirements for towers shall comply with the minimum standards established in the Table I.

Table 1 - Setback and Separation Requirements for New Telecommunication Tower Construction					
District of Tower Location ¹	Special Land Use Required	Minimum Setbacks	Any Residential District or Use	OS-1, OTR, B-2, B-3, CPD, or P-1 Districts	I-1, I-2 Districts
RE, RN, RM, MHC PD ¹		Front: 30 ft. Side: 12 ft. Rear: 40 ft.	No separation requirements if alternative tower structure is utilized.		
RM, OS-1, OTR, B-1 ¹		Front: 30 ft. Side: 12 ft. Rear: 12 ft.			
B-2, B-3, CPD, P-1	Yes	Front: 30 ft. (except B-2—75 ft.) Side: 12 ft. Rear: 12 ft.	1,320 ft.	Greater of: 100 ft. or 100% of tower height	20% of tower height
			No separation requirements if alternative tower structure is utilized		
I-1, I-2		Front: 75 ft. Side/Rear: None; separation requirements only	200 ft.	Greater of: 100 ft. or 100% of tower height	20% of tower height
			No separation requirements if alternative tower structure is utilized.		

¹ Alternative tower structure required: Alternative design mounting structures that camouflage or conceal the presence of antennas and/or towers, see Section 42-135 C for definition.

Sub-sections L through X: No change.

Sec. 42-106. through Sec. 42-124.

No change.

DIVISION 4. ZONING DISTRICTS AND DISTRICT REGULATIONS²

Subdivision 1. Zoning Districts and Zoning Map

Sec. 42-160 Districts established is amended to read as follows.

For the purpose of this article, the city is hereby divided into the following districts:

Zoning Map Designation	District Title (See also Division 4, Subdivision 10)
OS-1	Office Service

²State law reference(s)—Density limits authorized, MCL 125.583; height, bulk and area regulations authorized, MCL 125.582.

B-1	Local Business
B-2	Community Business
B-3	General Business
CPD	Commercial Planned Development
OTR	Office Technology Research
I-1	Light Industrial
I-2	Heavy Industrial
P-1	Vehicular Parking
MHC	Manufactured Home Community
PD	Planned Development

(Ord. No. 03-01 (Exh. A, § 42-410), 2-18-2003; Ord. No. 19-04, 10-15-2019)

State law reference(s)—Zoning districts authorized, MCL 125.581.

Sec. 42-203. Special land uses is amended to read as follows.

The following uses may be allowed in a an attached residential district, R-1T, subject to the conditions imposed in this section for each use, and subject further, to the review and approval of the planning commission in accordance with the provisions of division 5, subdivision 1 of this article:

- A. Cemeteries.

(Ord. No. 03-01 (Exh. A, § 42-433), 2-18-2003)

State law reference(s)—Special uses authorized, MCL 125.584a.

Subdivision 5. OS-1 Office Service District

Sec. 42-240 through 42-259.

No change.

Subdivision 6. Business Districts

Sec. 42-260 through 42-279.

No change.

Subdivision 7. Industrial Districts

Sec. 42-280. through 42-299.

No change.

Subdivision 8. MHC Manufactured Home Community District

Sec. 42-303. Site development requirements is amended to read as follows.

A. Review and approval of preliminary plan.

1. A preliminary plan, showing the location, layout and general design and a general description of the project shall be prepared in accordance with the applicable requirements of Public Act No. 96 of 1987 (MCL 125.2301 et seq., MSA 19.855(101) et seq.), rules of the state manufactured home commission and the following requirements:
 - a. Five copies of the preliminary plans shall be submitted to the department of community development for distribution to the department of transportation and utilities department, fire department and department of streets and equipment.
 - b. The preliminary plans shall exhibit all necessary information and details to determine compliance with the rules promulgated by the state manufactured home commission and applicable state departments and agencies for the development of manufactured home parks, as well as to determine compliance with this article, with local fire ordinances and building codes.
2. The preliminary plan shall be at a scale of at least 100 feet to the inch and show:
 - a. The scale and north arrow;
 - b. The site location on a vicinity map which illustrates the site in relation to the surrounding area within one-half mile;
 - c. The total acreage to the nearest tenth of an acre;
 - d. The name and address of the owner, developer and engineer/site planner who prepared the plan;
 - e. Property and lot lines with dimensions;
 - f. Setback lines;
 - g. Topography at two-foot contours, showing present and proposed contours (United States Geological Survey data shall be used);
 - h. Existing and proposed utilities, including water, sewer, storm drains, electric and gas utilities;
 - i. Building locations and dimensions;
 - j. Manufactured home pads/sites;
 - k. The recreation area plan, if the developer intends to provide such recreation area;
 - l. The required open space area, with dimensions and total area;
 - m. A landscape plan showing walks, fences and screening;
 - n. Parking spaces and access drives with dimensions; and

- o. All public and private rights-of-way and easements bounding and intersecting the area and an indication of which are proposed to be continued, created, relocated and/or abandoned.
- 3. Preliminary plans submitted to the city shall be subject to review and approval by the planning commission. the commission shall approve, modify or disapprove the preliminary plans within 60 days of the date of submission of such plans to the department of community development. If the plans are not approved, modified or disapproved within the 60 days, the preliminary plans shall be deemed approved.

Secs. 42-304—42-319. Reserved. - Repeal

Subdivision 9. City Centre Mixed Use (CC-MU) District

Sec. 42-320 through 42-335.

No change.

Subdivision 10. Schedule of Regulations

Sec. 42-350. Schedule of regulations is amended to read as follows .

- A. Schedule of regulations: The following schedule sets forth regulations regarding building height, bulk, density and area for the zoning districts as indicated. Numbers in parentheses are footnotes and apply as explained.

Zoning District	Minimum Lot Area Per Dwelling Unit (Sq. ft.)/lot width in feet (1)			Maximum Building Height in feet	Height	Minimum Yard Setback in feet(2)			Minimum Floor Area Per Unit (sq. ft.)	Maximum Lot Coverage (20)
	With Sewer & Water	With Sewer or Water	Without Sewer & Water			Front	Side	Rear		
OS-1 Office Service	---	---	---	---	35(6)	27(9)	15(10)(4)	20(11)	---	---
OTR Office Technology Research	(12)	---	---	---	35(6)	50(13)	50(13) (14) (4)	50(13)	---	25%
B-1 Local Business	---	---	---	---	35(6)	27(9)	(10)(4)	20(11)	---	25%
B-2 Community Business	---	---	---	---	35(6)	75(9)(15)	(15)(4)	(11)(15)	---	---
B-3 General Business	---	---	---	---	35(6)	30(9)	(10)(4)	20(11)	---	---
CPD Commercial Planned Development	(16)	---	---	---	35(6)	(15)	(15)(4)	(11)(15)	---	25%
I-1 Light Industrial	---	---	---	---	40(6)	75(17)(18)	75(17)(19)(4)	(11)(17)(19)	---	---
I-2 Heavy Industrial	---	---	---	---	60(6)	100(17)(18)	100(17)(19) (4)	(11)(17)(19)	---	---
PD, Planned Development	See Division 4, Subdivision 11 for regulations pertaining to this zoning district									
P-1, Parking	See Division 4, Subdivision 14 for regulations pertaining to this zoning district									

- (9) Off-street parking may occupy a portion of the required front yard after approval of the parking plan layout and points of ingress and egress by the commission, provided that there is maintained a minimum unobstructed and landscaped setback of ten feet between the nearest point of the off-street parking area, exclusive of access driveways, and the nearest right-of-way line as indicated on the major thoroughfare plan.
- (10) No side yards are required along the interior side lot lines of the district, except as otherwise specified in the building code of the city (article 8, division 2 of this chapter), provided that if walls of structures facing such interior side lot lines contain windows or other openings, side yards of not less than ten feet shall be provided. On a corner lot which borders on a residential district, there shall be provided a setback of 27 feet on the side or residential street. On an exterior side yard abutting a residential district, there shall be provided a setback of 15 feet in width.
- (11) Off-street loading space shall be provided in the rear yard in the ratio of at least one space per each establishment and shall be provided in addition to any required off-street parking area. Off-street loading space shall further meet the requirements of division 6, subdivision 1.
- (12) The minimum land area requirements are as follows:
 - a. Minimum project area. The project area shall not be less than a ten-acre tract of land, which at the time of filing for approval as a unified form of land development is designated by its owner or developer as a tract to be used, developed or built upon as a unit under single ownership or control. This tract may include more than one lot of record recorded with the county register of deeds if the lots or parcels are contiguous. The council may approve a minimum project area of less than ten acres, upon application of the owner or developer, upon the finding by the council that the proposed development fulfills the intent of the district.
 - b. Minimum lot area. A lot or parcel intended for development within the project area shall not be less than two acres and must have a minimum width of 150 feet. The lot or parcel intended for development with the project shall be considered a zoning lot as defined by this article.
- (13) Off-street parking may occupy a portion of the side yard and rear yard only after approval of the parking layout and points of ingress and egress, provided that there is maintained a minimum unobstructed and landscaped setback of 25 feet between the nearest point of the off-street parking area, exclusive of access drives, and the nearest property line. Off-street parking is not permitted in the front yard.
- (14) No building, structure or use, including off-street parking, in this district shall be located closer than 50 feet to a residential district boundary.
- (15) No building shall be closer than 20 feet to the outer perimeter of the district when the adjacent property is zoned I-1, I-2, CPD, B-2 or B-3. In all other cases, no building shall be closer than 75 feet to the outer perimeter of the district. No building shall be located closer than 30 feet to a property line that abuts a private street.
- (16) Minimum lot area. A lot or parcel intended for development shall not be less than ten acres and must have a minimum width of 150 feet at the street right-of-way line. The lot or parcel intended for development shall be considered a zoning lot as defined by this article. The council may approve a minimum lot or parcel area of less than ten acres, upon application of the owner or developer, upon the finding by the council that the proposed development fulfills the intent of the district.
- (17) The front yard setback may be penetrated to within 50 feet of the road right-of-way with either parking or that portion of the use housing only offices. All yards abutting on a public street shall be considered as front yards for setback purposes.
- (18) In an industrial park setting, the minimum front yard setback shall be 30 feet when the yard abuts a local street internal to the industrial park setting.

- (19) Side yards as indicated shall be required when abutting a residential district. Interior side yards shall be equal to at least one-half the height of the structure, provided that in no instance shall the interior side yard be less than 12 feet. Notwithstanding any provision of this article, no structure in this district shall be located closer than 75 feet to a residential district boundary.

B.

Secs. 42-351—42-369. Reserved. Repeal

Subdivision 11. PD Planned Development District

Sec. 42-370 through 45-389.

No change.

Subdivision 12. OTR, Office, Technology And Research

Sec. 42-390 through 42-409.

No change.

Subdivision 13. CPD Commercial Planned Development District

Sec. 42-410 through 42-429.

No change.

Subdivision 14. P-1 Vehicular Parking District

Sec. 42-324 through 42-327.

No change.

Subdivision 15. CCA City Centre Area - Mixed Use Floating District

Sec. 42-434 through 42-438.

No change.

Subdivision 16. CCMU Commercial Corridor Mixed Use Floating District

Sec. 42-439 through 42-443.

No change.

Subdivision 17. Lake Center (LC) Corridor District

Sec. 42-444 through 42-459.

No change.

DIVISION 5. SPECIAL LAND USES AND SITE PLAN REVIEW

Subdivision 1. Special Land Uses

Sec. 42-354 through 42-373.

No change.

Subdivision 2. Site Plan Review

Sec. 42-374 through 42-403.

No change.

DIVISION 6. SITE DEVELOPMENT REQUIREMENTS

Subdivision 1. Off-Street Parking and Loading

Sec. 42-522. Loading facilities is amended to read as follows

- C. In a business district, when a planned commercial or shopping center with 100,000 GLA or more is to be developed, off-street loading space may be provided either in the rear yard or in a loading area in the front or side yard which is completely screened from view and separate from fire lanes and in a manner that will not obstruct the flow of traffic in the parking area.
- D. All loading spaces in an industrial district shall be provided in the following ratio of spaces to floor area:

GFA (sq. ft.)	Loading and Unloading Spaces Required
0 - 1,400	None
1,401 - 20,000	1 space
20,001 - 100,000	1 space plus 1 space for each additional 20,001 sq. ft. of UFA not exceeding 100,000 sq. ft. UFA
100,001 and over	5

- E. Off-street loading and unloading space in an industrial district may be provided in either the side or rear and/or outside of the required front yard, provided that it is separate from fire lanes, maneuvering lanes and parking areas and does not obstruct the flow of traffic in the parking area.

Sec. 42-523. Schedule of off-street parking requirements is amended to read as follows.

SCHEDULE OF OFF-STREET PARKING REQUIREMENTS

Use	Minimum # of Spaces	Remarks
Health facilities		
Hospitals	2 spaces per bed	—
Immediate medical care clinic	2/exam room plus 1/employee	
Private clubs and lodge halls	1/3 persons allowed within the maximum occupancy load	Maximum occupancy load established by local, county or state fire, building or health codes
Fraternities and sororities	1/5 permitted active members, or 1/2 beds (whichever is greater)	—
Stadiums, sports arenas or similar places or outdoor assembly	1/3 seats or 6 ft. of benches	—
Theaters and auditoriums	1/3 seats plus 1/2 employees	—
Planned commercial shopping centers in a business district with a GLA greater than 100,000 sq. ft.	4/1000 sq. ft. of GLA	—
Car washes (automatic)	1/employee plus stacking spaces equal to 5 times the maximum capacity of the car wash	Maximum capacity of the wash means the greatest number of vehicles possible undergoing some phase of washing at the same time. Determined by length of wash line (ft.)/20 ft.
Carwashes (self-service and/or coin-operated)	2 plus 1 for each employee and 1 for each vacuum station or similar area	—

Business and Commercial			
Beauty parlors or barbershops	3/first 2 chairs, plus 1½ for each additional chair	—	
Day spa	1/150 sq. ft. of UFA	—	
Bed and breakfasts	2 plus 1/guest room	—	
Bowling alleys	5/lane	—	
Dancehalls, pool or billiard parlors, roller or skating rinks, exhibition halls and assembly halls without fixed seats	1/3 persons allowed within the maximum occupancy load	Maximum occupancy load established by local, county or state fire, building or health codes	
Restaurants that provide waiter/waitress service to the table but no drive-thru or in-car service.	1/60 sq. ft. of UFA	—	
Fast food restaurants that provide for table areas inside and drive-thru service but do not provide waiter/waitress service to the table or in-car service.	1/40 sq. ft. of UFA plus 3 stacking spaces between the window and menu board and 3 stacking before the menu board	—	
Fast food restaurants that provide take-out service (walk-up window or drive-thru service) with no or limited inside table area.	1/25 sq. ft. of UFA plus 3 stacking spaces between the window and menu board and 3 stacking spaces before the menu board.	—	
Fast food restaurants that provide in-car service.	In addition to the parking space at each menu board, 1/each employee in the largest working shift.	—	
Furniture, appliance and household equipment repair shops; showrooms of plumbers, decorators, electricians or similar tradesmen; shoe repair; and other similar uses	1/800 sq. ft. of UFA; Floor area used in processing 1 additional/2 employees	—	
Auto repair facility	2/ stall, rack or pit plus 1/employee	—	
Vehicle fueling station	1/fuel nozzle plus 1/200 UFA of retail floor area	—	
Laundromats and coin-operated dry cleaners	1/2 machines	—	
Miniature and par 3 golf courses	3/hole plus 1/employee	—	
Mortuary establishments	1/50 sq. ft. of UFA	—	
Motels, hotels and other commercial lodging establishments	1/occupancy unit plus 1/employee	—	
Motor vehicle sales and service establishments	1/200 sq. ft. of UFA or sales room plus 1/auto service stall in service room.	—	
Retail stores, except as otherwise specified earlier	1/200 sq. ft. of UFA	—	

	Marijuana provisioning center, adult use retailer and/or microbusiness that provides drive-thru service	3 stacking spaces before the drive thru window	—	
Offices	Banks	1/200 sq. ft. of UFA plus 1/employee and 3 stacking spaces per drive-thru facility	—	
	Professional offices of doctors, dentists and similar professionals, clinics Business and professional offices, except as indicated in the previous use	1/150 sq. ft. of UFA	—	
Industrial Agricultural	Industrial and research establishments and related accessory offices	1/200 sq. ft. of UFA	—	
	Wholesale establishments and related accessory offices	5 plus 1½ per employee in largest work shift	—	
	General or specialized agriculture	5 plus 1/employee in largest work shift, or 1/1700 sq. ft. of UFA (whichever is greater)	—	
	Industrial agriculture		2 plus 1 per 1½ employees in largest work shift	Excludes seasonal workers
			5 plus 1 per 1½ employees in largest work shift	Excludes seasonal workers

Secs. 42-524 through 42-539.

No change.

Subdivision 2. Signs

Sec. 42-540 through 42-544

No change.

Sec. 42-545 is amended to read as follows. RE and RN districts.

In any RE and RN residential district:

A through D No Change.

Sec. 42-546 is amended to read as follows. RM districts.

In RM multifamily residential districts:

- A. For each dwelling unit, there is permitted one wall sign, not exceeding one square foot in area.
- B. For a rental or management office, there is permitted one wall sign, not exceeding two square feet in area.
- C. For a multifamily housing project, there is permitted one freestanding or wall sign, not exceeding 32 square feet in area per vehicular entrance, provided that such sign:
 - 1. Is at least ten feet from any property line; and
 - 2. Does not exceed ten feet in height.
- D. For a permitted use other than a dwelling unit, there is permitted one freestanding accessory sign, not exceeding one square foot for each two and one-half feet of lot frontage. The maximum size of the sign may not exceed 50 square feet in area, provided that such freestanding sign:
 - 1. Is at least ten feet from any property line; and
 - 2. Does not exceed ten feet in height.
- E. For a permitted use other than a dwelling unit, there is also permitted a wall sign or signs, the combined area of which does not exceed 15 percent of the total area of the wall to which the sign or signs are attached. The combined total of all wall signs shall not exceed 100 square feet.

Sec. 42-547 through 42-569.

No change.

Subdivision 3. Landscaping and Screening

Sec. 42-570 through 42-589.

No change.

Subdivision 4. Lighting Standards

Sec. 42-590 through 42-619.

No change.

DIVISION 7. ZONING BOARD OF APPEALS

Sec. 42-620 through 42-649.

No change.

DIVISION 8. ADMINISTRATION AND ENFORCEMENT

Sec. 42-650 through 42-710.

No change.

ARTICLE 5. SUBDIVISION AND LAND DIVISION REGULATIONS

DIVISION 1. GENERALLY

Sec. 42-713. Variances.

No change.

Sec. 42-715. Violations; penalties.

No change.

DIVISION 2. LAND DIVISION PROCEDURE

DIVISION 3. PLATTING PROCEDURE

Sec. 42-771 through 42-800.

No change.

DIVISION 4. REQUIRED IMPROVEMENTS AND DESIGN STANDARDS

Sec. 42-802. Nonresidential subdivisions is amended to read as follows.

Subdivisions intended to accommodate industrial and commercial development shall conform to at least the following minimum requirements in addition to requirements set forth by the council:

- (1) A nonresidential subdivision shall be subject to all of the requirements of this article, shall be specifically designed for such purposes and shall have adequate provision for off-street parking, setbacks and other requirements in accordance with article 4 of this chapter.
- (2) In addition to the principles and standards set forth in this article which are appropriate to the planning of all subdivisions, the applicant shall demonstrate that the street, parcel and block pattern proposed is suitable for the uses anticipated and takes into account other uses in the vicinity. The following general principles and standards shall be observed:
 - a. Proposed commercial or industrial parcels shall be suitable in area and dimensions to the types of commercial or industrial development anticipated.
 - b. Street rights-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereupon.
 - c. Special requirements may be imposed with respect to street, curb, gutter and sidewalk design and construction.
 - d. Special requirements may be imposed with respect to the installation of public utilities, including water, sewers and stormwater drainage.
 - e. Every effort shall be made to protect adjacent residential areas from a potential nuisance from a proposed commercial or industrial subdivision, including the provision of extra depth in parcels backing up on existing or potential residential development and provision for a permanently landscaped buffer strip when necessary.
 - f. Streets carrying nonresidential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or potential residential areas.

(Ord. No. 98-16, § 1226.09, 8-4-1998)

- (3) *Easements.*

***DIVISION 5. GUARANTEE OF CONSTRUCTION OF IMPROVEMENTS; PERMIT
RESTRICTIONS; IMPROVEMENT MAINTENANCE***

ARTICLE 6. CONDOMINIUM PROJECTS

DIVISION 1. GENERALLY

DIVISION 2. REVIEW PROCESS

Sec. 42-881. Preliminary investigation is amended to read as follows.

- (3) Investigate the relationship of the proposed plan with respect to major thoroughfares and plans for future widening of thoroughfares;
- (4) Investigate the standards for sewage disposal, water supply, erosion control and drainage and flood control of the city and the health standards of the county and the state; and
- (5) Review the applicable state law.

(Ord. No. 98-17, § 1231.01, 8-4-1998)

Sec. 42-882 through 42-900.

No change.

Remainder of ARTICLE 6 through ARTICLE 14:

No change.

CHAPTER 44 UNIFIED DEVELOPMENT ORDINANCE

ARTICLE 1 GENERAL PROVISIONS

Division 1.1 Title and Purposes

Sec. 1.1.1 Title and Purposes

Division 1.2 Authority, Jurisdiction, and Severability

Sec. 1.2.1 Authority, Jurisdiction, Compliance, and Applicability

Sec. 1.2.2 Severability

Division 1.3 Effect of UDO

Sec. 1.3.1 Enactment, Effective Date, Repeal

Sec. 1.3.2 Transitional Provisions and Vesting

Sec. 1.3.3 Abrogation and Conflicting Provisions

ARTICLE 2 ZONING DISTRICTS, DIMENSIONAL STANDARDS, AND LAND USES

Division 2.1 Zoning Districts Established and Official Zoning Maps.

Sec 2.1.1 Purpose

Sec 2.1.2 Zoning Districts Established

Sec. 2.1.3 Zoning Map

Sec. 2.1.4 Interpretation of District Boundaries

Sec. 2.1.5 Zoning of Annexed Areas

Sec. 2.1.6 Zoning of Vacated Areas

Division 2.2 Zoning Districts and Dimensional Standards

Sec. 2.2.1 General Provisions

Sec. 2.2.2 Residential District Dimensional Standards

Subsec. 2.2.2-A RE, Residential Estate District

Subsec. 2.2.2-B RN, Residential Neighborhood District

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Subsec. 2.2.2-D MHC, Manufactured Home Community

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Division 1.1 Title and Purposes

Sec. 1.1.1 Title and Purposes

- A. **Title.** These regulations shall be known and may be cited as the City of Portage, Michigan, Unified Development Ordinance.
- B. **Short Title.** References to "this Ordinance" or "this UDO" are interpreted as references to this Unified Development Ordinance.
- C. **Purposes.** This UDO is adopted to protect the public health, safety, and general welfare of the current and future residents of the City of Portage in accordance with the goals of the Master Plan. The provisions of this UDO are specifically intended to:
 1. *Public Health and Safety.* Protect public health and safety by:
 - a. Ensuring adequate provision of open space for light, air, and fire safety;
 - b. Promoting public safety from fire, flooding, and other natural and man-made disasters through appropriate subdivision and site design;
 - c. Providing for the proper arrangement of streets or highways to manage traffic and promote improved connectivity to better serve residents and businesses;
 - d. Promoting a balanced and efficient pattern of development by managing the density and intensity of land use, thereby preventing overcrowding and supporting a healthy, well-distributed population; and
 - e. Facilitating the adequate and safe provision of transportation, water, sewage, drainage, and other public requirements of the City.
 2. *Scenic and Environmental Significance.* Preserve and protect existing trees and vegetation, flood plains, stream corridors, and other areas of scenic and environmental significance from adverse impacts of land development by:

- a. Minimizing erosion, surface runoff, and sedimentation into streams and waterways through strategic vegetation and floodplain management;
 - b. Maintaining and enhance tree canopy;
 - c. Conserving wetlands, riparian buffers, and natural bodies of water;
 - d. Protecting wildlife corridors;
 - e. Reducing urban heat islands, noise, glare, dust, and air pollution through increased vegetation and tree cover; and
 - f. Preserving scenic views and open spaces by requiring and incentivizing open space in certain new subdivisions and promoting the orientation of lots toward these features.
3. *Quality of Life.* Protect the quality of life of city residents, business owners, employees, and visitors by:
 - a. Improving the city's appearance through the regulation of design, materials, layout, landscaping, etc., where such regulations are appropriate;
 - b. Maintaining and enhancing the community's distinct character;
 - c. Preserving the character and quality of residential neighborhoods;
 - d. Promoting a range of housing choices; and
 - e. Creating residential areas with strong neighborhood qualities including pedestrian-friendly streets, community gathering spaces, and basic commercial needs in close proximity.
 4. *Economic Development.* Promote the economic vitality of the city by:
 - a. Providing for the expansion and diversification of the economic base to assure a strong economy; and
 - b. Encourage economic opportunities, particularly those that have meaningful multiplier effects on the local economy, by promoting the highest and best use of land and vitality and development of resilient commercial, mixed-use, and industrial districts.
 5. *Fiscal and Functional Health.* Protect the fiscal and functional health of the City by:
 - a. Establishing and maintaining zoning districts in order to protect the property rights of all individuals by assuring the compatibility and efficient relationships of uses and practices within districts;
 - b. Promoting orderly, efficient, and appropriate development of land;
 - c. Encouraging infill development to make efficient use of existing public infrastructure;
 - d. Facilitating greenfield development to capitalize on valued natural features;
 - e. Promoting a balanced supply of residential, commercial, and industrial land uses that are compatible with adjacent land uses and have good transportation access; and
 - f. Securing economy in government and private sector expenditures by promoting efficiency in development review.
 6. *Clear Regulations and Processes.* Provide transparent regulations and review procedures for development and outline the duties and powers of responsible administrative, elected, and appointed review bodies to maintain public trust.

Division 1.2 Authority, Jurisdiction, and Severability

Sec. 1.2.1 Authority, Jurisdiction, Compliance, and Applicability

- A. **Authority.** The City Council adopts this UDO pursuant to:

1. *State Statues.* The authority granted by the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended, Michigan Condominium Act, Public Act 59 of 1978, as amended, and Michigan Land Division Act, Public Act 288 of 1967, as amended.
 2. *Charter.* The provisions of the [Charter in the Code of Ordinances](#) of the City of Portage.
- B. **Jurisdiction.** All provisions of this UDO shall apply to all land within the City limits, unless otherwise specifically stated in this UDO.
- C. **Compliance.** All persons shall comply with all technical specifications promulgated by the City. All development shall comply to all applicable building, electrical, plumbing, fire prevention, energy conservation and other similar codes which are or may be adopted by the City, and with applicable federal or state standards or regulations for construction. Appropriate evidence of compliance with these standards or regulations shall be provided to the building inspector. Further, all development shall meet all standards in this UDO.
- D. **Applicability.** No building or structure may be constructed, altered, or used unless it complies with this UDO and comply with the following:
1. *Consistency with the Master Plan.* The administration, enforcement, and amendment of this UDO should be consistent with the City of Portage Master Plan, as amended and herein referred to as the "Master Plan." Amendments to this UDO should maintain and enhance the consistency between this UDO and the Master Plan.
 2. *Permits Required.* Permits or certificates issued on the basis of plans and applications approved by the agency having jurisdiction authorize only the use and arrangement set forth in such approved plans and applications and no other use, arrangement, or construction. Any other use, arrangement, or construction, or failure to obtain an appropriate permit, certificate, or inspection, shall be deemed to be a violation of this UDO, punishable under Chapter 42, Article 4, [Division 8](#), Administration and Enforcement.
 3. *Sale of Land in a Subdivision.* No lot, tract, or parcel of land within any subdivision or any development constituting a subdivision under [Michigan Land Division Act 288 of 1967](#) shall be offered for sale, nor shall any sale or contract for sale which is intended to be recorded with the applicable county have any validity, until such subdivision, together with the plans for the improvements thereto, has been properly reviewed and officially approved by the City. This regulation is not intended to prohibit the sale of unplatted land for purposes of ownership changes or new developer acquisition.
 4. *Restoration and Repair of Unsafe Buildings.* Except as provided in Sec. 42-133. Nonconforming Lots, Buildings, Structures, and Uses, nothing contained in this UDO shall prevent the strengthening, repair, or restoring to a safe condition any part of any building or structure declared unsafe by the proper authority.
 5. *Burden of Proof.* The burden of, demonstrating that an application or any development subject to this UDO complies with applicable review and approval standards is on the applicant. The burden is not on the City or other parties to show that the standards have been met by the applicant or person responsible for the development.

Sec. 1.2.2 Severability

- A. **Generally.** If a court of competent jurisdiction holds any provision of this UDO for any reason illegal, invalid, or unenforceable, the same shall not be construed to affect any other valid portion hereof, and the remainder of this UDO shall not be affected and shall remain in full force and effect.
- B. **As-Applied.** If a court of competent jurisdiction holds any application of a provision of this UDO to a particular structure, land, or body of water to be illegal or invalid "as-applied," such decision shall not apply to any other structure, land, or body of water not specifically included in the judgment.

Division 1.3 Effect of UDO

Sec. 1.3.1 Enactment, Effective Date, Repeal

- A. **Enactment and Repeal.** The enactment of this UDO shall repeal and replace corresponding sections of Article 4, Article 5, and Article 6 of Chapter 42, Land Development Regulations, of the Code of Ordinances of Portage, in place prior to the effective date of this UDO. All other Articles within Chapter 42 not listed remain in effect.
- B. **Effective Date.** This UDO shall be effective 15 days after publication, which shall be the date when this UDO enters into the full force of law.

Sec. 1.3.2 Transitional Provisions and Vesting

- A. **General.** In accordance with Michigan Zoning Enabling Act, Public Act 110 of 2006, it is the City's intent to acknowledge approved development applications that were addressed in the adopted regulatory documents that pre-date this UDO, as amended.
- B. **Development Approvals that Predate the Zoning Ordinance.**
 - 1. *Generally.* Development applications submitted prior to the effective date of this UDO may be carried out within the scope of the development approval, including applicable standards in effect at the time of approval, provided that the approval is valid and has not expired.
 - 2. *Duration of Approvals.* Development approvals that are valid on the effective date of this UDO are valid until the expiration date in the approval documents or prior regulations.
- C. **Pending Applications.**
 - 1. *Generally.* Except as provided in Paragraph 2, below, each development application shall be evaluated in accordance with the adopted regulatory documents in effect at the time that each complete application is submitted.
 - 2. *Expired Applications.* Pending development applications that the applicant does not pursue with diligence may expire.
- D. **Vested Rights.** Nothing in this article shall be interpreted or construed to give rise to permanent vested rights in the continuation of any particular use, district, zoning classification or permissible activity therein, and they are hereby declared to be subject to such subsequent amendment, change or modification as may be necessary to the preservation or protection of the public health, safety and welfare.
- E. **Construction of Statutory Terms.** Terms in the Michigan Planning Enabling Act, Public Act 33 of 2008, as amended, shall be construed in harmony with this chapter and the customary meanings of words and terms therein as such words and terms may be applied in fulfilling the purpose of such act in the city. Except as otherwise provided in the Michigan Planning Enabling Act, Public Act 33 of 2008, as amended, this chapter shall be controlling in the case of any inconsistencies between this UDO and an ordinance adopted under any other act.

Sec. 1.3.3 Abrogation and Conflicting Provisions

- A. **Minimum Requirements.** In its interpretation and application, the provisions of this article shall be held to be minimum requirements adopted for the promotion of public health, safety, or general welfare.
- B. **Abrogation.** This article is not intended to repeal, abrogate, annul or in any way impair or interfere with any existing provision of law or ordinance, other than the prior zoning code of the City, or with any rule, regulation

or permit previously adopted or issued or which shall be adopted or issued pursuant to the law relating to the use of buildings or premises.

- C. **Conflicting Provisions.** Should any part of this article conflict with any other part of this article, the more restrictive of the conflicting language shall apply. In these cases, the Zoning Board of Appeals shall, if requested, resolve the conflict under the provisions of Chapter 42, Article 4, Division 7. Zoning Board of Appeals, Interpretations. The Planning Commission and City Council may also resolve the conflict by an amendment to this article under the provisions of amendments to this article.

ARTICLE 2 ZONING DISTRICTS, DIMENSIONAL STANDARDS, AND LAND USES

Division 2.1 Zoning Districts Established and Official Zoning Maps.

Sec 2.1.1 Purpose

Sec 2.1.2 Zoning Districts Established

Sec. 2.1.3 Zoning Map

Sec. 2.1.4 Interpretation of District Boundaries

Sec. 2.1.5 Zoning of Annexed Areas

Sec. 2.1.6 Zoning of Vacated Areas

Division 2.2 Zoning Districts and Dimensional Standards

Sec. 2.2.1 General Provisions

Sec. 2.2.2 Residential District Dimensional Standards

Sec. 2.2.3 Mixed Use District Dimensional Standards [Reserved.]

Sec. 2.2.4 Nonresidential District Dimensional Standards [Reserved.]

Sec. 2.2.5 Special Purpose and Overlay District [Reserved.]

Sec. 2.2.6 Neighborhood Types

Sec. 2.2.7 Open Space and Amenity Types

Division 2.3 Land Use Standards

Sec. 2.3.1 Land Use Table

Sec. 2.3.2 Limited Use Standards

Sec. 2.3.3 Special Land Use Standards

Sec. 2.3.4 Accessory Uses, Buildings, and Structures

Sec. 2.3.5 Temporary Use Standards

Sec. 2.3.6 Wireless Telecommunications and Towers [Reserved.]

Sec. 2.3.7 Home Occupations

Sec. 2.3.8 Residential Building Encroachments

Division 2.4 Measurements

Sec. 2.4.1 Measurements

Division 2.1 Zoning Districts Established and Official Zoning Maps.

Sec 2.1.1 Purpose

This section establishes the City's zoning districts and describes the general characteristics of land use and development in each district. Also included are the future land use classifications from the Master Plan that are implemented by each zone as well as the former zoning district designations that the City repealed and replaced on the effective date of this UDO. The zoning districts are shown on the Zoning Map, which is established in Sec. 2.1.3, *Zoning Map*.

Sec 2.1.2 Zoning Districts Established

Table 2.1.2-1 Zoning Districts			
Future Land Use Classification	Zoning District	Description	Former Zone District Designations
Residential Districts			
	Residential Estate (RE)	The RE District accommodates suburban and exurban neighborhoods and settings that feature large residential lots occupied by single-unit detached dwellings having limited or full public utilities. Public and civic uses are permitted to support the residential character of the district.	R-1C, R-1D
Single-Family Residential	Residential Neighborhood District (RN)	The RN District supports low- to medium-density suburban development, primarily consisting single-unit detached dwellings having limited or full public utilities. A diversity of housing types, including two-unit attached, multiplexes, and townhouses may be permitted on a limited basis with design and use standards in infill and new development except for lakefront properties. The district promotes open space and community connectivity through conservation neighborhood design.	R-1A, R-1B
	Manufactured-Home Community (MHC)	The MHC District is intended to provide safe, well-designed manufactured home communities as a viable and affordable housing option in the City of Portage and maintain consistency with MCL Act 96 of 1987, The Mobile Home Commission Act. It establishes location and design standards to protect	MHC

Table 2.1.2-1 Zoning Districts

Future Land Use Classification	Zoning District	Description	Former Zone District Designations
Mixed Residential	Residential Mixed (RM)	<p>residents, prevent displacement, and ensure compatibility with surrounding neighborhoods and land uses.</p> <p>The RM District features medium- to high-intensity residential development with a mix of single-unit detached, two-unit attached, townhouse, multiplex, and multi-unit dwellings. Community amenities and open spaces connect to existing parks and open spaces where possible. Neighborhood-scale nonresidential uses are encouraged in close proximity for the convenience of nearby residents.</p>	R-IT, RM-1, RM-2
Mixed Use Districts [Reserved.]			
Nonresidential Districts [Reserved.]			
Planned Development Districts [Reserved.]			

Sec. 2.1.3 Zoning Map

- A. The boundaries of the districts listed in Sec. 2.1.2, *Zoning Districts Established*, are hereby established as shown on the zoning map, which, with all notations, references and other information shown thereon, shall be a part of this article as if fully described in this article.
- B. The zoning map shall be identified by the signature of the mayor, attested by the City Clerk, and bearing the seal of the City under the following words: "This is to certify that this is the Official Zoning Map referred to Sec. 2.1.3 of the City [date of adoption]."
- C. If, in accordance with this article, changes are made in district boundaries or other matter portrayed on the zoning map, together with an entry on the map as follows: "On [date], by official action of City Council the following change(s) were made [brief description with reference number to Council proceedings]."
- D. Two copies of the Zoning Map are to be maintained and kept up to date, one in the Department of Community Development and one in the office of the City Clerk, which copy shall be accessible to the public. The zoning map and any adopted amending ordinances shall be considered as evidence of the current adopted zoning status of lands, buildings and other structures in the City.

Sec. 2.1.4 Interpretation of District Boundaries

- A. **Interpretation Rules.** Where uncertainty exists with respect to the boundaries of the various districts as shown on the zoning map, the rules of this section shall apply. Boundaries indicated as:

1. Approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines.
 2. Approximately following platted lot lines shall be construed to follow such lot lines.
 3. Approximately following City limits shall be construed as following City limits.
 4. Following railroad lines shall be construed to be midway between the main tracks.
 5. Following shorelines shall be construed to follow such shorelines and, in the event of a change in a shoreline, shall be construed as moving with the actual shoreline. Boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such centerlines.
 6. Parallel to, or extensions of features mentioned in Paragraphs A.1 through A.5 of this section, shall be so construed.
- B. **Map Scale.** The scale of the map shall be used to determine distances not specifically indicated on the zoning map.
- C. **Discrepancies.** Where physical or natural features existing on the ground are at variance with those shown on the zoning map, or in other circumstances not covered by Paragraphs A.1 through A.6 of this section, the Director shall interpret the district boundaries.

Sec. 2.1.5 Zoning of Annexed Areas

Whenever any area is annexed to the city, one of the following conditions shall apply:

- A. Land that is zoned previous to annexation shall be classified as being in whichever district established by this UDO that most closely conforms with the zoning that existed prior to annexation, such classification to be recommended by the Planning Commission to the City Council. The City Council shall approve the classification by resolution.
- B. Land not zoned prior to annexation shall be classified into whichever district established by this UDO that most closely conforms with the existing use of the annexed area, or, in the case of vacant land, in accordance with the master plan. The Planning Commission shall recommend the appropriate zoning district for such area within three months after the matter is referred to by the City Council.

Sec. 2.1.6 Zoning of Vacated Areas

When the City Council officially vacates a street, alley, or other public path, the land that was part of it becomes part of the adjoining properties. From that point on, the land will automatically follow the same zoning rules as the land it joins, without the City Council needing to take any further action.

Division 2.2 Zoning Districts and Dimensional Standards

Article 2 Zoning Districts, Dimensional Standards, and Land Uses

Division 2.2 Zoning Districts and Dimensional Standards

Sec. 2.2.1 General Provisions

Sec. 2.2.2 Residential District Dimensional Standards

Subsec. 2.2.2-A RE, Residential Estate District

Subsec. 2.2.2-B RN, Residential Neighborhood District

Subsec. 2.2.2-C RM, Residential Mixed District

Subsec. 2.2.2-D MHC, Manufactured Home Community

Sec. 2.2.3 Mixed Use District Dimensional Standards [Reserved.]

Subsec. 2.2.3-A General Standards for All Mixed-Use Districts [Reserved.]

Subsec. 2.2.3-B LC, Lake Center [Reserved.]

Subsec. 2.2.3-C MU, Mixed Use [Reserved.]

Subsec. 2.2.3-D CC, City Centre [Reserved.]

Subsec. 2.2.3-E CR, Crossroads [Reserved.]

Sec. 2.2.4 Nonresidential District Dimensional Standards [Reserved.]

Subsec. 2.2.4-A NC, Neighborhood Commercial [Reserved.]

Subsec. 2.2.4-B GC, General Commercial [Reserved.]

Subsec. 2.2.4-C LI, Light Industrial [Reserved.]

Subsec. 2.2.4-D HI, Heavy Industrial [Reserved.]

Sec. 2.2.5 Special Purpose and Overlay District [Reserved.]

Subsec. 2.2.5-A PUD, Planned Unit Development [Reserved.]

Subsec. 2.2.5-B Parks District. [Reserved.]

Subsec. 2.2.5-C Airport Overlay District. [Reserved.]

Sec. 2.2.6 Neighborhood Types

Sec. 2.2.7 Open Space and Amenity Types

Sec. 2.2.1 General Provisions

A. Principal Uses and Main Buildings.

1. Not more than one principal use shall be allowed on a lot of record zoned for single-unit dwelling purposes.
2. If a zoning lot or lot of record (not zoned for single-unit dwelling) contains a legal nonconforming use, no additional principal use is allowed on that lot.

B. Essential Services. Essential services serving the City are permitted as authorized and regulated by law and other ordinances of the City.

C. Voting Places. This article shall not be so construed as to interfere with the temporary use of any property as a voting place in connection with a municipal or other public election.

D. Nonconformities. See Sec. 42-133, Nonconforming Lots, Uses, and Structures regarding nonconforming lot area and lot width.

Sec. 2.2.2 Residential District Dimensional Standards

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Article 2 Zoning Districts, Dimensional Standards, and Land Uses

Division 2.2 Zoning Districts and Dimensional Standards

Sec. 2.2.2 Residential District Dimensional Standards

Subsec. 2.2.2-A RE, Residential Estate District

Subsec. 2.2.2-B RN, Residential Neighborhood District

Subsec. 2.2.2-C RM, Residential Mixed District

Subsec. 2.2.2-D MHC, Manufactured Home Community

Sec. 2.2.2 Residential District Dimensional Standards

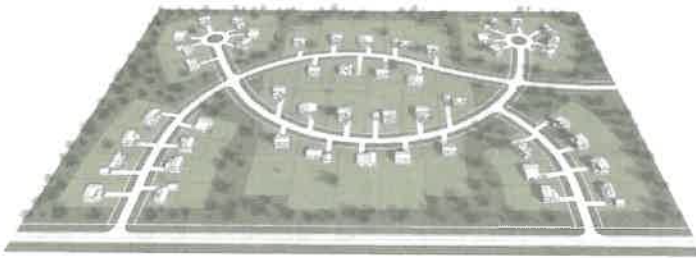
General Provisions. Parcels existing within the RE and RN districts as of the date of this UDO, will be classified and future development shall meet Conventional Option development standards of the underlying zoning district, except existing Plan Developments and Commercial Plan Developments.

Accessory Dwelling Units regulations and dimensional standards are provided in Sec 2.3.4 *Accessory Use, Building, and Structures*.

Subsec. 2.2.2-A RE, Residential Estate District

- A. **Purpose.** The purpose of the Residential Estate (RE) district is to accommodate larger, estate-sized housing units in a rural setting. This district is predominantly allocated for detached single-unit residential developments of low density, with the possibility of including an accessory dwelling unit.

Figure 2.2.2-A-1, RE District Illustrative Development Pattern



Conventional Option

Conservation Option

- B. **Land Uses.** The permitted by-right (P), limited use (L), special land use (S), and prohibited uses are set out in [Sec. 2.3.1, Land Use Table](#).
- C. **Dimensional Standards and Illustrations.** The applicable dimensional standards for the RE district are outlined in [Table 2.2.2-A-1, RE Dimensional Standards](#), and additional development standards are provided in [Table 2.2.2-A-2, RE References to Related Standards](#).
- D. **Review Procedures.**
 1. Applications for a Conventional Option in the RE district shall be reviewed according to procedures in Chapter 42, Article 5, Subdivision and Land Regulations or Chapter 42, Article 6, Condominium Projects.
 2. Applications for a Conservation Option in the RE district shall be reviewed according to procedures in Chapter 42, Article 6, Condominium Projects.

Table 2.2.2-A-1, RE Dimensional Standards

Single-Unit Detached



	Conventional	Conservation⁹
Lot		
A Lot Area Per Dwelling Unit (minimum)^{1,6}	12,000/ 15,000 SF	9,600 SF
B Lot Width (minimum)^{1,6,8}	100 ft.	80 ft.
C Building Coverage (maximum)	30%	30%

Table 2.2.2-A-1, RE Dimensional Standards

Open Space (minimum)²	N/A	15%
Principal Building		
Setbacks (minimum)⁶		
D - Front ⁴	30 ft.	30 ft.
E - Side	12 ft.	10 ft.
F - Rear	40 ft.	30 ft.
G Height/Stories (maximum)⁵	30 ft./ 3 stories	30 ft./ 3 stories
Minimum Floor Area (All Options)		
1 Story		1,000 SF
2 Story ⁷		1,400 SF
Accessory Structures		
Setbacks (minimum)³		
- Front		Shall meet same setback as principal building setback.
- Side		5 ft.
- Rear		5 ft.
Height of Structure (maximum)		16 ft.

Table Notes:

1. Parcels without water or sewer service shall have a minimum lot size of 15,000 sq. ft. and minimum lot width of 100 feet.
2. The open space percentage applies to the entire conservation development, not individual lot. See *Sec. 2.2.7, Open and Amenity Types*, for open space and amenity standards.
3. Accessory structures on lakefront lots shall not be closer than 10 feet to any side property line nor three feet to the rear property line.
4. The side yard facing the street shall not be less than the minimum front yard of the district in which it is located, unless otherwise permitted in this article.
5. Building height is measured by roofline type. See *Sec. 2.4.1, Measurement* for guidance on height measurement. The number of stories and maximum height of any residential structure on lots of 80 feet or more in width shall not exceed three stories and 40 feet in height.
6. Parcels not meeting required minimum lot dimensions and yard setbacks may be buildable under *Sec. 3.2.2, Residential infill in Existing Neighborhoods*.
7. An upper floor living space including a loft of a dwelling unit shall be counted as an additional floor area for building height and minimum floor area purposes. The total square footage for a tri-level or bi-level shall equal at least the minimum square footage requirement for a two-story residence in the same district.
8. All street frontages of corner lot shall be 20 feet greater than minimum requirement in RE. Ratio of lot depth to width must meet Land Division Act requirements.
9. Conservation developments without land divisions such as condominiums and single-deed projects shall show how each dwelling unit meets the district's dimensional standards by using conceptual property lines.

Table 2.2.2-A-2, RE References to Related Standards

Standard Topic	Location in UDO
Accessory Uses and Structures	Sec. 2.3.4
Building and Site Design	Div. 3.2
Floodplain Management	Art. 8, Sec. 42-995
Landscaping, Screening, and Trees	Div. 3.4

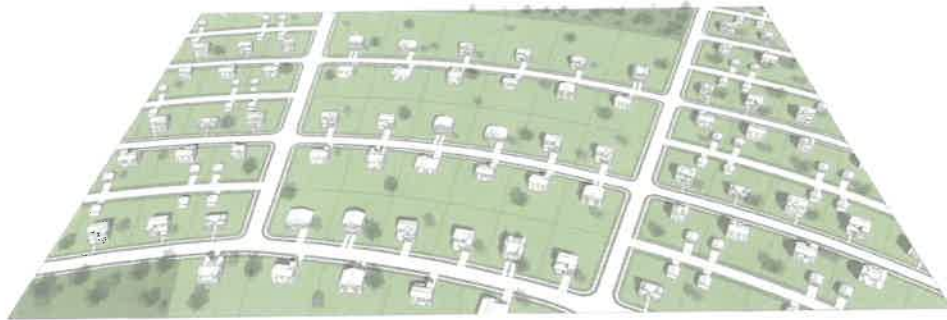
Table 2.2.2-A-2, RE References to Related Standards

Standard Topic	Location in UDO
Driveways	Sec. 3.2.3
Open Space and Amenity Types	Sec. 2.2.7
Parking, Loading, and Circulation	Div. 3.3
Signs	Div. 3.6
Limited Use Standards	Sec. 2.3.2
Special Land Use Standards	Sec. 2.3.3
Neighborhood Types	Sec. 2.2.6
Measurements	Div. 2.4
Subdivision and Condominium Projects Standards	Art. 4
Residential Building Encroachments	Div. 2.3.8

Subsec. 2.2.2-B RN, Residential Neighborhood District

- A. **Purpose.** The RN, Residential District supports new development, including infill development, primarily consisting of detached single-unit dwellings and a limited amount of two-unit attached dwellings, townhouses, and multiplex dwellings. The district encourages open space and community connectivity through conservation neighborhood design. All lots are served by the public water and sewer system.

Figure 2.2.2-B-1, RN District Illustrative Development Pattern



Conventional Option

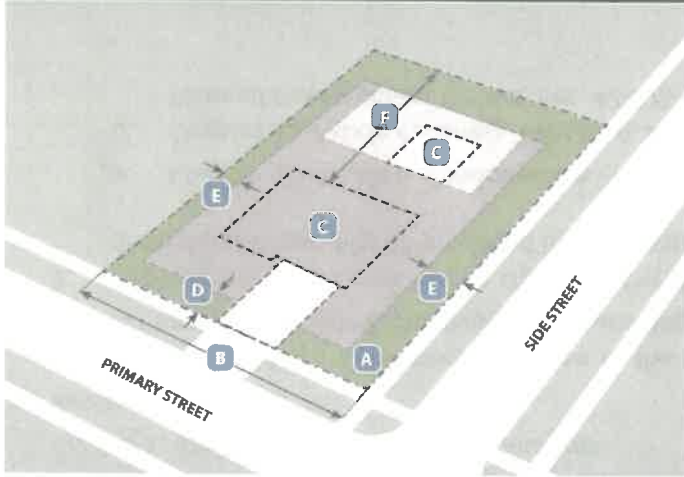


Conservation Option

- B. **Land Uses.** The permitted by-right (P), limited use (L), special land use (S), and prohibited uses are set out in Sec. 2.3.1, *Land Use Table*.
- E. **Dimensional Standards and Illustrations.** The applicable dimensional standards for the RN district are outlined in Table 2.2.2-B-1, *RN Dimensional Standards*, and additional development standards are provided in Table 2.2.2-B-2, *RN References to Related Standards*.
- C. **Review Procedures.**
1. Applications for a Conventional Option in the RN district shall be reviewed according to procedures in Chapter 42, Article 6, Subdivision and Land Regulations or Chapter 42, Article 6, Condominium Projects.
 2. Applications for a Conservation Option in the RN district shall be reviewed using one of the following procedures depending on proposed housing types:
 - a. Chapter 42, Article 6, Condominium Projects.
 - b. Chapter 42, Article 4. Zoning, Division 4. Zoning Districts and District Regulations, Subdivision 11. PD Planned Development District, Sec. 42-375. Plan review and approval, A. - E. and G. - M.

Table 2.2.2-B-1, RN, Residential Neighborhood Dimensional Standards

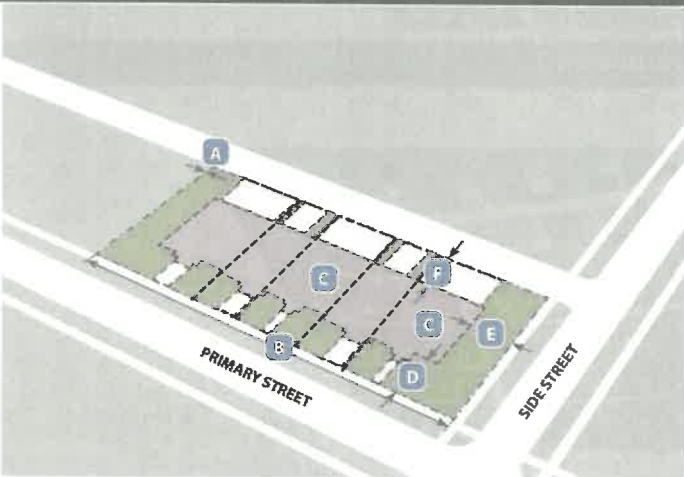
Single-Unit Detached



Two-Unit Attached



Townhouse



Multiplex



Key		Conventional Option	Conservation ¹⁰ Option
Standard			
Lot Area Per Dwelling Unit (minimum)			
A	- Single-Unit Detached ⁶	7,000 SF	5,000 SF
	- Two-Unit Attached ⁶	5,000 SF	4,500 SF
	- Townhouse	N/A	2,250/3,150 SF
	- Multiplex	N/A	1,800 SF
Lot Width (minimum)⁵			
B	- Single-Unit Detached ⁶	60 ft.	50 ft.
	- Two-Unit Attached ⁶	50 ft.	50 ft.
	- Townhouse	N/A	N/A
	- Multiplex	N/A	N/A
Building Coverage (maximum)			
C	- Single-Unit Detached	Lakefront 30% ⁹ ; Others 40%	60%
	- Two-Unit Attached	50%	60%
	- Townhouse	N/A	60%
	- Multiplex	N/A	60%
Open Space (minimum)¹		N/A	15%/20%
Principal Building			
Setbacks (minimum)⁶			
D	- Front ²	27 ft.	25 ft./15ft. ¹¹
E	- Side ⁵	8 ft.	0 ft/8 ft.
F	- Rear	40 ft.	25 ft.
G	Height (maximum)⁴	30 ft.	30 ft.
Minimum Floor Area			
	1 Story	1,000 SF	1,000 SF
	2 Story ⁷	1,400 SF	1,400 SF
	Multiplex		1 br = 500 SF 2 br = 700 SF 3 br = 900 SF

Accessory Structure⁸

Setbacks (minimum)³

- Front	Shall meet same setback as principal structure
- Side	5 ft.
- Rear	5 ft.

Height (maximum)

16 ft.

Table Notes: ft = feet; SF = square feet; br = bedroom; N/A = Not Applicable

1. The open space percentage applies to the entire conservation development, not individual lot. 15% min. open space when amenities are provided, all others require min. 20% Open Space area.
2. The side yard facing the street shall be the same as the minimum front yard setback of the district in which it is located, unless otherwise permitted in this article.
3. Accessory structures on lakefront lots shall not be closer than 10 feet to any side property line and three feet to the rear property line.
4. Building height is measured by roofline type. See [Sec. 2.4.1, Measurements](#), for guidance on height measurement. The number of stories and maximum height of any residential structure on lots of 80 feet or more in width shall not exceed three stories and 40 feet in height.
5. All street frontages of corner lot shall be 20 feet greater than minimum requirement in RN. Ratio of lot depth to width must meet Land Division Act requirements.
6. Parcels not meeting required minimum lot dimensions and yard setbacks may be buildable under [Sec. 3.2.2, Residential infill in Existing Neighborhoods](#).
7. An upper floor living space including a loft of a dwelling unit shall be counted as an additional floor area for building height and minimum floor area purposes. The total square footage for a tri-level or bi-level shall equal at least the minimum square footage requirement for a two-story residence in the same district.
8. Recreation or meeting facilities accessory to the development shall meet the setback requirements applicable to main buildings for the district.
9. When lot coverage exceeds 25 percent, the property owner shall submit a drainage plan prepared, signed, and sealed by a Professional Engineer licensed in the State of Michigan demonstrating that runoff from all impervious surface is retained and infiltrated on-site and/or discharged to surface water in accordance with applicable EGLE (Michigan Department of Environment, Great Lakes, and Energy) requirements.
10. Conservation developments without land divisions such as condominiums and single-deed projects shall show how each dwelling unit meets the district's dimensional standards by using conceptual property lines.
11. Front yard setback is min. 15 ft. when driveway and garage are located in rear yard and only accessible via alley.

E. **References to Related Standards.** Table 2.2.2-B-2 provides the locations in the UDO for related provisions but is not meant to be an exhaustive list of all applicable requirements of this UDO.

Table 2.2.2-B-2, RN References to Related Standards

Standard Topic	Location in UDO
Accessory Uses, Buildings, and Structures	Sec. 2.3.4
Building and Site Design	Div. 3.2
Floodplain Management	Art. 8, Sec. 42-995
Landscaping, Screening, and Trees	Div. 3.4
Driveways	Sec. 3.2.3
Open Space and Amenities	Sec. 2.2.7
Parking, Loading, and Circulation	Div. 3.3
Signs	Div. 3.6
Residential Building Encroachments	Sec. 2.3.8
Limited Use Standards	Sec. 2.3.2

Table 2.2.2-B-2, RN References to Related Standards

Standard Topic	Location in UDO
Special Land Use Standards	Sec. 2.3.3
Neighborhood Types	Sec. 2.2.6
Subdivision and Condominium Projects Standards	Art. 4
Measurements	Div. 2.4

Subsec. 2.2.2-C RM, Residential Mixed District

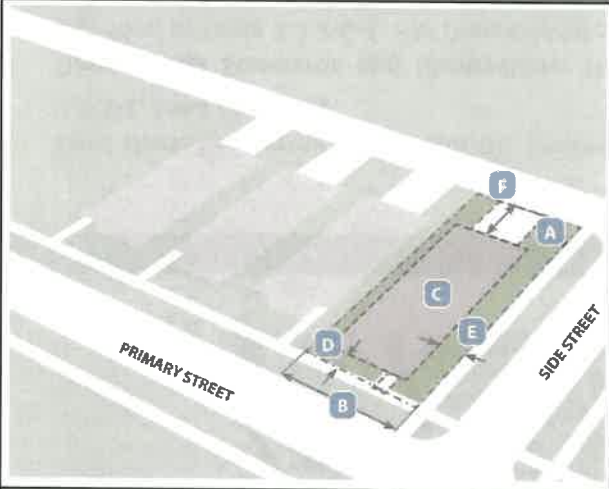

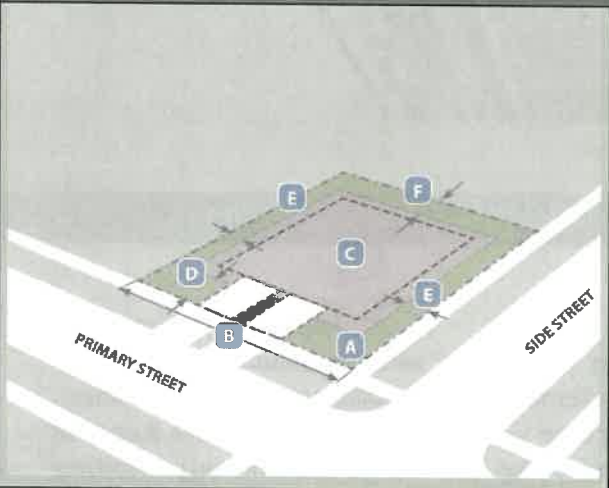

- A. **Purpose.** The purpose of the RM, Residential Mixed District is to provide a variety of housing types, including single-unit detached, two-unit attached, townhouses, multiplexes, and multi-unit dwellings. Open space and community amenities are encouraged with an emphasis on creating connections to parks, trails, and sensitive environmental areas. Public and civic uses are permitted to support the primarily residential character of the district.

Figure 2.2.2-C-1, RM District Illustrative Development Pattern



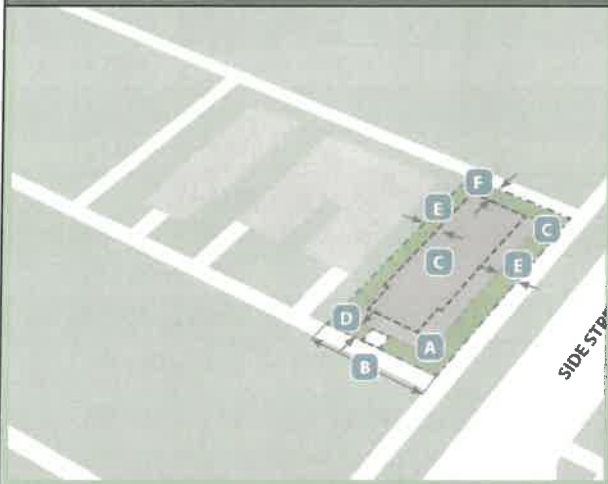
- B. **Land Uses.** The permitted by-right (P), limited use (L), special land use (S), and prohibited uses are in Table 2.3.1-1, *Land Use Table*.
- C. **Dimensional Standards and Illustrations.** The applicable dimensional standards for the RM district are provided in Table 2.2.2-C-1, *RM Dimensional Standards*, and additional development standards are provided in Table 2.2.2-C-2, *RM References to Related Standards*.
- D. **Development Siting Design.** All new multi-plex and multi-unit buildings in the RM shall meet the following standards:
1. Located at front average setback as abutting primary buildings, but not greater than 30 feet setback.
 2. Building's entrance shall consist of a street facing porch.
 3. Provide a connecting sidewalk between the building's porch and street sidewalk.
 4. Parking areas cannot be located between the building and any street.

- E. **Review Procedures.** Applications for development in the RM district shall be reviewed according to procedures in Article 4. Zoning, Division 5. Subdivision 2. Site Plan.

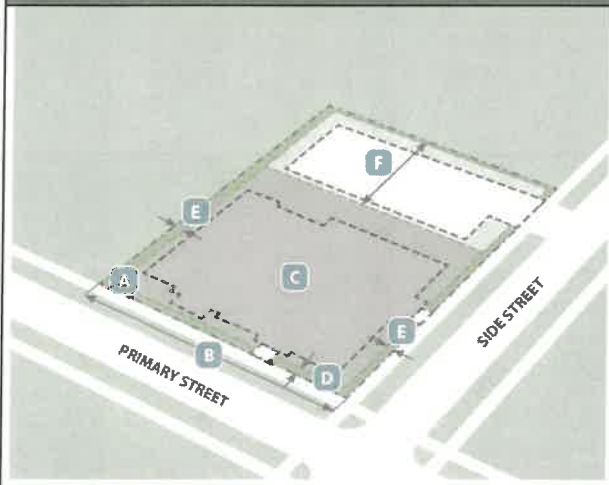
Table 2.2.2-C-1, RM Dimensional Standards	
Single-Unit Detached	
	
Two-Unit Attached	
	
Townhouse	



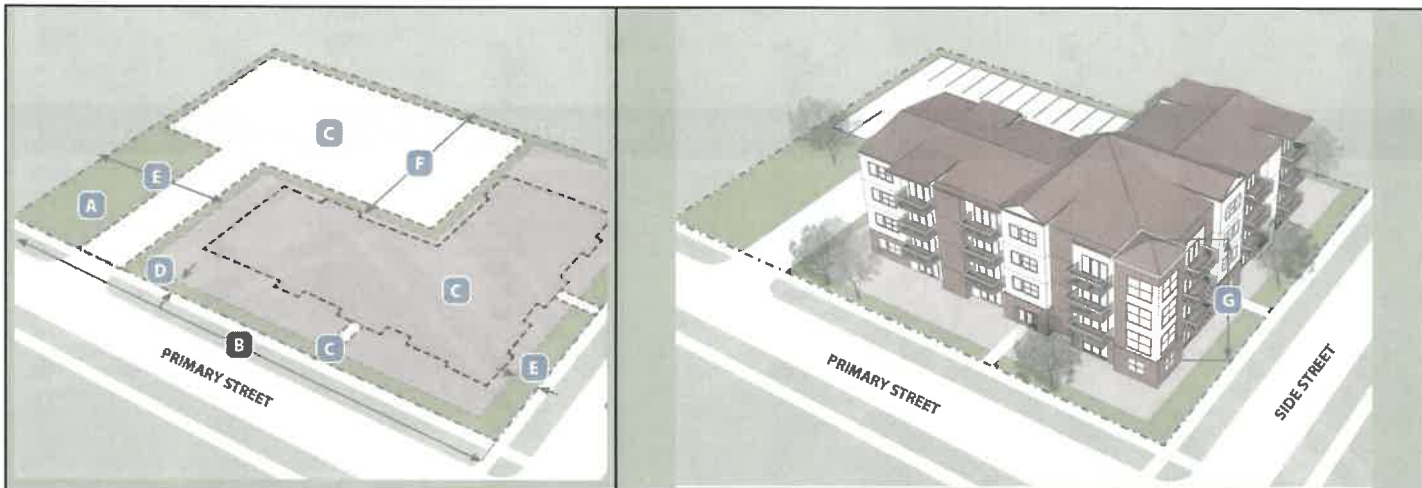
Cottage Court



Multiplex



Multi-Unit (Apartments or Condominiums)



		Single-Unit Detached	Two-Unit Attached	Townhouse	Multi-plex	Multi-Unit	Cottage Courts ⁵
Standard							
A	Lot Area Per Dwelling Unit (minimum)	5,000 SF	2,500 SF	1,500 SF	N/A	N/A	1,400 SF
B	Lot Width (minimum) ¹	55 ft.	40 ft.	N/A	N/A	N/A.	20 ft.
C	Building Coverage (maximum)	45%	45%	45%	45%	60%	60%
	Lot Coverage	60%	60%	60%	60%	--	--
	Open Space (minimum) ²	N/A	N/A	15%	15%	15%	30%
Principal Building							
	Setbacks (minimum) ⁴						
D	- Front ³	27 ft./15ft. ⁷	25 ft./15ft. ⁷	25 ft./15ft. ⁷	25 ft.	25 ft.	30 ft.
E	- Side	8 ft.	0/8 ft.	0/10 ft.	10 ft.	15 ft.	6 ft.
F	- Rear	40 ft.	25 ft.	25 ft.	15 ft.	25 ft.	15 ft.
G	Height (Stories/Feet) (maximum)	3/30 ft.	3/30 ft.	3/30 ft.	35 ft. 4/45 ft. ⁴	35 ft. 4/45 ft. ⁴	2/30 ft.
Minimum Floor Area							
	All Units	See 2.2.2-B-1	850 sf	850 sf			850 sf
	Multiplex and Multi-unit						
	1 Bedroom				500 sf	500 sf	
	2 Bedrooms				700 sf	700 sf	
	3 Bedrooms				900 sf	900 sf	
Accessory Buildings⁶							
	Permitted Location	Rear yard only					
	Side (ft.)	5 ft.					

Rear setback (ft.)	5 ft.
<p>Table Notes: ft = feet; sf = square feet</p> <ol style="list-style-type: none"> 1. Corner lots shall be 15 feet wider for all housing types in the RM district with the exception of Cottage Courts, where an additional 10 feet in lot width shall be required on corner lots. 2. The open space percentage applies to the development, not individual lots. See Sec. 2.2.7, <i>Open and Amenity Types</i>, for open space and amenity standards. 3. The side yard facing the street shall not be less than the minimum front yard of the district in which it is located, unless otherwise permitted. The first number is the setback for both sides of an interior unit on a townhouse lot only and the second number is the setback for one side of an exterior unit. 4. Multi-unit and Multiplex buildings may be up to 4 stories and 45 feet tall when not abutting the RE, RN, or PD zoning districts. However, if abutting those districts, the buildings may be up to 4 stories and 45 feet tall with Planning Commission approval during a public hearing when the Commission determines that natural features, site design, separation distances to adjacent residences, or other features that adequately mitigate adverse impacts to adjacent RE, RN, and PD districts. 5. See Sec. 2.2.6, <i>Neighborhood Types</i>, for additional requirements for Cottage Courts. 6. Recreation or meeting facilities accessory to the development shall meet the setback requirements applicable to main buildings for the district. 7. Front yard setback is min. 15 ft. when driveway and garage are located in rear yard and only accessible via alley. 	

E. **References to Related Standards.** Table 2.2.2-C-2 provides the locations in the UDO for related provisions, but it is not intended to be an exhaustive list of all applicable requirements of this UDO.

Table 2.2.2-C-2, RM References to Related Standards	
Standard Topic	Location in UDO
Accessory Uses and Structures	Sec. 2.3.4
Building and Site Design	Division 3.2
Floodplain Management	Art. 8, Sec. 42-995
Landscaping, Screening, and Trees	Division 3.4
Open Space and Amenity Types	Sec. 2.2.7
Parking, Loading, and Circulation	Division 3.3
Limited Use Standards	Sec. 2.3.2
Special Land Use Standards	Sec. 2.3.3
Neighborhood Types	Sec. 2.2.6
Signs	Division 3.6
Measurements	Division 2.4
Subdivision and Condominium Projects Standards	Article 4
Residential Building Encroachment	Sec 2.3.8

Subsec. 2.2.2-D MHC, Manufactured Home Community

- Purpose.** The purpose of the Manufactured Home Community (MHC) district is to provide a specific district for manufactured and mobile homes, manufactured home parks, and appropriate accessory and supporting uses. The district is intended to ensure and promote the health, safety, and welfare of residents by establishing minimum standards for the location, density, improvement, and design of mobile home parks and subdivisions.
- Land Uses.** The permitted by-right (P), limited use (L), special land use (S), and prohibited uses are set out in Table 2.3.1-1, *Land Use Table*.
- Development Standards.** The development standards for the MHC district shall be subject to all applicable requirements of the Mobile Home Commission Act, 1987 PA 96, MCLA § 125.2301; MSA 19.855(101), as amended, and the rules of the Michigan Mobile Home Commission set forth and provided under the Act, as amended, and the following requirements:

1. *Site Area and Dimensions.*
 - a. **Minimum Site Area.** A minimum of 10 acres shall be required for the development of a manufactured home community.
 - b. **Minimum Dimensions.** The site shall comprise a single tract and be so dimensioned as to facilitate efficient design and management. However, the minimum width of the site for portions used for general vehicle entrances and exits only shall be 60 feet. For portions containing lots for dwellings and buildings generally open to occupants, minimum dimensions shall be 200 feet.
 - c. **Exemptions.** These limitations shall not apply where expansion of an existing manufactured home development is concerned and where such expansion will not increase variation from requirements applying to a manufactured home community as outlined in this subsection.
2. *Location.*
 - a. **Road Frontage.** A manufactured home community district shall have at least 60 feet of frontage on a principle or minor arterial as shown on the Roadway Functional Classification Map in the Master Plan. All ingress and egress to and from the development shall be onto the principal or minor arterial roadway.
 - b. **Transition District.** Since the manufactured home community district is intended to serve as a zone of transition between nonresidential districts and residential districts, the manufactured home community district shall have at least one property line abutting LI Light Industrial, or HI, Heavy Industrial, district.
3. *Accessory Structure Standards.*
 - a. **Commercial and service facilities** within the manufactured home community, including laundry facilities and sales office facilities, provided that such facilities are intended to serve only persons residing within the development and are designed, located and improved so as to protect the character of the community and the surrounding neighborhood.
 - b. **Outdoor vehicle storage areas** for recreational vehicles, provided that such areas are intended to serve only persons residing within the manufactured home community and are designed, located and improved so as to protect the character of the community and the surrounding neighborhood.
 - c. **Accessory structures and uses** customarily incidental to the uses permitted in this district.

Figure 2.2.2-D-1, MHC, Manufactured Home Community District

Manufactured Home Community



- D. **References to Related Standards.** Table 2.2.2-D-1 provides the locations in the UDO for related provisions, but it is not intended to be an exhaustive list of all applicable requirements of this UDO.

Table 2.2.2-D-1, MHC References to Related Standards

Standard Topic	Location in UDO
Accessory Uses and Structures	Sec. 2.3.4
Building Design	Div. 3.2
Floodplain Management	Art. 8, Sec. 42-995
Landscaping, Screening, and Trees	Div. 3.4
Open Space and Amenity Types	Sec. 2.2.7
Parking, Loading, and Circulation	Div. 3.3
Signs	Div. 3.6
Measurements	Div. 2.4
Subdivision Design Standards	Art. 4

Sec. 2.2.3 Mixed Use District Dimensional Standards [Reserved.]

Subsec. 2.2.3-B LC, Lake Center

[Reserved.]

Subsec. 2.2.3-C MU, Mixed Use

[Reserved.]

Subsec. 2.2.3-D CC, City Centre

[Reserved.]

Subsec. 2.2.3-E CR, Crossroads

[Reserved.]

Sec. 2.2.4 Nonresidential District Dimensional Standards [Reserved.]

Sec. 2.2.5 Special Purpose and Overlay District [Reserved.]

Sec. 2.2.6 Neighborhood Types

- A. **Purpose.** The standards of this section establish additional design and development standards for certain types of residential development not typically applicable to other forms of development in terms of use, configuration, or both. More specifically, these standards are intended to:
1. Promote a strong sense of place and pedestrian-friendly development through visual design interest and human-scale site design; and
 2. Accommodate increased housing choices and options in both new development and redevelopment contexts.
- B. **Generally.** Development of any neighborhood type that is permitted in a zoning district is at the option of the applicant. Where more than one neighborhood type is permitted in a zoning district, no single type is mandatory. Refer to Sec. 2.2.2, *Residential Districts Dimensional Standards*, for lot density and dimension standards related to each permitted development and housing type combination.
- C. **Time of Review.** The review of permitted neighborhood types to ensure compliance with the standards of this section shall occur during the procedural review.

D. **Permitted Residential Districts.** Table 2.2.6-1 sets forth the Permitted Neighborhood Types by Residential District.

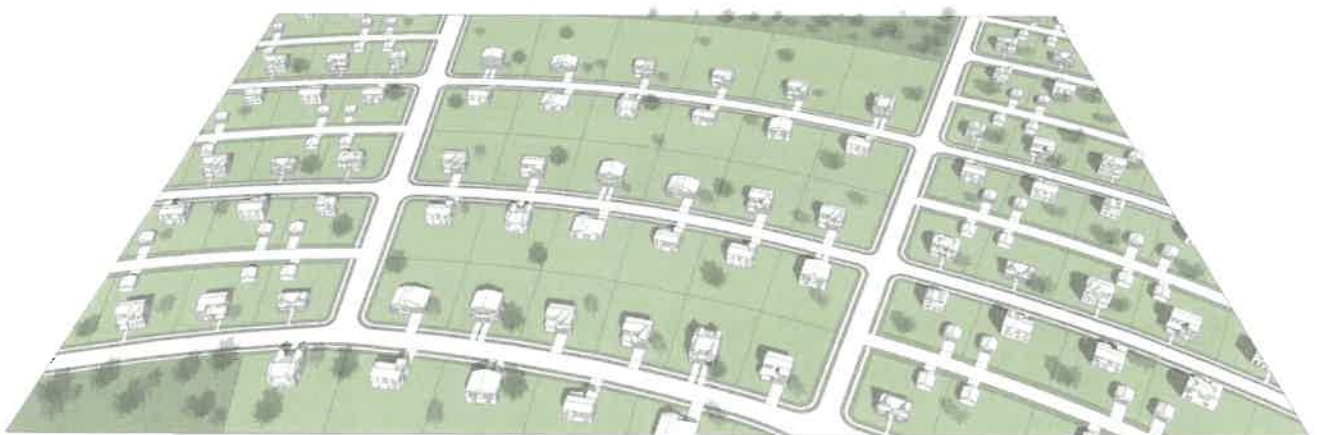
Table 2.2.6-1 Permitted Neighborhood Types by Residential District			
Neighborhood Types	RE	RN	RM
	"P" = Permitted "--" = Not Permitted		
Conventional	P	P	P
Conservation	P	P	P
Cottage Court	--	--	P

E. **Applicability.**

1. *Conventional.*

- a. **Description.** The conventional neighborhood type, as depicted in Figure 2.2.6-1, is a pattern that allows primarily residential uses. It consists of varying housing types (depending on the zoning district) and a uniform minimum lot size.
- b. **Standards.** All the requirements of this article shall apply to conventional development types unless otherwise specified.
- c. In the RN district, two-unit attached dwellings shall not exceed 30 percent of all housing types within a Conventional Neighborhood Type development.

Figure 2.2.6-1, Conventional Neighborhood Type



2. *Conservation.*

- a. **Description.** The conservation development type, as depicted in Figure 2.2.6-2, consists of smaller lots than conventional development that are clustered together in order to provide for more common civic and open spaces. The common open space may be set-aside for resource features such as parks, recreation areas, woodlands, and similar features.

- b. Housing Types in the RN Zoning District. A conservation development type in the RN zoning district may include multiple housing types as permitted in Table [2.3.1-1, Land Use Table](#).
- c. Minimum Site Area. The minimum site area required for a Conservation Development is five acres.
- d. Residential Mix. At least 65 percent of the housing types in the development shall consist of detached single dwelling units, thus no more than 35 percent of proposed units in the development to be developed with two-unit attached, townhouse, or multiplex buildings. There shall be only one two-unit attached or multiplex allowed per development lot or conceptual lot.
- e. Open Space, Amenity Requirements apply pursuant to Sec 2.2.7 *Open Space and Amenity Types*.
- f. Minimum Lot Area Adjacent to other Development. Conservation development lots directly abutting existing single-unit development shall be:
 - i. Equal to or greater in lot area and width of the existing lots, and
 - ii. Separated from adjacent lots by a Type 1 screening as established in [Sec. 3.4.3, Landscaping, Screening, and Trees](#).

Figure 2.2.6-2, Conservation Neighborhood Type



3. Cottage Court.

- a. Description. A cottage court neighborhood type, as depicted in Figure 2.2.6-5, broadens the diversity of housing options available in the community to provide accessible, adequate, and affordable housing. This development type contains single-unit detached and two-unit attached housing units typically arranged in a group of three to 12 dwelling units around a common open space. It may include a common building as an amenity (e.g., a common kitchen or meeting area). Vehicular access is provided by a shared parking lot.
- b. Building Requirements.
 - i. Minimum site area. The minimum site area for the development of a cottage court neighborhood type shall be one-half acre. The maximum site area shall be five acres.
 - ii. Minimum total units per cottage court. There shall be a minimum of three single-unit detached dwellings or three two-unit attached dwellings per site.
- c. Common Areas and Amenities. The following shall apply to the common areas and amenities associated with a cottage court development type:

- i. It shall be a minimum of 30 percent of the overall site and shall include a central green, lawn or garden area, playground, or plaza as a focal point among the dwelling.
 - ii. The area shall generally be square, oval, circle, diamond, or rectangular in shape.
 - iii. It shall be consolidated into a single, contiguous shared area located centrally within the court development.
 - iv. Common area improvements shall include:
 - (1) A primary walkway, a minimum of six feet in width, that spans the width of the development and connect each dwelling to the shared common space, parking areas, or garages and
 - (2) Pedestrian walkways, a minimum of five feet in width, that connect each dwelling unit to the primary walkway.
 - v. Required stormwater facilities, wetlands, and other water bodies shall not be included in the common area.
 - vi. A common building shall be permitted as accessory to a cottage court neighborhood and may serve all residents, provided its gross floor area is 10 percent or less of the site area. Bedrooms are not permitted in the common building.
- d. Lot and Building Orientation.
- i. The front door of each residential building shall be oriented towards a common area. The rear of any residential building shall not front or face an adjacent street.
 - ii. A Type 1 screening around the perimeter of the site that incorporates landscape materials and earthen berm and/or a wall or fence to provide a visual buffer from adjacent development per Sec. 3.4, Landscaping, Screening, and Trees.
- e. Vehicular Access.
- i. Individual dwellings in a cottage court development shall not have direct vehicular access to an arterial roadway. Off-street parking shall be accessed from a rear alley or located in a common parking area that is outside of the open or amenity space.
 - ii. Driveways serving individual units from the fronting street shall not be permitted.
- f. Garages. The following garage structure requirements shall apply to a cottage court development type:
- i. If provided, detached garages serving more than one dwelling unit shall be accessed via a private drive or alley.
 - ii. Garage doors are prohibited from facing public rights-of-way unless screened by a Type 1 screening per Sec. 3.4, Landscaping, Screening, and Trees.
 - iii. A garage shall not exceed four car bays. Garage buildings shall match the principal dwellings in terms of roof pitch, roof materials, materials, material patterns, and color.

Figure 2.2.6-5, Cottage Court Neighborhood Type



Sec. 2.2.7 Open Space and Amenity Types

- A. **Generally.** To ensure that a variety of functional, well-designed civic and open spaces are distributed throughout the city, residential developments shall have an open space component as required in [Sec. 2.2.2, Residential District Dimensional Standards](#).
- B. **Applicability.**
1. *Generally.* Open space and amenities are required by specific zoning districts established in [Division 2.2, Zoning Districts and Dimensional Standards](#), and is elaborated upon by this Section. The intent of this Section is to guide the applicant to fulfill the district's open space and amenity requirements.
 2. *Exemptions.* Open space requirements do not apply to the following:
 - a. Developments of four or fewer single-unit detached homes or two-unit attached homes; or
 - b. Developments of three or fewer multiplex buildings on single parcel that are not part of an overall development.
- C. **Exclusions for Open Spaces.** The following areas shall not be counted as open space:
1. *Yards.* Private yards on individual lots;
 2. *Driveways and Landscaping.* Driveways, parking areas, and required landscaped areas;
 3. *Structures.* Land covered by structures not designated for active or passive recreational uses; and
 4. *Outdoor Display and Storage.* Designated outdoor display and storage areas, as permitted.

5. *Wetlands and other water bodies, and stormwater facilities.* Non-developable environs such as wetlands, rivers, lakes, or similar recognized bodies of water; and stormwater facilities such as basins, swales, or similar except Subsection 2.2.7 E.3.
- D. Prohibited Uses of Open Spaces.** Required open space shall not be used for the following purposes:
1. *Wastewater.* Individual wastewater disposal systems;
 2. *Electrical.* Overhead electrical transmission lines or high voltage electrical transmission lines; and
 3. *Pavement.* Streets (except for street crossings as provided in the site development plan) and surface parking lots.
- E. Qualifying Open Space.**
1. *Required Space.* Table 2.2.7-1 establishes open space types and associated standards and dimensions as required by the zoning districts.
 2. *Unusable Land.* A maximum of 20 percent of total wetlands, stormwater facilities, and land subject to inadequate drainage shall be eligible to serve as open space if directly connected to a trail network or observation space accessible to a trail or public sidewalk in the development.
 3. *Screening.* A maximum of 20 percent of the total perimeter screening may count towards the required overall open space.
 4. *Character.* Land reserved by the developer for open space shall be of a character and location suitable for the proposed use and must meet the minimum requirements for each open space type allowed as defined in each district.
 5. *Location.* Common Green open space shall be connected to dwelling units via a path or a sidewalk network within the development.
 6. *Accessibility.* Walkways in the open space shall be designed in accordance with the Americans with Disabilities Act requirements as applicable.
 7. *Hours.* Open space shall be encouraged to be open to the public at the same hours as a comparable public-access park.
- F. General Design Standards for Open Space.** In addition to the specific design standards for public civic and open space standards as established in Table 2.2.7-1, below, the following design standards shall apply:
1. *Size and Location.* Open space areas shall be a minimum size as established by type indicated in this section.
 2. *Play Structures.* Play structures shall be located no closer than 40 feet from a residential unit.
 3. *Open Space in RE, RN Zoning Districts Conservation Developments* shall be:
 - a. Minimum 20% of overall development area, if no amenities are provided within the overall development; or
 - b. Minimum 15% of overall development area, if any of the following amenities are provided within the overall development:
 - i. playground equipment,
 - ii. pavilion within covered seating,
 - iii. dog park per Subsection 2.2.7.F.5,
 - iv. clubhouse that may contain community rooms, workout rooms, or other rooms commonly found in clubhouses,
 - v. basketball, tennis, or similar facilities,
 - vi. indoor/ outdoor swimming pools, or
 - vii. others providing overall benefit to the residents of the development.

- c. If the limits of the development contain areas as described as a Natural Area open space type per Sec. 2.2.7, a minimum 50 percent of required open space area shall be preserved as Natural Area. It shall be integrated into the development design for the maximum number of homes to enjoy, provided that physical access may be limited if such limitation would materially impact on the natural open space area.
 - 4. *Open Space in the RM Zoning District.* Common open space should be designed and incorporated into a neighborhood development as follows:
 - a. Open spaces shall be organized around important natural features on the site or at prominent areas of a development, such as the terminus of key views along streets or at intersections.
 - b. The size of a common open space area shall depend upon the overall square footage or acreage required for a development per Sec. 2.2.2-C, RM, Residential Mixed District.
 - c. The maximum width-to-depth ratio of any open space is 3:1. This standard shall not apply to open space that is intended as a greenway, trail, or walkway.
 - d. Required open spaces that are adjacent to a public park, bike path, or trail shall provide a connection to such facilities.
 - 5. *Dog Parks.* A dog park designed as a passive, neighborhood-serving amenity that supports recreation for residents and their pets may be permitted in open spaces subject to the following standards:
 - a. *Size.* The dog park shall occupy no more than 5 percent of the required open space in the subdivision and shall be a minimum of 5,000 square feet and a maximum of one acre.
 - b. *Noise.* It shall be sited to minimize noise and visibility impacts on adjacent dwellings, with screening provided where necessary.
 - c. *Access.* Direct pedestrian access from neighborhood sidewalks or trails shall be provided.
 - d. *Facilities.* Facilities shall be limited to fencing, seating, shade structures, waste receptacles, and similar low-impact improvements.
 - e. *Lighting.* Lighting, if provided, shall be pedestrian-scale and shielded to minimize off-site impacts.
- G. **Development Phase of Common Open Space.** For multi-phase development, open space and amenities shall be provided within the phase of construction but no later than the completion of 60% of the dwelling units of the overall development.

Table 2.2.7-1, Public Civic and Open Space Standards







Type	Standard
<p>Plaza</p> 	<ul style="list-style-type: none"> Reserved
<p>Pocket Park</p> 	<ul style="list-style-type: none"> Reserved
<p>Common Green</p> 	<p>General Character</p> <ul style="list-style-type: none"> Small semi-urban open space responding to specific user groups and space available Range of character can be for intense use or aesthetic enjoyment <p>Location and Size</p> <ul style="list-style-type: none"> Minimum area 5,000 square feet Minimum pervious cover: 75%; the remainder may consist of amenities, pavers, or other materials and features acceptable to the Director Greens should be sized so that the width is no less than half the length. Within a ¼ mile of all residences <p>Permitted Zoning Districts</p> <ul style="list-style-type: none"> RE, RN, MHC, RM, LC, CC, CR, MU, NC, GC, PUD

Table 2.2.7-1, Public Civic and Open Space Standards

Type	Standard
<p>Promenade</p> 	<ul style="list-style-type: none"> ▪ Reserved
<p>Civic Space</p> 	<ul style="list-style-type: none"> ▪ Reserved
<p>Natural Area</p> 	<p>General Character</p> <ul style="list-style-type: none"> ▪ Spatially defined by natural features ▪ Paths, meadows, and wooded areas are designed to reflect the natural and cultural heritage of the site ▪ Potential to interconnect with other natural areas <p>Location and Size</p> <ul style="list-style-type: none"> ▪ Minimum area: 0.75 contiguous acre ▪ Minimum width: 25 feet at its narrowest point ▪ Located in areas of unique lands that could be otherwise developed. <p>Permitted Zoning Districts</p> <ul style="list-style-type: none"> ▪ RE, RN, MHC, RM, LC, CC, CR, MU, NC, GC, I1, H1, PUD

H. Public Uses.

1. *Common Open Spaces.* All land reserved for dedication to the municipality shall have prior approval by the City Council and shall be noted on the plat: "Reserved for common open space purposes."
2. *School Sites.* All land reserved for dedication for public school use shall be reviewed by the board of the respective school district. Said property shall be noted on the plat: "Reserved for school."

3. *Community Centers or Other Public Facilities.* All land reserved for dedication for a community center or other public facility use shall be reviewed by a public entity with responsibility, capacity, and jurisdiction for acceptance, development, operation, and maintenance of said facility. All land reserved for dedication to the public facility shall be noted on the plat "Reserved for public (type of facility)."
 4. *Plat to Provide for Common Open Spaces and Amenity Spaces.*
 - f. Where a tract to be subdivided includes common open space or amenity space, the applicant shall arrange for a Pre-Application Conference with the Director, in accordance with Sec. 42-771(a), Preliminary Investigation, and indicate that information on the conceptual plan.
 - g. Upon submittal of a Site Plan, in accordance with Division 5, Subdivision 2, Site Plan Review, if the Planning Commission and the appropriate local government official or public agency determines a continued need for the public facility, the applicant shall incorporate the proposed site onto the preliminary and final plats.
 5. *Duration of Land Reservation.* Unless a part of the approved Capital Improvement Program, the acquisition of land reserved by a public agency on a final plat shall be initiated within 48 months of the date of approval by the City Council of the plat. If the public agency fails to initiate acquisition within the prescribed 48 months, the 48-month reservation period shall expire, thereby, freeing the property for development according to these regulations.
- I. Ownership and Management of Open Space.**
1. *Ownership.* Required open space shall be owned and maintained by one of the following entities:
 - a. *Land Conservancy or Land Trust.* A bona fide land conservancy or land trust with legal authority may own the open space. The responsibility for maintaining the open space and any facilities may be borne by a land conservancy or land trust.
 - b. *Homeowners' Association (HOA).* A homeowners' association representing residents of the development may own the open space. The homeowners' association must have lien authority to ensure the collection of dues from all members. The responsibility for maintaining the open space and any facilities is borne by the homeowners' association.
 2. *Conveyance.* The conveyance of common open space shall be in accordance with the following:
 - a. Open space shall be conveyed to the land conservancy or homeowners' association in fee simple without any encumbrances except drainage, greenway and utility easements. Title to the real property shall be conveyed no later than the time of the conveyance of the first lot within the applicable phase of the development.
 - b. Open space shall be preserved for the perpetual benefit of the residents within the development and it shall be restricted against private or public ownership for any other purpose except acquisition by condemnation or in lieu of condemnation and the granting of utility, drainage, and greenway easements.

Division 2.3 Land Use Standards

Contents:

Article 2 Zoning Districts, Dimensional Standards, and Land Uses

Division 2.3 Land Use Standards

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Sec. 2.3.7 Home Occupations

Subsec. 2.3.7-A Home Occupations

Subsec. 2.3.7-B Medical Marihuana Home Occupation

Sec. 2.3.8 Residential Building Encroachments

Sec. 2.3.1 Land Use Table

- A. **Generally.** Table 2.3.1-1, *Land Use Table*, lists the specific land uses in rows, organized by use category. The districts are arranged in columns. Where rows and columns intersect, a letter indicates if the use is a permitted use, limited use, special use, or prohibited use in the district.
- B. **Legend.** The land uses in Table 2.3.1-1, are classified and symbolized by the following:
1. "P" = The use is permitted by right and is not subject to additional use-specific standards.
 2. "L" = The use is permitted by right but shall be subject to use standards in [Sec. 2.3.2, Limited Use Standards](#).
 3. "S" = The use is subject to the review and approval procedures in Division 5, Subdivision 1, Special Land Uses , and to any additional requirements specific to that use in both [Sec. 2.3.2, Limited Use Standards](#) and [Sec. 2.3.3, Special Land Use Standards](#).
 4. "--" = The use is prohibited.
 5. All the blanks in the zoning districts columns except "Use Standards" mean "Reserved".
 6. To avoid duplication, where a use is indicated as both an "S" (Special) and an "L" (Limited) in one or more districts, the use standards will appear in either [Sec. 2.3.2, Limited Use Standards](#) or in [Sec. 2.3.3, Special Land Use Standards](#).
- C. **Use Standards.** The "Use Standards" column on the far right of the Land Use Table provides hyperlinked cross references to supplemental standards for limited and special land uses. Where the cell is blank, there is no associated standard, however, other requirements, such as site development standards in [Article 3, Development Standards](#), apply to all uses including uses permitted by right.
- D. **Use Categories.** Appendix B, *Use Categories*, provide a systemic basis for assigning land uses to appropriate zoning districts and for consistently regulating similar uses in this UDO. The land uses listed in each Use Category only indicate how that use is broadly classified and does not indicate the use is permitted.
- E. **New and Unlisted Uses.**
1. *Authorization of Unlisted Uses.* Each of the use categories in Appendix B, *Use Categories*, and uses listed in Table 2.3.1-1 are defined in [Division 10.2, Definitions](#). If a proposed use is not listed as part of a use category definition, the Director may interpret the proposed use as functionally similar to a use that is listed. The proposed use is then permitted, permitted with a limited use permit, permitted with a special land use permit, or prohibited in the same districts as its functionally similar use.
 2. *Decision Criteria.* In making such determinations, the Director may consider but is not limited to the following criteria:
 - a. Actual or projected characteristics of the activity in relation to those of the use type;
 - b. Amount of site area or floor space and equipment devoted to the activity;
 - c. Vehicle parking demand;
 - d. Average daily and peak hour trip generation (people, personal vehicles, and delivery vehicles);
 - e. Types of vehicles used and their parking requirements;
 - f. Building impervious surface coverage;
 - g. Regulated air or water emissions;
 - h. Noise, lighting, dust, and odors;
 - i. Solid waste generation;
 - j. Number of employees on a typical shift;
 - k. Use and storage of hazardous materials;
 - l. Character of associated buildings and structures;

- m. How the use is advertised;
- n. Nature and impacts of operation;
- o. Hours of operation;
- p. History of nuisance, code violations, or related issues in other jurisdictions; and
- q. Any other pertinent considerations necessary.

F. **Prohibited Uses.** A specific land use is prohibited if it is not listed in Table 2.3.1-1, and if the Director cannot interpret an unlisted specific use as functionally similar to a use that is allowed, based on the criteria in Paragraph E.1 in this section.

1. *Appeal.* If the applicant disagrees with the Director’s determination regarding the proposed use, the applicant may choose to appeal the determination of the Director to the Zoning Board of Appeals pursuant to Division 7. Zoning Board of Appeals.

Table 2.3.1-1 LAND USE TABLE												
Land Uses	Zoning Districts											Use Standards
	RE	RN	RM	MHC								
	<i>Agricultural Use Categories</i>											
General agriculture and farms	P	P	P	--								
Specialized agriculture	L	--	L	--								2.3.2
<i>Residential Use Categories</i>												
<i>Household Living Uses</i>												
Cottage Court Development	--	--	P	--								2.2.6-3
Manufactured home	L	L	L	P								2.3.2
Multi-unit dwelling	--	--	P	--								
Multiplex dwelling	--	L	P	--								2.3.2
Single-unit detached dwelling	P	P	P	--								
Townhouse dwelling	--	L	P	--								2.3.2
Two-unit attached dwelling	--	L	P	--								2.3.2
<i>Group Living Uses</i>												
Adult foster care family group home (6 or fewer)	P	P	P	--								
Adult foster care, small group home (7-12)	--	--	P	--								
Adult foster care, large group home (13-20)	--	--	S	--								2.3.3
Assisted living facility	--	L	L	--								2.3.2
Boarding house	--	--	L	--								2.3.2
Continuing care community	--	S	L	--								2.3.2 2.3.3
Emergency shelter	--	--	S	--								2.3.3
Nursing home	L	L	L	--								2.3.2
Rehabilitation center	--	S	S	--								2.3.3
<i>Public and Civic Use Categories</i>												
<i>General Public and Civic Uses</i>												
Cultural institution	S	S	S	--								2.3.3

Table 2.3.1-1 LAND USE TABLE

Land Uses	Zoning Districts										Use Standards
	RE	RN	RM	MHC							
	Neighborhood or community center	--	--	S	--						
Places of worship	S	S	L	--							2.3.2 2.3.3
Educational Facilities Uses											
College or university	--	--	P	--							2.3.3
School, K-12, private	S	S	S	--							2.3.3
Parks and Open Space Uses											
Cemetery, columbarium, mausoleum, or memorial park	S	S	P	--							2.3.3
Public park and recreational facility	P	P	P	P							2.3.2 2.3.3
Private outdoor recreational field, court	S	S	L	--							2.3.2 2.3.3
Commercial Use Categories											
General Commercial Uses											
Bed and breakfast establishment	S	S	L	--							2.3.2 2.3.3
Day care center, Adult	--	--	L	--							2.3.2
Day care center, Child	S	S	L	--							2.3.2 2.3.3
Day care - Family childcare home (7 or fewer)	P	P	P	--							2.3.2
Day care - Group childcare home (8-14)	S	S	L	--							2.3.2 2.3.3
Golf course	S	S	L	--							2.3.2 2.3.3
Short-term rental	--	--	L	--							2.3.2
Swimming pool club	--	S	L	--							2.3.2 2.3.3
Utility and public service buildings	L	L	L	--							2.3.2

Sec. 2.3.2 Limited Use Standards

- A. **General Provisions.** The standards of this section apply to Limited Uses as identified with the letter "L" in the Land Use Table in Sec. 2.3.1-1. Such uses are permitted in a particular zoning district, and additional use-specific conditions or limitations must be met before it can be established.
- B. **Agricultural Uses.**
1. **Specialized Agriculture.**
 - a. The site shall be so located as to have at least one property line abutting a principal or minor arterial. All ingress to and egress from the site shall be directly onto the principal or minor arterial or marginal access drive that serves an arterial.
 - b. A specialized agricultural use of land operating and in existence on November 23, 1989, and land contiguous with and owned by a person operating such adjoining parcel on November 23, 1989, shall

not be subject to the conditions imposed by this subsection and shall be considered conforming for all purposes under this article.

- c. In the RM district, specialized agriculture on land separately owned outside the boundaries of platted property having an area of not less than five acres but not including retail sales on the premises and subject to Paragraphs 1.a and 1.b, above.

C. Residential Uses.

1. Assisted Living Facility, Nursing Home, or Rehabilitation Center.

- a. Development requirements of [Sec. 2.2.2, Residential District Dimensional Standards](#), Single-unit detached dwelling, Conventional Option standards apply, and [Sec. 2.2.3, Mixed Use District Dimensional Standards](#).
- b. The minimum lot area for such a facility shall be equal to the area required for the main building plus 1,500 square feet of lot area per resident bed.
- c. RN and RM zone supplemental requirements.
 - i. The facility shall have at least one property line abutting a principal arterial, minor arterial, or major collector. Ingress and egress to and from the site shall be directly from that roadway or from a marginal access service drive.
 - ii. The exterior appearance of the building shall be compatible with the architecture and style of adjacent residential buildings.

2. Continuing Care Community. A continuing care community may consist of a congregate building, auxiliary uses, accessory uses as follows:

- a. Congregate Care Building(s). A congregate building(s) may contain the following components:
 - i. Assisted living facilities providing room, board and personal care assistance with activities of daily living (such as bathing, grooming and meal preparation) for individuals able to retain a moderate degree of independence;
 - ii. Skilled nursing care facilities providing professionally supervised nursing care and related medical or other health services to individuals not in need of hospitalization, but whose needs are above the level of assisted living;
 - iii. Dining facilities;
 - iv. Memory care; and
 - v. Medical treatment facilities.
- b. Auxiliary or Accessory Uses. The following uses may be located in the congregate care building or within the overall development:
 - i. Rehabilitation and physical therapy facilities;
 - ii. Activity rooms, craft rooms, libraries, lounges, outdoor activities spaces, and similar recreation facilities;
 - iii. Retail and service facilities, including barbershop; convenience store; hair salon; pharmacy; snack bar/coffee shop; or bakery;
 - iv. Administrative offices used in the management of the continuing-care retirement community;
 - v. Overnight guest rooms;
 - vi. Facilities maintenance areas; and
 - vii. Other similar uses.
- c. Independent Living Units. Independent living units may consist of single-unit detached, two-unit attached, multiplex dwellings, and multi-unit dwellings.

- d. **Development Standards.**
 - i. *Accessways.* The use shall have at least one property line abutting a principal arterial, minor arterial, or major collector. Ingress and egress to and from the site shall be directly from that roadway or from a marginal access service drive.
 - ii. *Site layout and exterior building appearance.* Buildings shall be in accordance with an overall plan and shall be designed with a single architectural scheme.
 - iii. *Open space elements.* Walking trails, gardens and public gathering spaces shall be incorporated into the required open space.
 - iv. *Landscaping and Screening.* As required by the [Division 3.4, Landscaping, Screening, and Trees](#), site landscaping shall be provided along all abutting rights-of-way and screening shall be provided along all other abutting lot lines.
 - v. Trash enclosures.
 - vi. Outdoor lighting (See [Division 3.7, Outdoor Lighting](#)).
 - vii. *Off-street parking.* Off-street parking shall be in accordance with [Division 3.3, Parking, Loading, and Circulation](#).
- e. **Accessory Uses and Structures.** These are subject to the provisions of [Sec. 2.3.4, Accessory Uses, Buildings, and Structures](#).
- f. **Dimensional Standards.** Site and building dimensional standards are in [Table 2.3.2-A-1, Continuing Care Community Dimensional Standards](#).

Table 2.3.2-1, Continuing Care Community Dimensional Standards

Site Element	Requirement
Minimum Lot Area	5 acres
Minimum Open Space¹	15%
Minimum Building Setbacks from all Property Lines	30 ft ²
-- Congregate care building from main front property line	50 ft.
-- Other buildings, off-street parking, trash enclosures	20 ft.
Maximum Building Height	Base zoning district height limit
Minimum Distance Between Buildings	15 ft.
Accessory Buildings	20 ft.
-- Height	16 ft.

Table Notes:

¹ For Continuing Care Communities only, the following site elements shall not count toward the minimum open space requirement: Public or private streets and driveways, public street rights-of-way, parking areas, any areas within 25 feet of any principal building; or the required 30-foot setback area along the perimeter of the site.

²Building setbacks shall also apply to loading docks, canopies, and service areas.

- 3. **Manufactured Homes.** If a single-unit dwelling unit is a manufactured home, it is required to meet the following:
 - a. *New Units.* New and certified by the manufacturer and/or appropriate inspection agency as meeting the Mobile Home Construction and Safety Standards of the U.S. Department of Housing and Urban Development, as amended, or any similar successor or replacement standards which may be promulgated; or

- b. *Used Units.* Used and certified by the manufacturer and/or appropriate inspection agency as meeting the standards referenced in paragraph A above, and found, on inspection by the building inspector or his designee, to be in excellent condition and safe and fit for residential occupancy.
 - c. *Compliance with Codes.* The dwelling unit shall comply with all applicable building, electrical, plumbing, fire energy and other similar codes which are or may be adopted by the City, and with applicable federal or state standards or regulations for construction. Appropriate evidence of compliance with these standards or regulations shall be provided to the building inspector.
 - d. *Zoning Compliance.* The dwelling unit shall comply with all restrictions and requirements of this article, including, without limitation, the lot area, lot width, residential floor area, setback, and building height requirements of the district in which it is located.
 - e. *Foundation.* The dwelling unit shall be firmly attached to a permanent continuous foundation which complies with applicable provisions of the building code adopted by the City.
 - f. *Installation.* If the dwelling unit is a manufactured home, the manufactured home shall be installed with the wheels and towing mechanism removed.
 - g. *Water and Sanitary.* The dwelling unit shall be connected to public sewer and water supply systems, or to private facilities for potable water and disposal of sewage approved by the City.
 - h. *Manufactured Home Community.* The standards of this section shall not apply to a manufactured home located in a manufactured home community licensed by the Michigan Manufactured Home Commission and approved by the City according to the provisions of this article except to the extent required by state or federal law.
4. *Multiplex Dwellings and Townhouses.* In a Conservation Neighborhood per Sec. 2.2.6, *Neighborhood Types*, a maximum of four units in a multiplex building or townhouse row is allowed, and a mix of two-unit attached, townhouse, or multiplex shall not exceed 35 percent of all housing types in the entire development.
5. *Two-unit Attached Dwellings.* Two-unit attached dwellings shall not exceed 30 percent of all housing types within a Conventional Neighborhood, and a mix of two-unit attached, townhouse, or multiplex shall not exceed 35 percent of all housing types within a Conservation Neighborhood per Sec. 2.2.6, *Neighborhood Types*. Two-unit attached dwellings are not permitted on lakefront lots.
- D. Public and Civic Uses.**
- 1. *Places of Worship.*
 - a. Existing religious institutions and religious institution lands purchased before December 14, 1965, and not meeting the requirements of this subsection shall not be prevented from constructing and/or expanding their facilities and, for the purposes of this article, shall be considered a conforming use or building.
 - b. The site shall be located to have at least one property line abutting a principal or minor arterial. All ingress to and egress from the site shall be directly onto such principal or minor arterial or a marginal access service drive thereof.
 - c. The main building of a religious institution, not including the height exceptions of [Division 2.4, Measurements](#), may exceed the maximum height allowed in this district, provided that the front, side and rear yard setbacks are increased above the minimum required setback by one foot for each one foot of building height over the maximum height allowed.
 - 2. *Private Outdoor Recreational Field, Court*
 - a. The proposed site shall abut and only have access along an arterial.

- b. All parking areas, outdoor seating areas, and fields shall be located at least 80' away from all abutting residential uses, except on those sides adjacent to non-residential districts. Screen Type 2 per [Sec. 3.4.3](#) shall be provided around perimeter of site.
- c. Accessory buildings such as storage, bathrooms, concessions, or similar are permitted.

E. Commercial Uses.

1. Bed and Breakfast Establishments.

- a. Bed and breakfast establishments shall be located in a one-unit dwelling existing at the date of the adoption of this article.
- b. The property on which the use is located shall be at least 500 feet from the property line of any other bed and breakfast establishment.
- c. The site shall be so located as to have one property line abutting a principal or minor arterial or a major collector. All ingress to and egress from the site shall be directly onto such principal or minor arterial or major collector or marginal access service drive thereof.
- d. No exterior alterations to the main building are permitted for additional sleeping accommodations and all accommodations must be within the main building.
- e. There shall be no more than one kitchen or other similar area in the main building and all cooking appliances must be located in the allowable cooking area.
- f. All food shall be served on the premises and be for the consumption of the innkeeper and guests only.
- g. The bed and breakfast establishment must be the innkeeper's principal residence.
- h. The maximum stay of any guest is 14 days on any single occasion. A guest register is required to be maintained showing the arrival and departure dates of guests and must be made available for inspection by the Director.
- i. Sufficient off-street parking shall be provided as 2 spaces plus 1/ guest room.
- j. See Division 3.6, *Signs*, for sign regulations applicable to bed and breakfast establishments.

2. Day Care Center, Adult. Such a use shall abut and only have access from a principal or minor arterial or a major collector.

3. Day Care Centers, Child.

- a. Such a use shall abut and only have access from a principal or minor arterial, or a major collector.
- b. The play area shall be screened from any adjoining residential district lot per Sec. 3.4. *Landscaping, Screening, and Trees*.

4. Day Care, Group Child Care Homes (8-14).

- a. The lot containing the group childcare home shall not be located closer than 1,500 feet to any lot occupied by any of the following uses. This distance shall be measured as a traveled distance along public streets, but not including an alley. Nor shall the lot containing the group childcare home be located less than 500 feet to any lot occupied by any of the following uses, as measured from the nearest property lines of each use.
 - i. Another licensed group childcare home.
 - ii. An adult foster care small group home or large group home.
 - iii. A facility offering substance abuse treatment and rehabilitation service.
 - iv. A community correction center, resident home, halfway house or similar jurisdiction administered by the Michigan Department of Corrections or other state or federal agency.

- b. The planning commission may require up to a six-foot high screening fence completely enclosing the area where children play or congregate in order to mitigate and/or avoid possible adverse impacts on surrounding property and to improve safety.
 - c. The group childcare home shall be maintained in a manner visibly characteristic of the surrounding neighborhood. No signs advertising the childcare home are permitted.
 - d. No more than one nonresident employee, whether compensated or not, in addition to the operator, shall be permitted for a group childcare home, unless required by the state as part of the approval of the license.
 - e. Off-street parking shall be provided for the group childcare operator and nonresident employee(s). Two client parking spaces shall also be provided.
 - f. A revocation or refusal to renew a license or certificate of registration of a group childcare home shall cause the revocation of the special land use permit.
5. *Golf Courses.*
- a. The site shall be so planned as to provide all ingress and egress directly onto principal arterial, minor arterial or major collector.
 - b. All main and accessory buildings and structures shall be setback at least 200 feet from any property line abutting a residential district. The Planning Commission may reduce this setback where topographic conditions or existing vegetation would screen the buildings from view.
 - c. Swimming pools, if provided, shall have a protective fence six feet in height, and entry shall be through a controlled gate.
6. *Short-Term Rentals.*
- a. A short-term rental unit shall not be located on the ground floor in any mixed use district.
 - b. Additional Review Criteria.
 - i. The name, email, and phone number of a local contact person shall be filed with the Director as well as the name of a local property manager, owner, or agent who is available 24 hours a day during the rental period, if different from the local contact person.
 - ii. The person designated as on call on a 24-hour per day basis shall reside within a 45-minute travel time of the rental. That person shall be responsible for taking remedial action and responding to any violations of this ordinance.
 - iii. Only one dwelling unit per parcel shall be leased, rented, or sub-rented at a given time.
 - iv. All parking associated with the STR shall be entirely onsite on an improved parking area or inside a garage or similar structure.
 - v. Compliance with all state, county, and city ordinances, laws, rules, and regulations including the building and fire codes.
 - vi. The maximum number of guests allowed on the premises shall be no more than two per bedroom.
 - vii. Signage shall be permitted as outlined in [Division 3.6, Signs](#).
7. *Swimming Pool Clubs.*
- a. *Applicability.* A swimming pool club shall include pools that are maintained and operated as part of private club or organization for the exclusive use of their members and guests.
 - b. *Site Design Standards.* The following standards apply:
 - i. The site shall have one property line abutting a principal or minor arterial street, and all ingress and egress shall be from a principal or minor arterial.

- ii. The edge of pool and main building shall be set back 50 feet away from the front, side and rear property lines, or 30 feet when abutting nonresidential districts.
- iii. Swimming pool shall be enclosed by an oblique fence and gate of at least six feet in height.
- iv. The development shall meet Division 3.4, Landscaping, Screening, and Trees.

F. Utilities Uses.

1. *Utility and Public Service Use Buildings.* Any above-grade buildings, utilities, and related components including parking, access areas shall be provided with a Type 2 screening pursuant to Sec 3.4.3. *Screening of Conflicting Land Use*, along the full perimeter boundary of use.

Sec. 2.3.3 Special Land Use Standards

- A. **Purpose.** The purpose of this section is to ensure that a use generally deemed incompatible with permitted uses in a given zoning district can be considered for approval with certain conditions placed on the use as denoted in this section.
- B. **Applicability.** Special land uses may be authorized following a recommendation from the reviewing staff and a final decision by Planning Commission for uses shown as Special (indicated by a "S") in Table 2.3.1, *Land Use Table*.
- C. **Review Procedures.** Special land uses contained in this section will be subject to the review procedures in Article 4. Zoning, Division 5. Subdivision 1. *Special Land Uses*, and E. *Site Development Requirements*, of this Subsection.
- D. **Timing of Compliance.** The standards of this section apply when the special land use is:
 1. Established in an existing or new structure;
 2. Established outdoors; or
 3. Expanded by more than 10 percent of the existing indoor or outdoor square footage currently devoted to the special use.
- E. **Site Development Requirements.** All special land uses shall meet the following site development requirements:
 1. The use shall have at least one property line abutting a principal arterial, minor arterial, or major collector. Ingress and egress to and from the site shall be directly from that roadway or from a marginal access service drive.
 2. The outdoor storage of goods or materials is prohibited.
 3. Warehousing, or the indoor storage of goods or materials, shall be limited to no more than 15 percent of the usable floor area of the principal use.
 4. Lot, yard, and building requirements shall be governed by the requirements of Division 2.2 of this UDO.
 5. Parking, signs, landscaping, and lighting shall be governed by the requirements of Article 3 of this UDO.
 6. Site plan and special land use review shall be governed by the requirements of Article 5, *Special Land Uses and Site Plan Review*.
- F. **General Standards for Review of Special Uses.** The Planning Commission shall take the following standards into consideration in its review of any special use application:
 1. Promote the intent and purpose of this Article;
 2. Be compatible with adjacent uses of land and the natural environment;
 3. Not unduly affect the capacities of public services or facilities;
 4. Be consistent with public health, safety and welfare;

5. Be harmonious with and in accordance with the general objectives or with any specific objective of the comprehensive plan; and
6. Be planned and designed to ensure that the nature and intensity of the principal use and all accessory uses, and the site layout and its relation to the streets giving access to it, shall not be hazardous or otherwise detrimental to the area or unduly conflict with normal traffic to and from the use.

G. Special Studies.

1. *Traffic Impact Analysis Study or Parking Study.* The Planning Commission may require an applicant for a special land use to submit a traffic impact analysis or parking study, conducted by a qualified transportation planner, traffic engineer, or other qualified individual, that demonstrates a waiver of or modification to the parking, access, or circulation requirements for a special use would not be detrimental to the safety and welfare of the subject property or adjacent properties.
2. *Environmental Assessment.* The Planning Commission may require an applicant for a special land use to submit a complete assessment of the environmental impacts of the proposed use on the air, water, groundwater, and land on the site and on surrounding properties.

H. Residential Use Standards.

1. *Adult Foster Care Large Group Homes.*
 - a. The site shall be so located as to have one property line abutting a principal or minor arterial or a major collector. All ingress to and egress from the site shall be directly onto such principal or minor arterial or major collector or marginal access service drive thereof. The Planning Commission may allow access from a local street when it finds that no adverse effects on the surrounding area would result.
 - b. The parking area shall be screened in accordance with [Sec. 3.3.4, Parking Lot and Parking Space Design](#).
 - c. Adult foster care family homes require approval of applicable building permits for commercial use, as regulated by the most recently adopted edition of the building code.
2. *Boarding House.*
 - a. A boarding house shall be served by a principal or minor arterial road.
 - b. A residential manager shall be required to live on site if the house is not occupied by the owner.
 - c. Sleeping rooms for one person shall be at least 70 square feet in area. Sleeping rooms for two or more people shall have at least 50 square feet in area for each person.
3. *Continuing Care Facilities and Rehabilitation Centers.* (See [Sec. 2.3.2, Limited Use Standards](#).)
4. *Emergency Shelter.* Emergency shelters shall comply with applicable federal, state and local licensing requirements; state and local housing, building, and fire code requirements; all standards of the underlying zoning district in which they are permitted; and with the use standards contained in this section.
 - a. Where Permitted. An emergency shelter shall be permitted as a Special Land Use in the RM, NC, and GC zoning districts. Shelters are further permitted as an accessory use to a place of worship in all districts in which such uses are permitted. Nothing in this section modifies the requirements for approval of a religious facility as otherwise provided in this code.
 - b. Physical Characteristics.
 - i. If the emergency shelter is proposed in conjunction with a religious facility, the area utilized for emergency shelter facilities may not exceed 50 percent of the total floor area used for the religious facility.

- ii. Facilities shall provide exterior lighting on pedestrian pathways and parking lot areas on the property. Lighting shall reflect away from residential areas and public streets.
 - iii. Where a day care facility or elementary or middle school is operated on the same site as an emergency shelter, the day care and school facilities must be separated from the emergency shelter facilities by means to prevent access from one facility to the other.
 - c. Facility Operations.
 - i. *Number of Beds per Facility.* Emergency shelters accessory to a religious facility shall not exceed 20 beds. Other emergency shelters located in the city's residential or industrial zoning districts shall not exceed 40 beds.
 - ii. *Length of Stay.* The maximum term of staying at an emergency shelter is six months in a consecutive 12-month period.
 - iii. *Security.* The facility shall provide secure areas for personal property and shall have on-site security during all hours when the shelter is open.
 - d. Management Plan. A management plan is required for all emergency shelters to address management experience, good neighbor issues, transportation, client supervision, client services, and food services. Such plan shall be submitted to and approved by the Department of Community Development prior to the operation of the emergency shelter. The plan shall include a floor plan that demonstrates compliance with the physical standards of this chapter. The operator of each emergency shelter shall annually submit the management plan to the planning, inspections and permitting department with updated information for review and approval. The City Council may establish a fee by resolution to cover the administrative cost of review of the required management plan.
 - e. Permit Expiration. Unless a building permit has been issued for the development within one year after the granting of the special land use permit, as required by this chapter, or such further time as the commission shall allow, then without further action the special use permit shall be null and void.
- I. **Multiplex Dwellings.** (See Sec. 2.3.2, *Limited Use Standards.*)
- J. **Townhouses.** (See Sec. 2.3.2, *Limited Use Standards.*)
- K. **Public and Civic Use Standards.**
- 1. *Cultural Institutions.* The primary frontage of a cultural institution shall face and have vehicle access only from a principal or minor arterial street.
 - 2. *Neighborhood or Community Center.* (See Sec. 2.3.2, *Limited Use Standards.*)
 - 3. *Places of Worship.* (See Sec. 2.3.2, *Limited Use Standards.*)
 - 4. *Schools, K-12, Private.*
 - a. All ingress to and egress from the site shall be directly onto principal or minor arterial street.
 - b. Main and accessory buildings shall be set back a minimum of 80 feet from any property line.
- L. **Parks and Open Space Uses.**
- 1. *Cemeteries.* The site shall be located to have at least one property line abutting a major arterial street, as designated in the City's roadway classification system in the Master Plan. All ingress to and egress from the site shall be directly onto major thoroughfare or a marginal access service drive.
 - 2. *Private outdoor recreational field, court.* (See Sec. 2.3.2, *Limited Use Standards.*)
- M. **Commercial Use Standards.**
- 1. *Bed and Breakfast Establishments.*

- a. Bed and breakfast establishments shall be located in a single-unit detached dwelling existing at the date of the adoption of this article.
 - b. The property on which the use is located shall be at least 500 feet from the property line of any other bed and breakfast establishment.
 - c. The site shall be located to have one property line abutting a major principal or minor arterial or major collector as designated in the Master Plan. All ingress to and egress from the site shall be directly on to such principal or minor arterial or major collector or from a marginal access drive. The Planning Commission may allow access from a local street when it finds that no adverse effects on the surrounding area would result.
 - d. No exterior alterations to the main building are permitted for additional sleeping accommodations and all accommodations must be within the main building.
 - e. There shall be no more than one kitchen or other similar area in the main building and all cooking appliances must be located in the allowable cooking area.
 - f. All food shall be served on the premises and be for the consumption of the innkeeper and guests only.
 - g. The bed and breakfast establishment must be the innkeeper's principal residence.
 - h. The maximum stay of any guest is 14 days on any single occasion. A guest register is required to be maintained showing the arrival and departure dates of guests and must be made available for inspection by the Director.
 - i. See Division 6, Subdivision 2. *Signs*, for sign regulations for bed and breakfast establishments.
2. *Day Care Center, Child.* (See Sec. 2.3.2, Limited Use Standards.)
 3. *Day Care, Group childcare home (8-14).* (See Sec. 2.3.2, Limited Use Standards.)
 4. *Golf Courses.* (See Sec. 2.3.2 Limited Use Standards.)
 5. *Swimming Pool Clubs.* (See Sec. 2.3.2, Limited Use Standards.)
- N. **Industrial Use Standards.** [Reserved.]
- O. **Research and Technology Use Standards.** [Reserved.]
- P. **Marihuana Use Standards.** [Reserved.]
- Q. **Utilities.** [Reserved.]
- R. **Transportation Use Standards.** [Reserved.]
- S. **Warehousing and Storage Use Standards.** [Reserved.]

Sec. 2.3.4 Accessory Uses, Buildings, and Structures

- A. **Accessory Buildings.**
1. *General Requirements.*
 - a. Except as otherwise noted in this section, accessory structures, buildings and uses shall be subject to all of the regulations of this article applicable to main buildings, structures and uses.
 - b. No detached accessory building or structure shall be located closer than five feet to a main building or other accessory building or structure on the same lot unless the minimum fire separation requirements of the last adopted edition of the building code are met.
 - c. Except as noted in Paragraph 1.d, below, accessory buildings, structures and uses shall be located in the same zone and on the same zoning lot as the main building and/or principal use.

- d. Accessory buildings, structures and uses shall be located in the same zone and on the same zoning lot as the main building and/or principal use, except if the use is a private utility, such as a private water supply or water impoundment area (but not including parking or access drives). These exceptions shall be subject to the review and approval of the Planning Commission and shall be specifically subject to site plan review. In addition, the developer shall provide the Planning Commission with impacts statements and information that the Planning Commission deems necessary to review potential adverse impacts on surrounding properties. The Planning Commission may attach requirements to such accessory buildings, structures and uses which it deems necessary to avoid or mitigate adverse impacts on surrounding properties.

2. *Accessory Buildings in Residential Zoning Districts.*

- a. *Non-Lakefront Lots.* The following applies to accessory buildings and uses on non-lakefront lots in the RE, Residential Estate; RN, Residential Neighborhood; and RM, Residential Mixed districts:
 - i. No detached accessory building shall exceed 16 feet in height except, after a public hearing, the height of the building may be increased if the Planning Commission determines that the topography, natural features or other land use characteristics, including the distance of the proposed building from adjacent residential structures, adequately mitigate adverse impacts upon any adjacent single-unit residential use.
 - ii. Maximum floor areas.
 - (1) Except as noted in Paragraphs ii.(2) and ii.(3) below, each detached accessory building shall have a maximum floor area not greater than 20 percent of the rear yard. Accessory buildings in the rear or side yard shall be setback from the side or rear property lines a distance of five feet. Accessory buildings in the front yard shall meet the setbacks required for the main building.
 - (2) The total floor area of all accessory buildings, including those attached to the main building, shall not exceed the ground floor area of the main building plus 50 percent of the second story, provided that breezeways or enclosed porches are not counted in computing the total floor area of an accessory(s) or main building.
 - (3) The floor area of accessory buildings may exceed the ground floor area of the main building plus 50 percent of the second story when the residential lot or parcel has an area of two acres or more. However, when the floor area of the accessory building exceeds the ground floor area of the main building plus 50 percent of the second story, the accessory building and use shall be subject to the approval of the Planning Commission after a public hearing. To ensure harmonious relationships and to minimize conflicts between adjacent uses, the commission shall consider the proposed characteristics and uses of the building in relation to existing land uses and to the future land uses as shown in the comprehensive plan. The commission may attach requirements to such accessory building and use when it deems necessary to avoid or mitigate adverse impacts on surrounding properties. This section does not apply to agricultural uses.
 - (4) Residential Mixed (RM) District. A detached accessory building accessory to uses permitted in this district may be located within a required rear yard not closer than five feet to any side or rear lot line, except that community recreation or meeting facilities shall meet the setback requirements applicable to main buildings for the district. Single-unit dwellings shall comply with the provisions of Paragraph 2.a, above.
- b. *Lakefront Lots.* The following applies to accessory buildings on lakefront lots in any residential district:

- i. The rear yard shall be considered as the portion of the lot facing the waterfront.
- ii. The total floor area of all accessory buildings shall not exceed the ground floor area of the main building plus 50 percent of the second story, provided that breezeways or enclosed porches are not counted in computing the total floor area of a detached accessory(s) or main building.
- iii. Not more than one detached accessory building is permitted in the rear (lake side) yard and shall not exceed 80 square feet in area and eight feet in height, measured from the average grade at the accessory building location to the highest point of the accessory building. The permitted accessory building shall be located not closer than ten feet to any side property line and three feet to the rear property line in the rear (lake side) yard.
- iv. Boathouses, docks and other similar structures that are situated in whole or in part in the water are not regulated by this section.
- v. All buildings and structures, including fences, that were in existence in the rear (lake side) yard prior to January 30, 1987, shall be allowed to continue and shall be considered to be nonconforming structures and buildings.
- vi. Fences on lakefront lots may be erected, but only chain link, wire, wrought iron, split rail, or other similar fence design as determined by the director; not higher than four feet are permitted in the rear (lakeside) yard.
- vii. Pergolas, arbors and similar structures over nine inches in height above grade are permitted in the lakeside yard provided there are no walls, only support posts, and the structures do not exceed eight feet in height.
- c. *Swimming Pool Location.* Swimming pools shall meet the following setbacks:
 - i. Front yard setback of the applicable zoning district;
 - ii. No closer than eight feet from the required rear or side property line; and
 - iii. No closer than ten feet from any structures as measured from the nearest vertical wall enclosure (not including support columns with dimensions of less than 12 inches).

B. Accessory Uses.

1. *List of Accessory Uses.* Accessory uses may include, but are not necessarily limited to, the following:
 - a. Residential accommodations for servants and caretakers within the principal dwelling and not as a separate household.
 - b. A swimming pool for the use of the occupants of a residence or their guests.
 - c. Storage of merchandise normally carried in stock or goods used in or produced by industrial uses in connection with a business or industrial use, unless such storage is excluded in the applicable district regulations.
 - d. Off-street parking, open or enclosed, and loading subject to the provisions of [Division 3.3, Parking, Loading, and Circulation](#).
 - e. Signs, subject to the provisions of Division 6, Subdivision 2, Signs.
 - f. Home occupations, subject to the provisions of [Sec. 2.3.7](#).
 - g. Accessory antennas, subject to the provisions of Paragraph D of this section.
 - h. Private stables, if all of the following are satisfied:
 - i. The private stable is being used for the enjoyment of the persons occupying the premises.
 - ii. The private stable is outside of the boundaries of platted land.

- iii. Two acres of land are provided for the first horse and one additional acre of land is provided for each additional horse. The zoning board of appeals may reduce the area requirements when it is affirmatively shown that the reduction will not interfere with the rights of neighboring landowners to the enjoyment of their premises.
 - iv. Stables, feeding areas and other confinement areas are located at least 125 feet from neighboring residences.
 - v. Manure from stables is located at least 125 feet from any property boundary line.
 - vi. No electrical fencing exceeding 12 volts is used on the premises.
 - vii. The stables, feeding areas and other confinement and/or manure storage areas do not produce noise, odor, dust, fumes or comparable nuisances.
 - i. A residential dwelling unit subject to the provisions of section 42-137, *work/live accommodations*.
2. *Keeping of Chickens as an Accessory Use.*
- a. Household pets. Domestic animals that are normally and customarily kept for pleasure and companionship as household pets as defined in [Division 10.2, Definitions](#) and do not conflict with or violate any other law or regulation of the state, county or city applicable to the keeping of such animal is permitted as accessory to a residential use.
 - b. Chickens (hens). The purpose of this section is to provide standards and requirements for the keeping of chickens. Roosters are not permitted. It is intended to enable residents to keep up to six chickens on a non-commercial basis while limiting and mitigating any potential adverse impacts on surrounding properties and neighborhood. The keeping of up to six chickens that are utilized exclusively by the person(s) occupying a one-family dwelling as a locally grown food source for the consumption of eggs or meat, is permitted as accessory to the residential use if all of the following are satisfied:
 - ii. Chickens shall be kept only in the rear yard secured within a coop and attached pen during non-daylight hours. During daylight hours, chickens may be allowed to roam outside of the coop and pen, if supervised, and only within an area completely enclosed by a fence with a minimum height of four feet.
 - iii. The accessory use, coop and pen shall be designed to provide safe and healthy living conditions for chickens while minimizing adverse impacts on other residents and the neighborhood. The coop and pen shall meet the following additional requirements:
 - (1) The coop and pen shall be setback a minimum of 10 feet from all property lines of adjacent property and be located a minimum of 30 feet from the nearest wall of any adjacent dwelling. Additionally, a coop and pen located on a lake front lot shall have a 40-foot rear yard setback. Public streets and public easements shall not be considered adjacent property lines for purposes of this section.
 - (2) The coop and pen shall be a maximum of six feet in height and shall not exceed a total of 80 square feet.
 - (3) The use of corrugated metal/fiberglass, sheet metal, plastic tarps, scrap lumber or similar materials is prohibited. The coop and pen must be completely enclosed with a top and/or cover.
 - (4) The coop and pen may be movable only if the dimensional/setback restrictions contained in this section are satisfied.
 - iv. All feed and other items associated with the keeping of chickens that are likely to attract or to become infested with or infected by rats, mice or other rodents shall be protected so as to prevent rats, mice or other rodents from gaining access or coming into contact with them.

- v. The outdoor slaughter of chickens is prohibited.
- vi. The accessory use shall comply with all provisions of the City of Portage Code of Ordinances pertaining to noise, odors, dust, fumes, sanitation and health or other comparable nuisances to ensure the public health, safety and welfare.
- vii. No person shall keep chickens without first securing a permit from the city on a form provided and without paying a permit fee as prescribed by the Portage City Council by resolution. The permit shall be issued by the Director. Such permit may be revoked by the Director if it is determined that any provision of this section is violated.
- viii. Establishment of an accessory use and/or accessory building under this section shall not confer a vested right in the provisions contained herein or a right to continue such use. Further, a permit granted under this section is personal to the applicant occupying the dwelling and is not transferable.
- ix. This section shall not regulate the keeping of chickens in those areas where a form of agriculture is a permitted principal use or special land use under other sections of this zoning code.
- x. All licensing required by the State of Michigan and Kalamazoo County, as well as all other statutes, ordinances and codes, shall be satisfied.
- xi. No permit shall be issued by the Director without the written authorization from an owner of the property (if different from the applicant) consenting to the application on a form provided. Once authorization is obtained it shall continue for as long as the applicant is in possession of the property.

C. Accessory Dwelling Units.

1. *Purpose.* It is the intent of this section to allow for accessory dwelling units (ADUs) upon properties within the RE and RN residential zoning districts to allow homeowners to have a supplemental source of income with a long-term tenant, as well as other nontangible benefits to older residents, such as companionship or a live-in caretaker. It is recognized that ADUs provide an opportunity for affordable housing for family members to reside nearby with independence. It is further recognized that appropriate limitations are necessary so that ADUs are compatible and harmonious within residential neighborhoods.
2. *Design and Development Standards.* The following provisions shall apply to all ADUs:
 - a. An ADU may only be established on a parcel with a single-unit detached dwelling on it and located in RE or RN district.
 - b. Not more than one ADU may be established on a single parcel or zoning lot.
 - c. No more than two bedrooms.
 - d. An ADU shall not be smaller than 500 square feet and no larger than 900 square feet, but in no circumstances shall it exceed the total square footage of the principal dwelling.
 - e. An ADU shall be furnished with its own kitchen, full bathroom, and sleeping area.
 - f. The principal residence and ADU shall share the same vehicular access to the parcel.
 - g. Short-term rentals (30 days or less) shall not be permitted for either the ADU or principal residence.
 - h. An ADU must have its own means of egress from the exterior or from a common hallway within a single building.
 - i. At least one on-premise dedicated improved surface parking space shall be provided for the ADU.
 - j. The ADU cannot be sold separately from the primary dwelling.
 - k. Lot coverage maximums of the underlying zoning district shall apply.

- l. The property owner shall live in either the ADU or principal residence, which shall be addressed pursuant to subsection 3 of this section.
 - m. The ADU shall be connected to public sewer and water supply systems, or to private facilities for potable water and disposal of sewage approved by the City.
 - n. The ADU unit shall comply with all applicable building, electrical, plumbing, fire, energy and other similar codes which are or may be adopted by the City, and with applicable federal or state standards or regulations for construction. Appropriate evidence of compliance with these standards or regulations shall be provided to the building inspector. The following life/safety aspects apply:
 - i. All attached ADUs shall have smoke detectors and carbon monoxide detectors interconnected with those in the principal dwelling; if separate, the common wall separating the ADU from the principal dwelling shall consist of a 1-hour fire-rated wall.
 - ii. ADU occupants shall have access to utility shut-off elements, including electricity, gas, and water.
 - o. Shall be subject to the minimum front and side yard setbacks of the underlying zoning district. The rear yard setback shall meet the minimum side yard setback for the underlying zoning district.
 - p. Prior to occupancy of the ADU, the community development department shall issue a certificate of occupancy indicating compliance with all applicable requirements and inspections.
3. *Detached ADUs.* The following supplemental standards shall apply to detached ADUs:
- a. The maximum height shall not exceed the height of the principal dwelling, except after a public hearing the height may be increased if the Planning Commission determines harmonious relationships and to minimize conflicts between adjacent uses. The Commission shall consider the proposed characteristics of the building in relation to existing land uses and to future land uses as shown in the master plan. The Commission may attach requirements to such accessory building and use when it deems necessary to avoid or mitigate adverse impacts on surrounding properties.
 - b. Mobile homes, shipping containers, trailers on wheels, tree houses, or any other unit not on a permanent foundation shall not be considered an ADU.
 - c. Shall be firmly attached to a permanent continuous foundation which complies with applicable provisions of the adopted building code.
 - d. Exterior design of an ADU shall be compatible with existing residences. Consistent with primary dwelling and in harmony with the character and scale of the surrounding neighborhood.
4. *Submittal Requirements.* Applications for an ADU shall be made to the Department of Community Development and shall consist of the following information:
- a. Plot plan (scaled drawings) showing the following:
 - i. Location of all existing and proposed structures on the property.
 - ii. Setbacks of the proposed ADU from all property lines and structures.
 - iii. Designated parking area for the ADU and principal residence.
 - iv. Elevation drawings, where necessary.
 - b. Floor plan, elevations, and building plans showing the following:
 - i. Kitchen, bathroom, sleeping area, entry stairs, and gross square footage;
 - ii. Connecting wall or floor to the principal residence, where necessary;
 - iii. Elevations including windows, doors, porches, walls, and other exterior features.
 - c. A Deed Restriction by the owner of record acknowledging the following:
 - i. One of the two dwelling units will be occupied by the property owner,

- ii. The ADU cannot be sold separate from the principal residential unit.
- d. An affidavit by the owner of record indicating the following:
 - i. Which of the two dwelling units will be occupied by the owner of record.
 - ii. All ADU standards of the City of Portage shall be adhered to.
- D. **Refuse Containers.** The regulations of this section shall be applicable to any refuse container, including waste receptacles and compactors, on the site of all uses except single-unit and two-unit dwellings. Refuse containers shall be designed, constructed and maintained according to the following:
 - 1. Refuse containers shall be located in the rear yard or non-required side yard 20 feet from any adjacent residential district or use property line, unless otherwise approved by the Director.
 - 2. Containers shall be screened from view of any public right-of-way or residential district with a solid wall, fence or live landscape material at least six feet high. The use of chain link fencing with interwoven slats is not permitted. Landscape plantings are encouraged when a wall or fence is used to better screen the refuse containers and protect adjacent property.
 - 3. A change in refuse container location or size shall require a modification to screening as required by this section.
- E. **Solar Installations.**
 - 1. *Roof-Mounted Installations.* Roof-mounted solar collectors on principal and accessory buildings shall meet the following:
 - a. Panels shall be attached directly to the roof and shall match the pitch of the roof;
 - b. Panels shall not project above the ridge, and to the extent practical, should generally fill the roof plane when facing a public right-of-way, resulting in the appearance of a full-coverage material over the roof plane.
 - c. Panels shall not be stopped short of gable or shed roof edges. To the extent practical, solar panels should be selected and installed in a manner that minimizes reflectivity and glare.
 - 2. *Ground- or Structure- Mounted Solar Collectors.* Ground- or structure- mounted solar collectors shall be set back from lot lines a distance equal to that of detached accessory buildings.
 - 3. *Carport and Covered Walkways.* Solar collectors that are attached to carports and covered walkways shall meet the following criteria:
 - a. There shall be a minimum of eight feet of clearance under the carport or covered walkway.
 - b. Such carports and walkways shall be set back from the front lot line as required for principal buildings if located in a residential district.
 - 4. *Damaged Collectors.* If solar collectors are damaged, such that the damage is obvious when viewed from public right-of-way, then the collectors shall be removed or replaced within 30 days of the event that caused the damage.

Sec. 2.3.5 Temporary Use Standards

[Reserved.]

Sec. 2.3.6 Wireless Telecommunications and Towers

[Reserved.]

Sec. 2.3.7 Home Occupations

- A. **Home Occupation Types.** There are three types of home occupations, Passive, Active, and Medical Marihuana, all of which are defined in [Division 10.2, Definitions](#).
- B. **Standards.** The following standards apply to passive and active home occupations. Additional requirements for Passive and Active home occupations follow this section. Specific requirements for Medical Marihuana home occupations are contained in [Sec. 2.3.7-B](#).
1. *Where Permitted.* Home occupations are permitted as an accessory use in any single-unit dwelling on a zoned lot in any zoning district.
 2. *Exception.* No condition or requirement stated for a home occupation shall prohibit the growing of fruits, vegetables or flowers, or any other farm product, protected by the Michigan Right to Farm Act, Act 93 of 1981, as amended, provided that the farm produce is grown, raised or produced on the zoning lot occupied by the home occupation and is for commercial purposes and meets all other applicable laws and rules, including the Generally Accepted Agricultural and Management Practices ("GAAMPs") as promulgated by the Michigan Department of Agriculture.
 3. *Employees.* A home occupation shall be owned or operated by a permanent occupant of the single-unit dwelling in which the home occupation is conducted. The home occupation is personal to the full-time occupant engaged in the conduct of the active home occupation and is not transferrable without Planning Commission approval.
 4. *Business License Required.* The owner or operator of any home occupation for which a business license is required shall maintain the license in good standing.
 5. *Floor Area Allowances.*
 - a. The home occupation, or any part thereof, shall be conducted wholly within the dwelling unit and shall not be conducted in a garage or any other attached or detached accessory building or structure, nor on any patio, deck, or lawn area.
 - b. A maximum of 25 percent of the total floor area of any one floor of the dwelling unit, or 25 percent of the basement, may be used for the home occupation.
 6. *Indoor Storage Only.*
 - a. Storage of materials, equipment and goods which is incidental to the services of the home occupation shall be permitted only within the enclosed sections of the single-unit dwelling unit or within not more than 50 percent of the total floor area of a completely enclosed accessory building.
 - b. Materials, equipment, and goods shall not be visible from adjacent properties.
 7. *Off-Street Parking and Traffic.*
 - a. Off-street parking shall be provided on an improved driveway that fulfills the requirements of [Division 3.3, Parking, Loading, Circulation, Stacking, and Access](#).
 - b. There shall be no other additional vehicular parking spaces provided other than the off-street parking facilities normally required for residential use.
 - c. The home occupation shall not generate pedestrian or vehicular traffic beyond that normally generated by a dwelling unit.
 8. *Signs.* A home occupation shall be allowed one non-illuminated sign, up to six square feet, on the lot on which the single-unit dwelling that houses the home occupation resides. Window displays, other than the permitted sign, are prohibited.
 9. *Limit on Use of Accessory Buildings or Structures.* The home occupation, or any part thereof, shall not be conducted in any attached or detached accessory building or structure nor on any patio, deck or lawn area, except outdoor areas may be used for instruction in recreational activities customarily associated with residential uses including, but not limited to, swimming lessons and tennis lessons.

10. *Exterior Alterations.* There shall be no alterations or exterior treatments to the zoning lot or structures on the zoning lot which would, in any way, change its residential character or appearance.
11. *Noise, Dust, and Odors.* The business activity shall not produce or generate, in any way, noise, odor, dust, fumes, smoke, glare or comparable nuisances which would cause negative effects on surrounding property.
12. *Hazardous Materials.* The business activity shall not be permitted to use, store or produce any hazardous materials in excess of quantities permitted in residential structures.
13. *Storage of Goods.* The storage of goods, materials or equipment which is incidental to the services of the home occupation is permitted only within the enclosed sections of the single-unit dwelling. The storage of goods, materials or equipment in any attached or detached accessory building or structure is not permitted.
14. *Deliveries.* No goods or products shall be directly sold or delivered to customers on the premises of the single-unit dwelling that houses the home occupation, except goods and products which are incidental to the services of the business activity.
15. *Sale of Goods and Products Prohibited.* No goods or products shall be directly sold or delivered to customers on the premises of the single-unit dwelling except goods and products which are incidental to the services of the home occupation.

C. Passive Home Occupations.

1. *Permit Not Required.* A passive home occupation, as defined in [Division 10.2, Definitions](#), shall be allowed without a permit as an accessory use on a zoning lot, provided it meets the standards of this section.
2. *Notification Recommended.* The owner of a dwelling unit in which a passive home occupation has been established, or the occupant under whose name the business is registered, is encouraged to notify the Department of Community Development at the time a home occupation is established. The owner and/or business occupant may request information from the Director of Community Development about his or her rights and responsibilities to operate a passive home business.

D. Active Home Occupations.

1. *Special Land Use Permit Required.* An active home occupation, as defined in [Division 10.2, Definitions](#), shall require approval by the Planning Commission of a Special Land Use Permit in accordance with [Article 4, Division 5, Special Land Uses and Site Plan Review](#). The following requirements and allowances shall apply to active home occupations:
 2. *Number of Employees.*
 - a. One person other than a full-time occupant of the single-unit dwelling may be employed by the active home occupation.
 - b. In its review, the Planning Commission may allow two full-time, non-occupant employees for an active home occupation, upon request. In making its determination, the Planning Commission shall make a finding that the increase to two full-time non-occupant employees does not adversely impact adjacent residential uses, shall consider the standards contained in this section, and may impose additional conditions.
 - c. *Additional Floor Area Allowances.* An active home occupation shall be limited to 400 square feet of the dwelling unit, provided it occupies 25 percent or less of the total floor area of any one floor of the single-unit dwelling or 25 percent or less of any basement. The Planning Commission may allow an increase in the floor area of the existing dwelling unit to be used for the home occupation of up to 50 percent of the floor area of any one floor or basement of the dwelling unit. The Planning Commission shall make a finding that the increase of floor area used for the home occupation does

not adversely impact adjacent residential uses and the increase in floor area used for the home occupation complies with the requirements of this section.

- d. **Review Criteria.** The Planning Commission shall consider whether the use and the day-to-day operation of the active home occupation application submitted by the occupant is compatible with the surrounding area and does not present undue safety hazards. In its determination, the Planning Commission shall consider whether the use and expected conduct of the use specified in the application by the occupant:
 - i. Promotes the intent and purpose of this section;
 - ii. Sufficiently mitigates adverse impacts on the surrounding residential uses of land. The Planning Commission may consider factors including, but not limited to, the following:
 - (12) The number of trips the vehicle to be used in the home occupation is expected to make to and from the property.
 - (13) The size and weight of vehicles to be used in the active home occupation;
 - (14) The seasonal nature of the active home occupation;
 - (15) The size of the zoning lot, location of driveways, topography, vegetation, location of structures and other features of the zoning lot; and
 - (16) The proximity of the surrounding uses to the active home occupation.
 - iii. Does not unduly affect the capacities of public services or facilities;
 - iv. Is consistent with public health, safety, and welfare;
 - v. Is harmonious with and in accordance with the general objectives or with any specific objective of the Master Plan; and
 - vi. Is planned and designed to ensure that the nature and intensity of the use and the site layout and its relation to the streets giving access to it, is not hazardous to the area and does not unduly conflict with normal traffic.
- e. **Additional Conditions.** The Planning Commission may attach conditions to the application by the occupant to conduct an active home occupation deemed necessary for the general welfare, for the protection of individual property rights, to mitigate any negative impacts on the surrounding residential uses of land including the number of customers allowed on the zoning lot at any one time, hours of operation, and similar factors.

Subsec. 2.3.7-A Home Occupations

- A. **Passive Home Occupations.** A passive home occupation on a zoning lot conducted by the occupant that meets the following requirements is allowed as an accessory use with no permit being required:
 1. The occupation is conducted as a subordinate use by a member of the family occupying the dwelling unit.
 2. The occupation, or any part thereof, shall be conducted wholly within the dwelling unit and shall not be conducted in any attached or detached accessory building or structure nor on any patio, deck or lawn area.
 3. No person outside the family is employed in the home occupation.
 4. Not more than 25 percent of the total floor area of any one floor of the dwelling unit, or 25 percent of the basement, is used for the home occupation.
 5. The home occupation does not require interior or exterior alterations of the dwelling unit or the use of mechanical or electronic equipment not customarily used in a dwelling unit.

6. There shall be no sign of any nature identifying the home occupation. The use of window displays are not permitted.
 7. The home occupation does not produce or generate, in any way, noise, odor, dust, fumes, smoke, glare or comparable nuisances which would cause negative effects on surrounding property. No passive home occupation shall be permitted to use, store or produce any hazardous materials in excess of quantities permitted in residential structures.
 8. The home occupation does not generate pedestrian or vehicular traffic beyond that normally generated by a dwelling unit.
 9. Off-street parking shall be provided on an improved driveway that fulfills the requirements of [Division 10.2, Definitions](#), and there shall be no other vehicular parking other than the off-street parking facilities normally required for the residential use.
 10. The storage of goods, materials or equipment which is incidental to the services of the home occupation is permitted only within the enclosed sections of the one-family dwelling unit. The storage of goods, materials or equipment in any attached or detached accessory building or structure is not permitted.
 11. No goods or products shall be directly sold or delivered to customers on the premises of the single-unit dwelling except goods and products which are incidental to the services of the home occupation.
 12. No condition or requirement stated for passive home occupations shall prohibit the growing of fruits, vegetables or flowers, or any other farm product, protected by the Michigan Right to Farm Act, Act 93 of 1981, as amended, provided that the farm produce is grown, raised or produced on the zoning lot occupied by the home occupation and is for commercial purposes and meets all other applicable laws and rules, including the Generally Accepted Agricultural and Management Practices ("GAAMPs") as promulgated by the Michigan Department of Agriculture.
- B. Active Home Occupations.** An active home occupation on a zoning lot where there is a one-family residential dwelling unit may be conducted by the occupant if approved by the Planning Commission after a public hearing in accordance with the requirements of Section 103 of the Michigan Zoning Enabling Act, MCLA 125.3101 et seq., as amended, and finding that the application of the occupant meets the following requirements:
1. No more than one person other than the full-time occupant(s) of the one-family dwelling unit shall be engaged in the conduct of the active home occupation on the zoning lot. The Planning Commission may allow two full-time non-occupant employees upon request. In making its determination, the Planning Commission shall make a finding that the increase to two full-time non-occupant employees does not adversely impact adjacent residential uses, shall consider the standards contained in Paragraph B.11, below, and may impose conditions under Paragraph B.12, below. The home occupation is personal to the full-time occupant engaged in the conduct of the active home occupation and is not transferrable without Planning Commission approval.
 2. Not more than 25 percent of the total floor area of any one floor of the one-family dwelling unit, or 25 percent of any basement, and provided that no more than 400 square feet of the dwelling unit is occupied by the active home occupation. The Planning Commission may allow an increase in the floor area of the existing dwelling unit to be used for the home occupation not to exceed a maximum of 50 percent of the floor area of any one floor or basement of the dwelling unit. The Planning Commission shall make a finding that the increase of floor area used for the home occupation does not adversely impact adjacent residential uses and the increase in floor area used for the home occupation complies with the requirements contained in Paragraphs B.11.a. through f. below.
 3. There shall be no alterations or exterior treatments to the zoning lot or structures on the zoning lot which would, in any way, change its residential character or appearance.

4. Off street parking provided for the active home occupation shall be provided on an improved driveway that fulfills the requirements of **Division 10.2, Definitions**. There shall be no other vehicular parking other than the off-street parking facilities normally required for the residential use.
5. No goods or products shall be directly sold or delivered to customers on the premises of the one-family dwelling except goods and products which are incidental to the services of the home occupation.
6. Storage of materials, equipment and goods which is incidental to the services of the home occupation shall be permitted only within the enclosed sections of the one-family dwelling unit or within not more than 50 percent of the total floor area of a completely enclosed accessory building.
7. The active home occupation, or any part thereof, shall not be conducted in any attached or detached accessory building or structure nor on any patio, deck or lawn area, except outdoor areas may be used for instruction in recreational activities customarily associated with residential uses including, but not limited to, swimming lessons and tennis lessons.
8. Materials, equipment and goods shall not be visible from adjacent properties.
9. There shall be no sign of any nature identifying the home occupation except a non-illuminated wall signage (maximum of six square feet) identifying the name of the active home occupation may be affixed to the one-family dwelling unit. The use of window displays are not permitted.
10. The active home occupation shall not produce or generate excessive or undue noise, odor, dust, fumes, smoke, glare or comparable nuisances which would cause negative effects on surrounding property. No active home occupation shall be permitted to use, store or produce any hazardous materials in excess of quantities permitted in residential structures.
11. The Planning Commission shall consider whether the use and the expected conduct of the use associated with the active home occupation application submitted by the occupant is within an acceptable range of compatibility appropriate for the surrounding area and does not present undue safety hazards. In its determination, the Planning Commission shall consider whether the use and expected conduct of the use specified in the application by the occupant:
 - a. Promotes the intent and purpose of this section;
 - b. Sufficiently mitigates adverse impacts on the surrounding residential uses of land. The Planning Commission may consider factors including, but not limited to, the following:
 - i. The proximity of the surrounding uses to the active home occupation;
 - ii. The size of the zoning lot, location of driveways, topography, vegetation, location of structures and other features of the zoning lot;
 - iii. The seasonal nature of the active home occupation;
 - iv. The size and weight of vehicles to be used in the active home occupation; and
 - v. The number of trips the vehicle to be used in the home occupation is expected to make to and from the property;
 - c. Does not unduly affect the capacities of public services or facilities;
 - d. Is consistent with the public health, safety and welfare;
 - e. Is harmonious with and in accordance with the general objectives or with any specific objective of the comprehensive plan; and
 - f. Is planned and designed to ensure that the nature and intensity of the use and the site layout and its relation to the streets giving access to it, is not hazardous to the area and does not unduly conflict with normal traffic.
12. The Planning Commission may attach conditions to the application by the occupant to conduct an active home occupation deemed necessary for the general welfare, for the protection of individual property

rights, to mitigate any negative impacts on the surrounding residential uses of land including the number of customers allowed on the zoning lot at any one time, hours of operation, and similar factors, and any condition allowed by MCLA 125.3504(4) of the Michigan Zoning Enabling Act, as amended.

13. No condition or requirement stated for active home occupations shall prohibit the growing of fruits, vegetables or flowers, or any other farm product, protected by the Michigan Right to Farm Act, Act 93 of 1981, as amended, provided that the farm produce is grown, raised or produced on the zoning lot occupied by the home occupation and is for commercial purposes and meets all other applicable laws and rules, including the Generally Accepted Agricultural and Management Practices ("GAAMPs") as promulgated by the Michigan Department of Agriculture.

Subsec. 2.3.7-B Medical Marihuana Home Occupation

- A. **Permitted by State Law.** A primary caregiver acting in compliance with the General Rules of the Michigan Department of Licensing and Regulatory Affairs ("general rules"), the Michigan Medical Marihuana Act, MCL 333.26421 et seq., (the "Act") and the requirements of this section, may be allowed as a home occupation.
- B. **Standards in Sec. 2.3.7, Home Occupations Do Not Apply.** The conditions and requirements contained in Sec. 2.37 governing passive and active home occupations shall not be applicable to medical marihuana home occupations under this section and no permit under the Portage Zoning Code is required for a medical marihuana home occupation.
- C. **Requirements.** The following requirements for a primary caregiver as a home occupation shall apply:
 1. *Primary Caregiver.* A primary caregiver shall comply at all times and in all circumstances with the Act and the general rules of the department as they may be amended from time to time.
 2. *In-Home Cultivation.* The home occupation may be conducted in a dwelling unit (as defined by the Zoning Code), in an accessory building, or outdoors, where no more than one primary caregiver:
 - a. Cultivates up to the maximum number of marihuana plants permitted by the Act (12 for each qualifying patient);
 - b. Possesses up to the maximum amount of marihuana or marihuana-infused products permitted by the Act;
 - c. Assists no more than the maximum number of qualifying patients permitted by the Act (maximum of five) who have been issued and possess a registry identification card and who are connected with the primary caregiver through the department's registration process for the medical use of marihuana. Assistance to a qualifying patient by someone other than his or her designated primary caregiver is prohibited;
 - d. Does not separate marihuana resin from marihuana plants by butane extraction on the premises of the medical marihuana home occupation;
 - e. Does not store any chemicals such as herbicides, pesticides, and fertilizers inconsistent with the provisions of the Portage Code of Ordinances including but not limited to the International Fire Code as adopted by the code; and
 - f. Does not produce or generate, in any way, noise, odor, dust, fumes, smoke, glare or comparable nuisances which would cause negative effects on surrounding property. The following shall apply
 3. *Separation Distances.* The following shall apply a primary caregiver conducting a home occupation under this section:
 - a. Considering the federal "Drug Free School Zone" requirements, the medical marihuana home occupation shall not be located:

- i. Within 500 feet from the real property comprising a public or private elementary, vocational or secondary school or a public or private college, junior college or university, a childcare center, a playground, a housing facility owned by a public housing authority; or
 - ii. Within 100 feet of a public or private youth center, public swimming pool, or video arcade facility.
 - b. Measurements for purposes of subsection Sec 2.3.7 (D)(3)(a) in this subsection shall be made from the property boundary of the zoning lot occupied by the home occupation to the nearest point of the property occupied by any of the uses listed above, using an uninterrupted straight line without regard to intervening structures or objects.-A map showing the uses and facilities listed in subsection C.3.a above, as well as the protected areas, is available for review in the Department of Community Development.
 - c. The distance provisions of this subsection do not apply to a primary caregiver whose qualifying patient(s) (up to the maximum permitted under the Act) are permanent residents of the primary caregiver's household and whose residence is shared with the primary caregiver.
 - d. If the primary caregiver is not an owner of the premises, nothing contained in this section shall limit an owner of the premises from prohibiting the home occupation on the premises occupied by the primary caregiver nor limit an owner's right to pursue any private right of action allowed by law.
4. *Safekeeping of Products.* All medical marihuana plants and medical marihuana-infused products shall be contained in an enclosed, locked facility inaccessible on all sides and equipped with locks or other security devices that permit access only by the primary caregiver or qualifying patient. Marihuana plants grown outdoors are considered to be in an enclosed, locked facility if they are not visible to the unaided eye from an adjacent property when viewed by an individual at ground level or from a permanent structure and are grown within a stationary structure that is enclosed on all sides, except for the base, by chain-link fencing, wooden slats, or a similar material that prevents access by the general public and that is anchored, attached, or affixed to the ground; located on land that is owned, leased, or rented by either a registered qualifying patient or the primary caregiver for the registered qualifying patient or patients for whom the marihuana plants are grown; and equipped with functioning locks or other security devices that restrict access to only the registered qualifying patient or the registered primary caregiver who owns, leases, or rents the property on which the structure is located.
 5. *Other Applicable City Codes.* The home occupation shall be conducted consistent with the Portage Code of Ordinances including but not limited to securing all building, electrical, plumbing and mechanical permits for any portion of the residential structure in which electrical wiring, lighting, and/or watering devices are located, installed or modified that support the cultivation, growing or harvesting of marihuana, compliance with Article 4, Chapter 24, Noise, Article 5, Chapter 24, Safety, Sanitation and Health, as well as Article 14, Chapter 42, Housing/Property Maintenance Code. If a room with windows is utilized as a marihuana growing location, any lighting methods that exceed usual residential use between the hours of 11:00 pm and 6:00 am shall employ shielding methods, without alteration to the exterior of the residence, to prevent ambient light spillage that causes or creates a distraction or nuisance to adjacent residential properties.
 6. *Business Hours for Qualifying Patients.* Qualifying patients may visit the site for the purposes permitted under the Act only during the hours of 8:00 a.m. to 8:00 p.m. No more than five qualifying patients may visit the site at any one time.
 7. *Off-Street Parking.* Off-street parking provided for the medical marihuana home occupation shall be provided on an improved driveway that fulfills the requirements of Division 10.2, *Definitions*, of this UDO. There shall be no other vehicular parking other than the off-street parking facilities normally required for the residential use.

8. **Signs.** There shall be no sign of any nature identifying the home occupation and the use of window displays is not permitted.
9. **Other Marihuana Facilities Prohibited.** The location and operation of a marihuana facility pursuant to the provisions of the Michigan Medical Marihuana Facilities Licensing Act, Public Act 281 of 2016, MCL 333.27101 et seq., as a home occupation is prohibited.
10. **Immunity Not Granted.** Nothing in this section, or in any companion regulatory provision adopted in any other provision of this Code is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution for growing, sale, consumption, use, distribution, or possession of marihuana not in strict compliance with the Act and the general rules and this section. To this end, the sale, distribution, cultivation, manufacture, possession, delivery or transfer of marihuana to treat a qualifying patient shall only be conducted as a home occupation and shall not be permitted in any other zoning classification of this Zoning Code. Also, since federal law is not affected by the Act or the general rules, nothing in this section, or in any companion regulatory provision adopted in any other provision of this UDO, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution under federal law. Neither this section nor the Michigan Medical Marihuana Act protects users, caregivers or the owners of properties on which the medical use of marihuana is occurring from federal prosecution, or from having their property seized by federal authorities under the Federal Controlled Substances Act.

Sec. 2.3.8 Residential Building Encroachments

- A. **Generally.** The purpose of this Section is to set forth special cases that warrant flexibility in the developmental standards in this UDO.
- B. **Height.** Height limitations stipulated in this UDO shall not apply to:
 1. **General.** Chimneys, farm buildings, church spires, flagpoles, public monuments, cornices without windows, cupolas, domes not used for human occupancy, elevator penthouses, monuments, parapet walls, skylights, spires, steeples, theater scenery lofts, towers, ventilators, publicly-owned water tanks, and similar structures and necessary mechanical appurtenances covering not more than 25 percent of the roof area of the structure, and rooftop solar panels, may exceed the maximum permitted height in the district in which the site is located. In no case may the exclusions exceed 150 percent of the height of the principal building without approval of a Variance in accordance with [Sec. 7.5.3, Variance](#).
 2. **Limited Height Restrictions.** Sports lighting facilities owned by or under the control of a governmental entity and utility poles and towers owned by a public utility and used for the transmission and distribution of electricity may be erected to any height in any zoning district, unless prohibited by airport height hazard zoning regulations.
- C. **Setback Encroachments for Residential Uses.** Table 2.3.8-1, *Setback Encroachments in Residential Districts Uses* indicates which building elements may project into required front, side, or rear yards. Such allowances are expressed as the number of feet an element may encroach into a required setback, the number of feet an element shall be separated from a property line, or both.

Table 2.3.8-1, Setback Encroachments in Residential Districts
"P" = Permitted | "--" = Not Permitted

Building Element	Max Allowable Encroachment	Side	Front	Rear
Architectural features including cornices, canopies, and eaves ¹	2 in. for each 1 ft. side yard width; 3 ft. into front or rear yard	P	P	p
Gutters	Exempt	P	P	P
Bay windows and chimneys	3 ft. into any setback; 5 ft. away from any lot line	P	P	P
Unenclosed balconies, uncovered porches, and uncovered decks attached to main dwelling ³	10 ft. into front and rear yard setback	--	P	P
Covered balconies and covered porches	Required setbacks for principal building or structure on the site apply.			
Unenclosed stairs, steps, access ramps for egress and ingress ^{2,4}	10 ft. away from front lot line; 15 ft. away from rear lot line; 3 ft. away from side lot lines	P	P	P
Patios and at-grade decks ⁵	Exempt when less than 9" above grade and in side and rear yards	P	--	P
Steps not connected to a structure or building, and landscaping	Allowed anywhere in setbacks	P	P	P
Window wells, egress windows, basement escape ladders	Min. necessary to meet fire code	P	P	P

Table 2.3.8-1, Setback Encroachments in Residential Districts

"P" = Permitted | "--" = Not Permitted

Building Element	Max Allowable Encroachment	Side	Front	Rear
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Table Notes:

1. Eaves are measured at the drip line and are permitted to encroach into any yard setback; Cantilevered walls do not qualify as a permitted encroachment and shall meet all setback requirements for the zoning district.
2. Barrier-free access ramps on residential sites for use by persons with disabilities may be located in the front setback if there is not adequate space to locate it elsewhere. When such ramp is no longer required it shall be considered a legal, nonconforming structure. Ramps for the purpose of providing barrier free access to a dwelling can project to within ten feet of the front property line.
3. A porch, terrace, or deck located within any front yard or rear yard setback area may be enclosed with ornamental railings, handrails, or similar guardrails up to 42 inches in height are permitted around any porch, terrace, or deck in any front or rear yard setback.
4. Lakefront parcels are exempt.
5. Unattached decks are subject to accessory building setbacks.

D. Permitted Encroachments in Nonresidential Districts.

1. Awnings and canopies attached to a principal building may project up to three feet into any setback and shall be erected at least eight feet above adjoining walkways and driveways.
2. Open entrances, stoops, and porches, when not covered and not more than 18 inches in height above grade, shall not project more than 10 feet from a principal building.

E. Gas Station Canopies. [Reserved.]

F. Lot Averaging. Lot averaging is a design technique that replaces minimum lot dimensions with an average lot width and size for a subdivision. The lot area and width dimensions in [Division 2.2, Zoning Districts and Dimensional Standards](#), may be averaged for each zoning district. To use lot averaging, all lots in a proposed subdivision shall meet the following criteria:

1. **Equal to or Greater.** The average lot area and average lot width of the proposed subdivision shall be equal to or greater than the individual lot area and lot width of the subdivision's proposed underlying zoning district requirements as specified in [Division 2.2](#).
2. **Greater than 90 Percent.** The lot area and lot width of all lots shall be a minimum of 90 percent of the lot area or lot width specified in [Division 2.2](#). (see [Figure 2.4.2-1, Lot Averaging](#)).

Figure 2.3.8-1, Lot Averaging

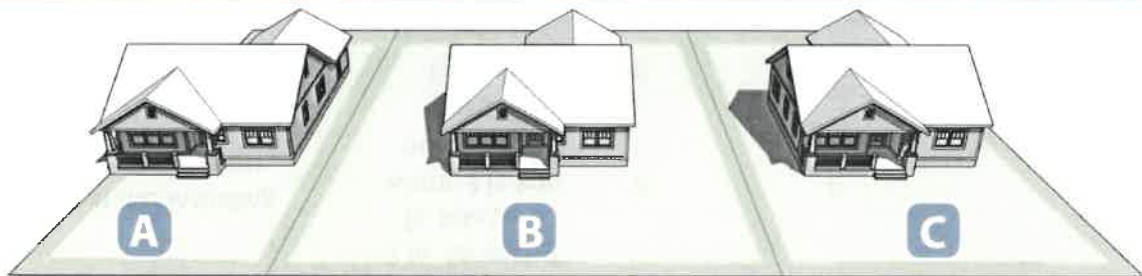


FIGURE NOTES: A = Smaller Lot | B = Larger Lot | C = Average Lot

G. Setback Averaging. Where 50 percent or more of the lots on the same side of the block (not counting the applicant's lot) are developed with buildings that are set back at distances less than the required front yard

setback, the front setback of the applicant's lot may be reduced to the average front setback of all of the developed lots on the same side of the block (See Figure 2.4.2-2, Setback Averaging.)

Figure 2.3.8-2, Setback Averaging

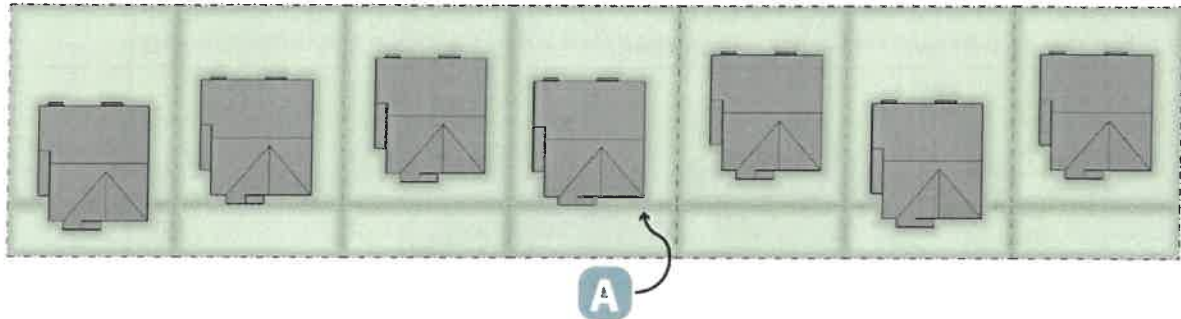


Figure note: A = Average Setback Line

Division 2.4 Measurements

Sec. 2.4.1 Measurements

- A. **Purpose.** The purpose of this Section is to provide uniform measures for the interpretation and enforcement of this UDO, the method of measurement and illustrations for the developmental standards in this UDO are detailed in Table 2.4.1-1, *Measurements*. Standards related to each type of measurement in this Section are established in:
1. Article 2, *Zoning Districts, Dimensional Standards, and Land Uses*;
 2. Division 2.3, *Land Use Standards*;
 3. Article 3, *Development Standards*; and
 4. Article 4, *Subdivision Standards*.

Table 2.4.1-1 Measurements

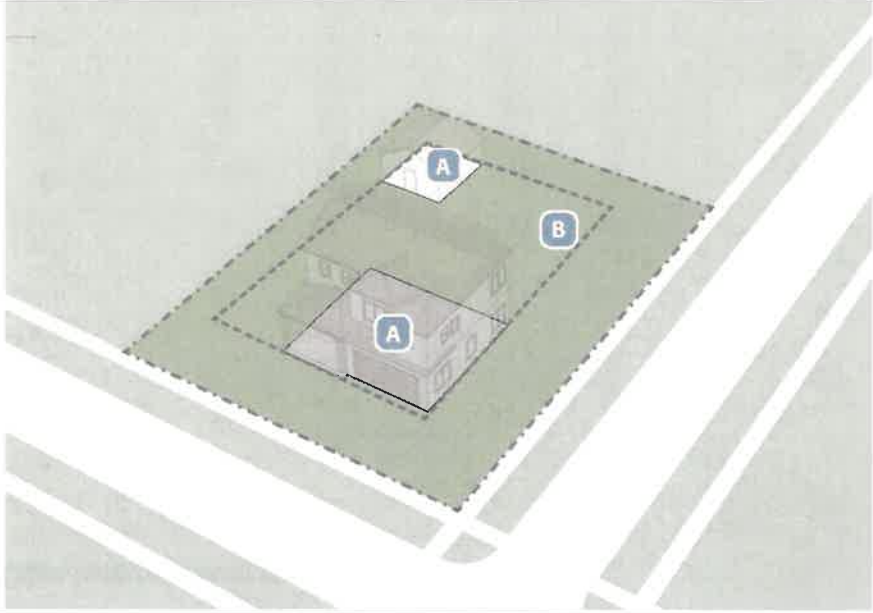

Measurement	
<p>Building Coverage</p>	<p>Building Coverage: The area of a lot occupied by the footprint of the principal and all accessory buildings, expressed as a ratio of the building footprint ("A") to lot area ("B").</p> 
<p>Lot Coverage</p>	<p>Lot Coverage: The portion of a lot occupied by buildings or structures that are roofed or otherwise not open to the sky ("B") and any impervious cover such as patios, driveways, sidewalks, etc. ("C") divide by the total acreage ("A").</p> 
<p>Minimum Civic and Open Space</p>	<p>The minimum civic and open space required by each district is calculated by dividing the total amount of civic and open space on the parcel proposed for development ("A") by the total gross area of the entire parcel proposed for development ("B") as depicted on a development plan. To be counted toward the minimum amenity space requirements, the minimum amenity space percentages per each district must be met per Article 2, Zoning Districts, Dimensional Standards, Land Uses.</p>

Table 2.4.1-1 Measurements


Measurement		
		
<p>Gross Density</p>	<p>Gross Density: The number of dwelling units ("B") divided by total gross acres of a development ("A").</p>	

Table 2.4.1-1 Measurements

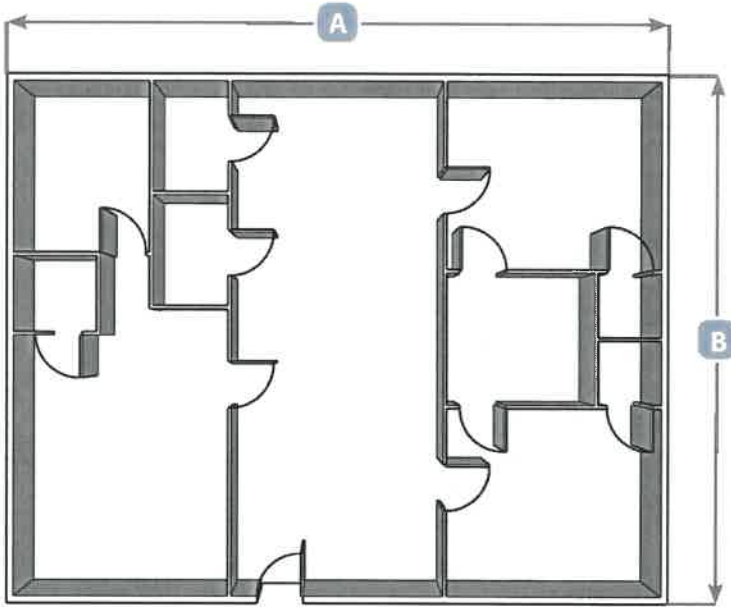
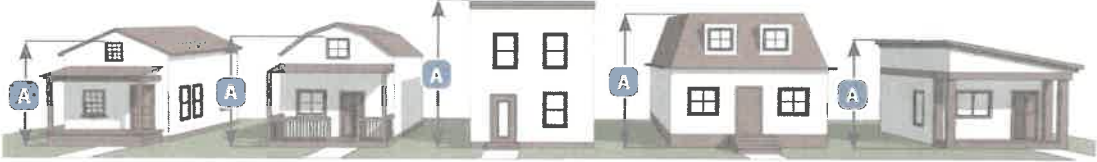
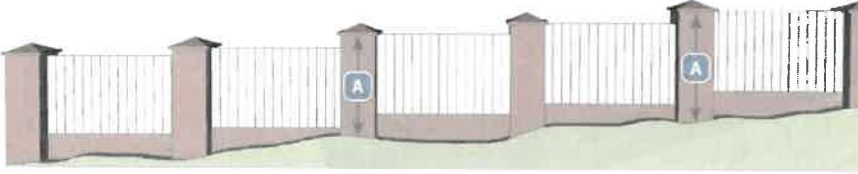
Measurement	
<p>Gross Floor Area</p>	<p>The total area of all the floors of a building, including basements, intermediately floored tiers, mezzanines, etc., as measured from the exterior surfaces of the outside walls of the building, computed by the multiplication of the exterior dimensions of the building ("A") and ("B").</p> 
<p>Height</p>	<p>Building Height shall be measured as follows for varying roof forms, as the vertical distance from the average ground level around the building to:</p> <ul style="list-style-type: none"> ▪ Gable, Hip, and Gambrel Roof: The height to roof's midpoint between eaves and the ridge ("A"); ▪ Flat Roof: The highest point of the roof ("A"); ▪ Mansard Roof: The deck line ("A"); and ▪ Shed or Similar Style: The highest point of the roof ("A"). This also applies to asymmetrical or dynamic roof forms. 
<p>Walls or Fences: The height of a wall or fence is measured from the lowest grade level within three feet of either side of the wall or fence to the top of the wall or fence ("A").</p>	

Table 2.4.1-1 Measurements

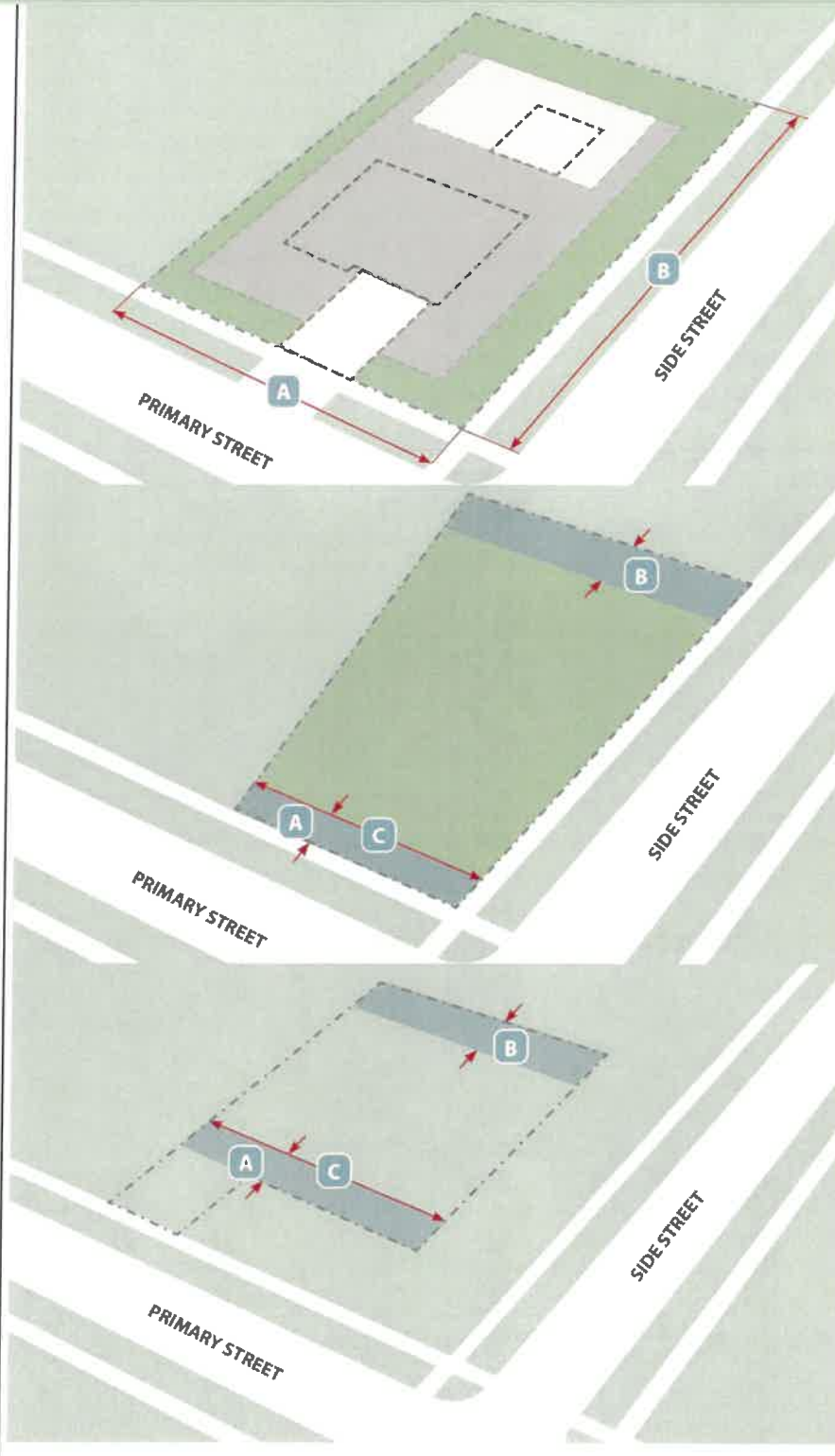
Measurement	
<p>Lot Area</p>	<p>The total horizontal area included within lot lines measured by multiplying the lot width "A" by lot depth "B". Alternatively, "A" multiplied by "B". For non-uniform lots, the distance measured parallel to the front lot line ("C") at the point of the minimum required front yard setback ("A"). No portion of the lot between the front ("A") and rear ("B") setback lines may be less than the minimum lot width ("C"). For a panhandle cul-de-sac parcel, the horizontal distance ("C") between the side lot lines measured at the front setback line ("A"). No portion of the lot between the front ("A") and rear ("B") setback lines may be less than the minimum lot width ("C").</p> 

Table 2.4.1-1 Measurements

Measurement

Lot Width

The distance measured parallel to the front lot line at the point of the minimum required front yard setback ("A"). For a cul-de-sac parcel, the horizontal distance ("A") between the side lot lines measured at the front setback line. No portion of the lot between the front and rear setback lines may be less than the minimum lot width.

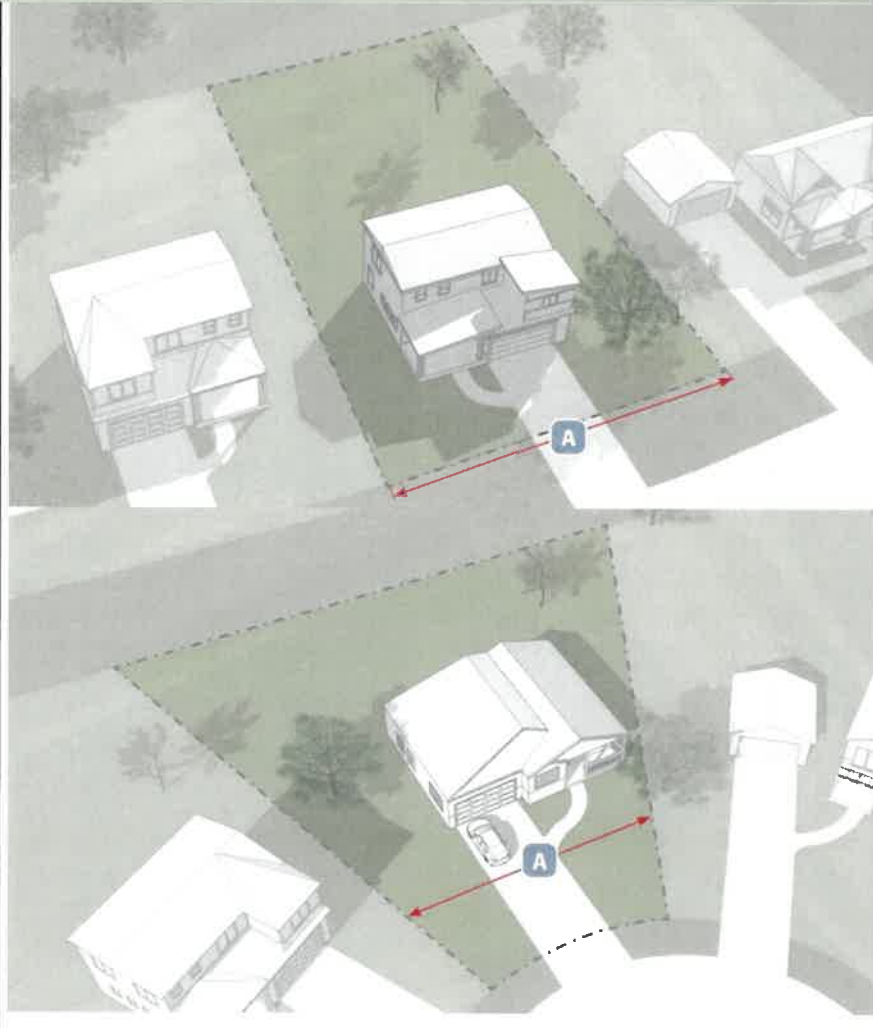


Table 2.4.1-1 Measurements

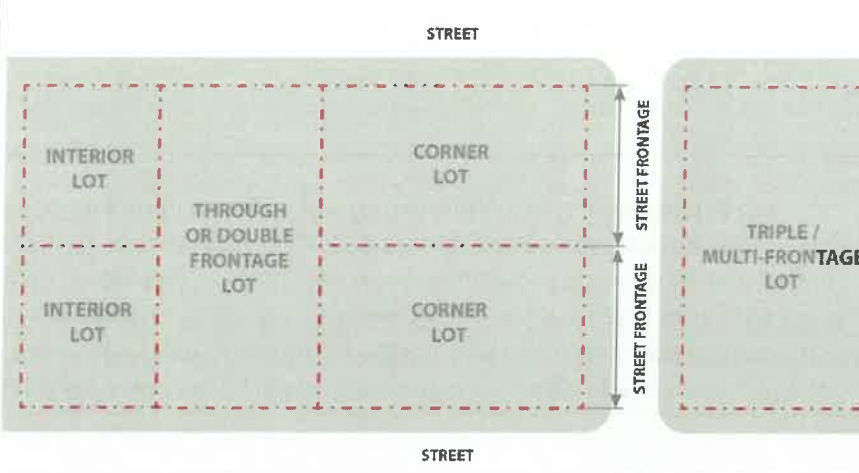
Measurement	
Lot Types	<p>Corner Lot. A lot abutting two streets at their intersection.</p> <p>Through or Double-Frontage Lot. An interior lot that fronts on two streets that do not intersect at the boundaries of such a lot. The required front yard setback shall be provided on both street frontages.</p> <p>Interior Lot. A lot whose side lot lines abut alley rights-of-way or other lots instead of non-alley public or private rights-of-way.</p> <p>Triple- / Multi-frontage Lot. A lot abutting more than two non-alley street rights-of-way.</p>
	

Table 2.4.1-1 Measurements

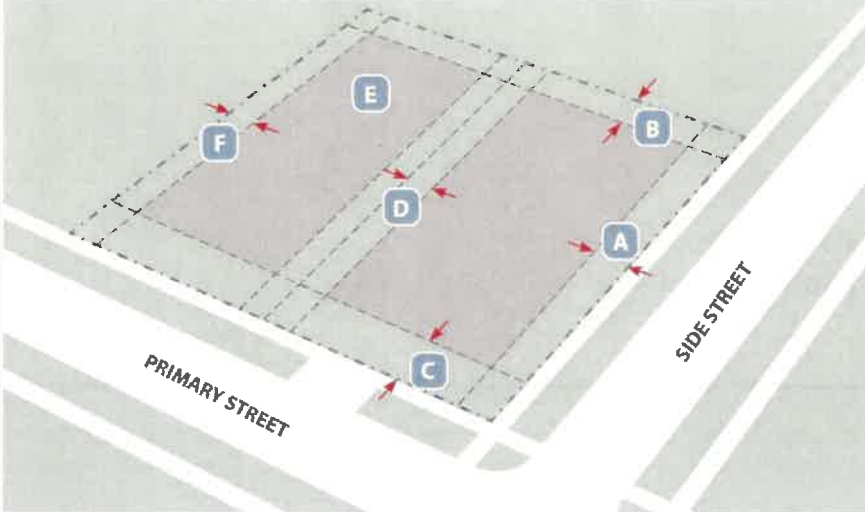
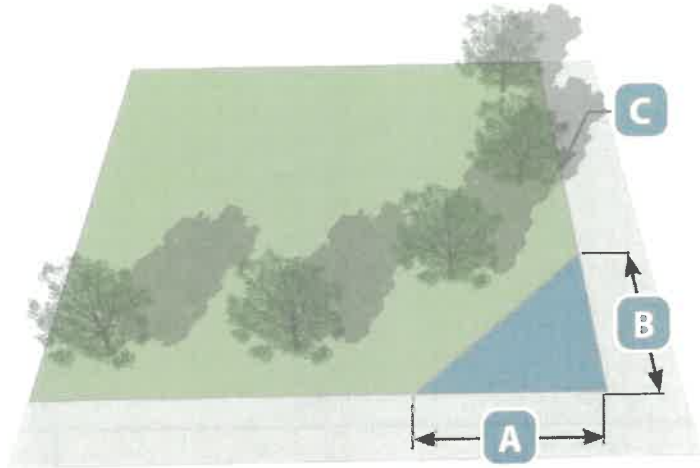
Measurement	
<p>Setback, Required</p>	<p>The horizontal distance of a required private open area at grade between the outer wall of a building or structure ("E") and the adjoining property lines ("D"), or, in the case of an abutting private street, the back-of-curb, unoccupied and unobstructed by any portion of a structure from the ground upward except as allowed in this UDO. The front ("C") and rear setback ("B") lines span the entire width of the property. The interior side ("F") and street side ("A") setback lines extend from the required front setback line to the required rear setback line.</p> 
<p>Visibility Triangle (or Sight Triangle)</p>	<p>Triangle Measurement: A triangular area that includes that portion of public right-of-way and any private property adjacent to the intersection of any street established by measuring a distance of 25 feet (A and B, below) for Principal Arterial, Minor Arterial, and Collector Street and 15 feet (A and B, below) for a Local Street. The distance shall be measured from the point of the intersection of two streets along the right-of-way (C) of each of the intersecting streets and connecting the ends of each measure distance to assure adequate visibility sight lines for vehicular traffic approaching the intersection.</p>

Table 2.4.1-1 Measurements

Measurement

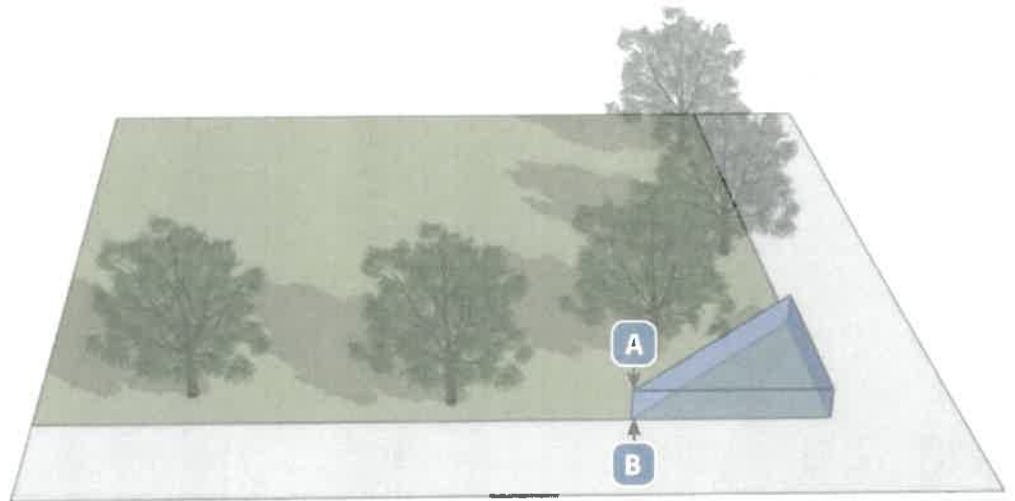


Illustrative Only

Vertical Visibility at Triangles: Visual obstructions within visibility triangles, including vegetative landscaping, shall be no greater in height than 30 inches above (A) the top of the adjacent curb or centerline of the pavement (B) when allowed to grow to its maximum height unless approved by the City Engineer.

Table 2.4.1-1 Measurements

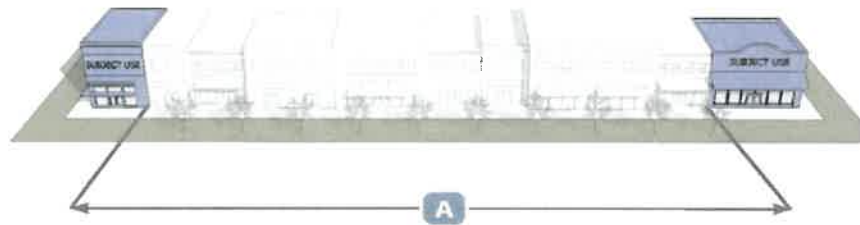
Measurement



Illustrative Only

Distance Between Uses

The distance shall be measured as a traveled distance along public streets, but not including an alley.



ARTICLE 3 DEVELOPMENT STANDARDS

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Sec. 3.9.1 Stormwater Retention or Detention Facilities

Division 3.1 Purpose and Applicability

Sec. 3.1.1 Purpose and Applicability

A. Purpose.

Table 3.1.1-1, Site Development and Design Purpose Statements

Division	Purpose Statements
<p><i>Division 3.2, Building and Site Design</i></p>	<p>The purposes of this Division are to:</p> <ul style="list-style-type: none"> ▪ Establish reasonable design standards for residential, nonresidential, and mixed-use buildings to provide for visually appealing development that enhances the overall quality and character of the community, while balancing the development and commercial needs of property owners. ▪ Establish standards for height, materials, and permitted locations for fences and accessory walls; ▪ Ensure that outdoor displays, sales, storage, and refuse containers are compatible with associated and nearby uses and do not create an unsightly appearance of unrestricted clutter; ▪ Protect property values by lessening the impact that commercial properties have on surrounding residential development.
<p><i>Division 3.3, Parking, Loading, and On-Site Circulation</i></p>	<p>The purposes of this Division are to:</p> <ul style="list-style-type: none"> ▪ Ensure that adequate off-street parking for vehicles and bicycles and facilities for loading and stacking are provided for new land uses and changes in use; ▪ Minimize the negative environmental and urban design impacts that can result from excessive parking, driveways, and drive aisles within parking lots; ▪ Establish standards and regulations for safe and well-designed vehicle use areas that minimize conflicts between pedestrians and vehicles; ▪ Access to sites is managed to maintain the desired function and safety of the adjacent streets; and ▪ Provide off-street bicycle parking facilities that are located and designed to serve the bicycle community.

Table 3.1.1-1, Site Development and Design Purpose Statements

Division	Purpose Statements
<p>Division 3.4, <i>Landscaping, Screening, and Trees</i></p>	<p>The purposes of this Division are to:</p> <ul style="list-style-type: none"> ▪ Establish minimum exterior landscaping requirements that enhance the outdoor visual character of residential neighborhoods, commercial districts, mixed use districts, and industrial areas; ▪ Improve pedestrian safety and experience within parking areas and along public rights-of-way; ▪ Improve the appearance of off-street vehicular parking areas and loading/unloading areas when adjacent to and visible from an abutting public right-of-way; ▪ Establish screening and buffering between conflicting land uses and zoning districts; ▪ Encourage the use of pervious materials that absorb stormwater and mitigate flooding, decrease soil erosion, and increase water retention; ▪ Protect and support the planting and maintenance of trees; and the retention of existing significant vegetation; and ▪ Reduce noise, air pollution, light glare, soil erosion and heating of the environment.
<p>Division 3.5, <i>Outdoor Storage and Display</i></p>	<ul style="list-style-type: none"> ▪ [Reserved]
<p>Division 3.6, <i>Signs</i></p>	<ul style="list-style-type: none"> ▪ [Reserved]
<p>Division 3.7, <i>Outdoor Lighting</i></p>	<ul style="list-style-type: none"> ▪ [Reserved]

Table 3.1.1-1, Site Development and Design Purpose Statements

Division	Purpose Statements
<p>Division 3.8, <i>Streets, Sidewalks, and Access Management</i></p> <p>B. Applicability.</p> <ol style="list-style-type: none"> 1. <i>Generally.</i> The standards of this article apply to and are required of new development, redevelopment, and expansions of uses, sites, and buildings. 2. <i>Timing of Compliance.</i> No Certificate of Occupancy or other permissions to operate shall be issued until all site improvements required in this division are constructed in conformance with the approved application required in Division 5, Subdivision 2 of this article. 	<p>The purposes of this Division are to:</p> <ul style="list-style-type: none"> ▪ Support the City's goal to create walkable neighborhoods and mixed use districts; ▪ Ensure the safe and efficient movement of pedestrians, vehicles, bicycles, on public sidewalks and roadways; ▪ Facilitate safe and convenient pedestrian movement and access to and within new and established residential neighborhoods, schools, parks, workplaces, institutions, commercial areas, entertainment destinations, mixed use districts, and other pedestrian generators. ▪ Manage the location, design, and operation of access points to public and private streets, and highways; ▪ Minimize conflicts between transportation modes and reduce potential crash risks; ▪ Preserve roadway capacity and maintain acceptable levels of service; ▪ Support land use planning and development through coordinated access decisions; and ▪ Protect the functional integrity of transportation corridors through strategic access planning.

Division 3.2 Building and Site Design

Sec. 3.2.1 General Provisions

A. Applicability.

1. *New Construction.* The building design standards in this Division apply to all new residential housing types, nonresidential principal buildings, accessory structures, and additions unless otherwise specified in Paragraph A.3 in this section.
2. *Major Additions or Renovations.* These standards also apply to multiplexes, multi-unit dwellings and nonresidential principal buildings that may be:
 - a. Expanded by 25 percent or more of its gross floor area; or

b. Altered in a way that modifies 25 percent or more of its street-facing facade.

3. *Exemptions.*

a. **Minor Additions or Renovations.** Minor additions or renovations that do not exceed thresholds in the Paragraphs 2.a and 2.b. are exempt, unless otherwise specified in *Sec. 3.2.2, Residential Infill in Existing Neighborhoods.*

b. **Single-Unit, Two-Unit Attached Dwellings, Townhouses (≤6 units), and Multiplex** are exempt from this section, with the exception of exterior insulation and finish systems (EIFS) and exposed concrete block construction, which are prohibited for such housing types and unless otherwise specified in *Sec. 3.2.2, Residential Infill in Existing Neighborhoods.*

c. **Manufactured Homes.** The building design standards of this Division do not apply to manufactured homes.

d. **Facade Damage.** Damage to the facades of existing buildings due to natural disasters, Acts of God, or other circumstances outside the owner's control are exempt from these building design standards.

4. *Conflicts with Other Sections.* In the event of conflict between this section and district-specific standards, the more specific or restrictive provision shall apply.

B. Permitted Exterior Building Materials.

1. *Material Standards.*

a. All buildings shall use high-quality, durable exterior materials.

b. Materials visible from public streets or public parks shall comply with Table 3.2.1-1, *Permitted Exterior Building Materials.*

2. *Facade Composition.*

a. Building facades visible from public rights-of-way, parking areas and interior drives, or amenity spaces shall incorporate at least two distinct exterior finish materials of categories 1 – 4 shown in Table 3.2.1-1;

b. The application of these materials shall be proportional and consistent across all visible elevations; and

c. Visual variety shall be achieved through one or more of the following:

i. Variation in materials and colors;

ii. Architectural features (e.g., porches, porticos, dormers, bay windows, shutters, awnings).

3. *Material Transitions.*

a. Where multiple materials are used, transitions shall coincide with architectural elements, changes in plane, or structural edges—not at flat wall surfaces; and

b. Vertical changes should occur at inside corners or projections; horizontal transitions shall not occur at outside corners unless part of a design element (e.g., column, pilaster).

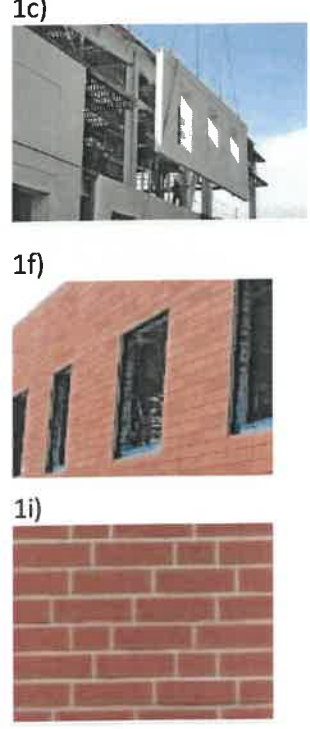
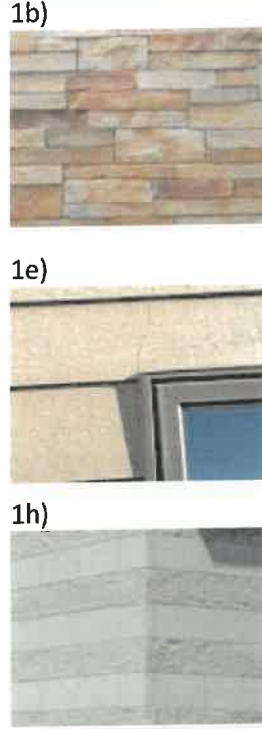
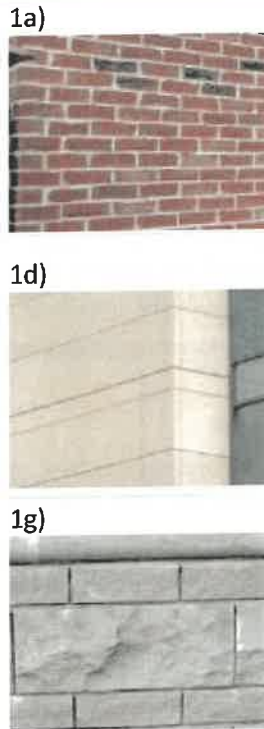
4. *Additions.* Exterior materials used for additions to existing structures shall match the color, style, texture, and quality of the original building.

Table 3.2.1-1, Permitted Primary (≥ 60% of building elevation) Exterior Building Materials

1 Masonry

Photo Examples

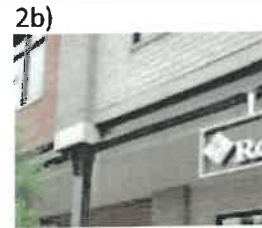
- 1a) Modular Brick
- 1b) Modular Stone
- 1c) Architectural cast or precast concrete (detailed)
- 1d) Architectural reinforced concrete (glass fiber, fiber)
- 1e) Cement board siding
- 1f) Terra cotta
- 1g) Cast stone
- 1h) Architectural concrete masonry unit
- 1i) Prefabricated brick



2 Metal

Photo Example

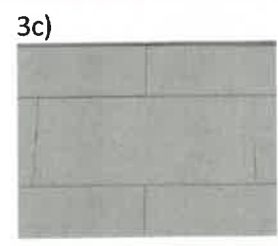
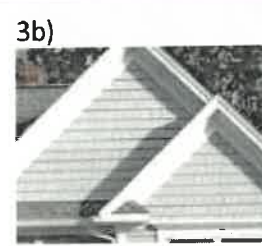
- 2a) Metal panels
- 2b) Metal accents
- 2c) Composite wall panel



3 Siding

Photo Example

- 3a) Wood lap (natural or cement)
- 3b) Wood (natural or cement)
- 3c) Cement board siding



4 Stucco

Photo Example

- 4a) Authentic (detailed)
- 4b) Synthetic (scored)
- 4c) Synthetic (not scored)



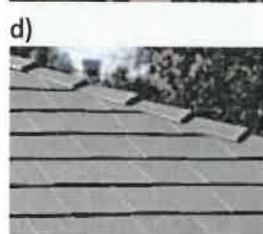
5 Glass Photo Example

- 5a) Curtain wall
- 5b) Glass accent



Roofing Material Photo Example

- a) Asphalt shingle
- b) Concrete or clay tile
- c) Standing seam metal
- d) Metal shingles
- e) Solar Shingles
- f) Vinyl Membrane



C. Prohibited Exterior Building Materials.

1. *Single-Unit and Two-Unit Attached Dwellings.* Exterior insulation and finish systems (EIFS) and exposed concrete block construction are prohibited.
2. *All Primary Buildings and Accessory Dwelling Units.* Exterior materials shall exclude panelized plywood or similar materials lacking durable finishes, architectural trim, or design articulation. Such materials are permitted for sheds and detached garages.
3. *All Buildings (Except Industrial).*
 - a. **Primary Exterior Material.** The primary exterior material on any building elevation, shall not consist of low-cost or industrial materials applied in a utilitarian or unfinished manner. The following materials are prohibited as the primary exterior finish:
 - i. Plain concrete masonry units (CMU) without a decorative finish (for example, split-face, burnished, or integrally colored block).
 - ii. Unfinished or unarticulated concrete, such as plain tilt-up panels or precast walls without decorative formwork, texturing, or detailing.

- iii. Exposed sheet or corrugated metal (e.g., aluminum, iron, or steel), unless part of a finished architectural panel system.
 - iv. Vinyl. If used as a non-primary exterior finish, it must consist of mid-grade quality.
4. *Exceptions.*
- a. Such materials may be used as secondary exterior finish materials if they cover no more than 10 percent of the surface area. Buildings designed for planned expansion may use architectural metal panels on the wall(s) to be removed for expansion of the building.
 - b. The Director may approve high-quality architectural applications of otherwise restricted materials if they are finished to a high standard and clearly contribute to the overall design of the building. Examples include board-formed concrete, textured or articulated metal panels, or other contemporary materials that demonstrate thoughtful detailing and visual interest.
 - c. Glare-Producing Materials. Façade materials shall not produce excessive glare as viewed from public streets or adjacent residential properties.

Sec. 3.2.2 Residential Infill in Existing Neighborhoods

- A. **Purpose.** Some lots within existing residential neighborhoods are undeveloped due to lot dimensions, unique lot shape, are encumbered by easements or utilities, difficult terrain, inability to meet underlying zoning district standards, or other constraints. The purposes of these standards are to enable new investment in these areas while helping to sustain the neighborhoods' character and integrity and ensuring new development conforms to this UDO without requiring variances.
- B. **Applicability.** The standards of this section apply in the RE and RN districts.

Figure 3.2.2-1, Example of Infill Development in an Existing Neighborhood

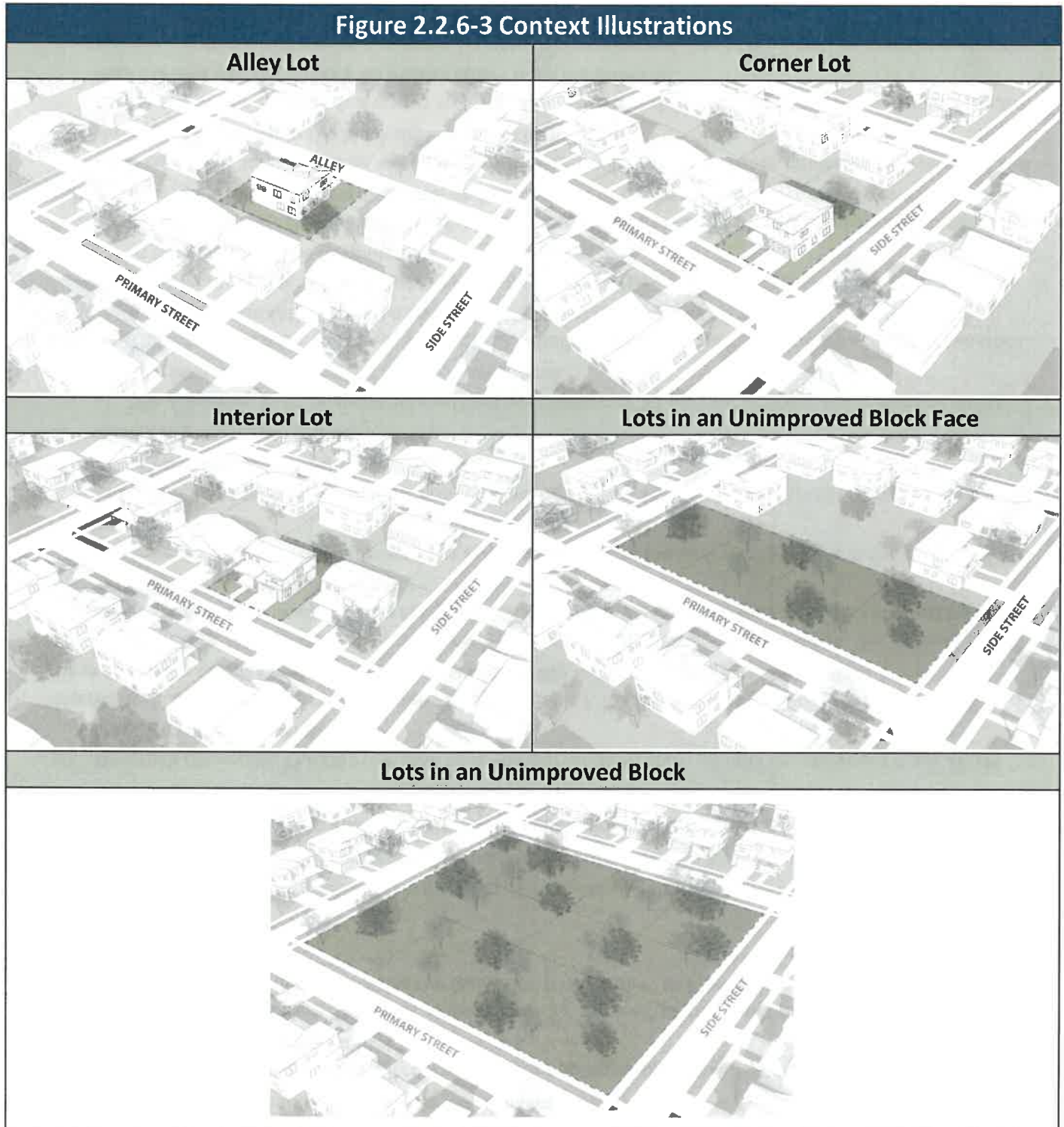


C. Infill Standards.

1. *Permitted Dwelling Unit Types by Zoning Districts.* RN zoned parcels may be developed with a single-unit dwelling or two-unit attached dwelling. RE zoned parcels may be developed with a single-unit dwelling.
2. *Parking.* Parking shall comply with applicable standards under [Division 3.3](#).
3. *Drainage.* The proposed development shall not significantly alter existing drainage conditions.
4. *Driveways.* Driveways shall be at least 25 feet in length, as measured from the property line to the building wall or garage door comply with applicable standards under Subsection [3.2.3](#).
5. *Compatible Building Appearance.* New construction shall be compatible in appearance with adjacent existing dwelling units by incorporating at least four of the following substantially similar features:
 - a. Location and style of garage.
 - b. Exterior building color.
 - c. Exterior building materials.
 - d. Front porches or porticos.
 - e. Shape, size, and alignment of windows and doors.
 - f. Roof pitch and overhang.
6. *Reduced Setbacks.*
 - a. *Side Setback:* The following reduced setbacks apply to parcels not meeting the underlying district lot width standard:

- i. Eight-foot setback for two-unit attached abutting a single-unit dwelling.
 - ii. Five-foot setback for single-unit dwellings.
 - b. *Front Setback.* The following reduced setback applies to parcels not meeting the underlying district minimum lot area standard:
 - i. Non-lakefront: The front setback may be reduced to the average existing front setback of abutting dwellings along the same side of the street and directly across the street, but no less than 20 feet.
 - ii. Lakefront: 20 feet
 - c. *Rear Setback.* Non-lakefront is reduced to 30 feet. Lakefront is 40 feet.
 - 7. *Vacant Parcels.* Is currently undeveloped and has been undeveloped for eight continuous years.
 - 8. *Abutting Residential Uses.* The infill parcel must abut residential use parcels on two sides.
 - 9. *Utilities.* All dwelling units shall connect to city water and sewer utilities.
 - 10. *Director's Discretion.* The Director shall have the discretion to allow an infill development if any above standards cannot be met.
- D. **Alternative Standards.** In place of the standards in *Sec. 2.2.2, Residential District Dimensional Standards*, and other standards of this Code, the applicant may utilize the following alternative standards.
- 1. *Lot Area and Width.* The minimum lot area may be that of the smallest lot in the context of the development, as defined in Paragraph C, below. The minimum lot width may be that of the narrowest lot in the context of the development.
 - 2. *Minimum Floor Area.* The minimum floor area may be that of the average floor area in the context of the development.
 - 3. *Maximum Building Height.* The maximum building height may be that of the tallest building in the context, plus 15 percent of the height.
 - 4. *Minimum / Maximum Setbacks.*
 - a. The minimum front or street side setback may be that of 80 percent of the average front or street side setbacks in the context of the development.
 - b. The maximum front and street side setback, where applicable, may be that of the average of the front and street side setbacks of the context of the development, plus 10 percent.
 - c. The minimum side and rear setbacks may be that of 80 percent of the average side or rear setbacks in the context of the development.
- E. **Development in Context.** This subsection identifies various contexts that inform the allowances provided in Subsection D., Alternative Standards, above, and as depicted in *Figure 3.2.2-2, Context Illustrations*.
- 1. *Alley Lot.* If the infill site is an alley lot, then the context consists of other adjacent alley lots and the surrounding lots within the block that includes the infill site.
 - 2. *Corner Lot.* If the infill site is a corner lot, then the context consists of both block faces that include the infill site and the lots directly across the street from the infill site.
 - 3. *Interior Lot.* If the infill site is an interior lot, then the context consists of the block face that includes the infill site and the lots directly across the street from the infill site.
 - 4. *Lots in Unimproved Block Face.* If the infill site is within a block face that does not include other lots improved with buildings, then the context consists of the opposing block faces (being immediately opposite the same street as the project site) and the remaining lots on the block of the infill site.

5. *Lots in Unimproved Blocks.* If the infill site is within a block that does not include other lots improved with buildings, and the block face opposite the given project site does not include other lots improved with buildings, then the context consists of the block faces surrounding the block that includes the infill site.



Sec. 3.2.3 Residential Buildings and Sites

Contents:

Article 3 Development Standards

Division 3.2 Building and Site Design

Sec. 3.2.3 Residential Buildings and Sites

Subsec. 3.2.3-A Single-Unit Detached Dwellings

Subsec. 3.2.3-B Two-Unit Attached Dwellings

Subsec. 3.2.3-C Townhouses

Subsec. 3.2.3-D Multiplexes

Subsec. 3.2.3-E Multi-Unit Dwellings

Subsec. 3.2.3-F Lakefront Lots

Subsec. 3.2.3-G Live/Work Accommodations [Reserved]

Subsec. 3.2.3-H Upper-Story Residential Dwellings [Reserved]

Sec. 3.2.3 Residential Buildings and Sites

- A. Compliance with codes: The dwelling unit shall comply with all applicable building, electrical, plumbing, fire energy and other similar codes which are or may be adopted by the city, and with applicable federal or state standards or regulations for construction. Appropriate evidence of compliance with these standards or regulations shall be provided to the building inspector.
- B. Zoning compliance: The dwelling unit shall comply with all restrictions and requirements of this article, including, without limitation, the lot area, lot width, residential floor area, setback, and building height requirements of the district in which it is located.
- C. Foundation: The dwelling unit shall be firmly attached to a permanent continuous foundation which complies with applicable provisions of the building code adopted by the city.
- D. Installation: If the dwelling unit is a manufactured home, the manufactured home shall be installed with the wheels and towing mechanism removed.
- E. Water and sanitary: The dwelling unit shall be connected to public sewer and water supply systems, or to private facilities for potable water and disposal of sewage approved by the city.
- F. Roof pitch: All single-unit dwellings that are erected in, constructed in, or moved into any of the zoning districts that allow such a residential use shall have a minimum width and roof pitch equal to that required in districts that allow such a use and a minimum width of 24 feet throughout the entire length as measured between the exterior part of the walls having the greatest length, and a double pitched roof of not less than three feet of rise for each 12 feet of run, unless 20 percent of the dwellings within one-half mile has less pitch, then the roof pitch may equal the average of dwellings in the area. The roof shall be covered by asphalt, cedar shake, or slate shingles or standing seam metal.
- G. Manufactured home community: The standards of this section shall not apply to a manufactured home located in a manufactured home community licensed by the Michigan Manufactured Home Commission and approved by the city according to the provisions of this article except to the extent required by state or federal law.

Subsec. 3.2.3-A Single-Unit Detached Dwellings

- A. **Applicability.** The standards of this section apply to all new single-unit detached dwellings, as permitted in [Sec. 2.3.1, Land Use Table](#). Construction or placement of a single-unit dwelling on any lot or parcel shall be permitted only if the dwelling complies with the standards of this section.
- B. **Foundation.** The dwelling unit shall be firmly attached to a permanent continuous foundation that complies with applicable provisions of the building code adopted by the City.
- C. **Water and Sanitary.** The dwelling unit shall be connected to public sewer and water supply systems, or to private facilities for potable water and disposal of sewage approved by the County.
- D. **Building Orientation.** Primary entrances shall face a public or private right-of-way to the maximum extent practicable. The Director may approve alternative orientations for primary entrances facing common green spaces or other common areas such as courtyards, plazas, or gathering spaces.
- E. **Fences.** Shall not be taller than six feet and be designed to have the framing face the interior of the property.
- F. **Driveways.** A driveway for non-lakefront property shall meet the following criteria:
1. A permit shall be required before any major driveway work, including exact replacement, resizing, relocation, expansion, or installation of a new driveway through the Department of Community Development.
 2. No more than one driveway shall be provided to an individual parcel.
 3. Driveways must be comprised of the following approved materials: concrete, asphalt, porous pavement, gravel, or pavers.
 4. For driveway improvements located within the public right-of-way, on streets with curbs and gutters, driveway improvements must be constructed of concrete and must comply with city engineering specifications. On streets without curbs, driveway improvements within the public right-of-way shall be constructed of either concrete or asphalt.
 5. A driveway shall not exceed an average width of 24 feet from edge to edge in the front yard, except that an average width of 30 feet from edge to edge in the front yard is permitted for lots or parcels of 100 feet in width or more.
 6. A driveway shall not occupy more than 50 percent of the area included in the front yard.
 7. A driveway must be at least 25 feet in length, as measured from the property line to the garage door, or to the primary building wall if there is no front-facing garage door.
 8. Reconstruction of existing driveways must comply with this subsection.
 9. For driveways on lakefront lots, (See [Subsec. 3.2.3-F, Lakefront Lots](#).)
- G. **Garages.**
1. *Garages on Lakefront Lots.* (See [Subsec. 3.2.3-F, Lakefront Lots](#).)
- H. **Manufactured Homes.** If the dwelling unit is a manufactured home, the manufactured home shall be either
5. New and certified by the manufacturer and/or appropriate inspection agency as meeting the Mobile Home Construction and Safety Standards of the U.S. Department of Housing and Urban Development, as amended, or any similar successor or replacement standards which may be promulgated; or
 6. Used and certified by the manufacturer and/or appropriate inspection agency as meeting the standards referenced in subsection A. above, and found, on inspection by the building inspector or his designee, to be in excellent condition and safe and fit for residential occupancy.

7. Manufactured homes shall be installed with the wheels and towing mechanism removed.

- I. **Manufactured Home Communities.** The standards of this section shall not apply to a manufactured home located in a manufactured home community licensed by the Michigan Manufactured Home Commission and approved by the City according to the provisions of this article except to the extent required by state or federal law.
- J. **Modular Homes.** Modular or prefabricated single-unit detached dwellings shall be subject to the requirements of this subsection.
- K. **Building Exterior Standards.** (See [Sec. 3.2.1](#)).

Subsec. 3.2.3-B Two-Unit Attached Dwellings

- A. **Applicability.** The standards of this section apply to all new two-unit attached dwellings, as permitted in [Sec. 2.3.1, Principal Use Table](#).
- B. **Building Design Standards.**
 - 1. *Foundation.* The dwelling unit shall be firmly attached to a permanent continuous foundation that complies with applicable provisions of the building code adopted by the City.
 - 2. *Building Orientation.* Primary entrances shall face a public or private right-of-way to the maximum extent practical and shall be limited to one primary entrance per street frontage. The Director may approve alternative orientations for primary entrances facing common green spaces or other common areas such as courtyards, plazas, or gathering spaces.
 - 3. *Facade Variation.* Each dwelling unit's facade shall have a variation in design where multiple two-unit dwellings are abutting.
- C. **Common Walls.** Dwelling units shall be attached to each other by the following methods:
 - 1. A common party wall having at least 80 percent of its area in common with an abutting dwelling wall; or
 - 2. Through a common party wall in only the garage portion of an abutting structure.
- D. **Compatible Building Appearance.** To ensure newly constructed two-unit attached dwellings are compatible in appearance with adjacent existing dwelling units, the applicant shall be required to incorporate five or more of the following substantially similar features:
 - 1. Location and style of garage and driveways.
 - 2. Exterior building color.
 - 3. Exterior building materials.
 - 4. Front porches or porticos.
 - 5. Shape, size, and alignment of windows and doors.
 - 6. Roof pitch, design, and overhang.
 - 7. Height, size, and scale of the house.
- E. **Driveways.** A driveway shall meet the following criteria:
 - 1. A permit shall be required before any major driveway work, including exact replacement, resizing, relocation, expansion, or installation of a new driveway through the Department of Community Development.
 - 2. No more than one driveway per dwelling unit shall be provided.
 - 3. Driveway must be comprised of the following approved materials: concrete, asphalt, porous pavement, gravel, or pavers.

4. For driveway improvements located within the public right-of-way: On streets with curbs and gutters, driveway improvements must be constructed of concrete and must comply with city engineering specifications. On streets without curbs, driveway improvements within the public right-of-way shall be constructed of either concrete or asphalt.
5. The driveway shall not exceed an average width of 24 feet from edge to edge in the front yard, except that an average width of 30 feet from edge to edge in the front yard is permitted for lots or parcels of 100 feet in width or more.
6. The driveway shall not occupy more than 50 percent of the area included in the front yard.
7. The driveway must be at least 25 feet in length, as measured from the property line to the garage door, or to the primary building wall if there is no front-facing garage door.
8. Reconstruction of existing driveways must comply with this subsection.
9. When garages share common wall of abutting neighbor, abutting driveways shall be separated by a min. 3-foot wide year-round landscaped divider.

F. Fences.

1. Fences shall not be taller than six feet.
2. The framing face of a fence shall face the interior of the property.

G. Water and Sanitary. The dwelling unit shall be connected to public sewer and water supply systems, or to private facilities for potable water and disposal of sewage approved by the County.

Subsec. 3.2.3-C Townhouses

A. General Provisions.

1. *Location.* If a townhouse development is abutting a principal or minor arterial or major collector street, the townhouses shall face these same streets.
2. *Number of Units.* The development shall consist of three or more connected units, and all units shall have separate first floor entryways.

B. Building Design Standards.

1. *Facade Variation.* Each dwelling unit's facade shall have a variation in design.

C. Common Walls. Dwelling units shall be attached to each other by the following methods:

1. A common party wall having at least 80 percent of its area in common with an abutting dwelling wall; or
2. Through a common party wall in only the garage portion of an abutting structure.

D. Side Setback not Required. Side yard setbacks shall not be required along the common party wall.

E. Fences. Shall not be taller than six feet and be designed to have the framing face the interior of the property.

F. Water and Sewer Required. The development shall be served by public water supply and public sanitary sewer collection systems.

G. Landscaping and Screening Standards.

1. *Landscaping.* On corner lots, building frontage landscaping per Division 3.4 shall apply on the non-front facing elevation side.
2. *Screening.* Screening shall be provided that buffers the development from abutting single-unit detached dwellings meeting requirements Type 1 of Division 3.4, *Landscaping, Screening, and Trees.*

H. Driveways. A driveway shall meet the following criteria:

1. A permit shall be required before any major driveway work, including exact replacement, resizing, relocation, expansion, or installation of a new driveway through the Department of Community Development.
2. No more than one driveway shall be provided to an individual parcel.
3. Driveway must be comprised of the following approved materials: concrete, asphalt, porous pavement, gravel, or pavers. For driveway improvements located within the public right-of-way: On streets with curbs and gutters, driveway improvements must be constructed of concrete and must comply with city engineering specifications. On streets without curbs, driveway improvements within the public right-of-way shall be constructed of either concrete or asphalt.
4. The driveway shall not exceed an average width of 24 feet from edge to edge in the front yard, except that an average width of 30 feet from edge to edge in the front yard is permitted for lots or parcels of 100 feet in width or more.
5. The driveway shall not occupy more than 50 percent of the area included in the front yard.
6. The driveway must be at least 25 feet in length, as measured from the property line to the garage door, or to the primary building wall if there is no front-facing garage door.
7. Reconstruction of existing driveways must comply with this subsection.
8. When garages share common wall of abutting neighbor, abutting driveways shall be separated by a min. 3-foot wide year-round landscaped divider.

I. Building Exterior Standards. (See Sec. 3.2.1).

Subsec. 3.2.3-D Multiplexes

The following building and design standards shall apply to multiplex developments:

- A. Sec. 3.2.6, *Transitional Standards*.
- B. Division 3.4, *Landscaping, Screening, and Trees*.
- C. Division 3.8, *Streets, Sidewalks, and Access Management*.
- D. Sec. 3.2.1, -B, *Permitted Building Exterior Materials*.
- E. **Driveways.** A driveway shall meet the following criteria:
 1. A permit shall be required before any major driveway work, including exact replacement, resizing, relocation, expansion, or installation of a new driveway through the Department of Community Development.
 2. Driveway must be comprised of concrete or asphalt. For driveway improvements located within the public right-of-way: On streets with curbs and gutters, driveway improvements must be constructed of concrete and must comply with city engineering specifications. On streets without curbs, driveway improvements within the public right-of-way shall be constructed of either concrete or asphalt.
- F. **Building Exterior Standards.** (See Sec. 3.2.1).

Subsec. 3.2.3-E Multi-Unit Buildings

The following building and design standards shall apply to multi-unit buildings:

Sec. 3.2.6, *Transitional Standards* shall apply.

- A. Off-street parking areas shall be screened per *Division 3.4, Landscaping, Screening, and Trees* when facing a residential building or buildings located on an abutting parcel.
- B. *Division 3.8, Streets, Sidewalks, and Access Management*.
- C. **Fences.** Shall not be taller than six feet and be designed to have the framing face the interior of the property.
- D. **Building Exterior Standards.** *Sec. 3.2.1-B, Permitted Building Exterior Materials*.
- E. **Driveways.** A driveway shall meet the following criteria:
 - 1. A permit shall be required before any major driveway work, including exact replacement, resizing, relocation, expansion, or installation of a new driveway through the Department of Community Development.
 - 2. Driveway must be comprised of concrete or asphalt. For driveway improvements located within the public right-of-way: On streets with curbs and gutters, driveway improvements must be constructed of concrete and must comply with city engineering specifications. On streets without curbs, driveway improvements within the public right-of-way shall be constructed of either concrete or asphalt.

Subsec. 3.2.3-F Lakefront Lots

The following standards shall apply to all development on lakefront lots:

- A. **Rear Yard Faces Waterfront.** The rear yard shall be considered as the portion of the lot facing the waterfront.
- B. **Accessory Structures.** See *Sec. 2.3.4, Accessory Uses, Buildings, and Structures* for requirements for accessory buildings on lakefront lots.
- C. **Site Elements.** Pergolas, arbors, trellises, and similar structures over nine inches in height above grade are permitted in the lakeside yard provided there are no walls, only support posts, and the structures do not exceed eight feet in height.
- D. **Fences.** Fences up to four feet in height shall be permitted in the rear (lakeside) of the house. Permitted fencing materials on lakefront lots include chain link, wire, wrought iron, and split rail. Other similar fence materials and designs may be permitted by the Director.
- E. **Driveways.** A driveway shall meet the following standards:
 - 1. A permit shall be required before any major driveway work, including exact replacement, resizing, relocation, expansion, or installation of a new driveway through the Department of Community Development.
 - 2. No more than one driveway shall be provided to an individual parcel.
 - 3. Driveway must be comprised of the following approved materials: concrete, asphalt, porous pavement, gravel, or pavers.
 - 4. For driveway improvements located within the public right-of-way:
 - a. On streets with curbs and gutters, driveway improvements must be constructed of concrete and must comply with city engineering specifications.
 - b. On streets without curbs, driveway improvements within the public right-of-way shall be constructed of either concrete or asphalt.
 - 5. The driveway shall not exceed an average maximum width of 30 feet and must comply with the following:
 - a. If the driveway exceeds 50 percent of the front yard area, the property owner must submit a drainage plan prepared, signed, and sealed by a Professional Engineer licensed in the State of

Michigan. The plan must demonstrate that runoff from all impervious surface is retained and infiltrated on-site and/or discharged to surface water in accordance with applicable EGLE (Michigan Department of Environment, Great Lakes, and Energy) requirements.

6. Reconstruction of existing driveways must comply with this subsection.

- F. **Garages.** Within one year of demolition of an existing residential detached garage which does not meet the front yard setback, it may be rebuilt if it faces the street and is located at least 20 feet away from front property line (right-of-way) or at least 15 feet from the front property line (right-of-way) if it does not face the street.
- G. **Artificial Grade.** Artificial raising or lowering of the natural grade for the purpose of increasing building height or altering required setbacks, is prohibited. Minor grading strictly for onsite drainage, utility connections, or code-required access is allowed. Building height for new construction shall be measured from the pre-construction natural grade documented by a sealed topographic survey (date-stamped prior to earth change) rather than any finished or altered grade.

H. Riparian access.

1. The requirements of this section are intended to limit the number of users of lake frontage in order to preserve the quality of the waters, to promote safety, and to preserve the quality of recreational use of all waters within the city.
2. The restrictions of this section shall apply to all lakefront lots and parcels, as defined in Division 2 of this article, regardless of whether access to the lake waters shall be by easement, park, common-fee ownership, single-fee ownership, condominium arrangement, license, lease, or similar method.
3. The restrictions of this section shall also be applicable to any planned development or special land use projects or developments approved under the provisions of this article. Where a planned development or special land use project or development is considered, the planning commission and city council shall consider, in addition to the approval standards applicable to the proposed project that the use will not lead to conflicting waterfront use or additional water surface overcrowding.
4. Lakefront lots reserved for the use of owners of riparian rights shall conform, in all respects, to the minimum lot area and width requirements of the districts in which they are located.
5. Use of lakefront lots for the purpose of providing access to such body of water for nonriparian property owners or the occupants/tenants thereof shall not be permitted in any district.
6. In all zoning districts, no lake access, boat ramps, dock, boat launch, or shoreline abutting a lake shall be utilized for commercial purposes, outdoor recreation (or entertainment) facilities, institution or nonresidential uses or purposes unless such use is authorized under the provisions of the zoning district in which such facilities are to be located.
7. In addition to the limitations imposed by this section, the nonriparian access and use of lake front lots is prohibited.

Subsec. 3.2.3-G Live/Work Accommodations

[Reserved.]

Subsec. 3.2.3-H Upper-Story Residential Dwellings

[Reserved.]

Sec. 3.2.4 Mixed-Use and Nonresidential

[Reserved.]

Sec. 3.2.5 Mixed Use Frontage Types

[Reserved.]

Sec. 3.2.6 Utilities

[Reserved.]

Division 3.3 Parking, Loading, and Circulation

Contents:

Article 3 Development Standards

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Contents:

Division 3.3 Parking, Loading, and Circulation

Sec 3.3.1 General Provisions

Sec 3.3.1 General Provisions

- A. **Applicability.** There shall be provided in all districts, at the time of erection or enlargement of a main building or structure, or change in use, designated off-street parking space with adequate access to all spaces.
- B. **Timing.** The off-street parking spaces, in conjunction with all land or building uses, shall be provided, prior to the issuance of a certificate of occupancy.
- C. **Maximum Parking Requirement.** To minimize excessive areas of pavement which detract from the aesthetics of an area and contribute to high rates of storm water runoff, a maximum permissible off-street parking

standard shall be imposed on any off-street parking lot or facility for which Sec. 3.3.2, Required Off-Street Parking, indicates 100 or more spaces are required.

1. No parking lot shall have parking spaces totaling 25 percent more than the minimum parking space requirements as set forth in Sec. 3.3.2.
 2. The Planning Commission may grant an exception to the maximum parking requirement if the property owner or applicant provides evidence that such parking is necessary to accommodate the use on a typical day.
- D. **Reduction in Parking Requirements.** The minimum parking spaces as required in Sec. 3.3.2, may be reduced in accordance with the standards in Sec. 3.3.3, *Parking Reductions*.
- E. **Off-Site Parking.** Off-street parking may be provided on a different lot than the zoning lot it is intended to serve, under the following conditions:
1. Subject to Director approval, an off-street parking lot may be located on the different zoning lot than it is intended to serve if meets all of the following criteria:
 - a. The parking lot entrance shall be located within 500 feet of the public entrance of the main building it serves.
 - b. A minimum five-foot-wide paved sidewalk from the parking lot entrance to the main building entrance is available for pedestrian use.
 - c. The lot shall not be on the opposite side of a major or minor arterial roadway unless access to a signalized intersection with a crosswalk or refuge island is available for pedestrians. The walking distance from the parking lot to the main building entrance by way of the signalized intersection shall not exceed 750 feet.
 - d. The amount of off-site parking shall be limited to no more than 25 percent of the minimum parking spaces as required in Sec. 3.3.2.
 - e. A parking agreement must be executed between property owners of the affected parcels and recorded with the County.
- F. **Change of Use.** An area once designated as required off-street parking shall not be changed to any other use unless and until equal parking facilities are provided elsewhere.
- G. **Parking Space Size.** The size of off-street parking spaces shall meet Sec. 3.3.4, *Parking Lot and Parking Space Design*.
- H. **Prohibited Activity.**
1. The storage of merchandise, motor vehicles for sale, trucks, or the repair of vehicles in areas designated for off-street parking is prohibited.
 2. Off-street parking for a nonresidential use shall not be allowed in a residential district.
- I. **Uses Not Listed.** For those uses not specifically mentioned in this section, the requirements for off-street parking facilities shall be in accordance with a use that the Director considers similar in type. Should the Director determine that review by the Planning Commission is necessary due to unique or unusual circumstances, the director may, with 10-day written notice to the applicant, refer this matter to the commission. In addition, a person aggrieved by a final decision of the director may file an appeal with the Planning Commission specifying the grounds thereof within 30 days of receiving notice of the director's decision.
- J. **Fractional Requirements.** When units or measurements determining the number of required parking spaces result in the requirement of a fractional space, a fraction up to and including one-half shall be disregarded and fractions over one-half shall require one parking space.

- K. **Definitions Apply.** For the purpose of computing the number of parking spaces required, the definition of floor area, usable (UFA) set forth in Division 10.2, Definitions shall govern.
- L. **Barrier-Free Parking.** Barrier-free parking shall be provided and constructed in accordance with [Sec. 3.3.5, Accessible Parking \(ADA\)](#), and the general rules of the State Construction Code Commission.
- M. **Bicycle Parking.** See [Sec. 3.3.2, Required Off-Street Parking](#), for specific use-based minimum requirements and [Sec. 3.3.8, Bicycle Parking](#), for bicycle parking design standards.
- N. Parking lot design alternatives. May consider such items including rain gardens, bio-swales, pervious pavement, charging stations for electric vehicles, and other green/sustainable techniques.
- O. **Deferred Parking.**
 1. Where an applicant demonstrates that the parking requirements for a particular proposed use would be excessive, a plan may be approved pursuant to Chapter 42, Division 5, Subdivision 2, Site Plan Review designating portions of required parking spaces and paving reserved for future use. Likewise, a parking deferment may be imposed upon a finding that the standard parking requirements would be initially excessive.
 2. The approval shall require reserved areas to be maintained in a landscaped appearance and shall include conditions under which the reserved parking areas must be paved.
 3. Alterations to the deferred parking area to add parking spaces may be initiated by the owner or required, based on parking needs, and shall require the submission and approval of an amended site plan, as required by Chapter 42, Division 5, Subdivision 2, Site Plan Review, of this article.

Sec. 3.3.2 Off-Street Parking and Stacking Spaces

- A. **Applicability.** This section applies to vehicle off-street parking and required vehicle staging spaces for all uses and structures in all zoning districts, with exceptions where noted. In addition to those spaces, bicycle parking is required for some uses - see [Sec. 3.3.8, Bicycle Parking](#), for the required number of bicycle parking spaces for specific uses.
- B. **Number of Parking Spaces Required.**
 1. Table 3.3.2-1, *Off-Street Parking Requirements*, establishes the minimum number of off-street vehicular parking spaces for each listed use in all zoning districts with the exception of the LC, MU, CCMU, and CRMU mixed use zoning districts. All residential uses in those districts shall provide one off-street parking space per dwelling unit and all nonresidential uses in those districts shall provide one off-street parking space per 500 square feet of gross leasable floor area (GLA) or gross usable floor area (UFA).
 2. Where the number of parking spaces required is provided on a per employee basis, the calculation shall be based upon the maximum number of employees per the busiest shift.

Table 3.3.2-1, Off-Street Parking Requirements

Use		Minimum # of Spaces
DU = dwelling unit sq. ft. = square feet GLA = Gross Leasable Floor Area UFA = Usable Floor Area -- = No minimum or no maximum / = per		
Residential Uses		
	Accessory Dwelling Unit	1/ ADU
Household Living	Cottage Court Development	1/DU in shared parking areas + 2 visitor spaces per overall development
	Single-unit Detached Dwelling	2/dwelling unit

Table 3.3.2-1, Off-Street Parking Requirements

	Use	Minimum # of Spaces
	Townhouse and Multiplexes	1.5/DU
	Two-unit Detached Dwelling	2/DU
	Manufactured Home	2/site
	Multi-unit Building	1.5/DU up to 49 DU; 1.25/dwelling unit for buildings with 50 or more DU
	Adult Foster Care, Family Group Home	1/2.5 beds + 1 /employee
	Adult Foster Care, Small Group Home (7-12 residents)	1/2.5 beds + 1 /employee
	Adult Foster Care, Large Group Home (13-20 residents)	1/2.5 beds + 1 /employee
	Assisted Living Facility	1/2 DU for residents + 1 /employee
	Boarding House	1/ bedroom
Group Living	Continuing Care Community	1/2 individual DUs + 1/60 beds for custodial or skilled nursing care + 1/employee
	Emergency Shelter	1/6 occupants +1/employee
	Nursing Home	1/3 beds + 1 /employee
	Rehab Center	1/3 beds + 1/employee
Public and Civic Uses		
	Cultural Institution	1/800 sq. ft. UFA + 0.5/employee
	Hospital	2/bed
General	Neighborhood or Community Center	1/800 sq. ft. UFA + 0.5/ employee
	Places of Worship	1/4 seats (or 1 per 6 ft of pew) + 1/employee
Educational Facilities	College or University	--
	School, K-12, Private	1/10 students +1/employee
	Cemetery, Columbarium, Mausoleum, or Memorial Park	--
Parks and Open Space	Public Park	--
	Public Recreational Facility	--
Commercial Uses		
	Bed and Breakfast Establishment	1/guest room + 2 for owner
	Day Care Center, Child	1/8 children + 1 per employee
	Day Care - Family Child Care Home (7 or fewer)	N/A
General Commercial	Day Care - Family Child Care Home 8-14	2 + 1 per nonresident employee (not including 2 spaces for existing house)
	Golf Course	6/hole + 1/employee
	Short-term Rental	2/ DU (whole unit) or 1/bedroom (partial)
	Swimming Pool Club, Private Clubs, Lodge Halls	1/3 persons at max. occupancy

Table 3.3.2-1, Off-Street Parking Requirements

Use	Minimum # of Spaces
Utilities Uses	
Utility and Public Service Buildings	--

C. Vehicle Stacking Spaces. [Reserved.]

Sec. 3.3.3 Parking Reductions

A. Generally. An applicant who desires relief from minimum off-street parking requirement shall file a request with the Director specifying the grounds thereof in accordance with this section.

B. Administrative Review.

1. The Director may approve up to 10 percent reduction in the number of required parking spaces if the applicant demonstrates that a reduction is appropriate based on the applicant providing a parking study with specific parking demand forecasts for the proposed use and/or on the provision of alternative parking or transportation demand management programs that tend to reduce the demand for parking spaces, provided that:
 - a. The study is prepared by a professional transportation planner or traffic engineer;
 - b. The forecasts are based upon a peak parking analysis of at least five comparable uses; and
 - c. The comparability of the uses is documented in detail, including their location, gross floor area, street access, use types and restrictions, hours of operation, peak parking demand periods, and all other factors that could affect parking demand.
2. *Transportation Professional.* The Director may retain a qualified transportation planner or traffic engineer, at the applicant's expense, to review the parking demand forecast and provide recommendations to the Planning Commission.
3. *Deferred Parking.*
 - a. The balance of the land necessary to meet the parking requirements shall be held in reserve as an undeveloped area, to meet any future needs generated by an expansion of the business, a change in land use, or underestimated parking demand.
 - b. Where an applicant demonstrates that the parking requirements for a particular proposed use would be excessive, a plan may be approved pursuant to Division 5, Subdivision 2, designating portions of required parking spaces and paving reserved for future use. Likewise, a parking deferment may be imposed upon a finding that the standard parking requirements would be initially excessive.
 - c. The approval shall require deferred areas to be maintained in a landscaped appearance and shall include conditions under which the reserved parking areas must be paved.
 - d. Alterations to the deferred parking area to add parking spaces may be initiated by the owner or required, based on parking needs, and shall require the submission and approval of an amended site plan, as required by Division 5, Subdivision 2, of this article.

C. Planning Commission Review.

1. The Planning Commission may allow for a reduction of up to 25 percent of the off-street parking required per **Sec. 3.3.2, Required Off-Street Parking**, may be granted, provided the applicant can demonstrate that a reduction would not cause adverse impacts on the site or the surrounding areas when meeting at least two of the following circumstances:

- a. The use requires fewer ~~less~~ off-street parking spaces than the minimum required based on the nature and character of the use, considering the unique, specialized operations causing the level of customer traffic or actual vehicular counts to be lower than those expected of the same or similar use contained [Sec. 3.3.2](#).
 - b. Shared parking by multiple uses shall be allowed where there will be a high proportion of multipurpose visits or uses have peak parking demands during differing times of the day or days of the week. Pedestrian connections shall be maintained between the uses.
 - c. Expectation of walk-in trade due to sidewalk connections to adjacent residential neighborhoods or employment centers which are of sufficient density and intensity. The site design shall incorporate pedestrian connections to the site and on-site pedestrian circulation providing safe and convenient access to the building entrance.
 - d. Availability of other forms of travel such as the distance from a designated metro transit bus stop and the location of bike routes. The Planning Commission may require the site design incorporate transit stops, pedestrian connections to nearby transit stops, or bicycle parking facilities.
 - e. Any other reason which, in the Planning Commission's determination, would provide a substantial reason for a reduction in the minimum parking requirements.
2. The Planning Commission shall not grant a reduction in the minimum parking requirements if it determines that the lower demand for parking will or may be temporary in nature.

D. Supplemental Information.

1. The Planning Commission may also consider city policies regarding local traffic circulation and other city policies.
2. Before relief is granted by the Planning Commission, the applicant shall demonstrate either of the following:
 - a. The use involved is not specifically included in the minimum parking space requirements [Sec. 3.3.2](#), or
 - b. If the use involved is included in [Sec. 3.3.2](#), then it possesses such specialized and unique characteristics causing it to be substantially different from other uses in the same use category (See Appendix B, Use Categories.)
3. The Planning Commission may also require a parking study, conducted by a qualified transportation planner, traffic engineer, or other qualified individual that demonstrates a reduction in the number of parking spaces would be appropriate and not detrimental to the safety and welfare of the subject property or adjacent properties. The "average peak period parking demand" for the applicable land use as defined in the latest edition of the Institute of Traffic Engineers Parking Generation handbook should be considered in the review of the study.
4. An applicant who desires relief from the minimum requirement of parking spaces shall file a request with the Planning Commission specifying the grounds thereof in accordance with this section. The Planning Commission may decide the request during site plan review or at such other time as determined by the Director or the Planning Commission. The Director shall transmit to the Planning Commission all the materials constituting the record needed to make its decision as well as a recommendation. If a request for relief under this section is heard at the same time as a site plan, or any other approval, the procedures, standards and requirements for each shall be satisfied.
5. The Planning Commission shall hold a public hearing to consider an applicant's request for relief to reduce minimum parking requirements.
6. In granting relief under this section, the Planning Commission may place reasonable conditions in conjunction with the decision to protect the health, safety and welfare of city residents as well as the

traveling public to ensure adequate traffic circulation, to protect the residents and land owners immediately adjacent to the proposed land use activity and to assure that the reduction of the minimum parking requirements will not result in overcrowding, traffic hazards or other consequences which may arise from the relief granted or from the possibility of inadequate parking spaces.

Sec. 3.3.4 Parking Lot and Parking Space Design

- A. **Applicability.** All nonresidential developments, and multiplexes, multi-units, townhouses, and cottage courts of five or more shall be constructed to comply with the requirements of this division and shall be designed, arranged, constructed, and maintained in accordance with the standards of this section, [Division 3.8](#), Access Management, and chapter 66 article 3 Access Management.
- B. **Permit Required.** No parking lot shall be constructed unless and until a permit therefore is issued by the Director. An application and construction drawings for such permit shall be submitted to the Department of Community Development showing compliance with this section.
- C. **Layout and Circulation.** Plans for the layout of off-street parking facilities shall be in accordance with the following minimum requirements:
 1. All spaces shall be provided adequate access by means of maneuvering lanes. Location of spaces resulting in backing directly onto a street is prohibited.
 2. Adequate ingress and egress to and from the parking lot by means of clearly limited and defined drives shall be provided for all vehicles. Ingress and egress to and from a parking lot shall not be across areas zoned RE or RN.
 3. All maneuvering lane widths shall permit one-way traffic movement, except that the 90-degree pattern may permit two-way movement.
 4. All ingress and egress to and from a parking lot located in an area zoned for other than RE and RN shall be located at least 25 feet away from adjacent property zoned RE or RN.

Table 3.3.4-1, Parking Space Dimensions

Parking Pattern (degrees)	Maneuvering Lane Width (ft)	Parking Space (ft)		Total Width - Tier of Spaces Plus Maneuvering Lane (ft)	
		Width	Length	One Tier	Two Tiers
0 (Parallel) Parking	12	8	23	20	28
30 to 53	12	8½	20	32	52
54 to 74	15	8½	20	36½	58
75 to 90	22	9	18	41	60

- D. **Parking Lot Landscaping.** (See [Division 3.4](#), Landscaping, Screening, and Trees.)
- E. **Surface Materials.** The entire parking area, including parking spaces and maneuvering lanes, required under this section shall be provided with asphalt or concrete surfacing in accordance with specifications approved by the director of transportation and utilities. Parking areas shall be surfaced within one year of the date the permit is issued. All off-street parking areas shall maintain a safe, clean and durable surface reasonably free of significant holes, upheavals or cracks and shall be repaired in a timely manner upon notification by the department of community development.

- F. **Drainage.** Off-street parking areas shall be drained so as to dispose of all surface water accumulated in the parking area in such a way as to preclude drainage of water onto adjacent property or toward buildings or unless a retention area intended to be shared by more than one site has been designated in accordance with specifications approved by the director of transportation and utilities and appropriate easements prepared and recorded.
- G. **Walls.** In all cases where a wall extends to an alley which is a means of ingress to and egress from an off-street parking area, the wall may be ended not more than ten feet from such alley line in order to permit a wider means of access to the parking area.
- H. **Required Design Elements.** Consistent with the Master Plan and Complete Streets Policy, as amended, new or reconstructed off-street parking lots should incorporate the following:
 - 1. Pedestrian connections from the public sidewalk to the main building entrance.
 - 2. Bicycle parking, which meets the requirements of *Sec. 3.3.8, Bicycle Parking*.

Sec. 3.3.5 Accessible Parking (ADA)

- A. **Generally.** Accessible parking spaces shall be provided in accordance with this Section, as required by the Americans with Disabilities Act (ADA) for all uses that are served by a parking lot.
- B. **Relationship to Required Number of Parking Spaces.** Accessible off-street parking spaces required by this Section shall count toward fulfilling the total off-street parking requirements.
- C. **Location of Accessible Spaces.** Accessible parking spaces shall be located as close as possible to an entrance, which allows such persons to enter and leave the parking area and building without assistance. If possible, the spaces shall be located so that the accessible route from the accessible spaces to the accessible entrance should not cross a driving aisle or road.
- D. **Number of Required Spaces.**
 - 1. Generally. Parking for disabled persons shall be provided as set out in Table 3.3.5-1, *Accessible Parking Requirements*, or as required by the Americans with Disabilities Act (ADA) Standards for Accessible Design and ADA Accessibility Guidelines for Buildings and Facilities published by the United States Access Board. If any of the standards within this Section and the United States Access Board are in conflict then whichever requires more spaces shall be used. Required accessible parking spaces are included in the total number of required parking spaces per Section 3.3.2, *Off-Street Parking Requirements*.
 - 2. Multi-Unit Residential Development. In multi-family residential development, one accessible parking space shall be provided for each unit that is designed for occupancy by a person with disabilities.

Table 3.3.5-1, Off-Street Accessible Parking Spaces Required

Total Number of Parking Spaces Provided	Minimum Number of Accessible Parking Spaces ¹
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8

Table 3.3.5-1, Off-Street Accessible Parking Spaces Required

Total Number of Parking Spaces Provided	Minimum Number of Accessible Parking Spaces ¹
401 to 500	9
501 to 1,000	2% of total parking
1,001 and more	20 plus 1 for each 100 above 1,000
Special Parking Conditions for Specific Uses	Minimum Number of Accessible Parking Spaces ¹
Hospital Outpatient Facilities	10% of patient and visitor parking
Rehabilitation Facilities	20% of patient and visitor parking
Outpatient Physical Therapy Facilities	20% of patient and visitor parking

Table Notes:

- At least one out of six accessible spaces, rounded up, shall be van-accessible.

E. **Parking Space Size Specifications.** Table 3.3.5-2, *Accessible Parking Space Dimensions*, details the specific size requirements for both standard automobile and van-accessible ADA-accessible parking spaces.

Table 3.3.5-2, Accessible Parking Space Dimensions

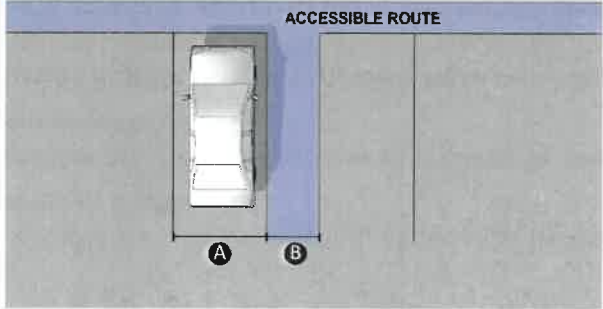
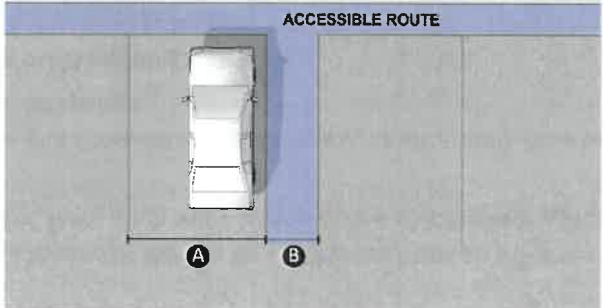
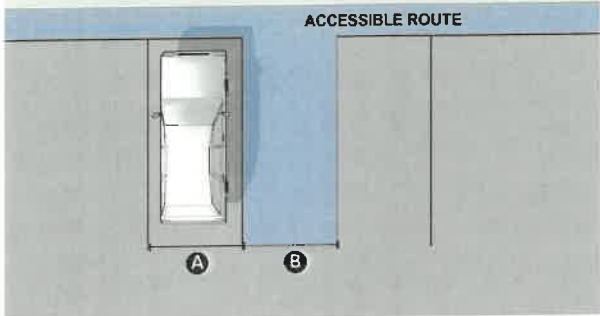
Accessible Space Type	(A) Parking Space Width (min.)	(B) Access Aisle Width (min.)	Illustration
Car Accessible Space	8 ft.	5 ft.	
Van Accessible Space	Option 1: 11 ft.	5 ft.	

Table 3.3.5-2, Accessible Parking Space Dimensions

Accessible Space Type	(A) Parking Space Width (min.)	(B) Access Aisle Width (min.)	Illustration
Option 2:	8 ft.	8 ft.	

Sec. 3.3.6 Off-Street Loading

- A. **Generally.** On any premises containing a building, structure, or portion thereof used for receiving or distributing vehicles, materials, or merchandise, adequate space for standing, loading, and unloading shall be provided and maintained on the lot. Such space shall be sufficient to prevent interference with public use of dedicated rights-of-way and shall comply with the requirements of this section.
- B. **Loading Area Location.**
 1. Off-street loading spaces shall be provided in nonresidential districts and in multi-unit developments per Table 3.3.6-1 and shall be provided in addition to any required off-street parking.
 2. Off-street loading spaces consisting of a ramp, loading bay, garage door or other similar elements shall be located in an area not visible from a public street or ROW, and screened from abutting residential use per Sec 3.4 Landscaping, Screening, and Trees.
 3. Off-street loading spaces shall be separate from fire lanes, maneuvering lanes and parking areas, and does not obstruct the flow of traffic in the parking area.
- C. **Required Loading Spaces.** The ratio of loading spaces required per square footage of nonresidential and multi-unit development are provided in Table 3.3.6-1.

Table 3.3.6-1, Loading Spaces

Use Grouping	Gross Floor Area (sq. ft.)	Loading Spaces Required
Nonresidential (Commercial Industrial)	[Reserved]	[Reserved]
Residential (Multi-unit Dwellings Only)	N/A	1 space if dwelling units on site exceed 100 units + 1 space for each additional 100 units

- D. **Loading Space Dimensions.** All spaces shall be laid out in the dimensions of at least ten feet by 50 feet, or 500 square feet in area, with a clearance of at least 14 feet in height. Loading dock approaches shall be provided with pavement having a smooth asphalt or concrete surface. The Director may approve a smaller

dimension based on the nature and character of the use, submittal of loading vehicle use in comparable developments, design of overall parking lot and circulation, and other relevant material.

E. Deferred Loading Areas.

1. Where an applicant demonstrates that the loading requirements for a particular proposed use would be excessive, a plan may be approved by the Director designating portions of required loading spaces and paving reserved for future use must be submitted in accordance with Division 5, Subdivision 2.
2. Alterations to the deferred loading area to add loading spaces may be initiated by the owner or required, based on loading needs, and shall require the submission and approval of an amended site plan, as required by Division 5, Subdivision 2.

Sec. 3.3.7 On-Site Circulation

- A. **Off-Street Parking Access.** All off-street parking shall have direct access to a public right-of-way through an alley, driveway, or permanent access easement.
- B. **Street Classification.** Access to developed property shall be placed along a street in conformance with the type listed for the subject zoning district in [Division 2.3, Land Use Standards](#), unless otherwise stated in this Section.
- C. **Vehicle Circulation.**
 1. **Vehicles Spaces.** Except for a conventional detached residential dwelling, patio home, or duplex, or where valet or tandem parking is utilized, all required parking shall be designed so that vehicles enter or leave a parking space without having to move any other vehicle.
 2. **Turn-Arounds.** Any parking row that does not provide two means of vehicular egress must provide a space designated as a turn-around area. This space shall be located at the end of a parking row, be designed with the minimum dimensions as shown in Figure 3.3.7-1, *Vehicle Parking Turnaround Configuration*, or another configuration deemed acceptable by the City Engineer, and include a “No Parking” sign.

Figure 3.3.7-1, Vehicle Parking Turnaround Configuration

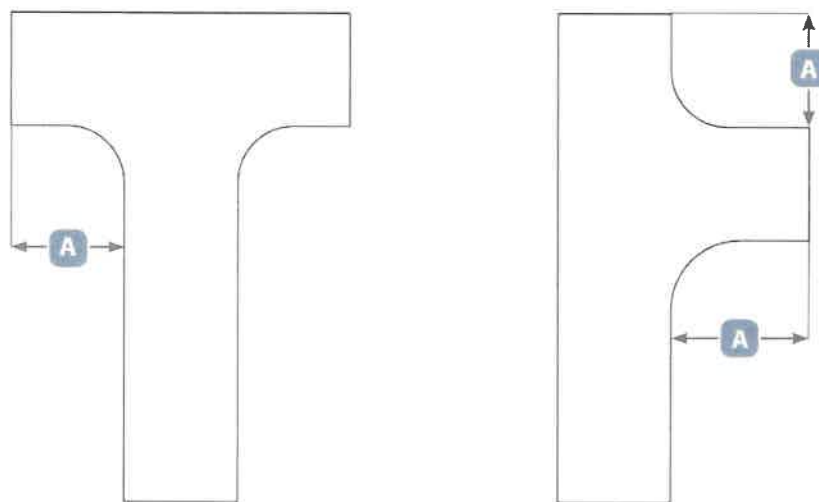


Figure Notes:
A = 24 ft.

D. Walkways.

1. For developments with over 25,000 square feet of gross floor area, raised walkways a minimum of six feet in width shall link residential and commercial developments, common areas, and parking areas to the building. If a proposed development includes multiple buildings in the site design, then an overall connectivity plan shall be provided for the development, including crosswalks and other safety features designed to encourage walking as an alternative to vehicular transportation. Walkways shall be a minimum of five feet wide and shall have a minimum six-foot landscaped buffer area between the road or access way and the walkway itself. Walkways shall remain as unobstructed as possible by items such as plantings or trash receptacles.
2. Parking lots shall be designed to allow pedestrians to safely move from their vehicles to the buildings. This may be achieved in smaller lots by providing a sidewalk at the perimeter of the lot. On larger lots, corridors within the parking areas should channel pedestrians from the car to the perimeter of the lot. A paving material that is different in color and/or texture from that of vehicular areas shall delineate these pedestrian travel ways and shall be clearly marked. Small posts or bollards incorporating lights may also serve the same purpose.

E. Pedestrian and Bicycle Access.

1. *Generally.* All development subject to this Article shall be served by an internal pedestrian and bicycle circulation system of walkways and bikeways (including sidewalks, pedestrian and bicycle paths, and/or trails) that permit safe, convenient, efficient, and orderly movement of pedestrians and bicycles within the development. Walkways and bikeways shall also be provided between the internal pedestrian and bicycle circulation system, the adjoining existing or planned city-wide trail and greenway system, as applicable, and any adjoining parks, schools, and civic uses. Sidewalks shall connect to:
 - a. The primary entrance(s) of principal buildings;
 - b. Off-street vehicle and bicycle parking areas;
 - c. Existing or planned public transit stations or stops located on-site or on an adjacent street; and
 - d. Recreation facilities, common use areas, and amenities.
2. *Sidewalks Required.* All development subject to this Subsection shall install internal sidewalks or approved pedestrian paths in accordance with the provisions of this Code. All sidewalks within public rights-of-way or associated with private streets shall be installed in accordance with a subdivision improvement agreement or the requirements established by the City Engineer.
3. *Pedestrian Connectivity.* All new multi-family, non-residential, and mixed-use development shall comply with the following standards:
 - a. The internal pedestrian circulation system shall be designed to allow for pedestrian cross-access between buildings and parking areas and those on adjoining lots, or to the boundary of adjoining vacant land zoned to allow multi-family, non-residential, or mixed-use development.
 - b. The Director may waive or modify the requirement for pedestrian cross-access on determining that such cross-access is impractical or undesirable due to the presence of natural features, safety factors, or unusual lot configuration.
 - c. Prior to the issuance of a building permit, easements allowing cross-access shall be platted or recorded by a separate instrument in the office of the County Clerk and Recorder.
4. *Bicycle Connections.* All development subject to this Subsection shall provide bicycle access routes between public bikeways and on-site bicycle parking areas. Sites shall be designed to avoid or minimize all conflicting bicycle/motor vehicle and bicycle/pedestrian movements.
5. *Layout and Design.* The minimum widths of improvements are as follows:
 - a. Private Property.

- i. Bikeways or shared use paths: 10 feet wide or as follows the Michigan Department of Transportation Multi-Modal Development and Delivery Guidebook (M2D2); and
 - ii. Sidewalks:
 - (1) Eight feet in an RM, LC, MU, CC, and CR districts; or
 - (2) Five feet in all other districts;
 - b. Public Rights-of-Way: Per City Engineer requirements.
 - c. Be clearly distinguishable from vehicular traffic lanes by painted markings, raised paving height, decorative bollards, change in pavement material or color, and/or flashing caution signals;
 - d. Have adequate lighting for security and safety; and
 - e. Meet the current Americans with Disabilities Act (ADA) Standards for Accessible Design.
- F. **Cross Access.** To encourage shared parking and minimize access points along roads, new multi-unit, non-residential, and mixed-use development shall comply with the following standards:
1. As displayed in Figure 3.3.7-2, *Cross Access*, the internal vehicular circulation system shall be designed to allow for vehicular cross access between the development's parking and vehicular use areas and those on adjoining lots containing, or adjoining vacant land zoned to allow multi-family, non-residential, or mixed-use development.
 2. Cross-accessways shall provide for two-way vehicular traffic between the vehicular use areas on the adjoining lots through the use of a single access or drive aisle that is at least 24 feet wide or through two one-way accessways or aisles that are each at least 12 feet wide.
 3. The Director may waive or modify the requirement for vehicular cross access on determining that such cross access is impractical or undesirable due to the presence of natural features or vehicular safety factors, or other relevant considerations.
 4. Where such are required, easements allowing cross access to and from properties, along with agreements defining maintenance responsibilities of property owners, shall be recorded with the City Clerk before issuance of a building permit or certificate of occupancy.

Figure 3.3.7-2, Cross Access

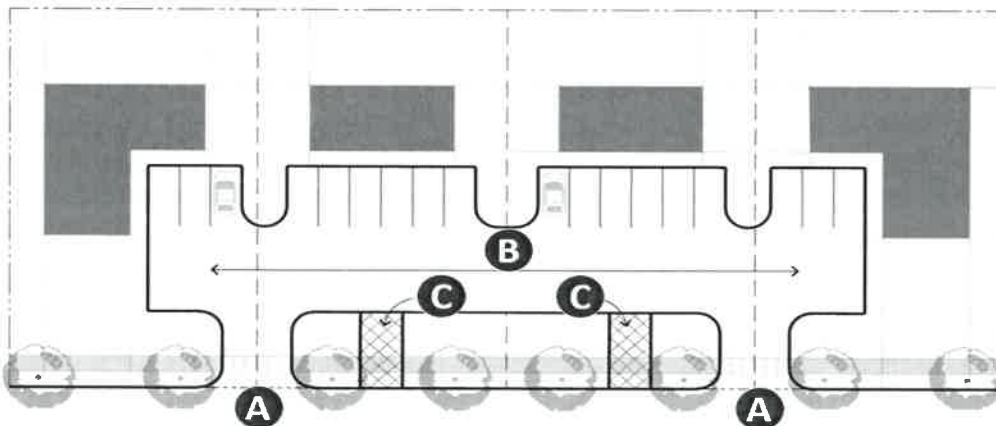


FIGURE NOTES: A = Shared Access B = Cross Access C = Closed Temporary Individual Access

- G. **Emergency Access.** The applicant shall provide emergency access lanes where necessary to provide adequate protection for a structure.
1. **Dimensions.** Dimensions for emergency access lanes and turnarounds, including width and clearance, shall comply with the requirements of the Fire Code. Any emergency access lane shall either connect at each end to a dedicated public street or be provided with a turnaround established in the Fire Code, with an additional distance of 10 feet on all sides clear of permanent structures. The driving surface within emergency access lanes shall be designed and constructed according to standards established for local public streets.
 2. **Location.** All structures shall be located within 150 feet of an emergency access lane or public street.

Sec. 3.3.8 Bicycle Parking

A. **Applicability.**

1. Bicycle parking is required for all new multi-unit and multi-plex buildings containing four or more dwelling units, and mixed-use buildings containing any dwelling units.
2. Bicycle parking is required for expansion or renovation of buildings resulting in four or more dwelling units.

B. **Exemptions.**

1. Detached single-unit dwellings, two-unit attached dwellings, and townhouses.
2. Temporary uses;
3. Vehicle sales and service uses;
4. Short-term rental accommodations;
5. Self-Service storage uses; and
6. Any other development requiring fewer than 10 vehicle parking spaces.

C. **Number of Bicycle Parking Spaces Required.**

1. Table 3.3.8-1, *Bicycle Parking Requirements*, indicates the minimum number of parking spaces required by use. The Director has the discretion to require bicycle parking for uses not listed in the table.
2. Where the number of bicycle parking spaces required is provided on a per employee basis in Table 3.3.8-1, the calculation shall be based upon the maximum number of employees per the busiest shift.

Table 3.3.8-1, Bicycle Parking Requirements

Use	# Spaces Required	
DU = dwelling unit sq. ft. = square feet GFA = Gross Floor Area -- = No minimum or no maximum (as applicable) / = per		
Residential Uses		
Household Living	Cottage Court Development	2 spaces + 0.5/DU over 10 units
	Single-unit Detached Dwelling	--
	Townhouses	--
	Two-unit Attached Dwelling	--
	Manufactured Home	--
	Multiplex	2 spaces + 1/4 DU

Table 3.3.8-1, Bicycle Parking Requirements

Use		# Spaces Required
Group Living	Multi-unit Building	2 spaces + 0.5 /DU over 10 units
	Adult Foster Care, Family Group Home	
	Adult Foster Care, Small Group Home (7-12 residents)	1/2 beds + 1/employee
	Adult Foster Care, Large Group Home (13-20 residents)	
	Boarding House	
	Assisted Living Facility	
	Continuing Care Community	2 spaces or 1/10 employees whichever is greater
	Emergency Shelter	
	Nursing Home	
Rehab Center		
Public and Civic Uses		
General	Cultural Institution	
	Neighborhood or Community Center	
	Places of Worship	
Educational Facilities	College or University	1/5,000 sq. ft.; minimum = 4
	School, K-12, Private	
Parks and Open Space	Public Park	
	Public Recreational Facility	
Commercial Uses		
	Bed and Breakfast Establishment	1/2 guest room
	Day Care Center, Child	1/employee
	Personal Services Establishment	1/20 vehicle spaces; minimum = 2
	Swimming Pool Club	1/10 persons at occupancy + 1/employee
Utilities Uses		
	Utility and Public Service Buildings	--
Industrial Uses		
	[Reserved]	[Reserved]
Other Uses		
	Reserved.	

Table Notes: Reserved.

D. Bicycle Parking Design Standards.

1. *Generally.* All bicycle parking spaces shall be constructed in accordance with the latest version of the Association of Pedestrian and Bicycle Professionals (APBP) Bicycle Parking Guidelines.

2. *Location.* Wherever possible, bicycle racks should be located within 50 feet of a building entrance and be visible from the building entrance and its approaches. If necessary, signs should be posted that indicate the location of bicycle parking.
3. *Visibility.* Bicycle parking facilities shall be easy to recognize, attractive, and functional and shall not impede pedestrian or vehicular circulation.
4. *Surface.* The bicycle parking area shall be an impervious smooth surface to avoid mud and dust.
5. *Anchoring.* Bicycle racks shall be anchored to a hard surface to prevent easy removal.
6. *Signs.* Fixed objects that are intended to serve as bicycle racks, but due to design or appearance are not easily identified as such, shall be labeled as available for bicycles.
7. *Coating.* The bicycle racks shall be coated in a material that will not damage the bicycle's painted surfaces.
8. *Prohibited Racks.* Trees, fences, light poles, branches, or other outdoor furnishings shall not be used as designated bicycle parking facilities.
9. *Separation.* Bicycle parking racks shall have a minimum separation from one another of 18 inches.

Division 3.4 Landscaping, Screening, and Trees

Contents:

Article 3 Development Standards

Division 3.4 Landscaping, Screening, and Trees

Sec. 3.4.1 General Provisions

Sec. 3.4.2 Site Landscaping

Sec. 3.4.3 Screening of Conflicting Land Uses

Sec. 3.4.4 Installation and Maintenance

Sec. 3.4.5 Trees

Contents:

Division 3.4 Landscaping, Screening, and Trees

Sec. 3.4.1 General Provisions

Sec. 3.4.1 General Provisions

- A. Existing features which would add value to residential development or to the City as a whole, such as trees, natural groves, watercourses, beaches, historic spots and similar irreplaceable assets, shall be preserved in the design of the subdivision. The preservation of drainage and natural stream channels must be considered by the proprietor, and provision of adequate barriers, where appropriate, shall be required.
- B. **Purpose.** Landscaping and screening shall be required to provide higher aesthetic value to properties and street network within neighborhoods and community, increased canopy cover for stormwater and temperature benefits, and provide environments suitable for nature; and establish physical separation that reduces the impacts of noise, traffic, visual, and other incompatibilities between

different zoning districts, land uses, parking areas and streets, and buildings and streets as provided in Sec 3.4.2, *Site Landscaping* and Sec. 3.4.3, *Screening of Conflicting Land Uses*.

C. Landscaping Plan.

1. As part of the site plan required by Division 5, Subdivision 2, a landscaping plan shall be submitted to the Department of Community Development showing the location, type, and size of all screening and landscaping in sufficient detail for a determination that the landscaping and screening conforms to this subdivision. If it conforms to the requirements of this section, it shall be approved by the Director.
2. Rearrangement of landscaping may be allowed to prevent traffic hazards, vision obstructions or other dangers to public safety.
3. The landscaping plan may be made part of the site plan.

D. Location.

1. *Extent.* All required screening types shall be located on the parcel proposed for development.
2. *Encroachment.* No part of any required screening types shall encroach into the public right-of-way nor shall it be used for structures, parking, storage, loading, locating refuse containers, or any similar activity which may create a nuisance.
3. *Access Breaks.* Breaks for pedestrian, bicycle, and vehicle access are permitted on the condition that access shall be designed to cross a screening type area at as near a perpendicular angle as practical

E. General Requirements.

1. Existing vegetation on the property may be used to meet the requirements of this section if it meets the size, species, and opacity requirements.
2. When determining the required number of plantings results in a fractional number, any fraction shall be rounded to the nearest whole number.
3. Turf or other vegetative groundcovers shall not exceed 18 inches in height.
4. Organic mulch, stone, or aggregate or a combination thereof may be used in and around planting beds. Grass or other live ground cover shall be planted and maintained so as to present a finished landscaped appearance within one growing season.
5. Building frontage landscaping shall be provided within a 10-foot-wide greenstrip and located between the main building and abutting the ROW.
6. Parking Perimeter landscaping shall be provided within a 10-foot-wide greenstrip abutting outside edge of parking pavement or curb, except when the abutting side of abutting property meets this standard.
7. No artificial plants or trees may be used. All plant material shall be maintained in a healthy and growing condition. Diseased, dying, dead and/or damaged materials must be replaced.
8. All plants shall be A-Grade or No. 1 Grade quality or better, free of any defects, and shall be of normal health, height, leaf density, and spread appropriate to the species as set forth by the American Standard of Nursery Stock.

F. Berms.

1. Berms shall have slopes no greater than one vertical foot for each three horizontal feet, shall have at least two feet of flat area on top, and shall have adequate protection to prevent erosion.
2. Berms may vary and undulate to accommodate drainage and to provide a more natural appearance.
3. **Trees** and shrubs shall be required on top of berm, and groundcover required on slopes of the berm.

G. Fence and Walls Materials, Opacity, and Maintenance.

1. All walls and fences required under this section except between residential uses shall be fully opaque with a footing depth as required by the building code.

2. Fences, walls, or similar when consisting of full opaque design and located in the front yard shall not exceed three feet in height.
3. If concrete blocks are used for walls, they must be decorative or faced with brick.
4. Vertical and horizontal fixtures that support a fence shall be concealed within the fence or be exposed only to the interior of the property.
5. All fences and walls shall be maintained to ensure the intended structure remains in place and no gaps or missing segments remain open.
6. Fences and walls shall be of a consistent design for the entirety of the development.
7. Barbed or concertina wire shall not be used except in Industrial districts or elsewhere when approved by the Director.

H. Plant Materials.

1. *Plant Variety and Quality.* All plant materials shall be living vegetation, true to name and type of species or variety, and shall be of the type and species appropriate for the climate of Portage.
2. *Natives.* The use of trees, shrubs, grasses, and groundcovers that are native to southern Michigan is encouraged.
3. *Monoculture Restrictions.* Use of a single species of trees or shrubs shall be discouraged to minimize significant spreading of disease or pests.
4. *Plants at Installation.* Shrubs, groundcovers, and vines may be planted as bare root, balled and burlapped, or from containers.
5. Shrubs and bushes are interchangeable terms for the purposes of this UDO.

I. Permitted, Prohibited Tree List. Permitted trees include Norway maples, oaks, lindens, ashes, London planes, honey locusts, beeches, certain evergreen trees, and also other types of trees with City approval. Prohibited trees include catalpas, elms, horse chestnuts, silver maples, poplars, willows or box elders or others deemed by the City.

J. Plant Size.

1. *Shrubs.*
 - a. A minimum 3-gallon-size container or equivalent shall be required for shrubs at the time of planting.
 - b. Height at Planting. The minimum height of all shrubs at time of planting shall be three feet.
2. *Trees.*
 - a. Size. Standards for tree sizes are provided in Table 3.4.1-1, *Tree Sizing & Clearance* and the following:
 - i. When planted, the minimum trunk diameter of a deciduous tree shall be measured 4.5 feet above grade and shall have a clear stem of at least four feet.
 - ii. When planted, evergreen trees shall have a burlap ball size of at least 10 times the trunk size.
 - b. Clearance. To accommodate tree heights and spread at maturity, trees shall be planted at the distances shown in Table 3.4.1-1 from buildings, structures, and fences, as measured from the tree trunk at the time of installation.

Table 3.4.1-1 Tree Sizing & Clearance

Tree Type	Minimum Trunk Diameter or Height	Height/Width of canopy at Maturity	Trunk Distance from Fence	Distance from Building or Structure
Ornamental	2 in. diameter	>10 ft./<20 ft.	5 -10 ft.	5 ft. 10 ft.
Deciduous	2.5 in. diameter	>40 ft./>15 ft.	20 ft.	20 ft.
Evergreen	6 ft. in height	>20 ft./<20 ft.	10 ft.	10 ft.

- K. **Mulching.** All trees shall be mulched around the base of the trunk with a minimum diameter of three feet and a height not to exceed six inches.
- L. **Non-Plant Groundcovers.** In required planting beds, xeriscape ground covers such as rocks, gravel, decorative pavers, or stamped or dyed concrete may be allowed in the first one and one-half feet of a parking island (from the back of the curb) to allow persons to access their vehicle without stepping on landscaping.
- M. **Prohibited Groundcover.** Concrete, asphalt, and other impervious surface materials are prohibited in all screening and site landscaping areas.
- N. **Turf Grass.** Kentucky Bluegrass, Tall Fescue, Perennial Ryegrass, a mix of all three, or other grass species recognized as hardy and non-invasive by the Michigan State University Extension shall be permitted in landscaped areas and screening areas that are used to meet the requirements of this section. Grass sod shall be clean and free of weeds and noxious pests or diseases.
- O. **Exceeding Minimum Requirements.** When screening and site landscaping are required within same area of property, the more restrictive requirement shall be provided as reviewed by the Director.
- P. **Street Trees.** The Director may maintain an approved street tree list that identifies specific trees that may be planted within the public right-of-way. Specific trees not on the list may be submitted for consideration.
- Q. **Tree Wells.**
 - 1. *Soil Volume and Depth.*
 - a. Each tree well shall provide a minimum uncompacted soil depth of approximately three feet.
 - b. The surface opening shall be large enough to support long-term tree health and infiltration, and may be enlarged or combined into continuous trenches or planting zones to achieve recommended soil volumes for canopy trees.
 - 2. *Surface Treatment and Drainage.*
 - a. Surfaces within the tree well area shall consist of permeable materials such as mulch, planting, or ADA-compliant grates or pavers installed flush with adjacent sidewalks.
 - b. Tree wells shall be graded to prevent standing water while allowing stormwater infiltration where feasible.
 - 3. *Location and Conflicts.*
 - a. Tree wells shall be located to avoid conflicts with utilities, driveways, and sight distance.
 - b. Tree wells shall conform to any applicable urban forestry or right-of-way standards referenced in this UDO.
- R. **Groundcover Required.** All unpaved or otherwise unimproved areas, including the public right-of-way, or public use areas, or remainder of the site, shall be graded and seeded for grass or consist of landscape mulch or stones in an approved manner.

- S. **Visibility Triangle.** The following requirements apply to landscaping that is installed in screening areas and site landscaping, as described in this section and are in addition to the requirements of [Division 2.4, Measurements and Allowances](#).
1. Deciduous trees may be permitted to encroach into the visibility triangle provided that the lowest branch of any such tree shall be at least six feet from grade.
 2. Street trees shall be placed a minimum of eight feet away from the corners of alleys and driveways, and ten feet away from intersections.
 3. The Director, at their discretion, may require the applicant to demonstrate that appropriate sight distance for both approach and departure is maintained at drives or intersections. Refer to AASHTO's "A Policy on Geometric Design of Highways and Streets" (Greenbook, current edition) for requirements of clear sight triangles for different contexts (Section 9.5 Intersection Sight Distance in the 7th Edition, 2018).
- T. **Required Installation.**
1. All required screening elements shall be installed by the developer of the higher intensity development at the time of construction. In the case where a higher-intensity development exists prior to a future abutting lower- intensity development without required screening per this section, the lower intensity development shall then provide screening per [Sec. 3.4.3](#).
 2. **Landscape Materials.** The required landscape materials may be evenly spaced to create a more formal arrangement or in small clusters at varying intervals to create a natural appearance.
- U. **Alternative Landscaping.** In lieu of requirements of Div. 3.4, the following may be used to meet those purposes when meeting the following standards:
1. The Planning Commission on approving the use of existing topographical characteristics of the land or existing and/or planted vegetation may condition such approval on the planting of new vegetation in the number, size and type.
 2. The Planning Commission shall consider the characteristics of the land and vegetation present, the adequacy of the screening proposed, and other factors that may impact upon abutting development.
 3. The Planning Commission may approve screening or site landscaping consisting of existing vegetation, planted vegetation, or topographic characteristics of the land.
- V. **Additional Landscaping.**
1. The Planning Commission may increase the height of the separation screening and/or require additional landscaping as part of the site plan review under [Article 4, Division 5, Subdivision 2. Site Plan Review and Article 4, Subdivision and Site Condominiums](#), if the minimum requirements of [Sec. 3.4.3](#) would not adequately protect existing or future abutting residential uses.
 2. In deciding whether the requirements of [Sec. 3.4.3](#) in this section protect abutting residential uses, the Planning Commission may consider factors which include, but are not limited to, the topography of the land, the type(s) of use(s) involved, the materials and vegetation to be utilized and the distance between structures and uses.
- W. **Low Impact Development.** Low impact development and other similar stormwater management features may be permitted in a required screening type as approved by the Director.

Sec. 3.4.2 Site Landscaping

- A. **Required Site Landscaping.** The site landscaping provisions for new development and for modifications to existing development are provided in [Table 3.4.2-1, Required Site Landscaping Types](#), and illustrated in [Figure 3.4.2-1, Site Landscape Types](#). Site landscaping includes the following: Building frontage; parking lot interior landscaping; and parking lot perimeter landscaping.

Figure 3.4.2-1, Required Site Landscaping Types

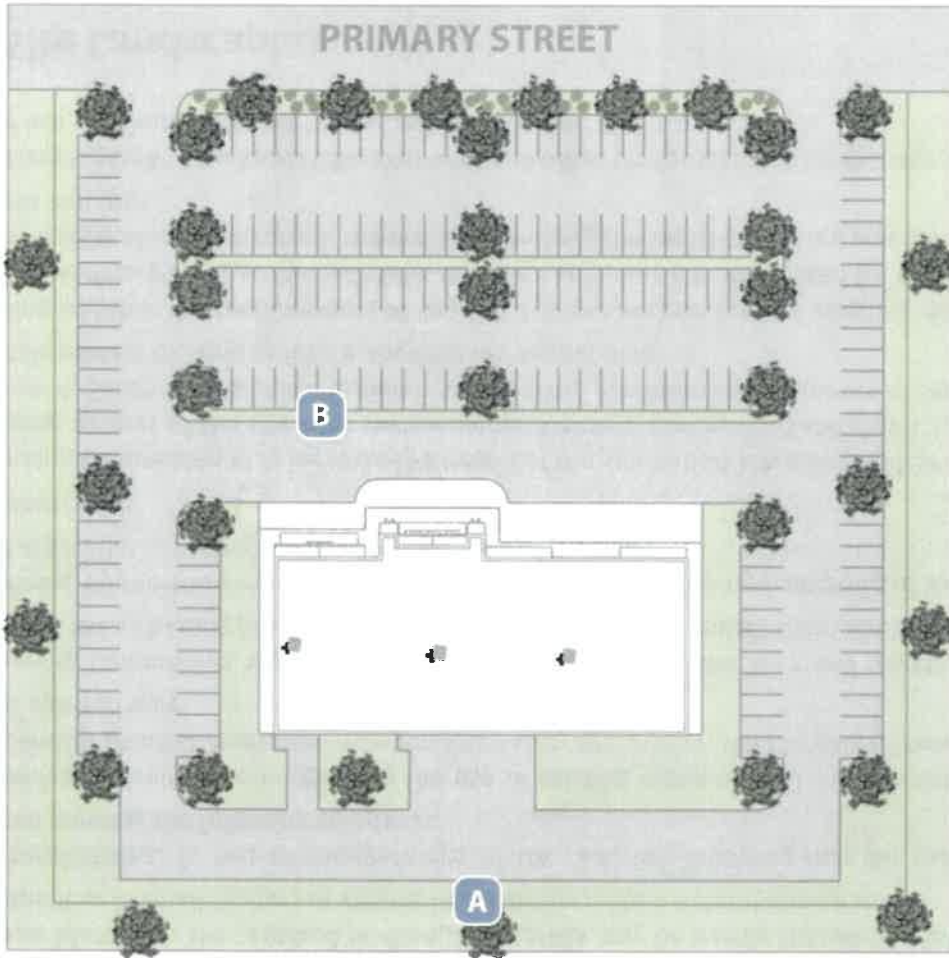


TABLE NOTES:
A =Parking Lot Perimeter Landscaping | B = Parking Lot Interior Landscaping

Figure 3.4.2-2, Required Site Landscaping Types



TABLE NOTES:

A = Building Frontage | B = Parking Lot Perimeter Landscaping | C = Parking Lot Interior Landscaping

Table 3.4.2-1, Summary of Required Site Landscaping

Land Use or Site Modification	Parking Lot Perimeter ¹	Parking Lot Interior ⁴	Building Frontage
New Development:			
▪ Single Unit Detached, Two-Unit Attached	Not Required	Not Required	N/A ⁵
▪ Townhouses	Required	Required	N/A ⁵
▪ Multiplexes, Multi-unit Buildings	Required	Required	Required
▪ Nonresidential uses	Required	Required	Required
Existing Development:			
▪ Building renovation, addition, or repair ²	Not Required	Not Required	Required
▪ Use or occupancy changes	Required	Required	Required

Table 3.4.2-1, Summary of Required Site Landscaping

Land Use or Site Modification	Parking Lot Perimeter ¹	Parking Lot Interior ⁴	Building Frontage
<ul style="list-style-type: none"> ▪ Parking lot expansion or replacement,³ new parking lot 	Required	Required	Required

Table Notes:

1. Applies to parking lots with 10 or more spaces.
2. Required when construction expenses are estimated to be 25% or more than the appraised replacement cost of the entire building or structure, exclusive of the foundation, as determined by the Director.
3. Required when the number of off-street parking spaces is increased by 25% or more or when a minimum of 25% of the parking lot is replaced. Any new landscaping required under such circumstances shall be located within 10 feet of the right of way or in interior parking lot landscaping, including islands.
4. Applies to parking lots having a minimum of 10,000 sq ft area.
5. Street trees shall be provided per Sec 4.2.7.

Table 3.4.2-2 Site Landscaping Elements

Landscaping Element	Location and Design Requirements
Building Frontage Landscaping	
1 deciduous tree or 3 ornamental trees, plus 4 shrubs per 30 feet linear ft. of building front	<ul style="list-style-type: none"> ▪ See Figure 3.4.2-1, <i>Site Landscaping Types</i>
Parking Lot Interior	
<ul style="list-style-type: none"> ▪ 1 sq. ft. landscaped area per 15 sq. ft. parking lot area, except paved area within 20' of parking lot perimeter ▪ Min. 150 sq. ft. minimum landscape island size ▪ Min. 1 deciduous tree per landscaped island ▪ Min. 75 sq. ft. open area required per tree ▪ 1 deciduous or 2 ornamental trees, plus 5 shrubs per 200 sq. ft. minimum corner area 	<ul style="list-style-type: none"> ▪ Parking space rows of 15 spaces maximum between landscaped islands, endcaps, or corner landscaping ▪ Endcap landscaped islands shall be a minimum of 9' wide and span length of both abutting spaces. ▪ All plants installed on endcaps and/or adjacent to drive aisle intersections shall provide clear visibility between 3 to 6 feet above ground level ▪ Corner area shall be required in addition to perimeter parking but plant materials and groundcovers are permitted to blend between the two areas. ▪ A minimum, along the entire centerline of alternating double parking rows ▪ Each median shall be a minimum of 6' wide ▪ All vegetation use provides for clear visibility between two to six feet above ground level
If provided, medians with ornamental grasses, shrubs, or planters	
Parking Lot Perimeter^{3,4}	

Table 3.4.2-2 Site Landscaping Elements

Landscaping Element	Location and Design Requirements
<p>Perimeter landscaping shall consist of trees and shrubs, as provided below.</p> <ul style="list-style-type: none"> ▪ Trees: One deciduous tree for every 30 feet or fraction thereof of the parking lot. Arrangement of trees in clusters or groupings is permitted, but in no case shall trees be more than 75 feet apart. ▪ Shrubs, Wall, or Berm: A berm, wall or shrub combination thereof forming a continuous screen between trees at least 36 inches in height above the parking lot. Arrangement of shrubs in clusters or groupings is permitted, but in no case shall the clusters or groupings be more than ten feet apart. Buildings may also be used to screen a parking lot. 	<ul style="list-style-type: none"> ▪ All perimeter landscaping shall be planted in a minimum 10 ft. wide greenstrip² with grass, groundcover or other live material. ▪ Perimeter plantings may count toward any required abutting screening. ▪ Shrubs are not required to face street where parking lots situated at an elevation of 36 or more inches below street grade and with a greenstrip that has vertical slope no greater than three to one (or retaining wall). ▪ All plants installed at ingress/egress points and internal drive aisle intersections shall provide clear visibility between three feet and six feet above ground level.

Table Notes:

1. Relocation of the hedge, berm, wall or combination thereof may be allowed to prevent traffic hazards, vision obstruction or other public safety dangers.
2. The Director may reduce the 10' wide greenstrip where public sidewalk is provided on private property while meeting the intent of the above landscaping standards.

Contents:

- Article 3 Development Standards
 - Division 3.4 Landscaping, Screening, and Trees
 - Sec. 3.4.3 Screening of Conflicting Land Uses

Sec. 3.4.3 Screening of Conflicting Land Uses

- A. **Generally.** The screening required in this section provide transition and physical barriers between differing land uses to reduce the effects of sight, sound, and other incompatibilities. The required buffering vary according to the amount of visual and noise screening is appropriate to mitigate incompatibilities.
- B. **Purpose.** The purpose of this section is to protect neighboring residential and park properties from any adverse external effects and negative impacts of nonresidential development and arterials. The screen and buffer required by this section is intended to limit visual contact between uses and to create a strong impression of spatial separation.
- C. **Screening Materials.**
 1. Screening materials shall consist of trees and shrubs, walls, fences and berms or a combination thereof.

2. Screening fences shall not be constructed of corrugated metal, corrugated fiberglass, sheet metal, chain link or wire mesh. If a long stretch of screening is required, options should be combined or alternated, or plant materials should be varied.
3. Other creative options, such as changes in elevation, existing vegetation, or plant materials within a buffer area, are encouraged, but the applicant must demonstrate that comparable or superior screening will be provided.

D. Street Screening for Residential Developments.

1. Where a single-unit detached, two-unit attached, or townhouse (or combination thereof) housing development of five acres or more in the PUD, RE, or RN districts front an arterial ROW, the developer shall preserve natural elements within 20 ft from the arterial ROW to achieve general screening of street externalities. The use of additional landscaping or berms should be incorporated to achieve effective screening where necessary per the Director.

E. Conflicting Land Use Screening Options. Required screening elements and a greenstrip are provided in Table 3.4.3-1, *Conflicting Land Use Screening Options*. Location of required screening is provided under Table 3.4.3-2 *Screening Types for Adjacent Land Uses*. Figure 3.4.3-1, *Illustrative Screening Types*, contains examples of the composition and appearance of the six types.

Table 3.4.3-1, Conflicting Land Use Screening Options				
Screening Type	Minimum Greenstrip Width (A)	Required Plantings per 30 Linear Feet (B)		Required Berm, Wall, or Fence Height (C)
		Shade or Evergreen Trees	Shrubs	
Type 1				
Natural	10ft.	1	8 ³	
Structural	8 ft.	1	0	6 ft. fence/wall ¹
Type 2				
Natural	15ft	table note ²	0	6 ft. tall tree ²
Structural	10 ft.	1	0	6 ft. fence/wall ¹
Type 3				
Natural	25 ft.	table note ²	0	8 ft. tall tree ²
Berm	N/A	1	5	6 ft. berm
Structural	15 ft.	1	0	8 ft. fence/ wall ¹

TABLE NOTES:

1. Plant material, including large trees, must be installed on the outside of the wall or fence facing the street within the required greenstrip.
2. Two rows of staggered evergreen trees within the required greenstrip having a minimum growth height of 25 feet (or 15' for non-industrial districts) planted to form continuous opaque screening. Minimum tree height at time of planting.
3. Bushes shall be planted between trees.

Table 3.4.3-2, Screening Types For Abutting Land Uses

Use of Parcel Proposed for Development	Low-Density Residential ¹	High-Density Residential ²	Nonresidential (Commercial or Institutional)	Industrial
Low-Density Residential ¹	--	Type 1	Type 2	Type 3
High-Density Residential ²	Type 1	--	Type 2	Type 3
Nonresidential (Commercial or Institutional) ³	Type 2	Type 2	--	Type 1
Industrial	Type 3	Type 3	Type 1	--

Foot Notes

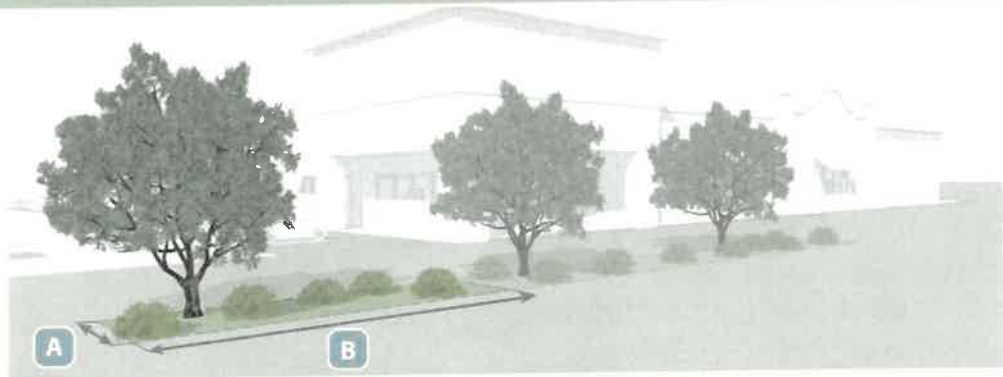
1. Single-unit detached and Two-unit attached dwellings.
2. Multi-Units, Multiplex, Townhouses, and Mixed use development containing any number of dwelling units shall be consider as High Density Residential.
3. Institutional uses shall include General Public and Civic Uses and Educational Facilities Uses as established in *Sec. 2.3.1, Land Use Table*.

Figure 3.4.3-1, Illustrative Screening Methods

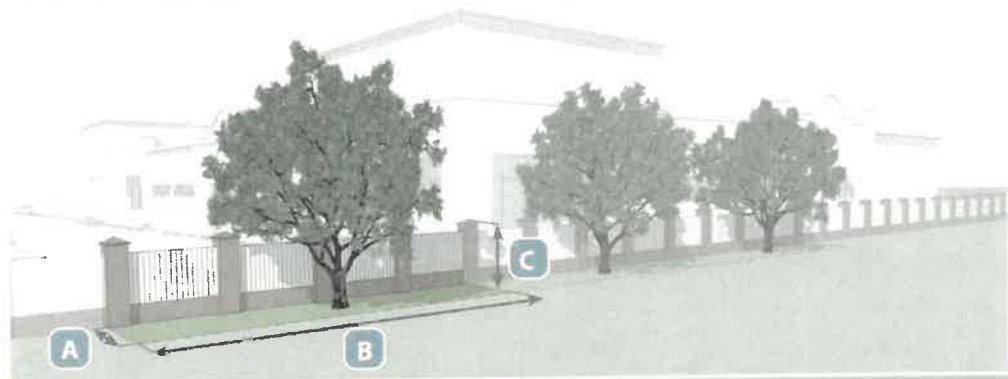
Type 1

Screening Methods

Natural



Structural

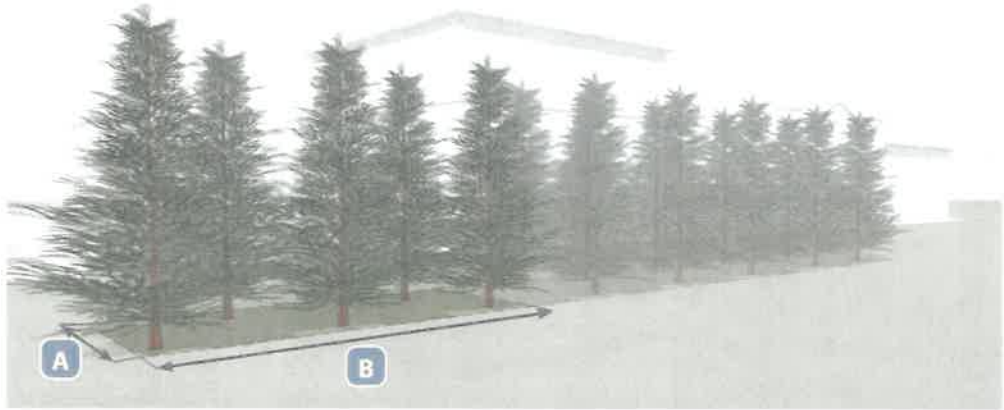


Type 2

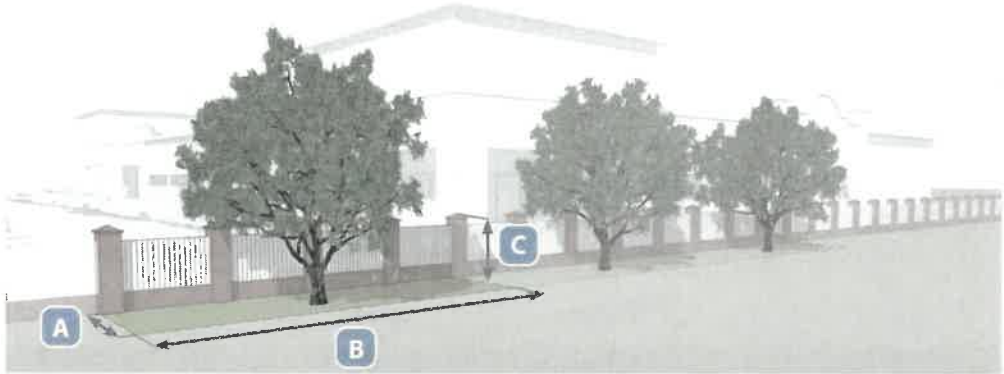
Screening Methods

Figure 3.4.3-1, Illustrative Screening Types

Natural



Structural



Type 3

Screening Methods

Natural

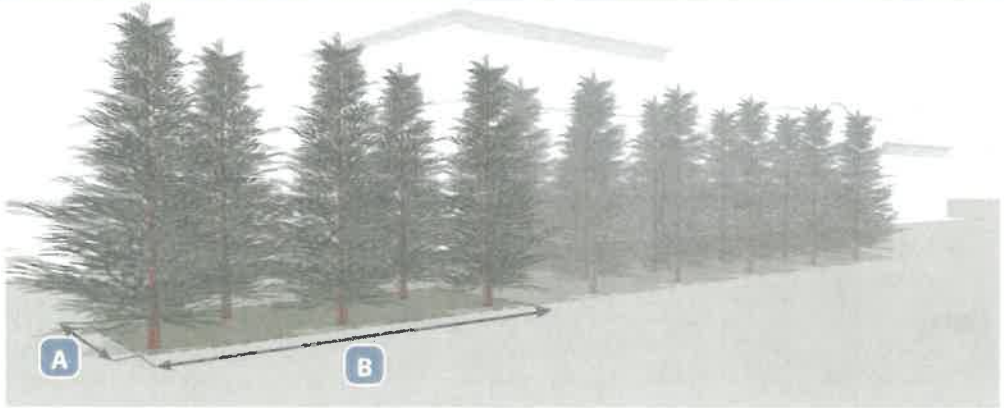
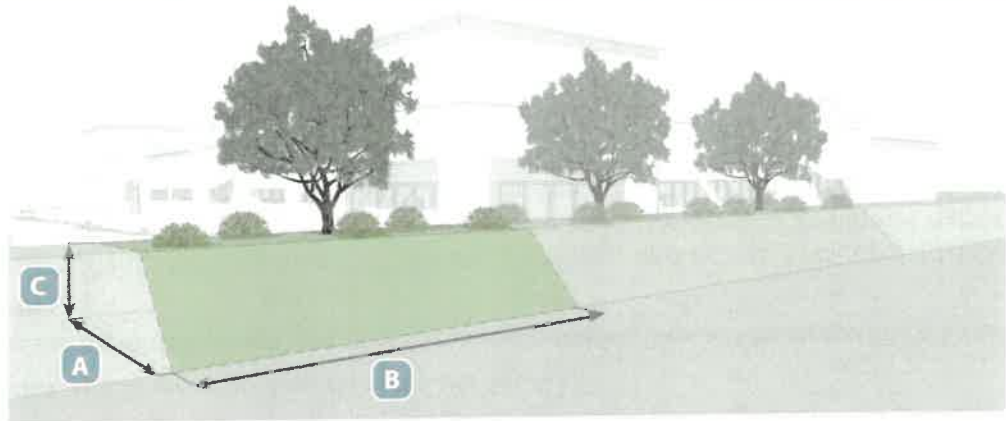
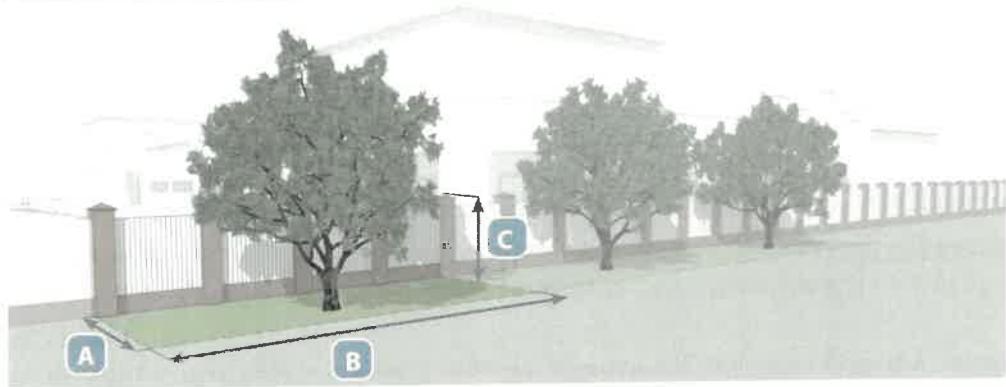


Figure 3.4.3-1, Illustrative Screening Types

Berm



Structural



Graphic Note: All graphics in the figure are illustrative and provide general intent and guidance for meeting the requirements of Table 3.4.3-1, *Conflicting Land Use Screening Options*. The specific trees shown may not demonstrate full compliance with the requirements of this section.

F. Fence and Wall Standards.

1. *Placement.* The wall or fence shall be installed within one foot of the property line, except where natural features prevent the use of the property line or where underground utilities interfere as approved by the Director.

Sec. 3.4.4 Installation and Maintenance

A. Installation Standards.

1. *Silting and Erosion Prevention.* All applicants who are required to install landscaping in accordance with this code shall take necessary steps to prevent silting and erosion during construction.
2. *Installation Timeline.* All new residential lots with new structures or any new commercial or industrial development shall have an appropriate cover of undisturbed existing vegetation, seed and straw, fresh-cut sod, or spot sod at the date of the zoning compliance inspection or complete in such instance where no inspection is required.

B. Maintenance Standards.

1. **Nursey Industry Standards.** All landscaping materials shall be installed and maintained according to accepted nursery industry procedures including being free of disease and insects and in conformance with the American Standard for Nursery Stock.
 2. **Owner's Responsibilities.** The owner of the property shall be responsible for the continued property maintenance of all landscaping materials and shall keep them in a proper, neat, and orderly appearance, free from refuse, debris, and weeds at all times.
 3. **Replacement of Dead Plant Material.** All unhealthy or dead plant material shall be replaced within one year, or by the next planting period, whichever comes first.
 4. **Violations.** Violation of these installation and maintenance provisions shall be grounds for the Director to require replacement of the landscape material, or institute proceedings to enforce the provisions of this UDO in accordance with Sec. 42-653, Enforcement and Sec. 42-654, Violations and Penalties.
 5. **Maintenance.** All landscaping elements shall be maintained by the property owner or home/business-owners' association, as applicable.
- C. **Performance Guarantees.** If a temporary certificate of occupancy is requested before completion of the landscape improvements, the performance guarantee requirements specified in Sec. 42-655, Performance guarantees.
- D. **Easements, Rights-of-Way, Setbacks, and Sight Clearance.**
1. Required landscaping may be placed wholly or partially in utility or other easements, providing all requirements can be fulfilled and approval is granted by the holder of the easements. Trees shall not be placed in public utility easements.
 2. The species of trees that will be planted below utility lines should be selected based on the height of the tree at maturity to ensure that only a minimal amount of trimming will be necessary to prevent interference with utilities.
 3. In no case shall landscaping and screening be established so as to block the sight distance at street or driveway intersections as established in [Division 2.4, Measurements and Allowances](#) (See Sight Triangle).
 4. Grass or groundcover shall be planted on all portions of the easements not occupied by other landscaped material.

Sec. 3.4.5 Trees

- A. **Street Trees.**
1. Installation of street trees shall be required for all residential subdivisions, condominium developments, site condominiums, and single-deed developments per Sec 4.2.7.
 2. Property owners are permitted to replace a street tree and provided they adhere to the City's Street Tree Planting Guidelines.
- B. **Adverse Impacts.** If compliance with [Division 3.8, Streets, Sidewalks, and Access Management](#) adversely impacts significant natural features, including but not limited to trees, topography or natural habitat, the provisions of that division may be modified by the City Council. The modification shall not be granted by the City Council unless the proprietor shows that:
1. Significant natural features will be adversely impacted; and
 2. The modifications will not adversely impact the public health, safety and welfare.
- C. **Tree Wells.** [Reserved.]

Division 3.5 Outdoor Storage and Display

Sec. 3.5.1 Purpose and Applicability

[Reserved.]

Sec. 3.5.2 Exemptions and Prohibitions

[Reserved.]

Sec. 3.5.3 Light Fixture Standards

[Reserved.]

Sec. 3.5.4 Outdoor Retail and Display

[Reserved.]

Division 3.6 Signs

[Reserved.]

Division 3.7 Outdoor Lighting

[Reserved.]

Division 3.8 Streets, Sidewalks, and Access Management

Sec. 3.8.1 Streets and Alleys

A. General Provisions.

1. All streets and appurtenances shall be constructed in accordance with details and specifications contained in this Division, in accordance with the City construction standards, and as otherwise approved by the City Council.
2. Streets shall be provided with asphalt or concrete surfacing and shall be in accordance with specifications approved by the City Council.
3. Alternative street designs may be allowed by Planning Commission approval during a public hearing if the design results in greater conformance with the Master Plan, increased traffic calming or connectivity for all users, or other neighborhood benefits.

- B. **Roadway Types.** All roadways (i.e., streets) in the City are classified according to a national system used by the Federal Highway Administration (FHWA). The classifications correspond with annual average daily numbers of vehicles that use the roadway. Alleys, internal streets within multi-unit developments, and emergency access

lanes are part of the network in the City, but are not considered roadways. For the purposes of this UDO, there are six roadway types (Minor Collector and Local types follow the same design and dimensional standards):

1. Principal Arterial.
 2. Minor Arterial.
 3. Major Collector.
 4. Minor Collector.
 5. Local.
 6. Cul-de-sacs.
 7. Alley/Emergency Access Route.
- C. **Private Streets.** Private streets shall be permitted in limited circumstances and are subject to site plan review and approval. Private street design and construction shall adhere to the standards of public streets.
- D. **Location and Arrangement of Streets.**
8. *Conformance with Master Plan.* A proposed subdivision shall conform to the goals, policies, and objectives of the Master Plan, including being considered in relation to existing and planned major highways, arterials, and collector streets, and such parts shall be platted and the location and width indicated on such plan. Whenever an area to be subdivided is to use existing street frontage, such a street shall be suitably improved per this article.
 9. *Topographical Considerations.* Local streets shall be laid out so as to conform as much as possible to the topography, to permit efficient drainage and utility systems, and to require the minimum number of streets necessary to provide convenient and safe access to property.
 10. *Continuity.* The street layout shall provide for the continuation of collector streets in the adjoining subdivision or for the proper projection of streets when adjoining property is not subdivided. It shall further conform to any neighborhood, special area, corridor, or other sub area plan that has been adopted by the Planning Commission.
 11. *Relationship to Arterial Streets.* If a proposed subdivision borders or includes an existing or planned arterial street, the use of marginal access streets, reverse frontage, or other appropriate measures may be required to adequately protect residential properties and reduce traffic hazards.
 12. *Relationship to Limited Access Rights-of-Way.* If a proposed subdivision borders on or contains a railroad, expressway, or other limited access highway right-of-way, the Planning Commission may require the location of streets approximately parallel to and on each side of such right-of-way, at distances suitable for the development of an appropriate use of the intervening land, such as for parks or open space in residential districts. Such distances shall be determined with due consideration of the minimum distance required for approach grades to future grade separation.
 13. *Half Streets.* Half streets are prohibited, except where essential to the reasonable development of the subdivision in conformity with the other requirements of this article, and where the Planning Commission finds that it is practical to require the dedication of the other half when the adjoining property is developed. Wherever there exists, adjacent to the to be subdivided, a dedicated or platted and recorded half street, the other half shall be platted.
- E. **Pavement Width.** Standard for pavement widths (not including the gutter pan) by street type are contained in Table 3.8.1-1.

Table 3.8.1-1, Pavement Widths by Street Type

Street Type	Min. Pavement Width
Principal or Minor Arterial	44 ft.
Major or Minor Collector	44 ft.
Local residential -- On-street parking allowed on one side/ no street parking	24 ft.
Local residential -- On-street parking allowed on both sides	28 ft.
Cul-de-sac (residential)	40 ft. (radius)
Alley or Emergency Access Lane	20 ft.

- F. **Grades.** For adequate drainage, the minimum street grade shall be not less than one-half percent. The maximum street grade shall be six percent.
- G. **Geometrics.** Standards for maximum vertical and horizontal street curves and sight distances are as follows:
1. The radius of the minimum horizontal centerline curvature shall be 475 feet for arterial streets, 300 feet for collector streets and 200 feet for local streets. These minimums may be revised at the discretion of the Director of Transportation and Utilities based on specific context of the proposed curve in accordance with the current edition of AASHTO's *Policy on Geometric Design of Highways and Streets* (commonly referred to as the Green Book). Where a horizontal curve is proposed in a residential subdivision that results in the adjacent tangent sections of roadway being perpendicular to each other, with no other intersecting streets, the minimum centerline radius may be reduced to 60 feet.
 2. Vertical curves shall be provided when grade breaks exceed one-half percent for major and collector streets and one percent for local streets. The minimum length for vertical curves shall be 100 feet.
 3. Sight distance on horizontal curves shall be in accordance with the current edition of AASHTO's *Policy on Geometric Design of Highways and Streets* (commonly referred to as the Green Book) but shall not be less than 300 feet for arterials, 200 feet for collectors, and 100 feet for local streets.
 4. Sight distance on vertical curves shall be in accordance with the current edition of AASHTO's *Policy on Geometric Design of Highways and Streets* (commonly referred to as the Green Book), using an eye height of 3.5 feet and object height of 0.5 feet, but shall not be less than 500 feet for arterials, 300 feet for collectors, and 200 feet for local streets. The minimum tangent distance for reverse curves on major and collector streets shall be 100 feet.
 5. The centerline of pavement shall coincide with the centerline of the right-of-way, except for irregular right-of-way widths.
- H. **Intersections.**
1. Streets shall be laid out so as to intersect as nearly as possible at 90 degrees. Curved local streets, when intersecting major and collector streets, shall do so with a tangent section of centerline at least 50 feet in length, measured from the right-of-way line of the major collector street.
 2. Where a local street intersects with an existing major or collector street, a widening shall be required between approaches if the distance between the centerlines is less than 250 feet. A widening on the opposite side of the major or collector street shall be required if the conditions so necessitate.
 3. Where a local or collector street intersects a major street, the local or collector street shall be widened as may be required to accommodate turning movements for a minimum distance of 100 feet, measured from the right-of-way line of the major street.
- I. **Rights-of-Way Widths.** The required widths of street rights-of-way shall conform to the minimum requirements contained in Table 3.8.1-2.

Table 3.8.1-2, Rights-of-Way Widths

Street Type	Right-of-Way Width
Principal and Minor Arterial	100 to 140 ft.
Major and Minor Collector	70 to 90 ft.
Local (residential)	60 ft.
Cul-de-sac (residential)	75 feet (radius)
Alley or Emergency Access Lane	20 ft.

- J. Curbs and Gutters.** Curbs and gutters shall be provided by the applicant on all streets and alleys. Except for alleys, roll-over/ mountable curbs prohibited.
- K. Curb Radius.** The minimum curb radius at the intersection of two local residential streets shall be 25 feet. The minimum curb radius at an intersection that includes a collector street shall be 35 feet.
- L. Cul-de-Sacs.**
1. *Generally.* Permanent cul-de-sac streets are discouraged and should only be used where necessary due to topography, configuration of land, or other special circumstances.
 2. *Maximum Street Length.* The maximum number of lots or parcels which front on a residential cul-de-sac street shall not exceed 30 units. Cul-de-sacs shall not exceed 500 feet in length, unless allowed by the planning commission if certain transportation improvements are provided to adjacent neighborhoods, uses, or transportation network. The length of the cul-de-sac shall be measured along the centerline of the cul-de-sac street from a point beginning at the intersection of the cul-de-sac street and the intersecting street to its furthest curbline in the turnaround.
 3. *Sidewalks.* A five-foot concrete sidewalk shall be provided on both sides of the full length of a cul-de-sac and around the bulb of the cul-de-sac.
 4. *Islands or Planters.* Unpaved islands at the center of the cul-de-sac turnaround may be allowed, provided that:
 - a. The radii of both the right-of-way and pavement shall be increased 10 feet to accommodate the island;
 - b. The island shall be surrounded by a mountable curb;
 - c. The surface of the island shall be landscaped or covered with decorative pavers;
 - d. Landscaping or other elements located in the island shall not interfere with the sight triangle established in [Division 2.4, Measurements and Allowances](#);
 - e. The island shall have a minimum radius of six feet and a maximum radius of 10 feet measured to the back of the curb; and
 - f. The island shall be owned and maintained by a homeowners' or property owners' association.
- M. Stub Streets.**
1. *Future Street Extensions.* Stub streets shall be installed to permit future street extensions into adjoining tracts, as determined by the City. A subdivision or an extension of an existing subdivision shall be platted so as to provide sufficient access streets to future phases.
 2. *Barricades.* Barricades shall be installed at the end of stub streets and signage may be provided indicating a future street connection.
 3. *Maximum Length.* Stub streets shall not exceed 150 feet in length. Where required a temporary connection to another street, or a temporary turnaround, shall be provided by the developer.

4. *Maximum Size.* The size of the turn-around shall not be less than 60 feet in diameter.
5. *Temporary Turnarounds.* Where a stub street is fronted by two or more lots and ends at a subdivision line for future extension, it shall be provided with a temporary paved turnaround until such extension is completed.
6. *Dead-end Streets.* Dead-end streets shall be prohibited, except as stub streets.

N. Nonresidential Cul-de-Sacs. [Reserved.]

O. Alleys.

1. *Access and Use.* Alleys are primarily intended to provide secondary access to the side or rear of properties.
2. *Residential Areas.* Alleys may be included in the design of residential subdivisions where garages are located at or near the rear lot line. Private alleys located at the rear of commercial or industrial uses are also permitted.
3. *Minimum Width.* (See Table 3.8.1-1, *Rights-of-Way Widths* and Table 3.8.1-2, *Pavement Widths*.)
4. *Utilities.* Alley designs must make adequate provision for public water, sanitary sewer, storm drainage, and other utilities, all in accordance with specifications prescribed by the Department of Transportation and Utilities.
5. *Improvements.* Alley improvements (drainage, grading, and pavement) must meet city design standards, which are on file with the Department of Transportation and Utilities.

P. Traffic Control Devices.

1. *Signs.* The location of all signs shall be indicated on a street layout plan and shall be approved by the Department of Transportation and Utilities. At a minimum, the sign types required are regulatory signs, street name signs, and warning signs warning of change in alignment and terminations. All signs must conform to the standards set forth in the current edition of the Michigan Manual of Uniform Traffic Control Devices.
2. *Pavement Markings.* All arterial and collector streets shall, and interior residential collector, local industrial and multifamily streets may, have pavement markings placed on the pavement. All pavement marking locations shall be indicated on the street layout plans and be approved by the Department of Transportation and Utilities. Pavement markings shall include lane lines, centerlines, crosswalks and stop bars. All markings must conform to the standards set forth in the current edition of the Michigan Manual of Uniform Traffic Control Devices.
3. *Traffic Control Orders.* For traffic control devices requiring a city traffic control order, such order shall be prepared by the Department of Transportation and Utilities and be approved by the council. A temporary traffic order must be approved prior to the placement of the traffic control devices.
4. *Time of installation.* All traffic control devices required to be placed according to the approved plan shall be so placed at the time of street construction.

Sec. 3.8.2 Driveways

- A. **Driveways in Residential Areas.** Standards for improved driveways for all housing types are contained in [Division 3.2, Building and Site Design](#).
- B. **Driveways in Nonresidential Areas.** [Reserved.]
- C. Other driveway standards per Chapter 66, Article 3. shall apply.

Sec. 3.8.3 Sidewalks and Accessibility

- A. **Applicability.** The section is intended to ensure that sidewalks and ramps are provided per City standards as part of all new residential and nonresidential development or expansion of existing development that requires site plan approval.
- B. **Timing.** Sidewalks shall be installed in accordance with this section and the construction standards established by the Department of Transportation and Utilities. The applicant shall install sidewalks to and along streets prior to acceptance of subdivision improvements or certification of occupancy, or pursuant to Division 4.4. This requirement applies to all land uses and street classifications, except as modified in this Section.
- C. **Location and Width.**
1. A concrete sidewalk at least five feet in width shall be provided on both sides of all local streets, including the full length of a cul-de-sac and around the bulb of the cul-de-sac.
 2. Should a proposed subdivision border principal arterial, minor arterial, or major collector, a connecting sidewalk or pathway shall be installed in accordance with construction standards established by the Department of Transportation and Utilities.
 3. Sidewalks shall be installed one foot from the property line. However, sidewalks may deviate from the normal roadway alignment in order to have separation away from curb, preserve existing vegetation, or to provide for the most functional connection to other pedestrian ways and pedestrian destinations, subject to the approval of the director of Transportation and Utilities.
 4. A fence and other improvements may be required between the curb and the sidewalk if it is determined that they are necessary to protect pedestrians or adjacent properties.
- D. **Accessibility.**
1. All sidewalks shall be built to conform to the current accessibility standards of the Americans with Disabilities Act (ADA) or Public Right-of-Way Accessibility Guidelines (PROWAG) established by U.S. Access Board, as applicable.
 2. The applicant shall install all common area sidewalks and all ADA ramps at the required locations.
- E. **Alignment and Connectivity.**
1. Sidewalks shall be connected and aligned horizontally and vertically with existing sidewalks on adjacent properties or streets. The Director may modify this requirement if existing adjacent sidewalks are not constructed in conformance with the standards of this section.
 2. Sidewalks shall connect to adjacent pathways or trails.
- F. **Modification to Requirements.** The Director may modify these requirements in consideration of the location of utilities, existing landscaping, or other site improvements.

Sec. 3.8.4 Cross Access and Shared Access Easements

- A. **Applicability.** The section is intended to create future access within and to different forms of development and, or ownership of lands to increase public transportation safety, transportation network efficiency and connections, and greater emergency response access.
- B. **Separate Ownership.** Where adjacent properties are separately owned and not part of the same development, the City may require shared access or internal cross-access easements, or both, as the properties are divided or developed. As such, Director may grant applicant temporary individual access to the frontage road (C in the Figure below) if:
1. The applicant demonstrates that the adjacent landowner refused a reasonable offer with regard to cross-access;

2. The applicant demonstrates that the proposed temporary access will not materially affect the safe and efficient flow of traffic; and
 3. The applicant records a covenant to ensure that the connection will be provided and access will be consolidated upon the earlier of:
 - a. Approval of a plat or division of the adjacent property, if providing such connection is a requirement of the approval for the adjacent property; or
 - b. The subject parcel and the adjacent parcel coming under common ownership.
- C. **Common Ownership or Phased Subdivisions.** Phased subdivisions, subdivisions under the same ownership, or parcels that are consolidated for the purposes of development and comprised of more than one building shall provide cross-access and shared access easements as follows.
1. The property proposed for development shall include cross-access easements with connections to abutting cross-access points or, if the abutting property is undeveloped or without cross-access points, stub-outs at locations on the property that allow for a connection in the future. In addition, if the abutting property is undeveloped or is without a driveway suitable for sharing, the property proposed for development shall include a shared access easement on its perimeter in a location suitable for sharing access to the street with the abutting property in the future.
 2. The subdivider shall record a covenant to allow for future connection of shared access and cross-access stub-out easements to comparable facilities on abutting parcels when they develop or are redeveloped.
 3. Cross-access easements shall meet minimum widths to permit future street extensions pursuant to Sec 3.8.1.
- D. **Cross-access and shared access connections.** As depicted in Figure 3.8.4-1, *Cross-Access and Shared Access*, the applicant shall provide shared access (A in the Figure below) and cross-access (B in the Figure below) easements, for multi-unit residential, nonresidential, and mixed-use developments that front on locally maintained arterial or collector streets, subject to the following standards. Driveway separation and width on locally maintained collector and arterial streets shall comply with [Sec. 3.8.1, Streets and Alleys](#).

Figure 3.8.4-1, Cross-Access and Shared Access



Figure Notes: OTES: A = Shared Access B = Cross Access C = Primary Street

Sec. 3.8.5 Access Management

[Reserved.]

Ch. 66, Art. 3 Access Management.

Division 3.9 Stormwater Retention or Detention Facility

Sec. 3.9.1 Stormwater Retention or Detention Facilities

A. Location.

1. **Prohibited Location.** Stormwater basins shall not abut any arterial streets.
2. **Collector, Local Streets.** A stormwater retention or detention facility located on any collector or local street shall be designed as an attractive site amenity that incorporates landscaping.

B. Planting Plan.

The applicant shall submit a landscape plan that indicates the proposed planting design and plant selection for the facility.

C. Maintenance.

A stormwater maintenance agreement signed by the applicant or his or her designee shall outline the regular maintenance activities required to maintain the planted areas in the facility in an attractive appearance.

D. Fencing.

Fencing may be required pursuant to the City Storm Water Design Criteria Manual.

E. Gate.

When fencing is required or installed as an option, a gate shall be installed to enable access by maintenance vehicles.

ARTICLE 4 SUBDIVISION AND CONDOMINIUM PROJECT STANDARDS

Division 4.1 General Provisions

Sec. 4.1.1 Purpose

Sec. 4.1.2 Compliance

Sec. 4.1.3 Applicability

Sec. 4.1.4 Condominium Project Fees, Charges, and Assessments

Division 4.2 Subdivision Design Standards

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Sec. 4.5.6 Approval or Denial of Application

Sec. 4.5.7 Approval of Land Divisions Not Meeting Lot or Access Requirements

Sec. 4.5.8 Taxation Date for New Land Divisions

Division 4.1 General Provisions

Sec. 4.1.1 Purpose

The purpose of this article is to protect and provide for the public health, safety, and general welfare of the City and its people, and specifically to:

- A. Implement the Master Plan;
- B. Provide for the orderly subdivision of land, and to ensure proper legal descriptions and monumentation of subdivided land;
- C. Provide for the orderly growth and harmonious development of the community with balancing natural resources throughout the city;
- D. Secure that adequate public infrastructure, facilities, and services are available concurrent with development, such as water supply, drainage and sanitary sewer and other health requirements;
- E. Secure adequate traffic circulation through a coordinated and connected street system with relation to major thoroughfares, adjoining subdivisions, and public facilities;
- F. Secure adequate provisions for recreational areas, school sites and other public facilities.
- G. Ensure that new subdivisions will contribute toward an attractive, orderly, stable, livable, and safe community; and
- H. Establish standard requirements, conditions, for the design and review of subdivisions and condominium projects.

Sec. 4.1.2 Compliance

The approvals required under this Article shall be obtained prior to the installation of any subdivision, condominium project, or project improvement in the City in public streets, alleys, rights-of-way and easements and/or under the ultimate jurisdiction of the City. All subdivisions, condominiums, or project improvements in the City installed in public streets, alleys, rights-of-way or easements and/or under the ultimate jurisdiction of the City shall comply with all the provisions and requirements of this article.

Sec. 4.1.3 Applicability

- A. **Generally.** This Article applies to all plats and all divisions of land within the corporate limits of the City pursuant to Chapter 560 of the Michigan Compiled Laws (MCL), and to all condominium projects within the City pursuant to the authority conferred by Section 141 of the Condominium Act (MCL 559.241, MSA

26.50(241)). This article is not intended to regulate condominium projects which will not include single-unit detached dwellings.

- B. **Applicability of Subdivision Requirements to Condominium Projects.** The requirements, standards and procedures of Article 4, Division 4.2 of this article pertaining to subdivisions, shall apply to condominium projects developed within the city. When applying Article 4, Division 4.2, in addition to the definitions in Article 10, the following shall apply:
1. Condominiums shall use Unit instead of Lot
 2. "Subdivision shall be equivalent to the term "condominium project."
 3. Land division regulations shall be equivalent to the term "condominium regulations."
- C. **Effective Date.** This article shall apply to all land divisions (including subdivisions and condominium projects) approved before the effective date of the ordinance codified in this article and all land divisions submitted to the City for approval after such effective date, except that those land divisions which have met Sec 42-745, Sec 42-772, and Sec 42-883 and are currently under formal review previous to such effective date may continue to develop under the ordinances in effect at the time final approval was granted. Further, such final approval given to a subdivision shall not extend to other phases or parts of the subdivision not given preliminary plat approval.
- D. **Exemptions.** A parcel proposed for subdivision through a recorded plat pursuant to Division 3, Required Improvements and Design Standards and the act (MCL 560.101 et seq., MSA 26.430(101) et seq.).
1. A lot in a recorded plat proposed to be divided in accordance with Division 3, Required Improvements and Design Standards of this article and Article 2, Zoning and Article 4, Condominium Projects of this chapter and the act (MCL 560.101 et seq., MSA 26.430(101) et seq.).
 2. An exempt split where all resulting parcels are accessible as defined in this article. State law reference(s)—Similar provisions, MCL 560.103(1), MSA 26.430(103), (1).
 3. An exempt split or other partitioning or division of a parcel or tract that only results in parcels of 20 acres or more in size where the parcel or tract is not accessible and either of the following applies:
 - a. The parcel or tract was in existence on March 31, 1997.
 - b. The parcel or tract resulted from an exempt split or other partitioning or splitting under section 109b of the act (MCL 560.109b, MSA 26.430(109b)). (State law reference(s)—Similar provisions, MCL 560.109b, MSA 26.430(109b).)

Sec. 4.1.4 Fees, Charges, and Assessments

Subdivision, Land Division, and Condominium project review fees, engineering fees, attorneys' fees, water and connection charges and other municipal fees shall be paid to the City's Finance department, Treasurer Division, by the applicant as follows:

- A. **Fees.** Fees shall be established by resolution of the City Council.
- B. **Attorneys' fees.** Special attorneys' fees shall be charged if needed.
- C. **Water and Sewer Connection Charges.** Charges for water and sewer connection shall be charged as established by ordinance.
- D. **Assessments.** All assessments required or established under other provisions of this UDO, including special assessments, deferred assessments and extension district assessments, for existing public improvements which lie within or serve lots within a proposed condominium project shall be fully paid prior to approval and acceptance of dedicated improvements by the City Council.

- E. All taxes and installments of special assessments pertaining to the land proposed to be divided shall be paid to date prior to approval of the land division.

Division 4.2 Subdivision and Condominium Project Design Standards

Sec. 4.2.1 General Improvement Standards

- A. **General.** The subdivision and condominium project design standards set forth under this article are to be considered as the minimum acceptable standards. All those improvements for which construction and design standards are not specifically set forth shall have standards set by City Council. All improvements shall meet the approval of the City Council. All subdivision plans must be reviewed and approved by the Council.
- B. **Street, Sidewalks, and Access Management Standards.** Minimum standards for the location and design of streets that serve subdivisions, condominiums, and other applicable development are in [Division 3.8, Streets, Sidewalks, and Access Management](#).
- C. **Land Division Limitations.** A parent parcel cannot be divided to create more than four resulting parcels without the required frontage on a public street. Each parcel shall further meet the lot width and setback requirements for the zoning district in which it is located.
- D. **Development Standards for Land Divisions.** Residential, commercial, or industrial developments which result in land divisions with public infrastructure improvements, except lands divided pursuant to the Land Division Act (MCL 560.101 et seq., MSA 26.430(101) et seq.) and Article 4, Subdivision Design, of this chapter, shall be subject the following conditions:
1. Proposals for developments under this section shall be subject to review by the Planning Commission, and shall be subject, further, to review and approval by the City Council. All improvements must meet the approval of the City Council.
 2. Water, sanitary sewers and all other improvements shall be provided as required by the City Council and shall be in accordance with at least the minimum standards as set forth by ordinances of the City Council.

Sec. 4.2.2 Parcels and Blocks

- A. **Parcels.** Parcels in subdivisions and site condominiums shall conform to the following standards:
1. *Size and Shape.*
 - a. The parcel size, width, depth and shape in a subdivision proposed for residential use shall be appropriate for the location and the type of development contemplated.
 - b. Parcel areas and widths shall conform to at least the minimum requirements of Article 4 and [Sec. 2.2.2](#) for the district in which the subdivision is proposed.
 - c. Building setback lines shall conform to at least the minimum requirements of Article 4 of this chapter and [Sec. 2.2.2](#).
 - d. Corner Parcels shall be sized at least 20 feet wider than the minimum width and depth dimensions of the district.
 - e. Excessive parcel depth in relation to width shall be avoided. Exceeding a depth-to-width ratio of four to one shall be prohibited.
 2. *Arrangement.*
 - a. Every parcel shall have not less than 50 feet of frontage on a public street.

- b. Side parcel lines shall be as nearly as possible at right angles or radial to the street lines.
 - c. Residential parcels abutting arterial or collector streets, where marginal access streets are not desirable or possible to attain, shall be platted with reverse frontage parcels or with side parcel lines parallel to these streets. Parcels that back or side into such features as freeways, arterial or collector streets, shopping centers and industrial properties shall incorporate in the parcel depth or width, for buffering purposes, an additional 20 feet.
 - d. Parcels shall have a front-to-front relationship across all streets where possible.
3. *Cul-de-Sacs*. The maximum number of lots or parcels which front on a residential cul-de-sac street shall not exceed 30 units. Cul-de-sacs shall not exceed 500 feet in length, unless allowed by the planning commission if certain transportations improvements are provided to adjacent neighborhoods, uses, or transportation network. The length of the cul-de-sac shall be measured along the centerline of the cul-de-sac street from a point beginning at the intersection of the cul-de-sac street and the intersecting street to its furthest curbline in the turnaround.

B. Street Frontage Requirements.

- 1. *Minimum Frontage*. Any parcel of land which is to be occupied by a use or building shall maintain a minimum of 50 feet of public street frontage.
- 2. *Panhandle Parcels*.
 - a. Parcels with less than the required 50 feet of public frontage shall be known as panhandle parcels. Such parcels are prohibited in areas served by public water and/ or sewer.
 - b. A parcel that is not served by public water and sewer may be divided into four or fewer parcels without the required frontage on a public street provided that an asphalt or concrete driving surface and overlaid access and utility easement are established as described in the following.
 - i. The easement shall be designed to accommodate required driveway width, as established below, as measured at the front setback or building setback line, whichever is greater, and be recorded with the Kalamazoo County Register of Deeds. Such recorded easement shall be provided to the Director simultaneously with the register of deeds filing. The access easement shall be a perpetual, irrevocable easement appurtenance over the burdened property, providing unobstructed access to the public street for the benefitting parcel. The utility easement shall also be perpetual, irrevocable and provide any public utility the ability and right to install all utilities on the burdened property.
 - ii. The driving surface shall be designed a minimum 22 foot width and constructed capable of supporting the imposed load of a fire apparatus weighing at least 75,000 pounds.
 - iii. If the access and utility easement is shared by more than one parcel or owner, a maintenance agreement shall also be recorded providing for the rights and obligations of the parties regarding installation, maintenance and repair as well as apportionment of costs and expense for infrastructure and/or improvement on the easement.
 - iv. Each parcel shall be required to meet the parcel width and setback requirements for the zoning district in which it is located.

C. Blocks. Blocks in subdivisions shall conform to the following standards:

- 1. *Size*.
 - a. The minimum length for a block is 600 feet. The maximum length for a block is 1,200 feet, except when an alternative is approved by the Planning Commission provided the purpose of this Article is met.
 - b. Generally, a block shall be so designed as to provide two tiers of parcels.

2. *Public Walkways.*
 - a. Public walkways or crosswalks may be required by the Director to obtain satisfactory pedestrian access to public or private facilities such as, but not limited to, trails, schools, and parks.
 - b. Public walkways shall be at least 10 feet wide and shall be in 20 foot easement for general rights-of-way and utility purposes.
3. *Easements.* (See Sec. 4.2.3, *Easements.*)

Sec. 4.2.3 Easements

- A. **Generally.** The specific standards for acceptance of easements shall be subject to the technical design standards of this UDO and any other adopted policy or manual of the City.
- B. **Compliance.** All easements shall be in full compliance with this UDO prior to acceptance.
- C. **Types of Easements.** During development review, a development review body may require a variety of easements. These easements may be for purposes including, but not limited to:
 1. Utilities;
 2. Emergency access;
 3. Stream and drainage channels;
 4. Cross access and shared access;
 5. Pedestrian access; and
 6. Conservation.
- D. **Utility Easements.**
 1. *Required.* Utility line easements shall be provided along the rear or side lot lines as necessary for utility lines. Easements shall give access to every parcel, park, or public ground. Such easements shall be a minimum of 20 feet wide and no more than 10 linear feet from each parcel.
 2. *Public Utilities.* Recommendations on the proposed layout of telephone and electric company easements shall be sought from all of the utility companies serving the area. The applicant shall submit copies of the approved preliminary plat to all appropriate utilities. A minimum of 10 feet shall be provided for private utility easements outside of the public right of way.
 3. *Streetlight Dropouts.* A three-foot-wide easement shall be provided, where needed, alongside lot lines to provide for streetlight dropouts. Prior to the approval of the final plat for a proposed subdivision, a statement shall be obtained from the appropriate utility indicating that easements have been provided along specific lots. A notation shall be made on the final plat indicating the following: "The side lot lines between lots [indicate lot numbers] are subject to streetlight dropout rights granted to the [utility company name]." (Ord. No. 98-16, § 1226.05, 8-4-1998) State law reference(s)—Public utility easements, MCL 560.190, MSA 26.430(190).)
 4. *Underground Utilities.* The proprietor shall make arrangements for all lines for telephone, electric, television and other similar services distributed by wire or cable to be placed underground entirely throughout a subdivided area, except for major thoroughfare rights-of-way. Conduit or cables shall be placed within private easements provided to such service companies by the proprietor or within dedicated public ways. All transformer boxes and similar devices shall be located so as not to be unsightly or hazardous to the public. All underground public utility lines, wires, cables, conduits, vaults, laterals, pipes, mains, valves, and other similar distributing equipment shall be placed within easements or dedicated public ways in such a manner so as not to conflict with any other underground service previously installed.

5. *Transformers.* All transformer boxes and similar devices shall be located so as not to be unsightly or hazardous to the public.
 6. *Overhead Lines.* Overhead lines may be permitted only upon written recommendation of the Director of Transportation and Utilities, the Director of Community Development, and the Planning Commission and upon the approval of the City Council at the time of final approval of the preliminary plat, where it is determined that overhead lines will not constitute a detriment to health, safety, general welfare, plat design and character of the subdivision. All such facilities placed in dedicated public ways shall be planned so as not to conflict with other underground utilities. All such facilities shall be constructed in accordance with standards of construction approved by the state public service commission.
- E. **Emergency Access Easements.** [Reserved.]
- F. **Streams and Drainage Channel Easements.** Easements of adequate width shall be provided for all streams and drainage channels, as determined by the City Engineer.
- G. **Cross Access and Shared Access Easements.** See Sec.3.8.4 Cross Access and Shared Access Easements.

Figure 4.2.3-1, Cross-Access and Shared Access

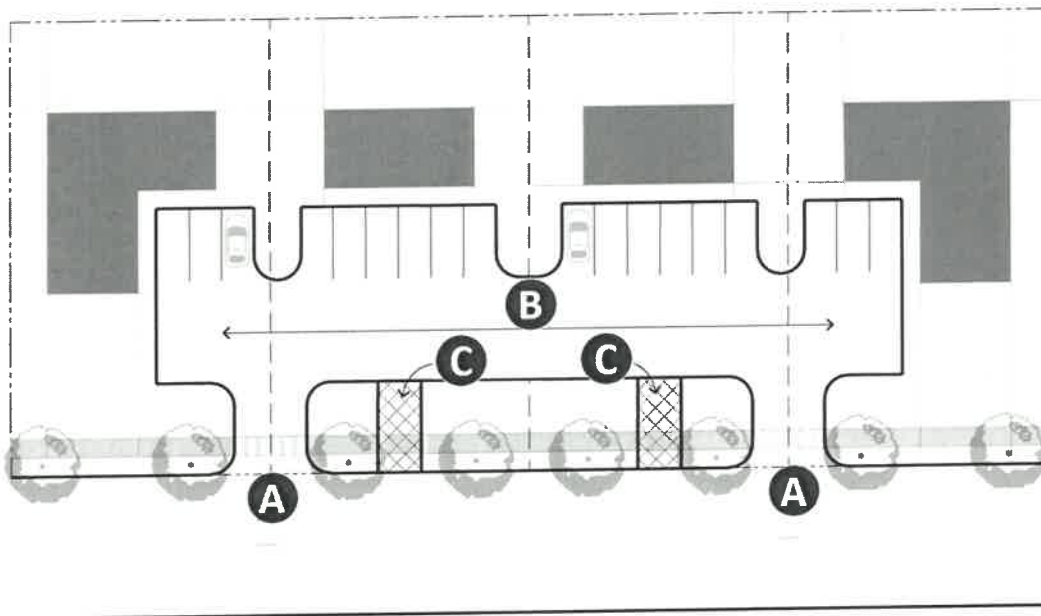


FIGURE NOTES: A = Shared Access B = Cross Access C = Closed Temporary Individual Access

- H. **Pedestrian Access Easements.** Except platted subdivisions where all lots are greater than five acres, the subdivider shall provide the following pedestrian access easements. A pedestrian access easement shall be a minimum of 10 feet in width and shall include an all-weather surface with a minimum width of five feet.
1. *Mid-block Pedestrian Connections.* The subdivider shall provide a pedestrian access easement (A in Figure 4.2.3-2, *Pedestrian Connections*, below) to bisect blocks greater than 800 feet in length, where such blocks abut an arterial or collector street. In addition, the subdivider shall provide such connections to establish linkages to common facilities, such as parks, open areas, and institutional and civic uses (B in the Figure below).

2. *Cul-de-Sac Turnaround Pedestrian Connections.* The subdivider shall provide a pedestrian access easement that connects the cul-de-sac turnaround to existing or proposed sidewalks, trails, and common facilities, as depicted in (C in the Figure below).

Figure 4.2.3-2, Pedestrian Connections

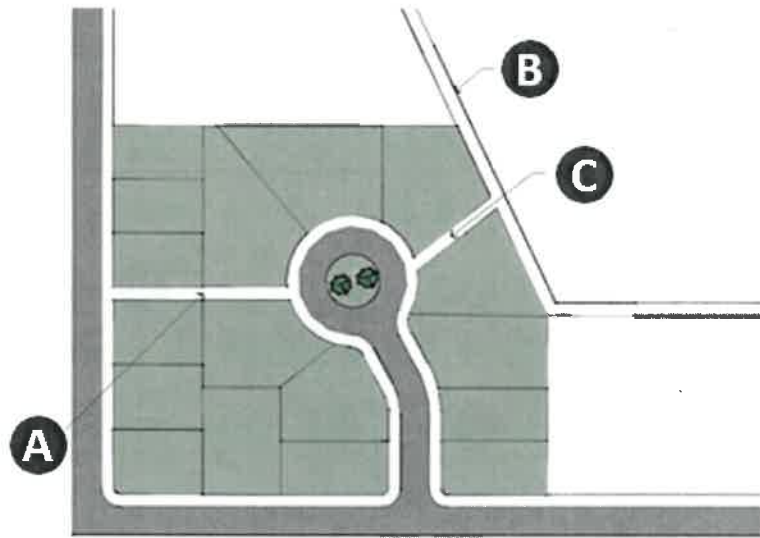


FIGURE NOTES: A = Mid-Block Pedestrian Access B = Pedestrian Access to Common Facility (Sidewalk or Trail) C = Cul-de-Sac Pedestrian Access

I. Conservation Easements.

1. *Permanent Preservation.* Conservation easements may be required in order to permanently preserve common green space, natural area, and/or open space required or permitted by this UDO and to protect natural resources that are required to be protected.
2. *No Disturbance.* Once a conservation easement has been established by the owner, it may not be used, disturbed, or altered for any purpose unless otherwise permitted by the City.
3. *No Destructive Encroachment.* Other easements that may result in the disturbance of land shall not be permitted to encroach into a conservation easement, except that pedestrian access easements and non-destructive utility and drainage easements are permitted within areas protected by conservation easements.
4. *Responsible Party.* Conservation easements shall provide for permanent management and maintenance of the property by a responsible party other than the City, such as a nonprofit land trust or a homeowners or property owners association.

Sec. 4.2.4 Public Water Supply Systems

A public water supply system, including water mains, fire hydrants, and required water system appurtenances, shall be provided by the applicant. The system shall be constructed to adequately serve all lots shown on the plat for domestic use and fire protection in accordance with this article and as otherwise approved by the City Council.

- A. **Water Main Specifications.** Water mains shall be at least eight inches in diameter, with a minimum depth of cover of five feet, and a maximum depth of cover of 6 feet. Larger sizes may be required in certain locations to account for future development, or to address recommendations identified in the City's water reliability study.

Larger sizes may also be required to achieve needed fire flows. Where the applicant is required to install a larger water main than would be required to serve the development, the City may reimburse the applicant for the increase in cost for materials and installation based on annual bids received by the City.

- B. **Curb Box.** A 1¼-inch diameter copper service lead with a curb box shall be provided for each parcel. The curb box shall be installed a minimum of five feet from any paved surface or as approved by the Department of Transportation and Utilities. All services shall be continuous Type K copper tubing through the water meter, with no buried joints or splices between fittings.
- C. **Water Services.** All water services shall be installed in a continuous straight line perpendicular from the public water main to the water meter location. Water services shall not be installed under drives or pavement outside of the rights-of-way. Deflections or deviations in service alignment from the curb stop to the point of building penetration greater than two feet either side of the curb stop will not be permitted. Services shall not pass under any portion of a structure (e.g. garage, porch, retaining wall, etc.) prior to penetrating the occupied space of the home. Failure to meet these requirements will require the installation of a meter pit near the public right of way. Refer to applicable city standard details for additional dimensional requirements.
- D. **Looped System.** The water main system shall be looped by connecting it to at least two outside sources with the maximum separation between points of connection. If only one source is available, adequate provisions shall be made for future looping connections.
- E. **Fire Hydrants.**
 - 1. Fire hydrants in residential subdivisions shall be located not more than 500 feet apart and situated such that all portions of buildings are within 250 feet of any fire hydrant.
 - 2. The applicant shall install hydrant signs behind (opposite the street side) all hydrants on ground-installed signposts with three feet of clearance around the hydrant.
 - 3. Where local high points in the water main are unavoidable, a hydrant assembly shall be provided for air relief. Air relief valves/structures are not permitted without the approval of the Director of Transportation and Utilities.
- F. **Valve Placement.** Valves shall be placed at all intersections such that not more than 30 dwelling units may be isolated. Valve spacing shall not exceed 800 feet.
- G. **Dead-end Water Mains.** Water mains serving cul-de-sacs and other short street designs shall not serve more than a maximum of 30 parcels or as otherwise required by the City Council.
- H. **Tests Required.** No connections to existing water mains shall be made until pressure and bacteriological tests of the new main have been successfully completed and approved by the City.
- I. **Required Note.** A note must be included on the plans stating that all work shall be in accordance with City construction standards.
- J. **State Permitting Requirements.** Design of public water mains and appurtenances shall conform the permitting requirements of the Michigan Department of Environment, Great Lakes, and Energy (EGLE) and the current edition of Recommended Standards for Water Works published by the Great Lakes-Upper Mississippi River Board of State and Provincial Public Health and Environmental Managers ("10-State Standards"). A basis of design, as required by EGLE, shall be provided by the applicants engineer, including their professional seal and signature.

Sec. 4.2.5 Public Wastewater System

The applicant shall provide the subdivision with a complete public sanitary sewer system to provide basement gravity service to all parcels, including all appurtenances, as required by this article and as otherwise approved by the City Council.

- A. **Gravity Service.** Where gravity service to basements is not feasible, basement grades shall be shown for existing and proposed houses, or a note stating that no basements will be served, or a description of the method of serving basements, shall be included on the plans. In no case shall more than 20 percent of proposed lots in a development phase be without basement gravity service unless otherwise approved by the Director of Transportation and Utilities.
- B. **Sanitary Sewers.** Sanitary sewers shall be at least eight inches in diameter. Larger sizes may be required at certain locations. Consideration shall be given to adjacent, undeveloped land, and future land use of developed land when determining the size of new sanitary sewers.
1. If sanitary sewers exist, all appropriate fees shall be paid prior to Final Plat approval.
 2. A six-inch-diameter service lead shall be provided for each lot. Each lead shall be extended to the lot line, or to the interior easement line in case an easement is adjacent to the street right-of-way and shall be installed in accordance with the City construction standards. The lead shall be a minimum of 10 feet deep at the property line.
 3. Six-inch-diameter property line service lead risers shall be installed to within a depth of three feet of the elevation of the adjoining street.
 4. Maximum manhole spacing shall be 400 feet or as approved by the Department of Transportation and Utilities.
 5. Manholes shall be placed at the end of every run receiving two or more connections, at intersections, at deflections in the sewer, at grade changes and at terminal ends of the sewer. Dead-end sewers shall be designated on permit plans as follows: "To facilitate future construction only; no house leads allowed until a terminus manhole is constructed."
 6. An easement shall be designated on the plan for each run of public sewer not in a public right-of-way. The minimum easement width shall be 20 feet. Additional easement width may be required where sewer depth is more than 15 feet.
 7. At utility crossings, a minimum clearance of 18 inches, measured from the outside of the pipe to the outside of the pipe, is required.
 8. When the sanitary sewer is parallel to a water main, a minimum horizontal clearance of 10 feet, measured from the outside of the pipe to the outside of the pipe, is required.
 9. Connection to an existing sanitary sewer will be permitted only after all required sanitary sewer tests have been successfully completed and approved by the city.
 10. A note must be included on the plans stating that all work shall be in accordance with City construction standards.
 11. Design of public sanitary sewers and appurtenances shall conform to the permitting requirements of as required by Michigan Department of Environment, Great Lakes, and Energy (EGLE) and/or by Kalamazoo County.

Sec. 4.2.6 Storm Drainage

- A. **Generally.** Drainage for all new development, including proposed roadways shall also be in accordance with the standards of this section.
- B. **Storm Drainage Plan.** A Storm Drainage Plan shall be provided by the applicant in accordance with this Article and as otherwise approved by the City Council.

1. The storm drainage system presented in the Storm Drainage Plan shall be in accordance with the City Storm Water Design Criteria Manual, as amended, and shall address necessary retention facilities, storm sewers, catch basins, manholes, treatment_culverts, bridges, and other appurtenances.
 2. The applicant shall submit hydrologic and hydraulic calculations, along with a topographic map in accordance with the Design Criteria Manual, to support the proposed storm drainage system plan. A suitable site grading plan with adjacent offsite grades, surface feature grades, and floor elevations shall also be submitted.
- C. **Storm Drainage Standards.** The Storm Drainage Plan shall demonstrate compliance with the following standards:
1. The storm drainage system shall be designed to retain and infiltrate runoff within the development. Sufficient capacity shall be provided in the storm sewer system for upstream drainage. Discharge to offsite drains or watercourses is subject to permission from the authority having jurisdiction.
 2. Stormwater retention areas shall be designed to minimize the impact on adjacent existing and proposed development. Insofar as practical, the retention basin shall be internally located within the plat proposed for development. Retention areas shall be fenced and screened from neighboring development and adjacent thoroughfares with landscaping that meets the standards of Division 3.4, *Landscaping, Buffering, and Trees*.
 3. All storm drainage structures shall be four feet in diameter or larger as may be necessary. Where appropriate, two-foot diameter catch basins may be allowed opposite four-foot structures.
 4. If a County Drain is involved, the applicant shall obtain the written approval of the County Drain Commissioner for the detailed design of those improvements under the Commissioner's jurisdiction.
 5. Flood computations shall be provided as may be required by the Michigan Department of Environment, Great Lakes, and Energy (EGLE). The boundaries of flood hazard areas are defined in FEMA flood insurance rate maps.
 6. Storm sewers shall be at least 12 inches in diameter.
 7. Catch basins shall be located as follows:
 - a. At or within five feet of the end of a radius;
 - b. At all low points; and
 - c. At intermediate points so that surface drainage flow will not exceed 600 feet. Not more than 800 feet of street drainage shall drain into one basin (from two directions).
 8. Not more than 150 feet of street drainage shall be allowed to flow around a corner.
 9. A relief basin shall be required at the highest end of a radius where drainage is required to cross an intersection longitudinally.
 10. Manholes shall be required at all junctions, deflections and grade changes, opposite catch basins for storm sewers 42 inches or smaller, and as otherwise required by the city.
 11. All storm sewers shall be placed within road or street rights-of-way where possible. Easements shall be provided for off-site storm drainage systems.
 12. If off-site storm sewers are a part of the development, work shall commence at the outlet and work within the site shall not start until the off-site storm system has been installed to within the site.
 13. Adequate soil erosion and sedimentation control measures shall be provided in accordance with article 7 of this chapter.
 14. A note shall be included on the plans stating that all work shall be in accordance with City construction standards.
 15. Additional stormwater facilities standards are provided in Div. 3.9.

Sec. 4.2.7 Street Trees, Lighting; Natural Features; Screening

- A. **Applicability.** The preservation of natural features shall be prioritized and installation of street trees, street lighting shall be required for all residential subdivisions, condominium developments, single-deed developments, and site condominiums.
- B. **Existing Natural Features.** Existing features which would add value to residential development or to the City as a whole, such as trees, natural groves, watercourses, beaches, historic spots and similar assets, are encouraged to be preserved in the design of the subdivision. The preservation of drainage and natural stream channels should be considered by the applicant, and provision of adequate barriers, where appropriate, shall be required.
- C. **Street Tree Installation.** The applicant is required to install, in the right-of-way, one street tree per street frontage for each residential lot, in accordance with the street tree planting guidelines approved by the City. The required trees shall have a minimum 2.5-inch caliper and shall fulfill the requirements of Division 3.4, *Landscaping, Screening, and Trees* for shade trees. Existing trees located in the right-of-way may fulfill this requirement, subject to the review of the City. Additionally, the applicant is encouraged to provide landscaping, trees and shrubbery on individual lots within the proposed subdivision.
- D. **Screening.** Where necessary to provide an adequate buffer from adjacent business or industrial land uses and adjacent arterials, tree planting, berming, and similar natural screening and barrier requirements may be required per Div. 3.4.
- E. **Adverse Impacts.** If compliance with [Sec. 3.8.1, Streets, Driveways, and Alleys](#), adversely impacts significant natural features including but not limited to such as trees, topography or natural habitat, the provisions of Sec. 4.2.2 may be modified by the City Council when the applicant can demonstrate the following:
 - 1. Significant natural features will be adversely impacted; and
 - 2. The modifications will not adversely impact the public health, safety and welfare.
- F. **Street lighting.**
 - 1. Decorative street lighting poles of steel or concrete are required at all intersections, curves, cul-de-sacs and dead-end streets.
 - 2. A street lighting plan approved by the appropriate utility supplying electricity must be submitted for the Site Plan or detailed engineering plan.
 - 3. The developer shall deposit with the city sufficient funds to cover cost estimates provided by the appropriate utilities supplying electricity for the actual installation of the system in accordance with the provisions of the site plan.

Sec. 4.2.8 Markers and Monuments

- A. **State Requirements.** Monuments shall be set in accordance with Michigan Public Act 288 of 1967, as amended (the Land Division Act), and the rules of the State of Michigan. If any monument or lot marker is removed during construction, the responsible party shall secure the services of a professional surveyor to replace the monument or lot marker.
- B. **Materials for Marking.** All monuments used shall be made of solid iron or steel bars at least 1/2 inch in diameter and 36 inches long and completely encased in concrete at least four inches in diameter.
- C. **Location Standards.** Monuments shall be located in the ground in compliance with the following standards:
 - 1. At all angles in the boundaries of the subdivision;
 - 2. At the intersection lines of streets and at the intersection of the lines of streets with the boundaries of the plat and at the intersection of alleys with the boundaries of the subdivision;

3. At all points of curvature, points of tangency, points of compound curvature, points of reverse curvature and angle points in the side lines of streets and alleys; and at all angles of an intermediate traverse line.
 4. If the required location of monument is in an inaccessible place, or where the locating of a monument would be clearly impracticable, it is sufficient to place a reference monument nearby and the precise location thereof be clearly indicated on the plat and referenced to the true point.
 5. If a point required to be monumented is on a bedrock outcropping, a steel rod, at least 1/2 inch in diameter shall be drilled and grouted into solid rock to a depth of at least 8 inches.
 6. All parcel corners shall be monumented in the field by iron or steel bars or iron pipes at least 18 inches long and 1/2 inch in diameter, or other approved markers.
- D. **Applicant Requirement.** Monuments and markers shall be provided by the applicant and so placed that the center point shall coincide with the intersection of lines to be marked and the top level with the surface of the surrounding ground after final grading.
- E. **Temporary Waiver.**
1. City may waive the placing of any of the required monuments and markers for up to one year, on condition that the applicant deposits a fee with the City of Portage City Clerk. The fee may be paid in cash, credit card, certified check, or by an irrevocable bank letter of credit running to the municipality, whichever the proprietor selects, in an amount set by resolution of the City Council. A schedule of all City fees is available in the City Clerk's office.
 2. The fee shall be returned to the applicant upon receipt of a certificate by a surveyor that the monuments and markers have been placed as required within the time specified. If the proprietor defaults, the City shall require a surveyor to locate the monuments and markers in the ground as certified on the plat, at a cost not to exceed the amount of the security deposit and shall pay the surveyor.

Division 4.3 Nonresidential Subdivisions [reserved]

Sec. 4.3.1 Nonresidential Subdivisions [reserved]

Division 4.4 Public Improvements Dedication and Acceptance

Sec. 4.4.1 Dedication of Improvements

- A. **Certifications Required.** The City Council shall not accept the dedication of the required improvements and release or reduce the guaranty or surety until the applicant has certified, in a manner approved by the City Attorney, that the improvements have been completed and are free and clear of any and all liens and encumbrances; until the applicant's engineer has certified to the Director of Transportation and Utilities that the required improvements have been satisfactorily completed; and until the applicant's engineer has certified to the Director of Transportation and Utilities, through submission of detailed, reproducible as-built plans and a certification statement, that the layout and design of the improvements are in accordance with approved construction plans for the subdivision. Upon such approval and recommendation, the City Council may accept the improvements for dedication in accordance with the established procedure.
- B. **Reduction of Surety.** The surety shall be reduced upon actual completion of the improvements, but only to the ratio that the completed improvements bear to the total improvements for the subdivision. In no event

shall the surety be reduced below ten percent of the principal amount before final acceptance of all improvements by the City Council.

Sec. 4.4.2 Installations and Guarantees

- A. **Completion of Improvements.** Before the approval of the final plat by the City Council, the applicant shall complete all the street, sanitary and other improvements, including lot improvements on individual lots of the subdivision as required in this article, as specified in the final plat and as approved by the City Council. The applicant shall also dedicate such improvements to the City free and clear of all liens and encumbrances on the property and public improvements thus dedicated. (State law reference(s)—Authority to require improvements as prerequisite to plat approval, MCL 560.182, 560.188(3), MSA 26.430(182), 26.430(188), (3).)
- B. **Deposit in Lieu of Completion.** In lieu of completion of all improvements and with the specific consent of the City Council, Final Plat approval may be authorized pursuant to Chapter 42-831, Completion of Improvements. As a condition of approval, prior to the undertaking of any improvement, the applicant shall deposit with the City a true copy of an acceptable agreement showing that the applicant has deposited, with a bank or other agent acceptable to the City, cash, a certified check, an irrevocable bank letter of credit, or a surety bond, in an amount estimated by the Director of Transportation and Utilities as sufficient to secure to the City the satisfactory construction, installation, and dedication of the required improvements. The amount of deposit shall also secure all lot improvements on the individual lots of the subdivision as required in this article. The amount of the deposit shall represent 125 percent of the estimated construction costs of completion of the required improvements. Such deposit shall comply with all statutory requirements and shall be satisfactory to the City Attorney as to form, sufficiency and manner of execution as set forth in this article. (State law reference(s)—Authority to require assurances for completion of required improvements, MCL 560.182(2), 560.188(3), MSA 26.430(182), (2), 26.430(188).)
- C. **Temporary Improvements.** The applicant shall build and pay for all costs of temporary improvements required by the City Council and shall maintain the temporary improvements for the period specified by the City Council.
- (c) **Improvements at Applicant's Expense.** All required improvements shall be made by the applicant at his or her expense without reimbursement by the City.
- (d) **Extent of Improvements.** All required improvements shall be constructed to the boundaries of the subdivision, unless otherwise approved by the Director of Transportation and Utilities.
- (e) **Timing and Default.** If the required improvements are not completed within the time period specified by the City Council, the City may declare the guaranty or surety to be in default and require that all the improvements be installed regardless of the extent of building development at the time the guaranty or surety is declared to be in default.

Sec. 4.4.3 Inspection and Acceptance

- A. **Responsibility of Inspecting Engineer; Defects.** A licensed professional engineer retained by the applicant shall be responsible for the inspection of the construction of all improvements and shall certify that such construction has been satisfactorily completed in accordance with the approved plans and City construction standards. If the Director of Transportation and Utilities finds upon inspection that any of the required improvements have not been constructed in accordance with the Final Plat, the City construction standards or the requirements of the City Council, the applicant shall be responsible for completing the improvements. Wherever the cost of improvements is covered by a guaranty or surety, the applicant and the bank, bond company, or other agent shall be severally and jointly liable for completing the improvements according to specifications.
- B. **Prerequisites for Issuance of Building Permits and Certificates of Occupancy.**

1. No building permit shall be issued for the final 10 percent of lots in a subdivision, or, if 10 percent is less than two, for the final two parcels in the subdivision, until all public improvements required by the City Council have been fully completed and dedicated to the City and accepted by the City Council.
 2. No Certificate of Occupancy for any building in a subdivision shall be issued prior to the completion of the improvements, dedication of the improvements to the City and acceptance of the improvements by the City Council, except as provided in *Sec. 7.3.3, Certificate of Occupancy*.
- C. **Seasonal Delay of Improvements.** The Director of Community Development may issue a Certificate of Occupancy, provided there is no danger to health, safety or general welfare, whenever any lot improvement required by this Article cannot be completed because of seasonal weather and conditions that require construction to be postponed or rescheduled.
- D. **Cash Deposit Required.** A Certificate of Occupancy shall be issued upon acceptance by the City of a cash deposit in an amount to be determined by the Director of Transportation and Utilities for the cost of such improvement. The surety covering such lot improvement shall remain in full force and effect until all unfinished work is completed to the specifications of the Director of Transportation and Utilities.
- E. **Time Limit.** All required improvements for which a deposit has been accepted by the Director and received by the City at the time of issuance of the Certificate of Occupancy shall be installed by the applicant within one year. If the improvement has not been properly installed at the end of such time period, the Director shall give two weeks written notice to the applicant requiring installation of the improvement. If the improvement is not installed within such two-week period, the Director may then request the City Council to authorize the City to contract out the work for the installation of the necessary improvement at a sum not to exceed the escrow deposit.
- F. **Notarized Statement Required.** At the time of issuance of the Certificate of Occupancy for which a deposit was made with the Director, the applicant shall obtain and file a notarized statement from the purchaser of the premises authorizing the installation of the improvement at the end of the one year if the improvement has not been duly installed by the applicant.

Sec. 4.4.4 Maintenance of Improvements

- A. The applicant or contractor retained by the applicant shall file a maintenance bond with the City prior to dedication, in an amount equal to 25 percent of the construction cost of the required improvements, as estimated by the applicant's engineer and approved by the Director of Transportation and Utilities, and in a form satisfactory to the City Attorney, in order to ensure the condition and operation of such improvements, including all improvements on the individual lots, for a period of two years after the date of their acceptance by the City Council.
- B. The applicant shall maintain all improvements within the subdivision until acceptance of such improvements by the City Council.

Division 4.5 Land Division Procedure

Sec. 4.5.1 Land Division Approval

- A. **General Provisions.** Land within the City shall only be divided after review and approval of the Director in accordance with this article and the act (MCL 560.101 et seq., MSA 26.430(101) et seq.).

Sec. 4.5.2 Noncompliance with Land Division Procedure

- A. Any division of land in violation of the provisions of this article shall not be recognized as a land division on the City tax roll or assessment roll until the assessing officer refers the suspected violation or potential nonconformity to the county prosecuting attorney and gives written notice to the person requesting the division and the person suspected of the violation or potential nonconformity of such referral to the prosecuting attorney.
- B. Any division of land in violation of this article shall, further, not be eligible for any building permits or zoning approval, such as special land use approval, site plan approval, conditional use approval, variances or other approvals.
- C. A violation of this article further subjects the violator to the penalties provided in Section 42-715, Violations; Penalties.

Sec. 4.5.3 Application Requirements

All land division applications shall be submitted to the Director in the Department of Community Development. A proposed division shall not be considered filed with the article nor shall the time period stated in Sec. 42-746, Approval or Denial or Application, commence unless all of the requirements for an application for land division approval have been satisfied. An application must include the following materials:

- A. **State Form.** A completed application form shall be submitted as provided by the article and the state department of treasury, Form L-4260a, "Notice to Assessor of Transfer of the Right to Make a Division of Land."
- B. **Proof of Ownership.** The application shall include proof of fee ownership of the land proposed to be divided or, if the applicant is not the property owner, a letter from the owner indicating knowledge and approval of applicant to submit the land division application.
- C. **Tentative Parcel Map.** The application shall a tentative parcel map showing the parent parcel or parent tract which is the subject of the application and the area, parcel lines and public utility easements and the manner of proposed access for each resulting parcel. The tentative parcel map, including the resulting parcels, shall be accurately and clearly drawn to a scale of not less than one inch equals 20 feet and no more than one inch equals 200 feet. The tentative parcel map shall include the following information:
 - 1. Date, north arrow, scale and the name of the person responsible for the preparation of the tentative parcel map;
 - 2. Proposed boundary lines and the dimensions of each parcel;
 - 3. An adequate and accurate legal description of each resulting parcel;
 - 4. A drawing or written description of all previous land divisions from the same parent parcel or parent tract, identifying the number, area and date of such divisions;
 - 5. The location, dimensions and nature of proposed ingress to and egress from any existing public or private streets;
 - 6. The location of any public or private street, driveway or utility easement located or to be located within any parcel. Copies of the instruments described in granting such easement shall be submitted with the application; and
 - 7. Any existing structures and/or other land improvements.
- D. **Parcel or Parent Tract History.** The application shall include the history, specifications and a drawing of any previous land divisions from the same parent parcel or parent tract and a land title search, abstract of title, or other evidence of land title acceptable to the article planner sufficient to establish that the parcel to be divided was lawfully in existence as of March 31, 1997, the effective date of the act.
- E. **Proof of Taxes Paid.** The application shall include proof that all taxes and/or installments of special assessments pertaining to the land proposed to be divided are paid in full.

- F. **Transfer of Division Rights.** If transfer of division rights is proposed in the land transfer, detailed information about the terms and availability of the proposed division rights transfer shall be included, including a copy of each deed or other instrument of conveyance which contains the statement required by section 109(3) of the act (MCL 560.109(3), MSA 430(109), (3)) concerning the right to make further divisions.
- G. **Street Frontage Requirements.** The application shall include proof that all divisions shall result in buildable parcels containing at least one of the following street frontage requirements:
1. *Minimum Frontage.* Maintain a minimum of 50 feet of public street frontage, or a minimum of 50 feet of public street frontage on a cul-de-sac, to the front setback or building setback line, whichever is greater. The public street shall be paved and adequate drainage provided therefor; or
 2. *Easements.* For a parcel that does not have the above required frontage on a public street, an access and utility easement with a width of not less than 20 feet to the front setback or building setback line, whichever is greater, shall be recorded with the Kalamazoo County Register of Deeds. Such recorded easement shall be provided to the director simultaneously with the register of deeds filing. The access easement shall be a perpetual, irrevocable easement appurtenance over the burdened property, providing unobstructed access to the public street for the benefitting parcel. The utility easement shall also be perpetual, irrevocable and provide any public utility the ability and right to install all utilities on the burdened property. The 20-foot easement shall be improved with asphalt, concrete or other approved driving surface capable of supporting the imposed load of a fire apparatus weighing at least 75,000 pounds. If the access and utility easement is shared by more than one parcel or owner, a maintenance agreement shall also be recorded providing for the rights and obligations of the parties regarding installation, maintenance and repair as well as apportionment of costs and expense for infrastructure and/or improvement on the easement.
 3. *Four-Parcel Maximum.* A parent parcel cannot be divided to create more than four resulting parcels without the required frontage on a public street. Each parcel shall further meet the parcel width and setback requirements for the zoning district in which it is located.
 4. *Sufficient Buildable Area.* The application shall also include proof of sufficient buildable area outside of wetlands, floodplains and other areas where buildings are prohibited; and sufficient area to comply with required setback provisions, minimum floor area requirements, off-street parking space requirements, on-site water and sewer location (if municipal utilities are not available), and maximum area for coverage of buildings.
 5. *Other Information.* The application shall include any other information reasonably required by the Director in order to determine that the proposed land division qualifies for approval.
 6. *Fees.* The application shall include the fee as established by the resolution of City Council for land division reviews pursuant to this article to cover the cost of review of the application and administration of this article and the act (MCL 560.101 et seq., MSA 26.430(101) et seq.).

Sec. 4.5.4 Preliminary Investigation

- A. **Informal Meeting.** Prior to filing an application for a land division, the applicant may wish to meet with the Director to understand the procedures and the standards of the city with reference to this article, the act (MCL 560.101 et seq., MSA 26.430(101) et seq.) and local ordinance requirements.
- (a) **Applicants' Responsibilities.** It is the responsibility of the applicant for a land division to:
- (1) Investigate the proposed land division with respect to the requirements of the act (MCL 560.101 et seq., MSA 26.430(101) et seq.).
 - (2) Investigate the proposed land division with respect to the requirements of this article and Article 4, Zoning and Article 6, Condominium Projects of Ch. 42.

- (3) Investigate the proposed land division in relation to access requirements.

Sec. 4.5.5 Review of Application; Criteria for Approval

- A. **Review.** Complete land division applications will be reviewed in the order received. The Director shall review the land division application in conjunction with the City Assessor, or other designated official, and the application shall be approved if all of the following requirements are met:
 1. The applicant has filed a complete application pursuant to the requirements of this article.
 2. The parcel or tract can be split in accordance with section 108 of the act (MCL 560.108, MSA 26.430(108)), pertaining to the maximum allowable number of land divisions.
 3. The parcel or tract can be split with regard to section 109(3) of the act (MCL 560.109(3), MSA 26.430(109), (3)), pertaining to the conveyance or non-conveyance from a parcel or tract, to a split parcel, of the right to make further splits.
 4. Each resulting parcel has a depth not more than four times the width, except that this requirement shall not apply to parcels added to contiguous parcels which result in compliance with such ratio, parcels larger than ten acres, or the remainder of the parent parcel or parent tract retained by the proprietor. The width and depth of the resulting parcel shall be measured in the same manner provided by article 4 of this chapter for the measuring of the minimum width and maximum depth of parcels.
- B. **Street Frontage Requirements.** Each resulting parcel shall meet at least one of the following street frontage requirements:
 1. Maintain a minimum of 50 feet of public street frontage, or a minimum of 50 feet of public street frontage on a cul-de-sac, to the front setback or building setback line, whichever is greater. The public street shall be paved and adequate drainage provided therefor; or
 2. For a parcel that does not have the above required frontage on a public street, an access and utility easement with a width of not less than 20 feet to the front setback or building setback line, whichever is greater, shall be recorded with the Kalamazoo County Register of Deeds. Such recorded easement shall be provided to the director simultaneously with the register of deeds filing. The access easement shall be a perpetual, irrevocable easement appurtenance over the burdened property, providing unobstructed access to the public street for the benefitting parcel. The utility easement shall also be perpetual, irrevocable and provide any public utility the ability and right to install all utilities on the burdened property. The 20-foot easement shall be improved with asphalt, concrete or other approved driving surface capable of supporting the imposed load of a fire apparatus weighing at least 75,000 pounds. If the access and utility easement is shared by more than one parcel or owner, a maintenance agreement shall also be recorded providing for the rights and obligations of the parties regarding installation, maintenance and repair as well as apportionment of costs and expense for infrastructure and/or improvement on the easement.
- C. **Four Parcel Limit.** A parent parcel cannot be divided to create more than four resulting parcels without the required frontage on a public street. Each parcel shall further meet the lot width and setback requirements for the zoning district in which it is located.
 1. Each resulting parcel fulfills the requirements of the zoning district in which it is located, including but not limited to lot area, lot width, frontage on a public street, and minimum setbacks for existing buildings/structures.
 2. Each resulting parcel that is a development site has easements for public utilities from the resulting parcel to existing public utility facilities.
 3. Each resulting parcel complies with all other applicable requirements of the act (MCL 560.101 et seq., MSA 26.430(101) et seq.), this article and other ordinances of the city.

- D. **Public Infrastructure Requirement.** Residential, commercial or industrial developments which result in land divisions with public infrastructure improvements, except lands divided pursuant to the Land Division Act (MCL 560.101 et seq., MSA 26.430(101) et seq.) and article 4, subdivision and land division requirements, of this chapter, shall be subject to subsection C of this section and to the following conditions:
1. Proposals for developments under this section shall be subject to review by the planning commission, and shall be subject, further, to review and approval by the council. All improvements must meet the approval of the council.
 2. Streets shall be provided with asphalt or concrete surfacing and shall be in accordance with specifications approved by the council. Drainage for the proposed roadway shall also be in accordance with specifications approved by the council.
 3. Water, sanitary sewers and all other improvements shall be provided as required by the council and shall be in accordance with at least the minimum standards as set forth by ordinances of the council.

Sec. 4.5.6 Approval or Denial of Application

- A. **City Assessor's Review.** The City Assessor shall complete the review under subsections 42-745(2) and (3) and notify the Director in writing regarding whether the proposed division is in compliance with the act (MCL 560.101 et seq., MSA 26.430(101) et seq.) and this Code. State law reference(s)—Approval standards, MCL 560.109(1), (5), MSA 26.430(109), (1), (5).
- B. **Written Notification.** Based on the review by the Director, the City Assessor, or other designated official, the Director shall provide written notification to the applicant of approval or disapproval of the proposed land division application. If disapproved, the Director shall provide the applicant with a description of the reasons for disapproving. This notification shall be made not later than 45 days from the receipt of the completed land division application. State law reference(s)—Approval deadline, MCL 560.109(1), MSA 26.430(109), (1).
- C. **Appeals.** Any person aggrieved by the decision of the Director on an application for a land division may appeal the Director's determination to the Planning Commission by filing a written appeal with the Director not later than 21 days after the date notice of the Director's determination was mailed or personally delivered to the applicant. At least seven days' written notice of the date, time and place of the Planning Commission meeting at which the appeal will be considered shall be given to the applicant (and the appellant where other than the applicant) by personal delivery or regular first class mail directed to the address of the applicant/appellant as shown on the application or in the written appeal. The Planning Commission shall affirm or reverse the determination of the Director in whole or in part pursuant to requirements for approval of a land division set forth in this article and in the act (MCL 560.101 et seq., MSA 26.430(101) et seq.). The decision of the city Planning Commission on such an appeal shall be a final decision of the city for purposes of such judicial review as may be provided by law.
- D. **Approval Time Limit.** A decision of the Director, or of the Planning Commission if an appeal is taken, approving a land division is effective for 90 days, after which it shall be considered revoked unless the appropriate document is recorded with the county register of deeds, and subsequently filed with the City Assessor, officially recording the approved land division or transfer. This time period may be extended in writing by the Director upon good cause shown.
- E. **Official Record.** The City Assessor shall maintain an official record of all approved and recorded land divisions or transfers and mark the date of approval of the proposed land division on all deeds, other recordable instruments of conveyance, and surveys which are in conformity with the approved tentative parcel map and which otherwise comply with the requirements of this article.
- F. **Limitation of Approval.** The approval of an application for a land division is only a determination that the land division complies with the requirements of the act (MCL 560.101 et seq., MSA 26.430(101) et seq.) and is not

a determination that the resulting parcels comply with other applicable ordinances or regulations pertaining to the use or development of the parcels.

- G. **Parcels Less Than One Acre.** Any notice of approval for a resulting parcel of less than one acre in size shall contain a statement that the City and its officers and employees are not liable if a building permit is not issued for the parcel for the reason that the parcel fails to satisfy the requirements of section 109a of the act (MCL 560.109a, MSA 26.430(109a)).

Sec. 4.5.7 Approval of Land Divisions Not Meeting Lot or Access Requirements

Notwithstanding disqualification from approval pursuant to this article, a proposed land division which does not fully comply with the applicable lot, yard, accessibility and area requirements in this division or other requirements of this UDO may be approved in any of the following circumstances:

- A. Where the Zoning Board of Appeals has, previous to the effective date of the ordinance codified in this article, granted a variance from the lot, yard, coverage ratio, frontage and/or area requirements with which the parcel fails to comply.
- B. Where the proposed land division involves only the minor adjustment of a common boundary line or involves a conveyance between adjoining properties which does not result in either parcel violating this UDO. (MCL 560.101 et seq., MSA 26.430(101) et seq.).

Sec. 4.5.8 Taxation Date for New Land Divisions

All approved land divisions will become effective after meeting all the requirements of the approval for property tax purposes the following assessment year.

ARTICLE 10 WORD USAGE

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Sec. 10.1.1 Rules of Construction

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Division 10.2 Definitions

Definitions

Division 10.1 Rules of Construction, Acronyms, and Abbreviations

Sec. 10.1.1 Rules of Construction

- A. **Generally.** The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this division, except where the context clearly indicates a different meaning. Terms not defined in this article shall have the meaning customarily assigned to them.
- B. **Rules of Construction.** The following rules of construction apply to this UDO:
1. The particular shall control the general. For terms used in this article, the use of a general term shall not be taken to be the same as the use of any other specific term. For example, a "dry cleaning retail establishment," as used in this article, shall not be interpreted to be the same as a "retail business supplying commodities on the premises," since each is listed as a separate and distinct use.
 2. In case of any difference of meaning or implication between the text of this article and any caption or illustration, the text shall control.
 3. A building or structure includes any part thereof.
 4. The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for" and "occupied for."
 5. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions or events connected by the conjunctions "and," "or" or "either . . . or," the conjunction shall be interpreted as follows:
 6. "And" indicates that the connected items, conditions, provisions or events apply.
 7. "Or" indicates that the connected items, conditions, provisions or events may apply singly or in any combination.
 8. "Either . . . or" indicates that the connected items, conditions, provisions or events apply singly but not in combination.

Sec. 10.1.2 Acronyms and Abbreviations

Table 10.1.2-1, Meaning of Acronyms and Abbreviations

Abbreviation or Acronym	Meaning
--	When used in a table, means "prohibited"
AASHTO	American Association of State and Highway Transportation Officials
AC. or ac.	Acres
ADA	Americans with Disabilities Act
ADU	Accessory Dwelling Unit
A.S.T.M.D.	American Society for Testing Materials
BFE	Base Flood Elevation
BMP	Best Management Practice
CCMU	City Centre Mixed Use zoning district
C.F.R.	Code of Federal Regulations
CI	Consumer Industrial Zoning District
dBA	A-weighted decibel
DU	Dwelling Unit
DU/AC	Dwelling Units Per Acre
RE	Residential Estate Zoning District
FAA	Federal Aviation Administration
FCC	Federal Communications Commission
ft.	Feet
FEMA	Federal Emergency Management Agency
FHBM	Flood Hazard Boundary Map
FIRM	Flood Insurance Rate Map
FIS	Flood Insurance Study
GC	General Commercial Zoning District
GFA	Gross Floor Area
HI	Heavy Industrial Zoning District
HOA	Homeowners Association
In.	Inches
LC	Lake Center Mixed Use zoning district
LI	Light Industrial zoning district
MCL	Michigan Compiled Laws
MHC	Manufactured Home Community
MDP	Master Development Plan
Max.	Maximum
Min.	Minimum
MU	Mixed Use zoning district
n/a or NA	Not Applicable

Table 10.1.2-1, Meaning of Acronyms and Abbreviations

Abbreviation or Acronym	Meaning
NAD 83	North American Datum of 1983
NFIP	National Flood Insurance Program
PUD	Planned Unit Development
PC	Planning Commission
RE	Residential Estate zoning district
RM	Residential Mixed zoning district
RN	Residential Neighborhood zoning district
ROW	Right-of-Way
RTK	Real-Time Kinetic
SF or sq. ft.	Square Feet
SLU	Special Land Use
SWECS	Small Wind Energy Conversion System
UDO	Unified Development Ordinance
VUA	Vehicle Use Area
ZBA	Zoning Board of Appeals

Division 10.2 Definitions

DEFINITIONS

A

Abandonment, in the context of wireless transmission facilities and towers means to cease operation for a period of 90 or more consecutive days; to reduce the effective radiated power of an antenna by 75 percent for 60 or more consecutive days; or to reduce the number of transmissions from an antenna by 75 percent for 60 or more consecutive days.

Abut means the land, lot, or property adjoining the property in question along a lot line or separated only by an alley, easement or street.

Accessible, in reference to a parcel, means that the parcel meets one or both of the following requirements and all applicable local ordinances:

1. It has an area where a driveway provides vehicular access to an existing road or street and meets all applicable location standards of the state transportation department or county road Commission under Public Act No. 200 of 1969 (MCL 247.321 et seq.) and of the City, or has an area where a driveway can provide vehicular access to an existing road or street and meet all such applicable location standards.
2. It is served by an existing easement that provides vehicular access to an existing road or street and that meets all applicable location standards of the state transportation department or county road Commission under

Public Act No. 200 of 1969 (MCL 247.321 et seq.) and of the City, or can be served by a proposed easement that will provide vehicular access to an existing road or street that will meet all such applicable location standards.

Accessory Building or Structure means a building or structure with full-roof coverage that is clearly incidental to, customarily found in connection with and located on the same zoning lot as the principal use to which it is related. When an accessory building is attached to the main building in a substantial manner, such as a wall or roof, the accessory building shall be considered a part of the main building for setback purposes.

Accessory Dwelling Unit (See Dwelling Unit, Accessory.)

Accessory Use means a use that is clearly incidental to, customarily found in connection with and located on the same zoning lot as the principal use to which it is related.

Adjacent Lot means a zoning lot which borders upon or abuts the subject lot at any point or a zoning lot which is separated from the subject zoning lot by a street, alley, or other public or private easement even if its property line does not abut or touch the subject zoning lot.

Adult Foster Care means, in general, licensed residential settings that provide 24-hour personal care, protection, and supervision for individuals who are developmentally disabled, mentally ill, physically handicapped or aged who cannot live alone but who do not need continuous nursing care.

Adult Foster Care Family Group Home means a private residence with the approved capacity to receive not more than six adults who are provided with foster care for five or more days a week and for two or more consecutive weeks.

Adult Foster Care Large Group Home means an adult foster care facility with the approved capacity to receive at least 13 but not more than 20 adults to be provided with foster care.

Adult Foster Care Small Group Home means an adult foster care facility with the approved capacity to receive not more than 12 adults who are provided with foster care.

Age-Restricted Housing means a building or group of buildings containing dwellings where the occupancy of dwellings is restricted to persons 60 years of age or older or couples where either the husband or wife is 60 years of age or older. This does not include a development that contains convalescent or nursing home as licensed under Act No. 139 of the Public Acts of 1956, as amended, being sections 331.651 to 331.660 of the Compiled Laws of 1948; or a mental hospital for mental patients licensed under sections 51 and 52 of Act No. 151 of the Public Acts of 1923, as amended, being sections 330.61 and 330.62 of the Compiled Laws of 1948.

Agriculture, General means the use of land for the growing and/or production of field crops, livestock and livestock products for the production of income, together with the dwelling used by the owner or person employed thereon, but excluding specialized agriculture and industrial agriculture.

Agriculture, Industrial means the use of land for mushroom production or the confined keeping of livestock or other animals, including fowl, for food, fur, resale or training purposes, in yards, pens, lots, buildings or other areas not normally used for pasture or crops and in which abnormal amounts of manure or related other animal wastes may originate by reason of keeping of animals and which uses emit noise, odors or other characteristics that may negatively influence adjacent land uses.

Agriculture, Specialized means the use of land for bedding plant greenhouses, orchards and fruit production, vineyards and similar activities, including cricket and worm production and buildings, together with the dwelling used by the owner or a person employed thereon, but excluding industrial agriculture.

Specialized Agriculture means the use of land for bedding plant greenhouses, orchards and fruit production, vineyards and similar activities, including cricket and worm production and buildings, together with the dwelling used by the owner or a person employed thereon, but excluding industrial agriculture.

Airport or Heliport means any area of land or water designed and set aside for the landing and take-off of aircraft and utilized, or to be utilized.

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

Alteration means any change, addition or modification in construction or type of occupancy or any change in the structural members of a building, such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to in this article as "altered" or "reconstructed."

Alternative Tower Structure (ATS) or Stealth Tower means manmade trees, clock towers, bell steeples, light poles, and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

Ambient means the sound pressure level exceeded 90 percent of the time or L 90.

Ancillary Facilities means the buildings, cabinets, vaults, closures and equipment required for operation of telecommunication systems including but not limited to repeaters, equipment housing, and ventilation and other mechanical equipment.

Anemometer means an instrument used to measure wind speed, usually measured either from the rotation of wind-driven cups or from wind pressure through a tube pointed into the wind.

Anemometer Tower means a freestanding tower containing instrumentation such as anemometers that is used to conduct a wind site assessment for possible installation of a small on-site wind energy system.

Animal, Domestic means animal normally and customarily kept for pleasure and companionship, that has adapted to human interaction, typically resides within a dwelling and is commonly considered to be domesticated. This category includes those animals typically kept as household pets exclusively by the person(s) occupying the premises. Examples include a dog, cat, rabbit, small domesticated rodent such as hamster, gerbil, ferret and chinchilla, guinea pig, caged bird, non-venomous reptile, amphibian and common aquarium fish, excluding however, exotic animals, farm animals (whether kept for commercial profit or for pleasure and companionship) and animal *ferae naturae*.

Animal, exotic means animal that may be dangerous or vicious or that is not customarily kept, confined or cultivated by humans as a domestic animal, or farm animal, but may be used for display with appropriate permits. Examples include marsupials such as kangaroos and opossums, non-human primates such as monkeys and gorillas, canines and felines (not including domestic dogs and cats), poisonous reptiles and amphibians, and the like.

Animal, Farm or Livestock means any animal that is commonly raised or kept in an agricultural setting, for commercial profit and primarily utilized for the production of food or fiber products. This category includes those animals typically referred to as livestock but not including a domestic animal. Examples include cattle, sheep, goats, pigs, donkeys, mules, poultry and other fowl.

Animal Shelter means a facility that is owned, operated, or maintained by a public body, an established humane society, or other private or nonprofit organization used to house and care for stray, homeless, abandoned, or neglected animals.

Antenna means any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals, including, but not limited to, directional antenna or panel antenna, omni-directional antenna, or whip antenna.

Antenna Structure or Support means any pole, telescoping mast, tower, tripod or other structure which supports a device used in the transmitting or receiving of radio frequency signals.

Applicant means a natural person, firm, association, partnership, corporation or combination thereof which holds any ownership interest in land, whether recorded or not. The term "applicant" includes the proprietor for a proposed subdivision or other zoning-related permissions.

Arbor means a freestanding structure that typically serves as a passageway to a yard or garden. The sides of an arbor are either open or covered with lattice or trellis. The roof of an arbor is open consisting slatted members. An arbor shall not be considered an accessory building for the purpose of lot cover and setback from the main building.

Arterial Street means a roadway used to move large volumes of through traffic between activity centers, rather than providing direct access to individual properties.

- A. **Principal Arterial** means a roadway that provides a high degree of vehicle mobility in a metropolitan area or rural area.
- B. **Minor Arterial** means a roadway that offers connectivity to Principal Arterial roadways, provides for vehicle trips of moderate length, serves geographic areas that are smaller than those served by a Principal Arterial, and that interconnects and augments the Principal Arterial network through intra-community continuity and as a carrier for local bus routes.

As-built plans means plans showing construction measurements as constructed in the field.

Assisted Living Facility means a combination of housing, personalized supportive services and health care designed to meet the individual needs of persons who need help with the activities of daily living, but do not need the skilled medical care provided in a convalescent/nursing home.

Auto Collision or Body Shop means a business that provides for the repair, replacement, and painting of automobile interiors, exteriors, glass, body frames, and fenders. Activities defined as Auto Repair may also take place as part of this use.

Auto Repair means a business that offers repairs, services, and replacement of automobile electronics, glass, exhaust systems, brakes, transmissions, and other vehicle systems and parts.

Auto Sales, Leasing, or Rental means any premises on which three or more used or new automobiles, trailers, boats, RVs, ATV or similar vehicles are offered for sale, rental, or lease during any calendar year.

Average Grade means the ground elevation established for the purpose of regulating the height of the building. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the average grade shall be determined by averaging the elevation of the ground for each face of the building. ("Average grade" shall also include "grade.")

B

Backhaul Network means the lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.

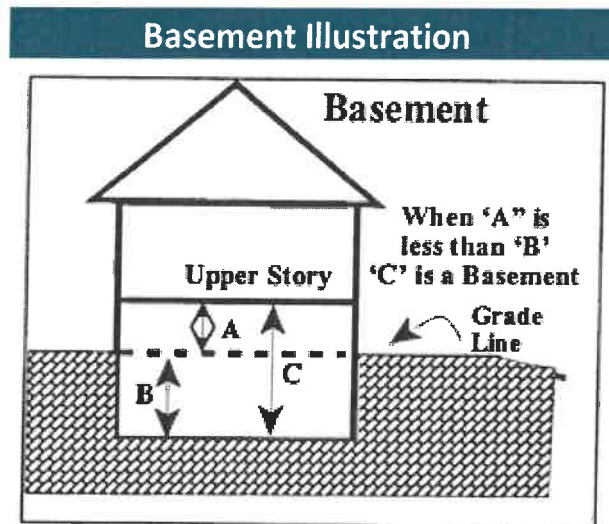
Bank or Financial Institution means an establishment federally chartered or state chartered that provides financial services. This definition does not include check checking or payday loan businesses.

Banner means any cloth, or similar non-rigid material attached to any structure, staff, pole, rope, wire, or framing which is anchored on all corners and/or sides. Banners do not include flags.

Banquet Hall (see Conference Center.)

Barrier-Free Entrance means a building entrance designed without physical obstacles, allowing easy, independent access for everyone, including people with mobility aids (wheelchairs, strollers), sensory or cognitive impairments, ensuring equal opportunity to enter and use facilities. This involves adding features like ramps, wide doorways, automatic doors, level thresholds, and clear paths and removing or providing accessible alternatives to steps, turnstiles, or revolving doors that create a hindrance.

Basement means that portion of a building between floor and ceiling which is partly below and partly above ground level but so located that the vertical distance from outside average grade to the lowest floor below is greater than the vertical distance from outside average grade to the lowest floor ceiling above. A basement shall not be counted as a story.



Bed and Breakfast Establishment means a use which is subordinate to the main use of the dwelling unit as a single-family residence which offers sleeping accommodations to transient tenants in ten or fewer rooms for rent, at the innkeeper's primary residence while renting the rooms to transient tenants, and which serves breakfast to its transient tenants.

Block means property abutting one side of a street and lying between the two nearest intersecting streets, or between the nearest such street and railroad right-of-way, unsubdivided acreage, river or live stream, or between any of the foregoing and any other barrier to the continuity of development.

Block Perimeter means linear distance around a block measured along the right-of-way line or road easement.

Boarding House means a multifamily residential use providing room and board, common eating, and sanitary facilities for five or more persons, but not exceeding 20 persons, with two or more rooms that are rented or intended to be rented, but which rooms, individually or collectively, do not constitute separate dwelling units.

Boathouse means a structure for sheltering one or more boats.

Boulevard means a street developed to two, or more, lanes with one-way pavements separated by a median.

Brewpub, Microbrewery, Winery, or Distillery means an establishment primarily engaged in brewing beer and making wine and other spirits, and may include the retail sale of prepared food for consumption.

Buffer means an area of land, including landscaping, walls, and fences located between land uses of different characters and which is intended to mitigate negative impacts of the more intense land use on the less intense land use.

Build-to Area means an area at the front of the lot in which a front building facade must be located.

Building means a structure which is permanently affixed to the land; has one or more floors, a roof, and is enclosed by walls; and is bounded by either open area or the lot line of a zoning lot. "Building" does not include structures such as billboards, fences or radio towers or structures with interior surfaces not normally accessible for human use, such as gas holders, tanks, smokestacks, grain elevators, coal bunkers, oil cracking towers or similar structures.

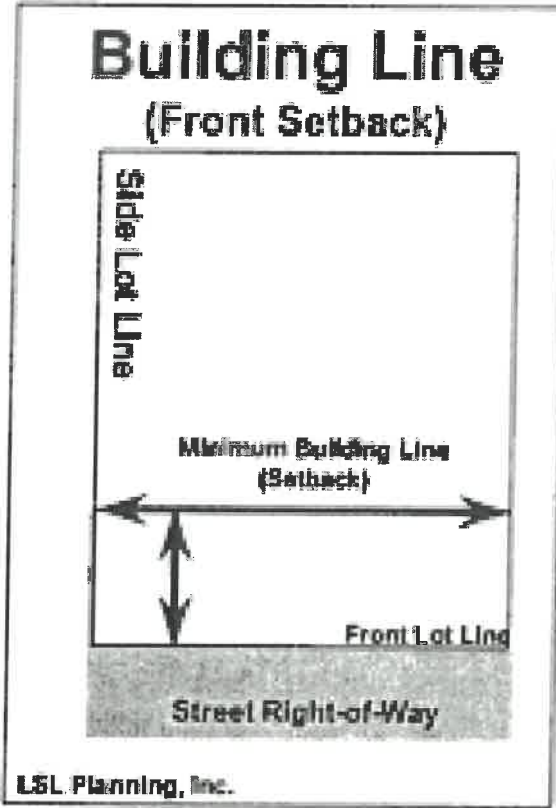
Building Coverage means the proportion, expressed as a percentage, of the area of a lot covered by buildings (principal and accessory) or roofed areas, as measured along the outside wall at ground level, and including all projections, other than fire escapes, canopies, and the first two feet of a roof overhang.

Building Height means the vertical distance measured from the average grade to the highest point of the roof surface for flat roofs, to the deck line of mansard roofs, and to the average height between the highest eaves and ridge for gable, hip and gambrel roofs. Where a building is located on sloping terrain, the height may be measured from the average grade. Height calculations shall disregard any fill or construction which the director finds to have no significant purpose other than elevating the grade. In reaching such finding, the director shall consider only those architectural, structural, safety, aesthetic, access or other purposes claimed by the developer and supported by reasonable evidence.

Building Inspector means the Director of Community Development or designee.

Building Line means an imaginary line measured between the side lot lines at a distance from the front lot line as required by the district in which the lot is located. For the purposes of this chapter, a building line is the same as a front setback line.

Building Line Illustration



Bus Passenger Station means any land, structure, or building which serves as a point of arrival or departure for passengers of commercial busses, including any ticket sales areas, reception areas, bus parking and/or refueling areas, and retail sales accessory thereto. Bus Passenger Stations shall not include the storage, cleaning, or repair of busses.

Business Owner or Employee means a person with a legal ownership interest in the commercial use or who has a right to receive a W-2 tax form from the commercial use and who participates in the operation of the commercial use on-site a minimum of 20 hours per week.

C

Canopy Structure means any overhead protective structure, which is constructed in a manner to allow pedestrians and vehicles to pass under.

Carwash, Automatic or Self Service means a facility for the washing or cleaning of vehicles. A car wash may be:

1. A single unit type with a single bay or a group of single bays that each accommodate one vehicle where a person uses a high-pressure hose to wash the vehicle by hand;
2. An automated single unit that has a single bay to accommodate one vehicle at a time;
3. A tunnel unit that allows washing of multiple vehicles at a time while moving through the structure; or
4. Additional outdoor bays or lanes that contain self-service vacuums.

Caretaker's Residence means a permanent accessory dwelling for purposes of housing a caretaker associated with a use in an industrial use type.

Carport means a freestanding structure supported by columns or posts with more than 75% covered by roof. A carport shall be considered an accessory building.

Cat Cafe means a restaurant or café, which also houses adoptable or therapeutic cats for clientele to interact with, and which may incorporate cat adoption services in addition to the restaurant services.

Cemetery, Columbarium, Mausoleum, or Memorial Park means land used or intended to be used for the burial of the dead, whether human or animal, including crematoriums, columbarium, mausoleums, and other buildings where funeral services may be held.

City means the City of Portage.

City Engineer means the Director of Transportation and Utilities or designee.

City Planner means the Director of Community Development or designee.

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

Club or Lodge (See Private Club, Lodge, Recreational Field or Facility)

Collocation means the placement of an antenna or other equipment for more than one provider on an existing transmission tower, building, light or utility pole or other similar facility where the antenna and all supports are located on the existing structure.

Collector Street means a street used primarily to carry traffic from local streets to major arterial streets and may include principal entrance streets to residential developments and interior collector streets.

1. **Major Collector**, relative to a Minor Collector, means a longer street that is spaced at greater intervals and that has a lower density of connecting driveways, a higher speed limit, higher annual average traffic volume, and may have more travel lanes.
2. **Minor Collector**, relative to a Major Collector, means a street that provides access and traffic circulation in low-density residential, commercial, and industrial areas, with a lower speed limit and a lower annual average traffic volume.

College or University means an educational institution that is authorized by the State of Michigan or other nationally recognized accrediting entity to award associate's or higher degrees.

Commercial Recreation – Indoor means a private indoor (entirely within an enclosed structure) use providing for sport and recreation activities. Examples of indoor commercial recreation uses include, but are not limited to, fitness centers, bowling alleys, dancehalls, skating rinks, indoor commercial swimming pools, and racquet and tennis club facilities (indoor)

Commission means the Planning Commission of the City of Portage.

Community Center (see Neighborhood or Community Center.)

Comprehensive or Master Plan means the comprehensive plan for the City of Portage, including appropriate graphic and written materials regarding the physical development of the City. The term "comprehensive plan" includes "master plan" and any unit or part of the plan and any amendment to the plan or parts thereof.

Conceptual Plan means a document which can be recorded with the county register of deeds that contains at a minimum all those items required by section 42-414 B.4.

Condominium Project means a plan or project consisting of not less than two single-unit detached dwellings or condominium units.

Condominium Subdivision Plan means the drawings and information prepared pursuant to the requirements of Sec. 42-883.

Condominium Unit means that portion of the condominium project designed and intended for separate ownership and use as described in the master deed. To ensure that the condominium unit, as described in the master deed, is consistent with minimum lot requirements of Article 4 of this chapter, a minimum required lot area shall be assigned for each condominium unit and such assignment shall be shown on the condominium subdivision plan.

Conference Center or Banquet Hall means a facility that may hold an event, such as a ceremony, exhibit, or other similar functions.

Congregate Care Facility means a semi-independent living facility that provides centralized amenities such as dining, housekeeping, transportation, caregiving and organized social/recreational activities.

Construction of an ATS means the erection, installation or modification of an alternative tower structure or the attachment of an antenna to an existing alternative-design mounting structure.

Continuing Care Facility means a development under unified operation that provides a variety of accommodation options offering a continuum of care and services. A continuing care facility must be developed as an integrated continuum of accommodation types and service features that allows for the ability to move between levels of support as an individual's care needs change. At a minimum, a continuing care facility must offer or provide care and services to include the on-site provision of meals, general housekeeping, facilitation of transportation, recreation, health- or hygiene-related care, assistance with activities of daily living, and other services integral to the personal, health, and therapeutic care of persons. This facility may include combination of independent living, assisted living, skilled nursing, or full-time care.

Contractor's Equipment and Supply Storage means the space, facility, or designated area used by the Contractor to store equipment (tools, machinery, vehicles, etc.) and supplies (materials, consumables, parts) needed for performance of the Work (or Services) under the contract. It covers both the equipment/supplies themselves and the storage location or system for them.

Contractor's Showroom or Workshop means a building, primarily for showcasing products for sale which are constructed at an off-site location.

Convent or Monastery means a building used as group living quarters for a religious order, including a group kitchen facility to serve all residents.

Council or City Council means the City Council of the City of Portage.

Cul-de-Sac means a street having one end open for vehicular or pedestrian access and the other terminated by a vehicular turnaround.

Cultural Institution means public or private facilities used for display, performance, or enjoyment of heritage, history, or the arts. This use includes but is not limited to, museums, libraries, art performance venues, cultural centers, and interpretative sites but does not include theaters.

D

Day Care, Family Child Care Home means a private home that is licensed or has received a certificate of registration by the state in which one but not more than seven minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. The term "family childcare home" includes a home that gives care to an unrelated minor child for more than four weeks during a calendar year.

Day Care, Group Child Care Home means a private home that is licensed or has received a certificate of registration by the state in which more than seven but not more than 14 minor children are given care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. The term "group childcare home" includes a home that gives care to an unrelated minor child for more than four weeks during a calendar year.

Day Care, Pet means a facility or service whereby pets are admitted for temporary daytime care (but not overnight boarding) for the purpose of supervised socialization, exercise and play, in a controlled environment with other pets and under staff supervision. The term includes all associated services, equipment, enclosures and premises necessary to deliver such daytime care.

Day Care Center, Adult means a facility that has a primary purpose of providing care for functionally impaired adults of age 18 and over and/ or those age 60 and over through a comprehensive program consisting of health, social, and related support services. Enrolled adults shall be cared for periods of less than 24 hours a day and must not be institutionalized.

Day Care Center, Child means a facility, other than a private residence, that is licensed or has received a certificate of registration by the state receiving one or more preschool or school age children for care for periods of less than 24 hours a day and for not less than two consecutive weeks and where the parents or guardians are not immediately available to the child.

Day Care Center, Pet means a business that provides for the temporary boarding and care of common household pets, sometimes referred to as "doggy day care." Pet day care generally occurs during daytime hours but may include overnight stays. A pet day care center may provide related services such as retail sales, grooming, or training, but breeding and sales of animals would not be permitted.

dB(A) means the sound pressure level in decibels. It refers to the "a" weighted scale defined by ANSI. A method for weighting the frequency spectrum to mimic the human ear.

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

Developer means a person, or entity, engaged in the business of developing a project.

Development means the construction of a new building or other structure on a lot, the relocation of an existing building on another lot or the use of open land for a new use.

Development site means any parcel or lot on which exists or which is intended for building development other than the following:

- (1) Agricultural use involving the production of plants and animals useful to humans, including forages and sod crops, grains, feed crops and field crops, dairies and dairy products, poultry and poultry products, livestock, including breeding and grazing cattle, swine and similar animals, berries, herbs, flowers, seeds, grasses, nursery stock, fruits, vegetables, Christmas trees, and other similar uses and activities.
- (2) Forestry use involving the planting, management or harvesting of timber.

Director means the Director of Community Development or designee.

Division means the partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his heirs, executors, administrators, legal representatives, successors or assigns for the purpose of sale, or lease of more than one year, or of building development, that results in one or more parcels of less than 40 acres or the equivalent and that satisfies the requirements of sections 108 and 109 of the act (MCL 560.108, 560.109, MSA 26.430(108), 26.430(109)). The term "division" does not include a property transfer between two or more adjacent parcels, if the property taken from one parcel is added to an adjacent parcel; and any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of the act (MCL 560.101 et seq., MSA 26.430(101) et seq.) and all applicable local ordinances.

Drive-In Establishment means a food, retail or service business that is dependent on serving products to patrons while parked in a motor vehicle.

Drive-Thru Establishment means a food, retail or service business that is primarily dependent on providing the service or product to patrons while in motor vehicles where consumption or use by the patron principally occurs off-premise. Examples of drive-through establishments include financial institutions, restaurants, dry cleaners, and pharmacies but do not include auto repair uses, carwash uses, open air businesses, open front stores and similar uses.

Driveway, Residential means private access which provides ingress and egress from a curb cut to a garage, carport or accessory parking space.

Dry Cleaning, Retail means an establishment where the public can drop off and pick up laundry for washing or dry cleaning where the actual washing or dry cleaning of the laundry takes place off-site.

Dry Cleaning Plant or Facility means an establishment that dry cleans and launders clothing for multiple Dry Cleaning, Retail establishments.

Dwelling Unit means a building, or portion thereof, designed for occupancy by one family for residential purposes providing areas for living, cooking, bathing, and sleeping.

Dwelling Unit, Accessory (ADU) means is an attached or detached separate dwelling unit independent from but located on the same parcel or zoning lot as a principal residence. The ADU provides for living, sleeping, cooking, and bathroom facilities.

Dwelling, Duplex see "Dwelling, Two-Unit Attached."

Dwelling, Multi-Unit means a residential use that is divided into seven or more separate dwelling units on a single parcel. This definition does not include duplexes, townhouses, or multiplexes.

Dwelling, Multiplex means a residential use divided into three to six dwelling units. Units may have either private or shared access and may be arranged in a variety of configurations, including back-to-back, or over-under. This definition does not include duplexes, townhouses, or multi-unit dwellings.

Dwelling, Single-Unit Detached means a dwelling designed and constructed as a free-standing structure for occupancy by one household and located on a separately platted lot and having no physical connection to a building located on any other lot or tract.

Dwelling, Townhouse means three or more independent dwelling units horizontally attached to each other.

Dwelling, Two-Unit Attached means either two independent dwelling units attached to each other that are on the same lot (typically call a duplex) which may be configured side-by-side or stacked, or two independent dwelling units attached to each other that are on separate lots.

Dwelling, Upper-Story means a dwelling unit located on the second floor or higher of a building with nonresidential uses located on the ground or street level.

E

Easement means a grant by the owner of the use of a strip of land by the public, a corporation or persons, for specific uses and purposes, to be designated as a public or private easement depending on the nature of the use.

Electric Vehicle Charging Station (EVCS) means equipment for plug-in power transfer including the ungrounded, grounded, and equipment grounding conductors, and the electric vehicle connectors, attachment plugs, personal protection system, and all other fittings, devices, power outlets or apparatus installed specifically to transfer energy between the premises wiring and the electric vehicle.

Electric Vehicle Charging Station, DC Fast Charger means electric vehicle charging infrastructure, also referred to as Level 3 EV charging station, that provides high-power (typically 400 volts DC or higher) charging, enabling rapid charging at commercial and public locations.

Electric Vehicle Charging Station, Level 1 means electric vehicle charging infrastructure that provides low-power (typically 120 volts AC) charging generally suitable for overnight charging at residential locations.

Electric Vehicle Charging Station, Level 2 means electric vehicle charging infrastructure that provides medium-power (typically 240 volts AC) charging generally suitable for both residential and commercial settings. It allows faster charging compared to Level 1.

Electrical Substation means a set of equipment that reduces the high voltage of electrical power transmission to that suitable for supply to consumers.

Electronic Message Display means a sign capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means. The definitions below (a) through (c) are used in conjunction with an electronic message display ("EMD"):

1. Floodlight means a fixture designed to "flood" a well-defined area with light.
2. Foot-candle (fc) means a unit of illumination produced on a surface all points of which are one foot from a uniform point source equivalent to one candle in brightness of illumination.
3. Frame means complete, static display screen on an electronic message display.
4. Frame Effect means a visual effect on an electronic message display applied to a single frame to attract the attention of viewers.
5. Transition means a visual effect used on an electronic message display to change from one message to another.
6. Erected means anything built, constructed, altered, reconstructed or moved upon, or any physical operation on the premises, which is required for construction. Excavation, fill, drainage, and similar activities are considered parts of erection.

Emergency Access Lane means a concrete-pavement or asphalt surface that is available for use by emergency vehicles including but not limited to, fire trucks, ambulances, and police vehicles.

Emergency Shelter means a temporary residential facility, which provides overnight accommodations and incidental services on a short-term basis for persons and/or families experiencing homelessness.

Erected: Anything built, constructed, altered, reconstructed or moved upon, or any physical operation on the premises, which is required for construction. Excavation, fill, drainage, and similar activities are considered parts of erection.

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

Excavation means any breaking of ground, except common household gardening and ground care.

Exempt Split means the partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his heirs, executors, administrators, legal representatives, successors or assigns that does not result in one or more parcels of less than 40 acres or the equivalent. For a property transfer between two or more adjacent parcels, if the property taken from one parcel is added to an adjacent parcel, any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of the act (MCL 560.101 et seq., MSA 26.430(101) et seq.) and all applicable local ordinances.

F

FAA means the Federal Aviation Administration.

Family means:

1. One or more persons related by blood, marriage, adoption or guardianship, occupying a dwelling unit and living as a single nonprofit housekeeping unit; or a collective number of individuals living together in one dwelling unit, having a relationship which is functionally equivalent to a family.
2. The relationship must be of a permanent and distinct character, cooking as a single housekeeping unit with a demonstrable and recognizable bond characteristic of a cohesive unit.
3. This functional family shall not include any society, club, fraternity, sorority, association, lodge, organization, coterie, combine, federation, organization which is not a recognized religious order, or group of students or other individuals where the common living arrangement or basis for the establishment of the housekeeping unit is temporary and/or of resort-seasonal character in nature.
4. The term "family" does not include any adult foster care facility licensed under Public Act No. 218 of 1979 (MCL 400.701 et seq., MSA 16.610(51) et seq.) except an adult foster care family home as defined in section 3 of that act (MCL 400.703, MSA 16.610(53)).

Farm means land, buildings and machinery used in the commercial production of farm products, including field crops, livestock and livestock products, together with the dwelling used by the owner or a person employed thereon.

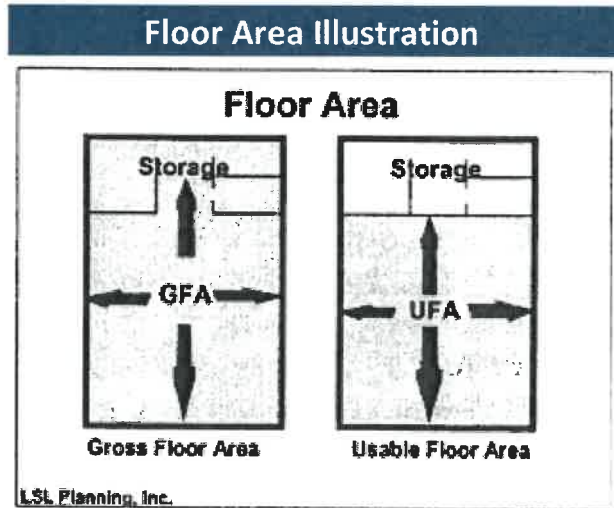
FCC means the Federal Communications Commission.

Fence means a permanent partition, structure or gate erected as a dividing structure, barrier or enclosure, and not part of a structure requiring a building permit.

Final Plan means the plan for development of a planned unit development or divisible geographic section thereof, approved subsequent to the approval of the tentative plan by the Planning Commission and City Council under this article.

Flag, for the purposes of [Division 3.6, Signs](#), means a sign printed or painted on cloth, canvas, or other like material with distinctive colors, patterns, or symbols attached to a pole or staff affixed to the ground or a building and anchored along only one edge or supported or anchored at only two corners. Flags do not include banners.

Floor Area means areas including basement space, elevator shafts or stairwells, floor space for mechanical equipment, penthouses, balconies, mezzanines, enclosed porches and accessory buildings and attic floor space, whether or not floor has been laid, providing structural headroom of seven feet, six inches. The term "floor area" does not include elevator or stair bulkheads, accessory water tanks or cooling towers, uncovered steps, attic space less than seven feet, six inches, and terraces, breezeways or open porches, provided that not more than 50 percent of the perimeter of any such terrace, breezeway or open porch is enclosed.



Floor Area, Gross (GFA) means the sum of the gross horizontal areas of the several floors of a building measured from the exterior walls or from the centerline of walls separating two buildings. (See illustration in the definition of Floor Area).

Floor Area, Gross Leasable (GLA) means the total floor area designed for an individual tenant occupancy and exclusive use, including basements, mezzanines and upper floors, if any, expressed in square feet measured from the centerline of the joint partitions and from outside wall faces. Multiple tenant spaces within a single building shall be counted collectively for the purposes of computing GLA.

Floor Area, Residential means, for the purpose of computing the minimum allowable floor area in a residential dwelling unit, the sum of the horizontal areas of each story of the building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings. The floor area measurement is exclusive of basements, unfinished attics, attached garages, breezeways and enclosed and unenclosed porches.

Floor Area, Usable (UFA) means, for the purpose of computing parking, that area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients or customers. Floor area used or intended to be used principally for the storage or processing of merchandise, for hallways, or for utilities or sanitary facilities shall be excluded from the computation of usable floor area. Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls. (See Floor Area, Usable illustration in the definition of Floor Area.)

Forty acres or equivalent means 40 acres, a quarter-quarter section containing not less than 30 acres, or a government lot not containing less than 30 acres.

Front Yard means open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building.

Frontage means the total length of the front lot line being the horizontal distance between the side lot lines, as measured at the front lot line.

Frontage Lot Line (or **Front Lot Line**) means the lot line that coincides with the public right-of-way or edge of a space dedicated for public use. Building facades parallel to frontage lines define public space and are therefore subject to a higher level of regulation than the elevations that face other lot lines.

Funeral Home or Mortuary means a building that is used principally for the following human funeral services; embalming and the performance of other services used in the preparation of the dead for burial; the performance of autopsies and other tests or surgical procedures on human remains. In addition to the above functions, funeral homes may also store caskets, funeral urns, hearses and other vehicles used in funeral processions. Funeral homes do not include crematories or the cremation of human or pet remains.

G

Garage, Private means an accessory building, detached from or attached to a main building, designed or used solely for the storage of motor-driven vehicles, boats and similar vehicles owned and used by the occupants of the building to which it is accessory. This does not include self-storage garages.

Gas Regulator Station means (includes with service yard but storage yard not permitted)

Glare means the sensation produced by a bright source within the visual field that is sufficiently brighter than the level to which the eyes are adapted to cause annoyance, discomfort, or loss in visual performance and visibility; blinding light. The magnitude of glare depends on factors such as the size, position, brightness of the source, and on the brightness level to which the eyes are adapted.

Golf Course means a tract of land designed for playing the game of golf and improved with tees, greens, fairways, and hazards. A golf course may include a country club or other clubhouse, a driving range, putting greens, and shelters as accessory uses. This term excludes stand-alone driving ranges or miniature golf facilities.

H

Habitable Space means building space that involves human presence with a direct view of the streets or public or private open space. Habitable space does not include parking garages, storage facilities, warehouses, and display windows separated from retail activity.

Heating and Electric Power Generating Plant means all facilities, equipment, systems and structures owned, leased or operated by the Contractor (or its subcontractors) for the generation of thermal energy (such as steam, hot water or process heating) and/or electric power (AC or DC electricity) as required under this Contract. This includes boilers, heat-exchangers, turbines, generators, fuel handling and storage systems, cooling systems, emissions control equipment, switchgear and auxiliary systems and any distribution networks within the plant boundaries.

Height or Tower Height means, when referring to a tower or other structure, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.

Heliport, Public or Private means an area used by helicopters which is more than a minimally developed helistop used for passenger and cargo facilities. A heliport includes one or more of the following: maintenance and overhaul, fueling service, storage space, tiedown space, hangars, accessory buildings and open spaces, and other similar facilities and/or services.

Helistop, Public or Private means an area used by not more than one helicopter at one time for the limited purpose of picking up or discharging passengers or cargo only. A helistop is minimally developed, and, to the extent more services or facilities are provided, the use would then be considered a heliport.

Home Occupation means a home-based activity or service conducted on a zoning lot used for residential purposes by an occupant(s) as a subordinate and accessory use involving the sale or exchange of services. The sale or exchange of products and goods is permitted only if incidental to the services of the home occupation or involve the sale of fruits, vegetables or flowers grown on site pursuant to the Michigan Right to Farm Act, Act 93 of 1981, as amended. Home occupations may include, but are not limited to: administrative offices, photographic studios, personal service establishments, and instruction in outdoor recreational activities. Instruction in a craft or fine art within the dwelling unit pursuant to MCLA 125.3204 is permitted as a home occupation. For purposes of this section, family day care homes shall not be considered a home occupation. Two types of home occupations are hereby established and permitted pursuant to the terms of this section as follows:

Home Occupation, Active means a more intensive home occupation than a passive home occupation with regard to the number of employees, frequency of deliveries, and nature of the operation and for which a for which a special use permit is required, subject to the conditions and requirements in [Sec. 2.3.7](#).

Home Occupation, Passive means a home based business establishment of low intensity in terms of number of employees and frequency of deliveries for which a permit is not required but is subject to the conditions and requirements in [Sec. 2.3.7](#).

Hospital means an institution providing primarily in-patient health services and medical, surgical, or emergency care to persons suffering from illness, disease, injury, disability, and other physical or mental conditions. This definition does not include drug or alcohol treatment centers.

Hostel means a facility for transient occupancy that provides simple dormitory or sleeping rooms and common rooms for cooking, meeting, recreational, and educational use.

Hotel means a building or part of a building, with a common entrance, in which the rooms are all accessible by common internal hallways, used primarily for transient occupancy. A hotel may include a restaurant or cafe, public banquet hall, ballroom, fitness center, or meeting room.

I

Improvements means grading, street surfacing, curbs and gutters, sidewalks, crosswalks, water mains and lines, sanitary sewers, storm sewers, culverts, bridges, utilities and other additions to the natural state of land which increase its value, utility or habitability.

Improved driveway means a private road of ingress and egress with a surface of concrete, asphalt or gravel which leads from a curb cut to a garage, carport or accessory parking space. An improved driveway may include a surface turnout area, or an accessory parking space.

Indoor Recreation means facilities established primarily to provide exercise and recreational services, such as dance studios, martial art schools, arts or crafts studios; or exercise or health clubs, bowling alleys, or gymnasium-type facilities for such activities as tennis, basketball or swimming.

Infill or Infill Development means the construction of buildings or other facilities on previously unused or underutilized land located within an existing developed area.

J

Junkyard means an open area where waste, used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires and bottles. The term "junkyard" includes automobile wrecking yards and any area of more than 200 square feet used for the storage, keeping or abandonment of junk, but does not include uses established entirely within enclosed buildings.

K

Kennel, Commercial means any lot or premises on which three or more dogs, cats or other household pets, six months of age or older, are either permanently or temporarily boarded for a fee or other consideration. the term "commercial kennel" includes any lot or premises where household pets are bred or sold for a fee or other consideration.

L

Laboratory or Tech-Related Establishment means

Land Division means the partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his heirs, executors, administrators, legal representatives, successors or assigns for the purpose of sale, or lease of more than one year, or of building development, that results in one or more parcels of less than 40 acres or the equivalent and that satisfies the requirements of sections 108 and 109 of the act (MCL 560.108, 560.109, MSA 26.430(108), 26.430(109)). The term "division" does not include a property transfer between two or more adjacent parcels, if the property taken from one parcel is added to an adjacent parcel; and any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of the act (MCL 560.101 et seq., MSA 26.430(101) et seq.) and all applicable local ordinances.

Land Division Act means the Land Division Act (MCL 560.101 et seq., MSA 26.430(101) et seq.), formerly known as the Subdivision Control Act.

Landowner means the legal or beneficial owner of all land proposed to be included in a planned development. The holder of an option or a contract to purchase, or other persons having an enforceable proprietary interest in such land, shall be deemed to be a landowner for the purposes of this article.

Lamp means the component of the luminaire that produces the actual light including luminous tube lighting.

Laundry Plant means a facility where garments and other fabric materials are dry cleaned or laundered.

Light Fixture means the assembly that holds a lamp and may include an assembly housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and a refractor or lens. A light fixture also includes the assembly for luminous tube and fluorescent lighting.

Light Pollution means artificial light which causes a detrimental effect on the environment, enjoyment of the night sky or causes undesirable glare or unnecessary illumination of adjacent properties.

Light Trespass means the shining of light produced by a luminaire beyond the boundaries of the property on which it is located.

Live/Work Accommodations means a dwelling unit that is internally connected to a commercial space that is principally used by one or more of the residents of the dwelling unit. The living area is located above or behind the workspace which is secondary or accessory to the primary residential use and does not take up more than 50 percent of the live/work gross floor area.

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

Local Street means a roadway of limited length and continuity that is used primarily to access abutting homes, businesses, and farms. Local streets provide vehicles with access to collector streets. As a type of public street, they should be accessible for public use at all times.

Lodge (See Private Club or Lodge)

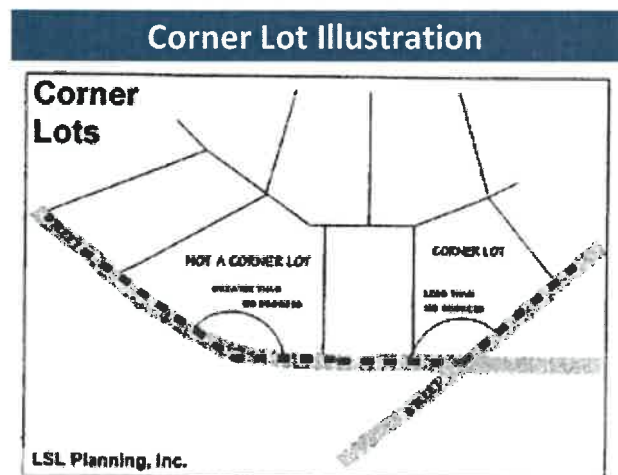
Lot means a parcel of land occupied, or intended to be occupied, by a main building or a group of such buildings and accessory buildings, or utilized for the principal use and uses accessory thereto, together with such yards and open spaces as are required under this chapter. A lot may or may not be specifically designated as such on public records. A lot may also include a condominium unit and any limited common element under and surrounding the condominium unit, which together meet the minimum yard and area requirements of this chapter.

Lot, Abutting means a lot which borders upon the subject lot at any point.

Lot, Adjacent means a lot which is separated from the subject lot by a street, alley, or other public or private easement even if its property line does not abut or touch the subject lot.

Lot Area means the total horizontal area within the lot lines of the lot.

Lot, Corner means a lot where the interior angle of two adjacent sides at the intersection of two streets is less than 135 degrees. A lot abutting on a curved street shall be considered a corner lot for the purposes of this chapter if the arc is of less radius than 150 feet and the tangents to the curve, at the two points where the lot lines meet the curve or the straight street line extended, form an interior angle of less than 135 degrees.



Lot Coverage means the part or percentage of the lot occupied by impervious surfaces, including pavement and buildings.

Lot Depth means the horizontal distance between the front and rear lot line, measured along the median between the side lot lines.

Lot, Interior means any lot other than a corner lot.

Lot, Lakefront means any lot having frontage directly upon any of the following lakes: Austin, Hampton, Gourneck, Long, Mud/Sugarloaf, West.

Lot Lines mean the lines bounding a lot defined as follows:

1. Front lot line means, in the case of an interior lot, that line separating such lot from the street. In the case of a corner lot, or double frontage lot, the front lot line is that line separating the lot from either street.
2. Rear lot line means the lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten feet long, lying farthest from the front lot line and wholly within the lot.
3. Side lot line means 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 is an interior side lot line.

Lot of Record means a parcel of land, the dimensions of which are shown on a document or map on file with the county register of deeds or in common use by City or county officials, and which actually exists as so shown, or any part of such parcel held in a record ownership separate from that of the remainder thereof.

Lot, Through means an interior lot having frontage on two more or less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, all sides of such lots adjacent to streets shall be considered frontage, and front yards shall be provided as required.

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

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

Luminaire means the complete lighting system including the lamp and light fixture.

M

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

Maintenance Yard or Facility, Vehicle means buildings or yard areas established for the maintenance and storage of buses, trucks, and taxis, and similar vehicles.

Major Collector (see Collector Street; Major and Minor.)

Manufactured Home means a structure transportable in one or more sections, connected to required utilities which includes the plumbing, heating, air conditioning and electrical systems contained in the structure, built on a chassis and designed to be used as a single dwelling unit with or without permanent foundation.

Manufactured Home Community means a parcel or tract of land which is under the control of one person, group or firm upon which three or more manufactured homes have been located on a continual non-recreational basis and which is offered to the public for that purpose regardless of whether a change is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a manufactured home.

Manufacturing Uses means the production, processing, cleaning, servicing, testing, repairing of material goods, food or drink, or similar products.

Marginal Access Street means a minor street paralleling and adjacent to a major thoroughfare which provides access to abutting properties and protection from through traffic.

Marihuana shall have the meaning given to it in Section 7601 of the Michigan Public Health Code, 1978 PA 368, MCL 333.7106, as is referred to in Section 3(d) of the Michigan Medical Marihuana Act, PA 2008, Initiated Law, MCL 333.26423(d).

Master thoroughfare plan means the plan adopted by the planning commission and dated June 1968, as amended, or that part of the comprehensive plan which sets forth the location, alignment and dimensions of existing and proposed collector streets and major thoroughfares.

Medical or Dental Clinic means an office or clinic used for the diagnosis, treatment, and care of human beings related to medicine or dentistry. This definition does not include hospitals or convalescent homes.

Medical Marihuana Class A, B, And C Grow Facility means

means a cultivation facility licensed under the MMFLA in the State of Michigan as a Grower in Class A, Class B, or Class C license category, respectively. For each:

- A. A Class A Grow Facility is a facility where the licensee is authorized to grow not more than 500 marihuana plants.
- B. A Class B Grow Facility is a facility where the licensee is authorized to grow not more than 1,000 marihuana plants.
- C. A Class C Grow Facility is a facility where the licensee is authorized to grow not more than 1,500 marihuana plants.

Stacked Class C Grow Facility means a cultivation facility located in the State of Michigan (or portions thereof) in which the Licensee holds more than one State -issued Class C Grower License (as defined under the MMFLA and/or the MRTMA) and operates those licenses at a single property or site (the "Facility"). Each Class C license authorizes the cultivation of up to the maximum number of marihuana plants per license under the applicable statute or rule (e.g., 1,500 plants under MMFLA). The term includes all buildings, cultivation areas, support systems (such as HVAC, lighting, irrigation, security), the aggregate plant count across all stacked licenses, and any operations shared among the licenses (subject to compliance with all applicable zoning, local ordinances and state licensing, monitoring and tracking requirements, including the requirement to maintain separate licensing, fees and tracking for each stacked license).

Medical Marihuana Processor Facility means a facility (including all buildings, rooms, equipment and infrastructure) located in the State of Michigan, owned or leased by a licensee, and operated under a valid state operating license issued pursuant to the Medical Marihuana Facilities Licensing Act ("MMFLA") as a Processor, which purchases marihuana only from a grower, and extracts resin from marihuana or creates marihuana-infused products, and transfers those products or usable marihuana in packaged form to a provisioning center or another processor, in full compliance with all applicable state laws, administrative rules, zoning and local ordinances.

Marihuana Processor Establishment means a facility licensed by the State of Michigan under the Medical Marihuana Facilities Licensing Act (MMFLA) to purchase marihuana from a licensed grower, extract resin or create marihuana-infused products, and sell or transfer such products only to a provisioning center or another processor, in compliance with all applicable state and local laws and regulations.

Marihuana Microbusiness means an individual licensed to cultivate no more than 150 marihuana plants; process and package marihuana; and sell or otherwise transfer marihuana to individuals who are 21 years of age or older, or to a marihuana safety compliance facility, but not to other marijuana establishments.

Medical Marihuana Provisioning Center means a facility or operation (including all buildings, cultivation rooms, processing/packaging equipment and retail premises) licensed under the Michigan Regulation and Taxation of Marihuana Act (MRTMA) as a "marihuana microbusiness," which:

- A. Cultivates no more than 150 marihuana plants on the licensed premises;

- B. Processes and packages the marihuana cultivated on-site;
- C. Sells or otherwise transfers the processed marihuana product only to individuals 21 years of age or older or to a marihuana safety compliance facility; and
- D. Does not sell or transfer marihuana to other marihuana establishments.

The term includes all cultivation, processing, packaging, storage, testing, labeling, security, and retail operations conducted under the microbusiness license, and all compliance with applicable state law, rules, and local ordinances.

Marihuana Retailer means a facility or business entity licensed under the MRTMA in the State of Michigan as a retailer, which:

- A. obtains marihuana or marihuana-infused products from other licensed marihuana establishments; and
- B. sells or otherwise transfers such marihuana products to individuals who are 21 years of age or older and may also sell or transfer to other marihuana establishments, all in compliance with applicable state law, administrative rules and local zoning requirements.

Marihuana-Infused Product means a topical formulation, tincture, beverage, edible substance, or similar product containing any usable marihuana that is intended for human consumption in a manner other than smoke inhalation.

Mezzanine means an intermediate floor in any story which does not occupy more than one-third of the floor area of a story.

Microbrewery, Microdistillery, or Microwinery means an establishment where no more than 15,000 barrels of beer, wine, spirituous liquor, or another alcoholic beverage is manufactured annually on the premises for distribution, retail, or wholesale, on or off premises. This use may include a tap room and/or tasting room that is open to the public and may serve food and beverages as an accessory use.

Minor Arterial (See Arterial Street; Major and Minor.)

Minor Collector (See Collector Street; Major and Minor.)

Minor Street (See Local Street.)

Mixed Use means one of the following types of development:

- A. **Horizontal Mixed Use** means a development that contains both commercial and residential uses in separate buildings that share common features, that may include, but are not limited to, parking, access, building design features, or common open or amenity space.
- B. **Vertical Mixed Use** means a building that contains both commercial and residential uses with permitted nonresidential uses on the first floor and permitted residential uses on the upper floors.

Mixed Use Building means a building that contains at least one floor devoted to permitted nonresidential uses, and at least one floor devoted to permitted residential uses.

Modular Home means a dwelling which consists of prefabricated units transported to the site on a removable undercarriage or flatbed and assembled for permanent location on the lot.

Motel means a series of attached, semidetached or detached rental units containing a bedroom, bathroom and closet space. These units shall provide for overnight lodging, are offered to the public for compensation and cater primarily to the public traveling by motor vehicle.

Mounting Height means the vertical distance between the surface to be illuminated and the bottom of the light source.

Municipal or Government Buildings and Uses means an office used by local, state, federal, or other governmental entities.

Municipal Planning Act means Public Act No. 285 of 1931 (MCL 125.31 et seq., MSA 5.2991 et seq.).

Municipality means the City of Portage.

Murals means graphics, illustrations, architectural or landscape features used primarily for decorative purposes which do not direct attention to or are designed or intended to direct attention to an object, product, place, activity, person, institution, organization or business.

N

Nacelle means the body/shell/casing of a propeller-type wind turbine, covering the gearbox, generator, blade hub, and other parts.

Neighborhood or Community Center means a building dedicated to social or recreational activities, serving the city or a neighborhood and owned and operated by the City or by a nonprofit organization dedicated to promoting the health, safety, morals or general welfare of the public.

Nonconforming Building means a building or portion thereof lawfully existing at the effective date of this article or amendments thereto, that does not conform to the provisions of this article for the district in which it is located.

Nonconforming Lot means a lot with area or dimension lawfully existing at the effective date of this chapter or amendments thereto with less than the minimum area, dimension or access requirements or other requirement of the zoning district in which it is located.

Nonconforming Use means a use that lawfully occupied a building or land on the effective date of this article or any amendments thereto, that does not conform to the use regulations of the district in which it is located.

Nonresidential District means the OS-1, NC, GC, CPD, OTR, I-1, and I-2, and zoning districts.

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

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

Nursing Home means an institution licensed by the state that provides meals, resident care, and services for persons who are generally admitted for periods of time exceeding 30 days. Such service includes custodial or attendant care, and may provide for routine and regular medical and nursing services. The term nursing home includes care homes, homes for the aged, convalescent homes, rest homes, and other related institutions not otherwise defined in this section, where such persons are mostly incapable of self-preservation due to age, physical or mental disability, or because of security measures not under the occupants' control. The term "nursing home" excludes facilities that provide surgical or emergency medical services or that provide care for alcoholism, mental disease, drug addiction, or communicable disease.

O

Office means administrative, executive, professional, research, or similar facilities that have limited customers. An office may be a room, a suite of rooms, or a portion of a building.

Open air business includes uses operated for profit substantially in the open air including:

- (1) Outdoor display and sale of garages, motor homes, manufactured homes, snowmobiles, farm implements, swimming pools and similar activities.
- (2) Retail sales of trees, fruits, vegetables, shrubbery, plants, seeds, top-soil, humus, fertilizer, trellises, lawn furniture, playground equipment and other home garden supplies and equipment.
- (3) Indoor or outdoor recreation, including, but not limited to, tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving range, children's amusement park or similar recreation uses (transient or permanent).

Open front store means a business establishment so developed that service to the patron may be extended beyond the walls of the structure, not requiring the patron to enter the structure. The term "open front store" does not include automobile repair or service stations.

Outdoor Display means the outdoor exhibition of finished products available for sale. This definition does not include products in shipping boxes, crates, on pallets, or other shipping containers, which shall be considered outdoor storage.

Outdoor Light Fixture means artificial illuminating devices, fixtures, lamps and other similar devices, permanently installed or portable, used for flood lighting, general illumination or advertisement.

Outdoor Retail means a retail use where the goods, display, sale or transfer of merchandise occurs primarily in an outdoor setting (outside an enclosed building) and where the outdoor portion is a material part of the retail operation. This includes outdoor display areas, outdoor selling stalls or kiosks, and outdoor merchandise storage accessible to the public or customer traffic as part of the retail operation.

Outdoor Storage means the storage of products or goods that have a large size, mass, or volume that occur on-site for more than 24 hours. Typical items include, but are not limited to, heavy equipment, freight or commercial motor vehicles, trailers, construction materials, and raw, processed, or packaged materials including any products on pallets, in shipping containers, or in crates.

Outdoor Storage Yard means a part of a business that stores products or goods outside of a building for itself, other firms, or consumers.

Outdoor Theater means a facility or area located outdoors (i.e., not fully enclosed by a roof and walls) designed and used for the presentation of motion pictures, live performances, or other visual/performative entertainment to an audience, where the audience is seated or assembled outdoors. This includes (but is not limited to) amphitheatres, drive-in movie venues, open-air stages, and similar uses.

Outlot, when included within the boundary of a recorded plat, means a lot set aside for purposes other than a building site, park or other land dedicated to public use or reserved to private use.

P

Parcel means a continuous area or acreage of land which can be described as provided for in the Land Division Act (MCL 560.101 et seq., MSA 26.430(101) et seq.).

Parent Parcel and Parent Tract mean a parcel or tract lawfully in existence on the effective date of the amendatory act that added this subdivision.

Parkway means a street designated by the City on the Major Street Plan as a parkway.

Parking Lot, Commercial means a parcel of land or a structure used for the temporary parking of vehicles for a fee, which may be charged regardless of any other fee for the premises.

Parking Lot, Off-street means a facility providing vehicular parking spaces, along with adequate drives and aisles for maneuvering, so as to provide access for entrance and exit for the parking of more than three vehicles.

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

Pergola means a freestanding structure supported by columns or posts with a roof that is more than 50 percent open. A pergola shall not be considered an accessory building for the purpose of lot cover and setback from the main building.

Person means any natural person, firm or partnership, association, corporation, company, or other legal entity, private or public, whether for profit or not for profit.

Personal Wireless Service, Personal Wireless Service Facilities and Facilities means, as assigned in 47 USC § 332(c)(7)(C), as amended, and includes facilities for the transmission and reception of radio or microwave signals used for communication, cellular phone, personal communications services, enhanced specialized mobile radio, and any other wireless services licensed by the FCC and unlicensed wireless services.

Personal Service Establishment means a commercial business conducting services involving the care of a person or a person's apparel that are performed primarily on the premises such as barber or beauty shops and photographic studios.

Pet Day Care (See Day Care.)

Pet Grooming Salon means an establishment engaged in the grooming of household pets in an enclosed building without outdoor play areas or runs and no overnight boarding accommodations.

Place of Public Assembly means an enterprise in which people assemble for civic, educational, religious, or cultural purposes. This use contains event facilities, meeting halls, fraternal organizations, places of worship, performing arts facilities, public uses, and private clubs.

Place of Worship means a building or group of buildings in which practices, meetings, activities, and religious services are held. These buildings may include accessory uses such as schools, day care centers, bingo parlors, and halls.

Plan means any or all of the plan stages of a planned development, including the tentative plan and the final plan.

Planned Development means an area of land, controlled by a landowner, to be developed as a single entity.

Plat means a map or chart of a subdivision of land, together with accompanying drawings and other materials, as described in this article. A plat may be preliminary or final.

Plant or Garden Nursery means an establishment for the growth, display, and/or sale of plants, shrubs, trees, and other materials used in indoor or outdoor planting. Such establishments may include greenhouses, buildings, or a portion thereof, or open space.

Porch means a horizontal surface consisting of a deck, slab or other similar construction attached to a main building and designed for outdoor seating or as a means of entry to the building. The deck, slab or similar construction shall be open, unenclosed and uncovered.

Primary Caregiver means, in the context of marijuana-related land use regulations in this UDO, a person who is at least 21 years old who has agreed to assist with a patient's medical use of marijuana, who has never been convicted of a felony involving illegal drugs and who has been issued and possesses a registry identification card.

Principal Use means a primary use to which the premises are devoted and the primary purpose for which the premises exist.

Private Club, Lodge, Recreation Field and Facility means buildings and grounds used for and operated by a non-profit organization, whose membership is by invitation and election according to qualifications in the club's charter or bylaws. The use of the facilities is primarily restricted to members and their guests.

Private Home, for the purpose of family day care homes and group day care homes, means a private residence in which the licensee or registrant permanently resides as a member of the household, which residency shall not be contingent upon caring for minor children.

Private Street means a privately owned and maintained road, allowing access to more than 1 residence or place of business, which is normally open to the public and upon which persons other than the owners located thereon may also travel.

Private Street Easement means an easement that is granted for private access to one or more parcels of land that contains a private street.

Property Owner means the record owner of a zoning lot as well as the lessee of that part of a zoning lot the lessee holds a right to use exclusive of others (or the sole right to occupy). If there are multiple lessees of a zoning lot, then each lessee is a property owner as to the zoning lot the lessee leases and has the sole right to occupy.

Proprietor means a natural person, firm, association, partnership, corporation or combination thereof which holds any ownership interest in land, whether recorded or not. The term "proprietor" includes the applicant for a proposed subdivision.

Provider means a person in the business of designing and using telecommunication facilities, including cellular, radio, telephones, personal communication services, and hand/specialized mobile radios, and commercial paging services.

Public Park means any park or parkland owned and operated by the city, county, state or federal government.

Public Recreational Facility means a building, room, or other facility used for social or recreational activities. This definition includes facilities operated by the City for use by the general public and facilities operated by and for the exclusive use of residents within a residential development.

Public Sewer means a sewer system as defined in Section 4101 of the National Resources and Environmental Protection Act (MCL 324.4101, MSA 13A.4101).

Public Street means a dedicated roadway that accommodates vehicular, bicycle, and pedestrian traffic circulation and principal means of access to abutting property and includes, for example, any avenue, boulevard, court, drive, highway, lane, place, road, street, or other roadway. An alley is not considered a public street.

Public Transit Facility means any real or personal property (including land, buildings, structures, platforms, loading/unloading zones, parking lots, bus or rail depots, maintenance or operations buildings, shelters, and equipment) used or intended to be used for public transit services, i.e., the movement of people by bus, light rail, commuter rail, streetcar, ferry, or other shared-ride conveyance open to the public. The term includes facilities owned, leased or operated by a transit agency or public authority, and any rights of way, tracks, stations, terminals, and support infrastructure integral to the transit system.

Public Utility means all lines and facilities related to the provision, distribution, collection, transmission, or disposal of water, storm and sanitary sewage, oil, gas, power, information, telecommunication and telephone cable, and includes facilities for the generation of electricity.

Public Water means a system of pipes and structures through which water is obtained and distributed to the public, including wells and well structures, intakes and cribs, pumping stations, treatment plants, reservoirs, storage tanks and appurtenances, collectively or severally, actually used or intended for use for the purpose of furnishing water to the public for household or drinking purposes.

Q

Qualifying Patient means, in the context Marihuana-related land use regulations in this UDO, a person who has been diagnosed by a physician as having a debilitating medical condition.

R

Railroad and Truck Terminal Freight Facility means a building, structure, or area used for the operation of public transportation services, including bus or rail stations, passenger shelters, transfer centers, and maintenance or storage yards for transit vehicles. The term includes related parking, loading, and passenger areas but excludes private or charter transportation facilities.

Recreational Field or Facility means an outdoor area or building that may include sports courts, playing fields, tracks, courses, playground equipment, or similar sites that are dedicated to leisure and relaxation activities for people.

Recycling Facility means a facility dedicated to the processing of recyclables for conversion into raw materials or new products. This definition does not include landfills, junk yards, or incinerators.

Rear Yard means open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building. In the case of a corner lot, the rear yard may be opposite either street frontage.

Registry Identification Card means, in the context Marihuana-related land use regulations in this UDO, a document issued by the department that identifies a person as a registered qualifying patient or a registered primary caregiver or a document or its equivalent that is issued under the laws of another state, district, territory, commonwealth, or insular possession of the United States that allows the medical use of marihuana by a visiting qualifying patient, or to allow a person to assist with a visiting qualifying patient's medical use of marihuana.

Rehabilitation Center means a facility that provides temporary, short-term medical and rehabilitation care for patients recovering from an illness, injury, or surgery. Such facilities provide services including physical therapy, nursing support, and assistance with daily living to help patients regain strength and independence.

Required Yard means required yard is an open space on a lot prescribed by the requirements of the zoning district in which it is located.

Residential District means a defined geographical area that is predominantly comprised of buildings where people live, such as the Residential Estate (RE), Residential Neighborhood (RN), Residential Mixed (RM) and Manufactured Home Community (MHC) zoning districts as set forth in [Sec. 2.2.2](#). The building types may include single-unit detached dwellings, two-unit attached dwellings, townhouses, condominiums, apartments, manufactured homes, modular homes, and mixed-use buildings that contain both residential units and nonresidential spaces, including retail stores or offices.

Restaurant, with Drive-Through or Drive-In means a public eating and drinking establishment that, in addition to providing service inside the restaurant, also serves customers in vehicles who either drive up to a window or station or drive through to the building for purchases. Take-out only restaurants are not included this definition.

Restaurant, Sit Down means a public eating or drinking establishment where the patrons consume foods and beverages while seated at tables or counters located on the premises.

Restaurant, Carryout means a public eating and drinking establishment with minimal or no indoor or outdoor seating area and where customers pick up meals and consume them elsewhere.

Resulting Parcel means one or more parcels which result from a land division.

Rotor means an element of a wind energy system that acts as a multi-bladed airfoil assembly, thereby extracting through rotation, kinetic energy directly from the wind.

S

School, K-12, Public or Private means a private facility or a public facility that is owned and operated by a governmental agency, including an independent school district and provides a curriculum of primary, elementary, secondary or college preparatory academic instruction, including kindergartens, elementary schools, junior high schools/middle schools, and high schools.

Senior Adult Facility (See Age-Restricted Housing.)

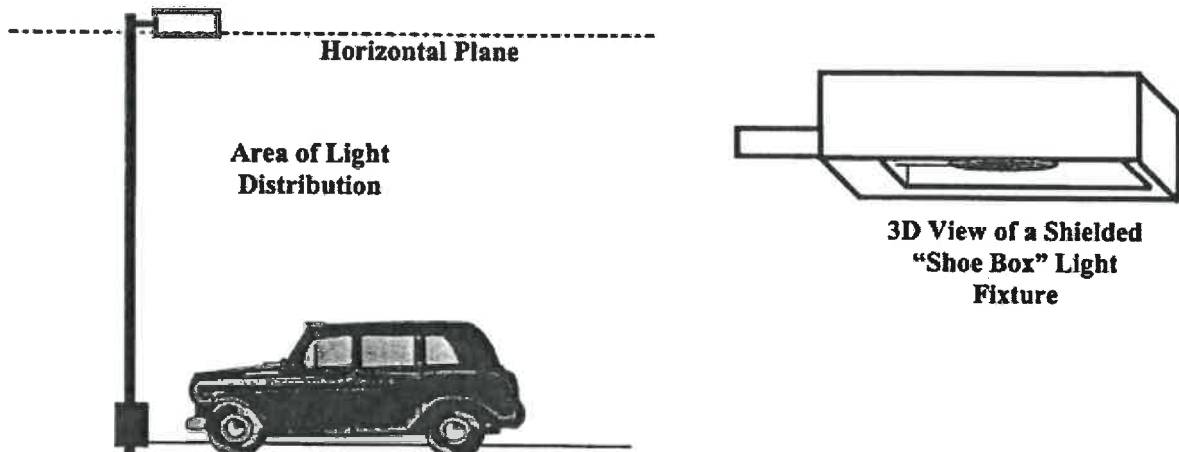
Senior Housing means independent living units that include retirement communities and age-restricted housing projects without full centralized kitchen facilities and may include minimal safety-related on-site services.

Setback Line or Setback means minimum horizontal required distance required by this article, measured from the front, side or rear lot line, as the case may be, which describes a distance termed the required setback area on a lot or parcel.

Service-Oriented Uses means an establishment that provides non-medical services that are generally needed on a recurring basis, not including Vehicle Sales and Service, and generally require one-to-one interaction between the proprietor or employee and the customer in order to provide the service.

Shielded Fixture means an outdoor lighting component that provides a downward-directed area of illumination immediately below the fixture. Also referred to as a "shoe box light fixture."

Shielded Fixture



Short-Term Rental means any dwelling unit that is rented wholly or partly for compensation, for periods of 30 consecutive days or less, including:

- *Non-principal residence* which means a short-term rental (or commercial rental) means an activity where the owner of a non-principal residence hosts visitors, for compensation, for periods of 30 consecutive days or less.
- *Principal residence homestay* which means an activity whereby the permanent resident(s) host visitors in their homes, for compensation, for periods of 30 consecutive days or less, while at least one of the permanent residents lives on-site in the dwelling unit, throughout the visitors' stay.
- *Principal residence whole house* which means an activity whereby the permanent resident(s) host visitors in their homes, for compensation, for periods of 30 consecutive days or less, while a residential dwelling unit is not occupied by the owner of record while the guest is present.

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

Sign means a name, identification, description, illustration or device, illuminated or nonilluminated, which is affixed to, painted or represented directly or indirectly upon a building, located on the ground or other outdoor surface, which is visible from any public place or is located on private property and exposed to the public, and which directs attention to or is designed or intended to direct attention to the sign face or to an object, product, place, activity, person, institution, organization or business. A sign as defined above includes the support structure, sign pole and/or anchoring device to which the sign is attached. See also **Mural**.

Sign, Accessory means any sign related to a business or profession conducted, or to a commodity or service sold or offered for sale, upon the premises where such sign is located. An accessory sign may be secondary or subordinate to larger or more prominent signage on the premises.

Sign, Awning means a sign attached to a marquee that is projecting from and supported by a building.

Sign, Canopy means a sign attached to, painted on, or supported by a canopy or awning that projects from and is supported by a building or structure, including canopies associated with fuel pumps or service islands at gasoline stations.

Sign, Directional means a sign indicating a direction or a location to which traffic, whether pedestrian or vehicular, is requested to move within the parcel for the purpose of traffic control and public safety.

Sign Face means the area of the sign which displays the name, identification, description, illustration or device which identifies, depicts, or otherwise advertises a product, service, place, activity, person, institution, business or use, or conveys a message. A sign face does not include any portion of the structural support of the sign.

Sign, Freestanding means sign erected on a freestanding frame, mast, or pole and not attached to a building.

Sign, Government means temporary or permanent sign erected by or on the order of the public official or quasi-public entity at the federal, state or local level in the performance of any duty including, but not limited to, noncommercial signs identifying a government building or service, traffic control signs, street name signs, street address signs, warning signs, safety signs, informational signs, traffic or other directional signs, public notices of events, public notice of government action, proposed changes of land use, any proposed rezoning, or any other government speech.

Sign, Non-Accessory means sign which directs attention to a business or service offered or existing elsewhere than upon the same lot where the sign is displayed.

Sign, Nonconforming means a sign associated with a lawfully occupied a building or land on the effective date of this article, that does not currently conform to the sign regulations of the district in which it is located.

Sign, Obsolete means a sign on a zoning lot with an unoccupied building; a wall sign on a vacant unoccupied building; or, a deteriorated or hazardous sign; or sign that is not adequately maintained, repaired, or removed within the specified time as ordered by this article.

Sign, Projecting means a sign attached to a building wall that extends outward from the building wall or a sign suspended below an awning, canopy or marquee.

Sign, Temporary means a sign that is not constructed nor intended for long term use and is not permanently attached to a building or structure.

Sign, Wall means a sign attached directly to the exterior wall of a building extending not more than 18 inches from the wall, with the face of the sign running parallel to the plane of the building wall to which it is attached. Awning and/or canopy signs are considered wall signs for the purposes of calculating the total area. Awning and/or canopy signs may project more than 18 inches from the wall to which they are attached.

Single Ownership means the proprietary interest of a single landowner.

Small On-Site Wind Energy System or Wind Energy System means a wind energy system is an electrical generating facility comprised of a wind turbine, rotor, support structure and related electrical equipment that operate by converting the kinetic energy of wind into electrical energy. A wind energy system is intended to serve electrical needs of the principal use and is not designed nor intended to principally provide electricity to the electric utility grid. A wind energy system can be erected as:

1. One freestanding tower of 60 feet in height or less; or
2. Up to two roof-mounted structures of ten feet in height or less.

Solar Energy Facility means a device or combination of devices that use direct sunlight as a source of energy for the non-commercial direct use of the structure on the same lot with the system. Examples include photovoltaic systems, a solar hot water heater, solar panels, or a south-facing window.

Solar Panel Array means a connected system of multiple photovoltaic panels that work together to generate electricity.

Solar Panel means a method of generating electrical power by converting solar radiation into direct current electricity using semiconductors that exhibit the photovoltaic effect. Photovoltaic power generation employs a solar panel array that is composed of a number of solar cells containing a photovoltaic material. These must meet accessory building setbacks.

Sound Pressure means an average rate at which sound energy is transmitted through a unit area in a specified direction. The pressure of the sound measured at a receiver.

Sound Pressure Level means the sound pressure mapped to a logarithmic scale and reported in decibels (dB).

Special Event means a temporary outdoor promotional event that may include but is not limited to grand openings, special holiday sales (Christmas trees, pumpkins, fireworks, etc.), tent sales, and other special events. Special events are subject to review and approval per Sec. 2.3.5, *Temporary Use Standards*.

Spotlight means a lighting assembly designed to direct the output of a contained lamp in a specific tightly focused direction (a beam) with a reflector located external to the lamp.

Story means that part of a building, except a mezzanine, included between the surface of one floor and the surface of the next floor, or, if there is no floor above, then the ceiling next above. A story shall not be counted as a story when more than 50 percent, by cubic content, is below the height level of the adjoining ground.

Story, Half means an uppermost story, lying under a sloping roof, having an area of at least 200 square feet, with a clear height of seven feet, six inches. For the purposes of this UDO, the usable floor area of a half story is only that area having at least four feet clear height between floor and ceiling.

Street means an avenue, boulevard, lane, parkway, road viaduct, alley, or other way which is an existing state, county, or municipal roadway; a street or way shown in a plat theretofore approved pursuant to law or approved by official action; or a street or way on a plat duly filed and recorded in the office of the county register of deeds. A street includes the land between the street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, sidewalks, parking areas and lawns. Types of streets referred to in this article are defined as follows:

- (1) *Alley* means a minor service street used primarily to provide secondary vehicular access to the rear or side of properties otherwise abutting upon a street.
State law reference(s)—Similar provisions, MCL 560.102(z), MSA 26.430(102), (z).
- (2) *Boulevard street* means a street developed to two-lane, one-way pavements separated by a median.
- (3) *Collector street* means a street used primarily to carry traffic from local streets to major thoroughfares and may include principal entrance streets to residential developments and interior collector streets.
- (4) *Cul-de-sac street* means a short minor street having one end permanently terminated by a vehicular turnaround.
- (5) *Local residential street* means a street of limited continuity used primarily for access to abutting residential properties.
- (6) *Major thoroughfare* means an interstate, state or county highway or any local traffic artery of considerable continuity carrying a large volume of both private and commercial vehicles, i.e., a section line road.
- (7) *Marginal access street* means a minor street paralleling and adjacent to a major thoroughfare which provides access to abutting properties and protection from through traffic.
- (8) *Minor street* means a street of limited continuity used primarily for access to abutting residential properties.
- (9) *Private Street*: A roadway contained within a private street easement which is privately owned and maintained and which provides the principal means of access to one or more abutting lots.
- (10) *Private street easement*: An easement that is granted for private access to one or more parcels of land that contains a private street.

(11) *Public Street*: A public, dedicated thoroughfare that affords traffic circulation and principal means of access to abutting property, e.g. avenue, place, way, drive, lane, boulevard, highway, road, and other thoroughfare, except an alley.

(12) *Turnaround* means a short boulevard street permanently terminated by a vehicular turnaround.

Structure means anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground and is more than 9" from grade. Does not include a fence and must meet accessory building setbacks.

Studio – Art, Design, or Photography means a workshop, workplace, or work room for persons engaged in creating art, ceramics, photography, printing, sewing, textiles, woodworking, and other similar crafts for personal pleasure or production on a and similar activities, for personal pleasure or production on a small scale.

Studio – Dance, Fitness, Martial Arts, or Music means a business offering instruction to clients that may include dance, fitness, martial arts, or other disciplines.

Substantial Improvement shall mean any repair, reconstruction or improvement of a building, the cost of which exceeds 25 percent of the market value of the building either before the improvement or repair is started or, if the building has been damaged and is being restored, before the damage occurred. Substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not such alteration affects the external dimensions of the structure.

Swimming Pool means a water-filled enclosure, permanent or portable, that is designed, used, and maintained for swimming or bathing except hot tubs for private use at a residence.

Swimming Pool Club means a private or membership-based organization owning or operating one or more swimming pools and related recreational facilities, intended primarily for use by its members (and their invited guests), and not generally open to the public for drop-in access.

Structure means anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

Subdivision means the partitioning or dividing of a parcel or tract of land by the proprietor thereof, or by his heir, executor, administrator, legal representative, successor or assign, for the purpose of sale, or lease of more than one year, or of building development, that results in one or more parcels of less than 40 acres or the equivalent, and that is not exempted from the platting requirements of the act (MCL 560.101 et seq., MSA 26.430(101) et seq.). The term "subdivide" or "subdivision" does not include a property transfer between two or more adjacent parcels if the property taken from one parcel is added to an adjacent parcel, and any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of the act (MCL 560.101 et seq., MSA 26.430(101) et seq.) and all applicable local ordinances.

Surveyor means either a land surveyor who is licensed in this state as a licensed surveyor or a civil engineer who is licensed in this state as a licensed professional engineer.

T

Telecommunication Facilities means any cables, wires, lines, wave guides, antennas and any other equipment or facilities associated with the transmission or reception of communications which a person seeks to locate or has installed upon or near a transmission tower or antenna support structure. However, the term telecommunications facilities shall not include any satellite earth station antenna one meter or less in diameter, regardless of zoning category.

Temporary Sales Office or Model Home means an office or dwelling unit incidental and necessary for the sale or rental of real property in a new subdivision or housing project.

Temporary Use, or Temporary Building, or Temporary Structure means a use or building permitted in a specific district or permitted by the Director or the Zoning Board of Appeals, as applicable, which exists for a specifically defined temporary period of time.

Tentative Plan means a plan submitted for approval to the Planning Commission and Council prior to the submission of a final plan.

Theater means any building or part of a building used for showing motion pictures (i.e. films and movies) or for live or pre-recorded comedic, dramatic, dance, or musical performances. Such use may include a lobby area and refreshment stand for the patrons.

Total Tower Height means the highest point above ground level reached by a rotor blade in the vertical position, or any other part of the tower structure.

Total Roof-Mounted Structure Height means the highest point above the main roof structure, not including architectural features such as a chimney, cupola and similar type features, reached by a rotor blade in the vertical position, or any other part of the structure.

Tower means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers or monopole towers. The term encompasses personal wireless service facilities as provided in 47 USC § 332, as amended, including radio and television towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto. For the purposes of this section, amateur radio transmission facilities are not transmission towers.

Tower (Small Wind Energy Systems) means any structure that is designed and constructed primarily for the purpose of supporting one small on-site wind energy system including self-supporting lattice towers, guyed towers, tilt-down towers or monopole towers. The term includes the structure and any support elements.

Trade, Professional, Technical or Vocational School means a specialized instructional school operating for or not for profit that provides on-site training of business, commercial, and/or trade skills.

Tract means two or more parcels that share a common property line and are under the same ownership.

Tree Lawn means a grassed or landscaped area located between the sidewalk and the curb of the street intended to accommodate street tree plantings.

Turnaround means a short boulevard street permanently terminated by a vehicular turnaround.

U

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

Utilities means the conduits, pipes, wires, etc. and associated appurtenances used to provide various services to both residential and commercial uses. Water, wastewater, and stormwater service are primary utilities provided by the municipality and natural gas, electricity, and communication are primary utilities provided by private utilities.

Utility and Public Service Buildings means buildings and associated structures owned, leased or operated by a public agency or utility provider used primarily for the purpose of providing and supporting public services or utility systems (including but not limited to water supply, wastewater treatment, storm drainage, electric power distribution/substations, gas distribution, telecommunications, or other essential community infrastructure). The term includes the building(s), maintenance/operations areas, accessory storage, equipment housing, and service yards, and may include ancillary uses directly related to the utility or public-service function. The term excludes general administrative offices not directly involved in utility or service operations, and non-service retail or commercial uses.

Utility, Major means public or private infrastructure that serves the general community that may or may not be maintained or regulated by a public or municipal entity and that may have on-site personnel.

Utility, Minor means public or private infrastructure serving a limited area with no on-site personnel.

V

Variance means a modification of the literal provisions of this article granted when strict enforcement of this article would cause a practical difficulty or unnecessary hardship owing to circumstances unique to the individual property on which the variance is granted.

Vehicle Dealership means a business that is licensed by the state as a new vehicle dealer, that offers new or used motor vehicles for sale and that may include a vehicle service area as an accessory use.

Vehicle Sales, Leasing or Rental means any premises on which three or more new or used cars, trailers, trucks, or other vehicles are offered for sale, rental, or lease during any calendar year.

Vehicle Fueling Station means a business where gasoline or any other vehicular engine fuel (stored only in underground tanks), kerosene or motor oil and lubricants or grease (for operation of motor vehicles) are sold directly to the public on the premises. Services may include the sale of minor auto accessories and non-auto-related products including individually packaged convenience food and beverages.

Vehicle Repair means a business that offers repairs, services, and replacement of automobile electronics, glass, exhaust systems, brakes, transmissions, and other vehicle systems and parts.

Veterinary Hospital or Clinic means place where animals or pets are given medical or surgical treatment and the boarding of animals is limited to short-term care incidental to the hospital use.

W

Warehouse means a building or facility where goods, wares, merchandise, or other personal property are stored.

Warehouse, Storage, and Transfer Building means a building or portion of a building used primarily for the receipt, short- or long-term storage, handling, or redistribution of goods, materials, or products, and for the transfer of such goods from one carrier, location or batch to another. The term includes loading docks, internal handling and staging areas, drive-in/drive-through truck lanes, and accessory office or sorting functions. It does not include retail sales to the general public, manufacturing, or permanent parking or maintenance of vehicles unrelated to transfer operations.

Water and Gas Tank Holder means any structure or platform designed to support or contain water or gas storage tanks, including associated piping and safety equipment.

Water and Sewage Pumping Station means a facility, including buildings, structures, and equipment, used to pump, convey, or regulate the flow of water or sewage through a municipal or private water or wastewater system.

Water Supply and Sewage Disposal means systems, facilities, and infrastructure used for the collection, treatment, storage, distribution, and disposal of water and wastewater, including pipelines, pumps, treatment plants, storage tanks, and related equipment necessary for providing potable water and sanitary sewage services.

Wholesale/Retail Outlet means an establishment that sells its merchandise directly to the public, frequently at reduced prices due to being overstock, closeout, or made specifically for the outlet operation.

Wind Site Assessment means an assessment to determine the wind speeds at a specific site and the feasibility of using that site for construction of a wind energy system.

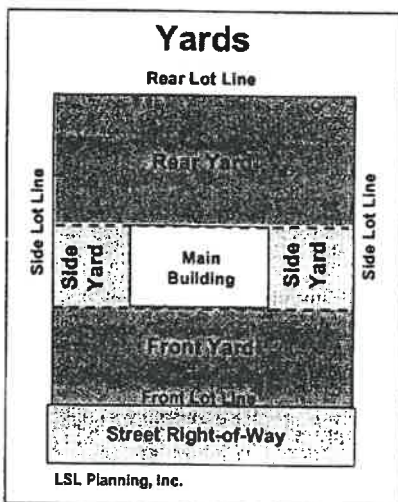
Wind Turbine means any piece of electrical generating equipment that converts the kinetic energy of blowing wind into electrical energy through the use of airfoils or similar devices to capture the wind.

Wireless Telecommunication Facilities and Towers means a structure of lattice or monopole framework to which an antenna may be attached for the transmission and /or reception of radio, television, satellite or microwave signals that facilitates wireless communications including cellular, enhanced specialized mobile radio (ESMR), personal communication, or similar services, along with associated equipment necessary to operate these facilities.

Wireless Communication Antenna means a device for transmitting and/or receiving radio, television, satellite, cellular, enhanced specialized mobile radio, personal communication, microwave, or similar transmissions.

Y

Yard means the open space on the same lot with a main building, unoccupied and unobstructed from the ground upward, except as otherwise provided in this article.



Yards

- (1) **Yard, Front:** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building.
- (2) **Yard, Rear:** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building. In the case of a corner lot, the rear yard may be opposite either street frontage.

- (3) *Yard, Side:* An open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point on the side lot line to the nearest point of the main building.
- (4) *Yard, Required:* A required yard is an open space on a lot prescribed by the requirements of the zoning district in which it is located.

Z

Zoning Act means the City and Village Zoning Act of Michigan, Public Act 207 of 1921, as amended.

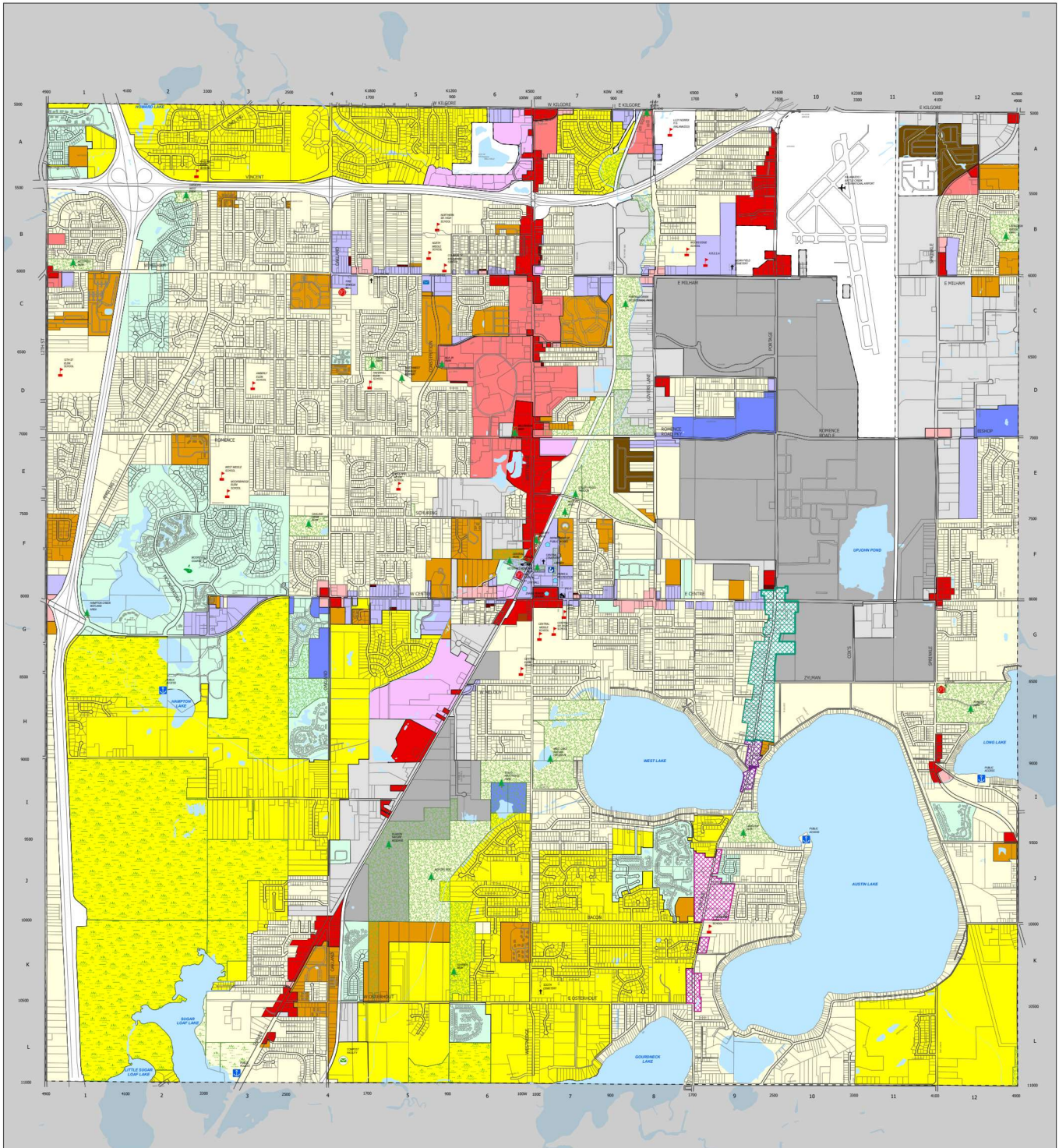
Zoning Board of Appeals means the Zoning Board of Appeals for the City.

Zoning Lot means a single tract of land located within a single block, that (at the time of filing for a building permit) is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control.

Zoning District means a portion of the incorporated area of the City within which certain regulations and requirements or various combinations thereof apply.

Proposed Official Zoning Map

Effective Date: UDO DATE



Legend

- State/DNR
- Parklands
- Zoning District**
- B-1 Local Business
- B-2 Community Business
- B-3 General Business
- P-1 Vehicular Parking
- CPD Commercial Planned Development
- OS-1 Office Service
- OTR Office Technology and Research
- I-1 Light Industry
- I-2 Heavy Industry
- LC-B Lake Center Business (Corridor)
- LC-C Lake Center Core (Corridor)
- LC-E Lake Center Edge (Corridor)
- CC-MU City Centre Mixed Use
- PD Planned Development
- RE Residential Estate
- RM Residential Mixed Neighborhood
- MHC Mobile Home Community



0 750 1,500 3,000 4,500 Feet

ARTICLE 5. SUBDIVISION AND LAND DIVISION REGULATIONS

DIVISION 1. GENERALLY

Sec. 42-711. Purpose of article.

The purposes of this article are to:

- (1) Provide for the orderly growth and harmonious development of the community;
- (2) Secure adequate traffic circulation through coordinated street systems with relation to major thoroughfares, adjoining subdivisions and public facilities;
- (3) Achieve individual property lots of maximum utility and livability;
- (4) Secure adequate provisions for water supply, drainage and sanitary sewer and other health requirements;
- (5) Secure adequate provisions for recreational areas, school sites and other public facilities; and
- (6) Provide logical procedures for the achievement of the purposes set forth in this section.

{Ord. No. 98-16, § 1222.02, 8-4-1998}

Sec. 42-712. Compliance with article.

- (a) The approvals required under this article shall be obtained prior to the installation of any subdivision or project improvement in the city in public streets, alleys, rights of way and easements and/or under the ultimate jurisdiction of the city. All subdivisions or project improvements in the city installed in public streets, alleys, rights of way or easements and/or under the ultimate jurisdiction of the city shall comply with all of the provisions and requirements of this article.
- (b) This article shall apply to all land divisions (including subdivisions) approved before the effective date of the ordinance codified in this article and all land divisions submitted to the city for approval after such effective date, except that those subdivisions which have been given final approval by the city council pursuant to section 42-774 previous to such effective date may continue to develop under the ordinances in effect at the time final approval was granted. Further, such final approval given to a subdivision shall not extend to other phases or parts of the subdivision not given preliminary plat approval.

{Ord. No. 98-16, § 1222.03, 8-4-1998}

Sec. 42-~~531-713~~713. Variances.

No change.

Sec. 42-714. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Words or phrases not defined in this section shall have the meaning given to them under the Land Division Act (MCL 560.101 et seq.).

Accessible, in reference to a parcel, means that the parcel meets one or both of the following requirements and all applicable local ordinances:

- (1) ~~Has an area where a driveway provides vehicular access to an existing road or street and meets all applicable location standards of the state transportation department or county road commission under Public Act No. 200 of 1969 (MCL 247.321 et seq.) and of the city, or has an area where a driveway can provide vehicular access to an existing road or street and meet all such applicable location standards.~~
- (2) ~~Is served by an existing easement that provides vehicular access to an existing road or street and that meets all applicable location standards of the state transportation department or county road commission under Public Act No. 200 of 1969 (MCL 247.321 et seq.) and of the city, or can be served by a proposed easement that will provide vehicular access to an existing road or street that will meet all such applicable location standards.~~

State law reference(s) — Similar provisions, MCL 560.102(j).

~~*As-built plans* means revised construction plans in accordance with approved field changes and measurements.~~

~~*Block* means property abutting one side of a street and lying between the two nearest intersecting streets, or between the nearest such street and railroad right-of-way, unsubdivided acreage, river or live stream, or between any of the foregoing and any other barrier to the continuity of development.~~

~~*Building inspector* means the director of community development or his designee.~~

~~*City engineer* means the director of transportation and utilities or his designee.~~

~~*City planner* means the director of community development or his designee.~~

~~*Commission* means the planning commission of the city.~~

~~*Comprehensive plan* means the comprehensive land use plan for the city, including graphic and written proposals indicating the general locations recommended for the streets, parks, schools, public buildings, zoning districts and all physical developments of the city. The term "comprehensive plan" includes any unit or part of such plan separately adopted and any amendment to such plan or part thereof duly adopted by the planning commission.~~

~~*Construction standards* means the city standard specifications titled "Contract Conditions and Specifications."~~

~~*Development site* means any parcel or lot on which exists or which is intended for building development other than the following:~~

- (1) ~~Agricultural use involving the production of plants and animals useful to humans, including forages and sod crops, grains, feed crops and field crops, dairies and dairy products, poultry and poultry products, livestock, including breeding and grazing cattle, swine and similar animals, berries, herbs, flowers, seeds, grasses, nursery stock, fruits, vegetables, Christmas trees, and other similar uses and activities.~~
- (2) ~~Forestry use involving the planting, management or harvesting of timber.~~

State law reference(s) — Similar provisions, MCL 560.102(k), MSA 26.430(102), (k).

~~*Division* means the partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his heirs, executors, administrators, legal representatives, successors or assigns for the purpose of sale, or lease of more than one year, or of building development, that results in one or more parcels of less than 40 acres or the equivalent and that satisfies the requirements of sections 108 and 109 of the act (MCL 560.108, 560.109, MSA 26.430(108), 26.430(109)). The term "division" does not include a property transfer between two or more adjacent parcels, if the property taken from one parcel is added to an adjacent parcel; and any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of the act (MCL 560.101 et seq., MSA 26.430(101) et seq.) and all applicable local ordinances.~~

State law reference(s) — Similar provisions, MCL 560.102(d), MSA 26.430(102), (d).

Easement means a grant by the owner of the use of a strip of land by the public, a corporation or persons, for specific uses and purposes, to be designated as a public or private easement depending on the nature of the use.

Exempt split means the partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his heirs, executors, administrators, legal representatives, successors or assigns that does not result in one or more parcels of less than 40 acres or the equivalent. For a property transfer between two or more adjacent parcels, if the property taken from one parcel is added to an adjacent parcel, any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of the act (MCL 560.101 et seq., MSA 26.430(101) et seq.) and all applicable local ordinances.

State law reference(s)—Similar provisions, MCL 560.102(e), MSA 26.430(102), (e).

Forty acres or equivalent means 40 acres, a quarter-quarter section containing not less than 30 acres, or a government lot not containing less than 30 acres.

State law reference(s)—Similar provisions, MCL 560.102(l), MSA 26.430(102), (l).

Improvements means grading, street surfacing, curbs and gutters, sidewalks, crosswalks, water mains and lines, sanitary sewers, storm sewers, culverts, bridges, utilities and other additions to the natural state of land which increase its value, utility or habitability.

Land Division Act and *act* mean the Land Division Act (MCL 560.101 et seq., MSA 26.430(101) et seq.), formerly known as the Subdivision Control Act.

Lot means a measured portion of a parcel or tract of land, which is described or fixed in a recorded plat.

State law reference(s)—Similar provisions, MCL 560.102(m), MSA 26.430(102), (m).

Master thoroughfare plan means the plan adopted by the planning commission and dated June 1968, as amended, or that part of the comprehensive plan which sets forth the location, alignment and dimensions of existing and proposed collector streets and major thoroughfares.

Municipal Planning Act means Public Act No. 285 of 1931 (MCL 125.31 et seq., MSA 5.2991 et seq.).

Outlot, when included within the boundary of a recorded plat, means a lot set aside for purposes other than a building site, park or other land dedicated to public use or reserved to private use.

State law reference(s)—Similar provisions, MCL 560.102(n), MSA 26.430(102), (n).

Parcel means a continuous area or acreage of land which can be described as provided for in the act (MCL 560.101 et seq., MSA 26.430(101) et seq.).

State law reference(s)—Similar provisions, MCL 560.102(g), MSA 26.430(102), (g).

Parent parcel and *parent tract* mean a parcel or tract, respectively, lawfully in existence on March 31, 1997.

State law reference(s)—Similar provisions, MCL 560.102(i), MSA 26.430(102), (i).

Plat means a map or chart of a subdivision of land, together with accompanying drawings and other materials, as described in this article. A plat may be preliminary or final.

State law reference(s)—Similar provisions, MCL 560.102(a), MSA 26.430(102), (a).

Proprietor means a natural person, firm, association, partnership, corporation or combination thereof which holds any ownership interest in land, whether recorded or not. The term "proprietor" includes the applicant for a proposed subdivision.

State law reference(s)—Similar provisions, MCL 560.102(o), MSA 26.430(102), (o).

Public sewer means a sewer system as defined in section 4101 of the National Resources and Environmental Protection Act (MCL 324.4101, MSA 13A.4101).

State law reference(s)—Similar provisions, MCL 560.102(aa), MSA 26.430(102), (aa).

Public water means a system of pipes and structures through which water is obtained and distributed to the public, including wells and well structures, intakes and cribs, pumping stations, treatment plants, reservoirs, storage tanks and appurtenances, collectively or severally, actually used or intended for use for the purpose of furnishing water to the public for household or drinking purposes.

State law reference(s)—Similar provisions, MCL 560.102(cc), MSA 26.430(102), (cc).

Resulting parcel means one or more parcels which result from a land division.

Street means a street, avenue, boulevard, road, lane, parkway, viaduct, alley or other way which is an existing state, county or municipal roadway; a street or way shown in a plat theretofore approved pursuant to law or approved by official action; or a street or way on a plat duly filed and recorded in the office of the county register of deeds. A street includes the land between the street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, sidewalks, parking areas and lawns. Types of streets referred to in this article are defined as follows:

(1) *Alley* means a minor service street used primarily to provide secondary vehicular access to the rear or side of properties otherwise abutting upon a street.

State law reference(s)—Similar provisions, MCL 560.102(z), MSA 26.430(102), (z).

(2) *Boulevard street* means a street developed to two-lane, one-way pavements separated by a median.

(3) *Collector street* means a street used primarily to carry traffic from local streets to major thoroughfares, and may include principal entrance streets to residential developments and interior collector streets.

(4) *Cul-de-sac street* means a short minor street having one end permanently terminated by a vehicular turnaround.

(5) *Local residential street* means a street of limited continuity used primarily for access to abutting residential properties.

(6) *Major thoroughfare* means an interstate, state or county highway or any local traffic artery of considerable continuity carrying a large volume of both private and commercial vehicles, i.e., a section line road.

(7) *Marginal access street* means a minor street paralleling and adjacent to a major thoroughfare which provides access to abutting properties and protection from through traffic.

(8) *Minor street* means a street of limited continuity used primarily for access to abutting residential properties.

(9) *Turnaround* means a short boulevard street permanently terminated by a vehicular turnaround.

Subdivision means the partitioning or dividing of a parcel or tract of land by the proprietor thereof, or by his heir, executor, administrator, legal representative, successor or assign, for the purpose of sale, or lease of more than one year, or of building development, that results in one or more parcels of less than 40 acres or the equivalent, and that is not exempted from the platting requirements of the act (MCL 560.101 et seq., MSA 26.430(101) et seq.). The term "subdivide" or "subdivision" does not include a property transfer between two or more adjacent parcels if the property taken from one parcel is added to an adjacent parcel, and any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of the act (MCL 560.101 et seq., MSA 26.430(101) et seq.) and all applicable local ordinances.

State law reference(s)—Similar provisions, MCL 560.102(f), MSA 26.430(102), (f).

Surveyor means either a land surveyor who is licensed in this state as a licensed surveyor or a civil engineer who is licensed in this state as a licensed professional engineer.

State law reference(s)—Similar provisions, MCL 560.102(v), MSA 26.430(102), (v).

Tract means two or more parcels that share a common property line and are under the same ownership.

State law reference(s)—Similar provisions, MCL 560.102(h), MSA 26.430(102), (h).

(Ord. No. 98-16, § 1222.07, 8-4-1998)

Cross-reference(s)—Definitions generally, § 1-2.

Sec. 42-~~532715~~715. Violations; penalties.

No change.

Sec. 42-716. Fees, assessments and other charges.

Plat review fees, land division fees, attorneys' fees, water and connection charges and other municipal fees shall be paid to the finance department, treasurer division, by the proprietor as follows:

- (1) ~~Preliminary plat: Review and recommendation of planning commission.~~ Fees shall be charged for the review of preliminary plats by the department of community development on the basis of the following schedule. There shall be no additional planning review fee charged for preliminary or final plats which are in substantial conformance to a previously approved preliminary plat. Nonrefundable review fees are \$400.00 plus \$20.00 per lot.
- (2) ~~Preliminary plat: Final acceptance for detailed plans.~~ Nonrefundable review fees are \$600.00 plus \$20.00 per lot.
- (3) ~~Final plat: City council acceptance of dedicated improvements.~~ Nonrefundable review fees are as follows:
 - a. ~~Six hundred dollars plus \$35.00 per lot;~~
 - b. ~~Staking and field work: City cost plus 25 percent; and~~
 - c. ~~Inspection and construction: City cost plus 25 percent.~~
- (4) ~~Land divisions.~~ All land divisions which are not otherwise exempt must be reviewed and approved by the city. A nonrefundable fee of \$150.00, plus \$10.00 for each proposed division over two, shall be charged for the review of each land division application.
- (5) ~~Attorneys' fees.~~ Special attorneys' fees shall be charged if needed.
- (6) ~~Water and sewer connection charges.~~ Charges for water and sewer connection shall be charged as established by ordinance.
- (7) ~~Assessments.~~
 - a. ~~All assessments required or established under other provisions of this Code, including special assessments, deferred assessments and extension district assessments, for existing public improvements which lie within or serve lots within a proposed subdivision, shall be fully paid prior to final plat approval.~~
 - b. ~~All taxes and installments of special assessments pertaining to the land proposed to be divided shall be paid to date prior to approval of the land division.~~

(Ord. No. 98-16, § 1222.08, 8-4-1998; Ord. No. 07-04, § 1, 7-27-2004)

State law reference(s)—Fees authorized, MCL 560.109(5), 560.109a, MSA 26.430(109), (5), 26.430(109a).

Secs. 42-717—42-740. Reserved.

DIVISION 2. LAND DIVISION PROCEDURE

Sec. 42-741. Land division approval required; exemptions.

Land within the city shall only be divided after review and approval of the city planner, city assessor or other designated official, in accordance with this article and the act (MCL 560.101 et seq., MSA 26.430(101) et seq.), provided that the following shall be exempted from this requirement:

- (1) A parcel proposed for subdivision through a recorded plat pursuant to division 3 of this article and the act (MCL 560.101 et seq., MSA 26.430(101) et seq.).
- (2) A lot in a recorded plat proposed to be divided in accordance with division 3 of this article and articles 2, 4 and 6 of this chapter and the act (MCL 560.101 et seq., MSA 26.430(101) et seq.).
- (3) An exempt split where all resulting parcels are accessible as defined in this article.
State law reference(s) — Similar provisions, MCL 560.103(1), MSA 26.430(103), (1).
- (4) An exempt split or other partitioning or splitting of a parcel or tract that only results in parcels of 20 acres or more in size where the parcel or tract is not accessible and either of the following applies:
 - a. The parcel or tract was in existence on March 31, 1997.
 - b. The parcel or tract resulted from an exempt split or other partitioning or splitting under section 109b of the act (MCL 560.109b, MSA 26.430(109b)).
State law reference(s) — Similar provisions, MCL 560.109b, MSA 26.430(109b).

{Ord. No. 98-16, § 1223.01, 8-4-1998}

Sec. 42-742. Noncompliance with land division procedure.

- (a) Any division of land in violation of the provisions of this article shall not be recognized as a land division on the city tax roll or assessment roll until the assessing officer refers the suspected violation or potential nonconformity to the county prosecuting attorney and gives written notice to the person requesting the division and the person suspected of the violation or potential nonconformity of such referral to the prosecuting attorney.
- (b) Any division of land in violation of this article shall, further, not be eligible for any building permits or zoning approval, such as special land use approval, site plan approval, conditional use approval, variances or other approvals.
- (c) A violation of this article further subjects the violator to the penalties provided in section 42-715.

{Ord. No. 98-16, § 1223.08, 8-4-1998}

Sec. 42-743. Application requirements.

All land division applications shall be submitted to the city planner in the department of community development. A proposed division shall not be considered filed with the city nor shall the time period stated in section 42-746 commence unless all of the requirements for an application for land division approval have been satisfied. An application must include the following materials:

- (1) A completed application form shall be submitted as provided by the city and the state department of treasury, Form L-4260a, "Notice to Assessor of Transfer of the Right to Make a Division of Land."

- (2) The application shall include proof of fee ownership of the land proposed to be divided or, if the applicant is not the property owner, a letter from the owner indicating knowledge and approval of applicant to submit the land division application.
- (3) The application shall include three copies of a tentative parcel map showing the parent parcel or parent tract which is the subject of the application and the area, parcel lines and public utility easements and the manner of proposed access for each resulting parcel. The tentative parcel map, including the resulting parcels, shall be accurately and clearly drawn to a scale of not less than one inch equals 20 feet and no more than one inch equals 200 feet.
- (4) The tentative parcel map described in subsection (3) of this section shall include the following information:
 - a. Date, north arrow, scale and the name of the person responsible for the preparation of the tentative parcel map;
 - b. Proposed boundary lines and the dimensions of each parcel;
 - c. An adequate and accurate legal description of each resulting parcel;
 - d. A drawing or written description of all previous land divisions from the same parent parcel or parent tract, identifying the number, area and date of such divisions;
 - e. The location, dimensions and nature of proposed ingress to and egress from any existing public or private streets;
 - f. The location of any public or private street, driveway or utility easement located or to be located within any parcel. Copies of the instruments described in granting such easement shall be submitted with the application; and
 - g. Any existing structures and/or other land improvements.
- (5) The application shall include the history, specifications and a drawing of any previous land divisions from the same parent parcel or parent tract and a land title search, abstract of title, or other evidence of land title acceptable to the city planner sufficient to establish that the parcel to be divided was lawfully in existence as of March 31, 1997, the effective date of the act.
- (6) The application shall include proof that all taxes and/or installments of special assessments pertaining to the land proposed to be divided are paid in full.
- (7) If transfer of division rights is proposed in the land transfer, detailed information about the terms and availability of the proposed division rights transfer shall be included, including a copy of each deed or other instrument of conveyance which contains the statement required by section 109(3) of the act (MCL 560.109(3), MSA 430(109), (3)) concerning the right to make further divisions.
- (8) The application shall include proof that all divisions shall result in buildable parcels containing at least one of the following street frontage requirements:
 - a. Maintain a minimum of 60 feet of public street frontage, or a minimum of 50 feet of public street frontage on a cul-de-sac, to the front setback or building setback line, whichever is greater. The public street shall be paved and adequate drainage provided therefor; or
 - b. For a parcel that does not have the above required frontage on a public street, an access and utility easement with a width of not less than 20 feet to the front setback or building setback line, whichever is greater, shall be recorded with the Kalamazoo County Register of Deeds. Such recorded easement shall be provided to the director simultaneously with the register of deeds filing. The access easement shall be a perpetual, irrevocable easement appurtenance over the burdened property, providing unobstructed access to the public street for the benefitting parcel. The utility easement shall also be perpetual, irrevocable and provide any public utility the ability and right to install all utilities on the burdened property. The 20 foot easement shall be improved

with asphalt, concrete or other approved driving surface capable of supporting the imposed load of a fire apparatus weighing at least 75,000 pounds. If the access and utility easement is shared by more than one parcel or owner, a maintenance agreement shall also be recorded providing for the rights and obligations of the parties regarding installation, maintenance and repair as well as apportionment of costs and expense for infrastructure and/or improvement on the easement.

i. A parent parcel cannot be divided to create more than four resulting parcels without the required frontage on a public street. Each parcel shall further meet the lot width and setback requirements for the zoning district in which it is located.

e. The application shall also include proof of sufficient buildable area outside of wetlands, floodplains and other areas where buildings are prohibited; and sufficient area to comply with required setback provisions, minimum floor area requirements, off-street parking space requirements, on-site water and sewer location (if municipal utilities are not available), and maximum area for coverage of buildings.

(9) The application shall include any other information reasonably required by the city planner or city assessor in order to determine that the proposed land division qualifies for approval.

(10) The application shall include the fee as may from time to time be established by the city by ordinance for land division reviews pursuant to this article to cover the cost of review of the application and administration of this article and the act (MCL 560.101 et seq., MSA 26.430(101) et seq.).

(Ord. No. 98-16, § 1223.03, 8-4-1998; Ord. No. 07-04, § 2, 7-27-2004; Ord. No. 19-04, 10-15-2019)

Sec. 42-744. Preliminary investigation.

(a) Prior to filing an application for a land division, the applicant may wish to meet informally with the city planner and/or the city assessor to investigate the procedures and the standards of the city with reference to this article, the act (MCL 560.101 et seq., MSA 26.430(101) et seq.) and local ordinance requirements.

(b) It is the responsibility of the applicant for a land division to:

(1) Investigate the proposed land division with respect to the requirements of the act (MCL 560.101 et seq., MSA 26.430(101) et seq.).

(2) Investigate the proposed land division with respect to the requirements of this article and articles 2, 4 and 6 of this chapter.

(3) Investigate the proposed land division in relation to access requirements.

(Ord. No. 98-16, § 1223.02, 8-4-1998)

Sec. 42-745. Review of application; criteria for approval.

Complete land division applications will be reviewed in the order received. The city planner shall review the land division application in conjunction with the city assessor, or other designated official, and the application shall be approved if all of the following requirements are met:

(1) The applicant has filed a complete application pursuant to the requirements of this article.

(2) The parcel or tract can be split in accordance with section 108 of the act (MCL 560.108, MSA 26.430(108)), pertaining to the maximum allowable number of land divisions.

(3) The parcel or tract can be split with regard to section 109(3) of the act (MCL 560.109(3), MSA 26.430(109), (3)), pertaining to the conveyance or non-conveyance from a parcel or tract, to a split parcel, of the right to make further splits.

- (4) Each resulting parcel has a depth not more than four times the width, except that this requirement shall not apply to parcels added to contiguous parcels which result in compliance with such ratio, parcels larger than ten acres, or the remainder of the parent parcel or parent tract retained by the proprietor. The width and depth of the resulting parcel shall be measured in the same manner provided by article 4 of this chapter for the measuring of the minimum width and maximum depth of parcels.
- (5) Each resulting parcel shall meet at least one of the following street frontage requirements:
- a. Maintain a minimum of 60 feet of public street frontage, or a minimum of 50 feet of public street frontage on a cul-de-sac, to the front setback or building setback line, whichever is greater. The public street shall be paved and adequate drainage provided therefor; or
 - b. For a parcel that does not have the above required frontage on a public street, an access and utility easement with a width of not less than 20 feet to the front setback or building setback line, whichever is greater, shall be recorded with the Kalamazoo County Register of Deeds. Such recorded easement shall be provided to the director simultaneously with the register of deeds filing. The access easement shall be a perpetual, irrevocable easement appurtenance over the burdened property, providing unobstructed access to the public street for the benefitting parcel. The utility easement shall also be perpetual, irrevocable and provide any public utility the ability and right to install all utilities on the burdened property. The 20 foot easement shall be improved with asphalt, concrete or other approved driving surface capable of supporting the imposed load of a fire apparatus weighing at least 75,000 pounds. If the access and utility easement is shared by more than one parcel or owner, a maintenance agreement shall also be recorded providing for the rights and obligations of the parties regarding installation, maintenance and repair as well as apportionment of costs and expense for infrastructure and/or improvement on the easement.
 - i. A parent parcel cannot be divided to create more than four resulting parcels without the required frontage on a public street. Each parcel shall further meet the lot width and setback requirements for the zoning district in which it is located.
- (6) Each resulting parcel fulfills the requirements of the zoning district in which it is located, including but not limited to lot area, lot width, frontage on a public street, and minimum setbacks for existing buildings/structures.
- (7) Each resulting parcel that is a development site has easements for public utilities from the resulting parcel to existing public utility facilities.
- (8) Each resulting parcel complies with all other applicable requirements of the act (MCL 560.101 et seq., MSA 26.430(101) et seq.), this article and other ordinances of the city.

(Ord. No. 98-16, § 1223.04, 8-4-1998; Ord. No. 19-04, 10-15-2019)

Sec. 42-746. Approval or denial of application.

- (a) The city assessor shall complete the review under subsections 42-745(2) and (3) and notify the city planner in writing regarding whether the proposed division is in compliance with the act (MCL 560.101 et seq., MSA 26.430(101) et seq.) and this Code.

State-law reference(s)—Approval standards, MCL 560.109(1), (5), MSA 26.430(109), (1), (5).

- (b) Based on the review by the city planner, the city assessor or other designated official, the city planner shall provide written notification to the applicant of approval or disapproval of the proposed land division application. If disapproved, the city planner shall provide the applicant with a description of the reasons for disapproving. This notification shall be made not later than 45 days from the receipt of the completed land division application.

State-law reference(s)—Approval deadline, MCL 560.109(1), MSA 26.430(109), (1).

- (c) ~~Any person aggrieved by the decision of the city planner on an application for a land division may appeal the city planner's determination to the planning commission by filing a written appeal with the city planner not later than 21 days after the date notice of the city planner's determination was mailed or personally delivered to the applicant. At least seven days' written notice of the date, time and place of the city planning commission meeting at which the appeal will be considered shall be given to the applicant (and the appellant where other than the applicant) by personal delivery or regular first class mail directed to the address of the applicant/appellant as shown on the application or in the written appeal. The planning commission shall affirm or reverse the determination of the city planner in whole or in part pursuant to requirements for approval of a land division set forth in this article and in the act (MCL 560.101 et seq., MSA 26.430(101) et seq.). The decision of the city planning commission on such an appeal shall be a final decision of the city for purposes of such judicial review as may be provided by law.~~
- (d) ~~A decision of the city planner, or of the planning commission if an appeal is taken, approving a land division is effective for 90 days, after which it shall be considered revoked unless the appropriate document is recorded with the county register of deeds, and subsequently filed with the city assessor, officially recording the approved land division or transfer. This time period may be extended in writing by the city planner upon good cause shown.~~
- (e) ~~The city assessor shall maintain an official record of all approved and recorded land divisions or transfers and mark the date of approval of the proposed land division on all deeds, other recordable instruments of conveyance, and surveys which are in conformity with the approved tentative parcel map and which otherwise comply with the requirements of this article.~~
- (f) ~~The approval of an application for a land division is only a determination that the land division complies with the requirements of the act (MCL 560.101 et seq., MSA 26.430(101) et seq.) and is not a determination that the resulting parcels comply with other applicable ordinances or regulations pertaining to the use or development of the parcels.~~
- (g) ~~Any notice of approval for a resulting parcel of less than one acre in size shall contain a statement that the city and its officers and employees are not liable if a building permit is not issued for the parcel for the reason that the parcel fails to satisfy the requirements of section 109a of the act (MCL 560.109a, MSA 26.430(109a)).~~

~~{Ord. No. 98-16, § 1223.05, 8-4-1998}~~

~~Sec. 42-747. Approval of land divisions not meeting lot or access requirements.~~

~~Notwithstanding disqualification from approval pursuant to this article, a proposed land division which does not fully comply with the applicable lot, yard, accessibility and area requirements in this article or article 4 of this chapter may be approved in any of the following circumstances:~~

- (1) ~~Where the zoning board of appeals has, previous to the effective date of the ordinance codified in this article, granted a variance from the lot, yard, coverage ratio, frontage and/or area requirements with which the parcel fails to comply.~~
- (2) ~~Where the proposed land division involves only the minor adjustment of a common boundary line or involves a conveyance between adjoining properties which does not result in either parcel violating this article, article 4 of this chapter, or the act (MCL 560.101 et seq., MSA 26.430(101) et seq.).~~

~~{Ord. No. 98-16, § 1223.06, 8-4-1998}~~

~~Sec. 42-748. Taxation date for new land divisions.~~

~~All approved land divisions will become effective for property tax purposes the following tax year.~~

~~{Ord. No. 98-16, § 1223.07, 8-4-1998}~~

~~Secs. 42-749—42-770. Reserved.~~

DIVISION 3. PLATTING PROCEDURE

Sec. 42-~~533771~~771 through 42-~~562800~~800.

No change.

DIVISION 4. REQUIRED IMPROVEMENTS AND DESIGN STANDARDS

~~Sec. 42-801. Generally.~~

~~The improvement standards set forth under this article are to be considered as the minimum acceptable standards. All those improvements for which construction and design standards are not specifically set forth shall have standards set by the council. All improvements shall meet the approval of the council. All subdivision plans must be reviewed and approved by the council.~~

~~(Ord. No. 98-16, § 1226.01, 8-4-1998)~~

Sec. 42-~~563802~~802. Nonresidential subdivisions.

Subdivisions intended to accommodate industrial and commercial development shall conform to at least the following minimum requirements in addition to requirements set forth by the council:

- (1) A nonresidential subdivision shall be subject to all of the requirements of this article, shall be specifically designed for such purposes and shall have adequate provision for off-street parking, setbacks and other requirements in accordance with article 4 of this chapter.
- (2) In addition to the principles and standards set forth in this article which are appropriate to the planning of all subdivisions, the applicant shall demonstrate that the street, parcel and block pattern proposed is suitable for the uses anticipated and takes into account other uses in the vicinity. The following general principles and standards shall be observed:
 - a. Proposed commercial or industrial parcels shall be suitable in area and dimensions to the types of commercial or industrial development anticipated.
 - b. Street rights-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereupon.
 - c. Special requirements may be imposed with respect to street, curb, gutter and sidewalk design and construction.
 - d. Special requirements may be imposed with respect to the installation of public utilities, including water, sewers and stormwater drainage.
 - e. Every effort shall be made to protect adjacent residential areas from a potential nuisance from a proposed commercial or industrial subdivision, including the provision of extra depth in parcels backing up on existing or potential residential development and provision for a permanently landscaped buffer strip when necessary.

- f. Streets carrying nonresidential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or potential residential areas.

(Ord. No. 98-16, § 1226.09, 8-4-1998)

Sec. 42-803. Streets (subdivision regulations).

- (a) ~~Generally.~~ All streets and appurtenances thereto shall be constructed in accordance with details and specifications contained in this article, in accordance with the city construction standards, and as otherwise approved by the council.
- (b) ~~Pavement width.~~ Minimum pavement width of streets, exclusive of curb and gutter, shall be as follows:

Street Type		Pavement Width
(1)	Major thoroughfare	44 feet or in conformity with standards and specifications established by the council
(2)	Collector	44 feet
(3)	Industrial service	32 feet
(4)	Multifamily residential, where dedicated	32 feet
(5)	Interior residential collector	32 feet
(6)	Local residential:	
	a. Lots with 79 feet or less of frontage on a public street	32 feet
	b. Lots with 80 feet to 99 feet of frontage on a public street	26 feet
	c. Lots with 100 feet or more of frontage on a public street	24 feet
(7)	Marginal access street	24 feet
(8)	Cul-de-sac (industrial)	63 feet (radius)
(9)	Cul-de-sac (residential)	38 feet (radius)
(10)	Alley (commercial or industrial)	20 feet
(11)	Boulevard	As determined by the council

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- (c) ~~Grades.~~ For adequate drainage, the minimum street grade shall be not less than one-half percent. The maximum street grade shall be six percent.
- (d) ~~Geometrics.~~ Standards for maximum vertical and horizontal street curves and sight distances are as follows:
- (1) The radius of the minimum horizontal centerline curvature shall be 475 feet for major streets, 300 feet for collector streets and 200 feet for local streets.
 - (2) Vertical curves shall be provided when grade breaks exceed one-half percent for major and collector streets and one percent for local streets. The minimum length for vertical curves shall be 100 feet.
 - (3) The minimum horizontal visibility on curved streets must be maintained along the centerlines and shall be at least 300 feet for major streets, 200 feet for collector streets and 100 feet for local streets.

- (4) The vertical visibility, using an eye height of 3.5 feet and an object height of 0.5 feet, shall be at least 500 feet from major streets, 300 feet for collector streets and 200 feet for local streets.
- (5) The minimum tangent distance for reverse curves on major and collector streets shall be 100 feet.
- (6) The centerline of pavement shall coincide with the centerline of the right-of-way, except for irregular right-of-way widths.

(e) *Intersections:*

- (1) Streets shall be laid out so as to intersect as nearly as possible at 90 degrees. Curved local streets, when intersecting major and collector streets, shall do so with a tangent section of centerline at least 50 feet in length, measured from the right-of-way line of the major collector street.
- (2) Where a local street intersects with an existing major or collector street, a widening will be required between approaches if the distance between the centerlines is less than 250 feet. A widening on the opposite side of the major or collector street will be required if the conditions so necessitate.
- (3) Where a local or collector street intersects a major street, the local or collector street shall be widened as may be required to accommodate turning movements for a minimum distance of 100 feet, measured from the right-of-way line of the major street.

(f) *Curbs and gutters:* Curbs and gutters shall be provided by the proprietor on all platted streets.

(g) *Curb radius:* The minimum curb radius at the intersection of two local residential streets shall be 25 feet. The minimum curb radius at an intersection involving a collector street shall be 35 feet.

(h) *Width of right-of-way:* The width of the street right-of-way shall conform to the following minimum requirements:

RIGHT-OF-WAY WIDTH STANDARDS

	Street Type	Right-of-way Width
(1)	Major thoroughfare	100 to 140 feet (in conformity with the major thoroughfare plan component of the comprehensive plan)
(2)	Collector	70 to 90 feet (in conformity with the major thoroughfare plan component of the comprehensive plan)
(3)	Industrial service	60 feet
(4)	Multifamily residential	60 feet
(5)	Local residential	60 feet
(6)	Local residential collector	60 feet
(7)	Marginal access street	50 feet
(8)	Cul-de-sac (industrial)	75 feet (radius)
(9)	Cul-de-sac (residential)	50 feet (radius)
(10)	Alley (commercial or industrial)	20 feet
(11)	Boulevard	As determined by the council

(i) *Cul-de-sac:* The maximum number of lots or parcels which front on a residential cul-de-sac street shall not exceed 30. The maximum length for industrial and other cul-de-sac streets may exceed 500 feet subject to the review and approval of the planning commission.

(j) *Location and arrangement:*

- (1) Local residential streets shall be laid out so as to conform as much as possible to the topography, to discourage use by through traffic, to permit efficient drainage and utility systems and to require the minimum number of streets necessary to provide convenient and safe access to property.

- (2) ~~The proposed subdivision shall conform to the various elements of the comprehensive plan and shall be considered in relation to the existing and planned major thoroughfares and collector streets, and such parts shall be platted and the location and width indicated on such plan.~~
- (3) ~~The street layout shall provide for the continuation of collector streets in the adjoining subdivision or for the proper projection of streets when adjoining property is not subdivided, or shall conform to a plan for a neighborhood unit drawn up and adopted by the planning commission.~~
- (4) ~~Should any proposed subdivision border on or contain an existing or proposed major thoroughfare, marginal access streets, reverse frontage or such other treatment as may be necessary for adequate protection of residential properties and to afford separation and reduction of traffic hazards may be required.~~
- (5) ~~Should a proposed subdivision border on or contain a railroad, expressway or other limited access highway right of way, the commission may require the location of streets approximately parallel to and on each side of such right of way, at distances suitable for the development of an appropriate use of the intervening land, such as for parks in residential districts. Such distances shall be determined with due consideration of the minimum distance required for approach grades to future grade separation.~~
- (6) ~~Half streets are prohibited, except where absolutely essential to the reasonable development of the subdivision in conformity with the other requirements of this article, and where the commission finds that it is practical to require the dedication of the other half when the adjoining property is developed. Wherever there exists, adjacent to the tract to be subdivided, a dedicated or platted and recorded half street, the other half shall be platted.~~
- (7) ~~Whenever the area to be subdivided is to utilize existing street frontage, such street shall be suitably improved.~~
- 8) ~~A subdivision or an extension of an existing subdivision shall be platted so as to provide sufficient access streets.~~
- (9) ~~On street parking of vehicles will generally be prohibited on both sides of major and collector street types and on at least one side of all local street types.~~
- (k) ~~Traffic control devices.~~
- (1) ~~Signs. The location of all signs shall be indicated on a street layout plan and shall be approved by the department of transportation and utilities. At a minimum, the sign types required are regulatory signs, street name signs, and warning signs warning of change in alignment and terminations. All signs must conform to the standards set forth in the current edition of the Michigan Manual of Uniform Traffic Control Devices.~~
- (2) ~~Pavement markings. All major thoroughfares and collector streets shall, and interior residential collector, local industrial and multifamily streets may, have pavement markings placed on the pavement. All pavement marking locations shall be indicated on the street layout plans and be approved by the department of transportation and utilities. Pavement markings shall include lane lines, centerlines, crosswalks and stop bars. All markings must conform to the standards set forth in the current edition of the Michigan Manual of Uniform Traffic Control Devices.~~
- (3) ~~Traffic control orders. For traffic control devices requiring a city traffic control order, such order shall be prepared by the department of transportation and utilities and be approved by the council. A temporary traffic order must be approved prior to the placement of the traffic control devices.~~
- (4) ~~Time of installation. All traffic control devices required to be placed according to the approved plan shall be so placed at the time of street construction.~~
- (Ord. No. 98-16, § 1226.02, 8-4-1998; Ord. No. 07-04, § 4, 7-27-2004; Ord. No. 19-04, 10-15-2019)
- State law reference(s) — Streets in subdivisions, MCL 560.181 et seq., MSA 26.430(181) et seq.

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Sec. 42-804. Sidewalks.

- (a) ~~Sidewalks shall be required in accordance with subsection (b) of this section when the proposed residential subdivision is so situated in relation to an existing or proposed school, park, workplace, institution, developed residential neighborhood, neighborhood commercial area or other pedestrian generator, whether public or private, that sidewalks will provide or facilitate safe and convenient travel to and from such pedestrian generator.~~
- (b) ~~To facilitate pedestrian travel, the interconnection of neighborhoods and the safety of residents, the proprietor of the proposed subdivision shall provide sidewalks in accordance with the following guidelines:~~
- ~~(1) A four foot concrete sidewalk shall be provided on both sides of all local streets or marginal access streets, including the full length of a cul de sac and around the bulb of the cul de sac.~~
 - ~~(2) Should the proposed subdivision border a major or collector thoroughfare which is also identified as an element of the walkway plan component of the comprehensive plan, sidewalks shall be installed in accordance with the guidelines in the comprehensive plan.~~
 - ~~(3) Sidewalks shall be installed one foot from the property line. However, sidewalks may deviate from the normal roadway alignment in order to preserve existing vegetation or to provide for the most functional connection to other pedestrian ways and pedestrian attractors. Fences and/or other improvements may be required if it is determined that they are necessary to protect pedestrians or adjacent properties.~~

~~(Ord. No. 98-16, § 1226.03, 8-4-1998)~~

Sec. 42-805. Utilities (subdivision regulations).

- (a) ~~Underground wiring. The proprietor shall make arrangements for all lines for telephone, electric, television and other similar services distributed by wire or cable to be placed underground entirely throughout a subdivided area, except for major thoroughfare rights of way. Conduit or cables shall be placed within private easements provided to such service companies by the proprietor or within dedicated public ways. All transformer boxes and similar devices shall be located so as not to be unsightly or hazardous to the public. Overhead lines may be permitted only upon written recommendation of the director of transportation and utilities, the city planner and the planning commission and upon the approval of the council at the time of final approval of the preliminary plat, where it is determined that overhead lines will not constitute a detriment to health, safety, general welfare, plat design and character of the subdivision. All such facilities placed in dedicated public ways shall be planned so as not to conflict with other underground utilities. All such facilities shall be constructed in accordance with standards of construction approved by the state public service commission. All drainage and underground utility installations which traverse privately owned property shall be protected by easements granted by the proprietor.~~
- (b) ~~Sanitary sewers. The proprietor shall provide the subdivision with a complete public sanitary sewer system to provide basement service to all lots, including all appurtenances, as required by this article and as otherwise approved by the council.~~
- ~~(1) Where sanitary sewer depth is minimal or too shallow for providing gravity service to basements, basement grades shall be shown for existing and proposed houses, or a note stating that no basements will be served, or a description of the method of serving basements, shall be included on the plans.~~
 - ~~(2) Sanitary sewers shall be at least eight inches in diameter. Larger sizes may be required at certain locations.~~
 - ~~(3) If sanitary sewers exist, all appropriate fees shall be paid prior to final plat approval.~~

- (4) ~~A six-inch diameter service lead shall be provided for each lot. Each lead shall be extended to the lot line, or to the interior easement line in case an easement is adjacent to the street right-of-way, and shall be installed in accordance with the construction standards.~~
- (5) ~~Six-inch diameter property line service lead risers shall be installed to within a depth of three feet of the elevation of the adjoining street.~~
- (6) ~~Maximum manhole spacing shall be 400 feet or as approved by the department of transportation and utilities.~~
- (7) ~~The proprietor's engineer shall provide the basis of design as required by the state department of environmental quality.~~
- (8) ~~Manholes shall be placed at the end of every run receiving two or more connections, at intersections, at deflections in the sewer, at grade changes and at terminus runs of the sewer. Dead-end sewers shall be designated as follows: "To facilitate future construction only; no house leads allowed until a terminus manhole is constructed."~~
- (9) ~~An easement shall be designated on the plan for each run of public sewer not in a public right-of-way. The minimum easement width shall be 20 feet.~~
- (10) ~~At utility crossings, a minimum clearance of 18 inches, measured from the outside of the pipe to the outside of the pipe, is required.~~
- (11) ~~When the sanitary sewer is parallel to a water main, a minimum horizontal clearance of ten feet, measured from the outside of the pipe to the outside of the pipe, is required.~~
- (12) ~~Connection to an existing sanitary sewer will be permitted only after all required sanitary sewer tests have been successfully completed and approved by the city.~~
- (13) ~~A note must be included on the plans stating that all work shall be in accordance with city construction standards.~~
- (c) ~~Water supply. A public water supply system, including water mains, fire hydrants and required water system appurtenances, shall be provided by the proprietor. The system shall be constructed to adequately serve all lots shown on the plat for domestic use and fire protection in accordance with this article and as otherwise approved by the council.~~
- (1) ~~Water mains shall be at least eight inches in diameter. Larger sizes may be required in certain locations to comply with the city's master water main plan. Where the proprietor is required to install a larger water main than would be required to serve the development, the city may reimburse the proprietor for the increase in cost for materials and installation based on annual bids received by the city.~~
- (2) ~~A 1½-inch diameter service lead with a curb box shall be provided for each lot. The curb box shall be installed eight feet inside the right-of-way or as approved by the department of transportation and utilities.~~
- (3) ~~The water main system shall be looped by connecting it to at least two outside sources. If only one source is available, adequate provisions shall be made for future looping connections.~~
- (4) ~~Fire hydrants in residential subdivisions shall be located not more than 500 feet apart and situated such that all portions of buildings are within 250 feet of any fire hydrant. The proprietor shall install hydrant signs on ground installed sign posts three feet behind (opposite the street side) all fire hydrants.~~
- (5) ~~Valves shall be placed at all intersections such that not more than 30 dwelling units may be isolated. Valve spacing shall not exceed 1,000 feet.~~
- (6) ~~Dead end water mains serving cul-de-sac and other short street designs shall not serve more than a maximum of 30 lots or as otherwise required by the city council.~~

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- ~~(7) No connections to existing water mains shall be made until pressure and bacteriological tests of the new main have been successfully completed and approved by the city.~~
- ~~(8) A note must be included on the plans stating that all work shall be in accordance with city construction standards.~~
- ~~(d) Storm drainage. An adequate storm drainage system, including necessary retention facilities, storm sewers, catchbasins, manholes, culverts, bridges and other appurtenances, shall be provided by the proprietor in accordance with this article and as otherwise approved by the council. The design of the storm drainage system shall be in accordance with the Storm Water Master Plan and Design Criteria Manual, as amended.~~
- ~~(2) The design of the storm drainage system shall include the retention of runoff within the development. Sufficient capacity shall be provided in the storm sewer system for upstream drainage.~~
- ~~(3) The proprietor shall submit hydrologic and hydraulic calculations, along with a topography map in accordance with the design criteria manual, to support the storm drainage plan. A suitable site grading plan with top of curb and floor elevations shall also be submitted.~~
- ~~(4) Storm drainage retention areas can have a negative effect on existing and proposed development. To the extent possible, the retention area must be designed to minimize the impact on adjacent development. Insofar as practical, the retention basin shall be internally located within the plat proposed for development. Retention areas shall be screened from neighboring development and adjacent thoroughfares with shrubbery and landscaping. Appropriate fencing of all retention areas shall be required.~~
- ~~(5) All storm drainage structures shall be four feet in diameter or larger as may be necessary. Where appropriate, two foot diameter catchbasins may be allowed opposite four foot structures.~~
- ~~(6) If a county drain is involved, the proprietor shall obtain the written approval of the county drain commissioner for the detailed design of those improvements under the commissioner's jurisdiction.~~
- ~~(7) Flood computations shall be provided as may be required by the state department of environmental quality. The boundaries of flood hazard areas are defined in the city flood insurance study and accompanying flood insurance rate maps.~~
- ~~(8) Storm sewers shall be at least 12 inches in diameter.~~
- ~~(9) Catchbasins shall conform to the following:~~
 - ~~a. Catchbasins shall be located as follows:~~
 - ~~1. At or within five feet of the end of a radius;~~
 - ~~2. At all low points; and~~
 - ~~3. At intermediate points so that surface drainage flow will not exceed 600 feet. Not more than 800 feet of street drainage shall drain into one basin (from two directions).~~
 - ~~b. Not more than 150 feet of street drainage shall be allowed to flow around a corner.~~
 - ~~c. A relief basin shall be required at the highest end of a radius where drainage is required to cross an intersection longitudinally.~~
- ~~(10) Manholes shall be required at all junctions, deflections and grade changes, opposite catchbasins for storm sewers 42 inches or smaller, and as otherwise required by the city.~~
- ~~(11) All storm sewers shall be placed within road or street rights-of-way where possible. Easements shall be provided for off-site storm drainage systems.~~
- ~~(12) If off-site storm sewers are a part of the development, work shall commence at the outlet and work within the site shall not start until the off-site storm system has been installed to within the site.~~

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~~(13) Adequate soil erosion and sedimentation control measures shall be provided in accordance with article 7 of this chapter.~~

~~(14) A note shall be included on the plans stating that all work shall be in accordance with city construction standards.~~

~~State law reference(s)—Authority to require storm drainage systems, MCL 560.192, MSA 26.430(192).~~

~~(e) Street lighting.~~

~~(1) Decorative street lighting poles of steel or concrete are required at all intersections, curves, culs-de-sac and dead-end streets.~~

~~(2) A street lighting plan approved by the appropriate utility supplying electricity must be submitted for the stage three approval of the preliminary plat, as required by section 42-774.~~

~~(3) The proprietor shall deposit with the city sufficient funds to cover cost estimates provided by the appropriate utilities supplying electricity for the actual installation of the system in accordance with the provisions of division 5 of this article.~~

~~(Ord. No. 98-16, § 1226.04, 8-4-1998; Ord. No. 19-04, 10-15-2019)~~

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Sec. 42-806. Blocks.

Blocks in subdivisions shall conform to the following standards:

~~(1) Size.~~

~~a. The maximum length for a block is 1,400 feet, except where, in the opinion of the planning commission, conditions may justify a greater distance.~~

~~b. Widths of blocks shall be determined by the condition of the layout and shall be suited to the intended layout. Generally, a block shall be so designed as to provide two tiers of lots.~~

~~(2) Public walkways.~~

~~a. Public walkways or crosswalks may be required by the commission to obtain satisfactory pedestrian access to public or private facilities such as, but not limited to, schools and parks.~~

~~b. Public walkways shall be at least 12 feet wide and shall be in the nature of an easement for this purpose.~~

~~(3) Easements.~~

~~a. Utility line easements shall be provided along the rear or side lot lines as necessary for utility lines. Easements shall give access to every lot, park or public ground. Such easements shall be a total of not less than 12 feet wide, six feet from each parcel.~~

~~b. Recommendations on the proposed layout of telephone and electric company easements shall be sought from all of the utility companies serving the area. The proprietor shall submit copies of the approved preliminary plat to all appropriate utilities.~~

~~c. Easements three feet in width shall be provided, where needed, along side lot lines so as to provide for streetlight dropouts. Prior to the approval of the final plat for a proposed subdivision, a statement shall be obtained from the appropriate utility indicating that easements have been provided along specific lots. A notation shall be made on the final plat indicating the following:
"The side lot lines between lots ___ (indicate lot numbers) ___ are subject to streetlight~~

~~dropout rights granted to the ___ (utility) ___ company."~~

~~(Ord. No. 98-16, § 1226.05, 8-4-1998)~~

State law reference(s)—Public utility easements, MCL 560.190, MSA 26.430(190).

Sec. 42-807. Lots.

Lots in subdivisions shall conform to the following standards:

(1) *Size and shape.*

- a. The lot size, width, depth and shape in a subdivision proposed for residential use shall be appropriate for the location and the type of development contemplated.
- b. Lot areas and widths shall conform to at least the minimum requirements of article 4 of this chapter for the district in which the subdivision is proposed.
- c. Building setback lines shall conform to at least the minimum requirements of article 4 of this chapter.
- d. Corner lots shall be platted at least 20 feet wider than the minimum width permitted by article 4 of this chapter in order to permit conformity with setback lines for side-lotted streets.
- e. Excessive lot depth in relation to width shall be avoided. A depth to width ratio of four to one shall normally be considered the maximum.

(2) *Arrangement.*

- a. Every lot shall have not less than 60 feet of frontage on a public street or 50 feet of frontage on a public cul-de-sac.
- b. Side lot lines shall be as nearly as possible at right angles or radial to the street lines.
- c. Residential lots abutting major thoroughfares or collector streets, where marginal access streets are not desirable or possible to attain, shall be platted with reverse frontage lots or with side lot lines parallel to these streets. Lots that back or side into such features as freeways, major or collector thoroughfares, shopping centers and industrial properties shall incorporate in the lot depth or width, for buffering purposes, an additional 20 feet.
- d. Lots shall have a front to front relationship across all streets where possible.
- e. Where lots border upon bodies of water, the front yard may be designated as the waterfront side of such lot, provided that the lot has sufficient depth to provide an adequate setback on the street side to maintain a setback for all structures equal to the front yard setback on the street side as well as on the waterfront side.

(Ord. No. 98-16, § 1226.06, 8-4-1998; Ord. No. 07-04, § 5, 7-27-2004)

State law reference(s)—Lots, MCL 560.186, MSA 26.430(186).

Sec. 42-808. Preservation of natural features; landscaping and screening.

- (a) Existing features which would add value to residential development or to the city as a whole, such as trees, natural groves, watercourses, beaches, historic spots and similar irreplaceable assets, shall be preserved in the design of the subdivision. The preservation of drainage and natural stream channels must be considered by the proprietor, and provision of adequate barriers, where appropriate, shall be required.
- (b) The proprietor is required to install, in the right of way, one street tree per street frontage for each residential lot, in accordance with the street tree plan approved by the director of parks and recreation. The required trees shall have a minimum 1½-inch caliper and shall fulfill the requirements of section 42-503(5) for shade trees. Existing trees located in the right of way may fulfill this requirement, subject to the review of the director of parks and recreation. Additionally, the proprietor is encouraged to provide landscaping, trees and shrubbery on individual lots within the proposed subdivision.

- (c) ~~Where necessary to provide an adequate buffer from adjacent business or industrial land uses and adjacent major thoroughfares, tree planting, berming and similar natural screening/barrier requirements may be required.~~
- (d) ~~If compliance with section 42-803 regulating public streets adversely impacts significant natural features, including but not limited to trees, topography or natural habitat, the provisions of section 42-803(a) through (i) may be modified by the council. The modification shall not be granted by the council unless the proprietor shows that:~~
- ~~(1) Significant natural features will be adversely impacted; and~~
 - ~~(2) The modifications will not adversely impact the public health, safety and welfare.~~
- ~~(Ord. No. 98-16, § 1226.07, 8-4-1998)~~

~~Secs. 42-809—42-830. Reserved.~~

~~DIVISION 5. GUARANTEE OF CONSTRUCTION OF IMPROVEMENTS; PERMIT RESTRICTIONS; IMPROVEMENT MAINTENANCE~~

~~Sec. 42-831. Completion of improvements.~~

- (a) ~~Before the approval of the final plat by the council, the proprietor shall complete all the street, sanitary and other improvements, including lot improvements on individual lots of the subdivision as required in this article, as specified in the final plat and as approved by the council. The proprietor shall also dedicate such improvements to the city free and clear of all liens and encumbrances on the property and public improvements thus dedicated.~~

~~State law reference(s) — Authority to require improvements as prerequisite to plat approval, MCL 560.182, 560.188(3), MSA 26.430(182), 26.430(188), (3).~~

- (b) ~~In lieu of completion of all improvements and with the specific consent of the council, final plat approval may be authorized pursuant to section 42-775(1)f. As a condition of approval, prior to the undertaking of any improvement, the proprietor shall deposit with the city a true copy of an acceptable agreement showing that the proprietor has deposited, with a bank or other agent acceptable to the city, cash, a certified check, an irrevocable bank letter of credit, or a surety bond, in an amount estimated by the director of transportation and utilities as sufficient to secure to the city the satisfactory construction, installation and dedication of the required improvements. The amount of deposit shall also secure all lot improvements on the individual lots of the subdivision as required in this article. The amount of the deposit shall represent 125 percent of the estimated construction costs of completion of the required improvements. Such deposit shall comply with all statutory requirements and shall be satisfactory to the city attorney as to form, sufficiency and manner of execution as set forth in this article.~~

~~State law reference(s) — Authority to require assurances for completion of required improvements, MCL 560.182(2), 560.188(3), MSA 26.430(182), (2), 26.430(188), (3).~~

- (c) ~~The proprietor shall build and pay for all costs of temporary improvements required by the council and shall maintain the temporary improvements for the period specified by the council.~~
- (d) ~~All required improvements shall be made by the proprietor at his expense without reimbursement by the city. All required improvements shall be constructed to the boundaries of the subdivision, unless otherwise approved by the director of transportation and utilities.~~

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(e) If the required improvements are not completed within the time period specified by the council, the city may thereupon declare the guaranty or surety to be in default and require that all the improvements be installed regardless of the extent of building development at the time the guaranty or surety is declared to be in default.

(Ord. No. 98-16, § 1228.01, 8-4-1998)

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Sec. 42-832. Inspection of improvements.

(a) *Responsibility of inspecting engineer; defects.* A licensed professional engineer retained by the proprietor shall be responsible for the inspection of the construction of all improvements and shall certify that such construction has been satisfactorily completed in accordance with the approved plans and city construction standards. If the director of transportation and utilities finds, upon inspection, that any of the required improvements have not been constructed in accordance with the final plat, the city construction standards or the requirements of the council, the proprietor shall be responsible for completing the improvements. Wherever the cost of improvements is covered by a guaranty or surety, the proprietor and the bank, bond company or other agent shall be severally and jointly liable for completing the improvements according to specifications.

(b) *Certifications required; reduction of surety.*

(1) The council shall not accept the dedication of the required improvements and release or reduce the guaranty or surety until the proprietor has certified, in a manner approved by the city attorney, that the improvements have been completed and are free and clear of any and all liens and encumbrances; until the proprietor's engineer has certified to the director of transportation and utilities that the required improvements have been satisfactorily completed; and until the proprietor's engineer has certified to the director of transportation and utilities, through submission of detailed, reproducible as-built plans and a certification statement, that the layout and design of the improvements are in accordance with approved construction plans for the subdivision. Upon such approval and recommendation, the council may accept the improvements for dedication in accordance with the established procedure.

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(2) The surety shall be reduced upon actual completion of the improvements, but only to the ratio that the completed improvements bear to the total improvements for the subdivision. In no event shall the surety be reduced below ten percent of the principal amount before final acceptance of all improvements by the council.

(Ord. No. 98-16, § 1228.02, 8-4-1998)

Sec. 42-833. Issuance of certificate of occupancy prior to installation of lot improvements.

(a) Whenever, by reason of the season of the year, any lot improvement required by this article cannot be performed, the director of community development may issue a certificate of occupancy, provided there is no danger to health, safety or general welfare, upon accepting a cash deposit in an amount to be determined by the director of transportation and utilities for the cost of such improvement. Such funds shall be deposited with the city. The surety covering such lot improvement shall remain in full force and effect until all unfinished work is completed to the specifications of the director of transportation and utilities.

(b) All required improvements for which a deposit has been accepted by the director and received by the city at the time of issuance of the certificate of occupancy shall be installed by the proprietor within one year. If the improvement has not been properly installed at the end of such time period, the department head shall give two weeks' written notice to the proprietor requiring installation of the improvement. If the improvement is not installed within such two-week period, the director may then request the council to authorize the city to contract out the work for the installation of the necessary improvement at a sum not to exceed the escrow

deposit. At the time of issuance of the certificate of occupancy for which a deposit was made with the director, the proprietor shall obtain and file a notarized statement from the purchaser of the premises authorizing the installation of the improvement at the end of the one year if the improvement has not been duly installed by the proprietor.

(Ord. No. 98-16, § 1228.03, 8-4-1998)

~~Sec. 42-834. Prerequisites for issuance of building permits and certificates of occupancy.~~

- (a) ~~No building permit shall be issued for the final ten percent of lots in a subdivision, or, if ten percent is less than two, for the final two lots in the subdivision, until all public improvements required by the council have been fully completed and dedicated to the city and accepted by the council.~~
- (b) ~~No certificate of occupancy for any building in a subdivision shall be issued prior to the completion of the improvements, dedication of the improvements to the city and acceptance of the improvements by the council, except as provided in section 42-833.~~

(Ord. No. 98-16, § 1228.04, 8-4-1998)

~~Sec. 42-835. Maintenance of improvements.~~

- (a) ~~The proprietor or contractor retained by the proprietor shall file a maintenance bond with the city prior to dedication, in an amount equal to 25 percent of the construction cost of the required improvements, as estimated by the proprietor's engineer and approved by the director of transportation and utilities, and in a form satisfactory to the city attorney, in order to ensure the condition and operation of such improvements, including all improvements on the individual lots, for a period of two years after the date of their acceptance by the council.~~
- (b) ~~The applicant shall maintain all improvements within the subdivision until acceptance of such improvements by the council.~~

(Ord. No. 98-16, § 1228.05, 8-4-1998)

~~Secs. 42-836—42-860. Reserved.~~

ARTICLE 6. CONDOMINIUM PROJECTS

DIVISION 1. GENERALLY

~~Sec. 42-861. Applicability of article.~~

~~The provisions of this article are applicable to single-family condominium projects within the city pursuant to the authority conferred by section 141 of the Condominium Act (MCL 559.241, MSA 26.50(241)). This article is not intended to regulate condominium projects which will not include one-family detached dwellings.~~

(Ord. No. 98-17, § 1230.01, 8-4-1998)

Sec. 42-862. Purpose of article.

The purposes of this article are to:

- (1) Provide for the orderly growth and harmonious development of the community.
- (2) Secure adequate traffic circulation through coordinated street systems with relation to major thoroughfares, adjoining subdivisions and public facilities.
- (3) Achieve individual property sites of maximum utility and livability.
- (4) Secure adequate provisions for water supply, drainage and sanitary sewerage and other health requirements.
- (5) Secure adequate provisions for recreational areas, school sites and other public facilities.

{Ord. No. 98-17, § 1230.02, 8-4-1998}

Sec. 42-863. Compliance with article.

The approvals required under this article shall be obtained prior to the installation of any improvement in the city of any public utilities, streets, alleys, rights-of-way and easements and/or under the ultimate jurisdiction of the city. All single-family condominium projects in the city shall comply with all of the provisions and requirements of this article or any other related ordinance.

{Ord. No. 98-17, § 1230.03, 8-4-1998}

Sec. 42-864. Variances.

The council may authorize a variance from this article when, in its opinion, undue hardship may result from strict compliance therewith. In granting a variance, the council shall prescribe only conditions that it deems necessary to or desirable for the public interest. In making its findings as required in this section, the council shall consider the nature of the proposed use of land, the existing use of land in the vicinity, the number of persons to reside in the proposed condominium project and the probable effect of the proposed condominium project upon traffic conditions in the vicinity. No variance shall be granted unless the council finds that:

- (1) There are special circumstances or conditions affecting the property such that the strict application of this article would deprive the applicant of the reasonable use of his land.
- (2) The variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner.
- (3) The granting of the variance will not be detrimental to the public welfare or injurious to other property in the territory in which the property is situated.

{Ord. No. 98-17, § 1230.06, 8-4-1998}

Sec. 42-865. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Any word or phrase not defined in this article shall have the meaning given to it under the Condominium Act (MCL 559.101 et seq., MSA 26.50(101) et seq.):

~~As-built plans means revised construction plans in accordance with approved field changes and measurements.~~

~~City engineer means the director of transportation and utilities or his authorized representative.~~

~~Condominium project and project mean a plan or project consisting of not less than two one-family dwellings or condominium units.~~

~~State law reference(s)—Similar provisions, MCL 559.104(1), MSA 26.50(104), (1).~~

~~Condominium subdivision plan and plan mean the drawings and information prepared pursuant to the requirements of section 42-882.~~

~~State law reference(s)—Similar provisions, MCL 559.104(2), MSA 26.50(104), (2).~~

~~Condominium unit means that portion of the condominium project designed and intended for separate ownership and use as described in the master deed. To ensure that the condominium unit, as described in the master deed, is consistent with minimum lot requirements of article 4 of this chapter, minimum required lot area shall be assigned for each condominium unit and such assignment shall be shown on the condominium subdivision plan.~~

~~State law reference(s)—Condominium unit defined, MCL 559.104(3), MSA 26.50(104), (3).~~

~~Developer means a person engaged in the business of developing a condominium project as provided in this article.~~

~~State law reference(s)—Developer defined, MCL 559.106(2), MSA 26.50(106), (2).~~

~~Director means the director of community development or his authorized representative.~~

~~{Ord. No. 98-17, § 1230.07, 8-4-1998}~~

~~Cross-reference(s)—Definitions generally, § 1-2.~~

Sec. 42-866. Fees, assessments and other charges.

~~Condominium project review fees, engineering fees, attorneys' fees, water and connection charges and other municipal fees shall be paid to the finance department, treasurer division, by the proprietor as follows:~~

- ~~(1)—Fees. Fees shall be established by resolution of the city council.~~
- ~~(2)—Water and sewer connection charges. Charges for water and sewer connection shall be as established by ordinance.~~
- ~~(3)—Assessments. All assessments required or established under other provisions of this Code, including special assessments, deferred assessments and extension district assessments, for existing public improvements which lie within or serve lots within a proposed condominium project shall be fully paid prior to approval and acceptance of dedicated improvements by the council.~~

~~{Ord. No. 98-17, § 1230.08, 8-4-1998}~~

Secs. 42-867—42-880. Reserved.

DIVISION 2. REVIEW PROCESS

Sec. 42-~~56488881~~1. Preliminary investigation.

- ~~(3) Investigate the relationship of the proposed plan with respect to major thoroughfares and plans for future widening of thoroughfares;~~
- ~~(4) Investigate the standards for sewage disposal, water supply, erosion control and drainage and flood control of the city and the health standards of the county and the state; and~~
- ~~(5) Review the applicable state law.~~

~~(Ord. No. 98-17, § 1231.01, 8-4-1998)~~

Sec. 42-~~566882882~~ through 42-~~583900900~~.

No change.

DIVISION 3. REQUIRED IMPROVEMENTS AND DESIGN STANDARDS

Sec. 42-901. Applicability of subdivision requirements.

The requirements, standards and procedures of article 5, division 4 of this chapter, pertaining to subdivisions, shall apply to condominium projects developed within the city. When applying article 5, division 4, in addition to the definitions in division 1 of this article, the following shall apply:

- ~~(1) Lot and zoning lot shall be equivalent to the term "condominium unit."~~
- ~~(2) Subdivision shall be equivalent to the term "condominium project."~~
- ~~(3) Land division regulations shall be equivalent to the term "condominium regulations."~~
- ~~(4) Proprietor means developer.~~

~~(Ord. No. 98-17, § 1232.01, 8-4-1998)~~

Secs. 42-902—42-920. Reserved.

DIVISION 4. GUARANTEE OF IMPROVEMENT CONSTRUCTION; PERMIT RESTRICTIONS; IMPROVEMENT MAINTENANCE

Sec. 42-921. Completion of improvements.

- ~~(a) Before the acceptance of public improvements by the city council, the developer of the condominium project shall complete all the street, sanitary and other improvements, including condominium unit improvements. The developer shall also convey such improvements to the city free and clear of all liens and encumbrances on the property and public improvements thus dedicated.~~

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- (b) ~~In lieu of completion of all improvements and with specific consent of the council, acceptance of the public improvements may be authorized. As a condition of such acceptance, prior to the undertaking of any improvement, the developer shall deposit with the city a true copy of an acceptable agreement showing that the developer has deposited, with a bank or other agent acceptable to the city, cash, a certified check, an irrevocable bank letter of credit or a surety bond, in an amount estimated by the director of transportation and utilities as sufficient to secure to the city the satisfactory construction, installation and dedication of the required improvements. The amount of the deposit shall also secure any public improvements on the individual units of the project. The amount of the deposit shall represent 125 percent of the estimated construction costs of completion of the required improvements. Such deposit shall comply with all statutory requirements and shall be satisfactory to the city attorney as to form, sufficiency and manner of execution as set forth in this Code.~~
- (c) ~~The developer shall build and pay for all costs of temporary improvements required by the council and shall maintain the temporary improvements for the period specified by the council.~~
- (d) ~~All required improvements shall be made by the developer at his expense without reimbursement by the city.~~
- (e) ~~If the required improvements are not completed within the time period specified by the council, the city may thereupon declare the guaranty or surety to be in default and require that all the improvements be installed regardless of the extent of building development at the time the guaranty or surety is declared to be in default.~~

~~{Ord. No. 98-17, § 1233.01, 8-4-1998}~~

Sec. 42-922. Inspection of public improvements.

- (a) ~~*Responsibility of inspecting engineer: defects.* A licensed professional engineer retained by the developer shall be responsible for the inspection of the construction of all public improvements and shall certify that such construction shall be satisfactorily completed in accordance with the approved plans and city construction standards. If the director of transportation and utilities finds, upon inspection, that any of the required public improvements have not been constructed in accordance with the approved plan, the city construction standards or the requirements of the council, the developer shall be responsible for completing or modifying the public improvements. If the cost of public improvements is covered by a guaranty or surety, the developer and the bank, bond company or other agent shall be severally and jointly liable for completing the public improvements according to specifications.~~
- (b) ~~*Certification required: reduction of surety.*~~
- (1) ~~The council shall not accept the conveyance of the required public improvements or release or reduce the guaranty or surety until the developer has certified, in a manner approved by the city attorney, that the public improvements have been completed and are free and clear of any and all liens and encumbrances; until the director of transportation and utilities has certified that the required public improvements have been completed; and until the developer's engineer has certified to the director of transportation and utilities, through submission of reproducible as-built plans, that the layout and design of the public improvements are in accordance with approved construction plans for the project. Upon such approval and recommendation, the council may accept the public improvements for conveyance in accordance with the established procedure.~~
- (2) ~~The surety shall be reduced upon actual completion of the public improvements, but only to the ratio that the completed public improvements bear to the total public improvements for the subdivision. In no event shall the surety be reduced below ten percent of the principal amount before final acceptance of all public improvements by the council.~~

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(Supp. No. 29)

(Ord. No. 98-17, § 1233.02, 8-4-1998)

Sec. 42-923. Issuance of certificate of occupancy prior to installation of lot improvements.

- (a) ~~Whenever, by reason of the season of the year, any improvement required cannot be performed, the director of community development may issue a certificate of occupancy, provided there is no danger to health, safety or general welfare, upon accepting a cash deposit in an amount to be determined by the director of transportation and utilities for the cost of such improvement. Such funds shall be deposited with the city. The surety covering such lot improvement shall remain in full force and effect until all unfinished work is completed to the specifications of the director of transportation and utilities.~~
- (b) ~~All required improvements for which a deposit has been accepted by the director of community development and received by the city at the time of issuance of the certificate of occupancy shall be installed by the developer within one year. If the improvement has not been properly installed at the end of such time period, the director of community development shall give two weeks' written notice to the developer requiring installation of the improvement. If the improvement is not installed within such a two-week period, the director of community development may then request the council to authorize the city to contract out the work for the installation of the necessary improvement at a sum not to exceed the escrow deposit. At the time of issuance of the certificate of occupancy for which a deposit was made with the director of community development, the developer shall obtain and file a notarized statement from the purchaser of the premises authorizing the installation of the public improvement at the end of the one year if the improvement has not been duly installed by the developer.~~

(Ord. No. 98-17, § 1233.03, 8-4-1998)

Sec. 42-924. Prerequisites for issuance of building permits and certificates of occupancy.

- (a) ~~No building permit shall be issued for more than ten percent of the condominium units in a project until all public improvements required by the council have been fully completed and conveyed to the city and accepted by the council.~~
- (b) ~~No certificate of occupancy for any building in a project shall be issued prior to the completion of the improvements, conveyance of the improvements to the city and acceptance of the improvements by the council, except as provided in section 42-921(b).~~

(Ord. No. 98-17, § 1233.04, 8-4-1998)

Sec. 42-925. Maintenance of public improvements.

- (a) ~~The developer shall file a maintenance bond with the city prior to dedication, in an amount equal to 25 percent of the construction cost of the required public improvements, as estimated by the director of transportation and utilities, and in a form satisfactory to the city attorney, in order to ensure the condition and operation of such public improvements, including all public improvements on the individual condominium units, for a period of two years after the date of their acceptance by the council.~~
- (b) ~~The applicant shall maintain all public improvements within the project until acceptance of such public improvements by the council.~~

(Ord. No. 98-17, § 1233.05, 8-4-1998)

I do hereby certify that I am the duly appointed and acting City Clerk of the City of Portage and that the foregoing Ordinance was adopted by the City of Portage on the _____ day of _____, 2026.

Erica Eklov, City Clerk

Approved as to Form:
Date: 5/21/2026
By: Chelene Keefus
City Attorney

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES
ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF PORTAGE,
MICHIGAN
BY ADOPTING CHAPTER 44 RESIDENTIAL UNIFIED DEVELOPMENT ORDINANCE
AND AMENDING CORRESPONDING SECTIONS OF CHAPTER 42 LAND
DEVELOPMENT REGULATIONS ARTICLE 4, 5, AND 6.**

THE CITY OF PORTAGE ORDAINS:

SECTION 1

That the City Council adopt Chapter 44 Residential Unified Development Ordinance, regulating and governing land use, dimension standards, development standards, and subdivision and condominium projects standards of all residential property, buildings and structures by providing standards to permit more housing types in all residential zones; enable smaller residential lots to support housing affordability and attainability; implement Master Plan goals; create a user-friendly code; simplify permitting process; and to repeal all Ordinances or parts of Ordinances in conflict herewith.

SECTION 2 Adoption of Chapter 44 Residential Unified Development Ordinance.

SECTION 3 Amendments to Chapter 42 Land Development Regulations.

The following sections of the City Code are amended and replaced by the adoption of Chapter 44 Residential Unified Development Ordinance.

ARTICLE 4. ZONING²

~~DIVISION 1. SCOPE AND TITLE~~

~~Sec. 42-100. Interpretation of article; conflicting laws or ordinances.~~

~~A. In its interpretation and application, the provisions of this article shall be held to be minimum requirements adopted for the promotion of the public health, safety, comfort, convenience or general welfare. This article is not intended to repeal, abrogate, annul or in any way impair or interfere with any existing provision of law~~

²Editor's note(s)—Ord. No. 03-01, adopted Feb. 18, 2003, provided that art. 4, Zoning, be replaced by provisions attached thereto as Exhibit A. Such provisions have been included herein as a new art. 4. Section numbering has been changed to conform to the numbering system used in the Code of Ordinances and to avoid duplicate section designations. The derivation of sections from Exhibit A has been preserved in the history note following each section. Division, subdivision and subsection designations have been maintained per the exhibit. Capitalization and numerical expressions have been conformed to the style used in the Code of Ordinances, and any words added by the editor for clarity are enclosed in brackets []. Formerly, art. 4, contained §§ 42-81—42-710, substantive sections of which were derived from the 1965 Minutes Book, Vol. 1; the 1967 Code, app. A; and the 1983 Code as subsequently amended. For a more complete derivation of such provisions, see the Code Comparative Tables at the back of this volume.

or ordinance, other than the prior zoning code of the city, or with any rule, regulation or permit previously adopted or issued or which shall be adopted or issued pursuant to the law relating to the use of buildings or premises.

- B. Whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this article, then the provisions of such law or ordinance shall govern.
- C. Should any part of this article conflict with any other part of this article, the more restrictive of the conflicting language shall apply. In these cases, the zoning board of appeals shall, if requested, resolve the conflict under the provisions of section 42-622.C, Interpretations. The planning commission and council may also resolve the conflict by an amendment to this article under the provisions of section 42-651, amendments to this article.

{Ord. No. 03-01 (Exh. A, § 42-100), 2-18-2003}

Sec. 42-101. Vested rights.

Nothing in this article shall be interpreted or construed to give rise to permanent vested rights in the continuation of any particular use, district, zoning classification or permissible activity therein, and they are hereby declared to be subject to such subsequent amendment, change or modification as may be necessary to the preservation or protection of the public health, safety and welfare.

{Ord. No. 03-01 (Exh. A, § 42-101), 2-18-2003}

Sec. 42-102. Scope of article.

No building or structure, or part thereof, shall hereafter be erected, constructed or altered and maintained, and no new use or change shall be made to or maintained of any building, structure or land, or part thereof, except in conformity with this article. All lands, buildings, and uses in a zoning district shall be subject, where applicable, to the provisions of this article.

{Ord. No. 03-01 (Exh. A, § 42-102), 2-18-2003}

Sec. 42-103. Title.

This article shall be known and may be cited as the "City of Portage Zoning Code."

{Ord. No. 03-01 (Exh. A, § 42-103), 2-18-2003}

Secs. 42-104—42-110. Reserved.

DIVISION 2. DEFINITIONS

Sec. 42-111. Rules of construction.

- A. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this division, except where the context clearly indicates a different meaning.
- B. Rules of construction: The following rules of construction apply to this article:

- (1) ~~The particular shall control the general. For terms used in this article, the use of a general term shall not be taken to be the same as the use of any other specific term. For example, a "dry cleaning retail establishment," as used in this article, shall not be interpreted to be the same as a "retail business supplying commodities on the premises," since each is listed as a separate and distinct use.~~
- (2) ~~In case of any difference of meaning or implication between the text of this article and any caption or illustration, the text shall control.~~
- (3) ~~A building or structure includes any part thereof.~~
- (4) ~~The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for" and "occupied for."~~
- (5) ~~Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions or events connected by the conjunctions "and," "or" or "either ... or," the conjunction shall be interpreted as follows:~~
- a. ~~"And" indicates that the connected items, conditions, provisions or events apply.~~
 - b. ~~"Or" indicates that the connected items, conditions, provisions or events may apply singly or in any combination.~~
 - c. ~~"Either ... or" indicates that the connected items, conditions, provisions or events apply singly but not in combination.~~
- (6) ~~[Reserved.]~~
- (7) ~~Terms not defined in this article shall have the meaning customarily assigned to them.~~

~~{Ord. No. 03-01 (Exh. A, § 42-200), 2-18-2003}~~

~~Sec. 42-112. Definitions.~~

~~*Accessory building:* A building or structure that is clearly incidental to, customarily found in connection with and located on the same zoning lot as the principal use to which it is related. When an accessory building is attached to the main building in a substantial manner, such as a wall or roof, the accessory building shall be considered a part of the main building for setback purposes.~~

~~*Accessory use and accessory:* A use that is clearly incidental to, customarily found in connection with and located on the same zoning lot as the principal use to which it is related.~~

~~*Adult foster care (state licensed residential care facility):*~~

- (1) ~~*Adult foster care family home:* A private residence with the approved capacity to receive not more than six adults who are provided with foster care for five or more days a week and for two or more consecutive weeks.~~
- (2) ~~*Adult foster care large group home:* An adult foster care facility with the approved capacity to receive at least 13 but not more than 20 adults to be provided with foster care.~~
- (3) ~~*Adult foster care small group home:* An adult foster care facility with the approved capacity to receive not more than 12 adults who are provided with foster care.~~

~~State law reference(s) — Similar provisions, MCL 400.703(7), MSA 16.610(5), (7).~~

~~*Agriculture:*~~

- (1) ~~*General agriculture:* The use of land for the growing and/or production of field crops, livestock and livestock products for the production of income, together with the dwelling used by the owner or person employed thereon, but excluding specialized agriculture and industrial agriculture.~~

(2) *Industrial agriculture:* The use of land for mushroom production or the confined keeping of livestock or other animals, including fowl, for food, fur, resale or training purposes, in yards, pens, lots, buildings or other areas not normally used for pasture or crops and in which abnormal amounts of manure or related other animal wastes may originate by reason of keeping of animals and which uses emit noise, odors or other characteristics that may negatively influence adjacent land uses.

(3) *Specialized agriculture:* The use of land for bedding plant greenhouses, orchards and fruit production, vineyards and similar activities, including cricket and worm production and buildings, together with the dwelling used by the owner or a person employed thereon, but excluding industrial agriculture.

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

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

Arbor: A freestanding structure that typically serves as a passageway to a yard or garden. The sides of an arbor are either open or covered with lattice or trellis. The roof of an arbor is open consisting slatted members. An arbor shall not be considered an accessory building for the purpose of lot cover and setback from the main building.

Assisted living facility: A combination of housing, personalized supportive services and health care designed to meet the individual needs of persons who need help with the activities of daily living, but do not need the skilled medical care provided in a convalescent/nursing home.

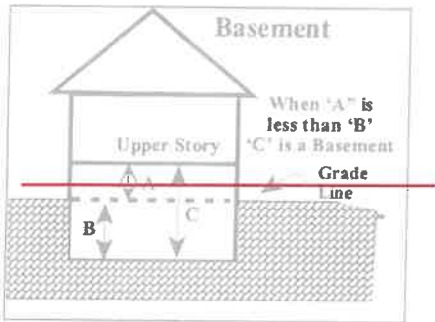
Auto collision/body shop: A place where automobile repair, collision and/or auto body services such as general repair, rebuilding or reconditioning of motor vehicles; body, frame or fender repair; painting; and undercoating of automobiles occurs.

Auto repair: A place where general automobile repair, servicing, or rebuilding engines, transmissions or similar vehicle components; and incidental replacement of parts occurs.

Auto service station: A place where gasoline or any other vehicular engine fuel (stored only in underground tanks), kerosene or motor oil and lubricants or grease (for operation of motor vehicles) are retailed directly to the public on the premises. Services may include the sale of minor accessories and the servicing and minor repair of automobiles.

Average grade: The ground elevation established for the purpose of regulating the height of the building. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the average grade shall be determined by averaging the elevation of the ground for each face of the building. ("Average grade" shall also include "grade.")

Basement: That portion of a building between floor and ceiling which is partly below and partly above ground level but so located that the vertical distance from grade to the floor below is greater than the vertical distance from grade to the ceiling above. A basement shall not be counted as a story.



Basement fig. 1

Bed and breakfast establishment: A use which is subordinate to the main use of the dwelling unit as a single-family residence which offers sleeping accommodations to transient tenants in ten or fewer rooms for rent, at the innkeeper's primary residence while renting the rooms to transient tenants, and which serves breakfast to its transient tenants.

Berm and earth berm: A natural or manmade mound consisting of native soils meeting the requirements of all applicable ordinances.

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

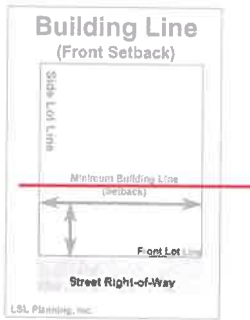
Board or zoning board of appeals: The zoning board of appeals for the city.

Boathouse: A structure for sheltering one or more boats.

Building: A structure which is permanently affixed to the land; has one or more floors and a roof; and is bounded by either open area or the lot line of a zoning lot. "Building" does not include structures such as billboards, fences or radio towers or structures with interior surfaces not normally accessible for human use, such as gas holders, tanks, smokestacks, grain elevators, coal bunkers, oil cracking towers or similar structures.

Building height: The vertical distance measured from the established grade to the highest point of the roof surface for flat roofs, to the deck line of mansard roofs, and to the average height between the highest eaves and ridge for gable, hip and gambrel roofs. Where a building is located on sloping terrain, the height may be measured from the average grade. Height calculations shall disregard any fill or construction which the director finds to have no significant purpose other than elevating the grade. In reaching such finding, the director shall consider only those architectural, structural, safety, aesthetic, access or other purposes claimed by the developer and supported by reasonable evidence.

Building line: An imaginary line measured between the side lot lines at a distance from the front lot line as required by the district in which the lot is located. For the purposes of this chapter, a building line is the same as a front setback line.



Building Line Fig. 2

Business owner or employee:

(1) A person with a legal ownership interest in the commercial use or who has a right to receive a W-2 tax form from the commercial use; and

(2) Participates in the operation of the commercial use on site a minimum of 20 hours per week.

City: The City of Portage.

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

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

Commission, or planning commission: The planning commission for the City of Portage.

Comprehensive plan: The comprehensive plan for the City of Portage, including appropriate graphic and written materials regarding the physical development of the city. The term "comprehensive plan" includes "master plan" and any unit or part of the plan and any amendment to the plan or parts thereof.

Congregate care facility: A semi-independent living facility that provides centralized amenities such as dining, housekeeping, transportation, care-giving and organized social/recreational activities.

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

Council or city council: The city council for the City of Portage.

Day care:

(1) *Family child care home:* A private home that is licensed or has received a certificate of registration by the state in which one but not more than seven minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. The term "family child care home" includes a home that gives care to an unrelated minor child for more than four weeks during a calendar year.

State law reference — Similar provisions, MCL 722.111(f)(iii).

(2) *Group child care home:* A private home that is licensed or has received a certificate of registration by the state in which more than seven but not more than 14 minor children are given care and supervision for periods of

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less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. The term "group child care home" includes a home that gives care to an unrelated minor child for more than four weeks during a calendar year.

State law reference—Similar provisions, MCL 722.111(f)(iv).

(3) Day care center: A facility, other than a private residence, that is licensed or has received a certificate of registration by the state receiving one or more preschool or school-age children for care for periods of less than 24 hours a day and for not less than two consecutive weeks and where the parents or guardians are not immediately available to the child.

Development: The construction of a new building or other structure on a zoning lot, the relocation of an existing building on another zoning lot or the use of open land for a new use.

Director of community development, or director: The director of the department of community development for the City of Portage.

District, zoning district, zone district or zone: A portion of the incorporated area of the city within which certain regulations and requirements or various combinations thereof apply under this article.

Drive-in: An establishment with a retail or service character that is dependent on serving products to patrons while parked in a motor vehicle. Drive-in establishments are typically food service uses that provide service to patrons occupying a motor vehicle where the consumption of the food product by patrons principally occurs on-premise in the motor vehicle. In-building service is not typically provided.

Drive-through: An establishment with a retail or service character that is primarily dependent on providing the service or product to patrons while in motor vehicles where consumption or use by the patron principally occurs off-premise. Examples of drive-through establishments include banks, financial institutions, restaurants, dry cleaners, laundries and pharmacies but do not include auto repair uses, carwash uses, open air businesses, open front stores and similar uses. In-building service is typically provided.

Dwelling, accessory unit (ADU): is an attached or detached separate dwelling unit independent from but located on the same parcel or zoning lot as a principal residence. The ADU provides for living, sleeping, cooking, and bathroom facilities.

Dwelling unit: A building, or portion thereof, designed for occupancy by one family for residential purposes and having cooking facilities.

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(1) Dwelling, multifamily: A building, or a portion thereof, designed exclusively for occupancy by three or more families living independently of each other.

(2) Dwelling, one family: A detached building designed and occupied exclusively by one family.

(3) Dwelling, one family attached: A one-family dwelling erected side-by-side to another similar unit as a single building, each unit being separated from the adjoining unit by an uninterrupted wall extending from the basement floor to the roof. Units may be attached to each other only by one or more of the following methods:

a.—Through a common party wall which does not have over 80 percent of its area in common with an abutting dwelling wall;

b.—Reserved;

c.—Through a common party wall in only the garage portion of an abutting structure.

(4) Dwelling, two-family: A building designed and occupied exclusively by two families living independently of each other.

Erected: Anything built, constructed, altered, reconstructed or moved upon, or any physical operation on the premises, which is required for construction. Excavation, fill, drainage, and similar activities are considered parts of erection.

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

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

Family:

(1) One or more persons related by blood, marriage, adoption or guardianship, occupying a dwelling unit and living as a single nonprofit housekeeping unit; or a collective number of individuals living together in one dwelling unit, having a relationship which is functionally equivalent to a family.

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(2) The relationship must be of a permanent and distinct character, cooking as a single housekeeping unit with a demonstrable and recognizable bond characteristic of a cohesive unit.

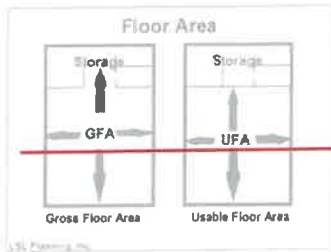
(3) This functional family shall not include any society, club, fraternity, sorority, association, lodge, organization, coterie, combine, federation, organization which is not a recognized religious order, or group of students or other individuals where the common living arrangement or basis for the establishment of the housekeeping unit is temporary and/or of resort seasonal character in nature.

(4) The term "family" does not include any adult foster care facility licensed under Public Act No. 218 of 1979 (MCL 400.701 et seq., MSA 16.610(51) et seq.) except an adult foster care family home as defined in section 2 of that act (MCL 400.703, MSA 16.610(53)).

Farm: The land, buildings and machinery used in the commercial production of farm products, including field crops, livestock and livestock products, together with the dwelling used by the owner or a person employed thereon.

Fence: Any permanent fence, partition, structure or gate erected as a dividing structure, barrier or enclosure, and not part of a structure requiring a building permit.

Floor area: The term "floor area" includes basement space, elevator shafts or stairwells, floor space for mechanical equipment, penthouses, balconies, mezzanines, enclosed porches and accessory buildings and attic floor space, whether or not floor has been laid, providing structural headroom of seven feet, six inches. The term "floor area" does not include elevator or stair bulkheads, accessory water tanks or cooling towers, uncovered steps, attic space less than seven feet, six inches, and terraces, breezeways or open porches, provided that not more than 50 percent of the perimeter of any such terrace, breezeway or open porch is enclosed.



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Floor Area Fig. 4

(1) *Gross floor area (GFA)*: The sum of the gross horizontal areas of the several floors of a building measured from the exterior walls or from the centerline of walls separating two buildings.

(2) *Gross leasable floor area (GLA)*: The total floor area designed for an individual tenant occupancy and exclusive use, including basements, mezzanines and upper floors, if any, expressed in square feet measured from the centerline of the joint partitions and from outside wall faces. Multiple tenant spaces within a single building shall be counted collectively for the purposes of computing GLA.

(3) *Floor area, residential*: For the purpose of computing the minimum allowable floor area in a residential dwelling unit, the sum of the horizontal areas of each story of the building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways and enclosed and unenclosed porches.

(4) *Floor area, usable (UFA)*: For the purpose of computing parking, that area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients or customers. Floor area used or intended to be used principally for the storage or processing of merchandise, for hallways, or for utilities or sanitary facilities shall be excluded from the computation of usable floor area. Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls.

Frontage: The total length of the front lot line being the horizontal distance between the side lot lines, as measured at the front lot line.

Garage, private garage: An accessory building, detached from or attached to a main building, designed or used solely for the storage of motor-driven vehicles, boats and similar vehicles owned and used by the occupants of the building to which it is accessory.

Grade: The ground elevation established for the purpose of regulating the height of the building. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building. (Grade shall also mean "average grade.")

Heliport, public or private: An area used by helicopters which is more than a minimally developed helistop used for passenger and cargo facilities. A heliport includes one or more of the following: maintenance and overhaul, fueling service, storage space, tiedown space, hangars, accessory buildings and open spaces, and other similar facilities and/or services.

Helistop, public or private: An area used by not more than one helicopter at one time for the limited purpose of picking up or discharging passengers or cargo only. A helistop is minimally developed, and, to the extent more services or facilities are provided, the use would then be considered a heliport.

Home occupation: A home based activity or service conducted on a zoning lot used for residential purposes by an occupant(s) as a subordinate and accessory use involving the sale or exchange of services. The sale or exchange of products and goods is permitted only if incidental to the services of the home occupation or involve the sale of fruits, vegetables or flowers grown on site pursuant to the Michigan Right to Farm Act, Act 93 of 1981, as amended. Home occupations may include, but are not limited to: administrative offices, photographic studios, personal service establishments, and instruction in outdoor recreational activities. Instruction in a craft or fine art within the dwelling unit pursuant to MCLA 125.3204 is permitted as a home occupation. For purposes of this section, family day care homes shall not be considered a home occupation. Two types of home occupations are hereby established and permitted pursuant to the terms of this section as follows:

(1) *Passive home occupations:* Home occupations of low intensity which satisfy the specific conditions and requirements for passive home occupations provided in section 42-129.A. A home occupation which does not meet all requirements of section 42-129.A. shall cause the home occupation to require planning commission approval as an active home occupation pursuant to section 42-129.B.

(2) *Active home occupations:* Active home occupations are more intensive than passive home occupations and do not meet one or more of the requirements in section 42-129.A. Specific conditions and requirements for active home occupations are provided in section 42-129.B.

Hotel: A building or part of a building, with a common entrance, in which the dwelling units or rooming units are used primarily for transient occupancy and in which one or more of the following are offered: maid service; the furnishing of linen; telephone, secretarial or desk service; and bellboy service. A hotel may include a restaurant or cocktail lounge, public banquet hall, ballroom or meeting room.

Housing for the elderly: A building or group of buildings containing dwellings where the occupancy of dwellings is restricted to persons 60 years of age or older or couples where either the husband or wife is 60 years of age or older. This does not include a development that contains convalescent or nursing home as licensed under Act No. 139 of the Public Acts of 1956, as amended, being sections 331.651 to 331.660 of the Compiled Laws of 1948; or a mental hospital for mental patients licensed under sections 51 and 52 of Act No. 151 of the Public Acts of 1923, as amended, being sections 330.61 and 330.62 of the Compiled Laws of 1948.

Improved driveway: A private road of ingress and egress with a uniform surface of concrete, asphalt, porous pavement or pavers, or gravel which leads from a curb cut to a garage, carport or accessory parking space. An improved driveway may include a surfaced turnout area, a circular driveway or an accessory parking space.

Indoor pool: Any swimming pool which is totally contained within a residential structure and surrounded on all sides by walls of the structure.

Junkyard: An open area where waste, used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires and bottles. The term "junkyard" includes automobile wrecking yards and any area of more than 200 square feet used for the storage, keeping or abandonment of junk, but does not include uses established entirely within enclosed buildings.

Kennel, commercial: Any lot or premises on which three or more dogs, cats or other household pets, six months of age or older, are either permanently or temporarily boarded for a fee or other consideration. The term "commercial kennel" includes any lot or premises where household pets are bred or sold for a fee or other consideration.

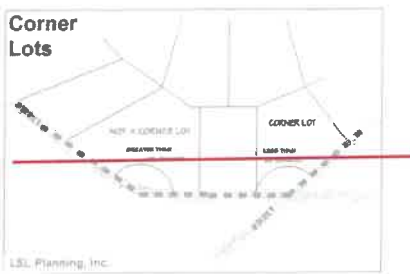
Land Division Act: The Land Division Act of Michigan, Public Act 288 of 1967, as amended (formerly the Subdivision Control Act) (MCL 560.101 et seq., MSA 26.430(101) et seq.).

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

Lot: A parcel of land occupied, or intended to be occupied, by a main building or a group of such buildings and accessory buildings, or utilized for the principal use and uses accessory thereto, together with such yards and open spaces as are required under this chapter. A lot may or may not be specifically designated as such on public records. A lot may also include a condominium unit and any limited common element under and surrounding the condominium unit, which together meet the minimum yard and area requirements of this chapter.

(1) **Lot area:** The total horizontal area within the lot lines of the lot.

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



Corner Lots, Fig. 5(3) **Lot coverage:** The part or percentage of the lot occupied by buildings, including accessory buildings.

(4) **Lot depth:** The horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.

(5) **Lot, interior:** Any lot other than a corner lot.

(6) **Lot, lakefront:** Any lot having frontage directly upon any of the following lakes: Austin, Hampton, Gourdsneck, Long, Mud/Sugarloaf, West.

(7) **Lot lines:** The lines bounding a lot defined as follows:

a. **Front lot line:** In the case of an interior lot, that line separating such lot from the street. In the case of a corner lot, or double frontage lot, the front lot line is that line separating the lot from either street.

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 feet long, lying farthest from the front lot line and wholly within the lot.

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 is an interior side lot line.

Lot of record: A parcel of land, the dimensions of which are shown on a document or map on file with the county register of deeds or in common use by city or county officials, and which actually exists as so shown, or any part of such parcel held in a record ownership separate from that of the remainder thereof.

Lot, through: An interior lot having frontage on two more or less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, all sides of such lots adjacent to streets shall be considered frontage, and front yards shall be provided as required.

Lot width: The horizontal distance between the side lot lines, measured at the two points where the building line or setback line intersects the side lot lines.

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

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

Manufactured home: A structure transportable in one or more sections, connected to required utilities which includes the plumbing, heating, air conditioning and electrical systems contained in the structure, built on a chassis and designed to be used as a single dwelling unit with or without permanent foundation.

Manufactured housing development: A parcel or tract of land which is under the control of one person, group or firm upon which three or more manufactured homes have been located on a continual non-recreational basis and which is offered to the public for that purpose regardless of whether a change is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a manufactured home.

Mezzanine: An intermediate floor in any story which does not occupy more than one third of the floor area of a story.

Motel: A series of attached, semidetached or detached rental units containing a bedroom, bathroom and closet space. These units shall provide for overnight lodging, are offered to the public for compensation and cater primarily to the public traveling by motor vehicle.

Municipality: The City of Portage.

Nonconforming building: A building or portion thereof lawfully existing at the effective date of this article or amendments thereto, that does not conform to the provisions of this article for the district in which it is located.

Nonconforming lot: A lot with area or dimension lawfully existing at the effective date of this chapter or amendments thereto with less than the minimum area, dimension or access requirements or other requirement of the zoning district in which it is located.

Nonconforming use: A use that lawfully occupied a building or land on the effective date of this article or any amendments thereto, that does not conform to the use regulations of the district in which it is located.

Nonresidential district: The OS 1, B 1, B 2, B 3, CPD, OTR, I 1, I 2, and P 1 districts.

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

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

Nursing home: See Convalescent home.

Off street parking lot: A facility providing vehicular parking spaces, along with adequate drives and aisles for maneuvering, so as to provide access for entrance and exit for the parking of more than three vehicles.

Open air business: Includes uses operated for profit substantially in the open air including:

(1) Outdoor display and sale of garages, motor homes, manufactured homes, snowmobiles, farm implements, swimming pools and similar activities.

(2) Retail sales of trees, fruits, vegetables, shrubbery, plants, seeds, top soil, humus, fertilizer, trellises, lawn furniture, playground equipment and other home garden supplies and equipment.

(3) Indoor or outdoor recreation, including, but not limited to, tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving range, children's amusement park or similar recreation uses (transient or permanent).

Open front store: A business establishment so developed that service to the patron may be extended beyond the walls of the structure, not requiring the patron to enter the structure. The term "open front store" does not include automobile repair or service stations.

Open space: That part of a zoning lot, including courts or yards, which is open and unobstructed from its lowest level to the sky; is accessible to all residents on the zoning lot; is not part of the roof of that portion of a building containing dwelling units; and is the roof of an attached garage if the roof is used for a swimming pool deck or recreation deck, is not higher than 23 feet above grade and is directly accessible by passageway from the residential building.

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

Pergola: A freestanding structure supported by columns or posts with a roof that is more than 50 percent open. A pergola shall not be considered an accessory building for the purpose of lot cover and setback from the main building.

Personal service establishment: A commercial business conducting services involving the care of a person or a person's apparel that are performed primarily on the premises such as barber or beauty shops and photographic studios.

Porch: A horizontal surface consisting of a deck, slab or other similar construction attached to a main building and designed for outdoor seating or as a means of entry to the building. The deck, slab or similar construction shall be open, unenclosed and uncovered.

Principal use: The primary use to which the premises are devoted and the primary purpose for which the premises exist.

Private home: For the purpose of family day care homes and group day care homes, a private residence in which the licensee or registrant permanently resides as a member of the household, which residency shall not be contingent upon caring for minor children.

Public utility: A person or a 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, telegraph, transportation or water service. The term "public utility" does not include the erection, construction, alteration or maintenance of any radio tower, wireless communications towers and antennas, microwave tower, television transmitting tower or similar equipment used in connection with radio or television operations.

Recycling facility: A facility dedicated to the processing of recyclables for conversion into raw materials or new products. This definition does not include landfills, junk yards, or incinerators.

Residential district: The R-1A, R-1B, R-1C, R-1D, R-1E, R-1T, RM-1, RM-2, MHC, and PD districts.

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Room: For the purpose of determining lot area, requirements and density in a multifamily district, a living room, dining room or bedroom equal to at least 80 square feet in area. The term "room" does not include the area in kitchens, sanitary facilities, utility provisions, corridors, hallways and storage. Plans presented showing one-bedroom, two-bedroom or three-bedroom units and including a den, library or other extra room shall count such extra room as a bedroom for the purpose of computing density.

Senior adult housing: Independent living units that include retirement communities and age-restricted housing projects without full centralized kitchen facilities and may include minimal safety-related on-site services.

Setback line or setback: The minimum horizontal required distance required by this article, measured from the front, side or rear lot line, as the case may be, which describes a distance termed the required setback area on a lot or parcel.

Short term rental, dwelling: is a dwelling that is leased or rented for a period of 30 days or less.

Special event: An outdoor promotional event conducted by a conforming or nonconforming use. A special event may include but is not limited to grand openings, special holiday sales (Christmas trees, pumpkins, fireworks, etc.), tent sales and other special events. Special events are subject to review and approval per section 42-132.

Story: That part of a building, except a mezzanine, included between the surface of one floor and the surface of the next floor, or, if there is no floor above, then the ceiling next above. A story shall not be counted as a story when more than 50 percent, by cubic content, is below the height level of the adjoining ground.

Story, half: An uppermost story, lying under a sloping roof, having an area of at least 200 square feet, with a clear height of seven feet, six inches. For the purposes of this article, the usable floor area of a half story is only that area having at least four feet clear height between floor and ceiling.

Street:

(1) *Cul-de-sac street:* A street having one end open for vehicular or pedestrian access and the other terminated by a vehicular turnaround.

(2) *Street, private:* A roadway contained within a private street easement which is privately owned and maintained and which provides the principal means of access to one or more abutting lots.

(3) *Private street easement:* An easement that is granted for private access to one or more parcels of land that contains a private street.

(4) *Street, public:* A public, dedicated thoroughfare that affords traffic circulation and principal means of access to abutting property, e.g. avenue, place, way, drive, lane, boulevard, highway, road, and other thoroughfare, except an alley.

(5) *Major thoroughfare:* An arterial street which is intended to serve as a large volume traffic way for both the immediate city area and the region beyond, and is designated as a major thoroughfare, parkway, freeway, expressway or equivalent term on the major thoroughfare plan to identify those streets composing the basic structure of the major thoroughfare plan.

(6) *Marginal access road:* A service roadway parallel to a feeder road, which provides access to abutting properties and protection from through traffic.

Structure: Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

Swimming pool/pool: Any area capable of containing water and of being suited for swimming, wading or bathing, having a depth of two feet or more at any point and which is not an indoor pool.

Temporary use or temporary building: A use or building permitted in a specific district or permitted by the director or the zoning board of appeals, as applicable, which exists for a specifically defined temporary period of time.

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Tower: The structure on which transmitting and/or receiving electronic devices such as antennas, repeaters and similar devices for radio, television, land mobile and cellular uses are located.

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

Variance: A modification of the literal provisions of this article granted when strict enforcement of this article would cause a practical difficulty or unnecessary hardship owing to circumstances unique to the individual property on which the variance is granted.

Vehicle fueling station: A place where gasoline or any other vehicular engine fuel (stored only in underground tanks), kerosene or motor oil and lubricants or grease (for operation of motors vehicles) are retailed directly to the public on the premises. Services may include the sale of minor auto accessories; retail sales of non-automotive related products including sundries such as gum, candy, beverages, newspapers, magazines and other individually packaged convenience items.

Vehicle repair, major: See "Auto repair station — Major."

Vehicle repair, minor: See "Auto repair station — Minor."

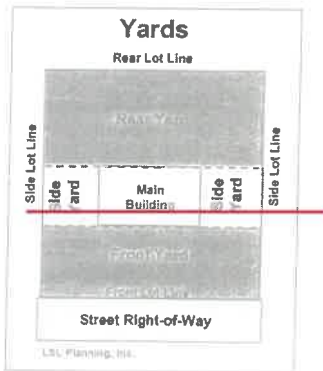
Veterinary hospital or clinic: A place where animals or pets are given medical or surgical treatment and the boarding of animals is limited to short-term care incidental to the hospital use.

Wireless telecommunication facilities and towers: A structure of lattice or monopole framework to which an antenna may be attached for the transmission and/or reception of radio, television, satellite or microwave signals that facilitates wireless communications including cellular, enhanced specialized mobile radio (ESMR), personal communication, or similar services, along with associated equipment necessary to operate these facilities.

Wireless communication antenna: The device for transmitting and/or receiving radio, television, satellite, cellular, enhanced specialized mobile radio, personal communication, microwave, or similar transmissions.

Work/live building: A building or portion of a building that combines a business or office use (hereinafter "commercial use") that is allowed as a principal permitted or special land use subject to conditions in the zoning district with one accessory residential dwelling unit per commercial use for the owner or employee of the commercial use and that person's family.

Yard: The open space on the same lot with a main building, unoccupied and unobstructed from the ground upward, except as otherwise provided in this article.



Yards Fig. 6

(1) *Front yard:* An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building.

(2) *Rear yard:* An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building. In the case of a corner lot, the rear yard may be opposite either street frontage.

(3) *Side yard:* An open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point on the side lot line to the nearest point of the main building.

(4) *Yard, required:* A required yard is an open space on a lot prescribed by the requirements of the zoning district in which it is located.

Zoning Act: The City and Village Zoning Act of Michigan, Public Act 207 of 1921, as amended.

(Ord. No. 03-01 (Exh. A, § 42-201—42-223), 2-18-2003; Ord. No. 08-05, 7-22-2008; Ord. No. 09-03, 4-14-2009; Ord. No. 11-04, 3-8-2011; Ord. No. 11-13, 8-23-2011; Ord. No. 15-03, 4-28-2015; Ord. No. 16-11, 10-18-2016; Ord. No. 19-04, 10-15-2019; Ord. No. O-4-2023, 8-8-2023; Ord. No. O-7-2023, 12-5-2023; Ord. No. O-6-2024, § 2, 7-9-2024; Ord. No. O-9-2024, 10-22-2024)

Sees. 42-113—42-120. Reserved.

DIVISION 3. GENERAL PROVISIONS

Sec. 42-121. Accessory uses.

A. General requirements.

1. Except as otherwise noted in this section, accessory structures, buildings and uses shall be subject to all of the regulations of this article applicable to main buildings, structures and uses.

2. No detached accessory building or structure shall be located closer than five feet to a main building or other accessory building or structure on the same lot unless the minimum fire separation requirements of the last adopted edition of the building code are met.

3. Except as noted in (4), below, accessory buildings, structures and uses shall be located in the same zone and on the same zoning lot as the main building and/or principal use.

4. Accessory buildings, structures and uses shall be located in the same zone and on the same zoning lot as the main building and/or principal use except on property zoned P-1, vehicular parking or if the use is in the nature of a private utility, such as a private water supply or water impoundment area (but not including parking or access drives). These exceptions shall be subject to the review and approval of the planning commission and shall be specifically subject to site plan review. In addition, the developer shall provide the commission with impacts statements and information that the commission deems necessary to review potential adverse impacts on surrounding properties. The commission may attach requirements to such accessory buildings, structures and uses which it deems necessary to avoid or mitigate adverse impacts on surrounding properties.

B. Accessory buildings—Residential zoning districts.

1. *Non-lakefront lots:* The following applies to accessory buildings and uses on non-lakefront lots in the R-1A one-family residential, R-1B one-family residential, R-1C one-family residential, R-1D one-family residential, or R-1F attached residential districts. These requirements shall also apply to one-family dwellings constructed in the RM-1 and RM-2 districts.

a. No detached accessory building shall exceed 16 feet in height except, after a public hearing, the height of the building may be increased if the planning commission determines that the topography, natural features or other land use characteristics, including the distance of the proposed building from adjacent residential structures, adequately mitigate adverse impacts upon any adjacent single-family residential use.

b. Maximum floor areas:

(1) Except as noted in (2) and (3) below, each detached accessory building shall have a maximum floor area not greater than 20 percent of the rear yard. Accessory buildings in the rear or side yard shall be setback from the side or rear property lines a distance of five feet. Accessory buildings in the front yard shall meet the setbacks required for the main building.

(2) The total floor area of all accessory buildings, including those attached to the main building, shall not exceed the ground floor area of the main building plus 50 percent of the second story, provided that breezeways or enclosed porches are not counted in computing the total floor area of an accessory(s) or main building.

(3) The floor area of accessory buildings may exceed the ground floor area of the main building plus 50 percent of the second story when the residential lot or parcel has an area of two acres or more. However, when the floor area of the accessory building exceeds the ground floor area of the main building plus 50 percent of the second story, the accessory building and use shall be subject to the approval of the planning commission after a public hearing. To ensure harmonious relationships and to minimize conflicts between adjacent uses, the commission shall consider the proposed characteristics and uses of the building in relation to existing land uses and to the future land uses as shown in the comprehensive plan. The commission may attach requirements to such accessory building and use when it deems necessary to avoid or mitigate adverse impacts on surrounding properties. This section does not apply to agricultural uses.

2. Lakefront lots: The following applies to accessory buildings on lakefront lots in any residential district:

a. The total floor area of all accessory buildings shall not exceed the ground floor area of the main building plus 50 percent of the second story, provided that breezeways or enclosed porches are not counted in computing the total floor area of a detached accessory(s) or main building.

b. Not more than one detached accessory building is permitted in the rear (lake side) yard and shall not exceed 80 square feet in area and eight feet in height, measured from the average grade at the accessory building location to the highest point of the accessory building. The permitted accessory building shall be located not closer than ten feet to any side property line and three feet to the rear property line in the rear (lake side) yard.

c. Boathouses, docks and other similar structures that are situated in whole or in part in the water are not regulated by this section.

d. All buildings and structures, including fences, that were in existence in the rear (lake side) yard prior to January 30, 1987, shall be allowed to continue and shall be considered to be nonconforming structures and buildings.

3. RM 1 and RM 2 districts: A detached accessory building accessory to uses permitted in these districts may be located within a required rear yard not closer than five feet to any side or rear lot line, except that community recreation or meeting facilities shall meet the setback requirements applicable to main buildings for the district. One-family dwellings shall comply with the provisions of section 42-121.0.1.

4. Swimming pool location: Swimming pools shall meet the following setbacks:

a. Front yard setback of the applicable zoning district;

b. No closer than eight feet from the required rear or side property line; and

c. No closer than ten feet from any structures as measured from the nearest vertical wall enclosure (not including support columns with dimensions of less than 12 inches).

~~C. Accessory uses.~~

~~1. Accessory uses may include, but are not necessarily limited to, the following:~~

~~a. Residential accommodations for servants and caretakers within the principal dwelling and not as a separate household.~~

~~b. A swimming pool for the use of the occupants of a residence or their guests.~~

~~c. Storage of merchandise normally carried in stock or goods used in or produced by industrial uses in connection with a business or industrial use, unless such storage is excluded in the applicable district regulations.~~

~~d. Off-street parking, open or enclosed, and loading subject to the provisions of division 6, subdivision 1, Off-street parking and loading of this chapter.~~

~~e. Signs, subject to the provisions of division 6, subdivision 2, signs, of this chapter.~~

~~f. Home occupations, subject to the provisions of section 42-120, home occupations.~~

~~g. Accessory antennas, subject to the provisions of section 42-131, accessory antennas.~~

~~h. Private stables, if all of the following are satisfied:~~

~~(1) The private stable is being used for the enjoyment of the persons occupying the premises.~~

~~(2) The private stable is outside of the boundaries of platted land.~~

~~(3) Two acres of land are provided for the first horse and one additional acre of land is provided for each additional horse. The zoning board of appeals may reduce the area requirements when it is affirmatively shown that the reduction will not interfere with the rights of neighboring landowners to the enjoyment of their premises.~~

~~(4) Stables, feeding areas and other confinement areas are located at least 125 feet from neighboring residences.~~

~~(5) Manure from stables is located at least 125 feet from any property boundary line.~~

~~(6) No electrical fencing exceeding 12 volts is used on the premises.~~

~~(7) The stables, feeding areas and other confinement and/or manure storage areas do not produce noise, odor, dust, fumes or comparable nuisances.~~

~~i. A residential dwelling unit subject to the provisions of section 42-137, work/live accommodations.~~

~~D. Keeping of chickens as an accessory use.~~

~~1. Definitions. All definitions, unless otherwise specifically stated shall, for the purposes of this section, have the meaning as follows:~~

~~a. Animal, domestic. Any animal normally and customarily kept for pleasure and companionship, that has adapted to human interaction, typically resides within a dwelling and is commonly considered to be domesticated. This category includes those animals typically kept as household pets exclusively by the person(s) occupying the premises. Examples include a dog, cat, rabbit, small domesticated rodent such as hamster, gerbil, ferret and chinchilla, guinea pig, caged bird, non-venomous reptile, amphibian and common aquarium fish, excluding however, exotic animals, farm animals (whether kept for commercial profit or for pleasure and companionship) and animal ferae naturae.~~

~~b. Animal, farm or livestock. Any animal that is commonly raised or kept in an agricultural setting, for commercial profit and primarily utilized for the production of food or fiber products. This category includes those animals typically referred to as livestock but not including a domestic animal. Examples include cattle, sheep, goats, pigs, donkeys, mules, poultry and other fowl.~~

~~c. *Animal, exotic.* Any animal that may be dangerous or vicious or that is not customarily kept, confined or cultivated by humans as a domestic animal, or farm animal, but may be used for display with appropriate permits. Examples include marsupials such as kangaroos and opossums, non-human primates such as monkeys and gorillas, canines and felines (not including domestic dogs and cats), poisonous reptiles and amphibians, and the like.~~

~~2. *Household pets.* Domestic animals that are normally and customarily kept for pleasure and companionship as household pets as defined in section 42-121(D)(1)(a) and do not conflict with or violate any other law or regulation of the state, county or city applicable to the keeping of such animal is permitted as accessory to a residential use.~~

~~3. *Chickens (hens).* The purpose of this section is to provide standards and requirements for the keeping of chickens. Roosters are not permitted. It is intended to enable residents to keep up to six chickens on a non-commercial basis while limiting and mitigating any potential adverse impacts on surrounding properties and neighborhood. The keeping of up to six chickens that are utilized exclusively by the person(s) occupying a one-family dwelling as a locally grown food source for the consumption of eggs or meat, is permitted as accessory to the residential use if all of the following are satisfied:~~

~~a. Chickens shall be kept only in the rear yard secured within a coop and attached pen during non-daylight hours. During daylight hours, chickens may be allowed to roam outside of the coop and pen, if supervised, and only within an area completely enclosed by a fence with a minimum height of four feet.~~

~~b. The accessory use, coop and pen shall be designed to provide safe and healthy living conditions for chickens while minimizing adverse impacts on other residents and the neighborhood. The coop and pen shall meet the following additional requirements:~~

~~(1) The coop and pen shall be setback a minimum of ten feet from all property lines of adjacent property and be located a minimum of 30 feet from the nearest wall of any adjacent dwelling. Additionally, a coop and pen located on a lake front lot shall have a 40-foot rear yard setback. Public streets and public easements shall not be considered adjacent property lines for purposes of this section.~~

~~(2) The coop and pen shall be a maximum of six feet in height and shall not exceed a total of 80 square feet.~~

~~(3) The use of corrugated metal/fiberglass, sheet metal, plastic tarps, scrap lumber or similar materials is prohibited. The coop and pen must be completely enclosed with a top and/or cover.~~

~~(4) The coop and pen may be movable only if the dimensional/setback restrictions contained in this section are satisfied.~~

~~c. All feed and other items associated with the keeping of chickens that are likely to attract or to become infested with or infected by rats, mice or other rodents shall be protected so as to prevent rats, mice or other rodents from gaining access or coming into contact with them.~~

~~d. The outdoor slaughter of chickens is prohibited.~~

~~e. The accessory use shall comply with all provisions of the City of Portage Code of Ordinances pertaining to noise, odors, dust, fumes, sanitation and health or other comparable nuisances to ensure the public health, safety and welfare.~~

~~f. No person shall keep chickens without first securing a permit from the city on a form provided and without paying a permit fee as prescribed by the Portage City Council by resolution. The permit shall be issued by the director. Such permit may be revoked by the director if it is determined that any provision of this section is violated.~~

~~g. Establishment of an accessory use and/or accessory building under this section shall not confer a vested right in the provisions contained herein or a right to continue such use. Further, a permit granted under this section is personal to the applicant occupying the dwelling and is not transferable.~~

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~~h. This section shall not regulate the keeping of chickens in those areas where a form of agriculture is a permitted principal use or special land use under other sections of this zoning code.~~

~~i. All licensing required by the State of Michigan and Kalamazoo County, as well as all other statutes, ordinances and codes, shall be satisfied.~~

~~j. No permit shall be issued by the director without the written authorization from an owner of the property (if different from the applicant) consenting to the application on a form provided. Once authorization is obtained it shall continue for as long as the applicant is in possession of the property.~~

~~(Ord. No. 03-01 (Exh. A, § 42-301), 2-18-2003; Ord. No. 01-06, 2-14-2006; Ord. No. 11-07, 4-12-2011; Ord. No. 11-13, 8-23-2011; Ord. No. 19-04, 10-15-2019; Ord. No. 09-2024, 10-22-2024)~~

~~Sec. 42-122. Principal uses and main buildings.~~

~~A. Not more than one principal use shall be allowed on a lot of record zoned for one-family residential purposes.~~

~~B. If a valid nonconforming use exists on a zoning lot or lot of record zoned for purposes other than one-family residential, no other principal use is permitted.~~

~~(Ord. No. 03-01 (Exh. A, § 42-302), 2-18-2003; Ord. No. 01-06, 2-14-2006)~~

~~Sec. 42-123. Zoning use and height exceptions.~~

~~A. Essential services:~~

~~1. Essential services serving the city are permitted as authorized and regulated by law and other ordinances of the city.~~

~~2. It is intended to exempt such essential services from the application of this article, except as noted in 3, below:~~

~~3. Overhead electrical transmission lines and necessary poles and towers to be erected in the city shall be reviewed by the zoning board of appeals:~~

~~a. Prior to rendering a decision, the board shall conduct a public hearing.~~

~~b. Notice of the hearing shall be mailed to the applicant and to all owners and residents of real property within 300 feet of the premises in question at least seven days prior to the day of the scheduled hearing.~~

~~c. The board, in reaching its decision, shall consider, among other things, abutting property and uses as they relate to easements, rights-of-way, overhead lines and towers, and, further, shall consider injurious effects on property abutting or adjacent thereto and on the orderly appearance of the city.~~

~~B. Voting places: This article shall not be so construed as to interfere with the temporary use of any property as a voting place in connection with a municipal or other public election.~~

~~C. Building height exceptions: The height limitations of this article do not apply to farm buildings, chimneys, church spires, flagpoles, or public monuments.~~

~~(Ord. No. 03-01 (Exh. A, § 42-303), 2-18-2003)~~

~~Sec. 42-124. Projections into required yards.~~

~~A. Porches, terraces and decks.~~

~~1. Except as noted in 2, below, an open, unenclosed and uncovered porch, paved terrace, or deck may project into a required front yard, and in all residential districts into a required rear yard, for a distance not exceeding ten feet.~~

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2. Any porch, terrace or deck enclosed or covered by a fixed canopy or other structure shall be required to meet the setbacks for main buildings for the district in which it is located.
3. A porch, terrace, or deck located within any front yard or rear yard setback area may be enclosed with ornamental railings, handrails or other similar guardrails not higher than 42 inches from the walking surface of the deck, slab or other similar construction.
4. Ramps for the purpose of providing barrier free access to a dwelling can project to within ten feet of the front property line.
- B. An architectural feature, such as a chimney but not including a cantilevered wall, may extend or project into a required side yard not more than two inches for each one foot of width of the side yard, and may extend or project not more than three feet into a required front yard or rear yard.
- C. In the one-family residential districts, a landing and stairs for egress purposes less than 30 inches above grade may project into the side yard not more than 26 inches or as regulated by the last adopted edition of the city's building code.
- D. For the purpose of this article, an access drive may be placed in a required front or side yard so as to provide access to the rear yard and/or an accessory or attached structure. These drives shall be considered a permitted encroachment into a front or side yard.
- E. For the purpose of this article, any walk, terrace or other pavement serving a similar function, not in excess of nine inches above the grade upon which placed, shall not be considered a structure and shall be permitted in any required yard.

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(Ord. No. 03-01 (Exh. A, § 42-304), 2-18-2003; Ord. No. 19-04, 10-15-2019)

Sec. 42-125. Street frontage requirements; development standards for land divisions.

- A. Any parcel of land which is to be occupied by a use or building shall meet at least one of the following street frontage requirements:
 1. Maintain a minimum of 60 feet of public street frontage, or a minimum of 50 feet of public street frontage on a cul-de-sac, to the front setback or building setback line, whichever is greater. The public street shall be paved and adequate drainage provided therefor; or
 2. For a parcel that does not have the above required frontage on a public street, an access and utility easement with a width of not less than 20 feet to the front setback or building setback line, whichever is greater, shall be recorded with the Kalamazoo County Register of Deeds. Such recorded easement shall be provided to the director simultaneously with the register of deeds filing. The access easement shall be a perpetual, irrevocable easement appurtenance over the burdened property, providing unobstructed access to the public street for the benefitting parcel. The utility easement shall also be perpetual, irrevocable and provide any public utility the ability and right to install all utilities on the burdened property. The 20 foot easement shall be improved with asphalt, concrete or other approved driving surface capable of supporting the imposed load of a fire apparatus weighing at least 75,000 pounds. If the access and utility easement is shared by more than one parcel or owner, a maintenance agreement shall also be recorded providing for the rights and obligations of the parties regarding installation, maintenance and repair as well as apportionment of costs and expense for infrastructure and/or improvement on the easement.
- B. A parent parcel cannot be divided to create more than four resulting parcels without the required frontage on a public street. Each parcel shall further meet the lot width and setback requirements for the zoning district in which it is located.

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- C. Residential, commercial or industrial developments which result in land divisions with public infrastructure improvements, except lands divided pursuant to the Land Division Act (MCL 560.101 et seq., MSA 26.420(101) et seq.) and article V, subdivision and land division requirements, of this chapter, shall be subject to subsection B of this section and to the following conditions:
1. Proposals for developments under this section shall be subject to review by the planning commission, and shall be subject, further, to review and approval by the council. All improvements must meet the approval of the council.
 2. Streets shall be provided with asphalt or concrete surfacing and shall be in accordance with specifications approved by the council. Drainage for the proposed roadway shall also be in accordance with specifications approved by the council.
 3. Water, sanitary sewers and all other improvements shall be provided as required by the council and shall be in accordance with at least the minimum standards as set forth by ordinances of the council.

(Ord. No. 03-01 (Exh. A, § 42-305), 2-18-2003; Ord. No. 19-04, 10-15-2019)

Sec. 42-126. Regulations applicable to all one-family dwellings,

- A. It is the intent of this section to establish minimum standards of appearance and construction for all single-family dwellings placed in the city, whether constructed on a lot or a manufactured home. Construction and/or placement of a one-family dwelling on any lot or parcel shall be permitted only if the dwelling complies with all of the standards of this section.
- B. Manufactured home: If the dwelling unit is a manufactured home, the manufactured home must either be:
1. New and certified by the manufacturer and/or appropriate inspection agency as meeting the Mobile Home Construction and Safety Standards of the U.S. Department of Housing and Urban Development, as amended, or any similar successor or replacement standards which may be promulgated; or
 2. Used and certified by the manufacturer and/or appropriate inspection agency as meeting the standards referenced in subsection A. above, and found, on inspection by the building inspector or his designee, to be in excellent condition and safe and fit for residential occupancy.
- C. Compliance with codes: The dwelling unit shall comply with all applicable building, electrical, plumbing, fire energy and other similar codes which are or may be adopted by the city, and with applicable federal or state standards or regulations for construction. Appropriate evidence of compliance with these standards or regulations shall be provided to the building inspector.
- D. Zoning compliance: The dwelling unit shall comply with all restrictions and requirements of this article, including, without limitation, the lot area, lot width, residential floor area, setback, and building height requirements of the district in which it is located.
- E. Foundation: The dwelling unit shall be firmly attached to a permanent continuous foundation which complies with applicable provisions of the building code adopted by the city.
- F. Installation: If the dwelling unit is a manufactured home, the manufactured home shall be installed with the wheels and towing mechanism removed.
- G. Water and sanitary: The dwelling unit shall be connected to public sewer and water supply systems, or to private facilities for potable water and disposal of sewage approved by the city.
- H. Roof pitch: All single-family dwellings that are erected in, constructed in, or moved into any of the zoning districts that allow such a residential use shall have a minimum width and roof pitch equal to that required in districts that allow such a use and a minimum width of 24 feet throughout the entire length as measured between the exterior part of the walls having the greatest length, and a double-pitched roof of not less than

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three feet of rise for each 12 feet of run, unless 20 percent of the dwellings within one-half mile has less pitch, then the roof pitch may equal the average of dwellings in the area. The roof shall be covered by asphalt, cedar shake, or slate shingles or standing seam metal.

Manufactured home community: The standards of this section shall not apply to a manufactured home located in a manufactured home community licensed by the Michigan Manufactured Home Commission and approved by the city according to the provisions of this article except to the extent required by state or federal law.

J. An improved driveway may include a surfaced turnout area, a circular driveway or an accessory parking space and shall meet the following criteria:

1. For non-lakefront property:

- a. It does not exceed an average width of 24 feet from edge to edge in the front yard, except that an average width of 30 feet from edge to edge in the front yard is permitted for lots or parcels of 100 feet in width or more.
- b. It does not occupy in excess of 50 percent of the area included in the front yard.

2. For lakefront property:

- a. Max. average width: 30 feet, regardless of front yard coverage standards.
- b. Drainage plan to guide stormwater to a natural waterbody or an approved stormwater infrastructure.
- c. For substandard lot width, driveways between 50 and 60 percent front yard area require professional engineer drainage plan.

(Ord. No. 03-01 (Exh. A, § 42-306), 2-18-2003; Ord. No. O-6-2024, § 3, 7-9-2024)

Sec. 42-127. Adult regulated uses:

A. Intent and findings:

1. In the development and execution of this section, it is recognized that there are some uses that, because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances, thereby causing a deleterious effect upon the adjacent areas. These uses are referred to in this section as "adult regulated uses."
2. The proximity of adult regulated uses to certain uses considered particularly susceptible to the negative impacts or the concentration of adult uses tends to erode the quality of life, adversely affect property values, disrupt business investment, encourage residents and businesses to move or avoid the community, increase crime and contribute a blighting effect on the surrounding area.
3. This section describes the uses regulated and the specific standards needed to ensure that the secondary adverse effects of these uses will not contribute to the deterioration of the surrounding neighborhood, to prevent undesirable concentration of these uses and to require sufficient spacing from uses considered most susceptible to negative impacts. Such deleterious secondary effects of the uses so regulated have been recognized and documented in other communities in the form of studies and reports reviewed and considered by the council.
4. It is the purpose of this section to regulate adult regulated uses to promote the health, safety, morals and general welfare of the citizens of the city, and to establish reasonable and uniform regulations to prevent the continued deleterious location and concentration of adult regulated uses within the city. The provisions of this section have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent or effect of this section to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended

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market. Neither is it the intent or effect of this section to condone or legitimize the distribution of obscene material.

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

Adult arcade and mini motion picture theater: Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image-producing devices are regularly maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

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Adult bookstore, adult novelty store and adult video store: A commercial establishment which offers for sale or rental for any form of consideration, and which has as a substantial or significant portion of its stock in trade, books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, videocassettes, slides or other visual representations, recordings, other audio matter, and novelties or devices which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas. The adult bookstore, adult novelty store or adult video store may have other principal business purposes that do not involve the offering for sale or rental of materials which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas and still be categorized as an adult bookstore, adult novelty store or adult video store. Such other business purposes will not serve to exempt such establishment from being categorized as an adult bookstore, adult novelty store or adult video store so long as a substantial or significant portion of its business includes the offering for sale or rental for consideration of the specified materials which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

Adult booth: A small enclosed or partitioned area inside an adult regulated use which is:

a. Designed or used for the viewing of books, magazines, periodicals or other printed matter, photographs, films, motion pictures, videocassettes, slides or other visual representations, recordings, and novelties or devices which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas by one or more persons; and

b. Accessible to any person, regardless of whether a fee is charged for access.

c. The term "adult booth" does not include a foyer through which any person can enter or exit the establishment, or a restroom.

Adult cabaret: A nightclub, cafe, restaurant, lounge, bar or similar establishment (which may or may not include the service of food or beverages), where male or female impersonators, dancers, entertainers, waiters, waitresses or employees regularly provide live performances which are distinguished or characterized by their emphasis on specified anatomical areas or specified sexual activities for observation by or entertainment of patrons, guests and/or members.

Adult model studio: Any place where a person who displays specified anatomical areas is regularly provided to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by other persons who pay money or any form of consideration. Such an establishment includes but is not limited to the following activities and services: modeling studios, body painting studios, wrestling studios, individual theatrical performances or dance performances, barbershops or hair salons, carwashes and/or convenience stores. An adult personal service establishment shall not include a proprietary school licensed by the state or a college, junior college or university supported entirely or in part by public taxation, or a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college or university supported entirely or partly by taxation, or in a structure:

- a. That has no sign visible from the exterior of the structure and no other advertising that indicates a nude or semi-nude person is available for viewing;
- b. Where in order to participate in a class a student must enroll at least three days in advance of the class; and
- c. Where no more than one nude or semi-nude model is on the premises at any one time.

Adult motel: A hotel, motel or similar commercial establishment which offers accommodations to the public for any form of consideration, and provides patrons with closed circuit television transmissions, films, motion pictures, videocassettes, slides or other photographic reproductions which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, and has a sign visible from the public right of way, which advertises the availability of this adult type of photographic reproductions, or offers a sleeping room for rent for a period of time that is less than ten hours, or allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than ten hours.

Adult motion picture theater: A commercial establishment where, for any form of consideration, films, motion pictures, videos, slides or other photographic reproductions are regularly shown in which a substantial portion of the total presentation is devoted to the showing of material which is distinguished or characterized by its emphasis on the depiction, description or relation to specified sexual activities or specified anatomical areas for observation by or entertainment of patrons, guests and/or members.

Adult outdoor motion picture theater: A commercial establishment having an open lot or part thereof with appurtenant facilities devoted primarily to the presentation of motion pictures, films, theatrical productions and other forms of visual productions for any form of consideration to persons in motor vehicles or in outdoor seats, and presenting material distinguished or characterized by its emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by or entertainment of patrons, guests and/or members.

Adult physical culture business: Any commercial establishment, club or business, by whatever name designated, which regularly offers or advertises or is equipped or arranged to provide massages, body rubs, alcohol rubs, physical stimulation, baths or other similar treatment by any person. An adult physical culture business may include but is not limited to establishments commonly known as massage parlors, health spas, sauna baths, Turkish bathhouses, and steam baths. The following uses shall not be included within the definition of an adult physical culture business:

- a. Businesses which routinely provide such services by a licensed physician, a licensed chiropractor, a licensed osteopath, a licensed physical therapist, a licensed practical nurse practitioner, a professional massage therapist or any other similarly licensed medical professional, pursuant to section 14-72;
- b. Fitness and recreation centers;
- c. Electrolysis treatment by a licensed operator of electrolysis equipment;
- d. Continuing instruction in martial or performing arts, or in organized athletic activities;
- e. Hospitals, nursing homes, medical clinics or medical offices;
- f. Barbershops or beauty parlors and salons which offer massages to the scalp, the face, the neck or the shoulders only; and
- g. Adult photography studios whose principal business does not include the taking of photographs of specified anatomical areas.

Adult regulated use: An adult physical culture business, adult bookstore, adult novelty store, adult video store, adult theater, adult cabaret, adult motion picture theater, adult outdoor motion picture theater, adult arcade or mini motion picture theater, adult motel, adult booth, or adult personal service establishment.

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Adult theater: A commercial establishment which is a theater, concert hall, auditorium or similar commercial establishment, either indoor or outdoor in nature, which, for any form of consideration, regularly features live performances which are distinguished or characterized by their emphasis on specified sexual activities or by exposure of specified anatomical areas for observation by guests, patrons and/or members. An adult theater does not include a theater, concert hall, auditorium or similar establishment which, for any fee or consideration, regularly features live performances which are not distinguished or characterized by their emphasis on the depiction or description of specified sexual activities or specified anatomical areas in that any such depiction or description is only incidental to the primary purpose of the performance.

Commercial establishment: Any business, location or place which conducts or allows to be conducted on its premises any activity for commercial gain.

Employee: A person who performs any service on the premises of an adult regulated use on a full time, part time or contract basis, whether or not the person is denominated an employee, independent contractor, agent or otherwise, and whether or not the person is paid a salary, wage or other compensation by the operator of the adult regulated use. The term "employee" does not include a person exclusively on the premises for repair or maintenance of the premises or equipment on the premises or for the delivery of goods to the premises.

Establishment: The site or premises on which an adult regulated use is located, including the interior of the establishment or portions thereof, upon which certain activities or operations are being conducted for commercial gain.

Nude and partially nude: Having attire which reveals specified anatomical areas.

Specified anatomical areas: A portion of the human body defined as follows:

- a. Less than completely and opaquely covered human genitals, pubic region, buttocks, or female breast below the point immediately above the top of the areola.
- b. Human male genitals in a discernible turgid state, even if completely and opaquely covered.

Specified sexual activities: The explicit display of one or more of the following:

- a. Human genitals in a state of sexual stimulation or arousal.
- b. Acts of human masturbation, sexual intercourse or sodomy.
- c. Fondling or other erotic touching of human genitals, pubic region, buttocks, or female breast.
- c. Special land use permit required; standards for operation:

1. Adult regulated uses are permitted as a special land use after approval by the planning commission. The planning commission shall provide notice and hold a public hearing as required by section 42-461.
2. The planning commission's review shall be limited to the determination as to whether the conditions and requirements of this section concerning adult regulated uses are met. If the applicant has met all of the conditions contained in this section, the planning commission shall approve the conditional use permit. The planning commission shall hold a public hearing and approve or deny the issuance of a conditional use permit within 30 days after receipt of a completed application for an adult regulated use. The following requirements and conditions shall apply:
 - a. No person shall operate or maintain an adult regulated use except in the B-3 general business district.
 - b. No person shall operate or maintain or cause to be operated or maintained an adult regulated use within 500 feet of:
 - (1) A church, synagogue, mosque, temple or other building which is used primarily for religious worship and related religious activities.

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~~(2) — A public or private educational facility, including but not limited to child day care facilities, nursery schools, preschools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, junior colleges and universities. For purposes of this subsection, the term "school" shall include the school grounds, but does not include facilities used primarily for another purpose and only incidentally as a school.~~

~~(3) — Family day care homes or group day care homes.~~

~~(4) — An entertainment use which has as its principal use children or family entertainment.~~

~~(5) — A zoning lot devoted to a residential use.~~

~~(6) — Any other adult regulated use.~~

~~(7) — A public park or recreational area which has been designated for park or recreational activities, including but not limited to a park, playground, nature trail, swimming pool, reservoir, athletic field, basketball or tennis court, wilderness area or other similar public land within the city which is under the control, operation or management of the city department of parks and recreation.~~

~~(8) — The zoning district boundary of a residential district as defined in this article.~~

~~e. — For purposes of the uses listed in subsections b(1) through (6) of this subsection, the distance limitations shall be measured in a straight line without regard to intervening structures or objects from the zoning lot occupied by the adult regulated use to the nearest point of the zoning lot occupied by any of the uses so listed in subsections b(1) through (6) of this subsection.~~

~~d. — For purposes of subsections b(7) and (8) of this section, the distance limitations shall be measured in a straight line without regard to intervening structures or objects from the zoning lot occupied by the adult regulated use to the nearest point of the property line occupied by the public park or other recreational areas so listed in subsection b(7) of this subsection or the zoning district boundary of the residential district as provided in subsection b(8) of this subsection.~~

~~e. — No building, premises, structure or other facility that contains any adult regulated use shall contain any other kind of adult regulated use.~~

~~f. — Adult regulated uses shall comply with all sign requirements under this article. Where inconsistencies exist between the provisions of this section and the sign requirements in this article, the provisions of this section shall control.~~

~~g. — No advertisement, display of product or entertainment on the premises, signs or other exhibits which depict, describe or relate to specified sexual activities and/or specified anatomical areas shall be displayed in window areas or any other area where they can be viewed by pedestrians and motorists on any street, sidewalk or other public place.~~

~~h. — No person shall reside in, or permit any person to reside in, the premises of an adult regulated use.~~

~~i. — No person operating an adult regulated use shall permit any person under the age of 18 to be on the premises of the business either as an employee or customer.~~

~~j. — No person shall become the lessee or sublessee of any property for the purpose of using the property for an adult regulated use without the express written permission of the owner of the property for such use and appropriate approvals from the city.~~

~~k. — The building and site, including building openings, entries, exits and windows, shall be designed, constructed and maintained so that material, entertainment and/or performances which depict, describe or relate to specified sexual activities and/or specified anatomical areas cannot be observed by pedestrians and motorists on any street, sidewalk or public right of way, or from an adjacent land use.~~

I. The adult regulated use shall satisfy all landscaping requirements of this article. The adult regulated use shall also demonstrate that the site meets all of the traffic and access management standards of the city. The site shall include a diagram that shows all land use zoning districts and any of the uses described in subsection C.2(b) of this section which are located within 500 feet of the proposed adult regulated use. The diagram shall be drawn to a scale of not greater than one inch equals 20 feet.

D. Change of use by lessee: No lessee or sublessee of any property shall convert that property from any other use to an adult regulated use without the express written permission of the owner of the property for such use and the appropriate approvals from the city.

E. Reapplication for special land use permit after denial:

1. No application for an adult regulated use which has been denied wholly or in part shall be resubmitted for a period of one year from the date of the order of denial, except on the grounds of new evidence not previously known or available or evidence of changed conditions.

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2. If, subsequent to denial of the special land use permit, the applicant demonstrates that the basis for the denial has been corrected or abated, the planning commission may grant a special land use permit if at least 90 days have elapsed since the date the denial of the special land use permit became final.

F. Expansion:

1. Adult regulated uses shall not be enlarged, increased or expanded in any manner without first applying for and receiving the approval of the planning commission as provided in this section.

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2. Further, if a use subject to the control of this section is discontinued or abandoned, the use may not be reestablished without applying for and receiving the approval of the planning commission as provided in this section.

3. For purposes of this section, enlarging, increasing or expanding an adult regulated use shall mean an increase in floor areas occupied by the establishment or business by more than 25 percent as the floor areas exist on the date the special land use permit is granted.

G. Revocation or modification of special land use permit:

1. The planning commission may revoke or modify a special land use permit granted to an adult regulated use after a public hearing noticed pursuant to the requirements of the Zoning Act for special land uses, and upon finding by a preponderance of the evidence that one or more of the conditions required by this section has been violated.

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2. Additionally, no special land use permit under this section shall be revoked or modified by the planning commission unless both the owner of record of the zoning lot occupied by the adult regulated use and the owner or operator of the adult regulated use have been sent written notice by first class mail of the basis for the revocation not less than five and not more than 15 days before the public hearing. If, subsequent to revocation, the applicant demonstrates that the basis for the revocation has been corrected or abated, the planning commission may reissue a special land use permit if at least 90 days have elapsed since the date the revocation became effective.

H. Judicial review: After denial of an application under this section, or denial of a reapplication of an application, or revocation or modification of any special land use permit, the applicant may seek prompt judicial review of such administrative action in any court of competent jurisdiction. The action shall be promptly reviewed by the court in accordance with all applicable statutes and court rules.

(Ord. No. 03-01 (Exh. A, § 42-307), 2-18-2003)

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Sec. 42-128. Lakefront lots.

- A. On lakefront lots, the rear yard shall be considered as the portion of the lot facing the waterfront.
- B. See section 42-121.B.2 for requirements for accessory buildings on lakefront lots.
- C. Fences on lakefront lots may be erected, but only chain link, wire, wrought iron, split rail, or other similar fence design as determined by the director; not higher than four feet are permitted in the rear (lakeside) yard.
- D. Pergolas, arbors and similar structures over nine inches in height above grade are permitted in the lakeside yard provided there are no walls, only support posts, and the structures do not exceed eight feet in height.
- E. Lakefront property driveways shall be governed by the requirements under section 42-126, division 3 general provisions.

(Ord. No. 03-01 (Exh. A, § 42-308), 2-18-2003; Ord. No. 19-04, 10-15-2019; Ord. No. O-4-2023, 8-8-2023; Ord. No. O-6-2024, § 4, 7-9-2024)

Sec. 42-129. Home occupations.

- A. A passive home occupation on a zoning lot conducted by the occupant that meets the following requirements is allowed as an accessory use with no permit being required:
 - 1. The occupation is conducted as a subordinate use by a member of the family occupying the dwelling unit.
 - 2. The occupation, or any part thereof, shall be conducted wholly within the dwelling unit and shall not be conducted in any attached or detached accessory building or structure nor on any patio, deck or lawn area.
 - 3. No person outside the family is employed in the home occupation.
 - 4. Not more than 25 percent of the total floor area of any one floor of the dwelling unit, or 25 percent of the basement, is used for the home occupation.
 - 5. The home occupation does not require interior or exterior alterations of the dwelling unit or the use of mechanical or electronic equipment not customarily used in a dwelling unit.
 - 6. There shall be no sign of any nature identifying the home occupation. The use of window displays are not permitted.
 - 7. The home occupation does not produce or generate, in any way, noise, odor, dust, fumes, smoke, glare or comparable nuisances which would cause negative effects on surrounding property. No passive home occupation shall be permitted to use, store or produce any hazardous materials in excess of quantities permitted in residential structures.
 - 8. The home occupation does not generate pedestrian or vehicular traffic beyond that normally generated by a dwelling unit.
 - 9. Off street parking shall be provided on an improved driveway that fulfills the requirements of Article 5, Section 24-111, Definitions, and there shall be no other vehicular parking other than the off street parking facilities normally required for the residential use.
 - 10. The storage of goods, materials or equipment which is incidental to the services of the home occupation is permitted only within the enclosed sections of the one family dwelling unit. The storage

~~of goods, materials or equipment in any attached or detached accessory building or structure is not permitted.~~

~~11. No goods or products shall be directly sold or delivered to customers on the premises of the one-family dwelling except goods and products which are incidental to the services of the home-occupation.~~

~~12. No condition or requirement stated for passive home occupations shall prohibit the growing of fruits, vegetables or flowers, or any other farm product, protected by the Michigan Right to Farm Act, Act 93 of 1981, as amended, provided that the farm produce is grown, raised or produced on the zoning lot occupied by the home-occupation and is for commercial purposes and meets all other applicable laws and rules, including the Generally Accepted Agricultural and Management Practices ("GAAMPs") as promulgated by the Michigan Department of Agriculture.~~

~~B. An active home-occupation on a zoning lot where there is a one-family residential dwelling unit may be conducted by the occupant if approved by the Planning Commission after a public hearing in accordance with the requirements of Section 103 of the Michigan Zoning Enabling Act, MCLA 125.3101 et seq., as amended, and finding that the application of the occupant meets the following requirements:~~

~~1. No more than one person other than the full-time occupant(s) of the one-family dwelling unit shall be engaged in the conduct of the active home-occupation on the zoning lot. The Planning Commission may allow two full-time non-occupant employees upon request. In making its determination, the Planning Commission shall make a finding that the increase to two full-time non-occupant employees does not adversely impact adjacent residential uses, shall consider the standards contained in section 42-129.B.11, and may impose conditions under section 42-129.B.12. The home-occupation is personal to the full-time occupant engaged in the conduct of the active home-occupation and is not transferable without Planning Commission approval.~~

~~2. Not more than 25 percent of the total floor area of any one floor of the one-family dwelling unit, or 25 percent of any basement, and provided that no more than 400 square feet of the dwelling unit is occupied by the active home-occupation. The Planning Commission may allow an increase in the floor area of the existing dwelling unit to be used for the home-occupation not to exceed a maximum of 50 percent of the floor area of any one floor or basement of the dwelling unit. The Planning Commission shall make a finding that the increase of floor area used for the home-occupation does not adversely impact adjacent residential uses and the increase in floor area used for the home-occupation complies with the requirements contained in section 42-129.B.11.a. through f. below.~~

~~3. There shall be no alterations or exterior treatments to the zoning lot or structures on the zoning lot which would, in any way, change its residential character or appearance.~~

~~4. Off-street parking provided for the active home-occupation shall be provided on an improved driveway that fulfills the requirements of Article 5, Section 24-111, Definitions. There shall be no other vehicular parking other than the off-street parking facilities normally required for the residential use.~~

~~5. No goods or products shall be directly sold or delivered to customers on the premises of the one-family dwelling except goods and products which are incidental to the services of the home-occupation.~~

~~6. Storage of materials, equipment and goods which is incidental to the services of the home-occupation shall be permitted only within the enclosed sections of the one-family dwelling unit or within not more than 50 percent of the total floor area of a completely enclosed accessory building.~~

~~7. The active home-occupation, or any part thereof, shall not be conducted in any attached or detached accessory building or structure nor on any patio, deck or lawn area, except outdoor areas may be used for instruction in recreational activities customarily associated with residential uses including, but not limited to, swimming lessons and tennis lessons.~~

~~8. Materials, equipment and goods shall not be visible from adjacent properties.~~

9. ~~There shall be no sign of any nature identifying the home occupation except a non-illuminated wall signage (maximum of six square feet) identifying the name of the active home occupation may be affixed to the one family dwelling unit. The use of window displays are not permitted.~~
10. ~~The active home occupation shall not produce or generate excessive or undue noise, odor, dust, fumes, smoke, glare or comparable nuisances which would cause negative effects on surrounding property. No active home occupation shall be permitted to use, store or produce any hazardous materials in excess of quantities permitted in residential structures.~~
11. ~~The Planning Commission shall consider whether the use and the expected conduct of the use associated with the active home occupation application submitted by the occupant is within an acceptable range of compatibility appropriate for the surrounding area and does not present undue safety hazards. In its determination, the Planning Commission shall consider whether the use and expected conduct of the use specified in the application by the occupant:~~
- ~~a. Promotes the intent and purpose of this section;~~
 - ~~b. Sufficiently mitigates adverse impacts on the surrounding residential uses of land. The Planning Commission may consider factors including, but not limited to, the following:~~
 - ~~i. The proximity of the surrounding uses to the active home occupation;~~
 - ~~ii. The size of the zoning lot, location of driveways, topography, vegetation, location of structures and other features of the zoning lot;~~
 - ~~iii. The seasonal nature of the active home occupation;~~
 - ~~iv. The size and weight of vehicles to be used in the active home occupation; and~~
 - ~~v. The number of trips the vehicle to be used in the home occupation is expected to make to and from the property;~~
 - ~~c. Does not unduly affect the capacities of public services or facilities;~~
 - ~~d. Is consistent with the public health, safety and welfare;~~
 - ~~e. Is harmonious with and in accordance with the general objectives or with any specific objective of the comprehensive plan; and~~
 - ~~f. Is planned and designed to ensure that the nature and intensity of the use and the site layout and its relation to the streets giving access to it, is not hazardous to the area and does not unduly conflict with normal traffic.~~
12. ~~The Planning Commission may attach conditions to the application by the occupant to conduct an active home occupation deemed necessary for the general welfare, for the protection of individual property rights, to mitigate any negative impacts on the surrounding residential uses of land including the number of customers allowed on the zoning lot at any one time, hours of operation, and similar factors, and any condition allowed by MCLA 125.2504(4) of the Michigan Zoning-Enabling Act, as amended.~~
12. ~~No condition or requirement stated for active home occupations shall prohibit the growing of fruits, vegetables or flowers, or any other farm product, protected by the Michigan Right to Farm Act, Act 93 of 1991, as amended, provided that the farm produce is grown, raised or produced on the zoning lot occupied by the home occupation and is for commercial purposes and meets all other applicable laws and rules, including the Generally Accepted Agricultural and Management Practices ("GAAMPs") as promulgated by the Michigan Department of Agriculture.~~
- C. ~~Medical marijuana home occupation. A primary caregiver acting in compliance with the General Rules of the Michigan Department of Licensing and Regulatory Affairs ("general rules"), the Michigan Medical Marijuana~~

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Act, MCL 333.26421 et seq., (the "Act") and the requirements of this section, may be allowed as a home occupation. The conditions and requirements contained in section 42-129.A and B (passive and active home occupations) shall not be applicable to medical marijuana home occupations under this section and no permit under the Portage Zoning Code is required for a medical marijuana home occupation. The following requirements for a primary caregiver as a home occupation shall apply:

1. A primary caregiver shall comply at all times and in all circumstances with the Act and the general rules of the department as they may be amended from time to time.
2. The home occupation may be conducted in a dwelling unit (as defined by the Zoning Code), in an accessory building, or outdoors, where no more than one primary caregiver:
 - a. Cultivates up to the maximum number of marijuana plants permitted by the Act (12 for each qualifying patient);
 - b. Possesses up to the maximum amount of marijuana or marijuana-infused products permitted by the Act;
 - c. Assists no more than the maximum number of qualifying patients permitted by the Act (maximum of five) who have been issued and possess a registry identification card and who are connected with the primary caregiver through the department's registration process for the medical use of marijuana. Assistance to a qualifying patient by someone other than his or her designated primary caregiver is prohibited;
 - d. Does not separate marijuana resin from marijuana plants by butane extraction on the premises of the medical marijuana home occupation; and
 - e. Does not store any chemicals such as herbicides, pesticides, and fertilizers inconsistent with the provisions of the Portage Code of Ordinances including but not limited to the International Fire Code as adopted by the code.
 - f. Does not produce or generate, in any way, noise, odor, dust, fumes, smoke, glare or comparable nuisances which would cause negative effects on surrounding property.
3. The following shall apply to a primary caregiver conducting a home occupation under this section:
 - a. Considering the federal "Drug Free School Zone" requirements, the medical marijuana home occupation shall not be located:
 - i. Within 500 feet from the real property comprising a public or private elementary, vocational or secondary school or a public or private college, junior college or university, a childcare center, a playground, a housing facility owned by a public housing authority; or
 - ii. Within 100 feet of a public or private youth center, public swimming pool, or video arcade facility.
 - b. Measurements for purposes of subsection C.3.a.i and ii. above shall be made from the property boundary of the zoning lot occupied by the home occupation to the nearest point of the property occupied by any of the uses listed above, using an uninterrupted straight line without regard to intervening structures or objects. "Zoning lot" is defined by article 42, section 42-112, definitions, of the Portage Code of Ordinances, as amended. A map showing the uses and facilities listed in subsection C.3.a above, as well as the protected areas, is available for review in the department of community development at the Portage City Hall and on the city's website under the department of community development.
 - c. The distance provisions of this subsection do not apply to a primary caregiver whose qualifying patient(s) (up to the maximum permitted under the Act) are permanent residents of the primary caregiver's household and whose residence is shared with the primary caregiver.

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4. ~~If the primary caregiver is not an owner of the premises, nothing contained in this section shall limit an owner of the premises from prohibiting the home occupation on the premises occupied by the primary caregiver nor limit an owner's right to pursue any private right of action allowed by law.~~
5. ~~All medical marijuana plants and medical marijuana-infused products shall be contained in an enclosed, locked facility inaccessible on all sides and equipped with locks or other security devices that permit access only by the primary caregiver or qualifying patient. Marijuana plants grown outdoors are considered to be in an enclosed, locked facility if they are not visible to the unaided eye from an adjacent property when viewed by an individual at ground level or from a permanent structure and are grown within a stationary structure that is enclosed on all sides, except for the base, by chain link fencing, wooden slats, or a similar material that prevents access by the general public and that is anchored, attached, or affixed to the ground; located on land that is owned, leased, or rented by either a registered qualifying patient or the primary caregiver for the registered qualifying patient or patients for whom the marijuana plants are grown; and equipped with functioning locks or other security devices that restrict access to only the registered qualifying patient or the registered primary caregiver who owns, leases, or rents the property on which the structure is located.~~
6. ~~The home occupation shall be conducted consistent with the Portage Code of Ordinances including but not limited to securing all building, electrical, plumbing and mechanical permits for any portion of the residential structure in which electrical wiring, lighting, and/or watering devices are located, installed or modified that support the cultivation, growing or harvesting of marijuana, compliance with article 4, chapter 24, noise, article 5, chapter 24, safety, sanitation and health, as well as article 14, chapter 42, Housing/Property Maintenance Code. If a room with windows is utilized as a marijuana growing location, any lighting methods that exceed usual residential use between the hours of 11:00 p.m. and 6:00 a.m. shall employ shielding methods, without alteration to the exterior of the residence, to prevent ambient light spillage that causes or creates a distraction or nuisance to adjacent residential properties.~~
7. ~~Qualifying patients may visit the site for the purposes permitted under the Act only during the hours of 8:00 a.m. to 8:00 p.m. No more than five qualifying patients may visit the site at any one time.~~
8. ~~Off street parking provided for the home occupation shall be provided on an improved driveway that fulfills the requirements of article 5, section 24-111, definitions, of the Portage Code of Ordinances, as amended. There shall be no other vehicular parking other than the off street parking facilities normally required for the residential use.~~
9. ~~There shall be no sign of any nature identifying the home occupation and the use of window displays is not permitted.~~
10. ~~The location and operation of a marijuana facility pursuant to the provisions of the Michigan Medical Marijuana Facilities Licensing Act, Public Act 281 of 2016, MCL 333.27101 et seq., as a home occupation is prohibited.~~
11. ~~Nothing in this section, or in any companion regulatory provision adopted in any other provision of this Code is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution for growing, sale, consumption, use, distribution, or possession of marijuana not in strict compliance with the Act and the general rules and this section. To this end, the sale, distribution, cultivation, manufacture, possession, delivery or transfer of marijuana to treat a qualifying patient shall only be conducted as a home occupation, and shall not be permitted in any other zoning classification of this Zoning Code. Also, since federal law is not affected by the Act or the general rules, nothing in this section, or in any companion regulatory provision adopted in any other provision of this Code, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution under federal law. Neither this section nor the Michigan Medical Marijuana Act protects users, caregivers or the owners of properties on which the medical use of marijuana is occurring from federal prosecution,~~

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or from having their property seized by federal authorities under the Federal Controlled Substances Act.

12. Definitions. As used in this section:

- a. *Marihuana*. This term shall have the meaning given to it in Section 7601 of the Michigan Public Health Code, 1979 PA 368, MCL 333.7106, as is referred to in Section 3(d) of the Michigan Medical Marihuana Act, PA 2009, Initiated Law, MCL 333.26423(d).
- b. *Marihuana-infused product*. A topical formulation, tincture, beverage, edible substance, or similar product containing any usable marihuana that is intended for human consumption in a manner other than smoke inhalation.
- c. *Primary caregiver*. A person who is at least 21 years old who has agreed to assist with a patient's medical use of marihuana, who has never been convicted of a felony involving illegal drugs and who has been issued and possesses a registry identification card.
- d. *Qualifying patient*. A person who has been diagnosed by a physician as having a debilitating medical condition.
- e. *Registry identification card*. A document issued by the department that identifies a person as a registered qualifying patient or a registered primary caregiver or a document or its equivalent that is issued under the laws of another state, district, territory, commonwealth, or insular possession of the United States that allows the medical use of marihuana by a visiting qualifying patient, or to allow a person to assist with a visiting qualifying patient's medical use of marihuana.

(Ord. No. 03-01 (Exh. A, § 42-309), 2-18-2003; Ord. No. 11-04, 3-8-2011; Ord. No. 11-11, 7-12-2011; Ord. No. 18-02, 2-27-2018)

Sec. 42-130. Riparian access.

- A. The requirements of this section are intended to limit the number of users of lake frontage in order to preserve the quality of the waters, to promote safety, and to preserve the quality of recreational use of all waters within the city.
- B. The restrictions of this section shall apply to all lake front lots and parcels, as defined in division 2 of this article, regardless of whether access to the lake waters shall be by easement, park, common fee ownership, single fee ownership, condominium arrangement, license, lease, or similar method.
- C. The restrictions of this section shall also be applicable to any planned development or special land use projects or developments approved under the provisions of this article. Where a planned development or special land use project or development is considered, the planning commission and city council shall consider, in addition to the approval standards applicable to the proposed project that the use will not lead to conflicting waterfront use or additional water surface overcrowding.
- D. Lakefront lots reserved for the use of owners of riparian rights shall conform, in all respects, to the minimum lot area and width requirements of the districts in which they are located.
- E. Use of lakefront lots for the purpose of providing access to such body of water for nonriparian property owners or the occupants/tenants thereof shall not be permitted in any district.
- F. In all zoning districts, no lake access, boat ramps, dock, boat launch, or shoreline abutting a lake shall be utilized for commercial purposes, outdoor recreation (or entertainment) facilities, institution or nonresidential uses or purposes unless such use is authorized under the provisions of the zoning district in which such facilities are to be located.

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G. ~~In addition to the limitations imposed by this section, the nonriparian access and use of lake front lots is prohibited pursuant to section 42-121.A.~~

~~(Ord. No. 03-01 (Exh. A, 5-42-310), 2-18-2003)~~

Sec. 42-~~131~~100 through Sec. 42-~~134~~104.

~~No change. Repeal~~

Sec. 42-~~135~~105 135. Wireless telecommunications facilities and towers.

~~Sub-sections A through J: No change.~~

K. Separation:

1. Separation requirements shall apply to all towers as provided in Table I and Table II unless a waiver is granted by the planning commission under subsection X.
2. Separation from uses on adjacent lots or designated zoning districts:
 - a. Tower separation from uses on adjacent zoning lots or zoning districts as specified in Table I shall be measured from the base of the tower to the lot line of the off-site use or of the zoning district boundary, whichever provides greater separation.
 - b. Separation requirements for towers shall comply with the minimum standards established in the Table I.

Table 1 - Setback and Separation Requirements for New Telecommunication Tower Construction					
District of Tower Location ¹	Special Land Use Required	Minimum Setbacks	Any Residential District or Use	OS-1, OTR, B-2, B-3, CPD, or P-1 Districts	I-1, I-2 Districts
R-1A, R-1B, R-1C, R-1D, R-1E, RE, RN, RM, MHC PD¹		Front: 30 ft. Side: 12 ft. Rear: 40 ft.	No separation requirements if alternative tower structure is utilized.		
RM-1, RM-2, RM, OS-1, OTR, B-1¹		Front: 30 ft. Side: 12 ft. Rear: 12 ft.			
B-2, B-3, CPD, P-1	Yes	Front: 30 ft. (except B-2—75 ft.) Side: 12 ft. Rear: 12 ft.	1,320 ft.	Greater of: 100 ft. or 100% of tower height	20% of tower height
			No separation requirements if alternative tower structure is utilized		
I-1, I-2		Front: 75 ft. Side/Rear: None; separation requirements only	200 ft.	Greater of: 100 ft. or 100% of tower height	20% of tower height
			No separation requirements if alternative tower structure is utilized.		

¹ Alternative tower structure required: Alternative design mounting structures that camouflage or conceal the presence of antennas and/or towers, see Section 42-135 C for definition.

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Sub-sections L through X: No change.

Sec. 42-~~136~~~~106~~ through Sec. 42-~~159~~~~124~~,

No change: Repeal

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DIVISION 4. ZONING DISTRICTS AND DISTRICT REGULATIONS²

Subdivision 1. Zoning Districts and Zoning Map

Sec. 42-~~160~~~~125~~ 160. Districts established.

For the purpose of this article, the city is hereby divided into the following districts:

Zoning Map Designation	District Title (See also Division 4, Subdivision 10)
R-1A	One-Family Residential (Lot area: 7,800 to 15,000 sq. ft.)
R-1B	One-Family Residential (Lot area: 9,600 to 15,000 sq. ft.)
R-1C	One-Family Residential (Lot area: 12,000 to 15,000 sq. ft.)
R-1D	One-Family Residential (Lot area: 12,000 to 28,000 sq. ft.)
R-1F	Attached Residential
RM-1	Multifamily Residential (High-Density)
RM-2	Multifamily Residential (Medium-Density)
OS-1	Office Service
B-1	Local Business
B-2	Community Business
B-3	General Business
CPD	Commercial Planned Development
OTR	Office Technology Research
I-1	Light Industrial
I-2	Heavy Industrial
P-1	Vehicular Parking
MHC	Manufactured Home Community
PD	Planned Development

(Ord. No. 03-01 (Exh. A, § 42-410), 2-18-2003; Ord. No. 19-04, 10-15-2019)

State law reference(s)—Zoning districts authorized, MCL 125.581.

²State law reference(s)—Density limits authorized, MCL 125.583; height, bulk and area regulations authorized, MCL 125.582.

Sec. 42-161. Zoning map.

- A. The boundaries of the districts listed in section 42-160 are hereby established as shown on the zoning map, which, with all notations, references and other information shown thereon, shall be a part of this article as if fully described in this article.
- B. The zoning map shall be identified by the signature of the mayor attested by the city clerk, and bear the seal of the city under the following words: "This is to certify that this is the official Zoning Map referred to in Section 42-161 of the Zoning Code of the City (include date of adoption)."
- C. If, in accordance with this article, changes are made in district boundaries or other matter portrayed on the zoning map, together with an entry on the map as follows: "On (date), by official action of Council the following change(s) were made (brief description with reference number to Council proceedings)."
- D. Two copies of the official zoning map are to be maintained and kept up to date, one in the office of the department of community development and one in the office of the city clerk, which copy shall be accessible to the public. The zoning map and any adopted amending ordinances shall be considered as evidence of the current adopted zoning status of lands, buildings and other structures in the city.

{Ord. No. 03-01 (Exh. A, § 42-411), 2-18-2003}

Sec. 42-162. Interpretation of district boundaries.

- A. Where uncertainty exists with respect to the boundaries of the various districts as shown on the zoning map, the following rules shall apply:
 - 1. Boundaries indicated as approximately following the centerlines of streets, highways or alleys shall be construed to follow such centerlines.
 - 2. Boundaries indicated as approximately following platted lot lines shall be construed to follow such lot lines.
 - 3. Boundaries indicated as approximately following city limits shall be construed as following city limits.
 - 4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
 - 5. Boundaries indicated as following shorelines shall be construed to follow such shorelines and, in the event of a change in a shoreline, shall be construed as moving with the actual shoreline. Boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such centerlines.
 - 6. Boundaries indicated as parallel to or extensions of features mentioned in subsections 1 through 5 of this section shall be so construed.
- B. The scale of the map shall be used to determine distances not specifically indicated on the zoning map.
- C. Where physical or natural features existing on the ground are at variance with those shown on the zoning map, or in other circumstances not covered by subsection A.1 through 6 of this section, the director shall interpret the district boundaries.

{Ord. No. 03-01 (Exh. A, § 42-412), 2-18-2003; Ord. No. 10-04, 2-9-2010}

Sec. 42-163. Zoning of annexed areas.

Whenever any area is annexed to the city, one of the following conditions shall apply:

- A. Land that is zoned previous to annexation shall be classified as being in whichever district established by this article that most closely conforms with the zoning that existed prior to annexation, such classification to be recommended by the planning commission to the council. The council shall approve the classification by resolution.
- B. Land not zoned prior to annexation shall be classified into whichever district established by this article that most closely conforms with the existing use of the annexed area, or, in the case of vacant land, in accordance with the master plan. The planning commission shall recommend the appropriate zoning district for such area within three months after the matter is referred to it by the council.

(Ord. No. 03-01 (Exh. A, § 42-413), 2-18-2003)

Sec. 42-164. Zoning of vacated areas.

Whenever a street, alley or other public way in the city has been vacated by action of the council, and when the lands within the boundaries thereof attach to and become a part of lands adjoining such street, alley or public way, such lands formerly within such vacated street, alley or public way shall automatically, and without further action of the council, thenceforth acquire and be subject to the same zoning regulations as are applicable to lands to which the vacated streets, alleys or public ways are attached, and the vacated streets, alleys or public ways shall be used for the same use as is permitted under this article for such adjoining lands.

(Ord. No. 03-01 (Exh. A, § 42-414), 2-18-2003)

Secs. 42-165—42-179. Reserved.

Subdivision 2. R-1A, R-1B, R-1C, and R-1D One-Family Residential Districts³

Sec. 42-180. Intent.

The R-1A through R-1D one-family residential districts are designed to be the most restrictive of the residential districts. The intent is to provide for an environment of predominantly low-density single-unit dwellings along with other residentially related facilities that serve the residents in the district. Further, the intent of these regulations is to protect residential neighborhoods from incompatible land uses and associated effects.

(Ord. No. 03-01 (Exh. A, § 42-420), 2-18-2003; Ord. No. 19-04, 10-15-2019)

Sec. 42-181. Principal permitted uses.

In a one-family residential district (R-1A through R-1D), no building or land shall be used, and no building shall be erected, except for one or more of the following specified uses, unless otherwise provided in this article:

³Ord. No. 19-04, adopted Oct. 15, 2019, amended the title of subdivision 2 from "R-1A, R-1B, R-1C, R-1D and R-1E One-Family Residential Districts" to "R-1A, R-1B, R-1C, and R-1D One-Family Residential Districts," as set out herein.

- A. ~~One-family detached dwellings, including home occupations in accordance with the provisions of section 42-129.~~
- B. ~~Publicly owned and operated libraries, parks, parkways and recreational facilities.~~
- C. ~~Family child care homes.~~
- D. ~~Adult foster care family homes.~~
- E. ~~General agriculture and farms on land separately owned outside the boundaries of platted property having an area not less than ten acres. A general agricultural use of land operating and in existence on November 23, 1989, and land contiguous with and owned by a person operating such adjoining parcel on November 23, 1989, shall not be subject to the conditions imposed by this subsection and shall be considered conforming for all purposes under this article.~~
- F. ~~Specialized agriculture on land separately owned outside the boundaries of platted property having an area of not less than five acres, but not including retail sales on the premises.~~
 - 1. ~~The site shall be so located as to have at least one property line abutting a major thoroughfare designated in the major thoroughfare plan, and all ingress to and egress from the site shall be directly onto such major thoroughfare or marginal access drive thereof.~~
 - 2. ~~A specialized agricultural use of land operating and in existence on November 23, 1989, and land contiguous with and owned by a person operating such adjoining parcel on November 23, 1989, shall not be subject to the conditions imposed by this subsection and shall be considered conforming for all purposes under this article.~~
- G. ~~Accessory buildings and uses, in accordance with the provisions of section 42-121.~~
- H. ~~Temporary sales office or model home incidental and necessary for the sale or rental of real property in a new subdivision or housing project. In any case, the temporary office or model home shall be removed when 50 percent or more of the lots or units have been sold or leased.~~
- I. ~~Accessory dwelling units, in accordance with the provisions of section 42-184.~~

~~(Ord. No. 02-01 (Exh. A, § 42-421), 2-18-2003; Ord. No. 09-03, 4-14-2009; Ord. No. 19-04, 10-15-2019; Ord. No. 0-7-2023, 12-5-2023)~~

Sec. 42-182. Special land uses.

The following uses may be allowed in a one-family residential district (R-1A through R-1D), subject to the conditions imposed in this section for each use, and subject further, to the review and approval of the planning commission in accordance with the provisions of division 5, subdivision 1 of this article:

- A. ~~Religious institutions.~~
 - 1. ~~The main building of a religious institution, not including the height exceptions of section 42-123.C may exceed the maximum height allowed in this district, provided that the front, side and rear yard setbacks are increased above the minimum required setback by one foot for each one foot of building height over the maximum height allowed.~~
 - 2. ~~The site shall be located to have at least one property line abutting a major thoroughfare, as designated on the major thoroughfare plan. All ingress to and egress from the site shall be directly onto such major thoroughfare or a marginal access service drive thereof.~~
 - 3. ~~Existing religious institutions and religious institution lands purchased before December 14, 1965, and not meeting the requirements of this subsection shall not be prevented from constructing~~

and/or expanding their facilities and, for the purposes of this article, shall be considered a conforming use or building.

- ~~B. Utility and public service buildings and uses, without storage yards, when operating requirements necessitate the locating of the building within the district in order to serve the immediate vicinity.~~
- ~~C. Cemeteries, provided that the site shall be located to have at least one property line abutting a major thoroughfare, as designated on the major thoroughfare plan. All ingress to and egress from the site shall be directly onto such major thoroughfare or a marginal access service drive thereof.~~
- ~~D. Day care centers, not including dormitories.
 - ~~1. A minimum of 150 square feet of outdoor play area for each child cared for shall be provided and maintained, except in no case shall the play area shall have less than 5,000 square feet. The play area shall be screened from any adjoining residential district lot.~~
 - ~~2. Lots containing these uses must be located adjacent to an R-1T, RM-1, RM-2 district or OS-1, OTR, B-1, B-2, B-3, or CPD district and not located in the interior part of any one-family residential district.~~~~
- ~~E. Swimming pool clubs.
 - ~~1. For purposes of this subsection, a swimming pool club shall only include those that are incorporated as private clubs or organizations maintaining and operating swimming pools with a specified limitation of members, either by subdivisions or other specified areas, for the exclusive use of members and their guests.~~
 - ~~2. The proposed site shall have one property line abutting a major thoroughfare as designated on the major thoroughfare plan, and the site shall be so planned as to provide ingress and egress directly onto or from the major thoroughfare. The planning commission may allow access from any other public street provided that a majority of the members live within one mile of the facility.~~
 - ~~3. Front, side and rear setbacks shall be at least 80 feet, except on those sides adjacent to nonresidential districts, and shall be landscaped in trees, shrubs, grass and terrace areas.~~
 - ~~4. No parking or structures shall be permitted in the setbacks required by 3, above, except for required entrance drives and those walls and/or fences used to screen the use from adjacent residential districts.~~
 - ~~5. The swimming pool area shall be provided with a protective fence six feet in height, and entry shall be through a controlled gate.~~
 - ~~6. Sufficient off-street parking shall be provided to accommodate not less than one-half of the member families and/or individuals. Bylaws of the organization shall be provided with the application for the special land use to compute off-street parking requirements. The planning commission may reduce parking requirements to a number the commission deems sufficient when a majority of the members live within one mile of the facility.~~~~
- ~~F. Private noncommercial recreational areas and institutional or community recreational centers.
 - ~~1. The proposed site shall have one property line abutting a major thoroughfare as designated on the major thoroughfare plan, and the site shall be so planned as to provide ingress and egress directly onto or from such major thoroughfare. The planning commission may allow access from any other public street provided that a majority of the members live within one mile of the facility.~~~~

2. ~~Front, side and rear setbacks shall be at least 80 feet, except on those sides adjacent to nonresidential districts, and shall be landscaped in trees, shrubs, grass and terrace areas. Sufficient off-street parking shall be provided to accommodate not less than one-half of the member families and/or individuals. Bylaws of the organization shall be provided with the application for the special land use to compute off-street parking requirements.~~
2. ~~When the planning commission finds that travel to the facility would be safe and convenient, the requirement for frontage on a major thoroughfare may be waived and the off-street parking requirements reduced to a number the commission deemed sufficient.~~

G. ~~Golf courses.~~

1. ~~The site shall be so planned as to provide all ingress and egress directly onto or from a major thoroughfare, as designated on the major thoroughfare plan.~~
2. ~~All main and accessory buildings and structures shall be setback at least 200 feet from any property line abutting a residential district. The planning commission may reduce this setback where topographic conditions or existing vegetation would screen the buildings from view.~~
3. ~~Swimming pools, if provided, shall have a protective fence six feet in height, and entry shall be through a controlled gate.~~

H. ~~Bed and breakfast establishments.~~

1. ~~Bed and breakfast establishments shall be located in a one-family residence existing at the date of the adoption of this article.~~
2. ~~The property on which the use is located shall be at least 500 feet from the property line of any other bed and breakfast establishment.~~
3. ~~The site shall be so located as to have one property line abutting a major or collector thoroughfare as designated on the major thoroughfare plan. All ingress to and egress from the site shall be directly onto such major thoroughfare or marginal access service drive thereof. The planning commission may allow access from a local street when it finds that no adverse effects on the surrounding area would result.~~
4. ~~No exterior alterations to the main building are permitted for additional sleeping accommodations and all accommodations must be within the main building.~~
5. ~~There shall be no more than one kitchen or other similar area in the main building and all cooking appliances must be located in the allowable cooking area.~~
6. ~~All food shall be served on the premises and be for the consumption of the innkeeper and guests only.~~
7. ~~The bed and breakfast establishment must be the innkeeper's principal residence.~~
8. ~~The maximum stay of any guest is 14 days on any single occasion. A guest register is required to be maintained showing the arrival and departure dates of guests and must be made available for inspection by the director or his representative.~~
9. ~~One wall sign and one freestanding sign are permitted. No sign shall be illuminated or animated, or exceed 16 square feet in area. The freestanding sign shall be no more than ten feet in height and placed at least ten feet from any property line.~~

I. ~~Group child care homes.~~

1. ~~The lot containing the group child care home shall not be located closer than 1,500 feet to any lot occupied by any of the following uses. This distance shall be measured as a traveled distance~~

along public streets, but not including an alley. Nor shall the lot containing the group child care home be located less than 500 feet to any lot occupied by any of the following uses, as measured from the nearest property lines of each use.

- a. ~~Another licensed group child care home.~~
 - b. ~~An adult foster care small group home or large group home.~~
 - c. ~~A facility offering substance abuse treatment and rehabilitation service.~~
 - d. ~~A community correction center, resident home, halfway house or similar jurisdiction administered by the Michigan Department of Corrections or other state or federal agency.~~
2. ~~If the lot occupied by the group child care home is located between the distances noted in [subsection] 1, above, the planning commission shall make a finding that the proximity of the uses will not result in excessive noise, traffic or other disturbances which may adversely affect abutting or nearby residential uses.~~
 3. ~~The planning commission may require up to a six-foot high screening fence completely enclosing the area where children play or congregate in order to mitigate and/or avoid possible adverse impacts on surrounding property and to improve safety.~~
 4. ~~The group child care home shall be maintained in a manner visibly characteristic of the surrounding neighborhood. No signs advertising the child care home are permitted.~~
 5. ~~No more than one nonresident employee, whether compensated or not, in addition to the operator, shall be permitted for a group child care home, unless required by the state as part of the approval of the license.~~
 6. ~~Off street parking shall be provided for the group child care operator and nonresident employee(s). Tow client parking spaces shall also be provided.~~
 7. ~~A revocation or refusal to renew a license or certificate of registration of a group child care home shall cause the revocation of the special land use permit.~~

J. ~~Public, parochial and other private elementary, intermediate and/or high schools offering courses in general education.~~

1. ~~All ingress to and egress from the site shall be directly onto a major thoroughfare, as designated on the major thoroughfare plan.~~
2. ~~Main and accessory buildings shall be set back a minimum of 80 feet from any property line.~~

~~(Ord. No. 03-01 (Exh. A, § 42-422), 2-18-2003; Ord. No. 09-03, 4-14-2009; Ord. No. 19-04, 10-15-2019)~~

~~State law reference(s) — Special uses authorized, MCL 125.584a.~~

~~Sec. 42-183. Site development requirements.~~

- A. ~~Lot, yard and building requirements shall be governed by the requirements of division 4, subdivision 10 of this article.~~
- B. ~~Parking, signs, landscaping, and lighting shall be governed by the requirements of division 6 of this article.~~
- C. ~~Site plan review shall be governed by the requirements of division 5, subdivision 2 of this article.~~

~~(Ord. No. 03-01 (Exh. A, § 42-423), 2-18-2003)~~

Sec. 42-184. Accessory dwelling units.

It is the intent of this section to allow for accessory dwelling units (ADUs) upon properties within one family residential zoning districts to allow homeowners to have a supplemental source of income with a long term tenant, as well as other nontangible benefits to older residents, such as companionship or a live-in caretaker. It is recognized that ADUs provide an opportunity for affordable housing for family members to reside nearby with independence. It is further recognized that appropriate limitations are necessary so that ADUs are compatible and harmonious within residential neighborhoods.

A. The following provisions shall apply to all ADUs:

1. An ADU may only be established on a parcel with a single family dwelling on it and located in a one family residential district.
2. Not more than one ADU may be established on a single parcel or zoning lot.
3. Not less than 150 square feet of sleeping area shall be provided per occupant of the ADU, and no more than two bedrooms.
4. An ADU shall not be smaller than 500 square feet and no larger than 900 square feet, but in no circumstances shall it exceed the total square footage of the principal dwelling.
5. An ADU shall be furnished with its own kitchen, full bathroom, and sleeping area.
6. The principal residence and ADU shall share the same vehicular access to the parcel.
7. Short term rentals (30 days or less) shall not be permitted for either the ADU or principal residence.
8. An ADU must have its own means of egress from the exterior or from a common hallway within a single building.
9. At least one on-premise dedicated improved surface parking space shall be provided for the ADU.
10. The ADU cannot be sold separately from the primary dwelling, which shall be addressed pursuant to subsection 3 of this section.
11. Lot coverage maximums of the underlying zoning district shall apply.
12. The property owner shall live in either the ADU or principal residence, which shall be addressed pursuant to subsection 3 of this section.
13. The ADU shall be connected to public sewer and water supply systems, or to private facilities for potable water and disposal of sewage approved by the city.
13. The ADU unit shall comply with all applicable building, electrical, plumbing, fire, energy and other similar codes which are or may be adopted by the city, and with applicable federal or state standards or regulations for construction. Appropriate evidence of compliance with these standards or regulations shall be provided to the building inspector. The following life/safety aspects apply:
 - a. All attached ADUs shall have smoke detectors and carbon monoxide detectors interconnected with those in the principal dwelling; if separate, the common wall separating the ADU from the principal dwelling shall consist of a 1-hour fire-rated wall.
 - b. ADU occupants shall have access to utility shut-off elements, including electricity, gas, and water.

14. ~~Shall be subject to the minimum front and side yard setbacks of the underlying zoning district. The rear yard setback shall meet the minimum side yard setback for the underlying zoning district.~~

15. ~~Prior to occupancy of the ADU, the community development department shall issue a certificate of occupancy indicating compliance with all applicable requirements and inspections.~~

B. ~~The following provisions shall apply to detached ADUs:~~

1. ~~The maximum height shall not exceed the height of the principal dwelling, except after a public hearing the height may be increased if the planning commission determines harmonious relationships and to minimize conflicts between adjacent uses. The commission shall consider the proposed characteristics of the building in relation to existing land uses and to future land uses as shown in the comprehensive plan. The commission may attach requirements to such accessory building and use when it deems necessary to avoid or mitigate adverse impacts on surrounding properties.~~

2. ~~Mobile homes, shipping containers, trailers on wheels, tree houses, or any other unit not on a permanent foundation shall not be considered an ADU.~~

3. ~~Shall be firmly attached to a permanent continuous foundation which complies with applicable provisions of the adopted building code.~~

4. ~~Exterior design of an ADU shall be compatible with existing residences. Consistent with primary dwelling and in harmony with the character and scale of the surrounding neighborhood.~~

C. ~~Applications for an ADU shall be made to the department of community development and shall consist of the following but not limited to:~~

1. ~~Plot plan (scaled drawings) showing the following:~~

a. ~~Location of all existing and proposed structures on the property.~~

b. ~~Setbacks of the proposed ADU from all property lines and structures.~~

c. ~~Designated parking area for the ADU and principal residence.~~

d. ~~Elevation drawings, where necessary.~~

2. ~~Floor plan, elevations, and building plans showing the following:~~

a. ~~Kitchen, bathroom, sleeping area, entry stairs, and gross square footage;~~

b. ~~Connecting wall or floor to the principal residence, where necessary;~~

c. ~~Elevations including windows, doors, porches, walls, and other exterior features.~~

3. ~~A Deed Restriction by the owner of record acknowledging the following:~~

a. ~~One of the two dwelling units will be occupied by the property owner,~~

b. ~~The ADU cannot be sold separate from the principal residential unit.~~

4. ~~An affidavit by the owner of record indicating the following:~~

a. ~~Which of the two dwelling units will be occupied by the owner of record.~~

b. ~~All ADU standards of the City of Portage shall be adhered to.~~

{Ord. No. O-7-2023, 12-5-2023}

~~Secs. 42-185—42-199. Reserved.~~

~~Subdivision 3. R-1T Attached Residential District~~

~~Sec. 42-200. Intent.~~

~~The R-1T attached residential district is designed to encourage a moderate density residential environment that can serve as a zone of transition between major or collector thoroughfares and adjacent, less-intensive development.~~

~~{Ord. No. 03-01 (Exh. A, § 42-430), 2-18-2002}~~

~~Sec. 42-201. Principal permitted uses.~~

~~In an attached residential district, R-1T, no building or land shall be used, and no building shall be erected, except for one or more of the following specified uses, unless otherwise provided in this article:~~

- ~~A. One family detached dwellings, including home occupations in accordance with the provisions of section 42-129.~~
- ~~B. Publicly owned and operated libraries, parks, parkways and recreational facilities.~~
- ~~C. Family child care homes.~~
- ~~D. Adult foster care family homes.~~
- ~~E. Public, parochial and other private elementary, intermediate and/or high schools offering courses in general education.~~
- ~~F. General agriculture and farms on land separately owned outside the boundaries of platted property having an area not less than five acres.~~
- ~~G. Specialized agriculture on land separately owned outside the boundaries of platted property having an area of not less than five acres, but not including retail sales on the premises and subject to the conditions of section 42-181.F.~~
- ~~H. Religious institutions, subject to the provisions of section 42-182.A.~~
- ~~I. Utility and public service buildings and uses, without storage yards, when operating requirements necessitate the locating of the building within the district in order to serve the immediate vicinity.~~
- ~~J. Day care centers, not including dormitories, subject to the provisions of section 42-182.D.~~
- ~~K. Swimming pool clubs, subject to the provisions of section 42-182.E.~~
- ~~L. Private noncommercial recreational areas and institutional or community recreational centers, subject to the provisions of section 42-182.F, except that the bylaws of the organization shall be provided with the application for the site plan approval.~~
- ~~M. Golf courses, subject to the provisions of section 42-182.G.~~
- ~~N. Bed and breakfast establishments, subject to the provisions of section 42-182.H.~~
- ~~O. Group child care homes, subject to the provisions of section 42-182.I.~~
- ~~P. Adult foster care small group home.~~

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~~Q. Two family dwellings, including home occupations in accordance with the provisions of section 42-129.~~

~~R. One family attached dwellings, including home occupations in accordance with the provisions of section 42-129.~~

~~S. Accessory buildings and uses, in accordance with the provisions of section 42-121.~~

~~(Ord. No. 03-01 (Exh. A, § 42-431), 2-18-2003; Ord. No. 09-03, 4-14-2009)~~

~~Sec. 42-202. Conditions and requirements for one family attached dwellings.~~

~~One family attached dwellings may be built in an R-1T, attached residential district only as part of a development for which site plan approval is obtained and shall meet the following conditions:~~

~~A. A minimum of 6,000 square feet of lot area per attached dwelling unit shall be required. The area for computing density shall be the total site area exclusive of any dedicated right-of-way of either interior or boundary roads.~~

~~B. Unless the planning commission approves a different ratio, the lot width to depth ratio shall be not greater than two to one as measured at the right-of-way line.~~

~~C. In a platted or site condominium one family attached development, each building shall be erected on a separate lot of at least 6,000 square feet per dwelling unit and have a minimum lot width of 40 feet.~~

~~D. Dwelling units may be attached to each other by one or more of the following methods:~~

~~1. A common party wall which does not have over 80 percent of its area in common with an abutting dwelling wall;~~

~~2. By means of an architectural wall detail which does not form interior room space; or~~

~~3. Through a common party wall in only the garage portion of an abutting structure.~~

~~E. No side yard setbacks shall be required for units that are attached by a common party wall or an architectural wall detail.~~

~~F. Not more than four units shall be connected, and all units shall have independent first floor entryways.~~

~~G. The maximum horizontal dimension across any elevation of an accessory building shall be 40 feet.~~

~~H. At least a one-car garage, enclosed on all sides, shall be provided for each dwelling unit.~~

~~I. A landscaping plan to buffer the development from abutting land uses shall be submitted by the developer, with emphasis on natural buffering as opposed to walls and fences.~~

~~J. The development shall have at least one property line abutting a major or collector thoroughfare, as defined in the major thoroughfare plan.~~

~~K. There shall be no access to or from a one-family attached dwelling development through property zoned for other one-family residential use.~~

~~L. The development shall be served by public water supply and public sanitary sewer collection systems.~~

~~M. Principal or accessory uses which are primarily designed to benefit residents of attached dwellings shall be located entirely in an R-1T district.~~

~~(Ord. No. 03-01 (Exh. A, § 42-432), 2-18-2003)~~

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~~Sec. 42-126-203. Special land uses.~~

~~The following uses may be allowed in an attached residential district, R-1T, subject to the conditions imposed in this section for each use, and subject further, to the review and approval of the planning commission in accordance with the provisions of division 5, subdivision 1 of this article:~~

- ~~A. Cemeteries.~~

~~{Ord. No. 03-01 (Exh. A, § 42-432), 2-18-2003}~~

~~State law reference(s) — Special uses authorized, MCL 125.581a.~~

~~Sec. 42-204. Site development requirements.~~

- ~~A. Lot, yard and building requirements shall be governed by the requirements of division 4, subdivision 10 of this article.~~
- ~~B. One family detached dwellings shall be subject to the minimum lot area, yard, floor area and other applicable requirements set forth in the R-1A, one family residential district for the same type of dwelling.~~
- ~~C. Parking, signs, landscaping, and lighting shall be governed by the requirements of division 6 of this article.~~
- ~~D. Site plan review shall be governed by the requirements of division 5, subdivision 2 of this article.~~
- ~~E. For the purpose of side yard regulations, a two-family dwelling or one family attached dwelling is considered one building occupying one lot.~~

~~{Ord. No. 03-01 (Exh. A, § 42-434), 2-18-2003}~~

~~Secs. 42-205—42-219. Reserved.~~

~~Subdivision 4. RM-1 AND RM-2 Multifamily Residential Districts~~

~~Sec. 42-220. Intent.~~

~~RM-1 and RM-2 multifamily residential districts are designed to provide sites for multifamily dwelling structures and related uses, which will generally serve as a transition between nonresidential districts and lower density one-family districts.~~

~~{Ord. No. 03-01 (Exh. A, § 42-440), 2-18-2003}~~

~~Sec. 42-221. Principal permitted uses.~~

~~In an RM-1 and RM-2 multifamily residential district, no building or land shall be used, and no building shall be erected, except for one or more of the following specified uses, unless otherwise provided in this article:~~

- ~~A. One family detached dwellings, including home occupations in accordance with the provisions of section 42-129.~~
- ~~B. Two-family dwellings, including home occupations in accordance with the provisions of section 42-129.~~
- ~~C. One family attached dwellings, including home occupations in accordance with the provisions of section 42-129, and subject to the provisions of section 42-202.~~

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- D. ~~Multiple family residential dwellings.~~
 - E. ~~Publicly owned and operated libraries, parks, parkways and recreational facilities.~~
 - F. ~~Cemeteries.~~
 - G. ~~Family child care homes and adult foster care family homes.~~
 - H. ~~General agriculture and farms on land separately owned outside the boundaries of platted property having an area not less than five acres.~~
 - I. ~~Specialized agriculture on land separately owned outside the boundaries of platted property having an area of not less than five acres, but not including retail sales on the premises and subject to the provisions of section 42-181.F.~~
 - J. ~~Religious institutions, including facilities normally incidental thereto, subject to the provisions of section 42-182.A.~~
 - K. ~~Utility and public service buildings and uses, without storage yards, when operating requirements necessitate the locating of the building within the district in order to serve the immediate vicinity.~~
 - L. ~~Day care centers, not including dormitories, subject to the provisions of section 42-182.D.~~
 - M. ~~Swimming pool clubs, subject to the provisions of section 42-182.E, except that the bylaws of the organization shall be provided with the application for the site plan approval.~~
 - N. ~~Private noncommercial recreational areas and institutional or community recreational centers, subject to the provisions of section 42-182.F, except that the bylaws of the organization shall be provided with the application for the site plan approval.~~
 - O. ~~Golf courses, subject to the provisions of section 42-182.G.~~
 - P. ~~Public and private colleges, universities and other institutions of higher learning.~~
 - Q. ~~Bed and breakfast establishments, subject to the provisions of section 42-182.H.~~
 - R. ~~Group day care homes, subject to the provisions of section 42-182.I.~~
 - S. ~~Adult foster care small group home.~~
 - T. ~~Senior adult housing facility.~~
 - U. ~~Personal service establishments, including barbershops, beauty shops and health salons, accessory to the uses permitted in this section.~~
 - V. ~~Accessory buildings and uses, in accordance with the provisions of section 42-121.~~
- (Ord. No. 03-01 (Exh. A, § 42-441), 2-18-2003; Ord. No. 01-06, 2-14-2006; Ord. No. 09-03, 4-14-2009; Ord. No. 16-11, 10-18-2016)

Sec. 42-222. Special land uses.

The following uses may be allowed in a multi-family residential district (RM-1 and RM-2), subject to the conditions imposed in this section for each use, and subject further, to the review and approval of the planning commission in accordance with the provisions of division 5, subdivision 1 of this article:

- A. Congregate care, assisted living, and convalescent homes.
 - 1. The minimum floor area per dwelling unit requirements specified in section 42-350(A), Schedule of Regulations, and number of units per acre specified in section 42-350(B)(7) Footnotes to Schedule of Regulations, shall not apply to assisted living and convalescent care facilities.

2. The minimum lot area shall be equal to the area required for the main building plus 1,500 square feet of lot area per resident bed.

B. Adult foster care large group homes.

1. The site shall be so located as to have one property line abutting a major or collector thoroughfare as designated on the major thoroughfare plan. All ingress to and egress from the site shall be directly onto such major thoroughfare or marginal access service drive thereof. The planning commission may allow access from a local street when it finds that no adverse effects on the surrounding area would result.

2. The parking area shall be screened in accordance with section 42-572, Parking Lot and Building Landscaping.

C. Accessory uses designed primarily to benefit residents of multifamily dwellings, housing for the elderly or convalescent homes provided they are located entirely in an RM-1 and/or an RM-2 district.

D. Public, parochial and other private elementary, intermediate and/or high schools offering courses in general education.

(Ord. No. 03-01 (Exh. A, § 42-442), 2-18-2003; Ord. No. 16-11, 10-18-2016)

State law reference(s) — Special uses authorized, MCL 125.584a.

Sec. 42-223. Site development requirements.

A. Lot, yard and building requirements shall be governed by the requirements of division 4, subdivision 10 of this article.

B. One-family detached dwellings shall be subject to the minimum lot area, yard, floor area and other applicable requirements set forth in the R-1A, one-family residential district for the same type of dwelling.

C. Parking, signs, landscaping, and lighting shall be governed by the requirements of division 6 of this article.

D. Site plan review shall be governed by the requirements of division 5, subdivision 2 of this article.

(Ord. No. 03-01 (Exh. A, § 42-443), 2-18-2003)

Secs. 42-224—42-239. Reserved.

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Subdivision 5. OS-1 Office Service District

Sec. 42-~~127240240~~ through 42-~~146259259~~.

No change.

Subdivision 6. Business Districts

Sec. 42-~~147260260~~ through 42-~~166279279~~.

No change.

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PART II - CODE OF ORDINANCES
Chapter 42 - LAND DEVELOPMENT REGULATIONS
ARTICLE 4. - ZONING
DIVISION 4. - ZONING DISTRICTS AND DISTRICT REGULATIONS
Subdivision 7. Industrial Districts

Subdivision 7. Industrial Districts

Sec. 42-~~167280280~~, through 42-~~186299299~~.

No change.

Subdivision 8. MHC Manufactured Home Community District

~~Sec. 42-300. Intent.~~

- ~~A. — A manufactured home community district may be established by amendments to the official zoning map in accordance with the procedures, requirements and limitations set forth in the Zoning Act and this article. Manufactured home communities, with accessory uses permitted in this subdivision, may be established subject to the requirements and limitations set forth in the Manufactured Home Commission Act (MCL 125.2301 et seq., MSA 19.855(101) et seq.), rules promulgated by the state manufactured home commission and this article.~~
- ~~B. — It is intended that a manufactured home community district and development serve as a zone of transition and be so located, designed and improved as to provide a desirable residential environment, protection from potentially adverse neighboring influences, protection for adjacent properties, access for vehicular traffic without traversing local streets in adjoining residential neighborhoods, and accessibility to public facilities, places of employment and facilities for meeting commercial and service needs equivalent to that of other forms of residential development.~~

~~(Ord. No. 03-01 (Exh. A, § 42-480), 2-18-2003)~~

~~Sec. 42-301. Principal permitted uses.~~

~~In the MHC manufactured home community district no building or land shall be used, and no building shall be erected, except for one or more of the following specified uses, unless otherwise provided in this article:~~

- ~~A. — Manufactured home communities, subject to all of the requirements of this subdivision.~~
- ~~B. — Commercial and service facilities within the manufactured home community, including laundry facilities and sales office facilities, provided that such facilities are intended to serve only persons residing within the development and are designed, located and improved so as to protect the character of the community and the surrounding neighborhood.~~
- ~~C. — Outdoor vehicle storage areas for recreational vehicles, provided that such areas are intended to serve only persons residing within the manufactured home community and are designed, located and improved so as to protect the character of the community and the surrounding neighborhood.~~
- ~~D. — Accessory structures and uses customarily incidental to the uses permitted in this district.~~

~~(Ord. No. 03-01 (Exh. A, § 42-481), 2-18-2003)~~

Sec. 42-302. Special land uses.

The following uses may be allowed in the MHC manufactured home community district, subject to the conditions imposed in this section and section 42-303 for each use, and subject further, to the review and approval of the planning commission in accordance with the provisions of division 5, subdivision 1 of this article:

A. — None.

(Ord. No. 03-01 (Exh. A, § 42-482), 2-18-2003)

Sec. 42-~~187303~~303. Site development requirements.

A. Review and approval of preliminary plan.

1. A preliminary plan, showing the location, layout and general design and a general description of the project shall be prepared in accordance with the applicable requirements of Public Act No. 96 of 1987 (MCL 125.2301 et seq., MSA 19.855(101) et seq.), rules of the state manufactured home commission and the following requirements:
 - a. Five copies of the preliminary plans shall be submitted to the department of community development for distribution to the department of transportation and utilities department, fire department and department of streets and equipment.
 - b. The preliminary plans shall exhibit all necessary information and details to determine compliance with the rules promulgated by the state manufactured home commission and applicable state departments and agencies for the development of manufactured home parks, as well as to determine compliance with this article, with local fire ordinances and building codes.
2. The preliminary plan shall be at a scale of at least 100 feet to the inch and show:
 - a. The scale and north arrow;
 - b. The site location on a vicinity map which illustrates the site in relation to the surrounding area within one-half mile;
 - c. The total acreage to the nearest tenth of an acre;
 - d. The name and address of the owner, developer and engineer/site planner who prepared the plan;
 - e. Property and lot lines with dimensions;
 - f. Setback lines;
 - g. Topography at two-foot contours, showing present and proposed contours (United States Geological Survey data shall be used);
 - h. Existing and proposed utilities, including water, sewer, storm drains, electric and gas utilities;
 - i. Building locations and dimensions;
 - j. Manufactured home pads/sites;
 - k. The recreation area plan, if the developer intends to provide such recreation area;
 - l. The required open space area, with dimensions and total area;
 - m. A landscape plan showing walks, fences and screening;

- n. Parking spaces and access drives with dimensions; and
 - o. All public and private rights-of-way and easements bounding and intersecting the area and an indication of which are proposed to be continued, created, relocated and/or abandoned.
3. Preliminary plans submitted to the city shall be subject to review and approval by the planning commission. The commission shall approve, modify or disapprove the preliminary plans within 60 days of the date of submission of such plans to the department of community development. If the plans are not approved, modified or disapproved within the 60 days, the preliminary plans shall be deemed approved.

~~B. Site area and dimensions:~~

- ~~1. A minimum of ten acres shall be required for the development of a manufactured home community.~~
- ~~2. The site shall comprise a single tract and be so dimensioned as to facilitate efficient design and management. However, minimum width of the site for portions used for general vehicle entrances and exits only shall be 60 feet. For portions containing lots for dwellings and buildings generally open to occupants, minimum dimensions shall be 200 feet.~~
- ~~3. These limitations shall not apply where expansion of an existing manufactured home development is concerned and where such expansion will not increase variation from requirements applying to a manufactured home community as set forth in this subdivision.~~

~~C. Location:~~

- ~~1. A manufactured home community district shall have at least 60 feet of frontage on a major or collector thoroughfare as shown on the master thoroughfare plan of the city. All ingress and egress to and from the development shall be onto the major or collector thoroughfare.~~
- ~~2. Inasmuch as the manufactured home community district is intended to serve as a zone of transition between nonresidential districts and residential districts, the manufactured home community district shall have at least one property line abutting on, I-1 light industrial or I-2 heavy industrial district.~~

~~D. All manufactured home park developments shall comply with the applicable requirements of Public Act No. 96 of 1987 (MCL 125.2301 et seq., MSA 19.855(101) et seq.) and the rules promulgated by the state manufactured home commission.~~

~~(Ord. No. 03-01 (Exh. A, 5-42-483), 2-18-2003)~~

Secs. 42-~~304188304~~—42-~~203319319~~. Reserved-~~Repeal~~

Subdivision 9. City Centre Mixed Use (CC-MU) District

Sec. 42-~~204320320~~ through 42-~~2433549335~~.

No change.

Subdivision 10. Schedule of Regulations

Sec. 42-~~244353500~~. Schedule of regulations.

- A. Schedule of regulations: The following schedule sets forth regulations regarding building height, bulk, density and area for the zoning districts as indicated. Numbers in parentheses are footnotes and apply as explained.

Zoning District	Minimum Lot Area Per Dwelling Unit (Sq. ft.)/lot width in feet (1)			Maximum Building Height in feet		Minimum Yard Setback in feet(2)					Minimum Floor Area Per Unit (sq. ft.)	Maximum Lot Coverage (20)
	With Sewer & Water	With Sewer or Water	Without Sewer & Water	Stories	Height	Front	Side	Rear				
R-1A One-Family Residential	7,800/65	12,000/80	15,000/100	2(3)	30(3)	27	8(4)	40			(5)	30%
R-1B One-Family Residential	9,600/80	12,000/80	15,000/100	2(3)	30(3)	30	10(4)	40			(5)	30%
R-1C One-Family Residential	12,000/100	12,000/100	15,000/100	2(3)	30(3)	30	12(4)	40			(5)	30%
R-1D One-Family Residential	12,000/100	12,000/100	28,000/120	2(3)	30(3)	30	12(4)	40			(5)	30%
R-1T Attached Residential	6,000/40	9,000/60	9,000/60	2	30(6)	30	10(4)	40			850	25%
RM-1 & RM-2 Multi-family-Residential	(7)	8,000	8,000	3	35(6)	30(8)	30(8)(4)	30(8)			1-BR: 500-2 BR: 700, 3-BR: 900-4 BR: 1,100	25%
OS-1 Office Service	--	--	--	--	35(6)	27(9)	15(10)(4)	20(11)			--	--
OTR Office Technology Research	(12)	--	--	--	35(6)	50(13)	50(13)(14)(4)	50(13)			--	25%
B-1 Local Business	--	--	--	--	35(6)	27(9)	(10)(4)	20(11)			--	25%
B-2 Community Business	--	--	--	--	35(6)	75(9)(15)	(15)(4)	(11)(15)			--	--
B-3 General Business	--	--	--	--	35(6)	30(9)	(10)(4)	20(11)			--	--
CPD Commercial Planned Development	(16)	--	--	--	35(6)	(15)	(15)(4)	(11)(15)			--	25%
I-1 Light Industrial	--	--	--	--	40(6)	75(17)(18)	75(17)(19)(4)	(11)(17)(19)			--	--

I-2 Heavy Industrial	--	--	--	--	60(6)	100(17)(18)	100(17)(19) (4)	(11)(17)(19)	--	--
MHC, Mobile Home Community	See Division 4, Subdivision 8 for regulations pertaining to this zoning district									
PD, Planned Development	See Division 4, Subdivision 11 for regulations pertaining to this zoning district									
P-1, Parking	See Division 4, Subdivision 14 for regulations pertaining to this zoning district									

B. Footnotes to Schedule of regulations:

- (1) See subsections D and E regarding flexibility allowances.
- (2) A residential lot that was legally recorded as part of a plat on December 14, 1965, and which was a buildable lot under the Zoning Code at the time of recording, shall be deemed a buildable lot even though it may have less area and/or width than the minimum zoning lot size per unit set forth in this subdivision. If such lot size dimensions are less than required in this subdivision, then the minimum yard setback applying to that dimension may be reduced to, but may not be less than, the following:
 - a. For lots with less than the required lot width, side yard setback shall not be less than five feet;
 - b. For non-lakefront lots with less than the required area, setbacks shall not be less than the following:
 - i. Thirty feet to the rear line;
 - ii. Fifteen feet from the street line abutting on the long side of a corner lot, provided that detached accessory buildings erected not less than 60 feet from the front street line may be erected not less than three feet from the side line, and provided further that a detached accessory building erected on a corner lot may be erected not closer than 15 feet to the side line of the street other than that upon which the dwelling on that lot is faced; and
 - iii. Twenty five feet from the front line, provided that when 25 percent or more of all the frontage on the same side of the street between two intersecting streets has been built up with permanent dwellings, the average setback of the dwellings shall be the minimum setback line between the intersecting streets.
 - c. For lakefront lots with less than the required area, setbacks shall not be less than the following:
 - i. Forty feet to the rear lot line.
 - ii. Twenty feet from front lot line.
- (3) R-1A, R-1B, R-1C, and R-1D one-family residential districts. The number of stories and maximum height of any residential structure on lots of 80 feet or more in width shall not exceed three stories and 40 feet in height.
- (4) The side yard facing the street shall not be less than the minimum front yard of the district in which it is located, unless otherwise permitted in this article.
- (5) The following minimum floor area requirements apply to each residence hereafter erected. Any structure existing as of the date of the adoption of this article on February 18, 2003 and not meeting the requirements of this subsection shall not be prevented from being reconstructed and, for the purpose of this article, therefore, shall not be considered nonconforming.

Residence Type	Zoning District					
	(with basement of at least 440 sq. ft.)			(with basement less than 440 sq. ft.)		
	R-1A	R-1B	R-1C & D	R-1A	R-1B	R-1C & D
1-story	1,040	1,280	1,600	1,120	1,360	1,600
1 1/2-story	1,100	1,340	1,680	1,180	1,500	1,700
2-story	1,440	1,800	2,000	1,520	1,880	2,000

The total square footage for a tri-level or bi-level shall equal at least the minimum square footage requirement for a two-story residence in the same district.

- (6) (a) Developments are subject to the approval of the planning commission, after a public hearing, regarding modifications with respect to height regulations, and subject, further, to review by the council and approval thereof. In approving an increase in structural height, the commission and council

shall require that all yards shall be at least equal in their depth to the height of the structure. The commission and council shall further determine that the topography, natural features or other land use characteristics, including the distance of the proposed structure from other uses, adequately mitigate adverse impacts on any adjoining or surrounding uses.

(b) The height of any structure in an RM-1 or RM-2 multifamily residential district shall be no greater than 30 feet and two stories when the zoning lot abuts a single family residential zoning district, except, after a public hearing, which may be held prior to site plan approval, the height of the structure may be increased to no more than 35 feet and three stories if the planning commission determines that the topography, natural features or other land use characteristics, including the distance of the proposed structure from the residential district and residential structures therein, adequately mitigate adverse impacts upon any adjacent single family residential zone or use. The height of a structure under this provision may be increased beyond the maximum height stated in this subsection only if the regulations and procedures of subsection (6)(a) of this section are followed.

(c) In all other districts, the height of any structure shall be no greater than 30 feet and two stories when the zoning lot abuts a single family residential zoning district, except, after a public hearing, which may be held prior to site plan approval, the height and number of stories of the structure may be increased to the height normally allowed in the zoning district if the planning commission determines that the topography, natural features or other land use characteristics, including the distance of the proposed structure from the residential district and residential structures therein, adequately mitigate adverse impacts upon any adjacent single family residential zone or use. The height of a structure under this provision may be increased beyond the height normally allowed within the district only if the requirements and procedures of subsection (6)(a) of this section are followed.

(d) Structures in existence on the effective date of the ordinance codified in this subsection which violate subsection (6)(b) or (6)(c) of this section shall be conforming structures pursuant to this Code for all purposes, except that an increase in height of such structures can only be obtained by planning commission approval using the procedures set forth in subsection (6)(b) or (6)(c) of this section.

(7) (a) In an RM-1 multifamily residential district, the total number of rooms of 80 square feet or more (not including kitchen, dining and sanitary facilities) shall not be more than the square footage of the entire parcel divided by 1,400, excluding wetlands and/or floodplains as defined in subsection (7)(b) of this subsection. In an RM-2 multifamily residential district, the total number of rooms of 80 square feet or more (not including kitchen, dining and sanitary facilities) shall not be more than the square footage of the entire parcel divided by 2,800, excluding wetlands and/or floodplains as defined in subsection (7)(b) of this subsection. The area used for computing density shall be the total site area exclusive of any dedicated public right of way of either interior or abutting roads. For the purpose of computing the permitted number of dwelling units per acre in an RM-1 or RM-2 district, the following room assignments shall control:

One bedroom unit = 2 rooms.

Two bedroom unit = 3 rooms.

Three bedroom unit = 5 rooms.

Four bedroom unit = 7 rooms.

All units shall have at least one living room and one bedroom, except that not more than ten percent of the units may be of an efficiency apartment type. Plans showing one-, two- or three-bedroom units and including a den, library or other extra room shall count such extra room as a bedroom for the purpose of computing density.

(b) In an RM-1 or RM-2 multifamily residential district containing wetlands as defined by section 30301 of the Natural Resources and Environmental Protection Act (MCL 324.30301, MSA 12A.30301) or floodplains as defined by the 100-year flood zones under division 4, subdivision 9, the total number of rooms of 80 square feet or more (not including kitchen, dining or sanitary facilities) shall not be more than the total square footage of the wetland and/or floodplain divided by 5,600 in the RM-1 multifamily residential district and divided by 11,200 in the RM-2 multifamily residential district.

(c) Notwithstanding subsection (7)(b) of this section, in no event shall the development upon part of any parcel exceed an average density of 125 percent of the allowable density as expressed in subsection (7)(a) of this section per developed acre.

(8) In an RM-1, RM-2 or R-1T attached residential district, front, side or rear yards need not refer to spacing between buildings for a planned development for two or more buildings on the same parcel. In such cases, the minimum distance between two buildings shall be regulated according to the length and height of each such building, and in no instance shall such distance be less than 30 feet, as provided in the formula in this subsection. In a platted RM-1, RM-2 or R-1T development, the minimum distance between a building and interior side yard shall be not less than 15 feet and shall, in addition, continue to be regulated according to the length and height of buildings or parcels adjoining that interior side yard, according to the formula in this subsection. Areas devoted to off-street parking, drives or maneuvering lanes shall not cover more than 30 percent of the area of any required yard or any required minimum distance between buildings. The formula for regulating the required minimum distance between two buildings is as follows:

$$S = L_A + L_B + 2(H + H_B) / 6$$

For the purposes of such formula:

S =

The required minimum horizontal distance between any wall of building A and any wall of building B or the vertical prolongation of either.

L_A =

The total length of building A. The total length of building A is the length of that portion of a wall of building A from which, when viewed directly from above, the lines drawn perpendicular to building A will intersect any wall of building B.

L_B =

The total length of building B. The total length of building B is the length of that portion of a wall of building B from which, when viewed directly from above, the lines drawn perpendicular to building B will intersect any wall of building A.

H_A =

The height of building A. The height of building A at any given level is the height above natural grade level of any portion of a wall along the length of building A. Natural grade level is the mean level of the ground immediately adjoining the portion of the wall along the total length of the building.

H_B =

The height of building B. The height of building B at any given level is the height above natural grade level of any portion of a wall along the length of building B. Natural grade level is the mean level of the ground immediately adjoining the portion of the wall along the total length of the building.

(9) Off-street parking may occupy a portion of the required front yard after approval of the parking plan layout and points of ingress and egress by the commission, provided that there is maintained a minimum unobstructed and landscaped setback of ten feet between the nearest point of the off-street parking area, exclusive of access driveways, and the nearest right-of-way line as indicated on the major thoroughfare plan.

- (10) No side yards are required along the interior side lot lines of the district, except as otherwise specified in the building code of the city (article 8, division 2 of this chapter), provided that if walls of structures facing such interior side lot lines contain windows or other openings, side yards of not less than ten feet shall be provided. On a corner lot which borders on a residential district, there shall be provided a setback of 27 feet on the side or residential street. On an exterior side yard abutting a residential district, there shall be provided a setback of 15 feet in width.
- (11) Off-street loading space shall be provided in the rear yard in the ratio of at least one space per each establishment and shall be provided in addition to any required off-street parking area. Off-street loading space shall further meet the requirements of ~~division 6, subdivision 4~~ [UDO Sec. 3.3.6 Off-Street Loading and Section 42-404 Loading Facilities](#).
- (12) The minimum land area requirements are as follows:
- a. Minimum project area. The project area shall not be less than a ten-acre tract of land, which at the time of filing for approval as a unified form of land development is designated by its owner or developer as a tract to be used, developed or built upon as a unit under single ownership or control. This tract may include more than one lot of record recorded with the county register of deeds if the lots or parcels are contiguous. The council may approve a minimum project area of less than ten acres, upon application of the owner or developer, upon the finding by the council that the proposed development fulfills the intent of the district.
 - b. Minimum lot area. A lot or parcel intended for development within the project area shall not be less than two acres and must have a minimum width of 150 feet. The lot or parcel intended for development with the project shall be considered a zoning lot as defined by this article.
- (13) Off-street parking may occupy a portion of the side yard and rear yard only after approval of the parking layout and points of ingress and egress, provided that there is maintained a minimum unobstructed and landscaped setback of 25 feet between the nearest point of the off-street parking area, exclusive of access drives, and the nearest property line. Off-street parking is not permitted in the front yard.
- (14) No building, structure or use, including off-street parking, in this district shall be located closer than 50 feet to a residential district boundary.
- (15) No building shall be closer than 20 feet to the outer perimeter of the district when the adjacent property is zoned I-1, I-2, CPD, B-2 or B-3. In all other cases, no building shall be closer than 75 feet to the outer perimeter of the district. No building shall be located closer than 30 feet to a property line that abuts a private street.
- (16) Minimum lot area. A lot or parcel intended for development shall not be less than ten acres and must have a minimum width of 150 feet at the street right-of-way line. The lot or parcel intended for development shall be considered a zoning lot as defined by this article. The council may approve a minimum lot or parcel area of less than ten acres, upon application of the owner or developer, upon the finding by the council that the proposed development fulfills the intent of the district.
- (17) The front yard setback may be penetrated to within 50 feet of the road right-of-way with either parking or that portion of the use housing only offices. All yards abutting on a public street shall be considered as front yards for setback purposes.
- (18) In an industrial park setting, the minimum front yard setback shall be 30 feet when the yard abuts a local street internal to the industrial park setting.
- (19) Side yards as indicated shall be required when abutting a residential district. Interior side yards shall be equal to at least one-half the height of the structure, provided that in no instance shall the interior side yard be less than 12 feet. Notwithstanding any provision of this article, no structure in this district shall be located closer than 75 feet to a residential district boundary.

~~(20) The lot coverage of 30 percent applies to both conforming and nonconforming lots in the R-1A, R-1B, R-1C and R-1D Districts. An increase in lot coverage to 30 percent may be permitted for lots in the R-1T, RM-1 and RM-2, OTR, B-1 and CPD districts that meet the minimum area and width requirements for the zoning district in which it is located, subject to review and approval by the director of transportation and utilities to ensure storm water drainage and related impacts are properly addressed.~~

DC Averaging of lot sizes. This section is intended to permit the subdivider or developer to vary his lot sizes and lot widths so as to average the minimum size of lot per unit as required in UDO Chapter 44 subsection 42-1602.2.2-A, Residential Estate District and subsection 2.2.2-B, Residential Neighborhood District. A for each one-family residential district. If this option is selected, the following conditions shall be met:

- (1) In meeting the average minimum lot size, the subdivision shall be so designed as not to create lots having an area or width greater than ten percent below that area or width required in ~~section 42-160.ARE and RN~~, and shall not create an attendant increase in the number of lots.
- (2) The technique of averaging minimum lot size is acceptable only in those instances wherein the entire preliminary plat, which has received council approval, is carried through a final plat and is then recorded in its totality. Recording of portions of a preliminary plat are not acceptable under is option.
- (3) All computations showing lot area and the average resulting through such technique shall be indicated on the print of the preliminary plat.

E. ~~Subdivision and open space plans. This section is intended to permit one-family residential subdivisions to be planned as a comprehensive unit, allowing, therefore, certain modifications to the standards as outlined in section 42-160.A to be made in one-family residential districts according to the following:~~

- ~~(1) The lot area in a one-family residential district with water and sewers may be reduced up to 20 percent. In an R-1A one-family residential district, this reduction may be accomplished in part by reducing lot widths up to ten feet. These lot area reductions shall be permitted provided that the dwelling unit density shall be no greater than if the land area to be subdivided were developed in the minimum square foot lot areas as required for each one-family residential district under section 42-160.A.~~
- ~~(2) Rear yards may be reduced to 30 feet when the lots border on land dedicated for park, recreation and/or open space purposes, provided that the width of such dedicated land is not less than 100 feet measured at the point at which it abuts the rear yard of the adjacent lot.~~
- ~~(2) For each square foot of land gained under the provisions of subsection (1) of this section within a residential subdivision through the reduction of lot size below the minimum requirements as outlined in section 42-160.A, at least equal amounts of land shall be dedicated to the common use of the lot owners of the subdivision in a manner approved by the city.~~
- ~~(4) The area to be dedicated for subdivision open space purposes shall not be less than four contiguous acres and shall be in a location and shape approved by the planning commission. At least 50 percent of the required open space shall be developed for recreational use, and no more than 25 percent of the required open space shall be wetlands or bodies of water or lie within a 100-year floodplain.~~
- ~~(5) In approving the application of the subdivision open space plan technique, the planning commission must be cognizant of the following objectives:
 - a. To provide a more desirable living environment by preserving the natural character of open fields, stands of trees, brooks, hills and similar natural assets;
 - b. To encourage developers to use a more creative approach in the development of residential areas, thereby designing safety into the street pattern; and
 - c. To encourage a more efficient and desirable use of open area while recognizing a reduction in development costs and by allowing the developer to bypass natural obstacles in the site.~~

(6) ~~The plan for reduced lot sizes shall only be permitted if it is mutually agreeable to the council and the subdivider or developer.~~

(7) ~~The plan for reduced lot sizes shall be started within six months after having received approval of the final plat and shall be completed in a reasonable time. Failure to start within such time shall void all previous approval.~~

(8) ~~The developer or subdivider shall dedicate and develop the total park, open space or recreational area, as provided in this section, at the time of filing of the final plat on all or any portion of the plat. In lieu of completion of the recreational area with the first phase, and with the specific consent of the council, the proprietor shall deposit with the city a true copy of an acceptable agreement showing that the proprietor has deposited with a bank or other agent acceptable to the city cash, a certified check, an irrevocable letter of credit or a surety bond in an amount estimated by the director of parks and recreation as sufficient to secure to the city the satisfactory construction and installation of the required improvements, if any, as agreed between the city council and subdivider or developer, in an amount representing 125 percent of the estimated construction costs of completion of the required improvements. Also, the recreational area must be dedicated in perpetuity for public or common use with the recordation of the first phase and access from a public street or other public property must be provided.~~

(9) ~~The modifications permitted under this subsection shall not be applied in conjunction with the modifications permitted under section 42-160.A.~~

~~{Ord. No. 03-01 (Exh. A, § 42-410.0), 2-18-2003; Ord. No. 01-06, 2-14-2006; Ord. No. 19-04, 10-15-2019; Ord. No. 0-6-2024, § 1, 7-9-2024}~~

~~State law reference(c) — Zoning districts authorized, MCL 125.581, MSA 5.2931; height, bulk and area regulations authorized, MCL 125.582, MSA 5.2932; density limits authorized, MCL 125.583, MSA 5.2993.~~

Secs. 42-~~245351~~—42-~~263369~~. Reserved.

Subdivision 11. PD Planned Development District

Sec. 42-~~264373700~~ through 45-~~283389389~~.

No change.

Subdivision 12. OTR, Office, Technology And Research

Sec. 42-~~284390390~~ through 42-~~303409409~~.

No change.

Subdivision 13. CPD Commercial Planned Development District

Sec. 42-~~304410410~~ through 42-~~323429429~~.

No change.

Subdivision 14. P-1 Vehicular Parking District

Sec. 42-~~324430~~ through 42-~~327433~~.

No change.

Subdivision 15. CCA City Centre Area - Mixed Use Floating District

Sec. 42-~~328434~~ through 42-~~332438~~.

No change.

Subdivision 16. CCMU Commercial Corridor Mixed Use Floating District

Sec. 42-~~333439~~~~439~~ through 42-~~337443~~~~443~~

No change.

Subdivision 17. Lake Center (LC) Corridor District

Sec. 42-~~338444~~~~444~~ through 42-~~353459~~~~459~~.

No change.

DIVISION 5. SPECIAL LAND USES AND SITE PLAN REVIEW

Subdivision 1. Special Land Uses

Sec. 42-~~354460~~~~460~~ through 42-~~373479~~~~479~~

No change.

Subdivision 2. Site Plan Review

Sec. 42-~~374480~~~~480~~ through 42-~~403519~~~~519~~.

No change.

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DIVISION 6. SITE DEVELOPMENT REQUIREMENTS

Subdivision 1. Off-Street Parking and Loading

Sec. 42-520. General requirements.

- A. ~~There shall be provided in all districts, at the time of erection or enlargement of a main building or structure, automobile off-street parking space with adequate access to all spaces.~~
- B. ~~The off-street parking spaces, in conjunction with all land or building uses, shall be provided, prior to the issuance of a certificate of occupancy.~~
- C. ~~1. Off-street parking for a nonresidential use shall not be allowed in a residential district.
2. Off-street parking shall be on the same zoning lot it is intended to serve, except as provided below.
3. Subject to planning commission review and approval, an off-street parking lot is not required to be located on the same zoning lot it is intended to serve only if such off-street parking meets all of the following criteria:
 - a. The off-street parking lot shall be located within 500 feet of the public entrance of the main building it serves.
 - b. A minimum four-foot wide paved sidewalk from the parking lot to the building entrance is available for pedestrian use.
 - c. The off-street parking lot shall not be on the opposite side of a major or minor arterial roadway (as defined in the comprehensive plan) unless access to a signalized intersection with a crosswalk or refuge island is available for pedestrians. The walking distance from the parking lot to the main building entrance by way of the signalized intersection shall not exceed 750 feet.
 - d. The amount of off-site parking shall be limited to no more than 25 percent of the minimum Zoning Code requirement.
 - e. A parking agreement must be executed between property owners of the affected parcels and recorded with the county register of deeds.~~
- D. ~~No area once designated as required off-street parking shall be changed to any other use unless and until equal facilities are provided elsewhere.~~
- E. ~~Off-street parking existing at the effective date of this article serving an existing use shall not be reduced in size to less than that required under the terms of this section.~~
- F. ~~Parking shall be provided and maintained in proper ratio to any increase in floor area or building use capacity.~~
- G. ~~Two or more buildings or uses may collectively provide the required off-street parking, in which case the required number of parking spaces shall be not less than the sum of the requirements for the individual uses computed separately.~~
- H. ~~The storage of merchandise, motor vehicles for sale, trucks, or the repair of vehicles is prohibited.~~
- I. ~~For those uses not specifically mentioned in this section, the requirements for off-street parking facilities shall be in accordance with a use that the director considers similar in type. Should the director determine that review by the planning commission is necessary due to unique or unusual circumstances, the director may, with ten-day written notice to the applicant, refer this matter to the commission. In addition, a person aggrieved by a final decision of the director may file an appeal with the planning commission specifying the grounds thereof within 30 days of receiving notice of the director's decision.~~
- J. ~~When units or measurements determining the number of required parking spaces result in the requirement of a fractional space, a fraction up to and including one-half shall be disregarded and fractions over one-half shall require one parking space.~~

K. For the purpose of computing the number of parking spaces required, the definition of floor area, usable (UFA) set forth in section 42-112, definitions, shall govern.

L. Barrier-free parking shall be provided and constructed in accordance with the general rules of the state construction code commission.

M. Deferred parking:

1. Where an applicant demonstrates that the parking requirements for a particular proposed use would be excessive, a plan may be approved pursuant to division 5, subdivision 2, designating portions of required parking spaces and paving reserved for future use. Likewise, a parking deferment may be imposed upon a finding that the standard parking requirements would be initially excessive.
2. The approval shall require reserved areas to be maintained in a landscaped appearance and shall include conditions under which the reserved parking areas must be paved.
3. Alterations to the deferred parking area to add parking spaces may be initiated by the owner or required, based on parking needs, and shall require the submission and approval of an amended site plan, as required by division 5, subdivision 2, of this article.

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N. Maximum parking requirement:

1. To minimize excessive areas of pavement which detract from the aesthetics of an area and contribute to high rates of storm water runoff, no parking lot shall have parking spaces totaling more than an amount equal to 25 percent greater than the minimum parking space requirements, as determined by section 42-523, schedule of off-street parking requirements, except as may be approved by the planning commission.
2. In granting additional parking spaces, the planning commission shall determine such parking will be necessary to accommodate the use on a typical day, based on documented evidence provided by the property owner or applicant.
3. This subsection shall apply only to those parking lots that require a minimum of 100 parking spaces as required in section 42-523, schedule of off-street parking requirements.

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O. Reduction in parking requirements:

1. The minimum parking spaces as required in section 42-523, schedule of off-street parking requirements, shall apply, unless the applicant demonstrates by clear and convincing evidence, that there are substantial reasons for a reduction of no more than 25 percent of the required parking due to the existence of a combination of the following:
 - a. The use requires less off-street parking than the minimum required based on the nature and character of the use, considering the unique, specialized operations causing the level of customer traffic or actual vehicular counts to be lower than those expected of the same or similar use contained in section 42-523, schedule of off-street parking requirements.
 - b. Shared parking by multiple uses where there will be a high proportion of multipurpose visits or uses have peak parking demands during differing times of the day or days of the week. Pedestrian connections shall be maintained between the uses.
 - c. Expectation of walk-in trade due to sidewalk connections to adjacent residential neighborhoods or employment centers which are of sufficient density and intensity. The site design shall incorporate pedestrian connections to the site and on-site pedestrian circulation providing safe and convenient access to the building entrance.
 - d. Availability of other forms of travel such as the distance from a designated metro transit bus stop and the location of bike routes. The planning commission may require the site design incorporate transit stops, pedestrian connections to nearby transit stops, or bicycle parking facilities.

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- e. Any other reason which, in the planning commission's determination, would provide a substantial reason for a reduction in the minimum parking requirements.
2. The planning commission shall not grant a reduction in the minimum parking requirements if it determines that the lower demand for parking will or may be temporary in nature.
3. The planning commission may also consider city policies regarding local traffic circulation, as well as all aspects of the city's comprehensive plan.
4. Before relief is granted by the planning commission, the applicant shall demonstrate either of the following:
 - a. The use involved is not specifically included in the minimum parking space requirements of section 42-523, schedule of off-street parking requirements; or
 - b. If the use involved is included in section 42-523, then it possesses such specialized and unique characteristics causing it to be substantially different from the use so included in section 42-523.
5. The planning commission may also require a parking study, conducted by a qualified transportation planner, traffic engineer, or other qualified individual that demonstrates a reduction in the number of parking spaces would be appropriate and not detrimental to the safety and welfare of the subject property or adjacent properties. The "average peak period parking demand" for the applicable land use as defined in the latest edition of the Institute of Traffic Engineers Parking Generation handbook should be considered in the review of the study.
6. An applicant who desires relief from the minimum requirement of parking spaces shall file a request with the planning commission specifying the grounds thereof in accordance with this section. The planning commission may decide the request during site plan review or at such other time as determined by the director or the planning commission. The director shall transmit to the planning commission all the materials constituting the record needed to make its decision as well as a recommendation. If a request for relief under this section is heard at the same time as a site plan, or any other approval, the procedures, standards and requirements for each shall be satisfied.
7. The planning commission shall hold a public hearing in accordance with the requirements of MCL 125.3101, et seq., (The Zoning Enabling Act) to consider an applicant's request for relief to reduce minimum parking requirements.
8. In granting relief under this section, the planning commission may place reasonable conditions in conjunction with the decision to protect the health, safety and welfare of city residents as well as the traveling public to ensure adequate traffic circulation, to protect the residents and land owners immediately adjacent to the proposed land use activity and to assure that the reduction of the minimum parking requirements will not result in overcrowding, traffic hazards or other consequences which may arise from the relief granted or from the possibility of inadequate parking spaces.

(Ord. No. 03-01 (Exh. A, § 42-610), 2-18-2003; Ord. No. 16-11, 10-18-2016)

Sec. 42-521. Design, construction and maintenance of parking areas.

- A. Whenever the off-street parking requirements of this article require the building of an off-street parking facility, or where P-1 vehicular parking districts are provided, such off-street parking lots shall be laid out, constructed and maintained in accordance with the standards and regulations of this section and chapter 66, article 3, access management.
- B. No parking lot shall be constructed unless and until a permit therefore is issued by the director. An application for such permit shall be submitted to the department of community development on a form provided by the city, and shall be accompanied by two sets of plans for the development and construction of the parking lot showing that this section will be fully complied with.

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C. Plans for the layout of off-street parking facilities shall be in accordance with the following minimum requirements:

Parking Pattern (degrees)	Maneuvering Lane Width (ft)	Parking Space (ft)		Total Width—Tier of Spaces Plus Maneuvering Lane (ft)	
		Width	Length	One-Tier	Two-Tiers
0 (Parallel) Parking	12	8	23	20	28
30 to 53	12	8½	20	32	52
54 to 74	15	8½	20	36½	58
75 to 90	22	9	18	40	58

- D. All spaces shall be provided adequate access by means of maneuvering lanes. Backing directly onto a street is prohibited.
- E. Adequate ingress and egress to and from the parking lot by means of clearly limited and defined drives shall be provided for all vehicles. Ingress and egress to and from a parking lot lying in an area zoned for other than one-family residential use shall not be across land zoned for single-family residential use.
- F. All maneuvering lane widths shall permit one-way traffic movement, except that the 90-degree pattern may permit two-way movement.
- G. Each entrance and exit to and from an off-street parking lot located in an area zoned for other than one-family residential use shall be at least 25 feet from adjacent property located in a one-family residential district.
- H. The off-street parking area shall comply with the landscaping requirements in division 6, subdivision 3 and lighting requirements of division 6, subdivision 4 of this article.
- I. The entire parking area, including parking spaces and maneuvering lanes, required under this section shall be provided with asphalted or concrete surfacing in accordance with specifications approved by the director of transportation and utilities. Parking areas shall be surfaced within one year of the date the permit is issued. All off-street parking areas shall maintain a safe, clean and durable surface reasonably free of significant holes, upheavals or cracks and shall be repaired in a timely manner upon notification by the department of community development.
- J. Off-street parking areas shall be drained so as to dispose of all surface water accumulated in the parking area in such a way as to preclude drainage of water onto adjacent property or toward buildings or unless a retention area intended to be shared by more than one site has been designated in accordance with specifications approved by the director of transportation and utilities and appropriate easements prepared and recorded.
- K. In all cases where a wall extends to an alley which is a means of ingress to and egress from an off-street parking area, the wall may be ended not more than ten feet from such alley line in order to permit a wider means of access to the parking area.
- L. Consistent with the city comprehensive plan and Complete Streets Policy, as amended, new or reconstructed off-street parking lots should incorporate the following:
1. Low impact parking lot design alternatives such as rain gardens, bio swales, pervious pavement, charging stations for electric vehicles and other green/sustainable techniques.
 2. Pedestrian connection from the public sidewalk to the main building entrance.
 3. Bicycle racks that accommodate a minimum of four bicycles.

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(Ord. No. 03-01 (Exh. A, § 42-611), 2-18-2003; Ord. No. 16-11, 10-18-2016)

Sec. 42-522404522. Loading facilities.

- A. ~~On the same premises with a building, structure or part thereof involving the receipt or distribution of vehicles or materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading and unloading in order to avoid undue interference with public use of dedicated rights-of-way. The space shall meet the requirements of this section.~~
- B. ~~Except as otherwise required in section 42-522 E., below, off-street loading spaces shall be provided in commercial and industrial districts in the rear yard in the ratio of at least one space per each establishment and shall be provided in addition to any required off-street parking area. If the adjacent land area is zoned residential or designated for residential use in the planned development, the loading area may be located in the rear or side yard.~~
- C. In a business district, when a planned commercial or shopping center with 100,000 GLA or more is to be developed, off-street loading space may be provided either in the rear yard or in a loading area in the front or side yard which is completely screened from view and separate from fire lanes and in a manner that will not obstruct the flow of traffic in the parking area.
- D. All loading spaces in an industrial district shall be provided in the following ratio of spaces to floor area:

GFA (sq. ft.)	Loading and Unloading Spaces Required
0 - 1,400	None
1,401 - 20,000	1 space
20,001 - 100,000	1 space plus 1 space for each additional 20,001 sq. ft. of UFA not exceeding 100,000 sq. ft. UFA
100,001 and over	5

- E. Off-street loading and unloading space in an industrial district may be provided in either the side or rear and/or outside of the required front yard, provided that it is separate from fire lanes, maneuvering lanes and parking areas and does not obstruct the flow of traffic in the parking area.
- F. ~~All spaces shall be laid out in the dimensions of at least ten feet by 50 feet, or 500 square feet in area, with a clearance of at least 14 feet in height. Loading dock approaches shall be provided with pavement having an asphalt or Portland cement binder so as to provide a permanent, durable and dustless surface.~~
- G. ~~Deferred loading areas.~~
 - 1. ~~Where an applicant demonstrates that the loading requirements for a particular proposed use would be excessive, a plan designating portions of required loading spaces and paving reserved for future use must be submitted in accordance with division 5, subdivision 2.~~
 - 2. ~~Alterations to the deferred loading area to add loading spaces may be initiated by the owner or required, based on loading needs, and shall require the submission and approval of an amended site plan, as required by division 5, subdivision 2.~~

(Ord. No. 03-01 (Exh. A, § 42-612), 2-18-2003; Ord. No. 16-11, 10-18-2016)

Sec. 42-4065-2523. Schedule of off-street parking requirements.

SCHEDULE OF OFF-STREET PARKING REQUIREMENTS

Use	Minimum # of Spaces	Remarks
Residential	2/dwelling unit	—
One-family and two-family residences	2/dwelling unit	—
Residential and multi-family residences	2/dwelling unit	—
Housing for the elderly	1-5/dwelling unit	if units revert to general occupancy, then 2 spaces/unit shall be provided
—Senior adult housing	1/2 units plus 1/employee in the largest working shift	
—Congregate care facility, Assisted living, and Convalescent/nursing home	2/site plus 1/employee	
Manufactured Home Community	1/3 seats or 6 ft. of pews in main unit of worship	—
Religious institutions	1/3 seats or 6 ft. of pews in main unit of worship	—
Health facilities	2 spaces per bed	—
Hospitals	2/exam room plus 1/employee	
Immediate medical care clinic	1/teacher, employee or administrator or requirements for auditorium, whichever is greater	—
Private elementary and junior high schools	1/teacher, employee or administrator or requirements for auditorium, whichever is greater	—
Private senior high schools	1/teacher, employee or administrator and 1/10 students, or requirements for auditorium, whichever is greater	—
Private clubs and lodge halls	1/3 persons allowed within the maximum occupancy load	Maximum occupancy load established by local, county or state fire, building or health codes
Swimming pool clubs, tennis clubs and other similar uses	1/2 member families or individuals	—
Public and private golf courses, except miniature or par-3 course	6/hole plus 1/employee	—
Fraternities and sororities	1/5 permitted active members, or 1/2 beds (whichever is greater)	—
Stadiums, sports arenas or similar places or outdoor assembly	1/3 seats or 6 ft. of benches	—
Theaters and auditoriums	1/3 seats plus 1/2 employees	—
Planned commercial shopping centers in a business district with a GLA greater than 100,000 sq. ft.	4/1000 sq. ft. of GLA	—
Busin		

Car washes (automatic)	1/employee plus stacking spaces equal to 5 times the maximum capacity of the car wash	Maximum capacity of the wash means the greatest number of vehicles possible undergoing some phase of washing at the same time. Determined by length of wash line (ft.)/20 ft.
Carwashes (self-service and/or coin-operated)	2 plus 1 for each employee and 1 for each vacuum station or similar area	—
Beauty parlors or barbershops	3/first 2 chairs, plus 1½ for each additional chair	—
Day spa	1/150 sq. ft. of UFA	—
Bed and breakfasts	2 plus 1/guest room	—
Bowling alleys	5/lane	—
Dancehalls, pool or billiard parlors, roller or skating rinks, exhibition halls and assembly halls without fixed seats	1/3 persons allowed within the maximum occupancy load	Maximum occupancy load established by local, county or state fire, building or health codes
Restaurants that provide waiter/waitress service to the table but no drive-thru or in-car service.	1/60 sq. ft. of UFA	—
Fast food restaurants that provide for table areas inside and drive-thru service but do not provide waiter/waitress service to the table or in-car service.	1/40 sq. ft. of UFA plus 3 stacking spaces between the window and menu board and 3 stacking before the menu board	—
Fast food restaurants that provide take-out service (walk-up window or drive-thru service) with no or limited inside table area.	1/25 sq. ft. of UFA plus 3 stacking spaces between the window and menu board and 3 stacking spaces before the menu board.	—
Fast food restaurants that provide in-car service.	In addition to the parking space at each menu board, 1/each employee in the largest working shift.	—
Furniture, appliance and household equipment repair shops; showrooms of plumbers, decorators, electricians or similar tradesmen; shoe repair; and other similar uses	1/800 sq. ft. of UFA; Floor area used in processing 1 additional/2 employees	—
Auto repair facility	2/ stall, rack or pit plus 1/employee	—
Vehicle fuelling station	1/fuel nozzle plus 1/200 UFA of retail floor area	—

Business and Commercial

	Laundromats and coin-operated dry cleaners	1/2 machines	--
	Miniature and par 3 golf courses	3/hole plus 1/employee	--
	Mortuary establishments	1/50 sq. ft. of UFA	--
	Hotels, motels and other commercial lodging establishments	1/occupancy unit plus 1/employee	--
	Motor vehicle sales and service establishments	1/200 sq. ft. of UFA or sales room plus 1/auto service stall in service room.	--
	Retail stores, except as otherwise specified earlier	1/200 sq. ft. of UFA	--
	Marijuana provisioning center, adult use retailer and/or microbusiness that provides drive-thru service	3 stacking spaces before the drive thru window	--
	Banks	1/200 sq. ft. of UFA plus 1/employee and 3 stacking spaces per drive-thru facility	--
	Professional offices of doctors, dentists and similar professionals, clinics	1/150 sq. ft. of UFA	--
	Business and professional offices, except as indicated in the previous use	1/200 sq. ft. of UFA	--
Offices	Industrial and research establishments and related accessory offices	5 plus 1½ per employee in largest work shift	--
	Wholesale establishments and related accessory offices	5 plus 1/employee in largest work shift, or 1/1700 sq. ft. of UFA (whichever is greater)	--
	General or specialized agriculture	2 plus 1 per 1½ employees in largest work shift	Excludes seasonal workers
Industrial Agricultural	Industrial agriculture	5 plus 1 per 1½ employees in largest work shift	Excludes seasonal workers

(Ord. No. 03-01 (Exh. A, § 42-613), 2-19-2003; Ord. No. 08-05, 7-22-2008; Ord. No. 16-11, 10-18-2016; Ord. No. 0-3-2023(2), 5-23-2023)

Secs. 42-~~407524524~~ through 42-~~422539539~~.

No change.

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Subdivision 2. Signs

Sec. 42-~~540423540~~ through 42-~~544427544~~

No change.

Sec. 42-~~428545545~~, ~~R-1A, R-1B, R-1C, R-1D, RE~~ and ~~RN R-1T~~ districts.

In any ~~R-1A, R-1B, R-1C, R-1D, RE~~ and ~~R-1T RN~~ residential district:

A through D No Change.

~~(Ord. No. 03-01 (Exh. A, § 42-625), 2-18-2003; Ord. No. 09-03, 4-14-2009; Ord. No. 10-05, 4-13-2010; Ord. No. 19-03, 6-25-2019; Ord. No. 19-04, 10-15-2019)~~

Sec. 42-~~429546546~~, ~~RM-1 and RM-2~~ districts.

In RM ~~1 and RM 2~~ ~~multifamily residential mixed residential~~ districts:

- A. For each dwelling unit, there is permitted one wall sign, not exceeding one square foot in area.
- B. For a rental or management office, there is permitted one wall sign, not exceeding two square feet in area.
- C. For a ~~multifamily multi-unit~~ housing project, there is permitted one freestanding or wall sign, not exceeding 32 square feet in area per vehicular entrance, provided that such sign:
 1. Is at least ten feet from any property line; and
 2. Does not exceed ten feet in height.
- D. For a permitted use other than a dwelling unit, there is permitted one freestanding accessory sign, not exceeding one square foot for each two and one-half feet of lot frontage. The maximum size of the sign may not exceed 50 square feet in area, provided that such freestanding sign:
 1. Is at least ten feet from any property line; and
 2. Does not exceed ten feet in height.
- E. For a permitted use other than a dwelling unit, there is also permitted a wall sign or signs, the combined area of which does not exceed 15 percent of the total area of the wall to which the sign or signs are attached. The combined total of all wall signs shall not exceed 100 square feet.

~~(Ord. No. 03-01 (Exh. A, § 42-626), 2-18-2003; Ord. No. 10-05, 4-13-2010; Ord. No. 19-03, 6-25-2019)~~

Sec. 42-~~430547547~~ through 42-~~452569.569~~

No change.

Subdivision 3. Landscaping and Screening

Sec. 42-570. Intent and purpose.

The impact of urban development on the form, function and environment of the community is significant. In an effort to address this impact, this subdivision is intended to accomplishing the following objectives:

- A. Promote the public health, safety and general welfare by reducing noise, air pollution, light glare, soil erosion and heating of the environment.
- B. Encourage the retention of existing significant vegetation.
- C. Establish screening and buffering between conflicting land uses and zoning districts.
- D. Improve the appearance of off-street vehicular parking areas and loading/unloading areas when adjacent to and visible from an abutting public right-of-way.
- E. Improve pedestrian travel within parking areas and along public rights-of-way.
- F. Decrease soil erosion and increase water retention.

(Ord. No. 03-01 (Exh. A, § 42-620), 2-18-2003)

Sec. 42-571. Applicability.

Landscaping and screening as provided in this subdivision shall be required on the site in the following cases:

- A. Whenever a building permit is required for the erection of a main building or structure, other than a one- or two-family residential dwelling or accessory building related thereto.
- B. Whenever a building permit is required for a structural alteration, addition or repair to a building when the estimated expense of such construction exceeds 25 percent of the appraised replacement cost of the entire building or structure, exclusive of the foundation, prior to its improvement (as determined by the department of community development).
- C. Whenever an existing building is changed to or occupied by a use of a different classification or type.
- D. Whenever a parking lot is expanded by 25 percent or more, substantially altered, or a new but separate parking lot constructed on-site.

(Ord. No. 03-01 (Exh. A, § 42-631), 2-18-2003)

Sec. 42-572. Parking lot and building landscaping.

Parking lots and buildings shall have the following perimeter and interior landscaping:

A. Perimeter landscaping. Parking lots, or parts thereof, that are adjacent to and/or visible from a public right-of-way, must include the following perimeter landscaping and screening between the parking lot and right-of-way with the exception of permitted driveways, sidewalks and utilities (applies to public alleys only when a residential district or use is located across from a public alley):

1. A landscaped greenstrip at least ten feet in width with grass, groundcover or other live material. Where plant material is used for screening along the perimeter of the parking lot greenstrip, it may consist of evergreen or deciduous shrubs or a combination thereof.

2. One deciduous tree for every 30 feet or fraction thereof of the parking lot. Arrangement of trees in clusters or groupings is permitted, but in no case shall trees be more than 75 feet apart.

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~~3. A hedge, berm, wall or combination thereof forming a continuous screen at least 36 inches in height above the parking lot, located in the greenstrip to provide maximum screening of the parking lot. If shrubs are used to form the continuous screen, the shrubs shall be spaced no more than 36 inches on center. If a wall is used, one 36-inch high shrub must be provided for every ten lineal feet and planted on the street side of the wall. Arrangement of shrubs in clusters or groupings is permitted, but in no case shall the clusters or groupings be more than ten feet apart. The building may also be used to screen the parking lot. Relocation of the hedge, berm, wall or combination thereof may be allowed to prevent traffic hazards, vision obstruction or other public safety dangers.~~

~~4. Parking lots situated at an elevation of 20 or more inches below street grade and with a greenstrip that has vertical slope no greater than three to one (or retaining wall) are not subject to the installation of a hedge, berm, wall or combination thereof forming a continuous screen at least 36 inches in height above the parking lot. The greenstrip is subject to the requirements of subsection A, 2 above.~~

~~B. Interior landscaping. Parking lots greater than 10,000 square feet, in addition to subsection A, above, must meet the following interior landscaping requirements:~~

~~1. Within the interior of the parking lot there shall be one square foot of landscaped area for each 15 square feet of parking lot. In computing the lot area for this subsection, the paved area within 20 feet of the perimeter landscaping may be excluded.~~

~~2. Landscaped areas within the interior of a parking lot shall be protected by concrete or bituminous curbing.~~

~~3. Each interior landscaped area shall have at least 150 square feet exclusive of the curbing and have a minimum dimension of eight feet in any direction.~~

~~4. The interior landscaped areas shall be located in a manner that breaks up the expanse of paving throughout the parking lot.~~

~~5. There shall be at least one deciduous tree for each 150 square feet, or fraction thereof, of interior landscaped area. Each tree shall be provided with an open land area of not less than 75 square feet.~~

~~C. Site landscaping. Buildings that are adjacent to and/or visible from a public right-of-way but not required to meet the landscaping requirements stated in subsection A, above, must include the following landscape improvements between the building and public right-of-way:~~

~~1. One deciduous tree for every 30 lineal feet excluding permitted openings.~~

~~2. Five shrubs for every 40 lineal feet excluding permitted openings.~~

~~3. Arrangement of shrubs and/or trees in clusters or groupings is permitted, but in no case shall the clusters or groupings be more than 30 feet apart.~~

~~(Ord. No. 03-01 (Exh. A, § 42-632), 2-18-2003)~~

~~Sec. 42-573. Conflicting land use screening.~~

~~A. The intent of this section is to protect neighboring residential and park properties from any adverse external effects and negative impacts of nonresidential development. A screen and buffer required by this section is intended to limit visual contact between uses and to create a strong impression of spatial separation.~~

~~B. Screening materials.~~

~~1. Screening materials shall consist of evergreen trees and shrubs, walls, fences and berms or a combination thereof and be opaque in all seasons of the year from the ground to a height of at least six feet.~~

~~2. Screening fences shall not be constructed of corrugated metal, corrugated fiberglass, sheet metal, chain link or wire mesh. If a long stretch of screening is required, options should be combined or alternated, or plant materials should be varied.~~

3. Other creative options, such as changes in elevation, existing vegetation, or plant materials within a buffer area, are encouraged, but the applicant must demonstrate that comparable or superior screening will be provided.

C. Except as provided in subsection G, below, a zoning lot that contains a parking lot, office, commercial, industrial use or any combination thereof which abuts a public park facility or a residential district or use shall be separated by screening as specified in subsection B, above, between it and all abutting areas of such park or residential district or use. In addition to the above screening, there shall be required a landscaped greenstrip of at least ten feet in width and one tree for each 30 feet or fraction thereof of land adjacent to the parking lot and use.

D. An industrial or research park development, or combination thereof abutting a public park facility or a residential district or use must have as separation screening an earth berm with a minimum height of eight feet. The berm shall meet the requirements of section 42-576.1 in regards to slope and erosion control. The berm shall also be landscaped with at least one tree and five shrubs per 30 lineal feet.

E. Non-residential uses with a minimum zoning lot area of three acres abutting a public park or land principally used or zoned for residential purposes shall have a separation screening and earth berm with a minimum height of six feet. The berm shall meet the requirements of section 42-576(1) material standards in regards to slope and erosion control. The berm shall also be landscaped with at least one tree and five shrubs per 30 lineal feet.

F. Existing screening:

1. For the purposes of C, D and E, above, the planning commission may approve screening consisting of existing vegetation, planted vegetation and topographic characteristics of the land or a combination thereof if it satisfies the intent and purpose of this subdivision concerning opaque screening.
2. The planning commission shall consider the characteristics of the land and vegetation present, the adequacy of the screening proposed, and other factors which impact upon adjoining residential and park uses.
3. The planning commission on approving the use of existing topographical characteristics of the land or existing and/or planted vegetation may condition such approval on the planting of new vegetation in the number, size and type to satisfy the intent and purpose of this section.

G. Additional landscaping:

1. The planning commission may increase the height of the separation screening and/or require additional landscaping as part of the site plan review under division 5, subdivision 2 if the minimum requirements of subsection B would not adequately protect existing or future abutting residential uses.
2. In deciding whether the requirements of subsection B protect abutting residential uses, the planning commission may consider factors which include, but are not limited to, the topography of the land, the type(s) of use(s) involved, the materials and vegetation to be utilized and the distance between structures and uses.

(Ord. No. 03-01 (Exh. A, § 42-633), 2-18-2003; Ord. No. 01-06, 2-14-2006)

Sec. 42-574 ~~453574~~ through 42-~~454575~~575.

No change.

Sec. 42-576. Material standards:

Materials used to comply with this subdivision must meet the following standards:

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A. ~~No artificial plants or trees may be used. All plant material shall be maintained in a healthy and growing condition, be free of disease and insects and conform to the American Standard for Nursery Stock of the American Association of Nurserymen. Diseased, dying, dead and/or damaged materials must be replaced.~~

B. ~~Fences and walls.~~

1. ~~Where a wall or fence is used in conjunction with landscaping, with the exception of walls abutting a public right of way, the wall or fence shall be set adjacent to and within one foot of the property line, except where natural features prevent the use of the property line or where underground utilities interfere.~~
2. ~~Where a wall is used in conjunction with landscaping, the wall shall be an opaque masonry structure with a footing depth as required by the adopted city construction code.~~
3. ~~If concrete blocks are used for walls, they must be decorative or brick-faced.~~
4. ~~If a fence is used in conjunction with landscaping, the fence shall be an opaque structure with a footing depth and material as required by the adopted city construction code. Vertical and horizontal members that support the fence shall be concealed within the fence or be exposed only on the nonresidential side of the fence.~~
5. ~~Whenever a wall or fence is required, deciduous trees shall be planted in the ground adjacent to the wall or fence.~~
6. ~~All fences and walls must be maintained so as to ensure the continuity of the fence and/or wall.~~

C. ~~Perimeter landscaped areas adjacent to a public right of way shall be covered with grass, or live vegetative ground cover not to exceed 18 inches in height. Organic mulch, stone or aggregate or a combination thereof may be used in and around planting beds. Grass or other live ground cover shall be planted and maintained so as to present a finished landscaped appearance within one growing season.~~

D. ~~Interior landscaped areas shall be covered not less than 50 percent with grass or live vegetative ground cover not to exceed 18 inches in height. Adequately prepared and weed retardant stone beds, or bark or wood chip mulch may be used in combination with grass or other live ground cover so long as it covers less than 50 percent of the interior landscaped area. Grass or other live ground cover shall be planted and maintained so as to present a finished landscaped appearance within one growing season.~~

E. ~~Tree requirements.~~

1. ~~When required by this subdivision, deciduous trees shall have a mature crown spread of greater than 15 feet. At planting, trees must have a minimum caliper of 2¼ inches at six inches above the root ball, a burlap ball size of at least ten times the caliper size, and a clear stem of at least four feet.~~
2. ~~Permitted trees include Norway maples, oaks, lindens, ashes, London planes, honey locusts, beeches, and also other types of trees with city approval. They do not include catalpas, elms, horse chestnuts, silver maples, poplars, willows or box elders.~~

F. ~~When required by this subdivision, evergreen trees shall be a minimum of five feet in height with a minimum spread of three feet, and a burlap ball size of at least ten times the caliper size.~~

G. ~~Existing vegetation on the property may be used to meet the requirements of this subdivision if it meets the size, species and opacity requirements.~~

H. ~~Water outlets shall be provided within 150 feet of all required plant material.~~

- I. Berms shall have slopes no greater than one vertical foot for each three horizontal feet and shall have at least two feet of flat area on top and shall have adequate protection to prevent erosion.
- J. When units of measurements, utilized in determining the required number of plantings result in a fractional number, any fraction shall be rounded to the nearest whole number.

{Ord. No. 03-01 (Exh. A, § 42-637), 2-18-2003} Sec. 42-577. Landscaping plan.

A. A landscaping plan must be submitted to the department of community development showing the location, type and size of all screening and landscaping in sufficient detail for a determination that the landscaping and screening conforms to this subdivision. If it conforms to the requirements of this subdivision, it shall be approved by the director or his appointed representative.

B. Rearrangement of landscaping may be required to prevent traffic hazards, vision obstructions or other dangers to public safety. The landscaping plan may be made part of the site plan required by division 5, subdivision 2, but the landscaping plan shall not be subject to planning commission approval.

{Ord. No. 03-01 (Exh. A, § 42-637), 2-18-2003}

Sec. 42-578. Performance guarantee.

If a temporary certificate of occupancy is requested before completion of the landscape improvements, the performance guarantee requirements specified in section 42-655 must be fulfilled.

{Ord. No. 03-01 (Exh. A, § 42-638), 2-18-2003}

Secs. 42-579—42-589. Reserved.

Subdivision 4. Lighting Standards

Sec. 42-~~455590590~~ through 42-~~619474619~~.

No change.

DIVISION 7. ZONING BOARD OF APPEALS

Sec. 42-~~475620620~~ through 42-~~499649649~~.

No change.

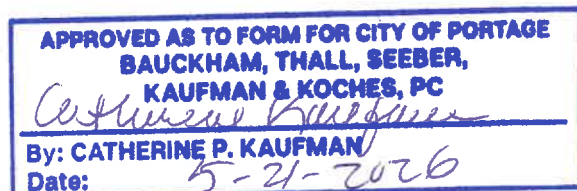
DIVISION 8. ADMINISTRATION AND ENFORCEMENT

Sec. 42-~~500650650~~ through 42-~~710530710~~.

No change.

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(Supp. No. 29)



APPROVED AS TO FORM FOR CITY OF PORTAGE
KAUFMAN & KOCHES, PC
BAUCKHAM, THALL, SEEBER,
BY CATHERINE P. KAUFMAN
Date:

CITY OF PORTAGE PLANNING COMMISSION

Thursday, March 5, 2026

7:00 PM

Portage City Hall Council Chambers

The City of Portage Planning Commission meeting of March 5, 2026, was called to order by Chair Corradini at 7:00 p.m.

IN ATTENDANCE

- Biqi Zhao, Deputy Director of Planning and Zoning
- Eric Feldt, Senior City Planner
- Alex Johnson, City Planner/ Project Manager
- Erin Geschwendt, City Attorney Representative

ROLL CALL

Mr. Feldt called the roll: Chairman Corradini (yes); Vice Chair Baldwin (yes); Secretary Freiman (yes); Adams (no); Copp (yes); Orwig (yes); Fries (yes); Ladd (yes); and Crowell (yes).

8-Present; 1-Absent.

Motion by Vice Chair Baldwin, seconded by Commissioner Fries, to approve the excused Commissioner Adams. Motion carried 8-0.

APPROVAL OF MINUTES

1. Minutes dated February 19, 2026

Vice Chair Baldwin indicated that Chair Corradini's name was misspelled in the minutes, and motioned to approve February 19, 2026, minutes as corrected, seconded by Commissioner Fries. Upon a voice vote, motion carried 8-0.

PUBLIC HEARINGS

1. A request to amend the previously approved Tentative Plan of Planned Development for additional commercial space at 2401 W. Centre Avenue.

Mr. Feldt provided a presentation outlining the proposal, background on the Planned Development and Tentative Plan, site information, maps of the area, site pictures, review analysis, applicable zoning code sections, public notice, and recommended action. He concluded the presentation by recommending the Planning Commission to City Council the approval of the Amendment for additional commercial space at 2401 W. Centre Avenue to the previously approved "Oakland Hills at Centre" PD Tentative Plan.

Chair Corradini opened the public hearing.

1. Jay E. Lewellen, 8188 Flat Rock Ridge, expressed concerns about views of the project, and stated support for screening of the project.
2. Mary Thorton, 8172 Flat Rock Ridge, expresses support for screening the proposed expansion, and concerns about stormwater.

Motion by Commissioner Copp, seconded by Vice Chair Baldwin to close the public hearing. Upon a voice vote, motion carried 8-0.

Jason Martin, property owner and applicant, stated he had spoken with nearby residents and would address concerns regarding landscaping, screening, and drainage during the next phase of the site plan review process.

Commissioner Ladd asked about the increase in parking demand and parking lot accommodation.

Mr. Martin indicated that the proposed total of parking space is expected to be sufficient.

Mr. Feldt noted parking calculations and detailed site elements would be reviewed during the site plan stage.

Motion by Commissioner Fries, seconded by Commissioner Orwig, to recommend City Council approval of the amendment for additional commercial space at 2401 W. Centre Avenue to the previously approved "Oakland Hills at Centre" PD Tentative Plan. Upon a voice vote, motion carried 8-0.

SITE/FINAL PLANS

None.

OLD BUSINESS

None.

NEW BUSINESS

1. Draft Residential Unified Development Ordinance Informational Session

Mr. Feldt provided a presentation summarizing the proposed Unified Development Ordinance. He indicated that it will modernize the city's zoning code from its original 1960s format, consolidate and update zoning regulations, implement policies from the city's Master Plan, and other purposes. Mr. Feldt indicated that today's proposal is the residential portion of the ordinance titled 'Residential Unified Development Ordinance' consisting of expanding housing choice and flexibility, allowing a wider variety of housing types, and other housing development elements led by city staff, consultants, and a technical committee. Mr. Feldt concluded his presentation by clarifying that this meeting serves as an informational session, and a formal public hearing will be held at a future meeting before consideration by City Council.

STATEMENT OF CITIZENS

Chair Corradini opened for statements of citizens. The statements received were associated with the staff's presentation of the proposed Residential Unified Development Ordinance.

1. Martha Dahlinger, 2612 Chopin Ave, inquired if neighborhoods will have sidewalks.
2. Mary Wieloposki, 8836 East Shore Dr, expressed concerns of how the proposed Unified Development Ordinance may impact property value and if it has been studied, how the proposed changes align with the Master Plan and existing development patterns, and conservation development with higher-density housing types, including townhomes. She also was concerned about how compatibility between housing types would be defined in the Unified Development Ordinance.
3. John Taylor, 2522 East Shore Dr, emphasized the importance of community engagement and encouraged the city to provide outreach and opportunities for public input like the process used for the Master Plan.
4. Richard Nellums, 9240 East Shore Dr, expressed concerns about the State Game Area being zoned Residential Estate, to protect natural areas consistent with the Master Plan, and wanted to see the recommendations proposed in the Unified Development Ordinance shown to be working in another city to compare.

5. Jake Hemenway, 9000 East Shore Dr, expressed concerns of new development impacting existing homes along East Shore Dr. He requested studies for future impacts on housing values, traffic, and infrastructure prior to adoption of the proposed changes. He also wanted to know what factors determined whether areas were proposed to be zoned Residential Neighborhood or Residential Estate, particularly along East Shore Dr.
6. Richard Wieloposki, 8836 East Shore Dr, expressed concern about maintenance of rental housing.

Commissioner Copp asked about the open space percentages for Conservation Development.

Commissioner Orwig suggested greater public awareness of the proposed Unified Development Ordinance. He asked to clarify lakefront setbacks, private road standards, rental possibility, and the purpose of the Unified Development Ordinance.

Mr. Feldt responded to several of the questions raised, including that there is no change in the Unified Development Ordinance for lakefront setbacks, new private roads will have the same standards as public streets, explanations of open space requirements, compatibility standards for housing types, the intent of the proposed residential zoning districts, explained where duplexes can and cannot be allowed, and indicated the city's goal of expanding housing choices while maintaining neighborhood character. He indicated offering one-on-one meetings with citizens for their specific comments, questions, and concerns. He explained that at this time, the City of Portage does not have a rental registration to require the proximity of property owners to their rental properties, and that the proposed zoning largely reflects existing zoning districts and differences in lot size and service availability.

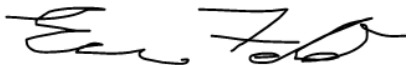
STATEMENT OF COMMISSIONERS/ STAFF

Mr. Feldt stated that the next Planning Commission meeting is scheduled for March 19, 2026.

ADJOURNMENT

Chair Corradini adjourned the meeting at 8:38p.m.

Respectfully submitted,



Eric Feldt
Senior City Planner

CITY OF PORTAGE PLANNING COMMISSION

Thursday, March 19, 2026

7:00 PM

Portage City Hall Council Chambers

The City of Portage Planning Commission meeting of March 19, 2026, was called to order by Chair Corradini at 7:00 p.m.

IN ATTENDANCE

- Eric Feldt, Senior City Planner
- Peter Dame, Chief Development Officer
- Catherine Kaufman, City Attorney

ROLL CALL

Mr. Feldt called the roll: Chairman Corradini (yes); Vice Chair Baldwin (yes); Secretary Freiman (yes), Adams (yes); Copp (no); Orwig (yes); Fries (yes); Ladd (yes); and Crowell (yes).
8-Present; 1-Absent.

Motion by Vice Chair Baldwin, seconded by Commissioner Fries, to approve the excused Commissioner Copp. Motion carried 8-0.

APPROVAL OF MINUTES

1. Minutes dated March 5, 2026

Mr. Feldt added an amendment to include into Public Hearing testimony “concerns about impacts to infrastructure from future multiplexes”.

Motion by Vice Chair Baldwin seconded by Commissioner Orwig to approve March 5, 2026, minutes with the amendment as submitted. Upon a voice vote, motion carried 8-0.

PUBLIC HEARINGS

1. Ordinance Amendment #25/26-3: Ordinance to amend the Code of Ordinances of the City of Portage, Michigan by adopting Chapter 44 Residential Unified Development Ordinance and amending corresponding sections of Chapter 42 Land Development Regulations Article 4, 5, and 6.

Mr. Dame presented the ordinance amendment, explained overall process in developing it, its purposes and goals. He indicated that the standards within the ordinance are supported by the Master Plan. Further, he indicated that it is the first of two modules of updating the entire zoning code and other development-related code sections. He explained that the first module will help meet housing needs for the community. He concluded by having Mr. Feldt present the draft ordinance details.

Mr. Feldt presented details of the draft ordinance by explaining summary of changes between the existing and proposed code, showed pictures of different housing types, showed existing and proposed zoning maps, and concluded by asking the Planning Commission to receive public testimony and then providing answers to any questions.

Motion by Vice Chair Baldwin seconded by Commissioner Adams to open Public Hearing. The following testimony was received:

- 1) Mary Wieloposki, 8836 E. Shore Dr. indicated support for retaining single-family zoning around Austin Lake; indicated that the ordinance amendment is not consistent with the Master Plan nor preserves the environment; indicated that the proposed RN exceeds the Master Plan goals; and asked how the multiplex RN development is density neutral.
- 2) Carol Newkirk, 5113 Midfield Dr. opposed requiring future sidewalks due to required abutting owner maintenance and asked about affordable housing.
- 3) Leonard Bennett, 9044 E. Shore Dr. opposed the ordinance due to too high-density allowance and not near amenities; and supported retaining single family zoning around Austin Lake.
- 4) John Taylor, 2522 E. Shore Dr. supported more workforce housing and higher incomes to support housing; and opposed subsidizing future housing.
- 5) Venessa Messenger, 9220 E. Shore Dr. supported single family zoning around Austin Lake due to traffic safety concerns.
- 6) Jeff Messenger, 9220 E. Shore Dr. supported retaining single family zoning around Austin Lake due to negative impacts to water quality of Austin Lake.
- 7) Ken Norris, 9246 E. Shore Dr. asked about the RN Conservation housing split, how many homes may be permitted in certain areas, and how much traffic should be allowed?
- 8) Barbara Krohn, 303 Crocket Ave. indicated concerns with future renters and duplexes.
- 9) Dawn Bock, 10239 Schrier Ln. supported rezoning city parks to a park designation to prevent parks from being redeveloped.
- 10) Dave Savor, 3520 E Shore Dr. indicated concerns about traffic impact and safety from future development.
- 11) Rick Wieloposki, 8836 E. Shore Dr. opposed RN Conservation development option for areas around Austin Lake, wanted to know full build out future homes around Austin Lake, asked and opposed counting wetlands toward open space within the RN district, concerned about not knowing how many townhouses and multiplexes could be allowed around Austin Lake, indicated concerns about traffic safety from future higher density housing.

- 12) Gail Stiemsma, 9542 E. Shore Dr. indicated concerns about traffic safety and speeding, opposed future multifamily next to single family neighborhoods, and asked about zoning district.
- 13) Letter read aloud from Richard Nellum, 9240 E. Shore Dr. indicated support to retain single family zoning around Austin Lake and Gourneck Lake, concerned about impacts to Austin Lake water quality and wildlife, and supported protecting wetland corridors.
- 14) Letter read aloud from Mark Alexander, 2630 E. Shore Dr. indicated concerns about traffic around Austin Lake if zoning changes to RN.
- 15) David Stiemsma, 9542 E. Shore Dr. indicated concerns about impact to water levels and traffic resulting from future development.
- 16) Keith Newburry, 8970 E. Shore Dr. indicated support to retain single family zoning.
- 17) Mary Botsis, 3612 E. Shore Dr. indicated opposition to future multifamily.
- 18) Tim Scheffers, 9140 E. Shore Dr. indicated concerns about future higher housing density impacting property value and taxes of adjacent homes around Austin Lake; and opposed rezoning allowing greater than single family homes.

Mr. Dame explained various site features that count toward open space of the RN district; explained a past development proposal near Austin Lake; indicated the challenge of predicting a full build out housing scenario due to the various development options; explained the RE and RN districts, and explained that forested areas could be protected through this ordinance but while allowing different housing types.

After public testimony was heard, the Planning Commission provided the following questions to staff:

Commission Orwig asked about how lot sizes may allow for taller homes, how boundaries of neighborhoods are defined when determining number of future duplexes in the RN district, and who will maintain open space areas within future RN Conservation developments.

Mr. Feldt indicated that residential lots wider than 80 feet allows homes up to 3 stories and 40 feet in height. Neighborhood boundaries are defined by their platted or site condo area. And that open space will be maintained by a homeowner's association, government entity if given and accepted by the government, or a non-government entity.

Motion by Vice Chair Baldwin seconded by Commissioner Adams to extend the Public Hearing to the April 16 Planning Commission meeting. Upon a voice vote, motion carried 8-0.

SITE/FINAL PLANS

None.

OLD BUSINESS

None.

NEW BUSINESS

None.

STATEMENT OF CITIZENS

None.

STATEMENT OF COMMISSIONERS/ STAFF

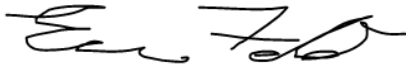
Chair Corradini indicated his absence for the April 2nd Planning Commission meeting.

Commissioner Orwig indicated his absence for the April 16th Planning Commission meeting.

ADJOURNMENT

Chair Corradini adjourned the meeting at 9:26p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Eric Feldt". The signature is fluid and cursive, with a long horizontal stroke at the end.

Eric Feldt
Senior City Planner

CITY OF PORTAGE PLANNING COMMISSION

Thursday, April 16, 2026

7:00 PM

Portage City Hall Council Chambers

The City of Portage Planning Commission meeting of April 16, 2026, was called to order by Chair Corradini at 7:00 p.m.

IN ATTENDANCE

- Eric Feldt, Senior City Planner
- Peter Dame, Chief Development Officer
- Catherine Kaufman, City Attorney
- Biqi Zhao, Deputy Director of Planning and Zoning
- Alex Johnson, City Planner/Project Manager

ROLL CALL

Mr. Feldt called the roll: Chairman Corradini (yes); Vice Chair Baldwin (yes); Secretary Freiman (yes), Adams (yes); Copp (yes); Orwig (no); Fries (yes); Ladd (yes); and Crowell (yes).
8-Present; 1-Absent.

Motion by Vice Chair Baldwin, seconded by Commissioner Freiman, to approve the excused Commissioner Orwig. Motion carried 8-0.

APPROVAL OF MINUTES

1. Minutes dated March 19, 2026

Motion by Vice Chair Baldwin seconded by Commissioner Freiman to approve March 19, 2026, minutes as submitted. Upon a voice vote, motion carried 8-0.

Motion by Commissioner Copp seconded by Commissioner Adams to revise order of agenda to have the Site/ Final Plans item come before Public Hearing item. Upon a voice vote, motion carried 8-0.

SITE/FINAL PLANS:

1. A Final PD Site Plan Application of the River Caddis proposed mixed-use development at 412 W. Centre Avenue and 7860 Shaver Road.

Mr. Feldt provided a presentation outlining the proposal, site information and history, maps of the area, site pictures, analysis, applicable zoning code sections, and recommended action. He concluded the presentation by recommending the Planning Commission the approval of the Final PD Site Plan for the project with eight conditions.

Applicant, Jessica DeBone, VP of Development, 4215 Legacy Parkway, Lansing, MI; and Eric Barkovich, Project Architect with Hurley & Stewart, 2800 S 11th St, Kalamazoo, MI provided a brief summary of project.

Motion by Commissioner Copp seconded by Commissioner Secretary Freiman to recommend to City Council the approval of the proposed Final PD Site Plan “The Paisley at Portage Creek” mixed-use development at 412 W. Centre Avenue and 7860 Shaver Road, subject to the following conditions:

1. A recorded agreement addressing maintenance of the private stormwater infrastructure and also an easement to the City with acceptable maintenance provisions for the relocated stormwater drain/stream.
2. Vacate certain existing easements that are no longer used/in conflict with proposed development.
3. Provide a copy of the due care plan addressing redevelopment elements.
4. Provide documentation of State approval of stream relocation, wetland impacts, public sewer, and any other state approvals.
5. Submit easements to permit property owner's access to offsite utilities.
6. Submit acceptable design of relocated drain/stream retaining walls ensuring structural features do not encroach on public utility easements.
7. Submit acceptable final hydraulic analysis and plans of the relocated drain/stream.
8. Combine the two subject parcels (412 W. Centre Avenue and 7860 Shaver Road) or otherwise resolve parcel type.

Upon a voice vote, motion carried 8-0.

PUBLIC HEARINGS

1. Ordinance Amendment #25/26-3: Ordinance to amend the Code of Ordinances of the City of Portage, Michigan by adopting Chapter 44 Residential Unified Development Ordinance and amending corresponding sections of Chapter 42 Land Development Regulations Article 4, 5, and 6.

Chair Corradini indicated that this project was discussed at the March 19th Planning Commission meeting with a continuation of the public hearing for the future scheduled April 16th meeting. He opened public hearing and the Commission received the following public testimony:

- 1) Mary Wieloposki, 8836 E. Shore Dr. asked questions about the Master Plan’s locational support of single-family homes, duplexes, and multiplexes; and asked about land use preservation of flood zone areas and lakes.
- 2) David Stiemsma, 9542 E. Shore Dr. indicated concerns about safety, sunlight blockage, and fire risk if homes are built too close together.
- 3) Lester Minor, 2514 E. Shore Dr. indicated concerns about high housing density and stormwater runoff of future housing development north of Austin Lake, and traffic concerns on that same area and along Portage Road.
- 4) Ken Norris, 9246 E. Shore Dr. asked about percentage of single-family homes and duplexes in Portage.

- 5) Letter read aloud from Leonard Bennett, 9044 E. Shore Dr. asked questions pertaining to zoning changes of the area north of Austin Lake, and indicated support for allowing only single-family housing in that area.
- 6) John Taylor, 2522 E. Shore Dr. asked about and supported amending the proposed ordinance in the area north of Austin Lake to Residential Estates.
- 7) Perry William, 10400 E. Shore Dr. indicated support to protect the natural environment in Portage for current and future generations.
- 8) Letter read aloud from Richard Nellum, 9240 E. Shore Dr, indicating support to retain single family detached housing in area north of Austin Lake, and asked how many homes under the proposed ordinance would be allowed by-right.
- 9) Dave Savor, 3520 E. Shore Dr. indicated support for single family detached housing and indicated concerns about stormwater.
- 10) Jim Beaudoin, 8645 Balmoral St. asked about how many residents the draft ordinance would allow, if Portage Public School and City of Kalamazoo Sewer Department were made aware of the allowed housing from the draft ordinance, how it will impact general traffic and to Portage Road; and indicated opposition to the draft ordinance.
- 11) Carol Newkirk, 5113 Midfield Dr. asked about how narrow roads will be impacted and where people are coming from for the future housing allowed by the draft ordinance.
- 12) Rick Wieloposki, 8836 E. Shore Dr. indicated the removal of the Conservation Development type from the RN and only allow it in the RM proposed district, multiplex is not consistent with the Master Plan, and duplexes in the RN should not be built near wetlands and other sensitive natural environments.
- 13) Martha Dahlinger, 2612 Chopin Ave. indicated overall support for the ordinance as it provides future housing and welcoming development.
- 14) Jim Hemenway, 9000 E. Shore Dr. indicated concerns including legal issues, felt it was rushed and left little time for community understanding, allows too much density around the lakes, allows little space between homes, weakens neighborhood stability, and results in price disparities.
- 15) Sue Garvey, 2514 E. Shore Dr. indicated concerns about building on wetlands, the unbuilt ROWs along the lakes and whether or not public access is allowed, impacts to traffic, and impacts to trees.
- 16) Mark Alexander, 2630 E. Shore Dr. indicated concerns about environmental impacts.
- 17) Beth Hinze, 9036 E. Shore Dr. indicated protections for wetland and forested areas.

18) Faith Akert, 9702 E. Shore Dr. indicated concerns that the ordinance is too large, results in too much housing and traffic, and impacts wetlands; and indicated support to protect more trees.

19) Jeff Messenger, 9220 E. Shore Dr. indicated opposition to multiplexes in the single family zones.

Motion by Commissioner Vice Chair Baldwin seconded by Commissioner Fries to close Public Hearing. Upon a voice vote, motion carried 8-0.

Mr. Feldt provided responses to several questions and comments from the public. He provided background information about how the Master Plan was established and that it supports more and different housing types including allowing duplexes and some multiplexes in single family residential areas. He indicated that the city cannot force preservation of trees without tree preservation ordinance which is not in the proposed ordinance. But, it does provide an incentive to preserve them. He indicated that the ordinance does not allow development of wetlands. Mr. Feldt also explained how stormwater must be managed onsite for development and meet City and State standards. And Portage does not have a public stormwater system which is more common in older cities. He addressed required spacing between homes and sideward setbacks. Mr. Feldt explained the unbuilt ROWs present around Austin and West Lakes. Attorney Kaufmann also further explained on this item. He explained that the Ordinance is a city-wide change and, therefore, any future impacts such as traffic resulting from future development on one specific site were not analyzed. However, those impacts are analyzed on a specific property rezone. Mr. Feldt indicated that housing demand is needed for people moving to and within Portage, and for a wider demographic. He mentioned that Portage Public Schools have been renovating and replacing schools with room for expansion. He explained the City's effort to narrow Portage Road to increase safety for all users and accomplish the goals of the Lake Center area.

Attorney Kauffman explained the procedure of the proposed ordinance amendment and that the Planning Commission's role is to provide a recommendation to City Council. Council will take up the ordinance amendment for further review, vote, and allow additional public testimony.

Chair Corradini asked the commission for any questions for staff.

Vice Chair Baldin asked Mr. Feldt if the City has received any plans for the vacant parcel north of Austin Lake.

Mr. Feldt replied 'no'.

Chair Corradini asked each commissioner for comments.

Commissioner Adams indicated general support for different housing.

Commissioner Ladd did not have any comments.

Commissioner Copp indicated support for protecting character and value of homes and neighborhoods; mentioned there are some existing neighborhoods in Portage exhibiting similar mix of housing types as proposed; indicating not seeing loss of property value among neighborhoods when new or mixed housing is built nearby; mentioned some examples in Midwest of developers utilizing neighborhood amenities; finds that high-quality development will be attracted to existing high-quality neighborhoods and

amenities; and that future homeowners are likely to maintain their property to ensure preserved home value.

Commissioner Fries indicated general support for the draft ordinance as it provides greater housing choices for future growth of the community. He also indicated that he has not seen any evidence suggesting loss in property values or an increase in crime or traffic resulted by future mixed housing developments. And he indicated support for greater housing density to support overall greater land use, public transportation, and more overall opportunities.

Vice Chair Baldin indicated general support for a mix and more housing and supported the draft ordinance.

Secretary Freiman indicated general support allowing variety of housing types.

Commissioner Crowell indicated general support for allowing variety of housing types and suggested adding professional management of rental housing ensuring property maintenance.

Chair Corradini thanked members of the public, staff, and Commissioners in the creation, discussion, and overall involvement in the proposed ordinance amendment. He explained the next steps for the amendment. He indicated that the proposed amendment aligns with the Master Plan's goals leading to future positive change for the community and its citizens. He indicated his familiarity of the community, various neighborhoods, and streets due to his longevity as a resident of Portage and employee within the community. He concluded by indicating his support of the proposed ordinance.

Motion by Commissioner Fries seconded by Secretary Freiman that City Council approve Ordinance Amendment # No. 25/26-3 amending the Code of Ordinances of the City of Portage, Michigan by adopting Chapter 44 Residential Unified Development Ordinance and amending corresponding sections of Chapter 42 Land Development Regulations Articles 4, 5, and 6.

Upon a roll call vote, motion carried 7-1.

OLD BUSINESS

None.

NEW BUSINESS

1) Capital Improvement Program (CIP) Presentation

Peter Dame, Chief Development Officer, presented the City's proposed CIP by indicating that the CIP is provided on the City's website listing items by departments, associated price per item, and how items would be paid; requires the Commission to vote to accept the CIP; explained the overall process of the CIP; indicated that the biggest CIP project for next fiscal year is the second phase of the Portage Road project; and accepted any Commission questions.

Commissioner Adams asked about how construction companies are chosen for city construction projects, to ensure overall construction maintains high quality.

Mr. Dame indicated that it is generally the lowest qualified bid company receiving the award for the project.

Commissioner Freiman asked about how priority of street repair/ maintenance is established. Mr. Dame explained that the Transportation & Utilities Department utilizes the PASER to rate and guide prioritize street projects. He generally described some street repair items. The City Department of Public Works would address pot holes. And he indicated that many of the major street projects involve associated utility work.

Motion by Chair Corradini seconded by Commissioner Copp to accept the Capital Improvement Program as read. Upon a voice vote, motion carried 8-0.

STATEMENT OF CITIZENS

- 1) Rick Wieloposki, 8836 E. Shore Dr. indicated disappointment in the Commission's action on the Ordinance Amendment # No. 25/26-3. He also provided some background information about the Woodlands at Austin Lake; indicated support for multiplexes only in the RM district; indicated that the Master Plan changed the definition of Single Family; and opposes using wetlands toward the calculation for multiplexes in the RN district.
- 2) Faith Akert, 9702 E. Shore Dr. indicated disappointment in the Commission's action on the Ordinance Amendment # No. 25/26-3. She also stated some history of the development of the Woodlands at Austin Lake, related water issues, and it impacted its natural condition. She indicated that vague words should be avoided in the Master Plan. Stated support for lower density zoning to get higher valuable housing.
- 3) Ken Akert, 9702 E. Shore Dr. expressed concerns about the tree removal for the new Austin Lake city trail.

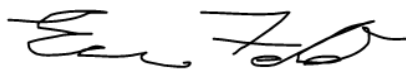
STATEMENT OF COMMISSIONERS/ STAFF

Chair Corradini confirmed the next Planning Commission meeting scheduled for May 7th.

ADJOURNMENT


Chair Corradini adjourned the meeting at 9:20p.m.

Respectfully submitted,



Eric Feldt
Senior City Planner

Eric Feldt

From: 
Sent: Saturday, March 7, 2026 6:46 PM
To: Biqi Zhao
Cc: Peter Dame; Eric Feldt; Kathleen Hoyle; marya@kendigkeast.com
Subject: Public Comment on RUDO

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: THIS EMAIL IS FROM AN EXTERNAL SENDER

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My name is Richard Nellums and I live at 9240 East Shore Drive. I am submitting this according to the "public comment" link on the Portage website UDO page, but I have added CCs to others who have heard some of this from me before.

Along with several of my neighbors, I attended the 3/5/2026 Information Session provided by Eric Feldt, and I applaud his efforts to honestly summarize and openly receive comments about the new draft residential standards. Instead of discussing my thoughts in person (as he suggested), I am organizing my concerns by writing them down, and hope that they will spark some improvement in the effort to implement new development codes in Portage.

First, like most of my neighbors, I am not conversant with the details of what works and what does not work about codes, so I must trust that "incorporating best practices and tools recommended by the State of Michigan" and partnering with "zoning experts from Kendig Keast Collaborative" and "members with knowledge of and experience working with the city's existing regulations" is going to result in development behavior that RESIDENTS will appreciate as "meeting the city's housing needs while protecting the character of neighborhoods and the environment." Because the residents of Portage are going to experience whatever results from the changing codes, we deserve to have more information about how these new codes have worked before in other similar environments, and some of the success stories/lessons learned that the implementation leaders have seen in the past. We should have access to the best practices information from the State of Michigan, and similar non-biased supporting information (I can only find documents from Kalamazoo County, paid consultants, and the American Planning Association in my past records). If our only source of information is our echo-chamber news feeds, there can be a lot of imbalanced assessment of the impact of the plans by Portage citizens. And the City Council should also have access to supporting information as to how and why these changes are going to prompt the intended results - in the absence of public voting on proposed changes, the City Council will need to vote in the best interest of the citizens, so they also need to have a deeper understanding of the experience behind the plans.

Second, I would like to focus on the move from the historic category of Residential zoning in Portage (page 39 of the Master Plan) to the proposed split between essentially single-family detached housing, and low-to-medium density with a diversity of housing types. I can understand the principles being applied here, and although others might be resistant to the change generally, my concern is more about HOW it is being applied. The point was made at the Information Session that R-1A and R-1B from prior

maps were converted to RN, and R-1C and R-1D were converted to RE. If there was a more deliberate decision-making process for determining where RN and RE were appropriate, then we should hear the reasoning. In the absence of good reasons, I think there will be bad reactions coming from the open question about why some areas are providing for higher density while others are spared, especially when there does not appear to be justification associated with proximity to amenities, key intersections or mixed-use nodes, as described in the Master Plan. I am mostly concerned about development causing deterioration of open space and fragile environmental areas, which were described as being preserved and improved in Goal 9 of the Master Plan. As a minimum there should be restrictions on things like wetland destruction and light pollution - were DNR and Dark Skies objectives not included in the thinking of how to add housing options into environmentally sensitive areas?

Finally, I have witnessed enough Planning Commission meetings to recognize that a lot of critical judgement must be applied to poorly-defined distinctions in the building codes. It has been useful to find a "definitions" section in the UDO, but disappointing that notions such as "neighborhood character" or "compatibility" are not given more specific, critical criteria. And if Planned Developments are still going to be available in the new standards, then the Planning Commission will still be required to pass judgement on proposals like we saw with Austin Landings, which should not be allowed to dramatically alter the residential landscape, as defined by approved zoning maps. I wish that major disruptions of city planning could be subject to voter approval, but the only recourse the citizens have at this point is to show up at public hearings and plead to have an impact. I will be out of town on March 19, but I hope that between now and then, the promoters of the UDO will promote more public understanding of the code justifications and impacts, the thinking behind the LOCATIONS chosen for new zoning designations, and the specific criteria that will be enforced to keep high-occupancy developments out of places like the land north of Austin Lake.

Regards,

Richard Nellums
9240 East Shore Drive

Eric Feldt

From: Vanessa Messenger <[REDACTED]>
Sent: Thursday, March 12, 2026 8:44 PM
To: Eric Feldt; planning@portagemi.gov
Subject: Formal Objection to UDO Consolidation Proposal: Protecting Austin Lake's Ecological and Fiscal Integrity

Follow Up Flag: Follow up
Flag Status: Flagged

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Hi All,

Eric- thank you again for your thoughtful work on this. We appreciate all you and the entire team do to protect and improve the city.

I am writing as a resident of 9220 East Shore Drive to provide feedback on the proposed Unified Development Ordinance (UDO). While I recognize the city's goal of modernizing residential zoning, the proposal to consolidate the Austin Lake corridor into the Residential Neighborhood (RN) district presents significant risks to the city's environmental health and long-term fiscal stability.

I urge the city to consider the following data-supported constraints that make this specific area unsuitable for increased density or infrastructure expansion:

1. Hard Geographic and Environmental Constraints

The East Shore Drive corridor is a narrow finger of land bounded by Austin Lake and regulated wetlands.

- **The Infrastructure Trap:** Any suggestion of road widening or utility expansion to accommodate increased density would necessitate significant "in-fill" of wetlands. This is not only environmentally damaging but carries massive mitigation costs under **Michigan NREPA Part 303**.
- **Induced Demand and Safety:** Research from the **Federal Highway Administration (FHWA)** shows that expanding road capacity in residential zones often leads to "induced demand," increasing vehicle speeds and decreasing safety for users of the new **Austin Lake Trail**.
- **Water Quality:** Higher density—regardless of the "affordability" or unit type—inevitably leads to higher impervious surface ratios. Increased runoff in this specific watershed accelerates lake eutrophication (algae blooms), threatening a primary public natural resource.

2. Fiscal Sustainability and Maintenance Burden

From a municipal planning perspective, high-density development in flood-prone, wetland-adjacent areas creates a long-term "maintenance deficit" for the city.

- **Cost-of-Service Gap:** Studies on Michigan's residential densities indicate that the cost of providing emergency services, snow removal, and stormwater management for high-density "affordable" clusters in sensitive areas often exceeds the property tax revenue they generate.
- **Preserving Tax Anchors:** The existing high-value, single-family homes on Austin Lake serve as vital "tax anchors" for the city's General Fund. Devaluing these properties by introducing incompatible density or altering the neighborhood's character risks a net loss for the city's aggregate tax base.

3. Wetland Protections and "No Net Loss"

Significant portions of the East Shore corridor are documented wetlands. Under **Section 404 of the Clean Water Act** and **State of Michigan law**, the city must prove there is "no prudent and feasible alternative" before permitting development that impacts these areas.

Recommendation:

To protect the city from future infrastructure liabilities and environmental degradation, I respectfully request that the city maintain the "RE" (Residential Estate) or strict single-unit designation for the and adjacent to Austin Lake.

Preserving this area as a low-impact buffer is not a rejection of growth, but rather a commitment to Ecologically-Based Zoning that ensures Portage remains both environmentally and fiscally resilient for all residents.

Thank you!

Vanessa Messenger

Eric Feldt

From: Christopher Morris <[REDACTED]>
Sent: Monday, March 16, 2026 7:22 PM
To: Eric Feldt
Subject: Re: Zoning Changes near Austin Lake

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Just so the planning commission is aware, we completely and strongly object to any plan which would change the zoning between Zylman and Austin Lake from any thing. It is already properly zoned as single family residential and we oppose all attempts to reclassify for rezoning. Any requested rezoning is solely for developer profit and not in the best interests of the community. Please place these comments in the public record.

Chris & Jeannine
9830 East Shore

On Mar 16, 2026, at 7:57 AM, Eric Feldt <feldte@portagemi.gov> wrote:

Hi Christopher,

Thank you for your emailed comments. I will ensure the Planning Commission receives them for their review, action of the proposed City Residential Unified Development Ordinance. This proposed ordinance will be discussed by the Planning Commission this Thursday (3/19) and will be scheduled for a future City Council meeting for final vote (meeting date TBD).

Sincerely,

Eric Feldt, AICP, CFM
City Senior Planner
Department of Community Development
City of Portage, MI
Ph: (269) 329-4471
Email: feldte@portagemi.gov
City of Portage - Zoning Code

From: Christopher Morris <~~cmorris@portagemi.gov~~>
Sent: Sunday, March 15, 2026 2:27 PM
To: Eric Feldt <feldte@portagemi.gov>
Subject: Zoning Changes near Austin Lake

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We oppose any change in zoning for the properties near Austin Lake. The number of objections voiced the last time this was attempted was remarkable. Now we are given to understand another attempt is being made. We cannot attend being out of state for spring break. This concerns us because it seems to be quickly pushed through without community support when many people are out of town. The current tax value of Austin Lake homes shows any cheap adjacent development would be negative for our tax base. We object completely to any change in the zoning for properties south of Zylman Road. Please include this objection in any public hearings of the City Commission or Planning Commission.

Christopher and Jeannine Morris
9830 East Shore

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Eric Feldt

From: Jeff Mais
Sent: Wednesday, March 18, 2026 1:45 PM
To: Eric Feldt
Subject: FW: Rezoning proposal

fwd

-----Original Message-----

From: Wendy Dumois <wdthrive@gmail.com>
Sent: Wednesday, March 18, 2026 1:44 PM
To: Jeff Mais <maisj@portagemi.gov>
Subject: Rezoning proposal

Hello,

I'm not sure if you're the person to contact or not. I am not able to attend the planning commission meeting tomorrow night, but I wanted my voice to be heard.

If I'm looking at the proposed rezoning map correctly, it seems as if you want to rezone parts of Schrier Park and Eliason Reserve to make it residential. I've lived on Lloy St. for 27 yrs. and my property backs up to Schrier Park. I walk both Schrier Park and Eliason regularly. One of the reasons we bought this house is because it backs up to the park. I am strongly opposed to rezoning any parts of those parks as residential.

Sincerely,
Wendy (Gwendolyn) Dumois

From: [Dawn](#)
To: [Biqi Zhao](#)
Subject: Why destroy our parks
Date: Thursday, March 19, 2026 7:54:51 AM

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I'm wondering why the map of the proposed rezoning is destroying our green spaces, woods and parks rather than protecting them. According to the map, Schrier Park along with the surrounding properties will become multi-family residential instead of a park. Our beloved Eliason Nature Reserve with paved paths, tons of trees and animals that people walk and bike will become residential and heavy industrial land, destroying it for residents to use. The wilderness from Sugar Loaf Lakes to Centre Avenue will become residential. The beautiful parks and nature people move to Portage for will be destroyed - replaced by high density homes. How is this a good plan for the future?

Eric Feldt

From:
Sent: Friday, April 3, 2026 8:46 AM
To: Eric Feldt
Cc:
Subject: RUDO ALIGNED W/ MASTER PLAN - ALTERNATIVE OPTION
Attachments: MASTER PLAN correlation to re-zoning for PC 3 22 2026.docx

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Hi Eric,

Per our 4/1 meeting, would you please forward (w attachment) to all Planning Commissioners, preferably yet today. Please let us know when that's been done.

Thanks

Hello Planning Commissioners,

When the RUDO was first presented on 3/5, we expressed our desire to work with, not against, you. We met with Eric and Peter on 3/12 and after re-reviewing the full Master Plan, we again met with Eric on 4/1 to continue a collaborative approach.

We are offering what we believe is a mutually beneficial path forward and respectfully ask for your consideration ahead of the 4/16 meeting. This aligns with the Master Plan directive that future regulations remain consistent with the Plan.

For your consideration:

1. **Define Single Family in RUDO** as it is throughout the Master Plan: single detached homes, with *some* areas allowing *some* duplexes.
2. **Determine where duplexes belong** by using the Master Plan's environmental and context-sensitive criteria in RN zones. Duplexes should be excluded from mapped flood zones, wetlands, vacant forested land, etc. and context-sensitive infill areas (e.g., lake areas). This approach benefits the entire city, not only the Austin Landings area.
3. **Place tri/quadplexes and townhomes** only within RM zones, Mixed Residential, as defined in the Master Plan and offer the Conservation option *within Mixed Residential zoning only*. This still allows the city to create higher density in appropriate areas to fulfill the housing needs.

We've attached a listing of all the Master Plan quotes that support this path.

Thank you in advance for your consideration,

Mari & Rick Wielopolski on behalf of East Shore Dr neighbors

MASTER PLAN PAGE BY PAGE INFO

1. MP is guide for 20 years, w reviews every 5
 - a. Pg 24 – Parks & Open Spaces, Environmental Features: “Participants expressed strong desire to PRESERVE existing open spaces and wooded areas”. “People were concerned about increasing traffic flow and accidents resulting from new developments
2. Pg 26 – Goal 9: “PRESERVE and improve ecologically sensitive areas.” 9.1: “Balance new development and growth with the need to preserve existing and future open space and natural areas.” 9.3: “Promote collaboration among environmental organizations, utility providers, governmental entities, and COMMUNITY STAKEHOLDERS to conserve wetlands and other natural areas, protect flood-prone areas, manage storm water, and improve water quality in the community’s waterways.” 9.5: Support land development SWAP to encourage preservation of sensitive environmental lands.”
 - a. See Flood-prone map
 - b. See “sensitive environmental lands”
3. Pg 30 – Flood Hazard: East Shore, Zylman in the 100 yr flood zone
4. Pg 31 – Floodplains: ...”Land use decisions were influenced by the flood hazard areas as more intense uses OUTSIDE of the flood zone and consideration was given to maintaining open spaces in and around the flood zones.” and Community Input: “Identify appropriate sites for mixed use and residential uses. Preserve and enhance Portage’s neighborhood parks network and promote conservation of natural areas as part of future development.”
5. Pg 32 – Vacant Property: Currently (pre–Master Plan), City has ~200 acres of vacant residential...Pg 44 – through the Master Plan, 1200 additional acres of new single-family residential and over 500 acres of new mixed-residential. (ties to Summary #2)
 - a. City purposefully “rezoned” to have more single family and mix residential
 - b. Let the 2 continue to be separate
6. Pg 40 – Context Sensitive Infill: Context-sensitive infill areas primarily consist of the more established neighborhoods of the city. These areas range from the dense, high valued homes around the lakes to the sparse spread-out neighborhoods along Vanderbilt Ave. These areas...should continue to draw people to Portage looking for quality single-family homes...these areas should be targeted for context-sensitive infill...should complement the existing built and natural environments,,,”
7. Pg 42 – Housing Mismatch, Recommendations: Promote areas for new mixed-residential and mixed-use developments PER THE LAND USE PLAN

8. Pg 79 – Water Resources Management, Portage Lakes & Recommendations: “collaboration with property owners is crucial due to flood risks and development constraints, ensuring the implementation of necessary improvements...”promote collaboration among environmental organizations, utility providers, governmental entities, and community stakeholders to conserve wetlands and other natural areas, protect flood-prone areas...”
9. Pg 85 – Hazard Mitigation/ 100 yr Flood areas: “lessen flood risks”
 - a. How do tri/quad & townhouses “lessen” the risk?
10. Pg 96 – Implementation: “will REQUIRE the COOPERATIVE and dedicated efforts of city staff, public officials, partner agencies, PROPERTY OWNERS and RESIDENTS” and “the Master Plan is the City’s official plan for land use...Planning Commission should ensure that any future regulations or policy changes that affect development are consistent with the Master Plan.” “The city should take a lead in building partnerships and INSTIGATING COLLABORATION when taking on projects recommended by the Master Plan. (ties to Summary #4)
 - a. Taking on changing Single Family to “RN- Conservation which introduces housing types defined in Mixed Residential lacks the above
11. Pg 103 – Implementing The Land Use Plan Through Zoning: “It is essential the City’s Zoning Ordinance aligns with the Land Use Plan within the Master Plan to ensure future development occurs as the COMMUNITY envisions.
12. Pg 106 – Housing and Neighborhoods/Missing Middle Housing: “Permit Duplex housing in SOME designated Single Family zoning districts”.

From: [richardnellums](#)
To: [Biqi Zhao](#)
Cc: [Peter Dame](#); [Eric Feldt](#); [Kathleen Hoyle](#); [marya](#)
Subject: RE: Public Comment on RUDO
Date: Tuesday, April 14, 2026 12:04:46 PM

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This is admittedly my second input to the "public comment" link on the Portage website UDO page, but I am not able to join the April 16 Planning Commission meeting, and I want to add my support for the citizens' proposal to retain the normally accepted expectations for "Single Family Residential" zoning in the new draft Residential Unified Development Ordinance, at least as it is to be applied in southern Portage.

The RUDO is supposed to be based upon the 2045 Master Plan, which was crafted with several iterations and frequent public feedback. The Future Land Use map in the final 2045 Master Plan designates much of southern Portage as Parks/Open Space and **Single Family Residential**, which is defined on Page 36 as "Single-family detached homes ... (with introduction of) other low intensity options like duplexes and accessory dwelling units that offer more variety." Locations suitable for denser residential development such as townhomes, duplexes and multifamily buildings are designated on this Future Land Use map as **Mixed Residential**, and are typically located along major commercial corridors.

The 2045 Master Plan was the first updating since 2014, and at a preliminary meeting on January 18, 2024, a Portage map titled "**Existing (2014) Future Use Land Map**" was displayed. That map indicated "**Low Density Residential**" for most of southern Portage, except for park spaces, tracts with various ratings along Portage and Shaver roads, and one area along Sprinkle Road marked "**Single-Family Detached-Medium Density Residential**."

When the updated 2024 "**Draft Future Land Use**" map emerged, "**Low Density Residential**" had been replaced with "**Single Family Residential**," and a parcel just north of Austin Lake was identified as "**Mixed Residential**." There was push-back during reviews, and by the time public hearings on the 2045 Master Plan were complete, this parcel and a few others were restored to "**Single Family Residential**." We were assured at that time that the Single Family expectation would remain for this particular parcel, but now the "Conservation" alternative has been added to the draft RUDO, which would allow townhouses and up to 4 multi-plex dwelling units per lot to be included on parcels such as this one. This is not in keeping with the 2045 Master Plan.

South Portage has more wetlands, more wildlife, and more tree canopy than the northern portions of the City, so there is justification to preserve the lower intensity impact of Single Family development on the remaining natural spaces. The 2045 Master Plan claims on Page 7 that the Purpose of the Plan is "to serve as a guiding document for establishing a city-wide vision for the next 20 years, as it will inform future development and investment within the City. Further, the Plan's thorough consideration of the community's priorities and vision, existing conditions and local, regional and national trends, makes it a vital tool for assisting with capital improvement programming."

Please work to align RUDO rules with the housing intensity locations as indicated in the 2045 Master Plan.

Regards,

Richard Nellums
9240 East Shore Drive

Eric Feldt

From: James Beaudoin <
Sent: Tuesday, April 14, 2026 8:37 PM
To: Eric Feldt
Subject: Planning Commission rezoning

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I am writing this in regards to the planning commission meeting at 4/16/26 about the rezoning proposal. If this proposal was to go through, has anybody run any numbers how many new residents could bring to Portage. Was Portage Public schools contacted to see if they have the capacity for potential influx of new students. Was the city of Kalamazoo public Works department contacted to see if they have the capacity to handle the potential more sewage coming their way from Portage. To me this is a big factor because Portage is not the only one growing so are the outlying areas of the county where the sewage is treated by the city of Kalamazoo. Upgrading the sewer treatment plant would all be passed on to citizens of the municipality's using the system. Ask the Village of Vicksburg about outgrowing growing their capacity. It's my understanding the residents pay \$400-\$600 a quarter for water and sewer. They are footing the bill for the new force main along Sprinkle Rd. What about the impact of more traffic on the streets of Portage? Back in the early 90s on the Kalamazoo County Road commission proposed to the City of Portage to give them back maintenance of Centre Street and Portage Road. The team at the City Portage said wait a minute before you give back these three lane roads we want them upgraded. The Kalamazoo County Road Commission at that time so what do you want? They said we want five lanes with curb and gutter. Kalamazoo county road commission said done. At least back then they could see Portage was a growing city and needing good wide safe streets. Now 30+ years later the team at the City of Portage has decided that Portage Road is overbuilt needs to be narrowed down to three lanes so more businesses apartments can be built along a stretch, adding more residences and more traffic. Portage Road has always been a major thoroughfare it is not a downtown district. Ever since the Indians used it to carry goods from St. Joe River to the Kalamazoo River it has been a major thoroughfare. I've lived in Portage for close to 55 years in Portage Road has always just been portage Road. It will be nothing more. It seems odd that the team at Portage now wants to add more housing more traffic and narrow roads just doesn't make sense. For months now the city has been telling us what a great benefit single stream waste service is. One reason was less wear and tear on the streets. Now we want 35% more housing so lets ask how many more gravel, lumber, cement, asphalt and garbage trucks are now going to be traveling the roads I would assume for a few years until we are to full capacity. Now please tell us what the great benefits of over populating vacate land with more residents will be. Inclosing the only ones this helps is the developers. They build and develop the land leave the residents footing the bill for maintaining roads and infrastructure while sitting on a sunny beach sipping margaritas. Please VOTE NO Planning Commission Members.

You're probably wondering why do you the commissioners, need to listen to a quick lesson on hydraulics 101.

The reason is this commission approves everything that's built in the city, roads, walkways, houses, condos etc. And I believe you're not aware, or don't care of how hydraulics are involved in your decisions. I believe that you're not aware and really care about this city. To help you understand I've devised a simple example to help you understand how your decisions make a difference.

Example:

A clear beaker, large enough to hold some water and bottle of water.

Without overflowing to avoid making a mess.

Pour water with some food coloring into $\frac{1}{2}$ of the clear beaker and mark the beaker with a line to show the level of water in the container. Call this line One

Push a bottle of water into the beaker and mark the new level of displaced water in the beaker. Call this line Two.

Now fast forward to your responsibility, making sure you build the right things for our community . What this simple example can represent is a current or future land development.

The is container represents a development area or site and the water represents a water table or flood plain.

The bottle I pushed into the beaker represents a new construction, a walkway, a road, single-family houses, condos etc

You saw the level of water go from One level to level Two. In reality we don't live a glass beaker and the water is still displaced but instead of rising in the beaker it flows to a newly created flood plain or someone low lying basement / crawlspace.

The developers build the new walkways or roads or houses above the current flood plain by about 10ft, to avoid having any construction issues with the new build. But the water is forced by construction away from the new build.

Where does it go I hear you ask, well that your responsibility to know and if you don't you should not approve items put forward for your approval.

The city planners want to build on flood plains and they seem to care where this water goes, because you approved their proposals.

So, here's the issue, building on flood planes is madness and does cause unintended real consequences.

By definition: Building increased density developments, in sensitive areas makes the water displacement even greater. As it displaces more water from the existing flood plain.

And instead of going up the sides of this simple beaker example it floods other areas.

Do you know where this water is going to go? If you don't you must not approve construction is sensitive flood plain areas.

Thank you for your patience and understanding of this serious

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Rezoning Justification Statement

Justin Henry

The requested rezoning of 9506 Portage Rd. from R1-C / future RE to RN (Residential Neighborhood) is consistent with the City of Portage Master Plan and represents a logical, modest, and context-sensitive transition in land use along the Portage Road corridor.

The City's Master Plan identifies the importance of expanding housing diversity through "missing middle housing," including duplexes and other small-scale attached residential formats. These housing types are intended to provide gentle increases in density while maintaining neighborhood character and supporting a broader range of housing needs.

The requested RN zoning directly aligns with this direction. RN provides an appropriate residential framework for modestly increasing housing flexibility while preserving neighborhood scale. Unlike more intensive commercial or multifamily zoning, RN allows a small-scale residential transition that remains compatible with surrounding single-family uses.

Taken together, the City's Master Plan and Future Land Use Map indicate an evolving land use pattern in this area. As illustrated in **Attachment A – Zoning Context Map** and **Attachment B – Future Land Use Map**, nearby properties are identified for Mixed Residential uses, while portions of the Portage Road corridor are planned for increased commercial activity through the Lake Center zoning districts. The requested RN zoning is consistent with the Future Land Use Map designation of nearby Mixed Residential areas, which supports a broader range of housing types beyond single-family. This reinforces that the subject property is located within a transitional area rather than a purely interior single-family neighborhood.

In addition, as illustrated in Attachment A, nearby properties currently zoned R1-A and R1-B are being evaluated for transition to the RN (Residential Neighborhood) classification as part of the City's ongoing zoning updates. The subject property is located directly across from these areas, further reinforcing that RN zoning is consistent with the City's evolving residential framework for this corridor.

In this context, RN zoning serves as an appropriate residential buffer between established single-family neighborhoods, nearby institutional uses such as the adjacent church, future mixed residential areas, and planned commercial development. The proposed two-unit residential structure introduces missing middle housing in a measured and compatible way that supports the City's planning goals without creating an incompatible level of intensity.

While development of a single-family home may be technically feasible under the current RE zoning designation, that designation does not fully reflect the property's location, surrounding context, or the City's long-term planning direction. While current zoning may allow limited flexibility through accessory dwelling unit (ADU) provisions, the RN district more directly

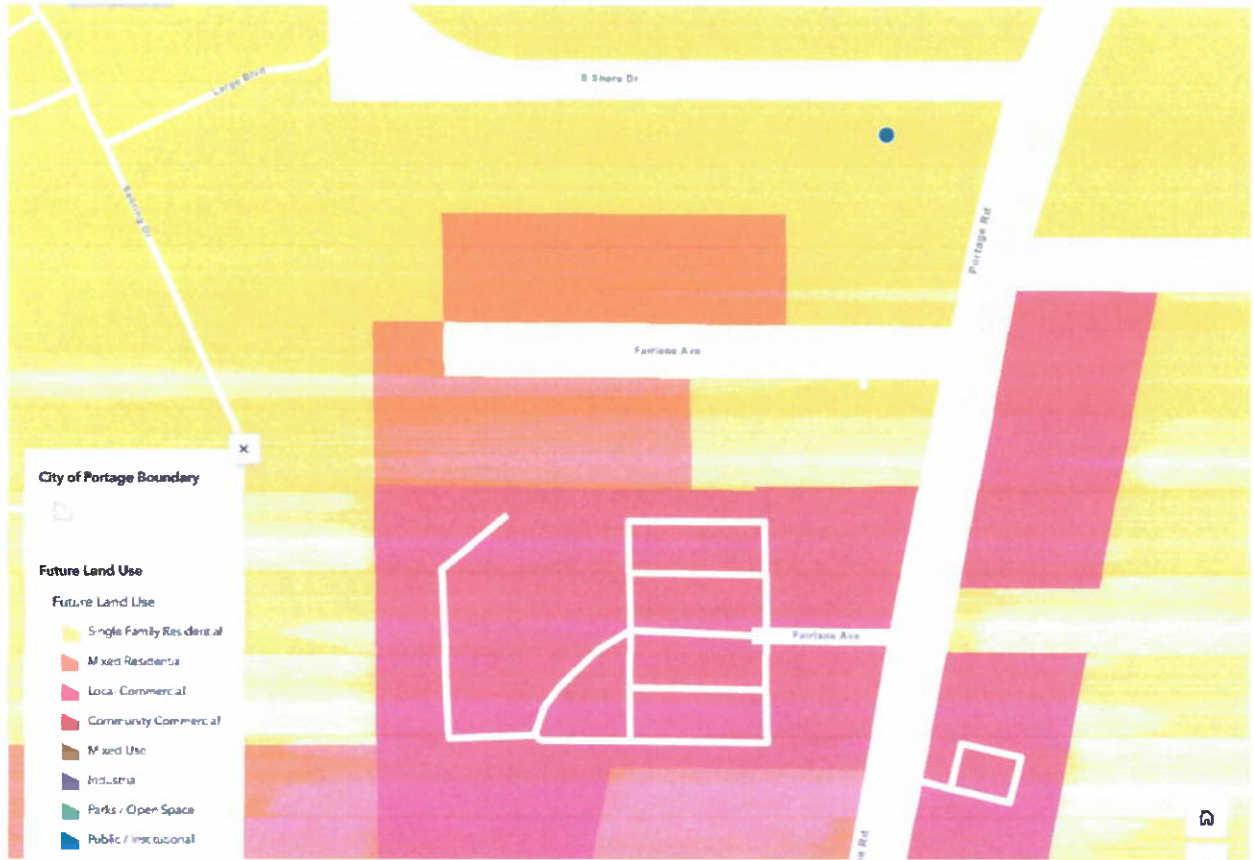
implements the Master Plan's intent for missing middle housing by enabling a balanced and integrated residential form rather than a subordinate accessory use.

The proposed rezoning will not negatively impact surrounding properties. Rather, it will contribute to the City's broader goals by:

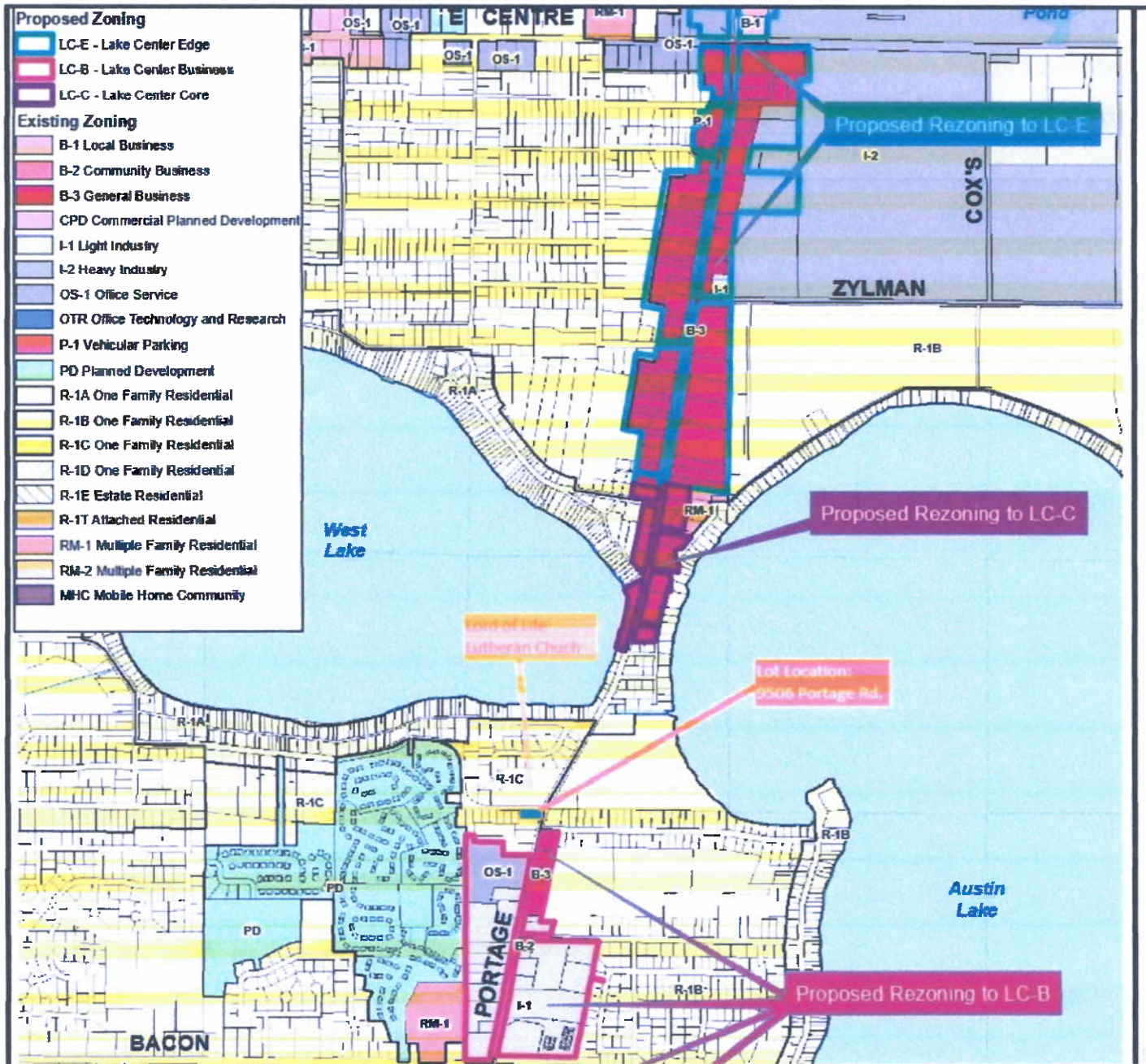
- Supporting the Master Plan's emphasis on housing diversity and missing middle housing
- Providing a context-sensitive transition along a primary corridor
- Maintaining compatibility with adjacent residential and institutional uses
- Supporting the City's long-term vision for coordinated and cohesive land use development

Ultimately, the requested amendment advances public health, safety, and welfare by promoting appropriate land use, supporting housing availability, and reinforcing a thoughtful transition between established neighborhoods and future development areas consistent with the City of Portage Master Plan.\

Attachment B: Future Land Use Zoning Map (Blue Dot is lot location 9506 Portage Ave)



Attachment A: Proposed Zoning Map



From: richardnellums@charter.net
To: [Biqi Zhao](#)
Cc: [Peter Dame](#); [Eric Feldt](#); [Kathleen Hoyle](#); marya@kendigkeast.com; [Patricia Randall](#); [Jim Pearson](#); [Chris Burns](#); [Victor Ledbetter](#); [Nicole Miller](#); kathleen.olmstead@portagemi.gov; [Jihan Young](#); mcginnisp@portagemi.gov
Subject: Public Comment on RUDO (cc names added)
Date: Monday, May 25, 2026 1:36:02 PM

CAUTION: THIS EMAIL IS FROM AN EXTERNAL SENDER

Do not click on links or open attachments unless this is from a sender you know and trust.

Now that the Planning Commission has formally recommended to the City Council that the proposed RUDO be accepted as drafted, it appears that the only source of response to public input is an appeal for amendment or rejection of the RUDO at the City Council meeting.

The hope is that the City Council members will each review the public hearing materials and the published responses (which is all of the information that citizens have had access to), and determine whether the explanations are sufficient to address all of the expressed concerns **WITHOUT ANY AMENDMENTS TO THE DRAFT RUDO**. City Council members should not vote to accept the proposed RUDO if there are still issues that have not been appropriately addressed.

Sincerely,

Richard Nellums

9240 East Shore Drive

From: <richardnellums@charter.net>
To: <zhaob@portagemi.gov>
Cc: <damep@portagemi.gov>, <feldte@portagemi.gov>, <hoylek@portagemi.gov>, <marya@kendigkeast.com>
Sent: April 14, 2026 at 12:04 PM EDT
Subject: RE: Public Comment on RUDO

This is admittedly my second input to the "public comment" link on the Portage website UDO page, but I am not able to join the April 16 Planning Commission meeting, and I want to add my support for the citizens' proposal to retain the normally accepted expectations for "Single Family Residential" zoning in the new draft Residential Unified Development Ordinance, at least as it is to be applied in southern Portage.

The RUDO is supposed to be based upon the 2045 Master Plan, which was crafted with several iterations and frequent public feedback. The Future Land Use map in the final 2045 Master Plan designates much of southern Portage as Parks/Open Space and **Single Family Residential**, which is defined on Page 36 as "Single-family detached homes ... (with

introduction of) other low intensity options like duplexes and accessory dwelling units that offer more variety.” Locations suitable for denser residential development such as townhomes, duplexes and multifamily buildings are designated on this Future Land Use map as **Mixed Residential**, and are typically located along major commercial corridors.

The 2045 Master Plan was the first updating since 2014, and at a preliminary meeting on January 18, 2024, a Portage map titled “**Existing (2014) Future Use Land Map**” was displayed. That map indicated “**Low Density Residential**” for most of southern Portage, except for park spaces, tracts with various ratings along Portage and Shaver roads, and one area along Sprinkle Road marked “**Single-Family Detached-Medium Density Residential.**”

When the updated 2024 “**Draft Future Land Use**” map emerged, “**Low Density Residential**” had been replaced with “**Single Family Residential,**” and a parcel just north of Austin Lake was identified as “**Mixed Residential.**” There was push-back during reviews, and by the time public hearings on the 2045 Master Plan were complete, this parcel and a few others were restored to “**Single Family Residential.**” We were assured at that time that the Single Family expectation would remain for this particular parcel, but now the “Conservation” alternative has been added to the draft RUDO, which would allow townhouses and up to 4 multi-plex dwelling units per lot to be included on parcels such as this one. This is not in keeping with the 2045 Master Plan.

South Portage has more wetlands, more wildlife, and more tree canopy than the northern portions of the City, so there is justification to preserve the lower intensity impact of Single Family development on the remaining natural spaces. The 2045 Master Plan claims on Page 7 that the Purpose of the Plan is “to serve as a guiding document for establishing a city-wide vision for the next 20 years, as it will inform future development and investment within the City. Further, the Plan’s thorough consideration of the community’s priorities and vision, existing conditions and local, regional and national trends, makes it a vital tool for assisting with capital improvement programming.”

Please work to align RUDO rules with the housing intensity locations as indicated in the 2045 Master Plan.

Regards,

Richard Nellums
9240 East Shore Drive

From: [Russell Kreis](#)
To: [Biqi Zhao](#)
Subject: Unified zoning
Date: Wednesday, June 10, 2026 4:43:32 PM

CAUTION: THIS EMAIL IS FROM AN EXTERNAL SENDER

Do not click on links or open attachments unless this is from a sender you know and trust.

Please be prepared to name communities that have adopted this ordinance and which council members have been there to view it

From: [Todd Corstange](#)
To: [Biqi Zhao](#)
Subject: UDO
Date: Wednesday, June 17, 2026 8:21:30 PM

CAUTION: THIS EMAIL IS FROM AN EXTERNAL SENDER

Do not click on links or open attachments unless this is from a sender you know and trust.

Will you address 3D printed homes? It's a new way to build. I believe it should be addressed.

Also, please look at <https://frametec.com/about-us> they offer a method to construction different than 100% on site building. They build the home parts in a factory but it all gets assembled on site like a giant erector set. Will this type of building be treated like traditional on site building? Is it already covered in city ordinances? As with 3D printed homes, it saves on labor and speeds up the home building process.

Is there any concern that the change to lots sizes will turn Portage into just another big city with homes that have postage stamps for lawn? Where you can reach out your window and shake hands with your neighbor through their window?

There are reasons people wanted to move to Portage, will the changes cause Portage to lose what is left of that identity?

Todd Corstange
Sent from my iPhone



June 23, 2026

Mayor and Members of the Portage City Council
City of Portage
7900 South Westnedge Avenue
Portage, MI 49002

Re: Letter of Support — Residential Unified Development Ordinance

Dear Mayor Randall and Members of City Council:

On behalf of the Kalamazoo County Housing Department, I am writing to express support for the City of Portage’s proposed Residential Unified Development Ordinance.

Kalamazoo County continues to face a significant housing shortage across the full continuum — from attainable ownership opportunities for working families, to rental housing, senior housing, missing-middle housing, and homes that allow residents to remain in the community as their needs change. No single ordinance or project will solve this challenge, but local zoning reform is one of the most important tools available to help communities create more housing choice over time.

The proposed *Residential Unified Development Ordinance* is a thoughtful and forward-looking step. We are especially supportive of provisions that modernize outdated zoning standards, allow greater flexibility in lot sizes and setbacks, support a wider variety of housing types, and encourage efficient use of land while preserving neighborhood character and environmental assets. These changes are consistent with best practices in housing policy and with the County’s broader goal of increasing housing supply in a way that is balanced, practical, and community centered.

Portage is an important part of the regional housing market. When Portage creates opportunities for additional housing options — including smaller homes, duplexes, accessory dwelling units, duplexes, tri-plexes, and quads or other compatible low-density formats, conservation-oriented development, and more efficient residential design — it benefits not only Portage residents, but the broader Kalamazoo County community. These tools can help young families, older adults, local employees, and residents at different income levels find housing that meets their needs within the communities where they work, worship, attend school, and contribute.

We also appreciate that the proposed ordinance seeks to balance housing flexibility with the protection of neighborhood character, infrastructure considerations, and natural features. That balance is essential. Housing growth is most successful when it is predictable, well-designed, and connected to a community’s long-term master plan.

Adoption of this ordinance would demonstrate regional leadership and help ensure that Portage remains a welcoming, economically strong, and livable community for residents at every stage of life.

Sincerely,

Mary Balkema

Mary Balkema
Housing Director
Kalamazoo County Housing

Rachael Grover

Rachael Grover
Planning Director
Kalamazoo County Planning

TO: Honorable Mayor and City Council

FROM: Pat McGinnis, City Manager

SUBJECT: Ordinance Amendment - Police Lines, Clear Zones, and Nuisance Parties

SUPPORTING PERSONNEL: Catherine Kaufman, City Attorney
Matt Wolfe, Director of Public Safety - Police / Fire Chief

ACTION RECOMMENDED: Accept the proposed ordinance amending Chapter 50 of the Portage City Code to establish authority for emergency police lines and clear zones and to regulate nuisance parties within the City of Portage, and take final action at the regular City Council Meeting on July 7, 2026.

The Portage Department of Public Safety (PDPS) has identified a growing need for additional tools to address evolving public safety challenges associated with emergency incidents, large gatherings, street takeovers, and other events that can pose risks to residents, visitors, and emergency responders. Ordinances currently utilized by the City of Kalamazoo were used as a model to develop an ordinance pertaining to the establishment of emergency police line/clear zones and nuisance parties. It is proposed to amend Chapter 50 "Offenses and Miscellaneous Provisions" of the Portage Code of Ordinance as outlined below. During the first introduction of the proposal during the June 9, 2026 Council meeting, Councilmember Olmsted noted an error between Sections four and five, which has been corrected. She also requested the addition of an item "D" in Section 50-117 for a penalty to match that of the penalty noted later in Section 50-118. This requested addition has also been made in the revised ordinance attachment.

Emergency Police Lines and Clear Zones

The proposed ordinance would authorize the Director of Public Safety, or a designated officer acting on their behalf, to establish temporary police lines or restricted public safety zones during emergencies and incidents including:

- Fires
- Serious accidents
- Explosions
- Extreme weather events
- Public disturbances
- Parades
- Other emergencies requiring crowd control and scene security

The ordinance would prohibit individuals from knowingly crossing established police lines, entering restricted zones, remaining within a restricted zone after being directed to leave, or refusing lawful orders issued by emergency personnel.

This authority is intended to:

- Protect residents and bystanders from hazardous conditions;
- Allow police, fire, EMS, and other emergency personnel to perform their duties safely and effectively;
- Maintain access and movement for emergency vehicles;
- Prevent interference with emergency operations;
- Improve scene security during rapidly evolving incidents.

The ordinance preserves reasonable access for properly identified media representatives, residents of affected areas, and other individuals specifically authorized by incident command, provided they do not interfere with emergency operations.

Nuisance Parties

The proposed ordinance is intended to address large gatherings that create significant public safety concerns and frequently require substantial emergency response resources. In recent years, communities throughout Southwest Michigan have experienced an increase in large, often unplanned gatherings commonly referred to as "X-Train" parties, street takeovers, and similar events. These incidents have been associated with:

- Disorderly conduct;
- Reckless driving;
- Traffic congestion;
- Property damage;
- Assaults and weapons-related offenses;
- Noise disturbances;
- Trespassing and littering;
- Interference with emergency response activities.

The proposed ordinance would establish accountability for individuals who sponsor, host, organize, permit, or attend gatherings that become nuisance parties. The ordinance defines nuisance parties as social gatherings that result in specified unlawful or dangerous conditions, including illegal alcohol or drug activity, property damage, traffic obstruction, excessive noise, threats to public safety, and other disruptive conduct.

Violations would be classified as misdemeanors punishable by up to 90 days in jail and/or a fine of up to \$500, consistent with the ordinance adopted by the City of Kalamazoo. The ordinance does not include Kalamazoo's vehicle impoundment provisions.

Adoption of the proposed ordinance would provide PDPS with additional enforcement tools to maintain public safety, protect neighborhoods, and support emergency response operations. The ordinance would also support regional public safety coordination. Large-scale incidents occurring within the City of Portage frequently require assistance from the Kalamazoo Metro SWAT Team and other regional partners, including personnel from:

- Portage Department of Public Safety;
- Kalamazoo Department of Public Safety;

- Kalamazoo County Sheriff's Office;
- Western Michigan University Police Department; and
- Kalamazoo Township Police Department.

The ability to establish and enforce secure operational perimeters is critical during these incidents to protect responders, preserve scene integrity, facilitate coordinated operations, and prevent interference by unauthorized individuals.

The ordinance has been prepared and reviewed by the City Attorney's Office and is modeled after ordinances currently in effect within the City of Kalamazoo.

It is recommended that City Council accept the proposed ordinance amending Chapter 50 of the Portage City Code to establish authority for emergency police lines and clear zones and to regulate nuisance parties within the City of Portage, and take final action at the regular City Council Meeting on July 7, 2026.

FUNDING: The proposed ordinance is not expected to have a significant fiscal impact. Any costs associated with implementation and enforcement are expected to be absorbed within existing departmental budgets.

Attachments:

1. OLD Proposed Amendment
2. REVISED Proposed Amendment

CITY OF PORTAGE

ORDINANCE NO. __

ADOPTED: _____, 2026

EFFECTIVE: 15 DAYS AFTER PUBLICATION

An Ordinance to amend the City of Portage Code of Ordinances regarding the establishment of police lines and clear zones; regarding regulation of nuisance parties; to provide an effective date and to repeal all ordinances or parts of ordinances in conflict herewith.

**CITY OF PORTAGE
KALAMAZOO COUNTY, MICHIGAN**

ORDAINS:

SECTION I
AMENDMENT OF CHAPTER 50 OFFENSES AND MISCELLANEOUS PROVISIONS
ARTICLE 4 OFFENSES AGAINST PUBLIC PEACE AND ORDER

Chapter 50, Article 4 Section 50-117 of the Portage City Code is hereby created to read as follows:

“Sec. 50-117. –Establishment of police line or clear zone.

- A. When any fire, accident, explosion, parade, calamity, public disturbance or other occasion causes or may cause persons to collect on the public streets, sidewalks or other areas of the City, the chief of public safety or officer acting for him may establish a police line or zone as may be necessary for the purpose of affording a clearing for:
1. The protection of persons and property;
 2. Police officers, firefighters, or public safety officers, and emergency medical personnel; and other personnel performing operations in accordance with their duties;
 3. The exclusion of the public from the vicinity of a fire, accident, explosion, calamity, other emergency or public disturbances;
 4. The passage of a parade;
 5. The movement of traffic.
- B. Any person who shall knowingly cross any such line, knowingly enter into any such zone, or remain in any such zone after being requested to leave, shall be guilty of a misdemeanor. Provided, that bona fide and properly identified representatives of the press and media, residents of said zone, and such other persons as the chief of public safety or officer acting for him may authorize to cross such lines or be within such zone, may be permitted to cross such lines or enter into such zone, and may remain in such zone so long as they will not and do not interfere with emergency personnel performing their duties.

- C. Every person present within such zone shall comply with any necessary order or instruction of any police officer and any person who refuses to comply with the necessary order of a police officer shall be guilty of a misdemeanor.

SECTION II
AMENDMENT OF CHAPTER 50 OFFENSES AND MISCELLANEOUS PROVISIONS
ARTICLE 4 OFFENSES AGAINST PUBLIC PEACE AND ORDER

Chapter 50, Article 4 Section 50-118 of the Portage City Code is hereby created to read as follows:

“Sec. 50-118. –Nuisance Parties

- A. A nuisance party is defined as a social gathering or party, whether static or mobile, conducted on any public or private property within the City and which, by reason of the conduct of those persons in attendance, results in any one or more of the following conditions or events occurring on public or private property.
1. The unlawful sale, furnishing, possession, or consumption of alcoholic beverages;
 2. Urination or defecation on neighboring public or private property, or on the premises in view of another person;
 3. Unlawful deposit of trash or litter;
 4. Destruction of property;
 5. Unlawful vehicular traffic, or the unlawful stopping, standing or parking of vehicles, obstruction of the free flow of traffic or interference with the ability to render emergency services;
 6. Unlawful parking of vehicles within the public streets, alleys, or sidewalks, or upon private property;
 7. Unreasonably loud noise under the circumstances which disturbs the comfort, quiet or repose of one or more members of the neighborhood;
 8. Conduct or a condition which injures any person;
 9. Conduct or a condition which endangers the safety of persons or property in the neighborhood;
 10. Conduct or a condition which results in the indecent exposure of a person, or the display of graphic sexual behavior, whether real or simulated, to a member of the public not attending the social gathering or party;
 11. Unlawful sale, furnishing, manufacture, use, or possession of a controlled substance as defined by federal or state law.

- B. Nuisance parties prohibited. Any owner, occupant, tenant, guests or person otherwise having any possessory control, individually or jointly, of any personal or real property who either sponsors, conducts, hosts, invites, or permits a social gathering or party which is or during the course thereof becomes a nuisance party which is either the intentional result of or within the reasonable expectations of the person or persons having such possessory control is hereby deemed to have committed a violation of this article. In any prosecution for a violation of this section or the section prohibiting persons from attending nuisance parties, proof of specific intent shall not be required as a necessary element, but proof of general criminal intent shall be a necessary element.

- C. Persons in attendance at nuisance parties. Any person who is in attendance at a nuisance party whether or not such person has any possessory control over the personal or real property, shall be deemed to have committed a violation of this article.

- D. Violations and penalties. A violation of this article is a misdemeanor punishable by up to 90 days in jail and/or a maximum fine of \$500.

SECTION III
SEVERABILITY

Should any provision or part of the within Ordinance be declared by any court of competent jurisdiction to be invalid or unenforceable, the same shall not affect the enforceability of the balance of this Ordinance which shall remain in full force and effect.

SECTION IV
REPEAL

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION IV
EFFECTIVE DATE

This ordinance is effective 15 days after publication after adoption.

FIRST READING:
SECOND READING:
ORDINANCE #:
EFFECTIVE DATE:

Dated: _____, 2026

Patricia Randall, Mayor

STATE OF MICHIGAN)
) SS
COUNTY OF KALAMAZOO)

CERTIFICATION

I, Erica Eklov, do hereby certify that I am the duly appointed City Clerk of the City of Portage and that the foregoing ordinance was adopted by the City of Portage on the _____ day of _____, 2026.

Erica Eklov, City Clerk

PREPARED BY:
Catherine P. Kaufman (P65412)
Portage City Attorney
470 W. Centre Ave.
Portage, MI 49024
(269) 382-4500

Approved as to Form:
Date 6-1-2026
Catherine Kaufman
City Attorney

CITY OF PORTAGE

ORDINANCE NO. __

ADOPTED: _____, 2026

EFFECTIVE: 15 DAYS AFTER PUBLICATION

An Ordinance to amend the City of Portage Code of Ordinances regarding the establishment of police lines and clear zones; regarding regulation of nuisance parties; to provide an effective date and to repeal all ordinances or parts of ordinances in conflict herewith.

**CITY OF PORTAGE
KALAMAZOO COUNTY, MICHIGAN**

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 - 1. The protection of persons and property;
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 - 4. The passage of a parade;
 - 5. The movement of traffic.

- B. Any person who shall knowingly cross any such line, knowingly enter into any such zone, or remain in any such zone after being requested to leave, shall be guilty of a misdemeanor. Provided, that bona fide and properly identified representatives of the press and media, residents of said zone, and such other persons as the chief of public safety or officer acting for him may authorize to cross such lines or be within such zone, may be permitted to cross such lines or enter into such zone, and may remain in such zone so long as they will not and do not interfere with emergency personnel performing their duties.

C. Every person present within such zone shall comply with any necessary order or instruction of any police officer and any person who refuses to comply with the necessary order of a police officer shall be guilty of a misdemeanor.

D. Violations and penalties. A violation of this article is a misdemeanor punishable by up to 90 days in jail and/or a maximum fine of \$500.

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 2. Urination or defecation on neighboring public or private property, or on the premises in view of another person;
 3. Unlawful deposit of trash or litter;
 4. Destruction of property;
 5. Unlawful vehicular traffic, or the unlawful stopping, standing or parking of vehicles, obstruction of the free flow of traffic or interference with the ability to render emergency services;
 6. Unlawful parking of vehicles within the public streets, alleys, or sidewalks, or upon private property;
 7. Unreasonably loud noise under the circumstances which disturbs the comfort, quiet or repose of one or more members of the neighborhood;
 8. Conduct or a condition which injures any person;
 9. Conduct or a condition which endangers the safety of persons or property in the neighborhood;
 10. Conduct or a condition which results in the indecent exposure of a person, or the display of graphic sexual behavior, whether real or simulated, to a member of the public not attending the social gathering or party;
 11. Unlawful sale, furnishing, manufacture, use, or possession of a controlled substance as defined by federal or state law.

- B. Nuisance parties prohibited. Any owner, occupant, tenant, guests or person otherwise having any possessory control, individually or jointly, of any personal or real property who either sponsors, conducts, hosts, invites, or permits a social gathering or party which is or during the course thereof becomes a nuisance party which is either the intentional result of or within the reasonable expectations of the person or persons having such possessory control is hereby deemed to have committed a violation of this article. In any prosecution for a violation of this section or the section prohibiting persons from attending nuisance parties, proof of specific intent shall not be required as a necessary element, but proof of general criminal intent shall be a necessary element.
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SECTION III
SEVERABILITY

Should any provision or part of the within Ordinance be declared by any court of competent jurisdiction to be invalid or unenforceable, the same shall not affect the enforceability of the balance of this Ordinance which shall remain in full force and effect.

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SECTION V
EFFECTIVE DATE

This ordinance is effective 15 days after publication after adoption.

FIRST READING:
SECOND READING:
ORDINANCE #:
EFFECTIVE DATE:

Dated: _____, 2026

Patricia Randall, Mayor

STATE OF MICHIGAN)
) SS
COUNTY OF KALAMAZOO)

CERTIFICATION

I, Erica Eklov, do hereby certify that I am the duly appointed City Clerk of the City of Portage and that the foregoing ordinance was adopted by the City of Portage on the ____ day of _____, 2026.

Erica Eklov, City Clerk

PREPARED BY:
Catherine P. Kaufman (P65412)
Portage City Attorney
470 W. Centre Ave.
Portage, MI 49024
(269) 382-4500

Approved as to Form:
Date *Catherine P. Kaufman*
01/21/2026

City Attorney