

ARTICLE 5
GENERAL AND SPECIAL PROVISIONS

Section 5.1 Intent.

The intent of this Article is to provide for those regulations which generally apply regardless of the particular zoning district and to those conditional uses which may be permitted in certain zoning districts.

Section 5.2 Cluster Housing Option.

The cluster housing option may be applied for as a conditional use in R-1A, R-1B, R-2 and R-3 Districts subject to the standards set forth in Section 3.3, Conditional Land Uses, and this Section.

5.2.1. Intent. The intent of the cluster housing option is to permit the development of single-family residential patterns which, through design innovation, will:

- allow greater flexibility;
- encourage a more creative approach to the development of single-family residential areas;
- encourage a more efficient, aesthetic, and desirable use of the land;
- provide a more desirable living environment through the preservation and conservation of natural features such as topography, wetlands, woodlands, bodies of water, and other natural assets; and
- encourage the provision of open space so that benefits may accrue directly to the residents of the development or the community as a whole.

5.2.2. Qualification of Parcels. The parcel must be located in a district zoned for residential use and must meet one (1) or more of the following characteristics listed below. Requests for qualification under these conditions must be supported by documented evidence supplied by the applicant in either narrative or graphic form.

Parcel Characteristics Qualifications:

1. The parcel contains natural assets which would be preserved through the use of cluster development. Such assets may include natural stands of large trees, land which serves as a natural habitat for wildlife, wetlands, bodies of water, unusual topographic features, or other natural assets which should be preserved. Requests for qualification under these conditions must be supported by documented evidence.
2. The parcel contains major topographic conditions which would require mass grading resulting in loss of significant natural features.

3. The parcel contains substantial portions of flood plain and wetlands. A flood plain and wetlands map indicating the extent of the wetlands and flood plain area shall be submitted to the Planning Commission in order to support the proposal for the parcel's qualification for cluster development.
4. The parcel, due to its size or shape, cannot be reasonably developed as a conventional subdivision or site condominium development.

5.2.3. Site Design Requirements. Unless specifically noted in this Section, all cluster developments submitted under this option shall conform to all dimensional and development standards of this Ordinance:

1. Development is permitted as either attached or detached dwelling units, provided the number of attached units shall not exceed twenty (20%) percent of the total number of units in an R-1A or R-1B District, respectively.
2. Open space. When completed, the development shall have twenty (20%) percent of the gross acreage in the development devoted to open space, which shall remain in its natural state and/or be restricted to active and/or passive outdoor recreational purposes. Dedication of open space shall comply with the standards set forth in Section 5.3. Designated open space shall include area within any greenbelts required by Sections 5.2.3.3 and 5.2.3.4, subject to the restrictions contained herein.

The computation of designated open space shall not include: rights-of-way or easements designated for road purposes; areas within the minimum setbacks of a dwelling unit; land which is under water (lakes, streams, water courses, and other similar bodies of water); any area to be improved into a lake or pond; and/or more than twenty-five (25) percent of the area of regulated wetlands.

3. Greenbelt Adjacent and Parallel to Public Streets. In addition to any required minimum setback specified in Section 5.2.3.6, a greenbelt, the minimum width as set forth below, shall be required along any adjacent public street. The greenbelt shall be measured from the street right-of-way. The City, at its discretion, may permit either reductions or variations in width of the greenbelt taking into consideration topographic and/or other natural resource conditions, density of existing vegetation to be preserved, and size and shape of the development site.
4. Transition from Adjacent Parcels: In order to provide an orderly transition for access and density between the proposed development and adjacent areas when a cluster development abuts a single-family residential district, the Planning Commission, at its discretion, may require one or more of the following measures: location of streets to meet up with adjacent streets, an area or row of lots of comparable size as the neighboring residential lots, designation of open space along the common boundaries, and/or screening in accordance with the requirements of Section 6.2.4 of this Ordinance.

The following minimum greenbelt from adjacent public streets shall be applied:

**Minimum Width of Greenbelt from
Adjacent Public Streets**

<u>District</u>	<u>(in feet)</u>
R-1A	50
R-1B	50
R-2	50
R-3	75

5. Density. The number of dwelling units within any development permitted hereunder shall not exceed the number of dwelling units permitted in the Zoning District in which the proposed development is located without application of the cluster housing option. The applicant must submit a concept plan that illustrates a site layout without the cluster option and all applicable ordinances and laws observed.
6. Setbacks. Minimum setback requirements are established in a manner which permits variation in the sitting of individual dwelling units in order to encourage creativity in design and compatibility with natural resource features. The minimum setback requirements for each dwelling unit shall be shown on the site plan as follows:
 - a. In the case of single-family detached dwellings, the following minimum setbacks shall be applied:

Minimum Yard Setbacks Per Unit

<u>District</u>	<u>Front</u>	<u>Rear</u>	<u>Total Front & Rear</u>	<u>Least Side</u>	<u>Total</u>
R-1A	20	30	55	5	15
R-1B	20	30	55	5	15
R-2	20	30	55	5	15
R-3	20	30	55	5	15

- b. In the case of single-family attached dwellings, the following minimum setbacks shall be required:

Minimum Setback

	<u>from internal drives & streets</u>	<u>from perimeter property boundaries</u>
R-1A	20	50
R-1B	20	50
R-2	20	50
R-3	20	50

- c. In the case of single-family attached dwellings, the minimum distance between buildings shall comply with Section 4.5.1.D.
7. **Required Street Frontage.** Any cluster lot contained within a cluster lot development shall have frontage on and direct access to a public street which has been accepted for maintenance by the City. The extent of street frontage shall be determined by the City, in its discretion, taking into consideration topographic and/or other natural resource considerations, size and shape of the development site, and public safety factors.

Section 5.3 Open Space Preservation.

5.3.1 Whenever the preservation of open space is required by this Ordinance, the applicant shall provide a demonstrated means that all open space portions of the development will be maintained in the manner approved. Documents shall be presented that bind all successors and future owners in fee title to commitments made as a part of the proposal. This provision shall not prohibit a transfer of ownership or control, provided notice of such transfer is provided to the City and the land uses continue as approved in the open space community plan.

The dedicated open space shall be set aside by the applicant through an irrevocable conveyance that is found acceptable to the City Attorney, such as:

1. Recorded deed restrictions.
2. Covenants that run perpetually with the land,
3. Conservation easements such as those established per the State of Michigan Conservation and Historic Preservation Act, Public Act 197 of 1980, as amended (M.C.L. 399.251).

5.3.2. Such conveyance shall assure that the open space will be protected from all forms of development, except as shown on an approved site plan, and shall never be changed to another use. Such conveyance shall:

1. Indicate the proposed allowable use(s) of the dedicated open space.
2. Demonstrate to the satisfaction of the City that dedicated open space shall be maintained.
3. Provide standards for scheduled maintenance of the open space.
4. Provide for maintenance to be undertaken by the City in the event that the dedicated open space is inadequately maintained, or is determined by the City to be a public nuisance, with the assessment of costs upon property owners within the proposed development.

Section 5.4 Accessory Buildings and Uses.

5.4.1. Requirements Applicable to Accessory Buildings:

1. A building or structure not attached to a principal building shall be considered a detached accessory building or structure.
2. Where the accessory building is structurally attached to a main building, it shall conform to all setback and height regulations of this Ordinance and building codes applicable to main buildings.
3. No accessory building or structure shall be built upon a residential lot or parcel unless and until a principal structure is erected.
4. The total floor area of all accessory buildings and structures shall not exceed one hundred (100%) percent of the total floor area of all stories of the principal building.
5. Accessory buildings and structures shall be included in lot coverage limitations.
6. The total floor area of all detached accessory buildings and structures shall not exceed twenty-five (25%) percent of the total rear yard area.
7. No detached accessory building or structure shall exceed twelve (12) feet in overall height.
8. In no instance shall an accessory building or structure be located within a dedicated easement or right of way.
9. Detached accessory structures shall be erected only in a rear yard. If the lot is a corner lot, accessory structures shall remain behind all building lines adjacent to streets.

10. No detached accessory building or structure shall be constructed or placed within ten (10) feet of any other building located on the same lot or parcel.
11. Accessory buildings and structures located in rear yards shall not be closer than ten (10) feet to any rear or side lot line except as stated otherwise in this section. In R-1B districts, they shall not be closer than five (5) feet to any rear or side lot line. In C-1, C-2, and CBD districts, they shall not be closer than three (3) feet to any rear or side lot line. All accessory buildings and structures shall not be located closer than three (3) feet to a utility.
12. Accessory structures shall be subject to all applicable building code regulations of the City of Grayling. No building shall be built of steel exterior wall construction except for prefabricated sheds less than one hundred (100) square feet and accessory structures located in the AG/OS and I districts.

5.4.2. Private swimming pools shall be subject to the following:

1. No portion of the swimming pool or associated structures shall be permitted to encroach upon any easement or right-of-way which has been granted for public utility use.
2. Front yard and side yard setbacks shall comply with required setbacks specified for the zoning district wherein the pool is located. Rear yard setbacks shall be a minimum of fifteen (15) feet.
3. All swimming pools shall be enclosed in accordance with applicable Building Codes.

5.4.3 Detached garages may be placed in side or rear yards. The maximum height is limited to the height of the principal structure or twenty-four (24) feet, whichever is less. No living quarters may be placed in a detached garage.

Section 5.5 Emergency Temporary Dwellings.

5.5.1. When permitted, emergency temporary dwellings may be permitted upon a finding by the City that the principal residential structure has been destroyed in whole or in part by fire, explosion or natural disaster and therefore is uninhabitable and the standards set forth herein have been met.

5.5.2. Permit application and review.

1. An application for a permit for the emergency temporary use and installation of a mobile home, modular, or prefabricated dwelling unit shall be made to the Zoning Administrator. The application shall be accompanied by a plot plan showing the location of the proposed structure.
2. The application shall be reviewed by a committee composed of the Zoning Administrator and two Planning Commission members. Approval of the application

may be granted by a majority vote of the committee upon a finding that all of the following conditions are met:

- a. The principal residential structure has been destroyed in whole or in part by fire, explosion, or natural disaster and therefore is uninhabitable.
 - b. The temporary dwelling unit will be connected to public sewer and water.
 - c. The temporary dwelling unit complies with all applicable Zoning District requirements including setback, area, bulk, and other requirements, except minimum house size requirements.
3. The granting of a permit for an emergency temporary dwelling unit shall be for a period of up to one (1) year from the date of approval by the committee. Any conditions of approval shall be specified in writing on the permit.
 4. To guarantee compliance with the provisions of the ordinance and removal of the emergency temporary dwelling upon expiration of the permit, the City Council may require a cash bond to be posted prior to the issuance of a permit.

Section 5.6 Single-Family Dwellings, Mobile Homes, Prefabricated Housing.

No single-family dwelling (site built), mobile home, modular housing, or prefabricated housing located outside a mobile home park or mobile home subdivision shall be permitted unless said dwelling unit conforms to the following standards:

5.6.1. Square Footage. Each such dwelling unit shall comply with the minimum square footage requirements of this Ordinance for the zone district in which it is located.

5.6.2. Dimensions. Each such dwelling unit shall have a minimum width across any front, side, or rear elevation of twenty (20) feet and shall comply in all respects with the Building Code, including minimum heights for habitable rooms. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction and where such standards or regulations for construction are different than those imposed by the Michigan State Construction Code Commission, then and in that event such federal or state standard or regulation shall apply.

5.6.3. Foundation. Each such dwelling unit shall be firmly attached to a permanent foundation constructed on the site in accordance with the Building Code and shall have a wall of such dimensions to adequately support the dwelling. All dwellings shall be securely anchored to the foundation in order to prevent displacement during windstorms.

5.6.4. Undercarriage. Dwelling units shall not be installed with attached wheels. Additionally, no dwelling shall have any exposed towing mechanism, undercarriage, or chassis.

5.6.5. Sewage Disposal or Water Supply. Each such dwelling unit shall be connected to public sewer and water.

5.6.6. Storage Area. Each such dwelling unit shall contain a storage capability area either in a basement located under the dwelling, in an attic area, or in a separate or attached structure of standard construction similar to or of better quality than the principal dwelling, which storage area shall be equal to ten (10%) percent of the square footage of the dwelling or one hundred (100) square feet, which ever shall be less.

5.6.7. Architecture and Compatibility. The compatibility of design and appearance shall be determined in the first instance by the Zoning Administrator. The Zoning Administrator may also refer any determination of compatibility to the Planning Commission. Any determination of compatibility shall be based upon the character, design, and appearance of one (1) or more residential dwellings located outside of mobile home parks within five hundred (500) feet of the subject dwelling. All dwellings shall be aesthetically compatible in design and appearance with other residences in the vicinity. No principal building shall be built of steel exterior wall construction.

All homes shall have a roof overhang of not less than six (6) inches on all sides or alternatively with window sills or roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling. The dwellings shall not have less than two (2) exterior doors with one door being in either the rear or side of the dwelling. Steps shall also be required for exterior door areas or to porches connected to said door areas where a difference in elevation requires the same. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.

5.6.8. Additions. Each such dwelling unit shall contain no addition or room or other area which is not constructed with similar quality workmanship as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein.

5.6.9. Code Compliance. Each such dwelling unit shall comply with all pertinent building and fire codes. In the case of a mobile home, all construction and all plumbing, electrical apparatus, and insulation within and connected to said mobile home shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, and as from time to time such standards may be amended or superseded. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements. Mobile homes shall not be used as an accessory building.

5.6.10. Building Permit. All construction required herein shall be commenced only after a building permit has been obtained in accordance with the applicable Building Code provisions and requirements.

5.6.11. Exceptions. The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by state or federal law or otherwise specifically required in this Ordinance and pertaining to such parks. Mobile homes which do not conform to the standards of this section shall not be used for dwelling purposes within the City unless located within a mobile home park or a mobile home subdivision district for such uses, or unless used as a temporary residence as otherwise provided in this Ordinance.

Section 5.7 Mobile Home Park Requirements.

The Mobile Home Code, as established by the Mobile Home Commission and the Michigan Department of Public Health Rules under the authority of the Mobile Home Commission Act, Public Act 96 of 1987, as amended, regulates development of mobile home parks. All mobile home parks must be constructed according to the standards of the Code.

In addition to the rules and standards of the State of Michigan, The City of Grayling imposes the following conditions:

5.7.1. Mobile Home Parks shall be constructed, licensed, operated, and managed in accordance with the provisions of the Mobile Home Commission Act, Act 96 of 1987, as amended and subsequently adopted rules and regulations governing mobile home parks.

5.7.2. Mobile Home Parks shall not be permitted on parcels less than ten (10) acres in size.

5.7.3. Individual mobile home sites within a mobile home park shall have a minimum lot size of 4,500 square feet per mobile home being served. This 4,500 square foot minimum may be reduced by twenty (20%) percent, provided that the individual site shall be equal to at least 3,600 square feet. For each square foot of land gained through this reduction of the site below 4,500 square feet, an equal amount of land shall be dedicated as open space. In no case shall the open space requirements be less than that required under R125.1946, Rule 946 of the Michigan Administrative Code.

5.7.4. The on-site storage of boat trailers, boats, camping units, horse trailers and similar recreational equipment shall be prohibited on mobile home sites and in designated open space areas. The mobile home park may provide, within the confines of the park, a common outdoor storage area for the storage of the above mentioned equipment.

5.7.5. Mobile home parks shall be landscaped as follows:

1. If the mobile home park abuts an existing residential development, the park shall be required to provide screening along the park boundary abutting the residential development.
2. If the park abuts a non-residential development, the park need not provide screening.
3. In all cases, however, a park shall provide screening along the park boundary abutting a public right-of-way.

The landscaping shall consist of evergreen trees or shrubs a minimum three (3) feet in height which is spaced so they provide a continuous screen at maturity. Alternative screening devices may be utilized if they conceal the mobile home park as effectively as the required landscaping described above.

5.7.6. Mobile Home Parks shall be subject to preliminary plan review requirements in accordance with PA 96 of 1987, as amended.

5.7.7. A permit shall not be required for the construction or erection of canopies or awnings which are open on three (3) sides. A land use permit and a building permit shall be required, however, before the construction or erection of any screened, glassed-in, or otherwise enclosed awning or canopy.

Section 5.8 Child Care Facilities.

5.8.1. Intent. It is the intent of this section to establish standards for day care facilities which will insure compatibility with adjacent land uses and maintain the character of the neighborhood.

5.8.2. Application of Regulations.

1. A State licensed Family Child Care Home shall be considered a residential use of property and a permitted use in all residential districts. Family Child Care Homes shall be prohibited in all other districts.
2. The Planning Commission may, by issuance of a conditional use permit, authorize the establishment of Group Child Care Homes and Child Care Centers as specified in District regulations and subject to the standards herein.

5.8.3. Standards for Group Child Care Homes. Group Child Care Homes shall be considered as conditional land use subject to the requirements and standards of Section 3.3 and the following additional standards:

1. The subject parcel shall meet the minimum lot area requirements for the zoning district in which it is located.
2. The property is maintained in a manner that is consistent with the character of the neighborhood.
3. There shall be an outdoor play area of at least five hundred (500) square feet provided on the premises. Said play area shall not be located within the front yard setback. This requirement may be waived by the Planning Commission if a public play area is within five hundred (500) feet of the subject parcel.
4. All outdoor play areas shall be enclosed by a fence that is designed to discourage climbing, and is at least four (4) feet in height, but no higher than six (6) feet.
5. The hours of operation do not exceed sixteen (16) hours within a twenty-four (24) hour period. Activity between the hours of 10:00 p.m. and 6:00 a.m. shall be limited so that the drop-off and pick-up of children is not disruptive to neighboring residents.
6. One (1) off-street parking space per employee not a member of the Group Child Care Home family shall be provided.
7. Appropriate licenses with the State of Michigan shall be maintained.

5.8.4. Standards for Child Care Centers. Child Care Centers shall be considered as a conditional land use subject to the requirements and standards of Section 3.3 and the following standards:

1. The Child Care Center shall be served by public sewer and water.
2. A separate drop-off and pick-up area shall be provided adjacent to the main building entrance, located off of a public street and the parking access lane, and shall be of sufficient size so as to not create congestion on the site or within a public roadway.
3. Off-street parking shall be provided at a rate of one (1) space per employee plus one space for every five (5) children enrolled at the facility
4. There shall be an outdoor play area of at least 1,000 square feet provided on the premises. Said play area shall not be located within the front setback. This requirement may be waived by the Planning Commission if public play area is available five hundred (500) feet from the subject parcel.
5. Appropriate licenses with the State of Michigan shall be maintained.

Section 5.9 Adult Foster Care Facilities.

5.9.1. Intent. It is the intent of this section to establish standards for adult foster care facilities which will insure compatibility with adjacent land uses and maintain the character of the neighborhood.

5.9.2. Application of Regulations.

1. A State licensed Adult Foster Care Small Group Home serving six (6) persons or less and Adult Foster Care Family Home shall be considered a residential use of property and a permitted use in all residential districts.
2. The City may, by issuance of a conditional use permit, authorize the establishment of Adult Foster Care Small Group Homes serving more than six (6) persons and Adult Foster Care Large Group Homes in the following zoning districts: R-1A, R-1B, R-2 and R-3. Such facilities shall be prohibited in all other districts.
3. The City may, by issuance of a conditional use permit, authorize the establishment of an Adult Foster Care Congregate Facility in the following zoning districts: R-2 and R-3. Such facilities shall be prohibited in all other districts.

5.9.3. Standards for Adult Foster Care Small Group Homes serving more than six (6) persons and Adult Foster Care Large Group Homes. Such homes shall be considered as conditional land use subject to the requirements and standards of Section 3.3 and the following additional standards:

1. A site plan, prepared in accordance with Section 3.4, shall be required to be submitted.

2. The subject parcel shall meet the minimum lot area requirements for the zoning district in which it is located, provided there is a minimum site area of 1,500 square feet per adult, excluding employees and/or care givers.
3. The property is maintained in a manner that is consistent with the character of the neighborhood.
4. One (1) off-street parking space per employee and/or caregiver shall be provided.
5. If deemed necessary, the City may require landscape screening in accordance with Section 6.2.4.
6. Appropriate licenses with the State of Michigan shall be maintained.

5.9.4. Standards for Adult Foster Care Congregate Facilities. Such facilities shall be considered as a conditional land use subject to the requirements and standards of Section 3.3 and the following standards:

1. A site plan, prepared in accordance with Section 3.4, shall be required to be submitted.
2. The subject parcel shall meet the minimum lot area requirements for the zoning district in which it is located, provided there is a minimum site area of 1,500 square feet per adult, excluding employees and/or caregivers.
3. Parking requirements as required for convalescent homes and similar facilities, set forth in Article 10 shall be met.
4. All landscape requirements set forth in Section 6.2 shall be met.
5. Appropriate licenses with the State of Michigan shall be maintained.

Section 5.10 Home Occupations.

Home occupations may be permitted in single family residences subject to the following requirements:

5.10.1. A Home Occupation must be clearly incidental and secondary to the primary use of the dwelling unit for dwelling purposes. No more than twenty five (25%) percent of the sum of ground floor area of dwelling shall be devoted to a home occupation.

5.10.2. A Home Occupation use shall not change the character of the residential nature of the premises, both in terms of use and appearance.

5.10.3. A Home Occupation use shall not create a nuisance or endanger the health, safety, welfare, or enjoyment of any other person in the area, by reason of noise, vibration, glare, fumes, odor, unsanitary or unsightly conditions, fire hazards, or the like, involved in or resulting from such Home Occupation.

5.10.4. A Home Occupation shall not generate sewage or water use in excess of what is normally generated from a single-family dwelling in a residential area.

5.10.5. No employees shall be permitted other than members of the immediate family residing in the dwelling unit unless specifically approved in advance.

5.10.6. All activities shall be carried on within an enclosed structure. There shall be no outside display of any kind, or other external or visible evidence of the conduct of a Home Occupation. An unanimated, non-illuminated wall sign less than four (4) square feet is allowed provided a permit is granted.

5.10.7. There shall be no vehicular traffic permitted for the Home Occupation, other than that which is normally generated for a single dwelling unit in a residential area, both as to volume and type of vehicles. Off-street parking is required for any employees. Parking layout will be subject to lot size and characteristics of the neighborhood.

5.10.8. Hours of operation will be stated in the conditional use permit.

Section 5.11 Seasonal Sales.

The sale of Christmas trees, pumpkins, firewood, farm produce and products, fireworks, and other seasonal items shall be considered temporary uses within any nonresidential zoning district subject to the conditions contained herein. All such sales shall be conducted in a manner so as not to create a traffic hazard or a nuisance to neighboring properties. Adequate parking and ingress and egress to the premises shall be provided. Upon discontinuance of the seasonal use, any temporary structures shall be removed. Signs shall conform to the provisions of the district in which the seasonal use is located. A land use permit is required prior to operating a seasonal sales business. All vendors of seasonal products not owning the land that occur on lands not secured with a long term lease of at least one year shall also obtain a peddler's license.

Section 5.12 Garage Sales, Rummage Sales, and Similar Activities.

Garage sales, rummage sales, yard sales, moving sales, and similar activities shall be considered temporary accessory uses within any residential zoning district subject to the conditions contained herein. Any garage sale, rummage sale, or similar activity shall be allowed with a permit for a period not to exceed three (3) days twice within a calendar year. All such sales shall be conducted in a manner so as not to create a traffic hazard or a nuisance to neighboring properties. No signs advertising a garage sale or similar activity may be placed upon public property or right-of-way. Signs shall not be placed more than twenty-four (24) hours prior to the sale and must be removed upon completion of the sale. The sign shall not exceed four (4) square feet.

Section 5.13 Essential Services.

Essential services shall be permitted as authorized and regulated by law and other ordinances of the City. The construction of buildings, but not storage yards, associated with essential services shall be subject to the provisions of Section 3.4, Site Plan Review. Otherwise, the construction, maintenance, and alteration of essential services shall be exempt from the provisions of this Ordinance.

Section 5.14 Self-Storage Facilities.

Self-Storage facilities shall be located only in the Industrial district and are subject to the following requirements and conditions:

5.14.1. No activity other than rental of storage units and the rental of outside storage space for recreational vehicles shall be allowed. No commercial, wholesale, retail, industrial or other business use on, or operated from, the facility shall be allowed.

5.14.2. The storage of any toxic, explosive, corrosive, flammable or hazardous materials is prohibited. Fuel tanks on any motor vehicle, boat, lawn mower or similar property will be drained or removed prior to storage. Batteries shall be removed from vehicles before storage.

5.14.3. Other than the storage of recreational vehicles, all storage shall be contained within a building. All recreational vehicle storage shall be screened from the view of neighboring properties and public roads in accordance with Section 6.2.

5.14.4. Exterior walls of the ends of all storage units shall be of masonry or face-brick construction.

5.14.5. All storage units must be accessible by paved circular drives clearly marked to distinguish traffic flow. A minimum separation of thirty-six (36) feet shall be provided between buildings facing other buildings and a minimum of twenty (20) feet between the ends of buildings. Site circulation shall be designed to accommodate fire trucks, as well as trucks that will customarily access the site.

Section 5.15 Outdoor Sales and Open Air Businesses.

5.15.1 Outdoor sales for new and used automobiles, boats, mobile homes, farm machinery and other vehicles and manufactured products and similar uses shall be subject to the following provisions:

1. There shall be no strings of flags, pennants or bare light bulbs permitted.
2. No vehicles or merchandise for sale shall be displayed within any required front setback and shall adhere to the conditions imposed for the district in which it is located.
3. There shall be no broadcast of continuous music or announcements over any loudspeaker or public address system.
4. Outdoor display areas shall also adhere to the requirements of Section 5.18.

5.15.2 Open air businesses shall secure a land use permit and be controlled by all the conditions imposed for the District in which it is located. Retail sales, is limited to plants and garden products not grown on site, lawn furniture, playground equipment, and garden supplies. All seasonal sales of this nature not secured in duration with a long term lease requires a Peddlers license issued by the City of Grayling unless it is incidental to the primary business and operated by the principal tenant of the property.

5.16.3 Private vehicles for sale shall not be placed on property of another for sale unless through a consignment arrangement with a licensed dealer.

Section 5.16 General, Building and Landscape Contractor's Offices and Yards.

5.16.1. A contractor's office building shall be of permanent construction. Temporary construction trailers shall not be permitted to be occupied as the office of the contractor. Outdoor storage shall be strictly and clearly accessory to the contractor's principal office use of the property. Only products, materials and equipment owned and operated by the principal use shall be permitted for storage.

5.16.2. Storage shall not be located within the required front yard. Such storage shall not be located in any required parking or loading space.

5.16.3. Storage shall be screened from the view of public street, and adjacent properties zoned either residential, commercial, or office. Screening measures shall meet the requirements of Section 6.2.4.

5.16.4. The location and size of areas for storage, nature of items to be stored therein, and details of the enclosure, including description of materials, height, and typical elevation of the enclosure shall be provided as part of the information submitted under Section 3.4, Site Plan Review.

Section 5.17 Automobile Service Stations.

Automobile service stations and washes shall be subject to the following standards:

- 5.17.1. Separation shall be made between the pedestrian sidewalk and vehicular parking and maneuvering areas with the use of curbs, wheel stops, greenbelts or traffic islands.
- 5.17.2. All activities related to vehicle washing, service and repair equipment shall be entirely enclosed within a building.
- 5.17.3. Driveways shall be designed to accommodate the type and volume of vehicular traffic using the site and located in a manner which is compatible with uses located adjacent to and across from the site.
- 5.17.4. Inoperative or unlicensed vehicles shall not be stored outside for more than seven days. Such storage shall not occur in front of the building front line.
- 5.17.5. Vehicle sales shall not be permitted on the premises of any automobile service station or wash.

Section 5.18 Outdoor Displays of Products or Materials Intended For Retail Sale or Rental.

5.18.1. General Standards

- 1. An outdoor display shall be considered as an accessory to the principal business use conducted on the premises.
- 2. The exterior of the premises shall be kept clean, orderly and maintained.
- 3. The City shall not be held liable or responsible for any type of damage, theft or personal injury which may occur as a result of an outdoor display.
- 4. In the administration of these provisions, the Zoning Administrator shall be permitted to refer a request to the Planning Commission for review and recommendation where site conditions may create difficulty in adherence to the standards contained herein.

5.18.2. Standards Within CBD Districts.

- 1. An outdoor display may be located in front of or adjacent to the establishment. An outdoor display that extends beyond the property lines of the applicant shall require the permission of the affected property owners.
- 2. If an outdoor display is located on a public sidewalk, a minimum of eight (8) feet of unobstructed, pedestrian access along the sidewalk shall be maintained. Sufficient room shall also be provided to allow car doors to open along the curbside.

5.18.3. Standards Within C-3A and C-3B Districts.

- 1. An outdoor display may be located within any required yard but shall not be located within any public road right-of-way.

2. An outdoor display shall not occupy or obstruct the use of any fire lane, required off-street parking or landscaped area required to meet the requirements of this Zoning Ordinance.

5.18.4. Transient and Seasonal Sales.

1. Transient or seasonal sales may be located within any required yard but shall not be located within any public road right-of-way.
2. Transient or seasonal sales shall not occupy or obstruct the use of any fire lane, required off-street parking or landscaped area required to meet the requirements of this Zoning Ordinance.
3. Transient or seasonal sales not secure within a long term lease of one year or longer require a peddlers license issued by the City unless it is incidental to the primary business and operated by the principal of the property.

Section 5.19 Sidewalk Cafe Service.

A sidewalk cafe service operated by a restaurant or other food establishment which sells food for immediate consumption may be permitted in the CBD, C-1, C-3A and C-3B Districts, subject to the following conditions:

5.19.1. An application and site plan depicting the location and layout of the cafe facility shall be submitted to and approved by the Zoning Administrator. A permit shall remain in effect, unless there is a change in ownership or the operation of the cafe fails to meet the standards contained herein.

5.19.2. A sidewalk cafe may be located in front of or adjacent to the establishment. A sidewalk cafe that extends beyond the property lines of the applicant shall require the permission of the affected property owners.

5.19.3. If a sidewalk cafe is located on a public sidewalk, a minimum of eight (8) feet of unobstructed, pedestrian access along the sidewalk shall be maintained. Such requests may be permitted in the Central Business District only, and shall adhere to the following:

1. Commercial General Liability Insurance must be procured and maintained on an "occurrence basis" with limits of liability not less than \$1,000,000 per occurrence combined single limit, personal injury, bodily injury and property damage. This coverage shall include an endorsement naming the city, including all elected and appointed officials, as an additional insured. This coverage must be primary and any other insurance maintained by the additional insured's shall be considered to be excess and non-contributing with this insurance, and shall include an endorsement providing for a 30 day advance written notice of cancellation or non-renewal to be sent to the Zoning Administrator.

5.19.4. A sidewalk cafe shall be allowed only during normal operating hours of the establishment, and may be permitted between April 15 and October 31. All furniture and fixtures must be removed immediately after October 31.

5.19.5. The exterior of the premises shall be kept clean, orderly and maintained or the permit may be revoked. Waste receptacles shall be provided in instances where wait staff does not clear all tables. In cases where outdoor dining areas are provided for general use by more than one business, such as for shopping plazas and multi-tenant businesses, it shall be the responsibility of the property owner to ensure the area is maintained in a clean and orderly fashion.

5.19.6 All food preparation shall be inside of the premises. Outdoor grilling must be authorized in the conditional use permit.

5.19.7. The City shall not be held liable or responsible for any type of damage, theft or personal injury which may occur as a result of a sidewalk cafe operation.

5.19.8. All sidewalk cafes shall comply with applicable regulations of the County Health Department and the State of Michigan.

Section 5.20 Bed and Breakfast Establishments.

5.20.1. Each premises must be occupied and operated by its owner.

5.20.2. The proposed use shall not cause a nuisance to adjoining residences due to noise, odor, lighting, or traffic.

5.20.3. No bed and breakfast sleeping room shall be permitted that does not comply with the construction code.

5.20.4. There shall be no separate cooking facilities used for the bed and breakfast stay.

5.20.5. The stay of bed and breakfast occupants shall be no more than fourteen (14) consecutive days and not more than thirty (30) days in any one (1) calendar year.

5.20.6. The operator of each facility shall keep a list of the names of all persons staying at the bed and breakfast which shall be available for inspection by the Zoning Administrator.

5.20.7. At a minimum, one (1) bathroom for every three (3) sleeping rooms shall be provided. A maximum of six (6) sleeping rooms is allowed. All Bed and Breakfast establishments shall have a minimum of 3,000 square feet of living area.

5.20.8. One (1) parking space shall be provided off-street in the side or rear yard area for each bed and breakfast bedroom.

Section 5.21 Mineral Mining and Extractive Operations.

5.21.1. Intent and Purpose. It is the intent and purpose of this section to promote the underlying spirit and intent of the entire Zoning Ordinance, but at the same time allow for the extraction of

minerals in locations where they have been naturally deposited, and to insure that mineral mining activity shall be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the land use, and, to insure that mineral mining activities are consistent with the public health, safety and welfare of the City.

5.21.2. Use Restriction. Mineral mining and extractive operations may be considered as a conditional use in the I District. The extraction, removal, and/or processing of sand, gravel, stone and/or other mineral mining in the City shall be prohibited unless first authorized by the grant of a conditional approval use application by the City in accordance with this Section, and Section 3.3.

5.21.3. Exemption. Usual and customary land balancing by cutting and filling, in preparation for immediately planned and approved development in accordance with this and all other applicable ordinances and law, shall be exempted from the provisions of this Section.

5.21.4. Application. An application shall be filed with the Zoning Administrator and shall include the following:

1. Site plan prepared in accordance with Section 3.4;
2. Vertical aerial photograph, enlarged to a scale of one (1) inch equals two hundred (200) feet, from original photograph flown at a negative scale no smaller than one (1) inch equals six hundred sixty (660) feet. The date of the aerial photograph shall be certified, and shall have been flown at such time as the foliage shall be off of on-site trees, provided, if there are changes in the topography from the date of the photograph, an accompanying text shall be provided explaining each change. The vertical photograph shall cover:
 - a. All land anticipated to be mined in the application, together with adjoining land owned by the applicant.
 - b. All contiguous land which is or has been used by the owner or leasehold applicant for mineral extraction and/or processing and/or storage, and all contiguous (land) in which the applicant or any affiliate has a current interest.
 - c. All lands within one-half (1/2) mile of the proposed mining area.
 - d. All private and public roads from which access to the property may be immediately gained.
 - e. Boundary of the entire planned mining area by courses and distance.
 - f. Site topography and natural features including location of water courses within the planned mining area.
 - g. Means of vehicular access to the proposed operation.
3. Duration of proposed operation, and location, timing, and any other relevant details with respect to the phasing and progression of work on the site;

4. Land use study/drawing showing the existing land uses with specification of type of use, e.g., single-family residential, multiple-family residential, retail, office, etc., and density of individual units in areas shown, including:
 - a. Property within a radius of one (1) mile around the site; and
 - b. The property fronting on all vehicular routes within the City contemplated to be utilized by trucks which will enter and leave the site.
5. Geological/hydrological/engineering survey prepared by appropriate and qualified experts, indicating:
 - a. All anticipated impact to the qualitative and quantitative aspects of surface water, ground water, and drainage during and subsequent to the operation to the geographical extent reasonably expected to be affected; and
 - b. Opinion whether the exposure of subterranean waters and/or the impoundment of surface waters, where permitted, will establish a suitable water level at the level or levels proposed as part of the operation, and whether the same will not interfere with the existing subterranean water or cause any harm or impairment to the general public;
6. Description of the vehicles, machinery and equipment proposed for use on the property, specifying with respect to each, the anticipated noise and vibration levels.

5.21.5. Review Procedure.

1. The Zoning Administrator shall forward the original of the application to the City Clerk for the file, and forward copies to the members of the Planning Commission, the City Engineer, the City Planner, and to the Road Commission.
2. The City Engineer and the City Planner shall each file a report with the Zoning Administrator, together with a recommendation on the need for additional experts. The Zoning Administrator shall retain the original of these reports for the file, and forward copies to the Planning Commission.
3. The Zoning Administrator shall request a report from the Road Commission regarding traffic safety relevant to the application and any road improvements deemed appropriate to protect the public health, safety and welfare for areas located outside of the City.
4. After receiving all reports, including any additional reports of experts recommended by the City Engineer and/or Planner, if deemed appropriate the Planning Commission shall consider the application in accordance with the procedures set forth in Section 3.3.

5. Reasonable conditions may be required with the approval of the application for the conditional land use, to insure that public services and facilities affected by proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall be reasonable and shall be in compliance with applicable law.

5.21.6. Requirements and Standards. The determination on applications submitted under this section shall be based upon the following requirements and standards, as determined in the discretion of the Planning Commission, and if the application is approved, such standards and requirements shall be maintained as a condition to continued operation and use by the applicant:

1. Demonstration by the applicant that the proposed land use shall not result in a probable impairment to, pollution of, unreasonable impact upon and/or destruction of the following:
 - a. The water table and/or private wells of property owners within the reasonably anticipated area of impact during and subsequent to the operation.
 - b. The course, quantity, and quality of surface water, ground water, and/or the watershed anticipated to be impacted by the operation.
 - c. The surrounding property and/or property along haul routes, in terms of noise, dust, air, water, odor, light, and/or vibration, and further, shall not unreasonably impact upon persons perceiving the operation in terms of aesthetics.
2. The proposed land use shall not be incompatible with such surrounding uses, based upon an application of generally accepted planning standards and principles.
3. The proposed land use shall not unreasonably burden the capacity of public services and facilities.
4. The proposed land use shall have immediate and direct access to a paved road having a planned right of way not less than one hundred twenty (120) feet and having necessary and appropriate load bearing and traffic volume capacity in relation to the proposed intensity of the use.
5. All activities conducted in connection with the operation shall occur at least one hundred sixty (160) feet from the nearest property line, provided, all processing and stockpiling shall be conducted at least two hundred (200) feet from the nearest property line.
6. The hours of operation shall not reasonably interfere with usual and customary uses of land within the surrounding area anticipated to be impacted. Maximum hours of operation shall be from 7 a.m. to 6 p.m., Monday through Saturday, and closed on Sundays.

7. The maximum duration of the proposed use, if conducted in or immediately adjacent to a residential zoning district, shall be ten (10) years.
8. The site shall be secured with fencing and screened from all adjacent public highways and residentially used parcels.
9. The total area being mined which has not been reclaimed shall at no time exceed forty (40%) percent of the entire parcel.
10. The proposed transportation route or routes within the City shall be as direct and minimal in detrimental impact as reasonably possible, as determined in the discretion of the City at the time of application, and thereafter.

5.21.7. Reclamation. Reclamation of the site shall be in accordance with a reclamation plan approved by the City as part of the application review process, which shall provide that:

1. There shall be no final slopes having a grade in excess of a minimum ratio of one (1) foot vertical to five (5) feet horizontal;
2. For permanent water areas, for a distance of not less than ten (10) feet nor more than fifty (50) feet, the submerged slopes shall be graded from the water's edge at a grade not in excess of a minimum ratio of one (1) foot vertical to seven (7) feet horizontal;
3. The entire site shall be planted with sufficient vegetation so as to sustain short and long term growth, in order to avoid erosion and washout;
4. To the extent necessary to achieve this objective, suitable soils shall be placed on the property; and, all structures, machinery, equipment and improvements shall be removed from the site;
5. The City Council shall have the right to impose performance bonds or letters of credit to insure that the reclamation and restoration plans as submitted are implemented.

Section 5.22 Buildings to be Moved.

5.22.1. No permit shall be granted for the moving of buildings or structures from without or within the limits of the City to be placed on property within said limits unless the Building Official shall have made an inspection of the building to be moved and has found that it is structurally safe, will not adversely affect the character of existing buildings in the neighborhood of the new location, and will fully comply with the Building Code and other codes regulating public health, safety, and general welfare. A performance bond as established by the City Council of sufficient amount to insure the cost of completing the building for occupancy within a period of not less than six (6) months from date of permit shall be furnished before permit is issued.

5.22.2. Any building moved within a district and placed upon a foundation or any building moved into a district shall be subject to all the limitations and requirements herein set forth relating to uses, construction, permits, and certificates.

Section 5.23 Wireless Communication Facilities.

5.23.1. Purpose and Intent.

It is the general purpose and intent of the City to carry out the will of the United States Congress by authorizing communication facilities needed to operate wireless communication systems. However, it is the further purpose and intent of the City to provide for such authorization in a manner which will retain the integrity of neighborhoods and the character, property values and aesthetic quality of the community at large. In fashioning and administering the provisions of this section, attempt has been made to balance these potentially competing interests.

Recognizing the number of providers authorized to establish and operate wireless communication services and coverage, it is the further purpose and intent of this section to:

1. Facilitate adequate and efficient provision of sites for wireless communication facilities and ensure that wireless communication facilities are situated in appropriate locations and relationships to other land uses, structures and buildings.
2. Establish predetermined districts or zones of the number, shape, and in the location, considered best for the establishment of wireless communication facilities, subject to applicable standards and conditions.
3. Recognize that operation of a wireless communication system may require the establishment of facilities in locations not within the predetermined districts or zones.
4. Minimize the adverse impacts of technological obsolescence of such facilities, including a requirement to remove unused and/or unnecessary facilities in a timely manner.
5. Minimize the negative visual impact of wireless communication facilities on neighborhoods, community land marks, historic sites and buildings, natural beauty areas and public rights of way.

5.23.2. Authorization.

1. The following Wireless Communication Facilities shall be deemed permitted uses in any nonresidential zoning district:

- a. An existing structure which will serve as an Attached Wireless Communication Facility where the existing structure is not, in the discretion of the Zoning Administrator, proposed to be either materially altered or materially changed in appearance.

- b. A proposed collocation upon an Attached Wireless Communication Facility which had been pre-approved for such collocation as part of an earlier approval by the City.
 - c. An existing structure which will serve as an Attached Wireless Communication Facility consisting of a utility pole located within a right-of-way, where the existing pole is not proposed to be modified in a manner which, in the discretion of the Zoning Administrator, would materially alter the structure and/or result in an impairment of sight lines or other safety interests.
 - d. Facilities located on municipally-owned property within the Industrial District.
- 2. If it is demonstrated by an applicant that a wireless communication facility is required to be established within a residential Zoning District, it may be permitted as a conditional land use, subject to the requirements and standards of Section 3.3 and the following:
 - a. At the time of the submittal, the applicant shall demonstrate that a location within a non-residential Zoning District cannot reasonably meet the coverage and/or capacity needs of the applicant.
 - b. Locations in residential Zoning Districts may be permitted on the following sites, subject to application of all other standards contained in this section:
 - (1) Municipally-owned sites.
 - (2) Public parks and other large permanent municipally owned open space areas when compatible.
 - (3) Wireless communication facilities shall be designed to resemble an appurtenance, such as but not limited to a steeple, bell tower, or a form which is compatible with the existing character of the proposed site, neighborhood and general area, as approved by the City.

5.23.3. General Regulations.

1. Standards and Conditions Applicable to All Facilities.

All applications for wireless communication facilities shall be reviewed, constructed and maintained in accordance with the following standards and conditions. The City may impose additional conditions as deemed necessary to protect the general health, safety and welfare of the public.

- a. Facilities shall not be demonstrably injurious to neighborhoods or otherwise detrimental to the public safety and welfare.

- b. Facilities shall be located and designed to be harmonious with the surrounding areas.
- c. Facilities shall comply with applicable federal and state standards relative to the environmental effects of radio frequency emissions.
- d. There shall be an unobstructed access drive to the support structure, for operation, maintenance, repair and inspection purposes, which may be provided through or over an easement. This access drive shall be a minimum of fourteen (14) feet in width.
- e. The division of property for the purpose of locating a wireless communication facility is prohibited unless all zoning requirements and conditions are met.
- f. A maintenance plan, and any applicable maintenance agreement, shall be presented and approved as part of the site plan for the proposed facility. Such plan shall be designed to ensure the long term, continuous maintenance to a reasonably prudent standard.
- g. Fencing shall be required to enclose the support structure(s) and any accessory structures for protection of the support structure and security from children and other persons who may otherwise access the facilities.
- h. Support Structures shall be designed according to the following:
 - (1) The maximum height of the new or modified support structure and antenna shall be the minimum height demonstrated to be necessary for reasonable communication by the applicant and by other entities to collocate on the structure. Applicants shall demonstrate a justification for the proposed height of the structures and an evaluation of alternative designs which might result in lower heights.
 - (2) The setback of the support structure from any residential district shall be no less than the height of the structure. The setback of the support structure from any existing or proposed rights-of-way or other publicly traveled roads shall be no less than the height of the structure.
 - (3) Where the property upon which a new or modified support structure is proposed abuts a nonresidential Zoning District, the minimum setback of the structure, and accessory structures, shall be in accordance with the required setbacks for principal buildings as provided in the schedule of regulations for the zoning district in which the support structure is located. If it does not abut a
 - (4) The City shall, review and approve the color of the support structure and all accessory buildings, so as to minimize distraction, reduce visibility, maximize aesthetic appearance, and ensure compatibility with surroundings. It shall be the responsibility of the applicant to

maintain the wireless communication facility in a neat and orderly condition.

- (5) The support system shall be constructed in accordance with all applicable building codes and shall include the submission of a soils report from a geotechnical engineer, licensed in the State of Michigan. This soils report shall include soil borings and statements indicating the suitability of soil conditions for the proposed use. The requirements of the Federal Aviation Administration, Federal Communication Commission, and Michigan Aeronautics Commission shall be noted.

- i. The equipment enclosure may be located within the principal building, attached to the roof of a building, or may be an accessory building, according to the following:

- (1) The accessory building shall be limited to the maximum height for accessory structures within the respective district.
- (2) Where an attached wireless communication facility is proposed on the roof of a building, it shall be screened by an equipment enclosure designed, constructed and maintained to be architecturally compatible with the principal building.
- (3) If equipment is to be located within an accessory building, it shall conform with all district requirements for principal buildings, including yard setbacks.

2. Additional Standards and Conditions Applicable to Facilities Subject to Conditional Land Use Approval.

Applications for wireless communication facilities which may be approved as conditional land uses shall be constructed and maintained in accordance with the following standards:

- a. The applicant shall demonstrate the need for the proposed facility to be located as proposed based upon the presence of one (1) or more of the following factors:
 - (1) Proximity to a major thoroughfare.
 - (2) Areas of population concentration.
 - (3) Concentration of commercial, industrial, and/or other business centers.
 - (4) Areas where signal interference has occurred due to tall buildings, masses of trees, or other obstructions.

(5) Topography of the proposed facility location in relation to other facilities with which the proposed facility is to operate.

(6) Other specifically identified reason creating facility need.

b. The proposal shall be reviewed in conformity with the collocation requirements of this section.

5.23.4. Application Requirements.

The following information shall accompany the application for approval of all wireless communication facilities:

1. A site plan shall be prepared in accordance with Section 3.4.
2. A detailed landscaping plan illustrating screening and aesthetic enhancement for the structure base, accessory buildings and enclosure.
3. A signed certification by a State of Michigan licensed professional engineer with regard to the manner in which the proposed structure will fall, which certification will be utilized, along with other criteria such as applicable regulations for the district in question, in determining the appropriate setback to be required for the structure and other facilities.
4. A description of security to be posted at the time of receiving a building permit for the facility to ensure removal of the facility when it has been abandoned or is no longer needed, as provided in Section 5.23.6 below. In this regard, the security shall, at the election of the applicant, be in the form of: (1) cash; (2) surety bond; (3) letter of credit; or, (4) an agreement in a form approved by the City Attorney and recordable at the office of the Register of Deeds, establishing a promise of the applicant and owner of the property to timely remove the facility as required under this section of the ordinance, with the further provision that the applicant and owner shall be responsible for the payment of any costs and attorneys fees incurred by the City in securing removal.
5. A map showing existing and known proposed wireless communication facilities within the City, and further showing existing and known proposed wireless communication facilities within areas surrounding the borders of the City in the location, and in the area, which are relevant in terms of potential collocation or in demonstrating the need for the proposed facility. If and to the extent the information in question is on file with the community, the applicant shall be required only to update as needed. Any proprietary information may be submitted with a request for confidentiality in connection with the development of governmental policy, in accordance with MCL 15.243(1)(g). This ordinance shall serve as the promise to maintain confidentiality to the extent permitted by law. The request for confidentiality must be prominently stated in order to bring it to the attention of the City.

6. The name, address and phone number of the person to contact for engineering, maintenance and other notice purposes. This information shall be continuously updated during all times the facility is on the premises.

5.23.5. Collocation.

1. Statement of Policy:

It is the policy of the City to minimize the overall number of newly established locations for wireless communication facilities and encourage the use of existing structures.

2. Feasibility of Collocation:

Collocation shall be deemed to be "feasible" for purposes of this section where all of the following are met:

- a. The wireless communication provider entity under consideration for collocation will undertake to pay market rent or other market compensation for collocation.
- b. The site on which collocation is being considered, taking into consideration reasonable modification or replacement of a facility, is able to provide structural support.
- c. The collocation being considered is technologically reasonable, e.g., the collocation will not result in unreasonable interference, given appropriate physical and other adjustment in relation to the structure, antennas, and the like.
- d. The height of the structure necessary for collocation will not be increased beyond a point deemed to be permissible by the City, taking into consideration the standards set forth in this section.

3. Requirements for Collocation:

- a. Approval for the construction and use of a new wireless communication facility shall not be granted unless and until the applicant demonstrates that a feasible collocation is not available for the coverage area and capacity needs.
- b. All new and modified wireless communication facilities shall be designed and constructed so as to accommodate collocation.
- c. If a party who owns or otherwise controls a facility shall fail or refuse to alter a structure so as to accommodate a proposed and otherwise feasible

collocation, such facility shall thereupon and thereafter be deemed to be a nonconforming structure and use, and shall not be altered, expanded or extended in any respect.

5.23.6. Removal.

1. The City reserves the right to request evidence of ongoing operation at any time after the construction of an approved tower.
2. A condition of every approval of a wireless communication facility shall be adequate provision for removal of all or part of the facility by users and owners upon the occurrence of one (1) or more of the following events:
 - a. When the facility has not been used for one hundred eighty (180) days or more. For purposes of this section, the removal of antennas or other equipment from the facility, or the cessation of operations (transmission and/or reception of radio signals) shall be considered as the beginning of a period of nonuse.
 - b. Six (6) months after new technology is available at reasonable cost as determined by the municipal legislative body, which permits the operation of the communication system without the requirement of the support structure.
3. The situations in which removal of a facility is required, as set forth in subsection 1 above, may be applied and limited to portions of a facility.
4. Upon the occurrence of one or more of the events requiring removal, specified in subsection 2 above, the property owner or persons who had used the facility shall immediately apply or secure the application for any required demolition or removal permits, and immediately proceed with and complete the demolition/removal, restoring the premises to an acceptable condition as reasonably determined by the Zoning Administrator.
5. If the required removal of a facility or a portion thereof has not been lawfully completed within sixty (60) days of the applicable deadline, and after at least thirty (30) days written notice, the City may remove or secure the removal of the facility or required portions thereof, with its actual cost and reasonable administrative charge to be drawn or collected from the security posted at the time application was made for establishing the facility.

Section 5.24 Adult Entertainment Premises

- 5.24.1 Adult entertainment venues may be located in the Industrial District upon issuance of a conditional use permit.
- 5.24.2 Adult entertainment venues are regulated and must adhere to City Ordinance, State laws, and Federal laws.

Section 5.25 Golf courses, Par Three Golf Courses

- 5.25.1. The principal and accessory buildings, including maintenance sheds, shall be set back at least seventy five (75) feet from all property and street lines.
- 5.25.2. Accessory buildings, structures and storage areas shall be screened on all sides from adjacent residential areas and public street rights-of-way.
- 5.25.3. Operational hours for maintenance vehicles, course maintenance and/or irrigation may be restricted by the Planning Commission to protect nearby residential districts.

Section 5.26 Golf Driving Ranges, Miniature Golf Courses

- 5.26.1. All traffic ingress and egress shall be from a major street, as classified by the PA51 street map.
- 5.26.2. Any lot line abutting a residential district shall provide a fifty (50) foot wide, landscaped buffer zone A, as defined in Article 3, General Provisions, and Section 12.02.
- 5.26.3. A minimum twenty five (25) foot wide greenbelt, as described in Article 3, shall be provided along any public street or highway.
- 5.26.4. Site size shall be adequate to retain all golf balls within the site by means of a fence no more than eight (8) feet high with an opacity of 50%.
- 5.26.5. The Planning Commission may restrict the hours of operation in consideration of the adjacent land uses and zoning.
- 5.26.6. Pro-shops, refreshment stands, retail shops selling golf-related items and maintenance buildings shall be permitted as part of the principal use and shall be subject to the dimensional requirements of principal buildings

5.27. Temporary Carnivals, Fairs, Commercial Cider Mills and Amusement Parks

- 5.27.1 A site plan shall be provided clearly defining activity areas using fences, buildings, walkways or other suitable barriers.
- 5.27.2 All buildings, structures and parking shall be at least three hundred (300) feet from any dwelling unit excluding any dwelling unit on the site.
- 5.27.3 The Planning Commission may require placement of a temporary six (6) foot high fence around all or part of the site.
- 5.27.4 Access into the site shall be controlled, with capability to accommodate at least two (2) lanes of ingress traffic. At least two hundred (200) feet of on-site stacking (queuing) area shall be provided on site before parking fee collection.
- 5.27.5 The amount of on-site parking shall be determined by the Planning Commission using a 4 to 1 ration of capacity to automobile.

- 5.27.6 The Planning Commission may require posting of a performance bond or other form of financial guarantee. The bond shall be in an amount determined by the Planning Commission as necessary to cover any potential damage or clean-up on the site or adjacent properties.
- 5.27.7 The Planning Commission may establish limits on hours of operation, time limits on validity of special use permit, or any other measures deemed necessary to minimize negative impacts on nearby uses and traffic operations along public streets.
- 5.27.8 Prior to issuance of a Conditional Use Permit, the applicant shall provide evidence of public liability insurance and property damage insurance to cover potential liability for death or injury to persons, or damage to property, which may result from the conduct of the activity.