

**ARTICLE 3  
GENERAL PROVISIONS**

**SECTION 3.01 ESTABLISHMENT OF ZONING DISTRICTS**

The City of Chelsea is hereby divided into the following zoning districts:

- AG-1 Agricultural District
- RS-1 Single-Family Residential District - Low Density
- RS-2 Single Family Residential District - Moderate Density
- RS-3 Two Family Residential District
- MH-1 Mobile Home Residential District
- RM-1 Multiple-Family Residential District - Moderate Density
- RM-2 Multiple-Family Residential District - High Density
- MU-1 Municipal Use District
- RS-A Single-Family Residential District - Annexation
- O-1 Office District
- C-1 Neighborhood Commercial District
- C-2 General Commercial District
- C-3 Highway Service Commercial District
- C-4 Restricted Commercial District
- C-5 Central Business District
- MC Medical Center District
- C-6 Central Business District - Mixed Use
- I-1 Industrial District
- I-2 Light Industrial District
- PUD Planned Unit Development District
- PED Planned Events District
- PMU Planned Mixed Use District
- Gateway Overlay Zoning District

## GENERAL PROVISIONS

### SECTION 3.02 OFFICIAL ZONING MAP

**A. Location of Districts and Boundaries** - The boundaries of the zoning districts of the City of Chelsea are hereby established as shown on the official zoning map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this ordinance. The original zoning map was adopted May 27, 1974.

**B. Identification** - The official zoning map shall be identified by the signature of the City Clerk, and by the date of adoption of the zoning ordinance, under the following words:

"This is to certify that this map is the official zoning map of the City of Chelsea, being Section 3.02A of the Chelsea zoning ordinance."

**C. Changes in the Official Zoning Map** - If an amendment to this ordinance results in a change in a district boundary, such change shall be recorded on the official zoning map by the City Clerk promptly after the amendatory ordinance is adopted. The Clerk shall initial and date each change on the map. Any change of municipal boundaries shall be recorded on the official zoning map by the Clerk. No other changes shall be made in the official zoning map. Any unauthorized change in the official zoning map shall be a violation of this ordinance and punishable as provided in Article 11, herein.

**D. Authority of Official Zoning Map** - Regardless of the existence of copies of the official zoning map which might be made or published, the official zoning map shall be the final authority on the zoning status of any lot, use, or structure in the City of Chelsea. The official zoning map shall be located in the office of the City and shall be open to public inspection.

**E. Replacement of Official Zoning Map** - If the official zoning map is lost or destroyed, or becomes damaged or difficult to interpret because of its physical condition, the City Council shall adopt a new official zoning map which shall replace the prior zoning map. The new official zoning map may correct drafting or other errors or omissions but such corrections shall not have the effect of amending the zoning ordinance. The new official zoning map shall be identified as a replacement map by signature of the City Clerk, with the date of replacement, under the following words:

"This is to certify that this map is a replacement for the official zoning map of the City of Chelsea, being Section 3.02A of the Chelsea zoning ordinance."

## GENERAL PROVISIONS

### 3.02 (E) Cont.

### OFFICIAL ZONING MAP

Unless the prior official zoning map has been lost or has been totally destroyed, the prior map or any significant parts thereof remaining shall be preserved, together with all available records pertaining to its adoption or amendment.

**F. Rules For Interpretation** - Where, due to scale, lack of detail, or illegibility of the official zoning map, there is any uncertainty, contradiction, or conflict as to the intended location of any zoning district boundary as shown thereon, the Planning and Zoning Administrator shall interpret the map upon request of any person. Any person aggrieved by such interpretation may appeal it to the Zoning Board of Appeals. The Planning and Zoning Administrator and the Zoning Board of Appeals, in interpreting the official zoning map or deciding an appeal, shall apply the following standards.

1. Zoning district boundary lines are intended to follow lot lines, or to be parallel or perpendicular thereto, or to follow the centerlines of streets, alleys, easements, railroad rights of way, watercourse or bodies of water, and shall be so interpreted, unless such boundary lines are fixed by dimensions shown on the official zoning map.
2. A zoning district boundary line indicated as following a municipal boundary line shall be so interpreted.
3. A zoning district boundary line indicated as being an extension of a line or feature in paragraphs 1 and 2, preceding, unless the location of such boundary line is indicated by dimension on the official zoning map, shall be so interpreted.
4. A zoning district boundary line indicated as following a shore line shall be construed as following such shore line, and if the location of the shore line is changed, shall be construed as following the shore line existing at the time the interpretation is made.
5. A zoning district boundary line that divides a lot shall be located by use of the scale of the official zoning map, unless the location of same is indicated by dimensions on the zoning map.
6. If, after application of the foregoing rules, uncertainty still exists as to the exact location

## GENERAL PROVISIONS

### 3.02 (F) Cont.

### OFFICIAL ZONING MAP

of a zoning district boundary line, the boundary line shall be determined in a reasonable manner, considering the history of uses of property and the history of zoning ordinances and amendments in the City of Chelsea as well as other relevant facts.

### SECTION 3.03 COMPLIANCE WITH REGULATIONS

- A. Every building and structure erected; every lot created; every use of any lot, building, or structure established; every structural alteration or relocation of an existing building or structure occurring; and every enlargement of or addition to an existing use, building or structure occurring after the effective date of this Ordinance shall be subject to all regulations of this Ordinance which are applicable in the zoning district in which such building, structure, or lot is located.
- B. No yard or lot existing at the time of adoption of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth for the district in which the yard or lot is located. Yards or lots created after the effective date of this Ordinance shall meet the minimum requirements established by this Ordinance.
- C. No part of a yard or other open space required for or in connection with any structure for the purpose of complying with this Ordinance shall be included as part of a yard or open space similarly required for any other structure.
- D. Areas used to satisfy required density, open space, yards and similar requirements shall be provided on the subject lot. In all zoning districts any area of a lake, pond or stream, or wetland shall not be used in computing the required minimum lot area. In RM zones any area of a lake, pond, stream or wetland shall not be used in computing the minimum required lot area or the minimum lot area required for each dwelling unit.
- E. Setback requirements from streets shall be measured from the right-of-way line of a public street or alley or the easement line of a private road.

### SECTION 3.04 USE REGULATIONS

- A. No structure shall be constructed, erected, placed, or maintained, and no use shall be commenced or continued within Chelsea, except as specifically or by necessary implication authorized by this Ordinance. Uses for

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### 3.04 (A) Cont.

### USE REGULATIONS

enterprises or purposes that are contrary to Federal, State, or local laws or ordinances are prohibited.

(Amended by ord. no 166-2011-02 eff. 1-12-11).

- B. A special use shall be permitted only if listed as a special use, either specifically or by necessary implication, in the zoning district in which the use is to be located, and only after a special use permit has been approved by the Planning Commission, as provided herein. Continuation of a special use existing prior to the date of adoption or amendment of this Ordinance, expansion of a special use, or change of one special use to another special use shall be that permitted only in the procedures, requirements, and standards of Article 10, herein, and applicable procedures, requirements, and standards in Article 8, herein.
- C. Where a lot is devoted to a principal use, either permitted by right or as a special use, customary accessory uses and structures and uses are authorized except as prohibited specifically or by necessary implication. (See section 3.10-Assessory Buildings, Structures and Uses.)

### SECTION 3.05 YARD REQUIREMENTS

- A. All front, side, and rear yards shall be the minimum perpendicular distance measured from the principal structure, excluding all projections not exceeding three (3) feet in length from the structural wall.
- B. Where a lot or parcel adjoins a lot or parcel in a more restrictive zone, any adjoining front, side or rear yard of such lot shall have a minimum width equal to the required yard in the more restrictive zone.
- C. Where a lot or parcel adjoins a body of water, the lot or parcel shall have an additional front yard from the ordinary high water mark of the body of water, in addition to the usual front yard determined by reference to the street or right-of-way.

### SECTION 3.06 CORNER LOTS

A corner lot shall maintain front yard requirements for each street frontage.

### SECTION 3.07 LOT WIDTH

Width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the

## GENERAL PROVISIONS

### 3.07 Cont.

### LOT WIDTH

required front yard; provided however, that width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than eighty (80) percent of the required lot width, except in the case of lots on the turning circle of cul-de-sacs, where eighty (80) percent requirements shall not apply.

### SECTION 3.08 HEIGHT OF BUILDINGS OR STRUCTURES

No building or structure shall exceed a height of forty (40) feet except detached accessory structures in any residential district, for which the maximum height shall be permitted in Section 3.10G, (Accessory Structures) herein. The limitations affecting the height of structures shall not apply to the following appurtenant appendages and structures provided they comply with all other provisions of this or any other applicable Ordinances: parapet walls, chimneys, smokestacks, church spires, flag poles, radio and television towers, penthouses for REV. 8-8-96 mechanical equipment and water tanks.

### SECTION 3.09 DISTANCE BETWEEN GROUPED BUILDINGS

In addition to the required setback lines provided elsewhere in this Ordinance, for group dwellings (including semi-detached and multiple dwellings) the following minimum distance shall be required between each said building:

- A. Where buildings are front-to-front or front to rear, three (3) times the height of the taller building, but no less than seventy (70) feet.
- B. Where buildings are side to side, one (1) times the height of the taller building but not less than twenty (20) feet.
- C. Where buildings are front to side, rear to side, or rear to rear, two (2) times the height of the taller building but not less than forty-five (45) feet.

### SECTION 3.10 ACCESSORY BUILDINGS, STRUCTURES AND USES

- A. **Relation to Principal Building:** No accessory structure may be placed on a lot that does not have a principal structure or a valid and current building permit for construction of a principal structure. Accessory buildings, structures and uses are permitted only on the same lot with a principal building, structure or use which is permitted in the particular zoning district and has received a certificate of occupancy. However, an accessory building or structure may be permitted on a separate lot with a permitted use under

## GENERAL PROVISIONS

### 3.10 (A) Cont. ACCESSORY BUILDINGS, STRUCTURES AND USES

same ownership in the Agricultural District. An accessory building, structure or use shall not be occupied or utilized unless the principal structure to which it is accessory is occupied or utilized.

- B. Permit Required:** An accessory building shall require a zoning compliance permit and shall require a building permit, if required by the State Construction Code.
- C. Restrictions in Front Yard:** An accessory building shall not be erected in any front yard.
- D. Separation:** A detached accessory building or structure shall not be located closer than ten(10) feet to any other building or structure.
- E. Required Setbacks (Attached):** An accessory building or structure that is structurally attached to a principal building or structure shall be subject to all the regulations that apply to the principal building or structure of the district in which it is located.
- F. Required Setbacks (Detached):** All detached accessory structures in any residential district shall be subject to the same dimensional requirements affecting the principal structure except, however, such accessory structure may be placed not less than five (5) feet from any rear lot line or the rear yard portion of any side lot line.
- G. Maximum Height:** The maximum building height of a detached accessory building in a residential zoning district shall be fourteen (14) feet, except accessory buildings in the Agricultural District, which may exceed the maximum height restrictions for principal buildings by up to fifteen (15) feet.
- H. Maximum Size:** The combined total floor area of all accessory buildings in any residential district shall be a maximum of nine hundred (900) square feet in area for lots less than two(2) acres and one thousand two hundred (1200) square feet in area for lots equal to or greater than two (2) acres.
- I. Restrictions on Use:** Accessory buildings shall not be occupied for dwelling purposes or used for any business profession, trade or occupation except for agricultural uses or home occupations.

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### 3.10 Cont.                    ACCESSORY BUILDINGS, STRUCTURES AND USES

- J. Non-residential:** All accessory structures in non-residential districts shall be subject to the same standards and requirements that are required for all principal structures within such districts. Trash enclosures abutting non-residential districts shall comply with the requirements in sub-section (F) preceding.

### SECTION 3.11 ESSENTIAL SERVICES

- A.** Nothing in this Ordinance shall prohibit the provision of essential services, provided the installation of such services does not violate any other applicable provision of this Ordinance.
- B.** Nothing in this Section shall be construed to permit the erection, construction, or enlargement of any building, tower, or maintenance depot for provision of an essential service except as otherwise permitted in this Ordinance.

### SECTION 3.12 ACCESS TO STREETS

In any district, every lot created after the effective date of this Ordinance; and every use, building, or structure established after the effective date of this Ordinance shall be on a lot that adjoins either a public street or a private street that meets the requirements of the street ordinance of the City of Chelsea.

### SECTION 3.13 VISIBILITY AT INTERSECTIONS

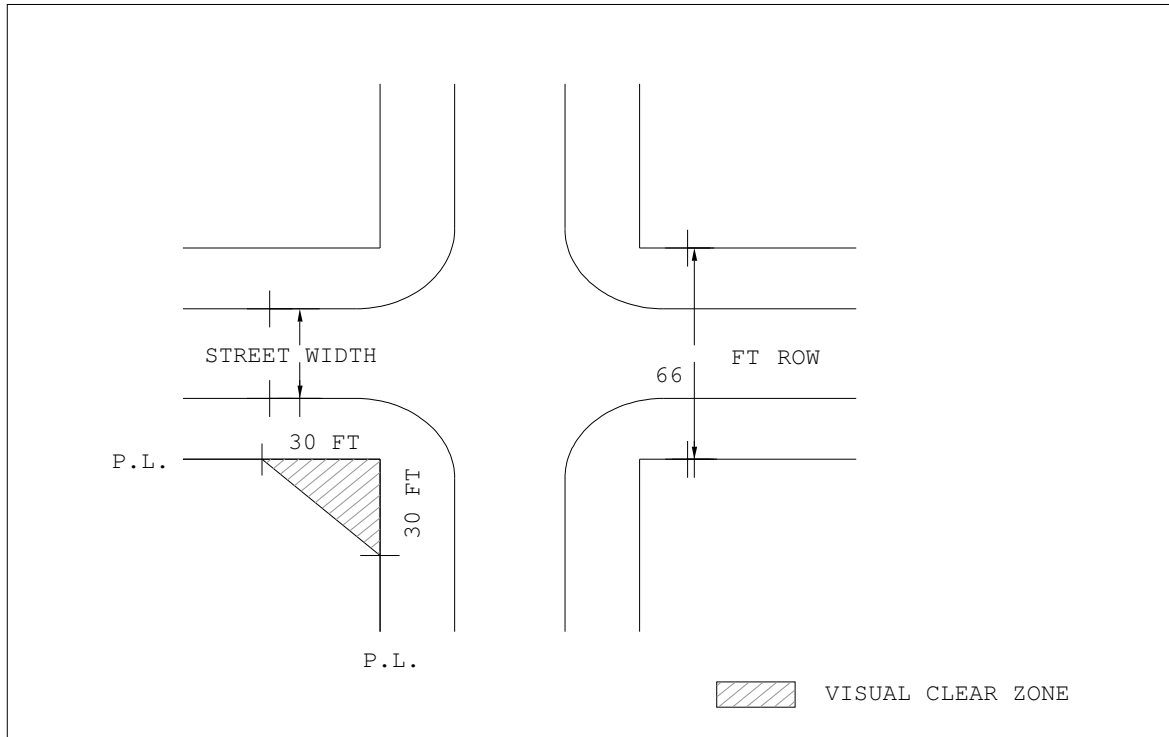
On any corner lot in any zoning district requiring front and side yards, no fence, wall, hedge, screen, sign, structure, vegetation, or planting shall be allowed to impede vision between a height of three (3) feet and eight (8) feet above the centerline grades within the triangular area formed by the intersecting street right-of-way lines and a straight line joining the two (2) street lines at points which are thirty (30) feet distant from the point of intersection, measured along the street right-of-way line. (See diagram next page)



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### 3.13 Cont.

### VISIBILITY AT INTERSECTIONS



### SECTION 3.14 CURB CUTS AND DRIVEWAYS

Curb cuts and driveways may be located only upon approval by the Planning and Zoning Administrator in consultation with the City Engineer or D.P.W. Supervisor and such other county and state authorities as required by law; provided however, such approval shall not be given where such curb cuts and driveways shall unnecessarily increase traffic hazards. The driveway for a single or two family dwelling shall not occupy more than 35% of the total front yard area of a lot. The remaining 65% of the front yard area shall consist of living ground cover.

### SECTION 3.15 TEMPORARY USE

Circuses, carnivals, or other transient enterprises may be permitted in any district, upon approval by the City Council based upon the finding that the location of such an activity will not adversely affect adjoining properties, or adversely affect public health, safety, morals, and the general welfare.

### SECTION 3.16 COMPLETION OF CONSTRUCTION

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building or structure on which actual

## GENERAL PROVISIONS

### 3.16 Cont.

### COMPLETION OF CONSTRUCTION

construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance, provided that construction shall be completed within three hundred sixty-five (365) days of such effective date and be subject thereafter to the provisions of Article 10, Nonconformities, of this Ordinance.

Adoption of this Ordinance shall not limit the construction of any building or structure for which a zoning permit had been obtained prior to the effective date of adoption or amendment of this Ordinance even though said building or structure does not conform to the provisions of this Ordinance; provided that work shall commence and be carried on within thirty (30) days of obtaining such permit and be subject thereafter to the provisions of Article 10 of this ordinance.

### SECTION 3.17 WIRELESS COMMUNICATIONS FACILITIES REGULATIONS

**A. Intent** - The City intends, by these regulations, to permit wireless communications facilities but to regulate the location and design of the facilities in a manner that will retain the integrity of neighborhoods and the character, property values, and aesthetic quality of the City. This ordinance sets forth procedures and standards for location of these facilities within the City. It is City policy that all users shall co-locate where feasible to assure the most economic use of land and to prevent proliferation of duplicative facilities and services. The City also intends that unused or unnecessary facilities will be removed. The regulations in this section are intended to be consistent with applicable federal laws and administrative rules.

#### **B. Definitions**

1. **Wireless Communications Facilities** - All structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. These may include, but shall not be limited to, radio towers, telephone devices, personal communication transmission equipment and exchanges, microwave relay towers, telephone transmission equipment buildings and commercial mobile radio service facilities. This definition does not include a reception antenna for an individual lot as otherwise defined in this ordinance.
2. **Attached Wireless Communication Facilities** - Wireless communication facilities affixed to

## GENERAL PROVISIONS

### 3.17 (B) Cont.

### WIRELESS COMMUNICATIONS

- existing structures, including but not limited to buildings, towers, water tanks, or utility poles.
3. Wireless Communication Support Structures - Structures erected or modified to support wireless communication antennas. The term support structures includes, but shall not be limited to, monopoles, lattice towers, light poles, wood poles, and guyed towers.
  4. Co-location - Location of two or more antennas of wireless communication providers of wireless communication services on a common support structure or building.
  5. Wireless Communication Antenna - Any antenna used for transmission or reception of wireless communication signals excluding:
    - a. Those used exclusively for dispatched communications by public emergency agencies;
    - b. Ham radio antenna;
    - c. Satellite antenna;
    - d. Those which receive video-programming services via multi-point distribution services which are one meter (39") or less in diameter;
    - e. Those which receive television broadcast signals; and
    - f. Those radio transmitters:
      1. That transmit on bandwidths not regulated by the FCC;
      2. Whose transmission output does not exceed 0.5 watts; and
      3. That do not exceed 32 square inch wind load from any angle.
  6. Provider - An entity which is properly licensed by the Federal Communications Commission (FCC) and other appropriate governmental authorities to provide services through Wireless Communications Facilities.

## GENERAL PROVISIONS

### 3.17 Cont.

### WIRELESS COMMUNICATIONS

#### C. Approvals Required

1. Erection of a wireless communications support structure and related equipment shall require a special use permit in accordance with Article 8.
2. Attachment of a wireless communication antenna to an existing structure and installation of related equipment shall require a special use permit in accordance with Article 8, except in instances of co-location, in which the following subsection 3 shall apply.
3. Co-location of wireless communication antennas and related equipment on a site with a valid special use permit shall be permitted by administrative approval, provided the co-location is consistent with all provisions of the special use permit.

#### D. Information Required

1. All information required in Article 8.
2. A preliminary site plan in accordance with Article 9, plus elevations of the support structure and accessory buildings and equipment, colors of the support structure and accessory buildings and equipment, and a survey showing all structures and lot lines within the area needed to determine compliance with the setback requirements of this section.
3. An engineer's report, prepared and signed by a professional engineer licensed in the State of Michigan, containing structural data and analysis of the support structure, the number of co-locations for which the structure is designed, and its predicted fall zone.
4. A soils report prepared and signed by a geotechnical engineer licensed in the State of Michigan. The report shall include data on soil borings and statements confirming the suitability of soil conditions for the proposed support structure.
5. Information to prove that the proposed facility is needed in the City, the location of all existing facilities within the City and within five miles of the boundaries of the City, and the location of all potential co-location opportunities. The information shall include the location, height and

## GENERAL PROVISIONS

### 3.17 (D) Cont.

### WIRELESS COMMUNICATIONS

design of each facility. The Planning and Zoning Administrator may share such information with other applicants applying for administrative approvals or special use permits under this ordinance or other organizations seeking to locate facilities within the jurisdiction of City of Chelsea.

6. The preliminary site plan shall show the number of co-locations available on the site and the location of all equipment areas needed to serve all antennas.
7. A written agreement, transferable to all successors and assigns, that the property owner and the owner or operator of the facility shall make space available for co-location.
8. 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 the time the facility is on the site.
9. A maintenance plan, and any applicable maintenance agreement.
10. An agreement and affidavit signed by the owner of the property and the owner of the facility which assures removal of the facility and restoration of the site at cost to the property owner, if removal is required by this section. The agreement and affidavit may provide that all costs of removal and site restoration be levied as a lien on the property.

### **E. Standards**

Standards for a special use permit, as provided in Article 8.

1. Facilities shall be located, designed, and painted a color that will be harmonious with the surrounding area.
2. All new and modified wireless communication support structures shall be designed to accommodate co-location, with a written agreement approved by the City Attorney.
3. The applicant shall demonstrate that a feasible co-location is not available for the coverage area and capacity needed.

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### 3.17 (E) Cont.

### WIRELESS COMMUNICATIONS

4. The applicant shall demonstrate that the requested height of the support structure is the minimum necessary for reasonable communication. The height of the support structure and antenna shall not exceed 195 feet, provided the height shall be less than the height that would require hazard lighting by the FAA.
5. Minimum required setbacks for a new support structure:
  - a. From single-family detached residential zoning districts - the height of the support structure and antenna plus 25 feet.
  - b. From all other zoning districts - one-half the height of the support structure and antenna plus 10 feet, provided that the setback is greater than the fall zone delineated in the engineer's report required herein. If the required setback is not greater, the minimum setback shall be the delineated fall zone plus 10 feet.
6. Landscaping shall be provided to screen the structure, base, accessory buildings, and ground equipment.
7. Accessory buildings shall be finished with brick, provided the Planning Commission may waive this requirement for a building that is located in an industrial zoning district and is not visible from a public right of way or a lot in a non-industrial zoning district.
8. A security fence shall enclose the facility. Notwithstanding Section 5.04, fences may be up to 10 feet in height and may have barbed wire, provided the wire is no less than 10 feet above grade.
9. Nonconforming conditions on the site, such as outdoor storage, signs, landscaping, unpaved parking, improper lighting, or similar conditions shall be removed prior to construction of the facility. If the site has a nonconforming building or structure, improvements shall be made to decrease the extent or impact of the nonconformity.
10. The facility shall comply with and shall be operated in accordance with applicable federal and state standards. Operating or maintaining a facility not in compliance with these standards

## GENERAL PROVISIONS

### 3.17 (E) Cont.

### WIRELESS COMMUNICATIONS

may be grounds for revoking the special use permit.

11. The maximum height of accessory structures shall be 12 feet and shall meet setback requirements for principal buildings in that district.
12. Unobstructed access shall be provided to each site. The minimum requirements shall be a 20 foot wide easement, improved with a 12 foot wide driveway constructed on a 6" MDOT class II sub-base and an 8" 21A gravel base course. A turning area shall be provided for emergency vehicles. The access shall be maintained to be passable at all times.
13. An attached wireless communication facility and its equipment enclosure that are proposed on a building roof shall be designed, constructed, and maintained to be architecturally compatible with the building. The equipment enclosure may be located in an accessory building.
14. The support structure shall meet all applicable codes.
15. The requirements of the Federal Aviation Administration, Federal Communications Commission, and Michigan Aeronautics Commission shall be met.

### F. Co-Location

1. Feasibility of Co-location - Co-location shall be deemed feasible for purposes of this section in the following circumstances:
  - a. A provider will pay market rent or other market compensation for co-location.
  - b. The support structure can support additional antennas, taking into account reasonable modification or replacement of the structure.
  - c. Co-location is technically feasible.
2. Requirements for Co-location.
  - a. A special use permit for a facility shall not be approved unless the applicant demonstrates that a feasible co-location is

## GENERAL PROVISIONS

### 3.17 (F) Cont.

### WIRELESS COMMUNICATIONS

not available for the coverage area and capacity needs.

- b. All new and modified wireless communications facilities shall be designed and constructed to accommodate the maximum number of providers for co-location.
- c. Failure or refusal of a provider to permit a proposed and feasible co-location shall be grounds for revoking the special use permit for that site.
- d. If a provider fails or refuses to permit a feasible co-location, such provider shall be prohibited from receiving approval for a new facility in the City for a period of five years from the date of failure or refusal.

### G. Removal

1. A condition of approval of a wireless communication facility shall be an adequate provision for removal of the facility upon occurrence of one or more of the following events:
  - a. Failure to use the facility for 180 days or more.
  - b. 180 days after new technology is available at reasonable cost as determined by the City, which permits operation of the facility without the support structure. Each applicant shall certify its agreement to provide the City with information on such new technology if and when it is available as part of the approval process.
2. Upon the occurrence of an event requiring removal of a facility, the property owner shall promptly apply for demolition or removal of the facility and proceed with removal of the facility and restoration of the affected area to a condition reasonably acceptable to the City.
3. If a facility has not been removed within 60 days of the required removal date then, after 30 days written notice to the provider, the City may cause removal and site restoration. All costs of removal and restoration shall be levied on the property as provided in the agreement and affidavit required in Section 3.17D-10. Removal of a facility shall void the special use permit for the site.



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### 3.17 (G) Cont.

### WIRELESS COMMUNICATIONS

4. The property owner shall notify the City in writing immediately upon cessation of operation of the facility.

### SECTION 3.18 ILLEGAL DWELLINGS

The use of any portion of the basement of a partially completed building, or any garage or accessory building for dwelling or sleeping purposes in any zoning district is prohibited.

### SECTION 3.19 ACCESSORY STRUCTURES FOR PHYSICAL DISABILITIES (HANDICAPPED)

Structures necessary to provide reasonable accessibility for persons with physical disabilities shall meet the following standards:

- A. Structures shall meet applicable state and federal regulations;
- B. Permanent structures shall meet all required setbacks for a principal building;
- C. A structure intended to be a temporary structure to provide access to a dwelling unit may be approved by the Planning and Zoning Administrator. The applicant shall provide documented evidence of the physical disability and agree in writing to the removal of the structure when the person in need of the structure no longer resides on the premises or is no longer physically disabled. Any structure shall be the minimum necessary to provide reasonable accessibility. A handicap ramp necessary under this provision shall be set back not less than five feet from the lot line or the street right of way line; and
- D. Approval of a temporary structure shall be valid for not more than three (3) years from the date of approval unless renewed pursuant to this section.

### SECTION 3.20 NATURAL FEATURE SETBACK

A twenty-five (25) foot natural feature setback shall be maintained from the mean high water line of a natural pond or stream, or from a boundary of wetland.

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### SECTION 3.21 RECREATION AREA WITHIN RESIDENTIAL DEVELOPMENTS

- A. A residential development consisting of twenty (20) or more lots or dwelling units, either as a single development or as a group of adjacent developments offered by a single proprietor, shall provide one or more recreation areas for use by the residents. The minimum total area required shall be computed at the rate of fifteen hundred (1,500) square feet for each lot or dwelling unit in the development, whichever yields the larger land area. The recreation area shall be well drained, graded, seeded or sodded, and safe from hazard. The minimum required area shall not include the area in any wetlands or stormwater detention basins.
- B. Each recreation area shall be provided, in locations that are visible and accessible to all residents in the development.
- C. Connections with adjacent open space, public land or existing or planned pedestrian/bicycle paths may be required by the City.
- D. A required recreation area shall be set aside by the developer through an irrevocable conveyance acceptable to the City, such as recorded deed restrictions, covenants that run perpetually with the land, or conservation easements. The conveyance shall describe the uses permitted in the recreation area and require that the area be maintained by parties who have an ownership interest in it.
- E. A required recreation area shall remain open, subject only to uses approved by the City on the approved site plan or subdivision plat. Division of a recreation area or its use for other than recreation purposes, except easements for utilities, shall be prohibited.

### SECTION 3.22 SALE OF VEHICLES

Cars, trucks, boats, ATV's, PWC and similar vehicles or conveyances may be sold only on a lot of a dealer licensed in the State of Michigan for such sales, or on a lot owned by the registered owner of the above items to be sold, provided such sale shall be made by the registered owner or by a member of the immediate family of the registered owner.

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### SECTION 3.23 TEMPORARY SHELTERS

One tent, or similar temporary shelter used for the purpose of storing cars, boats, or similar vehicles or conveyances shall be permitted on a lot in the RS-1, RS-2 and RS-3 Districts in the rear yard only and shall meet the setback regulations for detached accessory structures. Said shelters shall be permitted one time only for a period not to exceed 365 days.