

CITY OF BRIDGMAN ZONING ORDINANCE

Berrien County, Michigan

**Ordinance Number 79 as amended Through Ordinance Number 145,
The 1997 Comprehensive Update, Ordinance Number 136,
Technical Correction Ordinance 141, Ordinance Number 160,
Ordinance No. 176, the 2009 Comprehensive Update,
Ordinance No 186, and Ordinance No. 187**

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Prepared by the:

City of Bridgman Planning Commission

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ORDINANCE NUMBER 79

as amended by Ordinance Number 145,
the 1997 Comprehensive Update, Ordinance Number 136,
Technical Correction Ordinance 141, Ordinance Number 160, Ordinance 163, and
Ordinance No. 176, the 2009 Comprehensive Update, Ordinance No 186, and Ordinance No. 187

THE CITY OF BRIDGMAN ZONING ORDINANCE

An Ordinance to establish zoning districts and land use regulations governing the City of Bridgman, Berrien County, Michigan; to provide for regulations governing nonconforming uses and structures; to provide for a board of appeals and its duties and powers; to provide for the administration of this Ordinance including the official whose duty it shall be to enforce the provisions thereof; to provide penalties for the violation of this Ordinance; and, to provide for conflicts with other ordinances or regulations.

An Ordinance to Amend the Zoning Ordinance of the City of Bridgman to correct certain referenced, typographic errors, clarify procedure.

The City of Bridgman, Berrien County, Michigan ordains:

Section 1: Pursuant to the power to amend, reserved under the Zoning Ordinance, the following technical modifications of the Zoning Ordinance are hereby approved:

1. The title of the Zoning Ordinance for the City of Bridgman shall hereafter be referenced as the Ordinance 176; being "Ordinance 176, City of Bridgman Zoning Ordinance".

ARTICLE I

PREAMBLE

Section 1.01 - Title. This Ordinance shall be known as the **CITY OF BRIDGMAN ZONING ORDINANCE**.

Section 1.02 - Purpose. The fundamental purpose of this Ordinance is to promote the public health, safety, morals, and general welfare; to develop and preserve the natural beauty and aesthetic quality of the community to the end that property values may be preserved; to encourage the use of lands in accordance with their character and adaptability, and limit the overcrowding of population; to promote adequate air and light; to lessen congestion on the public and private roads and streets; to reduce hazards to life and property; and, to facilitate adequate provisions for a system of transportation, sewage disposal, safe and adequate water supply, education, recreation, and other public improvements and services to conform with the most advantageous uses of land, resources, and properties within and to assure that every building, dwelling, structure or other habitable space will conform to health, safety and welfare as required by the ordinances and codes adopted by the City of Bridgman, Berrien County, Michigan.

ARTICLE II

ZONING DISTRICTS AND MAPS

Section 2.01 - Division of City into Zoning Districts. For the purpose of this Ordinance, the City of Bridgman, Berrien County, Michigan, is hereby divided into the following Zoning Districts:

R-1	Residential District
R-2	Residential District
R-3	Residential District
R-4	Residential District
C	Commercial District
I	Industrial District
PD	Planned Unit Development District

Section 2.02 - Zoning Map. The area assigned to said Zoning Districts and the boundaries thereof shown upon the map entitled “Zoning District Map of the City of Bridgman” are hereby established and said map and all proper notations, references, and other information shown thereon are hereby made a part of this Ordinance.

Section 2.03 - Boundaries of Zoning Districts. Unless otherwise provided in this Ordinance, the boundaries of Zoning Districts shall be interpreted as following along section lines, or lines of customary subdivision of such section; or the right-of-way line of highways, streets, alleys or property lines on record at the office of the Register of Deeds of Berrien County as of the date of enactment of this Ordinance.

Section 2.04 - District Lines.

1. All Zoning District lines shall commence at the street right-of-way or waterfront when measuring the depth of the Zoning District.
 2. As far as possible, all Zoning District lines shall run parallel to the street or highway right-of-way lines or water shore lines.
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ARTICLE III

R-1 RESIDENTIAL DISTRICT

Section 3.01 - Uses Permitted. Land, buildings or structures in this Zoning District may be used for the following purposes only:

1. Dwellings for single-family residential use and accessory uses including Adult Foster Care Facilities (see Article XV).
2. Home occupations as a special use pursuant to Article 12.
3. Parks, schools, churches, or other municipal facilities which are owned and operated by a governmental agency or a non-commercial organization when authorized as a special use by the Planning Commission, except as provided under Section 10.08 of this Ordinance. In considering such authorization, the Planning Commission shall consider Article XII, Article XIII and the following standards:
 - A. The necessity for such use for the surrounding neighborhood;
 - B. The proximity of the intended use to adjoining properties specifically their proximity to occupied dwellings;
 - C. The size, nature, and character of the proposed use;
 - D. Potential traffic congestion which may be generated by the intended use;
 - E. Parking facilities shall conform to the provision of Article X, Section 10.19;
 - F. The effect of the propose use on adjoining properties, property values, and the surrounding neighborhood;
 - G. The degree with which the proposed use harmonizes, blends with, and enhances adjoining properties and the surrounding neighborhood.

(Amended by Ordinance #145, effective February 1, 2001)

Section 3.02 - Height Regulations. No residential buildings or structure shall exceed thirty-five (35) feet in height. All other buildings and structures shall not exceed their usual and customary heights.

Section 3.03 - Area Regulations. No principal building or structure, nor any enlargement thereof, shall be hereafter erected except in conformance with the following yard, lot area, and width requirements.

1. Front Yard: There shall be a front yard of no less than thirty (30) feet.
2. Side Yard: Each side yard shall be no less than twelve (12) feet.
3. Rear Yard: There shall be a rear yard of no less than thirty (30) feet for residential use.
4. Lot Area and Width: The minimum lot area and width shall be twenty thousand (20,000) square feet and one hundred ten (110) feet, respectively.
5. Accessory Uses: Accessory buildings or structures may be located in the rear yard area only and no closer than four (4) feet of the rear or side property line.

Section 3.04 - Area of Dwelling. Every single-family dwelling shall have a floor area of no less than one thousand six hundred (1,600) square feet, a minimum building width of thirty (30) feet, with a minimum of two-thirds of the living area on the ground level and a front building dimension of no less than thirty (30) feet measured at the foundation line.

ARTICLE IV

R-2 RESIDENTIAL DISTRICT

Section 4.01 - Uses Permitted. Land, buildings or structures in this Zoning District may be used for the following purposes only:

1. Dwellings for single-family residential use and accessory uses including Adult Foster Care Facilities (see Article XV).
2. Parks, schools, churches, or other municipal facilities which are owned and operated by a governmental agency or a non-commercial organization when authorized as a special use by the Planning Commission, except as provided under Section 10.08 of this Ordinance. In considering such authorization, the Planning Commission shall consider Article XII, Article XIII, and the following standards:
 - A. The necessity for such use for the surrounding neighborhood;
 - B. The proximity of the intended use to adjoining properties specifically their proximity to occupied dwellings;
 - C. The size, nature, and character of the proposed use;
 - D. Potential traffic congestion which might be generated by the intended use;
 - E. Parking facilities shall conform to the provision of Article X, Section 10.19.
 - F. The effect of the proposed use on adjoining properties, property values, and the surrounding neighborhood;
 - G. The degree with which the proposed use harmonizes, blends with, and enhances adjoining properties and the surrounding neighborhood.

(Amended by Ordinance #145, effective February 1, 2001)

3. Home Occupations as a Special Use pursuant to Article XII.
4. Bed and Breakfast Operations in compliance with Section 10.30 are considered a special use and require Planning Commission approval in compliance with Article XII Special Uses.

(Amended by Ordinance #141, effective August 16, 1999)

Section 4.02 - Height Regulations. No residential building or structure shall exceed thirty-five (35) feet in height. All other buildings and structures shall not exceed their usual and customary heights.

Section 4.03 - Area Regulations. No principal building or structure, nor any enlargement thereof, shall be hereafter erected except in conformance with the following yard, lot area, and width requirements.

1. Front Yard: There shall be a front yard of no less than thirty (30) feet.
2. Side Yard: For residential buildings and structures, each side yard shall be no less than eight (8) feet. For all other uses, each side yard shall be no less than twenty-five (25) feet.
3. Rear Yard: For residential buildings, there shall be a rear yard of no less than twenty (20) feet. For all other uses, there shall be a rear yard of no less than twenty-five (25) feet.
4. Lot Area and Width (single-family dwelling): The minimum lot area and width shall be twelve thousand (12,000) square feet and width eighty (80) feet, respectively.
5. Lot Area and Width (other than single-family dwellings): The minimum lot area and width shall be thirty thousand (30,000) square feet and one hundred twenty-five (125) feet, respectively.
 - A. Accessory Uses: Accessory buildings or structures may be located in the rear yard area only and no closer than four (4) feet of the rear or side property line.

Section 4.04 - Area of Dwellings. Every single-family dwelling shall have a floor area of no less than one thousand four hundred (1,400) square feet, a minimum building width of twenty-eight (28) feet and a front building dimension of no less than twenty-eight (28) feet measured at the foundation line.

ARTICLE V

R-3 RESIDENTIAL DISTRICT

Section 5.01 - Uses Permitted. Land, buildings or structures in this Zoning District may be used for the following purposes only:

1. Dwellings for single-family residential use and accessory uses including Adult Foster Care Facilities (see Article XV).
 2. Parks, schools, churches, or other municipal facilities which are owned and operated by a governmental agency or a non-commercial organization when authorized as a special use by the Planning Commission, except as provided under Section 10.08 of this Ordinance. In considering such authorization, the Planning Commission shall consider Article XII, Article XIII and the following standards:
 - A. The necessity for such use for the surrounding neighborhood;
 - B. The proximity of the intended use to adjoining properties; specifically their proximity to occupied dwellings;
 - C. The size, nature, and character of the proposed use;
 - D. Potential traffic congestion which might be generated by the intended use;
 - E. Parking facilities shall conform to the provision of Article X, Section 10.19.
 - F. The effect of the proposed use on adjoining properties, property values, and the surrounding neighborhood;
 - G. The degree with which the proposed use harmonizes, blends with, and enhance adjoining properties and the surrounding neighborhood.

(Amended by Ordinance #145, effective February 1, 2001)
 3. Dwellings for two-family residential use and accessory uses including Adult Foster Care Facilities (see Article XV) on lots fronting on a major street as designated on the City of Bridgman General Development Plan when authorized as a special use by the Planning Commission. In considering such authorization, the Planning Commission shall consider Article XII, Article XIII and the following standards:
 - A. The proximity of the proposed use to adjoining properties;
 - B. The parking facilities provided for the proposed use; and,
 - C. How well the proposed use harmonizes, blends with, and enhances adjoining properties
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and the surrounding neighborhood.

4. Home Occupations as a Special Use pursuant to Article XII.
5. Bed and Breakfast Operations in compliance with Section 10.30 are considered a special use and require Planning Commission approval in compliance with Article XII Special Uses.

(Amended by Ordinance #141, effective August 16, 1999)

Section 5.02 - Height Regulations. No residential buildings or structures shall exceed thirty-five (35) feet in height. All other buildings and structures shall not exceed their usual and customary heights.

Section 5.03 - Area Regulations. No principal building or structure, nor any enlargement thereof, shall be hereafter erected except in conformance with the following yard, lot area, and width requirements.

1. Front Yard: There shall be a front yard of no less than thirty (30) feet.
2. Side Yard: For residential buildings and structures, each side yard shall be no less than seven and one half (7½) feet. For all other uses, each side yard shall be no less than twenty-five (25) feet.
3. Rear Yard: For residential buildings, there shall be a rear yard of no less than twenty (20) feet. For all other uses, there shall be a rear yard of no less than twenty-five (25) feet.
4. Lot Area and Width (single-family dwelling): The minimum lot area and width shall be seven thousand (7,000) square feet and seventy (70) feet, respectively.
5. Lot Area and Width (two-family dwelling): The minimum lot area and width shall be twelve thousand five hundred (12,500) square feet and eighty (80) feet, respectively.
6. Lot Area and Width (other than single and two-family dwelling): The minimum lot area and width shall be thirty thousand (30,000) square feet and one hundred twenty-five (125) feet, respectively.
7. Accessory Uses: Accessory buildings or structures may be located in the rear yard area only and no closer than four (4) feet of the rear or side property line.

Section 5.04 - Area of Dwellings. Every single-family dwelling shall have a floor area of no less than one thousand two hundred (1,200) square feet, a minimum building width of twenty-eight (28) feet and a front building dimension of no less than twenty-eight (28) feet measured at the foundation line. Every two-family dwelling shall have a floor area of no less than eight hundred (800) square feet per dwelling unit and a front building width dimension of no less than one third (1/3) of the length of the building, but not less than twenty-eight (28) feet, measured at the foundation line.

ARTICLE VI

R-4 RESIDENTIAL DISTRICT

Section 6.01 - Uses Permitted. Land, buildings or structures in this Zoning District may be used for the following purposes only:

1. Dwellings for single-family residential use and accessory uses including Adult Foster Care Facilities (see Article XV).
 2. Dwellings for two-family residential use and accessory uses including Adult Foster Care Facilities (see Article XV).
 3. Dwellings for multiple-family residential use apartments, bed and breakfast operations, lodging houses, boarding houses, tourist homes, nursing homes, senior citizen housing, similar group housing and accessory uses including Adult Foster Care Facilities (see Article XV).
 4. Churches, schools, parks, libraries, recreational, and religious facilities of a noncommercial nature.
 5. Home Occupations as a Special Use pursuant to Article XII.
 6. Bed and Breakfast Operations (see Article X, Section 10.30).
 7. Mobile Home Parks when authorized as a special use by the Planning Commission and provided they are in conformance with all state regulations governing mobile home parks, including Public Act 419 of 1976 as amended. In considering such authorization, the Planning Commission shall consider Article XII and Article XIII.
 8. Parks, schools, churches, or other municipal facilities which are owned and operated by a governmental agency or a non-commercial organization when authorized as a special use by the Planning Commission, except as provided under Section 10.08 of this Ordinance. In considering such authorization, the Planning Commission shall consider Article XII, Article XIII and the following standards:
 - A. The necessity for such use for the surrounding neighborhood;
 - B. The proximity of the intended use to adjoining properties; specifically their proximity to occupied dwellings;
 - C. The size, nature, and character of the proposed use;
 - D. Potential traffic congestion which might be generated by the intended use;
 - E. Parking facilities shall conform to the provision of Article X, Section 10.19.
 - F. The effect of the proposed use on adjoining properties, property values, and the
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surrounding neighborhood;

- G. The degree with which the proposed use harmonizes, blends with, and enhance adjoining properties and the surrounding neighborhood.

(Amended by Ordinance #145, effective February 1, 2001)

Section 6.02 - Height Regulations. No buildings or structure shall exceed thirty-five (35) feet or two and one half (2 ½) stories in height.

Section 6.03 - Area Regulations. No principal building or structure, nor any enlargement thereof, shall be hereafter erected except in conformance with the following yard, lot area, and width requirements.

1. Front Yard: There shall be a front yard of no less than thirty (30) feet.
2. Side Yard: There shall be total side yard as follows:
 - A. For single, two, and multiple-family dwellings, each side yard shall be no less than seven and one half (7 1/2) feet.
 - B. For all other permitted principal uses, each side yard shall be no less than twenty-five (25) feet.
3. Rear Yard: For single, two-family and multi-family dwellings, there shall be a rear yard of no less than twenty (20) feet. For all other uses, there shall be a rear yard of no less than twenty-five (25) feet.
4. Lot area and width shall be as follows:

Permitted Use	Lot Area (Square Feet)	Lot Width (Feet)
Single-family including mobile homes	7,000	70
Two-family	12,500	80
Apartments (per dwelling unit)	4,500 per unit 15,000 minimum	90
Nursing homes, senior citizens housing and similar group housing (minimum)	15,000	90
Churches, schools, parks, libraries, etc.	30,000	125

5. Accessory Uses: Accessory buildings or structures may be located in the rear yard area only and no closer than four (4) feet of the rear or side property line.

Section 6.04 - Area of Dwelling. Every single-family dwelling, except mobile homes located in an approved mobile home park, shall have a floor area of no less than one thousand two hundred (1,200) square feet, a minimum building width of twenty-four (24) feet and a front building dimension of no less than twenty-four (24) feet measured at the foundation line. Every other permitted use dwelling unit shall have a floor area designed and used for living quarters of no less than eight hundred (800) square feet square feet per dwelling unit and a front building width dimension of no less than one third ($1/3$) of the length of the building, but not less than twenty-four (24) feet, measured at the foundation line. Mobile homes shall have a front building dimension of not less than twenty-four (24) feet.

ARTICLE VII

C - COMMERCIAL DISTRICT

Section 7.01 - Uses Permitted. The following commercial uses are permitted within the C-Commercial District:

- Retail Food Sales
- Restaurant
- Supermarket
- Tavern
- Regulated Financial Institutions
- Barber/Beauty Shop
- Business or Professional Office
- Chiropractic, Medical, Dental Clinic
- Mortuary
- Photographic Studio
- Veterinary Clinic
- Department Store
- Pharmacy
- Flower/Gift Shop
- Hardware Shop
- Laundry/Dry Cleaning
- Retail Clothes Sales
- Retail Consumer Goods
- Open Air and Farmer's Markets
- Mixed use commercial (as defined in the Commercial District) and residential uses including residential apartments, bed and breakfast operations, lodging houses, boarding houses, tourist homes, nursing homes, senior citizen housing, similar group housing, and accessory uses including Adult Foster Care Facilities.

In addition, the commercial uses set forth in Article X or elsewhere in this Ordinance or not specifically identified above shall be Special Uses, subject to the provisions of Article XII.

Section 7.02 - Signs Permitted. Signs permitted in the C - Commercial District shall conform to the provisions of Article XI.

Section 7.03 - Parking Requirements. Section 7.03 - Parking Requirements. Off-street parking shall be provided in conformance with Article X, Section 10.19, or as provided in Article XXII, Downtown Parking Overlay District.

Section 7.04 - Accessory Buildings. Accessory buildings customarily incidental to uses herein permitted may be erected, altered or used in this District. Accessory buildings or structures may be located in the rear yard area only and no closer than four (4) feet of the rear or side property line

Section 7.05 - Uses Excluded. No junk yard, recycling operation or business involving livestock, or business likely to create detrimental noise, odors, fumes, radiation or vibration, nor any business or commercial endeavor of any sort that violates any local, state, or federal law, rule, regulation, or ordinance shall be located or operated in

this District.

Section 7.06 - Lot Requirements. Each building in the Commercial District shall be located on a lot or a parcel of land no less than seventy-five (75) feet wide at the setback line and no less than eight thousand (8,000) square feet in area.

Section 7.07 - Yard Requirements.

1. Front Yard: There shall be a front yard of no less than ten (10) feet. In the event a buildings is to be erected on a street or highway (public or private) on which there are existing buildings or structures having a front yard of less than ten (10) feet in depth, such new structures or construction shall not have a front yard of less depth than the average depth of previously constructed buildings within two hundred (200) feet on either side of such building to be erected.
2. Side Yards: Every commercial principal or accessory building hereafter erected on any lot or parcel of land with sidelines of record shall be so located that the side yard on each side of the building shall be no less than three (3) feet in width, provided, however, that in the event a side line of a lot or parcel of land is zoned for residential purposes or upon which a dwelling exists adjacent to a commercial zone, then the side yard next to such abutment shall be no less than twenty-five (25) feet in width; provided further, that a commercial principal or accessory building may be so constructed that a common or party wall exists, or a separate wall of a new building may be so constructed so as to abut an existing wall of an adjoining building. In such a case, however, some portion of the lot must provide for off-street parking and loading facilities with ingress and egress to a street, alley or drive.
3. Rear Yards: Every principal or commercial building hereafter erected shall be so located that the rear yard shall be no less than ten (10) feet in depth.
4. Visual Blockage: Every commercial lot or parcel of land that abuts a lot or parcel of land zoned for residential purpose must provide an adequate visual blockage screen between that commercial and residential lot or parcel of land. This visual blockage shall be no less than six (6) feet in height.

Section 7.08 – Height Requirements. All new buildings shall be reviewed by the Fire Chief, for the purpose of fire protection and emergency access.

ARTICLE VIII

I - INDUSTRIAL DISTRICT

Section 8.01 - Uses Permitted. The following industrial uses are permitted within the Industrial District:

- Wholesale Produce Terminal
- Business or Professional Office
- Automobile Repair Shop
- Boat Service or Storage
- Farm Equipment Sales
- Warehouse
- Wholesale Business
- Veterinary Clinic

In addition, the industrial uses set forth in Article X or elsewhere in this Ordinance or not specifically identified above shall be Special Uses, subject to the provisions of Article XII.

Section 8.02 - Signs Permitted. Signs permitted in the I-Industrial District shall conform to the provisions of Article XI.

Section 8.03 - Parking Requirements. Off-street parking shall be provided in conformance with Article X, Section 10.19.

Section 8.04 - Lot Requirements. Each building in the Industrial District shall be located on a lot or parcel of land no less than one hundred fifty (150) feet wide at the setback line and no less than one acre (43,560 square feet) in area.

Section 8.05 - Yard Requirements.

1. **Front Yard:** There shall be front yard of no less than forty-five (45) feet. In the event a building is to be erected on a street or highway (public or private) on which there are existing buildings or structures having front yards of less than forty-five (45) feet in depth then use the average depth of previously constructed buildings within two hundred (200) feet on either side of such buildings to be erected.
 2. **Side Yards:** Every industrial building erected on any lot or parcel of land with side lines of record shall be so located that the side yard on each side of the buildings shall be no less than fifteen (15) feet in width; provided, however, that in the event a side line of a lot or parcel of land on which an industrial building is to be erected abuts on a lot or parcel of land zoned for residential purposes or upon which a dwelling exists, then the side yard next to such abutment shall be no less than twenty-five (25) feet in width.
 3. **Rear Yards:** There shall be a rear yard of no less than twenty-five (25) feet.
 4. **Visual Blockage:** Every industrial lot or parcel of land that abuts a lot or parcel of land zoned for residential purposes must provide an adequate visual blockage screen between that industrial and residential lot or parcel of land. This visual blockage shall be no less than six (6) feet in height.
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ARTICLE IX

PD - PLANNED UNIT DEVELOPMENT DISTRICT

Section 9.01 - Description and Purpose. This District is intended to permit and control the development of preplanned areas for compatible use of the various uses provided and allowed by the City of Bridgman Zoning Ordinance and Building Ordinance, and for other special uses not so provided, including, but not limited to, residential, hospital, outdoor theaters, public and private schools, philanthropic institution, college, country clubs, golf course, private club, community swimming pools and recreational facilities, service type businesses, shopping centers, research & development facilities, commercial industry, and industrial parks. It is intended that this District shall afford each type of use reasonable protection from encroachment or interference by other incompatible land uses, and that reasonable protection be afforded to uses adjacent to this District. Single or multiple parcels of land may be zoned under this District when problems of size, shape, terrain, topography or natural resources may require special regulation.

Under this Section, zoning of any area in the City of Bridgman, and all proceedings in regard thereto, shall be done with due consideration for maintenance of reasonable conditions regarding emission and transmission of injurious or obnoxious noise, vibration, gas, smoke, dust, dirt, control of erosion and blowing sand, litter, odor and light glare, traffic congestion, drainage, lateral land support, effect on property values, light and air, overcrowding of persons, sanitation, general appearance of the area, and other similar considerations having an effect on public health, safety, and general welfare of the people of the surrounding community.

Section 9.02 - Procedures for Application and Approval

1. Minimum Lot Size: Any area within the City of Bridgman containing a minimum area of two (2) acres may by appropriate amendment to this Ordinance as provided in Article XVII, be placed in the Planned Unit Development District.
 2. Development Plan Procedures: Before any land is developed or improvements made in this District, the owner or other interested party shall obtain approval of a Preliminary Development Plan and a Final Development Plan as herein provided.
 3. Planning Commission Review of Preliminary Development Plan: The owner or other interested party shall submit to the City Planning Commission a Preliminary Development Plan, together with an application for approval thereof, setting forth, in general, the proposed uses to be made in the District, and including any than existing or proposed arrangement of streets, lots rail spurs access points, buffer arrangements, rail, water, highway or other transportation arrangements and the relationship of the tract of land involved to surrounding property. Approval of the plan by the City Planning Commission may be conditioned upon suggested changes in the plan which are in accordance with the spirit, purpose, and intent of this Section and the Ordinances of the City of Bridgman.
 4. City Council Approval of Preliminary Development Plan: Final approval of a Preliminary Plan shall be by the City Council, after receiving the recommendations of the Planning Commission thereon and shall incorporate the Preliminary Development Plan by reference. It shall also specify the permitted uses which shall exclude any other uses.
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5. Planning Commission Review of Final Development Plan: Development or improvement of lots or areas within said District after approval of Preliminary Development Plan shall be accomplished by submission to the City Planning Commission of a Final Development Plan which shall include such of the following information as the City Planning Commission finds reasonably necessary to consider said plan:
- A. A plot plan based on an accurate survey showing location of present and proposed buildings and improvements, streets, railroads, lots, buildings, drives, parking lots, water and sewer lines, and topographical features, including contours at regular intervals, drainage ways, water courses, ground cover and other pertinent physical features of the site.
 - B. A description of proposed operations to be housing within buildings and structures and any outside operations, in sufficient detail to illustrate any noise, smoke, odor, vibration, dust and dirt, control or erosion and blowing sand, noxious gases, glare and heat, fire hazards, industrial wastes and traffic which may be produced by such operations.
 - C. Engineering and architectural plans, at a scale deemed appropriate by the Planning Commission, for controlling problems of the type enumerated under items A and B above, if deemed necessary by the developer, or if required by the City Planning Commission or their authorized representative.
 - D. Preliminary architectural sketches showing exterior elevations of the front, sides and rear building facades or a general statement as to the type of construction and materials to be used in any proposed buildings or structures.
 - E. The period of time within which the project will be completed.
 - F. Additional information which the City Planning Commission or its authorized representative may find reasonably necessary to evaluate the proposed development and its effect on surrounding areas.

The City Planning Commission shall consider the Final Development Plan and shall, when appropriate, direct the specific changes be made to conform with the spirit, purpose and intent of this Ordinance.

6. Testing of Offensive Control Devices: If the City Planning Commission shall determine that the proposed land use as shown on the Final Development Plan might have an enervating, debilitating or offensive effect on adjacent properties, whether industrial, commercial, residential or other, through the effects of noise, smoke, odor, dust and dirt, control of erosion and blowing sand, noxious gases, glare and heat, vibration, fire hazards, industrial wastes or traffic, the City Planning Commission may require the Owner, through the use of qualified technical persons and acceptable testing techniques, to demonstrate the effectiveness of any proposed control devices designed to mitigate any offensive impacts. Upon acceptance by the City Planning Commission of such control devices, they shall be incorporated as a part of the Final Development Plan.
7. Security or Performance Guarantee: The City Planning Commission, in connection with approval of any application for a Final Development Plan, may require reasonable undertakings by the applicant to guarantee and assure, by agreement, including a performance bond to be posted by applicant or by some other reasonable surety arrangement at appropriate stages of the planned development, that the development will be executed in accordance with the approved plan.
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8. Screening requirements: Each plan shall make provisions for material storage and screening of that area, off-street parking, loading zones, traffic patterns, landscaping, green strips, buffer zones, control of erosion and blowing sand, and other reasonable incidents of planning a development.
 9. City Council Approval of Final Development Plan: Approval or disapproval of a Final Development Plan shall be by the City Council after receiving the recommendations of the Planning Commission thereon. The Planning Commission and the City Council shall base their decisions on the following, and other considerations where applicable.
 - A. Ingress and egress to property and proposed structures thereon with particular reference to motor vehicle and pedestrian safety and convenience, traffic flow and control, and access in case of fire, catastrophe or emergency.
 - B. Off-street parking and loading areas where required, with particular attention to the items in Section 9.01 above and the economic, noise, glare, and odor effects of each use in the PUD on adjoining properties and properties in the proposed PUD.
 - C. Refuse and service areas with particular reference to the items in Section 9.01.
 - D. Sewer, water, and storm drainage with reference to locations availability and compatibility.
 - E. Screening and buffering with reference to type, dimensions, and character.
 - F. Signs, if any and their proposed lighting relative to glare, traffic safety, economic effect, and compatibility and harmony with adjoining properties in the proposed PUD.
 - G. General compatibility with adjacent properties and other property in the proposed PUD.
 - H. The general purposes and spirit of this Ordinance and the General Development Plan of the City.
 10. Filing of Final Development Plan with City Clerk: A copy of the Final Development Plan, if approved, shall be transmitted to the City Clerk for filing with the City of Bridgman Zoning Ordinance.
 11. The City Planning Commission and City Council are specifically authorized to require the recording of a plat in connection with any such application when such would be required by the Subdivision Control Act, being Act 288 of 1967 for the State of Michigan, as amended by the Land Division Act, being Act 591 of 1996, as amended.
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ARTICLE X

GENERAL PROVISIONS

Section 10.01 - Scope. Except as otherwise provided in this Ordinance, no lot or parcel of land and no new building structure, or part thereof, shall hereafter be erected, constructed, located, moved or used for the purposes other than in conformity with the provisions of the Ordinance and the City of Bridgman Building Code; and no existing building, structure or part thereof shall hereafter be reconstructed, altered or used for purpose other than in conformity with the provisions of the Ordinance.

Section 10.02 - Nonconforming Use Regulations.

1. Continuance of Nonconforming Use: The lawful use of any parcel of land, buildings or structure existing at the effective date of this Ordinance, although such use does not conform with the provisions hereof, may be continued except as hereinafter provided; and provided further, that such nonconforming use of any such parcel, building or structure shall not be enlarged or extended beyond the use existing at the time of enactment of the Ordinance.
 2. Changes in Nonconforming Uses: Whenever a nonconforming use is changed, in whole or in part, to a conforming use, such changed use shall not thereafter be modified or changed to any nonconforming use. A nonconforming use of a building or premises may, however, be changed to a kindred nonconforming use by the owner or occupant thereof, providing such owner or occupant thereof shall first submit to the Board of Appeals a written application setting forth fully the particulars and purposes of the change; and the Board of Appeals shall determine that the proposed change will not materially injure the appropriate use of other premises in the vicinity or the occupants thereof and will not be detrimental to the public health, safety, and welfare and, if the premises are located in or close to a residential neighborhood, will not detract from the desirability of such neighborhood as a residential area. If the application is approved, the Board of Appeals shall issue a Certification of Approval accordingly.
 3. Discontinuance of Nonconforming Uses: If any nonconforming use is discontinued through vacancy of the premises, lack of operations or otherwise for a continuous period of six (6) months, then the future of such property shall conform in its entirety to the provisions of this Ordinance; provided, however, that the Board of Appeals may grant an extension of such nonconforming use if, in its judgement, such extension is necessary in order to avoid injustice or undue hardship to the owner of the property and can be granted without undue detriment to the other property in the vicinity and the owners thereof.
 4. Repair and Alteration of Nonconforming Buildings: Any building, existing as a nonconforming use, may subject to all applicable building, health or other Ordinances and regulations, be repaired as herein provided, and the nonconforming use thereof continued, provided such action does not involve any change in use, and that the variance from applicable regulations of the Ordinance is not increased.
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5. Reconstruction and/or Replacement of Nonconforming Buildings: Nothing in this Ordinance shall prevent the reconstruction and/or replacement of any dwelling, building or structure upon its original foundation, damaged or destroyed to an extent of less than fifty (50) percent of its value (exclusive of foundations), as determined by the City Assessor, by fire, explosion, act of God, or act of a public enemy, subsequent to the passage of this Ordinance, where such dwelling, buildings or structure is issued a building permit to be rebuilt or rehabilitated within six (6) months from the date of damage; nor shall any provision contained herein prevent the continuance of the use of such dwelling, buildings or structure, as existed at the time of such damage or destruction.

A single-family or two family owner occupied residence located on a nonconforming lot, which is the principal permitted structure in accordance with the terms of the zoning district in which the property is located and which has been destroyed by fire or other casualty or act of God, may be restored to the condition in which it was before the occurrence, provided however, that the restoration does not expand the exterior dimensions of the original structure, as measured at the building foundation and, that all restoration, to the maximum extent possible, conforms with the current provisions of the zoning ordinance district.

6. Completion of Nonconforming Buildings: If the construction of a building intended for a lawful nonconforming use, or located on a nonconforming lot, has been started prior to the effective date of this Ordinance, the completion of such building and occupancy thereof for the intended use shall be permitted, subject to all applicable building, health or other Ordinances and regulations, and provided the construction shall be completed within one (1) year from the effective date of the Ordinance.
7. Special Use Permits: Every dwelling, building or structures existing as a nonconforming use, damaged or destroyed to an extent of more than fifty (50) percent of its value (exclusive of foundations) as determined by the City Assessor, by fire, explosion, act of God, or act of a public enemy must obtain, prior to reconstruction or replacement, approval of the plans for reconstruction or replacement in the form of a special use permit from the Planning Commission. The Planning Commission shall consider the following factors in making their decision:
 - A. The effect of the proposed use on adjoining property and the surrounding neighborhood.
 - B. Off-street parking requirements of the district.
 - C. Access to the proposed use.

Section 10.03 - Existing Nonconforming Lots.

1. Any lot or parcel of record at the time of adoption of this Ordinance that fails to comply with the area and lot size requirements of this Ordinance may be used for a permitted use, providing the proposed principal building and any accessory structures conform to the applicable zoning district front, side and rear yard setback requirements.
 2. In all other cases, no lot shall be used for a permitted use unless the approval of the Board of Appeals is obtained. The Board of Appeals shall consider the following factors in making their decision:
 - A. The effect of the proposed use on adjoining properties and the surrounding neighborhood.
 - B. Off-street parking requirements of the district.
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- C. Access to the proposed use.

Section 10.04 - Prohibition Against Reducing Lot Areas. No lot area shall be so reduced by sale, division or by the erection of additional buildings or structures so that the yards or other open spaces shall be smaller than prescribed by this Ordinance, nor shall the total area of any lot be reduced below the minimum requirements herein established.

Section 10.05 - Property Division Requirements. No lot, out lot or other parcel of land located in the City of Bridgman shall be further partitioned or divided unless such partition or division is first approved, pursuant to provisions of the City of Bridgman, Land Division and/or Subdivision Ordinance and Development Standards according to the following procedures:

1. Any proprietor who desires to partition or divide a lot, outlot or other parcel of land located in the City of Bridgman shall first make application to the City in writing or such form or forms as shall be provided by the City. Such application shall be filed with the Zoning Administrator and shall include a detailed statement of the reasons for the requested partition or division, a sketch map or maps prepared in scale showing the proposed division or partition and all adjoining lots, streets and parcels of land and a statement that the effect of the proposed division or partition will not violate any provisions of this ordinance, the subdivision ordinance or adversely affect the health, safety or welfare.
2. No building permit shall be issued to any proprietor or his agent or any other person, firm, association, or corporation with reference to the lot, outlot, or parcel of land which is to be divided unless the partition or division shall first have been approved by the City pursuant to the City Land Division Ordinance.

Section 10.06 - Prohibition of Private Roads. No division or partition of an unplatted parcel of real estate shall be approved which results in the creation of a private road, right-of-way or other means of access. The Zoning Board of Appeals may waive this requirement upon the finding that access to the property cannot be provided via a public street or road or upon application for a planned development where ingress/egress to the proposed development is provided by a public street or road and all interior streets remain under ownership of the property owner, condominium association or other owners' association who shall have filed with the City legally binding documents describing the ownership and financial means for maintenance and repair.

Section 10.07 - Public Utilities. The erection, alteration and maintenance of public utility facilities, including erection of power, communications (except for communication and other towers), disposal, distribution and similar public utility by law shall be permitted in every District, it being the intent to exempt such structures and facilities from application of the particular Zoning District classifications of this Ordinance; provided, however, all such public utility companies shall be required to make application to the City for a permit covering all new structures and submit, in connection therewith, preliminary plans showing the nature and extent of such construction. After review and approval of such plans by the City Council, the permit shall be issued by the Building Inspector. Public utilities shall include water, sewer, storm water collection, streets, traffic signs, and traffic signals. All other services including postal service, private mail and freight services, telephone, wireless communication, cable television, and other similar services shall not be considered public utilities within the definition of this section.

Section 10.08 - Municipal Facilities. No provisions of the Ordinance shall prohibit the City of Bridgman from constructing, or permitting the construction of, fire stations, water and sewage facilities, and/or cemeteries, or other necessary public buildings in any of the aforementioned districts. Review and approval of such plans shall be made by the City Planning Commission.

Section 10.09 - Disposal of Garbage, Trash and Rubbish. In all districts it shall be unlawful to dispose of garbage, trash or rubbish including builders and contractors refuse, yard waste polluted waste except in conformance with Ordinance Number 99 of the City of Bridgman.

Section 10.10 - Dumping of Rubbish. No person, firm or corporation shall store, dump, or cause to be dumped, any garbage, tin cans, papers, automobile vehicles or truck bodies or parts, machinery, stoves, refrigerators, junk, movable structures, or waste materials of any kind or description on any land, private or public, situated in the City of Bridgman, unless such place has been expressly designated as a public dumping ground to receive such materials by the City Council of said City as hereinafter provided. Commercial composting bins for use by homeowners is not considered dumping or storage under the terms of this section of the ordinance and is expressly permitted.

1. The storing or dumping of garbage anywhere in the City is expressly prohibited as a menace to public health.
2. The storing or dumping of papers, tin cans, household refuse, brush and tree limbs only is permitted on the public dumping grounds designated by, and subject to, the rules established therefor by the City of Bridgman.
3. The dumping and accumulation of rubble, used building materials waste from razed structures, trees and stumps is expressly forbidden on any land, public or private, including the aforesaid designated public dumping grounds; provided, however, nothing in this section is intended to preclude the use of such materials for fill or in approved conservation practices where such materials are to be covered in reclaiming land or preventing the erosion thereof.
4. Automobile and truck bodies or parts, and junk or inoperable machinery and equipment may be disposed of only at designated junk yard or recycling centers.

Section 10.11 - Open Burning Prohibited. Open burning, not otherwise regulated or allowed by ordinance, is prohibited in any District within the City of Bridgman.

Section 10.12 - Screening of Trash Receptacles (dumpsters) in R-4, C and I Districts. Self unloading trash receptacles (dumpsters) shall be permitted only in the R-4 Multi-Family, C - Commercial and I - Industrial districts provided the same are of substantial construction and designed to prevent the scattering of materials stored therein. All receptacles shall be stored in a screened storage area accessible for disposal; but, out of sight of public access.

Section 10.13 - Hunting, Trapping and Use of Similar Type Equipment Prohibited. Hunting, trapping and other forms of sport hunting activity are expressly prohibited from all zoning districts, including the discharge of firearms, discharge of arrows, setting of any animal traps or weapon setting activity for hunting equipment or any other practices related to the sport.

Section 10.14 - Junk or Inoperable Cars, Trucks or Vehicles. No property owner in any District may maintain, or allow to be maintained, any junk or inoperable cars, trucks, trailers, motorcycles, machinery or other similar equipment or vehicles on the premises. Any vehicle not bearing a valid vehicle registration license plate shall be considered inoperable under the terms of this ordinance.

Section 10.15 - Garage Sales. Garage sales may be operated and conducted in any Residential District upon payment of a permit fee and issuance of a permit by the Building Inspector. The residents of a structure may not operate or conduct more than two (2) such sales in any twelve (12) month period for no more than a seven (7)

consecutive day sale period. The Zoning Administrator may waive the fee for community-wide or other charitable funding raising sales.

Section 10.16 - Height Exceptions. The height requirements of all zones, except the Industrial District may be exceeded by parapet walls not over four (4) feet in height, chimneys, roof mounted television and radio antennas, cupolas, spires or other ornamental projections, or water towers. In the Industrial Zone, chimneys, cooling and communication towers (when permitted pursuant to Section 10.32), and other necessary appurtenances are permitted above the height limitations provided they are located the same distance as their height from any adjoining property line.

Section 10.17 - Clear Vision Corner. On a corner lot, no fence, accessory structure or planting over three (3) feet in height shall be erected or planted within twenty (20) feet of the nearest right-of-way line of any road or street extending from the corner of the intersection to a distance of twenty-five (25) feet down either side of the property in question.

Section 10.18 - Swimming Pools and Outdoor Spas.

1. The location of a swimming pool on any lot or parcel of land must comply with the yard requirements of the respective district in which it is situated.
2. No swimming pool shall be constructed, erected or installed on any lands in the City without first securing a Building Permit. All swimming pools, spas or man-made ponds shall comply with all regulations and requirements of the Building Code of the City including fencing, gates and security devices.

(Amended by Ordinance #145, effective February 1, 2001)

Section 10.19 - Off Street Parking and Loading

1. General Provisions - Parking and Loading
(See Section 10.24 and 10.25 concerning trailers and recreational vehicles).
(See Section 10.34 concerning prohibition of parking of certain vehicles in residential districts)
 - A. Scope of Regulations. Wherever the existing use of a building or structure shall be changed hereafter to a new use, parking and loading facilities shall be provided as required for such new use. However, if the said building or structure was erected prior to the effective date of this Ordinance, additional parking or loading facilities are mandatory only in the amount by which the requirements for the new use would exceed those for the existing use if the latter were subject to the parking and loading provisions of the Ordinance.
 - B. Existing Parking and Loading Facilities. Accessory off-street parking or loading facilities which are located on the same lot as the building or use served and which were in existence on the effective date of this Ordinance or were provided voluntarily after such effective date shall not hereafter be reduced below or, if already less than, shall not further be reduced below the requirements of this Ordinance for a similar new building or use.
 2. Additional Regulations - Parking.
 - A. Use of Parking Facilities. Off-street parking facilities accessory to residential uses shall be used solely for the parking of noncommercial passenger vehicles owned by occupants of the
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dwelling structures to which such facilities are accessory or by guests of said occupants. Under no circumstances shall required parking facilities, accessory to residential structures, be used for the storage of commercial vehicles or for the parking of automobiles belonging to the employees, owners tenants, visitors, or customers of business or manufacturing establishments, except as provided in the following section.

- B. Parking of Commercial Vehicles in Residential Districts. No commercial motor vehicle shall be parked, stored or otherwise maintained on any lot or parcel of real estate within the Residential Districts set forth under Article III, IV, V or VI hereof. This restriction shall not apply to deliveries or collection in the normal course or construction vehicles during periods of construction under a valid Building Permit. (Amended by Ordinance #145, effective February 1, 2001)
 - C. Joint Parking Facilities. Off-street parking facilities for different buildings, structures or uses, or for mixed uses, may be provided collectively in any zoning district in which separate parking facilities for each constituted use would be permitted, provided that the total number of spaces so located together shall not be less than the sum of the separate requirements for each use.
 - D. Computation. When determination of the number of off-street parking spaces required by this Ordinance results in a requirement of a fractional space, any fraction of one-half or less may be disregarded, while a fraction in excess of one-half shall be counted as one parking space.
 - E. Size. A required off-street parking space shall be at least nine (9) feet in width and at least nineteen (19) feet in length, exclusive of access drives or aisles. All parking spaces shall have a vertical clearance of at least seven (7) feet. Aisle widths shall be not less than the following: perpendicular parking, twenty (20) feet; angle parking two-way traffic, sixteen (16) feet; angle parking one-way traffic, twelve (12) feet.
 - F. Access. Each required off-street parking space shall open directly upon an aisle or driveway of such width and design as to provide such parking space. All off-street parking facilities shall be designed with appropriate means of ingress and egress which least interferes with traffic movements. No driveway across public property nor curb cut shall exceed a width of forty (40) feet.
 - G. In Yards (Permit Required for Residential Rear Yard Parking). Off-street parking required for uses permitted in residential districts may be located on driveways or an approved area within the rear yard, upon issuance of a permit by the Building Inspector. Driveways may be located no closer than four (4) feet to the side yard line. Off-street parking of permitted uses in industrial or commercial districts may be located in a required front, rear or side yard, except the ten (10) feet adjacent to the rear or side lot line adjacent to a residential district.
 - H. In Parkways. No person, firm or corporation shall park, deposit, leave or store any motor vehicle, vehicle or tangible personal property of any type or description at any time between the sidewalk line and curb line at any place within the City of Bridgman.
 - I. Design and Maintenance.
 - A. Screening and Landscaping. All open vehicle parking areas containing more than four (4) parking spaces shall be effectively screened on each side adjoining or fronting on any
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property situated in a residence district by a wall, fence or densely planted compact hedge no less than four (4) feet nor more than seven (7) feet in height. Such required screening shall conform with the front yard requirements of the district in which the parking is located.

- B. Surfacing. All open off-street parking areas shall be of concrete or asphalt paving material according to standards established by the City Engineer.
 - C. Lighting. Any lighting used to illuminate off-street parking areas shall be directed away from residential properties in such a way as not to create a nuisance.
 - D. Signs. Accessory signs as permitted in zoned districts.
- J. Repair and Service. No motor vehicle repair work of any kind shall be permitted in conjunction with accessory open off-street parking facilities provided in a residential district.

The sale of gasoline and motor oil in conjunction with accessory off-street parking facilities is not permitted in any residential district.

3. Schedule of Parking Requirements.

A. Residential Districts (R-1) (R-2) (R-3).

- 1. Single-family dwelling. Two (2) parking spaces shall be provided per dwelling unit.
- 2. Other permitted uses. Parking shall be provided in the amount and in accordance with the specifications found in subparagraphs 2, 3, 4 and 5 for the uses which are permitted within applicable residential districts.

B. Residential Districts (R-4)

- 1. Single-family dwelling. Two (2) parking spaces shall be provided for each dwelling unit.
 - 2. Multiple-family dwelling. One and one-half (1½) spaces per dwelling unit shall be provided for each efficiency and one (1) bedroom unit. Two (2) spaces per dwelling unit shall be provided for each dwelling unit containing two (2) or more bedrooms.
 - 3. Church and school. One (1) parking space shall be provided for each three-auditorium seats. Adequate space shall also be provided for buses used in connection with the activities of the institution, and all loading and unloading of passengers shall take place upon the premises.
 - 4. Libraries - public. One (1) parking space shall be provided for each five hundred square feet of gross floor area.
 - 5. Recreation and religious facilities of a noncommercial nature. One (1) parking space shall be provided for each three hundred square feet of floor space.
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C. Commercial District.

1. Church and school. One (1) parking space shall be provided for each three-auditorium seats. Adequate space shall also be provided for buses used in connection with the activities of the institution, and all loading and unloading of passengers shall take place upon the premises.
2. Libraries. One (1) parking space shall be provided for each five hundred square feet of gross floor area.
3. Parks, stadiums, arenas, auditoriums (other than church, college or institutional schools), convention halls exhibition halls and other similar places of assembly. Parking spaces equal in number to fifty (50%) percent of the capacity in persons shall be provided.
4. Recreation and religious facilities. One (1) parking space shall be provided for each employee, plus one space for each three hundred square feet of floor space.
5. Hospitals. One (1) parking space shall be provided for each two-hospital beds, plus one parking space for each two employees, other than the staff doctors, plus one parking space for each doctor assigned to the staff.
6. Clinics, medical centers, and similar uses. One (1) parking space shall be provided for each employee and doctor, plus one (1) space for each two hundred square feet of floor space.
7. Floriculture, berry culture or horticultural nursery. One (1) parking space shall be provided for each six hundred square feet of nursery area.
8. Retail stores including fabrication of merchandise for sale on premises. One (1) parking space shall be provided for each two hundred square feet of floor area.
9. Wholesale establishment, open air and farmers markets (but not including warehouses and storage buildings other than accessory). One (1) parking space shall be provided for each six hundred square feet of floor area.
10. Personal service establishments such as barber shops, beauty parlors, shoe repair shops, laundry and dry-cleaning shops. One (1) parking space shall be provided for each two hundred square feet of floor area.
11. Restaurants, delicatessens, and other dispensaries of food at retail. One (1) parking space shall be provided for each two hundred square feet of floor area.
12. Professional and business offices. One (1) parking space shall be provided for each two hundred square feet of floor area.
13. Banks, savings and loan associations. One (1) parking space shall be provided for each two hundred square feet of floor area.

Drive-in banks or other similar drive-in establishments shall provide three stacking

spaces per teller or customer service window.

14. Theaters, amusements and recreational buildings, showrooms and workshops of plumbers, electricians, painters, decorators and similar trade, photograph supply shops, workrooms and studios, laboratories, and public utility buildings and structures.
 - a. Theaters (indoor). One (1) parking space shall be provided for each three seats.
 - b. Showrooms, workshops and studios. One (1) parking space shall be provided for each three hundred square feet of floor area.
 - c. Public utility buildings and structures. One (1) parking space shall be provided for each employee, plus one (1) space for each vehicle used in the conduct of the enterprise.
 15. Building supply stores, ice storage and sales, plumbing and heating supplies, farmers' exchange or co-op. One (1) parking space shall be provided for each 600 square feet of floor area.
 16. Garages and filling stations, provided that all gasoline storage tanks must be underground, tire sale and repair shops, automobile sales and service, automotive parts and supply stores, and bicycle sales and repair establishments. One (1) parking space shall be provided for each six hundred square feet of floor area, plus one (1) parking space shall be provided for each employee.
 17. Taverns, cocktail lounges and night clubs. One (1) parking space shall be provided for each two hundred square feet of floor area.
 18. Printing shops. One (1) parking space shall be provided for each employee, based upon greatest number of employees on any one shift, plus one (1) parking space shall be provided for each two hundred square feet of floor area.
 19. Locker plant for storage of frozen food. One (1) parking space shall be provided for each six hundred square feet of floor area.
 20. Funeral homes. Twenty (20) parking spaces shall be provided for each chapel or parlor, plus one parking space for each funeral vehicle kept on the premises; in addition there shall be provided stacking space for not less than ten automobiles for funeral procession assembly.
 21. Private clubs operated not for profit and for the benefit of members only. One (1) parking space shall be provided for each two hundred square feet of floor area.
 22. Miscellaneous. Any commercial use or establishment parking not herein specifically permitted shall first be approved as a special use by the Planning Commission pursuant to Article XII and Article XIII. The following shall serve as general guidelines for Planning Commission consideration:
 - a. Tourist courts, bed and breakfast operations, tourist homes, motels, and hotels.
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One (1) parking space shall be provided for the manager and each employee, plus parking as required herein for other ancillary uses such as restaurants and meeting rooms.

- b. Lodging houses. One (1) parking space shall be provided for each two lodging rooms, plus one parking space for the owner or manager.
- c. Hotels, transient. One (1) parking space shall be provided for each dwelling unit and one parking space for each two lodging rooms shall be provided.
- d. Automobile laundry. Ten (10) spaces shall be provided to queue automobiles waiting for access into each wash rack, plus one (1) parking space for each employee working on the site.
- e. Furniture and appliance stores, household equipment or furniture repair shops. One (1) off-street parking space shall be provided for each six hundred square feet of floor area.
- f. Motor vehicle sales and machinery sales. One (1) parking space shall be provided for each three hundred square feet of floor area.
- g. Establishments engaged in production, processing, cleaning, servicing, testing or repair of materials, goods or products. One (1) parking space shall be provided for each employee, based upon greatest number of employees on any one shift, plus one parking space shall be provided for each vehicle used in the conduct of the enterprise.
- h. Colleges, universities and business, professional and trade schools. One (1) parking space shall be provided for each three employees and one (1) parking space for each four students based on the maximum number of students attending classes on the premises at any one time during any twenty-four-hour period.
- i. Rest homes or nursing homes. One (1) parking space shall be provided for each four beds, plus one (1) parking space for each two (2) employees (other than staff doctors) plus one (1) parking space for each doctor assigned to the staff.
- j. Sanitariums, convalescent homes or institutions for aged or for children. One (1) parking space shall be provided for each four beds, plus one (1) parking space shall be provided for each two (2) employees (other than staff doctors) plus one (1) parking space for each doctor assigned to the staff.

D. Industrial District.

1. Wholesale sales and storage.

- a. Wholesale establishments (but not including warehouses and storage buildings other than accessory). One (1) parking space shall be provided for each six hundred square feet of floor area.
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- b. Warehouses and storage buildings. One (1) parking space shall be provided for each employee, based upon greatest number of employees on any one shift, plus one shift, plus one (1) parking space for each vehicle used in the conduct of the enterprise.
- c. Any industrial or manufacturing. One (1) parking space shall be provided for each employee, based upon greatest number of employees on any one shift, plus one (1) parking space shall be provided for each vehicle used in the conduct of the enterprise.

E. Mixed Uses.

When two (2) or more uses are located on the same zoning lot within the same buildings, parking spaces equal in number to the sum of the separate requirements for each use shall be provided. No parking space or portion thereof shall serve as a required space for more than one use unless otherwise authorized by the Zoning Board of Appeals.

F. Other Uses.

For uses not listed heretofore in this schedule of parking requirements, parking spaces shall be provided on the same basis as required for the most similar listed use, or as determined by the Zoning Administrator.

4. Additional Regulations - Off-street Loading.

- A. Location. All required loading berths shall be located on the same zoning lot as the use served. No loading berth for vehicles over two tons capacity shall be closer than fifty (50) feet to any property in a residential district unless completely enclosed by building walls, or a uniformly painted solid fence or wall, or any combination thereof, no less than six feet in height. No permitted or required loading berth shall be located within twenty-five (25) feet of the nearest point of intersection of any two streets.
 - B. Size. Unless otherwise specified, a required loading berth shall be at least ten (10) feet in width and at least twenty-five (25) feet in length, exclusive of aisles and maneuvering space, and shall have a vertical clearance of the least fourteen (14) feet. The length of the berth shall be increased to a minimum of fifty-five (55) feet, if intended to serve semi-tractors and trailers.
 - C. Access. Each required off-street loading berth shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movements.
 - D. Surfacing. All open off-street loading berths shall be concrete or asphalt according to standards established by the City Engineer.
 - E. Repair and Services.
 - a. No motor vehicle repair work or service of any kind shall be permitted in conjunction with loading facilities provided in any residence or business district.
 - b. Space allocated to any off-street berth shall not, while so allocated, be used to satisfy the
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space requirements for any off-street parking facilities or portions thereof.

- c. For special uses other than prescribed hereinafter, loading berths adequate in number and size to serve such uses - as determined by the Zoning Administrator shall be provided.
- d. Uses for which off-street loading facilities are required herein but which are located in buildings of less floor area than the minimum prescribed for such required facilities, the building shall be provided with adequate receiving facilities off an adjacent alley, service drive or open space on the same lot which is accessible by motor vehicle.
- e. Schedule of loading requirements. For the uses listed in the following table, off-street loading berths shall be provided on the basis of gross floor area of buildings or portions thereof devoted to such uses in the amounts shown herein (Appendix II).

Section 10.20 - Material Storage and Screening. In addition to provisions for off-street parking and loading zones, every application for a building permit in the C - Commercial and I - Industrial zoning districts shall provide a plan for outdoor material storage and screening so as to eliminate unsightly open storage of material equipment and supplies. Each application for a permit shall also provide for appropriate landscaping and planting so as to improve and preserve the physical appearance of the District. Any landscaped area required shall thereafter be preserved, as far as it is practicable to do so, and used maintained and reserved for grass, trees, shrubs and similar ornamental landscaping.

Section 10.21 - Accessory Buildings. In any Zoning District, accessory uses incidental only to a permitted use are permitted when located on the same parcel as the principal building. All accessory buildings shall conform to the following requirements.

1. Accessory buildings which are incidental to a permitted use of land may be erected if located in accordance with the yard requirements for principal buildings except as provided below.
 2. No accessory building may be built on any residential zoned lot on which there is no principal building. No portion of an accessory buildings hall be utilized as a dwelling or as sleeping quarters.
 3. Accessory buildings are prohibited in a required front yard or in either of the required front yards on a corner lot.
 4. Accessory buildings, used for storage, which are located in the rear yard, shall be no closer than four (4) feet from the rear property line. If accessory buildings are located on this rear four (4) foot line, they shall conform to the side yard setback required by the ordinance provisions for the zoning district in which the property is located and located no closer than four (4) foot from either side property line. All other rear yard locations shall require the proper side yard setbacks, as herein established for each District, in this Ordinance.
 5. No accessory building in a Residential District shall exceed a height of sixteen (16) feet measured from the highest point of the roof to the ground.
 6. In the residential districts, accessory buildings or structures, usual and customary to a permitted use excluding garages, shall not exceed a total of one hundred fifty (150) square feet in area.
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7. In those cases where the Building Inspector questions whether an accessory building is usual and customary to a permitted use, a determination shall be made by the Board of Appeals utilizing the following criteria:
 - A. Whether the proposed building is consistent with the permitted use.
 - B. Whether the proposed size and location of the proposed building is consistent with existing permitted uses.
 - C. Whether the proposed building will affect the light and air circulation of any adjoining building or properties.
 - D. Whether the proposed building will adversely affect the view of any adjoining property.
 - E. Whether the proposed building can be located in such a way that it meets the yard and other requirements.

Section 10.22 - Principal Building on a Lot. In R-1, R-2, and R-3 Residential Districts, not more than one principal or main use shall be located on a lot or parcel.

Section 10.23 - Animals and Poultry. The keeping of more than three (3) common household pets, including but not limited to cats, dogs, and household birds, or any combination of households pets totaling more than three (3), is expressly prohibited in any Residential District. The keeping of any other animals or poultry, for any purpose, on an occupied or unoccupied zoning lot in any zoning district is expressly prohibited.

Section 10.24 - Travel Trailers. The occupancy of travel trailers for more than seventy-two (72) hours as a temporary dwelling is limited solely to designated camping areas.

Section 10.25 - Storage of Recreation Vehicles and Permit Requirements. Emergency or temporary parking in any street, alley or highway of a travel trailer, boat, motor home, camping bus, or any similar vehicle, boat trailer or vehicle licensed to operate on the public highways or trailer for such vehicle, will be permitted for a period not to exceed twenty-four (24) hours subject to any other and further regulations or ordinances for that street, alley or highway.

An annual permit issued by the Zoning Administrator shall be required for the storage of recreational vehicles in any zoning district in the following situations:

- a. An unoccupied travel trailer, boat, motor home, camping vehicle (including trailers) or any similar vehicle; any boat trailer or other similar vehicle not licensed to operate on the public highways or trailer for such vehicle, may be stored on an unoccupied lot so long as it is situated on the rear of such lot and at least four (4) feet from any other structures, side or rear property line.
 - b. The storing of any unoccupied recreational vehicle, as defined in subsection a, in any zoning district outside a commercial sales lot is expressly prohibited without first securing the approval of the Zoning Board of Appeals.
 - c. Nothing in this Section shall be construed as prohibiting the owner or occupant of any parcel of land to store an unoccupied travel trailer, boat, motor home, camping bus or any similar vehicle, or a boat trailer or vehicle licensed to operate on the public highway or trailer for such vehicle, where such vehicles are owned by the
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property owner or occupant, so long as it is situated on the rear of such lot and at least four (4) feet from any other structures, side or rear property line.

Section 10.26 - Lots Having Frontage on Two Streets. Buildings on lots having frontage on two (2) intersecting streets shall comply with the front yard requirements on both such streets.

Section 10.27 - Street Access Cul-De-Sac Streets. Every principal building and use shall be located on a lot having a minimum of fifty (50) feet of frontage on a public cul-de-sac street measured at the right-of-way line with direct access to a public cul-de-sac street.

Section 10.28 - Street Access Other Streets. Every principal building and use shall be located on a lot having frontage on a public street. A minimum of eighty (80) percent of the lot frontage shall access (abut and adjoin the right-of-way) the public street.

Section 10.29 - Fences.

1. Construction of a fence shall require issuance of a building permit issued by the Building Inspector, prior to construction or erection of the fence.
 2. Fences may be erected only in the side and rear yards of a lot and not extend beyond the front building line of the principal use.
 3. All fences shall be constructed to present a finished outside fence appearance to adjacent property and public right-of-ways by either:
 - A. Symmetrical construction having identical inside and outside face appearance, including main anchor posts and frame members.
 - B. Offset construction with main anchor posts and horizontal and vertical frame members visible on inside face only and vertical and horizontal face members or materials mounted on outside surface of frame and anchor post members.
 4. Fences shall be a minimum of three (3) feet in height and a maximum of six (6) feet in height.
 5. Any form of barbed wire, barbwire, or single strand wire fence or barrier is prohibited in all Residential Districts.
 6. Decorative fences, as determined by the Zoning Board of Appeals, may be permitted in front yards providing the decorative fences are constructed of such materials or made in such a way that access to the property may be easily and readily acquired in emergency situations by public safety personnel. Under no circumstance shall a front yard fence be allowed that is continuous from a side property line to the opposing side yard property line.
 7. Barbed wire, barbwire or any form of single strand wire fence or barrier is prohibited in any Commercial or Industrial District except for the installation as cap wires on industrial grade cyclone type fence having a minimum height from ground level to six (6) feet.
 8. Any fence maintained in violation of this section shall be deemed a hazard to public health and welfare and shall constitute a violation of this Ordinance pursuant to Article XVIII.
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Section 10.30 - Bed & Breakfast Operations. Because many older, single-family homes are larger and represent sizeable maintenance and energy costs for a single family, it is feared that restriction to only single-family use may foster inadequate maintenance or even abandonment in certain zoning districts. The possible consequences may be a general appearance of blight, which, if allowed to proceed in a downward trend, could erode the social stability of certain neighborhoods. Based upon the above, some zoning districts are regarded as conducive for limited use for bed and breakfast purposes; but only when certain conditions as may be required by the Planning Commission in order to preserve the character, as well as health, safety and welfare of the neighborhood are met.

1. Bed and breakfast operation shall be subject to the following special provisions in addition to any other conditions which are required by the Planning Commission for the health, safety, and welfare of the neighborhood:
 - A. A residential structure shall not have or be converted to more rental rooms than the number of bedrooms which exist at the time of enactment of this Amendment and adequate living space must be preserved for the Owner's quarters. A common room for guest relaxation is required in these facilities. The Owner must reside at the premises where the Bed and Breakfast is located.
 - B. Off street parking for one vehicle for each bedroom to be rented must be available in addition to requirements for residential family vehicles.
 - C. Bathrooms must be furnished for guestrooms—One bathroom not to serve over four guestrooms.
 - D. No separate cooking facilities are required for Bed and Breakfast operation if continental breakfast is served.
 - E. One sign shall be allowed in residential districts. Size, location and design must be authorized by Planning Commission pursuant to Article XI.
 - F. Inspection and approval by building inspector/code enforcement officer are required prior to occupancy of Bed & Breakfast. Health Department approval is required if other than continental breakfast is planned.
 - G. Bed and Breakfast shall be limited to short-term occupancy not to exceed one hundred eighty (180) consecutive days.
 - H. A residence must contain a minimum of two thousand four hundred (2,400) square feet of livable floor space to be converted into a Bed and Breakfast.
 - I. Parking shall be provided according to the following formula; 2 spaces, plus 1 space for each guest room, plus 1 space for each employee on duty at any one time.

Section 10.31 - Adult Entertainment Facilities. Adult entertainment businesses, meeting the definition of adult entertainment business as set forth in Article XX or those similar in character, shall be subject to the following special provisions:

1. All business shall be the principal use of a building located in the I - Industrial District and subject to the provisions of Article XIII, Site Plan Review and be approved as a Special Use in accordance with the provisions of Article XII, Special Uses.
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2. No business shall be located within 1,000 feet, measured from the perimeter of the building to the lot line of zoning lot containing a residential, commercial or public building.
3. All business shall be conducted in an enclosed building having an occupancy of less than 50 persons, as determined by the Fire Chief or Building Inspector based on nationally recognized occupancy standards established by the National Fire Insurance Board or City Building Code or fire protection standard organization.
4. Any building used may have not more than forty (40) per cent of the floor area devoted to storage purposes incidental to such primary use.

Section 10.32 - Communication and Other Towers. It is the intent of this ordinance to allow communication and other similar towers to serve the ever-changing technology in the field of personal and business communications within the City. The term tower shall include all communication towers, antennas, and any similar structures. All such towers shall be limited to City owned or other publicly owned property and shall conform to the following specifications:

1. Location and Qualifying Conditions

- A. Towers shall be allowed as a special use in the I - Industrial District. Towers shall be prohibited from all residential and commercial zoning districts.
- B. The minimum lot size shall contain no less than one (1.0) acre of land area. All lots shall have a minimum of one hundred twenty-five (125) feet of road or street frontage.
- C. The base of the tower and any wire cable supports shall be entirely enclosed within a fence having a minimum of height of five (5) feet.
- D. The use of guyed wires located off-site of the zoning lot is strictly prohibited.
- E. The applicant shall provide certified evidence from a licensed audio engineer satisfactory to the City that the communication device proposed for installation is not compatible with existing towers and cannot be located thereon.
(Amended by Ordinance #145, effective February 1, 2001)

2. Special Performance Standards

- A. The tower must be setback from all property lines a distance equal to its height, unless engineering plans and specifications have been verified by the City Engineer that the structural integrity of the tower will withstand the maximum high wind velocity for the area, as reported by a nationally recognized weather service or City Building Code specifications, and associated impacts, and the likelihood of a tower failure is minimal.
 - B. Accessory structures are limited to uses associated with the operation of the tower and may not be located any closer to any property line than thirty (30) feet.
 - C. Accessory structures shall not exceed six hundred (600) square feet of gross building area.
 - D. All other requirements of the zoning district in which the tower is located shall be enforced.
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- E. Security to prevent unauthorized access shall be provided for all fence and building enclosures. A written agreement with the Fire Department concerning access for fire safety shall be provided to the City, prior to approval of the special use.
 - F. Engineering plans and specification for the tower, prepared by a State of Michigan Registered Engineer specializing in structural engineering, shall be provided with the application for the special use.
 - G. Engineer plans and specifications for the tower mounting foundation and the foundation for any structure shall be prepared by a State of Michigan Registered Engineer. These shall accompany the application for the special use. Engineering plans shall including soil boring information for the site of the tower mounting foundation and any other foundation in excess of four (4) feet in depth. Soil conditions must be determined suitable for the tower mount foundation by the City Engineer.
 - H. The applicant shall provide inspection and verification that the installation of the tower, mount and foundation have been installed in compliance with the plans and specification and all applicable codes and standards. Inspections and verification procedures shall be subject to approval of the City Building Inspector.
 - I. All towers shall meet the standards of the Federal Aviation Administration, Federal Communications Commission and any other applicable regulatory State of Michigan or Federal agency.
 - J. Communication towers in excess of one hundred (100) feet in height above grade level shall be prohibited within a two (2) mile radius of a public or private airport or helipad.
 - K. No part of any tower shall be constructed, located or maintained at any time, permanently or temporarily, on or upon any required setback area for the district in which the tower will be located. In no case shall a tower be located within thirty (30) feet of a property line.
 - L. Metal towers shall be constructed of, or treated with, corrosive-resistant material acceptable to the City.
 - M. Towers shall be grounded for protection against a direct strike by lightning and shall comply as, to electrical wiring and connections with all applicable local statutes, regulations and standards.
 - N. All attachments to any tower shall be designed to withstand the maximum uniform wind loading as, prescribed in the City Building Code.
 - O. All signals and remote control conductors extending substantially horizontally above the ground between the tower and a structure, or between towers, shall be at least eight (8) feet above the ground at all points, unless buried underground.
 - P. Towers shall be located so that they do not interfere with frequency reception in nearby areas.
 - Q. Towers shall be located so there is room for vehicles doing maintenance to maneuver on the property owned or leased by the applicant, including fire safety equipment.
 - R. The base of the tower shall occupy no more than five hundred (500) square feet of area.
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- S. Minimum spacing between tower locations shall be one (1) mile in order to prevent a concentration of towers in one area.
- T. Height of the tower shall not exceed three hundred (300) feet and no tower located within five hundred (500) feet of any residential area shall exceed one hundred seventy-five (175) feet in height from grade.
- U. Towers shall not be artificially lighted unless required by the Federal Aviation Administration.
- V. Existing on-site vegetation shall be preserved to the maximum extent possible.
- W. There shall not be displayed advertising or identification of any kind intended to be visible from the ground mounted on the tower or other structures, except for emergency purposes.
- X. Any attachments to the tower shall be painted to match the exterior treatment of the tower. The chosen paint scheme should be designed to minimize off-site visibility of the tower as determined by the City Building Inspector.
- Y. All structures shall be subject to any state and federal regulations concerning non ionizing electromagnetic radiation. If more restrictive state or federal standards are adopted in the future, the tower shall be made to conform to the extent required by such standards or the special use approval will be subject to revocation by the City Council. Costs for testing and verification of compliance shall be born by the owner of the tower.
- Z. There shall be no employees located on the site on a permanent basis to service or maintain the tower or attachments. Occasional or temporary repair and service activities are excluded from this restriction.
- AA. All parking and drive areas must be paved with material meeting the standards of the City.
- BB. A vegetative buffer shall be required where the property adjoins any residentially zone property or land use. The tower owner shall plant two (2) alternating rows of evergreen trees with a minimum height of five (5) feet on twenty (20) foot centers along the entire perimeter, and twenty (20) feet beyond but not further than the property line, of the tower and structure, to provide a visual sight barrier from the adjoining residential zoned properties and the tower and structures. In no case shall the evergreens be any closer than ten (10) feet to the tower or structure.
- CC. The tower shall be removed by the property owner or property lessee within six months of being abandoned. Notice of the abandonment of the tower shall be provided to the City ninety days prior to abandonment.
- DD. The applicant shall incur all cost associated with the City review of the application for the special use.

Section 10.33 - Residential Garages, Covered Parking, Parking Pad Required. After the date of adoption of comprehensive zoning amendment, all residential subdivisions and lot divisions created within any residential zoning district shall provide a minimum of a one car parking enclosure, covered parking space or uncovered parking pad, location of which shall be limited to the side or rear yard, with adequate on-site access and street ingress as approved by the Zoning Administrator.

Section 10.34 - Parking of Certain Vehicles Prohibited in Residential Districts. Automotive vehicles, specifically trucks, semi-tractors, tractor trailer combinations or trailers of any kind or type (which shall be operable in accordance with City ordinance provisions) shall not be parked or stored in the R-1, R-2, R-3, or R-4 zoning districts other than in a completely enclosed building. The number of operable automotive vehicles which can be parked or stored, non-enclosed, on a residentially zoned lot shall not exceed the number of licensed vehicle operators residing in the dwelling unit(s), other than commercial business vehicles owned or assigned to vehicle operators residing on the premises.

Section 10.35 - Display of Goods, Wares and Merchandise Businesses Pursuant to Ordinance VII, of the City of Bridgman, specifically Section 18, merchants shall maintain a five (5) foot width of continuous free and clear passage for safe pedestrian traffic from the backside of the curb, and at no time shall any merchant or others be allowed to occupy more than fifty (50) percent of the sidewalk for displaying goods, wares and merchandise.

Section 10.36 - Commercial/Industrial Minimum Landscaping Regulations and Standards. In the C - Commercial and the I - Industrial districts, a minimum of fifteen (15) percent of the total lot area shall be landscaped containing one (1) tree or shrub for every one thousand (1,000) square feet or portion thereof, plus one (1) tree for every one thousand five hundred (1,500) square feet of landscaped area or portion thereof shall be required. (Plant materials existing on the site prior to the development may be included as part of the requirement.) Ground cover is required in all landscaped areas. Landscaping of adjacent rights-of-way area shall be included in satisfying the minimum on-site requirement if it is maintained by the abutting property owner. A minimum of 33 percent of required landscape area shall be located between any building and the street.

Section 10.37 – Regulation of Controlled Substances in Outdoor Areas. No substance classified as a controlled substance under the laws of the United States, specifically the Controlled Substance Act, being 21 U.S.C. Sec. 801 et seq., shall be grown, cultivated, manufactured, produced or harvested in any outdoor area in any zoning district in the City of Bridgman.

ARTICLE XI

SIGNS

Section 11.01 - Description and Purpose. It is the intent of this Ordinance to regulate the size, location, and manner of display of exterior signs in the City of Bridgman. While it is recognized that signs are customarily for public information and for trade, it is the intent of this Ordinance to ensure that they do not endanger the public health, safety or welfare or impair property values. All signs shall conform to all codes and ordinances of the City, shall be properly erected and maintained, and, except where noted, shall require a building permit issued by the Building Inspector before erection.

Section 11.02 - Excepted Signs. The following signs are exempt from the provisions of this Ordinance with respect to permits, heights, area and location, unless otherwise specified herein.

1. Highway signs erected by the U.S. Government, State of Michigan, Berrien County, or the City of Bridgman.
 2. Governmental use signs erected by governmental agencies to designate hours of activity or conditions of use for parks, parking lots, recreational areas, other public space, or the governmental buildings.
 3. Directional signs in conjunction with drives or off-street parking areas, provided any such sign does not exceed four (4) square feet in area, is limited to traffic control functions, and does not obstruct traffic vision.
 4. Historic signs designating sites recognized by the State Historical Commission as Centennial Farms or Historic Landmarks.
 5. Placards posted to control or prohibit hunting and/or trespassing within the City.
 6. Essential service signs denoting utility lines, railroad lines, hazards, and precautions.
 7. Memorial signs or tablets which are either (1) cut into the face of a masonry surface; or (2) constructed of bronze or other incombustible material when located flat on the face of a building.
 8. Temporary signs advertising noncommercial rummage sales, garage sales, or other similarly used merchandise sales. Such signs shall be removed within three (3) days after the completion of such sales.
 9. Special decoration displays or signs used for holidays, public demonstration or promotion of civic welfare or charitable purposes when authorized by the Office of Zoning Administrator. In considering such authorization, the Zoning Administrator's Office shall consider the following standards:
 - A. The size, character and nature of the display or sign.
 - B. The duration or time period during which the display or sign will be utilized.
 - C. The purpose for which the sign display is to be erected.
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- D. The arrangement made for the removal of the sign or display after the termination of its usefulness.
- E. The effect of the proposed sign or display on light and air circulation for lots which are both adjoining and in the surrounding neighborhood for the proposed sign or display.
- F. Whether or not the sign or display will constitute a traffic hazard.
- G. The effect of the sign or display on the surrounding neighborhood.

Section 11.03 - Prohibited Signs.

1. Automobiles, trucks, and truck trailers, farm or industrial machinery, airplanes or other vehicles of any sort, whether operable or inoperable, are not permitted as a sign or billboard in any zoning district in the City. The provision shall not be interpreted to prohibit lettering or advertising on operable commercial vehicles.
 2. Any sign or sign structure which is structurally unsafe or constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation or abandonment, or is not kept in good repair, or is capable of causing electrical shocks to persons likely to come in contact with it.
 3. Any sign which, by reason of its size, location, content, coloring or manner of illumination, constitutes a traffic hazard or a detriment to traffic safety by obstruction the vision of drivers or by obstructing or detracting from the visibility of any traffic sign or control device on public streets or roads. In determining whether a sign may constitute a traffic hazard or interfere with traffic safety or visibility, the Building Inspector shall consider the following:
 - A. Height, area, supporting structure, and distance from ground level of the sign.
 - B. Lighting of the sign.
 - C. Location of the sign in relation to roads, drives, points of ingress and egress, parking areas, sidewalks and other vehicular or pedestrian access ways.
 - E. Location of the sign in relation to nearby buildings and structures.
 4. Any sign which obstructs free ingress to or egress from required door, window, fire escape or other required exit-way.
 5. Signs which make use of words such as “stop,” “look,” and “danger” or any other words, phrases, symbols or characters in such a manner as to interfere with, mislead or confuse traffic.
 6. Any sign unlawfully installed, erected or maintained.
 7. Any sign which is not accessory to the business being conducted on the property on which the sign is located or which advertises goods, services, or any other item that is not on the premises where the sign is located except when said sign is a billboard which is the principal use on a parcel of property in accordance with the requirements of Section 11.07(2) or as otherwise provided in this Ordinance.
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8. Portable signs except as otherwise provided in Section 11.04 (d).
9. Any sign projecting into a public right-of-way or dedicated easement, except those erected by the City, County, State or Federal government, except when such building shall front the public right-of-way or dedicated easement line.

Section 11.04 - Temporary Signs. The following signs are permitted on a temporary basis and shall not require a building permit.

1. Construction signs which identify the name of the building, the owner, architect, engineer, contractor, and other individuals involved with the construction, including the advertisement of a product or service during the period of construction. Each sign shall have a maximum surface area of thirty-two (32) square feet. They shall be confined to the site for construction and shall be removed within fourteen (14) days following completion of construction activities.
2. Real estate signs advertising the sale, rental or lease of the premises or part of the premises on which the signs are displayed provided such signs do not exceed ten (10) square feet. Such signs shall be removed within fourteen (14) days after the sale, rental or lease.
3. Election campaign signs announcing candidate, political parties or election issues to be voted upon may be up to a total area of sixteen (16) square feet for each parcel of land. Such signs shall be confined to private property.
4. One portable sign per zoning lot for a period of not more than thirty (30) days within any three hundred sixty five (365) day period, used to advertise on-site business (or other) activities related to the principal use of the zoning lot, provided the following conditions are met:
 - A. They do not exceed fifty (50) square feet in area on any side.
 - B. They are not located closer than three (3) feet to a street right-of-way.
 - C. They may be illuminated, provided such lights are not placed or designed such that they can be confused with, or appear similar to, a highway sign or traffic safety device.
 - D. No portable sign shall exceed ten (10) feet in height.
 - E. No portable sign shall be located in such a manner as to interfere with vehicular or pedestrian traffic flow or visibility.

Section 11.05 - General Conditions. Except as otherwise provided, the following conditions shall apply in all districts:

1. Prior to the erection or structural alteration of sign, a building permit shall be secured from the Building Inspector. A scale drawing of the outside dimensions of the sign or the total area encompassed by a line around all lettering or symbols shall be presented to the Building Inspector so that he may insure that the provisions of the Ordinance are met. Evidence shall also be presented to the effect that the sign will be securely attached to the building or supporting structure and will not present a hazard. For freestanding pylon signs, a site development plan of the intended location of the sign and a scale drawing of the total sign structure shall also be presented to the Building Inspector.
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2. No sign projecting into public right-of-way or dedicated easement, except those erected by the City, County, State or Federal government, except when such buildings shall front the public right-of-way or dedicated easement line.
3. Signs may be illuminated provided the source of light is not visible from any street or adjoining property.
4. All signs and sign structures shall be properly maintained and kept in a good state of repair.
5. The provisions of this Section are not intended to conflict with provisions controlling signs regulated under the authority of Pubic Act 106, 1972, the Highway Advertising Act, as amended.

Section 11.06 - Signs in the Residential Districts. In the R-1, R-2, R-3, and R-4 Districts, only the following signs shall be permitted:

1. One (1) bulletin board for churches or public buildings not to exceed twelve (12) square feet in area when located at least twelve (12) feet from all property lines.
2. One (1) professional, home occupation or announcement sign not to exceed two (2) square feet in area and attached flat against the building.
3. One (1) temporary, unlighted real estate sign not to exceed ten (10) square feet in area advertising the sale, rental or lease of the premises on which it is maintained. Provided clear vision corners are maintained, temporary unlighted real estate open house signs may be located on premises other than those being offered for sale, rental or lease, for not longer than three (3) days.
4. Two (2) subdivision signs for each residential subdivision, provided no sign shall exceed sixteen (16) square feet in area. In addition, one (1) sign not over sixteen (16) square feet in area announcing the opening or sale of lots in a legally approved subdivision may be temporarily erected on each plat or development, provided the location of such sign is approved by the Building Inspector for a duration not to exceed one (1) year.
5. One (1) wall sign on the premises of a legal nonconforming use not to exceed twenty (20) square feet in area.
6. Two (2) signs, of a combined area of not more than thirty-two (32) square feet, in area advertising the name and/or activities of other permitted nonresidential uses. Said signs shall be located on the same parcel as the use it is advertising.

Section 11.07 - Signs in the Commercial Districts. In the C - Commercial District, only the following signs shall be permitted:

1. Signs shall be limited to one (1) flat wall sign or one (1) sign on each face of a marquee of each business establishment and one (1) freestanding sign or overhanging sign placed anywhere on the premises of a business establishment or composite of businesses under a single ownership by an individual, firm or corporation, provided said sign is for the purpose of identifying only the services, articles or products which are offered for sale within the building or buildings on the premises and provided that any illuminated sign contains a source of light that is not visible. Advertising or display of signs that advertise goods, articles, products, or services, or any other item which is not provided at or on the premises is expressly prohibited. Further, freestanding signs shall not be located closer to adjacent properties than a
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distance equal to its height.

In the case of wall or marquee signs, the maximum area of the sign shall not be more than one hundred (100) square feet.

Any other permitted sign shall not exceed one hundred (100) square feet in area.

2. Billboards are permitted as a principal use subject to the provisions of Public Act 106, 1972, the Highway Advertising Act, as amended.

Billboards not regulated by Public Act 106, 1972, as amended, shall be regulated as follows:

- A. They shall be located a minimum of two hundred (200) feet from adjacent property lines;
- B. They shall be located a minimum of three hundred (300) feet from other freestanding signs or billboards;
- C. They shall be located a minimum of twenty-five (25) feet from the road right-of-way;
- D. They shall not exceed four hundred (400) square feet in area; and,
- E. They shall not exceed thirty (30) feet in height.
- F. They shall not advertise wares, goods, services, or any other item that is not on the premises where the sign is located., except when said billboard is a principal use on the premises.

Section 11.08 - Signs in the Industrial District. In the I - Industrial District, only the following signs shall be permitted:

1. Signs shall be limited to one (1) flat wall sign and/or one (1) sign not exceeding two hundred (200) square feet placed anywhere on the premises which shall indicate or identify only the name of the use at the premises. Advertising or display of signs that advertise goods, articles, products, or services, or any other item which is not provided at or on the premises is expressly prohibited. Said sign shall not be located closer to adjacent properties than a distance equal to its height. Such signs may be illuminated, provided the source of light is not visible.
2. Billboards are permitted as a principal use subject to the provision of Public Act 106, 1972, the Highway Advertising Act, as amended.

Billboards not regulated by Public Act 106, 1972, as amended, shall be regulated in accordance with the provisions of Section 11.07 (b).

Section 11.09 - Signs in the PUD District. In the PUD District, signs shall be regulated according to the provisions of the District most nearly appropriate to the uses proposed in the PUD District.

ARTICLE XII

SPECIAL USES

Section 12.01 - Purpose. Special uses are those uses of land which are not essentially incompatible with the uses permitted in a zoning district, but such uses have characteristics or vocational qualities which require individual review and discretion in order to avoid incompatibility with the character of the surrounding area, public services and facilities, and adjacent uses of land. The purpose of this chapter is to establish equitable procedures and criteria which shall be applied in the determination of request to establish special uses. The criteria for decision and requirements provided for under the provision of the chapter shall be in addition to those required elsewhere in this Ordinance which are applicable to the special use under consideration.

Section 12.02 - Application Procedures. An application for permission to establish a special use shall be submitted and acted upon in accordance with the following procedures:

1. Application. Applications for a special use are requested to be submitted not less than thirty (30) days prior to the next scheduled Planning Commission meeting through the Building Inspector and/or Zoning Administrator who will review the application for completeness, then transmit the application to the Planning Commission. Each application shall be accompanied by the payment of a fee in accordance with the schedule of fees adopted by the City Council to cover the costs of processing the application. No part of this fee shall be refundable.
 2. Required Information. An application for a Special Use Permit shall be accompanied by the following documents and information:
 - A. An application form, supplied by the Building Inspector and/or Zoning Administrator, which has been completed in full by applicant.
 - B. A site plan, as specified in Article XIII.
 3. Public Hearings. Upon receipt of an application for a special land use which require a decision on discretionary grounds, a notice that a request for special land use approval has been received and that a public hearing will be held shall be published in a newspaper of general circulation in the City not less than fifteen (15) days before the date of the hearing and shall be sent by mail or personal general delivery to the owners of property for which approval is being considered, to all persons whom real property is assessed within three hundred (300) feet of the boundary of the property in question, and to the occupants of all structures within three hundred (300) feet, except that the notice shall be given not less than fifteen (15) days before the application will be considered. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses or organizations, one (1) occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four (4) dwelling units or other distinct spatial area owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure. The notice shall:
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- A. Describe the nature of the special land use requested.
 - B. Indicate the property which is the subject of the special land use request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
 - C. State when and where the public hearings on the special land use request will be held.
 - D. Indicate when and where written comments will be received concerning the request.
4. Review and Approval. Within thirty (30) days following the public hearing, the Planning Commission shall review the application for a special use, comments received at the public hearing, the site plan, and other materials submitted in relation to the application, and deny application, approve the application, or approve the application with conditions. The decision on a special land use shall be incorporated in a statement of findings and conclusions relative to the special land use which specifies the basis for the decision and any conditions imposed. The decision of the Planning Commission on the special use application shall be made in accordance with the criteria for approval stated in Section 12.03 and such standards contained in this Ordinance which relate to the special use under consideration. Upon the approval in whole or approval with conditions by the Planning Commission, the applicant may apply for a building permit.

Section 12.03 - Basis of Determination Prior to approval of a special use application, the Planning Commission shall insure that standards specified in the article, as well as applicable standards established elsewhere in this ordinance, shall be satisfied by the completion and operation of the special use under consideration.

1. General Standards. The Planning Commission shall review the particular circumstances of the special use application under consideration in terms of the special use standards, and shall approve a special use only upon a finding in compliance with each of the following standards, as well as applicable standards established elsewhere in this ordinance.
- A. The special use shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area.
 - B. The special use shall not change the essential use of the surrounding area.
 - C. The special use shall not be hazardous to adjacent property, or involve uses, activities, materials, or equipment which will be detrimental to the health, safety or welfare or persons or property through the excessive production of traffic, noise, smoke, fumes or glare.
 - D. The special use shall not place demands on public services and facilities in excess of current capacity.
2. Conditions. The Planning Commission may require reasonable conditions in conjunction with approval of a special land use. The conditions may include conditions necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure the compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desired manner. Conditions imposed shall do all the following:
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- A. Be designed to protect natural resources, the health, safety and welfare, as well as the social and economic well-being of those who will use the proposed land, use or activity under consideration, residents and landowners immediately adjacent to the proposed land, use or activity, and the community as a whole.
 - B. Be related to the valid exercise of the police power and purposes which are affected by purposed use or activity.
 - C. Be necessary to meet the intent and purpose of the zoning regulations: be related to the standards established in the Ordinance for the land use or activity under consideration; and be necessary to insure compliance with those standards.
 - D. The conditions imposed with respect to the approval of a proposed land use or activity shall be recorded in the public record of the approval action and remain unchanged except upon the mutual consent of the Planning Commission and the landowners.
3. Termination. If any special use is not put into effect within six months of the date of approval by the Planning Commission, is discontinued through vacancy of the premises, lack of operation or otherwise for a continuous period of six (6) months, then the special use shall lapse and be null and void. Future use of said property shall conform in its entirety to the provisions of this Ordinance; however, the Planning Commission, for good cause, may grant an extension of time to comply or to continue such special use if, in its judgement, such extension is necessary in order to avoid injustice or undue hardship to the owners of the property.

Section 12.04 - Home Occupations. Home Occupations are those uses of land in all residential districts possessing essentially incompatible characteristics with the uses normally attributable to residential zoning districts; however, possessing characteristics of use, location, and qualities which require individual review and discretion in order grant reasonable use of said property while avoiding incompatibility with the character of the surrounding area, public services and facilities, and adjacent use of land. The purpose of this section is to establish equitable procedures and criteria which shall be applied in the determination of requests to establish home occupations. The criteria for decisions and requirements provided for under the provisions of this section shall be in addition to those required elsewhere in the Ordinances which are applicable to the home occupation under consideration.

Section 12.05 - Application Procedure. An Application for permission to establish a home occupation shall be submitted and acted upon in accordance with the following procedures:

- 1. Application. An Application for a home occupation shall be submitted thirty (30) days prior to the next scheduled Planning Commission meeting, through the Building Inspector and/or Zoning Administrator, who will review the Application for completeness, then transmit the Application to the Planning Commission. Each Application shall be accompanied by the payment of a fee in accordance with the schedule of fees adopted by the City Council to cover the costs of processing the Application. No part of this shall be refundable.
 - 2. Required Information. An Application for home occupation shall be accompanied by the following documents and information:
 - A. Home Occupation Application form supplied by the Building Inspector and/or Zoning Administrator, which has been completed in full by the applicant.
 - B. A Site Plan, as specified in Article XIII.
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- C. Full payment of any applicable fees.
 - 3. Public Hearing. A Public Hearing shall be held, pursuant to the provisions of Article XII, Section 12.02.
 - 4. Review and Approval. Within thirty (30) days following the Public Hearing, the Planning Commission shall review the Application for a Home Occupation, comments received by the Public Hearing, the Site Plan and other material submitted in relation to the Application, and deny the Applications, approve the Application or approve the Application with conditions. The decision on a Home Occupation shall incorporate the following elements, which must be considered by the Planning Commission, in determining the property of the proposed Home Occupation:
 - A. No person other than members of the family residing on the premises shall be engaged in such occupation.
 - B. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants. The total floor area used for the home occupation shall be specified in the application and shall not conflict with the principal intended use of the structure for residential purposes.
 - C. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one (1) sign not exceeding two (2) square feet against the wall of the principal building.
 - D. No home occupation shall be conducted in any accessory building.
 - E. There shall be no sales of goods on the premises in connection with such home occupation, other than products related to the services provided as approved as part of the application for a home occupation.
 - F. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met, off the street, and other than in a required front yard. All parking facilities shall be in conformity with Section 10.13 (b) of this Ordinance.
 - G. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the average citizen having normal sight, hearing and nasal senses off the lot, if the occupation is conducted in a single-family residence. No hazardous, or toxic materials shall be stored or used on the premises in quantities greater than those normally stored or used in a residential district. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio to television receivers off the premises, or causes fluctuations in line voltage off the premises.
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ARTICLE XIII

SITE PLAN REVIEW

Section 13.01 - Purpose. The intent of this section is to provide for consultation and cooperation between the applicant and the City Planning Commission in order that the applicant may accomplish his objectives in the utilization of his land within the regulations of this Zoning Ordinance and with minimum adverse effect on the use of adjacent streets and highways, and on existing and future uses in the immediate area and vicinity.

Section 13.02 - Scope. The Building Inspector and/or Zoning Administrator shall not issue a statement of zoning compliance (zoning permit) or building permit for any proposed development in the R - 3 and R - 4 Residential, C - Commercial, or I - Industrial districts and any use requiring more than four (4) parking spaces in the R - 1 or R - 2 Residential districts or as otherwise or required in this Ordinance until a site plan has been reviewed and approved by the Planning Commission.

Section 13.03 - Application Procedures. An application for site plan review, plus either a preliminary or final site plan, shall be submitted thirty (30) days prior to the next scheduled Planning Commission meeting through the Building Inspector and/or Zoning Administrator, who will review the application and plans for completeness, then transmit the application and site plan to the Planning Commission.

Section 13.04 - Preliminary Plan Review. Preliminary sketches of proposed site and development plans may be submitted for review to the Planning Commission prior to final site plan submittal. The purpose of such procedure is to allow discussion between the applicant and the Planning Commission to better inform the applicant of the acceptability of his proposed plans prior to incurring extensive engineering and other costs which might be necessary for final site plan approval. Such plans shall include, as a minimum, the following, as deemed necessary by the Building Inspector and/or Zoning Administrator.

1. Legal description of the property.
 2. Small scale sketch of properties, streets, and uses of land within one half (1/2) mile of the area.
 3. A generalized map showing any existing or proposed arrangement of:
 - A. Streets
 - B. Lots
 - C. Access points
 - D. Other transportation arrangements
 - E. Buffer strips screening
 - F. Natural characteristics including, but not limited to, open space, stands of trees, brooks, ponds, floodplain, hills, and similar natural assets
 - G. Signs - location and lighting
 - H. Buildings and other structures.
 4. A narrative describing:
 - A. The overall objectives of the proposed development.
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- B. Number of acres (or square feet) allocated to each proposed use and gross area in building, structures, parking, public and/or private streets and drives, and open space.
- C. Dwelling unit densities by type.
- D. Proposed method of providing sewer and water service as well as other public and private utilities.
- E. Proposed method of providing storm drainage.

In addition to the above, said application shall submit a fee in accordance with the fee schedule established by the City Council to cover the normal and specially incurred expenses of the Planning Commission. One half ($\frac{1}{2}$) of said fee shall be paid upon submission of the preliminary site plan and the balance upon submission of the final site plan.

Section 13.05 - Planning Commission Review of Preliminary Site Plan. The Planning Commission shall review the preliminary site plan and make recommendations to the applicant at the regular Planning Commission meeting based on the purposes, objectives, and requirements of this Ordinance and specifically the following considerations, when applicable:

1. Ingress and egress to property and proposed structures thereon, with particular reference to motor vehicle and pedestrian safety and convenience, traffic flow and control, and access in cases of fire, catastrophe or emergency.
2. Off-street parking and loading areas, where required, with particular attention to noise, glare and odor effects of each use in the plan on adjoining properties and properties in the proposed development.
3. Sewer, water, and storm drainage, with reference to location, availability and capacity.
4. Screening and buffering with reference to type, dimensions, and character.
5. Signs, if any, and their proposed lighting relative to glare, traffic safety, economic effect, and compatibility and harmony with adjoining properties.
6. Required yards.
7. General compatibility with adjacent properties.
8. The purpose and intent of this Ordinance and the goals, objectives and policies of the Bridgman General Development Plan.

Section 13.06 - Final Site Plan Review. The site plan shall include the following information and such items as may be required by the Planning Commission from its review of the preliminary site plan.

1. Legal description of the property.
 2. Small scale sketch of properties, streets, and use of land within one half ($\frac{1}{2}$) mile of the area.
 3. A map at a scale not to exceed one (1) inch equals one hundred (100) feet ($1" = 100'$). The following items shall be shown on the map:
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- A. Date site plan was prepared.
 - B. Name and address of preparer.
 - C. Topography of the site and its relationship to adjoining land.
 - D. Existing man-made features.
 - E. Dimensions of setbacks, locations, heights, and size of buildings and structures.
 - F. Street right-of-ways, indicating proposed access routes, internal circulation, and relationship to existing right-of-ways.
 - G. Proposed grading.
 - H. Location and type of drainage, sanitary sewers, storm sewers, and other utilities.
 - I. Location and type of fences, landscaping, buffer strips, and screening.
 - J. Location and type of signs and on-site lighting.
 - K. Proposed parking facilities and drives. Parking lots (public and private) shall be designed with lines showing individual spaces and shall conform with the provisions of Article X, Section 10.19.
 - L. Easements, if any.
 - M. Dimensions and number of proposed lots.
4. A narrative describing the items indicated in Section 13.04 (d).

Section 13.07 - Planning Commission Review of Final Site Plan. The Planning Commission shall review the final site plan and either approve, deny or approve with conditions the final site plan based on the purposes, objectives and requirements of this Ordinance, and specifically the considerations listed in Section 13.05.

- 1. To insure compliance with the final site plan and any conditions imposed under the ordinance, the Planning Commission may require that a cash deposit, certified check, irrevocable bank letter of credit or surety bond acceptable to the Planning Commission covering the estimated cost of improvements associated with a project for which zoning approval is sought, be deposited with the City Clerk to insure faithful completion of the improvements. The performance guarantee shall be filed with the City Clerk prior to the issuance of a building permit by the Building Inspector for any portion of the project.
 - 2. Each development shall be under construction within one (1) year after the date of final approval by the Planning Commission. If said applicant does not fulfill this provision, the Commission may grant a sixty (60) day extension provided the applicant presents reasonable evidence to the effect that said development has encountered unforeseen difficulties but is ready to proceed. Should neither of the aforementioned provisions be fulfilled or a sixty (60) day extension has expired, without commencement of construction, the site development plan shall be null and void.
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3. The Planning Commission shall undertake and complete all site plan reviews within sixty (60) days of submission of all required information by the applicant. Upon approval of said plan, the Chairman of the Planning Commission shall sign three (3) copies thereof. One (1) signed copy shall be made a part of the Commission's files and one (1) shall be forwarded to the Building Inspector and/or Zoning Administrator for issuance of a building permit. The third copy shall be returned to the applicant.

 4. This review process and site plan requirement shall not apply to applications covered by Ordinance 133, Land Division Ordinance, or Ordinance 134, Subdivision and Condominium Development Ordinance.
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ARTICLE XIV

DUNE OVERLAY ZONE

Section 14.01 - Purpose. In keeping with the findings of the Michigan legislature and the authority granted to local government in Public Act 222 of 1976, as amended, the City of Bridgman hereby declares that:

1. The critical dune areas within the City of Bridgman are a unique, irreplaceable, and fragile resource that provides significant recreational, economic, scientific, geological, scenic, botanical, educational, agricultural, and ecological benefits to the people of this community, to the state, to people from other states and countries who visit this resource.
2. The purpose of Article XIV is to balance for present and future generations the benefits of protecting, preserving, restoring and enhancing the diversity, quality, functions, and values of the City of Bridgman's critical dunes with the benefits of economic development and multiple human uses of the critical dunes and the benefits of public access to and enjoyment of the critical dunes.
3. The following regulations embodied in the Dune Overlay Zone are adopted as the minimum measures necessary to achieve these ends: Part 353 of the Michigan Natural Resources and Environmental Protection Act, PA 451 of 1994, as amended.

Section 14.02 - Definitions. The following terms used in the Dune Overlay Zone shall have the meaning defined below:

1. "Contour change" includes any grading, filling, digging, or excavating that significantly alters the physical characteristic of a critical dune area, except that which is involved in sand dune mining.
 2. "Crest" means the line at which the first lakeward facing slope of a critical dune ridge breaks to a slope of less than 1-foot vertical rise in a 5-1/2-foot horizontal plane for a distance of at least 20 feet, if the aerial extent where this break occurs is greater than 1/10 acre in size.
 3. "Critical dune area" means that geographic area designated in the Atlas of Critical Dune Areas dated February 1989 that was prepared by the Department of Natural Resources (DNR) and any other such locally designated sand dune areas included on the City of Bridgman Zoning Map.
 4. "Department" means the Michigan Department of Environmental Quality.
 5. "Foredune" means one or more low linear dune ridges that are parallel and adjacent to the shoreline of a Great Lake and are rarely greater than 20 feet in height. The lakeward face of a foredune is often gently sloping and may be vegetated with dune grasses and low shrub vegetation or may have an exposed sand face.
 6. "Permit" means a permit for use within a critical dune area.
 7. "Person" means an individual, partnership, firm, corporation, association, local unit of government, or other political subdivision of the state, or a state or state agency.
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8. “Restabilization” means restoration of the natural contours of a critical dune to the extent practicable, and the restoration of the protective vegetative cover of a critical dune through the establishment of indigenous vegetation, and the placement of snow fencing or other temporary sand trapping measures for the purpose of preventing erosion, drifting, and slumping of sand.
9. “Critical dune area” means that area designated in the Atlas of Critical Dune Areas dated 1989 that was prepared by the DNR which includes those geomorphic features composed primarily of sand, whether windblown or of other origin and which lies within two miles of the ordinary high water mark on a Great Lake as defined in Section 2 of the Great Lakes Submerged Lands Act, Public Act 247, of the Public Acts of 1955, as amended, being Section 322.701 of the Michigan Compiled Laws, and includes critical dune areas.
10. “Sand dune mining” means the removal of sand from sand dune areas for commercial, or industrial purposes, or both.
11. “Special use project” means any of the following:
 - A. A proposed use in a critical dune area for an industrial or commercial purpose regardless of the size of the site.
 - B. A multiple-family use of more than three acres.
 - C. A multiple-family use of three acres or less if the density of use is greater than four individual residences per acres.
 - D. A proposed use in a critical dune area, regardless of size of the use, that the Planning Commission determines would damage or destroy features of archaeological or historical significance.
12. “Structure” means that which is built or constructed, an edifice or building of any kind, or piece of work artificially built up or composed of parts jointed together in some definite manner. Structures include works of heavy civil construction including without limitation, a highway, bridge, dam, reservoir, mine, harbor, dockside port facility, an airport landing facility and facilities for the generation or transmission, or distribution of electricity. Structure shall be construed as though followed by the words “or part or parts of the structure and all equipment in the structure” unless the context clearly indicates otherwise.
13. “Use” means a developmental, silvicultural or recreational activity done or caused to be done by a person that significantly alters the physical characteristic of a critical dune area or a contour change done or caused to be done by a person, but does not include sand dune mining.

Section 14.03 - Area Affected. The provisions of the Dune Overlay Zone apply to all lands so depicted on the map entitled City of Bridgman Zoning Map which is a part of this Ordinance. These lands include the entire critical dune area as designated by the Michigan Department of Natural Resources pursuant to PA 222 of 1976, the Sand Dune Protection and Management Act, and to such other lands as locally designated and depicted thereon. Locally designated sand dunes together with dunes designated under PA 222 shall be known as critical dune areas for the purpose of this Ordinance. Lands that are within 250 feet of a critical dune area, that are determined by the Planning Commission to be essential to the hydrology, ecology, topography, or integrity of a critical dune area shall also receive all the protection afforded to critical dunes in the Overlay Zone, even if not so depicted on the City of Bridgman Zoning Map.

The Overlay Zone establishes regulations which apply in addition to those of the underlying district. Lot size, density, and front and side setbacks shall be as established in the underlying district, except that lots created after the effective date of this Article shall be at least one acre in total size with a minimum frontage on a public or private street or road of 110 feet. Every lot created hereafter shall have a building site suitable for a structure which complies with Section 14.08. Where the provisions of this Zone conflict with those of the underlying district, the provisions of the Dune Overlay Zone shall supersede.

Section 14.04 - Nonconforming Building and Lots After the effective date of the adoption of this Section:

1. No subdivision or condominium development shall occur within the Dune Overlay Zone except in compliance with the minimum standards of this Ordinance and after review and approval of a site plan and other documents as required herein.
2. No structure shall be constructed, reconstructed, altered, or relocated except in strict compliance with the requirements of this Ordinance.
3. No use which is in existence as of the effective date of this Article shall be expanded, except in strict compliance with the minimum standards of this Ordinance.
4. Prior to the creation and recording of any new lot, the property owner is encouraged to seek a zoning permit to insure the lot will be useable for a purpose permitted under this Ordinance.
5. No existing nonconforming building or structure shall be altered except provided in Article X, Sections 10.02 and 10.03.

Section 14.05 - Application Requirements. All applications for permits for the use of a critical dune area shall include in writing showing evidence:

1. That the county enforcing agency designated pursuant to the soil erosion and sedimentation control act of 197, Act No. 47 of the Public Acts of 1972, being Sections 282.101 to 282.125 of the Michigan Compiled Laws, finds that the project is in compliance with Act No. 347 of the Public Acts of 1972 and any applicable soil erosion and sedimentation control ordinance that is in effect in the City of Bridgman (refer to Part 91 of the Michigan Natural Resources and Environmental Protection Act, as amended by 2000 PA 504).
 2. That a proposed sewage treatment or disposal system on the site has been approved by the county health department, if applicable.
 3. Assuring that the cutting and removing of trees and other vegetation will be performed according to the forestry management guidelines for Michigan prepared by the Society of American Foresters in 1987, as revised in 2010, and will include instructions or plans to provide mitigation for the removal of trees or vegetation by providing assurances that the applicant will plant on the site more trees and other vegetation on the site than were removed by the proposed use.
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4. Except as otherwise provided in this subsection, a site plan that contains data required by this Section and Article XIII concerning the physical development of the site and extent of disruption of the site by the proposed development.
5. The Zoning Administrator shall not require an environmental site assessment or environmental impact statement as part of a permit application for a use in a critical dune overlay zone except for a “Special Use” project.
6. The zoning Administrator will require that the applicant supply a contour map of the site with 1-foot contour intervals at or near any proposed structure or roadway for any new construction.
7. The payment of any required fees for processing and/or professional review of the submitted site plan.

Section 14.06 - Environmental Assessment Required. When an environmental assessment is required under a “Special Use” project, it shall include the following information concerning the site of the proposed use:

1. The name and address of the applicant.
2. A description of the application’s proprietary interest in the site.
3. The name, address, and professional qualification of the person preparing the environmental assessment and his/her opinion as to whether the proposed development of the site is consistent with protecting features of environmental sensitivity and archaeological or historical significance that may be located on the site.
4. The description and purpose of the proposed use.
5. The location of existing utilities and drainage ways.
6. The general location and approximate dimensions of proposed structures.
7. Major proposed change of land forms such as new lakes, terracing or excavating.
8. Sketches showing the scale, character, and relationship of structures, streets or driveways, and open space.
9. Approximate location and type of proposed drainage, water, and sewage facilities.
10. Legal description of property.
11. A physical description of the site, including its dominant characteristics, its vegetative character, its present use, and other relevant information.
12. A natural hazards review consisting of a list of natural hazards such as periodic flooding, poor soil bearing conditions, and any other hazards peculiar to the site.
13. An erosion review showing how erosion control will be achieved, and illustrating plans or programs that may be required by any existing soil erosion and sedimentation ordinance.

Section 14.07 – Environmental Impact Statement Requirements. When an environmental impact statement is required, it shall include all of the following:

1. The name and address of the applicant.
 2. A description of the application’s proprietary interest in the site of the proposed use.
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3. The name, address, and professional qualifications of the proposed professional design team members, including the designation of the person responsible for the preparation of the environmental impact statement.
 4. The description and purpose of the proposed use.
 5. Six copies and one reproducible transparency of a schematic use plan of the proposed use showing the general location of the proposed use and major existing physical and natural features on the site including, but not limited to, watercourses, rock outcropping, wetlands, and wooded areas.
 6. The location of the existing utilities and drainage ways.
 7. The location and notation of public streets, parks, and railroad utility right-of-ways within or adjacent to the proposed use.
 8. The general location and dimensions of proposed streets, driveways, sidewalks, pedestrian ways, trails, off-street parking, and loading areas.
 9. The general location and approximate dimensions of proposed structures.
 10. Major proposed change of land forms such as new lakes, terracing or excavating.
 11. Approximate existing and proposed contours and drainage patterns, showing at least 5-foot contour intervals.
 12. Sketches showing the scale, character, and relationship of structures, streets, or driveways, and open space.
 13. Approximate location and type of proposed drainage, water, and sewage treatment and disposal facilities.
 14. A legal description of the property.
 15. An aerial photo and contour map showing the development site in relation to the surrounding area.
 16. A description of the physical site, including its dominant characteristics, its vegetative character, its present use, and other relevant information.
 17. A soil review giving a short descriptive summary of the soil types found on the site and whether the soil permits the use of septic tanks or requires central sewer. The review may be based on the unified soil classification system as adopted by the United States Corp. of Engineers and Bureau of Reclamation, dated January 1952, or the National Cooperative Soil Survey Classification System, and the standards for the development prospects that have been offered for each portion of the site.
 18. A natural hazards review consisting of a list of natural hazards such as periodic flooding, poor soil bearing conditions, and any other hazards peculiar to the site.
 19. A substrata review including a descriptive summary of the various geologic bedrock formations underlying the site, including the identification of known aquifers, the approximate depths of the aquifers and, if being tapped for use, the principal uses to be made of these waters, including irrigation, domestic water supply, and industrial usage.
 20. An erosion review showing how erosion control will be achieved, and illustrating plans or programs that may be required by any existing soil erosion and sedimentation ordinance.
 21. At a minimum, plans for compliance with all of the following standards shall be required for construction and post construction periods:
 - A. Surface drainage designs and structures are erosion proof through control of the direction, volume, and velocities of drainage patterns. These patterns shall promote natural vegetation
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growth that are included in the design in order that drainage waters may be impeded in their flow and percolation encouraged.

- B. The design shall include trash collection devices when handling street and parking drainage to contain solid waste and trash and major proposed changes of land forms such as new lakes, terracing or excavating.

Section 14.08 - Driveways.

The construction, improvement, and maintenance of a driveway shall be permitted for any dwelling or other permanent building allowed in a critical dune area, including a dwelling or other permanent building approved under this part or a lawful nonconforming use, subject only to applicable permit requirements under Sections 35312 through 35325 of Part 353 of the Michigan Natural Resources and Environmental Protection Act and the following:

1. A driveway shall be permitted either to the principal building or, in the sole discretion of the applicant, to an accessory building, under the provisions of this Section. Additional driveways, if any, shall meet the applicable requirements for any other use under Part 353. The development of a plan for a driveway should include consideration of the use of retaining walls, bridges, or similar measures, if feasible, to minimize the impact of the driveway, parking, and turnaround areas, and the consideration of alternative locations on the same lot of record. A primary driveway may intersect a roadway at two points.
 2. Driveways on slopes steeper than 1-foot vertical rise in a 4-foot horizontal plane, but not steeper than 1-foot rise in a 3-foot horizontal plane, shall be in accordance with a site plan submitted with the permit application and prepared for the site by a registered professional architect or licensed professional engineer. The site plan shall include storm water drainage that provides for disposal of storm water without serious erosion, methods for controlling erosion from wind and water, and restabilization, by design elements including vegetation, cut-and-fill, bridges, traverses, and such other elements as are required in the judgment of the architect or engineer to meet these requirements.
 3. Driveways on slopes steeper than 1-foot vertical rise in a 3-foot horizontal plane shall be in accordance with a site plan submitted with the permit application and prepared for the site by a licensed professional engineer. The site plan shall include storm water drainage that provides for disposal of storm water without serious erosion, methods for controlling erosion from wind and water, and restabilization, by design elements including vegetation, cut-and-fill, bridges, traverses, and such other elements as are required in the judgment of the engineer to meet these requirements. The engineer shall certify under seal that the driveway is not likely to increase erosion or decrease stability.
 4. Temporary construction access for all construction, including new construction, renovation, repairs, rebuilding, or replacement, and repair, improvement, or replacement of septic tanks and systems, shall be allowed for any use allowed in a critical dune area for which a driveway is not already installed by the owner, subject only to the requirements that the temporary access shall not involve a contour change or vegetation removal that increases erosion or decreases stability except as can be restabilized upon
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completion of the construction. The temporary access shall be maintained in stable condition, and restabilization shall be commenced promptly upon completion of the construction.

5. As used in this Section, "driveway" means a privately owned, constructed, and maintained vehicular access from a road or easement serving the property to the principal building or accessory buildings, that is paved, graveled, or otherwise improved for vehicular access, 16 feet wide or narrower in the sole discretion of the applicant or owner, and may include, in the sole discretion of the applicant or owner, a shared driveway.

Section 14.09 - Permitted and Prohibited Uses. The following uses are not permitted in a critical dune area:

1. The disposal of sewage on-site unless the standards of applicable sanitary codes are met or exceeded.
2. A use that does not comply with the minimum setback requirements required by rules that are promulgated under the Shorelines Protection and Management Act of 1970, Act No. 245 of Public Acts of 1970, being Sections 281.61 to 281.644 of the Michigan Compiled Laws.
3. A surface drilling operation that is utilized for the purpose of exploring for or producing hydrocarbons or natural brine or for the disposal of the waste or by-products of the operation; except that those that are lawfully in existence at a site as of July 5, 1989 may be continued, completed, restored or substituted upon approval of the Director of the Department of Environmental Quality.
4. Production facilities regulated pursuant to the Mineral Well Act, Act No. 315 of the Public Acts of 1969, being Sections 319.211 to 319.26 of the Michigan Compiled Laws, and Act No. 61 of the Public Acts of 1939, being Sections 319.1 to 319.27 of the Michigan Compiled Laws; except that those that are lawfully in existence at a site as of July 5, 1989 may be continued, completed, restored or substituted upon approval of the director of the department of natural resources.

Section 14.10 - Non permitted Uses. Unless relief from strict compliance is granted pursuant to Section 14.18, the following uses are not permitted in a critical dune area:

1. A structure or accessibility measures on a slope within a critical dune area that is between 25% and 33% unless the structure and access to the structure are ~~is~~ in accordance with a site plans prepared for the site by a registered professional architect or a licensed professional engineer and the site plans provides for the disposal of storm waters without serious soil erosion and without sedimentation of any stream or other body of water.
 2. A structure or accessibility measures on a slope within a critical dune area that is greater than 33% unless the structure and access to the structure are in accordance with a site plans prepared for the site by a licensed professional engineer and the site plan provides for the disposal of storm waters without serious soil erosion and without sedimentation of any stream or other body of water.
 3. A use on a slope within a critical dune area that is greater the 33% unless a variance is granted, except for driveways as described in Section 14.08.
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4. A use involving a contour change that the Zoning Administrator determines is more likely than not to increase erosion or decrease stability.
5. Silvicultural practices, as described in the forest management guidelines for Michigan, prepared by the Society of American Foresters as revised in 2010, that the City of Bridgman determines are more likely than not to increase erosion or decrease stability.
6. A use that involves a vegetation removal that the Zoning Administrator determines is more likely than not to increase erosion or decrease stability. The landowner must provide in writing, an assurance to the City of Bridgman that an increase of erosion or decrease in stability will not occur. A written Vegetation Assurance Plan must include a site plan map and mitigation plan for the loss of native grasses, groundcover, shrubs and/or trees that will be removed and/or impacted by the project; and must include the monitoring and maintenance of planted vegetation at project completion. The City of Bridgman may require that the applicant plant on site more trees and other vegetation than were removed by the proposed use.
7. A permit shall not be granted that authorizes construction of a dwelling or other permanent building on the first lakeward facing slope of a critical dune area or foredune except on a lot of record that was recorded prior to July 5, 1989 that does not have sufficient buildable area landward of the crest to construct the dwelling or other permanent building as proposed by the applicant. The proposed construction, to the greatest extent possible, shall be placed landward of the crest. The portion of the development that is lakeward of the crest shall be placed in the location that has the least impact on the critical dune area.
8. Except as provided in subsection 7, a permit shall provide that a use that is a structure shall be constructed behind the crest of the first landward ridge of a critical dune area that is not a foredune. However, if construction occurs within 100 feet measured landward from the crest of the first landward ridge that is not a foredune, the use shall meet all of the following requirements:
 - A. The structure and access to the structure shall be in accordance with a site plan prepared for the site by a registered professional architect or a licensed professional engineer and the site plan shall provide for the disposal of storm waters without serious soil erosion and without sedimentation of any stream or other body of water.
 - B. Access to the structure shall be from the landward side of the dune.
 - C. The dune shall be restabilized with indigenous vegetation.
 - D. The crest of the dune shall not be reduced in elevation.

Section 14.11 - Site Plan Review. Reviewing a site plan submitted along with all the application information required in Section 14.05 the Zoning Administrator shall:

1. Insure that the requirements of the Zoning Ordinance have been met and that the plan is consistent with existing laws.
 2. Determine whether the advice or assistance of the soil conservation district will be helpful in review a site plan, and if so, to so seek it.
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3. Recommend alterations of a proposed development to minimize adverse effects anticipated if the development is approved and to assure compliance with all applicable state and local requirements.
4. Determine that the proposed use will ensure and enhance the Diversity, Quality, Function and Values of the critical dune in a manner that is compatible with private property rights; allows for compatible economic development and multiple human uses of the critical dune, using the most competent, accurate and reliable information and scientific data available.

Section 14.12 - Use Standards. Any lot or parcel which in whole or part which falls within the Dune Overlay Zone and/or within 250 feet outside the Dune Overlay Zone shall not be used except upon receipt of a permit from the Zoning Administrator. No zoning permit shall be issued for the use of land within this Zone or within 250 feet outside the zone until a site plan meeting the requirements of this Section and those of Article XIII have been met. If requested, the Planning Commission will make the final determination as to whether or not these standards have been met and shall exercise its lawful discretion in all cases in favor of protection of the critical dune area.

Section 14.13 - Prohibition of Construction Without Permit. No grading or clearing of a site shall be done prior to issuance of a zoning permit as required in this Ordinance.

Section 14.14 - Special Use Project Review Procedures. A proposed special use project shall be reviewed and a recommendation for approval, approval with conditions, or denial is made by the Planning Commission pursuant to the special use procedures of Article XII of this Ordinance shall be completed.

Section 14.15 – Department of Environmental Quality Review. Prior to issuing a permit allowing a special use project within a critical dune area, the Planning Commission shall submit the special use project application and site plan and their proposed decision to the Department of Environmental Quality, Land and Water Management Division following the procedures under 14.06 of Article XII of this Ordinance.

Section 14.16 - Nonconforming Uses. The lawful use of land or a structure, as existing and lawful within a critical dune area in the time of the adoption of this overlay zone, may be continued although the use of that land or structure does not conform to the provisions of this overlay zone. The continuance, completion, restoration, reconstruction, extension or substitution of existing nonconforming uses of land or a structure may continue consistent with the nonconforming use requirements of this Ordinance. See Article X Section 10.02.

Section 14.17 - Rebuilding of Lawful Structures. A structure or use located in a critical dune area that is destroyed by fire, other than arson for which the owner is found to be responsible, or an act of nature, except for erosion, may be rebuilt or replaced if the structure or use was lawful at the time it was constructed or commenced; and a replacement structure and its use may differ from that which was destroyed if it does not exceed in size or scope that which was destroyed.

Section 14.18 - Relief from Requirements (variance). The Zoning Board of Appeals may grant relief from the requirements of this overlay zone if a practical difficulty will occur to the owner of the property if the variance is not granted. The procedural requirements of Article XIII (Site Plan Review) and Article XVI (Board of Appeals) should be adhered to. Relief from strict compliance is subject to the following limitations:

1. The Zoning Board of Appeals may issue variances under Article XIV of the zoning ordinance if a practical difficulty will occur to the owner of the property if the variance is not granted. In determining whether a practical difficulty will occur if a variance is not granted, primary consideration shall be given to assuring that human health and safety are protected by the determination and that the determination complies with applicable local zoning, other state laws, and federal law. If a practical difficulty will occur to the owner of the property if the variance is not granted, a variance shall be granted under this Section unless the Zoning Board of Appeals determines that the use will significantly damage the public interest on the privately owned land, or, if the land is publicly owned, the public interest in the publicly owned land, by significant and unreasonable depletion or degradation of any of the following:
 - A. The diversity of the critical dune areas within the local unit of government.
 - B. The quality of the critical dune areas within the local unit of government.
 - C. The functions of the critical dune areas within the local unit of government.
 2. The decision of the Zoning Board of Appeals shall be in writing and shall be based upon evidence that would meet the standards in Section 75 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.275. A decision denying a variance shall document, and any review upholding the decision shall determine, all of the following:
 - A. That the City of Bridgman has met the burden of proof under subsections 1A through 1C.
 - B. That the decision is based upon sufficient facts or data.
 - C. That the decision is the product of reliable scientific principles and methods.
 - D. That the decision has applied the principles and methods reliably to the facts.
 - E. That the facts or data upon which the decision is based are recorded in the file.
 3. The City of Bridgman shall not require an environmental site assessment or environmental impact statement for a variance except for a special use project.
 4. A variance shall not be granted from a setback requirement provided for under Section 35034 pursuant to Part 353 of the Michigan Natural Resources and Environmental Protection Act unless the property for which the variance is requested is one of the following:
 - A. A nonconforming lot of record that is recorded prior to July 5, 1989, and that becomes nonconforming due to the operation of Part 353.
 - B. A lot legally created after July 5, 1989 that later becomes nonconforming due to natural shoreline erosion.
 - C. Property on which the base of the first landward critical dune of at least 20 feet in height that is not a foredune is located at least 500 feet inland from the first foredune crest or line of vegetation on the property. However, the setback shall be a minimum of 200 feet measured from the foredune crest or line of vegetation.
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Section 14.19 - Penalties. In addition to the penalty provisions of this Ordinance, the provisions of MCL 281.672 shall apply in the event of any violation. Pursuant to subsection 4 of said Section, a court may impose on a person who violates any provision of this Dune Overlay Zone, or a provision of a permit issued hereunder, a civil fine of not more than \$5,000 for each day of violation, or order a violator to pay the full cost of the full cost of restabilization of a critical dune area or other natural resource that is damaged or destroyed as a result of a violation, or both.

Section 14.20 - Applicable Law. Incorporated by reference herein is Part 353, Michigan Natural Resources and Environmental Protection Act, PA 451 of 1994, as amended.



ARTICLE XV

ADULT FOSTER CARE FACILITIES

Section 15.01 - Applicability. The following regulations shall apply to adult foster care facilities:

1. Adult foster care facilities shall be allowed in the various zoning districts hereafter shown as permitted uses for facilities for not more than six (6) adult foster care residents, and for facilities for more than six (6) adult foster care residents as a special use approval to be granted in writing by the Planning Commission, operate an adult foster care facility, whether for one (1) to six (6) adult foster care residents, the property owner or operator of the facility must present to the Bridgman City building inspector and zoning administrator the License application notice from Michigan Department of Social Services, form number DSS - 1558, and any adult foster care facility shall not operate until the City Building Inspector, the City fire Chief, and the Berrien County Health Department have inspected the premises and given their written approval.
2. The City Planning Commission may grant special approval for an adult foster care facility only if that facility contains the minimum square footage per building or structure for the zoning district in which it is located and, in addition thereto, if the building or structure has, or will provide for each adult foster care resident over six (6) residents a total of 150 square feet for recreational, dining areas, or usable floor space as a bedroom. Usable floor space is defined as that floor space under a ceiling which is at least seven (7) feet six (6) inches in height.
3. The City Planning Commission may grant special approval for an adult foster care facility only if the lot area of real estate upon which the adult foster care facility is to be located meets the requirements for minimum lot width and area for the zoning district within which the facility is located and, in addition thereto, has minimum of 3,000 square feet for each adult foster care resident over the number of six (6) residents.

Section 15A.01 - Conditional Rezoning. It is recognized that there are certain instances where it would be in the best interest of the City, as well as advantageous to property owners seeking a change in zoning boundaries, if certain conditions could be proposed by property owners as part of a request for rezoning. It is the intent of this Section to provide a process consistent with the provisions of MCL 125.3405 of the Michigan Zoning Enabling Act, P.A. 111 of 2006, by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request.

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

2. Planning Commission Review

The Planning Commission, after public hearing and consideration of the factors for rezoning set forth in Section 17.02C of this Ordinance, may recommend approval, approval with recommended changes or denial of the rezoning; provided, however, that any recommended changes to the offer of conditions are acceptable to and thereafter offered by the owner.

3. City Council Review

After receipt of the Planning Commission's recommendation, the City Council shall deliberate upon the requested rezoning and may approve or deny the conditional rezoning request. The City Council's deliberations shall include, but not be limited to, a consideration of the factors for rezoning set forth in Section 17.02C of this Ordinance. Should the City Council consider amendments to the proposed conditional rezoning advisable and if such contemplated amendments to the offer of conditions are acceptable to and thereafter offered by the owner, then the City Council shall, in accordance with the Michigan Zoning Enabling Act, as amended, refer such amendments to the Planning Commission for a report thereon within a time specified by the City Council and proceed thereafter in accordance with said statute to deny or approve the conditional rezoning with or without amendments.

4. Approval

- A. If the City Council finds the rezoning request and offer of conditional acceptable, the offered conditions shall be incorporated into a formal written Statement of Conditions acceptable to the
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owner and conforming in form to the provisions of this Section. The Statement of Conditions shall be incorporated by attachment or otherwise as an inseparable part of the ordinance adopted by the City Council to accomplish the requested rezoning.

B. The Statement of Conditions shall:

1. Be in a form recordable with the Register of Deeds of the County in which the subject land is located or, in the alternative, be accompanied by a recordable Affidavit or Memorandum prepared and signed by the owner giving notice of the Statement of Conditions in a manner acceptable to the City Council.
2. Contain a legal description of the land to which it pertains.
3. Contain a statement acknowledging that the Statement of Conditions runs with the land and is binding upon successor owners of the land.
4. Incorporate by attachment or reference any diagram, plans or other documents submitted or approved by the owner that are necessary to illustrate the implementation of the Statement of Conditions. If any such documents are incorporated by reference, the reference shall specify where the documents may be examined.
5. Contain a statement acknowledging that the Statement of Conditions or an Affidavit or Memorandum giving notice thereof may be recorded by the City with the Register of Deeds of the County in which the land referenced in the Statement of Conditions is located.
6. Contain the notarized signatures of all of the owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the Statement of conditions.

C. Upon the rezoning taking effect, the Zoning Map shall be amended to reflect the new zoning classification along with a designation that the land was rezoned with a Statement of Conditions. The City Clerk shall maintain a listing of all lands rezoned with a Statement of Conditions.

D. The approved Statement of Conditions or an Affidavit or Memorandum giving notice thereof shall be filed by the City with the Register of Deeds of the County in which the land is located. The City Council shall have authority to waive this requirement if it determines that, given the nature of the conditions and/or the time frame within which the conditions are to be satisfied, the recording of such a document would be of no material benefit to the City or to any subsequent owner of the land.

E. Upon the rezoning taking effect, the use of the land so rezoned shall conform thereafter to all of the requirements regulating use and development within the new zoning district as modified by any more restrictive provisions contained in the Statement of Conditions.

5. Compliance with Conditions.

A. Any person who establishes a development or commences a use upon land that has been rezoned with conditions shall continuously operate and maintain the development or use in compliance with all of the conditions set forth in the Statement of Conditions. Any failure to comply with a conditions contained within the Statement of Conditions shall constitute a violation of this Zoning Ordinance and be punishable accordingly. Additional, any such violation shall be deemed a nuisance per se and

subject to judicial abatement as provided by law.

- B. No permit or approval shall be granted under this Ordinance for any use or development that is contrary to an applicable Statement of Conditions.

6. Time Period for Establishing Development or Use

Unless another time period is specified in the Ordinance rezoning the subject land, the approved development and/or use of the land pursuant to building and other required permits must be commenced upon the land within 18 months after the rezoning took effect and thereafter proceed diligently to completion. This time limitation may upon written request be extended by the City Council if (1) it is demonstrated to the City Council's reasonable satisfaction that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion and (2) the City Council finds that there has not been a change in circumstances that would render the current zoning with Statement of Conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy.

7. Reversion of Zoning

If approved development and/or use of the rezoned land does not occur within the time frame specified under Subsection 6 above, then the land shall revert to its former zoning classification. The reversion process shall be initiated by the City Council requesting that the Planning Commission proceed with consideration of rezoning of the land to its former zoning classification. The procedure for considering and making this reversionary rezoning shall thereafter be the same as applies to all other rezoning requests.

8. Subsequent Rezoning of Land

When land that is rezoned with a Statement of Conditions is thereafter rezoned to a different zoning classification or to the same zoning classification but with a different or no Statement of Conditions, whether as a result of a reversion of zoning pursuant to Subsection 7 above or otherwise, the Statement of Conditions imposed under the former zoning classification shall cease to be effect. Upon the owner's written request, the City Clerk shall record with the Register of Deeds of the County in which the land is located a notice that the Statement of Conditions is no longer in effect.

9. Amendment of Conditions

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

10. City Right to Rezone

Nothing in the Statement of Conditions nor in the provisions of this Section shall be deemed to prohibit the City from rezoning all or any portion of land that is subject to a Statement of Conditions to another zoning classification. Any rezoning shall be conducted in compliance with this Ordinance and the Michigan Zoning Enabling Act, Act 111 of 2006.

11. Failure to Offer Conditions

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

Section 15.02 - R-1, Residential District, Permitted Uses. Adult foster care facility providing care for one (1) to six (6) adult foster care residents. No more than one (1) adult foster care facility in any one structure or building or on any one parcel of land, or joined parcels of land, is allowed, nor is any adult foster care facility which is within a one thousand five hundred (1,500) foot radius of another previously approved or existing foster care facility.

Section 15.03 - R-2, Residential District, Permitted Uses. Adult foster care facility providing care for one (1) to six (6) adult foster care residents. No more than one (1) adult foster care facility in any one structure or building or on any one parcel of land, or joined parcels of land, is allowed, nor is any adult foster care facility which is within a one thousand five hundred (1,500) foot radius of another previously approved or existing foster care facility.

Section 15.04 - R-3, Residential District, Permitted Uses. Adult foster care facility providing care for one (1) to six (6) adult foster care residents. No more than one (1) adult foster care facility in any one structure or building or on any one parcel of land, or joined parcels of land, is allowed, nor is any adult foster care facility which is within a one thousand five hundred (1,500) foot radius of another previously approved or existing foster care facility.

Section 15.06 - R-4, Residential District, Special Uses:

1. Adult foster care facility providing care for seven (7) to twelve (12) adult foster care residents. No more than one (1) adult foster care facility in any one structure or building or on any one parcel land, or joined parcels of land, is allowed, nor is any adult foster care facility which is within a two thousand (2,000) foot radius of another previously approved or existing foster care facility.
2. Adult foster care facility providing care for thirteen (13) to twenty (20) foster care residents. No more than one (1) adult foster care facility in any one structure or building or on any one parcel of land, or joined parcels of land, is allowed, nor is any adult foster care facility which is within a three thousand (3,000) foot radius of another previously approved or existing foster care facility.

Section 15.07 - C - Commercial District, Permitted Uses. Adult foster care facility providing care for one (1) to six (6) adult foster care residents. No more than one (1) adult foster care facility in any one structure or building or on any one parcel of land, or joined parcels of land, is allowed, nor is any adult foster care facility which is within a one thousand five hundred (1,500) foot radius of another previously approved or existing foster care facility.

Section 15.08 - C - Commercial District, Special Uses.

1. Adult foster care facility providing care for seven (7) to twelve (12) adult foster care residents. No more than one (1) adult foster care facility in any one structure or building or on any one parcel of land, or joined parcels of land, is allowed, nor is any adult foster care facility which is within a one thousand five hundred (1,500) foot radius of another previously approved or existing foster care facility.
 2. Adult foster care facility providing care for thirteen (13) to twenty (20) adult foster care residents. No more than one (1) adult foster care facility in any one structure or building or on any one parcel of land,
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or joined parcels of land, is allowed, nor is any adult foster care facility which is within a two thousand (2,000) foot radius of another previously approved or existing foster care facility.

3. Adult foster care facility known as 'congregate facility' providing care for more than twenty (20) adult foster care residents, with the condition that each living unit shall not exceed twenty (20) individuals, and requiring functional grouping of residents. No more than one (1) adult foster care facility in any one structures or building or on any one parcel of land, or joined parcel or land, is allowed nor is any adult foster care facility which is within a three thousand (3,000) foot radius of another previously approved or existing foster care facility.
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ARTICLE XVI

BOARD OF APPEALS

Section 16.01 - Creation. There is hereby created a seven (7) member Zoning Board of Appeals, hereinafter referred to as the Board of Appeals, which shall perform its duties and exercise its powers and jurisdiction according to the provisions of this Ordinance to the end that the objectives of this Ordinance are observed, public safety and general welfare secured, and substantial justice done.

Section 16.02 - Membership. The Zoning Board of Appeals shall consist of seven (7) members recommended by the City Mayor and affirmed by a majority vote of the City Council. The terms of all serving shall continue for their unexpired terms, the Chairman of the Planning Commission shall continue for three (3) years to May 1, 2008, the two members of the City Council shall continue for three (3) years to May 1, 2008. The four elector members shall serve their respective unexpired terms. Thereafter, all members shall be appointed for three (3) year terms as terms expire.

In addition, the Mayor may recommend up to two (2) alternate members for three (3) year terms subject to the affirmation of the City Council. The alternate members may be called, on a rotating basis, to sit as regular members of the Board of Appeals in the absence of a regular member. An alternate member may also be called to serve in the place of a regular member for purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member called shall serve on the case until a final decision is made. The alternate member, when called, has the same voting rights as a regular member of the Board of Appeals.

1. The Chairman of the City of Bridgman Planning Commission who shall serve as Chairman of the Board of Appeals and shall serve so long as he/she remains Chairman of the Planning Commission;
2. Two (2) members of the City Council of the City of Bridgman who shall serve so long as they remain members of the City Council; and,
3. Four (4) members of the Board of Appeals shall be electors of the City of Bridgman who own or hold interest in real property in the City of Bridgman assessed for tax purposes. Each elector member shall serve for a term of three (3) years.

The Mayor of the City of Bridgman shall set the term of each elector member within thirty (30) days after the effective date of this Ordinance and shall serve term as follows:

- One member for a term expiring May 1, 2007, and every three years following,
- One member for a term expiring May 1, 2008 and every three years following,
- Two members for a term expiring May 1, 2009 and every three years following.

Each member shall serve his/her specified term and until his/her successor is appointed and qualified.

Section 16.03 - Additional Jurisdiction. In addition to the duties and powers prescribed in other Sections of this Ordinance, the Board of Appeals shall hear and decide on all matters relating to the following:

1. The Board of Appeals shall hear and decide appeals from, and review any order, requirement, decision or determination made by, the Building Inspector and/or Zoning Administrator.
 2. The Board of appeals shall act upon all questions as they may arise in the administration of this Ordinance, including the interpretation of the zoning maps, and may fix rules and regulations to govern its procedure as such Board of Appeals, subject to the requirements herein.
 3. Whenever the approval of an application is required by the Board of Appeals under the provisions of this Ordinance, the Board of Appeals may grant or deny the application or, before doing so, may, if requested by the applicant or deemed necessary by the Board, set a date for hearing on such application and give public notice thereof not less than seven (7) nor more than fifteen (15) days prior to the date of such meeting, and which notice shall give a brief statement of the contents of the application to be acted upon. Such notice shall be published in any paper having circulation in the City. Any person who is interested in such application or the determination thereof may appear before the said Board of Appeals in person or by attorney and shall be permitted to state the reasons for approval or disapproval of such application.
 4. In reaching its determination on an application or appeal, the Board of Appeals shall consider the following:
 - A. Whether the location, use, nature, intensity of operation, and congestion and density of population will be in conflict with the principal permitted uses of the District or with the purposes of this Ordinance.
 - B. Whether the available sewage disposal and water supply facilities will be adequate and safe.
 - C. Whether the lot size and yard area will be in harmony with the orderly and proper development of the District.
 - D. Whether adequate access to the building or use will be provided by either existing roads (public or private) or other roads to be constructed.
 - E. Whether the building or use will be objectionable to nearby properties and their owners by reason of traffic, noise, vibration, dust, blowing sand and erosion, disposal of waste or sewage, fumes, smoke, air pollution, fire hazard, or bright flashing lights.
 - F. Whether the building or use will discourage or hinder the appropriate development and use of lands and buildings in the general vicinity.
 5. If any special permit or variance is not put into effect within six (6) months of the date of approval by the Board, is discontinued through vacancy of the premises, lack of operation or otherwise for a continuous period of six (6) months, then the special permit or variance shall lapse and be null and void. Future use of said property shall conform in its entirety to the provisions of this Ordinance; however, the Board of Appeals, for good cause, may grant an extension of time, not to exceed six (6) months, to comply or to continue such special permit or variance if, in its judgment, such extension is necessary in order to avoid injustice or undue hardship to the owners of the property.
 6. In connection with the issuance of any special permit or variance, the Board of Appeals may impose such conditions as it deems necessary to protect the public health, safety or welfare, or to serve the public interest.
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Section 16.04 - Procedure of Appeals, Meetings and Public Notice.

1. Upon an appeal from any order, requirement, determination or decision of the Building Inspector and/or Zoning Administrator, such appeal shall be taken within such time as shall be prescribed by the Board of Appeals by general rule by the filing with the Building Inspector or Zoning Administrator and with the Board of Appeals, a notice of appeal specifying the grounds thereof. The Building Inspector and/or Zoning Administrator shall forthwith transmit to the Board of Appeals all the papers constituting the record upon which the action appealed from was taken.
 2. A concurring vote of a simple majority of the entire Board of Appeals shall be necessary to reverse any order, decision or determination of the Building Inspector and/or Zoning Administrator or to decide in favor of the applicant on any matter upon which they are required to pass under this Ordinance or to effect any variation of the Ordinance; provided further that a quorum of five (5) members of the Board of Appeals shall be necessary to conduct any function as authorized by this Ordinance.
 3. Upon receiving any such appeal, the Board of Appeals shall fix a reasonable time for a hearing and give notice thereof to all persons to whom any real property within three hundred (300) feet of the premises in question is assessed and to the occupants of all single and two-family dwelling within three hundred (300) feet of the premises not less than fifteen (15) days before the date of the hearing. Such notice shall be delivered personally or by first class mail directed to the owners and tenants at the address given in the last assessment roll. At such hearing, any interested party shall be given an opportunity to be heard in person or by his representative or attorney.
 4. The Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination of the Building Inspector and/or Zoning Administrator. Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this Ordinance, the Board of Appeals shall have the power in passing upon appeals to vary or modify any of the rules, regulations or provisions relating to the construction, erection or alteration of buildings or structures so that the spirit of this Ordinance shall be observed, public health and safety secured, and substantial justice is accomplished.
 5. In the event the Board of Appeals fails to reach a decision on any matter within thirty (30) days after the hearing thereon, the person affected shall have the right to appeal to the appropriate Berrien County Trial Court on question of law and fact.
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ARTICLE XVII

AMENDMENTS

Section 17.01 - Initiation. Amendments to this Ordinance may be initiated by the City Council upon its own motion, by the City Planning Commission, or may be proposed for consideration by the petition of the owners of property which would be involved or affected by such change or amendment. All proposed amendments not originating with the City Planning Commission shall first be referred to the City Planning Commission for study, review and recommendation.

Section 17.02 - Procedure. Amendments to this Ordinance, after review and recommendation of the City Planning Commission, may be adopted and enacted by the City Council. The procedures to be followed in the enactment of an amendment to this Ordinance are those prescribed by the City Charter of the City of Bridgman for the enactment of any other kind of ordinance and Public Act 111 of 2006, as amended.

1. Application for Amending the Zoning Ordinance: An applicant, the City Council or Planning Commission, upon its own action, may initiate an application for amending the zoning ordinance text or map. An application (on a form provide by the City) shall be filed with the Zoning Administrator who shall immediately transmit the application to the Planning Commission, if the application did not originate from the Planning Commission.

 2. Planning Commission Public Hearing Required: Upon receipt of an application for a general zoning amendment, a notice that a request for zoning amendment has been received and that a public hearing will be held shall be posted at City Hall and published in a newspaper of general circulation in the City not less than fifteen (5) days before the amendment will be considered. Upon receipt of an application for a zoning amendment that will affect a particular or specifically identified parcel or parcels of property, a notice that a request for zoning amendment has been received and that a public hearing will be held shall be published in a newspaper of general circulation in the City and shall be sent by mail or personal general delivery to the owners of property for which specific zoning approval is being considered to all persons whom real property is assessed within three hundred (300) feet of the boundary of the particular property in question, and to the occupants of all structures within three hundred (300) feet of the particular property, except that the notice shall be given not less than fifteen (15) days before the application will be considered. If the name of the occupant is not known, the term “occupant” may be used in making notification. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses or organizations, one (1) occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four (4) dwelling units or other distinct spatial area owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure. The notice shall:
 - A. Describe the nature of the proposed amendment requested.
 - B. Indicate the property which is the subject of the rezoning or nature of the change on the zoning ordinance text, as applicable.
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- C. State when and where the public hearing will be held.
 - D. Indicate when and where written comments will be received concerning the request.
3. Planning Commission Review and Recommendation: Within thirty (30) days following the public hearing, the Planning Commission shall review the application for the amendment and comments received at the public hearing, the site plan, and other materials submitted in relation to the application, and take action to recommend approval or denial of the application to the City Council. The decision shall be incorporated in a statement of conclusions relative to the amendment under consideration. The decision shall specify the basis for the decision, and any special circumstances utilized in arriving at the recommendation. The recommendation of the Planning Commission on application shall be made in accordance with conformance with the City of Bridgman **General Development Plan**, as from time to time is amended, and such standards contained in this Ordinance which relate to the matters under consideration. Immediately upon action by the Planning Commission, the application, and all supporting documentation including the written report of the Planning Commission shall be transmitted to the City Clerk for inclusion on the City Council agenda.
4. City Council Review and Consideration: Upon receipt of an application and recommendation to amend the zoning ordinance, the City Council shall cause the action to be scheduled for consideration and action. Prior to consideration of an action to approve or deny a request to amend the zoning ordinance, the City Council shall consider the report and recommendation of the Planning Commission. The City Council may provide for an additional public hearing. The City Council may approve the amendment by a simple majority vote unless a protest petition is presented meeting the provisions of Public Act 111 of 2006, as amended, is presented to the City Council. A minimum of two-thirds majority vote by the City Council is required to approve an amendment upon the filing of a valid protest petition.
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ARTICLE XVIII

PENALTIES FOR VIOLATIONS

Section 18.01 - Municipal Civil Infraction Any person who violates any of the provisions of this Ordinance shall be responsible for a municipal infraction and shall be subject to a fine, plus costs, damages, expenses and other sanctions as provided by the City of Bridgman, Municipal Violations Bureau, Schedule of Fines, as established by the City Council.

Section 18.02 - Procedure. The City Council hereby designates the Zoning Administrator and/or Building Inspector and any other personal designated to enforce municipal ordinance violations, the authority to issue municipal civil infraction citations and municipal civil infractions under the provision of this ordinance.

Section 18.03 – Civil Action. Any person who violates any of the provisions of this Ordinance shall also be subject to a civil action seeking invalidation of the action taken in violation of this Ordinance and appropriate injunctive or other relief.



ARTICLE XIX

ADMINISTRATION

Section 19.01 - Zoning Administration. The provisions of this Ordinance shall be administered and enforced by the Building Inspector and/or Zoning Administrator, appointed by the City Superintendent and confirmed by the City Council. Said Building Inspector's and/or Zoning Administrator's compensation shall be fixed by the City Council in the same manner as other employees of the City, and his/her duties shall be such as are prescribed by this Ordinance, all amendments thereto, together with any other duties assigned or delegated to him/her by any other law regulation or Ordinance of the State of Michigan or the City of Bridgman.

Section 19.02 - Duties of Others. It shall be the duty and responsibility of all architects, contractors, and other persons having charge of the erection, construction, reconstruction or movement of a building or structure subject to the provisions of this Ordinance, before undertaking any such work to determine that a proper permit has been granted therefor; and all such persons performing such work in violation of the provisions of this Ordinance shall be deemed guilty of violation in the same manner and to the same extent as the owner of the premises.

Section 19.03 - Permits. No building, structure (including fences), nor other improvement shall hereafter be moved, relocated, constructed, remodeled or altered, nor shall any use be made of any parcel of land or building in the City of Bridgman until a permit therefore shall have been issued by the Building Inspector and/or Zoning Administrator. After the issuance of such a permit, no building, structure, improvement or land use may be occupied, begun or benefit received therefrom until the Building Inspector and/or Zoning Administrator shall have made a full inspection thereof and issued a certificate of occupancy and compliance, showing that the proposed use of the building or premises complies with all ordinance of the City of Bridgman, and of the County of Berrien, and statues of the State of Michigan. All applications for building permits shall be accompanied by a sketch of plat in duplicate, drawn to scale, showing the actual dimensions of the lot or parcel in question, the size and location of the building or other improvement to be situated thereon, how the lot or parcel of land is to be used, and such other information as may be necessary to provide the City and its agents and representatives with full information relating thereto. All such applications and plats shall be preserved in a file during construction, by the City. Fees for the issuance of building permits and inspection of the premises during construction shall be those fixed by resolution of the City Council from time to time.

ARTICLE XX

DEFINITIONS

For the purpose of this Ordinance, certain terms as used herein are defined. When not inconsistent with the context, words used in the present tense include the future, words in the singular include the plural number, and words used in the plural include the singular number. The words “shall, will and must” are always mandatory and not merely directory. Interpretation of the definitions herein is assigned to the Zoning Board of Appeals.

Accessory Building or Structure. A supplemental building or structure on the same lot or parcel of land as the main building or buildings, the use of which is incidental or secondary to that of the main building; but such use shall not include residential or living quarters.

Accessory Use. A use naturally and normally incidental to, subordinate to, and devoted exclusively to, the main use of the land or building.

Adult Entertainment Adult entertainment shall mean any adult book store, adult motion picture theater, adult mini-motion picture theater, massage parlor or commercial establishment which for a fee or incidentally to another service, presents material or exhibition distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" as defined below for observation by patrons there in.

Specified sexual activities --shall mean: a) human genitals in a state of sexual stimulation or arousal, b) acts of human masturbation, sexual intercourse or sodomy, and c) fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

Specified anatomical areas--shall mean less than completely opaquely covered: 1) human genitals, pubic region, 2) buttock, 3) female breast below a point immediately above the top of the areola, 4) human male genitals in a discernible turgid state, even if completely and opaquely covered.

Massage Parlor--shall mean any commercial establishment which for a fee provides for the manipulation, or rubbing of body parts excepting manipulation of body parts for remedial purposes performed by state licensed practitioners with the minimal qualifications of a physical therapist.

Adult Foster Care Facility. A dwelling or establishment in which is provided supervision, assistance, protection, or personal care, in addition to room and board, to an adult, not to include a licensed home for the aged, a licensed nursing home, or a licensed mental hospital.

Adult Foster Care Resident. An adult who resides in a adult foster care facility and receives supervision assistance, protection, or personal care, in addition to room and board.

Alley. A public thoroughfare or service right-of-way not more than (30) feet wide at the rear or side lot lines of property and affording only a secondary means of access to abutting property.

Altered. Any change, other than replacement thereof, in the supporting members of a building such as bearing walls, column, posts, beams, girders, and similar components.

Basement. That portion of a building between the floor and the ceiling, which is partly below and partly above grade, but so located that the vertical distance from the grade to the floor below is more than the vertical distance from the grade to the ceiling.

Bed and Breakfast Operation. A use which is subordinate to the principal use as a single family dwelling where an owner of the premises resides permanently at the premises and where at least one (1) sleeping room and breakfast are provided in return for payment.

Boarding House. Primarily a family dwelling where meals with or without lodging are furnished for compensation on a weekly or monthly basis to one or more persons who are not members of the family occupying the premises, but not necessarily to anyone who may apply.

Building. A structure, either temporary or permanent, having a roof and used or built for the shelter or enclosure of persons, chattels or property of any kind.

Building Width. The minimum width of a building used for residential purposes shall be thirty (30) feet measured perpendicular at the foundation line running not less than thirty-three (33) percent of the length of the longest wall.

Commercial Motor Vehicle. “Commercial motor vehicle” means a bus; a school bus; a school transportation vehicle; a motor vehicle, except a motor home, having a gross vehicle weight rating or gross combination weight rating of 26,001 or more pounds; a motor vehicle towing a vehicle with a gross vehicle weight rating of more than 10,000 pounds; or a motor vehicle carrying hazardous material and on which is required to be posted a placard as defined and required under 49 C.F.R. parts 100 to 199. A commercial motor vehicle does not include a vehicle designed primarily for the purpose of transporting personal possessions or family members with a capacity of under nine (9) individuals. (Amended by Ordinance #145, effective February 1, 2001)

District. A part or parts of the incorporated area of the City of Bridgman for which the zoning regulations are prescribed.

Dwelling. Any building or portion thereof which is designed and used exclusively for residential living purposes.

Dwelling, Single-family. A building having accommodations for, and occupied exclusively by one family, solely for residential purposes, complying with the following standards:

1. It complies with the minimum square footage requirements of this Ordinance for the zone in which it is located.
 2. It has minimum front building dimension measured at the foundation line of thirty (30) feet and complies in all respects with the City 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 building code adopted by the City, then and in that event such federal or state standard or regulation shall apply.
 3. It is firmly attached to a permanent foundation constructed on the site in accordance with the Building Code and shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the applicable building code for single-family dwellings. In the event that the dwelling is a mobile home, defined herein, such dwellings shall be installed pursuant to the manufacturers setup instructions and shall be secured to the premises by an anchoring system or device
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complying with the rules and regulations of the Michigan Mobile Home Commission and shall have a perimeter wall as required above.

4. In the event that a dwelling is a mobile home as defined herein, each mobile home shall be installed with the wheels removed. Additionally, no dwelling shall have any exposed towing mechanism, undercarriage or chassis.
 5. The dwelling is connected to a public sewer and water supply or to such private facilities approved by the local health department.
 6. The dwelling contains a storage capability area in a basement located under the dwelling, in an attic area, in closed areas, or in a separate structure of standard construction similar to or of better quality than the principal dwelling, which storage area shall be equal to 10% of the square footage or the dwellings or one hundred twenty (120) square feet, whichever shall be less.
 7. The dwelling unit shall contain a garage or covered parking as prescribed in Section 10.33
 8. The dwelling is aesthetically compatible in design and appearance with other residences in the vicinity, with either a roof overhang of not less than six 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; has not less than two exterior doors with the second one being in either the rear or side of the dwelling; and contains steps connected to said exterior door areas or to porches connected to said door areas where a difference in elevation requires the same. The compatibility of design and appearance shall be determined in the first instance by the City Zoning Administrator upon review of the plans submitted for a particular dwelling subject to appeal by an aggrieved party to the Zoning Board of Appeals. Any determination of compatibility shall be based upon the standards set forth in this definition of "dwelling" as well as the character, design, and appearance of the majority of residential dwelling located outside of mobile home parks within 1,200 feet of the subject dwelling where such area is developed with dwellings to the extent of not less than 20% of the lots situated within said area; or, where said area is not so developed, by the character, design and appearance of one or more residential dwellings located outside of mobile home parks throughout the City. 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.
 9. The dwelling contains no additions or rooms or other areas which are 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.
 10. The dwelling complies 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. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.
 11. 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 the ordinance of the City pertaining to such parks.
 12. All construction required herein shall be commenced only after a building permit has been obtained in
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accordance with the applicable City building code provisions and requirements.

13. All construction shall conform with health, safety, and welfare specifications of the adopted building code for emergency egress, rescue windows and smoke detectors.

Dwelling, Two-family. A building having accommodations for, and occupied exclusively by two families, solely for residential purposes, conforming in all other respect to the standards set forth in “Dwelling, Single-family.”

Dwelling, Multiple-family. A building containing three or more dwelling units designated solely for residential use and conforming in all other respects to the standards set forth in “Dwelling, Single-family.”

Erected. Includes built, constructed, reconstructed, moved upon and any physical operations on the land required for the building. Excavation, fill, drainage and the like shall be considered a part of erection.

Existing Building. An existing building is one existing in whole or whose foundations are complete and whose construction is being diligently prosecuted on the effective date of this Ordinance.

Family. A single individual doing his/her own cooking, and living upon the premises in a permanent manner as a separate, nonprofit housekeeping unit, or a collective body of persons doing their own cooking and living together in a permanent manner upon the premises as a separate, nonprofit housekeeping unit in a domestic relationship based on birth, marriage or other domestic bond as distinguished from a group temporarily occupying a dwelling, boarding house, lodging house, club, fraternity or hotel. This definition shall not include any person, society, club, fraternity, group, coterie, or organization which is not a recognized religious order, nor include a group of individuals whose association at a premises is temporary/resort-seasonal in character or nature, being for a time period of less than six (6) months in duration.

Farm. All of the contiguous neighboring or associated land operated as a single unit on which bonfire farming is carried on directly by the owner/operator, manager or tenant-farmer, by his/her own labor or with the assistance of members of his/her household or hired employees; provided, however, that land to be considered a farm hereunder shall include a contiguous, unplotted parcel of not less than two (2) acres in area; provided further, farms may be considered as including establishments operated as bonfire greenhouses, nurseries, orchards, vineyards, chicken hatcheries, poultry farms, and apiaries; but establishments keeping fur bearing animals or game or operating fish hatcheries, stockyards, stone quarries or gravel or sand pits shall not be considered farms hereunder unless combined with bonfire farm operations on the same continuous tract of land.

Farm Buildings. Any building or structure other than a dwelling, moved upon, maintained, used or built on a farm, which is essential and customarily used on farms of that type for the pursuit of agricultural activities.

Fence. A man-made structure, solid or open which is used as a barrier or boundary.

Floor Area. The area designed and used for living quarters within the surrounding exterior walls of a building or portion thereof, exclusive of vent shafts, courts, basements, porches, garages, breeze ways, terraces or attics. For all office buildings, and for any other building where the principal use thereof shall include the basement, only the basement floor area shall be included except that part which contains heating and cooling equipment and other basic utilities.

Garage, Private. An accessory building designed or used for storage of vehicles owned and used by occupants of the building to which it is accessory.

Garage, Public. A building or portion thereof, other than a private garage designed or used for equipping,

repairing, hiring, servicing, selling or storage vehicles.

Highway. Any public thoroughfare except alleys in the City of Bridgman road system, including Federal, State, and County roads.

Home Occupation. Home Occupations are those uses of land in all residential districts possessing essentially incompatible characteristics with the uses normally attributable to residential zoning districts; however, possessing characteristics of use, location, and qualities which require individual review and discretion in order grant reasonable use of said property while avoiding incompatibility with the character of the surrounding area, public services and facilities, and adjacent use of land.

Hotel. A building where lodging with or without meals is furnished to transient or resident guests for compensation and containing more than four (4) rooms for sleeping and having no cooking facilities in any individual lodging, but wherein a restaurant may or may not be located.

Household Pets. Household pets include any pets not specifically prohibited by the terms of this ordinance and any other City ordinance. Household pets do not include horses, donkeys, pigs (of any type), rabbits, chickens, goats or other farm animals or livestock, including miniature farm animals of any type. For the terms of this ordinance, more than four dogs, cats or other household pets shall constitute a commercial kennel, or where such pets are bordered for compensation or offered for sale.

Lodging House. See Bed and Breakfast operation; also includes a Bed and Breakfast operation where a person other than the owner of the premises resides at the premises on a permanent basis.

Lot. A parcel of land on which one (1) principal building and its accessory buildings are placed, together with the open spaces required by this Ordinance.

Lot Width. The distance between the side lot lines measured at the building setback line and at right angles to the lot depth.

Lot or Parcel of Record. The recording of legal description of any lot or parcel of land in the office of the Register of Deeds for Berrien County, State of Michigan, or as a part of an unrecorded plat, development plan, or subdivision, or by metes and bounds.

Marquee. A roof like structure, often bearing a signboard, projecting over an entrance to a building.

Mobile Home. A structure, transportable in one or more section, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure. Mobile home does not include a recreational vehicle.

Modular Unit or Prefabricated Dwelling. A prefabricated structure designed for permanent occupancy as a single or two-family dwelling and transported to the site on a flat bed or other type truck or trailer for erection on a permanent foundation, either in sections or modular units that have been prefabricated at the factory, complete with the plumbing and electrical facilities for connection to outside systems. Such modular units or prefabricated dwellings as defined herein are designed to be used and occupied as a permanent dwelling, requiring assembly at the site more than simply unpacking and are not ordinarily equipped with furniture and furnishing.

Motel. A group of two or more separate buildings or connected building units (other than a hotel) situated together on one or more lots, each having its entrance and exit from and to the outside, one of which buildings or units may be used for office purposes and the others consisting of one or two rooms and bathroom, with or without kitchen facilities, wherein lodging for compensation is provided for transient guests.

Nonconforming Use. The use of a building, structure, lot or parcel of land conflicting with the provisions of this Ordinance at the time of its enactment.

Outdoor area. Any area that is open to the elements in any manner; an area not contained within a completely enclosed, permanent, air- and weather-tight structure on the premises, which structure shall include at least four (4) walls and a permanent foundation and roof.

Parking Facilities. A land use which incorporates as its function, either in whole or in part, either of the following:

Parking Facilities (Public). Means an area used by the public as a means of access to an egress from and for the free parking of motor vehicles by patrons of shopping centers, business, factory, hospital, institution or similar building or location.

Parking Facilities (Private). Means an area maintained, used or operated for storing, keeping, assembling, dismantling, buying or selling motor vehicles or motor vehicle parts.

Parks. Any noncommercial recreational area.

Paving. Bituminous paving or concrete.

Professional Services. Services furnished by such persons as doctors, dentists, artists, architects, lawyers, opticians, decorators and beauticians.

Public Utility. Any person, firm, corporation, municipal department or board, duly authorized to furnish and furnishing under regulation to the public transportation, water, gas electricity, telephone, steam, telegraph or sewage disposal and other similar services.

Recreational Vehicle. A vehicle primarily designed and used as temporary living quarters for recreational, camping, or travel purposes, including a vehicle having its own motor power or a vehicle attached to or drawn by another vehicle.

Resort-seasonal: For a time period which is less than six (6) months in duration.

Restaurant. A business located in a building where, in consideration of the payment of money, meals are habitually prepared, sold, and served to persons for consumption on or off the premises; having suitable kitchen facilities connected therewith containing conveniences for cooking an assortment of foods which may be required for ordinary meals, and deriving the major portion of its receipts from the sale of food.

Retail Commercial Establishment. A store, market or shop in which commodities are sold or offered for sale in small or large quantities to the retail trade. Grocery and general stores, meat markets, public garages and automobile services stations are included in this classification.

Roadside Stand. A farm structure used or intended to be used solely by the owner or tenant of the farm on which it is located for the sale of only the seasonable farm products in the immediate locality in which the roadside

stand is located.

Satellite Dish Antenna. A Satellite dish antennae shall herein be described as a concave solid or perforated receiving device for the purpose of receiving satellite signals; however, a T.V. tower is not to be included. This is considered an accessory structure for location purposes only.

Service Facilities. The phrase “service facilities” means the erection, construction, alteration or maintenance by public utilities, or municipal departments, or commissions of underground or overhead gas, electrical, steam or water transmissions or distribution system, collection, communication, supply or disposal system, including poles, wires, drains, sewers, pipes, conduits, cables, towers, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith but not including buildings. Communication towers otherwise regulated in Article X and not included.

Setback Lines. Lines established adjacent to the highway for the purpose of defining limits within which no building or structure, or any part thereof, shall be erected or permanently maintained. “Within a setback line” means between the setback lines and the nearest boundary of the highway right-of-way. A setback distance is measured along a line perpendicular to the right-of-way line and the nearest point of the foundation line of a building or structure.

Signs and Billboards. A sign shall mean and include every sign, billboard, ground sign, roof sign, sign painted or printed on the exterior surface of a building or structure, illuminated sign and temporary sign, and shall include any announcement, declaration, display, illustration or insignia used to advertise or promote the interest of any person or product when the sign is placed out-of-doors in view of the general public. The word “sign” does not include the flag, pennant, or insignia of any nation, state, city, township or other political unit; neither shall it include any official notice of a nation, state, city or township indicating public hearing or meetings, voter registration or voting places, permits connected with the construction, alteration or removal of a buildings or structure, or the like.

1. Billboard (advertising sign). Any structure, including the wall of any building, trucks, automobiles, farm machinery and other such equipment on which lettered, figured or pictorial matter is displayed for advertising a business, service or entertainment which is not conducted on the land upon which the structure is located, or products not primarily sold, manufactured, processed or fabricated on such land.
 2. Bulletin board. A sign, either freestanding or attached to a building or structure, which announces religious or public events.
 3. Business Sign. A sign which directs attention to a business, profession, service, product or entertainment conducted on the premises where the structure is located.
 4. Ground sign (freestanding). A sign supported by a pole or poles, uprights or braces on the ground; that is, not attached to a building.
 5. Identifying sign. Any structure on the same premises it identifies which serves only (1) to tell the name or uses of any public or semipublic building or recreation space, club, lodge, church or institution; (2) to tell the name or address of an apartment house, hotel or motel; or (3) to inform the public as to the use of a parking lot.
 6. Marquee sign. A projecting sign attached to, or hung from, a marquee; said marquee shall be known to mean a canopy or covered structure projecting from, and supported by, a building when such canopy or covered structure extends beyond the building, building line or property line.
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7. Portable sign. A sign painted on, or in any manner affixed to, a supporting structure which is not permanently attached to the ground or another stationary structure.
8. Pylon sign or pole sign. A type of ground sign at least ten (10) feet above the ground supported on a post(s) or pole(s) most commonly associated with gasoline service stations.
9. Professional sign or announcement. A sign affixed flat against the wall of a building which serves solely to designate the name or the name and profession, or the business occupation of a person or persons occupying the building to which it is attached.
10. Roof sign. A detached sign supported upon the roof of a building.
11. Subdivision sign. A permanent sign which identifies the name of a residential subdivision or development and is located on the same premises.
12. Temporary real estate sign. A sign which advertises the sale, rental or lease of the premises upon which it stands or a sign which directs attention to the opening and location of a building, structure, subdivision or other development.
13. Temporary sign. Temporary signs shall include any sign, banner, pennant, valance or advertising display constructed of wood, metal, cloth, canvas, light fabric, cardboard, wallboard or other light material, with or without frames, where either by reason of construction or purpose the sign is intended to announce a specific event and be displayed for a short period of time only.
14. Wall or flat sign. Any sign painted directly on an outside wall or parallel to the face or on the outside wall of any building which projects out at any angle therefrom and projects beyond the face of such wall.

Sign Measurements.

1. Area. The exposed face area, measured in square feet, including any background, constructed, painted or installed as an integral part of such sign, including border or trim, but excluding the base, supports or other structural members.
2. Double-Faced Sign Area. The area of a double faced sign is two times the area of the largest of the two faces and is allowable in any district where a single face sign is permitted as long as the total sign area (both sided) does not exceed the maximum area requirement. A double faced sign exceeding the maximum required area may be permitted upon approval by the Zoning Board of Appeals, provided the area of the larger sign does not exceed the maximum area allowable for a single faced sign.
3. Height. The vertical distance between the base or ground and the highest point on a sign structure.
4. Structure. The supports, uprights, bracing, and framework for the sign. In the case of a sign structure consisting of two or more facings where the angle formed between the reverse side of each facing (or the projection thereof) exceeds forty-five (45) degrees, each facing shall be considered a separate sign structure.

Structure. Any production or piece of work artificially built up or composed of parts joined together in some definite manner; any construction including dwellings, garages, buildings, signboards and fences, except public utility communication towers and electrical transmission lines, underground gas distribution lines, and equipment and facilities supporting the same and/or incidental thereto.

Tourist Homes. Primarily a family dwelling where lodging with or without meals is furnished for compensation chiefly on an overnight basis and mainly to transients, but not necessarily to anyone who may apply. A tourist home may also be a Bed and Breakfast Operation and a Lodging House.

Yard. A space open to the sky and unoccupied or unobstructed except by encroachments specifically permitted under sections of this Ordinance, on the same lot with a building or structure. Minimum yard dimensions shall be measured along a line perpendicular from the street frontage right-of-way line, or the side or rear lot line, as applicable, to the nearest point of the foundation line of a building or structure.

1. Yard, front. A yard extending across the full width of the lot between the nearest line of the building and the street or highway right-of-way line.
 2. Yard, rear. A yard extending across the full width of the lot between the rear lot line and the nearest line of the building.
 3. Yard, side. A yard extending from the front yard to the rear yard between the side lot line and the nearest line of the building.
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ARTICLE XXI

CONFLICTING ORDINANCES

Ordinance No. 47, entitled “Zoning Ordinance for the City of Bridgman,” is expressly repealed in its entirety and all other ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent they conflict with this Ordinance.

ARTICLE XXII

DOWNTOWN PARKING OVERLAY DISTRICT

Section 22.01 - General Overview. The City recognizes that certain locations in the City’s downtown have generous access to free on-street parking, as well as to free parking in City-owned lots which are open to the public. As a result, the City desires to create a Downtown Parking Overlay District wherein the access to nearby public parking is considered when parking requirements are imposed on principal buildings or secondary structures within the District.

Section 22.02 - General Restrictions for Commercial Property in the Overlay District. Any principal building or secondary structure located in the Downtown Parking Overlay District shall be required to provide minimum off-street parking of one parking space for every 300 square feet of commercial space, except as specified in Section 3.

Section 22.03 - Restrictions Specific to Residential Uses in the Overlay District. In addition to meeting the requirements of Section 2 for any commercial space on the premises, any property in the Downtown Parking Overlay District in which there is a residential use shall provide a minimum of one (1) designated off-street parking space for each residential unit on the premises, irrespective of the square footage of each residential unit.

Section 22.03 - Other Parking Restrictions. All other parking requirements for the Commercial District which are not in conflict with this Section are applicable to the Downtown Parking Overlay District.

Section 22.04 - Map and Legal Description. The legal description and map of the Parking Overlay Districts can be found in Appendix I.

ARTICLE XXIII

ADOPTION AND EFFECTIVE DATE

With a Public Hearing having been duly held on November 5, 2009, by the City Planning Commission this Comprehensive Zoning Ordinance Amendment was duly adopted at a regular meeting of the City Council of the City of Bridgman, Michigan on December 7, 2015, with amendments adopted January 19, 2015, and August 3, 2015. This ordinance shall become effective immediately upon publication of the official notice of adoption of this Ordinance and/or any amendments in a newspaper of general circulation.

AYES: _____

NAYES: _____

ORDINANCE DECLARED ADOPTED.

Pam Hahaj, Clerk
