



Title V Land Use
Chapter 51 City of Beaverton Zoning Ordinance
Adopted: October 24, 2022

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Article 01: Authority and Purpose

Section 5.101.1: Title.

This ordinance shall be known and may be cited as the “City of Beaverton Zoning Ordinance”.

Section 5.101.2: Purpose.

This ordinance's provisions are established pursuant to the authority conferred by the Michigan Zoning Enabling Act, PA 110 of 2006, as amended, and other Public Acts of the State of Michigan. As described in Public Act 110 of 2006, the purpose of a zoning ordinance is to:

- (a) Meet the needs of the state’s residents for food, fiber, energy, and other natural resources, places of residence, recreation, industry, trade, service, and other uses of land.
- (b) Ensure that uses of the land shall be situated in appropriate locations and relationships.
- (c) Limit the inappropriate overcrowding of land and congestion of population and transportation systems and other public facilities.
- (d) Facilitate adequate and efficient provision for transportation systems, sewage disposal, water, energy, education, recreation, and other public service and facility needs.
- (e) Promote public health, safety, and welfare.

Section 5.101.3: Vested Rights.

Nothing in this ordinance shall be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification of any permissible activities therein; and they are hereby declared to be subject to subsequent amendment, change, or modification as may be necessary to the preservation or protection of public health, safety, and welfare.

Section 5.101.4: Severance Clause.

Sections of this ordinance shall be deemed to be severable, and should any Section, paragraph, or provision hereof be declared by the courts to be unconstitutional or invalid, such holdings shall not affect the validity of this ordinance as a whole or any part of it other than the part so declared to be unconstitutional or invalid.

Section 5.101.5: Conflicting Regulations.

Wherever any provision of the ordinance imposes more stringent requirements, regulations, restrictions, or limitations than are imposed or required by the provisions of any other law or ordinance, then the provisions of this ordinance shall govern. Whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this ordinance, then the provisions of such law or ordinance shall govern.

Section 5.101.6: Repeal and Adoption.

The following zoning ordinance was adopted by the city council on October 24, 2022.

A notice of adoption of this zoning ordinance was published in a newspaper with general circulation in the City of Beaverton, on December 14, 2022.

The provisions of this ordinance shall take effect seven (7) days after the notice of adoption is published, pursuant to the provisions of Michigan Zoning Enabling Act, PA 110 of 2006, as amended.

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Article 02: Definitions and Construction

Section 5.102.1: Rules of Construction.

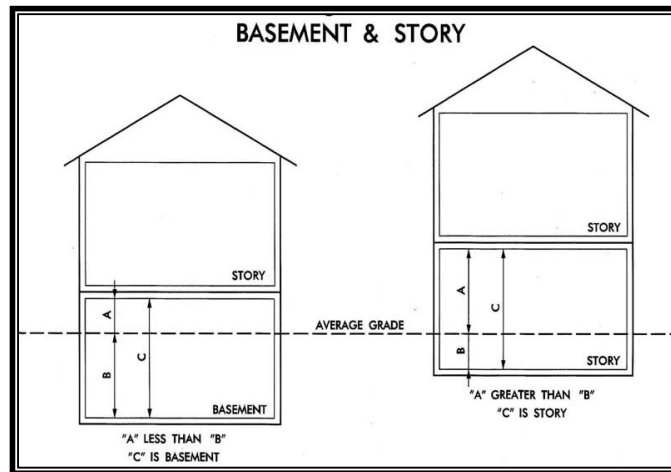
The following rules of construction apply to the text of this ordinance:

- (a) The particular shall control the general.
- (b) In the case of any difference of meaning or implication between the text of this ordinance and any caption or illustration, the text shall control.
- (c) The word “shall” is always mandatory and not discretionary. The word “may” is permissive.
- (d) Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- (e) A building or structure includes any part of it.
- (f) The phrase “used for” includes “arranged for,” “designed for,” “intended for,” “maintained for,” or “occupied for.”
- (g) The word “person” includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
- (h) Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and," or "or," "either ... or," the conjunction shall be interpreted as follows:
 - (1) "And" indicates that all the connected items, conditions, provisions, or events shall apply.
 - (2) "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
 - (3) "Either ... or" indicates that the connected items, conditions, provisions or events shall apply singly, but not in combination.
- (i) Terms not defined in Article 2 shall have the meaning customarily assigned to them.
- (j) “City” shall refer specifically to the City of Beaverton.

Section 5.102.2: Defined Terms.

- (a) Terms A-C
 - (1) **Alley.** A public way which affords a secondary means of access to abutting property but is not intended for general traffic circulation.
 - (2) **Alteration.** Any modification, remodeling, change, or rearrangement in the structural or supporting members such as bearing walls, columns, or girders, as well as any change in the doors or windows which affect the means of egress which is undertaken without adding to the floor area height or physical size of the building or structure.
 - (3) **Basement.** That portion of a building which is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story. (See Figure 02-1)

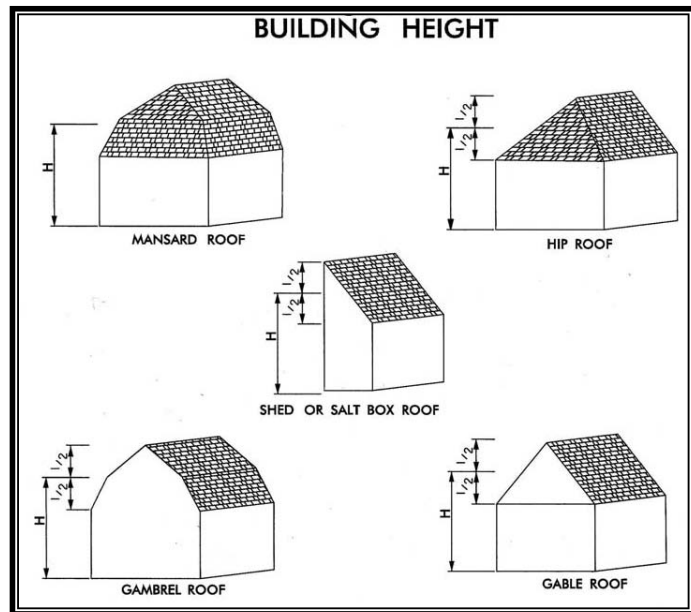
Figure 02-1



- (4) **Bedroom.** A dwelling room used or intended to be used by human beings for sleeping purposes.
- (5) **Block.** The property abutting one (1) side of a street and lying between the two (2) nearest intersecting streets, or between one (1) intersecting street and railroad right-of-way, unsubdivided acreage, river, or live stream; or between any of the foregoing and any other barrier to the continuity of development.
- (6) **Building.** Any structure having a roof supported by columns or walls for the shelter or enclosure of persons, animals, or property of any kind.
- (7) **Building Height.** The building height is the vertical distance measured from the established grade to the highest point of the roof surface if a flat roof; to the deck of a mansard roof; and to the mean height level between eaves and ridge of gable, hip, and gambrel roofs. When the terrain is sloping, the ground level is measured at the average wall line. (See Figure 02-2)
- (8) **Building Permit.** Written authority as issued by Building Inspector on behalf of the city permitting the construction, moving, alteration, or use of a building in conformity with the provisions of the building code.
- (9) **Building Line.** A line formed by the front face of the building.
- (10) **Commercial Vehicles.** Any vehicle bearing or required to bear commercial license plates.

Examples include: Truck tractors; semi-trailer (including flat beds, stake beds, roll-off containers, tanker bodies, dump bodies and full or partial box type enclosures);

Figure 02-2



ice cream trucks; milk trucks; bread trucks; fruit trucks; delivery trucks; electrician or electrical business trucks; plumbing business trucks; heating and cooling business trucks; other construction oriented trucks; tow trucks; commercial banking trucks; vehicle repair service trucks; snowplowing trucks; any other vehicle with a commercial license plate having a gross vehicle weight in excess of 10,000 pounds or a total length in excess of 22 feet.

- (11) **Condominium.** A division of property or enclosed airspace under the procedures and requirements of the Condominium Act (PA 59 of 1978).
- (12) **Condominium, general common elements.** Portions of the condominium development owned and maintained by the condominium association, as defined in the Condominium Act (PA 59 of 1978).
 - i. **Condominium, limited common elements.** Portions of the condominium development other than the condominium unit itself reserved for the exclusive use of less than all of the co-owners of the condominium development, as defined in the Condominium Act (PA 59 of 1978).
 - ii. **Condominium, master deed.** The condominium document recording the condominium project to which are attached as exhibits and incorporated by reference the bylaws for the project and including those items required in Section 8 of the Condominium Act (PA 59 of 1978).
 - iii. **Condominium, subdivision plan.** Drawings and information prepared pursuant to section 66 of the Condominium Act (PA 59 of 1978).
 - iv. **Condominium Unit.** That portion of a condominium subdivision designed and intended for occupancy and use by the unit owner consistent with the provisions of the master deed.
- (13) **Curb Cut.** The provision of vehicular ingress or egress between property and an abutting public street.

(b) Terms D-F

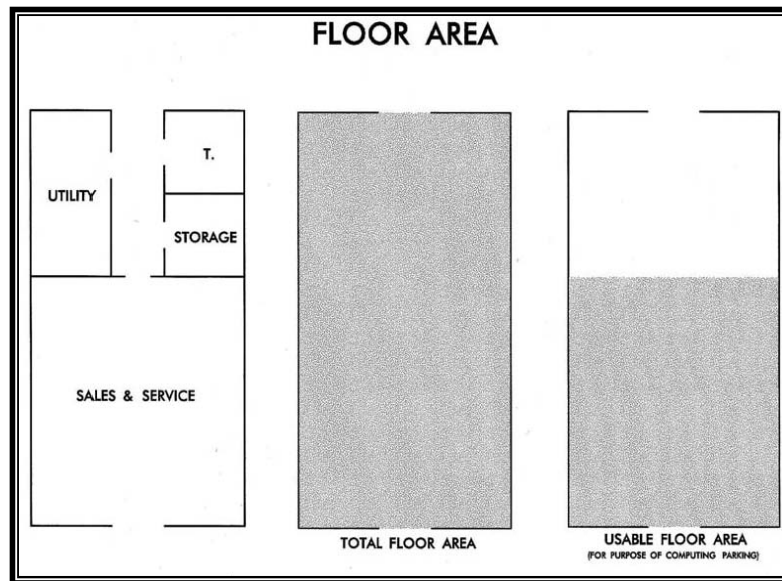
- (1) **Detention.** The collection and storage of surface water for subsequent gradual discharge.
- (2) **District.** An area or areas within the limits of the city, delineated on the official zoning district map.
- (3) **Dwelling Unit.** A building or portion of a building, either site-built or pre-manufactured, that has sleeping, living, cooking, and sanitary facilities and can accommodate one (1) family or functional family, either permanently or transiently. In the case of buildings that are occupied in part, the portion occupied shall be considered a dwelling unit, provided it is in conformance with the criteria for dwellings.
- (4) **Erected.** Includes built, constructed, reconstructed, extension, enlargement, moved upon, or any physical operation on the premises intended or required for a building or structure. Excavation, fill, drainage, and general land improvements that are not required for a building or structure, shall not be considered to fall within this definition.
- (5) **Family.** A group of two or more persons related by blood, marriage, or adoption, including foster children, together with not more than one additional person not related by blood, marriage, or adoption living together as a single housekeeping unit in a dwelling unit.
- (6) **Functional Family.** A collective number of individuals domiciled together in one dwelling unit whose relationship is of a continuing nontransient domestic character and who are cooking and living as a single nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization, or group of students or other individuals whose

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domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or terms or other similar determinable period.

- (7) **Fence.** Any permanent or temporary means, partition, structure, or gate erected as a dividing structure, barrier, or enclosure, and not part of a structure requiring a building permit.
 - (8) **Floor area, gross.** The area within the perimeter of the outside walls of the building under consideration, without deduction for hallways, stairs, closets/ storage rooms, thickness of walls, columns, or other features.
 - (9) **Floor area, usable.** Usable floor area, for the purposes of computing parking needs for off-street parking spaces, is net floor area used for or intended to be used for the sale of merchandise or services or for use to serve patrons, clients, or customers. Such floor area which is used or intended to be used principally for the storage of merchandise or for utilities shall be excluded from this computation of "Usable Floor Area." Measurement of floor area shall be the sum of horizontal areas of all of the floors of a building, measured from the interior faces of the exterior walls.
 - (10) **Frontage:** The dimension of a lot measured along the public road right-of-way line or easement.
- (c) Terms G-I
- (1) **Grade.** The ground elevation established for the purpose of regulating the number of stories and the height of buildings. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building.
 - (2) **Gross Floor Area.** (See Figure 02-3).

Figure 02-3



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

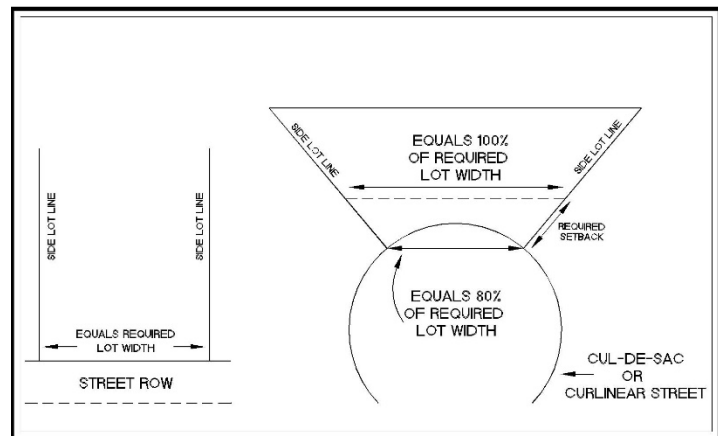
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- (4) **Height.** When referring to a tower or other structure, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna. For buildings see “Building height”.
- (5) **Highway.** Refers to M-18, a north–south Michigan state trunkline highway that travels through the City of Beaverton.

(d) Terms J-L

- (1) **Loading Space.** An off-street space on the same lot with a building or group of buildings, for temporary parking for a commercial vehicle while loading or unloading merchandise or materials. Off-street loading space is not to be included as off-street parking space in computation of required off-street parking.
- (2) **Lot.** The parcel of land, including condominium units in site condominiums, occupied or to be occupied by a use or building and its accessory buildings or structures together with such open spaces, minimum area, and width required by this ordinance for the district in which located, but not including any area within any abutting right-of-way or traffic lane. (See Figure 02-5)
 - i. **Corner Lot.** A lot located at the intersection of two streets, or a lot bounded on two sides by a curving street, any two (2) sides of which form an angle of 135 degrees or less. (See Figure 02-5)
 - ii. **Front Lot Line.** In the case of an interior lot abutting upon one public or private street, the front lot line shall be the line separating such lot from the street right-of-way. In the case of a corner lot, the front lot lines shall be the lines separating said lot from both streets. In case of a double frontage lot, one street shall be designated as the front street for all lots in the plat and in the request for a zoning permit. If there are existing structures in the same block fronting on one (1) or both of the streets, the required front yard setback shall be observed on those streets where such structures presently front. In the case of a lot having frontage upon a lake, river, or stream, the water frontage shall be considered the front lot line. (See Figure 02-5)
 - iii. **Lot Lines.** The property lines bounding the lot.
 - iv. **Lot of Record.** A parcel of land defined by a legal description and recorded in the office of the Gladwin County Register of Deeds on or before the effective date of this ordinance.
 - v. **Lot Width.** The horizontal distance between the side lot lines, measured at the two (2) points where the building setback line intersects the side lot line. In the case of a lot on a cul-de-sac or curvilinear street, the lot width shall be measured at the required front setback line. (See Figure 02-4)
 - vi. **Rear Lot Line.** In the case of an interior lot, the lot

Figure 02-4



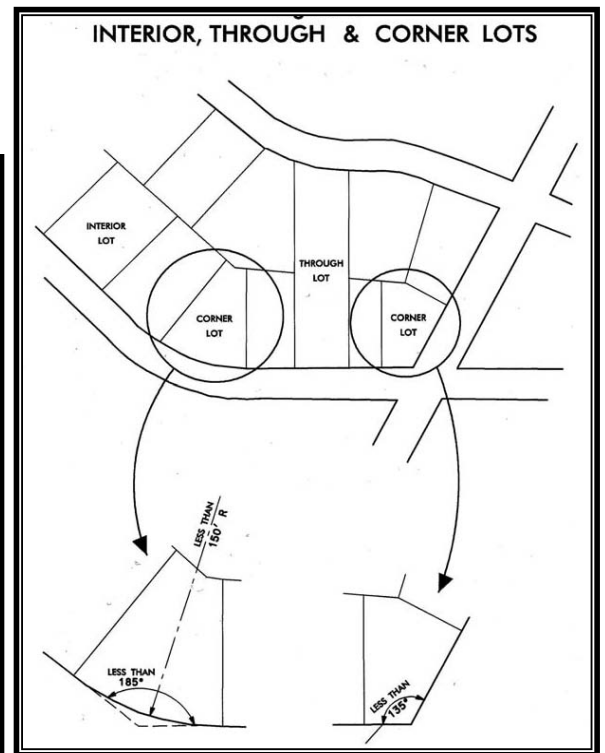
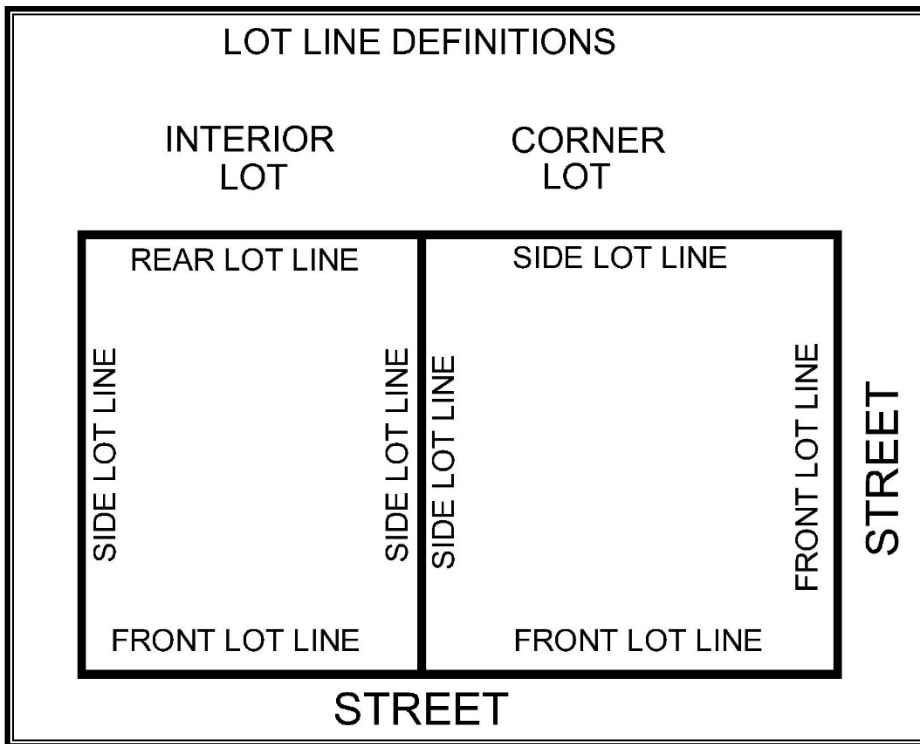
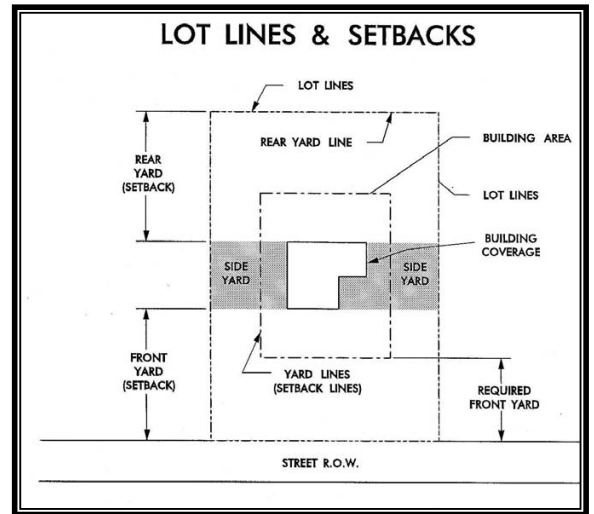
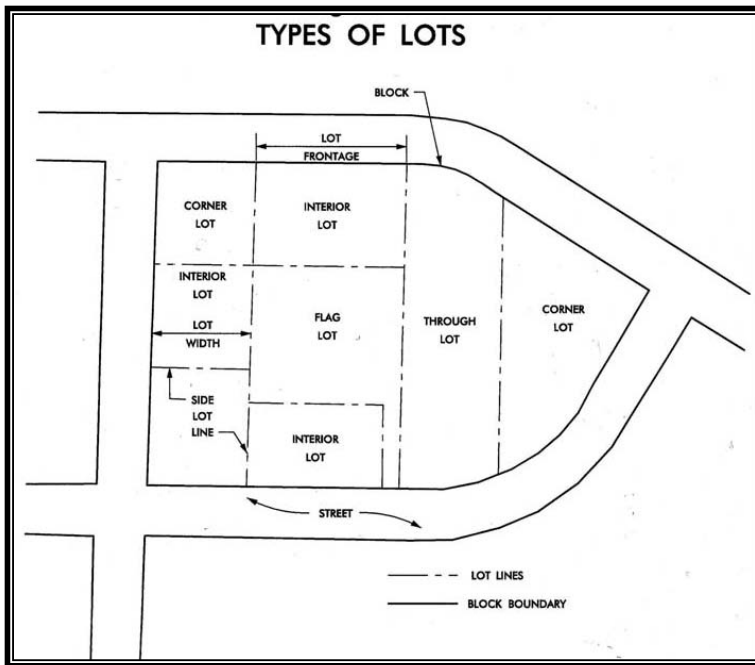
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line being opposite the front lot line. In the case of a lot irregularly shaped at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than 10 feet long lying farthest from the front lot line and wholly within the lot. In the case of a corner lot, there is no rear lot line.

- vii. **Side Lot Line.** Any lot line not a front lot line or a rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.
- viii. **Through Lot.** A lot other than a corner lot having frontage on two (2) more or less parallel streets.
- ix. **Zoning Lot.** A contiguous tract of land which at the time of filing for a zoning permit is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership.

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Figure 02-5



(e) Terms M-O

- (1) **Manufactured Home.** A factory-built single-family structure that is manufactured under the authority of 42 U.S.C., Sections 5401 to 5426 (National Manufactured Home Construction and Safety

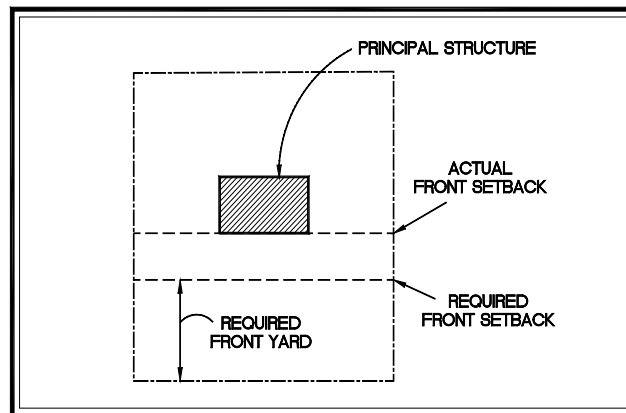
Standards Act 1974), is transportable in more than one section, is built on a permanent chassis and does not have a hitch, axles, or wheels permanently attached to the body frame.

- (2) **Master Plan.** The statement of policy by the city planning commission relative to the agreed-upon desirable physical pattern of future community development. It consists of a series of maps, charts, and written material representing in summary form the community’s conception of how it should grow in order to bring about the very best community living conditions. It is adopted under the authority of PA 33 of 2008, the Michigan Planning Enabling Act.
 - (3) **Mobile Home.** A structure, transportable in one (1) or more sections, 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.
 - (4) **Mobile Home Park.** A parcel or tract of land under the control of a person upon which three (3) or more mobile homes are located on a continual, nonrecreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefor, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home.
 - (5) **Motel or Motor Court.** A series of attached, semi-detached, or detached rental units providing overnight lodging for transients, open to the traveling public for compensation.
 - (6) **Motor Home.** See Recreational Vehicle definition.
 - (7) **Non-Conforming Lot.** A lot that does not meet the dimensional requirements for a lot such as minimum lot area or lot width.
 - (8) **Non-Conforming Use.** A use which lawfully occupied a building or land at the effective date of this ordinance or amendments thereto that does not conform to the use regulations of the Zoning District in which it is located.
 - (9) **Off Street Parking Lot.** A facility providing vehicular parking spaces, along with adequate drives and aisles. Adequate maneuvering space shall also be included to allow unrestricted access and egress to at least two (2) vehicles.
- (f) Terms P-R
- (1) **Parking Space.** An area of definite length and width exclusive of drives, aisles, or entrances, giving access thereto, and fully accessible for the storage or parking of permitted vehicles.
 - (2) **Planning Commission.** The city planning commission established under the authority of Public Act #33 of 2008.
 - (3) **Porch, Enclosed.** A covered entrance to a building or structure which is totally enclosed, and projects out from the main wall of said building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached.
 - (4) **Porch, Open.** A covered entrance to a building or structure which is unenclosed except for columns supporting the porch roof, and projects out from the main wall of said building or structure and has a separate roof or integral roof with principal building or structure to which it is attached.
 - (5) **Principal Use.** The main use of land or structures, as distinguished from a secondary or accessory use.

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- (6) **Public Right-of-Way.** An easement for the construction and maintenance of a street dedicated or public use
 - (7) **Public Sewer Systems.** A public sewer system shall be defined as a central or community sanitary sewage and collection system of pipes and structures including pipes; conduits; manholes; pumping stations; sewage and waste water treatment works; diversion and regulatory devices; and outfall structures, collectively or singularly, actually used or intended for use by the general public or a segment of it, for the purpose of collecting, conveying, transporting, treating, or otherwise handling sanitary sewage or industrial liquid waste of such a nature as to be capable of adversely affecting the public health operated and maintained by the general public.
 - (8) **Public Utility.** Any person, firm, corporation, municipal department board, or commission fully authorized to furnish and furnishing, under federal, state, or municipal regulations, to the public, electricity, gas, steam, communications, telegraph, transportation, water services, or sewage disposal.
 - (9) **Recreational Vehicle.** Any vehicle regulated under the City Recreational Vehicle Ordinance and designed to be used primarily for recreational purposes to move one or more persons over the ground, air, water, ice or snow, and which is either self-propelled or connects to a vehicle which is self-propelled, including, but not limited to house trailers, recreational trailers, trailer coaches, campers, fifth wheels, pickup campers, motor homes, folding tent trailers, boats and boat trailers, pole-trailers, semi-trailers and tractor trailers PROVIDED, however, that any such vehicle or unit which is over 40 feet or more in overall length and connected to water or sewer facilities shall be considered a mobile home and shall be subject to all regulations of all ordinance applicable to a mobile home.
 - (10) **Retention:.** The permanent on-site restraining of storm water.
 - (11) **Road.** A public thoroughfare that has been or is intended to be dedicated for public use and has been accepted or is acceptable into the county transportation system.
- (g) Terms S-U
- (1) **Setback, actual.** The minimum horizontal distance between the principal building, excluding steps and unenclosed porches and the lot line. In the case of a lot on a cul-de-sac or curvilinear street, the setback is measured from the midpoint of the lot width on the front lot line. (See Figure 02-6)

Figure 02-6



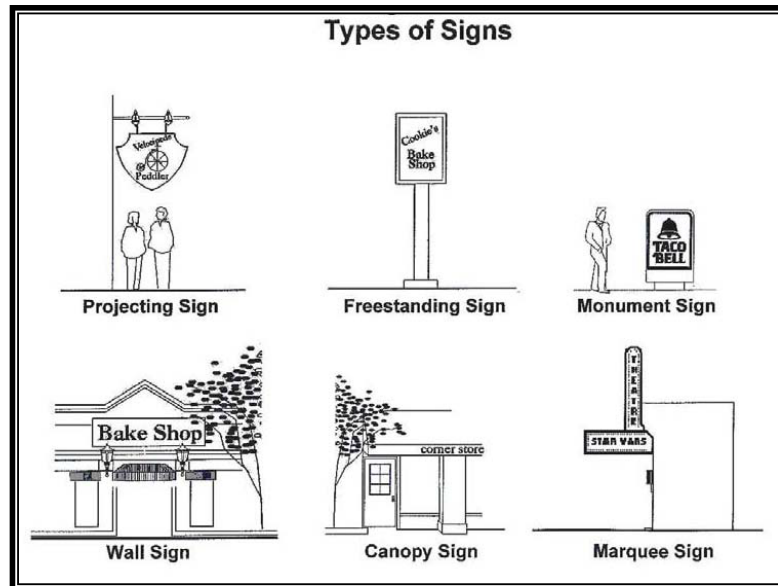
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- (2) **Setback, required.** The minimum front, rear and side setbacks as required by the ordinance. In the case of a lot on a cul-de-sac or curvilinear street, the setback shall be measured from the midpoint of the lot width on the front lot line. (See Figure 02-6)
- (3) **Sign.** An identification, description, illustration, or device affixed to, or represented directly or indirectly upon a building, structure, or land and which directs attention to a product, place, person, activity, institution, or business.
 - i. **Off-Premise Sign.** Any sign, including billboards, relating to subject matter not conducted on the premises on which the sign is located.
 - ii. **On-Premise Sign.** An advertising sign relating in its subject matter to the premises on which it is located, or to products, accommodations, service, or activities on the premises.
 - iii. **Abandoned Sign.** A sign which no longer identifies or advertises a currently operating business, lessee, service, owner, product, or activity, and/or for which no legal owner can be found.
 - iv. **Banner.** A sign made of fabric or any non-rigid material with no enclosing framework.
 - v. **Billboard Signs.** Anything beyond the requirements for a freestanding sign shall be considered a billboard sign.
 - vi. **Canopy Sign.** Any sign attached to or constructed within or on a canopy or on an awning, or other fabric, plastic or structural protective cover over a door, entrance, window, or outdoor service area. (See Figure 02-7) A marquee is not a canopy and a protective roof over gasoline filling station areas shall not be considered a canopy for purposes of this Section. Canopy signs shall not extend into a public right-of-way or encroach over abutting property lines and shall maintain an under clearance of 8 feet measured from the sidewalk surface.
 - vii. **Community Service Group Sign.** A sign which displays the name or logo of an agency, organization, or group whose primary purpose is to promote or provide community or public service including, but not limited to, the Rotary Club, Jaycee’s, or Lion’s Club.
 - viii. **Construction Signs.** Any sign identifying the names of the project developers, contractors, engineers, architects, and financial institutions, which is located on a site being developed or improved.
 - ix. **Device Signs.** Permanent signs on vending machines, ATMs, gas station pumps, or other containers indicating only the contents or purpose of such devices, provided that the sign area of each device shall not exceed 3 square feet and there is no more than one (1) sign per device.
 - x. **Directional Sign.** A sign which gives directions, instructions, or facility information for the movement of vehicles or pedestrians on the lot on which the sign is located, such as parking or exit and entrance signs, but not including a commercial message.
 - xi. **Employment Signs.** "Help wanted" signs soliciting employees for the place of business where posted, provided that the maximum area for all such signs shall not exceed 6 square feet.
 - xii. **Electronic/Digital Signage.** Electronic signs include electronic message boards and changeable message centers, multi-media or computer-controlled variable message signs, and similar devices.
 - xiii. **Essential Services Sign.** A sign identifying the location of connections required to provide essential services such as electricity, water, gas, sewer, and the like
 - xiv. **Festoons.** A string of ribbons, tinsel, flags, pennants, or pinwheels.
 - xv. **Flags.** Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.

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- xvi. **Freestanding Sign.** A sign, the bottom of which is more than 24 inches above the finished grade, and which is supported by a structure, poles, or braces which are less than 50 percent of the width of the sign. (See Figure 02-7)
- xvii. **Garage Sale Sign.** A temporary sign advertising a sale of used or unwanted household goods, personal items, bric-a-brac, etc., typically held in one's garage or yard.
- xviii. **Governmental Sign.** A sign erected or required to be erected by the City of Beaverton, Gladwin County, or the state or federal government.
- xix. **Human Directional Signs.** Signage wherein a person uses his or her body for advertisement or to direct individuals to a location.
- xx. **Inflatable Sign.** Signs that are comprised in part or wholly of a balloon or any other inflated object or character.
- xxi. **Incidental Signs.** Small signs, emblems, or decals informing the public of goods, facilities, or services available on the premises
- xxii. **Mansard Sign.** A sign that is mounted, painted on, or attached to a sloped roof or roof-like façade architecturally comparable to a building wall.
- xxiii. **Marquee Sign.** A business sign affixed to a marquee structure constructed and framed in steel or other durable material extending over the ground, sidewalk, or walkway. (See Figure 02-7) Marquee signs shall not extend into any public right-of-way more than 7 feet or one-half the width of the sidewalk. The minimum under clearance of such sign shall be 8 feet measured from the sidewalk surface.
- xxiv. **Memorial Sign.** A non-illuminated sign, tablet, or plaque memorializing a person, event, structure, or site.
- xxv. **Monument Sign.** A sign, the bottom of which is less than 24 inches above the finished grade, and which is supported by a structure having a width of more than 50 percent of the width of the sign. (See Figure 02-7)

Figure 02-7



- xxvi. **Multiple Tenant Sign.** Signs advertising multiple tenants within one building or office complex.

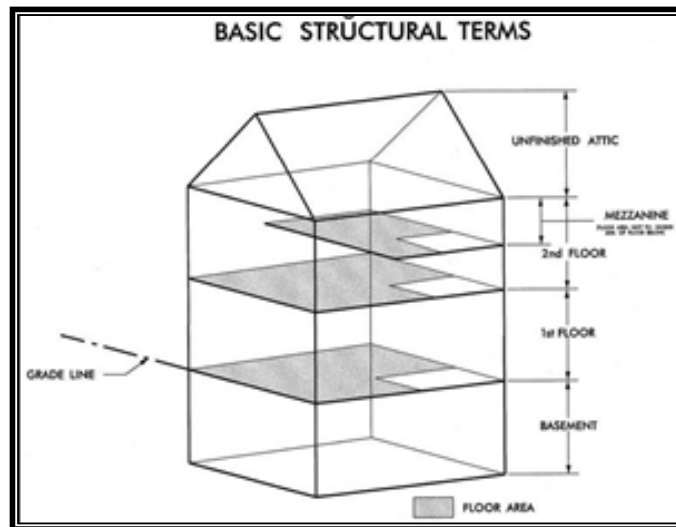
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- xxvii. **Mural.** A design or representation painted or drawn on a wall which does not advertise an establishment, product, service, or activity.
- xxviii. **Nameplate Sign.** A sign indicating the address of a building and the name and profession of the occupant.
- xxix. **New Business Sign.** A temporary sign advertising the opening of a new business.
- xxx. **Nonconforming Sign.** A sign that does not comply with the size, placement, construction, or other standards or regulations of this chapter or article but was lawfully established prior to its adoption. Signs for which the Zoning Board of Appeals has granted a variance are exempt and shall not be defined as nonconforming.
- xxxi. **Obsolete Sign.** A sign that advertises a product that is no longer made, an event that has already occurred, or a business that has closed.
- xxxii. **Pennant.** A long, tapering flag of distinctive form used in signaling, advertising, or for identification.
- xxxiii. **Permanent Sign.** A sign installed on a support structure, not intended to be moved or removed, but to remain for an indefinite period of time.
- xxxiv. **Pole Sign.** A freestanding sign which is supported by a structure, or poles, or braces. The width of the supporting structures must be less than 50 percent of the width of the sign.
- xxxv. **Political Sign.** A temporary sign used in connection with local, state, or national elections or referendums.
- xxxvi. **Projecting Sign.** A sign which is affixed to any building or structure other than a marquee, and any part of which extends beyond the building wall and the horizontal sign surface is not parallel to the building or structure. (See Figure 02-7) Projecting signs shall not project more than 5 feet from the building, or one-third the sidewalk width, whichever is less.
- xxxvii. **Real Estate Sign.** A temporary on-premise sign advertising the property or structure’s availability for sale or lease.
- xxxviii. **Residential Subdivision Sign.** A permanent sign marking the entrance to a residential platted subdivision or condominium subdivision.
- xxxix. **Road Furniture Signs.** Signs on street furniture, such as benches and trash receptacles, not including commemorative plaques or engravings not larger than 0.5 square foot.
 - xl. **Roof Sign.** A sign erected above the roof line of a building.
 - xli. **Search Light.** A device, usually consisting of a light and reflector, for throwing a beam of light in any direction.
 - xlii. **Seasonal Promotion/Special Sales Sign.** A temporary sign used to advertise a business event occurring within a limited time period such as a sale.
 - xliii. **Signs that Block Fire Hydrants.** Any signage that blocks access to a fire hydrant.
 - xliv. **Signs in the Public Right-Of-Way or on City-Owned Property.** Any signage located within the public right-of-way or on land owned by the City of Beaverton.
 - xlv. **Signs that Obstruct the View of Road Signs.** Any signage that obstructs the view of a road sign such as a street sign or stop sign.
 - xlvi. **Snipe Sign.** Any attached to a utility pole, fence or affixed to a tree except as may otherwise be permitted by this article.
 - xlvii. **Special Event Sign.** A temporary and portable sign containing public messages concerning non-commercial special events that are of a religious, charitable, social, or educational nature.

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- xlvi. **Streamer.** A long, flowing ribbon or the like used for an ornament or advertising.
- xlix. **Unsafe Signs.** Any sign or sign structure which:
 - a) Is structurally unsafe;
 - b) Constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, or abandonment;
 - c) Is capable of causing electric shock to a person who comes in contact with it; or
 - d) Is not kept in good repair, such that it has broken parts, missing letters, or non-operational lights.
- i. **Wall Sign.** A sign painted or attached directly to and parallel to the exterior wall of a building. (See Figure 02-7) A wall sign shall extend no more than 12 inches from the exterior face of a wall to which it is attached, shall not project beyond the wall to which it is attached, and shall not extend above the roof line of the building to which it is attached.
- ii. **Portable or Movable Signs.** A portable sign is a freestanding sign not installed in a concrete footing, can be, but not necessarily temporarily anchored, or secured to the ground, a building, or another sign. If a portable sign is to become part of a permanent freestanding sign, the following regulations must be implemented.
- (4) **Special Use Permit.** Approval by the city planning commission of a use of land in a district that is not antagonistic to other land uses in the district when such use is specified in this ordinance for that district upon such approval.
- (5) **Story.** That portion of a building, other than a basement or mezzanine, included between the surface of any floor and the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it. (See Figure 02-8)

Figure 02-8



- i. A "mezzanine" floor shall be deemed a full story only when it covers more than 50 percent of the area of the story underneath said mezzanine, or if the vertical distance from the floor next below it to the next above it is 24 feet or more.

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- ii. For the purpose of this ordinance, a basement or cellar shall be counted as a story only if over 50 percent of its height is above the level from which the height of the building is measured, or if it is used for business purposes.
 - iii. An attic shall be deemed a full story when more than 50 percent of the floor area has a ceiling height of at least 7 feet 6 inches.
 - (6) **Street.** A public thoroughfare (street, drive, avenue, boulevard) that has been or is intended to be dedicated for public use and has been accepted or is acceptable into the city system
 - (7) **Structure.** A construction or building, the use of which requires permanent location on the ground or attachment to something having permanent location on the ground.
 - (8) **Use.** The lawful purpose for which land or premises, or a building thereon, is designed, arranged, or intended, or for which it is occupied, or maintained, let, or leased, according to this ordinance.
- (h) Terms V-Z
- (1) **Variance.** A modification of literal provisions of this ordinance which the Zoning Board of Appeals is permitted to grant when strict enforcement of said provisions would cause undue hardship owing to circumstances unique to the individual property in which the variance is sought.
 - (2) **Yard.** A space open to the sky between a building and the lot lines of the parcel of land on which the building is located, unoccupied or unobstructed by an encroachment or structure except as otherwise provided by this ordinance. (See Figure 02-5)
 - i. **Front Yard.** A yard across the full width of the lot extending from the front line of the principal building to the front lot line, or highway right-of-way line as the case may be.
 - ii. **Rear Yard.** A yard extending across the full width of the lot from the rear line of the building to the rear lot line.
 - iii. **Side Yard.** A yard extending between the side lot line and the nearest side of the building.
 - (3) **Zoning Administrator.** The official designated by the Beaverton City Council to administer and enforce the provisions of this ordinance.
 - (4) **Zoning District.** A part, zone, or geographic area within the city within which certain zoning or development regulations apply.
 - (5) **Zoning Permit.** Written authority as issued by the Zoning Administrator on behalf of the city permitting the construction, moving, exterior alteration or use of a building in conformity with the provisions of this ordinance.

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Article 03: Zoning Districts and Scope

Section 5.103.1: Districts Enumerated.

For the purpose of this zoning ordinance, the City of Beaverton shall be divided into the following Zoning Districts:

- (a) R-1 Low Density Residential
- (b) R-2 Medium Density Residential
- (c) R-3 High Density Residential
- (d) C-1 Downtown Commercial
- (e) C-2 Corridor Commercial
- (f) INST Institutional
- (g) CON Conservation
- (h) IND Industry and Technology
- (i) PUD Planned Unit Development

Section 5.103.2: District Boundaries.

The boundaries of these districts are hereby established as shown on the zoning map, and which map with all notations, references, and other information shown thereon shall be as much part of this ordinance as if fully described in this Article.

Section 5.103.3: District Boundaries Interpreted.

Where uncertainty exists with respect to the boundaries of the various districts as shown on the zoning map, the following rules shall apply:

- (a) Boundaries indicated as approximately following the center lines of streets, highways, or alleys, shall be construed to follow such center lines.
- (b) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- (c) Boundaries indicated as approximately following city limits shall be construed as following city limits.
- (d) Boundaries indicated as following railroad lines shall be construed to be the midway between the main tracks.
- (e) Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the center line of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines.
- (f) Boundaries indicated as parallel to or extensions of features indicated in subsections (a) through (e) above shall be so construed.
- (g) Distances not specifically indicated on the official zoning map shall be determined by the scale of the map.
- (h) Where physical or natural features existing on the ground are at variance with those shown on the official zoning map, or in other circumstances not covered by subsections (a) through (g) above, the Zoning Board of Appeals (ZBA) shall interpret the district boundaries per Section 5.103.2: of this ordinance.

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Section 5.103.4: Zoning of Annexed Areas.

Whenever any area is annexed to the City of Beaverton, one (1) of the following conditions will apply:

- (a) In the formal ordinance or resolution adopted by the city council annexing the property the zoning classification shall be designated.
- (b) If the formal ordinance or resolution adopted by the city council annexing the property does not designate the zoning classification, the property shall be automatically classified as an R-1 District until a zoning map for said area has been adopted by the city council.

Section 5.103.5: Zoning of Vacated or Filled Areas.

- (a) Whenever any street, alley, or other public way, is vacated, the former street, alley or other public way or portion thereof shall automatically be classified in the same zoning district as the property to which it attaches.
- (b) Whenever any fill is placed in any lake or stream, or the water level of a lake or stream is lowered, the land thus created shall automatically be classified in the same zoning district as the property to which it is attached or adjacent.

Section 5.103.6: Scope of Regulation.

- (a) Except as may otherwise be provided in this ordinance, every building and structure erected, every use of any lot, building, or structure established, every structural alteration or relocation of an existing building or structure occurring, and every enlargement of or addition to an existing use, building, and structure occurring after the effective date of this ordinance shall be subject to all regulations of this ordinance which are applicable in the zoning district in which such use, building, or structure shall be located.
- (b) Any use of land not specifically permitted is prohibited, except that the ZBA shall have the power to classify a use as permitted by right which is not specifically mentioned under its authority under Section 5.113.6:of this ordinance.
- (c) No setback area or lot existing at the time of adoption of this ordinance shall be reduced in dimensions or area below the minimum requirements. Yards or lots created after the effective date of this ordinance shall meet at least the minimum requirements established.
- (d) No portion of one lot, once established and/or improved with a building or structure, shall be used in the creation of another lot unless each lot resulting from each such reduction, division, or sale, shall conform with all of the requirements established.
- (e) Accessory uses are permitted as indicated for the various zoning districts and if such uses are clearly incidental to the permitted principal uses.

Section 5.103.7: Categories Within Zoning Districts.

In order to ensure all possible benefits and protection for the zoning districts in this ordinance, the land uses have been classified into two categories.

- (a) **Uses permitted by right.** The primary uses and structures specified for which the zoning district has been established.
- (b) **Uses permitted by Special Land Use approval.** Uses and structures which have been generally accepted as reasonably compatible with the primary uses and structures within the zoning district, but could present potential injurious effects upon the primary uses and structures within the zoning district and, therefore, require special consideration in relation to the welfare of adjacent properties and to the

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community as a whole. All such proposed uses shall be subject to a public hearing following review by the planning commission.

Section 5.103.8: Intent Statements.

The purpose of each of the zoning districts in this zoning ordinance are established in Table 03-1:

| Table 03-1 | |
|--------------------------------|---|
| Zoning District | Intent Statement |
| R-1 Low Density Residential | The intent of this zone is to preserve low-density single-family neighborhoods |
| R-2 Medium Density Residential | The intent of this zone is to provide a more compact neighborhood that integrates single-family housing with denser units |
| R-3 High Density Residential | The intent of this zone is to expand the options available in multi-family neighborhoods |
| C-1 Downtown Commercial | The intent of this zone is to provide a dynamic experience as the hub of retail, services, and entertainment |
| C-2 Corridor Commercial | The intent of this zone is to permit convenience-based retail and services that do not compete with the downtown and primarily serve highway bound vehicles |
| INST Institutional | The intent of this zone is to protect community-serving assets from development that could remove this use from the city |
| CON Conservation | The intent of this zone is to protect naturally sensitive areas from development that would harm or be harmed in this zone |
| IND Industry and Technology | The intent is to serve an exclusive area for manufacturing, research, and technology that does not negatively affect its surroundings |
| PUD Planned Unit Development | The intent of this zone is to provide flexibility in design to provide unique mix of uses and encourage innovative design to address unique or sensitive sites. |

Section 5.103.9: District Uses.

The uses permitted in each zoning district in this zoning ordinance are established in Table 03-2 below:

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| Table 03-2: Table of Uses | | | | | | | | | |
| Uses by Category Key: P = Permitted Use by Right S = Special Land Use A = Accessory Use Permitted by Right PR = Prohibited Use | R-1 | R-2 | R-3 | C-1 | C-2 | INST | CON | IND | PUD |
| | Residential Uses | | | | | | | | |
| Apartments above another principal use | | | | P | P | | | | P |
| Homes for the elderly | | P | P | | | | | | P |
| Keeping up to 2 roomers by a resident family | | S | | | | | | | S |
| Kennels (not for profit) | S | | | | | | | | S |
| Single-family dwelling | P | P | P | | | | p | | P |
| Two-family dwelling – Side by Side or Stacked | | P | P | | | | | | P |
| Mobile home parks | | | S | | | | | | S |
| Multi-family dwellings +5 | | | P | | | | | | P |
| Nursing homes | | S | | | | | | | S |
| Rooming houses | | S | S | | | | | | P |
| Seasonal recreational parks | | | S | | | | S | | P |
| Adult foster care family home | P | P | P | | | | | | P |
| Adult foster care small group home (1-6) | P | P | P | | | | | | P |
| Adult foster care small group home (7-12) | | P | P | | | | | | P |
| Adult foster care large group home (13-20) | | S | P | | | | | | P |
| Adult foster care congregate facility (>20) | | | P | | | | | | P |
| Bed and Breakfast | S | S | P | | | | | | P |
| Family day care home (1-6) | S | S | P | | | | | | P |
| Foster family group home (5-6) | P | P | P | | | | | | P |
| Foster family home (1-4) | P | P | P | | | | | | P |
| Group day care home (7-12) | S | S | S | | | | | | S |
| Home occupation, high intensity | S | S | S | | | | | | P |
| Home occupation, low intensity | P | P | P | | | | | | S |
| Tri-plex or Quad-plex dwelling | | S | P | | | | | | P |
| Institutional Uses | | | | | | | | | |

| City of Beaverton Zoning Ordinance | | | | | | | | | |
|--|------------|-----|-----|-----|-----|------|-----|-----|-----|
| Table 03-2: Table of Uses | | | | | | | | | |
| Uses by Category Key: P = Permitted Use by Right S = Special Land Use A = Accessory Use Permitted by Right PR = Prohibited Use | R-1 | R-2 | R-3 | C-1 | C-2 | INST | CON | IND | PUD |
| | Cemeteries | S | S | S | | | P | | |
| Clubs and lodges | | S | S | S | S | S | | | S |
| Public schools | | | | | | P | | | P |
| Private school | | | | | | P | | | P |
| Public governmental administrative facilities | S | S | S | S | S | S | | | S |
| Public medical and health facilities | S | S | | S | S | S | | | S |
| Public recreational and social facilities | S | S | | | | S | S | | S |
| Public utility facilities | | | | | | | | P | P |
| Public utilities w/o storage | | | | P | P | S | | | P |
| Religious institutions | S | S | S | S | S | S | | | S |
| Colleges and universities | | | | | | S | | | S |
| Private noncommercial recreational area | | | | | | S | S | | S |
| Commercial Uses | | | | | | | | | |
| Automobile body shops | | | | | | | | P | P |
| Commercial recreational activities | | | | | P | | | | P |
| Kennel | | | | | | | | P | P |
| Motels, hotels | | | | | P | | | | P |
| Offices | | | | P | P | | | P | P |
| Personal services establishments | | | | P | P | | | | P |
| Radio and television stations w/o towers or masts | S | | | | P | | | | P |
| Radio and television studios with tower, masts, etc. | S | | | | | | | P | P |
| Adult day care | | | S | P | P | | | | P |
| Ambulance service and maintenance facilities | | | | P | P | | | P | P |
| Automatic teller machine (ATM) | | | | P | P | | | | P |
| Automobile repair | | | | | S | | | S | S |
| Automobile service station | | | | | S | | | S | S |
| Automobile wash establishment | | | | | S | | | S | S |

| City of Beaverton Zoning Ordinance | | | | | | | | | |
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| Table 03-2: Table of Uses | | | | | | | | | |
| Uses by Category Key: P = Permitted Use by Right S = Special Land Use A = Accessory Use Permitted by Right PR = Prohibited Use | R-1 | R-2 | R-3 | C-1 | C-2 | INST | CON | IND | PUD |
| | Bank and similar financial institutions | | | | P | P | | | |
| Banquet halls and similar places of assembly | | | | S | P | | | | S |
| Child care center | | | | P | P | | | | P |
| Clinic and medical office | | | | P | P | | | | P |
| Club | | | | P | P | | | | P |
| Contractor’s establishment | | | | | S | | | P | S |
| Crematoria | | | | | | | | S | S |
| Drive-in establishment | | | | | S | | | | S |
| Drive-thru establishment | | | | S | S | | | | S |
| Dry cleaner | | | | P | P | | | | P |
| Equipment rental (recreation / moving / landscape) | | | | S | P | | | | P |
| Funeral home | | | | P | P | | | | P |
| Furniture store | | | | P | P | | | | P |
| Golf driving range | | | | | S | | | | S |
| Grain elevator | | | | | | | | P | P |
| Home center and lumber yard | | | | | S | | | | S |
| Hospital and urgent care center | | | | S | S | | | | S |
| Indoor recreation (include billiard hall, video arcade) | | | | S | S | | | | S |
| Laundromat | | | | P | P | | | | P |
| Live/work units | | | S | S | S | | | | S |
| Mini-storage facilities | | | | | S | | | P | S |
| Movie theatres, cinemas, concert halls, and playhouses | | | | P | P | | | | P |
| Nursery and greenhouse | | | | | P | | | | P |
| Open front store | | | | S | S | | | | S |
| Outdoor assembly (commercial) and entertainment | | | | | S | | | | S |
| Outdoor recreation | | | | | S | | | | S |
| Outdoor sales facility | | | | | S | | | | S |

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| Table 03-2: Table of Uses | | | | | | | | | |
| Uses by Category Key: P = Permitted Use by Right S = Special Land Use A = Accessory Use Permitted by Right PR = Prohibited Use | R-1 | R-2 | R-3 | C-1 | C-2 | INST | CON | IND | PUD |
| | Restaurant | | | | P | P | | | |
| Retail business establishment up to 20,000 sq. ft. | | | | P | P | | | | P |
| Retail business establishment over 20,000 sq. ft. | | | | S | P | | | | P |
| Retail sales of second-hand merchandise | | | | P | | | | | P |
| Shopping center | | | | | S | | | | S |
| Tavern, brewpub, or bar | | | | P | P | | | | P |
| Veterinary clinic | | | | | S | | | | P |
| Industrial Uses | | | | | | | | | |
| Industrial plants for manufacturing, processing, and assembling | | | | | | | | P | P |
| Industrial research facility | | | | | | | | P | P |
| Junk yards | | | | | | | | S | S |
| Machine shops and welding shops | | | | | | | | P | P |
| Monuments, cut stone and stone products | | | | | | | | S | S |
| Storage yards | | | | | | | | P | P |
| Trade contractors, building material suppliers, and wholesalers | | | | | | | | P | P |
| Transportation, maintenance, and servicing facility | | | | | | | | P | P |
| Robotic and electronic manufacturing | | | | | | | | | P |
| Computer server farms | | | | | | | | P | P |
| Audio visual development facilities | | | | | | | | P | P |
| Maker and coworking space | | | | | | | | P | P |
| Breweries, distilleries, and bottling plants | | | | | | | | P | P |
| Indoor dismantling or recycling of motor vehicles, recreational vehicles, boats, manufactured houses and similar items | | | | | | | | P | P |
| Medical laboratories and diagnostic centers | | | | | | | | P | P |
| Printing plant | | | | | | | | P | P |
| Recycling center | | | | | | | | P | P |

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| Table 03-2: Table of Uses | | | | | | | | | |
| Uses by Category Key: P = Permitted Use by Right S = Special Land Use A = Accessory Use Permitted by Right PR = Prohibited Use | R-1 | R-2 | R-3 | C-1 | C-2 | INST | CON | IND | PUD |
| | Truck terminal | | | | | | | | P |
| Warehousing and distribution establishment | | | | | | | | P | P |
| Other Uses | | | | | | | | | |
| Accessory Uses and Structures | A | A/S | | A | A | | | A | A |
| Solar Panels – Attached | A | A | A | A | A | A | A | A | A |
| Solar Panels – Freestanding | A | A | A | A | A | A | A | A | A |
| Accessory outdoor dining | | | | S | S | | | | A |
| Accessory outdoor display | | | | | P | | | P | A |
| Accessory outdoor storage | | | | | P | | | P | A |
| Accessory propane sales | | | | | S | | | P | A |
| Accessory wind energy system | | | | | S | | | P | A |
| Essential service | P | P | P | P | P | P | P | P | P |
| Garage or yard sale | A | A | A | | | | | | A |
| Keeping of pets | A | A | A | | | | | | A |
| Swimming pool | A | A | A | | | | | | A |
| Telecommunication antennae | | | | A/P | A/P | A/P | A/P | A/P | A/P |
| Telecommunication towers | | | | | | | | S | S |
| Temporary use | S | S | S | S | S | S | S | S | S |
| Parking lot | | | | S | S | | | | A/S |
| Shipping container as accessory buildings | | | | A | A | A | | A | A |
| Hoop buildings | | | | A | A | A | | A | |

Section 5.103.10: Use Requirements.

The definition, parking space requirements, and specific design requirements for uses established in this zoning ordinance are outlined in Table 03-3 below:

| City of Beaverton Zoning Ordinance | | | |
|--|--|--|---|
| Table 03-3: Table of Use Requirements | | | |
| Uses by Category | Definitions | Parking Requirements | Design Standards |
| Residential Uses | | | |
| Adult foster care family home | A private residence that is licensed by the State of Michigan pursuant to Public Act 218 of 1979 and with an approved capacity of not more than 6 to be provided supervision, personal care, and protection in addition to room and board, for 24 hours a day, 5 or more days a week, and for 2 or more consecutive weeks for compensation. The adult foster care family home licensee must be a member of the household and an occupant of the residence. | Two (2) spaces | 1) Adult foster care family homes must be allowed in all residential zones per Section 206 of PA 110 of 2006, the Michigan Zoning Enabling Act. 2) Proof of state license required. |
| Adult foster care small group home (1-6) | A structure constructed for residential purposes that is licensed by the State of Michigan pursuant to Public Act 218 of 1979 and with an approved capacity to receive not more than 6 adults to be provided supervision, personal care, and protection in addition to room and board, for 24 hours a day, 5 or more days a week, and for 2 or more consecutive weeks for compensation. | Two (2) spaces for each family dwelling unit | 1) Adult foster care small group homes with a capacity of six (6) or fewer persons must be allowed in all residential zones per Section 206 of PA 110 of 2006, the Michigan Zoning Enabling Act. 2) Proof of state license required. |
| Adult foster care small group home (7-12) | A structure constructed for residential purposes that is licensed by the State of Michigan pursuant to Public Act 218 of 1979 and with an approved capacity to receive at least 7 but not more than 12 adults to be provided supervision, personal care, and protection in addition to room and board, for 24 hours a day, 5 or more days a week, and for 2 or more consecutive weeks for compensation. | Three (3) spaces | Proof of state license required. |
| Adult foster care large group home (13-20) | A structure constructed for residential purposes that is licensed by the State of Michigan pursuant to Public Act 218 of 1979 and with an approved capacity to receive at least 13 but not more than 20 adults to be provided supervision, personal care, and protection in addition to room and board, for 24 hours a day, 5 or more days a week, and for 2 or more consecutive weeks for compensation. | Five (5) spaces | Proof of state license required. |

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| Table 03-3: Table of Use Requirements | | | |
| Uses by Category | Definitions | Parking Requirements | Design Standards |
| Adult foster care congregate facility (>20) | An adult foster care facility with the approved capacity to receive more than 20 adults to be provided with foster care | One (1) per staff of largest shift plus one (1) per five (5) adults of licensed capacity | Proof of state license required. |
| Apartments above another principal use | One or more apartments on the second floor or higher located above a non-residential use on the ground floor | One (1) per dwelling unit | Apartments shall meet the minimum floor area standards: 1) Efficiency Apt.: 400 square feet 2) One-Bedroom: 600 square feet. 3) Two-Bedroom: 800 square feet. 4) Three or more bedroom: 800 square feet, plus 200 square feet for each bedroom over 2. |
| Bed and Breakfast | A private residence that offers sleeping accommodations to lodgers in 14 or fewer rooms for rent in the innkeeper's residence in which the innkeeper resides while renting the rooms to lodgers, and serves breakfast at no extra cost to its lodgers. | Two (2) spaces plus one for each bedroom used for the bed and breakfast | 1) The rooms utilized for lodging purposes shall be part of the primary residential use and shall not have been specifically constructed for rental purposes. 2) There shall be no separate cooking facilities used for the bed and breakfast stay. 3) The residence is owner-occupied at all times. 4) No retail or other sales shall be permitted. 5) Food may be served only to those persons renting a room. 6) Adequate lavatory and bathing facilities for lodging room shall be provided as per the requirements of the Gladwin County Health Department or other appropriate regulatory agency. |
| Family day care home (1-6) | A private home in which 1 but less than 7 minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family day care homes include homes that give care to an unrelated minor child for more than four weeks during a calendar year. | Two (2) spaces | Proof of state license required. |

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| Table 03-3: Table of Use Requirements | | | |
| Uses by Category | Definitions | Parking Requirements | Design Standards |
| Foster family group home (5-6) | A private home in which more than 4 but fewer than 7 minor children, who are not related to an adult member of the household by blood or marriage, or who are not placed in the household under the Michigan adoption code, chapter X of the probate code of 1939, 1939 PA 288, MCL 710.21 to 710.70, are provided care for 24 hours a day, for 4 or more days a week, for 2 or more consecutive weeks, unattended by a parent, legal guardian, or legal custodian. | Two (2) spaces | Proof of state license required. |
| Foster family home (1-4) | A private home in which 1 but not more than 4 minor children, who are not related to an adult member of the household by blood or marriage, or who are not placed in the household under the Michigan adoption code, chapter X of the probate code of 1939, 1939 PA 288, MCL 710.21 to 710.70, are given care and supervision for 24 hours a day, for 4 or more days a week, for 2 or more consecutive weeks, unattended by a parent, legal guardian, or legal custodian. | Two (2) spaces | Proof of state license required. |

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| Table 03-3: Table of Use Requirements | | | |
| Uses by Category | Definitions | Parking Requirements | Design Standards |
| Group day care home (7-12) | A private home in which more than 6, but not more than 12 minor children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group day care home includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year. | Two (2) spaces plus one (1) space per 4 children of licensed capacity | <ol style="list-style-type: none"> 1) Proof of state license required. 2) Is located not closer than 500 feet to any of the following: <ol style="list-style-type: none"> a) Another licensed group child care home. b) An adult foster care small group home or large group home licensed under the adult foster care facility licensing act, 1979 PA 218, MCL 400.701 to 400.737. c) A facility offering substance abuse treatment and rehabilitation service to 7 or more people licensed under article 6 of the public health code, 1978 PA 368, MCL 333.6101 to 333.6523. d) A community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the department of corrections. 3) Has appropriate fencing for the safety of the children in the group child care home as determined by the local unit of government. 4) Maintains the property consistent with the visible characteristics of the neighborhood. 5) Does not exceed 16 hours of operation during a 24-hour period. The local unit of government may limit but not prohibit the operation of a group child care home between the hours of 10 p.m. and 6 a.m. |

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| Table 03-3: Table of Use Requirements | | | |
| Uses by Category | Definitions | Parking Requirements | Design Standards |
| Home occupation, high intensity | Any business conducted by one (1) or more residents of a dwelling which is clearly incidental and secondary to the use of the dwelling for dwelling purposes, complies with the provisions of this ordinance, and which has minimal visual or operational characteristics that indicate the use is being conducted. | Determined by planning commission at time of Special Use Permit (SUP) approval | <ol style="list-style-type: none"> 1) The non-residential use shall only be incidental to the primary residential use. 2) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference to the extent that it creates a nuisance for nearby residences. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or causes fluctuations in line voltage off the premises. 3) The home occupation shall employ no more than one (1) person other than those members of the immediate family residing on the premises. 4) The majority of all activities shall be carried on indoors. No visible outdoor storage will be permitted. 5) Any change in the exterior appearance of the building or premises or other visible evidence of the conduct of the home occupation shall be minimal and shall not detract from the residential character of the area. 6) No traffic shall be generated by such home occupation in greater volumes than would significantly exceed that normally expected in a residential neighborhood, and adequate off-street parking will be provided in an appropriate location. |

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| Table 03-3: Table of Use Requirements | | | |
| Uses by Category | Definitions | Parking Requirements | Design Standards |
| Home occupation, low intensity | Any business conducted by one (1) or more residents of a dwelling which is clearly incidental and secondary to the use of the dwelling for dwelling purposes, complies with the provisions of this ordinance, and which there is no obvious visual or operational characteristics that indicate the use is being conducted other than a permitted sign. | One (1) space plus those required for single-family residence | <ol style="list-style-type: none"> 1) The non-residential use shall only be incidental to the primary residential use. 2) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or causes fluctuations in line voltage off the premises. 3) The home occupation shall not employ persons other than those members of the immediate family residing on the premises. 4) The majority of all activities shall be carried on indoors. No visible outdoor storage will be permitted. 5) There shall be no change in the exterior appearance of the building or premises or other visible evidence of the conduct of such home occupation other than a sign as permitted under this ordinance. 6) No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood. |
| Homes for the elderly | A facility that provides primarily resident services to elderly individuals in need of personal assistance essential for sustaining the activities of daily living, or for the protection of the individual. These include facilities that serve individuals with a range of support needs from apartments, independent living facilities, assisted living facilities, memory care and nursing homes | Six tenths (0.6) per unit for facilities with separate living units, two tenths (0.2) per bed for facilities without separate living units plus one (1) per employee | |
| Keeping up to two (2) roomers by a resident family | A single-family residence in which up to two (2) residents are not a member of the dwelling's functional family, but are granted use of bedrooms in the home for compensation. | One (1) parking space per roomer in addition to two (2) spaces for the resident family | |

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| Table 03-3: Table of Use Requirements | | | |
| Uses by Category | Definitions | Parking Requirements | Design Standards |
| Mobile home parks | A parcel or tract of land under the control of a person upon which three (3) or more mobile homes are located on a continual, non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefor, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home. | As required by Manufactured Housing Commission | <ol style="list-style-type: none"> 1) Manufactured Home Parks shall comply with all the regulations and requirements of the Mobile Home Commission Act, Public Act 96 of 1987 and the National Mobile Home Construction and Safety Standards Act of 1974. 2) The layout of the manufactured housing development and included facilities shall be in accordance with acceptable planning and engineering practices and shall provide for the convenience, health, safety, and welfare of the residents. 3) A minimum 6-foot-high wall, fence, or greenbelt / landscaped area is required on all sides of the property according to the standards of Section 5.107.3: of this ordinance. 4) Units shall be attached to a Michigan Manufactured Housing Commission approved foundation or basement and anchoring system, and shall be installed according to manufacturer’s setup instructions. 5) No manufactured home site or any building in a manufactured home park shall be located closer than 50 feet to the right-of-way line of a public thoroughfare nor closer than 20 feet to any other manufactured home park property line. |
| Multi-family dwellings +5 | A building containing five (5) or more dwelling units designed for residential use and conforming in all other respects to the standards set forth in the definition “dwelling unit”. | Two (2) spaces per dwelling unit | |
| Nursing homes | A home for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders and who require continuous nursing care and supervision. | One (1) space per five (5) beds plus one (1) per employee | |

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| Table 03-3: Table of Use Requirements | | | |
| Uses by Category | Definitions | Parking Requirements | Design Standards |
| Rooming houses | A building other than a hotel where lodging, is offered persons at a time for compensation. | Two (2) spaces plus one for each bedroom used for boarders | <ol style="list-style-type: none"> 1) Rooming houses shall not contain more than (4) bedrooms for rental purposes. 2) Occupancy by tenants shall not exceed two (2) persons per bedroom. 3) Individual rooms shall not contain independent cooking facilities; this however shall not prohibit the serving of meals to tenants or the use of a single kitchen by tenants. 4) Rooming houses shall be owner-occupied and serve as the primary residence of the owner. |
| Seasonal recreational parks | Facilities operated for less than a full calendar year to provide sites for tent or RV camping | Two (2) spaces per camp site plus one (1) per employees at the park offices | Proof of state license in accordance with the Public Health Code in Michigan, Act 368, PA 1978, as amended |
| Single-family dwelling | A detached building containing not more than one (1) dwelling unit designed for residential use by one (1) family or functional family and conforming in all other respects to the standards set forth in the definition “dwelling unit”. | Two (2) spaces per dwelling unit | See Section 5.108.2: |
| Two-family dwelling | A building containing two (2) separate dwelling units adjacent side by side or stacked and designed for residential use and conforming in all other respects to the standards set forth in the definition “dwelling unit”. | Two (2) spaces per dwelling unit | |
| Tri-plex or quad-plex dwelling | A building containing three (3) or four (4) separate dwelling units adjacent side by side and/or stacked and designed for residential use and conforming in all other respects to the standards set forth in the definition “dwelling unit”. | Two (2) spaces per dwelling unit | |
| Institutional Uses | | | |
| Cemeteries | Land used or dedicated to the burial of the dead, including crematoriums, mausoleums, necessary sales, and maintenance facilities. | One (1) space per four (4) seats of chapel or assembly area | The lanes in the cemetery should be wide enough to allow parallel parking |

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| Table 03-3: Table of Use Requirements | | | |
| Uses by Category | Definitions | Parking Requirements | Design Standards |
| Clubs and lodges | Any profit or nonprofit use or facility in which activities for pleasure or philanthropy are carried out. Such institutions may include service clubs, scout organizations, hobby clubs, and veteran's organizations. | One (1) per two (2) member families | |
| Colleges and universities | A facility authorized by the state to award degrees | One (1) per five (5) students | Some colleges may be exempt from local zoning depending on its charter from the state |
| Private noncommercial recreational area | A building and/or open space used for active or passive recreational purposes by a nonprofit organization | As determined by the planning commission as part of SUP approval | |
| Private school | An institution for the teaching of students between the kindergarten and high school levels and operated by an entity other than a public school or charter school board | One (1) space per employee in addition to auditorium. | |
| Public governmental administrative facilities | Buildings and sites under the control of a local, state or federal government or agency used primarily for offices or as public meeting facilities | One (1) per three (3) persons, or Fire code capacity | |
| Public medical and health facilities | A public-owned and operated facility used to provide medical and health services to the public | As determined by the planning commission at the time of site plan approval | |
| Public and private recreational facilities | Any facility designed for the amusement, recreation, or sports activity by the public, including but not limited to miniature golf, adventure golf, golf courses, batting cages, and bumper boats. Public Recreation Facilities do not include race tracks, go-kart tracks, or the like. | As determined by the planning commission at the time of Special Land Use approval | Public and Private Recreational facilities shall comply with the following dimensional requirements: 1) Minimum area: 3 acres 2) Minimum front yard: 50 feet 3) Minimum rear yard: 50 feet 4) Minimum side yard: 50 feet 5) Maximum height: 35 feet |
| Public and private social facilities | A building used for gathering for such purposes as a service club, catering hall, wedding barn, or similar uses and including facilities such as an auditorium, dance floor, conference rooms, dining rooms, or exhibit rooms. | As determined by the planning commission at the time of Special Land Use approval | Public and Private Social facilities shall comply with the following dimensional requirements: 1) Minimum area: 3 acres 2) Minimum front yard: 50 feet 3) Minimum rear yard: 50 feet 4) Minimum side yard: 50 feet 5) Maximum height: 35 feet |

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| Table 03-3: Table of Use Requirements | | | |
| Uses by Category | Definitions | Parking Requirements | Design Standards |
| Public schools | An institution for the teaching of students between the kindergarten and high school levels and operated by a public school or charter school board | One (1) space per employee in addition to auditorium. | Public and charter schools are exempt from local zoning |
| Public utility facilities | Facilities operated by a person, firm, corporation, municipal department, or board fully authorized to furnish to the public electricity, gas, steam, telephone, telegraph, transportation, or water service. | As determined by the planning commission at the time of site plan approval | |
| Public utilities w/o storage | Facilities operated by a person, firm, corporation, municipal department, or board fully authorized to furnish to the public electricity, gas, steam, telephone, telegraph, transportation, or water service; and where the facility does not permit outdoor storage. | As determined by the planning commission at the time of site plan approval | |
| Religious institutions | A building wherein people regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such principal purpose. | One (1) space for each four (4) seats or 6 feet of pews | |
| Commercial Uses | | | |
| Adult day-care | A facility other than a private residence, which provides care for more than 6 adults for less than 24 hours a day. | One (1) space per employee plus one (1) space per three (3) adults being served by the facility | |
| Ambulance service and maintenance facilities | A facility for the storage, maintenance and dispatching of ambulances and similar medical response equipment. | One (1) space per employee plus one (1) space | |

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| Table 03-3: Table of Use Requirements | | | |
| Uses by Category | Definitions | Parking Requirements | Design Standards |
| Automatic teller machine (ATM) | An automated structure that provides banking services that is operated by the customer. | Drive up ATMs in parking lots shall provide two (2) stacking spaces | <ol style="list-style-type: none"> 1) When located within a building, no additional zoning approval is required. 2) When located outside a financial institution as part of that institutions drive-thru services, it shall comply with the SUP for the drive-thru. 3) ATMs may also be located in the parking lot of a commercially zoned property, provided it: <ol style="list-style-type: none"> a) does not occupy required parking spaces; b) complies with the clear vision, lighting, and other requirements of this ordinance; and c) complies with the side yard setback requirements of this ordinance for commercial buildings when adjacent to a residentially zoned parcel. |
| Automobile body shops | Business involving the general repair, rebuilding, or reconditioning of motor vehicles or engines; collision repair, such as body, frame, or fender straightening and repair; overall painting and vehicle rustproofing; refinishing or steam cleaning. | Tow (2) spaces per stall plus one (1) per 200 sq. ft. of sales area | |
| Automobile repair | Business involving the general repair, rebuilding, or reconditioning of motor vehicles or engines; but not including collision repair, such as body, frame, or fender straightening and repair; overall painting and vehicle rustproofing; refinishing or steam cleaning. | Two (2) spaces per stall plus one (1) per 200 sq. ft. of sales area | |
| Automobile service station | A building or structure designed or used for the retail sale of fuel lubricants, air, water and other operating commodities for motor vehicles, aircraft or boats, and convenience commercial goods and fast food for the customers. It also includes facilities for the storage, minor repair, or servicing of vehicles, but not including bumping, painting, refinishing, major repairs and overhauling, steam cleaning, or rustproofing, The term covers such uses as quick oil change facilities, tire repair and replacement and muffler/brake replacement facilities provided no major repairs as described above are undertaken | Two (2) spaces per stall plus one (1) per employee | <ol style="list-style-type: none"> 1) Gasoline pumps shall be set back a minimum of 25 feet from any street or right-of-way line. 2) All lubrication equipment, motor vehicle washing equipment, hydraulic hoists, and pits shall be enclosed within a building. 3) All outside storage areas for trash, used tires, auto parts and similar items shall be enclosed by a 6-foot screening fence and shall comply with requirements for location of accessory buildings. |

| City of Beaverton Zoning Ordinance | | | |
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| Table 03-3: Table of Use Requirements | | | |
| Uses by Category | Definitions | Parking Requirements | Design Standards |
| Automobile wash establishment | A building, or portions thereof, the primary purpose of which is that of washing motor vehicles | One (1) space per employee plus five (5) times the maximum wash capacity. | <ol style="list-style-type: none"> 1) All washing activities must be carried on within a building. 2) Vacuuming activities may be carried out only in the rear yard and at least 50 feet distant from any adjoining residential use. 3) The entrances and exits of the washing facility shall be from within the lot and not directly to or from an adjoining street or alley. A street or alley shall not be used as maneuvering or parking spaces for vehicles to be serviced by the subject facility. |
| Bank and similar financial institutions | An establishment where the principal business is the receipt, disbursement, or exchange of funds and currencies. Examples include banks, savings and loans, and credit unions. | One (1) space per 100 square feet | |
| Banquet halls and similar places of assembly | A meeting facility which may also include on-site kitchen/catering facilities. The banquet/reception hall's primary purpose is a location for activities such as weddings and other such gatherings by appointment. | One (1) space for each two (2) persons allowed within maximum occupancy, as determined by the Fire Department, plus one (1) space per employee | |
| Child care center | A facility, other than a private residence, receiving preschool or school age children for group care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. It includes a facility which provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day. | One (1) space per each employee on the largest working shift, plus one (1) per five (5) children of maximum occupancy | Proof of state license required. |
| Clinic and medical office and urgent care center | A facility operated by one or more physicians, dentists, chiropractors, or other licensed practitioners of the healing arts for the examination and treatment of persons solely on an outpatient basis. | Two (2) per exam or treatment room | |

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| Table 03-3: Table of Use Requirements | | | |
| Uses by Category | Definitions | Parking Requirements | Design Standards |
| Club | Buildings and facilities owned or operated by corporation, association, person, or persons for social, educational, or recreational purposes | One (1) space per four (4) persons allowed by relevant codes | |
| Contractor’s establishment | A facility housing a general contractor or builder engaged in the construction of buildings, either residences or commercial structures as well as heavy construction contractors engaged in activities such as paving, highway construction and utility construction. | One (1) space per 200 sq. ft. of office area | |
| Crematoria | A building used primarily for the cremation of human or animal remains. This does not include cremation services offered as an accessory service as part of a funeral home or veterinary hospital or clinic. | | |
| Drive-in establishment | A facility that provides service to the customer while they remain parked in their vehicle. An example is a drive-in restaurant. This definition does not include a drive-in theatre. | N/A | |
| Drive-thru establishment | Any restaurant, bank, or business with an auto service window. | N/A | <ol style="list-style-type: none"> 1) The main and accessory buildings shall be set back a minimum of 40 feet from any adjacent right-of-way line or residential property line. 2) Six (6) stacking spaces per window, may be reduced by planning commission during site plan review based on use. |
| Dry cleaner | A retail establishment or business maintained for the pickup and delivery of dry cleaning and/or laundry including operation of laundry or dry-cleaning equipment or machinery on the premises. | One (1) space per 300 sq. ft. of floor area | |
| Equipment rental (recreation / moving / landscape) | Rental from the premises of equipment including, trucks, to assist a customer in moving, recreating, or making home repairs or landscape improvements. | One (1) space per 200 sq. ft. of office area | |

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| Table 03-3: Table of Use Requirements | | | |
| Uses by Category | Definitions | Parking Requirements | Design Standards |
| Funeral home | A building used for human funeral services. Such building may contain space and facilities for embalming and the performance of other services used in the preparation of the dead for burial; the performance of autopsies and other surgical procedures; the storage of caskets, funeral urns, and other related funeral supplies; the storage of funeral vehicles; facilities for cremation and human funeral services | One (1) space per 50 sq. ft. | |
| Furniture store | Retail establishments that sell goods for furnishing homes | One (1) space per 800 sq. ft. | |
| Golf driving range | An area equipped with distance markers, clubs, balls, and tees for practicing golf drives and putting, and which may include a snack-bar and pro shop but excludes miniature golf courses | One and a half (1.5) spaces per tee | |
| Grain elevator | A facility that includes a storage area or structure where grain products are temporarily stored for transferal to trucks, train cars, or other forms of transportation and may also include other agricultural support services such as the sale or rental of farm tools and implements, feed, grain, tack, animal care products, and farm supplies and farm machinery repair services | Determined by planning commission at time of Special Use Permit (SUP) approval | |
| Home center and lumber yard | A retail facility of more than 30,000 square feet gross floor area, selling lumber and other large building materials, where most display and sales occur indoors or any establishment selling such material where a large proportion of the display and storage is outdoors or in open sheds | One (1) space per 400 sq. ft. of floor area, not including open sheds or outdoor display | |
| Hospital | An institution providing health services, primarily for in-patients and medical or surgical care of the sick or injured, including as an integral part of the institution, such related facilities as laboratories, out-patient departments, training facilities, central service facilities, clinics, and staff offices. | One (1) per bed | |

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| Table 03-3: Table of Use Requirements | | | |
| Uses by Category | Definitions | Parking Requirements | Design Standards |
| Indoor recreation (include billiard hall, video arcade) | A commercial or non-commercial recreational land use conducted entirely within a building. Examples include bowling alleys, dance halls, roller rinks, video arcades, billiard rooms, skating rinks, and archery ranges. | Bowling alleys – five (5) spaces per lane Other uses – one (1) space for each three (3) persons allowed by respective codes | |
| Kennel | Any lot or premises on which four (4) or more dogs or cats, four (4) months of age or older are kept temporarily or permanently for the purpose of breeding or boarding for a fee | One (1) per 600 sq. ft. of area | |
| Laundromat | A facility where patrons wash, dry, or dry clean clothing or other fabrics in machines operated by the patron. | One (1) space per two (2) machines | |
| Live/work units | A building or space within a building used jointly for commercial and residential purposes by a person living within the building or space. | Two (2) spaces per residential unit | |
| Mini-storage facilities | A building or group of buildings of a controlled-access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled-access stalls or lockers for the storage of customers' goods or wares. | Two (2) spaces for the resident manager, one (1) additional space for each additional employee and two (2) additional spaces for customers | <ol style="list-style-type: none"> 1) Building separation between self-storage buildings on the same site shall be a minimum of 24 feet or equal to the building height, whichever is greater. 2) Internal driveway aisles shall be a minimum of 24 feet in width. 3) All ingress and egress from this site shall be onto a paved major thoroughfare. 4) The outdoor storage of recreational vehicles, motorized homes, and travel trailers may be permitted. All such areas shall be on an aggregate treated surface, or better. Such storage shall be completely screened from view from all adjacent residential areas. |

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|---|---|--|---|
| Table 03-3: Table of Use Requirements | | | |
| Uses by Category | Definitions | Parking Requirements | Design Standards |
| Motels, hotels | <p>Hotel: A building occupied or used as a predominantly temporary abiding place by individuals or groups of individuals, with or without meals, and in which building there are more than five (5) sleeping rooms and in which rooms there is no provision for cooking</p> <p>Motel A series of attached, semi-detached or detached rental units providing overnight lodging for transients, open to the traveling public for compensation</p> | One (1) space per unit plus one (1) per employee | |
| Movie theatres, cinemas, concert halls and playhouses | An open, partially enclosed, or fully enclosed facility used or intended to be used primarily for entertainment events, expositions, and other public gatherings. | One (1) space per four (4) seats, plus one (1) space for each two (2) employees | A dedicated pick-up and drop off zone shall be provided which shall not interfere with on-site circulation, and shall provide immediate, barrier-free adjacent access to the theater building. |
| Nursery and greenhouse | A space, building or structure, or combination thereof, for the storage of live trees, shrubs, or plants offered for retail sale on the premises, including products used for gardening or landscaping. The definition of nursery does not include space used for the sale of fruits or vegetables | One (1) space per 200 square feet of retail area plus one (1) space per 500 sq. ft. of greenhouse sales area plus one (1) space per 5000 sq. ft. of outdoor sales area | |
| Offices | Professional office: The office of a professional person such as a doctor, dentist, engineer, architect, attorney, insurance or real estate agent, and the like | One (1) space per 200 square feet | |
| Open front store | An establishment where service is provided to the public primarily through service windows, normally in the front of the building | Based on the type of retail or service use | Open front stores are a style of use such as drive-thrus rather than a use itself. It is pedestrian oriented and is intended to allow customers to access service directly from the sidewalk, particularly in the downtown. Open front stores are also allowed in the B-2 district where uses are more auto oriented. In those cases, care must be taken to separate the waiting area for customers in front of service windows from vehicle parking and access drives through the use of landscaping and/or fencing. |

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| Table 03-3: Table of Use Requirements | | | |
| Uses by Category | Definitions | Parking Requirements | Design Standards |
| Outdoor assembly (commercial) and entertainment | The use of property for events including concerts and other public gatherings or entertainment that takes place outdoors or partially outdoors | As determined by the Planning Commission | |
| Outdoor recreation | For profit establishments providing recreational activities undertaken outdoor for a fee. In general, these activities are participatory in nature. Commercial recreational facilities include such uses as skating rink, swimming pool, tennis court, etc. | One (1) per three (3) persons, of capacity | |
| Outdoor sales facility | Any use operated for profit, substantially in the open air, including: a. Automobile, farm equipment, bicycle, utility truck or trailer, motor vehicle, boats, or home equipment sale, repair, or rental services. b. Outdoor display and sale of garages, motor homes, mobile home, snowmobiles, farm implements, swimming pools, and similar activities. | One (1) space per 1,000 sq. ft. of outdoor display area plus one (1) space per 200 sq. ft. of indoor display area | <ol style="list-style-type: none"> 1) Minimum lot area shall be 2 acres. 2) Minimum lot width shall be 200 ft. 3) In all cases of car sales lots: <ol style="list-style-type: none"> a) All areas subject to vehicular use shall be paved with durable dust-free surfacing, with appropriate bumper guards where needed. 4) In the case of a plant materials nursery the storage or materials display areas shall meet all the yard setback requirements applicable to any building in the district. 5) All loading activities and parking areas shall be provided on the same premises (off-street). 6) The storage of soil, fertilizer or similar loosely packaged materials shall be sufficiently contained to prevent any adverse effect upon adjacent properties. |
| Personal services establishments | An establishment primarily engaged in the provision of frequent or recurrent needed services of a personal nature. Examples include beauty and barber shops, shoe repair shops, tailor shops, beauty shops, massage facilities, chiropractic clinics, and exercise and fitness facilities. | Two (2) spaces per beauty/barber chair | |
| Radio and television stations w/o towers or masts | Facilities for the production and transmission of radio and television programming where the transmission towers are located off-site | One (1) space per 200 sq. ft. of office and production floor area | |
| Radio and television studios with tower, masts, etc. | Facilities for the production and transmission of radio and television programming where the transmission towers are located off-site | One (1) space per 200 sq. ft. of office and production floor area | Towers would be required to comply with the standards for approval of a communication tower. |

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| Table 03-3: Table of Use Requirements | | | |
| Uses by Category | Definitions | Parking Requirements | Design Standards |
| Restaurant | A structure in which the principal use is the preparation and sale of food and beverages. | One (1) space for each 100 sq. ft. | |
| Retail business establishment up to 20,000 sq. ft. | An establishment which supplies commodities on the premises that does not exceed 20,000 sq. ft. in gross floor area Examples include groceries, drugs, liquor, clothing, dry goods, notions, curios, pet, jewelry, sporting goods, or hardware stores, bakeries, florists, and music shops. | One (1) space per 200 sq. ft. | Within a completely enclosed building. Outdoor display only as permitted under the provisions of this ordinance. |
| Retail business establishment over 20,000 sq. ft. | An establishment which supplies commodities on the premises that exceeds 20,000 sq. ft. in gross floor area Examples include groceries, drugs, liquor, clothing, dry goods, notions, curios, pet, jewelry, sporting goods, or hardware stores, bakeries, florists, and music shops. | One (1) space per 200 sq. ft. | |
| Retail sales of second-hand merchandise | An establishment which supplies pre-owned commodities on the premises Examples include second-hand stores, consignment shops, and pawn shops. | One (1) space per 200 sq. ft. | |
| Shopping center | A group of commercial establishments, planned, developed, owned, and managed as a unit, with off-street parking provided on the property, and related in its location, size, and type of shops to the trade area which the unit serves | One (1) space per 100 sq. ft. Fewer spaces may be permitted based on initial uses in shopping center, but area for spaces required based on one (1) per 100 sq. ft. shall be available | |
| Tavern, brewpub, or bar | A commercial enterprise whose primary activity is the sale of alcoholic beverages to be consumed on the premises, but may include the production of such beverages as an accessory use | One (1) space per four (4) persons of maximum capacity | |

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| Table 03-3: Table of Use Requirements | | | |
| Uses by Category | Definitions | Parking Requirements | Design Standards |
| Veterinary clinic | An establishment for the care and treatment of small animals, including household pets and may include incidental overnight boarding | One (1) space per doctor plus one (1) space per additional employees plus two (2) spaces per examination room | |
| Industrial Uses | | | |
| Audio visual development facilities | A business that provides services in the production of electronic media. | One (1) space per 200 sq. ft. of office and production floor area | |
| Breweries, distilleries, and bottling plants | Facilities for the production and packaging of alcoholic beverages | One (1) space per employee of the largest shift | |
| Computer server farms | A facility consisting of a set of many servers interconnected together and housed within the same physical facility. | One (1) space per employee of the largest shift | |
| Indoor dismantling or recycling of motor vehicles, recreational vehicles, boats, manufactured houses, and similar items | A business that receives wrecked motor vehicles, recreational vehicles, and similar items; dismantles them; stores the parts; and ships out the remaining vehicle shell or processing off-site. Storage of vehicles waiting dismantling or shipment out is an accessory use to the principle use. | One (1) space per employee of the largest shift | |
| Industrial plants for manufacturing, processing, and assembling | The mechanical or chemical transformation of materials or substances into the products listed | One and a half (1.5) spaces per employee | |
| Industrial research facility | A facility scientific research, investigation, testing, or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory. Examples include biotechnology, pharmaceuticals, genetics, plastics, polymers, resins, coatings, fibers, fabrics, films, and heat transfer, facilities. | One and a half (1.5) spaces per employee | Shall be conducted within a completely enclosed building |

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| Table 03-3: Table of Use Requirements | | | |
| Uses by Category | Definitions | Parking Requirements | Design Standards |
| Junk yards | The use of premises or building for storage or abandonment, keeping, collecting, bailing, of inoperable automobiles, trucks, tractors, and other such vehicles and parts thereof, scrap building materials, scrap contractor's equipment, tanks, cases, barrels, boxes, piping, bottles, drums, glass, rags, machinery, scrap iron, paper, and any other kind of scrap or waste material | Two (2) spaces per employee | |
| Machine shops and welding shops | Facilities for the processing of metal products through the use of stamping, welding, and similar processes | One (1) space per employee | |
| Maker and coworking space | A facility that serves as a collaborative workspace for making, learning, exploring and sharing that uses "maker" tools such as 3D printers, laser cutters, CNC machines, soldering irons, sewing machines, etc. | Determined by planning commission at time of site plan approval | |
| Medical laboratories and diagnostic centers | A facility for the testing and analysis of blood, tissues, and other material for medical research or health care purposes | One (1) space per employee of the largest shift | |
| Monuments, cut stone and stone products | A facility for the cutting, shaping, and engraving of stone for monuments or construction purposes | One (1) space per employee plus one (1) per 200 sq. ft of sales office | |
| Printing plant | An industrial facility dedicated to the mass production of printed material | | |
| Recycling center | A building or an area where the primary activity is the separation of materials prior to shipment for remanufacture into new materials. This does not include junk yards | Determined by Planning Commission at time of site plan approval | |
| Robotic and electronic manufacturing | A facility of the development and manufacturing of electronic equipment used for commercial or medical purposes | One (1) space per employee | |
| Storage yards | Facility for the outdoor or indoor storage of equipment and construction material | Determined by Planning Commission at time of site plan approval | |

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| Table 03-3: Table of Use Requirements | | | |
| Uses by Category | Definitions | Parking Requirements | Design Standards |
| Trade contractors, building material suppliers and wholesalers | A facility housing a general contractor or builder engaged in the construction of buildings, either residences or commercial structures as well as heavy construction contractors engaged in activities such as paving, highway construction, and utility construction. | Determined by Planning Commission at time of site plan approval | |
| Transportation, maintenance, and servicing facility | A facility of the maintenance of a fleet of vehicles | Determined by Planning Commission at time of site plan approval | |
| Truck terminal | An area and buildings where cargo is stored and where trucks are loaded and unloaded on a regular basis | Determined by Planning Commission at time of site plan approval | |
| Warehousing and distribution establishment | A use engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment | One (1) space per employee | |
| Other Uses | | | |
| Accessory outdoor dining | An area outside a restaurant, bar, or similar facility where seating is provided and where patrons can be served | One (1) space per four (4) seats | <ol style="list-style-type: none"> 1) Facilities serving alcoholic beverages shall comply with restrictions imposed by the Michigan Liquor Control Commission. 2) Facilities shall not be located in required parking spaces. 3) Facilities located in public sidewalks shall have the approval of the Beaverton City Council 4) All tables, chairs, and other furniture shall be adequately weighted or anchored to prevent blowing during periods of high winds or shall be stored indoors. |
| Accessory outdoor display | Display and retail sales as a use accessory to the principal use of the property on a permanent business | | |
| Accessory outdoor storage | A place of business with the storage of products outside of a building | | |
| Accessory propane sales | The accessory use of a retail establishment for retail propane sales, primarily in the form of fuel tanks for barbeque grills and similar uses | | |
| Accessory wind energy system | A system using a wind powered generator to provide power to an associated principal use on the same parcel | N/A | See Section 5.108.1: |

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| Table 03-3: Table of Use Requirements | | | |
| Uses by Category | Definitions | Parking Requirements | Design Standards |
| Accessory Uses and Structures | <p>Accessory Use: A use naturally and normally incidental and subordinate to the main use of the land or building</p> <p>Accessory Structure: A supplemental building or other structure on the same lot as the main building occupied by or devoted exclusively to an accessory use, but not for dwelling, lodging, or sleeping purposes. Where an accessory building is attached to a main building in a substantial manner, such as a wall or roof, the accessory building shall be considered a part of the main building.</p> | <p>Parking may be required if the proposed accessory use is expected to generate parking demand in addition to that normally expected for the principal use.</p> <p>Parking may be waived or modified by the planning commission when the accessory use is not expected to increase parking demand above that already provided for the principal use.</p> | |
| Essential service | <p>The phrase "essential services" means the erection, construction, alteration, or maintenance by public utilities or municipal departments or commissions of underground, surface, or overhead gas, electrical, steam, or water transmission or distribution systems, collection, supply or disposal systems, including mains, drains, sewers, pipes, conduits, tunnels, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, poles, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions for the public health or general welfare, but not including buildings other than such buildings as are primarily enclosures or shelters of the above essential service equipment.</p> | N/A | <p>These uses are allowed by right and do not require site plan approval provided they are located within the road right-of-way.</p> |

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| Table 03-3: Table of Use Requirements | | | |
| Uses by Category | Definitions | Parking Requirements | Design Standards |
| Garage or yard sale | General sales, open to the public, conducted from a residential premises for the purpose of disposing of personal property | N/A | 1) Not more than three (3) garage or yard sales shall be conducted by a resident of the City of Beaverton during a calendar year. 2) The garage or yard sale shall not exceed three (3) days duration. 3) Temporary signs for the sale shall be removed at the end of the sale. |
| Keeping of pets | The care of not more than 3 pet cats or dogs as a noncommercial accessory use of a residence | N/A | Compliance with Chapter 110 of the Code of Ordinances for the City of Beaverton |
| Kennels (not for profit) | The care of 4 or more pet cats or dogs as a noncommercial accessory use of a residence | N/A | Compliance with Chapter 110 of the Code of Ordinances for the City of Beaverton |
| Parking lot | An authorized area not within a building where motor vehicles are stored for the purpose of temporary, daily, or overnight off-street parking | N/A | |
| Solar Panels – Attached | Facilities for the conversion of solar radiation into energy for on-site use that are mounted to a building | N/A | See Section 5.108.3: |
| Solar Panels – Freestanding | Facilities for the conversion of solar radiation into energy for on-site use that are mounted on freestanding poles | N/A | See Section 5.108.3: |
| Swimming pool | Any outdoor structure or container located either above or below grade designed to hold water to a depth of greater than 24 inches, intended for swimming or bathing. | | |
| Telecommunication antennae | The set of equipment and network components used in the provision of wireless communications services, including, but not limited to, antennas, transmitters, receivers, base stations, equipment shelters, cabinets, emergency generators, power supply cables, and coaxial and fiber optic cables, but excluding wireless communications support structures. | One (1) space | 1) When an antenna is proposed to be mounted on a tower or other support structure previously approved for future collocation, such collocation shall be permitted based on compliance with the conditions of approval of the support structure. |

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|---------------------------------------|--|----------------------|---|
| Table 03-3: Table of Use Requirements | | | |
| Uses by Category | Definitions | Parking Requirements | Design Standards |
| Telecommunication towers | All structures and accessory facilities, including Alternative Tower Structures, relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals; including, but not limited to, radio towers, television towers, telephone devices and exchanges, microwave relay facilities, telephone transmission equipment buildings, private and commercial mobile radio service facilities, personal communication services towers (PCS), and cellular telephone towers. Not included in this definition are: citizen band radio facilities; short wave receiving facilities; radio and television broadcast reception facilities; satellite dishes; federally licensed amateur (HAM) radio facilities; and governmental facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority. | One (1) space | <ol style="list-style-type: none"> 1) Telecommunications Towers shall be located on lots no less than 1 acre in size and shall have a minimum lot frontage of no less than 60 feet. 2) The setbacks for each tower from adjacent right-of-way and/or property lines shall be not less than one (1) times the height of each tower above the ground. 3) A minimum 6-foot-high wall, fence, or greenbelt / landscaped area is required on all sides of the property according to the standards of Section 5.107.3: of this ordinance. 4) Provision shall be made where feasible for collocation of other telecommunication antennae or similar equipment. |
| Temporary use | Uses not specifically authorized as temporary uses in this ordinance that are permitted for a period of one (1) day to three (3) months. | | |

Section 5.103.11: Dimensional Requirements.

The dimensional requirements for each zoning district in this zoning ordinance are established in Table 03-4 below:

| Table 03-4: District Dimensional Requirements | | | | | | | | | |
|---|----------------------------|-------------------------|-----------------------------|------------|------------|--------------------------|----------------------|------------------------------|--|
| Zoning District | Lot Dimensions | | Principal Building Setbacks | | | Building Height | | Other Building Requirements | |
| | Minimum Lot Area (Sq. Ft.) | Minimum Lot Width (Ft.) | Front (Ft.) | Side (Ft.) | Rear (Ft.) | Maximum Height (Stories) | Maximum Height (Ft.) | Minimum Floor Area (Sq. Ft.) | Maximum Lot Coverage by Buildings (Percentage) |
| R-1 Low Density Residential | 7,700 | 80 70 | 25 | 10 | 30 | 2.5 | 29 | 1,000 (a) | 50% |
| R-2 Medium Density Residential | 5,500 | 50 | 25 | 8 5 | 30 | 3 | 40 | (a), (b) | 60% |
| R-3 High Density Residential | 3,000 / dwelling unit | N/A | 25 | 20 | 30 | 3 | 40 | (a), (b) | 60% |
| C-1 Downtown Commercial | N/A | N/A | N/A | N/A | N/A | 3 | 40 | N/A | N/A |
| C-2 Corridor Commercial | N/A | N/A | 20' | (c) | 40 | 3 | 40 | N/A | N/A |

| Zoning District | Lot Dimensions | | Principal Building Setbacks | | | Building Height | | Other Building Requirements | |
|------------------------------|--|-------------------------|-----------------------------|------------|------------|--------------------------|----------------------|------------------------------|--|
| | Minimum Lot Area (Sq. Ft.) | Minimum Lot Width (Ft.) | Front (Ft.) | Side (Ft.) | Rear (Ft.) | Maximum Height (Stories) | Maximum Height (Ft.) | Minimum Floor Area (Sq. Ft.) | Maximum Lot Coverage by Buildings (Percentage) |
| INST Institutional | N/A | N/A | N/A | (c) | 40 | 3 | 40 | N/A | N/A |
| CON Conservation | N/A | N/A | 25' | | | 3 | 40 | N/A | 20% |
| IND Industry and Technology | N/A | N/A | N/A | (c) | N/A | 3 | 40 | N/A | N/A |
| PUD Planned Unit Development | The dimensional requirements for each PUD rezoning approved by the city council shall be established in the ordinance approving the rezoning | | | | | | | | |

- (a) The minimum floor area per dwelling unit shall not include area of basements, utility rooms, breezeways, porches, or attached garages.
- (b) The minimum floor space per dwelling for a single-family dwelling shall be that required in the R-1 district. The minimum floor area for duplexes shall be unit shall be 800 sq. ft. The minimum floor area for apartments shall be as noted in the table of uses.
- (c) The minimum side yard shall be zero when adjacent to a C-1 or C-2 zoning district. When adjacent to any other district, it shall be the height of the exterior wall of the principal building closest to the side lot line.

Article 04: General Provisions

Section 5.104.1: Purpose.

The purpose of this Article is to establish standards that are applicable to uses across several zoning districts and therefore are not appropriate under the Zoning Districts and Scope Article.

Section 5.104.2: Pending Applications.

Nothing in this ordinance shall be deemed to require any change in the plans, construction, or design use of any building for which an unexpired building permit was issued prior to the adoption of this ordinance or an amendment thereto, and upon which building actual construction has been diligently carried on, and provided further, that such building shall be completed within one (1) year from the date of passage of this ordinance. If construction is based on an approved site plan, a developer may build in accordance with an approved site plan provided a building permit was applied for within 60 days of approval and all work is completed prior to final expiration of the building permit.

Section 5.104.3: General Exceptions.

The following are exceptions permitted to the district regulations that would otherwise apply to parcels with various zoning districts.

(a) Dimensional Exceptions

- (1) **Side Yards.** When a legal nonconforming lot does not meet the minimum requirements for lot width in this ordinance, the side yard setback requirements for that lot shall be reduced by a percentage equal the percentage the lot meets the minimum lot width requirement. For example, a lot 80 feet wide in a district requiring a minimum width of 100 and a side yard setback of 10 feet would have a side yard setback of 8 feet. In no instance shall a side yard setback be reduced to less than 5 feet under the terms of this exception.
- (2) **Lot Coverage.** When a legal nonconforming lot does not meet the minimum requirements for lot area in this ordinance, the lot coverage requirements for that lot shall be increased by the percentage difference inverse of the difference between the lot’s size and the minimum lot size requirement. For example, a lot 8,000 square feet in area in a district requiring a minimum lot area of 10,000 square feet and a maximum lot coverage 30 percent would have lot coverage increased to 36 percent. $(8,000/10,000 = .8; \text{Inverse is } .2; 30\% \times 1.2 = 36\%)$ In no instance shall a lot coverage exceed 50 percent under the terms of this exception.
- (3) **Height Limits.** The height limitations of this ordinance shall not apply for farm buildings, chimneys, church spires, flagpoles, public monuments, or wireless communication support structure and other communication towers; provided, however, that the planning commission may specify a height limit for any such structure when such structure requires authorization as a special exception use.
- (4) **Porches and Terraces.**
 - i. An open, unenclosed, and uncovered porch, paved terrace, or wood deck may project into a required front or rear yard for the distance not exceeding 10 feet, but this shall not be interpreted to include or permit a fixed roof.
 - ii. Any walk, terrace, or other surface servicing a like function, and not in excess of 12 inches above the grade upon which placed, shall, for the purpose of this ordinance, not be considered to be a structure, and shall be permitted in any required yard.

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- (5) **Projections into Yards.** Architectural features such as cornices, eaves, gutters, fire escapes, fire towers, chimneys, platforms, and balconies, not including vertical projections, may extend or project into a required side yard not more than 2 inches for each 1 foot of width of such side yard; and may extend or project into a required front yard or rear yard not more than 3 feet.
- (6) **Lots Adjoining Alleys.** In calculating the area of a lot that adjoins an alley or lane, for the purpose of applying lot area requirements of this ordinance, one-half the width of such alley abutting the lot shall be considered as part of such lot.

(b) Uses.

- (1) **Side Yards.** Essential services serving the City of Beaverton shall be permitted as authorized and regulated by law and other ordinances of the municipality and shall not require zoning approval. Overhead or underground lines and necessary poles and towers to be erected to service primarily those areas beyond the City of Beaverton are permitted as a Special Land Use as identified in the district regulations of this ordinance.
- (2) **Lot Coverage.** The provisions of this ordinance shall not be so construed as to interfere with the temporary use of any property as a voting place in connection with a municipal or other public election.

- (c) **Lots Having Water Frontage.** Lots or parcels having water frontage and abutting a public thoroughfare may construct accessory buildings in the front yard between the street right-of-way and the principal building provided the accessory building complies with the front yard setback.

Section 5.104.4: Required Yard Cannot Be Reduced or Used by Another Building.

The yard area for each principal building resulting from compliance with the minimum lot area, setbacks, and open space requirements of this ordinance shall not be used to satisfy like requirements supporting any other building adjacent or in proximity thereto. The required yard areas for each building shall be exclusive.

Section 5.104.5: Rear Dwelling Prohibited.

No accessory building in the rear of and on the same lot with a principal building shall be used for residential purposes except as otherwise permitted under this ordinance

Section 5.104.6: One Single Family Dwelling Per Lot.

No more than one single-family dwelling may be permanently established on a lot or parcel, except as otherwise permitted under this ordinance

Section 5.104.7: Corner Clearance.

In all districts, no fence, wall, shrubbery, sign, or other obstruction to vision above a height of 30 inches from the established street grades shall be permitted within the triangular area formed at the intersection of any street right-of-way lines by a straight line drawn between such right-of-way lines at a distance along each line of 25 feet from their point of intersection or within 10 feet of the point intersection of a street right-of-way line and the edge of a driveway. (See Figure 04-2 and Figure 04-1)

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Figure 04-1

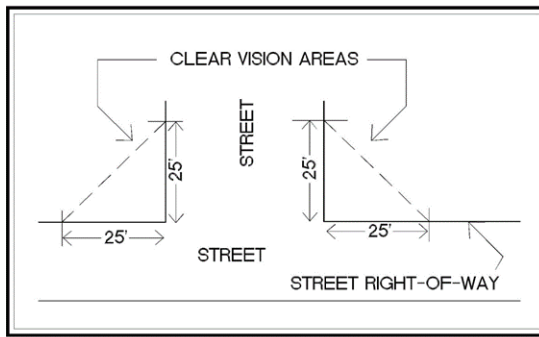
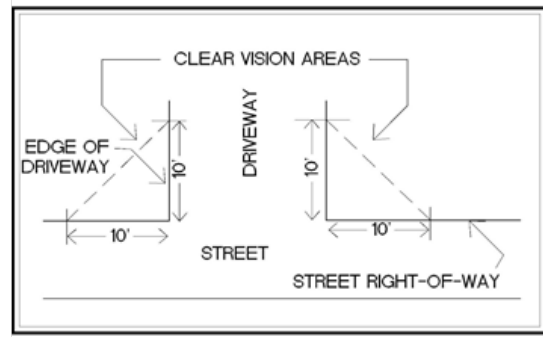


Figure 04-2



Section 5.104.8: Building Grade.

- (a) All structures shall be constructed or located with a ground elevation such as to provide a sloping grade to cause the surface drainage to flow away from the walls of such structures. The balance of yard spaces shall be graded, and adequate drainage provided where necessary to deflect drainage of surface from said premises and away from neighboring properties.
- (b) Grades on any lot upon which new construction or earth movement is to be carried out shall be related to existing grades and drainage systems such as to provide adequate drainage and not jeopardize such existing drainage systems, and shall be approved by the Building Official and other such authorities having jurisdiction over such systems.

Section 5.104.9: Required Frontage on Public Streets.

No lot shall be created and no building or use shall be permitted on a lot, unless said lot fronts upon a public street or highway. The frontage shall equal the minimum lot width requirement except for lots on cul-de-sacs or curvilinear streets, in which case the frontage shall equal 80 percent of the lot width requirement and 100 percent of the lot width requirement is met at the required front yard setback line or building line for its zoning district.

Section 5.104.10: Lot Depth to Width Ratio.

All lots created after the adoption date of this ordinance shall have a lot depth not more than four (4) times its width, as measured at the front lot line.

Section 5.104.11: Required Water and Sewer Facilities.

After the effective date of this ordinance, no structure for human occupancy shall be erected, altered, or moved upon any lot or premises and used in whole or in part for dwelling, business, industrial, or recreational purposes unless such uses are connected to the City Water System per Section 2.222 of the City Code of Ordinances, and the City Sewer System per Section 2.304 of the City Code of Ordinances.

Section 5.104.12: Building to be Moved.

- (a) Any building or structure which has been wholly or partially erected on any premises, located either within or outside of this city, shall not be moved to and placed upon any other premises in this city until a permit for such relocation shall have been secured under Section 5.115.3: of this ordinance. Any such building or structure shall fully conform to all the provisions of this ordinance in the same manner as a new building or structure.
- (b) Before a permit may be issued for moving a building or structure, the Building Inspector shall inspect the same and shall determine if it is in a safe condition for moving, and whether it may be reconditioned to comply with the current building code and other city requirements for the use and occupancy for which it is to be used. Provided these conditions can be complied with, a permit shall be issued for the moving of the building or structure.

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Section 5.104.13: Excavation or Hole.

The construction, maintenance or existence within the city of any unprotected, unbarricaded, open or dangerous excavations, holes, pits, or wells, which constitute or are reasonably likely to constitute a danger or menace to the public health, safety or welfare, are hereby prohibited; provided, however, this section shall not prevent any excavation under a permit issued, pursuant to this ordinance, where such excavations are properly protected and warning signs posted in such a manner as may be approved by the Building Inspector; and provided further, that this section shall not apply to natural bodies of water or to ditches, streams, reservoirs, or other major bodies of water created or existing by authority of the State of Michigan, the county, the City, or other governmental agency.

Section 5.104.14: Access Through Yards.

For the purpose of this ordinance, access drives may cross a required front yard or be placed in the side yards so as to provide access to rear yards and/or accessory or attached structures. These drives shall not be considered as structural violations in front and side yards. Further, any walk, driveway or other pavement servicing a like function shall, for the purposes of this ordinance, not be considered to be a structure and shall be permitted in any required yard.

Section 5.104.15: Sidewalks.

Sidewalks shall be required by the planning commission as part of site plan review when they determine them necessary. The planning commission shall consider the density of the proposed development and surrounding area, age characteristics of the expected residents, expected traffic volumes along the street, proximity to other sidewalk systems and proximity to schools, parks, and public institutions in making the determination. Sidewalks shall be installed by the developer within the dedicated street right-of-way, private road access easements, or special easement where grades or other factors prevent placement within the right-of-way or access easement and shall be a minimum of 5 feet wide concrete.

Section 5.104.16: Recreational Vehicles.

Residents of the city may store their own trailer, boats, and similar vehicles on their own property for an indefinite period of time, provided the vehicles are properly licensed or registered and in operable condition and are not located in violation of the clear vision provisions of this Article.

Section 5.104.17: Non-Required Fences and Walls.

The installation, erection, and/or maintenance of a fence or wall not required under the landscaping or screening provisions of this ordinance are prohibited except in strict compliance with these requirements. Such work will require issuance of a zoning permit under the provisions of Section 5.115.3.:

(a) Location.

- (1) Non required fences or walls may be located along the property line provided the applicant has had a certified survey performed to verify the property line location. The city shall not be responsible for the determination of the location of any fence to be erected on a lot line.
- (2) In the case of adjoining properties, only one fence between the two properties may be erected.

(b) Height and Design.

- (1) Fences or walls on all lots of record in all residential districts which enclose property and/or are within a required side or rear yard shall not exceed 6 feet in height, measured from the surface of the ground, and shall not extend toward the front of the lot nearer than the front of the principal structure or the required minimum front yard, whichever is greater. Non-required fences or walls in commercial and industrial districts shall not exceed 8 feet in height in front or side yards. Fences

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which enclose public or institutional parks, playgrounds, or public landscaped areas, situated within an area developed with recorded lots, shall not exceed 8 feet in height, measured from the surface of the ground, and shall not obstruct vision to an extent greater than 25 percent of their total area.

(2) Ornamental fences not exceeding 3 1/2 feet in height are permitted within front yards. Ornamental fences include, post and rail, split rail, picket, and wrought iron.

(c) Materials and Construction.

(1) Fences, including fence posts, shall be constructed with cedar, redwood, pressure treated material, wrought iron or vinyl. Chain link is permitted in rear and interior side yards only. Walls shall be constructed of brick or decorative stone.

(2) Fences shall not contain barbed or razor wire, electric current, or charge of electricity.

(3) All fences shall be constructed in such a manner that all structural members, including braces, posts, poles, and other projections shall be on the interior side of the fence. If any panels or posts have a finished and unfinished face, the finished face shall be on the interior side of the fence.

Section 5.104.18: Exterior Lighting.

Lighting in all use districts shall conform to the following requirements as to type, location, and intensity.

(a) All exterior lighting shall be clearly shown on a site plan with appropriate symbols and labeling. Lighting intensity and shielding details shall be noted for all exterior lighting.

(b) All outdoor lighting used to light the general area of a specific site shall be shielded to reduce glare and shall be so arranged as to reflect lights away from all adjacent residential property.

(c) All outdoor lighting shall be directed toward and confined to the ground areas of lawns or parking lots, except as noted in d below.

(d) Lighting used for the external illumination of buildings, so as to feature the building, shall be placed and shielded so as not to interfere with the vision of persons traveling along the adjacent highway or the adjacent property.

(e) Artificial light shall be maintained stationary and constant in intensity and color at all times when in use. There shall be no flashing, oscillating, moving, or intermittent type of lighting or illumination. In addition, there shall be no exposed bare bulb illumination of any kind exposed to public view.

(f) No lighting shall exceed a maximum height of 20 feet except that the planning commission may permit a maximum height of 30 feet within commercial, industrial, and office zoning districts and for institutional uses in residential districts when the poles are no closer than 150 feet to a residential district or use.

(g) All lighting should be appropriate to the site and its surrounding in terms of style, scale, and intensity of illumination.

(h) At any property line abutting a residential use, the maximum intensity shall be 0.1 foot-candles.

(i) Exterior lighting shall be fully shielded and directed downward to prevent off-site glare.

Section 5.104.19: Waste Receptacles.

(a) Waste receptacles, including dumpsters and compactors, shall be required in all multiple family and nonresidential developments unless indoor facilities are provided as determined by the planning commission. These requirements do not apply to single family residences.

(b) All waste receptacles must be located within an enclosure meeting the following standards:

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- (1) Waste receptacles shall have an enclosing lid or cover and be enclosed on three (3) sides with a gate on the fourth side. The enclosure shall be constructed of brick or decorative masonry block material consistent with the principal building with a maximum height of 6 feet or at least 1 foot higher than the waste receptacle and spaced at least 3 feet from the waste receptacle. Chain link fencing with vinyl or wood strips is not acceptable screening material.
- (2) Waste receptacle enclosures shall be located in the rear yard or non-required side yard, at 10 feet from any non-residential property line, combustible walls, or combustible roof eaves and in no case be less than 20 feet from any residential district.
- (3) Waste receptacle enclosures shall be easily accessed by refuse vehicles without potential to damage automobiles parked in designated parking spaces.
- (4) The waste receptacle enclosure base shall be at least 9 feet by 6 feet, constructed of 6 inches of reinforced concrete pavement. The base shall extend 6 feet beyond the waste receptacle pad or gate to support the front axle of a refuse vehicle.
- (5) No refuse or trash shall be permitted to be stored higher than the waste receptacle enclosure.

Section 5.104.20: Transformer and Mechanical Equipment Screening.

- (a) Mechanical equipment and utilities, including but not limited to blowers, ventilating fans, heating, ventilation, and air conditioning units (HVAC), water and gas meters, elevator housing, and tanks shall meet the following standards:
 - (1) Such equipment and utilities shall not be located in any front yard and shall be placed not closer than 3 feet to any lot line in the CBD Central Business District, and not closer than 12 feet to any lot line in all other districts.
 - (2) All such equipment shall be screened by a solid wall, fence, landscaping, and/or architectural feature that is compatible in appearance with the principal building.
- (b) All roof-mounted mechanical units must be screened so they are not visible from ground level; even if not specifically addressed as part of site plan review.

Section 5.104.21: Satellite Reception Antenna.

- (a) Satellite reception antennas shall be designed to withstand a wind force of 85 miles per hour.
- (b) Roof mounted antenna located in a residential district shall have a maximum diameter of 3 feet and nonresidential districts a maximum diameter of 8 feet
- (c) Roof mounted antenna shall be mounted directly upon the roof of the main or accessory building and shall not be upon appurtenances such as chimneys, towers, or poles and shall not exceed a height of more than 3 feet above the roof on which it is mounted.
- (d) Ground mounter antenna shall comply with the locational requirements for accessory buildings. Ground mounted antenna shall be a maximum of 6 feet in height in a residential district and 16 feet in a non-residential district.

Section 5.104.22: Performance Standards.

No non-residential use shall be permitted within any district which does not conform to the following standards of use, occupancy, and operation, which standards are hereby established as the minimum requirements to be maintained within the city.

- (a) Smoke.

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- (1) It shall be unlawful for any person to cause or permit to be discharged into the atmosphere from any single source of emission, smoke of a density equal to or darker than No. 2 of the Ringelmann chart except:
 - i. Smoke of a density equal to but not darker than No. 2 on the Ringelmann chart may be emitted for not more than three minutes in any 30-minute period.
 - ii. Smoke of a density equal to but not darker than No. 3 of the Ringelmann chart may be emitted for not more than three minutes in any 60-minute period, but such emissions shall not be permitted on more than three occasions during any 24-hour period.
 - (2) **Method of Measurement.** For the purpose of grading the density of smoke, the Ringelmann chart, as now published and used by the United States Bureau of Mines, which is hereby made a part of this ordinance, shall be the standard. However, the umbrascope readings of smoke densities may be used when correlated with the Ringelmann chart.
- (b) Dust, Dirt, and Fly Ash.
- (1) No person shall operate or cause to be operated, maintained or cause to be maintained, any process for any purpose, or furnace or combustion device for the burning of coal or other natural or synthetic fuels, without maintaining and operating, while using such process or furnace or combustion device, recognized and approved equipment means, methods, devices or contrivance to reduce the quantity of gasborne or airborne solids or fumes emitted into the open air, which is operated in conjunction with such process, furnace or combustion device so that the quantity of gasborne or airborne solids shall not exceed 0.20 grains per cubic foot of the carrying medium at a temperature of 500 degrees Fahrenheit.
 - (2) **Method of Measurement.** For the purpose of determining the adequacy of such devices, these conditions are to be conformed to when the percentage of excess air in the stack does not exceed 50 percent at full load. The foregoing requirement shall be measured by the ASME Test Code for dust-separating apparatus. All other forms of dust, dirt, and fly ash shall be completely eliminated insofar as escape or emission into the open air is concerned. The Building Inspector may require such additional data as is deemed necessary to show that adequate and approved provisions for the prevention and elimination of dust, dirt, and fly ash have been made.
- (c) **Glare and Radioactive Materials.** Glare from any process (such as or similar to arc welding, or acetylene torch cutting) which emits harmful ultraviolet rays shall be performed in such a manner as not to be seen from any point beyond the property line, and as not to create a public nuisance or hazard along lot lines. Radioactive materials and wastes, and including electromagnetic radiation such as X-ray machine operation, shall not be emitted to exceed quantities established as safe by the U.S. Bureau of Standards, when measured at the property line.
- (d) **Fire and Explosive Hazards.** The storage and handling of flammable liquids, liquefied petroleum gases, and explosives shall comply with the state rules and regulations, as established by state law.
- (e) **Noise.** Objectionable sounds, including those of an intermittent nature, shall be controlled so as not to become a nuisance to adjacent uses nor shall they violate the City’s Noise Control Ordinance.
- (f) **Odors.** Creation of offensive odors shall be prohibited.
- (g) **Hazardous Substances.** All businesses or industries that store, use or generate hazardous substances as defined in this ordinance, in quantities greater than 25 gallons or 220 pounds per month whichever is less, shall meet all state and federal requirements for storage, spill prevention, record keeping, emergency

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response, transport and disposal of said hazardous substances. No discharge to groundwater, including direct and indirect discharges, shall be allowed without required permits and approvals.

Section 5.104.23: Structure Completion.

All structures or additions to structures shall be completed on the outside in conformance with the building code and with finish materials; such as wood, brick, or brick veneer, shingle, concrete, or similar performance tested material within one (1) year after construction is started unless an extension for not more than one (1) additional year is granted by the Zoning Administrator.

Section 5.104.24: Dangerous Animals.

All structures or additions to structures shall be completed on the outside in conformance with the building code and with finish materials; such as wood, brick, or brick veneer, shingle, concrete, or similar performance tested material within one (1) year after construction is started unless an extension for not more than one (1) additional year is granted by the Zoning Administrator.

Section 5.104.25: Keeping of Wild or Dangerous Animals.

- (a) No person shall own, possess, or have custody on his premises any wild or vicious animal for display, training, or exhibition purposes, whether gratuitously or for a fee.
- (b) No person shall keep or permit to be kept any wild animal as a pet.
- (c) For the purpose of this regulation, a wild animal shall be defined as any living member of the animal kingdom, including those born or raised in captivity, except the following: domestic dogs (excluding hybrids with coyotes or jackals and hybrids that are 50 percent or more wolf), domestic cats (excluding hybrids with ocelots or margays), farm animals, rodents, and any hybrid animal that is part wild, and captive-bred species of common cage birds. With regard to wolf hybrids, a pedigree or other certified documentation must be furnished to the township to demonstrate compliance with this section.

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Article 05: Signs

Section 5.105.1: Purpose and Intent.

This Article is intended to regulate the size, number, location, and manner of display of signs in the City of Beaverton consistent with the following purposes.

- (a) To protect and further the health, safety, and welfare of residents, property owners, and visitors.
- (b) To prevent traffic hazards and pedestrian accidents caused by signs which obstruct vision, distract, or confuse drivers, or are improperly secured or constructed.
- (c) To conserve and enhance community character.
- (d) To promote uniformity in the size, number, or placement of signs within zoning districts.
- (e) To promote the economic viability of commercial areas by minimizing visual clutter and allowing for placement of signs to safely direct motorists to their destination.
- (f) To balance the public's right to be informed and its desire to avoid visual pollution and hazardous conditions with the communication rights of businesses and other non-business uses.
- (g) To recognize that special circumstances or events may create a need for temporary signage for a limited and reasonable period of time.
- (h) The purpose of this Article does not include the regulation of the content, or any information included on the sign.

Section 5.105.2: Definitions.

Definitions for terms used in this article can be found in Section 5.102.2:(g).

Section 5.105.3: General Provisions.

- (a) **Substitution Clause.** Signs which contain non-commercial speech are permitted anywhere that advertising or business signs are permitted subject to the same regulations applicable to such signs. The owner of any sign which is otherwise allowed by this Article may substitute non-commercial language in lieu of any other commercial or non-commercial language. This substitution may be made without any additional approval or permitting. The purpose of this provision is to prevent an inadvertent favoring of commercial speech over non-commercial speech or favoring of any particular non-commercial message over any other non-commercial message.
- (b) **Building Code.** Signs shall comply with all applicable building and electrical codes and shall supersede these provisions in the case of a conflict.
- (c) **Corner Clearance.** All signs shall comply with the corner clearance requirements of Section 5.104.7:.
- (d) **Illumination.** Signs may be internally illuminated or, if externally illuminated, the source of the light shall be enclosed and directed to prevent the source of light from shining directly onto traffic or any residential district or property. For externally lit signs, the lighting fixture shall be mounted on the top only and the light fixture shielded so that light is directed downward so that no direct rays interfere with the vision of persons on adjacent streets or properties.
- (e) **Snipe Signs.** No light pole, utility pole, publicly-owned landscaping, fire hydrant, or other supporting member shall be used for the placement of any sign unless specifically designed and approved for such use.

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- (f) **Interference with Traffic.** A sign shall not, by reason of its position, shape, color, or other characteristic, interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device, or constitute a nuisance or interfere with or obstruct the view of drivers or those on foot or bicycle, or create and safety hazard or distraction to drivers.
- (g) No commercial vehicle or trailer which in the opinion of the Zoning Administrator have the intended function of acting as a sign, shall be parked in any area abutting the street.
- (h) No signs shall contain any moving or animated parts or have the appearance of having any moving or animated parts.
- (i) No wall sign shall extend beyond the edge of the wall to which it is attached, and shall not extend above the roof line of the building.
- (j) Abandoned signs shall be removed or replaced with a blank face within 90 days after written notification from the city to the sign owner, owner of the property where the sign is located or any other party having control over the sign. In determining sign abandonment, the Zoning Administrator shall consider:
 - (1) Discontinuance of utility service;
 - (2) Removal of building fixtures needed for the use;
 - (3) Property falling into disrepair;
 - (4) Elimination of postal service;
 - (5) Non-payment of property taxes.

Section 5.105.4: Prohibited Signs.

A sign not expressly permitted by this Article is prohibited. Specifically, the following types of signs are expressly prohibited:

- (a) Any sign, including window signs, which have flashing, moving, oscillating, scrolling or blinking lights except as may otherwise be permitted herein.
- (b) Roof signs.
- (c) Rotating signs.
- (d) Searchlights, laser lights, strobe lights, and lights of a similar nature.
- (e) A sign using the words “stop,” “danger,” or other words, phrases, symbols, or characters in such a manner as to interfere with, mislead, or confuse a vehicle driver. Although this is a content-based distinction, these signs must be prohibited to prevent public confusion, risks to safety, and traffic collisions.

Section 5.105.5: Zoning Permit Required.

- (a) A zoning permit shall be required for the erection and construction of all permanent signs except those exempted by Section 5.105.6:.
- (b) Zoning permits are also required for all temporary signs exceeding 20 square feet unless specifically exempted. Permits for temporary signs shall specifically state a date or a time frame by which the sign must be removed.
- (c) A zoning permit is not required for ordinary maintenance of signs such as painting, cleaning, light replacement, and alteration of the sign message.

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- (d) An application for a zoning permit for a sign shall be submitted in compliance with the provisions of Article 5. In addition to the information normally required for a zoning permit, the request shall include:
 - (1) A drawing of the sign showing its size, height, method of lighting if any.
 - (2) For a proposed wall sign, an elevation drawing of the wall it will be located on, including the wall dimensions
 - (3) Copies of the any required building or electrical permit applications.
 - (4) Section 5.115.3: Zoning Permit Required

Section 5.105.6: Signs Not Requiring a Zoning Permit.

The following signs do not require a zoning permit but are subject to the requirements of this Article with regards to size, location, maintenance, and other characteristics of the signs.

- (a) Government signs
- (b) Window Signs
- (c) Temporary signs less than 20 sq. ft. in area
- (d) Signs less than 3 sq. ft. in area
- (e) On-site directional signs
- (f) Flags of any nation, state, city, government, government authorized agency, or educational institution

Section 5.105.7: Signs Measurement.

- (a) The area of a sign is the entire area within a circle, triangle, or parallelogram enclosing the extreme limits of writing, representation, emblem, or any figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed; excluding the necessary supports or uprights on which the sign is placed.
- (b) Where a sign has two or more faces, the combined area of all faces shall be included in determining the area of the sign, except that where two faces are placed back-to-back and are at no point more than 2 feet from one another, the area of the sign shall be taken as the area of one face. In the case of a sphere, the total area of the sphere is divided by two for the purposes of determining sign area.
- (c) The height of a sig shall be measured as the vertical distance from the highest point of the sign to the grade of the adjacent street or the average grade of the ground immediately beneath the sign, whichever is less.

Section 5.105.8: Electronic / Digital Signs.

Electronic /digital signs shall comply with the following regulations:

- (a) **Size.** The electronic / digital sign shall not consist of more than 75 percent of the allowable sign area, except signs with a maximum allowable size of 32 square feet or less in area, in which case up to 100 percent of the sign may be electronic / digital sign manner that they do not create a hazard for pedestrians.
- (b) An electronic / digital sign shall not exceed a maximum illumination of 6,600 nits (candelas per square meter) during daylight hours and a maximum illumination of 325 nits (candelas per square meter) between dusk and dawn as measured at the signs face. Prior to issuance of a zoning permit for the sign, the applicant shall provide a certification that the illumination settings for the sign comply with the maximum illumination requirements.

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- (c) An electronic reader board shall be equipped with a brightness control sensor that allows for the brightness to be adjusted either manually or automatically.
- (d) In order to reduce glare, an electronic / digital sign shall not have a white background in order to reduce glare.
- (e) An electronic / digital sign used as a window sign is permitted, provided it complies with the requirements electronic reader boards as set forth in this Article.
- (f) Electronic / digital sign legally in existence upon the effective date of this Chapter shall be required to comply with the illumination requirements of this Article insofar as practicable.
- (g) The messages and images shown on an electronic / digital sign may not change more frequently than once every 10 seconds.

Section 5.105.9: Maintenance of Signs.

- (a) Signs shall be maintained free of peeling paint or paper, fading, staining, rust, or other conditions which impair legibility.
- (b) All signs, sign supports, frames, braces, wiring, guys, and anchors shall be maintained in such a manner that they do not create a hazard for pedestrians and vehicles.
- (c) All signs shall be designed to ensure a dead load and wind pressure in any direction of not less than 30 pounds per square foot of area. All signs shall be securely anchored or otherwise made immobile.

Section 5.105.10: Nonconforming Signs.

- (a) Every legal permanent sign that does not conform to the requirements of this article as of the date of the adoption of this ordinance is here-by deemed to be nonconforming.
- (b) Non-conforming signs may be maintained and repaired so as to continue the useful life of the sign but may not be altered, expanded, enlarged, or extended.
- (c) A non-conforming sign may be diminished in size or dimension or the copy of the sign amended or changed without jeopardizing the privilege of non-conforming use.
- (d) A sign accessory to a non-conforming use may be erected in the city in accordance with the sign regulations for the district in which the property is located.
- (e) Non-conforming signs shall not:
 - (1) Be replaced or changed to another non-conforming sign;
 - (2) Be repaired if such repair involves any of the following:
 - i. Necessitates the replacement of both the sign frame and sign panels;
 - ii. Replacement of the signs primary support pole(s) or other support structure;
 - iii. Be enhanced with any new feature including the addition of illumination.
 - (3) Be re-established after damage or destruction, if the replacement cost thereof exceeds 60 percent of the fair market value of the nonconforming sign prior to its damage or destruction. The fair market value shall be as determined by the Zoning Administrator or their agent.

Section 5.105.11: Regulations for Temporary Signs.

- (a) A temporary sign may be installed concurrent with a temporary event or occurrence and removed upon the end of the event. Examples of temporary events shall include sale or rental of a property, an election season, construction or renovation of property, or an activity authorized under this ordinance as a temporary use.

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- (b) Permits are required for temporary signs that exceed 20 square feet in size. The applicant shall designate on the application form the days on which the sign will be displayed. Display of the sign on any day other than those days designated on the permit shall be a violation of this Section.
- (c) A temporary sign permit may be issued as part of and in conjunction with a building permit. The sign permit issuance shall be noted on the building permit.
- (d) The size and number of temporary signs allowed shall be as specified within each zoning district provided in Table 05-1.
- (e) Signs shall be anchored in a safe and secure manner. The anchoring of signs by tying or attaching weighted objects (such as cinder blocks or tires) is prohibited.
- (f) The sign shall be located a minimum of 5 feet from the edge of any street right-of-way or public or private sidewalk except for sandwich board signs as regulated herein.
- (g) A sign shall not be displayed if it is torn, bent, faded, not upright, unreadable, or otherwise unsightly.
- (h) Temporary signs held by a person shall not be displayed in the road right of way and shall not hamper the visibility of a driver on or off the site.
- (i) Temporary signs shall only be internally illuminated.
- (j) An electronic / digital display sign may serve as a temporary sign and shall comply with the requirements of Table 05-1.

| Table 05-1: Sign Requirements by Zoning District (e) | | | | |
|---|--|---|---|---|
| Type of Sign | R-1 and R-2 | R-3 | C-1, C-2, INST, and IND | CON |
| Ground Sign | <ul style="list-style-type: none"> • One (1) sign per parcel • Max area 35 sq. ft. • Max height 6’ • 10’ setback from all lot lines • May be illuminated • Not permitted for single-family and duplex residential uses | <ul style="list-style-type: none"> • One (1) sign per parcel • Max area 35 sq.ft. • Max height 6’ • 10’ setback from all lot lines • May be illuminated • (a) | <ul style="list-style-type: none"> • (a) • One (1) sign per parcel • Max area 35 sq. ft., for two (2) or more businesses per parcel add 17.5 sq ft. per business • Max height 6’ • 5’ setback from all lot lines • May be illuminated | <p>One (1) sign per parcel Max area 35 sq.ft. Max height 6’ 10’ setback from all lot lines May be illuminated</p> |
| Pole Sign | | | <ul style="list-style-type: none"> • Pole sign may be substituted for ground sign under same standards except the max height is 20’ | |
| Wall Sign | <ul style="list-style-type: none"> • One (1) sign per street frontage • Max area per sign 35 sq. ft. • May be illuminated • Not permitted for single-family and duplex residential uses | <ul style="list-style-type: none"> • One (1) sign per street frontage • Max area per sign 35 sq. ft. • May be illuminated • (a) | <ul style="list-style-type: none"> • No limit on # of signs on walls fronting street • Max area 20% of wall area • May be illuminated | <ul style="list-style-type: none"> • One (1) sign per street frontage • Max area per sign 35 sq. ft. • May be illuminated |
| Temporary Signs | <ul style="list-style-type: none"> • No limit on number of signs • Max area of all temp signs 16 sq. ft. • Comply with Sec 5.105.11 | <ul style="list-style-type: none"> • No limit on # of signs • Max area of all temp signs 16 sq. ft. • Comply with Sec 5.105.11 | <ul style="list-style-type: none"> • No limit on # of signs • Max area of all temp signs 50 sq. ft. , no single sign greater than 32 sq. ft. • Comply with Sec5.105.11 | <ul style="list-style-type: none"> • No limit on # of signs • Max area of all temp signs 16 sq. ft. • Comply with Sec 5.105.11 |

| Type of Sign | R-1 and R-2 | R-3 | C-1, C-2, INST, and IND | CON |
|--|---|---|---|---|
| Multi-Lot Development Entrance Sign | <ul style="list-style-type: none"> • One (1) sign per entrance • Max area 35 sq. ft. • Max height 6' • 10' setback from ROW lines | <ul style="list-style-type: none"> • One (1) sign per entrance • Max area 35 sq. ft. • Max height 6' • 10' setback from ROW lines | <ul style="list-style-type: none"> • One (1) sign per entrance • Max area 35 sq. ft. • Max height 6' • 10' setback from ROW lines | <ul style="list-style-type: none"> • One (1) sign per entrance • Max area 35 sq. ft. • Max height 6' • 10' setback from ROW lines |
| Electronic / Digital Sign | | | <ul style="list-style-type: none"> • Comply with Sec 5.105.8 | |
| Projecting / Awning / Canopy Signs | | | <ul style="list-style-type: none"> • Counts as max area for wall sign. • Projecting signs may not exceed 10 sq. ft. in area or 3' in width • (b), (c) | |
| Sandwich Board Signs | | | <ul style="list-style-type: none"> • One (1) per customer entrance • Max height 60" • Max width 36' • Illumination not permitted • (d) | |
| Window Sign | | | <ul style="list-style-type: none"> • No limit on number of signs • Max area is 25% of window area | |

Footnotes

- (a) For parcels with more than one principal building, a ground sign or wall sign is permitted for each building. Such sign shall not exceed 24 square feet in size and may be illuminated. A ground sign shall not exceed 6 feet in height.
- (b) Projecting or canopy signs in the C-1 District shall be set back at least 2 feet from any street curb line, shall not extend more than 6 feet over the public right-of-way, and shall leave a minimum clearance of 8 feet above the ground.
- (c) Projecting, awning, or canopy signs, other than those in the C-1 District, shall have a minimum ground clearance of 10 feet, shall be set back at least 6 feet from any adjacent public right-of-way, nor project over an alley or private access lane. A projecting sign shall not extend for more than 2 feet from the building to which it is attached.
- (d) Sandwich Board Signs.
 - (1) The sign may be placed within the public right-of-way on a public sidewalk but not within any public street vehicle travel lane.
 - (2) The sign shall be located outside of the business it serves but shall be located no more than 10 feet from the customer entrance to the business, be a minimum of 2 feet from the edge of the curb, and be located so that at least a 5-foot-wide unobstructed walkway is maintained.
 - (3) The sign may be displayed only during operating business hours.
 - (4) All signs must be constructed of weatherproof, durable material, and kept in good repair.
 - (5) Sandwich board signs within the public right-of-way may be moved/removed by the city for municipal purposes (i.e., code enforcement, snow removal, traffic issues, maintenance, etc.).

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- (6) All sandwich board signs must be marked in such a way as to identify the owner of the sign or the party responsible for placement of the sign. Such information must be readily identifiable upon reasonable inspection.
- (e) Sign requirements in the PUD zoning district will be based on the standards approved in the PUD concept plan. If the concept plan is silent on signage requirements, then the standards in the zoning district consistent with the applicable use will be used (for example, a multi-family residential use would use the standards for the R-3 zoning district).

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Article 06: Parking and Loading Space Requirements

Section 5.106.1: Parking Purpose and Scope.

The purpose of this Article is to prescribe regulations for off-street parking of motor vehicles, recreational vehicles, trucks, and trailers in residential and non-residential zoning districts, to ensure by the provisions of these regulations that adequate parking and access is provided in a safe and convenient manner, and to afford reasonable protection to adjacent land uses from light, noise, air pollution, and other effects of parking areas.

Section 5.106.2: General Requirements.

Automobile off-street parking spaces with adequate access shall be provided in all districts at the time of erection or enlargement of any main building or structure, automobile off-street parking space with adequate access to all spaces.

- (a) **Parking Space Defined.** Off-street parking spaces are a parking strip, parking bay, parking stall, garage, or combination of these. On single-family or two-family lots, the parking may be stacked. Lawn and yard areas, other than designated parking areas, shall not be utilized for off-street parking.
- (b) Parking areas shall be in the side or rear yard except single-family or two-family lots, the parking may be in the front yard, provided any parking spaces located between the front of the residence and the street must be approved by the Planning Commission.
- (c) **Off-site Spaces.** Off-street parking for other than residential use shall be either on the same lot or within 300 feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot. Ownership shall be shown of all lots or parcels intended for use as parking by the applicant.
- (d) **Single- and Two-family Dwellings Parking.** On single-family or two-family lots, the parking may be stacked. Lawn and yard areas, other than designated parking areas, shall not be utilized for off-street parking.
- (e) **Changes in Parking Requirements.** If the required number of parking spaces change due to increases in building size, number of employees, increase in seating, a change in use or other characteristics of parking requirements, the additional parking shall be provided at the time of the change.
- (f) **Replacement of Required Parking Spaces.** Minimum required off-street parking spaces shall not be replaced by any other use unless and until equal parking facilities are provided elsewhere.
- (g) **Reduction of Existing Parking.** Off-street parking existing at the effective date of this ordinance, in connection with the operation of an existing building or use, shall not be reduced to an amount less than required for that use.
- (h) **Collective Parking.** The required off-street parking spaces for two (2) or more buildings or uses may be provided collectively by a group of off-street parking spaces subject to the following:
 - (1) The total number of spaces provided collectively shall not be less than the sum of spaces required for each separate use. However, the planning commission may reduce the total number of spaces if they determine that the operating hours of the buildings or uses do not overlap.
 - (2) The collective off-street parking shall not be located farther than 500 feet from the building or use being served measured from the nearest point of the building or use entrance to the nearest point of the off-street parking lot.

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- (i) **Number of Parking Spaces Required.** The basis for calculating required parking spaces for uses is located in the Table of Use Requirements. In performing those calculations:
 - (1) Any calculation resulting in a fraction less than ½ is rounded down. Any calculation resulting in a fraction of ½ or greater is rounded up.
 - (2) The term “Useable Floor Area” excludes floor area used for storage, restrooms, or mechanical equipment such as furnaces. The term “Gross floor Area” includes all floor area.
 - (3) In calculation seating, 24 lineal inches of bench or bleacher equals one (1) seat.
 - (4) For those uses not specifically mentioned in the Table of Use Requirements, the requirements for off-street parking spaces shall be in based on similar uses in the table. In the case of site plans, this determination is the responsibility of the planning commission. In the case of zoning permits or similar approvals, the determination is the responsibility of the Zoning Administrator.
 - (5) Off-street parking for uses in the C-1 zoning district may be waived if adequate on-street or public off-street parking is available. In the case of site plans, this determination is the responsibility of the planning commission. In the case of zoning permits or similar approvals, the determination is the responsibility of the Zoning Administrator.
- (j) **Use of Parking Spaces.** No commercial repair work, servicing or selling of any kind, shall be conducted in any parking area unless specifically allowed under the provisions of this ordinance. An exception for repair, restoration, and maintenance on vehicles in any residential zoning district is permitted provided:
 - (1) All vehicles parked or being worked on outside shall be on an improved driveway surface, licensed, and operable.
 - (2) Procedures exceeding 48 hours in duration, or which require the vehicle to be inoperable in excess of 48 hours shall be conducted within an enclosed building.
 - (3) Inoperable vehicles and vehicle parts shall be stored inside an enclosed building.

Section 5.106.3: Parking Design Requirements.

Construction or expansion of parking lots other than for single-family and duplex residences shall be approved by site plan approval in those cases required under Article 09: and by issuance of a zoning permit in all other cases. The review shall verify compliance with the standards in this article, including the design and construction requirements below:

- (a) **Minimum Parking Space and Access Aisle Size.** Plans for the layout of off-street parking facilities shall be in accord with the following minimum dimensional requirements as shown in Figure 06-1.
- (b) All off-street parking spaces shall be provided adequate access by means of maneuvering lanes. Backing onto a street or onto or across a public walk shall be prohibited.
- (c) There shall be a curb or bumper rail provided wherever an off-street parking space is adjacent to a public sidewalk or right-of-way so designed to prevent any portion of the vehicle from extending beyond the limits of the required parking area.
- (d) Any lighting used to illuminate any off-street parking area shall be so installed and maintained as to confine light within the parking area and direct light away from adjoining premises.
- (e) Off-street parking area including access drives shall have a hard surface (concrete or bituminous) and shall be sloped and drained to dispose of all surface water. Any parking lots proposed within the 100-year floodplain shall use pervious pavement. In other areas of the city an applicant may propose, and the planning commission may approve the use of pervious pavement where it is determined that the site

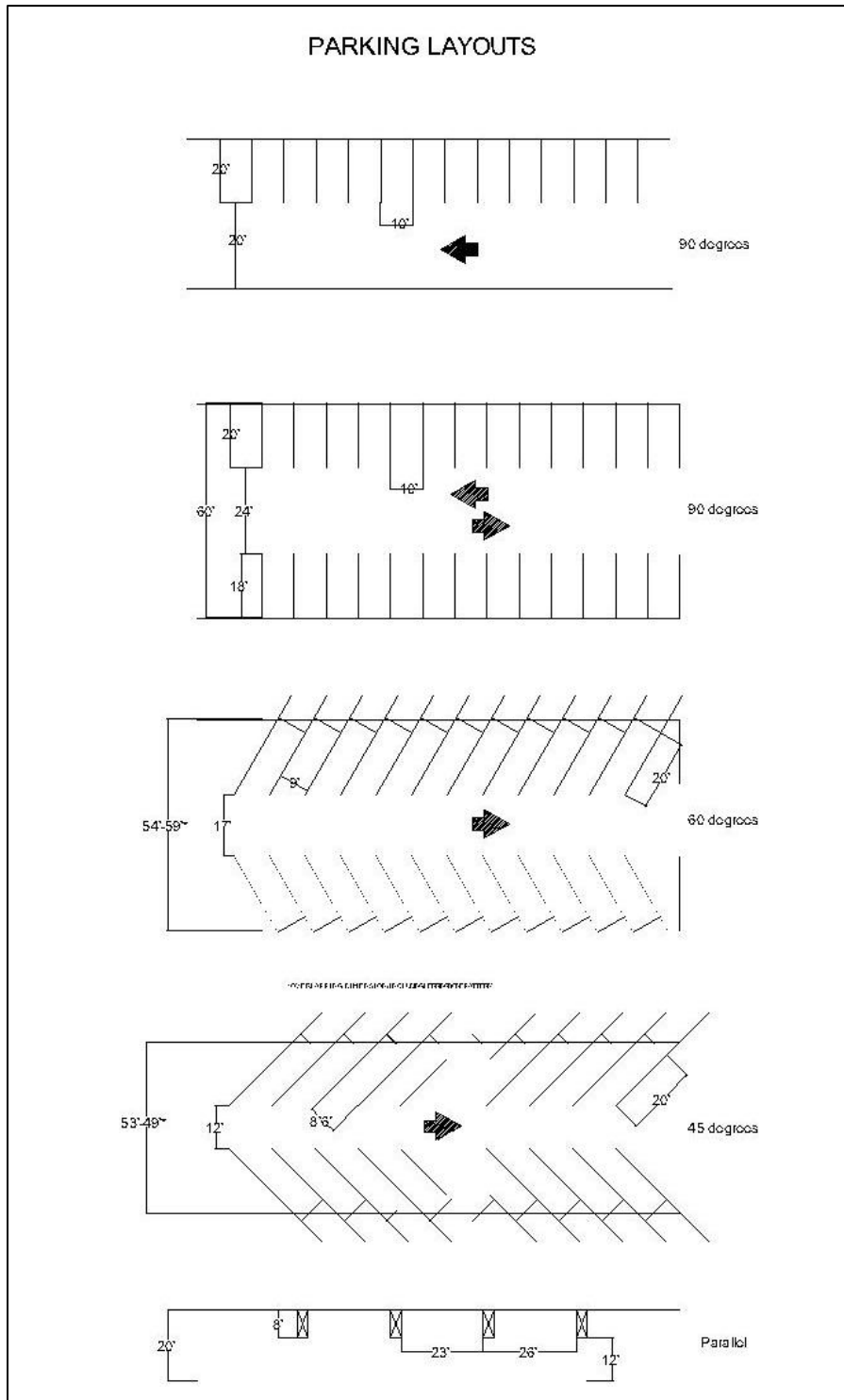
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conditions and proposed use would make its use appropriate. The use of low-impact design features such as rain gardens or bioswales to manage stormwater is encouraged.

- (f) Off-street parking lots shall also conform to the parking lot landscaping standards as set forth in Article 07: of this ordinance.
- (g) All parking must comply with barrier free requirements of the Michigan Building Code.
- (h) **Driveways.** Adequate ingress and egress to the parking lot by means of clearly limited and defined paved drives shall be provided for all vehicles. All parking areas shall be provided with an entrance and exit from the abutting public thoroughfare. Such entrance and exit may be combined as one, which shall in no event be less than 30 feet in width. The number of driveways permitted for each site shall be determined by the Planning Commission as part of site plan review. Driveway shall be setback a minimum 10 feet from a residentially zoned parcel.

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Figure 06-1



(i) **Parking Space Striping.** All parking lot stalls shall be striped and maintained.

- (j) **Cross Access.** Parcels adjacent to M-18 may be required to provide cross access to parcels on either side as a condition of site plan review. Cross access would include an easement at least 20 feet wide setback from the front lot right-of-way line.
- (k) **Drive-thru Facilities.** Whenever drive-thru facilities are allowed there shall be provided a minimum of six (6) off-street waiting spaces for each service window or service bay, unless regulated elsewhere in this ordinance. A waiting space shall be 23 feet long by 10 feet wide. The design will provide for a 10-foot pass-thru aisle adjacent to the waiting space area if a parking space access aisle is not provided.

Section 5.106.4: Off-Street Loading and Unloading.

The number, size, and location of off-street loading and unloading area shall be provided whenever it is determined by the planning commission that the nature of the building or use is such that loading areas would be necessary.

- (a) All loading or unloading areas shall be a minimum of 12 feet wide and 50 feet wide and provide a minimum height clearance of 14 feet.
- (b) Loading and unloading areas shall be so located and designed that the vehicles intended to use them can maneuver safely and conveniently to and from a public right-of-way and complete loading and unloading operations without obstructing or interfering with any public right-of-way or any parking space or parking lot maneuvering lane or aisle. When required, loading and unloading areas shall be designated and defined.
- (c) No area allocated to loading and unloading facilities may be used to satisfy the area requirements for off-street parking, nor shall any portion of any off-street parking area be used to satisfy the area requirements for loading and unloading facilities, except as specifically authorized by this ordinance.
- (d) Unless otherwise specified, loading and unloading areas shall be provided only in rear yards. Side yard loading may be permitted by the planning commission when it is determined that such space and loading facilities would not interfere with parking and circulation, either vehicular or pedestrian, or with abutting areas.
- (e) All loading and unloading areas shall be surfaced, drained, and otherwise developed in accordance with the provisions applicable to off-street parking areas.
- (f) Whenever the loading or unloading area abuts a residentially zoned lot, screening meeting the requirements of Article 07: shall be provided.
- (g) The number of loading and unloading spaces shall comply with the requirements in Table 06-1 below unless the planning commission determines that a lower number is adequate based on the loading and unloading requirements of the proposed use.

| Table 06-1: Loading / Unloading Space Requirements | |
|---|--|
| Gross Floor Area | Number of Loading Spaces |
| 5,000 – 19,999 sq. ft. | 1 |
| 20,000 – 49,999 sq. ft. | 2 |
| 50,000 sq. ft. and over | 3 + 1 space for each 50,000 sq. ft. over the original 50,000 sq. ft. |

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Article 07: Landscaping

Section 5.107.1: Purpose.

The purpose of this section is to promote the public health, safety, and welfare by establishing minimum standards for the amount, design, installation, and maintenance of landscaping. Landscaping is considered by the city to be an important element of land development which is a critical factor in maintaining an attractive community character and conserving the value of land and buildings in the city. In addition to the enhancement of property values, landscaping serves a public purpose by:

- (a) Acting as a buffer between adjacent land uses.
- (b) Creating privacy between neighboring lots.
- (c) Reducing noise pollution, air pollution, and glare.
- (d) Reducing flooding by increased floodwater retention.

The landscape standards of this section are considered the minimum necessary to achieve the objectives noted above. In several instances, the standards are intentionally flexible to encourage creative design. Applicants are encouraged to provide additional landscaping to improve the function, appearance, and value of their property.

Section 5.107.2: Applicability.

The standards contained in this Section shall be applicable to all development which requires a site plan or special exception use permit. Expansion or renovation of existing uses that require site plan approval shall adhere to the landscaping requirements of this section insofar as practical. The planning commission shall have the authority to decrease or otherwise modify the landscaping requirements of this Section.

Section 5.107.3: Instances Requiring Landscaping.

- (a) **Buffer Zones.** When uses of differing intensity are developed adjacent to each other a buffer zone between the uses may be required.
 - (1) **Level of Use.** For the purposes of determining the density and type of coverage in the required buffer zone, levels of use have been established based on the principal use of the property as shown on Table 07-1. Where the property adjacent to the proposed use is vacant, the use is based on lowest level of use consistent with uses allowed in that adjacent properties zoning district.

| Table 07-1 | |
|--------------|---|
| LEVEL OF USE | USES |
| Level 1 | Single-Family Residences and Duplexes |
| Level 2 | Multi-Family Residences |
| Level 3 | Uses allowed in the C district and institutional uses allowed in the RA, RU-1, and RU-2 districts |
| Level 4 | Uses allowed in the GC district that are not allowed in the C district |
| Level 5 | Uses allowed in the LI district that are not allowed in other districts |

- (2) **Buffer Zone.** A buffer zone shall be provided within the setback between the subject site and all adjacent properties according to Table 07-2 below. Walls/fences and berms with a height greater than 40 inches shall typically be prohibited along a public street right-of-way or in a front yard unless specifically approved by the planning commission. The height requirement of a wall / fence or berm shall be measured from the existing grade at the principal structure (within 100 feet of the property line) nearest to that property, to the top of the proposed berm or wall on the applicant’s site (see

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Figure 07-1). All walls/fences shall meet the standards described in Section 5.107.3:(a).. Buffers utilizing a combination of plant materials, berming, and walls/fences shall be encouraged.

| Table 07-2 | | | | | |
|------------------------------------|----------------------------------|------------------------------------|------------------------------------|----------------------------------|----------------------------------|
| Of Level Use Of Subject Site | Level of Use of Adjacent Site | | | | |
| | Level 1* | Level 2* | Level 3 | Level 4 | Level 5 |
| Level 1 | None | A or 5' high wall / fence / berm | A or a 5' high wall / fence / berm | A or 5' fence high wall / / berm | A or 8' high wall / fence / berm |
| Level 2 | A or 5' high wall / fence / berm | None | A or a 5' high wall / fence / berm | A or 5' high wall / fence / berm | A or 8' high wall / fence / berm |
| Level 3 | A or 5' high wall / fence / berm | A or a 5' high wall / fence / berm | None | B | B |
| Level 4 | A or 5' high wall / fence / berm | A or 5' high wall / fence / berm | B | None | A or 5' high wall / fence / berm |
| Level 5 | A or 8' high wall / fence / berm | A or 8' high wall / fence / berm | B | None | None |

A = One (1) canopy tree, two (2) evergreen trees, and four (4) large shrubs per each twenty (25) linear feet along the property line. All property line distances shall be rounded upward to the nearest foot. The planning commission may revise the required combination of evergreen and deciduous trees to address public safety and ensure adequate buffering of adjacent uses.

B = One (1) evergreen tree and four (4) large shrubs per each 25 linear feet along the property line. All property line distances shall be rounded upward to the nearest foot. The planning commission may revise the required combination of evergreen and deciduous trees to address public safety and ensure adequate buffering of adjacent uses.

*Where the adjacent property, including property across a public street or private road, is zoned or used as single family residential, the planning commission may require additional landscaping (trees, shrubs, wall, or berm) along the property line or within the site to sufficiently screen the parking lot, vehicle headlights, loading zones, outdoor display areas, storage yards, accessory structures, or use.

(3) Parking and Storage.

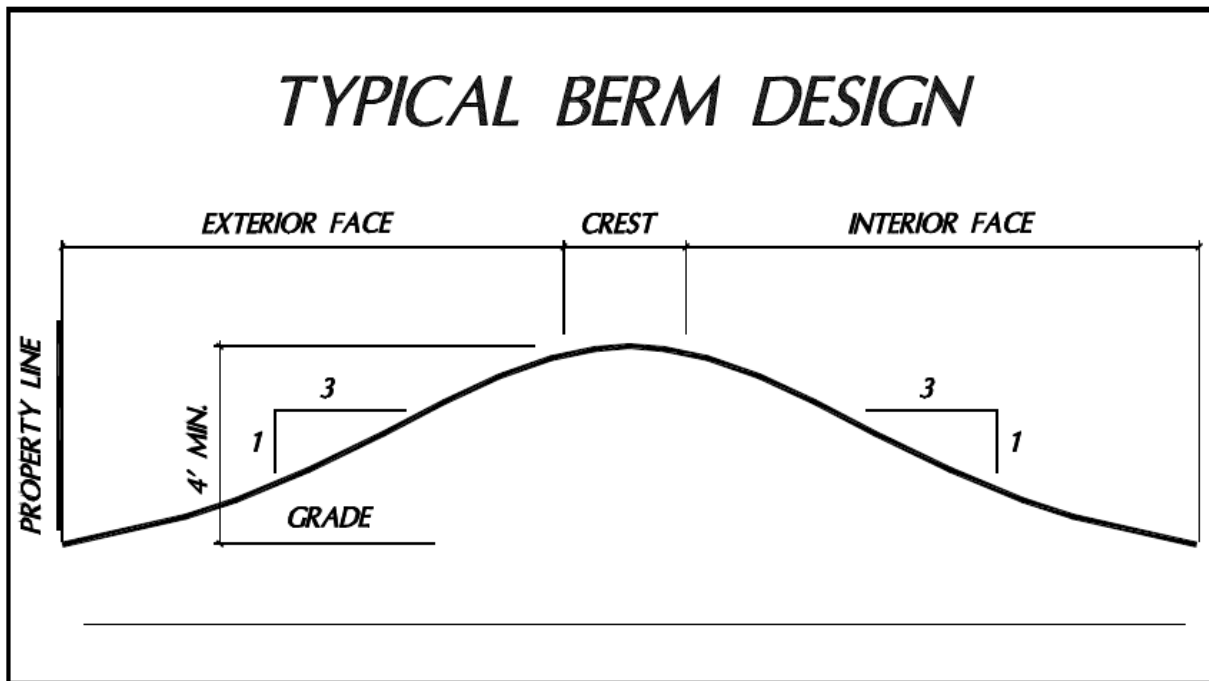
- i. Parking lot screens will be designed with a hedge, wall/fence, berm, or combination thereof, forming a continuous screen at least 40 inches in height above parking lot grade. The parking lot screen shall be located in the buffer zone to provide maximum screening of the parking lot.
- ii. All loading and unloading areas which are bordering side or rear yard setbacks of residential districts, shall be screened by a vertical screen consisting of structural or plant materials no less than 6 feet in height. Screening shall be sufficient to contain blowing debris and screen the loading and unloading areas from adjacent property owners.
- iii. Storage areas (including areas for storage of refuse) which are adjacent to residential districts shall be screened on three sides by a fence or wall no less than 6 feet in height.

(4) **Wall or Fence Standards.** Required walls or fences shall comply with the standards listed below.

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- i. Walls or fences shall be located so as to abut the applicant’s property except where underground utilities interfere or where this ordinance requires conformance with yard setback lines.
 - ii. Walls or fences must be maintained in good condition by the property owner.
 - iii. The finished side or most visibly attractive side of a wall or decorative wood fencing shall face the exterior of the property line. Posts shall be on the side of the wall or fence facing the interior of the lot or parcel of land upon which the wall or fence is constructed.
 - iv. The fence must be of an obscuring type approved by the planning commission.
- (5) **Berm Standards.** Required berms shall be constructed as landscaped earth mounds with a crest area at least 3 feet in width. The exterior face of the berm shall be constructed as an earthen slope. The interior face of the berm may be constructed as an earthen slope or retained by means of a wall, terrace, or other means acceptable to the Zoning Administrator or planning commission depending on who has site plan approval. Whenever an earthen slope is provided, it shall be constructed with a slope not to exceed 1 foot of vertical rise to 3 feet of horizontal distance (1:3) (see Figure 07-1). Free form naturalistic contouring and berm shaping is encouraged.

Figure 07-1



- (b) **Parking Lots.** Off-street parking lots of 20 spaces or more in the C-1, C-2, or IND districts are required to be landscaped in compliance with the following:
- (1) **Number of Trees.** One (1) space per 7 spaces is required. Fractions over ½ are rounded up in calculating the number of trees.
 - (2) **Tree Location.** All of the required parking lot trees shall be placed within the parking lot envelope, described as the area including the parking lot surface and extending 15 feet from the edge of the parking lot. Evergreen trees may be used for part of the landscaping on the outer edge of the parking area, provided they will not pose a traffic hazard. Only deciduous canopy trees are permitted within

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the interior of the parking area. All parking lot tree calculations and interior parking lot tree requirements shall be rounded up.

- (3) **Tree Base.** Each tree shall be surrounded by an area of grass or living ground cover at least 150 square feet in size to provide for adequate resources of air and water. Tree plantings shall also be protected from automobiles with curbing or another suitable device.
- (4) **Design of Parking Lot Islands.** All parking lot islands shall be curbed. Islands shall be at least 150 feet in area. Each island shall be at least 10 feet wide, with a depth 2 feet shorter than the depth of the adjacent parking space. Islands shall have a minimum of 10 feet at the ends facing main aisles. A minimum radius shall be 1 foot where island is not adjacent to main traffic aisle.
- (c) **Right-of-Way Greenbelts.** A green belt shall be planted adjacent to the right-of-way of any public street. The green belt plantings shall be planted within the required setback. The planning commission may allow such planting to be placed anywhere within the front yard if there is no front yard parking. The green belt shall meet the following standards:
 - (1) **Density of Trees.** The green belt shall include one (1) deciduous canopy or coniferous tree per 30 linear feet of the frontage including any openings for driveways, sidewalks, or easements.
 - (2) **Use of Evergreens.** The planning commission may approve substitution of evergreen trees for up to 50 percent of the required green belt trees upon determining evergreens would be consistent with the existing character of the area.
 - (3) **Vision Triangle.** Landscaping shall comply with the vision triangle limitations in Section 5.104.7
- (d) **General Landscaping.** Any area not occupied by buildings, parking, driveways, or similar improvements shall at a minimum be landscaped with grass that is maintained in compliance with city ordinances. In addition, general landscaping shall comply with the following:
 - (1) No landscape area shall be used for parking or display purposes.
 - (2) No synthetic plant materials such as artificial grass, shrubs, trees, or flowers shall be used to fulfill any landscaping requirements.
 - (3) All landscaping materials shall consist of healthy specimens compatible with local climate, soil characteristics, drainage, and water supply. All plant material shall be reasonably resistant to drought and disease.
 - (4) Building foundations shall be enhanced shrubs or other plantings to the maximum extent feasible.

Section 5.107.4: Existing Tree Preservation Incentives.

The standards outlined below are intended to encourage the preservation of quality and mature trees on the subject parcel by providing credits, at planning commission approval, toward the required trees for green belts, buffer zones and within parking lots.

- (a) All trees over 8 inches caliper shall be identified on the site plan with notations of trees to be preserved and trees to be removed.
- (b) Trees proposed to be preserved shall be noted with a unique symbol on the site plan and be protected during construction through the use of construction fencing at or beyond the dripline of the tree or trees to be preserved.
- (c) Trees to be preserved shall be considered for credit only if they are located on the developed portion of the site and are considered signature trees by the planning commission. The planning commission pursuant to site plan approval may allow credit for such plant material preservation if it will maintain and

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encourage the intent of the ordinance. To be considered a signature tree the preserved trees shall be of a high quality and shall not be on the list of prohibited trees.

(d) Credit consideration for preserved trees shall be:

| Table 07-3: Credit Consideration for Preserved Trees | |
|---|--------------------------------|
| Preserved Tree Caliper*(inches) | Number of Trees to be Credited |
| 12 inches and over | 3 |
| 8 inches to 11.99 inches | 2 |
| 2 ½ inches to 7.99 | 1 |
| *Caliper is the diameter of a tree trunk and shall be measured at a height 6 inches above the existing grade up to and including 4-inch caliper size and 12 inches above the existing grade for larger sizes. | |

- (e) To protect and encourage the continued health and vitality of the preserved trees, the ground within the dripline of the trees shall be maintained in the existing natural state. Storage of soils, construction equipment, or other materials during or after construction within the tree dripline is prohibited.
- (f) If preserved trees die within three (3) years after construction, the property owner shall replace with the number of trees that would have been required had the tree preservation credit not been provided. Said trees shall be replaced within 30 days of written notice from the township or within an extended time period as specified in said notice.
- (g) The minimum number of required trees shall not be reduced by less than 50 percent through the use of approved tree credits, unless the planning commission during site plan review determines that existing vegetation intended to be preserved would provide landscaping, buffering, or screening comparable to that required under this article.
- (h) For a period of three (3) years following a site plan approval, special permission by the planning commission will be required for the removal of trees proposed to be preserved on the site plan. The planning commission may condition their removal on their being replaced with the number of trees that would have been required.

Section 5.107.5: Minimum Standards for Installation and Maintenance.

- (a) **Installation.** Landscaping shall be installed in a sound workman-like manner and conform to the American Standard for Nursery Stock ANSI Z60.1. If building or paving construction is completed during a planting season, then no certificate of occupancy will be issued unless the landscaping meets the requirements herein provided. If building or paving construction is completed in an off-planting season, the certificate of occupancy will be issued only after the owner provides a performance bond to ensure installation of required landscaping in the next planting season.
- (b) **Material removal.** Tree stakes, guy wires, and tree wrap are to be removed by the applicant after one year.
- (c) **Maintenance.** Greenbelt areas and plant materials required by this ordinance shall be kept free from refuse and debris. Plant materials shall be maintained in a healthy growing condition, neat, and orderly in appearance in perpetuity from the time of planting. If any plant material required by this ordinance dies or becomes diseased, they shall be replaced by the applicant/owner within 30 days of written notice from the township or within an extended time period as specified in said notice.

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Article 08: Design Standards

The following are design standards for uses listed in Article 03:, Table of Uses and Table of Use Requirements.

Section 5.108.1: Accessory Wind Energy System.

- (a) Wind generators may be permitted in the rear yards of residentially zoned property provided:
 - (1) The highest point of any portion of the generator shall not exceed 35 feet above the average grade of the lot.
 - (2) The generator device shall be placed no closer to any side or rear lot line than the total distance between the grade of the lot at the base of the tower and the highest point of any portion of the generator.
 - (3) The maximum diameter formed by a circle encompassing the outermost portions of the blades or other wind activated surfaces shall not exceed 30 percent of the distance between the ground and the highest point of any portion of the wind generator. The generator shall be so located that no portion of the structure would penetrate the vertical plane of any adjacent property line if it were to topple over in its normally assembled configuration.
 - (4) The construction of the tower’s blades, base structure, accessory building, and wiring shall meet all applicable local building codes and ordinances.
- (b) Wind generators may be permitted in the on the roofs of principal structures of any property provided:
 - (1) **Height.** The height of a structure mounted wind generator shall not exceed 15 feet as measured from the highest point of the roof, excluding chimneys, antennae, and other similar protuberances.
 - (2) **Setback.** The setback of the structure mounted wind generator shall be a minimum of 15 feet from the property line, public right-of-way, public easement, or overhead utility lines if mounted directly on a roof or other elevated surface of a structure. If the structure mounted wind generator is affixed by any extension to the side, roof, or other elevated surface, then the setback from the property line or public right-of-way shall be a minimum of 15 feet. The setback shall be measured from the furthest outward extension of all moving parts.
 - (3) **Location.** The structure mounted wind generator shall not be affixed to the wall on the side of a structure facing a road.
 - (4) **Quantity.** No more than three (3) structure mounted wind generator shall be installed on any parcel of property.
 - (5) **Separation.** If more than one structure mounted wind generator is installed, a distance equal to the height of the highest structure mounted wind generator must be maintained between the furthest outward extension of any moving part of each structure mounted wind energy system.
- (c) Wind generators may be permitted in the rear yard, or non-required front or side yard of a commercial or industrially zoned property provided:
 - (1) The highest point of any portion of the generator shall not exceed 65 feet above the average grade of the lot.
 - (2) The generator device shall be placed no closer to any side or rear lot line than the total distance between the grade of the lot at the base of the tower and the highest point of any portion of the generator.

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- (3) The maximum diameter formed by a circle encompassing the outermost portions of the blades or other wind activated surfaces shall not exceed 30 percent of the distance between the ground and the highest point of any portion of the wind generator. The generator shall be so located that no portion of the structure would penetrate the vertical plane of any adjacent property line if it were to topple over in its normally assembled configuration.

Section 5.108.2: Single Family Dwellings.

All single-family dwellings outside of mobile home parks shall comply the following:

- (a) Complies with the minimum square footage requirements of this ordinance for the zone in which it is located.
- (b) Has a minimum width across any front, side, or rear elevation of 20 feet and complies in all respects with the Michigan State Construction Code as promulgated by the Michigan State Construction Code Commission under the provisions of 1972 PA 230, as amended, including minimum heights for habitable rooms. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction and where such standards or regulations for construction are different than those imposed by the Michigan State Construction Code, then and in that event such federal or state standard or regulations shall apply.
- (c) Is firmly attached to a permanent foundation constructed on the site in accordance with the Michigan State Construction 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, as defined herein, such dwelling shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission and shall have a perimeter wall as required above.
- (d) 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 mechanisms, undercarriage, or chassis.
- (e) The dwelling is connected to a public sewer and water supply or to such private facilities approved by the Gladwin County Health Department.
- (f) The dwelling contains a storage capability area in a basement located under the dwelling, in an attic area, in closet 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 percent of the square footage of the dwelling or 100 square feet, whichever shall be less.
- (g) The dwelling is aesthetically compatible in design and appearance with other residences in the vicinity, with either a roof overhang of not less than 6 inches on all sides, or alternatively, with window sills and 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 the rear or side of the dwelling; and contains permanently attached 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 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 as provided for in Section 5.113.9: of this ordinance. 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 one or more residential dwellings located outside of mobile home parks throughout the

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village. 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.

- (h) 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.
- (i) 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.
- (j) 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 village pertaining to such parks.
- (k) All construction required herein shall be commenced only after a building permit has been obtained in accordance with the applicable Michigan State Construction Code as promulgated by the Michigan State Construction Commission under the provisions of the 1972 PA 230 as amended.

Section 5.108.3: Accessory Solar Energy Systems.

- (a) Accessory solar energy system – General requirements
 - (1) It shall be shown that all panels are adequately secured to the surface upon which they are mounted and that the mounting structure has the capability of supporting the panels.
 - (2) Solar energy collectors and racking shall be dull or dark in color, non-glossy, and substantially non-reflective of light. This shall not create a nuisance to adjacent dwelling units
 - (3) The installation of any solar panel (private or commercial) shall not negatively impact adjacent properties with additional or excessive storm water runoff and/or drainage.
 - (4) Solar energy collectors shall be installed, maintained, and used only in accordance with the manufacturer’s directions. Upon request, a copy of such directions shall be submitted to building official/inspector prior to installation.
- (b) Accessory solar energy system – Structure-mounted
 - (1) Solar energy collectors shall not project more than two (2) feet above the highest point of a roof or exceed maximum building height limitations allowed in that zoning district.
 - (2) Solar energy collectors shall not project more than two (2) feet above the highest point of a roof or exceed maximum building height limitations allowed in that zoning district.
 - (3) Solar energy collectors that are mounted on a roof shall not be located within three (3) feet of any peak, eave, or valley to maintain adequate accessibility.
- (c) Accessory solar energy system – Ground-mounted
 - (1) Solar energy collectors are permitted in rear and side yards.
 - (2) Ground-mounted solar energy collectors shall not exceed thirty (30) percent of the rear yard.
 - (3) Ground-mounted solar energy collectors shall not exceed nine (9) feet in height measured from ground level to the highest point of the solar panel.

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- (4) All ground-mounted solar energy collectors shall be regulated as an accessory structure and shall meet all applicable accessory building requirements of this ordinance.
- (5) Installation/Review. Solar energy collectors shall be installed, maintained, and used only in accordance with the manufacturer’s directions. Upon request, a copy of such directions shall be submitted to building official/inspector prior to installation. Building official/inspector approval is required.

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Article 09: Site Plan Review

Section 5.109.1: Purpose.

The intent of this Article is to provide for consultation and cooperation between the land developer and the City Planning Commission in order that the developer 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 5.109.2: When Site Plans Are Required.

- (a) As part of an application for a Special Land Use.
- (b) Any change in use which involves the construction of ten (10) or more additional parking spaces.
- (c) As part of an application for approval of a condominium development.
- (d) Any other construction or moving of structures except:
 - (1) Single family and duplex residences on individual parcels and their accessory structures
 - (2) Non-residential accessory structures under 900 square feet
 - (3) Expansions of under 900 square feet to existing structures.

Section 5.109.3: Site Plan Requirements.

Site plans required under this Article shall include the following:

- (a) General Information.
 - (1) Project name.
 - (2) Property owner and developer’s name, address, and phone number.
 - (3) Design professional’s name, address, and phone number.
 - (4) Plan date and revision dates.
 - (5) Date, north point, and recognized scale.
 - (6) Location map.
 - (7) Plans shall be sealed by a Michigan licensed professional within their respective discipline per the professional laws of that discipline.
 - (8) Legal description of the site.
 - (9) The property’s zoning classification and description of proposed use.
- (b) Dimensional information.
 - (1) The area of the subject parcel of land stated in acres or, if less than an acre, in square feet (to verify compliance with minimum lot area requirements).
 - (2) The dimensions of all lot and property lines with square footage of each lot (to verify minimum lot width and other lot dimension requirements).
 - (3) Existing man-made features (to verify existence of nonconforming structures, potentially address parking requirements, verify lot coverage requirements).
 - (4) Dimensions of setbacks, locations, heights and size of structures and other important features (to verify existence of nonconforming structures, potentially address parking requirements, verify lot coverage requirements).

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- (5) Percentage of land covered by buildings and that reserved for open space (to verify lot coverage and open space requirements when applicable).
- (6) Dwelling unit density (to verify unit density when applicable).
- (7) Front, rear, and side elevations of a typical proposed structure showing building height (to verify compliance with maximum height requirements and exterior design requirements when necessary).
- (c) **Use Specific Design Standards.** In a note on the plans the applicant will identify any use specific design standards for the use listed in Table 03-2 and the plans compliance with those requirements.
- (d) **Parking and Loading.**
 - (1) Parking space and loading space calculations demonstrating that the site complies with the minimum parking space and loading space requirements in Table 03-3 (to verify compliance with minimum required spaces).
 - (2) Floor plan showing gross and useable floor area if parking space requirements are based on floor area (to verify compliance with minimum required spaces).
 - (3) Location and dimension of parking spaces, loading spaces, and maneuvering aisles (to verify compliance with minimum requirement for parking space, loading space, and maneuvering aisle requirements).
 - (4) Proposed pavement material (to verify compliance with parking surface requirements).
- (e) **Access and Circulation.**
 - (1) Location of each driveway as well as the setback from side lot lines, size, and radius of driveways and all driveways within 100 feet of the site (to verify compliance with standards for driveways and to determine potential conflicts with existing nearby driveways).
 - (2) Location and width of existing or proposed sidewalks (to verify compliance with standards for sidewalks).
 - (3) Existing and proposed streets including right of ways that are on the subject site, adjacent to the site or within 100 feet of the site (to verify minimum street standards for new streets).
- (f) **Drainage.**
 - (1) Existing or proposed storm sewers, open drains, and detention/retention structures (to verify compliance with standards for site drainage).
 - (2) Storm calculations for the site and drainage structures based on the 25-year storm (to verify compliance with standards for site drainage).
 - (3) Existing and proposed grades at 2-foot intervals and proposed drainage patterns (to verify compliance with standards for site drainage).
- (g) **Public Utilities.**
 - (1) Existing and proposed water lines (to verify requirement regarding access to potable water).
 - (2) Existing and proposed sanitary sewer lines (to verify requirement regarding access to sewer).
 - (3) Existing and proposed other utilities such as gas, electrical, or communication lines.
- (h) **Natural Features.**
 - (1) Location of streams, marshes, and lakes (to verify requirement that natural features be protected).

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- (2) Limits of any wetland, including attachment of a wetland determination by a recognized consultant (wetland limits must be confirmed by the EGLE prior to final approval) (to verify compliance with standard regarding protection of wetlands and compliance with state wetland requirements).
- (3) Woodlots as described in the landscaping section to verify compliance with standard regarding protection of natural features.
- (4) Environmental impact of the project, if required (to permit applicant to summarize their understanding of the project’s environmental impact).
- (i) **Adjacent Property Information.**
 - (1) Existing land use and zoning of all adjacent property and its relationship to subject parcel (to identify any increases setback requirements due to adjacent zoning).
 - (2) Buildings within 100 feet of the boundary of the site (to identify potential impact of project on adjacent property).
 - (3) Notes on any potential off-site impacts regulated by Section 5.104.22: Performance Standards. and how they are proposed to be mitigated (to require applicant to consider potential off-site impacts).
- (j) **Outdoor Storage and Display.** Identify areas for outdoor display or storage (to verify compliance with standards for outdoor storage and display).
- (k) **Fence.** Identify the type, location, and dimensions of all proposed fenced areas (to verify compliance with standards for required fencing).
- (l) **Signs.** Identify the type, location, dimensions, and lighting of all proposed signs.
- (m) **Exterior Lighting.**
 - (1) Identify the location, dimension, and style of lighting (to identify compliance with maximum height of signs and shielding requirements).
 - (2) Provide a photometric plan in foot/candles of the proposed site lighting (to verify minimum and maximum lighting standards).
- (n) **Dumpster Enclosure.**
 - (1) Location and method of waste disposal (to verify compliance with standards for dumpster enclosures).
 - (2) Type of screening including building material and color (to verify compliance with standards for dumpster enclosures).
- (o) **Groundwater Protection.**
 - (1) Listing the type and quantity of hazardous materials stored on site in quantities reportable under Title 40 Part 355 Appendix A of the Federal Code of Regulations. A copy is available as part of the site plan application (to verify if there is significant material stored on site that could be a threat to the groundwater if it leaked).
 - (2) Identify the location of storage and loading/unloading sites for hazardous materials on site (to verify locations where a spill might occur).
 - (3) Identify secondary containment provisions for any hazardous material stored or used on the site (to verify the mitigation measures a site takes to protect the groundwater from an accidental spill).
- (p) **Landscaping.** Provide the following information in a separate landscape plan:

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- (1) Proposed plant location, spacing, size and species (common and botanical name) (to verify compliance with requirement regarding plant type, size and spacing where applicable and prohibited trees).
 - (2) Straight cross section including slope, height and width of berms and type of ground cover, or height and type of construction of wall or fence, including footings (to verify compliance with fence, wall, or berm standards).
 - (3) Significant construction details to resolve specific site conditions, such as tree wells to preserve existing trees or culverts to maintain existing natural drainage patterns (verify compliance with landscaping specifications).
 - (4) Planting and staking details in either text or drawing form (to ensure proper installation and establishment of proposed materials).
 - (5) Identification of existing trees and species proposed to be saved. These trees can, at the discretion of the planning commission, be used toward meeting the requirements prescribed herein. Clearly reference on the plan the total number of trees proposed to be preserved and methods to do so (to verify trees eligible for tree preservation credit).
- (q) Emergency Vehicle Access and Safety.
- (1) Show designation of fire lanes (to permit review by Fire Chief).
 - (2) Identify location of fire hydrants on or within 100 feet of the site (to permit review by Fire Chief).
- (r) **Compliance with Other Laws and Rules.** Provide a note identifying any county, state, or federal law or regulation the site is required to comply with and the status of that compliance.
- (s) **Other Information.** Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this ordinance are being observed.
- (t) **Waived Information.** The planning commission may waive, either by general rule or on a case by case basis, any of the above informational requirements they determine unnecessary to evaluate a site plan’s compliance with the standards for approval under this zoning ordinance.

Section 5.109.4: Site Plan Review Procedure.

- (a) **Application.** Nine copies of the completed application form and nine copies of the site plan, along with a digital copy meeting the informational requirements of Section 5.109.3: of this ordinance along with the required fee shall be submitted by the applicant to the Zoning Administrator at least 14 days prior to the date of the site plan review committee meeting at which it will be considered. The Zoning Administrator may require additional copies of the site plan if they are needed to permit review by additional staff or outside agencies. If the applicant is not the owner of the property, then the application must be signed by the property owner as well as the applicant or other suitable proof given that the property owner approves the application.
- (b) Staff Review.
 - (1) Following the receipt of the application and site plan, the Zoning Administrator shall review the site plan to determine if the required information is included and the request complies with the zoning ordinance requirements. If the plan does not meet the informational requirements, the proposal shall not be placed on the planning commission’s agenda, unless the applicant indicates their intent to request the planning commission waive the requirement for the missing information. If the plan does not meet the ordinance requirements, the proposal shall not be placed on the planning

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commission’s agenda unless the applicant indicates their intent to request the necessary variances from the Zoning Board of Appeals (ZBA).

- (2) The Zoning Administrator shall submit the proposed site plan to those members of city staff and outside agencies they determine appropriate based on the characteristics of the proposal. These may include:
 - i. City Fire Chief
 - ii. City Police Chief
 - iii. City DPW Director
 - iv. City Planner
 - v. City Engineer
 - vi. City Attorney
 - vii. Michigan Department of Transportation (MDOT)
 - viii. Michigan Department of Environment, Great Lakes, and Energy (EGLE)
- (3) The Zoning Administrator shall request a meeting of the site plan review committee composed of representatives of the city DPW, Fire Department, the city manager and not more than two members of the planning commission to review and make recommendation on the plan to the planning commission.

(c) Planning Commission Review.

- (1) The planning commission shall have the responsibility to approve, approve with specified changes and/or conditions, or disapprove the applicant’s request, using the criteria for site plan review included in this ordinance as a basis for its decision.
- (2) Any conditions or changes stipulated by the planning commission shall be recorded in the minutes of the meeting and a copy of each said conditions or changes given to the applicant.
- (3) Two (2) copies of the approved site plan shall be certified by the signatures of the Chairperson of the planning commission.
- (4) One (1) of the two (2) certified copies of the site plan shall be returned to the applicant and the other shall be retained in the Zoning Administrator’s office.

(d) Criteria for Site Plan Approval.

- (1) **Use.** The site plan is consistent with the requirements of the zoning ordinance including use, dimensional requirements, parking, lighting, landscaping, fencing, outdoor storage and display, and exterior lighting.
- (2) **Site Design Characteristics.** All elements of the site plan shall be designed to take into account the site's topography; the size and type of lot; the character of adjoining property; the type and size of buildings; and the traffic operations of adjacent streets. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Article.
- (3) **Preservation of Significant Natural Features.** The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, alteration to the natural drainage courses, and the amount of cutting, filling, and grading. Insofar as practical, natural features and the site topography shall be incorporated into the proposed site design.

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- (4) **Site Access, Circulation, and Parking.** Safe, convenient, uncongested, and well defined vehicular circulation within and to the site shall be provided.
 - (5) **Traffic Impact.** The expected volume of traffic to be generated by the proposed use shall not adversely affect existing streets and traffic patterns. Street access shall minimize excessive vehicle traffic on local streets to reduce the possibility of any adverse effects upon adjacent property. To determine traffic impact, the planning commission may require a traffic study based on the criteria in the U.S. Department of Transportation guide Evaluating Traffic Impact Studies: A Recommended Practice for Michigan Communities.
 - (6) **Utilities and Storm Water Management.** Public water supply and sewer facilities shall be available or shall be provided for by the developer as part of the site development. All utilities and storm water management facilities shall be reviewed and approved by the City Engineer.
 - (7) **Emergency Vehicle Access.** All buildings and site circulation shall be arranged to permit emergency vehicle access by practicable means to all buildings and areas of the site. Vehicle circulation shall meet turning radius requirements set by the fire department. Fire lanes shall be designated on the site and posted with signage by the developer/property owner at the developer’s/property owner’s expense prior to occupancy. Fire hydrants, fire suppression systems, fire detection, and fire extinguishers shall be provided as required by the fire department.
 - (8) **Other Agency Reviews.** The applicant shall provide documentation of compliance with other appropriate agency review standards, including, but not limited to the Michigan Department of Environment, Great Lakes, and Energy (EGLE); Michigan Department of Transportation (MDOT); and other federal, state, and county agencies, as applicable.
 - (9) **Hazardous Materials.** Sites that include storage of hazardous materials or waste, fuels, salt, or chemicals shall be designed to prevent spills and discharges of polluting materials to the surface of the ground, groundwater or nearby surface water bodies. These areas shall be designed to meet all applicable state and federal regulations and incorporate basic management practices for the handling of hazardous materials, including the use of secondary containment. Uses that involve the storage of large quantities of hazardous or combustible materials shall be located and designed to ensure no threat to nearby uses and residents is present.
- (e) Revocation.
- (1) If the Zoning Administrator shall find that the conditions and stipulations of an approved site plan are not being adhered to, the planning commission shall give notice to the applicant of its intent to revoke the prior approval given to the site plan. Intent to revoke shall be made known to the applicant by a registered letter sent to the applicant and signed by the Zoning Administrator. Said letter shall be sent to the applicant at least 14 days prior to the stated date of revocation and shall contain the reasons for revoking the site plan approval.
 - (2) If the applicant notifies the planning commission within 14 days of the receipt of the letter of his/her intent to rectify the violation, the planning commission, through official act, may defer the revocation.
- (f) **Appeal.** The decision of the planning commission may be appealed to the Zoning Board of Appeals in compliance with the provisions of Section 5.113.9: of this ordinance.
- (g) **Site Plan Amendments.** An approved site plan may be submitted for minor amendment to the Zoning Administrator for review and signature by the Planning Commission Chairperson. If, in the judgment of

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either the Zoning Administrator or the Planning Commission Chairperson, the site plan amendment is major, the provisions of this Article shall be followed. Minor changes are those that do not result in:

- (1) A significant change in the use, intensity, or character of the development.
 - (2) A significant increase in lot coverage.
 - (3) A reduction in required off–street parking or loading areas or drainage retention or detention capacity.
 - (4) Reduction in pavement widths or utility pipe size.
 - (5) Significant changes in road or lot layout.
 - (6) Need for a variance
- (h) **Conditions.** The planning commission may impose conditions on the site plan approval, which may include the requirement of a performance guarantee in compliance with Section 5.115.5: of this ordinance. In determining appropriate conditions, the planning commission shall ensure that:
- (1) There is a rough proportionality between the scope of the proposed condition in relationship to the impact to be mitigated; and
 - (2) There is a reasonable connection between the condition imposed and the impact it is mitigating.
- (i) **Time Limits.**
- (1) **Deadline to commence construction.** An application for a zoning permit for a project approved by site plan approval shall be filed with the Zoning Administrator within two (2) years from the date of approval of the site plan. If a zoning permit is not issued within two (2) years, site plan approval shall expire.
 - (2) **Deadline for completion.** A project approved by site plan approval shall be completed within two (2) years from the date that the zoning permit was issued by the Zoning Administrator. If an occupancy permit is not granted within two (2) years, site plan approval shall expire. The planning commission may grant approval for up to five (5) years per phase in the case of multi-phased development.
 - (3) **Extension.** The planning commission may grant two (2) extensions for an additional one (1) year per extension for preliminary and final site plan approval and two (2) extensions for up to an additional two (2) years per extension for completion of an approved site plan if the applicant submits a request for an extension prior to expiration of the approval and can demonstrate that suitable, continual progress has been made on the project.

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Article 10: Special Land Use

Section 5.110.1: Purpose.

Rather than permitting all of the many and varied land use activities within individual zoning districts, it is the intent of this ordinance to provide a set of procedures and standards for specific uses of land or structures that will allow, on one hand, practical latitude for the developer, but that will at the same time maintain sound provisions for the protection of the health, safety, and general welfare of the inhabitants of the City of Beaverton. In order to provide controllable and reasonable flexibility, this Article permits detailed review of certain specified types of land use activities which, because of their particular and unique characteristics, require special consideration in relation to the welfare of adjacent properties and to the community as a whole. Uses of land and structures possessing these characteristics may be authorized within certain zone districts by the issuance of Special Land Use approval. By such a procedure, the City of Beaverton Planning Commission has the opportunity to impose conditions and safeguards upon each use which are deemed necessary for the protection of the public welfare.

Section 5.110.2: Procedures.

The following steps shall be taken by the applicant, zoning officials, and review body when considering a proposed special use:

- (a) **Application.** All applications for Special Land Use approval shall be filed with the city Zoning Administrator at least 21 days prior to the planning commission meeting at which it is to be heard and shall include the required nine (9) copies of the site plan, fee, and any other pertinent information upon which the applicant intends to rely for Special Land Use approval. For applications where the use is occupying an existing building and there are no proposed changes to the site, the applicant may submit a plot plan meeting the requirements of Section 5.115.3: of this ordinance.
- (b) **Submission for Review.**
 - (1) The Zoning Administrator shall, after preliminary review, forward the complete application to the planning commission along with any comments by the site plan review committee, city staff, or others as provided for in Section 5.109.4: of this ordinance for review of a site plan.
 - (2) The planning commission shall hold a public hearing on the request.
- (c) **Public Hearing Notice Requirements.** The public hearing notice shall comply with the notice requirements outlined in Section 5.110.3: of this ordinance.
- (d) **Planning Commission Decision.**
 - (1) After the public hearing, the planning commission shall consider approval of the proposed special use according to criteria set forth in Section 5.110.3 of this Article. If the Special Land Use is approved, the planning commission shall then consider for approval the site plan based on the criteria in Section 5.109.4: of this Article. In considering the Special Land Use, the planning commission may:
 - i. Approve the Special Land Use application and site plan, or
 - ii. Approve the Special Land Use application and site plan subject to conditions, which are imposed in order to ensure the Special Land Use complies with standards stated in this ordinance, or
 - iii. Disapprove application.
 - (2) All decisions shall be accompanied with a concluding statement citing the reasons for decision and any condition imposed

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Section 5.110.3: Criteria for Approval.

In addition to compliance with the specific district regulations and general regulations as outlined in this zoning ordinance, the following criteria shall be met in order for planning commission approval of a Special Land Use:

- (a) The Special Land Use will not generate off-site impacts such as traffic, noise, or odor than uses allowed by right in the same district, unless conditions can be imposed to mitigate those impacts and protect the surrounding property.
- (b) Approval of the Special Land Use on the specific parcel proposed is consistent with the intent and purposes of the zoning district in which it is located. There are no unusual or unique characteristics of the site or the surrounding area that would make the proposed use inconsistent with the intent of the district.
- (c) The Special Land Use will not exceed the capacities of public services and facilities such as water, sewer, fire, or police services unless conditions may be imposed to mitigate those impacts.
- (d) The Special Land Use will be consistent with the health, safety, and welfare of the city.

Section 5.110.4: Appeal.

The decision of the planning commission in approval or denial of a Special Land Use application may be appealed to the city ZBA in compliance with the provisions of Section 5.113.9: of this ordinance.

Section 5.110.5: Condition.

The planning commission may impose conditions on the special use permit approval, which may include the requirement of a performance guarantee in compliance with Section 5.115.5: of this ordinance. In determining appropriate conditions, the planning commission shall ensure that:

- (a) There is a rough proportionality between the scope of the proposed condition in relationship to the impact to be mitigated; and
- (b) There is a reasonable connection between the condition imposed and the impact it is mitigating.

Section 5.110.6: Time Limits.

- (a) An approved special use permit that does not require construction approved by a site plan must be commenced within two (2) years from the date of approval of the Special Land Use or the approval shall expire. A use that also involves construction must comply with the deadline for a site plan outlined in Section 5.109.4:(i) of Article 09:.
- (b) For a Special Land Use that does not require construction approved as part of a site plan, the planning commission may grant one (1) extension for one (1) additional year. For a use that also involves construction approved as part of a site plan, extensions shall comply with the provisions for a site plan outlined in Section 5.109.4:(i)(3) of Article 09:.

Section 5.110.7: Amendments.

If an applicant proposes to amend an existing special use permit by modifying the uses allowed or the conditions imposed on the original approval, the proposed amendment shall require the same public review and approval process as the original approval. Amendments to the site plan approved as part of the special use permit may be amended through the procedures in Article 11:, unless the amendment, in the opinion of the planning commission increases the scope or potential for off-site impacts, in which case the proposed change will be treated as a Special Land Use amendment.

Section 5.110.8: Effect of Denial / Reapplication.

No application for a Special Land Use which has been denied wholly or in part by the planning commission shall be resubmitted until the expiration of one (1) year or more from the date of such denial, except on the grounds of

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newly discovered evidence or proof of changed conditions. A reapplication shall require a new fee and the process will follow all provisions of this Article.

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Article 11: Amendments

Section 5.111.1: Purpose.

It is anticipated that this ordinance, including both the text and map, may need to be amended from time to time. The purpose of this Article is to identify the procedures for that amendment process, consistent with the requirements of the Michigan Zoning Enabling Act, PA 110 of 2006 as amended and provide a set of standards to be used in evaluating the requests consistency with the City Master Plan.

Section 5.111.2: Authority to Initiate Amendments to the Zoning Ordinance.

- (a) **Text Amendments.** Amendments to the text of the zoning ordinance may be initiated by the City Council, the planning commission, and the owner of property in the city when the proposed amendment would affect their property.
- (b) **Map Amendment.** Amendments to the zoning map (rezoning) of the zoning ordinance may be initiated by the city council, the planning commission, and the owner of property in the city when the proposed amendment would affect only their property.

Section 5.111.3: Zoning Amendment Procedures.

- (a) **Application.** Amendments by the city council or planning commission shall be initiated by a motion passed by either body. Amendments by a property owner shall be initiated by the submission of an application to the City Clerk which shall include:
 - (1) An application provided by the city
 - (2) The required application fee set by the city council as provided in Section 5.115.4: of this ordinance
 - (3) A copy of the deed to the property they own in the city
 - (4) In the case of a map amendment, a location map showing the subject parcel in relation to adjoining parcels of land
 - (5) In the case of a conditional rezoning per Section 5.111.5 a listing of the proposed conditions.
- (b) **Notice.** Once a complete application is provided, the Zoning Administrator shall set the date for the planning commission public hearing and provide notice to the public of the hearing as provided for in Section 5.111.3: of this ordinance.
- (c) **Public Hearing.** At the public hearing, any member of the public shall have the right to speak. The hearing shall be conducted in compliance with the hearing procedures established by the planning commission. Following the hearing, the planning commission shall vote to make recommendation to the city council on the proposed amendment. The motion to recommend approval or disapproval shall include the reasons for the recommendation based on the criteria in Section 5.111.4:.. The minutes of the meeting including the motion and a record of the public comment shall be forwarded to the city council.
- (d) **City Council.** At the next regularly scheduled city council meeting following receipt of the planning commission’s report, the city council shall consider the proposed amendment and may take the following actions on a zoning amendment.
 - (1) **Approve the proposed amendment.** Approval shall be by an affirmative vote of at least 4 of the members of the city council, including the Mayor, who only votes in case of ties.
 - (2) Deny the proposed amendment.
 - (3) Hold a public hearing on the matter before making the decision, in which case the city council will provide the same notice provided for the planning commission public hearing.

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- (4) Consider changes to the proposed amendment: If the amendment was initiated by a property owner, the city council may make changes only with the approval of the applicant. If the changes are considered substantial by the city council, they shall be sent back to the planning commission for a rehearing.
- (5) Table the request for further information.
- (e) **Adjoiners Petition.** Upon presentation of a protest petition meeting the requirements of this Subsection, an amendment to a zoning ordinance which is the object of the petition shall be passed only by a two-thirds (2/3) vote of the city council. The protest petition shall be presented to the city council before final legislative action on the amendment, and shall be signed by one of the following:
 - (1) The owners of at least 20 percent of the area of land included in the proposed change.
 - (2) The owners of at least 20 percent of the area of land included within an area extending outward 100 feet from any point on the boundary of the land included in the proposed change
 - (3) Publicly owned land shall be excluded in calculating the 20 percent land area requirement.
- (f) **Notice of Adoption.** Following adoption of the zoning amendment, one (1) notice of adoption shall be published in a newspaper of general circulation in the city within 15 days of adoption. The notice shall include:
 - (1) A summary of the regulatory effect of the amendment or the actual text of the amendment.
 - (2) The effective date of the ordinance.
 - (3) The place and time where a copy of the ordinance may be purchased or inspected.

Section 5.111.4: Standards for Zoning Amendments.

In considering proposed amendments to the zoning ordinance, the planning commission shall evaluate the request based on the following:

- (a) **Text Amendment.** In the case of a proposed text amendment the planning commission shall only recommend approval to the city council if it finds:
 - (1) The change is necessary to clarify a provision of the ordinance, or
 - (2) The change is necessary to correct a mistake in the ordinance, or
 - (3) The change is necessary to implement a goal or policy of the city master plan, or
 - (4) The change is necessary to improve administration of the ordinance or to better serve the community.
 - (5) In addition to one (1) or more of the above findings, the planning commission must determine that the requested amendment is not inconsistent with the city master plan or that a mistake in the plan, or changes in conditions or city policy have occurred that are relevant to the request. If the planning commission recommends approval of a request that is not consistent with the current plan due to a mistake or change in conditions or policy, it shall immediately initiate an amendment to the plan to address the identified mistake or change.
- (b) **Map Amendment.** In the case of a proposed map amendment, the planning commission shall only recommend approval to the city council if it finds:
 - (1) The requested amendment is consistent with the city master plan or that a mistake in the plan, or changes in conditions or city policy have occurred that are relevant to the request. If the planning commission recommends approval of a request that is not consistent with the current plan due to a

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mistake or change in conditions or policy, it shall immediately initiate an amendment to the plan to address the identified mistake or change.

- (2) Or, the property cannot be reasonably used as it is currently zoned and the proposed request represents the most suitable alternative zoning classification based on the master plan.

Section 5.111.5: Conditional Rezoning.

In considering proposed amendments to the zoning ordinance, the planning commission shall evaluate the request based on the following:

- (a) **Intent.** It is recognized that there are certain instances where it would be in the best interests of the city, as well as advantageous to property owners seeking a change in zoning classification, if certain conditions could be proposed by property owners as part of a request for a rezoning. It is the intent of this Section to provide a process consistent with the provisions of Section 405 of the Michigan Zoning Enabling Act (PA 110 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.
- (b) **Application and Offer of Conditions.**
 - (1) An owner of land may voluntarily offer in writing conditions relating to the use and/or development of land for which a rezoning is requested. This offer may be made either at the time the application for rezoning is filed or may be made at a later time during the rezoning process.
 - (2) The required application and process for considering a rezoning request with conditions shall be the same as that for considering rezoning requests made without any offer of conditions, except as modified by the requirements of this Section.
 - (3) The owner’s offer of conditions may not purport to authorize uses or developments not permitted in the requested new zoning district.
 - (4) Approval of a conditional rezoning does not guarantee approval of any Special Land Use which may be required as part of the conditional rezoning project. Review of Special Land Use must follow the procedures outlined in Article 10: before development can begin.
 - (5) Approval of a conditional rezoning does not guarantee approval of any variance which may be required as part of the conditional rezoning project, and review of the variance must follow the procedures outlined in Article 13: before development can begin.
 - (6) Approval of a conditional rezoning does not guarantee approval of any site plan which may be required as part of the conditional rezoning project, and review of the site plan must follow the procedures outlined in Article 09: before development can begin.
 - (7) 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 after 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 and a new recommendation, with notice as required by this Article. .
- (c) **Planning Commission Review.** The planning commission, after public hearing and consideration of the factors for rezoning set forth in Section 5.111.4: 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.

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- (d) **City Council Review.** After receiving 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 5.111.4: of this ordinance. Should the city council propose amendments to the proposed conditional rezoning and amendments are acceptable to and offered by the owner, then the rezoning application shall be referred to the planning commission for a new public hearing and a new recommendation, with notice as required by this Article.
- (e) Approval.
 - (1) If the city council finds the owner’s rezoning request and offer of conditions acceptable, the offered conditions shall be incorporated into a formal written Statement of Conditions provided said conditions conform with this section. The Statement of Conditions shall be incorporated into the ordinance adopted by the city council.
 - (2) The Statement of Conditions shall:
 - i. Be prepared as a notarized affidavit prepared and signed by the owner.
 - ii. Contain a legal description of the land to which it pertains.
 - iii. Contain a statement acknowledging that the Statement of Conditions runs with the land and is binding upon successor owners of the land unless otherwise specified by this Section.
 - iv. Include any diagram, plans, or other documents submitted that are necessary to illustrate the implementation of the Statement of Conditions.
 - v. 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
 - (3) 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 zoning map shall also include a listing of all lands rezoned with a Statement of Conditions.
- (f) Compliance with Conditions.
 - (1) Any person who establishes a development or commences a use upon land that has been rezoned with conditions shall continuously operate and maintain the development or use in compliance with all of the conditions set forth in the Statement of Conditions. Any failure to comply with a condition contained within the Statement of Conditions shall be deemed a nuisance per se and shall constitute a violation of this zoning ordinance and be punishable accordingly.
 - (2) No permit or approval shall be granted under this ordinance for any use or development that is contrary to an applicable Statement of Conditions.
- (g) **Time Period for Establishing Development or Use.** Unless another time period is specified in the ordinance rezoning the subject land, the site plan for approved development shall be submitted within two (2) years after the rezoning took effect. In cases where a site plan is not required, the approved use of land or buildings must have commenced within one (1) year unless another time period is specified in the ordinance rezoning the subject land. These time limitations 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

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- (2) The city council finds that there has not been a change in circumstances that would render the current zoning with Statement of Conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy. All applicable project completion deadlines in this ordinance related to site plans, Special Land Use and variances shall apply.
- (h) **Reversion of Zoning.** If approved development and/or use of the rezoned land does not occur within the time frame specified under Subsection (g) above, then the land shall revert to its former zoning classification as set forth in Section 405 (2) of PA 110. The procedure for considering and making this reversionary rezoning shall be the same as applies to all other rezoning requests.
- (i) **Subsequent Rezoning of Land.** When land that is rezoned with a Statement of Conditions is rezoned to a different zoning classification or to the same zoning classification but with a different or no Statement of Conditions, whether as a result of a reversion of zoning pursuant to Subsection (h) or otherwise, the Statement of Conditions imposed under the former zoning classification shall cease to be in effect. If a Statement of Conditions has been recorded, upon the owner’s written request, the City Clerk shall record with the Gladwin County Register of Deeds a notice that the Statement of Conditions is no longer in effect.
- (j) Amendment of Conditions.
 - (1) During the time period for commencement of an approved development or use specified pursuant to Subsection (g) or during any extension granted by the city council, the city council shall not add to or alter the conditions in the Statement of Conditions.
 - (2) The Statement of Conditions may be amended in the same manner as was prescribed for the original rezoning and Statement of Conditions.
- (k) **City Right to Rezone.** Nothing in the Statement of Conditions or in the provisions of this Section shall be deemed to prohibit the City from rezoning all or any portion of land that is subject to a Statement of Conditions to another zoning classification. Any rezoning shall be conducted in compliance with this ordinance and the Michigan Zoning Enabling Act.
- (l) **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.

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Article 12: Condominiums

Section 5.112.1: Intent.

The intent of this Article is to regulate the division and development of land under the Condominium Act (PA 59 of 1978) so that the development is comparable in quality of design to property divided and developed by other methods.

Section 5.112.2: Review Requirements.

In order to ensure compliance with this ordinance, all condominium developments including developments consisting solely of single family or duplex residences, which may otherwise not be required to prepare a site plan, shall be required to submit a site plan pursuant to Article 08:. In addition to the information required in Article 09: Site Plan Review, all applicants for condominium site plan review shall submit the following information.

- (a) A copy of the proposed condominium master deed.
- (b) A copy of the proposed condominium subdivision plan (this may replace the site plan normally required for site plan review).
- (c) A copy of the proposed condominium by-laws.

Section 5.112.3: Zoning Ordinance Standards.

- (a) **Lot Size.** In conventional condominium development, the condominium unit is enclosed air space, such as condominium apartments. In a conventional condominium, the entire site must meet the minimum lot size requirements for the zoning district in which the parcel is located. For site condominium developments, the condominium unit is a piece of land that is sold as a building site just as lots in a subdivision are sold. Each condominium unit in a site condominium and its associated limited common area are considered equivalent to a “lot” and must meet the minimum lot size requirements for the zoning district in which the parcel is located.
- (b) **Setbacks.** In conventional condominium development, the buildings must be setback from the site’s boundaries as required in the zoning district the parcel is located in. For site condominium developments, the setbacks shall be from the outer edge of the “lot” consisting of condominium units and their associated limited common area, and shall be consistent with the setbacks for principal structures in the zoning district in which they are located. (See Figure 12-1 and Figure 12-2)

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Figure 12-1

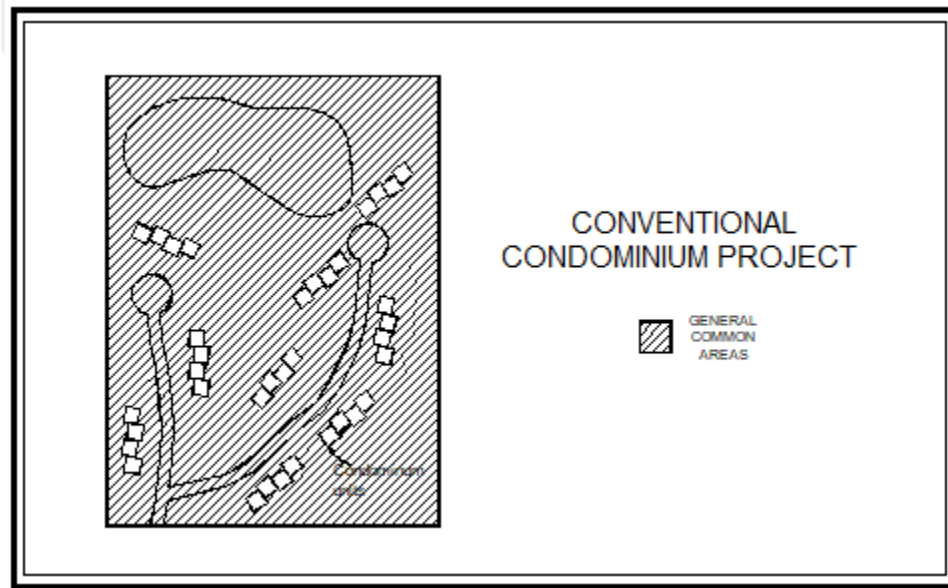
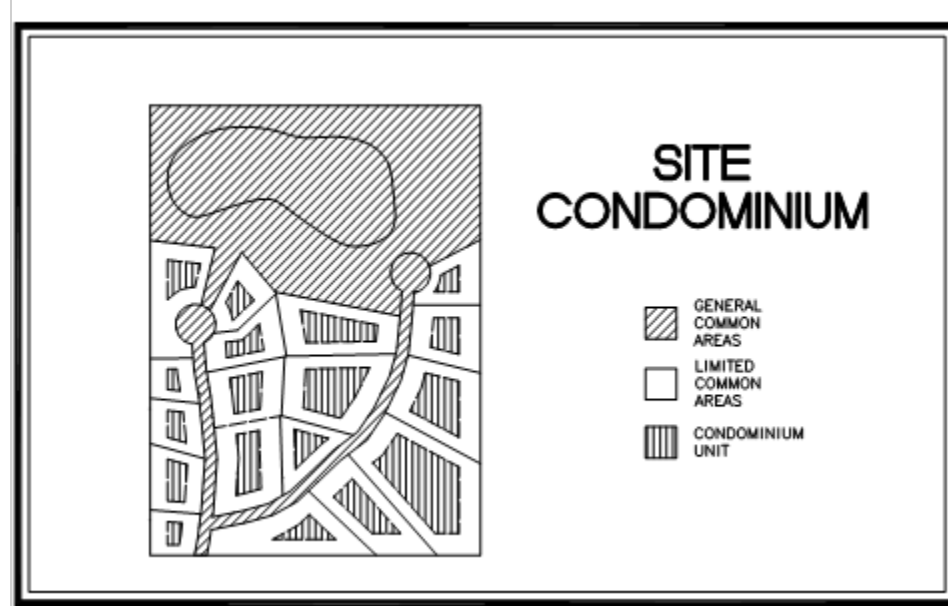


Figure 12-2



Section 5.112.4: Condominium Design Requirements.

Conventional and site condominium developments shall comply with all applicable design standards in the City of Beaverton Zoning Ordinance. Street standards shall be consistent with the standards adopted by the City of Beaverton. In addition, site condominiums shall comply with the design standards contained in the City of Beaverton Subdivision Control Ordinance.

Section 5.112.5: Survey Requirements.

Conventional condominiums shall comply with the monumenting requirements contained in the Condominium Act, PA 59 of 1978. Site condominiums shall comply with the following requirements:

- (a) Monuments shall be located in the ground and made according to the following requirements, but it is not intended or required that monuments be placed within their traveled portion of a street to mark angles in the boundary of the subdivision if the angle’s points can be readily reestablished by reference to monuments along the sidelines of the streets.
- (b) All monuments used shall be made of solid iron or steel at least ½ inch in diameter and 36 inches long and completely encased in concrete at least 4 inches in diameter.
- (c) Monuments shall be located in the ground at all angles in the boundaries of the site condominium; at the intersection lines of streets and at the intersection of the lines of streets with the boundaries of the site condominium and at the intersection of alleys with the boundaries of the site condominium; at the points of curvature, points of reverse curvature and angle points in the side lines of streets and alleys; and at all angles of an intermediate traverse line.
- (d) If the required location of a monument is in an inaccessible place, or where the locating of a monument would be clearly impractical, it is sufficient to place a reference monument nearby and the precise location thereof be clearly indicated on the plat and referenced to the true point.
- (e) If a point required to be monumented is on a bedrock outcropping, a steel rod, at least ½ inch in diameter shall be drilled and grouted into solid rock to a depth of at least 8 inches.
- (f) All required monuments shall be placed flush with the ground where practicable.
- (g) The corner of each area consisting of a unit and the associated limited common area reserved for that unit, and treated as a “lot” under this ordinance shall be monumented in the field by iron or steel bars or iron pipes at least 18 inches long and ½ inch diameter, or by other approved markers.
- (h) The city council may waive the placing of any of the required monuments and markers for a reasonable time, not to exceed one (1) year, on condition that the proprietor deposits with the city, cash or a certified check, or irrevocable bank letter of credit running to the city, whichever the proprietor selects, in an amount not less than \$100.00 per monument and not less than \$400.00 in total, except that lot corner markers shall be at the rate of not less than \$25.00 per markers. Such cash, certified check, or irrevocable bank letter of credit shall be returned to the proprietor upon receipt of a certificate by a surveyor that the monuments and markers have been placed as required within the time specified. If the proprietor defaults, the city shall promptly require a surveyor to locate the monuments and markers in the ground as certified on the plat, at a cost not to exceed the amount of the security deposited and shall pay the surveyor.

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Article 13: Zoning Board of Appeals

Section 5.113.1: Purpose.

The Michigan Zoning Enabling Act, PA 110 of 2006 as amended requires the establishment of a ZBA. The purpose of this Article is to establish the composition of the City of Beaverton ZBA, the powers of the ZBA, the standards the ZBA is to use in the review and approval of requests, and the procedures it is to follow in exercising its powers.

Section 5.113.2: Authority.

As authorized by the Michigan Zoning Enabling Act, the Beaverton City Council shall serve as the Zoning Board of Appeals (ZBA).

Section 5.113.3: Board Membership. RESERVED

Section 5.113.4: Terms of Office. RESERVED

Section 5.113.5: Procedures.

- (a) **Bylaws.** The city council shall adopt bylaws for its operation as the ZBA, copies of which shall be made available to the public at the city office.
- (b) **Applications.** An application for a review by the ZBA shall be submitted to the city on application forms approved by the city.
- (c) **Fees.** The ZBA shall not consider any application without the payment by the applicant of a fee, if any, as determined by resolution of the city council. Such application or appeal shall be filed with the Zoning Administrator who shall transmit the same, together with all plans, specifications, and other papers pertaining to the application or appeal to the ZBA.
- (d) **Hearing.** When an application has been filed in proper form and with the required data, the Zoning Administrator shall fix a reasonable time for the hearing of the appeal. Any interested party may appear at such hearings in person or by agent or by attorney.
- (e) **Notices.** Notices of the hearing shall be provided as outlined in Section 5.115.7. For requests such as a variance or appeal involving a specific parcel of land the notice will include the notice to residents or owners of real property within 300 feet of the premises in question. For requests not involving a specific parcel of land such as a general interpretation request, notice in the paper and to the applicant are all that is required.
- (f) **Decisions.** The ZBA shall decide all applications and appeals within a reasonable time. A copy of the ZBA's decision shall be transmitted to the applicant and to the Zoning Administrator. Such decision shall be binding upon the Zoning Administrator and be observed by him, and he shall incorporate the terms and conditions of the same in the permit to the applicant whenever a permit is authorized by the board.
- (g) **Vote to Approve.** The concurring vote of a majority of the members of the ZBA shall be necessary to reverse an administrative decision or grant a variance except that the concurring vote of 2/3 of the members of the board shall be necessary to grant a use variance.
- (h) **Minutes.** The ZBA shall keep minutes of its proceedings which shall record all of the following:
 - (1) Any action or decision of the as ZBA and the vote of each member.
 - (2) The absence or failure of a member to vote.

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- (3) Any other official action.
- (i) **Records.** All records shall be filed promptly in the office of the City Clerk and shall be a public record.
- (j) **Officers and Boards.** The ZBA may call on any other officers or boards of the city for assistance in the performance of its duties.
- (k) **Rehearing.** The ZBA may conduct a rehearing on a case when ordered by a court, there is evidence that the ZBA made the decision based on false or fraudulent information, or there is evidence that a serious error was made in applying the zoning ordinance to the request including a serious procedural error. A rehearing shall be:
 - (1) Preceded by a notice as required by the original hearing with the added requirement that a notice that this is a rehearing of the previous decision.
 - (2) Conducted at the next regular or special meeting that notice requirements permit.
 - (3) Concluded by a person who voted on the original request who makes a motion to repeal the original decision and replace it with a new decision or sustain the original decision.
 - (4) Initiated by a person with standing in the original decision (the applicant, property owner or a person required to receive notice of the original hearing) with 30 days of the date of the public hearing, or by the Zoning Administrator in the case of a finding of a serious procedural error, except in the case of a rehearing ordered by a court the rehearing.
- (l) **Conditions.** The ZBA may place conditions on an affirmative decision in compliance with the standards in Section 5.115.6:.
- (m) **Performance Guarantee.** The ZBA may require performance guarantees as a condition of approval as authorized in Section 5.115.5:.
- (n) **Appeal of ZBA Decision.** Any person aggrieved by the decision of the ZBA in granting or denying a request may appeal the decision to Circuit Court.
- (o) **Resubmission.** An applicant may not resubmit an application for one (1) year following a decision unless a change in circumstances or new facts relevant to the decision are presented.
- (p) **Expiration.** Approval of a variance expires one (1) year after its approval unless the applicant has undertaken construction or use of the property in reliance of the variance .

Section 5.113.6: Jurisdiction.

The ZBA, in conformity with the provisions of this ordinance and of Michigan Zoning Enabling Act, PA 110 of 2006, as amended, shall act upon all questions as they arise in the administration of this zoning ordinance including:

- (a) Interpretation of the zoning map.
- (b) Interpretation of the zoning text.
- (c) Appeals of any decision of an official or body charged with the administration of the zoning ordinance including decisions by the planning commission on Special Land Use (SLU) requests.
- (d) Issuance of a variance to deviate from the requirements of this zoning ordinance.
- (e) Determination of abandonment of a nonconforming use per Section 5.114.7: of this ordinance.

Section 5.113.7: Interpretation of the Zoning Map.

The ZBA shall consider any questions concerning the location of zoning district boundaries or other issues related to the map. In exercising this authority, the ZBA shall use the following standards:

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- (a) The ZBA shall use the rules for interpretation of zoning district boundaries found in Section 5.103.3: of this ordinance.
- (b) The ZBA’s review is to determine what the property is zoned, not what they believe it should be zoned and shall not take actions that constitute a rezoning of property.

Section 5.113.8: Interpretation of the Zoning Text.

The ZBA shall consider any questions concerning the zoning ordinance provisions including the classification of uses that are not specifically listed in the zoning ordinance when such an issue arises. In exercising this authority, the ZBA shall use the following standards:

- (a) The ZBA shall use the rules for interpretation of terms found in Section 5.102.2: of this ordinance.
- (b) In undertaking the classification of a use that is not specifically listed in the zoning ordinance, the ZBA shall request a recommendation from the planning commission. In classifying a use, the ZBA shall not classify a use as falling into a general category of one zoning district when that use is specifically listed as a use in another zoning district. For example, if drug stores are specifically listed as a use in zoning district “A”, the ZBA could not find that drug stores fell under the category of general retail establishment in zoning district “B”.
- (c) The ZBA’s review is to determine the intention of the planning commission and city council in drafting and adopting the ordinance language and not what they believe it should say. The ZBA shall not take actions that constitute a change in the meaning of the text.

Section 5.113.9: Appeal of Administrative Decisions.

An appeal from any ruling of the Zoning Administrator or other administrative officer or body administering any portion of this ordinance may be requested by any person or any governmental department affected or aggrieved.

- (a) **Deadline for Appeal.** An appeal must be taken within 30 days of the date of the decision. If it is a decision by the planning commission, the decision date is the date of the motion taking action such as approval or denial of a request. If it is by an administrative official, the decision date is date of the on the letter or order announcing it.
- (b) **Stay.** An appeal taken to the ZBA shall stay all proceedings in furtherance of the action appealed, unless the Zoning Administrator certifies to the ZBA after notice of appeal that a stay would, in their opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may, on due cause shown, be granted by the ZBA or by the Circuit Court on application, after notice to the Zoning Administrator.
- (c) **Standards.** In exercising this authority, the ZBA shall reverse an administrative decision based on one of the following criteria:
 - (1) The action or decision was arbitrary or capricious, or
 - (2) The action or decision was based on an erroneous finding of a material fact, or
 - (3) The action or decision constituted an abuse of discretion, or
 - (4) The action or decision was based on erroneous interpretation of the zoning ordinance or zoning law.

Section 5.113.10: Granting of Variances.

Except as otherwise specifically provided by this ordinance, the ZBA may grant a variance from such provisions of this ordinance as, building setback requirements, height and bulk requirements, parking requirements, landscaping requirements, and sign regulations. The ZBA may not grant use variances. Sign variances shall be reviewed for

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compliance with standards found in Section 5.105.1: An issuance of a variance shall occur only if the ZBA finds from reasonable evidence that all of the following facts and conditions exist:

- (a) Strict compliance with the dimensional requirement would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity unnecessarily burdensome.
- (b) A variance would do substantial justice to the applicant as well as to other property owners in the district, and a lesser relaxation would not give substantial relief and be more consistent with justice to others.
- (c) The plight of the owner is due to unique circumstances of the property.
- (d) The problem was not self-created.
- (e) That in granting the variance the spirit of the zoning ordinance is observed, public safety secured, and substantial justice done.

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Article 14: Nonconforming

Section 5.114.1: Purpose.

It is recognized that there exists within zoning districts certain lots, structures, uses, and other improvements which were lawful before this Chapter was passed or amended, which would be prohibited, regulated, or restricted under the terms of this Chapter. It is the purpose of this Article to permit nonconforming lots, structures, uses, and other improvements to continue until they are removed, but not to encourage their continued use or survival.

Section 5.114.2: Legal and Illegal Nonconformities.

- (a) **Legal nonconformity.** Any lots, structures, uses, and other improvements that was lawful at the date of adoption of this Chapter or any amendments shall be classified as a legal nonconformity and shall entitled to the rights, privileges, or protection conferred by this Article.
- (b) **Illegal nonconformity.** Any lots, structures, uses, and other improvements that was not lawful at the date of adoption of this Chapter or any amendments shall be classified as an illegal nonconformity and shall not receive any of the rights, privileges, or protection conferred by this Article. Such illegal nonconformity shall be in violation of this ordinance and shall be terminated and removed.

Section 5.114.3: Nonconforming Lots.

- (a) Any legal lot of record at the time of the adoption of this Chapter, which is made nonconforming with regards to lot width or area due to the adoption of this Chapter or later amendments to the Chapter, may be built on and used, provided that any structures meet the setback requirements of this Chapter.
- (b) No legal nonconforming lot may be modified in any way that increases its nonconformity.
- (c) If two (2) or more lots are adjacent and under common ownership, they must be treated as one (1) lot if to treat them separately would create one (1) or more nonconforming lot(s).

Section 5.114.4: Nonconforming Structures.

A structure that is legally nonconforming due to noncompliance with requirements for lot coverage, height, yards, or other characteristics of the structure or its location on the lot may continue so long as it remains otherwise lawful, subject to the following provisions:

- (a) **Expansion / Alteration.** No nonconforming structure may be expanded, or the exterior dimensions altered in any way unless the change results in the structure becoming conforming.
- (b) **Destruction of Structure.** Should a nonconforming structure be destroyed by any means, or is intentionally demolished to an extent of more than 50 percent of its replacement value as determined by the Zoning Administrator, the structure may only be rebuilt in compliance with the requirements of this Chapter.
- (c) **Moving Structure.** If a nonconforming structure is moved to another location on a lot or moved to another lot, it must then comply with the requirements of this Chapter.

Section 5.114.5: Nonconforming Use of Land or Land and Structure in Combination.

A lot that is legally nonconforming because the use of the land or both land and structure is not permitted in the zoning district the lot is located in may continue so long as it remains otherwise lawful, subject to the following provisions:

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- (a) **Expansion or alteration.** No existing structure devoted to a use not permitted by this Chapter in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
- (b) **Destruction of Structure.** Should a structure housing a nonconforming use be destroyed by any means, or is intentionally demolished to an extent of more than 50 percent of its replacement value as determined by the Zoning Administrator, the structure may only be rebuilt in compliance with the requirements of this Chapter.
- (c) **Moving Structure.** If a nonconforming structure is moved to another location on a lot or moved to another lot, it must then comply with the requirements of this Chapter.
- (d) **Extending use.** Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of this Chapter, but no such use shall be extended to occupy any additional land outside such building.
- (e) **Change in use.** A nonconforming use of a structure, or structure and land in combination, may only change to a conforming use. A nonconforming use that changes to a conforming use may not revert back to a nonconforming use.
- (f) **Abandonment.** A nonconforming use that the ZBA has determined is abandoned following the standards in Section 5.114.7: of this Chapter shall not be reestablished and any new use must comply with this Chapter.

Section 5.114.6: Nonconforming Improvements.

Some nonconformities among improvements that are not structures or include a mix of structures and non-structures, such as parking and loading spaces, landscaping, signs, and lighting are addressed in the Sections dealing with those improvements.

Section 5.114.7: Standards for Determining Abandonment.

If the Zoning Administrator identifies a legal nonconforming use that they believe has been abandoned, they shall submit the property to the ZBA for a determination of abandonment. The ZBA shall hold a public hearing, following notice as outlined in Section 5.115.7 of this Chapter. The ZBA shall determine whether or not intent to abandon the nonconforming use was demonstrated based on a preponderance of the following factors:

- (a) Reports such as from the building inspection or health department indicating the property is or has not been suitable for occupation.
- (b) Disconnection of utilities.
- (c) Evidence that the use was relocated to a new site.
- (d) Evidence of a "going out of business" sale.
- (e) Signs advertising the business has been removed.
- (f) The use has been discontinued for one (1) year, except where government action such as road construction has prevented access to the premises, or where a clear intent to discontinue has not been demonstrated.
- (g) Removal of the equipment or fixtures necessary for the operation of the nonconforming use.
- (h) Request by the property owner for changes in their property tax designation inconsistent with the nonconforming use.

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- (i) Other actions by the property owner or lessee that demonstrates an intent to abandon the nonconforming use.

Section 5.114.8: Repairs and Maintenance.

- (a) On any nonconforming structure or any building devoted in whole or in part to any nonconforming use, work may be done in any period of one year on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing to an extent not exceeding 20 percent of the estimated value of the building, provided that the cubic content of the building as it existed at the time of passage or amendment of this chapter shall not be increased.
- (b) Nothing in this Chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

Section 5.114.9: Status of Uses Requiring Special Land Use Approval.

A use established legally without Special Land Use approval which now requires SLU approval due to a text change or rezoning is a nonconforming use until it receives SLU approval. Any existing use approved as a special exception previously under this Chapter shall be deemed a conforming use.

Section 5.114.10: Change in Tenancy or Ownership.

A change in tenancy or ownership does not change the nonconforming status of a use, structure, lot, or other improvement.

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Article 15: Administration and Enforcement

Section 5.115.1: Enforcement of Ordinance.

The provisions of this ordinance shall be administered and enforced by a Zoning Administrator, as designated by the city council, or by such deputies of his department as the Zoning Administrator may delegate with city council approval to enforce the provisions of this ordinance.

Section 5.115.2: Roles and Responsibilities Under the Zoning Ordinance.

- (a) Zoning Administrator.
 - (1) Examine, record, and file applications and other documents.
 - (2) Conduct inspections related to zoning permits and site plans.
 - (3) Issue zoning permits.
 - (4) Receive, investigate, and process all complaints.
 - (5) Provide staff support to planning commission, Zoning Board of Appeals (ZBA), and city council on zoning matters.
 - (6) Provide formal reports to city council.
 - (7) Issue site plan and Special Land Use approvals when authorized by the zoning ordinance.
 - (8) Make recommendations regarding zoning ordinance amendment.
 - (9) Interpret this ordinance as necessary to administer it.
- (b) Village Council.
 - (1) Appoint planning commission and ZBA members.
 - (2) Adopt ordinances and ordinance amendments.
 - (3) Set fees.
 - (4) Serve as the ZBA.
- (c) Planning Commission.
 - (1) Hold public hearings and make recommendations on zoning amendments, including rezonings.
 - (2) Review and decide on proposed site plans.
 - (3) Hear and decide requests for Special Land Uses.
 - (4) Make recommendations to the board on appointment of Zoning Administrator.
 - (5) Initiate amendments to the zoning ordinance.
- (d) Village Clerk.
 - (1) Maintain the records of the planning commission and ZBA.
 - (2) Prepare notices and mail or publish them as required.

Section 5.115.3: Zoning Permits.

The following shall apply in the issuance of any zoning permit:

- (a) **When Zoning Permits Are Required.** A zoning permit issued by the Zoning Administrator verifying compliance with the terms of this ordinance shall be required prior to:

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- (1) The excavation for any building or structure.
- (2) The erection of, addition to, alteration of, or moving of any building or structure.
- (3) The change of an existing use of land or building.
- (b) **Application Requirements.** A zoning application shall consist of the required fee, a completed application form, and a plot plan at least 8 ½" x 11", drawn to scale, showing:
 - (1) The location, shape, area, and dimension of the lot.
 - (2) The location, dimension, height, and bulk of the existing and/or proposed structures to be erected, altered, or moved on the lot.
 - (3) The intended uses.
 - (4) The proposed number of sleeping rooms, dwelling units, occupants, employees, customers, and other users.
 - (5) The yard, open space, driveways, and parking space dimensions and surfaces.
 - (6) Flow and discharge of drainage.
 - (7) Any easements on the property.
 - (8) Any other information deemed necessary by the Zoning Administrator to determine and provide for the enforcement of this ordinance.
- (c) **Review Period.** The Zoning Administrator shall review and make a determination on a zoning permit within 15 calendar days of receipt of a complete application. An applicant may submit an application for approval to the Zoning Board of Appeals for any permit that exceeds this period.
- (d) **Voiding of Permit.** Any permit granted under this Section shall expire after one (1) year from the date of its approval unless the development proposed has passed its first building inspection. Any permit granted under this section shall expire after two (2) years, unless the improvements outlined in the permit are completed.
- (e) **Inspection.** The development or usage proposed by any zoning permit shall be subject to two (2) zoning inspections; one (1) inspection after the site has been staked but before construction begins and the other after construction is complete but before occupancy occurs. It shall be the duty of the permit holder to notify the Zoning Administrator regarding times of proper requests for inspection. Failure of the permit holder to make proper requests for inspection shall automatically cancel the permit, requiring the issuance of a new permit before construction may proceed or occupancy may be permitted.
- (f) **Zoning Permit Effect on Building Permits.** No building permit shall be issued prior to approval of the zoning permit.

Section 5.115.4: Fees.

A fee schedule for applications required under this ordinance shall be set by resolution of the city council to partly defray the expense of publishing the required notices of public hearings, review of the request, expenses of the public hearing, and other costs associated with the request. In addition to set fees, the Council may assess to the applicant costs imposed by the city for the review of the request.

Section 5.115.5: Performance Guarantees.

In the interest of ensuring compliance with the zoning ordinance provisions, protecting the natural resources, and the health, safety, and welfare of the residents of the city and future users or inhabitants of an area for which

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zoning approval has been given, the official or body authorized to give the approval may require the applicant to deposit a performance guarantee. Performance guarantees shall be required in instances where a building permit or occupancy permit is requested prior to completion of all improvements on an approved site plan or plot plan. The purpose of the performance guarantee is to ensure completion of improvements connected with the proposed use as required by this ordinance, including but not limited to roadways, lighting, utilities, sidewalks, drainage, fences, screens, walls, landscaping, and widening strips.

- (a) Performance guarantee as used herein shall mean a cash deposit, certified check, irrevocable bank letter of credit, corporate surety, or performance bond in the amount equal to 115 percent of the estimated cost of the improvements to be made as determined by the applicant and verified by the Zoning Administrator.
- (b) When a performance guarantee is required, it shall be deposited with the city treasurer prior to the issuance of the requested building permit or occupancy permit. The city shall deposit the performance guarantee, if in the form of a cash deposit, certified check, or performance bond in an interest-bearing account.
- (c) An approved site plan or plot plan shall also prescribe the period of time within which the improvements for which the performance guarantee has been required are to be completed.
- (d) In the event the performance guarantee deposited is a cash deposit or certified check, the city shall rebate to the applicant 50 percent of the deposited funds when 60 percent of the required improvements are completed as confirmed by the Zoning Administrator, and the remaining 50 percent of the deposit funds when 100 percent of the required improvements are completed as confirmed by the Zoning Administrator.
- (e) Upon the satisfactory completion of the improvements for which the performance guarantee was required, as determined by the Zoning Administrator, the treasurer shall return to the applicant the performance guarantee deposited and any interest earned.
- (f) In the event the applicant defaults in making the improvements for which the performance guarantee was required within the time period established by the city, the city shall have the right to use the performance guarantee deposited and any interest earned to complete the improvements through contract or otherwise, including specifically the right to enter upon the subject property to make the improvements. If the performance guarantee is not sufficient to allow the city to complete the improvements for which it was posted, the applicant shall be required to pay the city the amount by which the costs of completing the improvements exceed the amount of the performance guarantee. Should the city use the performance guarantee or a portion thereof to complete the required improvements, any amount remaining after said completion shall be applied first to the city's administrative costs in completing the improvement with any balance remaining being refunded to the applicant. If the applicant has been required to post a performance guarantee or bond with another governmental agency other than the city to ensure completion of an improvement associated with the proposed project prior to the city's approval, the applicant shall not be required to deposit with the city a performance guarantee for that specific improvement. At the time the performance guarantee is deposited with the city and prior to the issuance of a building permit or occupancy permit, the applicant shall enter into an agreement incorporating the provisions with the city regarding the performance guarantee.

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Section 5.115.6: Conditions of Approval.

In granting approval of a request, the planning commission or ZBA may impose conditions necessary to ensure compliance with the zoning ordinance. In imposing that condition, the planning commission or ZBA must ensure that:

- (a) There is a reasonable connection between the condition imposed and the impact it is attempting to mitigate.
- (b) There is a rough proportionality between the scope of the condition and the impact it is attempting to mitigate.

Section 5.115.7: Public Hearing Notices

Whenever a notice is required for a public hearing such as a rezoning, SLU, or variance, the following notice requirements shall be complied with.:

- (a) A minimum of fifteen (15) days’ notice shall be provided in a newspaper of general circulation in the city.
- (b) A minimum of fifteen (15) days’ mailed notice will be provided to each public utility company and to each railroad company owning or operating any public utility or railroad within zoning districts affected that registers its name and mailing address with the city for the purpose of receiving the notice. An affidavit of mailing shall be maintained.
- (c) A minimum of fifteen (15) days’ mailed notice will be provided to the applicant.
- (d) In the case of a hearing related to a specific parcel or parcels such as a SLU, rezoning, or variance, a minimum of fifteen (15) days’ mailed notice will be provided to:
 - (1) The owner or owners of the property or properties in question, as well as all the owners and occupants of property within three hundred feet (300') of the parcel as identified in the most recent tax roll of the city or adjacent township if the property is outside the city
 - (2) The manager or owner of the structure, who shall be requested to post the notice at the primary entrance to the structure, in the case where a single structure contains more than four (4) dwelling units or other distinct spatial areas owned or leased by different persons.
 - (3) The Township Planning Commission if the subject parcel is within of a township/city boundary.
- (e) The notices shall include the following information.
 - (1) The nature of the request to be heard.
 - (2) Indicate the property that is the subject of the 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.
 - (3) When and where the request will be considered.
 - (4) The date, time, and location of the hearing.
 - (5) When and where written comments will be received concerning the request.
- (f) When and where a copy of the application can be reviewed.

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Section 5.115.8: Enforcement Procedures.

- (a) **Reporting Violations.** The Zoning Administrator shall enforce the provisions of this ordinance. Any and all building or land use activities considered possible violations of the provisions of this ordinance shall be communicated to them. Commencement of an investigation into a violation is based upon a complaint received verbally or in writing. Violations reported to the Zoning Administrator shall be subject to the enforcement procedures below.
- (b) **Inspection and Enforcement Procedure.** If the Zoning Administrator receives a complaint or identifies a potential violation, the following procedures shall be followed:
 - (1) **Inspection of Violation.** The Zoning Administrator shall inspect each alleged violation of this ordinance within ten (10) working days of receipt of a complaint.
 - (2) **Correction Period, Requirements of Notice.** If a violation is determined to have occurred, a notice of the violation shall be sent in writing by Certified Mail addressed to the owner and/or occupant of the property where the violation exists. If the occupant or owner of the premises is unknown or cannot be located, notices shall be given by posting a copy of said notice upon a conspicuous part of the property where the nuisance is identified as being located and by mailing a copy of said notice by Certified and First Class Mail, addressed to the owner or party of interest at the address shown on the current tax records. The notice shall specify the location and nature of the violation and shall indicate that the owner, occupant, or person otherwise responsible is required to abate the violation within 21 days. The time frame may be increased to a maximum of 60 days. The notice will advise the applicant’s right to appeal the administrative decision within 21 days of the date of the letter. For projects under construction, the Zoning Administrator may issue a stop-work order if the violation requires such, or if the violation has been previously noticed and has not been remedied.
 - (3) **Non-Compliance with Order.** A violation not corrected within the specified time shall be referred to the city attorney. The city attorney may undertake enforcement using the remedies outlined in Section 5.115.9: below.
 - (4) The Zoning Administrator may refuse to issue new zoning permits to a person who has failed to correct violations or to any person representing a firm, which has failed to correct violations of this ordinance. A zoning permit may also be withheld if violations are identified on site upon application.

Section 5.115.9: Violations.

- (a) **Municipal Civil Infraction.** Any person, firm, corporation, or anyone acting on behalf of any person, firm, or corporation, who shall violate any of the provisions of this ordinance, or who shall fail to comply with any of the required conditions of the ZBA or the planning commission shall be guilty of a municipal civil infraction as described in Chapter 15 of the City of Beaverton Code of Ordinances. For the purposes of that Chapter, the Zoning Administrator shall be an authorized official.
- (b) **Nuisance Per Se.** Any building or structure which is used, erected, altered, razed, or converted or any use of any premises which is begun or changed and in violation of any provision of this ordinance, is hereby declared to be a nuisance per se.
- (c) **Restore or Replace.** In addition to the other remedies available under this ordinance, an individual, partnership, firm, corporation, organization, institution, or agency of government that violates this Section may be ordered by the court to pay the costs to restore or replicate a resource unlawfully constructed, added to, altered, repaired, moved, excavated, neglected, or demolished.

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- (d) **Cumulative Rights and Remedies.** The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.
- (e) **Other Remedies.** The city council may institute injunction, mandamus, abatement, or other appropriate proceedings to prevent, enjoin, abate, or remove any unlawful erection, alteration, maintenance, or use. The rights and remedies herein provided are civil in nature and in addition to criminal remedies.
- (f) **Compliance Required.** The imposition of any sentence shall not exempt the offender from compliance with the requirements of this ordinance.
- (g) **Stop Work Order.** Any person who shall continue any work in or about the structure or premises after having been served with a stop-work order, except such work as such person is directed by the Zoning Administrator to perform in order to remove violations or unsafe conditions.
- (h) Each day a violation of the zoning ordinance continues shall be deemed a separate offense.

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