

City of Ludington **Unified Development Ordinance**

Effective January 1, 2025

Amendments Recommended by Planning Commission
October 1, 2025



City of Ludington
400 South Harrison Street
Ludington, MI 49431

ludington.mi.us

City of Ludington

Unified Development Ordinance

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*Includes Amendments Recommended by Planning Commission
October 1, 2025*

Prepared with assistance by



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City of Ludington Unified Development Ordinance

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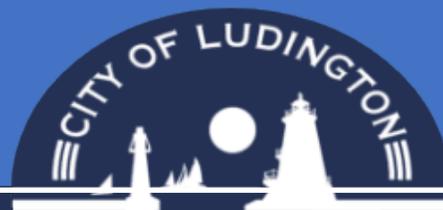
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Section 1.01

Purpose and Intent

- A) The Unified Development Ordinance, or “UDO”, lays out the Land Use and Development Regulations for the City of Ludington.** The is a unique approach to land use regulation, which combines and references all development-related ordinances and codes for the City of Ludington. These development regulations, which are traditionally divided into multiple ordinances, are presented as a single, graphic-heavy, user-friendly, regulatory document. A major component of the UDO is the City’s Zoning Ordinance.
- B) The requirements of the UDO shall be met for all new construction and for all exterior renovations, additions, or site alterations.** See [Section 15.02](#) to determine the approval process for each project.
- C) The UDO Implements the City’s Master Plan.** It does this through standard Zoning Requirements that implement the goals that were developed through public input and adopted by City Council. The UDO is a legal document where the Master Plan is a policy document. If there is a conflict between the UDO and the Master Plan, the UDO shall govern.
- D) The UDO is enforced by the Building Inspector and the Zoning Administrator,** who determine compliance with the UDO, and make reports and professional recommendations to the *Planning Commission* and occasionally to City Council.

Section 1.02

Frequently Asked Questions

- A) Which Zoning District is my property located in?**
See the Zoning Map (Section 1.04).
- B) How do I know what I can do in my Zoning District?** See the Table of Permitted and Special Land Uses in [Section 3.01](#). Determine additional use standards that may impact whether a use is permitted on your property in [Article 7](#).
- C) How do I know where my building can be placed and how tall my building can be?** Dimensional Standards by *Zoning District* can be found in [Article 5](#). Additional standards apply for *Accessory Structures, Fences, parking, and Landscaping*. Form-Based Code Properties: See [Article 6](#). See the Toolbox ([Section 1.03](#)) for how to measure *Setbacks* and height.
- D) How do I know which property line is the front, side, or rear?** See the Toolbox, [Section 1.03](#), for instruction on identifying property lines.
- E) How many dwelling units can I put on a single Lot?** See the Table of Residential Density in [Section 3.03](#).
- F) How many parking spaces do I need to provide?** The minimum number of parking spaces may be influenced by the *Floor Area* of your *Principal Building*, the number residential units on the property, and the number of employees working on the premises. There are also opportunities to reduce the minimum number of parking spaces. See the table of minimum parking spaces in [Section 8.02](#) and reduction options in [Section 8.03](#). [Article 8](#) contains all standards for parking and loading areas.
- G) What Signs can I use and how large can they be?**
Sign Standards are in [Article 9](#).
- H) How do I know what a word in the UDO means?**
Italicized words are located in [Article 17. Definitions](#).
- I) How do I obtain approval to build something on my property?** See [Article 15](#) to determine applicable review processes and procedures. The Approval Processes Chart in [Section 15.03](#) outlines the required process by Application Type. More information about each process is described in [Article 15](#).

J) Flowchart - Navigating the UDO.



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Section 1.03 Toolbox

A) Purpose and Intent. The intent of this Toolbox Section is to provide tools to be used to answer the most commonly asked dimensional and other zoning questions. While this Section is designed to be comprehensive and standalone from a regulatory standpoint, there are cross references to more detailed information provided in the UDO. In the event that there is a conflict between this Section and another section elsewhere in the UDO, the other section shall govern.

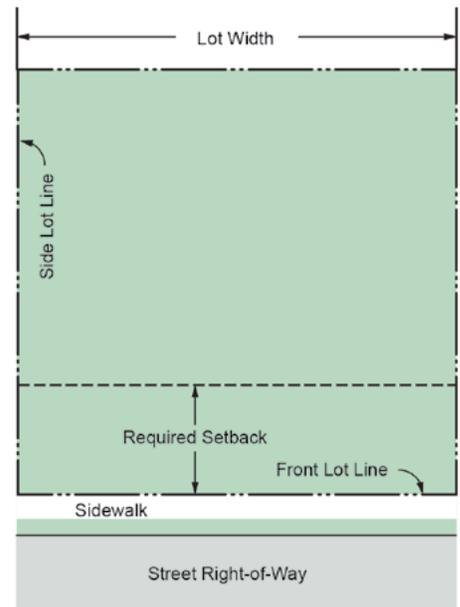
B) How do I know where I can construct a Structure on my property?

- Determine the Building Envelope.** The *Building Envelope* is the portion of any property where it is legal to construct a *Principal Building*. The *Building Envelope* is the area within the required *Setbacks* and the *Building Heights* allowed in the *Zoning District*. Once the required *Setbacks* and heights are determined, the area inside of the required *Setback* yards is the *Building Envelope*. All appurtenances of the *Principal Building*, including, but not limited to, *Decks*, porches, bay windows, overhangs, and mechanical equipment, must be within the *Building Envelope*.

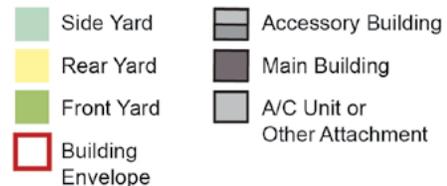
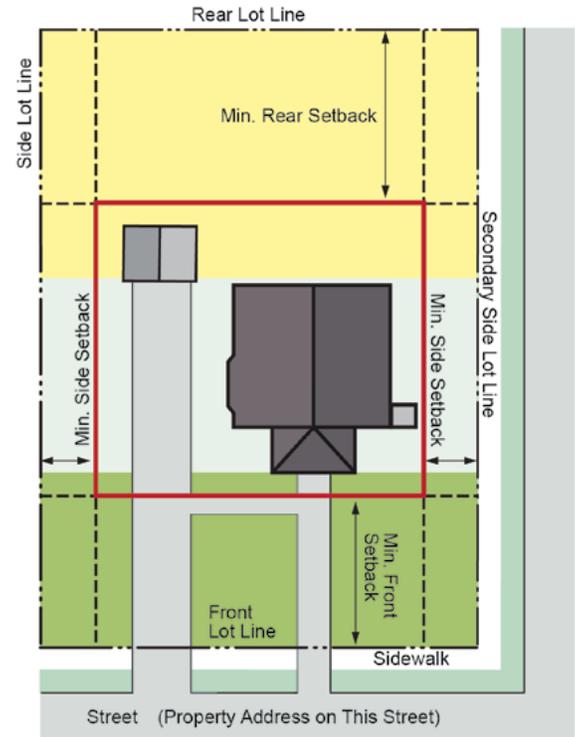
(a) **Know your Front, Side, Secondary Street, and Rear Lot Lines.**

- Front Lot Line.** The property line along the street. If there is more than one street, the property line along the street where the property is addressed.
- Secondary Street Lot Line.** If a property abuts more than one street, the property line along the street where the property is not addressed.
- Rear Lot Line.** Opposite the front property line.
- Side Lot Line.** All other property lines.

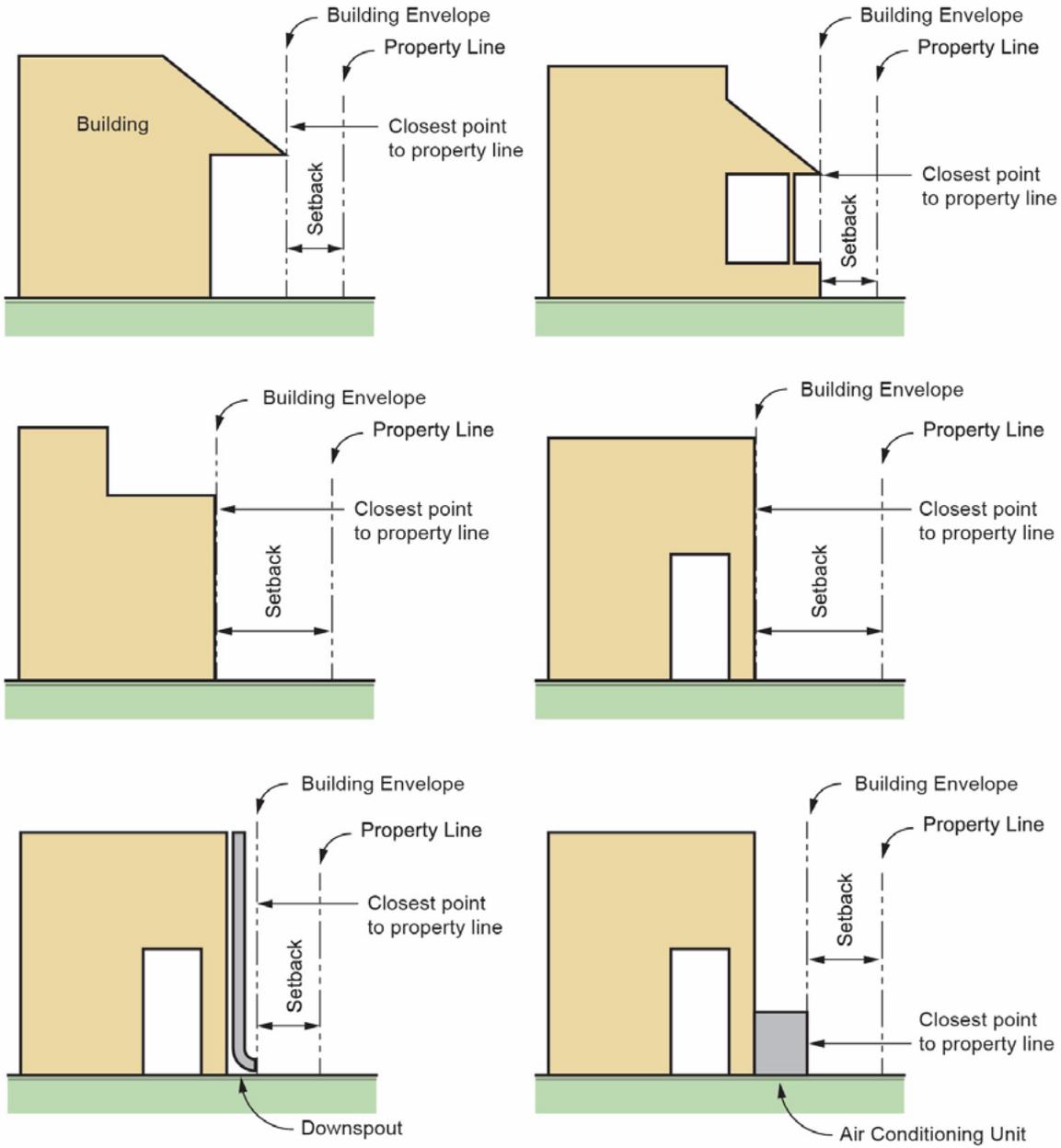
Lot Width



Lot Terms



Building Envelope Examples



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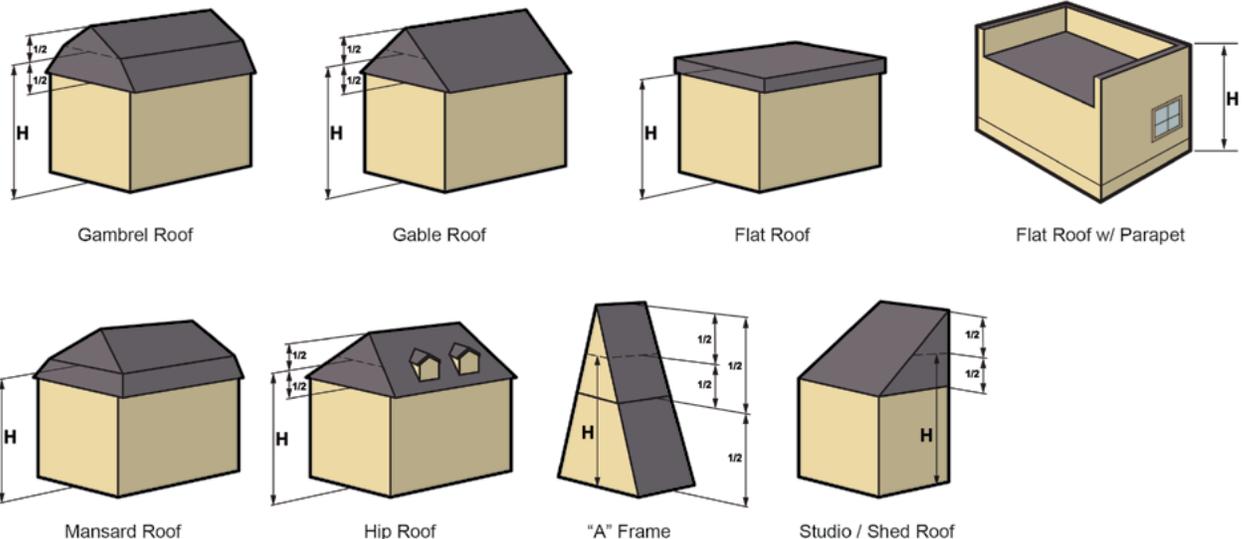
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- (b) **Determine the height and Setback standards for the Zoning District where the property is located.** See [Section 5.02](#) for the Table of Dimensional and *Building Envelope* Regulations. The Accessory *Building Envelope* is the *Building Envelope* that applies to accessory buildings and structures. The Dimensional Regulations for Accessory Buildings Table ([Section 12.02](#)) provides the permitted location of *Accessory Structures* and buildings such as *Garages*, sheds, and accessory dwellings.
- Setbacks* are measured along the ground between the property line and the building line, established from the point of any *Structure*, projection, or appurtenance from a building on the property that is nearest to the property line. The area within all required *Setbacks* is considered the *Building Envelope*.
 - A minimum *Setback* is the minimum distance that a *Structure* can be located from the *Lot Line*, and the maximum *Setback* is the maximum distance that a *Structure* can be located from the *Lot Line*. These *Setbacks* are used to preserve and enhance the character of areas and to respond in a context-sensitive way to external variables such as traffic speed or levels of walkability.
 - More than one *Principal Building* on a property. Only the closest building to the property line shall be subject to the minimum or maximum *Setback* requirement. All *Principal Buildings* shall be constructed within the required *Building Envelope*.
- (c) **How do I measure my Lot Width?** The *Lot Width* is measured along a straight line connecting the side property lines where the *Principal Building's* required minimum *Setback* is located.
- (d) **How do I measure Building Heights?**
- Feet.** Where UDO calls for a maximum *Building Height*, the height is measured in feet from *Grade*.
 - Stories.** Where UDO calls for a maximum number of stories, a *Story* is either 16 feet in height or the actual constructed floor-to-floor height of the building, whichever is less.
 - Flat Roofs.** The height of a flat roof is from *Grade* to the highest point of the building. *Parapets* are counted in the *Building Height*, but rooftop equipment is not.
 - Gabled and Peaked Roofs.** The maximum height shall be measured to the average height between the peak and the eaves.

Building Heights



- (e) **Grade.** Except where otherwise specifically provided in this Ordinance, 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 *Grade* is not entirely level, the *Grade* shall be determined by averaging the natural *Elevation* of the ground for each floor of the building.
- (f) *Accessory Structures* shall not be taller than the *Principal Building*, with some exceptions. See [Section 12.01](#).

2. Additional Requirements and Special Circumstances.

- (a) **Lots on Two Streets.** If a *Lot* has frontages on two streets, the *Lot Line* along the street where the property is addressed will be considered the front of the property. The *Lot Line* along the other street, where the property is not addressed, will be considered the “*Secondary Street Lot Line*”. Additional *Setback* standards apply to detached accessory buildings on corner lots.
- (b) **Irregular , triangular, wedge-shaped, or pointed properties.** To determine the rear *Setback*, the *Setback* shall be measured from a 5-foot line drawn parallel to and most distant from the front property line.
- (c) **Alleys are not streets.** A property line along an *Alley* shall be considered a rear or side property line depending on the *Alley’s* location relative to the front property line.

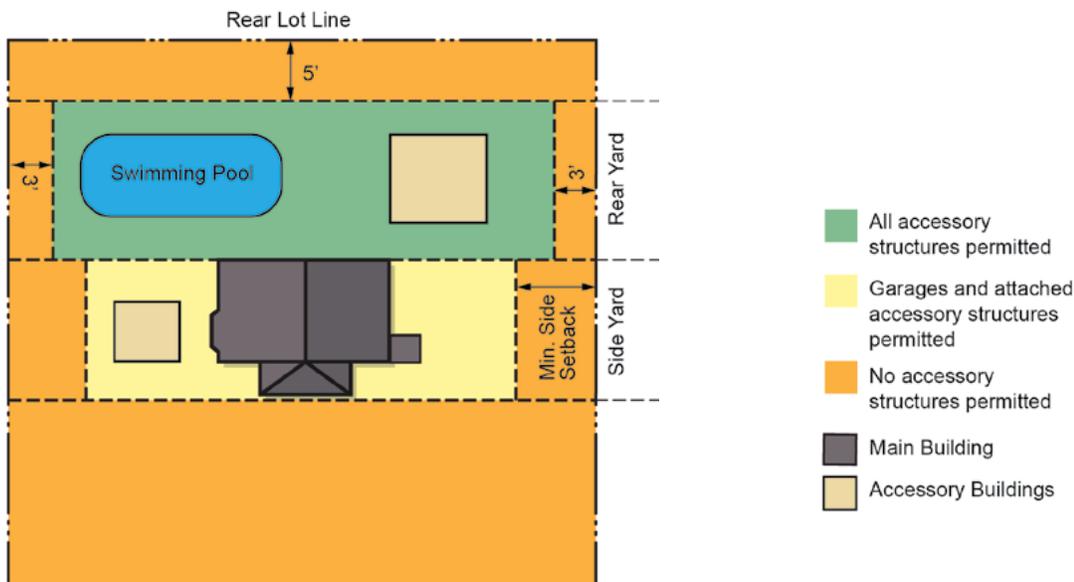
C) How do I determine if my property is large enough to build on?

1. **How small can you split a Lot?** A *Lot* can’t be split so that it is smaller than the minimum *Lot Area* or width for its *Zoning District*. See the Table of Dimensional and *Building Envelope* Regulations in [Section 5.02](#) to determine the minimum *Lot* size and *Lot Width* of properties in your *Zoning District*. The *Lot Width* and *Lot Terms* graphics show which dimensions are needed and where measurements should be made.
2. **What if my property is not large enough?** If your *Lot* is already smaller than the minimum *Lot Area* in the *Zoning District*, it should still be buildable as long as you comply with the *Building Envelope* requirements for the district. If the size of the property makes it difficult to comply with these standards, a *Variance* application may be submitted to the *Zoning Board of Appeals* for review. See [Section 15.12](#).

D) What is the minimum allowable size of a dwelling unit?

1. **For Multi-unit dwellings:** 375 square feet *Gross Floor Area* ([Section 3.02](#)).
2. **For Single-Family Homes on lots with a width of 50 ft. or less:** 375 square feet *Gross Floor Area* ([Section 3.02](#)).
3. **For Single-Family Homes on lots with a width of 50 ft. or more:** 500 square feet *Gross Floor Area* ([Section 3.02](#)).
4. **For mobile homes (which are only permitted in the MH District):** 700 square feet.

Residential Accessory Building Envelope - Irregular Lot Lines



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- E) When do I need a permit? What process will I need to follow? Approval from various decision-making bodies can be required when undergoing certain projects.** See The Approval Processes Chart ([Section 15.03](#)) to see what type of approval process is required for each activity. All approvals will begin with an application to the Zoning Administrator, who will ensure that applications are processed appropriately and that applicants follow all of the required steps. The type of approvals include:
1. A **Zoning Permit** ([Section 15.04](#)) is required for activities with minimal requirements to confirm compliance with the UDO. *Fences*, new accessory buildings (other than those listed as “Exempt” in Section 15.03), and new single-family homes are examples of activities requiring a Zoning Permit.
 2. **Site Plan Review** ([Section 15.05](#)) is required for new construction (other than single-family homes) and building additions of more than 3,000 square feet. This requires a detailed plan to demonstrate compliance with the UDO.
 3. **Special Land Use Review** ([Section 15.06](#)) is required if your proposed use is a *Special Land Use* in your *Zoning District* (per the Table of Permitted Uses).
 4. **Building and Occupancy Permits** are issued by the City *Building Inspector* ([Section 15.09](#)). *Building Permits* are required for buildings and structures that are regulated by the Michigan Residential Code or Michigan Building Code. Occupancy permits are required in order to permit use and occupancy of any new *Structure*. This includes building, plumbing, mechanical and electrical work. *Building Permits* and Occupancy Permits shall not be issued until after Zoning Approval is Issued.
- F) What is an Overlay District?** An *Overlay District* is an additional *Zoning District* that is “laid over” the top of another *Zoning District*, in order to partially modify the regulations for the underlying properties. In the event of a conflict, the standards of the *Overlay District* override the regulations of the underlying district. In the event that an *Overlay District* does not have regulations on a specific topic, the regulations of the underlying district shall apply. The UDO includes two overlay districts, the *Industrial Overlay District* (O-I) and the *Lakefront Overlay District* (O-L).

G) What are the Principal, Secondary, and Exempt Frontages on my property? Why does it matter?

Only in the Form-Based Districts, each face of a building is considered a “frontage”. The form-based code requirements specify which standards must be applied only to principal frontages and/or secondary frontages. See [Section 6.02](#).

1. The principal frontage is the front of the building, the side facing the street where the building is addressed. If a building is on a corner, the side (or sides) facing the other street, where the building does not have an address, is considered the secondary frontage. Facades facing an *Alley* will not be considered a primary or secondary frontage.
2. Exempt frontages are all other sides of the building, including sides facing an alleyway or *Parking Lot*. Some requirements may be enforced on exempt frontages if they are visible from outside the building, as specified where applicable in the Building Type Requirements in [Section 6.03](#).

- H) Can I place mobile home in the Neighborhood District?** No, mobile homes are not permitted to be used as a single-family dwelling as defined in this ordinance. See the definition of Single-Family Home in [Section 17.03.A.3](#), and the definition for Mobile Home Dwelling in [Section 17.03.A.6](#).

Section 1.04 Zoning Map

- A)** For the purpose of this Ordinance, Ludington is hereby divided into the following zoning districts, which shall be known by the following respective abbreviations and names:

N:	Neighborhood
MH:	Mobile Home
MU:	Mixed Use
W:	Waterfront
P:	Parks
I:	Industrial
F-B:	Form-Based Beach
F-DC:	Form-Based Downtown Core
F-DE:	Form Based Downtown Edge
F-G:	Form Based Gateway
O-I:	Industrial Overlay
O-L:	Lakefront Overlay
PUD:	<i>Planned Unit Development</i>

- B) Zoning Map Incorporated.** The zoning map delineates the zoning districts, which is in effect upon the date of the adoption of this ordinance, shall remain in effect and is hereby declared to be a part of this Ordinance. Except where reference is shown on said map to a street line or other line designated by dimensions, the district boundary lines follow *Lot Lines* or the centerlines of streets or alleys, as they existed at the time of the adoption of this Ordinance. The *Planning Commission* shall affirmatively verify the accuracy of the Zoning Map on an annual basis.

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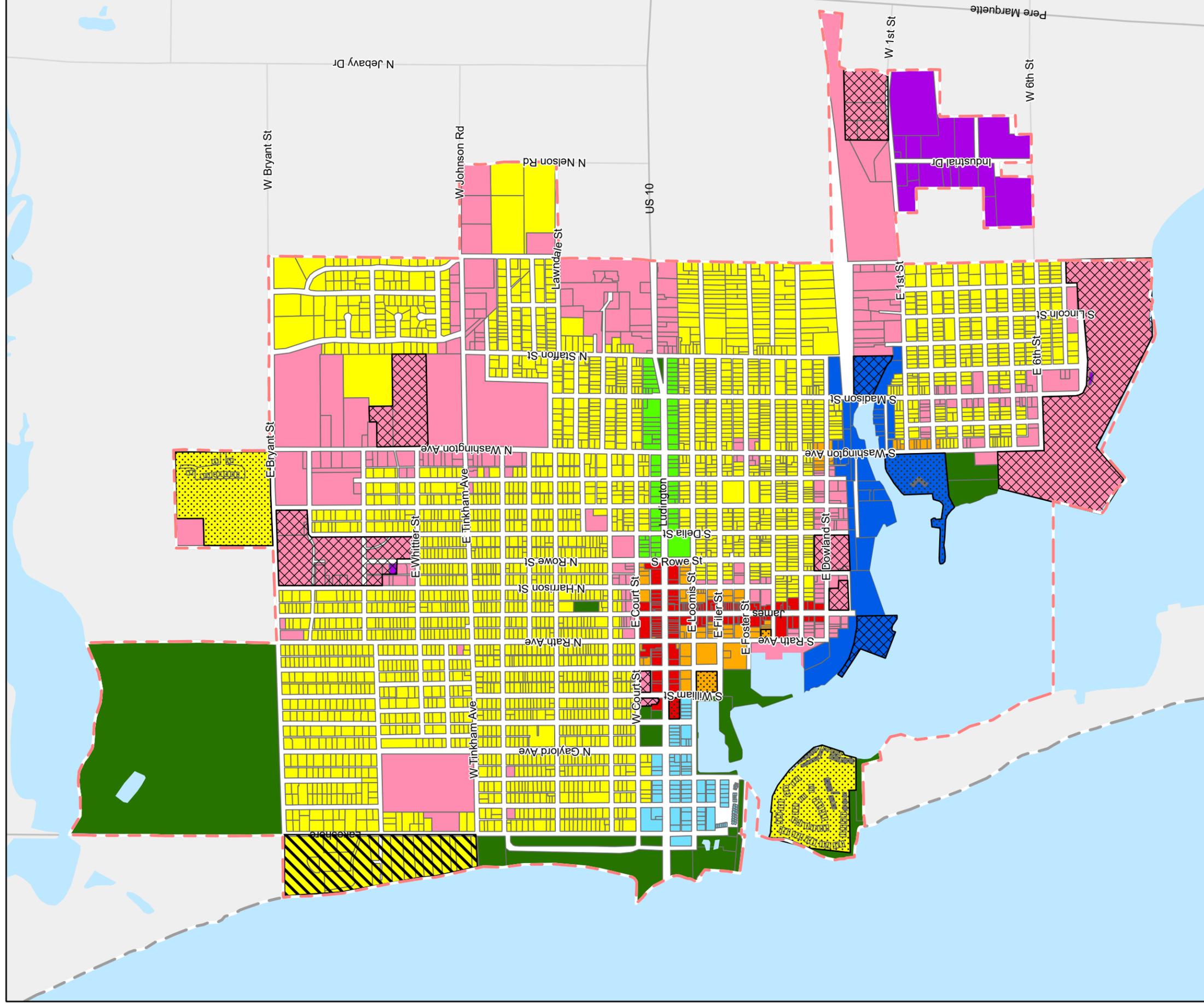
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City of Ludington Zoning Map

Unified Development Ordinance
City of Ludington, Mason County, MI

Effective January 1, 2025

LEGEND

- N - Neighborhood
- MU - Mixed Use
- I - Industrial
- W - Waterfront
- P - Parks
- F-B - Form Based Beach
- F-DE - Form Based Downtown Edge
- F-DC - Form Based Downtown Core
- F-G - Form Based Gateway
- OL - Lakefront Overlay
- OI - Industrial Overlay
- PUD - Planned Unit Development



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Section 1.05

Lot Divided by Zone Line

Where a district boundary line, as established in this Ordinance, or as shown on the zoning map, divides a Lot shown or recorded as being in *single ownership*, the district regulations and uses shall be observed on the respective side of the district line to which they apply.

Section 1.06

Annexed Areas

Where property not now in the City shall become annexed to the City, the existing zoning regulations shall remain in full force and effect until such time as the City Commission adopts zoning regulations affecting such property. The City shall commence the formal zoning amendment process for such property within one year after annexation of the property to the City.

Section 1.07

Vacated Areas

Whenever any street, *Alley*, or other public way within the City shall have been vacated by official government action and when the lands within the boundaries thereof attach to and become a part of lands adjoining such street, *Alley*, or public way, such lands shall automatically acquire and be subject to the same zoning regulations as are applicable to lands to which same shall attach, and shall be used for those uses as is permitted under this Ordinance for such adjoining lands.

Section 1.08

Required Conformity

Except as otherwise specified in UDO (through Waiver/*Variance* processes), no *Structure* or premises shall be used or occupied, and no building or part thereof shall be erected, razed, moved, placed, reconstructed, extended, enlarged, or altered, except in compliance with the regulations set forth in UDO.

Section 1.09

Applicability of Zoning Ordinance

Nothing in this Ordinance should be interpreted or construed to give rise to any vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein, and any of the same may be amended when reasonable to the preservation of the public health, safety, morals and general welfare.

Section 1.10

Conflicting Regulations

- A) Whenever any provision of UDO imposes **more stringent requirements** than required by the provisions of any other City Ordinance or any County, State, or Federal law or regulation, **then the provisions of UDO shall govern**, except if exempted by State or Federal Statute.
- B) Whenever any provision of UDO imposes **less stringent requirements** than required by the provisions of any other City Ordinance or any County, State, or Federal law or regulation, then **the provisions of the other ordinance, law, or regulation shall govern**.

Section 1.11

Severability

The various articles, sections, parts, paragraphs, sentences, and clauses of UDO are hereby declared to be severable. If any of them are adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of UDO shall not be affected thereby.

Section 1.12

Effective Date

The Ludington UDO was adopted by the Ludington City Council on December 9, 2024 and became effective on January 1, 2025.

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Section 1.13 Legal Authority

The prior Zoning Ordinance was adopted pursuant to Act 184 of the Public Acts of 1943 of the State of Michigan, as amended and is now adopted pursuant to the Authority of the Michigan Zoning Enabling Act being Public Act 110 of 2006, as amended. Said Act, covering City Zoning, is made a part of this Ordinance just as if said Act were repeated verbatim herein.

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Section 2.01

Purpose and Intent

The purpose and intent of this article is to clearly describe the purpose and intent of each individual *Zoning District*, to aid in the long-term administration of the Unified Development Ordinance by ensuring clarity about which *Zoning District* is the best tool for a given land use, character, or other development goal, as articulated in the City's Master Plan.

Section 2.02

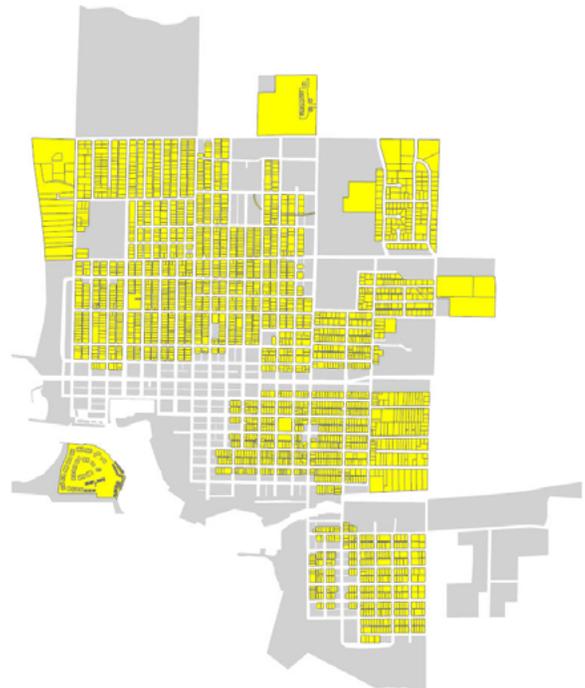
N Neighborhood

Purpose and Intent. The Neighborhood *Zoning District* is intended to maintain the traditionally residential areas of the City so that they continue to primarily support and encourage the presence of long-term, year-round residents. Moreover, the standards in the Neighborhood *Zoning District* are intended to provide flexibility in the use of property, by providing opportunities to include more than one unit on a single parcel, based on *Lot* size. The development of multi-family properties in the Neighborhood *Zoning District* is permitted at a reduced level of density than in other districts. Non-residential uses within the Neighborhood District are limited to home-based businesses and occupations that have limited impact on the neighborhood character, as well as institutional or community uses that serve local residents, and parks and open space. Some small-scale lodging uses may be permitted in this District, but shall operate in such a way that is respectful of the year-round residential character of the community.

Section 2.03

MH Mobile Home Park

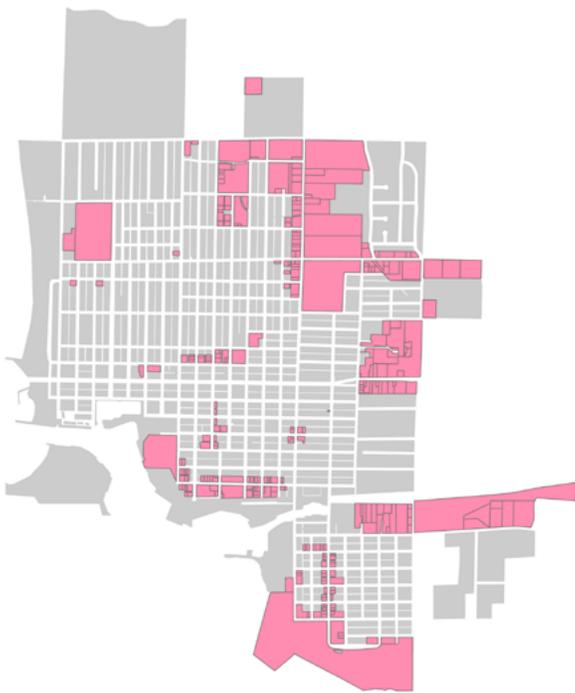
Purpose and Intent. It is the intent of this district to provide appropriate locations for the development of mobile home parks.



N Neighborhood

Section 2.04
MU Mixed Use

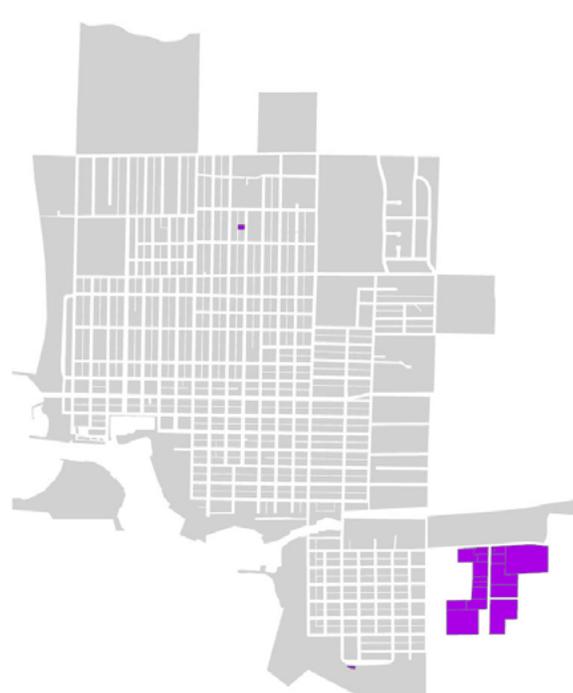
Purpose and Intent. The intent of the Mixed Use *Zoning District* is to allow for high amounts of flexibility in terms of permitted uses, allowing property owners the ability to determine the best use for their property, while being respectful of neighborhood scale and the potential negative impacts on residential uses. Integration between non-residential and residential development is generally encouraged within this district, in order to allow for more efficient and more creative uses of property.



MU Mixed Use

Section 2.05
I Industrial

Purpose and Intent. The intent of this district is to encourage and facilitate the development of industrial enterprises in a setting conducive to economic stability and growth and efficient traffic movement including employee and truck traffic. It is also the intent to protect public health and prevent blight and deterioration in adjacent residential areas. The land conducive to the intent of this district is limited and therefore is primarily restricted to industrial uses which do not cause excessive noise, vibrations, odors, visual blight, pollution, or use hazardous processes.



I Industrial

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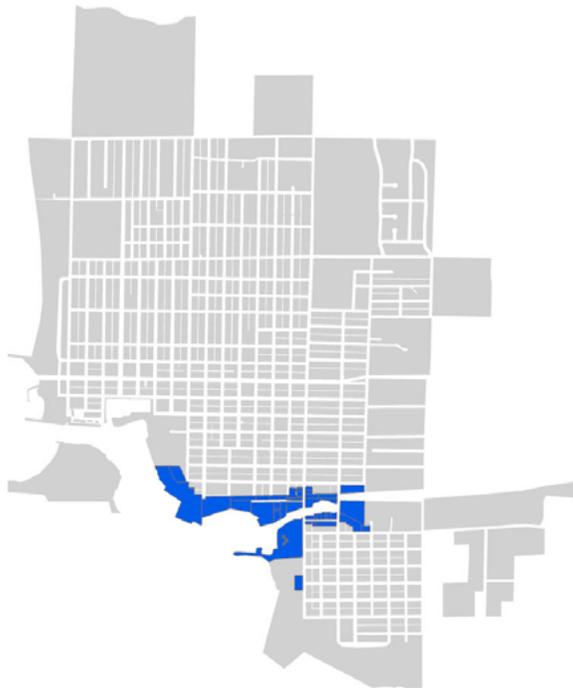
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Section 2.06 W Waterfront

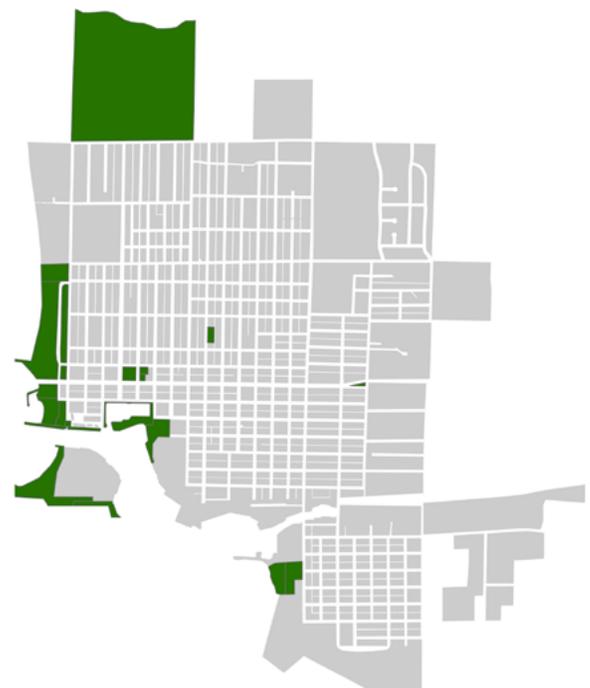
Purpose and Intent. The Waterfront Zoning District is intended to allow access to the Harbor and Pere Marquette Lake, while also encouraging development. This District offers flexibility with regards to permitted uses, allowing property owners to determine the best use of their property, so long as development occurs with consideration for its impact on nearby Waterways. This Zoning District also facilitates the construction of waterfront pathways, promoting the right of the public to enjoy the city's waterways.

Section 2.07 P Parks

Purpose and Intent. The Parks District is intended to allow for City and State Parks and Cemeteries.



W – Waterfront



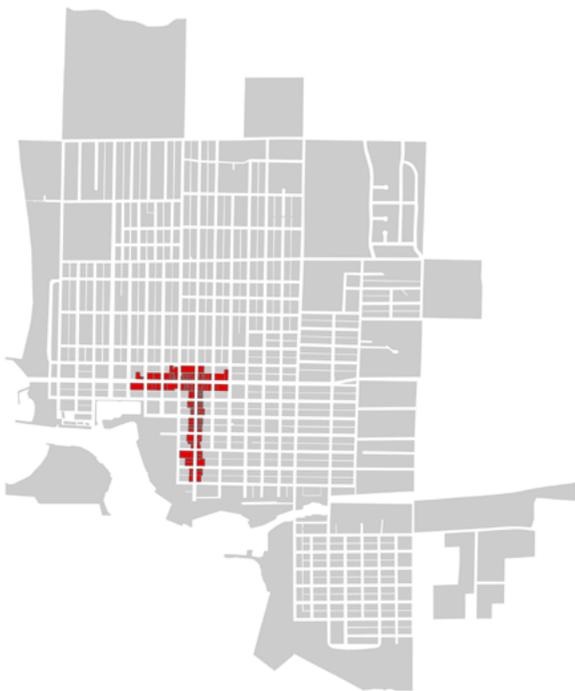
P – Parks

Section 2.08 Form-Based Code

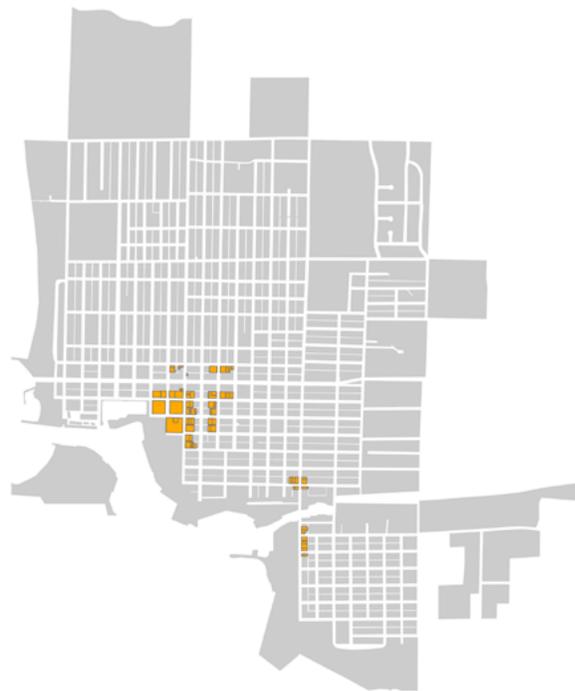
The intent of the Form Based Code is to preserve, protect, and enhance the individual character of the City of Ludington’s various districts, corridors, and Downtown areas. The Form Based Code allows for a wide range of uses and encourages vertical mixed use development, while also providing standards on building massing, form, architectural features, and their relationship to the public realm. Rather than being based on Use and Dimensional Standards, the Form Based Code *Zoning District* achieves this by regulating Building Types ([Section 6.04](#)) and *Building Envelopes* ([Section 5.02](#)) in the four Sub-Districts.

A) F-DC Downtown Core. The intent of the Downtown Core Form-Based District is to establish high standards of development along Ludington’s iconic corridors, such as Ludington Avenue and James Street, continuing downtown Ludington’s traditional development pattern. The District ensures that new construction will implement specific design features that are seen in Ludington’s existing storefronts. It will also allow for a wide range of uses so that Downtown Ludington can be a destination year-round, for both long-term residents and seasonal ones. This district should encourage a variety of foot traffic, consistent throughout the day and into the evening, through providing a mix of uses and plenty of residential development above the first floor.

B) F-DE Downtown Edge. The intent of the Downtown Edge Form-Based District is to continue high development standards but provide more flexibility than in the downtown core. The Downtown Edge includes streets surrounding the Downtown Core, such as Rath Avenue and Harrison, Loomis, Filer, and Foster Streets. A wider variety of building footprints will be permitted and create a gradual transition between the Downtown Core and other Zoning Districts. Walkability will continue to be expanded and enhanced in this district.



F-DC Downtown Core



F-DE Downtown Edge

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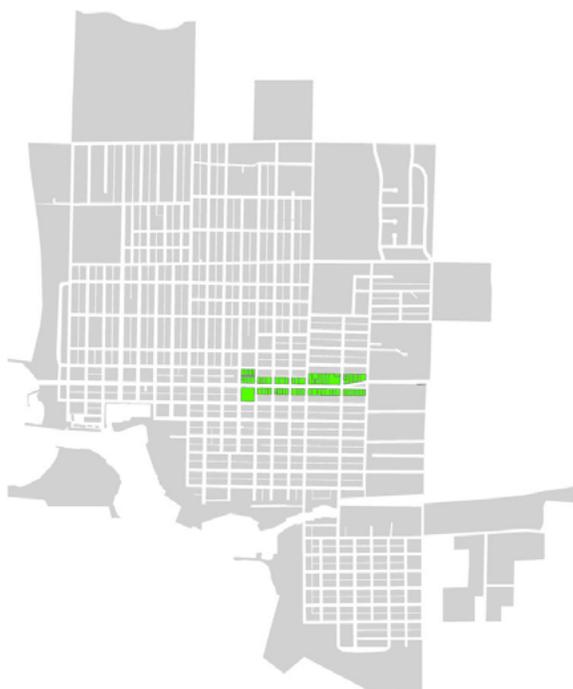
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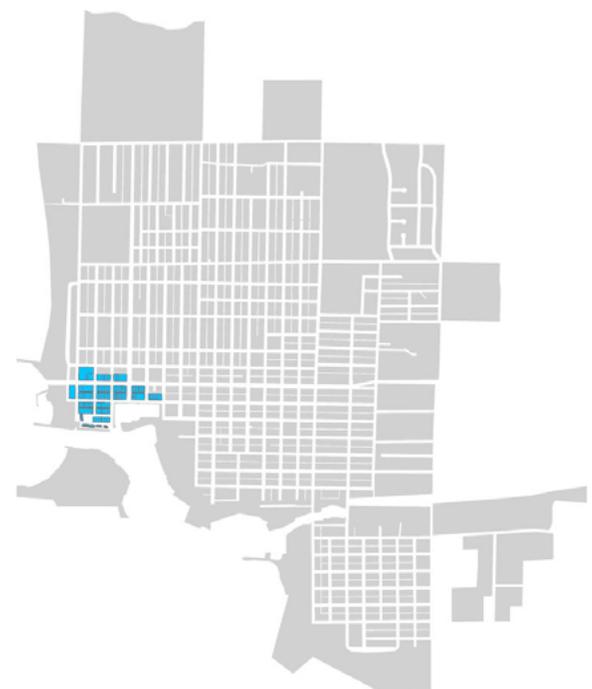
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C) F-G Gateway. Running about half of a mile, along both sides of Ludington Avenue, from Staffon Street to Rowe Street, the Gateway Form-Based District is intended to maintain the traditional character of the corridor which welcomes visitors into the City. The classic homes which line the street should be maintained, and if new homes are built, they should emulate the classic styles and timeless forms that Ludington Avenue is known for.

D) F-B Beach. The buildings along Ludington Avenue and Loomis Street leading up to Ludington's beachfront will be heavily trafficked and widely seen by almost anyone who comes to town. Whether developing hospitality, shopping, eating, or year-round living, new construction in this area should be attractive, as well as considerate of the high intensity of traffic the area sees each year.



F-G Gateway



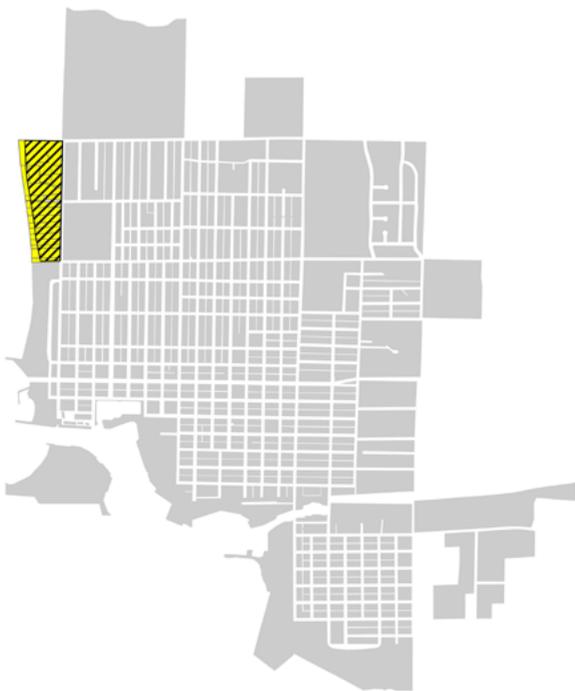
F-B Beach

Section 2.09 Overlays

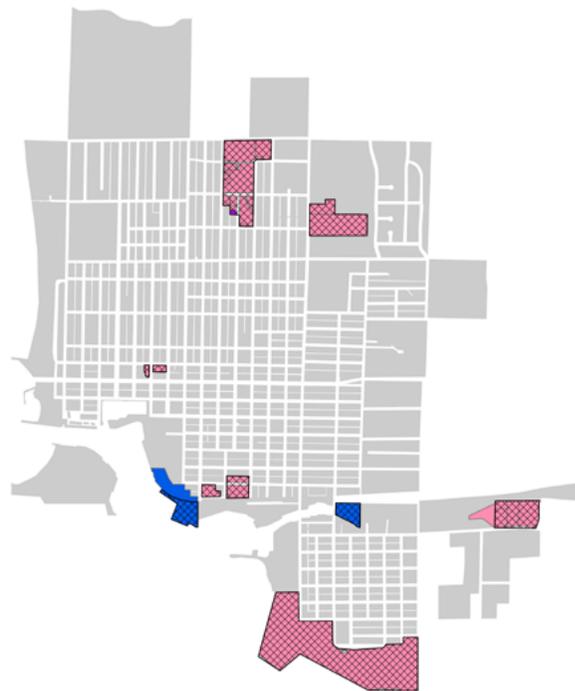
A) O-L Lakefront Overlay. The Lakefront Overlay is intended to protect the remaining dune areas and sensitive natural features along Lake Michigan within the City of Ludington, while continuing to allow the development of attractive and high-quality residential uses on private property abutting the water and beach. Standards in the Lakefront Overlay can be found in [Section 4.02](#).

B) O-I Industrial Overlay. The Industrial Overlay is intended to allow existing industrial uses to continue to operate when they would otherwise not be permitted in a given *Zoning District*.

C) In the event of a conflict, Overlay Districts supersede the regulations of the underlying District. In the event that an *Overlay District* does not have regulations on a specific topic, the regulations of the underlying district shall apply. See the Toolbox ([Section 1.03.F](#)) for further description of overlays.



O-L Lake Front Overlay



O-L Industrial Overlay

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Section 3.01 Purpose and Intent

The Purpose and Intent of this Article is to clearly and simply describe the permitted land uses within each *Zoning District*. In the charts within this Section, land uses are designated as Permitted, Special Land Uses, Accessory Use, or Prohibited, in each of the Districts of the Unified Development Ordinance.

Section 3.02 Table of Permitted and Special Land Uses

A) Conventional Zoning Districts and Form Based Districts

Permitted Uses	Neighborhood	Mobile Home Park	Mixed Use	Industrial	Waterfront	Parks	Downtown Core	Downtown Edge	Gateway	Beach	Lakefront Overlay	Industrial Overlay
	N	MH	MU	I	W	P	F-DC	F-DE	F-G	F-B	O-L	O-I
Residential Uses												
Dwelling Units (see Table of Residential Density)	P	P	P		P		P	P	P	P	P	
1 Dwelling Unit (Section 3.03)	P		P		P		P*	P	P	P	P	
2-3 Dwelling Units (Section 3.03)	S		P		P		P*	P	P	P		
4-5 Dwelling Units (Section 3.03)	S		P		P		P*	P	P	P		
6 or More Dwelling Units (Section 3.03)	S		P		P		P*	P	P	P		
Accessory Dwelling Unit	A		A					A	A	A	P	
Dwelling Units in Mixed Use Buildings (Section 3.03)			P		A		A	A	A	A		
Independent Senior Housing	S		S		S			S	S	S	S	
Live/Work Dwelling			P		P		P	P	P	P		
Mobile Home Dwelling ⁽¹⁾		P										
Nursing Home	S		S		S			S	S	S	S	
Single Room Occupancy (SRO)			P		S		P	P	P	P		
State-Licensed Residential Facility (7 or More Residents)	S		S		S				S		S	
Family Child Care Home	P		P					P	P	P	P	
Group Child Care Home	S		P					S	S	S	S	
Home Occupation (Type 1)	P		P		P		P	P	P	P	P	
Home Occupation (Type 2)	S							S	S	S	S	
Lodging Uses												
Bed and Breakfast			S		S			S	S	S		
Extended Stay Hotel			S		S		S	S		S		
Extended Stay Motel			S		S		S					
Hotels (<10 units)			S		S		S	S		S		
Hotels (10+ units)			S		S		S	S		S		
Motels			S		S		S			S		
Short Term Rentals (Permitted with STR License Only)	P		P		P		P	P	P	P	P	

P	Permitted Use	S	Special Land Use	A	Accessory Use Only	Blank = Prohibited	* Upper Floors Only (Section 3.03)
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Permitted Uses	Neighborhood	Mobile Home Park	Mixed Use	Industrial	Waterfront	Parks	Downtown Core	Downtown Edge	Gateway	Beach	Lakefront Overlay	Industrial Overlay
	N	MH	MU	I	W	P	F-DC	F-DE	F-G	F-B	O-L	O-I
Commercial and Office Uses												
Adult Businesses				S								
Automobile or Boat Repair			S	S	S	A						
Automobile or Boat Sales			S	S	S							
Banks			P				P	P		P		
Campgrounds					P ⁽²⁾	S						
Car Washes			S	S								
Commercial Child Care Centers			P	A			P	P	S	P		
Commercial Indoor Recreation			P	P	A		P	P		S		
Drive-Throughs			S	S								
Event Space			P	A	S		P	P	S	P		
Fitness centers and Health Clubs			P	A	P		P	P		P		
Funeral Home			P					S	S	S		
Gas Stations			S	S		A						
Kennel			S	P				S				
Laundromat or Dry Cleaner			P	P			P	P				
Medical and Dental Clinic			P				P	P	P	P		
Microbrewery/Micro-distillery			P	P	P		P	P		P		
Outdoor Dining			A	A	A	A	A	A	A	A		
Personal Service			P		P		P	P	P	P		
Professional Office			P	P	P		P	P	P	P		
Restaurants			P	A	P	A	P	P	P	P		
Retail			P	A	P	A	P	P	P	P		
Small Equipment Repair			S	S	S	A	P	P		P		
Theaters, Assembly Halls, Concert halls, Sports Arenas			P	A	S		P	P		S		
Veterinary Clinic			P	S			P	P		P		
Wineries			P	P	P		P	P		P		
Industrial Uses												
Boat Storage				S	A/S							
Contractor's Yard			S	P								P
Lumber Yard				P								P
Manufacturing				P								P
Outdoor Storage			S	S			S					
Personal Storage (Not Open to Public)			P	P	A/S		P			P		

P	Permitted Use	S	Special Land Use	A	Accessory Use Only	Blank = Prohibited
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Permitted Uses	Neighborhood	Mobile Home Park	Mixed Use	Industrial	Waterfront	Parks	Downtown Core	Downtown Edge	Gateway	Beach	Lakefront Overlay	Industrial Overlay
	N	MH	MU	I	W	P	F-DC	F-DE	F-G	F-B	O-L	O-I
Industrial Uses												
Public Utilities	S	S	S	S	S	A	S	S	S	S	S	
Recycling and Composting				S								S
Research and Technology Laboratory			P	P	P		P	P		P		P
Self-Storage				S								
Shipping Terminal				S	S							S
Small Scale Production			P	P	P		P	P		P		P
Warehousing				P								P
Wholesale				P								P
Other Uses												
Adaptive Reuse (Section 7.02)	S	S	S	S	S	S	S	S	S	S	S	
Cemeteries	P		P	S		P					P	
Hospitals			P									
Institutions of Higher Education			S	S			S			S		
K-12 Schools	S		S	S			S			S	S	
Marina/Ferry Dock			S	S	P	A						
<i>Parking Lot with No Other Principal Use</i>			S	S	S		S			S		
Private Outdoor Recreation	P	P	P	S	P	A					P	
Public and Community Buildings	S		P	S	P	A	P	P	P	P	S	
Public Parks	P	P	P	P	P	P	P			P	P	
Religious Institutions	S		S	S			S			S	S	
Solar Energy (Accessory)	A		A	A	A	A	P	P	P	P	A	
Solar Energy (Principal)			S	P								
Wind Energy (Accessory)			P	P	S	A	S	S		S		
Wireless Communication Facilities	S		S	S	S	A	S	S		S	S	

P	Permitted Use	S	Special Land Use	A	Accessory Use Only	Blank = Prohibited
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1. Mobile Home Dwellings may only be constructed within a Mobile Home Park. Mobile Home Parks are permitted in the MH district, and prohibited in all other zoning districts or form-based code districts.
2. Campgrounds shall be permitted on parcels with Waterfront (W) Zoning, in the area bounded by Dowland, Water, Madison, and Washington Streets, provided they have received applicable licensing from the State of Michigan.
3. There shall be no more than 50 Short Term Rentals combined in the N, MU, F-B, and F-G Districts.

B) Lakefront Overlay. In the event of a conflict, Overlay Districts supersede the regulations of the underlying District. In the event that an *Overlay District* does not have regulations on a specific topic, the regulations of the underlying district shall apply.

C) Industrial Overlay. The following uses are permitted in the Industrial Overlay in accordance Section 3.02. Uses not listed are permitted or prohibited in accordance with the standards of the underlying *Zoning District*.

Section 3.03 Table of Residential Density

A) Neighborhood, Mobile Home Park, Mixed Use, Industrial, Waterfront, Parks

Blank = Prohibited

Zoning District	Neighborhood	Mobile Home Park ⁽¹⁾	Mixed Use	Industrial ⁽²⁾	Waterfront	Parks ⁽²⁾
	N	MH	MU	I	W	P
Number of Dwelling Units Per Lot						
1 Dwelling Unit	All Lots		All Lots		All Lots	
2-3 Dwelling Units	All Lots, Special Land Use Required		All Lots		All Lots	
4-5 Dwelling Units	Lots 16,800 square feet or more, Special Land Use Required		All Lots		All Lots	
6 or More Dwelling Units	Lots 2.5 acres or more, Special Land Use Required	Mobile Home Dwellings in Mobile Home Parks Only ⁽¹⁾	All Lots		All Lots	
Additional Housing Typologies						
Accessory Dwelling Unit (ADU)	All Lots		All Lots		All Lots	
Live-Work			All Lots		All Lots	
Mixed Use			All Lots		All Lots	
Mobile Home Dwelling		Only within a Mobile Home Park				
Mobile Home Park		Minimum Lot Size: 40 acres				
Minimum Area of Dwelling Unit (Applies to all Districts)						
Multi-Unit Dwelling			375 sq. ft.			
Detached Single-Family Home, Lot Width less than 50 ft			375 sq. ft.			
Single-Family Home, Lot Width 50 ft. or greater:			500 sq. ft.			

1. Mobile Home Dwellings shall only be permitted on individual plots within a Mobile Home Park compliant with the standards of the Mobile Home Commission Act (Act 96 of 1987). The minimum Lot size for a Mobile Home Park shall be 40 acres.
2. New dwelling units are not permitted in the I Industrial and P Parks Zoning Districts.
3. Permitted Residential Density in the O-I Industrial *Overlay District* is determined by the permitted density in the underlying *Zoning District*.

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B) Form Based Districts

	Downtown Core	Downtown Edge	Gateway	Beach
	F-DC	F-DE	F-G	F-B
Number of Dwelling Units Per Lot				
1 Dwelling Unit	Section 3.03.D.3 On Upper Floors Only ⁽¹⁾	All Lots	All Lots	All Lots
2 Dwelling Units	On Upper Floors Only ⁽¹⁾	All Lots	All Lots	All Lots
3 Dwelling Units	On Upper Floors Only ⁽¹⁾	All Lots	All Lots	All Lots
4 Dwelling Units	On Upper Floors Only ⁽¹⁾	All Lots	All Lots	All Lots
5 Dwelling Units	On Upper Floors Only ⁽¹⁾	All Lots	All Lots	All Lots
6 or More Dwelling Units	On Upper Floors Only ⁽¹⁾	All Lots	All Lots	All Lots
Additional Housing Typologies				
Accessory Dwelling Unit (ADU)	Section 3.03.D.3	All Lots	All Lots	All Lots
Live-Work	All Lots	All Lots	All Lots	All Lots
Mixed Use	All Lots	All Lots	All Lots	All Lots
Mobile Home	Prohibited	Prohibited	Prohibited	Prohibited
Minimum Area of Dwelling Unit				
Multi-Unit Dwelling		375 sq. ft.		
Detached Single-Family Home, Lot Width less than 50 ft		375 sq. ft.		
Single-Family Home, Lot Width 50 ft. or greater:		500 sq. ft.		

1. In order to allow for ground-floor accessible dwellings in the F-DC district, a dwelling unit may be permitted along an Exempt Frontage (Section 6.02.A.4), or along a frontage which does not conflict with the requirements for Building Types (Section 6.04) or Existing Buildings (Section 6.05).
2. Dwellings shall not be located in required storefronts along primary (Section 6.02.A.2) or secondary street frontages (Section 6.02.A.3).

C) Overlay Districts

Blank = Prohibited

	O-L Lakefront	O-I Industrial
Number of Dwelling Units per Lot		
1 Dwelling Unit	All Lots	Same as underlying
2 Dwelling Units		Same as underlying
3 Dwelling Units		Same as underlying
4 Dwelling Units		Same as underlying
5 Dwelling Units		Same as underlying
6 or More Dwelling Units		Same as underlying
Additional Housing Typologies		
Accessory Dwelling Unit (ADU)	All Lots	Same as underlying
Live-Work		Same as underlying
Mixed Use		Same as underlying
Mobile Home		
Dwelling Unit Size		
Minimum Dwelling Unit Area	Same as underlying districts.	

D) Notes on Residential Density Tables.

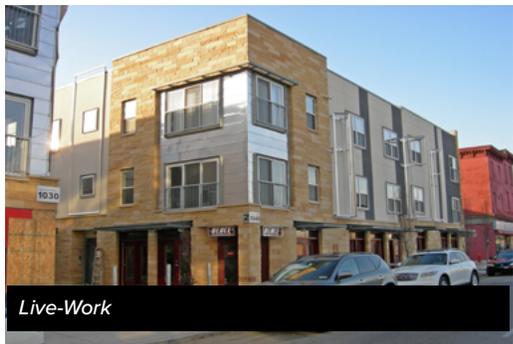
1. All dwelling units must meet Building Code requirements for residential occupancy prior to being occupied as a residence. This standard is applicable in all districts.
2. In all districts, in all multi-family buildings with more than ten (10) units:
 - (a) A single building shall have no more than sixty percent (60%) studios or *Efficiency Units*.
 - (b) At least twenty-five percent (25%) of units in a single building shall have more than one (1) bedroom.
 - (c) The above restrictions shall not apply to Single Room Occupancy (SRO) lodging or dwelling units that meet the definition and standards of this Ordinance.
3. In the F-DC Downtown Core Form-Based District, single-family homes are permitted where they were pre-existing prior to January 1, 2025, or as a part of a mixed-use development.

E) Example Housing Typologies.

Multiple-Unit Housing Typologies



Additional Housing Typologies



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Section 4.01

Purpose and Intent

The purpose of the Overlays contained in this section is to establish special and specific regulations for lots in the City of Ludington that are unique in their character, location, natural features, history, or other factors. Regulations within the Overlays shall supersede the underlying district in the event of a conflict. All regulations of underlying districts not specifically contradicted by this section shall remain in force.

Section 4.02

O-L Lakefront Overlay

A) Definitions.

1. **Types of Lot Lines and Yards.** The following definitions shall apply ONLY to lots within the O-L Lakefront Overlay that abut Lake Michigan.
 - (a) **Waterfront.** Any *Yard* that abuts Lake Michigan. All *Setbacks* from Lake Michigan shall be measured from the Regulatory Ordinary High Water Mark, as defined by the State of Michigan, which at the time of the adoption of this Ordinance was a line at 580.5 feet above Sea Level (IGLD 1985). The line shall be determined by the City using a GIS contour map. For the purposes of this Ordinance, that line shall be considered the *Waterfront Lot Line* of all properties abutting Lake Michigan.
 - (b) **Roadside.** Any *Yard* that abuts a public or private road, or other *approved access* drive. The *Roadside Lot Line* shall be the *Right-of-Way* of the road, or the easement line of a private road or other *Approved Access* drive.
 - (c) **Other.** Any *Lot Line* within the O-L Lakefront Overlay that is not a *Waterfront* or *Roadside Lot Line*.
2. **Characteristics of elevated walkways.** The following definitions shall apply ONLY to lots within the O-L Lakefront Overlay that abut Lake Michigan:
 - (a) **Landing.** A flat area of a walkway that is longer than a single stair but not wider than the stairwell it connects to.
 - (b) **Deck.** A flat area of a walkway that is longer than a single stair and wider than the stairwell it connects to.
3. **Seawall.** Any hard surface installed along a shoreline to create a man-made edge or form a buffer between land and a body of water.
4. **Applicability.** Regulations within the Lakefront Overlay shall supersede the underlying District in the event of a conflict. All regulations not specifically contradicted by this section shall remain in force.

B) Building Envelope for Lots Abutting Lake Michigan shall consist of the following *Setback* requirements.

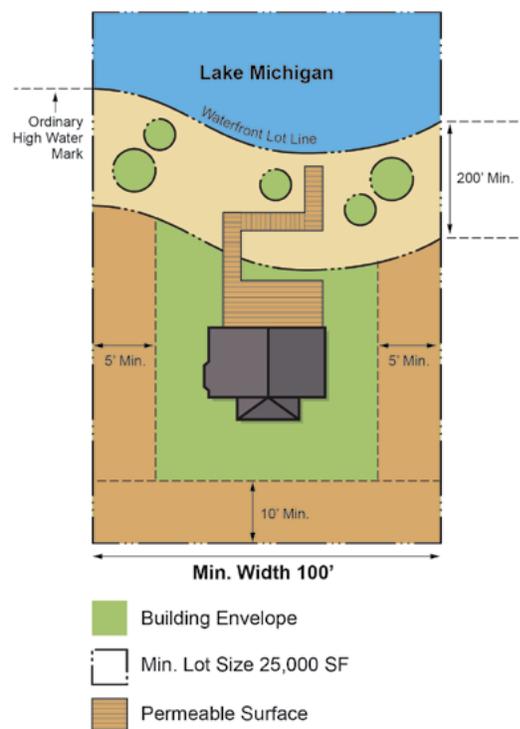
1. **Principal Building Envelope.**
 - (a) **Waterfront Yard.** All *Principal Buildings* shall be set back at least 200 feet from the *Waterfront Lot Line*.
 - (b) **Roadside Yard.** All *Principal Buildings* shall be set back at least 10 feet from the *Roadside Lot Line*.
 - (c) **All Other Yards.** All *Principal Buildings* shall be set back at least 10 feet from all other *Lot Lines*.
2. **Accessory Structures Envelope.**
 - (a) **Waterfront Yard.** All *Accessory Structures* shall be set back at least 200 feet from the *Waterfront Lot Line*.
 - (b) **Roadside Yard.** All *Accessory Structures* shall be set back at least 10 feet from the *Roadside Lot Line*.
 - (c) **All Other Yards.** All *Accessory Structures* shall be set back at least 10 feet from all other *Lot Lines*.
 - (d) **Elevated Walkways.** Elevated walkways, as well as their attached *Decks* and *Landings*, that meet the standards of the Water Resources Division of the Michigan Department of Environment, Great Lakes, and Energy “Part 353 Activities Not Constituting a Use” (Policy No. 353-0902 WRD-008, 2019), to be constructed in a High Risk Erosion Area shall be exempt from this section.
 - (i) Elevated walkways are permitted to be shared by two or more adjacent property owners, shall not have *Setback* requirements, and shall be permitted to cross *Lot Lines*.
 - (ii) *Landings* and *Decks* shall be considered part of the elevated walkway and shall not be required to be set back from property lines.
 - (iii) Elevated walkways shall not count toward the maximum *Lot Coverage*, provided they are built to allow water to seep between boards or other surface materials.

C) Setbacks for Lots not Abutting Lake Michigan. For all lots not abutting Lake Michigan, the *Setback* requirements of the N District shall apply, and the definitions for types of yards and *Lot Lines* from [Article 17](#) shall apply, rather than those in [Section 4.01.A](#).

D) Prohibited and Acceptable Shoreline Protection Methods.

1. **Purpose and Intent.** The City believes the most appropriate, effective, and reasonable method to further the public interests of protecting natural resources, preserving the economic and environmental well-being of the community, protecting the health, safety and general welfare of the community, and promoting the general preservation or enhancement of property values along Lake Michigan is to restrict the construction of structures so near the water’s edge as to:
 - (a) Create an increased threat of erosion or damage on adjacent properties;
 - (b) Be susceptible to damage resulting from inundation or erosion; or
 - (c) Be detrimental to the spirit and character of the public trust property;
 - (d) Be detrimental to vistas from neighboring properties; or
 - (e) Be potentially built in a location that will render the *Structure Nonconforming* under future federal or state floodplain protection regulation.

O - L Lakefront Overlay



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2. **Seawall Prohibition.** For the reasons set forth above, the installation, construction, and operation of shoreline protection measures, including but not limited to seawalls, exposed riprap, breakwater, bulkhead, groins, and sandbags, shall be subject to State and Federal regulations, and additional seasonal measures.
3. **Temporary Fencing for Sand Mitigation.** No shoreline protection measure shall be installed or constructed along the shore of Lake Michigan within the City, except for temporary fencing not more than four feet (4') in height and with openly spaced slats or weaves, placed seasonally between October 1 and May 1 to influence the accumulation of sand or snow. Fencing shall not prevent public passage across the public trust property as defined by the State of Michigan.
4. To the extent of any conflict between the regulatory provisions contained in this section and other provisions of the UDO, the restrictions in this section shall control with respect to all lots that abut Lake Michigan.

- E) High Risk Erosion Area.** All High Risk Erosion Areas, as designated by *EGLE*, shall be subject to the requirements of the State of Michigan. No *Building Permit* or approval under this Ordinance shall be issued until evidence of *EGLE* approval has been provided to the City.
- F) Waterfront Accessory Building Size Limit.** No *Accessory Structure* located in the *Waterfront Yard* ([Section 4.02](#)) shall exceed 400 square feet in area.
- G) Building Materials.** All new construction within the Lakeshore Overlay must be shown to use materials and building methods which are capable of withstanding coastal and cold weather impacts, including high winds, extreme low temperatures, and higher exposure to moisture.
- H) Overlay Districts.** In the event of a conflict, Overlay Districts supersede the regulations of the underlying District. In the event that an *Overlay District* does not have regulations on a specific topic, the regulations of the underlying district shall apply.

Section 4.03

O-I Industrial Overlay

A) Applicability.

1. Within the Industrial Overlay boundary designated on the official Zoning Map, the provisions of this section shall supersede the provisions of the underlying *Zoning District*.
2. All provisions in this Ordinance, and of the underlying *Zoning District* that are not directly contradicted by a provision of this overlay shall apply within the Overlay as written elsewhere in this Ordinance.
3. The process for adding or removing a *Lot* from the Industrial Overlay shall be the same process as for a rezoning, as described in [Section 15.13](#).

B) Permitted Uses. The permitted uses in the Industrial Overlay shall be those designated on the Table of Permitted Uses in [Section 3.02.C](#). If a use is not permitted in the underlying *Zoning District*, but it is permitted within the O-I District, it shall be a permitted use.

C) Overlay Districts. In the event of a conflict, Overlay Districts supersede the regulations of the underlying District. In the event that an *Overlay District* does not have regulations on a specific topic, the regulations of the underlying district shall apply.

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Section 5.01

Purpose and Intent

- A)** The following regulations regarding *Lot* sizes, yards, *Setbacks*, densities, and the *Building Envelope* apply within the Zoning Districts as indicated, including the regulations contained in the footnotes to the Schedule of Dimensional and *Building Envelope* Regulations Table ([Section 5.02.A](#)). No building shall be erected, nor shall an existing building be altered, enlarged or rebuilt, nor shall any open spaces surrounding any building be encroached upon or reduced in any manner, except in conformity with the regulations hereby established for the district in which such building is located. No portion of a *Lot* used in complying with the provisions of this Ordinance for yards, courts, *Lot Area*, occupancy, in connection with an existing or projected *Building* or *Structure*, shall again be used to qualify or justify any other building or *Structure* existing or intended to exist at the same time.
- B)** *Accessory Structures* must meet the dimensional standards in [Section 12.02.A](#).
- C)** All lots in any *Zoning District* must have frontage on a public road or *Approved Access*.

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Section 5.02

Table of Dimensional and Building Envelope Regulations

A) Schedule of Dimensional and *Building Envelope* Regulations in Neighborhood, Mobile Home, Mixed Use, Industrial, Waterfront, Parks, and Overlay Districts.

	N	MH	MU	I	W	P	OL	OI
Minimum Lot Size	4,000 sf	(1)	4,000 sf	10,000 sf	50,000 sf	No Minimum	25,000 sf	Same as underlying
Minimum Lot Width	40 ft	(1)	50 ft	No Minimum	250 ft	No Minimum	100 ft (must be on public road or Approved Access)	Same as underlying
Building Envelope								
Minimum Setbacks								
Front	10 ft	(1)	10 ft (2)	15 ft	No Minimum	No Minimum	See Section 4.02	Same as underlying
Side	5 ft	(1)	5 ft (2)	12 ft	No Minimum	No Minimum	See Section 4.02	Same as underlying
Rear	10 ft	(1)	10 ft	30 ft	Inland: 10 ft Waterfront: 20 ft (See Section 5.03)	No Minimum	See Section 4.02	Same as underlying
Maximum Setbacks								
Front	No Maximum	(1)	No Maximum	No Maximum	No Maximum	No Maximum	No Maximum	Same as underlying
Side	No Maximum	(1)	No Maximum	No Maximum	No Maximum	No Maximum	No Maximum	Same as underlying
Rear	No Maximum	(1)	No Maximum	No Maximum	No Maximum	No Maximum	No Maximum	Same as underlying
Maximum Building Height								
Feet	35 ft	(1)	45 ft	45 ft (taller by Special Land Use)	65 ft	No Maximum	35 ft	Same as underlying
Maximum Lot Coverage								
Buildings	50%	(1)	80%	70%	70%	No Maximum	25%	Same as underlying
Impervious Surface	60%	60%	90%	80%	80%	No Maximum	30%	Same as underlying

- Standards for mobile homes shall be consistent with the Mobile Home Commission Act, Act 96 of 1987, as amended, and with the City of Ludington Subdivision Ordinance, (Chapter 50 of the City Code of Ordinances), where the Subdivision regulations are not preempted by State Law.
- The front and side *Setbacks* in the MU district may be reduced as low as 0 feet with a *Special Land Use* approval.

B) **Supplementary Regulations Applying to Single-Family Homes in All Districts.**

- The above restrictions shall not apply to Mobile Homes, which are only permitted in the MH District.

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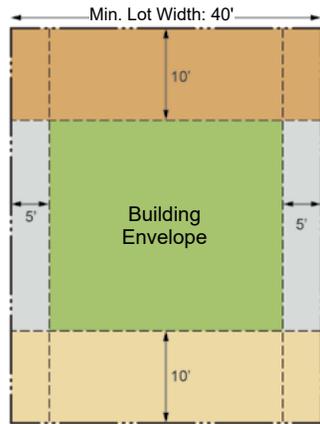
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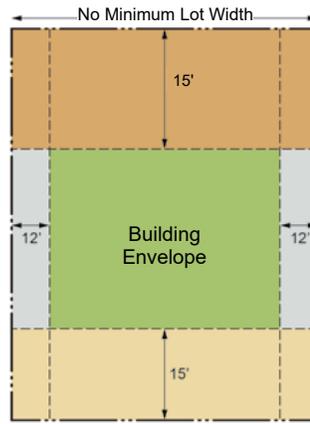
N - Neighborhood

Minimum Lot Size: 4,000 sq. ft.



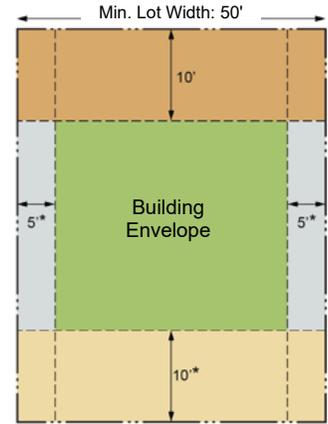
I - Industrial

Minimum Lot Size: 10,000 sq. ft.



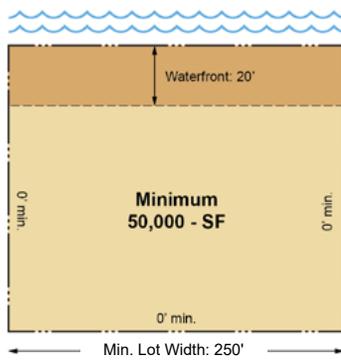
MU - Mixed Use

Minimum Lot Size: 4,000 sq. ft.

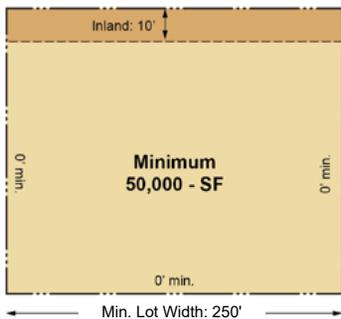


* Front and Side setback may be reduced to 0' with Special Land Use approval.

W - Waterfront (Waterfront Lots)



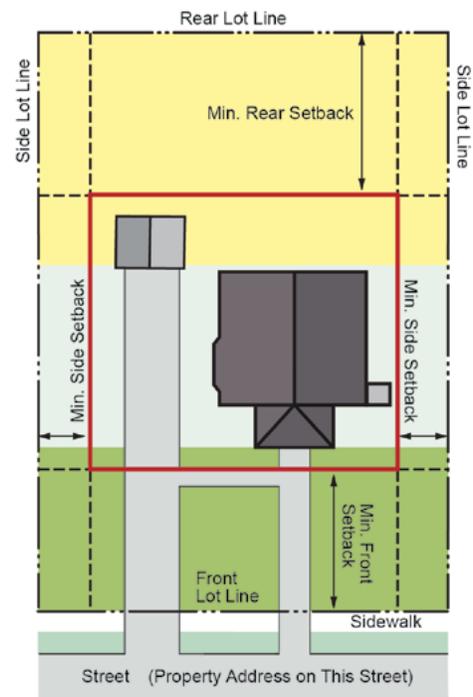
W - Waterfront (Inland Lots)



OL - Lakefront Overlay

(see section 4.02)

Lot Terms – Interior Lot



- Side Yard
- Rear Yard
- Front Yard
- Building Envelope
- Accessory Building
- Main Building
- A/C Unit or Other Attachment

C) Table of Dimensional and *Building Envelope* Regulations in Form-Based Districts:

	Downtown Core	Downtown Edge	Gateway	Beach
	F-DC	F-DE	F-G	F-B
Minimum Lot Size	None	None	4,000 sf	4,000 sf
Minimum Lot Width	None	None	50 ft	50 ft
Minimum Setbacks				
Front	No Minimum	No Minimum	10 ft	10 ft
Side	No Minimum	No Minimum	5 ft	5 ft
Rear	No Minimum	No Minimum	10 ft	10 ft
Maximum Setbacks				
Front	0 ft	30 ft	No Maximum	30 ft
Side	20 ft (only allowed on one side)	30 ft	No Maximum	No Maximum
Rear	No Maximum	No Maximum	No Maximum	No Maximum
Maximum Building Height				
Height 1.06.B3.b (ft)	75 ft	75 ft	45 ft	45 ft
Maximum Lot Coverage				
Buildings	100%	100%	70%	70%
Impervious Surface	100%	100%	80%	80%

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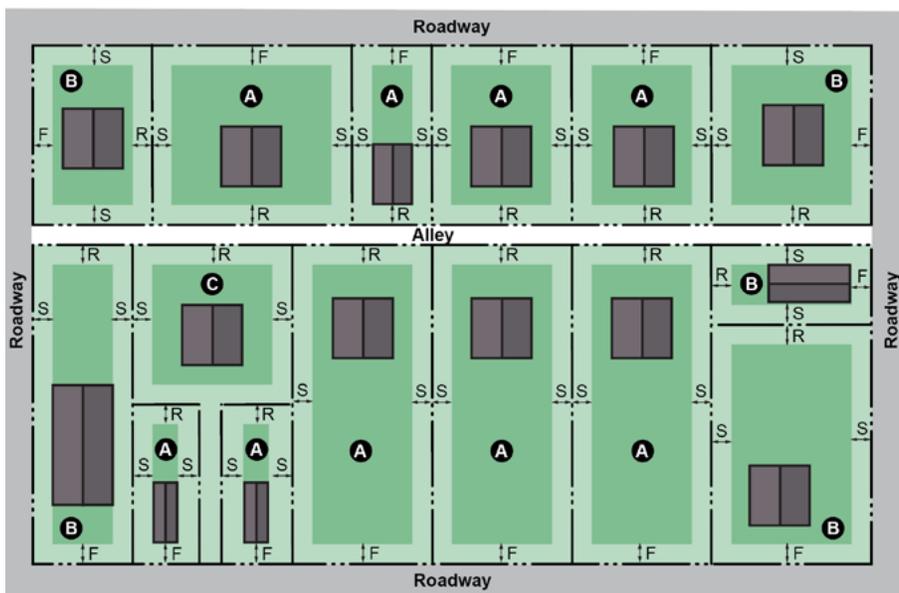
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Lot Types



Key

- A** Interior Lot
- B** Corner Lot
- C** Flag Lot
- F** Front Yard
- S** Side Yard
- R** Rear Yard
- Main Building
- Permitted Building Envelope
- Minimum Yard Areas

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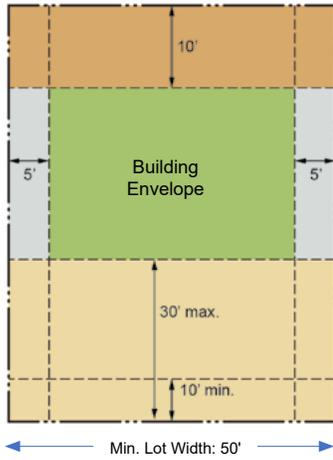
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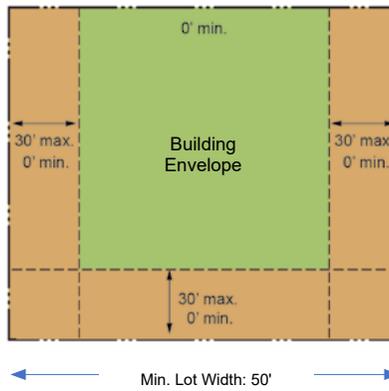
**F - B
Form-Based: Beach**

Minimum Lot Size: 4,000 sq. ft.



**F - DE
Form-Based: Downtown Edge**

Minimum Lot Size: None.



**F - DC
Form-Based: Downtown Core**

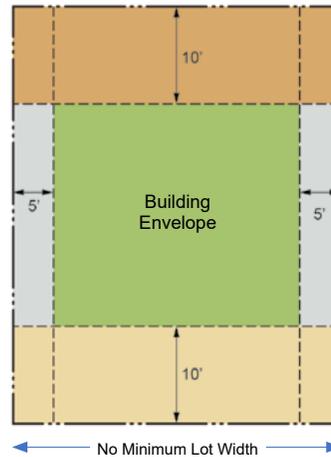
Minimum Lot Size: None.

— 0' Front Setback Required



**F - G
Form-Based: Gateway**

Minimum Lot Size: 4,000 sq. ft.



Section 5.03

Pere Marquette Waterfront Regulations

- A) Purpose and Intent.** The intent of the Pere Marquette Waterfront Regulations is to provide for a variety of permitted recreational, resort, residential, service, or public uses and businesses. The district regulations are designed to promote physical development which uses nearby water resources and encourage land uses which are aesthetically and functionally compatible with the waterfront.
- B) Applicability.** These regulations shall apply to all lots in the W and MU Districts abutting Pere Marquette Lake and other inland bodies of water, and shall be enforced at the time of Site Plan Approval for any new construction, alterations, or site improvement requiring Site Plan Approval under [Section 15.02](#).
- C) Definitions.**
- Viewshed.** A straight-line distance between and around buildings and structures where the water can be viewed without obstruction. Indirect access to the waterfront is granted for view but not for use.
 - Waterfront Public Access Pathway Easement.** A continuous pathway to be constructed and maintained by the property owner where an easement is granted to the City of Ludington to allow for continuous use of the entire pathway. See [5.03.D](#) for design standards.
 - Structure.** For the purposes of this section only, a *Structure* is any object that extends above *Grade*, including *Fences*, statues, bushes, or any other item that could, in the opinion of the reviewing body, as designated in [Article 15](#), impair views of the water.
- D) Waterfront Public Access.** To ensure that future developments along the water provide opportunities for the public to access the City's waterfront, a Waterfront Access Pathway must be constructed along the waterfront, meeting the following standards:
- Location.** Within 5 feet of the water's edge, unless another site design meeting the Intent of [Section 5.03.A](#) is approved by the *Planning Commission*.
 - Width.** 10 feet minimum, not including the Waterfront Edge Treatments required in [Section 5.03.E](#).
 - Length.** Shall extend continuously from one property line to the opposite property line along the water.
 - Materials.** Shall be constructed and maintained as a single paved surface.
 - Easement.** The pathway must be subject to an easement or other agreement guaranteeing public access across and through the pathway, in perpetuity.
 - Emergency Access.** The pathway may be used to satisfy fire *Access Road* requirements or to otherwise allow for emergency access if the pathway is a minimum of 26 feet wide and is constructed to withstand emergency vehicle load weights as approved by the City of Ludington's Fire Marshal.
- E) Waterfront Edge Treatments.** The land between the pathway and the edge of Pere Marquette Lake and/or the Pere Marquette River shall be treated with either a Natural or Seawall Edge Treatment unless another site design meeting the Intent of [Section 5.03.A](#) is approved by the *Planning Commission*.
- Natural Edge Treatment**, at least 3 feet in width, consisting of *Landscaping* rocks and plantings a *Berm*, or other treatment approved by the *Planning Commission*. Landscape plantings shall be maintained at a height of at least 2 feet, but no more than 3 feet.
 - Seawall Edge Treatment** consisting of a maximum 3-foot high Decorative, Open *Fence* ([Section 12.03](#)) placed along a seawall.
 - Water Access.** The waterfront edge treatment must be designed to encourage at least one of the following: swimming, boat docking, or fishing. The sufficiency and safety of the design will be determined by the *Site Plan Review Committee*.

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4. **Access to the Waterfront Pathway.** At least one paved waterfront walking path, at least 5 feet wide, must be maintained. The pathway shall be subject to the Easement requirements in Subsection 5 below. The waterfront pathway shall be connected to any adjacent pathways along the waterfront edge. The sufficiency and safety of the design will be determined by the *Site Plan Review Committee*.

5. **Easement Agreement Requirements and Limitations.**

- (a) The Public Access Easement shall only be for the surface of the Pathway and Air Rights up to 25 feet in height measured from *Grade* of the pathway. The Easement Agreement shall allow free passage of the public on foot or on non-motorized vehicles continuously from one side of the property to the other, if identified to be used for emergency access.
- (b) The Easement Agreement shall restrict the property owner from erecting any barrier to lock public access to the easement.
- (c) The Easement Agreement may restrict the use of motor vehicles, other than emergency vehicles, if constructed for emergency access.

F) **Building Materials.** All new construction on properties abutting the waterfront, including materials used in waterfront edge treatments, must be shown to use materials and building methods which are capable of withstanding coastal and cold weather impacts, including high winds, extreme low temperatures, and higher exposure to moisture.

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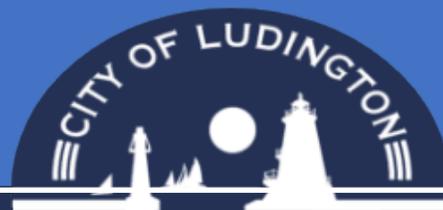
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Section 6.01

Purpose and Intent

The purpose and intent of the Form Based Code is to ensure that the traditional walkable character of Downtown Ludington and its surroundings, including the Ludington Avenue corridor, are maintained as the City grows and develops. The Form Based Code is intended to welcome new development and investment, while also ensuring that new construction is compatible with the traditional fabric of the community.

Section 6.02

Building Frontages for Architectural Requirements

Frontage. Within this section, in reference to properties in the Form Based Districts, each *Lot Line* of a property shall be considered a principal, secondary, or exempt frontage.

- A) Frontage.** The total width of a *Lot* or parcel measured along the front *Lot Line*.
- B) Principal Frontage.** The *Lot Line* in common with the *Right-of-Way* line along the public street that represents the street address for that *Lot*.
- C) Secondary Street Frontage.** On a *Lot* facing multiple streets, any *Lot Line* in common with any *Right-of-Way* line along any public street (but not an *Alley*) that does not represent the street of address for that *Lot*.
- D) Exempt Frontage.** Any *Lot Line* that does not meet the definition of Principal Frontage or Secondary Frontage.

Section 6.03

Table of Permitted Building Types

Table of Permitted Building Types. All new construction must meet the requirements of one of the allowable building types. The chart below shows which building types are allowed in which districts.

Requirements		Downtown Core	Downtown Edge	Gateway	Beach
		F-DC	F-DE	F-G	F-B
6.04.A	Traditional Downtown	P	P		
6.04.B	Retail/Office (One Story)		P		P
6.04.C	Theater	P	P		
6.04.D	Hotel	P	P		
6.04.E	Motel			E	P
6.04.F	Inn		P	P	P
6.04.G	Single-Family	Permitted, Exempt from Form Based Standards	Permitted, Exempt from Form Based Standards	P	Permitted, Exempt from Form Based Standards
6.04.H	Duplex		P	P	P
6.04.I	Triplex		P		P
6.04.J	Quadplex		P		P
6.04.K	Villa plex			P	P
6.04.L	Residential Loft		P		
6.04.M	Terrace Building				P
6.04.N	Gateway Rowhouse			P	P
6.04.O	Downtown Rowhouse		P		
6.04.P	Bungalow Court				P
6.06	Landmark Building	S	S	S	S

P	Permitted Use	S	Special Land Use Approval, as described in Section 15.06	E	Permitted on Lots Where the Building Type Existed on January 1, 2025	Blank = Prohibited
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Section 6.04

Building Type Requirements

Disclaimer Regarding Images: The graphics and other images used in this Ordinance, other than the Official Zoning Map, are intended for ease of understanding the Ordinance text, and are not regulatory in and of themselves. Specifically, regarding this Article, the images shown are buildings that would be allowable under the Form Based Regulations, but a building meeting the Building Type standards may not necessarily look like the building pictured.

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A) Traditional Downtown

1. **Description, Purpose, and Intent.** A multi-*Story* building with shopfronts along the Principal Frontage and a portion of Secondary Frontages. This Building Type is intended to promote mixed-use development, with retail and other commercial spaces on the first floor, and residential, lodging, and office uses on upper floors.
2. **Permitted Districts.** The Traditional Downtown building type is permitted in the Downtown Core and Downtown Edge Form-Based Districts.
3. **Dimensional and Architectural Requirements.**
 - (a) **Building Width:**
 - (i) **Minimum:** 16 feet.
 - (ii) At least one entrance meeting the *Shopfront* requirements below every sixty feet (60').
 - (b) **Shopfronts:**
 - (i) **Doorway Recess**
 - (1) Minimum: 3 feet.
 - (2) Maximum: 10 feet.
 - (ii) **Minimum Shopfront Width Along Principal Frontage:** 80% of frontage.
 - (iii) **Minimum Shopfront Width Along Secondary Frontage:** 12 feet
 - (c) **Windows:**
 - (i) **Shopfront Minimum Window Percentage** (First Floor on Principal Frontage): 60%
 - (ii) **First Floor Minimum Window Percentage** (Secondary Frontages and Exempt Frontages): 15%, except for the required *Shopfront* area on Secondary Frontages, which shall be 60%.
 - (iii) **Upper Floors:**
 - (1) Minimum Window Percentage: 15%
 - (2) Maximum Window Percentage: 50%
 - (3) On masonry or brick buildings, windows must be recessed 4 inches into the *Façade*.
 - (iv) **Minimum Glass Transparency:** 80% Visible Light Transfer (VLT) A(lead, stained, frosted, or glass block windows are exempt from this requirement, but are only permitted on upper floors).

- (d) **At-Grade Entrances.** All first-floor entrances must be at *Grade* and barrier-free accessible.
- (e) **Balconies (if provided in design).** May project up to 6 feet beyond the *Façade* of the building, and may project over the *Right-of-Way*, provided they are at least 12 feet above *Grade*.
- (f) **Cornice (Rooftop).**
- (i) **F-DC and F-DE Districts:** A flat roof with a *Cornice* at least 15 inches tall must be included on the roofline on Principal and secondary frontages.
 - (ii) **F-B District:** Peaked roofs are permitted. Flat roofs must have the *Cornice* as described in Subsection i.
- (g) **Overhead doors** are permitted along exempt frontages and secondary frontages. On a Principal Frontage, overhead doors are permitted if no less than 80% of the door is made of transparent materials.
4. **Architectural Design Requirements.** All new construction buildings must meet the following architectural requirements, in the opinion of the appropriate reviewing body, as designated in [Article 15](#). These requirements do not apply to Exempt Frontages.
- (a) **Sign Band.** A *Sign Band*, at least 85% of the width of the building, must be included above the *Shopfront*. The *Sign Band* must be a horizontal area uninterrupted by windows or architectural features, except that the Horizontal Architectural Divider may serve as the *Sign Band*. An *Awning* may also serve as the *Sign Band*, provided it is at least 10 inches tall.
 - (b) **Horizontal Architectural Divider.** A projecting *Cornice* or other architectural design feature that extends uninterrupted for the entire width of the building, to divide the first floor from the upper floors, must be provided.
 - (c) **Upper Floor Design.** Upper floors must have opaque exterior walls with regularly spaced, consistently sized windows to convey a pattern of solids and voids. The upper floor *Façade* must be consistent along the entire width of the building.
 - (d) **Upper Floor Window Design.** Decorative sills and/or headers are required on upper-floor windows located along Principal Frontages, and may be required by the appropriate reviewing body, as designated in [Article 15](#), along Secondary Frontages. They are not required on sides facing alleys or parking lots. The radii of arches on segmented-arch windows must equal the widths of the corresponding masonry openings.
 - (e) **Architectural Interest.** Towers, sculptures, environmentally-friendly features, *Landscaping*, masonry reliefs and/or motifs up to 4 inches in depth, and other characteristic forms and/or focal points are required. The reviewing body, as designated in [Article 15](#), may determine that a proposed design has insufficient architectural interest or detailing requiring additional flourishes.



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B) Single-Story Retail or Office

1. **Description, Purpose, and Intent.** A single-Story building with *Shopfront* frontage constructed at the *Right-of-Way* lines along street frontages.
2. **Permitted Districts.** The Single-Story Retail or Office Building Type is permitted in the Downtown Edge and Beach Form-Based Districts.
3. **Required Architectural Dimensions.**
 - (a) **Building Width:**
 - (i) **Minimum:** 16 feet
 - (ii) Must have a *Shopfront* entrance at least once per 60 feet of building width along the principal frontage.
 - (b) **Shopfronts:**
 - (i) **Doorway Recess:**
 - (1) Minimum: 7 feet
 - (2) Maximum: 10 feet
 - (ii) **Minimum Shopfront Width Along Principal Frontage:** 80% of frontage
 - (iii) **Minimum Shopfront Width Along Secondary Frontage:** 12 feet
 - (c) **Windows:**
 - (i) **Shopfront Minimum Window Percentage** (First Floor on Principal Frontage): 60%
 - (ii) **First Floor Minimum Window Percentage** (Secondary Frontages and Exempt Frontages): 15%, except for the required *Shopfront* area on Secondary Frontages, which shall be 60%.
 - (iii) **Minimum Glass Transparency:** 80% Visible Light Transfer (VLT)
 - (d) **At-Grade Entrances.** All first-floor entrances must be barrier-free accessible.
 - (e) **Brick Coursing (if provided in design):**
 - (i) Width: 8 inches
 - (ii) Height: 2.66 inches
 - (f) **Cornice (Rooftop).** A *Cornice* at least 15 inches tall must be included on the roofline on Principal and secondary frontages.
 - (g) **Overhead Doors.** Overhead doors are permitted along exempt frontages and secondary frontages. On a Principal Frontage, overhead doors are permitted if no less than 80% of the door is made of transparent materials.
4. **Architectural Design Requirements.** All new construction buildings must meet the following architectural requirements, in the opinion of the reviewing body, as designated in Article 15. These requirements do not apply to Exempt Frontages.
 - (a) **Single-Story Limitation.** Buildings of this type are limited to one *Story*, or 16 feet, in height. Multi-*Story* buildings must comply with the requirements of another building type allowable in the district.
 - (b) **Sign Band.** A *Sign Band*, at least 85% of the width of the building, must be included above the *Shopfront*. The *Sign Band* must be a horizontal area uninterrupted by windows or architectural features. An *Awning* may also serve as the *Sign Band*, provided it is at least 10 inches tall.
 - (c) **Architectural Interest.** Towers, sculptures, masonry reliefs, environmentally-friendly features, *Landscaping*, and/or motifs up to 4 inches in depth, and other characteristic forms and/or focal points are required. The reviewing body, as designated in Article 15, may determine that a proposed design has insufficient architectural interest or detailing requiring additional flourishes.



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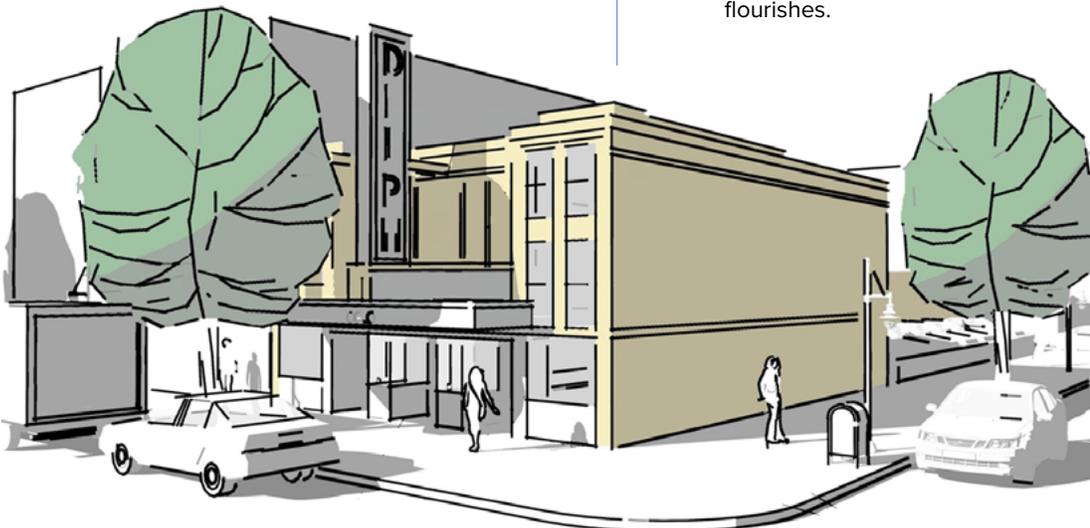
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C) Theater

1. **Description, Purpose, and Intent.** High-ceiling building with lobby frontage, *Façade*, and marquee along Principal Frontage with allowable blank walls along all other frontages.
2. **Districts Permitted.** The Theater Building Type is permitted in the Downtown Core and Downtown Edge Form-Based Districts.
3. **Required Architectural Dimensions.**
 - (a) **Minimum Building Width:** 16 feet
 - (b) **Theater-Front:**
 - (i) **Doorway Recess:**
 - (1) Minimum: 7 feet
 - (2) Maximum: 10 feet
 - (3) A ticket or will-call booth may be exempted from the minimum by the *Planning Commission*.
 - (ii) **Minimum Theater-Front Width Along Principal Frontage:** 80% of frontage
 - (c) **Windows:**
 - (i) **Theater-Front Minimum Window Percentage** (First Floor on Principal Frontage): 60%
 - (ii) **First Floor Minimum Window Percentage** (Secondary Frontages and Exempt Frontages): 0%
 - (iii) **Upper Floors:**
 - (1) Minimum Window Percentage: 0%
 - (2) Maximum Window Percentage: 50%
 - (3) Must be Recessed 4 inches into *Façade* (masonry or brick buildings only).
 - (iv) **Minimum Glass Transparency:** 80% Visible Light Transfer (VLT) (leaded, stained, frosted, or glass block windows are exempt from this requirement, but are only permitted on upper floors)
 - (v) **At-Grade Entrances.** All first-floor entrances must be barrier-free accessible.
 - (d) **Brick Coursing (if provided in design):**
 - (i) Width: 8 inches
 - (ii) Height: 2.66 inches
 - (e) **Balconies (if provided in design).** May project up to 6 feet beyond the *Façade* of the building, and may project over the *Right-of-Way*, provided they are at least 12 feet above *Grade*.
 - (f) **Cornice (Rooftop).** A *Cornice* at least 15 inches tall must be included on the roofline on Principal and secondary frontages.
4. **Architectural Design Requirements.** All new construction buildings must meet the following architectural requirements, in the opinion of the reviewing body, as designated in [Article 15](#). These requirements do not apply to Exempt Frontages.
 - (a) **Main Entrance.** The building must have a main entrance to be located either along the Principal Frontage or facing the intersection on a *Corner Lot*. Side and rear entrances are also permitted but shall not be designed as the primary entrance.
 - (b) **Upper Floor Window Design.**
 - (i) Decorative sills and/or headers are required on upper-floor windows located along Principal Frontages, and may be required by the *Planning Commission* along Secondary Frontages. They are not required on sides facing alleys or parking lots.
 - (ii) The radii of arches on segmented-arch windows must equal the widths of the corresponding masonry openings.
 - (c) **Architectural Interest.** Towers, sculptures, environmentally-friendly features, *Landscaping*, masonry reliefs and/or motifs up to 4 inches in depth, and other characteristic forms and/or focal points are required. The reviewing body, as described in [Article 15](#), may determine that a proposed design has insufficient architectural interest or detailing and require additional flourishes.



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D) Hotel

1. **Description, Purpose, and Intent.** A multi-*Story* urban building without storefronts, intended for a lobby and upstairs guest rooms, but re-usable for a variety of uses.
2. **Districts Permitted.** The Hotel Building Type is permitted in the Downtown Core and Downtown Edge Form-Based Districts.
3. **Required Architectural Dimensions.**
 - (a) **Building Width:**
 - (i) **Minimum:** 16 feet
 - (ii) **Maximum:** Full *Block* width
 - (b) **Windows:**
 - (i) **First Floor Minimum Window Percentage** (All Frontages): 60%
 - (ii) **Upper Floors:**
 - (1) Minimum Window Percentage: 15%
 - (2) Maximum Window Percentage: 55%
 - (3) Must be Recessed 4 inches into *Façade* (masonry or brick buildings only)
 - (iii) **Minimum Glass Transparency: 80%** Visible Light Transfer (VLT) (leaded, stained, frosted, or glass block windows are exempt from this requirement, but are only permitted on upper floors)
 - (c) **At-Grade Entrances.** All first floor entrances must be barrier-free accessible.
 - (d) **Pilasters (if included in design):**
 - (i) **Width:** 20 inches
 - (ii) **Maximum Interval:** 24 feet
 - (e) **Brick Coursing (if included in design).**
 - (i) **Width:** 8 inches
 - (ii) **Height:** 2.66 inches
 - (f) **Balconies (if included in design).** May project up to 6 feet beyond the *Façade* of the building, and may project over the *Right-of-Way*, provided they are at least 12 feet above *Grade*.
 - (g) **Cornice (Rooftop).** A *Cornice* at least 15 inches tall must be included on the roofline along all frontages.
 - (h) **Overhead Doors.** Overhead doors are permitted along exempt frontages and secondary frontages. On a Principal Frontage, overhead doors are permitted if no less than 80% of the door is made of transparent materials.



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4. **Architectural Design Requirements.** All new construction buildings must meet the following architectural requirements, in the opinion of the reviewing body, as designated in Article 15. These requirements DO apply to Exempt Frontages, except for sides of the building that are built with zero *Setback* to the side *Lot Line*, in which case these requirements only apply to the stories visible above the adjacent buildings. If there are no adjacent buildings, these requirements shall apply to the third *Story* and above.
- (a) **Main Lobby Entrance.** The first floor must have a main lobby entrance to be located along the Principal Frontage. The entrance must be covered by an *Awning* or *Canopy*. For corner lots, the entrance may face the intersection. Side and rear entrances are also permitted, but shall not be designed as the primary lobby entrance.
- (b) **Horizontal Architectural Dividers.** Two projecting *Cornices* or other architectural design features that extend uninterrupted for the entire width of the building. The dividers may be located between any two floors, but shall produce the overall feeling of a building with a “base”, a “shift”, and a “capital.”
- (c) **Upper Floor Design.** Upper floors must have an opaque exterior walls with regularly spaced, consistently sized windows to convey a pattern of solids and voids. The upper floor *Façade* must be consistent along the entire width of the building.
- (d) **Upper Floor Window Design.**
- (i) Decorative sills and/or headers are required on upper-floor windows located along Principal Frontages, and may be required by the reviewing body, as designated in [Article 15](#), along Secondary Frontages. They are not required facing alleys or parking lots.
- (ii) The radii of arches on segmented-arch windows must equal the widths of the corresponding masonry openings.
- (e) **Architectural Interest.** Towers, sculptures, environmentally friendly features, *Landscaping*, masonry reliefs and/or motifs up to 4 inches in depth, and other characteristic forms and/or focal points are required. The reviewing body, as designated in [Article 15](#), may determine that a proposed design has insufficient architectural interest or detailing, and require additional flourishes.

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E) Motel

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1. **Description, Purpose, and Intent.** A roadside hotel designed primarily to accommodate drivers, with rooms arranged in a low building with entrances directly to the outside, rather than into a shared interior space (such as a hallway or lobby). Balconies or entrances should be provided on the side of the building facing the *Parking Lot*, but additional balconies may also be provided along other sides of the building.
2. **Districts Permitted.** The Motel Building Type is permitted in the Beach District and where already existing in the Gateway District.
3. **Required Architectural Dimensions.**
 - (a) **Building Size:**
 - (i) **Minimum Width:** 20 feet
 - (ii) **Maximum Width:** 40 feet
 - (iii) **Minimum Depth:** Two (2) times the width of the building.
 - (iv) **Building Height:**
 - (1) Minimum: 24 feet
 - (2) Maximum: 45 feet
 - (b) **Windows:**
 - (i) **First Floor Minimum Window Percentage** (All Frontages): 60%
 - (ii) **Upper Floors:**
 - (1) Minimum Window Percentage: 15%
 - (2) Maximum Window Percentage: 55%
 - (iii) **Minimum Glass Transparency:** 80% Visible Light Transfer (VLT) (leaded, stained, frosted, or glass block windows are exempt from this requirement, but are only permitted on upper floors)
 - (c) **Brick Coursing:**
 - (i) **Width:** 8 inches to 8.375 inches
 - (ii) **Height:** 2.66 inches
 - (d) **Step-back Prohibition.** Upper floors shall have the same *Façade* as lower floors – “stepping back” is prohibited.
 - (e) **Balconies.** May project up to 6 feet beyond the *Façade* of the building provided they are at least 12 feet above *Grade*.
 - (f) **Exterior Doors.**
 - (i) **Width:** 36 inches
 - (ii) **Height:** 84 inches to 108 inches
 - (g) **Overhead Doors.** Overhead doors are permitted along exempt frontages and secondary frontages. On a Principal Frontage, overhead doors are permitted if no less than 80% of the door is made of transparent materials.
4. **Architectural Design Requirements.** All new construction buildings must meet the following architectural requirements, in the opinion of the reviewing body, as designated in Article 15. These requirements apply to ALL frontages, including Exempt Frontages.
 - (a) **Front Entrance.** Main business entrance at the side of the building, corresponding to a driveway.
 - (b) **Distinct Entrances.** Lodging units are independently accessed along a balcony or private sidewalk.
 - (c) **First Floor Design.** Relatively blank walls, with optional plate-glass office windows facing street.
 - (d) **Upper Floor Design.** Street-facing *Façade* opaque above ground floor, balcony lines upper floor for access to individual units.
 - (e) **Architectural Interest.** Highly graphic, modern, whimsical designs are permitted, subject to approval by the reviewing body.



F) Inn

1. **Description, Purpose, and Intent.** A building designed as a single-family house or mansion-style building with a front porch, moderate landscaped building *Setbacks*, and the option of a low *Fence* along the *Right-of-Way*-line, but intended for lodging use.
2. **Districts Permitted.** The Inn Building Type is permitted in the Beach and Downtown Edge, and Gateway Form-Based Districts.
3. **Required Architectural Dimensions.**
 - (a) **Building Width:**
 - (i) **Minimum:** 60% of *Lot Width* along Principal Frontage
 - (ii) **Maximum:** Full *Block* width, less required side *Setback* (if applicable)
 - (b) **Windows:**
 - (i) **First Floor Minimum Window Percentage** (All Frontages) 35%
 - (ii) **Upper Floors:**
 - (1) Minimum Window Percentage: 15%
 - (2) Maximum Window Percentage: 55%
 - (3) Must be Recessed 4 inches into *Façade* (masonry or brick buildings only)
 - (iii) **Minimum Glass Transparency:** 80% Visible Light Transfer (VLT) (leaded, stained, frosted, or glass block windows are exempt from this requirement, but are only permitted on upper floors)
 - (c) **First Floor Grade:**
 - (i) **Minimum Height:** 24 inches
 - (ii) **Maximum Height:** 36 inches
 - (iii) At least one accessible entrance must be provided, but the design of the barrier-free ramp shall be reviewed for aesthetic compatibility with the Form Based Code by the appropriate reviewing body, as designated in Article 15.

- (d) **Pilasters (if included in design):**
 - (i) **Width:** 20 inches
 - (ii) **Maximum Interval:** 24 feet
- (e) **Brick Coursing (if included in design):**
 - (i) **Width:** 8 inches
 - (ii) **Height:** 2.66 inches
- (f) **Balconies (if included in design).** May project up to 6 feet beyond the *Façade* of the building, and may project over the *Right-of-Way*, provided they are at least 12 feet above *Grade*.
- (g) **Minimum Roof Pitch:** 4/12
4. **Architectural Design Requirements.** All new construction buildings must meet the following architectural requirements, in the opinion of the reviewing body, as designated in [Article 15](#). These requirements apply to all frontages, including exempt frontages.
 - (a) **Front Porch.** A covered front porch is required, with a minimum depth of 6 feet, at the main entrance facing the Principal Frontage.
 - (b) **Residential Style.** The building shall mimic the architectural style of residential homes in the vicinity of the Inn.
 - (i) **Permitted:** The front *Setback* may be used for outdoor dining and/or landscaped gardens.
 - (ii) **Prohibited:** Parking, drop-off lanes, swimming pools, and storage are prohibited.
 - (c) **Upper Floor Design.** Upper floors must have opaque exterior walls with regularly spaced, consistently sized windows to convey a pattern of solids and voids. The upper floor *Façade* must be consistent along the entire width of the building.



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G) Single-Family

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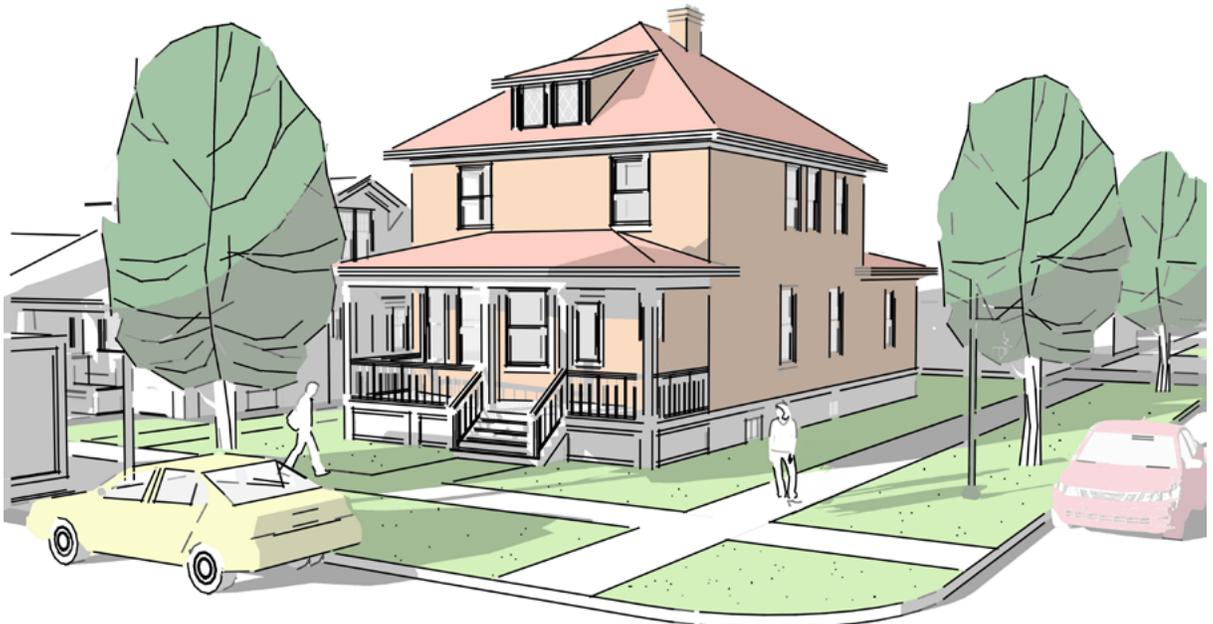
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1. **Description, Purpose, and Intent.** This section regulates Single-Family homes within the Form-Based Districts in order to ensure they fit the traditional character of the core of Ludington.
2. **Districts Permitted.** The Single-Family Building Type is subject to form-based standards in the Gateway Form-Based District. The Single-Family Building Type is permitted, but exempt from Form-Based Standards in the Downtown Core, Downtown Edge, and Beach Form-Based Districts.
3. **Required Architectural Dimensions:**
 - (a) **Building Width:**
 - (i) **Minimum:** 60% of *Lot Width*
 - (ii) **Maximum:** Consistent with *Setback Requirements*
 - (b) **Windows:**
 - (i) **First Floor Minimum Window Percentage** (All Frontages) 35%
 - (ii) **Upper Floors:**
 - (1) Minimum Window Percentage: 15%
 - (2) Maximum Window Percentage: 50%
 - (iii) Must be Recessed 4 inches into *Façade* (masonry or brick buildings only)
 - (iv) **Minimum Glass Transparency:** 80% Visible Light Transfer (VLT) (leaded, stained, frosted, or glass block windows are exempt from this requirement, but are only permitted on upper floors)
 - (c) **Pilasters (if included in design):**
 - (i) **Width:** 20 inches
 - (ii) **Maximum Interval:** 24 feet
 - (d) **Brick Coursing (if included in design):**
 - (i) **Width:** 8 inches
 - (ii) **Height:** 2.66 inches
 - (e) **Minimum Roof Pitch:** 4/12
4. **Architectural Design Requirements.** All new construction buildings must meet the following architectural requirements, in the opinion of the reviewing body designated in Article 15. These requirements apply to all frontages, including exempt frontages.
 - (a) **Front Porch.** A covered front porch is required, with a minimum depth of 6 feet, at the main entrance facing the Principal frontage. The porch must be surrounded by a decorative rail, 28 inches to 36 inches in height.
 - (b) **Parking and Garages:**
 - (i) No *Garage*, whether attached or detached, shall extend closer to the front of the *Lot* than the front-most wall of the *Principal Building*.
 - (ii) *Front Yard* parking areas, other than a paved driveway leading directly to the *Rear Yard Garage*, are prohibited.
 - (iii) Paved parking areas may be created in the *Rear Yard*.



H) Duplex

1. **Description, Purpose, and Intent.** Traditionally styled single-family house form containing two residential units with one to two main entrances at the front and alternate or service entrances along the sides and/or back. Residential units exist one above the other or side-by-side within the building enclosure.
2. **Districts Permitted.** The *Duplex* Building Type is permitted in the Downtown Edge, Gateway, and Beach Form-Based Districts.
3. **Required Architectural Dimensions.**
 - (a) **Building Width:**
 - (i) **Minimum:** 60% of *Lot Width*.
 - (ii) **Maximum:** Consistent with *Setback* Requirements.
 - (b) **Windows:**
 - (i) **First Floor Minimum Window Percentage** (All Frontages) 35%
 - (ii) **Upper Floors:**
 - (1) Minimum Window Percentage: 15%
 - (2) Maximum Window Percentage: 50%
 - (3) Must be Recessed 4 inches into *Façade* (masonry or brick buildings only)
 - (iii) **Minimum Glass Transparency:** 80% Visible Light Transfer (VLT) (leaded, stained, frosted, or glass block windows are exempt from this requirement, but are only permitted on upper floors)
 - (c) **First Floor Grade:**
 - (i) **Minimum Height:** 24 inches
 - (ii) **Maximum Height:** 36 inches
 - (d) **Pilasters (if included in design):**
 - (i) **Width:** 20 inches
 - (ii) **Maximum Interval:** 24 feet
 - (e) **Brick Coring (if included in design):**
 - (i) **Width:** 8 inches
 - (ii) **Height:** 2.66 inches
 - (f) **Minimum Roof Pitch:** 4/12
4. **Architectural Design Requirements.** All new construction buildings must meet the following architectural requirements, in the opinion of the reviewing body, as designated in [Article 15](#). These requirements apply to all frontages, including exempt frontages.
 - (g) **Front Porch.** A covered front porch is required, with a minimum depth of 6 feet, at the main entrance facing the Principal frontage.
 - (h) **Entrances.** At least one entrance is required facing the front of the *Lot*. Units may have exterior front doors, combined front doors, or front and rear doors.
 - (i) **Garage Setback.** No *Garage*, whether attached or detached, shall extend closer to the front of the *Lot* than the front-most wall of the *Principal Building*. *Front Yard* parking areas, other than a paved driveway leading directly to the *Rear Yard Garage*, are prohibited. Paved parking areas may be created in the *Rear Yard*.



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I) Stacked Triplex:

1. **Description, Purpose, and Intent.** A house or apartment building containing three residential flats stacked vertically upon one another.
2. **Districts Permitted.** The *Triplex* Building Type is permitted in the Downtown Edge and Beach form-based districts.
3. **Required Architectural Dimensions:**
 - (a) **Building Width:**
 - (i) **Minimum:** 60% of *Lot Width*
 - (ii) **Maximum:** Consistent with *Setback* Requirements
 - (b) **Windows:**
 - (i) **First Floor Minimum Window Percentage** (All Frontages) 35%
 - (c) **Upper Floors:**
 - (i) **Minimum Window Percentage:** 15%
 - (ii) **Maximum Window Percentage:** 50%
 - (iii) Must be Recessed 4 inches into *Façade* (masonry or brick buildings only).
 - (d) **Minimum Glass Transparency:** 80% Visible Light Transfer (VLT) (leaded, stained, frosted, or glass block windows are exempt from this requirement, but are only permitted on upper floors)
 - (e) **Pilasters (if included in design):**
 - (i) **Width:** 20 inches
 - (ii) **Maximum Interval:** 24 feet
 - (f) **Brick Coursing (if included in design):**
 - (i) **Width:** 8 inches
 - (ii) **Height:** 2.66 inches
 - (g) **Flat Roof Required.**
4. **Architectural Design Requirements.** All new construction buildings must meet the following architectural requirements, in the opinion of the reviewing body, as designated in [Article 15](#). These requirements apply to all frontages, including exempt frontages.
 - (a) **Front Porch.** At least one covered front porch is required, with a minimum depth of 6 feet, at the main entrance facing the Principal frontage.
 - (b) **Garage Setback.** No *Garage*, whether attached or detached, shall extend closer to the front of the *Lot* than the front-most wall of the *Principal Building*. *Front Yard* parking areas, other than a paved driveway leading directly to the *Rear Yard Garage*, are prohibited. Paved parking areas may be created in the *Rear Yard*.



J) Quadplex

1. **Description, Purpose, and Intent.** A four-unit residential building configured with side-by-side residential units stacked upon one another (doubling the pair), with a shared lobby or vestibule along the principal frontage. The primary building materials of masonry, along with repetitive unit floor plans, evoke a small urban apartment building.
2. **Districts Permitted.** The *Quadplex* Building Type is permitted in the Downtown Edge and Beach Form-Based Districts.
3. **Required Architectural Dimensions:**
 - (a) **Building Width:**
 - (i) **Minimum:** 60% of *Lot Width*
 - (ii) **Maximum:** Consistent with *Setback* Requirements
 - (b) **Windows:**
 - (i) **First Floor Minimum Window Percentage** (All Frontages) 35%
 - (ii) **Upper Floors:**
 - (1) **Minimum Window Percentage:** 15%
 - (2) **Maximum Window Percentage:** 50%
 - (3) Must be Recessed 4 inches into *Façade* (masonry or brick buildings only)
 - (iii) **Minimum Glass Transparency:** 80% Visible Light Transfer (VLT) (leaded, stained, frosted, or glass block windows are exempt from this requirement, but are only permitted on upper floors)
 - (c) **Pilasters (if included in design):**
 - (i) **Width:** 20 inches
 - (ii) **Maximum Interval:** 24 feet
 - (d) **Brick Coursing (if included in design):**
 - (i) **Width:** 8 inches
 - (ii) **Height:** 2.66 inches
 - (e) **Flat Roof Required.**
4. **Architectural Design Requirements.** All new construction buildings must meet the following architectural requirements, in the opinion of the reviewing body, as designated in [Article 15](#). These requirements do not apply to exempt frontages.
 - (a) **Main Lobby Entrance.** The first floor must have a main lobby entrance to be located along the Principal Frontage. The entrance must be covered by an *Awning* or *Canopy*. For corner lots, the entrance may face the intersection. Side and rear entrances are also permitted, but shall not be designed as the primary lobby entrance.
 - (b) **Upper Floor Design.** Upper floors must have an opaque exterior walls with regularly spaced, consistently sized windows to convey a pattern of solids and voids. The upper floor *Façade* must be consistent along the entire width of the building.
 - (c) **Step-back Prohibition.** Upper floors shall have the same *Façade* as lower floors – “stepping back” is prohibited.
 - (d) **Upper Floor Window Design.**
 - (i) Decorative sills and/or headers are required on upper-floor windows located along Principal Frontages, and may be required by the reviewing body, as designated in [Article 15](#), along Secondary Frontages. They are not required facing alleys or parking lots.
 - (ii) The radii of arches on segmented-arch windows must equal the widths of the corresponding masonry openings.
 - (e) **Garage Setback.** No *Garage*, whether attached or detached, shall extend closer to the front of the *Lot* than the front-most wall of the *Principal Building*. *Front Yard* parking areas, other than a paved driveway leading directly to the *Rear Yard Garage*, are prohibited. Paved parking areas may be created in the *Rear Yard*.



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K) Villa plex

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1. **Description, Purpose, and Intent.** Traditional single-family house form containing more than one residential unit with one main entrance at the front and subordinate/auxiliary entrances along the sides and/or back.
2. **Districts Permitted.** The Villa plex Building Type is permitted in the Gateway and Beach Form-Based Districts.
3. **Required Architectural Dimensions:**
 - (a) **Building Width:**
 - (i) **Minimum:** 60% of Lot Width
 - (ii) **Maximum:** Consistent with *Setback* Requirements
 - (b) **Windows:**
 - (i) **First Floor Minimum Window Percentage** (All Frontages) 35%
 - (ii) **Upper Floors:**
 - (1) Minimum Window Percentage: 15%
 - (2) Maximum Window Percentage: 50%
 - (3) Must be Recessed 4 inches into *Façade* (masonry or brick buildings only)
 - (iii) **Minimum Glass Transparency:** 80% Visible Light Transfer (VLT) (leaded, stained, frosted, or glass block windows are exempt from this requirement, but are only permitted on upper floors)
 - (c) **First Floor Grade:**
 - (i) **Minimum Height:** 24 inches
 - (ii) **Maximum Height:** 36 inches
 - (iii) At least one accessible entrance must be provided.
 - (d) **Pilasters (if included in design):**
 - (i) **Width:** 20 inches
 - (ii) **Maximum Interval:** 24 feet
 - (e) **Brick Coursing (if included in design):**
 - (i) **Width:** 8 inches
 - (ii) **Height:** 2.66 inches
 - (f) **Minimum Roof Pitch:** 4/12
4. **Architectural Design Requirements.** All new construction buildings must meet the following architectural requirements, in the opinion of the reviewing body, as designated in [Article 15](#). These requirements apply to all frontages, including exempt frontages.
 - (a) **Residential Style.** The building shall mimic the architectural style of residential homes in the vicinity of the Villa plex.
 - (b) **Front Porch.** A covered front porch is required, with a minimum depth of 6 feet, at the main entrance facing the Principal frontage.
 - (c) **Rear Detached Garage.** Attached *Garages* are prohibited. All accessory buildings, including *Garages*, must be in the *Rear Yard*. *Front Yard* parking areas, other than a paved driveway leading directly to the *Rear Yard Garage*, are prohibited. Paved parking areas may be created in the *Rear Yard*.
 - (d) **Upper Floor Design.** Upper floors must have opaque exterior walls with regularly spaced, consistently sized windows to convey a pattern of solids and voids. The upper floor *Façade* must be consistent along the entire width of the building.
 - (e) **Architectural Interest.** Towers, decorative motifs, and other characteristic forms and/or focal points of the Gateway District are required. The reviewing body designated in [Article 15](#) may determine that a proposed design has insufficient architectural interest or detailing and require additional flourishes.



L) Residential Loft

1. **Description, Purpose, and Intent.** A medium sized residential building that contains two or more dwelling units with a common, at-Grade main entrance and lobby located along the principal frontage.
2. **Districts Permitted.** The Residential Loft Building Type is permitted in the Downtown Edge Form-Based District.
3. **Required Architectural Dimensions:**
 - (a) **Building Width:**
 - (i) **Minimum:** 80% of Lot Width
 - (ii) **Maximum:** Full Lot Width, less any required Setbacks.
 - (b) **Windows:**
 - (i) **First Floor Minimum Window Percentage** (All Frontages) 35%
 - (ii) **Upper Floors:**
 - (1) Minimum Window Percentage: 15%
 - (2) Maximum Window Percentage: 50%
 - (3) Must be Recessed 4 inches into *Façade* (masonry or brick buildings only)
 - (iii) **Minimum Glass Transparency:** 80% Visible Light Transfer (VLT) (leaded, stained, frosted, or glass block windows are exempt from this requirement, but are only permitted on upper floors)
 - (c) **First Floor Grade:**
 - (i) **Minimum Height:** 24 inches
 - (ii) **Maximum Height:** 36 inches
 - (iii) The lobby entryway may be placed at *Grade*. At least one barrier-free entrance is required, and barrier-free ramps shall not be placed along the Principal frontage.
 - (d) **Pilasters (if included in design):**
 - (i) **Width:** 20 inches
 - (ii) **Maximum Interval:** 24 feet
 - (e) **Brick Coursing (if included in design):**
 - (i) **Width:** 8 inches
 - (ii) **Height:** 2.66 inches
 - (f) **Cornice (Rooftop).** A *Cornice* at least 15 inches tall must be included on the roofline along all frontages.
4. **Architectural Design Requirements.** All new construction buildings must meet the following architectural requirements, in the opinion of the reviewing body, as designated in [Article 15](#). These requirements do not apply to Exempt Frontages.
 - (a) **Main Lobby Entrance.** The first floor must have a main lobby entrance to be located along the Principal Frontage. For corner lots, the entrance may face the intersection. Side and rear entrances are also permitted but shall not be designed as the primary lobby entrance.
 - (b) **Horizontal Architectural Dividers.** Two projecting *cornices* or other architectural design features that extend uninterrupted for the entire width of the building. The dividers may be located between any two floors, but shall produce the overall feeling of a building with a “base”, a “shift”, and a “capital.”
 - (c) **Upper Floor Design.** Upper floors must have an opaque exterior walls with regularly spaced, consistently sized windows to convey a pattern of solids and voids. The upper floor *Façade* must be consistent along the entire width of the building.
 - (d) **Step-back Prohibition.** Upper floors shall have the same *Façade* as lower floors – “stepping back” is prohibited.
 - (e) **Upper Floor Window Design:**
 - (i) Decorative sills and/or headers are required on upper-floor windows located along Principal Frontages and may be required by the *Planning Commission* along Secondary Frontages. They are not required facing alleys or parking lots.
 - (ii) The radii of arches on segmented-arch windows must equal the widths of the corresponding masonry openings.
 - (f) **Architectural Interest.** Towers, sculptures, masonry reliefs and/or motifs up to 4 inches in depth, and other characteristic forms and/or focal points are required. The reviewing body designated in [Article 15](#) may determine that a proposed design has insufficient architectural interest or detailing and require additional flourishes.



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M) Terrace Building

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1. **Description, Purpose, and Intent.** Multi-Story mixed use or residential urban building with terrace frontage.
2. **Districts Permitted.** The Residential Terrace Building Type is permitted in the Beach Form-Based District.
3. **Required Architectural Dimensions:**
 - (a) **Building Width:**
 - (i) **Minimum:** 80% of Lot Width along Principal Frontage
 - (ii) **Maximum:** Full Block width, less required side Setback (if applicable)
 - (b) **Windows:**
 - (i) **First Floor Minimum Window Percentage** (All Frontages): 35%
 - (ii) **Upper Floors:**
 - (1) Minimum Window Percentage: 15%
 - (2) Maximum Window Percentage: 55%
 - (3) Must be Recessed 4 inches into Façade (masonry or brick buildings only)
 - (iii) **Minimum Glass Transparency:** 80% Visible Light Transfer (VLT) (leaded, stained, frosted, or glass block windows are exempt from this requirement, but are only permitted on upper floors)
 - (c) **Step-back Prohibition.** Upper floors shall have the same Façade as lower floors – “stepping back” is prohibited. Buildings that are taller than 4 stories shall be exempt from this prohibition.
 - (d) **Pilasters (if included in design):**
 - (i) **Width:** 20 inches
 - (ii) **Maximum Interval:** 24 feet
 - (e) **Brick Coursing (if included in design):**
 - (i) **Width:** 8 inches
 - (ii) **Height:** 2.66 inches
 - (f) **Balconies (if included in design).** May project up to 6 feet beyond the Façade of the building, and may project over the Right-of-Way, provided they are at least 12 feet above Grade.
4. **Architectural Design Requirements.** All new construction buildings must meet the following architectural requirements, in the opinion of the reviewing body, as designated in [Article 15](#). These requirements apply to all frontages, including exempt frontages.
 - (a) **Front Terrace.** An uncovered, front terrace or patio is required, between 16 and 30 feet in depth, and between at-Grade and 30 inches Elevation, at the main entrance facing the Principal frontage. The front Setback shall be measured to the wall of the building, not the terrace. The terrace may be used for outdoor dining and/or landscaped gardens. Parking, drop-off lanes, swimming pools, and storage are prohibited. The front terrace shall be enclosed by a 34-inch-high wall or decorative Fence.
 - (b) **Optional First Floor Non-Residential Use.** The first floor may be used for a business use, or an amenity for residents of the building.
 - (c) **Upper Floor Design.** Upper floors must have an opaque exterior walls with regularly spaced, consistently sized windows to convey a pattern of solids and voids. The upper floor Façade must be consistent along the entire width of the building.
 - (d) **Architectural Interest.** Towers, sculptures, masonry reliefs and/or motifs up to 4 inches in depth, and other characteristic forms and/or focal points are required. The Planning Commission may determine that a proposed design has insufficient architectural interest or detailing and require additional flourishes.



N) Gateway Rowhouse

1. **Description, Purpose, and Intent.** Traditionally-styled building, evoking a residential character, containing multiple residential units each with their main entrances at the front and alternate or service entrances along the sides and/or back. Residential units exist side-by-side within building enclosure with each extending front to back and foundation to roof.
 2. **Districts Permitted.** The Gateway Rowhouse Building Type is permitted in the Gateway and Beach Form-Based Districts.
 3. **Required Architectural Dimensions.**
 - (a) **Building Width:**
 - (i) **Minimum:** 80% of Lot Width
 - (ii) **Maximum:** Consistent with Setback Requirements
 - (b) **Windows:**
 - (i) **First Floor Minimum Window Percentage** (All Frontages): 35%
 - (ii) **Upper Floors:**
 - (1) Minimum Window Percentage: 15%
 - (2) Maximum Window Percentage: 50%
 - (3) Must be Recessed 4 inches into Façade (masonry or brick buildings only)
 - (c) **Minimum Glass Transparency.** 80% VISIBLE LIGHT TRANSFER (VLT) (leaded, stained, frosted, or glass block windows are exempt from this requirement, but are only permitted on upper floors)
 - (d) **First Floor Grade:**
 - (i) **Minimum Height:** 24 inches
 - (ii) **Maximum Height:** 36 inches
 - (iii) At least one accessible entrance must be provided for each unit, but barrier-free ramps shall not be placed on the front of the building.
 - (e) **Brick Coursing** (if included in design):
 - (i) **Width:** 8 inches
 - (ii) **Height:** 2.66 inches
 - (f) **Minimum Roof Pitch:** 4/12
 - (g) **Individual Unit Width:**
 - (i) Minimum: 16 feet
 - (ii) Maximum: 22 feet
4. **Architectural Design Requirements.** All new construction buildings must meet the following architectural requirements, in the opinion of the reviewing body, as designated in [Article 15](#). These requirements apply to all frontages, including exempt frontages.
 - (a) **Front Porches.** At least one covered front porch is required, with a minimum depth of 6 feet, at the main entrance facing the Principal frontage. The porch must be surrounded by a decorative rail, 28 inches to 36 inches in height. Each unit may have a separate front porch.
 - (b) **Entrances.** Each unit must have its own exterior front entrance, which must be accessed from a front porch.
 - (c) **Rear Detached Garage.** Attached Garages are prohibited. All accessory buildings, including Garages, must be in the Rear Yard. Front Yard parking areas, other than a paved driveway leading directly to the Rear Yard Garage, are prohibited. Paved parking areas may be created in the Rear Yard.



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O) Downtown Rowhouse

1. **Description, Purpose, and Intent.** Traditionally-styled building, evoking a residential character, containing multiple residential units each with their main entrances at the front and alternate or service entrances along the sides and/or back. Residential units exist side-by-side within building enclosure with each extending front to back and foundation to roof.
 - (a) **Building Width:**
 - (i) **Minimum:** 80% of *Lot Width*
 - (ii) **Maximum:** Consistent with *Setback* Requirements
 - (b) **Windows:**
 - (i) **First Floor Minimum Window Percentage** (All Frontages): 35%
 - (ii) **Upper Floors:**
 - (1) Minimum Window Percentage: 15%
 - (2) Maximum Window Percentage: 50%
 - (3) Must be Recessed 4 inches into *Façade* (masonry or brick buildings only)
 - (iii) **Minimum Glass Transparency:** 80% VISIBLE LIGHT TRANSFER (VLT) (leaded, stained, frosted, or glass block windows are exempt from this requirement, but are only permitted on upper floors)
 - (c) **First Floor Grade:**
 - (i) **Minimum Height:** 24 inches
 - (ii) **Maximum Height:** 36 inches
 - (d) **Brick Coursing (if included in design):**
 - (i) **Width:** 8 inches
 - (ii) **Height:** 2.66 inches
 - (e) **Minimum Roof Pitch:** 4/12
 - (f) **Minimum Roof Overhang:** 2 feet
 - (g) **Individual Unit Width:**
 - (i) **Minimum:** 16 feet
 - (ii) **Maximum:** 22 feet
2. **Districts Permitted.** The Downtown Rowhouse Building Type is permitted in the Downtown Edge Form-Based District.
3. **Required Architectural Dimensions:**
 - (iii) At least one accessible entrance must be provided for each unit, but barrier-free ramps shall not be placed on the front of the building.
 - (a) **Entrances.** Each unit must have its own exterior front entrance.



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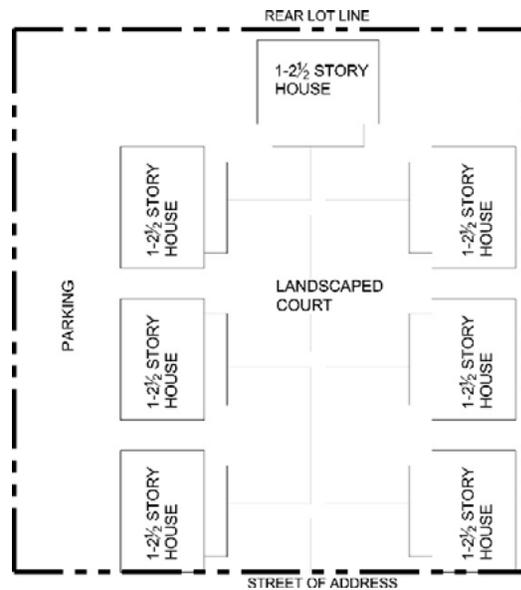
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P) Bungalow Court

1. **Description, Purpose, and Intent.** Five to nine small, single-family houses (cottages) arranged around a *forecourt* and contained within one to three contiguous lots (depending on parcel sizes).
2. **Districts Permitted.** The Bungalow Court Building Type is permitted in the Beach Form-Based District.
3. **Required Architectural Dimensions:**
 - (a) **Building Width:**
 - (i) **Minimum:** 60% of *Lot Width*
 - (ii) **Maximum:** Consistent with *Setback* Requirements
 - (b) **Windows:**
 - (i) **First Floor Minimum Window Percentage** (All Frontages): 35%
 - (ii) **Upper Floors:**
 - (1) Minimum Window Percentage: 15%
 - (2) Maximum Window Percentage: 50%
 - (3) Must be Recessed 4 inches into *Façade* (masonry or brick buildings only)
 - (iii) **Minimum Glass Transparency:** 80% VISIBLE LIGHT TRANSFER (VLT) (leaded, stained, frosted, or glass block windows are exempt from this requirement, but are only permitted on upper floors)
 - (c) **Brick Coursing:**
 - (i) **Width:** 8 inches
 - (ii) **Height:** 2.66 inches
 - (d) **Minimum Roof Pitch:** 4/12
 - (e) **Minimum Roof Overhang:** 2 feet

4. **Architectural Design Requirements.** All new construction buildings must meet the following architectural requirements, in the opinion of the reviewing body, as designated in [Article 15](#). These requirements apply to all frontages, including exempt frontages.
 - (a) **Central Green Space.** Common landscaped court must be open to Principal Frontage along one side. Two to four units must be arranged perpendicular to street of address, facing one another with one or two additional units centered at the back of the *Lot* and facing the Principal Frontage. (See illustration).
 - (b) **Off-Street Parking Location.** Off Street Parking must be located along an Exempt Frontage.
 - (c) **Front Porch.** A covered front porch is required, with a minimum depth of 6 feet, at the main entrance facing the interior courtyard.



Traditional Bungalow Court Layout.



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Section 6.05 Existing Buildings

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- A) Non-Conforming Status.** Existing Buildings that do not meet the Building Type Standards shall not be considered non-conforming. However, existing buildings that do not meet the Dimensional Standards shall be considered non-conforming. Legal non-conformities may remain in place, but the non-conformity cannot be increased. Non-conforming structures and uses shall be subject to the standards of [Article 14](#).
- B) Interior Renovations.** In all Form-Based Districts, interior renovations shall be treated the same as in all other Zoning Districts, with regards to the required approval process.
- C) Exterior Renovations Outside the Downtown Core.** In the Downtown Edge, Gateway, and Beach Form-Based Districts, exterior renovations and expansions shall be reviewed as described in [Article 15](#).
- D) Exterior Renovations in the Downtown Core.**
1. Within the F-DC District, all renovation projects on buildings where the front *Façade* will be altered, whether they require Site Plan Approval or not, must be given a *Shopfront* and upper floor windows meeting the following requirements. These requirements may be waived if the applicant can demonstrate that they are restoring the building to its original or traditional appearance, through the presentation of photography to the reviewing body designated in [Article 15](#).
 2. **Shopfronts:**
 - (a) **Doorway Recess:**
 - (i) Minimum: 3 feet.
 - (ii) Maximum: 10 feet.
 - (b) **Minimum Shopfront width along principal frontage:** 80% of frontage.
 - (c) **Minimum Shopfront width along secondary frontage:** 12 feet.
 - (d) **Shopfront Windows:**
 - (i) *Shopfront* Minimum Window Percentage (First Floor Principal frontage): 60%
 - (ii) Minimum Window Percentage (Secondary Frontages and Exempt Frontages): 15%, except for the required *Shopfront* area on Secondary Frontages, which shall be 60%.
3. **Upper Floor Windows:**
- (a) **Minimum Window Percentage:** 15%
 - (b) **Maximum Window Percentage:** 50%
 - (c) On masonry or brick buildings, must be recessed 4 inches into *Façade*.
 - (d) **Minimum glass transparency:** 80% Visible Light Transfer (VLT) (leaded, stained, frosted, or glass block windows are exempt from this requirement, but are only permitted on upper floors).
4. **Balconies.** May project up to 6 feet beyond the *Façade* of the building, and may project over the *Right-of-Way*, provided they are at least 12 feet above *Grade*.
- E) Demolition in the Gateway District.** In the F-G District, no contributing *Structure* to a Federally Registered Historic District shall be demolished, unless it has been damaged by flood, fire, natural disaster or other event out of the control of the owner to the point where the historic architectural features of the building cannot be restored, in the opinion of the Zoning Administrator. Determinations of the Zoning Administrator in this regard may be appealed to the Zoning *Board of Appeals*.

Section 6.06 Landmark Buildings

- A) Definition.** A *Landmark Building* is one which does not fit the standards of another building type, and is exempt from building type design requirements. *Landmark Buildings*, generally, should be intended for public use or benefit, and can be designated when the use of the building would be hindered if required to meet Building Type design requirements.
- B)** The *Planning Commission* may approve a *Landmark Building* using the *Special Land Use* Approval process.
- C)** A *Landmark Building* shall be exempt from the Building Types regulations, but must meet the dimensional requirements of the District, except that the *Planning Commission* may approve an architectural feature, such as cupola or steeple, that exceeds the maximum *Building Height*.
- D)** To approve a *Landmark Building*, the *Planning Commission* shall find all of the following:
1. The primary purpose of the building is 1 or more of the following uses:
 - (a) Religious Institution
 - (b) Theater or Performing Arts Space
 - (c) Recreational or Sports Facility
 - (d) Civic or Municipal Use
 - (e) Educational Institution or Use
 - (f) Community Use (such as Library, Museum, or Community Center)
 2. The building addresses all street frontages in a way that promotes a safe and attractive pedestrian environment, in the opinion of the *Planning Commission*.
 3. The use of the building would be hindered if required to meet the Building Type regulations, in the opinion of the *Planning Commission*.

Section 6.07 Waivers

During each Site Plan Approval, the reviewing body designated in [Article 15](#) may waive Building Type regulations (not Dimensional or Use regulations) upon determining that the following criteria are met:

- A) One or Both of the following:**
1. There are two or more Building Type standards that cannot be met simultaneously when applied to the building or property.
 2. The building or property is subject to a unique circumstance, not caused by the owner, developer, or designer, that renders compliance with a standard of the Building Type regulations impossible or impractical.
- B) Both of the following:**
1. The building and site design clearly still meet the intent of the Form-Based Code even though not all standards will be met.
 2. The waiver will not create an unsafe and/or unwelcoming pedestrian environment.

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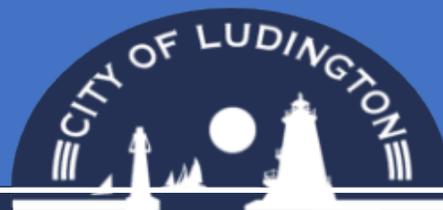
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Section 7.01

Purpose and Intent

The purpose and intent of use standards is to ensure the unique needs of individual uses are clearly regulated through zoning, as well as acknowledging and mitigating the potential for negative impacts by specific uses on their surroundings.

Section 7.02

Adaptive Reuse

A) Purpose and Intent. Adaptive Reuse may be used as a tool to enable flexibility and growth in obsolete buildings which in residential areas are no longer used for their original purpose, but which may have appropriate re-use through creative design.

B) Standards. In addition to fulfilling *Special Land Use Criteria (Section 15.06.G)*, a proposed Adaptive Reuse must meet the following criteria:

1. The building in question must have existed prior to January 1, 2025.
2. Any use permitted by right or by *Special Land Use* in the MU Mixed Use District may be permitted via Adaptive Reuse Approval. The applicant must submit a floor plan demonstrating that the proposed use or uses can operate efficiently, and within Building Code requirements, within the existing building and any proposed expansions.
3. All dwelling units within an Adaptive Reuse must meet the minimum dwelling unit size requirements for the MU Mixed Use District.
4. The building in question must contain at least 3,000 square feet of *Usable Floor Area*, before the proposed renovation.
5. Any expansions of the building must comply with the dimensional requirements of the underlying *Zoning District*.
6. The existing dimensions of the building shall not be considered non-conforming. However, the building shall not be altered to increase a non-conformity.
7. Parking must be provided in accordance with the parking requirements of the MU Mixed Use District.
8. The approval of the Adaptive Reuse shall further the goals and vision of the Master Plan and shall not create an impediment to any Master Plan goal or objective.

9. The proposed Adaptive Reuse shall be consistent with the character of the vicinity, including, but not limited to, the following:

- (a) The Adaptive Reuse shall not interrupt a continuous area of commercial storefronts with a non-commercial frontage.
- (b) The Adaptive Reuse shall not create housing units in the vicinity of a land use, infrastructure, or other feature that could cause negative impacts on the housing.
- (c) The Adaptive Reuse shall not create a burden on pre-existing land uses by way of noise, odor, dust, light pollution, truck traffic, parking overflow, or mobility impediments.

Section 7.03

Adult Businesses

A) Purpose and Intent. There is convincing documented evidence that *adult businesses*, because of their very nature, have a deleterious effect on both the existing businesses around them and the surrounding residential areas adjacent to them; and, have serious harmful, negative and objectionable impact upon children, particularly when such businesses are located in close proximity to each other. It is not the intent of this Ordinance to suppress any activity protected by the First Amendment of the United States Constitution or Article I, Section 5 of the Michigan Constitution of 1963, but to enact content-neutral regulations which address the adverse secondary effects of *adult businesses* in order to protect the health, safety, and general welfare of the City.

B) Definitions.

1. **Adult Business Establishment.** A retail, event, indoor recreation, or personal service business where 5% of the *Floor Area* is dedicated to, 5% or more of the inventory is composed of, or 5% of the gross revenues that derive from items or activities predominantly characterized by an emphasis on matter depicting, describing, or relating to specified anatomical areas or sexual activities. The sale or provision of contraceptives, or the sale clothing of any kind, shall not be counted toward this determination.
2. **Specified Anatomical Areas.** Clearly visible pubic region, buttocks, anus, or a female breast below a point immediately above the top of the areola, and human male genitals in a discernibly turgid state even if completely and opaquely covered.

3. **Specified Sexual Activities.** The fondling or any other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts OR sex acts, actual or simulated, including vaginal or anal intercourse, oral stimulation of human genitals, or masturbation, OR excretory functions.

C) Zoning District Permitted. *Adult business Establishments* may be located only in the *I Zoning District*.

D) Prohibited Areas.

1. No *Adult Business* may be established, operated, or maintained within 1,000 feet of the following uses and districts:
 - (a) Schools, preschools, and licensed daycare facilities.
 - (b) Public libraries, public buildings open to and used by members of the public, including but not limited to the Courthouse or City, County, or other government offices and facilities.
 - (c) Religious Institutions.
 - (d) Public Parks.
 - (e) The Neighborhood (N) *Zoning District* and occupied residences.
 - (f) Another *Adult Business Establishment*.
2. Nothing in the Ordinance shall prohibit the continuation of an adult entertainment *Establishment* which complied with the requirements in place when the use was originally established, from continuing its operation despite the fact that changes in uses or districts within the above-described distances have occurred subsequent to the *Establishment* of such adult entertainment *Establishment*.
3. Distance limitations shall be measured in a straight line from the nearest *Lot Lines* of both the subject parcel upon which an adult entertainment *Establishment* is located or to be located and the parcel upon which any of the other uses are located.
4. **Signage.** *Signs* for an *Adult Business Establishment* shall comply with the requirements of [Article 9](#) and no *Sign* shall contain any words, lettering, photographs, silhouettes, drawings, or pictorial representations of a sexually explicit manner.

Section 7.04 Adult Day Care

The following standards shall apply to both Adult Day Care (Residential) and Adult Day Care (Group).

- A)** All required state and local licensing (if any) shall be maintained at all times.
- B)** All outdoor areas used for relaxation, recreation and care shall be enclosed with fencing for the safety of those using the facility. Fencing adjoining another residence should be six feet in height, all other sides shall be at least four (4) feet in height.
- C)** All facilities shall be maintained in a manner consistent with the character of the surrounding neighborhood.
- D)** All activities shall take place between the hours of 6 AM and 10 PM.

Section 7.05 Boat Repair

Facilities for Major Repair or Reconstruction of Boats.

Major repair or reconstruction of boats may be permitted in the Waterfront District under the following conditions:

- A)** Performance standards stated in [Section 13.08](#) must be met.
- B)** All spray painting and similar activities shall be done in compliance with local, state, and federal regulations.
- C)** Minimum *Setback* from any residential use of 25 feet is required.
- D)** All major repairs or reconstruction will be conducted within an enclosed building.
- E)** No outside storage of severely damaged or dilapidated boats or outside storage of boats for use of parts will be permitted.

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Section 7.06 Campgrounds

Campgrounds shall be permitted on parcels with Waterfront (W) Zoning, in the area bounded by Dowland, Water, Madison, and Washington Streets, provided they have received applicable licensing from the State of Michigan.

Section 7.07 Child Care Centers

A) Commercial Child Care Center. A facility, other than a private residence, receiving one (1) or more preschool or school-age children for care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. Child care center or day care center includes a facility that provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. See [Section 17.03.B.7](#).

1. All required state and local licensing shall be maintained at all times.
2. **Fences and Accessory Structures.**
 - (a) All required outdoor areas used for care and play shall have appropriate fencing for the safety of those using the facility, or landscaped in such a way to clearly delineate private space.
 - (i) Play structures and other equipment intended for activity and play shall be enclosed within a *Fence* a minimum of 4 feet tall in the *Front Yard*, and a minimum of 6 feet tall in the side and rear yards.
 - (ii) In addition to the standards in this section, all *Fences* shall meet the standards of [Section 12.02](#).
 - (b) Play areas shall meet required *Setbacks* for *Accessory Structures*.
3. The *Planning Commission* shall not prohibit evening operations completely, but may establish limitations on hours of operation and/or activities between the hours of 10PM and 6AM.
4. All parking areas shall comply with the provisions of [Article 8: Parking and Loading](#).
5. All *Signs* shall comply with [Article 9: Signage](#).

6. A child care center may be permitted as an accessory use to an institutional or commercial use, subject to satisfying all of the applicable necessary requirements of this article.

B) Group Child Care Home. A Child Care Home with the capacity to host at least eight (8) but not more than fourteen (14) children, other than children who are members of the household operating the Child Care Home. See [Section 17.03.A.1.b](#).

1. All required state and local licensing shall be maintained at all times.
2. **Fences and Accessory Structures.**
 - (a) All required outdoor areas used for care and play shall have appropriate fencing for the safety of those using the facility, or landscaped in such a way to clearly delineate private space.
 - (i) Play structures and other equipment intended for activity and play shall be enclosed within a *Fence* a minimum of 4 feet tall in the *Front Yard*, and a minimum of 6 feet tall in the side and rear yards.
 - (ii) In addition to the standards in this section, all *Fences* shall meet the standards of [Section 12.02](#).
 - (b) Play areas shall meet required *Setbacks* for *Accessory Structures*.
3. The *Planning Commission* shall not prohibit evening operations completely but may establish limitations on hours of operation and/or activities between the hours of 10PM and 6AM.
4. All parking areas shall comply with the provisions of [Article 8](#).
5. All *Signs* shall comply with standards for Type 1 Home Occupations in [Section 7.09.C](#) and [Article 9](#).

C) Family Child Care Home. A Child Care Home with the capacity to host no more than seven (7) children, other than children who are members of the household operating the Child Care home. See [Section 17.03.A.1.a](#).

1. All required state and local licensing shall be maintained at all times.
2. **Fences and Accessory Structures.**
 - (a) All required outdoor areas used for care and play shall have appropriate fencing for the safety of those using the facility or landscaped in such a way to clearly delineate private space.

- (i) Play structures and other equipment intended for activity and play shall be enclosed within a *Fence* a minimum of 4 feet tall in the *Front Yard*, and a minimum of 6 feet tall in the side and rear yards.
 - (ii) In addition to the standards in this section, all *Fences* shall meet the standards of [Section 12.02](#).
- (b) Play areas shall meet required *Setbacks* for *Accessory Structures*.
3. The *Planning Commission* shall not prohibit evening operations completely but may establish limitations on hours of operation and/or activities between the hours of 10PM and 6AM.
 4. All parking areas shall comply with the provisions of [Article 8](#).
 5. All *Signs* shall comply with standards for Type 2 Home Occupations in [Section 7.09.C](#) and [Article 9](#).

Section 7.08 Essential Services

Essential Services are permitted in any zone as regulated by state law and by city ordinance, provided that any *Essential Service* use which is in an above-ground substation, a building housing equipment, or any tower *Structure* shall be deemed an institutional use and subject to *Site Plan Review* as stipulated in [Section 15.05](#).

Section 7.09 Gas Stations

- A) Lot Size.** The minimum *Lot Width* and depth shall be 100 feet.
- B) Setbacks.**
1. All above ground or underground structures, except for permitted *Signs* and drives, shall be at least 20 feet from all *Lot Lines*, and at least 25 feet from residential *Lot Lines*.
 2. All newly constructed structures shall be located at least 300 feet from any property which is used as a public or private school, church, hospital, theater, playground, fire station, place of public congregation, or another service station or vehicle repair shop.
 3. Driveways shall be set back a minimum of 24 feet from any intersecting street *Right-of-Way* or N, F-G, or F-B district lines.

- C) The storage of inoperable or damaged vehicles awaiting repair must be enclosed and screened from any public street or residential district.
- D) The area for outdoor parking, servicing, or storage of vehicles shall meet the standards in [Section 8.01](#).
- E) *Sign* requirements specified in [Article 9](#) shall be met.

Section 7.10 Home Occupations.

A) Definitions.

1. **Telecommuting.** A business, occupation, or profession that results in a product or service that is clearly an accessory, incidental, and secondary use of a residential dwelling unit with no exterior evidence that a business is being conducted from the premises. *Telecommuting* is not considered a land use and shall not require any approval from the City.
2. **Home Occupation Type 1 (Zoning Permit Required).** A business, occupation, or profession that results in a product or service that is clearly an accessory, incidental, and secondary use of a residential dwelling unit, and:
 - (a) Has no employees that live off-site;
 - (b) Does not engage in any onsite, in-person, retail sales or repair of large-scale products such as vehicles, boats, or furniture;
 - (c) May provide on-site lessons, such as fine arts or athletics, to no more than 3 students at any given time;
 - (d) May provide salon services to no more than one customer at a time.
3. **Home Occupation Type 2 (Special Land Use Required).** A business, occupation, or profession that results in a product or service that is clearly an accessory, incidental, and secondary use of a residential dwelling unit, and meets one or more of the following criteria:
 - (a) Has employees that live off-site;
 - (b) Engages in onsite, in-person, retail sales and/or repair of large-scale products such as vehicles, boats, or furniture;
 - (c) Provides on-site lessons, such as in the fine arts or athletics, to more than three (3) students at any given time;

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- (d) Provides salon services to more than one (1) customer at a time;
- (e) A home occupation under the definition of Type 1, that does not meet the requirements for a Type 1 Home Occupation provided in subsection C below, may be approved as a Type 2 Home Occupation, provided that all requirements of this section are met.
- (f) One or more owner/operator shall be designated for the Type 2 Home Occupation. The *Special Land Use* for a Type 2 Home Occupation shall be terminated if a designated owner/operator no longer lives on the property.

B) Applicability and Enforcement.

1. **Home Occupation Type 1.** Type 1 Home Occupations shall be permitted accessories to residential uses where designated in the Table of Permitted and Special Land Uses ([Section 3.02](#)) and shall require approval by the Zoning Administrator.
2. **Home Occupation Type 2.** Type 2 Home Occupations shall be permitted accessory to residential uses in the Zoning Districts designated in the Table of Permitted and Special Land Uses ([Section 3.02](#)) and shall require *Special Land Use* Approval.
3. **Child Care or Day Care Homes** shall not be considered Home Occupations; they shall instead be regulated based on the standards in [Section 7.07](#).
4. No use listed and defined elsewhere in this Chapter shall be considered a Home Occupation, even if conducted on the same *Lot* as a residential dwelling unit.
5. **Regulations.** The table below shows the regulations applicable to Home Occupations.

Regulation	Type 1 Home Occupation	Type 2 Home Occupation
Permit Required	Zoning Permit	<i>Special Land Use</i>
Use of Accessory Buildings	Office, Storage, or Production	Office, Storage, Repair, Production, or Sales
Deliveries	United States Postal Service or Private Delivery Company	United States Postal Service, Private Delivery Company, or Two-Axel Vehicle Operated by the Type 2 Home Occupation or a vendor of that business.
Allowable Hours Open to the Public	By Appointment Only	8 AM to 6 PM – Outside these hours, by appointment only.
Exterior Alterations to the Home	Prohibited	No more than 10% expansion of footprint or height to accommodate facilities for business.
Outdoor Storage	Prohibited	Must be enclosed within <i>screening Fence</i> at least 6 feet high
Signage	Freestanding signage as permitted in <i>Zoning District</i> , with approved <i>Sign</i> Permit	Freestanding signage as permitted in <i>Zoning District</i> , with approved <i>Sign</i> Permit
Outdoor Activities (including production, repair, services, lessons, etc.)	Must be enclosed within 6 feet high <i>screening Fence</i> .	Must be enclosed within 6 feet high <i>screening Fence</i> .
In-Person Lessons	No more than 3 students at a time	No maximum number of students
Salon Services	No more than 1 customer at a time	No more than three (3) customers may be serviced at once.
Maximum Number on One Lot	No maximum.	No more than two (2) Type 2 Home Occupation may operate on any given <i>Lot</i> .

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- C) Materials Storage.** Materials, supplies, and merchandise shall be stored within a principal or *Accessory Structure* in a manner that does not pose a safety hazard to the dwelling, dwelling occupants, or adjoining properties and occupants, and shall not result in a change of use of the property or an activity prohibited by the Michigan Building Code.
- D) Performance Standards.** The business shall not generate noise, vibrations, smoke, dust, odor, heat, or glare which are detectable beyond the property lines. Lessons or instruction may produce noise generated by a person’s voice or noise produced by a person’s recreational activity that is detectable beyond the property lines, during reasonable daytime hours. Furthermore, the business shall not generate any electrical interference with radio or television transmission in the area that would exceed that which is normally produced by a residential dwelling unit.
- E) Outdoor Activity.** Any activities related to the operation of a home occupation performed outside of an enclosed principal or accessory building, such as, but not limited to the production of goods, performance of repairs, provision of services, and assembly of packages, must be enclosed within a 6-foot-tall *Screening Fence* pursuant to the standards of [Section 12.02](#) of this ordinance.

Section 7.11 Fish Cleaning Facilities

Fish Cleaning Facilities must be licensed and meet the requirements of Act the Natural Resources and Environmental Protection Act, Act 451 of 1994 (MCL 324.48724), as amended. Fish-cleaning facilities must be self-contained. All refuse must be disposed of in a manner to prevent noxious odors. All requirements of Chapter 18 of the Ludington Code of Ordinances must be met.

Section 7.12 Lodging

A) Table of Lodging Standards

Lodging Type	Bed & Breakfast	Single Room Occupancy (Boarding House / Rooming House / Dormitory)	Small Hotel	Large Hotel / Motel	Short Term Rental
Characteristics	Onsite management living on premises in designated Innkeeper's Quarters. Breakfast provided.	Long Term Rental Only (28 day min.) Onsite management living on premises.	4 to 9 rooms Extended Stay Option: Up to 250 days.	10 or more rooms Extended Stay Option: Up to 250 days.	1 Dwelling or Condo Unit 28 days maximum stay
Permitted Zoning Districts	Mixed Use Waterfront Downtown Edge Gateway Beach All Other Districts – Existing Only	Mixed Use Waterfront Downtown Core Downtown Edge Gateway Beach	Mixed Use Waterfront Downtown Core Downtown Edge Gateway Beach Neighborhood – Existing Only	Waterfront Downtown Core Downtown Edge Beach Neighborhood & Gateway – Existing Only	Neighborhood* Mixed Use* Waterfront** Downtown Core** Downtown Edge** Beach* Gateway*
Prohibited Zoning Districts	Downtown Core Neighborhood Industrial (Unless Existing)	Neighborhood Industrial	Neighborhood (Unless existing) Industrial	Neighborhood (Unless existing) Gateway (unless existing) Industrial	Industrial
Conditions	<i>Special Land Use</i> Required	<i>Special Land Use</i> Required	<i>Special Land Use</i> Required	<i>Special Land Use</i> Required	Short Term Rental License
License / Registration / Inspection	Required	Required	Required	Required	Required

* There shall be a limit of 50 total Short Term Rentals combined in the Neighborhood, Mixed Use, Gateway, and Beach Districts.
 .. Up to three (3) Short Term Rentals per building in Downtown Core, Downtown Edge, and Waterfront.

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B) Bed and Breakfast *Establishment*. A short-term form of single-room occupancy in which rooming units are provided to transient guests as overnight accommodations in return for payment, including provisions for a morning meal for overnight guests only. Additionally, at a minimum, the following services are provided to each lodging unit: furnishing of units, housekeeping service, and linen service. A bed and breakfast facility shall have an *On-Site Resident Manager*, who shall live on the premises when the bed and breakfast *Establishment* is in operation in a designated Innkeeper's Quarters.

1. **Licensing Required.** Bed and Breakfast *Establishment* shall comply with all applicable State and City Codes and shall secure all applicable State and Local Permits or Certifications and shall receive a Lodging License from the City of Ludington.

2. **Dwelling Unit Qualifications.**

- (a) The Bed and Breakfast *Establishment* shall be within a single-Family home that qualifies as a single dwelling unit and which is occupied by an *On-Site Resident Manager* while rooming units are occupied and consists of a minimum of two (2) rooming units.
- (b) Approval for a Bed and Breakfast *Establishment* shall not be granted if the essential character of the *Lot* or *Structure* in terms of traffic generation or appearance will be changed substantially.
- (c) The rooms utilized for sleeping shall be a part of the primary residential use and not specifically constructed for rental purposes.
- (d) There shall be a minimum of two guest rooms and a maximum of 10. This is in addition to the designated Innkeepers Quarters.

3. **Operational Standards.**

- (a) **Temporary Lodging.** Lodging units within the bed and breakfast *Establishment* shall not be made available for a single contract period longer than 28 consecutive days.
- (b) **On-Site Services.** A bed and breakfast *Establishment* must provide, at a minimum, housekeeping, furnishing, and linen service to each lodging unit. Breakfast must be served to guests at a Bed and Breakfast *Establishment*.

(c) **Event Uses.** Limited conference/meeting room facilities will be permitted as well as weddings, receptions and other group events. Neighborhood impacts in terms of parking, noise, lighting, time and general disturbance shall be minimized. The *Planning Commission* may limit the permitted hours that these activities may take place.

4. **Site Standards:**

- (a) No *Principal Building* shall be removed in order to allow a Bed and Breakfast use or provide required parking.
- (b) No premises shall be utilized for a Bed and Breakfast *Establishment* unless there are at least two (2) exits to the outdoors from such premises.
- (c) The Bed and Breakfast *Establishment* shall not alter any residential character of the building or *Structure*.
- (d) Any dumpsters located on the premises of a lodging use shall meet the standards of [Section 13.04](#) regarding the enclosure and *Screening* of waste receptacles.
- (e) Accessory buildings currently in existence and located on the same parcel as a Bed and Breakfast *Establishment*, may be utilized for sleeping rooms, but new *Accessory Structures* may not be constructed in order to create additional sleeping rooms for the bed and breakfast *Establishment*.

C) Single Room Occupancy (SRO). A single dwelling which is used for the purpose of providing rooming units as accommodation to guests for compensation, and wherein an *On-Site Resident Manager* is living on the premises while it is in operation. Also known as a boarding house or a rooming house, a dwelling used for the purpose of providing rooming units for pay or compensation of any kind, to persons who concurrently remain in actual occupancy of such dwelling as their principal residence for more than 28 days, and no more than 250 days.

1. **Licensing Status.** All SROs shall comply with the requirements set forth in Chapter 6, Article VII of the Ludington City Code for Residential Rental Properties. A Lodging Permit must be issued in order to operate as an Extended Stay Single Room Occupancy (SRO).

2. Dwelling Unit Qualifications.

- (a) The boarding or rooming house shall be within a single-Family home that qualifies as a single dwelling unit and which is occupied by an *On-Site Resident Manager* while rooming units are occupied.
- (b) Approval for a boarding or rooming house shall not be granted if the essential character of the *Lot or Structure* in terms of traffic generation or appearance will be changed substantially.
- (c) The rooms utilized for sleeping shall be a part of the primary residential use and not specifically constructed for rental purposes.

3. **Extended Stay.** Single Room Occupancy (SRO)s are intended to provide a principal residence to tenants for shorter periods of time than standard dwelling units, but for longer than 28 days. They may be used for occupancy periods of more than 28 days and can be used as transitional or seasonal housing but may not be made available for periods of more than 250 days.

4. **Maximum Occupancy.** The maximum occupancy for an SRO shall be consistent with the Residential Density standards in [Section 3.03](#).
5. **Kitchen.** All residents must have access to a complete kitchen, which may be shared with other residents of the SRO.

D) Hotel (Less than 10 Units).

1. **Licensing Status.** Hotels shall comply with all applicable State and City Codes and shall secure all applicable State Permits or Certifications.
2. **Operational Standards.**
 - (a) **On-Site Services.** Each hotel must provide, at a minimum: housekeeping, furnishing, and linen service to each lodging unit.
 - (b) **On-Site Management.** Management shall not be required on-site, but a property manager or other designated responsible agent must be available to receive notices and respond to complaints, 24 hours per day, 7 days per week.

- (c) **Site Standards.** The standards for this Subsection apply only to hotels with less than 10 lodging units.
- (d) **Extended Stay Option.** In order to be made available for a single contract period longer than 28 days, lodging units must provide a refrigerator and a microwave or stove range.

E) Hotel (10 or more units).

1. **Licensing Status.** Hotels shall comply with all applicable State and City Codes and shall secure all applicable State and Local Permits or Certifications and shall receive a Lodging Permit from the City of Ludington.
2. **Operational Standards.**
 - (a) **On-Site Services.** Each hotel must provide, at a minimum: housekeeping, furnishing, and linen service to each lodging unit.
 - (b) **On-Site Management.** Management shall not be required on-site, but a property manager or other designated responsible agent must be available to receive notices and respond to complaints, 24 hours per day, 7 days per week.
 - (c) **Extended Stay Option.** In order to be made available for a single contract period longer than 28 days, lodging units must provide a refrigerator and a microwave or stove range.
3. **Site Standards.**
 - (a) **Lobby and Front Desk.** A main lobby and a front desk are highly encouraged to be included in the site design.
 - (b) All new construction hotels (10 or more units) must meet the Building Type Requirements in [Section 6.03](#) in all districts where such use is permitted.

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F) Motel

1. **Licensing Status.** Motels shall comply with all applicable State and City Codes and shall secure all applicable State and Local Permits or Certifications and shall receive a Lodging Permit from the City of Ludington.
2. **Operational Standards.**
 - (a) **On-Site Services.** Each motel must provide, at a minimum: housekeeping, furnishing, and linen service to each lodging unit.
 - (b) **On-Site Management.** Management shall not be required on-site, but a property manager or other designated responsible agent must be available to receive notices and respond to complaints, 24 hours per day, 7 days per week.
 - (c) **Extended Stay Option.** In order to be made available for a single contract period longer than 28 days, lodging units must provide a refrigerator and a microwave or stove range.
 - (d) **Site Standards.** All new construction motels must meet the Building Type Requirements in [Section 6.03](#) in all districts where such use is permitted.

Section 7.13 Marijuana

Marijuana Establishments Prohibited. The city hereby prohibits all marijuana *Establishments* within the boundaries of the city pursuant to Section 6.1 of Initiated Law 1 of 2018, MCL 333.27951 et seq. as set forth in Chapter 32 of the City of Ludington Code of Ordinances.

Section 7.14 Mobile Vendors

- A) **Intent.** The intent is to recognize that Mobile Vendors (MV), such as mobile food trucks and pop-up shops, can add vitality to the commercial districts and the street environment, encourage walking and promote local economic development.
- B) **Mobile Vendors** may be allowed on private property in the F-DC, F-DE, F-B, and W Zoning Districts, subject to the following requirements:
 1. The MV is a licensed, wheeled vehicle and the wheels will not be removed.
 2. The MV is self-contained with no plumbing connections.

3. The MV will not be used for drive-through service.
4. The MV and any associated seating or tables shall not be located in any vision triangle, block any driveway, or occupy any handicap accessible *Parking Space*.
5. Trash receptacles must be provided for use by the customers of the MV. The property and all adjacent streets and sidewalks shall be kept free and clear of refuse generated by the operations of the MV.
6. No liquid waste or grease shall be disposed of or released into any sanitary sewer or storm drains, sidewalks or other public places or municipal waste receptacle.
7. If more than one (1) MV are to be located on a *Lot*, *Site Plan Review* is required.
8. The property owner of a *Lot* that has MV must supply power, other than a generator.
9. An MV must have access to a restroom facility within 300 feet of the MV when it is in operation.

Section 7.15 Parking Garages

Parking Garages may be incorporated within buildings, provided they meet the following requirements:

- A) **Visibility.** The parking *Garage* must not be visible from the street serving as the front *Lot Line* of the *Lot* in question, and must not be visible along any Principal Frontage within the Form Based Code districts.
- B) **Prohibited Entrances.** No parking *Garage* entrances shall be permitted from Ludington Avenue or James Street.
- C) **Form Based Code Requirements.** If the building in question is within the Form Based Code Districts, all Form Based Code requirements for the *Principal Building* must be met.
- D) **Architecture and Design.** The following architectural standards must be met. These requirements do not apply to Exempt Frontages unless otherwise stated.
 1. **Level Floors and Hidden Ramps.** In order to allow for the possible *Conversion* of the parking *Garage* to another building type, all floors must be level. Ramps to access the floors must be separate from the parking areas themselves. Ramps must be hidden within the *Structure*, not visible appurtenances.

2. **Masonry Openings.** Parking levels must contain masonry openings designed to be filled in with windows if the building is converted into another building type.
3. **Horizontal Architectural Divider.** A projecting *Cornice* or other architectural design feature that extends uninterrupted for the entire width of the building, to divide the first floor from the upper floors.
4. **Upper Floor Design.** Upper floors must have an opaque exterior walls with regularly spaced, consistently sized windows to convey a pattern of solids and voids. The upper floor *Façade* must be consistent along the entire width of the building.
5. **Architectural Interest.** Towers, sculptures, masonry reliefs and/or motifs up to 4 inches in depth, and other characteristic forms and/or focal points are required. The *Planning Commission* may determine that a proposed design has insufficient architectural interest or detailing and require additional flourishes.

Section 7.16 Salvage Yards

Salvage yards as defined in [Section 17.03.C.10](#) are prohibited throughout the City.

Section 7.17 Solar Energy

A) Solar Panel Arrays as a *Principal Use*.

1. **Large Scale.** Shall be freestanding solar panel arrays. These standards include all associated equipment and facilities.
2. **Setbacks.** Solar Panel Arrays shall be set back at least twenty (20) feet from the nearest property line and one hundred (100) feet from the nearest residential dwelling.
3. **Height.** Freestanding principal solar panel arrays shall not exceed twenty-five (25) feet in height.

B) Solar Panel Arrays as an *Accessory Use*

1. **Small Scale.** May be mounted on a roof or a principal or accessory building or may be freestanding. Shall not be a *Principal Use*, and shall not be considered an *Accessory Structure*.

2. **Setbacks.** Freestanding solar panel arrays shall meet the front *Setback* requirement for principal structures in the *Zoning District* in which they are located.
3. **Height.** Freestanding solar panel arrays shall not exceed 15 feet in height.

Section 7.18 Temporary Uses

A) The *Temporary Use* of a building or premises in any district for purposes that do not conform to the regulations prescribed by this Ordinance for the district in which it is located is permitted for up to 60 days upon permit issued by the *Building Inspector* under the following conditions. Examples of such uses are described in Subsection B.

1. Such use is of a true temporary nature and does not involve the erection of a substantial building or buildings.
2. The *Building Inspector* has determined that such uses will not be detrimental to adjacent conforming uses during the permitted period of use.
3. The permitted *Temporary Use* may be renewed one time by the *Building Inspector* at the end of such time limit for good cause shown.
4. The *Building Inspector* may provide additional conditions and requirements as deemed necessary to meet the intent of the provisions of this Ordinance.
5. The *Planning Commission* may issue the initial permit(s) if in the discretion of the *Building Inspector* it would be advisable to obtain commission action.

B) The following uses may be eligible for *Temporary Use* permits:

1. **Temporary Housing During Construction.** An individual temporary *Structure* may be used as temporary living or working quarters for up to six months while a dwelling or *Structure*, is being constructed or reconstructed on the same premises. This period may be extended by the Zoning Administrator for an additional period of up to no more than 12 months total.
2. **Seasonal Uses and Signs.** A temporary permit may be issued for seasonal or unusual non-recurrent temporary uses and *Signs*. Seasonal temporary uses may include outdoor sales, outdoor displays, bazaars, carnivals, and civic events.

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- C) Temporary Membrane Structures.** A permit shall not be required for the *Temporary Use* of membrane structures in the N District, including but not limited to weddings, graduations, *Family* reunions, birthday parties. On a single property, these uses may be allowed up to five (5) consecutive days with a limit of three (3) occurrences per year. A Zoning Permit shall be required for a temporary membrane structure in districts other than the N District.

Section 7.19 Wind Energy

A) Definitions.

- Wind Energy Facility (WECS).** A facility that produces energy by converting wind energy to electricity by means of wind turbines, including the wind turbine and all *Accessory Structures*. Also known as Wind Energy Conversion System (WECS).
- Wind Energy, Small Scale.** An Accessory WECS less than 40 feet in total height with the blade fully extended (tip height). Small scale WECS are intended to generate electric power from wind solely for the use of the site on which the system is located. Small-scale WECS that are primarily intended to provide accessory power, but contribute surplus energy to the grid, may also be considered Accessory Small-Scale WECS.
- Audible.** The varying degrees of sound perception as reported by affidavit, including, but not limited to, just perceptible, audible, clearly audible, and objectionable.
- Decibel (dB).** The practical unit of measurement for sound pressure level; the number of decibels of a measured sound is equal to 20 times the logarithm to the base and 10 of the ratio of the sound pressure of the measured sound to the sound pressure of a standard sound (20 microPascals); abbreviated “dB.”
 - dBA.** The A-weighted sound level.
 - dBC.** The C-weighted sound level.
 - Lmax (LAMax or LCMMax).** The maximum db(A) or db(C) sound level measured using the “fast response” setting of the sound meter (equivalent to 0.125 second exponential averaging time).
- Equivalent Sound Level (or Leq).** The sound level measured in decibels with an integrating sound level meter and averaged on an energy basis over a specific duration.

- Noise.** An audible sound.
- Sound Pressure.** An average rate at which sound energy is transmitted through a unit area in a specified direction. The pressure of the sound measured at a receiver.
- Sound Pressure Level.** The sound pressure mapped to a logarithmic scale and reported in decibels (dB).
- Tip Height.** The height of the turbine with a blade at the highest vertical point. Height is measured from *Grade* to the highest point of WECS when a blade is in its vertical orientation.

B) Wind Energy Standards.

- Small Scale.** May be mounted on the roof of a principal or accessory building or may be freestanding. Shall not be a *Principal Use*, and shall not be considered an accessory *Structure*.
- Setbacks.** At its most horizontal position, the blade shall not cross a property line and the turbine shall be set back from all property lines at a minimum of the same dimension as the Maximum Tip Height.
- Maximum Tip Height.** 40 feet from *Grade*, except where State and Federal regulations require a lesser height.
- Minimum Ground Clearance.** 10 feet for ground mounted turbines, the minimum vertical blade tip clearance from *Grade*.

Section 7.20 Wireless Telecommunications

A) Wireless Communication Facilities 40 feet or greater.

- Documentation shall be submitted showing that the facility is in compliance with all applicable FCC regulations regarding radio frequency emissions and that the facility will not cause interference with any nearby existing wireless communications facilities.
- If a new *Structure* is to be constructed for the facility, it shall meet the following standards:
 - Lighting on the *Structure* shall be prohibited unless required by the Federal Aviation Administration (FAA).
 - The *Structure* shall be a monopole design. Guyed and lattice structures are prohibited.
 - No signage shall be placed upon the *Structure*.

3. The *Structure* shall be the shortest possible height required to provide the service desired. The applicant shall submit coverage and/or capacity information, including propagation maps and other information requested by the City, to demonstrate the needed service improvement and why the requested height is necessary. The City may request further information, including propagation maps, demonstrating the service at lower heights, in order to determine whether the requested height is necessary.
4. Any *Structure* proposed to be constructed higher than 200 feet in height, anywhere within the City, shall require the approval of the West Michigan Airport Authority, or their designated staff member, as part of the required Site Plan approval.
5. Time Limit Under State Law. Review under this Section shall be completed within the time limits imposed by MCL 460.1317 (2). The Zoning Administrator shall determine when the application is complete under MCL 460.1317.

B) Wireless Communication Facilities less than 40 feet.

1. Standards.

- (a) Documentation shall be submitted showing that the facility is in compliance with all applicable Federal Communications Commission regulations regarding radio frequency emissions and that the facility will not cause interference with any nearby existing wireless communications facilities.
- (b) Lighting shall not be added to the *Structure* unless required by the Federal Aviation Administration.
- (c) Small Cell wireless facilities co-located and on private property shall meet the standards set forth in MCL 460.1317 (2) and (3), as amended.

2. Zoning Districts.

- (a) Small wireless communications facilities mounted on another existing *Structure* are permitted in all zoning districts.
- (b) Small wireless communications facilities mounted on a new *Structure* are permitted in the Neighborhood, Mixed Use (MU), Waterfront (W), Industrial (I), FB Downtown Core (F-DC), and FB Beach (F-B) Zoning Districts.

3. Small Cell Wireless Facilities are exempt from this section if they meet one of the following criteria:
 - (a) Located on public property or in the street *Right-of-Way*. Such facilities shall be subject to the requirements of Chapter 46, Article VIII of City of Ludington Code of Ordinances: Small Wireless Communications Facilities. (46-250-263).
 - (b) The replacement of a Small Cell Wireless facility with a Small Cell Wireless facility that is not larger or heavier than the existing facility and is in compliance with applicable codes.
 - (c) Routine maintenance of a Small Cell Wireless facility, utility pole, or wireless support *Structure*.
 - (d) Micro Wireless Facility installation, placement, maintenance, operation, or replacement of that is suspended on cables strung between utility poles or wireless support structures in compliance with applicable codes.

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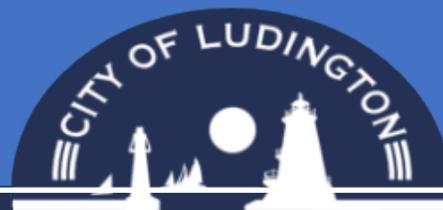
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Section 8.01

Purpose and Intent

- A) Calculation of Required Parking Area.** The required parking area for a building shall be calculated on the *Gross Floor Area* (GFA) dedicated to each use within the building.
- B) Change of Use.** The occupancy of an existing building or any portion of an existing building shall not change from one use to another of the uses specified in [8.02.B](#) unless the minimum *Off-Street Parking* requirements are met for the new use, based on the standards in this Article; except that no additional *Off-Street Parking* will be required for existing buildings in the Downtown Core Form-Based District.
- C) Enlargement of Use.** No building shall be enlarged if the enlargement requires additional *Parking Space* unless the minimum requirements for *Off-Street Parking* are provided.
- D) Continuity.** Any area once designated as required *Off-Street Parking* shall not be changed to any other use unless and until equivalent facilities are provided elsewhere.
- E) Minimum Standards.** The Standards in this section are minimums, and additional requirements may be imposed during a *Special Land Use* and/or Site Plan Process in order to protect health, safety, and welfare.

Section 8.02

Required Minimum Number of Parking Spaces

A) Interpretation.

1. Square footage represents *Gross Floor Area*.
2. Fractional Spaces are always rounded to the nearest whole number.
3. The term “capacity” shall refer to the capacity of a building as determined by the Fire Marshal under the Fire Code.
4. State licensed Residential Facilities which are required to be exempt from zoning regulations in accordance with the Michigan Zoning Enabling Act, and are within a single-family home, shall be subject to the minimum parking requirements for single-family homes.

- B) Table of Minimum Required Parking Spaces.** Neighborhood (N), Mobile Home Park (MH), Mixed Use (MU), and Industrial (I) Zoning Districts. Blank cells indicate the use is not permitted in that district.

Minimum Parking Spaces	Neighborhood	Mobile Home Park	Mixed Use	Industrial
	N	MH	MU	I
Residential Uses				
Single Dwelling Unit or Single-Family Home (1)	1 space		1 space	
Accessory Dwelling Unit	1 space		1 space	
2 Dwelling Units	3 spaces		3 spaces	
3 Dwelling Units	4 spaces		4 spaces	
4 Dwelling Units	5 spaces		5 spaces	
Multi-Family (5+ Units) Independent Senior Housing	1.2 space per dwelling unit (Senior Housing = Half Requirement)		1.2 space per dwelling unit (Senior Housing = Half Requirement)	
Dwelling Units in Mixed Use Buildings			1.2 space per dwelling unit	
Mobile Home Dwelling		Consistent with State Standards		

Minimum Parking Spaces	Neighborhood	Mobile Home Park	Mixed Use	Industrial
	N	MH	MU	I
Live/Work Dwelling			1 space per 400 sq. ft. of commercial space	
State-Licensed Residential Facility (7 or more residents)	0.5 spaces per person in licensed capacity		0.5 spaces per person in licensed capacity	
Family Child Care Home	2 spaces		2 spaces	
Group Child Care Home	3 spaces		3 spaces	
Home Occupation (Type 1)	No Additional Parking Required		No Additional Parking Required	
Home Occupation (Type 2)	1 additional space			
Nursing Home	0.25 spaces per patient room		0.25 spaces per patient room	
Single Room Occupancy (SRO)			0.5 spaces per guest sleeping room	
Commercial and Office Uses				
Retail			1 space per 300 sq. ft.	1 space per 300 sq. ft.
Restaurants			1 space per 200 sq. ft.	1 space per 200 sq. ft.
Microbrewery/Micro-distillery/Winery			1 space per 200 sq. ft.	1 space per 200 sq. ft.
Drive-Through			No Additional Parking Required	No Additional Parking Required
Outdoor Dining			No Additional Parking Required	No Additional Parking Required
Banks			1 space per 400 sq. ft.	
Bed and Breakfast			1.2 spaces per guest room	
Hotels and Motels			1.2 spaces per guest room	
Short Term Rentals	1 additional space	1 additional space	1 additional space	1 additional space
Laundromat or Dry Cleaner			1 space per 400 sq. ft.	1 space per 400 sq. ft.
Personal Service			1 space per 400 sq. ft.	
Professional Office			1 space per 500 sq. ft.	1 space per 500 sq. ft.
Funeral Home			1 space per 300 sq. ft.	
Medical and Dental Clinic			1 space per 500 sq. ft.	
Commercial Child Care Center			2 spaces per classroom	2 spaces per classroom
Fitness centers and Health Clubs			1 space per 800 sq. ft.	1 space per 800 sq. ft.
Theaters, Assembly Halls, Concert halls, Sports Arenas			1 space per 4 seats in total capacity	1 space per 4 seats in total capacity
Event Space			1 space per 500 sq. ft.	1 space per 500 sq. ft.
Commercial Indoor Recreation			1 space per 800 sq. ft.	1 space per 800 sq. ft.
Veterinary Clinic			1 space per 500 sq. ft.	1 space per 500 sq. ft.
Kennel			1 space per 1,000 sq. ft.	1 space per 1,000 sq. ft.
Car Washes			No Minimum	No Minimum
Gas Stations			As required for auxiliary uses (retail, car wash, auto repair, etc.)	As required for auxiliary uses (retail, car wash, auto repair, etc.)
Small Equipment Repair			1 space per 400 sq. ft.	1 space per 400 sq. ft.

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Minimum Parking Spaces	Neighborhood	Mobile Home Park	Mixed Use	Industrial
	N	MH	MU	I
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Article 2. Purpose and Intent of Zoning Districts and Overlays			1.25 spaces per repair bay, plus storage for vehicles to be repaired	1.25 spaces per repair bay, plus storage for vehicles to be repaired
Article 3. Permitted and Special Land Uses			1 space per 300 sq. ft. of indoor retail space, not including display spaces for vehicles for sale	1 space per 300 sq. ft. of indoor retail space, not including display spaces for vehicles for sale
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Automobile or Boat Repair			1.25 spaces per repair bay, plus storage for vehicles to be repaired	1.25 spaces per repair bay, plus storage for vehicles to be repaired
Automobile or Boat Sales			1 space per 300 sq. ft. of indoor retail space, not including display spaces for vehicles for sale	1 space per 300 sq. ft. of indoor retail space, not including display spaces for vehicles for sale
Campground				
Industrial Uses				
Contractor's Yard			1 space per 500 sq. ft. of indoor space	1 space per 500 sq. ft. of indoor space
Small Scale Production			1 space per 500 sq. ft.	1 space per 500 sq. ft.
Manufacturing				1 space per 1000 sq. ft.
Wholesale				1 space per 2000 sq. ft.
Warehousing				1 space per 10,000 sq. ft.
Research and Technology Laboratory			1 space per 500 sq. ft.	1 space per 500 sq. ft.
Multi-Modal Terminals				1 space per 1000 sq. ft. of indoor space, plus truck parking/loading spaces
Lumber Yard				No set minimum, but PC may impose minimum at time of Site Plan Approval
Self-Storage				0.1 spaces per storage unit
Personal Storage (Not Open to Public)				No Additional Parking Required
Recycling and Composting				No set minimum, but PC may impose minimum at time of Site Plan Approval
Public Utilities	No Minimum	No Minimum	No Minimum	No Minimum
Outdoor Storage			No Additional Parking Required	No Additional Parking Required
Other Uses				
Religious Institutions	1 space per 3 seats in total worship capacity, plus required parking for auxiliary uses (event space, child care, indoor recreation, etc.)		1 space per 3 seats in total worship capacity, plus required parking for auxiliary uses (event space, child care, indoor recreation, etc.)	1 space per 3 seats in total worship capacity, plus required parking for auxiliary uses (event space, child care, indoor recreation, etc.)
K-12 Schools	No set minimum, but PC may impose minimum at time of Site Plan Approval		No set minimum, but PC may impose minimum at time of Site Plan Approval	No set minimum, but PC may impose minimum at time of Site Plan Approval
Institutions of Higher Education			No set minimum, but PC may impose minimum at time of Site Plan Approval	No set minimum, but PC may impose minimum at time of Site Plan Approval
Marina/Ferry Dock			No set minimum, but PC may impose minimum at time of Site Plan Approval	No set minimum, but PC may impose minimum at time of Site Plan Approval

Minimum Parking Spaces	Neighborhood	Mobile Home Park	Mixed Use	Industrial
	N	MH	MU	I
Public Parks	No Minimum	No Minimum	No Minimum	No Minimum
Private Outdoor Recreation	No set minimum, but PC may impose minimum at time of Site Plan Approval	No set minimum, but PC may impose minimum at time of Site Plan Approval	No set minimum, but PC may impose minimum at time of Site Plan Approval	No set minimum, but PC may impose minimum at time of Site Plan Approval
Public and Community Buildings	No set minimum, but PC may impose minimum at time of Site Plan Approval		No set minimum, but PC may impose minimum at time of Site Plan Approval	No set minimum, but PC may impose minimum at time of Site Plan Approval
Hospitals			No set minimum, but PC may impose minimum at time of Site Plan Approval	
Cemeteries	No Minimum		No Minimum	No Minimum
Solar Energy (Accessory)	No Minimum		No Minimum	No Minimum
Solar Energy (Principal)			No Minimum	No Minimum
Wind Energy (Accessory)			No Minimum	No Minimum
Wireless Communication Facilities	No Minimum		No Minimum	No Minimum

C) Table of Minimum Parking Requirements in Waterfront (W), Lakefront Overlay (O-L), and Industrial Overlay (O-I) Zoning Districts.

Minimum Parking Spaces:	W Waterfront	O-L Lakefront Overlay	O-I Industrial Overlay
Residential Uses			
Single Dwelling Unit or Single-Family Home (1)	1 space	1 space	Same as Underlying
Accessory Dwelling Unit		1 space	Same as Underlying
2 Dwelling Units	3 spaces	3 spaces	Same as Underlying
3 Dwelling Units	4 spaces	4 spaces	Same as Underlying
4 Dwelling Units	5 spaces	5 spaces	Same as Underlying
Multi-Family (5+ Units) Independent Senior Housing	1.2 space per dwelling unit (Senior Housing = Half Requirement)	1.2 space per dwelling unit (Senior Housing = Half Requirement)	Same as Underlying
Dwelling Units in Mixed Use Buildings	1.2 space per dwelling unit		Same as Underlying
Mobile Home Dwelling			Same as Underlying
LiverperWork Dwelling	1 space per 400 sf of commercial space		Same as Underlying
State-Licensed Residential Facility (7 or more residents)	0.5 spaces per person in licensed capacity	0.5 spaces per person in licensed capacity	Same as Underlying
Family Child Care Home	2 spaces	2 spaces	Same as Underlying
Group Child Care Home	3 spaces	3 spaces	Same as Underlying
Home Occupation (Type 1)	No Additional Parking Required	No Additional Parking Required	Same as Underlying
Home Occupation (Type 2)	1 space + Single-Family Requirement	1 additional space	Same as Underlying
Nursing Home	0.25 spaces per patient room	0.25 spaces per patient room	Same as Underlying
Single Room Occupancy (SRO)	0.5 spaces per guest sleeping room		Same as Underlying

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	Minimum Parking Spaces:	W Waterfront	O-L Lakefront Overlay	O-I Industrial Overlay
Article 1. Introduction, Toolbox, and Legal Provisions	Commercial and Office Uses			
Article 2. Purpose and Intent of Zoning Districts and Overlays	Retail	1 space per 300 sf		Same as Underlying
Article 3. Permitted and Special Land Uses	Restaurants	1 space per 200 sf		Same as Underlying
Article 4. Overlays	Microbrewery/Micro-distillery/Winery	1 space per 200 sf		Same as Underlying
Article 5. Schedule of Dimensional Regulations	Drive-Through	No Additional Parking Required		Same as Underlying
Article 6. Form-Based Code	Outdoor Dining	No Additional Parking Required		Same as Underlying
Article 7. Use Standards	Banks			Same as Underlying
Article 8. Parking and Loading	Bed and Breakfast			Same as Underlying
Article 9. Signage	Hotels and Motels	1.2 spaces per guest room		Same as Underlying
Article 10. Landscaping	Short Term Rentals	1 additional space	1 additional space	
Article 11. Lighting	Laundromat or Dry Cleaner	1 space per 400 sf		Same as Underlying
Article 12. Accessory Structures and Fences	Personal Service	1 space per 400 sf		Same as Underlying
Article 13. Other Site Design Standards	Professional Office	1 space per 500 sf		Same as Underlying
Article 14. Non-Conformities	Funeral Home			Same as Underlying
Article 15. Administration and Enforcement	Medical and Dental Clinic	1 space per 500 sf		Same as Underlying
Article 16. Planned Unit Developments	Commercial Child Care Center	2 spaces per classroom		Same as Underlying
Article 17. Definitions	Fitness centers and Health Clubs	1 space per 800 sf		Same as Underlying
	Theaters, Assembly Halls, Concert halls, Sports Arenas	1 space per 4 seats in total capacity		Same as Underlying
	Event Space	1 space per 500 sf		Same as Underlying
	Commercial Indoor Recreation	1 space per 800 sf		Same as Underlying
	Veterinary Clinic	1 space per 500 sf		Same as Underlying
	Kennel	1 space per 1,000 sf		
	Car Washes			Same as Underlying
	Gas Stations			Same as Underlying
	Small Equipment Repair	1 space per 400 sf		Same as Underlying
	Automobile or Boat Repair	1.25 spaces per repair bay, plus storage for vehicles to be repaired		Same as Underlying
	Automobile or Boat Sales	1 space per 300 sf of indoor retail space, plus display spaces for vehicles for sale		Same as Underlying
	Campground	No set minimum, but PC may impose minimum at time of Site Plan Approval		
	Industrial Uses			
	Contractor's Yard			Same as Underlying
	Small Scale Production	1 space per 500 sf		
	Manufacturing			Same as Underlying
	Wholesale			Same as Underlying
	Warehousing			Same as Underlying
	Research and Technology Laboratory	1 space per 500 sf		Same as Underlying
	Multi-Modal Terminals			Same as Underlying

Minimum Parking Spaces:	W Waterfront	O-L Lakefront Overlay	O-I Industrial Overlay
Industrial Uses			
Lumber Yard			Same as Underlying
Self-Storage			Same as Underlying
Personal Storage (Not Open to Public)	No Additional Parking Required		
Recycling and Composting			Same as Underlying
Public Utilities	No Minimum	No Minimum	Same as Underlying
Outdoor Storage			Same as Underlying
Other Uses			
Religious Institutions	1 space per 3 seats in total worship capacity, plus required parking for auxiliary uses (event space, child care, indoor recreation, etc..)	1 space per 3 seats in total worship capacity, plus required parking for auxiliary uses (event space, child care, indoor recreation, etc..)	Same as Underlying
K-12 Schools	No set minimum, but PC may impose minimum at time of Site Plan Approval	No set minimum, but PC may impose minimum at time of Site Plan Approval	Same as Underlying
Institutions of Higher Education	No set minimum, but PC may impose minimum at time of Site Plan Approval		Same as Underlying
Marina/Ferry Dock	No set minimum, but PC may impose minimum at time of Site Plan Approval		Same as Underlying
Public Parks	No Minimum	No Minimum	Same as Underlying
Private Outdoor Recreation	No set minimum, but PC may impose minimum at time of Site Plan Approval	No set minimum, but PC may impose minimum at time of Site Plan Approval	Same as Underlying
Public and Community Buildings	No set minimum, but PC may impose minimum at time of Site Plan Approval		Same as Underlying
Hospitals		No Minimum	Same as Underlying
Cemeteries		No Minimum	Same as Underlying
Solar Energy (Accessory)	No Minimum		Same as Underlying
Solar Energy (Principal)	No Minimum		Same as Underlying
Wind Energy (Accessory)	No Minimum	No Minimum	Same as Underlying
Wireless Communication Facilities	No Minimum		Same as Underlying

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D) Table of Minimum Parking Requirements in Form-Based Districts.

Minimum Parking Spaces	Downtown Core	Downtown Edge	Gateway	Beach
	F-DC	F-DE	F-G	F-B
Residential Uses				
Single Dwelling Unit or Single-Family Home (1)		1 space	1 space	1 space
Accessory Dwelling Unit		1 space	1 space	1 space
2 Dwelling Units	No minimum	3 spaces	3 spaces	3 spaces
3 Dwelling Units	No minimum	4 spaces	4 spaces	4 spaces
4 Dwelling Units	No minimum	5 spaces	5 spaces	5 spaces
Multi-Family (5+ Units) Independent Senior Housing	No minimum	1.2 spaces per dwelling unit (Senior Housing = Half Requirement)	1.2 space per dwelling unit (Senior Housing = Half Requirement)	1.2 space per dwelling unit (Senior Housing = Half Requirement)
Dwelling Units in Mixed Use Buildings	No Minimum	1.2 space per dwelling unit	1.2 space per dwelling unit	1.2 space per dwelling unit
Mobile Home Dwelling				
Live/Work Dwelling	No Minimum	1 space per dwelling unit	1 space per 400 sf of commercial space	1 space per dwelling unit
State-Licensed Residential Facility (7 or more residents)			0.25 spaces per person in licensed capacity	
Family Child Care Home		2 spaces	2 spaces	2 spaces
Group Child Care Home		3 spaces	3 spaces	3 spaces
Home Occupation (Type 1)		No Additional Parking Required	No Additional Parking Required	No Additional Parking Required
Home Occupation (Type 2)		1 additional space	1 additional space	1 additional space
Nursing Home		0.25 spaces per patient room	0.25 spaces per patient room	0.25 spaces per patient room
Single Room Occupancy (SRO)	0.5 spaces per guest sleeping room	0.5 spaces per guest sleeping room	0.5 spaces per guest sleeping room	0.5 spaces per guest sleeping room
Commercial and Office Uses				
Retail	No Minimum	1 space per 800 sf	1 space per 400 sf	1 space per 400 sf
Restaurants	No Minimum	1 space per 600 sf	1 space per 300 sf	1 space per 300 sf
Microbrewery/Micro-distillery/Winery	No Minimum	1 space per 600 sf		1 space per 300 sf
Drive-Through				
Outdoor Dining	No Additional Parking Required	No Additional Parking Required	No Additional Parking Required	No Additional Parking Required
Banks	No Minimum	1 space per 800 sf		1 space per 400 sf
Bed and Breakfast		1.1 spaces per guest room	1.2 spaces per guest room	1.2 spaces per guest room
Hotels and Motels	No Minimum	1.1 spaces per guest room		1.2 spaces per guest room
Short Term Rentals	1 additional space	1 additional space	1 additional space	1 additional space
Laundromat or Dry Cleaner	No Minimum	1 per 1,000 sf		1 space per 500 sf
Personal Service	No Minimum	1 per 1,000 sf	1 space per 500 sf	1 space per 500 sf
Professional Office	No Minimum	1 per 1,000 sf	1 space per 500 sf	1 space per 500 sf
Funeral Home		1 per 1,000 sf	1 space per 600 sf	1 space per 600 sf
Medical and Dental Clinic	No Minimum	1 space per 800 sf	1 space per 400 sf	1 space per 400 sf

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Minimum Parking Spaces	Downtown Core	Downtown Edge	Gateway	Beach
	F-DC	F-DE	F-G	F-B
Commercial Child Care Center	No Minimum	1 per 1,000 sf	1 space per 600 sf	1 space per 600 sf
Fitness centers and Health Clubs	No Minimum	1 space per 800 sf		1 space per 800 sf
Theaters, Assembly Halls, Concert halls, Sports Arenas	No Minimum	1 space per 4 seats in total capacity		1 space per 4 seats in total capacity
Event Space	No Minimum	1 space per 5 seats in total capacity	1 space per 3 seats in total capacity	1 space per 3 seats in total capacity
Commercial Indoor Recreation	No Minimum	1 space per 1,000 sf		1 space per 600 sf
Veterinary Clinic	No Minimum	1 space per 2,000 sf		1 space per 1,000 sf
Kennel		1 space per 2,000 sf		
Car Washes	No Minimum	No Minimum		No Minimum
Gas Stations				
Small Equipment Repair	No Minimum	No Minimum		No Minimum
Automobile or Boat Repair				
Automobile or Boat Sales				
Campground				
Industrial Uses				
Contractor's Yard				
Small Scale Production	No Minimum	1 space per 1,000 sf		1 space per 1,000 sf
Manufacturing				
Wholesale				
Warehousing				
Research and Technology Laboratory	No Minimum	1 per 1,000 sf		1 space per 500 sf
Multi-Modal Terminals				
Lumber Yard				
Self-Storage				
Recycling and Composting				
Public Utilities				
Outdoor Storage	No additional spaces			
Personal Storage (Not Open to Public)	No additional spaces			No additional spaces
Other Uses				
Religious Institutions	No Minimum			1 space per 3 seats in total worship capacity, plus required parking for auxiliary uses (event space, child care, indoor recreation, etc.)
K-12 Schools	No Minimum			3 spaces per classroom
Institutions of Higher Education	No Minimum			No set minimum, but PC may impose minimum at time of Site Plan Approval
Marina/Ferry Dock				
Public Parks	No Minimum			No Minimum
Private Outdoor Recreation				

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Minimum Parking Spaces	Downtown Core	Downtown Edge	Gateway	Beach
	F-DC	F-DE	F-G	F-B
Other Uses				
Public and Community Buildings	No Minimum	No set minimum, but PC may impose minimum at time of Site Plan Approval	No set minimum, but PC may impose minimum at time of Site Plan Approval	No set minimum, but PC may impose minimum at time of Site Plan Approval
Hospitals				
Cemeteries				
Solar Energy (Accessory)	No Minimum	No Minimum	No Minimum	No Minimum
Solar Energy (Principal)				
Wind Energy (Accessory)	No Minimum	No Minimum		No Minimum
Wireless Communication Facilities	No Minimum	No Minimum		No Minimum

- E) **P Parks District.** There are no minimum parking requirements in the P Parks District.
- F) **Location of Parking Spaces.** All off-street parking for nonresidential uses, whether public or private, 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.

Section 8.03

Parking Minimum Reduction Options

- A) **Purpose and Intent.** This Section provides criteria for the *Planning Commission* to reduce minimum *Off-Street Parking* requirements in order to encourage accommodation for alternative transportation options, to cut down on the amount of impervious paved surface within the City, and to allow for flexibility on a given site.
- B) **Better Use of Space.** In conjunction with the criteria listed herein, the applicant must demonstrate that any space where parking would otherwise be located shall be used for an active land use, or for a site design element that will further the economic viability, housing supply, quality of life, and/or traditional character and charm of the City of Ludington.
- C) **Limit on Reduction.**
 1. For nonresidential uses, the total reduction in parking requirements shall be by no more than 85%.
 2. For multi-family residential uses, the total reduction in parking requirements can result in no less than 1 *Parking Space* per dwelling unit.
- D) **Reductions.** The following actions may result in a reduction of the number of required parking spaces, as described below.
 1. **Bicycle Parking Facilities.** The minimum automobile parking requirement shall be reduced by one space for every three enclosed, interior secure bicycle parking spaces (Consistent with standards for long term bike parking in [Section 8.06.C.2](#)), and by one space for every five outdoor, unenclosed secure bicycle parking spaces (Consistent with standards for short term bike parking in [Section 8.06.C.1](#)) provided on-site.
 2. **15 Minute Spaces.** Parking spaces limited to 15 minutes (for rideshare or curbside pickup parking) shall count as two (2) spaces each when determining compliance with the minimum parking requirement for a non-residential use, and 1.5 parking spaces for a residential use.
 3. **Parking Study.** The applicant may submit a parking study that demonstrates why a lower parking requirement would be reasonable and appropriate to the proposed use. The findings of the study should take into account the purpose of the district where the request is submitted and the City’s planning policies in addition to the estimated parking needs for the use in question.

E) Standards for Reduced Parking Minimums. Minimum parking reductions must meet two or more of the following standards. The City shall reserve the right to deny a reduced minimum or parking replacement if these standards are not met:

1. Parking reduction will permit utilization of the site for additional pedestrian and bicyclist amenities that reduce the need for car dependence.
2. Findings presented in an independent parking study are also consistent with the purpose of the district where the request is submitted and the City’s planning policies.

Section 8.04 Loading

A) Loading and unloading spaces shall be provided in connection with all commercial and industrial uses in the Zoning Districts listed below, except in cases where adequate space, as determined by the *Building Inspector*, is or can be provided on adjacent public property. Shared loading spaces may be used if each business has unhindered access to the loading area and is within 300 feet of the loading area. This Requirement shall be applicable in the following Zoning Districts: Mixed-Use (MU), Industrial (I), Waterfront (W), Industrial Overlay (O-I), Downtown Core (F-DC), and Downtown Edge (F-DE). Loading Spaces outside of these districts shall not be required, but must follow the Standards for Loading Spaces listed in Subsection C.

B) Table of Required Loading Spaces. The following table demonstrates the minimum number of loading spaces required, calculated by the *Gross Floor Area* of the use in question. A partial space shall be rounded up to the higher whole number.

Floor Area	Number of Spaces
Less than 20,000 square feet	1
20,000 to 49,999 square feet	2
50,000 to 100,000 square feet	3
One (1) per each additional 100,000 square feet, or part thereof	

C) Standards for Loading Spaces. Required Loading and Unloading Spaces shall meet the following standards:

1. Each loading space shall be at least ten (10) feet in width, fifty (50) feet in length, and have a clearance of fourteen (14) feet above *Grade*.
2. Such space may occupy all or any part of any required *Yard* or court space, excluding the *Front Yard*.
3. No such space shall be located closer than fifty (50) feet from any *Lot* in a residential *Zoning District*, unless it is enclosed or screened by a solid *Fence* on sides abutting properties in the N, F-G, and FB zoning districts. The wall or *Fence* must be uniformly painted on the side of the *Fence* facing away from the property, and composed of solid board or masonry of uniform appearance, and not less than six (6) feet in height. *Fences* and walls must meet all other standards for *Fences*, in [Section 12.02](#).
4. Storage of materials shall not occur in the loading/unloading space.
5. Loading spaces shall be clearly defined using standard paint and signage.

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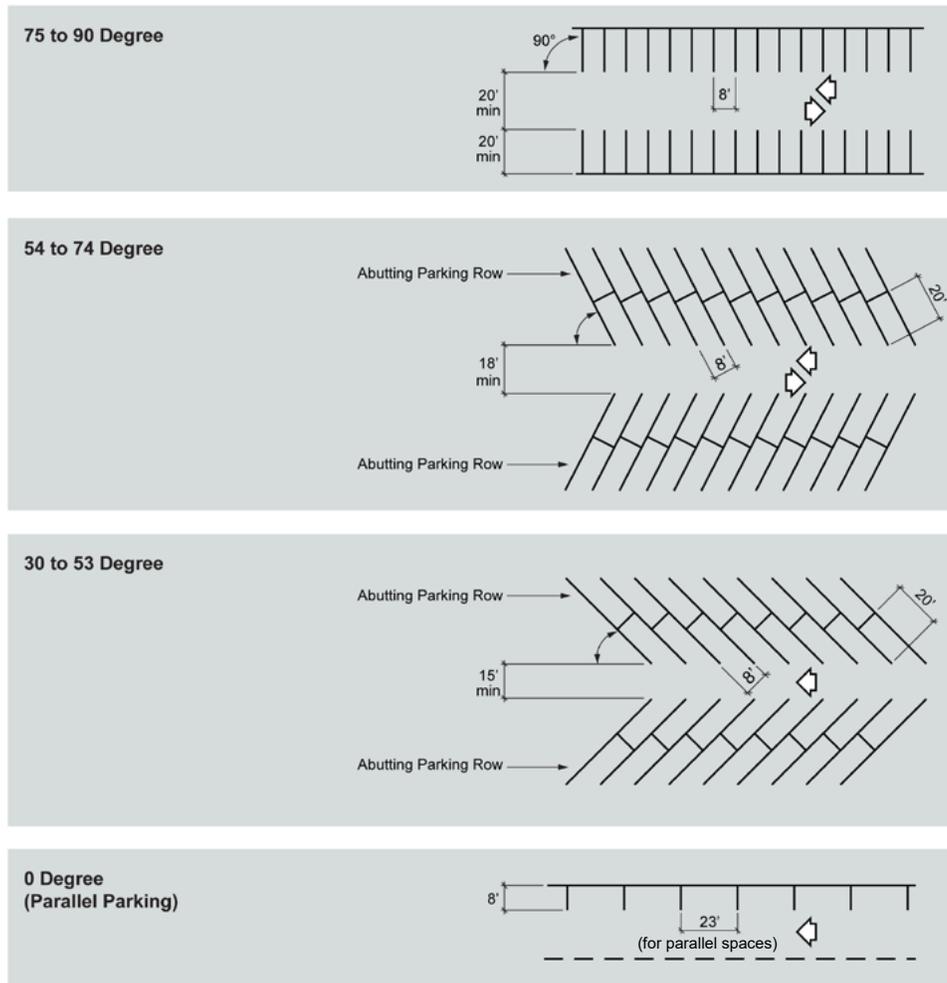
Section 8.05

Parking Lot Design and Construction

A) Table of Parking Lot Dimensions

Parking Space Minimum Dimensions	Width:	8 feet
	Depth:	20 feet (23 feet for parallel spaces)
Drive Aisle Minimum Width	One-Way:	12 feet
	Two-Way:	24 feet
Minimum Setbacks (nonresidential)	Street-Fronting Property Lines:	10 feet
	Side and Rear Property Lines:	10 feet

1. Minimum *Setback* may be reduced to as little as five (5) feet with the addition of a six (6) foot tall *Fence* or approved vegetative *screening*, and approval by the reviewing Approving Authority.
2. No *Setback* may be required if adjacent uses are both non-residential, or there are shared driveways or aisles, not exceeding 30 feet in width, connecting two (2) or more uses.

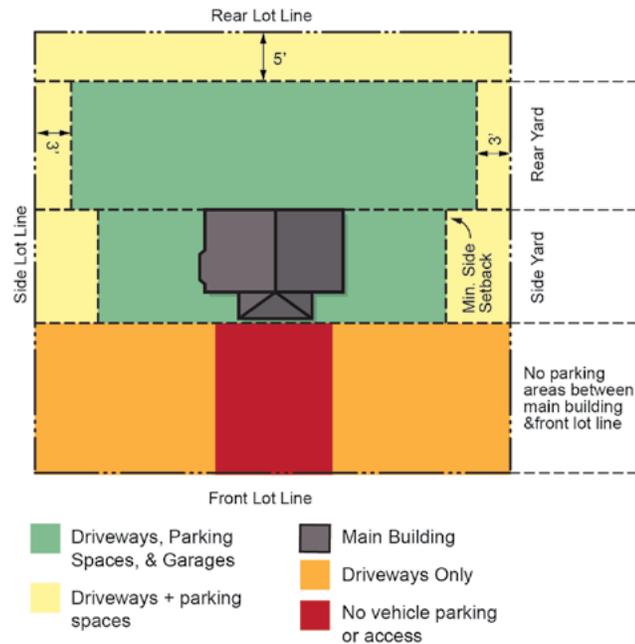


Parking Space Layout

B) Parking for Residential Buildings with 1-4 Dwelling Units.

1. **Number of Spaces.** The number of spaces shall be determined in accordance with each *Zoning District*, as designated in the Tables of Minimum Parking Requirements in [Section 8.02.B-C](#). Each required space shall be independently accessible.
2. **Location.** All required parking spaces shall be located on the property unless explicitly exempt elsewhere in this Ordinance.
3. **Front Yard.** Vehicles in front yards shall be parked on a conforming or legal *Nonconforming* driveway or parking space.
4. **No Parking between Structure and Right-of-Way.** Parking areas in front yards shall not be located between a residential *Structure* and the street *Right-of-Way*, or in the front corner on a *Corner Lot*, except for a driveway to a vehicle entrance of a *Garage*.
5. **All driveways and parking areas shall be paved with a durable surface.** For driveways over 200 feet long that serve only one dwelling unit, only the 200 feet of driveway closest to the street must be paved. Recreational vehicles parked in side and rear yards, and vehicles that are stored and not driven on a regular basis, do not need to be parked on a durable surface.
6. **Parking shall be limited to the following vehicles:**
 - (a) Passenger motor vehicles that accommodate less than 10 passengers;
 - (b) Motorcycles;
 - (c) Recreational vehicles;
 - (d) Trucks or buses not exceeding 2 tons in carrying capacity.
7. **Residential Garages.** A *Garage* may be counted toward the minimum parking requirement but must provide a minimum interior depth of 22 feet and a minimum width of 11 feet, for each vehicle space.

Residential Parking Location (1-4 Units)



C) Parking for All Uses other than Residential Uses with 1-4 units.

1. **Parking Spaces Required.** The number of spaces shall be determined in accordance with each *Zoning District*, as designated in the Tables of Minimum Parking Requirements in [Section 8.02](#). Requirements may be modified under certain circumstances by the Approving Authority. Each required space shall be independently accessible.
2. **Durable Surfaces.** All parking areas, access lanes, driveways, loading areas, and other vehicle maneuvering areas shall be covered with a durable surface.
3. **Setback from residential uses.** No such *Parking Space* shall be located nearer than fifty (50) feet from any *Lot* in the N – Neighborhood *Zoning District* or the F-G Form-Based Gateway District, unless it is enclosed or screened by a solid *Fence*, 6 feet in height, which complies with [Section 12.02](#).

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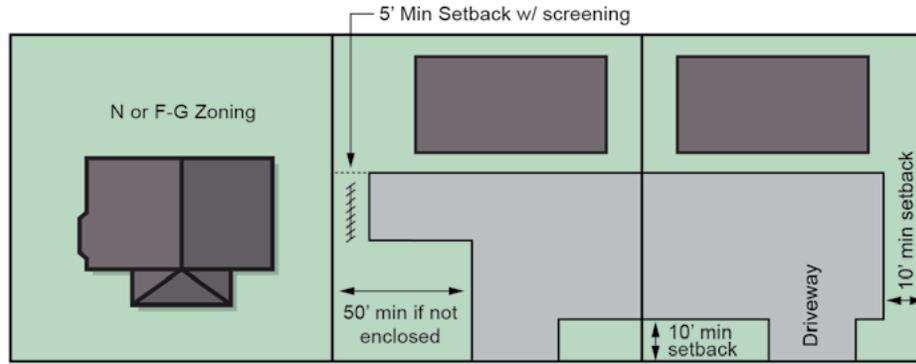
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4. **Parking Spaces and Drive Aisles.** *Off-Street parking* facilities containing 4 or more spaces shall be designed, constructed, and maintained in accordance with the following requirements:

Parking Lot Setbacks



- (a) **Parking Space Size:**
- (i) **Width:** 8 feet minimum.
 - (ii) **Depth:** 20 feet minimum.
- (b) **Drive Aisle Widths:**
- (i) **One-Way:** 12 feet minimum.
 - (ii) **Two-Way:** 24 feet minimum.
5. **Striping of Parking Lots.** Parking spaces shall be painted as it is depicted in the approved Site Plan and in compliance with ADA requirements for barrier-free parking spaces. The striping shall be maintained to be visible to drivers.
6. **Pedestrian Circulation in Parking Lots.** Parking lots shall accommodate direct and continuous pedestrian circulation, clearly divided from vehicular areas. Pedestrian crosswalks shall be provided and integrated into the pedestrian circulation network providing direct connections from sidewalks to the building entrance.
7. **Curbs and Wheel Stops in Parking Lots.** Curbs shall generally be required around the perimeter of a *Parking Lot*, unless a landscape island or perimeter landscape area is used for stormwater detention or unless otherwise approved by the Approving Authority. If a curb is not installed, wheel stops shall be required to keep vehicles parked entirely on the pavement.
8. **Parking Rows and Landscape Islands.** A landscape island at least 200 square feet large shall be installed for every 20 parking spaces in a *Lot*. See *Landscaping Standards* in [Section 10.02.B](#).
9. **Electric Vehicle (EV) Charging Stations.** EV Charging Stations may be located in any *Parking Lot*, so long as the required dimensions and number of spaces are maintained within the *Lot*.
10. **Commercial Vehicles.** *Commercial Vehicles* and heavy equipment shall only be parked on lots where such vehicles are utilized as part of the primary use.
11. **Residential Garages.** A *Garage* may be counted toward the minimum parking requirement, but must provide a minimum interior depth of 22 feet and a minimum width of 11 feet, for each vehicle space.

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Section 8.06

Bicycle Parking

- A) Purpose and Intent.** The intent of this section is to provide safe and adequate bicycle facilities for the temporary and long-term storage of bicycles. To this end, the following section specifies the type and design of bicycle parking spaces on a site.
- B) Applicability.** All newly constructed bicycle parking for any new development requiring *Site Plan Review* shall meet the requirements of this section. All bicycle parking used to contribute toward the reduction of parking minimums must follow the requirements set forth in this section in order to reduce the minimum number of parking spaces required. Bicycle parking must follow the requirements set forth in this section in order to contribute toward a reduction in the minimum required parking spaces for a site in [Section 8.03](#).
- C) Bicycle Parking Facility Types.** Section [Section 8.03.D.1](#) allows a reduction in required parking spaces with the installation of Short-Term and Long-Term Bicycle Parking Facilities. This subsection provides the definition, standards, design requirements, and examples of each.
1. **Short Term Public Bike Parking Facilities.** Bicycle parking facilities within 100 feet of the nearest publicly accessible building entrance of the use they are intended to serve. These spaces shall at a minimum be available to the public during business hours. These facilities shall also be required to meet the following requirements:
 - (a) Be located in outdoor, well-lit areas, clearly visible from the street;
 - (b) Be securely anchored to a durable surface;
 - (c) Each space shall be a minimum of 2 feet wide by 6 feet long, with a minimum vertical clearance of 8 feet.
 - (d) A pedestrian-accessible walkway shall be provided between the outdoor bicycle parking facility and the primary building entrance. Public sidewalks may be used to meet this requirement.
 - (e) An aisle width of a minimum of 5 feet shall be provided adjacent to any bicycle parking facility to allow for bicycle maneuvering;
 - (f) This facility type may be located in vehicle parking areas but shall not conflict with traffic circulation.
 - (g) This facility type may be located in the public *Right-of-Way* upon approval of a *Right-of-Way* Permit by the Department of Public Works.
 - (h) **Bicycle Rack Design Requirements.** The Short-Term Public Bike Parking Facilities shall generally be designed as a bicycle rack unless otherwise approved by the Approving Authority. Bicycle racks shall adhere to the following standards:
 - (i) Racks shall be 36 inches from the base to the top of the rack and shall be a minimum 24 inches in length;
 - (ii) Each rack shall provide each bicycle *Parking Space* with at least two points of contact for a standard bicycle frame and be designed to accommodate two bicycles;
 - (iii) Racks shall be located at a minimum of 2 feet from any adjoining wall and a minimum of 4 feet from any street or back of curb;
 - (iv) The rack shall have rounded, non-abrasive surfaces and corners;
 - (v) The facility shall be incorporated whenever possible into building design and coordinated with the design of street furniture when provided (benches, lights, planters, and other pedestrian amenities).
 - (vi) **Arranged in Rows or in Alignment.** Bicycle racks shall generally be arranged either in rows (where bicycles are parked side-to-side) or in alignment (where bicycles are parked end-to-end). Where racks are arranged in rows, they shall be spaced a minimum of 3 feet apart on-center. Where racks are arranged in alignment, they shall be spaced a minimum of 8 feet on-center.

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2. **Long Term Bicycle Parking Facilities.** Covered Spaces providing long term bicycle parking facilities that, at a minimum, reasonably shelter bicycles from the natural elements by locating them inside or under principal or *Accessory Structures*. Covered Long-Term Bicycle Parking Facilities shall meet the following standards:
- (a) Facilities shall be permanently anchored to the ground or to a *Structure*;
 - (b) Overhead covering shall be a minimum of 8 feet above the surface it is attached to and shall, in the opinion of the Approving Authority, be designed to protect the bicycles in the event of inclement weather.
 - (c) Facilities shall be lockable where possible.
 - (d) All structures must meet standards for *Accessory Structures* on the site.
 - (e) The bicycle racks within a covered area or enclosure must meet the design standards specified for Short-Term Bicycle Racks.

Section 8.07

Verge Parking

- A) Verge Parking.** Verge Parking is the parking of motor vehicles in the City's right-of-way between the street and the sidewalk in an approved parking area built by the adjoining property owner (the owner) at the owner's expense pursuant to a zoning permit.
- B) Permit.** The owner may apply to the Zoning Administrator for a permit to build a verge parking area by completing the application form, providing a drawing of the proposed parking area, and paying the fee set by the City Council. If the owner's application meets the requirements of this section and the Unified Development Ordinance (UDO), the Zoning Administrator shall refer the application to the Superintendent of the Department of Public Works (DPW) to review whether the application interferes with any City infrastructure. If DPW approves the application, the Building Inspector shall issue a building permit to build the verge parking area.
- C) Construction.** If permitted the owner may construct a verge parking area meeting or exceeding the size requirement of UDO Section 8.05, paved with asphalt, concrete, paving blocks, pervious pavement, or a similar hard surface graded to direct water away towards the public stormwater system. The owner shall install a curb between the parking space and sidewalks or shall construct the verge parking area at a lower grade than the sidewalk (minimum of 4") to prevent parking across City sidewalks. The owner may remove the curb to permit ingress to and egress from the parking area by complying with Ludington City Code Section 46-40.
- D) Inspection and Approval.** The owner must allow inspection and approval of the verge parking area by the Building Inspector and the DPW and obtain a license from the City under subsection F) below prior to using the area for parking.
- E) Exclusive Use of Verge Parking Area.** Upon approval under subsection E) above the City shall grant a license to the owner, giving the owner or a resident of the property designated by the owner (the designee) the exclusive right to park a passenger vehicle or pickup truck in the verge parking area.
- F) Maintenance.** The owner shall be responsible for the maintenance of the parking area. The owner shall ensure that the pavement is smooth, free from deterioration, not hazardous to passing vehicles, bicycles, and pedestrians, and does not create negative impacts on neighboring properties by reason of poor maintenance.
- G) Temporary Closure.** The City reserves the right to temporarily close the parking area for maintenance of underground utilities. The City shall give notice to the property owner at least 3 days prior to construction, except in an emergency. The City shall be responsible for restoring the parking space at a value of the minimum standard of asphalt after completion of construction. The City will not replace or repair concrete, brick pavers, permeable concrete or other decorative items or landscaping removed because of maintenance.
- H) Towing Vehicles.** The City reserves the right to tow any vehicles parked in the verge parking area if necessary in an emergency or an urgent need for underground utility maintenance, such as a water main break.
- I) Trees.** Owners shall not remove any street trees in designing and building a verge parking area, unless the removal is permitted by the Building Inspector. If the owner removes a tree, the owner shall plant a replacement tree in the street right of way in a location approved by the Building Inspector, which may be in a location other than the street right of way adjoining the owner's property.
- J) City Infrastructure.** In constructing the verge parking area the owner shall not in any way affect City infrastructure of any kind.
- K) Appeal.** Any property owner or aggrieved party who objects to a decision by the City about verge parking under this Section may file an appeal to the Zoning Board of Appeals under Section 15.12.E of the UDO. Such appeal shall be taken within 30 days of the date the individual receives notice of the decision being appealed.

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Section 9.01

Purpose and Intent

The *Sign* regulations in this Article are intended to balance the public and private interests. The purpose of this Article is to promote a safe, well-maintained, vibrant, and attractive community by permitting *Signs* in the City that meet the needs for *Signs* to inform, direct, identify, advertise, advocate, promote, endorse, and otherwise communicate information. These *Sign* standards are based on the premise that unrestricted signage does not benefit the community or individual property owners, and may be detrimental to the public health, safety, and welfare. To that end, the regulations of this Article allow for a variety of *Sign* types and sizes. It is further the intent of this Article to:

- A) Community Aesthetic Quality and Character.** To protect and enhance the physical appearance of the City (including the preservation of its traditional and cultural resources, scenic areas and viewsheds, and the dark night sky) and property values by preventing blight, visual clutter, excessive lighting, and out-of-scale signage that degrade the aesthetic views and/or property values of the community. Also, to promote signage that contributes to the streetscape element and aids in creating a “sense of place.”
- B) Public Safety.** To promote the free flow of motorized and non-motorized traffic and protect motorists, passengers, and pedestrians from injury and property damage caused by, or which may be fully or partially attributable to, cluttered, distracting, or illegible signage that results in confusion and hindrance of vision. Also, to protect and enhance pedestrian and vehicular traffic safety by prohibiting or removing *Signs* that are structurally unsafe or poorly maintained.
- C) Economic Development.** To protect and enhance economic development and vitality by assuring aesthetic appeal for residents and visitors.
- D) Effective Communication.** To enhance the effectiveness of communication of permitted *Signs* and directional and warning *Signs*.
- E) Free Speech.** To ensure that the constitutionally guaranteed right of free speech is protected and to encourage free expression of ideas and dissemination of messages using *Signs* that are compatible with their surroundings and legible under the circumstances in which they are seen.
- F) Removal of Illegal and Nonconforming Signs.** To seek the removal of illegal *Signs* and encourage the replacement or removal of *Nonconforming Signs* that are incompatible with the purpose of this Article.
- G) Ease of Administration.** To have standards and administrative review procedures that are simple for property owners, tenants, and *Sign* installers to follow. *Signs* that are lawfully erected and maintained under the provisions of this Article are consistent with customary usage.

Section 9.02

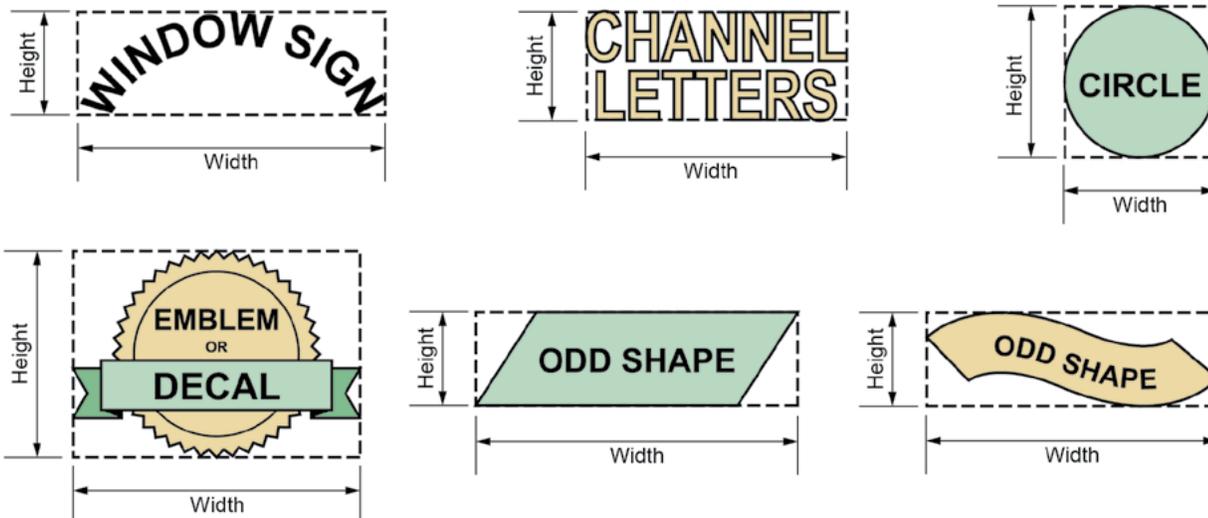
General Requirements

- A) Permit Required.** Unless specifically indicated otherwise, a *Sign* may not be constructed or erected unless a permit has been issued by the zoning administrator. All *Signs* will comply with the state construction code. An application for a *Sign* permit will include the following information:
 1. Name, address, and telephone number of the applicant.
 2. Signature of the property owner. For buildings with multiple tenants, it shall be the responsibility of the property owner, not the City, to ensure that all tenants get equitable signage within the standards and limits of this Article.
 3. A map of the property showing the location and type of existing structures on the parcel, property boundaries, location and type of structures or adjacent properties, road rights-of-way, entrances and exits onto the subject property and approximate location of the proposed *Sign(s)*.
 4. An *Elevation* drawing of the proposed *Sign(s)* depicting its design, lettering, method of illumination and other relevant information. The dimensions of the height and length, and width of the *Sign(s)* and height between ground *Elevation* and the bottom of the *Sign*, will be noted.
 5. In the case of a *Wall Sign*, an *Elevation* of the wall of the building on which the *Sign* is to be placed, including a depiction of the *Wall Sign* at scale, will be shown. The dimension of the building wall and the *Sign* will be depicted.

6. An installation construction drawing, depicting materials, method of connecting to the wall (for wall *Signs*), foundation details (for freestanding *Signs*), electrical connections, and other information required to ensure the installation meets the requirements of this Ordinance and the Building Code.
7. The proposed dates of construction and completion of the *Sign*.
8. Application fees as required by the City Council.
9. Other information or data as may be required by the zoning administrator.
10. In the case of a *temporary Sign*, the length of time the proposed *Sign* will be on the parcel.
11. The Zoning Administrator will approve, disapprove, or approve subject to conditions the request for a *Sign* permit based upon the standards of this Article.

- B) Accessory to Principal Use.** All *Signs* will be accessory to the primary use of the *Lot* where the *Sign* is located and will comply with the applicable design standards set forth herein, with the exception of an off-premise *Sign* permitted in this Ordinance or any *Sign* that is permitted without a *Sign* permit by [Section 9.03](#).
- C) Signs in Public Rights-of-Way.** *Signs* are prohibited from locating in or overhanging all public rights-of-way and dedicated public easements except as otherwise provided for *Signs* in the F-DC Downtown Core Form-Based District, and *Signs* erected by the City for public purposes are permitted with road agency approval. *Signs* erected within a Public *Right-of-Way* may be removed by the City with or without notice.
- D) Corner Clearance.** *Signs* will be located outside of any clear vision area as described in [Section 9.05.A.2](#) of this Ordinance.
- E) Measurement of Sign Area.** For the purposes of determining compliance with the *Sign* area requirements of this Article, *Sign* area is calculated as follows:
1. Measurement of a *Sign* includes 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 the *Sign* from the background against which it is placed. This excludes the necessary supports or uprights on which the *Sign* is placed but includes any *Sign* tower.
 2. For *Signs* with two or more faces, the *Sign* area shall be measured based on one face of the *Sign*, except where the faces are separated by an angle of more than 30 degrees.
 3. In the case of a sphere, the total surface area of the sphere will be divided by four to determine the maximum permitted *Sign* area.

Sign Height and Width



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F) Illumination. *Sign* illumination will comply with the following standards:

1. **External illumination of Signs and awnings.** External illumination of *Signs* and *Awnings* will be limited to fully- shielded light fixtures per *Sign* face that use a maximum one hundred fifty (150) watt equivalent metal halide, tungsten-halogen, fluorescent, light emitting diode (LED), or incandescent lamps. Such fixtures will be mounted above the *Sign* face with all light directed downward and concentrated on the area of the *Sign* to prevent glare upon the street or adjacent property.
2. **Internal illumination of Signs and awnings.** Internal illumination of *Signs* and *Awning Signs* is prohibited in the F-DC district. Internal illumination of *Signs* and *Awning Signs* is permitted in other zoning districts where more than fifty percent (50%) of the illuminated *Sign* area is covered by semi-opaque colors and materials that have a color value and saturation of fifty percent (50%) or higher. Internal illumination of *Awnings* will be limited to one (1) fixture, provided that the fixture is recessed and the *Awning* material is opaque except for any permitted *Sign copy* area.
3. **Animated Lighting Effects.** The use of light emitting elements including but not limited to light bulbs, fixtures, LEDs, or fiber optic lighting to create a scrolling, intermittent, or other animated effect on any *Sign* visible from the exterior of the building is prohibited.
4. **Readerboard Signs.** Readerboard *Signs* are *Signs* that include a *Changeable Copy* area, either through physical means such as moveable letters or numbers, or electronic means through lighting or other effects. Readerboard *Signs* are subject to the following regulations:
 - (a) **Change cycle.** The messages displayed on *Signs* with an *Electronic Readerboard* area are permitted. No message or image on an *Electronic Readerboard Sign* may have animation, fading, wiping, spinning, or other distracting transitions between messages, or use similar methods to attract attention.
 - (b) **Changeable copy area.** The maximum *Changeable Copy* area for any parcel is forty (40) square feet, or the maximum permitted *Sign* area, whichever is less. *Signs* that are to be read by drivers must meet the Manual on Uniform Traffic Control Devices (MUTCD) standards for *Signs* along roadways.

G) Substitution. Notwithstanding anything herein to the contrary, noncommercial copy may be substituted for commercial copy on any lawful *Sign Structure*, and any *Sign* permitted by this Article may contain a non-commercial message.

H) Obstruction Prohibited. No *Sign* will be placed so as to obstruct any fire escape, required exitway, window, or door opening used as a means of passage or as access for firefighting purposes.

I) Construction. The construction of any *Sign* will be such that it will withstand all wind and vibration forces which can be normally expected to occur in the vicinity. All *Signs* will be properly maintained and will not be allowed to become unsightly through disrepair or action of the elements. No advertising *Sign* or billboard permit will be issued until the building and zoning inspectors are satisfied the *Sign* to be constructed complies with the provisions of this ordinance and will be constructed in a safe, sturdy and durable manner with proper bracing, anchorage and foundation.

J) Maintenance. All *Signs*, *Sign* frames, *Sign copy* area, panels, structural elements, lamps and electrical hardware will be maintained in good repair and working order, so as to present a neat and orderly appearance. Non-galvanized or corrosion-resistant materials will be painted when necessary to prevent corrosion.

K) Closed Businesses. All *Signs* erected by a business must be removed within 90 days of the business' closure.

L) Murals are a design or representation painted, projected, mounted, or drawn on the exterior surface of a *Structure* that, in the opinion of the Zoning Administrator, do not meet the definition of a *Sign*.

1. Murals shall not require a permit, but must be reviewed by the Zoning Administrator prior to installation to determine if they meet the definition of "Sign" in this Article.
2. Murals that do not meet the definition of "Sign" are exempt from any *Sign* area requirements of this ordinance and will not be included in calculations for allowable *Sign* area. Murals that are determined to be *Signs* will be included in the calculations for allowable building mounted *Sign* area.

M) Flags. Flags shall not be considered *Signs* and shall be permitted on all lots, but shall be subject to the following requirements.

1. Flags that extend over the *Right-of-Way* must allow at least 8 feet of clearance above the sidewalk and above the clear corner vision area described in [Section 9.05.A.2](#).
2. Flags larger than 35 square feet shall not be permitted, except in the I District, where flags up to 50 square feet shall be permitted.
3. In the F-DC, F-DE, and W Districts:
 - (a) All flags must be affixed to a pole that is affixed to the wall of a building. Public or governmental agencies shall be exempt from this requirement.
 - (b) No more than one *flag* per 15 feet of *Lot Width* may be displayed at any given time.
4. Flags shall be subject to the requirements of [Section 9.06.B](#) (Hazardous *Signs* Prohibited)

Section 9.03

Signs Allowed in All Zoning Districts without a Permit

The following non-illuminated *Signs* are permitted accessory to a permitted use in any *Zoning District* without obtaining a *Building Permit* prior to installation.

- A) Sign Copy Changes.** Changes to *Sign copy*, for all *Signs*, provided that the area, height, or location of the *Sign* is not altered, and that no illumination or electronic messaging are added to the *Sign*.
- B) Address Signs.** Address numbers legible from the street and one *Nameplate Sign* not exceeding two (2) square feet in area indicating name of occupant(s) is permitted per *Lot*, which are permitted for the purpose of parcel identification for the public and emergency response personnel.
 1. Additionally, multiple family developments with two (2) or more multiple family apartment buildings may have one building mounted *Sign* per building with a maximum area of 10 square feet indicating address and unit numbers, which are permitted for the purpose of parcel identification for the public and emergency response personnel.
 2. Addresses are assigned by the Assessing Department. No address or signifier other than the address assigned by the Assessing Department shall be qualified as an address *Sign* under this section.
- C) Traffic Control Signs.** Traffic control *Signs* within *Parking Lot* areas when such *Signs* conform to the design standards of the Michigan Manual of Uniform Traffic Control Devices, including any *Signs* that are required to be displayed such as those to identify barrier free accessible spaces.
- D) Historic Places Signs.** *Signs* denoting places on an official state historical registry or the National Register of Historic Places will be permitted within all use districts at any location on the parcel, subject to the *Clear Vision Triangle* requirements of this Ordinance, where applicable.
- E) Public Directional Signs.** All directional *Signs* for orientation of the general public, when erected by the City, County, State, or other public or exempt agency will be permitted in all districts.
- F) Seasonal Decorations** that do not convey a commercial message or are not intended to promote commercial activity are not considered signage and will not require a permit.
- G) No Trespassing Signs.** To promote public safety by discouraging trespassing, one (1) "No Trespassing" *Sign* or similar notice may be posted for every 100 feet of *Lot* frontage on each side of a *Lot*, provided that each *Sign* is no more than two (2) square-feet in area and located entirely upon private property.

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Section 9.04 Temporary Signs

A) Temporary Signs Table

Zoning District	N F-G F-B	MU I W P O-I	F-DE F-DC
Allowable <i>Temporary Sign</i> Types	Ground	Ground Building Mounted Window A-Frame	Building Mounted Window A-Frame
Maximum Total Area of Temporary Signs Per Lot	24 square feet	24 square feet	24 square feet
Maximum Height of Any Temporary Sign	6 feet	6 feet OR 25% of window	N/A
Maximum Amount of Time without Permit	90 days	7 days	7 days
Allowable Time with Permit	180 days	30 days	30 days
Can Obtain Permit to be Considered Permanent?	Yes	Window Only	Window Only

- B)** Following the expiration of the time limits described in the chart in this section, the *Sign* in question must be removed, and no temporary signage will be permitted on the *Lot* for a period of 30 days. *A-Frame Signs* in the CBD and WCBD Districts are exempt from this requirement.
- C)** Except for *A-Frame Signs* as described in Subsection G, temporary *Signs* will be located solely on private property outside of any street *Right-of-Way* or corner clearance area, with written permission from the property owner.
- D)** A minimum *Setback* from a polling place on an election day may be enforced pursuant to Federal, State, County, or local law.
- E)** Temporary *Signs* will be removed if they are not properly maintained in accordance with this Ordinance.
- F)** In the N, F-B, and F-G Zoning Districts, a temporary *ground Sign* in place for more than 180 days may obtain a permit and be considered a permanent *Sign* if it meets all the requirements of this Ordinance for permanent signage.
- G)** Temporary *Window Signs* in place for more than 30 days may obtain a permit and be considered a permanent *Sign* if they meet all the requirements of this Ordinance for permanent signage.
- H) Window Murals.** If a temporary *Window Sign* meets the definition and requirements for murals in this ordinance ([Section 9.02.L](#)).
- I) A-Frame Signs.** The intent of these regulations is to allow for esthetically pleasing *Signs*, with a focus on pedestrian traffic and a small-town atmosphere. To ensure safety and avoid clutter, a-frame *Signs* must be properly sized, located, and maintained. Even though *A-Frame Signs* may in some instances be located in public space, the *Sign* owner bears all liability for related injury or damages.
- Permit Required.** A *Sign* permit will be obtained from the City of Ludington prior to erecting or using an *A-Frame Sign* for more than 7 days.
 - Number of Signs.** Each place of business located in a *Zoning District* where *A-frame Signs* are permitted may have one a-frame *Sign*, as defined herein.
 - Exempt from Zoning District Maximum Quantity and Area.** The a-frame *Sign* and its area will not be counted against the total *Sign* area limit for either temporary *Signs* ([Section 9.04](#)) or permanent ground *Signs* ([Section 9.05.A](#)).

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4. **Sign Dimensions.** Any a-frame *Sign*, as assembled and normally used, will not exceed the following physical dimensions:
 - (a) **Height.** Four (4) feet, measured from the sidewalk *Grade* to the highest point of the *Sign*.
 - (b) **Width of Sign face.** Twenty-eight (28) inches, including any structural support.
 - (c) **Distance between Sign faces.** Two (2) feet at the widest point.
5. **Sign Placement.** Any a-frame *Sign* must be located either within one foot of the building wall OR at least one foot from the curb, AND must leave at least five feet of clear sidewalk width, so as not to impede pedestrian or vehicular traffic, including the doors of vehicles parked along the curb. A-frame *Signs* must be placed in front of the advertised business. A-frame *Signs* located outside the MU, W, F-DE, F-DC, or F-B districts must be located on private property.
6. **Display Hours.** A-frame *Signs* may only be on display during the hours a business is open to the public. All non-permanent *Signs*, displays, or other materials must be stored indoors when the business is not open to the public.
7. **Sign Elements.** No a-frame *Sign* may include moving, spinning, or swinging elements. No a-frame *Sign* may be electrified or artificially illuminated. No a-frame *Sign* may include text elements such as ‘stop’, ‘slow’, ‘warning’, ‘danger’, or other words or phrases that could cause confusion with public traffic *Signs* or signals. Profane or offensive language will be prohibited.
8. **Public Safety and Owner Liability.** All a-frame *Signs* will be constructed of durable materials and maintained in a safe structural condition at all times. No loose or flimsy materials will be permitted on an a-frame *Sign*. The owner and/or exhibitor of an a-frame *Sign* assumes all liability for damage or injury caused by the *Sign*.
9. **Maintenance.** The repainting of any portion of an a-frame *Sign*, the periodic changing of the message of an a-frame *Sign*, and/or regular maintenance of an a-frame *Sign* due to ordinary wear will be permitted without an additional permit.
10. **Permit.** An application for an a-frame *Sign* permit (when the *Sign* will be in place for more than 7 days) must be submitted to the City. Written permission to place the *Sign* must be granted by the landowner, and such permission must accompany the application for the City permit.
11. **Enforcement.** If the City determines that there has been violation of this section, written notice of the violation will be conveyed to the appropriate party. If, however, the zoning administrator or his/her designee determines the *Sign* to be unsafe, the City may remove the *Sign* without notice to the *Sign* owner. Any violations of this section are subject to the enforcement remedies and penalties provided in the Zoning Ordinance and/or by State law.

Section 9.05 Signs Allowed with a Permit

A) Ground Mounted Signs.

Zoning District	N F-G (Residential Uses)	N F-G (Non-Residential Uses)	MU I P O-I	W F-DC F-DE F-B
Maximum Number of Ground Signs	1	1	1 per Street Frontage	1
Maximum Area of Individual Ground Signs	6 square feet	24 square feet	32 square feet	32 square feet
Maximum Height of Ground Sign	3 feet	6 feet	6 feet	6 feet

1. **Monument Base Required.** All ground *Signs* in the City will be low-level monument style ground *Signs*. Pole *Signs* are not permitted. The *Ground Sign* will be provided with a base that is at least 80% of the width of the *Sign*. An exception to the monument base requirement may be provided if the *Ground Sign* is supported by two decorative posts on each side of the *Sign*, and the vertical distance between the average *Grade* at the *Sign* location to the lowest point of the *Sign* is no greater than three (3) feet; in such cases, the permitted maximum *Sign Height* will be measured from the average *Grade* at the *Sign* location to the highest point of the *Sign*.

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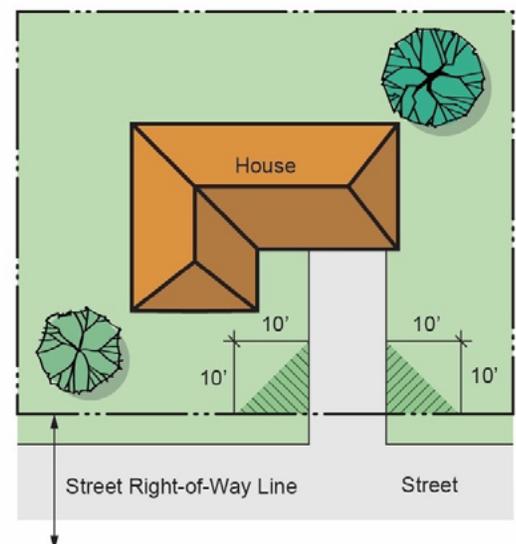
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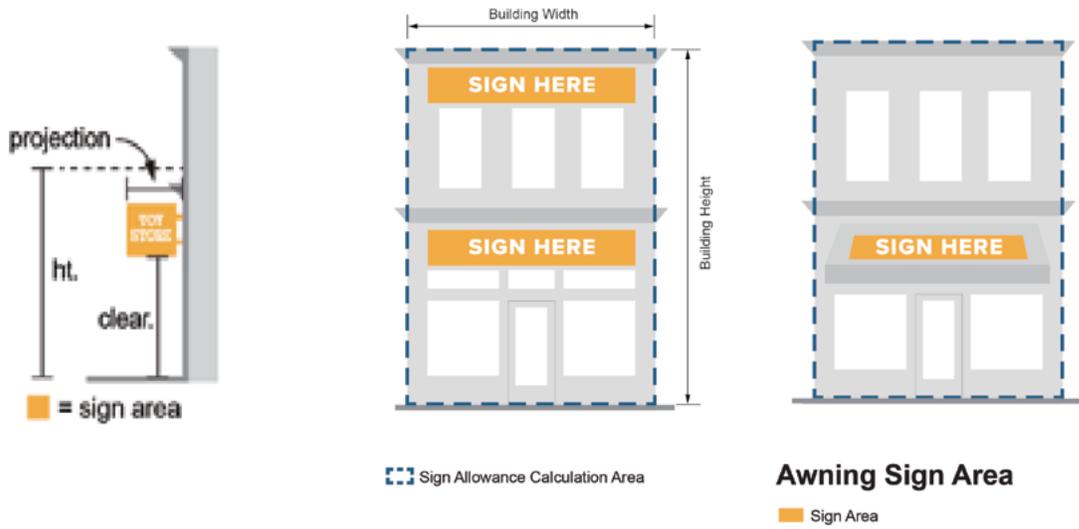
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2. **Clear Corner Vision Area.** All *Signs* in all zoning districts must allow clear corner vision for all street intersections and driveway entrances. Permanent *Signs* must be under three feet tall within a triangle formed by two points, each 10 feet away from the intersection of the *Right-of-Way* line and the driveway, and the line connecting them. Temporary *Signs* are prohibited within the clear corner vision area described in this section.
3. **Materials.** Natural materials such as stone, decorative masonry, wood, or metal are preferred *Sign* construction materials.
4. **Landscaping.** Low level *Landscaping* will be provided around the base of the *Sign*, but will not obscure any part of the *Sign* message.
5. **Unique Situations.** The following *Signs* shall be subject to the following regulations. In the event of a conflict between this section and the regulations table, this section shall govern.
 - (a) **Drive-Through Signs.** To allow for the safe and efficient movement of traffic through a drive-through parcel, any use that includes a permitted drive-through is permitted to have *Signs* that relate to the drive-through facility, such as menu order board *Signs* or information *Signs*. The drive-through *Signs* may have a maximum height of six (6) feet and maximum area of 32 square feet per drive-through use, and will not be included in the computation of total *Sign* area or quantity for the parcel includes such boards are legible from a point of observation off the premises. All freestanding drive-through *Signs* will be monument-style *Signs*. Approved drive-through *Signs* shall not count towards the total allowable monument ground *Signs* for a given parcel.
 - (b) **On-Parcel Directional Signs.** To allow for the safe and efficient movement of traffic through a parcel, *Signs* providing traffic or property use direction may be provided so as to be visible on the property by patrons or customers. The total area of directional *Signs* on any parcel will not exceed 40 square feet of *Sign* face, and no individual *Directional Sign* will exceed ten (10) square feet of *Sign* area. Additional entry and exit *Signs* of one (1) square foot will be allowed provided the *Signs* are two (2) feet from any front *Lot Line* and 20 feet from any side or rear *Lot Line* of an adjacent residential district. On-parcel directional *Signs* will not be counted towards the maximum quantity and area limits for permanent ground signage.
 - (c) **Campus Signs.** To allow for the identification of a multi-building or multi-parcel *campus*, including pedestrian or automotive mobility, signage above and beyond what is permitted in this Ordinance may be permitted by the Zoning Administrator, upon determination during a Site Plan Approval that the site in question constitutes a “*campus*” as defined in the article.



B) Building Mounted Signs.



Building with Storefronts

Sign Allowance Calculation Area



Building without Storefronts

Sign Allowance Calculation Area

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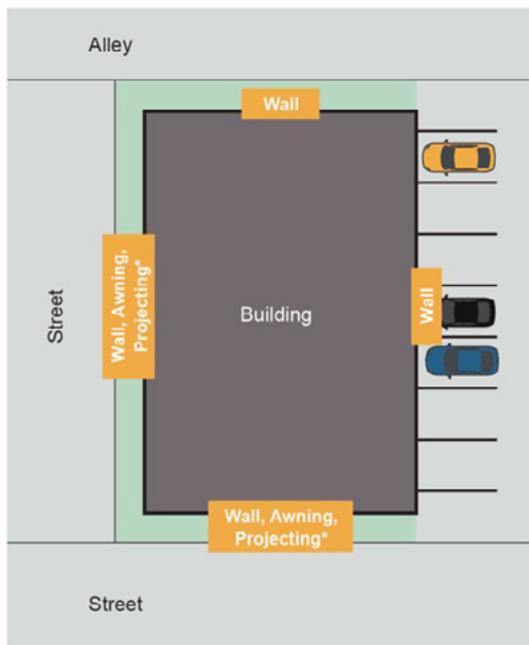
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Zoning District	N F-G (Residential Uses)	N F-G (Non-Residential Uses)	MU I P O-I	W F-DC F-DE F-B
Allowable Building Mounted Sign Types	None	Wall Awning	Wall Awning Projecting	Wall Awning Projecting
Maximum Total Area of Building Mounted Signs (all types)	N/A	18 square feet	15% of Sign Allowance Calculation Area	15% of Sign Allowance Calculation Area

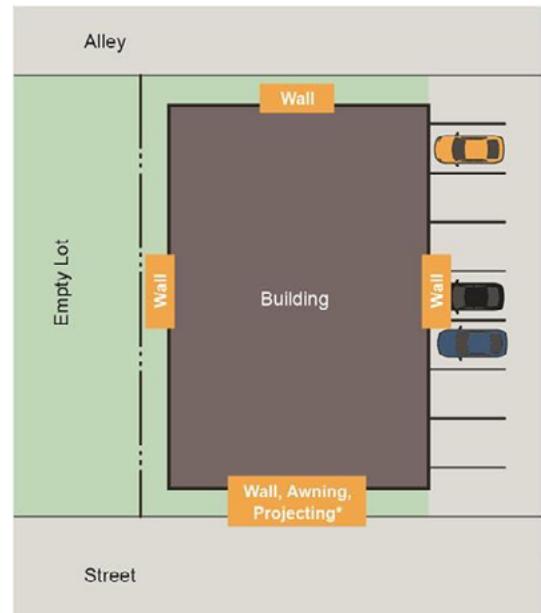
1. **Wall Signs.**

- (a) Wall Signs may be placed on any *Façade* that faces a public street or *Alley*.
- (b) For multi-*Story* buildings with windows on the upper floors, wall Signs must be placed either below the bottom of the second *Story* windows, or at the very top of the face, just underneath the *Cornice*. For all other types of buildings, the Sign may be placed anywhere on the *Façade*, provided that the requirements of Subsections c and d below are met.
- (c) No Sign will obscure significant architectural features of the building to which it is attached, and no Sign shall extend higher than the main roofline.
- (d) No surface of a Wall Sign may project beyond or overhang any wall or permanent architectural feature by more than one (1) foot.



Allowable Sign Location

* where permitted



Allowable Sign Location

* where permitted

2. **Awning Signs.** Sign lettering or logos may comprise up to 35% of the total exterior surface of an *Awning*. *Awnings* with back-lit graphics or other kinds of internal illumination are prohibited. *Awning Signs* shall count towards the total allowable area of signage on a building *Façade*.
3. **Projecting Signs.**
 - (a) Projecting *Signs* will be secured to the building by metal anchors, bolts, supports, rods or braces.
 - (b) Projecting *Signs* are limited to 20 square feet of *Sign* area per *Sign* face.
 - (c) A minimum vertical clearance of 8 feet will be provided between the lowest point of the *Sign* and the sidewalk.
 - (d) Projecting *Signs* may not be mounted above a second-floor window on multi-*Story* buildings.
4. **Right-of-Way Encroachment.** Projecting or *Awning Signs* that are constructed as an integral part of the building may encroach up to 4 feet into a *Setback* or *Right-of-Way* area, provided that there is at least 8 feet of vertical clear space between the *Sign/Awning* and the sidewalk.
5. **Materials.** All building mounted *Signs* will comply with the following requirements, which shall be reviewed at the time of the permit application:
 - (a) Building mounted *Signs* will be professionally constructed using high-quality materials such as metal, stone, hard wood, brass, or aluminum. The use of exposed neon tubing in conjunction with other types of materials to emphasize a name, logo, or other message is permitted, however, internal neon lighting or any other use of neon tubing is prohibited.
 - (b) Internally lit plastic letters or plastic box *Signs* are prohibited in the CBD and WCBD districts.
 - (c) To minimize irreversible damage to masonry, all mounting and supports should be inserted into mortar joints and not into the face of the masonry.
 - (d) **Window Signs.** The area of window *Signs* will be included in the calculation of total allowable *Sign* area on a *Façade*.

Zoning District	N F-G (Residential Uses)	N F-G (Non-Residential Uses)	MU I P O-I	W F-DC F-DE F-B
Window Signs Allowed?	No	No	Yes	Yes
Maximum Percentage of Any Window Covered by Signage	N/A	N/A	25%	25%

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Section 9.06 Prohibited Signs.

The following *Signs* are prohibited in all zoning districts:

- A) Obscene Material.** Contain obscene statements, words, or pictures, as defined by Federal law, State law, or applicable case law.
- B) Hazard Generating Signs.** The placement, size, content, coloring or manner of illumination of *Signs* will not create traffic or pedestrian hazards. No *Sign* will make use of the words “stop,” “look,” “danger” or other word, phrase or symbol in a manner that is confusing or misleading. No *Sign* or flashing light will be erected or maintained in any manner which, by reason of its size, location, context, coloring or manner of illumination, will constitute a traffic hazard or which will interfere with the visibility of any traffic control device. Traffic directional *Signs* in a private parking area are exempt from this provision.
- C) Traffic Sign Mimicry.** *Signs* are prohibited that are of a size, location, movement, content, coloring, or manner of illumination which may be confused with or construed as a traffic control device or emergency vehicle.
- D) Obstruction.** *Signs* that obstruct a motorist’s view of any traffic *Signs*, street *Sign*, or traffic signal.
- E) Mechanical or Kinetic Signs.** *Signs* having visible moving parts; mechanical movement or other apparent visible movement achieved by electrical or mechanical means or action of normal wind currents; or containing or consisting of banners, pennants, pinwheels, ribbons, streamers, strings of light bulbs or similar devices other than holiday decorations are prohibited. Upon parcel plan review, the *Planning Commission* may approve specific modifications of this provision.
- F) Portable Signs.** Freestanding exterior *Signs* that are not anchored or secured to a building or the ground and *Signs* that are part of a *Structure* designed to be moved from one location to another with a change in message are prohibited.
- G) Roof Signs.** A *Sign* which is mounted on a roof or projects above the roof line or top of a *Canopy*.
- H) Signs** not expressly permitted by this Article are prohibited.

Section 9.07 Non-Conforming Signs.

Nonconforming Signs will be permitted to continue as such until removed or altered, provided that such *Signs* are maintained in accordance with the following requirements:

- A) Nonconforming Signs.** *Signs* lawfully erected prior to the effective date of this article which do not meet the standards thereof may be maintained except as hereafter provided.
- B) Maintenance.** *Nonconforming Signs* will be maintained in accordance with the requirements for all *Signs* specified above.
- C) Replacement.** *Nonconforming Signs* may be maintained or replaced with a new *Nonconforming Sign*, provided that the degree of nonconformity is not increased.
- D) Expiration of Nonconforming Sign Protection.** After a period of thirty (30) days from the removal of a *Nonconforming Sign*, any new *Sign* erected, regardless of shape, size, type, or location, will only be erected in full conformance with this article, even if the *Sign* support *Structure* remains. The Zoning Administrator may approve extensions due to a hardship in materials acquisition or *Sign* reconstruction.
- E) Changes in Location or Use.** If the owner of a *Sign* or the premises on which a *Sign* is located changes the location of a building, property line or *Sign* or changes the use of a building so that any *Sign* on the premises is rendered *Nonconforming*, as a result of its location or its advertisement of a commercial activity no longer taking place on the parcel, such *Sign* must be removed or made to conform to this article.
- F) Signs for Non-Conforming Uses.** The *Sign* shall not exceed the larger of the following:
 1. One-half square foot of *Sign* area for each linear foot of building frontage or one-fourth square foot of *Sign* area for each linear foot of *Lot* frontage, whichever is greater, not to exceed a maximum of 25 square feet in area.
 2. The maximum *Sign* area permitted for the *Zoning District* in which the *Sign* is located.

Article 10. Landscaping

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Section 10.01

Purpose and Intent.

- A)** The intent of this Article is to ensure the long-term environmental sustainability of the City of Ludington by applying standards that preserve and enhance the City's *tree* and *Landscaping* coverage and enable developments to meet Low Impact Development (LID) goals by incorporating Green Infrastructure into site design. LID assists the City in reaching its goals to decrease flooding events, erosion, and pollutants entering the waterways, and to protect ground and surface water quality by infiltrating, filtering, storing, and detaining stormwater runoff close to its source. These investments yield multiple benefits toward building city resilience, as indicated in detail below.
- B) Preserve, Protect, and Enhance the City's Urban Tree Canopy.** One of the City's sustainability and resiliency goals is to preserve, protect, and enhance the City of Ludington's urban *tree* canopy. This provides numerous natural benefits for air and water quality, prevents the urban heat island effect, reduces harmful UV radiation, lowers heating and cooling costs, mitigates soil erosion and stream pollution, and ensures long-term environmental sustainability, since planting trees remains one of the cheapest and most effective means of drawing excess CO2 from the atmosphere.
- C) Promote Surface Infiltration.** LID is achieved through site design that promotes surface water infiltration when *impervious surfaces* (buildings, parking lots, etc.) are clustered to preserve undeveloped, landscaped, or *tree*-covered pervious surfaces (Natural Green Infrastructure), and when site design includes a balanced mixture of pervious and *impervious surfaces*, combined with Structural Green Infrastructure. Both allow stormwater to enter into the ground (infiltrate) and into conventional infrastructure pipes and waterways more slowly, which reduces the threat of local flooding and the amount of pollution that reaches waterways.
- D) Minimize Erosion.** In urban areas, increased volume and velocity of stormwater runoff causes erosion of both the land surface and the streambank. As erosion occurs, the path of the waterway changes and is more likely to intrude onto private properties, destabilize the land, and affect the roots of trees, making them unable to provide their full benefits.
- E) Decrease Pollutants.** Increased *impervious surface* area does not allow rain and snowmelt to soak into the ground. This leads to excess stormwater runoff that washes pollutants off of *impervious surfaces* and carries them into the City's lakes and streams as shown in the image titled "Urban Wet Weather Flows." Pollutants from urban runoff include oil, grease, and toxic chemicals from motor vehicles, pesticides from lawns, viruses and bacteria from *pet* waste, road salts, heavy metals from roof shingles and motor vehicles, and thermal pollution from *impervious surfaces*. These pollutants can harm fish and wildlife populations, kill native vegetation, foul drinking water, and make recreational areas unsafe and unpleasant. (EPA. <https://www.epa.gov/nps/nonpoint-source-urban-areas>)
- F) Decrease Flooding.** In a 1-inch rainstorm, about 4,000 gallons of water falls on a typical residential *Lot* in the City of Ludington, which is enough to fill a *swimming pool*. In most development designs, about two thirds of that water flows directly to storm drains.
- G) Site Design to Achieve LID Goals.** To ensure LID goals are met, the following standards are required, which shall be further specified in this Article:
1. *Landscaping* Requirements
 2. *Impervious Surface* Maximums for certain Zoning Districts.

Section 10.02 Landscaping Requirements.

A) Applicability. The following developments shall comply with the landscape requirements in this Section:

1. New Construction on any property requiring Site Plan approval.
2. Building additions on any property requiring Site Plan approval.
 - (a) The *Site Plan Review Committee* or *Planning Commission* shall have the option of requiring the site to comply with its previously approved landscape plan, rather than altering the *Landscaping* to comply with this section. In the event that an applicant is permitted to comply with the previously approved plan, rather than designing a new one, all plantings that are dead or otherwise in poor condition would have to be replaced by a planting of similar species and size (at planting).
 - (b) If the applicant cannot produce a previously approved landscape plan, then the site must be brought into compliance with this ordinance.
3. *Landscaping* provisions are intended to apply to all parcels or lots on which an improvement or development is proposed requiring Site Plan Approval, including uses subject to *Special Land Use Approval*. The *Site Plan Review Committee* or *Planning Commission* would enforce the provisions during the review process.

B) Table of Landscaping Requirements.

	F-DC	F-DE, F-B, MU, W	F-G, N, MH, P	I
Street Frontage				
Min. Width of Landscape Area	None	10 feet or Grass Verge	10 feet or Grass Verge	10 feet or Grass Verge
Trees per 30 feet of Frontage (City Right Of Way or Front Yard)	N/A	1 Can be waived if no reasonable location available	1	1
Parking Lot Landscaping (Parking Lots Under 20 Spaces Exempt) – Landscaping may be along perimeter of Lot, or within islands.				
Square Footage	5% of paved area	5% of paved area	10% of Paved Area	10% of paved area
Trees per 500 sq. ft. of Landscape Area	1	1	1	1
Shrubs per 500 sq. ft. of Landscape Area	4	4	4	4
Island Minimum Size	200 sq. ft.	200 sq. ft.	200 sq. ft.	200 sq. ft.
Buffer Landscaping: Required when adjacent to F-G, N, or M-H Zoning District(1)	Must use Design 3	Must Include At Least One Design Described Below	No Landscaping Required	Must Include At Least One Design Described Below
Design 1: Landscape Buffer	N/A	30 foot deep landscape buffer 1 tree per 30 feet of property line 8 shrubs per 30 feet of property line	N/A	50 foot deep landscape buffer 1 tree per 25 feet of property line (must be at least 50% evergreen trees) 8 shrubs per 30 feet of property line
Design 2: Evergreen Screen	N/A	20 foot deep landscape area Staggered double row of evergreens forming a complete screen as viewed from the F-G, N, or M-H area.	N/A	20 foot deep landscape area Staggered double row of evergreens forming a complete screen as viewed from the F-G, N, or M-H area.
Design 3: Fence or Wall	Masonry, Brick, or Vinyl 6 feet tall, designed to completely screen, as viewed from the F-G, N, or M-H zone.	Masonry, Brick, or Vinyl 6 feet tall, designed to completely screen, as viewed from the F-G, N, or M-H zone.	N/A	Masonry, Brick, or Vinyl 6 feet tall, designed to completely screen, as viewed from the F-G, N, or M-H zone.

Notes:

1. Wherever in the UDO “buffer Landscaping” is required, unless special buffer Landscaping requirements are described, the buffer Landscaping standards for the relevant Zoning District shall apply.

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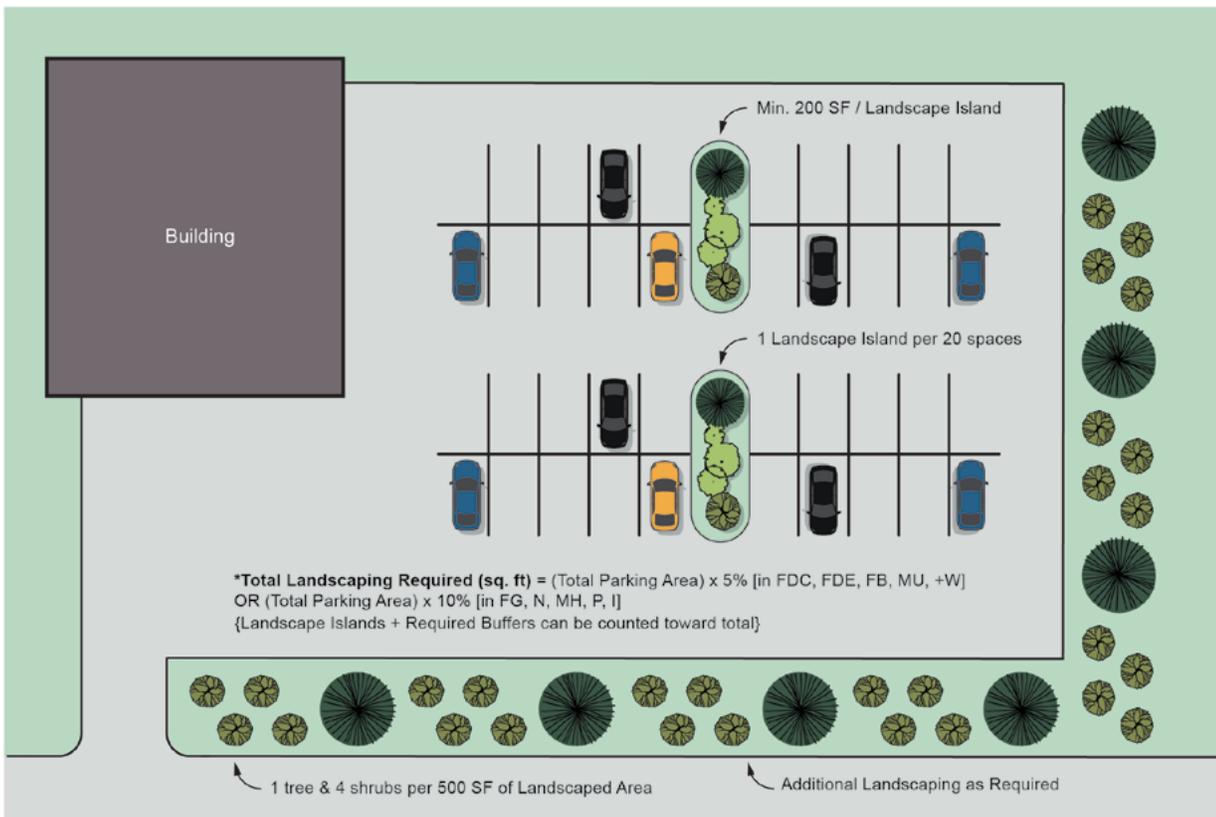
C) *Impervious Surface Limits*

1. These limits are designed to prevent paving over lots in areas where that is not necessary.
2. *Impervious Surface Limit (ISL) Table:*

District	N	MH	MU	I	P	W	F-DC	F-DE	F-G	F-B
ISL	60%	60%	90%	80%	30%	80%	100%	100%	60%	90%

3. **Examples of *Impervious Surfaces*.** The following shall be considered *impervious surfaces* and shall count towards the maximums in Subsection 2:
 - (a) Pavement, including asphalt or concrete.
 - (b) Building roofs.
 - (c) Swimming pools.
 - (d) Paved patios.
 - (e) Any other surface deemed impervious by the Zoning Administrator. Appeals of determinations of the Zoning Administrator in this regard shall be to the Zoning *Board of Appeals*.
4. **Examples of *Permeable Surfaces*.** The following shall be considered permeable surfaces and shall not count towards the maximums in Subsection 2:
 - (a) *Grass* and other planted *Ground Cover*.
 - (b) *Mulch*
 - (c) Dirt
 - (d) Gravel, including crushed asphalt.
 - (e) Permeable pavement, *Grass pavers*, and other pavement designed to allow the infiltration of water.
 - (f) *Wooden Decks* with space between slats for water to infiltrate.
 - (g) Green roofs.
 - (h) Any other surface deemed permeable by the Zoning Administrator. Appeals of determinations of the Zoning Administrator in this regard shall be to the Zoning *Board of Appeals*.

Parking Lot Landscaping



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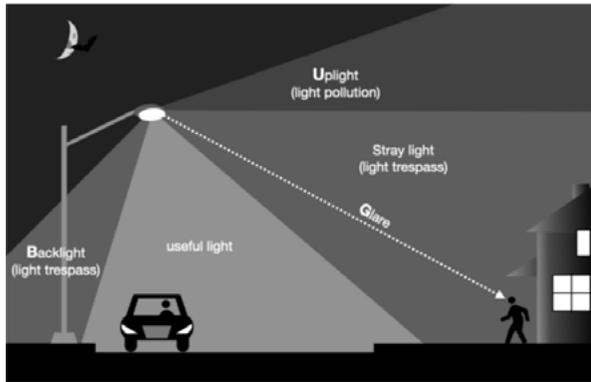
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Section 11.01

Purpose and Intent.

- A) To provide sufficient lighting for outdoor areas ensuring the security of property and the safety of people in parking facilities, walkways, driveways, building entrances, loading areas, and common areas.
- B) To prevent adverse effects of inappropriate lighting, including glare, light trespass onto adjoining properties, light pollution, sky glow, and energy waste.
- C) To mitigate light pollution to align with “dark sky” environmental initiatives as much as possible.
- D) To encourage energy efficient lighting and the conservation of energy throughout the City of Ludington.
- E) **Light Pollution Diagram.** The image below shows how light pollution results from fixtures that are not oriented directly downward. The slight angle of the fixture in the image allows light to escape above the level of the light source and into the sky. This is the source of “sky glow” that creates a nighttime ambient light and interferes with human sleep patterns and the natural ecosystem.



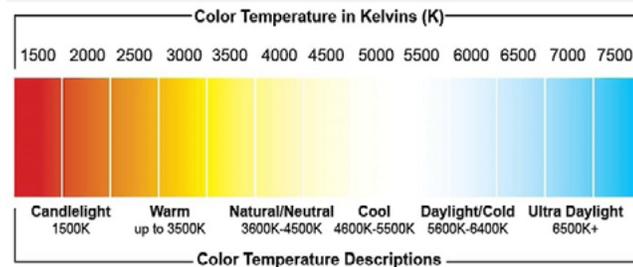
Source: US National Parks Service.

Section 11.02

General Requirements for Light Fixtures.

- A) **Applicability.** The requirements of this section shall apply to all outdoor lighting fixtures on non-residential lots and residential uses with 5 or more dwelling units, except for Exempt Lighting Features as described in [Section 11.04](#) Downward Facing. All outdoor lighting, unless otherwise specified herein, shall be shielded and downward facing to reduce glare and shall be arranged to direct and deflect light away from adjacent uses.
- B) **Decorative Post-Top Lighting.** A maximum of 18% of light may trespass above the 90-degree angle.
- C) **Location.** Light poles shall be located in a manner that will not interfere with pedestrian, bicycle, or vehicle circulation.
- D) **Height** shall be the maximum *Building Height* allowed in the *Zoning District* unless the freestanding light fixture is within 200 feet of an N, MH, or F-G District, then the height shall be 20 feet maximum.
- E) **Ornamental Lighting** is intended to set a mood, create a play of shadows, or highlight a given area or element. It is not permitted for signage, advertising, parking lots, working areas, safety, or security. Ornamental lighting shall be a hidden source but shall not need to be directed downward 90-degrees if it is designed to directly illuminate a building, *Landscaping*, or *Structure*. Ornamental lighting shall not have any movement or simulation of movement or change color. Each ornamental lighting fixture shall be a maximum of 2000 lumens.
- F) **Lighting of Signs.** See [Section 9.02.F](#).
- G) **Minimum and Maximum Light Levels.** Light levels shall be measured in foot-candles, which are equal to 1 lumen per square foot, as demonstrated in the graphic below.

1. **Maximum Property Line Foot-Candles** shall be 0.5 foot-candles on any property line abutting a residential use with 1-4 dwelling units.
2. **Maximum Site Foot-Candles** shall be 15 foot-candles anywhere on any property.
3. **Maximum Light Temperature** for all fixtures shall be a maximum of 4,000 degrees Kelvin on the Correlated Color Temperature (CCT) Scale.

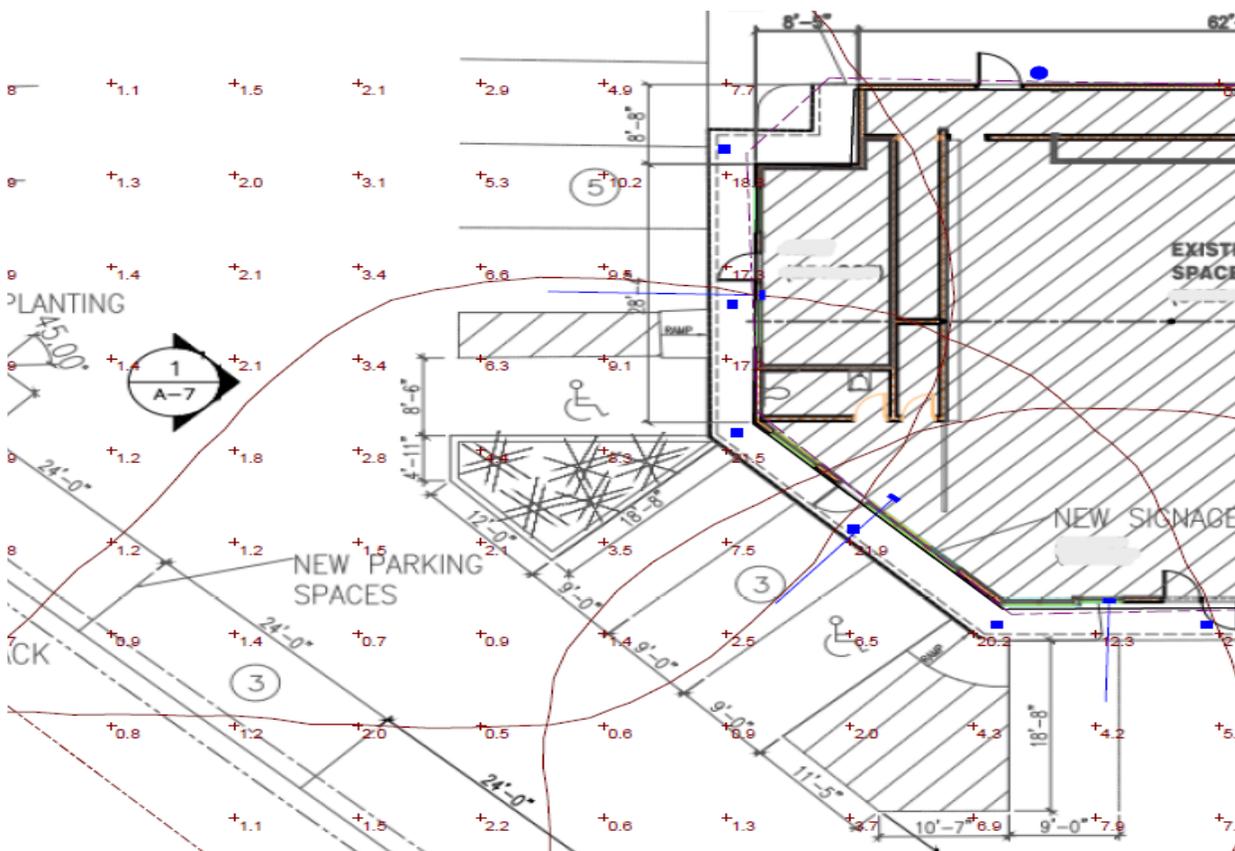


Caption: Correlated Color Temperature (CCT) Scale.

H) Photometric Plan. In order to determine compliance with the standards of this Article, a Photometric Plan of the entire property shall be submitted with Site Plan applications when outdoor lighting fixtures are proposed.

1. **Light Levels.** The photometric plan shall show light levels at a minimum of 10-foot intervals throughout the site.
2. **Property Lines.** Adjacent property lines, easements, and rights-of-way shall be included in a photometric plan.
3. **Sample Photometric Plan.** An example of a Photometric Plan is pictured below. See [Section 15.05](#) for more information on what should be included in a *Site Plan Review*.

An example of a standard photometric plan. Each blue symbol represents a separate light, and the brown lines represent the extent that light will be cast from different sources.



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Section 11.03

Prohibited Lighting

The following lighting is prohibited on all lots within the City of Ludington:

- A)** Search lights for advertising purposes.
- B)** Flashing, pulsating, moving, chasing, or strobing lights, or any other lights that move or simulate movement.
- C)** Any light that creates glare outside of the site the fixture is located, including lights shining from inside a building.

Section 11.04

Exempt Lighting

The following light fixtures shall be exempt from this Article, except for the standards for Prohibited Lighting, [Section 11.04.H](#), which may be enforced on the following lighting types if they are found to be in violation:

- A)** Temporary Lighting necessary for construction work or emergencies, which is discontinued immediately upon completion of the construction work or abatement of the emergency. Light fixtures may remain in place and not be activated except for emergencies.
- B)** Decorative Special Event or Holiday Lighting, for a period of no more than 90 days.
- C)** Publicly-owned outdoor recreational use lighting.
- D)** County, State, or Federal government-required lighting, including, but not limited to, Airport lighting and lighting of Wireless Communication Towers.
- E)** Street Lighting, maintained by a governmental unit or electrical utility.
- F)** Freestanding Light Fixtures which are less than 18 inches tall and not upward-directed.
- G)** In-ground Lighting, designed to promote pedestrian safety.
- H)** Underwater Lighting, for fountains, swimming pools, and other bodies of water shall be exempt from the lamp type and shielding provisions of this Article, but shall comply with all other regulations.
- I)** U.S. *flag* lighting, as recommended by the Flag Code, provided the spotlights illuminate only the *flag* and shall be a maximum of 7000 lumens.

Section 11.05

Waivers by Special Land Use Approval

The provisions of this Article may be waived by *Special Land Use Approval* by the *Planning Commission*.

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Accessory Structures and Fences

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Section 12.01

Purpose and Intent

The purpose and intent of regulating accessory buildings, structures, and Fences is to ensure that yards are used in a manner that does not negatively impact neighboring properties, and to protect healthy, safety, and welfare by ensuring the accessory buildings and Fences are built in an organized and standard manner.

Section 12.02

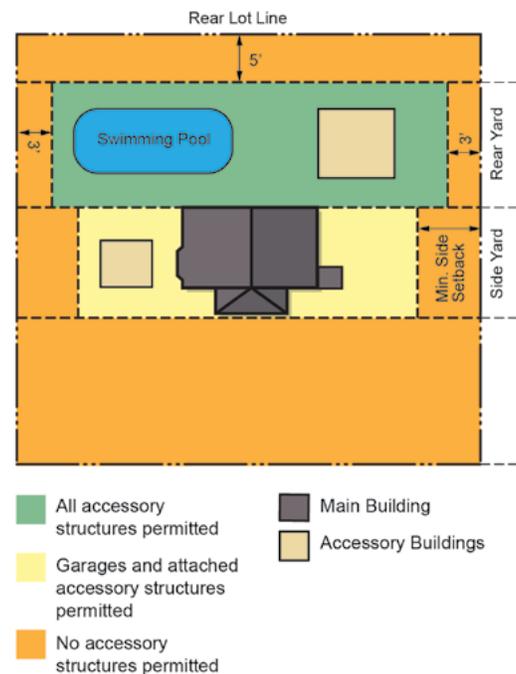
Accessory Buildings and Structures

A) Accessory Buildings and Structures in any District.

1. **Principal Building Required.** No Accessory Building or Structure may be built upon any Lot in Single Ownership on which there is no Principal Building.
2. **Non-Residential and Multi-Family Residential Accessory Buildings and Structures.** The following standards shall apply to accessory buildings and structures where the principal uses is non-residential, a mix of residential and non-residential, or 5 or more residential units.
 - (a) **Front Yard Prohibited.** No Accessory Building or Structure shall be in any Front Yard. This restriction shall not apply to the W Waterfront District, where accessory buildings may be in the Front Yard, provided they are at least 10 feet from the front Lot Line.
 - (b) **Accessory Building/Structure Envelope.** Detached accessory buildings and structures in the Rear Yard must be located no less than 3 feet from the side property line, and 5 feet from the rear property line, 100 feet from Lake Michigan, and 20 feet from bodies of water other than Lake Michigan, unless the required Setbacks for the Zoning District are less or additional standards apply, such as on corner lots. On corner lots, the following standards shall apply:
 - (i) Where located on a Corner Lot, the minimum Setbacks for a detached Accessory Building or Structure along any side property line abutting an adjacent rear property line shall be 5 feet or the required rear Setback for Principal Buildings, whichever is less.

- (ii) The minimum Setbacks for a detached Accessory Building or Structure along any side property line abutting the secondary street Lot Line, shall be equal to the existing front Setback of the adjacent building. If there is no adjacent building, the Setback shall be equal to the minimum front Setback of the adjacent Zoning District for Principal Buildings. A detached Accessory Building or Structure may nearer to the right of way if it is enclosed by a Fence in the Rear Yard, in compliance with Section 12.03.E.2.
- (iii) No accessory building shall be larger than any Principal Building on the same Lot.

Residential Accessory Building Envelope



3. **Residential Accessory Buildings and Structures.**

The following standards shall apply to accessory buildings (such as *Garages* or sheds) and structures (such as pergolas and generators) where the *Principal Use* is residential ONLY.

(a) **All Residential Accessory Buildings and Structures.** Accessory buildings and structures not attached to the *Principal Building* on the *Lot* shall comply with the following standards. The following standards shall also apply to Accessory Dwelling Units (ADUs) unless otherwise specified in [Section 12.02.C](#).

- (i) **Maximum Floor Area.**
 - (1) **Individual Buildings.** No single accessory building shall have a *Floor Area* greater than 900 square feet, and no single accessory building shall have a *Floor Area* greater than a *Principal Building* on the same *Lot*.
 - (2) **Combined Accessory Buildings.** The total of all accessory buildings on a *Lot* shall not exceed 1,200 square feet and area.
 - (3) **Exception Requires Special Land Use.** A single building over 900 square feet or a combination of buildings over 1,200 square feet may be allowed by *Special Land Use* only.
- (ii) **Maximum Height.** Detached *Accessory Structures* shall not exceed the height of the primary residence, or 25 feet, whichever is less. Attached *Garages* may meet the height of the primary residence beyond 25 feet.

(b) **Building Envelope for 1-4 Unit Residential Detached Accessory Buildings and Structures.** Detached accessory buildings and structures, including *Garages*, shall comply with the following standards, unless otherwise specified.

- (i) **Rear Yard Only.** Detached *Accessory Structures* are permitted in the *Rear Yard* only..
- (ii) **Garages in Side Yards.** *Garages* shall be permitted in the *Side Yard* provided that the *Garage* meets the *Side Yard Setback* for *Principal Buildings* in the *Zoning District*, as stated in the Table of Dimensional and *Building Envelope* Regulations ([Section 5.02](#)).

- (iii) Detached accessory buildings and structures in the *Yard* must be located no less than 3 feet from the side property line, and 5 feet from the rear property line, 100 feet from Lake Michigan, and 20 feet from bodies of water other than Lake Michigan, unless the required *Setbacks* for the *Zoning District* are less or additional standards apply, such as on corner lots. On corner lots, the following standards shall apply:
 - (iv) Where located on a *Corner Lot*, the minimum *Setbacks* for a detached accessory building along any side property line abutting an adjacent rear property line shall be 5 feet or the required rear *Setback* for *Principal Buildings*, whichever is less.
 - (v) The minimum *Setbacks* for a detached *accessory building or Structure* along any side property line abutting the secondary street *Lot Line*, shall be equal to the existing front *Setback* of the adjacent building. If there is no adjacent building, the *Setback* shall be equal to the minimum front *Setback* of the adjacent *Zoning District* for *Principal Buildings*. A detached *accessory building or Structure* may be nearer to the right of way if it is enclosed by a *Fence* in the *Rear Yard*, in compliance with [Section 12.03.E.2](#).
 - (vi) No accessory building shall be larger than any *Principal Building* on the same *Lot*.

B) Satellite Television Antennas. Satellite Television Antennas shall meet all State and Federal requirements, as well as all *Building Envelope* requirements of this Ordinance.

C) Accessory Dwelling Units (ADU). Accessory Dwelling Units shall comply with all standards of Section 12.01.A where applicable, in addition to the following standards:

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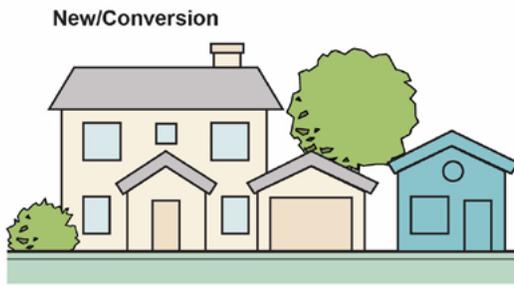
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Accessory Dwelling Unit



1. **Definition.** A residential living unit located on the same parcel as a primary single-family dwelling which is owner-occupied. ADUs are independently habitable and provide a kitchen, bathroom and sleeping area. ADUs are detached structures such as converted *Garages* or new construction.
2. **Permitted Zoning Districts.** ADUs are permitted in the N, MU, F-DE, F-G, F-B, and O-L districts as demonstrated in the Schedule of Permitted Uses ([Section 3.02](#)).
3. **Standards.** All ADUs must meet the following requirements in order to be approved:
 - (a) A *Structure* that is added for the purpose of an ADU shall have a minimum of 375 sq. ft. and a maximum of 750 sq. ft., or 1/3 of the square footage of the principal dwelling, whichever is less.
 - (b) A *Conversion* of an existing Accessory *Structure* to an ADU shall have a minimum of 375 sq. ft. and a maximum of 900 sq. ft. The *Structure* shall not exceed 25 ft. in height or residence height, whichever is less.
 - (c) One *Off-Street Parking* spot must be provided for an ADU.
 - (d) An ADU shall not be rented for a period of less than 28 days as a Short-Term Rental.
 - (e) **Existing Structure Exception.** If an Accessory *Structure* existing at the time of the adoption of this ordinance is located on the *Lot* closer than the allowable *Setbacks* to the rear or *Side Yard* as noted in this ordinance, it may be converted to an ADU if approved through a *Special Land Use* process.
 - (f) An ADU may not be located closer than seven (7) feet from a principal *Structure*.

- (g) The maximum *Floor Area* and minimum *Setbacks* for an ADU shall comply with the standards for *Accessory Structures* in the relevant *Zoning District*, as described in [Section 12.02.A](#).
- (h) The design of an ADU must be compatible with the primary dwelling.
- (i) ADUs must comply with all Michigan Residential Building Codes and residential rental codes, if applicable, found in the Ludington City Code, Article VII and VIII.

D) Membrane Covered Structure.

1. Membrane covered structures may not be erected for permanent use.
2. Canopies and Awnings, as defined by this Ordinance, are not considered membrane covered structures.
3. Temporary tents for events may be permitted in accordance with Section 7.18.
4. Greenhouses, seasonal shades over patios or Decks, or similar items are not considered membrane covered structures.

Section 12.03 Fences

A) Purpose and Intent. The erection, construction, or alteration of any *Fence* in an N, MH, or F-G District shall conform to the requirements below. For purposes of this section, the term *Fences* shall include walls and/or similar structures or *hedges*.

B) Definitions.

1. **Open Fence.** A *Fence* with at least 50% open spaces uniformly distributed along its surface.
2. **Solid Fence.** A *Fence* with less than 50% open spaces uniformly distributed along its surface.
3. **Combination Fence.** A *Fence* 48" (4') or less in height with 50% open spaces uniformly distributed along its surface above the height of 36".

C) General.

1. No *Fence* shall be erected prior to the issuance of a zoning permit by the City of Ludington's Zoning Administrator. The permit application shall describe the *Fence* and include the height, length, location, opacity (open space percentage), material, and general type offence. The distance from the face to the nearest property line is also required.

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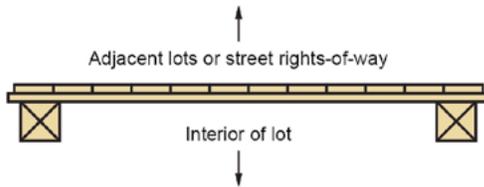
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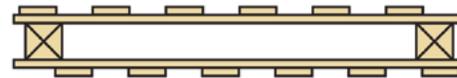
2. The *Fence* shall be residential in nature and intent and includes, but is not limited to chain link, picket, western rail stockade, stockade, wood slat, shadow box, and wrought iron. Woven wire *Fences*, such as poultry netting, field *Fences*, and similar *Fences* are not permitted except to enclose gardens or protect shrubs or trees. No *Fence* shall be constructed of corrugated metal or corrugated plastic or similar materials, or include old doors, or other discarded materials.
3. No *Fence* shall contain barbed wire, electrical current, broken glass, sharp edges, or other dangerous elements unless required for exceptional security purposes as determined by the reviewing authority designated in [Article 15](#).
4. No *Fence* shall exceed 72" (6') in height.
5. Height of *Fence* shall be measured from the ground *Elevation* prior to any filling, *Berming*, or *Excavation*.
6. The finished side of a *Fence* shall be oriented towards the closest adjacent property line. *Fences* constructed of alternating boards on opposite sides of the supporting *Structure* are considered as finished on both sides.

Fence Side Orientation (orientation of finished side - top view)

Fence with a single finished or decorative side



Fence with two finished or decorative sides



7. *Fences* shall be maintained to retain their original appearance, shape, and configuration. If the "*Fence*" is a *Hedge*, the height shall be maintained as noted above or below. Any *Fence* that deteriorates due to lack of repair or type of construction shall be deemed a nuisance and be repaired or removed. The building inspector shall notify the owner of the property on which such a *Fence* is located and specify the time period in which required repairs shall be made or the *Fence* removed.

D) Fences for Interior Lots. In the area between any street right of way and the *Principal Use* or building (including any attached projections such as porches), a solid *Fence* may not exceed 36" in height. An open *Fence* or combination *Fence* may not exceed 48" in height.

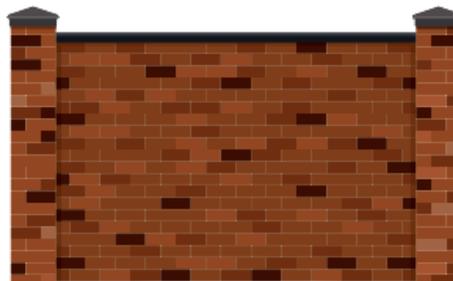
E) Fences on Corner Lots - Clear Corner Vision.

1. **Clear Corner Vision.** The standard for interior lots above applies, except that at the street right of way intersections, only an open or combination *Fence*, up to 48" inches in height, may be located at the triangle formed by measuring 20' along each street right of way from the intersection of the right of way lines and a straight line drawn between those two end points. See [Section 13.07](#) for an illustration of the *Clear Vision Triangle*.

Open Fence



Solid Fence



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2. **Behind the Principal Structure.** A 6' tall solid *Fence* may be installed up to 2' from the property line on the secondary street frontage behind the principal *Structure*.

F) Miscellaneous. *Fences* which enclose public or institutional parks, playgrounds, or schoolyards in residential areas shall be of open type not exceeding 6' in height except as required for recreational purposes such as baseball backstop when a limited section(s) of open *Fence* up to 10' in height is allowed, where necessary to provide for such backstop or similar purposes.

G) Safety Fences for pools and hot tubs shall comply with all applicable codes, including required height.

Section 12.04**Swimming Pools**

Swimming pools accessory to a principal permitted use are allowed in all districts provided said pools are constructed, operated, and maintained in accordance with City regulations pertaining thereto and further provided that no pool shall be closer than three (3) feet to any side or rear *Lot Line* nor located in any required *Front Yard Setback*. Swimming pools shall be considered *Accessory Structures* for the purposes of this ordinance. Swimming pools with the O-L Lakefront Overlay shall be subject to the Accessory Building standards in [Section 4.02.C.2](#).

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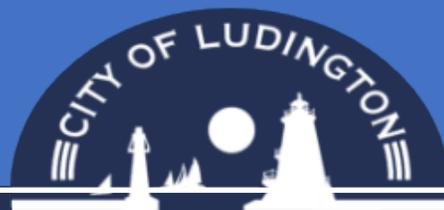
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Section 13.01

Purpose and Intent

The purpose and intent of the regulations in this Article is to protect health, safety, and welfare by regulating the design of sites that will be regularly accessed by the general public. These regulations also serve to enhance the aesthetics, character, and charm of Ludington by ensuring a high standard of quality site design.

Section 13.02

Access Management (US-10 and M-116)

- A) Applicability.** Access points (not including driveways that serve a single-family home, two-family home, or *Essential Service facility Structure*) to US-10 and M-116 shall meet standards of this Section. For the purposes of this Ordinance, "US-10" shall mean Ludington Avenue from the eastern City limits to James Street, James Street from Ludington Avenue to Dowland Street, and Maritime Drive from Dowland Street to its end. "M-116" shall mean Lakeshore Drive from Ludington Avenue to the northern City limits. These definitions shall apply even in the event that MDOT changes those designations or turns maintenance responsibility for those roadways over to the City.
- B) Each Lot/site shall be permitted one access.** This access point may consist of an individual driveway, a shared access with an adjacent use, or access via a service drive or frontage road. As noted above, land divisions shall not be permitted that may prevent compliance with the access location standards of this *Overlay District*.
- C) An additional driveway may be permitted by the *Planning Commission* upon finding the conditions 1 and 2, or 3 and 4, below exist. The additional driveway may be required to be along a side street or a shared access with an adjacent site. Approval by the *Planning Commission* does not relieve applicant from obtaining approval from applicable road agencies, which may or may not approve the request.**
1. The site has a frontage of over 600 feet and the spacing standards between access points listed below are met, and
 2. The additional driveway will not prevent adjacent lots from complying with the access spacing standards when such lots develop or redevelop in the future.

3. A traffic impact study, prepared in accordance with accepted practices and certified by a licensed traffic engineer, demonstrates the site will generate over 300 trips in a peak hour or 3,000 trips daily, or 400 and 4,000 respectively if the site has access to a traffic signal, and
4. The traffic impact study demonstrates the additional driveway will provide improved conditions for the motoring public and will not create negative impacts on through traffic flow.

- D) Access points shall be spaced based upon recommendations of the US- 10 Corridor Improvement Plan and MDOT.**
- E) Where the subject site adjoins land that may be developed or redeveloped in the future, including adjacent lands or potential out lots, the access shall be located to ensure the adjacent site(s) can also meet the access location standards in the future.**
- F) Access points along sections of US-10 with an existing or planned median shall be located in consideration of existing or approved median crossovers. A sufficient length for weaving across travel lanes and storage within the median shall be provided, consistent with MDOT published standards. The City supports MDOT policies to limit the number of median crossovers to maintain traffic flow and reduce the potential for accidents. In some cases, existing median cuts may need to be redesigned or closed to meet current design standards.**
- G) Access points shall be aligned based upon recommendations within the US-10 Corridor Improvement Plan and MDOT.**
- H) Minimum spacing of access points from intersections shall be in accordance with the US-10 Corridor Improvement Plan and the recommendations of MDOT. Where direct access consistent with the various standards above cannot be achieved, access should be via a shared driveway or service drive. In particular, the *Planning Commission* may require development of frontage roads, or rear service drives where such facilities can provide access to signalized intersections, where service drives may minimize the number of driveways, and as a means to ensure that traffic is able to more efficiently and safely ingress and egress. Frontage roads or service drives shall be constructed in accordance with the following standards:**
1. Service drives and frontage roads shall be set back as far as reasonably possible. A minimum of twenty-five (25) feet shall be maintained between the public street *Right-of-Way* and the pavement of the frontage road, with a minimum 60 feet of throat depth provided at the access point.

2. The alignment of the service drive can be refined to meet the needs of the site and anticipated traffic conditions, provided the resulting terminus allows the drive to be extended through the adjacent site(s). This may require use of aerial photographs, property line maps, topographic information, and other supporting documentation.
 3. In cases where a shared access drive is recommended, but is not yet available, temporary direct access may be permitted, provided the plan is designed to accommodate the future service drive, and a written agreement is submitted that the temporary access will be removed by the applicant, when the alternative access system becomes available. This may require posting of a bond.
- I)** Driveways shall be located to provide safe sight distance, or as determined by the US-10 Access Management Plan and MDOT.
- J)** No driveway shall interfere with municipal facilities such as streetlights or traffic signal poles, *Signs*, fire hydrants, cross walks, bus loading zones, utility poles, fire alarm supports, drainage structures, or other necessary street structures. The Zoning Administrator is authorized to order and effect the removal or reconstruction of any driveway which is constructed in conflict with street structures. The cost of reconstructing or relocating any such new or proposed driveways shall be at the expense of the property owner.
- K) Modification by the *Planning Commission*.** Given the variation in existing physical conditions along the US- IO Corridor, modifications to the spacing and other standards above may be permitted by the *Planning Commission* as part of the *Site Plan Review* process upon a review of the following conditions:
1. Practical difficulties exist on the site that make compliance unreasonable (sight distance limitations, topography, wetlands, drain or water body, trees or vegetation that will be preserved, existing development, unique site configuration or shape). or existing off-site access point.-. make it impractical to fully comply with the standards.
 2. The use involves an access improvement to an existing site or a new use that will generate less traffic than the previous use.
 3. The proposed modification is consistent with MDOT guidelines and MOOT staff support the proposed access design.

4. The proposed modification is consistent with the general intent of the standards, or this *Overlay District* and the recommendations of the US-10 Corridor Improvement Plan.
5. If deemed necessary by the *Planning Commission*, a traffic impact study by a qualified traffic engineer has been provided that certifies the modification will improve traffic operations and safety along US-10 and is not simply for convenience of the development.
6. The applicant shall demonstrate with dimensioned drawings that such modification shall not create non-compliant access to adjacent lands that may develop or redevelop in the future.
7. Roadway improvements will be made to improve overall traffic operations prior to the project completion or occupancy of the first building.
8. Indirect or shared access is not reasonable due to practical difficulties or the inability to reach agreement on shared access.
9. Such modification shall be demonstrated to be the minimum necessary.
10. **Appeals.** The decision of the *Planning Commission* may be appealed to the *Zoning Board of Appeals*, in accordance with [Section 15.11](#).

Section 13.03 Sidewalks

Sidewalks Required. Sidewalks meeting the requirements of Ludington City Code Chapter 46 Article III, or other engineering standards as may be determined necessary by the City, shall be installed along the street frontage of a property in the circumstances described in Chapter 46, Article III. Sidewalks shall also be installed along both sides of all new roadways constructed in the City of Ludington. Variances from this requirement shall be heard by the *Zoning Board of Appeals*.

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Section 13.04 Waste Disposal

- A) Required.** Dumpsters or another means of waste disposal, approved by the reviewing body, are required for any non-residential or mixed-use development requiring approval under this Ordinance.
- B) Enclosure.** Refuse shall be enclosed within a high-quality, durable enclosure, using similar materials as used for the *Principal Building*. A permanent, 6-foot minimum enclosure shall be on 3 sides of the dumpster. The 4th side of the enclosure shall be equipped with a gate the same height as the enclosure.
- C) Screening.** Dumpsters shall be screened by *Landscaping* from view of adjoining properties and public streets.
- D) Site Location.**
- From Structures.** 10 feet minimum from a *Structure*, unless a closer distance is approved by the Fire Chief.
 - Side or Rear Yard Required Setbacks.** Dumpsters shall be permitted in the required side or *Rear Yard Setbacks*. Dumpsters need not comply with the *Setback* requirements for *Accessory Structures* in [Section 12.01](#) They shall not be permitted in the required front or secondary street *Setbacks*.
 - Dumpsters shall not encroach into a required parking area and shall be clearly accessible to servicing vehicles.
- E) Concrete Pad.** Dumpsters shall be located on a concrete pad extending a minimum of 10 feet in front of the dumpster enclosure.
- F) Additional.** Any internal refuse shall be wheeled out to the curb for pick-up and all waste disposal shall comply with the requirements of Chapter 62, Article 2 of the City of Ludington Code of Ordinances.

Section 13.05 Outdoor Dining

- A) Intent.** It is the intent of this section to offer restaurants in Downtown Ludington the option of utilizing the public sidewalk as outdoor dining areas. Outdoor dining gives restaurant patrons an amenity that has become an increasingly popular feature within the downtown area. While the City has encouraged the use of outdoor dining arrangements, restaurant operators must be mindful of two important considerations: the safety and flow of pedestrian traffic, and the visual appropriateness within Downtown Ludington. These Standards are intended to ensure that restaurants use the public sidewalk for outdoor dining in a way that is safe for pedestrians and appropriate for the district.
- B) Application Process.** Outdoor dining is permitted as an accessory use in conventional zoning districts as authorized by [Section 3.01](#). The following information shall be provided by an applicant for outdoor dining as an accessory use. A summary of the application process is provided in [Section 15.02](#).
- Application Form.** A completed application form shall be submitted to the Community Development Department.
 - Site Plan.** A plan showing the proposed outdoor dining area which depicts the following:
 - For an outdoor dining area within a public *Right-of-Way*, the entire area between the building and the roadway, demonstrating that at least 5 feet of unobstructed sidewalk will be available without obstruction of existing sidewalk elements, such as street trees.
 - Dimensions of the proposed eating area, as well as an arrangement of the maximum number of tables and chairs which will be placed in the area at a given time.
 - Photos or Drawing of Furniture: Photos or other graphic representation (including color and material) of furniture and umbrellas, needed for the City to verify that the proposed furniture conforms to these Design Guidelines.

C) Outdoor Sidewalk Dining Standards.

1. **Location.** If a sidewalk is used for outdoor dining it shall be immediately adjacent to the eating *Establishment* abutting the eating *Establishment* with the exception of those *Establishments* on corners that do not have parallel parking, a twelve-foot (12') vision clearance triangle will apply to those corners measured within a line connecting points on street *Lot Lines* 12 feet distance from the corner.
2. **Barriers**
 - (a) Barriers are required when the service area is restricted for patrons only.
 - (b) Outdoor dining areas where alcohol is served or consumed must enclose the area with openings to the sidewalk for access.
 - (c) **Freestanding Barriers and fencing.** Barriers and fencing used to enclose outdoor dining areas within the public *Right-of-Way* must be freestanding, without any kind of permanent or temporary attachments to buildings, sidewalks, or other infrastructure. If sectional fencing is used as an enclosure for an outdoor dining area, it must be made of metal and painted or coated black.
 - (d) **Prohibited Barrier Styles.**
 - (i) **Fabric Inserts.** Fabric inserts (whether natural or synthetic fabric) of any size are not permitted to be used as part of a barrier.
 - (ii) **Chain-link and Other Fencing.** The use of chain-link, cyclone fencing, chicken wire or similar appurtenances is prohibited. Materials not specifically manufactured for fencing or pedestrian control (including but not limited to buckets, food containers, tires, *tree* stumps, vehicle parts, pallets, etc.) and not expressly permitted elsewhere by the Community Development Department or the City of Ludington may not be used as components of a barrier.
 - (e) **Barrier Measurements.** To ensure their effectiveness as pedestrian control devices and their ability for persons with visual impairments to detect them, barriers must meet the following measurement guidelines:
 - (i) **Height.** The highest point of a barrier (such as a stanchion) must measure at least 36 inches in height with the exception of planters.
 - (ii) **“Open” Appearance.** *Fences* or other perimeter enclosures with a height of between 36” and 50” must be at least 50 percent open (see-through) to maintain visibility of street level activity. Any enclosure with a height over 50” must be at least 80 percent open (see-through).
 - (iii) **Maximum Distance from Ground.** All barriers must be detectable to visually impaired pedestrians who employ a cane for guidance. Therefore, the bottom of barriers must be no greater than 27 inches above the sidewalk surface.
 - (f) **Barrier Access Openings**
 - (i) **Minimum Access Width.** Any access opening within the barrier must measure no less than 5 feet in width.
 - (ii) **Location.** Access openings should be placed in a location that will not create confusion for visually impaired pedestrians.
 - (g) **Planters.** Planters may be used in addition to or in place of other barrier designs. In addition, planters may be used in situations where no barrier is required (for example, where the outdoor dining area does not extend more than three feet into the sidewalk) in order to provide added visual interest and create a more attractive and welcoming atmosphere. Planters and the plants contained within them must meet the following requirements:
 - (i) **Maximum Height of Planters.** Planters may not exceed a height of 36 inches above the level of the sidewalk. (This pertains only to planters, not the plants contained therein.)
 - (ii) **Maximum Height of Plants.** Plants may not exceed a height of 108 inches (8 feet) above the level of the sidewalk.
 - (iii) **Planted Material.** All planters must have plants contained within them. If the plants within a planter die, the plants must be replaced or the planter removed from the public *Right-of-Way*. Artificial plants, empty planters or planters with only bare dirt, *Mulch*, straw, woodchips or similar material are not permitted. Seasonal, thematic planter displays are encouraged.

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3. **Furniture and Fixtures.** The following standards apply to furniture and fixtures, other than barriers associated with outdoor dining areas within the public *Right-of-Way*.
- (a) All furniture and fixtures must be maintained in good visual appearance, without visible fading, dents, tears, rust, corrosion, or chipped or peeling paint. All furniture and fixtures must be maintained in a clean condition at all times.
 - (b) All furniture and fixtures must be durable and of sufficiently sturdy construction as not to blow over with normal winds.
 - (c) **Prohibited Furniture.** All furniture other than tables, chairs and umbrellas is prohibited. This includes, but is not limited to: serving stations, bar counters, shelves, racks, sofas, televisions, trash receptacles, heaters, and torches.
 - (d) **Freestanding.** Furniture and fixtures must not be secured to trees, lampposts, street *Signs*, hydrants, or any other street infrastructure by means of ropes, chains or any other such devices, whether during restaurant operating hours or at times when the restaurant is closed.
 - (e) Outdoor dining furniture must also contribute to the overall atmosphere of the commercial district and be complementary in both appearance and quality.
 - (f) **Color and Material.** Tables and chairs may be colored or of a natural unpainted material (i.e., wood, metal etc.). Tables and chairs are not permitted to be white plastic or of any fluorescent or other strikingly bright or vivid color. Upholstered chairs are permitted.
 - (g) **Matching.** All chairs used within a particular *Establishment's* outdoor seating area must match each other by being of visually similar design, construction and color.
 - (h) **Umbrellas.** The following standards apply to umbrellas used in outdoor dining areas within the *Right-of-Way*: Umbrellas must be free of advertisements and contained within the outdoor dining area. The lowest dimension of an extended umbrella must be at least 7 feet above the sidewalk surface. All umbrellas must comply with the following conditions:
 - (i) **Contained Within the Outdoor Seating Area.** To ensure effective pedestrian flow, all parts of any umbrella (including the fabric and supporting ribs) must be contained entirely within the outdoor seating area.
 - (ii) **Minimum Height for Sidewalk Clearance.** When extended, the umbrella must measure at least 7 feet above the surface of the outdoor dining area in order to provide adequate circulation space below. This measurement must include not only the umbrella frame and panels, but also any decorative borders such as fringes, tassels, or other such ornamentation.
 - (iii) **Maximum Height.** Any part of an umbrella used in an outdoor seating area may not exceed a height of 120" (10 feet) above the level of the sidewalk in order to avoid causing an undue visual obstruction of other businesses.
 - (iv) **Colors.** Umbrellas must blend appropriately with the surrounding built environment. Therefore, umbrella fabric is not permitted to be of any fluorescent or other strikingly bright or vivid color. Umbrella covers must be of one solid color.
 - (v) **Size and Shape.** The size and shape of an umbrella strongly affects its functionality within a constrained space such as an outdoor dining area. Due to the narrow measurements of most restaurants' outdoor dining areas, restaurants using umbrellas should strive for space-efficient umbrella designs.
 - (vi) **Material.** Umbrella fabric must be of a material suitable for outdoor use and must be canvas-type. No plastic fabrics, plastic/vinyl-laminated fabrics, or any type of rigid materials are permitted for use as umbrellas within an outdoor seating area.
 - (vii) **Signage or Wording Prohibited.** Umbrellas must not contain signage.
 - (i) **Sidewalk Coverings.** The floor of outdoor seating areas should be uncovered sidewalk material as to provide continuity with the adjacent public *Right-of-Way*. Floor coverings or raised platforms may not be used within outdoor dining areas. Prohibited sidewalk coverings include carpet or other flooring material constructed of fabric, canvas, wool, tile, linoleum, nylon, vinyl or any covering that is intended to resemble turf. Raised Decks, platforms or other such surfaces are not permitted within outdoor dining areas.

- (j) **Circulation Room.** As established in the Outdoor Dining Ordinance, all outdoor dining areas must leave at least 5 feet of unobstructed pedestrian space. These 5 feet of pedestrian space must be clear of obstructions caused by trees, *tree* wells, posts, hydrants, or any other infrastructure. In addition, no part of an outdoor dining area (including plants) may extend into the 5- feet-unobstructed zone.
- (k) If a perimeter enclosure is used, adequate space must be provided within the enclosed outdoor dining area to permit movement of patrons and wait staff. Wait staff may not serve patrons from beyond the perimeter enclosure.
- (l) **Signage.** Signage is permitted within outside dining areas only with a valid City permit. No extra or additional signage is permitted solely as a result of an *Establishment's* participation in this outdoor dining program.
- (m) **Setback from Other Businesses.** Restaurants need to be mindful of adjoining businesses when using outdoor dining areas in order to ensure that neighboring businesses remain visible to pedestrians and motorists.
- (n) A restaurant may be required to adjust the outdoor seating area's layout, dimensions or distance from the property line to ensure that this visibility is maintained.

D) Outdoor Dining Areas on Private Property, on the same *Lot* as an existing and legally operating eating *Establishment*, and completely outside of a public *Right-of-Way*, are permitted as an accessory use, subject to the following standards:

1. The tables, chairs, fencing, and other aspects of the café shall be designed to be architecturally compatible with existing structures on the subject property.
2. The café shall be free of debris and litter.
3. The *Establishment* shall meet all County, State, and Federal requirements for food sales, liquor control, and other relevant regulations.
4. A *Fence* or wall, consistent with the requirements of [Section 12.03](#) and of sufficient density to keep discarded debris within the confines of a site shall be provided for outdoor dining areas on private property.

Section 13.06

Enclosure Requirement

- A)** Except as otherwise expressly approved by the appropriate approving authority, as designated in Article 15, all permitted uses shall be conducted within the confines of a building or within an enclosure which screens any outdoor operations or storage of materials from the view of adjoining streets or properties, except for the following:
- B)** The enclosure requirement shall not apply to permitted automotive sales areas, service stations, the sale of produce and plants in semi-open structures or drive-in retail *Establishments* serving customers from their vehicles, or any other use expressly approved by the appropriate approving authority, as designated in [Article 15](#).
- C)** A *Fence*, compliant with the standards of [Section 12.03](#), of sufficient density to keep discarded debris within the confines of a site shall be provided for outdoor eating *Establishments* or uses which are likely to have such debris.

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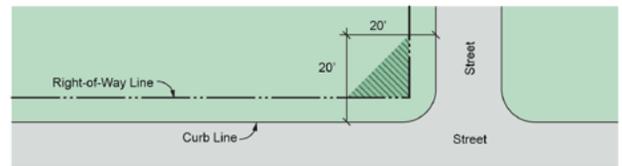
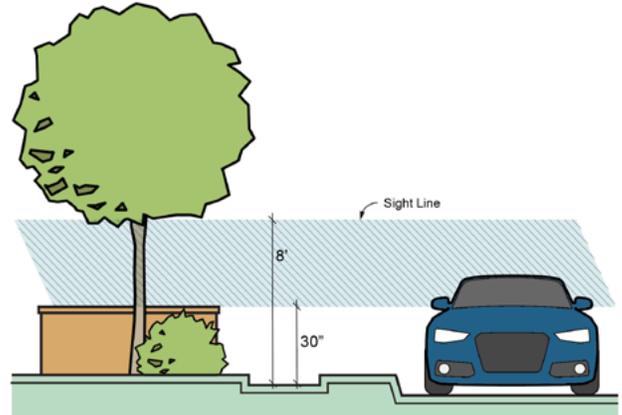
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Section 13.07 Clear Vision Triangle

On any *Corner Lot* in any area other than the F-DC, F-DE, or F-B District, any *Sign*, *Structure*, *Fence*, or deciduous plantings above established curb *Grade*, extending taller than 30 inches in height, except trees with a minimum clearance of 8 feet from the ground to the lowest branch, shall be erected or maintained within a line connecting points on street *Lot Lines* 20 feet distant from the edge of the curbline.

No *Structure* or planting which is deemed a traffic hazard by the Chief of Police shall be permitted in any zone.



Section 13.08 Performance Standards in the Industrial and Industrial Overlay Districts

A) Storage of nonflammable materials. Storage of nonflammable materials shall be conducted within the confines of a building or within an enclosure which screens any outdoor operations or storage of materials from the view of adjoining streets and properties.

B) Fire and explosion hazards.

1. All activities with the exception of the storage of nonflammable materials ([Section 13.07.A](#)) shall be carried on only in buildings conforming to the City Building Code. The operation shall be carried on in such a manner as required by the City's fire prevention code and with such precautions as to produce no explosion hazard, as determined by the Michigan Department of Labor, to a use on an adjacent property.
2. Flammable liquids or explosive chemicals or materials, other than fuels used for heating, shall be stored in a separate building or tank provided said building or tank is not closer than 80 feet to any building occupied by more than one human, nor closer than 40 feet to any property line.
3. Every manufacturing building or other *Building* permitted only in this industrial zone shall be equipped with automatic sprinklers or other automatic fire extinguishers approved by the Chief of the Fire Department as being sufficient in view of the nature and extent of the fire risk.

C) Smoke, fumes, gases, dust, odors. There shall be no emission of any smoke, atomic radiation, fumes, gas, dust, odors, or any other atmospheric pollutant which will disseminate beyond the boundaries of the *Lot* occupied by such use in such a manner as to violate federal and state regulations for air quality, to create a public nuisance, cause damage or inconvenience to other buildings or properties, or imperil the health of animals or humans.

D) Liquid or solid waste.

1. No industrial operations shall directly discharge industrial waste of any kind into any river, stream, reservoir, pond, or lake.
2. All methods of sewage and industrial waste treatment and disposal shall be in compliance with local, state and federal laws and regulations.

- E) **Vibration.** There shall be no constant vibration which is discernible to the human sense of feeling beyond the immediate site on which such use is conducted.
- F) **Noise.** There shall be no noise emanating from the operation which will impair the use or value of adjoining conforming property. Maximum sound level in decibels permissible at common property lines as follows:

	Residential Uses	Commercial Uses	Industrial Uses
10 PM to 7 AM	55 dB	65 dB	70 dB
7 AM to 10 PM	65 dB	75 dB	85 dB

- G) **Glare.** There shall be no direct or sky-reflected glare which would be damaging to the human eye at the property line of the *Lot* occupied by such use. This regulation does not apply to source shielded lights.
- H) **Standards for Special Land Uses.** Uses requiring *Special Land Use* approval in the I or O-I District shall meet the following additional performance standards.
 1. **Isolation.** All principal uses must be located at least 250 feet from the boundary of the N, F-G, or M-H districts.
 2. **Buffering and Screening.**
 - (a) When adjacent to the N, F-G, or M-H districts, the required buffer *Landscaping* in the I District as described in [Section 10.02.B](#) shall be provided within the 250-foot buffer area.
 - (b) Along a property line adjoining any residential or commercial use, one of the required buffer *Landscaping* options in the I District as described in [Section 10.02.B](#) shall be provided.

Section 13.09 Sewage and Water Requirements

No *Building Permit* shall be issued for any building to be occupied by human beings unless provision has been made to provide public sewer and water to such building, or pre-existence of septic and well facilities. A *Building Permit* may be issued in the absence of public sewer and/or water if plans and necessary soil test data approved by the County Health Department are presented to the *Building Inspector*.

Section 13.10 Surface Runoff

No premises shall be filled or *Graded* to discharge surface runoff to abutting premises in such a manner to cause ponding or surface accumulation of such runoff on those premises. This would include water runoff from a building via eaves or similar apparatus.

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Section 13.11

Fair Housing Accommodation Policy

- A) Purpose and Intent.** It is the policy of the City of Ludington, pursuant to the Federal Fair Housing Act and the Michigan Elliot Larsen Civil Rights Act (hereafter “fair housing laws”), to provide individuals with disabilities reasonable accommodation in rules, practices, and procedures to ensure equal access to housing and to facilitate the development of housing for individuals with disabilities. The intent of this section is to provide a procedure for individuals with disabilities and developers of housing for individuals with disabilities to seek relief from the application of zoning regulations, policies, practices, and procedures that will further the City’s compliance with fair housing laws and provide greater opportunities for the development of critically needed housing for individuals with disabilities.
- B) Definitions.** For the purposes of this section, the following terms shall be defined as:
- 1. Eligible Person.** A person who is an individual with a disability, their representative, or a developer or a provider of housing for individuals with disabilities.
 - 2. Individual with a Disability.** Someone who has a physical or mental impairment that limits one or more major life activities, anyone who is regarded as having such impairment, or anyone with a record of such impairment. This term shall not include current, illegal use of, or addiction to, a controlled substance as defined in 21 U.S.C. § 802.
 - 3. Person.** An individual, partnership, limited-liability company, corporation, or other entity.
 - 4. Reasonable Accommodation.** Providing eligible persons with flexibility in the application of zoning regulations, policies, practices, and procedures, or even granting Variances from certain requirements, when it is necessary to eliminate barriers to equal housing opportunities.
 - 5. Request for Reasonable Accommodation.** A request by any individual with a disability, their representative, a developer or a provider of housing for individuals with disabilities, when the application of a zoning regulation, policy, practice, or procedure acts as a barrier to fair housing opportunities.
- C) Notice of Fair Housing Assistance Policy.**
1. Notice of the availability of reasonable accommodation shall be prominently displayed at public information counters in City Hall, advising the public of the availability of the procedure for eligible individuals. Forms for requesting reasonable accommodation shall be available to the public in the Community Development Department.
 2. The notice shall indicate that the Community Development Department will provide an applicant with assistance in filing a request for reasonable accommodation or an appeal from a decision on such request so that the process is accessible.
- D) Application Process.**
1. The *Board of Appeals* shall have the jurisdiction and power to grant a *Variance* from the non-use requirements of the Zoning requirements in UDO where necessary to provide reasonable accommodation to allow individuals with disabilities to have reasonable access to housing in the City of Ludington.
 2. A *Variance* is not necessary for State-licensed adult foster care homes to the extent that State law preempts local zoning and may exist legally without the *Variance*.
 3. An eligible person may request a reasonable accommodation in zoning regulations, policies, practices, and procedures.
 4. **Timing of Application.** A request for reasonable accommodation in regulations, policies, practices, and procedures may be filed at any time that the accommodation may be necessary to ensure equal access to housing. A reasonable accommodation does not affect an individual’s obligations to comply with other applicable regulations not at issue in the requested accommodation.
- E) Required Contents of Application Requests** for reasonable accommodation shall be made in writing and shall be filed with the Zoning Administrator providing the following information:
1. Name and address of the individual(s) requesting reasonable accommodation, or property owners if different;

2. Address and parcel number of the property for which the accommodation is requested;
3. Evidence that the request is for an individual with a disability under fair housing laws;
4. Description of the requested accommodation and the regulation(s) or procedure(s) for which accommodation is sought;
5. Reason that the requested accommodation may be necessary for the individual(s) with the disability to use and enjoy the dwelling;
6. All alternative accommodations and other options have been considered by the applicant;
7. Evidence of whether the property is within 500 feet of another property granted accommodations for use by 5 or more unrelated persons under this section;
8. The written consent of the property owner.

F) Confidentiality. Any information identified by an applicant as confidential shall be retained in a manner so as to respect the privacy rights of the applicant and shall not be made available for public inspection; except as may be required by the Michigan Freedom of Information Act.

G) Decisions and Notice to Applicant.

1. The *Board of Appeals* shall issue a decision on a request for reasonable accommodation within 45 days from the date a complete application has been filed with the Clerk and may either grant, grant with modifications or conditions, or deny a request for reasonable accommodation in accordance with the criteria below.
2. If necessary to reach a determination on the request for reasonable accommodation, the *Board of Appeals* may request further information from the applicant consistent with fair housing laws, specifying in detail the information that is required. In the event that a request for additional information is made, the 45-day period to issue a decision is stayed until the applicant completely responds to the request.
3. If the *Board of Appeals* fails to render a decision on the request for reasonable accommodation within 45 days from the date a complete application has been filed with the Zoning Administrator, the request shall be deemed granted.
4. The written decision of the *Board of Appeals* shall explain in detail the basis of the decision, including its findings on the criteria set forth in [Section 15.11.E](#). The decision shall give notice of the applicant's right to appeal and to request reasonable accommodation in the appeals process as set forth below. A copy of the decision shall be provided to the applicant or sent to the applicant by first class mail.
5. The written decision of the *Board of Appeals* shall be final unless an applicant appeals it to the Circuit Court.
6. Effect of Zoning Pending a Determination. While a request for reasonable accommodation is pending, all zoning regulations, policies, practices, and procedures otherwise applicable to the property that is the subject of the request shall remain in full force and effect.
7. **Appeals.** An applicant may appeal a decision by the *Board of Appeals* as provided by statute.

Section 13.12

Mason County Airport Safety Zones

A) Purpose and Intent. The intent of this section is to:

1. Promote the public health, safety, and general welfare of the residents and businesses surrounding the Mason County Airport.
2. Protect the approaches to the Airport and surrounding airspace from encroachment and limit the exposure of impacts to persons, property, or facilities in proximity to the Airport.
3. Protect vulnerable land uses from negative impacts caused by the Airport.
4. Protect State, Federal, and Local investments in aviation infrastructure.

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5. Regulate and restrict building sites, placement of structures, and land uses by separating conflicting land uses and prohibiting certain land uses that would be detrimental to Airport operations and navigable airspace.

B) Applicability. The following regulations shall apply within areas designated as follows within the most recent Airport Layout Plan for Mason County:

1. Runway Safety Area
2. Runway Object Free Area
3. Obstacle Free Zone
4. Runway Visibility Area
5. Runway Protection Area
6. Building Restriction Line
7. Threshold Siting Surface
8. Taxiway Safety Area
9. Taxiway Object Free Area

C) Regulations. Within the areas designated in Section A, the following shall apply:

1. **Land Use.** The following land uses shall be prohibited, even if they would otherwise be permitted in the underlying *Zoning District*:
 - (a) Residential (any density)
 - (b) Gas Station
 - (c) Child Care
 - (d) Hospital
 - (e) K-12 School
2. **Stormwater Ponds.** Stormwater retention ponds designed to contain permanent standing water shall be prohibited. The design of stormwater detention ponds designed to hold water temporarily must be submitted to the Mason County Airport for approval.
3. **Landscape.** Proposed landscape species and planting location must be submitted to the Mason County Airport for approval.
4. **Light Poles.** Freestanding light poles shall
5. **Structure Height.** No structures above *Grade* shall be built within 500 feet of an existing or planned (on the official Airport Layout Plan runway centerline. Beyond 500 feet, the maximum height of a *Structure* shall increase by 1 foot for every 7 feet further from the runway that the *Structure* is located. For example, a *Structure* 640 feet away from the runway shall be permitted to be up to 20 feet in height. Any *Structure* that is more than 745 feet from the runway centerline shall be exempt from this Section and shall be subject to the height requirements of the underlying Zone District.

D) Disclaimer. This section does not imply that land uses within the vicinity of Mason County Airport will be free from aircraft noise impacts, aircraft operations, and aircraft overflights. Nor does the UDO create liability on behalf of the City of Ludington, or any officer or employee thereof, for incidents that may result from reliance on the UDO.

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Section 14.01

Purpose and Intent

It is the intent of this Article to allow legally existing uses, structures, and properties that do not meet UDO requirements at the effective date or subsequent amendments to continue until they are discontinued, removed, or are no longer used. These legally *Nonconforming Uses*, structures, and properties are declared by this Article to be incompatible with permitted conditions in the *Zoning District* where they are located. *Nonconforming Uses and Structures* shall not be enlarged, extended, or used as grounds for adding other structures or uses prohibited elsewhere in the *Zoning District*.

Section 14.02

Nonconforming Uses

- A) Continuation of use.** A legal use existing at the effective date of the UDO or subsequent amendments, may be continued despite not conforming with the provisions of the UDO, or any subsequent amendments.
- B) Discontinuance.** If any *Nonconforming Use* is discontinued through vacancy, lack of operation, or otherwise for a continuous period of 365 days or more, the use shall not be resumed unless the use conforms to all provisions of the UDO, including, but not limited to the regulations of the *Zoning District* in which the use is located.
- C) Burden of Proof.** If the zoning administrator finds that a *Nonconforming Use* is discontinued under the provisions of this Article, the property owner shall have the burden of proof to substantiate that the use was not abandoned and shall provide documentation thereof.
- D) Accessory Structures.** Expanding, replacing, or adding a detached *Accessory Structure* to a property with a *Nonconforming* residential use shall be allowed if the Zoning Administrator determines the following:
1. The *Accessory Structure*, such as a *Fence*, shed, *Garage*, or other similar *Structure*, is permitted in the *Zoning District*.
 2. The *Accessory Structure* will meet all of the required *Setbacks*, height, and other requirements of the UDO.
 3. The *Accessory Structure* will not have any of the following negative impacts:
 - (a) Adversely affect or decrease the valuation of neighboring property;
 - (b) Increase density, congestion, or general nuisance to neighboring property;
 - (c) Increase the amount of radioactivity, vibration, noise, odor, heat, or other adverse factors;
 - (d) Necessitate an increase in *off-street parking* that would be detrimental to neighboring property;
 - (e) Any additional factors as determined by the *Zoning Board of Appeals* relating to the health, safety, and welfare of adjacent property, which would be adversely impacted.

Section 14.03

Nonconforming Structures

- A) Continuance of Structure.** Any *Structure* existing at the effective date of UDO or subsequent amendments, may remain in place, and does not need to be altered despite not conforming with the provisions of UDO or any subsequent amendments.
- B) Expansions.** Expansions of *Nonconforming Structures*, conforming in use, shall only be permitted if the following standards are met.
1. The expansion or modification of the *Structure* shall not result in greater nonconformity with regards to encroachment into minimum *Setback* area. Additions to any *Building* must meet required *Setbacks* and remain within the legal *building* footprint for the *Lot*.
 2. The expansion or modification of the *Structure* shall not result in greater nonconformity with regards to height requirements. Increasing the height of a non-conforming *Structure* is permitted, so long as it is not increased beyond the maximum permitted height for the *Structure*.
 3. The minimum parking requirements for all uses on the property shall be met.
 4. Any expansion of the *Structure* shall conform to all other *Zoning District* requirements.
- C) Interior Renovation.** The interior of any *Nonconforming Structure* may be renovated.
- D) Structures Under Construction at the Effective Date of the UDO or Amendments.** Nothing in this Article shall require a change in the plans, construction, or designated use of any *Structure* under a *Building Permit* issued before the effective date of the UDO, or subsequent amendments to the UDO, unless the *Building Permit* expires prior to completion of construction.

Section 14.04

Nonconforming Properties

Existing Lots of Record can be built on regardless of if the *Lot* meets the *Lot* size and/or *Lot Width* requirement for the *Zoning District*, as long as all other dimensional standards are met.

Section 14.05

Reestablishment of Nonconforming Uses, Structures, or Properties

Whenever a *Nonconforming Use, Structure, or property* has been brought into compliance with the UDO, the nonconformity shall not be reestablished.

Section 14.06

Repair, Maintenance, and Restoration

- A)** A non-conforming *Structure* may be maintained to a regular standard of good quality without restriction.
- B)** A non-conforming *Structure* may be repaired following damage without restriction, provided that it remains structurally sound as determined by the Zoning Administrator or their designee.
- C)** If a non-conforming *Structure* is damaged or deteriorates to the point of no longer being structurally sound, in the opinion of the Zoning Administrator or their designee, the *Building* must either be demolished (and any *Structure* built in its place built to conform), or may be restored to its original size and location by *Variance* Approval if the *Zoning Board of Appeals* finds that the following conditions are met:
1. Restoration of the *Structure* will be done with similar *Building* materials, structural layout, design, and construction methods.
 2. The *Nonconforming Structure* cannot reasonably meet the standards of the *Zoning District* due to an unusual circumstance with respect to the property.
- D) Moving a Nonconforming Structure.** A *Nonconforming Structure* shall not be moved in whole or in part to another location without conforming to the UDO.

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Section 14.07

Elimination of Nonconforming Structure or Use

- A)** In accordance with the Michigan Zoning Enabling Act (MZEA), Public Act 110 of 2006, as amended, the City Council may acquire, by purchase, condemnation, or otherwise, private property for the removal of *Nonconforming Uses and Structures*. Property acquired under this subsection shall not be used for public housing.
- B)** The City Council may, in its discretion, provide that the cost and expense of acquiring such private property be paid from general funds, or the cost and expense or any portion thereof may be assessed to a special district.
- C)** The City Council shall have the authority to institute and prosecute proceedings for the condemnation of *Nonconforming Uses and Structures* under the power of eminent domain in accordance with the laws of the State or Federal Government or provisions of the City Charter relative to condemnation.

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Section 15.01

Purpose and Intent

The purpose and intent of this Article is to clearly articulate the administrative and enforcement procedures associated with the Unified Development Ordinance.

Section 15.02

Summary of Approving Authorities

- A) Zoning Administrator.** Staff member(s) or designee(s) approved by the City Manager. Every application is first processed by the Zoning Administrator, who reviews the application's compliance with all applicable requirements of UDO.
- B) City Building Inspector.** The *City Building Inspector* is responsible for enforcing the terms of the UDO and Building Code, and is authorized to inspect properties to determine compliance with these requirements. The *Building Inspector* issues Occupancy Permits once all requirements have been met.
- C) Planning Commission.** The *Planning Commission's* primary responsibility is to hold Public Hearings and make recommendations to the City Council on land use decisions, such as Rezoning, Ordinance changes, and Planned Unit Developments. The *Planning Commission* also conducts regular Master Plan Updates and recommends their approval to the City Council. The *Planning Commission* makes the Final Determination for *Special Land Use* Approvals.
- D) Site Plan Review Committee.** The *Site Plan Review Committee* (SPRC) is responsible for approving Site Plans for Application Types listed in [Section 15.03](#). The SPRC is made up of three members of the *Planning Commission*, the City Manager, the Zoning Administrator, and additional City staff as determined by the City Manager. The Committee shall conduct the activities described in [Section 15.03](#) in order to assess a development's consistency with UDO and all other applicable rules and laws.
- E) Special Land Use Committee.** The *Special Land Use Committee* is responsible for reviewing Special Land Uses and making recommendations to the *Planning Commission* on *Special Land Use* applications. The Committee is made up of three members of the *Planning Commission*, the City Manager, the Zoning Administrator, and additional City staff as determined by the City Manager. The Special Land Use Committee shall conduct the activities described in [Section 15.03](#) in order to assess a development's consistency with UDO and all other applicable rules and laws.
- F) Zoning Committee.** The Zoning Committee is responsible for reviewing rezonings and making recommendations to the *Planning Commission* and City Council on rezoning applications. The Committee is made up of three members of the *Planning Commission*, the City Manager, the Zoning Administrator, and additional City staff as determined by the City Manager. The Committee shall conduct the activities described in [Section 15.03](#) in order to assess a development's consistency with UDO and all other applicable rules and laws.
- G) Text Committee.** The Text Committee is responsible for reviewing text amendments and making recommendations to the *Planning Commission* and City Council on text amendment applications. The Committee is made up of three members of the *Planning Commission*, the City Manager, the Zoning Administrator, and additional City staff as determined by the City Manager. The Committee shall conduct the activities described in [Section 15.03](#) in order to assess a development's consistency with UDO and all other applicable rules and laws.
- H) City Council.** The City Council makes the final decision for matters relevant to the entire City of Ludington. In matters concerning the UDO, the City Council is the final Approving Authority on all rezoning requests, text amendments, Planned Unit Developments, and adoption of ordinances.
- I) Zoning Board of Appeals.** The responsibilities of the *Zoning Board of Appeals* (ZBA) are provided by the Michigan Zoning Enabling Act, PA 110 of 2006. The ZBA hears applications from property owners and developers who are seeking a *Variance*, ordinance interpretation, or an appeal of a Determination by another Administrative Authority, as shown in the Approval Processes Chart.

Section 15.03 Approval Processes Chart



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A) The following chart demonstrates the types of approval and approving bodies for various zoning applications under this Ordinance. Following Zoning Approval, a Building Permit shall be required prior to construction, as described in Section 15.09.A. For buildings designed for human occupancy, an Occupancy Permit must be obtained after construction and before occupancy of the building.

B) Table of Approval Processes. See Article 3 for Permitted and Special Land Uses in each Zoning District.

APPLICATION TYPES	APPROVING AUTHORITIES				
	Zoning Administrator	Committee Review	Planning Commission	City Council	Zoning Board of Appeals
Exempt Accessory Buildings and Structures (see Subsection D)	No Zoning Permit Required	—	—	—	—
	Standards Enforced Upon Complaint	—	—	—	—
Non-Exempt Accessory Structures or Buildings (See Subsection C)	Final Determination	—	—	—	Appeal
Generators	Final Determination	—	—	—	Appeal
Signs	Final Determination	—	—	—	Appeal
Fences	Final Determination	—	—	—	Appeal
Home Occupation Type 1	Final Determination	—	—	—	Appeal
Home Occupation Type 2	Final Determination	Special Land Use Committee Recommendation	—	—	Appeal
Outdoor Dining (On Private Property)	Final Determination	—	—	—	Appeal
Outdoor Dining (City Property)	Right-of-Way Use Approval: Final Determination	—	—	—	Appeal
Accessory Dwelling Unit	Final Determination	—	—	—	Appeal
Other Site Improvements (No Changes to Structure)	Final Determination	—	—	—	Appeal
Change in Use (including Temporary Uses) (See subsection C)	Final Determination	—	—	—	Appeal
New Single-Family Home	Final Determination	—	—	—	Appeal
Expansion or Alteration of Single-Family Home	Final Determination	—	—	—	Appeal
New Principal Building (other than Single-Family)	Staff Report	Site Plan Review Committee: Recommendation	Site Plan Final Determination	—	Appeal
Less than 3,000 sq ft of Expansion/ Alteration of Principal Building (other than Single-Family) Includes Conversions	Final Determination OR Refer to Planning Commission with Staff Report	—	Final Determination (if Referred by Zoning Administrator)	—	Appeal
More than 3,000 sq ft of Expansion/ Alteration of Principal Building (other than Single-Family) (See Subsection C) Includes Conversions	Staff Report	Site Plan Review Committee: Recommendation	Site Plan Final Determination	—	Appeal
Special Land Use	Staff Report	Special Land Use Committee & Site Plan Committee	Public Hearing Final Determination	—	Appeal
Rezoning	Staff Report	Zoning Committee	Public Hearing Recommendation	Final Determination	—

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APPLICATION TYPES	APPROVING AUTHORITIES				
	Zoning Administrator	Committee Review	Planning Commission	City Council	Zoning Board of Appeals
Conditional Rezoning	Staff Report	Zoning Committee	Public Hearing Recommendation	Final Determination	—
<i>Planned Unit Development – Preliminary Sketch Approval</i>	Staff Report	<i>Site Plan Review Committee for Site Plan Recommendation</i>	Public Hearing Recommendation	Final Determination	—
<i>Planned Unit Development – Final Approval</i>	Staff Report	<i>Site Plan Review Committee for Site Plan Recommendation</i>	Final Determination	—	—
Text Amendment	Staff Report	Text Committee	Public Hearing Recommendation	Final Determination	—
<i>Variance</i>	Staff Report	—	Informational Report	—	Final Determination
Appeal	Staff Report	—	Informational Report	—	Final Determination
Interpretation	Staff Report	—	Informational Report	—	Final Determination

C) Site Plan Approval Body for Special Land Uses. The following table shows the body responsible for reviewing the Site Plan associated with a *Special Land Use*. The uses listed in the table are those that are permitted by *Special Land Use* approval in one or more districts. This chart applies to a Change in Use or More than 3,000 sq ft of Expansion/Alteration of a Principal Building (other than Single-Family).

Special Land Use	Site Plan Review Committee	Planning Commission
Motel (<i>Building Type</i>)	Recommendation	Final Determination
<i>Landmark Buildings (Building Type)</i>	Recommendation	Final Determination
Independent Senior Housing	Final Determination	—
Nursing Home	Final Determination	—
State-Licensed Residential Facility (7 or More Residents)	Final Determination	—
Group Child Care Home	Final Determination	—
Drive-Throughs	Final Determination	—
Bed and Breakfast	Final Determination	—
Hotels (<10 units)	Recommendation	Final Determination
Hotels (10+ units)	Recommendation	Final Determination
Motels (Land Use)	Recommendation	Final Determination
Extended Stay Hotel	Recommendation	Final Determination
Extended Stay Motel	Recommendation	Final Determination
Commercial Indoor Recreation	Final Determination	—
Funeral Home	Final Determination	—
Commercial Child Care Center	Final Determination	—
Event Space	Final Determination	—
Veterinary Clinic	Final Determination	—
Kennel	Final Determination	—
Car Washes	Final Determination	—
Gas Stations	Recommendation	Final Determination
Small Equipment Repair	Final Determination	—
Automobile or Boat Repair	Recommendation	Final Determination
Automobile or Boat Sales	Recommendation	Final Determination

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Special Land Use	Site Plan Review Committee	Planning Commission
Campgrounds	Final Determination	—
Adult Businesses	Recommendation	Final Determination
Contractor's Yard	Final Determination	—
Shipping Terminal	Recommendation	Final Determination
Recycling and Composting	Recommendation	Final Determination
Public Utilities	Final Determination	—
Outdoor Storage	Final Determination	—
Religious Institutions	Final Determination	—
K-12 Schools	Final Determination	—
Institutions of Higher Education	Final Determination	—
Marina/Ferry Dock	Final Determination	—
Private Outdoor Recreation	Final Determination	—
<i>Parking Lot with No Other Principal Use</i>	Final Determination	—
Public and Community Buildings	Final Determination	—
Cemeteries	Final Determination	—
Solar Energy (Principal)	Recommendation	Final Determination
Adaptive Reuse (Section 7.02)	Recommendation	Final Determination

D) Zoning Permit for Accessory Buildings and Structures. The construction of a new accessory building or structure shall require a Zoning Permit, except for *accessory buildings and structures* that meet all of the following criteria, which shall be classified as “Exempt”:

1. The *building or Structure* does not have a permanent foundation.
2. The *building or Structure* is not fully enclosed, and cannot be used for the indoor storage of equipment, vehicles, materials, or household goods.
3. The *building or Structure* has a footprint under 200 square feet.
4. The *building or Structure* is NOT one of the following, which shall require a Zoning Permit prior to installation or construction.
 - (a) A generator.
 - (b) A solar panel.
 - (c) A satellite television antenna
 - (d) Ground mounted solar panels
5. All structures must fit in the building envelope, including meeting all required setbacks.

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Section 15.04 Zoning Permit

- A) **Zoning applications** that require approval by the Zoning Administrator and no other body shall be called Zoning Permits.
- B) **Zoning Permits** are subject to approval by the Zoning Administrator, based on their compliance with the requirements of this Section and all applicable requirements laid out in the UDO.
- C) **Applications for a zoning permit** shall be submitted to the City to ensure compliance with the UDO and other applicable regulations. Application for a permit shall be made using forms provided by the department. If additional information or materials are required to be submitted with the application form, those items will be listed on the application form along with any additional approvals that may be required. The City Council shall establish a required fee to accompany a Zoning Permit application.
- D) **Required Materials.** The Zoning Administrator may require any of the information listed as required for Site Plan Approval to use in reviewing a Zoning Permit.
- E) **Appeals of Zoning Administrator.** An applicant or aggrieved party may appeal a Zoning Administrator's determination to the *Zoning Board of Appeals* following the process specified in [Section 15.12](#). The appeal application shall stay action on any permit issuance.

Section 15.05 Site Plan Review

- A) **Application Procedure.** Requests for formal *Site Plan Review* shall be made by filing with the Zoning Administrator the following:
 1. The application shall be accompanied by a fee to be established by resolution of the City Council to cover the cost of processing the review.
 2. Six (6) copies of the completed application form to contain, as a minimum the following:
 - (a) Name and address of the applicant.
 - (b) Legal description of the subject parcel of land.
 - (c) Area of the subject parcel of land stated in acres, or if less than one acre, in square feet.
 - (d) Present zoning classification of the subject parcel.
 - (e) A general description of the proposed development.
 3. Six (6) physical copies of the proposed site plan, and one electronic copy, shall be filed with the application and shall meet the following standards: Note: Registered design professional drawings are required for any Special Land Use listed in [Section 15.03](#) Table C.
 - (a) The plan shall be drawn to a scale of not greater than 1 inch equals 20 feet (1" = 20') for a development of not more than three (< 3) acres and a scale of not less than 1 inch equals 100 feet (1" = 100') for a development in excess of three (> 3) acres.
 - (b) The plan shall show an appropriate descriptive legend, north arrow, scale, date of preparation, and name and address of the individual or firm preparing the same.
 - (c) The property shall be identified by *Lot Lines* and general location together with dimensions, angles, and size correlated with the legal description of the property.
 - (d) The topography of the site with at least two-foot contour intervals and all natural features such as wood lots, streams, rivers, lakes, wetlands, unstable soils, and similar features shall be shown.
 - (e) Existing man-made features upon the site and within 100 feet of the site shall be indicated.
 - (f) The location, proposed finish floor and *Grade line Elevations*, size of proposed main and accessory *Buildings*, the relationship of *Buildings* to one another and to any existing structures on the site, the

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height of all *Buildings* and square footage of floor space therein shall be indicated. Site plans for multi-family residential development shall also include a density schedule showing the number of dwelling units per acre, including a dwelling schedule showing the unit type and number of each such unit.

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- (g) All proposed and existing streets, driveways, sidewalks, and other vehicle or pedestrian circulation features upon and adjacent to the site shall be shown, together with the location, size, and number of parking spaces in *Off-Street Parking* areas, service lanes thereto, and service parking and delivery or loading areas.

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- (h) The location, use, and size of open spaces together with *Landscaping*, *Screening*, *Fences*, walls, and proposed alterations of topography or other natural features shall be indicated.

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- (i) The proposed operations on the site shall be described in sufficient detail to indicate the effect, if any, upon adjoining lands and their occupants, together with any special features which are proposed to relieve any adverse effects to adjoining lands and their occupants. Any potential demands for future community services will also be described, together with any special features which will assist in satisfying such demands.

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- (j) Any earth-change plans required by state law shall also be submitted with the application.

Article 6.
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- (k) On-site lighting, surface water drainage for the site, and proposed sanitary sewage disposal and water supply shall be included in the plans.

Article 7.
Use Standards

- (l) Such other information as may be determined to be necessary by the *Site Plan Review Committee* because of any peculiar features of the proposed development, including, but not limited to, noise, fire hazard, subsidence, vibration, and impact on sensitive natural features. Additional information necessary to ensure compliance with the provisions of this Ordinance.

Article 8.
Parking and Loading

- (m) Any specific conditions imposed on the property by the Community Development Department, *Planning Commission*, or City Council that will be applicable to the requirements for *Site Plan Review*.

Article 9.
Signage

4. The *Site Plan Review Committee* may waive any of the requirements in subsection (A)(3) when, in the opinion of the *Site Plan Review Committee*, such requirement(s) will not be a significant factor(s) in the *Site Plan Review* process for that particular use.

Article 10.
Landscaping

B) Action on Application and Plans.

1. The application materials will be transmitted to the Zoning Administrator or the *Site Plan Review Committee*, depending on the Application Type as listed in Section 15.02, and reserve up to six copies for the *Site Plan Review Committee*.
2. If the Application Type requires, the Zoning Administrator shall schedule a meeting of the *Site Plan Review Committee* upon the receipt of the plans and application. The applicant shall be notified of the date, time, and place of the review of his application not less than three days prior to such date, unless the applicant has waived such three-day notice.
3. Following review, the Zoning Administrator or *Site Plan Review Committee* shall have the authority to approve, disapprove, modify, or alter the proposed plans.
 - (a) Any required modification or alteration, together with the reasons for such modification, shall be stated in writing and delivered to the applicant.
 - (b) The *Site Plan Review Committee* may approve the plans including any alterations or modifications, or the Committee may require a further review after the applicant has submitted a revised plan.
4. **Final Site Plan.** Two copies of the approved final site plan, including any required modifications or alterations shall be maintained as part of the City records for future review or enforcement. One copy shall be returned to the applicant.

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- (a) Each copy shall be signed by the Zoning Administrator for identification of the final approved plans.

- (b) If any variances from this Ordinance have been obtained from the *Zoning Board of Appeals*, the minutes concerning the *Variance* duly signed shall also be filed with the City records as a part of the site plan and delivered to the applicant for his information and direction.

C) Criteria for Review. In reviewing the site plan and determining whether to approve it, deny it, or request modifications, the *Planning Commission* shall be governed by the following standards as well as those in Section 15.10.

1. There is a proper relationship between the existing streets and highways in the vicinity further defined as: Deceleration lanes, service drives, entrance and exit driveways, and parking areas to ensure the safety and convenience of pedestrian and vehicular traffic.
2. The *Buildings* and structures proposed to be located on the premises are so situated as to minimize adverse effects upon owners and occupants of adjacent properties, in relationship to lighting, loading activities, motorized vehicle circulation, and site access.
3. As many natural features of the landscape shall be retained as possible where they furnish a barrier or buffer between the project and adjoining properties used for dissimilar purposes and where they assist in preserving the general appearance of the neighborhood.
4. Any adverse effects of the proposed development and activities emanating therefrom which affect adjoining residents or owners shall be minimized by appropriate *Screening*, fencing, *Landscaping*, *Setback* and location of *Buildings*, structures, and entryways.
5. The layout of *Buildings* and improvements will minimize any harmful or adverse effect which the development might otherwise have upon the surrounding neighborhood.
6. All provisions of this Ordinance are complied with unless an appropriate *Variance* therefrom has been granted by the Zoning *Board of Appeals*.

D) Conformity with Approved Site Plan

1. **Revocation of Site Plan Approval.** Any property which is the subject of *Site Plan Review* must be developed in strict compliance with the approved site plan, inclusive of any amendments which have received approval of the *Planning Commission*. If construction and development do not conform with such approved plan, the approval of the site plan shall be revoked by the *Building Inspector* by written notice posted upon the premises and mailed to the owner at his last known address. Upon revocation of approval, all construction activities on the site shall cease until such time as the violation has been corrected or the *Planning Commission* has, upon proper application of the owner and after hearing, approved a modification in the site plan to coincide with the owner's construction or altered plans for construction as being in compliance with the criteria contained herein and with the spirit, purpose, and intent of this Ordinance.
2. **Limitation of Approval.** Approval of the site plan shall be valid for a period of one year. If a *Building Permit* has not been obtained and on-site development actually commenced within one year, the site plan shall automatically be declared null and void without further action by the *Planning Commission*. In such case, a new application for site plan approval shall be required and new approval obtained before any construction or earth-change is commenced upon the site. The Zoning Administrator may grant an extension of the approved Site Plan Review.
3. **Amendment to Approved Site Plan.** A proposed amendment, modification, or alteration to a previously approved site plan may be submitted to the *Planning Commission* for review in the same manner as the original application was submitted and reviewed.
4. **Performance Bond.** The *Planning Commission* shall have the right and authority to require the developer to file with the City at the time of the application for a *Building Permit* a performance bond or bank letter of credit in such amounts as may be determined by the commission to insure the development of the site in accordance with the approved site plan. Such bond, if required, shall continue for the duration of the construction and development of the site and shall be in face amount which is a reasonable percentage of the estimated total cost of construction and site development.

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- A) Purpose and Intent.** The development and execution of this Ordinance is based upon the division of the City into zoning districts within which the uses of land and *Buildings* and the bulk and location of *Buildings* and structures in relation to the land are substantially uniform. It is recognized, however, that there are special land uses which, because of their unique characteristics, cannot be properly classified in any particular district or districts without consideration in each case of the impact of those uses upon neighboring land and the public need for the particular use or the particular location.
- B) Special Land Use Designation.** Those uses which may be designated as Special Land Uses and the zoning districts in which they are permitted are listed in [Section 3.02](#) and defined in detail within this Section.
- C) Planned Unit Development as Special Land Use.** An applicant requesting *Special Land Use* designation for a planned unit development shall conform to the requirements and procedures stipulated in [Article 16](#), in lieu of the following requirements.
- D) Application for Special Land Use.**
1. Application for a *Special Land Use* shall be filed with the *Building Inspector* on the form required
 2. The application shall be accompanied by a *Special Land Use* Plan showing all relevant information, including the following requirements contained in [Section 15.06.A](#) and any other data required by the *Building Inspector*.
 3. In addition, the applicant shall present a statement indicating how the proposed use will conform to the standards set forth in Subsection G below.
 4. The application shall be accompanied by a fee to be established by resolution of the City Council to cover the expense of public hearings.
 5. The application shall be accompanied by the following:
 - (a) The plan shall be drawn to a scale of not greater than 1 inch equals 20 feet (1" = 20') for a development of not more than three (< 3) acres and a scale of not less than 1 inch equals 100 feet (1" = 100') for a development in excess of three (> 3) acres.
 - (b) The plan shall show an appropriate descriptive legend, north arrow, scale, date of preparation, and name and address of the individual or firm preparing the same.
 - (c) The location, proposed finish floor and Grade line Elevations, size of proposed main and accessory Buildings, the relationship of Buildings to one another and to any existing structures on the site, the height of all Buildings and square footage of floor space therein shall be indicated. Site plans for multifamily residential development shall also include a density schedule showing the number of dwelling units per acre, including a dwelling schedule showing the unit type and number of each such unit.
 - (d) All proposed and existing streets, driveways, sidewalks, and other vehicle or pedestrian circulation features upon and adjacent to the site shall be shown, together with the location, size, and number of parking spaces in Off-Street Parking areas, service lanes thereto, and service parking and delivery or loading areas.
 - (e) Any earth-change plans required by state law shall also be submitted with the application.
 - (f) Such other information as may be determined to be necessary by the Site Plan Review Committee.
- E) Hearing on Application.** Upon receipt in proper form of the application and accompanying documents, the *Planning Commission* shall hold a public hearing on the proposed *Special Land Use*. Notice for such public hearing shall be given in accordance with [Section 15.07](#).

- F) Decision on Application.** Following the public hearing, the *Planning Commission* may deny, approve, or approve with conditions any application for a *Special Land Use*. The *Planning Commission* shall incorporate its decision in a statement of conclusions relative to the *Special Land Use* under consideration. The statement shall specify the basis for the decision and any conditions imposed.
- G) Standards.** No *Special Land Use* shall be approved by the *Planning Commission* unless the Commission finds:
1. The *Establishment*, maintenance, or operation of the *Special Land Use* will not be detrimental to or endanger the public health, safety, or general welfare and shall be in compliance with all local Ordinances and codes and state and federal law and regulations.
 2. The *Special Land Use* will be designed, constructed, operated, and maintained so as to be safe, harmonious, and appropriate to the existing and intended character of the general vicinity. It will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor shall it substantially diminish and impair property values in the neighborhood. The Planning Commission may also require upgrades or alterations to the proposal in order to ensure compatibility with the surroundings.
 3. The *Establishment* of the *Special Land Use* will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
 4. Adequate utilities, access roads, drainage, and necessary facilities have been or are being provided.
 5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
 6. The *Special Land Use* will be consistent with the goals, objectives, and future land use plan described in the City of Ludington Master Plan.
 7. The *Special Land Use* will be a substantial improvement to property in the general vicinity and an economic, cultural, or environmental asset to the community as a whole.
 8. The *Special Land Use* will not create excessive additional requirements at public cost for public facilities and services. The Planning Commission may require upgrades to public services or infrastructure directly related to the proposal, at the applicant's expense, or may place conditions on an approval that mitigate the impact of the use (or the construction of the use) on public services and infrastructure.
 9. The *Special Land Use* shall, in all other respects, conform to the applicable regulations of the district in which it is located and to any additional conditions or procedures as specified in [Article 7](#) or elsewhere in the UDO.
- H) Conditions and Guarantees.** Prior to the granting of any *Special Land Use*, the *Planning Commission* shall stipulate such conditions and restrictions upon the *Establishment*, location, construction, maintenance, and operation of the *Special Land Use* as deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified within this Section. In all cases in which special land uses are granted, the *Planning Commission* shall require such evidence and guarantees as deemed necessary as proof that the conditions stipulated in connection therewith are being and will be complied with.
- I) Effect of Denial.** No application for a *Special Land Use* which has been denied wholly or in part by the *Planning Commission* shall be resubmitted for a period of one year from the date of said order of denial.
- J) Nullification.** In any case where a *Special Land Use* has not been established within one year after the date of granting such use, or the *Special Land Use* becomes discontinued through vacancy, lack of operation, or otherwise for a continuous period of 1 year or more, the *Special Land Use* shall automatically be declared null and void without further action by the *Planning Commission*.
- K) Enforcement.** See [Section 15.15](#).

Section 15.07

Notice for Public Hearings

- A)** The purpose of this Article shall be to provide uniform notification requirements for public hearings where such public hearings are required under the Michigan Zoning Enabling Act, PA 110 of 2006. Except as otherwise provided in the Zoning Enabling Act where the City is required to provide notice of hearing, such notice shall be provided as follows:

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- B)** A notice shall be published in a newspaper of general circulation at least 15 days before the hearing.
- C)** At least 15 days before the hearing, notices shall be mailed or hand delivered to
1. The owners of property for which approval is being considered and to the applicant, if different than the owner(s) of the property,
 2. To all persons or firms to whom real property is assessed within 300 feet of the subject property, and
 3. To all occupants of structures which are within 300 feet of the subject property.
- D)** Notices shall be provided regardless of whether property within 300 feet of the property under consideration is inside the City. If the name of an occupant is not known, the term "occupant" may be used in making notification.
- E)** Notice under subsection C2 and C3 need not be given where the request involves eleven (11) or more adjacent properties, or where the request does not involve any specific parcels of property. The notices shall:
1. Describe the nature of the request.
 2. Identify any property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. If there are no street addresses, other means of identification may be used.
 3. State when and where the request will be considered.

Section 15.08**The Zoning Administrator****The Zoning Administrator has the following responsibilities:**

- A)** If the Application Type is subject to Final Determination by the Zoning Administrator as assigned in [Section 15.02](#), the Zoning Administrator shall make a determination of approval, denial, or approval with conditions.
- B)** If the Application Type requires further approval, the Zoning Administrator shall write a Staff Report, addressed to relevant Approving Authorities, outlining the application's compliance with applicable UDO requirements, outlines the relevant determinations that should be considered by the approving authorities, and may recommend specific conditions of approval.

Section 15.09**City Building Inspector****A) Building Permits.**

1. No parking area or *building*, or other *Structure* regulated by this Ordinance shall be erected, razed, moved, extended, enlarged, altered, or changed in use until a *Building Permit* has been issued by the *Building Inspector*. This requirement shall be in addition to the required Zoning Permit, which shall be reviewed by the Zoning Administrator.
2. An application for a *Building Permit* shall be filed with the *Building Inspector* by the Owner of the land involved or by an authorized agent.
3. If *Site Plan Review* is stipulated by this Ordinance, no *Building Permit* shall be issued until the site plan has been approved in accordance with the procedures in [Section 15.05](#).
4. If *Site Plan Review* is not required by this Ordinance, the application for a *Building Permit* shall contain a written statement of the intended use or change and shall be accompanied by *Building plans* and a plot plan showing the location of the proposed improvements upon the *Lot*. Prints of all plans shall be submitted in duplicate, showing pertinent dimensions to scale. The application and plans shall be signed by the property owner or his agent, and by the person preparing them.
5. A fee established by resolution of the City Council shall accompany all applications to defray administration and inspection costs.

6. No *Building Permit* shall be issued unless the application and plans conform in all respects to this Ordinance and to other applicable city, state, and federal regulations, and have been approved by any required review board or person. The *Building Permit* shall state any special condition imposed by this Ordinance or by any review board or person and shall be signed by the *Building Inspector* and the owner. A copy of the signed *building permit* shall be sent to the City Assessor.

B) Occupancy Permits.

1. Before any new *Building* or a new part thereof regulated by this Ordinance is occupied or used, an *Occupancy Permit* shall be obtained.
2. The *Building Inspector* shall ascertain by inspection that the intended use, premises, *Building*, *Structure*, or parts thereof, comply with the requirements of this Ordinance, other Ordinances or regulations of the City, the requirements of State and Federal law, and all aspects of the approved plan, including any special conditions attached to the *Building Permit*.
3. Upon so finding, the *Building Inspector* shall issue an *occupancy permit*, acknowledged by the signature of the owner thereon. A copy of the *occupancy permit* shall be sent to the City Assessor by the *Building Inspector*.
4. No *Building* declared unsafe or unfit for human habitation shall be occupied or used.

- C) Fences and Signs Exempt.** Persons who have a Zoning Permit to build a fence or erect a sign are not required to obtain a building permit or an occupancy permit. A Zoning Permit or Sign Permit is required.

Section 15.10

Site Plan Review Committee

- A) Purpose and Intent.** The *Site Plan Review Committee* has been established to provide stronger requirements for development projects and to promote communication between the land owner and the *Planning Commission* in order that the owner may accomplish their objectives in the utilization of their land in accordance with the regulations of this Ordinance and with minimum adverse effect on the use of adjacent streets and highways and on existing and future uses in the immediate areas and vicinity.

B) Organization.

1. The *Site Plan Review Committee* shall be composed of three members of the *Planning Commission*, the City Manager, the Zoning Administrator, and additional City staff as determined by the City Manager.
2. The *Site Plan Review Committee* will be on call to meet as applications are transmitted to them by the Zoning Administrator. Records of applications and decisions thereon will be kept on file by the City.

C) Responsibilities.

1. The *Site Plan Review Committee* shall conduct Preliminary Sketch Plan Reviews by request of an owner or developer prior to former application. The Preliminary Sketch Plan Review process is described in [Section 15.10.D](#) below.
2. The *Site Plan Review Committee* will make the Final Determination of Approval for the following Application Types listed in [Section 15.03.B](#). Their determination shall be reported to the Applicant along with any conditions for approval or further requirements.
3. The *Site Plan Review Committee* shall conduct Site Plan Approval reviews, outlined in [Section 15.05](#), for *Special Land Use* applications listed in [Section 15.03.C](#). Their Site Plan Approval Determination shall then be transmitted to the *Planning Commission* for a Public Hearing and Final Determination.
4. The *Planning Commission* members of the *Site Plan Review Committee* will make reports of all SPRC Determinations at subsequent *Planning Commission* meetings.
5. If the *Site Plan Review Committee* deems it advisable, any site plan may be referred to the *Planning Commission* for review and/or recommendation.

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D) Optional Sketch Plan Review. Preliminary sketches of proposed site and development plans may be submitted for review to the *Site Plan Review* Committee prior to formal application. The purpose of such procedure is to allow discussion between an owner or developer and the *Site Plan Review* Committee concerning the acceptability of their proposed plans prior to the development of a detailed site plan requiring extensive engineering and other costs. The *Site Plan Review* Committee shall not be bound by any tentative approval given at this time. Such a sketch plan shall include as a minimum the following:

1. Name and address of the applicant or developer, including names and addresses of any officers of a corporation or partners of a partnership.
2. Address and legal description of the property.
3. Sketch drawings showing tentative site and development plans.

Section 15.11

Planning Commission

A) Designation. The *City Planning Commission* is hereby designated as specified in the Michigan Planning Enabling Act, Act 33 of the Public Acts of Michigan 2008, as amended, and shall perform the duties as provided in this Act together with such other powers and duties as are given by the provisions of this Ordinance.

B) Membership.

1. The Commission shall be comprised of nine (9) members, appointed by the Mayor of Ludington and subject to approval by the majority vote of the City Council.
2. The Chair of the City Council's Building and Licensing Committee shall serve as a *Planning Commission* member ex officio. No other member may be an elected official of the City of Ludington. The remaining eight (8) planning commissioners shall represent, insofar as possible, different professions or occupations. All members, including the one (1) ex officio member, shall have the right to vote.
3. Eight (8) of the nine (9) members shall be qualified electors of the City.
4. *Planning Commission* members shall not be employees of the City.
5. No more than one member of the *Planning Commission* shall serve on the *Zoning Board of Appeals*.
6. Appointed members shall serve staggered three-year terms. All members shall hold office until successors are appointed.

C) Procedures.

1. **Chair.** The *Planning Commission* shall elect its chair from the appointed members, and create and fill such other offices as it may determine. The ex officio member is not eligible to serve as chair. The chair's term shall be one year, with eligibility for reelection. If a vacancy occurs, the vacancy shall be filled for the unexpired term in the same manner as provided for an original appointment.
2. **Regular Meetings.** The commission may hold one regular meeting each month. The commission shall hold, at a minimum, four (4) meetings per year.
3. **Rules, Procedures, and Recordkeeping.** It shall adopt rules and procedures and shall keep a record of its resolutions, transactions, findings, and determinations, which record shall be a public record.
4. **Annual Report.** The *Planning Commission* shall prepare and submit to the City Council an annual written report concerning the administration and enforcement of the UDO and recommendations for amendments or supplements to the ordinance.

D) Expenditures. The expenditures of the Commission, exclusive of gifts, shall be within the amounts appropriated for the purpose by the City Council which shall provide the funds, equipment and accommodations necessary for the Commission's work.

- E) Authority.** Whenever in this Ordinance the lawful exercise or existence of a use requires the review by the *Planning Commission*, the *Planning Commission* is hereby authorized and directed to investigate, to hold required public hearings, and to recommend approval or denial of the request. The *Planning Commission* is authorized to do all things reasonably necessary to the making of such investigation and recommendation, subject to the provisions of this Ordinance.
- F) Standards for Discretionary Decisions.** In making any recommendation or determination authorized by the provisions of this Ordinance and where not otherwise provided, the *Planning Commission* shall be governed by the following standards:
1. The use or activity involved is in accordance with the Purpose and Intent of this Ordinance.
 2. The use or activity involved is compatible with adjacent uses of land and the natural environment.
 3. The use or activity involved is compatible with the capacities of public services and facilities affected by the request.
 4. The use or activity would not affect the natural or planned drainage system to the detriment of the surrounding neighborhood.
 5. The use or activity involved would not constitute a public or private nuisance.
- G) Capital Improvements Program.** The *Planning Commission* shall be exempted from the Capital Improvements Program.
- H) Removal from Office.** The City Council may remove a member of the *Planning Commission* for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. Failure of a member to disclose a potential conflict of interest constitutes a malfeasance in office.

Section 15.12

Zoning Board of Appeals

- A) Authority.** The *Zoning Board of Appeals* shall perform all the duties and have the powers prescribed by Michigan statutes, as amended.
- B) Procedures.**
1. The *Zoning Board of Appeals* shall adopt such rules of procedure, consistent with the provisions of Michigan statutes and local Ordinances, as it may deem necessary to the proper performance of its duties and the proper exercise of its powers.
 2. Meetings of the *Zoning Board of Appeals* shall be held at the call of the Chairman and at such other times as the board may determine.
 3. Hearings of the *Zoning Board of Appeals* shall be public. The Board shall keep minutes of its proceedings showing the action and the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examination and other official actions, all of which shall be public record.
 4. The *Zoning Board of Appeals* shall hear and decide matters referred to them or upon which they are required to pass under the provisions of this Ordinance.
 5. **Applicants and Application submission.** An application to the *Zoning Board of Appeals* in cases in which it has original jurisdiction under the provisions of this Ordinance may be made by any property owner, including a tenant, or by a government office, department, board or bureau. If an application for a *Variance* is filed by other than the owner of the property, consent of the owner shall be required in order to act on such application. Such application shall be filed with the *Zoning Administrator*, who shall transmit the same, together with all the plans, specifications and other papers pertaining to the application to the *Zoning Board of Appeals*.
 6. **Voting.** A majority vote of the members of the *Zoning Board of Appeals* shall be necessary to reverse an order, requirements, decision, or determination of an administrative official or body, or to decide in favor of the applicant a matter upon which they are required to pass under this Ordinance, or to effect a *Variance* in an Ordinance, except that in cases of land use *Variance*, a two-thirds vote is required.

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7. **Public Hearings.** Upon the filing of any appeal or application as herein provided, or upon any other application in any matter or proceeding over which the *Zoning Board of Appeals* shall have jurisdiction by law or Ordinance, the *Zoning Board of Appeals* shall hold a public hearing on such appeal or application. Notice for such public hearing shall be given in accordance with [Section 15.07](#).
8. **Fees.** Upon the filing of any appeal or application to the *Zoning Board of Appeals* by any person other than an officer, department, board, or agency of the city, the applicant shall pay a fee set by resolution of the City Council to defray the cost of hearing and recording the matter.
9. **Employees.** The *Zoning Board of Appeals* may employ such clerical or other assistance as may be necessary, provided that it shall not at any time incur any expense beyond the amount of the appropriation made and then available for that purpose.

C) Membership.

1. The *Zoning Board of Appeals* shall consist of seven members, to be appointed by the City Council upon recommendation by the Mayor for staggered terms of three years from the date of appointment, and extending until a successor shall be appointed. Vacancies shall be filled by appointment for unexpired terms.
2. The *Zoning Board of Appeals* shall elect its own Chairman and Vice Chairman from among its membership. Members of the *Zoning Board of Appeals* must be electors of the City.
3. The City Council may appoint two alternate members to the *Zoning Board of Appeals* for staggered terms of three years.
 - (a) The Chairman of the *Zoning Board of Appeals* may call the alternate members on a rotating basis to sit as regular members of the *Zoning Board of Appeals* in the absence of a regular member.
 - (b) The Chairman may also call an alternate member to serve in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest.
 - (c) The alternate member having been appointed to hear a case, whether for absence or conflict of interest, shall serve in the case until a final decision has been made.
 - (d) The alternate members shall have the same voting rights as regular members of the *Zoning Board of Appeals*.

D) Appeal Procedure.

1. An appeal may be filed by a person aggrieved, or by an officer, department, board, or bureau of the city. Such appeal shall be taken within 30 days of the date the individual receives notice of the decision being appealed. Such notice must include a statement of the individual's right to appeal and the time limit for filing such an appeal.
2. An appeal stays all proceedings in furtherance of the action appealed from unless the officer or body from whom the appeal is taken certifies to the *Zoning Board of Appeals*, after notice of appeal is filed, that by reason of facts stated in the certificate, a stay would in the opinion of the officer or body cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order. This restraining order may be granted by the *Zoning Board of Appeals* or Circuit Court on application of or notice to the officer or body from whom the appeal is taken and due cause shown.
3. Decisions on appeals shall be rendered within 60 days after the hearing thereon, and in any event, within 90 days after the filing of the appeal. All decisions of the *Zoning Board of Appeals* shall become final five days after the date of entry of an order, unless the Board shall find and so certify on the record, that it is necessary to cause such order to have immediate effect, in order to preserve property or personal right.
4. If the *Zoning Board of Appeals* fails to decide an appeal within the time required by subsection (3) of this section, the appeal shall be deemed to be denied, and the person filing the appeal may pursue his other legal remedies as if a decision had been rendered denying the appeal.

- E) Variance Procedures.** The *Zoning Board of Appeals* shall have the power to authorize, upon an appeal, specific variances to any of the rules or provisions of the UDO relating to the construction, or structural changes in equipment, or alterations of *buildings* and structures, or the use of land, *buildings*, or structures, provided all of the basic conditions listed herein and any one of the special conditions listed thereafter can be satisfied.

1. **Basic Conditions.** Any *Variance* granted from this chapter must meet the following basic conditions:
 - (a) The *Variance* shall not be in contrary to the public interest or to the purpose and intent of the UDO.
 - (b) The *Variance* shall not cause a substantial detrimental effect upon adjacent properties, or to the surrounding neighborhood.
 - (c) The *Variance* is not one where the specific conditions relating to the property are so general or recurrent in nature as to make the formulation of a general regulation for the conditions reasonably practical.
 - (d) The *Variance* will relate only to the pro perty that is under control of the applicant.
 2. **Special Conditions.** When all of the foregoing basic conditions can be satisfied, a *Variance* may be granted when any one of the following special conditions can be clearly demonstrated:
 - (a) There are practical difficulties or unnecessary hardships which prevent carrying out the strict letter of the UDO. These hardships or difficulties shall not be economic, but shall be evaluated in terms of the use of a particular parcel of land. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a *Variance*.
 - (b) There are exceptional or extraordinary circumstances or physical conditions such as narrowness, shallowness, shape, or topography of the property involved, or to the intended use of the property, that do not generally apply to other property or uses in the same *Zoning District*. The circumstances or conditions shall not have resulted from any act of the applicant subsequent to the adoption of the UDO.
 - (c) The variation is necessary for the preservation of a substantial property right possessed by other properties in the same *Zoning District*.
 3. **Rules.** The following rules shall be applied in the granting of variances:
 - (a) The *Zoning Board of Appeals* may specify, in writing, the conditions regarding the character, location, and other features that will, in its judgment, secure the objectives and purposes of the UDO. The breach of any such condition shall automatically invalidate the permit granted.
 - (b) No application for a *Variance* which has been denied wholly or in part by the *Zoning Board of Appeals* shall be resubmitted for a period of one year from the date of the last denial, except on the grounds of newly-discovered evidence or proof of change conditions found upon inspection by the *Zoning Board of Appeals* to be valid.
- F) Authorizations and Permits.** The *Zoning Board of Appeals* shall further have the authority to make decisions on the following permits and activities:
1. **Public Utility Permits.** The *Zoning Board of Appeals* shall have the power to permit the erection and use of a *building* by a public service corporation or for *Public Utility* purposes, in any permitted district to a greater height or larger area than the district requirements herein established.
 2. **Interpretation of the Zoning Map.** Where a street or *Lot Lines* as shown on the zoning map, the *Zoning Board of Appeals*, after notice to the owners of the property and the immediately adjoining property, and after public hearing, shall interpret the map in such a way as to carry out the purpose and intent of this Ordinance for the particular section or district in question.
 3. **Fair Housing Accommodations.** An UDO requirement would be an impediment to providing reasonable accommodation to individuals with disabilities, and an applicant has filed an application under the procedures described by the Fair Housing Accommodation Policy in [Section 13.11](#), and meeting all of the following criteria:
 - (a) The requested accommodation is necessary to make housing available to an individual with disabilities under the Fair Housing Laws and will be used by an individual with disabilities protected under Fair Housing Laws.
 - (b) The requested accommodation would not impose an undue financial or administrative burden on the City.
 - (c) There is not an alternative accommodation which may provide an equivalent level of benefit to the applicant.

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G) Time Limit for Construction.

1. Within six (6) months of an authorization from the *Zoning Board of Appeals* for a *Variance*, permit, or other authorized action, the applicant shall secure any necessary permits for the authorized action, and construction or use will commence. Structures, *buildings*, or alterations, as the case may be, shall be completed within fifteen (15) months of said date. These limit dates shall be entered on the *building permit* when issued. For good cause shown, the *Zoning Board of Appeals* may, upon application in writing stating the reasons thereof, extend either the six-month or the fifteen-month period for such further time as the *Zoning Board of Appeals* may, in its discretion, deem sufficient.
2. Should the applicant fail to obtain any necessary permit within such six-month period, or having obtained the same, should fail to commence work, it shall be conclusively presumed that the applicant has waived, withdrawn, and abandoned his appeal, and all permissions, permits, and variances granted to him by reason of said appeal shall be deemed automatically rescinded by the *Zoning Board of Appeals*.
3. Should the applicant commence any required construction or alteration within the said six-month period, but fail to complete such construction or alteration within the said fifteen-month period, the *Zoning Board of Appeals* may, upon 10 days written notice, rescind or revoke the granted *Variance*, or the issuance of the permit, or the right to take such other action as may have been authorized to the applicant, if the Board finds that no good cause appears for such failure.

Section 15.13

Rezoning and Text Amendments

A) Grant of Power. In accordance with the provisions of the Michigan Zoning Enabling Act, PA 110 of 2006, as amended, the City Council may from time to time amend, or change by ordinance, the number, shape, or area of districts established on the Zoning Map or the regulations set forth in this Ordinance; but no such amendment or change shall become effective unless the ordinance proposing such amendment or change shall first be submitted to the *Planning Commission* for approval, disapproval, or suggestion, and the *Planning Commission* shall have been allowed a reasonable time, not less than 60 days, for setting a public hearing and submitting a recommendation to the City Council.

B) Application Content and Required Fee.

1. Any person or persons desiring a change in this Ordinance, or the Zoning Map shall make application to the Zoning Administrator.
 - (a) In the case of an Ordinance Text Amendment, a letter shall be submitted which shall contain the requested change and the reason for such change.
 - (b) In the case of a Zoning Map change, hereby known as a Rezoning, an application shall be submitted which shall describe the property involved, the zone change requested, and the reason for such change. In order to have standing to apply for a rezoning, the person must demonstrate an interest in the property to be rezoned. Persons who may request a map change include, but are not necessarily limited to, the owner, a mortgage holder, and other persons having a similar legal or equitable interest in the property to be rezoned.
2. With either type of request, there shall be an accompanying remittance of a fee to cover costs encountered in conducting a public hearing, the amount of the fee to be established by resolution of the City Council.

C) Amendment Procedure.

1. Before submitting recommendations for a rezoning or zoning ordinance text amendment to the City Council, the *Planning Commission* shall conduct a public hearing on the proposed text or map change.
2. **Conditional Rezoning.**
 - (a) Purpose and Intent. It is recognized that there are certain instances when 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 are proposed by property owners as part of a request for a zoning map amendment, otherwise referred to as rezoning. It is the intent of this section to provide a process consistent with the provisions of the Michigan Zoning Enabling Act 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) All owners 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.
- (c) 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. All other provisions of this section shall apply.
- (d) Hearing notices shall clearly indicate the proposed zoning amendment is a conditional rezoning amendment, which is specific to property that is indicated in the notice. The notice shall also indicate the condition(s), or zoning amendment request may be rejected, approved, or modified by City Council.
- (e) The owner's offer of conditions may not purport to authorize uses or developments not permitted in the requested new *Zoning District*.
- (f) The owner's offer of conditions shall bear a reasonable and rational relationship to the property for which rezoning is requested.
- (g) Any use or development proposed as part of an offer of conditions that would require a *Special Land Use* permit under the terms of this Ordinance may only be commenced if a *Special Land Use* permit for such use or development is ultimately granted in accordance with the provisions of this Ordinance.
- (h) Any use or development proposed as part of an offer of conditions that would require a *Variance* under the terms of this Ordinance may only be commenced if a *Variance* for such use or development is first granted by the Zoning *Board of Appeals* in accordance with the provisions of this Ordinance.
- (i) Any use or development proposed as part of an offer of conditions that would require site plan approval under the terms of this Ordinance may only be commenced if site plan approval for such use or development is ultimately granted in accordance with the provisions of this Ordinance.
- (j) The offer of conditions may be amended during the process of rezoning consideration provided that any amended or additional conditions are offered voluntarily by the owner. An owner may withdraw all or part of its offer of conditions any time prior to final rezoning action of the City Council provided that, if such withdrawal occurs subsequent to the *Planning Commission's* public hearing on the original conditional rezoning request, then the rezoning application shall be referred to the *Planning Commission* for a new public hearing with appropriate notice and a new recommendation without consideration of the withdrawn conditions, and a new application fee will be charged to the owner to cover the costs of the additional public hearing.
- (k) A conditional zoning proposal shall not be accepted for consideration if the proposed statement of conditions contains provisions, which are less restrictive than those found in the proposed *Zoning District*. Such requests shall be pursued as a *Variance*.
- (l) The *Planning Commission*, after public hearing and consideration of the factors for rezoning set forth in 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.

D) City Council Action.

1. After receipt of the *Planning Commission's* recommendation, the City Council shall deliberate upon the requested rezoning or conditional zoning proposal and may approve or deny the request. The City Council's deliberations shall include, but not be limited to, a consideration of the factors for rezoning set forth in this Ordinance. Should the City Council consider amendments to the proposed conditional rezoning advisable, and if such contemplated amendments to the offer of conditions are acceptable to and thereafter offered by the owner, then the City Council may accept such amendments without referral back to the *Planning Commission*.
2. Upon presentation of a protest petition meeting the requirements designated below, the amendment in question shall be passed only by a two-thirds vote of the City Council. The protest petition shall be presented to the City Council before final legislative action and shall be signed by either:
 - (a) The owners of at least 20 percent of the area of land included in the proposed change;

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- (b) 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.
- (i) Publicly owned land shall be excluded in calculating the 20 percent requirement.
 - (ii) The Statement of Conditions shall:
 - (1) Be in a form recordable with the Mason County Register of Deeds or, in the alternative, be accompanied by a recordable Affidavit or Memorandum prepared and signed by the owner giving notice of the Statement of Conditions in a manner acceptable to the City Council.
 - (2) Contain a legal description of the land to which it pertains.
 - (3) Contain a statement acknowledging that the Statement of Conditions runs with the land and is binding upon successor owners of the land.
 - (4) Incorporate by attachment or reference any diagram, plans or other documents submitted or approved by the owner that are necessary to illustrate the implementation of the Statement of Conditions. If any such documents are incorporated by reference, the reference shall specify where the document may be examined.
 - (5) Contain a statement acknowledging that the Statement of Conditions or an Affidavit or Memorandum giving notice thereof may be recorded by the City with the Mason County Register of Deeds.
 - (6) Contain the notarized signatures of all of the owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the Statement of Conditions.
 - (7) Upon approval of a conditional zoning amendment, the statement of conditions shall be recorded in the Mason County Register of Deeds office. Upon approval of a conditional zoning amendment, the boundary of the parcel(s) subject to the conditional rezoning shall be shown on the zoning map with a symbol (such as but not limited to an asterisk) to indicate a statement of conditions exists for the parcel(s).
 - (iii) **Enforcement of provisions.** If the terms of the Statement of Conditions in an approved conditional rezoning are violated and enforcement efforts have not been successful in correcting the violations, then the *Planning Commission* shall initiate, and the City Council shall adopt, a zoning amendment to revert the zoning classification of the subject land back to what it was prior to adoption of the conditional zoning. In doing so, the same process for amending the Zoning Ordinance in this section shall be followed, except for the requirement of a finding of compliance with the plan.
 - (iv) **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 constitute a violation of this Zoning Ordinance and be punishable accordingly. Additionally, any such violation shall be deemed a nuisance per se and subject to judicial abatement as provided by law.
 - (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.
 - (v) **Time Period for Establishing Development or Use.** Unless another time period is specified in the ordinance rezoning the subject land, the approved development and/or use of the land pursuant to *Building* and other required permits shall be commenced upon the land within 18 months after the effective date of the ordinance conditionally rezoning the land and thereafter proceed diligently to completion. This time limitation may upon written request be extended by the City Council if:
 - (1) It is demonstrated to the City Council's reasonable satisfaction that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion; and
 - (2) The City Council finds that there has not been a change in circumstances that would render the current zoning with Statement of Conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy.

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- (vi) **Reversion of Zoning.** If approved development and/or use of the conditionally rezoned land does not occur within the time frame specified in the Conditional Rezoning Agreement, then the land shall revert to its former zoning classification, as set forth in the Michigan Zoning Enabling Act MCL 125.3405, as amended. The reversion process may be initiated by the City Council requesting that the *Planning Commission* proceed with consideration of rezoning of the land to its former zoning classification or it may be initiated by the *Planning Commission*. The procedure for considering and making this reversionary rezoning shall thereafter be the same as applies to all other rezoning requests.
- (vii) **Subsequent Rezoning of Land.** When land that is rezoned with a Statement of Conditions is thereafter rezoned to a different zoning classification or to the same zoning classification but with a different or no Statement of Conditions, whether as a result of a reversion of zoning pursuant to [Subsection 2.b.ii.7](#) above or otherwise, the Statement of Conditions imposed under the former zoning classification shall cease to be in effect. The Zoning Administrator shall record with the Mason County Register of Deeds a notice that the Statement of Conditions is no longer in effect.
- (viii) **Amendment of Conditions.**
 - (1) During the time period for commencement of an approved development or use specified pursuant to Subsection 6 above or during any extension thereof granted by the City Council, the City shall not unilaterally add to or alter the conditions in the Statement of Conditions.
 - (2) The Statement of Conditions may be amended thereafter in the same manner as was prescribed for the original rezoning and Statement of Conditions as set forth in [Subsection 2.b.ii](#) above.

- (ix) **City Right to Rezone.** Nothing in the Statement of Conditions nor in the provisions of this Section shall be deemed to prohibit the City from rezoning all or any portion of land that is subject to a Statement of Conditions to another zoning classification. Any rezoning shall be conducted in compliance with this Ordinance and the Michigan Zoning Enabling Act, P.A 110 of 2006, as amended.
- (x) **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.

- E) Publication Requirements.** Following the adoption of an amendment to this Ordinance by the City Council, one Notice of Adoption shall be published in a newspaper of general circulation in the City within 15 days after adoption. The notice shall include the following information:
1. Either a summary of the regulatory effect of the amendment including the geographic area affected, or the text of the amendment.
 2. The effective date of the Ordinance.
 3. Place and time where a copy of the Ordinance may be purchased or inspected.

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Section 15.14 Plats and Site Condominiums (New)

The approvals required by Chapter 50 – Subdivisions of the Ludington City Code shall be obtained prior to the construction of any plat, subdivision, or site condominium.

Section 15.15 Enforcement

- A)** The *Building Inspector* shall not issue any permit which would authorize a violation of any provisions of this Ordinance or of any other applicable City regulation, except upon the order of the Zoning *Board of Appeals*.
- B)** The *Building Inspector* shall investigate any alleged violation of this Ordinance coming to their attention, whether by complaint or from personal knowledge. If a violation is found to exist, the *Building Inspector* shall send notice of the violation to the owner as shown on the tax roll. If a violation is found to exist 30 days after such notification, the *Building Inspector* shall notify the City Council. The foregoing shall not prevent the *Building Inspector* from at any time commencing a criminal prosecution or seeking injunctive or other relief.
- C)** The *Building Inspector* shall keep records of all inspections, investigations, applications, fees, and permits issued with notations of all special conditions involved. Copies of all plot plans approved by the *Planning Commission* or Zoning *Board of Appeals* shall also be kept. Said records shall be available as a public record.

Section 15.16 Violations and Penalties

- A) Violation.** Violations of any provision of this Zoning Ordinance shall constitute a municipal civil infraction subject to the sanctions as provided in Section 1.7 of Chapter I of Part II of the Ludington City Code.
- B) Public Nuisance Per Se.** *Buildings* erected, altered, razed, or converted, or uses carried on in violation of this Ordinance are declared to be a public nuisance per se.
- C) Separate Offense.** Each day in which a violation shall occur or continue shall be a separate violation.

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Section 16.01

Purpose and Intent

Purpose and Intent. The purpose of these regulations is to permit greater flexibility and consequently more creative and imaginative design in the development than is generally possible under conventional zoning regulations. It is further intended to promote more economical and efficient use of the land while providing a harmonious variety of building choices, the integration of necessary commercial and community facilities, and the preservation of open space for park and recreational use. A *Building Permit* may be issued for construction and development of a planned unit development subject to compliance with the requirements, standards, and procedures set forth in this Chapter

Section 16.02

PUD Agreement and Underlying Zoning District

- A) PUD Agreement.** All PUDs shall be governed by a PUD Agreement, which shall describe, in specific details, all aspects of the UDO that have been waived in approving the PUD, as well as all aspects of the development that exceed UDO standards. The PUD Agreement, once approved by City Council, shall be signed by a representative of the property owner and a representative of the City, and shall be binding from the site unless amended as described in [Section 16.06](#).
- B) Underlying Zoning District.** All PUDs must have a designated underlying *Zoning District*, which shall be proposed by the applicant in the initial submission. In reviewing the *Underlying Zoning District*, the *Planning Commission* and City Council shall evaluate the appropriateness of the district under the City's Master Plan for the location in question. For all aspects of the PUD not specifically outlined in the PUD Agreement, the *Underlying Zoning District* shall govern. Any *Zoning District* listed in this Ordinance may be used as an *Underlying Zoning District*.

Section 16.03

Waivers from the Provisions of the Underlying Zoning District

- A) Allowable Waivers.** The following aspects of the *Underlying Zoning District* may be waived through the PUD Agreement. The City shall be under no obligation to approve any waiver that does not meet the criteria in [Section 16.05.A.6](#) and/or is not offset by aspects of the development that exceed UDO standards.
1. Dimensional/*Building Envelope* requirements (*Building Height, Setbacks, etc*).
 2. Form Based Code regulations
 3. Housing Type (but not density or total number of units)
 4. Number and size of *Signs*
 5. *Landscaping*
 6. Lighting
 7. *Accessory Structures*
 8. *Fences*
 9. Access Management
 10. Minimum required parking spaces, though the City may require the use of parking reduction options listed in Section 8.03.C in exchange for the parking reduction.
 11. Housing density/allowable number of housing units.
- B) Prohibited Waivers.** The following aspects of the *Underlying Zoning District* shall not be waived through the PUD Agreement, and shall be applied to the PUD as written.
1. Permitted land uses
 2. Uses allowable through the Special Land Use process
 3. Standards for specific land uses
 4. Regulations pertaining to lodging
 5. Requirements of the O-L and O-I Overlays
 6. *Parking Lot* dimensions
 7. Waterfront District requirements, including public access and building materials
 8. Sidewalks as required in Section 13.03.
 9. Clear corner vision (for signage, *Landscaping, Fences, etc*)
 10. Mason County Airport Safety Zones
 11. Any aspect of this Ordinance not listed in [Section 16.03.A](#) shall also be deemed to be an impermissible waiver.

**Section 16.04
Utilities**

Public water and sanitary sewer/storm drainage facilities shall be provided as part of a PUD. The City may require the developer to pay for capital costs for the installation of required new infrastructure. All newly constructed electric and communication transmission lines shall be placed underground for all PUDs.

**Section 16.05
Application Procedure
and Approval Process
for all Planned Unit
Developments**

- A) Wherever any PUD is proposed, before any *Building Permit* is issued, the developer shall apply for approval of the PUD in accordance with the following procedures.
 1. A draft PUD Agreement, as described in [Section 16.02.A](#).
 2. A proposed Underlying *Zoning District*, as described in [Section 16.02.B](#).
 3. Application for Preliminary Plan Approval. In order to allow the *Planning Commission*, City Council, and the developer to reach an understanding of basic design concept, and avoid unnecessary investment, the developer shall submit a preliminary plan to the *Planning Commission*. The preliminary plan shall be drawn, by a licensed professional, to scale, and provide the following information and documentation:
 - (a) Boundaries of the property.
 - (b) Location map showing uses and ownership of abutting lands.
 - (c) Location and height of all buildings.
 - (d) Interior roadway system, parking facilities, and all existing rights-of-way and easements, whether public or private.
 - (e) Delineation of the various uses; indicate for each such area its size, number of buildings, number of dwelling units, and approximate percentage allocation by dwelling unit type. Indicate the net residential density and the net commercial density, if applicable.
 - (f) Interior traffic and pedestrian circulation patterns.

- (g) Areas designated as open space.
 - (h) If *Grades* exceed 30 percent, or portions of the site have a moderate to high susceptibility to erosion or a moderate to high susceptibility to flooding and/or ponding, an overlay outlining the above susceptible soil shall be provided.
 - (i) Principal ties to the neighborhood and community with respect to transportation, water supply, and sewage disposal.
 - (j) General description of the provision of other community facilities such as schools, recreational facilities, fire protection and service, and cultural facilities, if any, and some indication of how these needs are proposed to be accommodated.
 - (k) Evidence that the proposal is compatible with the objectives of the City's master plan.
 - (l) General statement as to how common open space is to be owned and maintained.
 - (m) If the development is to be constructed in phases, a general indication of how the sequence of phases is to proceed shall be identified. In any case, the sketch plan shall show the final intended project.
4. **Approval or Denial of Planned Unit Development.**
- (a) The *Planning Commission* shall hold a public hearing on the preliminary plan in accordance with the provisions set forth in [Section 15.07](#).
 - (b) Following the public hearing, the *Planning Commission* shall approve, approve with conditions, or disapprove the preliminary plan and so notify the applicant of the decision.
 - (c) Upon approval, the *Planning Commission* shall forward the Preliminary Site Plan, draft PUD Agreement, and their decision, including any conditions, to the City Council for action.
 - (d) Approval of the preliminary plan by the *Planning Commission* and the City Council shall not constitute approval of the detailed site plan, but shall be deemed an expression of approval of the layout as a guide to the preparation of the detailed site plan.

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5. Application for Detailed Site Plan Approval.

- (a) **Conformance to Preliminary Plan.** The detailed site plan shall conform to the preliminary plan as approved by the City Council. It shall incorporate any revisions or other features that have been recommended by the *Planning Commission* or the City Council at the preliminary review. All such revisions shall be clearly indicated. If more than six (6) months elapses between approval of the sketch plan and submission of the detailed site plan, the *Planning Commission* may require a resubmission of the preliminary plan for further review and possible revision.
- (b) A final site plan, drawn by a licensed professional, shall be submitted in accordance with the standards of [Section 15.05](#), including all materials required therein. In addition to the elements listed in [Section 15.05.A](#), the following is required:
- (i) Dimensions of the land, including width, length, acreage, and frontage.
 - (ii) Existing zoning and zoning of all adjacent properties.
 - (iii) A topographical map or maps showing present and proposed *Elevations* at contour levels of not more than two feet.
 - (iv) Location of existing drainage courses, floodplains, lakes, streams, and wetlands.
 - (v) A description of the development, including:
 - (1) Density calculations, number and types of residential units, and the *Floor Area* per habitable space. A description of all proposed nonresidential uses, including the types of businesses, hotels, offices, retail, etc. The square footage that will be devoted to office or retail purposes, and the number of rooms in any proposed hotels or motels. The information related to square footage and number of rooms should be provided in sufficient detail to determine the demand for water, sewer, and transportation facilities that will result.
 - (2) The location and size of all proposed open spaces, including preserves, recreational areas, and the like, and each purpose proposed for such areas. Whether open space is expected to be used only by residents of the property, left undisturbed, or whether the space will be open to the general public, should be indicated.
 - (3) All known natural resources and natural features to be preserved.
 - (4) A landscape plan showing woodlands and vegetation to be preserved or added, topography, and similar features.
 - (5) A circulation plan for internal streets, roadways, and pedestrian walkways.
 - (6) Truck turning templates for any internal road which is intended to allow access to trucks, and designation of internal roads on which trucks will not be permitted.
 - (7) The location of all proposed parking areas and number of spaces by size.
 - (8) Freestanding/pylon, ground-mounted and wall signage plans, showing all *Setbacks* and dimensions and describing all exterior construction materials.
 - (9) The location and area of each development phase of a multi-phased development. The location of any buffer zones, *Berms*, and *Fences*.
 - (10) The location of any outdoor commercial activities, including, but not limited to, outdoor display and sales.
 - (vi) In addition to the required map(s), a final area site plan shall include written materials containing the following information:
 - (1) Name and address of the applicant.
 - (2) Legal description of the subject parcel of land.
 - (3) Area of the subject parcel of land stated in acres, or if less than one acre, in square feet.

- (4) Present zoning classification of the subject parcel.
- (5) A general description of the proposed development.
- (6) A report showing all soil types, their location, and those areas, if any, with moderate to high susceptibility to erosion. For areas with potential erosion problems, the report shall also include an outline and description of existing vegetation.
- (7) If applicable, a statement of intent to subdivide under Chapter 50 of the City of Ludington Code of Ordinances.

6. **Standards for Approval.** In addition to the standards for *Site Plan Review* laid out in [Section 15.05](#), consideration of the detailed site plan shall include the following:

- (a) Sufficient balance between the requested waivers from the UDO and aspects of the plan that exceed UDO standards.
- (b) The proposed development shall conform to the city's Master Plan. In addition to general consistency with the Future Land Use Map and the Goals and Objectives of the Plan, the PUD must meet the following requirements:
 - (i) If the Master Plan envisions road connections through the site, those road connections must be included in the PUD design, though the specific route or network design need not follow the Master Plan exactly.
 - (ii) If the Master Plan designates a portion of the site for open space, then the site must include open space consistent with the Master Plan's vision, though the precise boundaries of the open space need not match the Master Plan exactly.
 - (iii) The PUD design shall not render any aspect of the Master Plan impossible or very difficult to implement on the site in question, or on adjacent or nearby sites, in the future.
- (c) The proposed development shall be adequately served by public facilities and services such as highways, streets, police and fire protection, drainage courses, water and sanitary sewer facilities, refuse disposal, or that the persons or agencies responsible for the proposed development shall be able to provide in a manner

- acceptable to the Planning Commission any such facilities and services.
- (d) Common open space, any other common properties, individual properties, and all other elements of the PUD are so planned that they will achieve a unified open and recreation area system with open space and all other elements in appropriate locations, suitably related to each other, the site, and the surrounding land.
- (e) The location of the proposed uses, layout of the site, and its relation to streets giving access to it shall be such that traffic to, from, and within the site and assembly of persons in connection therewith will not be hazardous or inconvenient to the project or the surrounding area. In applying this standard, the Planning Commission shall consider, among other things, convenient routes for pedestrian traffic, relationship of the proposed project to street intersections, and the general character and intensity of the existing and potential development of the surrounding area.
- (f) The mix of housing unit types and densities and the mix of residential and nonresidential uses shall be acceptable in terms of convenience, privacy, compatibility, and similar measures.
- (g) Noise, odor, light or other external effect from any source whatsoever which is connected with the proposed use will not adversely affect adjacent and neighboring lands or uses.
- (h) New streets, if proposed, shall follow topography, be properly spaced, and be located and aligned in accordance with the intended function of each street. The property shall have adequate access to public streets. The plans shall provide for logical extensions of public streets and shall provide suitable street connections to adjacent parcels, where applicable.
- (i) Major pedestrian circulation shall be provided for within the site, and shall interconnect all residential areas, community areas, and commercial and other services where applicable. The pedestrian system shall provide a logical extension of the pedestrian ways from outside the site and shall provide pedestrian connections to the edges of the site where appropriate.
- (j) Where a project is proposed for construction in phases, the planning and designing shall be such that, upon

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completion, each phase shall be capable of standing on its own in terms of the presence of services, facilities and open space, and shall contain the necessary components to ensure protection of natural resources and the health, safety and welfare of the users of the planned unit development and the residents of the surrounding area.

7. **Action on the Detailed Site Plan.** After review of the detailed site plan, the *Planning Commission* shall approve or disapprove the application, and so notify the applicant and the Zoning Administrator. When a detailed site plan has been approved by the *Planning Commission*, the applicant shall secure a *Building Permit* before beginning construction.
8. **Expiration and Nullification.** In any case where construction on any approved PUD has not commenced within one year from the date of approval, the PUD approval shall be null and void.
9. **Bond Requirement.**
 - (a) A performance bond or bank letter of credit conditioned upon construction and development in accordance with the approved plans may be required by the City Council to be filed with the Zoning Administrator at the time of issuance of a *Building Permit*, where the development is to be completed in phases over a period of years, in such amounts as for such periods as in the discretion of the council appears adequate to insure compliance with the approved plans.
 - (b) Such bond or letter of credit may also be required as security for the completion of any particular improvements upon which approval is conditioned for the protection of natural resources or the health, safety, and welfare of the residents of the City and future users or inhabitants of the proposed project area, including roadways, lighting, utilities, sidewalks, *Screening*, and drainage. Where a cash deposit is made in lieu of a bond or letter of credit, the City Council shall provide for a rebate of the same in reasonable proportion to the ratio of the work completed and for which the deposit has been required, provided that the amount remaining on deposit still provides reasonable security for the completion of the unfinished improvements germane to the deposit.

Section 16.06

Changes to an Approved Plan

- A) **Minor Changes.** Minor changes to a PUD's preliminary plan or detailed site plan may be approved by mutual agreement of the applicant and the *Planning Commission*, provided the changes comply with all applicable requirements of this Zoning Ordinance and all other City regulations or state law. Minor changes include:
 1. All matters that were approved by the *Planning Commission* in the detailed site plan that were not part of the preliminary plan.
 2. The relocation of structures, roads, planting areas, parking areas, *Signs*, lighting and driveways provided that all such improvements remain in the same general location as approved in the preliminary development plan, as determined by the *Planning Commission*.
 3. Adjustments to total building size not to exceed the lesser of 5,000 square feet or five percent of the *Gross Floor Area*.
 4. All other changes shall be considered major changes to any approved PUD and shall be processed in accord with the approval process for a PUD from the point of initial preliminary development approval.
- B) **Major Changes.** If the applicant wishes to make changes in the preliminary plan as it has been approved by the *Planning Commission* and the City Council pursuant to the above procedures, the amended preliminary plan shall then be resubmitted to the *Planning Commission* and the City Council pursuant to the above procedures.

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Section 17.01

Purpose and Intent

The purpose and intent of this article is to clearly define commonly used terms in the UDO. Terms defined in this Article shall have the definitions listed here. Terms not defined in this Article shall have their commonly understood meaning.

Section 17.02

General Definitions

A

1. **Accessory Building or Structure.** A permanent subordinate building or *Structure* on the same property as a *Principal Building*. Examples include sheds, *Garages*, and carports, as well as installations such as antennae, generators, and play equipment. When an accessory building is attached to a *Principal Building* by a wall or roof, such building shall be considered part of the *Principal Building* and shall remain within the *Building Envelope* for the *Principal Building*.
2. **Adult Business.** See [Section 7.03](#).
3. **Awning.** An architectural projection that provides weather protection, identity or decoration and is wholly supported by the building to which it is attached. An awning is comprised of a lightweight, rigid skeleton *Structure* over which a covering is attached.

B

1. **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*.
2. **Berm.** A continuous, raised earthen mound, with a flattened top and sloped sides, capable of supporting live plant materials.
3. **Block.** A unit of land abutting one side of a street and lying between the two nearest intersecting streets or bounded by a combination of streets and public land, waterways, or any other barrier.
4. **Board or Board of Appeals** means the Zoning Board of Appeals established by this Ordinance in [Section 15.12](#).
5. **Building.** Any *Structure*, either temporary or permanent, having a roof supported by columns or walls, and intended for the shelter, or enclosure of persons, animals, chattels, or property of any kind.
6. **Building, Principal.** A building in which the *Principal Use* of a *Lot* is conducted.
7. **Building Alteration.** A change in the supporting framework of a building, an addition, diminution, or *Conversion* of a building or part thereof.
8. **Building Envelope.** The portion of any property where it is legal to construct a *Principal Building*. The *Building Envelope* is defined by the required *Setbacks* and the *Building Heights* allowed in the *Zoning District*. Once the required *Setbacks* and heights are determined, the area inside of the required *Setback* yards is the *Building Envelope*.
9. **Building Height.** Except where otherwise specifically provided, the vertical distance measured from the established *Grade* to the highest point of the roof surface for flat roofs; to the *deck* line of mansard roofs; and to the average height between eaves and ridge for gable, hip, and gambrel roofs.
10. **Building Inspector.** An employee of the City of Ludington authorized to administer and enforce the provisions of this Ordinance.
11. **Building Permit.** The written authority issued by the *Building Inspector* or behalf of the City permitting construction, moving, alteration, or use of a building, or *Structure* in conformity with the provisions of this Ordinance and other city ordinances, and state or federal laws.

C

1. **Caliper.** The trunk diameter of a nursery *Tree* in inches, measured twelve (12) inches above *Grade*.
2. **Campus.** A parcel, or a series of connected, contiguous parcels, containing more than one *Principal Building* that each contain separate, but inter-related facets of the same use. Examples include, but are not limited to educational campuses, medical campuses, religious institutions, and municipal campuses.
3. **Canopy.** An architectural projection that provides weather protection, identity or decoration and is supported by the building to which it is attached and at the outer end by not less than one stanchion. A canopy is comprised of a rigid *Structure* over which a covering is attached.
4. **Clear Vision Triangle.** A triangle formed at the intersection of a public road with any other road or vehicular access route, within the area formed by two points, each 20 feet away from the two intersecting curblines, roads or driveways, and the line connecting them. The height of solid objects is limited to 3 feet within this area in order to maintain a clear line of site at corners for vehicles and pedestrians.
5. **Commercial Vehicle.** A motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if 1 or more of the following apply:
 - (a) It is designed to transport 16 or more passengers, including the driver.
 - (b) It has a gross vehicle weight rating or gross vehicle weight, whichever is greater, of 26,001 pounds or more.
 - (c) It has a gross combination weight rating or gross combination weight, whichever is greater, of 26,001 pounds or more, inclusive of towed units with a gross vehicle weight rating or gross vehicle weight, whichever is greater, of more than 10,000 pounds.
 - (d) A motor vehicle carrying hazardous material and on which is required to be posted a placard as defined and required under 49 CFR parts 100 to 199.
6. **Conversion.** For purposes of this Ordinance, the remodeling of single or two- family dwellings into two-, three-, or four- family dwellings.
7. **Cornice.** A connecting horizontal *Structure* made by an assembly of projecting molding, which caps or crowns the top of a wall or other architectural feature (such as a window or archway), striking a definitive limit to that section of the building.

D

1. **Deck.** When referring to a portion of an outdoor stairway in the Lakefront *Overlay District*, a flat area of a walkway that is longer than a single stair and wider than the stairwell it connects to.
2. **Diameter at Breast Height (DBH).** The trunk diameter of a mature *Tree* in inches measured four and one-half (4 ½) feet above *Grade*. Where a mature *Tree* is on a slope, the 4 ½ foot measurement shall be made on the uphill side of the *Tree*. On multi-stem trees, the largest diameter stem shall be measured.
3. **Duplex.** Outside of the form-based districts, a *Duplex* is a single building containing two independent dwelling units. *Duplex* as a Form-Based Building Type described is in [Section 6.03.I](#).
4. **Dustless and Durable.** A stable surface which is non-erodible and produces minimal dust, consisting of asphalt, concrete, permeable pavement, *grass* pavers, or another similar surface. Unsealed aggregates such as crushed concrete, asphalt millings, and stone may be considered dustless and durable when adequately maintained. Gravel is not considered a dustless and durable surface.

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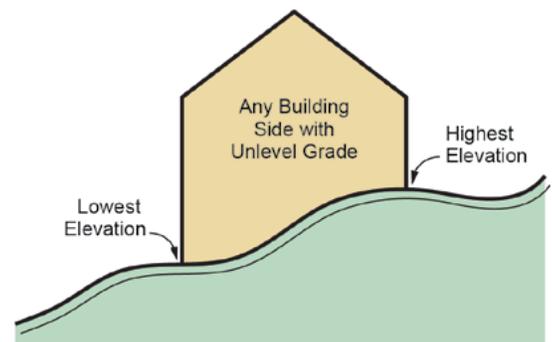
1. **Efficiency Unit.** A dwelling unit consisting of one room, exclusive of bathroom, kitchen, or closets. Each such unit shall have complete kitchen and bathroom facilities.
2. **EGLE.** The Michigan Department of Environment, Great Lakes, and Energy.
3. **Elevation.** An orthographic view of a building face, usually from compass points, showing height and vertical dimensions.
4. **Essential Services.** 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, communication, supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, poles, and other similar equipment and accessories in connection herewith, but not including buildings which are necessary for the furnishing or adequate service by such utilities or municipal departments for the general health, safety, or welfare. *Essential services* shall not include television, radio, or cellular, communication or other similar towers.
5. **Establishment.** A place of business that is located in a separate physical space.
6. **Excavation.** Any breaking of ground except common household gardening and ground care.

F

1. **Façade.** Building *Elevation* along a Principal or Secondary Frontage line in a form-based district.
2. **Family.** Any number of individuals living and cooking together on the premises as a single housekeeping unit.
3. **Fence.** A *Structure* of definite height and location to serve as a barrier or screen.
4. **Floor Area, Gross.** The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage and measured from the exterior faces of the exterior walls.
5. **Floor Area, Usable (Net).** The area used for intended to be used for active residence, sale of merchandise or provision of services, and generally active use; not including hallways, utilities, storage, thickness of walls and other engineering and architectural features not meant for regular human occupancy.
6. **Forecourt.** A building courtyard where one of its four sides is open to a Principal or Secondary Frontage.

G

1. **Garage.** A detached accessory building or portion of a *Principal Building* used principally for the storage of passenger vehicles and not more than one commercially licensed vehicle.
2. **Grade.** Except where otherwise specifically provided in this Ordinance, 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 *Grade* is not entirely level, the *Grade* shall be determined by averaging the natural *Elevation* of the ground for each floor of the building.
3. **Grass.** Any of a family of plants having jointed stems, narrow sheathing leaves, and seed-like grains normally grown as permanent turf lawns in Michigan.
4. **Greenbelt.** A strip of land which is planted with or designated for trees, shrubs, *grass*, or a combination thereof.
5. **Ground Cover.** Low-growing plants that form a dense, extensive growth after one complete growing season, and tend to prevent weeds and soil erosion.



$$\text{Average Grade} = \frac{\text{Highest} + \text{Lowest}}{2}$$

Employ Average Grade for any building side with unlevel grade, computed individually

H

Hedge. A row of evergreen or deciduous shrubs planted close enough to form a solid barrier.

I

Impervious Surface. Any hard-surfaced area that does not readily absorb water, including but not limited to, roofs, parking and driveway areas, sidewalks, and paved recreational areas. Synonymous with non-pervious surface and impermeable pavement.

J

This section reserved.

K

This section reserved.

L

1. **Landing.** When referring to a portion of an outdoor stairway in the Lakefront *Overlay District*, a flat area of a walkway that is longer than a single stair but not wider than the stairwell it connects to.
2. **Landmark building.** A building in a form-based district which does not fit the standards of another form-based building type, and is compliant with the standards of [Section 6.06](#) for *Landmark Buildings*.
3. **Landscaping.** The treatment of the ground surface with live plant materials such as: *Grass*, *Ground Cover*, trees, shrubs, vines, and other horticultural vegetation. A required landscape site design may include decorative non-living materials, such as wood chips, crushed stone, boulders, or *Mulch* accessory to live plant material. Structural features such as fountains, pools, statues, and benches shall also be considered a part of 'Landscaping,' but only if provided in combination with live plant material. Artificial plant materials and other items shall not be counted toward meeting the requirements for *Landscaping*. Commonly used *Landscaping* terms are defined as follows:
 4. **Loading Space, Off-Street.** An off-street space on the same *Lot* with a building, or group of buildings, for the temporary parking of a *Commercial Vehicle* while loading and unloading merchandise or materials. Loading space shall not be included in off-street parking space in the computation of off-street parking.
 5. **Lot.** A parcel or portion of land, exclusive of any adjoining street, separated from other parcels or portions by description of record.
 - (a) **Flag Lot.** A *Lot* that does not meet the minimum *Lot Width* at the required front *Setback*.
 - (b) **Corner Lot.** Any *Lot* having at least two contiguous sides abutting upon a street, provided that the interior angle at the intersection of such two sides is less than 135 degrees. A *Lot* abutting upon a curved street or streets shall be considered a *Corner Lot* if the tangents of the curve, at the points of beginning within the *Lot* or at the points of inter-section of the side *Lot Lines* with the street line, intersect at an interior angle of less than 135 degrees.
 - (c) **Interior Lot.** Any *Lot* other than a *Corner Lot*, through *Lot*, or *flag Lot*.
 - (d) **Lot Area.** The total horizontal area within the *Lot Lines* of the *Lot*.
 - (e) **Lot Coverage.** That part or percent of the *Lot* occupied by buildings, including accessory buildings, but not including paved areas.
 - (f) **Lot Coverage, Impervious.** That part or percent of the *Lot* which cannot be directly infiltrated by rainwater. This includes areas of the *Lot* occupied by buildings, including accessory buildings, as well as areas paved with an *impervious surface*, and other structures and materials through which liquid water cannot penetrate.

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- (g) **Lot depth.** The horizontal distance between the front and rear *Lot Lines*, measured along the median between the side *Lot Lines*.
- (h) **Lot Lines.** The lines bounding a *Lot* are defined as follows:
- (i) **Front Lot Line.** The line separating the *Lot* from the street on which the building is addressed. On a *Lot* abutting two streets, the property owner may define which street-facing side of the property shall be considered the front and secondary street *Lot Lines*, but this must correspond to the current property address.
 - (ii) **Secondary Street Lot Line.** On a *Lot* abutting two streets, the line separating the *Lot* from the street on the side of the property which is not addressed, by definition of the property owner.
 - (iii) **Rear Lot Line.** The line opposite to and most distant from the front *Lot Line*; in irregularly shaped lots, it shall be the straight line entirely within the *Lot*, five feet long, parallel to and most distant from the front *Lot Line*. The rear *Lot Line* of through lots shall be defined as the line opposite to the street on which the *Principal Building* is addressed for legal purposes.
 - (iv) **Side Lot Line.** Any line other than front, secondary front, or rear *Lot Lines*.
 - (v) **Street or Alley Lot Line.** Any line separating a *Lot* from a street or *Alley*.
- (i) **Lot of Record.** A parcel of land, the deed to which is on record with the County Register of Deeds, and which exists as described.
- (j) **Lot Width.** The horizontal straight-line distance between the side *Lot Lines*, measured between the two points where the front *Setback* line intersects the side *Lot Lines*.
- (k) **Through Lot.** A property with frontage on two streets, but not at the intersection of the streets.

M

1. **Marijuana Establishment or Facility.** See [Section 7.13](#).
2. **Membrane Structure.** A non-pressurized building wherein the *Structure* is composed of a rigid framework to support a tensioned membrane which provides a weather barrier, including but not limited to plastic, tarpaulins, fiberglass fabric or canvas.
3. **Mezzanine** means an intermediate floor in any *Story* occupying not to exceed one-third of the *Floor Area* of such *Story*.
4. **Mobile Vendor (MV).** A business *Establishment* operated from a licensed and moveable vehicle or trailer that sells perishable or non-perishable goods.
5. **Mulch.** A layer of wood chips, dry leaves, straw, hay, or other materials placed on the surface of the soil around plants to retain moisture, prevent weeds from growing, hold the soil in place, and/or aid plant growth.

N

Nonconforming. A building, *Structure*, use, or property that lawfully existed at the time of the adoption of UDO (or an amendment to UDO that directly applied to the state of being in question) that does not conform to one or more of the regulations in UDO.

1. **Nonconforming Building or Structure.** A building, *Structure*, or portions thereof that lawfully existed at the effective date of UDO, or a subsequent amendment, which does not meet one or more regulations of the *Zoning District* in which it is located.
2. **Nonconforming Use.** A use that lawfully existed prior to the effective date of UDO or amendments thereof, that do not conform to one or more of the regulations in UDO.

O

1. **Occupancy Permit.** The written authority as issued by the *Building Inspector* on behalf of the City, certifying that all requirements of this Ordinance have been met.
2. **On-Site Resident Manager.** With regards to single-room occupancy facilities, an owner or property manager living on the property which they are overseeing, as their primary residence during the time that it is being operated.
3. **Overlay District.** A *Zoning District* that is “laid over” the top of another *Zoning District*, in order to partially modify the regulations for the underlying properties. In the event of a conflict, the standards of the *Overlay District* overrides the regulations of the underlying district. In the event that an *Overlay District* does not have regulations on a specific topic, the regulations of the underlying district shall apply.

P

1. **Parapet.** A part of the building wall that extends above the roof, typically located on flat roof buildings. *Parapet* heights are measured from the roof *deck* to the top of the *parapet*.
2. **Parking.** The temporary storage of an operable, licensed motor vehicle.
 - (a) **Parking, Off-Street.** Parking located outside of a public *Right-of-Way*, and on a public or private property.
 - (b) **Parking, On-Street.** Parking located within a public *Right-of-Way*, authorized by the entity with jurisdiction over the *Right-of-Way*.
 - (c) **Parking, Off-Site.** Parking dedicated to a particular use, but not located on the same property as the use it is dedicated to.
 - (d) **Parking, On-Site.** Parking located on the same property as a *Principal Use* and dedicated to that use.
 - (e) **Parking Space.** An area of definite length and width, said area shall be exclusive of drives, aisles or entrances giving access thereto, and shall be fully accessible for the parking of permitted vehicles.
3. **Parking Lot Landscaping.** A landscaped area located in and around a *Parking Lot* to improve pedestrian and vehicular traffic safety, reduce heat island effect, guide traffic movement, and enhance the appearance of the *Parking Lot*.
4. **Pet.** An animal such as a dog, cat, fish, rodent, or bird, customarily kept within the residential living quarters for the pleasure of the occupants of a dwelling and not for sale or commercial purposes.
5. **Pilaster.** A column or false column, partially recessed into a building *Façade* or *Elevation*.
6. **Planned Unit Development.** A project consisting of a variety of uses planned to be compatible with each other and with the surrounding area.
7. **Planning Commission.** The City Planning Commission Created by [Section 15.11](#) of this Ordinance under the Michigan Planning Enabling Act, Act 33 of 2008 MCL 125.3801-3885.
8. **Porch.** An extended or recessed space at the entrance of a building either covered or uncovered.
 - (a) **Enclosed Porch.** A porch having a roof and having walls, windows or screens.
 - (b) **Open Porch, Covered.** A porch having a projecting roof supported by posts or a cantilever or other feature and having no walls, windows, or screens except for the wall of the *Principal Building* to which the porch attaches. Any railing shall have at least 50% open spaces uniformly distributed.
 - (c) **Open Porch, Uncovered.** A porch without a roof and having no walls, windows, or screens, except for that of the *Principal Building*. Any railings shall have at least 50% open spaces uniformly distributed.
9. **Public Utility.** Any person, firm, corporation, municipal department, or board, duly authorized to furnish under federal, state, or municipal regulation to the public, electricity, gas, steam, communication, telegraph, transportation, or water. *Public Utility* shall not include television, radio, cellular, communication or other similar towers.

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Quadplex. Outside of the form-based districts, a *Duplex* is a single building containing two independent dwelling units. *Duplex* as a Form-Based Building Type described in Section 6.03.K.

R

1. **Recreational Equipment.** Such equipment shall include but is not limited to travel trailers, pickup campers, motor homes, ice fishing houses, tent trailers, tents, boats, and boat trailers and similar equipment, and cases or boxes used for transporting *recreational equipment*, whether occupied by such equipment or not.
2. **Recreational Vehicle.** Any vehicle primarily designed and used as temporary living quarters for recreational, camping, or travel purposes, including a vehicle having its own motor power or a vehicle mounted on or drawn by another vehicle.
3. **Retaining Wall.** A wall or similar device used at a *Grade* change to hold the soil on the up-hill side of the wall from slumping, sliding, or falling. Examples include: segmental walls, masonry walls, poured-in-place concrete walls, boulder walls, stacked railroad ties, and pre-split rock walls.
4. **Rubbish.** Waste or rejected matter, trash, or debris.
5. **Right-of-Way.** The land and/or property devoted to transportation purposes, including but not limited to roads, sidewalks, and bike lanes. The following are types of roadways which can make up the ROW.
 - (a) **Access Road.** A service roadway which provides access to abutting properties and protection from through traffic.
 - (b) **Alley.** A public or private *Right-of-Way* that provides access from a street to the rear or side yards of properties. Alleys are usually located at mid-*block* locations between two streets and provide access to *Garages* and *Yard* areas. An *Alley* is not a part of the certified street system as a "public street."
 - (c) **Approved Access.** Any public or private roadway, or driveway, which provides access to a parcel and has been approved by the City as sufficient access under all applicable City ordinances.
 - (d) **Arterial Road, Principal.** A road classification assigned by the Michigan Department of Transportation generally characterizing roads that carry long distance, through-travel movements, and may provide access to important traffic generators.
 - (e) **Arterial Road, Minor.** A road classification assigned by the Michigan Department of Transportation generally characterizing roads which are similar to Principal Arterial Roads, except they carry trips of shorter distances and to lesser traffic generators.
 - (f) **Collector Road.** A road classification assigned by the Michigan Department of Transportation which generally characterizes roads which provide access to more properties than do arterials and tend to funnel traffic from residential or rural areas to arterials.
 - (g) **Cul-de-sac.** A street way or *Alley*, either public or private, open only at one end.
 - (h) **Local Road.** A *Right-of-Way* which is not a freeway, arterial road, or *collector road*, but which is owned and operated by a unit of government.
 - (i) **Private Street.** For purposes of this Ordinance, any private *Right-of-Way* or easement which conforms to the requirements for a public street.
 - (j) **Public Street.** A public *Right-of-Way* which has been dedicated to the public and accepted for the purpose of providing access to abutting private lots or land including space for curb, gutter, paving, and sidewalks. A street is also referred to as a roadway or road.
 - (k) **Stub Street.** A *Right-of-Way* which terminates abruptly without the provision of a vehicular turn-around, and constructed with the intention or possibility of future extension to connect the *stub street* to other roadways.
6. **Rooming Unit.** Any room, or group of rooms, forming a single habitable unit used for living and sleeping, but which does not contain cooking or eating facilities.

S

1. **Satellite Television Antenna.** An apparatus capable of receiving communications from a transmitter or a transmitter relay located in planetary orbit.
2. **Screen or Screening.** A wall, *Fence*, or vegetation (or a combination of all) of sufficient height, length, and opacity to form a visual barrier.
3. **Setback.** The shortest distance, between a *Lot Line* and a building line, measured at-*Grade* and along the ground.
 - (a) **Maximum Setback.** The maximum distance that a *Structure* can be located from a *Lot Line*.
 - (b) **Minimum Setback.** The minimum distance that a *Structure* can be located from a *Lot Line*.
4. **Shopfront.** A Shopfront is the ground-floor portion of a commercial building *Façade* where the opaque exterior wall is absent and the interior of the building there has been enclosed instead by fixed, plate-glass display windows. A Shopfront functions to attract visual attention to its business and its merchandise, so it must abut a sidewalk or be connected to a sidewalk with a paved surface affronting the entire extent of its display window frontages to meet the definition herein.
5. **Shrub.** A self-supporting (deciduous or evergreen) woody plant normally branched near the base, bushy, and less than 15 feet in height.
6. **Signs.** Any surface, fabric, device, display or visual medium, including the component parts, which bears writing, representations, emblems, logos, pictorial forms, sculptured matter or any figures of similar character, together with any frame, tower, or other materials, color or internally-illuminated area forming an integral part of the display to convey information or attract attention. Signs will include banners, bulbs, other lighting devices, streamers, pennants, balloons, propellers, flags, electronic products, or similar devices. The term "Sign" includes the *Sign Structure*, supports, braces, guys and anchors. Signs, as regulated by this Ordinance, will not include strings of lights or other similar temporary decorations that do not contain a message. The following terms include types of Signs and terms that are directly related to signage.
 - (a) **Abandoned Sign.** A Sign is considered abandoned if:
 - (i) It is not well-maintained in accordance with this Ordinance;
 - (ii) The use to which the sign is accessory is discontinued or terminated for more than thirty (30) days.
 - (iii) The owner of the sign cannot be located at the owner's last known address as reflected on the records of the City; or
 - (iv) A Structure designed to support a Sign no longer supports the Sign for a period of 30 consecutive days.
 - (b) **A-Frame Sign.** A moveable sign designed to stand on its own that is usually placed along public sidewalks to attract pedestrians to adjacent businesses.
 - (c) **Awning Sign.** A sign that is painted on, attached to, or an integral part of an *Awning* or *Canopy*.
 - (d) **Building-Mounted Sign.** A display Sign that is painted on, adjacent to or attached to a building wall, door, window or related architectural feature. Such Signs include, but are not limited to *Awning*, projecting, wall and window signs.
 - (e) **Damaged Sign.** A sign or supporting *Structure* which is torn, defaced, dented, smashed, broken, vandalized or destroyed.
 - (f) **Decorative Display.** A decorative, temporary display designed for the entertainment or cultural enrichment of the public and having no direct or indirect sales or advertising content.
 - (g) **Directional Sign.** A sign used for the purposes of promoting safe and efficient traffic and/or pedestrian movement within a parcel including regulating on or off-parcel traffic and parking.
 - (h) **Electronic Readerboard.** A sign that uses an array of light emitting elements to create images or words that are intended to be legible to passing motorists. An electronic readerboard is not necessarily a type of sign itself, but instead is an element of another kind of sign such as a wall sign or ground sign.
 - (i) **Entrance Sign.** A sign placed at the entrance to a residential development (i.e. parcel condominium, subdivision, manufactured housing park, and multiple-family residential development) or non-residential use. The entrance will be defined as the intersection of a local street or principal driveway entrance with a local, major, or collector street.
 - (j) **Festoon.** A string of ribbons, tinsel, small flags or pinwheels.

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- (k) **Flag.** A piece of non-rigid fabric, attached to a rigid pole at one end, with a distinctive design, logo, emblem or words that does not contain an immediately discernible commercial message. A flag with an immediately discernible commercial message, or a flag that has been affixed to a wall, or to more than one rigid pole, shall be considered a *temporary Sign*, and shall be subject to the *temporary Sign* regulations, not those governing flags.
- (l) **Ground Sign.** A freestanding sign supported by a pedestal or base with permanent attachment to the ground.
- (m) **Illegal Sign.** A sign for which no valid permit was issued by the City at the time such sign was erected, or a sign that is not in compliance with the current zoning ordinance and does not meet the definition of a *Nonconforming Sign*.
- (n) **Mural.** A graphic, including painting, photography, mosaic, light projection, or other similar medium, displayed on a wall or the exterior of a building for the purposes of decoration or artistic expression, including but not limited to painting, fresco, or mosaic, which will not include commercial logos, brands, names, or other images or text explicitly conveying an immediately discernible commercial message.
- (o) **Nameplate Sign.** A wall sign denoting the name of the occupant and other pertinent information for the purpose of parcel identification for the public and emergency response personnel.
- (p) **Noncommercial Sign.** Any sign consisting of non-commercial content.
- (q) **Nonconforming Sign.** A sign for which the City issued a permit at the time such Sign was erected, but which is not in compliance with current zoning ordinance provisions for signs. Such signs must be located outside of any existing *Right-of-Way*, away from any public or private easement and wholly upon the parcel to which it is associated. Such signs must have all necessary structural and decorative parts, including, but not limited to supports, sign boxes, enclosure and electrical equipment. The sign face or *Sign copy* area must be intact and illuminated *signs* must be capable of immediate illumination.
- (r) **On-Premises Commercial Sign.** Any sign identifying or advertising a business, person, activity, goods, products or services located on the premises where the sign is installed and maintained. Examples of on-premise commercial signs include, but are by no means limited to, real estate signs, garage sale and Yard sale signs, signs advertising a permitted on-parcel commercial use, and signs of a contractor or other commercial entity affiliated with an on-parcel project under development.
- (s) **On-Premises Directional Sign.** See *Directional Sign*.
- (t) **Portable Sign.** A sign and sign structure which is not attached to a building and is capable of being moved within the lot on which it is located or from one lot to another.
- (u) **Projecting Sign.** A display *sign* attached to and projecting away from a *structure*. A *projecting sign* is mounted more or less perpendicular to the wall or *structure* to which it is attached. A *marquee sign* is a form of a *projecting sign*.
- (v) **Roof Sign.** A display *sign* which is erected, constructed and maintained on or above the roof of the building, or that extends above the roofline.
- (w) **Sign Band.** The flat, horizontal area on a *Façade* to which *signs* are attached, located above the storefront and below the second *Story* window sill.
- (x) **Sign Clearance.** The vertical distance between the surface *Grade* beneath the *sign* and the lowest point of the *sign*, including framework and embellishments.
- (y) **Sign Allowance Calculation Area.** The area of a street or *Alley* fronting *Façade* of a building as determined by multiplying the width of the building by height of the first two floors of the building (or the total height of the building, if the building is only one *Story*). Height is measured from the average *Grade* to the eaves line of a building (excluding the area of gables). Where more than one business or use occupies a storefront on the street fronting *Façade* of a building, signable area is divided among the businesses or uses in proportion to the size of their storefront. Where a building has two or more street fronting facades (as on a *Corner Lot*), signable area will be calculated for each *Façade*.
- (z) **Sign Copy.** Writing, representations, emblems, logos, pictorial forms, sculptured matter or any figures of similar character, together with any frame, tower, or other materials, color or internally-illuminated area forming an integral part of a display to convey information or attract attention.
- (i) **Animated Copy.** *Sign copy* that flashes, moves, revolves, cycles or is otherwise altered or changed by mechanical or electrical means at intervals of less than once per hour.

- (ii) **Changeable Copy.** Moveable letters or other forms of *Sign copy*, not including *animated copy* that can be altered by natural, mechanical or electrical means without replacing the *Sign copy* area.
- (aa) **Sign Height.** The vertical distance measured from the average *Grade* at the sign location to the highest point of the sign.
- (ab) **Temporary Sign.** *Display Signs*, banners, balloons, festoons or other devices constructed of cloth, canvas, fabric, plastic or other light temporary material, with or without a structural frame, or any other sign intended for a limited period of display, but not including decorative displays for holidays or public demonstration.
- (ac) **Wall Sign.** A *Display Sign* that is painted on, adjacent to or attached to a building wall, door, window or related architectural feature and projecting not more than one foot from the wall. The signable area of a wall sign will be more or less parallel to the wall or surface to which the sign is attached.
- (ad) **Window Sign.** A sign applied to or attached to the exterior or interior of a window or located in such a manner within a building that it is visible from the exterior of the building through a window. Merchandise for sale on the premises that is located in a window display will not be considered a window sign.
7. **Single Ownership.** Ownership by one person or by two or more persons whether jointly, as tenants by the entirety, or as tenants in common, of a separate parcel of real property not adjacent to land in the same ownership.
8. **Site Plan Review.** The official procedure for review and approval of any proposed development as established in [Article 15](#).
9. **Soldier Course.** A set of vertical bricks lined up in a row with the narrow edge facing outward.
10. **Special Land Use.** A use permitted in a given zone when such use is specified in Section 3.01 and only after review of an application for such use by the *Planning Commission* in accordance with Section 15.05 and all applicable standards to assure that all conditions of this Ordinance are met.
11. **Story.** That portion of a building included between the surface of any floor above the average *Elevation* or ground at the foundation wall and the surface of the next floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.
12. **Story, Half.** An uppermost story lying under a sloping roof, the *Usable Floor Area* of which does not exceed 75 percent of the *Floor Area* of the story immediately below, and at least two hundred (200) square feet, with a clear height of at least seven (7) but no more than eight (8) feet. The *Usable Floor Area* of a half story is only that area having at least four (4) feet clear height between floor and ceiling, where the ceiling slopes upward toward a standing height.
13. **Structure.** Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground, including but not limited to buildings.
14. **Swimming Pool, Private.** Any artificially constructed basin or other *Structure* for the holding of water for use by the possessor, his family, or guests, for swimming, diving, and other aquatic sports and recreation. The term "Swimming Pool" does not include any plastic, canvas, or rubber pool temporarily erected upon the ground holding less than 500 gallons of water, or less than two feet deep.

T

1. **Temporary Building/Use.** A *Structure* or use permitted by the *Building Inspector* to exist during periods of construction of the *Principal Use* or for special events.
2. **Telecommuting.** A business, occupation, or profession that results in a product or service that is clearly an accessory, incidental, and secondary use of a residential dwelling unit with no exterior evidence that a business is being conducted from the premises.
3. **Topsoil.** Surface soil, usually including the organic layer, in which plants have most of their roots.
4. **Tree.** A self-supporting (deciduous or evergreen) woody plant with a well-defined central trunk or stem which normally grows to a mature height of 15 feet or more in Mason County.
- (a) **Deciduous Tree.** A tree variety that sheds its foliage at the end of the growing season.
- (b) **Evergreen Tree.** A tree variety whose foliage persists and remains green throughout the year.
- (c) **Ornamental Tree.** A *Deciduous Tree* that is typically grown because of its shape, flowering characteristics, or other attractive features, and which grows to a mature height of 25 feet or less.

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(d) **Shade Tree.** A *Deciduous Tree* that has a mature crown spread of 25 feet or greater, and has a trunk with at least 5 feet of clear stem at maturity.

5. **Triplex.** Outside of the form-based districts, a Triplex is a single building containing three independent dwelling units. Triplex as a Form-Based Building Type described in [Section 6.03.J](#).

U

1. **Use, Principal.** The primary and chief purpose for which a *Lot* is used.
2. **Use, Accessory.** Any use customarily incidental to the *Principal Use* of the premises, located on the same joining *Lot* as the *Principal Use* to which it is related.

V

1. **Variance.** A modification of the literal provisions of this Ordinance granted only after review of an application by the Zoning *Board of Appeals* in accordance with [Section 15.12E](#).
2. **Visible Light Transmittance (VLT).** The percent of total visible light that is transmitted through a glazing system. The higher the number, the more visible light is transmitted, making the glass more transparent.

W

Waterfront Lot Line. A line determined by the City using a GIS contour map, which represents the Regulatory Ordinary High-Water Mark, OR halfway from the Regulatory Ordinary High Water Mark to the rear *Lot Line*, if that distance is less than 200 feet.

X

This section reserved

Y

Yard. A yard is the area between a building and a property line, as determined by the actual construction on a property. A required *Setback* is the area of the yard that shall not be built on, as required by the minimum *Setback* requirement. See [Section 1.05](#) for details on how yards are to be measured.

1. **Yard, Least Depth or Width.** The shortest horizontal distance from each of the *Lot Lines* to the building thereon.
2. **Front Yard.** The open space extending the full width of the *Lot* between the main building and front *Lot Line*.
3. **Rear Yard.** The open space extending the full width of the *Lot* between the main building and rear *Lot Line*.
4. **Side Yard.** The open space extending from the *Front Yard* to the *Rear Yard* between the main building and the side *Lot Line*, or between the main building and the secondary street *Lot Line* on corner lots.

Z

Zoning District. The areas into which the City has been divided and for which the regulations and requirements governing use and size of lots and structures are specified in the Ordinance.

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Section 17.03 Uses

A) Residential Uses.

1. **Child Care Home.** A home-based business located in a private residence, which is the primary residence of the operator of the business, receiving one (1) or more preschool or school-age children for care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. Children who are related to the householder by marriage, blood, or adoption, shall not count toward the number of children that may be cared for by the business. Child Care center or day care center includes a facility that provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day. There are two types of Childcare Homes:
 - (a) **Family Child Care Home.** A Child Care Home with the capacity to host no more than six (6) children, other than children who are members of the household operating the Child Care home.
 - (b) **Group Child Care Home.** A Child Care Home with the capacity to host seven (7) but not more than twelve (12) children, other than children who are members of the household operating the Child Care home.
2. **Dwelling Unit.** A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation. Also referred to as a dwelling unit or a residential unit.
3. **Dwelling Unit, Accessory.** A residential living unit located on the same parcel as a primary single-family dwelling which is owner-occupied. ADUs are independently habitable and provide a kitchen, bathroom and sleeping area. ADUs are detached structures such as converted *Garages* or new construction. Also referred to as an Accessory Dwelling, or ADU. An ADU is not considered an individual Dwelling Unit for the purposes of residential density requirements.
4. **Home Occupation.** See [Section 7.10](#).
5. **Live/Work Dwelling.** A use that contains both a dwelling unit and a small scale production or repair facility, or an office, within the same, single, leasable or for-sale unit.
6. **Mobile Home Dwelling.** A *Structure*, transportable in one 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*. Recreational vehicles are not considered mobile homes. Preconstructed homes which are not built on a chassis shall not be considered mobile homes. Mobile Home Dwellings are not considered Single-Family homes as defined in this ordinance.
7. **Mobile Home Park.** A parcel or tract of land under the control of a person upon which three 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 therefore, together with any building, *Structure*, enclosure, street, equipment, or a facility used or intended for use incidental to the occupancy of a mobile home and which is not intended for use as a temporary trailer park.
8. **Nursing Home.** A nursing care facility licensed as a “nursing home” by the State Department of Health and Human Services under Article 17 of the public health code, act No. 368 of the Public Acts of Michigan of 1978 (MCL 333.20101 et seq.), as amended. A “nursing home” as defined by this section shall include “extended care facility” and “convalescent home”.
9. **Senior Housing, Independent.** Also known as an “independent living facility”, means a residential facility not subject to license or registration by the state, but that is eligible for public financial assistance under State or Federal laws, having as its principal purpose the provision of barrier-free housing for individuals 55 years of age or older. Independent living facilities are not intended for adult dependent individuals without a head of household also in residence. Independent senior housing includes architectural design features which eliminate the type of barriers and hindrances that deter physically disabled persons from having access to and free mobility in and around the facility, and shall be specifically and primarily intended, designed, operated, and located to allow its physically disabled occupants increased opportunities to function independently in the community.

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10. **State Licensed Residential Facility.** State Licensed Residential Facilities are subject to all applicable provisions, definitions, and regulations of Michigan Public Act 218 of 1979, as amended (MCL 400.701 et seq.).
11. **Single Room Occupancy (SRO).** A single dwelling used for the purpose of providing rooming units and meals for pay or compensation of any kind, to persons who concurrently remain in actual occupancy of such dwelling as their principal residence for more than 28 days, and no more than 250 days, and wherein an *on-site resident manager* is living on the premises while it is in operation. Also known as a boarding house or a rooming house.
12. **Single-Family Home.** A single standalone dwelling which is designed to be occupied as a dwelling for one family or domestic unit. A mobile home dwelling, as defined herein, is not a single-family home for the purposes of this ordinance.

B) Commercial and Office Uses.

1. **Automobile or Boat Repair.** Automobile or boat repair includes any of the following uses:
 - (a) **Automobile / Vehicle Repair (General).** The general mechanical repair, including overhaul and reconditioning of vehicle engines, transmissions, and other mechanical repairs, but not including collision services such as body, frame, etc. This includes services for watercraft.
 - (b) **Automobile / Vehicle Body repair.** Collision services such as body, frame, painting, or repair of damaged vehicles. This includes services for watercraft, other than self-propelled vessels.
2. **Automobile or Boat Sales.** An outdoor area, where no repair work is done, used for the display, sale, or rental of new or used motor vehicles, boats, mobile housing facilities, or trailers in operable condition.
3. **Bed and Breakfast.** A single dwelling in which rooming units are provided to transient guests as overnight accommodations in return for payment, including provisions for a morning meal for overnight guests only. Additionally, at a minimum, the following services are provided to each *rooming unit*: furnishing of units, housekeeping service, and linen service. A bed and breakfast facility shall have an *on-site resident manager*, who shall live on the premises when the bed and breakfast *Establishment* is in operation in a designated Innkeeper's Quarters.
4. **Bank.** A Building or portion of a Building primarily devoted to the provision of financial and/or banking services to customers or clients.
5. **Car washes.** A building or portion thereof or an area of land where automobiles are washed.
6. **Campground.** A parcel or tract of land under the control of a person in which sites are offered for the use of the public or members of an organization, either free of charge or for a fee, for the *Establishment* of temporary living quarters for five (5) or more recreational units. Campground does not include a seasonal mobile home park licensed under the mobile home commission act, 1987 PA 96, MCL 125.2301 to 125.2349.
7. **Commercial Child Care Center.** A facility, other than a private residence, receiving one (1) or more preschool or school-age children for care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. Child care center or day care center includes a facility that provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a Child Care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center.
8. **Commercial Indoor Recreation.** An indoor facility for leisure, exercise, and/or entertainment. Examples include: Bowling alleys, arcades, indoor playgrounds, fitness centers, sports arenas, and movie theaters.
9. **Clinic, Medical and Dental.** An office or group of offices for the medical or dental treatment of persons by doctors, dentists, therapists and similar medical professionals, on an outpatient-basis during normal, daytime business hours.
10. **Clinic, Veterinary.** A veterinary clinic (also known as an animal hospital) is a building or *Structure* which has as its primary function and purpose the care, treatment and rehabilitation of household pets and domestic animals, and may also include the temporary indoor boarding of such animals. "Animal hospital" does not include a "kennel" or any facility which has outdoor cages or runs for animals.
11. **Drive-Through.** An accessory use wherein a business may offer the sale of goods or services to customers in vehicles.

12. **Event Space.** Non-residential space designed to be used for temporary gatherings of people for entertainment, collaboration, celebration, or other reasons. Examples include, but are not limited to banquet facilities, theaters for live performance, community centers, wedding venues, and meeting/e-facilities. Event Spaces may include kitchen facilities but need not include a kitchen in order to fall under this definition.
13. **Fitness Center or Health Club.** A facility where individuals use equipment or space for the purpose of physical exercise.
14. **Funeral Home.** An *Establishment* where the dead are prepared for burial or cremation and where wakes or funerals may be held.
15. **Gas Station.** Any building or *Structure* designed or used for the retail sale or supply of fuels, lubricants, air, water, and other operating commodities for motor vehicles, and including the customary space and facilities for the installation of such commodities on or in such vehicle and for the washing or polishing of such vehicles, but not including the use of space or facilities for the refinishing of motor vehicles or for the dismantling, for purposes of reuse or resale of motor vehicles or parts thereof, or for the outdoor storage or repair of motor vehicles or parts thereof.
16. **Hotel.** A State-licensed *Establishment* of multiple lodging units containing a common entrance for all guests, offering, at minimum, the following services to each lodging unit: furnishing of units, housekeeping service, and linen service. Hotels classes include fewer than 10 lodging units and more than 10 lodging units. A hotel may also include additional accessory amenities on site, including a lobby and front desk.
17. **Innkeeper's Quarters.** The designated living area, which must include a bedroom and bathroom for the required live-in on-site manager of a Bed & Breakfast establishment. This area must have a separate entrance from the guests.
18. **Kennel.** A building or facility where five or more dogs or cats over six months of age are boarded and/or trained for compensation. A kennel may also be any building or facility where five or more dogs or cats over six months of age are owned, kept, or harbored for the purpose of breeding for commercial gain.
19. **Laundromat or Dry Cleaner.** A building or part of a building containing one or more washers, and drying, ironing, finishing, and incidental equipment, providing either drop-off or self-service options to the public.
20. **Lodging Unit.** A room or rooms available to rent or reserve for temporary overnight accommodation.
21. **Microbrewery.** A brewery that produces less than sixty thousand (60,000) barrels of beer or ale per year, as allowed by state law (a barrel is equivalent to thirty-one (31) US gallons). A microbrewery may also include retail sales, and/or a restaurant, bar, or tasting room.
22. **Micro-distillery.** An *Establishment* licensed as a Small Distiller by the State of Michigan to manufacture no more than 60,000 US gallons of spirits per year. A micro-distillery may also include retail sales, and/or a restaurant, bar, or tasting room.
23. **Motel.** An *Establishment* used for the purpose of overnight lodging, in a building or group of buildings containing rooming units with exterior entrances and on-site parking for each unit. Motels offer, at minimum, the following services to each lodging unit: furnishing of units, housekeeping service, and linen service. A motel may also include additional accessory amenities on site, including vending machines and an ice maker.
 - (a) **Motel, Small (<10 rooms).** A motel containing fewer than ten (10) rooming units, not including a single unit provided for staff accommodations.
 - (b) **Motel, Large (10+ rooms).** A motel containing ten (10) or more rooming units.
 - (c) **Motel, Extended Stay.** Any motel which offers units for more than 28 days.
24. **Outdoor Dining.** An area provided by a dining *Establishment* or restaurant for the enjoyment of meals outside, either with complete restaurant staff service, or where customers can bring their food to the dining area to eat after receiving it inside.
25. **Personal Service.** An *Establishment* primarily engaged in providing services involving the care of a person or his or her goods or apparel, but not including a tattoo parlor, piercing parlor or Adult Personal Service *Establishments* as defined in [Section 7.03](#).
26. **Professional Office.** Services, clerical work, professional services, and similar uses, conducted in a building, room or suite.

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27. **Restaurant.** A commercial use where the principal business is the sale of food and beverages to customers for consumption on site or “to-go”. This may include full-service restaurant, as well as fast-food, cafes, and “fast casual” service. Restaurants may be a *Principal Use*, part of a mixed-use development, or they may be secondary to some principal uses (typically institutional uses or hospitals). The following uses shall not fall under this definition: Tasting counters at grocery stores, which shall be considered “Retail”: tasting counters at manufacturing and/ or wholesale facilities, which shall be considered “Manufacturing” or “Wholesale,” depending on the *Principal Use* of the site.
28. **Retail.** *Establishments* offering goods for sale such as food stores, drug stores, clothing sales, gift shops, hardware and appliance sales, restaurants and drinking places, variety stores, and similar uses.
29. **Short-Term Rental.** A complete Dwelling available to rent or reserve for a term of 28 days or less, that meets the requirements of Chapter 6, Article VIII of the City Code of Ordinances does not meet the definition of Bed and Breakfast, Single Room Occupancy, Hotel, or Motel. Short term rentals are permitted commercial accessory uses of residential dwelling units when specific zoning standards and licensing requirements are met.
30. **Small Equipment Repair.** An *Establishment* which performs minor repairs, on small equipment such as appliances, electronics, machinery with low-power engines, and does not perform repairs on automobiles or boats.
31. **Theaters, Assembly Halls, Concert halls, Sports Arenas.** Venues for events, recreation, performing arts or athletics which are open to the public by tickets or reservations.
32. **Winery.** An *Establishment* with appropriate licensing by the State of Michigan, which produces wine and also provides retail sales, a restaurant, bar, or tasting room.
- C) Industrial Uses.**
1. **Contractor’s Yard.** An enclosed space or enclosed spaces used for the housing and/or operating of machinery, the provision of services, the fabrication of building-related products, and interior storage, but which does not use any exterior storage area.
2. **Lumber Yard.** A parcel or building or both where bulk supplies of lumber and other building materials are stored, offered, or kept for retail sale.
3. **Manufacturing.** The mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the manufacturing of products, and the blending of materials.
4. **Multi-Modal Terminal.** A facility for the transfer of goods from freight railroad yards to trucks for onward transit to their final destination.
5. **Outdoor Storage.** The outdoor standing or placement of usable and/or potentially usable goods or equipment other than for display and not including waste or scrap materials.
6. **Personal Storage (Not Open to Public).** Properties dedicated to storage as a *Principal Use*, not open to the public and intended for storage by a single individual or entity.
7. **Public Utilities.** *Public Utility:* An entity authorized to provide utilities or infrastructure for the purpose of transportation, water, sewer, stormwater, gas, electric, communications, and other similar services.
8. **Recycling and Composting Facilities.** A business that receives, stores and processes waste products and organic materials. These products and materials are often transformed into new and different products via mechanical, organic, or physical processes. This operation shall not be confused with the uses mineral processing and material storage or junkyard as defined herein.
9. **Research and Technology Laboratory.** A use within an engineering or testing laboratory that does not involve the mass manufacture, fabrication, processing, or sale of products.
10. **Salvage Yards.** A place where waste, discarded or salvaged materials, including vehicles, are bought, sold, exchanged, packed, disassembled, cleaned, or handled, used lumber yards, and places or yards for salvage, but excluding such uses conducted entirely within a completely enclosed building and excluding pawn shops and *Establishments* for the sale, purchase, or storage of used cars in operable condition, salvaged machinery, used furniture, and household equipment and the processing of used, discarded, or salvaged materials as part or manufacturing operations.
11. **Self-Storage.** Enclosed space for rent to the general public to store non-perishable goods.
12. **Shipping Terminals.** Facilities for the loading and unloading of people or goods from a water vessel.

13. **Small Scale Production.** Fabrication of material goods without the use of heavy machinery, in a facility less than 10,000 square feet in area, not generating any noise audible off-site, and directly tied to an on-site retail use. Fabrication of material goods in a manner more intensive than is described in this definition shall be considered manufacturing.
14. **Warehousing.** Storage, wholesale, and distribution of manufactured products, supplies, and equipment.
15. **Wholesale.** On-premises sales of goods primarily to customers engaged in the business of reselling the goods.
- D) Other Uses.**
1. **Adaptive Reuse.** The development of vacant or obsolete buildings for a purpose other than that for which it was built or designed. Redevelopment of such buildings includes uses which might not otherwise be permitted in the *Zoning District*. These uses may include residential, retail, office and service uses.
 2. **Cemeteries.** Land used for the burial of the dead, including columbarium and mausoleums.
 3. **Hospitals.** An institution licensed by the Michigan Department of Health and Human Services (MDHHS) to provide in-patient and out-patient medical and surgical services for the sick and injured, and may include related facilities (i.e. laboratories, medical testing services, central service facilities, and staff offices)
 4. **Institutions of Higher Education.** An institution that provides full-time or part-time education beyond high school. Examples include: Universities, community colleges, vocational schools, including cosmetology, truck driving, and art schools.
 5. **K-12 Schools.** A facility that provides a curriculum of elementary and/or secondary academic instruction, including kindergartens, elementary schools, junior high schools, and high schools. This definition shall not include testing centers or tutoring centers, which shall be considered professional services.
 6. **Marina / Ferry Dock.** A facility for storing, servicing, fueling, berthing, securing, and launching of private or commercial pleasure craft that may include the sale of fuel and incidental supplies for the boat owner, crews, and guests, and small boats for rental/launching.
 7. **Mixed Use Development.** A building or development which includes a combination of multiple uses, including residential, lodging, or commercial uses, which are all principal to the site.
 8. **Outdoor Storage.** The outdoor standing or placement of usable and/or potentially usable goods or equipment other than for display and not including waste or scrap materials, other than in salvage yards.
 9. **Parking Lot, No Other Principal Use.** *Parking Lot with No Other Principal Use: An off-street parking area that is not located on the same property as the Principal Use it serves or on any property that does not have another Principal Use.*
 10. **Private Outdoor Recreation.** An outdoor facility for leisure, exercise, and/or entertainment. Examples include: Parks, golf courses, nature preserves, go-carts, batting cages, sports facilities, and ice rinks.
 11. **Public and Community Buildings.** Means *Establishments* dedicated to the use of public or government operations, including Local, County, State, or Federal Offices, police and fire stations, and other buildings used by the public or government and are owned by a government entity.
 12. **Public Park.** Publicly owned property that provides outdoor recreation opportunities and is open to the public.
 13. **Religious Institutions.** A use where people regularly assemble for religious activity. Examples include: A church, synagogue, temple, mosque, or similar religious facility. Accessory uses such as K-12 schools, event venues, or offices, may be approved as part of the Religious Institution.
 14. **Solar Energy Facility.** A device that provides the collection, storage, and distribution of solar energy for space heating, cooling, or power generation, including both the solar panels and all incidental structures.
 - (a) **Accessory Solar Energy.** The small-scale use of solar energy facilities as an accessory to a *Principal Use*.
 - (b) **Principal Solar Energy Facility.** A large-scale facility for generating solar power as a *Principal Use*, and all of its incidental accessory buildings and structures.
 15. **Wind Energy Facility.** See [Section 7.19](#).
 16. **Wireless Communication Facility.** See [Section 7.20](#)

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