

13. The number of proposed units (for multiple family developments).

14. Such other information as may be required by the Planning Commission and City Manager to assist in the consideration of the proposed development.

15. Drainage of storm water onto adjacent property or into a city street is not allowed. On-site storm drainage may be discharged to an existing storm sewer or natural drainage course, depending upon capacity and review and approval.

(b) Maximum surface run for storm water shall be less than 300 feet.

(c) On-site retention and/or recharge basins are required where existing systems lack sufficient capacity or where no positive discharge is available. Such basins shall be designed to fully contain three inches of rainfall at the designed imperviousness without benefit of percolation within the basin. The percentage of impervious area shall be delineated in the site plan ("imperviousness of soil is the inability of water to percolate or soak into or drain through the soil).

(d) On-site basins should include one foot of freeboard above the maximum water level. The bottom of the basin must be above the ground water table and in a natural pervious soil. Fencing may be required depending on the size and depth of the basin.

(4) *Site plan review criteria.* In order that building, open space and landscaping will be in harmony with other structures and improvements in the area, and to assure that no undesirable health, safety, noise and traffic conditions will result from the development, the Planning Commission shall, in making its recommendations to the City Council, determine whether the site plan meets the following criteria:

(a) The vehicular transportation system shall provide for circulation throughout the site and for efficient ingress and egress to all parts of the site by fire and safety equipment.

(b) Pedestrian walkways shall be provided as deemed necessary by the Planning Commission for separating pedestrian and vehicular traffic.

(c) Recreation and open space areas shall be provided in all multiple family residential developments.

(d) The site plan shall comply with the district requirements for minimum floor space, height of building, lot size, yard space, density and all other requirements as set forth in the city Zoning Ordinance, unless otherwise provided in this chapter.

(e) The requirements for greenbelt, fencing, and walks, and other protective barriers shall be complied with as provided in the Zoning Ordinance of the city and as deemed appropriate by the Planning Commission.

(f) The site plan shall provide for adequate storage space for the use therein, including, where necessary, storage space for recreational vehicles.

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(g) Security measures shall be provided as deemed necessary by the Police Chief for resident protection in all multiple family residential developments.

(h) Fire protection measure shall be provided as deemed necessary by the Fire Chief in conformance with all applicable laws of the State of Michigan for the protection of residents and/or occupants of the structures.

(i) The site plan shall comply with all requirements of the applicable zoning district, unless otherwise provided in this chapter.

**(5) *Planning Commission recommendation.***

(a) The site plan shall be reviewed by the Planning Commission and other appropriate bodies as heretofore designated with a recommendation for its approval or disapproval and any conditions the Planning Commission or other appropriate bodies feel should be imposed, using the standards described in division (D)(4) of this section.

(b) Conditions or changes stipulated by the Planning Commission shall be recorded in the minutes of the meeting and made available to the applicant in writing. Three copies of an approved site plan, with or without changes, shall contain the signatures of the Chairman of the Planning Commission, Zoning Administrator and the applicant. Of the three copies signed, one shall be kept on file by the Planning Commission, one retained by the Zoning Administrator and one returned to the applicant.

(6) *City Council actions.* The City Council shall have the function and power to approve or disapprove subject to compliance with such modifications and conditions as may be deemed necessary to carry out the purpose of these regulations and other ordinances or resolutions of the city.

(7) *Building permit revocation.* The building permit may be revoked in any case where the conditions of such permit have not been or are not being complied with, in which case the City Council shall give the permittee notice of intention to revoke such permit at least ten days prior to review of the permit by the Council. After conclusion of such review the City Council may revoke such permit if it feels that a violation in fact exists and has not been remedied prior to such hearing.

(8) *Site changes.* Any structure, use, for field change added subsequent to the initial site plan approval must be approved by the City Council after recommendation from the City Planning Commission. Incidental and minor variations of the approved site plan with the written approval of the Building Inspector and City Manager shall not invalidate prior site plan approval.

(9) *Phased construction.* Where phases or staged construction is contemplated for the development of a project, the site plan submitted must show the inter-relationship of the proposed project to the future stages, including the following:

(a) Relationship and identification of future structures, roadways, drainage, water, and sewer.

- (b) Pedestrian and vehicular circulation.
- (c) Time schedule for completion of the various phases of the proposed construction.
- (d) Temporary facilities or construction of same as required to facilitate the staged development.

(10) *Schedule of fees.* Upon the filing of an application for a zoning approval, special use permit, variance, or rezoning, an administrative fee shall accompany said application. The City Council shall determine and set a schedule of fees to be charged. Fees shall be collected prior to the processing of any requested approval, permit, variance, appeals, rezoning, etc. (Ord. 205, passed 1-16-95; Am. Ord. 234, passed 12-1-97)

#### § 154.014 DEFINITIONS.

##### ***ACCESSORY BUILDING OR USE.***

- (1) An ***ACCESSORY BUILDING OR USE*** is one which:
  - (a) Is subordinate to and serves a principal building or principal use;
  - (b) Is subordinate in area, extent or purpose to the principal building or principal use served;
  - (c) Contributes to the comfort, convenience or necessity of occupants of the principal building or principal use served; and
  - (d) Is located on the same zoning lot as the principal building or principal use served with the single exception of such accessory off-street parking facilities as are permitted to locate elsewhere than on the same zoning lot with the building or use served.
- (2) An ***ACCESSORY USE*** includes, but is not limited to, the following:
  - (a) A children's playhouse, garden house and private greenhouse;
  - (b) A shed, garage or building for domestic storage;
  - (c) Incinerators, incidental to residential use;
  - (d) Storage of merchandise normally carried in stock on the same lot with any retail service of business use, unless such storage is excluded by the district regulations
  - (e) Storage of goods used in or produced by manufacturing activities on the same lot or parcel of ground with such activities unless such storage is excluded by the district regulations;

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(f) A non-paying guest house or rooms for guests with in an *ACCESSORY BUILDING* provided such facilities are used for the occasional housing of guests of the occupants of the principal building and not for permanent occupancy by others as housekeeping units;

(g) Servant's quarters comprising part of an accessory garage and solely for occupancy by a servant or household employee (and his or her family) of the occupants of the principal dwelling;

(h) Swimming pool, private for use by the occupant and his guests;

(i) Off-street motor car parking areas, and loading facilities;

(j) Sign (other than advertising signs) as permitted and regulated in each district incorporated herein;

(k) Carports;

(l) Public utility facilities - telephone, electric, gas, water and sewer lines, their supports and incidental equipment.

**ACREAGE.** Any tract or parcel of land having an area of one acre or more which has not heretofore been subdivided or platted.

**ADULT FOSTER CARE FACILITY.** A residential structure licensed to provide room, board and supervised care, but not without continuous nursing care for unrelated adults over the age of 17, in accordance with Public Act 218, 1979, as amended, and the Adult Foster Care Administrative rules as administered by the Michigan Department of Social Services. The following four types of Adult Foster Care Homes are provided for by these rules:

- (1) Adult Foster Care Home is a private residence for six or fewer adults.
- (2) Adult Foster Care Small Group Home is a residence for 12 or fewer adults.
- (3) Adult Foster Care Large Group Facility is a residence for 13 to 20 adults.
- (4) Congregate Care is housing constructed for the exclusive use of an individual 55 years of age or older, or for a couple where at least one of the individuals is over the age of 55.

**AGRICULTURE.** All the processes of planting, growing, harvesting of crops in the open and the raising and feeding of livestock and poultry; including farming, farm buildings and farm dwellings, truck gardens, flower gardens, apiaries, aviaries, mushroom growing, nurseries, orchards, forestry, dairying, greenhouses and commercial vegetables.

**ALLEY.** A public way, not more than 30 feet wide, which affords only a secondary means of access to abutting property.

**ALTERATION, STRUCTURAL.** Any change which would tend to prolong the life of the supporting members of a building or structure, such as bearing walls, columns, beams or girders.

**APARTMENT.** A room or suite of rooms in a multiple-family structure which is arranged, designed, used or intended to be used as a single housekeeping unit.

**APARTMENT HOTEL.** See **HOTEL, APARTMENT.**

**AUTOMOBILE LAUNDRY (AUTOMATIC).** A building or portion thereof containing facilities for washing automobiles as a commercial enterprise.

**AUTOMOBILE REPAIR, MAJOR.** Engine rebuilding or major recondition of worn or damaged motor vehicles or trailers; collision service including body, frame or fender straightening or repair, and painting of vehicles.



***AUTOMOBILE REPAIR, MINOR.*** Incidental repair, replacement of parts and motor service to automobiles, but not including any operation specified under ***AUTOMOBILE REPAIR, MAJOR.***

***AUTOMOBILE SERVICE STATION.*** A place where gasoline, stored only in underground tanks, kerosene, lubricating oil or grease for operation of automobiles, are offered for sale directly to the public, on the premises, and including minor accessories and the servicing of automobiles, but not including major automobile repairs; and including the washing of automobiles where no chain conveyor, blower or steamcleaning device is employed. When the dispensing sale or offering for sale of motor fuels or oils is incidental to the conduct of a public garage, the premises shall be classified as a public garage. Automobile service stations shall not include sale or storage of automobiles or trailers (new or used).

***AUTOMOBILE AND MOBILE HOME AREA.*** An open area, other than a street used for the display of new or used automobiles or mobile homes.

***AUTOMOBILE WRECKING YARD.*** Any place where three or more motor vehicles, not in running condition or parts thereof, are stored in the open and are not being restored to operation or any land, building or structure used for wrecking or storing of such motor vehicles or parts thereof and including the commercial salvaging of any other goods, articles or merchandise.

***AWNING.*** A rooflike cover, temporary in nature, which projects from the wall of a building or overhangs the public way.

***BANKS AND FINANCIAL INSTITUTIONS.*** Commercial banks, currency exchanges, savings and loans associations, brokerage offices and other similar financial institutions, and including loan offices, finance companies and pawn shops.

***BASEMENT.*** A story partly or wholly underground. Where more than one-half of its height is above the established curb level or above the average level of the adjoining ground where the curb level has not been established, a basement shall be counted as a story for the purpose of height measurement.

***BEDROOM.*** Any room other than a living room, dining room, kitchen, bathroom or utility room for the purpose of this chapter, shall be considered a bedroom.

***BOARD OF APPEALS.*** The Board of Appeals of the City of Bangor.

***BOARDING HOUSE.*** A building other than a hotel or restaurant where meals are provided for compensation to three but no more than 12 persons, who are not members of the keeper's family.

***BORROW PIT.*** Any place or premises where dirt, soil, gravel or other material is removed by excavation or otherwise below the grade of surrounding land for any purpose other than that necessary and incidental to grading or to building construction or operation on the premises.

***BUILDABLE AREA.*** The space remaining on a zoning lot after the minimum open space requirements have been complied with.

***BUILDING.***

(1) Any structure with substantial walls and roof securely affixed to the land and entirely separated on all sides from any other structure by space or by walls in which there are no communicating doors, windows or openings; and which is designed or intended for the shelter, enclosure or protection of persons, animals or chattels.

(2) Any structure with interior areas not normally accessible for human use, such as gas holders, oil tanks, water tanks, grain elevators, coal bunkers, oil cracking towers and other similar structures are not considered as buildings.

***BUILDING, COMPLETELY ENCLOSED.*** A building separated on all sides from the adjacent open space or from other buildings or other structures by a permanent roof and by exterior walls or party walls, pierced only by windows and normal entrance or exit doors.

***BUILDING, DETACHED.*** A building surrounded by open space on the same zoning lot.

***BUILDING HEIGHT.*** The vertical distance measured from the sidewalk level or its equivalent established grade opposite the middle of the front of the building to the highest elevation of the roof in the case of a slant or flat roof; to the deck line of a mansard roof; and to the mean height level between eaves and ridge of a gable, hip or gambrel roof; provided that where buildings are set back from the street line, the height of the building may be measured from the average elevation of the finished lot grade at the front of the building.

***BUILDING LINE.*** The line nearest the front of and across a zoning lot, establishing the minimum open space to be provided between the front line of a building or structure and the street right-of-way line.

***BUILDING, NON CONFORMING.*** Any building which does not conform to the regulations herein prescribing the required yards, coverage, height and setbacks, minimum required spacing between building on a single lot, and minimum required useable open space for the district in which the building is located.

***BUILDING PERMIT.*** A permit issued by the Building Official of the city for the construction, alteration, removal or demolition of a building or structure within the city.

***BUILDING PRINCIPAL.*** A nonaccessory building in which the principal use of the zoning lot on which it is located is conducted.

***BUILDING SETBACK LINE.*** A line parallel to the street line at a distance from it, regulated by the front yard requirements set up herein.

***BULK.*** The term used to indicate the size and setbacks of buildings or structures and location of same with respect to one another and includes the following:

- (1) Size and height of buildings;



- (2) Location of exterior walls at all levels in relation to lot lines, street, or other building;
- (3) All open spaces allocated to the building;
- (4) Amount of lot area per dwelling unit;
- (5) Required parking areas.

**BUS LOT.** Any lot or land area used for the storage or layover of passenger busses or motor coaches.

**BUSINESS AND PROFESSIONAL OFFICE.** The office of an engineer, doctor, dentist, attorney, real estate broker, insurance broker, architect, or other similar professional person and any office used primarily for accounting, correspondence, research, editing or administration.

**CARPORT.** A roofed-over area attached and/or detached to the principal building for vehicle storage, which may be open on three sides, if attached or four sides if detached.

**CELLAR.** A story have more than one-half of its height below the curb level or below the highest level of the adjoining ground. A cellar shall not be counted as a story for the purpose of height measurement.

**CLINIC OR MEDICAL HEALTH CENTER.** A medical center or medical clinic is an establishment where three or more licensed doctors of medicine engage in the practice of medicine, operating on a group or individual basis, with pooled facilities such as coordinated laboratory, x-ray and allied departments, for the diagnosis and treatment of humans which need not but may include a drug prescription counter (not a drug store) for the dispensing of drugs and pharmaceutical products to the patients of the said organization. In addition to the above, the medical center or medical clinic may include the space for the practice of dentistry.

**CLUB OR LODGE, PRIVATE.** A non-profit association of persons who are bona fide members paying annual dues, which owns, hires or leases a building or portion thereof, the use of such premises being restricted to members and their guests.

**CLUSTER SUBDIVISION.** A land subdivision with a majority of the individual building sites abutting directly on parks or other common open space.

**CURB LEVEL.** The level of the established curb in front of the building measured at the center of such front. Where a building faces on more than one street, the **CURB LEVEL** shall be the average of the levels of the curbs at the center of the front of each street. Where no curb elevation has been established, the mean level of land immediately adjacent to the building shall be considered the **CURB LEVEL**.

**DAY NURSERY.** A building or portion thereof used for the daytime care of preschool children.

**DECIBEL.** A unit of measurement of the intensity (loudness) of sound. Sound level meters which are employed to measure the intensity of sound are calibrated in *DECIBELS*.

**DWELLING.** A building or portion thereof, but not including house trailer or mobile home, designed or used exclusively for residential occupancy, including one-family dwelling units, two-family dwelling units, and multiple family dwelling units, but not including hotels, motels, boarding or lodging houses.

**DWELLING UNIT.** One or more rooms in a residential structure, which are arranged, designed, used or intended to be used by one family, plus not more than four lodgers for living or sleeping purposes, and which includes complete kitchen facilities permanently installed.

**DWELLING, ATTACHED.** A dwelling which is entirely surrounded by open space and is not connected to any other dwelling unit by roof, walls or porches on the same lot.

**DWELLING, MULTIPLE-FAMILY.** A building or portion thereof designed or altered for occupancy by three or more families living independently of each other.

**DWELLING, ROW (PARTY WALL).** A row of two to eight attached one-family party wall dwellings, not more than two and one-half stories in height nor more than two rooms in depth, measured from the building line.

**DWELLING, GROUP.** Two or more one-family, two-family or multiple-family dwellings or boarding or lodging houses, located on one zoning lot but not including tourist courts or motels.

**EDUCATIONAL INSTITUTION.** Public, parochial, charitable or nonprofit junior college, college or university, other than trade or business schools including instructional and recreational uses with or without living quarters, dining rooms, restaurants, heating plants and other incidental facilities for students, teachers, and employees.

**EFFICIENCY UNIT.** A dwelling unit consisting of one principal room for living, sleeping, and eating plus facilities for cooking and a complete bath and toilet facilities.

**FAMILY.** One or more persons related by blood, marriage or adoption, or a group of not more than five persons (excluding servants) who need not be related by blood, marriage or adoption, living together and maintaining a common household but not including sororities, fraternities or other similar organizations.

**FENCE.** A structure or tree or shrub hedge which is a barrier and is used as a boundary or means of protection or confinement.

**FENCE, SOLID.** A fence including gates, which conceals from view from adjoining properties, streets or alleys, activities conducted behind it.

**FILLING STATION.** Buildings and premises where gasoline, oil, grease, batteries, tires and automobile accessories may be supplied and dispensed at retail.

**GROSS FLOOR AREA.** (For the purpose of determining requirements for off-street parking and off-street loading.)

(1) The floor area shall mean the sum of the gross horizontal area of the several floors of the building or portion thereof, devoted to such use, including accessory storage areas located within selling or working space, such as counters, racks or closets, and any basement floor area devoted to retailing activities or the production or processing of goods or to business or professional offices.

(2) However, floor area for the purpose of measurement of off-street parking spaces shall not include floor area devoted primarily to storage purposes. The following areas shall not be included for the purpose of measurement of off-street parking spaces:

(a) Floor area devoted to off-street parking or loading facilities, including aisles, ramps and maneuvering space;

(b) Basement floor area other than area devoted to retailing or service activities or the production or processing of goods, or to business or professional offices.

**FLOOD PLAIN.** The relatively flat lowlands adjoining a watercourse or other body of water subject to overflow therefrom during flood periods.

**FLOODWAY.** The channel of the stream or body of water and that portion of the flood plain that is inundated by a flood and used to carry the flow of the flood.

**FREEWAY.** A major highway having no intersections at grade and having full controlled access, hence "free" from conflicts and interruptions.

**FREQUENCY.** The number of oscillations per second in a sound wave measuring the pitch of the resulting sound.

**FRONTAGE.** All the property fronting on one side of a street between the nearest intersecting streets or between a street and a right-of-way, waterways or other similar barrier.

**GARAGE, BUS.** Any building used or intended to be used for the storage of three or more passenger motor busses or motor coaches used in public transportation including school busses.

**GARAGE, PRIVATE.** Any accessory building or an accessory portion of the principal building which is intended for and used to store the private passenger vehicles of the family or families resident on the premises, and in which no business, service or industry connected directly or indirectly with the automotive vehicles is carried on; provided that not more than one-half of the space may be rented for the private vehicles of persons not resident on the premises except that all the space in a garage of one or two car capacity may be so rented. Such a garage shall not be used for more than two commercial vehicles and the load capacity of such vehicles shall not exceed one ton each.

**GARAGE, PUBLIC.** A building other than a private garage used for the care, incidental servicing and sale of automobile supplies or where motor vehicles are parked or stored for remuneration, hire

or sale within the structure but not including trucks, tractors, truck trailers and commercial vehicles exceeding one and one-half ton capacity.

**GARAGE, BUS OR TRUCK.** A building which is used or intended to be used for the storage of motor trucks, truck trailers, tractors and commercial vehicles exceeding one and one-half tons capacity.

**GRADE, STREET.** The elevation of the established street in front of the building measured at the center of such front. Where no street grade has been established, the City Engineer shall establish such street grade or its equivalent for the purpose of this section.

**GROUND FLOOR AREA.** The lot area covered by a principal building measured at grade from the exterior walls but excluding open porches or terraces, garages or carports.

**GUEST HOUSE.** Living quarters within a detached accessory building located on the same premises with the principal building for use by temporary guests of the occupants of the premises. Such quarters shall have no kitchen facilities nor be rented or otherwise used as a separate dwelling.

**HOME OCCUPATION.**

(1) Any occupation or profession carried on by a member of a family residing on the premises, in connection with which there is no sign used other than allowed by the sign regulations for the district in which such home occupation is located; provided that no commodity is sold upon the premises except such as may be produced on the premises by members of the immediate family; provided that no person is employed other than a member of the immediate family residing on the premises and provided that no mechanical equipment is used except such as is normally used for domestic, hobby or household purposes.

(2) Home occupations shall include the use of premises by a physician, surgeon, dentist, lawyer, clergyman or other professional person for consultation or emergency treatment, but not for the general practice of his profession.

**HOSPITAL OR SANITARIUM.** An institution devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment or care for not less than 24 hours in any week of three or more nonrelated individuals suffering from illness, disease, injury, deformity or other abnormal physical conditions.

**HOTEL, APARTMENT.** A hotel in which at least 90 percent of the hotel accommodations are for occupancy by the permanent guests. An apartment hotel having not less than 50 guest rooms may have a dining room open to the public which is accessible only from an inner lobby or corridor.

**HOTEL, MOTEL, INN OR AUTO COURT.** An establishment containing lodging accommodations designed for use by transients or travelers or temporary guests. Facilities provided may include maid service, laundering of linens used on the premises, telephone and secretarial or desk service, meeting rooms, restaurants including the sale of alcoholic beverages.

**HOUSEHOLDER.** The occupant of a dwelling unit who is either the owner or lessee.

**JUNK YARD.** An open area where waste, scrap metal, paper, rags or similar materials are bought, sold, exchanged or stored, baled, packed, disassembled or handled including auto and building wrecking yards but excluding similar uses taking place entirely within a completely enclosed building.

**KENNEL, COMMERCIAL.** Any lot or premises or portion thereof on which more than four dogs, cats or other household domestic animals over four months of age are kept, or on which more than two such animals are boarded for compensation or kept for sale.

**LABORATORY, COMMERCIAL.** A place devoted to experimental study such as testing and analyzing. Manufacturing, assembly or packaging of products is not included within this definition.

**LOADING AND UNLOADING SPACE OR BERTH, OFF STREET.** An open, hard-surfaced area of land other than a street or a public way, the principal use of which is for the standing, loading and unloading of motor vehicles, tractors and trailers, to avoid undue interference with public streets and alleys. Such space shall not be less than ten feet in width, 25 feet in length and 14 feet in height, exclusive of access aisles and maneuvering space and shall be readily accessible from a street or other public thoroughfare.

**LODGING OR ROOMING HOUSE.** A building with not more than five guest rooms where lodging is provided for compensation pursuant to previous arrangement, but not open on a daily, overnight or per meal basis to transient guests.

**LOT.** Parcel of land legally described as a distinct portion or piece of land or record.

**LOT LINE, FRONT.** The front property line of a zoning lot.

**LOT LINE, INTERIOR.** A side lot line common with another lot.

**LOT LINE, SIDES.** Lot lines other than front or rear lot lines are side lot lines.

**LOT, REVERSED CORNER.** A corner lot, the rear of which abuts upon the side of an other lot, whether across an alley or not.

**LOT, THROUGH.** A lot having frontage on two parallel or approximately parallel parallel streets, and which is not a corner lot. On a through lot both street lines shall be deemed front lot lines.

**LOT AREA.** The area of a horizontal plane bounded by vertical planes containing the front, side and rear lot lines.

**LOT OF RECORD.** An area designated as a lot on a plat of subdivision recorded or registered pursuant to statute.

**LOT, CORNER.** A lot situated at the junction of and abutting on two or more intersecting streets; or a lot at the point of deflection in alignment of a single street, the interior angle of which is 130 degrees or less.

**LOT COVERAGE.** The area of a zoning lot occupied by the principal building or buildings and accessory buildings.

**LOT DEPTH.** The mean horizontal distance between the front and rear lot lines of a lot measured within the lot boundaries.

**LOT FRONTAGE.** The front of a lot shall be that boundary of a lot along a public street; for a corner lot the owner may elect either street line as the front line.

**LOT LINE.** A property boundary line of any lot held in single or separate ownership except that where any portion of the lot extends to the abutting street or alley, the lot line shall be deemed to be the street or alley line.

**LOT INTERIOR.** A lot other than a corner or reversed corner lot.

**LOT WIDTH.** The mean horizontal distance between the side lot lines measured within the boundaries or the minimum distance between the side lot lines within the buildable area.

**MANUFACTURE.** The production, making or processing of products or commodities for general consumption of the public or for sale. Also included is the sub-assembly, fabrication, or processing of parts or components for use in other products or commodities.

**MARQUEE OR CANOPY.** A rooflike structure of a permanent nature which projects from the wall of a building and may overhang the public way and is designed and intended to protect pedestrians from adverse weather conditions.

**MOBILE HOME.** A factory built dwelling unit with or without motive power used or adaptable for living, sleeping, business or storage purposes, which may or may not meet the building code requirements and has been or reasonably may be equipped with wheels or other devices for transporting the structure from place to place. A permanent foundation shall not change its character nor shall the erecting of additions to said mobile home unless the mobile home itself and any additions there to conform to all city laws. The term **MOBILE HOME** shall include the terms "Modular Housing", "Factory Built Housing", and "Double-Wide Housing".

**MOBILE HOME SALES AREA.** An open area, other than a street, used for the display or sale of new or used mobile homes or trailers, and where no repair work is done except for minor incidental repair of trailers to be displayed and sold on the premises.

**MOBILE HOME PARK OR COURT.** A property designed and operated in accordance with § 154.056 where space and facilities for mobile homes may be rented.

**MOTEL.** See **HOTEL.**

**MOTOR FREIGHT TERMINAL.** A building in which freight brought to said building by motor truck is assembled and sorted for routing in either interstate or intrastate shipment by motor truck.

**NAMEPLATE.** A sign indicating the name and address of a building or the name of an occupant thereof, and the practice of a permitted occupation therein.

**NET SITE AREA.** The area of a zoning lot, parcel or tract, excluding boundary rights-of-way.

**NONCONFORMITY.** Any particular in which a building, yards or use of building or land does not comply with the requirements of this chapter for new buildings and uses.

**NON-CONFORMING USE.** Any building, structure or land lawfully occupied by a use or lawfully established at the time of the adoption of the ordinance or amendments thereto, which does not conform after the passage of this chapter or amendments thereto with the use regulations of this chapter.

**NOXIOUS MATTER.** Material which is capable of causing injury to living organisms by chemical reaction or is capable of causing detrimental effects upon the psychological, social or economic well being of human beings.

**NURSERY, CHILD-CARE.** An establishment for the part-time care of five or more children of pre-elementary school age in addition to the members of the family residing therein.

**NURSING HOME OR REST HOME.** A commercial establishment for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorder but not including facilities for the treatment of sickness or injuries or for surgical care.

**OCCUPANCY CERTIFICATE.** A certificate issued by the Building Inspector stating the occupancy and use of land or a building or structure referred to therein complies with the provisions of this chapter.

**OCTAVE BAND.** A means of dividing the range of sound frequencies into octaves in order to classify sound according to pitch.

**OCTAVE BAND FILTER.** An electrical frequency analyzer, designed according to standards formulated by the American Standards Association and used in conjunction with a sound level meter to take measurements in specific octave intervals (American Standards for Sound Level Meters, A.S.A. No. 244, 3-1944).

**OPEN SALES LOT.** A lot or parcel of land used or occupied for the purpose of buying, selling or trading of all goods and commodities and including the storage of same prior to sale or exchange.

**ORDINANCE.** Reference to **ORDINANCE** shall be construed as the City of Bangor Zoning Ordinance unless clearly specified otherwise.

**PARKING AREA, PRIVATE.** An open, hard-surfaced area, other than a street or public way designed, arranged and made available for the storage of private passenger automobiles only, of occupants of the building or buildings for which the parking area is developed and is accessory.

**PARKING AREA, PUBLIC.** An open, hard-surfaced area other than a street or public way, intended to be used for the storage of passenger automobiles and commercial vehicles under one and one-half tons capacity, and available to the public, whether for compensation, free or as an accommodation to clients or customers.

**PARKING SPACE, AUTOMOBILE.** Space within a public or private parking area of not less than 180 square feet (nine feet by 20 feet) exclusive of access drives or aisles, ramps, columns or office and work area, for the storage of one passenger automobiles or commercial vehicles under one and one-half tons capacity and connected with a street or alley which affords ingress and egress without requiring another automobile to be moved.

**PARTICULATE MATTER.** Material which is suspended in or discharged into the atmosphere in finely divided form as a liquid or solid at atmospheric pressure and temperature.

**PLAN COMMISSION OR PLANNING COMMISSION.** The Plan Commission of the city as constituted by this chapter.

**PLANNED UNIT DEVELOPMENT.** A tract of land which is planned as a whole for development under single ownership or control and which, by virtue of such unified planning and development, provides greater amenities, convenience or other benefits than normally would be obtained through the development, adequate provision shall be made for basic community facilities such as schools, parks, playgrounds and churches, among others.

**PORCH.** A roofed-over structure, projecting out from the wall or walls of a main structure and commonly open to the weather in part.

**PRINCIPAL USE.** The main use of land or buildings on a zoning lot as distinguished from a subordinate or accessory use.

**PUBLIC OPEN SPACE.** Any publicly owned open area including but not limited to the following: Parks, playgrounds, forest preserves, beaches, waterways, parkways and streets.

**PUBLIC UTILITY.** Any person, firm, corporation or municipal department, duly authorized to furnish under public regulation to the public electricity, gas, steam, telephone, transportation or water.

**RAILROAD RIGHT-OF-WAY.** A strip of land with tracks and auxiliary facilities for track operation, but not including depot loading platforms, stations, train sheds, warehouses, car shops, car yards, locomotive shops, water towers, etc.

**RESTAURANT.** Any land, building or part thereof other than a boarding house where meals are provided for compensation including a cafe, cafeteria, coffee shop, lunch room, drive-in stand, tearoom and dining room and including the serving of alcoholic beverages when served with and incidental to the serving of meals.

**RINGELMANN NUMBER.** The number of the area of the Ringelmann Chart that coincides most nearly with the visual density of smoke emission.



**ROADSIDE STAND.** A farm building used or intended to be used solely by the owner or tenant of the farm on which such building is located for the sale of the farm products raised on said farm.

**SANITARY LANDFILL.** A method of disposing of solid waste by spreading and covering with earth to a depth of two feet on the top surface and one foot on the sides and the bank.

**SIGN.**

(1) A name, identification, description, display or illustration which is affixed to or painted or represented directly or indirectly upon a building, structure, tree, rock or other object or piece of land and which directs attention to an object, product, place, activity, person, institution, organization or business.

(2) However, a sign shall not include any display of official court of public office notice nor shall it include the flag, emblem or insignia of a nation, political unit, school or religious group. A sign shall not include a display located completely within an enclosed building unless the context shall be exposed to view from a street. Each display surface of a sign shall be considered to be a sign.

**SIGN, ADVERTISING (BILLBOARD).** A sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than upon the premises where such sign is located or to which it is attached.

**SIGN, BUSINESS.** A sign which directs attention to a business or profession conducted or to a commodity, service or entertainment sold or offered upon the premises where such sign is located or to where it is affixed.

**SIGN, CHURCH BULLETIN BOARD.** A sign attached to the exterior of a church or located elsewhere on the church premises used to indicate the services or activities of the church and including its name, if desired.

**SIGN, FLASHING.** Any illuminated sign on which the artificial light is not maintained, stationary or constant in intensity and color at all times when such sign is in use. For the purpose of this chapter, any revolving, illuminated sign shall be considered a flashing sign.

**SIGN, GROSS SURFACE AREA OF.** A sign shall be the entire area within a single continuous perimeter enclosing the extreme limits of such sign and in no case passing through or between any adjacent elements of same. However, such perimeter shall not include any structural or framing elements outside the limits of such sign and not forming an integral part of the display.

**SIGN, IDENTIFICATION.** A structure, building wall or other outdoor surface used to display and identify the name of the individual, business, profession, organization or institution occupying the premises upon which it is located.

**SIGNS, TYPES OF.**

(1) **ADVERTISING DEVICE.** Banners affixed on poles, wires, or ropes and streamers, wind operated devices, flashing lights, and other similar devices.

(2) **GROUND SIGN.** Any sign erected, constructed, or maintained for the purpose of displaying outdoor advertising by means of posters, pictures, pictorial and reading matter when such sign is supported by two or more uprights, posts, or braces placed upon or affixed in the ground and not attached to any part of a building.

(3) **MARQUEE SIGN.** A sign affixed to a marquee over the entrance to a building and supported from the building.

(4) **POST SIGN.** Any letter, word, model sign, device, or representation used in the nature of an advertisement or announcement not attached to a building and which is supported by a single stationary pole or post.

(5) **PROJECTING SIGN.** A sign which is attached to and projects more than 12 inches from the face of a wall of a building.

(6) **ROOF SIGN.** Any sign erected, constructed, or maintained upon the roof of any building or any wall sign which extends more than 36 inches above the roof line or parapet wall of a building.

(7) **WALL SIGN.** Any sign or poster either painted on or affixed directly to a wall or on any surface or plane, affixed to the front, side or rear wall on any building. A wall sign may not project more than 12 inches from the face of the wall to which it is attached.

**SMOKE UNITS.** The number obtained by multiplying the smoke density in Ringelmann numbers by the time of emission in minutes. For the purpose of this chart, Ringelmann density reading is made at least once every minute during the period of observation; each reading is then multiplied by the time in minutes during which it is observed; and the various products are added together to give the total number of "smoke units" observed during the total period under observation.

**SOUND LEVEL METER.** An instrument standardized by the American Standards Association for measurement of intensity of sound.

**STORY.** That portion of a building included between the surface of any floor and the surface of the floor above it, or if there is no floor above then the space between the floor and the ceiling next above it. Any portion of a story exceeding 14 feet in height shall be considered as an additional story for each 14 feet or fraction thereof.

**STORY, HALF.** A half-story is that portion of a building under a gable, hip or mansard roof, the wall plates of which on at least two opposite exterior walls are not more than four and one-half feet above the finished floor of each story. In the case of one-family dwellings, two-family dwellings and multiple-family-dwellings less than three stories in height and half-story in a sloping room shall not be counted as a story.

**STACKING REQUIREMENTS.** For the purpose herein, stacking requirements are the number of cars that must be accommodated in a reservoir space while waiting ingress or egress to specified business or service establishment.

**STREETS.** A public way other than an alley which affords a primary means of access to abutting property.

**STREET LINE.** A line separating a lot, piece or parcel of land from a street.

**STRUCTURE.** Anything constructed or erected which requires location on the ground or is attached to something having location on the ground including a fence or free-standing wall. A sign, billboard or other advertising medium, detached or projected shall be construed to be a structure.

**STRUCTURAL ALTERATIONS.** See *ALTERATIONS, STRUCTURAL*.

**SWIMMING CLUB, PRIVATE (COMMERCIAL).** A private club operated for profit, maintaining and operating a swimming pool and apparatus and equipment pertaining to the swimming pool with specified limitations upon the number of members for the exclusive use of members and their guests.

**SWIMMING CLUB, PRIVATE (NON-PROFIT).** A private club incorporated as a non-profit club or organization maintaining and operating a swimming pool with specified limitations upon the number of members or limited to residents of a block, subdivision, neighborhood, community or other specified areas of residence, for the exclusive use of members and their guests.

**SWIMMING POOL, COMMERCIAL.** A swimming pool and the apparatus and equipment pertaining to the swimming pool, operated for profit, open to the public upon payment of an hourly, daily, weekly, monthly, annual or other fee.

**SWIMMING POOL, PRIVATE.** A swimming pool and the apparatus and equipment pertaining to the swimming pool, maintained by an individual for the sole use of his household and guests, without charge for admission and not for the purpose of profit or in connection with any business operated for profit, located on a lot as an accessory use to a residence.

**SWIMMING POOL, PUBLIC.** A swimming pool and the apparatus and equipment pertaining to the swimming pool, maintained and operated by municipality or other units of government for the general public whether or not an admission fee is charged.

**TAVERN OR LOUNGE.** A building where liquors are sold to be consumed on the premises but not including restaurants where the principal business is serving food.

**TOURIST HOME.** A dwelling in which accommodations are provided or offered for transient guests.

**TOXIC MATERIALS.** A substance (liquid, solid or gaseous) which by reason of an inherent deleterious property, tends to destroy life or impair health.

**TRAILER, SPORTS OR CAMPING.** A trailer designed for camping or other recreational purposes.

**TRUCK PARKING AREA OR YARD.** Any land used or intended to be used for the storage, parking of trucks, trailers, tractors and including commercial vehicles, while not loading or unloading, which exceeds one and one-half tons in capacity.

**USE.** The purpose for which land or a building is designed, arranged or intended or for which it is occupied or maintained, let or leased.

**USE, PRINCIPAL.** The main use of land or buildings distinguished from a subordinate or accessory use.

**USED CAR LOT.** A zoning lot on which used or new cars, trailers or trucks are displayed in the open for sale or trade.

**VARIANCE.** A variance is a relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. As used in this chapter, a variance is authorized only for height, area and size of structure or size of yards and open space. Establishment or expansion of a use, otherwise prohibited, shall not be allowed by variance nor shall a variance be granted because of the presence of nonconformities in the zoning district or uses in an adjoining zoning district.

**YARD.** An open space on the same zoning lot with a principal building or group of buildings, which is unoccupied and unobstructed from its lowest level upward, except as otherwise permitted herein, and which extends along a lot line and at right angles thereto, to a depth or width specified in the yard regulations for the district in which the zoning lot is located.

**YARD, FRONT.** A yard extending along the full length of the front lot line between side lot lines.

**YARD, REAR.** A yard extending along the full length of the rear lot line between side lot lines.

**YARD, SIDE.** A yard extending along a side lot line from the front yard to the rear yard. Side yards adjoining streets shall be equal in depth to the front yard of the adjoining property.

**ZONING ADMINISTRATOR.** Wherever the term **ZONING ADMINISTRATOR** is used, it shall mean the Zoning Administrator appointed by the City Manager and such deputies or assistants as have been or shall be duly appointed. That officer is hereby authorized and it is his duty to administer and enforce the provisions of the zoning ordinance, making such determinations, interpretations and orders as are necessary thereof and requiring such plats, plans and other descriptive material in connection with applications for permits as are necessary for him to judge compliance with the ordinance.

**ZONING LOT.** A single tract of land within a single block which (at the time of filing for a building permit) is designated by its owner or developer as a tract to be used, developed or built upon

as a unit under single ownership or control. Therefore, a zoning lot may or may not coincide with a lot of record.

**ZONING MAP.** The map incorporated herein as a part hereof, designating zoning districts.

**BUILDING INSPECTOR.** The officer employed by the city charged with the administration and enforcement of the city's building code, or his/her duly authorized representative.  
(Ord. 205, passed 1-16-95; Am. Ord. 240, passed 9-21-98)

#### **§ 154.015 MINIMUM DWELLING UNIT WIDTH FOR SINGLE FAMILY DETACHED UNITS.**

Every single family detached dwelling shall have a minimum width throughout its entire length of the dwelling of 24 feet measured between the exterior part of the walls having the greatest length. Said minimum width requirements shall apply to Residential Zones R-1, R-2 and R-3 only.  
(Ord. 216, passed 5-5-97) Penalty, see § 154.999

#### **§ 154.016 MOBILE HOME STANDARDS.**

(A) The mobile home shall be aesthetically compatible in design and appearance with other residences in the immediate area with a roof overhang on eaves side of not less than four inches each and a minimum roof pitch of not less than two on 12. As an alternative, window sills or roof drainage systems concentrating roof drainage at collection points along the sides the dwelling may be permitted.

(B) The mobile home shall not have exposed wheels, towing mechanism, undercarriage or chassis.

(C) The mobile home shall meet or exceed all roof snow load and strength requirements imposed by the US Dept. of Housing and Urban Development Mobile Home Construction and Safety Standards, effective June 15, 1976 as amended, and shall include the appropriate designation on the mobile home.

(D) The mobile home shall be firmly attached to a permanent foundation constructed on the side. The mobile home shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission. It shall contain skirting along the entire perimeter of the main frame between the ground and the bottom edge of the mobile home body. Such skirting shall be a minimum of 26 gauge metal with ribbing, or of other accepted building materials having similar design and durability. The skirting shall be securely attached and sealed to the mobile home body and shall contain a ratproof wall or slab to prevent the entrance of rodents and other animals underneath the mobile home. One access door shall be permitted in the skirting, and adequate screening vents shall be required in the skirting around the entire perimeter at intervals of not more than 20 feet to provide adequate cross-ventilation. All skirting shall be maintained in good condition at all times. Unprotected flammable materials, including hay bales and newspaper, shall not be allowed as skirting for mobile homes.

(E) The mobile home shall be located so as to meet all the requirements of the City Zoning Ordinance relating to uses, size of the premises, setback, side lot, and rear lot requirements specified for the residential dwelling units for the particular zoning district in which the mobile home is located.

(F) If any exterior structural changes required to an approved mobile home, or are to be completed upon a mobile home prior the placement on the site, the modifications and structural changes shall be first approved by the city.

(G) Construction and installation of all plumbing, electrical apparatus, and insulation within and connected to the mobile home shall be of the type and quality conforming to the most recent edition of the US Department of Housing and Urban Development Mobile Home Construction and Safety Standards, effective June 15, 1976, as amended.

(H) All mobile homes shall be connected to an approved sewer system and water supply system.

(I) All mobile homes shall provide steps or porch areas, permanently positioned in the ground or permanently attached to the foundation, where there exists an elevation differential of more than one foot between any door and the surrounding grade. All dwellings shall have a minimum of two points of ingress and egress.

(Ord. 216, passed 5-5-97) Penalty, see § 154.999

### *NONCONFORMITIES*

#### **§ 154.030 CONTINUANCE OF USE.**

(A) Any lawfully established use of a building or land, on the effective date of this chapter or of amendments thereto, that does not conform to the use regulations for the district in which it is located, shall be deemed to be a legal non-conforming use and may be continued except as otherwise provided herein.

(B) Any building for which a permit has been lawfully granted prior to the effective date of this chapter or of amendments thereto, may be completed in accordance with the approved plans; provided construction is started within 90 days and diligently prosecuted to completion. Such building shall thereafter be deemed a lawfully established building.

(Ord. 205, passed 1-16-95)

#### **§ 154.031 DISCONTINUANCE OF USE.**

(A) Whenever any part of a building, structure or land occupied by a non-conforming use is changed to or replaced by a use conforming to the provisions of this chapter, such premises shall not thereafter be used or occupied by a non-conforming use, even though the building may have been originally designed and constructed for the prior non-conforming use.

(B) Whenever a non-conforming use of a building or structure or part thereof, has been discontinued for a period of 24 consecutive months or whenever it is evident a clear intent on the part of the owner to abandon a non-conforming use, such use shall not, after being discontinued or abandoned, be re-established and the use of the premises thereafter shall be in conformity with the regulations of the district.

(C) Where no enclosed building is involved, discontinuance of a non-conforming use for a period of six months shall constitute abandonment and shall not thereafter be used in a nonconforming manner.

(D) A non-conforming use not authorized by the provisions of the zoning ordinance in effect prior to the time this chapter becomes effective, shall be discontinued and not re-established except when the provisions of this chapter find the use to be conforming to the district in which it is then located. (Ord. 205, passed 1-16-95) Penalty, see § 154.999

#### **§ 154.032 CHANGE OF NON-CONFORMING USE.**

A non-conforming use of a building or premises may be changed to a similar non-conforming use by the occupants or owners thereof provided that the new non-conforming use does not constitute a greater violation of the use provisions of this chapter than the previous use. (Ord. 205, passed 1-16-95)

#### **§ 154.033 TERMINATION AND REMOVAL OF NON-CONFORMING USES, AND STRUCTURES.**

The period of time during which the following non-conforming uses of buildings, structures or land may continue or remain, shall be limited from the effective date of this chapter or amendment hereto which causes the use to be non-conforming. Every such non-conforming use shall be completely removed from the premises at the expiration of the period of time specified below:

(A) Any non-conforming use of building or structure having an assessed valuation not in excess of \$1,000 on the effective date of this chapter shall be removed after two years.

(B) Any non-conforming use of land where no enclosed building is involved or where the only buildings employed are accessory or incidental to such use or where such use is maintained in connection with a conforming building shall be removed after a period of two years.

(C) All non-conforming signs, billboards and outdoor advertising structures shall be removed after a period of five years.

(D) Any non-conforming mobile homes shall be removed after a period of five years. (Ord. 205, passed 1-16-95) Penalty, see § 154.999

**§ 154.034 REPAIRS AND ALTERATIONS.**

(A) Normal maintenance of a building or other structure containing a non-conforming use is permitted, including necessary non-structural repairs and incidental alterations which do not extend or intensify the non-conforming use.

(B) No structural alteration shall be made in a building or other structure containing a nonconforming use, except in the following situations:

(1) When the alteration is required by law.

(2) When the alteration will actually result in eliminating the non-conforming use.

(3) When a building in a residential district containing residential non-conforming uses may be altered in any way to improve livability, provided no structural alterations shall be made which would increase the number of dwelling units or the bulk of the building.

(Ord. 205, passed 1-16-95) Penalty, see § 154.999

**§ 154.035 ADDITIONS AND ENLARGEMENTS.**

(A) A building containing a non-conforming use may be enlarged or extended only if the entire building is thereafter devoted to a conforming use, and is made to conform to all regulations of the district in which it is located.

(B) No building partially occupied by a non-conforming use shall be altered in such a way as to permit the enlargement or expansion of the space occupied by such non-conforming use.

(C) No non-conforming use may be enlarged or extended in such a way as to occupy any required usable open space or any land beyond the boundaries of the zoning lot as it existed on the effective date of the ordinance or to displace any conforming use in the same building or on the same parcel.

(Ord. 205, passed 1-16-95) Penalty, see § 154.999

**§ 154.036 NONCONFORMITY OF YARDS OR BUILDING BULK.**

A building or structure which is non-conforming with respect to yards or any other element of bulk regulated herein shall not be altered or expanded in any manner which would increase the degree or extent of its non-conformance with respect to the bulk regulations of the district in which it is located.

(Ord. 205, passed 1-16-95) Penalty, see § 154.999



**ZONING MAP AND DISTRICTS****§ 154.050 MAP.**

The boundaries of the zoning districts are established as shown on the map entitled "Official Zoning Map of the City of Bangor, Michigan"; this map is made a part hereof, and shall have the same force and effect as if the Zoning Map, together with all notations, references and other information shown thereon, were fully set forth and described herein.

(Ord. 205, passed 1-16-95)

**§ 154.051 DISTRICT BOUNDARIES.**

When uncertainty exists with respect to the boundaries of the various districts, as shown on the Zoning Map, the following rules shall apply:

(A) District boundary lines are either the center lines of railroads, highways, streets, alleys or easements, or the boundary lines of sections, quarter-sections, divisions of sections, tracts or lots, or such lines extended otherwise indicated.

(B) In areas not subdivided into lots and blocks, wherever a district is indicated as a strip adjacent to and paralleling a street or highway, the depth of such strips shall be in accordance with the dimensions shown on the maps measured at right angles from the center line of the street or highway, and the length of the frontage shall be in accordance with dimensions shown on the map from section, quarter-section or division lines or center lines of streets, highways or railroad right-of-way unless otherwise indicated.

(C) Where a lot held in one ownership and of record on the effective date of the ordinance is divided by a district boundary line, the entire lot shall be construed to be within the less restricted district, provided that the construction shall not apply if it increases the less restricted frontage of the lot by more than 25 feet.

(Ord. 205, passed 1-16-95)

**§ 154.052 ZONING OF PUBLIC WAYS.**

All streets, alleys, public way, waterways and railroad right-of-way, if not otherwise specifically designated shall be deemed to be in the same zone as the property immediately abutting on such streets, alleys, public ways and railroad rights-of-way or waterways. Where the center line of a street, alley, public way, waterway or railroad right-of-way serves as district boundary, the zoning of such areas, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to such center line.

(Ord. 205, passed 1-16-95)

**§ 154.053 R-1 ONE-FAMILY RESIDENCE DISTRICT.**

(A) *Purpose.* The R-1 District is established to provide low density areas in which the principal use of land is for single family dwellings.

(B) *Permitted uses.* The following uses are permitted:

- (1) One-family detached dwellings and permitted accessory uses.
- (2) Parks, forest preserves and recreational areas, when publicly owned and operated.
- (3) Home occupations.
- (4) Schools, public, denominational or private, elementary and high, including playgrounds and athletic fields, auxiliary thereto.
- (5) Churches, rectories, seminaries, convents, monasteries and similar religious institutions, including dormitories and other accessory uses required for operation.
- (6) Accessory uses including off-street parking facilities in accordance with the provisions of §§ 154.050 through 154.060.
- (7) Signs as permitted in §§ 154.070 through 154.075.
- (8) See Figure 1, Residential Uses and Requirements.
- (9) Adult Foster Care Homes

(C) *Special uses.* The following uses may be allowed by special use permit in accordance with the provisions of §§ 154.145 through 154.149 of this chapter entitled Special Uses.

- (1) Cemeteries, including crematories and mausoleums in conjunction therewith.
- (2) Colleges and universities, including dormitories, fraternities, sororities and other accessory buildings necessary for operation, but not including business colleges or trade schools when operated for profit.
- (3) Filling of holes; pit or lowlands with non combustible material free from refuse and food wastes.
- (4) Golf course, regulation size or "par 3" but not including commercially operated driving ranges or miniature golf courses.

(5) Planned Unit Developments, under single ownership or control, in which incidental business or recreational facilities for the convenience of the occupants may be furnished, provided the property proposed for development shall have a gross area of at least four acres and shall otherwise comply with §§ 154.160 through 154.167 of this chapter. For such development, the City Council may vary the regulations herein, provided such variations are consistent with the general purpose and intent of the ordinance and will result in better site planning and thus be a greater benefit both to the occupants of the development and to the community.

(6) Public service uses; including filtration plant, pumping station and water reservoir; sewage treatment plant; sanitary land fill; police and fire stations; telephone exchanges; electric substations and other similar public service uses.

(7) Radio and television stations and towers.

(8) Railroad rights-of-way and trackage, but not including reclassification yards, terminal facilities or maintenance facilities.

(9) Schools - nursery, public or private.

(10) Swimming club - private (commercial).

(11) Swimming club - private (non-profit).

(12) Swimming pool - public.

(13) Mobile homes provided the following conditions are met:

(a) Lot area, required yards, minimum ground floor area and other requirements of this chapter for single family homes must be met.

(b) Structural, plumbing, electrical, mechanical and other requirements of the Bangor building code must be met.

(c) A perimeter wall of masonry on a below frost footing, completely surrounding the mobile home must be provided.

(d) An approved tie down system attaching the mobile home to the perimeter wall must be provided.

(D) *Off-street parking.* Off-street parking and loading facilities shall be provided as required or permitted in §§ 154.080 through 154.084.

(E) *Minimum lot size.*

(1) Every one-family detached dwelling hereafter erected shall be located on a lot having an area of not less than 8,400 square feet and a width at the established building line of not less than 70 feet.

(2) All non-residential principal uses of buildings as permitted herein shall be located on a tract of land having an area of not less than 15,000 square feet width with a minimum width at the building line of not less than 80 feet.

(3) Minimum lot size for special uses shall be prescribed and conditions imposed at the time a special use permit is authorized, but in no case shall any such lot have an area of less than 15,000 square feet.

(F) *Yard areas.* No building shall be erected or enlarged unless the following yards are provided and maintained:

(1) *Front yard.* A front yard of not less than 25 feet or in accordance with § 154.007.

(2) *Side yards.* A side yard on each side of the main building not less than six feet.

(3) *Rear yard.* A rear yard of not less than 25 feet.

(G) *Maximum lot coverage.* Not more than 35 percent of the lot area may be occupied by buildings and structures, including accessory buildings.

(H) *Minimum ground floor area.* Minimum ground floor area of a residential building shall not be less than 1,000 square feet in a R-1 zone.

(I) *Maximum building height* - Twenty-five feet.  
(Ord. 205, passed 1-16-95; Am. Ord. 240, passed 9-21-98)

#### § 154.054 R-2 ONE AND TWO FAMILY RESIDENCE DISTRICT.

(A) *Purpose.* The R-2 District is intended to provide a somewhat more dense dwelling environment in the areas of the city close to the Central Business District and to permit the establishment of new two family homes and the conversion of large, older homes to two family use.

(B) *Permitted uses.* The following uses are permitted:

(1) Any of the uses permitted in the R-1 One Family Residence District.

(2) Two family dwellings.

(3) Adult Foster Care Homes

(C) *Special uses.* Any special uses allowed in the R-1 One-Family Residence District.

(D) *Off-street parking.* Off-street parking and loading facilities shall be provided as required in §§ 154.080 through 154.084.

(E) *Minimum lot sizes.*

(1) Every one-family detached or two family dwelling hereafter erected shall be located on a lot having an area of not less than 7,200 square feet and a width at the established building line of not less than 60 feet.

(2) All non-residential principal uses of buildings as permitted herein shall be located on a tract of land having an area of not less than 15,000 square feet, with a minimum width at the building line of not less than 80 feet.

(3) Minimum lot size for special uses shall be prescribed and conditions imposed at the time a special use permit is authorized, but in no case shall any such lot have an area of less than 15,000 square feet.

(F) *Yard areas.* No building shall be erected or enlarged unless the following yards are provided and maintained:

(1) *Front yard.* A front yard of not less than 25 feet or in accordance with § 154.007.

(2) *Side yards.* A side yard on each side of the main building not less than six feet.

(3) *Rear yard.* A rear yard of not less than 25 feet.

(G) *Maximum lot coverage.* Not more than 35 percent of the lot area may be occupied by buildings and structures, including accessory buildings.

(H) *Minimum ground floor area.* Minimum ground floor area for residential structures shall not be less than 1,000 square feet.

(I) *Maximum building height* - Thirty-five feet.

(Ord. 205, passed 1-16-95; Am. Ord. 240, passed 9-21-98)

### § 154.055 R-3 GENERAL RESIDENCE DISTRICT.

(A) *Purpose.* The R-3 District is established as a general residence district to provide for a wider variety of dwelling accommodations with a higher density of dwelling units; to provide for multiple-family dwellings with adequate open space for family living; to provide for and encourage the

redevelopment of older residential districts in the city and to provide for a transition between non-residential areas and single-family areas of low density.

(B) *Permitted uses.* The following uses are permitted:

- (1) Any of the uses permitted in the R-2 One and Two Family Residence District.
- (2) Boarding house, lodging house or rooming house.
- (3) Multiple-family dwellings, apartments and apartment hotels.
- (4) One-family row dwellings (party wall) with not more than eight dwellings in a row or building.
- (5) Adult Foster Care Homes

(C) *Special uses.* The following uses may be allowed by special use permits:

- (1) Any use which may be allowed as a special use in the R-2 District.
- (2) Medical and dental offices and medical centers.
- (3) Philanthropic or eleemosynary uses or institutions, provided that not more than 20 percent of the gross floor area or 2,000 square feet, whichever is greater shall be used as office space.
- (4) Private clubs or lodges, except those the chief activity of which is a service normally carried on as a business.
- (5) Off-street parking areas, provided there is a need for this type of facility in the interest of the public necessity and convenience and that no appropriate site is available in nearby business or manufacturing districts.
- (6) Undertaking establishments, funeral parlors.
- (7) Planned Unit Developments under single ownership or control, in which incidental business or recreational facilities for the convenience of the occupants may be furnished, provided the property proposed for development shall have a gross area of at least four acres and shall otherwise comply with §§ 154.160 through 154.167 of this chapter. For such developments, the City Council may vary the regulations herein, provided such variations are consistent with the general purpose and intent of the ordinance and will result in better site planning and thus be of greater benefit both to the occupants of the development and to the community.

(8) The following uses may be permitted, upon review and recommendation by the City Planning Commission and approval by the City Council:

(a) Adult Foster Care Small Group Homes, subject to the following conditions:

1. Such use shall be duly licensed by the State Department of Social Services.
2. Buildings and lots so used shall conform to all state and local code requirements.
3. Indoor living area and sanitary facilities shall be adequate to accommodate the number of persons intended to occupy the facility.
4. The facility shall not result in an excessive concentration of such facilities in the general area or the City of Bangor overall, as determined by the City Council.
5. No group foster home facility shall be located closer than 1500 feet to any other group foster home facility, measured from the nearest wall of each such structure.
6. The facility shall demonstrate that the persons living in the facility will be adequately supervised.

(b) Adult Foster Care Large Group Family, subject to same conditions listed above for Adult Foster Care Small Group Homes.

(c) Congregate Care Facility, subject to the same conditions listed above for Adult Foster Care Small Group Homes.

(D) *Off-street parking.* Off-street parking and loading facilities shall be provided as required or permitted in §§ 154.080 through 154.084.

(E) *Minimum lot sizes.*

(1) Every one-family detached dwelling or two-family dwelling hereafter erected shall be located on a lot having an area of not less than 7,200 square feet and a width at the building line of not less than 60 feet.

(2) All structures or buildings containing three or more dwelling units shall be located on a lot which provides a minimum lot area, per dwelling unit, as follows:

<i>TYPE OF DWELLING UNIT</i>	<i>LOT AREA PER DWELLING UNIT IN SQUARE FEET</i>
More than 4 Bedrooms	5,000
4 bedrooms	4,000
3 bedrooms	3,000
2 bedrooms	2,800
1 bedroom & efficiency	2,500





(3) Minimum lot width for multi-family structures shall be at least 1/2 the depth of the lot up to a width of 100 feet.

(4) All non-residential principal uses permitted in this district shall be located on a lot having an area of not less than 15,000 square feet, and a width at the building line of not less than 80 feet.

(5) Minimum lot sizes for special uses shall be prescribed at the time a special use permit is authorized but in no case shall any such lot be less than 15,000 square feet, and a width at the building line of not less than 80 feet.

(F) *Yard areas.* No building shall be erected or enlarged unless the following yards are provided and maintained:

(1) *Front yard.* A front yard of not less than 25 feet or in accordance with § 154.007.

(2) *Side yards.* The minimum interior side yard requirements for permitted uses shall be not less than those itemized below:

(a) For one and two family buildings, the same regulations shall apply as permitted or required in the R-2 One and Two Family Residence District.

(b) For buildings containing three or more dwelling units, a side yard of each side of each building of ten feet plus five additional feet for each additional story above two stories in height.

(c) For buildings containing three or more dwelling units, there may be not less than 20 feet between adjacent row buildings.

(d) For permitted non-residential buildings, interior side yard on each side of the building shall not be less than 25 feet.

(e) For special uses, the interior side yards shall be as specified in the special use permit, but in no case shall the interior side yards be less than those specified for non-residential buildings in subdivision (d) above.

(3) *Rear yard.* There shall be a rear yard of not less than 30 feet.

(G) *Maximum lot coverage.* Not more than 40 percent of the lot area may be occupied by buildings and structures including accessory buildings.

(H) *Minimum ground floor area.* Minimum ground floor area of a residential building shall not be less than 1,000 square feet in an R-3 zone.

(I) *Maximum building height* - Thirty-five feet.  
(Ord. 205, passed 1-16-95; Am. Ord. 240, passed 9-21-98)

#### § 154.056 R-4 MOBILE HOME DISTRICT.

(A) *Purpose.* The R-4 district provides for the use of mobile homes in mobile home parks which must meet the requirements of this chapter and applicable state law. These requirements are designed to insure safe and otherwise satisfactory living accommodations but are less stringent than those for mobile homes on individually owned lots outside of mobile home parks.

(B) *Permitted uses.* In all R-4 Districts no building or land, except as otherwise provided in this chapter, shall be erected or used except for one or more of the following specified uses. Mobile home parks shall be established on approval of the Planning Commission with respect to site layout and pedestrian and vehicular circulation.

(1) Any use permitted in the R-3 General Residence District.

(2) Mobile home parks.

(C) *Off-street parking.* Off-street parking and loading facilities shall be provided for uses other than mobile home parks as required or permitted in §§ 154.080 through 154.084. (For mobile home parks see division (E) below).

(D) *Height and area regulations.*

(1) The maximum building height for all uses is 35'.

(2) Area regulations for uses other than mobile home parks, including minimum lot size, minimum yard areas, maximum lot coverage and minimum ground floor area are the same as in the R-3 General Residence District. (For mobile home parks see division (E) below).

(E) *Mobile home parks, special regulations.*

(1) *Space requirements.*

(a) The minimum unit area of premises used or occupied by each mobile home shall be 2,500 square feet, clearly defined on the ground by stakes, posts, or other markers; except that where a separate parking area is provided on the mobile home lot for motor vehicles and no motor vehicles

are parked on the mobile home unit area, that the minimum unit area of the premises used or occupied by each mobile home shall be 2,000 square feet, and in such event there shall be provided one parking stall for each mobile home unit.

(b) There shall be unobstructed open spaces between each mobile home of not less than 15 feet and not less than ten feet of unobstructed open space between the ends of adjacent mobile homes. Hitches shall not extend beyond the boundary lines of the sites.

(c) No mobile home shall be located closer than 25 feet from the right-of-way line of a main highway, or ten feet from the mobile home park property line.

(d) One passenger motor vehicle may be parked on the private street in front of the mobile home site, provided additional off-street parking space of one-half parking stall per unit is provided within the mobile home park for additional private passenger vehicles which belong to the occupants of the mobile homes and for visitor's cars.

(e) Each mobile home space or site shall be provided with a concrete apron or concrete ribbons, each not less than 24 inches wide, upon which the mobile home shall be located.

(2) *Roads and sidewalks.* Each individual mobile home site shall abut or face a driveway, roadway, or street of at least 30 feet in width which street shall have unobstructed access to a public street or highway. All such roadways shall be hard surfaced with either asphalt or concrete. Each mobile home park shall provide a 30 inch concrete walk from the entrance of each mobile home to all required service facilities.

(3) *Plumbing and electrical installations.*

(a) Plumbing and electrical installations in R-4 Districts shall be maintained in accordance with the city Plumbing and Electrical Codes and shall be located underground.

**SCHEDULE FOR ROAD WIDTHS**

<i>Motor Vehicle Parking Allowance</i>	<i>Traffic Use</i>	<i>Minimum Road Width</i>
(1) No parking on road (separate lot or on-site parking provided)	2-Way Road	20 feet
(2) Parallel parking, 1 side only	1-Way Road	20 feet
(3) Parallel parking, 2 sides	1-Way Road	26 feet
(4) Parallel parking, 2 sides	2-Way Road	36 feet

(b) Where sidewalks are provided, the space required shall be in addition to the above schedule.

(4) *Additional requirements.* In addition, all mobile home parks shall comply with the following:

(a) There shall be provided an area of not less than 100 square feet for recreation, for each mobile home space in the mobile home park, with a minimum area of not less than 5,000 square feet, which shall be no longer than two times its width. Such area shall be developed and maintained by the management so as to provide healthful recreation for the children of the mobile home park.

(b) 1. A greenbelt planting strip, not less than eight feet in width, shall be located along the mobile home park property lines bordering an R-1 or R-2 District. Said strip shall be planted with a row of shrubs spaced not more than eight feet apart and which grow at least to a height of five feet or more after one full growing season and which shrubs will eventually grow to a height of not less than 12 feet.

2. A fence may be built on the mobile home park property lines, in lieu of a greenbelt as heretofore required; said fence shall be not less than ten feet in height constructed of wood pickets or other wood design with no more than 15% voids between pickets or other wood members and no barbed wire shall be used in construction of said fence.

(c) The front yard and the side yard adjacent to a street shall be landscaped and the entire mobile home park shall be maintained in good, clean, presentable condition at all times.

(d) No business of any kind shall be conducted in any mobile home or building on the premises of the mobile home park, except that of the management office, except that home occupations are permitted and except that park management may operate a coin-operated laundry for the use of the mobile home park occupants only.

(e) Street and yard lights, sufficient in number and intensity to permit the safe movement of vehicles and pedestrians at night, shall be provided and shall be effectively related to buildings, trees, walks, steps and ramps.

(f) All fuel oil and gas tanks shall be located on each mobile home site in a uniform manner. All tanks shall be of an approved type to comply with building code standards and shall be equipped with vent pipes and with fused valves. All tanks shall be elevated on non-combustible stands and placed on a concrete base.

(g) There shall be no storage underneath any mobile home and each mobile home site shall be maintained in a clean and presentable condition at all times.

(h) Fences other than those surrounding the park shall be uniform in height and shall not exceed 30 inches in height and shall be constructed in such a manner as to provide firemen access to all sides of each mobile home.

(i) Fire hydrants of a size with adequate capacity to be used by the city Fire Department shall be placed within said mobile home parks so that no mobile home shall be more than 600 feet from a fire hydrant.

(j) From after the effective date of this chapter each mobile home park within the limits of the city shall be licensed by the city and the fees for said license shall be \$100 due each year on or before the 1st day of January. All requirements of this chapter must be complied with before a license will be issued.

(k) A central location shall be designated in each mobile home park for the collection of garbage. The park shall provide suitable containers to store all the garbage accumulated in the park until the regular pick up date of the garbage service servicing the park.  
(Ord. 205, passed 1-16-95)

#### **§ 154.057 B-1 RETAIL AND LIMITED SERVICE BUSINESS DISTRICT.**

(A) *Purpose.* This is the central business district which provides commercial facilities, personal and professional services for the city and a larger region. The regulations are designed to permit the concentrated development of a core with a strong emphasis on an unrestricted and convenient movement of pedestrians within the area. Therefore, uses requiring large land areas and outdoor storage and display are not permitted in this zone.

(B) In the B-1 District, all buildings and premises, except as otherwise provided in this chapter, may be used only for the following uses:

(1) *Permitted uses.*

(a) Retail commercial establishments except new and used automobile dealerships, farm implement dealerships and other uses requiring outdoor storage and/or display of merchandise and/or materials.

(b) Personal and professional services except drive-in establishments.

(c) Office buildings.

(d) Single Family Residences, except for the area located on M-43 from Division Street to Center Street; Railroad Street, north of Monroe and south to Charles Street; Walnut Street, south of M-43 to Charles Street; and the west side of Center Street, south to Charles Street.

(2) *Special uses.*

(a) Apartment buildings.

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(b) Hotels and motels.

(c) Public buildings and facilities erected by any governmental agency, such as electric substations, fire stations, etc.

(d) Automobile parking lots and garages when location and site plan are approved by the Planning Commission.

(e) Drive-in-banks and other drive-in establishments only when location and site plan are approved by the Planning Commission.

(f) Outdoor storage of merchandise and equipment is permitted upon prior site plan approval from the Planning Commission.

(g) Single family detached dwellings located in the B-1 Local Business District.

1. The lot area, lot width, front yard, side yard and rear yard requirements shall be in accordance with the R-1 Single Family Residential District as contained in § 154.053.

2. The placement of any accessory structure shall not be closer than five feet to any commercially zoned property.

3. The site plan accompanying the special use permit application shall show the placement of all structures, parking lots, and driveways on adjacent commercially zoned property.

(C) *Yard areas.*

(1) *Transitional yards.* Where a B-1 District adjoins a residence district, transitional yards shall be provided in accordance with the following regulations:

(a) In a B-1 District, where a side lot line coincides with a side or rear lot line of property in an adjacent residential district, a yard shall be provided along such lot line. Such yard shall be equal in dimension to the minimum side yard which would be required under this chapter for a residential use on the adjacent property in the residence district.

(b) In a B-1 District, where a rear lot line coincides with a side lot line of property in an adjacent residential district, a yard shall be provided along such rear lot line. Such yard shall be equal in dimension to the minimum side yard which would be required under this chapter for a residential use on the adjacent property in the residence district.

(c) In a B-1 District, where a rear lot line coincides with a rear lot line to property in an adjacent residential district, a yard shall be provided along such rear lot line. Such yard shall be 20 feet in depth, except where a dedicated street divides a B-1 District from a Residential District, in such case the rear yard should be five feet.

(2) No front, side or rear yards are required except transitional yards required by subdivision (C)(1) above.

(D) *Maximum building height.* Forty-five feet.

(E) *Off-street parking.* Off-street parking and loading facilities shall be provided as required or permitted in §§ 154.080 through 154.084.

(Ord. 205, passed 1-16-95; Am. Ord. 234, passed 12-1-97; Am. Ord. 240, passed 9-21-98)

#### § 154.058 B-2 GENERAL BUSINESS DISTRICT.

(A) *Purpose.* This is a district generally located on a major street away from the central business district, and provides goods and services for the community as a whole as well as to the adjacent residential areas. Uses requiring larger land areas are permitted.

(B) In the B-2 District all buildings and premises, except as otherwise provided in this chapter, may be used only for the following purposes:

(1) *Permitted uses.*

(a) Any use of the B-1 District.

(b) Automobile or trailer display and salesroom.

(c) Recreational services including bowling alley or billiard parlor.

(d) Business or commercial school.

(e) Dancing or music academy.

(f) Display and salesroom.

(g) Farm implements, sale and repair.

(h) Farm store or feed store, including accessory storage or liquid or solid fertilizer.

(i) Frozen food locker.

(j) Hotels and motels.

(k) Laboratory, research, experimental or testing.

(l) Billboards in accordance with requirements of §§ 154.070 through 154.075.

(m) Parking lots.

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(n) Repair services including public garage, filling station and automobile repair shop or parking lot.

(o) Radio or television broadcasting station or studio.

(p) Veterinarian, animal hospital or kennel.

(q) Used car, trailer or boat sales or storage lot.

(r) Dyeing, cleaning, laundry, printing, painting, plumbing, tinsmithing, tire sales and service, upholstering and other general service or repair establishment of similar character. Not more than ten percent of the lot or tract occupied by such establishment shall be used for the open and enclosed storage of materials or equipment.

(s) Residence, when located on the second story or above.

(2) *Special uses:*

(a) Drive-in establishment, including restaurant and theater.

(b) Lumberyard.

(c) Bakery.

(d) Bottling works.

(e) Wholesale establishment or warehouse.

(f) Truck or bus terminal.

(g) Mobile home court in accordance with the provisions of § 154.056.

(h) Processing and manufacturing establishments provided that such use is not obnoxious or offensive by any reason of emission of odor, smoke, dust, gas, noise, or vibration.

(i) Public buildings and facilities erected by any governmental agency, such as electric substations, fire stations, etc.

(C) *Yard areas.*

(1) *Transitional yards.* Where a B-2 District adjoins a residential district, transitional yards shall be provided in accordance with the following regulations:

(a) In a B-2 District, where a side lot line coincides with a side or rear lot line of property in an adjacent residential district, a yard shall be provided along such lot line. Such yard shall be equal



in dimension to the minimum side yard which would be required under this chapter for a residential use on the adjacent property in the residence district.

(b) In a B-2 District, where a rear lot line coincides with a side lot line of property in an adjacent residential district, a yard shall be provided along such rear lot line. Such yard shall be equal in dimension to the minimum side yard which would be required under this chapter for a residential use on the adjacent property in the residence district.

(c) In a B-2 District, where a rear lot line coincides with a rear lot line of property in an adjacent residential district, a yard shall be provided along such rear lot line. Such yard shall be 20 feet in depth, except where a dedicated street divides a B-2 District from a Residential District, in such case the rear yard should be five feet.

(2) *Front yards.* Ten feet if no parking is allowed in front yard. Forty feet if parking is allowed in front yard,

(3) *Side yards.* None required.

(4) *Rear yards.* None required.

(D) *Maximum building height.* Thirty-five feet.

(E) *Off-street parking.* Off-street parking and loading facilities shall be provided as required in §§ 154.080 through 154.084.  
(Ord. 205, passed 1-16-95)

#### § 154.059 M-1 INDUSTRIAL DISTRICT.

(A) *Purpose.* This is a general industrial district designed for wholesaling and manufacturing uses. All uses within this district except those listed below must be special uses, and must be listed in the special uses to be located in the M-1 District and conform to conditions that may be laid down by the Planning Commission with regard to the emission of odor, smoke, dust, gas, noise, vibration or open and unenclosed storage. Applications for conditional use permits shall be made in conformance with §§ 154.145 through 154.149 hereof.

(B) In the M-1 District all buildings and premises, except as otherwise provided in this chapter, may be used only for the following purposes:

(1) *Permitted uses:*

(a) Wholesaling, distribution, warehousing, enclosed storage and shipping of materials.

(b) Assembly, processing and packaging of materials.

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(c) Fabrication of materials.

(d) Retail uses incidental to the operation of the above uses.

(e) Residential uses incidental to the operation of a permissive use, such as a dwelling for a watchman or caretaker.

(f) Retail commercial uses providing necessary services to industrial employees such as restaurants.

(g) Public buildings and facilities erected by any governmental agency, such as airports, electric substations, fire stations, and the like.

(h) Professional offices.

(2) *Special uses:*

(a) Brick, tile or terra cotta manufacture.

(b) Crematory.

(c) Disinfectants manufacture.

(d) Emory cloth and sandpaper manufacture.

(e) Linoleum manufacture.

(f) Residential structures (with exception of Industrial Park).

(g) Tanning or curing of leather, rawhide or skins.

(h) Commercial resorts, including individual cabins for rental and housing for on-site caretaker/manager for the resort.

(C) *Yard areas.*

(1) *Transitional yards.* Where a M-1 District adjoins a residence district, transitional yards shall be provided in accordance with the following regulations:

(a) In an M-1 District, where a side lot line coincides with a side or rear lot line of property in an adjacent residential district, a yard shall be provided along such lot line. Such yard shall be equal in dimension to the minimum side yard which would be required under this ordinance for a residential use on the adjacent property in the residence district.

(b) In an M-1 District, where a rear lot line coincides with a side lot line of property in an adjacent residential district, a yard shall be provided along such rear lot line. Such yard shall be equal in dimension to the minimum side yard which would be required under this chapter for a residential use on the adjacent property in the residence district.

(c) In an M-1 District, where a rear lot line coincides with a rear lot line of property in an adjacent residential district, a yard shall be provided along such rear lot line. Such yard shall be

20 feet in depth, except where a dedicated street divides an M-1 District from a Residential District, in such case the rear yard should be five feet.

(2) *Front Yards.* Ten feet if no parking is allowed in front yard. Forty feet if parking is allowed in front yard.

(3) *Side yards.* Ten feet.

(4) *Rear Yards.* Ten feet.

(D) *Maximum building height.* Forty-five feet.

(E) *Off-street parking.* Off-street parking and loading facilities shall be provided as required in §§ 154.080 through 154.084.

(Ord. 205, passed 1-16-95; Am. Ord. 244, passed 2-15-99)

#### § 154.060 F - FLOOD PLAIN DISTRICT.

(A) *Purpose.* This district covers, in general, those parts of the city considered to be flood hazard areas. The regulations are intended to limit and control development within these areas so as to reduce or eliminate danger to life and health and loss of property due to flooding.

(B) *Flood Plain District overlays other districts.* The Flood Plain District, as shown on the Zoning District Map is superimposed upon (overlays) other districts. Thus the regulations of the Flood Plain District modify and add to those of the district overlain.

(C) *Permitted uses.* The following uses are permitted: Any permitted open land use of the district overlain that does not include or require a building or other structure.

(D) *Special uses.* The following uses may be allowed by special use permit in accordance with the provisions of §§ 154.145 through 154.149 of this chapter entitled Special Uses. Any permitted use or special use involving buildings or other structures which may be allowed in the district overlain provided such structures are built in accordance with all applicable laws, resolutions and regulations of the city pursuant to flood plain management and participation in the National Flood Insurance Program.

(E) *Other requirements.* Height, area and parking regulations of the district overlain shall be observed.

(Ord. 205, passed 1-16-95)