City of Charlevoix Zoning Assessment for 2011 Master Plan

Page	Section	Comment
5	5.1	Reference to Act 285 should be changed to Act 110 of 2006
DEFINITIONS		
6	5.5, Adequate Permanent Access	The second and third paragraphs are regulatory and should not be included with the definition. These requirements should be moved to appropriate sections of the ordinance.
6	5.5, Adult Foster Care	Definition should be revised to reflect state law and specific reference to the state act should be included.
7	5.5, Apartment	Should be deleted from definitions and later use in the districts.
7	5.5, Basement	Should include a graphic to illustrate this definition.
7	5.5, Bordering Lands	Suggest changing the wording in the last line to "…parcel by a private road easement or public right-of-way."
7-8	5.5, Building, Existing	Definition should be revised to delete last sentence which is regulatory and should be moved to Article VIII, dealing with non-conformities.
8	5.5, Building Roof	This entire paragraph should be removed. It is mainly a regulation dealing with height exceptions and should be in General Provisions or district regulations.
8	5.5, Building, Main	A definition should be inserted for this term.
8	5.5, Campground	Revise to include reference to commercial purposes and threshold for number of camp sites that qualify as a campground.
8	5.5, Car Lot	Delete. This is an archaic term and could be included under "Vehicle Sales Lot" or "Open Air Business" or not defined at all.
8	5.5, Cellar	Delete. Already addressed by "Basement".
8	5.5, Church	Revise to mirror definition found in Religious Land Use and Institutionalized Persons Act (RLUIPA)
8	5.5, Coin Operated Amusement	Revise and simplify.
9	5.5, Conflicting Land Uses	Delete. This is not necessary and implies that any two districts adjacent to one another (e.g., R-1 next to R-2) are "conflicting."
9	5.5, Continuous Screen	Delete. Not necessary. This can be addressed in the landscaping provisions.
10	5.6, Development Plan	Revise or delete. Simply refer to a site plan, as required in section 5.188(3).
10	5.6, Dump	Archaic term. Delete.
10	5.6, Dwelling	Delete. Not necessary, if "dwelling unit" is defined.
10	5.6, Dwelling Multiple	Revise to distinguish between multiple family and two family dwellings. "Two-family" should be defined.
10	5.6, Dwelling Single Family	Revise to read "…designed for and occupied exclusively by one family."
10	5.6, Dwelling Unit	Revise to make less ambiguous about what constitutes complete living facilities.

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10	5.6, Family	Revise to conform to court opinion re: Family.
10	5.6, Floor Area	Generally, desirable to distinguish between Usable Floor Area and Gross Floor Area for later use in parking regulations and minimum floor area requirements. A graphic would also be helpful.
10	5.6, Flower Shop	Delete as unnecessary.
10	5.6, Frontage	Typically, "frontage" relates to the length of a single lot or parcel along a street. This definition seems to refer to the length of an entire block (all the property). Suggest revising or deleting.
11	5.7, Garage, Carport	Revise. Ownership of the vehicle should not be part of the definition. This, presumably, would exclude the parking of a company car (not owned by the individual) in a garage.
11	5.7, Gasoline Service Station	Revise. Should be named "Vehicle Service Station" and sale and installation of commodities (rarely found) should be noted as optional. Also, should note that such facilities may also include sale of food and convenience items (more common).
11	5.7, Grade	Should revise. This does not address sloping, steep or uneven sites. A definition of "Average Grade" should be added, along with a graphic.
11	5.7, Greenbelt	Revise. Much of the language is regulatory and should be moved to the landscaping section of the ordinance.
11	5.7, Height	Revise. Last sentence is why definition of "Average Grade" is needed. Graphic should be added. References to exceptions for glazing required by the building code should also be deleted.
11	5.7, Height, Overall	Delete. This is confusing and may contradict the prior definition of height. Any exception to the height can be addressed elsewhere in the ordinance.
11	5.7, Home Occupation	Delete regulatory language after first sentence and move to General Provisions.
12	5.7, Hotel	Revise. Definition is archaic. Could combine with "Motel."
12	5.8, Junkyard	Revise. This would include recycling facilities and related uses. Definition should not include activities within a building.
12	5.8, Loading Berth	Minimum dimensions should be reviewed.
12	5.8, Double Frontage	Should state "…which has frontage on two more or less parallel streets."
12	5.8, Lot	A graphic illustrating the various types of lots would be useful.
13	5.8, Width	Normally, lot width for all lots is measured at the required setback line (building line).
13	5.8, Lot, Reversed Corner	Delete. This is unnecessary and can be addressed in the regulations.
13	5.9, Master Plan	Revise to note that it may be adopted by the Planning Commission and/or City Council.
13	5.9, Mini Amusement Park	Unless, there's a very specific need to define this, it should be deleted.
13	5.9, Mobile Home	Revise and delete reference to conduct of business and other non-residential references which would not constitute a "home." Also, the term "Manufactured Home" is more appropriate.
13	5.9, Nonconforming	A nonconforming building or structure is not a nonconforming use. A separate definition should be provided for "nonconforming structure."

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	Use	
14	5.9, Nuisance	This definition doesn't fit its use in zoning. Suggest deleting or revising. Last line is not part of a definition.
14	5.10, Open Space	Suggest revising to define what it is rather than what it is not.
14	5.10, Parking Lot	Should be revised and combined with "Off-street Parking Area."
14	5.10, Parking Space	The dimensions could be deleted from the definition, since they're contained in section 5.212.
15	5.10, Premises	This is a fairly common term used in zoning and has connotations much broader than amusement arcades. Suggest deleting this definition and addressing the amusement arcade issue in the regulations for that use.
15	5.10, Right-of-way	Revise. This is overly wordy and somewhat confusing.
15	5.11, Services, Essential	Typically this definition contains an added statement to the effect that wireless communication towers are not included in this definition and are not exempt from regulation. The same might also be noted for WECS.
16	5.11, Through Lot	Should be moved to the other definitions of "Lots" and may be combined with "Lots, Double Frontage".
16	5.11, Trailer	Delete. This is an archaic term and can be covered under the definition of "Manufactured Home".
16	5.11, Travel Trailer	Delete. This is already defined under "Recreational Vehicles"
17	5.12, Yard, Front	"Street or place line" is not defined. Normally, the front yard is measured from the right-of-way line. The earlier definition of "Front Lot Line" defines that line on corner lots as the narrower dimension. One or the other definitions should be revised to be consistent. This also refers to the "minimum horizontal distance" which implies the required distance. That is not accurate. The yard is all of the space between the lot line and the building, not just the required space. This is an important distinction.
17	5.12, Yard, Rear	Same comment as above re: distinguishing between yard and required yard. A graphic should be added to illustrate the definitions.
		Definitions should also be added for Accessory Building, Adult Foster Care, Main or Principal Building, Business Center, Family Day Care, Group Day Care, Two-family Dwelling, Attached Dwelling, Junk, Kennel, Lot Coverage, Cul de Sac Lot, Mini-storage, Public Utility, Setback, Sexually Oriented Business, State Licensed Residential Care Facilities, Vehicle Repair (Major and Minor), Wetland, Zoning Act.
DISTRICTS		
18	5.15, Purpose	The districts listed here do not correspond to the districts listed on the zoning map or later in the text. This should be reconciled.
19	5.19, Historic Sites and Buildings	This section is misplaced. It should be added to the General Provisions.
R-1, SINGLE FAMILY RESIDENTIAL		
20	5.31, Purpose	We recommend including a much more specific purpose statement for each district to provide a framework for the appropriate uses in that district and a rationale for not allowing certain uses. The purpose statement should also be closely linked to the Master Plan future land use designations and goals.

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20	5.32, Use Regulations	(2), (3) and (4) all have conditions attached to them. Suggest reformatting the district to distinguish between uses by right (no conditions), conditional uses (increased setbacks) and special uses. Family day care and accessory uses should also be added as uses by right.
21	5.32, Use Regulations	(6)(c) allows Professional Offices as a special use. The R-1 District covers a very large area of the city and there are no specific provisions that limit the location or conditions under which on office use may or may not be permitted. The general standards found in Article IX that are applicable to all special uses do not afford much control. If there are specific locations where office conversions may be appropriate, the use of an overlay district may be a more desirable method of addressing it.
22	5.32(9)	This subsection is commonly referred to as "Regulations Pertaining to Single Family Dwellings" and should be in the General Provisions rather than the zoning district. It is applicable to all single family dwellings, so references specifically to mobile homes should be removed. Some of the requirements, such as (j) aesthetic compatibility, should be deleted as they are generally arbitrary and unenforceable.
24	5.33(1)(2)(3)(4)	Judging by the zoning map, it would appear that many of the lots currently zoned R-1 are nonconforming in area and width and probably setbacks. A new district should be created to accommodate the conditions that exist. Dimensional requirements should be put in table form to make them easier to read and understand. This can be done within each district or a single table for all districts.
25	5.36	Minimum width should be in the Regulations Pertaining to Single Family Dwellings.
R-2, SINGLE FAMILY RESIDENTIAL		
25	5.43(1)	This doesn't specify a minimum lot area. Is there one? If not, there should be. Is the provision in 5.42 supposed to mean that the same area and width required in the R-1 District applies to R-2? If so, that should be changed. R-2 should permit a smaller minimum lot size. All other comments re: R-1 are applicable here.
R-2A, TWO FAMILY RESIDENTIAL		
26	5.48(1)	R-1 requires 12,000 square feet for one family, but this district permits a two-family on 9,000 square feet. Such a lot area may be appropriate for conversion of an existing dwelling, but it seems very small for new construction. Other comments relative to R-1 also apply.
R-3, MOBILE HOME PARK RESIDENTIAL		
27	5.51	Improve Purpose statement, change "Mobile Home" to "Manufactured Home", and change reference to Article XIV (Effective Date)
27	5.52	Many of the requirements do not conform to the Manufactured Housing Commission rules. If these regulations have not been approved by the MHC, they may not be enforceable, if challenged.
R-4, PLANNED RESIDENTIAL ZONE		
28	5.61	Revise the Purpose statement.
28	5.62	"Apartments" are not an appropriate term. "Multiple family dwellings" should be used to refer to the allowed use. "Residential Uses" is vague.

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		The ordinance should specify the type of use, i.e., single family dwelling, two-family dwelling, etc.
28	5.63	These provisions should be moved to the end of the chapter. Each district should have a consistent format such as: Purpose, Uses Permitted by Right, Conditional Uses, Special Uses, District Regulations, Other Regulations.
29	5.64	Area regulations should be in table form for ease of reading. Several of the regulations should be moved to other sections (e.g. parking) or included as review standards under the Development Plan provisions. Requiring different lot areas based on number of bedrooms is difficult to calculate and administer. It is much simpler to provide for a maximum density (e.g., eight units per acre) or a single area requirement (e.g. 5,400 square feet per unit).
30	5.65	Offices are allowed in the single family residential districts, but not in the R-4 district where they would probably be more appropriate. This should be reviewed.
PUD, PLANNED UNIT DEVELOPMENT		
31	5.71	The Purpose statement should be revised to provide a better explanation of the intent and use of PUD.
33	5.73(2)(f)	The entire chapter should be reorganized and revised. The residential density (maximum 4 units per acre) is just one example of the need to reevaluate the regulations. This is a very low density for a residential PUD and does not offer much, if any, incentive to a prospective developer to use this tool in lieu of conventional zoning. The R-4 district would allow double this density for a multiple family development.
33	5.73(3)(a)	Gross floor area should be defined in the definitions, not here. The parking requirements 2:1 is excessive. The ordinance should be promoting sustainability and minimizing impervious surfaces. PUD provides an opportunity to modify typical requirements and encourage interaction among uses and walkability.
34	5.74	These provisions refer to PUD in several places as a “zone district” yet the procedures only call for site plan approval by the Planning Commission with no mention of the City Council or a public hearing. This should be clarified. The entire process of review and approval should be revised. Subparagraph (2)(k) should not specify fees. Fees should be set by resolution and not put in the ordinance to avoid the cost and time associated with having to amend the ordinance each time the city wants to change fees. There are also no review standards which the MEZA requires for all discretionary decisions.
C-1, COMMUNITY SERVICE COMMERCIAL		
36	5.81	The Purpose statement should be much more specific. The second paragraph of (23)(b) should be incorporated into the Purpose statement. It may be desirable to reexamine the commercial districts when the master plan is completed to determine if different categories (e.g. neighborhood, waterfront, CBD, community, etc.) would be appropriate.
36	5.82	The mix of allowed uses in this district ranges from small neighborhood businesses to highway oriented commercial. The list of permitted uses could be condensed to list categories of uses (commercial recreation, retail,

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		personal services, etc.) rather than specific uses. Some intense uses (auto repair, vehicle sales, gas stations, hotels should be special uses to allow greater control over location and impacts. No mention is made of "drive-thru" facilities (restaurants in particular) which should be controlled as special uses.
40	5.82(23)(d)	The clustered housing provisions seem totally out of place in the C-1 District. This would be more appropriate in a PUD provision or some district other than general commercial.
41	5.84	There is no minimum lot size requirement for this district. There should be.
41	5.84(1)-(4)	The very minimal setback requirements illustrate why it would be desirable to have separate neighborhood and general (highway) commercial districts. A 25 foot front yard for large-scale commercial uses is not enough; whereas for a neighborhood bakery or flower shop it may even be too much. There should also be buffering requirements for locations where this zone abuts a residential district.
CBD, CENTRAL BUSINESS DISTRICT		
41	5.91	The purpose statement needs to be much more specific, distinguishing the desired character of this area from other commercial districts. Again, incorporating goals and descriptions from the master plan would be useful. Terms like "walkable," "convenient," and "sustainable" would be appropriate.
42	5.92	Use categories may be more appropriate. There does not appear to be a prohibition for "drive-thru" restaurants; nor is there a provision for outdoor seating.
43	5.96	This limits first floor use to "strictly retail purposes." This should be better defined. Presumably, that would preclude a restaurant, tavern, bank or barber shop. Is that the intent?
PO, PROFESSIONAL OFFICE		
43	5.102	The Purpose could be expanded to indicate that this district is an appropriate buffer or transition between commercial and residential areas. This would offer some guidance in the event of a rezoning request and may reflect the direction of the master plan.
44	5.103(5)	Does this mean parking lots are allowed as a principal use? Depending on the location of the district, this may not be desirable.
44	5.103(6)	The purpose states that the district is intended to accommodate "non-residential use". Allowing single family homes (per R-1) is contrary to that purpose. Again, depending on the location of the PO District, it may not be appropriate to allow residential uses. On the other hand, if the PO District is intended to permit conversions of single family homes to offices, it may be better to use an overlay district than a separate office district.
44	5.106	This provision is unnecessary. Generally, a similar provision is included in the nonconforming lots section of the ordinance to address use of substandard lots; but that doesn't seem to be the case here. It is unclear why it would be provided here and not in any other district.
44	5.107	This buffering requirement should be more specific re: minimum height of fences, trees, shrubs, etc. While this is a desirable requirement, it is unclear

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		why it's required for office development but not in the C-1 District.
I, INDUSTRIAL		
46	5.114	While there are greater setbacks for yards abutting residential zones, there is no other landscaping or buffering requirement such as that required in the Office District. There should be.
PR, PUBLIC RESERVE		
46	5.121	The Public Reserve District doesn't really seem to have any specific purpose. It is common to permit city parks, facilities and buildings within all districts. In fact, public parks, etc. are specifically permitted in the residential districts. This district should be eliminated.
SR, SCENIC RESERVE		
46	5.131	According to the zoning map, there are no areas zoned SR. The purpose seems to be aesthetic but the regulations don't appear to address that purpose. Consider deleting the district and creating a scenic overlay district that is geared to protecting viewsheds.
M-C, MARINE-COMMERCIAL		
48	5.142(1) and (2)	This is an example of why the PR district is superfluous. Public facilities are allowed in this district too.
48	5.142(3)	This district allows 8 units per acre, but PUD only allows 4.
48	5.142(5)	These regulations for Amusement Arcades are repeated in several districts. It would be more efficient to list them in the special use chapter or list them once in a district, then make reference to them in the subsequent districts.
50	5.143	This is a new section not used in any other district "Accessory Uses and Buildings". The district format should be uniform for all districts. The label "Accessory" is a misnomer. Uses such as engine and hull repair, clubs, lounges, restaurants, marine construction and charter boat operations are Principal Uses.
51	5.144(1)(m)	Parking regulations should be in the parking article.
M-C-S, MARINE-COMMERCIAL-SCENIC		
51	5.151	Purpose needs to be revised. Site plan requirements should not be in this section. The first part of the paragraph is essentially the same as the purpose of the other commercial districts. This paragraph should describe the specific intent, where it should be located and its public purpose. The need for this and several other individual districts that all seem to be serving a similar purpose (M-C, C-S, etc.) should be evaluated. Considering that this district only allows uses permitted in M-C and C-S and has no other requirements, its relevance is questionable. Single purpose districts should be avoided.
C-S, COMMERCIAL-SCENIC		
52	5.161	Same comment as above. It's difficult to tell; but there don't appear to be any areas zoned C-S on the zoning map. If that is the case, the district should be eliminated. As stated previously, an overlay district may be of more use in providing the added regulation in specific locations that this and other separate districts were intended to achieve.
52	5.162	The list of allowed uses is so narrow that it shouldn't warrant a separate district.

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53	5.164(6)	This isn't needed. It should be covered as an exception under the nonconforming lots provisions in Article VIII.
M-H, MOTEL-HOTEL		
53	5.167	This is another very specific district. It appears that only one parcel in the city is zoned M-H. The district should be eliminated.
GENERAL PROVISIONS		
55	5.172	The site condo provisions seem to treat such developments as cluster housing projects. A site condo is just another way of processing a residential development, rather than using the often lengthier and more costly Land Division (subdivision) procedures. A single family site condominium project is not inherently different from a single family plat. This section confuses the meaning. The clustering of units should be addressed through the open space provisions required by the MEZA or through PUD, not through site condo regulations.
56	5.172(5)	This subsection eliminates any minimum lot size requirement. It should be deleted. A site condo is a development technique and should be required to meet the same district dimensional requirements as a subdivision.
56	5.175	This should be moved to the R-2 District. It is not a "general provision."
56	5.176	There should be limitations on the size and number of accessory buildings permitted on a lot.
56	5.176(2)	Accessory buildings should not be permitted in the front of a principal building. This provision seemingly would allow a storage shed in front of a home if it was attached to the home by a breezeway. Why does this subsection not refer to attaching it to the rear?
57	5.177	Revise to provide specific conditions under which temporary buildings are permitted and the process of obtaining approval. The second line implies that the temporary building could be used for dwelling purposes under certain conditions. Is that the intent? What are those conditions? More clarity needed.
57	5.180	This section needs to be greatly expanded to regulate mining. There are no review standards or procedures to guide the city's actions. In the case of mining, the courts have placed a substantial burden on the community, rather than the applicant, to support a denial based on the presence of "very serious consequences."
58	5.182	See comments re: definition of "Essential Services."
58	5.183	The second sentence prohibits through lots for new developments, except where one street is private. This would prohibit a subdivision whose rear yards abut a busy arterial street. Is that the intent?
58	5.184	This should be moved to the Mapped Districts Article
58	5.185	A graphic should be added to illustrate this clear vision area.
58	5.186	This seems to suggest that it's alright to discharge runoff onto the neighbor's property as long as it doesn't cause "inconvenience or damage." Typically, there is a prohibition against draining onto adjoining property under any circumstances.
58	5.187	This section should be rewritten as and titled "Unlawful Dwellings" or something similar, intended to regulate the use of RVs, basements,

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		accessory buildings, etc. for dwelling purposes. The references to mobile homes should be deleted to avoid a suggestion of exclusion. The provisions of section 5.32(9) (which should be in the General Provisions) are intended to address the requirements for all single family dwellings located outside of manufactured housing communities.
59	5.188	The Development Plan section should be reorganized to more clearly define those activities subject to plan review, expiration of approved plans, review process and more specific standards for review. It is also suggested that the city consider streamlining the review by giving authority to the planning commission for site plan approval. An appeal process should also be established, which could be to the city council. A two-step process might also be considered, i.e., concept and final plan. Several items on the list of required information, subsection (f) are redundant and should be consolidated (2, 6, 7, 8, 9).
62	5.188(5)	Performance guarantee provisions should be moved to the Administration Article and simply referenced here and elsewhere, as applicable.
63	5.190	Street design standards should be in the Subdivision Regulations and/or private street requirements should be identified as such along with procedures for review and approval, maintenance, extension, etc. It is not clear whether some or all of the requirements in this section apply to private streets. If this section is retained, it should be put in table format for ease of understanding. Cross-section diagrams should also be considered.
63	5.191(1)	This subsection allows fences to be 6 feet in the side and rear yard and 3 feet within 15 feet of the front lot line, but doesn't address that area of the front yard beyond the first 15 feet. It, then states that certain types of fences (picket, split rail, etc.) no higher than 3 feet may be placed in the first 15 feet of the front yard. It isn't clear if the intent is to limit fences in this first 15 feet to these types of fences.
65	5.196	There should be review standards for determining driveway placement. This section should also state that the planning commission may require a traffic study under certain conditions (such as traffic generation thresholds).
65	5.199(1)	The first line states "… in any district for residential use…" Most of the commercial districts permit residential uses. Does this regulation apply to those districts too? If not, the wording should be changed to "Residential Districts" which should be defined in Article II.
65	5.199(2)	The title of the section relates to "vehicles" but this subsection relates to machinery and building materials. The title should probably be changed to something like "Outdoor Storage in Residential Districts".
65	5.199(3)	This should be rewritten to clarify. The ownership requirement is confusing and likely unenforceable.
65	5.200(1)	Building heights should be stated in the districts with the other area requirements, not in General Provisions. It should be noted that the 26 foot height limit for residential (and other) districts is very restrictive. The most common height limit is 35 feet in most communities. The one provision that should be in this section, but isn't, relates to height exceptions. The

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		ordinance should allow steeples, mechanical penthouses, scenery lofts, parapet walls, etc. to exceed the maximum building height.
66	5.200(2)	This should be deleted.
66	5.200(3)	This should be deleted.
66	5.200(4)	It may not even be legal (check with attorney) to prohibit the BZA from granting a dimensional variance. In any case, this should be deleted.
66	5.200(5)	This should be deleted.
67	5.202(1)	Section 5.32(10) refers to boat docks. This reference should be revised.
68	5.203(9)(e)	An 8 foot wide greenbelt is too narrow and inadequate to accommodate the staggered spacing and 3 foot setback from property lines. Subparagraph 3 requires 5 foot spacing for evergreens. This is much too close, 15 or 20 foot spacing is typical.
69	5.205	What is a "conflicting land use"? The ordinance requires a screen wherever two different zoning districts abut. Two different commercial districts would not necessarily need a buffer; likewise R-1 abutting R-2 would not need a buffer. This should be revised and differing requirements should be established, depending on which two districts abut, i.e., industrial next to single family vs. office next to multi-family, etc.
70	5.206(2)(a)	Reference to 5.32(10) needs to be changed. Is there a requirement for other large parking lots such as schools and churches?
71	5.208	Suggest that a registered landscape architect be required to prepare and seal the landscape plans. Provision should also be made for requiring a performance guarantee.
OFF-STREET PARKING AND LOADING		
72	5.212(1)	Suggest requiring a plan for all parking lots containing more than a specified number of spaces. Parking lots for schools, churches, stadiums, etc. are not covered by the current regulations.
72	5.212(2)	This should be amended to include a table or chart that provides minimum dimensions for different types of spaces – perpendicular, parallel, angled, etc. and should provide the minimum aisle widths based on one-way or two-way traffic flow.
72	5.212(3)	Most of this paragraph is not needed, as floor area is defined in Article II.
72	5.212(4)	This provision is typically referred to as "deferred parking" and is the responsibility of the planning commission as part of development plan review. Suggest following that procedure rather than adding the BZA to the review process. Another provision should be added to address maximum parking, i.e., no more than an additional 10% over the required number of parking spaces may be provided without approval of the planning commission based on evidence of need. This minimizes excessive parking and paved surfaces.
72	5.212(7)	What does this mean? Clarify or delete. Some parking setbacks should be added based on the district in which the parking lot is located.
72	5.212(8)	The last three paragraphs of this subsection should be in a separate section specific to downtown parking requirements. It should also provide for a reduction in the required number of spaces due to the interrelationship of businesses and walkability of the downtown. Subsection (9) should make

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		allowance for that difference, as well.
73	5.213	Three stacking spaces for a drive-in restaurant is insufficient.
73	5.214	The schedule of parking requirements should be thoroughly reviewed and revised. Some requirements are inadequate (multiple family and retail stores) while others are excessive (shopping center and business offices).
SIGN REGULATIONS		
78	5.216	The purpose statement should also note that the purpose of signs is to identify but not to advertise.
78	5.217	These should be moved to Article II, Definitions.
83	5.221(1)(a)	This would allow a business on a corner to have four signs, including two ground signs. This should be reevaluated.
83	5.221(1)(b)	This is very confusing and seems to invite abuse. Suggest deleting.
83	5.221(1)(c)	This subsection should be moved to (2)(c) which covers sign measurement.
84	5.221(3)(c)	The ordinance should distinguish between ground-mounted (monument) signs and pole signs. A 16 foot tall monument sign is not desirable and pole signs are not necessarily needed for all uses. For example, industrial uses could be limited to monument signs, as could churches and schools. Even offices are more likely to have monument signs. On the other hand, most commercial establishments want pole signs. In addition, there should be a minimum ground clearance requirement for pole signs, typically 10 feet between the ground and bottom of the sign.
84	5.221(3)(f)	The exemption for ground clearance on private property should be deleted.
85	5.222	Are these sandwich board signs? Are portable trailer mounted signs allowed in the city? If so, they could not comply with these requirements.
85	5.223(2)	There should be some recognition of the trend in service stations to have other business (Subway, Burger King, 7-11) sharing space. Would this be a "business center" which is not defined in Article II?
86	5.224	The table is very difficult to read and interpret. This should be revised. Where are the requirements related to the size of wall signs? Section 5.220(5) only refers to temporary signs. Wall sign size should be a percent of wall surface up to a maximum size.
NONCONFORMING USES, LOTS AND STRUCTURES		
90	Article VIII	This Article should be revised. A distinction is needed between nonconforming uses and nonconforming structures. There need to be regulations covering the replacement of a nonconforming structure that is partially or totally destroyed.
91	5.253	This section should be expanded to provide for change of a nonconforming use to another use that is less nonconforming.
91	5.254	This section needs to be expanded to define intent to abandon. Courts have found that it is not sufficient to simply vacate the use. Criteria should be added to clarify this.
91	5.256	Suggest a provision that requires the combination of two contiguous nonconforming lots under common ownership.
SPECIAL LAND USE PERMITS		
92	5.262(3)	This creates a conflict. The planning commission is given responsibility to act on special use permits, but city council must act on development plans.

Page	Section	Comment
		The MEZA requires that a site plan be required as part of a special use request. The planning commission should be given authority over development plan review, as well as special uses.
93	5.263(7)	The review standards for a special use should relate to the overall protection of surrounding properties and minimizing impacts. More specific standards may be applied to individual uses that relate to mitigating the potential impacts of those uses (traffic, hours of operation, noise, etc.). But, in general, special uses should not otherwise be held to a higher standard than permitted uses. Many of the standards listed in this subsection are unnecessary because they are addressed elsewhere in the ordinance or should be moved to the development plan review standards applicable to all projects.
ADMINISTRATION		
95	Article X	All references in this Article to Act 285 of 1931 or Act 207 of 1921 must be changed to Act 33 of 2008 and Act 110 of 2006, respectively. New provisions should be added to address Performance Guarantees and Violations, Penalties and Enforcement.
ENFORCEMENT		
101	Article XII	This should be combined with Article X, Administration.
GENERAL COMMENTS		
Organization of the ordinance is poor. Many sections are misplaced. The order of several Articles should be reworked.		
The numbering system is a bit cumbersome and could be made easier to understand by using a simple outline format.		
The ordinance is not user-friendly. Much of the wording contains “legaleze” that could be eliminated. Charts, tables and graphics should be added to improve the understandability of the regulations.		
The zoning districts need to be evaluated. Some new districts may be needed. Several existing districts could be eliminated or consolidated. Overlay districts should be considered for some of the special purposes and form-based code districts may also be appropriate for specific areas where character and compatibility are important.		
A schedule of regulations should be used to present dimensional requirements for all districts in a single table for ease of understanding and use.		
A table (either in each district or a single table) should be developed to identify the uses permitted in each district by right, with conditions or with special use approval. This would greatly enhance the usability of the ordinance.		
Following completion of the master plan, the zoning ordinance should be completely rewritten.		