

ARTICLE 3
DIVISION 1 GENERAL PROVISIONS

Sec. 86-130 Accessory Buildings, Structures, and Uses (See *Figure 3.1 Accessory Buildings and Structures Location Standards*)

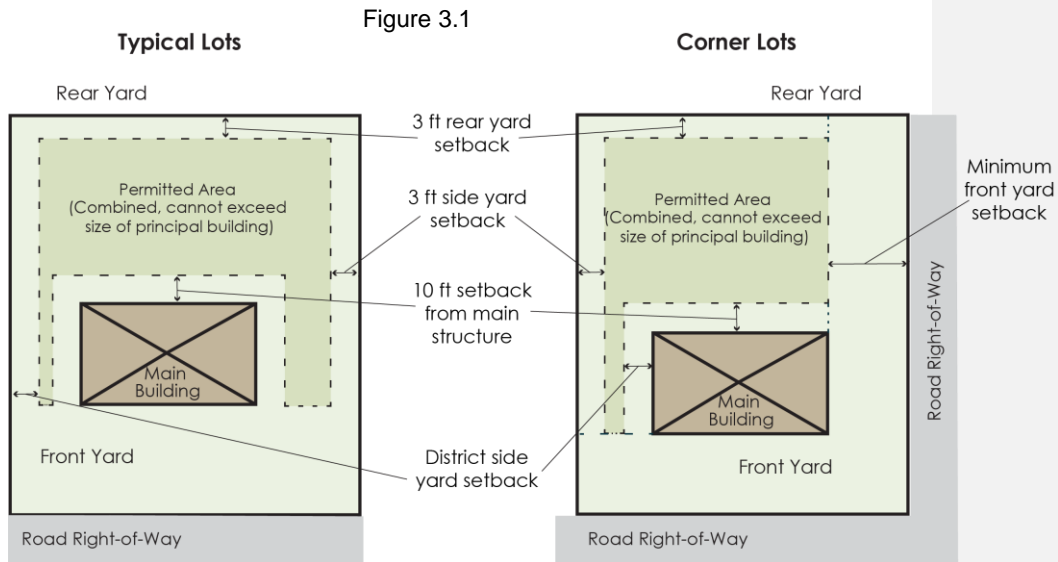
Accessory buildings, except as otherwise permitted in this title, shall be subject to the following regulations.

a. Relation to Principal Building

1. Accessory buildings, structures, and uses are permitted only in connection with, incidental to and on the same lot with, a principal building that is occupied by a use permitted in the particular zoning district.
2. No accessory building, structure, or use shall be occupied or utilized unless the principal structure to which it is accessory is occupied or utilized.
3. Detached accessory buildings shall be set back a minimum of ten (10) feet from the principal building.

b. Locations for Detached Accessory Buildings

1. Detached accessory buildings and structures shall only be located in the yards listed in Table 3.1
2. Accessory buildings shall not be located within a dedicated easement or right-of-way.



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Table 3.1 Accessory Building Locations and Setbacks	
Locations Permitted	Minimum Setback from Lot Line
Front Yard	Not permitted
Side Yard	District setback
Rear Yard	3 feet from rear lot line 3 feet from side lot line 1 foot from alley
Corner lot side-street yard	Front yard setback of zoning district

- c. **Rear Yard Lot Coverage Limit.** A total of the combined buildings accessory to a residential building shall not exceed the ground floor area of the principal building. The total area of all structures on the lot shall not exceed the lot coverage limits of the district.
- d. **Height Limitations.** The maximum height of detached accessory buildings shall be one (1) story but not to exceed fourteen (14) feet.
- e. **Use.** Accessory buildings shall not be occupied for dwelling purposes unless otherwise provided in this Ordinance. Accessory buildings shall not be used for a home occupation.
- f. **Appearance.** The design and building materials of any accessory building shall generally be consistent with the character of the principal building on the property (e.g., material, color), as determined by the Zoning Official.
- g. **Attached Garages.** Garages that are structurally attached to a principal building by connection of walls or a roof shall be subject to, and must conform to, all regulations of this Ordinance applicable to the principal building, including setbacks and lot coverage, and not the regulations of this section. Attached garages shall not exceed the height of the living portion of the dwelling.

Sec. 86-131 Accessory Dwelling Unit

- a. **Purpose.** Accessory dwelling units are allowed in certain situations to:
 1. Create new housing units while respecting the look and scale of single-dwelling development;
 2. Support more efficient use of existing housing stock and infrastructure;
 3. Offer environmentally friendly housing choices with less average space per person and smaller associated carbon footprints;
 4. Provide housing that responds to changing family needs, smaller households, and increasing housing costs; and
 5. Provide accessible housing for seniors and persons with disabilities.
- b. **Definition.** An accessory dwelling unit (ADU) is a smaller, secondary home on the same lot as a primary dwelling. ADUs are independently habitable and provide the basic requirements of shelter, heating, cooking, and sanitation. There are two types of ADUs:
 1. Garden cottages are detached structures. Examples include converted garages or new construction.
 2. Accessory suites are attached to or part of the primary dwelling. Examples include converted living space, attached garages, basements or attics; additions; or a combination thereof.

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- c. **Eligibility.** An ADU may be added to a house on any residentially zoned lot.
- d. **Utilities.** Utilities for ADU must be connected to the house on the parcel and may not have a separate meter or be billed separately.
- e. **Number.** One ADU is permitted per residentially zoned lot.
- f. **Creation.** An ADU may be created through new construction, conversion of an existing structure, addition to an existing structure, or conversion of a qualifying existing house to a garden cottage while simultaneously constructing a new primary dwelling on the site.
- g. **Density.** ADUs are exempt from the residential density standards of this code.
- h. **Approval.** Applications for ADUs must meet the following criteria.
 - 1. The applicant must demonstrate that the ADU complies with all development and design standards of this section.
 - 2. The applicant must demonstrate that the proposed modifications comply with applicable building and fire safety codes
- i. **Occupancy and Use.** Occupancy and use standards for an ADU shall be the same as those applicable to a primary dwelling on the same site.
- j. **Design.** Design standards for ADUs are stated in this section. If not addressed in this section, base zone development standards apply.
 - 1. All ADUs (accessory suites and garden cottages) must meet the following requirements:
 - a) **Size.** An ADU may be no more than 600 square feet or the size of the primary dwelling, whichever is less.
- k. **Parking.** No additional parking is required for an ADU. Existing required parking for the primary dwelling must be maintained or replaced on-site.
- l. **Exterior finish materials.** Exterior finish materials must visually match in type, size and placement, the exterior finish materials of the primary dwelling.
- m. **Roof pitch.** The roof pitch must be the same as the predominant roof pitch of the primary dwelling.
- n. **Windows.** If the street-facing façade of the ADU is visible from the street, its windows must match, in proportion and orientation, the windows of the primary dwelling.
- o. **Eaves.** If the primary dwelling has eaves, the ADU must have eaves that project the same distance from the building. If the primary dwelling does not have eaves, no eaves are required for the ADU.
- p. **Accessory suites** must meet the following additional requirements:
 - 1. Location of entrances. Only one entrance may be located on the facade of the primary dwelling facing the street, unless the primary dwelling contained additional entrances before the accessory suite was created. An exception to this regulation is entrances that do not have access from the ground such as entrances from balconies or decks.
 - 2. Exterior stairs. Fire escapes or exterior stairs for access to an upper level accessory suite shall not be located on the front of the primary dwelling.
 - 3. Garden cottages must meet the following additional requirements:
 - (a) **Height.** The maximum height allowed for a garden cottage is the lesser of [20-25] feet or the height of the primary dwelling.

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- q. **Setbacks.** Garden cottages must be located at least six feet behind the primary dwelling, unless the garden cottage is in an existing detached structure that does not meet this standard.
- r. **Building coverage.** The building coverage of a garden cottage may not be larger than the building coverage of the primary dwelling.
- s. **Yard setbacks.** No portion of an existing building that encroaches within a required yard setback may be converted to or used as a garden cottage unless the building complies with setback exemptions (ie. for garages, properties abutting alleys...) available elsewhere in the code.
- t. **Exemptions.** Garden cottages are eligible for either of the following exemptions:
 - 1. Design compatibility. Exceptions may be granted for garden cottages that:
 - (a) Are under 500 square feet and under 18' average height, or
 - (b) Meet Community Design Standards, defined elsewhere in the code.
- u. **Alteration.** If a garden cottage is proposed for an existing detached accessory structure that does not meet one or more of the above standards, the structure is exempt from the standard(s) it does not meet. Alterations that would move the structure out of conformance with standards it does meet are not allowed. If any floor area is added to a detached accessory structure, the entire structure must meet the standards of sections h. Through u. above.

Sec. 86-132 Adult and Child Care Facilities

- a. Adult and child care facilities, as defined in *ARTICLE 2, DIVISION 2: DEFINITIONS*, are allowed only as provided for in the following table. Applicable conditions are listed as footnotes to the table.

Adult and Child Care Facilities Regulations				
Type of Facility	Zoning District			
	R-1A, RA-2, RA-3	RM-1, RM-2	B-1, B-2, O	I
Adult Daycare Facilities	SLU as accessory	SLU	SLU	SLU
Adult Foster Care Family Home (6 or fewer adults 24 hours per day) (1)(2)(3)(4)(5)	P	P	NA	NA
Adult Foster Care Small Group Home (12 or fewer adults 24 hours per day) (1)(2)(3)(4)(5)(9)	SLU	SLU	NA	NA
Adult Foster Care Large Group Home (13 to 20 adults 24 hours per day) (1)(2)(3)(4)(5)(9)	NA	SLU	NA	NA
Congregate Facility (more than 20 adults 24 hours per day) (1)(2)(3)(4)(5)(9)	NA	SLU	NA	NA
Foster Family Home (4 or fewer children 24 hours per day)	P	P	NA	NA
Foster Family Group Home (5 to 6 children 24 hours per day) (1)(2)(3)(4)(5)	P	P	NA	NA
Family Day-Care Home (6 or fewer children less than 24 hrs. per day) (1)(2)(3)(4)(5)(6)(7)(8)(9)(10)	P	P	NA	NA

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Adult and Child Care Facilities Regulations				
Type of Facility	Zoning District			
	R-1A, RA-2, RA-3	RM-1, RM-2	B-1, B-2, O	I
Group Day-Care Home (7 to 12 children less than 24 hours per day) (1)(2)(3)(4)(5)(6)(7)(8)(9)(10)	SLU	SLU	NA	NA
Child Care Center or Day-Care Center (more than 6 children less than 24 hours per day) (1)(2)(3)(4)(5)(6)(7)(8)(9)	SLU as accessory	SLU	SLU	SLU
Child Caring Institution (1)(2)(3)(4)(5)(6)(7)(8)(9)	NA	SLU	SLU	SLU
P:	Permitted use			
SLU:	May be allowed upon review and approval of a special land use, in accordance with the general standards in <i>ARTICLE 13 SPECIAL LAND USES</i> .			
SLU as accessory:	May be allowed as an accessory to an approved use, such as a church, school, office, or other place of employment, upon review and approval of a special land use.			
NA:	Not allowed in zoning district.			

Footnotes:

- (1) The use shall be registered with the City of Vassar Clerk's Office and shall continually have on file with the City documentation of a valid license as required by the State.
 - (2) Since the State law preempts in this area, the facility shall be brought into compliance with all State building and fire codes pursuant to State Licensing Rules R400.1831-R400.1835. Documentation of such compliance with State requirements shall be provided.
 - (3) The site shall comply with the sign provisions of *CHAPTER 70 SIGNS*.
 - (4) Off-street parking shall be provided for the maximum number of employees on-site at any one (1) time.
 - (5) The building shall have an appearance which is non-intrusive and consistent in color, materials, roof-line, and architecture with the single-family or multiple-family residential district in which it is located, as determined by the Planning Commission.
 - (6) Documentation of sufficient indoor classroom, crib, or play area meeting State requirements shall be provided. Documentation of approved areas, as licensed by the State, shall be provided.
 - (7) There shall be sufficient outdoor play area to meet State regulations. All required outdoor play areas shall be fenced with a four (4) foot tall fence, provided that no fenced outdoor play area shall be located in a front yard.
 - (8) There shall be sufficient drop-off parking spaces to allow maneuvers without creating a hazard to traffic flow.
 - (9) The lot shall be at least one thousand five hundred (1,500) feet from another group day care home or similar facility. This may be reduced by the Planning Commission upon a finding by the Planning Commission that the proposed facility will not contribute to an excessive concentration of State licensed residential care facilities in the area.
 - (10) The facility shall operate not more than sixteen (16) hours per day.
- b. A State-licensed residential adult or child care facility existing prior to the effective date of this Ordinance (, 2018), that has been operating under a valid State license and is registered with the City no later than sixty (60) days following the effective date of this Ordinance (, 2018), shall be considered an approved special land use, provided such use conforms with the conditions of this Section. Any change in class of the use to a larger care facility shall require approval in accordance with the requirements of this Ordinance. Any modification to the use shall require approval following the standards of *ARTICLE 5, DIVISION 1: SITE PLAN REVIEW* as applicable.

Sec. 86-133 Antennas and Towers

Radio or television antennas or towers, or similar devices, including satellite dish antennas and transmission or reception antennas (hereinafter referred to as "regulated reception antenna"), may be erected or installed in any zoning district as an accessory structure to a permitted use, and shall comply with the following requirements. Wireless communication facilities, such as cellular antenna, wireless internet antenna, and commercial broadcasting antenna, shall be subject to the requirements of *ARTICLE 5, DIVISION 3 SPECIAL LAND USES, Wireless Communication Facilities*.

- a. **Ground-Mounted Antennae.** Regulated reception antenna exceeding one (1) meter (3.28 feet) in diameter in Residential Districts and three (3) meters (9.84 feet) in Non-Residential Districts, are permitted in all zoning districts subject to the following conditions:
 1. Regulated reception antenna shall be located only in a rear yard and shall not be within the required side yard setback. A satellite dish antenna shall be located only in a rear yard.
 2. No portion of an antenna, including a satellite dish antenna, shall be located closer than six (6) feet, measured on a horizontal plane, from any side or rear lot line, or placed on any easement.
 3. The site must be approved by the Planning Commission, which shall require a sketch plan in accordance with *ARTICLE 5, DIVISION 1: SITE PLAN REVIEW*, indicating the location of the satellite dish and buildings, paved areas and other appropriate site features within one hundred (100) feet of the proposed location.
 4. The height of regulated reception antenna, with the exception of a satellite dish antenna, shall not exceed fifty (50) feet above mean grade or ten (10) feet above the peak of the roofline, in any Residential District, and shall not exceed one hundred (100) feet above mean grade in any other zoning district.
 5. The height of a satellite dish antenna, including any platform or structure upon which the antenna is mounted, shall not exceed fifteen (15) feet in height at its maximum point above mean grade.
 6. The diameter of a regulated reception antenna shall not exceed twelve (12) feet.
- b. **Building-Mounted Antennae**
 1. Regulated reception antenna having a diameter of one (1) meter (3.28 feet) or less in Residential Districts and two (2) meters (6.56 feet) in Non-Residential Districts may be attached to the roof of a building, provided that no portion of the satellite dish antenna extends more than thirty-six (36) inches above the highest point of the roof.
- c. **Roof-mounted**
 1. Roof-mounted regulated reception antenna over two (2) meters (6.56 feet) in diameter are permitted in Non-Residential Districts only, provided that the antenna complies with the height requirements of the district in which they are located. Roof-mounted regulated reception antenna shall not be placed on the front of any primary structure.
- d. **General**
 1. No advertising or identification display shall be placed on any portion of an antenna or tower, including a satellite dish antenna, except for the name of the manufacturer and serial number.
 2. No more than two (2) antennas, including a maximum of one (1) satellite dish antenna, shall be located on the same lot as a principal building. Antennae are permitted only in connection with, incidental to, and on the same lot as a principal building, structure, or use.
 3. The color of the antennae shall be of tones similar to the surroundings.
 4. All electrical and antenna wiring shall be placed underground where applicable.
 5. Antennas shall be securely mounted and anchored in accordance with manufacturer's specifications and building code requirements.
 6. The antenna shall be located and designed to meet the manufacturer's specifications to

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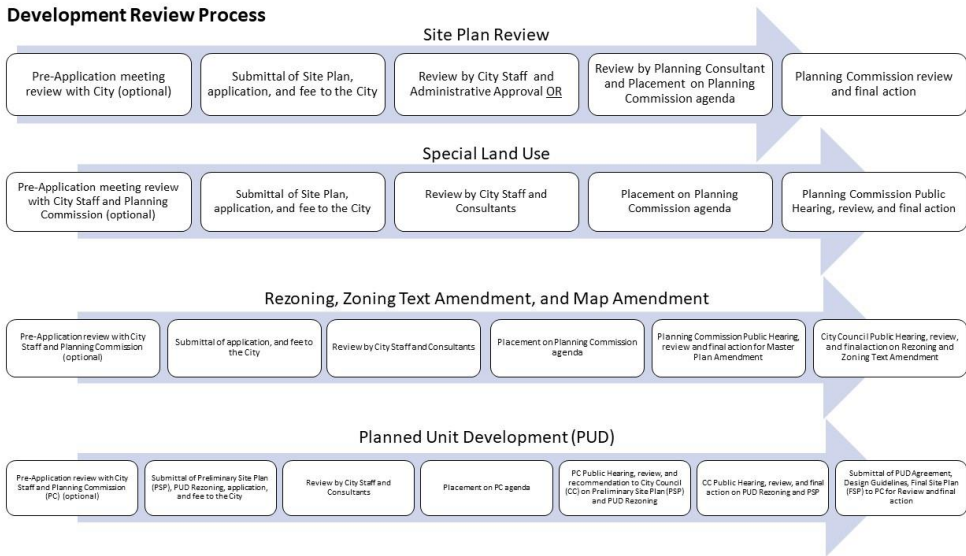
withstand a wind force of one hundred (100) miles per hour.

7. The installation of an antenna, including a satellite dish antenna, shall require issuance of a building permit by the Zoning Official prior to erection.
8. If a usable signal cannot be obtained by locating the ground-mounted antenna in the rear yard, the antenna may be located in the side yard of the property subject to the submission of a written affidavit and approval of the Zoning Board of Appeals (ZBA) provided the placing of an antenna in a side yard shall remain subject to all other conditions set forth in this section.

Sec. 86-134 Application Procedures in General

a. The process for application and review by the City for site plan review, special land use approvals, conditional land use approvals, planned unit developments (PUDs), condominium developments, text amendments to this Ordinance, and rezonings of land is shown on *DEVELOPMENT REVIEW PROCESS*. Submittal dates, application forms, and information on fee requirements are available at the City offices.

b. The Planning Commission, Zoning Board of Appeals (ZBA), or City Council may withhold granting approval of any use, site plan, PUD plan, or other approval required by this Zoning Ordinance pending approvals which may be required by County, State, or Federal agencies or departments.



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Sec. 86-135 Building Grades

All new buildings and structures constructed on vacant lots adjacent to and in between existing buildings shall be constructed at the elevation of the average grade unless otherwise approved by the Planning Commission or Zoning Official. New grades shall not be established that would permit an increase in the runoff or surface water onto adjacent properties.

Sec. 86-136 Determination of Similar Use

- a. Since every type of potential use cannot be addressed in this Ordinance, each district provides for similar uses, referencing this Section. All applications for a use not specifically addressed in any zoning district shall be submitted to the Zoning Official for review and decision, based on the following standards. The Zoning Official may refer the review and decision to the Planning Commission.
 - 1. A finding is made that the proposed use is not listed as a named permitted or special land use in any zoning district.
 - 2. If the use is not addressed in this Ordinance, the Zoning Official or Planning Commission may attempt to select a named use listed in this Ordinance which most closely resembles the proposed use. Such named use shall be determined using criteria such as potential impact on property values, nature of use, traffic generated, aesthetics, noise, vibration, dust, smoke, odor, glare, and other objectionable impacts on the health, safety, and welfare in the City.
 - 3. If a use is determined to be similar to a named use, the proposed use shall comply with any special land use standards or other Ordinance requirements that apply to the named use.
 - 4. Where the Zoning Official or Planning Commission determines a proposed use is not similar to any named use addressed in this Ordinance, the applicant may petition for an amendment to this Ordinance.
- b. The determination as to whether a proposed use is similar in nature and class to another named permitted or special land use within a district shall be considered as an interpretation of the use regulations, and not as a use variance. Any use determined by the Zoning Official Planning Commission to be similar shall thereafter be deemed to be included in the enumeration of the uses.

Sec. 86-137 Donation Boxes

In all nonresidential districts, donation boxes shall be allowed with the following conditions:

- a. Approval must be obtained from the Zoning Administrator or other official designated by the City.
- b. Donation boxes can only be located to the rear of a building.
- c. They cannot cause the elimination of required parking spaces.
- d. They cannot impede the orderly flow of traffic in the site.
- e. In those instances where donation boxes cannot be located in the rear of the building, a location in the side yard may be allowed but cannot be highly visible to any abutting residential district or from a public street.
- f. There must be proof that unique circumstances exist that make compliance with items a through d above impractical.

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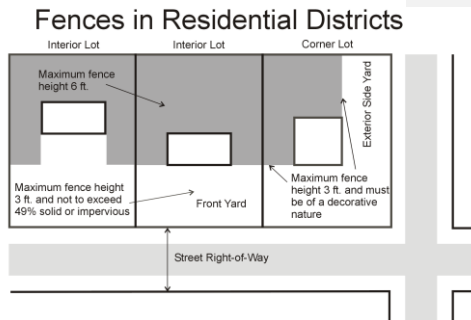
Sec. 86-138 Fences and Walls (Also see *ARTICLE 4, DIVISION 3: LANDSCAPE STANDARDS AND TREE REPLACEMENT*)

a. All Districts

1. Unless specifically authorized elsewhere in this Ordinance, fences and walls located within the side yard or rear yard in any district shall not exceed a height of six (6) feet.
2. Fences and walls shall not be erected within any public right-of-way or easement.
3. Fences or walls shall not be erected or maintained in such a way as to obstruct the vision of motorists exiting driveways.
4. Chain link fences shall not be erected in any non-residential front or exterior side yard, except the Industrial District, unless enclosing a retention pond approved by the Zoning Official or Planning Commission. The chain link fence must be black vinyl coated.
5. Electronic fences buried beneath the ground are permitted in all districts.
6. All supporting posts, cross members and protruding bolts, screws and/or hardware of all fences shall be inside the lot and faced toward the interior lot or be centered between the two vertical exterior surfaces of the fence.

b. Residential Districts

1. Unless specifically authorized elsewhere in this Ordinance, fences may be located within the required exterior side yard for corner lots but shall not exceed four (4) feet in height, be in excess of forty-nine percent (49%) solid or impervious, and shall be tubular aluminum, black vinyl-coated chain link fence, or similar, as determined by the Zoning Administrator. It must also be determined that the fence will not be detrimental to the property or its surroundings including neighboring properties, streetscape, or intersection visibility.



2. Any fence in the required front yard shall be:
 - a) No more than three (3) feet in height or be in excess of forty-nine (49%) solid or impervious;
 - b) Constructed of wrought iron (tubular aluminum), wood or vinyl "picket", or similar as determined by the Zoning Administrator, per the adopted design guidelines.

c. Non-Residential Districts

1. Any fence in a front yard in a Non-Residential District shall be of a decorative nature as determined by the Zoning Administrator or Planning Commission. The Zoning Administrator or Planning Commission may require landscaping to obscure the visual impact of the fencing in such situations as noted above.
2. A security fence for a permitted non-residential use may include a maximum of one (1) additional foot of height to accommodate the barbed wire.
3. A four-foot obscuring wall, fence or greenbelt strip shall be provided on those sides of the property abutting land zoned for residential use.

Sec. 86-139 Flagpoles

1. The maximum height of flagpoles shall not exceed forty (40) feet, except in residential district where the maximum height shall not exceed twenty (20) feet, measured from the average surrounding grade.
2. A maximum of one (1) flagpole per property is allowed in single-family residential districts and

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- two (2) flagpoles are allowed per site in all other zoning districts.
3. Flagpoles shall be set back a minimum of ten (10) feet from any public right-of-way, private road access easement, access drive, or property line.
 4. A maximum of two (2) flags per flagpole shall be permitted.

Sec. 86-140 Front Yard Requirements

- a. Front yard requirements along rights-of-way shall be measured from the public road right-of-way line, private road access easement line, or the curb of any access road, drive, or internal driveway where no right-of-way or easement exists.
- b. Front yard setback reductions are permitted as regulated in *ARTICLE 2, DIVISION 9: SCHEDULE OF REGULATIONS*.
- c. Corner lots and through lots in all zoning districts must provide the required front yard setback on each side of the lot which abuts a public street, private road, or access drive.
- d. All references to front yard requirements include the exterior side yard of corner lots unless otherwise noted.
- e. On curvilinear streets, the minimum front yard setback is measured along a curve parallel to the front lot line.

Sec. 86-141 Grading, Excavation, Filling, Soil Removal, Creation of Ponds, and Clearing of Trees

- a. The grading, excavation, filling, soil removal, creation of ponds, or clearing of trees within an area of less than one hundred (100) square feet, shall be permitted activities on any lot provided such activity is incidental to the uses on the lot and in accordance with applicable County and State regulations. Properties within the Floodplain Zone must permission from the State to conduct any construction on a property in the Floodplain Zone.
- b. Grading, excavation, filling, soil removal, creation of ponds, or tree clearing within an area over one hundred (100) square feet, on a one-time basis, on properties NOT in the Floodplain Zone, may be permitted after review and approval of a sketch plan by the Zoning Official in accordance with *ARTICLE 5, DIVISION 1: SITE PLAN REVIEW* and with applicable County and State regulations.
- c. Excavation and site preparation for building foundations is excepted from the excavating provisions of this Ordinance provided that such work is considered incidental to building construction and all necessary permits have been obtained.
- d. Excavation required for swimming pools is excepted from excavating provisions of this Ordinance provided that all necessary permits are obtained and the pool is completely constructed within six (6) months of the excavation.
- e. Any clearing of trees on lots of over one-hundred (100) square feet prior to site plan approval in accordance with *ARTICLE 5, DIVISION 1: SITE PLAN REVIEW* shall be prohibited.

Sec. 86-142 Height Exceptions and Limitations

The building height restrictions of all zoning districts shall not apply to the following: parapet walls and cornices not exceeding four (4) feet in height, chimneys, cooling towers, elevator bulkheads, fire towers, gas tanks, grain elevators, silos, stacks, stage towers and scenery lofts, water tanks, public monuments, church spires, belfries, cupolas, domes, ornamental towers, and penthouses or roof structures housing necessary mechanical appurtenances.

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Sec. 86-143 Home Occupations

All home occupations must comply, and remain in continuous compliance with, the following standards:

- a. A home occupation permit must be obtained from the City and include a floor plan indicating the area(s) within the house where the home occupation will be conducted.
- b. No person, other than members of the family residing in the dwelling, shall be engaged in the conduct of the home occupation.
- c. The use of the dwelling for the home occupation shall be clearly accessory, incidental, and subordinate to its use for residential purposes, and not more than twenty percent (25%) of the gross floor area of the dwelling shall be used for the conduct of the home occupation.
- d. There shall be no change in the outside appearance of the dwelling or any other visible evidence of the conduct of the home occupation.
- e. There shall be no signs on any structure, in the windows or anywhere on the property.
- f. Traffic generated by the home occupation shall not be greater than would normally be expected in a residential neighborhood, or no more than an average of ten (10) vehicular trips per day.
- g. The home occupation shall be conducted entirely within the confines of the dwelling and shall not take place in a garage or accessory structure.
- h. There shall be no sale of products or service on the premises where the home occupation is located. A retail showroom, sales area, outlet, or similar facility is prohibited as is outdoor display of goods.
- i. Any necessary parking spaces for vehicles generated by the conduct of the home occupation shall be provided on the site in a normal driveway, but not within any required yard.
- j. No equipment or process shall be used in the home occupation which creates noise, vibration, glare, fumes, or odors detectable to the normal senses off the premises on which the home occupation is located. In addition, no equipment or process shall be used in the home occupation which causes visual or audible interference in any radio or television receivers off the premises or causes fluctuation in the line voltage off the premises.

Sec. 86-144 In-Home Office

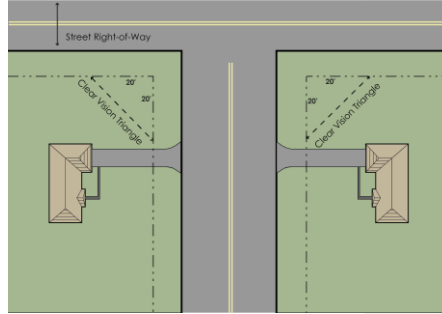
An in-home office is permitted by-right in any residential zoning district when in compliance with the following standards:

- a. Clients or customers shall not make visits to the office.

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Sec. 86-145 Intersection Visibility

- a. No fence, wall, sign, hedge, screen, or any planting shall be erected or maintained to obstruct vision between a height of three (3) feet and eight (8) feet within the triangular area formed by the intersection of the street right-of-way lines and a line connecting two (2) points which are located on those intersecting right-of-way lines twenty (20) feet from the point of intersection of the right-of-way lines. If the road is an access drive, these dimensions shall be measured from the pavement edge.
- b. The three (3) foot and eight (8) foot height limit shall be measured from the lowest elevation of the segment of the intersecting roads centerline which lies between the point of the intersection of the other centerline and the extension of the line drawn through the points twenty (20) feet from the intersection of the right-of-way lines.



Sec. 86-146 Keeping of Animals

- a. The keeping of household pets, including dogs, cats, rabbits, fish, birds, hamsters, and other animals generally regarded as household pets is permitted as an accessory use in any Residential District. However, no more than three (3) dogs or cats, four (4) months of age or older, in any combination, nor more than a total of five (5) animals, shall be kept or housed in or at one (1) dwelling unit.
- b. The keeping of more than three (3) dogs on one premises shall be deemed to be a kennel and must follow the regulations set forth in *Article 5, Division 3 Special Land Uses*.
- c. The keeping of animals not normally considered domesticated including, but not limited to, pigs, horses, sheep, cattle, poultry, reptiles, and wild, vicious, and exotic animals, is prohibited in all zoning districts.

Sec. 86-147 Lot Area Allocation

- a. No portion of a lot can be used more than once for determining compliance with the provisions for lot area and yard dimensions for construction or alteration of buildings.
- b. No lot, adjacent lots in common ownership, required yard, parking area, or other required open space shall be created, divided, or reduced in dimensions or area below the minimum requirements of this Ordinance. If already less than the minimum requirements of this Ordinance, a lot, adjacent lots in common ownership, required yard, parking area, or other open space shall not be divided or reduced in dimensions or area so as to increase its noncompliance with the minimum requirements of this Ordinance. Lots or yards created after the effective date of this Ordinance shall comply with the requirements of this Ordinance.

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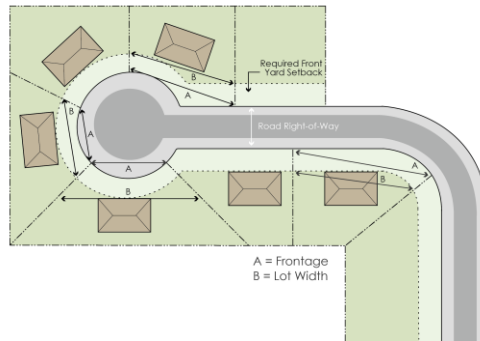
- c. In calculating the area of a lot that adjoins a dedicated alley or lane, for the purpose of applying lot area requirements of this Ordinance, one-half (1/2) the width of such alley abutting the lot shall be considered as part of the lot.

Sec. 86-148 Lot Width/Depth Ratio

Lots created after the effective date of this Ordinance having a lot area of less than ten (10) acres shall have a lot width which is equal to, or greater than, one fourth (1/4) the depth of the lot.

Sec. 86-149 Mechanical Equipment and Utilities

- a. Ground mounted mechanical equipment, such as blowers, ventilating fans, and air conditioning units are permitted only in non-required side yards and in any rear yard, as determined by the Zoning Official.
- b. Mechanical equipment shall be placed no closer than three (3) feet to any lot line in the CBD.
- c. Any ground, building, or roof mounted mechanical equipment or utilities, including water and gas meters, utility boxes, transformers, elevator housings, stairways, tanks, heating, ventilation and air conditioning equipment (HVAC), and other similar equipment, shall comply with the following standards:
1. All such equipment shall be screened by a solid wall, fence, landscaping, and/or architectural features that are compatible in appearance with the principal building.
 2. For all commercial and industrial buildings, roof-mounted equipment shall not exceed a height of ten (10) feet above the surrounding roof surface, and shall occupy no more than fifteen percent (15%) of the total roof area. All roof-mounted mechanical units must be screened so they are not visible from ground level, even if not specifically addressed as part of site plan review.



Sec. 86-150 Medical Marihuana

- a. Findings. The city adopts this section based on the following findings of fact:
1. Voters in the state approved a ballot initiative authorizing the use and cultivation of marihuana by and for persons with certain medical conditions.
 2. The intent of the initiative was to enable certain specified persons who comply with the registration provisions of the law to obtain, possess, cultivate, use and distribute marihuana and to assist specifically registered individuals identified in the statute without fear of criminal prosecution under limited, specific circumstances.
 3. Despite the specifics of the state legislation and the protections set forth therein, marihuana remains a controlled substance under state law and the obtaining, possession, cultivation, use and distribution of marihuana has a potential for abuse that should be closely monitored and to the extent permissible regulated by the local authorities.
 4. If not closely monitored or regulated, the presence of marihuana even for the purposes permitted by the legislation can increase the potential for illegal conduct and/or activity or other adverse conditions and this threat affects the health, safety and welfare of the residents of the city.

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5. It is the intent of the city that nothing in this article be construed to allow persons to engage in conduct that endangers others or causes a public nuisance, or to allow use, possession or control of marihuana for non-medical purposes or allow activity relating to cultivation, distribution or consumption of marihuana that is otherwise illegal.
- b. Purpose. It is the purpose of this section to impose specific requirements on those individuals registering with the state as a "qualifying patient" or a "primary caregiver" and to regulate the conduct of activity pursuant thereto in the city so as to protect the health, safety and welfare of the general public.
- c. Definition
 1. MMMA means the Michigan Medical Marihuana Act, MCL 333.26421 et seq. and the Michigan Medical Marihuana rules, Michigan Administrative Code R 333.1 et seq., as amended from time to time.
 2. The terms "enclosed, locked facility," "marihuana," "medical use," "primary caregiver," "qualifying patient" and "usable marihuana" shall have the same meanings given to them in the MMMA.
 3. Dispensary means any location, lot, building or premises used by more than one primary caregiver for medical use of marihuana, where marihuana is cultivated for distribution to a primary caregiver who does not have his or her primary residence at that location, lot, building or premises, or where there is medical use of marihuana for more than five qualifying patients.
- d. Possession and use of medical marihuana. Marihuana can be possessed and used in the city only in accordance with and pursuant to the MMMA.
 1. Dispensaries of marihuana prohibited. Dispensaries are prohibited in the city.
 2. Marihuana primary caregivers. Assistance of a qualifying patient with the medical use of marihuana by a primary caregiver:
 - a) Is permitted only as a home occupation in RA-1, RA-2, RA-3 one-family and two-family residential districts;
 - b) Is prohibited in all other districts and for other than as a home occupation; and
 - c) Is subject to the following conditions:
 - i. Compliance with all home occupation requirements set forth in *SECTION 86-127* of this Code.
 - ii. The use and cultivation of marihuana shall at all times comply with the MMMA.
 - iii. The primary caregiver shall operate the home occupation only at a single-family dwelling or two-family dwelling that is his or her primary residence.
 - iv. The home occupation location from which a primary caregiver provides assistance to a qualifying patient shall not be within a 1,000-foot radius from any parcel with a school, church or public library located on it. Measurement of the 1,000-foot radius shall be made from the lot line of the lot upon which the proposed home occupation will be situated to the lot line of the lot upon which the school or public library is situated and shall be the shortest distance between the respective lot lines.
 - v. No more than one primary caregiver shall assist qualifying patients on any single lot.
 - vi. A maximum of one visit to a primary caregiver home occupation location per day, per qualifying patient, is permitted and shall be permissible only between the hours of 8:00 a.m. and 8:00 p.m.
 - vii. All usable marihuana and marihuana plants under cultivation shall be contained within the primary structure of the home occupation lot, in an enclosed, locked facility inaccessible from the exterior of the structure and secured with devices which limit access to only the primary caregiver.
 - viii. The outdoor cultivation of marihuana plants is prohibited.
 - ix. If a room or area with windows is utilized as an enclosed, locked facility, the primary caregiver shall employ shielding methods which do not involve alteration to the exterior

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- of the structure, and which prevent ambient light illumination of adjacent residential properties.
- x. A primary caregiver home occupation shall not be permitted in connection with or at a location at which any other home occupation is operated.
 - xi. No consumption of marihuana shall be permitted at a primary caregiver's home occupation location, except if the consumption is by a resident of the home occupation location who is also a qualifying patient.
 - xii. A primary caregiver who has been designated by a qualifying patient as that qualifying patient's primary caregiver is the only person permitted to assist that qualifying patient with that qualifying patient's medical use of marihuana, and may cultivate marihuana for that qualifying patient only if the primary caregiver is designated on the State of Michigan registry as being allowed to possess marihuana plants for that qualifying patient's medical use.
 - xiii. The owner of the home occupation location shall obtain an occupancy permit and otherwise satisfy all requirements of *SECTION 86-127* prior to commencement of the home occupation activity by a primary caregiver and shall, if applicable, obtain a building permit for any alterations to the structure and comply with all related Code provisions. Under no circumstances shall the building inspector, zoning administrator or any other city official require the applicant to provide any information during the permitting process on whether or not the applicant is a primary caregiver or a qualifying patient, in recognition of the confidentiality requirements of the MMMA, provided however that this prohibition shall not have any effect on law enforcement activities by police authorities.
 - xiv. A special use exception under *SECTION 86-128(5)* shall not apply and is not permitted.
 - xv. A primary caregiver engaged in a home occupation complying with this section is hereby exempted from any otherwise effective requirement to obtain a license.
 - xvi. All home occupations complying with this section are subject to inspection at reasonable times for the purpose of personal property tax assessment, building occupation and occupancy permit reasons, for ascertaining conformity to any zoning requirements, for effective police and fire services or for purposes of ascertaining whether the home occupation must be accounted for in any fire department plan for dealing with toxic materials in conformity with Act No. 154 of the Public Acts of Michigan of 1974 (MCL 408.1001 et seq.), as amended, with regard to hazardous chemicals. Inspection will be done by a properly identified appropriate official or his designee, i.e., fire chief, health officer or building official. Such inspection shall be conducted as may be deemed appropriate by the officer or employee named and shall indicate a determination of whether the requirements following the official's or employee's title have been complied with:
 - 1) Fire chief: The provisions of the fire code and all other applicable regulations and requirements of the city and the state relative to fire safety have been complied with.
 - 2) Health officer: All applicable health and sanitary requirements of the city, county and state have been complied with.
 - 3) Building official: The building requirements of this Code and of the state have been complied with and the zoning and other land use provisions of this Code will permit the home occupation at its proposed location.
 - d) Civil forfeiture. In addition to all other available penalties and remedies available under applicable laws any marihuana sold or possessed with the intent to sell in violation of this section may be seized, forfeited and disposed of by the police agencies serving the city.
 - e) Penalty. Any violation of this article shall constitute a municipal civil infraction the penalty for which shall not exceed \$100.00, plus costs and other sanctions for each violation. Each day that a violation occurs shall be considered a separate offense. The city may in addition seek injunctive relief.

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Sec. 86-151 Performance Standards

No land use otherwise allowed shall be permitted within a zoning district that does not conform to the following standards of use, occupancy, and operation. These performance standards are hereby established as the minimum requirements to be maintained.

a. Smoke

1. Generally. It shall be unlawful for any person to permit the emission of any smoke from any source, excepting smoke from a chimney for a fireplace or wood/coal burning stove in a residential structure, to a density greater than that density described as No. 1 of the Ringelmann Chart; provided that the following exceptions shall be permitted: smoke, the shade or appearance of which is equal to, but not darker than No. 2 of the Ringelmann Chart, for a period, or periods, aggregating four (4) minutes in any thirty (30) minute period.
2. Method of Measurement. For the purpose of grading the density of smoke, the Ringelmann Chart, as now published and used by the United States Bureau of Mines, which is hereby made a part of this Ordinance, shall be the standard. However, the umbra scope readings of smoke densities may be used when correlated with the Ringelmann's Chart.

b. Radioactive, Toxic and Hazardous Materials. Radioactive materials and wastes, including electromagnetic radiation such as X-ray machine operation, shall not be emitted in excess of quantities established as safe by the American National Standards Institute, when measured at the property line. All transportation, including by rail, of radioactive materials, hazardous waste, and toxic waste shall be within permissible standards set by the Federal government.

c. Noise. Operations or activities which exceed the maximum sound intensity levels defined below shall be prohibited. A sound level meter and an octave band analyzer shall be used to measure the intensity and frequency of the sound or noise levels. Sounds with very short duration, which cannot be accurately measured with a sound level meter, shall be measured by an impact noise analyzer; and the maximum levels indicated in the following table may be exceeded by no more than five (5) decibels. Where questions on noise arise, the current standards recognized by the American National Standards Institute shall apply.

Maximum Permitted Sound Intensity Levels		
Center Frequency (Cycles per second)	Sound Pressure Level in Decibels (0.0002 dyne/cm²)	
	Residential Districts	Non-Residential Districts
31.5	72	77
63	71	76
125	65	70
250	57	62
500	51	56
1,000	45	50
2,000	39	44
4,000	34	39

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8,000	32	37
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Source: American National Standards Institute

1. The following sources of noise are exempt:
 - a) Transportation vehicles not under the control of an on-site use.
 - b) Occasionally used safety signals, warning devices and emergency pressure-relief valves.
 - c) Temporary construction activity between 6:00 a.m. and 7:00 p.m.
 - d) Warning or alarm devices that have the purpose of signaling unsafe or dangerous situations or calling for police.
 - e) Noises resulting from authorized public activities such as parades, fireworks displays, sports events, musical productions, and other activities that have the approval of the City Council or its designee.

d. Dust, Dirt, and Fly Ash

1. Generally. No person, firm, or corporation shall operate or maintain any process, furnace, or combustion device for the burning of coal or other fuels, unless such processes or devices are equipped with recognized and approved equipment, methods, or technology to effectively reduce the quantity of gas-borne or airborne solids or fumes emitted into the open air, which is operated in conjunction with the process, furnace, or combustion device so that the quantity of gas-borne or air-borne solids shall not exceed 0.20 grains per cubic foot of carrying medium at a temperature of five hundred (500) degrees Fahrenheit. These standards are not intended to apply to residential uses, such as chimneys for a fireplace or wood/coal burning stove.
 2. Method of Measurement. For the purpose of determining the adequacy of such devices, these conditions are to be conformed to when the percentage of excess air in the stack does not exceed fifty percent (50%) at full load. The foregoing requirement shall be measured by the A.S.M.E. Test Code for dust-separating apparatus. All other forms of dust, dirt, and fly ash shall be completely eliminated insofar as escape or emission into the open air is concerned. The Zoning Administrator may require such additional data as is deemed necessary to show that adequate and approved provisions for the prevention and elimination of dust, dirt, and fly ash have been made.
- e. Fire and Explosive Hazards. The storage, utilization, or manufacture of materials, goods, or products ranging from free or active burning to intense burning, as determined by the Fire Chief, is permitted subject to compliance with these performance standards and all other standards of this Ordinance, and providing that the following conditions are met:
1. Such materials or products shall be stored, utilized, or produced within completely enclosed buildings or structures having incombustible exterior walls, which meet the requirements of the building code.
 2. All such buildings or structures shall be set back at least forty (40) feet from lot lines and all buildings or structures shall be protected throughout by an automatic sprinkler system complying with installation standards prescribed by NFPA prevention codes.
 3. The storage and handling of flammable liquids, liquefied petroleum, gases, and explosives shall comply with the State rules and regulations as established by the Michigan Zoning Enabling Act (Public Act 110 of 2006), as amended, and the NFPA.

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Sec. 86-152 Principal Buildings, Structures, and Uses

- a. No lot may contain more than one (1) principal building, structure, or use.
- b. Groups of multiple-family dwellings, site condominiums, retail business buildings, or other groups of buildings contained within a single, integrated complex, sharing parking, signs, access, and other similar features which together form a unified function and appearance may be deemed a principal use collectively, by the Zoning Administrator.
- c. In cases where there is more than one (1) use, the use comprising the greatest floor area shall generally be considered the principal use, except in cases where a use comprising a secondary amount of floor area is considered to have greater impact in terms of traffic generated, noise levels, disruption of views, and similar impacts, as determined by the Zoning Administrator.

Sec. 86-153 Private Road Standards

- a. The City may allow private roads only when meeting the standards of this Section. The regulations for private roads contained herein shall not apply to approved private roads within platted subdivisions regulated by the *SUBDIVISIONS CODE OF ORDINANCES*, as amended, or internal access drives to parking within approved site plans for multiple-family developments or commercial access drives.
- b. Private roads are reviewed and approved by the City Council after a recommendation from the Planning Commission. Documentation accepted by the City Council, must support that the property possesses unusual configuration and/or topography which would render construction of public streets under City standards for grades, radii, width, and/or materials impractical.
- c. An easement for private road access shall be provided of not less than twenty-four (24) feet in width for roads and utilities serving two (2) or fewer lots or single-family residential units and not less than sixty (60) feet in width for roads serving more than two (2) homes. This easement shall be recorded with the Tuscola County Register of Deeds office and a copy of the recorded easement provided to the Zoning Administrator.
- d. Any lot gaining access from a private road shall have at least the minimum lot frontage required herein for the zoning district in which the lot is located. The frontage for the lot shall be measured at the point between the lot lines designated by the Zoning Administrator as the side lot lines.
- e. Any lot created on a private road, along with accompanying buildings, shall comply with all site development standards applicable to the zoning district in which it is located. The easement for the private road shall not be included in the minimum lot width and lot area requirements.
- f. The maximum length of any private road cul-de-sac shall not exceed the City standard for public roads.
- g. The minimum roadway width of any private road shall be at least eighteen (18) feet, however if such roadway is within three hundred (300) feet of a fire hydrant, such width may be reduced to fourteen (14) feet upon approval of the City of Vassar Fire Department.
- h. The surface and base material and construction of any private road shall be approved by the City Engineer and City of Vassar Fire Department as being sufficient to accommodate emergency vehicles.
- i. Issuance of a building permit for the placement of buildings/structures on lots and/or parcels on a private road shall not be considered a guarantee or warranty that adequate access exists to the lot

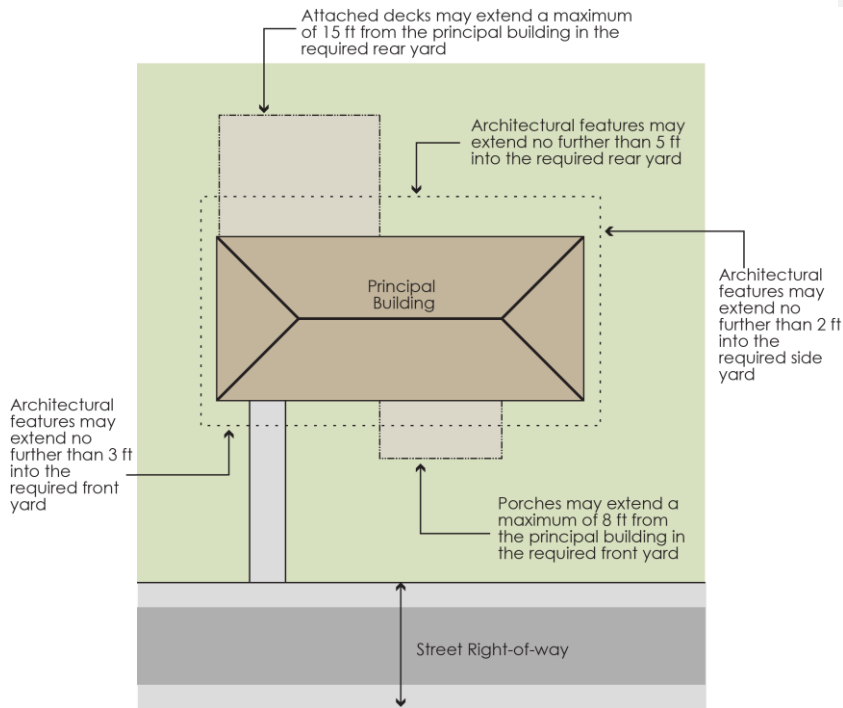
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for emergency vehicles. The City assumes no responsibility for the maintenance of or improvements to private roads.

- j. The applicant shall submit a joint maintenance agreement or master deed in recordable form that runs with the land, binds benefiting parcels, and allows the City to make any repairs or conduct any maintenance it deems necessary, and charge the property owners or homeowners association served by the private road for such service.
- k. The applicant shall provide a recorded statement running with the land informing purchasers of lots accessed by the private road that the access road is private.

Sec. 86-154 Projections into Yards (*ACCESSORY BUILDINGS AND STRUCTURES LOCATION STANDARDS*)

- a. Certain architectural features, such as cornices, eaves, gutters, chimneys, pilasters, and similar features may project no farther than:
 - 1. Three (3) feet into a required front yard.
 - 2. Five (5) feet into a required rear yard.
 - 3. Two (2) feet into a required side yard.
- b. Projection of building appurtenances such as unenclosed porches, patios, decks, balconies,



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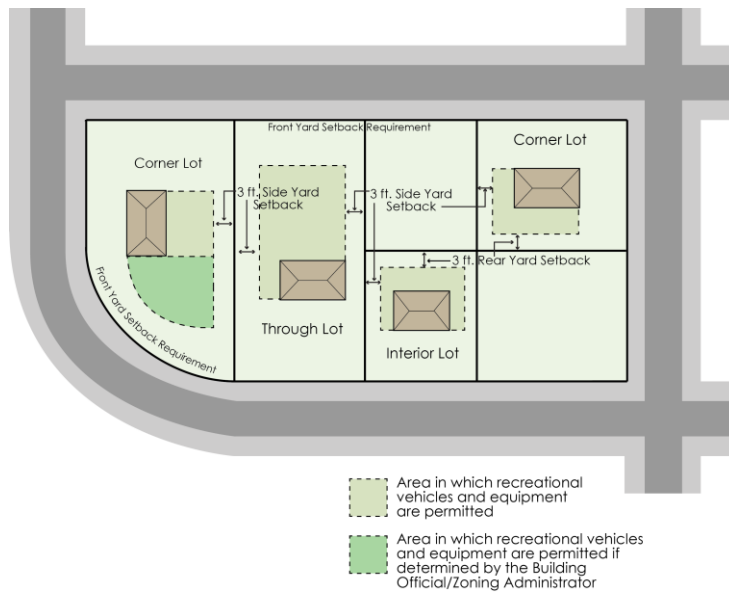
stoops, window awnings, or similar features which are elevated six (6) inches or more above grade, into a required side yard shall be prohibited. An unenclosed porch, patio, deck, stoop, balcony, or window awning may project no farther than:

1. Eight (8) feet into a required front yard.
2. Maximum of 33% into required rear yard setback.
3. Five (5) feet into the right-of-way in the B-1 if such feature is located at least eight (8) feet above ground level.
4. At-grade patios can extend into required side and rear yards but must meet the accessory structure setback.

Sec. 86-155 Recreational Equipment and Vehicle Parking and Storing

The purpose of these standards is to regulate and control the parking and storage of recreational vehicles and equipment on private property to promote the public health, safety, and welfare and to preserve property values.

- a. Location Standards (See also *ACCESSORY BUILDINGS AND STRUCTURES LOCATION STANDARDS*)



1. Generally. Recreational vehicles and/or recreational equipment shall be prohibited in the front yard unless otherwise permitted in this Section. Recreational vehicles or equipment shall be placed or parked in the rear yard or side yard behind the front building line, on a hard paved surface not closer than ten (10) feet from any structure and set back a minimum of three (3) feet from any lot line, except as provided in paragraphs 2. through 6. below.
2. Placement on Lot. Recreational vehicles and equipment are permitted to be parked or stored only on a lot with a principal building, structure, or use unless it is adjacent lot which is under the same ownership.

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3. Time Limits. Recreational vehicles or recreational equipment may be stored, parked, or placed within any front yard or within a public right-of-way where on-site parking is permitted for a period not exceeding seventy-two (72) hours for loading and unloading or for normal maintenance and cleaning.
 4. Corner Lots. In the case of corner lots, as defined in this Ordinance, the regulations of this Section shall apply to both the front yard and the exterior side yard.
 5. Through Lots. In the case of through lots, as defined in this Ordinance, parking and storage shall be permitted in the rear yard, as determined by the Zoning Administrator, provided the parked vehicle meets the front and side yard principal building setback requirements of the zoning district.
 6. Through Corner Lots. In the case of through lots on a corner (i.e. lots with frontage along three (3) streets), parking shall be allowed only in the side yard. The Zoning Administrator may permit parking in the rear yard, as noted in paragraph 5. above, upon determination that such parking is allowed on the adjacent lot.
- b. Owner or Legal Tenant. The owner of any recreational vehicle or equipment placed or parked on a lot shall be the owner of the lot or the legal tenant.
 - c. Condition and Licensing Requirements. All recreational vehicles and/or recreational equipment stored or parked in any Residential District shall be in an operable condition, as determined by the Zoning Administrator.
 - d. Detachable Camper Tops. Detachable camper tops shall not be stored in any Residential District except in accordance with above guidelines. Further, camper tops that are not installed on a licensed and operable vehicle must be placed on the ground and stabilized.
 - e. Occupation of Stored Recreational Vehicles. At no time, shall any stored, parked, or placed recreational vehicles and/or recreational equipment be occupied or used for living purposes. At no time shall any such recreational vehicle and/or equipment have fixed connections to water, gas, or a sanitary sewer. At no time shall any such recreational vehicles and/or equipment, other than those granted a temporary use permit in conformance with *SECTION 86-167* below.
 - f. Permanent Special Exceptions. A recreational vehicle and/or recreational equipment which is officially licensed as a vehicle for a disabled person in accordance with State law and which is used as the regular means of transportation by or for a disabled person may be parked within the required setback area. Appropriate landscaping must be provided to screen the recreational vehicle from adjacent residential structures.

Sec. 86-156 Regulations Applicable to Manufactured Single-Family Dwellings Outside of Manufactured Housing Developments

Any manufactured single-family dwelling, constructed and erected on a lot outside a manufactured housing development, shall be permitted only if it complies with all of the following requirements:

- a. If the dwelling unit is a manufactured home, it must either be:
 1. New and certified by the manufacturer and/or appropriate inspection agency as meeting the Manufactured Home Construction and Safety Standards of the U.S. Department of Housing and Urban Development, as amended, or any similar successor or replacement standards which may be promulgated.
 2. Used and certified by the manufacturer and/or appropriate inspection agency as meeting the standards referenced in subsection (1) above, and found, on inspection by the Zoning Administrator or his designee, to be in excellent condition and safe and fit for residential occupancy.

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- b. If the dwelling unit is a manufactured home, the manufactured home shall be installed with the wheels and tongue removed.
- c. If the dwelling unit is a manufactured home, it shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the building site by an anchoring system or device complying with the rules and regulations, as amended, of the Michigan Manufactured Home Commission, or any similar or successor agency having regulatory responsibility for manufactured home parks or manufactured housing communities.
- d. The dwelling unit shall comply with all applicable building, electrical, plumbing, fire, energy, and other similar codes adopted by the City, provided, that where a dwelling unit is required by law to comply with any Federal or State standards or regulations for construction, and where such standards or regulations for construction are stricter than those imposed by City codes, then and such Federal or State standards or regulations shall apply. Appropriate evidence of compliance with such standards or regulations shall be provided to the Zoning Administrator.
- e. The dwelling unit shall comply with all restrictions and requirements of this Ordinance, including, without limitation, the minimum lot area, minimum lot width, minimum residential floor area, yard requirements, lot percent coverage and maximum building height requirements of the zoning district in which it is located.
- f. The dwelling unit shall have a minimum horizontal dimension across any side or rear elevation of twenty (20) feet.
- g. The dwelling unit shall be placed on the lot so that the portions nearest the principal street frontage are at least thirty (30) feet in dimension parallel to the street.
- h. The dwelling unit shall be firmly attached to a permanent continuous foundation constructed on the building site. Such foundation must have a wall of the same perimeter dimensions as the dwelling unit and be constructed of such materials and type as required by the building code for on-site constructed single-family dwellings. If the dwelling unit is a manufactured home, its foundation and skirting shall fully enclose the chassis, undercarriage, and towing mechanism.
- i. A storage area within a building not less than one hundred twenty (120) square feet in an area shall be provided. This storage area may consist of a basement, closet area, attic, or attached garage in a principal building, or in a detached accessory building which is in compliance with all other applicable provisions of this Ordinance pertaining to accessory buildings.
- j. Permanently attached steps or porch areas at least three (3) feet in width shall be provided where there is an elevation difference greater than eight (8) inches between the first floor entry of the dwelling unit and the adjacent grade. Railings shall be provided in accordance with the City building code.
- k. The main roof of the dwelling unit shall have a minimum pitch of four (4) feet of rise for each twelve (12) feet of horizontal run.
- l. The exterior finish of the dwelling unit shall not cause glare or reflection that is greater than that from siding coated with clean, white, gloss exterior enamel.
- m. The dwelling unit shall not contain any additions of rooms or other areas which are not permitted and constructed with similar quality workmanship and materials as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein.
- n. The above standards may be modified by the Zoning Administrator upon determination that the proposed design is consistent with the predominant standard in the surrounding area.

Sec. 86-157 Residential Development Regulations for Infill Housing for Existing Neighborhoods

- a. Intent. The development regulations contained herein are intended to regulate the character of new infill housing development within a 300 foot defined area of the City which contain traditional and historic exterior design elements. The purpose of these regulations is to promote harmony in neighborhoods between new housing units and the existing buildings by assuring that new construction is of suitable character in terms of site layout, building dimensions, architectural design, and building materials.
- b. Procedure
 1. All building permit applications for new single-family and two-family housing development located in platted subdivisions approved prior to 1967 must be submitted to the Zoning Administrator.
 2. The Zoning Administrator shall have final approval on any applicable infill housing development in accordance with paragraph c. below. However, the Zoning Administrator may refer applications to the Planning Commission for final approval.
- c. Site Design and Architectural Standards for Single and Two-Family Dwellings
 1. Lot Coverage. The lot coverage of any proposed dwelling unit shall be no less than ninety percent (90%) and no more than one hundred thirty-five percent (135%) of the lot coverage of other single-family or two-family dwelling units within three hundred (300) feet of the subject lot, including dwelling units on both sides of the street of the same block.
 2. Front Yard Setbacks. The front and exterior side yard setbacks of any proposed single-family or two-family dwelling unit shall be in accordance with district regulations as set forth in *ARTICLE 2, DIVISION 9: SCHEDULE OF REGULATIONS*.
 3. Building Appearance. Building appearance for new single-family and two-family dwelling units shall reflect a continuity of design with surrounding buildings by maintaining the architectural styles, details, building materials, and design themes of dwelling units on both sides of the street within three hundred (300) feet of the subject lot. Similarity and compatibility with surrounding dwelling units in terms of the following features may be necessary in order to meet this requirement:
 - a) Roof and overhang style (e.g. gable, mansard, hip, A-frame, flat)
 - b) Facade appearance (door and window openings)
 - c) Building massing and height.
 - d) Exterior building materials.
 - e) Porches.
 - f) Detached garage style and design.
 4. Orientation. Proposed infill residential units shall be oriented toward, and be parallel with, the right of way or private road.

Sec. 86-158 Residential Recreational Area

- a. Any residential subdivision, condominium, or multiple-family development comprising twenty (20) or more lots or dwelling units, either as a single development or as a group of adjacent developments offered by a single proprietor, shall provide an active recreational area which shall contain an area equal in size to fifteen hundred (1,500) square feet for each lot or dwelling unit in the subdivision, condominium project, or multiple-family development. The Planning Commission may modify this requirement when it is determined that alternate recreation facilities are provided nearby.

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- b. The recreational area shall be well-drained, graded, seeded or sodded, safe from hazard, accessible to all dwellings, and the location shall be approved by the Planning Commission as part of the site plan review.
- c. Preservation of the recreational area shall be achieved through deed restrictions or dedication to a subdivision homeowner's association.

Sec. 86-159 Sidewalks, Bikepaths, and Walkways

Any development shall provide pedestrian pathways meeting the following requirements:

- a. Sidewalks
 - 1. Sidewalks shall be required on both sides of the street or road in accordance with *CITY OF VASSAR CODE OF ORDINANCES*.
 - 2. All sidewalks shall be a minimum five (5) feet wide and constructed of concrete to the specifications of the American Society of Highway and Transportation Officials (ASHTO).
 - 3. Sidewalks abutting parking areas shall be a minimum of seven (7) feet wide to accommodate vehicle overhang.
 - 4. In lieu of concrete sidewalks, the Planning Commission may permit asphalt, stone or wood chip paths, or wooden boardwalks in open space areas or areas with sensitive environmental features such as wetlands. The path or boardwalk shall provide direct access to all lots where the Planning Commission waives the requirement for concrete sidewalks.
- b. Bikepaths. Bikepaths shall be at least eight (8) feet wide and constructed of concrete or asphalt in accordance with the specifications of the ASHTO.
- c. Walkways from the Sidewalk to Building Entrances
 - 1. A continuous pedestrian walkway shall be provided from any adjacent street sidewalk to building entrances.
 - 2. The walkways shall incorporate a mix of landscaping, benches, drop-off bays, and bicycle facilities for at least fifty percent (50%) of the length of the walkways.
 - 3. Walkways shall be connected to adjacent sites wherever practical and connect to other pedestrian systems.
- d. Walkways from Parking Areas to Building Entrances
 - 1. Internal pedestrian walkways shall be developed for persons who need access to the building(s) from internal parking areas. The walkways shall be located within the parking areas and shall be designed to provide safe, guided access from these areas to the entrances of the building(s).
 - 2. The walkways shall be designed to separate people from moving vehicles as much as possible.
 - 3. The walkways must be designed for disabled access according to the adopted building code for the City of Vassar and other applicable laws.
 - 4. The walkways shall be distinguished from the parking and driving areas by use of any of the following materials: special pavers, bricks, raised elevation, scored concrete, or pavement markings. Other materials may be approved by the Planning Commission if appropriate to the overall design of the site and building.
- e. General
 - 1. **Unless** otherwise permitted by this Ordinance, sidewalks, bikepaths, and walkways shall be installed by the developer or property owner within the dedicated street right-of-way or private road access easement. A special easement may be provided where grades or other factors

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- prevent placement within the right-of-way or access easement.
2. Crosswalk pavement markings and signs may be required in areas of potential vehicular and pedestrian conflict.

Sec. 86-160 Solar Panel Energy Systems

Freestanding solar panels shall be considered an accessory building and shall be subject to the following requirements for such, together with all other applicable building codes and ordinances:

- a. Solar energy systems are a permitted use in all zoning districts except solar energy commercial operations, which are prohibited as a principle use except in the I-2 industrial district. (These are systems whose main purpose is to generate energy for sale back into the energy grid system, rather than being consumed on site.)
- b. Solar energy systems are subject to the following:
 1. Roof mounted systems on the principal building shall not exceed the height limits in the district, nor be more than three (3) feet higher than the finished roof to which it is mounted, whichever is less. In no instance shall any part of the system extend beyond the edge of the roof.
 2. Ground mounted systems and systems attached to accessory buildings shall adhere to the setback requirements in the district.
 3. Solar energy systems are prohibited in front yards, and shall not be located past the front wall of the principle building.
 4. The number of solar panels and supporting equipment shall be considered as one system.
 5. Ground mounted solar energy systems shall not be categorized as accessory buildings.
 6. If solar energy systems are attached to accessory buildings the number of accessory buildings allowed shall be regulated in accordance with the provisions set forth in ARTICLE 3, DIVISION 1, SECTION 86-130: ACCESSORY BUILDINGS, STRUCTURES, AND USES.
 7. The height of ground mounted solar energy systems and systems included on accessory buildings shall not exceed 10 feet in height.
 8. No more than 20% of a lot may be covered with a solar energy system.
 9. Ground mounted systems shall be located on lots of one half (1/2) acre or more.
 10. Zoning and construction permits are required.

Sec. 86-161 Storage and Repair of Vehicles

The parking of commercial vehicles, as defined in ARTICLE 1, DIVISION 2: DEFINITIONS, shall be prohibited in all zoning districts except Commercial and Industrial Districts, unless otherwise permitted.

- a. Commercial vehicles shall not be permitted in a Residential District except as permitted below:
 1. The vehicle shall be used as the principal means of transportation for a resident in the conduct of such resident's employment or profession or is the resident's sole means of motor vehicle transportation.
 2. The vehicle shall not be a utility trailer, dump truck, stake truck, flat-bed truck, wrecker, or semi-tractor.
 3. No part of the vehicle may exceed ten (10) feet in overall height, measured from grade.
 4. The vehicle shall not have more than four (4) rear wheels.
 5. The vehicle shall not exceed eleven thousand (11,000) pounds gross weight.
 6. In any Multiple-Family Residential District, the property owner or the controlling association shall provide a designated area, approved by the Planning Commission, to park or store commercial vehicles. Parking spaces required to meet the parking requirements of this Ordinance shall not be used for the parking or storage of commercial vehicles.

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7. The parking or storage of essential public service vehicles where the vehicle is operated by the homeowner or the occupant is exempt from these provisions.
- b. Commercial vehicles which are employed in conjunction within a Non-Residential District shall be parked or stored in compliance with the following provisions:
 1. For sites with a site plan approved subsequent to the effective date of this Section, such vehicles shall be parked or stored in parking or loading spaces designated for that purpose on the site plan and per site plan approval.
 2. For situations not covered under 1. above, commercial vehicles shall not be parked or stored in the front yard.
- c. The parking or storage of commercial vehicles for residential, office, or storage purposes shall not be permitted.
- d. The repair, restoration, and maintenance of vehicles in any Residential District, when such work is not conducted entirely within the interior of the vehicle, shall be subject to the following limitations:
 1. Procedures exceeding forty-eight (48) hours in duration or which require the vehicle to be immobile or inoperable in excess of forty-eight (48) hours shall be carried out within an enclosed building.
 2. Inoperable vehicles and vehicle parts shall be stored inside an enclosed building.
- e. The outdoor storage of inoperable and/or unregistered vehicles shall be prohibited, as regulated in *THE CITY OF VASSAR CODE OF ORDINANCES*.

Sec. 86-162 Street Access and Design

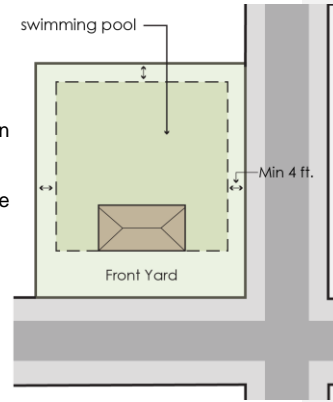
- a. Any lot created after the effective date of this Ordinance shall have frontage upon a public street right-of-way, at least sixty (60) feet in width, unless a private road of lesser width has been approved by the City Council.
- b. A building permit shall not be issued for the construction of any principal building unless said lot has the minimum frontage required on an improved public street, at least sixty (60) feet in width, unless a private road of lesser width has been approved by the City Council.
- c. Access driveways shall be surfaced with a durable pavement having an asphalt or cement binder and be constructed to the City standards.
- d. All street access shall meet the standards of *ARTICLE 4, DIVISION 2: ACCESS MANAGEMENT AND DRIVEWAY STANDARDS*.
- e. All streets shall be constructed in accordance with *THE CITY OF VASSAR CODE OF ORDINANCES*.

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- f. All streets shall be constructed with curb and gutter unless waived by the City Council.

Sec. 86-163 Swimming Pools

- a. Swimming pools, spas, hot tubs, and similar devices shall be built in accordance with the Michigan Building Code.
- b. Swimming pools, spas, hot tubs, and similar devices shall not be located in any front yard.
- c. Swimming pools, spas, hot tubs, and similar devices shall not be located less than four (4) feet from any lot line.
- d. Swimming pools shall be considered in computing impervious surface calculations.
- e. All swimming pools, spas, hot tubs, and similar devices shall be enclosed by a barrier (i.e. fence or other enclosure) where required by State law and as approved by the Zoning Official.



Sec. 86-164 Temporary Buildings, Structures, Seasonal/Special Events, and Uses

Temporary principal or accessory buildings, structures, uses and special events may be permitted, subject to the following conditions:

- a. Temporary Construction, Buildings, and Structures/Offices
1. With the exception of moving/storage pods, temporary buildings and construction structures may only be used for the storage of construction materials, tools, supplies and equipment, for construction management and supervision offices, and for temporary on-site sanitation, solid waste, or fuel facilities, related to construction activity on the same lot.
 2. Moving pods are allowed without a permit for up to seven (7) days, no more than twice during a calendar year, and must be placed upon a hard surface such as a driveway.
 3. No temporary building or structure shall be used for dwelling purposes.
 4. The placement of temporary buildings and structures shall be in conformance with the requirements of *ARTICLE 5, DIVISION 1: SITE PLAN REVIEW*. A building permit for such building or structure shall be issued by the Zoning Official prior to installation.
 5. Temporary buildings and structures shall be removed from the lot within fifteen (15) days after an occupancy permit is issued by the Zoning Official for the permanent structure on such lot, or within fifteen (15) days after the expiration of a building permit issued for construction on such lot.
- b. Seasonal, and Special Events. Seasonal or special events may be allowed in any district upon issuance of a permit by the Zoning Administrator, when meeting the standards listed below:
1. Seasonal, and special events may be allowed on any lot with a permitted principal building.
 2. Seasonal, and specials events may be allowed on a vacant lot when providing the minimum setback for all buildings, structures, and parking required for the appropriate zoning district
 3. The seasonal or special event must not prevent the continued use of sidewalks, rights-of-way, fire lanes, etc.
 4. If the petitioner is not the owner of the property, the petitioner shall provide written permission

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- of the owner of the property to allow such an event prior to beginning such seasonal or special event.
5. A minimum of one (1) parking space shall be provided for each eight hundred (800) square feet of gross lot area used for the activity (not including storage areas) plus additional parking space for any structure utilized for retail sales computed in accordance with the requirements for retail stores.
 6. A sketch plan (to scale) shall be provided illustrating:
 - i. Property lines.
 - ii. Adjacent uses and zoning districts.
 - iii. Existing and proposed buildings and structures.
 - iv. Location of any areas for storage such as inventory not being displayed.
 - v. Fire hydrants.
 - vi. Layout of parking.
 - vii. Boundaries of proposed sales areas.
 - viii. Location and size of any proposed sign (off-premise signs shall also be mapped).
 7. All equipment, materials, goods, poles, wires, signs, and other items associated with the seasonal or special event shall be removed from the premises within five (5) days of the end of the event. Following the five (5) day period, the City shall use the escrow fee to clear such items from the property.
 8. The length of a seasonal or special event shall not exceed four (4) days, except seasonal sales of items such as Christmas trees, pumpkins, and seasonal road side stands which are permitted for up to sixty (60) days.
 9. Two (2) permits for a seasonal or special event by a single business or property are permitted each calendar year.
- c. Temporary Uses. Temporary uses may be allowed in any commercial, office, or industrial district upon approval by the Planning Commission, when meeting the standards listed below:
1. Temporary uses may be allowed on any lot with a permitted principal building.
 2. Temporary uses may be allowed on a vacant lot when providing the minimum setback for all buildings, structures, and parking required for the appropriate zoning district.
 3. In no case shall the setbacks for any buildings, structures or parking be less than ten (10) feet except in the B-1.
 4. The temporary use must not prevent the continued use of sidewalks, rights-of-way, fire lanes, etc.
 5. If the petitioner is not the owner of the property, the petitioner shall provide written permission of the owner of the property to allow such an activity prior to beginning such a temporary use.
 6. A minimum of one (1) parking space shall be provided for each eight hundred (800) square feet of gross lot area used for the activity (not including storage areas) plus additional parking space for any structure utilized for retail sales computed in accordance with the requirements for retail stores.
 7. A sketch plan (to scale) shall be provided illustrating:
 - i. Property lines.
 - ii. Adjacent uses and zoning districts.
 - iii. Existing and proposed buildings and structures.
 - iv. Location of any areas for storage such as inventory not being displayed.
 - v. Fire hydrants.
 - vi. Layout of parking.
 - vii. Boundaries of proposed sales areas.
 - viii. Location and size of any proposed sign (off-premise signs shall also be mapped).
 8. All equipment, materials, goods, poles, wires, signs, and other items associated with the temporary use shall be removed from the premises within five (5) days of the end of the activity. Following the five (5) day period, the City shall use the escrow fee to clear such items from the property.

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9. The length of a temporary use shall not exceed three (3) months.
 10. One (1) temporary use permit by a single business or property is permitted each year and there must be a minimum three (3) month gap between temporary uses on a property.
 11. Special standards for carnivals, circuses, farmer's markets, flea markets, and similar events shall be as follows:
 - i. Such uses shall be approved by the City Council. The City Council shall consider the intensity of the proposed use in relation to adjacent land uses and sufficiency of parking. The City Council may require site improvements, such as fencing, increased setbacks, and restricted hours of operation to help ensure compatibility with surrounding land uses.
 - ii. The applicant shall provide information establishing that a reasonable amount of liability insurance coverage is carried, as determined by the City's insurance carrier.
 - iii. The sketch plan for the event shall include a description of traffic flow and parking management to ensure safe and efficient traffic operations without creating unreasonable congestion on City streets.
 - iv. Farmer's markets which are to occur on a regular schedule shall be permitted only in commercially zoned districts. The City Council may extend the time period for the temporary use permit so that a separate permit is not required for each event within any one (1) calendar year, provided the number of dates and a schedule are established at the time of application and that the conditions and requirements of the City Council are maintained.
- d. Review and Approval Procedures, Permit Fees, and Required Escrow for Temporary Uses and Sales Events
1. Review. Except as otherwise noted above for carnivals, circuses, farmer's markets, and similar events as defined by the Zoning Administrator, the Zoning Administrator shall review and approve requests for a temporary use or seasonal event. Where appropriate, the Zoning Administrator shall consult with the Police Chief and Fire Department official. If the request is denied, the Zoning Administrator shall state the reasons for denial in writing and provide a copy to the applicant.
 2. Use Fee. The applicant shall pay a nonrefundable permit fee to the City Clerk. The fee shall be established and modified, from time to time, by the City Council. The amount of the permit fee may vary depending upon the type of event.
 3. Use Escrow. The proprietor of the temporary use or seasonal event shall deposit a cash bond or similar type of escrow, in an amount established by the Zoning Administrator, prior to the issuance of a permit. The escrow shall be used by the City to pay the cost of returning the property to its state prior to commencement of the event or refunded to the proprietor upon compliance with the requirements of this Ordinance and any other applicable ordinances
 4. Sign Fee and Escrow. The sign standards provided in *ARTICLE 4, DIVISION 4: SIGNS* permits the use of temporary signs, to be reviewed concurrent with use permit.

Sec. 86-165 Voting Place

The provisions of this Ordinance shall not be construed as to interfere with the temporary use of any property as a voting place in connection with a municipal or other public election.

Sec. 86-166 Waste Receptacles and Enclosures

- a. Waste receptacles, including dumpsters or compactors, shall be required for all nonresidential uses unless interior facilities are provided. Waste receptacles shall not be permitted as accessory to any single-family residential use.

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- b. All outdoor waste receptacles shall be enclosed on three (3) sides and screened. The enclosure shall be constructed of brick or decorative concrete block material, consistent with the building materials of the principal building.
- c. The enclosure shall also include a gate, made of wood or other high quality material, as determined by the Planning Commission, on the fourth side. The gates shall remain close when not being emptied and must always be maintained as approved. If the waste receptacle is a dumpster it must have an enclosing lid or cover.
- d. The enclosure shall have a minimum height of six (6) feet or one (1) foot above the height of the waste receptacle, whichever is greater. The enclosure must be spaced at least three (3) feet from the waste receptacle.
- e. Waste receptacles and enclosures shall be located in the rear yard, not closer than three (3) feet from the rear lot line, or non-required side yard, unless otherwise approved by the Planning Commission and shall be as far as practical, but in no case be less than twenty (20) feet, from any residential district. If practical, the back side of the waste receptacle enclosure should be placed against the building. In this circumstance the wall may act as one side of the enclosure.
- f. Waste receptacles shall be easily accessed by refuse vehicles without potential to damage automobiles parked in designated parking spaces or interfering with the normal movement of vehicles on or off the site. If possible, the opening shall not directly face the driveway.
- g. The waste receptacle base shall be at least nine (9) feet by six (6) feet in area, constructed of six (6) inches of reinforced concrete pavement. The base shall extend six (6) feet beyond the waste receptacle pad or gate to support the front axle of a refuse vehicle.
- h. The unloading of waste receptacles shall only occur between the hours of 7 a.m. and 11 p.m.
- i. The shared use of receptacles shall be allowed by adjoining businesses where sharing will not create a health or safety concern and where it does not result in the accumulation of visibly excessive quantities of waste. Necessary shared use agreements are required.