

**ORDINANCE NO. 2016-07**

**AN ORDINANCE TO AMEND CHAPTER 51 OF  
TITLE V OF THE CODE OF THE CITY OF FRANKENMUTH  
BY AMENDING SECTIONS 5.3, 5.4, 5.5, 5.6, 5.31, 5.32, 5.61, 5.62,  
5.65, 5.66, 5.67, 5.73, 5.92, 5.93, 5.103, 5.110, 5.118, 5.131, 5.132,  
5.134, 5.141, 5.146, 5.147, 5.150, 5.151, 5.162, 5.163, 5.169, 5.186, 5.191, 5.240.2, & 5.242.1**

THE CITY OF FRANKENMUTH ORDAINS: The following amendments pertain to a variety of issues found in several sections of Chapter 51 of Title V of the Code of the City of Frankenmuth: (Underlines indicate additions; dashes indicate deletions):

**ARTICLE 2. DEFINITIONS**

## 5.3. Definitions (A-C).

(2.1) Adult foster care family homes. Private homes with the approved capacity to receive six (6) or fewer adults to be provided with foster care for five (5) or more days a week and for two (2) or more consecutive weeks. The number of occupants in a home, other than the licensee and the licensee's spouse, shall not exceed ten (10) persons. The adult foster care family home licensees must provide the care and be a member of the household and an occupant of the home. The ratio of responsible persons to residents shall not be less than one (1) responsible person to six (6) residents and two (2) children under the age of twelve (12) years or ratio thereof. The two (2) previous statements do not apply to those adult foster care family home applicants or licensees who applied for a license or who were issued a license before the promulgation of these rules.

(2.2) Adult foster care large group homes (13-20 persons). A group home that have an approved capacity to receive at least thirteen (13) but not more than twenty (20) adults to be provided with foster care. Any occupant of a home, other than the licensee or persons who are related to the licensee, live-in staff or the live-in staff's spouse and minor children, or a person related to a resident who is not in need of foster care, shall be considered a resident and be counted as a part of the licensed capacity. The total number of occupants shall not be more than six (6) over the licensed capacity.

(2.3) Adult foster care small group homes (1-6 persons). A group home that has the capacity to receive six (6) or fewer adults. Any occupant of a home, other than the licensee or persons who are related to the licensee, live-in staff or the live-in staff's spouse and minor children, or a person related to a resident who is not in need of foster care, shall be considered a resident and be counted as a part of the licensed capacity. The total number of occupants shall not be more than six (6) over the licensed capacity. Care is provided by paid staff who do not necessarily live on site.

(2.4) Adult foster care small group homes (7-12 persons). A group home that has the capacity to receive not less than seven (7) or more than twelve (12) adults. Any occupant of a home, other than the licensee or persons who are related to the licensee, live-in staff or the live-in staff's spouse and minor children, or a person related to a resident who is not in need of foster care, shall be considered a resident and be counted as a part of the licensed capacity. The total number of occupants shall not be more than six (6) over the licensed capacity. Care is provided by paid staff who do not necessarily live on site.

## 5.4. Definitions (D-F).

(1.1) Day care, adult (1-6 persons). Facilities that provide temporary care for less than a twenty four (24) hour period for persons over the age of eighteen (18) in a supervised environment. Generally, these establishments provide care for the elderly or disabled. There shall be no more than six (6) clients cared for on the property at any given time.

(1.2) Day care, adult (7-12 persons). Facilities that provide temporary care for less than a twenty four (24) hour period for persons over the age of eighteen (18) in a supervised environment. Generally, these establishments provide care for the elderly or disabled. There shall be no more than twelve (12) clients cared for on the property at any given time.

(1.3) Day care, adult (13 or more persons). Facilities that provide temporary care for less than a twenty four (24) hour period for persons over the age of eighteen (18) in a supervised environment. Generally, these establishments provide care for the elderly or disabled.

(1.4) Day care centers, commercial. Facilities (publicly or privately operated), other than a private home, having as their principal function the receiving of one (1) or more preschool or school age children (under the age of eighteen (18)) for care, maintenance, and supervision. Day care centers include facilities that provide care for not less than two (2) consecutive weeks, despite the number of hours per day of care. Day care centers receive minor children for care for periods of less than twenty four (24) hours a day, where the parents, relatives, or legal guardians are not immediately available. Day care centers are also commonly known as child care centers, day nurseries, child care facilities, nursery schools, parent cooperative preschools, play groups, or drop-in centers. These may also include intergenerational day care facilities for both children and the elderly.

(1.5) Day care homes, family (1-6 persons). A child care facility that provides licensed day care in private homes for six (6) or fewer unrelated minor children under the age of eighteen (18). Children receive care and supervision for periods of less than twenty four (24) hours a day unattended by a parent or legal guardian for more than four (4) weeks during a calendar year.

(1.6) Day care homes, group (7-12 persons). A child care facility that provides licensed day care in private homes for no more that twelve (12) unrelated minor children under the age of eighteen (18). Children receive care and supervision for periods of less than twenty four (24) hours a day unattended by a parent or legal guardian for more than four (4) weeks during a calendar year. Facilities that provide licensed day care to thirteen (13) or more minor children constitute a commercial day care center.

(1.7) District. Is a portion of the City within which certain regulations and requirements or various combinations thereof apply under the provisions of this Chapter.

#### 5.5. Definitions (G-K).

(3) Grade. The level of ground at the front of the building which shall be assumed to be the main established level of the sidewalk against which it abuts plus a rise of not over one inch per foot of distance from the street line to the nearest part of the building; but if the natural level of the ground is higher than given herein, the average natural level of the ground shall be taken as the grade. Where a building abuts on two or more streets, the grade shall be taken as the mean of grades calculated from the different streets. The finished ground level adjoining the building at all exterior walls. When the adjoining level varies from wall to wall, grade shall be taken as the average of all exterior walls.

#### 5.6. Definitions (L-N).

(11) Master Plan. Is the most recent edition of the Frankenmuth City & Township Joint Growth Management Plan or comprehensive plan including graphic and written proposals indicating the general location for streets, parks, schools, public buildings and all physical development of the City, and includes any unit or part of such plan, and any amendment to such plan or parts thereof. Such plan may or may not be adopted by the Planning Commission and/or the City Council.

## **ARTICLE 5. RE, RA-1, AND RA-2 - ONE-FAMILY RESIDENTIAL DISTRICTS**

### 5.31. Principal Uses Permitted.

- (7) Adult foster care family home (1-6)
- (8) Adult foster care small group home (1-6)
- (9) Family day care home (1-6)

5.32. Uses Permissible on Special Approval. Under such conditions as the Planning Commission, after hearing, finds the use as not being injurious to residential districts and environs, and not contrary to the spirit and purpose of this Chapter, and subject further to the conditions imposed herein, the following may be permitted:

- ~~(1) Nursery schools, day nurseries and child care centers; provided that for each child so cared for, there is provided and maintained a minimum of seventy five (75) square feet of outdoor play area. Such play space shall have a total minimum area of not less than twenty five hundred (2,500) square feet and shall be screened from any adjoining lot in any residential district and shall be fenced in with a fence no more than five (5) feet in height~~ Day care, adult (1-6 persons).

## **ARTICLE 8-A. RCD – TWO FAMILY AND RCM – MULTIPLE-FAMILY RESIDENTIAL DISTRICTS**

### 5.61. Principal Uses Permitted.

- (1) All principal and special approval uses permitted as regulated in RE, RA-1 and RA-2 Residential Districts, except as hereinafter modified.
- (2) RCM-Multiple Dwellings-The same being three (3) or more dwelling units.
- (3) Two-family dwelling units-Otherwise known as duplex apartments.
- (4) Accessory buildings and uses, provided that they shall be located as required in section 5.144 of Article 16, "General Provisions."
- (5) Name plates and signs as provided in Article 17, "Signs and Billboards."
- (6) Automobile parking space to be provided as required in Article 16, "General Provisions."
- ~~(7) The minimum real estate permitted for the construction of a single RCM unit shall be twenty thousand (20,000) square feet.~~
- (7) Day care, adult (1-6 persons).

5.62. Uses Permissible on Special Approval. Under such conditions as the Planning Commission, after hearing, finds the use as not being injurious to the RCD and RCM Districts and environs and not contrary to the spirit and purposes of this Chapter, subject further to the conditions, imposed herein, the following may be permitted:

(1) Rental offices as accessory to a multiple-dwelling unit project.

~~(2) Nursery schools, day nurseries, and Group day child care homes centers (7-12 persons); day care, adult (7-12 persons) and as regulated by and meet minimum State of Michigan requirements. ; provided that for each child so cared for, there is provided and maintained a minimum of seventy five (75) square feet of outdoor play area. Such play space shall have a total minimum area of not less than twenty five hundred (2,500) square feet and shall be screened from any adjoining lot in any residential district and shall be fenced in with a fence no more than five (5) feet in height. Required outdoor play spaces shall have an obscuring fence or wall at least 48 inches in height around its perimeter. Fence or wall heights may not exceed district maximums.~~

~~(3) General hospitals, except those for criminals and those solely for the treatment of persons who are mentally ill or have contagious disease, not to exceed three (3) stories when the following conditions are met:~~

~~(a) All such hospitals shall be developed only on site consisting of at least five (5) acres in area and shall not be permitted on a lot or lots of record.~~

~~(b) The proposed site shall have at least one property line abutting a major thoroughfare or secondary thoroughfare.~~

~~(c) The minimum distance of any main or accessory building from bounding lot lines or streets shall be at least fifty (50) feet for front, rear, and side yards for all two (2) story structures. For every story above two (2), the minimum yard distance shall be increased by at least ten (10) feet for each additional story.~~

~~(d) Ambulance and delivery areas shall be obscured from all residential view with an obscuring wall or fence five (5) feet in height. Ingress or egress to the site shall be directly from a major thoroughfare or a secondary thoroughfare.~~

~~(e) All ingress and egress to the off street parking area, for guests, employees, staff, as well as any other uses of the facilities, shall be directly from a major or secondary thoroughfare.~~

~~(4) Housing for the elderly, not to exceed a height of three (3) stories when the following conditions are met:~~

~~(a) All housing for the elderly shall be provided as a planned development consisting of at least ten (10) acres and shall provide for the following:~~

~~1. Cottage type dwellings and/or apartment type dwelling units.~~

~~2. Common services containing, but not limited to, central dining rooms, recreational rooms, central lounge, and workshops.~~

~~(b) All dwellings shall consist of at least four hundred (400) square feet of floor area per unit.~~

~~(5) Convalescent homes, not to exceed a height of three (3) stories, when the following conditions are met:~~

~~(a) The site shall consist of at least four (4) acres.~~

- ~~(b) The maximum coverage shall not exceed twenty five (25) per cent for all buildings, including principal structures and those incident to the principal structure.~~
- ~~(6) Funeral homes, provided adequate site space is available to allow all vehicles to park off the street right of way.~~
- ~~(7) Accessory buildings and uses customarily incident to any of the above uses.~~
- ~~(3 8) Private swimming pools in accordance with requirements of section 5.22(4).~~
- ~~(4 9) Home occupations complying with standards as specified under Sub-section 5.22(2) above.~~
- ~~(10) Any construction permitted under section 5.62(3), 5.62(4), and 5.62(5) may comprise three (3) stories. The entire building shall be equipped with an automatic sprinkler system, and the Building Inspector will deny the issuance of a permit if the same not be provided.~~
- ~~(11) Clubs as defined in Section 5.3(13) of this Chapter. Such clubs shall meet the following requirements:~~
- ~~(a) Any use permitted herein shall be developed on a site with a minimum of one (1) acre in area.~~
- ~~(b) The proposed site shall have one (1) property line abutting a major street, and the site shall be so planned as to provide ingress and egress directly onto said major street.~~
- ~~(c) Front, side and rear yards shall be landscaped with trees and shrubs, and grass. All such landscaping and planting shall be maintained in a healthy growing condition and neat and orderly appearance.~~
- ~~(d) Buildings erected on the premises shall not exceed two (2) stories in height.~~
- ~~(e) All lighting shall be shielded to reduce glare and shall be so arranged as to reflect light away from adjacent residential areas.~~
- ~~(f) Off street parking shall be provided so as to accommodate at least one half (1/2) of the member families and/or individual members plus one (1) space for each employee.~~
- ~~(g) Wherever the parking plan is so laid out as to beam automobile headlights toward any residential land, an obscuring wall or fence four (4) feet in height shall be provided along that side of the parking area. The decorative side of the wall or fence shall be located so that it is facing toward the adjacent properties.~~
- ~~(h) All parking areas shall be surfaced as required in sections 5.145 through 5.147.~~
- ~~(i) If a swimming pool is constructed on the site, said pool area shall be provided with a protective fence six (6) feet in height and entry shall be provided by means of a controlled gate or turnstile. The decorative side of the fence shall be located so that it is facing toward the adjacent properties.~~

5.63. Area and Bulk Requirements. See Article 15, "Schedule of Regulations," limiting the height and bulk of buildings, the minimum size of lot permitted by land use, and the maximum density permitted.

## **ARTICLE 8-B. RCD—TWO-FAMILY AND RCM - MULTIPLE-FAMILY RESIDENTIAL DISTRICTS**

### 5.65 5.61. Principal Uses Permitted.

- (1) All principal and special approval uses permitted as regulated in RE, RA-1 and RA-2 Residential Districts, except as hereinafter modified.
- (2) RCM-Multiple Dwellings-The same being three (3) or more dwelling units.
- (3) Two-family dwelling units-Otherwise known as duplex apartments.
- (4) Accessory buildings and uses, provided that they shall be located as required in section 5.144 of Article 16, "General Provisions."
- (5) Name plates and signs as provided in Article 17, "Signs and Billboards."
- (6) Automobile parking space to be provided as required in Article 16, "General Provisions."
- (7) The minimum real estate permitted for the construction of a single RCM unit shall be twenty thousand (20,000) square feet.
- (8) Adult foster care small group home (7-12 persons)
- (9) Day care home, group (up to 12 persons)

~~5.66~~ ~~5.62~~. Uses Permissible on Special Approval. Under such conditions as the Planning Commission, after hearing, finds the use as not being injurious to the RCD ~~and RCM Districts~~ and environs and not contrary to the spirit and purposes of this Chapter, subject further to the conditions, imposed herein, the following may be permitted:

- (1) Rental offices as accessory to a multiple-dwelling unit project.
- (2) ~~Nursery schools; day nurseries; and Day child care homes centers, commercial; and day care, adult (13 or more persons) as regulated by and meet minimum State of Michigan requirements. ; provided that for each child so cared for, there is provided and maintained a minimum of seventy five (75) square feet of outdoor play area. Such play space shall have a total minimum area of not less than twenty five hundred (2,500) square feet and shall be screened from any adjoining lot in any residential district and shall be fenced in with a fence no more than five (5) feet in height. Required outdoor play spaces shall have an obscuring fence or wall at least 48 inches in height around its perimeter. Fence or wall heights may not exceed district maximums.~~
- (3) General hospitals, except those for criminals and those solely for the treatment of persons who are mentally ill or have contagious disease, not to exceed three (3) stories when the following conditions are met:
  - (a) All such hospitals shall be developed only on site consisting of at least five (5) acres in area and shall not be permitted on a lot or lots of record.
  - (b) The proposed site shall have at least one property line abutting a major thoroughfare or secondary thoroughfare.
  - (c) The minimum distance of any main or accessory building from bounding lot lines or streets shall be at least fifty (50) feet for front, rear, and side yards for all two (2) story structures. For every story above two (2), the minimum yard distance shall be increased by at least ten (10) feet for each additional story.

- 
- (d) Ambulance and delivery areas shall be obscured from all residential view with an obscuring wall or fence five (5) feet in height. Ingress or egress to the site shall be directly from a major thoroughfare or a secondary thoroughfare.
- (e) All ingress and egress to the off-street parking area, for guests, employees, staff, as well as any other uses of the facilities, shall be directly from a major or secondary thoroughfare.
- (4) Housing for the elderly, not to exceed a height of three (3) stories when the following conditions are met:
- (a) All housing for the elderly shall be provided as a planned development consisting of at least ten (10) acres and shall provide for the following:
1. Cottage type dwellings and/or apartment type dwelling units.
  2. Common services containing, but not limited to, central dining rooms, recreational rooms, central lounge, and workshops.
- (b) All dwellings shall consist of at least four hundred (400) square feet of floor area per unit.
- (5) Convalescent homes, not to exceed a height of three (3) stories, when the following conditions are met:
- (a) The site shall consist of at least four (4) acres.
- (b) The maximum coverage shall not exceed twenty-five (25) per cent for all buildings, including principal structures and those incident to the principal structure.
- (6) Funeral homes, provided adequate site space is available to allow all vehicles to park off the street right-of-way.
- (7) Accessory buildings and uses customarily incident to any of the above uses.
- (8) Private swimming pools in accordance with requirements of section 5.22(4).
- (9) Home occupations complying with standards as specified under Sub-section 5.22(2) above.
- (10) Any construction permitted under section 5.62(3), 5.62(4), and 5.62(5) may comprise three (3) stories. The entire building shall be equipped with an automatic sprinkler system, and the Building Inspector will deny the issuance of a permit if the same not be provided.
- (11) Clubs as defined in Section 5.3(~~13~~ 14) of this Chapter. Such clubs shall meet the following requirements:
- (a) Any use permitted herein shall be developed on a site with a minimum of one (1) acre in area.
- (b) The proposed site shall have one (1) property line abutting a major street, and the site shall be so planned as to provide ingress and egress directly onto said major street.
- (c) Front, side and rear yards shall be landscaped with trees and shrubs, and grass. All such landscaping and planting shall be maintained in a healthy growing condition and neat and orderly appearance.
- (d) Buildings erected on the premises shall not exceed two (2) stories in height.
-

(e) All lighting shall be shielded to reduce glare and shall be so arranged as to reflect light away from adjacent residential areas.

(f) Off-street parking shall be provided so as to accommodate at least one-half (1/2) of the member families and/or individual members plus one (1) space for each employee.

(g) Wherever the parking plan is so laid out as to beam automobile headlights toward any residential land, an obscuring wall or fence four (4) feet in height shall be provided along that side of the parking area. The decorative side of the wall or fence shall be located so that it is facing toward the adjacent properties.

(h) All parking areas shall be surfaced as required in sections 5.145 through 5.147.

(i) If a swimming pool is constructed on the site, said pool area shall be provided with a protective fence six (6) feet in height and entry shall be provided by means of a controlled gate or turnstile. The decorative side of the fence shall be located so that it is facing toward the adjacent properties.

~~5.67~~ ~~5-63~~. Area and Bulk Requirements. See Article 15, "Schedule of Regulations," limiting the height and bulk of buildings, the minimum size of lot permitted by land use, and the maximum density permitted.

## ARTICLE 9. O - OFFICE BUILDING DISTRICTS

5.73. Uses Permissible on Special Approval. Under such conditions as the Planning Commission, after hearing, finds the use as not being injurious to the O District and environs and not contrary to the spirit and purposes of this Chapter, subject further to the conditions imposed herein, the following may be permitted:

~~(4) Nursery schools; day nurseries; and day child care centers, commercial; and adult foster and day care (more than 7 persons) as regulated by and meet minimum State of Michigan requirements. ; provided that for each child so cared for, there is provided and maintained a minimum of seventy five (75) square feet of outdoor play area. Such play space shall have a total minimum area of not less than twenty five hundred (2,500) square feet and shall be screened from any adjoining lot in any residential district and shall be fenced in with a fence no more than five (5) feet in height. Required outdoor play spaces shall have an obscuring fence or wall at least 48 inches in height around its perimeter. Fence or wall heights may not exceed district maximums.~~

## ARTICLE 11. B-2 - LOCAL BUSINESS DISTRICTS

5.92. Principal Uses Permitted.

(1) All principal and special approval uses permitted and so regulated in the O-Office Building Districts, except as herein modified. Apartments above any B-2 establishment shall be limited to one (1) unit. The apartment shall conform to the requirements set forth in section 5.73(4 ~~3~~).

5.93. Uses Permissible on Special Approval. Under such conditions as the Planning Commission, after public hearing, finds the use as not being injurious to the B-2 District and environs and not contrary to the spirit and purpose of this Chapter, the following uses may be permitted:

~~(7) Nursery schools; day nurseries; and day child care centers, commercial; and adult foster and day care (more than 7 persons) as regulated by and meet minimum State of Michigan requirements. ; provided that for each child so cared for, there is provided and maintained a minimum of seventy five (75) square feet of outdoor play area.~~

~~Such play space shall have a total minimum area of not less than twenty five hundred (2,500) square feet and shall be screened from any adjoining lot in any residential district and shall be fenced in with a fence no more than five (5) feet in height. Required outdoor play spaces shall have an obscuring fence or wall at least 48 inches in height around its perimeter. Fence or wall heights may not exceed district maximums.~~

## ARTICLE 12. B-3 - HIGHWAY COMMERCIAL DISTRICT

5.103. Uses Permissible on Special Approval. Under such conditions as the Planning Commission, after public hearing, finds the use as not being injurious to the B-3 District and environs, and not contrary to the spirit and purpose of this Chapter, the following uses may be permitted:

~~(7) Nursery schools; day nurseries and day child care centers, commercial; and adult foster care and day care (more than 7 persons) as regulated by and meet minimum State of Michigan requirements. ; provided that for each child so cared for, there is provided and maintained a minimum of seventy five (75) square feet of outdoor play area. Such play space shall have a total minimum area of not less than twenty five hundred (2,500) square feet and shall be screened from any adjoining lot in any residential district and shall be fenced in with a fence no more than five (5) feet in height. Required outdoor play spaces shall have an obscuring fence or wall at least 48 inches in height around its perimeter. Fence or wall heights may not exceed district maximums.~~

## ARTICLE 12-A. B-4 - TOURIST COMMERCIAL DISTRICT

5.110. Uses Permissible on Special Approval. Under such conditions as the Planning Commission, after public hearing, finds the use as not being injurious to the B-4 District and environs, and not contrary to the spirit and purpose of this Chapter, the following uses may be permitted:

~~(9) Nursery schools; day nurseries and day child care centers, commercial; and adult foster and day care (more than 7 persons) as regulated by and meet minimum State of Michigan requirements. ; provided that for each child so cared for, there is provided and maintained a minimum of seventy five (75) square feet of outdoor play area. Such play space shall have a total minimum area of not less than twenty five hundred (2,500) square feet and shall be screened from any adjoining lot in any residential district and shall be fenced in with a fence no more than five (5) feet in height. Required outdoor play spaces shall have an obscuring fence or wall at least 48 inches in height around its perimeter. Fence or wall heights may not exceed district maximums.~~

## ARTICLE 13. I - INDUSTRIAL DISTRICTS

5.116. Preamble. The I-Industrial District is designed so as to primarily accommodate wholesale activities, warehouses, and industrial operations whose external, physical effects are restricted to the area of the district and in no manner affect in a detrimental way any of the surrounding districts.

Whenever an I-Industrial District abuts a residential district, there shall be provided as part of the industrial development a greenbelt and a six (6) foot fence in accordance with section ~~5-151~~ 5.152 entitled "Fence and Greenbelt Regulations and Maintenance." The decorative side of the fence shall be located so that it is facing toward the adjacent properties. The fence may be omitted following review and approval by the Zoning Board of Appeals at a public hearing. Said fences are prohibited within fifteen (15) feet of any street right-of-way unless approval is granted by the Zoning Board of Appeals.

5.118. Uses Permissible on Special Approval. Under such conditions as the Planning Commission, after hearing, finds the use as not being injurious to the I-Industrial Districts and environs and not contrary to the spirit and purpose of this Chapter, the following uses may be permitted:

~~(8) Nursery schools, day nurseries and child care centers provided that for each child so cared for there is provided and maintained a minimum of seventy five (75) square feet of outdoor play area. Such play space shall have a total minimum area of not less than twenty five hundred (2,500) square feet, and shall be fenced in with a fence no more than six (6) feet in height.~~

**ARTICLE 15. SCHEDULE OF REGULATIONS**

<b>5.131. Standards Limiting Height and Bulk of Buildings and Area of Lots by Land Uses, CONTINUED</b>								
<b>Use Districts</b>	<b>Minimum Size Lot Per Dwelling Unit</b>		<b>Maximum Height of Buildings</b>	<b>Minimum Yard Setback Per Lot (in feet)</b>				
	<b>Area in Sq. Ft.</b>	<b>Width in Ft.</b>	<b>In Feet</b>	<b>Sides</b>			<b>Rear</b>	
				<b>Front</b>	<b>Least One</b>	<b>Total of Two</b>		
<b>I - Industrial District (See Notes F and N)</b>	15,000	100	35 <del>45</del>	50	20	40		30

5.132. Notes to Section 5.131.

F. Any storage yard space visible from the street shall be screened with a completely obscuring wall or obscuring fence not less than six (6) feet in height or with a six (6) foot chain link fence and a twenty (20) foot wide green belt planted to obscure said storage yard from the street and in accord with the minimum requirements of section ~~5.151~~ 5.152. The decorative side of the wall or fence shall be located so that it is facing toward the adjacent properties.

G. A completely obscuring wall or fence not less than six (6) feet in height or a six (6) foot chain link type fence and a ten (10) foot wide green belt planted in accord with the minimum requirements of section ~~5.151~~ 5.152 shall be provided when side or rear yards are abutting land zoned for residential use. The decorative side of the wall or fence shall be located so that it is facing toward the adjacent properties. Said fences are prohibited within fifteen (15) feet of any street right-of-way unless approval is granted by the Zoning Board of Appeals.

~~5.134. Subdivision Regulations. The intent of this section is to permit one family residential subdivisions to be planned as a comprehensive unit allowing, therefore, certain modifications to the established standards. This section is not intended to replace, but is merely supplemental to the Subdivision Regulations (Chapter 53).~~

~~(1) The lot area in all One Family Residential Districts may be reduced by twenty (20%) per cent provided that the population density shall be no greater than if the land area to be subdivided were developed in the minimum square foot lot areas as indicated in this Chapter.~~

~~(2) Lot widths and minimum front and side yard setback requirements of this Chapter shall be complied with.~~

~~(3) For each square foot of land gained, under the provisions of item 1 above, within a residential subdivision through the reduction of lot size below the minimum lot area requirements, equal amounts of land shall be dedicated to the City. These dedications shall be either rights in fee or easement, and retained as open space for park, recreation and related uses. All lands dedicated in fee or easement shall meet the requirements of the City Council.~~

~~(4) The area shall be dedicated only for park and recreation purposes and shall in no instance be less than two (2) acres and shall be in a location and shape approved by the Planning Commission in reviewing the proposed subdivision plat.~~

~~(5) In approving the application of the Subdivision Open Space Plan technique, the Planning Commission shall consider the following objectives:~~

~~(a) To provide a more desirable living environment by preserving the natural character of open field, stands of trees, brooks, lakes, hills and similar natural assets.~~

~~(b) To encourage developers to use a more creative approach in the development of residential areas.~~

~~(c) To encourage a more efficient and desirable use of open area while recognizing a reduction in development costs, and by allowing the developer to bypass natural obstacles in the site.~~

~~(d) To encourage the provision of open space within reasonable distance to all lot development and to further encourage the development of recreational facilities.~~

~~(6) This plan for reduced lot size shall only be permitted if it is mutually agreeable to the City Council and the subdivider or developer.~~

~~(7) Under this planned unit approach, the developer or subdivider shall dedicate the total park area at the time of filing of the final plat on all or any portion of the plat.~~

~~(8) Surface Water Deviation. Builders who construct homes upon sites susceptible or vulnerable to unusual flows of surface run-off water from higher lying adjacent lands shall construct homes so situated and grade yards surrounding them so as to adequately divert seasonal flows of such surface water away from basements, walls or interior areas of such residential structures.~~

## ARTICLE 16. GENERAL PROVISIONS

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

(a) When fences, obscuring walls or fences, and/or landscaping buffers are required as specified in this Chapter, and such regulations are in conflict, the Planning Commission shall make the final determination on said specified requirement.

5.146. Schedule. The minimum number of off-street parking spaces by type or use shall be determined in accordance with the following schedule.

Use	Number of Minimum Parking Spaces Per Unit of Measure
24. Homes for the aged and convalescent homes	One (1) for each <del>six (6)</del> <u>three (3)</u> beds <del>and (1) for each two (2) employees and/or members of the staff.</del>

5.147. Off-Street Parking Space Layout, Standards, Construction and Maintenance. Wherever the off-street parking requirements in sections 5.145 and 5.146 require the building of an off-street parking facility, such off-street parking lots shall be laid out, constructed and maintained in accordance with the following standards and regulations:

(1) All spaces shall be laid out in the dimension of either not less than nine (9) feet by twenty (20) feet or ten (10) feet by eighteen (18) feet, however no less than; or one hundred eighty (180) square feet of space (exclusive of following item 2).

5.150. Uses not Otherwise Included Within a Specific Use District. Because of the uses hereinafter referred to possess unique characteristics making it impractical to include them in a specific use district classification, they shall be permitted by the Board of Appeals under the conditions specified, and after public hearing. In every case, the uses hereinafter referred to shall be specifically prohibited from any RE, RA-1, RA-2, RA-3, RCD or RCM Districts.

(6) Golf Courses and Country Clubs.

(e) Development Requirements. The following standards shall be applicable as basic requirements for the use of land or for the erection, reconstruction, or alteration of permitted structures.

4. Signs shall be in accordance with the schedule outlined in section ~~5.152~~ 5.162.

5.151. Performance Standards. No use otherwise allowed shall be permitted within any district which does not conform to the following standards of use, occupancy, and operation, which standards are hereby established as the minimum requirements to be maintained within said areas:

(1) Smoke. It shall be unlawful for any person, firm or corporation to permit the emission of any smoke from any source whatever to a density greater than the density prescribed by in Rule 336.41 ~~of the rules of the Michigan Air Pollution Control Commission.~~

**ARTICLE 17. SIGNS**

5.162. Definitions and Special Conditions.

5.5. Electronic Message Center (EMC). A sign or portion of a sign, that displays an electronic image or video, which may or may not include text, including any sign or portion of a sign that uses changing lights or similar form of electronic display such as LED to form a sign message or messages with text and or images wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes. This definition includes without limitation television screens, plasma screens, digital screens, flat screens, LED displays, video boards, and holographic displays.

5.163. Rules Common To All Zones.

(8) Electronic Message Center (EMC) Light emitting diode (L.E.D.) signs or fiber optic “text only” display unit(s), that are controlled by technology, are allowable provided they comply with the following requirements:

(a) ~~Such units are limited to a black background and supporting structure that displays single color at any one time.~~ All such signs must be incorporated into a permanent sign, and text messages may scroll or change content contingent upon the display ~~fading in and out~~ changing at no less than three (3) second intervals. Flashing or full motion video or film display is prohibited.

(1) All illuminated signs shall be designed and located to prevent light from being cast upon adjoining residences. The illumination of any sign shall not be detrimental or annoying to surrounding property nor constitute a safety hazard, as determined by the Zoning Administrator and Chief of Police.

~~(b)~~ No such sign shall be displayed in any residentially zoned district except that these signs may be displayed at schools, churches or government buildings located in residentially zoned districts.

~~(c)~~ These signs shall not be permitted in the Historic Preservation District. Variances from this restriction shall not be allowed.

~~(d)~~ Maximum size: One sign up to a maximum of thirty-two (32) square feet. An EMC sign may be a portion of a building or freestanding sign, or may comprise the entire sign area.

(f) Temporary Electronic Message Center (EMC) L.E.D. signs or fiber optic display units are prohibited.

5.169. Prohibited Signs. The following signs or displays are prohibited:

(13) Temporary Electronic Message Center (EMC) L.E.D. signs or fiber optic display units.

## ARTICLE 18. MISCELLANEOUS REGULATIONS

5.186. Recreational Vehicle Encampments. Definitions.

Recreational Motor Vehicle Parks for the temporary housing of motor homes or recreational vehicles shall be permitted as an accessory use in either Agricultural or Industrial Use Districts.

(2) Approaches to entrance driveways shall afford lead-in lanes at least three hundred (300) feet in length adjacent to the traveled portion of the highway fronting upon said park. Entrance and/or exit driveways shall be a minimum of fifty (50) feet in width at the highway line, and a minimum of thirty-four (34) feet in width at the property line. Multiple drives into or exiting from such parks shall be one hundred (100) feet apart along the highway line. All "through" drives, parking areas and lodging pads shall be paved in accordance with the specifications required for hard surfaces in section ~~5.147(11)~~ 5.147(10).

## ARTICLE 19. GENERAL EXCEPTIONS

5.191. Area, Height and Use Exceptions. The regulations in this Chapter shall be subject to the following interpretations and exceptions:

(3) Height Limit. The height limitations of this Chapter shall not apply to farm buildings, chimneys, church spires, flag poles, public monuments, or wireless transmission towers, provided, however, that the Board of Appeals may

specify a height limit for any such structure when such structure requires authorization as a use permitted on special approval or under section ~~5.149~~ 5.150.

**ARTICLE 23. RESIDENTIAL: PLANNED UNIT DEVELOPMENT DISTRICT (R-PUD)**

5.240.2. Regulations.

(2) A greenbelt shall be maintained around the City. Residential Planned Unit Developments shall be restricted insofar as the use of belt roads as follows:

(b) Municipal utilities shall be established pursuant to the Urban Limits Intergovernmental Agreement between the City of Frankenmuth and the Township of Frankenmuth, ~~dated April 2, 1996;~~

**ARTICLE 25. INDUSTRIAL: INDUSTRIAL PLANNED UNIT DEVELOPMENT DISTRICT (I-PUD) AND INDUSTRIAL SPECIAL USE PLANNED UNIT DEVELOPMENT DISTRICT (I-S-PUD)**

5.242.1. Purpose, Intent and Types.

(2) The intent of this district is to encourage the logical development of land for light industrial purposes in accordance with the objectives and standards established in the latest edition of the Frankenmuth City & Township Joint Growth Management Plan ~~Community Master Plan (1985)~~. The protective standards contained in this provision are intended to:

This ordinance shall take effect twenty (20) days after its adoption, as provided in the City Charter.

We, the undersigned, Mayor and Clerk of the City of Frankenmuth, Michigan do hereby certify that the above Ordinance No. 2016-07 of the City of Frankenmuth was introduced at a regular meeting of the City Council held on Tuesday, June 7, 2016, and was thereafter approved at a regular session of the City Council held on Tuesday, July 12, 2016.

Dated this 12th day of July, 2016.

GARY C. RUPPRECHT, MAYOR

PHILLIP W. KERNS, CLERK