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Article 1: Planning

Section 8101: Authority, Title and Purpose

8101.01 Authority
The action of the City of Frankfort, Michigan in the adoption of this Code is authorized by the State of Michigan under P.A. 110 of 2006, (**M.C.L. 125.3101**), as amended.

8101.02 Master Plan
This Code was adopted as one of the instruments of implementation of the public purposes and objectives of the adopted Master Plan. This Code is declared to be in accord with the **City of Frankfort Master Plan**.

8101.03 Benefits
This Code was adopted to promote the health, safety and general welfare of the City of Frankfort, Michigan and its citizens. These benefits include the protection of the environment; the conservation of land, energy and natural resources; the reduction in vehicular traffic congestion; a more efficient use of public funds; the health benefits of a safe pedestrian environment; historic preservation; education and recreation; reduction in suburban sprawl development; and improvement of the built environment.

8101.04 Adoption and Amendment
This Code was adopted by the City of Frankfort City Council and may be amended by vote of the City of Frankfort City Council and City of Frankfort Planning Commission. Any prior Zoning Ordinances of the City are hereby repealed effective coincident with the effective date of this Ordinance. The repeal of these Ordinances shall not have the effect of releasing or relinquishing any penalty, forfeiture, or liability incurred under such Ordinance, or any part thereof, and such Ordinance shall be treated as still remaining in force for the purpose of instituting or sustaining any proper action for the enforcement of such penalty, forfeiture, or liability

8101.05 Purpose
The purpose of this Ordinance is to establish zoning districts throughout the City of Frankfort within which the use of land, the use, size, type and location of structures, and the use of natural resources are regulated to promote the health, safety and general welfare of the public and of the City. To these ends these provisions are based upon a plan designed to accomplish the following by way of example and not limitation:

1. Conserve and enhance the value of property.
2. Ensure that lawful development of future land uses works in harmony with existing land uses within the planning jurisdiction.
3. Provide adequate light and open space.
4. Provide adequate and safe access to property and structures.
5. Lessen congestion on the streets and reduce hazards to life and property.
6. Avoid pollution and similar dangers to public health.
7. Preserve and conserve lakes, streams, water sources and other natural resources.
8. Conserve expenditures for public improvements and services.
9. Insure adequate and safe vehicle parking.
10. Carry out the adopted City of Frankfort Master Plan.
11. Otherwise provide for the purposes set forth by law.

8101.06 Interpretation

All interpretations of this Zoning Ordinance by any enforcement officer(s), departments, agencies, court of competent jurisdiction, commission or board of appeals, shall use this land use ordinance as the minimum acceptable standard. The standards of this zoning ordinance maintain and enhance the health, safety, security and general welfare of the City of Frankfort.

8101.07 Scope

This Ordinance shall affect and regulate the uses and occupancy of all land and every structure in the City of Frankfort. Where this Ordinance imposes greater restrictions than those imposed or required by provisions of other laws, ordinances, private restrictions, covenants, deeds or other agreements, the provisions of this Ordinance shall control.

8101.08 Application

Zoning Affects All Structures And Land And The Use Thereof. No structure, land or premises shall hereafter be used or occupied and no building shall be erected, moved, reconstructed, extended, or altered except in conformity with the regulations and provisions of this Ordinance.

Section 8102: Applicability

8102.01 Provisions of this Code are activated by "shall" when required; "should" when recommended; and "may" when optional.

8102.02 The provisions of this Code, when in conflict, shall take precedence over those of other codes, ordinances, regulations and standards except the Local Health and Safety Codes.

8102.03 The existing City of Frankfort zoning ordinances and the City of Frankfort and State of Michigan State Subdivision Ordinances (the "Existing Local Codes") shall continue to be applicable to issues not covered by this Code except where the Existing Local Codes would be in conflict with Section 8103: Intent.

8102.04 Capitalized terms used throughout this Code may be defined in **Section 8201: Definitions**. This section contains regulatory language that is integral to this Code. Those terms not defined therein shall be accorded their commonly accepted meanings. In the event of conflicts between these definitions and those of the Existing Local Codes, those of this Code shall take precedence.

Section 8103: Intent

The intent and purpose of this Code is to enable, encourage and qualify the implementation of the following policies:

8103.01 The City

1. That the City should retain its natural infrastructure and visual character derived from topography, woodlands, farmlands, riparian corridors and coastlines.
2. That growth strategies should encourage Infill and redevelopment.
3. That development contiguous to urban areas should be structured in the pattern of Infill Traditional Neighborhood Development (TND) and be integrated with the existing urban pattern.
4. That development non-contiguous to urban areas should be organized to preserve natural resources, and to minimize the footprint of development on the natural landscape.

5. That Affordable Housing should be distributed throughout the region to match job opportunities and to avoid concentrations of poverty.
6. That transportation Corridors should be planned as Complete Streets and be coordinated with land use.
7. That green corridors should be used to define and connect the urbanized areas.
8. That the region should include a framework of transit, pedestrian, and bicycle systems that provide alternatives to the automobile.

8103.02 The Community

1. That Frankfort should be compact, pedestrian-oriented and Mixed Use.
2. That neighborhoods should be the preferred pattern of development.
3. That ordinary activities of daily living should occur within walking distance of most dwellings, allowing independence to those who do not drive.
4. That interconnected networks of Thoroughfares should be designed to disperse traffic and reduce the length of automobile trips.
5. That within neighborhoods, a range of housing types and price levels should be provided to accommodate diverse ages and incomes.
6. That Civic, institutional, and Commercial activity should be embedded in and around the downtown, not isolated in remote single-use complexes.
7. That schools should be sized and located to enable children to walk or bicycle to them.
8. That a range of Open Space including Parks, Squares, and playgrounds should be distributed within neighborhoods and downtown.

8103.03 The Block and the Building

1. That buildings and landscaping should contribute to the physical definition of Thoroughfares as Civic places.
2. That development should adequately accommodate automobiles while respecting the pedestrian and the spatial form of public areas.
3. That the design of streets and buildings should reinforce safe environments, but not at the expense of accessibility.
4. That architecture and landscape design should grow from local climate, topography, history, and building practice.
5. That buildings should provide their inhabitants with a clear sense of geography and climate through energy efficient methods.
6. That Civic Buildings and public gathering places should be provided as locations that reinforce community identity and support self-government.
7. That Civic Buildings should be distinctive and appropriate to a role more important than the other buildings that constitute the fabric of the city.
8. That the preservation and renewal of historic buildings should be facilitated, to affirm the continuity and evolution of society.
9. That the harmonious and orderly evolution of urban areas should be secured through form-based codes.

Section 8104: City Planning Commission

8104.01 City Planning Commission

A city planning commission is created pursuant to the provisions of **Act. No. 33 of the Public Acts of the State of Michigan for 2008**, as amended. It shall be known as the City Planning Commission.

8104.02 Membership of the City Planning Commission

The City Planning Commission shall consist of seven members who shall represent insofar as possible different professions and occupations. The members shall be appointed by the Mayor, subject to approval by a majority of the City Council. Each member shall be appointed for a term of three (3) years, commencing on expiration of the appointee's predecessor's term, and shall hold office until his or her successor has been appointed. Vacancies occurring otherwise than through the expiration of term shall be filled for the unexpired term in the same manner as original appointments. All members of the Commission may be compensated at a rate to be determined by the City Council, and shall hold no other municipal office, except that one of the members shall be a member of the Zoning Board of Appeals.

8104.03 Removal of Member

Members of the City Planning Commission may, after public hearing, be removed by the Mayor for inefficiency, neglect of duty, or malfeasance in office, provided that such removal be approved by the City Council.

8104.04 Meetings and Records

The City Planning Commission shall annually elect its chairperson from amongst the appointed members and create and fill such other of its offices as it may determine. The City Planning Commission shall hold at least one (1) regular meeting in each month. It may adopt rules for transactions, findings, and determinations, and its records shall be public records open to inspection in the office of the Clerk.

8104.05 Contracts for Services

The City Planning Commission may recommend to the Council that it contract with city planners, engineers, architects, landscape architects and other consultants for such specialized services as the Commission deems desirable. The City Council may appropriate such funds for city planning as the Council deems advisable. The Commission shall not expend funds in excess of amounts appropriated by the City Council.

8104.06 Powers and Duties of City Planning Commission

The City Planning Commission shall have the following powers and duties:

1. The preparation and adoption of a master plan;
2. The making of surveys as a basis for such plans;
3. The approval of public improvements;
4. The approval of plats;
5. Such other rights, powers, duties, and responsibilities as are provided in **Public Act No. 33 of 2008**, as amended and **Public Act No. 110 of 2006**, as amended, and in the Zoning Ordinance of the City of Frankfort, as adopted.

8104.07 Reports and Recommendations

The City Planning Commission shall make reports and recommendations to the City Council; provided that no such recommendation shall be binding upon the Council.

Section 8105: Zoning Board of Appeals

8105.01 Membership And Appointment

The Board of Appeals heretofore created by prior Ordinance is hereby continued as constituted. Pursuant to Michigan Revised Statutes (**M.C.L. 125.3601**), there shall be a Board of Appeals consisting of five members.

1. The first member of the Board of Appeals shall be a member of the Planning Commission and appointed by the City Council. The remaining members of the Board of Appeals shall be selected from the electors of the City. The members selected shall be representative of the population distribution of the various interests present in the City. One member may be a member of the City Council. An employee or contractor of the City Council may not serve as a member. An elected officer of the City shall not serve as chairman of the Board of Appeals. The City Council may appoint not more than two (2) alternate members for the same term as regular members of the Board of Appeals. The alternate members may be called on a rotating basis to sit as regular members of the Board in the absence of a regular member. An alternate member may also be called to serve in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member having been appointed shall serve in the case until a final decision has been made. The alternate member shall have the same voting rights as a regular member of the Board of Appeals.
2. The total amount allowed such Board of Appeals in any one year as per diem or as expenses actually incurred in the discharge of their duties shall not exceed a reasonable sum, which sum shall be appropriated annually in advance by the City Council.
3. Members of the Board of Appeals shall be removable by the City Council for non-performance of duty or misconduct in office upon written charges and after public hearing.
4. A member shall disqualify himself from a vote in which he has a conflict of interest. Failure of a member to disqualify himself from a vote in which he has a conflict of interest shall constitute misconduct in office.

8105.02 General Grant of Power

The Board of Appeals shall perform all the duties and have all the powers prescribed by the Statutes of Michigan and by this Ordinance. It shall adopt Rules of Procedure consistent with the provisions of the Statutes of Michigan and local ordinances as it may deem necessary to the proper performance of its duties and the proper exercise of its powers.

8105.03 Meeting and Attendance

Meetings of the Board of Appeals shall be held at the call of the Chairman and at such other times as the Board of Appeals in its Rules of Procedure may specify. The Chairman, or in his absence the Acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board of Appeals shall be open to the public. The Board of Appeals shall maintain a record of its proceedings which shall be filed in the office of the City Clerk and shall be a public record.

8105.04 Appeals

1. Appeals to the Board of Appeals may be taken by any party aggrieved by a decision or order to the Administrator where it is alleged that there is error or misinterpretation in any order, requirement, decision or refusal made by the Administrator or other administrative agency in the carrying out of the provisions of this Ordinance. There shall be no appeal from a decision made by the Planning Commission on approval or disapproval of a site plan, special use, or planned unit development.
2. A notice of appeal specifying the grounds thereof shall be filed with the secretary of the Board of Appeals within thirty (30) days after the date of the action appealed from. A copy of the notice shall promptly be served upon the officer from whom the appeal is taken who shall forthwith transmit to the Board of Appeals all records upon which the action appealed from was taken.

3. An appeal shall stay all proceedings, decisions or orders unless said officer certifies to the Board of Appeals that a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed except upon a restraining order by the Board of Appeals or by the Circuit Court.

8105.05 Variances

Subject to the provisions of **8105.06 Variances Prohibited** of this Ordinance, and in addition to other duties and powers specified within this Ordinance, the Board of Appeals, after public hearing, shall have the power to decide applications for variances:

1. Where it is alleged that by reason of the exceptional narrowness, shallowness or shape of a specific parcel of property or by reason of exceptional topographic conditions or other extraordinary situation of the land or structure or of the use of property immediately adjoining the property in question, the literal enforcement of this Ordinance would involve practical difficulties or would cause undue hardship, provided that the Board of Appeals shall not grant a variance on a lot if the owner or members of his family own or owned adjacent land which could, without undue hardship, be included as part of the lot.
2. Where it is alleged that there is practical difficulty or unnecessary hardship in carrying out the strict letter of this Ordinance and a request made to vary such regulations so that the spirit of this Ordinance shall be observed, public safety secured, and substantial justice done.
3. Where it is alleged that the condition or situation of the specific property or the intended use of said property is not of so general or recurrent a nature as to make reasonably practical a general regulation as part of this Zoning Ordinance.

8105.06 Variances Prohibited

No variance in the provisions or requirements of this Ordinance shall be effected by the Board of Appeals unless it finds from reasonable evidence that such variance will not be of substantial detriment to adjacent property and will not materially impair the intent and purpose of this Ordinance or of the public health, safety and welfare, and, further, that two of the following facts and conditions exist:

1. That there are exceptional or extraordinary circumstances of conditions applying to the specific property that do not apply generally to other properties in the same zone.
2. That such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the zone, provided that increased financial return shall not be deemed sufficient to warrant a variance.
3. That the condition or situation of the specific property or the intended use is not of so general or recurrent a nature as to make reasonably practical a general regulation as part of this Zoning Ordinance.

8105.07 Land Use Variance

The Board of Appeals shall not schedule a public hearing on a land use variance for a use not permitted in a zone or for a use requiring the report or recommendation of the Planning Commission for a period of thirty (30) days after receipt of the appeal. The Board of Appeals shall notify the Planning Commission of any such appeal and request a study and report. No decision shall be made by the Board of Appeals until the report of the Planning Commission is received, provided such report shall be made within thirty (30) days of the next regularly scheduled Planning Commission meeting. No land use variance shall be granted by the Board of Appeals unless it finds that the property cannot be reasonably used for uses allowed within the district in which the property is located.

8105.08 Conditions Of Approval

For the approval of a variance by the Zoning Board of Appeals, conditions shall be imposed to:

1. Ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the proposed land use or activity.
2. Protect the health, safety and social and economic well-being of:
    a. those who will use the proposed land use or activity;
    b. residents and landowners immediately adjacent to the proposed use or activity;
    c. the community as a whole.
3. Ensure compatibility with adjacent land uses;
4. Promote the use of land in a socially and economically desirable manner.
5. Protect the natural environment and resources, according to relevant conditions of this Ordinance.
6. Relate to the valid exercise of the police power and purposes which are affected by the proposed use or activity.
7. Achieve the objectives and standards of this Ordinance and of the Michigan Zoning Enabling Act (**Public Act 110, P.A. 2006, as amended**).

The Zoning Board of Appeals may, at its discretion, impose other conditions and/or make suggestions that it deems relevant to any aspect of the proposed land use or activity.

The conditions imposed with respect to the approval of a special land use shall be recorded in the record of the approval action and shall remain unchanged except upon the mutual consent of the Zoning Board of Appeals and the landowner. The Zoning Board of Appeals shall maintain a record of any and all such conditions that are changed.

8105.09 Public Hearings

When an application for hearing or appeal has been filed in proper form supplied by the City and the fee paid with the required data, the Secretary of the Board of Appeals shall immediately place said application or appeal upon the calendar for hearing and cause notices stating the time, place and object of the hearing to be served. A notice shall be sent at least fifteen (15) days prior to the hearing to the applicant and to all owners of the property as shown by the City Assessor's office within three hundred (300) feet of the premises involved, or of contiguous property in common ownership, by regular U.S. Mail, with proof of posting, postage prepaid, addressed to the last known address of such property owners as shown by said records. Any interested party may appear and be heard at such hearing in person or by agent or attorney.

8105.10 Decisions

1. The Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination as in its opinion ought to be made in the premises and to that end shall have all the powers of the officer from whom the appeal was taken and may issue or direct the issuance of a permit.
2. Upon the date for hearing any application or appeal, the Board of Appeals may adjourn the hearing to a specified time and date in order to permit the obtaining of additional information, or to cause such further notices it deems proper to be served. In the case of an adjourned hearing, persons previously notified and persons already heard need not be notified of the resumption of said hearing unless the Board of Appeals so decides.

8105.11 Fees

Fees shall be established by the City Council.

8105.12 Time Limit

If a variance is granted or other action requested by the applicant is authorized, the necessary building permit shall be secured, and the authorized action begun within six (6) months after the date and the variance is granted and completed within eighteen (18) months of said date. The Board of Appeals may, upon good cause shown, extend either the six (6) or the eighteen (18) month period; and if the Board of Appeals further finds that conditions have altered or changed in the interval since the action was granted, the Board of Appeals shall revoke or rescind its approval. Should applicant fail to obtain the necessary permit or fail to commence work within such six (6) month period, it shall be conclusively presumed that the applicant has waived, withdrawn and abandoned his appeal; and all permissions, variances and permits shall be deemed automatically rescinded.

8105.13 Vote Necessary For Decision

The final disposition of any matter by the Board of Appeals shall receive the concurring vote of a majority of the members of the Board of Appeals. The Board of Appeals shall not conduct business unless a majority of the members are present.

8105.14 Minutes and Records

The Secretary shall keep minutes of the Board of Appeals proceedings showing the vote of each member upon every question, or if absent or failing to vote, indicating that fact. The Secretary shall keep records of the Board of Appeals examinations and official actions, all of which shall be filed with the City Clerk and be a public record. The grounds for determination made shall be so stated in any motion of approval or denial. A copy of each determination shall be sent to the Administrator and to the Planning Commission. No building permit shall be issued until such copy has been received by the Administrator.

8105.15 Limitation Of Board

The Board of Appeals may not, through any decision, interpretation or action, alter, vary or otherwise negate any provision of this Ordinance except as specified. Where the Board of Appeals finds recurrent requests for relief from specific provisions of this Ordinance, or where the Board of Appeals considers specific provisions are creating unnecessary hardship, the Board of Appeals shall recommend action to amend such provision as provided by law.

8105.16 Posting of Financial Guarantee

The Zoning Board of Appeals may require a performance bond, irrevocable letter of credit or certified check in an amount equal to the estimated cost of road, lighting, utility, sidewalk, landscaping, and drainage improvements associated with the project. Such performance guarantee shall be deposited with the Clerk of the City at the time of the issuance of the permit authorizing the activity or project to ensure faithful completion of the improvements indicated on the approved plan. If conditions set forth in the approved plan are not faithfully completed, the performance guarantee shall be forfeited. The City shall rebate a proportional share of cash deposits only when requested by the depositor, based on the percent of improvements completed, as attested to by the depositor and verified by the Administrator. In cases where the provisions of this Article have not been met, the amount of the aforementioned performance guarantee shall be used by the City to complete the required improvements and to enforce the Zoning Ordinance; and the balance, if any, shall be returned to the applicant

Section 8106: Administration and Enforcement

8106.01 Zoning Permits for Zoning Compliance and Plans

No structure or part thereof shall be constructed, reconstructed, erected, moved, enlarged or altered, nor shall any use on any property be changed to another use, until a zoning permit for zoning compliance has been granted by the Administrator. Application for a zoning permit for zoning shall be filed by the owner or his agent and it shall state the intended use of the structure and of the land. The application shall be accompanied by building plans and specifications, a plot plan, a site development plan where required, and such other information as may be necessary to provide for the enforcement of this Ordinance.

1. Plans shall be drawn to scale and shall show dimensions in figures. Plans shall be signed by the person preparing them and by the owner of the property or building involved. A fee as established by the City Council to defray the costs of administration and inspections shall accompany any plans or applications for a zoning permit for zoning compliance.
2. No zoning permit for zoning compliance shall be issued unless the plans and/or intended use conform in all respects to the provisions of this Ordinance. All zoning permits for zoning compliance shall expire one year from their date of issuance. A copy of all approved zoning permits shall be sent to the Assessor.
3. No zoning permit for zoning compliance shall be issued until the owner verifies that the lot involved has been created in conformance with State and City Subdivision Regulations.
4. The Administrator shall have three (3) work days to review all plans and specifications prior to taking appropriate action thereon.
5. A zoning permit for zoning compliance shall be displayed so as to be visible from a public street at the site where authorized action is being undertaken.
6. To obtain a "Medical Marihuana Primary Caregiver Facility" permit the applicant meets all standards for an enclosed, locked storage location as stated in the Initiated Act 1 of 2008, the Michigan Medical Marihuana Act (MMMA), as amended, and any regulations published by the State of Michigan, then the City may issue permits for Medical Marihuana Primary Caregiver Facility based on the standards and application requirement of **8107.03 Site Development Plan Preliminary Review**

1. The goal of the Site Development Plan Preliminary Review (hereafter: Preliminary Review) is to maintain, in the identified districts and areas, a land use and built environment character consistent with the goals and objectives of the City Master Plan.
2. The Preliminary Review is a Site Development Plan Review pre-requisite for the following:

    a. Projects for New Buildings and for Exterior Additions/Alterations/Re-models, including churches and public facilities, in Main Street East, Main Street West, Waterfront, Parks and Civic zoning districts.
    b. Projects for façade changes facing Main Street East, Main Street West, Main Street East and Main Street side streets, Waterfront, alleys behind Main Street East and Main Street West.
    c. Interior alterations that do not affect a building's exterior appearance ***remain*** excluded from this ordinance.
3. The City Zoning Administrator shall advise the owner/developer (or representative) of any proposed project as to whether Preliminary Review is required and the steps and materials involved.

4. The Preliminary Review is intended to provide property owners/developers with a collaborative opportunity to understand the community's design preferences. The Planning Commission will establish an informal forum for an owner or representative to present and discuss a proposed project with the community and the Planning Commission. (This meeting may take place within a regular Commission meeting. It is not a public hearing).
5. If the Planning Commission decides that the project as presented meets the Goals and Objectives of the City Master Plan and Zoning Ordinance standards, the City Zoning Administrator shall provide the applicant with a Letter of Understanding to this effect.
7. 8107.04 Site Development Plan Review Procedure

8106.02 Duties of the Administrator

This Ordinance shall be enforced by the Administrator who shall, in no case, issue any zoning permit nor grant any occupancy permit where the proposed structure, alteration or use would be in violation of any provisions of this Ordinance except under written order of the Board of Appeals, the City Council, or a court of competent jurisdiction.

1. Violations: The Administrator shall investigate any alleged violation of the Zoning Ordinance coming to his attention. If a violation is found to exist, he shall serve written notice upon the owner to cease said violation as provided by law. If said owner fails to act diligently to correct said violation and does not correct such violation within fourteen (14) days or any extension of time authorized by the City Council, the Administrator shall serve notice upon the owner, notify the City Council, and prosecute such violator to terminate said violation before a court of proper jurisdiction.
2. Inspections: The **Benzie County Building Department** shall inspect all new construction and/or alterations at the time footings are placed, when framing is underway, and at the completion of the construction or alterations authorized. The County Building Official shall make such additional inspections deemed necessary to insure compliance with the provisions of this Ordinance. The Frankfort City Administrator shall make periodic inspections of the City to ascertain that all the requirements of this Ordinance are being complied with.
3. Records: The Administrator shall keep records of all inspections, applications, and permits issued, with a notation of all special conditions involved. He shall file and safely keep copies of all plans, other than for one family houses, and records of all fees submitted with applications. The same shall form a part of the records of his office and shall be available to the City Council and all other officials of the City.
4. Survey: The property owner or permit applicant for a residential structure shall provide to the Zoning Administrator a boundary survey prepared by a licensed surveyor. No construction beyond foundation walls shall be allowed until the City Administrator verifies setback requirements have been satisfied.

8106.03 Certificate of Occupancy

1. No land shall be used and no building hereafter erected or altered shall be occupied or used for any purpose until a certificate of occupancy shall have been issued by the Administrator stating that the premises or building complies with the provisions of approved plans and all Ordinances of the City. Where any special use conditions are applicable, said conditions shall be stated on the certificate of occupancy. A record of all certificates of occupancy shall be kept on file in the office of the Administrator. Where a building permit is not involved, a fee as established by the City Council shall be charged for each Certificate Of Occupancy. A copy shall be sent to the Clerk and Assessor.

2. Revocation shall occur, by the Administrator, for violation of City of Frankfort Zoning Ordinances, when:.
   a) The State of Michigan cancels or does not renew the Medical Marihuana Patient or Caregiver REGISTRATION IDENTIFICATION CARD
   b) A Medical Marihuana Patient or Primary Caregiver does not present the required documents to provide proof of initial and all subsequent renewals of the Medical Marihuana Caregiver REGISTRATION IDENTIFICATION CARD issued by the State of Michigan within ten (10) business days of each renewal.
   c) The Administrator, based on evidence discovered or provided at any time, and with prejudice and immediately, when the number of qualifying patients exceeds the MMMA limitations on the number of registered patients plus the Caregiver, if he/she is registered qualified patient at any one location.

8106.04 Violation And Penalty

Each person who shall violate any of the provisions of this Ordinance, or fail to comply with any of the requirements thereof, or who shall put into use any lot in violation of any detailed statement or plan submitted hereunder, or who shall refuse reasonable opportunity to inspect any premises, shall each be subject to the penalty provisions of the Municipal Code.

8106.05 Separability

In case any section or provision of this Ordinance shall be held invalid in any court of competent jurisdiction, the same shall not affect any other article, section or provision of this Ordinance, except so far as the article, section or portion so declared invalid shall be inseparable from the remainder or any portion thereof. Should any court ruling fail to provide alternate standards or conditions, the provisions of the Zoning Ordinance of 1984 shall apply until this Ordinance is amended to comply with said ruling.

8106.06 Prior Violations

The adoption of this Ordinance shall not prevent or bar the continuance or institution of any proceedings for offenses heretofore committed in violation of any existing ordinance.

8106.07 Repeal

This Ordinance hereby repeals all prior Zoning Ordinances and Zoning Maps adopted by City of Frankfort including, but not limited to, the City of Frankfort Zoning Ordinance and Zoning Map as amended as it exists immediately prior to the adoption of this Ordinance.

Section 8107: Site Development Plan Review

8107.01 Description and Purpose

It is the purpose of this Section to require site development plan review and approval for buildings, structures, and uses that can be expected to have a significant impact on natural resources, traffic patterns, adjacent parcels, and the character of future development. The regulations contained in this Section are intended to promote:

1. Safe and convenient traffic movement, both within a site and in relation to access streets;
2. Harmonious relationships of buildings, structures, and uses, both within a site and with adjacent sites;
3. Conservation of natural amenities and resources; and
4. Compliance with the provisions of this Ordinance and all other applicable City, state, and federal laws.

5. Medical Marihuana Caregiver Facility**.** The Facility is in compliance with and subject to all regulations found in the Michigan Medical Marihuana Act (MMMA), as amended, in addition to the review standards of existing Section(s) 8107.02 through 8107.10.

8107.02 Applicability of Section

All land uses permitted by right under the provisions of this Ordinance shall be subject to site development plan review, except one and two family dwellings and conforming accessory building and structures.

8107.03 Site Development Plan Preliminary Review

6. The goal of the Site Development Plan Preliminary Review (hereafter: Preliminary Review) is to maintain, in the identified districts and areas, a land use and built environment character consistent with the goals and objectives of the City Master Plan.
7. The Preliminary Review is a Site Development Plan Review pre-requisite for the following:

    a. Projects for New Buildings and for Exterior Additions/Alterations/Re-models, including churches and public facilities, in Main Street East, Main Street West, Waterfront, Parks and Civic zoning districts.
    b. Projects for façade changes facing Main Street East, Main Street West, Main Street East and Main Street side streets, Waterfront, alleys behind Main Street East and Main Street West.
    c. Interior alterations that do not affect a building's exterior appearance ***remain*** excluded from this ordinance.
8. The City Zoning Administrator shall advise the owner/developer (or representative) of any proposed project as to whether Preliminary Review is required and the steps and materials involved.
9. The Preliminary Review is intended to provide property owners/developers with a collaborative opportunity to understand the community's design preferences. The Planning Commission will establish an informal forum for an owner or representative to present and discuss a proposed project with the community and the Planning Commission. (This meeting may take place within a regular Commission meeting. It is not a public hearing).
10. If the Planning Commission decides that the project as presented meets the Goals and Objectives of the City Master Plan and Zoning Ordinance standards, the City Zoning Administrator shall provide the applicant with a Letter of Understanding to this effect.

8107.04 Site Development Plan Review Procedure

1. Following the filing of a proposed site development plan, the Administrator shall review the plan with other appropriate City departments for design sufficiency. Within thirty (30) days after submittal of the site development plan, the Administrator shall submit a report to the developer informing him of any site development plan deficiencies which shall be corrected prior to review by the Planning Commission. Within twenty (20) days after receipt of a revised site development plan, the Administrator shall submit the site development plan with a report and recommendation to and for review by the Planning Commission. If approval is conditioned with changes, the applicant shall agree in writing to the changes prior to the issuance of any building permits. In case of a Site Plan Review for a sexually oriented business, if the Planning Commission has not made and adopted findings of fact and either approved, approved with conditions, or denied the proposed site plan within sixty (60) days of its initial review of the site plan, then the site plan shall be deemed to have been approved.

2. When an applicant receives site development plan approval, the applicant must develop the site exactly as approved by the Planning Commission.
3. If rezoning of the land is required to allow the proposed development or use of the property as provided for in the site development plan, a concept approval of the site development plan by the Planning Commission shall be considered contingent upon rezoning of the subject property by the City Council; such concept site approval shall not be construed as any assurance of such rezoning nor shall it be binding on the applicant if the rezoning is approved.
4. An approved site development plan shall be effective for a period of one (1) year from date of Planning Commission approval, or the life of a building permit obtained pursuant to the approved site development plan, whichever is longer. An approved Planned Development project shall be effective for a period of three (3) years from the date of planning Commission approval. If construction is not commenced within the period that the site development plan or Planned Development is effective, no construction shall take place unless there has been an extension approved by the City Council and before the extension is granted there is compliance with all applicable site development plan requirements that are in effect at the time of the extension.
5. Before a site plan is marked "approved", it shall be revised to reflect any conditions, changes, corrections required to obtain approval.
6. All requirements of this Ordinance, and any other applicable City ordinance, standard, specification or regulation shall be complied with even if not specifically included in an approved site development plan.
7. Three (3) complete sets of "as-built" drawings certified by the project engineer or architect must be submitted by the applicant at the time of application for an occupancy permit.
8. A Completed Application for Medical Marihuana Caregiver Facility based on the specific Standards, including the requirements for compliance with the indoor and/or outdoor enclosed, locked facility standards as defined in the Initiated Act 1 of 2008, MMMA, as amended that when completed to the satisfaction of the City Superintendent and Zoning Administrator is the basis for issuing a Land Use Permit.

8107.05 Administrative Plan Review

Minor changes to a site development plan or new site development plan may be approved administratively by the Administrator provided the plan complies with all applicable requirements of this Ordinance and all other City regulations or state law.

The Administrator may approve a site development plan for the following:

1. Minor changes to an approved site development plan which involve the addition or relocation of any of the following items:
    a. Sidewalks
    b. Refuse containers
    c. Lighting
2. Decrease in building size from an approved site development plan.
3. Moving a proposed building on an approved site development plan no more than ten (10) feet or five (5) percent of the distance to the closest property line, whichever is smaller.
4. An increase in a building size that does not exceed five thousand (5,000) square feet or five (5) percent of the gross floor area, whichever is smaller.
5. Standards for Review for Medical Marihuana Caregiver Facility. The Zoning Administrator in accordance with the following requirements shall evaluate an application for a Medical Marihuana Primary Caregiver based on the current regulations and public laws of the State of Michigan, specifically the Initiated Act 1 of 2008, the

Michigan Medical Marihuana Act (MMMA), as amended, and the regulations published by the State of Michigan that the facility meets all the requirements of an enclosed, locked facility. The zoning administrator shall determine that the following conditions are met by the application:

a. Combined Operations Prohibited. No more than one Medical Marihuana Primary Caregiver shall occupy or otherwise operate in any one growing facility. Within any one Medical Marihuana Primary Caregiver Facility, there shall be no combination of growing or storage activities that would result in possession at any time of marihuana and/or marihuana plants in excess of the amounts allowed in the enabling act.
b. Isolation Distance. No Medical Marihuana Primary Caregiver Facility shall be located less than 1,000 feet from any public, private or land use permitted school; and shall not be located within the Federal Mandated "Drug Free School Zone"; and shall not be located less than 300 feet of any other Medical Marihuana Primary Caregiver Facility. For the purposes of these isolation distances, measurements shall be in a straight line from the front porch of the Medical Marihuana Primary Caregiver Facility to the closest property boundary with a school building, or between the front doors of two Medical Marihuana Primary Caregiver Facilities.
c. Prohibited Activities. A Medical Marihuana Primary Caregiver Facility shall not be used as a medical marihuana "dispensary" or "compassion club" and no smoking or otherwise ingesting of medical marihuana shall be permitted on site. A Medical Marihuana Primary Caregiver Facility shall not bear any sign or emblem that would indicate the nature of the activity on site and any advertising it undertakes shall not identify or disclose the location of the Medical Marihuana Primary Caregiver Facility.
d. The proposed use shall conform to all standards of the zoning district in which it is located.
e. The outdoor storage of garbage and refuse shall be contained in locked steel containers, screened from view.
f. Hours of operation shall be limited to 8:00 AM to 10:00 PM.
g. All off-street parking areas shall comply with Section 8205.11 Parking Standards and 8205.12 Parking Location Standards of this Ordinance. All parking and public areas must be illuminated in accordance with Administrator's approval of the lighting fixtures and light throw distances, during all hours of operation of the facility and until one hour after the business closes.
h. The building entrances and exit shall be handicap accessible to the extent required by the Americans with Disabilities Act.

8107.06 Required Site Development Plan Information

1. Graphic Materials Required For Plans - Every application for a site development plan approval shall contain plans that locate the development site and graphically demonstrate existing and proposed natural, man-made and legal features on and near the site in question. Site development plans shall show on the first page the following information:
    i. Name of applicant and property owner
    j. Name of development (if any)
    k. North arrow
    l. Legend

m. Location. A location map that shows the location of the project in the broad context of the City.
n. Scale. Development site plans shall be drawn to a readable scale, such that all features required to be shown on the plans are readily discernible. The Administrator shall make the final determination whether the plans submitted are drawn to the appropriate scale.
o. All of the features required to be shown on plans in the following subsections 2 and 3 of this Section may be included on one set of plans so long as the features are distinctly discernible.

2. Existing Natural, Man-Made, And Legal Features - Site development plans shall show all existing natural, man-made, and legal features on the lot where the development is to take place, including but not limited to those listed below. The uses made of adjoining properties shall all be specified.
    a. Existing natural features:
        - Tree line of wooded areas.
        - Individual trees twelve (12) inches in diameter or more, identified by common or scientific name.
        - Orchards or other agricultural groves by common or scientific name.
        - Streams, ponds, drainage ditches, swamps, boundaries of floodways, and floodplains.
        - If more than five (5) acres of land are to be developed, base flood elevation data.
        - Contour lines (shown as dotted lines) with no greater than two (2) foot contour intervals. As indicated in subsection (3)(o) of this Section, proposed contour lines shall be shown as solid lines.
    b. Existing man made features:
        - Vehicle accommodation areas (including parking areas, loading areas, and circulation areas), all designated by surface material and showing the layout of existing parking spaces and direction of travel lanes, aisles, or driveways.
        - Streets, private roads, sidewalks, and other walkways, all designated by surface material.
        - Curbs and gutters, curb inlets and curb cuts, and drainage grates.
        - Other stormwater or drainage facilities, including manholes, pipes, and drainage ditches, including sizes and materials.
        - Underground utility lines (sizes and materials), including water, sewer, electric power, telephone, gas, and cable television.
        - Above ground utility lines and other utility facilities.
        - Fire hydrants.
        - Buildings, structures, and signs.
        - Location of exterior light fixtures.
        - Location of dumpsters.
    c. Existing legal features:
        - The zoning of the property, including zoning district lines where applicable.
        - Property lines (with dimensions identified).
        - Street right-of-way lines.
        - Utility or other easement lines.

3. Proposed Changes In Existing Features Or New Features - Site development plans shall also show proposed new legal features (especially new property lines, street right-of way lines, and utility and other easements), as well as proposed man-made features, including, but not limited to, the following:
    a. Lot dimensions, including lot widths.
    b. The location and dimensions of all buildings and freestanding signs on the lot, as well as the distances all buildings and freestanding signs are set back from property lines, streets, or street right-of-way lines.
    c. Principal side(s) building elevations for typical units of new buildings or exterior remodeling of existing buildings, showing exterior building materials, building heights, and proposed wall sign or window sign area.
    d. Areas intended to remain as usable open space. The plans shall clearly indicate whether such open space areas are intended to be offered for dedication to public use or to remain privately owned.
    e. Streets, labeled by classification and street name showing whether curb and gutter or shoulders and swales are to be provided and indicating street paving widths. Public roads in subdivisions shall also be shown and clearly labeled as such.
    f. Curbs and gutters, curb inlets and curb cuts, and drainage grates.
    g. Other stormwater or drainage facilities (proposed sizes and materials), including manholes, pipes, drainage ditches, retention ponds, etc.
    h. Sidewalks and walkways, showing widths and surface material.
    i. Bridges.
    j. Outdoor illumination with lighting fixtures sufficiently identified to demonstrate orientation and extent of illumination.
    k. Underground utility lines (proposed sizes and materials), including water, sewer, electric power, telephone, gas, and cable television. Water and sewer pipe line sizes shall be labeled.
    l. Above ground utility lines.
    m. Fire hydrants.
    n. Dumpsters.
    o. Proposed contour lines resulting from earth movement (shown as solid lines) at no greater than two-foot contour intervals (existing lines should be shown as dotted lines).
    p. Scale drawings of all signs requiring permits pursuant to the provisions of **8205.15 Signs and Signage Standards**, together with an indication of the location and dimensions of all such signs.
    q. Vehicle accommodation areas (including parking areas, handicapped parking areas, loading areas, and circulation areas), all designated by surface material and showing the dimensions and layout of proposed parking spaces and the dimensions and direction of travel lanes, aisles, and driveways.
    r. Proposed landscaping or construction of other devices to comply with the screening and buffering requirements of this Ordinance. Plans shall label shrubbery by common or scientific name, show the distance between plants, and indicate the height at the time of planting and expected mature height and width. Plans shall label trees by common or scientific name, and show the circles of the mature crowns.
4. Stormwater Plan of Engineered Site Grading Plan as detailed in Section8204: Stormwater Management
5. Documents And Written Information In Addition To Plans - In addition to the written application and the plans, whenever the nature of the proposed development makes information or

documents such as the following relevant, such documents or information shall be provided. The following is a representative list of the types of information or documents that may be requested:

a. Documentation confirming that the applicant has a legally sufficient interest in the property proposed for development to use it in the manner requested, or is the duly appointed agent of such a person.
b. Certifications from the appropriate agencies that proposed utility systems are or will be adequate to handle the proposed development, and that all necessary easements have been provided.
c. Legal documentation establishing property owner associations or other legal entities responsible for control over required common areas and facilities.
d. Bonds, letters of credit, or other surety devices.
e. Time schedules for the completion of phases in staged development.
f. The environmental impact assessment of the development, including its effect on historically significant or ecologically fragile or important areas and its impact on pedestrian or traffic safety or congestion.
g. A fiscal impact analysis of the development on the City and other governmental units (e.g., schools, public safety, roads, etc.).
h. A traffic impact analysis of the proposed development on the City and other governmental units.
i. Calculations for drainage and stormwater design detention/retention pursuant to **Section 8204: Stormwater Management**.

6. Number Of Copies Of Plans And Documents - With respect to all plans and other documents required by this Section, the developer shall submit the number of copies that the Administrator deems necessary to expedite the review process and to provide necessary permanent records.

8107.07 Review by Planning Commission

The Planning Commission shall review the site development plan to determine compliance with the provisions and spirit and intent of this Ordinance. The Planning Commission shall respond to the site development plan within sixty (60) days of receiving all requested information and a recommendation by the Administrator or planning consultant, and if denied, shall cite reasons for denial. If approved, a Certificate of Zoning Compliance shall be issued to the applicant by the Administrator.

8107.08 Criteria for Site Development Plan Approval

The Planning Commission shall use the following criteria in evaluating a site development plan submittal:

1. Whether the required information has been furnished in sufficiently complete and understandable form to allow an accurate description of the proposed use(s) and structure(s) in terms of density, location, area, height, bulk, placement, setbacks, performance characteristics, parking, and traffic circulation.
2. Whether there are ways in which the configuration of uses and structures can be changed which would improve the impact of the development on adjoining and nearby properties, persons, and activities, and on the community while allowing reasonable use of the property within the scope of district regulations and other regulations of this Ordinance that are applicable to the property and proposed use and structures.
3. The extent to which natural features and characteristics of the land will be preserved; the regard given to existing trees, natural groves, watercourses, and similar natural features that would add

attractiveness to the property and environs if they were preserved; the preservation of natural drainage systems; the dedication and/or provision, where appropriate, of scenic easements and natural buffering; and other techniques for preservation and enhancement of the physical environment.

8107.09 Modification of Approved Site Development Plan

Once site plan approval has been granted by the Planning Commission, major changes to the approved site plan shall require a re-submission and payment of fee. The Zoning Administrator may approve minor changes of approved Site Development Plans and Planned Developments.

8107.10 Posting of Financial Guarantee

The Planning Commission may require cash, irrevocable letter of credit or certified check in an amount equal to the estimated cost of road, lighting, utility, sidewalk, landscaping, and drainage improvements associated with the project. Such performance guarantee shall be deposited with the Clerk of the City at the time of the issuance of the permit authorizing the activity or project to ensure faithful completion of the improvements indicated on the approved site plan. If conditions set forth in the approved site plan are not faithfully completed, the performance guarantee shall be forfeited. The City shall rebate a proportional share of cash deposits only when requested by the depositor, based on the percent of improvements completed, as attested to by the depositor and verified by the Administrator. In cases where the provisions of this Article have not been met, the amount of the aforementioned performance guarantee shall be used by the City to complete the required improvements and to enforce the Zoning Ordinance; and the balance, if any, shall be returned to the applicant.

8107.11 Conditions

For the approval of a Site Development Plan by the Planning Commission, conditions shall be imposed to:

1. Ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the proposed land use or activity.
2. Protect the health, safety and social and economic well-being of:
    a. those who will use the proposed land use or activity;
    b. residents and landowners immediately adjacent to the proposed use or activity;
    c. the community as a whole.
3. Ensure compatibility with adjacent land uses;
4. Promote the use of land in a socially and economically desirable manner.
5. Protect the natural environment and resources, according to relevant conditions of this Ordinance.
6. Relate to the valid exercise of the police power and purposes which are affected by the proposed use or activity.
7. Achieve the objectives and standards of this Ordinance and of the Michigan Zoning Enabling Act (**Public Act 110, P.A. 2006, as amended**). The Planning Commission may, at its discretion, impose other conditions and/or make suggestions that it deems relevant to any aspect of the proposed land use or activity.

The conditions imposed with respect to the approval of a site development plan shall be recorded in the record of the approval action and shall remain unchanged except upon the mutual consent of the Planning Commission and the landowner. The Planning Commission shall maintain a record of all conditions which are changed.

8107.12 Additional Application Standards for Medical Marihuana Caregiver Facility

1. Proof that applicant and its employees are Medical Marihuana Primary Caregivers with REGISTRATION IDENTIFICATION CARD from the State of Michigan.
2. An area map, drawn to scale, indicating within a radius of one thousand (1,000) feet from the boundaries of the proposed Medical Marihuana Caregiver Facility site, the proximity of the site to any school; or a three hundred (300) foot direct line distance to any existing Medical Marihuana Caregiver Facility. A Registered Surveyor, licensed by the State of Michigan, shall prepare the map, and its measurements, and the map shall be filed with the Zoning Administrator with the application. Administrative resolution of any disputed isolation distances will be by reference to Section 2 above, and within the existing zoning district where this facility is a permitted use.
3. A Certificate of Occupancy from the Benzie County Building Department verifying the structure and premises are in compliance with all existing building construction, maintenance, building codes and safety regulations. The Certificate of Occupancy is required within 60 days of the land use permit issue date, and is required before the opening or use of the facility for the land use permitted use.
4. A signed release, included with the application form, permitting the City of Frankfort Police Department to perform a criminal background check to ascertain whether the applicant, operator, or any employee named on the application have been convicted of a felony pursuant to the definitions of Michigan Marihuana Act of any person convicted of a felony involving illegal drugs or a felony that is an "assaultive crime" as further defined under MCL 770.9a.Proof that applicant and its employees are Medical Marihuana Primary Caregivers with REGISTRATION IDENTIFICATION CARD from the State of Michigan.

Section 8108: Special Uses and Variances

8108.01 Special Uses and Variances

There shall be two types of deviation from the requirements of this Code: Special Uses and Variances. The Planning Commission shall review Special Use applications and the Zoning Board of Appeals shall review Variance requests.

8108.02 Statement Of Intent

The formulation and enactment of this Ordinance is based upon the division of the City of Frankfort into districts, in each of which certain specified, mutually compatible uses are permitted by right. In addition to such uses, however, there are certain other uses which are essential or desirable for the welfare of the community and its citizenry or substantial parts of it. Such uses are entirely appropriate and not essentially incompatible with the uses permitted by right in a zoning district, but not at every or any location therein, or without restrictions or conditions being imposed by reason of special problems presented by the use or its particular location in relation to neighboring properties.
This Ordinance, therefore, requires approval of special uses of each use listed in **Table 11: Permitted Uses.** Only those uses listed as Special Uses in Table 11: Permitted Uses are considered special uses.

8108.03 Authority to Grant Permits

The Planning Commission shall have the authority to approve special uses and to attach conditions to any approved special use. Only those uses listed in each zoning district as special uses shall be considered for special use review and approval.

8108.04 Application and Fee

An application for a special use permit shall be made by filing the application form, required information, and the required fee with the City Clerk. The fee shall be set by resolution of the City of Frankfort City Council. No part of the fee shall be returnable to the applicant. The Clerk shall transmit a copy of the application and the submitted information to the Chairman of the Planning Commission within seven (7) days of the filing date.

8108.05 Information Required

An application for a special use permit shall contain the following information:

1. The applicant's name, address, and telephone number.
2. The names and addresses of all record owners and proof of ownership.
3. The applicant's interest in the property and, if not the fee simple owner, a signed authorization from the owner(s) for the application.
4. Legal description, address, and tax parcel number of the property.
5. A sealed and accurate survey drawing, correlated with the legal description, and showing all existing buildings, drives, and other improvements.
6. A detailed description of the proposed use.
7. A site plan, meeting the full requirements set forth in **8107.03 Site Development Plan Preliminary Review**
8. The goal of the Site Development Plan Preliminary Review (hereafter: Preliminary Review) is to maintain, in the identified districts and areas, a land use and built environment character consistent with the goals and objectives of the City Master Plan.
9. The Preliminary Review is a Site Development Plan Review pre-requisite for the following:

    a. Projects for New Buildings and for Exterior Additions/Alterations/Re-models, including churches and public facilities, in Main Street East, Main Street West, Waterfront, Parks and Civic zoning districts.
    b. Projects for façade changes facing Main Street East, Main Street West, Main Street East and Main Street side streets, Waterfront, alleys behind Main Street East and Main Street West.
    c. Interior alterations that do not affect a building's exterior appearance ***remain*** excluded from this ordinance.
10. The City Zoning Administrator shall advise the owner/developer (or representative) of any proposed project as to whether Preliminary Review is required and the steps and materials involved.
11. The Preliminary Review is intended to provide property owners/developers with a collaborative opportunity to understand the community's design preferences. The Planning Commission will establish an informal forum for an owner or representative to present and discuss a proposed project with the community and the Planning Commission. (This meeting may take place within a regular Commission meeting. It is not a public hearing).
12. If the Planning Commission decides that the project as presented meets the Goals and Objectives of the City Master Plan and Zoning Ordinance standards, the City Zoning Administrator shall provide the applicant with a Letter of Understanding to this effect.
13. 8107.04 Site Development Plan Review Procedure**.**

8108.06 Public Hearing

1. Notification Requirements.

a. The Planning Commission shall hold a public hearing on an application for a special use permit within sixty-five (65) days of the filing date. A notice of a public hearing shall be published once in a newspaper which circulates in the City.
b. A notice shall also be sent by mail or personal delivery to the owners of property for which approval is being considered, to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property in question, and to the occupants of all structures within three hundred (300) feet. The notice shall be given not less than fifteen (15) days before the date of the public hearing.
c. If the name of the occupant is not known, the term "occupant" may be used in making notification.
d. Notification need not be given to more than one (1) occupant of a structure, except if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one (1) occupant of each unit or spatial area shall receive notice.
e. In case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses, or organization, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.

2. Contents of Notification. The notice shall include the following:
   a. Description of the nature of the special use request.
   b. Description of the property which is the subject of the special use request.
   c. Statement of when and where the public hearing will be held.
   d. Statement of when and where comments will be received concerning the request.

8108.07 Required Standards And Findings

The Planning Commission shall review the particular circumstances and facts of each proposed special use in terms of the following standards and required findings, and with respect to any additional standards set forth in the zoning districts and general provisions herein. Before the Planning Commission approves a special use, it shall find adequate evidence showing that the proposed use on the proposed lot meets all of the following:

1. Will be harmonious, and in accordance with objectives, intent, and purposes of this Ordinance;
2. Will be compatible with the natural environment and existing and future land uses in the vicinity;
3. Will be compatible with the City of Frankfort Master Plan;
4. Will be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage ways and structures, refuse disposal, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service;
5. Will not be detrimental, hazardous, or disturbing to existing and future neighboring uses, persons, property, or the public welfare; and
6. Will not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.

8108.08 Planning Commission Action

The Planning Commission shall approve, approve with conditions, or deny a special use permit application. The Planning Commission's decision, the basis for the decision, and all conditions imposed, shall be described in a written statement which shall be made a part of the record of the meeting.

8108.09 Conditions of Approval

In granting a Special Use Permit, the Planning Commission shall impose conditions necessary to:

1. Ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the proposed land use or activity.
2. Protect the health, safety and social and economic well-being of:
    a. those who will use the proposed land use or activity;
    b. residents and landowners immediately adjacent to the proposed use or activity;
    c. the community as a whole.
3. Ensure compatibility with adjacent land uses;
4. Promote the use of land in a socially and economically desirable manner.
5. Protect the natural environment and resources, according to relevant conditions of this Ordinance.
6. Relate to the valid exercise of the police power and purposes which are affected by the proposed use or activity.
7. Achieve the objectives and standards of this Ordinance and of the Michigan Zoning Enabling Act (**Public Act 110, P.A. 2006, as amended**).

The Planning Commission may, at its discretion, impose other conditions and/or make suggestions that it deems relevant to any aspect of the proposed land use or activity.
Failure to comply with any condition of approval shall be considered a violation of this Ordinance.

Conditions of approval shall remain unchanged except upon mutual consent of the Planning Commission and the landowner. Any and all such changes shall be entered into City records and be recorded in the minutes of the Planning Commission meeting at which the change action occurred.

8108.10 Reapplication

No application for a special use permit which has been denied wholly or in part by the Planning Commission shall be resubmitted for a period of three hundred sixty five (365) days from the date of such denial, except on grounds of new evidence or proof of changed conditions found by the Planning Commission to be valid.

8108.11 Termination

A special land use permit may be terminated by the Planning Commission for a violation of the special land use permit of this Ordinance after notice to the current owners and occupiers of the property and after a hearing on the violation. Upon termination of the special land use permit, all of the requirements of the underlying zoning district shall be promptly complied with.

Article 2: Zoning: General Provisions

Section 8201: Definitions

Accessory Use
A building or a usage of land that is additional to primary use. A garage apartment or ancillary living space located behind the main house is an example of an accessory use.

Adult Foster Care
As defined by the Adult Foster Care Facility Licensing Act (**P.A. 218 of 1979, as amended**): a governmental or nongovernmental establishment that provides foster care to adults. Adult foster care facility includes facilities and foster care homes for adults who are aged, mentally ill, developmentally disabled, or physically disabled who require supervision on an ongoing basis, but who do not require continuous nursing care.

1. Adult Foster Care Home, Family: A private residence 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 for two (2) or more consecutive weeks. The licensee shall be a member of the household and an occupant of the residence.
2. Adult Foster Care Home, Small Group: An adult foster care facility with the approved capacity to receive twelve (12) or fewer adults to be provided with foster care for five (5) or more days a week for two (2) or more consecutive weeks.
3. Adult Foster Care Home, Large Group: An adult foster care facility with the approved capacity to receive at least thirteen (13), but not more than twenty (20) adults to be provided with foster care for five (5) or more days a week for two (2) or more consecutive weeks.
4. Adult Foster Care Congregate Facility: An adult foster care facility with the approved capacity to receive more than twenty (20) adults to be provided with foster care.

Adverse Impact
Any deleterious effect on waters or wetlands, including their quality, quantity, surface area, species composition, aesthetics or usefulness for human or natural uses which are or may potentially be harmful or injurious to human health, welfare, safety or property, to biological productivity, diversity, or stability or which unreasonably interfere with the enjoyment of life or property, including outdoor recreation.

Agriculture
See **Agriculture, Urban**

Agriculture, Regenerative
Regenerative agriculture practices are encouraged. In contrast to extractive agriculture that depletes or pollutes natural resources and soils, this form of agriculture regenerates the natural resource base, enhances natural ecosystem processes, and stimulates the formation of topsoil. When agriculture is regenerative, soils, water, vegetation and productivity continually improve rather than staying the same or slowly getting worse.

Agriculture, Urban
The production of food within the boundaries of a city. Urban agriculture can be backyard gardening, a pot of herbs grown on a balcony, rooftop gardening, greenhouses, market and community gardens,

edible landscaping. Urban agriculture can also be beekeeping and defined livestock within approved limits.

Allee
A regularly spaced and aligned row of trees usually planted along a Thoroughfare or Path.

Apartment
Residential unit sharing a building and a Lot with other units and/or uses; may be for rent, or for sale as a condominium.

Ancillary Living Space
A freestanding, single-unit apartment located behind the main house or an extension of an existing residence in a residential area. These units are often located above a detached garage.

Attic
The interior part of a building contained within a pitched roof structure.

Backbuilding
A single-story structure connecting a Principal Building to an Outbuilding.

Base Density
The number of dwelling units per acre before adjustment for other incentives or restrictions.

Basement
That portion of a building which is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story.

Bed and Breakfast Establishment
An establishment where the resident owner of an existing, private single-family home offers overnight (transient) lodging and breakfast for compensation to no more than eight (8) persons, using no more than four bedrooms and limiting occupancy to no more than two persons per bedroom. This also includes boarding and lodging facilities, tourist rooms and room rentals.

Best Management Practice (BMP)
Structural device, measure, facility or activity that helps to achieve stormwater management control objectives at a designated site.

Block
The aggregate of private Lots, Passages, Rear Alleys and Rear Lanes, circumscribed by Thoroughfares.

Block Face
The aggregate of all the building Facades on one side of a Block.

Boarding or Lodging House
A dwelling having one (1) kitchen and primarily used for the purpose of providing meals or lodging or both meals and lodging for compensation of any kind.

Buffer or Buffer Strip
Landscaped areas, open spaces, fences, walls, berms, or any combination of these, used to physically separate or screen one land use or piece of property from another. Buffers are often used to block light or noise.

Building
A framed, enclosed structure designed to stand permanently and covering a space of land, for use as a dwelling, store, storehouse, factory, shelter or some other useful purpose. A tent or similar structure, or a recreation vehicle, is not a building, nor is a mere wall, fence or monument.

Building Height
The vertical distance measured from the established grade at the principal entrance to the peak of the highest roof structure.

Built Environment
The urban environment consisting of buildings, roads, fixtures, parks, and all other improvements that form the physical character of a city.

Campground
The use of a lot licensed by the State under the control of a person in which sites are offered for the use of the public or members of an organization either free of charge or for a fee, for the establishment of temporary living quarters for three or more recreational units.

Child Care Organization
As defined by the Child Care Organizations Act (**P.A. 116 of 1973**, as amended): a governmental or nongovernmental organization having as its principal function the receiving of minor children for care, maintenance, training and supervision, notwithstanding that educational instruction may be given. Child care organizations include organizations, agencies, children's camps, child care centers, day care centers, nursery schools, parent cooperative preschools, foster homes, day care group homes, or day care family homes.

1. Day Care Home, Family: A private home in which one (1) but fewer than seven (7) minor children are received for care and supervision for periods less than twenty-four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Care is given for more than four (4) weeks during a calendar year.
2. Day Care Home, Group: A private home in which more than six (6) but not more than (12) minor children are given care and supervision for periods less than twenty-four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Care is given for more than four (4) weeks during a calendar year.
3. Day Care Center: A facility, other than a private residence, receiving one (1) or more preschool or school-age children for periods of less than twenty four (24) hours a day, and where parents or guardians are not immediately available to the child. It includes a facility which provides care for not less than two consecutive weeks, regardless of the number of hours of care per day. May also be referred to as a child care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center.

Church or Place of Worship
A building wherein persons regularly assemble for religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary buildings, but shall not include an undertaker's chapel or funeral building.

Civic
The term defining not-for-profit organizations dedicated to arts, culture, education, recreation, government, transit, and municipal parking.

Civic Building
A building operated by not-for-profit organizations dedicated to arts, culture, education, recreation, government, transit, and municipal parking, or for use approved by the legislative body.

Civic Space
Outdoor area dedicated for public use. Civic Space types are defined by the combination of certain physical constants including the relationships among their intended use, their size, their landscaping and their Enfronting buildings.

Civic Zone
Designation for public sites dedicated for Civic Buildings and Civic Space.

Clear-Cutting
The removal of all trees and most, if not all, vegetation from an area.

Cluster Development
The grouping of a particular development's residential structures on a portion of the available land, reserving a significant amount of the site as protected open space. The usable open space created by a cluster development can meet a number of community goals. These goals sometimes conflict with one another. For example, the protection of wildlife habitat may be incompatible with the preservation of agricultural land. However, the key benefit is the availability of open space that has been preserved by clustering units on smaller lots. The landowner and the community make the ultimate decision on how the open space is used.

Commercial
The term collectively defining workplace, Office, Retail, and Lodging Functions.

Community Character
The image and perception of a community as defined by its built environment, landscaping, natural features and open space, types and style of housing, and number and size of roads and sidewalks.

Community Gardens
See **Garden, Community**

Community Supported Agriculture (CSA s)
CSAs are farmer-to-consumer arrangements that have emerged in response to local dairy, poultry, vegetable production being squeezed out of local markets as the food industry consolidated and shipped products became the norm. Most CSAs are of the subscription type wherein the farmer(s) organize the CSA, make most of the management decisions, and do most of the farm work.

The USDA defines CSA s as follows: "In basic terms, CSA consists of a community of individuals who pledge to a farm operation so that the farmland becomes, either legally or spiritually, the community's farm, with the growers and consumers providing mutual support and sharing the risks and profits of food production. Members or shareholders of the garden or farm pledge in advance to cover the anticipated costs of the farm operation and farmer's salary. In return, they receive shares of the farm's bounty throughout the growing season, as well as satisfaction from reconnecting with the land. Members also share in risks, including poor harvests due to unfavorable weather or pests."

Condominium
A form of property ownership in which each owner holds title to his/her individual unit, plus a fractional interest in the common areas of the multi-unit project. Each owner pays taxes on his/her property, and is free to sell or lease it. These individual units may be either units within a common building or individual units on a common lot. The term condominium refers to a form of property ownership, not a specific style or type of building.

Conservation Easement
A donation of a conservation easement (defined as a voluntary agreement between a landowner and a qualified organization that protects land, or a portion thereof, from residential or commercial development in perpetuity) may provide the donor with a charitable income tax deduction, a reduction in value of one's taxable estate, a reduction of property taxes on the protected property, and a special property tax credit. The landowner continues to own the property less its development rights, but retains the right to sell the restricted land or pass it onto heirs.

Conservation Subdivision
The subdivision of land on a reduced- density basis that results in the protection of land of conservation value (i.e. agricultural, natural, or historical resources). When the amount of land protected exceeds that required under zoning regulations, the landowner may be able to sell or donate a conservation easement to a qualified organization and benefit from an expedited approval process. Given the reduced density, infrastructure costs of development may be reduced. Conservation subdivisions are characterized by common open space and clustered lots. The purpose of a conservation subdivision is to protect farmland and/or natural resources while allowing for the maximum number of residences under current community zoning and subdivision regulations.

Corridor
A lineal geographic system incorporating transportation and/or Greenway trajectories.

Coverage of Buildable Lot
The maximum percentage of a buildable lot that may be covered by a building, outbuilding or garage.

Density
The number of dwelling units within a standard measure of land area.

Disposition
The placement of a building on its Lot.

Driveway
A vehicular lane within a Lot, often leading to a garage.

Dwelling
Any building or portion thereof which is occupied in whole or in part as a home, residence, or sleeping place, either permanently or temporarily, by one or more families, but not including motels, hotels, tourist rooms or cabins.

1. Dwelling, Single Family - A building designed for use and occupancy by one (1) family only.
2. Dwelling, Two Family - A building designed for use and occupancy by two (2) families only.
3. Dwelling, Multi Family - A building designed for use and occupancy by three (3) or more families.

Dwelling Unit
A room or a suite of rooms designed, occupied or intended for occupancy as separate living quarters, with cooking, sleeping and sanitary facilities provided within the unit for use by one (1) family only.

Effective Parking
The amount of parking required for Mixed Use after adjustment by the Shared Parking Factor. See **Table 8: Shared Parking Factor**.

Effective Turning Radius
The measurement of the inside Turning Radius taking parked cars into account. See **Table 16: Illustrated Definitions**

Elevation
An exterior wall of a building not along a Frontage Line.

Enclosed, Locked facility.
A closet, room, or other comparable, stationary, and fully enclosed area equipped with secured locks, or other functioning security devices that permit access only a registered primary caregiver or registered qualifying patient. Marihuana plants grown outdoors are considered to be in an enclosed, locked facility if they are not visible to the unaided eye from an adjacent property when viewed by an individual at ground level or from a permanent structure and are grown within a stationary structure that is enclosed on all sides, except for the base, by chain-link fencing, wooden slats, or a similar material that prevents access by the general public and that is anchored, attached, or affixed to the ground; located on land that is owned, leased, or rented by either the registered qualifying patient, or a person designated through the departmental registration process as the primary caregiver for a registered qualifying patient, or patients for whom the marihuana plants are grown; and equipped with functioning locks or other security devices that restrict access to only the registered qualifying patient or the registered primary caregiver who owns, leases, or rents the property on which the structure is located. Enclosed, locked facility includes a motor vehicle if both of the following conditions are met:

1. The vehicle is being used temporarily to transport living marihuana plans from 1 location to another with intent to permanently retain those plants at a second location.
2. An individual is not inside the vehicle unless he or she is either a registered qualifying patient to whom the living marihuana plants belong or the individual designated through the departmental registration process as the primary caregiver for the registered qualifying patient.

Encroach
To break the plane of a vertical or horizontal regulatory limit with a structural element, so that it extends into a Setback, into the Public Frontage, or above a height limit.

Encroachment
Any structural element that breaks the plane of a vertical or horizontal regulatory limit, extending into a Setback, into the Public Frontage, or above a height limit.

Enfront
To place an element along a Frontage, as in “porches Enfront the street.”

Engineer
A Professional Engineer registered with and licensed by the State of Michigan, whether employed by or contracted, to the City of Frankfort with the necessary specialty(ies) required to advise the City.

Essential Service
The erection, construction, alteration or maintenance of public utilities by a municipal corporation, public utility, or cable television company including gas, electrical, steam, communication, safety, water supply systems, or disposal systems, including equipment and accessories in connection therewith necessary for furnishing utility services for public health or safety or general welfare; but not including sanitary landfills.

Expression Line
A line prescribed at a certain level of a building for the major part of the width of a Facade, expressed by a variation in material or by a limited projection such as a molding or balcony.

Facade
The exterior wall of a building that faces a public street.

Family
An individual or group of individuals occupying a dwelling unit as a single housekeeping unit

Fast Food
An establishment that is commonly referred to within the restaurant industry as a "QSR", or quick service restaurant. Characteristics common to a Fast Food Restaurant include one or more of the following: offers quick food service, a limited menu, food items pre-prepared or prepared quickly, orders are not taken at the customers table, and food is generally served in disposable wrapping or containers. This type of establishment often times includes a drive-up or drive-through service facility.

Floor Area
The area of all floors computed by measuring the dimensions of the outside walls of a building excluding porches, patios, terraces, breezeways, carports, verandas, garages, unfinished attics, attic floor area with less than five feet vertical distance from the floor to finished ceiling and basements.

Frontage
The area between a building facade and the street right of way, inclusive of the vehicular lanes and tree lawn.

Frontage Line
Lot line bordering a Public Frontage. Facades facing Frontage Lines define the public realm. See: **Lot Line**

Garage-Private
A building accessory to a residence or a portion of a dwelling used primarily for the storage of passenger vehicles, recreation vehicles and for not more than one truck with a rated capacity of one and one-half (1-1/2) tons or less owned by the occupant of the premises.

Garage Apartment
A single-unit apartment located above a garage and sited behind the main house. It is permitted in districts that specifically allow them. See: **Ancillary Living Space**.

Garden, Community
A plot of public or private land made available for shared Kitchen Garden use.

Garden, Kitchen
A plot of land where vegetables, herbs and fruiting trees and vines are grown, essentially for consumption by the gardener's household

Garden, Market
A plot of land where vegetables, herbs and fruiting trees and vines are grown, essentially for sale or profit. Market Gardens differ from Kitchen Gardens and Community Gardens in scale, the Market Garden being likely to occupy a larger area. Market Gardening may take place in the open, in green-houses or in "hoop-houses".

Generally Accepted Agricultural Management Practices (GAA MPs)
A U.S. Department of Agriculture set of guidelines, gardener education, and recommended gardening and animal husbandry practices. **These guidelines are updated every year and are available online**. GAAMPs are enforced in Michigan by the Michigan Department of Agriculture.

Grade
That surface of the earth or finished material located adjacent to the structure.

Greenhouse
A building or structure constructed chiefly of glass or plastic, in which tender produce or exotic plants are grown or sheltered. Commercial greenhouses grow produce or plants that are sold commercially. Residential greenhouses produce plants used by the resident only. Hoop houses are temporary greenhouse facilities.

Greenway
An Open Space Corridor in largely natural conditions which may include trails for bicycles and pedestrians.

Ground Floor
That floor or level of a structure or building whose vertical distance is closest to grade of all floors or levels of the building or structure and is not a basement and no part of which is a basement.

Home Occupation
An occupation carried on in the home by members of the family only, as a use clearly incidental and secondary to the use of the home as a dwelling place; provided that no article is sold or personal service rendered except those that are produced or performed by the home occupation itself or accessory to the home occupation, and that the home occupation is conducted entirely within the dwelling. Home occupations may include beauty shops, nursery schools, day care centers, photographer's studios, and similar uses. **See 8203.14 Home Occupation and Home-Based Businesses.**

Hotel
A building or part of a building, with a common entrance, in which the dwelling units or rooming units are used primarily for transient occupancy and in which one (1) or more of the following are offered: maid service; the furnishing of linen; telephone, secretarial or desk service; and bellboy service. A hotel may include a restaurant or cocktail lounge, public banquet hall, ballroom or meeting room.

Improved Lot
Any lot containing a building, structure, place, work of art, or other object constituting a physical betterment of the lot beyond the natural state of land.

Institutional or Public Use
Churches, cemeteries, municipal buildings, parks, civic centers, libraries, or other public or quasi- public uses, but not including semi-public or private homes or facilities such as adult foster care facilities, nursing homes, hospitals, convalescent homes, homes for the aged, sanitary landfills, schools or homes for moral or psychopathic correction.

Junk or Salvage Yard
An area used to store, dismantle, bail, clean, handle, or process scrapped, used or second hand materials or vehicles but excluding vehicle sales areas, when conducted as a principle use and when selling vehicles that can be physically and legally operated upon Michigan public roads, uses carried on in completely enclosed buildings, and the storage of accessory farm equipment and supplies, when accessory to a farming operation. As broadly applied in the context of this Ordinance, the terms junk or salvage yard shall also apply to solid waste processing plants, transfer stations and resource recovery facilities.

Kennel
Any lot or premises on which six (6) or more dogs, three (3) months old or over, are kept for sale, breeding, boarding or training purposes, or are either permanently or temporarily boarded for remuneration.

Layer
A range of depth of a Lot within which certain elements are permitted.

Live-Work Units
Those units designated by ordinance and zoning to qualify as legal living space within a commercially or industrially zoned building. The Live/Work unit definition does not require the property to be used specifically as commercial or dwelling.

Lodging
Premises available for daily and weekly renting of bedrooms.

Lot
A portion of land exclusive of any streets, fronting on a street, separated from other parcels by a legal description as shown in a duly executed and recordable land contract or deed or by a subdivision of record or a recorded survey map, either of which is duly recorded with the Benzie County Register of Deeds.

Lot Coverage
See **Coverage of Buildable Lot**

Lot Lines
1. Lot Line, Front: The boundary line of the lot immediately adjacent to the street right-of-way upon which the lot fronts. In the case of a corner lot fronting on two or more streets, the front lot line shall be the shortest boundary line of the lot adjacent to a street right-of-way.
2. Lot Line, Rear: The boundary line which is opposite and most distant from the front lot line.
3. Lot Line, Side: Any lot boundary which is neither a front lot line nor a rear lot line.

Lot Line
The boundary that legally and geometrically demarcates a Lot.

Lot Width
The length of the Principal Frontage Line of a Lot.

Lot Width
The length of the principal frontage line, which represents the horizontal distance between side lot lines measured parallel to the front lot line, at the minimum front yard setback.

Manufacturing
Premises available for the creation, assemblage and/or repair of artifacts, using table-mounted electrical machinery or artisanal equipment, and including their Retail sale.

Marihuana
A controlled substance as defined in section 7106 of the public health code, 1978 PA 368, MCL 333.7106

Mixed-Use
A type of development that combines residential, commercial, and/or office uses, within a district, into one development or building. For example, a mixed-use building could have several floors. On the bottom floor, the space could be dedicated to retail or offices. The remaining two or three floors could be for apartments or condominiums. A Mixed Use District allows residential, commercial, retail, and office uses to be combined in a single area.

Multi-Family
A building that is designed to house more than one family. Examples would be a duplex, four-plex, or apartment building.

Mobile Home
A structure, transportable in one (1) or more sections which is built on a chassis and designed to be used with or without a permanent foundation, to be used as a dwelling, or any other use when connected to the required utilities and includes the plumbing, heating, air conditioning, and electrical systems in the structure but does not include recreational vehicles or travel trailers or motor homes.

Nonconforming
1. Nonconforming Building: A building or portion thereof lawfully existing at the effective date of this ordinance or amendments thereto, which does not conform to the provisions of this Ordinance for the district in which it is located.
2. Nonconforming Lot: A lot with area or dimension lawfully existing at the effective date of this Ordinance or amendments thereto with less than the minimum area, dimension or access requirements or other requirement of the zoning district in which it is located.
3. Nonconforming Site Elements: A building site or portion thereof lawfully existing at the effective date of this Ordinance or amendments thereto, which does not conform to the landscaping, paving, buffers, lighting, sidewalks, and other similar elements of the zoning district in which it is located.
4. Nonconforming Use: A use that lawfully occupied a building or land on the effective date of this Ordinance or any amendments thereto, that does not conform to the use regulations of the district in which it is located.

Non-Point Source Pollution

Nonpoint source pollution generally results from land runoff, precipitation, atmospheric deposition, drainage, seepage or hydrologic modification. The term "nonpoint source" is defined to mean any source of water pollution that does not meet the legal definition of "point source" in **section 502(14) of the Clean Water Act**. That definition states:

> "The term "point source" means any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged. This term does not include agricultural storm water discharges and return flows from irrigated agriculture."

Unlike pollution from industrial and sewage treatment plants, nonpoint source (NPS) pollution comes from many diffuse sources. NPS pollution is caused by rainfall or snowmelt moving over and through the ground. As the runoff moves, it picks up and carries away natural and human-made pollutants, finally depositing them into lakes, rivers, wetlands, coastal waters and ground waters.

Office

Premises available for the transaction of general business but excluding Retail, artisanal and Manufacturing uses.

One Family or Single Family Dwelling:

A building designed for, or occupied exclusively as, one dwelling unit.

Open Space

An area set aside or reserved for public or private use with very few improvements. Types of open space include:

1. Agricultural Land
2. Parks
3. Greenbelts
4. Nature Preserves

Outbuilding

An Accessory Building, usually located toward the rear of the same Lot as a Principal Building, and sometimes connected to the Principal Building by a Backbuilding. Includes greenhouses and hoop houses.

Park

A publicly owned civic space that provides public access to both passive and active recreational opportunities. These spaces may include parks with both active and passive opportunities, nature preserves, and greenways. See **Section 8312: Parks District.**

Parking Area

A space used for parking motor vehicles, including parking lots, garages, and private driveways, but excluding public right-of-way areas.

Parking Area - Private

A parking area for the private use of the owners or occupants of the lot on which the parking area is located.

Parking Bay
The parking module consisting of one or two rows of parking spaces and the aisle from which motor vehicles enter and leave the spaces.

Parking Lot
An off-street, ground level area, usually surfaced and improved, for the temporary storage of motor vehicles.

Parking Space
A space for the parking of a motor vehicle within a public or private parking area. The standard parking space shall be 10x20 unless otherwise approved through the site plan review.

Permitted Use
A use that is allowed in a zoning district and is subject to the applicable restrictions of the district.

Person
A legal entity or individual human being.

Plat
A map that shows tracts of land, boundaries, and the location of individual properties and streets. It is also a map of a subdivision or a site plan.

Prohibited Use
Land use that is not permitted in a zoning district.

Primary Caregiver
A person who is at least 21 years old and who has been registered by State of Michigan Department of Community Health to assist with a Qualifying Patient's use of medical marihuana and who has not been convicted of a felony as defined in the Michigan Marihuana Act.

Primary Caregiver Facility
A building in which the activities of a Primary Caregiver as defined in the Michigan Medical Marihuana Act and in this Ordinance are conducted.

Principal Dwelling
Primary dwelling unit on a lot. Does not include dwelling units in accessory buildings. See: **Dwelling.**

Principal Entrance
The main point of access for pedestrians into a building.

Private Frontage
The privately held Layer between the Frontage Line and the Principal Building Facade.

Public Frontage
The area between the Curb of the vehicular lanes and the Frontage Line. See
Transportation of Medical Marihuana.
As defined **by MCL** 750.474
Tree Lawn

Public Place
Means any real property or an appurtenance to the real property which is owned by this state, any municipality of this state, a public agency, or by a college or university in this state and may include a structure, enclosure, facility, or complex, including a court, mall, park, or other area, feature, or element; a public place shall also mean a business or an educational, refreshment, entertainment, recreation, health, or transportation facility, or institution of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages, or accommodations are extended, offered, sold, or otherwise made available to the public.

Recreation Vehicle or Unit

1. A vehicular type structure designed primarily as temporary living quarters for recreational, camping or travel use, which either has its own motor power or is mounted on or drawn by another vehicle which is self-powered. Recreational units of this type shall include, but shall not be limited to, the following: travel trailers, camping trailers, tent trailers, motor homes and truck campers.
2. Recreational units shall include, but shall not be limited to, the following: boats, jet skis, boat trailers, snowmobiles, snowmobile trailers, all-terrain vehicles, dune buggies, and similar equipment. If a boat, snowmobile(s), personal water craft, or dune buggy(s) is on a trailer for transport purposes, this shall be considered as a single recreational unit.

Redevelopment
The conversion of a building or project from an old use to a new one. Examples are the conversions of old warehouses to lofts or retail spaces. It is also known as Adaptive Reuse.

Registration Identification Card.
A document issued by the department that identifies a person as a registered qualifying patient or registered primary caregiver.

Regulating Plan
The map that illustrates the locations of the different districts described in the **Frankfort Master Plan 2010**. Also called the Future Land Use Map.

Residential
Characterizing premises available for long-term human dwelling.

Residential District
Rural, East City Residential, North City Residential, West City Residential Districts.

Retail
Characterizing premises available for the sale of merchandise and food service.

Retail Frontage
Frontage designated on a Regulating Plan that requires or recommends the provision of a Shopfront, encouraging the ground level to be available for Retail use.

Rowhouse
A single-unit dwelling that shares a party wall with another of the same type and occupies the full buildable area of a lot (Syn: Townhouse).

School
Means a public or private educational institution offering students a conventional academic curriculum, including kindergartens, elementary schools, middle schools, and high schools. Such term shall also include all adjacent properties owned by and used by such schools for educational, research, and recreational purposes.

Service Station or Filling Station
A place where operating fuels or lubrication oils for motor vehicles are offered for sale at retail to the public, including the sale of accessories installed by the proprietor thereof and minor adjustment services, but not including major automotive repairs, motor overhauling, body damage repairs, or bulk fuel distributing.

Setback
The minimum distance between the building and any lot line.

Sexually Oriented Business
A business or commercial enterprise engaging in any of the following:
1. Adult arcade;
2. Adult bookstore or adult video store;
3. Adult cabaret;
4. Adult motel;
5. Adult motion picture theater;
6. Adult theater;
7. Escort agency;
8. Nude model studio; and
9. Sexual encounter center.

The following definitions pertain directly to Sexually Oriented Businesses:

1. **Adult Arcade**: means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of Specified Sexual Activities or Specified Anatomical Areas.
2. **Adult Bookstore or Adult Video Store**: means a commercial establishment that, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:
   (a) Books, magazines, periodicals or other printed matter or photographs, films, motion picture, video cassettes or video reproductions, slides, or other visual representations or media which depict or describe Specified Sexual Activities or Specified Anatomical Areas; or
   (b) Instruments, devices, or paraphernalia that are designed for use on connection with Specified Sexual Activities.

   A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing Specified Sexual Activities of Specified Anatomical Areas and still be categorized as an Adult Bookstore or Adult Video Store. The sale of such material shall be deemed to constitute a principal business purpose of an establishment if it comprises 35% or more of sales volume or occupies 35% or more of the floor area or visible inventory within the establishment.

3. **Adult Cabaret:** A nightclub, bar restaurant, or similar commercial establishment that regularly features:
    (a) Persons who appear in a state of nudity;
    (b) Live performances that are characterized by the exposure of Specified Anatomical Areas or by Specified Sexual Activities;
    (c) Films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas; or
    (d) Persons who engage in lewd, lascivious or erotic dancing or performances that are intended for the sexual interests or titillation of an audience or customers.
4. **Adult Motel**: A hotel, motel or similar commercial establishment that:
    (a) Offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of Specified Sexual Activities of Specified Anatomical Areas and has a sign visible from the public right of way that advertises the availability of any of the above;
    (b) Offers a sleeping room for rent for a period of time that is less than twelve (12) hours; or
    (c) Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than twelve (12) hours.
5. **Adult Motion Picture Theater**: means a commercial establishment which for any form of consideration, regularly and primarily shows films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas.
6. **Adult Theater**: means a theater, concert hall, auditorium, or similar commercial establishment that regularly features a person or persons who appear in a state of nudity or live performances that are characterized by exposure of Specified Anatomical Areas or by Specified Sexual Activities.
7. **Escort**: means a person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.
8. **Escort Agenc**y: means a person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.
9. **Nude Model Studio**: means any place where a person who displays Specified Anatomical Areas is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration, but does not include an educational institution funded, chartered, or recognized by the State of Michigan.
10. **Nudity or State of Nudity**: means knowingly or intentionally displaying in a public place, or for payment or promise of payment by any person including, but not limited to, payment or promise of payment of an admission fee, any individual's genitals or anus with less than a fully opaque covering, or a female individual's breast with less than a fully opaque covering of the nipple and areola. Public nudity does not include any of the following:
    (a) A woman's breastfeeding of a baby whether or not the nipple or areola is exposed during or incidental to the feeding.

(b) Material as defined in section 2 of Act No. 343 of the Public Acts of 1984, being section 752.362 of the Michigan Compiled Laws.
(c) Sexually explicit visual materials as defined in **section 3 of Act No. 33 of the Public Acts of 1978, being section 722.673 of the Michigan Compiled Laws.**

11. **Sexual Encounter Center**: means a business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:
    a) Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
    b) Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity.
        i. Specified Anatomical Areas: are defined as:
            1. Less than completely and opaquely covered human genitals, pubic region, buttock, anus and female breast below a point immediately above the top of the areola; and
            2. Human male genitals in a discernible turgid state, even if completely and opaquely covered.
12. **Specified Sexual Activities**: means and includes any of the following:
    a) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breast;
    b) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
    c) Masturbation, actual or simulated; or
    d) Excretory functions as part of or in connection with any of the activities set forth in a through c above.

Shared Parking
Parking spaces that are shared by more than one user, which allows parking facilities to be used more efficiently. It is a type of Parking Management that maximizes the use of parking spaces by allowing different users or properties to use parking spaces during the most appropriate times. Shared Parking takes advantage of the fact that most parking spaces are only used part time by a particular motorist or group, and many parking facilities have a significant portion of unused spaces, with utilization patterns that follow predictable daily, weekly and annual cycles. For example, parking spots reserved for Marina use may be allocated for during period when the demand for use by marina users is low.

Sidewalk
The paved section of the Public Frontage dedicated exclusively to pedestrian activity.

Site Plan and Site Development Plan
A print from an ink or pencil drawing on translucent material, drawn to scale, which shows the intended and/or existing location and dimensions of improvements or structures upon a parcel of property including buildings, driveways, parking areas, parking spaces, landscaping, landscaped areas, sidewalks, signs, drainage facilities or similar physical improvements.

Sign
Any fabricated sign or outdoor display structure consisting of any letter, figure, character, mark, point, marquee sign, design poster, pictorial, picture, stroke, stripe, line, trademark, reading matter or illuminating device, constructed, attached, erected, fastened or manufactured in any manner whatsoever so that the same shall be used for the attraction of the public to any place, subject, person, firm, corporation, public performance, article, machine or merchandise whatsoever, and displayed in

any manner out-of-doors for recognized advertising purposes. Any device or structure including balloons, awnings and banners designed to inform or attract the attention of persons not on the premises on which the sign is located, provided however that the following shall not be included in the application of the regulation herein.

1. Signs not exceeding two (2) square foot in area and bearing only property numbers, post box numbers, name of occupants of premises, or other identification of premises not having commercial connotations;
2. Flags and insignia of any government, except when displayed in connection with commercial promotion;
3. Legal notices; identification, informational, or directional signs erected or required by governmental bodies;
4. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights;
5. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.

Sign Area
The sign area of a sign shall mean the area expressed in square feet, within a single continuous rectilinear perimeter of straight lines enclosing the extreme limits of writing, representations, emblems or figures of a similar character together with all material or color forming an integral part of the display or used to differentiate the design from the background against which it is placed; provided that (a) in the case of a sign designed with more than one (1) exterior face, the area shall be computed as including only the maximum single displayed surface which is visible from any ground position; (b) the supports and uprights shall not be included in determining the surface display area; (c) the base on which any sign is placed shall be allowed to be one and a half (1 ½) times the sign area; and (d) the areas of lamps, neon tubing or artificial illumination on walls of any structure shall be counted as part of the total allowable sign area.

Sign (Freestanding)
A self-supporting sign not attached to any building, wall or fence, but in a fixed location. This does not include portable trailer type signs.

Sign (Landmark or Historical)
An older sign of artistic or historic merit, uniqueness, or extraordinary significance to the community.

Sign (Portable or Temporary)
A sign capable of being readily moved or relocated, including portable signs mounted on a chassis and wheels, or supported by legs.

Sign (Off premise)
Anything designed, intended, or used for advertising a product, property, business, entertainment, service, amusement, or the like, and not located where the matter advertised in available or occurs.

Signboard/Billboard
Any structure, with a primary function of displaying a sign not related to the premises, or the nature of the business conducted thereon, or the products primarily sold or manufactured thereon. This definition shall not be held to include any sign used for official notices issued by a court in public office.

Single Ownership
A parcel of real property of record in separate and distinct ownership from adjacent parcels.

Slope
A percentage determined by dividing vertical distance (rise) by horizontal distance (run).

Special Use:
A use that would be detrimental to other uses permitted in the same zoning district unless carefully controlled as to number, area, size, exterior design, location or relation to the adjacent properties and to the neighborhood. Such uses may be considered necessary or important to the public health, safety, and welfare of the neighborhood or City as a whole and may be permitted if proper safeguards are taken. Special uses are those uses which are identified as a Special Use in **Table 11: Permitted Uses**.

Steep Slopes
Slopes with a gradient of 15% or greater. The significance of slope gradient is also connected to other soil properties. Slopes in excess of 15% are subject to greater amounts of soil erosion and are thus less suitable for development or agricultural uses.

Stoop
A Private Frontage wherein the Facade is aligned close to the Frontage Line with the first Story elevated from the Sidewalk for privacy, with an exterior stair and landing at the entrance.

Stormwater
Water that originates from a precipitation event.

Story
A habitable level within a building, excluding an Attic or raised basement.

Street or Road
A right-of-way or easement which has been accepted by the City or the County for the purpose of providing access to abutting private lots or land, including the space for pavement, sidewalks, and utilities.

Streetscape
This term refers to the various components that make up the street, both in the right of way and on private lot frontages. It includes pavement, parking spaces, planting areas, street trees, streetlights, sidewalks, front yard fences, front yards, front porches, etc.

Streetwall
An opaque, freestanding wall built along the frontage line, or along the same building line as the building facade, often for the purpose of masking a parking lot from the street.

Structure
Anything constructed or erected, which requires permanent or non-permanent location on the ground or attachment to something having such location. Structures shall include, but not be limited to, parking areas, swimming pools and signs or signboards.

Swale
A low or slightly depressed natural area for drainage.

Swimming Pool
A constructed basin or structure for the holding of water for swimming and aquatic recreation. Swimming pool does not include plastic, canvas or rubber portable pools temporarily erected upon the

ground holding less than three hundred (300) gallons of water nor decorative pools with less than two feet of water depth.

Terms
The present tense shall include the future; the singular number shall include the plural and the plural the singular. The word "shall" is always mandatory. The word "may" is always permissive The words "zone" and "district" are the same. Reference to a whole shall apply to any part thereof.

Transportation of Medical Marihuana.
As defined by **MCL 750.474**

Tree Lawn
Any part of a street not covered by sidewalk or paving and lying within the right of way line.

Use
Any purpose for which a structure or a parcel may be designed, arranged, intended, maintained, or occupied; or any activity, occupation, business, or operation carried on, or intended to be carried on, in a structure or on land.

1. Accessory Use - A use of a structure or premises that is customarily incidental and subordinate to the principal use of the structure or premises.
2. Use Permitted By Right - A use or uses which, by their very nature, are allowed within the specified Zoning District, provided all applicable regulations of the City are met. Permitted use includes the principal use of the land or structure, as well as accessory uses, unless specifically stated to the contrary within the provisions of this Ordinance.
3. Principal Use - The primary purpose for which land or a structure or building is used.
4. Temporary Use - A use or activity, which is permitted only for a limited time and subject to specific regulations.

Variance
A ruling that would permit a practice that is not consistent with either a specific provision or the Intent of this Code (**Section 8103: Intent**). Variances are usually granted by Zoning Board of Appeals as described in **Section 8105: Zoning Board of Appeals**.

Vehicle Repair Shop
A garage, building or area used for the repair, repainting or refurbishing of motor vehicles, boats, trailers, farm equipment or similar mobile equipment, but not including minor part replacement and motor tuning services customary for a service station.

Vehicle Sales Area
An area or building used for the display, sale or rental of new or used motor vehicles, boats, trailers, farm equipment, or other similar mobile equipment in operable condition where no repair work is done.

Yards
1. Front Yard: An open unoccupied space unless occupied by a use as hereinafter specifically permitted, extending across the full width of the lot and lying between any street property line and the nearest foundation of any part of the building which is roofed or which is more than three feet in height.
2. Side Yard: An open unoccupied space unless occupied by a use as hereinafter specifically permitted, on the same lot with the building between the foundation of any part of the building and the side lot line, extending from the front yard to the rear yard.

3. Rear Yard: A space unoccupied except by an accessory building or use as hereinafter specifically permitted, extending across the full width of the lot between the rear foundation of any building other than an accessory building, and the rear lot line.

Zoning Map
The official map or maps that are part of the zoning ordinance and delineate the boundaries of individual zones and districts.

Section 8202: Thorough fare Standards

8202.01 General

1. Thoroughfares are intended for use by vehicular and pedestrian traffic and to provide access to Lots and Open Spaces.
2. Thoroughfares shall generally consist of vehicular lanes and Public Frontages.
3. Thoroughfares shall be designed in context with the urban form and desired design speed of the Districts through which they pass.
4. Within the Rural and Industrial-Entrepreneurial Districts, pedestrian comfort shall be a secondary consideration of the Thoroughfare. Design conflict between vehicular and pedestrian generally shall be decided in favor of the vehicle. Within the more residential and mixed-use areas (East City Residential, North City Residential, West City Residential, Main Street East, Main Street West, and Waterfront Districts) pedestrian comfort shall be a primary consideration of the Thoroughfare. Design conflict between vehicular and pedestrian movement generally shall be decided in favor of the pedestrian.
5. The Thoroughfare network shall be designed to define Blocks reflecting the established historic pattern of Frankfort.
6. All Thoroughfares shall terminate at other Thoroughfares, forming a network. Internal Thoroughfares shall connect wherever possible to those on adjacent sites. Cul-de-sacs shall be subject to Special Use approval by Planning Commission to accommodate specific site conditions only.
7. Each Lot shall Enfront a vehicular Thoroughfare.
8. Standards for Paths and Bicycle Trails shall be approved by the Planning Commission with recommendations from the City Superintendent, City Traffic Engineer and City Planner (or licensed Professional Engineer or Certified Planner).

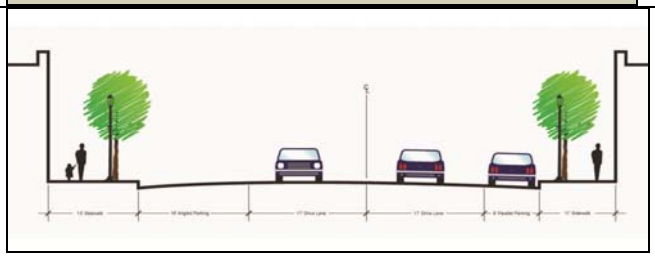
8202.02 Vehicular Lanes

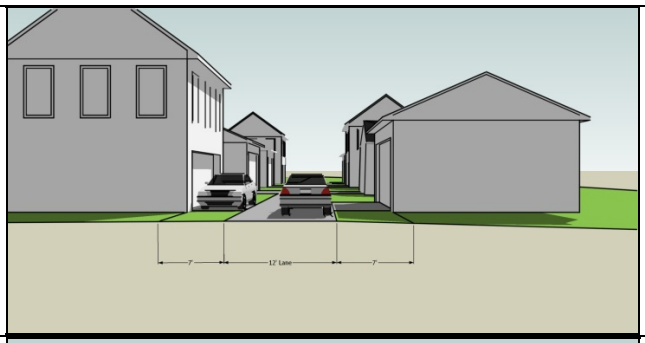
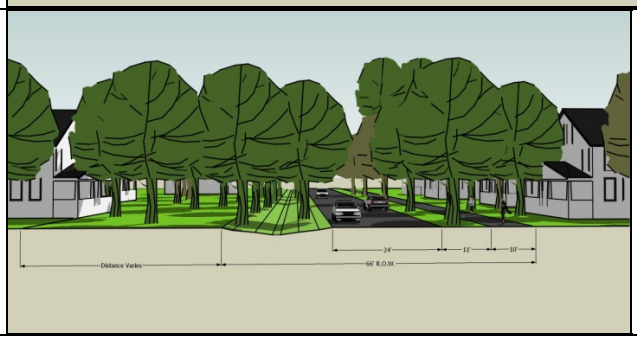
1. Thoroughfares may include vehicular lanes in a variety of widths for parked and for moving vehicles, including bicycles.
2. A bicycle network consisting of Bicycle Trails, Bicycle Routes and Bicycle Lanes should be provided throughout Frankfort. Bicycle Routes should be marked with Sharrows or a combination of other road striping and signage. The community bicycle network shall be connected to existing or proposed regional networks wherever possible.

8202.03 Public Frontages

1. General to all zones
    - **a.** The Public Frontage contributes to the character of the City, and includes the types of Sidewalk, Curb, planter, bicycle facility, and street trees.
    - b. Public Frontages shall be designed as shown in Table 1: Public Frontages – General

   c. Within the Public Frontages, the prescribed types of Public Lighting shall be as shown in **Table 2: Public Lighting**
2. Specific to Parks and Rural District
   a. The Public Frontage shall include trees of various species, naturalistically clustered, as well as understory.
   b. The introduced landscape shall consist primarily of native species requiring minimal irrigation, fertilization and maintenance. Lawn shall be permitted in combination with naturalized plantings.
3. Specific to East City Residential and West City Residential Districts
   a. The Public Frontage shall include trees planted in a regularly-spaced Allee pattern of single or alternated species with shade canopies of a height that, at maturity, clears at least one Story.
4. Specific to Main Street East and Main Street West Districts
   a. The Public Frontage shall include trees planted in a regularly-spaced Allee pattern of single or complimentary species on the Frankfort Tree Boards approved species list with shade canopies of a height that, at maturity, clears at least one Story. At Retail Frontages, the spacing of the trees may be irregular, to avoid visually obscuring the shopfronts.

Table 1: Public Frontages – General The Public Frontage is the area between the private Lot Line and the edge of the vehicular lanes.		
BV	a.(BV) Boulevard: This Frontage is specific to 7th Street. It consists of raised Curbs drained by inlets and sidewalks along both sides. The landscaping consists of street trees aligned in a regularly spaced Allee.	
M	b. (M) Main Street: This Frontage has raised Curbs drained by inlets and very wide Sidewalks along both sides separated from the vehicular lanes by separate tree wells with grates and parking on both sides. The landscaping consists of a single or small number of alternating tree species aligned with regular spacing where possible, but clears the storefront entrances. This frontage is specific to Main Street.	
CR	c.(CR) City Residential Street: This Frontage has raised Curbs drained by inlets and Sidewalks separated from the vehicular lanes by individual or continuous Planters, with parking on one or both sides. The landscaping consists of street trees of a single or alternating species aligned in a regularly spaced Allee.	

LA	d. (LA) Lane/Alley: These streets are used for access to garages, service areas, and utilities. Typically these lack raised curbs and landscaping.		
RR	e.(RR) Rural Residential Street: This Frontage has open Swales drained by percolation and a walking Path or Bicycle Trail along one or both sides and Yield parking. The landscaping consists of multiple species arrayed in naturalistic clusters.		
RH	f. (RH) Rural Highway: This Frontage has open Swales drained by percolation, Bicycle Trails and no parking. The landscaping consists of the natural condition or multiple species arrayed in naturalistic clusters. Buildings are buffered by distance.		

Lighting by street type varies in brightness and also in the character of the fixture according to the Frankfort Street Classifications as described and illustrated in Table 2: Public Lighting, below. The table shows the three common types of fixtures used within Frankfort. A listed set of streetlights corresponding to these types would be approved by the utility company and listed on the page.

Table 2: Public Lighting

	BV	M	CR	LA	RR	RH
Pipe		●	●	●	●	●
Column	●	●			●	
Double Column	●	●			●	

Section 8203: General Provisions

8203.01 Application Of General Provisions

The general provisions of this Section shall apply in all districts unless specifically stated otherwise.

8203.02 Accessory Buildings

General regulations: In any zoning district, an accessory building may be erected, detached from the permitted principal building or as an integral part of the permitted principal building. When erected as an integral part of the permitted principal building, it shall comply in all respects with the requirements of this Ordinance applicable to the permitted principal building. The architectural character of all accessory buildings shall be compatible and similar to the principal building.

1. Detached accessory buildings, whether the foundation is permanent or non-permanent, shall be located as indicated in district regulations.
2. Attached accessory buildings shall be located as indicated in district regulations. No accessory building may be built on any lot on which there is no principal building. No portion of an accessory building shall be utilized as a dwelling or as sleeping quarters.
3. In North City, East City and West City Residential, the maximum number of Accessory Buildings on any one improved lot shall be three (3), of which a Garage, whether attached or detached, counts as one (1). Only one (1) Accessory Building may contain Ancillary Living Space.
4. In the Rural District, the maximum number of Accessory Buildings on any one improved lot shall be four (4), of which a Garage, whether Attached or Detached, counts as one (1).
    a. Only one (1) Accessory Structure, which may not be an Agricultural Building, may contain Ancillary Living Space.
    b. The 40ft height limit applies to only one (1) of these four (4) Accessory Buildings, and that building may be used only for Agricultural purposes and may not be used as Ancillary Living Space. A structure is deemed "Agricultural" by virtue of its additional height and not by definition of its contents which may include, but be not limited to: agricultural equipment, feed and supplies associated with permitted Urban Agricultural activity and with permitted Greenhouse activity.
    c. The lot coverage allowance shall not be exceeded.
    d. Stormwater and Steep Slope requirements must be observed.
    e. An Agricultural Building on any one improved lot subtracts one (a) from the maximum number of Accessory Buildings.
5. Accessory buildings are prohibited in a front yard or in either of the front yards on a corner lot.
6. Where permitted, accessory buildings shall be subject to district placement, size and setback requirements.
7. No accessory building in any district shall be larger than 50% of the principal building.

In those cases where the Administrator questions whether an accessory building is usual and customary to a permitted use, a determination shall be made by the Planning Commission utilizing the following criteria, and the procedure for calling a hearing for a special use shall be followed. Whether the proposed building is consistent with the permitted use.

1. Whether the proposed size and location of the proposed building is consistent with existing permitted uses.
2. Whether the proposed building will adversely affect the light and air circulation of any adjoining buildings or properties.
3. Whether the proposed building will adversely affect the view of any adjoining property.
4. Whether the proposed building can be located such that it meets the yard and other requirements.

8203.03 Area Or Space Required

No lot, yard, court, parking area or other space shall be so divided, altered or reduced to make it less than the minimum required under this Ordinance. If already less than the minimum required, it shall not be further divided or reduced.

8203.04 Basement Dwellings

The use of a basement as a dwelling unit is prohibited in all zones. The use of any portion of a basement as living or sleeping quarters below a dwelling meeting the floor area requirements of the zoning district must meet the egress requirements of the Municipal Code.

8203.05 Conversion Of Dwellings

Where permitted, the conversion of any existing dwelling so as to accommodate an increased number of dwelling units shall be limited to not more than three (3) dwelling units irrespective of the number permitted in new buildings.

8203.06 Corner Lots

Where a lot is bounded by two streets, the front yard requirements shall be met for each street. In the East City Residential and West City Residential Districts, established setbacks of adjacent dwellings shall determine the setback requirements for a corner lot as determined by the Zoning Administrator.

8203.07 Demolition

Unless otherwise excepted under the provisions of this section, no building or structure may be razed, demolished or torn down without first obtaining a demolition permit from the Administrator. The Administrator shall issue a demolition permit only after the applicant has shown that he has complied with the following requirements:

1. A certificate is obtained from the Benzie County Treasurer and from the City Treasurer that all property taxes and special assessments on the subject property are paid.
2. A fee as established by the City Council shall be paid to the City for the issuance of such permit.
3. A cash bond, surety bond, or irrevocable letter of credit is posted with the City Clerk in the amount of five hundred dollars ($500) or ten percent (10%) of the contracted price of demolition whichever is greater. The surety bond shall be forfeited in the event the requirements of this section are not met and can be used in the City's discretion to enforce this Ordinance, bring the property into compliance with the Ordinance, or to be placed in the general fund of the City.
4. The manner of razing, demolishing or tearing down of a structure or building hereby regulated shall comply with the following:
    a. Prior to any demolition, all utilities connecting to such building or structure including but not limited to water, gas, electricity, telephones, sanitary sewer and storm sewer, shall be disconnected and capped in such a manner that it is acceptable to the company, municipality or entity controlling such utility save that electrical lines and gas lines shall be capped at least at the street adjacent to the subject parcel, and no bond shall be

released until written evidence from such company, municipality and/or entity is given stating that the disconnection and capping is acceptable.

b. No materials used in the construction of the structure or building shall be buried or left upon the subject premises but shall be disposed of in a licensed sanitary landfill.
c. Any concrete or like material that is part of the basement and/or foundation of the structure or building shall either be removed in conformance with the above paragraph (2) or shall be broken up in pieces not larger than 24 inches by 24 inches by 24 inches and must be arranged below the surface in such a way as to allow free percolation of water and be placed at least four (4) feet below the surface of the ground.
d. Any septic or other underground storage tank or tanks shall have their contents removed and disposed off the premises in accordance with statutes of the State of Michigan and rules promulgated of agencies of the State of Michigan and the tanks shall subsequently be removed from the premises or broken up and arranged in the same manner as stated in the above paragraph (3).
e. Such quantity of clean fill dirt as is necessary to level off the premises after such demolition shall be brought on the premises and the premises shall be leveled off to the grade existing prior to such demolishing, tearing down or razing.

5. The Administrator shall inspect before, during and subsequent to the demolition and verify that there has been compliance herewith prior to the release of the bond, and the applicant must allow such inspection and not proceed with any part of the demolition in such a way that any of the requirements hereof cannot be visually inspected for compliance and shall not proceed before actual inspection and approval is made on any of such requirements.
6. Upon compliance with all the requirements hereof, and verification thereof by the Administrator to the City Clerk of compliance, the bond or letter of credit shall be released to the applicant by the City Council.
7. In the event that a building or structure is demolished by an Act of God or natural disaster (accidental fire, wind, flood, snowload, etc.), the demolition permit is required but the fee shall be waived. A clean-up time of ninety (90) days is allowed.

8203.08 Dwelling Situated Outside Of Mobile Home Park, Minimum Requirements

All dwelling units located outside of mobile home parks shall comply with the following requirements:

1. All dwelling units must conform to the minimum floor area requirements for the districts in which they are located.
2. All dwelling units shall provide a minimum height between the floor and ceiling of seven feet six inches (7'-6"); or if a mobile home, it shall meet the requirements of the United States Department of Housing and Urban Development Regulations, entitled Mobile Home Construction and Safety Standards, effective June 15, 1976, as amended.
3. The minimum width of any single family dwelling unit shall be twenty-two (22) feet for at least sixty-seven (67) percent of its length, measured between the exterior part of the walls having the greatest length.
4. All dwelling units shall comply in all respects with the Michigan Residential Code and the Michigan Uniform Energy Code as promulgated by the Michigan State Construction Code Commission under provisions of Public Act 230 of 1972, as amended. or the "Mobile Home Construction and Safety Standards", as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, and as from time to time such standards may be amended.
    a. Foundations: A permanent foundation constructed on-site in accordance with said Michigan Residential Code and shall have the same perimeter dimensions of the

dwelling and constructed of such materials and type as required in the said Michigan Residential Code for dwellings or, in the case of mobile homes, that dwelling shall be installed pursuant to the manufacturer's set-up instructions and shall be secured to the foundation by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission or said Michigan Residential Code, whichever is stricter, and with the wheels removed shall not have any exposed towing mechanism, undercarriage, or chassis.

b. The dwelling shall meet or exceed all applicable roof snow load and strength requirements.

5. All dwellings without basements, except slab on grade construction, shall provide a crawl space below the entire floor of the dwelling four (4) feet in depth, with a vapor barrier consisting of two (2) inches of concrete on the floor of the crawl space. The crawl space shall also be provided with adequate drains to drain any accumulation of water in the crawl space. The Administrator may allow an alternative building plan to be utilized if consistent with the approved construction code of the City.
6. All dwellings shall be connected to a sewer system and water supply system approved by the City.
7. Additions of rooms or other areas shall be constructed with similar quality workmanship as the original structure. Permanent attachment to the principal structure shall include construction of a foundation, and no addition shall involve placing a bearing load on a mobile home.
8. All dwellings shall provide steps or porch areas, permanently attached to the foundation where there exists an elevation differential of more than eight (8) inches between any door and the surrounding grade.
9. A minimum of one hundred (100) square feet of enclosed storage space, excluding closets, shall be provided for each dwelling. Said enclosed storage space may consist of a basement, garage, shed, or other structure approved by the Administrator.
10. All dwellings shall have a double pitched roof of not less than six (6) feet of rise for each twelve (12) feet of run and a maximum of fourteen (14) feet of rise for each twelve (12) feet of run and the roof shall be covered by either asphalt, fiberglass, slate or shake shingles.
11. All dwellings shall be compatible in design and appearance with other residences in the vicinity, with either a roof overhang of not less than six (6) inches on all sides or alternatively with window sills or roof drainage systems, concentrating roof drainage at collection points along sides of the dwellings.
    a. The compatibility of design, height and appearance shall be determined in the first instance by the Administrator upon review of the plans submitted for a particular dwelling. An appeal by an aggrieved party may be taken to the Zoning Board of Appeals. Any determination of compatibility shall be based upon the standards set forth in this section, as well as the character, design, and appearance of residential dwellings located outside of mobile home parks within five hundred (500) feet of the subject dwelling.
    b. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.
12. Prior to issuance of a building permit for any dwelling unit, construction plans, including a plot plan adequate to illustrate compliance with the requirements of this Ordinance, shall be submitted to the Administrator. If the dwelling unit is a mobile home, there shall also be submitted adequate evidence to assure that the dwelling complies with the standards applicable to mobile homes set forth in this section.
13. All dwellings shall provide a minimum of two (2) points of ingress and egress.

14. The Administrator shall have a minimum of three (3) working days to review plans prior to issuing a Zoning Permit.

8203.09 Principal Dwelling On Rear Of Lot

No dwelling shall be constructed, altered or moved into the area behind a building situated on the same lot, nor shall any building be constructed in front of, or moved in front of, a dwelling situated on the same lot.

8203.10 Essential Services

Essential services that are located underground or involve the customary placing of utility poles in public rights-of-way or public easements may be placed in any zone. Essential services which require the erection or construction of other above ground appurtenances or structures may be permitted as a special use by the Planning Commission provided it finds that there will be no adverse effect upon surrounding adjacent property.

8203.11 Existing Sub-Standard Platted Lots

1. Any lot which at the time of adoption of this Ordinance fails to comply with the area and lot size requirements of this Ordinance may be used for a permitted use if all yard requirements are 90% complied with. No Board of Appeals' action is required.
2. Lots in single ownership:
    a. Lots containing ninety percent (90%) of area. Any lots in single ownership with adjacent lots at the time of adoption of this Ordinance may be used as separate lots if each lot contains ninety percent (90%) or more of the required lot area. No Board of Appeals action is required.
    b. Lots containing less than ninety percent (90%) of lot area. Adjacent lots in single ownership at the time of adoption of this Ordinance which do not contain ninety percent (90%) or more of the required lot area shall be combined or re-divided to conform to this Ordinance.
3. Lots for which approval of Administrator is required. In all other cases, no lot shall be used for a permitted use unless the approval of the Administrator is obtained. The Administrator shall consider the following factors in making his decision:
    a. Side and rear yards may be reduced to the same percentage that the lot area bears to the district requirements. However, no side yard shall be less than one half of the height of any principal building.
        i. Off-street parking requirements of the district shall be met.
        ii. Structures for human use and habitation must be connected to public utilities, if available.
        iii. Proof sufficient to establish that the lot was in existence at the time of adoption of this Ordinance shall be submitted.

8203.12 Floor Area

1. One-Story Single Family Dwellings: For each new one-story single family dwelling erected in East and West City Residential Districts, including mobile homes erected outside of mobile home parks, there shall a minimum ground floor area of one thousand (1,000) square feet. For each new one-story single family dwelling erected in North City Residential and Rural Districts, including mobile homes erected outside of mobile home parks, there shall a minimum ground floor area of 680 square feet exclusive of porches, decks and steps. Any two levels of bi-level, tri-level, or split-level type single family dwelling shall be considered the same as a one story dwelling requiring the same floor area as a one story dwelling.

2. Multi-Story Single Family Dwellings: There shall be a minimum ground floor area of six hundred eighty (680) square feet and a total floor area of one thousand two hundred (1,200) square feet for each new two- or three-story single family dwelling erected.
3. Multiple-Family Buildings
    a. Efficiency Apartment: The term "Efficiency Apartment" shall mean a dwelling unit containing not over five hundred (500) square feet of floor area, and consisting of not more than two (2) rooms in addition to kitchen, dining and necessary sanitary facilities.
    b. Two-Bedroom Unit: The term "Two-Bedroom Unit" shall mean a dwelling unit containing a minimum floor area of at least seven hundred and fifty (750) square feet per unit, consisting of not more than three (3) rooms in addition to kitchen, dining, and necessary sanitary facilities.
    c. Three or More Bedroom Unit: The term "Three or More Bedroom Unit" shall mean a dwelling unit wherein for each room in addition to the three (3) rooms permitted in a two (2) bedroom unit, there shall be provided an additional area of one hundred and fifty (150) square feet to the minimum floor area of seven hundred and fifty (750) square feet.

8203.13 Garages

1. Garages - Private: A garage shall either be attached or detached, but not both on the same property. Where an attached garage is present on a parcel a second storage building shall be considered a permitted accessory building and shall be limited per District regulations.
    a. The architectural character of all garages shall be compatible and similar to the principal building and roof pitch shall conform to requirements for residential buildings.
2. Attached Garage:
    a. An attached garage is allowed in the East City, North City, West City, Rural and Waterfront Districts only and shall be limited to a maximum of (2) stalls with a total garage size no greater than 600 square feet or 60% of the ground floor area of the attached dwelling unit, whichever is less.
3. Detached Garage:
    a. A detached garage shall not exceed sixty percent (60%) of the ground floor area of the single family dwelling with a maximum size of the detached garage not to exceed twelve hundred (1,200) square feet in area. Notwithstanding the above, each single family dwelling is permitted a detached garage up to five hundred and seventy-six (576) square feet in area regardless of the ground floor area of the principal dwelling. The detached garage shall not exceed the height of the Principal Building minus two (2) feet and shall not to exceed two stories
    b. Free-standing multiple garage structures will be allowed in Main Street East, East City Residential and Waterfront Districts subject to Site Development Plan approval by the Planning Commission. The size of the multiple garage structure shall be calculated at a maximum of one (1) stall (300 square feet) per dwelling unit times the number of dwelling units.
    c. Garages may include ancillary living spaces in the East City Residential, North City Residential, West City Residential and Rural Districts only.

8203.14 Home Occupation and Home-Based Businesses

1. Intent. It is the stated intent of this section to support responsible and non-disruptive development of such activities in residential areas with a goal of fostering good neighborhood relationships, and allowing home occupations and home-based businesses in the City of

Frankfort. These business ventures and occupations shall be incidental to the residential use of the premise and remain compatible with the residential use. The business or home occupation are limited in extent and use of the square footage of the principal building, and do not alter, detract or diminish the appearance or use of the building as a residence.

2. Permit Procedures. Home occupations and home-based businesses shall be permitted in all residential districts by right: meaning no permit required. The use by right is limited by the following provisions: No equipment or process shall be used by the home occupation or home-based business which creates noise, vibration, glare, fumes, odors, or electrical interference which is a nuisance to the normal senses of persons off the parcel or lot.
3. Required Conditions. Home occupations and home-based businesses shall meet the following conditions and requirements:
    a. There shall be no change to the principal residential structure where such home occupation or home-based business is conducted which alters the character and appearance of such structure on the premises.
    b. All business activity takes place within a dwelling structure, or within an ancillary structure allowed on the residential parcel
    c. The use of a single family home by an occupant of that residence for a home occupation to give instruction in a craft or fine art is expressly permitted. This provision does not relieve the occupant from the complying with the conditions of use established by this section which accompany its use as a home occupation.
    d. One (1) unlighted wall mounted sign or single window sign may be allowed for each residence pursuant to and according to the standards established in **8205.15 Signs and Signage Standards**. A single window sign may not exceed 25% of the single window area.
    e. All commercial vehicles or non-passenger vehicles used in conjunction with the home occupation or business, and not used as part of normal personal transportation by any householder, will be parked and stored inside a garage or ancillary building in accordance with residential parking requirements. Excess vehicles will not be parked on city right of ways, or alleys, overnight.
    f. The home based business or home occupation may not involve the accumulation or use of hazardous materials, substances or debris. Business based disposal standards will be enforced for any and all materials, as regulated by City and County standards for health, safety and welfare of the general public.
    g. The open storage of material, equipment, or refuse associated with or resulting from the home occupation or home-based business is expressly prohibited. It is the intent of this subsection to prevent unsightliness or outdoor displays which are discernible beyond the property line.
    h. The use of the dwelling unit for the home occupation or home-based business shall be clearly incidental and subordinate to its use for residential purposes and occur on the same zoning lot.
    i. Shipping and receiving of products, merchandise, or supplies shall be limited to between the hours of 8:00 a.m. and 4:00 p.m. and shall occur in smaller vehicles customarily used for residential deliveries.
4. Prohibited Home Occupations. The following shall not be permitted in any residential zoning district:
    a. Animal Hospital or animal boarding facility.
    b. Recycling of materials or accumulation of materials on site.
    c. Any form of business or occupation that may become a nuisance to neighbors.

5. Enforcement Procedures.
    a. All home based businesses and occupations are subject to regulations in the City of Frankfort Municipal Code for the Noise Regulation, Chapter 5: Public Health, Safety and Welfare, Article 4 Noise Regulation and all food-related business activities are additionally subject to the regulations of the Benzie County Health Department and State of Michigan.
    b. Any aggrieved person believing that a violation or violations of the section is occurring and who desires that action be taken by the City shall notify the Zoning Administrator in writing of such alleged violation(s). Within 30 calendar days after receipt by the Zoning Administrator of such written allegation(s), the Zoning Administrator shall complete an investigation of the alleged allegation(s) to determine the merits of such complaint.
    c. Within 14 days after the Zoning Administrator has completed the investigation, he/she shall notify in writing the following persons:
        i. If the Zoning Administrator determines that no violation as alleged or otherwise is occurring, then written notification of that decision shall be personally provided to complainant or deposited during normal business hours for delivery to the complainant with the United States postal service or other public or private delivery service.
        ii. If the Zoning Administrator determines that a violation is occurring or has occurred as alleged or otherwise, then notification of that finding and a time of compliance shall be sent by certified mail return requested to both the violator and complainant. The notification shall also state what action, if any, will be taken if compliance is not timely effected.
6. Nonconforming Home Occupations and Home Based Businesses are those which do not conform to the standards of **Section 8203.14 Home Occupation and Home-Based Businesses** Section 1, 2, 3, 4 and 5. A nonconforming home occupation or nonconforming home-based business is one which was lawfully established and maintained prior to the effective date of this section but is no longer allowed because of the application of this section or any amendment thereto. All home occupations being conducted on the effective date of this section shall have ninety (90) days thereafter to comply with the required conditions specified herein and, if necessary, to apply for a special use permit. Householders conducting a home occupation or home-based business which require a special condition use permit may continue to conduct their occupation or business pending a final determination of their application by the Planning Commission. Should the Planning Commission deny the petition for a special condition use permit, the householder may appeal the decision to the City Council. If the appeal is denied, the petitioner shall immediately cease their home occupation or home-based business activities from such residential premises.

8203.15 Travel Trailers, Motor Homes, Campers And Tents

Travel trailers, motor homes, campers, tents or other similar type of facilities to be used for dwelling purposes or any other use are prohibited except as follows:

1. As a temporary use as may be permitted in **8203.22 Temporary Special Use Permits**.
2. As an accessory use seasonally permitted in a licensed campground.

8203.16 Restoring Unsafe Buildings

The Administrator has the authority to order the strengthening or repair of any building which is unsafe or hazardous. Also see Municipal Code for regulations.

8203.17 Satellite Dish Antenna, Television, Radio Antenna and Flag Poles

1. The purpose of this section is to regulate the use of such sending and receiving antennas and flag poles and reasonably regulate the same in light of clearly defined health, safety, and aesthetic considerations.
2. Aesthetic and other conditions.
    a. Dish antennas exceeding fifteen (15) feet in height are aesthetically out of character with other uses in all but the Industrial -Entrepreneurial District.
    b. The placement of such dish antennas on structures or buildings which are used as dwellings are out of character with such uses and residential districts.
    c. Permitting uses which are aesthetically out of character promotes premature economic obsolescence and decrease in property values.
    d. Dish antennas that exceed a height of fifteen (15) feet and/or are placed on buildings or structures which are used as residential dwellings limits the providing of adequate light and open space and increases possible danger to inhabitants or dwellings from such dish antennas coming detached in storms and high winds.
    e. Dish antennas located in front yards or within eight (8) feet of property lines are incompatible with all uses permitted in all districts.
    f. Flag poles exceeding the maximum building height are incompatible with the architectural scale of buildings within the City.
3. A satellite dish antenna is permitted in all zoning districts upon approval by the Administrator, provided the following provisions are satisfied:
    a. The satellite dish antenna shall be permanently anchored to a foundation or a building.
    b. No satellite dish antenna shall exceed a height of fifteen (15) feet, including its mounting structure.
    c. A satellite dish antenna affixed to the ground or other foundation shall not be located in the front yard and shall not be closer than the side yard setback of the district to any property line.
    d. A satellite dish antenna may be mounted on the roof of a principal or accessory building in all districts, provided it shall not exceed a height of five (5) feet above the roof.
4. When a radio, television, satellite dish antenna or flag pole has not been used for one hundred eighty (180) days or more, or six (6) months after new technology is available which permits the operation of a radio, television, satellite dish antenna without the requirement of the same equipment and/or support structure, the entire radio, television, or satellite dish antenna or that portion of such structure made obsolete by the new technology, shall be removed by the users and/or owners of the radio, television, satellite dish antenna or flag poles. The situation(s) in which removal of a radio, television, satellite dish antenna or flag pole is required may be applied and limited to a portion of the equipment.
    a. Upon the occurrence of one or more of the events requiring removal, the property owner or persons who had used the radio, television, satellite dish antenna or flag poles shall immediately apply for and secure the application for any required demolition or removal permits, and immediately proceed with and complete the demolition/removal, restoring the condition which existed prior to the construction of the wireless communications facility.
    b. If the required removal of the radio, television, satellite dish antenna or flag pole or a portion thereof has not been lawfully completed within sixty (60) days of the applicable deadline, and after at least thirty (30) days' written notice, the City may remove or secure the removal of the facility, or required portions thereof, with its actual costs and reasonable administrative charges to be drawn or collected and/or enforced from or

under the security posted at the time application was made for establishing the wireless communications facility.

8203.18 Site Preparation – Excavation, Fill And Extraction

Site Preparation-Excavation, Filling and Extraction: Site preparations involving the excavation, extraction, fill or removal of earth and material shall be prohibited unless it is for the customary and primary purpose of erecting an authorized building, roadway, or other authorized use or improvement on the site and a building permit for zoning compliance is issued. Any use that must obtain a Special Use Permit under must likewise meet the requirements for such special use approval as outlined in **Section 8108: Special Uses and Variances**.

8203.19 Sexually Oriented Business Regulation

The purpose and intent of the Sections of this Ordinance pertaining to the regulation of sexually oriented businesses is to regulate the location and operation of, but not to exclude, sexually oriented businesses within the City, and to minimize their negative secondary effects. It is recognized that sexually oriented businesses, because of their very nature, have serious objectionable operational characteristics which cause negative secondary effects upon nearby residential, educational, religious and other similar public and private uses. The regulation of sexually oriented businesses is necessary to ensure that their negative secondary effects will not contribute to the blighting or downgrading of surrounding areas and will not negatively impact the health, safety and general welfare of city residents. The provisions of this Ordinance are not intended to offend the guarantees of the First Amendment to the United States Constitution or to deny adults access to sexually oriented businesses and their intended market. Neither is it the intent of this Ordinance to legitimatize activities which are prohibited by City ordinance, state or federal law. If any portion of this Ordinance relating to the regulation of sexually oriented businesses or referenced in those sections is found to be invalid or unconstitutional by a court of competent jurisdiction, the city intends said portion to be disregarded, reduced and/or revised so as to be recognized to the fullest extent possible by law. The city further states that it would have passed and adopted what remains of any portion of the Ordinance relating to regulation of sexually oriented businesses following the removal, reduction or revision of any portion so found to be invalid or unconstitutional.

Sexually Oriented Businesses are required to obtain a Special Use Permit and are subject to the following regulations:

1. No sexually oriented business shall be permitted in a location in which any principal or accessory structure, including signs, is within one thousand five hundred feet (1,500’) of any principal or accessory structure of another sexually oriented business.
2. No sexually oriented business shall be established on a parcel which is within five hundred feet (500’) of any parcel zoned R, EC, NC, WC, MSW, P, C or INST.
3. No sexually oriented business shall be established on a parcel within five hundred feet (500’) of any public park, school, child care facility, church or place of worship. The distance between a proposed sexually oriented business and any public park, school child care facility, church or place of worship, or other sexually oriented business shall be measured in a straight line from the nearest property line upon which the proposed sexually oriented business is to be located to the nearest property line of the public park, school, child care facility, church or place of worship.
4. The proposed use shall conform to all standards of the zoning district on which it is located and shall meet all requirements of **Section 8204: Stormwater Management**.

5. The proposed use must meet all applicable written and duly promulgated standards of the City of Frankfort and of other governments or governmental agencies having jurisdiction, and that to the extent required, the approval of these governments and/or governmental agencies has been obtained or is reasonably assured.
6. The outdoor storage of garbage and refuse shall be contained, screened from view and located so as not to be visible from neighboring properties or the adjacent roadways.
7. Any sign or signs proposed for the sexually oriented business must comply with the provisions of **8205.15 Signs and Signage Standards** of this Ordinance, and shall not otherwise include photographs, silhouettes, drawings, or pictorial representations of any type, or include animated or flashing illumination
8. Entrances to the proposed sexually oriented business must be posted on both the exterior and interior walls, in a location clearly visible to those entering and exiting the business, and using lettering no less than two (2) inches in height that: 1) "Person under the age of 18 are not permitted to enter the premises", and 2) "No alcoholic beverages of any type are permitted within the premises unless specifically allowed pursuant to a license duly issued by the Michigan Liquor Control Commission."
9. No product or service for sale or gift, or any picture or other representation of any product or service for sale or gift, shall be displayed so as to visible from the nearest adjoining roadway or a neighboring property.
10. Hours of operation shall be limited to 8:00 AM to 12:00 AM.
11. All off-street parking areas shall comply with **8205.11 Parking Standards** and **8205.12 Parking Location Standards** of this Ordinance and shall additionally be illuminated during all hours of operation of the sexually oriented business, and until one hour after the business closes.
12. Any booth, room or cubicle available in any sexually oriented business, excepting an adult motel, used by patrons for the viewing of any entertainment characterized by the showing of Specified Anatomical Areas or Specified Sexual Activities:
    a. Is handicap accessible to the extent required by the Americans With Disabilities Act;
    b. Is unobstructed by any door, lock or other entrance and exit control device;
    c. Has at least one side totally open to a public, lighted aisle so that there is an unobstructed view at all times from the adjoining aisle of any occupant;
    d. Is illuminated such that a person of normal visual activity looking into the booth, room or cubicle from its entrance can clearly determine the number of people within;
    e. Has no holes or opening in any side or rear walls not relating to utility, ventilation or temperature control services or otherwise required by any governmental building code or authority.

8203.20 Steep Slopes

1. The purpose of this section is to protect resources in environmentally sensitive areas to ensure that development does not result in soil erosion and flooding during site preparation and the development process. All uses and activities established after the effective date for this ordinance shall comply with the following steep slope standards. Site alterations, re-grading, filling or clearing of vegetation, or any other activity deemed detrimental to any steep slope area prior to the submission of plans for subdivision or land development shall be a violation of this ordinance.
2. General Design Standards
    a. Structures shall be designed in a manner that requires a minimum amount of alteration to the steep slope and that otherwise complies with the grading standards in subsection 3 below. Except where a geologic hazard investigation report recommends otherwise,

multi-level building design and/or terracing shall be used. Otherwise, structures shall be sited on existing level areas of the site.

b. Particular caution shall be taken to prevent increases in the rate of stormwater runoff and erosion downslope of any steep slope development site. An approved City of Frankfort permit shall be submitted before any use is approved under the provisions herein.
c. Slope shall be measured over the entire site using a minimum of two-foot contour intervals
d. Vegetation must be re-established on all disturbed slopes greater than 15%.

3. Design Standards
    a. Any disturbance of slopes exceeding 15% shall be minimized.
    b. No site disturbance shall be allowed on slopes exceeding 25% except for under the following circumstances:
        i. Grading for a portion of a driveway accessing a single family dwelling when it can be demonstrated that no other routing which avoids slopes exceeding 25% is possible.
        ii. Upon submission of a report by a certified soil or geotechnical engineer indicating the steep slope may be safely developed and execution of a provision agreeing to hold the City of Frankfort harmless from any claims of damages due to approval of such development, If development is allowed to proceed under this subsection, no more than 15% of such areas shall be developed or re-graded or stripped of vegetation
        iii. Finished slopes of all cuts and fills shall not exceed three-to-one (3:1), unless the applicant can demonstrate that steeper slopes can be stabilized and maintained adequately.
        iv. A minimum of 50 foot buffer of undisturbed vegetation shall be preserved downslope of any development activity on slopes in excess of 15%.

8203.21 Swimming Pools

Swimming pools are prohibited in the first layer. Prior to the issuance of a building permit for the construction of an outdoor swimming pool in any zoning district, the following provisions must be satisfied:

1. An application for permit, accompanied by a complete and detailed set of plans and specifications of the swimming pool, fencing, and related equipment, meeting as a minimum the following standards:
    a. The swimming pool shall not be closer than district setback requirement to any side or rear lot line and no part of any pool shall be constructed within a required front yard.
    b. The drain line for the pool shall be connected to a storm sewer if one is available. Where a storm sewer is not available, the pool drain may be drained in a manner approved by the City Administrator. No pools shall drain into public or private sanitary sewer or septic systems. All drain connections shall be approved by the Administrator before final approval is given.
    c. The Regulations and Standards for swimming pools contained in the BOCA Building Code and National Electrical Code, as adopted by Benzie County.

8203.22 Temporary Special Use Permits

The Administrator may issue Temporary Special Use Permits for the following uses after determining that such uses will not be detrimental to adjacent conforming uses during the permitted period of use. A

second Temporary Special Use Permit may be issued by the Administrator at the end of such time limit for good cause shown. A third Temporary Special Use Permit may only be authorized by the Planning Commission as a special use.

1. Mobile Homes: An individual mobile home or other temporary structure may be used as temporary living or working quarters for up to ninety (90) days while a dwelling or structure is being constructed on the same premises. A Temporary Special Permit must be issued prior to any such use.
2. Signs and Supplies: The storage of building supplies and machinery, temporary storage buildings, the assembly of materials and customary trade, contractor, architect and identification signs in connection with a construction project may be authorized by the Administrator for a period of up to twelve (12) months.
3. Seasonal Uses: The Administrator may authorize a Temporary Special Permit for up to thirty (30) days for seasonal or unusual non-recurrent temporary uses and signs.
4. Parking Areas: Temporary special permits may be issued by the Administrator for the use of unimproved parking areas in accordance with the parking regulations of each Zoning District.
5. Reasonable conditions may be required with the approval of a Temporary Special Permit by the Administrator. The conditions may include, but are not limited to, conditions necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet all of the following requirements:
    a. Be designed to protect natural resources, the health, safety, and welfare and the social and economic well-being of those who will use the land use or activity under consideration, residents and land owners immediately adjacent to the proposed land use or activity, and the community as a whole.
    b. Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.
    c. Be necessary to meet the intent and purpose of the Zoning Ordinance, be related to the standards established in the Ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.
    d. The conditions imposed with respect to the approval of a Temporary Special Permit shall be recorded in the record of the approval action, and shall remain unchanged except upon the mutual consent of the Administrator and the landowners, in writing. The Administrator shall maintain a record of conditions which are changed.
    e. A fee shall be paid as determined by the Frankfort City Council.

8203.23 Unclassified Uses

Where a proposed use of land or use of building is not contemplated or specified by this Ordinance or where the Administrator has a question as to the appropriateness of a use which, although basically permitted, involves other features which were not contemplated or specified by this Ordinance, the Administrator shall request a determination by the Planning Commission. If the Planning Commission determines that such use is not contemplated or specified by this Ordinance, or that it involves features which were not contemplated or specified herein, then the Planning Commission may permit such use as a special use only after it determines that it will have no adverse effect upon adjacent property, that the use is similar to other uses in the district in which it is proposed to be placed, and the spirit, purpose and intent of the Zoning Ordinance and City of Frankfort Master plan are not impaired by or are advanced by permitting such use at the proposed location.

8203.24 Wireless Communication Facilities

This section shall not govern any tower, or the installation of any antenna, that is less than seventy (70) feet in height and is owned and operated by a federally-licensed amateur radio station operator or is used exclusively for receive only antennas.

1. In the following circumstances, a proposal to establish a new wireless communication facility shall be deemed a principal permitted use, subject to site plan and the conditions set forth in paragraph (c) below, and if approved, constructed and maintained in accordance with the standards and conditions of this Section.
    a. Attached wireless communication facilities within all IE or Civic districts only, where the existing structure is not, in the determination of the Planning Commission, proposed to be either materially altered or materially changed in appearance.
    b. Collocation of an attached wireless communication facility which has been pre-approved for such collocation as part of an earlier approval by the Planning Commission.
    c. Attached wireless communication facilities consisting of a utility pole located within a public right-of-way, where the existing pole is not proposed to be modified in a manner which, in the determination of the Planning Commission, would materially alter the structure and/or result in an impairment of sight lines or other safety interests.
    d. Monopole wireless communication support structures in the Industrial-Entrepreneurial District only.
2. If it is demonstrated to the satisfaction of the Planning Commission by an applicant that a wireless communication facility may not reasonably be established as principal permitted use under paragraph (a). above and is required to be established outside of a district identified in paragraph (a) in order to operate a wireless communication service, then wireless communication facilities may be permitted elsewhere in the City by special use approval only subject to the requirements set forth in paragraph (c), and subject further to the Special approval procedures of **Section 8108: Special Uses and Variances** and if approved, constructed and maintained in accordance with the standards and conditions of this Section, and also subject to the following criteria and standards:
    a. At the time of the submittal, the applicant shall demonstrate that a location within an allowable district cannot reasonably meet the coverage and/or capacity needs of the applicant.
    b. Wireless communication facilities shall be of a design such as a steeple, bell tower, or other form which is compatible with the existing character of the proposed site, neighborhood, and general area, as approved by the Planning Commission, and shall comply with the collocation requirements of this section.
    c. In all residential and civic districts, site locations shall be permitted on a priority basis upon the following sites, subject to application of all other standards contained with this Section:
        i. Municipally owned sites.
        ii. Other governmentally owned sites.
        iii. Religious or other institutional sites.
        iv. Public parks and other large permanent open space areas when compatible.
        v. Public or private school sites.
        vi. Other sites.
3. General Requirements: All applications for wireless communication facilities shall be reviewed, in accordance with the following standards and conditions, and if approved shall be constructed and maintained in accordance with such standards and conditions. In addition, if a facility is

approved, it shall be constructed and maintained with any additional conditions imposed by the Planning Commission at its discretion.

a. All applications for the required permit to place, construct or modify any part or component of a wireless communication facility shall include the following:
b. A site plan prepared, showing the location, size, screening and design of all buildings and structures, including fences, and the location and size of outdoor equipment, and the location, number, and species of proposed landscaping.
c. A disclosure of what is proposed, demonstrating the need for the proposed wireless communication support structure to be located as proposed based upon the presence of one or more of the following factors:
    i. Proximity to an interstate highway or major thoroughfare.
    ii. Areas of population concentration.
    iii. Concentration of commercial, industrial and/or other business centers.
    iv. Areas where signal interference has occurred due to buildings, masses of trees or other obstructions.
    v. Topography of the proposed facility location in relation to other facilities within which the proposed facility is to operate.
    vi. Other specifically identified reason(s) creating need for the facility.

4. The reason or purpose for the placement, construction or modification with specific reference to the provider's coverage, capacity and/or quality needs, goals and objectives.
5. The existing form of technology being used and any changes proposed to that technology.
6. As applicable, the planned or proposed and existing service area of the facility and the attached wireless communication facility, and wireless communication support structure height and type, and signal power expressed in ERP upon which the service area has been planned.
7. The nature and extent of the applicant/provider's ownership or lease interest in the property, building or structure upon which facilities are proposed for placement, construction or modification.
8. The identity and address of all owners and other persons with a real property interest in the property, building or structure upon which facilities are proposed for placement, construction or modification.
9. A map showing existing and known proposed wireless communication facilities within the City of Frankfort, and further showing existing and known proposed wireless communication facilities within areas surrounding the borders of the City in the location, and in the area, which are relevant in terms of potential collocation or in demonstrating the need for the proposed facility. The map shall also show existing buildings and/or other structures of the same approximate height within a one-half (½) mile radius of the proposed site which could accommodate a feasible collocation of the applicant's proposed attached wireless communication facility. If and to the extent the information in question is on file with the City, the applicant shall be required only to update as needed. Any such information which is trade secret and/or other confidential commercial information which, if released would result in commercial disadvantage to the applicant, may be submitted with a request for confidentiality in connection with the development of governmental policy as permitted in the **Freedom of Information Act (MCL 15.243)**. This ordinance shall serve as the promise to maintain confidentiality to the extent permitted by law. The request for confidentiality must be prominently stated in order to bring it to the attention of the City.
10. For each location identified in the applicant/provider's survey maps and drawings, the application shall include the following information, if known, with the applicant/provider

expected to exercise reasonable due diligence in attempting to obtain information through lawful means prior to application:

a. The structural capacity and whether it can accommodate the applicant's facility, as proposed or modified.
b. Whether property owner approvals exist or have been requested and obtained.
c. Whether the location could be used by the applicant/provider for placement of its attached wireless communication facility, or if not, a disclosure of the technological considerations involved, with specific reference to how use of the location would prohibit the applicant/provider from providing wireless communication services.

11. A certification by a State of Michigan licensed and registered professional engineer regarding the manner in which the proposed structure will fall. The certification will be utilized, along with other criteria such as applicable regulations for the district in question, in determining appropriate setbacks to be required for the structure and other facilities.
12. A description of the security to be posted at the time of receiving a building permit for the wireless telecommunication support structure to ensure removal of the structure when it has been abandoned or is no longer needed as provided in paragraph (c)16 below. The security shall be in the form of cash, surety bond, letter of credit, or an agreement in a form approved by the City Attorney and recordable at the office of the Benzie County Register of Deeds, a promise of the applicant and owner of the property to remove the facility in a timely manner as required under this Section, with the further provision that the applicant and owner shall be responsible for payment of any costs and attorney's fees incurred by the City in securing approval.
13. The site plan shall include a landscape plan where the wireless communication support structure is being placed at a location which is not otherwise part of another site plan with landscaping requirements. The purpose of landscaping is to provide screening for the wireless communication support structure base, accessory buildings and enclosures. In all cases there shall be fencing of at least six (6) feet in height, which is required for the protection of the tower.
14. Evidence of site plan approval from the Federal Aviation Administration, if required due to a site's proximity to any local airport, or evidence that such approval is not required.
15. The name, address and telephone number of the person to contact for engineering, maintenance and other notice purposes. This information shall be continuously updated during all times the facility is on the premises.

a. The wireless communication support structure shall not be injurious to the neighborhood or otherwise detrimental to the public safety and welfare. The wireless communication support structure shall be located and designed to be harmonious with the surrounding areas, and to be aesthetically and architecturally compatible with the natural environment, as well as the environment as altered by development.
b. The maximum height of all new or modified attached wireless communication facilities and wireless communication support structures shall be one hundred seventy-five (175) feet, or such lower maximum heights as approved and/or allowed by the Federal Aviation Administration under **CFR 14 Part 77**. The accessory building contemplated to enclose such things as switching equipment shall be limited to the maximum height for accessory structures within the respective district.
c. The setback of a monopole wireless communication support structure from any lot line shall be in accordance with the required setbacks for main or principal buildings as provided in the schedule of regulations for the zoning district in which the monopole is located. The setback of all other wireless communication support structures from any lot line shall be no less than the height of the structure, unless it can be demonstrated

and certified by a registered professional engineer, to the satisfaction of a licensed Professional Engineer that the wireless communication support structure has a shorter fall-zone distance.

d. Where the wireless communication support structure abuts a parcel of land zoned for other than residential purposes, the minimum setback of the wireless communication support structure and accessory structures shall be in accordance with the required setbacks for the main or principal buildings as provided in the schedule of regulations for the zoning district in which the wireless communication support structure is located.
e. There shall be an unobstructed access to the wireless communication support structure for operation, maintenance, repair and inspection purposes, which may be provided through an easement. This access shall have a width and location determined by such factors as: the location of adjacent thoroughfares and traffic circulation within the site; utilities needed to service the wireless communication support structure and any attendant facilities; the location of buildings and parking facilities; proximity to residential districts and minimizing disturbances to the natural landscape; and the type of equipment which will need to access the site.
f. The division of property for the purposes of locating a wireless communication support structure is prohibited unless all zoning requirements and conditions are met.
g. The Zoning Board of Appeals may grant variances only for (1) the setback requirements of a wireless communication support structure, provided that the proposed location will reduce its visual impact on the surrounding area; (2) the maximum height requirement; and (3) the collocation requirements.
h. Where a wireless communication facility is proposed on the roof of a building, if the equipment enclosure is proposed as a roof appliance or penthouse on the building, it shall be designed, constructed and maintained to be architecturally compatible with the principal building. The equipment enclosure may be located within the principal building or may be an accessory building, provided that an accessory building conforms with all district requirements for accessory buildings, including yard setbacks and building height.
i. The Planning Commission shall, with respect to the color of the wireless communication support structure and all accessory buildings, review and approve so as to minimize distraction, reduce visibility, maximize aesthetic appearance, and ensure compatibility with surroundings. It shall be the responsibility of the applicant to maintain the wireless communication facility in a neat and orderly condition.
j. Wireless communication support structures shall be constructed in accordance with all applicable building codes and shall include the submission of a professional soils report from a geotechnical engineer licensed in the State of Michigan. This soils report shall include soil borings and statements confirming the suitability of soil conditions for the proposed use. The requirements of the Federal Aviation Administration, Federal Communication Commission, and Michigan Aeronautics Commission shall be noted.
k. A maintenance plan, and any applicable maintenance agreement, shall be presented as part of the site plan for the proposed facility. Such plan shall be designed to ensure the long term, continuous maintenance to a reasonably prudent standard.
l. If a provider fails or refuses to permit collocation on a facility owned or otherwise controlled by it, where collocation is feasible, the result will be that a new and unnecessary additional structure will be compelled, in direct violation of and in direct contradiction to the basic policy, intent and purpose of the City of Frankfort. The provisions of this subsection are designed by carry out and encourage conformity with

the policy of the City. Any proposed commercial wireless communication support structures shall be designed, structurally, electrically and in all respects, to accommodate both the applicant's attached wireless communication facility and comparable attached wireless communication facilities for additional users. Wireless communication support structures must be designed to allow for future rearrangement of attached wireless communication facilities upon the wireless communication support structure and to accept attached wireless communication facilities mounted at varying heights. A proposal for a new wireless communication support structure shall not be approved unless and until it can be documented by the applicant that the communications equipment planned for the proposed wireless communication support structure cannot be feasibly collocated and accommodated on an existing or approved wireless communication support structure or other existing structure due to one or more of the following reasons:

i. The planned equipment would exceed the structural capacity of the existing or approved wireless communication support structure or building, as documented by a qualified and licensed professional engineer, and the existing or approved wireless communication support structure cannot be reinforced, modified or replaced to accommodate planned or equivalent equipment.
ii. The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the wireless communication support structure or other existing structure as documented by a qualified and licensed professional engineer and the interference cannot be prevented by any other means.
iii. Existing or approved wireless communication support structures and buildings within the search radius cannot accommodate the planned equipment at a height necessary for the coverage area and capacity needs to reasonably function as documented by a qualified and licensed professional engineer.
iv. Other unforeseen reasons that make it infeasible to locate the planned communications equipment upon an existing wireless communication support structure or building.
v. Collocation shall be deemed to be "feasible" for the purposes of this Section where all of the following are met:
vi. The wireless communication provider entity under consideration for collocation will undertake to pay market rent or other market compensation for collocation.
vii. The site on which collocation is being considered, taking into consideration reasonable modification or replacement of a facility, is able to provide structural support.
viii. The collocation being considered is technologically reasonable, e.g., the collocation will not result in unreasonable interference, given appropriate physical and other adjustments in relation to the structure, antennae, and the like.
ix. The height of the structure necessary for collocation will not be increased beyond a point deemed to be permissible by the City, taking into consideration the several standards contained within this subsection.

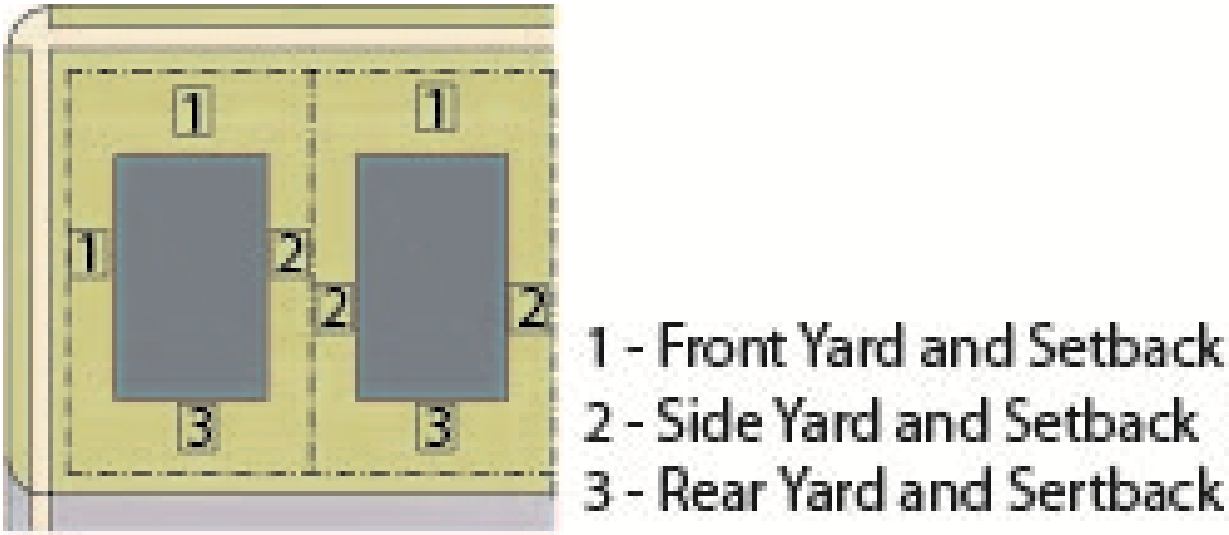
16. If a party who owns or otherwise controls a wireless telecommunication support structure shall fail or refuse to alter a structure so as to accommodate a proposed and otherwise feasible collocation, such facility shall thereupon and thereafter be deemed to be a non-conforming structure and use, and shall not be altered, expanded or extended in any respect. If a party who

owns or otherwise controls a wireless telecommunication facility shall fail or refuse to permit a feasible collocation, and this requires the construction and/or use of a new wireless communication support structure, the party failing or refusing to permit a feasible collocation shall be deemed to be in direct violation and contradiction of the policy, intent and purpose of this Section of the Zoning Ordinance and, consequently, such party shall take responsibility for the violation and be subject to any and all penalties applicable to a violation of the Zoning Ordinance, and shall also be prohibited from receiving approval for a new wireless communication support structure with the City of Frankfort for a period of five (5) years from the date of the failure or refusal to permit the collocation. Such a party may seek and obtain a variance from the Zoning Board of Appeals if and to the limited extent the applicant demonstrates entitlement to variance relief which, in this context, shall mean a demonstration that enforcement of the five (5) year prohibition would unreasonably discriminate among providers of functionally equivalent wireless communication services, or that such enforcement would have the effect of prohibiting the provision of personal wireless communication service.

17. Review of an application for collocation, and review of an application for a permit for use of a facility permitted under subparagraph (a)2., above, shall be expedited by the City of Frankfort.
18. When a wireless communications facility has not been used for one hundred eighty (180) days or more, or six (6) months after new technology is available which permits the operation of a wireless communication facility without the requirement of a wireless communication support structure, the entire wireless communications facility, or that portion of the wireless communications facility made obsolete by the new technology, shall be removed by the users and/or owners of the wireless communications facility. For the purposes of this Section, the removal of antennae or other equipment from the facility, or the cessation of operations (transmission and/or reception of radio signals) shall be considered as the beginning of a period of nouns. The situation(s) in which removal of a wireless communications facility is required may be applied and limited to a portion of the facility.
    a. Upon the occurrence of one or more of the events requiring removal, the property owner or persons who had used the wireless communications facility shall immediately apply for and secure the application for any required demolition or removal permits, and immediately proceed with and complete the demolition/removal, restoring the condition which existed prior to the construction of the wireless communications facility.
    b. If the required removal of the wireless communications facility or a portion thereof has not been lawfully completed within sixty (60) days of the applicable deadline, and after at least thirty (30) days' written notice, the City may remove or secure the removal of the facility, or required portions thereof, with its actual costs and reasonable administrative charges to be drawn or collected and/or enforced from or under the security posted at the time application was made for establishing the wireless communications facility.
19. Wireless communication facilities shall comply with applicable federal and state standards relative to the environmental effects of radio frequency emissions.

8203.25 Yards

Every lot must provide front, rear and side yards as required within its zone district. All front yards must face upon a street.



8203.26 Non-Conforming Uses

1. Continuance of Non-Conforming Uses. The lawful use of any building or structure and of any land or premises existing prior to the effective date of this Ordinance may be continued, although such use or structure does not conform to the provisions of this Ordinance. A change in the ownership, tenancy or occupancy of a building or structure shall not restrict the continuance of its existing non-conforming uses.
2. Enlargements, Moving, Extensions. No non-conforming use of any land or structure shall be enlarged or extended. No non-conforming building or structure shall be moved in whole or in part to another location unless such structure or use conforms to all of the regulations of this Ordinance. No non-conforming building or structure shall be replaced with another non-conforming building or structure. Any replacement or a non-conforming building or structure shall be in conformity with the provisions of this Ordinance. Buildings or uses nonconforming by reason of height, yard area or parking provisions may be extended, altered or modernized, provided that no additional encroachment of the height, area or parking provisions are occasioned thereby.
3. Unlawful Use Not Authorized. Nothing in this Ordinance shall be interpreted as authorization for, or approval of, the continuance of the use of a structure or premises in violation of regulations in effect immediately prior to the date of this Ordinance.
4. Change of Use. The use of a non-conforming building may be changed to another non-conforming use if the Planning Commission finds that such new use would markedly decrease the degree of nonconformance and would enhance the desirability of adjacent conforming uses. This shall not be construed to waive the other provisions of this Article.
5. Restoration and Repair. All repairs and maintenance work required to keep a non-conforming building or structure in sound condition may be made, but it shall not be structurally altered to permit the use of such building or structure beyond its natural life. In the event any non-conforming building or structure is damaged by fire, wind, Act of God, or public enemy, it may be rebuilt or restored if the cost thereof does not exceed sixty (60) percent of the value of the non-conforming building or City of Frankfort Zoning Ordinance Non-conforming Uses structure after the rebuilding or restoration is complete. Any such restoration must be started within a period of one (1) year of the time of such damage and diligently prosecuted to completion. If the

cost is greater than sixty (60) percent of the value, the Zoning Board of Appeals may consider a variance request.

6. Non-Conforming Due To Reclassification. The foregoing provisions of this Article shall also apply to buildings, land or uses which hereafter become non-conforming due to any reclassification of districts or any subsequent change in the regulations of this Ordinance.
7. Non-Conforming Use Discontinued. Whenever the non-conforming use of any building or structure, lot or parcel of land has been changed to a conforming or more conforming use, the use shall not thereafter be reverted to any less conforming use. If the non-conforming use of any building, structure, land or premises or part thereof is abandoned or discontinued for a continuous period of one (1) year, then any future use of said building, structure, land or premises shall conform in its entirety to the provisions of this Ordinance.

8203.27 Walls and Fences

Fences and non-retaining walls not more than three (3) feet in height and retaining walls of any height are permitted in the yards of all zones, provided said fences are not more than twenty-five percent (25%) solid and comply with **8203.28 Traffic Visibility**. Solid non-retaining walls and solid fences of not more than six (6) feet in height are permitted only in side or rear yards in any zone. A well maintained wire protective fence is permitted in the front yard in the Industrial Zone.

8203.28 Traffic Visibility

On any corner lot, no fence, structure, wall, berm, or planting over twenty-four (24) inches in height above the curb line, except deciduous trees, shall be erected or maintained within twenty (20) feet of the intersection of right-of-way lines so as to interfere with traffic visibility across the corner of said lot. No structure or planting which constitutes a traffic hazard shall be permitted in any zone. No unshielded light of more than seventy-five (75) watts may be located nearer than thirty (30) feet to a public street unless said light source is not visible from the public street. All walls and fences shall comply with **8203.27 Walls and Fences**.

8203.29 Lot Use

No lot or part of a recorded plat or parcel of unplatted land may be devoted to more than one principal use unless otherwise specifically permitted.

8203.30 Mixed-Occupancy

Before issuing a zoning permit for any premises intended or used for a combination of dwelling and commercial occupancy, the Zoning Administrator shall request a report from the County Health Department as to any hazards that exist or may be expected to exist together with recommendations as to additional provisions necessary in the interest of safety or health. Such recommendations shall be complied with before issuance of a permit.

8203.31 Personal Property Sales

Personal property sales such as garage sales, yard sales, basement sales, or any other sales of a similar nature of personal property, shall be allowed only within the EC, NC, WC and R Districts; subject to the following:

1. The sale has a duration of not longer than three (3) days and limited to three (3) events during a calendar year.
2. All articles or property that is offered for sale shall be totally enclosed within a lawful structure or building between the hours of 9:30 PM and 8:30 AM.
3. All articles or property that were offered for sale after the sale has been completed shall be removed from display so that they cannot be seen from the outside of any lawful structure;

4. Any sign or signs that may have been used to advertise the personal property sale shall be removed upon completion of the sale. All signs shall conform to the regulations set forth in Section **8205.15 Signs and Signage Standards.**

8203.32 Gasoline Service Stations

Purpose. The purpose of this section is to establish land use standards unique to the development, alteration or re-use of service stations in order to assure that service stations are functionally and aesthetically compatible with adjacent uses; provide adequate traffic circulation and off-street parking; minimize visual/noise/air pollution; and reduce pedestrian-vehicular conflict. These standards are in addition to other applicable land use and development standards elsewhere in this chapter. Gasoline Service Stations are required to obtain a Special Use Permit and are subject to the following regulations:

1. Criteria.
    a. Site area and size. Establishment of a new service station may be permitted only when the site area is no less than 20,000 square feet, except when it becomes a part of a functionally integrated commercial or industrial complex.
    b. Setbacks. New buildings or additions to existing buildings shall reflect the setback and building disposition requirements of the Zoning District. New gasoline pump islands or additions to existing gasoline pump islands shall be set back at least sixteen (16) feet from any property line.
    c. Signs. All signs shall conform to the provisions of **8205.15 Signs and Signage Standards**.
    d. Driveways. The location and design of driveways shall be as follows.
        i. Primary access to Main Street is prohibited.
        ii. The maximum width of driveways shall be thirty-five (35) feet at the sidewalk, unless the Planning Commission determines a wider driveway is necessary due to the unique nature of the site or due to the volume or pattern of traffic circulation.
        iii. There shall be no more than two (2) driveways for any one street frontage. Such driveways shall be at least twenty-five (25) feet apart and may not be closer than five (5) feet to any side property line except in functionally integrated commercial or industrial complexes.
    e. Utilities. All on-site utilities shall be placed underground.
    f. Operations. Operations outside permanent structures shall be limited to the dispensing of gasoline, oil, additives, water, air, minor parts replacement, and cleaning and detailing. No painting, body, and fender repair or tire recapping shall be allowed on the site.
    g. Inoperable vehicles. No damaged or permanently disabled vehicles shall be kept on the site for more than forty-eight (48) hours.

8203.33 Medical Marihuana Primary Caregiver Facility

Purpose. It is the purpose and intent of this Ordinance to regulate the location and operation of Medical Marihuana Primary Caregiver Facility, but not to exclude, any Medical Marihuana Primary Caregiver Facility within the City of Frankfort, Benzie County, Michigan (City); and, to minimize any negative secondary effects resulting from such location and operation. It is the further purpose of this section to give effect to the intent of **Initiated Act 1 of 2008, the Michigan Medical Marihuana Act (MMMA), MCL 333.26421 et seq**., and not to establish any local program or regulation that would violate or contravene any enforced State or Federal statute.

The MMMA authorizes a narrow exception to the general rule and law that cultivation, distribution, and use of marihuana amount to criminal acts. It is the purpose of this section to establish standards for the application of that narrow exception in the City to enable legitimate and legally authorized practice of the Medical Marihuana Primary Caregiver activity as set forth herein.

This ordinance does not intend that this Section seek to broaden the strict interpretation of the MMMA or apply to activities not explicitly provided.

It is recognized that any Medical Marihuana Primary Caregiver Facility, because of its very nature, has serious operational characteristics that may have the potential to cause negative secondary effects upon nearby residential, educational, religious and other public and private uses. Medical Marihuana Primary Caregiver Facility regulation is necessary to ensure that these negative secondary effects do not contribute to the blighting or downgrading of surrounding areas and do not negatively affect the health, safety and general welfare of City residents and visitors.

The provisions of this Ordinance are not intended to offend the guarantees of the First Amendment to the United States Constitution and are not intended to deny adults' access to a Medical Marihuana Primary Caregiver Facility. Neither is it the intent of this Ordinance to legitimatize activities that are prohibited by City ordinance, and by State of Michigan (State) and United States Federal law (Federal). If any portion of this Ordinance relating to the regulation of a Medical Marihuana Primary Caregiver Facility as referenced in this Ordinance is found to be invalid or unconstitutional by a court of competent jurisdiction, the City intends said portion to be disregarded, reduced and/or revised to be recognized to the fullest extent possible by law.

The City further States that it would have passed and adopted what remains of any portion of the Ordinance relating to regulation of Medical Marihuana Primary Caregiver Facility following the removal, reduction or revision of any portion so found to be invalid or unconstitutional.

1. Disclaimer. Nothing in this Ordinance shall be construed as allowing the use, cultivation, distribution or possession of marihuana not in strict compliance with the express provisions of the Michigan Medical Marihuana Act (MMMA) and the provisions of this section. Further, nothing in this ordinance shall be construed to undermine or provide relief from Federal or State government laws or statutes relative to the use, cultivation, distribution or possession of marihuana or to create or provide immunity from the Federal or State law as it exists or to prevent prosecution thereunder.
2. Exceptions. This section shall not be deemed to prohibit or restrict, for the following purposes:
    a. The use of medical marihuana by a Medical Marihuana Qualifying Patient solely for his/her personal use at his/her residence, hospital, or hospice at which he/she is receiving care and in accordance with the provisions of the MMMA and the administrative rules adopted thereunder.
3. Enforcement. Violations of any Section of this Ordinance shall be considered a civil violation subject to the penalties established for violations under the Frankfort Municipal Code.
4. Changes to the **Michigan Medical Marihuana Act M.C.L. 333.26421**, and/or the regulations promulgated by the State of Michigan pursuant to the MMMA, shall have the effect of modifying these Sections of Chapter 8 of the Frankfort Municipal Ordinance, automatically; If automatic amendment is not possible, there shall be a moratorium of sufficient time, not to exceed one year, for the adoption of amendments or replacement(s) of those sections, clause(s), or provisions.

Section 8204: Stormwater Management

8204.01 Title

This ordinance shall be known as the "Frankfort Stormwater Management Ordinance" and may be so cited.

8204.02 Findings

The City of Frankfort finds that:

1. Land development alters the hydrologic response of watersheds, resulting in increased stormwater runoff rates and volumes, increased flooding, increased stream channel erosion, increased sediment transport and deposition, and increased non-point source pollutant loading to the receiving water bodies and the Great Lakes.
2. **Non-point source pollution is the largest source of water quality problems.**
3. Stormwater runoff produced by land development contributes to increased quantities of water-borne pollutants.
4. Increases of stormwater runoff, soil erosion, and non-point source pollution have occurred as a result of land development, and have impacted the water resources of the Betsie Bay Watershed.
5. Increased stormwater runoff rates and volumes, and the sediments and pollutants associated with stormwater runoff from future development projects within Frankfort will, absent proper regulation and control, adversely affect water bodies and water resources, and those of neighboring municipalities.
6. Stormwater runoff, soil erosion, and non-point source pollution can be controlled and minimized by the regulation of stormwater runoff from development.
7. Adopting the standards, criteria and procedures contained in this ordinance and implementing the same will address many of the deleterious effects of stormwater runoff.
8. The constitution and laws of Michigan authorize local units of government to provide stormwater management services and systems that will contribute to the protection and preservation of the public health, safety, and welfare and to protect natural resources.

8204.03 Purpose

It is the purpose of this ordinance to establish minimum stormwater management requirements and controls to accomplish, among others, the following objectives:

1. To minimize increased stormwater runoff rates and volumes from identified land development;
2. To minimize non-point source pollution;
3. To minimize the deterioration of existing watercourses, culverts and bridges, and other structures;
4. To encourage water recharge into the ground where geologically favorable conditions exist;
5. To maintain the ecological integrity of stream channels;
6. To minimize the impact of development upon streambank and streambed stability;
7. To control non-stormwater discharges to stormwater conveyances and reduce pollutants in stormwater discharges;
8. To preserve and protect water supply facilities and water resources by means of controlling increased flood discharges, stream erosion, and runoff pollution;

9. To reduce the adverse impact of changing land use on water bodies and, to that end, this ordinance establishes minimum standards to protect water bodies from degradation resulting from changing land use where there are insufficient stormwater management controls;
10. To ensure that storm drain drainage or stormwater BMPs are adequate to address stormwater management needs within a proposed development, and for protecting downstream landowners from flooding and degradation of water quality. The procedures, standards, and recommendations set forth in this Ordinance and the Low Impact Development Manual for Michigan are designed for these purposes; and
11. To ensure that all stormwater facilities necessary for a proposed development will have an appropriate governmental unit responsible in perpetuity for performing maintenance or for overseeing the performance of maintenance by a private entity, such as a property owners' association.

8204.04 Construction of Language

For purposes of this Ordinance, the following rules of construction apply:

1. Particulars provided by way of illustration or enumeration shall not control general language.
2. Ambiguities, if any, shall be construed liberally in favor of protecting natural land and water resources.
3. Words used in the present tense shall include the future, and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
4. Terms not specifically defined in this Ordinance shall have the meaning customarily assigned to them.
5. Considering that stormwater management in many cases requires sophisticated engineering design and improvements, some of the terms of this Ordinance are complex in nature. Effort has been made to simplify terms to the extent the subject matter permits. In addition, assistance and examples will be provided by or on behalf of the City of Frankfort as needed for the interpretation and understanding of this Ordinance.

8204.05 Applicability

These procedures and standards set forth in this Ordinance and the BMP design information found in the State of Low Impact Development Manual for Michigan provide minimum standards to be complied with by developers and in no way limit the authority of the City of Frankfort to adopt or publish and/or enforce higher standards as a condition of approval of developments.

Except for those activities expressly exempted by **8205.09 Building Configuration**, every development requiring a site plan review in the City of Frankfort shall have either:

1. A Stormwater Plan and detailed construction plans for stormwater BMPs, or
2. An Engineered Site Grading Plan.

The applicability of these plans is dependent on the type of activity, as listed below. No development or preparation for development on a site shall occur unless and until an application has been submitted and approved for a stormwater Plan or Engineered Site Grading Plan.

Requirement for a Stormwater Plan: A Stormwater Plan shall be submitted and reviewed in accordance with requirements of **Section 8107: Site Development Plan Review.** Approval of final development plans, site plans, and final preliminary subdivision and condominium plans shall not be granted prior to

approval of the Stormwater Plan. The following types of developments and earth changes require a Stormwater Plan:

1. Land development proposals subject to site plan review requirements in the City of Frankfort Zoning Ordinance.
2. Subdivision plat proposals.
3. Site condominium developments pursuant to the Condominium Act, **P.A. 59 of 1978 as amended; M.C.L. 559.101 et. seq**.
4. Any development on property divided by land division where more than three parcels of less than one acre are created.
5. Any proposal to mine, excavate, or clear and grade, compact, or otherwise develop one acre or more of land for purposes other than routine single-family residential landscaping and gardening, or any proposal within 500 feet of the top of the bank of an inland lake or stream.
6. Development projects of federal, state, and local agencies and other public entities subject to the City of Frankfort NPDES Permit for Municipal Separate Storm Sewer Systems.
7. Maintenance of a stormwater basin constructed prior to the effective date of the regulations of which this subsection is a part.
8. For developments and earth changes not listed above or specifically exempted, a Stormwater Plan shall be submitted and reviewed in accordance with the requirements of this Section unless otherwise determined by the City of Frankfort Zoning Administrator.

Requirement for an Engineered Site Grading Plan: An Engineered Site Grading Plan shall be submitted and reviewed in accordance with requirements of **Section 8107: Site Development Plan Review**

The Engineered Site Grading Plan shall be approved by a licensed professional engineer prior to the issuance of any building permit. The following types of new construction of single-family housing units require an Engineered Site Grading Plan:

1. Development on acreage parcels (lot splits) for which a Stormwater Plan is not required.
2. Development on platted subdivision lots.
3. Development on site condominium lots.

Exemptions

1. Notwithstanding the requirements of **Section 8107: Site Development Plan Review**, neither a Stormwater Plan nor an Engineered Site Grading Plan shall be required for activities protected by the **Right to Farm Act 93 of 1981**.
2. Routine single-family residential landscaping and/or gardening which conforms to the Stormwater Plan or Engineered Site Grading Plan approved by the City of Frankfort, and which does not otherwise materially alter stormwater flow from the property in terms of rate and/or volume.
3. Development on one single-family lot, parcel, or condominium unit where the Zoning Administrator or his/her designee determine that, due to the size of the site, or due to other circumstances, the quantity, quality, and/or rate of stormwater leaving the site will not be meaningfully altered.
4. The installation or removal of individual mobile homes within a mobile home park. This exemption shall not be construed to apply to the construction, expansion, or modification of a mobile home park.
5. Plats that have received preliminary plat approval and other developments with final land use approval prior to the effective date of this Ordinance, where such approvals remain in effect.

8204.06 Stormwater Plan Requirements

Pre-application Conference: A pre-application conference shall be held with the City of Frankfort Zoning Administrator prior to the submittal of a Stormwater Plan and before any alterations to the land. The purpose of the pre-application conference is to provide information about plan submittal requirements, and City of Frankfort and Benzie County regulations.

Contents of Stormwater Plan

1. Plan Presentation
   a. Through plans, illustrations, reports, and calculations, the Stormwater Plan shall display the required information specified in Section 8204.06: Stormwater Plan Requirements, subsection 4, below.
   b. The Stormwater Plan must be sufficiently detailed to specify the type, location, and size of stormwater management facilities, using preliminary calculations. Detailed construction drawings are not required at the Stormwater Plan review stage.
   c. If it is proposed to develop a parcel in two or more phases, the Stormwater Plan shall be prepared and submitted for the total project.
2. Plan Preparation
   a. The Stormwater Plan shall be prepared by a registered civil engineer. Other persons and professionals may assist in the preparation of the plan.
3. Scale for Mapping
   a. The Stormwater Plan shall be drawn to a scale at a minimum of 1''=100'.
4. Required Information
   a. The location by means of a small location map, drawn to a scale no less than 1" = 1000'.
   b. Zoning classification of petitioner's parcel and all abutting parcels.
   c. The location and description of all on-site features and all adjacent off-site features within 50 feet, and all other off-site features that may be impacted in determining the overall requirements for the development.
   d. This includes:
      1. Existing site topography with contours at two-foot intervals or less.
      2. Adjoining roads and developments
      3. Railroads
      4. High tension power lines or underground transmission lines
      5. Cemeteries
      6. Parks
      7. Natural and artificial watercourses, wetlands and wetland boundaries, environmental feature boundaries,
      8. floodplains, lakes, bays, existing stormwater storage facilities, conveyance swales (natural or artificial) with identification of permanent water elevations
      9. Location of woodlands
      10. Designated natural areas
      11. Any proposed environmental mitigation features
      12. Drains, sewers, and water mains
      13. Existing and proposed easements
      14. A map, at the U.S.G.S. scale, showing the drainage boundary of the proposed development and its relationship with existing drainage patterns
      15. Boundaries of any off-site drainage area contributing flow to the development
      16. Any watercourse passing through the development, along with the following:

(1) Area of upstream watershed and current zoning
(2) Preliminary calculations of runoff from the upstream area for both the 100-year and two-year 24-hour design storms, for fully developed conditions according to the current land use plan for the area
(3) Soil borings may be required at various locations including the sites of proposed retention/detention and infiltration facilities, and as needed in areas where high groundwater tables or bedrock near the surface exist
(4) Proposed site improvements including lot divisions and building footprints

17. Preliminary stormwater BMP information including:
    (1) Location of all stormwater BMPs
    (2) Identification of stormwater quality and quantity treatment facilities and method of stormwater conveyance
    (3) Preliminary sizing calculations for stormwater quality and quantity, including preliminary estimates of runoff volume captured by BMPs, (e.g., infiltration losses,) for treatment facilities
18. Preliminary tributary area map for all stormwater management facilities indicating total size and average runoff coefficient for each subarea
19. Analysis of existing soil conditions and groundwater elevation and bedrock depth (including submission of soil boring logs) as required for proposed retention and infiltration facilities
20. Preliminary landscaping plan for stormwater BMPs
21. Preliminary easements for stormwater management facilities
22. Required natural features setbacks
23. Drinking water wells, public wellheads, Wellhead
24. Protection Areas (WHPAs), underground storage tanks, and brownfields
25. Any areas of unique geological formations (i.e., karst areas)

8204.07 Standards for Stormwater Management Plan Approval

All developments requiring a Stormwater Plan shall be designed, constructed, and maintained to prevent flooding, minimize stream channel impacts, protect water quality, and achieve the purposes of this Ordinance, as stated above. City of Frankfort has adopted performance standards to meet the objectives of managing the quantity and quality of stormwater runoff from a site as detailed below.

Designers may select any combination of stormwater BMPs which meet the performance standards provided the selections:

1. Comply with the requirements identified in this Ordinance;
2. Comply with other local, county, state, or federal requirements; and
3. Do not conflict with the existing local stormwater management and watershed plans.

The particular facilities and measures required on-site shall take into consideration the natural features, upland areas, wetlands, and watercourses on the site; the potential for on-site and off-site adverse stormwater impacts, water pollution, and erosion; and the size of the site.

8204.08 On-Site Stormwater Management

1. Natural topography and site drainage shall be preserved and site grading shall be minimized to the maximum extent reasonably achievable considering the nature of the development.
2. The preferred conveyance strategy is to transport wherever possible untreated and treated runoff in conveyance facilities open to the atmosphere (e.g. swales, vegetated buffer strips,

energy-dissipating structures, etc.), rather than through enclosed pipes, so as to decrease runoff velocity, allow for natural infiltration, allow suspended sediment particles to settle, and to remove pollutants.

3. Watercourses shall not be deepened, widened, dredged, cleared of vegetation, straightened, stabilized, or otherwise altered without applicable permits or approvals from the City of Frankfort, relevant Benzie County agencies, and the applicable State of Michigan Department(s).
4. The following volume/channel protection criteria shall be met. No net increase in runoff from storm events up to the two-year, 24-hour event from pre-settlement conditions unless local information and analysis is available that determines that less than two-year is adequate.
   a. This volume shall be retained on-site through infiltration within 72 hours, through storage and reuse, through evapotranspiration, or a combination. This does not preclude the use of off-site volume controls in accordance with this Section to achieve volume control for storm events that are the same or greater. (Waivers to this requirement can be found in **8204.10 Waiver from the Volume Control Criteria for On-site Stormwater Management**.
   b. Retaining this volume meets water quality criteria described in **8204.08 On-Site Stormwater Management,** subsection 6 below.
   c. Those granted a waiver shall detain the runoff from storm events up to the one-year, 24-hour event and release over 24 hours.
5. The following peak rate/flood control criteria shall be met. The peak discharge rate from all storms up to the 100-year, 24-hour event shall not be greater than pre-settlement discharge rates. Where the runoff volume is not increased from the pre-settlement condition, the peak rate corresponding to the same storms is considered controlled. The City of Frankfort shall require additional runoff volume reduction up to the 90% based on the 25-year average, 24-hour storm.
6. The following water quality criteria shall be met. Water quality criteria are met when retaining the volume control criteria.
   a. For those areas not retaining the volume criteria, the site shall be designed to remove 80 percent of Total Suspended Solids from the stormwater runoff through a combination of BMPs. These BMPs include, but are not limited to:
      1. Constructed wetlands/wetland forebays
      2. Retention ponds/extended detention ponds
      3. Filters (sand-peat, underground sand, perimeter sand filter, organic sand, pocket sand filter, gravel, others)
      4. Grassed/vegetated swales and channels
      5. Vegetated filter strips
      6. Other bioretention BMPs
7. Under certain conditions, the City of Frankfort, upon recommendation by a licensed Professional Engineer, may impose the following additional restrictions on stormwater discharges:
   a. Peak discharge may be further restricted when it can be shown that a probable risk to downstream structures or unique natural areas exists or that existing severe flooding problems could be further aggravated.
   b. Measures shall be imposed to protect against ground or surface water pollution where the nature of the soils or bedrock underlying a stormwater management structure constitutes substantial risk of contamination, such as might be the case in limestone formations. Special provisions to be followed in these cases will be provided by a licensed Professional Engineer.
   c. Where groundwater yields are very low or where a groundwater supply already is heavily used, the City of Frankfort may require that the entire volume of the two-year, 24-hour

rainfall event be retained and infiltrated. If substantial irrigation needs are anticipated, portions of stored stormwater may be reused for irrigation purposes.

8. The Runoff Curve Number Method, sometimes referred to as TR55, shall be used for estimating runoff volumes. The pre-settlement conditions shall be based solely on woods or meadow. All disturbed pervious areas that are not restored according to the stormwater credits (**8204.09 Stormwater Credits for On-site Stormwater Management**) shall be assigned a curve number that reflects a "fair" hydrologic condition as opposed to a "good" condition. Other methodologies are acceptable with the review and approval of a licensed Professional Engineer.
9. The NRCS Unit Hydrograph Method shall be used for calculating the peak rate of runoff for pre-settlement conditions and undisturbed areas. Other methodologies are acceptable with the review and approval of a licensed Professional Engineer.
10. **Rainfall Frequency Atlas of the Midwest (Huff and Angel, 1992)** shall be used for all applicable stormwater calculations. Other rainfall sources are acceptable with the review and approval of the City Engineer.

8204.09 Stormwater Credits for On-site Stormwater Management

As set forth in the State of Low Impact Development Manual for Michigan, it is the intent of the City of Frankfort to maximize use of preventive nonstructural Best Management Practices (BMPs) and certain structural BMPs. The following nonstructural and structural BMPs provide a quantitative stormwater benefit and credits which are described in Table 3, below. These include:

1. Minimize Soil Compaction
2. Protection of Existing Trees (part of Minimize Total Disturbed Area)
3. Soil Restoration
4. Native Re-vegetation
5. Riparian Buffer Restoration

Table 3: Stormwater Credits	
Minimize Soil Compaction and Soil Restoration	Areas (acres) complying with the requirements of these BMPs can be assigned a Curve Number (CN) reflecting a "good" condition instead of "fair" as required for other disturbed pervious areas. For example, lawn areas with B soils would be given a CN of 61 instead of 69; lawns with C soils a CN of 74 instead of 79.
Protection of Existing Trees (part of Minimize Total Disturbed Area)	Trees protected under the requirements of this BMP can be assigned a Curve Number (CN) reflecting a woods in "good" condition for an area of 800 square feet per tree or the entire area of the tree canopies protected, whichever is greater.
Native Revegetation and Riparian Buffer Restoration	Proposed trees and shrubs to be planted under the requirements of these BMPs can be assigned a Curve Number (CN) reflecting a woods in "good" condition for an area of 200 square feet per tree or the estimated tree canopy, whichever is greater. For shrubs, an area of 25 square feet per shrub.

8204.10 Waiver from the Volume Control Criteria for On-site Stormwater Management

A waiver from retaining the volume criteria must be based on demonstration by the applicant on the items listed below, which could include that existing soil, bedrock, water table, and/or other natural constraints are pervasive at the site, such that pre-settlement conditions generate substantially increased volumes of stormwater runoff before the proposed development occurs. Furthermore, such pre-settlement site constraints would also make infiltration-oriented best management practices to be used for volume control extremely difficult or potentially a hazard to apply at the site.

Waivers shall be submitted with the Stormwater Plan. Those submissions granted a waiver shall meet the standards set forth in **8204.07 Standards for Stormwater Management Plan Approval**. To be considered for a waiver, the applicant must submit the following:

1. **Extent of site area with seasonal high water table (less than two feet to water table):** As extent of site areas with seasonal high water table increases, pre-settlement runoff volume increases, and feasibility for volume/infiltration BMPs decreases, given the inability of infiltration to occur when water table is high.
2. **Extent of site area with less than two feet to bedrock:** As extent of site areas with shallow depth to bedrock increases, pre-settlement runoff volume increases, and feasibility for volume/infiltration BMPs decreases, given the inability of infiltration to occur.
3. **Extent of site area with less than 0.25 inch/hour permeability:** Sites with extremely "heavy" soils in situ, regardless of soil survey designations, indicate greater pre-settlement runoff volumes with lesser infiltration volumes. Soil permeability must be tested onsite. Preferred permeability rate after recommended soil testing should be 0.25 inch per hour (can be reduced to 0.10 inch per hour or projects where low density is being proposed and large site areas are available for infiltration). Sites entirely classified as Hydrologic Soil Group (HSG) D may be assumed to be infeasible without recommended soil testing. Soil testing shall be based on the

soil infiltration testing protocol included in the State of Low Impact Development Manual for Michigan.

4. **Extent of the site area constrained by foundation or required setbacks:** Setbacks must be established between infiltration stormwater BMPs and the following structures:
   a. Basement foundations (50 feet up gradient, 10 feet down gradient),
   b. On-site septic systems/drainfields (50 feet),
   c. Wells (100 feet), and
   d. Other building elements, which could be affected by infiltration systems.
5. **Extent of size of site:** Practically speaking, the larger the site, the more flexibility and opportunity for accommodating runoff volume/infiltration BMPs, all else being equal; as site size increases, waiver requirements grow more stringent. Size of site relates also to the extent of proposed building/impervious area. The more intense (defined both in terms of building coverage and total impervious area) the proposed building program, the more difficult accommodating the required runoff volume becomes.

8204.11 Special Provisions for "Hot Spot" Land Uses for On-site Stormwater Management

For all those projects involving land uses considered to be high pollutant producers or "hot spots", additional water quality requirements may be imposed by a licensed Professional Engineer in addition to those included in water quality criteria in order to remove potential pollutant loadings from entering either groundwater or surface water systems.

Table 4: Hot Spot Treatment Options

Stormwater Hot Spots	Minimum Pre-Treatment Options
Vehicle Maintenance and Repair Facilities	A, E, F, G
Vehicle Fueling Stations	A, D, G
"Fast Food" Restaurants	B, C, D, I, K
Convenience Stores	B, C, D, I, K
Outdoor Chemical Mixing or Handling	G, H
Outdoor Storage of Liquids	G
Commercial Nursery Operations	I, J, L
Other Uses or Activities Designated by Appropriate Authority	As Required

Table 5: Treatment Options Legend	
Minimum Pre-Treatment Options	
A	Oil/Water Separators / Hydrodynamic Separators
B	Sediment Traps/Catch Basin Sumps
C	Trash/Debris Collectors in Catch Basins
D	Water Quality Inserts for Inlets
E	Use of Drip Pans and/or Dry Sweep Material under Vehicles/Equipment
F	Use of Absorbent Devices to Reduce Liquid Releases
G	Spill Prevention and Response Program
H	Diversion of Stormwater away from Potential Contamination Areas
I	Vegetated Swales/Filter Strips
J	Constructed Wetlands
K	Stormwater Filters (Sand, Peat, Compost, etc.)
L	Stormwater Collection and Reuse (especially for irrigation)
M	BMPs that are a part of a Stormwater Pollution Prevention Plan (SWPPP) under a NPDES Permit

8204.12 Plan Submission

1. Three copies of the Stormwater Plan required under **8204.06 Stormwater Plan Requirements.** Stormwater Plan Requirements shall be submitted to the City for initial staff review and pre-application conference.
2. For developments subject to site plan review, the applicant shall submit the same number of copies of the Stormwater Plan as required for site plan review at the time that the preliminary site plan is submitted.
3. For developments subject to subdivision plat review, the applicant shall submit the same number of copies of a Stormwater Plan as required for plat review at the time that the tentative preliminary plan is submitted.
4. For other earth changes or activities subject to Stormwater Plan requirements, the plan shall be submitted to the City before construction drawings are submitted.
5. Compliance with the requirements of this Ordinance does not eliminate the need for the proprietor to obtain required permits and approvals from county and state agencies.
6. Compliance with the requirements of this Ordinance does not eliminate the need for the proprietor to comply with other applicable City ordinances and regulations.
7. Upon submission of a Stormwater Plan, as provided above, such plan shall be forwarded to the Engineering and Environmental Consultants for review and recommendation to the Planning

Commission. If the site plan, subdivision plat, or other earth change plan is revised, then the Stormwater Plan shall also be revised and re-reviewed by the Engineering and Environmental Consultants to ensure continued compliance with all other applicable ordinances.

8204.13 Review Procedures

1. All Stormwater Plans, including waiver submissions, shall receive engineering and environmental review.
   a. If the proposed plan is not sufficient as originally submitted, the Zoning Administrator or a licensed Professional Engineer will notify the applicant in writing, setting forth the reasons for withholding a recommendation for approval, and will state the changes necessary to obtain approval.
2. Planning Commission Review
   a. The Planning Commission shall, following recommendation by City staff and consultants, review Stormwater Plans, including waiver submissions in conjunction with the submitted site plan or subdivision plat.
3. If the Planning Commission determines that all of the required information has not been received, the proprietor may request that the matter be tabled to allow for the submittal of the required information.
4. If all the required information has been received, the Planning Commission shall recommend approval, recommend approval with conditions, or recommend denial of the Stormwater Plan, including waiver submissions. Recommendations for action on the Stormwater Plan can be part of the recommendation for action on the site plan or subdivision plat.

City of Frankfort City Council Review

1. The City of Frankfort City Council shall, following recommendation by the Planning Commission review the Stormwater Plan, including waiver submissions in conjunction with the submitted site plan or subdivision plat.
2. The City of Frankfort City Council shall approve, approve with conditions, or deny approval of the Stormwater Management Plan.
3. If the plan is approved, the City of Frankfort will require the following as a condition of approval.
   a. Before approval of the final plan, copies of all necessary Wetland, Floodplain, Inland Lakes and Streams, Erosion Control or other needed state, federal, or local permits relating to stormwater management have been provided by the applicant for the City's file.
   b. A satisfactory agreement that assures long-term maintenance of all drainage improvements will be in place before submission of the final plan. Documentation of maintenance agreement will be supplied to the City and approved by the Frankfort City Council.
   c. The applicant will post cash or a letter of credit in an amount not less that 10 percent of the cost of the stormwater facilities for projects of less than $100,000 or five percent of the cost for projects over $100,000. This deposit will be held for one year after the date of completion of construction and final inspection of the stormwater facilities, or until construction on all phases in the development are completed, whichever time period is longer.
   d. This deposit will be returned to the applicant (in the case of cash) or allowed to expire (in the case of a letter of credit), as provided above, provided all stormwater facilities are clean, unobstructed, and in good working order, as determined by a licensed Professional Engineer.
   e. Reproducible mylars and electronic files (in AutoCAD format) of the as-built storm drains and stormwater BMPs will be submitted by the applicant or his/her engineer to the City

along with the final plan, or upon completion of system construction. The mylars are to be of quality material and three mils in thickness.

f. Complete development agreements (including deed restrictions) must be submitted for City review and approval prior to recording.

8204.14 Review Fees

The City of Frankfort City Council shall establish application fees and escrow requirements by resolution. Fees and escrow account payments shall be sufficient to cover administrative and technical review costs anticipated to be incurred by the City of Frankfort including the costs of on-site inspections.

8204.15 Off-Site Stormwater Management Requirements

1. In lieu of on-site stormwater BMPs, the use of off-site stormwater BMPs and storm drains may be proposed. Off-site stormwater BMPs shall be designed to comply with the requirements and standards provided by this Ordinance that are applicable to on-site facilities.
2. Off-site stormwater management areas may be shared with other landowners, provided that the terms of the proposal are approved by the City of Frankfort City Council and City Attorney. Approval hereunder shall not be granted for off-site stormwater BMPs unless the applicant demonstrates to the City, following recommendation by the City Superintendent, that the use of off-site stormwater management areas shall protect water quality and natural resources to an equal or greater extent than would be achieved by the use of on-site stormwater management areas.
3. Adequate provision and agreements providing for maintenance and inspection of stormwater management facilities shall be made, and the documents, in recordable form, recorded instrument, including an access easement, approved by the City of Frankfort.
4. Accelerated soil erosion shall be managed off-site as well as on-site.

Performance Guarantees, Inspections, Maintenance, and Enforcement

1. All provisions for performance guarantees shall apply to off-site stormwater conveyance and detention.

8204.16 Revision of Plan

If it becomes necessary to alter a development or earth change proposal after the Stormwater Plan has been approved, a revised Stormwater Plan must be submitted, reviewed, and approved in accordance with the procedure set forth above. All requirements and standards for Stormwater Plans shall apply.

8204.17 Drains Under the Jurisdiction of the Drain Commissioner

1. Drainage districts will not be altered when designing development drainage, except as provided under **Section 433 of Act 40, Public Act 1956** as amended.
2. Existing county drain easements will be indicated on the plans as well as the final plan and will be designated as "Benzie County Drain" as applicable. County drain easements prior to 1956 were not required by statute to be recorded immediately; therefore, it may be necessary to check the permanent records of the Drain Office to see if a drain easement is in existence on the subject property.
3. A permit will be obtained from the Drain Commissioner's Office prior to tapping or crossing any county drain. The permit must be obtained prior to final plan approval.
4. Proposed relocations of county drains will be processed through the office of the Drain Commissioner.

8204.18 Stormwater BMP Construction Plans

Submittal, Review and Approval Procedures Requirements

1. The applicant will submit five copies of final construction plans for stormwater BMPs with a letter of transmittal submitted to the City with the final site plan /subdivision plan review. Construction or building permits shall not be issued until approval of the construction plans. The construction plans shall be drawn to a scale no smaller than 1" = 50', and on sheets no larger than 24" x 36". The scales used shall be standard engineering scales and shall be consistent throughout the plans. When plans have been completed with computer aided design technology, locations should be geo-referenced and a copy of the electronic file shall also be provided. The construction plans shall include:
   a. Proposed stormwater management facilities (plan and profile).
   b. Proposed storm drains including rim and invert elevations.
   c. Proposed open channel facilities including slope, cross section detail, bottom elevations, and surface material.
   d. Final sizing calculations for stormwater quality and quantity treatment facilities and stormwater conveyance facilities.
   e. Storage provided by one (1) foot elevation increments.
   f. Tributary area map for all stormwater management facilities indicating total size and average runoff coefficient for each sub-area.
   g. Analysis of existing soil conditions and groundwater elevation (including submission of soil boring logs) as required for proposed retention and infiltration facilities.
   h. Details of all stormwater BMPs including but not limited to:
   i. Outlet structures.
   j. Overflow structures and spillways.
   k. Riprap.
   l. Manufactured treatment system.
   m. Underground detention cross section and product details.
   n. Cross section of infiltration and/or bioretention facilities.
   o. Final landscaping plan and details.
   p. Final easements for stormwater management facilities.
   q. Maintenance plan and agreement.
2. Construction drawings and engineering specifications shall be subject to review and approval by a licensed Professional Engineer and/or Environmental Consultants to ensure that the construction plan conforms with the approved Stormwater Plan and that adequate storm drainage will be provided and that the proposed stormwater management system provides adequately for water quantity and quality management to ensure protection of property owners and watercourses both within the proposed development and downstream.
3. A construction permit shall not be issued unless the detailed engineering drawings and specifications meet the standards of this Ordinance, applicable City ordinances, engineering standards and practices, and any applicable requirements of other government agencies. Additionally, the following information is required to be submitted:
   a. A soil erosion permit under **The Michigan Soil Erosion and Sedimentation Control Act", P.A. 451, Part 91** as amended, will be obtained from the appropriate agency prior to any construction.
   b. For developments that will result in disturbance of five or more acres of land, a complete Notice of Coverage must be submitted to the Michigan Department of Environmental

Quality, Water Bureau, to have the discharge deemed authorized under a National Pollutant Discharge Elimination System permit.

c. The applicant will make arrangements acceptable to the City of Frankfort for inspection during construction and for final verification of the construction by a registered professional engineer prior to approving Certificate of Occupancy.
d. Review of construction plans by the City will not proceed until site plan approval has been granted.
e. Approval of construction plans by the City is valid for one calendar year. If an extension beyond this period is needed, the applicant will submit a written request to the City for an extension. The City may grant one year extensions of the approval, and may require updated or additional information if needed. The City of Frankfort action under this provision may be taken administratively provided that no changes to the plans and/or standards have occurred. In the event one or more such changes have occurred, City action under this provision shall be taken by the final reviewing body.
f. For site condominiums, complete Master Deed documents (including "Exhibits" drawings) must be submitted for the City review and approval prior to recording.

8204.19 As-Built Certification

An as-built certification for stormwater BMPs must be provided to the City prior to final approval of the development. The certification should include the following:

1. A plan view of all detention basins, retention basins, and/or sediment forebays detailing the proposed and final as-built elevation contours. Sufficient spot elevations should be provided on each side of the basin, the bottom of the basin, and along the emergency spillway(s).
2. Detention basin, retention basin, and/or sediment forebay calculations along with corresponding volumes associated with the as-built elevations. The proposed volume and final as-built volume should be indicated.
3. Final as-built invert elevations for all inlet pipes and all associated outlet structure elevations, riser pipe hole sizes, and number of holes should be included. Invert elevations of the final outlet pipe to the receiving water and elevation of the final overflow structure should also be provided.
4. The side slopes of all stormwater basins should be identified and must meet minimum safety requirements.
5. The certification should be signed and sealed by a registered professional engineer or landscape architect.

8204.20 Engineered Site Grading Plans

Contents of Engineered Site Grading Plans

1. Five copies of Engineered Site Grading Plans for a development shall be submitted by the proprietor to the City of Frankfort; provided, however, if and to the extent the same information has been previously submitted as required under a separate ordinance requirement, then, the applicant shall provide copies of the previous submission, together with new information required hereunder which has not been previously submitted.
2. The Engineered Site Grading Plan shall include the following information subject to the exception specified in sub-paragraph a, above:
   a. A plan showing the layout of the area intended to be developed will be submitted by the applicant or their representative. This plan will be prepared under the direction of, and sealed by, a registered professional engineer or a registered land surveyor, and shall fit on a

sheet of paper that does not exceed 24" by 36", drawn to a standard engineering scale not less than 1" = 50'.

b. The legal property description and a north indicator.
c. Existing grades on a 50-foot grid to a minimum of 50 feet beyond the site property line and sufficient intermediate grades to determine such things as ditches, swales, adjacent pavement, buildings, and other pertinent features.
d. Location of any watercourses, wetlands, woodlands, environmental feature setback areas (as specified in the Zoning Ordinance), lakes, and ponds on the site.
e. Existing easements.
f. Existing utilities, manholes, and culverts.
g. Road rights-of-way, existing and proposed.
h. Proposed topography of the site.
i. Location and description of any existing and proposed stormwater management and soil erosion control measures.
j. Flow direction(s) of stormwater runoff onto and from the site before and after development, including the direction of overland flow.
k. Proposed elevations shall be underlined or boxed in to differentiate from existing elevations. It is expected that all elevations shall be in hundredths of a foot.
l. A location map.
m. The general stormwater management scheme for the proposed development indicating how stormwater management will be provided and where drainage will outlet.
n. A description of the off-site outlet and evidence of its adequacy. If no adequate watercourse exists to effectively handle a concentrated flow of water from the proposed development, discharge will be reduced to sheet flow prior to exiting the site, and cannot exceed the allowable outlet rate defined in the Engineering Design Standards. Additional volume controls may be required in such cases and/or acquisition of rights-of-way from downstream property owners receiving the stormwater flow.
o. Any on-site and/or off-site stormwater management facilities and appropriate easements, dedicated to the entity that will be responsible for future maintenance.
p. Any drainage originating outside of the development limits that flows onto or across the development. (In general, drainage from off-site shall not be passed through on-site stormwater BMPs).
q. Any natural watercourses and county drains that traverse or abut the property.

Review Procedures and Standards

The following standards shall be met by applicant:

1. The increased volume of water discharged from a development shall not create adverse impacts to downstream property owners, wetlands and watercourses (e.g., flooding; excessive soil saturation; crop damage; erosion; degradation in water quality or habitat).
2. Natural topography and site drainage shall be preserved and site grading shall be minimized to the maximum extent reasonably achievable considering the nature of the development.
3. Watercourses shall not be deepened, widened, dredged, cleared of vegetation, straightened, stabilized, or otherwise altered without applicable permits or approvals from the City of Frankfort, relevant Benzie County agencies and the applicable State of Michigan Department(s).

The following review procedures shall be in place:

1. Engineered Site Grading Plans shall be subject to review and approval by the City Superintendent or his/her designee(s) to assure compliance with this Ordinance.

2. Engineered Site Grading Plans shall be reviewed and approved by a licensed Professional Engineer designated by the City Superintendent prior to the issuance of a building permit.
3. Construction Plans shall be reviewed by the City Engineer or Engineering Consultant, Environmental Consultant and Building Department to ensure that the construction plan conforms with the approved Stormwater Plan.

8204.21 Performance Guarantees, Easements, And Maintenance

Applicability of Requirements

Requirements of this Article concerning performance guarantees, easements, and maintenance agreements shall apply to proprietors required to submit a Stormwater Plan to the City for review and approval.

Performance Guarantees

The applicant shall post an acceptable form of an irrevocable letter of credit. The performance guarantee shall be an amount determined by the City. Required performance guarantees shall be provided to the City after Stormwater Plan, but prior to the initiation of any earth change.

After determination by the City or his/her designee for site plans, or by the Benzie County Drain Commissioner for site condominiums and subdivisions, that all facilities are completed in compliance with the approved Plan, the posted performance guarantee remaining shall be released.

Stormwater Management Easements

1. Necessity of Easements. Stormwater management easements shall be provided in a form required by the Frankfort City Council and the City Attorney, and recorded as directed as part of the approval of the City of Frankfort City Council to assure (1) access for inspections; (2) access to stormwater BMPs for maintenance purposes; and (3) preservation of primary and secondary drainageways which are needed to serve stormwater management needs of other properties.
2. Easements for Off-site Stormwater BMPs. The proprietor shall obtain easements assuring access to all areas used for off-site stormwater management, including undeveloped or undisturbed lands.
3. Recording of Easements. Easements shall be recorded with the Benzie County Register of Deeds according to county requirements.
4. Recording Prior to Building Permit Issuance. The applicant must provide the City Clerk with evidence of the recording of the easement prior to final subdivision plat or condominium approval or other applicable final construction approval.

Maintenance Bond

1. A maintenance bond shall be provided to the City of Frankfort.
2. The maintenance bond shall be provided for a period of two years commencing from the date of final approval of the Stormwater Plan.

Maintenance Agreement

1. Purpose of Maintenance Agreement. The purpose of the maintenance agreement is to provide the means and assurance that maintenance of stormwater BMPs shall be undertaken.
2. Maintenance Agreement Required.
   a. A maintenance agreement shall be submitted to the City of Frankfort for review by the City Superintendent and his/her designee and City Attorney, for all development, and shall be

subject to approval in accordance with Stormwater Plan. A formal maintenance plan shall be included in the maintenance agreement.

b. Maintenance agreements shall be approved by the City of Frankfort City Council prior to final subdivision plat or condominium approval, as applicable, and prior to construction approval in other cases.
c. A maintenance agreement is not required to be submitted to the City of Frankfort for Chapter 18 Drains that will be maintained by the Benzie County Drain Commission.

Maintenance Agreement Provisions

1. The maintenance agreement shall include a plan for routine, emergency, and long-term maintenance of all stormwater BMPs, with a detailed annual estimated budget for the initial three years, and a clear statement that only future maintenance activities in accordance with the maintenance agreement plan shall be permitted without the necessity of securing new permits. Written notice of the intent to proceed with maintenance shall be provided by the party responsible for maintenance to the City of Frankfort at least 14 days in advance of commencing work.
2. The maintenance agreement shall be binding on all subsequent owners of land served by the stormwater BMPs and shall be recorded in the office of the Benzie County Register of Deeds prior to the effectiveness of the approval of the City of Frankfort City Council.
3. If it has been found by the City of Frankfort City Council, following notice and an opportunity to be heard by the property owner, that there has been a material failure or refusal to undertake maintenance as required under this ordinance and/or as required in the approved maintenance agreement as required hereunder, the City of Frankfort shall then be authorized, but not required, to hire an entity with qualifications and experience in the subject matter to undertake the monitoring and maintenance as so required, in which event the property owner shall be obligated to advance or reimburse payment (as determined by the City of Frankfort) for all costs and expenses associated with such monitoring and maintenance, together with a reasonable administrative fee. The maintenance agreement required under this Ordinance shall contain a provision spelling out this requirement and, if the applicant objects in any respect to such provision or the underlying rights and obligations, such objection shall be resolved prior to the commencement of construction of the proposed development on the property.

8204.22 Severability

If any section, clause, provision or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall remain in force and effect.

8204.23 Enforcement

Sanctions for Violations

1. Any person violating any provision of this ordinance shall be responsible for a municipal civil infraction and subject to a fine of not less than $500 for a first offense, and not less than $1,000 for a subsequent offense, plus costs, damages, expenses, and other sanctions as authorized under **Chapter 87 of the Revised Judicature Act of 1961** and other applicable laws, including, without limitation, equitable relief; provided, however, that the violation stated in **8204.21 Performance Guarantees, Easements, And Maintenance**, Easements and Maintenance shall be a misdemeanor. Each day such violation occurs or continues shall be deemed a separate offense and shall make the violator liable for the imposition of a fine for each day. The rights and remedies provided for in this section are cumulative and in addition to any other remedies

provided by law. An admission or determination of responsibility shall not exempt the offender from compliance with the requirements of this ordinance. For purposes of this section, "subsequent offense" means a violation of the provisions of this ordinance committed by the same person within 12 months of a previous violation of the same provision of this ordinance for which said person admitted responsibility or was adjudicated to be responsible. The City of Frankfort Zoning Administrator is authorized to issue municipal civil infraction citations to any person alleged to be violating any provision of this Ordinance.

2. Any person who neglects or fails to comply with a stop work order issued under this Section shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than $500 or imprisonment in the county jail for not more than 93 days, or both such fine and imprisonment, and such person shall also pay such costs as may be imposed in the discretion of the court.
3. Any person who aids or abets a person in a violation of this ordinance shall be subject to the sanctions provided in this section.

Stop Work Order
Where there is work in progress that causes or constitutes in whole or in part, a violation of any provision of this Ordinance, the City is authorized to issue a Stop Work Order so as to prevent further or continuing violations or adverse effects. All persons to whom the stop work order is directed, or who are involved in any way with the work or matter described in the stop work order shall fully and promptly comply therewith. The City may also undertake or cause to be undertaken, any necessary or advisable protective measures so as to prevent violations of this ordinance or to avoid or reduce the effects of noncompliance herewith.

The cost of any such protective measures shall be the responsibility of the owner of the property upon which the work is being done and the responsibility of any person carrying out or participating in the work, and such cost shall be a lien upon the property.

Failure to Comply; Completion
In addition to any other remedies, should any owner fail to comply with the provisions of this Ordinance, the City of Frankfort may, after the giving of reasonable notice and opportunity for compliance, have the necessary work done, and the owner shall be obligated to promptly reimburse the City for all costs of such work.

Emergency Measures
When emergency measures are necessary to moderate a nuisance, to protect public safety, health and welfare, and/ or to prevent loss of life, injury or damage to property, the City of Frankfort is authorized to carry out or arrange for all such emergency measures. Property owners shall be responsible for the cost of such measures made necessary as a result of a violation of this Ordinance, and shall promptly reimburse the City for all of such costs.

Cost Recovery for Damage to Storm Drain System
A discharger shall be liable for all costs incurred by the City of Frankfort as the result of causing a discharge that produces a deposit or obstruction, or causes damage to, or impairs a storm drain, or violates any of the provisions of this Ordinance. Costs include, but are not limited to, those penalties levied by the Environmental Protection Agency or Michigan Department of Natural Resources and Environment for violation of an NPDES permit, attorney fees, and other costs and expenses.

Collection of Costs; Lien
Costs incurred by the City of Frankfort and the Benzie County Drain Commissioner pursuant to **8204.22 Severability** shall be a lien on the premises which shall be enforceable in accordance with **Act No. 94 of the Public Acts of 1933**, as amended from time to time. Any such charges which are delinquent for six (6) months or more may be certified annually to the City of Frankfort Treasurer who shall enter the lien on the next tax roll against the premises and the costs shall be collected and the lien shall be enforced in the same manner as provided for in the collection of taxes assessed upon the roll and the enforcement of a lien for taxes. In addition to any other lawful enforcement methods, the City of Frankfort or the Benzie County Drain Commissioner shall have all remedies authorized by **Act No. 94 of the Public Acts of 1933, as amended**.

Effect of Approval on Remedies
The approval or disapproval of any Stormwater Plan shall not have any effect on any remedy of any person at law or in equity.

Section 8205: Building Scale Plans

8205.01 Non-Conforming Uses and Substandard Lots
The lawful use of any building or structure and of any land or premises existing prior to the effective date of this Ordinance may be continued, although such use or structure does not conform to the provisions of this Ordinance. A change in the ownership, tenancy or occupancy of a building or structure shall not restrict the continuance of its existing non-conforming uses.

8205.02 Enlargements, Moving, Extensions
No non-conforming use of any land or structure shall be enlarged or extended. No non-conforming building or structure shall be moved in whole or in part to another location unless such structure or use conforms to all of the regulations of this Ordinance. No non-conforming building or structure shall be replaced with another non-conforming building or structure. Any replacement or a non-conforming building or structure shall be in conformity with the provisions of this Ordinance. Buildings or uses nonconforming by reason of height, yard area or parking provisions may be extended, altered or modernized, provided that no additional encroachment of the height, area or parking provisions are occasioned thereby.

8205.03 Unlawful Use Not Authorized
Nothing in this Ordinance shall be interpreted as authorization for, or approval of, the continuance of the use of a structure or premises in violation of regulations in effect immediately prior to the date of this Ordinance. Uses for purposes or enterprises that are contrary to Federal, State, or Local laws or ordinances are prohibited.

8205.04 Change Of Use
The use of a non-conforming building may be changed to another non-conforming use if the Planning Commission finds that such new use would markedly decrease the degree of nonconformance and would enhance the desirability of adjacent conforming uses. This shall not be construed to waive the other provisions of this Article.

8205.05 Restoration And Repair
All repairs and maintenance work required to keep a non-conforming building or structure in sound condition may be made, but it shall not be structurally altered to permit the use of such building or

structure beyond its natural life. In the event any non-conforming building or structure is damaged by fire, wind, Act of God, or public enemy, it may be rebuilt or restored if the cost thereof does not exceed sixty (60) percent of the value of the non-conforming building or structure after the rebuilding or restoration is complete. Any such restoration must be started within a period of one (1) year of the time of such damage and diligently prosecuted to completion. If the cost is greater than sixty (60) percent of the value, the Zoning Board of Appeals may consider a variance request.

8205.06 Non-Conforming Due To Reclassification

The foregoing provisions of this Article shall also apply to buildings, land or uses which hereafter become non-conforming due to any reclassification of districts or any subsequent change in the regulations of this Ordinance.

8205.07 Non-Conforming Use Discontinued

Whenever the non-conforming use of any building or structure, lot or parcel of land has been changed to a conforming or more conforming use, the use shall not thereafter be reverted to any less conforming use. If the non-conforming use of any building, structure, land or premises or part thereof is abandoned or discontinued for a continuous period of one (1) year, then any future use of said building, structure, land or premises shall conform in its entirety to the provisions of this Ordinance.

8205.08 Building Disposition

1. Specific to all zones
    a. Building Disposition types shall be as shown in **8301.07 Building Disposition**.
    b. Buildings shall be disposed in relation to the boundaries of their Lots according to **8301.07 Building Disposition.**
    c. Lot coverage by building shall not exceed that recorded in **Table 12: Summary Table**. Facades shall be built parallel to a rectilinear Principal Frontage Line or to the tangent of a curved Principal Frontage Line, and along a minimum percentage of the Frontage width at the Setback.
    d. Setbacks for Principal Buildings shall be as shown in the District standards. In the case of an Infill Lot, Setbacks shall match one of the existing adjacent Setbacks.
    e. To accommodate slopes over 15% percent, relief from front Setback requirements is available by Variance.
    f. The Principal Entrance shall be on a Frontage Line.

8205.09 Building Configuration

1. General to all zones
    a. The Private Frontage of buildings shall conform to and be allocated in accordance with **8301.05 Private Frontages**.
    b. Buildings on corner Lots shall have two Private Frontages. Each private frontage facing a public thoroughfare shall be considered a front yard.
    c. Building heights, Stepbacks, and Extension Lines shall conform to those detailed in the District Regulations.
2. Specific to the Rural, East City Residential, North City Residential, and West City Residential Districts
    a. The maximum habitable area of an Ancillary Living Space, if above a detached garage, is 60% of the ground floor area of the Primary Dwelling; and, if above or within an Accessory Structure, 50% of the ground floor area of the Primary Dwelling.
3. Specific to East City Residential, North City Residential, and West City Residential Districts
    a. No portion of the Private Frontage may Encroach the Sidewalk.

4. Specific to Main Street East and Main Street West Districts
   a. Awnings, Arcades, and Galleries may Encroach the Sidewalk to within two (2) feet of the Curb but must clear the Sidewalk vertically by at least eight (8) feet.
   b. A first level Residential or Lodging Function shall be raised a minimum of two (2) feet from average Sidewalk grade.

8205.10 Building Function

1. General to all zones
   a. Buildings in each Zoning District shall conform to the Functions on **Table 11: Permitted Uses**. Functions that do not conform shall require a Special Use Approval as specified in **Section 8108: Special Uses and Variances**.

8205.11 Parking Standards

The purpose of this Section is to permit and regulate off-street parking of motor vehicles and the off-street loading and unloading of vehicles in all zoning districts. In all zoning districts, off-street parking facilities for the storage and parking of self-propelled motor vehicles for the use of occupants, employees, and patrons of buildings erected, altered, or extended after the effective date of this Ordinance shall be provided as prescribed herein. Such areas shall be maintained and shall not be encroached upon so long as the main building or structure remains, unless an equivalent number of spaces and area are provided elsewhere on the site in accordance with this Ordinance.

1. **Internal Access Drives**. Each lane of driveway providing access to parking areas shall be a minimum of ten (10) feet in width. Where a turning radius is necessary, it shall be of an arc that allows unobstructed vehicle flow.
2. **Required Construction**. All parking and loading facilities and access drives for uses other than one and two family residential, agricultural, and accessory farm produce sales shall be provided with a paved surface consisting of bituminous concrete, concrete, asphalt or porous asphalt (or equivalent product, as determined by the Zoning Administrator). Driveways shall be constructed with materials equal to or better than the standards set forth by the Frankfort Street Administrator for commercial driveways. Parking lots and driveways shall be completely constructed prior to the issuance of an occupancy permit, weather permitting. All parking surface shall be maintained in good condition, free from dust, trash, and debris. All paved parking areas with more than four spaces shall have such spaces legibly designated on the paved surface.
3. **Drainage**. All off-street parking and loading areas shall be graded and drained to detain and/or dispose of surface water. No surface water shall be permitted to drain onto adjoining property unless there is a common engineered drainage system, rain garden or detention/retention basin or system that is shared with the adjoining property or an appropriate watershed easement has been obtained. All parking areas are subject to **Section 8204: Stormwater Management.**
4. **Lighting**. With the exception of facilities for one and two-family dwellings, the parking and loading facilities utilized during night-time hours shall be artificially illuminated. Lighting fixtures such as a shoe box with a flat lens providing illumination for or within parking facilities shall be designed and arranged to:
   a. Deflect light away from adjacent properties, streets, and highways. The source of illumination in any parking facility located within two hundred (200) feet of a residential use or district shall not be more than twenty (20) feet above the parking surface and shall be shrouded to prevent glare.
   b. Lighting shall utilize energy efficiency standards to minimize energy use.

5. **Buffering**. Except when accessory to one or two family dwellings and permitted agricultural uses, every parking area with four (4) or more parking spaces hereafter established or enlarged which is adjacent to or opposing a residential use or district shall be screened as follows:
   a. Industrial, commercial, and institutional uses. Parking areas for such uses shall be screened by an evergreen hedge or berm with natural landscaping consisting of a combination evergreens deciduous trees and shrubs. The effective height of such trees or trees and berm in combination at the time of installation shall be at least eight (8) feet in height and sufficiently dense that the visibility of the parking area is obscured. If the owners of the adjacent or opposing properties agree, this screening may be a solid uniformly painted fence or wall, a minimum of four (4) feet in height.
   b. When the use of a berm is employed, this berm shall be one of three types. Generally, it shall be a continuous undulating serpentine form. It shall have a maximum slope ratio of four (4) feet horizontal to one (1) foot vertical. A flat horizontal area at the crest is required to be four (4) feet in width. The berm shall range in height from three (3) to ten (10) feet, depending upon the specific existing natural and proposed architectural conditions. Capacity requirements are to be sixty (60) percent in winter and eighty (80%) percent in summer within two (2) years after planting. If existing trees are six (6) inches diameter at breadth height or greater, the berm may be designed in a natural format. The berm itself may be divided and formed on either side or continue around the existing trees. The plantings are to be primarily evergreen trees on the crest of the berm. These may be supplemented with shrubs that regenerate on each side of the berm (i.e., red twig dogwood, fragrant sumac, arrowroot viburnum). The berm shall be hydrosphere.

   The minimum sizes of all plants when planted are to be five (5) feet in height for evergreen trees, three (3) inch caliper for deciduous trees, two (2) inch caliper for small deciduous trees, thirty (30) inch for small shrubs. Spacing to be in a triple spacing or equilateral triangle format. Evergreen trees shall be a minimum of ten (10) feet on center, deciduous trees fifteen (15) feet on center. All plants are to be mulched with four (4) inch shredded hardwood bark.
6. **Site Development Plan Required**. Site Development Plan approval is required for all new and expanded parking areas with over four (4) spaces, except for one and two family dwelling units and permitted agricultural uses. Such plans shall be reviewed pursuant to the provisions of **Section 8107: Site Development Plan Review** and **Section 8204: Stormwater Management.**
7. **Permits**. The following permits are required, as appropriate to the circumstances involved, for all parking areas except one and two family dwelling units and permitted agricultural uses:
   a. No parking area may be constructed or enlarged before the issuance of a building permit. Before issuing a building permit, the Administrator shall be presented with a site development plan, where required, approved by the Planning Commission. In those cases where an approved driveway permit from the Frankfort Street Administrator is required, said permit shall be submitted to the Administrator prior to the issuance of a zoning permit.
   b. No parking area shall be occupied or used as a parking area prior to the issuance of an occupancy permit nor shall it be used or occupied if an occupancy permit has been revoked. The Administrator is hereby authorized to revoke an occupancy permit for a parking area whenever the occupant fails to comply with the conditions or requirements of the approved site development plan, this Ordinance, or any special conditions imposed by the Board of Appeals. Such use or occupancy shall cease within sixty (60) days following such revocation.
   c. The Administrator may issue a temporary occupancy permit with special conditions stated thereon where the full improvement of a parking area and drives thereto would not be warranted due to a settling ground, adverse weather conditions, contractor scheduling, or

similar reasonable circumstances. A temporary use permit may be issued for up to twelve (12) months and may not be renewed except by direction of the Board of Appeals.

d. A performance bond shall be required as provided in **8107.10 Posting of Financial Guarantee**.

8. Miscellaneous Off-Street Parking Provisions

a. Existing Off-Street Parking at the Effective Date of this Ordinance: Off-street parking existing at the effective date of this Ordinance which serves an existing building or use, shall not be reduced in size to less than that required under the terms of this Ordinance.

b. Fractional Requirements: When units of measurement determining the number of required parking spaces result in the requirement of a fractional space, the fraction shall be considered one (1) full required space.

c. Requirements for a use not listed shall be the same for that use which is most similar to the use not listed as determined by the Administrator and/or the Planning Commission.

d. For the purposes of determining off-street parking and loading requirements, the following provisions shall apply:

1. Floor area shall mean net floor area of all floors of a building as defined in **Section 8203: General Provisions**.
2. Joint or collective provision of off-street parking areas for buildings or uses on one or more properties shall meet the requirements of 8025.11(9). Truck and/or Trailer Storage.

e. It shall be unlawful to use any off-street parking or loading area established to meet the requirements of this Ordinance for any purpose other than parking of licensed vehicles or the loading or unloading of necessary service trucks, unless otherwise provided.

f. Parking of vehicles shall be deemed to mean the temporary placement of vehicles while making use, by the driver or occupants of such vehicle, of the property on which such vehicle is temporary located, and shall not include the storage of any such vehicles.

g. Non-residential off-street parking shall be either on the same lot, or within five hundred (500) feet of the building it is intended to serve measured from the nearest point of the building to the off-street parking lot.

9. Truck and/or Trailer Storage

a. The storage or parking of trucks of more than one and one-half (1-1/2) tons or trailers of any kind are entirely prohibited in any residential District. The storage or parking of more than one and one-half (1-1/2) tons or truck trailers of any kind are prohibited in the first two layers in any District. This shall not be deemed to prohibit up to seven (7) days of non-recurrent parking of a mobile home or mobile housing facility in any yard other than the front yard.

b. Storage of recreational vehicles or motor homes in excess of seven (7) consecutive days is not permitted in any residential or mixed-use district unless placed inside a designated screened storage area as shown on an approved site development plan.

c. The outside storage of recreational vehicles and recreational units is permitted:

1. In rear yard spaces.
2. In one (1) side yard provided it is located in the second layer and provided access from the first layer to the third layer is not used for such outside storage.
3. Such storage shall not be permitted in the first layer of any parcel, except that such recreational vehicle or unit may be stored in a driveway within a front yard for a period of not more that twenty-one (21) consecutive days.

d. In the EC, NC, WC and R Districts, only two (2) recreational vehicles or recreational units shall be permitted per lot or parcel which is under one (1) acre in size On lots or parcels one

(1) acre or greater, there is no limit to the number or recreational vehicles or units permitted provided all the other requirements of this section are met.

e. Recreational vehicles and recreational units designed and designated for primary use upon a roadway or waterway, requiring licensing or registration shall be currently licensed or registered at all times. Vehicles or units not requiring registration or licensing so kept, stored, or parked shall be maintained in good repair, and operating condition.
f. The open storage of disassembled or component parts for such recreational vehicles or units are prohibited at all times.
g. Said items shall not be used for lodging or housekeeping purposes, except as otherwise authorized by permit.
h. Any recreational vehicle or unit stored out of doors shall be the property of the resident, except that one (1) such authorized unit may be the property of a non-resident in the EC, WC, NC or R Zoning Districts but shall be limited to two (2) weeks per year.
i. No recreational vehicle or recreational unit shall be parked or stored on any roadway or road right-of-way.

8205.12 Parking Location Standards

1. Location Of Off-Street Parking Facilities. Required off-street parking facilities shall be located on the same lot as the permitted principal use in the Rural, East City Residential, North City Residential, West City Residential Districts and may be located within the required side or rear yard area. In the Main Street East and Main Street West Districts, off-street parking is permitted in all rear yard areas and as a permitted principal use on a separate lot. Off-street parking is permitted in all front, side, and rear yard areas and as a permitted principal use on a separate lot in the Civic, Industrial-Entrepreneurial, Institutional, Parks, and Waterfront Districts. Parking on the tree lawn in all districts is prohibited
   a. General to the East City Residential, North City Residential, West City Residential, Main Street East and Main Street West Districts
      1. Parking shall be accessed by Rear Alleys or Rear Lanes, when such access is available.
      2. Open parking areas shall be masked from the Frontage by a Building or Streetscreen consisting of a wall, fence or hedge a minimum of three (3) feet in height and not to exceed eight (8) feet in height.
      3. All parking areas and garages shall be located at the second or third Layer. (Table 16: Illustrated Definitions)
   b. Specific to the Rural, East City Residential, North City Residential, West City Residential Districts
      1. Open parking areas shall be located at the second and third Lot Layers, except that Driveways, drop-offs and unpaved parking areas may be located at the first Lot Layer. (Table 16: Illustrated Definitions). Garages shall be located at the third Layer except that side- or rear-entry types may be allowed in the second Layer by Special Use approval.
      2. Driveways at Frontages shall be no wider than 10 feet in the first Layer.
   c. Specific to Main Street East and Main Street West Districts
      1. All parking lots shall be located at the second or third Layer. (Table 16: Illustrated Definitions)
      2. Vehicular entrances to parking lots, garages, and Parking Structures shall be no wider than 24 feet at the Frontage. Pedestrian exits from all parking lots, garages, and Parking Structures shall be directly to a Frontage Line (i.e., not directly into a building) except underground levels which may be exited by pedestrians directly into a building.

8205.13 Parking Requirement Standards

Table 6 categorizes Building Functions within the Zoning District and corresponding parking requirements which are correlated to functional intensity. For Specific Function and Use permitted By Right or by Variance, see **Table 11: Permitted Uses**.

Table 6: Parking Requirements

	R NC EC WC	W MSE MSW
a. RESIDENTIAL	**Restricted Residential:** The number of dwellings on each Lot is restricted to one within a Principal Building and one within an Accessory Building, with 2.0 parking places for each. Both dwellings shall be under single ownership. The habitable area of the Ancillary Living Space not exceed 440 sf, excluding the parking area.	**Open Residential:** The number of dwellings on each Lot is limited by the requirement of 1.0 parking places for each dwelling, a ratio which may be reduced according to the shared parking standards (See Table 8).
b. LODGING	**Restricted Lodging:** The number of bedrooms available on each Lot for lodging is limited by the requirement of 1.0 assigned parking place for each bedroom, up to four, in addition to the parking requirement for the dwelling. The Lodging must be owner occupied. Food service may be provided in the a.m. The maximum length of stay shall not exceed fourteen days.	**Open Lodging:** The number of bedrooms available on each Lot for lodging is limited by the requirement of 1.0 assigned parking places for each bedroom. Food service may be provided at all times. The area allocated for food service shall be calculated and provided with parking according to Retail Function.
c. OFFICE		**Open Office:** The building area available for office use on each Lot is limited by the requirement of 2.0 assigned parking places per 1000 square feet of net office space.
d. RETAIL		**Open Retail:** The building area available for Retail use is limited by the requirement of 3.0 assigned parking places per 1000 square feet of net Retail space. Retail spaces under 1500 square feet are exempt from parking requirements.
e. CIVIC	See **Table 12: Summary Table**	See **Table 12: Summary Table**
f. OTHER	See **Table 12: Summary Table**	See **Table 12: Summary Table**

Parking Calculations. The Shared Parking Factor for two Functions, when divided into the sum of the two amounts as listed on the Required Parking (Table 8) below, produces the Effective Parking needed for each site involved in sharing. Conversely, if the Sharing Factor is used as a multiplier, it indicates the amount of building allowed on each site given the parking available.

Table 7: Required Parking

	NC EC WC R	W MSE MSW
RESIDENTIAL	2.0 / dwelling	1.0 / dwelling
LODGING	1.0 / bedroom	1.0 / bedroom
OFFICE	NA	2.0 / 1000 sq. ft.
RETAIL	NA	3.0 / 1000 sq. ft.
CIVIC	To be determined by Warrant	
OTHER	To be determined by Warrant	

Table 8: Shared Parking Factor

Function	with	Function
RESIDENTIAL		RESIDENTIAL
LODGING		LODGING
OFFICE		OFFICE
RETAIL		RETAIL

R Rural	NC North City Residential	EC East City Residential
WC West City Residential;	MSE Main Street East	MSW Main Street West
W Waterfront	IE Industrial-Entrepreneurial	P Park
INST Institutional	C Civic	

Table 9: Parking Requirements by Use	
Residential	2 per dwelling unit
Institutional	
Place of Worship	1 per each 4 seats or 8 feet of pew in the main place of assembly
Hospital (inpatient)	2 per bed
Assisted Living Centers/Senior Housing	1 per unit plus 1 per 5 units
Elementary and junior high	2 per classroom plus additional for schools auditorium requirements and 1 space for each 300 s.f. of administrative office area
Senior high school	7 per classroom plus auditorium requirements and one space for each 300 s.f. of administrative office area
Day Care Centers	1 per employee plus 1 for each ten students
Private Clubs & Lodges	1 per each 3 persons allowed within the maximum occupancy load as established by the appropriate fire, health or building code, whichever is most restrictive
Public or private swimming pool	1 per each 1,000 feet of net floor area for clubs, tennis clubs, and similar uses
Auditorium, stadium, sports arena, theater	1 for each 3 seats or each 6 feet of bench
Business and Commercial	
Retail stores, except as otherwise specified herein	3 per each 1,000 s.f. of floor area
Auto repair shop and service station	1 per each 300 s.f. of floor area
Auto wash	5 per premises plus sufficient waiting space to accommodate 25% of the hourly rate capacity
Beauty salon or barber shop	1 per 100 s.f. of floor area or 3 for each chair or station, whichever is greater
Motel/hotel	1 per each unit plus 1 for each 5 units plus additional per requirements for dining and meeting rooms, based on occupancy load
Establishments for the sale and consumption of beverages, food, or refreshments on the premises	1.5 per 100 s.f. of floor area or 1 per each 3 persons allowed for the maximum occupancy

Office	
Banks, business and general offices	1 per 200 s.f. of floor area
Medical, dental and veterinary offices and clinics	1 per each 150 s.f. of floor area
Industrial	
Manufacturing, assembly, research and processing	1 per each 600 s.f. of industrial and office floor area or 1 per each 2 employees, whichever is greater
Warehousing	1 per each 1,000 s.f. of floor area plus additional for offices (1 per 200 s.f.) or 1 per each 2 employees, whichever is greater
Storage/Mini-storage	5 per premises plus 1 for each 5 storage bays
Sexually Oriented Business	1 per 4 persons allowed in building based upon fire code rules.

8205.14 Landscape Standards

1. General to All Districts
   a. Impermeable surface shall be confined to the ratio of Lot coverage specified in **Table 12: Summary Table** and in the individual district regulations.
   b. Trees may be of single or multiple species utilizing species deemed Approved by the City of Frankfort Tree Board
2. Specific to Civic, Institutional, Rural, East City Residential, North City Residential, West City Residential Districts
   a. The first Layer may not be paved, with the exception of Driveways
   b. A minimum of two trees shall be planted within the first Layer for each 30 feet of Frontage Line or portion thereof.
   c. Trees may be of single or multiple species utilizing species deemed Approved by the City of Frankfort Tree Board
   d. Trees shall be naturalistically clustered.
   e. Lawn shall be permitted.

8205.15 Signs and Signage Standards

1. Purpose
   a. To preserve or enhance community character by requiring new and replacement signage which is:
      1. Creative and distinctive
      2. Compatible with the surroundings
      3. Appropriate to the type activity to which it pertains
      4. Expressive to the identity of the individual proprietors or of the community as a whole and,
      5. Is appropriately sized in its content, so as to be easily readable,
   b. To discourage excessive visual competition on signage and ensure that signs aid orientation and adequately identify users and activities to the public,

c. To promote the safety, comforts, and well-being of the users of streets, roads, and highways.

2. Legislative Findings Pertaining To Signs. The City of Frankfort has determined and hereby finds that the regulation of the location. Size, placement and certain features of signs is necessary to enable the public to identify and locate the sources of goods, services, and facilities without difficulty, distraction, or confusion, to prevent wasteful consumption of natural resources, to prevent hazards to life and property, to assure and improve the attractiveness of the community, and to protect property values. It is further determined that signs which may lawfully be erected or maintained under the provisions of the Ordinance are consistent with customary usage, are an abuse thereof, and are an unwarranted invasion of the rights of legitimate business interests and of the public. It is further determined that the regulations contained herein will promote the proper and legitimate function of signs, which is to inform the mind rather than capture the senses.
3. Basic Restrictions In All Districts. The City reserves to itself sovereignty over all its public ways, streets, walks, and public places of any and all kind, and the power and right as it from time to time deems fit to prohibit, regulate or permit structures, including signs, in, on, or over the same or the use of any portion thereof, and this Ordinance shall in no way confer or establish rights or privileges contrary thereto; but in granting permission to erect signs in or over the public ways, the City will observe as a minimum the requirements of this Ordinance, hereby reserving to itself the right to impose stricter standards in any particular case. Subject to the foregoing;
   a. No sign shall be permitted which:
      1. Is illegal or not permitted under Federal or State law or City laws, rules, ordinances, or regulations,
      2. Is not securely affixed to a substantial structure, except for temporary or free standing signs as herein permitted,
      3. Attempts or appears to attempt to regulate, warn, or direct the movement of traffic, or which interferes with or resembles any official traffic signal or device on any public way,
      4. Is erected, drawn, painted, or maintained upon trees, rocks, or other natural features,
      5. Projects above the cornice or roof line of any building to which it is affixed,
      6. Projects over or into the right-of-way used by motor vehicles,
      7. Projects over or into any public sidewalk or portion of right-of-way not used by motor vehicles, unless there is at least eight (8) feet between the bottom on the sign and said sidewalk or right-of-way,
      8. Is affixed to an public utility pole or equipment, unless affixed by the utility company,
      9. Is made of paper, cardboard, canvas(but not awnings), or similar material including such devices as streamers, pennants, ribbons, spinners, which is located outside a structure.
      10. Has a flashing or intermittent light source, or which moves or contains any moving, periodic, intermittent, or flashing display or any kind,
      11. Exceeds fifty (50) square feet in area,
      12. Exceeds eight (8) feet in height in residential districts, or ten (10) feet, as measured to the top of the sign, in height in any other district, or
      13. Is an Off Premise Sign including those which are defunct or no longer located in the premises. Except Landmark Signs which may be preserved and maintained even if they no longer pertain to the present use of the premises,
      14. Contains strings of lighted bulbs, except as part of a holiday celebration.
      15. Cover architectural detail such as, but not limited to arches, sills, molding, cornices, and transom windows,

16. Is not permanently attached or mounted and has a translucent background on which removable letters can be mounted. Unless owned by the enterprise identified thereon such signs shall be removed within 90 days following the effective date hereof.
17. Is a freestanding sign less than 30' from the edge of the roadway as measured from the back of curb.

4. Residential District Restrictions. One of the following signs is allowed by right on any single lot in any residential district, provided the sign is at least 30 feet from the nearest street pavement:
   a. A non-illuminated sign not exceeding six (6) square feet in area, advertising the sale or lease of the lot on which it is located, or any building or portion of building thereon.
   b. A non-illuminated sign not exceeding four (4) square feet in area, identifying a home occupation attached flush with a building wall.
   c. A non-illuminated window sign advertising for a home occupation not exceeding 25% of the single window area. (**8203.14 Home Occupation and Home-Based Businesses**)
   d. A non-illuminated message sign not exceeding four square feet in area.
   e. A non-illuminated sign not exceeding fifty (50) square feet in area, identifying a recorded subdivision, planned unit development, or apartment complex situated on the premises: such sign may be illuminated as long as it is at least thirty (30) feet from the nearest street pavement and any light source is shielded or muted to prevent glare.
   f. A temporary contractor sign not exceeding twelve (12) square feet in area, identifying the contractor(s) working on a site.
5. Mixed-Use, Main Street And Industrial-Entrepreneurial District; Basic Restrictions. Any three (3) of the following types of signs are allowed by right on any lot in any mixed-use, waterfront or Industrial-Entrepreneurial district, provided that any combination of the three does not exceed the maximum of fifty (50) square feet in area. These signs may be illuminated as long as any light source is shielded or muted to prevent glare and shall conform to any restrictions set forth in **8205.15 Signs and Signage Standards**:
   a. Any sign allowed by right in residential districts,
   b. A sign or combination of signs not exceeding thirty-two (32) square feet in area, attached flush with a building wall,
   c. A sign or combination of signs not exceeding twenty-four (24) square feet in area, attached perpendicular to a building wall,
   d. A single free standing sign not exceeding twelve (12) square feet in area only serving a single parcel shopping center or gas station. No accessory signs shall be attached to a free standing sign. This does not include portable trailer type signs with removable letters which are prohibited.
   e. A sign which is in any way permanently affixed or anchored to the ground (i.e. set in concrete, or difficult to remove without tools, preferably with landscaping elements) not exceeding twelve (12) square feet in area, or any such sign exceeding twelve (12) feet in area, if a land use permit is obtained for such sign.
   f. Window signs shall be permitted and shall not be included in total sign area computation if said signs do not occupy more than twenty-five (25) percent of the total window area of the floor level on which displayed.
6. Signs And Displays Not Subject To Regulations. This section does not apply to any sign or display which are:
   a. Completely enclosed within a building,
   b. Erected or maintained by the city or State for purposed of regulation or warning,
   c. For a political message directly associated with a campaign on a pending ballot issue or candidate during a period of the political campaign prior to the election, but not more than

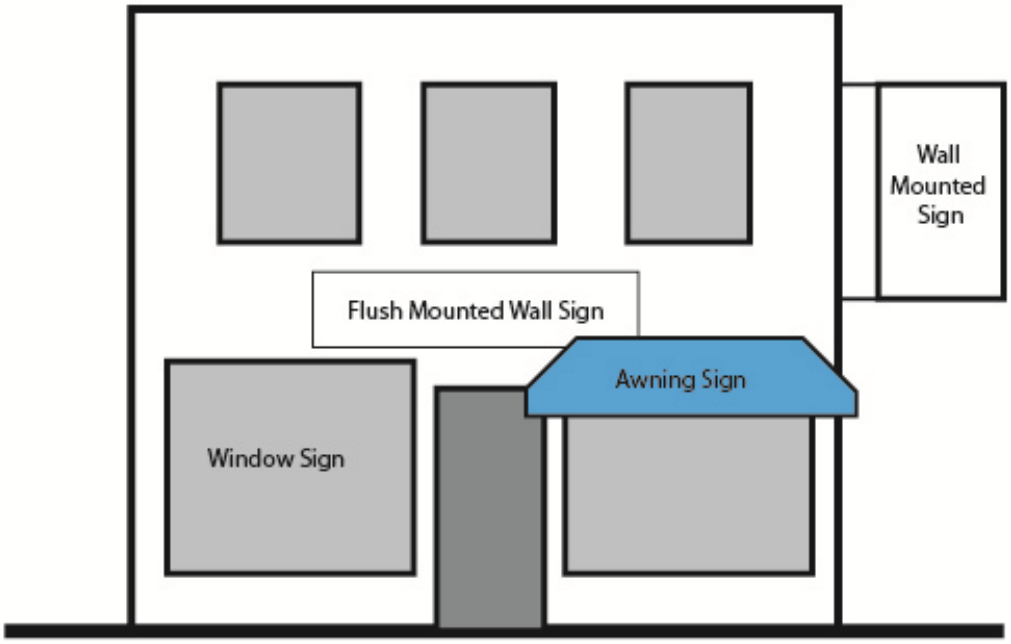
ten (10) days after the election, so long as the political message signage conforms to the size and placement standards within this ordinance,

d. Decorations or murals on the exterior walls of a principal building which make no reference to the occupant or activity conducted within.
e. Flags which represent nations, states, other governmental agencies, schools, not for profit organizations, United Nations and its organizations,
f. For private garage and yards sales for advertising during the period thereof.

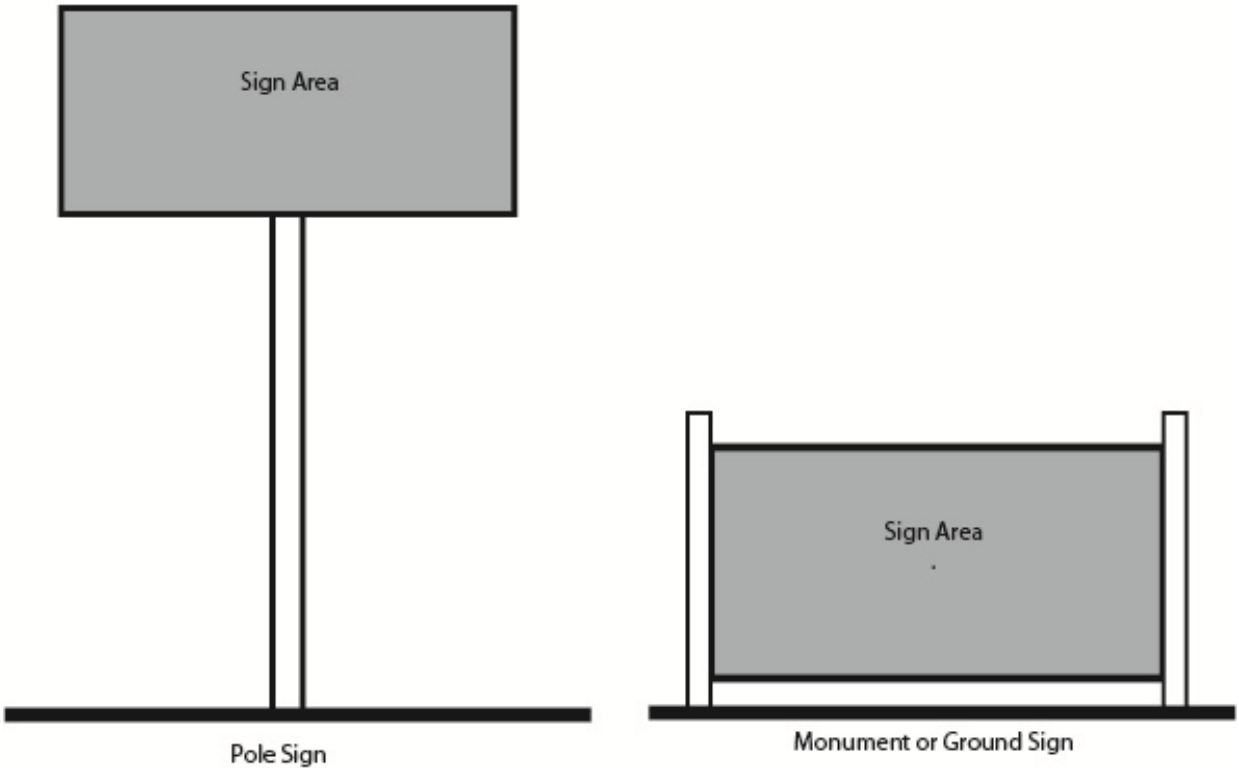
If there is a question whether it is subject to sign regulations or not the Appeals Board shall rule.

7. Waivers By The Council. The Council may waive any requirement of this section for special events such as parades, festivals, and sidewalk sales.
8. Non- Conforming Signs.
   a. Continuance: A non-conforming sign lawfully existing at the time of adoption or subsequent amendment of this ordinance may continue, although such sign does not conform to the provisions of this Ordinance.
   b. Maintenance: Any lawful existing sign cannot be enlarged, reworded (other than in the case of cinema or theater signs, or signs with automatically changing messages such as time and temperature signs), redesigned or altered in any way except to conform to the requirements of this Ordinance; and provided further that any such sign which has deteriorate to such an extent that the cost of restoration would exceed 35% of the replacement cost, shall not be repaired or rebuilt or altered except to conform to the requirements of this Ordinance.
   c. Replacement: Any sign replacing a non-conforming sign shall conform with the provisions of the Section, and the non-conforming sign no longer be displayed.
9. Enforcement.
   a. In accordance with **Section 8106: Administration and Enforcement** the Zoning Administrator is authorized to order the repair or removal of any sign and its supporting structure to order the repair or removal of any sign and its supporting structure which is judged dangerous, or in disrepair, or which is erected or maintained contrary to this Ordinance.
   b. Any sign which has been ordered removed by the person, firm, or corporation responsible for the sign shall be removed within thirty (30) days of written notice to remove.

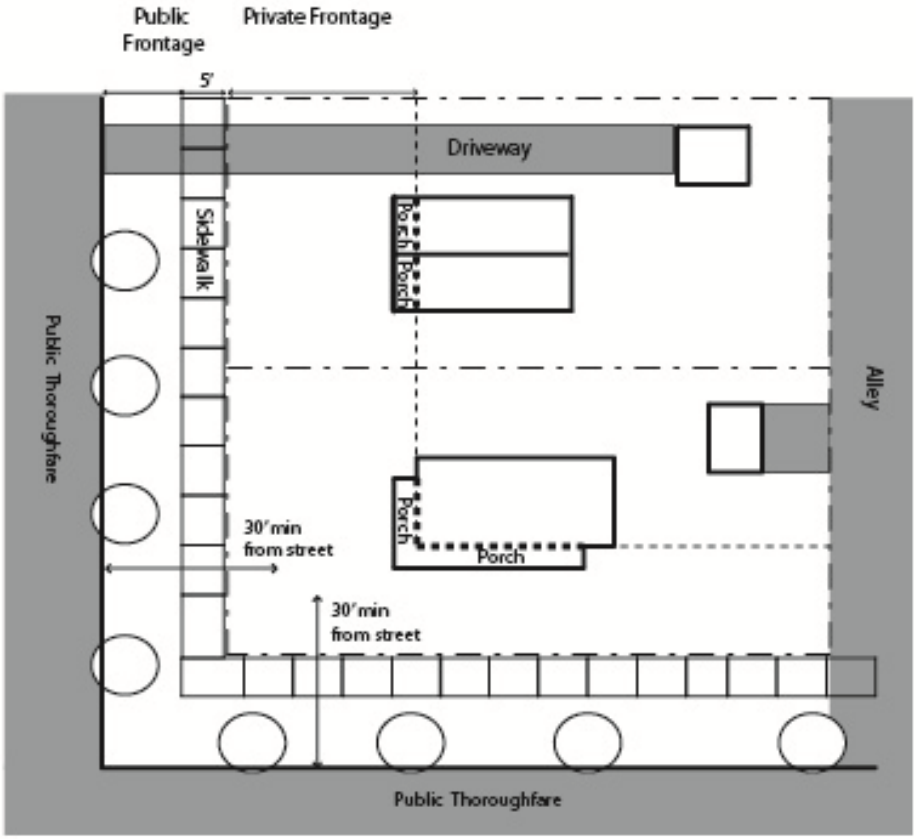
Building Signs



Freestanding Signs



Sign Location



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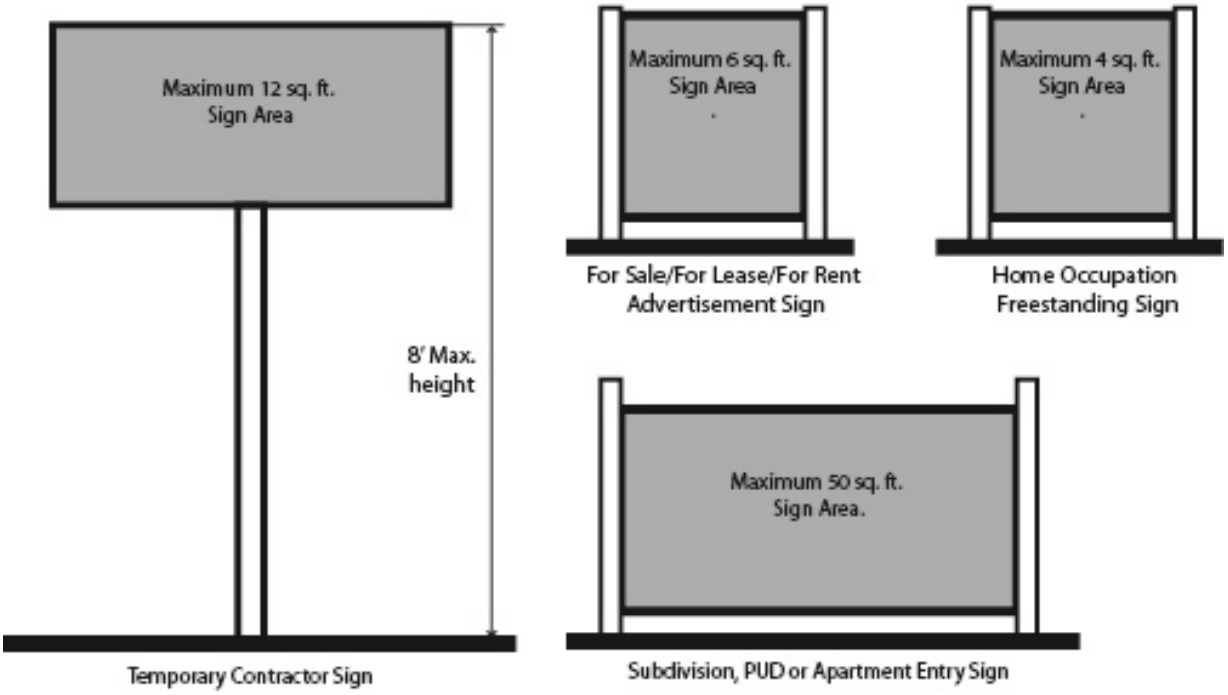

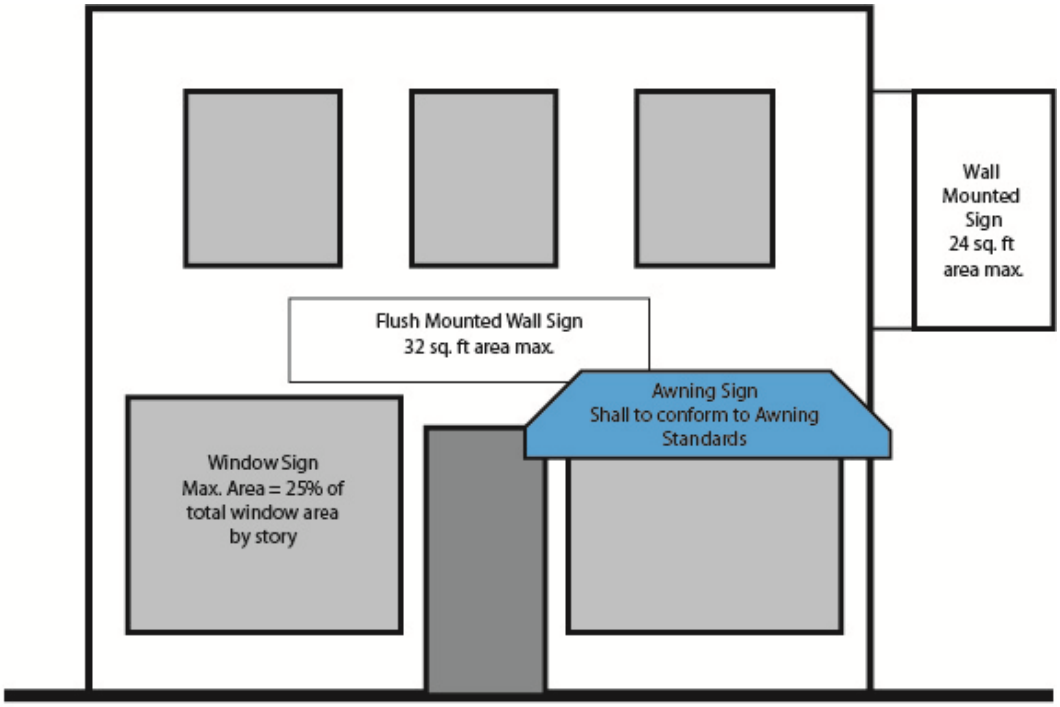

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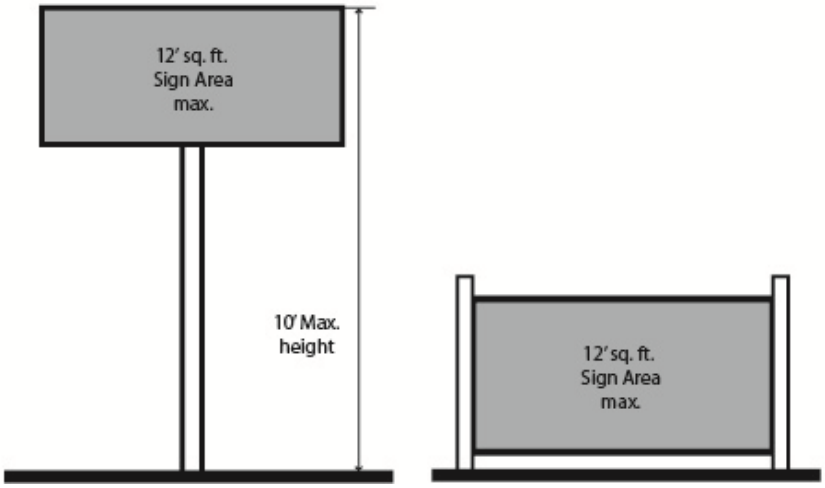


Section 8206: Urban Agriculture

8206.01 Intent

The City of Frankfort strives to encourage personal and community scale local food production within defined areas inside the City of Frankfort. Providing opportunities for urban agriculture creates food independence and security for City residents, provides access to fresh food that does not lose quality in long transportation and provides opportunities for entrepreneurship.

The guidelines and regulations in this section define the relationship between urban agriculture and other uses. These regulations are designed to:

1. Promote safety, health and welfare of residents
2. Preserve property values and enjoyment of personal property
3. Protect natural resources
4. Prevent pollution (both run-off (non-point source) or seepage to ground-water)
5. Promote humane animal husbandry practice

8206.02 Organic Practices Encouraged

The City of Frankfort supports organic practices. The City finds that using chemical pesticides, herbicides and fertilizers is destructive to migratory and non-migratory birds and butterflies, destructive to crop and flower pollinators (including but not limited to honey bees). The practices of using chemical pesticides, herbicides and fertilizers also leads to water pollution and groundwater contamination.

8206.03 Kitchen Gardens

1. Kitchen Gardens are a permitted use in the R, NC, EC, WC, MSE, MSW, C, INST, IE, and P Districts.
2. On parcels within the R, NC, EC, WC, MSE, MSW, C, INST, IE and P Districts that have structures, Kitchen Gardens are permitted in the 3rd layer (see **Table 16: Illustrated Definitions)** within all setbacks.
3. On parcels with no structures R, NC, EC, WC, MSE, MSW, C, INST, IE and P Districts Kitchen Gardens are permitted in all layers (see **Table 16: Illustrated Definitions)** , provided they do not encroach into required setback areas.
4. Permit not required for Kitchen Gardens when located in the 3rd layer (see **Table 16: Illustrated Definitions)** and maintaining required setbacks.
5. Any proposed Kitchen Gardens outside of the 3rd layer (see **Table 16: Illustrated Definitions)** must not encroach into any required setback as defined in the individual district standards and requires a Kitchen Garden permit and site plan approval for the Kitchen Garden.
6. Temporary fencing or netting may be erected in and/or around Kitchen Gardens without a permit.

8206.04 Community Gardens

1. Community Gardens are a permitted use in the R, NC, EC, WC, MSE, MSW, C, INST, IE, and P Districts.
2. On parcels with structures, Community Gardens are permitted only in the 3rd layer (see **Table 16: Illustrated Definitions)** within all setbacks,
3. On parcels with no structures R, NC, EC, WC, MSE, MSW, C, INST, IE and P Districts, Community Gardens are permitted in all layers, provided they do not encroach into required setback areas.

4. Permit not required for Community Gardens when located in the 3rd layer (see **Table 16: Illustrated Definitions)** and maintaining required setbacks.
5. Community gardens require written permission from the property owner to be kept on file by all individuals sharing the use of the Community Garden.
6. Temporary fencing or netting may be erected in and/or around Community Gardens without a permit.

8206.05 Market Garden and Community Supported Agriculture (CSA) Garden

1. Market and Community Supported Agriculture (CSA) Gardens are permitted only in the R district.
2. Permit not required for Market or Community Supported Agriculture (CSA) gardens.
3. Temporary fencing or netting may be erected in and/or around Market and Community Supported Agriculture (CSA) Gardens without a permit.
4. Market and Community Supported Agriculture Gardens are prohibited from conducting commercial transactions on the garden site.

8206.06 Apiculture

1. The City of Frankfort recognizes that Apiculture is a severe health hazard for some residents and the intent of this section is to regulate the keeping of bees to provide guidelines for safe and responsible apiculture operation within the R District.
2. Apiculture is a permitted use only in the R District
3. Maximum of one (1) beehive per acre of owned property.
4. Beehives are not permitted in any required setback area and must be at least 50’ from adjacent residential buildings.
5. Beehives must be protected and secured from being knocked over by inclement weather, children, pets, livestock, and other wildlife.
6. Beehives require an Apiculture Permit, which includes a Site Plan submitted for review and approval by the Frankfort Planning Commission.
7. Apiculture Permit Site Plan requires a site map showing proposed hive placement and protective measures.
8. All beekeeping equipment not currently used in the housing of an active bee colony and all unused or waste honey or wax products must be stored securely indoors.
9. The City Superintendent may revoke an Apiculture Permit at any time for violation of any portion of this Section.
10. Apiculture locations must be available for inspection by the City Superintendent or designated official at all reasonable times.

8206.07 Chickens and Rabbits

1. The City of Frankfort supports local food production, which includes the keeping of Chickens and Rabbits in designated areas of the City. Chickens and Rabbits are permitted in the R, EC, NC and WC districts only.
   a. In the R district, up to twelve (12) each of Chickens and Rabbits per parcel are permitted
   b. In the NC District, up to six (6) each of Chickens and Rabbits per parcel are permitted
   c. In the EC and WC Districts, up to four (4) each of Chickens and Rabbits are permitted
2. Hens only are permitted; guinea-hens and roosters are prohibited.
3. Chicken/Rabbit Permit and Site Plan approval are required.
   a. Chickens and Rabbits Permit requires Site Plan approval by the City of Frankfort Planning Commission of a site plan showing the proposed placement of the coop or shelter and optional pen.

   b. For parcels with more than one dwelling unit, the permit also requires obtaining the permission of all neighboring dwellings on the parcel.
4. Enclosure
   a. Chickens and Rabbits must be provided, and remain enclosed within, a fully enclosed shelter with an adjoining optional fenced pen. The pen must include netting over the top.
   b. The shelter must be sufficiently robust and the netting of the optional pen sufficiently fine, robust, tightly secured and anchored to prevent intrusion of predators or vermin.
   c. Placement of enclosure:
      1. Permitted only in the 3rd layer (see **Table 16: Illustrated Definitions)**
      2. Must meet setback requirements of the zoning district and be placed so that the enclosure is furthest away from adjacent residential structures.
   d. All feed and other items associated with the keeping of Chickens and Rabbits that are likely to attract or to become infested with or infected by rats, mice, or other rodents shall be stored in metal containers so as to prevent rats, mice, or other rodents from gaining access to or coming into contact with them.
5. Slaughtering of Chickens and Rabbits outdoors is prohibited.
6. No storage or accumulation of manure or other odor- or dust-producing material is permitted.
7. The City Superintendent may revoke a Chicken/Rabbit Permit at any time for violation of any portion of this Section.
8. All structures and enclosures for Chickens and Rabbits must be available for inspection by the City Superintendent or designated official at all reasonable times.

8206.08 Goats

1. The City of Frankfort recognizes the role of certain types of livestock in urban agriculture and therefore has designed standards for the regulation of the keeping of goats.
2. Goats are permitted only in the R District. One (1) goat per acre of parcel is permitted.
3. Goat Permit and Site Plan approval are required.
   a. Goat Permit requires Site Plan approval by the City of Frankfort Planning Commission of a site plan showing:
      1. Location and material for fencing showing location and type of fence and location of goat shelter.
4. Enclosure
   a. Goats must be provided a fully enclosed shelter with an adjoining fenced area.
   b. Placement of enclosure:
      1. Permitted only in the 3rd layer (see **Table 16: Illustrated Definitions)**
      2. Must maintain all required setbacks and be a minimum of 25’ from all adjacent parcels
5. Slaughtering of goats outdoors is prohibited.
6. No storage or accumulation of manure or other odor- or dust-producing material is permitted.
7. The City Superintendent may revoke a Goat Permit at any time for violation of any portion of this Section.
8. Goat enclosures and pastures must be available for inspection by the City Superintendent or designated official at all reasonable times.

8206.09 Animal Husbandry

Humane animal husbandry, including appropriate shelter, appropriate feed, plentiful fresh water, as recommended in **GAAMPs**, should be practiced at all times.

Animal husbandry involving Chickens, Rabbits and Goats shall not generate any noise, odor, polluting run-off or groundwater seepage.

8206.10 Livestock Prohibited

The keeping of livestock not described in **Section 8206.07 Chickens and Rabbits,** and **Section 8206.08 Goats,** is prohibited.

8206.11 Private Restrictions Take Precedence.

Notwithstanding the issuance of a permit by the City, private restrictions on the use of property shall remain enforceable and take precedence over a permit. Private restrictions include but are not limited to deed restrictions, condominium master deed restrictions, neighborhood association by-laws, and covenant deeds. A permit issued to a person whose property is subject to private restrictions that prohibit the keeping of Chickens, Rabbits and Goats is void. The interpretation and enforcement of the private restriction is the sole responsibility of the private parties involved.

Section 8207: Renewable and Alternative Energy

8207.01 Intent

The City of Frankfort encourages the use of local renewable/alternative resources, including appropriate applications for biomass conversion, solar, wind, and other energy capture technologies that reduce or eliminate the destruction or consumption of natural non-renewable energy sources. In conformity with the City Master Plan of 2010 objectives that begins with improved Energy Efficiency for commercial, industrial, civic, institutional buildings and residences the City creates this Section to provide regulations governing renewable energy systems. The locations for biomass, wind, solar and other energy systems, conversion, and storage locations are intended to ensure compatibility with surrounding uses; and they are intended to promote public health, safety and welfare through the effective and efficient use of renewable energy systems and to increase opportunities for generation of renewable energy within the City of Frankfort.

8207.02 Definitions

Guy Wire means a cable, wire, or rope that is used to brace something.

Rotor Diameter means the cross-sectional dimension of the circle swept by the rotating blades of a wind energy turbine.

Solar Energy System means any solar collection system device (e.g. solar photovoltaic cell, panel, or array, or solar hot air or water collection device) where the primary purpose is to provide for the collection, inversion, storage, and distribution of solar energy for electricity generation or transfer of stored heat.

Solar Energy System, Freestanding-Mount means any solar collection system device mounted on a pole.

Solar Energy System, Structure-Mount means any solar collection system device mounted on a structure or accessory building.

Wind Energy System means any device that converts the kinetic energy of wind into mechanical or electrical energy. This device can be either pole-mounted, tower-mounted, or building-mounted

through the use of equipment that may include any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries or other components used in this system.

Wind Energy System, height of, means the vertical distance to the uppermost vertical extension of any blade, or the maximum height reached by any part of the wind energy system. For tower/pole-mounted wind energy system, height is measured from the ground level at the base of the tower/pole. For building-mounted wind energy systems, height is measured from the highest point of the roof or roof deck, excluding chimneys, antenna, and other similar protuberances. Wind energy system, building-mount, means a wind energy system mounted on a roof of a building or accessory building.

Wind Energy System, Pole-Mount means a wind energy system mounted on a long, cylindrical, often, slender piece of wood, metal, etc. and does not include guy wires.

Wind Energy System, Tower-Mount means a wind energy system ground-mounted on steel lattice or tubular steel and may include guy wires.

Energy Efficiency means any project that improves one or more of the following: Lighting replacement(s) (e.g. fluorescent T8s/T5s, occupancy/motion sensors, etc.), Mechanical systems (e.g. heating, cooling and ventilation equipment), Water heating and pumping systems, Advanced control systems (smart or computer controlled), Smart Metering systems, Insulation, Sealing, and other building envelope improvements, and boiler or furnace replacement with a more efficient unit.]

Renewable Energy means any project that captures converts or reuses energy from Solar Electricity/Photovoltaic/Thermal, Wind Turbine (i.e. Wind Energy Conversion), Ground Source Heat Pump - horizontal/vertical, ground, closed-loop systems, Biomass Plasma or Thermal technology, Tide, Hydroelectric, or Wave Energy creation.

8207.03 Wind Energy Systems Permitted With Restrictions

General standards for all wind energy systems and operating equipment shall comply with general standards for approval for site plan approval (see **Section 8107: Site Development Plan Review**)and land use permit, and with all county building department construction and electrical requirements. The ***Rotor Diameter*** shall be proportional to the mounting height with a minimum blade height above ground of ten (10) feet. Any installed wind energy collection or storage system that is not in operation for a continuous period of 12 months, or is damaged, or inoperable because of mounting or equipment failure, is considered abandoned, and the owner shall remove the same within 90 days of receipt of notice from the City. Any abandoned wind energy that is not removed within 90 days of said notification from the City may be removed by the City at the owner's expense. All wind energy collection systems will meet the standards set in the City of Frankfort Municipal Code, Chapter 5, Noise Control, specifically section 5404 Maximum Permissible Sound Levels. A wind energy system, which emits a pure tone, would be subject to a reduction of five dBA from the stated maximum.

1. East, West and North City Residential and Waterfront Districts,
   - **a.** Wind energy systems mounted on a building or an accessory building may be erected to a height not exceeding 10 feet above the highest point of the roof of the principal residence, excluding chimneys, antennae and other similar protuberances. Wind energy systems must be spaced at least 10 feet apart and quantity is limited to two (2) per parcel. Guy wires are not allowed.
   - b. Wind energy systems mounted on a tower or pole are not allowed in these districts.
2. Institutional, Rural and Civic Districts, subject to the following:

a. Wind energy systems mounted on a building or an accessory building may be erected to a height not exceeding 20 feet above the highest point of the principal building roof deck, excluding chimneys, antennae, rooftop mechanical equipment and other similar protuberances. Wind energy systems must be spaced at least 20 feet apart and quantity is limited to three (3) per building. Guy wires are allowed.
b. Wind energy systems mounted on a pole or tower are allowed. Wind energy systems mounted on a pole or tower may be erected to a height not exceeding 20 feet above the height limit of the district and will only be permitted in the rear yard with the exception of being permitted on the streetward portion of lots fronting navigable water.
c. Pole/Tower-mounted wind energy systems shall be set back a distance equal to the height of the wind energy system from any adjoining lot line.
d. The Pole/Tower setback from side or rear yard may be reduced by up to 50%, or to a minimum of 20 feet from the lot line if it can be demonstrated through a registered architect or professional engineer's statement that the tower is designed to collapse, fall, curl or bend within a distance or zone shorter than the height of the wind energy system. Pole/Tower-mount wind energy systems must be spaced one (1) per parcel if less than one (1) acre and (1) per acre on parcels larger than one (1) acre. Guy wires are not allowed.
e. Wind energy systems mounted on a building will not be considered rooftop equipment

3. Industrial-Entrepreneurial District (I-E) subject to the following:
   a. Wind energy systems mounted on a building or an accessory building may be erected to a height not exceeding 20 feet above the highest point of the principal building roof deck, excluding chimneys, antennae and other similar protuberances. Wind energy systems must be spaced at least 20 feet apart. Guy wires are allowed.
   b. Wind energy systems mounted on a pole or tower may be erected to a height not exceeding 120 feet, subject to FAA/ Michigan Department of Transportation (Aviation) review and permit. The permit from FAA/Michigan Department of Transportation (Aviation) must be received in advance of site plan approval or issuance of a land use permit. System will only be permitted in the rear yard except can be located in the streetward portion of lots fronting navigable water. Pole/Tower-mount wind energy systems must be spaced no less than one (1) per 120 ft. radius. Guy wires are allowed.
   c. Pole/Tower-mounted wind energy systems shall be setback a distance equal to the height of the wind energy system from any adjoining lot line.
   d. The Pole/Tower setback from side or rear yard may be reduced by up to 50%, or to a minimum of 20 feet from the lot line if it can be demonstrated through a registered architect or professional engineer's statement that the tower is designed to collapse, fall, curl or bend within a distance or zone shorter than the height of the wind energy system.
   e. Wind energy systems mounted on a building will not be considered rooftop equipment
4. Parks District subject to the following:
   a. Wind energy systems shall be subject to review from the Parks and Recreation Commission with final approval from the Planning Commission.

8207.04 Solar Energy Systems Permitted With Restrictions

General standards for all solar energy systems and operating equipment are subject to the total lot coverage percentage requirements of the district in which it is installed. The solar collection system and operating equipment shall comply with the general standards for approval contained in this zoning ordinance for site plan approval and land use permit and with all county building department construction and electrical requirements. Any solar energy system that is not in operation or is damaged or inoperable because of tower or equipment for a continuous period of 12 months is

considered abandoned, and the owner shall remove the same within 90 days of receipt of notice from the City. Any abandoned solar energy that is not removed within 90 days of said notification from the City may be removed by the City at the owner's expense.

1. East, West and North Residential and Waterfront Districts subject to the following:
    a. Solar energy systems-structure-mounted on a building or an accessory building are allowed by right subject to the following:
        1. With a flat or mansard style roof may be erected to a height not exceeding 10 feet above the highest point of the roof, excluding chimneys, antennae and other similar protuberances.
        2. With a pitched roof style shall not exceed the peak height of the roof.
        3. Square footage of the equipment is no greater than 80% of the available roof area.
        4. Will not be considered rooftop equipment.
        5. No Free-standing, tower or pole mounted systems in these districts.
2. Industrial-Entrepreneurial District (I-E), Institutional, Rural, and Civic Districts subject to the following:
    a. Solar energy systems-structure-mounted on a building or an accessory building are allowed by right subject to the following:
        1. Square footage no greater than 80% of the available roof area.
        2. With a flat or mansard style roof may be erected to a height not exceeding 10 feet above the highest point of the roof, excluding chimneys, antennae and other similar protuberances.
        3. With a pitched roof style shall not exceed the peak height of the roof.
        4. Will not be considered rooftop equipment.
    b. Solar energy systems-freestanding-mount is allowed by right subject to the following:
        1. Towers may be erected to a height not exceeding 50 feet and area not greater than 325 square feet per unit with a maximum of one tower mount per 7,500 square feet of land area. Guy wires are not allowed.
        2. Ground mounted units may not exceed the maximum coverage density for all buildings in the district, including all primary and accessory buildings in the calculation.
        3. Both towers and ground mounted units must be set back 25 feet from side and rear property lines.
3. East and West Main Street Districts subject to the following:
    a. Solar energy systems-structure-mounted on a building or an accessory building are allowed by right subject to the following:
        1. Square footage no greater than 80% of the available roof area.
        2. With a flat or mansard style roof may be erected to a height not exceeding 10 feet above the highest point of the roof, excluding chimneys, antennae and other similar protuberances.
        3. With a pitched roof style shall not exceed the peak height of the roof.
        4. Will not be considered rooftop equipment.

8207.05 Exceptions

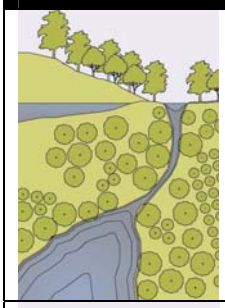
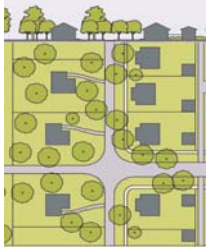
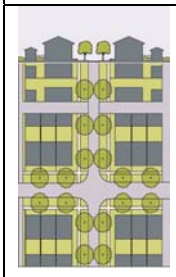
1. For wind energy systems that exceed what is allowed by right. The Planning Commission Special Land Use Permit requirements of **Section 8108: Special Uses and Variances** will apply.
2. For Solar energy systems that exceed what is allowed by right. The Planning Commission Special Land Use Permit requirements of **Section 8108: Special Uses and Variances** will apply.
3. For all other renewable energy systems not addressed specifically in this ordinance, the Special Land Use Permit requirements of **Section 8108: Special Uses and Variances** will apply.

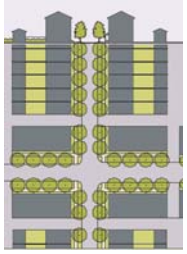
Article 3: Zoning Districts

Section 8301: General Characteristics of Zoning Districts

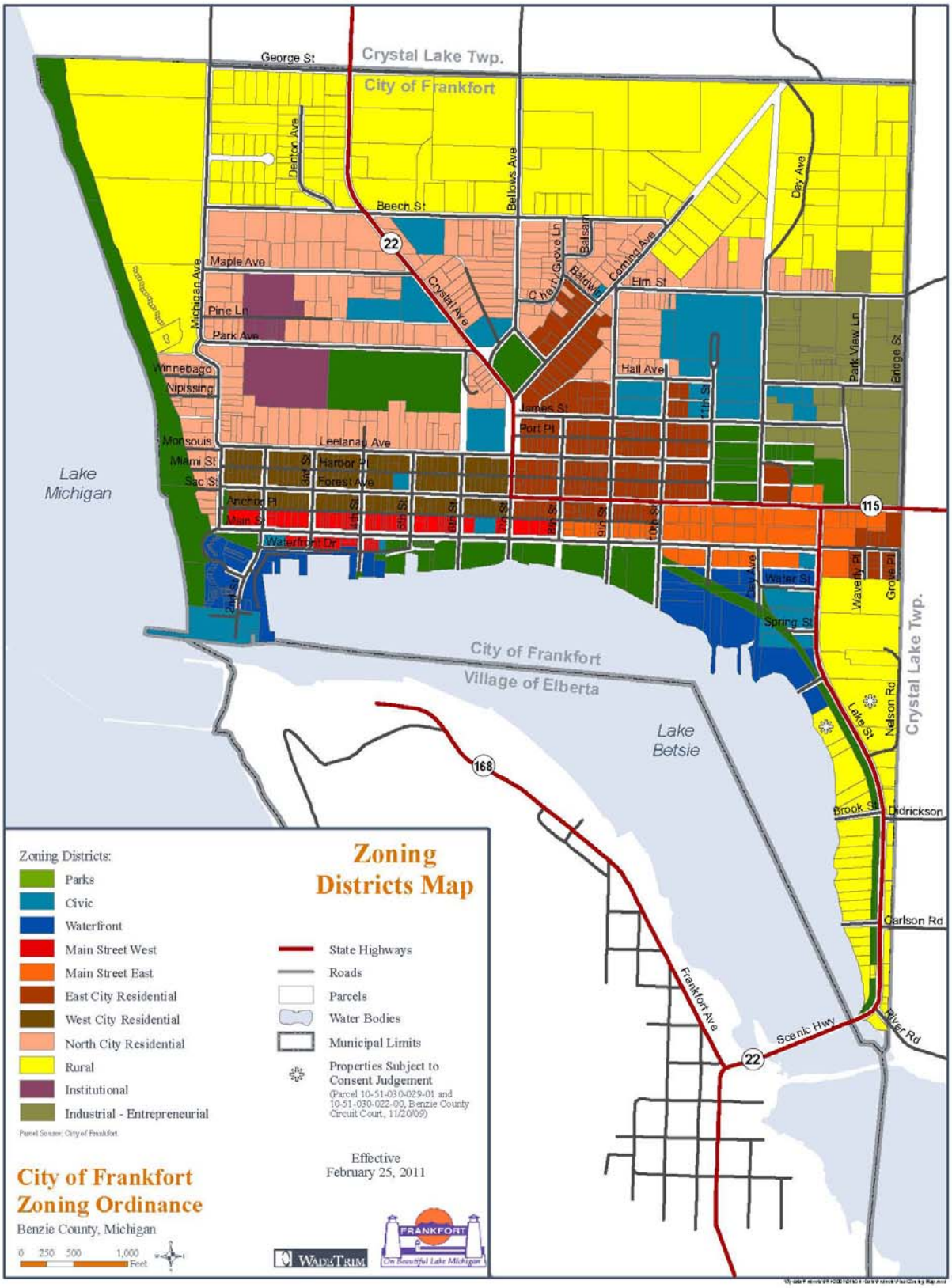
8301.01 Zone Descriptions

Table 10, below provides descriptions of the character of each Zoning District**.**

Table 10: District Descriptions		
	**Natural** Natural Zone consists of lands approximating or reverting to a wilderness condition, including lands unsuitable for settlement due to topography, hydrology or vegetation.	**General Character:** Natural landscape with some agricultural use **Building Placement:** Not applicable **Frontage Types:** Not applicable **Typical Building Height:** Not applicable **Zoning Category:** Park District (P)
	Rural Rural Zone consists of sparsely settled lands in open or cultivated states. These include woodland, agricultural land, grassland, and irrigated desert. Typical buildings are farmhouses, agricultural buildings, cabins, and villas.	**General Character:** Primarily agricultural with woodland & wetland and scattered buildings **Building Placement:** Variable Setbacks **Frontage Types:** Not applicable **Typical Building Height:** 1- to 2-Story **Zoning Category:** Rural District (R)
	**Sub-Urban** Sub-Urban Zone consists of low density residential areas, adjacent to higher zones. Home occupations and outbuildings are allowed. Planting is naturalistic and setbacks are relatively deep. Blocks may be large and the roads irregular to accommodate natural conditions.	**General Character:** Lawns, and landscaped yards surrounding detached single-family houses; pedestrians occasionally **Building Placement:** Large and variable front and side yard Setbacks **Frontage Types:** Porches, fences, naturalistic tree planting **Typical Building Height:** 1- to 2-Story with some 3-Story **Zoning Category:** North City Residential District (NC); Institutional District (INST)
	**General Urban** General Urban Zone consists of a mixed use but primarily residential urban fabric. It may have a wide range of building types: single, sideyard, and rowhouses. Setbacks and landscaping are variable. Streets with curbs and sidewalks define medium-sized blocks.	**General Character:** Mix of Houses, Townhouses & small Apartment buildings, with scattered Commercial activity; balance between landscape and buildings; presence of pedestrians **Building Placement:** Shallow to medium front and side yard Setbacks **Frontage Types:** Porches, fences, Dooryards **Typical Building Height:** 2- to 3-Story **Zoning Category:** East City Residential District (EC); West City Residential District (WC); Civic District (C)

	**Urban Center** Urban Center Zone consists of higher density mixed use building that accommodate Retail, offices, rowhouses and apartments. It has a tight network of streets, with wide sidewalks, steady street tree planting and buildings set close to the sidewalks.	**General Character:** Shops mixed with Townhouses, larger Apartment houses, Offices, workplace, and Civic buildings; predominantly attached buildings; trees within the public right-of-way; substantial pedestrian activity **Building Placement:** Shallow Setbacks or none; buildings oriented to street defining a street wall **Frontage Types:** Stoops, Shopfronts, Galleries **Typical Building Height:** 2- to 3-Story with some variation **Zoning Category:** Main Street East District (MSE); Main Street West District (MSW); Waterfront District (W); Civic District (C)

8301.02 Zoning Map



8301.03 Permitted Uses

Table 11: Permitted Uses

	R	EC	WC	NC	MSW	MSE	W	INST	IE	C	P
RESIDENTIAL											
Single Family Detached House	•	•	•	•							
Mixed Use Block					•	•	•		S		
Apartment Building*						•					
Live/Work Unit											
Row/Town House		•			SP	•					
Duplex House		•	•	•							
Ancillary Living Space./Accessory Dwelling Unit	•	•	•	•							
Home Occupation	Permitted pursuant to guidelines in Section 8203.14: Home Occupations and Home Based Businesses										
LODGING											
Hotel (no room limit)					•	•	•				
Inn (up to 12 rooms)					•	•	•				
Bed & Breakfast (up to 4 rooms)	SP	SP	SP	SP	•	•					
OFFICE											
Office Building					•	•	SP				
Mixed Use Building					•	•	•		S		
Live-Work Unit					•	•	•				
RETAIL											
Single-Use Retail or Commercial Building					•	•	•				
Display Gallery					•	•	SP				
Restaurant					•	•	SP				
Restaurant with outdoor seating					Sidewalk Occupancy Permit Required						
Sexually Oriented Business						S			S		
CIVIC											
Adult Foster Care (AFC) /Child Care Family Home	•	•	•	•							
AFC Small & Large Group Homes and Child Care Group Home	•	•	•	•				•			

Table 11: Permitted Uses

	R	EC	WC	NC	MSW	MSE	W	INST	IE	C	P
AFC Congregate Facility and Child Care Center					•	•		•			
Conference Center					SP	SP	•				
Community Recreation							SP		•	•	•
Library					•	•					
Live Theater					•	•					
Marina							•			•	•
Movie Theater					•	•					
Museum					•	•	•				
Outdoor Auditorium					SP	SP	•				•
Parking Structure					SP	•	SP				
Passenger Terminal							•				
Playground	•	•	•	•	•	•	•			•	•
Surface Parking Lot		•	•		•	•	•			•	•
Religious Assembly		•	•	•	SP	SP	SP				
Fire Station					•	•			•	•	
Police Station					•	•				•	
Funeral Home					•	•			•		
Hospital								•			
Medical Clinic					SP	SP		•			
Cemetery	SP									SP	SP
URBAN AGRICULTURE											
Chicken/Rabbit Enclosure	•	SP	SP	SP							
Goat Pen	SP										
Grain Storage	•								SP		
Greenhouse/Hoop House	•	SP	SP	SP					•		
Kennel									•		
Roadside Stand	•										
Veterinary Clinic/Animal Hospital						•			•		
Animal Kennel/Boarding Facility									S		
Kitchen Garden	•	•	•	•	•	•		•	•	•	•
Community Garden	•	•	•	•	•	•		•	•	•	•
Market Garden/CSA Garden	•										
AUTOMOTIVE											
Gasoline					S	S			•		
Automobile Service									•		

Table 11: Permitted Uses

	R	EC	WC	NC	MSW	MSE	W	INST	IE	C	P
Truck Maintenance									•		
Drive -Through Facility						SP				SP	
Automotive Sales									•		
INDUSTRIAL											
Industrial Facility									•		
Technology/Development Facility									•		
Truck Depot									SP		
Laboratory Facility									•		
Water Supply Facility							SP		•		
Sewer and Waste Facility							SP		•		
Electric Substation						SP			•	SP	
Warehouse									•		
Produce Storage	SP								•		
Mini-Storage									•		
Boat Storage							•		•		

* See Individual District Standards for detail

• By-right use

S Requires Special Use Permit

SP Requires Site Plan Approval

Table 12: Zoning District Standards

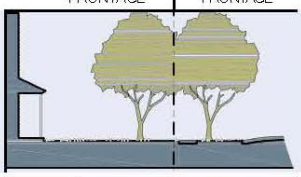
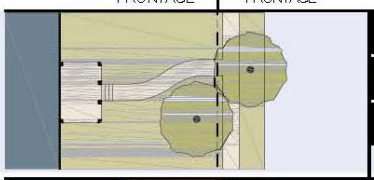
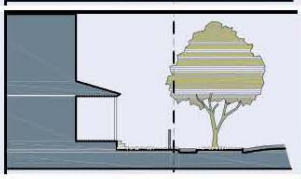
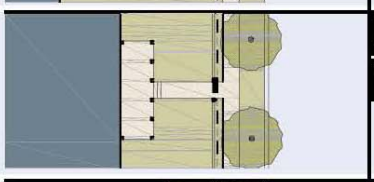
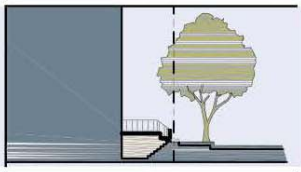
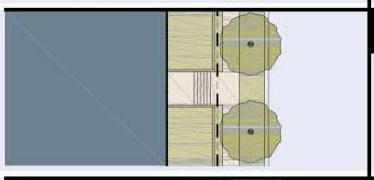
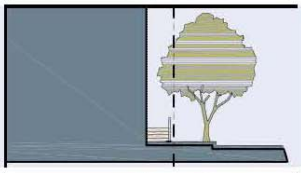
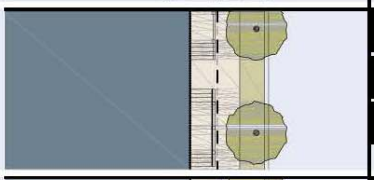
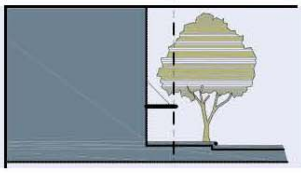
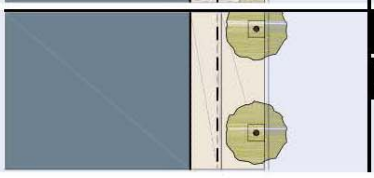
	Rural	North City Residential	East City Residential	West City Residential	Main Street East	Main Street West	Waterfront	Industrial-Entrepreneurial	Institutional	Civic	Parks
A. Thoroughfares											
Rural Highway	•	—	—	—	—	—	—	•	—	—	—
Rural Residential	•	•	—	—	—	—	—	•	•	—	—
City Residential	—	—	•	•	—	—	•	—	•	—	—
7th Street Blvd	—	—	—	—	—	—	—	—	—	—	—
Main Street	—	—	—	—	•	•	—	—	—	—	—
Lane/Alley	—	—	•	•	•	•	•	—	•	•	—
C. Lot Occupation											
Lot Width (minimum)	100’	50’	50’	50’	25’	25’	50’	100’	100’	Follow regulations for surrounding district	N/A
Lot Size (minimum)	20,000 sq.ft.	7,500 sq. ft.	7,500 sq. ft.	7,500 sq. ft.	None	None	7,500 sq. ft.	10,000 sq. ft	10,000 sq. ft		
Lot Coverage (maximum)	33%	40%	40%	40%	None	None	60% of buildable lot	None	40%		
D. Setbacks - Principal Building											
Front (Principal)	30’	20’	14’ to porch or average of surrounding buildings	14’ to porch or average of surrounding buildings	Zero; 2’ max	Zero; 2’ max	25’ from edge of high water mark or 10’ from edge of metal sheetwall.	25’	25’	Follow regulations for surrounding district	Buildings must be 50’ from adjacent residential uses
Front (Secondary)	30’	15’	15’	15’	Zero	Zero	Zero	25’	25’		
Side	15’	9’	9’	9’	Zero	Zero	Zero	25’	25’		
Rear	15’	9’	9’	9’	Zero	Zero	Zero	25’	25’		
E. Setbacks - Ancillary Building											
Front (Principal)	Ancillary or Outbuildings must be located behind the principal building with a minimum of 10’ separation between the two buildings				Prohibited	Prohibited	25’ from edge of high water mark	25’	25’	Follow regulations for surrounding district	Prohibited
Side	15’	5’	5’	5’			15’	25’	25’ or 50’ from adjacent residential zone		
Rear	30’	5’	5’	5’			15’	50’	50’		

F. Building Disposition											
Edgeyard	Yes	Yes	Yes	Yes	—	—	—	Yes	Yes	Yes	N/A
Rearyard	—	—	—	—	Yes	Yes	Yes	—	—	Yes	N/A
G. Private Frontages											
Common Yard	Yes	Yes	—	—	—	—	Yes	Yes	Yes	Yes	N/A
Porch/Fence	—	Yes	Yes	Yes	—	—	—	—	—	Yes	
Terrace/Lightwell	—	—	—	—	Yes	—	—	—	—	Yes	
Stoop	—	—	—	—	Yes	—	Yes	—	—	Yes	
Shopfront	—	—	—	—	Yes	Yes	Yes	—	—	Yes	
H. Building Configuration - Height											
Principal Building (maximum)	40'	40'	40'	40'	See notes below		45'; 36' minimum	50'	50'	Follow regulations for surrounding district	1 story
Ancillary Building (maximum)	40' for agricultural use; Principal Building Height minus 2 ft and may not exceed 2 stories	Principal Building Height minus 2 ft and may not exceed 2 stories	Principal Building Height minus 2 ft and may not exceed 2 stories	Principal Building Height minus 2 ft and may not exceed 2 stories	Prohibited		18'	Must not exceed height of principal building			N/A
Main Street East Height Regulations	45' maximum; 30' minimum.										
Main Street West Height Regulations	South side of Main Street	Minimum 2 stories or 30'; maximum 30' from finished grade on Main Street									
	North Side of Main Street	45' maximum; 30' minimum; 3rd story must be setback at least 10' from front facade									

8301.05 Private Frontages

The Private Frontage is the area between the building Facades and the Lot lines.

Table 13: Private Frontages

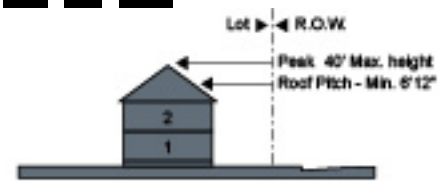
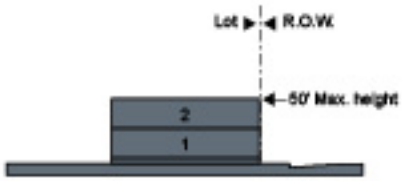
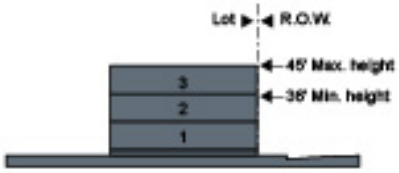
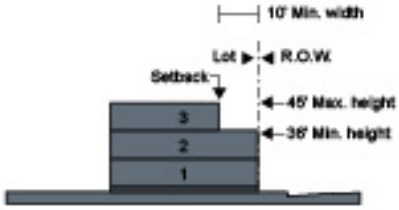
	SECTION (LOT ► PRIVATE FRONTAGE ◄ R.O.W. ◄ PUBLIC FRONTAGE)	PLAN (LOT ► PRIVATE FRONTAGE ◄ R.O.W. ◄ PUBLIC FRONTAGE)	
a. Common Yard: a planted Frontage wherein the Facade is set back substantially from the Frontage Line. The front yard created remains unfenced and is visually continuous with adjacent yards, supporting a common landscape. The deep Setback provides a buffer from the higher speed Thoroughfares.			R NC IE
b. Porch & Fence: a planted Frontage wherein the Facade is set back from the Frontage Line with an attached porch permitted to Encroach. A fence at the Frontage Line maintains street spatial definition. Porches shall be no less than 8 feet deep.			NC EC
c. Terrace or Lightwell: a Frontage wherein the Facade is set back from the Frontage line by an elevated terrace or a sunken Lightwell. This type buffers Residential use from urban Sidewalks and removes the private yard from public Encroachment. Terraces are suitable for conversion to outdoor cafes. Syn: Dooryard.			MSE
d. Stoop: a Frontage wherein the Facade is aligned close to the Frontage Line with the first Story elevated from the Sidewalk sufficiently to secure privacy for the windows. The entrance is usually an exterior stair and landing. This type is recommended for ground-floor Residential use.			MSE W C
e. Shopfront: a Frontage wherein the Facade is aligned close to the Frontage Line with the building entrance at Sidewalk grade. This type is conventional for Retail use. It has a substantial glazing on the Sidewalk level and an awning that may overlap the Sidewalk to within 2 feet of the Curb. Syn: Retail Frontage.			MSE MSW

R .Rural	NC .North.City.Residential	EC .East.City.Residential
WC .West.City.Residential	MSE .Main.Street.East	MSW .Main.Street.West
W .Waterfront	IE .Industrial-Entrepreneurial	P .Park
INST .Institutional	C .Civic	

8301.06 Building Configuration

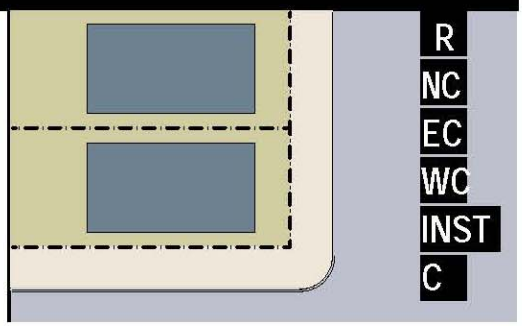
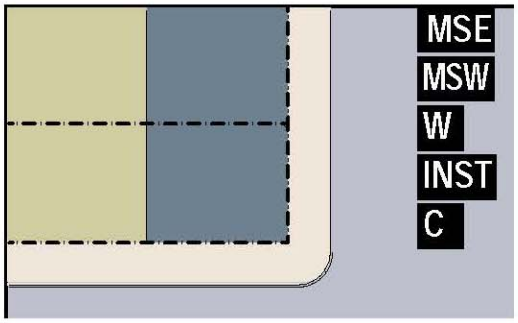
Table 14: Building Configuration shows the Configurations for different building heights for each District.

Table 14: Building Configuration

R NC EC WC  	**IE INST** 
W  	**MSE MSW**  Note: 45' height limit applies to MSW North side of Main Street only.

8301.07 Building Disposition

Table 15: Building Disposition approximates the location of the structure relative to the boundaries of each individual Lot, establishing suitable basic building types for each Zoning District.

Table 15: Building Disposition	
a. Edgeyard: Specific Types - single family House, cottage, villa, estate house, urban villa. A building that occupies the center of its Lot with Setbacks on all sides. This is the least urban of types as the front yard sets it back from the Frontage, while the side yards weaken the spatial definition of the public Thoroughfare space. The front yard is intended to be visually continuous with the yards of adjacent buildings. The rear yard can be secured for privacy by fences and a well-placed Backbuilding and/or Outbuilding.	
b. Rearyard: Specific Types - Townhouse, Rowhouse, Live-Work unit, loft building, Apartment House, Mixed Use Block, Flex Building, perimeter Block. A building that occupies the full Frontage, leaving the rear of the Lot as the sole yard. This is a very urban type as the continuous Facade steadily defines the public Thoroughfare. The rear Elevations may be articulated for functional purposes. In its Residential form, this type is the Rowhouse. For its Commercial form, the rear yard can accommodate substantial parking.	

8301.08 Definitions Illustrated

Table 16: Illustrated Definitions

a. Thoroughfare & Frontages

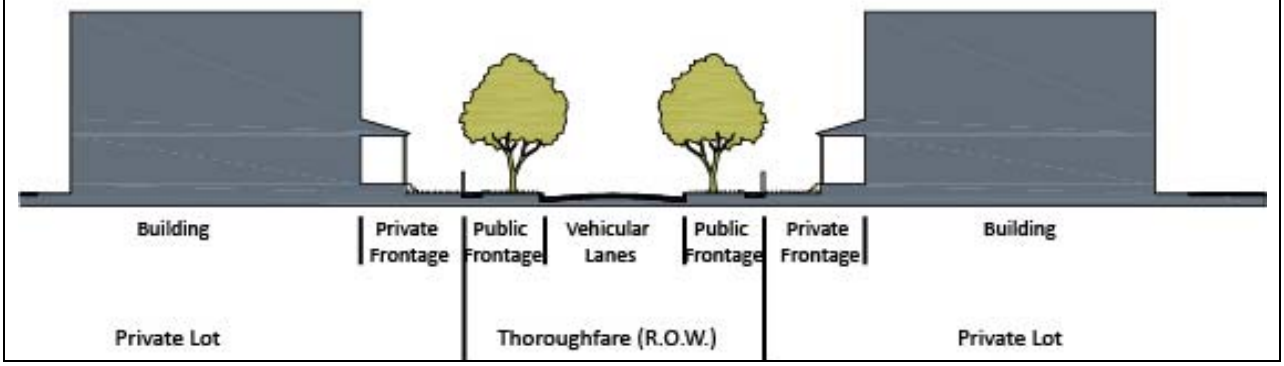
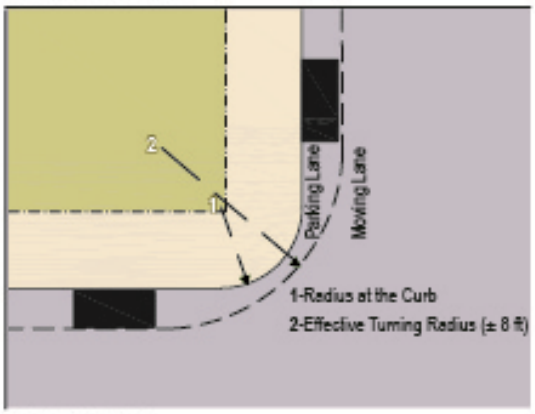
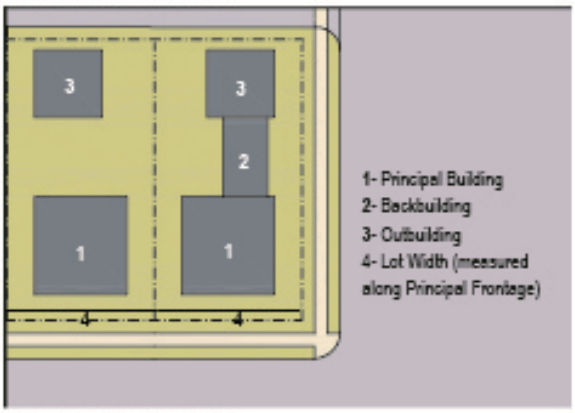


Table 16: Illustrated Definitions (continued)

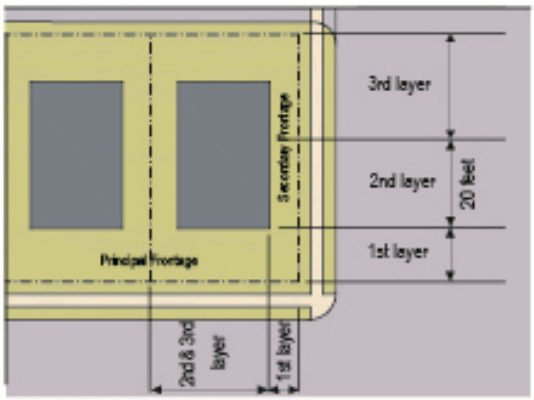
b. TURNING RADIUS



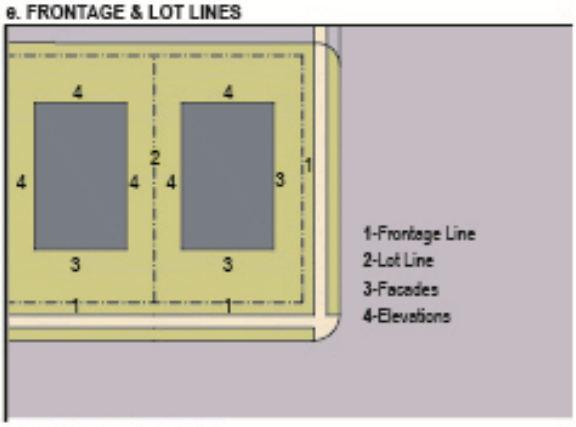
c. BUILDING DISPOSITION



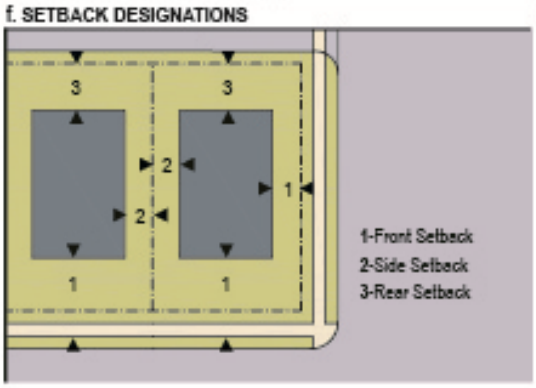
d. LOT LAYERS



e. FRONTAGE & LOT LINES



f. SETBACK DESIGNATIONS



g. VISIBILITY TRIANGLE

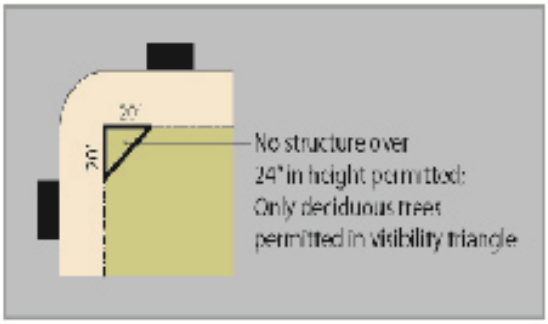
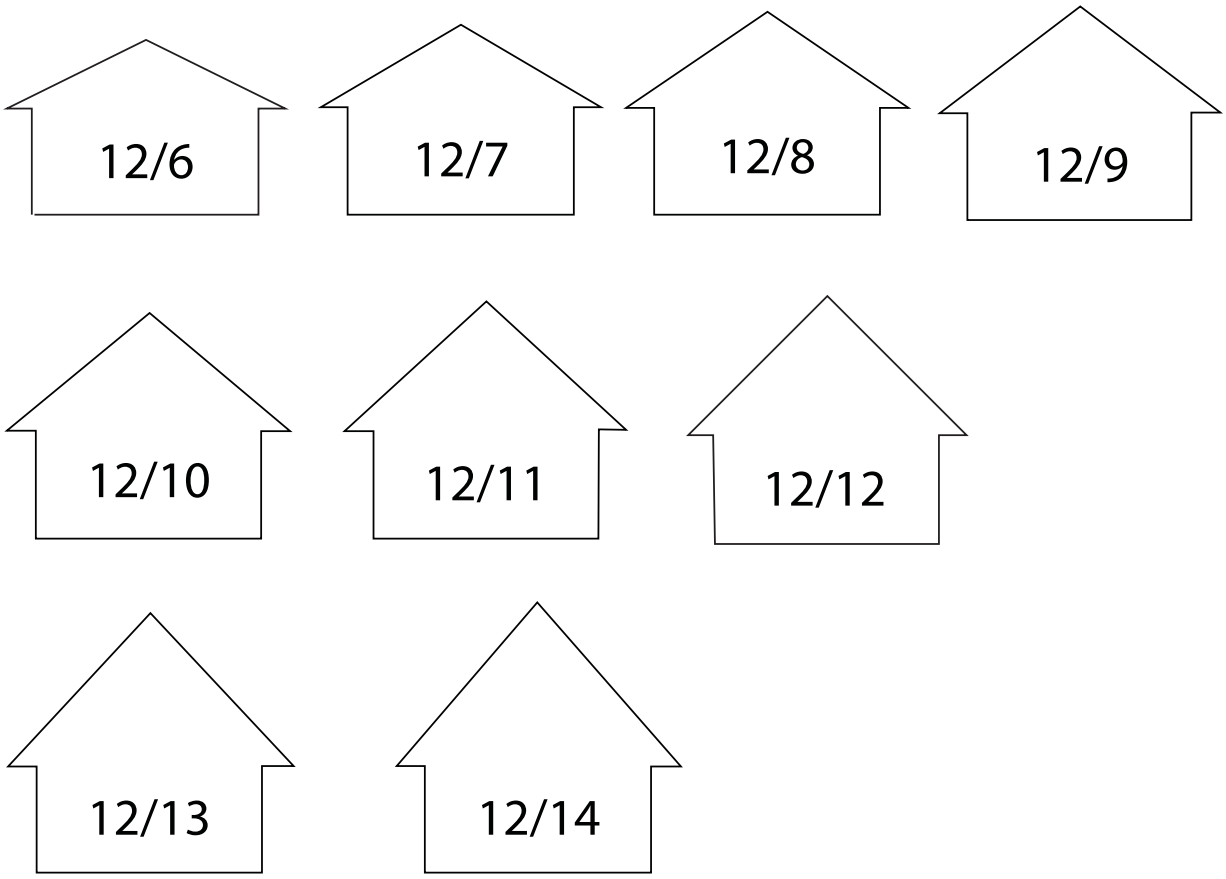


Table 16: Illustrated Definitions (continued)

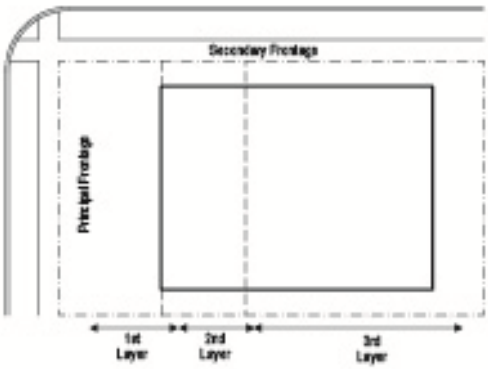


Section 8302: Rural District

1. The intent of the Rural District is to maintain a district characterized by agricultural uses, natural features including, but not limited to steep slopes, woodlands, wetlands, dunes and grasslands.
2. The intent of the Rural District is to allow for the maintenance and creation of single family detached houses on large land parcels while preserving natural resources and viewsheds while providing opportunity for Urban Agriculture (see Section 8206: Urban Agriculture).

a. BUILDING FUNCTION (see 8301.03 Permitted Uses)	
Residential	Permitted
Lodging	restricted use
Office	prohibited
Retail	prohibited
b. BUILDING HEIGHT (see Figure 1: Rural District)	
Principal Building	40 ft. max.; 18 ft. min.
Outbuilding	40 ft. max[1] for agricultural use; Other buildings principal building height minus 2 ft. max (may not exceed 2 stories)
c. LOT OCCUPATION (see Figure 1: Rural District)	
Lot Width	100 ft. min
Lot Coverage	33% max
Min. Lot Area	20,000 sq. ft.
d. BUILDING DISPOSITION (see 8205.08 Building Disposition)	
Edgeyard	permitted
Sideyard	not permitted
Rearyard	not permitted
e. SETBACKS - PRINCIPAL BUILDING (see Figure 1: Rural District)	
Front Setback Principal	30 ft. min
Side Setback	15 ft min.
Rear Setback	30 ft min.
f. SETBACKS - OUTBUILDING (see Figure 1: Rural District)	
Front Setback	See note[2]
Side Setback	15 ft.
Rear Setback	30 ft.
g. PRIVATE FRONTAGES (see 8301.05 Private Frontages)	
Common Lawn	permitted
Porch & Fence	permitted
Stoop	not permitted
Shopfront & Awning	not permitted
h. BASE DENSITY: 2.2 dwelling units per acre	
PARKING PROVISIONS	
2 spaces per dwelling unit	

PARKING PLACEMENT
1. Uncovered parking spaces may be provided within the second and third Layer as shown in the diagram.
2. Covered parking shall be provided within the third Layer as shown in the diagram
3. Side-or rear-entry garages may be allowed in the first or second Layer by Right.
4. Trash containers shall be stored within the third Layer.



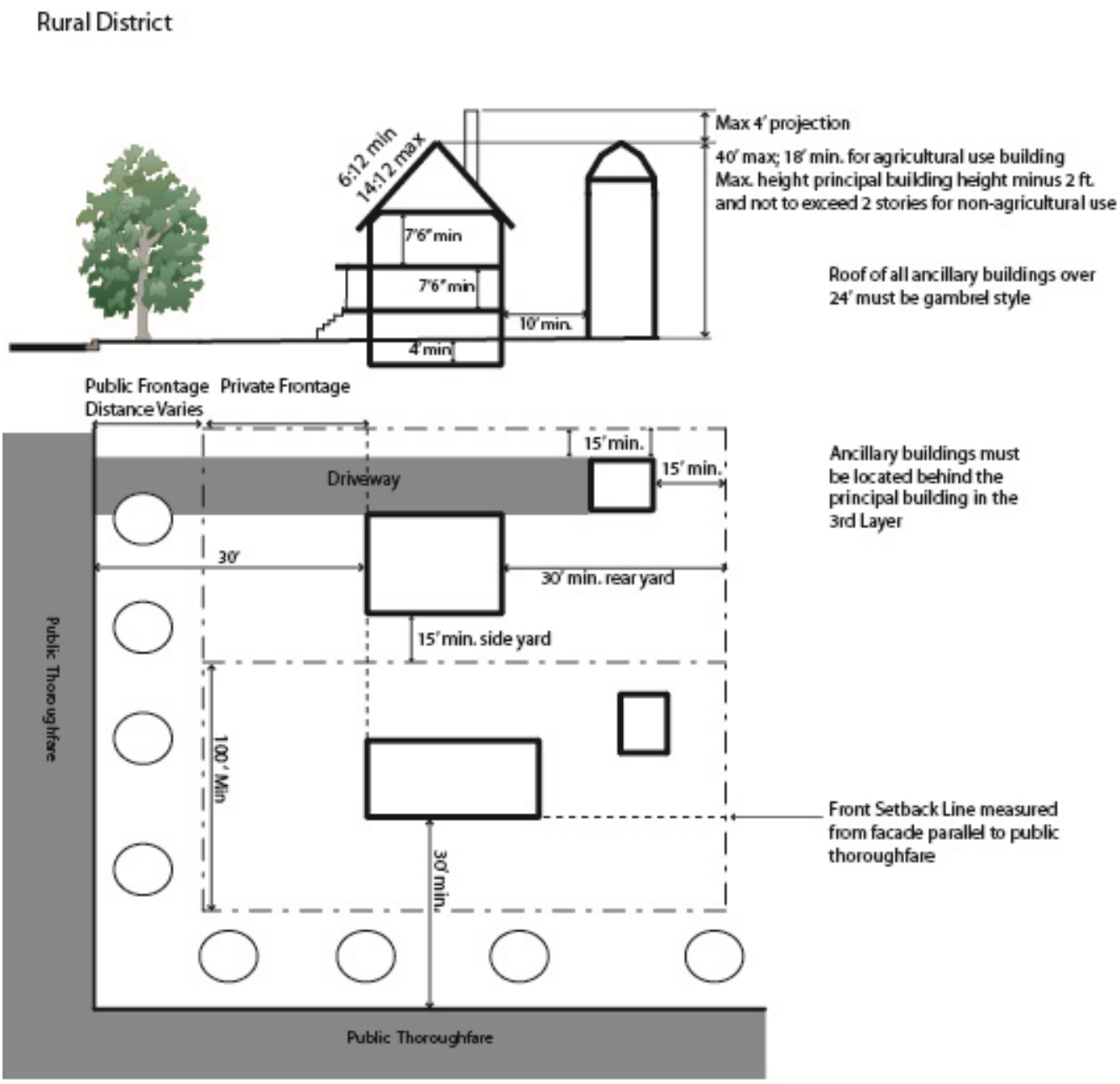
Notes:

[1] Garages and non-agricultural outbuildings must not exceed the height of the principal building

[2] Outbuildings must be located behind the front facade line of the principal building and maintain a 10 ft. separation from the principal building

[3] In the Rural District, the maximum number of Accessory Buildings on any one improved lot shall be four (4), of which a garage (whether attached or detached) counts as one (1), and only one (1) of which may contain Ancillary Living Space. The 40ft height limit applies to only one (1) of the four (4) Accessory Buildings, and that building may be used only for Agricultural purposes and may not be used as Ancillary Living Space

Figure 1: Rural District



Note:
1. Setback distances are reduced based on buildable lot size as defined in Section 8203.11 Existing Sub-standard Platted Lot.
2. Minimum Setback distances for Accessory Building location are increased proportionally as the height of the Accessory Building increases in a proportion of one (1) additional foot of side-yard and back-lot line for each two (2) feet of building.

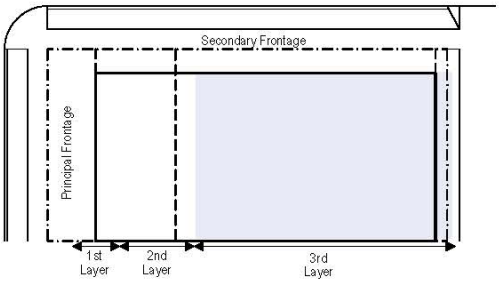
Drawing is not to scale

Section 8303: East City Residential District

1. The intent of the East City Residential District is to maintain existing residential neighborhoods and to create opportunities for new infill housing within Frankfort that reflect the traditional architectural character and style found close to downtown.
2. The East City Residential District is a single-use residential district with a variety of building types that includes both attached and detached single family residential buildings and multiple family residential units that meet the physical requirements described herein.

a. BUILDING FUNCTION (see 8301.03 Permitted Uses)	
Residential	Permitted
Lodging	restricted use
Office	prohibited
Retail	prohibited
b. BUILDING HEIGHT (see Figure 2 : East City Residential District)	
Principal Building	40 ft. max.[1]; 30' min
Outbuilding	Max height is principal building height minus 2 ft. and not to exceed 2 stories
c. LOT OCCUPATION (see Figure 2 : East City Residential District)	
Lot Width	50 ft. min
Lot Coverage	40% max
Min. Lot Area	7,500 sq. ft.
d. BUILDING DISPOSITION (see 8205.08 Building Disposition)	
Edgeyard	permitted
Sideyard	not permitted
Rearyard	not permitted
e. SETBACKS - PRINCIPAL BUILDING (see Figure 2 : East City Residential District)	
Front Setback Principal	14 ft. min to porch
Side Setback	9 ft min.
Rear Setback	9 ft min.
f. SETBACKS - OUTBUILDING (see Figure 2 : East City Residential District)	
Front Setback	See note[2]
Side Setback	5 ft.
Rear Setback	5 ft.
g. PRIVATE FRONTAGES (see 8301.05 Private Frontages)	
Common Lawn	not permitted
Porch & Fence	permitted
Stoop	not permitted
Shopfront & Awning	not permitted
h. BASE DENSITY: 5.8 dwelling units per acre	
PARKING PROVISIONS	
2 spaces per dwelling unit	

PARKING PLACEMENT
1. Uncovered parking spaces may be provided within the third Layer as shown in the diagram.
2. Covered parking shall be provided within the third Layer as shown in the diagram.
3. Trash containers shall be stored within the third Layer.



Notes:

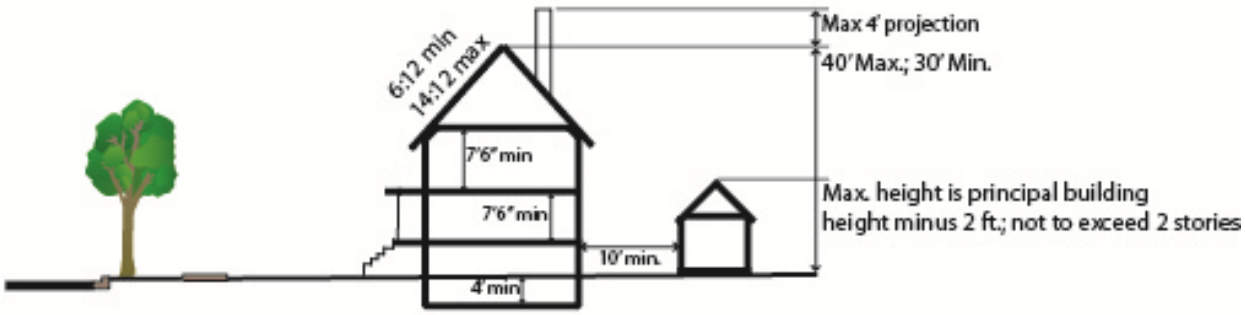
[1] Extensions such as chimneys, dormers, spires, solar panels may extend a maximum of 4 ft. above maximum height limit.

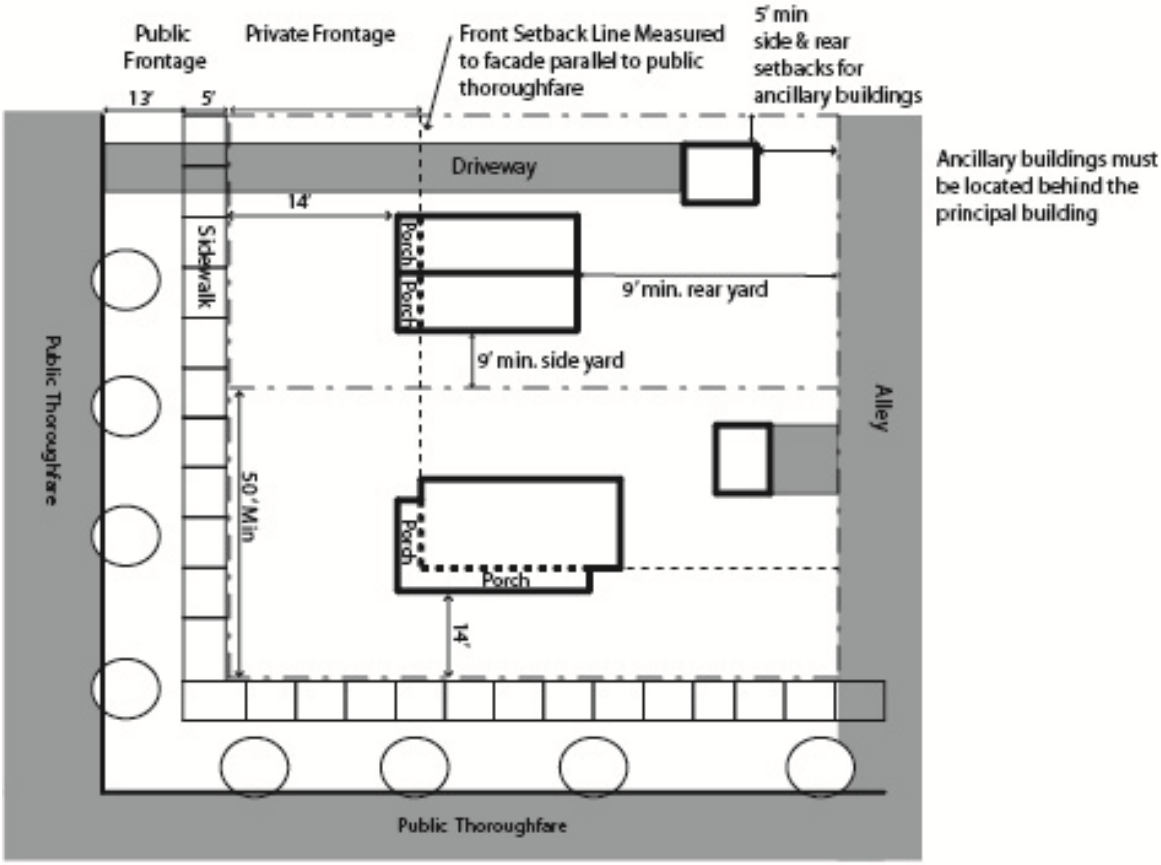
[2] Outbuildings must be located behind the front facade line of the principal building and maintain a 10 ft. separation from the principal building.

[3] Accessory/Ancillary structures shall be limited to three (3) structures, of which a garage (whether attached or detached) counts as one.

Figure 2 : East City Residential District

East City Residential District





Note: new driveway curbcuts to Forest Avenue are prohibited

Drawing is not to scale

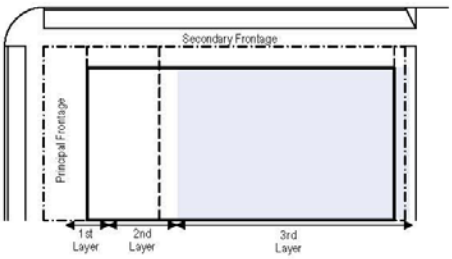
Section 8304: North City Residential District

1. The intent of the North City Residential District is to provide a transition from the high density urban core of Frankfort to the low density rural areas surrounding the City.
2. The North City Residential District is a district characterized by single family detached houses.

a. BUILDING FUNCTION (see 8301.03 Permitted Uses)	
Residential	Permitted
Lodging	restricted use
Office	prohibited
Retail	prohibited
b. BUILDING HEIGHT (see Figure 3: North City Residential District)	
Principal Building	40 ft. max.[1]; 18 ft. min.
Outbuilding	Max height is principal building height minus 2 ft. and not to exceed 2 stories
c. LOT OCCUPATION (see Figure 3: North City Residential District)	
Lot Width	50 ft. min
Lot Coverage	40% max
Min. Lot Area	7,500 sq. ft.
d. BUILDING DISPOSITION (see 8205.08 Building Disposition)	
Edgeyard	permitted
Sideyard	not permitted
Rearyard	not permitted
e. SETBACKS - PRINCIPAL BUILDING (see Figure 3: North City Residential District)	
Front Setback Principal	20 ft.min to front facade[2]
Side Setback	9 ft min.
Rear Setback	9 ft min.
f. SETBACKS - OUTBUILDING (see Figure 3: North City Residential District)	
Front Setback	See note[2]
Side Setback	5 ft.
Rear Setback	5 ft.
g. PRIVATE FRONTAGES (see 8301.05 Private Frontages)	
Common Lawn	permitted
Porch & Fence	permitted
Stoop	not permitted
Shopfront & Awning	not permitted
h. BASE DENSITY: 5.8 dwelling units per acre	
PARKING PROVISIONS	
2 spaces per dwelling unit	

PARKING PLACEMENT

1. Uncovered parking spaces may be provided within the third Layer as shown in the diagram.
2. Covered parking shall be provided within the third Layer as shown in the diagram
3. Driveway access shall be from alleys wherever such alleys exist. New curb cuts to City Residential streets are prohibited when access to an alley is available.



Notes:

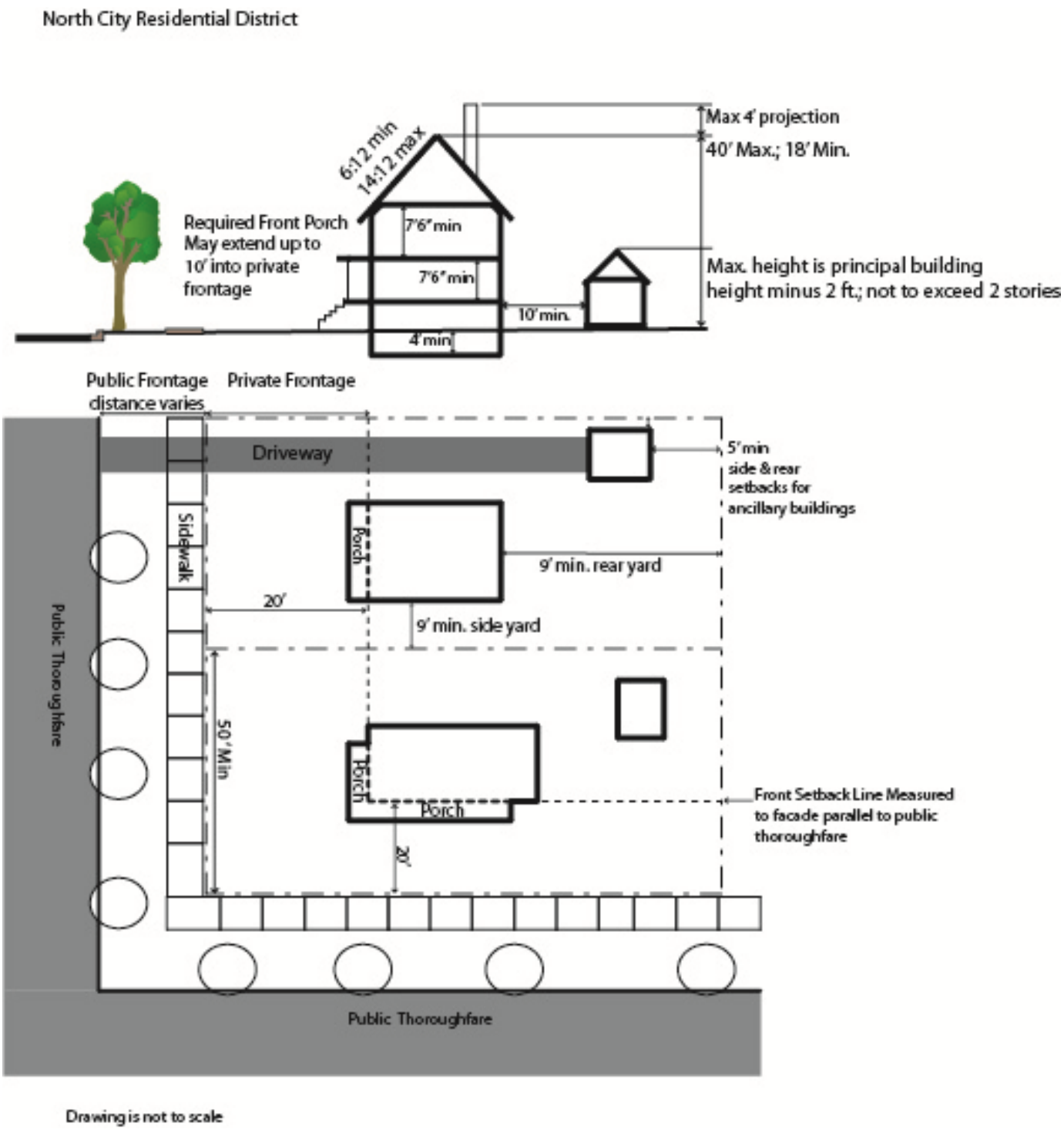
[1] Extensions such as chimneys, dormers, spires, solar panels may extend a maximum of 4 ft. above the maximum building height.

[2] Porch may extend up to 12 ft. into front setback area.

[3] Outbuildings must be located behind the front facade line of the principal building and maintain a 10 ft. separation from the principal building.

[4] The maximum number of Accessory Buildings on any one improved lot shall be two (2), of which a Detached Garage counts as one (1), and only one (1) of which may contain Ancillary Living Space.

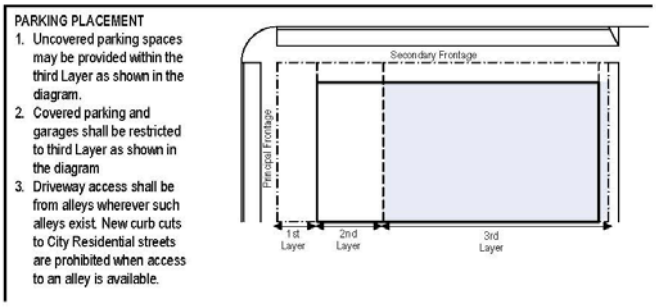
Figure 3: North City Residential District



Section 8305: West City Residential District

1. The intent of the West City Residential District is maintain and preserve the traditional architectural styles and neighborhood form of the traditional residential neighborhood north of Main Street and west of Seventh Street.
2. The West City Residential District is a traditional, single-use, single family residential district characterized by traditional urban design patterns that include alleys to access garages and parking areas.

a. BUILDING FUNCTION (see 8301.03 Permitted Uses)	
Residential	Permitted
Lodging	restricted use
Office	prohibited
Retail	prohibited
b. BUILDING HEIGHT (see **Figure 4: West City Residential District**)	
Principal Building	40 ft. max.[1]; 30' min.
Outbuilding	Max height is principal building height minus 2 ft. and not to exceed 2 stories
c. LOT OCCUPATION (see **Figure 4: West City Residential District**)	
Lot Width	50 ft. min
Lot Coverage	40% max
Min. Lot Area	7,500 sq. ft.
d. BUILDING DISPOSITION (see **8205.08 Building Disposition**)	
Edgeyard	permitted
Sideyard	not permitted
Rearyard	not permitted
e. SETBACKS - PRINCIPAL BUILDING (see **Figure 4: West City Residential District**)	
Front Setback Principal	14 ft. min to porch (See note[2])
Side Setback	9 ft min.
Rear Setback	9 ft min.
f. SETBACKS - OUTBUILDING (see **Figure 4: West City Residential District**)	
Front Setback	See note[3]
Side Setback	5 ft.
Rear Setback	5 ft.
g. PRIVATE FRONTAGES (see **8301.05 Private Frontages**)	
Common Lawn	permitted
Porch & Fence	permitted
Stoop	not permitted
Shopfront & Awning	not permitted
h. BASE DENSITY: 5.8 dwelling units per acre	
PARKING PROVISIONS	
2 spaces per dwelling unit	



Notes:

[1] Extensions such as chimneys, dormers, spires, solar panels may extend a maximum of 4 ft. above the maximum building height.

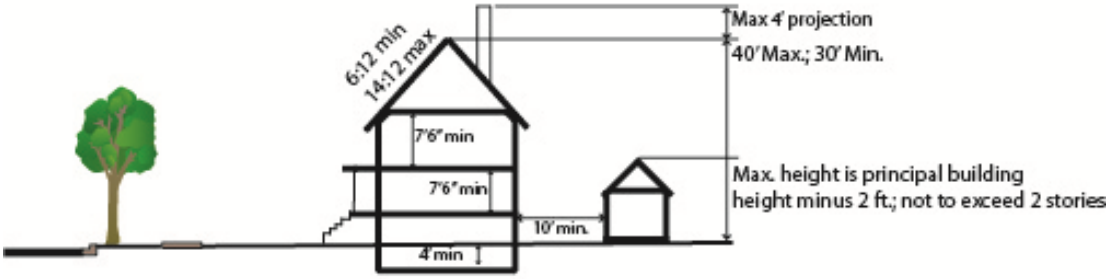
[2] Front setbacks may match the average for the block on which they are located if the average is less than 14'.

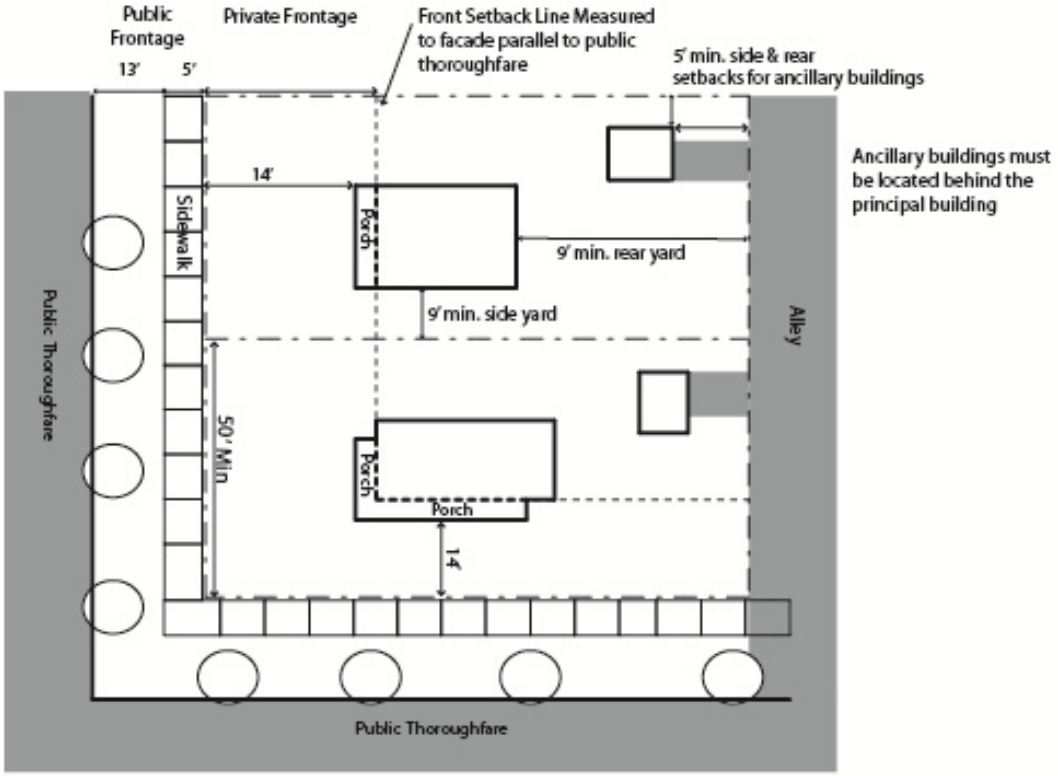
[3] Outbuildings must be located behind the front facade line of the principal building and maintain a 10 ft. separation from the principal building.

[4] Accessory/Ancillary structures shall be limited to three (3) structures, of which a garage (whether attached or detached) counts as one.

Figure 4: West City Residential District

West City Residential District





Drawing is not to scale

Section 8306: Main Street East District

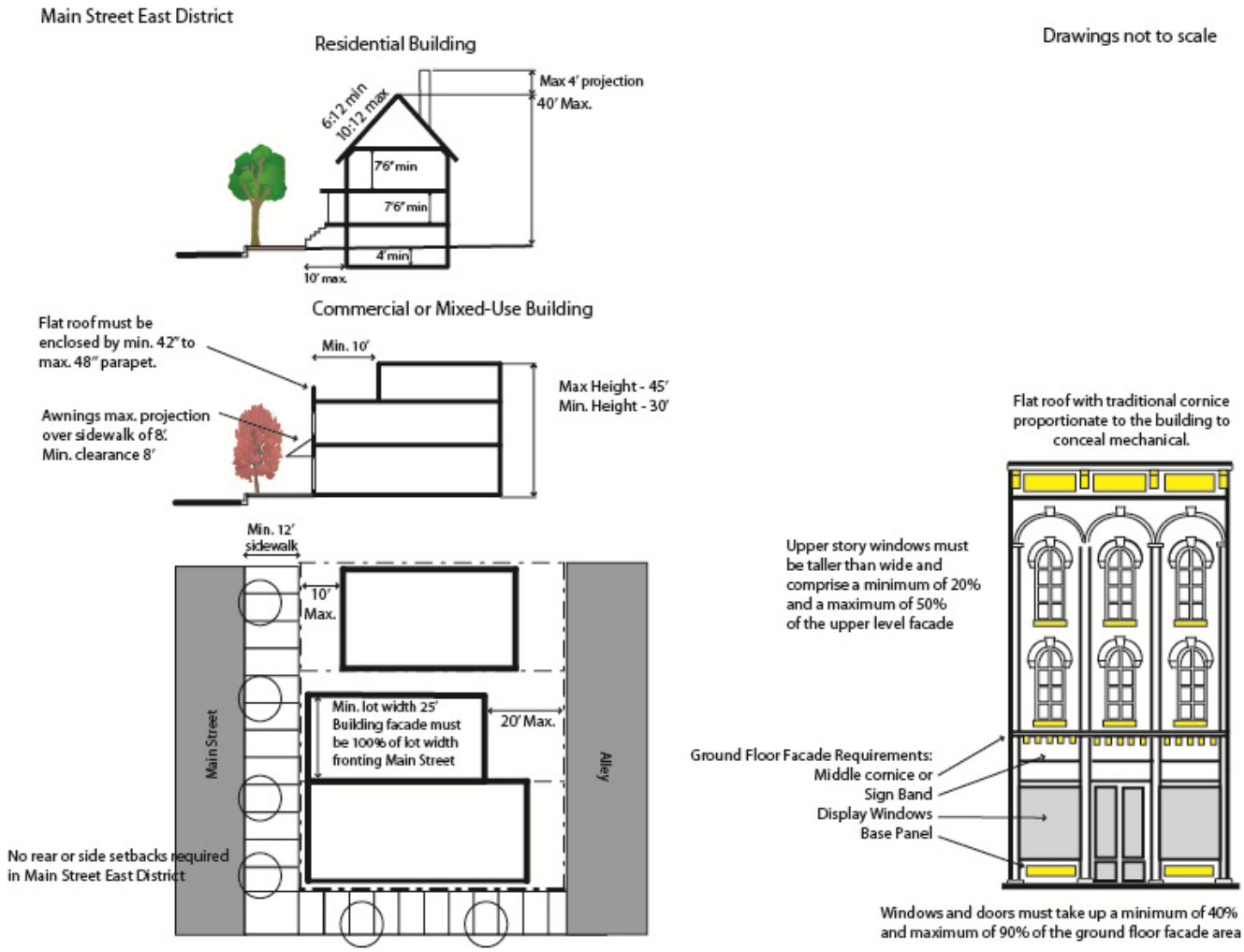
1. The intent of the Main Street East District is create opportunity for additional growth and infill development along Main Street. These opportunities will help to extend the commercial district further east and will create new pedestrian destinations beyond the existing downtown.
2. The Main Street East District is a mixed-use district that allows for both mixed-use buildings and mixed-use blocks that are constructed to reflect the historic development pattern characterized by the buildings in the Main Street West District
3. The Main Street East District seeks to create an economy of scale with shared parking areas developed in conjunction with a long-term growth strategy for the District that provides sufficient parking for all uses and users.
4. The Main Street East District seeks to minimize the impact of redevelopment on the water quality of the Betsie Bay and Lake Michigan.

a. BUILDING FUNCTION (see 8301.03 Permitted Uses)	
Residential	Permitted
Lodging	Permitted
Office	Permitted
Retail	Permitted
b. BUILDING HEIGHT (see **Figure 5: Main Street East District**)	
Principal Building	45 ft. max.[1]; 30 ft. min. (10' setback required for 3rd story)
Outbuilding	not permitted
c. LOT OCCUPATION (see **Figure 5: Main Street East District**)	
Lot Width	25 ft. min
Lot Coverage	no max
Min. Lot Area	no min.
d. BUILDING DISPOSITION (see **8205.08 Building Disposition**)	
Edgeyard	not permitted
Sideyard	not permitted
Rearyard	Permitted
e. SETBACKS - PRINCIPAL BUILDING (see **Figure 5: Main Street East District**)	
Front Setback Principal	No setback; 2 ft. max.
Side Setback	No setback
Rear Setback	No setback
f. SETBACKS - OUTBUILDING	
Front Setback	not permitted
Side Setback	not permitted
Rear Setback	not permitted
g. PRIVATE FRONTAGES (see **8301.05 Private Frontages**)	
Common Lawn	not permitted
Porch & Fence	not permitted
Stoop	Permitted
Shopfront & Awning	Permitted
h. BASE DENSITY: N/A	
PARKING PROVISIONS	
See Table 6: Parking Requirements	

Notes:

[1] Extensions such as chimneys, dormers, spires, solar panels may extend a maximum of 4 ft. above the maximum building height

Figure 5: Main Street East District



Section 8307: Main Street West District

1. The intent of the Main Street West District is to preserve the traditional character of Downtown Frankfort and ensure the traditional buildings of Downtown Frankfort serve as examples of architectural styles appropriate for new construction and infill development.
2. The Main Street West District is a walkable, pedestrian-oriented, mixed-use district that allows for both mixed-use buildings and mixed-use blocks.
3. The Main Street West District seeks to create an economy of scale with shared parking areas developed in conjunction with a long-term growth strategy for the District that provides sufficient parking for all uses and users.
4. The Main Street West District is made up of two areas - the north side of Main Street and the south side of Main Street. The purpose of defining different standards for the south side of Main Street is to preserve public visual access to the Betsie Bay from Main Street.

a. BUILDING FUNCTION (see 8301.03 Permitted Uses)	
Residential	Permitted
Lodging	Permitted
Office	Permitted
Retail	Permitted
b. BUILDING HEIGHT (see **Figure 6: Main Street West District - North Side of Main Street** and **Figure 7: Main Street West District - South Side of Main Street**))	
Principal Building	45 ft. max north side of Main Street; 30 ft. min. (10' setback required for 3rd story) 30 ft. max south side of Main Street; 30 ft. min. (10' setback required for
Outbuilding	not permitted
c. LOT OCCUPATION (see **Figure 6: Main Street West District - North Side of Main Street** and **Figure 7: Main Street West District - South Side of Main Street**))	
Lot Width	25 ft. min
Lot Coverage	no max
Min. Lot Area	no min.
d. BUILDING DISPOSITION (see **8205.08 Building Disposition**)	
Edgeyard	not permitted
Sideyard	not permitted
Rearyard	Permitted
e. SETBACKS - PRINCIPAL BUILDING (see **Figure 6: Main Street West District - North Side of Main Street** and **Figure 7: Main Street West District - South Side of**	
Front Setback Principal	No setback; 2 ft. max.
Side Setback	No setback
Rear Setback	No setback
f. SETBACKS - OUTBUILDING	
Front Setback	not permitted
Side Setback	not permitted
Rear Setback	not permitted
g. PRIVATE FRONTAGES (see **8301.05 Private Frontages**)	
Common Lawn	not permitted
Porch & Fence	not permitted
Stoop	not permitted
Shopfront & Awning	Permitted
h. BASE DENSITY: N/A	
PARKING PROVISIONS	
See Table 6: Parking Requirements	

Figure 6: Main Street West District - North Side of Main Street

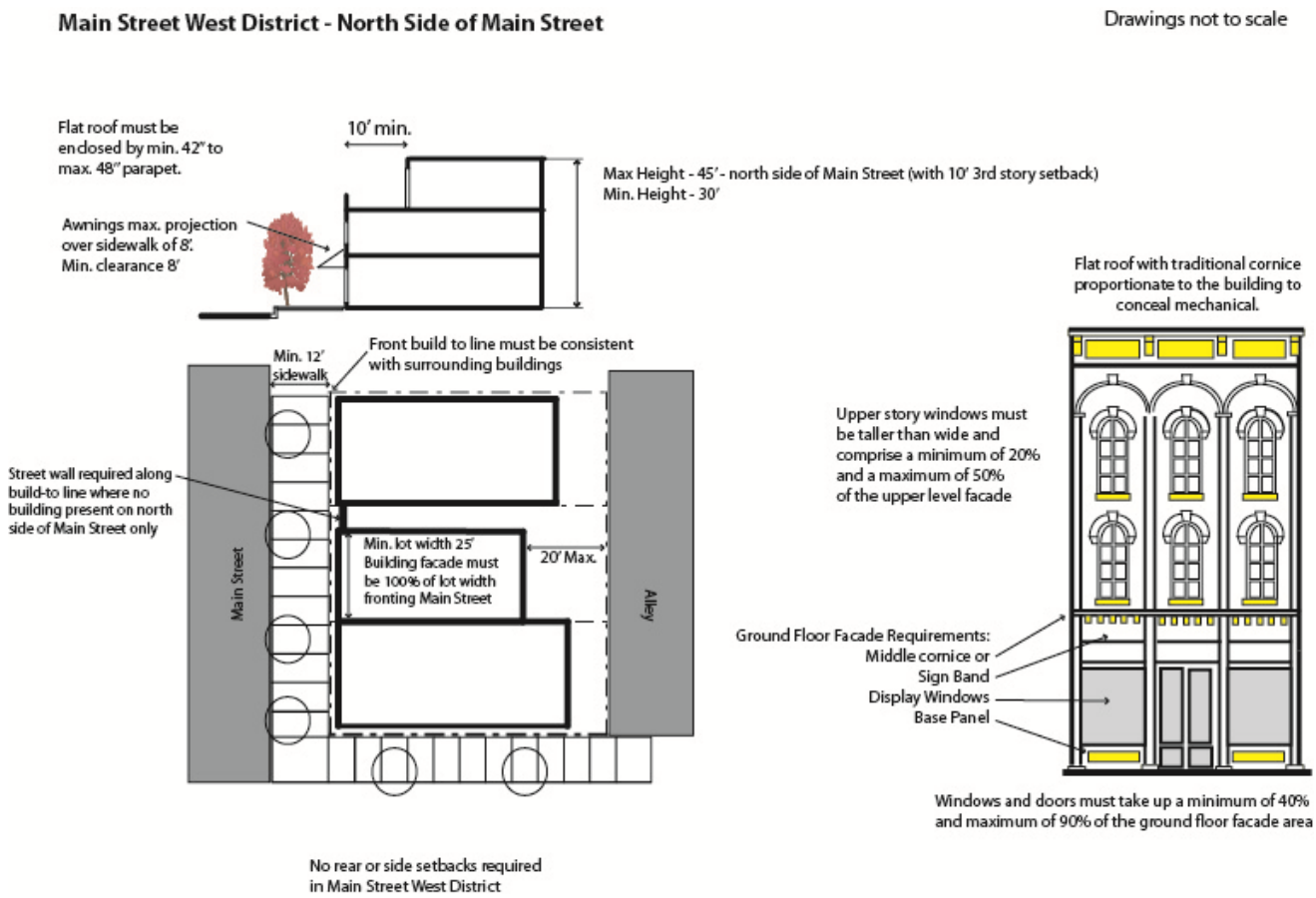
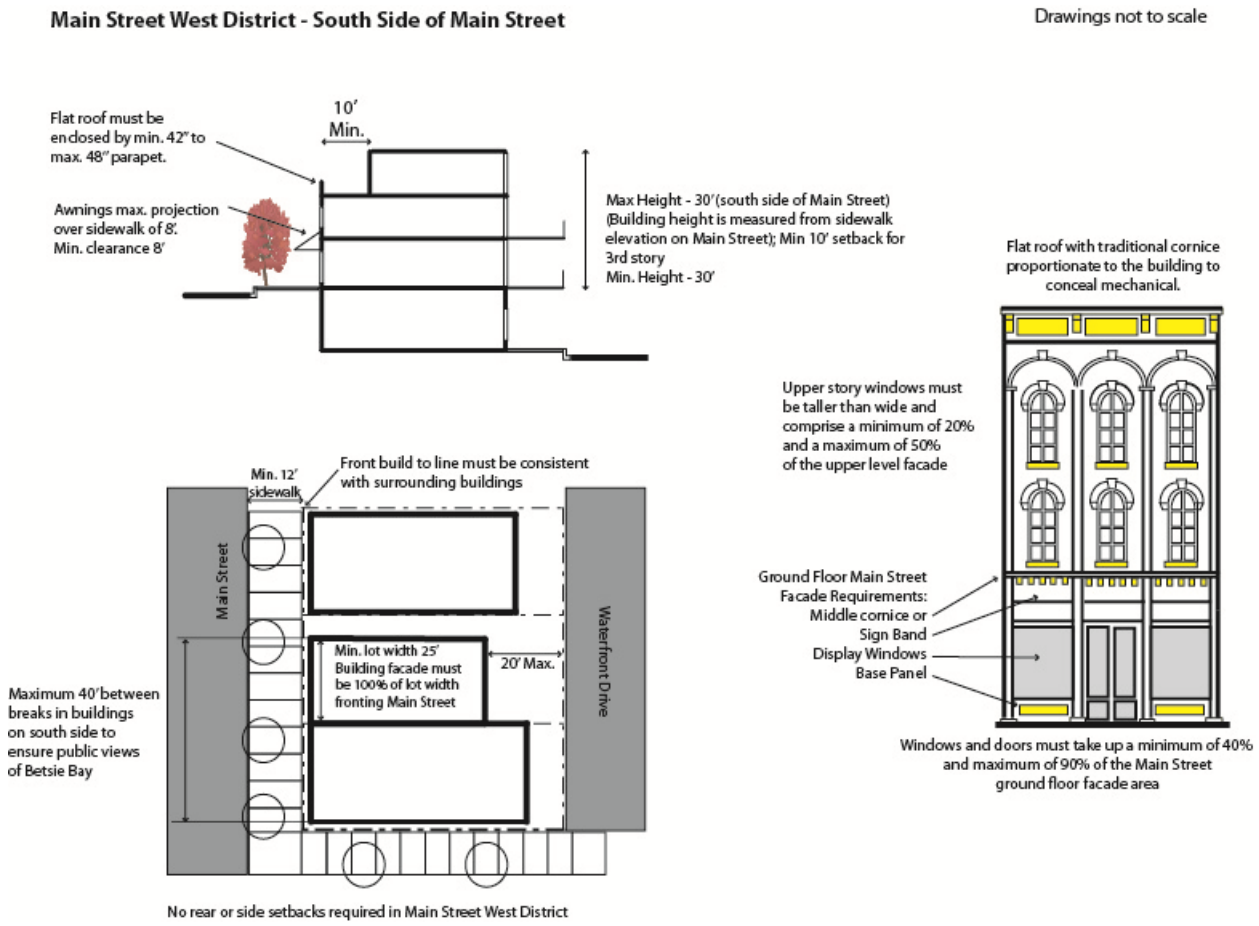


Figure 7: Main Street West District - South Side of Main Street



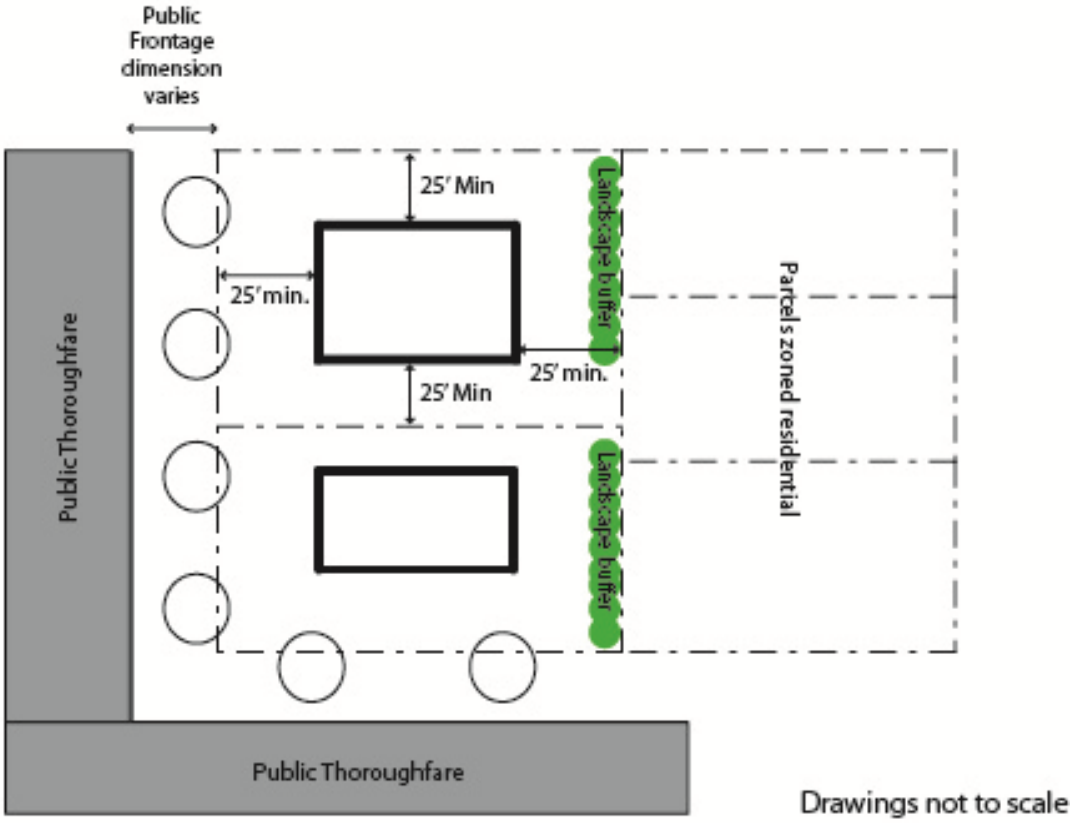
Section 8308: Industrial-Entrepreneurial District

1. The intent of the Industrial-Entrepreneurial District is create opportunity for growth of businesses that, for a variety of reasons, are not compatible with traditional downtown uses or residential districts. These uses may include more intense production and shipping/receiving activities and typically attract additional vehicular traffic.

a. BUILDING FUNCTION (see 8301.03 Permitted Uses)	
Residential	Special Use Permit Required
Lodging	not permitted
Office	Special Use Permit Required
Retail	not permitted
Medical Marihuana Primary Caregiver Facility	in compliance with **Section 8107: Site Development Plan Review**
b. BUILDING HEIGHT (see **Figure 8: Industrial & Entrepreneurial District**)	
Principal Building	50 ft.
Outbuilding	not permitted
c. LOT OCCUPATION (see **Figure 8: Industrial & Entrepreneurial District**)	
Lot Width	100 ft. min
Lot Coverage	N/A
Min. Lot Area	10,000 sq. ft.
d. BUILDING DISPOSITION (see **8205.08 Building Disposition**)	
Edgeyard	Permitted
Sideyard	not permitted
Rearyard	not permitted
e. SETBACKS - PRINCIPAL BUILDING (see **Figure 8: Industrial & Entrepreneurial District**)	
Front Setback Principal	25 ft.
Side Setback	25 ft. landscape buffer required between any residential zone
Rear Setback	25 ft. landscape buffer required between any residential zone
f. SETBACKS - OUTBUILDING	
Front Setback	not permitted
Side Setback	not permitted
Rear Setback	not permitted
g. PRIVATE FRONTAGES	
Common Lawn	Permitted
Porch & Fence	not permitted
Stoop	not permitted
Shopfront & Awning	not permitted
h. BASE DENSITY: NA	
PARKING PROVISIONS	
See Table 6: Parking Requirements	

Figure 8: Industrial & Entrepreneurial District

Industrial & Entrepreneurial District



Section 8309: Institutional District

1. The intent of the Institutional District is to maintain the character of medical and institutional living spaces. These medical facilities are community assets that provide essential medical services to the larger community.
2. The Institutional District is intended to define standards to ensure these buildings, which naturally stand out from the surrounding district, are grander and more memorable.

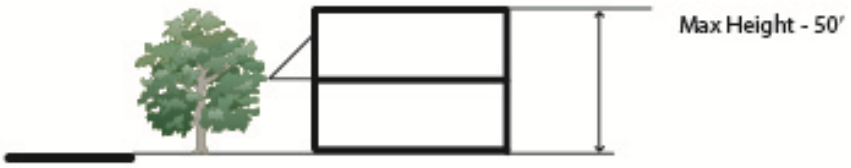
a. BUILDING FUNCTION (see 8301.03 Permitted Uses)	
Residential	Permitted
Lodging	Special Use Permit Required [1]
Office	Special Use Permit Required [2]
Retail	not permitted
b. BUILDING HEIGHT (see **Figure 9: Institutional District**)	
Principal Building	50 ft.
Outbuilding	not permitted
c. LOT OCCUPATION (see **Figure 9: Institutional District**)	
Lot Width	100 ft. min
Lot Coverage	N/A
Min. Lot Area	10,000 sq. ft.
D. BUILDING DISPOSITION (see **8205.08 Building Disposition**)	
Edgeyard	Permitted
Sideyard	not permitted
Rearyard	not permitted
e. SETBACKS - PRINCIPAL BUILDING (see **Figure 9: Institutional District**)	
Front Setback Principal	25'
Side Setback	25'
Rear Setback	25'
f. SETBACKS - OUTBUILDING (see **Figure 9: Institutional District**)	
Front Setback	not permitted
Side Setback	not permitted
Rear Setback	not permitted
g. PRIVATE FRONTAGES (see **8301.05 Private Frontages**)	
Common Lawn	Permitted
Porch & Fence	not permitted
Stoop	not permitted
Shopfront & Awning	not permitted
h. BASE DENSITY: Varies by use	
PARKING PROVISIONS	
See Table 6: Parking Requirements	

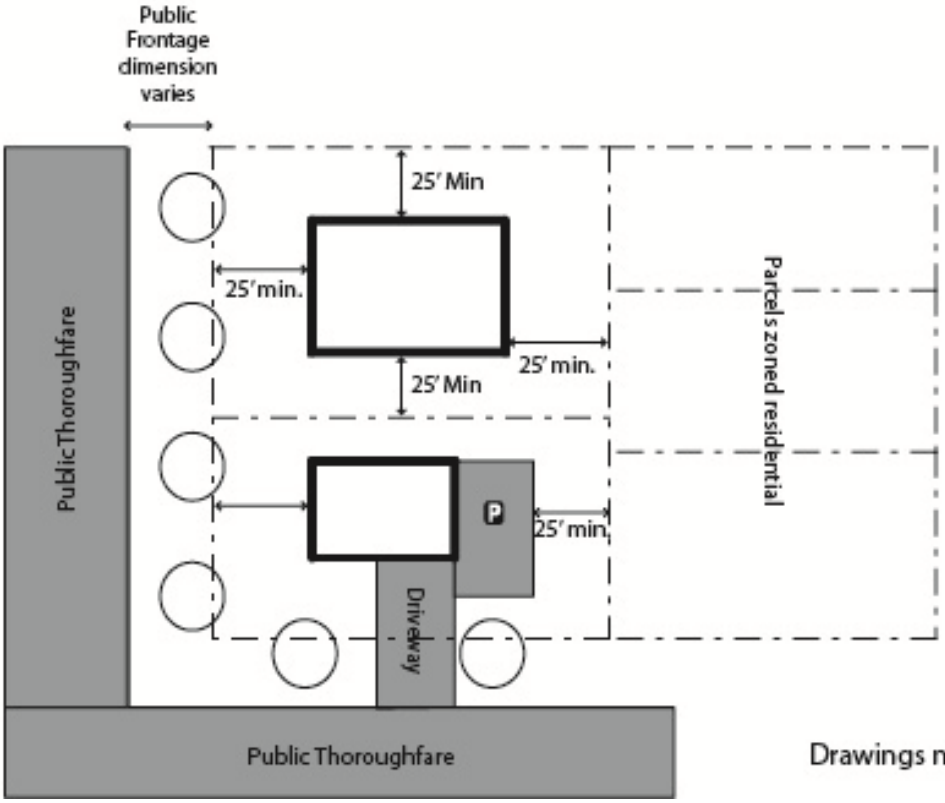
[1] Site Plan Approval is required for hospice house, guest house for hospital relatives or other medical-related temporary lodging.

[2] Site Plan Approval is required for hospital, nursing facility, assisted living facility or other specialized medical facility offices.

Figure 9: Institutional District

Institutional District





Drawings not to scale

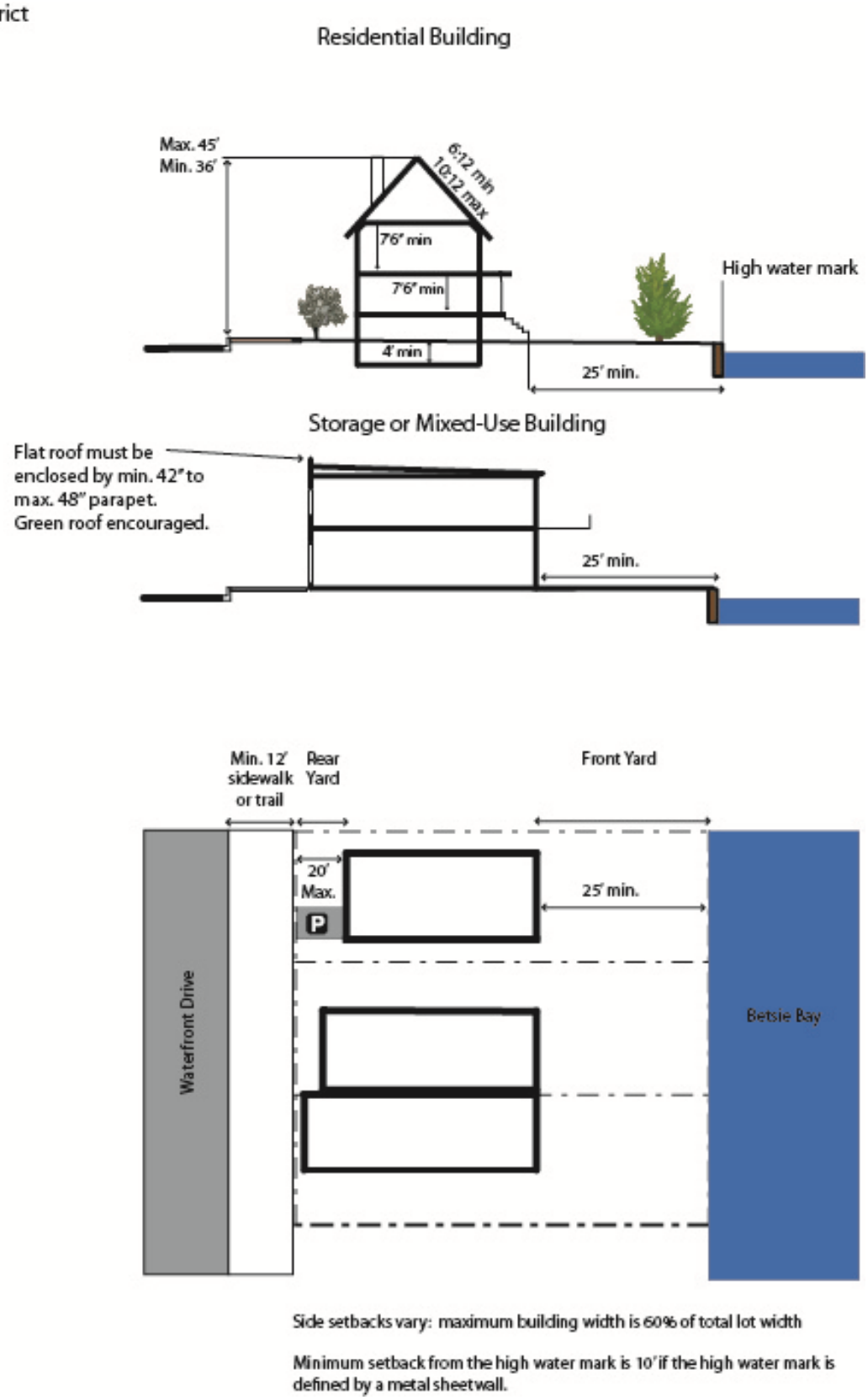
Section 8310: Waterfront District

1. The intent of the Waterfront District is to create the opportunity for a mix of uses that work together to create a "working waterfront" area built around marine activities. These buildings and uses must be harmonious and consistent with the architectural character, height and bulk of surrounding buildings and Districts.
2. The further intent of the Waterfront District is to preserve public views of the Betsie Bay and to minimize the impact of development on the water quality of the Bay and Lake Michigan.
3. The Waterfront District is the only zoning district where the front yard and first layer is not along a public thoroughfare. In this district, the front yard and first layer front the Betsie Bay.

a. BUILDING FUNCTION (see 8301.03 Permitted Uses)	
Residential	Permitted
Lodging	Permitted
Office	Special Use Permit Required [1]
Retail	Permitted
b. BUILDING HEIGHT (see **Figure 10: Waterfront District**)	
Principal Building	45 ft. max.; 36' min
Outbuilding	not permitted
c. LOT OCCUPATION (see **Figure 10: Waterfront District**)	
Lot Width	100 ft. min
Lot Coverage	max. building width is 60% of total lot width
Min. Lot Area	10,000 sq. ft.
d. BUILDING DISPOSITION (see **8205.08 Building Disposition**)	
Edgeyard	Permitted
Sideyard	not permitted
Rearyard	not permitted
e. SETBACKS - PRINCIPAL BUILDING (see **Figure 10: Waterfront District**	
Front Setback Principal	25' from high water mark. 10' if there is a metal sheetwall installed
Side Setback	None required; max. building width is 60% of total lot width
Rear Setback	20' max.
f. SETBACKS - OUTBUILDING (see **Figure 10: Waterfront District**)	
Front Setback	not permitted
Side Setback	not permitted
Rear Setback	not permitted
g. PRIVATE FRONTAGES (see **8301.05 Private Frontages**)	
Common Lawn	Permitted
Porch & Fence	not permitted
Stoop	Permitted
Shopfront & Awning	Permitted
PARKING PROVISIONS	
See Table 6: Parking Requirements	
[1.] Special Use permit required for any single-use office building	

Figure 10: Waterfront District

Waterfront District



Section 8311: Civic District

1. The intent of the Civic District is designated zoning district for public and civic buildings.
2. Civic District parcels are located on Main Street and in residential districts. The intent of this district is to ensure that Civic District building standards maintain compatibility with the surrounding district standards.

A. BUILDING FUNCTION (see 8301.03 Permitted Uses)	
Residential	Permitted
Lodging	Permitted
Office	not permitted
Retail	Permitted
b. BUILDING HEIGHT	
Principal Building	Equal to the surrounding district standards
Outbuilding	not permitted
c. LOT OCCUPATION	
Lot Width	100 ft. min
Lot Coverage	N/A
Min. Lot Area	7,500 sq. ft.
d. BUILDING DISPOSITION (see 8205.08 Building Disposition)	
Edgeyard	Permitted
Sideyard	not permitted
Rearyard	not permitted
e. SETBACKS - PRINCIPAL BUILDING	
Front Setback Principal	Match surrounding; 25' from high water mark
Side Setback	Match surrounding
Rear Setback	Match surrounding
f. SETBACKS - OUTBUILDING	
Front Setback	not permitted
Side Setback	not permitted
Rear Setback	not permitted
g. PRIVATE FRONTAGES (see 8301.05 Private Frontages)	
Common Lawn	Permitted
Porch & Fence	not permitted
Stoop	Permitted
Shopfront & Awning	Permitted
PARKING PROVISIONS	
See Table 6: Parking Requirements	

Section 8312: Parks District

1. The intent of the Parks District is to create a specific zoning classification for publicly owned park, recreation and open space for the purpose of ensuring public access and preservation of these public spaces.

A. BUILDING FUNCTION (see 8301.03 Permitted Uses)	
Residential	Permitted
Lodging	Permitted
Office	not permitted
Retail	Permitted
b. BUILDING HEIGHT	
Principal Building	24 ft. max.;
Outbuilding	not permitted
c. LOT OCCUPATION	
Lot Width	100 ft. min
Lot Coverage	N/A
Min. Lot Area	N/A
d. BUILDING DISPOSITION (see **8205.08 Building Disposition**)	
Edgeyard	Permitted
Sideyard	not permitted
Rearyard	not permitted
e. SETBACKS - PRINCIPAL BUILDING	
Front Setback Principal	Match surrounding ; 25' from high water mark
Side Setback	Match surrounding
Rear Setback	Match surrounding
f. SETBACKS - OUTBUILDING	
Front Setback	not permitted
Side Setback	not permitted
Rear Setback	not permitted
g. PRIVATE FRONTAGES (see **8301.05 Private Frontages**)	
Common Lawn	Permitted
Porch & Fence	not permitted
Stoop	not permitted
Shopfront & Awning	not permitted
h. BASE DENSITY: N/A	
PARKING PROVISIONS	
See Table 6: Parking Requirements	

Section 8313: Planned Development (PD) Overlay District

8313.01 Intent.

The intent of this section is to provide an added degree of flexibility in the placement and interrelationship of the buildings within Planned Development and to provide for the permanent preservation of open space within planned projects for the purpose of preserving natural features, public views of the water, or agricultural production. Modifications of the area, height, placement requirements, and buildable lot sizes, where used for permanent open space preservation, of this chapter may be permitted if the planned project would result in the preservation of natural features, additional open space, energy conserving design, preservation of historic or architectural features, agricultural production, or a beneficial arrangement of buildings.

8313.02 Eligibility Requirements.

To apply for planned development approval, the applicant shall demonstrate that each of the eligibility criteria shall be met:

1. Unified Control of Property. The proposed development shall be under single ownership or control to ensure there is a single entity responsible for completing the project. A responsible party shall be named for the project and included in the application.
2. Underlying Zoning Requirement. The Planned Development option is only available for properties with an underlying zoning of Industrial-Entrepreneurial, North City Residential, Main Street East, Rural and Waterfront Districts.
3. Minimum Lot Size.
    a. A minimum lot size of 40,000 square feet is required in the Main Street East, North City Residential, and Waterfront District.
    b. A minimum lot size of 80,000 square feet is required in the Industrial-Entrepreneurial and Rural Districts.
    c. The Planning Commission may approve submission of an application on fewer acres provided that the proposal substantially achieves the Purpose and Intent of the Planned Development ordinance.
4. Compatibility. The proposed plan and uses shall not adversely affect adjacent neighborhoods or other development in terms of access (visual or physical) to the Betsie Bay and Lake Michigan, traffic disruption, impediments to development and/or redevelopment of nearby properties.
5. Financial Guarantee. As detailed in **Section 8107.10 Posting of Financial Guarantee**, the Planning Commission may require cash, irrevocable letter of credit or certified check in an amount equal to the estimated cost of road, lighting, utility, sidewalk, landscaping, and drainage improvements associated with the project. Such performance guarantee shall be deposited with the Clerk of the City at the time of the issuance of the permit authorizing the activity or project to ensure faithful completion of the improvements indicated on the approved site plan. If conditions set forth in the approved site plan are not faithfully completed, the performance guarantee shall be forfeited. The City shall rebate a proportional share of cash deposits only when requested by the depositor, based on the percent of improvements completed, as attested to by the depositor and verified by the Administrator. In cases where the provisions of this Article have not been met, the amount of the aforementioned performance guarantee shall

be used by the City to complete the required improvements and to enforce the Zoning Ordinance; and the balance, if any, shall be returned to the applicant.

6. Exception - General. The Planning Commission may approve submission of an application for a planned development outside of the criteria noted above, provided that the proposed project is generally consistent with the purpose and intent of the planned development and is consistent with the Vision, Goals and Objectives of the Frankfort Master Plan and the underlying zoning district.

8313.03 Site Development Plan Preliminary Review

1. The goal of the Site Development Plan Preliminary Review (hereafter: Preliminary Review) is to maintain, in the identified districts and areas, a land use and built environment character consistent with the goals and objectives of the City Master Plan.
2. The Preliminary Review is a Site Development Plan Review pre-requisite in each city district where the overlay district is available.
3. The City Zoning Administrator shall advise the owner/developer (or representative) of any proposed project as to whether Preliminary Review is required and the steps and materials involved.
4. The Preliminary Review is intended to provide property owners/developers with a collaborative opportunity to understand the community's design preferences. The Planning Commission will establish an informal forum for an owner or representative to present and discuss a proposed project with the community and the Planning Commission. (This meeting may take place within a regular Commission meeting. It is not a public hearing).
5. If the Planning Commission decides that the project as presented meets the Goals and Objectives of the City Master Plan and Zoning Ordinance standards, the City Zoning Administrator shall provide the applicant with a Letter of Understanding to this effect.

8313.04 Submittal Requirements for Planned Development Following a Site Development Plan Preliminary Review

The petitioner for a Planned Development project shall submit all of the following materials:

1. A planned project site plan containing the information required by the following Articles:
    a. **Section 8107: Site Development Plan Review**,
    b. Section 8204: Stormwater Management,
    c. **Article 5: Site Condominium and Utility Extension**, or **Article 7: Parcel Division Ordinance**.
2. Architectural sketches showing building height and cross-sections.
3. An application identifying the proposed modifications of **Section 8205: Building Scale Plans**, as well as an explanation of how the proposed modifications will help achieve the objectives of the development program and the standards described below.
4. When Planned Development project seeks to permanently preserve open space by utilizing reduced lot square footage per dwelling unit, the applicant may be asked to provide an alternative concept site plan of the property, drawn to scale.
    a. The alternative concept site plan shall illustrate the maximum number of lots that could reasonably be achieved without application of the reduced lot size, taking into account the application of all ordinances, laws, and regulations, including, but not limited to, road rights-of-way, parking, access and provision of utilities, and storm water management, soil erosion and sedimentation control facilities.

8313.05. Standards for Approval.

1. Based upon compliance with the following standards, the City Planning Commission may recommend approval, and City Council may approve modifications of the area, height and placement regulations of the zoning chapter in the form of a Planned Development site plan:
    a. The property included in the Planned Development project must meet the minimum gross size requirement of the zoning district in which they are located. In residential zoning districts, the minimum gross lot size shall be the combined total of the minimum gross lot sizes for each dwelling on a parcel. However, the following exceptions may apply:
        i. For purposes of this section, zero lot line duplex or townhouse development shall mean a development containing attached single-family units on individual lots. The number of dwelling units permitted shall not exceed the maximum permitted density in the zoning district in which the proposed development is located.
        ii. In any zoning district when 20% or more of the total area of a development is set aside for permanent open space preservation, the gross lot size may be reduced below the minimum lot area per dwelling unit and width requirements for the zoning district in which it is located, as provided in this section.
2. The proposed modifications of zoning requirements must provide one (1) or more of the following:
    a. Preservation of natural features (including views) that exceeds ordinance requirements, especially for those existing features prioritized in the Master Plan as being of highest and mid-level concern.
    b. An arrangement of buildings which provides a public benefit, such as pedestrian orientation, trail access, waterfront access or a reduced need for infrastructure or impervious surface.
    c. Preservation of historical or architectural features.
    d. Preservation of agricultural land.
    e. A recorded conservation easement or similar binding instrument providing for permanent open space of 20% or more of the Planned Development project.
    f. Usable open space in excess of the minimum requirement for the zoning district. Where no minimum usable open space standard is required by the zoning district, a minimum usable open space standard shall be established by the approval of the Planned Development project.
    g. Building or parking setback(s) in excess of the minimum requirement for the zoning district. Where no minimum building or parking setback is required by the zoning district, a minimum setback standard shall be established by approval of the Planned Development project.
    h. Solar orientation or energy conserving design.
    i. Affordable housing for lower income households.
    j. The planned project shall be designed in such a manner that traffic to and from the site will not be hazardous to adjacent properties.
    k. The proposed modifications shall be consistent with the proper development and use of adjacent land and buildings.
    l. Required off-street parking must be provided in accordance with the provisions of Section 8205: Building Scale Plans

m. The standards of lot coverage, building disposition, and Building Function for the zoning district(s) in which the project is located must be met.
n. There shall be no uses within the proposed project which are not permitted uses in the zoning district(s) in which the proposed project is to be located.

3. For Planned Developments proposed in the East City Residential, North City Residential, Industrial-Entrepreneurial, and Waterfront Districts, and where 20% or more of the total area is proposed for permanent open space, the area of each residential building lot or limited common area of a condominium development shall be 40,000 square feet or greater, exclusive of the permanent open space for the.
4. For Planned Developments proposed in the Rural District, and where 20% or more of the total area is proposed for permanent open space, projects shall meet the following standards:
    a. The minimum gross lot size of the parcel proposed for the Planned Development project shall be 80,000 square feet.
    b. The size and shape of the portions of the Planned Development project designated for open space preservation shall be reviewed and approved in conjunction with a Planned Development site plan, site condominium plan, or a plat, in relation to natural features or characteristics specific to that site.
    c. The area of each residential building lot or limited common area of a condominium development shall be 80,000 square feet or greater, exclusive of the permanent open space.
    d. Permanent open space area shall be in, and shall continue to be in, an undeveloped, natural state preserving and conserving natural resources, natural features, scenic or wooded condition, or naturally occurring water surfaces. It may also provide an undeveloped greenway of contiguous or linear open space that includes habitats or corridors for wildlife, views from open water or toward open water, or links to parks, nature reserves, cultural features or historic sites with each other for passive recreation or for conservation purposes.
    e. Land in permanent open space may be, but is not required to be, dedicated to the use of the public.
    f. Prior to the issuance of any permit, the permanent open space shall be protected by a recorded conservation easement or similar binding instrument containing provisions for ownership and ongoing maintenance of the permanent open space by a responsible party such as, but not limited to, a homeowners' association, an independent agency or trust established for such purposes, or a municipality for open space preservation. Such permanent open space shall constitute 20% or more of the total area of a development.
    g. The option of utilizing a conservation easement or plat dedication for open space preservation for not less than 20% of the total area may be exercised only 1 time on a parcel of land.
    h. The Commission or Council may add conditions to the approval of the Planned Development project to achieve conformity to these standards.

8313.06 Approval Procedure.

1. The Planned Development project application, site plan and other required materials shall be filed with the Administrator. The Administrator or designee shall review the materials filed and, after conferring with the applicant and appropriate city service areas, shall submit a report and recommendation to the Planning Commission.
2. Public Hearing.

a. The Planning Commission shall hold a public hearing on an application for a Planned Development project within sixty-five (65) days of the filing date. A notice of a public hearing shall be published once in a newspaper which circulates in the City.
b. A notice shall also be sent by mail or personal delivery to the owners of property for which approval is being considered, to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property in question, and to the occupants of all structures within three hundred (300) feet. The notice shall be given not less than fifteen (15) days before the date of the public hearing.
c. If the name of the occupant is not known, the term "occupant" may be used in making notification.
d. Notification need not be given to more than one (1) occupant of a structure, except if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one (1) occupant of each unit or spatial area shall receive notice.
e. In case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses, or organization, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.
f. Contents of Notification. The notice shall include the following:
    i. Description of the nature of the special use request.
    ii. Description of the property which is the subject of the special use request.
    iii. Statement of when and where the public hearing will be held.
    iv. Statement of when and where comments will be received concerning the request.

3. Required Standards and Findings. The Planning Commission shall review the particular circumstances and facts of each proposed special use in terms of the following standards and required findings, and with respect to any additional standards set forth in the zoning districts and general provisions herein. Before the Planning Commission approves a Planned Development project, it shall find adequate evidence showing that the proposed use on the proposed lot meets all of the following:
    a. Will be harmonious, and in accordance with objectives, intent, and purposes of this Ordinance;
    b. Will be compatible with the natural environment and existing and future land uses in the vicinity;
    c. Will be compatible with the City of Frankfort Master Plan;
    d. Will be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage ways and structures, refuse disposal, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service;
    e. Will not be detrimental, hazardous, or disturbing to existing and future neighboring uses, persons, property, or the public welfare; and
    f. Will not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.
4. The Planning Commission shall approve, approve with conditions, or deny a Planned Development project application. The Planning Commission's decision, the basis for the decision, and all conditions imposed, shall be described in a written statement which shall be made a part of the record of the meeting.

a. Approval of a planned project by City Council shall state the modifications of the zoning ordinance and any specific conditions. Such modifications become part of the approved Planned Development project and site plan and allow the location of improvements on the site according to the plan.
b. The approval of the application by the Planning Commission shall allow the Administrator or designee to issue a zoning compliance permit in conformity with the application as approved. This permit shall specify the exact modifications to the provisions of this chapter which have been approved for this Planned Development project. The holder of this zoning compliance permit may then proceed with the project in conformity with other code requirements.

5. Expiration.
    a. For three (3) years from the date of approval of the Planned Development project, permits may be issued and the land developed consistent with the planned project plan and the regulations, laws and ordinances in effect at the time of approval, unless new regulations, laws and ordinances are made applicable to previously approved planned project plans.
    b. If the planned development project has not been completed three (3) years from the date of approval, the City Council may revert the property to the previous zoning.

8313.07 Deviations from approved planned project.

1. A Planned Development project may be amended as provided in this section as long as those design elements which were identified in the development program as justification for the approval of modifications of the zoning chapter are not reduced or eliminated.
2. Minor changes to a previously approved planned development project may be approved as provided in **8107.09 Modification of Approved Site Development Plan**, except that:
    a. The proposed changes shall not alter the basic design or any specific conditions or expressly prohibited amendments of the plan as approved by Council; and
    b. The recorded conservation easement or binding legal instrument providing for permanent open space preservation shall not be extinguished. The planning and development services manager or designee shall record all such amendments on the original planned project site plan.
    c. Relocation of landscaping or changes in species of landscape materials shall not reduce minimum requirements or violate prohibited activities under a recorded conservation easement or binding legal instrument for permanent open space preservation.
    d. Any recreational or maintenance facilities shall not violate the activities prohibited under a recorded conservation easement or binding legal instrument for permanent open space preservation.
3. Planning Commission review and City Council approval is required to divide a planned project parcel which is not already regulated by the Subdivision Control Act of 1967 as amended. The Council shall approve the division only if it determines that the resulting parcel(s) will comply with all applicable laws and will not affect the objectives of the planned project as originally approved. If permanent open space preservation was provided by the planned project approval, the following shall also apply:
    a. The same or a substantially similar request shall not have been presented to the Council previously and expressly denied and rejected after public hearing.

b. The option of utilizing a conservation easement, plat dedication or other binding instrument for permanent open space preservation of 20% or greater of the total area shall be exercised no more than 1 time on a parcel of land.

Article 4: Land Subdivision and Utility Extension

Section 8401: Title, Purpose and Service Areas

8401.01 Short Title
This Ordinance shall be known as the City of Frankfort Land Subdivision and Utility Extension Ordinance.

8401.02 Interpretation
In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements adopted for the promotion of public health, safety, convenience and general welfare. It shall be administered to insure orderly growth and development, to protect and conserve land and natural features, and adequately provide for streets, utilities and other land improvements in the City.

8401.03 Purpose
This Ordinance is adopted to regulate the subdivision of land within a plat to accomplish the following purposes:

1. To carry out the purpose and intent of the **Land Division Act, Public Act 288 of the Public Acts of 1967, as amended**.
2. To further the orderly layout and development of the City.
3. To provide for and regulate the economical provision or extension of utility services, streets and other necessary land improvements.
4. To require that land be suitable and suitably improved for building sites.
5. To provide for adequate drainage.
6. To prevent the premature development of land; to provide for proper ingress and egress to lots.
7. To promote proper surveying, monuments and legal descriptions.
8. To provide for safe and convenient traffic circulation and traffic movement.
9. To insure against the creation of unsafe or undesirable conditions.
10. To conserve the value of property.
11. To regulate the density of development in relation to utility services for the protection of the public health.
12. To conserve energy and natural features.
13. To carry out the purpose and intent of the City Master Plan and Zoning Ordinance.
14. To establish rules and procedures for the process of subdivision under said act.
15. To provide for the adoption of improvement standards.
16. To provide penalties for the violation of this Ordinance.
17. To provide for the variation of these rules and requirements.

8401.04 Applicability
This Ordinance shall not apply to land divisions resulting in parcels or lots which are more than ten (10) acres in area.

8401.05 Metes and Bounds Subdivision
After the effective date of this Ordinance or amendments thereto, no new lot or lots of ten (10) acres or less in area shall be created unless the provisions of this Ordinance or the City of Frankfort Parcel Division Ordinance are met. All new lots so created shall meet or exceed the requirements of the Zoning District in which it is located.

Section 8402: Definitions

For the purposes of this Ordinance, terms shall be defined as set forth in the Land Division Act of 1996 and as defined herein:

1. City: City of Frankfort, Benzie County, Michigan.
2. City Council: The Frankfort City Council.
3. Complete Utility Subdivision: A subdivision in which arrangements have been made for both water service and sewage disposal by public utility systems.
4. Land Division Act: **Act 288 of the Public Acts of 1967**, as amended.
5. Lot Split:
    a. The combination of existing lots in a recorded plat into one (1) parcel.
    b. The alteration of an existing lot line in a recorded plat which does not change the number of lots.
    c. The alteration of existing lot lines in a recorded plat which creates an additional lot.

    The term "lot split" shall not include the creation of new parcels of more than ten (10) acres, or the creation of parcels defined as a subdivision.
6. Outlot: A lot in a recorded plat which is set aside for purposes other than a building site, park or other land dedicated to public use or reserved to private use.
7. Planning Commission: The City of Frankfort Planning Commission.
8. Plat: A map or chart of a subdivision of land.
    a. Preliminary Plat: A map showing the salient features of a proposed subdivision to an approving authority for the purposes of preliminary consideration and approval.
    b. Final Plat: A map and accompanying material showing or explaining the salient features of a proposed subdivision to an approving authority for the purposes of final consideration and approval.
9. Proprietor: A natural person, firm, association, partnership, corporation, or combination of any of them which may hold any ownership interest in land whether recorded or not.
10. Street:
    a. Collector Street: A street designated as such on the Transportation Plan of the Master Plan, as amended, intended to serve high volume traffic movements within the City.
    b. Major Street: A street designated as such on the Transportation Plan of the Master Plan, as amended, intended to serve high volume traffic movements across the City.
    c. Minor Street: A local street intended primarily to serve adjacent neighborhood properties.
    d. Secondary Street: A street designated by the Planning Commission to serve moderate volume traffic within a subdivision.
11. Subdivision or Subdivide: The partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his or her heirs, executors, administrators, legal representatives, successors, or assigns for the purpose of sale, or lease of more than 1 year, or a building development that results in 1 or more parcels of less than 40 acres or the equivalent, and that is not exempted from the platting requirements of the Land Division Act.
12. Zoning Administrator: The City of Frankfort Zoning Administrator.

Section 8403: Utility Extensions

8403.01 Service Areas

All plats that are approved must be serviced by public sanitary sewers and public water. All lots within a plat that is approved must have within the public road or street adjacent to each such lot a sanitary sewer line and water line which shall run to the lot line of each such lot. The size and specifications of such sanitary sewer lines and water lines shall be as specified by the City and consistent and compatible with the system to which it is connected.

8403.02 Utility Extensions

Public water and sanitary sewer utilities may be extended under any of the following methods:

1. By petition to the City Council by the owners of a majority of the area to be served by the extension.
    a. Upon receipt of the petition, the City Council shall hold a hearing of necessity for the purpose of determining the need and desirability of the extension.
    b. If the City Council decides to proceed with the extension, the cost of the extension shall be paid by the owners of the property benefitted by the extension pursuant to a special assessment district established under applicable state law.
2. By extension without petition. When the City Council determines that an extension of a utility is necessary or desirable, but has not received a petition as noted above, it may cause or permit the utility to be extended with or without the establishment of a special assessment district, provided a suitable means of financing the extension is first established. Cost of the extension may be covered by any one or more of the following methods:
    a. Establishment of a special assessment district.
    b. Establishment of a schedule of charges to be paid when properties are connected to the utility.
    c. Payment by a single interested party - with or without a “payback” agreement.
    d. Establishment of trunkage charges or other charges to be collected as properties are connected to the utility.
    e. By utility service charges.
    f. By construction as part of an approved subdivision or property expansion.
    g. By other means deemed desirable and adequate.

8403.03 Utility Service Requests

Where utility services have been placed in public streets or public easements adjacent to a parcel, requests to connect to the utility shall be made to a representative of the City designated by the City Council. A connection permit shall be granted after all applicable charges, fees, assessments, agreements, or other arrangements have been paid or established as determined by resolution of the City Council.

8403.04 Utility Charges

The City Council shall establish service charges adequate to pay the operational costs of a utility system and, if deemed desirable, to also pay for a portion of the capital investment, including depreciation charges. The service charges may be altered from time to time by resolution of the City Council as deemed necessary to meet these obligations.

Section 8404: Procedures

8404.01 Approvals

For a subdivision to receive approval by the City, the proprietor must obtain Preliminary Plat Approval by the Planning Commission and Final Plat Approval by the City Council. Although not required, a proprietor is encouraged to undertake pre-plat discussions with the Planning Commission.

8404.02 Pre-plat Discussion

Prior to the preparation of a preliminary plat, there should take place a pre-plat discussion meeting between the proprietor and the Zoning Administrator. The purpose of this meeting is to inform the Zoning Administrator of a proprietor's intent to initiate a subdivision. On or before this meeting, the proprietor should submit the following to the Zoning Administrator:

1. Two (2) copies of a sketch, to scale, indicating the general location and configuration of the property to be subdivided; the alignment of streets and lots; and the relationship of the proposed plat to adjacent streets and neighboring properties.
2. A statement indicating how sanitary sewer and water service will be extended.

During the pre-plat discussion meeting, it shall be the responsibility of the Zoning Administrator, insofar as information is available to him or her, to inform the proprietor about the following:

1. General requirements of this Ordinance and the Zoning Ordinance.
2. Planned or anticipated sites of parks and recreation areas and other public uses.
3. Utility system capabilities.
4. Planned or anticipated public improvements, including streets, utility extensions and the like.
5. Major street plans and potential problems relative to the natural features of the area including, but not limited to, flood plains, soil conditions, topography, and ground water tables.
6. Additional information which will assist the proprietor in proceeding in a reasonable and sound manner toward Final Plat approval.

Pre-plat discussions are intended for information purposes only and do not constitute binding commitments on the part of the City. Neither do they imply tentative approval of any subsequent preliminary plat. Furthermore, such discussions shall not carry the authority to proceed with construction or to sell or transfer property.

8404.03 Preliminary Plats

The Preliminary Plat approval procedure is intended to assure the City that the proprietor is proceeding toward a Final Plat which will conform to all applicable regulations and be acceptable to the City and other approving agencies. Approval of the Preliminary Plat by the City shall not relieve the proprietor from obtaining the necessary approvals from other agencies having jurisdiction over other aspects of the plat.

8404.04 Preliminary Plat Requirements

Preliminary Plats shall be prepared in accord with **Sections 111 through 120 of the Land Division Act**, as amended, and **Section 8405: Plat Details**. Preliminary Plats prepared for Planning Commission review and Step I approval by the Planning Commission shall include or be accompanied by items (1) through (11) of Section 8305.1. In addition to the review required 8404.06 Planning Commission Step I Review, Preliminary Plat, the proprietor or his agent shall submit copies of the Preliminary Plat to the appropriate agencies as required in **Sections 113 through 119 of the Land Division Act**, as amended.

8404.05 Submission of Preliminary Plats

1. Preliminary Plats shall be submitted to the Zoning Administrator at least three weeks prior to the next regular meeting of the Planning Commission. The following procedure shall be followed:
    a. Submit ten (10) copies of the Preliminary Plat to the Zoning Administrator.
    b. Submit to the Zoning Administrator a filing fee as established by resolution of the City Council.
    c. The Zoning Administrator shall retain one (1) copy of the Preliminary Plat and, within seven (7) days from submission, forward two (2) copies to the Superintendent, and seven (7) copies to the Secretary of the Planning Commission.
2. State law requires that within ninety (90) days from the date of submission, the Planning Commission shall act upon the Preliminary Plat. In order to accomplish the necessary review within this time period, the proprietor or his agent is encouraged to be present at all meetings of the Planning Commission at which the plat will be reviewed. The plat shall be reviewed by the Superintendent who shall report to the Planning Commission on any suggestions or recommend changes.

8404.06 Planning Commission Step I Review, Preliminary Plat

After receipt of the Preliminary Plat, the Planning Commission shall consider the Preliminary Plat at its next meeting or within 20 days from the date of receipt of the Preliminary Plat, whichever is sooner.

1. The Planning Commission shall consider the Preliminary Plat along with the recommendations of the Superintendent. If the Preliminary Plat meets the requirements of this Ordinance, the Planning Commission shall grant Step I Preliminary Plat approval. The Zoning Administrator shall sign the plat with the notation that it has received Step I approval and the proprietor shall be so notified. Step I approval shall give the proprietor the following rights for a one (1) year period from the date of approval:
    a. That the general terms and conditions under which Step I approval was granted will not be changed by the City.
    b. That the lot sizes, lot orientation, and street layout have been approved.
    c. That Step I approval shall be extended if the proprietor applies in writing to the Planning Commission for such extension prior to the one (1) year expiration date.
2. If the Preliminary Plat substantially meets the requirements of this Ordinance, the Planning Commission may grant conditional Step I approval, such approval being conditioned upon the submission of such changes, revisions or additional material as is determined to be necessary to complete Step I approval. Upon the submission of such changes, revisions or additional material, the Preliminary Plat shall be granted unconditional Step I approval and the proprietor shall be so notified.
3. If the Preliminary Plat does not substantially meet the requirements of this Ordinance, the Planning Commission shall deny Step I approval and so notify the proprietor along with the reasons therefor.

8404.07 Planning Commission Step II Review, Preliminary Plat

1. After the Planning Commission has granted Step I approval, the proprietor shall submit ten (10) copies of the Preliminary Plat to the Planning Commission for Step II review. The proprietor shall also submit the following:
    a. A list of all reviewing authorities certifying that the list shows all authorities as required by **Sections 113 to 119 of the Land Division Act,** as amended.

   b. A copy of each review or subdivision site report by the above noted authorities after their approval has been secured.
   c. A copy of any proposed or required deed restrictions or covenants.
   d. A copy of a preliminary draft of any special agreements which may be required before Final Plat approval is granted.
2. The Planning Commission shall consider the Preliminary Plat and the above noted material and, if found to be in compliance with the terms of this Ordinance, shall grant Step II approval. Step II approval shall give the proprietor the following rights for a period of two (2) years from the date of approval:
   a. That the general terms and conditions under which Step II approval was granted will not be changed and the proprietor may proceed with the installation of required improvements.
   b. That the proprietor may submit all or parts of the Step II approved Preliminary Plat as a Final Plat in accordance with the Land Division Act, as amended, and this Ordinance.

The two (2) year period shall be extended if the proprietor applies in writing to the Planning Commission for such extension. Written notice of the extension shall be sent by the Zoning Administrator to the other approving authorities.

3. If the Preliminary Plat substantially meets the requirements of this Ordinance, the Planning Commission may grant conditional Step II approval, such approval being conditioned upon the submission of such changes, revisions or additional material as is determined to be necessary to complete Step II approval. Upon the submission of such changes, revisions, or additional material, the Preliminary Plat shall be granted unconditional Step II approval and the proprietor shall be so notified. The Planning Commission may, at its discretion, delegate final Step II review authority to the City Superintendent who shall be responsible for insuring that the conditions established for Step II approval have, in fact, been met. Once the Step II conditions have been met, the Planning Commission, shall grant final Step II approval. Final Step II Preliminary Plat approval shall also be noted on the copy of the Preliminary Plat to be returned to the proprietor.
4. If the Preliminary Plat does not substantially meet the requirements of this Ordinance, the Planning Commission shall deny Step II approval and so notify the proprietor along with the reasons therefor.
5. Installation of all plat improvements authorized by Step II approval shall be in accord with the requirement of the appropriate agency or utility having jurisdiction. The following have jurisdiction in the City of Frankfort:
   a. The City of Frankfort Department of Public Works (DPW)
   b. Consumers Energy
   c. Ameritech
   d. Michigan Consolidated Gas Co.

8404.08 Final Plat Approval

Within two (2) years from the date of Step II approval of the Preliminary Plat, the proprietor shall prepare and submit to the Zoning Administrator a Final Plat containing all the certificates, signatures and specifications required by the Land Division Act.

1. After the signature of the surveyor, proprietor, County Treasurer, and City Treasurer (if necessary) are obtained, the proprietor shall submit the Final Plat to the Zoning Administrator at least two (2) weeks prior to the next regular meeting of the City Council. The proprietor shall also submit the following:

a. A twenty dollar ($20.00) filing and recording fee as required in Section 241 of the Land Division Act together with a City fee of one dollar ($ 1.00) for each lot in the Final Plat.
b. One (1) copy of as-built plans of all completed improvements.
c. All final agreements and deed restrictions.
d. Letters of approval from all applicable agencies or utilities listed 8404.07 Planning Commission Step II Review, Preliminary Plat stating that improvements have been properly installed, inspected and inspection fees paid or that performance bonds or other similar surety have been submitted for uncompleted improvements.

2. The City Assessor shall review the Final Plat and associated material for compliance with all the requirements of 8404.07 Planning Commission Step II Review, Preliminary Plat**.**
3. The Zoning Administrator shall thereupon promptly forward all copies of the Final Plat to the Clerk of the County Plat Board together with the twenty dollar ($20.00) filing and recording fee.
4. When the Final Plat is returned by the State Treasurer with a certification of approval, the Final Plat shall be recorded as a plat of record.
5. If the Final Plat and associated materials do not comply with the requirements of this Ordinance, the City Council shall deny approval and shall specify the reasons therefor. The Zoning Administrator shall then notify the proprietor of the denial. The proprietor shall then arrange for corrections, modifications, or additional guarantees to satisfy the requirements of this Ordinance.

8404.09 Buildings and Sales

Until recorded as a plat of record, a property is unsubdivided. No more than one (1) principle building may be constructed on such parcel, except that where streets and other improvements have been installed in accordance with the Step II approved Preliminary Plat, such streets shall be deemed to have subdivided the plat into blocks; and one principal building may be constructed upon each block so formed. Sale of any lot or portion of said parcel, unless by an entire block, shall not be made until approval of the Final Plat.

1. Where a proprietor desires to construct additional buildings before improvements are completed and before the Final Plat is approved by the City, he or she shall submit proof of Performance Guarantees to the Planning Commission for approval. Said Performance Guarantees shall cover the entire cost of installing the remaining improvements plus an amount sufficient to pay all inspection costs. The Performance Guarantee shall be in a form issued by a surety approved by the City and shall have a specific time limit noted.
2. Regardless of the above stipulations on buildings, the Planning Commission may restrict building on uncompleted plats if in its opinion premature construction would not be in the best interests of the City.
3. The Building Inspector shall not be authorized to issue any building permits in an unrecorded plat unless otherwise authorized by the Planning Commission under these provisions.

8404.10 Outlots

Outlots in a recorded plat are prohibited.

8404.11 Lot Splits

Pursuant to **Section 263 of Act 288, Public Acts, 1967**, as amended, the Land Division Act, each division of a lot in a recorded subdivision shall result in a lot or lots which meet all the provisions of this Ordinance, the City of Frankfort Parcel Division Ordinance, and the City of Frankfort Zoning Ordinance.

Section 8405: Plat Details

8405.01. Preliminary Plat

The Preliminary Plat shall be designed in accordance with the provisions of Section 8406: Lot Sizes, Section 8407: Required Improvements in Subdivisions, Section 8408: General Provisions for all Subdivisions, the requirements of the Land Division Act and, where applicable, the requirements of the County Health Department, the Drain Commission, the County Road Commission, the Department of Natural Resources, the Department of State Highways and Transportation, and the Water Resources Commission. The Preliminary Plat shall be drawn at a scale of not more than one hundred (100) feet to the inch and shall include or be accompanied by the following information:

1. The name of the plat; the name and address of the proprietor; the name, address and seal of the surveyor; and a description of the property to be subdivided.
2. A key map showing the location and position of the property and its relationship to surrounding streets and the surrounding area including existing zoning of abutting areas.
3. North arrow, scale, contour interval, and legend when appropriate.
4. Contour elevations adjusted to USGS datum at not more than five (5) foot intervals.
5. Where appropriate, established flood plain contours and elevations adjusted to USGS datum.
6. The location of all existing streets, lots, plats, public utilities, drains, streams or bodies of water on or abutting the property.
7. The outlines, intended layout, and intended use of the entire property owned or represented by the proprietor. The following shall be included:
    a. Street and stub street right-of-way -- location, width and curve radii.
    b. Proposed street names.
    c. Lot lines, lot line dimensions to the nearest foot, lot and block numbers, and lot areas to the nearest one hundred (100) square feet.
8. The location and dimensions of all existing or proposed easements or reserve strips, including electrical and telephone easements.
9. The locations and tentative sizes of proposed sanitary sewers, storm sewers and catch basins, water mains, culverts, bridges, ponding areas, ponds, lagoons, slips, waterways, lakes, bays, and canals.
10. Statements regarding:
    a. Intent to utilize public water and public sanitary sewage facilities.
    b. Zoning and lot size requirements.
    c. Zoning requirements for front, side and rear yards.
    d. Size and type of street in accord with Benzie County Road Commission standards.
    e. Intent to install gas, sidewalks, street lights, and shade trees.
    f. Use of waterways, rivers, streams, creeks, lakes or ponds.
11. The location and depth of soil boring tests and/or the location of percolation test holes where public sanitary sewer is not available for use.
12. Copy of any proposed or required deed restrictions or covenants.
13. Copies of reviews and approvals and, where necessary, Subdivision Site reports from:
    a. Benzie County Road Commission.
    b. Benzie County Drain Commission.
    c. Michigan Department of State Highways and Transportation.
    d. Michigan Department of Natural Resources.
    e. Michigan Water Resources Commission.
    f. Benzie County Health Department.

8405.02 Final Plat

The Final Plat shall be prepared as required by the **Land Division Act, as amended**, and submitted to the Zoning Administrator in accord with Section 8404.08 Final Plat Approval.

The Final Plat shall also be accompanied by or show the following additional information:

1. One (1) set of approved as-built or final construction plans for all required improvements to be kept on file by the City.
2. One (1) copy of the final deed restrictions or restrictive covenants.
3. Deeds to any properties to be dedicated to the City.
4. Performance or installation agreements for any improvements not controlled or regulated by other agencies, such as sidewalks, street lights, or shade trees.
5. One (1) copy of any financing arrangements between the City and the proprietor for the installation of required improvements.

Section 8406: Lot Sizes

8406.01 Density-utility Relationships

For the purpose of this Ordinance, subdivisions shall be classified as a Complete Utility Subdivision. To encourage economical and sound extension of utility service, to avoid premature concentrations of population, and for reasons of health and sanitation, the minimum required area of each lot shall increase as the availability of public water service decreases, as specified in the City of Frankfort Zoning Ordinance. This Ordinance may impose greater lot sizes than required by the Zoning Ordinance but may not decrease the minimums of the Zoning Ordinance. Lot splits in any zoning district need only conform to or exceed the minimum requirements of the Zoning Ordinance except when located upon a Major Street wherein the provision of **Section 8407: Required Improvements in Subdivisions**, shall apply.

Public sanitary sewers and public water must be provided in all plats as stated in 8403.01 Service Areas. The cost of utility extensions inside or outside a subdivision shall be the expense of the developer; provided, however, that when an extension outside a plat is required to serve a subdivision, an agreement may be negotiated between the developer and the City, where appropriate, pursuant to which the City would agree to impose a utility extension fee in addition to other utility fees on those utility users that connect directly to the utility extension. The utility extension fees, less any administrative expenses agreed upon by the parties, shall then be paid to the developer to recoup some of the expense of extending the sewer or water lines to the subdivision

8406.02 Complete Utility Subdivisions

The minimum lot area and frontage requirements shall be as follows:

1. Lot areas and widths in a Complete Utility Subdivision shall meet or exceed the minimum lot areas and widths specified in the Zoning District in which it is located, except that corner lots shall exceed the minimum lot width by at least ten (10) feet.

8406.03 Rezoning when Utilities are Provided

When sanitary sewer and water is provided to a subdivision in any service area or zoning district, the proprietor may request a rezoning to a similar zoning district having smaller minimum lot size requirements. The Planning Commission and City Council shall give due consideration to the presence of the utilities and the intent of this Ordinance when considering the rezoning request.

Section 8407: Required Improvements in Subdivisions

8407.01 Complete Utility Subdivisions

Prior to the granting of Final Plat Approval for a Complete Utility Subdivision, the proprietor shall have installed, or have approved plans and agreements for the installation of, the following improvements:

1. Streets: A paved street of not less than thirty (30) feet in width conforming to Benzie County Road Commission Construction Standards. A street designated as a Secondary or Collector street by the Planning Commission shall be constructed to Road Commission standards but shall not be less than thirty (30) feet in width.
2. Rights-of-Way: All rights-of-way and easements shall be graded across their entire width and length.
3. Water: A public water supply of a size specified by the City Engineer connected to an existing public system and available at the property line of each lot within the subdivision, together with fire hydrants in locations specified by the City.
4. Sewers and Drainage: Public sanitary sewers connected to an existing public system and available at the property line of each lot within the subdivision, conforming to the size and specifications of the City and compatible to the existing system, culverts, catch basins, and storm sewers of a size specified by the City Department of Public Works and outletting from the subdivision in a method, and to a drainage system, approved by the City Department of Public Works.
5. Electric and Telephone Conduits: Underground electrical and telephone conduits together with connection terminals available at each lot.
6. Street Lights: Street lights of a design and location approved by the City and Consumers Energy.
7. Gas Service: Where available, gas distribution lines beneath the street prior to the paving and curbing of any street, at locations adequate to serve each lot by connections thereto without the further installation of gas lines beneath such streets.
8. Sidewalks:
    a. Concrete sidewalks five (5) feet wide and four inches thick are required on both sides of all streets and stub streets without exception including adjacent to all cul-de-sacs.
    b. All sidewalks shall incorporate dub-downs also known as handicapped sidewalk curb cuts" from the curb to the intersection of the sidewalk.
    c. Permits for construction of sidewalks shall be obtained from the City Superintendent and shall be built to or exceed the requirements of this Ordinance and the standards of the City DPW.
    d. All sidewalks shall be constructed by the developer prior to Final Plat approval. Final plat approval can be given without construction of sidewalks provided not more than three (3) years have elapsed since the Planning Commission has granted Step II Preliminary Plat approval and provided there is posted by the developer with the City either a cash bond or an irrevocable letter of credit in an amount equal to the total cost of construction of the sidewalks as determined by the City engineer conditioned upon all sidewalks being constructed not later than three (3) years after the Planning Commission granted Step II Preliminary Plat approval and that the cash bond or irrevocable letter of credit can be used by the City to construct all such sidewalks if the sidewalks are not constructed within said time period and to pay all costs incidental to such construction including but not limited to engineering and attorney fees related thereto. All cash bonds shall be filed with the Zoning Administrator and shall be invested

by the City treasurer in the City of Frankfort Combined Funds Account. All interest earned on the cash bond shall be subject to the same terms and conditions and rights as the principal amount of the cash bond. Any funds that remain after using the cash bond to construct the sidewalks and to pay all costs incidental thereto shall be returned to the developer. If the sidewalks are properly constructed prior to the three (3) year time period, the cash bond plus accrued interest earned thereon shall be turned over to the developer, or the letter of credit will be canceled.

e. After sidewalks have been constructed, the owner of a lot and any person or entity that takes out a building permit for any type of construction on a lot within the plat shall be responsible for repairing, restoring, or replacing any broken or damaged sidewalks adjacent to the property for which a building permit is issued such that they are in conformance with the- standards required for original construction up and until an occupancy permit is issued.

9. Topsoil: No topsoil shall be removed from the site or used as fill. Topsoil moved during the course of construction shall be redistributed and stabilized by seeding, plantings, or other acceptable erosion control methods.
10. Monuments: Monuments shall conform to the Land Division Act, as amended.
11. Street Signs: Street signs shall be placed at all intersections within or abutting the subdivision. The name, type and location shall be specified or approved by the City of Frankfort DPW.

8407.02 Variations in Subdivisions

The following provisions may be waived by the Planning Commission upon request of the proprietor during the Preliminary Plat review stage:

1. Where an existing metes and bounds parcel is being incorporated into a subdivision, the width, depth and area requirements of this Ordinance may be waived for the specific parcel if the Planning Commission determines it will not have a detrimental effect on the subdivision.
2. Topsoil provisions may be waived where it is demonstrated there is an excess of topsoil and that such excess will be used as topsoil in another location. In no event shall topsoil be used as fill.

8407.03 Cost Distribution of Oversized Improvements

Where the City requires that a given improvement be increased in size, length, or depth to meet the needs of other areas, arrangements shall be made with the City or its agent prior to installation, or prior to approval of, a Final Plat for the additional costs thereof. City funds for permanent investment in these improvements are limited, and nothing contained herein shall serve to obligate the City for these costs. The extension of utilities or improvements smaller than required to meet the needs of an entire area is prohibited.

Section 8408: General Provisions for all Subdivisions

8408.01 Master Plan

All subdivisions shall conform to the provisions and conditions of the Master Plan and Zoning Map for future development of the City except as may be modified by this Ordinance.

8408.02 Streets

All streets shall conform in direction and alignment with the Master Plan and shall connect with existing streets without jogs or sharp angles. The design and location of streets shall not have the effect of precluding access to undeveloped adjacent property. The following requirements shall be met:

1. Curves: Curving streets shall have a centerline radius conforming to Benzie County Road Commission standards.
2. Rights-of-Way: Minor and Secondary street rights-of-way shall be at least sixty-six (66) feet in width. Collector street rights-of-way shown on the Master Plan shall be at least eighty-six (86) feet in width or forty-three (43) feet from the centerline. Major street rights-of-way shown on the Master Plan shall be at least one hundred twenty (120) feet in width, or sixty (60) feet from the centerline. Alley rights-of-way, if permitted by the Planning Commission, shall be at least twenty (20) feet in width.
3. Stub or Outlet Streets: Stub streets or outlets to adjacent undeveloped property are required and shall be fully improved, including drainage and utilities as required for all other streets in the subdivision.
4. Dead-End Streets: Dead-end streets shall not exceed eight hundred (800) feet in length unless a paved outlet street is provided when required to adjacent property. There shall be a turn-around roadway with a minimum outside right-of-way radius of fifty (50) feet at the closed end, unless the Planning Commission and the Road Commission approve the use of a "T" or "Y" shaped turning area. (
5. Street Names: All street names shall be subject to the approval of the City Council and the Road Commission.
6. Off-sets: Off-setting streets at an intersection are prohibited unless the center lines thereof are off-set at least one hundred twenty-five (125) feet. Such off-sets shall be subject to City, County, and Road Commission approval.
7. Access: Any plat or series of contiguous plats having forty (40) or more lots shall have a minimum of two (2) points of access to a secondary or a major road as designated in the Master Plan, in order to protect the future residents and existing residents of the City in the event of an emergency, or in the event of the blockage of an access point and to promote safer traffic flow.

In a plat or a series of contiguous plats containing forty (40) or more lots, the Planning Commission may require more than two (2) points of access to a secondary or a major road as designated in the Master Plan, where needed to protect the health, safety and general welfare of the inhabitants of the City. In determining whether additional access points are required, the following shall be considered:

1. The size of the proposed plat, the size of the area within the proposed plat, and the size of the series of adjacent existing, proposed, or potential plats.
2. The number of lots of the proposed plat, of the area within the proposed plat, and of a series of adjacent existing, proposed, or potential plats.
3. The number of existing or proposed access points to the proposed plat, to the area within the proposed plat, and to a series of adjacent existing, or potential plats.
4. The distance of existing access point(s) to the proposed plat, to the area within the proposed plat, and to a series of adjacent existing, proposed, or potential plats.
5. The number of available potential access points to the proposed plat, to the area within the proposed plat and to a series of adjacent, existing, proposed or potential plats.
6. The volume of traffic that is placed or may be placed upon any street within a proposed plat or adjacent, existing, proposed, or potential plats.

8408.03 Lots

Every lot shall face upon a dedicated street and shall have at least forty (40) feet of lot width at the right-of-way line. The following requirements shall be met:

1. Lot Depth: No lot shall be less than one hundred twenty-five (125) feet in depth at any point.

2. Shape: No lot shall be of such a shape as to require a possible variance from the provisions of the Zoning Ordinance.
3. Double Frontage: No lot shall be bounded on opposite sides by streets, except that on a Major street the Planning Commission shall require that abutting lots face upon a Minor street and that access to such Major street be prohibited.
4. Major Street Frontage: No lot may be platted upon a Major street unless it has a frontage of at least one hundred thirty (130) feet along the major street right-of-way.
5. Suitability: Where there is a question as to the suitability of a lot or lots for their intended use due to factors such as soil formations, flood conditions, flood plains, high water table, or similar circumstances, the Planning Commission shall, after adequate investigation, withhold approval of such lots. Such lots shall be combined with other lots in such manner as to prohibit future re-subdivisions.

8408.04 Block Lengths

Blocks shall generally be between six hundred (600) feet and one thousand (1,000) feet in length. Side streets or outlets or streets to adjoining property may be required at a lesser interval if deemed necessary by the Planning Commission. Twenty (20) foot pedestrian crosswalk easements may be required by the Planning Commission with sidewalks at least five (5) feet in width.

8408.05 Public Easements

Where a subdivision is traversed by a water course or open drain, there shall be provided a public easement of such width as determined necessary by the City DPW, but in no case less than twenty (20) feet in width. The Planning Commission shall require twenty (20) foot public easements along the lot lines of a block for utility facilities, walkways, access to public land, or similar needs of the community. Easements may be required to be dedicated to the City or County.

8408.06 Public Sites and Open Spaces

Where a proposed park, playground, school, street or other public use shown in the Master Plan is located in whole or in part in a subdivision, the Planning Commission shall bring the same to the attention of the proprietor and the City Council so that they may address the question of acquiring such areas by dedication, reservation or payment.

8408.07 Business and Industrial Subdivisions

Where land is subdivided to be used for business or industrial purposes permitted by the Zoning Ordinance, the services and improvements to be required shall be fixed by the Planning Commission with reference to the use and density of the subdivided area and the type of business or industrial activity to be carried on in the subdivided area in accordance with the provisions **8407.01 Complete Utility Subdivisions**

8408.08 Performance Guarantees

The Planning Commission may require formal agreements or the posting of a bond or other surety sufficient to guarantee the proper performance of required improvements or materials to meet the provisions and intent of this Ordinance. Where a bond is required, it shall be a corporate surety bond, meeting the approval of the City.

8408.09. Law

The requirements, procedures, regulations and powers set forth in the **Land Division Act, being Act 288 of the Public Acts of 1967, as amended**, shall apply except as provided by this Ordinance.

8408.10 Inspection and Specifications

The City Council may establish inspection fees, inspection requirements, specification standards, and administrative procedures as provided by law and such shall be deemed to be requirements of this Ordinance. All plans and installations of improvements called for shall be subject to the approval of the City or its agent, or such other competent person as designated by the City. All inspection fees shall be paid by the proprietor before the Final Plat is signed by the City unless adequate sureties or deposits to cover these expenses are given to the City prior to Final Plat approval.

Section 8409: Administration, Enforcement, and Validity

8409.01 Administration

This Ordinance shall be administered by the City Council. The rules, regulations and standards imposed by this Ordinance shall be considered to be the minimum requirements for the protection of the public health, safety and welfare of the citizens of the City; and in interpreting and applying them, primary consideration shall be given to these factors.

8409.02 Enforcement

1. Misdemeanor.
    a. Any person who sells or agrees to sell any lot, piece, or parcel of land without first having recorded a plat thereof, as defined in the **Land Division Act**, when required by this Ordinance, shall be guilty of a misdemeanor punishable by a fine of not more than $500 and/or imprisonment in the County jail for a period not to exceed ninety three (93) days.
2. Municipal Civil Infractions
    a. Any person who violates any other provision of this ordinance shall be responsible for a municipal civil infraction and shall be subject to a fine of not more than five hundred dollars ($500.00). Each day a violation occurs under this subsection shall be considered as a separate violation.
3. The Enforcement Officer
    a. The Zoning Administrator is hereby designated as the authorized City official to issue municipal civil infraction citations directing alleged violators of this ordinance to appear in court for violations under subsection (2) above.
4. Nuisance Per Se.
    a. A violation of this ordinance is hereby declared to be a nuisance per se and is declared to be offensive to the public health, safety and welfare.
5. Separate Court Action.
    a. In addition to enforcing this ordinance as a criminal misdemeanor or through use of a municipal civil infraction proceeding, the City may initiate proceedings in the circuit court to abate or eliminate the nuisance per se or any other violation of this Ordinance.

Article 5: Site Condominium and Utility Extension

Section 8501: Title and Purpose.

8501.01 Short Title

This Ordinance shall be known as the City of Frankfort Site Condominium and Utility Extension Ordinance.

8501.02 Interpretation

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements adopted for the promotion of public health, safety, convenience and general welfare. It shall be administered to insure orderly growth and development, to protect and conserve land and natural features, and adequately provide for streets, utilities and other land improvements in the City.

8501.03 Purpose

The purpose of this Ordinance is to insure that plans for developments within City of Frankfort proposed under the provisions of the **Condominium Act, Act 59 of the Public Acts of 1978**, shall be reviewed with the objective and intent of achieving the same characteristics and land use result as if the development and improvements therein were being proposed pursuant to the Land Division Act, Act 591, of the Public Acts of 1996 as amended, including, without limitation, conformance with all requirements of the City of Frankfort Zoning Ordinance, as amended. Nothing in this Ordinance shall be construed as requiring a site condominium development to obtain approval under the **Article 4: Land Subdivision and Utility Extension** or the Land Division Act. This Ordinance is adopted to also accomplish the following:

1. To carry out the purpose and intent of the **Condominium Act, PA 59 of the Public Acts of 1978, as amended**.
2. To further the orderly layout and development of the City.
3. To provide for and regulate the economical provision or extension of utility services, streets and other necessary land improvements.
4. To require that land be suitable and suitably improved for building sites.
5. To provide for adequate drainage.
6. To prevent the premature development of land; to provide for proper ingress and egress to condominium units.
7. To promote proper surveying, monuments and legal descriptions.
8. To provide for safe and convenient traffic circulation and traffic movement.
9. To insure against the creation of unsafe or undesirable conditions.
10. To conserve the value of property.
11. To regulate the density of development in relation to utility services for the protection of the public health.
12. To conserve energy and natural features.
13. To carry out the purpose and intent of the City Master Plan and Zoning Ordinance.
14. To establish rules and procedures for the process of subdivision under said act.
15. To provide for the adoption of improvement standards.
16. To provide penalties for the violation of this Ordinance.
17. To provide for the variation of these rules and requirements.
18. To protect the health, safety and general welfare of the inhabitants of the City and the public.

Section 8502: Definitions

The following terms are defined both in the context of the Condominium Act and in a manner intended to make comparison possible between the terms of this Ordinance, the Land Subdivision and Utility Extension Ordinance, the City of Frankfort Zoning Ordinance, other City of Frankfort development regulations and the Condominium Act.

1. City: City of Frankfort, Benzie County, Michigan.
2. City Council: The Frankfort City Council.
3. Complete Utility Development: A development in which arrangements have been made for both water service and sewage disposal by public utility systems.
4. Condominium Act: **Act 59 of the Public Acts of 1978, as amended.**
5. Condominium Structure or Building Envelop: The principle building or structure intended for or constructed upon a condominium unit, together with any attached accessory structures, e.g., in a residential development, the condominium structure or building envelop would refer to the house and any accessory buildings.
6. Condominium Unit: That portion of the condominium project designed and intended for separate ownership interest and use, as described in the Master Deed, regardless of whether it is intended for residential, office, industrial, business, or recreational use as a time-share unit, or any other type of use.
7. Master Deed: The legal document prepared and recorded pursuant to **Act 59 of the Public Acts of 1978, as amended**, within which are, or to which is attached as exhibits and incorporated by reference, the approved by-laws for the project and the approved condominium subdivision plan for the project.
8. Planning Commission: The City of Frankfort Planning Commission.
9. Proprietor: A natural person, firm, association, partnership, corporation, or combination of any of them which may hold any ownership interest in land whether recorded or not.
10. Setback - Front, Side, and Rear Yard: Front, side and rear yard setbacks shall mean the distance measured from the respective front, side and rear yard lines associated with the condominium unit to the respective front, side and rear of the condominium structure or building envelop.
11. Site Condominium Project: A condominium project developed under the Condominium Act comprising of more than two (2) condominium units which is not subject to the provisions of the **Land Division Act, Act 288** of the Public Acts of 1967, as amended.
12. Street:
    a. Collector Street: A street designated as such on the Transportation Plan of the Master Plan, as amended, intended to serve high volume traffic movements within the City.
    b. Major Street: A street designated as such on the Transportation Plan of the Master Plan, as amended, intended to serve high volume traffic movements across the City.
    c. Minor Street: A local street intended primarily to serve adjacent neighborhood properties.
    d. Secondary Street: A street designated by the Planning Commission to serve moderate volume traffic within a development.
13. Yards:
    a. Front Yard: An open unoccupied space extending across the full width of the condominium unit and lying between any street right-of-way and the nearest foundation of any part of the condominium structure or building envelop. For a condominium unit which abuts two (2) or more streets, the front yard shall be determined under the methods specified in the City of Frankfort Zoning Ordinance.

   b. Rear Yard: A space unoccupied extending across the full width of the condominium unit between the rear line of the condominium unit and the nearest foundation of any part of the condominium structure or building envelop.
   c. Side Yard: An open unoccupied space between the side line of the condominium unit and the nearest foundation of any part of the condominium structure or building envelop and extending between the front yard and the rear yard.
14. Zoning Administrator: The City of Frankfort Zoning Administrator.

Section 8503: Utility Extensions

8503.01 Service Areas

All site condominium projects that are approved must be serviced by public sanitary sewers and public water. All units within a site condominium project that is approved must have within the public road or street adjacent to each such condominium unit a sanitary sewer line and water line which shall run to the condominium unit line of each such condominium unit. The size and specifications of such sanitary sewer lines and water lines shall be as specified by the City and consistent and compatible with the system to which it is connected.

8503.02 Utility Extensions

Public water and sanitary sewer utilities may be extended under any of the following methods:

1. By petition to the City Council by the owners of a majority of the area to be served by the extension.
   a. Upon receipt of the petition, the City Council shall hold a hearing of necessity for the purpose of determining the need and desirability of the extension.
   b. If the City Council decides to proceed with the extension, the cost of the extension shall be paid by the owners of the property benefited by the extension pursuant to a special assessment district established under applicable state law.
2. By extension without petition. When the City Council determines that an extension of a utility is necessary or desirable, but has not received a petition as noted above, it may cause or permit the utility to be extended with or without an active assessment roll, provided a suitable means of financing the extension is first established. Cost of the extension may be covered by any one or more of the following methods:
   a. Establishment of a special assessment district.
   b. Establishment of a schedule of charges to be paid when properties are connected to the utility.
   c. Payment by a single interested party - with or without a “payback” agreement.
   d. Establishment of trunkage charges or other charges to be collected as properties are connected to the utility.
   e. By utility service charges.
   f. By construction as part of an approved site condominium project or property expansion.
   g. By other means deemed desirable and adequate.

8503.03 Utility Service Requests

Where utility services have been placed in public streets or public easements adjacent to a condominium unit, requests to connect to the utility shall be made to a representative of the City designated by the City Council. A connection permit shall be granted after all applicable charges, fees, assessments, agreements, or other arrangements have been paid or established as determined by resolution of the City Council.

8503.04 Utility Charges

The City Council shall establish service charges adequate to pay the operational costs of a utility system and, if deemed desirable, to also pay for a portion of the capital investment, including depreciation charges. The service charges may be altered from time to time by resolution of the City Council as deemed necessary to meet these obligations.

Section 8504: Procedures

8504.01 Approvals

For a site condominium to receive approval by the City, the proprietor must obtain Preliminary Plan approval by the Planning Commission and Final Plan Approval by the City Council. Although not required, a proprietor is encouraged to undertake pre-application discussions with the Planning Commission.

8504.02 Pre-application Discussion

Prior to the preparation of a Site Condominium Preliminary Plan, there should take place a pre-application discussion meeting between the proprietor and the Zoning Administrator. The purpose of this meeting is to inform the Zoning Administrator of a proprietor's intent to initiate a site condominium. On or before this meeting, the proprietor should submit the following to the Zoning Administrator:

1. Two (2) copies of a sketch, to scale, indicating the general location and configuration of the property to be developed; the alignment of streets and condominium units; and the relationship of the proposed development to adjacent streets and neighboring properties.
2. A statement indicating how sanitary sewer and water service will be extended.

During the pre-application discussion meeting, it shall be the responsibility of the Zoning Administrator, insofar as information is available to it, to inform the proprietor about the following:

1. General requirements of this Ordinance and the Zoning Ordinance.
2. Planned or anticipated sites of parks and recreation areas and other public uses.
3. Utility system capabilities.
4. Planned or anticipated public improvements, including streets, utility extensions and the like.
5. Major street plans and potential problems relative to the natural features of the area including, but not limited to, flood plains, soil conditions, topography, and ground water tables.
6. Additional information which will assist the proprietor in proceeding in a reasonable and sound manner toward Final Plan approval.

Pre-application discussions are intended for information purposes only and do not constitute binding commitments on the part of the City. Neither do they imply tentative approval of any subsequent preliminary plan. Furthermore, such discussions shall not carry the authority to proceed with construction or to sell or transfer property.

8504.03 Site Condominium Preliminary Plans

The Preliminary Plan approval procedure is intended to assure the City that the proprietor is proceeding toward a Final Plan which will conform to all applicable regulations and be acceptable to the City and other approving agencies. Approval of the Preliminary Plan by the City shall not relieve the proprietor from obtaining the necessary approvals from other agencies having jurisdiction over other aspects of the site condominium project.

8504.04 Submission of Preliminary Plats

1. Preliminary Plans shall be submitted to the Zoning Administrator at least three weeks prior to the next regular meeting of the Planning Commission. The following procedure shall be followed:
    a. Submit ten (10) copies of the Preliminary Plan to the Zoning Administrator.
    b. Submit to the Zoning Administrator a filing fee as established by resolution of the City Council.
    c. The Zoning Administrator shall retain one (1) copy of the Preliminary Plan and, within seven (7) days from submission, forward two (2) copies to the Superintendent, and seven (7) copies to the Secretary of the Planning Commission.
2. In order to accomplish the necessary review, the proprietor or his agent is encouraged to be present at all meetings of the Planning Commission and the City Council at which the Site Condominium Preliminary Plan will be reviewed. The plan shall be reviewed by the Superintendent, who shall report to the Planning Commission on any suggestions or recommend changes.

8504.05 Planning Commission Step I Review, Preliminary Plan

After receipt of the Site Condominium Preliminary Plan, the Planning Commission shall consider the Preliminary Plan at its next meeting or within 20 days from the date of receipt from the Planning Commission, whichever is sooner

1. The Planning Commission shall consider the Site Condominium Preliminary Plan along with the recommendations of the Superintendent. If the plan meets the Site Condominium Preliminary Plan requirements of this Ordinance, the Planning Commission shall grant Step I Site Condominium Preliminary Plan approval. The Zoning Administrator shall sign the plan with the notation that it has received Step I approval and the proprietor shall be so notified. Step I approval shall give the proprietor the following rights for a one (1) year period from the date of approval:
    a. That the general terms and conditions under which Step I approval was granted will not be changed by the City.
    b. That the condominium unit sizes, condominium unit orientation, and street layout have been approved.
    c. That Step I approval shall be extended if the proprietor applies in writing to the Planning Commission for such extension prior to the one (1) year expiration date.
2. If the Site Condominium Preliminary Plan substantially meets the requirements of this Ordinance, the Planning Commission may grant conditional Step I approval, such approval being conditioned upon the submission of such changes, revisions or additional material as is determined to be necessary to complete Step I approval. Upon the submission of such changes, revisions or additional material, the Site Condominium Preliminary Plan shall be granted unconditional Step I approval and the proprietor shall be so notified.
3. If the Site Condominium Preliminary Plan does not substantially meet the requirements of this Ordinance, the Planning Commission shall deny Step I approval and so notify the proprietor along with the reasons therefor.

8504.06 Planning Commission Step II Review, Preliminary Plan

1. After the Planning Commission has granted Step I approval, the proprietor shall submit ten (10) copies of the Site Condominium Preliminary Plan to the Planning Commission for Step II review. The proprietor shall also submit the following:
    a. A list certifying review by all of the following authorities:

1. County Road Commission
2. County Drain Commission
3. Michigan Department of Transportation
4. Michigan Department of Natural Resources
5. Michigan Water Resources Commission
6. County Health Department
7. Others as deemed appropriate by the Planning Commission

b. A copy of each review or site report by the above noted authorities after their approval has been secured, provided that approval is required by State statue or regulation.
c. A draft copy of the Master Deed.

2. The Planning Commission shall consider the Site Condominium Preliminary Plan and the above noted material and, if found to be in compliance with the terms of this Ordinance, shall grant Step II approval. Step II approval shall give the proprietor the following rights for a period of two (2) years from the date of approval:
   a. That the general terms and conditions under which Step II approval was granted will not be changed and the proprietor may proceed with the installation of required improvements.
   b. That the proprietor may submit all or parts of the Step II approved Site Condominium Preliminary Plan as a Site Condominium Final Plan in accordance with the Condominium Act, as amended, and this Ordinance. The two (2) year period shall be extended if the proprietor applies in writing to the Planning Commission for such extension. Written notice of the extension shall be sent by the Zoning Administrator to the other approving authorities.
3. If the Site Condominium Preliminary Plan substantially meets the requirements of this Ordinance, the Planning Commission may grant conditional Step II approval, such approval being conditioned upon the submission of such changes, revisions or additional material as is determined to be necessary to complete Step II approval. Upon the submission of such changes, revisions, or additional material, the Site Condominium Preliminary Plan shall be granted unconditional Step II approval and the proprietor shall be so notified. The Planning Commission may, at its discretion, delegate final Step II review authority to the City Superintendent who shall be responsible for insuring that the conditions established for Step II approval have, in fact, been met. Once the Step II conditions have been met, the Planning Commission, shall grant final Step II approval. Final Step II Site Condominium Preliminary Plan approval shall also be noted on the copy of the Site Condominium Preliminary Plan to be returned to the proprietor.
4. If the Site Condominium Preliminary Plan does not substantially meet the requirements of this Ordinance, the Planning Commission shall deny Step II approval and so notify the proprietor along with the reasons therefor.
5. Installation of all site condominium project improvements authorized by Step II approval shall be in accord with the requirement of the appropriate agency or utility having jurisdiction. The following have jurisdiction in the City of Frankfort:
   a. The City of Frankfort DPW
   b. Consumers Energy
   c. Ameritech
   d. Michigan Consolidated Gas Co.

8504.07 Site Condominium Final Plan Approval

The proprietor shall prepare and file with the Zoning Administrator a Site Condominium Final Plan containing the Master Deed as required by the Condominium Act and any additional documentation to

be recorded with the Register of Deeds as approved by the Planning Commission as part of the preliminary plan approval.

1. One (1) copy of as-built plans of all completed improvements shall also be included with this submission.
2. The Zoning Administrator shall submit the same to the City Council at its next regular meeting for approval after review by the City Superintendent.
3. If the Site Condominium Final Plan complies with the requirements of this Ordinance, the City Council shall approve said Site Condominium Final Plan and associated material and shall instruct the Zoning Administrator to certify such approval together with the date thereof.
4. All provisions of the Site Condominium Final Plan which are approved by the City Council must be incorporated, as approved, in the Master Deed for the condominium project. A copy of the Master Deed as recorded with the Benzie County Register of Deeds must be provided to the Zoning Administrator within ten (10) day after recording with the Register of Deeds.
5. Any proposed amendment of a Master Deed which would have any direct or indirect effect upon a matter reviewed or approved under this Ordinance shall be reviewed and approved by the Planning Commission prior to being recorded, and subsequently filed with the Zoning Administrator.
6. If the Site Condominium Final Plan and associated materials do not comply with this Ordinance, the City Council shall deny approval and shall specify the reasons therefor. The Zoning Administrator shall then notify the proprietor of the denial. The proprietor shall then arrange for corrections, modifications, or additional guarantees to satisfy the requirements of this Ordinance.

Section 8505: Plan Details

8505.01 Preliminary Plan

The Preliminary Plan shall be designed in accordance with the provisions of Section 8506: Sizes of Condominium Units**.**, Section 8507: Required Improvements in Site Condominium Projects**.**, and Section 8508: General Provisions for all Site Condominiums**.** of this Ordinance, the requirements of the County Health Department, the Drain Commission, the County Road Commission, the Department of Natural Resources and Environment, the Department of State Highways and Transportation, and the Water Resources Commission. The Preliminary Plan shall be drawn at a scale of not more than one hundred (100) feet to the inch and shall include or be accompanied by the following information:

1. The name of the site condominium project; the name and address of the proprietor; the name, address and seal of the surveyor; and a description of the property to be included.
2. A key map showing the location and position of the property and its relationship to surrounding streets and the surrounding area including existing zoning of abutting areas.
3. North arrow, scale, contour interval, and legend when appropriate.
4. Contour elevations adjusted to USGS datum at not more than five (5) foot intervals.
5. Where appropriate, established flood plain contours and elevations adjusted to USGS datum.
6. The location of all existing streets, condominium units, plats, public utilities, drains, streams or bodies of water on or abutting the property.
7. The outlines, intended layout, and intended use of the entire property owned or represented by the proprietor. The following shall be included:
    a. Street and stub street right-of-way -- location, width and curve radii.
    b. Proposed street names.

   c. Condominium unit lines, condominium unit line dimensions to the nearest foot, condominium unit and block numbers, and condominium unit areas to the nearest one hundred (100) square feet.
8. The location and dimensions of all existing or proposed easements or reserve strips, including electrical and telephone easements.
9. The locations and tentative sizes of proposed sanitary sewers, storm sewers and catch basins, water mains, culverts, bridges, ponding areas, ponds, lagoons, slips, waterways, lakes, bays, and canals.
10. Statements regarding:
    a. Intent to utilize public water and public sanitary sewage facilities.
    b. Zoning land area requirements for individual developments.
    c. Zoning requirements for front, side and rear yards.
    d. Size and type of street in accord with Benzie County Road Commission standards.
    e. Intent to install gas, sidewalks, street lights, and shade trees.
    f. Use of waterways, rivers, streams, creeks, lakes or ponds.
11. The location and depth of soil boring tests and/or the location of percolation test holes where public sanitary sewer is not available for use.
12. Copy of the proposed Master Deed.

8505.02. Final Plan

The Site Condominium Final Plan shall be prepared as required by the Condominium Act, as amended, and submitted to the Zoning Administrator in accord with 8504.07 Site Condominium Final Plan Approval. The Final Plan shall also be accompanied by or show the following additional information:

1. One (1) set of approved as-built or final construction plans for all required improvements to be kept on file by the City.
2. One (1) copy of the final Master Deed.
3. Deeds to any properties to be dedicated to the City.
4. Performance or installation agreements for any improvements not controlled or regulated by other agencies, such as sidewalks, street lights, or shade trees.
5. One (1) copy of any financing arrangements between the City and the proprietor for the installation of required improvements.

Section 8506: Sizes of Condominium Units

8506.01 Density-utility Relationships

For the purpose of this Ordinance, site condominium projects shall be classified as a Complete Utility Subdivision. To encourage economical and sound extension of utility service, to avoid premature concentrations of population, and for reasons of health and sanitation, the minimum required area of each condominium unit shall increase as the availability of public water service decreases, as specified in the City of Frankfort Zoning Ordinance. This Ordinance may impose greater condominium unit sizes than required by the Zoning Ordinance but may not decrease the minimums of the Zoning Ordinance. Splits of any condominium units shall be allowed only if expressly allowed in the master deed. If the master deeds permits such splits, then those splits shall conform to or exceed the minimum requirements of the Zoning Ordinance, except when located upon a Major Street, in which case the provision of Section 8508: General Provisions for all Site Condominiums, shall apply.

Public sanitary sewers and public water must be provided in all site condominium projects as stated in 8503.01 Service Areas. The cost of utility extensions inside or outside a site condominium project shall

be the expense of the developer; provided, however, that when an extension outside a condominium project is required to serve a condominium project, an agreement may be negotiated between the developer and the City, where appropriate, pursuant to which the City would agree to impose a utility extension fee in addition to other utility fees on those utility users that connect directly to the utility extension. The utility extension fees, less any administrative expenses agreed upon by the parties, shall then be paid to the developer to recoup some of the expense of extending the sewer or water lines to the condominium project.

8506.02 Complete Utility Site Condominium Projects

The minimum condominium unit area and frontage requirements shall be as follows:
Condominium unit areas and widths in a Complete Utility site condominium project shall meet or exceed the minimum lot areas and widths specified in the Zoning District in which it is located, except that corner condominium units shall exceed the minimum zoning lot width by at least ten (10) feet.

8506.03 Rezoning when Utilities are Provided

When sanitary sewer and water is provided to a site condominium project in any service area or zoning district, the proprietor may request a rezoning to a similar Zoning District having smaller minimum zoning lot size requirements. The Planning Commission and City Council shall give due consideration to the presence of the utilities and the intent of this Ordinance when considering the rezoning request.

Section 8507: Required Improvements in Site Condominium Projects

8507.01 Complete Utility Site Condominium

Prior to the granting of Final Plan Approval for a Complete Utility Site Condominium project, the proprietor shall have installed, or have approved plans and agreements for the installation of, the following improvements:

1. Streets: A paved street of not less than thirty (30) feet in width conforming to Benzie County Road Commission Construction Standards. A street designated as a Secondary or Collector street by the Planning Commission shall be constructed to Road Commission standards but shall not be less than thirty (30) feet in width.
2. Rights-of-Way: All rights-of-way and easements shall be graded across their entire width and length.
3. Water: A public water supply of a size specified by the City Engineer connected to an existing public system and available at the property line of each condominium unit within the site condominium project, together with fire hydrants in locations specified by the City.
4. Sewers and Drainage: Public sanitary sewers connected to an existing public system and available at the property line of each condominium unit within the site condominium project, conforming to the size and specifications of the City and compatible to the existing system, culverts, catch basins, and storm sewers of a size specified by the City DPW and outletting from the site condominium project in a method, and to a drainage system, approved by the City DPW.
5. Electric and Telephone Conduits: Underground electrical and telephone conduits together with connection terminals available at each condominium unit.
6. Street Lights: Street lights of a design and location approved by the City and Consumers Energy.
7. Gas Service: Where available, gas distribution lines beneath the street prior to the paving and curbing of any street, at locations adequate to serve each condominium unit by connections thereto without the further installation of gas lines beneath such streets.
8. Sidewalks:

a. Concrete sidewalks five (5) feet wide and four inches thick are required on both sides of all streets and stub streets without exception including adjacent to all cul-de-sacs.
b. All sidewalks shall incorporate dub-downs also known as "handicapped sidewalk curb cuts" from the curb to the intersection of the sidewalk.
c. Permits for construction of sidewalks shall be obtained from the City Superintendent and shall be built to or exceed the requirements of this Ordinance and the standards of the City DPW.
d. All sidewalks shall be constructed by the developer prior to Final Plan approval. Final plan approval can be given without construction of sidewalks provided not more than three (3) years have elapsed since the Planning Commission has granted Step II Preliminary Plan approval and provided there is posted by the developer with the City either a cash bond or an irrevocable letter of credit in an amount equal to the total cost of construction of the sidewalks as determined by the City engineer conditioned upon all sidewalks being constructed not later than three (3) years after the Planning Commission granted Step II Preliminary Plan approval and that the cash bond or irrevocable letter of credit can be used by the City to construct all such sidewalks if the sidewalks are not constructed within said time period and to pay all costs incidental to such construction including but not limited to engineering and attorney fees related thereto. All cash bonds shall be filed with the Zoning Administrator and shall be invested by the City treasurer in the City of Frankfort Combined Funds Account. All interest earned on the cash bond shall be subject to the same terms and conditions and rights as the principal amount of the cash bond. Any funds that remain after using the cash bond to construct the sidewalks and to pay all costs incidental thereto shall be returned to the developer. If the sidewalks are properly constructed prior to the three (3) year time period, the cash bond plus accrued interest earned thereon shall be turned over to the developer, or the letter of credit will be canceled.
e. After sidewalks have been constructed, the owner of a condominium unit and any person or entity that takes out a building permit for any type of construction on a condominium unit within the plan shall be responsible for repairing, restoring, or replacing any broken or damaged sidewalks adjacent to the property for which a building permit is issued such that they are in conformance with the standards required for original construction up and until an occupancy permit is issued.

9. Topsoil: No topsoil shall be removed from the site or used as fill. Topsoil moved during the course of construction shall be redistributed and stabilized by seeding, plantings, or other acceptable erosion control methods.
10. Street Signs: Street signs shall be placed at all intersections within or abutting the subdivision. The name, type and location shall be specified or approved by the Benzie County Road Commission.
11. Monuments Required: All condominium projects which consist in whole or in part of condominium units which are building sites, mobile home sites, or recreational sites shall be marked with monuments as provided in this subsection.
    a. Monuments shall be located in the ground and made according to the following requirements, but it is not intended or required that monuments be placed within the traveled portion of a street to mark angles in the boundary of the condominium project if the angle points can be readily re-established by reference to minimums along the sidelines of the streets.

b. All monuments used shall be made of solid iron or steel bars at least one-half (1/2) inch in diameter and thirty-six inches long and completely encased in concrete at least four (4) inches in diameter.
c. Monuments shall be located in the ground at all angles in the boundaries of the condominium project; at the intersection lines of streets and at the intersection of the lines of streets with the boundaries of the condominium project; at all points of tangency, points of compound curvature, points of reverse curvature and angle points in the side lines of streets: at all angles of an intermediate traverse line and at the intersection of all limited common elements and all common elements.
d. If the required location of a monument is an inaccessible place, or where the location of a monument would be clearly impractical, it is sufficient to place a reference monument nearby and the precise location thereof be clearly indicated on the plans and referenced to the true point.
e. All required monuments shall be placed flush with the ground where practical.
f. All corners of condominium units shall be monument in the field by iron or steel bars or iron pipes at least eighteen (18) inches long and one-half (1/2) inch in diameter, or other approved markers.
g. The City Council may waive the placing of any of the required monuments and markers for a reasonable time, not to exceed one (1) year on the condition that the proprietor deposits with the Zoning Administrator cash or certified check, or irrevocable bank letter of credit running to the City of Frankfort, whichever the proprietor selects, in an amount equal to twenty-five dollars ($25.00) per monument but in no event less than $100.00. Such cash, certified check or irrevocable bank letter of credit shall be returned to the proprietor upon receipt of a certificate by a surveyor that the monuments and markers have been placed as required within the time specified.

8507.02 Variations in Site Condominiums

The following provisions may be waived by the Planning Commission upon request of the proprietor during the Preliminary Plan review stage:

1. Where an existing metes and bounds parcel is being incorporated into a site condominium project, the width, depth and area requirements of this Ordinance may be waived for the specific parcel if the Planning Commission determines it will not have a detrimental effect on the site condominium project.
2. Topsoil provisions may be waived where it is demonstrated there is an excess of topsoil and that such excess will be used as topsoil in another location. In no event shall topsoil be used as fill.

8507.03 Cost Distribution of Oversized Improvements

Where the City requires that a given improvement be increased in size, length, or depth to meet the needs of other areas, arrangements shall be made with the City or its agent prior to installation, or prior to approval of, a Final Plan for the additional costs thereof. City funds for permanent investment in these improvements are limited, and nothing contained herein shall serve to obligate the City for these costs. The extension of utilities or improvements smaller than required to meet the needs of an entire area is prohibited.

Section 8508: General Provisions for all Site Condominiums

8508.01 Master Plan

All site condominium projects shall conform to the provisions and conditions of the Master Plan and Zoning Map for future development of the City except as may be modified by this Ordinance.

8508.02 Streets

All streets shall conform in direction and alignment with the Master Plan and shall connect with existing streets without jogs or sharp angles. The design and location of streets shall not have the effect of precluding access to undeveloped adjacent property. The following requirements shall be met:

1. Curves: Curving streets shall have a centerline radius conforming to Benzie County Road Commission standards.
2. Rights-of-Way: Minor and Secondary street rights-of-way shall be at least sixty-six (66) feet in width. Collector street rights-of-way shown on the Master Plan shall be at least eighty-six (86) feet in width or forty-three (43) feet from the centerline. Major street rights-of-way shown on the Master Plan shall be at least one hundred twenty (120) feet in width, or sixty (60) feet from the centerline. Alley rights-of-way, if permitted by the Planning Commission, shall be at least twenty (20) feet in width.
3. Stub or Outlet Streets: Stub streets or outlets to adjacent undeveloped property are required and shall be fully improved, including drainage and utilities as required for all other streets in the subdivision.
4. Dead-End Streets: Dead-end streets shall not exceed eight hundred (800) feet in length unless a paved outlet street is provided when required to adjacent property. There shall be a turn-around roadway with a minimum outside right-of-way radius of fifty (50) feet at the closed end, unless the Planning Commission and the Road Commission approve the use of a “T” or “Y” shaped turning area.
5. Street Names: All street names shall be subject to the approval of the City Council and the Road Commission.
6. Off-sets: Off-setting streets at an intersection are prohibited unless the centerlines thereof are off-set at least one hundred twenty-five (125) feet. Such off-sets shall be subject to City, County, and Road Commission approval.
7. Access: Any site condominium project or series of contiguous site condominium projects having forty (40) or more condominium units shall have a minimum of two (2) points of access to a secondary or a major road as designated in the Master Plan, in order to protect the future residents and existing residents of the City in the event of an emergency, or in the event of the blockage of an access point and to promote safer traffic flow. In a site condominium project or a series of contiguous site condominium projects containing forty (40) or more condominium units, the Planning Commission may require more than two (2) points of access to a secondary or a major road as designated in the Master Plan, where needed to protect the health, safety and general welfare of the inhabitants of the City. In determining whether additional access points are required, the following shall be considered:
    a. The size of the proposed site condominium project, the size of the area within the proposed site condominium project, and the size of the series of adjacent existing, proposed, or potential site condominium projects.
    b. The number of condominium units of the proposed site condominium project, of the area within the proposed site condominium project, and of a series of adjacent existing, proposed, or potential site condominium projects.

c. The number of existing or proposed access points to the proposed site condominium project, to the area within the proposed site condominium project, and to a series of adjacent existing, or potential site condominium projects.
d. The distance of existing access point(s) to the proposed site condominium project, to the area within the proposed site condominium project, and to a series of adjacent existing, proposed, or potential site condominium projects.
e. The number of available potential access points to the proposed site condominium project, to the area within the proposed site condominium project and to a series of adjacent, existing, proposed or potential site condominium projects.
f. The volume of traffic that is placed or may be placed upon any street within a proposed site condominium project or adjacent, existing, proposed, or potential site condominium projects.

8508.03 Condominium Units

Every condominium unit shall face upon a dedicated street and shall have at least forty (40) feet of width at the right-of-way line. The following requirements shall be met:
Condominium Unit Depth:

1. No condominium unit shall be less than one hundred twenty-five (125) feet in depth at any point.
2. Shape: No condominium unit shall be of such a shape as to require a possible variance from the provisions of the Zoning Ordinance.
3. Double Frontage: No condominium unit shall be bounded on opposite sides by streets, except that on a Major street the Planning Commission may require that abutting-condominium units face upon a Minor street and that access to such Major street be prohibited.
4. Major Street Frontage: No condominium unit may be created upon a Major street unless it has a frontage of at least one hundred thirty (130) feet along the major street right-of-way. (5) Suitability: Where there is a question as to the suitability of condominium units for their intended use due to factors such as soil formations, flood conditions, flood plains, high water table, or similar circumstances, the Planning Commission shall, after adequate investigation, withhold approval of such condominium units. Such condominium units shall be combined with other condominium units in such manner as to prohibit future condominium units from being created.

8508.04 Block Lengths

Blocks shall generally be between six hundred (600) feet and one thousand (1,000) feet in length. Side streets or outlets or streets to adjoining property may be required at a lesser interval if deemed necessary by the Planning Commission. Twenty (20) foot pedestrian crosswalk easements may be required by the Planning Commission with sidewalks at least five (5) feet in width.

8508.05 Public Easements

Where a site condominium project is traversed by a water course or open drain, there shall be provided a public easement of such width as determined necessary by the County Drain Commission, but in no case less than twenty (20) feet in width. The Planning Commission shall require twenty (20) foot public easements along the condominium unit lines of a block for utility facilities, walkways, access to public land, or similar needs of the community. Easements may be required to be dedicated to the City or County.

8508.06 Public Sites and Open Spaces

Where a proposed park, playground, school, street or other public use shown in the Master Plan is located in whole or in part in a site condominium project, the Planning Commission shall bring the same to the attention of the proprietor and the City Council so that they may address the question of acquiring such areas by dedication, reservation or payment.

8508.07 Business and Industrial Site Condominiums

Where land is proposed as a site condominium project to be used for business or industrial purposes permitted by the Zoning Ordinance, the services and improvements to be required shall be fixed by the Planning Commission with reference to the use and density of the area and the type of business or industrial activity to be carried on in the area in accordance with the provisions of 8507.01 Complete Utility Site Condominium**.**

8508.08 Performance Guarantees

The City Council may require formal agreements or the posting of a bond or other surety sufficient to guarantee the proper performance of required improvements or materials to meet the provisions and intent of this Ordinance. Where a bond is required, it shall be a corporate surety bond, meeting the approval of the City.

8508.09 Law

The requirements, procedures, regulations and powers set forth in the Condominium Act shall apply except as provided by this Ordinance.

8508.10 Inspection and Specifications

The City Council may establish inspection fees, inspection requirements, specification standards, and administrative procedures as provided by law and such shall be deemed to be requirements of this Ordinance. All plans and installations of improvements called for shall be subject to the approval of the City or its agent, or such other competent person as designated by the City. All inspection fees shall be paid by the proprietor before the Final Plan is signed by the City unless adequate sureties or deposits to cover these expenses are given to the City prior to Final Plan approval.

Section 8509: Administration, Enforcement, and Validity.

8509.01 Misdemeanor

1. Any person who sells or agrees to sell any lot, piece, or parcel of land without first having recorded a plat thereof, as defined in the **Land Division Act**, when required by this Ordinance, shall be guilty of a misdemeanor punishable by a fine of not more than $500 and/or imprisonment in the County jail for a period not to exceed ninety three (93) days.
2. Municipal Civil Infractions. Any person who violates any other provision of this ordinance shall be responsible for a municipal civil infraction and shall be subject to a fine of not more than five hundred dollars ($500.00). Each day a violation occurs under this subsection shall be considered as a separate violation.
3. The Enforcement Officer. The Zoning Administrator is hereby designated as the authorized City official to issue municipal civil infraction citations directing alleged violators of this ordinance to appear in court for violations under subsection (2) above.
4. Nuisance Per Se. A violation of this ordinance is hereby declared to be a nuisance per se and is declared to be offensive to the public health, safety and welfare.

5. Separate Court Action. In addition to enforcing this ordinance as a criminal misdemeanor or through use of a municipal civil infraction proceeding, the City may initiate proceedings in the circuit court to abate or eliminate the nuisance per se or any other violation of this Ordinance.

Article 6: Private Roads

Section 8601: Title

This Ordinance shall be known as the City of Frankfort Private Road Ordinance.

Section 8602: Purpose

The City has hereby determined that as large tracts of land are divided, sold, transferred, and developed, private access roads are being created to provide access to the newly divided properties which are not subject to regulation under the **Michigan Land Division Act of 1996** and other State regulations. The City determines it is in the best interest of the public health, safety, and welfare to regulate the construction, improvement, extension, relocation, and use of private roads to assure:

1. That private roads are designed with width, surface, and grade to assure safe passage and maneuverability of private vehicles, police, fire, ambulance, and other safety vehicles.
2. That said roads are constructed of suitable materials to ensure minimal maintenance and safe passage.
3. That private roads will be constructed so as to protect against or minimize soil erosion and prevent damage to the lakes, streams, wetlands, and natural environment of the City.

Section 8603: Definitions.

For purposes of this Ordinance, the following terms are defined as follows:

1. An "existing private road" is a private road or a private road system which is used to provide access to three or more existing lots, or existing dwelling units as of the effective date of this Ordinance. An existing private road or road system must physically exist at the effective date of this ordinance.
2. An "existing lot" is a lot which, as of the effective date of this Ordinance, meets at least one of the following conditions:
   a. The lot consists of a parcel described by metes and bounds for which a deed has been recorded with the Benzie County Register of Deeds, or of a parcel described by a land contract or memorandum of land contract which has been recorded with the Benzie County Register of Deeds;
   b. The lot has been assigned its own permanent parcel number by the Benzie County Property Description and Mapping Department and is individually assessed and taxed on that basis; or
   c. The lot consists of a "condominium unit" (i.e., a portion of a condominium project designed and intended for separate ownership and use as described in the condominium master deed) located within a "site condominium" development for which a condominium master deed has been recorded with the Benzie County Register of Deeds in accordance with the requirements of the **Michigan Condominium Act** and other applicable laws and ordinances.
3. An "existing dwelling unit" is a single family home for which a building permit has been issued by the City as of the effective date of this Ordinance

Section 8604: General Requirements and Application to Existing Private Roads

1. After the effective date of this Ordinance, a private road shall not be constructed, extended, or relocated, except in accordance with the minimum standards and requirements of this Ordinance.

For each existing private road as defined in this Ordinance an aerial tax map depicting the existing lots served by the existing private road with the existing private road drawn on the map as accurately as possible shall be filed with the Zoning Administrator and Fire Chief within six (6) months after the effective date of this Ordinance. If this information is not filed, the provisions of **Section 8603: Definitions.** shall not apply. The Fire Chief shall review the existing private road within sixty (60) days of receiving information and inform the owner(s) of problems associated with the existing private road, if any. The Fire Chief will be required to file a report on the existing private road with the Zoning Administrator indicating his/her opinion of providing emergency service to the adjacent residents. This will be attached to any new building permit.

2. Private roads are permitted only in the Rural District.
3. The provisions of this Ordinance shall not apply to access roads internal to any individual lot or parcel of land which has direct public street frontage access and is under the control of one person, firm, corporation, or association, provided that the access road does not provide access to any abutting lot or parcel of land. Examples of access roads that may be exempted from the provisions of this Ordinance include those serving multi-family dwellings, nursing homes, hospitals, factories, schools, mobile home parks, and shopping centers which are otherwise subject to site plan review and approval under the provisions of the Frankfort City Zoning Ordinance.
4. Expansion of use.
    a. Private roads or roadway systems as defined herein and as registered under **Section 8603: Definitions.** shall be permitted to serve additional lots or building sites, provided the entire road shall be upgraded to meet the standards contained in Attachment A plus all provisions of this Private Road Ordinance, subject to the following provisions:
        1. The additional lots or building sites shall be approved by the Planning Commission, if they meet all requirements of this ordinance. The Planning Commission shall also review the documents required by this Ordinance for compliance with the provisions of **Section 8605: Minimum Standards for Private Roads** and **Section 8606: Road Maintenance**. In the event the owner or owners of an existing private road find these requirements to create practical difficulties, the provisions of **Section 8609: Appeals** relating to variances may be pursued. Special consideration shall be given to all who complied with the original Ordinance. If the applicant desires to pursue a variance during the application process, the Planning Commission shall provide a recommendation to the City Council considering the provisions of this ordinance as well as the previous ordinance that this ordinance supersedes.

Section 8605: Minimum Standards for Private Roads

1. A private road shall be located within a private road easement and shall be designed by a registered engineer to comply with the requirements of this Ordinance. Such easement shall not be less than sixty-six (66) feet in width. At any dead-end of such easement, the easement shall widen such that there is a minimum radius as set forth in Attachment A and a cul-de-sac as set forth in Attachment A.
2. A lot shall have frontage on the private road easement which is at least equal to the minimum lot width required for the zoning district in which the lot is located. Lots fronting on a cul-de-sac may be reduced to forty (40) feet at the front lot line, as long as the lot meets the minimum width requirement at the minimum front yard setback line.

3. A private road shall intersect and connect to a public road. The private road shall have a minimum of sixty six (66) feet of frontage at its access point to the public road. A private road shall not be approved which accesses a public street or road by another private road, except extensions permitted by this Ordinance.
4. The private road shall be given a street name that is not the same or similar to any other street name in the county. A street sign bearing the street name given the private road meeting Benzie County Road Commission standards as to design, location, and maintenance shall be erected and maintained where such private road intersects any public road. The- provision shall also apply to existing private roads. A street sign shall be erected within one (1) year after the adoption of this Ordinance. For all new private roads, the address shall be the name of the private road, not the adjacent public road.
5. A private road shall be constructed to the standards indicated in **Section 8615: Attachment A: Private Road Ordinance Road Standards**.
6. A private road shall not exceed a grade of eight (8) percent; provided that within 30 feet of the intersection of a private road with any other private road or with any public right-of-way, a private road shall not exceed a grade of one and one-half (1.5) percent.
7. A private road shall be constructed in a manner to provide effective storm water drainage and to prevent run-off onto adjacent property. If a private road crosses a natural drainage course, stream or other natural body of water, the method of crossing (by bridge, culvert or other structure) must be certified by a registered professional engineer so that it complies with applicable Benzie County Drain Commission and State of Michigan requirements.
8. A dwelling unit which derives its primary access from a private road shall display a house number in a manner so that the number is at all times readily visible from the private road. The house numbers shall be a minimum of three (3) inches in height.
9. In determining the location of a private road, consideration shall be given to safety of traffic entering and exiting the driveway in relationship with the public road.

Section 8606: Road Maintenance

The applicant (s) and/or owners(s) of the proposed private road shall provide to the City a recorded road maintenance agreement, access easement agreement, and deed restrictions that provides for the perpetual private (non-public) maintenance of such roads and/or easements to a necessary and reasonable standard to serve the parties having an interest in the private road. These documents shall contain the following provisions.

1. A method of initiating and financing of such road and/or easements in order to keep the road in a reasonably good and usable condition.
2. A workable method of apportioning the costs of maintenance and improvements.
3. A notice that if repairs and maintenance are not made, the City Council may bring the road up to the design standards specified in **Section 8615: Attachment A: Private Road Ordinance Road Standards** and assess owners of parcels on the private road for the improvements, plus an administrative fee in the amount of 5% of the total cost of the improvements.
4. A notice that no public funds of the City of Frankfort are to be used to build, repair, or maintain the private road.
5. Easements to the public for purposes of utilities, emergency and other public vehicles for whatever public services are necessary.
6. A provision that the owners of any and all of the property using the road shall refrain from prohibiting, restricting, limiting or in any manner interfering with normal ingress and egress and use by any of the other owners. Normal ingress and egress and use shall include use by family,

guests, invitees, tradesmen, and others bound to or returning from any of the properties having a right to use the road.

Section 8607: Procedure for Review of Private Roads

1. Permit Application and Fee. An application to establish, extend, or relocate a private road shall be filed with the City Superintendent along with a fee as set by the City Council. The application shall contain or be accompanied by the following information:
    a. The name(s) of the owners and any other parties having any legal interest in the private road and the property across which it is to be constructed.
    b. Permanent parcel number or legal description of the property over which the private road is to be constructed.
    c. A site location map not to scale which shows the location of the parcel containing the road to surrounding properties and roadways within one-half mile of the site.
    d. A scaled drawing showing the precise location, route, elevations, dimensions, specifications and design of the private road and any proposed extensions of the road, existing or proposed curb cuts and the location and distance to any public street which the private road is to intersect, in compliance with this Ordinance. (See **Section 8615: Attachment A: Private Road Ordinance Road Standards**)
    e. A scaled drawing illustrating the proposed lot divisions.
    f. A road maintenance agreement, access easement agreement and deed restrictions as described in **Section 8606: Road Maintenance** herein, shall also accompany the application.
    g. A driveway permit from the Benzie County Road Commission.
    h. A letter from the Benzie County Road Commission indicating there is no known duplication of the proposed private road name.
2. Review of Permit Application
    a. The permit application, drawings and other required information shall be forwarded to the Planning Commission upon review by the City Superintendent to determine compliance with the standards for private roads.
    b. The Planning Commission shall review this information and may consult with the City Fire Chief, Attorney, Engineer or Planner as deemed necessary. A Quorum of the Planning Commission shall be present to review and decide upon the permit application.
    c. If the Planning Commission finds that the application meets the requirements of this Ordinance, it shall by a majority vote of the entire membership then approve or approve with reasonable conditions the application and direct the City Superintendent to issue a permit for the construction of the private road. This permit shall consist of a stamp noting approval and containing the signature of the City Superintendent and the date of approval. Two copies of the private road plans shall be stamped for approval, one copy shall be kept by the applicant, and one by the City. This construction permit is not a Private Road Permit and does not authorize the construction of any dwelling units on the private road. The construction permit is valid for a period of one (1) year from the date of approval. If construction of the private road has not commenced within this one (1) year period, the permit shall expire. A new permit shall then be required before construction can begin. Any conditions imposed pursuant to this subsection shall be designed to insure that the standards and requirements of this Ordinance are met.
    d. If the Planning Commission denies the application, the Planning Commission meeting minutes shall be provided to the applicant within fourteen (14) working days of the date of the Planning Commission meeting.

3. Final Compliance Requirements. Upon completion of construction of the private road, the applicant shall provide all of the following to the City Superintendent:
    a. A letter from a registered professional engineer that the road has been constructed in compliance with the approved private road plans.
    b. Documentation that the road maintenance agreement, access easement and deed restrictions have been recorded with the Benzie County Register of Deeds office.
    c. A driveway permit for the private road from the City Superintendent.
4. Private Road Permit Issuance
    a. Upon approval of all items required for final compliance, the City Superintendent shall issue a Private Road Permit.
5. Permits for Dwellings on Private Road
    a. A building permit shall not be issued for any principal dwelling which derives its primary access from a private road unless a Private Road Permit has been issued by the City and the road has either been completed in accordance with the approved permit or the applicant for the building permit or owner(s) of the private road right-of-way have provided the City with cash or irrevocable letter of credit in an amount determined by the City, to insure construction of the private road in accordance with the approved private road construction permit within one (1) year from the issuance of the building permit. The letter of credit shall contain a provision that the City shall have the right to access the letter of credit if such letter is not renewed 30 days before the expiration date of the letter.
6. Permits for Dwellings on Existing Private Roads and Existing Lots
    a. A Private Road Permit shall not be required for the issuance of a building permit for a principal dwelling on an existing lot which derives its primary access from an existing private road as defined herein.

Section 8608: City Liability

The owner(s) of the private road shall agree that by applying for and securing a permit to construct the private road they shall indemnify and hold the City harmless from all claims for personal injury and/or property damage arising out of the failure to properly construct, maintain, repair and replace the private road. Such wording shall appear on the application for the permit and be signed by the applicant

Section 8609: Appeals

Any person affected by a decision regarding this Ordinance shall have the right to appeal the decision to the City Council within ten (10) days. Such appeal shall be filed with the Zoning Administrator in writing and shall state the reasons for appeal and any documents in support thereof. The City Council shall establish a time for hearing the appeal which shall be no later than thirty (30) days after filing. Written notice of such hearing by first class mail shall be provided to all adjacent properties which depend or may depend in the future on the private road for access and all properties within 300 feet of such private road and to all Planning Commission members. Such notice shall be given not less than nine (9) days prior to such hearing. The decision of the City Council shall be set forth in writing and delivered to the applicant within ten (10) calendar days following the hearing. The decision of the City Council shall be final. An appeal may be taken to Circuit Court

Section 8610: Variances

The Planning Commission may grant a variance from the requirements of this Ordinance if it finds, based on evidence presented at a public hearing that all of the following conditions exist:

1. Exceptional or extraordinary circumstances exist in relation to the proposed private road, including exceptional topographical or physical conditions that do not generally apply to other private roads within the City.
2. The exceptional or extraordinary circumstances relating to the private road are not the result of any act or omission by the applicant or his or her predecessors in title.
3. The strict compliance with the regulations of this ordinance will unreasonably prevent the applicant from developing the property intended to be served by the private road or it will render conformity with the regulations of this ordinance unreasonably burdensome.
4. The requested variance will not cause an adverse impact on the development of surrounding property, property values, or the use and enjoyment of property in the immediate area.
5. The requested variance is the minimum variance necessary for the reasonable construction of the private road and for the development of the property intended to be served by the private road.

Section 8611: Violations and Penalties

Any person who shall violate any provision of this Ordinance shall be responsible for a municipal civil infraction and shall be subject to a fine of not more than Five Hundred Dollars ($500.00). Each day this Ordinance is violated will be considered a separate violation. Any action taken under this section shall not prevent civil proceeding against abatement or termination of the prohibited activity.

Section 8612: Enforcement Officer

The City Superintendent is hereby designated as the authorized city official to issue municipal civil infraction citations directing alleged violators of this Ordinance to appear in court.

Section 8613: Nuisance Per Se

A violation of this Ordinance is hereby declared to be a nuisance per se and is declared to be offensive to the public health, safety and welfare.

Section 8614: Separate Court Action.

In addition to enforcing this Ordinance through use of a municipal civil infraction proceeding, the City may initiate proceedings in the circuit court to abate or eliminate the nuisance per se or any other violation of this Ordinance.

Section 8615: Attachment A: Private Road Ordinance Road Standards

Table 17: Private Road Standards							
Private Road Category	# of Lots Served	Dead-end turnaround easement	Min. Surface Requirement	Min. Road Width	Cul-de-sac Requirement	Max. Grade	Registered Engineer
A	3-4	60' radius min.	12'' class 2 sand base; 6'' class 22A gravel surface	14'	40' min. radius	8%	Yes
B	5-7	60' radius min.	12'' class 2 sand base; 6'' class 22A gravel surface	20'	40' min. radius	8%	Yes
C	8+	60' radius min.	12'' class 2 sand base; class 22A gravel 1 3/4'' asphalt	20'	40' min. radius	8%	Yes
Note: Two (2) valley gutters required where needed for drainage. These standards apply to road extensions							

Article 7: Parcel Division Ordinance

Section 8701: Title

This Ordinance shall be known as the City of Frankfort Parcel Division Ordinance.

Section 8702: Purpose

The purpose of this Ordinance is to carry out the provisions of the **Land Division Act (Act 288 of the Public Acts of 1967, as amended**, formerly known as the Subdivision Control Act), to prevent the creation of lots and parcels that do not comply with applicable City of Frankfort ordinances, to minimize potential boundary disputes, to maintain the orderly development of the city, and to otherwise protect the public health, safety and general welfare of the residents and the present and future property owners of the City of Frankfort. This shall be accomplished by regulating the division of existing lots and parcels and property transfers between two (2) or more adjacent lots or parcels. It is further the purpose of this Ordinance to prescribe the procedures for the submission and review of proposed lot and parcel divisions and property transfers, to authorize fees for the review of applications submitted under this Ordinance, and to provide penalties for violations of this Ordinance.

Section 8703: Definitions

The following terms are defined for the purposes of this ordinance:

1. "Accessible" in reference to a lot or parcel means that the lot or parcel meets one (1) or both of the following requirements:
    a. Has an area where a driveway provides vehicular access to an existing road or street and meets all applicable location standards of the state transportation department or county road commission under **P.A. 200 of 1969**, as amended, or has an area where a driveway can provide vehicular access to an existing road or street and can meet all such applicable location standards.
    b. Is served by an existing easement that provides vehicular access to an existing road or street and meets all applicable location standards of the state transportation department or county road commission under **P.A. 200 of 1969**, as amended, or can be served by a proposed easement that will provide vehicular access to an existing road or street and that will meet all such applicable location standards.
2. "Applicant" means an owner of a lot or parcel of land, or his or her designee.
3. "Convey" means a transfer of an ownership interest in real property.
4. "Development site" means any lot, parcel, or tract of land on which exists or which is intended for building development other than the following:
    a. Agricultural use involving the production of plants and animals useful to humans, including forages and sod crops; grains, feed crops, and field crops; dairy and dairy products; poultry and poultry products; livestock, including breeding and grazing of cattle, swine and similar animals; berries; herbs; flowers; seeds; grasses; nursery stock; fruits; vegetables; Christmas trees; and other similar uses and activities.
    b. Forestry use involving the planting, management, or harvesting of timber.
5. "Divide" or "Division" means the partitioning or splitting of a lot, parcel or tract of land by the owner for the purpose of sale, lease for more than one (1) year, building development, or the creation of separate lots, parcels or tracts of land on the tax roll that results in one (1) or more lots or parcels of less than forty (40) acres or the equivalent. "Divide" or "Division" does not include a property transfer between two (2) or more adjacent lots or parcels, if the property

taken from one (1) lot or parcel is added to an adjacent lot or parcel; and any resulting lot or parcel shall not be considered a building site unless the lot or parcel conforms to the requirement of the **Land Division Act (P.A. 288 of 1967, as amended)**, the City of Frankfort Zoning Ordinance, as amended, and this Ordinance.

6. "Exempt split" means the partitioning or splitting of a lot, parcel or tract of land by the owner that does not result in one (1) or more lots or parcels of less than forty (40) acres or the equivalent. For a property transfer between two (2) or more adjacent lots or parcels, if the property taken from one (1) lot or parcel is added to an adjacent lot or parcel, any resulting lot or parcel shall not be considered a building site unless the lot or parcel conforms to the requirement of the **Land Division Act (P.A. 288 of 1967, as amended),** the City of Frankfort Zoning Ordinance, as amended, and this Ordinance.
7. "Forty (40) acres or the equivalent" means forty (40) acres, a quarter-quarter section containing not less than thirty (30) acres, or a government lot containing not less than thirty (30) acres.
8. "Land" means all land areas occupied by real property, except the submerged bottomlands of inland lakes, rivers, and streams.
9. "Lot" means a measured portion of a parcel or tract of land, which is described and fixed in a recorded plat. A lot's legal description is referred to as Lot (#) of the Plat of (Name of Plat).
10. "Metes and bounds" means a description of land by boundary lines with their terminal points and angles.
11. "Owner" means a person holding any legal, equitable, option or contract interest in a lot or parcel of land.
12. "Parcel" means a continuous area or acreage of land of any size, shape or nature, which is described by metes and bounds.
13. "Parent parcel" means first a tract of land lawfully in existence on March 31, 1997, if one exists in connection with a proposed division, or, if one does not exist, a parcel lawfully in existence on March 31, 1997.
14. "Person" means an individual, firm, corporation, association, partnership, estate, trust, limited liability company, or other legal entity.
15. "Plat" or "Recorded plat" means a map or chart of a subdivision of land created pursuant to the **Land Division Act (P.A. 288 of 1967, as amended),** or predecessor statutes to this act.
16. "Property transfer" means a transfer of property between two (2) or more adjacent lots or parcels, if the property taken from one (1) lot or parcel is added to an adjacent lot or parcel and if all resulting lots or parcels conform to the requirements of the **Land Division Act (P.A. 288 of 1967, as amended)**, as amended, the City of Frankfort Zoning Ordinance, as amended, and this Ordinance. If the property transferred does not independently conform to the requirements of the **Land Division Act (P.A. 288 of 1967, as amended)**, the City of Frankfort Zoning Ordinance, as amended, and this Ordinance, then it shall not be considered a development site, but may only be used in conjunction with the lot or parcel to which it was transferred.
17. "Tract of land" means two (2) or more parcels that share a common property line and are under the same ownership.
18. "Zoning Administrator" means the City of Frankfort Zoning Administrator.
19. "Zoning Board of Appeals" means the City of Frankfort Zoning Board of Appeals.

Section 8704: Approval of Land Divisions or Property Transfers Required Establishment of Exempt Splits.

1. The owner of a lot, parcel, or tract of land shall not divide or effect a property transfer involving, or cause any person to divide or effect a property transfer involving, that lot, parcel, or tract of land except as provided in this Ordinance, unless the division or property transfer is approved as part of a subdivision plat at the time of plat approval under the **Land Division Act (P.A. 288 of 1967, as amended)**, the division or property transfer is part of a condominium project developed under the Condominium Act, being Act 59 of the Public Acts of 1978, as amended, or the division or property transfer is done pursuant to an order of a court of competent jurisdiction.
2. The owner of a lot, parcel, or tract of land claiming an exempt split as defined in Section 8703: Definitions of shall submit to the Zoning Administrator either a survey map of the land claimed to be an exempt split prepared pursuant to the survey map requirements of **Public Act 132 of 1970**, as amended, certified by a land surveyor licensed by the State of Michigan, or other clear evidence documenting that the proposed exempt split of a parcel or tract of land will not result in one (1) or more parcels of less than forty (40) acres or the equivalent. In addition, the owner of a lot, parcel, or tract of land claiming an exempt split shall submit to the Zoning Administrator documentation that each new lot, parcel, or tract of land resulting from the proposed exempt split has or can have a driveway or easement that provides vehicular access to an existing road or street. If the Zoning Administrator finds that the proposed division is an exempt split and that each new lot, parcel, or tract of land that will result from the division is accessible, then no further action under this Ordinance shall be required. If the Zoning Administrator finds that the proposed division is either not an exempt split or that each new lot, parcel, or tract of land that will result from the division is not accessible, then he or she shall give the owner written reasons for his or her decision. In that event the owner shall be required to proceed under Section 8705: Procedure for Division or Property Transfer to obtain approval of the proposed division. If the owner disagrees with the Zoning Administrator's decision, the owner can submit revised information to the Zoning Administrator or appeal the Zoning Administrator's decision to the Zoning Board of Appeals pursuant to Section 8708: Appeals to the Zoning Board of Appeals.
3. In addition, an exempt split or other partitioning or splitting of a parcel or tract of land that only results in parcels of twenty (20) acres or more in size is not subject to approval under this Ordinance if the parcel or tract of land being partitioned or split is not accessible and was in existence on March 31, 1997 or resulted from an exempt split or a partitioning or splitting under the **Land Division Act (P.A. 288 of 1967, as amended)**.

Section 8705: Procedure for Division or Property Transfer

The following procedure shall be followed to divide a lot, parcel or tract of land or to effect a property transfer:

1. The Applicant shall submit an application to the Zoning Administrator on a form supplied by the city for that purpose. The application shall include, but not be limited to the following:
    a. Proof of ownership of the lot, parcel, or tract of land to be divided, or of the lots or parcels involved in a property transfer.
    b. The names and addresses of all persons having an interest in the lot, parcel, or tract of land to be divided, or of the lots or parcels involved in a property transfer and a statement of the type of interest each holds.

c. The history of the prior divisions of the parent parcel from which the Applicant's parcel or tract of land came and proof that the Applicant holds the right to divide the parcel or tract of land proposed for division.
d. A survey map of the land proposed to be divided or the land involved in the property transfer prepared pursuant to the survey map requirements of **Public Act 132 of 1970**, certified by a land surveyor licensed by the State of Michigan and depicting the dimensions of the lot, parcel, or tract of land to be divided, or the lots or parcels involved in a property transfer, the dimensions of the lots, parcels, or tracts of land that will result from the division or property transfer, the location of all current easements on the lot, parcel, or tract of land to be divided, or on the lots or parcels involved in a property transfer, and the location of all proposed easements on the lots, parcels or tracts of land that will result from the division or property transfer. The easements required by this subsection shall include both utility easements and ingress/egress easements. The survey shall also depict all buildings and structures on the lot, parcel, or tract of land to be divided, or on the lots or parcels involved in a property transfer and the distances between these buildings and structures and the original property lines of the lot, parcel, or tract of land to be divided, or the lots or parcels involved in a property transfer and shall depict the distances between these buildings and structures and the property lines of the lots, parcels, or tracts of land that will result from the division or property transfer. The Zoning Administrator may waive the survey map requirement if he or she finds that, considering the size, simple nature of the divisions, and the undeveloped character of the parent parcel, a survey map is not needed to determine compliance with this Ordinance and the Land Division Act, as amended.
e. A map showing the location of the lot, parcel, or tract of land to be divided, or the lots or parcels involved in a property transfer within the city.
f. Legal descriptions, certified by a registered land surveyor licensed by the State of Michigan, of the lots, parcels, or tracts of land that will result from the division or property transfer.
g. If the lot, parcel, or tract of land that will result from the division or property transfer will be development site, then the Applicant shall submit documentation that each such resulting lot, parcel, or tract of land has or can have a driveway or easement that provides vehicular access to an existing road or street. In addition, the Applicant shall submit evidence establishing adequate easements for public utilities from each such resulting lot, parcel, or tract of land to existing public utility facilities.
h. A brief statement as to the purpose of the proposed division or property transfer and whether the lots, parcels or tracts of land that will result from the division or property transfer will be used for residential (single family, multi family, etc.), commercial, or manufacturing purposes.
i. Such other documentation that the Zoning Administrator may require relating to the application to divide a parent parcel.

2. The application shall be accompanied by an application fee as established and set forth in a city fee schedule. This fee schedule shall also establish "after the fact" fees that must be paid when an otherwise lawful division or property transfer occurs but without first complying with the procedural requirements of this Ordinance. This "after the fact" fee is not intended to be a penalty, but shall consist of the normal application fee plus an amount equal to the legal and administrative costs incurred by the City as the result of the Applicant's failure to initially comply with the requirements of this Ordinance.

3. After receiving the information required in subsection (a) above, the Zoning Administrator shall, within forty-five (45) days, decide whether to approve the proposed division or property transfer. If the Applicant fails to provide all the information required by this Ordinance, then the application shall be deemed incomplete and may be denied on that basis. The Zoning Administrator's decision to approve the division or property transfer shall be made pursuant to the standards contained in Section 8706: Standards for Approval of Parcel Divisions or Property Transfers. The Zoning Administrator may grant conditional approval of an application, subject to the Applicant obtaining any necessary variances from the Zoning Board of Appeals pursuant to Section 8707: Land Configuration Variances. If the Zoning Administrator fails to grant approval of a proposed division or property transfer, written reasons for his or her decision shall be given to the Applicant. The Applicant shall then have the option of resubmitting information for approval to the Zoning Administrator or appealing the Zoning Administrator's decision to the Zoning Board of Appeals pursuant to Section 8708: Appeals to the Zoning Board of Appeals.
4. If the Zoning Administrator approves a proposed division or property transfer, then the Zoning Administrator shall send a letter indicating such approval to the Applicant with copies to the City of Frankfort Superintendent, the City of Frankfort Treasurer, the City of Frankfort Assessor, and the Benzie County Equalization Office. This letter shall contain the following statement: "The City of Frankfort, its officers and employees are not liable if a building permit is not issued pursuant to the **Land Division Act (P.A. 288 of 1967, as amended)**, for a parcel less than one (1) acre in size that resulted from an approved division under the City of Frankfort Parcel Division Ordinance." A copy of this letter shall be retained by the Zoning Administrator in his or her official records.
5. Because zoning requirements may change over time, any approval of an application for a division or property transfer by the Zoning Administrator under Section 8705(3) above shall expire and a new approval required after ninety (90) days from the date of the approval, unless the Applicant records in the Benzie County Register of Deeds Office an instrument(s) of conveyance documenting the division or property transfer and files a copy of that recorded instrument(s) with the Zoning Administrator. If the grantor intends to convey the right to future divisions of the parcel being conveyed, the deed or land contract shall contain the following statement as required by the Land Division Act, as amended: "The grantor grants to the grantee the right to make (insert number) division(s) under **Land Division Act (P.A. 288 of 1967, as amended)**." Finally, for all deeds and land contracts of unplatted land shall contain the following statement as required by the Land Division Act, as amended: "This property may be located within the vicinity of farmland or a farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors, and other associated conditions may be used and are protected by the **Michigan Right to Farm Act**."

Section 8706: Standards for Approval of Parcel Divisions or Property Transfers

An application to divide a lot, parcel, or tract of land, or to effect a property transfer shall be granted when all of the following standards are met:

1. The proposed division or property transfer shall comply with all requirements of the **Land Division Act (P.A. 288 of 1967, as amended)**.
2. The lots, parcels, or tracts of land that will result from the division or property transfer shall comply with all requirements of the City of Frankfort Zoning Ordinance, as amended, including but not limited to the requirements relating to area and width for the newly created lots, parcels, or tracts of land, the requirements relating to lake and/or road frontages, and the

requirements relating to setbacks if the newly created lots, parcels, or tracts of land have buildings or structures on them. The addition of land to an already lawful nonconforming lot or parcel is permitted without a zoning variance, provided that the lot or parcel from which the land is taken will not become a nonconforming lot or parcel or, if already nonconforming, will not become more nonconforming.

3. Each lot, parcel, or tract of land that will result from the division or property transfer shall have an adequate and accurate legal description certified by a land surveyor licensed by the State of Michigan, shall be serviced by a public utility easement, and shall be accessible.
4. Each new lot, parcel, or tract of land that will result from the division, including those lots, parcels, and tracts of land greater than ten (10) acres, shall have a depth of not more than four (4) times its width as measured under the requirements of the City of Frankfort Zoning Ordinance. This standard shall not apply to a property transfer.
5. If a lot, parcel, or tract of land that will result from the division or property transfer will be a development site, then each such resulting lot, parcel, or tract of land shall have adequate easements for public utilities from each such resulting lot, parcel, or tract of land to existing public utility facilities.
6. If the land proposed to be transferred between two (2) or more adjacent lots or parcels does not independently conform to the requirements of the **Land Division Act (P.A. 288 of 1967, as amended)**, the City of Frankfort Zoning Ordinance, as amended, and this Ordinance, then the land proposed to be transferred shall not thereafter be independently considered a development site, but may only be used in conjunction with an adjoining lot(s), parcel(s), or tract(s) of land.
7. Each lot, parcel, or tract of land that will result from the division or property transfer shall be accessible.
8. The owner of the parcel or tract of land shall possess the right to divide the parcel or tract of land. This standard shall not apply to a property transfer.
9. The property lines of the lots, parcels, or tracts of land that will result from the division or property transfer shall be consistent and in harmony with the property lines of the lot, parcel, or tract of land to be divided, or the lots or parcels involved in a property transfer, and/or the property lines of adjacent lots, parcels, or tracts of land.

Section 8707: Land Configuration Variances

1. If a lot, parcel, or tract of land that will result from a division or property transfer does not meet the requirements of the City of Frankfort Zoning Ordinance as specified Section 8706: Standards for Approval of Parcel Divisions or Property Transfers, then the Applicant may seek a variance from those zoning requirements from the Zoning Board of Appeals pursuant to the procedures of the City of Frankfort Zoning Ordinance.
2. If a lot, parcel, or tract of land that will result from a division does not meet the depth to width requirements Section 8706: Standards for Approval of Parcel Divisions or Property Transfers, then the Applicant may seek a variance from those requirements from the Zoning Board of Appeals pursuant to the procedures of this section.
3. The Zoning Board of Appeals may grant a variance under this Ordinance from the depth to width requirement of Section 8706: Standards for Approval of Parcel Divisions or Property Transfers, if all of the following exist:
    a. Exceptional or extraordinary circumstances or conditions exist on the parent parcel, including exceptional topographic or physical conditions, that do not generally apply to other lots, parcels, or tracts of land in the city.

b. The exceptional or extraordinary circumstances or conditions existing on the parent parcel are not the result of any act or omission by the Applicant or his or her predecessors in title.
c. The granting of the variance shall not be injurious or otherwise detrimental to adjoining lots, parcels, or tracts of land or to the general health, safety, and general welfare of the city.
d. The resulting lots, parcels, or tracts of land with the variance granted shall be compatible with surrounding lots, parcels, or tracts of land.
e. The variance granted shall be the minimum variance that will make possible the reasonable use of the parent parcel.

4. The Zoning Board of Appeals shall follow the procedures of the City of Frankfort Zoning Ordinance relating to variances when deciding whether to grant a variance under this section.
5. In granting any variance under this Ordinance, the Zoning Board of Appeals may prescribe appropriate conditions and safeguards in order to ensure that the lot, parcel, or tract of land that will result from the division or property transfer complies with the variance granted under this Ordinance. Violations of such conditions and safeguards shall be deemed a violation of this Ordinance, punishable under Section 8709: Violations and Penalties**.**

Section 8708: Appeals to the Zoning Board of Appeals

Any person aggrieved by a decision of the Zoning Administrator may appeal that decision to the Zoning Board of Appeals following the procedures of the City of Frankfort Zoning Ordinance, as amended, for appeals to the Zoning Board of Appeals. Any such appeal shall be filed within thirty (30) days from the date of the decision from which the appeal is taken. During the appeal, the Zoning Board of Appeals shall conduct a de novo hearing of the matter and to that end shall have all the powers of the Zoning Administrator. In rendering its decision, the Zoning Board of Appeals shall receive and consider evidence and data relevant to the case and shall issue its decision in writing within thirty (30) days after receiving all evidence and data in the case. The decision of the Zoning Board of Appeals shall then be sent promptly to the Applicant, to the person who filed the appeal (if different than the Applicant), and to the Zoning Administrator and City Assessor.

Section 8709: Violations and Penalties

Any person who shall violate any provision of this Ordinance shall be responsible for a municipal civil infraction shall be subject to a fine of not more than Five Hundred and 00/100 ($500.00) Dollars. Each day this Ordinance is violated shall be considered as a separate violation. Any action taken under this Section shall not prevent civil proceedings for abatement or termination of the prohibited activity.

Section 8710: Enforcement Officer

The Zoning Administrator is hereby designated as the authorized city official to issue municipal civil infraction citations directing alleged violators of this Ordinance to appear in court.

Section 8711: Nuisance Per Se

A violation of this Ordinance is hereby declared to be a nuisance per se and is declared to be offensive to the public health, safety and welfare.

Section 8712: Separate Court Action

In addition to enforcing this Ordinance through the use of a municipal civil infraction proceeding, the City may initiate proceedings in the Circuit Court to abate or eliminate the nuisance per se or any other violation of this Ordinance.