

ARTICLE 3 GENERAL PROVISIONS

§3.01 SCOPE

Except as otherwise provided in this Ordinance, no structure, or part thereof, shall hereafter be erected, constructed, reconstructed, or altered in any manner; and no structure, land, premises, or part thereof, shall be used for a purpose and no open space surrounding any structure shall be reduced or encroached upon, no existing lots or parcels divided other than as permitted by the provisions of this Ordinance, for the district in which such structure, land or premises is located.

§3.02 BUILDING REGULATIONS

- A. No structure shall be erected, altered, or moved into this city except in conformity with all of the regulations pertaining to such structure and pertaining to the district within which such structure is located, or to be located.
- B. Nor shall any such structure be erected, altered, destroyed, or moved into this city without having been issued previously a zoning permit authorizing such erection, alteration, demolition, or movement.
- C. No building permit shall be issued unless a site plan showing compliance with all requirements of this Ordinance has been approved by the zoning administrator or, in the case of a use requiring approval of the City Planning Commission, approval by such City Planning Commission, or, in the case of an existing structure, a finding by the zoning administrator that the structure is in conformance with all existing ordinances and regulations, or the alteration after moving will permit compliance with all such ordinances and regulations; provided, however, nothing in this section shall prevent the issuance of a zoning permit for a variance duly granted by the Zoning Board of Appeals.
- D. No structure shall hereafter be erected or altered (1) to exceed the height or bulk; (2) to accommodate, or house a greater number of families; (3) to occupy a greater percentage of lot area; (4) to have narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required; or in any other manner contrary to the provisions of this Ordinance.
- E. No part of a yard, or other open space, or off street parking or loading space, required for or in connection with any land use or structure, for the purpose of complying with this Ordinance, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other land use or structure, except as otherwise specifically permitted under provisions of this Ordinance.
- F. No yard, or lot existing at the time of passage of this Ordinance, shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

G. Construction within the 100 year flood plain shall comply with the requirements of the city's building code.

§3.03 CONSTRUCTION OR CONTRACTS UNDER PERMITS ISSUED PRIOR TO THIS ORDINANCE

Any structure for which a zoning permit has been issued and construction of the whole, or a part of which has been started, or for which a contract or contracts have been entered into pursuant to a zoning permit issued prior to the effective date of this Ordinance, may be completed and used in accordance with the plans and applications on which said zoning permit was granted, provided the construction permitted by such permit shall have been prosecuted and completed within one year from the date of issue of such zoning permit.

§3.04 SINGLE FAMILY HOME STANDARDS

A single family dwelling and any additions or alterations thereto erected, moved or placed in the city, other than in a mobile home park, shall conform to the following regulations in addition to all other regulations of this ordinance.

- A. The dwelling shall be firmly attached to an approved foundation measuring a minimum of 42" deep and 8" wide extending around the perimeter of the dwelling constructed on the site in accordance with the city building inspector or code;
- B. If the dwelling is a mobile home as defined in this ordinance, In addition to the requirement above, the property owner shall ensure that the home is installed pursuant to the manufacturer's set-up instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission and any permit required by the State of Michigan. In addition, no dwelling shall have exposed wheels, towing mechanism, undercarriage or chassis. No storage shall be allowed in any crawl space or foundation area which is not a standard basement;
- C. All dwellings shall comply with the minimum width and square footage required in the zoning district it is located in;
- D. The driveway and parking area for the single family residence shall have an asphalt or concrete surface or suitable permanent hard surface;
- E. The dwelling must be aesthetically compatible in design and appearance to homes in the area it is located in. It shall be the responsibility of the zoning administrator to determine if this standard is met. Any party with an interest in the decision may appeal the decision of the zoning administrator. The determination of compatibility shall be based on the character, design and appearance of residential dwellings outside of mobile home parks within 300 feet of the subject dwelling. The determination of compatibility shall be based on compliance with the following standards:

1. The dwelling shall have a combination of roof overhang and pitch comparable to the overhang and pitch of homes typically found in the neighborhood in which it is to be located but in no case shall it be less than a 4:12 pitch with a minimum of a 1 foot overhang.
 2. The dwelling shall have a chimney that is constructed of a material compatible with modern building standards.
 3. The dwelling shall have steps and/or porches which provide access to exterior doors, which are permanently attached to the ground and to the structure, and which are comparable to steps and/or porches of homes typically found in the neighborhood in which it is located.
 4. The dwelling and roof shall be covered with a material which is in composition, color, texture, malleability, direction of joints, and method of fastening to the structure comparable to those typically found in the neighborhood in which it is to be located.
 5. The dwelling shall have windows located on the front, and shall have exterior doors either on the front and rear or front and side as generally found in homes in the neighborhood in which it is to be located.
 6. The orientation of the dwelling's front entrance shall be similar to the orientation of homes in the neighborhood in which it is located.
 7. A dwelling may be approved as aesthetically compatible in design and appearance to homes in the neighborhood in which it is to be located, even if all of the above conditions do not exist, provided it is determined that the dwelling and/or its site have other design features which make it aesthetically compatible to homes in the district. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as energy conscious devices such as solar energy, view, unique land contour or relief from the common or standard designed home.
- F. The dwelling must comply with all pertinent building and fire codes. In the case of a dwelling that is a mobile home, as defined by the United States Department of Housing and Urban Development (HUD), the dwelling shall comply with the standards for mobile home construction as contained in HUD regulations entitled Mobile Home Construction and Safety Standards (24 CFR 3280), effective June 15, 1976, as amended and must have the red and silver seal certifying that it was constructed in compliance with federal code; and
- G. The foregoing standards shall not apply to a mobile home park located in a licensed mobile home park or used as a temporary structure as provided in Section 3.05 Temporary Residences of the city zoning ordinance, except to the extent required by state law or otherwise specifically required in the ordinances of the City of Clio pertaining to such parks.

§3.05 TEMPORARY RESIDENCES

- A. A mobile home or travel trailer may be used as a temporary residence during reconstruction of a residence made uninhabitable by fire or other disaster by issuance of a temporary housing permit by the zoning administrator. The permit is valid for a period of six (6) months and may be extended up to an additional six (6) months by the zoning administrator if progress is demonstrated in repair of the home.
- B. A mobile home or construction trailer may be used as a temporary residence on the site of new commercial or multi-family residence development to permit on-site security during construction, but not for a period of more than a year.
- C. Travel trailers in an approved travel trailer park may also be used as a temporary residence.
- D. Except as provided above, no mobile home, travel trailer, tent, basement, cellar or similar structure shall be used as a residence.

§3.06 EXCAVATIONS AND DANGEROUS HOLES

- A. The construction, maintenance or existence within the city of any unprotected, unbarricaded, open or dangerous excavations, holes, pits, or wells, which constitute or are reasonably likely to constitute a danger or menace to the public health, safety or welfare, are hereby prohibited. Any excavation within the city shall require issuance of a zoning permit. Excavations are to be properly protected and warning signs posted in such a manner as may be approved by the Building Inspector. This section shall not apply to natural bodies of water or to ditches, streams, reservoirs, or other major bodies of water created or existing by authority of the State of Michigan, the County, the city, or other governmental agency.

§3.07 NON-CONFORMING DWELLING

No cellar, garage, or any incompletely constructed structure in use as a dwelling at the effective date of this Ordinance shall be used as a dwelling for more than eighteen (18) months following said date, unless such structure has been brought to a state of external completion in conformity with the regulations of this Ordinance relative to dwellings in the district in which said structure is located.

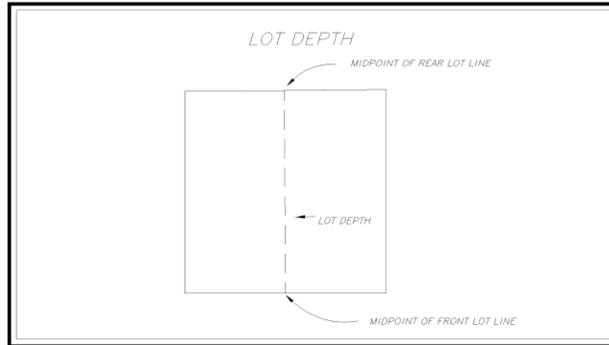
- A. No structure constructed after the effective date of this Ordinance shall be used as a dwelling unless such structure has been completed as a dwelling and an occupancy permit issued for such structure.

§3.08 YARD AND LOT AREA REQUIREMENTS

- A. Lot Measurements: No area shall be counted as accessory to more than one principal structure or use, and no area necessary for compliance with the open space requirements for one principal structure or use shall be included or counted in the calculation of the open space accessory to any other principal structure or use. In the determinations of a land area where a structure is to be erected, altered, or used, no road right-of-way shall be included in the computation of the required minimum land area.

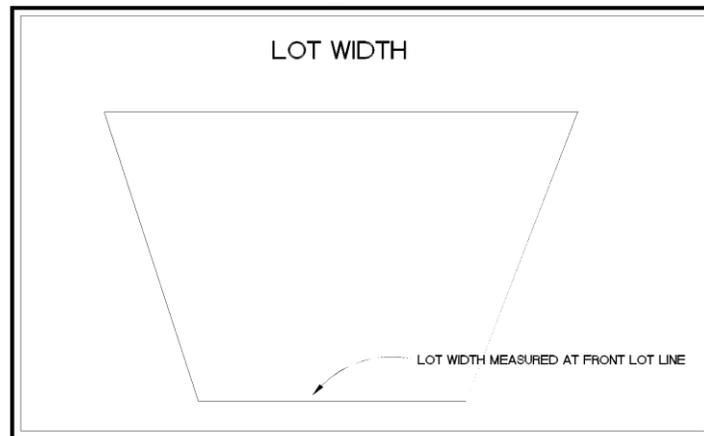
1. Depth of a lot shall be considered to be the distance between the midpoints of straight lines connecting the foremost points to the side lot lines in front and the rearmost points of the side lot lines in the rear. (See Figure 3-1)

Figure 3-1



2. Width of a lot shall be the distance along a straight line connecting side lot lines and measured across the lot between side lot lines at their foremost points (where they intersect with the front lot line) and this line shall not be less than eighty (80) percent of the required lot width, except in the case of lots on the turning circle of cul-de-sac, where the eighty (80) percent requirement shall not apply. (See Figure 3-2)

Figure 3-2

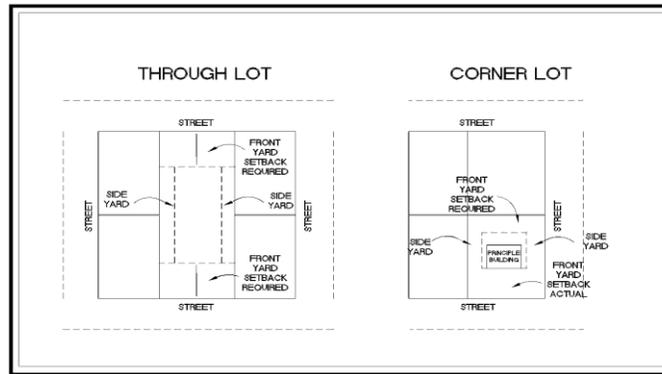


3. The front of a lot shall be the portion nearest the street and, for the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and setbacks shall be provided as required in this Ordinance.

B. Dimension Criteria:

1. Height Limitations: The limitations affecting the height of structures shall not apply to the appurtenant appendages and structures such as parapet walls not exceeding three (3) feet in height, chimneys, smokestacks, church spires, flagpoles, radio or TV towers, masts and aerials, penthouse for mechanical equipment, and water tanks; provided, however, such appendages and structures shall comply with all other provisions of this or any other applicable Ordinance.
2. Yards: All front, side and rear yard setbacks shall be the minimum perpendicular distance measured from the principal structure, excluding all projections not exceeding three (3) feet in length from the structure wall, nor measuring three (3) feet in width to the respective front, side, or rear lot line;
 - a. No construction or growth of vegetation shall be allowed in any portion of yard which is within twenty-five (25) feet of the curb or edge of pavement or traveled roadway which materially impedes vision across such portion of yard between the heights of thirty (30) inches and eight (8) feet; all of which shall be measured from the centerline elevation of abutting streets; provided, however, this provision shall not affect any yard area where the natural ground elevation is more than four (4) feet above the centerline elevation. It is the purpose of this paragraph to provide conditions under which adequate clear vision is provided for entering and exiting driveways.
 - b. In all districts except the C-1 District, no fence, wall, shrubbery, sign, or other obstruction to vision above a height of thirty (30) inches from the established street grades shall be permitted within the triangular area formed at the inter-section of any street right-of-way lines by a straight line drawn between said right-of-way lines at a distance along each line of twenty-five (25) feet from their point of intersection. Fences are not permitted in the IBP District unless approved by the Planning Commission.
 - c. In any district where a lot runs through a block from street to street and where a front yard is required, such front yard shall be provided along each street lot line.
 - d. In the case of through lots, side yards shall extend from the setback lines of required front yards. In the case of corner lots, yards remaining after full front yards have been established shall be considered side yards and comply with applicable requirements for side yards. (See Figure 3-3)

Figure 3-3



- e. Width of a required side yard shall be measured in such a manner that the yard established is a strip of at least the minimum width required by district regulations.
- f. Depth of a required rear yard shall be measured in such a manner that the yard established is a strip of at least the minimum depth required by district regulations.

3. Residential Yard Fences: Definitions

DECORATIVE FENCE:

A temporary structure used to enhance or accent the yards to protect the landscaping of the site.

FENCE:

A permanent structure erected to act as a boundary marker or erected in any zoning district with the purpose of restricting access to or from a lot or parcel of land, whether enclosing all or part of said lot or parcel.

FRONT BUILDING LINE:

The line established by the front wall of the primary structure for the main living area of the residence, (but not including the garage), and extending to each side lot line.

FRONT LOT LINE:

In the case of an interior lot, the line separating said lot from the street. In the case of a corner lot or double frontage lot, the line separating said lot from that street which is designated as the front street in the plat or as the address of the property in question.

FRONT SIDE LOT LINE:

The line which extends from the front lot line to the front building line and which is established by the primary structure on the property.

PROPERTY OWNER: Person or entity who owns the land upon which a fence is erected.

PRIVACY SCREEN: A sight-obscuring structure, erected adjacent to or around, but not limited to, a patio, deck, courtyard area, swimming pool or outdoor hot tub, designed to screen, but not enclose, the area behind it or within its confines.

REAR BUILDING LINE: The line established by the main wall of the rear of the building, extending to each side lot line.

REAR LOT LINE: The lot line opposite the front lot line.

REQUIREMENT FOR ALL DISTRICTS: Any temporary fence shall not be allowed to stand for a period of time in excess of 30 days. Before a temporary fence is erected the owner of the parcel, or his designee, shall obtain a permit from the building inspector. If the fence is erected to protect the public health or safety, such permits may be renewed by the building inspector for additional 30 day periods as necessary.

RESIDENTIAL YARD FENCES: Fences or walls of not more than six (6) feet in height may be constructed in residential districts within a required rear or side yard, and not more than forty-eight (48) inches in height within a required front yard, e.g., along the property line. These provisions shall not be construed to alter or affect the clear vision zones provided for above in subsections B., 2. (a. and b.) of this section. Any front property line may be fenced with a decorative type fence, not to exceed (30) thirty inches in height and shall not violate any of the clear vision zone provisions of this Ordinance as herein above referred to. Residential yard fences, other than decorative fences, require a building permit.

SIDE LOT LINE: Any lot lines other than the front lot lines or the rear lot lines.

SIDEWALK LINE: The edge of the established sidewalk nearest the lot line.

TEMPORARY FENCE: A temporary structure, in any zoning district, intended to act as a boundary marker or erected with the purpose of restricting access to or from a lot or parcel of land, whether enclosing all or part of said lot parcel for a period of time not to exceed 30 days.

4. Permit Required:

The erection, construction or substantial rebuilding of any permanent fence shall be performed within all municipal codes and shall require a building permit. Substantial rebuilding is reconstruction of more than fifty (50%) percent of the structure, a change in the height of the structure, or a change from existing material within a 12 month period. Any person desiring to construct a fence for which a permit is required as defined in this chapter shall first apply to the City Building Inspector for a permit. A permit fee shall be required as presently established or as hereafter prescribed by resolution of the City Commission. Application for the permit shall include any and all information requested by the Building Inspector to determine whether or not the construction of such a fence will violate any portion of this Code or of the adopted Master Plan or any statute of this State. Decorative type fences may be erected without a permit provided that the fence does not exceed the height criteria of this Ordinance. Decorative fences used as boundary markers need to conform to the height requirements of this Ordinance and will require a permit.

5. Requirements for all Districts:

- a. No fence shall have barbed wire, razor wire nor be of any masonry material.
- b. A fence shall not be erected in excess of 48 inches along the front lot line and not more than 48 inches along the front side lot line up to the established front building lines of the primary structure within the front yard nor greater than 72 inches along the side lot line or rear lot line. The fence shall be at least one foot from the front lot line, or where appropriate, the sidewalk line. The location of the fence may not pose a danger or create a visual barrier in the front yard, a blind driveway or which would diminish a view at an intersection or violate the Clear Vision Zone, Section 3.12 City of Clio Zoning Ordinance. (Ord 490, 10-17-16)
- c. There shall be a maximum of one fence per property line for each property owner. No portion of a fence shall project beyond the property owner=s property line nor shall a dead space be created between fences. The property owner, upon which the fence is erected, shall be responsible for maintenance of the fence. Ownership of a fence shall be determined by the fence permit applicant as follows:
 1. By a search of building permits issued to his and adjacent properties; or,
 2. By mutual agreement of the adjacent property owners.
- d. All boundary line fences erected require a boundary line agreement with all affected adjacent property owners. If a boundary line fence agreement with all adjacent property owners affected cannot be reached, then a registered survey shall be required before a permit may be issued. In the absence of a maintenance agreement, then the party erecting the fence shall be responsible for its repair and maintenance.

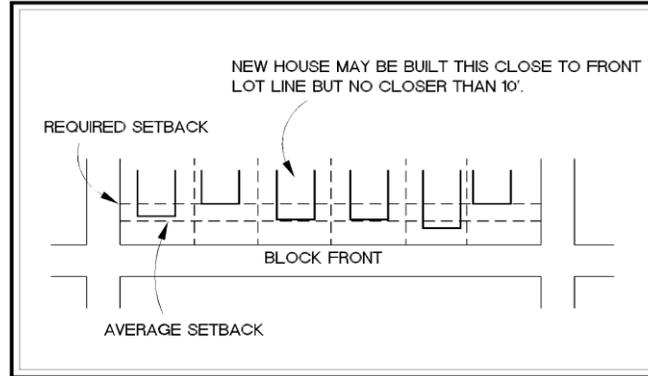
- e. All fences erected must include a plot plan that shows a drawing of the location of the fence and its relationship to all affected structures and property lines as well as its height, length, design and type of material to be used for construction.
- f. All decorative type fences, not to exceed thirty-six (36) inches in height, may be erected along the front lot line without the requirement of a permit.
- g. A barricade fence shall not be erected across the front lot line.
- h. All fences erected shall comply with the City of Clio Zoning Ordinance including but not limited to Section 3.08 Yard and Lot Area Requirements and Section 3.09 Exceptions to Yard and Lot Area Requirements.
- i. Any fence having an unfinished side, (e.g: stockade fence), shall be installed so that the finished side of the fence shall be facing adjacent properties or the street, unless otherwise agreed to, in writing, by the affected parties.
- j. Privacy screen structures shall not exceed six feet in height above the surface of the deck, pool, or other area to be screened. Privacy screen structures exceeding six feet above grade require a permit.
- k. No fence shall be erected closer than one foot to any established sidewalk line.

§3.09 EXCEPTIONS TO YARD AND LOT AREA REQUIREMENTS

Lot area and yard requirements normally required within this Ordinance may be changed upon the approval of a variance by the Zoning Board of Appeals, in accordance with the provisions of Section 13.04 and subject to the following provisions:

- A. Lot Width: A single family dwelling may be constructed on any officially platted and recorded lot which is less than the minimum width required by this Ordinance provided that the structures and setbacks comply with all other requirements herein. If two or more non-conforming lots of record are under common ownership, they must be treated as one lot if so doing reduces the non-conformity.
- B. Lot Area: A single family dwelling may be constructed on any officially platted and recorded lot which has less than the minimum area required by this Ordinance, provided that the structure and setbacks shall comply with all other requirements of this Ordinance. If two or more non-conforming lots of record are under common ownership, they must be treated as one lot if so doing reduces the non-conformity.
- C. Front Yards: In all residential districts, the front yard requirements may be less than the required front yard requirements of the district it is located in, provided that it is not less than the average depth of existing developed front yards on lots within two hundred (200) feet of said lot and within the same block face, and not less than ten (10) feet. (See Figure 3-4)

Figure 3-4



D. Side Yards:

1. The required combined width of side yards on existing lots prior to the date of this Ordinance and with a width of less than that specified within the residential district provisions affecting the district in which such lot is located may be reduced six (6) inches for each foot or major fraction thereof by which the width of such lot is less than the required district provisions; provided that the minimum side yard shall not be less than five (5) feet and the combined width of both side yards shall not be less than fifteen (15) feet.
2. The least width of a required side yard may be measured to the centerline of any adjoining alley, but no structure shall be erected within fifteen (15) feet of the alley line.

E. Rear Yards:

1. Any platted and recorded lot with less than one hundred twenty (120) feet of depth and located in any residential district may have six (6) inches deducted from the required rear yard depth, for every foot the lot is less than one hundred twenty (120) feet deep, provided no rear yard shall be less than twenty-five (25) feet.
2. The required rear yard depth may be measured to the center line of any adjoining alley, but no building shall be erected within fifteen (15) feet of the alley line.

§3.10 FRONT YARDS ON LOTS RUNNING THROUGH THE BLOCK

In any district where a lot runs through a block from street to street and where a front yard is required, such front yard shall be provided along each street lot line, not a side street lot line.

§3.11 ACCESSORY BUILDINGS

A. Non-Residential Districts:

1. Any part of a detached accessory building shall be at least fifty-five (55) feet from any front line when the adjoining lot is located in a residential district.

2. Accessory buildings may be erected as a part of or connected to the principal building but in either case shall be considered a part of the principal building, provided all yard requirements for a principal building are complied with.

B. Residential Districts:

1. No accessory building shall be erected in other than a rear yard.
2. Accessory buildings shall not exceed fourteen (14) feet in height and shall be at least ten (10) feet distance from any other separate structure on the same lot and shall not be closer than (6) feet to any lot line. Accessory buildings will be sided in a material comparable to the principal structure or other buildings in the neighborhood.
3. When the rear line of a corner lot abuts the side line of an adjoining lot in a residential district, no accessory building shall be within six (6) feet of such abutting lot line nor closer to the side street lot line than the front yard setback of the principal building on the adjoining lot, but in no case shall the setback be less than twenty-five (25) feet.
4. When the rear line of a corner lot abuts the rear line of any other lot or is directly across an alley therefrom, no accessory building shall be closer to the side street lot line of the corner lot than the side street yard setback of the principal building on the corner lot, but in no case shall the setback be less than twenty-five (25) feet.
5. Accessory buildings may be erected as a part of the principal building or may be connected thereto by a breezeway or similar structure, and in either case shall be considered a part of the principal building, provided all yard requirements of this Ordinance for a principal building are complied with.

C. Accessory Buildings and Uses for Religious Institutions and Other Places of Assembly

Buildings and uses accessory to a religious institution and other places of assembly shall be permitted subject to the following regulations:

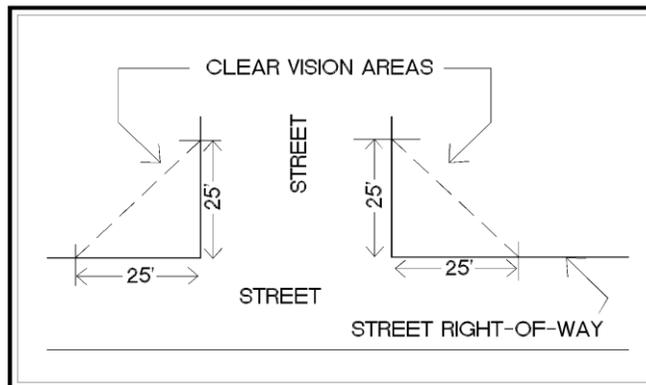
1. Permitted Accessory Buildings and Uses. Accessory buildings and uses associated with religious institutions and other places of assembly are permitted, included but not necessarily limited to, housing for the principal worship leader, classrooms, a garage for storage of site maintenance equipment, and a separate assembly hall for social and educational gatherings.
2. Setbacks. Accessory buildings and structures shall comply with the minimum setback requirements that apply to the principal building.
3. Distance between Detached Buildings. A minimum distance of ten (10) feet shall be provided between any accessory building and any other building on the site.

4. **Height.** Accessory buildings shall comply with the maximum height standards for the district in which they are located, except that accessory garages may not exceed fourteen (14) feet in height.
5. **Location on the Site.** Accessory buildings shall be located no closer to the front lot line than any portion of the principal building.
6. **Prohibited Uses.** Because their intensity of use is in conflict with the level of activity expected in surrounding and nearby residential neighborhoods, the following uses shall be prohibited in residential districts:
 - a. Outdoor parking, storage, or repair of buses. Structures intended for the repair or maintenance of buses may be permitted, subject to conditional use approval.
 - b. Movie theaters, bookstores, and other commercial uses open to the general public.
 - c. Commercial indoor recreational activity centers open to the general public.

§3.12 CLEAR VISION ZONE

In all districts except the C-1 District, no fence, wall, shrubbery, sign, or other obstruction to vision above a height of thirty (30) inches from the established street grades shall be permitted within the triangular area formed at the intersection of any street right-of-way lines by a straight line drawn between said right-of-way lines at a distance along each line of twenty-five (25) feet from their point of intersection. (See Figure 3-5)

Figure 3-5



§3.13 LOT GRADES

- A. All structures shall be constructed or located with a ground elevation such as to provide a sloping grade to cause the surface drainage to flow away from the walls of such structures.

- B. Grades on any lot upon which new construction or earth movement is to be carried out shall be related to existing grades and drainage systems such as to provide adequate drainage and not jeopardize such existing drainage systems, and shall be approved by the Building Inspector and such other authorities having jurisdiction over such systems.

§3.14 GRADING

No premises shall be filled or graded so as to discharge surface runoff on abutting premises in such a manner as to cause ponding or surface accumulation of such run-off on those abutting premises or in a manner that increases the rate of runoff coming off the premises being graded or filled.

§3.15 CURB CUTS AND DRIVEWAYS

Curb cuts and driveways may be located only upon approval by the Planning Commission and such other county and state authorities as required by law; provided, however, such approval shall not be given where such curb cuts and driveways shall cause an unreasonable increase in traffic hazards.

§3.16 ESSENTIAL SERVICES

Nothing in this Ordinance shall prohibit the provision of essential services, provided that the installation of such service does not violate any other applicable provision of this Ordinance or state law. All essential service facilities not otherwise subject to site plan and conditional use permit review procedures as provided within this Ordinance, shall be subject to the review and approval of the City Planning Commission prior to the issuance of a building permit. This provision shall not apply to facilities designed to provide service to an individual single family unit from a distribution or collection line. Review under the provisions of the Subdivision Control Act of 1967 shall suffice as review for new subdivisions.

§3.17 STRUCTURE COMPLETION

All structures shall be completed on the outside in conformance with the building code and with finish materials; such as wood, brick, or brick veneer, shingle, concrete or similar, performance tested within one (1) year after construction is started unless an extension for not more than one (1) additional year is granted by the Building Inspector as provided elsewhere in this Ordinance. When a part of the building is ready for occupancy, a temporary occupancy permit may be issued, provided that the premises comply with health and fire standards, required under this Ordinance or any other ordinance, regulations or statutes.

§3.18 PERSONAL CONSTRUCTION AUTHORITY

Nothing in this Ordinance shall be construed as prohibiting an owner, tenant, occupant, or land contract vendee from doing his or her own building, erecting, altering, plumbing, electrical installation, etc., provided the minimum requirements of City Ordinance, the State Electrical and Plumbing Codes of the State of Michigan, and the applicable Genesee County Health Department regulations are complied with.

§3.19 PERFORMANCE STANDARDS

All uses within the City of Clio shall conform to the following performance standards:

- A. No individual or individuals shall cause, suffer, or allow to be discharged in the atmosphere from any source, smoke the shade or appearance of which is equivalent to or greater than the density described in No. 2 of the Ringelmann Chart; provided, however, that smoke the shade or appearance of which is equivalent to but not darker than No. 2 of the Ringelmann Chart for a period or periods aggregating four (4) minutes in any thirty (30) minutes shall be permitted and provided further, that smoke, the shade or appearance of which is equivalent to but not darker than No. 3 of the Ringelmann Chart for a period or periods aggregating three (3) minutes in any fifteen (15) minutes shall also be permitted when building a new fire or when breakdown or malfunctioning of equipment occurs such as to make it evident that the emission was not reasonably preventable.
- B. At no point on the boundary of any non-industrial district shall the sound pressure level of any operation exceed the described levels in the designated octave bands below:

<u>Octave Band in Cycles Per Second</u>	<u>Maximum Permitted Sound Level in Decibels</u>
1 to 75	72
75 to 150	67
150 to 300	59
300 to 600	52
600 to 1200	46
1200 to 2400	40
2400 to 4800	34
Above 4800	32

- C. There shall be no emission of odorous matter in such quantities as to be offensive at lot boundary lines.
 - 1. Any process which may involve the creation of emission of any odors shall be provided with a secondary safeguard system, so that control will be maintained if the primary safeguard system should fail.
 - 2. There is hereby established as a guide in determining such quantities of offensive odors, Table III (Odor Thresholds) in Chapter 5, "Air Pollution Abatement Manual" copyright 1951 by Manufacturing Chemists' Association, Inc., Washington, D.C.
- D. Any operation producing intense glare or heat shall be performed within an enclosed building or behind a solid fence in such a manner as to be completely imperceptible from any point beyond the lot lines of the lot upon which the source of such glare or heat is located.
- E. No vibration which is discernible to the human sense of feeling shall be perceptible at any point beyond the lot line of the lot upon which the source of such vibration is located.

- F. There shall be no activities which emit dangerous or harmful radioactivity. There shall be no electrical disturbance (except from domestic household appliances) adversely affecting the operation of any equipment located beyond the property of the creator of such disturbance.
- G. The storage and handling of flammable liquids, liquefied petroleum, gases, and explosives shall comply with the State Rules and Regulations as established by Public Act. No. 207 of 1941, as amended.
- H. All outdoor storage facilities for fuel, raw materials, and products and all fuel; and all raw materials and products stored outdoors shall be enclosed by a fence adequate to conceal the facilities from any adjacent properties.
- I. No materials or wastes shall be deposited upon a lot in such a form or manner that may be transferred off the lots by natural forces or causes.
- J. All material or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible or otherwise be attractive to rodents or insects shall be stored outdoors only in closed containers.

§3.20 KENNELS, COMMERCIAL

Kennels, Board Commercial seven (7) dogs or more, are permitted as a Conditional Use Permit in the C-2 District and in the Industrial I-District provided:

- A. The facility shall be licensed by the Genesee County Department of Animal Control.
- B. Kennels housing dogs shall be a minimum of three hundred (300) feet from a residential zoning district.
- C. All dog runs must be enclosed and have a concrete surface.
- D. The applicant must identify an acceptable method of disposing of the animal waste.
- E. The facility shall meet the requirements of the Genesee County Animal Control Ordinance.
- F. Penalty: Any person who fails to allow an inspection as required herein or fails to obtain a certification as required herein shall be guilty of a misdemeanor as established by the Code of Ordinances of the City of Clio.

§3.21 KENNELS, RESIDENTIAL

Kennels, Boarding Private four to six (4-6) dogs are permitted by Conditional Use Permit in the R-1, R-3 and R-4 Zoning Districts provided:

- A. All dogs within the facility shall be licensed by the Genesee County Department of Animal Control and the facility shall comply with operational standards of the county.

- B. Kennels (including dog runs) housing does shall be a minimum of fifty (50) feet from side or rear lot lines. No kennel shall be allowed in the front yard area of any residence.
- C. All dog runs must be enclosed and have a concrete surface.
- D. The facility shall meet the requirements of the County Dog Control Ordinance.
- E. The Planning Commission may upon application by the owner modify the requirements of subsection B and C based on the specific characteristics of the use requested including but not limited to the granting of a temporary permit to keep more than four (4) dogs for a period of time not to exceed thirty (30) days.
- F. Penalty: Any person who fails to allow an inspection as required herein or fails to obtain a certification as required herein shall be guilty of a misdemeanor as established by the Code of Ordinances of the City of Clio.

§3.22 DUMPSTER ENCLOSURE

Trash dumpsters or other similar trash containers (not including temporary containers) shall be kept inside an enclosed building or shall be screened from view the adjacent properties and the street by a fence or wall or other visual barrier at least six (6) feet high. Any dumpster stored outside shall be located in a side or rear yard.

§3.23 BUILDING APPEARANCE

The following standards apply to new structures or changes to existing structures other than single-family and duplex residences and their accessory structures.

- A. All electrical or mechanical equipment or similar fixtures mounted on a roof or extending above the roof line shall be screened from street grade in a manner which is architecturally compatible with other structures in the area.
- B. Exterior walls of buildings visible from any street that abuts the site must consist of face brick, decorative pre-cast concrete panels, integral finished masonry construction, decorative factory finished metals, glass, wood or their equivalent design to provide an attractive façade that is architecturally integrated with the remainder of the site.