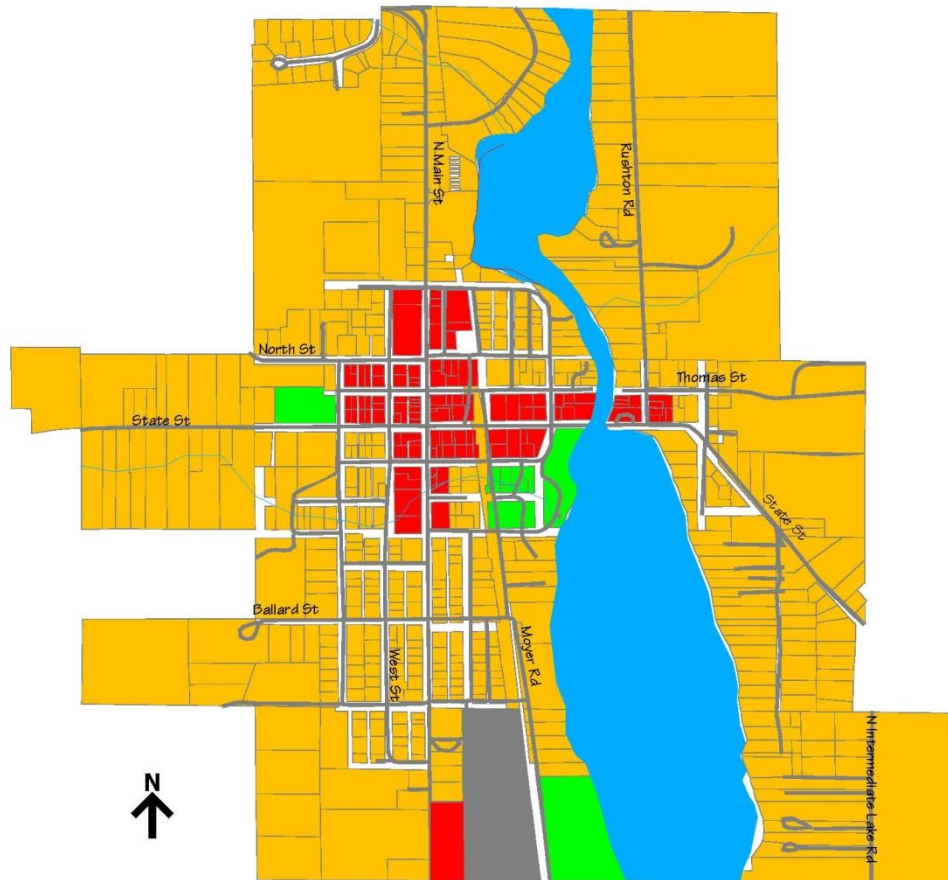


Village of Central Lake

Zoning Ordinance



Adopted: December 11, 2007
Effective: February 13, 2007

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Village of Central Lake Zoning Ordinance
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Article 1: Short Title and Purpose

Village of Central Lake

Preamble

An Ordinance to provide for the establishment of Zoning Districts to encourage and regulate the use of land and proper location of buildings and structures for residence, trade, industry, or other purposes; to regulate dimensions of yards, and other spaces; to provide for the administration, enforcement, penalties for violation, and amendment of this ordinance.

The Village of Central Lake ordains:

Article 1: Short Title and Purpose

Section 1.01 - Title

This Ordinance shall be known as the Village of Central Lake Zoning Ordinance.

Section 1.02 - Purpose

The purpose of the Ordinance is to:

1. Provide for the orderly development of the Village while minimizing the impacts of incompatible adjoining land uses and preventing nuisances from interfering with the reasonable use and enjoyment of private property. In all cases, it is the purpose of this Ordinance to regulate the use of private property so that it does not adversely impact upon broader public interest;
2. Insure the public health, safety and general welfare;
3. Promote the use of lands and natural resources of the Village in accordance with their character and adaptability and in turn, limit their improper use;
4. Reduce hazards to life and property;
5. Lessen congestion on the public roads and streets;
6. Provide, in the interests of health and safety, the minimum standards under which certain buildings and structures may hereafter be erected and used;
7. Facilitate the development of an adequate system of transportation, education, recreation, sewage disposal, safe and adequate water supply and other public requirements;
8. Conserve life, property and natural resources and the expenditure of funds for public improvements and service to conform with the most advantageous uses of land, resources and properties.

Section 1.03 - Authority

This Ordinance is ordained and enacted into law pursuant to the provisions and in accordance with the Michigan Zoning Enabling Act, Act 110 of the Public Acts of 2006.

Section 1.04 - Validity

This Ordinance and various parts, sections, subsections, sentences, phrases and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, section, subsection, phrase or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of this Ordinance shall not be affected thereby. The Village Council hereby declares that it would have passed this Ordinance and each part, section, subsection, phrase, sentence and clause thereof irrespective of the fact that any one or more parts, sections, subsections, phrases, sentences or clauses be declared invalid.

Section 1.05 – Limitation of Zoning Ordinance

The provisions of this Ordinance shall not impact the continued use of any dwelling, building or structure or any land or premises, which was lawful and existing on the adoption date of this Ordinance.

Article 2: Definitions



Section 2.01 - Rules of Construction

In order to clarify the intent of the provisions of this Ordinance, the following rules shall apply, except when clearly indicated otherwise.

1. The particular shall control the general.
2. The word "shall" is always mandatory and never discretionary. The word "may" is permissive.
3. Words used in the present tense shall include the future; words in the singular number shall also denote the plural and the plural shall also denote the singular.
4. A "building" or "structure" includes any part thereof.
5. The phrase "used for" includes "arranged for", "designed for", "intended for", "maintained for" and "occupied for".
6. Unless the context clearly indicates otherwise, where a regulation involves two (2) or more items, conditions, provisions, or events, the terms "and", "or", "either...or", such conjunction shall be interpreted as follows:
 - A. "And" denotes that all the connected items, conditions, provisions, or events apply in combination.
 - B. "Or" indicates that the connected items, conditions, or provisions, or events may apply singly or in any combination.
7. "Village" shall refer specifically to Village of Central Lake.
8. The term "person" shall mean an individual, firm, corporation, association, partnership, limited liability company or other legal entity, or their agents.
9. Terms not defined shall be assumed to have the meaning customarily assigned them.
10. Any necessary interpretation of this Ordinance shall be defined by the Village Zoning Board of Appeals.

Section 2.02 - Definitions

Accessory Structure: Any building or structure that is customarily incidental and subordinate to the use of the principal building or structure, including but not limited to, accessory buildings, personal freestanding television and radio reception antennas, satellite dishes and signs.

Accessory Use: A use naturally and normally incidental and subordinate to the main use of the land or building.

Adult Arcade: Any place to which the public is permitted or invited wherein coin-operated or slug-operated electronically 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 depicting or describing of Specified Sexual Activities or Specified Anatomical Areas.

Adult Bookstore or Adult Video Store: A commercial establishment that, as one of its principal business purposes, offers for sale or rental for any form of consideration one or more of the following:

1. 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
2. Instruments, devices, or paraphernalia that are designed for use in 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 or 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 occupies 25% or more of the floor area or visible inventory within the establishment.

Adult Cabaret: A nightclub, bar, restaurant, or similar commercial establishment that regularly features:

1. Persons who appear in a state of nudity;
2. Live performances that are characterized by the exposure of Specified Anatomical Areas or by Specified Sexual Activities;
3. 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
4. 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.

Adult Motel: A hotel, motel or similar commercial establishment that:

1. 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 or Specified Anatomical Areas and has a sign visible from the public right of way that advertises the availability of any of the above;
2. Offers a sleeping room for rent for a period of time that is less than twelve (12) hours; or
3. 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.

Adult Motion Picture Theater: A commercial establishment which for any form of consideration, regularly and primarily shows films, motion pictures, video cassettes, slides, or other photographic reproductions or visual media that are characterized by depiction or description of Specified Sexual Activities or Specified Anatomical Areas.

Adult Theater: 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.

Agriculture: The act or business of cultivating or using land and soils for the production of crops for the use of animals or humans and includes, but is not limited to, purposes related to agriculture, farming, dairying, pasturage, horticulture, floriculture, viticulture, and animal and poultry husbandry. Flower, vegetable or other gardens maintained only for the property owner(s) use and/or enjoyment are not considered agriculture.

Alterations: Any change, addition or modification in construction or type of use or occupancy; any change in the supporting structural members of a building, such as walls, partitions, columns, beams, girders, or any change which may be referred to herein as "altered" or "reconstructed".

Alternative Tower Structure: Man-made trees, clock towers, bell steeples, light poles and other similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

Anemometer: An instrument for measuring and recording the speed of the wind.

Anemometer Tower: A structure, including all accessory facilities, temporarily erected for no more than two (2) years, on which an anemometer is mounted for the purposes of documenting whether a site has wind resources sufficient for the operation of a wind turbine generator.

Antenna: Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio signals or other communication signals.

Appearance Ticket: see Municipal Civil Infraction Citation.

Architectural Features: Parts of a building which are not for human occupancy, that shall include but are not limited to cornices, eaves, gutters, courses, sills, lintels, bay windows, chimneys and decorative ornaments.

Automobile Repair: Any major activity involving the general repair, rebuilding, or reconditioning of motor vehicles or engines; collision repair, such as body, frame, or fender straightening and repair; overall painting and vehicle rust-proofing; refinishing or steam cleaning.

Automobile Sales Area: Any space used for display, sale or rental of motor vehicles, in new or used and operable condition.

Automobile Wash Establishment: A building, or portions thereof, the primary purpose of which is that of washing motor vehicles.

Average: For the purpose of this Ordinance, the term, "average" will be an arithmetic mean.

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.

Bed and Breakfast Establishments: Any family occupied dwelling used or designed in such a manner that certain rooms in excess of those used by the family are rented to the transient public for compensation.

Bedroom: A dwelling room used or intended to be used by human beings for sleeping purposes.

Brewery: A nonresidential structure in which a person is licensed by the Michigan Liquor Control Commission to manufacture and sell any beverage obtained by alcoholic fermentation of an infusion or decoction of barley, malt, hops, or other cereal in potable water.

Board of Appeals: As used in this Ordinance, this term means the Village of Central Lake Zoning Board of Appeals.

Boat and/or Canoe Livery and Boat Yard: A place where boats and/or canoes are stored, rented, sold, repaired, decked and serviced.

Buffer Strip: A strip of land for the planting of shrubs and/or trees to serve as an obscuring screen to carry out the requirements of this Ordinance.

Building Height: The maximum vertical distance from any portion of the roof to the natural grade. No portion of the structure's roof (except chimneys & cupolas) may exceed the height allowed in the specific district regulations.

Buildable Width: The width of a lot left for building after required side yards are provided.

Building: Any structure having a roof supported by columns, or walls for the shelter or enclosure of persons, animals, or property of any kind.

Campgrounds: Any parcel or tract of land, under the control of any person wherein 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 five (5) or more recreational units.

Car Wash Facilities: See Automobile Wash Establishment.

Church: See Place of Worship.

Clinic: A building or group of buildings where human patients are admitted for examination and treatment by more than one professional, such as a physician, dentist, or the like, except that human patients are not lodged therein overnight.

Club: Buildings and facilities owned or operated by corporation, association, person or persons, for social, educational, or recreational purposes.

Condominium Unit: That portion of a condominium project designed and intended for occupancy and use by the unit owner consistent with the provisions of the master deed.

Cottage Industry: An occupation or trade conducted within an attached garage or detached residential accessory structure, which is clearly incidental and secondary to the use of the lot, and dwelling for residential purposes. Cottage industries are regulated by *Section 3.08.2*.

Distillery: A nonresidential structure in which a person is licensed by the Michigan Liquor Control Commission to manufacture and sell (1) the product of distillation of fermented liquid, whether or not rectified or diluted with water, but not including ethyl or industrial alcohol, diluted or not, that has been denatured or otherwise rendered unfit for beverage purposed, and/or (2) a beverage that contains alcohol obtained by distillation, mixed with potable water or other substance, or both, in solution, and including wine containing an alcoholic content of more than 21% by volume, except sacramental wine mixed spirit drink.

Dock: A temporary or permanent structure, built on or over the water, supported by pillars, pilings, floats, or other supporting devices.

Drive-Thru Business: Any restaurant, bank or business with an auto service window.

Driveway, Private: A private lane, which is used for vehicular ingress or egress serving one, two or three lots, parcels or site condominium units.

Dwelling Unit: A building or portion of a building, either site-built or pre-manufactured which has sleeping, living, cooking and sanitary facilities and can accommodate one family, either permanently or transiently. In the case of buildings which are occupied in part, the portion occupied shall be considered a dwelling unit, provided it is in conformance with the criteria for dwellings. In no case shall a travel trailer, truck, bus, motor home, tent or other such portable structures be considered a dwelling unit.

Dwelling, Accessory: A dwelling unit accessory to a single-family residence or a commercial business located either in the principal structure or an accessory building, such as a garage. An accessory dwelling commonly has its own kitchen, bath, living area, sleeping area, and usually a separate entrance.

Dwelling, Single-Family: A detached building containing not more than one dwelling unit designed for residential use.

Dwelling, Two-Family: A building containing not more than two separate dwelling units designed for residential use.

Dwelling, Manufactured: A building or portion of a building designed for long-term residential use and characterized by all of the following:

1. The structure is produced in a factory in accordance with the National Manufactured Housing Construction and Safety Standards Act, as amended, and
2. The structure is designed to be transported to the site in nearly complete form, where it is placed on a foundation and connected to utilities; and
3. The structure is designed to be used as either an independent dwelling or as a module to be combined with other elements to form a complete dwelling on the site.

Dwelling, Mobile: A factory-built, single-family structure that is transportable in one or more sections, is built on a permanent chassis, and is used as a place of human habitation; but which is not constructed with a permanent hitch or other device allowing transport of the unit other than for the purpose of delivery to a permanent site, which does not have wheels or axles permanently attached to its body or frame, and which is constructed according to the National Mobile Home Construction and Safety Standards Act of 1974, as amended.

Dwelling, Multiple-Family: A building containing three or more dwelling units designed for residential use.

Efficiency Unit: A dwelling unit consisting of one room, exclusive of bathroom, hallway, closets, and the like providing not less than three hundred and fifty (350) square feet of usable floor area.

Enclosed, locked facility: That term as defined in Section 3 of Initiated Law of 2008, as amended (Michigan Medical Marijuana Act), being MCL 333.26423.

Erected: Includes built, constructed, reconstructed, extended, enlargement, moved upon, or any physical operation on the premises intended or required for a building or structure. Excavation, fill, drainage, and general land improvements, shall be considered part of erection.

Essential Services: The erection, construction, alteration, or maintenance by public utilities or municipal department or commissions of underground, surface, or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, traffic signals, hydrants, towers, poles, and other similar equipment, and accessories in connection therewith reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health or general welfare, but not including buildings other than such buildings as are primarily enclosures or shelters of the above essential service equipment. Telecommunication towers or facilities, alternative tower structures, wireless communication antenna and wind turbine generators are not included within this definition.

Excavating: Excavating shall be the earth moving, filling or removal of earth, sand, stone, gravel, or dirt.

Family: An individual, or two (2) or more persons related by blood, marriage, or adoption, together with not more than (2) persons not so related, occupying a dwelling and living as a single nonprofit housekeeping unit with single culinary facilities as distinguished from a group occupying a boarding house, lodging house, hotel, club, fraternity, or similar dwelling for group use.

Farm Use Building: For a building to be considered a “Farm Use Building” the property must be actively farmed and considered agriculture by definition and over half the land of the contiguous parcel must be tillable and/or pasture.

Fence: Any permanent or temporary means, partition, structure or gate erected as a dividing structure, or barrier and not part of a structure requiring a building permit. A fence must be constructed of material marketed and manufactured as fencing and/or screening material exclusive of agricultural fencing.

Floor Area: The square footage of floor space measured from exterior to exterior wall for all floors, but not including enclosed and unenclosed porches, breezeways, non-commercial garages, attic, basement and cellar area.

Floor Area, Usable (for the purpose of computing parking): That area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients or customers. Floor area used or intended to be used for the storage or processing of merchandise, hallways or for utilities or sanitary facilities, shall be excluded for the computation of “Usable Floor Area”. All floor levels shall be counted.

Gasoline Service Station: Any land, building or structure used for sale or retail of motor vehicle fuels, oils, or accessories, or installing or repairing parts and accessories, but not including repairing or replacing of motors, doors, or fenders, or painting motor vehicles.

Grade: The ground elevation established for the purpose of regulating the number of stories and the height of buildings. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building.

Greenbelt, Shoreline: An undisturbed area of land paralleling the water’s edge to a depth of the required zoning setback distance if not otherwise stipulated, which is retained in a natural condition and is essentially void of any structural improvements, to serve as a waterfront buffer. Beaches and/or vegetated areas shall be defined as shoreline greenbelts.

Hazardous Substances: Any substances or materials that, by reason of their toxic, caustic, corrosive, abrasive or otherwise injurious properties, may be detrimental to the health of any person handling or otherwise coming into contact with such materials or substances.

Home Occupation: A profession, occupation, activity or use conducted within a dwelling which is incidental and secondary to the use of the lot and dwelling for residential purposes, and which does not alter the exterior of the property or affect the residential character of the neighborhood.

Hotel or Motel: A building occupied or used as a predominantly temporary abiding place by individuals or groups of individuals, with or without meals, and in which building there are more than five (5) sleeping rooms.

Industrial Park: A special or exclusive type of planned industrial area designed and equipped to accommodate a community of industries, providing them with facilities and services in attractive surroundings among compatible neighbors.

Industry: A use engaged in manufacturing, fabricating, and/or assembly activities.

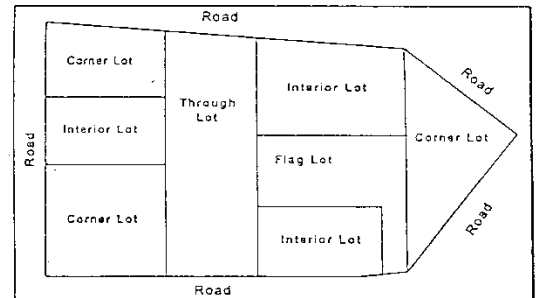
Junkyard: An open area where waste, used or second hand materials are bought and sold, exchanged, stored, baled, packed, disassembled or handled including, but not limited to scrap or other metals, paper, rags, rubber tires and bottles. A “Junkyard” includes automobile wrecking yards and includes any area of more than two hundred (200) square feet for storage, keeping or abandonment of junk, but does not include uses established entirely within enclosed buildings.

Kennel: Any lot or premises on which three (3) or more dogs, cats, or other household pets of the same species four (4) months of age or older are kept temporarily or permanently. Kennel shall also include any lot or premise where household pets are bred or sold.

Landscape buffer: See Buffer Strip.

Loading Space: An off-street space on the same lot with a building or group of buildings, for temporary parking of a commercial vehicle while loading or unloading merchandise or materials. Off-street loading space is not to be included as an off-street parking space in computation of required off-street parking.

Lot: A parcel of land or site condominium occupied or to be occupied by a use or building and its accessory buildings or structures together with such open spaces, minimum area, and width required by this Ordinance for the district in which located, but not including any area within any abutting right-of-way or traffic lane.



Lot, Corner: A lot located at the intersection of two streets or a lot bounded on two sides by a curving street, any two (2) sides of which form an angle of one hundred thirty-five (135) degrees or less.

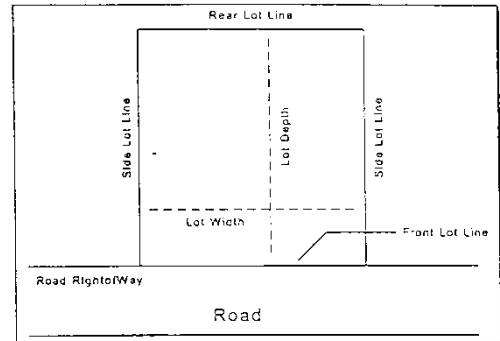
Lot Coverage: The part or percent of the lot occupied by buildings or structures, including accessory buildings or structures and all impervious surfaces.

Lot Depth: The horizontal distance between front and rear lot lines, measured along the median between side lot lines.

Lot, Double Frontage: A lot other than a corner lot having frontage on two (2) more or less parallel roads. If there are existing structures in the same block fronting on one (1) or both of the roads, the required front yard setback shall be observed on those roads where such structures presently front.

Lot, Interior: A lot other than a corner lot with only one (1) lot line fronting on a street.

Lot Line, Front: In the case of an interior lot abutting upon one public or private street, the front lot line shall mean the line separating such lot from such street or road right-of-way. In the case of a corner or double frontage or a through lot, the front lot line shall be that line separating said lot from the road on the side of the lot that has the narrowest road frontage, or if the two lot lines have an equal amount of frontage, the front lot line shall be on the most improved or best rated road. (See *Lot, Double Frontage*).



Lot Line, Rear: The lot line being opposite the front lot line. In the case of a lot irregularly shaped at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet long lying farthest from the front lot line and wholly within the lot.

Lot Line, Side: Any property line bounding a lot that is not a front lot line or a rear lot line.

Lot of Record: A lawfully created parcel of land defined by a legal description and recorded in the office of the Antrim County Register of Deeds on or before the effective date of this Ordinance.

Lot, Waterfront: A lot having frontage directly upon a lake, river, or stream. The portion adjacent to the water is considered the water frontage.

Lot Width: The horizontal distance between the side lot lines, measured at the two (2) points where the front setback line, intersects the side lot lines.

Lot, Zoning: A contiguous tract of land that at the time of filing for a Zoning permit is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control. A Zoning Lot may not coincide with a lot of record, but may include one or more lots of record.

Manufactured Home: see Dwelling, Manufactured.

Master Plan or Comprehensive Plan: The statement of policy by the Village Planning Commission and approved by the Village Council relative to the agreed-upon desirable physical pattern of future community development. It consists of a series of maps, charts, and written material representing in summary form the community's conception of how it should grow in order to bring about the very best community living conditions.

Marijuana or marihuana: That term as defined in Section 7106 of Act no. 368 of the Public Act of 1978, as amended (Michigan Public Health Code), being MCL 333.7106.

Medical Use: That term as defined in Section 3 of Initiated Law of 2008, as amended (Michigan Medical Marijuana Act), being MCL 333.26423.

Migratory Labor: Temporary or seasonal labor employed in planting, harvesting, or construction.

Mobile Home: see Dwelling, Mobile.

Mobile Home Park: A parcel of land which has been planned and improved for the placement of three (3) or more mobile homes for residential dwelling use.

Mobile Home Site: A plot of ground within a mobile home park designed for the accommodation of one mobile home.

Motel: See Hotel.

Municipal Civil Infraction Citation: A written complaint or notice prepared by an authorized Village official, directing a person to appear in court regarding the occurrence or existence of a municipal civil infraction violation by the person cited.

Nonconforming Lot of Record: A lot of record that legally existed on or before the effective date of this ordinance or any amendment to this ordinance and does not meet dimensional requirements of this ordinance or amendment.

Nonconforming Structure: A building, structure, or portion thereof that lawfully existed before the effective date of this ordinance or any amendment to this ordinance and that does not meet the floor area, setback, parking or other dimensional regulations for the zoning district in which such building or structure is located.

Nonconforming Use: A use which lawfully occupied a building or land at the effective date of this Ordinance or Amendments thereto that does not conform to the use regulations of the Zoning District in which it is located.

Nude Model Studio: 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.

Nudity or a State of Nudity: Knowingly or intentionally displaying in a public place, or for payment or promise of payment by any person including, but not limited to 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:

1. A woman's breastfeeding of a baby whether or not the nipple or areola is exposed during or incidental to the feeding.
2. 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.
3. Sexually explicit visual material as defined in section 3 of Act No. 33 of Public Acts of 1978, being section 722.673 of the Michigan Compiled Laws.

Nuisance Factor: An offensive, annoying, unpleasant, or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being of reasonable sensibility, or the generation of an excessive or concentrated movement of people or things, such as noise; dust; heat; electronic or atomic radiation; objectionable effluent; noise or congregation of people, particularly at night.

Nursery, Plant Materials: A space, building or structure, or combination thereof, for the storage of live trees, shrubs, or plants offered for retail sale on the premises, including products used for gardening or landscaping. The definition of nursery *does not include* space used for the sale of fruits or vegetables.

Occupancy Permit: A permit issued by the Antrim County building official that certifies a structure as being completed and suitable for use and/or occupancy, and that includes approval by the Village Zoning Administrator that the project has been built in accordance with the approved plot or site plan and the Village of Central Lake Zoning Ordinance.

Off Street Parking Lot: A facility providing vehicular parking spaces, along with adequate drives and aisles. Adequate maneuvering space shall also be included to allow unrestricted ingress and egress to at least two (2) vehicles.

Open Air Business: Includes uses operated for profit, substantially in the open air, including:

1. Bicycle, utility truck or trailer, motor vehicle, boats, or home equipment sale, repair or rental services.
2. Outdoor display and sale of garages, motor homes, mobile home, snowmobiles, farm implements, swimming pools and similar activities.
3. Retail sale of trees, fruit, vegetables, shrubbery, plants, seeds, top-soil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies and equipment.

4. Miniature golf, golf driving ranges, children's amusement park or similar recreation uses operated for profit.

Open Space: Land upon which no structures, parking, rights-of-way, or other improvements have or will be made and that will not be committed for future use other than outdoor recreational use.

Ordinary High Water Line: The line between upland and bottomland which persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the soil and the vegetation. On an inland lake which has had a level established by law, it means the high established level. On a river or stream, the ordinary high water mark shall be the ten-year flood limit line.

Park: Properties and facilities owned or operated by any governmental agency, or owned or operated by any private agency, which are open to the general public for recreational purposes.

Parking Space: An area of definite length and width exclusive of drives, aisles, or entrances, giving access thereto, and fully accessible for the storage or parking of permitted vehicles.

Place of Worship: A building wherein people regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such principal purpose.

Planning Commission: For the purpose of this Ordinance the term Planning Commission is deemed to mean the Village of Central Lake Planning Commission.

Planned Unit Development (PUD): A type of development to be planned and built as a unit and which permits upon review and approval, variations in many of the traditional controls related to density, land use, setbacks, open space and other design elements, and the timing and sequencing of the development. Such developments can be proposed as either mixed use or single use developments.

Plot Plan: The drawings and documents depicting and explaining all salient features of a proposed development for which a zoning permit is required, but a full site plan is not required, in order to evaluate compliance with ordinance standards and requirements.

Pick-up Camper: See Recreational Vehicle.

Primary caregiver: That term as defined in Section 3 of Initiated Law of 2008, as amended (Michigan Medical Marijuana Act), being MCL 333.26423 who has registered with the Bureau of Health Professions, Michigan Department of Licensing and Regulatory Affairs or any successor agency under the Michigan Medical Marijuana Act.

Principal Use: The main use to which the premises are devoted and the primary purpose for which the premises exists.

Professional Office: The office of a professional person such as a doctor, dentist, engineer, architect, attorney, insurance or real estate agent, and the like.

Public Sewer Systems: A public sewer system shall be defined as a central or community sanitary sewage and collection system of pipes and structures including pipes, conduits, manholes, pumping stations, sewage and waste water treatment works, diversion and regulatory devices, and outfall structures, collectively or singularly, actually used or intended for use by the general public or a segment thereof, for the purpose of collecting, conveying, transporting, treating or otherwise handling sanitary sewage or industrial liquid waste of such a nature as to be capable of adversely affecting the public health operated and maintained by the general public.

Public Utility: Any person, firm, corporation, municipal department board, or commission fully authorized to furnish and furnishing, under federal, state or municipal regulations, to the public, electricity, gas, steam, communications, telegraph, transportation, water services, or sewage disposal.

Qualifying Patient: That term as defined in Section 3 of Initiated Law of 2008, as amended (Michigan Medical Marijuana Act), being MCL 333.26423 who has registered with the Bureau of Health Professions, Michigan Department of Licensing and Regulatory Affairs or any successor agency under the Michigan Medical Marijuana Act.

Recreational Vehicle: A vehicle designed to be used primarily for recreational purposes, including temporary sleeping quarters and/or cooking facilities, or a unit designed to be attached to a vehicle and used for such purposes, including self-propelled motor homes, pickup campers, fifth wheel trailers, travel trailers, and tent trailers.

Resort: A recreational lodge, camp or facility operated for gain, and which provides overnight lodging and one or more of the following: golf, skiing, dude ranching, recreational farming, snowmobiling, pack trains, bike trails, boating, swimming, hunting and fishing and related or similar uses normally associated with recreational resorts.

Road Right-of-Way: A Street, alley or thoroughfare or easement permanently established for passage of persons or vehicles which, if used to establish a lot front, provides adequate permanent access.

Road, Private: An area of land which is not a public road, but which is intended for passage to and from more than one lot or site condominium unit.

Roadside Stand: An accessory and temporary farm structure operated for the purpose of selling local agricultural products, primarily are raised or produced on the same farm premises or other properties under the same ownership or management.

Retail and Retail Stores: Any building or structure in which goods, wares, or merchandise are sold to the ultimate consumer for direct consumption and not for resale.

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

Seasonal Use: Any use or activity that reasonably can or should only be conducted during certain months or seasons of a year.

Setback: The minimum required horizontal distance from the applicable front lot line, rear lot line or side lot line within which no buildings or structures may be placed.

Sexual Encounter Center: A business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:

1. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
2. 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.

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.

Shopping Center: A group of commercial establishments, planned, developed, owned, and managed as a unit, with off-street parking provided on the property, and related in its location, size and type of shops to the trade area which the unit serves. Three or more retail stores and services, so arranged or planned, shall qualify as a shopping center for zoning purposes.

Sign: A structure, including its base, foundation and erection supports upon which is displayed any words, letters, figures, emblems, symbols, designs, or trademarks by which any message or image is afforded public visibility from out of doors on behalf of or for the benefit of any product, place activity, individual, firm, corporation, institution, profession, association, business or organization.

Sign, Animated: Any sign having a conspicuous and intermittent variation in the illumination of the physical position of any part of the sign.

Sign, Freestanding or Ground: A sign supported by permanent uprights or braces in the ground.

Sign, Off Premise: Any sign relating to subject matter not conducted on the premises on which the sign is located.

Sign, On Premise: An advertising sign relating in its subject matter to the premises on which it is located, or to products, accommodations, service, or activities on the premises.

Sign, Outdoor business or Informational: A freestanding, overhanging or wall mounted sign located outside a structure on which is displayed information pertaining to a product, use, occupancy, function, service or activity located within that structure on the same property as the sign, or at a location different than the property on which the sign is located.

Sign, Overhanging: A sign that extends beyond any structure wall and is affixed to the structure so that its sign surface is perpendicular to the structure wall.

Sign, Portable: A sign that is designed to be transported, including but not limited to signs:

- With wheels removed;
- With chassis or support constructed without wheels;
- Designed to be transported by trailer or wheels;
- Converted A- or T- frame signs;
- Attached temporarily or permanently to ground, a structure, or other signs;
- Mounted on a vehicle for advertising purposes, parked and visible from the public right-of-way, except signs identifying the related business when the vehicle is being used in normal day-to-day operations of that business;
- Menu and Sandwich boards;
- Searchlight stand; and
- Hot-air or gas-filled balloons or umbrellas used for advertising.

Sign surface: That portion of a sign excluding its base, foundation and erection supports on which information pertaining to a product, use, occupancy, function, service, or activity is displayed.

Site Condominium Unit: That portion of a condominium subdivision designed and intended for occupancy and use by the unit owner consistent with the provisions of the master deed.

Site Plan: The drawings and documents depicting and explaining all salient features of a proposed development so that it may be evaluated according to the procedures set forth in this ordinance, to determine if the proposed development meets the requirements of this Zoning Ordinance.

Special Approval: Approval by the Village Planning Commission of a use of land in a district that does not conflict with any other permitted land use in the district when such use is specified in this Ordinance for that district.

Stable: A building or structure used to house horses, either for the property owner's private use or for hire.

Story: That portion of a building, other than a basement or mezzanine, included between the surface of any floor and the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it. A "mezzanine" floor shall be deemed a full story only when it covers more than fifty (50%) percent of the area of the

story underneath said mezzanine, or if the vertical distance from the floor next below it to the next above it is twenty-four (24) feet or more.

Structural Change or Alteration: See Alterations.

Structure: Anything constructed or erected, the use of which requires location on the ground or attachment to something having permanent location on the ground.

Telecommunication Towers and Facilities or Tower - All structures and accessory facilities, including Alternative Tower Structures, relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals; including, but not limited to, radio towers, television towers, telephone devices and exchanges, microwave relay facilities, telephone transmission equipment buildings, private and commercial mobile radio service facilities, personal communication services towers (PCS), and cellular telephone towers. Not included in this definition are: citizen band radio facilities; short wave receiving facilities; radio and television broadcast reception facilities; satellite dishes; federally licensed amateur (HAM) radio facilities; and governmental facilities which are subject to state or federal law or regulations which fully preempt municipal regulatory authority.

Temporary Building and Use: A structure or use permitted by this Zoning Ordinance to exist during periods of construction of the main building or for special events.

Thoroughfares: An arterial street which is intended to serve as a traffic way serving primarily the immediate Village area and serving to connect with major thoroughfares.

Tourist Home: See Bed and Breakfast Establishment definition.

Trailer Coach: See Recreational Vehicle definition.

Travel Trailer: See Recreational Vehicle definition.

Use: The lawful purpose of which land or premises, or a building thereon, is designed, arranged, or intended, or for which it is occupied, or maintained, let, or leased, according to this Ordinance.

Variance: A modification of literal provisions of this Ordinance which the Zoning Board of Appeals is permitted to grant when strict enforcement of said provision would cause practical difficulty or undue hardship owing to circumstances unique to the individual property on which the variance is sought.

Wind Turbine Generator: A tower, pylon, or other structure, including all accessory facilities, upon which any, all, or some combination of the following are mounted:

1. A wind vane, blade, or series of wind vanes or blades, or other devices mounted on a rotor for the purpose of converting wind into electrical or mechanical energy.
2. A shaft, gear, belt, or coupling device used to connect the rotor to a generator, alternator, or other electrical or mechanical energy-producing device.

3. A generator, alternator, or other device used to convert the energy created by the rotation of the rotor into electrical or mechanical energy.

Wind Turbine Generator, Commercial: A wind turbine generator designed and used primarily to generate electricity by or for sale to public utility companies.

Wind Turbine Generator Farm, Commercial: Two (2) or more wind turbine generators located on the same parcel designed and used primarily to generate electricity by or for sale to public utility companies.

Wind Turbine Generator, Noncommercial: A wind turbine generator designed and used primarily to generate electricity or produce mechanical energy for use on the property where located.

Wind Turbine Generator Tower Height: The distance between the ground and the highest point of the wind turbine generator, plus the length by which the rotor wind vanes or blades mounted on a horizontal axis wind turbine rotor exceeds the height of the wind turbine generator.

Yard: A space open to the sky between a building and the lot lines of the parcel of land on which located, unoccupied or unobstructed by an encroachment or structure except as otherwise provided by this Ordinance.

Yard, Front: A yard across the full width of the lot extending from the front line of the principal building to the front lot line.

Yard, Rear: A yard extending across the full width of the lot from the rear line of the building to the rear lot line.

Yard, Side: A yard between the side lot line and the nearest side of the principal building, extending between the front yard and rear yard.

Zoning Permit: A zoning permit is written authority as issued by the Zoning Administrator on behalf of the Village permitting the construction, moving, exterior alteration or use of a building or land in conformity with the provisions of this Ordinance.

Article 3: General Provisions

Village of Central Lake

Section 3.01 – The Effect of Zoning

1. In order to carry out the intent of this Ordinance, no excavation, use or activity on a piece of land shall be allowed or maintained, no building or structure or part thereof shall be allowed to be used, constructed, remodeled, altered, or moved upon any property unless it is in conformance with this Ordinance, and a zoning permit has been obtained, except in the case of lawful nonconforming uses.

2. If any activity, use, building, structure or part thereof is placed upon a piece of property in direct conflict with the intent and provisions of this Ordinance, such activity, use, building or structure shall be declared a nuisance per se and may be required to be vacated, dismantled, abated, or cease operations by any legal means necessary and such use, activity, building or structure shall not be allowed to function until it is brought into conformance with this Ordinance.
3. In the event that any lawful use, activity, building or structure which exists or has begun substantial construction at the time of the adoption of this Ordinance and is not in conformance with the provisions of the zoning district in which it is located, such use, activity, building or structure shall be considered a legal nonconforming use and be allowed to remain as such, including completion of construction.

Section 3.02 – Nonconformities

1. Nonconforming Lots of Record
 - A. In any district, principal structures and customary accessory buildings may be erected on any nonconforming lot of record, served by Village water and/or sewer; or provided a permit for construction of a well and/or septic system is granted by the District Health Department and can meet district setback regulations, (per Section 5.05 Schedule of Regulations).
 - B. If two (2) or more contiguous lots, parcels, or portions of lots or parcels are under the same ownership and do not individually meet the lot width, depth, and/or area requirements of this Ordinance, then those contiguous lots, parcels or portions of lots or parcels shall be considered an undivided lot or parcel for the purposes of this Ordinance, and no portion of such undivided lot or parcel shall be used or divided in a manner that diminishes compliance with the lot width, depth, and/or area requirements established by this Ordinance.
2. Nonconforming Use of land and/or Structures
 - A. No nonconforming use of land shall be enlarged or increased nor extended to occupy a greater area of land than was occupied at the effective date, except as otherwise provided for in this section.
 - B. No such nonconforming use of land or building shall be moved in whole or in part to any other portion of the lot or parcel occupied.
 - C. A nonconforming structure may be enlarged or altered, provided that such enlargement or alteration does not increase the degree or extent of the nonconformity of such structure.
 - D. Should such structure be destroyed by any means to an extent of more than eighty (80) percent of the usable cubic space or floor area of the principal structure, it shall not be reconstructed except in conformity with

the provisions of this Ordinance. Reconstruction of building(s) and/or structures on an existing non-conforming lot may be permitted after submission to and approval of plans by the Planning Commission with any necessary variances approved by the Zoning Board of Appeals.

- E. If a structure is partial destroyed by any means to an extent of eighty (80) percent or less of the usable cubic space or floor area of the principal structure, it shall be permitted to be reconstructed to original size (including the original footprint, height and bulk).
- F. Any nonconforming use may be carried on throughout any parts of a building that were manifestly arranged or designed for such use, but no such use shall be extended to occupy any land outside such building.
- G. Any nonconforming use of a structure, land or structure and land, may be changed to another nonconforming use provided that the proposed use is equally or more appropriate to the district than the existing nonconforming use. A determination of "equally or more appropriate" shall be made by the Zoning Board of Appeals.
- H. Any structure or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located and the nonconforming use may not thereafter be resumed. Changes in tenancy and ownership of nonconforming premises is permissible.
- I. **Abandonment of Nonconforming Use or Structure**
If a property owner has an intent to abandon a nonconforming use or structure and in fact abandons this nonconforming use or structure for a period of one (1) year, then any subsequent use of the property or structure shall conform to the requirements of this Ordinance. When determining the intent of the property owners to abandon a nonconforming use or structure, the zoning administrator shall consider the following factors:
 - 1) Whether utilities, such as water, gas, and electricity to the property have been disconnected.
 - 2) Whether the property, buildings, and grounds have fallen into disrepair.
 - 3) Whether signs or other indications of the existence of the nonconforming use have been removed.
 - 4) Whether equipment or fixtures necessary for the operations of the nonconforming use have been removed.
 - 5) Other information or actions that evidence an intention on the part of the property owner to abandon the nonconforming use or structure.
- J. Removal or destruction of the use and/or structure shall eliminate the nonconforming status of the land (premises).

3. Creation of Nonconforming Lots or Parcels

No lot area and no yard, court, parking areas or other required space shall be divided, altered, reduced or diminished as to make area or dimension less than the minimum required or more than the maximum allowed under this Ordinance, except where such reduction or expansion has been brought about by the expansion or acquisition of public right-of-ways for a street, road, or highway. If a required area is already less than the minimum required under this Ordinance, said area or dimension shall not be further divided or reduced.

4. Repairs and Maintenance

Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

5. Expansion or Enlargement

A nonconforming structure maybe enlarged or altered, provided the enlargement or alteration meets all of the following standards:

- A. It does not increase the nonconformity of such structure.
- B. It will not reduce the value or otherwise limit the lawful use of adjacent premises.
- C. It will essentially retain the character and environment of abutting premises.
- D. It will not cause, perpetuate or materially increase any nuisance aspect of the use upon adjacent uses (such as noise, glare, traffic congestion or land over-crowding).

Section 3.03 – Accessory Buildings

- 1. Authorized accessory buildings may be connected to principal building or may be connected to the principal building by a roofed porch, breezeway or similar structure or may be completely detached from the principal building.
- 2. Where any accessory buildings is attached to a principal building, such accessory building shall be considered part of the principal building for purposes of determining yard dimensions.
- 3. A detached accessory building shall comply with all setback requirements for the district in which the accessory structure is located.
- 4. Mobile homes shall not be used as an accessory building.
- 5. The number of accessory structures used primarily for storage garages, sheds, carports, etc.) shall be limited as follows:

- A. For all parcels; two (2), provided that one (1) be equal to or less than two hundred (200) square feet in ground coverage.
 - B. Not more than one (1) such accessory structures may be permitted within thirty-five (35) feet of the ordinary high mark or any lake or river.
6. The number of accessory structures not used for storage, such as (but not limited to) gazebos, pergolas, play houses, and play structures shall be limited to not more than two (2) per parcel, unless parcel is equal to or exceeds two (2) acres in size.
 7. The maximum height shall be as follows:
 - Accessory structures greater than two hundred (200) square feet shall have a maximum height of thirteen (13) feet.
 - Accessory structures equal to or less than two hundred (200) square feet shall have a maximum height of ten (10) feet.

Section 3.04 – Essential Services

The erection, construction, alteration, maintenance, and operation by utilities or municipal departments or commission, of overhead or underground gas, electrical, steam or water distribution, transmission systems, collection, communication, supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, hydrants, structures, towers, poles, electrical substations, gas regulator stations, and other similar equipment and accessories in connection therewith reasonably necessary for the furnishing of adequate service by such public utility or municipal department or commission, or for the public health or safety or general welfare, shall be permitted as authorized or regulated by any laws and the ordinances of the Village of Central Lake in any Use District.

Telecommunications towers, alternative tower structures, antennas, wind turbine generators, and anemometer towers shall be regulated and permitted pursuant to this Ordinance and shall not be regulated or permitted as essential services, public utilities or private utilities.

Section 3.05 – Mobile Homes

Mobile homes sited on individual lots shall meet the standards for minimum lot size, yard set-backs, minimum floor area and minimum dwelling unit width for the district in which they are located and shall meet the following additional standards:

1. Mobile homes shall be attached to an approved permanent foundation or basement and shall be anchored using a system that meets the Michigan Mobile Home Commission requirements.

2. Mobile homes shall be installed according to manufacturer's set up requirements, and the construction of the unit shall comply with the National Mobile Home Construction and Safety Standards Act of 1974, as amended.
3. Skirting shall be required around the base of the mobile home, such that no portion of the undercarriage or chassis is exposed. Wheels shall be removed prior to attaching the unit the foundation. The axles and towing assembly shall either be removed or screened from view by the required skirting.
4. Mobile homes shall not be used as an accessory building.

Section 3.06 – Accessory Dwelling

Accessory dwelling as defined in Article II, shall comply with the following regulations:

1. **Residence and Incidental Use**
The accessory dwelling shall be clearly incidental to the principal residence or commercial use on the site. Accordingly, the following conditions shall be met:
 - A. The property must be owner-occupied, i.e. either the principal residence, or commercial use or accessory dwelling must be owner occupied (or owner managed in the case of a commercial use).
 - B. Only one (1) such accessory dwelling shall be permitted on each parcel.
 - C. The total floor area of the accessory dwelling shall not exceed eight hundred (800) square feet.
2. **Compatibility with Surrounding Land Use**
The design of the accessory dwelling shall not detract from the character of the area and appearances of the principal residence or commercial structure.
3. **Parking and Access**
In addition to required parking for the principal residence, or commercial use, one additional parking space shall be provided for the accessory dwelling.

Section 3.07 – Temporary Dwelling Occupancy during Construction of a Dwelling

For the express purpose of promoting the health, safety and general welfare of the inhabitants of the Village, and of reducing hazards to health, life and property, no basement-dwelling, cellar-dwelling, garage-house, tent, camper, travel trailer, recreational vehicle, mobile home not installed according the requirements of this Ordinance, or other substandard structure shall hereafter be erected or moved upon any premises and used for dwelling purposes except under the following applicable conditions:

1. The location shall conform to the provisions governing yard requirements of standard dwellings in the district where located.

2. The use shall be for the sole purpose of providing dwelling facilities for the owner of the premises during the period in which a dwelling conforming to the provisions of this Ordinance is in process of erection and completion, but not to exceed twelve (12) months. One (1) additional twelve (12) month extension may be obtained from the Zoning Administrator beginning with the date of issuance of the zoning permit. The substandard dwelling shall be removed upon completion of construction of a dwelling complying with the requirements of this Ordinance.
3. Installation of septic system and water well shall be constructed and maintained in accordance with the standards of materials and installation recommended by District Health Department, and shall precede occupancy of the substandard dwelling.
4. Application for the erection and use of a substandard dwelling shall be made at the time of zoning permit application for the permanent dwelling. On approval and delivery of the zoning permit, the applicant shall certify in a space allotted for that purpose, and on the copy retained for filing by the Village, that he has full knowledge of the limitations of the permit and the penalty pertaining thereto. No such permit shall be transferable to any other person.
5. No annexes shall be added to temporary substandard dwellings.

Section 3.08 – Home Business

While The Village of Central Lake recognizes that many residents feel the necessity to work at home, the Village also recognizes the rights of all residents to be free from actual or potential nuisance which may be caused by non-residential activities conducted in a residential district. The intent of this section is to provide standards to ensure home occupations and cottage industries are compatible with other allowed uses in residential districts, and thus to maintain and preserve the residential character of the neighborhood.

1. Home Occupations

- A. Home occupations shall be permitted in all zoning districts in which single-family dwellings are permitted as a matter of right, provided the standards of this Ordinance are met.
- B. Home Occupations shall be operated in their entirety within the dwelling.
- C. Home Occupations shall be conducted primarily by the person or persons occupying the premises as their principal residence. Not more than three (3) non-resident persons shall be working at the given premises to assist with the business.
- D. Additions to a dwelling for the purpose of conducting a Home Occupation

shall be of an architectural style that is compatible with the architecture of the dwelling and shall be designed so that the addition can be used for dwelling purposes if the home occupation is discontinued.

- E. Home Occupations shall be incidental and subordinate to the principal use of the dwelling for residential purposes and shall not detract from the residential character of the premises or neighborhood.
- F. Home Occupations shall not result in the creation of conditions that would constitute a nuisance to neighboring property owners and the Village as a whole. Any machinery, mechanical devices, or equipment employed in the conduct of a Home Occupation based business shall not generate noise, vibration, radiation, odor, glare, smoke, steam, or other condition not typically associated with the use of the dwelling for residential purposes.
- G. Traffic and delivery or pickup of goods shall not exceed that normally created by residential uses.
- H. The outdoor storage of goods and/or materials must comply with the setback requirements for the given district, and shall not pose any hazard to the adjacent property.
- I. There shall be no parking permitted within any setback areas.
- J. No process, chemicals, or materials shall be used which are contrary to any applicable state or federal laws.

2. Cottage Industries

- A. Cottage industries may be permitted in the specified zoning district subject to review and approval by the Planning Commission. Cottage industries shall be allowed on the basis of individual merit, a periodic review of each cottage industry shall be performed to ensure the conditions of approval are adhered to. If a premise is sold, leased, or rented to a party other than the applicant, the permit shall be reviewed for compliance with the original permit by the Zoning Administrator. If any changes are necessary, the request will be reheard by the Planning Commission.
- B. Cottage industries shall be incidental and subordinate to the use of the premises for residential purposes and shall not detract from the residential character of the premises or neighborhood. Exterior evidence of such industry shall be screened.
- C. A cottage industry shall occupy not more than one building. The floor area of such a building shall not exceed eight hundred (800) square feet, unless approved by the Planning Commission based on Zoning District parcel size and adjacent uses.
- D. The outdoor storage of goods and/or materials must comply with the

setback requirements for the given district, and shall not pose any hazard to the adjacent property.

- E. Cottage industries shall not result in the creation of conditions that would constitute a nuisance to neighboring property owners and surrounding zoning district. Any machinery, mechanical devices or equipment employed in the conduct of a Cottage Industry shall not generate noise, vibration, radiation, odor, glare, smoke, steam, or other conditions not typically associated with the use of the premises for residential purposes.
 - F. Traffic and delivery or pickup of goods shall not exceed that normally created by residential uses.
 - G. Cottage industries shall be conducted primarily by the person or persons occupying on the premises. Up to three (3) additional employees or assistants shall be allowed.
 - H. To ensure that the cottage industry is compatible with surrounding residential use, a "not-to-exceed" number of vehicles that may be parked at any given time during business operations shall be established by the Planning Commission during the review and approval process.
 - I. Hours of operation shall be approved by the Planning Commission.
3. Termination, Extensions, Revisions, and Inspections
- A. Upon written application by the owner, the Planning Commission may, for just cause, grant a time extension for compliance with the conditions of this Section. The extension can be for no more than one (1) year.
 - B. Any home occupation or cottage industry may be subject to review by the Zoning Administrator., based on complaints or questions regarding compliance with regulations and approval.

Section 3.09 – Fences and Walls

Unless stricter requirements are provided in other specific provisions in this Ordinance, fences or walls may be permitted on any property in any District up to a height of six (6) feet and further provided such fence or wall shall not obstruct sight distances needed for safe vehicular traffic, nor create a hazard to traffic or pedestrians.

The finished side of the fence shall face the adjacent property and shall be constructed on the owner's property.

Where a lot borders a lake or stream, or has lake views, fencing shall not be constructed on the waterfront side within the required waterfront setback. Fences shall not exceed four (4) feet in height, where they obstruct the views of the water from neighboring properties.

Section 3.10 – Water Supply and Sewage Disposal Facilities

All water supply and sanitary sewage disposal systems either public or private, for any building hereafter erected, altered or moved upon any premises shall be subject to compliance with District Health Department sanitary code requirements. Plans must be submitted to and approved by the responsible agencies. The written approval of such facilities by District Health Department shall be filed with the application for a Zoning Permit.

Section 3.11 – Outdoor Lighting

All outdoor lighting, whether for illuminating sites, parking areas, buildings, signs and/or other structures shall be shielded, shaded, designed and/or directed away from all adjacent districts and uses; and further shall not glare upon or interfere with persons and vehicles using public streets. Lighting fixtures are to be of the full cut-off design with horizontally aligned flush mounted (non-protruding) lens, directing light on-site only, and no more than twenty (20) feet in height.

The Planning Commission may permit taller or require shorter fixtures only when the Commission determines that unique conditions exist and where a waiver would: reduce the number or size of light fixtures; not adversely impact neighboring properties and permit fixtures in proportion to height and bulk of nearby buildings and other fixtures. Site lighting shall not exceed twenty (20) foot candles as measured three (3) feet above the ground surface, directly under the fixture.

Section 3.12 – Signs

The purpose of this section is to preserve the desirable character of the Village of Central Lake, as well as to recognize the need for and privilege of advertising, so that people unfamiliar with the area, such as tourists and transients, may avail themselves of the goods and services afforded by the local business places. At the same time, the Village recognizes the right of residents to be free of advertising that could adversely affect property values and create an unpleasant or less than desirable atmosphere. The use and erection of all outdoor signs and media shall be subject to all state and local codes and statutes, in addition to the provisions of this ordinance.

1. Signs Not Requiring a Sign Permit: The following signs may be placed in any zoning district without a sign permit, provided such signs comply with any applicable federal or state law or regulation and are located so as not to cause a nuisance or safety hazard:
 - A. One (1) non-illuminated identification sign per use, not exceeding four (4) square feet of sign surface.
 - B. Street name signs, route markers and other traffic control signs erected or approved by state, county or village agencies when necessary to give proper directions or to otherwise safeguard the public.
 - C. Non-advertising signs erected by any organization, person, firm or corporation that is needed to warn the public of dangerous conditions and unusual hazards including but not limited to: road hazards, high voltage,

fire danger, explosives, severe visibility, etc.

- D. Non-advertising signs exclusively devoted to controlling property access (no trespassing, private property, keep out, no hunting, hiking trail, day use only, and similar instructional messages), provided the sign surface does not exceed the maximum size of two (2) square feet.
 - D. Non-advertising signs marking a historically significant place, building or area when sanctioned by a national, state, or local historic organization recognized by the planning commission, provided the sign surface does not exceed the maximum allowed size of sixteen (16) square feet or the max size allowed in the zoning district, whichever is less.
 - E. Signs that have been approved in conjunction with a valid site plan or zoning permit for any principal or accessory use, and signs required by federal or state agencies in connection with federal or state grant programs.
 - F. Temporary real estate signs, not exceeding six (6) square feet, on individual lots advertising a premise for sale or rent.
 - G. Signs advertising sales such as garage, estate, auction, moving, and yard sales, maybe posted for no more than seven (7) consecutive days and removed within twenty-four (24) hours of the end of the sale, provided the sign surface does not exceed the maximum size limitations of four (4) square feet.
 - H. Political and noncommercial signs provided the sign surface does not exceed the maximum size limitations of subsection 2, below.
 - I. All real estate signs, both on premise and off-premise, shall be removed within seven (7) days of the sale or rental of the property.
2. The size of any publicly displayed sign, symbol or notice on a premises to indicate the name of the occupant, to advertise the business transacted there, to express non-commercial political views, or direction to some other locale, shall be regulated as follows:

<u>Use District</u>	<u>Maximum Size of Sign surface per side</u>
R-1, C/R	Twelve (12) square feet
V	Twenty (20) square feet
M	Thirty two (32) square feet

- A.** Residential subdivisions and developments shall be limited to one (1) sign per entrance of not more than thirty two (32) square feet per sign.
- B.** The total square footage of the sign surface shall not exceed twenty (20) square feet per building face.

- C.* The total sign(s) surface area is not to exceed ten percent (10%) maximum coverage of the building face.
 - D.* Individual businesses are not to exceed two (2) Outdoor Business or Information signs per building face.
3. In addition to the size limitations stated in Subsection 3.12.2 above, the following conditions shall apply to all signs, including off-premises signs, erected in any use district:
- A.* Except for the signs authorized without a sign permit pursuant to section 3.12.1, no sign, except non-illuminated residential name plates, shall be erected or altered until approved by the Zoning Administrator (ZA) or authorized by the Planning Commission (PC) as part of an approved site plan. After approval, the required sign permit shall be issued by the ZA.
 - B.* No signs shall be located on any street corner which would obscure the vision of drivers using said streets, or conflict with traffic control signals at the intersection of any streets. No signs shall obstruct the vision of drivers at any driveway, parking lot or other route providing ingress or egress to any premises.
 - C.* Off-premises directory signs shall be permitted subject to review and approval of location by the Zoning Administrator. Not more than one (1) freestanding sign per three hundred (300) feet of road frontage or per lot may be allowed, except if the signs are directional signs as provided by the Michigan Department of Transportation and approved by the Zoning Administrator. No off-premises sign shall be permitted in R-1 or C/R Zoning Districts.
 - D.* Freestanding signs may be permitted in the front yard provided the sign is located at least ten (10) feet behind the front lot line. No freestanding sign shall exceed a maximum of ten (10) feet height, measured from the ground to the top of the sign, regardless of the zoning district.
 - E.* Both sides of any freestanding or overhanging sign may be used for display.
 - F.* All directional signs required for the purpose of orientation, when established by the Village, County, State, or Federal governments, shall be permitted in all districts.
 - G.* No sign shall project beyond or overhang the wall, roof or any architectural feature by more than five (5) feet and shall be no less than fourteen (14) feet above the right-of-way. However, prior to the erection or overhanging of a sign in a public right-of-way, the sponsor of such sign shall receive the approval of the proper governmental agency having jurisdiction over such right-of-way.

- H. Roof position signs are specifically prohibited, when projecting above the high point of the roof.
- I. The number of signs allowed will be decided by the Planning Commission at the time of site plan review. Factors considered will include building size, location and length of street frontage and lot size, and the cumulative total sign area for on-site signs shall not exceed that allowed in the district as per 3.12.2.
- J. Advertising devices such as banners, balloons, flags, pennants, pinwheels or other devices with similar characteristics are prohibited, except when used temporarily for period not to exceed thirty (30) days to announce the opening of a new type of business or new owner.
- K. In the case of non-commercial special events, advertising devices such as banners, balloons, flags, pennants, pinwheels or other devices with similar characteristics, are permitted, for a period of not more than fourteen (14) days prior to the event and shall be removed within one (1) day of the completion of the event.
- L. Non-business related signs shall be permitted.
- M. Political signs shall be removed within five days after the election or ballot issue.
- N. The use of any lawful outdoor business or informational sign erected prior to this ordinance and in use at the date this ordinance is enacted, which does not meet these standards, may be continued. Such signs shall be designated as “Nonconforming” signs. The maintenance, reconstruction, alteration, discontinuation and change in the nonconforming nature of a Nonconforming sign shall be governed by Section 3.02 - Nonconformities of this ordinance.

Section 3.13 - Antenna Co-location on an Existing Tower or Structure

1. No antenna or similar sending/receiving devices appended to the tower, following its approved construction, shall be permitted if it exceeds the engineered design capacity of the tower thereby jeopardizing the tower’s structural integrity.
2. The installation and/or operation of the above mentioned, antennas or facilities shall not interfere with normal radio/television reception in the area. In the event interference occurs, it shall be the sole responsibility of the owner to rectify the situation with the parties involved.
3. No antenna or similar sending and receiving devices appended to the tower or structure shall increase the overall height of the tower or structure by more than ten (10) feet.

Section 3.14 – Non-Commercial Wind Turbine Generators

1. Non-commercial wind turbine generators (WTG) and anemometer towers erected prior to a non-commercial wind turbine generator may be located in any district, provided the WTG or anemometer tower is setback from the property line a distance at least equal to the total height of the WTG or anemometer tower. The minimum height for the blade clearance from the ground shall be fourteen (14) feet.
2. The minimum site area for a non-commercial wind turbine generator or anemometer tower shall be three (3) acres.

Section 3.15 – Vehicular Parking and Access

1. Off-street parking space with adequate access to all spaces shall be provided and maintained in all zoning districts at the time of erection of any new main building that is adequate for parking, loading and unloading of vehicles.
2. For each industrial, or similar building hereafter erected or altered, and located on a public street or highway in the Village there shall be provided and maintained suitable off-street parking in accordance with the following schedule:

Manufacturing or industrial Two (2) parking spaces for each two (2) establishments, warehouse employees on maximum working shift; plus or similar establishment. Space to accommodate all vehicles used in connection with the operations of the establishment.

3. Every new building or structure engaged in loading and unloading goods shall provide space on the premises in addition to that required for parking, for the loading, unloading and standing of all vehicles to avoid undue interference with public use of any road or highway.

Section 3.16 – Medical use of Marijuana

1. **Intent and Purpose:** With the enactment of the Michigan Medical Marijuana Act (hereinafter referred to as the “MMMA”), initiated Law 1 of 2008, MCL 333.26423, et seq, and its administrative rules, R 333.101, et seq, the Village of Central Lake Zoning Ordinance has not kept pace with this recent legislation. As a result, the purpose of this section is to implement land use regulations to address the medical use of marijuana in accordance with the MMMA.
2. **Regulations of Qualifying Patients:** The medical use of marijuana by a qualifying patient in that qualifying patient’s dwelling or an accessory building is hereby recognized as an accessory use to the principal residence use of the property and can be established without a zoning permit in any zoning district, but shall be

subject to the following regulations:

- a) The qualifying patient must be issued and at all times must maintain a valid registry identification card by the Bureau of Health Professions, Michigan Department of Licensing and Regulatory Affairs or any successor agency under the provisions of the MMMA.
- b) All marijuana plants or products must be contained within the dwelling or accessory building in an enclosed, locked facility that permits access only by the qualifying patient.
- c) If a room with a window within the dwelling or accessory building is utilized to grow marijuana for medical uses, any artificial lighting shall be shielded to prevent glare, must not be visible from neighboring properties, and must not be visible from adjacent streets or public ways.

3. **Regulations for Primary Caregivers:** The medical use of marijuana by a primary caregiver is hereby authorized as a use by right within a dwelling or an accessory building in any zoning district, provided that all of the following regulations are met:

- a) The primary caregiver must be issued and at all times must maintain a valid registry identification card by the Bureau of Health Professions, Michigan Department of Licensing and Regulatory Affairs or any successor agency under the provisions of MMMA.
- b) The primary caregiver must obtain a zoning permit under Section 10.02 of this Ordinance.
- c) Except when being transported as provided in subsection I below, all marijuana plants or products must be contained within the dwelling or accessory building in an enclosed, locked facility that permits access only by the primary caregiver.
- d) If a room with windows within the dwelling or accessory building is utilized to grow marijuana for medical uses, any artificial lighting shall be shielded to prevent glare, must not be visible from neighboring properties, and must not be visible from adjacent streets or public ways
- e) Except as provided herein, no more than one (1) primary caregiver shall be permitted to provide primary caregiver services to qualifying patients within a single dwelling or accessory building. Provided, however, a husband and wife or not more than two (2) unrelated individuals whose relationship is of a permanent and distinct domestic character and who

live as single, nonprofit housekeeping unit with single culinary facilities may both be primary caregivers within the same dwelling or accessory building.

- f) Except for any qualifying patients who reside with the primary caregiver at the dwelling, no more than five (5) qualifying patients may be present at the same time at a dwelling or accessory building in which a primary caregiver of medical marijuana is providing primary caregiver services to qualifying patients for any purpose directly related to primary caregiver services. This subsection, however, shall not be construed to prohibit the presence of qualifying patients at a dwelling or accessory building in which a primary caregiver of medical marijuana is providing primary caregiver services for purposes unrelated to primary caregiver services.
- g) Qualifying patient visits to a dwelling or accessory building in which a primary caregiver is providing primary caregiver services to qualifying patients shall be restricted between the hours of 8:00 a.m. and 8:00 p.m., except when the qualifying patient resides with the primary caregiver at the dwelling and except when the qualifying patient visits are for purposes unrelated to primary caregiver services.
- h) No qualifying patients under the age of 18 (eighteen) shall be permitted at any time at a dwelling or accessory building in which a primary caregiver is providing primary caregiver services to qualifying patients, except in the presence of his/her parent or guardian, except when the qualifying patient resides with the primary caregiver at the dwelling, and except when the qualifying patient visits are for purposes unrelated to primary caregiver services.
- i) No marijuana for medical use shall be dispensed by the primary caregiver to qualifying patients at the dwelling or accessory building in which a primary caregiver is providing primary caregiver services to qualifying patients, except to a qualifying patient who resides with the primary caregiver at the dwelling. Except as provided herein, the primary caregiver shall deliver all marijuana for the medical use of such qualifying patient, and such delivery shall take place on private property away from public view. Any such delivery vehicle shall be unmarked and not bear any emblem or sign that would indicate the nature of its cargo. In addition, all marijuana for medical use delivered to qualifying patients shall be packaged so the public cannot see or smell the marijuana.
- j) No marijuana for medical use shall be consumed, smoked, or ingested by a qualifying patient by any method at a dwelling or accessory building in

which a primary caregiver is providing primary caregiver services to qualifying patients, except by a qualifying patient who resides with the primary caregiver at the dwelling.

- k) A dwelling or a accessory building in which a primary caregiver is providing primary caregiver services qualifying patients shall display indoors and in a manner legible and visible to his/her qualifying patients:
 - a. A notice that qualifying patients under the age of eighteen (18) are not allowed at the dwelling or accessory building in which a primary caregiver is providing primary caregiver services to qualifying patients, except in the presence of his/her parents or guardian, except when the qualifying patient resides with the primary caregiver at the dwelling, and except when the qualifying patient visits are for purposed unrelated to primary caregiver services, and
 - b. A notice that no dispensing or consumption of marijuana for medical use shall occur at the dwelling or accessory building in which a primary caregiver is providing primary caregiver services to qualifying patients, except to or by a qualifying patient who resides with the primary caregiver at the dwelling.
- l) A dwelling or an accessory building in which a primary caregiver is providing primary caregiver services to qualifying patients shall not have signage that would indicate the nature of the primary caregiver services being conducted in the dwelling or accessory building.
- m) A dwelling or an accessory building in which a primary caregiver is providing primary caregiver services to qualifying patients shall not be located within 500 feet of any other dwelling or accessory building in which primary caregiver services is being provided to qualifying patients, shall not be located within 500 feet of a lot on which any church or place of worship or library and their accessory structures are located, and shall not be within 1,000 feet of a lot on which any of the following uses are located:
 - a. Any public or private school, having curriculum including kindergarten through twelve grade and its accessory structures.
 - b. Any preschool, child care or day care facility and its accessory structures.
 - c. Any public facility, such as museums, parks, playgrounds, public beaches, community centers, and other public place where children

congregate.

- n) The portion of the dwelling or accessory building in which primary caregiver is providing primary caregiver services to qualifying patients, including any room or area utilized to grow marijuana for medical use, shall contain electrical service and wiring, certified by an electrician licensed in the State of Michigan, meeting the applicable requirements of the electrical code in effect in the Village.

- 4. **Relationship to Federal Law:** Nothing within this section is intended to grant, nor shall it be construed as granting, immunity from federal law.

Article 4: Zoning District and Map

Village of Central Lake

Section 4.01 Classification of Zoning Districts

For the purpose of this Ordinance, the following Zoning Districts shall be established in the Village of Central Lake:

- V Village Mixed Use District
- R-1 Residential District
- M Manufacturing District
- C/R Conservation / Recreation District

Section 4.02 Zoning Map

The areas assigned to each Zoning District and the boundaries thereof shown on the map entitled "Village of Central Lake Zoning Map, Antrim County, Michigan" are hereby established, and said map and all proper notations and other information shown thereon are hereby made a part of this Zoning Ordinance.

The zoning map incorporated into Section 4.02 of the Village of Central Lake Zoning Ordinance is hereby amended to rezone the following property generally described as being on the west side of Main St. (M-88) from the north edge of Cedar Street to the north property lined of the parcel immediately north of the parcel on which the current Wash

Basket is located and would include all of the parcels with the following Property ID Nos. and the corresponding street addresses: 05-42-022-008-00, 2759 N. Main St.; 05-42-022-010-00, 2735 N. Main St.; 05-42-022-011-10, 2965 N. Main St.; 05-42-022-012-00, no street address; 05-42-022-013-00, 2651 N. Main St.; 05-42-022-014-00, 2617 N. Main St.; 05-42-022-015-30, 8054 Cedar St.; and 05-42-022-015-10, 8062 Cedar Street. from the Residential District to the Village Mixed Use District.

Section 4.03 Boundaries of Districts

Unless otherwise specified, the boundary lines of the Zoning Districts shall be interpreted as following along section lines, or customary subdivisions of sections, or centerlines of highways or streets, or the shoreline of waterways, or property lines of legal record at the office of the Antrim County Register of Deeds on the date of the enactment of the Zoning Ordinance. The official Zoning Map shall be the final authority in any dispute concerning district boundaries. The official map shall be kept up to date, with any amendments to the Ordinance involving changes to the official map noted and portrayed on said map.

Where a reasonable doubt as to the exact location of a district boundary exists, the provisions of the more restrictive district shall govern the entire parcel in question, unless determined otherwise by the Zoning Board of Appeals.

Section 4.04 Zoning of Vacated Areas

Whenever any street, alley, highway, or other public right-of-way within the Village have been abandoned by official government action, such right-of-way lands attach to and become part of the land adjoining. Such right-of-way property shall automatically acquire and be subject to the provisions of the Zoning District of the abutting property. In the case of an abandoned right-of-way which also serves as the district boundary, the centerline of the right-of-way shall be the district boundary.

Section 4.05 Zoning of Filled Areas

Whenever, after appropriate permits are obtained, any fill material is placed in any lake or stream so as to create a usable or buildable space, such fill area shall take on the Zoning District and accompanying provisions of the land abutting said fill area. No use on any lake or stream shall be allowed which does not conform to the Ordinance provisions on the property from which said property emanates. No fill material shall be placed in any lake or stream within the Village unless appropriate permits are obtained from the Michigan Department of Environmental Quality.

Section 4.06 Zoning District Changes

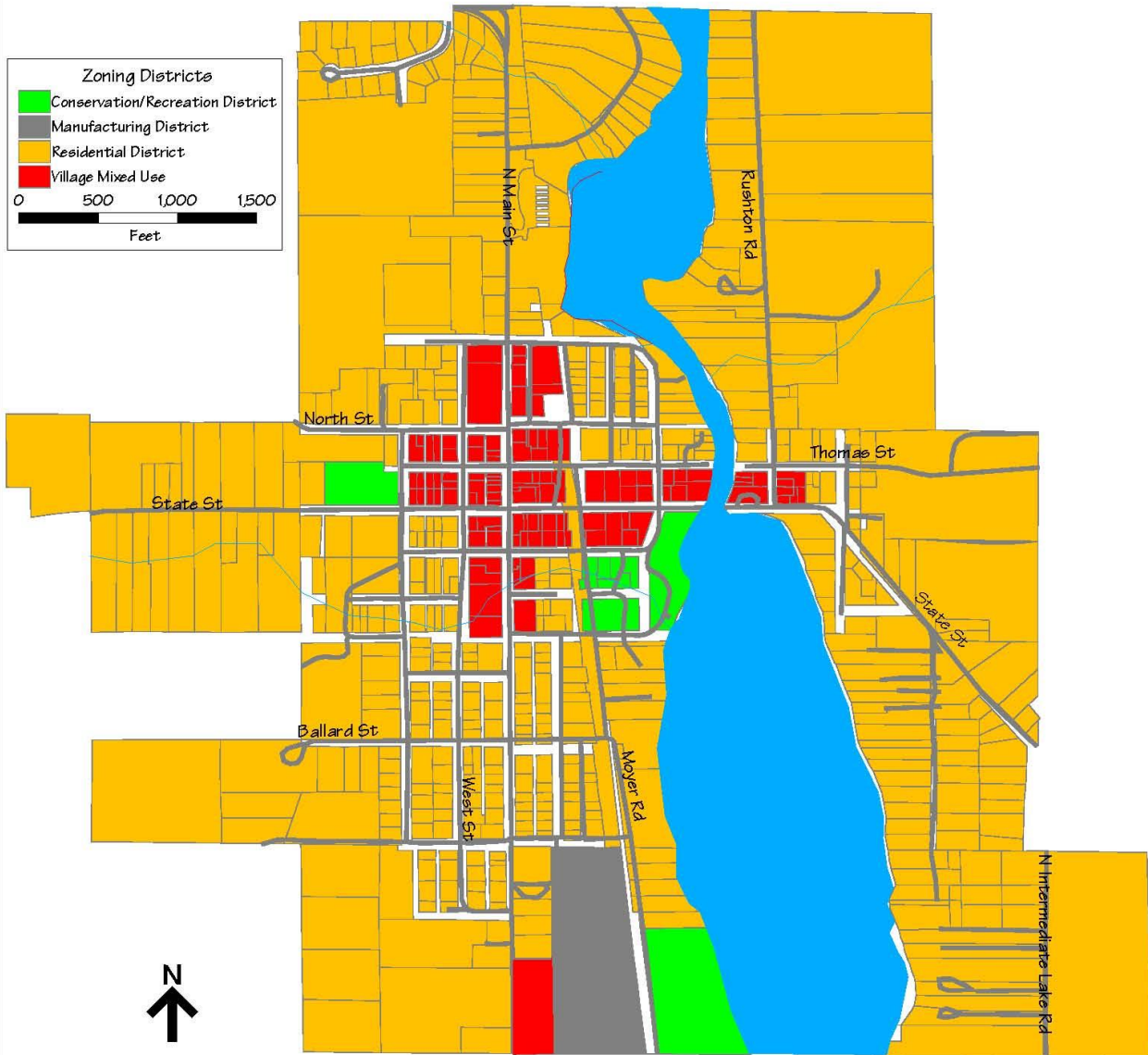
When district boundaries change, any non-conforming use may continue subject to all other applicable provisions of this Ordinance.

Section 4.07 Zoning for New Property within the Village

If the boundaries of the Village are altered to add property to the Village, then the property being added to the Village shall assume the zoning classification of adjacent property. If there are more than one zoning classifications for adjacent properties, then the zoning classification of the most restrictive district shall apply. The Village can then rezone the property added to the Village, if desired.

Village of Central Lake Zoning Map

Antrim County, Michigan



Source data: Antrim County Equalization Department,
Michigan Department of Natural Resources

Adopted: December 11, 2007
Effective: February 13, 2006

Prepared by: M.C. Planning & Design
Map Date: December 15, 2006

Article 5: District Regulations

Section 5.01 Village Mixed Use District (V)

The following provisions shall apply to the Village Mixed Use District (V).

Section 5.01.1 Intent

The purpose in creating the Village Mixed Use District (V) is to provide a compatible mix of commercial and residential uses. The requirements are intended to protect and stabilize the basic qualities of the District, and to provide suitable and safe conditions for family living and small commercial businesses.

Section 5.01.2 Permitted Uses

Except as otherwise provided by *Section 1.05 Limitations of Zoning Ordinance*, the use of all lands and premises, and the erection and use of all buildings and structures shall, after the effective date of this Ordinance, be limited to the following uses.

1. Single-family dwellings.
2. Two-family dwellings.
3. Public parks, playgrounds or recreation facilities.
4. Child or adult daycare facilities serving six (6) or fewer clients.
5. Restaurants and bars, except drive-through restaurants.
6. Retail sales, within an enclosed building, and without a drive through window.
7. Banks and financial services, except facilities with drive-through windows.
8. Business and personal services.
9. Professional offices.
10. Funeral Homes.
11. Public utility buildings without storage yards.
12. Public buildings and facilities.
13. Civic, social and fraternal organization facilities.
14. Motels and resorts.
15. Co-location of antenna or similar sending/receiving device on an existing tower or alternative tower structure, subject to the provisions of *Section 3.13 Antenna Co-location on an Existing Tower or Structure*.
16. Home occupations conducted completely inside the residence subject to the provisions of *Section 3.08.1 Home Business*.
17. Accessory buildings and uses customarily incidental to the above permitted uses.

Section 5.01.3 Uses Subject to Special Approval

Special approval use of lands and premises, and the erection and use of buildings and accessory structures, buildings and uses customarily incidental to the special approval use shall, after the effective date of this Ordinance, be limited to the following uses and shall be subject to the provisions of *Section 7.02 Uses Subject to Special Approval*

1. Multiple-family dwellings.
2. Accessory dwellings.
3. Gasoline / Service Station.
4. Sale of motor vehicles.
5. Outdoor sales facilities.
6. Any use permitted in the "Village Mixed Use" district with a drive-through window.
7. Places of Worship and related religious buildings.
8. Child or adult daycare facilities serving more than six (6) clients
9. Group foster care facilities.
10. Convalescent or nursing homes.
11. Building materials sales.
12. Carpentry, plumbing and electrical sales, services and contracting offices.
13. Machine shop.
14. Warehouses and storage buildings, but not including commercial bulk storage of flammable liquids and gases.
15. Car Wash Facilities, subject to the provisions of *Section 8.05 Supplemental Site Development Standards*.
16. Planned Unit Developments
17. Cottage industries conducted outside the residence in the yard, garage or accessory structure, subject to the provisions of *Section 3.08.2 Home Business*.
18. Breweries
19. Distilleries

Section 5.01.4 Dimensional Regulations

Structures and uses in the Village Mixed Use District are subject to the area, height, bulk and placement requirements in *Section 5.05 Schedule of Regulations*.

Section 5.02 Residential District (R-1)

The following provisions shall apply to the Residential District (R-1).

Section 5.02.1 Intent

The land uses in this District are intended to encourage an environment of predominantly residential structures located on individual lots along with other residential related facilities which serve the residents within the District.

Section 5.02.2 Permitted Uses

Except as otherwise provided by *Section 1.05 Limitations of Zoning Ordinance*, the use of all lands and premises, and the erection and use of all buildings and structures shall, after the effective date of this Ordinance, be limited to the following uses.

1. Single-family dwellings.

2. Two-family dwellings.
3. Public parks, playgrounds or recreation facilities.
4. Child or adult daycare facilities serving six (6) or fewer clients.
5. Agriculture, including both general and specialized farming, tree farms and forestry.
6. Co-location of antenna or similar sending/receiving device on an existing tower or alternative tower structure, subject to the provisions of ***Section 3.13 Antenna Co-location on an Existing Tower or Structure***
7. Home occupations conducted completely inside the residence, subject to the provisions of ***Section 3.08.1 Home Business***.
8. Accessory buildings and uses customarily incidental to the above permitted uses.

Section 5.02.3 Uses Subject to Special Approval

Special approval use of lands and premises, and the erection and use of buildings and structures shall, after the effective date of this Ordinance, be limited to the following uses and shall be subject to the provisions of ***Section 7.02 Uses Subject to Special Approval***.

1. Multi-family dwellings.
2. Bed and breakfast establishments.
3. Convalescent or nursing homes.
4. Senior citizen housing facilities.
5. Child or adult daycare facilities serving more than six (6) clients
6. Public buildings and facilities.
7. Places of Worship and related religious buildings.
8. Cemeteries, on a minimum of twenty (20) acres.
9. Public and private campgrounds, not less than 10 acres.
10. Planned Unit Developments
11. Cottage industries conducted outside the residence in the yard, garage or accessory structure, subject to the provisions of ***Section 3.08.2 Home Business***.

Section 5.02.4 Dimensional Regulations

Structures and uses in the Residential District are subject to the area, height, bulk and placement requirements in ***Section 5.05 Schedule of Regulations***.

Section 5.03 Manufacturing District (M)

The following provisions shall apply to the Manufacturing District (M).

Section 5.03.1 Intent

The Manufacturing (M) District is designed to primarily provide for a variety of manufacturing and light industrial uses, in areas of the Village which afford direct access to appropriate roads and services. All uses, except the co-location of antenna on existing towers or structures in the Manufacturing District are subject to Special Approval.

Section 5.03.2 Permitted Uses

Except as otherwise provided by *Section 1.05 Limitations of Zoning Ordinance*, the use of all lands and premises, and the erection and use of all buildings and structures shall, after the effective date of this Ordinance, be limited to the following uses.

1. Co-location of antenna or similar sending/receiving device on an existing tower or alternative tower structure, subject to the provisions of *Section 3.13 Antenna Co-location on an Existing Tower or Structure*.
2. Single-family dwellings
3. Home occupations conducted completely inside the residence, subject to the provisions of **Section 3.08.1 Home Business**

Section 5.03.3 Uses Subject to Special Approval

Special approval use of lands and premises, and the erection and use of buildings and structures shall, after the effective date of this Ordinance, be limited to the following uses and shall be subject to the provisions of *Section 7.02 Uses Subject to Special Approval*.

1. Building materials sales.
2. Carpentry, plumbing and electrical sales, services and contracting offices.
3. Machine shop.
4. Warehouses /storage buildings, not including commercial bulk storage of flammable liquids and gases.
5. Production, processing, assembly, manufacturing or packaging of goods or materials which do not emanate noise, smoke, odors, dust, dirt, noxious gases, glare, heat, vibration, electrical, or any similar nuisances. Such facilities may include testing, repair, storage, distribution and sale of such products.
6. Sand and gravel excavation, subject to *Section 8.14 Supplemental Site Development Standards*.
7. Planned Unit Developments
8. Outdoor storage facilities, including self-storage facilities.
9. Sexually Oriented Businesses, subject to the provisions of *Section 8.15 Supplemental Site Development Standards*.
10. Cottage industries conducted outside the residence in the yard, garage or accessory structure, subject to the provisions of **Section 3.08.2 Home Business**.

Section 5.03.4 Dimensional Regulations

Structures and uses in the Manufacturing District are subject to the area, height, bulk and placement requirements in *Section 5.05 Schedule of Regulations*.

Section 5.04 Conservation / Recreation District (C/R)

The following provisions shall apply to the Conservation / Recreation District (C/R).

Section 5.04.1 Intent

The land uses in this district are intended to promote the proper use, enjoyment and conservation of water, land, topographic and forest resources of the Village particularly adapted to recreational uses.

The provisions of this section also recognize the gradual extension of other property uses into the district, and the importance of adopting good standards to guide such developments, if properly integrated, the inclusion of such uses is provided by special approval.

Section 5.04.2 Permitted Uses

Except as otherwise provided by *Section 1.05 Limitations of Zoning Ordinance*, the use of all lands and premises, and the erection and use of all buildings and structures shall, after the effective date of this Ordinance, be limited to the following uses.

1. Single-family dwellings.
2. Bed and breakfast establishments.
3. Child or adult daycare facilities serving six (6) fewer clients.
4. Public or noncommercial private parks, playgrounds and recreation areas.
5. Co-location of antenna or similar sending/receiving device on an existing tower or alternative tower structure, subject to the provisions of *Section 3.13 Antenna Co-location on an Existing Tower or Structure*
6. Home occupations conducted completely inside the residence, subject to the provisions of *Section 3.08.1 Home Business*.
7. Accessory buildings and uses customarily incidental to the above permitted uses.

Section 5.04.3 Uses Subject to Special Approval

Except as otherwise provided by *Section 1.05 Limitations of Zoning Ordinance*, the use of all lands and premises, and the erection and use of all buildings and structures shall, after the effective date of this Ordinance, be limited to the following uses.

1. Marina and boat launch areas.
2. Private resorts and clubs.
3. Summer camps.
4. Campgrounds, not less than 10 acres.
5. Accessory buildings and uses customarily incidental to the above special approval uses.

Section 5.04.4 Dimensional Regulations

Structures and uses in the Conservation / Recreation District are subject to the area, height, bulk and placement requirements in *Section 5.05 Schedule of Regulations*.

Section 5.05 Schedule of Regulations

Zoning District	District Name	Minimum Lot Area		Maximum Height of Structure (a)		Minimum Yard Setbacks			Min. d. u. Width	Max % of Lot Coverage
		Area s.f.	Width	Stories	Feet	Front	Side	Rear		
V	Village Mixed Use	10,000 (b)	----- -	2	35' (h) (i)	0'	0' (c)	5' (d)	20'	35%
R-1	Residential	10,000 (b)	100'	2	35' (f) (h) (i)	20' (g)	5'	5'	14'	35%
M	Manufacturing	2 ac	150'	2	35' (h) (i)	50'	25'	25'	----- -----	----- --
C/R	Conservation / Recreation	20,000	150'	2	35' (f) (h)	50'	20' (e)	35'	20'	30%

Footnotes to Schedule of Regulations:

- a. The maximum height of a structure is two stories and/or thirty five feet, whichever is less.
- b. The following Minimum Lot Area shall be required for residential uses in the R-1 and "V" Districts:

One Family	As provided for in the Schedule of Regulations Table (Section 5.05)
Two Family	7,000 square feet for each dwelling unit.
Multiple Family	8,000 square feet for first dwelling unit, plus 5,000 square feet additional for each additional 3 or more bedroom units and 4,000 square feet additional for each additional two-bedroom unit and 3,000 square feet for each additional one bedroom or efficiency unit. Lot sizes subject to Section 3.10 Water Supply and Sewage Disposal Facilities .
Bed & Breakfast	10,000 square feet, plus an additional 500 square feet for each non Establishments resident person accommodated.
- c. Side yard setbacks shall be increased in the Village Mixed Use District (V), where adjacent to any Conservation/Recreation or Residential District. In such cases the adjacent District side setback regulations will apply.
- d. Rear yard setbacks shall be increased in the Village Mixed Use District (V), where a rear lot abuts any Conservation/Recreation or Residential District. In such cases the adjacent District rear setback regulations will apply.

- e. For lots of record, less than one hundred fifty (150) feet wide, the side yard setback shall be reduced to ten (10) feet.
- f. Exceptions to height standards for Agricultural Uses. The maximum height of permitted agricultural accessory structures that are essential and customarily used in agricultural operations associated with a farm shall be forty-five (45) feet, except that the maximum height of silos shall be one hundred (100) feet, provided that all such accessory farm structures shall be located at least one hundred (100) feet from any residential dwelling other than the dwelling on the lot or parcel where the accessory farm structures are located.
- g. For lots which border a lake or a stream, the minimum structure setback on the waterfront side shall be fifty (50) feet from the ordinary high water mark.
- h. Non-commercial towers, alternative tower structures, transmission and communication towers, shall not be subject to the height regulations of this Section, but shall be regulated pursuant to **Section 8.17** of this Ordinance.

Article 6: Site Plan Review

Village of Central Lake

Section 6.01 – Purpose

The purpose of this article is to specify the documents and/or drawings required, to ensure that a proposed land use or development activity is in compliance with this ordinance, other local ordinances, and state and federal statutes and regulations. Furthermore, its purpose is to ensure that development taking place within the Village is property designed, safe, efficient, environmentally sound, and designed in such manner as to protect adjacent properties from substantial adverse impacts.

Section 6.02 – Plot Plan

The Zoning Administrator shall require that all applications for Zoning Permits, which do not require a site plan, be accompanied by plans and specifications including a Plot Plan, drawn to scale, showing the following:

1. The shape, location and dimensions of the lot, drawn to scale. The scale shall be of such size as deemed adequate by the Zoning Administrator to make a judgment that the application meets the requirements of this ordinance. When deemed necessary by the Zoning Administrator, a survey may be required, if approved by the Planning Commission.
2. The location, shape and size of all buildings or other structures to be erected, altered or moved onto the lot and of any building or other structure already on the lot, drawn to scale. In addition, an elevation drawing of the proposed building(s) may be required by the Zoning Administrator in order to measure the height of the proposed structures.
3. The location and configuration of the lot access and driveway, drawn to scale.
4. The existing and intended use of the lot and of all such structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate.
5. Other information concerning the lot or adjoining lots that may be essential for determining whether the provisions of this Ordinance are being observed.

Section 6.03 – Site Plan Review (All Districts)

Required site plans give the Planning Commission an opportunity to review development proposals in a concise and consistent manner. The use of the site plan ensures that the physical changes in the property meet with local approval and that development actually occurs as it was planned and represented by the developer.

1. Circumstances Requiring a Site Plan: Site plans are required for the following uses:
 - A. All new uses and/or structures except one-family or two-family residential units and except associated accessory structures to one-family or two-family residential units.

- B. Expansion or renovation of an existing use, other than one-family or two-family residential use, which increases the existing floor space more than twenty five (25) percent.
 - C. Any use requiring special approval.
 - D. Other uses as required by this Ordinance.
2. Pre-application Conference: The Zoning Administrator, Planning Commission Chair and/or Planning Commission shall have the authority to conduct a pre-application meeting with the applicant/developer to assist them in understanding the Site plan review process, and other ordinance requirements; and to provide insight as to what portions of their proposed development may be of special concern to the Planning Commission.

This conference shall not be mandatory, but is recommended of small and large projects alike. It is recommended for large projects that a pre-application conference be held several months in advance of the desired start of construction. Such an advance conference will allow the applicant/developer time to prepare the needed information for the Planning Commission to make a proper review.

3. Site Plan Data Required: Each site plan submitted shall contain the following information unless specifically waived, in whole or in part by the Village Planning Commission. The Planning Commission can waive any or all of the below site plan requirements, when it finds those requirements are not applicable to the proposed development.
- A. The name, address and contact numbers of the property owner and applicant, if not the same.
 - B. The date, north arrow, scale and name of the individual or firm responsible for preparing said plan. The scale must be at least one (1) inch = fifty (50) feet for parcels under three (3) acres. For parcels greater than three (3) acres, the portion of the property pertaining to the application, plus two hundred (200) feet in each direction, shall be at a scale of at least one (1) inch = fifty (50) feet (area enlargement). The full property shall be drawn to scale, and shall indicate the location of the area of enlargement.
 - C. A certified survey of the property prepared and sealed by a professional licensed surveyor, showing at a minimum the boundary lines of the property, to include all dimensions and legal description.
 - D. The location of all existing structures and all proposed uses or structures on the site, including proposed curb cuts, drives, walkways, signs, exterior lighting, adequate parking, including barrier free parking spaces, for the proposed uses (show the dimensions of a typical parking stall and parking lot), loading and unloading areas, if necessary, open space, common use areas and recreational areas and facilities. An elevation drawing of the proposed

building(s) shall be required in order to review the proposed building bulk and verify height.

- E. The location and width of all abutting rights-of-way, easements, utility lines and associated facilities within or bordering the subject project.
- F. The location of existing environmental features, such as watercourses, wetlands, shorelines, man-made drains, mature specimen trees, wooded areas or any other unusual environmental features.
- G. The location and identification of all existing structures, lighting, signs, ingress drives, roads, and parking within a two hundred (200) foot radius of the site, including road names.
- H. The existing zoning district in which the site is located and the zoning of adjacent parcels.
- I. The location of all existing and proposed landscaping as well as all existing and proposed fences or walls.
- J. The location, size and slope of all surface and subsurface drainage facilities.
- K. Summary tables, cross-sections and/or floor plans should be included with site plans for proposed structures, giving the following information:
 - 1) The number of units proposed, by type, including a typical floor plan for each unit.
 - 2) The area of the proposed units in square feet, as well as area dimensions of driveways and staging areas.
 - 3) Typical elevation drawings of the front and rear of each building.
- L. The topography of the existing and finished site shall be shown by contours or spot elevations. Where the existing slope on any part of the site is ten percent (10%) or greater, contours shall be shown at height intervals of two (2) feet or less.
- M. Generalized soil analysis data, which may include data prepared by the Antrim County Soil Conservation District regarding the soils and their adaptability to the use. More detailed information may be required where the Planning Commission determines that the site and use warrant a more critical review of soils.
- N. All site plans shall comply with the terms of the Antrim County Soil Erosion Sedimentation and Storm water Runoff Control Ordinance. It shall be the applicant's responsibility to provide documentation of compliance of this County Ordinance.
- O. Anticipated hours of operation for proposed use. The Planning Commission may impose reasonable limits to hours of operation as a condition of site plan

approval when warranted to assure compatibility with surrounding land uses.

P. Impact Statement

The statement shall address itself to the following as applicable to the type of use:

- 1) A complete description of the proposed development including: areas of the site, the number of lots or units; and the number and characteristics of the population impact such as density, elderly persons, school children, tourists, family size, income, and related information as applicable.
- 2) Expected demands on community services, and how these services are to be provided, to specifically include: school classroom needs, volume of sewage for treatment, volume of water consumption related to ground water reserves or community system capacity, change in traffic volume on adjacent streets and other factors that may apply to the particular development.
- 3) Statements relative to the impact of the proposed development on soil erosion, shoreline protection, wildlife habitat, air pollution, water pollution (ground and surface), noise and the scale of development in terms of the surrounding environment.

4. Application Submittal Procedures:

- A. Seven (7) copies of the proposed site plan, including all required additional or related information, shall be presented to the Zoning Administrator's office by the petitioner or property owner or his designated agent at least thirty (30) days prior to the Planning Commission meeting at which the site plan will be considered. The Zoning Administrator shall review the submitted site plan application and if determined to be complete, (all required information provided), shall cause the submittal to be placed on the agenda of the next regular Planning Commission meeting. If the application is not complete, the Zoning Administrator shall send a letter to the applicant identifying the deficiencies.
- B. The Planning Commission may distribute the site plan to the following agencies or any other agency deemed appropriate for comment prior to consideration for approval.
 - 1) The Antrim County Soil Erosion and Sedimentation Control Officer
 - 2) The Antrim County Drain Commissioner
 - 3) The Village Street Department and, if appropriate, the Michigan Department of Transportation
 - 4) District Health Department
 - 5) Local fire and ambulance service providers
- C. Application fees as determined pursuant to **Section 10.05** of this Ordinance shall be paid when the application and site plan are submitted to cover the estimated review costs.

- D. Where the applicant is dependent upon the grant of any variances by the Zoning Board of Appeals, said favorable action by the Zoning Board of Appeals shall be necessary before the site plan approval can be granted, or the site plan may be approved subject to favorable action by the Zoning Board of Appeals.
 - E. The applicant or his/her representative shall be present at each scheduled review or the matter shall be tabled for a maximum of two consecutive meetings due to lack of representation.
5. Standards for Granting Site Plan Approval:
- A. The Planning Commission shall approve, or approve with conditions, an application for a site plan only upon a finding that the proposed site plan complies with all applicable provisions of this Ordinance and the standards listed below, unless the Planning Commission waives a particular standard upon a finding that the standard is not applicable to the proposed development under consideration and the waiver of that standard will not be significantly detrimental to surrounding property or to the intent of the Ordinance. The Planning Commission's decision shall be in writing and shall include findings of fact, based on evidence presented on each standard.
 - B. All elements of the site plan shall be designed so that there is a limited amount of change in the overall natural contours of the site and shall minimize reshaping in favor of designing the project to respect existing features of the site in relation to topography, the size and type of the lot, the character of adjoining property and the type and size of buildings. The site shall be so developed as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.
 - C. The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, and by topographic modifications which result in smooth natural appearing slopes as opposed to abrupt changes in grade between the project and adjacent areas.
 - D. Special attention shall be given to proper site drainage so that removal of storm waters will not adversely affect neighboring properties.
 - E. The site plan shall provide reasonable, visual and sound privacy for all dwelling units located therein. Fences, walls, barriers and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants.
 - F. All buildings or groups of buildings shall be so arranged as to permit emergency vehicle access by some practical means to all sides.
 - G. Every structure or dwelling unit shall have access to a public street, private road, walkway or other area dedicated to common use.

- H. There shall be provided a pedestrian circulation system, which is insulated as completely as reasonably possible from the vehicular circulation system.
 - I. All loading and unloading areas and outside storage areas, including areas for the storage of trash, which face or are visible from residential districts or public thoroughfares, shall be screened, by a vertical screen consisting of structural or plant materials no less than six feet in height.
 - J. Exterior lighting shall comply with the requirements of *Section 3.11*.
 - K. The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrian or bicycle pathways in the area. Streets and drives which are part of an existing or planned street pattern which serves adjacent development shall be of a width appropriate to the traffic volume they will carry and shall have a dedicated right-of-way equal to that specified in the Master Plan.
 - L. All streets shall be developed in accordance with Village Street/road standards and specifications.
 - M. Site plans shall conform to all applicable requirements of state and federal statutes and the Village of Central Lake Master Plan, and approval may be conditioned on the applicant receiving necessary state and federal permits before the actual zoning permit authorizing the special land use is granted.
 - N. The Planning Commission shall seek the recommendations of the Fire Chief, the Village Street Department, the County Health Department, and the Michigan Department of Natural Resources, or Michigan Department of Environmental Quality where applicable.
6. Approval Site Plan: If approved by the Planning Commission, three (3) copies of the site plan shall be signed and dated by both the applicant and Zoning Administrator or Planning Commission Chair. One signed and dated site plan shall be provided to the applicant; one shall be retained by the Zoning Administrator as part of the Village's permanent zoning file, and; one copy shall be made part of the Planning Commission's permanent record of proceedings on the site plan.
 7. Conformity to Approved Site Plan Required. Following approval of a site plan by the Planning Commission, the applicant shall construct the site plan improvements in complete conformity with the approved site plan. Failure to do so shall be deemed a violation of this Ordinance.
 8. Amendment of Approved Site Plan:
Amendment of an approved site plan shall be permitted only under the following circumstances:

- A. The owner of property for which a site plan has been approved shall notify the Zoning Administrator of any desired change to the approved site plan. Minor changes may be approved by the Zoning Administrator upon determining that the proposed revision(s) will not alter the basic design and character of the site plan, nor any specified conditions imposed as part of the original approval. Minor changes shall include the following:
- 1) Reduction of the size of any building and/or sign.
 - 2) Movement of buildings and/or signs by no more than ten (10) feet.
 - 3) Landscaping approved in the site plan that is replaced by similar landscaping to an equal or greater extent.
 - 4) Changes in floor plans that do not exceed five (5%) percent of the total floor area and which do not alter the character of the use or increase the amount of required parking.
 - 5) Internal re-arrangement of a parking lot which does not affect the number of parking spaces or alter access locations or design.
 - 6) Changes related to item 1) through 5) above, required or requested by Village of Central Lake, Antrim County, or other state or federal regulatory agencies in order to conform with other laws or regulations; provided the extent of such changes does not alter the basic design and character of the site plan, nor any specified conditions imposed as part of the original approval.
 - 7) All amendments to a site plan approved by the zoning administrator shall be in writing. After approval by the Zoning Administrator, the Applicant shall prepare a revised site plan showing the approved amendment. The revised site plan shall contain a list of all approved amendments and a place for the Zoning Administrator to sign and date all approved amendments.
- B. An amendment to an approved site plan that cannot be processed by the Zoning Administrator under subsection (A) above shall be processed in the same manner as the original site plan application.

9. Expiration of Site Plan:

- A. The site plan shall expire unless construction of an approved site plan improvement has begun within 365 days of approval. Thirty days prior to expiration of an approved final site plan, an applicant may make application to the Planning Commission for a one year extension of the site plan at no fee. The Planning Commission shall grant the requested extension for an additional one year, if it finds good cause for the extension and that the zoning regulations governing the site plan approval have not changed since the approval.
- B. Any subsequent re-submittal shall be processed as a new request with new fees.

10. Conditional Approvals. The Planning Commission may impose reasonable conditions with the approval of a final site plan, pursuant to **Section 10.03** of this Ordinance.
11. Performance Guarantee Required. The Planning Commission may require an applicant to provide a performance guarantee in connection with the approval of a final site plan, pursuant to **Section 10.06** of this Ordinance.

Article 7: Uses Subject to Special Approval
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Village of Central Lake

Section 7.01 – General Requirements

Uses requiring special approval shall be subject to the general provisions and supplemental site development standards of this Ordinance, the provisions of the zoning district where located in addition to applicable provisions of this Article to prevent conflict with or impairment of the other uses or uses permitted by right of the district. Each use shall be considered an individual case.

Section 7.02 – Uses Subject to Special Approval

1. Applications:

Application shall be submitted to the Zoning Administrator. The Zoning Administrator shall review the submitted special approval application to determine if the application is complete (all required information provided). Once the application is determined to be complete, the application shall be forwarded to the Planning Commission to be processed. If the application is not complete, the Zoning Administrator shall send the applicant a letter identifying the application deficiencies.

The application for special approval shall include:

- A. Site plan prepared under the requirements of *Section 6.0 3 – Site Plan Review (All Districts) - Site Plan Data Required*.
- B. If owner and applicant are not the same, proof of the applicant’s ownership interest, such as “purchase agreement” or “option to purchase” agreement shall be required.
- C. Description of proposed use, including parking facilities, if required, and any exceptional traffic situation the use may require or create.
- D. A statement by applicant appraising the effect on the neighborhood.
- E. The application shall be accompanied by the fee established by the Village Council.

2. Public Hearings:

A public hearing shall be held for all special approval requests. A notice of the special approval request and public hearing as required by the Michigan Zoning Enabling Act, Act 110 of Public Acts 2006, shall be provided. The notice shall be given not less than 15 days before the date the application will be considered. The notice shall describe the nature of the special approval request; indicate the subject property, state when and where the special approval request will be considered, and when and where the written comments will be received concerning the request. Notices shall be provided as follows:

- A. One notice shall be published in a newspaper which circulates generally in the Village.
- B. Notice shall be sent by mail or personal delivery to the owners of the subject property.

- C. Notice shall be sent by mail or personal delivery to the owners of property within 300 feet of the boundary of the subject property.
- D. Notice shall be sent by mail or personal delivery to all the occupants of structures within 300 feet of the boundary of the subject property. If a structure contains more than one dwelling unit or spatial area, 1 occupant of each dwelling unit or spatial area shall receive notice. In the case of a structure containing more than 4 dwelling units or other distinct spatial areas, 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.

3. Standards for Granting Special Approval:

The Planning Commission shall approve, or approve with conditions, an application for a special approval only upon finding that the proposed use complies with all the following standards:

A. Use Allowed by Special Approval

The subject property is located in a zoning district in which the proposed use is allowed subject to special approval.

B. Compatibility with Adjacent Land Uses

- 1) The proposed special approval shall be designed, constructed, operated and maintained so as not to diminish the opportunity for surrounding properties to be used and developed as zoned.
- 2) The proposed use will not be hazardous to adjacent property or involve uses, activities, processes, materials, or equipment that will be detrimental to health, safety or welfare of persons or property through the excessive production of traffic, noise, smoke, fumes, odors, ground vibration, water runoff, light, glare, or the accumulation of scrap material that can be seen from any public road or seen from any adjacent land owned by another person, or other nuisance.

C. Public Services

- 1) The proposed use will not place demands on fire, police, or other public resources in excess of current capacity.
- 2) The proposed uses will be adequately served by public or private streets, water and sewer facilities, and refuse collection and disposal services.

D. Economic Well-Being of the Community

The proposed use shall not be detrimental to the economic well-being of the surrounding residents, businesses, landowners, and the community as a whole.

E. Compatibility with Natural Environment

The proposed use will not involve uses, activities, processes, materials, or equipment that will create a substantially negative impact on the natural resources of the Village or the natural environment as a whole.

F. Compliance with Specific Standards

The proposed use complies with all applicable specific standards required under this Ordinance.

4. Amendment of a Special Approval:

Amendment of a special approval shall be permitted only under the following circumstances:

B. The owner of property for which the special approval has been granted shall notify the zoning administrator of any desired change to the approved special use. Minor changes may be approved by the zoning administrator upon determining that the proposed revision(s) will not alter the basic design and character of the use, nor any specified conditions imposed as part of the original approval. Minor changes shall include the following:

- 1) Reduction of the size of any building and/or sign.
- 2) Movement of buildings and/or signs by no more than ten (10) feet.
- 3) Landscaping approved as part of the special approval is replaced by similar landscaping to an equal or greater extent.
- 4) Changes in floor plans that do not exceed five (5%) percent of the total floor area and which do not alter the character of the use or increase the amount of required parking.
- 5) Internal re-arrangement of a parking lot which does not affect the number of parking spaces or alter access locations or design.
- 6) Changes related to item 1) through 5) above, required or requested by the Village of Central Lake, Antrim County, or other state or federal regulatory agencies in order to conform with other laws or regulations; provided the extent of such changes does not alter the basic design and character of the special approval, nor any specified conditions imposed as part of the original approval.
- 7) All amendments to a special approval shall be approved in writing by the zoning administrator. After approval by the zoning administrator, the Applicant shall prepare a revised site plan showing the approved amendment. The revised site plan shall contain a list of all approved amendments and a place for the zoning administrator to sign and date all approved amendments.

B. An amendment to a special approval that cannot be processed by the zoning administrator under subsection (A) above shall be processed in the same manner as the original special approval application.

5. Inspection:

The Zoning Administrator shall have the right to inspect any special approval, to ensure continued compliance with the conditions of the special approval.

**Article 8: Supplemental Site
Development Standards**

Village of Central Lake

Those permitted and uses subject to special approval enumerated in any zoning district, if included below, shall be subject to the following conditions and requirements.

Section 8.01 - Bed and Breakfast Establishments

Bed and breakfast establishments shall be subject to the following regulations:

- A. **Bed and Breakfast Establishments an Accessory Use:** The bed and breakfast establishments shall be clearly incidental to the principal residence on the site. Accordingly, the bed and breakfast establishments shall be confined to the single-family dwelling unit, which is the principal dwelling on the site.
- B. **Maximum Number of Units:** No more than seven (7) bed and breakfast sleeping rooms per establishment shall be allowed.
- C. **Principal Residence:** The dwelling unit shall be the principal residence of the operator, and the operator shall live in the dwelling unit when the bed and breakfast establishment is in operation.
- D. **Kitchen Facilities:** There shall be no separate cooking facilities for the bed and breakfast establishment, other than those, which serve the principal residence. Food may be served only to those persons who rent a room in the bed and breakfast establishment.
- E. **Building Requirements:** A building used for a bed and breakfast establishment shall comply with the following minimum requirements:
 - 1) There shall be at least two (2) exits to the outdoors.
 - 2) Rooms used for sleeping shall have a minimum size of one hundred (100) square feet for two (2) occupants, plus and additional thirty (30) square feet for each additional occupant. Rooms shall be designed to accommodate no more than four (4) occupants.
 - 3) Each sleeping room shall be equipped with a smoke detector.
- F. **Parking:** An off-street parking spot shall be provided for bed and breakfast establishments, in accordance with this Ordinance. Off-street parking in the front yard is prohibited.
- G. The number of bathrooms and septic system size shall meet Antrim County Health Department requirements.

Section 8.02 - Boat Docks and Slips

- A. **Boat Docks:** One (1) per existing waterfront lot of record or 100 feet of horizontal lot width (not shoreline distance), whichever is more lenient. Location to respect swimming beaches and docks on the same property or on adjoining properties.

Section 8.03 - Campgrounds, private or public

- A. A minimum lot size shall be ten (10) acres, and not less than six hundred (600) feet width.

- B. The lot shall provide direct vehicular access to a public road. The term "lot" shall mean the entire campground or travel trailer park.
- C. All sanitary stations, privies, or any sanitary facilities shall be located at least one hundred (100) feet from property lines.
- D. Campground perimeter shall be completely screened by natural terrain, neatly finished and well-maintained wooden fence or masonry wall, or by well maintained live evergreens.
- E. Campsites shall be located at least fifty (50) feet from property lines.
- F. All campgrounds and trailer courts shall comply with State of Michigan Health Department requirements.

Section 8.04 - Car Wash Facilities

- A. Layout: All washing activities shall be carried on within an enclosed building. Vacuuming activities shall be permitted in the rear yard only, provided such activities are located at least fifty (50) feet from adjacent residentially zoned or used property. Entrances and exits shall not face abutting residentially zoned or used property.
- B. Entrances and Exits: Sufficient space shall be provided on the lot so that vehicles do not enter or exit the wash building directly from an adjacent street or alley. All maneuvering areas, stacking lanes, and exit aprons shall be located on the car wash parcel itself. Streets and alleys shall not be used for maneuvering or parking by vehicles to be serviced by the automobile wash.

Section 8.05 - Cemeteries

- A. Location: No portion of any cemetery that is located in a wetland shall be developed or platted for gravesites.
- B. Accessory Buildings: A crematorium, mausoleum, columbarium, or other accessory building may be permitted within a cemetery provided that any such building shall be designed and located in accordance with a cemetery master plan, which shall be subject to Planning Commission Approval.
- C. Setbacks: No building or structures containing bodies or remains, other than subterranean graves, shall be located closer than fifty (50) feet to the boundary line of any residential or commercial district.

Section 8.06 - Commercial outdoor recreational facilities

Commercially used outdoor recreational space for children's amusement parks, carnivals, rebound tumbling facilities, miniature golf, driving ranges, subject to

the following requirements:

- A. Children's amusement facilities must be fenced on all sides with a minimum four foot and six inch (4' 6") protective wall or fence.
- B. All manufacturers' specifications for safety are complied with as well as any additional safety measures that may be prescribed by the Planning Commission.

When discontinued or abandoned, the site shall be left in a reusable condition, free of hazards related to dangerous structures, pits, pools, excavations, electric circuits and similar features.

Section 8.07 - Funeral Home or Mortuary

Funeral Home or Mortuary property shall have direct vehicular access to a public road. Funeral home or mortuary property shall be at least one hundred fifty (150) feet of lot width. All uses, off-street parking areas, and loading areas are accommodated on site, without encroachment into the setback areas. The service entrance to the building shall be screened from view of adjoining residential properties, or contained within the confines of the building.

Section 8.08 - Gasoline/Service Station

- A. Minimum lot size shall be twenty thousand (20,000) square feet for a Service station or repair garage and twelve thousand (12,000) square feet for a filling station.
- B. Minimum lot width shall be one hundred twenty (120) feet for a service station, repair garage and one hundred (100) feet for a filling station.
- C. An automobile service station building, repair garage or main building for a filling station shall be located not less than forty (40) feet from the road right-of-way or less than twenty-five (25) feet from the side or rear lot line of any adjoining residential property or less than twenty-five (25) feet from the side or rear lot line of adjoining commercial or industrial property.
- D. No ingress or egress to an automobile service station, public garage or filling station, shall be closer than twenty-five (25) feet from any intersection or residential property line abutting the property on which such facility is located.
- E. All lubrication equipment, hydraulic hoists and pits shall be completely enclosed within a building. All gasoline pumps shall be located not less than twenty-five (25) feet from any lot line and shall be arranged so that motor vehicles may be provided easy egress and ingress to and from the adjoining road, and so that no portion of the vehicle while it is stopped for service, shall overhang onto a sidewalk, curb, road or public right-of-way.

- F. When adjoining residential property, a masonry wall at least five (5) feet in height shall be constructed parallel to the property line of such residential property. All masonry walls shall be protected by a fixed curb or other barrier to prevent vehicular contact.
- G. All outside storage areas for trash, used tires, auto parts and similar items shall be enclosed by a masonry wall at least five (5) feet in height. Outside storage or parking of disabled, wrecked or partially dismantled vehicles shall be allowed for a period not to exceed fifteen (15) days.
- H. All exterior lighting shall comply with *Section 3.11 – Outdoor Lighting* of this Ordinance.
- I. On a corner lot, both road frontage sides shall conform to all applicable front yard regulations of this ordinance.
- J. Parking and stacking spaces shall be provided subject to the *Section 3.15 – Vehicular Parking and Access*.

Section 8.09 - Motels and Hotels

- A. Motels and Hotels shall have a minimum lot width of one hundred fifty (150) feet at the road line.
- B. There shall be at least eight hundred (800) square feet of lot area per guest room.
- C. Each unit shall contain at least a bedroom and bath and a minimum gross floor area of two hundred fifty (250) square feet.
- D. Motels shall provide customary motel services, such as maid service, linen service, telephone and/or desk service, and the use of furniture.
- E. Parking and stacking spaces shall be provided subject to the *Section 3.15 – Vehicular Parking and Access*

Section 8.10 - Nursing Homes, Assisted Living Facilities

Nursing and convalescent homes, medical care facilities and similar uses shall meet the following requirements.

- A. The minimum lot size for such facilities shall be five (5) acres.
- B. Such uses shall front Public Street and the main means of access for residents or patients, visitors, and employees shall be via the road.

- C. Any such facility shall provide a minimum of fifteen hundred (1,500) square feet of outdoor open space for every room used or intended to be used. The open space shall be landscaped and shall include places for walking and sitting. Off-street parking areas, driveways, and accessory uses or areas shall not be counted as required open space.

Section 8.11 - Outdoor Sales Facilities

Outdoor sales lots for automobile, trucks, motorcycles, all terrain vehicles, boats and marine craft, recreation vehicles, trailers, mobile homes, farm implements, contractors equipment/vehicles, and similar units, for new and/or used units, subject to the following:

- A. No display shall be permitted in the right-of-way of any abutting road or highway.
- B. Existing roadside trees and shrubs shall be retained in a healthy growing condition to an extent determined by the Planning Commission to offer aesthetic value, contribute to shade, while offering reasonable visual access to the display lot.
- C. The use of racks, berms, platforms, or similar devices intended for the elevated display of units regulated herein shall be limited to not more than two, or one (1) per one hundred fifty (150) feet of display lot road frontage, whichever is greater and are subject to Planning Commission approval. No such display device shall elevate the underframe of a vehicle more than five (5) feet above the ground.
- D. Display lot lighting shall comply with terms of *Section 3.11 – Outdoor Lighting*, which shall apply whether or not the lighting is projected from buildings, private poles, or from utility company poles, i.e. as yard lights.
- E. The display of units regulated herein shall only be in areas indicated or designated on the site plan, and areas shall be differentiated as to the display of new, used and/or inoperable units.
- F. Parking area shall be provided in the side or rear yard of the site so as to prevent on-street parking.
- G. The front setback line of the vehicle display area shall be marked by a permanent curb of sufficient height and stability to serve as a tire stop.

Section 8.12 - Planned Unit Development, PUD

A. Intent and Purpose

As used in this section, “planned unit development” (or PUD) means cluster zoning, planned development, community unit plan, planned residential development, and other planned development. The purposes of a PUD are:

- 1) To accomplish the objectives of the zoning ordinance through a land development project review process based on the application of site planning criteria to achieve integration of the proposed land development project with the characteristics of the project area.
- 2) To permit flexibility in the regulation of land development.
- 3) To encourage innovation in land use in variety and design, layout, and type of structures constructed.
- 4) To achieve economy and efficiency in the use of land, natural resources, energy, and the provision of public services and utilities.
- 5) To encourage useful open space and provide better housing, employment, and shopping opportunities particularly suited to the needs of the residents of the village.

B. Use and Area Regulations

- 1) *Permitted Uses.* Planned unit developments shall be permitted in any zoning district according to the following:
 - (a) **Residential Districts** - Except as noted, PUD uses shall be limited to the range of uses provided for within the underlying zoning district classification. Such uses may be placed either singularly or in combination. Institutional and commercial uses determined by the Planning Commission to be compatible with the character of the PUD and surrounding neighborhood may also be permitted, provided the total area devoted to institutional and commercial uses shall not exceed twenty (20) percent of the PUD site area.
 - (b) **Village Mixed Use District** - Except as noted, PUD uses may include any of the range of uses provided for within the underlying zoning district classification. Such uses may be placed either singularly or in combination. Residential uses determined by the Planning Commission to be compatible with the character of the PUD and surrounding neighborhood may also be permitted provided the total area devoted to residential uses shall not exceed forty (40) percent of the PUD site area.
 - (c) **Manufacturing District** - Except as noted, PUD uses shall be limited to the range of uses provided for within the underlying zoning district classification. Such uses may be placed either singularly or in combination. Commercial uses determined by the Planning Commission to be compatible with the character of the PUD and surrounding area may also be permitted provided the total area devoted to commercial uses shall not exceed twenty (20) percent of the PUD site area.

In approving a PUD with mixed uses, the Planning Commission may stipulate the sequence in which said uses, or portions thereof, are constructed.

- 2) *Area Regulations.* Except to the extent that a PUD or a portion of a PUD is subject to area regulations mandated by a state agency, a PUD shall meet the following area regulations.
- 3) *Perimeter Setbacks.* The setback maintained along the perimeter of the PUD shall equal or exceed the required setback of the underlying zoning district, provided:
 - (a) Any portion of a commercial or industrial use shall maintain a perimeter setback of not less than fifty (50) feet from any adjoining or abutting property which is in a residential zoning district.
 - (b) With the exception of access drives, parking areas, lighting, sidewalks and curbing, the perimeter setback shall be landscaped.
- 4) *Open Space.* A PUD project shall have open space of no less than twenty-five (25%) percent of the entire project area. This required open space shall be dedicated to the public or set aside for the common use of the owners and users within the PUD. Dedicated open space does not include parking lots, roads, and public rights-of-way, but may include flood plain areas and wetlands up to a maximum of twenty-five (25%) percent of the required open space and landscape area devoted to perimeter setbacks.
- 5) *Height Regulations.* The height of all buildings and structures within a PUD project shall not exceed the height limit of the underlying zoning district; provided, however, the Planning Commission may authorize an increase in height upon a finding that the proposed increase will not be detrimental to the public health, safety, or welfare of the PUD occupants, the area surrounding the PUD project site, and the village as a whole. This increase, however, shall not exceed fifty (50) percent of the underlying zoning district height limit. In authorizing an increase in height, the Planning Commission may require increased building setbacks and/or other conditions determined necessary to secure the public health, safety, or welfare and to ensure compatibility of the project with the surrounding area. In no case shall an increase in height be permitted if the increase will result in conditions beyond the service capability of the village pursuant to emergency fire suppression and other emergency services.

For purposes of this subsection, the height of a building or structure shall be measured from the average grade of the property at the base of the building or structure to the highest point of the building

or structure.

- 6) *Other Dimensional Regulations.* To promote creativity and flexibility in site design, the Planning Commission may, subject to the following limitations, reduce the other dimensional regulations, as required by the underlying zoning district, including but not limited to minimum lot size, density, and setbacks within the PUD project, upon a finding that the proposed dimensional regulations will not be detrimental to the public health, safety, or welfare of future occupants of the PUD, the surrounding neighborhood, or the village as a whole.

Any reductions by the Planning Commission shall be limited as follows:

- (a) Residential density shall not be reduced by more than thirty (30) percent of the underlying zoning district standard.
- (b) Setbacks shall not be reduced by more than fifty (50) percent of the underlying zoning district requirements. Perimeter setbacks as required by the PUD regulations may not be reduced.
- (c) Required parking shall not be reduced by more than sixty (60) percent of the parking normally required of the proposed use. In no case shall a single-family home, mobile or modular home, or other such detached single-family dwelling have less than two (2) on-site (off-street) parking spaces. In reducing the required parking, the Planning Commission may require the reservation of a portion of the PUD site for future parking.

Prior to approving a reduction in dimensional regulations, the planning commission may require the applicant to demonstrate through bonafide documentation, including but not limited to traffic impact studies, environmental impact studies, market needs assessments, and infrastructure impact studies, that the reduction will not result in significant impacts to the PUD project and PUD occupants, the surrounding area, and the Village as a whole.

- C. *Planned Unit Development Eligibility Requirements.* To be eligible for a planned unit development, a parcel shall meet all of the following:

- 1) The parcel shall be four (4) contiguous acres or more in area. Provided, however, if the proposed PUD will contain a mixture of residential and non-residential uses, the parcel shall be ten (10) acres or more in area. For purposes of this subsection, recreational amenities, such as health clubs and facilities providing swimming pools or tennis courts, and commercial activities customarily incidental to a residential use shall not be considered non-

residential uses.

- 2) The parcel on which the proposed PUD will be located shall be served by public water and sanitary sewer facilities, if available.
- 3) The parcel on which the proposed PUD will be located shall be under single ownership, or the PUD application shall be filed jointly by all property owners.
- 4) The proposed uses within the PUD shall be consistent with the Village of Central Lake Master Plan for the subject parcel.

D. *Pre-application Conference.*

- 1) A pre-application conference shall be held with the Planning Commission or its representative, unless waived by the applicant, for the purpose of determining the eligibility of the proposed PUD application and to review the procedures and standards for PUD approval. The goals of the preapplication conference are to acquaint the Planning Commission, or its representative, with the applicant's proposed development, assist the applicant in understanding new or additional information which the Planning Commission will need to effectively consider the application, confirm that the application and all supporting documentation is ready for a public hearing, and to acquaint the applicant with the Planning Commission's initial, but unofficial reaction to the application. In no case shall any representations made by the Planning Commission, or its representative, at the pre-application conference be construed as an endorsement or approval of the PUD.
- 2) A request for a pre-application conference shall be made to the zoning administrator who shall schedule a date and time for the pre-application conference. As part of the pre-application conference, the applicant shall submit five (5) copies of a conceptual plan which shows the property location, boundaries, significant natural features, vehicular and pedestrian circulation, and land use for the entire site.

E. *PUD Application Requirements.* An applicant seeking approval of a PUD shall submit a complete application to the zoning administrator. The zoning administrator shall then forward the application to the Planning Commission for its review under the procedures of this section. The application shall include all of the following:

- 1) A completed application form, supplied by the zoning administrator.
 - 2) Payment of a fee as established by resolution of the Village Council.
 - 3) A narrative statement describing:
 - (a) The objectives of the proposed PUD and how they relate to the intent of the zoning ordinance as described in subsection

- (1), above.
 - (b) The relationship of the proposed PUD to the Village of Central Lake's Master Plan.
 - (c) Phases of development, if any, and the approximate time frame for the start and completion of construction of each phase.
 - (d) Proposed master deed, deed restrictions, covenants or similar legal instruments to be used within the PUD.
 - (e) Anticipated dates for the start and completion of the PUD construction.
 - (f) The location, type, and size of areas to be dedicated for common open space.
- F. The PUD application shall include all information required by **Sections 6.03** and **Section 7.02**, and the following:
- 1) Required setbacks of the zoning districts.
 - 2) Area of subject property to be covered by buildings.
 - 3) Percentage of the total site devoted to open space and the proposed uses of that open space.
 - 4) Such other information regarding the development area that may be required to determine conformance with this Ordinance.
- G. *Public Hearing on PUD Request; Notice.*
See **Section 7.02.2**.
- H. *Planning Commission Review of PUD.* Following the public hearing the Planning Commission shall review the PUD application and shall approve, deny, or approve with conditions the PUD application based on the standards for PUD approval contained in subsection (I.) below. The Planning Commission's decision shall be in writing and shall include findings of fact, based on the evidence presented at the public hearing, on each standard.
- I. *Standards for PUD Approval; Conditions; Waiver of PUD Standards.*
- 1) *General Standards.* The Planning Commission shall approve, or approve with conditions, a PUD application if the Planning Commission finds that the proposed PUD meets the standards of **Section 6.03.5** and **Section 7.02.3** and all of the following:
 - (a) The planned unit development shall be consistent with the Village of Central Lake Master Plan.
 - (b) The planned unit development shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the

surrounding area. Landscaping shall ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property and will be consistent with outdoor pedestrian movement. Vegetation proposed by the developer or required by the Planning Commission shall be maintained in a healthy living condition and such vegetation if dead shall be replaced.

- (c) The planned unit development shall not change the essential character of the surrounding area, unless such change is consistent with the village's current master plan.
- (d) The planned unit development shall be designed to preserve public vistas and existing important natural, historical, and architectural features of significance within the development.
- (e) The planned unit development shall be designed so that its pedestrian, non-motorized and automobile circulation systems are safely and conveniently integrated with those of abutting property and any linear trail or park systems intersecting or abutting such development.
- (f) The planned unit development shall provide that vehicular and pedestrian traffic within the site shall be safe and convenient and that parking layout will not adversely interfere with the flow of traffic within the site or to and from the adjacent streets. Safe and adequate access for emergency vehicles to or within the development and adequate space for turning around at street ends shall be provided.
- (g) The planned unit development shall not result in any greater storm water runoff to adjacent property after development, than before. The open space shall be provided with ground cover suitable to control erosion, and vegetation which no longer provides erosion control shall be replaced.
- (h) The design of the planned unit development shall exhibit a reasonably harmonious relationship between the location of buildings on the site relative to buildings on lands in the surrounding area; and there shall be a reasonable architectural and functional compatibility between all structures on the site and structures within the surrounding area. It is not intended that contrasts in architectural design and use of facade materials is to be discouraged, but care shall be taken so that any such contrasts will not be so out of character with existing building designs and facade materials so as to create an adverse effect on the stability and value of the surrounding area.
- (i) The planned unit development shall be designed such that phases of development are in a logical sequence, so that any

one phase will not depend upon a subsequent phase for adequate access, public utility services, and drainage or erosion control.

- 2) *Conditions.* The Planning Commission may impose reasonable conditions with the approval of a final site plan, pursuant to **Section 10.03** of this Ordinance.
 - 3) *Waiver of PUD Standards.* The Planning Commission may waive any of the standards for a PUD contained in subsection (I.) above where all of the following findings are documented along with the rationale for the decision:
 - (a) No good public purpose will be achieved by requiring conformance with the standards sought by the applicant to be waived.
 - (b) The spirit and intent of the PUD provisions will still be achieved.
 - (c) No nuisance will be created.
- J. *Planned Unit Development Permit.* Following final approval of a PUD application, a permit may be obtained from the zoning administrator. The issuance of this permit, however, shall not relieve the applicant from complying with applicable county, state, and federal permit requirements. The failure of the applicant to obtain any required county, state, or federal permit shall render the PUD permit issued under this subsection void.
- K. *Continuing Adherence to Approved PUD Application.* Any property owner who fails to develop and maintain an approved PUD according to the approved PUD application and conditions, if any, shall be deemed in violation of the provisions of this Ordinance and shall be subject to the penalties provided in this Ordinance.
- L. *Recording of Action.* The applicant shall record an affidavit acceptable to the village attorney with the Antrim County Register of Deeds that contains the full legal description of the project site, specifies the date of final village approval, specifies the description or identification number which the village has assigned to the PUD project, and declares that all improvements will be carried out in accordance with the approved PUD application. If the Planning Commission approves an amendment to the PUD, the applicant shall record an amended affidavit acceptable to the village attorney that contains all of the information described above, describes the amendment, specifies the date the Planning Commission approved the amendment, and declares that the improvements will be carried out in accordance with the approved PUD, as amended. Finally, all deed restrictions and easements shall be duly filed with the Antrim County Register of Deeds and copies of recorded documents filed with the zoning administrator.

M. *Amendment of an Approved Planned Unit Development.* Amendments to an approved PUD shall be permitted only under the following circumstances:

- 1) The owner of property for which a PUD has been approved shall notify the zoning administrator of any desired change to the approved PUD. Minor changes may be approved by the zoning administrator upon determining that the proposed revision(s) will not alter the basic design and character of the PUD, nor any specified conditions imposed as part of the original approval. Minor changes shall include the following:
 - (a) Reduction of the size of any building and/or sign.
 - (b) Movement of buildings and/or signs by no more than ten (10) feet.
 - (c) Landscaping approved in the PUD plan that is replaced by similar landscaping to an equal or greater extent.
 - (d) Changes in floor plans that do not exceed five (5%) percent of the total floor area and which do not alter the character of the use or increase the amount of required parking.
 - (e) Internal re-arrangement of a parking lot which does not affect the number of parking spaces or alter access locations or design.
 - (f) Changes related to items (a) through (e) above, required or requested by the Village of Central Lake, Antrim County, or other state or federal regulatory agencies in order to conform with other laws or regulations; provided the extent of such changes does not alter the basic design and character of the PUD, nor any specified conditions imposed as part of the original approval.
- 2) All amendments to a PUD approved by the zoning administrator shall be in writing. After approval by the zoning administrator, the applicant shall prepare a revised development plan showing the approved amendment. The revised development plan shall contain a list of all approved amendments and a place for the zoning administrator to sign and date all approved amendments.
- 3) An amendment to an approved PUD that cannot be processed by the zoning administrator under subsection (1) above shall be processed in the same manner as the original PUD application.

N. *Expiration of Approved PUD; Extension.*

- 1) An approved PUD shall expire one (1) year following final approval by the Planning Commission, unless substantial construction has

begun on the PUD project prior to that time or the property owner applies to the Planning Commission for an extension prior to the expiration of the PUD. The Planning Commission may grant one (1) extension of an approved PUD for an additional one (1) year period if it finds:

- (a) The property owner presents reasonable evidence that the development has encountered unforeseen difficulties beyond the control of the property owner; and
 - (b) The PUD requirements and standards that are reasonably related to the development have not changed.
- 2) If the PUD approval expires pursuant to subsection (1) above, no work pursuant to the PUD plan may be undertaken on the project until a new PUD approval is obtained from the planning commission following the procedures for a new PUD application. In addition, if the PUD approval expires, the property shall again be subject to the zoning classification of the property which existed prior to the PUD approval as if no PUD approval had ever been granted.
- . *Performance Guarantee.*
See **Section 10.06.**

Section 8.13 - Public Buildings, Institutions and Places of Worship

Public buildings (except public works garages and storage yards), places of worship, public schools, private schools and their local supporting service uses, shall be permitted provided:

- A. The arrangement of property uses shall minimize the impact on scenic views, and if feasible, the site design shall mitigate negative impacts related to building size, noise, lighting and traffic.

Any uses of church structures or properties for such other purposes as recreation, day care centers, group housing, and the like, shall be separately considered as part of the conditions to granting or denying a special permit in residential districts.

Section 8.14 - Sand and Gravel Extraction

- A. From and after the effective date of this Ordinance, it shall be unlawful for any person, firm, corporation, partnership, or any other organization or entity to strip greater than 2,000 cubic yards of topsoil, sand, clay and gravel or similar material, or to use lands for filling within the Village without first submitting a site plan and procuring approval from the Planning Commission.

- B. A separate site plan approval will not be required for excavation or fill activities associated with building construction pursuant to a duly issued building permit. However, where sand, gravel, topsoil, or other substances are removed from the site where found and taken to another site, site plan approval is needed for the receiving site.
- C. Site plan application. A separate site plan shall be required for each separate excavation or fill site. In addition to the site plan requirements listed in **Section 6.03 Site Plan Review (All Districts)**, a site plan prepared under this section shall also include:
 - 1) Names and addresses of parties interested in said premises setting forth their legal interest in said premises.
 - 2) Full legal description of the premises where operations are proposed.
 - 3) Detailed proposal as to method of operation, what type of machinery or equipment will be used, and estimated period of time that such operation will cover.
 - 4) Detailed statement as to exactly what type of material is proposed to be extracted or deposited.
 - 5) Proposed method of filling excavation and/or other means to be used to allow for the reclamation of lands to a usable purpose.
 - 6) Such other information as may be reasonably required by the Planning Commission to base an opinion as to whether the site plan should be approved or not.
- D. The sand and gravel operations application shall provide information to confirm compliance with the following standards:
 - 1) **Hours of Operation**
The operation of mechanical equipment of any kind shall be limited by the day and/or the hour. Site Specific Hours of Operation for mining, processing and reclamation activities must be approved, but shall not exceed the following schedule Monday through Saturday, excluding legal holidays, during the following times:
 - (a) Mining or extracting operations, and processing and stockpiling of aggregates shall occur only between the hours of 7:00 a.m. and 6:00 p.m.
 - (b) Loading and hauling operations shall occur only between the hours of 7:00 a.m. and 8:00 p.m.
 - (c) Equipment maintenance and repair shall occur only between the hours of 7:00 a.m. and 9:00 p.m.
 - 2) **Screening**
Fences, berms, walls, and visual screening devices may be required, if necessary, in the opinion of the Planning Commission, to protect adjoining properties and/or ensure the health, safety and welfare of persons in the vicinity of the site. Factors of safety and aesthetics shall be addressed
 - 3) **Noise, Dust, Debris**
All processing equipment and activities and all storage areas shall be treated, covered, muffled, or otherwise controlled to prevent excessive dust, debris, or other impacts beyond the property line. Noise levels shall not exceed 60 dBA at the property line. Any

trucks hauling material to or from the site shall be enclosed or covered to prevent materials from blowing or falling out of the trucks.

4) **Groundwater Impact**

Extractive operations shall be managed and designed so as to not cause any negative impact on groundwater and potable water supply, whether as a result of contamination or reduction in the rate and volume of flow.

5) **Road Impact**

a) Extractive operations shall be managed and designed so as to have minimum negative impact on existing roadways. The truck route to be utilized in the accessing of the extraction site shall be designated and subject to approval by the Planning Commission.

b) Dust caused by truck traffic of the entrance drive to be treated as needed with dust suppression material.

Section 8.15. - Sexually Orientated Business

The purpose and intent of the section 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 Village, 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 and downgrading of surrounding areas and will not negatively impact the health, safety, and general welfare of Village 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 products, or to deny sexually oriented businesses access to their intended market. Neither is it the intent of this Ordinance to legitimize activities which are prohibited by Village 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 Village intends said portion to be disregarded, reduced, and/or revised so as to be recognized to the fullest extent possible by law. The Village further states that it would have passed and adopted what remains of any portion of this Ordinance relating to regulation of sexually oriented businesses following the removal, reduction, or revision of any portion so found to be invalid or unconstitutional.

A. No sexually oriented business shall be permitted in a location in which any principal or accessory structure, including signs, is within one thousand (1,000) feet of any principal or accessory structure of another sexually oriented business.

- B. No sexually oriented business shall be established on a parcel which is within two hundred fifty (250) feet of any parcel zoned R-1 (Residential district).
- C. No sexually oriented business shall be established on a parcel within three hundred (300) feet of any residence.
- D. The proposed use shall conform to all specific density and setback regulations, etc. of the zoning district in which it is located.
- E. The proposed use must meet all applicable written and duly promulgated standards of Village of Central Lake and 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.
- F. 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 adjacent roadways.
- G. Any sign or signs proposed for the sexually oriented business must comply with the provisions of this Ordinance, and shall not otherwise include photographs, silhouettes, drawings, or pictorial representations of any type, or include animated or flashing illumination.
- H. 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) “persons 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.”
- I. No product or service for sale or gift, or any picture or other representation of any product or service or gift, shall be displayed so as to be visible from the nearest adjoining roadway or a neighboring property.
- J. Hours of operation shall be limited to 12:00 PM (noon) to 12:00 AM. (Midnight)
- K. All off-street parking areas shall be illuminated during all hours of operation of the sexually oriented business, and until one hour after the business closes.
- L. 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:

- 1) Shall be handicap accessible to the extent required by the Americans With Disabilities Act;
- 2) Shall be unobstructed by any door, lock, or other entrance and exit control device;
- 3) 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;
- 4) Is illuminated by a light bulb of wattage of no less than 25 watts;
- 5) Has no holes or openings in any side or rear walls.

M. Review Procedures for Sexually Oriented Businesses

The Planning Commission shall adhere to the following procedures when reviewing a special approval application for a sexually oriented business.

- 1) If the Planning Commission determines that a special approval application for a sexually oriented business is not complete when it is first presented to the Planning Commission, it shall provide written notice by first class mail within five (5) business days of said determination detailing the items required to complete the application. Upon payment of a new filing fee, the applicant may resubmit the amended application for review by the Planning Commission for completeness.
- 2) If the Planning Commission determines that the application is complete, it shall within sixty (60) days of said determination make and adopt specific findings with respect to whether the proposed sexually oriented business is in compliance with the standards designated in *Section 8.15 (A-L)*. If the Planning Commission has not made and adopted findings of fact with respect to a proposed sexually oriented business and either approved or denied the issuance of a special approval for the same within sixty (60) days of its determination that a completed application has been filed, then the special approval shall be deemed to have been approved.
- 3) Prompt judicial review of adverse determination: If the Planning Commission denies a special approval application for a sexually oriented business pursuant to the above paragraphs, then the applicant shall be entitled to prompt judicial review by submitting a written request to the Zoning Administrator. The Village shall have within five (5) business days of the receipt of such written notice to do the following:
 - (a) File a petition in the Circuit Court for the County seeking a judicial determination with respect to the validity of such denial, and in conjunction therewith, apply for a preliminary and permanent injunction restraining the applicant from operating the sexually oriented business in violation of the Village Zoning Ordinance;
 - (b) Request that the application for issuance of a preliminary injunction be set for a show-cause hearing within ten (10) business days or as soon thereafter as is possible after the

filing of such petition. In the event the applicant appears at or before the time of such show-cause hearing, waives the notice otherwise provided by Michigan Court Rules, and requests that at the time set for such hearing the Court proceed to hear the case under applicable rules of civil procedure for the issuance of such permanent injunction on its merits, the Village shall be required to waive its application for preliminary injunction and shall join in such request.

In the event that the applicant does not waive notice and/or does not request any early hearing on the Village's application for permanent injunction, it shall never the less be the duty of the Village to seek the earliest possible hearing date under Michigan law and the Michigan Court Rules.

The filing of written notice of intent to contest the Planning Commission's denial of a special approval shall not in any way affect the validity of such denial, but such denial shall be deemed invalid and the special approval application automatically approved if, within fifteen (15) business days of the filing of the Village's petition, a show-cause hearing has not been scheduled.

Section 8.16 - Storage Facilities and Warehouses

Storage uses, including mini-storage, shall meet the following regulations are satisfied:

- A. All proposed storage buildings nearest to the primary access road shall be site planned to be perpendicular to the road; landscape screening may be required by the Planning Commission per subparagraph c) of this paragraph.
- B. Proposed storage buildings are positioned to the rear of other approved non-storage or non-warehousing buildings, e.g., retail or office uses, or, the storage buildings are set back at least three hundred (300) feet from public road right-of-way lines.
- C. All season landscape screening to effectively shield storage buildings from bordering public roads, shall be installed per an approved Landscape Planting Plan which provides initial screening upon installation of proposed plant materials.
- D. Nothing in this section shall prohibit or inhibit storage space as a necessary accessory use to any principal commercial use of the property, and these standards do not apply to internal roads within a planned industrial or commercial park.

- E. Storage facilities for building materials, sand, gravel, stone, lumber, storage of contractor's equipment and supplies, provided such is enclosed within a building or behind an obscuring wall or fence on those sides abutting all Residential Districts and on any yard abutting a public thoroughfare.

Section 8.17 - Towers, Antennae and Facilities

- A. No additional new commercial towers shall be permitted within the Village of Central Lake.
- B. Antenna towers and masts erected and operated as a residential accessory use, and not more than fifty (50) feet in height as measured between the tower's base at grade and its highest point erected, are permitted provided the tower is located at least the height of the tower from all property lines.

Section 8.18 - Veterinary Clinic/Animal Hospital

- A. All veterinary clinics and animal hospitals shall be operated in conformance with County and State regulations and shall be located on sites of at least one (1) acre in size.
- B. Animals shall be confined in a fenced area to preclude their approaching nearer than five hundred (500) feet to any dwelling on adjacent premises or nearer than fifty (50) feet from the property line, which ever is greater.
- C. Any fenced areas shall be screened from adjacent properties and/or roads with an opaque fence or a vegetated evergreen buffer at least five (5) feet in height.
- D. The facility shall be so constructed and maintained that odor, dust, noise or drainage shall not constitute a nuisance or hazard to adjoining premises.
- E. Animals shall be kept in a soundproof building between the hours of 10 p.m. and 8 a.m.
- F. All principal use activities shall occur within an enclosed main building.

Article 9: Zoning Board of Appeals

Village of Central Lake

Section 9.01 Creation and Membership

The Village of Central Lake Village Council has elected to serve as the Village Zoning Board of Appeals (ZBA) in accordance with the Michigan Zoning Enabling Act, Act 110 of the Public Acts of Michigan of 2006, as amended. The Village Council as the Zoning Board of Appeals shall perform its duties and exercise its powers as provided in the Michigan Zoning Enabling Act, as amended, and in such a way that the objectives of this Ordinance may be achieved; that there shall be provided a means for competent interpretation and controlling flexibility in the application of this Ordinance; that the health, safety, and welfare of the public be secured.

The Village Council may appoint up to two (2) alternate members for three (3) year terms. An alternate member may be called on a rotating basis, to sit as a regular member of the ZBA 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 voting member of the board of appeals.

Section 9.02 Organization and Procedures

Section 9.02.1 Rules or Procedures

The Village Council shall adopt its own rules or procedures as may be necessary to conduct its meeting and carry out its function as a board of appeals. The Board shall choose its own chairperson, and in his/her absence, an acting chairperson.

Section 9.02.2 Meetings

Meetings shall be held at the call of the chairperson and at such times as the Board of Appeals may determine. All meetings by the Board shall be open to the public. The Board may declare any meeting, or part of any meeting, a study meeting to pursue matters of business without comment or interruption from the public in attendance.

Section 9.02.3 Minutes

Minutes shall be recorded of all proceedings, which shall contain evidence and date relevant to every case considered, together with the votes of the members and the final disposition of each case. Such minutes shall be filed in the office of the Village Clerk and shall be made available to the general public. The Village Clerk shall act as Secretary to the Board of Appeals, and all records of the Board's action shall be taken and recorded under the Clerk's direction.

Section 9.02.4 Notice of Hearings

Following receipt of a written request concerning an appeal of an administrative decision, a request for an interpretation of the zoning ordinance or a request for a variance, the Zoning Board of Appeals shall hold a public hearing, after giving the following applicable notice:

- A. For an appeal of an administrative decision or variance request, a notice stating the time, date, and place of the public hearing shall be published in a newspaper of general circulation within the Village and shall be sent to the person filing the appeal and to the zoning administrator or other administrative agency or official whose decision is being appealed no less than fifteen (15) days before the public hearing. In addition, if the appeal involves an interpretation of the zoning ordinance or a specific parcel, written notice stating the nature of the appeal and the time, date, and place of the public hearing on the appeal shall be sent by first class mail or personal delivery to all persons to who real property is assessed within 300

feet of the boundary of the property in question and to the occupants of all structures within 300 feet of the boundary of the property in question. If a tenant's name is not known, the term occupant may be used.

The Zoning Board of Appeals may recess such hearing from time to time; further notification of persons within 300 of the premises shall not be required.

- B. For a request seeking an interpretation of the zoning ordinance, a notice stating the time, date, and place of the public hearing shall be published in a newspaper of general circulation within the Village and shall be sent to the person requesting the interpretation no less than fifteen (15) days before the public hearing.
- C. For a variance request, a notice stating the nature of the variance being requested and the time, date, and place of the public hearing shall be published in a newspaper of general circulation within the Village and shall be sent to the person requesting the variance no less than fifteen (15) days before the public hearing. In addition, a notice stating the nature of the variance being requested and the time, date, and place of the public hearing shall be sent by first class mail or personal delivery to all persons to whom real property is assessed within 300 feet of the boundary of the property in question and to the occupants of all structures within 300 feet of the boundary of the property in question.

Section 9.02.5 Exercising Powers

The Board of Appeals may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the Zoning Administrator from whom the appeal is taken.

The Board of Appeals shall return a decision on a case with all deliberate speed.

Section 9.02.6 Majority Vote

A majority concurring of the members of the Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator or to decide in favor of the applicant on any matter upon which they are required to pass, or to effect any variation in this Ordinance. A vote of 2/3 of the members shall be necessary to grant a variance for a use not otherwise permitted by the ordinance in a particular district.

Section 9.03 Jurisdiction

- A. An appeal concerning the administration of the provisions of this Ordinance may be taken to the Board of Appeals within the timeframe defined in the general rules and procedures adopted by the Zoning Board of Appeals. If such a timeframe is not specified, appeals shall be filed within thirty (30) days of the decision of the Zoning Administrator from which the appellant seeks relief.

- B. The ZBA may hear appeals made by any person who alleges he or she has been aggrieved by a decision of the Zoning Administrator.
- C. The ZBA may grant variances as provided for in *Section 9.05 Variances*.
- D. The ZBA may also interpret the location of zoning district boundaries and may interpret the provisions of this Ordinance.
- E. An appeal may be made by any person, firm or corporation, or by any Officer, Department or Board of the Village . The appellant shall file with the Board of Appeals, on blanks or forms to be furnished by the Zoning Administrator, a notice of appeal specifying the grounds for the appeal.
- F. The Zoning Administrator shall transmit to the Board of Appeals all the papers constituting the record upon which the action appealed from was taken. The final decision of such appeal shall be in the form of a resolution either reversing, modifying or affirming, wholly or partly, the decision or determination appealed from. Reasons for the decision must be stated.
- G. Any person may appear and testify at the hearing either in person or by duly authorized agent or attorney.
- H. The ZBA has no jurisdiction to hear appeals from Planning Commission decisions concerning special approvals.

Section 9.04 Stay

An administrative appeal to the Zoning Board of Appeals and an appeal of a decision by the Zoning Board of Appeals to circuit court stays all proceedings of the action appealed from, including the effectiveness of any zoning permit issued, unless the Zoning Administrator certifies to the Zoning Board of Appeals after such appeal has been filed that a stay would cause imminent peril to life or property, in which case the proceedings shall not be stayed, unless ordered stayed by the Zoning Board of Appeals or the circuit court. Provided, however, this section shall not apply to an administrative decision to take enforcement action for alleged violations of this Ordinance.

Section 9.05 Variances

- A. Dimensional Variances: The ZBA may grant dimensional variances when the applicant demonstrates in the official record of the hearing that the strict enforcement of this Ordinance would result in practical difficulty. To establish practical difficulty, the applicant must establish all of the following:
 - 1) The need for the requested variance is due to unique circumstances or physical conditions of the property involved that do not apply generally to other properties in the surrounding area, such as

narrowness, shallowness, shape, water, or topography and is not due to the applicant's personal or economic hardship.

- 2) The need for the requested variance is not the result of action of the property owner or previous property owners (self-created).
- 3) That strict compliance with regulations governing area, setback, frontage, height, bulk, density or other dimensional requirements will unreasonably prevent the property owner from using the property for a permitted purpose, or will render conformity with those regulations unnecessarily burdensome.
- 4) Whether granting the requested variance would do substantial justice to the applicant as well as to other property owners in the district, or whether granting a lesser variance than requested would give a substantial relief to the property owner and be more consistent with justice to other property owners.
- 5) That the requested variance will not cause an adverse impact on surrounding property, property values, or the use and enjoyment of property in the neighborhood or zoning district.

B. Use Variances:

The ZBA may grant use variances when the applicant demonstrates in the official record of the hearing that the strict enforcement of this Ordinance would result in unnecessary hardship. To establish unnecessary hardship, the applicant must establish all of the following:

- 1) The building, structure or land cannot be reasonably used for any of the uses permitted by right or by special approval in the zoning district in which it is located.
- 2) The need for the requested variance is due to unique circumstances peculiar to the applicant's property and not due to general neighborhood conditions.
- 3) The proposed use of applicant's property will not alter the essential character of the neighborhood.
- 4) The need for the requested variance is not the result of actions of the property owner or previous property owners (self-created).

Section 9.06 Miscellaneous:

No order of the Board of Appeals permitting the erection or alteration of a building shall be valid for a period longer than one (1) year, unless a building permit for such erection or alteration is obtained within such period and substantial construction has occurred.

Article 10: Administration and Enforcement of Ordinance

Village of Central Lake

Section 10.01 – Zoning Administrator

The provisions of this Ordinance shall be administered and enforced by the Village Zoning Administrator, appointed by the Village Council for such term and subject to such conditions and at such rate of compensation as said Council shall determine as reasonable.

The Zoning Administrator shall have the power to grant Zoning Permits and to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this Ordinance. It shall be unlawful for the Zoning Administrator to approve any plans or issue any Permits for the excavation or construction until such plans have been inspected in detail and found to conform to this Ordinance.

The Zoning Administrator shall under no circumstances be permitted to make changes to this Ordinance or to vary the terms of this Ordinance in carrying out the duties of Zoning Administrator.

The Zoning Administrator shall not refuse to issue a Permit when conditions imposed by this Ordinance are complied with by the applicant despite violations of contracts, such as covenants or private agreements that may occur upon the granting of said Permit.

Section 10.02 – Zoning Permit

1. No building or structure subject to the provisions of this Ordinance shall hereafter be erected, structurally altered, reconstructed, used, or moved until a Zoning Permit application has been filed with the Village Zoning Administrator and a Zoning Permit has been issued by the Zoning Administrator, except as otherwise permitted for in this ordinance. No Zoning Permit shall be required for any lawful use of any building or structure in existence as of the adoption date of this Ordinance. No Zoning permit shall be required for an accessory structure less than 200 sf in size.
2. The application shall be signed by the owner of the premises or his agent and shall certify that all provisions of this Ordinance and other applicable laws and requirements are to be complied with. Any application requiring approval from the Planning Commission must be submitted not less than thirty (30) days prior to a scheduled meeting for consideration at that Planning Commission meeting. The application shall be accompanied by:
 - A. A site plan, if required, or a sketch in duplicate, in a scale sufficient to clearly detail– as determined by the Zoning Administrator, the location and dimensions of the premises including the boundary lines of all parcels of land under separate ownership contained therein; the size, dimensions, location on the premises, and height of all buildings, structures or other impervious surfaces in existence, to be erected and/or altered; the width and alignment of all abutting streets, highways, alleys, utility locations, easements and public open spaces; the front yard dimensions of the nearest building on both sides of the proposed building or structure; the location and dimensions of sewage disposal facilities both on adjoining land or lots and those to be erected on the lot under consideration; and the location of all wells on adjoining lands or lots and those to be erected on the lot under consideration.
 - B. Properties under two (2) acres in size may be required to submit a legal survey, sealed by a professional surveyor (not a mortgage survey). The Zoning Administrator shall have the authority to require such a survey in the cases where there may be encroachment on the setbacks by the proposed structures or when the exact locations of lot lines are not known.
 - C. Copies of permits or waivers of permits by other agencies as may be required by statute and/or by the Zoning Administrator of this Ordinance.
 - D. Such other information as may be required to determine compliance with the Ordinance.
3. A Zoning Permit shall not be issued until all other necessary permits required by statute have been obtained or waived with exception of those permits issued by the Antrim County Building Department.

4. The location of the property boundaries and all structures shall be staked on the ground for Zoning Administrator approval prior to the issuance of the Zoning Permit.
5. Any Zoning Permit under which substantial construction has not started or if no substantial construction has been done in the furtherance of the zoning permit, the zoning permit will expire after twelve (12) months from date of issuance shall expire.
6. The Zoning Administrator shall have the power to revoke or cancel any Zoning Permit in case of failure or neglect to comply with the provisions of the Ordinance, or in the case of a false statement or misrepresentation made in the application. The owner shall be notified of such revocation in writing.
7. No Zoning Permit shall be valid until the required fees have been paid. Except for an accessory building or structure less than 200 square feet in size, which does not require a zoning permit pursuant to Section 10.02.1 of this Ordinance, no separate fee shall be required for accessory buildings or structures when application thereof is made at the same time as the principal building or structure. Applications and petitions filed pursuant to the provisions of this Ordinance shall be accompanied by the filing fees as specified by the Village Board of Trustees.
8. Upon issuance of the Zoning permit, a copy of the permit and the application, including any drawings shall be transmitted to the Village Assessor.

Section 10.03 – Conditions

The Planning Commission and Zoning Board of Appeals may attach reasonable conditions on discretionary zoning decisions under their jurisdiction. These conditions may include those 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. Any conditions imposed, however, shall meet all of the following requirements:

1. Be designed to protect natural resources, the health, safety, and welfare and social and economic well being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
2. Be related to the valid exercise of the police power, and purposes, which are affected, by the proposed use or activity.

3. 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.

Section 10.04 – Rehearing Process

1. Final Decisions: Except as provided in this section, a decision of the Planning Commission or Zoning Board of Appeals shall be final. The Planning Commission or Zoning Board of Appeals may grant a rehearing under exceptional circumstances for any decision made by it. Exceptional circumstances shall mean any of the following:
 - A. The applicant who brought the matter before the Planning Commission or Zoning Board of Appeals made misrepresentations concerning a material issue, which was relied upon by the Planning Commission or Zoning Board of Appeals in reaching its decision.
 - B. There has been a material change in circumstances regarding the Planning Commission or Zoning Board of Appeals' findings of fact, which occurred after the public hearing.
 - C. The Village attorney by written opinion states that in the attorney's professional opinion the decision made by the Planning Commission or Zoning Board of Appeals or the procedure used in the matter was clearly erroneous.
2. Rehearing Procedure: A rehearing may be requested by the applicant or by the Zoning Administrator, or a rehearing may be granted by the Planning Commission or Zoning Board of Appeals on its own motion.
 - A. A request for a rehearing which is made by an applicant must be made within twenty-one (21) days from the date of approval of the Planning Commission's or Zoning Board of Appeals' minutes regarding the decision for which the rehearing is being requested.
 - B. A request for a rehearing made by the Zoning Administrator or a rehearing granted by the Planning Commission or Zoning Board of Appeals on its own motion may be granted at any time as long as the applicant has not been prejudiced by any delay.
 - C. Whenever the Planning Commission or Zoning Board of Appeals considers granting a rehearing, it shall provide written notice to the applicant that a rehearing will be considered. The notice may be served upon the applicant by first class mail at the applicants' last known address, or may be served personally on the applicant. The notice must be served at least nine (9) days before the time set for the hearing if served by mail, or at least seven (7) days before the time set for the hearing if served by personal service. Service by mail shall be complete upon mailing. In addition to serving the above notice on the applicant, all other notice requirements for the type of

decision being heard shall be completed before the Planning Commission or Zoning Board of Appeals holds a hearing at which it considers whether to grant a rehearing.

- D. If the Planning Commission or Zoning Board of Appeals grants a rehearing, then the rehearing shall not be held until all notice requirements for the type of decision being reheard have been satisfied.

Section 10.05 – Fees

- 1. To assist in defraying the costs of investigating, reviewing and administering zoning applications, appeals, rezoning requests from individual property owners, and other types of decisions which result in extra costs to the village, the Village Council may from time to time adopt by resolution a fee schedule establishing basic zoning fees, such as those fees related to the following:
 - A. Zoning permits
 - B. Special land use permits
 - C. Ordinance interpretations by the Zoning Board of Appeals: appeals of administrative interpretation or request for interpretation. Appeals and requests for interpretation initiated by the Village Council, the Planning Commission, or the Zoning Administrator shall not be subject to a zoning fee.
 - D. Classification of unlisted property uses.
 - E. Requests to change a non-conforming use to another non-conforming use.
 - F. Requests for variances from the Zoning Board of Appeals.
 - G. Requests for rezoning of property by individual property owners or amendments to the zoning ordinance text. Rezoning of property or text amendments initiated by the Village Council, the Planning Commission, or the Zoning Administrator shall not be subject to a zoning fee.
 - H. Site plan reviews.
 - I. Any other discretionary decisions by the Planning Commission or Zoning Board of Appeals.

The amount of these zoning fees shall cover the costs associated with the review of the application or appeal, including but not limited to the costs associated with conducting public hearings, publishing notices in the newspaper, sending required notices to property owners, postage, photocopying, mileage, time spent by zoning staff, and time spent by the members of the Planning Commission and/or Zoning Board of Appeals. The basic zoning fees shall be paid before any

application required under this Ordinance is processed. The basic zoning fees are non-refundable, even when an application or appeal is withdrawn by the applicant.

2. If the Planning Commission or Zoning Board of Appeals determines that the basic zoning fees will not cover the actual costs of the application review or appeal, or if the Planning Commission or Zoning Board of Appeals determines that review of the application and/or participation in the review process or appeal by qualified professional planners, engineers, attorneys, or other professionals is necessary or advisable, then the applicant shall deposit with the Village Treasurer such additional zoning fees in an amount determined by the Planning Commission or Zoning Board of Appeals equal to the estimated additional costs. The additional zoning fees shall be held in escrow in the applicant's name and shall be used solely to pay these additional costs. If the amount held in escrow becomes less than ten percent (10%) of the initial escrow deposit or less than ten percent (10%) of the latest additional escrow deposit and review of the application or decision on the appeal is not completed, then the Planning Commission or Zoning Board of Appeals may require the applicant to deposit additional fees into escrow in an amount determined by the Planning Commission or Zoning Board of Appeals to be equal to the estimated costs to complete the review or decide the appeal. Failure of the applicant to make any escrow deposit required under this Ordinance shall be deemed to make the application incomplete or the appeal procedurally defective thereby justifying the denial of the application or the dismissal of the appeal. Any unexpended funds held in escrow shall be returned to the applicant following final action on the application or the final decision on the appeal. Any actual costs incurred by the Village in excess of the amount held in escrow shall be billed to the applicant and shall be paid by the applicant prior to the issuance of any permit or the release of a final decision on an appeal.

Section 10.06 – Performance Guarantee

In connection with the construction of improvements through site plan approval or special land use approval, the Planning Commission may require the applicant to furnish the Village with a performance guarantee in the form of a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Village in an amount equal to the estimated costs associated with the construction of public and site improvements. Public improvements mean by way of example and not limitation roads, parking lots, and water and sewer systems which are located within the development or which the applicant has agreed to construct even though located outside the development. Site improvements mean landscaping, buffering, and the completion of conditions imposed by the Planning Commission, which are located within the development. For purposes of this section, the costs covered by the performance guarantee shall include all of the following: (1) the purchase, construction, and/or installation of the improvements, (2) architectural and engineering design and testing fees and related professional costs, and (3) an amount for contingencies consistent with generally accepted engineering and/or planning practice. The performance guarantee shall be deposited with the Village Clerk at or before the time the village issues the permit authorizing the development, or if the development has been approved in phases, then the performance guarantee shall be deposited with the Village Clerk prior to the commencement of construction of a new phase. The performance guarantee shall ensure

completion of the public and site improvements in accordance with the plans approved by the Planning Commission. Any cash deposit or certified funds shall be refunded for the development or each phase of a multi-phase development in the following manner:

One-third of the cash deposit after completion of one-third of the public and site improvements;

Two-thirds of the cash deposit after completion of two-thirds of the public and site improvements; and

The balance at the completion of the public and site improvements.

Any irrevocable bank letter of credit or surety bond shall be returned to the applicant upon completion of the public improvements. If a development is to be completed in phases, then the Planning Commission may require the applicant to furnish a performance guarantee as provided in this section for each phase of the development. If an applicant has contracted with a third-party to construct the public and site improvements and the third-party has provided a bond meeting the requirements described above and the bond also names the village as a third-party beneficiary of the bond, then the Planning Commission may accept that bond as meeting all or a portion of the performance guarantee required by this section.

Section 10.07 – Violations and Penalties

Section 10.07.1 – Nuisance per se

Any land, dwellings, buildings or structures, including tents and trailer coaches, used, erected, altered, razed or converted in violation of this Ordinance or in violation of any regulations, conditions, permits or other rights granted, adopted or issued pursuant to this Ordinance are hereby declared to be a nuisance per se.

Section 10.07.2 – Inspection

The Zoning Administrator shall have the duty to investigate each alleged violation and shall have the right to inspect any property for which a zoning permit has been issued to ensure compliance with the plans and conditions of the zoning permit or approved site plan.

Section 10.07.3 – Penalties

1. Any person, partnership, limited liability company, corporation, association or other entity who creates or maintains a nuisance per se or who violates or fails to comply with this Ordinance or any permit issued pursuant to this Ordinance shall be responsible for a municipal civil infraction and shall be subject to a fine of not more than Five Hundred and 00/100 (\$500.00) Dollars. Every day that such violation continues may constitute a separate and distinct offense under the provisions of this Ordinance. Nothing in this section shall exempt the offender from compliance with provisions of this Ordinance or prohibit the Village from seeking additional and/or equitable relief from any court to ensure compliance with the provisions of this

ordinance.

2. The Village Zoning Administrator is hereby designated as the authorized Village official to issue municipal civil infraction citations directing alleged violators of this Ordinance to appear in court. The Village Council may also designate from time to time other officials to issue municipal infraction citations on behalf of the village in connection with alleged violations of this ordinance.
3. In addition to or in lieu of enforcing this Ordinance, as a municipal civil infraction, the village may initiate proceedings in the any court of competent jurisdiction to abate, eliminate, or enjoin the nuisance per se or any other violation of this Ordinance.

Section 10.07.4 – Stop Work Order

If construction or land uses are being undertaken contrary to a zoning permit, the zoning enabling act, or this ordinance, the zoning administrator or deputy of the zoning administrator or any other official authorized by the Village Council is authorized to post a stop work order on the property at a suitable location, such as at an entrance, in order to prevent the work or activity from proceeding in violation of the ordinance.

A person shall not continue, or cause or allow to be continued, construction or uses in a violation of a stop work order, except with permission of the enforcing agency to abate a dangerous condition or remove the violation, or except by court order. If an order to stop work is not obeyed, the enforcing agency may apply to the circuit court for an order enjoining the violation of the stop work order. This remedy is in addition to, and not in limitation of, any other remedy provided by law or ordinance, and does not prevent criminal or civil prosecution for failure to obey the order.

Section 10.08 – Conflicting Regulations

In the interpretation of this Ordinance, this Ordinance shall control unless there exists a conflict with any other Village ordinances, in which case the more stringent regulations will rule.

Article 11: Adoption and Amendments

Village of Central Lake

Section 11.01 – Amendment to this Ordinance

1. The Village Council is authorized and empowered to cause this Zoning Ordinance to be amended, supplemented, or changed, pursuant to the authority and according to the procedures set forth in the Michigan Zoning Enabling Act, Act 110 of Public Acts 2006.
 - A. The regulations and provisions stated in the text of this Ordinance and the boundaries of zoning districts shown on the Village of Central Lake Zoning Map may be amended, supplemented or changed by action of the Village Council following a recommendation from the Village Planning Commission.
 - B. Proposals for amendments, supplements or changes may be initiated by the Village Council on its own motion, by the Village Planning Commission or by petition of one (1) or more owners of property to be affected by the proposed amendment.
 - C. The procedure to be followed for initiating and processing an amendment shall be as follows:

- 1) Each petition by one (1) or more persons for an amendment shall be submitted by application to the Zoning Administrator on a standard form provided and shall be accompanied by the fee as prescribed by the Village Council. No part of such fee shall be returnable to a petitioner if the public hearing is held.
- 2) The Zoning Administrator shall notify, in writing, the Village Clerk and Chair of the Planning Commission at or before the time s/he transmits the amendment request to the Planning Commission.
- 3) The Planning Commission shall consider each proposal for amendment on particular factors related to the individual proposal and in terms of the likely effect on the community's physical development. The Planning Commission may recommend any additions or modifications to the original proposal.
- 4) Before ruling on any proposal the Planning Commission shall conduct at least one (1) public hearing, notice of the time and place of which shall be given by publications in a newspaper of general circulation in the Village, not less than fifteen (15) days before the date of such hearing. Not less than 15 days notice of the time and place of such hearing shall also be given by mail to each public utility company, railroad, and airport manager within the zone affected who have registered to receive such notices. The notices shall include the places and times at which the tentative text and any map of the Zoning Ordinance may be examined and shall be verified by an affidavit of mailing or personal service.

If an individual or several properties are proposed for re-zoning, owners of the property shall be given notice of the proposed re-zoning at least 15 days prior to the hearing.

- 5) The Planning Commission shall review and apply the following standards and factors in the consideration of any re-zoning request.
 - a) Is the proposed rezoning consistent with the Village of Central Lake Master Plan?
 - b) Is the proposed rezoning reasonably consistent with surrounding uses?
 - c) Will there be an adverse physical impact on surrounding properties?
 - d) Will there be an adverse effect on property values in the adjacent area?
 - e) Have there been changes in land use or other conditions in the immediate area or in the community in general which justify rezoning?
 - f) Will rezoning create a deterrent to the improvement or development of adjacent property in accord with existing

- regulations?
- g) Will rezoning grant a special privilege to an individual property owner when contrasted with other property owners in the area or the general public (i.e. will rezoning result in spot zoning)?
 - h) Are there substantial reasons why the property cannot be used in accordance with its present zoning classifications?
 - i) Is the rezoning in conflict with the planned use for the property as reflected in the master plan?
 - j) Is the site served by adequate public facilities or is the petitioner able to provide them?
 - k) Are there sites nearby already properly zoned that can be used for the intended purposes?
 - l) The community should evaluate whether other local remedies are available.
- 6) The Planning Commission shall submit a final report/recommendation to the Village Council along with a summary of the comments received at the public hearing.
- 7) The Village Council may hold additional public hearings if it considers it necessary or otherwise required. The Village Council may adopt any proposed amendment, or refer back to the Planning Commission for a further report as prescribed by Section 401 of Public Act No 110 of 2006.
- 8) Once adopted by the Village Council, amendments to this Ordinance shall be filed with the Village Clerk, and one (1) notice of adoption shall be published in a newspaper of general circulation in the Village within fifteen (15) days after adoption.
- 9) No application for a rezoning which has been denied by the Village shall be resubmitted for a period of one (1) year from the date of the last denial, except on grounds of newly discovered evidence or proof of changed conditions found upon inspection by the Village Planning Commission to be valid.

Section 11.02 – Enactment and Effective Date

1. This Ordinance was adopted on December 11, 2006 by the Village of Central Lake Council and will be effective February 13, 2007. The foregoing Zoning Ordinance and Zoning Map were presented at public hearings before the Planning Commission on September 7, 2005 and at additional public hearings before the Planning Commission on August 17, 2006 and October 25, 2006.
2. Amendments or revision to this Ordinance or Map of Zoning Districts shall become effective on the eighth day after publication of adoption unless a later date is specified.

