

ZONING ORDINANCE

VILLAGE of LAKE ANN
BENZIE COUNTY, MICHIGAN
49650

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As compiled August 25, 2019

LAKE ANN PLANNING COMMISSION
LAKE ANN VILLAGE COUNCIL

**VILLAGE OF LAKE ANN, MICHIGAN
ZONING ORDINANCE**

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JUNK ORDINANCE- 2009-03

SIDEWALK ORDINANCE - 2010-01

TRUCK WEIGHT RESTRICTION ORDINANCE – 2010-04

MICHIGAN VEHICLE CODE -2010-06

NOISE ORDINANCE- 2011-01

BRYAN LAKE RECREATIONAL ORDINANCE- 2016-01

MARIJUANA ESTABLISHMENTS 2019-01

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VILLAGE OF LAKE ANN ZONING ORDINANCE

BENZIE COUNTY, MICHIGAN

An ORDINANCE enacted under Public Act 110 of 2006, Michigan Zoning Enabling Act as amended by Public Act 12 of 2008 and Public Act 33 of 2008, Michigan Planning Enabling Act, as amended, governing the incorporated portions of the Village of Lake Ann, Benzie County, Michigan, to regulate and to restrict the location and use of buildings, structures, and land for trade, industry, residence and for public and semipublic or other specific uses; to regulate and to limit the height and bulk of buildings and other structures; to regulate and to determine the density of population; to establish the boundaries thereof; to provide for changes in certain terms used herein; to provide for enforcement; to establish a Zoning Board of Appeals; to impose penalties for the violation of this Ordinance; to require a Land Use Permit and all other necessary permits described herein before proceeding.

ARTICLE I **SHORT TITLE**

SECTION 1— SHORT TITLE

This Ordinance shall be known as the Village of Lake Ann Zoning Ordinance and will be referred to herein as "this Ordinance".

SECTION 2 — GENERAL LIMITATION OF ORDINANCE

A. Existing Uses of Lands, Buildings and Structures

At the discretion of the property owner, the lawful use of any dwelling, building, or structure, and of any land or premises as existing and lawful on the effective date of the Ordinance may be continued although such use may not be in conformity with the provisions hereof.

B. Existing Nonconformities

No nonconformity existing on the effective date of this Ordinance shall be enlarged upon, neither expanded, or extended, nor be used as grounds for adding other structures, or uses prohibited elsewhere in the same zoning district. The continuance of all nonconforming uses and structures shall be subjected to conditions and requirements as hereinafter provided. See Article VII, Section 3.

C. Future Uses of Lands and the Future Erection and Use of Buildings and Structures

Beginning with the effective date of this Ordinance, and except as otherwise hereinafter provided, no land or premises shall be used, and no building or structure located, erected, altered, or used other than in conformity with the provisions of this Ordinance.

SECTION 3 - 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 2006, as amended.

SECTION 4 — VALIDITY

This Ordinance and its various parts, sections, subsections, sentences, phrases and clauses are 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 and each part, section, subsection, phrase, sentence and clause irrespective of the fact that any one or more parts, sections, subsections, phrases, sentences or clauses be declared invalid.

ARTICLE II **ENACTMENT AND EFFECTIVE DATE**

This Ordinance was adopted on Tuesday, June 10, 2008 by the Village of Lake Ann Council and became effective on June 25, 2008 after the publication of its adoption. This Ordinance is in accordance with the Michigan Zoning Enabling Act, Act 110 of 2006, as amended and the Michigan Planning Enabling Act, Act 33 of 2008, as amended. The forgoing Zoning Ordinance was presented at a public hearing on June 10, 2008.

This Zoning Ordinance shall repeal and replace any and all prior Village of Lake Ann Zoning Ordinances in their entirety.

Amendments or revisions to this Ordinance or to the Zoning Map shall be effective seven (7) days after the publication of a notice of adoption of said amendments in accordance with the Michigan Zoning Enabling Act, Act 110 of 2006, as amended and the Michigan Planning Enabling Act, Act 33 of 2008, as amended.

This Ordinance has been amended on the following dates and these amendments have been incorporated in the Ordinance:

- June 9, 2009 Amendments
- August 11, 2009 Junk Ordinance
- September 23, 2009 Amendments
- November 10, 2009 Amendments
- June 8, 2010 Sidewalk Ordinance
- April 12, 2011 Noise Ordinance
- November 23, 2011 Medical Marijuana Ordinance
- November 12, 2013 Amendments
- February 11, 2014 Amendments
- April 9, 2014 Fireworks Ordinance
- April 12, 2016 Bryan Lake Recreational Ordinance
- August 8, 2017 Commercial zone
- March 1, 2018 Amendments
- March 12, 2019 Recreational Marijuana Establishments Ordinance

ARTICLE III
DEFINITIONS

For the purpose of this Ordinance, the following terms are herewith defined:

ACCESS OR PUBLIC EASEMENT OF RECORD: Right of way legally recorded.

ACCESSORY BUILDING OR STRUCTURE: A supplemental building or structure on the same lot or premises as the main building, occupied by or devoted to an accessory use, but not for dwelling, lodging or sleeping purposes.

ACCESSORY USE: Use of building or structure for other than a dwelling, for lodging or for sleeping.

BUILDING CODES: Michigan Building Code, Michigan Rehabilitation Code for Existing Buildings, International Residential Code and Building Officials and Code Administrators Basic Building Code as published and updated.

BUILDING: A structure erected on-site, a mobile home or mobile structure, a pre-manufactured or pre-cut structure, above or below ground, designed primarily for the shelter, support or enclosure of persons, animals, or property of any kind.

DWELLING, SINGLE FAMILY: A building designed exclusively for residential occupancy by one (1) family. A recreational vehicle, travel trailer or trailer coach, is not a single family dwelling.

DWELLING, DUPLEX: A building designed to accommodate two residences within one structure.

ERECTED: Includes built, constructed, reconstructed, moved upon, or any physical operation on the premises intended or required for building or structure. Fill, drainage, and general property improvement shall not be considered as erection.

FAMILY: One or more persons occupying dwelling and living together as a single housekeeping unit.

FLOOR AREA: The square feet of floor space within the outside walls exclusive of porches, garage, basement, cellar or attic area.

FRONT YARD: The portion of the lot extending the entire width of the lot which is between the nearest projection of the principal building and the lot line which abuts a street or public easement.

GARAGE, PUBLIC: A building or part thereof, other than private garages, designed or used for equipping, servicing, repairing, hiring, storing, or parking of motor vehicles. The term does not include the rebuilding, dismantling, or storage of wrecked or junked vehicles.

HOME OCCUPATIONS: Any occupation clearly incidental to residential use, such as dressmaking, real estate sales, bookkeeping and accounting services. Such occupations may be engaged in, only by a resident entirely within his dwelling, and not in an accessory building, nor with the use of non-resident employees. Such use shall not occupy more than twenty-five percent (25%) of the floor area, exclusive of attic or basement, in use at the time of this Ordinance, and shall show no external evidence of such use, or any change in the appearance of the building or premises from the residential use.

HOME PROFESSIONAL OFFICE: The office of a professional person such as doctor, lawyer, osteopath, dentist, chiropractor, or engineer and similar professional when engaged in, only by a resident,

within the dwelling and not in an accessory building or structure, and with the assistance of not more than one (1) outside or non-resident employee. Such use shall occupy not more than twenty-five percent (25%) of the floor area, exclusive of attic or basement, and shall show no external evidence of such use or any change in the appearance of the dwelling or of the premises from residential use, excepting that one (1) sign not exceeding three square feet (3 sq. ft.) in area may be erected flat on the front wall of the dwelling for identification.

JUNK YARD: The use of the premises for storage or disposition of old and dilapidated automobiles, trucks, tractors, wagons, and other vehicles and parts thereof, scrap building materials, scrap contractors' equipment, tanks, cases, barrels, boxes, drums, piping, bottles, old iron, machinery, rags, paper, and any other kind of scrap or waste materials.

LAND USE PERMIT: A written document issued by the Zoning Administrator to the property owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy and/or use of a building or structure, create or improve a driveway and/or off street parking area located within the Village of Lake Ann, or to cause any such work to be done. Approval of the Land Use Permit is conditioned upon receipt of a complete application and site visit by the Zoning Administrator after footings are dug/formed and prior to pouring. Additional permits may be required from the Benzie County Building and Code Enforcement Department, Michigan Department of Environmental Quality, Benzie County Board of Equalization, Benzie County Road Commission and Benzie County Health Department.

LOT OR PREMISES: The parcel of land occupied by or to be occupied by a building and its accessory buildings or structures, together with such open spaces, minimum area and width required by this Ordinance for the district wherein located and having its frontage on a public street or access or recorded easement.

LOT OF RECORD: A lot of record in the office of the County Register of Deeds, or which is part of a subdivision or record in said office.

MANUFACTURED HOMES: A building or portion of a building designed for long- term residential use and characterized by the following:

- A. The structure is produced in a factory in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended; 42 U.S.C. 5401 to 5426; 24 CFR Parts 3280 and 3282, and
- B. 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
- C. The structured is designed to be used as either an independent building or as a module to be combined with other elements to form a complete building on site.

MOBILE HOME: For the purpose of this Ordinance the mobile home shall specifically be defined as a structure transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation which will permit the occupancy thereof as a dwelling or sleeping place for one or more persons.

MOVED HOMES: A structure, which has been physically detached from its original location and transported to a new location.

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 trailer, travel trailer, and tent trailer; **PROVIDED**, however, that any such vehicle or unit which is forty (40) feet or more in overall length shall be considered a mobile home and shall be subject to all regulations of this Ordinance applicable to a mobile home.

TRAILER COACH: See Recreational Vehicle definition.

TRAVEL TRAILER: See Recreational Vehicle definition.

STORAGE YARDS: For storage and/or sale of heavy machinery, supplies and materials generally used by road builders, excavators and construction contractors.

STREET: A public thoroughfare, which affords the principal means of access to abutting property.

STRUCTURES: Any construction, assembly or erection, the use of which requires permanent location on the ground or attached to something having a permanent location on the ground.

YARD: Space open to the sky between a building and the lot lines of the premises on which located, unoccupied and unobstructed by any encroachment of structures except as otherwise provided by this Ordinance.

ARTICLE IV

ZONING DISTRICTS

SECTION 1— ESTABLISHMENT OF DISTRICTS

For the purpose of this Ordinance, all of the area within the Village of Lake Ann is hereby divided into the following zoning districts:

Residential District — RA
Commercial District — C
Village Center District - VC

SECTION 2 — ESTABLISHMENT OF DISTRICTS

The location of each zoning district is shown on a map designated as the "Zoning District Map of Lake Ann, Michigan", which accompanies this Ordinance. The map and all proper notation and other information thereon are hereby made a part of this Ordinance.

Two copies of the Zoning Ordinance and the official zoning map shall be maintained and kept up-to-date by the Zoning Administrator for inspection by the public at all times, in the office of the Village Clerk.

When changes are duly made in the district boundaries or other matters on the official zoning map, such changes shall not be considered final and no permit required by this Ordinance shall be issued until changes have been made on the official zoning map

SECTION 3 — DISTRICT BOUNDARIES

The following rules shall apply in interpreting boundaries:

- A. Boundaries indicated, as approximately following streets, alleys or highways, shall be interpreted as the centerlines of said streets, alleys or highways.
- B. Boundaries indicated, as approximately following lot lines or boundary lines, shall be interpreted as following such lines.
- C. Boundaries indicated, as approximately parallel to the centerlines of streets, alleys or highways, shall be interpreted as parallel thereto, and at such distance there from as indicated on the official zoning map. If no distance is specified, the scale of the official zoning map shall determine such distance, unless the provisions of Article IV, Section 3 therein apply.
- D. Boundaries indicated, as approximately following railroad lines, shall be interpreted to be midway between the main tracks.
- E. Where applications of any rule leaves reasonable doubt as to boundaries between districts, the regulation of the more restrictive district shall govern the entire parcel in question, unless otherwise determined by the Zoning Board of Appeals.

ARTICLE V
RESIDENTIAL DISTRICT — RA

SECTION 1—PURPOSE

The purpose of providing a Residential District — RA is to establish a district in the Village primarily dedicated to residential use in which each dwelling is located on an individual lot, adequate in size and shape to limit overcrowding of land, minimize spread of fire, facilitate safe exit and entrance to the premises, and facilitate provision for a system of transportation, sewage disposal, water and other public requirements and at all times maintaining properties for the protection of the health, safety and convenience and for the general welfare of the Village residents, the welfare of adjoining properties and the community as a whole.

SECTION 2 — PERMITTED USES

The use of all lands and premises, and the use of all buildings shall hereafter be limited to the following:

A. Primary uses

1. Dwelling, single family, and/or multiple family.
2. Home occupations and home professional offices as herein before defined in Article III.

B. Uses subject to Special Approval and Provided Under Article XV.

1. Education and social institutions; public and private elementary and secondary schools, auditoriums and other places for public assembly, and centers of social activity.
2. Religious institutions: churches and similar places of worship, with related buildings and structures.
3. Institutions for human care: hospitals, sanatoriums, family care homes, clinics, home for the aged, nursing and convalescent homes, and institutions of a charitable nature but not including penal or correctional institutions.
4. Parks, Playgrounds and Recreational Areas, publicly owned and operated.
5. Senior Citizen Housing Facilities
6. Lake Access Lot
 - a. In the event that any land having water frontage is to be used for ingress or egress to water or related properties, it shall have a minimum frontage on the water of not less than fifty (50) feet when said lot is used by one off-water lot containing a single family dwelling and an additional contiguous twenty five (25) of frontage on the water for each additional off-water lot in excess of one (1).
 - b. Lot size: The minimum lot size for water access (shared frontage) lots shall be fifty (50) feet of water frontage and road right-of-way and one hundred fifty (150) feet in depth from the lakeside lot line.
 - c. Front lot setback: no improvements except for landscaping may be made within fifty (50) feet from the front (right-of-way) lot line.
 - d. Lakeside setback: A natural buffer strip of trees, shrubs, grass, etc., a minimum of thirty (30) feet from the surveyed lakeside lot line, shall be provided and no other improvements may be made within (50) feet of the average high water mark.
 - e. Side yard: No improvements, except for landscaping, may be made within fifteen (15) feet from the side lot line.
 - f. Parking: Adequate parking areas must be provided, with a minimum of one (1) parking space for each authorized access right.

- g. Structures: No structures of any sort. temporary or permanent may be erected on a lake access lot.
- h. Docks and rafts: Boat docks may be erected to accommodate one (1) boat for each authorized right, provided that adequate security measures are taken for all risks (fire, theft, accidents, etc.) for boats moored at such docks. Swim rafts are prohibited unless provided with appropriate safety warning lights. No boat launching or anchoring is permitted.
- i. Lighting: No lighting shall be placed on such lots except for lights that may be reasonably required as a night security measure for boats moored at a dock. Any such fixture shall be shielded so that the lighting is deflected from adjacent properties and water surfaces.

C. Accessory Uses, Building and Structures

- I. Accessory uses and minor buildings and structures incidental to primary or approved use which does not alter the character of the neighborhood may be erected. An accessory structure may be constructed or moved upon a lot prior to the residential building being constructed or commenced and no such accessory building shall be used for other than storage purposes. In order to construct or move an accessory building on to a lot prior to the residential building being constructed or commenced, the property owner shall submit a Site Plan to the Zoning Administrator in accordance with Article XVI-Site Plan. The Site Plan shall show the foot print of the proposed residential building and the accessory building indicating the square footage of each foot print. The yard area remaining shall constitute at least seventy-five percent (75%) of the lot in accordance with Article VII-Supplementary Provisions, Section 2-Supplemental Lot and Yard Provisions, Paragraph D. A Land Use Permit shall be required.

If the residential building has not been constructed or commenced one (1) year from the date of the Land Use Permit issued for the accessory building, the accessory building shall be removed. Failure to remove the accessory building shall be subject to Article XI-Violations and Penalties.

SECTION 3 - SINGLE AND MULTIPLE FAMILY RESIDENCE STANDARDS

All single and multiple family residences must meet the following standards:

- A. It complies with the minimum dwelling unit size of eight hundred fifty (850) square feet.
- B. Minimum width: No dwelling shall be less than twenty (20) feet in width over 65% of the entire length of the structure, excluding garages, patios, enclosed porches, and other areas not considered living space.
- C. The building complies, at a minimum, with the standards required as defined by the Building Codes in Article III — Definitions for single family dwelling.
- D. In the event that a dwelling is a mobile home, as defined herein, each mobile home shall be installed with the wheels removed. Additionally, no dwelling shall have any exposed towing mechanism, undercarriage or chassis.
- E. The dwelling is connected to a public sewer and water supply or to such private facilities approved by the local health department. This restriction is for the health and safety of the community.

the dwelling contains a storage capability area in a basement located under the dwelling, in an attic area, in closet areas or in a separate structure of standard construction similar to or of better quality than the principal dwelling, which storage area shall be equal to 10% of the square footage of the dwelling or 100 square feet, whichever shall be less.

- G. The dwelling is aesthetically compatible in design and appearance with other residences in the vicinity, with either roof overhang of at least six inches on all sides, or alternately with window sills or roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling; has not less than two exterior door areas or two porches connected to said door areas where a difference in elevation requires the same.
- H. The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by state or federal law or otherwise specifically required in the Ordinance of the Township pertaining to such parks.
- I. All construction required herein shall commence only after a building permit has been obtained from the Benzie County Building and Code Enforcement Department.
- J. Dwelling units including mobile homes, which do not conform to these standards, shall not be used for dwelling purposes within those areas which are administered by this Zoning Ordinance.
- K. Modular and mobile homes shall satisfy the dimensional requirements of the Ordinance at the time they are set on a site within the Village.
- L. Moved homes and all relocated homes and structures shall be brought up to the existing building codes and Zoning Ordinances within the time frame allotted in the Land Use Permit issued for said structure.
- M. Fences: No fences, wall or structural screen greater than seven (7) feet in height, other than plant materials, shall be erected on the side or back yards of any property in the Village. No fence, wall, structural screen, or hedge planting shall exceed a height of three (3) feet within twenty-five (25) feet of the right of way of any public street, public access or recorded easement and forty (40) feet from the high water mark on any waterfront property. In order to enhance visibility across a corner on any corner lot or parcels, no fence, wall, structural screen or planting shall exceed a height of three (3) feet within twenty-five (25) feet of either road right-of-way.

Fences, walls or structural screens shall be located no closer than one (1) inch from any surveyed property line, unless a written agreement with all property owners adjacent to said proposed structure, to place said structure on the property line, is recorded with the Village Clerk.

A valid survey may be required at the request of the Zoning Administrator, Street Administrator, or the Village Council.

A permit will be required unless said structure is included in a valid Land Use Permit. A permit fee shall be required as set forth in Article X, Section 5 — Fee Schedule, unless said structure is included in valid Land Use Permit.

- N. Lighting requirements are as stated in Article VII, Section 13.
- O. Driveway Construction Standards: For newly constructed or improved driveways

Dimension requirements:

Minimum width -	10 feet
Minimum clear area width -	16 feet. 3 feet on each side of driveway with maximum slopes to side 5%
Minimum clear area above-	14 feet
Maximum grade-	10% (less is recommended)
Minimum distance from road required to be flat and descending from roadway 1/2 % -	25 feet
Maximum fill slope-	1 on 3 or 4/12 pitch

Driveway will be located toward the least traveled road and/or as determined by the Zoning Administrator.

County inspection and survey may be required at the request of the Zoning Administrator.

A permit fee shall be required as set forth in Article X, Section 5 — Fee Schedule, unless the driveway is included in a valid Land Use Permit.

If any of the above specifications cannot be met, the property owner must, at their own expense, obtain the services of a registered engineer to design and submit an alternative plan to the Zoning Administrator for approval.

SECTION 4 — DIMENSIONAL REQUIREMENTS

A. Platted Areas.

1. Minimum lot area: All single-family dwellings shall be located on a lot containing not less than eight thousand (8,000) square feet per independent family dwelling unit.
2. Minimum lot width: Every lot upon which a single family dwelling is located shall not be less than eighty (80) feet in width at a line measured at the front of the building which faces the street.

B. Un-Platted Areas.

1. Minimum lot area: All single-family dwellings shall be located on a lot containing not less than eight thousand (8,000) square feet per independent family dwelling unit.
2. Minimum lot width: Every lot upon which a single family dwelling is located shall not be less than eighty (80) feet in width at a line measured at the front of the building which faces the street.

C. Yard limitations for all structures, including accessory buildings.

1. Front yards and corner lots: Every building shall have a front yard of not less than twenty-five (25) feet in depth as measured from the nearest point on the frontage property line. All corner lots will have a setback of twenty-five (25) feet facing both right-of-ways.
2. Side yards: All structures shall provide side yards of not less than ten (10) feet on each side.
3. Distance from the Lake: All structures shall be erected at no less than forty (40) feet from the high water mark at a distance far enough back from the lake edge so as not to create a run-off.
4. Relation to adjacent properties shall be located no closer to the water than houses on adjacent properties or even with the house on adjacent property closest to lake.

5. Rear yards: Every building hereafter erected shall provide a rear yard of no less than ten (10) feet in depth.
 6. Every part of a required yard setback shall be open to the sky. unobstructed by the building eaves, roof overhang or any other protrusions of the structure.
- D. Maximum building height: In order to reduce fire hazards, to promote fire safety and to preserve the aesthetic character of the Village, no building shall be constructed larger than two (2) stories, nor having a height greater than twenty-eight (28) feet measured from the base of the first (main) floor joist of the first (main) floor slab.
- E. Minimum dwelling size: The minimum size of a single-family dwelling or multiple-family dwelling shall not be less than eight hundred fifty (850) square feet on one story buildings and six hundred (600) square feet on the main level of buildings containing more than one level, per each independent family dwelling unit, excluding basements and garages.

ARTICLE VI
COMMERCIAL DISTRICT — C
VILLAGE CENTER DISTRICT — VC

Section 1. Purpose

The purpose of establishing a commercial district is to provide areas primarily dedicated to a wide variety of commercial business, professional and other services commonly associated with commercial and business districts. Uses are limited to those not characterized by heavy truck movements, or the nuisance of smoke, dust, fumes, gas, heat, glare, noise and/or vibration. As in the Residential District, provision is also made for integration of various enterprises and establishment by special approval.

Section 2. Permitted Uses

The use of **all** lands and premises, and the erection and use of all buildings and structures shall hereafter be limited to the following:

A. Primary use:

1. Banks, real estate, insurance and similar businesses.
2. Carpenter, plumbing, electric, sign painting, interior decoration, radio, T.V., duplication shops and similar shops and services, when conducted within completely enclosed buildings without outside storage, and operated chiefly as a retail and service building.
3. Personal service shops such as barber, beauty shops, shoe repair.
4. Professional offices such as doctors, lawyers, dentists, chiropractors, osteopaths, and similar and allied professions.
5. Publicly owned and operated buildings such as the Fire Department and the Town Hall.
6. Public assembly buildings, such as auditoriums, churches, clubs and lodges.
7. Restaurants, including lunch counters, dairy bars and similar establishments, **not** including "drive-in" establishments or facilities providing dancing and entertainment unless a special use permit is granted.
8. Retail food establishments supplying groceries, fruits, vegetables, meats, dairy products, baked goods, confections and similar goods for consumption off the premises.
9. Retail second-hand stores contained entirely within enclosed buildings.
10. Funeral homes and mortuaries.
11. Public utilities buildings.
12. Veterinary hospitals and clinics provided that no outdoor kennels are utilized.
13. Billiard halls, bowling alleys, indoor archery, indoor skating rinks, and similar recreational uses, provided that all uses shall be conducted within a completely enclosed building.

B. Uses subject to special approval:

1. Automobile showrooms and public garages for new and used automobiles and car washes.
2. Bus passenger stations.
3. Drive-in business, except drive-in theaters, provided all lighting is shielded from adjacent residential districts in compliance with the Village lighting ordinance.
4. Facilities providing concerts, dancing and/or entertainment.
5. Gasoline service stations when located on a lot not less than fifteen thousand (15,000) square feet in area with a minimum width of one hundred (100) feet. All exterior lighting shall be directed to reflect downward and away from adjacent properties in compliance with the Village lighting ordinance.
6. Open-air sale of plant materials not grown on the site, sales of lawn furniture, playground equipment, and garden supplies.
7. Outdoor advertising signs other than those which exclusively advertise a retail business on the premises.
8. Commercial parking lots, and outdoor sales of trailers and boats, provided the space used is paved and adequately maintained so as to provide a durable, smooth and dustless surface and is so graded and provided with adequate drainage facilities to effectively carry off all collected water from the site.
9. Pet shops provided that animals and birds are kept entirely within the building at all times.
10. Service and repair of motor vehicles, trailers and boats.

C. Accessory uses:

Buildings and structures customarily incidental to any primary or permitted use.

D. Unlisted uses:

All other unlisted uses must use the Special Use permit process.

Section 3. Dimensional Requirements from property line

All uses shall meet the following dimensional requirements.

Lot area: Minimum, six thousand (6,000) square feet, subject to health department approval for onsite well and septic.

Lot width: Minimum, eighty (80) feet facing a developed street.

Front yard: Minimum, twenty (20) feet

Side yard: Minimum, ten (10) feet.

Rear yard: Minimum, ten (10) feet.

Height: Minimum, fifteen (15) feet, maximum, 3 stories/forty-five (45) feet.

Section 4. Driveway Construction, Parking and Screening

Driveway construction requirements are subject to Article V, Section 3 - 0.

Parking: Allowed in side/rear yards, 1 space /400 sq. ft. floor area.

Allowance given for public parking spaces along street frontage.

If public parking spaces are utilized in achieving compliance with the parking requirement of the ordinance, the property owner

shall maintain the pavement markings adjacent to the entire length of the property facing the developed village street.

Screening: All commercial properties abutting residential properties shall provide for a physical or vegetative screen that is a minimum of 6 feet in height and a maximum of 10 feet in height along the common border between the uses. All dumpster or waste collection bins shall be placed in the side or rear yards and screened from general observation.

Final plans are subject to approval by both the Streets and Zoning Administrators.

Section 5. Lighting

Lighting requirements are subject to Article VII, Section 13. Lighting that is considered to be legal, non-conforming shall be brought into compliance with any change of use for the property. Final plans are subject to approval by the Planning Commission.

Section 6. Other requirements

Sidewalk cafes: Allowed by application for an annual special permit with fee to be determined by the Village council; for uses with outdoor seating or temporary display areas, a minimum of 4 feet of sidewalk along the curb and leading to the entrance of any establishment shall be maintained. Pedestrian circulation and access to any building entrance shall not be impaired by tables, chairs and other encumbrances.

Menu boards may be utilized provided they do not exceed 6 square feet in size. Outdoor seating shall be limited to 25% of the approved indoor seating with a maximum of 8 outdoor seats unless approved under the special permit criteria.

Outdoor entertainment: Music and other entertainment shall be allowed by application for an annual special permit with fee to be determined by the Village council; between the hours of 11:30 am and 10:30 pm.

Special events: Events requiring the use of Village streets and/or park shall first be reviewed by the Planning Commission with final determination by the Village council. Application, fee and special requirements shall be completed before submission to the Planning Commission for their review and recommendation to the Village council.

Sidewalk: All sidewalks shall comply with the Village sidewalk ordinance. All new, renovation or building modifications (including change of ownership or use) shall be required to provide curb/gutter/sidewalk according to Benzie County Road Commission standards adjacent to the entire length of the property facing developed village street.

Signage: All signage shall comply with the Village signage ordinance. Signs which are considered to be legal, non-conforming shall be brought into compliance with any change of use for the property. Signage application, fee and permit are required.

Drainage: All storm water generated shall be retained on the property.

Other permits: nothing in this ordinance shall relieve the property owner from obtaining all other necessary permits for the approved use, including, but not limited to Health Department, County Building department, ATF, State of Michigan agencies, etc.

VILLAGE CENTER DISTRICT (VC)

Section 1. Purpose

The village center district is provided specifically for the development or redevelopment of land within the village that fronts on Maple Street or First Street facing or abutting Burnett Park. The intent is to facilitate the development of a traditional, pedestrian oriented village center with mixed-use buildings containing retail and service uses on the first floor and residential or office on upper floors, similar to a traditional downtown.

Section 2. Types of buildings and uses permitted.

All other unlisted uses must use the Special Use permit process. **Residential**

1. Residential dwellings on upper floors within mixed use buildings.
2. Live/work units with a dwelling unit on the upper floor above a first floor commercial space under the same ownership.

Retail and Service

1. Floor area of 5,000 square feet or less
2. Floor area greater than 5,000 square feet by Special Use Permit
3. Child care centers, preschool and latch key centers
4. Personal service establishments
5. Restaurants, taverns, bars, delicatessen, **excluding** drive thru
6. Hotels
7. Bed & Breakfast
8. Banquet & Meeting halls
9. Banks
10. Medical offices, clinics
11. Professional offices
12. Health clubs
13. Churches and Civic activity centers
14. Governmental buildings
15. Schools and Libraries

Section 3. Dimensional requirements from property line

All uses shall meet the following dimensional requirements

- Lot area: No minimum, subject to health department approval.
Lot width: No minimum.
Front yard: Minimum, 0 feet front yard setback.
Side yard: Minimum, 10 feet between buildings unless a fire wall is provided.
Rear yard: Minimum, 25 feet rear yard setback.
Height: Minimum 15 feet, maximum, 3 stories/45 feet.

Section 4. Other requirements

Parking: Allowed in side/rear yards, 1 space /400 sq. ft. floor area. Allowance given for public parking spaces along street frontage. If public parking spaces are utilized in achieving compliance with the parking requirement of the ordinance, the property owner shall maintain the pavement markings adjacent to the entire length of the property facing the developed village street.

Screening: All commercial properties abutting residential properties shall provide for a physical or vegetative screen that is a minimum of 6 feet in height and a maximum of 10 feet in height along the common border between the uses. All dumpster or waste collection bins shall be placed in the side or rear yards and screened from general observation.

Sidewalk cafes: Allowed by application for an annual special permit with fee to be determined by the Village council; for uses with outdoor seating or temporary display areas, a minimum of 4 feet of sidewalk along the curb and leading to the entrance of any establishment shall be maintained. Pedestrian circulation and access to any building entrance shall not be impaired by tables, chairs and other encumbrances. Menu boards may be utilized provided they do not exceed 6 square feet in size. Outdoor seating shall be limited to 25% of the approved indoor seating with a maximum of 8 outdoor seats unless approved under the special permit criteria.

Outdoor entertainment: Music and other entertainment shall be allowed by application for an annual special permit with fee to be determined by the Village council; between the hours of 11:30 am and **10:30** pm.

Special events: Events requiring the use of Village streets and/or park shall first be reviewed by the Planning Commission with final determination by the Village council. Application, fee and special requirements shall be completed before submission to the Planning Commission for their review and recommendation to the Village council.

Sidewalk: All sidewalks shall comply with the Village sidewalk ordinance. All new, renovation or building modifications (including change of ownership or use) shall be required to provide curb/gutter/sidewalk according to Benzie County Road Commission standards adjacent to the entire length of the property facing developed village street.

Lighting: All lighting shall comply with the Village dark sky ordinance. Lighting that is considered to be legal, non-conforming shall be brought into compliance with any change of use for the property.

Signage: All signage shall comply with the Village signage ordinance. Signs which are considered to be legal, non-conforming shall be brought into compliance with any change of use for the property. Signage application, fee and permit are required.

Drainage: All storm water generated shall be retained on the property.

Other permits: nothing in this ordinance shall relieve the property owner from obtaining all other necessary permits for the approved use, including, but not limited to Health Department, County Building department, ATF, State of Michigan agencies, etc.

ARTICLE VII
SUPPLEMENTARY PROVISIONS

SECTION 1— UNLISTED PROPERTY USES

The Village Council, subsequent to screening by the Zoning Administrator, shall have the power, upon written request of any property owner, to classify a use not listed with a comparable permitted primary or approved use, and issue a Special Use Permit for such use, giving due consideration to the purpose of this Ordinance as expressed in Article I. If found incompatible, such use may then only be provided for by an amendment to this Ordinance.

SECTION 2 — SUPPLEMENTAL LOT AND YARD PROVISIONS

A. Lots of Record:

1. Every building hereafter erected or altered shall be located on a lot, the description of the boundaries of which are on public record, or, in the case of a land contract, on file with the Register of Deeds. The burden of proof of the exact location of any lot line in question shall rest with the lot owner.
2. Two or more parcels, lots of record or platted lots, when contiguous and when held in common ownership, shall be treated together as a single lot for the purpose of this Ordinance provided such lots are located in the same district.

B. Lot Frontage: Every lot upon which a dwelling is hereafter erected shall have frontage on a public street, public access or recorded easement. (Article III — Definitions)

C. Limitations on Use of Yards or Open Space.

1. The erection of cabins or tents (except children's play tents) shall not be considered a legal accessory on a dwelling lot.
2. No yard or open space encompassing a dwelling shall hereafter be used for the open-air parking, disposition, storage, wrecking, dismantling, accumulation or abandonment, either temporarily or otherwise, discarded, worn out, wrecked, or dismantled vehicles, machinery, implements, apparatus, furniture, appliances, junk, or other personal property. Without limiting the meaning of junk, the term shall include used or salvaged metals, the combination of used or salvaged lumber, ropes, bags, paper, rags, glass, rubber, and similar articles and materials including industrial waste and chemicals.
3. No premises shall be so filled or graded as to discharge surface runoff on abutting premises in such a manner as to cause ponding or surface accumulation of such runoff thereon.

D. In order to prevent overcrowding of buildings and to reduce fire hazards, the yard area free of all buildings and structures shall constitute at least seventy-five percent (75%) of the total land area of the building lot.

SECTION 3 - NONCONFORMING USES

- A. Discontinued Nonconforming Uses: Any nonconforming use of any building or structure discontinued through vacancy, lack of operation, or otherwise for a period of one (1) year shall be construed as abandonment of use, and any future use thereof shall conform with the provisions of the zoning district wherein situated.

- B. Use of Nonconforming Buildings and Structures: The use of any nonconforming building or structure which is discontinued for a period of one (1) year shall be construed as abandonment of use, following which, no further use shall maintain until the building has be brought into conformity with the provisions of this Ordinance.
- C. Completion of Nonconforming Buildings and Structures: To avoid undue hardship, nothing in this Ordinance shall be construed to require a change in the plan, construction or designated use of any building or structure on which actual construction has been lawfully begun, prior to the effective date of this Ordinance or any amendment thereto, and to completed within one (1) year of said date. Actual construction shall be construed as permanent fixation or construction material in place.
- D. Substandard Dwelling: For the express purpose of protecting the health, safety, and general welfare of the inhabitants of the Village, and of reducing hazards to life and property, no basement-dwelling, cellar-dwelling, garage house, or other substandard structure shall hereafter be occupied or used for dwelling purposes, except upon being given special approval at a hearing of the Village Council.
- E. Repair of Nonconforming Buildings: Nothing in this Ordinance shall prohibit the repair, improvement or modernization of a lawful nonconforming building to correct deterioration, obsolescence, depreciation, and wear, provided that such repair does not exceed the aggregate cost of fifty (50) percent of the assessed valuation of the building by the assessing officer, unless the subject building is changed to conforming standards.
- F. Reconstruction and Restoration of Nonconforming Buildings: Any lawful nonconforming building damaged by fire, explosion, an Act of God, or any other causes may be restored, rebuilt, or repaired, provided that such restoration does not exceed fifty (50) percent of its assessed value as determined by the assessing officer, exclusive of foundations; provided, further, that said use of the same (or more nearly conforming with) as the provisions of the district in which it is located.
- G. Reconstruction and Restoration of Nonconforming Buildings Damaged over Fifty (50) Percent: In the event the damage referred to in Section 3 — F above, shall exceed fifty (50) percent of its assessed value as so determined in said section, then in the event, such lawful nonconforming building may be restored, rebuilt, or repaired only if it shall conform with the provisions of the district in which it is located.

SECTION 4 — TEMPORARY DWELLING OCCUPANCY DURING THE 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 camper, travel trailer, recreational vehicle, mobile home not installed according to the requirements of this Ordinance, or other temporary structure shall hereafter be erected or moved upon any premises and used for dwelling purposes except under the following conditions:

- A. The location shall conform to the provisions governing yard requirements of standard dwellings in the Residential District.
- B. 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 beginning with the date of issuance of the Land Use Permit. The temporary dwelling shall be removed upon completion of construction of a dwelling complying with the requirements of this Ordinance.

- C. Installation of a septic system and water well shall be constructed and maintained in accordance with the standards of materials and installation recommended by the District Health Department and shall precede occupancy of the temporary dwelling. The temporary dwelling may use a self contained holding unit whose contents are disposed of properly.

SECTION 5 — PUBLIC AND MUNICIPAL UTILITIES

Public and municipal utilities are not exempt from the provisions of this Ordinance.

SECTION 6 — PARKING REQUIREMENTS

The following parking spaces are required to be furnished off-street:

Single Family	2 spaces
Multiple Family	2 spaces per unit
Commercial, general	1 space per 400 sq. ft.
Office, general	1 space per 400 sq. ft.

SECTION 7 — PARKING REGULATIONS

- A. No “FOR SALE” parking on Village streets
- B. No parking or camping in the park.
- C. All parking shall be further regulated as noted on posted signs and/or pavement markings installed as directed by the Village Council.

SECTION 8 — SPECIAL VEHICLE PARKING REGULATIONS

- A. No motorized vehicles and no horseback riding in the park.
- B. No inline skating or skateboards on the basketball court.
- C. No bicycles on the basketball court.

SECTION 9 — OFF-STREET PARKING SITE DEVELOPMENT

Site Development Requirements: Off-street parking areas shall be designed, constructed, and maintained in accordance with the following standards:

- A. No parking lot shall be constructed until a Land Use Permit is issued by the Zoning Administrator.
- B. Before such a permit is issued, plans and specifications shall be submitted to the Zoning Administrator showing location, capacity, size, site design, surfacing, marking, lighting, drainage, curb cuts, entrances, exits, and any other detailed feature essential to design and construction of the proposed parking facility.
 - 1. Plans for the layout of off-street parking facilities shall be in accord with the following minimum requirements:

Parking Pattern	Maneuvering Lane Width	Parking Spaces Width	Parking Spaces Length
0°	12 ft.	8 ft.	23 ft.
	(Parallel	Parking)	
30° to 53°	12 ft.	8 ft. 6 in.	20 ft.
54° to 74°	15 ft.	8 ft. 6 in.	20 ft.
75° to 90°	20 ft.	9 ft.	20 ft.

2. All parking spaces shall be provided access by means of maneuvering lanes. Backing directly onto a street shall be prohibited.
3. Adequate ingress and egress to the parking lot by means of clearly defined drives shall be provided for all vehicles. Ingress and egress to a parking lot lying in an area zoned for other than single family residential use shall not be across land zoned for single family residential use.
4. Each entrance and exit to and from any off-street parking lot located in an area zoned for other than single family residential use shall be at least twenty-five (25) feet distant from adjacent property located in any single family residential district.
5. All off-street parking areas abutting single-family residential districts shall be provided with an obscuring constructed or living fence of no less than four feet six inches (4'6") in height-
6. Except for single family and two family residential lots, all parking areas, including parking spaces and maneuvering lanes, shall be surfaced with a material that shall provide a durable, smooth and dustless surface and shall be graded and drained to dispose of all properly collected surface water so that it does not pollute adjoining waters or property.
7. Any lighting shall be installed as to be confined within and directed into the parking area only.

SECTION 10 — OFF-STREET LOADING AND UNLOADING REQUIREMENTS.

On the same premises with every building structure, or part thereof involving the receipt or distribution of vehicles, materials, or merchandise, shall be provided and maintained on the lot adequate space for standing, loading, and unloading in order to avoid undue interference with public use of dedicated public streets.

SECTION 11— SIGNS

The purpose of this Section is to promote traffic safety, public safety, and the preservation of property values through the application of reasonable controls over the use, placement and general appearance of signs, billboards and other advertising structures. Furthermore it is the purpose of this Section to maintain the character and environment of the Village through the implementation of these controls.

No sign shall be located on any street corner which would obscure the clear vision area of drivers using said street, or conflict with traffic control signals at the intersection of any streets. No signs shall obstruct the clear vision area of drivers at any driveway, parking lot or other route providing ingress or egress to any premises.

Before erecting an overhanging sign above the public right-of-way, the owner of the sign shall receive approval from the Village Council which has jurisdiction over the right-of-way.

- A. No signs shall be permitted in the Residential Districts, except one non-illuminated sign not to exceed three (3) square feet in area set back fifteen (15) feet from highway right-of-way.

- B. Commercial: One sign permitted provided no more than forty (40) square feet in size.
- C. Illumination permitted, except in Residential Districts, but no flashing or animated devices permitted. Outdoor lighting requirements apply as stated in Article VII, Section 13 of this Ordinance.
- D. Political signs are allowed in all districts under the following conditions:
1. Maximum size shall not exceed six (6) square feet.
 2. Sign may not be illuminated.
 3. Sign may not be placed closer than ten (10) feet from the paved driving surface of a road.
 4. Sign may not have a duration of greater than thirty (30) days prior to the election date and must be removed no later than five (5) days after the election date.
- E. Event signs are allowed in all districts under the following conditions:
1. Maximum size shall not exceed six (6) square feet.
 2. Sign may not be illuminated.
 3. Sign may not be placed closer than ten (10) feet from the paved driving surface of a road.
 4. Sign may not have duration of greater than ten (10) days prior to the event date and must be removed no later than one (1) day after the event date.
- F. Real Estate signs are allowed in all districts under the following conditions:
1. Maximum size shall not exceed six (6) square feet.
 2. Sign may not be illuminated.
 3. Sign must be placed outside the road right-of-way on the subject property.
 4. Sign must be for currently listed subject property.
 5. Only one "For Sale" sign may be placed on the subject property.
- G. Directional Signs:
1. Maximum size shall not exceed eight (8) inches by twenty-four (24) inches.
 2. No more than one sign per listing.
- H. Rental Property signs are allowed in all districts under the following conditions:
1. Maximum size shall not exceed six (6) feet.
 2. Sign may not be illuminated.
 3. Sign must be placed outside the road right-of-way on the subject property.
 4. Sign must be for currently available subject property.
 5. Only one "For Rent" sign may be placed on the subject property.
- I. Construction signs are allowed in all districts under the following conditions:
1. Maximum size shall not exceed six (6) square feet.
 2. Sign may not be illuminated.
 3. Signs must be placed outside the road right-of-way on the subject property.
 4. Subcontractor signs must be for current "under construction" subject property.
- J. Temporary Real Estate Development Signs:
1. One temporary development entry sign, advertising the lots/units for sale in a new residential development shall be permitted at each entrance in addition to the permanent development entry signs allowed in this Section.
 2. Surface display area shall not exceed fifty (50) square feet and the sign height shall not exceed fourteen (14) feet above grade.
 3. Signs shall not be illuminated.
 4. Such signs shall be located at least ten (10) feet from the road right-of-way line.

5. Such sign shall be permitted for two (2) years or when 75% of the lots or units have sold, whichever comes first.
6. The permit may be extended, on one (1) year intervals, at the discretion of the Zoning Administrator finds all of the following:
 - a. 75% of lots or units have not been sold.
 - b. The sign is found to be in good condition, and
 - c. The applicable renewal fee is paid.

K. Development Entry Signs:

1. A maximum of two (2) signs shall be permitted at each entrance to the development.
2. Surface display area shall not exceed fifty (50) square feet and the sign height shall not exceed ten (10) feet above grade.
3. Such signs shall be located at least ten (10) feet from the road right-of-way.
4. Such signs shall include only the names of the development, logo and the developer and the sign and structure shall be harmonious and appropriate in appearance with the existing and intended character of the general vicinity.

L. Sign Permits:

All Commercial Signs, Temporary Real Estate Development Signs and Development Entry Signs shall require a sign permit. Application for a sign permit shall be made to the Zoning Administrator by submission of the required forms and fees, exhibits and information by the owner of the property on which the sign is to be located, his agent, or lessee.

1. The application shall contain the following information:
 - a. The property owner's, sign owner's, and applicant's name and address.
 - b. Address of the property on which the sign is to be placed.
 - c. Description of Business to which the sign relates and purpose of the sign.
 - d. Drawing of the sign that includes a description of sign type, sign height, total surface display area in square feet, proposed graphics, and/or sign copy.
 - e. Site drawing that depicts lot and building dimensions, right-of-way line location, and proposed setback from road right-of-way.
2. The Zoning Administrator shall not approve plans or issue a sign permit for any sign that does not conform to the provisions of this Ordinance.
3. Fees for the review of site plans for signs shall be as set forth in Article V, Section 5-Fee Schedule.

SECTION 12 — STREET/ALLEY POLICY

A. Public Improvements Powers of Village Council:

The Village Council has the power by state law to lay out, establish open, make, widen, extend, straighten, alter, close, vacate, or abandon any highway, street, lane, alley, sidewalk, sewer, drain, watercourse, bridge, or culvert in the Village whenever they shall deem the same a public improvement or necessary for the public convenience. The expense of such improvement may be paid by special assessments upon the properties adjacent to or benefited by such improvement in the manner provided for levying and collecting special assessments or at the discretion of the Village Council, a portion or the total cost and expenses may be paid from the general highway fund, the major road fund, the local road fund, Metro fund or a combination of all or any of the funds.

B. Requirements for Constructed, Reconstructed and Improved Roads

Whenever a new street is constructed, it shall be done so, at minimum, in accordance with Benzie County Road Commission minimum road building standards. The Village Council in

coordination with the Village Street Administrator may determine the maximum width of the new constructed street. A registered surveyor shall lay out and mark roadway within road property in coordination with the Village Street Administrator, the Village Zoning Administrator and the Benzie County Highway Engineer and be approved by the Village Council. Inspections by the aforementioned officials shall be required according to a schedule determined by the Village Council. The contractor hired shall require approval by the Village Council.

All street right of way openings and their accompanying signage shall have standard road name identification approved by Benzie County Equalization department in addition to directional and traffic control devices provided at the expense of the developing party per current Benzie County Road Commission specifications with the approval of the Village of Lake Ann Streets and Park Administrator. Contractor shall provide the Village of Lake Ann with a current certificate of Liability insurance, Workers Compensation insurance or waiver, professional license, Federal Tax I.D. and copies of necessary third party permits to complete the work.

All street right of way openings and their accompanying municipal street lighting shall be provided at the expense of the developing party per current Cherryland Electric Cooperative specifications in conjunction with Village of Lake Ann Article VII, Section 13 and the approval of the Village of Lake Ann Streets and Park Administrator. Contractor shall provide the Village of Lake Ann with a current certificate of Liability insurance, Workers Compensation insurance or waiver, professional license, Federal Tax I.D. and copies of necessary third party permits to complete the work.

Pedestrian sidewalks shall be constructed, at a minimum, within the right of way most likely to be utilized by pedestrian traffic. The developer shall insure that all newly created sidewalks conform to the minimum width and construction standards set forth in the Village of Lake Ann Sidewalk Ordinance with the approval of the Village of Lake Ann Streets and Park Administrator. Newly created sidewalks shall connect to existing pedestrian sidewalk system where possible. Pedestrian crosswalks shall be delineated on the roadway at all newly created sidewalk and street intersections. Contractor shall provide the Village of Lake Ann with a current certificate of Liability insurance, Workers Compensation insurance or waiver, professional license, Federal Tax I.D. and copies of necessary third party permits to complete the work.

All paving, signage, lighting, sidewalks and other improvements associated with the opening and development of the street right of way as shown on the approved drawings shall be completed, inspected and approved by all permit issuers prior to acceptance of the street by the Village of Lake Ann Council into the Village public road system. The developing party shall prepare, for the Village of Lake Ann Streets and Park Administrator, final drawings of the completed street to be transmitted to the State of Michigan, Department of Transportation for inclusion in the revised Act 51 official street layout and paperwork.

Whenever an improved street requires resurfacing or repaving, the Village Council in coordination with the Village Street Administrator shall determine the method to best preserve the wearing surface and the road bed. The existing width of the improved street scheduled for resurfacing or repaving may be maintained. The material to be considered for the resurfacing or repaving will be either be asphalt or an alternative resurfacing material deemed by the Village Street Administrator to be acceptable.

C. Vacation of Public Right Of Way:

When the Village Council considers it advisable to vacate a highway, street, lane, or alley, the vacated lane shall be divided on the center line and transferred to the adjacent property owners. Each property owner who acquires property shall reimburse the Village

of Lake Ann for the actual expenses associated with the vacation of the referenced street or alley. Typical expenses shall include a survey and monumentation, adjustment of legal descriptions, publishing and recording fees, legal research, staff time, notice to the following: Benzie County Equalization, Benzie County Register of Deeds, Almira Township Assessor, the State of Michigan Plat Division, the State of Michigan Treasurer Department, Benzie County Road Commission and other necessary local and State agencies.

Individual property owners may petition in writing to the Village Council for the vacating of streets or alleys. As a specific requirement, the Village Council would consider a vacating procedure advisable only if all vacated property is absorbed by abutting property owners, so that no empty or unusable plots remain. Only complete sections or blocks of streets or alleys will be considered for possible closing.

Vacated property shall be surveyed at the cost of the petitioner and the resulting distribution shall be recorded in a book of street records maintained by the Village Clerk.

When the Village Council considers it advisable to vacate, discontinue or abolish a highway, street, lane or alley, it shall, by resolution, declare its intent and appoint a time not less than 30 days after the date of the resolution, when it shall meet and hear objections to the resolution. Notice of the meeting with a copy of the resolution shall be given in the manner prescribed by the Open Meetings Act, Act 267 of the Public Acts of 1976, being Sections 15.261 to 15.275 of the Michigan Compiled Laws.

An objection to the proposed action of the Village Council may be filed with the Village Clerk in writing, and if an objection is filed, the highway, street, lane, alley or public ground in whole or part, shall not be vacated or discontinued, except by a vote of 2/3 of the members of the Village Council. Am 1983, Act 205. (MSA 5.1297)

SECTION 13 — OUTDOOR LIGHTING

All outdoor lighting, whether for illuminating sites, parking areas, buildings, driveways, docks, flags, signs and/or all other structures and spaces shall be shielded, shaded, designed and/or directed away from all adjacent properties and roadways; and further shall not glare upon or interfere with persons and vehicles using public streets and is also shielded from entering the atmosphere both above and to the sides. Municipal street lighting is subject to the same guidelines excepting shining onto roadways where all of the light will be directed.

Lighting fixtures shall be of the full cut-off design with horizontally aligned flush or recessed mounted (non-protruding) lens, directing light on-site only, and no more than twenty (20) feet in height. Site lighting shall not exceed twenty (20) foot candles as measured three (3) feet above the ground surface, directly under the fixture.

Lighting for commercially used properties shall be limited to the hours of operation, plus one hour before and one hour after. Additionally, motion sensor type of security lighting shall be allowed.

SECTION 14 — SERVICE LINES

All new, replaced, moved or relocated service lines including but not limited to electric, telephone, cable and similar lines shall be installed underground.

SECTION 15 — STORM WATER RETENTION

Storm water drainage in excess of natural conditions shall be retained on site. This provision shall require storm water retention ponds where appropriate. An exception to the retention pond requirement may be made for water leaving the site via an adequately sized existing storm water ditch, storm water pipe or through other storm water facilities that will be developed at the same time as the proposed new use; provided, however, the amount of storm water leaving the site is not in excess of natural drainage conditions.

SECTION 16 — DISPOSAL OF SNOW, LEAVES, BRUSH OR OTHER DEBRIS

Individuals or businesses removing snow, leaves, brush or other debris from residential, commercial or municipal property must not deposit snow, leaves, brush or other debris on any property other than their own, without written permission of the owner.

SECTION 17 — KEEPING OF ANIMALS

The keeping of farm animals such as poultry, horses, cows, pigs or other farm animals are not allowed except four (4) dogs or four (4) cats, or a combination of dogs and cats not to exceed four, provided that such animals are maintained as to not constitute a public nuisance. Kennel licenses are prohibited within the Village limits.

No person shall harbor or keep any animal that causes annoyance or disturbance in the neighborhood or endangers the safety of any persons or property. The owner or custodian of any animal shall keep such animal confined to his own premises to avoid annoyance or disturbance in the neighborhood.

All dogs shall be on a leash when off the premises of their owner or custodian and said leash shall be held by the person in charge of said animal. Animal excrement shall be immediately picked up and properly disposed of by the owner or person in charge of the animal when off premises.

SECTION 18 — TRASH BURNING

State law reference-Arson and burning, MCL 750.71 et seq.:open burning of leaves and grass. MCL 324.11522: prevention and suppression of forest fires. MCL 324.51501 et seq.

- A. Open burning, outdoor burning, and refuse burning are prohibited unless specifically permitted therein. Materials that may **not** be burned:
- 1) Construction and demolition waste.
 - 2) Hazardous substances, included, but not limited to, batteries, household chemicals, pesticides, used oil, gasoline, paints, varnishes, and solvents.
 - 3) Furniture and appliances.
 - 4) Rubber, including tires, and synthetic rubber-like products.
 - 5) Any plastic materials, including, but not limited to, nylon, PVC, ABS, polystyrene, or urethane foam, and synthetic fabrics, plastic films and plastic containers.
 - 6) Newspaper.
 - 7) Corrugated cardboard, container board, office paper.

- 8) Treated or painted wood, including, but not limited to, plywood, composite wood products, or other wood products that are painted, varnished, or treated with preservatives.
- 9) Asphalt and products containing asphalt.
- 10) Rubbish or garbage, including, but not limited to, food wastes, food wraps, packaging, animal carcasses, paint or painted materials, furniture, composite shingles, construction or demolition debris, or other household or business waste.
- 11) Tree, logs (other than as permitted below), brush, stumps, leaves, and grass clippings.

B. The following open fires shall be permitted within the Village limits:

- 1) Charcoal cookers, braziers, hibachis, grills, gas-fired stoves, patio warmers, chimeneas, outdoor fireplaces, or fire pits, provided that:
 - a. Such fires are intended solely for recreational or food preparation purposes, but not intended for disposal of waste or refuse, including construction waste.
 - b. Such devices are located at least 10 feet from the nearest structure.
 - c. Such devices shall not exceed 48 inches in height or diameter.
 - d. No petroleum (gasoline, kerosene, or other flammable products with low flash points) is used to ignite such fires.
 - e. A water source is available within 10 feet to extinguish such fires after use.
 - f. The fires within such devices are gas-lit or consist only of charcoal or clean wood, defined as:
 - i. natural wood which is not painted, varnished or coated with a similar material;
 - ii. wood that has not been pressure-treated with preservatives
 - iii. wood that does not contain resins or glues as in plywood or other composite wood product, with the exception of a small amount of paper product used for the initial igniting of the fire
- 2) Campfires and other outdoor fires used by educational, religious, charitable, or governmental agencies for recreational purposes or ceremonial occasions provided that no noxious odors or smoke are generated.
- 3) Any open fire must be attended and supervised by a competent person of at least 18 years of age until fire is extinguished and ash is cold.
- 4) Any burning bans issued by the Michigan Department of Natural Resources apply to and preclude any open fires.
- 5) If the use of any of the devices identified above creates a nuisance or other objectionable situation, prompting an official complaint filed with the Benzie County Sheriff, the Almira Township Fire Department, and/or the Village Zoning Administrator, the fire may be subject to immediate extinguishment.
- 6) Any person who disobeys, neglects, or refuses to comply with any provision of this ordinance, or who causes, allows, or consents to any of the same, shall be deemed to be responsible for the violation of this ordinance. The property owner shall bear responsibility for compliance with this ordinance and shall be responsible for any fines issued due to non-compliance. A violation of this ordinance is deemed to be a nuisance per se.

- a) A violation of this ordinance is a municipal civil infraction, for which the fines shall not be less than \$100, nor more than \$500, in the discretion of the Court. The forgoing sanctions shall be in addition to the rights of the Village to proceed at law or equity with other appropriate and proper remedies. Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which the Village incurs in connection with the municipal civil infraction.
- b) Each day during which any violation continues shall be deemed a separate offense.
- c) In addition, the Village may seek injunctive relief against persons alleged to be in violation of this ordinance, and such other relief as may be provided by law.
- d) This ordinance shall be administered and enforced by the Zoning Administrator of the Village of Lake Ann or by other such person(s) as designated by the Village Council from time to time.

SECTION 19 — PARK AND PLAYGROUND EQUIPMENT

All park and playground equipment placed in Burnett Park, Village of Lake Ann, MI. shall meet elementary school, commercial and municipal specifications. Park is monitored by CCTV.

SECTION 20 — WORK BEING DONE IN THE VILLAGE

- A. Any person or business hired by the Village of Lake Ann, must provide the Village Clerk with a Certificate of Liability Insurance, Workers Compensation Insurance Policy where applicable, a professional license and Federal Tax I.D. Number or Social Security Number, and a building permit when applicable, before any work commences
- B. Contractor must submit a proposal to the Village Council, and if accepted and agreed to by the Council, will enter into a contractual agreement with the Village. The contract will contain at least the following:
 - 1. The name of the parties involved,
 - 2. The location of the job,
 - 3. A detailed description of the job to be completed,
 - 4. The payment schedule, coordinated with the Village Council meeting dates and
 - 5. The approximate starting and finishing dates.

SECTION 21-WETLAND REGULATIONS

The wetlands within the Village of Lake Ann shall be preserved and protected. The wetlands are regulated under the Natural Resources and Environmental Protection Act, Public Act 451 of 1994, as amended. Wetlands means "land characterized by the presence of water at a frequency and duration sufficient to support, and under normal circumstances does support, wetland vegetation or aquatic life, and is commonly referred to as a bog, swamp, marsh" The wetland areas filter runoff and capture sediments, which help maintain the high quality water resources of the Village of Lake Ann, Almira Township and the State of Michigan. It is the intent of this Section to protect wetland resources by regulations irrespective of parcel lines, small size and/or contiguous aspect to surface waters.

Projects or activities in or near inland lakes or streams may require a permit from the Michigan Department of Environmental Quality. Projects or activities that impact a wetland may require a permit from the Michigan Department of Environmental Quality. MDEQ standards and requirements for permits can be found at www.micigan.gov/deq or by contacting the Water Resources Division regional

office in Cadillac, Michigan.

SECTION 22 — STORAGE OF RECREATIONAL VEHICLES

Storage of a recreational vehicle owned by the property owner may be left on the premises any time of the year. Only one (1) recreational vehicle shall be allowed per residential lot.

ARTICLE VIII
PLANNED UNIT DEVELOPMENT

SECTION 1— PURPOSE AND INTENT

- A. It is the purpose of this Ordinance to establish zoning regulations, controls, and standards of minimum land areas, the use of land and buildings, amount and kind of open space land, provisions for off-street parking and other similar accessory requirements necessary to regulate Planned Unit Developments of single family/mixed use dwellings within the limits of the Village of Lake Ann and in accordance with the laws of the State of Michigan.

The basic intent of this Planned Unit Development (PUD) Ordinance, is to replace the usual approval process involving rigid use and bulk specifications with the PUD plan submitted by a developer and approval by the Village Council.

- B. Objectives: In order to carry out the intent of this article, a Planned Unit Development shall achieve the following objectives:
1. A maximum choice in the types of environment, occupancy tenure (i.e. individual ownership, leasing, etc.) types of housing, lot sizes, and community facilities available to existing and potential Village residents at all economic levels.
 2. More usable open space land and recreational areas.
 3. The preservation of trees, outstanding natural topography, and geologic features and the prevention of soil erosion.
 4. A creative use of land related to physical development which allows an orderly transition of land from rural to urban uses.
 5. A development pattern in harmony with the objectives of the Village Zoning Ordinance.

SECTION 2 — DEFINITIONS

- A. COMMON OPEN SPACE:** A parcel or parcels of land within the land designated for a Planned Unit Development and designated and intended for the use and enjoyment of residents of the Planned Unit Development.
- B. DENSITY:** Maximum number of single family dwelling units per acre permitted within the Planned Unit Development.
- C. LAND OWNER:** The legal or beneficial owner or owners of all land proposed to be included in a Planned Unit Development. Other persons having an enforceable proprietary interest in such land, shall be deemed to be the land owner for the purpose of these regulations.
- D. PLAN:** The plan for a Planned Unit Development shall mean the proposal for a Planned Unit Development including land subdivision, all covenants, grants of easement and other conditions relating to the use unit density, intensity of development, common space land, and public facilities. The plan shall include such other information as is required by this Ordinance.
- E. PLANNED UNIT DEVELOPMENT:** An area of land controlled by single land owners and developed as a single entity for a number of dwellings and other uses. The plan for which does not necessarily correspond in lot size, type of dwelling unit, dwelling or population density, lot coverage, or required open space to any other zoning district established in the Village.
- F. VILLAGE:** Shall mean the Village of Lake Ann, Michigan.
- G. VILLAGE COUNCIL:** Shall mean the Village Council of Lake Ann, Michigan.

SECTION 3 — GENERAL REQUIREMENTS FOR PLANNED UNIT DEVELOPMENT

- A. Minimum Area: Under normal circumstances the minimum area required for a tract to qualify for Planned Unit Development is not less than 5 contiguous acres of land.

- B. Ownership: The tract of land for a project may be owned, leased, or controlled either by a single person, a partnership, or a corporation. An application must be filed by the owner or jointly by the owners of all properties included in the project. In case of multiple ownership, the approved plan shall be binding upon all owners.

- C. Location of PUD: The PUD may be located within any residential zoning district.

- D. Permitted Uses: Within the area designated for PUD, land may be used and buildings erected for single family dwellings and other services related to single family use.

- E. Developers Responsibility:
 - 1. Streets must be contracted to County specifications for subdivisions, site condominiums and other development projects and black topped with asphalt. Construction cost to be born by developers.
 - 2. Electrical, power, telephone, and similar lines must be underground.

- F. Minimum lot sizes, building setbacks, yard lines, and lot width are regulated by this Ordinance. The relationship of buildings to each other, the local street system, and open space land shall be consistent with this PUD Ordinance.
 - 1. Unit density shall be based on units per gross acre of PUD area and in computing this density, a factor of 2 lots shall be used per acre, excluding public right-of-way.
 - 2. Minimum lot width — Every lot upon which a single family dwelling is located shall not be less than eighty (80) feet in width.
 - 3. Permitted use to be in compliance with zoning of Village, units being single family dwellings.

- G. Common Private Property in a PUD: Private common property in a PUD is a parcel or parcels of land together with the improvement thereon, the use and enjoyment of which are shared by the owners or occupants of the individual building sites and dwelling units within the PUD. Where such common property exists, satisfactory arrangements must be made for the improvement, operation, and maintenance of such common property and facilities including streets, drives, service and parking areas, and recreational and open space land.

SECTION 4 — PLANNED UNIT DEVELOPMENT APPLICATION PROCEDURE AND APPROVAL PROCESS

- A. General: Whenever any Planned Unit Development is proposed, before any permit for the erection of a permanent building in such Planned Unit Development is granted and before any subdivision plan for any part thereof may be filed in the office of the Village, the developer or his authorized agent shall apply first to the Village Planning Commission who shall make recommendation to the Village Council for action on such development in accordance with the following procedures.

- B. Permission for PUD regulations to apply: The applicant shall appear before the Village Planning Commission and present a written request containing the following:
 - 1. A statement of his intention to construct a PUD.
 - 2. A plot plan showing ownership of all land to be included in the PUD.
 - 3. General Statements regarding:

- a. The nature of the proposed land uses.
- b. The applicant's ability to carry out such a project.
- c. The applicant's knowledge of the PUD concept and his understanding of the Ordinance and conditions under which he will operate.
4. A statement requesting the Village Planning Commission and Village Council to permit the provisions of this Ordinance apply to his PUD.
5. In his request, the applicant shall demonstrate that his proposed PUD will meet the stated objectives of this Ordinance.
6. The Village Council upon recommendation from the Planning Commission shall, in writing within sixty (60) days, approve or disapprove the applicant's request for permission to operate under the regulations and conditions of this Ordinance. Should the Village council disapprove the applicant's request, the reasons for disapproval shall be stated.

C. Application for Preliminary Plan Approval:

1. Following approval of the applicant's request for permission to proceed under the requirements of this Ordinance by the Village Council, the applicant must submit preliminary plans to the Village Planning Commission for review and action within nine (9) months from the date of approval granted under Section 4-B-6 above. In order to allow the Planning Commission and the applicant to reach an understanding on the basic design requirements prior to detailed design investment, the applicant shall submit a preliminary plan for his proposal to the Planning Commission for their review and action.
2. The preliminary plan and all subsequent plans shall be prepared by competent site planners and other consultants having experience in the design of Planned Unit Developments. The Village Council may require the applicant's consultants to submit their credentials and experience for review and conformance with the intent of this article.
3. The application for preliminary plan approval shall contain, but need not be limited to, the following:
 - a. Overall development plans showing:
 - 1) A survey of the property to be included in the PUD prepared and sealed by an engineer or surveyor licensed to practice in the State of Michigan.
 - 2) The general location of the proposed land uses.
 - 3) The generalized land use pattern surrounding the proposed PUD.
 - 4) A general circulation plan showing principle traffic routes and other circulation features within the PUD.
 - 5) Schematic public and private facilities plan including provisions for storm drainage.
 - 6) The permit fee shall be as set forth in Article X, Section 5 — Fee Schedule, to assist in defraying the cost of the application.
 - 7) Such other reasonable information as the Village Council may direct.
 - b. Written statements concerning:
 - 1) Facts regarding the suitability of the site for a Planned Unit Development, the proposed density, the suitability of the proposed uses of single family dwelling, methods for solving known engineering problems connected with the site, and probable phasing of the project.
 - 2) Demonstration of the applicants financial ability and professional competency to carry out the plan and his awareness of the physical and financial scope of such a project.
 - 3) Environment Impact Study.

D. Preliminary Plan Approval: The Planning Commission shall review the preliminary plan and its related documents and shall inform the applicant of their approval or disapproval of the plan in writing prior to forwarding to the Village Council. The Planning Commission shall refer the preliminary plan to the Village Zoning Administrator and may refer to the regional planning agency, the soil conservation district, or any private consultant deemed necessary to provide a sound review of the proposal. All costs related to third party reviews shall be borne by the applicant.

1. Upon affirmative recommendation from the Planning Commission, the Village Council shall provide such written approval or disapproval within forty-five (45) days from the date of presentation of the plan.
2. Upon preliminary plan approval, a public hearing on the project shall be held.
3. In evaluating the preliminary plan, the Village Council shall base their evaluation on the following:
 - a. Proposal conformance with the local comprehensive plan.
 - b. How the proposal meets the spirit, intent, and objectives of Planned Unit Development as expressed in Article VIII, Section 1.
 - c. How the proposal meets the general requirements of Article VIII, Section 3.
 - d. The conceptual soundness of the proposal in as much as it must meet community need and conform to accepted design principles in the land use configuration, proposed functional roadway system, and scale of these elements both absolutely and one to another.

E. Submission of Revised Plans and Progress Meetings.

1. If required by the Village Council, the applicant shall submit revised plans for review by the Planning Commission and any necessary outside agencies for approval prior to submission of the final plan.
2. It is anticipated that minor changes may occur in the plan during development of the final plan(s). It is therefore required that the applicant arrange at least one progress meeting with the Village Council during the period between preliminary plan approval and final plan submission.
3. In disapproving a preliminary plan, the Planning Commission shall make clear the reasons therefore, and if appropriate, point out to the applicant what alterations might be necessary to receive an approval of the preliminary plan. The applicant may, within ten days after receiving an unfavorable report, file an application for a review or an amended preliminary plan. Disapproval of a preliminary plan includes cancellation of the PUD designation granted by Article VIII, Section 4-B.

F. Submission of Final Plan and All Documents: Application for final site plan approval shall be submitted to the Planning Commission with a final recommendation to the Village Council for action and shall contain the following documents. The appropriate licensed professional consultants shall have prepared such information.

1. A plan to scale showing the applicant's entire land holding, the portion of the applicant's property under consideration (if less than the entire holding), all easements affecting the property, and all properties, subdivisions, streets and major easements within 300 feet of the applicant's property.
2. A topographic map showing contour intervals of not more than five feet of elevation shall be provided. Also included on this map shall be important physical features (water courses, etc.), the location and extent of major trees and tree masses, existing structures, roads, power and related elements.
3. A site plan showing the location and approximate sizes of all roads, parking areas, ingress and egress drives; location, proposed development; the location of all existing or proposed site improvements including drains, culvert, retaining walls, fences; the location and proposed development of buffer areas; location and design of lighting facilities; and the amount of building area proposed for non-residential uses, if any.
4. A separate plan for recording showing the individual properties to be recorded, as well as common property, all rights of way, dedicated land, easements, and covenants or restrictions relating hereto.
5. Such other reasonable additional requirements as the Village Council may prescribe.
6. It is expected that some deviation from the Zoning Ordinance requirements may be required. In addition, it is expected that the Zoning Ordinance will not set all of the standards required for the various site improvements generated by the Planned Unit Development. An approval of the revised and/or expanded site development elements by the Village Council shall not expire prior to the conclusion of construction unless the Planned Unit Development project is abandoned.

G. Action on Final Plan by Village Council:

1. The Village council shall within forty-five (45) days of receipt of the final plan approve or disapprove the final plan, in whole or in part, based upon, but not limited to, the following considerations:
 - a. Conformance of the final plan with the spirit and intent of the Planned Unit Development as stated in Article VIII, Section 1. General conformance of the final plan with the preliminary plan submitted under the requirements of Article VIII, Section 4-C.
 - b. The adequacy and arrangement of vehicular traffic access and on site circulation including intersections, road widths, traffic controls, ingress and egress.
 - c. The adequacy, location and arrangement of off-street parking.
 - d. The adequacy of the preliminary landscape plan for providing visual and physical buffering between adjacent uses and adjoining lands.
 - e. The adequacy of storm drainage.
 - f. Developer to provide security bond in amount set by Village Council.
 - g. The final plan must be approved by the Village Zoning Administrator.
2. Approval of the plan and all attending documents shall constitute approval of the subdivision plan for recording.
3. Should the approved subdivision plan or its first phase not be recorded in twelve (12) months from the date of approval, such plans must be resubmitted to the Village Council for review and re-approval.
4. Upon approving the submission of a final plan, the Village Council shall endorse its approval on a copy of the final site plan and shall forward a copy of the final plan to the Zoning Administrator.
5. Should the final plan be disapproved in whole or in part, the Village Council shall so inform the Zoning Administrator. The Village Council shall also notify the applicant in writing of its decision and its reasons for disapproval.

SECTION 5 — PHASING AND PLAN CHANGES

- A. Any plan which requires more than 24 months to complete shall be constructed in phases and a phasing plan must be developed.
- B. In a phased PUD, it is expected that changes in the approved final plan may be required from time to time. In order to preserve the flexibilities which are fundamental to a PUD, plan changes are permitted subject to the limitations listed below. The changed plan must meet the basic objectives and all requirements of this Ordinance.
 1. All plan changes must be submitted to the Village Council for re-approval in accordance with Article VIII, Section 4-F and Section 4-G.

SECTION 6 — FEES

A fee relating to the processing of Planned Unit Development shall be as set forth in Article X, Section 5 — Fee Schedule, to assist in defraying the cost of the application.

ARTICLE IX
SITE CONDOMINIUM PROJECTS

SECTION 1 - SITE CONDOMINIUM SUBDIVISIONS

The intent of this article is to provide procedures and standards for the submission, review, and approval, under MCL 125.3501, of a site condominium project to be created under the provisions of the Condominium Act (Act 59 of 1978, as amended), and to insure that the project site plan is consistent and compatible with conventional platted subdivisions created under the Land Division Act (P.A. 288 of 1967, as amended), and to promote the orderly development of the adjacent areas.

SECTION 2 - GENERAL PROVISIONS

The provisions of this Article shall not apply to structure condominium projects, or to projects reviewed and approved through a Special Use or Planned Unit Development procedure.

SECTION 3 — DEFINITIONS

The following definitions shall apply to the construction and application of this section:

CONDOMINIUM ACT - Act 59, Public Acts of 1978, as amended.

CONDOMINIUM DOCUMENTS - The master deed, recorded pursuant to the Condominium Act, and any other instrument referred to in the master deed or bylaws which affect the rights and obligations of a co-owner in the condominium.

CONDOMINIUM LOT - The condominium unit as described in the Condominium Act meaning the land designed and intended for separate ownership and use that is the equivalent of a platted "lot" or "parcel" under the Land Division Act (Public Act 288 of the Public Acts of 1967), as amended.

GENERAL COMMON ELEMENTS - The common elements other than the limited common elements.

LIMITED COMMON ELEMENTS - A portion of the common elements reserved in the master deed for the exclusive use of less than all of the co-owners

MASTER DEED - The condominium document recording the condominium project to which are attached as exhibits and incorporated by reference the bylaws for the project and the condominium subdivision plan for the project and all other information required by Section 8 of the Condominium Act, Act 59, 1978, as amended.

SITE CONDOMINIUM — A division of land under the provisions of the Condominium Act (Act 59 of 1978, as amended) by which, among other things, each co-owner owns exclusive rights to a volume of space over the land divisions within which the co-owner may erect structures for uses permitted under this ordinance.

SITE CONDOMINIUM SITE PLAN — A plan for the condominium project prepared in accordance with Section 66 of the Condominium Act, plus the documents and information required by Section 4 below, which plan may also be referred to herein

SECTION 4 — SITE PLAN INFORMATION REQUIRED

The site condominium developer shall submit to the Village Zoning Administrator twelve (12) copies of the proposed Master Deed, along with Exhibit A (condominium subdivision plan) and Exhibit B (condominium bylaws) attached thereto. The following information and/or documents shall also be included:

- (a) The present zoning classification and the intended use of the condominium sites and the common elements.
- (b) A map of the entire area scheduled for development and all contiguous land owned by the developer.
- (c) In the event soils or vegetation types indicate wetlands may be present, a wetlands determination by Michigan Department of Natural Resources and Environment (MDNRE) as to the existence of any wetlands on the property may be required.
- (d) Engineering Plans: The applicant shall submit twelve (12) copies of engineering plans for all proposed public and private improvements, with sufficient information and detail to enable the Planning Commission and Village Council to make a determination as to conformance of the proposed improvements to applicable Village regulations, standards, and ordinances.
- (e) Applicant's statement of the expected effect on emergency service requirements, schools, storm water systems and automobile and truck circulation patterns and local traffic volume.
- (f) A scale drawing of the site and proposed development thereon, including the date, name and address of the preparer. Scale shall be not more than 1 inch to 100 feet and drawn on plain paper of a size not less than 24 inches by 35 inches, with date and north arrow. Zoning setbacks shall be shown. Contours shall be shown at 5 foot intervals where slope is greater than 10% and 2 foot intervals where slope is 10% or less. Also included shall be the location and types of all vegetation, water courses, flood plains and water retention areas, and soil types.
- (g) Topography of the site and its relationship to adjoining land.
- (h) Locations, heights and sizes of existing structures and other important features.
- (i) Dwelling unit density where pertinent.
- (j) Flood plains, when appropriate.
- (k) A utility plan identifying all sanitary sewer, water, and storm line easements granted or intended to be granted to the Village, or to other public or private entities, along with copies of the documents by which the easements were created, or intended to be created.
- (1) All other features required for condominium subdivision plans by the Condominium Act and the corresponding administrative rules.

SECTION 5 - PERFORMANCE GUARANTEE

As a condition of the approval of the site condominium subdivision plan by the Village Council, a performance guarantee for certain improvements and reimbursement of village review costs, including engineer and attorney's fees may be required before land use permits are issued.

SECTION 6 - REVIEW PROCEDURES

- (1) The applicant shall provide a copy of the documentation and information required by Section 4 above, from the following Benzie County Agencies: Health Department, Drain Commissioner/Soil Erosion-Sedimentation Control Director, Planning Commission, Road Commission and to the Almira Township Fire Department. The Zoning Administrator shall request the County agencies and Fire Department to provide written comment within 30 days of receipt of the subdivision site plan.
- (2) The Planning Commission shall review the Section 4 documentation and the report and comments of the Village Zoning Administrator, as well as any comments or reports of the County agencies, or applicable Fire Department. An independent engineer, attorney, or other consultant may be hired, at the applicant's expense, to review the project and make recommendations to the Planning Commission.
- (3) The Planning Commission shall hold a public hearing on the project plan for the purpose of reviewing and making a recommendation of approval, approval with conditions, or denial to the Village Council. Notice of the public hearing shall be given in accordance with the Michigan Zoning Enabling Act.
- (4) If, following the review and public hearing prescribed above, the Planning Commission determines that the project plan meets the criteria of Section 7 below, the Planning Commission shall recommend approval of the project plan to the Village Council.
- (5) If the Planning Commission determines that the project plan does not meet the Section 7 criteria, it shall recommend that the plan not be approved.
- (6) The Village Council shall not review, approve or reject a site condominium subdivision plan until it has received from the Planning Commission its report. and recommendations, which are not binding on the Village Council.
- (7) The Village Council shall either approve the site condominium subdivision plan, reject the plan and give its reasons, or table the proceedings pending further review or pending changes to the plan to bring it into conformity with this Zoning Ordinance. The Village Council may hold a public hearing, but it is not required. If the Village Council holds a public hearing, notice shall be provided in the manner required by Michigan Zoning Enabling Act.

SECTION 7 - CRITERIA FOR REVIEW

Before acting on the proposed condominium subdivision site plan, the Planning Commission and Village Council shall consider and make findings with respect to the following criteria:

- (¹) The streets and roads shall be utilized in accordance with the Village's jurisdiction and discretion over roads pursuant to the General Law Village Act as amended, including, but not limited to, MCL 67.7 and MCL 67.12. such that the following aspects (but not limited to) are addressed:

- (1) there is a proper relationship between the existing streets and highways within the vicinity, and proposed deceleration lanes, service drives, entrance and exit driveways, and parking areas; 2) there is accessibility for emergency vehicles and safe and convenient pedestrian and vehicular traffic; 3) the proposed streets and access plan conform to any street or access plan adopted by the Village or the County Road Commission; 4) the configuration of the proposed roads and connections are compatible with existing roads and with neighborhood conditions; 5) the dimensions of public road surfaces, road rights of way, pavement and surfacing requirements, shall conform to those standards set forth by the Benzie County Road Commission; 6) the proposed use of publicly dedicated roads involve roads that have been opened for such use by the public authority having jurisdiction over them; and 7) any private roads within a site condominium shall conform to the private road standards within this Zoning Ordinance.
- (2) The description, size, area, location, use, setbacks and all other aspects of the site condominium lots (and any subsequent division of condominium lots), roads, principal buildings and/or accessory structures and any other features of the project shall conform to the requirements of this Zoning Ordinance unless an appropriate variance has been granted by the Zoning Board of Appeals.
- (3) Plans for erosion control and storm water discharge, public utilities and other infrastructure aspects of the subdivision site plan comply with any Benzie County or other public agency requirements.
- (4) The site plan shall otherwise conform with the requirements of this Zoning Ordinance.

SECTION 8 - CONDITIONS AND DURATION OF APPROVAL

The approval of the Village Council will indicate that the proposed site condominium subdivision plan meets the provisions of Section 141(1) of the Condominium Act relating to the ordinances and regulations of the Village of Lake Ann, but does not cover additional permits that may be required after the Master Deed has been recorded. Approval of the site condominium subdivision plan by the Village Council shall be for a period of two (2) years from the date of its approval. The Village Council may extend the two (2) year period if an extension is applied for in writing. The reasons for such extension may be inability to complete roads or other requirements, financial problems or other documented hardship.

SECTION 9 - SUBDIVISION SITE PLAN APPROVAL ORDER

If the Village Council approves the site condominium subdivision plan, it shall prepare a written order setting forth the conditions upon which such approval is based, which shall be entered into between the Village and applicant prior to the issuance of a land use permit for any construction in accordance with the approved subdivision plan.

SECTION 10 — INFORMATION REQUIRED PRIOR TO LAND USE PERMIT

Prior to the issuance of any land use permit for any structures on a site condominium lot, the applicant shall submit the following to the Village:

- A. A copy of the recorded condominium documents (including exhibits)
- B. A copy of any recorded restrictive covenants.
- C. Evidence of completion of all improvements associated with the proposed use, including two (2) copies of an "as-built survey",

SECTION 11— REVISION OF SUBDIVISION SITE PLAN

If the site subdivision site plan is revised, it shall be reviewed in accordance with the procedure and standards for original review under this article.

SECTION 12 — OTHER AMENDMENT OF CONDOMINIUM DOCUMENTS

Any amendment to a master deed or bylaws that affects the subdivision site plan shall be reviewed and approved by the Village Attorney and Planning Commission before any land use permit may be issued, where such permit is required.

ARTICLE X
ADMINISTRATION

SECTION 1— ZONING ADMINISTRATOR

The provisions of this Ordinance shall be enforced by the Village Council. The Village Council shall employ a Zoning Administrator to act as its officer to effect proper administration of this Ordinance for such time and subject to such conditions as the Village Council deems desirable. The Administrator shall hold office at the pleasure of the Village Council and receive such compensation as shall be determined by the Village Council.

SECTION 2 — DUTIES AND POWERS OF ZONING ADMINISTRATOR

The duty of administering and enforcing the terms of this Ordinance is hereby conferred upon the Village of Lake Ann Zoning Administrator, and in furtherance he is empowered to:

- A. Issue all permits and certificates to homeowners, licensed builders or sub-contractors and maintain records thereof. License verification shall be required where applicable;
- B. Conduct inspection of all building and structures, and the use of all lands subject to the provisions of this Ordinance to determine compliance;
- C. Maintain correct and permanent records of this Ordinance, including but not limited to maps, amendments, special use permits, variances and appeals;
- D. Maintain a public information office relative to all matters arising out of the administration of this Ordinance;
- E. Investigate all applications for variances and special permits;
- F. Initiate appropriate action to notify the individual, the Planning Commission and the Village Council of any illegal act or violation of this Ordinance;
- G. It shall be a condition of the employment of the Zoning Administrator to attend the meetings of the Planning Commission and the Zoning Board of Appeals. If unable to attend a Planning Commission meeting, the Zoning Administrator will notify the chairperson and obtain a copy of the minutes and summary of said meeting;
- H. In the event that the Zoning Administrator is personally involved in the construction of any building subject to the provisions of this Ordinance, the Village Council shall designate some other qualified person to fulfill the obligations of this position while such construction is in progress.

SECTION 3 — LAND USE PERMITS

- A. GENERAL:** Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy and/or use of a building or structure, create or improve a driveway and/or off street parking area located within the Village of Lake Ann, or to cause any such work to be done, shall prior to commencing work, make application to the Zoning Administrator for the Village of Lake Ann on the form provided for that purpose, remit the prescribed application fee and obtain written approval from the Zoning Administrator. Approval of the Land Use Permit is conditioned upon receipt of a complete application and site visit by the Zoning Administrator after footings are dug or formed and prior to pouring. Additional permits may be required from the Benzie County Building and Code Enforcement Department, Michigan Department of Environment Quality, Benzie County Board of Equalization, Benzie County Road Commission and the Benzie County Health Department. Each Land Use Permit shall be issued in triplicate and copies shall be distributed as follows: one(1) to the applicant which he is to post in a manner visible from the street until construction is complete; one(1) to the Clerk of the Village Council; and one(I) to be retained by the Zoning Administrator as part of the permanent records of the Village. The Zoning Administrator shall promptly inform

the applicant of the denial of a "Land Use Permit" if such planned building, mobile home, structure or land use does not comply with the provisions of this Ordinance.

It shall be unlawful to change the type of use of the land, or type of occupancy of any building or structure, or to extend any use on a lot that contains a nonconforming use prior to the issuance of a valid Land Use Permit. Under no circumstances may site work, demolition or construction proceed prior to the issuance of a Land Use Permit. No Land Use Permit shall be issued prior to site plan presentation and approval.

The completed land use application shall include the following documents:

1. Site plan showing all existing conditions and proposed improvements, drawn to a scale not to exceed 1" = 20', property legal and tax parcel number.
2. Construction drawings, scale to be 1/4" = 0".
3. Property ownership documentation, either by deed, title insurance policy or tax records.
4. Survey by a registered professional showing the property boundaries, easements and encroachments, required setbacks, wetland, high water marks, etc..
5. Additional permits required by Township, County, State and/or Federal units of government.
6. Signature of applicant or authorized agent. If not the owner of record, include a letter of authorization from the owner of record to the agent signing the application.

The applicant shall bear the entire responsibility of providing the Zoning Administrator all necessary supporting documentation required pursuant to the Ordinance.

- B. EVIDENCE OF OWNERSHIP:** All applications for permits under the provisions of this Ordinance shall be accompanied with proof of ownership of all property affected by the coverage of this permit. Proof of ownership shall be established by one of the following means, viz: current title policy, or commitment, abstract or attorney's opinion of title or such other evidence of ownership as the Zoning Administrator determines acceptable.
- C. PROPERTY BOUNDARIES:** The Zoning Administrator shall require, at the owner's expense, any properties to be located by a registered surveyor. In the cases of properties located along a stream or shoreline, if there is a question of the location of the "high water mark", the Zoning Administrator shall require, at the owner's expense, this level to be set and marked by a registered surveyor. The Zoning Administrator may also require, at the owner's expense, any structure to be located by a registered surveyor.
- D. SUPPORTING DOCUMENTATION:** In the event the Zoning Administrator feels additional information is required before he, in his judgment, can determine the suitability of an application for "Land Use Permit", he may request that the applicant submit such additional information as surveys, deed descriptions, soil suitability test, surface water disposal surveys, erosion control surveys, excavation disposal plans, easements and permits from other governmental agencies.
- E. VOIDING PERMIT:** Failure of the applicant to call for an inspection shall automatically void the Land Use Permit, requiring the issuance of a new permit. Penalties associated with the failure to call for inspection or other violations of conditions contained in the Land Use Permit shall constitute a municipal civil infraction. Every day that such violation continues shall constitute a separate and distinct offense under the provisions of this Ordinance. Nothing in this section shall exempt the offender from compliance with the provisions of the Zoning Ordinance. Any permit granted under this section shall become null and void after one (1) year from the date of granting such permit unless the development proposed shall have passed its first building inspection. Before voidance is actually declared, the Zoning Administrator shall notify the

applicant of such voiding action by sending a notice by certified mail to the applicant at the address indicated on the permit application. The applicant shall have the option of extending the permit by a maximum of six (6) months upon written notice to the Zoning Administrator. Said notice from the applicant shall be filed no later than five (5) working days following the expiration of the permit.

- F. INSPECTIONS:** The development and/or usage proposed under the Land Use Permit shall be subject to an inspection by the Zoning Administrator after the property lines have been staked, setbacks staked, footings dug and before pouring has occurred. Where a permit is issued for a use other than construction of a structure, an inspection shall be made prior to occupancy. A two (2) day notice is required for inspection. The permit holder shall be responsible for notification of the Zoning Administrator. All conditions of the Land Use Permit must be met prior to scheduling inspection.
- G. LAND USE PERMIT FEE:** The Land Use Permit fee shall be as set forth in Article X, Section 5 — Fee Schedule, to assist in defraying the cost of the application.
- H. ROAD ACCESS:** The Zoning administrator shall not issue a Land Use Permit for any proposed uses unless and until the road designated to serve the proposed land use has been constructed and approved either as a public road or private road pursuant to the Benzie County Road Commission Standards.
- I. FINANCIAL RESPONSIBILITY:** The Zoning Administrator shall not issue a Land Use Permit or consider other requests for any administrative act or acts if the property owner or applicant has delinquent taxes and/or other monies owed to the Village in accordance with the Financial Responsibility Ordinance No. 2013-01.

SECTION 4 — CERTIFICATE OF OCCUPANCY

Each residence, commercial or storage building shall require a certificate of occupancy from the Benzie County Building Department as part of the building permit requirements and as part of the land use permit requirements. These certificates signify that the building has met all of the building code, health department and zoning requirements and may be occupied for its intended use. This rule applies to site built, mobile, modular factory built or other structures including buildings that are site built outside Lake Ann Village and relocated into the Village. Occupancy or use of a building without this certificate shall constitute a violation of this Ordinance and be subject to pre-described penalties.

SECTION 5 — FEE SCHEDULE

To assist in defraying the cost of investigation and administration, the Village Council may from time to time adopt a fee schedule governing the issuance of permits and other actions taken under the provisions of this Ordinance.

If the Zoning Administrator determines that the basic zoning fees will not cover the actual costs of the application review or appeal or if the Planning Commission, Zoning Board of Appeals or the Village Council desires assistance in the review of the application and/or participation in the review process or appeal by qualified professional planners, engineers, attorneys, or other professionals, then the applicant shall deposit with the Village Treasurer such additional zoning fees in an amount determined by the Zoning Administrator 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 Zoning Administrator may require the applicant to deposit additional fees into escrow in an amount 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 refunded to the applicant following the 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 release of a final decision on an appeal.

SECTION 6 — VILLAGE ELECTIONS

As authorized by Section 3, Chapter III, Act 3 of 1895, as amended, Village elections in the Village of Lake Ann shall hereafter be nonpartisan.

SECTION 7 — PLANNING COMMISSION

The Lake Ann Village Planning Commission shall consist of five (5) members, at least one (1) of which shall be from the Village Council. The Planning Commission members shall be appointed by the President and approved by a majority vote of the Village Council as provided by the Michigan Planning Enabling Act, 2008 PA 33, as amended.

SECTION 8 — LOT SPLITS

All requests for recorded platted lots and un-platted lots to be split, divided or have a boundary line altered shall meet the dimensional requirements for platted and un-platted lots and the altered lot(s) shall have road access either by public road or private road. All requests shall be submitted in writing to the Zoning Administrator.

If the request meets the requirements of this Ordinance, the Zoning Administrator will give tentative approval of the request. A certified survey of the involved properties shall be submitted to the Zoning administrator and the Almira Township Assessor before final approval.

SECTION 9- STREETS and PARKS ADMINISTRATORS

STREETS

The administrator reports directly to the Trustees of the Village of Lake Ann and serves at the discretion of the Trustees.

The administrator is responsible for all State of Michigan Act 51 activities related to the Village of Lake Ann road system including timely review and reporting requirements as required for continued Act 51 funding from the State of Michigan.

The administrator is responsible for day to day coordination between village residents, the Village Council and the Benzie County Road Commission or other Village authorized vendors to insure a safe and properly maintained road system.

The administrator is authorized to contract for services to properly maintain the road and pedestrian system within the established budget as approved by the Village Council.

The administrator may solicit assistance from any authorized volunteer group in the completion of the above listed activities, provided that the volunteers have signed the appropriate Volunteer Waiver of Liability form.

The administrator shall be present and give a written report of activities as required by state statute at all regularly scheduled monthly meetings of the Village Council.

PARK

The administrator reports directly to the Trustees of the Village of Lake Ann and serves at the discretion of the Trustees.

The administrator is responsible for the proper maintenance and improvements of Village owned property including Burnett Park and the future linear pathway along the abandoned M&NE rail bed.

The administrator is authorized to contract for services to properly maintain the park system within the established budget as approved by the Village Council.

The administrator shall coordinate all necessary vendors to properly service the needs of the community while in the park system including waste receptacles, seasonal bathroom facilities, seasonal decorations, irrigation, mowing, debris and leaf removal, tree trimming, lighting, sports and play equipment maintenance.

The administrator is responsible for monitoring the closed circuit camera system.

The administrator may solicit assistance from any authorized volunteer group in the completion of the above listed activities, provided that the volunteers have signed the appropriate Volunteer Waiver of Liability form.

The administrator shall be present and give a written report of activities as required at all regularly scheduled monthly meetings of the Village Council.

SECTION 10- RECREATIONAL RESOURCES COMMITTEE

PURPOSE:

To ensure the continued viability of S.S. Burnett Park, the future linear park along the abandoned M&NE railroad grade and other future recreational opportunities within the Village of Lake Ann.

SCOPE:

The committee shall be responsible for broad oversight of the park(s), periodic updating of the Village recreation plan for submittal to the Village Planning Commission, video security monitoring, preparation of equipment standards, holiday / special event activities, fundraising, coordination of volunteers, vendors and contractors, development of the trail interface with Almira township and various other amenities related to the recreational needs of Village residents and the community at large. This committee is a function of the Village of Lake Ann Planning Commission and shall report their findings and status of projects to the Planning Commission at their regularly scheduled meetings.

MEMBERSHIP:

The committee shall consist of the Parks Administrator as ex officio member and three community members, of whom, one shall be chosen as chairperson by the committee. The Parks Administrator shall not serve as the chairperson. The committee shall choose one of its members as a recording secretary, responsible for keeping a written record of the committee actions.

The community members shall serve staggered three year terms, appointed by the Village President with concurrence of the Village Trustees.

BUDGET:

The committee shall operate within a budget as set forth by the Village Council.

MEETING SCHEDULE:

The committee shall establish an annual meeting schedule at such time and place designated by the chairperson with the concurrence of the majority of the committee members. The meetings shall be posted and open to the public in compliance with the open meetings act.

ARTICLE XI
VIOLATIONS AND PENALTIES

SECTION 1— NUISANCE PER SE

It shall be unlawful and a violation of this Ordinance to proceed with erecting, altering, razing, moving, or converting any use of land or premises without first obtaining all permits necessary. Buildings and structures erected, altered, razed, moved, or converted and any use of land or premises in violation of any provision of this Ordinance are declared to be a nuisance per se. The Zoning Administrator shall inspect each alleged violation and shall order correction or abatement in writing to the owner of the premises of all conditions found to be in violation.

SECTION 2 — CORRECTION OF VIOLATION

All violations must be corrected in the time specified by the Zoning Administrator on the written notice of violation. All uncorrected violations will be reported to the Village Council for further action.

SECTION 3 — PENALTIES

Any person, firm, association, corporation or other entity which shall violate any provision of this Ordinance in any particular, or who fails to comply with any of the regulatory measures or conditions imposed by the Zoning Board of Appeals, the Planning Commission and/or the Village Council pursuant to this Ordinance or otherwise pursuant to Michigan law shall, unless such violation has abated, ceased to exist or otherwise been remedied within fifteen (15) days after being provided with written notice of such violation from the Zoning Administrator, Ordinance Enforcement Officer or other official authorized by the Village Council, shall be deemed to be responsible for a municipal civil infraction as defined by Michigan statute which shall be punishable by a civil fine for each violation in accordance with the schedule set forth herein, along with costs which may include all expenses, direct and indirect, to which the Village has been put in connection with the municipal civil infraction. Costs of not less than \$9.00 or more than \$500.00 shall be ordered. A violator of this Ordinance shall also be subject to such additional sanctions and judicial orders as are authorized under Michigan law. Each day that a violation continues to exist shall constitute a separate violation of this Ordinance. Provisions of this Ordinance may also be enforced by suit for injunctive relief.

Civil Fines for Municipal Civil Infractions

Unless otherwise provided elsewhere within this Ordinance for specific violations, Civil Fines for municipal civil infractions shall be assessed in accordance with the following schedule:

	<u>Fine</u>
1 st violation within 3-year period	\$100.00
2 nd violation within 3-year period	\$200.00
3 rd violation within 3-year period	\$350.00
4th or subsequent violation within 3-year period	\$450.00

SECTION 4 — APPEARANCE TICKETS AND MUNICIPAL CIVIL INFRACTION CITATIONS

The Zoning Administrator, Ordinance Enforcement Officer and other person authorized by resolution of the Village Council are hereby authorized to investigate violations of this Ordinance, and to issue and serve appearance tickets and citations, including municipal civil infraction citations, pursuant to MCL 764.9c, MCL 600.8701 and MCL 600.8707, on all persons in violation of this Zoning Ordinance. Such appearance tickets and/or citations shall be issued and served in accordance with the applicable Michigan law.

SECTION 5 — PARKING FINES

Pursuant to the General Village Law Act, MCL 67.23, the Village Council may prescribe and enforce regulations concerning the public street as may be necessary to secure good order and safety to persons and property in the lawful use and to promote the general welfare.

First Violation — Warning Ticket Issued

Handicap zone – Two Hundred Fifty Dollars (\$250.00) or as established by the State of Michigan.

Same offense, same vehicle, each successive violation within one year period:

Second Violation — Fifty Dollars (\$50.00) Fined Issued

Third Violation — One Hundred Dollars (\$100.00) Fine Issued

Fourth and All Successive Violations — Two Hundred Dollars (\$200.00) Fine Issued

All fines shall be paid to the Village Treasurer. If any fines are not paid within two (2) weeks from the date of issuance, they will be turned over to the County for prosecution.

ARTICLE XII

SPECIAL EXCEPTIONS AND VARIANCES

SECTION 1— SPECIAL EXCEPTIONS

Special exceptions, as used herein, shall refer to such uses as require permission of the Zoning Board of Appeals. On application, supplementing an application for a Zoning Permit, the Zoning Board of Appeals may grant a permit for such uses as are specified in the schedule of use regulations as requiring Zoning Board of Appeals permit. A special exception may be allowed by the Zoning Board of Appeals only upon finding that the proposal meets the following criteria:

- A. That the practical difficulties are due to unique circumstances and not to general neighborhood conditions;
- B. That the practical difficulties are not self-imposed;
- C. That the practical difficulties are more than mere inconvenience or inability to obtain a higher financial return;
- D. That the involved land use would be allowed without a variance in the respective zoning district.

ARTICLE XIII
AMENDMENTS, REZONING AND NOTICE

SECTION 1— AMENDMENTS

The Village of Lake Ann Planning Commission shall make recommendations to the Village Council with proposals to amend or supplement this Ordinance. The Planning Commission shall hold public hearings on any proposed recommendations prior to transmitting its recommendations to the Village Council, after which a public hearing may be held by the Village Council. All public hearings shall comply with the guidelines established by the Michigan Zoning Enabling Act, PA 110 of 2006, as amended.

SECTION 2 — REZONING

If an individual property or 10 or fewer adjacent properties are proposed for rezoning, the Planning Commission shall give notice of the proposed rezoning. The notice shall be as set forth in Article XIII, Section 3 — Notice, and the Michigan Zoning Enabling Act, PA 110 of 2006, as amended. The Planning Commission shall hold a public hearing and will transmit its recommendations to the Village Council, after which a public hearing may be held by the Village Council. All costs associated with the rezoning request shall be borne by the applicant.

SECTION 3 — NOTICE

All requests for new ordinances, zoning amendments, planned unit developments, site condominium projects, special land uses permits, uses subject to special approval, variances or rezoning shall be considered at a public hearing. The notice for the public hearing shall be published in a newspaper of general circulation that serves the Village of Lake Ann. The notice shall state the time, date, and place of the public hearing. The notice shall be given not less than 15 days before the date of the public hearing to be held by the Planning Commission and/or the Village Council as provided for by the Zoning Ordinance or PA 110 of 2006, as amended. All costs associated with the above referenced requests shall be borne by the applicant.

All property owners within 300 feet of the property under consideration for planned unit development, site condominium projects, special land uses, uses subject to special approval, variances, administrative decisions, street/ alley vacations or rezoning shall be notified. The notice shall include the following:

1. Describe the nature of request.
2. Indicate the property that is the subject of request, either by address or tax parcel number.
3. State when and where the request will be considered.
4. Indicated when and where written comments will be received concerning the request.

The notice shall be in accordance with the Michigan Zoning Enabling Act, PA 110 of 2006, as amended.

ARTICLE XIV
ZONING BOARD OF APPEALS

The Zoning Board of Appeals shall consist of one (1) Planning Commission Member, one (1) Council Member and three (3) Property Owners. A concurring vote of a majority of the members of the Zoning Board of Appeals shall be required to reverse any order, requirement, decision or determination of the Zoning Administrator or to decide in favor of the applicant, any matter upon which it is required to pass under this Ordinance or to effect any variation of the Ordinance. The Zoning Board of Appeals shall be in accordance with the Michigan Zoning Enabling Act, 2006 PA 110, as amended.

SECTION 1— POWERS

The duties and powers of the Zoning Board of Appeals shall include the following:

- A. REVIEW:** To hear and decide upon appeal, any determination made by either the Planning Commission or the Zoning Administrator.
- B INTERPRET:** To hear and decide upon any request for the interpretation of the provisions of this Ordinance in compliance with the intent and purposes set forth in this Ordinance.
- C. VARIANCES:** To grant variances on appeal respecting any provision of this Ordinance if the same causes practical difficulties or undue hardship in confronting the strict letter of this Ordinance.

SECTION 2 — PROCEDURE

- A. ADOPTION OF PROCEDURES:** The Zoning Board of Appeals shall adopt rules governing its proceedings with the approval of the Planning Commission and the Village Council.
- B. WRITTEN REQUESTS:** All request for variances, appeals and special exceptions shall be filed with the Zoning Administrator and Village Clerk accompanied by the fee as set forth in Article X, Section 5 — Fee Schedule, to assist in defraying the cost of the applications.
- C. LIMITATION:** All appeals shall be made within thirty (30) days from the date of any decision constituting the basis for appeal. The Zoning Board of Appeals shall convene and hear the appeal within thirty (30) days of an administratively complete request for appeal being filed with the Zoning Administrator and the Village Clerk. An extension may be available per request made by the chairman of the Zoning Board of Appeals to the Village Council. The Board shall return its decision within thirty (30) days after the request or appeal has been heard.
- D. RESUBMISSION:** No application for a variance or special exception which has been denied shall be submitted within ninety (90) days from the last date of denial except on grounds of newly discovered evidence of proof of changed conditions.
- E. NOTICE:** A notice for a public hearing and notification of property owners shall be as set forth in Article XIII, Section 3 — Notice, and Michigan Zoning Enabling Act, Act 110 of 2006, as amended.

ARTICLE XV
USES SUBJECT TO SPECIAL APPROVAL, SPECIAL USE PERMITS
AND
SUPPLEMENTAL SITE DEVELOPMENT STANDARDS

SECTION 1— GENERAL REQUIREMENTS

Uses requiring special approval shall be subject to the general provisions of the residential and commercial zoning district as defined by the Village Zoning Ordinance 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 2 — USES SUBJECT TO SPECIAL APPROVAL

A. The applicant shall submit to the Planning Commission and the Village Council the necessary information and documents for their review and approval. The applicant shall address the items in this Section as well as the following as a minimum:

1. Site plan prepared under the requirements of Article XVI —Site Plans.
2. Name and address of applicant and owner of the premises.
3. Description of proposed use, including parking facilities, if required, and any exceptional traffic situation the use may occasion.
4. A statement by the applicant appraising the effect on the neighborhood.
5. The application shall be accompanied by the fee as set forth in Article X, Section 5 — Fee Schedule.

B. A public hearing shall be held by the Planning Commission for all special approval requests. The Village Clerk shall provide the notice of the special approval request and public hearing as required by the Michigan Zoning Enabling Act, Act 110 of 2006, as amended. The notice shall be given not less than 15 days before the date of the public hearing. The notice shall describe the nature of the special land use request, indicate the subject property, state when and where the request will be considered, and when and where the written comments will be received concerning the request. The notice shall meet the requirements of Article XIII, Section 3 — Notice, Zoning Ordinance.

C. Standards of Granting Special Approval:

Special approvals shall be based on the determination that the proposal complies with all applicable requirements of this Ordinance and the Zoning Ordinance, including Site Plan review criteria set forth in Article XVI-Site Plans, applicable site development standards for specific uses set forth in Section 3 of this Article and the following standards:

1. Compatibility with Adjacent Land Uses.

The proposed special land use shall be designed, constructed, operated and maintained to be compatible with uses on surrounding land. The site design of the proposed special land use shall minimize the impact of the site activity on the surrounding properties. In determining whether this requirement has been met, consideration shall be given to:

- a. The location and screening of vehicular circulation and parking areas in relation to surrounding development.

- b. The location and screening of outdoor storage, outdoor activity or work areas, and mechanical equipment in relation to the surround development.
- c. The hours of operation of the proposed use. Approval of a special land use may be conditioned upon operation within specified hours considered appropriate to ensure minimal impact on surrounding uses.
- d. The bulk, placement and materials of construction of the proposed use in relation to surrounding uses.
- e. Proposed landscaping and other site amenities. Additional landscaping over and above the requirements of this Ordinance may be required as a condition of approval of a special land use.

2. Compatibility with the Zoning Map

The proposed special land use shall be consistent with the general principles and objectives of the Village of Lake Ann Zoning Ordinance and Zoning Map.

3. Public Services

The proposed special land use shall be located so as to be adequately served by essential public facilities and services, such as highways, streets, emergency services, drainage systems, water and sewage facilities, unless the proposal contains an acceptable plan for providing necessary services or evidence that such services will be available by the time the special land use is established.

4. Impact of Traffic

The location of the proposed special land use within the zoning district shall minimize the impact of the traffic generated by the proposed use. In determining whether this requirement has been met, consideration shall be given to the following:

- a. Proximity and access to major thoroughfares.
- b. Estimated traffic generated by the proposed use.
- c. Proximity and relation to intersections.
- d. Adequacy of driver sight distance.
- e. Location of and access to off-street parking.
- f. Required vehicular turning movements.
- g. Provisions for pedestrian traffic.

5. Detrimental Effects

The proposed special land use shall not involve any activity, processes, materials, equipment, or conditions of operation, and shall not be located or designed so as to be detrimental or hazardous to persons, property or to public health, safety, and welfare. In determining whether this requirement has been met, consideration shall be given to the level of traffic noise, vibration, electrical interference, smoke, fumes, odors, dust, glare and light.

6. Economic Well-Being of the Community

The proposed special land use shall not be detrimental to the economic well-being of those who will use the land or residents, businesses, landowners, and the community as a whole.

7. Compatibility with Natural Environment

The proposed special land use shall be compatible with the natural environment and conserve natural resources and energy.

D. The Planning Commission and the Village Council may attach reasonable conditions when submitted to the Village Council for approval. These conditions may include those necessary to insure that public services and facilities affected by the proposed land use or activity, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Any condition imposed, however, shall meet all the following requirements:

1. Be designed to protect natural resources, the health, safety, and welfare and the social and economic well being of those who will use the land 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 uses or activity.

3. Be necessary to meet the intent and purpose of the Zoning Ordinance, be related to consideration, and be necessary to the standards established in this Ordinance for the land use or activity and to insure compliance with those standards.

E. The Zoning Administrator, or designee, shall have the right to periodically inspect any special approvals, to ensure continued compliance with the conditions of the special approvals.

F. A Special Use Permit issued by Zoning Administrator subsequent to Village Council approval shall expire one (1) year following the issuance, unless substantial construction has begun pursuant to the permit, or prior to the expiration of the permit the property owner applies for and receives an extension for no more than one (1) year from the Village Council upon a showing of good cause and that the zoning regulations applicable to the use authorized by the Special Use Permit have not substantially changed since the issuance of the original permit or the most recent extension of the permit.

If an approved Special Use Permit has expired and an extension of approval has not been obtained, a new application for the Special Use Permit shall be filed with the Planning Commission and the Village Council, as is required for any application for a Special Use Permit.

SECTION 3 — SUPPLEMENTAL SITE DEVELOPMENT STANDARDS

In addition to meeting the standards specified in Section 2, those permitted uses and uses allowed by Special Approvals enumerated in any zoning district, if included below, shall be subject to the following conditions and requirements:

A. Businesses with Drive — Through Services.

1. The main and accessory buildings shall be set back a minimum of forty (40) feet from any adjacent right-of-way line or residential property line.

2. There shall be provided, on the sides abutting or adjacent to a residential district, a six (6) feet, completely obscuring wall, fence or landscape screen, measured from the surface of the ground on the abutting residential district or use.

B. Common Use Lake or Stream Frontage Property

This section is intended to limit the number of users of the lake or stream frontage to preserve the quality of waters, and to preserve the quality of the recreational use of all waters abutting and in the Village of Lake Ann. The restrictions below shall apply to any parcel regardless of whether access to the water shall be gained by easement, common fee ownership, single fee ownership, condominium agreement or lease.

1. Any residential development which shares common lakefront frontage shall be in accordance with Article V, Section 2, B (5), of the Zoning Ordinance. As part of the special land use approval process the owner or applicant shall provide the Village Council with evidence that the limitation of residential density shall be included in the deed.
2. All waterfront common uses including parks, playgrounds and recreational areas shall be required to provide side yard buffer areas of at least twenty-five (25) feet and adequate to reduce the impacts of the common use lake access on the neighboring riparian properties. Natural shrubbery, trees and other vegetation shall be preserved as far as practicable, and where removed it shall be replaced with other vegetation that is equally or more effective in retarding run-off, preventing erosion and preserving the natural beauty.
3. The minimum requirements for parks, playground and recreational areas located in a residential area shall be as follows:
 - a. Hours of Use: No person shall remain upon the property between the posted closing times. The established opening and closing times will be posted.
 - b. Protection of Property: Destruction of buildings and other property shall be prohibited. No open fires or fire pits shall be allowed. Barbecue grills may be used.
 - c. Presence of Animals: It shall be unlawful for any person to bring domesticated animals to parks, playgrounds and recreational areas.
 - d. Restrictions Governing Parks, Playgrounds and Recreational Areas:
 - I) No person shall:
 - a) Possess any glass on any beach or in the water adjacent thereto.
 - b) Bring into, use or navigate any boat or other watercraft in the designated swimming area.
 - c) Camp in the parks, playgrounds or recreational areas.
 - d) Park vehicles overnight in the off-street parking lot.
 - e) Engage in any violent, abrasive, loud, boisterous, vulgar, obscene, or otherwise disorderly conduct tending to create a breach of the peace, or disturb or annoy a reasonable person using the parks, playgrounds and/or recreational areas or the adjacent residential areas.
 - f) Sell, use or have in their possession any drug or narcotics; the sale, use or possession of which is prohibited by State law.
 - g) Use a loudspeaker, public address system or amplifier within or upon the parks, playgrounds and recreational areas.
 - h) Fire, discharge or have in his or her possession any rocket, firecracker, torpedo, squib, or other fireworks or any substance of an explosive nature within or upon any park, playground and recreational area.

- i) Throw, cast, drop or discharge into or leave in waters any substance, matter or thing, liquid or solid which may or shall result in the pollution of the lake water.
 - j) Possess or consume any alcoholic liquor such as any spirituous, vinous, malt, or fermented liquor, liquids and compounds, whether or not medicated, proprietary, patented, and by whatever name called, containing V2 of 1% or more or alcohol by volume which are fit for use for beverage purposes within a park, playground and recreational area.
 - k) Peddle or solicit business of any nature whatsoever, post unauthorized signs on any lands, water, or structures.
 - l) At any time bring into or upon the parks, playgrounds or recreational areas, nor have in his or her possession, nor discharge, or set off any where upon said properties, a revolver, pistol, shotgun, rifle, air gun, water gun or any gun, rifle, firearm or bow or other weapon that discharges projectiles either by air, explosive substance or any other force, provided, however, this does not apply to any deputy sheriff, police officer, peace officer or other fully appointed law enforcement officer while carrying out the duties and responsibilities of his or her position.
 - m) Place refuse in a refuse container unless the refuse originates from the property usage.
 - n) Use skate boards, roller blades, or roller skates in the parking lots, hard surface courts, or on the sidewalks and steps.
- e. Provide Adequate Off-street Parking: The parking lot shall be hard-surface with plant mixed bituminous material or equivalent. All entrances to the off-street parking lot shall be equipped with gates.

C. Gasoline Service Station

- I. A gasoline service station building shall be located no less than forty (40) feet from the street right-of-way, and no less than twenty-five (25) feet from the side lot line of an adjoining property.
2. No ingress or egress to a gasoline service 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.
3. The entire lot, excluding those areas occupied by a building or landscaped areas, shall be hard-surfaced with concrete or a plant mixed bituminous material.
4. 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 ingress and egress to and from the adjoining street, and so that no portion of the vehicle while it is stopped for service shall overhang onto a sidewalk, curb, street or public right-of-way.
5. When adjoining residential property, screening shall be provide parallel to the property line of such residential property as required by Article V, Section 3, M. Fences, of the Zoning Ordinance. All masonry walls shall be protected by a fixed curb or other barrier to prevent vehicular contact.

6. All outside storage areas for trash and similar items shall be enclosed by an obscuring wall at least five (5) feet high.
7. The sale of used or new vehicles, including trailers or recreational vehicles on the premises, is prohibited.
8. The property on which the gasoline service station is located shall be no closer than five hundred (500) feet from a hospital, library, museum, public or private school, playground, church or park.
9. All lighting shall comply with Article VII, Section 13-Outdoor Lighting, of the Zoning Ordinance.
10. On a corner lot, both street frontage sides shall conform to all applicable front yard regulations of this Ordinance and the Zoning Ordinance.
11. The facility shall obtain and comply with all State of Michigan licenses and permits for operation.

D. Auto Repair Facility

1. When adjoining residential property, screening shall be provided parallel to the property line of such residential property as required by Article V, Section 3, M-Fences, of the Zoning Ordinance. All masonry walls shall be protected by a fixed curb or other barrier to prevent vehicular contact.
2. All outside storage areas for trash, used tires, auto parts and similar items shall be enclosed by an obscuring wall at least five (5) high, Outside storage or parking of disabled, wrecked or partially dismantled vehicles shall be allowed for a period not to exceed fifteen (15) days.
3. All lighting shall comply with Article VII, Section 13-Outdoor Lighting.
4. On a corner lot, both street frontage sides shall conform to all applicable front yard regulations of this Ordinance.
5. All lubrication equipment, hydraulic hoists and pits shall be enclosed within a building.
6. The facility shall obtain and comply with all State of Michigan licenses and permits for operation.

E. Manufactured Home Developments

Manufactured home developments shall be permitted in the Residential District-RA, after a review by the Planning Commission and a public hearing by the Village Council, provided the following conditions are satisfied:

1. Manufactured home developments for the location of three (3) or more manufactured or mobile dwelling, units shall be developed pursuant to the requirements of The Mobile Home Commission Act, Public Act 96 of 1987, and shall be licensed by the State of Michigan according to the Act.
2. Internal roads in manufactured housing developments shall have access to a public thoroughfare or be connected to such road by a permanent easement, shall be hard

surface, and shall follow additional requirements of Manufactured Housing Commission Rules 920 923. Each home site shall be provided with two (2) parking spaces. A minimum of one (1) additional parking space for every three (3) home sites for visitor parking shall be provided within five hundred (500) feet of the home sites. Additional parking requirements per Manufactured Housing Commission Rules 925 - 926 shall be followed.

3. The layout of the manufactured home development and included facilities shall be in accordance with acceptable planning and engineering practices and shall provide for the convenience, health, safety and welfare of the residents.
4. An obscuring wall or fence, four to six (4-6) feet in height or a landscape screen not less than four (4) feet in height shall be provided on all sides of the manufactured home development, with the exception of that portion providing ingress and egress from the development. The wall or fence shall also be in accordance with Article V, Section 3, M-Fences, of the Zoning Ordinance.
5. Units shall be attached to a Michigan Manufactured Housing Commission approved foundation or basement and anchoring system, and shall be installed according to manufacturer's setup instructions.
6. Manufactured or mobile dwelling units shall be placed in such a manner as to provide minimum safe distances on all sides from neighboring units and other structures, according to the Manufactured Housing Commission Rules 941 and 944.
 - a. Recreation and/or Open Space
A manufactured home development that contains fifty (50) or more home sites shall have not less than two percent (2%) of the development's gross acreage designated as open space, but not less than twenty-five thousand (25,000) square feet. Such area (including accompanying equipment) shall be developed and maintained by the management to provide safe and healthful recreation for residents of the development.
 - b. Any yard areas and open spaces shall be maintained in a clean, presentable condition at all time.

F. Outdoor Sales Facilities

1. Lighting should be installed in compliance with Article VII, Section 13-Outdoor Lighting, of the Zoning Ordinance.
2. Parking area shall be provided on-site so as to prevent on-street parking.

G. Sand and Gravel Excavation

1. 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 per acre of topsoil, sand, clay and gravel or similar material, or to use lands for filling within the Village of Lake Ann without first submitting a site plan and procuring approval from the Village Council.
2. A separate site plan approval will not be required for excavation or fill activities associated with the 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.

3. 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 Article XVI, Site Plan, a site plan prepared under this section shall also include:
 - a. Names and addresses parties interested in said premises setting forth their legal interest in said premises.
 - b. Full legal description of the premises where operations are proposed.
 - c. 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.
 - d. Detailed statement as to exactly what type of material is proposed to be extracted or deposited.
 - e. Proposed method of filling excavation and/or other means to be used to allow for the reclamation of lands to a usable purpose.
 - f. Such other information as may be reasonably required by the Village Council to base an opinion as to whether the site plan should be approved or disapproved.
4. Where in the opinion of the Village Council, there is a reasonable danger involved for persons and property, adequate fencing and other measures may be required to insure the health, safety and general welfare of the Village of Lake Ann residents.
5. Reclamation of mined or excavated areas.
 - a. Earth removal, quarrying, gravel processing and mining shall be considered temporary uses. Mined or excavated sites shall be reclaimed properly and in a timely fashion.
 - b. A performance guarantee shall be posted with the Village of Lake Ann Treasurer to cover the estimated costs of reclamation. "Performance guarantee" as used herein shall mean a cash deposit, certified check, or irrevocable bank letter of credit, acceptable to the Village of Lake Ann, in the amount of the estimated cost of reclamation. It shall be subject to review and adjustment by the Village council at the end of twelve (12) months, and thereafter at two (2) year intervals.
 - c. Reclamation shall be completed as agreed upon by the Village council and applicant in an approved development site plan.
 - d. Inactivity at a site for a continuous twelve (12) month period shall constitute termination of mining activity and require that site reclamation commence and be completed.
 - e. Upon the failure of any operator to perform reclamation of the mining site in a proper and timely manner as agreed to in the approved site plan, the performance guarantee shall be forfeited. The Village of Lake Ann Council shall use the funds to cover the cost of restoring the site and administrative costs incurred in so doing.
6. Standards controlling reclamation

- a. Excavated areas shall not collect stagnant water.
- b. Surface of such area which is not intended to be permanently submerged shall be graded or back-filled with non-noxious, non-flammable and non-combustible solids as necessary to produce a surface that will minimize wind and water erosion, and which will be generally compatible with the adjoining land areas.
- c. The banks of all excavations shall be sloped to the waterline in a water-producing excavation and to the pit floor in a dry operation at a slope which shall not be steeper than one (1) foot vertical to three (3) feet horizontal.
- d. Vegetation shall be restored within one (1) year by the appropriate planting of indigenous grasses, trees, or shrubs to establish a permanent vegetative cover on the land surface and to minimize erosion.
- e. Maintenance:
 - 1) Slopes and surfaces shall be maintained as agreed in the development site plan.
 - 2) Erosion areas shall be filled and the surface restored.
 - 3) All unhealthy and dead plant material shall be replaced within one year of damage or death, or at the next appropriate planting period, whichever comes first.
- f. Reclamation plans shall follow the standards detailed for the most appropriate use(s) allowed by this Ordinance.
- g. Future uses shall conform with uses indicated in the Village of Lake Ann Zoning Ordinance and Zoning Map or as approved in the Development Site Plan.

H. Telecommunication Tower and Alternative Tower Structure

- 1. Purpose: The purpose of this section is to establish general guidelines for the location of wireless telecommunications, alternative tower structures and antennas. The Village of Lake Ann Council recognizes that it is in the public interest to permit the location of wireless telecommunication towers, alternative tower structures and antennas within the Village. The Village also recognizes the need to protect scenic beauty of the Village of Lake Ann from unnecessary and unreasonable visual interference and that wireless telecommunication towers, alternative tower structures and antennas may have negative aesthetic impacts upon adjoining and neighboring uses. As such, this Ordinance seeks to:
 - a. Protect residential areas from potential adverse impacts from towers and antennas;
 - b. Encourage the location of towers in nonresidential areas;
 - c. Minimize the total number of towers throughout the community;
 - d. Encourage the joint use of new and existing tower sites rather than the construction of additional towers;

- e. Encourage developers of towers and antennas to configure them in a way that minimizes their adverse visual impact;
- f. Enhance the ability of providers of telecommunication services to provide such services to the community quickly, effectively, and efficiently;
- g. Consider the public health and safety of telecommunication towers and alternative tower structures; and
- h. Avoid potential damage to adjacent property from tower failure.

2. Application: The applicant must demonstrate that no existing tower, alternative tower structure or alternative technology not requiring the use of towers or alternative tower structures can accommodate the applicant's proposed antenna. An applicant shall submit information requested by the Village Council related to the availability of suitable existing towers, other alternative towers or alternative technology. Evidence submitted to demonstrate that no existing tower, or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:

- a. No existing towers or alternative structures are located within the geographic area which meets the applicant's engineering requirements.
- b. Existing towers or alternative tower structures are not of sufficient height to meet applicant's engineering requirements.
- c. Existing towers or alternative tower structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
- d. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or alternative tower structures, or the antenna on the existing towers or alternative tower structures would cause interference with the applicant's proposed antenna.
- e. The fees, costs, or contractual provisions required by the owner in order to share an existing tower or alternative tower structure or to adapt an existing tower or alternative tower structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
- f. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
- g. The applicant demonstrates that an alternative technology that does not require the use of towers or alternative tower structures, such as a cable micro cell network using multiple low-powered transmitters/receivers attached to a wire line system is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.

3. Setbacks: The following setback requirements shall apply to all towers for which a

special use permit is required; provided, however, that the Village Council may reduce the standard setback requirements if the goals of this Ordinance would be better served thereby:

- a. Towers must be setback a distance equal to at least seventy-five (75) percent of the height of the tower from any adjoining lot line.
 - b. Guys and accessory buildings must satisfy the minimum zoning district setback requirements.
4. Security Fencing: Towers and attendant accessory structures shall be enclosed by security fencing not less than six (6) feet in height and shall also be equipped with an appropriate anti-climbing device; provided however, that the Village Council may waive any such requirements, as it deems appropriate.
5. Landscaping: The following requirements shall govern the landscaping surrounding towers for which a special use permit is required; provided however, that the Village Council may waive such requirements if the goals of this Ordinance would be better served thereby:
- a. Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from property used for residences. The standard buffer shall consist of a landscaped strip at least four (4) feet wide outside the perimeter of the compound.
 - b. In locations where the visual impact of the tower would be minimal, the landscaping requirements may be reduced or waived.
 - c. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such towers sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer.
6. State or Federal Requirements: All towers must meet or exceed current standards and regulation of the FAA, the FCC and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, the owners of the towers and antennas governed by this Ordinance shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the towers and antennas at the owner's expense.
7. Aesthetics: Towers and antennas shall meet the following requirements:
- a. Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.
 - b. At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.

- c. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
 - d. Where a feasible alternative exist, towers, alternative tower structures and supporting structures shall not utilize a power source which generates noise able to be heard by a person of normal aural acuity at adjoining property lines or public property; however, this section shall not be construed as limiting the use of temporary generators or similar devices used to create power during periods of interruption of the primary power source.
8. Lighting: Towers shall not be artificially lighted unless required by the FAA or other applicable authority. If lighting is required, the lighting alternative and design chosen must cause the least disturbance to the surrounding views.
 9. Compliance with Codes: Antennas and metal towers shall be grounded for protection against a direct strike by lightening and shall comply as to electrical connections and wiring and as to structural integrity with all applicable state and local building codes and the applicable standards for towers published by the Electronic Industries Association, as amended from time to time.
 10. Interference with Residential Reception: Towers shall be located so that they do not interfere with television and radio reception to neighboring residential areas.
 11. Signs: No signs other than signs required pursuant to federal, state, or local law or ordinance shall be allowed on an antenna or tower.
 12. Spacing-Towers: Towers shall be located no closer than one (1) mile from an existing telecommunication tower or alternative tower structure, as measured in a straight line between the base of the existing tower and proposed base of the proposed tower.
 13. Spacing-Residences: A tower shall not be located within two hundred (200) feet or three hundred (300) percent of the height of the tower, whichever is greater, of a single family or multiple family dwelling unit, church, school, or other structure normally used and actually used for the congregation of persons. Distance for the purpose of this section shall be measured from the base of the tower structure to the lot line of the single family or multiple family dwelling unit, church, school or other structure normally used and actually used for the congregation of persons.
 14. Removal of Abandoned Antennas and Towers: Any antenna or tower that is not operated for a continuous period of nine (9) months shall be considered abandoned, and the owner of such antenna or tower shall remove the same within ninety (90) days of receipt from the Village notifying the owner of such abandonment . Along with removal, the owner shall restore the site of the antenna or tower to its original condition prior to location of the antenna or tower subject to reasonable wear and tear. Failure to remove an abandoned antenna or tower within ninety (90) days shall be grounds to remove the tower and antenna at the owner's expense. If there are two (2) or more users of a single tower, then this provision shall not be effective until all users cease using the tower. The Village Council may require the applicant to file a bond equal to the reasonable cost of removing the tower, antenna, alternative tower structure or other supporting structure(s) as a condition of a special approval given pursuant to this section.

I. Sexually Oriented Business.

General Requirements

- 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 one thousand (1,000) feet of any parcel zoned Residential District — RA.
- c. No sexually oriented business shall be established on a parcel within one thousand (1,000) feet of any residence, park, school, child care organization, or place of worship, or other sexually oriented business. This distance shall be measured in a straight line from the nearest property line upon which the proposed sexually oriented business is to be located to the nearest property line of the residence, school, child care organization, place of worship, or other sexually oriented business.
- d. The proposed use shall conform to all specific density and setback regulations of the zoning district in which it is located.
- e. The proposed use must meet all applicable written and duly promulgated standards of the Village of Lake Ann 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 the 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."
 - 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 for sale or gift, shall be displayed so as to be visible from the nearest adjoining roadway or neighboring property.
- j. Hours of operation shall be limited to 8:00 AM to 12:00 MIDNIGHT.
- k. All off-street parking 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) Is handicap accessible to the extent required by the Americans with Disabilities Act.
- 2) Is 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 of wattage of no less than 25 watts.
- 5) Has no holes or openings in any side or rear walls.
- 6) Not have a detrimental affect on property values.

2. Review Procedures for Sexually Oriented Businesses

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

- a. 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 filling fee, the applicant may resubmit the amended application for review by the Planning Commission for completeness.
- b. If the Planning Commission determines that the application is complete, it shall send the complete application to the Village Council. The Village Council 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 Article XV, Sections 1 and 2. If the Village Council 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. Only upon approval, whether by the Village Council or upon automatic approval after the lapse of sixty (60) days as provided herein, the application shall be reviewed by the Village Council. The Village Council will follow the review procedures as outlined in subparagraph a and b. Upon approval, whether by the Village Council or upon automatic approval after the lapse of sixty (60) days as provided herein, a special use permit may be issued by the Zoning Administrator.
- c. Prompt judicial review of adverse determination: If the Village Council 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 Village Council, or designee. The Village of Lake Ann shall within five (5) business days of the receipt of such written notice do the following:
 - 1) File a petition in the Circuit Court for the County of Benzie 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 of Lake Ann Zoning Ordinance.

- 2) Request that the application for issuance of a preliminary injunction be set for a show-cause hearing within five (5) 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 of Lake Ann 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 Village Council'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.

ARTICLE XVI
SITE PLANS

SECTION 1— PURPOSE

It is the purpose of this Article to specify standards and data requirements that shall be followed in the preparation of a Site Plan for Uses Subject to Special Approval and Planned Unit Developments as required by the Zoning Ordinance. Site Plans for Land Use Permits are specified in Article X, Section 3-Land Use Permit, in the Zoning Ordinance. Site Plans for Site Condominium Projects are specified in Article IX.

SECTION 2 — DATA REQUIRED FOR SITE PLANS

Site Plans that require the Planning Commission and the Village Council review and approval must comply with the requirements of this Section. All Site Plans shall be prepared in accordance with the following requirements:

- A. All Site Plans shall be drawn at a scale of at least one (1) inch equals fifty (50) feet or one (1) inch equals twenty (20) feet for land under five (5) acres with the scale proportional to the size of the project showing the maximum detail on one (1) or more sheets of paper measuring not more than twenty-four (24) by thirty-six (36) inches and shall include plan preparation and revision dates, a graphic scale, north arrow, and a location map. Existing topographic elevations at two (2) foot contour intervals shall be shown on the site plan. The location map, at a smaller scale, shall depict the proposed development site, section lines and numbers, and major roadways indicating the relationship of the site to the surrounding land use.
- B. The applicant's name, address and telephone number and the property owner's name, address and telephone number, if different than that of the applicant.
- C. A survey of the property showing property line dimensions and bearings, and easements of record, required setbacks, and a written description.
- D. Notation of all federal, state and local permits required.
- E. Bear the seal of the responsible licensed professional engineer, land surveyor, or registered landscape architect.
- F. Location of existing natural features such as, but not limited to, vegetation, streams, lakes, and ponds, wetlands, etc. on site or adjacent to and within one-hundred (100) feet. The location of stands of trees and individual trees, apart from the stands of trees having a caliper of eight (8) inches or greater, measure red four (4) feet above grade, with an indication as to which will be retained and which will be removed or altered by earth changes.
- G. Location and dimensions of existing structures within one hundred (100) feet of the site including notations as to which on-site structures will be retained and which will be removed or altered.
- H. Location and dimensions of proposed structures, including building elevations and a foot print showing the outline of the proposed structure(s).
- I. Location and dimensions of existing public right-of-way (including paving material), private roads, or access easements of record.

- J. Location and dimensions of proposed right-of way, driveways, parking spaces, maneuvering lanes, loading areas, and sidewalks. Proposed traffic control measures and proposed street names shall also be indicated.
- K. Location of existing and proposed utilities, well, sewers, septic fields, storm drains, as well as any easements that exist or are proposed to be established for the installation, repair, or maintenance of utilities.
- L. Location and dimensions of exterior drains, dry wells, catch basins, retention and /or detentions areas, sumps, and other facilities designed to collect, store or transport storm water or wastewater as well as point of discharge. Proposed grades of any retention and detention facilities, and site drainage pattern at a minimum of two (2) foot intervals. Written documentation prepared by a registered civil engineer indicating that the peak rate of storm water runoff after development will not exceed the peak rate of storm water runoff occurring before development for a storm with a one hundred (100) year frequency and twenty-four (24) hour duration.
- M. Proposed location of signs, trash receptacles, light fixtures, and any other accessory structures and uses. Location, height, and orientation of all signs.
- N. Typical straight cross-section including slope, height, and width of any berms and type of ground cover, and height and type of construction of any wall or fence including footings.
- O. Existing and proposed parking serving the site, including any improvements (paving, striping, landscaping) which are contemplated.
- P. Existing and proposed sidewalks, landscaping and other site amenities.
- Q. Any required screening walls or landscape buffers between the use and the adjacent properties. Appropriate fencing may be required around the boundaries of the proposed development if deemed necessary to minimize or prevent trespassing or other adverse effects on adjacent properties.
- R. Existing and proposed site ingress and egress.
- S. Dimensions and number of proposed lots or condominium units or lots.

Any other information deemed necessary to determine if the proposed Site Plan conforms to the requirements of this Ordinance.

ARTICLE XVII
PRIVATE ROAD AND RELATED STANDARDS

SECTION 1-APPLICABILITY

All private roads, alleys or streets in the Village shall comply with the following standards whether servicing parcels resulting from land divisions, subdivision lots or lots in a condominium subdivision.

SECTION 2 - DEFINITIONS

PRIVATE ROAD: An area of land not owned or maintained by the public used for ingress and egress to and from land.

PUBLIC ROAD: An open way for passage or travel under Village dedication and maintenance.

SECTION 3 — LAND USE PERMIT REQUIRED

A private road or public road is considered a structure as defined under Article III of this Ordinance. Prior to commencing construction of any private road, a person shall apply for a land use permit. The Planning Commission shall review a Private Road Site Plan in accordance with the requirements of Site Plan Review as set forth in Article XVI of this Zoning Ordinance. If all of the requirements of this Article are met, along with any other applicable section of this Zoning Ordinance, or of other applicable law, the Planning Commission shall recommend that a land use permit for road construction be issued. The Zoning Administrator shall issue the Land Use Permit after obtaining the proper paperwork and fee.

SECTION 4 — GENERAL APPLICATION

This Article shall only apply to any private road created or extended after the effective date of this Article, and this Article shall correspondingly only apply to any lot or parcel created by a land division, plat or site condominium created after the effective date of this Article. If an existing private road is to be extended, the new portion shall comply with the standards in this Article. The provisions of this Article shall not apply to access roads internal to any individual lot, parcel, or tract of land which has direct frontage access and is under the control of one person, firm, corporation, association, or other entity, provided that the access road does not provide access to any abutting lot, parcel, or tract of land.

SECTION 5 — RIGHT-OF-WAY WIDTH

The minimum width of the rights-of-way for all private roads shall be based on the number of lots or parcels served. The number of lots or parcels to be served and the right —of-way width shall be as follows:

<u>Number of Lots or Parcels</u>	<u>Right-of-Way,width</u>
1 to 4	33 feet
5 to 15	48 feet
16 or more	66 feet

The right-of-way may be a dedicated road, easement access, or common areas dedicated to lot owners. The right-of-way document shall include express utilities provisions and shall be recorded with the Benzie County Register of Deeds, and it shall be a document running with the land.

SECTION 6 — ROADWAY SURFACE WIDTH

All private roadway surfaces shall be developed with the following minimum width based on the number of lots or parcels to be served and shall be located within the established right-of-way.

<u>Number of Lots or Parcels</u>	<u>Roadway Surface Width</u>
1 to 4	12 feet
5 to 15	18 feet
16 or more	24 feet

SECTION 7 — ROADWAY SURFACE CONSTRUCTION

Private roads servicing four (4) or less lots or parcels shall have, at minimum, a six (6) inch gravel surface constructed with 22A aggregate, and a sub surface consisting of eighteen (18) inches of Michigan Department of Transportation (MDOT) Class 2 sand.

Private roads servicing five (5) or more lots or parcels shall be paved and shall be constructed in accordance with the Standards and Specifications for Subdivisions, Site Condominiums and Other Development Project approved by the Benzie County Road Commission.

SECTION 8 — CONNECTION TO COUNTY ROADS

Construction authorization from the Benzie County Road Commission is required for connection to a County road. When applicable, a permit is also required from the County under the Soil Erosion and Sedimentation portion of PA 451 of 1994, part 91, as amended.

SECTION 9 — DESIGN REQUIREMENT

The Private Road Site Plan shall be prepared by a Registered Professional Engineer. The road design and construction plan shall be reviewed by the Village Engineers for compliance with the Village regulations at the applicant's expense as per the Fee Schedule.

SECTION 10 — ROAD LAYOUT

A. All existing roads that terminate at the boundaries of a proposed development shall be connected . The street layout in any proposed development shall be designed so that all future adjacent developments shall be connected. Enforceable agreements and provisions for the joint maintenance of existing and proposed roads shall be incorporated into any subdivision, property-owners association or condominium documents. All connection roads shall be provided by easement or dedication.

B. Suitable access must be maintained for an isolated parcel previously dependent on the property to be served by the private road for sole access to existing public roads. Such access must be provided by easement or dedication.

C. The layout of roads shall provide as much as possible for a continuous circuit for travel. In special cases where the lands to be divided are limited in area or are subject to a natural barrier, the Village Council may approve a dedication which provides access to another road at one end only if an engineered designed cul-de-sac right-of-way is provided at the terminus of the road to permit turning in a continuous circuit.

SECTION 11— ROAD NAMES

All private roads shall have road names approved by the Planning Commission after consultation with the Benzie County Equalization Department. The developer/proprietor shall furnish and erect road name signs at all intersections within the project and entrances thereto to assist in the location of the property by emergency vehicles. The design and color of the road name sign shall be white lettering on a blue background.

SECTION 12 - SIGNS

Traffic control signs shall be placed in accordance to the Michigan Manual of Uniform Traffic Control Devices. Signs marked "Private Road" shall be erected and maintained by the Proprietor, Developer or the Home Owners Association at the entrance to all private roads.

SECTION 13 - UTILITIES

Adequate utility easements shall be provided within or adjacent to the right-of-way and dedicated to the public for sewer, water, gas, electric, telephone and cable use. All utilities shall be underground in accordance with Article III, Section 14 of the Ordinance.

SECTION 14 — JOINT MAINTENANCE AGREEMENT

A proposed easement and road maintenance agreement shall be provided with the Private Road Site Plan. The easement and road maintenance agreement shall provide as a minimum:

- a. Majority vote rules regarding road maintenance and improvement decisions.
- b. The owner of each parcel will be responsible for payment of the share of costs apportioned to his or her parcel.
- c. The owners shall have standing and the right to commence legal or equitable action against a delinquent parcel owner or parcel owners to foreclose a lien or otherwise collect the sums owed.
- d. The agreement shall be recorded and shall run with the land and bind and benefit the parcels, and the owners thereof, in perpetuity.
- e. The owner or owners of the land served by the road shall provide for the requirement to grade, drain, and otherwise maintain the private road including the road name sign, and emergency service access, in accordance with public agency requirements.

- f. A statement that the owners are aware that the road will not be maintained by the Benzie County Road Commission, Michigan Department of Transportation or the Village of Lake Ann. As such, the roadway will be private, and the Road Commission, Department of Transportation or the Village shall have no obligation to maintain the road in any manner.

The easement and road maintenance agreement shall be reviewed and approved by the Zoning Administrator and the Village Attorney for compliance with the Village regulations at the applicant's expense per the Fee Schedule. Following approval of the Zoning Administrator and the Village Attorney when required, the agreement shall be recorded with the Benzie County Register of Deeds.

SECTION 15 — ROAD FRONTAGE AND LAND USE PERMITS FOR STRUCTURES

All parcels of land or lots created by a land division, platted subdivision, and site condominium subdivision, or other means, after the effective date of this Article must front upon either a public road or private road which meets the requirements of this Article. A land use permit for a structure or building shall not be issued until the private road has been constructed in accordance with its Site Plan as approved under this Article, or unless the structure fronts upon an approved public road.

ARTICLE XVIII
MEDICAL USE OF MARIJUANA

SECTION 1 - INTENT AND PURPOSE

With the enactment of the Michigan Medical Marijuana Act (hereafter referred to as the "MMMA"), Initiated Law 1 of 2008, MCL 333.26423 et seq, and its administrative rules, 8.333.101, the purpose of this section is to implement land use regulations to address the medical use of marijuana in accordance with the MMMA.

SECTION 2 — DEFINITIONS

ENCLOSED, LOCKED FACILITY: That term as defined in Section 3 of Initiated Law 1 of 2008, as amended (Michigan Medical Marijuana Act), being MCL 333.26423.

MARIJUANA or MARIHUANA: That term as defined in Section 7160 of Act No. 368 of the Public Acts of 1978, as amended (Michigan Public Health Code), being MCL 333.7106.

MEDICAL USE: That term as defined in Section 3 of Initiated Law 1 or 2008, as amended (Michigan Medical Marijuana Act), being MCL 333.26423.

PRIMARY CAREGIVER: That term as defined in Section 3 of Initiated Law 1 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.

PRIMARY CAREGIVER FACILITY: A building in which the activities of a primary caregiver are conducted.

QUALIFYING PATIENT: That term as defined in Section 3 of Initiated Law 1 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, and includes the parents or legal guardians of a qualifying patient under the age of 18 who are serving as the primary caregiver as required by the Michigan Medical Marijuana Act exclusively for that qualifying patient under the age of 18.

SECTION 3 - REGULATIONS FOR 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 residential use of the property and can be established without a zoning permit in any zoning district, but shall be subject to the following regulations:

1. The qualifying patient must be issued and at all times 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.

2. 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.

3. If a room with windows within the dwelling or accessory building is utilized to grow marijuana for medical use, 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.

SECTION 4 - 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 accessory building in any zoning district, provided that the following regulations are met:

1. 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 the MMMA.

2. The primary caregiver must obtain a Land Use Permit under Article X of this Zoning Ordinance.

3. Except when being transported as provided in subsection 9 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.

4. If a room with windows within the dwelling or accessory building is utilized to grow marijuana for medical use, 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.

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

6. Except for any qualifying patient who reside with the primary caregiver at the dwelling, no more than three (3) 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.

7. Qualifying patient visits to a dwelling or accessory building in which a primary caregiver is providing primary caregiver services to qualifying patients shall be for purposes other than receiving medical marijuana and shall be restricted to between the hours of 9:00 a.m. and 5:00 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.

8. No qualifying patients under the age of eighteen (18) 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.
9. 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 (off-site from the dwelling or accessory building in which a primary caregiver is providing primary caregiver services) 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 a qualifying patient shall be packaged so the public cannot see or smell the marijuana.
10. 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.
11. A dwelling or an accessory building in which a primary caregiver is providing primary caregiver services to 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 parent or guardian, except when the qualifying patient resides with the primary caregiver at the dwelling, and except when the qualifying patients visits are for purposes 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.
12. A dwelling or an accessory building in which a primary caregiver is providing primary caregiver services to qualifying patients shall not have any signage that would indicate the nature of the primary caregiver services being conducted in the dwelling.
13. A dwelling or an accessory building in which a primary caregiver is providing primary caregiver services to qualifying patients shall not be located within 1,000 feet of the lot on which primary caregiver services are being provided to qualifying patients in any other dwelling or accessory building and shall not be located within 1,000 feet of a lot on which any of the following uses are located:

- a. Any church or place of worship and its accessory structures.
 - b. Any public or private school, having a curriculum including kindergarten through grade twelve and its accessory structures.
 - c. Any preschool, child care or day care facility and its accessory structures.
 - d. Any public facility, such as libraries, museums, parks, playgrounds, public beaches, community centers, and other public places where children may congregate.
14. The portion of the dwelling or accessory building in which a 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 Benzie County.

SECTION 5 — RELATIONSHIP TO FEDERAL LAW

Nothing within this section is intended to grant, nor shall it be construed as granting, immunity from federal law.

It is the responsibility of the **PERMIT HOLDER** to call for a **SITE INSPECTION** by the Village Zoning Administrator a minimum of **TWO (2) WORKING DAYS** prior to pouring the footings. All required property lines must be staked by a registered surveyor. All building stakes must be in place with clear offset markings.

Jim Sturmer @ 231-620-0600

A \$400.00 FEE WILL BE ASSESSED FOR FAILURE TO MAKE NOTIFICATION PRIOR TO FOOTING/FOUNDATION CONSTRUCTION.

CONSTRUCTION STARTED PRIOR TO ISSUANCE OF A LAND USE PERMIT SHALL BE ASSESSED UP TO A \$500.00 FEE AND MAY BE SUBJECT TO ADDITIONAL PENALTIES AS ALLOWED BY LAW.

LAND USE PERMIT APPLICATION

VILLAGE OF LAKE ANN

PARCEL NUMBER: 10-01- _____ - _____ - _____

PROPERTY ADDRESS: _____

SITE CONDO/SUBDIVISION: _____

LOT/UNIT NUMBER: _____ SECTION: _____ T _____ R

ZONING DISTRICT: _____

PROPERTY OWNER: PLEASE PRINT

ADDRESS: _____

CITY: _____ STATE: _____ ZIP: _____

PHONE: _____ CELL PHONE: _____

FAX: _____

CERTIFICATON OF OWNERSHIP: TAX RECEIPT

REGISTERED DEED

AGENT and/or BUILDER: PLEASE PRINT

COMPANY NAME: _____

ADDRESS: _____

CITY: _____ STATE: _____ ZIP: _____

PHONE: _____ CELL PHONE: _____

FAX: _____ LICENSE NUMBER: _____

LIABILITY INSURANCE CERTIFICATE REQUIRED WHEN WORKING IN RIGHT OF WAY

TYPE OF CONSTRUCTION: PLEASE CIRCLE ONLY ONE

SINGLE FAMILY

MULTIPLE FAMILY

COMMERCIAL

NEW

NEW

NEW

ALTERATION

ALTERATION

ALTERATION

ADDITION

ADDITON

ADDITION

DETACHED GARAGE

DETACHED GARAGE

DETACHED GARAGE

DECK, PORCH or FENCE

DECK, PORCH or FENCE

DECK, PORCH or FENCE

STORAGE BUILDING

STORAGE BUILDING

STORAGE BUILDING

DRIVEWAY

DRIVEWAY

DRIVEWAY

OFF STREET PARKING

OFF STREET PARKING

OFF STREET PARKING

CONVERSION of USE

CONVERSION of USE

CONVERSION of USE

DEMOLITION

DEMOLITION

DEMOLITION

OTHER

OTHER

OTHER

A site plan is **REQUIRED** as part of this application. The site plan **MUST** include the following:

- E Dimensions of the parcel drawn to a scale of not less than 1"= 20'
- E All building envelope setback lines; front, side and rear yard
- E All existing buildings and proposed structures
- E Distances from all property lines to existing and proposed structures
- E All existing and proposed improvements on the property, including; driveway, off street parking, well, septic, lighting, fencing, signage, percent of lot coverage, etc.
- E All encroachments and easements, if any
- E Location and name of all roads and alleys abutting the property, developed or not
- E North arrow and scale

The following Benzie county permits, when needed, are required **BEFORE** a LUP application can be processed;

Health Department, Well Permit # _____ Date of issue: _____

Health Department, Septic Permit # _____ Date of issue: _____

Soil Erosion Permit # _____ Date of issue: _____

MI DEQ Permit # _____ Date of issue: _____

I hereby certify that I am the owner of record for the above referenced property and that all information set forth or attached hereto is accurate, complete and truthful to the best of my knowledge.

OWNER SIGNATURE

Date:

(Required, or agents letter of authorization signed by the owner of the property)

AGENT/ BUILDER SIGNATURE _____ **Date:** _____

For Village Zoning Administrator Use Only

Fee: _____ Check # _____ Cash: _____ Receipt # _____

LUP # _____ Issued: _____ Date: _____

Denied: _____ Date: _____

Reason for denial:



ZBA application requested: Yes No Date:

Zoning Ordinance requested: Yes No Date: _____ Fee:

INSTRUCTIONS FOR OBTAINING A LAND USE PERMIT

VILLAGE of LAKE ANN

PO Box 61 Lake Ann, MI 49650

The elected Council for the Village of Lake Ann has appointed Jim Sturmer as Zoning Administrator to administer the current Village Zoning Ordinance, as amended, and to issue Land Use Permits for conforming land uses within the Village. The Zoning Administrator may be reached at 231.620.0600.

A copy of the current Village Zoning Ordinance may be purchased for \$25.00 from the Zoning Administrator or Clerk of the Village. All construction must comply with local, township, county, State and Federal ordinances.

Construction or authorized land use **SHALL NOT** commence prior to the issuance of a Land Use Permit. The Land Use Permit shall be posted in a manner visible from the street. Notification shall be made to the Zoning Administrator a minimum of two working days prior to pouring the footings. All required property lines must be staked by a registered surveyor*. All building corner stakes must be in place and clearly marked. The footings must correspond to the submitted and approved site plan. Deviations from the approved site plan will void the original application and fee, requiring a new application and fee. Failure to provide proper notice prior to pouring the footings, or deviation from the approved site plan, will result in an immediate stop work order and an additional \$400.00 fee assessment. Failure to obtain a Land Use Permit prior to construction shall result in an immediate stop work order, the assessment of an additional fee up to \$500.00, and may be subject to additional penalties as allowed by law.

The applicant **MUST** obtain the following permits prior to the processing of the Land Use Application:

1. Benzie/Leelanau District Health Department – Well and/or Septic Permit; Tom Fountain (231) 882-4409 fax (231) 882-2204 6501 Frankfort Highway Suite 100, Benzonia, MI 49616

2. Soil Erosion Permit – Benzie County Building Department; Steve Houghton (231)882-9674

448 Court Place PO Box 377 Beulah, MI 49617-0377 A soil erosion permit is required if the proposed project is;

- A. within 500 feet of a lake, stream or wetland
- B. grading of land area greater than one acre in size
- C. sites with 10% or greater slopes
- D. all commercial work
- E. roads associated with a land division.

3. Michigan Department of Environmental Quality (231) 775-7937 120 W. Chapin St. Cadillac, MI 49601

For any project at the waters edge, wetlands, shoreline protection, etc.

Village Land Use Permit Application components

- 1. A completed application – rev 3/15
- 2. The original signature of the owner of the property, OR an agents letter of authorization signed by the owner of the property.
- 3. A complete and accurate site plan
- 4. A staked survey of the property by a registered land surveyor. *NOTE: This requirement may be waived by the Zoning Administrator provided the owner or owners agent can demonstrate actual property corners by definition of existing survey markers placed by a registered land surveyor embedded in the ground and flagged by the applicant.
- 5. Payment of the prescribed fee at the time of application.
- 6. A certificate of liability insurance for any work within the right of way of a Village street or alley.

The Zoning Administrator shall review the information submitted for completeness and determine compliance with the Village Zoning Ordinance, as amended. If the application and site plan meet the requirements, a Land Use Permit shall be issued within three business days.

If the proposed land use does not comply with the Village Zoning Ordinance, as amended, the applicant shall be informed, in writing, that the Land Use Application does not comply. Each applicable section of the Ordinance shall be referenced in corresponding with the applicant. The applicant may request a hearing before the Zoning Board of Appeals upon filling out a variance application and paying the prescribed fee.

AFTER a land use permit is issued, where applicable, the owner or owners agent shall obtain all necessary Construction Code Permits: Building, Plumbing, Electrical, Mechanical, from the Benzie County Building Department 448 Court Place PO Box 377 Beulah, MI 49617 (231) 882-9673 fax (231) 882-0033

FEE SCHEDULE
 VILLAGE OF LAKE ANN
 PO Box 61
 Lake Ann, MI 49650

ALL PERMIT FEES ARE NON-REFUNDABLE

LAND USE PERMITS

SINGLE FAMILY

NEW	\$ 50.00
ALTERATION	\$ 40.00
ADDITION	\$ 40.00
DETACHED GARAGE	\$ 40.00
DECK, PORCH, or FENCE	\$ 30.00
STORAGE BUILDING <200 sq. ft.	\$ 50.00
DRIVEWAY	\$ 25.00
OFF STREET PARKING	\$ 25.00
CONVERSION of USE	\$ 75.00
DEMOLITION	\$ 40.00
PRIVATE ROAD	\$ 30.00
MEDICAL MARIJUANA	\$100.00
OTHER	\$

determined by council

Land use permits that are complete, correct, and compliant with the Zoning Ordinance are issued by the Zoning Administrator within three business days during regular business hours. Appointments for review and aid in completing the application are available by calling the Zoning Administrator. Inspection of the property is required after issuance of the Land Use Permit, after the footings are dug and prior to pouring. It is the responsibility of the applicant to contact the Zoning Administrator two working days prior to pouring footings.

MULTIPLE FAMILY – per unit

USE SINGLE FAMILY SCHEDULE, PER UNIT

COMMERCIAL

NEW	\$100.00
ALTERATION	\$ 75.00
ADDITION	\$ 75.00
DETACHED GARAGE	\$ 75.00
DECK, PORCH or FENCE	\$ 50.00
STORAGE BUILDING < 200 sq.ft.	\$100.00
DRIVEWAY	\$100.00
OFF STREET PARKING	\$125.00
CONVERSION of USE	\$275.00
DEMOLITION	\$100.00
PRIVATE ROAD	\$ 50.00
OTHER	\$ determined by council

REGULAR MEETING FEES*

CONDITIONAL LAND USE / SITE PLAN REVIEW (PC & Village Council)	\$800.00
SPECIAL LAND USE PERMIT (PC & Administrative review)	\$400.00
SITE PLAN REVIEW (Planning commission review)	\$200.00
SITE PLAN REVIEW (Administrative review)	\$ 50.00
REZONING - TEXT and/or MAP AMENDMENT	\$900.00
LAND DIVISIONS (per parcel)	\$ 50.00
SUBDIVISION or SITE CONDOMINIUM	\$900.00
PLANNED UNIT DEVELOPMENT	\$900.00
SHORT TERM RENTALS / SITE PLAN REVIEW (PC review)	\$150.00
SPECIAL MEETINGS (if approved by Council)	\$500.00
ZONING BOARD OF APPEALS – Residential	\$100.00
ZONING BOARD OF APPEALS – Commercial	\$350.00

*Fees include the publication of the legal notice, postage to mail notices to adjacent property owners, wages of the Board or Commission for the hearing, legal council review/opinion and recording of any conditions. Amounts in excess of the fee will be billed to the petitioner. In the event the Village anticipates, at the time of submission of an application, that additional fees will be required, it will require payment in advance for the estimated additional fees for expenses which may be incurred in the processing of an application. Estimated additional fees shall be accounted for by the Village, and unexpended or encumbered balances rebated to the applicant within a reasonable time after a determination regarding the issuance of a permit.

VILLAGE of LAKE ANN
P.O. Box 61
Lake Ann, Michigan 49650

SPECIAL LAND USE PERMIT APPLICATION

Date: _____

Applicant: _____

Address: _____

Project Name: _____

Address: _____

Tax ID Number: _____

Description of Proposed Use: _____

Current Zoning: _____

Proposed building lot coverage: _____

Open to public: _____ Hours of Operation: _____

Number of Employees: _____

Number of Off Street Parking Spaces: _____

Assessment of Impact on Neighborhood: _____

VILLAGE of LAKE ANN
P.O. Box 61
Lake Ann, Michigan 49650

APPLICATIONS REQUIRING A SPECIAL LAND USE PERMIT AND/OR SITE PLAN APPROVAL SHALL CONFORM TO THE REQUIREMENTS OF THE VILLAGE OF LAKE ANN ZONING ORDINANCE. A PUBLIC HEARING BEFORE THE PLANNING COMMISSION IS REQUIRED AND WILL BE SCHEDULED FOLLOWING A DETERMINATION BY THE ZONING ADMINISTRATOR THAT THE SPECIAL LAND USE PERMIT APPLICATION IS COMPLETE AND MEETS THE REQUIREMENTS OF THE VILLAGE OF LAKE ANN ZONING ORDINANCE.

PUBLIC HEARING NOTICES REGARDING REQUESTS FOR SPECIAL LAND USE PERMIT/SITE PLAN APPROVAL WILL BE SENT TO RESIDENTS AND PROPERTY OWNERS WITHIN 300 FEET OF THE SITE INVOLVED IN THE REQUEST AND NOTICES WILL BE POSTED IN THE VILLAGE KIOSK AND PUBLISHED IN A NEWSPAPER OF LOCAL DISTRIBUTION. THE OPINIONS AND CONCERNS OF RESIDENTS AND ADJACENT PROPERTY OWNERS ARE TAKEN INTO CONSIDERATION BY THE PLANNING COMMISSION DURING THE COURSE OF THE PUBLIC HEARING.

REGULAR MEETINGS OF THE PLANNING COMMISSION ARE HELD EVERY OTHER MONTH ON THE FIRST TUESDAY AT 6:00 P.M. IN THE ALMIRA TOWNSHIP HALL.

THE FINAL DECISION TO ISSUE A SPECIAL LAND USE PERMIT VESTS WITH THE VILLAGE OF LAKE ANN VILLAGE COUNCIL UPON RECOMMENDATION BY THE VILLAGE OF LAKE ANN PLANNING COMMISSION.

REGULAR MEETINGS OF THE VILLAGE COUNCIL ARE HELD EVERY MONTH ON THE SECOND TUESDAY AT 7:00 P.M. IN THE ALMIRA TOWNSHIP HALL.

I, _____, hereby declare that the statements herein are true and complete, to the best of my knowledge and properly represent the purpose and intent of the declared use. I also declare that, by making this application, the undersigned grants all officials, staff and consultants of the Village of Lake Ann access to the subject property as required to assess site conditions in support of a determination as to zoning ordinance compliance.

(Signature of Applicant)

(Date)

APPLICATION FOR APPEAL
Village of Lake Ann
Benzie County, Michigan

PLEASE PRINT OR TYPE (Use back of application if more space is needed.)

I/We _____ of _____
_____ hereby appeal to the Zoning Board of Appeals the decision
of the Zoning Administrator, on application no. _____, dated _____
whereby the zoning administrator denied the application for a land use permit for the
following reasons:

Address of property involved: _____

Legal Description: _____

Provision(s) of the zoning ordinance appealed. (Indicate the article, section, subsection, and paragraph of the of the zoning ordinance being appealed, by number. (Do not quote the ordinance.) _____

TYPE OF APPEAL:

REVIEW: To hear and decide upon appeal any determination made by either the planning board or the Zoning Administrator.

INTERPRET: To hear and decide upon any requests for the interpretation of the provisions of this Ordinance in compliance with the intent and purposes set forth in this Ordinance.

VARIANCES: To grant variances on appeal respecting any provision of this ordinance if the same causes practical difficulties or undue hardship in conforming with the strict letter of this Ordinance.

REASONS FOR APPEAL: _____

Dated: _____

Fee Received: _____

Appellant(s): _____

Signature(s)

Zoning Administrator: _____

Signature

**ARTICLE XII
SPECIAL EXCEPTIONS AND VARIANCES**

SECTION 1-SPECIAL EXCEPTIONS

Special exceptions, as used herein, shall refer to such uses as require permission of the Zoning Board of Appeals. On application, supplementing an application for a zoning permit, the Zoning Board of Appeals may grant a permit for such uses as are specified in the schedule of use regulations as requiring Zoning Board of Appeals permit. A special exception may be allowed by the Zoning board of Appeals only upon finding that the proposal meets the

following criteria:

- A. That the practical difficulties are due to unique circumstances and not to general neighborhood conditions.
- B. That the practical difficulties are not self imposed.
- C. That the practical difficulties are more than mere inconvenience or inability to obtain a higher financial return.
- D. That the involved land use would be allowed without a variance in the respective zoning district.

Village of Lake Ann

Petition for Zoning Change

Owner/Applicant Information: (please type or print clearly)

Name: _____ Telephone: _____

Mailing Address: _____

Note: Applications pertaining to property being sold under Land Contract must include seller as a party to the application.

A. Property Information:

1. Address of property and general location (street address, landmark, etc.)

2. Complete legal description of property in question (attach additional pages, if needed)

3. Zoning change requested: Presently zoned _____ Proposed zoning _____

4. Deed Restrictions: The property in question has the following deed restrictions which affect its use (state restrictions and the affect they will have):

5. Existing Land Use (state the use on and surrounding the property in question):

6. Proof of ownership shall be established by one of the following means: title policy or commitment, abstract or attorney's opinion of title.

7. Four (4) copies of a site plan drawn to scale (1" = 100') shall be attached to this application showing both existing zoning boundaries and those proposed. The site plan should include dimensions, location and size of building and structures, required setbacks, roads and the location, size and number of off-street parking spaces proposed. All plans shall be in compliance with the Village of Lake Ann Zoning Ordinance, as amended.

B. Affidavit: The undersigned affirms that he/she/they is/are the _____ (owner, lessee, interested party) involved in this petition, and that the foregoing answers, statements, and information herein are in all respects true and correct, to the best of their knowledge.

Signed: _____ Phone: _____

Address: _____ Date: _____

Village Use/Official Action

Fee Tendered: _____ Application Number. _____ Date Received: _____

Date of Public Hearing: _____ Action Taken: _____

Village of Lake Ann

PO Box 61
Lake Ann, MI 49650

PETITION for VACATION of STREET or ALLEY

We the undersigned do hereby petition the Lake Ann Village Council for the purpose of permanently closing and vacating the right of way of:

_____ Street or Alley

Between _____
Adjoining Streets.

Plat of _____

Property Owner _____ Tax ID #
signature

Property Owner _____ Tax ID #
signature

Property Owner _____ Tax ID #
signature

Property Owner _____ Tax ID #
signature

Property Owner _____ Tax ID #
signature

Property Owner _____ Tax ID #
signature

Property Owner _____ Tax ID #
signature

Property Owner _____ Tax ID #
signature

The above signed owners of record with an interest in this Right of Way do hereby understand and agree to reimburse the Village of Lake Ann for actual expenses associated with the vacation of the above referenced Street or Alley. Typical expenses include survey and monumentation, adjustment of legal descriptions, publishing and recording fees, legal research, staff time, notice to the following; Benzie County Equalization, Almira Township Assessor, the State of Michigan Plat Division, Benzie County Road Commission, and other necessary local and State agencies.

Village of Lake Ann

PO Box 61
Lake Ann, MI 49650

PETITION for OPENING STREET or ALLEY

We the undersigned do hereby petition the Lake Ann Village Council for the purpose of permanently Opening the right of way of:

_____ Street or Alley

Between _____
_____ Adjoining Streets

Plat of _____

Property Owner _____ Tax ID # _____
signature

Property Owner _____ Tax ID # _____
signature

Property Owner _____ Tax ID # _____
signature

Property Owner _____ Tax ID # _____
signature

Property Owner _____ Tax ID # _____
signature

Property Owner _____ Tax ID # _____
signature

Property Owner _____ Tax ID # _____
signature

Property Owner _____ Tax ID # _____
signature

The above signed owners of record with an interest in this Right of Way do hereby understand and agree to reimburse the Village of Lake Ann for actual expenses associated with the opening of the above referenced Street or Alley. Typical expenses include survey and monumentation, adjustment of legal descriptions, publishing and recording fees, legal research, staff time, notice to the following; Benzie County Equalization, Almira Township Assessor, the State of Michigan Plat Division, Benzie County Road Commission, and other necessary local and State agencies.

Village of Lake Ann
P.O. Box 61, Lake Ann, MI 49650
SIGN PERMIT APPLICATION

Parcel Number 10-01- _____

Property Address: _____

Applicant Name (Please Print) _____

Address: _____

Owner Name(Please Print) _____

Address: _____

Type of Sign: _____
Commercial _____ Real Estate Entry _____ Real Estate Development _____

of Signs Applying For: _____

Sign Dimensions:
Sign Face: _____ height _____ width

Sign Height Above Grade _____ Ft.

Total Sign Area: _____ Sq. Ft.

Permanent _____

Temporary _____ No. of Days: _____

Fee: \$ 1.00 per sq. ft. (Minimum \$ 20.00) _____

Need to include ALL of the following with the application:

- Site Plan with setbacks
- Drawing of Sign with ALL dimensions
- Description of business and purpose of sign

All applications are to be complete before a permit will be issued. Once application with all information is submitted there is a 3 day review period.

Applicant's Signature: _____ Date: _____

For Village Zoning Administrator Use Only

Fee: _____ Check #: _____ Cash: _____ Receipt #: _____

Date Issued: _____

Village of Lake Ann
P.O. Box 61, Lake Ann, MI 49650
SIDEWALK CONSTRUCTION PERMIT APPLICATION

Parcel Number 10-01- _____

Property Address: _____

Applicant Name (Please Print) _____

Address: _____

Owner Name (Please Print) _____

Address: _____

Construction Specifications:

Concrete: Strength — 3,500 pounds per square inch (psi) after 28 days. Thickness: Not less than four (4) inches.
Width: Match existing or not less than five (5) feet wide.

The application shall be complete before a permit will be issued. Once application with all information is submitted, there is a 3 day review period.

Applicant's Signature: _____ Date: _____

For Village Zoning Administrator Use Only

Fee: \$ 25.00 Check #: _____ Cash: _____ Receipt #: _____

Date Issued: _____

Zoning Administrator

Village of Lake Ann
P.O. Box 61
Lake Ann, Michigan 49650

ZONING ORDINANCE VIOLATION
COMPLAINT FORM

NATURE OF VIOLATION: _____

DATE: _____

TIME OF DAY: _____

DURATION: _____

WITNESSES, IF ANY: _____

ADDRESS OF COMPLAINTANT: _____

SIGNATURE OF COMPLAINTANT:

.....

For Zoning Administrator use

Date received: _____

Action taken: _____

Volunteer Waiver of Liability

Thank you for working today. We greatly appreciate your assistance and commitment to the preservation of our community. Our insurance policy requires that we have an accurate record of all volunteers. This is an annual form whereby you agree to release the Village of Lake Ann, a local unit of government of all liability while working as a volunteer for the community.

This form is in effect for one year from the signing date.

This Release and Waiver of Liability (the "Release") executed on this ___ day of _____ 20 ____, by _____ (the "Volunteer") in favor of the Village of Lake Ann, a local unit of government, its elected and appointed officials, employees and agents.

The Volunteer desires to work as a volunteer for the Village of Lake Ann and engage in the Activities related to being a volunteer (the "Activities"). The Volunteer understands that the Activities may include work along street right of ways, work in Burnett Park, various cleanup and beautification programs instituted by the Recreational Resources/Volunteer committee, participating in special events or other Activities sanctioned by the Village of Lake Ann and approved by the Village council. The volunteer agrees to wear the Village provided safety vest during all volunteer Activities/events and return same to the Village event coordinator.

The Volunteer hereby freely, voluntarily, and without duress executes this Release under the following terms:

Release and Waiver: Volunteer does hereby release and forever discharge and hold harmless the Village of Lake Ann, its successors and assigns from any and all liability, claims, and demands of whatever kind or nature, either in law or in equity, which arise or may hereafter arise from Volunteer's Activities with the Village of Lake Ann.

Volunteer understands that this Release discharges the Village of Lake Ann from any liability or claim that the Volunteer may have against the Village of Lake Ann with respect to any bodily injury, illness, death, or property damage that may result from the Volunteer's Activities with the Village of Lake Ann, whether or not caused by the negligence of the Village of Lake Ann, its elected and appointed officials, employees, or agents. Volunteer also understands that the Village of Lake Ann does not assume any responsibility for, or obligation to provide, financial assistance or other assistance, including but not limited to medical, health, or disability insurance in the event of injury or illness.

Medical Treatment: Volunteer does hereby release and forever discharge the Village of Lake Ann from any claim whatsoever which arises or may hereafter arise on account of any first aid, treatment, or service rendered in connection with the Volunteer's Activities with the Village of Lake Ann.

Assumption of Risk: The Volunteer understands that the Activities include work that may be hazardous to the Volunteer, including, but not limited to, cleanup, loading and unloading, transportation and any other such Activities sanctioned by the Village of Lake Ann village council.

Volunteer hereby expressly and specifically assumes the risk of injury or harm in the Activities and releases the Village of Lake Ann from all liability for injury, illness, death, or property damage resulting from the Activities.

Volunteer Waiver of Liability

Insurance: The Volunteer understands that the Village of Lake Ann does not carry or maintain health, medical, or disability insurance for any Volunteer. **Each Volunteer is expected and encouraged to obtain his or her own medical or health insurance coverage.**

Photographic Release: Volunteer does hereby grant and convey unto the Village of Lake Ann all rights, title and interest in any and all photographic images and video or audio recordings made by the Village of Lake Ann during the Volunteer's Activities with the Village of Lake Ann including, but not limited to, any royalties, proceeds, or other benefits derived from such photographs or recordings.

Other: Volunteer expressly agrees that this Release is intended to be as broad and inclusive as permitted by the laws of the State of Michigan and that this Release shall be governed by and interpreted in accordance with the laws of the State of Michigan. Volunteer agrees that in the event that any clause or provision of this Release shall be held to be invalid by any court of competent jurisdiction, the invalidity of such clause or provision shall not otherwise affect the remaining provisions of this Release which shall continue to be enforceable.

IN WITNESS WHEREOF, Volunteer has executed the Release as of the day and year first above written.

Volunteer Name (Print) _____

Volunteer Signature _____

Today's Date _____

Volunteer Address _____

Phone Number _____ **E-Mail** _____

******* Volunteer under age 18, parent or legal guardian must sign *******

Parent Signature _____ **(age 18 or under)**

In case of emergency, please contact:

Name _____

Phone number _____

Relationship _____

Village of Lake Ann
P.O. Box 61
Lake Ann, Michigan 49650

APPLICATION
OUTDOOR ENTERTAINMENT VENUE

For the year ending December 31, _____

Applicant: _____

Address: _____

Phone number: _____

Emergency contact and phone number: _____

Business location: _____

Type of entertainment: _____

Frequency: _____

Hours of operation: _ _____

Capacity: _____

Other permits (if required): Health
department Liquor control _____
commission Fire _____
department _____
Special use permit _____

Fee: _____

Signature of applicant:
Signature of owner:
(if different than applicant) _____

Date: _____

For Village use only
Date reviewed: _____ By: _____
Determination: _____
Fee paid: _____ Page 1

Village of Lake Ann
P.O. Box 61
Lake Ann, Michigan 49650

COMMERCIAL ACTIVITY FEE SCHEDULE
Article VI

Special Use Permit:	\$400.00
New construction:	\$100.00
Alteration:	\$ 75.00
Addition:	\$ 75.00
Detached garage:	\$ 75.00
Deck/Porch/Fence:	\$ 50.00
Storage<200 sq.ft.	\$100.00
Driveway:	\$100.00
Off street parking:	\$125.00
Conversion of use:	\$275.00
Demolition:	\$100.00
Private road:	\$ 50.00
Board of appeals:	\$350.00
Re-zoning:	\$900.00
Site plan review:	\$200.00
Sidewalk permit:	\$ 25.00
Sign permit:	\$ 50.00
Sidewalk café:	\$100.00 Annual
Outdoor entertainment:	\$200.00 Annual
Special events:	\$200.00 Per event
Unlisted:	\$ as determined by Village Council

Section 4. Other requirements

Parking: Allowed in side/rear yards, 1 space /400 sq. ft. floor area.
Allowance given for public parking spaces along street frontage.

Screening: All commercial properties abutting residential properties shall provide for a physical or vegetative screen that is a minimum of 6 feet in height and a maximum of 10 feet in height along the common border between the uses. All dumpster or waste collection bins shall be placed in the side or rear yards and screened from general observation.

Sidewalk cafes: Allowed by application for an annual special permit with fee to be determined by the Village council; for uses with outdoor seating or temporary display areas, a minimum of 4 feet of sidewalk along the curb and leading to the entrance of any establishment shall be maintained. Pedestrian circulation and access to any building entrance shall not be impaired by tables, chairs and other encumbrances.

Menu boards may be utilized provided they do not exceed 6 square feet in size. Outdoor seating shall be limited to 25% of the approved indoor seating with a maximum of 8 outdoor seats unless approved under the special permit criteria.

Outdoor entertainment: Music and other entertainment shall be allowed by application for an annual special permit with fee to be determined by the Village council; between the hours of 11:30 am and 10:30 pm.

Special events: Events requiring the use of Village streets and/or park shall first be reviewed by the Planning Commission with final determination by the Village council. Application, fee and special requirements shall be completed before submission to the Planning Commission for their review and recommendation to the Village council.

Sidewalk: All sidewalks shall comply with the Village sidewalk ordinance.

Lighting: All lighting shall comply with the Village dark sky ordinance.
Lighting that is considered to be legal, non-conforming shall be brought into compliance with any change of use for the property.

Signage: All signage shall comply with the Village signage ordinance. Signs which are considered to be legal, non-conforming shall be brought into compliance with any change of use for the property. Signage application, fee and permit are required.

Drainage: All storm water generated shall be retained on the property.

Other permits: nothing in this ordinance shall relieve the property owner from obtaining all other necessary permits for the approved use, including, but not limited to Health Department, County Building department, ATF, State of Michigan agencies, etc.

**Village of Lake Ann
P.O. Box 61
Lake Ann, Michigan 49650**

**APPLICATION
SIDEWALK CAFE VENUE**

For the year ending December 31, _____

Applicant: _____

Address: _____

Phone number: _____

Emergency contact and phone number: _____

Business location: _____

Type of business: _____

Frequency: _____

Hours of operation: _____

Capacity: _____

Other permits (if required):

Health department _____

Liquor control commission _____

Fire department _____

Special use permit _____

Fee: _____

Signature of applicant:

Signature of owner:
(if different than applicant) _____

Date: _____

For Village use only

Date reviewed: _____ By: _____

Determination: _____

Fee paid: _____

**Village of Lake Ann
P.O. Box 61
Lake Ann, Michigan 49650**

SIDEWALK CAFÉ PERMIT AND INDEMNIFICATION AGREEMENT

The Village of Lake Ann (hereinafter called the Village) hereby permits _____ Lake Ann, Michigan the authority to utilize a portion of the public sidewalk adjacent to the front of their business establishment on _____, Lake Ann, Michigan for an outdoor café area from January 1, 20 to December 31, 20.

The sidewalk café operation will leave a clear and unencumbered area of not less than four (4) feet in width from the building line on the sidewalk for the safe and efficient passage of pedestrian traffic. Tables, chairs, food carts, trash receptacles and/or grills may be interchangeable pursuant to the proposed site plan.

Eating areas shall be provided with trash receptacles of an adequate number to service the sidewalk grill. The property owner/operator of the establishment shall keep the area clean and free of all paper, trash, refuse and debris.

No outdoor advertising will be permitted on any structures, tables or umbrella-type shades that may be utilized in conjunction with the outdoor café with the exception of such signage as allowed by the Village zoning ordinance.

Outdoor cooking and the sale of food is subject to any applicable Michigan Department of Public Health and State fire code regulations.

The applicant hereby indemnifies the Village and its elected and appointed officials, employees and agents and agrees to hold them harmless from, indemnify them for and defend them from any liability for loss, damage, injury or casualty to persons or property including all costs of defense arising out of any act or omission of, or condition created by, the applicant.

The applicant shall furnish the Village a certificate indicating that the applicant has been issued an Occurrence Insurance policy against damages in the minimum amount of one Million Dollars (\$1,000,000.) per occurrence for bodily injury (including death). Such certificate must show the Village as a certificate holder and as an additional insured and shall provide that the coverage may not be terminated without 30 days prior written notice to the Village. Such insurance must provide coverage for the Village and its officers, employees and agents for any occurrence during the term of the permit. Upon request, the applicant shall also provide the Village with a copy of the insurance policy (ies).

A permit fee in the amount of one hundred dollars (\$100.00) or the then current fee as approved by the Village Council shall be paid at the time the permit is issued.

The sale or consumption of alcoholic beverages, beer, wine and spirits SHALL NOT be permitted in the sidewalk café area under this permit.

Materials used in conjunction with the outdoor café, including tables, chairs, food carts, trash receptacles, etc. shall be fully and completely removed from the sidewalk and kept elsewhere when the café is not in operation.

The Village Council reserves the right to revoke this permit or adopt a resolution and/or ordinance with additional regulations modifying hours of operation, lighting, noise or other aspects of sidewalk café operations throughout the duration of this permit.

For Village use only

Date reviewed: _____ By: _____

Determination: _____

Fee paid: _____ Page 2

Village of Lake Ann
P.O. Box 61
Lake Ann, Michigan 49650

COMMERCIAL ACTIVITY FEE SCHEDULE
Article VI

Special Use Permit:	\$400.00
New construction:	\$100.00
Alteration:	\$ 75.00
Addition:	\$ 75.00
Detached garage:	\$ 75.00
Deck/Porch/Fence:	\$ 50.00
Storage<200 sq.ft.	\$100.00
Driveway:	\$100.00
Off street parking:	\$125.00
Conversion of use:	\$275.00
Demolition:	\$100.00
Private road:	\$ 50.00
Board of appeals:	\$350.00
Re-zoning:	\$900.00
Site plan review:	\$200.00
Sidewalk permit:	\$ 25.00
Sign permit:	\$ 50.00
Sidewalk café:	\$100.00 Annual
Outdoor entertainment:	\$200.00 Annual
Special events:	\$200.00 Per event
Unlisted:	\$ as determined by Village Council

Section 4. Other requirements

Parking: Allowed in side/rear yards, 1 space /400 sq. ft. floor area.

Allowance given for public parking spaces along street frontage.

Screening: All commercial properties abutting residential properties shall provide for a physical or vegetative screen that is a minimum of 6 feet in height and a maximum of 10 feet in height along the common border between the uses. All dumpster or waste collection bins shall be placed in the side or rear yards and screened from general observation.

Sidewalk cafes: Allowed by application for an annual special permit with fee to be determined by the Village council; for uses with outdoor seating or temporary display areas, a minimum of 4 feet of sidewalk along the curb and leading to the entrance of any establishment shall be maintained. Pedestrian circulation and access to any building entrance shall not be impaired by tables, chairs and other encumbrances.

Menu boards may be utilized provided they do not exceed 6 square feet in size. Outdoor seating shall be limited to 25% of the approved indoor seating with a maximum of 8 outdoor seats unless approved under the special permit criteria.

Outdoor entertainment: Music and other entertainment shall be allowed by application for an annual special permit with fee to be determined by the Village council; between the hours of 11:30 am and 10:30 pm.

Special events: Events requiring the use of Village streets and/or park shall first be reviewed by the Planning Commission with final determination by the Village council. Application, fee and special requirements shall be completed before submission to the Planning Commission for their review and recommendation to the Village council.

Sidewalk: All sidewalks shall comply with the Village sidewalk ordinance.

Lighting: All lighting shall comply with the Village dark sky ordinance. Lighting that is considered to be legal, non-conforming shall be brought into compliance with any change of use for the property.

Signage: All signage shall comply with the Village signage ordinance. Signs which are considered to be legal, non-conforming shall be brought into compliance with any change of use for the property. Signage application, fee and permit are required.

Drainage: All storm water generated shall be retained on the property.

Other permits: nothing in this ordinance shall relieve the property owner from obtaining all other necessary permits for the approved use, including, but not limited to Health Department, County Building department, ATF, State of Michigan agencies, etc.

**Village of Lake Ann
P.O. Box 61
Lake Ann, Michigan 49650**

**APPLICATION
SPECIAL EVENT**

Applicant: _____

Address: _____

Phone number: _____

Emergency contact and phone number: _____

Date of event: _____

Name of event: _____

Event location: _____

Type of event: _____

Duration: _____

Hours of event: _____

Number of attendees: _____

Special requirements: _____

Other permits (if required):

Health department _____

Liquor control commission _____

Fire department _____

Special use permit _____

Site plan review _____

Fee: _____

Signature of applicant: _____

Date: _____

For Village use only

Date reviewed: _____ By: _____

Determination: _____

Fee paid: _____

**Village of Lake Ann
P.O. Box 61
Lake Ann, Michigan 49650**

SPECIAL EVENT PERMIT AND INDEMNIFICATION AGREEMENT

The Village of Lake Ann (hereinafter called the Village) hereby permits _____, Lake Ann, Michigan the authority to utilize _____ for an outdoor event commonly known as _____, subject to the following terms and conditions:

The event operation will leave a clear and unencumbered area of not less than four (4) feet in width on the sidewalks for the safe and efficient passage of pedestrian traffic. Tables, chairs, vendor booths, games, entertainment, food carts, trash receptacles and/or grills may be interchangeable pursuant to the proposed site plan.

Eating areas shall be provided with trash receptacles of an adequate number to service the event. The event operator shall keep the area clean and free of all paper, trash, refuse and debris. Temporary bathroom facilities shall be provided to accommodate the expected number of attendees.

No outdoor advertising will be permitted on any structures, tables or umbrella-type shades that may be utilized in conjunction with the event with the exception of such signage as allowed by the Village zoning ordinance.

Outdoor cooking and the sale of food is subject to any applicable Michigan Department of Public Health and State fire code regulations.

The applicant hereby indemnifies the Village and its elected and appointed officials, employees and agents and agrees to hold them harmless from, indemnify them for and defend them from any liability for loss, damage, injury or casualty to persons or property including all costs of defense arising out of any act or omission of, or condition created by, the applicant.

The applicant shall furnish the Village a certificate indicating that the applicant has been issued an Occurrence Insurance policy against damages in the minimum amount of one Million Dollars (\$1,000,000.) per occurrence for bodily injury (including death). Such certificate must show the Village as a certificate holder and as an additional insured and shall provide that the coverage may not be terminated without 30 days prior written notice to the Village. Such insurance must provide coverage for the Village and its officers, employees and agents for any occurrence during the term of the permit. Upon request, the applicant shall also provide the Village with a copy of the insurance policy (ies).

A permit fee in the amount of two hundred dollars (\$200.00) or the then current fee as approved by the Village Council shall be paid at the time the permit application is made.

The sale or consumption of alcoholic beverages, beer, wine and spirits SHALL NOT be permitted under this permit.

Materials used in conjunction with the event, including banners, tables, chairs, food carts, trash receptacles, etc. shall be fully and completely removed by the event organizer from village property and kept elsewhere at the close of the event.

The Village Council reserves the right to revoke this permit or adopt a resolution and/or ordinance with additional regulations modifying hours of operation, lighting, noise or other aspects of event operations throughout the duration of this permit.

For Village use only

Date reviewed: _____ By: _____

Determination: _____

Fee paid: _____ Page 2

Village of Lake Ann
P.O. Box 61
Lake Ann, Michigan 49650

COMMERCIAL ACTIVITY FEE SCHEDULE
Article VI

Special Use Permit:	\$400.00
New construction:	\$100.00
Alteration:	\$ 75.00
Addition:	\$ 75.00
Detached garage:	\$ 75.00
Deck/Porch/Fence:	\$ 50.00
Storage<200 sq.ft.	\$100.00
Driveway:	\$100.00
Off street parking:	\$125.00
Conversion of use:	\$275.00
Demolition:	\$100.00
Private road:	\$ 50.00
Board of appeals:	\$350.00
Re-zoning:	\$900.00
Site plan review:	\$200.00
Sidewalk permit:	\$ 25.00
Sign permit:	\$ 50.00
Sidewalk café:	\$100.00 Annual
Outdoor entertainment:	\$200.00 Annual
Special events:	\$200.00 Per event
Unlisted:	\$ as determined by Village Council

Section 4. Other requirements

Parking: Allowed in side/rear yards, 1 space /400 sq. ft. floor area.
Allowance given for public parking spaces along street frontage.

Screening: All commercial properties abutting residential properties shall provide for a physical or vegetative screen that is a minimum of 6 feet in height and a maximum of 10 feet in height along the common border between the uses. All dumpster or waste collection bins shall be placed in the side or rear yards and screened from general observation.

Sidewalk cafes: Allowed by application for an annual special permit with fee to be determined by the Village council; for uses with outdoor seating or temporary display areas, a minimum of 4 feet of sidewalk along the curb and leading to the entrance of any establishment shall be maintained. Pedestrian circulation and access to any building entrance shall not be impaired by tables, chairs and other encumbrances.

Menu boards may be utilized provided they do not exceed 6 square feet in size. Outdoor seating shall be limited to 25% of the approved indoor seating with a maximum of 8 outdoor seats unless approved under the special permit criteria.

Outdoor entertainment: Music and other entertainment shall be allowed by application for an annual special permit with fee to be determined by the Village council; between the hours of 11:30 am and 10:30 pm.

Special events: Events requiring the use of Village streets and/or park shall first be reviewed by the Planning Commission with final determination by the Village council. Application, fee and special requirements shall be completed before submission to the Planning Commission for their review and recommendation to the Village council.

Sidewalk: All sidewalks shall comply with the Village sidewalk ordinance.

Lighting: All lighting shall comply with the Village dark sky ordinance.
Lighting that is considered to be legal, non-conforming shall be brought into compliance with any change of use for the property.

Signage: All signage shall comply with the Village signage ordinance. Signs which are considered to be legal, non-conforming shall be brought into compliance with any change of use for the property. Signage application, fee and permit are required.

Drainage: All storm water generated shall be retained on the property.

Other permits: nothing in this ordinance shall relieve the property owner from obtaining all other necessary permits for the approved use, including, but not limited to Health Department, County Building department, ATF, State of Michigan agencies, etc.

VILLAGE OF LAKE ANN
VILLAGE OF LAKE ANN JUNK ORDINANCE

ORDINANCE NO. 2009 — 03

AN ORDINANCE TO REGULATE AND CONTROL THE STORAGE AND DISPOSAL OF JUNK WITHIN THE VILLAGE OF LAKE ANN; TO PROVIDE FOR THE ENFORCEMENT HEREOF AND TO PRESCRIBE PENALTIES FOR THE VIOLATION OF THIS ORDINANCE; AND TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH.

THE VILLAGE OF LAKE ANN ORDAINS:

SECTION I - TITLE, PURPOSE AND LEGAL BASIS

Section 1.01 This Ordinance shall be known and may be cited as the "Village of Lake Ann Junk Storage and Disposal Ordinance of 2009" and shall be known in the short form as the "Junk Ordinance.

Section 1.02 The purpose of this Ordinance is to regulate and control the storage and disposal of junk within the Village of Lake Ann, in order to promote the public health, safety and welfare; to protect land values; provide for safety for residents and the area from dangerous junk; to protect the groundwater lying beneath the Village; to reduce the incidence of blight and vermin; and to protect aesthetics in the Village and to regulate matters of legitimate Village concern. This Ordinance is specifically designed to:

- A. Define certain terms used herein,
- B. Regulate the volume and conditions, under which a person may store junk on one's own land,
- C. Regulate and coordinate with the Village Zoning Ordinance,
- D. Provide for enforcement and a system of due process for removal of junk from one's land, and
- E. Provide for other miscellaneous provisions necessary for regulation of the Village's affairs.

Section 1.03 This Ordinance is enacted pursuant to Chapter VI, 1895 PA 3 being MCL 66.1 and et seq. as amended.

SECTION II — DEFINITIONS

Section 2.01 The following terms shall have the meanings herein assigned, unless the context clearly requires otherwise.

ABANDONED VEHICLE means any automobile or other motorized or non-motorized vehicle which has remained on the property of another for a period of forty-eight (48) continuous hours or more, with or without the knowledge and/or consent of the owner or occupant of the property, or for a period of forty-eight (48) continuous hours or more after the consent of the owner or occupant has been revoked.

JUNK means:

- A. Old scrap ferrous or nonferrous material, trash, rubber, worn tires, cloth, paper, rubbish, refuse, litter, unused furniture;
- B. Materials from demolition, waste building materials;
- C. Any junked, abandoned, scrap, dismantled or wrecked (including parts of, or items held for salvaging parts) automobiles, vehicles, farm equipment, boats, trailers, mobile homes, appliances and all other machines, junk automobiles and abandoned vehicles;

but shall not include;

- A. Items being held for a customer while parts are being sought for its repair;
- B. Items that are classic or antique, kept and collected for the antique or collectable value.

JUNK AUTOMOBILE means any motor vehicle required to be licensed under the laws of the State of Michigan which is not licensed for a period in excess of sixty (60) days, except stock-in-trade of a duly licensed new or used automobile dealer, or, whether licensed or not, is inoperative for a period in excess of sixty (60) days, and is visible from roads or adjacent parcels and which because of damage or deterioration is or threatens to become a potential harm to the public health, safety or welfare by reason of the threat or presence of vermin or wild animals, leakage of fluids or gases, attractiveness to children or other similar causes, or which is missing a major component part.

A MAJOR COMPONENT PART means:

- A. The engine
- B. The transmission
- C. The right or left front fender

- D. The hood
- E. A door allowing ingress or egress from the vehicle's passenger compartment
- F. The front or rear bumper
- G. The right or left rear quarter panel
- H. The deck lid, tailgate, or hatchback
- I. The trunk floor pan
- J. The cargo box of a pickup
- K. The frame, or if the vehicle has a unitized body, the supporting structure or structures which serve as the frame
- L. The cab of a truck
- M. The body of a passenger vehicle
- N. The window glass
- O. The wheels

VILLAGE means The Village of Lake Ann.

PARCEL means any tract or contiguous tracts of land in the same ownership, whether one or more platted lots or parts of lots, as identified by a single property tax parcel number in the Village assessment roll.

PERSON means any natural person, firm, partnership, corporation, limited liability company or other unincorporated association of persons, and shall include all agents, servants and employees of such persons.

ROAD means a public or private road, highway, street, or right-of-way which affords the means of ingress or egress to abutting property and the means of travel past a parcel.

SECTION III — UNLAWFULL ACTS

Section 3.01 On One's Own Land it shall be unlawful for a person to store or accumulate junk on land except in the following manner:

- A. So that no more than two (2) large items of junk, or the equivalent in volume —abandoned, scrap, dismantled or wrecked (including part of) automobiles, farm equipment, trailers, mobile homes, and all other machines, etc. — are on the parcel;
- B. So that junk is consolidated on one part of the parcel;
- C. So that the junk is not visible from a road or from adjacent parcels or so that the junk is inside an enclosed building; and
- D. So that it is not a nuisance.

SECTION IV — VIOLATIONS: MUNICIPAL CIVIL INFRACTION

Section 4.01 The following persons are authorized to enforce this Ordinance and to issue municipal civil infraction citations under this Ordinance pursuant to MCL 600.8701 — 600.8735 as amended of the Revised Judicature Act : 1) Village Zoning Administrator,
2) Benzie County Sheriff Deputies and 3) all other persons authorized by Resolution of the Village Council.

Section 4.02 Any person violating this Ordinance shall be deemed to be responsible for a municipal civil infraction and shall be subject to the schedule of civil fines set forth below along with costs which may include all expenses, direct and indirect, to which the village has been put in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9.00 or more than \$500.00 be ordered. Each day that a violation continues to exist shall constitute a separate violation of this Ordinance. A violator of this Ordinance shall also be subject to such additional sanctions and judicial orders as are authorized under Michigan law, including injunctive orders requiring the removal of junk from Property and allowing the Village to remove junk from Property if the person fails to do so, and to recover the Village's costs in doing so.

Fine Schedule

- First Offense: \$100.00
- Second Offense: \$200.00
- Third Offense: \$300.00

Section 4.03 Lien for Fines and Costs If a person responsible for a municipal civil infraction shall fail to pay any fines or costs as set forth within Section 4.02 (including any and all costs incurred by the Village, Village officials or its agent in removing or causing to be removed any junk from Property) within 30 days after payment is ordered, the Village may obtain a lien against the land, building or structure containing the junk. The lien may be enforced and discharged in accordance with the procedures in the Revised Judicature Act for municipal civil infractions, MCL 600.8701-600.8735 as amended, and in the manner prescribed by the General Property Tax Act, MCL 211.1 to 211.151as amended.

SECTION V — SEVERABILITY

Section 5.01 This Ordinance and the various parts, sections, sub-sections, phrases and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, section, sub-section, phrase or clause is adjudged unconstitutional or invalid; it shall not affect the remainder of the Ordinance. The Village Council hereby declares that it would have passed this Ordinance and each section, sub-section,

phrase, sentence and clause therefore irrespective of the fact that any one or more sections, sub-section, phrases, sentences or clauses be declared invalid.

SECTION VI — REPEAL

This Ordinance repeals any prior Village of Lake Ann Junk Ordinance.

SECTION VII — EFFECTIVE DATE

This Ordinance shall take effect on its publication or 20 days after passage, whichever occurs first as required by law.

THOSE VOTING IN FAVOR: _____ 6 _____

THOSE VOTING AGAINST: _____ 0 _____

THOSE ABSENT OR ABSTAINING: _____ 0 _____

CERTIFICATION

We, undersigned, Dale L. Flaherty, President of Council and Catherine M. Werts, Village Clerk of the Village of Lake Ann, Benzie County, Michigan, do hereby certify that the above is a true and correct copy of the Village of Lake Ann Junk Storage and Disposal Ordinance of 2009 as adopted by the Village of Lake Ann Council at a meeting held on the 11th day of August, 2009, at which a quorum was present.



Dale L. Flaherty
President of Council
Village of Lake Ann

14Z/u/t144, / 7th 40-1⁴⁴
Catherine M. Werts Village
Clerk
Village of Lake Ann

VILLAGE OF LAKE ANN
VILLAGE OF LAKE ANN SIDEWALK ORDINANCE
ORDINANCE NO. 2010 — 01

AN ORDINANCE TO REGULATE AND CONTROL THE CONSTRUCTION, MAINTENANCE AND REPAIR OF SIDEWALKS WITHIN THE VILLAGE AND THE ASSOCIATED COSTS.

THE VILLAGE OF LAKE ANN ORDAINS:

SECTION 1 TITLE, PURPOSE AND LEGAL BASIS

Section 1.01 This Ordinance shall be known and may be cited as the "Village of Lake Ann Sidewalk Ordinance of 2010" and shall be known in the short form as the "Sidewalk Ordinance".

Section 1.02 The purpose of this Ordinance is to regulate and control construction, maintenance and repair of sidewalks within the Village and the costs associated with such construction, maintenance and repair.

Section 1.03 **Definitions**

Unless the context specifically indicates otherwise, the meanings of certain terms used in this article shall be as follows:

Council: Means Village Council.

Roads: Roadways defined as Village major streets and local streets in accordance with Act 51 of the Public Acts of 1951, as amended.

Owner: Any of the following:

- (1)** The person to whom real property is assessed on the Village tax roll;
- (2)** The person in the process of developing property for residential use and constructing sidewalks as a part of common improvements to the development and who has not released the responsibility of maintenance of those improvements to an established homeowner or condominium associations; or
- (3)** The association of homeowners or condominium owners having the responsibility for the maintenance and repair of common areas of a

Sidewalk: The portion of the street right-of-way designed and improved for pedestrian and non-motorized travel.

Section 1.04 Administration and Enforcement

It shall be the duty of the Zoning Administrator, or such person as the Village Council may designate, to supervise and control all sidewalks and the maintenance, repairs, and construction thereof, including inspection, and to enforce the provisions of this Ordinance.

Section 1.05 Duties of Adjacent Property Owner to Maintain

No person shall permit any sidewalk, which abuts or is adjacent to property owned by such person to fall into a state of disrepair or to be unsafe for travel. Determination of disrepair shall at the sole discretion of the Zoning Administrator or such person as the Village Council may designate. In addition, the Village Council may determine by resolution that there is the need for sidewalks to be placed in a passable condition, or other condition exists which, in the opinion of the Village Council, constitute a public nuisance or hazard which is dangerous to the health, safety or welfare of the inhabitants of the Village or others.

Section 1.06 Notices of Disrepair or Nuisance

Once a determination of disrepair or a condition needing redress has been made, the owner shall be given written notice thereof. The notice shall be given by posting upon the premises and personal service, or by registered or certified mail addressed to address set forth in the current assessment record of the Village. The notice shall specify the nature of the needed repair and that the owner shall have 45 calendar days from the date of the notice of the disrepair or nuisance to complete necessary repairs.

Section 1.07 Failures to Comply With Notice

If, at the expiration of the time limit in such notice, the owner has not complied with the requirements thereof, or in any case where the owner of the land itself is not known or cannot be found, the Village Council may order such nuisance or hazard to be abated under the direction of the Zoning Administrator, who may contract or hire the work done.

Section 1.08 Assessment of Repair - Costs and Expenses

After the work has been completed, in accordance with Section 1.07, the Zoning Administrator shall file a statement of costs and expenses with the Village Council, and the Village Council shall direct the Village Clerk to send notice to the owner setting forth the premises affected, the basis for the assessment, the cost thereof, and notify the owner that such costs and expenses must be paid within 30 days. If no payment is received within such 30 days, the cost of construction or repair plus a charge for

collection of ten percent (10%) of such cost may be specially assessed against the property which is adjacent to or abuts such sidewalk, and the Village Clerk may notify the Assessor, who may assess the costs, expenses and collection fee upon the property abutting or adjacent to such sidewalks and such assessment shall be a lien upon such property and shall be collected according to law in the same manner as other Village taxes, including interest. The Village can also seek recovery of costs pursuant to other remedies available under law.

Section 1.09 Construction — Permit

No person shall construct, repair, replace, alter or change a sidewalk except in accordance with the lines, grade and slope, required materials and other construction standards (which shall be established by the Village Council by resolution) and without first procuring a permit from the Zoning Administrator and in accordance with the specifications which are contained in the permit. The Village Council shall, by resolution, from time to time, determine the cost of permits.

Section 1.10 Construction - Specifications

All sidewalks constructed in the Village shall be constructed on streets having an established curb in accordance with the specifications and dimensions contained in the construction permit and which shall be defined from time to time by resolution of the Village Council.

Section 1.11 Construction - By Agreement

The Village Council may, when requested by a property owner, construct, change or repair any sidewalk upon such terms and conditions as agreed upon by the property owner and the Village without setting up a special assessment district. The Village Council may provide by resolution for the Village to share in a portion of such cost. The portion of the expense to be paid by such property owner, if not paid on demand or as agreed, shall be levied as a special assessment upon the land adjacent or abutting thereon, together with a collection charge of ten percent (10%) of such share, shall be a lien upon such property and shall be collected according to law and in the same manner as other Village taxes, including interest.

Section 1.12 Sidewalks Required

(a) Construction Standards. New sidewalks shall be constructed or existing sidewalks repaired or replaced (as determined by the Village Council standards) to a passable and safe condition by the owners of any lot or premises adjacent to or abutting the streets of the Village, whenever new construction or a residential, commercial or other building is commenced, or whenever substantial remodeling or renovating of any existing residential, commercial or other building within the Village is anticipated to increase the value of the that building by 35 percent or more. New sidewalks may be constructed on any lot or premises adjacent to or abutting any street or alley in the

Village, which does not have sidewalks, if the Village Council determines the necessity for such sidewalk, based on health, safety, and welfare of its inhabitants, and the same shall be constructed in accordance with the terms and conditions set forth in this Ordinance.

(b) **Petition for Exception.** Any owner who deems himself aggrieved by the requirements of this section may petition the Village Council for an exception from the requirements of this section. Such exception shall be granted only if the Village Council makes a determination that because of the character of the existing neighborhood, that lack of need for sidewalks, practical difficulties, unnecessary hardship, or such other circumstances exist whereby the carrying out of the strict letter of this section would not serve to enhance the spirit of this article and will not detrimentally affect the health, safety and welfare of the public.

Section 1.13 Creation of Special Assessment District

In addition to the powers enumerated in this Ordinance, the Village Council shall have the right to proceed at any time to establish a special assessment district for construction or repair of sidewalks in accordance with state law.

Section 1.14 Municipal Civil Infractions

Penalties: Any person, firm, association, corporation or other entity which shall violate any provision of this Ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan statute which shall be punishable by a civil fine for each violation in accordance with the schedule set forth herein, along with costs which may include all expenses, direct and indirect, to which the Village has been put in connection with the municipal civil infraction. Costs of not less than \$9.00 or more than \$500.00 shall be ordered. A violator of this Ordinance shall also be subject to such additional sanctions and judicial orders as are authorized under Michigan law. Each day that a violation continues to exist shall constitute a separate violation of this Ordinance. Provisions of this Ordinance may also be enforced by suit for injunctive relief.

Civil Fines for Municipal Infractions

Unless otherwise provided elsewhere within this Ordinance for specific violations, Civil Fines for municipal civil infractions shall be assessed in accordance with Article XI, Section 3.

VILLAGE OF LAKE ANN

VILLAGE OF LAKE ANN TRUCK WEIGHT RESTRICTION ORDINANCE

ORDINANCE NO. 2010 - 04

AN ORDINANCE TO REGULATE AND CONTROL TRUCK WEIGHTS ON VILLAGE ROADS.

THE VILLAGE OF LAKE ANN ORDAINS:

SECTION I-TITLE, PURPOSE AND LEGAL BASIS

The purpose of this Ordinance is to adopt truck weight restrictions pursuant to MCL 66.4(2) and MCL 257.726 for Village roads, and to adopt certain sections of the Michigan Vehicle Code, to provide for enforcement and penalties for violations, and to repeal other ordinances or parts of ordinances in conflict.

SECTION II-DEFINITIONS

The following words, terms and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Maximum axle load means the gross weight over the axle which includes vehicles and load.

Semi-trailer means every vehicle with or without motive power, designed for carrying persons or property and designed for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.

Trailer means every vehicle with or without motive power, designed for carrying property or persons and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

Truck means every motor vehicle designed, used or maintained primarily for the transportation of property.

Truck-tractor means every motor vehicle designed and used primarily for drawing other vehicles, and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

SECTION III-RESTRICTIONS ON SIZE, WEIGHT AND LOAD

Subject to certain exceptions granted in advance by the Village Council, no person shall operate or haul or cause to be operated or hauled any motor vehicle, including but not limited to a truck-tractor, trailer or semi-trailer, which exceeds the size, weight or load limitations or unit combination restrictions as set forth in this Ordinance.

SECTION IV-WHEEL AND AXLE LOADS; SEASONAL WEIGHT RESTRICTIONS, EXEMPTIONS

- (1) The maximum axle load shall not exceed the number of pounds designated in the following provisions that prescribe the distance between axles:
 - (a) If the axle spacing is 9 feet or more between axles, the maximum axle load shall not exceed 18,000 pounds for vehicles equipped with high pressure pneumatic or balloon tires.
 - (b) If the axle spacing is less than 9 feet between 2 axles but more than 3-1/2 feet, the maximum axle load shall not exceed 13,000 pounds for high pressure pneumatic or balloon tires.
 - (c) If the axles are spaced less than 3-1/2 feet apart, the maximum axle load shall not exceed 9,000 pounds per axle.
- (2) The normal size of tires shall be the rated size as published by the manufacturers, and the maximum wheel load permissible for any wheel shall not exceed 700 pounds per inch of width of tire.

SECTION V- RESTRICTIONS DURING MARCH APRIL AND MAY

During the months of March, April and May in each year, the maximum axle load shall not exceed the number of pounds designated in the following provisions which prescribe the distance between the axles, nor shall the maximum load on any wheel exceed the restrictions designated in the following provisions:

- (1) When the axle spacing is 9 feet or more between axles, the maximum axle load shall not exceed 11,700 pounds for vehicles equipped with high-pressure pneumatic or balloon tires.
- (2) When the axle spacing is less than 9 feet between two axles but more than 3-1/2 feet, the maximum axle load shall not exceed 8,450 pounds for high-pressure pneumatic or balloon tires.
- (3) When two axles are spaced less than 3-1/2 feet apart, the combined weight shall not exceed the maximum weights as specified for a single axle when spaced 9 feet or more apart.
- (4) The normal size of tires shall be the rated size as published by the manufacturers, and in no case shall the maximum wheel load permissible for any wheel exceed 450 pounds per inch of width of tires.

SECTION VI-EMERGENCY VEHICLES

Restrictions on weights or size shall have no application to fire trucks, snowplow trucks, or other emergency vehicles, or vehicles on emergency business involved in the saving of life or property in the Village.

SECTION VII-AUTHORITY TO REQUIRE WEIGHING OF VEHICLES

- (1) Any Michigan State Police officer or Benzie County Sheriff Deputy having reason to believe that the weight of a vehicle, or any axle weight, or any wheel weight is unlawful is authorized to require the driver to stop and submit to a weighing of the vehicle by means of either portable scales or stationary scales approved by the Michigan State Police, and may require that such vehicle be driven to the nearest stationary scales approved by the Michigan State Police to determine whether such vehicle is overweight.
- (2) Whenever the officer, upon weighing a vehicle or upon determining the axle weight or wheel weight as provided in subsection (1) of this section, determines that the weight is unlawful, such officer may require the driver to stop the vehicle in a suitable place and remain standing until such portion of the load is removed as may be necessary to reduce the gross weight of such vehicle so that the gross weight or axle weight, as the case may be, is within the limits provided for in this Ordinance.

SECTION VIII-CIVIL FINES FOR WEIGHT VIOLATIONS

- (1) Subject to subsection (2), an owner of a vehicle or a lessee of the vehicle of an owner-operator, or other person, who causes or allows a vehicle to be loaded and driven or moved on a highway, when the weight of that vehicle violates Section IV or V is responsible for a municipal civil infraction and shall pay a civil fine in an amount equal to 3 cents per pound for each pound of excess load over 1,000 pounds when the excess is 2,000 pounds or less; 6 cents per pound of excess load when the excess is over 2,000 pounds but not over 3,000 pounds; 9 cents per pound for each pound of excess load when the excess is over 3,000 pounds but not over 4,000 pounds; 12 cents per pound for each pound of excess load when the excess is over 4,000 pounds but not over 5,000 pounds; 15 cents per pound for each pound of excess load when the excess is over 5,000 pounds but not over 10,000 pounds; and 20 cents per pound for each pound of excess load when the excess is over 10,000 pounds subject to the limitations in subsection (2) below.
- (2) If the court determines that the motor vehicle or the combination of vehicles was operated in violation of this section, the court shall impose a fine as follows:
 - (a) If the court determines that the motor vehicle or the combination of vehicles was operated in such a manner that the gross weight of the

vehicle or the combination of vehicles would not be lawful by a proper distribution of the load upon all the axles of the vehicle or the combination of vehicles, the court shall impose a fine for the violation according to the schedule provided for in subsection (1).

- (b) If the court determines that the motor vehicle or the combination of vehicles would be lawful by a proper distribution of the load upon all of the axles of the vehicle or the combination of vehicles, but that 1 or more axles of the vehicle exceeded the maximum allowable axle weight by 4,000 pounds or less, the court shall impose a misload fine of \$200.00 per axle. Not more than 3 axles shall be used in calculating the fine to be imposed under this subsection. This subsection does not apply to a vehicle subject to the maximum loading provisions of MCL 257.722(11).
- (c) If the court determines that the motor vehicle or the combination of vehicles would be lawful by a proper distribution of the load upon all of the axles of the vehicle or the combination of vehicles, but that 1 or more axles of the vehicle exceeded the maximum allowable axle weight by more than 4,000 pounds, the court shall impose a fine for the violation according to the schedule provided in subsection (1).

SECTION IX-SIGN

The Village shall post signs at all roads and/or streets coming into the Village of Lake Ann. The sign shall read as follows:

"NO THROUGH MOTOR VEHICLES
OVER 3 AXLES EXCEPT FOR
LOCAL PICKUP AND DELIVERY
ORDINANCE NO. 2010-04"

SEVERABILITY

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

REPEAL

This Ordinance repeals any prior Village Truck Weight Restriction Ordinance.

VILLAGE OF LAKE ANN
ORDINANCE NO. 2010 — 06

AN ORDINANCE TO ADOPT BY REFERENCE THE MICHIGAN VEHICLE CODE

THE VILLAGE OF LAKE ANN ORDAINS:

SECTION 1-CODE AND AMENDMENTS AND REVISIONS ADOPTED

The Michigan Vehicle Code, 1949 PA 300, MCL 257.1 to 257.923, and all future amendments and revisions to the Michigan Vehicle Code when they are effective in this state are incorporated and adopted by reference.

SECTION 2-REFERENCES IN CODE

References in the Michigan Vehicle Code to "local authorities" shall mean the Village of Lake Ann.

SECTION 3-NOTICE TO BE PUBLISHED

The Village Clerk shall publish a notice of adoption of this Ordinance in the manner required by law and shall publish, at the same time, a notice stating the purpose of the Michigan Vehicle Code and the fact that a complete copy of the code is available to the public from the Village Clerk for inspection.

SECTION 4-PENALTIES

The penalties provide by the Michigan Vehicle Code are adopted by reference, provided, however, that the Village of Lake Ann may not enforce any provision of the Michigan Vehicle Code for which the maximum period of imprisonment is greater than 93 days.

SEVERABILITY

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

EFFECTIVE DATE

This Ordinance shall take effect on the 20th day following its adoption or when published, whichever occurs first.

VILLAGE OF LAKE ANN
ORDINANCE NO. 2011 - 01

An Ordinance pursuant to Public Act 246 of 1945, as amended, to prohibit any loud noise or sound that endangers or injures the public health, safety, and welfare of the residents and visitors to the Village of Lake Ann and to provide penalties for violations of the Ordinance.

THE VILLAGE OF LAKE ANN ORDAINS:

SECTION 1- TITLE

This Ordinance shall be known as the Village of Lake Ann Noise Ordinance.

SECTION 2 - PURPOSE

The purposes of this Ordinance are to protect and promote the public health, safety, and welfare of the residents and visitors of the Village by prohibiting any loud noise or sound that disturbs the quiet, comfort or repose of a reasonable person of normal sensitivities.

SECTION 3 - DEFINITIONS. AS USED IN THIS ORDINANCE

Motor vehicle means any wheeled vehicle in, upon, or by which any person or property is or may be transported or drawn upon a highway and which is designed to be self-propelled.

Person means an individual, firm, corporation, association, partnership, limited liability company, or other legal entity.

SECTION 4 - PROHIBITED ACTIVITIES

No person shall cause or create and no person shall knowingly allow another person to cause or create on property that is owned or legally occupied by that person any loud noise or sound that annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of any reasonable person of normal sensitivities, including but not limited to:

- (a) Playing or using a radio, phonograph, compact disc player, tape player, television, musical instrument, sound amplifier, or other electronic or mechanical sound-producing device in such a manner or with such volume that it unreasonably annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of any reasonable person of normal sensitivities.
- (b) Yelling, shouting, hooting, singing, or sounding or using any horn, siren, whistle or bell, or making other noise that because of its volume, frequency, or shrillness unreasonably annoys, disturbs, injures or endangers the comfort, repose, health, peace

or safety of any reasonable person of normal sensitivities or unreasonably annoys or disturbs the well being of any animal.

- (c) Sounding or using any, horn, siren, whistle, bell or other warning device on a motor vehicle in a manner that unreasonably annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of any reasonable person of normal sensitivities, unless the sounding or use of such horn, siren, whistle, bell or other warning device and the manner of such sounding or use is authorized by the state motor vehicle code or other state law.
- (d) Revving up the engine of a motor vehicle in such a manner or with such volume or frequency or at such time of the day that it unreasonably annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of any reasonable person of normal sensitivities.

SECTION 5 — EXEMPT ACTIVITIES

Section 4 shall not apply to any loud noise or sound generated in connection with parades on Village streets or musical production or events authorized by the Village of Lake Ann in Burnett Park and shall not apply to loud noise or sound, including the operation of amplified sound systems, generated by the Almira Township Fire Department or any police or fire official when used to disseminate official information or to provide official warnings.

SECTION 6 — VIOLATIONS AND PENALTIES

Any person who violates any provision of this Ordinance shall be responsible for a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961; being Sections 600.101 — 600.9939 of Michigan Compiled Laws, and shall be subject to the following fines:

- (1) For the first violation, the offender shall pay a fine of One Hundred (\$100.00) Dollars.
- (2) For the second violation within three (3) years of the date on which the person was found responsible for the first violation, the offender shall pay a fine of Two Hundred (\$200.00) Dollars.
- (3) For the third violation within three (3) years of the date on which the person was found responsible for the first violation, the offender shall pay a fine of Three Hundred Fifty (\$350.00) Dollars.
- (4) For the fourth or subsequent violation within three (3) years of the date on which the person was found responsible for the first violation, the offender shall pay a fine of Four Hundred Fifty (\$450.00) Dollars.

Each day this Ordinance is violated shall be considered a separate violation.

SECTION 7 — APPEARANCE TICKETS AND MUNICIPAL CIVIL INFRACTION CITATIONS

The Zoning Administrator, Ordinance Enforcement Officer, deputies of the Benzie County Sheriff and other person authorized by resolution of the Village Council are hereby authorized to investigate violations of this Ordinance, and to issue and serve appearance tickets and citations, including municipal civil infraction citations, pursuant to MCL 764.9c, MCL 600.8701 and MCL 600.8707, on all persons in violation of this Ordinance. Such appearance tickets and/or citations shall be issued and served in accordance with the applicable Michigan law.

SECTION 8 — NUISANCE PER SE

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

SECTION 9 — SEPARATE COURT ACTION

In addition to enforcing this Ordinance through the use of a municipal civil infraction proceeding or a criminal prosecution, the Village of Lake Ann may initiate proceedings in the Circuit Court to abate or eliminate the nuisance per se or any other violation of this Ordinance.

SEVERABILITY: The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of said amendments shall not be affected thereby. The Village Council hereby declares that it would have passed this Ordinance and each section, sub-section, phrase, sentence and clause therefore irrespective of the fact that any one or more sections, sub-sections, phrases, sentences or clauses be declared invalid.

EFFECTIVE DATE: This Ordinance shall take effect on its publication or 20 days after passage, whichever occurs first as required by law.

REPEAL: This Ordinance repeals any prior Village of Lake Ann Noise Ordinance.

THOSE VOTING IN FAVOR _____

THOSE VOTING AGAINST _____

THOSE ABSENT OR ABSTAINING cA

CERTIFICATION

We, the undersigned, Dale L. Flaherty, President of Council and Catherine M. Werts, Village Clerk of the Village of Lake Ann, Benzie County, Michigan, do hereby certify that the above is a true and correct copy of the Village of Lake Ann Noise Ordinance of 2011, as adopted by the Village of Lake Ann Council at a meeting held on the 8th day of March, 2011, at which a quorum was present.

VILLAGE OF LAKE ANN
PRESIDENT OF COUNCIL

VILLAGE OF LAKE ANN
VILLAGE CLERK

Dale L. Flaherty
President of Council
Village of Lake Ann

tut, i/A9
Catherine M. Werts
Village Clerk
Village of Lake Ann

VILLAGE OF LAKE ANN
BRYAN LAKE RECREATIONAL ORDINANCE
ORDINANCE NUMBER 2016-01

SECTION I TITLE, PURPOSE, LEGAL BASIS and DEFINITIONS

Section 1.01 This ordinance shall be known and may be cited as the "Village of Lake Ann surface water use restrictions for Bryan Lake 2016" and shall be known in the short form as the " Bryan Lake Recreational Ordinance"

Section 1.02 The purpose of this ordinance is to enable the peaceful use and enjoyment of all riparian owners, their guests and assigns on the waters of Bryan Lake regardless of the season.

Section 1.03 Legal basis

Natural Resources and Environmental Protection Act 51 of 1994, section 324.80113 (3); The General Law Village Act 3 of 1895.

Section 1.04 Definitions

Unless the context specifically indicates otherwise, the meaning of certain terms used in this ordinance shall be as follows:

Council: Means the Trustees and President of the Village of Lake Ann.

Bryan Lake: A private, non-navigable, non-public access, 22 acre lake located in the Village of Lake Ann, Almira Township, Benzie County, State of Michigan.

Private or non-navigable: Waters having no designated public access and connection to a body of water having public access.

No wake: Movement of a vessel such as to avoid creating a surge or wave of water that impacts the shoreline in a detrimental manner.

Motorized recreational vehicle: Any boat, float, snowmobile, motor bike or other device that incorporates a gasoline or electric powered propulsion unit.

Owner: All riparian property owners with direct frontage upon Bryan Lake and all back lot owners in the plat of Goin's Addition to Lake Ann as provided for in that plat.

SECTION II LANGUAGE

Section 2.01 It shall be unlawful to operate a motorized recreational vehicle at a speed in excess of slow, no wake at any time.

Section 2.02 No gasoline powered motors shall be allowed on the open waters of the lake.

SECTION III ENFORCEMENT , VIOLATION and PENALTY

Section 3.01 This ordinance shall be enforced as provided for under Act 51 of 1994, section 80113. (1).

Section 3.02 Any person who shall violate any of the provisions of this ordinance shall be guilty of a misdemeanor, punishable upon conviction thereof by imprisonment in the county jail for not more than ninety (90) days and/or by a fine of not more than one hundred and 00/100 dollars (\$100.00) and shall be responsible for all court related costs.

SECTION IV SEVERABILITY and REPEAL

Section 4.01 This ordinance and its various parts, sections, subsections, sentences, phrases and clauses are 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 and each part, section, subsection, phrase, sentence and clause irrespective of the fact that any one or more parts, sections, subsection, phrases, sentences or clauses be declared invalid.

Section 4.02 All previous ordinances in conflict with this ordinance, or inconsistent with any provisions of this ordinance are hereby repealed.

SECTION V ENACTMENT and EFFECTIVE DATE

Section 5.01 This Ordinance shall be adopted by a majority vote of the members of the Village Council after consideration and public hearing as provided for under Article XIII, Section 1 of the Village of Lake Ann Zoning Ordinance.

Section 5.02 This ordinance shall have full force and effect seven (7) days after the date of publication in a newspaper of general circulation.

VILLAGE of LAKE ANN
ALMIRA TOWNSHIP, BENZIE COUNTY, STATE of MICHIGAN

ORDINANCE NUMBER 2019-1

ADOPTED: MARCH 12, 2019

EFFECTIVE: APRIL 12, 2019

PROHIBITION OF MARIHUANA ESTABLISHMENTS
ORDINANCE

An ordinance to provide a title for the ordinance; to define words; to prohibit marijuana establishments within the boundaries of the Village of Lake Ann pursuant to the Initiated Law 1 of 2018, MCL 333.27951 *et seq.*, as may be amended; to provide penalties for violation of this ordinance; to provide for severability; to repeal all ordinances or parts of ordinances in conflict therewith; and to provide an effective date.

THE VILLAGE of LAKE ANN
BENZIE COUNTY, MICHIGAN
ORDAINS:

SECTION I
TITLE

This ordinance shall be known as and may be cited as the Village of Lake Ann Prohibition of Marihuana Establishments Ordinance.

SECTION II
DEFINITIONS

Words used herein shall have the definitions as provided for in Initiated Law 1 of 2018, MCL 333.27951 *et seq.*, as may be amended.

SECTION III
NO MARIJUANA ESTABLISHMENTS

The Village of Lake Ann hereby prohibits all marijuana establishments within the boundaries of the Village pursuant to Initiated Law 1 of 2018, MCL 333.27951 *et seq.*, as may be amended.

SECTION IV
VIOLATIONS and PENALTIES

1. Any person who disobeys, neglects, or refuses to comply with any provision of this ordinance, or who causes, allows, or consents to any of the same, shall be deemed to

be responsible for the violation of this ordinance. A violation of this ordinance is deemed to be a nuisance per se.

2. A violation of this ordinance is a municipal civil infraction, for which the fines shall not be less than \$100, nor more than \$500, in the discretion of the Court. The forgoing sanctions shall be in addition to the rights of the Village to proceed at law or equity with other appropriate and proper remedies. Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which the Village incurs in connection with the municipal civil infraction.

3. Each day during which any violation continues shall be deemed a separate offence.

4. In addition, the Village may seek injunctive relief against persons alleged to be in violation of this ordinance, and such other relief as may be provided by law.

5. This ordinance shall be administered and enforced by the Zoning Administrator of the Village of Lake Ann or by such other person(s) as designated by the Village Council from time to time.

SECTION V **SEVERABILITY**

The provisions of this ordinance are hereby declared to be severable. If any clause, sentence, word, section, or provision is hereafter declared void or unenforceable for any reason by a court of competent jurisdiction, it shall not affect the remainder of such ordinance which shall continue in full force and effect.

SECTION VI **REPEAL**

All ordinance or parts of ordinances in conflict herewith are hereby repealed.

SECTION VII **EFFECTIVE DATE**

This ordinance shall take effect April 12, 2019