

Chapter 34. Zoning

ARTICLE I. In General

§ 34-1. Definitions and construction of language.

[Comp. Ords. 1995, §§ 15.441 — 15.467; Ord. No. 91, 12-5-1977; Ord. No. 95, 5-7-1979; Ord. No. 166, § 1, 7-6-2009; Ord. No. 179, § 1, 7-2-2012]

- (a) Construction of language. For the purpose of this chapter, certain terms or words used herein shall be interpreted as follows:
- (1) The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.
 - (2) The present tense includes the future tense, the singular number includes the plural, and the plural includes the singular.
 - (3) The word "shall" is mandatory, and the word may is permissive.
 - (4) The words "used" or "occupied" include the words "intended," "designed," or "arranged to be used or to be occupied."
 - (5) The word "his" includes the word "her."
- (b) Definitions. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

ACCESSORY USE

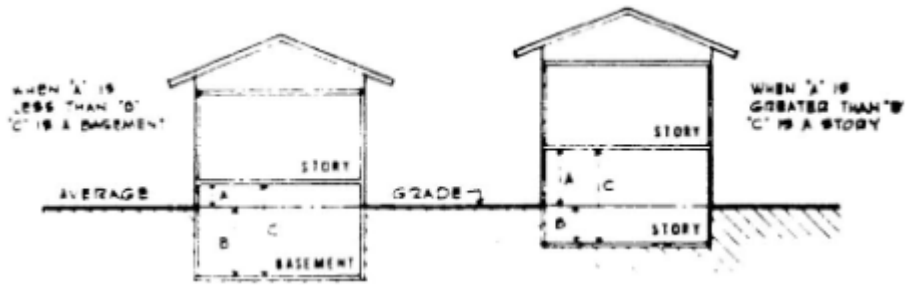
A use or structure on the same lot with, and of a nature customarily incidental and subordinate to the principal use or structure.

AUTOMATED CHANGEABLE COPY SIGN

A sign usually freestanding, containing copy that changes infrequently and at non-reoccurring intervals, such as a gas station price announcement sign.

BASEMENT

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

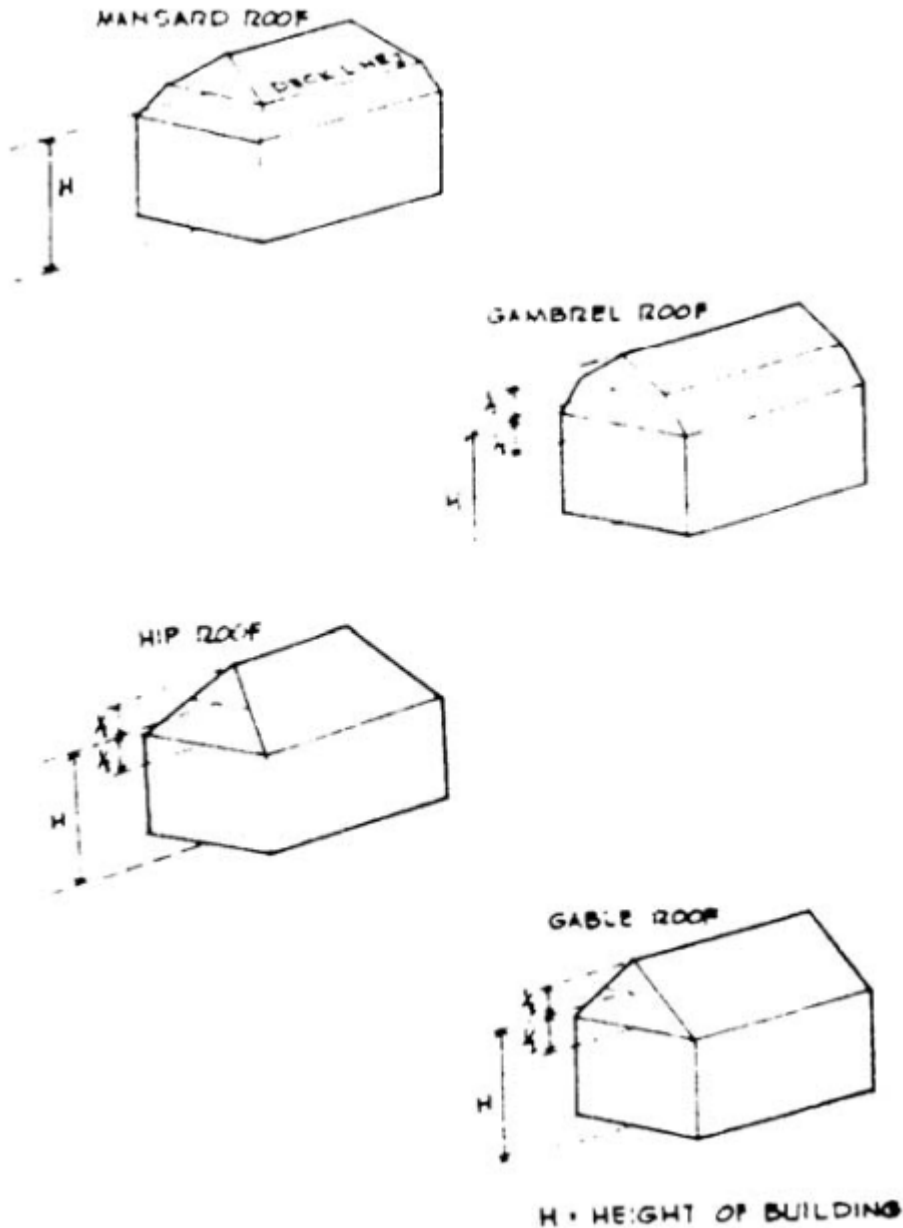


BILLBOARD

Any display sign which contains a message unrelated to or not advertising a business transacted or goods sold or produced on the premises on which the sign is located.

BUILDING HEIGHT

The vertical distance measured from the established grade to the highest point of the roof's surface for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and ridge for gable, hip, and gambrel roofs. Where a building is located on sloping terrain, height may be measured from the average ground level of the grade at the building wall.



CAR CANOPIES, TEMPORARY/PORTABLE

Temporary/portable car canopies within the Village are strictly prohibited, regardless of what they are storing and regardless of the construction materials and means of construction and connection with the ground. They are defined as a prefabricated structure to typically shelter a motor vehicle which may, or may not, have walls, and is usually constructed of plastic, fabric, or lightweight aluminum and are usually constructed without the use of a state construction code approved footer and foundation. Because these structures are not building on a state construction code approved foundation, for the terms of this [chapter] they are considered temporary structures.

CONSTRUCTION SIGN

A ground or wall sign erected on a site designated on a building permit issued by the building inspector as the site for construction of a new building which advises the public of pertinent facts regarding the construction, management and leasing of the new building.

DECORATIVE DISPLAY

A temporary display designated for the entertainment or cultural enrichment of the public and having no direct or indirect sales or advertising content.

DISPLAY SIGN

A structure or device that is arranged, intended, designed or used as an advertisement, announcement or direction.

DRIVE-IN RESTAURANT OR REFRESHMENT STAND

Any place or premises used for the sale, dispensing or serving of food, refreshments or beverages in automobiles, including those establishments where customers may serve themselves and may eat or drink the food, refreshments or beverages on the premises.

DWELLING UNIT

A room or rooms connected together constituting a separate, independent housekeeping establishment for one family occupancy, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking, bathroom and sleeping facilities.

DWELLING, MULTIPLE-FAMILY

A residential building, other than a mobile home, designed for or occupied by three or more families, with the number of families in residence not exceeding the number of dwelling units provided.

DWELLING, SINGLE-FAMILY

A building containing not more than one dwelling unit designed for residential use and complying with the following standards:

- (1) The dwelling complies with the minimum square footage requirements of this chapter for the zone in which it is located.
- (2) The dwelling has a minimum width across any front, side or rear elevation of 20 feet and complies in all respects with this Code, including minimum heights for habitable rooms. Where a dwelling is required to comply with any federal or state standards or regulations for construction and where such standards or regulations for construction are different than those imposed by this Code, then, and in such event, such federal or state standard or regulation shall apply.
- (3) The dwelling is firmly attached to a permanent foundation constructed on the site in accordance with the state construction code and shall have a wall of the same perimeter dimensions as the dwelling and constructed of such materials and type as required in the applicable construction code for single-family dwellings. If the dwelling is a mobile home, such dwelling shall be installed pursuant to the manufacturer's setup instructions and

shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the state mobile home commission or shall have a perimeter wall as required in this subsection.

- (4) The dwelling, if a mobile home as defined in this section, is installed with the wheels removed and, additionally, no dwelling shall have any exposed towing mechanism, undercarriage or chassis.
- (5) The dwelling is connected to a public sewer and water supply or to such approved private facilities, if permissible under the provisions of this Code.
- (6) 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, which storage area shall be equal to 10% of the square footage of the dwelling or 100 square feet, whichever shall be less.
- (7) The dwelling is aesthetically compatible in design and appearance with other residences in the vicinity, with either a roof overhang of not less than 12 inches on all sides or alternatively 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 doors, with the second one being in either the rear or side of the dwelling; and contains steps connected to such exterior door areas or to porches connected to such door areas where a difference in elevation requires such steps.
- (8) The compatibility of design and appearance shall be determined in the first instance by the city building inspector upon review of the plans submitted for a particular dwelling, subject to appeal by an aggrieved party to the Zoning Board of Appeals within a period of 15 days from the receipt of notice of such building inspector's decision. Any determination of compatibility shall be based upon the standards set forth in this definition, as well as the character, design and appearance of one or more residential dwellings, located outside of mobile home parks, within 2,000 feet of the subject dwelling where such area is developed with dwellings to the extent of not less than 20% of the lots situated within such area or, where such area is not so developed, by the character, design and appearance of one or more residential dwellings, located outside of mobile home parks, throughout the city. This subsection shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour or relief from the common or standard site-built home.
- (9) The dwelling contains no additions, rooms or other areas which are not constructed with similar quality workmanship as the original structure, including permanent attachment to the principal structure and construction of a foundation as required in this definition.
- (10) The dwelling complies with all pertinent building and fire codes. In the case of a mobile home, all construction and plumbing, electrical apparatuses and insulation within and connected to the mobile home shall be of a type and quality conforming to the Mobile Home Construction and Safety Standards as promulgated by the United States Department of Housing and Urban Development, 24 CFR 3280, and as such standards may be amended from time to time. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.

The standards set forth in this definition 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 provisions of this Code pertaining to such parks. All construction required in this definition shall be commenced only after a building permit has been obtained in accordance with the applicable state construction code provisions and requirements.

DWELLING, TWO-FAMILY

A detached residential building, other than a mobile home, containing two dwelling units designed for occupancy by not more than two families.

ELECTRONIC MESSAGE BOARD/MESSAGE CENTER

A sign with a fixed or changing message composed of a series of lights that may be changed through electronic means. Electronic message boards may not contain animation or any type of video. Presentation and transition of LED messages are limited to those defined by this section.

ERECT

To build, construct, attach, hang, place, suspend or affix.

ESSENTIAL SERVICES

The erection, construction, alteration, or maintenance by public utilities or municipal departments or commissions of underground, surface, or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication, supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, poles and other similar equipment, and accessories in connection therewith, but not including buildings, reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health or safety or general welfare.

FAMILY

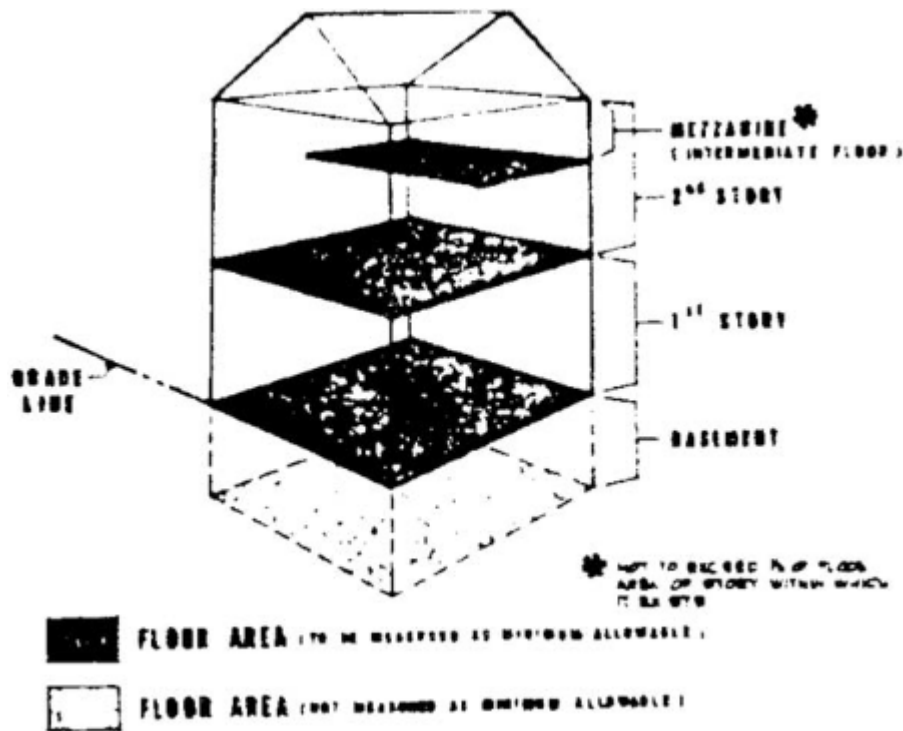
- (1) An individual or group of two or more persons related by blood, marriage or adoption, together with foster and step children and servants or the principal occupants, with not more than one additional unrelated person, who are domiciled together as a single, domestic, housekeeping unit in a dwelling unit; or
- (2) A collective number of individuals domiciled together in one dwelling unit whose relationship is of a continuing nontransient domestic character and who are cooking and living as a single nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization, or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or other similar determinable period.

FILLING STATION

Buildings and premises where gasoline, oil, grease, batteries, tires and automobile accessories may be supplied and dispensed at retail, and where other incidental services may be rendered and sales made.

FLOOR AREA

For the purpose of computing the minimum allowable floor area in a residential dwelling unit, the sum of the horizontal areas of each story of a building shall be measured from the exterior faces of the exterior walls. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, or space used for off-street parking, breezeways, and enclosed and unenclosed porches, elevators, or stair bulkheads, common hall areas, and accessory structures.



FLOOR AREA, USABLE

For the purpose of computing parking space, means that area used for, or intended to be used for, the sale of merchandise or services, or for use to serve patrons, clients, or customers and all that area devoted to employee work space. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, hallways, elevators or stair bulkheads or for utilities or sanitary facilities, shall be excluded from this computation of usable floor area. Measurement of usable floor area shall be the sum of horizontal areas of the several floors of the building, measured from the exterior faces of the exterior walls.

GRADE (ADJACENT GROUND LEVEL)

The lowest point of elevation of the finished surface of the ground, paving, or sidewalk within the area between the building and the property line, or when the property line is more than five feet from the building between the building and a line five feet from the building.

GROUND SIGN

A sign erected on a freestanding frame, mast or pole and not attached to any building.

HOME OCCUPATION

An occupation or profession carried on by an occupant of a dwelling unit as a secondary use which is incidental to the use of the dwelling unit for residential purpose.

INCOMBUSTIBLE MATERIAL

Any material which will not ignite at or below a temperature of 1,200° F. and will not continue to burn or glow at that temperature.

LOADING SPACE, OFF-STREET

Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space.

LOT

A parcel of land of at least sufficient size, exclusive of areas under water, to meet minimum zoning requirements for use, coverage, and area and to provide such yards and other open

spaces as are herein required. The term "lot" includes the words plot and parcel. Such lot shall have frontage on a recorded public or private street. In no case of division or combination shall any new or residual lot or parcel be created which does not meet the requirements of this chapter.

LOT FRONTAGE

The portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under the definition of "yards" in this section.

LOT MEASUREMENTS

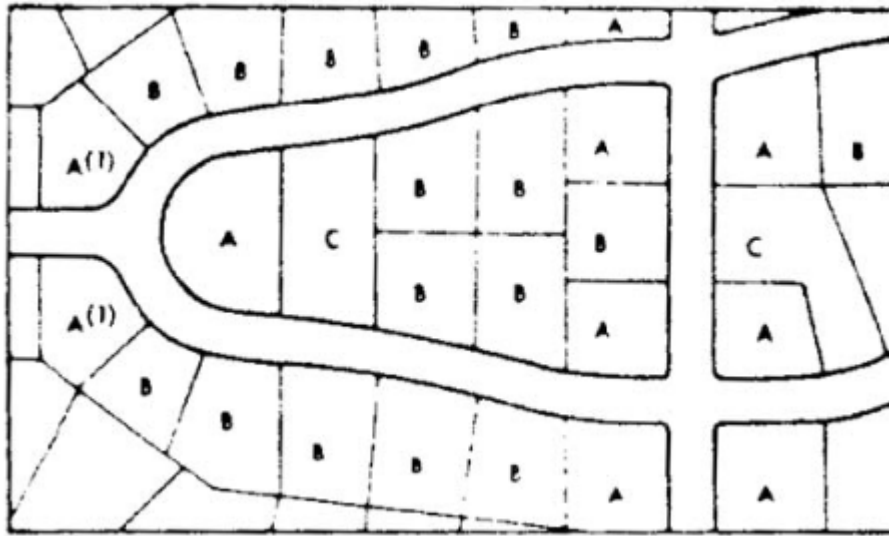
- (1) Depth of a lot shall be considered to be the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.
- (2) Width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot; provided, however, that in determining lot frontage on odd-shaped lots if the lot abuts on the outside curve boundary of a curving street and as a result the side lot lines diverge toward the rear, the measurement of width may be taken at the front building line of the principal building; and provided further that if the lot abuts on an inside curve boundary of a curved street wherein the lot lines converge toward the rear, the measured width shall be taken at the rear line of the principal building or 30 feet behind the front setback line, parallel to the street or street chord.

LOT OF RECORD

- (1) The term "lot of record" means a lot which is part of a subdivision recorded in the office of the county register of deeds, or a lot or parcel described by metes and bounds, the description of which has been so recorded.
- (2) Every single-family, two-family and multiple dwelling structure or unit shall be located upon a lot of record, and no more than one such structure or unit shall be erected upon such lot of record. Tenant houses located upon premises which are being actively farmed, which are designated for and occupied by farm labor personnel and their families may be located upon the same lot of record as the main dwelling house on said farm premises.
- (3) The creation of a lot of record as defined in this chapter on a premises or parcel of land by the proprietor thereof, or by his heirs, executors, Administrators, legal representatives, successors or assigns, where the act of creating a lot of record creates five or more lots of record each of which is 10 acres or less in area are created by successive acts within a period of 10 years, shall be deemed subdividing as defined in Act 288 of 1967, being the land division act for the state, even in the event said lots of record shall be surveyed and a plat thereof submitted, approved and recorded as required by said Act 288 of 1967 and the ordinances of the Village.

LOT TYPES

The diagram below illustrates terminology used in this chapter with reference to corner lots, interior lots, and through lots:



In the diagram:

- A = corner lot, defined as a lot located at the intersection of two or more streets. A lot abutting on a curved street shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet on an interior angle of less than 135°. See lots marked A(1) in the diagram.
- B = interior lots, defined as a lot other than a corner lot with only one frontage on a street.
- C = through lot, defined as a lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.

MARQUEE SIGN

A display sign attached to or hung from a marquee, canopy or other structure projecting from and supported by the building and extending beyond the building wall, building line or street lot line.

MEZZANINE

An intermediate floor in any story occupying space not to exceed 1/3 of the floor area of such story.

MOBILE HOME

A structure, transportable in one or more sections, which is 10 body feet or more in width and is 50 body feet or more in length, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein built pursuant to the Federal National Mobile Home Construction and Safety Standards Act of 1974 rules and regulations and containing the required data plate showing the manufacturer's certification of compliance.

MOBILE HOME PARK

Any parcel or tract of land licensed and regulated under provisions of the mobile home commission act, Public Act No. 96 of 1987 (MCL 125.2301 et seq.), under the control of any person, upon which three or more occupied mobile homes are harbored on a continual nonrecreational basis, or which is offered to the public for that purpose, regardless of whether a charge is made therefor, together with any building, structure, enclosure, to the harboring or occupancy of mobile homes.

MOBILE HOME SUBDIVISION

A subdivision as defined by the land division act, being Public Act No. 288 of 1967 (MCL 560.101 et seq.), which has been expressly established for the sole purpose of selling lots on

which mobile homes may be used and occupied for residential purposes, and which has been established in full compliance with all applicable provisions of the aforementioned Act and of all other applicable state, county, and Village regulations.

PARKING SPACE, OFF-STREET

- (1) For the purposes of this chapter, an off-street parking space shall consist of a space adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room.
- (2) Required off-street parking areas for three or more automobiles shall have individual spaces marked, and shall be so designed, maintained, and regulated that no parking or maneuvering incidental to parking shall be on any street, walk, or alley and so that any automobile may be parked and unparked without moving another. Each parking space shall comprise a net area of at least 10 feet by 20 feet.
- (3) For purposes of rough computation, an off-street parking space and necessary access and maneuvering room may be estimated at 300 square feet, but off-street parking requirements will be considered to be met only when actual spaces meeting the requirements of this definition are provided and maintained, improved in a manner appropriate to the circumstances of the case, and in accordance with all ordinances and regulations of the Village.

POLITICAL SIGN

A sign announcing the candidacy of a person running for public office or issues to be voted upon at an election.

PROJECTING SIGN

A display sign which is affixed to any building or structure other than a marquee and any part of which extends beyond the building wall and the horizontal sign surface is not parallel to the building wall.

PUBLIC SERVICE INFORMATION SIGN

Any sign intended primarily to promote items of general interest to the community, such as time, temperature and date, atmospheric conditions, traffic control, etc.

PUBLIC UTILITY

Any person, firm, corporation, municipal department or board, duly authorized to furnish and furnishing, under state or municipal regulations, electricity, gas, steam, communications, telegraph, transportation or water to the public.

RECREATIONAL VEHICLE

A vehicle primarily designed and used as temporary living quarters for recreational, camping, or travel purposes, including a vehicle having its own motor power or a vehicle mounted on or drawn by another vehicle.

RESTAURANT

A building in which food is prepared and sold for consumption within the building, as opposed to a drive-in restaurant establishment where food may be taken outside of the building for consumption either on or off the premises.

ROOF SIGN

A display sign which is erected, constructed and maintained above any portion of the roof or exterior wall of a building or structure or which is attached to any exterior wall at a height in excess of three feet above the horizontal plane of the roof abutting such wall.

SHOPPING CENTER

A group of three or more stores, offices or shops selling merchandise or services and served by a common off-street automobile parking area which is located on private property. All

stores, offices of shops served by one parking area shall be considered one shopping center.

SIGN

Any announcement, declaration, display, illustration and insignia when designed and placed so as to attract general public attention. Such shall be deemed to be a single sign whenever the proximity, design, content or continuity reasonably suggests a single unit, notwithstanding any physical separation between parts. "Sign" shall include any banner, bulbs or other lighting devices, streamer, pennant, balloon, propeller, flag (other than the official flag of any nation or state) and any similar device of any type or kind whether bearing lettering or not.

SIGN, ANIMATED

A sign with action, motion, sound, or changing colors. This includes signs that blink, flash, scroll or have fluctuating lights or other illuminating devices which have a changing light intensity, brightness or color; provided however, that this definition does not include automated changeable copy signs as defined herein.

SPECIAL LAND USE

A use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare. Such uses may be permitted upon the issuance of a special land use permit by the Village Council in such zoning district as a special land use, if specific provision for such special land use is made in this chapter.

STORY

That part of a building, except a mezzanine, as defined herein, included between the surface of one floor and the surface of the next floor, or if no floor above, then the ceiling next above. A story, thus defined, shall not be counted as a story when more than 50% by cubic content is below the height level of the adjoining ground.

STORY, HALF

An uppermost story lying under a sloping roof, the usable floor area of which does not exceed 75% of the floor area of the story immediately below it and is not used or designed or arranged or intended to be used in whole or in part as an independent housekeeping unit or dwelling.

STREET

A thoroughfare for vehicular traffic, including all area within the right-of-way.

STREET LINE

The right-of-way line of a street or easement for ingress and egress.

STRUCTURAL TRIM

The molding, battens, cappings, nailing strips, latticing and platforms which are attached to the sign structure.

STRUCTURE

Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, fences, billboards, poster panels and swimming pools.

SURFACE

That part of the sign upon, against or through which the message is displayed or illustrated. The "total surface area of a sign" is the same total of all exterior surfaces of the sign computed in square feet. In the case of a broken sign (a sign with open spaces between the letters) the total surface area shall be measured by multiplying the height of the individual letters or combination of letters by the distance between the outer edges of the two furthest letters.

TEMPORARY SIGN

A display sign, banner or other advertising device constructed of cloth, canvas, fabric, plastic or other light temporary material, with or without a structural frame, or any other sign, intended for a limited period of display, but not including decorative displays for holidays or public demonstrations.

TRAVEL TRAILER

A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel and recreational purposes, having a body width not exceeding eight feet and body length not exceeding 40 feet.

VARIANCE

A relaxation of the terms of this chapter where, in the judgement of the Board of Appeals, such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this chapter would result in undue hardship and practical difficulty. As used in this chapter, a variance is authorized only for height, area, and size of structure or size of yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or uses in an adjoining zoning district.

WALL SIGN

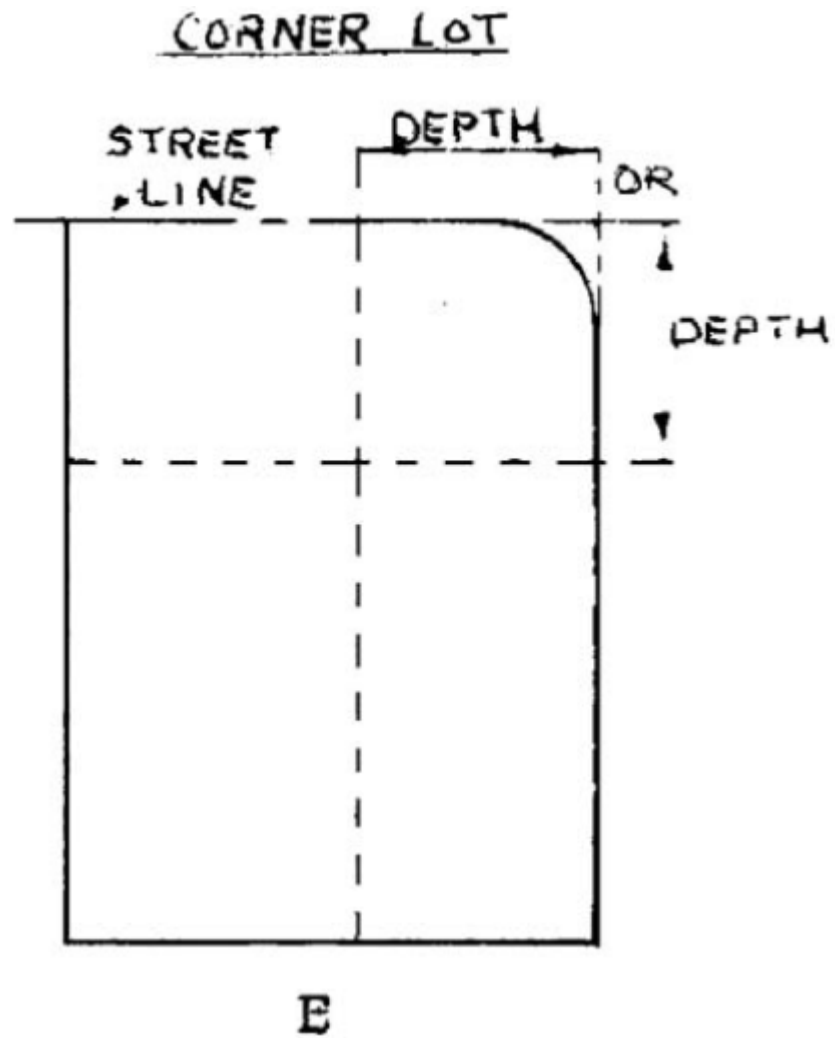
A display sign which is attached directly to a building wall or structure and the horizontal sign surface is parallel to the building wall or structure.

YARD

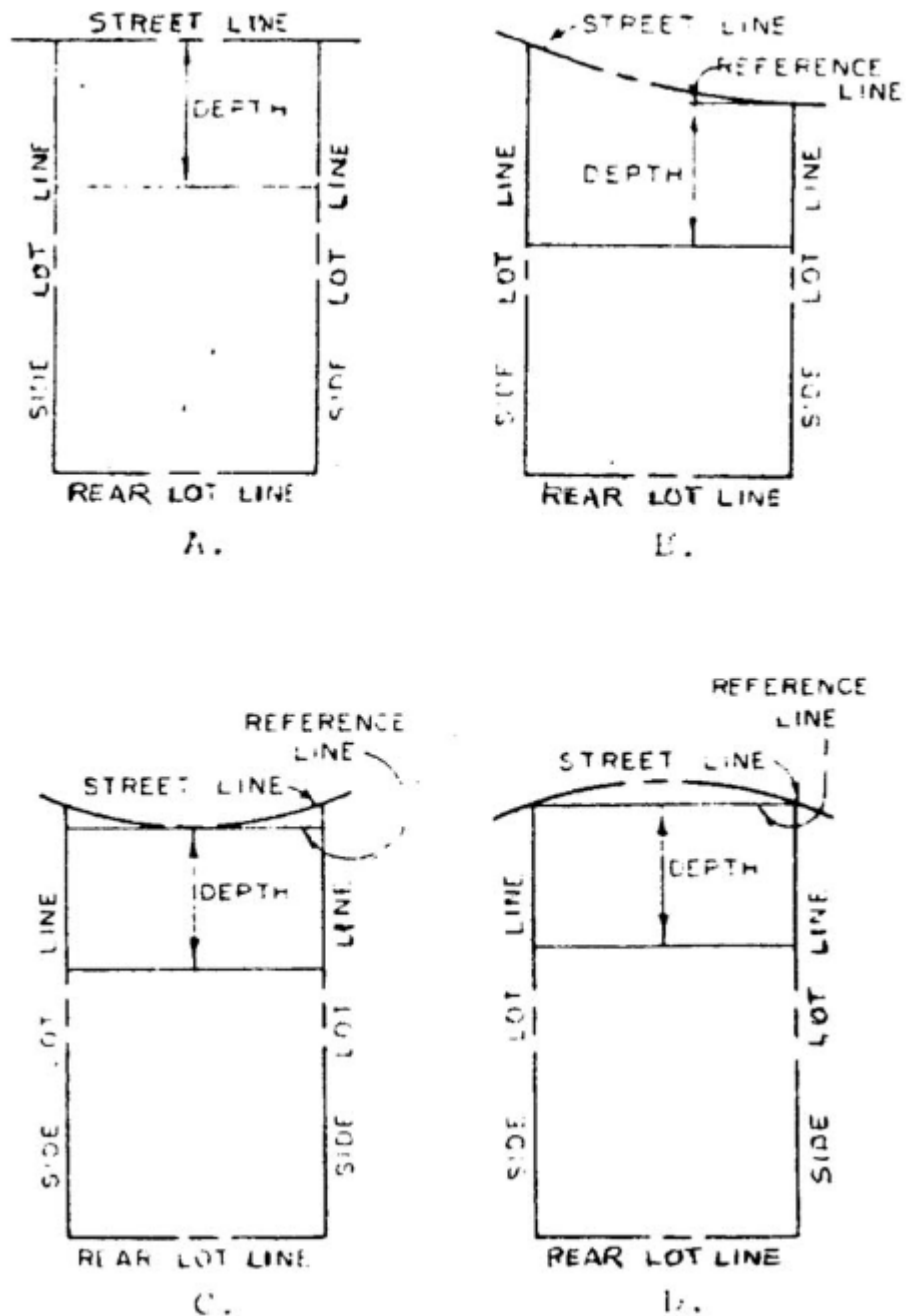
A required open space, between a lot line and a structure or group of structures, other than a court, unoccupied and unobstructed by any structure or portion of a structure, except as provided within this chapter; provided, however, that fences, walls, poles, and other customary yard accessories, ornaments, and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility.

YARD, FRONT

- (1) The term "front yard" means a yard extending between side lot lines across the front of a lot adjoining a public street; or, in the case of lake front lots, which shall be considered as through lots, a public street on one frontage and the lake front on the other frontage.
- (2) In the case of through lots, unless the prevailing front yard pattern on adjoining lots indicates otherwise, a front yard shall be provided on all frontages. Where one of the front yards that would normally be required on a through lot is not in keeping with the prevailing yard pattern, the Zoning Administrator may waive the requirement for the normal front yard and substitute therefor a special yard requirement which shall not exceed the average of the yards provided on adjacent lots.
- (3) Every corner lot in a residential district having on its side street an abutting interior lot shall have minimum setback of the district in which it is located; provided, however, that this does not reduce the buildable width of any lot of record to less than 25 feet. On corner lots where a rear lot line abuts a side lot line on the adjoining lot, accessory buildings on the corner lot shall have a rear yard setback from the rear lot line a distance equal to the side yard setback required for the district.
- (4) Depth of required front yards shall generally be measured from the innermost point of the street line (right-of-way line) inward for a distance of the required front yard depth, as in diagrams A, B, C, and D following Subsection (5) of this definition.



- (5) In the case of rounded property corners at street intersections, reference points for measurements shall be placed as though the side lot lines would have met the street line if the corner were not rounded, as in diagram E above. The front and rear lines of the front yard shall be parallel.



YARD, REAR

- (1) The term "rear yard" means the yard extending across the rear of a lot between side lot line.
- (2) Depth of a required rear yard shall be measured in such a manner that the yard established is a strip of the minimum width required by the district regulations with the inner edge parallel with the rear lot line.

YARD, SIDE

- (1) The term "side yard" means a yard extending from the rear line of the required front yard to the front line of the required rear yard. In the case of through lots, side yards shall extend between the rear lines of the required front yards.
- (2) Width of a required side yard shall be measured in such a manner that the yard established is a strip of the minimum width required by the district regulations with the inner edge parallel with the side lot line.

§ 34-2. through § 34-20. (Reserved)

ARTICLE II. Administration and Enforcement

Division 1. Generally

§ 34-21. Zoning Administrator — Designated; authority to administer chapter provisions.

[Comp. Ords. 1995, § 15.251; Ord. No. 91, 12-5-1977; Ord. No. 95, 5-7-1979]

- (a) An administrative official who shall be known as the Zoning Administrator shall be designated by the Village Council to administer and enforce this chapter. He may be provided with the assistance of other such persons as the Village Council may direct.
- (b) If the Zoning Administrator shall find any of the provisions of this chapter are being violated, he shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings or structures; removal of illegal buildings or structures or of illegal additions, alterations or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this chapter to ensure compliance with or to prevent violation of its provisions.

§ 34-22. Same — Duties and limitations.

[Comp. Ords. 1995, § 15.252; Ord. No. 91, 12-5-1977; Ord. No. 95, 5-7-1979]

- (a) The Zoning Administrator shall have the authority to grant zoning compliance permits, and to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this chapter. It shall be unlawful for the Zoning Administrator to approve any plans or issue a zoning compliance permit for any excavation or construction or use until he has inspected such plans in detail and found them in compliance with this chapter.
- (b) If the proposed excavation, construction, moving or alteration or use of land as set forth in the application is in conformity with the provisions of this chapter, the Zoning Administrator shall issue a zoning compliance permit. If an application for such permit is not approved, the Zoning Administrator shall state in writing on an appropriate denial form the cause for such disapproval.
- (c) The Zoning Administrator may accept a preliminary application and a lesser number of submitted documents than those listed in this section in situations where basic clarification is desired before proceeding with further technical work; and the Zoning Administrator may, on such preliminary submittal, indicate tentative denial or tentative approval.
- (d) Issuance of a building permit shall in no case be construed as waiving any provision of this chapter. The Zoning Administrator is under no circumstance permitted to grant exceptions to the actual meaning of any clause, order, or regulation contained in this chapter to any person making application to excavate, construct, move, alter or use either buildings, structures or land. The Zoning Administrator is under no circumstance permitted to make changes to this chapter or to vary the terms of this chapter in carrying out his duties.
- (e) The Zoning Administrator shall not refuse to issue a permit when the applicant complies with conditions imposed by this chapter and all other applicable Village, county, and state regulations.

Violations of contract, such as covenants or private agreements, which may result upon the granting of said permit are not cause for refusal to issue a permit.

§ 34-23. Zoning compliance.

[Comp. Ords. 1995, § 15.253; Ord. No. 91, 12-5-1977; Ord. No. 95, 5-7-1979]

- (a) It shall be unlawful to commence excavation for, or construction of, any building or other structure, including an accessory building, or to commence the moving, alteration or repair of any structure, including accessory buildings, until the Zoning Administrator has issued for such work a zoning compliance permit including a certification of his opinion that plans, specifications and intended use of such structure does in all respects conform to the provisions of this chapter.
- (b) It shall be unlawful to change the type of use of land, or to change the type of use or type of occupancy of any building, or to extend any use on any lot on which there is a nonconforming use, until the Zoning Administrator has determined such change to be in compliance with applicable provisions of this chapter.
- (c) When the Zoning Administrator receives an application for a zoning compliance permit which requires Village Council special land use permit or other approval, he shall so inform the applicant.

§ 34-24. Schedule of fees established by Village Council.

[Comp. Ords. 1995, § 15.311; Ord. No. 91, 12-5-1977; Ord. No. 95, 5-7-1979]

- (a) The Village Council shall, by resolution, establish a schedule of fees, charges and expenses and a collection procedure for zoning compliance permits, requests for special land use permits, variances, rezoning applications and other matters pertaining to this chapter. The schedule of fees shall be posted in the office of the Zoning Administrator and may be amended only by the Village Council.
- (b) Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal.

§ 34-25. Reimbursement expenses (escrow fees for zoning review).

[Ord. No. 137, 2-7-2005]

- (a) The stated fees for applications for zoning approvals and site plan review, established by resolution of the Village Council from time to time, are to be considered basic application fees which cover only consideration of the application at regularly scheduled Planning Commission, Zoning Board of Appeals, and/or Village Council meetings and publication and mailing of notice of hearing, as applicable.
- (b) In addition to the basic application fee, applicants for zoning approval or site plan review shall pay the costs of review of applications for variances, special use permits, site plans, rezoning, planned unit developments, subdivisions, site condominiums, and similar requests. Such charges shall be in addition to the basic application fee, in an amount equal to the Village's actual expenses incurred for reviewing the application, including, but not limited to, the cost of:
 - (1) Planning commission subcommittee meetings;
 - (2) Special meetings;

- (3) Review by Village attorney and preparation of appropriate approving resolutions or ordinances;
 - (4) Review by Village planner;
 - (5) Review by Village engineer;
 - (6) Additional notices of public hearing;
 - (7) Traffic studies;
 - (8) Environmental impact studies;
 - (9) Notice of additional hearings; and
 - (10) Similar services and expenses.
- (c) If the Zoning Administrator determines that the application is one for which such costs for review are likely to be incurred, the Zoning Administrator shall require the applicant to pay into escrow, in advance, an amount estimated to be sufficient to cover the expected costs. The amount to be paid into escrow shall be established in increments of at least \$500, commencing with an initial deposit of not less than \$500. No application shall be processed prior to the required escrow fee having been deposited with the Zoning Administrator. If an applicant objects to the amount of the escrow funds required to be deposited, he may appeal that determination to the Village Council within 30 days after the initial decision by the Zoning Administrator.
- (d) If funds in the escrow account are depleted, the applicant shall make an additional deposit sufficient to cover any deficit and to re-establish a balance of at least \$500. The amount of additional deposit sufficient to cover any deficit in the account shall be at least \$500, or such greater amount as is determined by the Zoning Administrator to be reasonably necessary in order to cover anticipated remaining or future expenses. No further action shall be taken on an application until the escrow account has been re-established to such appropriate level, as determined by the Zoning Administrator.
- (e) The Zoning Administrator shall maintain accurate records regarding the expenditures made on behalf of each applicant from the escrow account. Such escrow funds (from one or more applicants) shall be kept in a separate bank account or bank account category.
- (f) Any excess funds remaining in the escrow account after the application has been fully processed, reviewed and the final decision has been rendered regarding the project will be refunded to the applicant with no interest to be paid on those funds. If the balance of the expenses for the application for any reason exceeds the amount remaining in escrow following final action by the Village, the Village shall send the applicant a statement for such additional fees. Until the applicant pays such fees for the expenses of review, no further building permit or certificate of occupancy or other permit for the project shall be issued, and if such expenses remain unpaid for a period of 14 days, the Village Zoning Administrator or Building Official may issue appropriate stop work orders or take other action to halt work on the project. In addition, the Village may take legal action to collect unpaid fees.
- (g) The application for zoning approval or other approvals covered by this resolution shall indicate that the applicant agrees to pay the Village's expenses for review of the application and other expenses as stated in this section.

§ 34-26. Chapter provisions to be minimum requirements.

[Comp. Ords. 1995, § 15.411; Ord. No. 91, 12-5-1977; Ord. No. 95, 5-7-1979]

In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals and general welfare. Wherever the requirements of this chapter are at variance with the requirements of any other lawfully

adopted rules, regulations or ordinances, the most restrictive or that imposing the higher standards shall prevail.

§ 34-27. Complaints regarding violations.

[Comp. Ords. 1995, § 15.412; Ord. No. 91, 12-5-1977; Ord. No. 95, 5-7-1979]

Whenever a violation of this chapter occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint, stating fully the causes and basis thereof, shall be filed with the Zoning Administrator. He shall record properly such complaint, immediately investigate and take action thereon as provided by this chapter and make answer to the complainant.

§ 34-28. Violations.

[Comp. Ords. 1995, § 15.413; Ord. No. 91, 12-5-1977; Ord. No. 95, 5-7-1979; Ord. No. 103, 10-4-1982]

- (a) Violation of the provisions of this chapter or failure to comply with any of its requirements, including violations of conditions and safeguards established in connection with grants of variances or special land use, shall constitute a misdemeanor.
- (b) The owner or tenant of any building, structure, premises or part thereof, and any architect, builder, contractor, agent or other person who commits, participates in, assists in or maintains such violation, may each be found guilty of a separate offense.
- (c) Nothing herein contained shall prevent the Village from taking such other lawful action as is necessary to prevent or remedy any violation of this chapter.

§ 34-29. through § 34-59. (Reserved)

Division 2. Zoning Board of Appeals

§ 34-60. Establishment and procedures.

[Comp. Ords. 1995, § 15.281; Ord. No. 91, 12-5-1977; Ord. No. 95, 5-7-1979; Ord. No. 148, § II, 5-7-2007]

- (a) There is hereby created a five-member Zoning Board of Appeals, hereinafter referred to as the Zoning Board of Appeals, which shall perform its duties and exercise its powers and jurisdiction according to the provisions of this chapter to the end that the objectives of this chapter are observed, public safety and general welfare secured, and substantial justice done. The Zoning Board of Appeals shall fix rules and regulations to govern its procedures.
- (b) Members of the Zoning Board of Appeals shall be appointed by the President of the Village subject to confirmation by the Village Council. The membership shall serve at the pleasure of the Village Council for three-year terms. The Village Council may appoint two alternate members who shall serve in the absence of any member or serve in the instance that a member must be excused from any matter before the board.
- (c) The Zoning Board of Appeals shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this chapter to govern its procedure sitting as such Board of Appeals. Meetings shall be held at the call of the chairman and at such other times as the Board of Appeals may determine. All meetings shall be open to the public.

- (d) The Zoning Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed in the office of the Village Clerk.

§ 34-61. Powers and duties.

[Comp. Ords. 1995, § 15.282; Ord. No. 91, 12-5-1977; Ord. No. 95, 5-7-1979]

- (a) The Zoning Board of Appeals shall have the following powers and duties:

- (1) Appellate jurisdiction. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Zoning Administrator in the enforcement of this chapter.
 - a. Appeals; filing. Appeals to the Board of Appeals concerning interpretation or administration of this chapter may be taken by any person aggrieved or by any officer or bureau of the Village Council affected by any decision of the Zoning Administrator. Such appeals shall be taken within a reasonable time of the aggrieved action by filing with the Zoning Administrator and with the Board of Appeals a notice of appeals specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board of Appeals all papers constituting the record upon which the action appealed from was taken.
 - b. Hearings. The Board of Appeals shall fix a reasonable time for a hearing and shall give due notice as required by Public Act No. 110 of 2006 (MCL 125.3101 et seq.).
 - c. Stay of proceedings. An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Administrator from whom the appeal is taken certifies to the Board of Appeals after the notice of appeals is filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Appeals or by the circuit court on application, on notice to the Zoning Administrator from whom the appeal is taken and on due cause shown.
- (2) Variance applications; procedures. To authorize upon written application in specific cases such variance from the strict interpretation of this chapter as shall not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this chapter would result in practical difficulties or unnecessary hardship to the applicant. A variance from the terms of this chapter shall not be granted by the Board of Appeals unless and until:
 - a. Written application for a variance is submitted to the Zoning Administrator demonstrating:
 1. That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district;
 2. That literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this chapter;
 3. That the special conditions and circumstances do not result from the actions of the applicant;
 4. That granting the variance requested will not confer on the applicant any special privilege denied by this chapter to other lands, structures or buildings in the same district.

- b. No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.
 - c. Notice of hearing shall be given in accordance with Act No. 110 of 2006 (MCL 125.3101 et seq.).
 - d. The hearing shall be held within 30 days after the application is submitted. Any party may appear in person, by agent or by attorney.
 - e. The Board of Appeals shall make findings that the requirements of § 34-61(2)a have been met by the applicant for a variance.
 - f. The Board of Appeals shall further make a finding that the reasons set forth in the application justify the granting of the variance and that the variance is the minimum variance which will make possible reasonable use of the land, building, or structure.
 - g. The Board of Appeals shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this chapter and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
 - h. In granting any variance, the Board of Appeals may prescribe appropriate conditions and safeguards in conformity with this chapter. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this chapter and punishable under § 34-28.
 - i. Under no circumstances shall the Board of Appeals grant a variance to allow a use not permissible under the terms of this chapter in the district involved, or any use expressly or by implication prohibited by the terms of this chapter in said district.
- (3) Reversing decision of Zoning Administrator.
- a. In exercising the powers mentioned in Subsections (1) and (2) of this section, the Board of Appeals may, so long as such action is in conformity with the terms of this chapter, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have the powers of Zoning Administrator from whom the appeal is taken under appellate jurisdiction.
 - b. The concurring vote of two-thirds of the members of the Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator, or to decide in favor of the applicant on any matter upon which it is required to pass under this chapter or to effect any variation in the application of this chapter.

§ 34-62. Appeals.

[Comp. Ords. 1995, § 15.283; Ord. No. 91, 12-5-1977; Ord. No. 95, 5-7-1979]

Any person or department, board or bureau of the Village aggrieved by any decision of the Board of Appeals may seek review by a court of record of such decision, in the manner prescribed by the laws of the state.

§ 34-63. Duties of Zoning Administrator, Board of Appeals, Village Council and courts on matters of appeal.

[Comp. Ords. 1995, § 15.284; Ord. No. 91, 12-5-1977; Ord. No. 95, 5-7-1979; Ord. No. 138, § 15.384, 2-7-2005]

- (a) Any required site plan shall be submitted in triplicate, or original quality, to the Village Clerk along with a covering letter in triplicate signed by the owner of the land and/or prospective developer providing an explanation and background information on the proposed development along with all necessary fees and documents required by this chapter, including, but not limited to, escrow fees established by the Village resolution requiring the reimbursement for all expenses incurred by the Village in connection with zoning approval and side plan review.
- (b) It is further the intent of this chapter that the duties of the Village Council in connection with this chapter shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this chapter. Under this chapter, the Village Council shall have only the duties of:
 - (1) Considering and adopting or rejecting proposed amendments or the repeal of this chapter, as provided by law;
 - (2) Establishing a schedule of fees and charges as stated in § 34-24;
 - (3) Appointing members of the Board of Appeals and the Zoning Administrator; and
 - (4) Considering the approval or rejection of special land use permits.

§ 34-64. through § 34-84. (Reserved)

Division 3. Amendments

§ 34-85. Initiation.

[Comp. Ords. 1995, § 15.331; Ord. No. 91, 12-5-1977; Ord. No. 95, 5-7-1979]

Amendments to this chapter may be initiated by the Village Council on its own motion or, in the manner and pursuant to the procedure hereinafter set forth, may be initiated by any person filing an application therefor with the Village Council. The Planning Commission may, at its discretion, also initiate amendments to this chapter and recommend the same to the Village Council for adoption.

§ 34-86. Amendment procedure.

[Comp. Ords. 1995, § 15.332; Ord. No. 91, 12-5-1977; Ord. No. 95, 5-7-1979; Ord. No. 148, § 1, 5-7-2007]

- (a) Filing of petitions. All petitions for amendments to this chapter shall be in writing, signed and filed in triplicate with the Village Clerk for presentation to the Village Council.
- (b) Required information. All petitions for amendments to this chapter, without limiting the right to file additional material, shall contain the following:
 - (1) The petitioner's name, address and interest in the petition as well as the name, address and interest of every person having a legal or equitable interest in the land.
 - (2) The nature and effect of the proposed amendment.
 - (3) If the proposed amendment would require a change in the Zoning Map, a fully dimensioned map showing the land which would be affected by the proposed amendment, a legal description of such land, the present zoning classification of the land, the zoning classification of all abutting districts, all public and private right-of-way and easements bounding and intersecting the land under consideration shall be prepared.

- (4) If the proposed amendment would require a change in the Zoning Map, the names and addresses of the owners, according to the current tax roll, of all land within 300 feet of the perimeter of the area to be changed by the proposed amendment.
 - (5) The alleged error in this chapter which would be corrected by the proposed amendment, with a detailed explanation of such alleged error and detailed reasons why the proposed amendment will correct the same.
 - (6) The changed or changing conditions in the area or in the municipality which make the proposed amendment reasonably necessary to the promotion of the public health, safety and general welfare.
 - (7) All other circumstances, factors and reasons which the applicant offers in support of the proposed amendment.
- (c) Referral to Planning Commission. The Village Council, upon receipt of the petition to amend, after having it examined and approved as to form and content by the Village Clerk, shall refer the same to the Village Planning Commission for study and report.
 - (d) Public hearing notification. The notification of a public hearing shall be made as required by Public Act No. 110 of 2006 (MCL 125.3101 et seq.) The Village Clerk shall publish a notice in a newspaper of general circulation within the Village, according to the following:
 - (e) Publication of adopted amendments. The Village Clerk shall take action to publish notice of adoption in a newspaper of general circulation in the Village within 15 days of adoption of an amendment to this chapter by the Village Council.

§ 34-87. Comprehensive review.

[Comp. Ords. 1995, § 15.333; Ord. No. 91, 12-5-1977; Ord. No. 95, 5-7-1979]

The Planning Commission shall, from time to time, at intervals of not more than one year, examine the provisions of this chapter and the locations of district boundary lines and shall submit a written report to the Village Council recommending changes and amendments, if any, which are desirable in the interest of the public health, safety and general welfare.

§ 34-88. through § 34-117. (Reserved)

Division 4. Special Land Uses

§ 34-118. Purpose.

[Comp. Ords. 1995, § 15.351; Ord. No. 91, 12-5-1977; Ord. No. 95, 5-7-1979]

- (a) Special land uses are those uses of land which are not essentially incompatible with the uses permitted in a zoning district, but possess characteristics or locational qualities which require individual review and restriction in order to avoid incompatibility with the natural environment of the site, the character of the surrounding area, public services and facilities, and adjacent uses of land. The purpose of this division is to establish equitable procedures and criteria which shall be applied in the determination of requests to establish special land uses. The standards for approval and requirements provided for under the provisions of this division shall be in addition to those required elsewhere in this chapter which are applicable to the special land use under consideration.
- (b) This division hereby authorizes the Village Council to issue special land use permits, provided that:

- (1) The proposed use is one listed as a special land use for that district in which said use is proposed to be located; and
- (2) The Village Council ensures before approving a special land use permit request that both:
 - a. The standards of the district in which the special land use is to be located are fulfilled; and
 - b. The standards or other requirements of this division are fully complied with.

§ 34-119. Application procedures.

[Comp. Ords. 1995, § 15.352; Ord. No. 91, 12-5-1977; Ord. No. 95, 5-7-1979; Ord. No. 148, § I, 5-7-2007]

- (a) An application for permission to establish a special land use shall be submitted and acted upon in accordance with the following procedures:
 - (1) Applicant. Any person owning or having an interest in the subject property may file an application for one or more special land use permits provided for in this chapter in the zoning district in which the land is situated.
 - (2) Application submittal and fee. Applications for special land use permits shall be submitted through the Village Clerk to the Village Council. Each application shall be accompanied by the payment of a fee in accordance with the schedule of fees adopted by the Village Council to cover the costs of processing the application. No part of any fee shall be refundable.
 - (3) Required information. Three copies of an application for a special land use permit shall be presented to the Village Clerk and accompanied by the following documents and information:
 - a. A special land use permit application form supplied by the Village Clerk which has been completed in full by the applicant.
 - b. A site plan in conformance with Division 5 of this article.
 - c. A statement and other evidence or proof by the applicant of present and future compliance with the standards required for approval in this section and other standards imposed by this chapter affecting the special land use under consideration.
 - (4) Incomplete application. An application which is incomplete or otherwise not in compliance with this chapter shall be returned to the applicant. No application shall be processed until properly prepared and submitted and all required fees paid in full.
 - (5) Copy of application to Village. The Village Clerk shall forward a copy of the application for the special land use request to the Village Planning Commission within seven days of receiving the request. The Planning Commission may review the application and make recommendations within 30 days after receipt thereof, to the Village Council for consideration thereby. All comments or recommendations shall be advisory and be submitted in writing to the Village Council.
 - (6) Hearing. After a preliminary review of the site plan and an application for a special land use permit, the Village Planning Commission shall hold a public hearing on the site plan and special land use request. Public notice shall be provided pursuant to § **34-86(d)** and **(e)**.
 - (7) Review and approval. The review of an application and site plan requesting a special land use permit shall be made by the Village Council in accord with the procedures and standards specified in this chapter. If a submitted application and site plan do not meet the requirements of this chapter, they may not be approved. However, if the applicant agrees to make changes to the site plan and application in order to bring them into compliance with the chapter, such changes shall be allowed and shall be either noted on the application or site plan itself, or

attached to it, or these documents shall be resubmitted incorporating said changes. A site plan and application for a special land use permit shall be approved if they comply in all respects with the requirements of this chapter and other applicable county, state or federal laws, rules or regulations. Approval and issuance of a special land use permit shall signify prior approval of the application and site plan, therefore including any modification and any conditions imposed where necessary to comply with this chapter. The site plan, as approved, and any statements of conditions and modifications shall become part of the special land use permit and shall be enforceable as such. The decision to approve or deny a request for a special land use permit shall be retained as a part of the record of action on the request and shall incorporate a statement of conclusions which specify; the basis for the decision, any changes to the originally submitted application and site plan necessary to ensure compliance with the chapter, and any conditions imposed with approval. Once a special land use permit is issued, all site development and use of land on the property affected shall be consistent with the approved special land use permit, unless a change conforming to chapter requirements receives the mutual agreement of the landowner and the Village Council and is documented as such.

- (8) Issuance of a special land use permit. Upon approval by the Village Council, the Zoning Administrator shall issue a special land use permit to the applicant. It shall be the responsibility of the Zoning Administrator to monitor compliance with the terms, conditions and restrictions of any special land use permit and take any enforcement action necessary in the event of a violation of the special land use permit.

§ 34-120. Basis of determinations.

[Comp. Ords. 1995, § 15.353; Ord. No. 91, 12-5-1977; Ord. No. 95, 5-7-1979]

- (a) Prior to approval of a special land use application and required site plan, the Village Council shall ensure that the standards specified in this section as well as applicable standards established elsewhere in this chapter, shall be satisfied by the completion and operation of the special land use under consideration.
- (1) General standards. The Village Council shall review the particular circumstances of the special land use request under consideration in terms of the following standards, and shall approve a special land use request only upon a finding of compliance with each of the following standards, as well as applicable standards established elsewhere in this chapter:
- a. The special land use shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area.
 - b. The special land use shall not inappropriately change the essential character of the surrounding area.
 - c. The special land use shall not interfere with the general enjoyment of adjacent property.
 - d. The special land use shall represent an improvement to the use or character of the property under consideration and the surrounding area in general, yet also be in keeping with the natural environment of the site.
 - e. The special land use shall not be hazardous to adjacent property, or involve uses, activities, materials or equipment which will be detrimental to the health, safety, or welfare of persons or property through the excessive production of traffic, noise, smoke, odor, fumes or glare.
 - f. The special land use shall be adequately served by essential public facilities and services, or it shall be demonstrated that the person responsible for the proposed special land use shall be able to continually provide adequately for the services and facilities deemed essential to the special land use under consideration.

- g. The special land use shall not place demands on public services and facilities in excess of current capacity.
 - h. The special land use shall be consistent with the intent and purpose of this chapter, and the objectives of any currently adopted Village development plan.
- (2) Conditions.
- a. The Village Council may impose conditions with the approval of a special land use application and site plan which are necessary to ensure compliance with the standards for approval stated in this section and any other applicable standards contained in this or other applicable Village ordinances and regulations. Such conditions shall be considered an integral part of the special land use permit and approved site plan and shall be enforced by the Zoning Administrator.
 - b. The conditions may include conditions necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the 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.
- (3) Performance guarantee. In authorizing a special land use permit, the Village Council may require that a cash deposit, certified check, or irrevocable bank letter of credit be furnished by the developer to ensure compliance with an approved site plan and the special land use permit requirements. Such guarantee shall be deposited with the Village Clerk at the time of the issuance of the special land use permit. In fixing the amount of such performance guarantee, the Village Council shall limit it to reasonable improvements required to meet the standards of this chapter and to protect the natural resources or the health, safety and welfare of the residents of the Village and future users or inhabitants of the proposed project or project area including, but not limited to, roadways, lighting, utilities, sidewalks, screening and drainage. The term "improvements" does not include the entire project which is the subject of zoning approval nor to improvements for which a performance guarantee has been deposited pursuant to Public Act No. 288 of 1967 (MCL 560.101 et seq.). The Village Council and the project developer shall establish an agreeable procedure for the rebate of any cash deposits required under this section, in reasonable proportion to the ratio of the work completed on the required improvements as work progresses. Said agreement shall be written as an element of the conditions surrounding the approval of the special land use permit.

§ 34-121. Effective date.

[Comp. Ords. 1995, § 15.354; Ord. No. 91, 12-5-1977; Ord. No. 95, 5-7-1979]

- (a) The special land use permit shall become effective when the application has been approved by the Village Council.
 - (1) A building permit shall not be issued until approval of such special land use permit by the Village Council.
 - (2) Until a building permit has been granted pursuant to the special land use permit, there shall be no construction or excavation of said land, nor shall use of the land be made toward the intended purposes of such special land use permit.
 - (3) Land subject to a special land use permit may not be used or occupied for purposes of such special land use until after a certificate of occupancy for same has been issued pursuant to the provisions of this chapter.

§ 34-122. Permit validity.

[Comp. Ords. 1995, § 15.355; Ord. No. 91, 12-5-1977; Ord. No. 95, 5-7-1979]

- (a) Approval of a special land use permit shall be valid regardless of change of ownership, provided that all terms and conditions of the permit are met by any subsequent owner.
- (b) In instances where development authorized by a special land use permit has not commenced within one year from the date of issuance or the last date of review authorized by this subsection, the Village Council shall review the permit in relation to the applicable standards and requirements of this chapter. Upon a finding that there has been a change in conditions on the property or the surrounding area or in provisions of this chapter applicable to the special land use permit under review, such that the permit is no longer in conformance with the requirements of this chapter, the permit shall become null and void. Where it is determined that such permits are in conformance with the provisions of this chapter and there has not been a change in conditions affecting the validity of the permit, the special land use permit shall remain valid, subject to periodic review in accord with the provisions of this subsection.

§ 34-123. Requirement for compliance.

[Comp. Ords. 1995, § 15.356; Ord. No. 91, 12-5-1977; Ord. No. 95, 5-7-1979]

It shall be the duty and obligation of the owner and occupant or operator of land and uses subject to a special land use permit and approved site plan therefor, that the continued use of such land shall at all times be in compliance with the use requirements of this chapter. Failure thereof shall be violation of this chapter and the continuance thereof is declared to be a nuisance per se.

§ 34-124. Once granted a special land use permit, the use is a permitted use.

[Comp. Ords. 1995, § 15.357; Ord. No. 91, 12-5-1977; Ord. No. 95, 5-7-1979]

- (a) Any use for which a special land use permit has been granted shall be deemed a conforming use permitted in the district in which such use is located provided:
 - (1) Such permit was issued in conformity with the provisions of this chapter;
 - (2) Such permit shall be deemed to affect only the lot or portion thereof and uses thereupon for which the special land use permit shall have been explicitly granted; and
 - (3) Such permit authorizes a use which is subsequently built, operated and maintained in compliance with the chapter, the special land use permit, and all conditions established with its approval.

§ 34-125. Specific requirements.

[Comp. Ords. 1995, § 15.358; Ord. No. 91, 12-5-1977; Ord. No. 95, 5-7-1979]

The foregoing general requirements are basic and apply to all special land uses. Specific requirements listed in Division 2 of Article III of this chapter relating to particular special land use are in addition to, and shall be required, in all applicable situations.

§ 34-126. through § 34-148. (Reserved)

Division 5. Site Plan Requirements

§ 34-149. Intent.

[Comp. Ords. 1995, § 15.381; Ord. No. 91, 12-5-1977; Ord. No. 95, 5-7-1979]

- (a) The intent of requiring site plan submittal and review in certain instances specified herein is to facilitate determination of whether certain development proposals meet all applicable requirements and are in harmony with the purpose, intent and spirit of this chapter.
- (b) It is further the intent to assist Village officials in encouraging and assisting proposers of land development to design and implement land use proposals which foster orderly, efficient, compatible and aesthetic uses of land in the Village.

§ 34-150. When required.

[Comp. Ords. 1995, § 15.382; Ord. No. 91, 12-5-1977; Ord. No. 95, 5-7-1979]

A site plan shall be prepared and submitted in accordance with §§ **34-151** and **34-152** with any application for a special land use permit or variance not involving a single-family, two-family or agricultural permitted principal use; with any application for rezoning, other than rezoning for the sole purpose of constructing a single-family, two-family, or agricultural permitted principal use; with any application for a zoning compliance permit or building permit, other than for the sole purpose of constructing a single-family, two-family or agricultural permitted principal use or accessory use thereto.

§ 34-151. Contents.

[Comp. Ords. 1995, § 15.383; Ord. No. 91, 12-5-1977; Ord. No. 95, 5-7-1979]

- (a) A required site plan shall be drawn at a scale of one inch equals 100 feet and shall contain the following information:
 - (1) The boundary lines of the area included in the site plan, including angles, dimensions and reference to a section corner, quarter corner or point on a recorded plat, an arrow pointing north, and the individual lot areas and dimensions of the land included in the site plan.
 - (2) Existing and proposed topography, drainage systems, and structures, with topographic contour intervals of not more than two feet.
 - (3) The shape, size and location of all structures on the lot including yard dimensions, height, floor area and ground coverage ratios and the finished ground and basement floor grades.
 - (4) Natural features such as woodlots, trees of more than one foot in diameter, streams and lakes or ponds, and manmade features such as existing roads and structures, with indication as to which features are to be retained and which removed or altered. Adjacent properties and their uses shall be identified.
 - (5) Proposed streets, driveways, parking spaces, curb cuts, loading spaces and sidewalks, with indication of direction of travel of one-way streets and drives and the inside radius of all curves. The width of streets, driveways and sidewalks, and the total number of layout of parking spaces shall be shown.
 - (6) The size and location of all existing and proposed public and private utilities and required landscaping.
 - (7) A vicinity sketch showing location of the site in relation to the surrounding street system.
 - (8) A legal description of the land and lots included in the site plan.

- (9) Any other information necessary to establish compliance with this chapter and any other ordinances and the availability of adequate utility capacity.
- (10) The name, signature, title and mailing address of the person who prepared the site plan. A site plan for any development of five acres or more in land area shall be prepared by a registered architect, engineer, professional community planner or land surveyor. A site plan for a development of less than five acres may, at the discretion of the Zoning Administrator, be prepared by a qualified person who is not a registered architect, engineer, professional community planner or land surveyor.

§ 34-152. Review process and approval.

[Comp. Ords. 1995, § 15.384; Ord. No. 91, 12-5-1977; Ord. No. 95, 5-7-1979; Ord. No. 138, § 15.384, 2-7-2005]

- (a) Any required site plan shall be submitted in triplicate, or original quality, to the Village Clerk along with a covering letter in triplicate signed by the owner of the land and/or prospective developer providing an explanation and background information on the proposed development along with all necessary fees and documents required by this chapter, including but not limited to, escrow fees established by the Village resolution requiring the reimbursement for all expenses incurred by the Village in connection with zoning approval and side plan review.
- (b) If the proposed development does not require the issuance of a special land use permit or a rezoning of land by the Village Council or variance by the Board of Appeals, within 30 days after receipt the Planning Commission shall notify in writing the proposer of the development of the approval or disapproval of the site plan. If the site plan is disapproved, the reasons therefor shall be given. Such disapproval shall be limited to inadequacy or defect in form or content and/or noncompliance with identified applicable provisions of this chapter.
- (c) If the proposed development requires the issuance of a special land use permit, the Planning Commission shall transmit its findings to the Village Council along with one copy of the site plan and covering letter. The Village Council shall follow the special land use procedure as provided in Division 4 of this article. The proposer of the development shall be notified of the status of his requested site plan approval.
- (d) If the proposed development requires a rezoning of land, the Planning Commission shall transmit its findings to the Village Council along with one copy of the site plan and covering letter. The Village Council shall follow the amendment procedure as provided in Division 3 of this article. The proposer of the development shall be notified of the status of his requested site plan approval.
- (e) If the proposed development requires the issuance of a variance, the Planning Commission shall transmit its findings to the Board of Appeals along with one copy of the site plan and covering letter. The Board of Appeals shall follow the variance procedure as provided in § 34-61(2). The proposer of the development shall be notified of the status of his requested site plan approval.
- (f) The decision rejecting, approving, or conditionally approving a site plan shall be based upon the requirements contained in § **34-151**.
- (g) A site plan shall be approved if it contains the information required by this chapter and is in compliance with this chapter and the conditions imposed thereunder, other applicable ordinances, and state and federal statutes.
- (h) The site plan as approved shall become part of the record of approval, and subsequent actions relating to the activity authorized shall be consistent with the approved site plan, unless a change conforming to this chapter receives the mutual agreement of the landowner and approving body.

§ 34-153. through § 34-172. (Reserved)

ARTICLE III. District Regulations

Division 1. Generally

§ 34-173. Official Zoning Map.

[Comp. Ords. 1995, § 15.011; Ord. No. 91, 12-5-1977; Ord. No. 95, 5-7-1979]

- (a) The Village is hereby divided into zones, or districts, as shown on the Official Zoning Map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this chapter.
- (b) The Official Zoning Map shall be identified by the signature of the Village President, attested by the Village Clerk, and shall bear the seal of the Village under the following words: "This is to certify that this is the Official Zoning Map referred to in § **34-173** of the Code of Ordinances, Village of Baroda, Michigan," together with the date of the adoption of said ordinance.
- (c) If, in accordance with the provisions of this chapter, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map within 10 days after the amendment has been approved by the Village Council and with entry on the Official Zoning Map as follows: "On (date), by official action of the Village Council, the following (change) changes were made in the Official Zoning Map: (brief description of nature of change)," which entry shall be signed by the Village President and attested by the Village Clerk. No amendment to this chapter which involves matter portrayed on the Official Zoning Map shall become effective until after such change and entry have been made on said map.
- (d) No changes of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this chapter. Any unauthorized change of whatever kind by any person shall be considered a violation of this chapter.
- (e) Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map which shall be located in the office of the Village Clerk shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the Village.

§ 34-174. Replacement of Official Zoning Map.

[Comp. Ords. 1995, § 15.012; Ord. No. 91, 12-5-1977; Ord. No. 95, 5-7-1979]

- (a) In the event the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the Village Council may, by resolution, adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Village President, attested by the Village Clerk, and shall bear the seal of the Village under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted (date of adoption of map being replaced) as part of Zoning Ordinance No. 91 of the Village of Baroda, Berrien County, Michigan."
- (b) Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining, shall be preserved, together with all available records pertaining to its adoption or amendment.

§ 34-175. District boundary lines.

[Comp. Ords. 1995, § 15.041; Ord. No. 91, 12-5-1977; Ord. No. 95, 5-7-1979]

- (a) Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:
- (1) Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed as following such centerlines;
 - (2) Boundaries indicated as approximately following property, parcel, or lot lines shall be construed as following such lines;
 - (3) Boundaries indicated as approximately following municipal boundaries shall be construed as following such municipal boundaries;
 - (4) Boundaries indicated as following township section lines shall be construed as following such section lines;
 - (5) Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;
 - (6) Boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such centerlines;
 - (7) Boundaries indicated as parallel to or extensions of features indicated in rules one through six in Subsections **(1)** through **(6)** of this section shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map;
 - (8) Where physical features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by rules one through seven in Subsections **(1)** through **(7)** of this section, the Board of Appeals shall interpret the district boundaries;
 - (9) Where a district boundary line divides a lot which was in single ownership at the time of passage of the ordinance from which this chapter is derived, the Village Council may permit, as a special land use, the extension of the regulations for either portion of the lot not to exceed 50 feet beyond the district line into the remaining portion of the lot.

§ 34-176. Application of regulations.

[Comp. Ords. 1995, § 15.061; Ord. No. 91, 12-5-1977; Ord. No. 95, 5-7-1979]

- (a) The regulations set forth by this chapter within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land within a zoning district, and particularly, except as hereinafter provided:
- (1) No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.
 - (2) No building or other structure shall hereafter be erected or altered to:
 - a. Exceed the height or bulk;
 - b. Accommodate or house a greater number of families;
 - c. Occupy a greater percentage of lot area; or

- d. Have narrow or smaller rear yards, front yards, side yards, or other open spaces than herein required; or be erected or altered in any other manner contrary to the provisions of this chapter.
- (3) No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this chapter, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.
- (4) No yard or lot existing at the time of passage of the ordinance from which this chapter is derived shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of the ordinance from which this chapter is derived shall meet at least the minimum requirements established by this chapter.
- (5) Essential services shall be permitted as authorized and regulated by law and other ordinances of the Village it being the intention to exempt such essential services from the application of this chapter.

§ 34-177. through § 34-205. (Reserved)

Division 2. Schedules

§ 34-206. District regulations.

[Comp. Ords. 1995, § 15.111; Ord. No. 91, 12-5-1977; Ord. No. 95, 5-7-1979]

District regulations shall be as set forth in the schedule of district regulations contained in this division and in supplementary district regulations contained in Division 3 of this article.

§ 34-207. Schedule of District Regulations — R-1, R-2, single-family residential districts.

[Comp. Ords. 1995, § 15.112; Ord. No. 91, 12-5-1977; Ord. No. 95, 5-7-1979]

Following is the schedule of district regulations for R-1 and R-2 single-family residential districts:

Intent	Permitted Principal Uses	Permitted Accessory Uses	Uses Requiring Village Council Special Land Use Permit (See Division 4 of this article)
To provide for a suitable residential environment for families typically with children. To this end, uses are basically limited to single-family dwellings together with certain other uses such as schools, parks and playgrounds which provide a neighborhood environment. In keep-	1. Single-family dwellings subject to the yard, height and lot size requirements of this district	1. Private garage	1. Houses of worship, parish houses, and convents
	2. State-licensed residential facilities, as required by MCL 125.3206	2. Garden house, tool house, playhouse, greenhouse, boat house, pump house	2. Schools

ing with the intent, development is regulated to a moderate density. Commercial and other uses tending to be incompatible with the intent of this district are prohibited	Permitted Principal Uses	Permitted Accessory Uses	Uses Requiring Village Council Special Land Use Permit (See Division 4 of this article)
		3. Swimming pool in accordance with § 34-247	3. Public or private recreation uses such as parks, playgrounds, golf courses, ball-fields, stadiums and community centers
		4. Automobile parking for the domestic use of occupants of the dwelling	4. Governmental buildings, libraries, museums, public utility buildings, telephone exchange buildings, electric power transformer stations, fire stations, gas regulator stations
		5. Similar accessory uses customarily incidental to the permitted principal use	5. Hospitals, nursing or convalescent homes
			6. Cemeteries
			7. Home occupations

§ 34-208. Same — R-3, multifamily residential districts.

[Comp. Ords. 1995, § 15.113; Ord. No. 91, 12-5-1977; Ord. No. 95, 5-7-1979]

Following is the schedule of district regulations for the R-3 multifamily residential district:

Intent	Permitted Principal Uses	Permitted Accessory Uses	Uses Requiring Village Council Special Land Use Permit (See Division 4 of this article)
Intent is primarily the same as the R-2 district, but permitting a relatively higher density, diversification and variety of the community's housing stock through certain special land uses.	1. Single-family dwellings subject to the yard, height and lot size requirements of this district.	1. Uses listed under R-2, Single-family residential district, permitted accessory Uses.	1. All uses listed under R-2, Single-Family Residential District, uses requiring Village Council special land use permit, except home occupations shall be limited to single-family dwellings and accessory uses only.
	2. State licensed residential facilities, as required by MCL 125.3206.		2. Two-family dwellings, and accessory structures thereto.
			3. Multifamily dwellings, and accessory structures thereto.

§ 34-209. Same — R-4, residential mobile home park district.

[Comp. Ords. 1995, § 15.114; Ord. No. 91, 12-5-1977; Ord. No. 95, 5-7-1979]

Following is the schedule of district regulations for the R-4 residential mobile home park district:

Intent	Permitted Principal Uses	Permitted Accessory Uses	Uses Requiring Village Council Special Land Use Permit (See Division 4 of this article)
<p>To make provisions for mobile homes in state-licensed mobile home parks in an appropriate, safe, sanitary and attractive manner.</p>	<p>Residential mobile homes, constructed in accordance with applicable provisions of Public Act No. 230 of 1972 (MCL 125.1501 et seq.), located within state-licensed mobile home parks, which have been approved by special land use permit from the Village Council. Mobile home parks shall be limited to the use and occupancy of mobile homes and shall be used for no other purpose.</p>	<p>A mobile home located in a mobile home park for permanent occupancy shall be adequately secured, front and rear, with tie-downs to a concrete slab. Permanent patios, porches, carports and expandable living units may be attached to a mobile home provided such attachments are prefabricated by a trailer manufacturer or other supplier for the express purpose for which they are intended, or are so designed by the owner or an architect to be compatible in design with the mobile home to which they are to be attached, and so finished in appearance as to blend in with the mobile home to which they are to be attached so as to present a neat, orderly and attractive appearance when completed.</p>	<p>Mobile home parks shall be established in full compliance with all applicable requirements of the provisions of the mobile home commission act, Public Act No. 96 of 1987 (MCL 125.2301 et seq.), mobile home parks shall be established only after the issuance of a special land use permit by the Village Council. The following uses may be permitted by the Village Council by the issuance of a special land use permit on the basis of a specific park plan (submitted in triplicate) which has been reviewed and recommended for approval by the Planning Commission.</p>

Intent	Permitted Principal Uses	Permitted Accessory Uses	Uses Requiring Village Council Special Land Use Permit (See Division 4 of this article)
		<p>Any such attachments shall be first approved by the Village building inspector who shall issue a permit therefore. Separate garages and accessory buildings such as tool and garage sheds may be constructed on the lot on which the mobile home is located provided a building permit is first secured and all applicable ordinances observed in the construction thereof. All mobile homes shall be equipped with properly installed skirting of a material, design, and finish which is compatible with the mobile home and the aesthetic appeal of the mobile home park. Installation of such skirting shall be completed within 90 days after the mobile mobile home is placed on the lot in the park.</p>	<p>The park plan shall specifically locate the uses intended for such permit, the layout and location of buildings, off-street parking and other improvements, mobile home spaces, traffic circulation adequate lighting, traffic ingress and egress, setback from lot lines, method of disposing of stormwater and sewerage, water supply, time schedule for development, and the specific uses intended by the site plan:</p>

Intent	Permitted Principal Uses	Permitted Accessory Uses	Uses Requiring Village Council Special Land Use Permit (See Division 4 of this article)
			<p>1. Mobile home parks, for mobile home dwellings (see definitions) and customary accessory buildings subject to the requirements as established and regulated by the provisions of the mobile home commission act, Public Act No. 96 of 1987 (MCL 125.2301 et seq.), and in addition satisfying the following minimum requirements: It is the intent of this chapter that the following requirements are minimum requirements, and that greater or more stringent requirements may be imposed as conditions for a special land use permit, in situations where the public health, safety, and welfare would thereby better be served.</p>
			<p>a. Utilities. All home site shall be connected to a public sanitary sewer system where such system is available and accessible. Electrical and telephone distribution lines shall be placed underground. Where the location so warrants, perimeter landscaping may be specified as a requirement by the Village Council.</p>

Intent	Permitted Principal Uses	Permitted Accessory Uses	Uses Requiring Village Council Special Land Use Permit (See Division 4 of this article)
			b. Travel lanes. All streets in every mobile home park shall be paved. All such streets shall have a minimum right-of-way as required by MAC Rule 125.1920. The above minimum street widths do not include any portion thereof utilized for or allowed to be utilized by off-street parking. Any bays or areas of streets are in addition to the above specified widths. All streets shall have enclosed storm drainage.
			c. Park land area. A mobile home park shall be constructed on a tract of not less than 10 acres.
			d. Density. The tract proposed shall have not less than 50% of the total proposed sites available at first occupancy and shall have no more sites than a maximum of five mobile home sites per gross acre. Open space and recreation land shall be provided so as to be accessible throughout the site, such as by arranging mobile home sites in clusters of not more than 25 spaces per cluster, with clusters separated by land at least 100 feet wide along the road and the full depth of the cluster. Such intervening land between clusters may be used towards satisfying the recreational land requirements set forth below, but may not be occupied by trailers, mobile homes or building improvements other than incidental improvements for recreational use.

Intent	Permitted Principal Uses	Permitted Accessory Uses	Uses Requiring Village Council Special Land Use Permit (See Division 4 of this article)
			<p>e. Recreational land. There shall be provided with a mobile home park an area not less than 300 square feet for each mobile home site in the park for recreational purposes. This area shall be shaped to be no longer than two times the width except in cases involving lake frontage, in which case the length along the shoreline of the lake frontage may be up to four times the width. Such land area shall be generally central and accessible to units intended thereby to be served and shall be well drained, usable, and maintained for recreational purposes.</p>
			<p>f. Lot size. Each mobile home site shall provide a depth of not less than 100 feet from the front of the space to the rear of the space and appurtenances and utilities, such as sewer, water and electricity hookups shall be placed on the space so that the mobile home when located on the space shall not occupy the rear 15 feet of the lot. The rear 15 feet of the lot shall be unobstructed or unencumbered by any buildings or any accessories. Sidewalks and private roads shall not be counted as part of the required 100 feet. The width of each mobile home site shall not be less than 60 feet.</p>

Intent	Permitted Principal Uses	Permitted Accessory Uses	Uses Requiring Village Council Special Land Use Permit (See Division 4 of this article)
			g. Setback. No mobile home shall be located closer than the setbacks established by MAC Rule 125.1941.
			h. Side yard. The nonentry side of the mobile home site shall be not less than 10 feet in width and the entry side shall not be less than 26 feet in width.
			i. Off-street parking.
			1) Off-street parking shall be provided at the rate of two car spaces for each mobile home site. Of this requirement, at least one-half space per mobile home site shall be provided in clearly marked and designed group parking lots.
			2) All group off-street parking facilities shall be adequately lighted during hours of darkness.
			3) No unlicensed motor vehicles of any type shall be parked within this district at any time except that they may be stored within a covered building.
			j. Fencing. A fence of not less than four feet nor more than six feet in height, constructed of woven wire or open metal or wood pickets or boards, shall be constructed around the perimeter of the mobile home park abutting public and private property.

Intent	Permitted Principal Uses	Permitted Accessory Uses	Uses Requiring Village Council Special Land Use Permit (See Division 4 of this article)
			<p>k. Commercial sales. Mobile homes may be located on lots and sold therefrom as a convenience for the mobile home park, but not with the intent or purpose of using the park for regular commercial sale of mobile homes. Commercial sale of convenience items or services to accommodate only those persons residing within the park shall be permitted providing such sales or services are located within a service building. No advertising signs relating to such sales or services shall be permitted.</p>
			<p>l. Notification of board of education. Notice of any public hearing held regarding the construction or expansion of a mobile home park shall be given in accordance with the procedures of § 34-86(d) and (e), to the board of education of the school district in which the mobile home park is to be, or is, located.</p>

§ 34-210. Same — C-1, commercial district.

[Comp. Ords. 1995, § 15.115; Ord. No. 91, 12-5-1977; Ord. No. 95, 5-7-1979]
 Following is the schedule of district regulations for the C-1 commercial district:

Intent	Permitted Principal Uses	Permitted Accessory Uses	Uses Requiring Village Council Special Land Use Permit (See Division 4 of this article)
To encourage and facilitate the development and maintenance of a concen-	1. Mercantile establishments for the sale of goods at retail or wholesale.	1. Uses customarily incidental to the permitted principal use.	1. Outdoor sales permitted for specified duration.

<p>trated commercial area, among such necessary regulations being the exclusion of certain uses and activities which tend to disrupt the efficient functioning of a concentrated commercial area, and which function better outside such area.</p>	<p>Permitted Principal Uses</p>	<p>Permitted Accessory Uses</p>	<p>Uses Requiring Village Council Special Land Use Permit (See Division 4 of this article)</p>
	<p>2. Personal service establishments such as barber and beauty shops, shoe repair shops, laundry and dry cleaning shops.</p>	<p>2. One single-family dwelling unit may be occupied as an integral part of a commercial building.</p>	<p>2. Other uses similar to permitted principal uses which are deemed compatible with the character and intent of the district.</p>
	<p>3. Professional service establishments such as offices of doctors, dentists, accountants, brokers and realtors</p>		
	<p>4. Funeral homes, clinics, medical centers.</p>		
	<p>5. Restaurants, delicatessens and other dispensaries of food at retail, excluding drive-in restaurants.</p>		
	<p>6. Banks, savings and loan associations and similar financial institutions or offices.</p>		
	<p>7. Theaters, nightclubs, bowling alleys, skating rinks and similar places of entertainment or recreation.</p>		
	<p>8. Showrooms and workshops of plumbers, electricians, painters, printers and similar tradesmen.</p>		

§ 34-211. Same — C-2, commercial district.

[Comp. Ords. 1995, § 15.116; Ord. No. 91, 12-5-1977; Ord. No. 95, 5-7-1979]
 Following is the schedule of district regulations for the C-2 commercial district:

<p>Intent</p>	<p>Permitted Principal Uses</p>	<p>Permitted Accessory Uses</p>	<p>Uses Requiring Village Council Special Land Use Permit (See Division 4 of this article)</p>
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Intent	Permitted Principal Uses	Permitted Accessory Uses	Uses Requiring Village Council Special Land Use Permit (See Division 4 of this article)
To encourage and facilitate the development of neighborhood convenience shopping, and service areas, among such necessary regulations being the exclusion of certain uses and activities which tend to disrupt the efficient functioning of commercial areas, and which function better outside such areas.	1. Mercantile establishments for the sale of goods at retail or wholesale.	1. Uses customarily incidental to the permitted principal use.	1. Outdoor sales permitted for specified duration.
	2. Personal service establishments such as barber and beauty shops, shoe repair shops, laundry and dry cleaning shops.	2. One single-family dwelling unit may be occupied as an integral part of a commercial building.	2. Outdoor recreation such as trampolines and miniature golf, subject to such operating and special regulations as may be imposed in the public interest; overnight campgrounds for camping trailers, tents and motor homes, motor vehicle race tracks.
	3. Professional service establishments such as offices of doctors, dentists, accountants, brokers and realtors.		3. Circus, fair, carnival or similar use provided such use and occupancy:
			a. Is temporary and/or seasonal only.
			b. Is not detrimental to adjacent surrounding property.
			c. Is not disturbing to the general peace and tranquility.
			d. Will not create undue traffic hazard and congestion. Permits for such use may be granted for periods not to exceed eight days consecutively and may be renewable for not more than eight days.

Intent	Permitted Principal Uses	Permitted Accessory Uses	Uses Requiring Village Council Special Land Use Permit (See Division 4 of this article)
	4. Funeral homes, clinics, medical centers, nursing homes, convalescent homes.		4. Electric power generator and transformer stations and substations and gas regulator stations with service yards, water and sewerage pumping stations and telephone exchange buildings. In permitting such use the Board of Appeals may vary the area, height, bulk and placement regulations as reasonably necessary for the public convenience and service, and reasonably compatible with the intent and character of the district.
	5. Hotels, motels, lodg- inghouses, boarding- houses, tourist homes.		5. Public parking garage or parking lot for paid parking.
	6. Open air markets, re- tail shops which make or fabricate merchandise for sale of same upon the premises.		6. Used car, mobile home, motor home and travel trailer or recreational vehi- cle sales, service or rental.
	7. Restaurants, deli- catessens and other dis- pensaries of food at re- tail, including drive-in restaurants.		7. Office of veterinarian.
	8. Banks, savings and loan associations and similar financial institu- tions or offices.		8. Limited manufacturing concerns whose opera- tions are of a high perfor- mance standard. All such manufacturing concerns must meet the following conditions and standards in addition to those in Division 4 of this article.
			a. All business, produc- tion, servicing and pro- cessing shall take place within a completely en- closed building.
			b. Within 150 feet of a res- idence district, all storage shall be in completely en- closed buildings.

Intent	Permitted Principal Uses	Permitted Accessory Uses	Uses Requiring Village Council Special Land Use Permit (See Division 4 of this article)
			c. All outside storage of refuse material shall be containerized.
			d. Any property line common with a parcel or lot in a Residential District shall have a substantial fence or wall constructed along its entirety of not less than five nor more than six feet.
	9. Theaters, nightclubs, bowling alleys, skating rinks and similar places of entertainment or recreation.		9. Other uses similar to permitted principal uses which are deemed compatible with the character and intent of the district.
	10. Showrooms and workshops of plumbers, electricians, painters, printers and similar tradesmen.		
	11. Automobile service garages and filling stations, provided all gasoline storage tanks must be underground; automotive parts and accessory shops; bicycle, motorcycle and similar small recreational equipment sales, service and repair shops.		
	12. Private clubs and organizations operated not for profit.		
	13. Floriculture, berry culture or horticultural nursery.		
	14. Golf courses.		

§ 34-212. Same — I, industrial district.

[Comp. Ords. 1995, § 15.117; Ord. No. 91, 12-5-1977; Ord. No. 95, 5-7-1979; Ord. No. 148, § III, 5-7-2007]

Following is the schedule of district regulations for the I industrial district:

Intent	Permitted Principal Uses	Permitted Accessory Uses	Uses Requiring Village Council Special Land Use Permit (See Division 4 of this article)
<p>To encourage and facilitate the development of industrial enterprises in a setting conducive to public health, economic stability and growth, protection from blight, deterioration, and nonindustrial encroachment, and efficient traffic movement including employee and truck traffic.</p>	<p>1. Storage of materials or equipment, excluding waste or junk, enclosed within a building or a substantial fence not less than six feet in height. Storage of oil, gasoline or chemicals, provided such facilities are constructed in conformity with regulations of the state fire marshal, and further provided that aboveground storage shall be entirely enclosed within a building or substantial fence not less than six feet in height, and shall be located at least 500 feet from any Residential District.</p>	<p>1. Uses customarily incidental to the permitted principal use.</p>	<p>1. The following uses may be permitted only upon conclusive demonstration through specific plans that the proposed use shall not be obnoxious, hazardous or detrimental to the public health, safety and welfare. No such use shall be located closer than 1,000 feet to a residential district: junk, scrap paper or rag baling or handling; poultry killing, dressing or live storage; slaughterhouses; ammonia, bleaching powder or chlorine manufacture or refining; boiler works, forge works, aluminum, brass, copper, iron or steel foundry; brick, tile or terracotta manufacture; creosote treatment or manufacture; disinfectant or insecticide manufacture; distillation of bones, coal tar or wood;</p>

Intent	Permitted Principal Uses	Permitted Accessory Uses	Uses Requiring Village Council Special Land Use Permit (See Division 4 of this article)
			dye manufacture; electroplating; fat vendering; fertilizer manufacture; lime, cement or plaster of paris manufacture; molten bath plating; oil cloth or linoleum manufacture; plastic manufacture or articles therefrom; raw hides or skins or the storage, curing or tanning thereof; rock crushing; rolling mills; rubber manufacture; slaughtering of animals or fowl; smelting of iron; soap manufacture; stockyards; sulphuric, nitric or hydrochloric acid manufacture or refining; tar distillation or manufacture of dyes; tar roofing or tar waterproofing manufacture; yeast manufacture, food processing employing more than 10 people; concrete ready-mix plants and similar uses.
	2. Mercantile establishments for the sale of goods at retail or wholesale	2. Enclosed storage for goods processed on the premises.	
	3. Personal and other business services when such services are related to industrial permitted uses.	3. Living quarters of a watchman or caretaker employed on the premises.	

Intent	Permitted Principal Uses	Permitted Accessory Uses	Uses Requiring Village Council Special Land Use Permit (See Division 4 of this article)
	4. Where any Industrial District abuts a Residential District along a common lot or property line, a substantial fence of not less than five nor more than six feet shall be constructed and no building, storage, or industrial activity shall be located within 50 feet thereto; however, off-street parking of private passenger vehicles may be located not closer than 10 feet thereto		
	4. Generally recognized industrial warehousing, storage, manufacturing or fabrication uses subject to the above limitations, excluding uses requiring Village Council special land use permit.		
	5. Electric power generator and transformer stations, gas regulator stations with service yards, water and sewerage pumping stations and telephone exchange buildings. The Board of Appeals may vary the area, height, bulk and placement regulations for use as reasonably necessary to relieve practical difficulties and unnecessary hardship and to ensure compatibility with the character and intent of the district.		

§ 34-213. Same — AG, agricultural district.

[Comp. Ords. 1995, § 15.118; Ord. No. 91, 12-5-1977; Ord. No. 95, 5-7-1979]
Following is the schedule of district regulations for the AG agricultural district:

Intent	Permitted Principal Uses	Permitted Accessory Uses	Uses Requiring Village Council Special Land Use Permit (See Division 4 of this article)
To conserve and enhance the low density and agricultural use of substantial portions of the Village which do now and, for the immediate future should have such character. By conserving such character, the Village and other public agencies will realize economies in public expenditures by minimizing scattered demand for urban types and levels of services, utilities and facilities in otherwise predominantly rural areas, and allow the continued use of present agricultural land for agricultural productivity.	1. On parcels of five acres or more, generally recognized farming activities including horticulture, forestry and similar agricultural uses of land and structures, except a farm operating wholly or in part for the disposal of garbage, sewage, rubbish, offal and wastes from rendering plants. Provided, however, there shall be no piles or accumulations of manure, refuse or other objectionable materials closer than 100 feet from any property line of the parcel.	1. Accessory uses and buildings customarily incidental to the operation of a farm, including, but not limited to, barns, silos, water tanks, tool sheds and storage sheds.	1. Churches, schools, hospitals, clinics and similar institutional uses.
	2. Single-family dwellings.	2. Roadside stands for the sale of agricultural products raised on the premises.	2. Houses of worship, parish houses and convents.
		3. Same as R-2 permitted accessory uses.	3. Recreation uses such as parks, playgrounds, golf courses, ball fields, stadiums and community centers.
			4. Governmental buildings, libraries, museums, public utility buildings, telephone exchanges, transformer stations, fire stations, gas regulator stations.
			5. Cemeteries.
			6. Home occupations in accordance with § 34-249.
			7. Kennels.

§ 34-214. Same — Yard, height, and lot size requirements for principal and accessory uses.

[Comp. Ords. 1995, § 15.119; Ord. No. 91, 12-5-1977; Ord. No. 95, 5-7-1979; Ord. No. 124, 8-1-1994; Ord. No. 132, § A, 10-6-2003; Ord. No. 146, § 3, 3-5-2007]

Following is the schedule of district regulations for yard, height, and lot size requirements for principal and accessory^(a) uses:

		Minimum Yard Setback (in feet)			Maximum Building Height		Minimum Lot Size	
		Front Yard	Side Yard	Rear Yard	In Stories	In Feet	Square Feet	Width in Feet
R-1	Single-family residential	25	8	20	2	30	8,000	66
R-2	Single-family residential	35	10	30	2	35	12,000 ^(e)	100
R-3	Multiple-family residential	40	10	40	2	30	12,000 ^(e)	120
	Except two-family and multiple-family residential uses by Special Land use Permit						12,000 per each dwelling unit(e)	
R-4	Residential mobile home park	10 ^(g)	10 ^(h)	15 ^(f)	1		6,000	60
C-1	Commercial	(i)	(i)	(i)	2	40 ^(c)	8,000	66
C-2	Commercial	25	10 ^(b)	30	2	40 ^(c)	15,000	120
I	Industrial	25	10 ^(d)	30 ^(d)	2	40 ^(c)	15,000	120
AG	Agricultural	40	10	40			1 acre	150

NOTES:

- (a) See § 34-240 on accessory uses.
- (b) No building or sign shall be closer than 25 feet to any residential district boundary.
- (c) The height of a sign or building shall not exceed 50% of the horizontal distance to the nearest residential district boundary.
- (d) No building, sign, storage, or industrial activity shall be located within 50 feet of an abutting residential district.
- (e) In areas lacking sewer and water, unless the owner has first secured the approval of the county health department, if the lots are intended for building sites, lot sizes may not be less than 12,000 square feet in area, as defined by Sections 184 (b), (c), (d) of Public Act No. 288 of 1967 (MCL 560.101 et seq.), being the state land division act.
- (f) See § 34-209.
- (g) See § 34-209.
- (h) See § 34-209.
- (i) Front, side and rear yards requirements are established to be compatible with the current existing commercial setbacks of this district.

§ 34-215. Same — Minimum/maximum size of dwellings.

[Comp. Ords. 1995, § 15.120; Ord. No. 91, 12-5-1977; Ord. No. 95, 5-7-1979; Ord. No. 132, §§ B, C, 10-6-2003; Ord. No. 146, § 4, 3-5-2007]

The minimum size of dwellings shall be as follows:

Type of Building	Minimum Square Feet Floor Area First Floor	Minimum Square Feet Floor Area Total	Maximum Square Feet Floor Area	Square Feet Additional Floor Area for Storage and/or Utility
R-1 single-family dwelling				
1 story in height	1,000	1,000		—
1 1/2 stories in height	1,000	1,200		—
2 stories in height	1,000	1,400		—
			House not to exceed 30% of total lot coverage.	
			Outbuildings should not exceed 15% of the remaining lot minus any front, side or rear yard setback area. Outbuildings should be no larger than the primary structure with a cap of 2,000 square feet.	
R-2 single-family dwelling				
1 story in height	1,400	1,400		
1 1/2 stories in height	1,400	1,600		
2 stories in height	1,100	1,800		
Two-family dwelling				
Per dwelling unit	—	900		100
Multifamily dwelling				
Per efficiency dwelling unit	—	550		100
Per one-bedroom dwelling unit	—	650		100
Per two or more bedroom dwelling unit	—	728		200

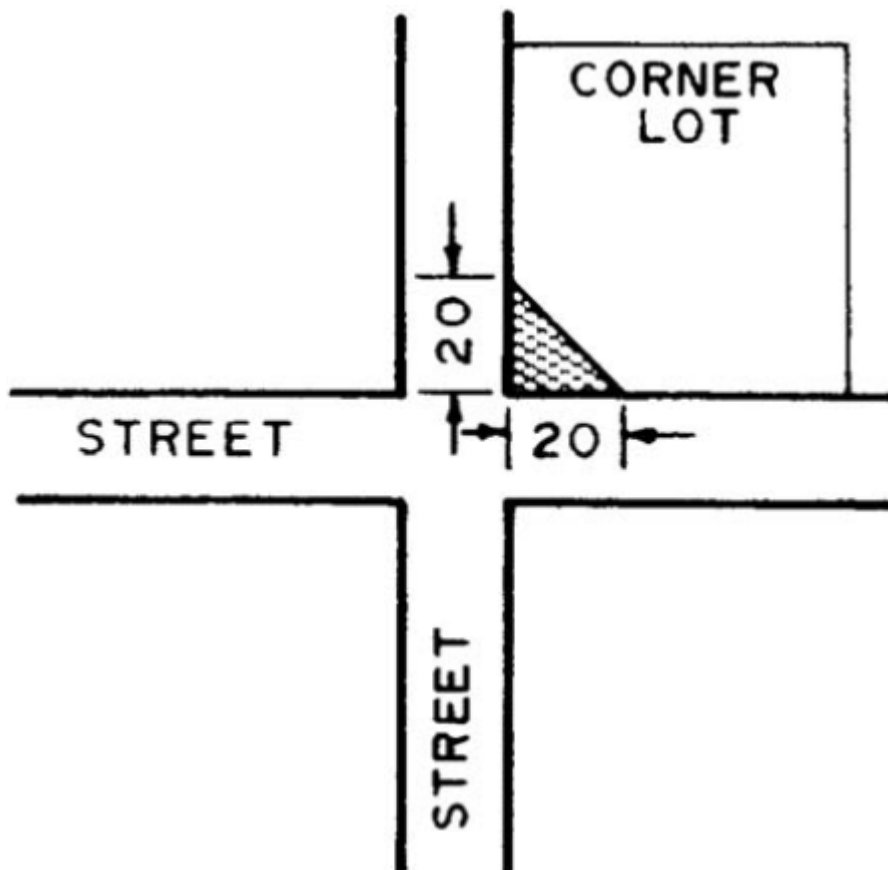
§ 34-216. through § 34-238. (Reserved)

Division 3. Supplementary District Regulations

§ 34-239. Visibility at intersections.

[Comp. Ords. 1995, § 15.141; Ord. No. 91, 12-5-1977; Ord. No. 95, 5-7-1979]

On any corner lot in any district no fence, accessory structure, plant, shrub or similar object over three feet in height shall hereafter be placed, erected, planted or allowed to grow in the area bounded by the street lines of such corner lot and a line joining points along the street lines for a distance of 20 feet from the point of the intersection (see example illustration following this section).



§ 34-240. Accessory building.

[Comp. Ords. 1995, § 15.142; Ord. No. 91, 12-5-1977; Ord. No. 95, 5-7-1979; Ord. No. 138, § 15.142, 2-7-2005; Ord. No. 146, § 5, 3-5-2007]

- (a) In no case will it be permitted to erect a garage or other accessory building in any required front yard unless it is attached to and a part of the dwelling and in conformance with the setback requirements of § 34-214. All garages and other accessory buildings attached to the dwelling shall be considered a part of the dwelling in determining yard requirements.
- (b) All detached accessory buildings shall be located no closer than five feet from any lot line and 10 feet from any primary building. Accessory buildings containing 150 square feet or more shall require a building permit and footings and can be no higher than an existing primary structure or 20 feet, whichever is less, and can be no greater in floor area than the primary structure. Exterior of an accessory building over 150 square feet must be of the same material as the house. Accessory buildings less than 150 square feet do not require footings or a building permit; however, can be no greater in height than 12 feet.

- (c) An accessory building may be erected in any zoning district but only as accessory to an existing principal building or structure (which includes being built simultaneously with the construction of a primary building but not before the primary building is constructed). All uses for accessory buildings shall be accessory to the use of the primary building and shall not be used for the operation of a home occupation, or business or include residential or living quarters for human habitation.

§ 34-241. One dwelling structure upon a lot of record.

[Comp. Ords. 1995, § 15.143; Ord. No. 91, 12-5-1977; Ord. No. 95, 5-7-1979]

- (a) Every single-family, two-family and multiple dwelling structure shall be located upon a lot of record, being a premises or parcel of real estate the description of the boundaries of which is on record at the office of the county register of deeds, and no more than one such structure shall be erected upon a lot of record.
- (b) The creation of a lot of record as described in Subsection (a) of this section on a premises or parcel of land by the proprietor thereof, or by his heirs, executors, Administrators, legal representatives, successors or assigns, where the act of creating a lot of record creates five or more lots of record each of which is 10 acres or less in area are created, or created by successive acts, within a period of 10 years shall be deemed subdividing as defined by Act 288, Public Acts of 1967, being the land division act of the state, even in the event said lots of record are retained under common ownership, and said lots of record shall be surveyed and a plat thereof submitted, approved and recorded as required by said Act 288, Public Acts of 1967.

§ 34-242. Division of lots in recorded subdivisions.

[Comp. Ords. 1995, § 15.144; Ord. No. 91, 12-5-1977; Ord. No. 95, 5-7-1979]

- (a) Every division of a lot in a recorded subdivision within the Village shall be subject to the provisions of this section.
- (b) The owner seeking approval to divide a lot shall file an application in affidavit form with the Village Clerk, which shall set forth the reasons for the proposed division and shall be accompanied by an illustrative sketch or drawing, showing original and resulting dimensions.
- (c) Where the application states that the purpose is to add to adjoining existing building sites and not to create separate building sites, the Village Council may approve the application when it is satisfied no building permit is necessary. Where a separate building site is being created by division of a lot in a recorded plat, no building permit shall be issued, or any building construction commenced, until the suitability of land for safe installation of a septic tank and individual well has been approved by the county health department.
- (d) No lot in a recorded plat shall be divided into more than four parts and resulting building lots shall not be less in area than permitted by this chapter.

§ 34-243. Exceptions to height regulations.

[Comp. Ords. 1995, § 15.145; Ord. No. 91, 12-5-1977; Ord. No. 95, 5-7-1979]

The height limitations contained in § 34-214 do not apply to spires, belfries, cupolas, antennas, water tanks, silos, ventilators, chimneys or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

§ 34-244. Structures to have access.

[Comp. Ords. 1995, § 15.146; Ord. No. 91, 12-5-1977; Ord. No. 95, 5-7-1979]

Every building erected or moved shall be on a lot adjacent to the public street, and all structures shall be so located on the lot as to provide safe and convenient access for servicing, fire protection and required off-street parking.

§ 34-245. Animals and poultry.

[Comp. Ords. 1995, § 15.147; Ord. No. 91, 12-5-1977; Ord. No. 95, 5-7-1979]

The keeping of customary household pets such as cats, dogs, household fish and household birds is expressly permitted in any zoning district; however, the keeping of any other animals or poultry shall not be permitted.

§ 34-246. Auction house and rummage sales.

[Comp. Ords. 1995, § 15.148; Ord. No. 91, 12-5-1977; Ord. No. 95, 5-7-1979]

Auction houses and individual rummage sales may be operated and conducted only after presentation to the Zoning Board of Appeals of an application therefor and after such use has been approved by the Zoning Board of Appeals. Churches and nonprofit organizations shall be exempt from the provisions of this section when the operation is confined to the property owned by such organizations. Provided further, private auction or rummage sales may be conducted for no longer than one week in any one year without prior approval of the Zoning Board of Appeals.

§ 34-247. Swimming pools.

[Comp. Ords. 1995, § 15.149; Ord. No. 91, 12-5-1977; Ord. No. 95, 5-7-1979]

- (a) It shall be unlawful for any person to install, place or maintain a belowground swimming pool upon any lot or parcel of land in the Village without first securing a certificate of approval therefor from the Village building inspector.
- (b) In granting such certificates the building inspector shall consider, among other things, the availability of water and adequate drainage. No certificates for such use shall be granted unless the plans provide for the construction of a suitable fence or enclosure around the pool of at least four feet in height with a gate that may be locked. The construction of the fence or enclosure shall be a prerequisite to the use of any such swimming pool. The purpose of this provision is to provide for the safety and protection of small children.
- (c) The location of a swimming pool on any lot or parcel of land must comply with the yard requirements of the respective district in which it is situated.
- (d) After determination by the building inspector that all applicable requirements of this chapter and the state construction code, including provisions regarding plans and permits, have been met, the building inspector may issue the necessary permit for the construction, installation, enlargement or alteration of a swimming pool.

§ 34-248. Temporary dwelling structures.

[Comp. Ords. 1995, § 15.150; Ord. No. 91, 12-5-1977; Ord. No. 95, 5-7-1979]

- (a) No building, mobile home, garage, cellar, basement or other structure which does not conform to the provisions of this chapter relative to permanent dwellings shall be erected, altered or moved upon any premises and used for dwelling purposes except under the following applicable limitations:

- (1) Temporary use of a building, mobile home, garage, cellar, basement or other structure shall be for the sole purpose of providing dwelling facilities for the owner of the premises during the period which a permanent dwelling conforming to the provisions of this chapter is in process of erection and completion; provided, however, such period shall not exceed 12 consecutive months beginning with the date of issuance of the permit.
- (2) Use of any building, mobile home, garage, basement or other structure for temporary occupancy shall not be adverse to health, safety or the public welfare.
- (3) The location of each such building, garage, cellar, basement or other structure shall conform to the regulations governing the yard requirements for dwellings, or similar conformable structures in the district in which it is situated.
- (4) Mobile homes used as temporary housing under this section shall have septic tank, proper drainage and be connected to a pressure water system. Each mobile home shall have front and side yards conforming with § **34-214**. A permit under this section may be revoked if construction of the permanent dwelling is not commenced within 30 days after issuance of a temporary permit.
- (5) In the case of recreational vehicles providing temporary housing of guests or visitors on the premises, such use shall be permitted for a period of time not to exceed 30 days in any 12 consecutive month period, provided the occupants of the recreational vehicle shall have unrestricted use of the sewage disposal and water supply facilities of the principal dwelling.
- (6) Application for the erection, movement, alteration and use of such building, mobile home, garage, basement or other structure intended for temporary occupancy shall be made to the Village building inspector on an appropriate form signed by the applicant which shall indicate the applicant has read, understands and agrees to abide by all applicable provisions of this chapter and that failure to abide by such applicable provisions constitutes a violation of this chapter.

§ 34-249. Special land use permit required for home occupations.

[Comp. Ords. 1995, § 15.201; Ord. No. 91, 12-5-1977; Ord. No. 95, 5-7-1979]

- (a) Home occupations shall be allowed in principal or accessory uses of single-family dwellings only by Village Council special land use permit in conformance with the following regulations:
 - (1) No person other than members of the family residing on the premises shall be engaged in such occupation.
 - (2) The use of the dwelling unit or accessory use for the home occupation shall be clearly incidental and subordinate to its use for residential purpose by its occupants, and not more than 25% of the floor area of the dwelling unit shall be used in the conduct of the home occupation.
 - (3) There shall be no change in the outside appearance of the building or premises or other visible evidence of the conduct of such home occupation other than one sign, not exceeding one square foot in area, nonilluminated, and mounted flat against the wall of the principal building.
 - (4) No traffic shall be generated by such home occupation in greater volumes than would be normally expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard.
 - (5) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates

visual or audible interference in any radio or television receivers off the premises or causes fluctuations in line voltage off the premises.

§ 34-250. Site and facade plan required.

[Ord. No. 172, 3-7-2011]

Prior to the issuance of a building permit in the C-1 Commercial Zoning District for any new construction or for the remodeling of any existing building or structure that will involve the front exterior facade facing First Street or other public viewable exterior surface in any way, the Zoning Administrator shall refer the application, including a site and a facade plan prepared pursuant to the provisions of §§ 34-149 — 34-152 of this chapter, to the Downtown Development Authority to determine compliance with the current and future published design and color standards or other appearance standards or guidelines established by the Downtown Development Authority. The Downtown Development Authority shall notify the applicant concerning any features and colors inconsistent with the Downtown Development Authority and Village Council approved standards. Any proposed new construction or remodeling of any existing buildings found to be inconsistent with the standards or guidelines for the district by the Downtown Development Authority shall be disqualified for any incentive offered by the Village Council or Downtown Development Authority.

§ 34-251. Temporary and or permanent placement of signs, street furniture, displays, merchandise, etc. upon Village sidewalks.

[Ord. No. 178, 7-2-2012]

After the effective date of this section, a sidewalk/rights-of-way use permit issued by the Village building inspector/Code Enforcement Officer shall be required prior to the temporary or permanent placement or installation of any sign, announcement/information board, street furniture, trash receptacle, seating device, chair, bench, bicycle rack, landscape/flower pot/container, art work, merchandise vending machine, merchandise display, etc. on Village sidewalks or rights-of-way for any property abutting First Street having the C-1 or C-2 commercial zoning district classification.

Application for a sidewalk/rights-of-way use permit shall be filed with the Village Clerk with any application fees who shall forward the application to the chair of the Downtown Development Authority for review and approval, approval with conditions or denial by action of the Downtown Development Authority in accordance with appearance standards or guidelines established by the Downtown Development Authority and approved by the Village Council.

Upon action by the Downtown Development Authority, the application shall be forwarded to the Village building inspector/code enforcement office for issuance or in the case of denial issuance of a notice of denial which shall include an explanation of the reason for the denial.

Any decision of the Downtown Development Authority shall be considered an administrative decision and appealable to the Zoning Board of Appeals in accord with § 34-61 of this chapter. The terms of any permit issued under this section shall contain the applicant's consent authorizing immediate removal by the Village of any violation of the terms of the issued permit. Any applicant in violation of the terms of a permit shall immediately be disqualified for any incentive offered by the Village Council or Downtown Development Authority.

§ 34-252. Prohibition of overhead utility service within the First Street public rights-of-way for properties in the C-1 and C-2 commercial zoning district.

[Ord. No. 178, 7-2-2012]

- (a) After the effective date of this section, above ground utility poles and utility lines/wires typically used for electrical, telephone, T-V/internet cable and similar services is prohibited within the First Street rights-of-way for any property abutting First Street located within the C-1 or C-2 commercial zoning district to:
- (1) To improve visual quality of the downtown commercial business district by preventing visual blight and clutter created by above ground utility lines;
 - (2) To prevent the installation of utility poles that would be a physical inconvenience to the motoring or pedestrian public and pose possible safety hazards due to their location on, or near, sidewalks or intersections;
 - (3) To implement the objectives the Baroda Streetscape Improvement Program with regard to the burial of utility lines where feasible to advance the Downtown Development Authority goals for enhancement of visual and historic resources of the downtown business district.
- (b) The Zoning Board of Appeals may grant a variance from the strict terms of this section, upon finding by a professional electrical engineer and the utility service provider that underground service or service supply via another route is not physically or economically feasible.

§ 34-253. Prohibition of portable car canopies/portable car ports in residential districts.

[Ord. No. 179, 7-2-2012]

No temporary structure or structure constructed of aluminum, metal, plastic, wood or other manmade or natural materials may be affixed to the ground or any other foundation to be used as a car canopy or vehicle parking garage within residential zoning district. A portable car canopy or portable carport is defined as a prefabricated canopy which may have walls and is usually constructed of plastic, fabric, or lightweight aluminum. These structures are prohibited regardless of the manner they are affixed (or not affixed) to the ground and regardless of what they are storing.

§ 34-254. Provision of temporary storage structures for use in commercial and industrial districts.

[Ord. No. 179, 7-2-2012]

Temporary storage structures are permitted in the rear yard of a property located in the commercial or industrial zoning district upon issuance of a building permit by the building inspector/Zoning Administrator when used in conjunction with a principal permitted use upon a zoning lot of record, constructed of aluminum, metal, plastic, wood or other manmade or natural materials usually constructed without the use of a state construction code approved footer and foundation. Because these structures are not constructed on a state construction code approved foundation, for the terms of this section they are considered temporary structures and may be used solely for storage for any purpose or as a car canopy or vehicle parking garage.

Permits issued for temporary storage structures upon any property having a commercial zoning district designation abutting First Street between Lemon Creek Road and South Street (being the alleyway for which the Village Downtown Development Authority contemplates conversion of the alleyway into a land/streetscape vehicle/pedestrian walkway) shall state the permit is temporary in nature shall expire 30 days after completion of construction of the land/streetscape vehicle/pedestrian walkway. Acknowledgement of the terms of this condition shall be by signature of the applicant and property owner.

§ 34-255. through § 34-276. (Reserved)

ARTICLE IV. Nonconforming Lots, Uses and Structures

§ 34-277. Intent.

[Comp. Ords. 1995, § 15.081; Ord. No. 91, 12-5-1977; Ord. No. 95, 5-7-1979]

- (a) Within the districts established by this chapter, or any subsequent amendments thereto, there exist lots, structures, uses of land and structures, and characteristics of use which were lawful before the ordinance from which this chapter is derived was passed or amended but which would be prohibited, regulated, or restricted under the terms of this chapter or future amendment. It is the intent of this chapter to permit these nonconformities to continue until they are removed but not to encourage their continuation. It is further the intent of this chapter that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.
- (b) Nonconforming uses as declared by this chapter to be incompatible with permitted uses in the districts involved. A nonconforming use of land or a nonconforming use of structure and land in combination shall not be extended or enlarged after passage of this chapter by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be prohibited generally in the district involved.
- (c) To avoid undue hardship, nothing in this chapter shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this chapter and upon which actual building construction has been carried on diligently. The term "actual construction" includes the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

§ 34-278. Nonconforming lots of record.

[Comp. Ords. 1995, § 15.082; Ord. No. 91, 12-5-1977; Ord. No. 95, 5-7-1979]

- (a) In any district in which single-family dwellings or duplexes are permitted, a single-family dwelling or duplex and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of the ordinance from which this chapter is derived, notwithstanding limitations imposed by other provisions of this chapter, provided erection of such dwellings and buildings is in accordance with all other applicable Village, county, and state regulations. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than these applying to the area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of yard requirements shall be obtained only through the issuance of a variance by the Board of Appeals in accordance with Section 34-61(2).
- (b) If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this chapter, and if all or part of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purpose of this chapter, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this chapter, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this chapter.

§ 34-279. Nonconforming uses of land (or land with minor structures only).

[Comp. Ords. 1995, § 15.083; Ord. No. 91, 12-5-1977; Ord. No. 95, 5-7-1979]

- (a) Where, at the time of passage of the ordinance from which this chapter is derived, lawful use of land exists which would not be permitted by the regulations of this chapter, and where such use involves no individual structure with a replacement cost exceeding \$1,000, the use may be continued so long as it remains otherwise lawful, provided that:
- (1) No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of the ordinance from which this chapter is derived;
 - (2) No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of the ordinance from which this chapter is derived;
 - (3) If any such nonconforming use of land ceases for any reason for a period of more than one year, any subsequent use of such land shall conform to the regulations specified by this chapter for the district in which such land is located;
 - (4) No additional structure not conforming to the requirements of this chapter shall be erected in connection with such nonconforming use of land.

§ 34-280. Nonconforming structures.

[Comp. Ords. 1995, § 15.084; Ord. No. 91, 12-5-1977; Ord. No. 95, 5-7-1979]

- (a) Where a lawful structure exists at the effective date of adoption or amendment of the ordinance from which this chapter is derived that could not be built under the terms of this chapter by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:
- (1) No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity but any structure or portion thereof may be altered to decrease its nonconformity;
 - (2) Should such nonconforming structure or nonconforming portion of structure be destroyed by any means to an extent of more than 50% of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this chapter;
 - (3) Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

§ 34-281. Nonconforming uses of structures or of structures and premises in combination.

[Comp. Ords. 1995, § 15.085; Ord. No. 91, 12-5-1977; Ord. No. 95, 5-7-1979]

- (a) If lawful use involving individual structures with a replacement cost of \$1,000 or more, or of structure and premises in combination, exists at the effective date of adoption or amendment of the ordinance from which this chapter is derived that would not be allowed in the district under the

terms of this chapter, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- (1) No existing structure devoted to a use not permitted by this chapter in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located;
- (2) Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of the ordinance from which this chapter is derived, but no such use shall be extended to occupy any additional land outside such building;
- (3) If no structural alterations are made, any nonconforming use of a structure, or structure and premises, may, as a special land use, be changed to another nonconforming use provided the Village Council, either by general rule or by making findings in the specific case, shall find the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Village Council may require appropriate conditions and safeguards in accord with the provisions of this chapter;
- (4) Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the nonconforming use may not hereafter be resumed;
- (5) When a nonconforming use of a structure, or structure and premises in combination, is discontinued or abandoned for 12 consecutive months (except when circumstances beyond the control of the owner impede access to the premises), the structure, or structure and premises in combination shall not thereafter be used except in conformity with the regulations of the district in which it is located;
- (6) Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land. The term "destruction," for the purpose of this subsection, means damage to an extent of more than 50% of the replacement cost at the time of destruction.

§ 34-282. Repairs and maintenance.

[Comp. Ords. 1995, § 15.086; Ord. No. 91, 12-5-1977; Ord. No. 95, 5-7-1979]

- (a) Except as provided by § 34-280(2) and Subsection **(b)** of this section, on any nonconforming structure or portion of a structure containing a nonconforming use, work may be done in any period of 12 consecutive months on ordinary repairs or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing to an extent not exceeding 50% of the current replacement cost of the nonconforming structure or nonconforming portion of the structure as the case may be, provided the cubic content existing when it became nonconforming shall not be increased.
- (b) If a nonconforming structure or portion of a structure containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired or rebuilt except in conformity with the regulations of the district in which it is located.

§ 34-283. Uses under special land use provisions are not nonconforming uses.

[Comp. Ords. 1995, § 15.087; Ord. No. 91, 12-5-1977; Ord. No. 95, 5-7-1979]

Any use which is approved by the Village Council after the effective date of the ordinance from which this chapter is derived as a special land use in a district under the terms of this chapter in accordance with Division 4 of Article II shall, without further action, be considered a conforming use. The Village Council may approve as a special land use a use existing prior to the effective date of the ordinance from which this chapter is derived, subject to the limitations and conditions of this chapter as though such existing use were a newly initiated use, in which case the use would thereafter have the status of a conforming use as provided for in this section.

§ 34-284. Zoning compliance permit for nonconforming structures and for nonconforming uses.

[Comp. Ords. 1995, § 15.088; Ord. No. 91, 12-5-1977; Ord. No. 95, 5-7-1979]

- (a) In order to establish a record of lawfully existing nonconforming structures, and nonconforming uses of structures and land, the Zoning Administrator shall, upon application by the owner, within one year of the time of passage of the ordinance from which this chapter is derived, issue a zoning compliance permit for such lawfully existing nonconformance.
- (b) If such zoning compliance permit is not so obtained, the burden of proof of the lawful existence of a nonconforming structure or use shall rest upon the owner.
- (c) Within six months of the time of passage of the ordinance from which this chapter is derived, the Zoning Administrator shall conduct a survey of lawfully existing nonconforming structures and nonconforming uses of structures and land and shall notify the owners of record thereof of the conditions described in Subsections (a) and (b) of this section. It is not, however, the intent of this subsection that nonconforming structures and nonconforming uses of structures and land not included in the survey described in this subsection and notification procedure would assume the status of conforming to the provisions of this chapter by virtue of omission of such notification, it being recognized that for practical reasons certain such nonconforming structures and nonconforming uses of structures and land could be missed in such survey and notification procedure described in this subsection.

§ 34-285. through § 34-301. (Reserved)

ARTICLE V. Signs

§ 34-302. General regulations.

[Ord. No. 166, 7-6-2009]

- (a) All signs in the Village shall meet the following requirements:
 - (1) Animated signs. Animated signs as defined in § 34-1 are prohibited in the Village of Baroda.
 - (2) Automated changeable copy signs. Automated changeable copy signs shall comply with all other applicable sign regulations of this section.
 - (3) Sign message. No sign shall be constructed or maintained which does not advertise a business transacted or goods and services sold or produced on the premises on which the sign is located, except in the "I" industrial zoning district.
 - (4) Illumination permitted. Reflectors, lights and other forms of illumination shall be permitted on all signs. No sign shall be illuminated in such a manner as to interfere with, mislead or confuse traffic. No rotating illuminated beacon or flashing luminary shall be permitted. The use of string electric light bulbs which illuminate products which are stored outdoors for sale is

- prohibited. In no case shall any sign illumination exceed a level of illumination of 0.08 footcandle, and a luminaire brightness of two thousand four hundred foot lamberts, when measured by a hand-held light sensor from the nearest or adjacent residential zoned property.
- (5) Flashing signs. No sign or any part thereof, other than elements of a clock and/or thermometer display having a display interval of no less than 10 seconds, shall move nor shall the illumination of any sign or any part of such illumination be anything other than a steady, continuously burning bulb or light. The flashing or turning on and off of the sign illumination of any bulb or component part thereof is prohibited except for emergency public service announcements, approved by the Village code enforcement office or Village President.
- (6) Electronic message boards/message center (LED Sign). All electronic message boards and any other message center shall comply with the following:
- a. Where text is displayed on a background, the text shall be brighter than the background, i.e., dark text shall not be displayed on bright background.
 - b. Such boards and centers shall not contain animation or any flashing, scrolling, or moving lights, text or graphics, or any type of video.
 - c. Motion on such boards and centers is limited to message transitions
 - d. Illumination shall not exceed a level of illumination of 0.08 footcandle, and a luminaire brightness of two thousand four hundred foot lamberts, when measured by a hand-held light sensor from the nearest or adjacent residential zoned property.
 - e. The frequency of message transition shall be no more than once every four seconds during day time hours of operation being the period of 6:00 a.m. to no later than 10:00 p.m.
 - f. The frequency of message transition, which shall be limited to a "fade in" and "fade out" shall be no more than once every 15 seconds during nighttime hours of operation, being the period between 10:00 p.m. and 6:00 a.m.
 - g. Such boards and centers shall only be used to advertise a business transacted or goods and services sold or produced on the premises, date, time and temperature, and public services announcements approved by the Village code enforcement office or Village President.
 - h. No more than one electronic sign is permitted per premises, regardless of the number of signs permitted by other terms of this section or the number of uses upon the premises.
 - i. Such boards and centers shall not be used as a temporary political sign.
 - j. All such signs shall comply with all other applicable sign regulations.
- (7) Signs not to constitute a traffic hazard. No sign shall be erected at the intersection of any streets in such a manner as to obstruct free and clear vision or at any location where, by reason of the position, shape or color it may interfere with, obstruct the view or be confused with any authorized traffic sign, signal or device or which makes use of the words "stop," "look," "danger" or any word, phrase, symbol or character in such manner as to interfere with, mislead or confuse traffic. At street intersections no signs, other than municipal traffic control signs, shall be located within the triangle formed by the property lines paralleling the streets and extending for a distance of 20 feet each way from the intersection of the right-of-way lines at the corner lot. No sign, signal, marking, device, blinking, oscillating or rotating light or lights shall be erected so as to create a traffic hazard.
- (8) Obscene matter prohibited. It shall be unlawful for any person to display upon any sign or other advertising structure any obscene, indecent or immoral matter.

- (9) Removal of certain signs. Any sign, supports and attachments now or hereafter existing which at the time of construction advertised a business being conducted or a product being sold or produced on the premises on which the sign is located but no longer does so, shall be taken down and removed by the owner of the building, structure or premises upon which the sign shall be found within 30 days' after written notice from the building inspector to remove the sign.
- (10) Portable signs. Portable or wheeled signs including signs attached to trucks or motor vehicles, which advertise goods, products or services are prohibited. Trucks containing merchandise which is being sold shall not be parked in such a manner as to become a display sign.
- (11) Window signs. Opaque window signs shall not exceed more than 40% of the surface area of the window in which they are displayed. Window signs shall not exceed the 10% of the building face of which the window is a part.

§ 34-303. Special requirements.

[Ord. No. 166, 7-6-2009]

(a) The following special requirements shall also apply:

(1) Ground signs:

- a. Height and area limitations. No ground sign shall be erected or maintained more than 20 feet above the level of the street upon which the sign faces, or above the adjoining ground level, if such ground sign shall have a single surface area exceeding 50 square feet for a single face sign and 100 square feet for signs of two or more faces. All ground signs shall be placed on the same parcel of property as the building or use to which it is accessory.
- b. Number of signs. Only one ground sign may be erected as an accessory to any single building, structure or shopping center regardless of the number of separate parties, tenants or uses contained therein; provided it is located on a parcel of land that has 100 feet of property abutting on one street. Such a sign must be located adjacent to the right-of-way or parking lot from which its maximum allowable size is determined.

(2) Wall signs.

- a. Limitation on placement. No wall sign shall cover wholly or partially any wall opening nor project beyond the ends or top of the wall to which it is attached.
- b. Projection and height over public property. No wall sign shall have a greater thickness than 12 inches measured from the wall to which it is attached to the outer surface and shall not be attached to a wall at a height of less than eight feet above a public sidewalk and at a minimum of 15 feet above public driveways, alleys and thoroughfares.
- c. Area limitations. The total surface area of all wall signs placed on the front of a building shall not exceed two square feet for each lineal foot of building frontage, and all wall signs placed on other than the front of a building shall not exceed a total surface area of 100 square feet.
- d. Supports and attachments. All wall signs shall be safely and securely attached to the building by means of metal anchors, bolts or expansion screws. In no case shall any wall sign be secured with wire, strips of wood or nails.
- e. Vertical dimension or height. The vertical dimension of a wall sign shall not be in excess of six feet. No wall sign shall project vertically above the roof of the building immediately adjacent to such wall.

(3) Roof signs:

- a. Limitation of sign. No roof sign shall be permitted if there is a wall sign on the same building.
- b. Limitation of placement. A roof sign shall be parallel with the front wall of the building on which it is erected.
- c. Area and height limitations. The total surface area of any roof sign placed on the front of a building shall not exceed 50 square feet. A roof sign shall not exceed three feet in height and in the case of:
 1. Flat or sloping roofs shall not extend above the height of that portion of the roof covering more than 50% of the ground area of the building.
 2. Gable, hip or curved roofs shall not extend more than three feet above the eave line. In no event shall a roof sign extend above the peak of the roof of the building to which it is affixed.
- d. Material required. Every roof sign, including the upright supports and braces thereof, shall be constructed entirely of incombustible materials; provided, however, that combustible structural trim may be used thereon.
- e. Bracing, anchorage and supports. Every roof sign shall be thoroughly secured to the building by iron or other metal anchors, bolts, supports, rods or braces. However, all roof signs shall be installed in such a manner that there shall be no visible support structure.

(4) Projecting signs.

- a. Tastefully proportioned and well spaced projecting signs are permitted if there is not a wall or roof sign. The sign area shall not exceed eight square feet per face.

(5) Marquee signs.

- a. No marquee signs shall be permitted.

(6) Temporary signs. The following regulations shall be applicable to all temporary signs placed or situated at any place other than inside a "building":

- a. Permits required. Permits are required to erect any temporary sign in excess of four square feet.
- b. Period of display. Period of display for a temporary sign shall be a term defined within the permit, but shall not exceed 90 days for which one or more extension may be requested by the applicant.
- c. Projection into right-of-way. No temporary sign shall be strung across any public right-of-way nor shall any temporary sign project beyond the property line.
- d. Area and height. No temporary sign may have a single face greater than 15 square feet in area nor have a greater total surface area than 30 square feet nor be more than 10 feet above the ground; provided, however, that the lower edge of the sign shall be of a height of not less than 18 inches above the surrounding ground level.
- e. Number of signs. Only one self-supporting sign shall be displayed on any lot having a public right-of-way frontage of more than 100 feet.
- f. Removal. Temporary signs shall be removed promptly at the end of the display period provided for above.

(7) Unsafe signs.

- a. Any temporary sign found by the building inspector to be in an unsafe condition must be removed by the owner within three days after his receipt of notice to do so from the building inspector.
- (8) Temporary political signs.
- a. Definition. Temporary political signs, shall include temporary signs, designed and intended to advertise or contain information about or soliciting votes for a candidate, political party, proposal or issue of any sort, or any other matter relating to or at issue in one specific and particular upcoming election and further designed and intended to be temporarily placed on lawns, trees, or posts and not permanently affixed to any structure. Billboards are specifically excluded from this definition. All other types of political signs are subject to the general provisions of this article. Portable or wheeled signs, including those mounted to or attached, in any manner, to trucks, trailers or motor vehicles are included within this definition.
 - b. Temporary political signs may be placed in any zoning district and without the need for a permit from the Village.
 - c. Permission to erect temporary political signs must be obtained from the owner of the property where the sign is to be located.
 - d. Temporary political signs may not be located on tree lawns owned by the Village or on any property owned, leased, maintained or operated by the Village.
 - e. Temporary political signs may be placed and kept in place only during the period commencing 45 days preceding an election and ending on the seventh day following an election.
 - f. Temporary political signs shall not exceed five square feet of display area per side.
 - g. In addition to the provisions of this Subsection **(8)**, political signs shall remain subject to provisions of other applicable sections of Village ordinances.
 - h. Any political sign erected or maintained in violation of this Subsection **(8)** shall be subject to removal.
 - i. Signs erected and/or maintained in violation of this Subsection **(8)** are deemed to be public nuisances which the Village may take appropriate legal action to abate and enjoin.
- (9) Off-premises signs. Off-premises (third party or outdoor advertising) signs including billboards shall be restricted to district I industrial zoning district. They shall not be permitted on wall or roof locations. They shall also be subject to the following restrictions:
- a. Off-premises signs on the same street facing the same traffic flow shall not be placed closer together than 300 feet.
 - b. Off-premises signs can be double-faced and each side shall be considered as facing traffic flowing in the opposite direction.
 - c. Advertising shall not exceed 300 square feet per side and the total area shall not exceed 600 square feet.
 - d. Structures for off-premises signs shall be of vertical (cantilever) construction, and where the back is visible; it shall be suitably painted or otherwise covered to present a neat and clean appearance.
 - e. Advertising signs or structures having an area of more than 100 square feet shall not be erected within 50 feet of any public street or highway.
- (10) Painted signs. Signs painted on the front of a building shall not have a total surface area in excess of two square feet for each lineal foot of building frontage, provided that signs painted

on other than the front of the building shall not exceed a total surface area of 100 square feet.

- (11) Service station signs. There shall be no signs located on fuel pump islands except those constituting an integral part of the pump itself or those required by state law or regulation. There shall be no signs attached to fuel pump canopies except those identifying "self-service" and "full-service" pumps, in which case the maximum size shall be six square feet in surface display area per message. One additional two-sided sign indicating only price and grade of gasoline as shown on the pumps, either side not to exceed 12 square feet in surface display area, may be displayed on the premises.
- (12) Trespass and other safety warning signs. One trespass or other safety or caution warning sign for each 200 feet of perimeter lot line shall be allowed regardless of the zoning districts in which the property is located.

§ 34-304. Signs in residential areas.

[Ord. No. 166, 7-6-2009]

(a) Signs erected or maintained in residential districts shall be limited to:

- (1) Limited illumination. All signs in residential zoning districts shall be non illuminated or illuminated in such fashion that such illumination will not exceed a level of illumination of 0.08 footcandle, and a luminaire brightness of two thousand four hundred foot lamberts, when measured by a hand-held light sensor from the adjacent property line.
- (2) Home occupations. For home occupations conducted in compliance with a valid special land use permit issues pursuant to the provisions of § 34-249, one sign advertising the home occupation not exceeding one square foot in area, non illuminated and mounted flat against the wall of the principal building.
- (3) Announcement or bulletin boards for mobile home park residents. One announcement or bulletin board not to exceed 32 square feet in area shall be permitted within state licensed mobile home parks.
- (4) Signs advertising the rental, sale or lease of property upon which they are located. Such signs shall not have a surface area greater than six square feet and there shall be only one sign per parcel.
- (5) Signs advertising buildings under construction. Such signs may be erected for the period of construction and shall not exceed a face area of 32 square feet. Such signs shall be erected on the building or lot where such construction is being carried on and shall advertise only the architect, contractor, subcontractor, building or materials and equipment used.
- (6) Churches and schools. Churches, colleges, Sunday Schools, schools, building, buildings housing government functions and utilities of the Village, county or state or any subdivision thereof, are permitted to erect a sign or electronic message board/message center not to exceed 24 square feet in display area or an overall height of eight feet. Such signs when of a permanent nature shall be constructed of incombustible material.
- (7) Multiple-family residential units. Signs advertising multiple-family residential units shall not exceed 10 square feet in area and shall not be more than four feet above ground level. Such signs shall be made of noncombustible material and shall contain no advertising or information other than the name and address of the residential unit. Only one such sign may be erected for each multiple family complex.

§ 34-305. Sign erection permits.

[Ord. No. 166, 7-6-2009]

- (a) Permit required from building inspector. No person shall erect any sign in the Village without first obtaining a permit from the building inspector, with the exception of the following:
- (1) Professional nameplates not exceeding one square foot in area.
 - (2) The changing of advertising material or copy on a sign shall not require the issuance of a permit.
 - (3) Bulletin boards not over 24 square feet in area for public, charitable or religious institutions when the same are located on the premises of the institutions; provided, however, if the signs are electrically illuminated an electrical permit must be obtained.
 - (4) Occupational signs denoting only the name and profession of an occupant in a commercial, public or institutional building and not exceeding two square feet in area.
 - (5) Memorial signs or tablets, names of buildings and date of erection when cut into any masonry surface or when constructed of bronze or aluminum.
 - (6) Traffic or other municipal signs, legal notices, railroad crossing signs, danger and such temporary emergency or non advertising signs as may be approved by the building inspector.
 - (7) Signs advertising the rental, sale or lease of property upon which they are located.
- (b) Application contents. Applications for sign erection permits shall be made to the building inspector and shall contain or have attached thereto the following information:

Information required for permanent and temporary signs:

- (1) Name, address and telephone number of the applicant.
- (2) Location of building, structure or lot to which the sign or other advertising structure is to be attached or erected.
- (3) Position of the sign or other advertising structure in relation to nearby buildings or structures.
- (4) Such fees as shall be required by the Village Council.

Additional information required of permanent signs:

- (5) One blueprint or ink drawing or the plan and specifications and method of construction and attachment to the building or in the ground.
- (6) Name of the person erecting the structure.
- (7) Written consent of the owner where the sign is to be erected on vacant land.
- (8) In all cases where wiring is to be used in connection with the structure, it shall comply with the electrical code.
- (9) Bond as required by § **34-306**.

Additional information required of temporary signs:

- (10) Date of erection and removal of the temporary sign; not to exceed 90 days.
 - (11) Such other information as the building inspector shall require showing full compliance with this and other chapters of this Code.
 - (12) Such fees as shall be required by the Village Council.
- (c) Special use approval for oversized signs. Applications for signs having an area of more than 32 square feet shall be approved as a special land use upon the recommendation by the Planning Commission based upon their finding of extenuating circumstances not of the applicants own making requiring a sign larger than that provided for by the terms of this section is required solely for the financial benefit of the businesses located upon the premises. Standards of review by the Planning Commission shall include a finding of:
- (1) Financial necessity necessary to the continued viability of the business or businesses being advertised.

- (2) The inability to locate a sign, meeting the requirements of this section on the premises or at an off-site location proximate to the premises where the business or businesses are physically located.
 - (3) An overwhelming public need for advertising and/or a message to assist the general public in identification of the location of the business or businesses which are physically located upon the premises.
- (d) Period of validity and expiration of permit upon issuance by building inspector. If the work authorized under an erection permit has not been completed within six months from the date of issuance, the permit shall expire and be of no further force or effect.
- (e) Variances. The Zoning Board of Appeals shall have the power to vary or modify the application of any provision of this chapter when, in its opinion, the enforcement thereof would do manifest injustice and would be contrary to the spirit and purpose of these provisions or the public interest, or when in its opinion the interpretation of the enforcing official should be modified or reversed. A decision of the Zoning Board of Appeals to vary the application or any provision of this chapter or to modify the interpretation of the enforcing official, shall specify in what manner such variation or modification is made, the conditions upon which it is made and the reasons therefore.
- (f) Appeal of administrative decision. Appeals from any ruling of the building inspector, code enforcement office or Village President shall be made to the Zoning Board of Appeals as described and provided for in the zoning ordinance and Michigan law.

§ 34-306. Nonconforming signs.

[Ord. No. 166, 7-6-2009]

- (a) Existing signs which do not comply with the provisions of this chapter shall be deemed nonconforming signs. Nonconforming signs may be maintained or repaired but shall not be enlarged, rebuilt, altered or remodeled unless:
- (1) They will become conforming by virtue of such enlargement, rebuilding, alteration or remodeling; and
 - (2) A permit to do so is obtained from the building inspector.

§ 34-307. Sign erector's bond.

[Ord. No. 166, 7-6-2009]

No person shall engage in the business of erecting signs in the Village without first filing a bond with the Village Clerk in the penal sum of \$5,000, which indemnifies and holds the Village harmless from any and all costs, damages or expenses resulting from the erection of any sign by such person or resulting from the negligence, failure or refusal of such person to comply with the provisions of this chapter or any other ordinance pertaining to signs.

§ 34-308. Need and purpose of temporary off-premise business opening announcement signage.

[Ord. No. 181, 10-8-2013]

- (a) Based on a need determined by the Downtown Development Authority (DDA) and with the recommendation of the Planning Commission after public hearing, the use of temporary off-premise banners signs announcing opening of new businesses is deemed a need for the continued prosperity of the downtown economy.

- (b) The DDA is herewith authorized to review and approve the issuance, by the Village Building Official, a temporary ninety-day off-premise sign permit when the temporary off-premise banner is determined compliant with the following standards:
 - (1) The single banner will be building mounted and installed parallel to, and visible from the public street frontage.
 - (2) The banner sign will be installed no more than 30 days before the opening of the new business and removed 60 days after opening date of the new business.
 - (3) The applicant has written permission of the building property owner upon which the banner is to be installed; the approval addressing the term authorized for the installation of the banner upon the building and date and responsible party for removal.
- (c) The Village Building Official shall accept applications for a temporary off-premise business opening announcement signs, applications which shall include:
 - (1) An illustration of the building upon which the banner sign shall be installed, showing sign dimensions and location upon the building.
 - (2) An illustration of the actual sign containing wording indicating new business opening.
 - (3) A written permission statement from the building property owner.
 - (4) Date of installation, date business opening and date for sign removal.
- (d) The DDA may, upon the finding of special circumstances and undue hardship, specifically the inability of the business to open in accord with the schedule presented in the application or inability to secure appropriate signage in compliance with the terms of the zoning ordinance may, upon request of the applicant, extend the temporary permit for one additional ninety-day period, if extended term is authorized by the building property owner.
- (e) Upon receipt of application for a temporary off-premise business opening announcement signs the Building Official shall forward the application to the chair of the DDA who shall convene a DDA meeting to approve, or deny, the applicant's request.
- (f) The chair of the DDA shall communicate the decision of the DDA to the Building Official who shall issue the permit, if approved by the DDA, or issued a letter of denial if not approved by the DDA to the applicant.

§ 34-309. through § 34-330. (Reserved)

ARTICLE VI. Off-Street Parking and Loading

§ 34-331. Parking and storage of unlicensed and commercial vehicles and trailers.

[Comp. Ords. 1995, § 15.221; Ord. No. 91, 12-5-1977; Ord. No. 95, 5-7-1979; Ord. No. 146, § 2, 3-5-2007]

- (a) Automotive vehicles or trailers of any kind or type without a current license plate shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings.
- (b) In residential zones, it shall be illegal to garage or park more than one commercial vehicle larger than a regularly manufactured pickup or panel truck of one ton capacity per lot; said commercial vehicle must be owned and operated by a member of the family residing on said lot or parcel.

- (c) A person shall not park, nor a vehicle's registered owner permit to be parked, any commercial vehicle weighing in excess of one ton capacity and all types of commercial-type trailers on any residentially zoned property in the Village for any purpose or length of time other than for expeditious loading and delivery or pick-up and unloading of materials, goods, or merchandise, or for the purpose of carrying on a principal use permitted on the property on which the vehicle is parked, as otherwise provided in this chapter.
- (d) In any proceeding for violation of this chapter, where a motor vehicle displays commercial license registration plates, such registration shall constitute prima facie presumption that it is a commercial vehicle at the time of any alleged violation.
- (e) In any proceeding for violation of the weight limitation provision of this chapter the weight indicated on the vehicle's registration shall constitute a prima facie presumption of the weight of the vehicle at the time of any alleged violation.

§ 34-332. Required off-street parking generally.

[Comp. Ords. 1995, § 15.222; Ord. No. 91, 12-5-1977; Ord. No. 95, 5-7-1979]

- (a) Off-street parking required in conjunction with all land and building uses shall be provided as herein prescribed:
 - (1) The minimum number of off-street parking spaces shall be determined in accordance with § **34-333**. For uses not specifically mentioned therein, off-street parking requirements shall be established by the Zoning Administrator from requirements for similar uses.
 - (2) Any area once designated as required off-street parking shall never be changed to any other use unless and until equally required facilities are provided elsewhere. Off-street parking existing at the effective date of the ordinance from which this chapter is derived in connection with the operation of an existing building shall not be reduced to an amount less than would hereinafter be required for such building or use.
 - (3) Two or more buildings or uses may collectively provide the required off-street parking, in which case the required number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately. However, in cases of dual functioning of off-street parking where operating hours do not overlap, the Village Council may grant a special land use based on the peak hour demand.
 - (4) Required off-street parking shall be for the use of occupants, employees, visitors and patrons and shall be limited in use to motor vehicles. The storage of merchandise, motor vehicles for sale or the repair of vehicles is prohibited. Off- street parking, whether public or private, for nonresidential uses shall be either on the same lot or within 300 feet of the building it is intended to serve measured from the nearest point of the building to the nearest point of the off- street parking lot, without crossing any major street.

§ 34-333. Table of required off-street parking spaces.

[Comp. Ords. 1995, § 15.223; Ord. No. 91, 12-5-1977; Ord. No. 95, 5-7-1979]

Following is a table of required off-street parking spaces:

Use	Spaces	Per Unit of Measurement (Rounded Off to Nearest Unit)
Banks, business offices	1	200 square feet of usable floor area, plus 1 parking space for each employee
Beauty parlor or barbershops	2	Barber or beauty shop chair

Use	Spaces	Per Unit of Measurement (Rounded Off to Nearest Unit)
Bowling alleys	5	Lane
Dance halls and assembly halls without fixed seats	1	100 square feet of usable floor area
Elementary, junior high schools	1	Per teacher, employee, Administrator; or 28 square feet of usable floor area of largest auditorium or other public assembly room, whichever is greater
Establishments for sale and consumption on the premises of beverages, food or refreshment	2	100 square feet of usable floor area
Furniture and appliance retail stores, household equipment repair shops; showroom of a plumber, decorator, electrical or similar trade; clothing and shoe repair; cleaners and laundry; motor vehicles sales room	1	500 square feet of usable floor area exclusive of usable floor area occupied in processing or manufacturing, for which requirements see industrial establishments below
High schools	1	Per teacher, employee and Administrator; plus 1 space per 10 students; or 28 square feet of usable floor area of largest auditorium or other public assembly room, whichever is greater
Hospitals, homes for aged	2	Each bed
Hotel, roominghouse	1	Each rooming unit
Houses of worship, mortuaries	1	4 seats; or 28 square feet of usable floor area of auditorium, whichever is greater
Industrial establishments, including manufacturing, research and testing laboratories; creameries, bottling works; printing, plumbing, or electrical workshops; telephone exchange buildings	1	Employee, computed on the basis of greatest number of persons employed at any 1 period during the day or night
Multiple residential	1	Bedroom
Nonresidential swimming pools	1	30 square feet of water area surface
Office of architects, attorneys, accountants, real estate offices, insurance offices	1	500 square feet of usable floor area, plus 1 parking space for each employee
Other residential including dwelling units, in all other types of buildings	2	Dwelling unit
Private clubs	1	100 square feet usable floor area
Professional office of dentists and physicians	4	First dentist or physician
	3	Second dentist or physician

Use	Spaces	Per Unit of Measurement (Rounded Off to Nearest Unit)
	2	Third dentist or physician
	1	Each additional dentist or physician
Retail stores, except as otherwise specified herein	1	150 square feet of usable floor area
Stadiums and sports arenas	1	4 seats; or 12 feet of benches
Theaters, auditoriums	1	4 seats
Tourist homes, motels	1.2	Each rooming dwelling unit

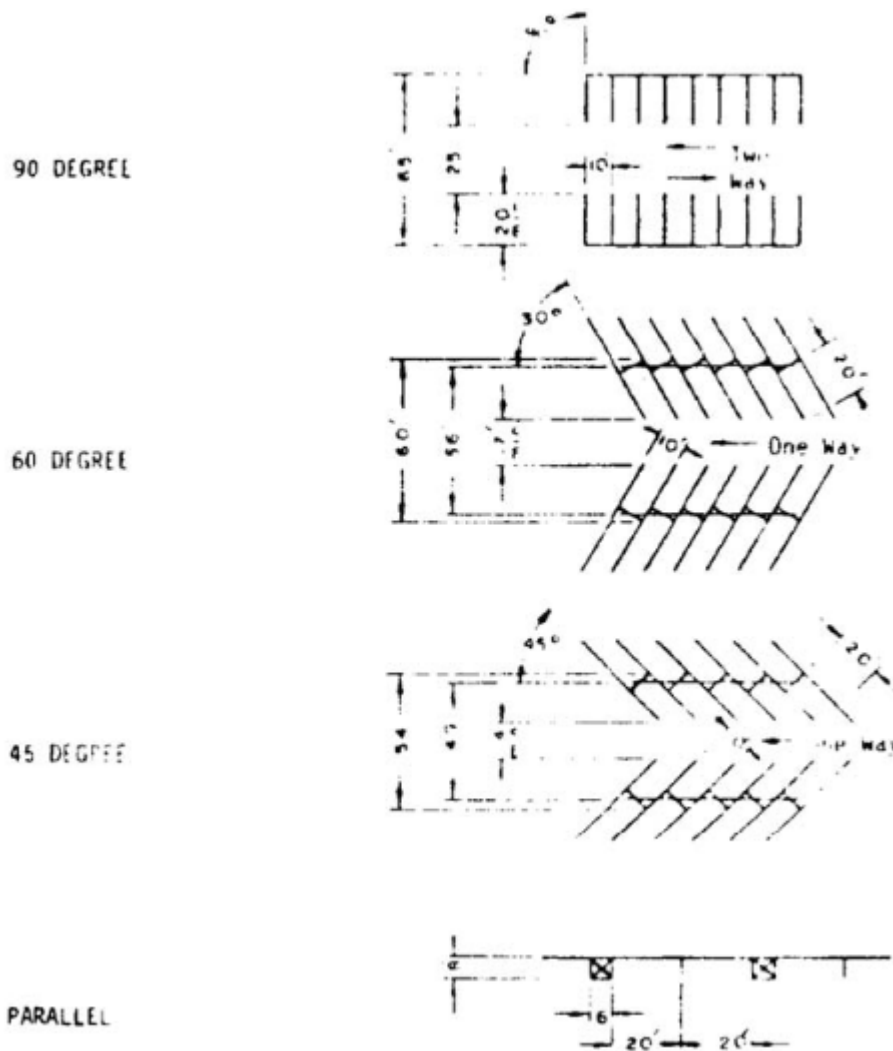
§ 34-334. Off-street parking lot layout, construction and maintenance.

[Comp. Ords. 1995, § 15.224; Ord. No. 91, 12-5-1977; Ord. No. 95, 5-7-1979]

(a) Wherever a parking lot is built as required off-street parking, such parking lot shall be laid out, constructed and maintained in accordance with the following requirements:

- (1) Adequate ingress and egress shall be provided to the parking lot by means of clearly limited and defined drives.
- (2) Parking spaces in nonresidential districts will be set back from abutting residential districts as follows:
 - a. Ten feet from each side lot line.
 - b. A front lot line setback equal to the adjoining residential required setback, or if no adjoining residential district exists, the setback will be equal to the setback requirements of the district in which the lot is located.
 - c. Ten feet from the rear lot line.
- (3) The land between the setback line and the lot line in a parking lot is, for the purpose of this chapter, called a buffer strip. There shall be bumper stops or wheel chocks provided so as to prevent any vehicle from projecting over the buffer strip. The ground of the buffer strip shall be used only for the purpose of plant materials or sidewalks.
- (4) Where buffer strips are not required, bumper stops or wheel chocks shall be provided and located so as to prevent any vehicle from projecting over the lot line.
- (5) Where the parking lot boundary adjoins property zoned for residential use, a suitable fence shall be provided but shall not extend into the required front open space of the abutting residential lot.
- (6) The parking lot shall be drained to eliminate surface water.
- (7) The surface of the parking lot, including drives and aisles, except buffer strips, shall be constructed of asphalt, concrete or gravel.
- (8) Parking structures may be built to satisfy off-street parking regulations when located in other than residential districts subject to the area, height, bulk and placement regulations of such district in which located.

PARKING LOT LAYOUT



- (9) A plan for all new off-street parking lots shall be required specifying the landscaping to be installed in the buffer strip, including the placement and specifications of landscape materials, and shall be subject to approval by the Zoning Administrator. If seasonal weather conditions present practical difficulties in the installation or completion of the buffer strips, completion of the buffer strips may be deferred for not more than six months. In reviewing and approving plans for the landscaping and improvement of required buffer strips, the Zoning Administrator shall be guided by the following criteria:
- The buffer strip shall include landscape materials of shrubs and trees which will result in substantial screening of the parking lot and vehicles from the abutting residential districts.
 - The owner of the premises upon which the buffer strip is located shall maintain such landscaping in good condition so as to present a neat and orderly appearance, free from refuse and debris. All diseased and dead material shall be replaced within one year or the next appropriate planting period, whichever comes first.

§ 34-335. Off-street loading and unloading.

[Comp. Ords. 1995, § 15.225; Ord. No. 91, 12-5-1977; Ord. No. 95, 5-7-1979]

On the same premises with every building, structure or part thereof, erected and occupied for manufacturing, storage, warehousing, retailing, wholesaling or other uses involving the receipt or distribution of vehicles or materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading and unloading services adjacent to the opening used for loading and unloading in order to avoid interference with public use of highways, streets or alleys.

§ 34-336. through § 34-358. (Reserved)

ARTICLE VII. Communication Towers

§ 34-359. Purpose.

[Ord. No. 146, 3-5-2007]

The purpose of this article is to provide a procedure for the application, siting, regulation, construction and operation of towers, structures and related facilities that utilize the radio frequency spectrum for the purpose of transmitting, re-broadcasting or receiving radio signals.

§ 34-360. Definitions.

[Ord. No. 146, 3-5-2007]

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

COLLOCATION

The location of two or more wireless communication providers of wireless communication facilities on a common structure, tower, or building, in an effort to reduce the overall number of structures required to support wireless communication antennas within the community.

FEASIBILITY OF COLLOCATION

Collocation shall be deemed to be feasible for purposes of this section where all of the following are met:

- (a) The wireless communication provider entity under consideration for collocation will undertake to pay market rent or other market compensation for collocation.
- (b) The site on which collocation is being considered, taking into consideration reasonable modification or replacement of a facility, is able to provide structural support.
- (c) The collocation being considered is technologically reasonable (e.g.; the collocation will not result in unreasonable interference), given appropriate physical and other adjustments in relation to the structure, antennas, and the like.
- (d) The height of the structure necessary for collocation will not be increased beyond a point deemed to be permissible by the Village, taking into consideration the several standards contained in § 34-364.

TELECOMMUNICATIONS TOWER

Includes all structures and accessory facilities relating to the use of radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to, radio towers, television towers, telephone devices and exchanges, microwave relay facilities, telephone transmission equipment buildings and private and commercial mobile radio facilities. The term "telecommunications tower" does not include citizen band radio facilities; short wave receiving facilities; radio and television broadcast reception facilities; federally licensed amateur (ham) radio facilities; satellite dishes, and governmental facilities which are subject to state or federal law or regulations which pre-empt municipal regulatory authority.

§ 34-361. Special land use permit required; application to construct tower.

[Ord. No. 146, 3-5-2007]

(a) Special land use permit requirements under this article are as follows:

- (1) Permit required. No telecommunication tower shall be erected in the Village without first having acquired a permit as described in this article.
- (2) Application. An application shall be submitted by the owner of record with the application fee as required by Council resolution. Such application shall be submitted to the Village Clerk, or Council designee, who shall then review the application for completeness, pursuant to the conditions contained herein.
- (3) Contents. In addition to the information required on the application form, an application submitted under this article shall include:
 - a. A statement describing the efforts by the applicant utilized to the feasibility of collocation. If collocation is unavailable or not practical the applicant shall provide a statement which identifies the facts, characteristics and/or circumstances which render collocation unavailable or technically not practical for the coverage area and capacity needs. Any such documentation must be verified by a certified state professional engineer.
 - b. A site plan prepared in accordance with proper ordinances shall so identify the zoning districts of all property within two miles of the proposed site.
 - c. An engineering drawing of the tower design signed by a certified state structural or professional engineer verifying that the tower design meets all wind load and soil load bearing requirements for the intended site.
 - d. A maintenance plan, and any applicable maintenance agreement, shall be presented and approved as part of the site plan for the proposed facility. Such plan shall be designed to ensure longterm, continuous maintenance to a reasonably prudent standard.
 - e. The name, address and phone number of the person to contact for engineering, maintenance and other notice purposes. This information shall be continuously updated by the applicant during all times the facility is on the premises.
 - f. A list of all property owners within a one-half mile radius of the proposed site.
 - g. A map showing the locations, name and address of the owner and/or operators of any other telecommunication tower within the Village and any other tower within a five-mile radius of the proposed site, identifying any other collocation utilized on each tower.
 - h. An application fee in the amount established for special use permits along with a sufficient deposit to cover any mailing and publication costs required for the public hearing.

§ 34-362. Public hearing requirements.

[Ord. No. 146, 3-5-2007]

Providing all the requirements of § **34-361** have been satisfied, the Village Council shall schedule a public hearing to be held no sooner than 28 days after the board meeting at which the public hearing was scheduled. All property owners within a half-mile radius of the proposed site shall be notified by first class mail of the public hearing.

§ 34-363. Standards for approval of special land use permit to construct tower.

[Ord. No. 146, 3-5-2007]

- (a) The following site and developmental requirements shall apply:
- (1) The proposed site must meet all front, side and rear yard setback minimum road frontage requirements that may be established.
 - (2) The use of guy wires is strictly prohibited. All towers shall be self-supporting.
 - (3) The base of the tower shall be fenced with a six-foot high fence. Said fence shall be constructed in conformance with the Village fence ordinance set forth in Article **IV** of Chapter **8**.
 - (4) Telecommunication towers shall only be located in industrial districts.
 - (5) Any such site which is approved shall maintain a separate access road or driveway. No other use shall be served by said driveway or road.

§ 34-364. Special performance standards.

[Ord. No. 146, 3-5-2007]

- (a) Enumerated.
- (1) The tower must be set back from all property lines a distance equal to its height, unless engineering plans and specifications have been verified by the Village engineer that the structural integrity of the tower will withstand high winds and impacts, and the likelihood of a tower failure is minimal. The applicant shall bear all costs associated with the Village engineering review.
 - (2) Accessory structures are limited to uses associated with the operation of the tower and may not be located any closer to any property line than 30 feet.
 - (3) Accessory structures shall not exceed 600 square feet of gross building area.
 - (4) All buffer yard requirements within this chapter shall be otherwise satisfied.
 - (5) The division of property for the purpose of locating a wireless communication facility is prohibited unless all requirements and conditions of this chapter are met.
 - (6) The tower construction plans shall be certified by a registered structural engineer licensed in the state.
 - (7) The applicant shall provide verification that the antenna mount and structure have been reviewed and approved by a professional engineer and that the installation is in compliance with all applicable codes.
 - (8) All towers must meet the standards of the Federal Aviation Administration (FAA) and the Federal Communications Commission (FCC).
 - (9) Communication towers in excess of 100 feet in height above grade level shall be prohibited within a two-mile radius of a heliport.
 - (10) No part of any tower or antenna shall be constructed, located or maintained at any time, permanently or temporarily, on or upon any required setback area for the district in which the antenna or tower is to be located. In no case shall a tower or antenna be located within 30 feet of a property line. The applicant may apply to the Zoning Board of Appeals for a setback variance.
 - (11) Metal towers shall be constructed of, or treated with, corrosive-resistant material.
 - (12) Antenna and metal towers shall be grounded for protection against a direct strike by lightning and shall comply as to electrical wiring and connections with all applicable local statutes,

- regulations and standards.
- (13) Towers and antenna shall be designed to withstand a uniform wind loading as prescribed in the state construction code.
 - (14) All signals and remote control conductors of low energy extending substantially horizontally above the ground between a tower or antenna and a structure, or between towers, shall be at least eight feet above the ground at all points, unless buried underground.
 - (15) Towers shall be located and designed so they do not interfere with telephone, radio and television reception in nearby residential areas.
 - (16) Towers shall be located so as to allow maintenance vehicles to maneuver on the property.
 - (17) The base of the tower shall occupy no more than 500 square feet.
 - (18) Minimum spacing between communication tower locations shall be two miles to prevent a concentration of towers in the Village.
 - (19) The height of the tower shall not exceed 300 feet from grade.
 - (20) Towers shall be artificially lighted only to the extent required by the FAA, or by the Village Council, whichever is greater. Where possible, considering all site restrictions, any such lighting shall not unduly interfere with the peace and repose of the surrounding land uses, whether or not in the same zoning district.
 - (21) Existing on-site vegetation shall be preserved to the maximum extent practicable.
 - (22) No advertisement or identification of any kind, except as required for emergency purposes, shall be displayed or erected on the property.
 - (23) The antenna shall be painted to match the exterior treatment of the tower. The paint scheme shall minimize the off-site visibility of the antenna and tower.
 - (24) Structures shall be subject to any state and federal regulations concerning nonionizing electromagnetic radiation. If more restrictive standards are adopted in the future, the antenna shall be made to conform to said regulation within 30 days or the special land use approval will be subject to revocation by the Village Council. All costs for testing and verification of compliance shall be borne by the operator of the antenna.
 - (25) There shall be no employees located on the site. Occasional or temporary repair service activities are excluded from this restriction.
 - (26) Where the property adjoins residentially zoned property or land use, the developer shall plant two alternating rows of evergreen trees having a minimum height at time of planting of five feet on ten foot centers along the entire perimeter of the tower and related structures. In no case shall the evergreens be any closer than 20 feet to any structure. These trees shall be maintained by the applicant, and dead trees shall be replaced during the following planting season. Any necessary replacements shall also be a minimum height of five feet at the time of replacement. These trees shall be maintained by the applicant perpetually, and dead trees shall be replaced during the following planting season.
 - (27) All new and modified wireless communication facilities shall be designed and constructed so as to accommodate collocation.
 - (28) The site and tower shall be maintained in compliance with all applicable laws, codes and ordinances. The Village may require landscaping or other improvements to the site so as to minimize the aesthetic, or other damage the tower causes to the surrounding properties.
- (b) Land division. Subject to the Village land division ordinance set forth in Article II of Chapter 16, the division of property for the purpose of locating a wireless communication facility is prohibited unless all zoning requirements are met.

§ 34-365. Abandonment and enforcement.

[Ord. No. 146, 3-5-2007]

- (a) Abandonment. A telecommunication tower that is no longer used for its intended purpose is deemed abandoned. The tower shall be removed by the property owner within six months of being abandoned. If the owner fails to do so within six months of abandonment, the special use shall be considered revoked. The Village may, at its sole discretion, enter the property and cause the demolition of the tower, antenna, and any necessary structure if an abandoned tower is not removed within six months. Prior to demolition, the Village shall provide written notice of demolition via first class mail to the applicant not less than 30 days prior to demolition. All costs, including attorney fees, associated with demolition shall be placed on the tax bill of the property as a special assessment.
- (b) Enforcement. Any person who violates any provision of this article shall be responsible for a municipal civil infraction. Nothing in this article shall be construed to preclude the township from seeking injunctive relief or any other relief as may be permitted by law or equity to cure, preclude or abate a violation of this article.

§ 34-366. through § 34-388. (Reserved)

ARTICLE VIII. Planned Unit Development

§ 34-389. Purpose.

[Ord. No. 148, 5-7-2007]

- (a) The use, area, height, bulk and placement regulations of this article are primarily applicable to the usual situation of one principal building on one lot. These requirements would in certain developments have results that would less serve the public health, safety, and welfare than if a controlled degree of flexibility were allowed. A development may be of such size as to justify permitting certain specifically defined departures from the regulations of the zoning district. Permitting these uses can in certain cases increase convenience, be comparable with the overall character of the district, and not be injurious to the adjoining properties, subject to limitations of the zoning district in which the property is currently located.
- (b) It is the intent of the planned unit development (PUD) zoning district to set forth a process to implement the requirement of Section 506 of the Michigan zoning enabling act (MCL 125.3506), which requires the Village to provide for open space or cluster developments. Specifically, it is the intent of the PUD zoning district to allow developers to request permission to develop the same number of dwelling units allowed by the current zoning district in which the property located to be built upon maximum 80% of the property when the remainder (not less than 20% of the property) is dedicated permanent open space.

§ 34-390. Intent.

[Ord. No. 148, 5-7-2007]

- (a) A planned unit development is intended to encourage the following:
 - (1) Preservation of open space and other sensitive lands through uses of creative design that takes advantage of special features including geography, vegetative cover, topography, site size or shape for their best potential; and

- (2) Incorporation of a variety of land uses including residential, commercial and industrial purposes plus their accessory uses allowing a creative approach in the development of a specific site to meet anticipated residential, commercial and industrial demand.

§ 34-391. Applicability to two-acre sites, land division and condominium plats.

[Ord. No. 148, 5-7-2007]

Any plat of subdivision submitted for recording under the terms of the land division act, Public Act No. 288 of 1967 (MCL 560.101 et seq.) (formerly subdivision control act) or any plan of subdivision under the terms of the condominium act, Public Act No. 58 of 1978 (MCL 559.101 et seq.), consisting of two or more acres of land area, shall be submitted and processed as a planned unit development, pursuant to the terms of this article and other applicable sections of this chapter.

§ 34-392. Procedures for submission of PUD plans.

[Ord. No. 148, 5-7-2007]

These procedures are intended to state the requirements at each stage of the review process. However, each applicant shall have the opportunity to submit an application for approval of a planned unit development at either the preliminary PUD development plan stage or the final PUD development plan stage, if the application and other submission documents have been prepared according to the terms of this article.

§ 34-393. Preapplication conference.

[Ord. No. 148, 5-7-2007]

Before submitting an application for a planned unit development, an applicant at his option may confer with the Village Planning Commission to obtain information and guidance before entering into binding commitments or incurring substantial expense in the preparation of plans, surveys, etc.

§ 34-394. Contents and submission of a preliminary PUD development plan.

[Ord. No. 148, 5-7-2007]

- (a) Proceedings are commenced by application for approval of a planned unit development, to the Village Planning Commission with a preliminary PUD development plan prepared in accord with the following specifications: A preliminary PUD development plan should include maps and/or diagrams showing enough of the area surrounding the proposed planned unit development to demonstrate the relationship of the planned unit development to adjoining uses and sufficient information to explain the nature of the proposed development and the relationship of the development to the existing supply of public utilities. The maps and/or diagrams, which are a part of the preliminary planned unit development, may be in general schematic form but must contain, at a minimum, the following information:
 - (1) The existing topographic character of the land with contours shown at intervals of not greater than ten-foot intervals;
 - (2) Existing and proposed land uses and the approximate location of buildings and other accessory structures;
 - (3) The character, type, and number of dwelling units or other principal and accessory buildings proposed (if buildings will contain commercial and/or industrial uses);

- (4) The approximate location of streets including their ingress/egress ways and provision for parking vehicles;
- (5) The locations of all public uses, including schools, parks, playgrounds, common open spaces, walkways/trail ways, etc.;
- (6) The approximate location and sizing of existing and proposed utility systems;
- (7) Any land area intended to remain in open space and means of permanent preservation; and
- (8) Such other information maps and plans as the Planning Commission may request.

§ 34-395. Approval of preliminary PUD development plan.

[Ord. No. 148, 5-7-2007]

(a) Procedures for the approval of a preliminary PUD development plan are as follows:

- (1) Public hearing for rezoning to PUD zoning district. Upon submission of a complete application for approval of a preliminary PUD development plan, the Planning Commission shall, conduct a public hearing with public notice provided as required for rezoning pursuant to § 34-86(d) and (e).
- (2) Approval of rezoning to PUD zoning (overlay) district. Upon the completion of the public hearing, the Planning Commission shall consider a decision recommending the approval or denial of the rezoning of the property to the Village Council for consideration of an amendment to rezoning the subject property.
- (3) Grant of tentative approval/denial of the preliminary PUD development plan. Upon the completion of the public hearing, the Planning Commission shall consider a decision recommending approval or denial of the preliminary PUD development plan submitted by the applicant. The recommendation may consider a motion that the rezoning and plan:
 - a. Be granted approval as submitted;
 - b. Be granted tentative approval subject to specific conditions; or
 - c. Be denied approval.
- (4) Form of PUD development plan approval or denial action. The grant or denial of a tentative approval shall be in the form of a written statement and shall include findings of fact and such other factual findings that set forth the reasons for the approval or denial of the applicant's request for rezoning and approval of the PUD development plan.

§ 34-396. Zoning Map designation.

[Ord. No. 148, 5-7-2007]

Upon approval of the rezoning to planned unit development (overlay) district pursuant to this article, the Village Clerk shall indicate the subject property on the Official Zoning Map as a planned unit development (overlay) district by designating the property "PUD" and including the date of the rezoning approval in the record of map amendments.

§ 34-397. Status of preliminary PUD development plan after approval.

[Ord. No. 148, 5-7-2007]

- (a) Procedures for the notification of the applicant and status of the approval of a rezoning and preliminary PUD development plan are as follows:
- (1) Notification of applicant. Within five days after the approval of the rezoning of the subject property and upon approval of the rezoning and preliminary PUD development plan by the Planning Commission, notice of approval of rezoning ordinance and approval of the preliminary PUD development plan shall be mailed via first class postage to the applicant by the Zoning Administrator.
 - (2) Status of preliminary PUD development plan. Approval (or approval with conditions or denial) of a preliminary PUD development plan shall not qualify as a land division act plat of subdivision or condominium act plan of subdivision for the purposes of recording with the county register of deeds. A PUD development plan which has been given tentative approval as submitted or which has been given tentative approval subject to conditions that the applicant agrees to comply, shall not be modified or revoked or otherwise impaired by action of the Village pending an application or applications for final approval without the express consent of the applicant; provided an application for final approval is filed, or in the case of staged development, provided applications are filed within the time specified in the action granting approval or tentative approval of the preliminary PUD development plan by the Planning Commission.
 - (3) Abandonment of preliminary PUD development plan by applicant. In the event that a preliminary PUD development plan is given tentative approval and thereafter, but prior to final approval, the applicant shall choose to abandon said preliminary PUD development plan or shall fail to submit an application or application for final approval within the required time period, the approval or tentative approval shall be deemed revoked, and such action shall be noted in the record of the Village Clerk. Upon abandonment, the Planning Commission may consider action recommending rezoning of the subject property from PUD planned unit (overlay) development to its prior zoning district classification.

§ 34-398. Approval of final PUD development plan.

[Ord. No. 148, 5-7-2007]

- (a) Procedures for the approval of a final PUD development plan are as follows:

- (1) Submission deadline and extension. Within a reasonable time after the approval of the rezoning and preliminary PUD development plan, but not more than six months thereafter, the applicant shall file with the Planning Commission a final PUD development plan containing in final detailed form the information required as herein after provided. At its discretion and for good cause, the Planning Commission may extend for six months the period for filing the final PUD development plan. Contents of the final PUD development plan shall include a land division (subdivision) plat or condominium plan prepared in conformance with the specification required for recording a plat under the terms of the land division act, Public Act No. 288 of 1967 (MCL 560.101 et seq.) (formally subdivision control act) or the condominium act. Public Act No. 58 of 1978 (MCL 559.101 et seq.), signed and sealed by a state-registered surveyor. Water and sewer system engineering drawings with accompanying state department of public health or state department of environmental quality system extension permits signed and sealed by a state-licensed professional civil engineer shall accompany the PUD development plan submission. Also to be submitted by the applicant for approval by the Village engineer are a stormwater drainage system management plan and plans and specifications for all streets prepared in conformance with the Village development standards, which from time to time are adopted by the Village Council prepared, signed and sealed by a state-licensed professional civil engineer. In addition, the Planning Commission may require other maps and/or drawings as deemed necessary to render a decision concerning the approval of a final PUD development plan.

- (2) Optional public hearing. The Planning Commission, at its discretion, may give notice and provide an opportunity for the public to comment on the proposed final PUD development plan.
- (3) Approval or denial of final PUD development plan. The Planning Commission shall review the proposed final PUD development plan, and shall approve the final PUD development plan if it is in substantial compliance with the preliminary PUD development plan and contains, in final detailed form, the information herein set forth.
- (4) Application of conditions and restrictions. Prior to the approval of any final PUD development plan, the Planning Commission may recommend the adoption of such covenants, conditions, and restrictions upon the establishment, location, constructions, maintenance, and operation of the planned unit development as the Planning Commission deems necessary for the purposes of the public interest and to secure compliance with the criteria specified in this article.
- (5) Status of final approval of PUD development plan. After approval has been given, the use of land and the construction, modification or alteration of any building or structures within the planned unit development will be governed by the approved final PUD development plan rather than by any other provision of this article.
- (6) Minor changes to final PUD development plan. Any minor extensions, alternations, or modification of existing buildings or structures may be authorized by the Planning Commission if they are consistent with the purposes and intent of the final PUD development plan.
- (7) Major changes to final PUD development plan. Any major change to a final PUD development plan, as determined by the Planning Commission, shall be made by the Planning Commission after processing an amendment to the final PUD development plan pursuant to the approval process for both the preliminary and final PUD development plan approval.
- (8) Rescinding/abandonment of final PUD development plan approval. In any case where construction has not yet begun on an approved planned unit development within one year after the date of final approval of a PUD development plan, or after a one-year extension thereof by the Planning Commission upon showing of cause or upon written notification by the applicant that the proposed planned unit development will not be constructed, the Planning Commission may rescind the final PUD development plan approval and take such other action to rezone the subject property back to its original zoning district classification.

§ 34-399. Standards and criteria for planned unit developments.

[Ord. No. 148, 5-7-2007]

- (a) The PUD development plan of the planned unit development shall be consistent with the following standards for use of land, the use of, type and mass, design and location of buildings, the density, common open space and public facilities servicing the site:
 - (1) Variety of building types and layout design. The developer may request and the Planning Commission may approve an PUD development plan containing increased residential (or commercial or industrial building area) density allowed by the underlying zoning district classification, where a variety of housing or building types including clustered housing, buildings sharing common walls, etc., are incorporated in a unique design meeting the open space requirements of Section 506 of the Michigan zoning enabling act.
 - (2) Building lot coverage. The building coverage ratio may be increased for the number of allowed residential units (or the total commercial or industrial building area) in accordance with the bonus density provisions, when a proposed development meets the requirements of Subsection (1) of this section.

- (3) Height restrictions. The PUD development plan must conform to the height requirements of the underlying zoning district in which the subject property is located.
- (4) Mixture of uses permitted. A mixture of uses is permitted in any PUD development plan, amount and location subject to approval by the Planning Commission.
- (5) Perimeter setback requirement. Wherever possible, the applicant shall provide perimeter setbacks to abutting properties at the same dimensions as required of the underlying zoning district classification in which the property is located subject to approval of the Planning Commission which may require greater setback distances when in the opinion of the Planning Commission the proposed planned unit development will have a detrimental effect on abutting land uses.
- (6) Conveyance of open spaces and/or common elements. Any area designated as open space or common elements (including limited common elements), shall be conveyed to an appropriate public body or private owners' association, as required by law.
- (7) Off-street parking and loading. Off-street parking and loading shall be in conformance with the minimum specifications of Article **VI** of this chapter for the land uses proposed within the planned unit development.
- (8) Utilities. The proposed PUD development plan shall provide for installation of public water, sanitary sewer and storm drainage meeting the standards of the Village, as established by the Village Council and/or Village engineer.
- (9) Landscaping and screening. Landscaping and screening shall be in conformance with the minimum specifications of this article as they pertain to the specific uses proposed within the planned unit development. The Planning Commission may require additional landscaping and screening when in the opinion of the Planning Commission the proposed planned unit development will have a detrimental effect on abutting land uses.
- (10) Pedestrian pathways and sidewalks. Pedestrian pathways and sidewalks shall be in conformance with the minimum specifications of this article and the development standards of the Village, as they pertain to the specific uses proposed within the planned unit development. The Planning Commission may require additional pathways and sidewalks when in the opinion of the Planning Commission the intensity of development requires additional pathways and sidewalks to safely move pedestrian traffic throughout the planned unit development.
- (11) Signs. Signs in the planned unit development district shall conform with the provisions of Article **V** of this chapter.